

Ko Sung-man et al. *Pip'anjök 4.3 yŏn'gu*
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Reflecting on the Jeju April 3 Incident from the Viewpoint of “Here and Now,” as a Starting Point Not as an Endpoint

Social memory is not a repository of facts about past events; it reflects the dynamics of political interests that intervene in the process of selecting, excluding, suppressing, and distorting certain memories. These dynamics manifest themselves primarily not only at the level of official memory’s concealment of counter-memories, but also during processes of transitional justice, where some of the repressed counter-memories are normalized and brought into the official history. In this sense, *Pip’anjök 4·3 yŏn’gu* [A critical study of the April 3 Incident] (Ko et al. 2023) is a rare and valuable work that aims to find and listen to the “silenced voices” and generate questions to consciously move away from the monolithic “dark to light” schema of historical settlement (*kwagösa ch’öngsan*). This book goes beyond a case-history-centered approach and crosses over various disciplines such as law, political science, sociology, and literature to examine the “Jeju April 3 Incident” and the “post-Jeju April 3 Incident” in the context of the Cold War, decolonization, diaspora, and developmentalism.

Historical settlement is defined as a series of efforts to punish injustices committed by public authorities, restore historical truth, and mourn and heal wounds so that they can be remembered without distortion. The April 3 Incident is unique in that it occurred before the state was established as a public power actor; in other words, before the Republic of Korea’s Constitution was enacted. The discussion in this book therefore begins with a reconsideration of the legal nature of the April 3 Incident. The first chapter, “The Case of the Jeju April 3 Incident, National Self-Determination and the Right to Resistance,” takes issues with the Constitutional Court’s “retroactive application of standards of ‘liberal democratic basic order’ and ‘Korean identity’ that did not even exist at the time of the April 3 Incident” (p. 18) and attempts to read the case through the international legal framework of the right to national self-determination.

The issues that occurred after August 15, 1948 are domestic legal issues between the Korean government and the uprising forces while the issues before that date require international humanitarian law interpretation and judgment. Therefore, the author of the first chapter emphasizes that the April 3 Incident should not be localized as an accidental event limited to Jeju Island, as defined in Article 2 of the Special Act on Discovering the Truth of the Jeju April 3 Incident and the Restoration of the Honor of the Victims (hereinafter referred to as “April 3 Incident Special Act”), but rather as part of the popular uprising against the U.S. military government that had been taking place throughout South Korea since the fall of 1946. Furthermore, a legal review is needed to determine whether the U.S. military occupation of Korea was illegal, violating the collective natural right to self-determination, particularly if it is understood that the occupation lacks justification or violates international occupation law or peremptory international norms.

If we assume that the U.S. and Soviet forces collectively violated the right to self-determination in the most fundamental sense of the word and that the U.S. and Soviet forces repeatedly violated the right to political self-determination of the occupied peoples because they prevented the establishment of a unified state in the occupied territories, then civil disobedience can be recognized as a last resort adopted by the occupied peoples. As such, the April 3 Incident can be characterized as a mass resistance that marked a transition from civil disobedience to armed struggle. Then, is the April 3 Incident Special Law’s definition of the events as “disturbances” and “incidents” rather than “protests” or “uprisings” valid? This question is repeatedly raised by the co-authors.

The second chapter, “The Jeju April 3 Incident from the Perspective of Jeju Islanders in Japan,” attempts to explain the specificity of the timing of the April 3 Incident through Walter Benjamin’s concept of “legitimizing violence” in his essay “Zur Kritik der Gewalt” [On the critique of violence]. In the essay, Benjamin distinguishes lawmaking violence from law-preserving violence, citing anarchic power and war as examples of the former and the penal and police

systems as examples of the latter. The lawmaking violence illustrates the process by which coercion for the purposes of law monopolizes the position of legitimized violence, where violence serves as a means of enacting law but as soon as the law is established as it should be, violence transcends its instrumental nature and becoming a “force itself” instead of retreating. Thus, the relationship between law and violence is not one of ends and means or preceding and following, but one of mutual construction. This seems to be an appropriate analytical framework to explain the process by which the memories of the violence practiced during the founding of the nation were covered up and subjugated under the banner of “anti-communism.”

Benjamin also calls this cycle of law-making and law-preservation “mythic violence and distinguishes it from divine violence. In this case, mythic violence is the direct and pure violence that breaks down the law and is an active force that blows up the circular circuit of mythic violence and moves toward a new order. This raises new legal philosophical questions about the April 3 Incident, such as whether it is possible to read “mythic violence” in the Benjaminian sense in the popular uprisings of the period, and furthermore, whether the demand for self-preserving repetition is already implicit in the violence of legal establishment, as interpreted by Derrida, and whether there is a deadlock between mythic and divine violence.

The fourth chapter, “The Politics of the Creation of the Jeju April 3 Incident Peace Park,” complicates notions of “victimization” and “sacrifice.” The first phase of the historical settlement regarding the April 3 Incident, which has been in full swing since the late 1990s, can be summarized by the definition that “the Jeju April 3 Incident . . . was an event in which the people were victimized.” The author of this chapter considers the Jeju April 3 Incident Peace Park as a symbolic representation of the completion of the first stage on a spatial level and analyzes in detail the politics of conflict and compromise in its creation. As we have seen, the terms “*yangmin*” [innocent, ordinary people], “inhabitants,” or “civilians” implicitly presuppose the existence of non-*yangmin*, or “communists.” The theory of genocide logically

disassociates the dead from the armed forces by denouncing the atrocities of the exterminators who killed “even” the armed forces, not just the enemy. The theory of state violence, as a discourse that replaces the theory of genocide, also has a logical circuit that the state is responsible for the violence within the framework of the Republic of Korea. This is why the Jeju April 3 Incident Peace Park is a space that embodies the maximum of Korean republicanism.

The removal of the plaques of victims of the armed forces from the memorial at the Jeju April 3 Incident Peace Park provides an example of the voices that were once again silenced in the process of bringing some of the repressed memories of the opposition into official history. “Those who died or disappeared at the time of the April 3 Incident as core cadres of the Namno Party’s Jeju Island branch or members of the armed forces” are excluded as victims according to the April 3 Incident Commission’s selection criteria. This is based on the argument that those who violate the basic order of liberal democracy cannot be protected under our constitutional system, which, as mentioned in the first chapter, is a retroactive reference to “our constitutional system,” which was not even established at the time of the incident. Under this standard, a person who is dismissed from an administrative case after not being found a victim is classified as a “perpetrator” even though the case was dismissed without a trial.

This problem with victimization criteria is not limited to the binary opposition of civilians versus armed forces. Can it be said that the suffering of those who are neither dead, wounded, missing, nor bereaved, and thus cannot be legally categorized as victims, is unrelated to the uprisings and massacres? For example, can we say that people who suffered from anger management disorders and alcoholism due to the helplessness of watching their neighbors being brutally tortured and killed and the guilt of being the only survivor, or those who suffer from anxiety throughout their childhood due to the depression and anger of their parents, all suffered less than the families of those who suffered the deaths of their relatives?

Legal reparations and compensation-oriented legal

transitional justice relies heavily on evidence and testimony to prove the existence of and quantify harm. In doing so, the unique characteristics and diverse aspects of psychological, sociocultural, and political harms are not recognized as such, as harms are defined only in terms of consequential human, physical, and economic losses. This is an issue that was addressed in the 2022 book, *5·18 tashi ssūgi* [Rewriting the May 18 Uprising] (Seoul: Spring of May, 2022). The social scars are layered and concentric, not just among the victims and their families, but also among community members who witnessed the indiscriminate killings, listened to the loudspeakers and rumors, and experienced the symbolic violence of fear, helplessness, guilt, and collective stigma, which legal reparation and compensation frames cannot fully capture.

In this respect, the book's final chapter, "The Advancement of the April 3 Incident Special Law and the Intolerance of Historical Cleansing," which focuses on legal reparations and compensation, is an indication of where critical research on the April 3 Incident is headed. The 2021 amendment to the April 3 Incident Special Law changed the name from compensation to reparations, but in order to be compensated, the subjects were confined to the status of innocent victims of the disturbances. In a situation where the ideals of Article 2, "resistance" and "uprising," are incompatible with the reality of Article 16, "compensation," the authors of this chapter point out that "the destabilizing effects of the transformation of Article 2 have been eliminated in order for Article 16 to be carried out in a stable manner" (p. 254). As long as victims are identified as "persons who can be inscribed on public monuments and invoked at memorial services" (p. 248) and "compensation is paid to 'survivors' or 'heirs'" (p. 258), and as long as social and psychological inequalities between neighbors, between kin, and between generations are exacerbated, the materialization of compensation through legal reform will not be the final word on "truth and reconciliation."

Furthermore, as the example of the far-right Northwest Youth League (or, alternatively, North-West Youth Association) that disrupted the 75th anniversary commemoration of the

April 3 Incident suggests, attempts to deny, distort, trivialize, or justify the historical facts and significance of the April 3 Incident in the form of mockery and jokes, along with other historical denials, are likely to increase. Criminal penalties cannot be an effective means of combating this malice, as they allow the targeted groups to engage in a politics of victimization that places them in the position of minority, gagged by the collective memory of those who occupy mainstream positions, and furthermore, they allow them to plead that their own memories, which are juxtaposed against the collective memory, are counter-memories that should be protected by legal regulation. It has already been demonstrated in numerous cases that when punitive legislation moves beyond the symbolic stage and becomes actual legislation, history deniers can exploit the nature of courtroom battles to win in any event. European Holocaust denial legislation is already facing various reactions, including the hierarchization of wounds and the competition over who is the victim. How to deal with distortion of the April 3 Incident in the form of malicious humor, which is a form of online “playing” with historical trauma based on unfounded presumptions that bereaved families have received special privileges and feelings of relative deprivation, is an important issue for researchers of the April 3 Incident to focus on.