

# Settling the Past and the Distribution of Justice in Post-Authoritarian South Korea

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Korea

More than just an academic endeavour, history in South Korea has been a contested territory where ideological battles were fought, and political legitimacy founded. Colonization, national division, and nearly four decades of authoritarian rule twisted the official historical narrative into explicit distortions, and odd silences.

By Koen De Ceuster

As part of the political struggle against the authoritarian state, some historians challenged the official narrative, constructing an alternative national history. The genealogy of the post-liberation power elites was traced back to pro-Japanese collaboration, leading to the conclusion that the nation's history had been kidnapped by a tainted elite. Accordingly, this alternative narrative credits the successful democratization movement with rendering the nation its history, and making Korean citizens, once again, its subject.

'Settling the past' (*kwagŏ ch'ŏngsan*) is one aspect of this effort at rewriting the nation's history, and an attempt at bringing some form of justice to the victims of the authoritarian state. A timely reminder of the complexity of the matter was the autumn 2002 theme number of *Korea Journal* (42:3), a publication of the Korean National Commission for UNESCO, dedicated to 'The Issue of Settling the Past in Modern Korean History'. Reactions to the journal's demand for help on translating the term '*kwagŏ ch'ŏngsan*' bear proof of the fact that 'settling the past' no ordinary academic venture. The question was addressed to the Korean Studies' List, an email discussion group, in September 2002, and triggered a lively debate on what '*kwagŏ ch'ŏngsan*' should amount to. The general trend of the argument, hardly surprising for an academic discussion list, was to question the feasibility of 'settling the past'. There is no such thing as 'a settled past', since history is always the subject of re-examination. New questions arise, bringing new answers. To settle the past would be tantamount to interdicting historical debate. However, missing from this academic debate, were the all too real social and political demands for 'settling the past'. What the *Korea Journal* theme number proved, and what most academics contributing to the discussion on the email list largely failed to see, was that much more than an abstract academic question, this issue is part of a multi-layered process of a nation coming to terms with traumatic events and episodes of its recent past. Coming to grips with that past through a grand, national cleansing of mutual distrust and built-up anger opens the way to a future of national reconciliation, both within South Korea and across the demilitarized zone with the North Korean brethren. Despite such lofty ideals, there are reservations in place as to the ulterior motives and the hidden agenda that motivate the different actors in this quest for 'liquidating the past' or 'rectifying the wrongs of the past,' as some alternative renderings of '*kwagŏ ch'ŏngsan*' read.

## A just settlement?

'Settling the past' is a belated answer to the expectation of justice voiced on various levels by various actors. Relatives of the victims of state terror, be it Kwangju citizens killed by South Korean troops during the suppression of the May 1980 Kwangju Uprising, students killed by South Korean police during the April 1960 Student Uprising that toppled the Syngman Rhee regime, civilians indiscriminately executed before and during the Korean War by South Korean or US/UN-troops, or 'suspicious deaths' of either soldiers during their term of duty in the South Korean Army, or of citizens in police custody, seem the obvious, but hardly the most vociferous seekers of retribution.

Under an authoritarian regime that strictly controlled the freedom of speech and exercised state power with great vigour, their pleas for some form of justice had hardly been heard, and were quickly suppressed. Not until the authoritarian regime of Chun Doo Hwan succumbed under the pressure of popular demonstrations in the summer of 1987, did these bereaved citizens raise their voices again. The Korean Association of Bereaved Families for Democracy, established in August 1986, opened the way for the administration of honorary justice after fourteen years of sustained efforts culminating in a 422-day sit-in in front of the National Assembly, when the democratically elected representatives of the people voted for a Special Act to Find the Truth on Suspicious Deaths (December 1999). This Special Act led to the establishment in October 2001 of a Korean version of South Africa's Truth and Reconciliation Commission. Unlike its South African counterpart, this Presidential Truth Commis-



A familiar sight during the late 1980s: South Korea's riot police in full combat gear, a faceless phalanx in defense of the authoritarian state.

sion on Suspicious Deaths was very limited in scope, taking on only eighty-five cases of suspicious deaths connected to the pro-democracy struggle since 1969, and lacked investigative powers. Limited as it may be, it represents a victory for South Korea's fledgling civil society over the institutional inertia of the state. Pressured by relatives, the state admitted unlawful behaviour and committed itself to make amends.

The pursuit of justice was not limited to attempts at restoring the honour of the victims of state injustice. Political responsibility for unjustified state violence was to be settled through calls for political and legal justice. However, as a consequence of the peaceful and gradual handover of power from an authoritarian regime to a truly democratic government from 1987 onwards, institutional and political constraints seriously hampered this effort. Korea never witnessed the climactic settling of old scores through some form of 'summary justice'.

Following direct presidential elections in 1987, ruling party candidate Roh Tae Woo succeeded Chun Doo Hwan as president of the Republic of Korea. Although these elections had been a formal victory for the democratization movement, they failed to dislodge the established political, military, and bureaucratic elites. Their hold on power prevented a clear-cut break with the authoritarian past and stymied the call for legal justice. When in 1993 Kim Young Sam became the first democratically elected president without a military background – the first 'civilian' president – he was bound hand and feet, having won the presidency as candidate of the revamped ruling party. Even the election in 1997 of opposition candidate Kim Dae Jung, earning him the sobriquet of 'the People's President,' failed to uproot all remnants of the old elites. Institutionally well entrenched, they prevented an over the board admission of state responsibility for the unlawful deaths of countless citizens. The state had tried to assuage the pain by offering compensation at various times, but failed to establish legal responsibility. Instead, in the process of democratization, and ushered on by a broad-based opposition movement, political accounts were settled through successive National Assembly special parliamentary investigations.

No incident has left such a deep and festering wound in Korean society as the suppression of the 1988 Kwangju Uprising. With a National Assembly controlled by the opposition parties, Roh Tae Woo's camp was unable to stop National Assembly hearings into the Kwangju Uprising and the 12 December coup d'état that preceded it. These hearings resulted in the public disgrace of former President Chun Doo Hwan, who in December 1988 was forced to publicly ask the Korean people for forgiveness for the pain he had caused. Following this confession, he retired to a remote Buddhist temple for a period of repentance and contemplation.

Despite shaming a former president into a public confession of remorse, public calls for legal justice continued until 1995, ultimately forcing President Kim Young Sam to have both Chun Doo Hwan and Roh Tae Woo stand trial for their involvement in the 12 December 1979 coup d'état and the suppression of the subsequent Kwangju Uprising. In a world premiere, two former presidents were sentenced in April 1997, only to be followed by a grand gesture of national reconciliation by outgoing President Kim Young Sam and President-Elect Kim Dae Jung, who pardoned them in December 1997.

By inviting both disgraced former presidents to his inauguration, Kim Dae Jung, himself a former victim of state violence, showed a remarkable commitment to personal and political reconciliation in an attempt to wipe South Korea's political slate clean, and put the endless cycle of recriminations to rest. With a token of political and legal justice achieved, and with a commitment to have the state make amends for individual cases of blatant injustice, Kim Dae Jung hoped for a new era of national harmony.

The magnanimity of the president may have succeeded in removing the past from the political agenda; it is beyond his power to impose a settlement to the smouldering feeling of injustice in some affected quarters of Korean society. The administration and acceptance of justice is too tightly interwoven with the politics of memory.

Raison d'état inevitably fails to administer sufficient legal, political, or social justice. It is then up to historians to help society come to grips with an unsavoury past by addressing these remnant feelings of injustice. However, when history is moralized, and historians, under the guise of administering 'historical' justice, mount 'a struggle over memory,' more disharmony results.

Despite paying lip service to the importance of national reconciliation, the contributors to the *Korea Journal* volume follow a confrontational agenda of moral righteousness. Concerned with the future course of Korea's history, they proclaim that 'the future starts with correct memories' (p.189). As activist historians rooted in the democratization movement, they 'correct' national history by imposing a different ideological reading based on a 'people's' point of view. Linking the failure of the legal justice system to thoroughly prosecute pro-Japanese collaborators to the excesses of the post-liberation authoritarian regimes, they expose the old ruling elites as anti-national, ostracizing them from the mainstream of the nation's history. Strongly nationalistic, even nativistic, they conceive national reconciliation and harmony on the implicit condition that these tainted elites are removed not only from the nation's history, but also from any future role in society (pp.15-6). For a political struggle this may be a worthwhile cause; in terms of historiography it is hardly innovative. To replace one exclusive nationalist reading of Korea's modern history with another unqualified nationalist reading stifles debate and is hardly helpful to the democratic development of Korean society. More importantly, it dehumanizes national history. As an abstract concept, 'the people' become willing clay in the moulding hands of historians. These historians mistake themselves for judges taking the moral high ground on behalf of the people, forsaking their social duty of critically analyzing and demystifying the past. Rather than bringing historical justice, they are administering moral justice. Instead of turning over a page, and moving on, they keep on returning to the past to fight future political struggles.

Korea has admittedly known a very bitter and bloody modern history. Korean citizens deserve to know their history, and historians have a duty to help their fellow citizens know and understand. To bring light where darkness was, is a worthy cause, but are the historians in the forefront of 'settling the past' really bringing light, or merely adding to the confusion? <

## References

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