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Empowering Victimhood Through Litigation: Trials from the Jeju April 3 Uprising and Political Repression

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(Received 19 December 2023; revised 06 November 2024; accepted 29 January 2025)

Abstract

This article addresses a critical gap in the study of victimhood in historical grievance cases by examining the transformation from passive and powerless victims to active, empowered victim identities through litigation. Focusing on the aftermath of the 1947–1954 political repression and violence in Jeju Island, South Korea, known as the Jeju April 3 Incident, this study draws on archival research and in-depth interviews with survivors, bereaved family members, activists, and lawyers. It demonstrates how litigation plays a crucial role in empowering victims by allowing survivors and families to actively engage in the legal process, where they publicly perform, socialize, and symbolically mobilize their narratives. The Jeju April 3 trials show how survivors and bereaved families, once stigmatized as “rioters” or “families of rioters,” reclaimed their dignity and transitioned from passive subjects of injustice into active agents of social change. By highlighting how court proceedings serve as crucial spaces for marginalized individuals, this study contributes to the scholarship on legal mobilization and identity transformation, particularly in the contexts of state violence and historical grievances.

Keywords: Victimhood; Historical Grievance; Legal Mobilization

My father was enduring each day of the silent shunning. He had hand tremors from being tortured, but it wasn't so bad that he couldn't pitch in and harvest mandarins with his relatives as thanks for their putting him up. He'd also learned to lay tiles during his last years in prison and put that skill to use doing odd jobs around the village for no pay, slowly building up a reputation for it. But under the military regime, no one would dream of being seen chit-chatting with an ex-con whom the police checked in on twice a month (Han 2021; trans. 2025, 231)

Like the victims in Han Kang's poetic novel, *We Do Not Part*—a work by the first Korean writer awarded the Nobel Prize for Literature—many survivors I encountered during my fieldwork in Jeju Island endured years of quiet exclusion and estrangement. They were rendered invisible by society. For years, being a victim was not a story that they were willing to share, as they were branded communist sympathizers and rioters. Things, however, have quietly changed in recent years, so much so that in the community of Jeju, many see victimhood as a shared history, with some even taking pride in it. Adopting a law and society framework that highlights the broader transformative effects of litigation, this article explores the changes that led to this dramatic shift in victimhood identity and how it has become a source of empowerment for those who suffered years of exclusion.

Here is one of the life stories shared with me by a descendant of a victim—Mr Park Kyung-moon. Mr Park was born in a detention center in 1948 on Jeju Island, off the southwestern coast of South Korea. His father was court-martialed and executed during the so-called “Jeju April 3 Incident.” To shield her son from potential repercussions, his mother, only seventeen years old at the time, never spoke about her husband's death. This deeply personal story, set in a remote corner of the world, reflects a broader historical turmoil shaped by Cold War tensions—an era that left tens of thousands dead, imprisoned, or missing (Cumings 2018; Heo 2021, 16–21). Although commonly referred to as the Jeju April 3 Incident (hereinafter referred to as the Jeju 4.3 Incident or Jeju *Sasam*) because the uprising began on April 3, 1948 (HJ Kim 2021, 85), the violence spanned over seven years from 1947 to 1954. Many Jeju Islanders suffered tragedies similar to Mr Park's family. For decades, the South Korean government systemically suppressed the truth, silencing survivors and bereaved families (HJ Kim 2014, 50–65).

In 1987, South Korea's democratization sparked efforts to uncover the truth behind the incident, driven by local journalists, college students, and civic activists (HJ Kim 2021, 89). Yet, even in this more open political climate, many survivors and bereaved families—still stigmatized as “communist sympathizers” or “rioters”—remained reluctant to come forward. Decades of silence and shame continued to distance individuals like Mr Park from the redress movement. The construction of a victim identity, especially for those affected by state violence, is complex and deeply intertwined with social and political processes. The 2000 enactment of the “*Special Act on Discovering the Truth on the Jeju 4.3 Incident and the Restoration of Honor of Victims*” (hereinafter referred to as the “Special Act”) provided a formal framework for categorizing victims—whether deceased, disappeared, or injured. In 2007, an amendment expanded the definition to include convicted inmates (Yonhap 2007). Yet, despite these legislative measures, some affected individuals remained hesitant to claim their victim status, either to avoid revisiting painful memories or to escape lingering stigma (CB Hong 2019).

This article raises a crucial question: How do individuals affected by historical injustice, after decades of suppression and enforced silence, come to identify as victims and step forward publicly? Often, individuals may be unaware of their victimhood or reluctant to acknowledge it due to fear, cultural taboos, or delayed recognition (Arrington 2016). Victimhood is often associated with powerlessness or passivity, which can deter individuals from embracing their identities or mobilizing for justice (Bumiller 1987; Albiston 2005). However, as a socially constructed status,

victimhood can transform into a powerful catalyst for redress and justice (Brubaker 2004). While redress movements often start with civic activists, their long-term sustainability depends on the involvement of survivors and bereaved families, whose voices resonate strongly with the public and drive social change (Sarat 2001; Coleman et al. 2007). Therefore, it is important to explore how survivors break the silence and develop agency in their pursuit of justice.

I argue that litigation plays a transformative role in this process. Beyond being a legal tool for achieving movement goals (Burstein 1991; McCann 1994), litigation provides survivors and descendants with a crucial space to confront their traumatic past and reclaim their voices. While state recognition—such as the legal conferral of victim status or compensation—marks an important step toward justice, it often fails to fully address emotional recovery or foster resilience (Tuerkheimer 2017). Even when the law recognizes individuals as victims, many remain reluctant to disclose their past or engage in redress movements. This hesitancy is particularly pronounced in cases of historical grievances, where the temporal distance between past events and present recognition adds complexity to the construction of victim identity (Torpey 2003).

In this context of historical injustice and silenced voices, I argue that litigation often provides a symbolic turning point for survivors and families, empowering them to make further demands and claims for justice beyond legal recognition. While statutory victim status is important, an active victim identity does not emerge instantly upon such recognition. Instead, it is a dynamic process, shaped and nurtured over time through legal mobilization (McCann 1994). Importantly, not all litigation fosters an active and empowering form of victimhood, particularly in cases involving historical grievances. For transformation to occur, specific conditions must be met. Victim-centered litigation—where marginalized individuals can engage with court proceedings by attending, observing, listening, interacting, and expressing emotions—is crucial in shifting victim identity from passive to active agency. This transformation, however, is not limited to direct courtroom attendance; similar processes of identity formation can unfold through media exposure, witnessing others' stories, or viewing the interviews of individuals who share similar experiences.

Building on this understanding, this study examines two trials that played a pivotal role in crystallizing victim identity for individuals like Mr Park. In the 1999–2000 defamation lawsuit (Case No.99 *Gahap* 2702), marginalized bereaved families—though not formal legal parties—began to step forward, eventually becoming key actors in the subsequent redress movement. Nearly two decades later, surviving convicted individuals, despite official recognition by the government and their own self-identification, continued to lack broader social acceptance. The 2017–2019 retrial process (Case No.2017 *Jaego Hap* 4) provided these individuals with the opportunity to gain full legitimacy as victims, including the erasure of their criminal records and societal acknowledgment. Through a detailed analysis of these cases, this study demonstrates how individuals, once stigmatized and marginalized, have become active participants in subsequent redress movements through their engagement with the legal process. Drawing upon these observations, I argue that the acquisition of victim identity unfolds through three interconnected dimensions of litigation: performance, socialization, and mobilization.

VICTIMHOOD IN HISTORICAL GRIEVANCES

The term “victim” itself carries multiple meanings in a legal context. For example, identifying a victim in a car accident is mostly a technical process of finding fault and assessing damages. By contrast, identifying a victim of sexual or state violence is often a more prolonged and politically fraught process. Compensations, when offered, often do not adhere to the tort framework of negligence. While the concept of victimhood often implies powerlessness or passivity, and the challenge of organizing collective actions frequently deters individuals from seeking redress for state-inflicted harm, my use of the term “victim” is not intended to diminish their agency (Arrington 2016, 8). Rather, by referring to redress claimants as “victims,” I aim to focus on how it is their self-identification that distinguishes them from their supporters (for example, lawyers and civic activists) and highlights the experiences they share that have drawn them into activism (as before, 8).

Indeed, the conventional use of the term “victim” often confers powerlessness and subjectification to the people who are labelled as such. At the analytical level, however, there are two forms of “victim identities.” The first, which I term *passive victim* identity, is a form of legal status; it reflects how society, often through legal categories, defines someone as a victim. The second, which I label *active victim* identity, represents how one self-identifies as a victim and takes action based on that identity. So understood, an active victim identity is grounded in a deep sense of injustice (Shklar 1990). However, a passive victim identity implies a legal acknowledgment that bestows a recognized victim status based on external recognition (Wilke 2007).

The internal-external dynamics of victimhood necessitate a broader exploration that focuses on the intersections between the two. Often, being passively labelled as a victim does not guarantee that individuals will actively view themselves as victims. Bumiller (1987) made the case that many people who have suffered discrimination do not invoke the legal protections afforded to them under the law precisely because they want to avoid identifying themselves as a victim. Albiston (2005) offers similar evidence about how one does not naturally follow the other. The active identification process often entails a personal awakening and a determination to speak out, as demonstrated by the testimonies of many victims in the “Me Too” movement. This distinction is equally salient in cases of historical grievance. State violence was invariably committed under the guise of grand justification at the time, such as protecting the state or enforcing justice. In many instances, victims were initially portrayed as perpetrators before later being recognized as victims. Hence, while survivors might be passively recognized by law as victims through transitional justice intervention, their acquisition of a positive victim identity is by no means automatic, as many have to go through the process of breaking their silence by overcoming their fears and asserting their rights as victims.

In this article, I examine how the courtroom becomes a venue for survivors and family members of historical grievance cases to acquire the active identity of being victims. It builds on the literature that identifies the role of legal mobilization for those affected by past injustice and their descendants to redress historical wrongdoings (Koga 2016; Webster 2018; Arrington 2014; 2019; Ahn and Ng 2024). Scholars have examined how court proceedings can either advance or hinder the achievement of broad social movement goals (Steinhoff 2014; Levitsky 2015). Despite

legal defeats, studies have highlighted how litigation can indirectly foster social movements by raising awareness, building momentum, and catalyzing policy change (McCann 1994; NeJaime 2011). These studies underscore that the effects of litigation extend beyond the judicial outcome, bringing about significant sociopolitical consequences. This phenomenon is commonly referred to as litigation's indirect or "radiating effect" (Galanter 1983; McCann 1994; Arrington 2019, 7).

I argue that legal proceedings often serve as a forum for people to acquire the empowering identity of "victim." Identity, from a sociological perspective, is not a static possession but rather a dynamic, social, and often contested process of identification (Brubaker and Cooper 2000; Brubaker 2004). Brubaker further suggests that discussing "identification" rather than "identity" underlines the procedural and interactive aspects of identity. Applying Brubaker's concept to the study of victim identity allows for an understanding of victimhood not as an inherent, unchangeable characteristic but rather a dynamic state constantly under negotiation. This identity is formed through various processes such as self-identification (where individuals understand and accept themselves as victims), external identification (where others, such as society, legal systems, or other social groups, label and treat them as victims), and the interaction between the two.

Within this context, the courtroom emerges as a powerful venue where survivors can narrate their experiences and have their voices heard, regardless of their formal legal status as plaintiffs or defendants. As we shall see, in one of the cases discussed, they are, strictly speaking, "spectators" rather than formal litigants. However, the litigation process plays a pivotal role for these survivors to collectively relive moments of their suffering and commiserate with each other. Through participation in the courtroom processes, individuals affected by past injustices articulate their experience in the language of right and justice, transforming individual suffering into collective victimhood.

THREE DIMENSIONS OF CONSTRUCTING ACTIVE VICTIMHOOD

In ambiguous and controversial circumstances regarding who is considered to be a true victim, trial experiences can foster a sense of victim identity, serve as a unifying force for otherwise heterogeneous victim groups, and play an important role in propelling the momentum of victim-centered movements. The classic work of Felstiner et al. (1980) explores the transformation of a personal or social issue into a legal dispute through the stages of naming, blaming, and claiming. In this section, I explore how the cultural transformation into victimhood through the court experiences can be analytically distinguished into at least three aspects: performing, socializing, and mobilizing. The three aspects partially overlap with Felstiner et al.'s oft-cited concept of "naming, blaming, and claiming" in the sense that individuals who have experienced some harm identify the problem and seek to remedy their harm (Felstiner et al. 1980). However, they also differ in their focus.

Performing

The act of "performing" combines the process of "naming" and "blaming" that Felstiner et al. (1980) articulate in their classic treatise. The courtroom process affords

opportunities for survivors to *perform* as victims. They articulate their traumatic experience through giving testimonies. It combines *naming* (the stage where an individual recognizes and identifies an experience as injurious) and *blaming* (the stage where the individual attributes the perceived injury to the fault of a specific person or entity) through moral stories. In contrast to the two-stage theory that Felstiner et al. suggest, in many historical grievance cases, naming and blaming often occur simultaneously through courtroom performances. People not only identify how they were victimized but they also recognize how the state perpetuated their victimization by rendering their suffering socially invisible.

In the case of historical injustice, suppression or silence over a prolonged period of time prevents individuals from perceiving themselves as victims. In addition, mobilizing individuals harmed by state violence to seek redress can be challenging. Some may remain unaware of their suffering because the harm can remain imperceptible for years (Arrington 2016, 12), while others may refuse to acknowledge their victimhood due to fear of further harm, cultural taboos (Kurosaka 2019), or political jeopardy (Hirschman 1991). Victims, dispersed throughout society as anonymous individuals, are often stigmatized as a group. Some may even blame themselves; they may view their situation as a personal issue, without recognizing the government's role in their suffering.

Court trials often present a forum for people to reenact the trauma of victimization within a legal framework. As the work of Kidder and Miyazawa (1993) has shown, litigation serves as a powerful tool for social movements regardless of its outcome (McCann 1994), regular court attendance, experts' testimonies, interactions with fellow victims during trial dates, and media coverage all contribute to evolving self-perception. These repeated exposures serve as catalysts, gradually reshaping victims' understanding of what happened in the past and their experiences. This process helps long-silenced groups of people begin to engage more deeply in collective identities and further redress movements. This can be achieved through regularly attending trial sessions or by keeping an eye on the court proceedings through media coverage (Gitlin 1980).

Socializing

State violence is often directed at definite social groups. As such, becoming a victim is a thoroughly social process. In fact, isolated individuals are socialized to become victim groups. Legal trials again serve as a ground for people to come together as victims. Collective emotions and legal receptivity are (re)built through courtroom intersections among individuals who share similar experiences of harm, legal professionals, and other participants. Drawing on Engel and Munger's (2002) work on legal mobilization and identity, this process examines how courtroom interactions and legal proceedings create unique spaces for victims to converge, share experiences, and construct a collective narrative. It extends beyond individual identity formation to foster the development of a shared victim identity. In this process, individuals who are affected by past injustices can share their stories, fostering empathy and understanding among their peers. This exchange of narratives not only provides emotional support but also helps in constructing a collective understanding of their shared victimhood (Arrington 2016). Central to this aspect is

the role of legal professionals, activists, and public engagement, which collectively reinforce the victims' collective identities. This collective engagement forms part of a broader social movement, driven by activities both inside and outside the courtroom where they have performed.

For example, trial support group members often experience a profound shift in their relationship with the legal system (Steinhoff 2014). Unlike in the past, they no longer fear using the legal system or confronting bureaucracy to seek justice. Their newfound awareness and courage can become invaluable resources that contribute to various social movements (Steinhoff 2014, 27). These support group members regularly meet during trial sessions, share food and conversation during breaks or after trial sessions, and often hold brief meetings with lawyers after court adjournment. Over time, their legal receptivity evolves, transforming them into activists working toward social change. Like any social movement organization, they also organize private gatherings and host public events (Steinhoff 2014, 23). Through the experience of attending trial sessions, support group members gradually learn that no authority can oppress them with impunity. The courtroom becomes a battleground for justice rather than a place of submission (Steinhoff 2014). Supporters who have attended trials become emboldened by the interactions throughout the process—whether during pre- and post-trial sessions, debriefing with lawyers, or updates on upcoming trial dates. All of these interactions are part of the socializing process.

This experience is not limited to formal legal proceedings. Victims and supporters cheer, face moments of tension, and celebrate together after rulings, which further reinforces their collective victim identity. They may cry, take photos together, and share in the emotional highs and lows of the trial. The pressure of not only plaintiffs, defendants, and victims, but also audiences and journalists, in the courtroom underscores the public nature of this process. Through these interactions, bereaved families and survivors develop distinct identities as survivors or family members, separate from civic activists. They transform into “accidental activists,” taking on new roles within the broader redress movements.

Mobilizing

The “mobilizing” process refers to the phase where victims or families move beyond passive recognition of their experiences and begin to take empowered, concrete actions. Legal proceedings not only validate their victimhood but also their resolve to engage in further redress movements. While Felstiner et al.'s (1980) concept of “claiming” involves seeking redress within a formal legal process, the mobilizing goes beyond that. It uses legal outcomes as platforms for raising awareness and activism, extending the impact of litigation beyond the courtroom into public discourse and collective identity formation. The aspect of mobilizing involves victims using their own voices to communicate the broader implications of litigation to a wider audience. It is a collective or group process. The courtroom becomes a space for connection, whereby marginalized individuals find common ground, gain confidence, and are empowered to act. Participation in trials transforms victims from isolated individuals into active agents of change, no longer constrained by fear or stigma. As victims engage with the legal system, they reclaim their voices and move from silence to active participation in achieving justice.

In the past, civic activists, journalists, and students were often the primary actors in redress movements. Now, through their litigation experiences, marginalized individuals become the leaders of such movements, taking charge of planning, and mobilizing public support. Their legal experiences empower them to advocate for social change, using the courtroom as a launchpad for broader social movements. Legal victories or defeats create further momentum for organizing protests, lobbying for policy changes, and amplifying their stories to the public.

This transformation into “accidental activists” is a key aspect of mobilization. Empowered by their engagement with the legal system, victims use the resources gained through litigation—legal knowledge, historical evidence, media visibility, and solidarity with others—to fuel real-world change. Victimhood is thus represented through action, not just as an endpoint but also as a platform for political empowerment and social transformation. The court can serve as a legitimizing platform, facilitating a transformation of victim identity that other forums of public discourse may not provide, given the authority associated with legal institutions (Merry 1990; Ewick and Silbey 1998).

Continued engagement with the legal processes can deepen victims’ sense of identity, empowering them to organize their own groups and become advocates for restoring their loved ones’ honor. This transformation is not solely dependent on winning or losing legal battles but also on the opportunity to spotlight their experiences and push their own agendas, often extending beyond the legal context. The collective dimension of mobilizing, the shared experiences of legal proceedings, helps fuel broader social change, empowering more individuals to advocate for their communities. Through these actions, individuals internalize their transformed identity, confidently sharing their past experiences and realizing their full potential as empowered agents of change. Even those not directly involved in the trials are influenced by this transformation.

THE JEJU APRIL 3 INCIDENT AND HIERARCHICAL VICTIMHOOD

Jeju Island has a complex history tied to the turbulent period following World War II. After Japan’s colonial rule ended in 1945, Korea was divided into the Soviet-occupied North and the US-occupied South, with tensions growing between left-wing and right-wing factions (Heo 2021). Jeju Island, with its history of resistance to Japanese colonial rule, was subsequently regarded as a rebellious area under communist influence in the run-up to the May 1948 election that established the new postwar South Korean government (Cumings 2018, 18–21). The situation escalated dramatically on April 3, 1948, marking the beginning of a period of intense violence that would continue until 1954. Under the government of Rhee Syngman, and driven by aggressive anti-communist policies, a brutal counterinsurgency campaign was launched (HJ Kim 2014). Both movement activists and ordinary people from Jeju, including children, were targeted for killings, detention, and torture in a violent counter-insurgency campaign by right-wing Korean police and paramilitary forces under the control of US military forces occupying South Korea in the early era of the establishment of South Korea (Jeju Commissions 2003).

During this period, between 25,000 and 30,000 Jeju Island residents were killed, and another 20,000 are thought to have fled to Japan (Moon 2023, 66). A later investigation

found that 86.1 percent of victims were killed by government forces such as the military and the police (*tobeoldae*), while 13.9 percent were killed by anti-government guerrillas (*mujangdae*) (Jeju Commission 2003, 537). This complex intertwining of deaths caused by both military and guerrilla forces has made the definition of “victim” in the Jeju 4.3 Incident ambiguous. As with other violent conflicts, the categories of victims and perpetrators remain contested and are constantly negotiated through an ongoing political process (Jacoby 2015, 527). This ambiguity has similarly fueled long-standing debates over how the Jeju 4.3 Incident should be defined and who should be recognized as victims, controversies that continue to provoke discussion (for example, MH Kim 2014; HJ Kim 2021).

About 10 percent of the island’s population was directly affected, with nearly everyone involved being stigmatized as either a “red (*ppalgaengi*)” or a “rioter (*pokdo*).” For several decades, the Jeju 4.3 Incident was systemically censored and suppressed under anti-communist military and authoritarian regimes until the late 1980s—even mentioning the incident was considered a crime (HJ Kim 2021, 88, Robinson 2007, 122). Things began to change after South Korea transitioned to democracy in 1987. The new civilian government began acknowledging the atrocities of the Jeju 4.3 Incident, prompting a new generation to investigate the historical injustices. Despite this progress, any association with the “Jeju 4.3 Incident” remained stigmatized due to lingering fears of the Red Scare. During the early stage of the redress movement, it was not the victims or their families who took the lead; rather, those who stepped forward were university students, progressive journalists, and civic activists (HJ Kim 2021, 89–90).

The act of naming injustices, blaming responsible authorities, and seeking redress is particularly fraught for socially stigmatized groups (Felstiner et al. 1980). In cases of historical grievances and human rights violations, revealing oneself as a victim is often challenging. Even when granted official victim status, societal prejudice can discourage individuals from stepping up to share their histories. For instance, atomic bomb survivors and former Hansen’s disease patients in Japan face stigma-related barriers in marriage and employment, leading them to remain silent (Arrington 2019, 10; Kurosaka 2019, 139). Additionally, the temporal distance of historical grievances complicates victimhood, resisting binary labels of innocence or guilt, especially for “ambiguous or controversial victims” (Meyers 2011, 261). This creates a significant gap between state-certified victim status and positive victim identity.

My study focuses on the surviving inmates (*suhyeongin*) and the families of those who deceased or disappeared inmates (*haengbulin yujok*). These individuals faced even more heightened stigmatization and discrimination than the bereaved families of other victims, such as those who were deceased or injured by guerillas (HJ Kim 2014; JM Kim 2018). Even conservatives who viewed the Jeju 4.3 Incident as a communist rebellion (*gongsan pokdong*) acknowledged the brutality of the *Bukchon* village massacre, where villagers of all ages were indiscriminately shot after being gathered on school grounds (JM Kim 2018, 147). This type of death was widely regarded as “innocent death.” By contrast, the deaths or disappearances of inmates were perceived differently, leading survivors of imprisonment and the families of the missing to remain silent for extended periods, rarely engaging with the media or revealing their family backgrounds (as before, 147). This situation reflects an innocence-based hierarchy of victimhood in the same tragedy (McEvoy and McConnachie 2013).

However, a significant shift occurred as the surviving *suhyeongin* and the bereaved families of *haengbulin* began actively engaging in the redress movement. Some bereaved family members of the *haengbulin* have also risen to prominent roles, with several even becoming leaders of the Jeju 4.3 Victims' Bereaved Families Association (hereinafter referred to as the VBFA), where they represented all victim groups.¹ Although it took more time for the surviving inmates, some of them also gradually became more vocal, sharing their stories through published books and organizing photo exhibitions (DW Shin 2019). While not every individual has come forward to engage in the redress movement, the most notable transformation is that these groups of victims no longer feel fear or shame about their past. Instead, they proudly speak about their connection to the Jeju 4.3 Incident (GW An 2019). This shift should not be taken for granted; it is an achievement the survivors and bereaved families have earned, and the process deserves close examination.

METHODS

The data for this study mainly came from nine months of field research at Jeju Island from August to December 2021 and from April to July 2022.² My research focuses on two lawsuits: a 1999–2000 defamation case against a local newspaper, *Jemin Daily*, that had reported on state atrocities, and a 2017–2019 retrial of surviving prisoners wrongfully convicted during the Jeju 4.3 Incident. Before explaining the selection of these two cases for my study, I will briefly outline the broader litigation history related to the Jeju 4.3 Incident, which can be divided into four distinct stages, each representing different waves of legal action and activism.

The first period (the late 1980s to 1990s) of Jeju 4.3-related legal cases highlights various forms of suppression targeting artists and journalists who sought to raise public awareness about the incident.³ This stage includes the 1999–2000 defamation lawsuits against *Jemin Daily*, which reflects resistance to open national discourse by journalists. The second period (2000–2003) involved constitutional and administrative lawsuits brought by right-wing groups aimed at challenging both the enactment of the Jeju 4.3 Special Act and the Truth Commission's findings (Lee 2004). Similar to this period but arising in a different political context, the third period unfolded during the conservative administrations of Lee Myung-bak and Park Geun-hye (2008–2016). This stage included attempts to overturn the Truth Commission's findings, along with the bereaved families actively filing defamation lawsuits to protect the honor of Jeju 4.3 victims, marking a more interactive legal dynamic (Jeju 4.3 Peace Foundation 2017, 918–33). The fourth period represents a significant shift, as it was the first time survivors—convicted victims of the Jeju 4.3 Incident—directly participated in legal cases as direct parties (Song 2017; JH Kim 2017).

¹ Since the integration of the Bereaved Families Association in 2001, six of the eight presidents (excluding one re-elected president) have been bereaved family members of convicted victims.

² After completing this fieldwork, I conducted several short-term visits between 2023 and 2024 to follow up on interviews and collect additional data.

³ In 1987, the author Lee San-ha was arrested under the National Security Act for his novel *Halla Mountain*, accused of praising anti-state groups (Jeju 4.3 Peace Foundation 2017, 889). Similarly, in 1995, the filmmaker Kim Dong-man faced charges for producing and distributing “pro-communist materials” with his documentary *The Unyielding Echoes: The 4.3 Uprising* (Jeju 4.3 Peace Foundation 2017, 895).

Among these periods, I selected two lawsuits from the first and fourth periods for several reasons. Importantly, this selection is not biased toward successful cases but reflects the reality that, since the mid-1990s, most legal rulings related to the Jeju 4.3 Incident have overwhelmingly favored the victims, with few exceptions.⁴ Both lawsuits—though filed at different times by different parties—demonstrate a similar transformation of victimhood, as individuals shifted toward an active victim identity by sharing their stories publicly and having their experiences officially recorded in legal documents.

I conducted sixty-two semi-structured interviews with individuals involved in or affected by the two lawsuits, using snowball sampling to identify further informants. Among them, I interviewed fifty victims and bereaved family members, all born between 1929 and 1960. At the time of the interviews, their ages ranged from 61 to 93 years old, with a ratio of one woman to every two men. Their educational background varied widely, from those who never attended school to others who had obtained college degrees. The interviews took place in various settings, including the Jeju 4.3 Trauma Healing Center, regional chapter gatherings, a fall picnic, and the annual meeting of bereaved families. At the request of some informants, interviews were also held at their homes, as it was difficult for older informants to travel. In addition, I interviewed twelve advocates, including lawyers, journalists, and activists, who had long supported the victims' cause.

The interviews followed a two-part structure. First, I asked survivors and bereaved families to reflect on their personal experiences related to the Jeju 4.3 Incident. Second, I inquired about their perceptions of and involvement in the two lawsuits. While some survivors struggled to recall specific details of the 1999–2000 defamation lawsuit due to the passage of time, many remembered their participation, especially when prompted with photographs or questions about their presence in the courtroom. For example, five family members testified in the defamation lawsuit, but by the time of my fieldwork, only one was still alive. This survivor shared their memories of the trial, though they admitted to forgetting some details. By contrast, the 2017–2019 retrial was more recent, and most interviewees recalled it in significant detail. However, conducting formal interviews with surviving convicts was challenging due to the declining health of some victims. While I had opportunities to meet with some of them in person, I did not insist on conducting in-person interviews with those who preferred not to undergo an hour of questions and answers. I supplemented my interviews with media accounts and publications that captured survivors' perspectives during the retrial.

I inquired about the significance that the trials held for them. For those who had observed the proceedings, I asked about their views on the outcomes and what meaning the trials held for their communities. Most interviews lasted around one hour, with follow-up interviews conducted in some cases to clarify details. All interviews were audio-recorded with the informants' consent, and pseudonyms were used to protect the privacy of interviewees, except when referencing previously published materials. Along with interviews, I conducted archival research, reviewing

⁴ In 2008, the bereaved families filed a defamation lawsuit against an individual who made derogatory remarks about the Jeju 4.3 Incident, but they lost the case due to a lack of sufficient evidence (SR Lee 2008a).

court documents, witness testimonies, and legal briefs. Personal diaries, photographs, and official government documents further contextualized these cases. I also analyzed media coverage from news articles and editorials published during the trials to assess public sentiment and how the media portrayed victims' stories.

1999-2000 Defamation Lawsuit Against Jemin Daily

Although democratization in the late 1980s allowed victims and families to voice their grievances, anti-communist sentiment continued to dominate (Shin 2006). This ongoing sentiment discouraged those who were killed by state authorities or imprisoned from joining the redress movement. A turning point came in September 1999 when legislator Chu Mi-ae discovered a legal document, a list of 2,530 prisoners, tried by the Jeju 4.3 court martial at the National Archives of Records (Im 2015, 139). This discovery illuminated a previously hidden reality, enabling families to confirm the fates and locations of their loved ones in prison (JM Kim 2018). Publicizing this list fueled momentum for the Jeju 4.3 Special Act, which was passed in 2000, giving legal acknowledgment to the victims.

As activism around Jeju 4.3 grew, the backlash also intensified. Beginning in 1997, Rhee In-soo, the adopted son of South Korea's first president Syngman Rhee—widely regarded as a key figure responsible for the Jeju 4.3 Incident—started filing civil and criminal lawsuits against progressive newspapers like *Hankyoreh* and *Jemin Daily* (Yang 2015, 178). These newspapers, particularly *Jemin Daily*, had been publishing untold stories from witnesses and questioning the legality of counterinsurgency operations during the Jeju 4.3 Incident (Jemin Daily 1997). The lawsuit against *Jemin Daily*, filed in August 1999, became particularly significant. It was based on an article published on April 1, 1997, asserting that the martial law used to justify mass killings during the Jeju 4.3 Incident had been unlawfully declared by the Rhee Syngman administration. Rhee In-soo demanded a correction of the report and 300 million won in compensation for defamation (Jeju 4.3 Peace Foundation 2017, 945).

Despite the early 2000s surveillance of some Jeju 4.3 victim families by plainclothes police,⁵ local civic groups mobilized against the lawsuit, condemning it as an “attack on the honor of all Jeju residents” and rallying support through public statements and press conferences (SJ Oh, 1999; JM Kim 1999). The passing of the Jeju 4.3 Special Act that year encouraged further public engagement. Yet, these legal environments not only came from laws but also from judicial openness and strategic legal efforts (Epp 1998). For instance, *Jemin Daily*'s defense lawyer, Moon Seong-yun, successfully relocated the trial from Seoul to Jeju, which allowed for greater community involvement while amplifying local support (Yang 2015, 179). This supportive political and legal atmosphere empowered families, many of whom had previously been reluctant to come forward, to participate actively in the litigation.

Despite this momentum, *Jemin Daily* faced significant challenges. Rhee In-soo had already secured a partial victory in a similar defamation case against *Hankyoreh* in 1998, which initially disadvantaged *Jemin Daily* (HH Kim 1999). Nonetheless, the Jeju District Court ultimately ruled in favor of *Jemin Daily* (Jemin Daily 2000). Rhee In-soo

⁵ Interview conducted by author with Han Yong-su (pseudonym). Jeju, South Korea, November 13, 2021; and with Seo Sung-jin (pseudonym), phone interview, September 26, 2024.

subsequently appealed to the Supreme Court—but he ultimately lost (TK Lee 2001). In the following section, through the analytical lens of the performing, socializing, and mobilizing dimensions, we will observe how the litigation processes facilitated the transformation of these families from silent sufferers to empowered advocates for justice and recognition.

Performing: 4.3 Bereaved Families Testified for the First Time in Court

The defamation lawsuit against *Jemin Daily* unexpectedly provided the families of Jeju 4.3 victims with an effective platform to perform their identities as victims. The courtroom emerges as a metaphorical stage where survivors of historical injustice can “perform” their victimhood. Some bereaved families, either voluntarily or at the urging of acquaintances connected to *Jemin Daily*, Jeju 4.3 activists, or civic organizations, began attending court as moral supporters of *Jemin Daily*. Many were motivated by a deep appreciation for the newspaper’s dedicated efforts to uncover the truth about the Jeju 4.3 Incident, which had been largely underreported, or out of gratitude for its work documenting the oral histories of survivors and families over the past decade. One such family member, Mr Lee Byung-chul, whose father was a missing prisoner, regularly attended the court proceedings. He recounted:

We [the bereaved families] felt obliged to support *Jemin Daily* . . . *Jemin Daily* had been the newspaper that revealed our unjust stories through “Jeju 4.3 Speaks” coverage. Isn’t it more advantageous if more people show up [at the court]?⁶

Additionally, some individuals attended out of curiosity. Mrs Woo Yeong-suk, a family member, recalled how finding her father’s name on the prisoner list in 1999 motivated her to attend the trial:

I didn’t even know what my father looked like . . . I was only four years old when he disappeared. I grew up knowing nothing about him, except that he had died during the 4.3 Incident. Then, in 1999, I found his name on a prisoner list. It said he had been sentenced to seven years in [XXX] prison. I was curious. Why had he been sentenced? What had he done? What happened to him?⁷

Another family member, like Woo, attended the trial session out of curiosity but later began to question whether, if martial law was illegal as *Jemin Daily* claimed, the military trials—and consequently, their family members’ imprisonment—were also illegal.⁸ Today, with government reports from truth commissions revealing previously hidden facts, many people are now aware of the Jeju 4.3 Incident (Jeju Commissions 2003, 442–478). However, at that time, prior to the enactment of the Special Act and before any truth commission investigations had taken place, the bereaved families had little knowledge of what had happened to their relatives. This

⁶ Interview conducted by author with Lee Byung-chul (pseudonym). Jeju, South Korea, December 5, 2021.

⁷ Interview conducted by author with Woo Yeong-suk (pseudonym). Jeju, South Korea, June 3, 2022.

⁸ Interview conducted by author with Yang Dong-ho (pseudonym). Jeju, South Korea, October 27, 2021.

lawsuit sparked a deeper desire for them to uncover the truth. Although the individuals attending the court sessions varied, regardless of their motivation, the consistent presence of family members in the courtroom visibly demonstrated their commitment as advocates for victims—a commitment distinct from their annual gatherings for memorial services.

While not direct performances by the families, expert testimonies provided a script and context for the families' own narratives. For instance, in the third trial session on January 21, 2000, the expert testimony of Kim Jong-min, a journalist at *Jemin Daily* at that time, on the illegality of the martial law gave families a new lens through which to understand their experience. Kim Jong-min testified that “the April 3 martial law was illegally declared without legal basis, leading to the massacre of many innocent civilians” (DS Ko 2000a). In response, the plaintiff's lawyer questioned the validity of this claim and queried whether the article defamed former president Syngman Rhee and his descendants. Kim countered by citing a US military document that acknowledged the illegal declaration of martial law and pointed out that there had been no official proclamation by the South Korean government, explaining that “the state of emergency was mistakenly referred to as martial law” (Jeju 4.3 Peace Foundation 2017, 950; DS Ko 2000a). For some family members, hearing this expert testimony was a moment of profound realization for families.⁹ Moreover, because the claims were backed by historical evidence, the families showed strong trust. One family member even described the relationship with *Jemin Daily* at the time as “we were giving each other strength.”¹⁰ The courtroom became a site of education for the bereaved families, many of whom had been unaware of the broader historical and political context surrounding the Jeju 4.3 Incident. The expert testimony was one of the first opportunities to speak about the Jeju 4.3 Incident's martial law's illegality. This process was an opportunity for bereaved families to learn historical facts and understand the larger injustices connected to a broader history. For example, as Mrs Heo Hee-jin, another trial attendee, reflected: I thought Sasam [the 4.3 Incident] only happened in our village, but [after attending court], I realized it had happened all across Jeju.¹¹

However, the most powerful moments in the courtroom came from the survivors themselves. During the fifth trial session on March 27, 2000, five bereaved family members took the stand (DS Ko 2000b). The central legal questions focused on two main issues: the illegality of the martial law and the question of whether the massacre of civilians had occurred. The defense lawyer called five family members to the witness stand to prove the reality of the civilian massacre (Jeju 4.3 Peace Foundation 2017, 950). The five witnesses—Kim Hong-seok, Oh Guk-man, Yang Bok-cheon, Ko Nam-bo, and Im Wan-song—were all family members of civilians who were victimized by the military and police during the government's scorched-earth operation (Yang 2015). They had previously been interviewed for *Jemin Daily*'s “4.3 Speaks” series, but this was the first time they spoke in such a public and formal

⁹ Interview conducted by author with Hyeon Seok-jae (pseudonym). Jeju, South Korea, November 18, 2021.

¹⁰ Interview conducted by author with Moon Su-beom (pseudonym). Jeju, South Korea, October 5, 2021.

¹¹ Interview conducted by author with Heo Hee-jin (pseudonym). Jeju, South Korea, October 13, 2021

setting, their voices resonating within the courtroom. These family members, standing in the courtroom, gave voice to tragedies they had carried with them in silence for over fifty years. Their testimonies were not only stories of the horrors endured during the Jeju 4.3 Incident but also acts of survival. The following provides a summary of the testimonies presented by the witnesses in court (Ko 2000c).

Mr Kim Hong-seok, then sixty-three years old, recounted how, during a military raid on his village, he had fled and been shot in the thumb. In the court, he said that when he returned, he witnessed the execution of his younger siblings, aged 8 and 5, and later the killing of his pregnant mother and 4-year-old sibling. Mr Oh Guk-man, 69-years-old, shared that any family missing a member was accused of harboring a fugitive (*dopija gajok*), which led to the execution of the entire family. His parents were among the seventy-six villagers executed in the fields. He recounted that to this day, in the village of Gasiri, the entire village becomes busy every year on November 21 of the lunar calendar, preparing for memorial rites.

Mr Ko Nam-bo, also 69-years-old, described how soldiers had rounded up fifty villagers, tied them together with ropes, and demanded they point out where the rebels were hiding. He vividly depicted that though he managed to escape after untying the ropes, his father and two younger siblings, aged 16 and 7, were all executed, and their bodies were burned under a pile of blankets and food. Mr Lim Wan-song, 69-years-old, testified that soldiers set fire to his village, killing those who couldn't escape—mostly the elderly, women, and children. He recounted that his family was later contacted to retrieve his older brother's body for burial, while his younger brother was later imprisoned and executed.

They spoke not just as witnesses to violence but also as survivors of it—bearing the scars, both physical and emotional, of these atrocities. Through their words, they performed as both survivors and victims in the courtroom. Importantly, these testimonies were not only recorded in the court's official documents but were also reported in local newspapers, allowing even those who did not attend the trial to learn about what had happened (DS Ko 2000b, 2000c). The newspaper most actively covering the trial in Jeju was *Jemin Daily*. As the defendant, *Jemin Daily* published articles even before the lawsuit began, documenting the movements of 4.3 organizations, press conferences, joint statements, the key content of each hearing, summaries of expert testimonies, the significance of the illegality of martial law, and details such as the date, time, and courtroom number of the next hearing (SJ Oh 1999; JM Kim 1999). Some of the informants, even though they did not attend the court in person, kept themselves updated through media coverage. By doing so, the newspaper played a key role in recruiting and mobilizing more bereaved families.¹² Some of my interviewees, although they did not attend the trial, remembered it as “the illegal martial law lawsuit,” “the Rhee In-soo lawsuit,” or “the *Jemin Daily* lawsuit.”

Socializing: Resenting, Cheering, and Crying Together

Courtroom interactions and legal proceedings provide survivors with unique opportunities to come together, share their experiences, and build a new collective

¹² Interview conducted by author with Chung Mi-hwa (pseudonym). Jeju, South Korea, October 22, 2021.

story. This exchange not only provides emotional support but also contributes to developing a common understanding of their victimhood. Such collective engagement is part of a broader social movement, fueled by activities performed both inside and outside the courtroom. As previously stated, the fifth trial session on March 27, 2000, was the highlight of this trial experience. The survivors and family members in attendance were not merely spectators or supporters of *Jemin Daily*; they were there to stand in solidarity with one another and support those testifying that day. This session saw the largest participation of bereaved families throughout the trial, with the courtroom “so full there was no space to set foot” (Jeju 4.3 Peace Foundation 2017, 950). It was also the most dramatic, marking the first time in history that bereaved families testified in court about the Jeju 4.3 Incident. Notably, the testimony of Mrs Yang Bok-cheon, an 83-year-old woman, profoundly moved many on that day. Mrs Yang recounted:

... In the early morning, I was suddenly awakened by the sound of gunfire. When I rushed out, I saw that the whole village was engulfed in flames. My husband had fled due to rumors that soldiers would kill young men indiscriminately. I thought they wouldn't kill women, so I stayed at home. However, when soldiers burst in and pointed their guns at me, I begged for my life, but they shot me anyway, and the bullet went through my side. At that moment, my nine-year-old son cried out and rushed toward me, but the soldiers shot him, and he died on the spot. My three-year-old daughter was also hit in the leg by the bullet that passed through my side, and she has been living as a disabled person for more than 50 years.¹³

Her public retelling of personal horrors resonated deeply with many bereaved families present. Additionally, this critical juncture prompted many other bereaved families to reconsider their identity as victims, sparking the beginning of a broader collective awareness. Reflecting on the testimonies of other family members, Mr Yoo Sang-min recalled:

Hearing their testimonies made me realize that my pain is not just my own... The faint stories I heard from my grandfather ... The death of my father during the Sasam [Jeju 4.3 Incident], the shock that led to my grandmother's death within a month, and the memory of my mother leaving me behind to find work in Japan, never to return ... all of this came back to me.¹⁴

This shared sentiment intensified further when the plaintiff, Rhee In-soo, questioned the credibility of Mr Yang's testimony. His disrespectful behavior provoked outrage among the family members, leading to an unusual incident in the courtroom. An indignant family member, Mr Park Kyung-moon, voiced his objection that day. Recalling that moment, Mr Park said:

¹³ Excerpt from Mrs Yang Bok-cheon's testimony in *In the Courtroom of Jeju 4.3* (Jeju 4.3 Peace Foundation, 2017, 950).

¹⁴ Interview conducted by author with Yoo Sang-min (pseudonym). Jeju, South Korea, October 29, 2021.

I yelled [in the courtroom] because Rhee In-soo asked a bereaved grandmother to read the contents. It reminded me of my own mother... My mother doesn't know how to read. So I shouted loudly, "Why are you asking an illiterate grandmother to read? You can read it yourself!" Then, the judge asked, "Who was talking?" I raised my hand and replied, "I did." The judge threatened to expel me, but I confidently answered, "Go ahead and expel me. But why should I be expelled for no wrongdoing? Can an illiterate grandmother read if you ask her to? Your Honor," I argued, and the judge did not expel me.¹⁵

This was a rare instance of an audience speaking out in a court as audience participation is generally not permitted, and the courtroom atmosphere is typically very impersonal and stern in South Korea. As mentioned in the introduction, Mr Park Kyung-moon's life was deeply shaped by the Jeju 4.3 Incident—his father was executed in a court martial, and other family members were either executed or wrongfully imprisoned. Mr Park himself was even born in a small detention facility where his mother had been held captive. He attended every single trial session and gradually learned that no authority could unjustly oppress them. The courtroom was no longer a place of submission but rather a battleground for justice (Steinhoff 2014). Witnessing the rude confrontation involving the elderly Mr Yang reminded Mr Park of his own illiterate mother, and he felt compelled to intervene. At that moment, he was no longer an isolated individual but began to stand up for bereaved families who shared similar experiences. Mr Yang's testimony and subsequent reaction in court underscored the emotional bond and collective identity forming among the family members.

The trial experience became a turning point for Mr Park. Despite identifying as politically conservative—a stance usually less active in pursuing historical redress—he actively joined the subsequent movement to restore the honor of the Jeju 4.3 victims, setting aside his political beliefs.¹⁶ The confrontation in the courtroom showcased the shared experiences of the bereaved families and solidified their collective identity as victims. The heightened emotions in the courtroom even led to minor confrontations between the bereaved families and Rhee In-soo that day (Yang 2015, 181; Jeju 4.3 Peace Foundation 2017, 951), signaling a key transformation in the families' perception of their victimhood. One bereaved family member noted that this moment helped them realize "who was on the outside and who wasn't," which strengthened their sense of unity.¹⁷

A former journalist from *Jemin Daily* likened the families' regular attendance at trial to "membership training."¹⁸ Previously, bereaved families had gathered during memorial services but rarely cheered, cried, clapped, or attended court hearings as a group. This was almost the first time they collectively gathered and took action other than annual memorial services. Regular participation allowed them to meet,

¹⁵ Interview conducted by author with Park Kyung-moon (pseudonym). Jeju, South Korea, December 5, 2021.

¹⁶ Interview conducted by author with Park Kyung-moon (pseudonym). Jeju, South Korea, July 7, 2022.

¹⁷ Interview conducted by author with Hong Chun-ho (pseudonym). Jeju, South Korea, November 13, 2021.

¹⁸ Interview conducted by author with a former *Jemin Daily* Journalist (A) via phone call, April 22, 2023.



Figure 1. Jeju 4.3 bereaved families celebrating the favorable ruling at the back entrance of the Jeju district court after the final ruling on July 20, 2000 (Credit: *Jemin Daily*).

encourage, and support each other, creating an atmosphere akin to membership training. After each trial session, they usually would gather, eat together, and share updates about the next session, providing an opportunity to confirm their connections as Jeju 4.3 families.¹⁹

Three months after the fifth trial session on July 20, 2000, on the day of the final ruling, “elderly bereaved families filled the courtroom and cheered when the dismissal ruling came out (See Figure 1). Some shed tears of relief and joy” (Yang 2015, 182). Such moments beyond the victory further cemented the collective experience of victimhood and their solidarity.²⁰ Through interactions in the courtroom, the bereaved families not only found their voices but also began to see themselves as part of a larger struggle, no longer isolated in their grief but united in seeking justice for the Jeju 4.3 Incident.

Mobilizing: Symbolic Triumph of the Bereaved Families

The “mobilizing” aspect refers to a transformative stage where victims and their families move beyond recognition of their experiences to taking empowered, concrete actions throughout the legal proceedings. In this context, mobilizing involves victims using their own voices to communicate the broader significance of litigation to a wider audience. The courtroom becomes a space for connection and

¹⁹ Interview conducted by author with Han Yong-su (pseudonym). Jeju, South Korea, November 13, 2021.

²⁰ Interview conducted by author with Park Kyung-moon (pseudonym). Jeju, South Korea, July 7, 2022.

empowerment, where marginalized individuals find common ground, build confidence, and learn how to act collectively. The transformation into “accidental activists” reflects a shift in which they do not merely support advocates, but actively emerge as the face of a movement. As mentioned earlier, however, their identity is distinct from that of civic activists or general supporters, as they have either directly or indirectly shared in the tragedy, giving them a unique and personal stake in the movement.

Through attending the trial, the bereaved families, who had largely remained passive, began to build solidarity. They learned about legal terminology, historical facts, media usage, and interacting with other bereaved families, which strengthened their collective identity. While this does not imply that bereaved families had no prior involvement in the redress movement, the *Jemin Daily* lawsuit provided a crucial platform for many families to gather regularly—how to engage with judicial authorities, understand historical evidence from expert testimony, and articulate the real voices of bereaved families—became a critical asset for their future redress activities (Steinhoff 2014).

The bereaved families saw the victory as their own triumph, even though they were not direct parties to the lawsuit but rather the supporters of the newspaper. In July 2000, as mentioned earlier, on the day of the delivery of the ruling, many bereaved families attended the court, and their interviews in the media at the time reflected this sentiment. Mrs Kim Soon-ah, a 75-year-old bereaved family member who attended the court, shared her relief (JM Kim and SJ Kim 2000):

My entire family, including my parents, my brother, and two nephews, was massacred (*molsal*) during the Sasam (the April 3 Incident), and for over 50 years we have lived a life where we couldn't cry even when we wanted to and couldn't laugh even when we wanted to. This result of this trial seems to provide some consolation for my mother's grief.

The courtroom experiences transformed the bereaved families into active participants in the redress movement. While journalists and civic activists led the redress movement during the late 1980s and 1990s, the *Jemin Daily* litigation marked a turning point, shifting the initiative to the bereaved families and enabling them to take on a central role in the movement from the 2000s onward. Their appearance in court for the first time marked their newfound collective resolve. Certainly, political and legal changes created a more favorable environment, but these conditions alone were insufficient to foster an active identity for families. Instead, their year-long participation in trial sessions became a crucial preparatory step for their future involvement in the movement.

Additionally, the legal proceedings fostered a shared sense of victimhood among previously divided victim groups. At the time, there were two separate associations related to the bereaved families of the Jeju 4.3 Incident: the Jeju 4.3 Incident Civilian Victims' Families Association and the Missing People's Families Association. As Mrs Jung, who I interviewed twenty years later, recalled—much like other family members interviewed by the media in 2000—although the bereaved families did not initiate the lawsuit, the court victory in a matter related to the 4.3 Incident gave them

“great strength.”²¹ Strictly speaking, her father, who had been among the convicted people who died in prison during the Jeju 4.3 Incident, was not initially recognized under the 2000 Special Act. Families of these convicts, armed with the list of prisoners, established the “Jeju 4.3 Missing [Convicted] People’s Bereaved Family Association” in March 2000. As reflected in the association’s name, they initially referred to their relatives as “missing people (*haengbangbulmyeongin*)” rather than “victims (*huisaengja*)”—indicating a cautious identification of their relatives. They may have hesitated to use the term “victim” at first. Interestingly, while not all attendees of the trial sessions were families of the convicted individuals, many of them were (Jeju 4.3 Foundation 2017, 950). Throughout the legal proceedings, these families, regardless of the types of harm or loss they experienced, came together, shared their stories, and found commonality in their experiences as victims of a tragic history, bridging the divide between different victim groups.²² Moreover, it was difficult to categorize a family strictly as either relatives of massacre victims, convicted individuals, or those killed by national military or armed guerilla groups, as many families had experienced multiple types of loss and suffering (Jeju Commissions 2003, 413–420).

Not long after the lawsuit victory in July 2000, the two associations began discussions about integration, and, by early 2001, they merged into a single association (Im 2015, 199). Following the merger, this association was renamed “The Jeju 4.3 Incident Victims’ Families Association,” removing the term “civilian.” The official reason for merging into one association rather than maintaining two was to increase efficiency in addressing the Jeju 4.3 Incident, and a unified group appeared more cohesive to outsiders compared to a divided representation (Yang 2015, 357). However, this merger would arguably not have been possible without a regional consensus that recognized the missing inmates as victims. Notably, as mentioned earlier, convicted individuals had not been recognized as victims from the government’s perspective at the time of the merger (Special Act 2000). Nevertheless, the families of the missing individuals were becoming more actively involved in redress activities and known as “staunch families (*gangseong yujok*),” among the bereaved families (Yang 2015, 348). For instance, the integrated association, with its first chairperson coming from the missing individuals’ families, undertook initiatives such as remains excavation and national prison tours, driving forward their mission to uncover the truth (JM Kim 2018, 146). In 2007, a significant legislative breakthrough occurred when an amendment to the Special Act legally recognized the “convicted individuals from the Jeju 4.3 Incident” as victims (Special Act 2007).

2017-2019 RETRIAL PETITION BY CONVICTED VICTIMS

The 2007 amendment marked a pivotal moment, as it legally recognized previously imprisoned individuals as victims of the Jeju 4.3 Incident (Special Act 2007). However, this legal shift also introduced a new, complex category of victimhood: “convicted

²¹ Interview conducted by author with Jung Hee-sun (pseudonym). Jeju, South Korea, June 3, 2022.

²² Interview conducted by author with Hwang Su-hyeon (pseudonym). Jeju, South Korea, December 3, 2021.

victims” (*suhyeongin huisaengja*). While these individuals were formally acknowledged as victims, their criminal records continued to cast ambiguity over their status, distinguishing them from other victims such as the deceased, the disappeared, or the injured (Park 2018). Moreover, most of those convicted had been executed during the Korean War in the early 1950s, having been labeled as political prisoners and perceived as potential collaborators with North Korea (Jeju Commissions 2003, 468–478). For many families, this meant decades of uncertainty, as they remained unaware of their relatives’ final resting places. Only a small number of survivors were able to return to Jeju, further complicating the process of reclaiming justice and recognition. Fearing surveillance and potential retaliation, many remained silent for decades, rendering themselves nearly invisible within the victim community. While some agreed to participate in interviews (Jeju 4.3 Research Institute 2002), the vast majority refrained from speaking out publicly.

By 2017, most of the identified victims were deceased (14,420 individuals). Only 112 individuals remained, with just 30 of them being convicted individuals (DY Kim 2018). This already small group faced further marginalization, as the Jeju 4.3 Incident National Committee’s fact-finding investigation primarily focused on uncovering the truth about those who had lost their lives, largely overlooking surviving victims, particularly the convicted.²³ Although the 2007 Special Act’s amendment was a step forward, it did not immediately translate into broader social acknowledgment. Under the conservative administration of Lee Myung-bak in 2008, the activities of the Jeju 4.3 Committee were stalled, and the verification process for convicted individuals was delayed (JM Kim 2018, 139).²⁴

Additionally, right-wing groups frequently targeted the convicted victims, filing lawsuits to discredit their victim status through constitutional and administrative proceedings by suing the committee and the government (Jeju 4.3 Peace Foundation 2017, 918–933). These groups held protests and gatherings, displaying banners with messages such as “Conduct a re-examination of the 4.3 victims immediately!” and “There are first-class war criminals at the Yasukuni Shrine, and first-class rioters at the Jeju 4.3 Peace Park.”²⁵ They held press conferences, seminars, and demonstrations in Gwanghwamun Square, distorting and denigrating the Jeju 4.3 Incident. These plaintiffs argued that while “ordinary victims” could be recognized, those convicted of crimes during the Jeju 4.3 period could not be considered victims, as they were “criminals” (Jeju 4.3 Peace Foundation 2019, 400). However, the Supreme Court dismissed all these challenges on March 15, 2012 (as before, 402).

The surviving victims were not entirely ignored by Jeju society. In 2002, The Jeju 4.3 Research Institute compiled their testimonies in a book entitled *Survived Criminals from the Grave* (Jeju 4.3 Research Institute 2002). Since 2007, they have been able to apply for victim status, and in 2011, when a convicted individual was first officially recognized as a victim, the Jeju provincial government initiated the provision of living expenses and medical benefits to these survivors (Heo 2011). However, despite these

²³ The author’s interview with a former Committee Professional member via phone call, April 22, 2023

²⁴ Official recognition of these convicted individuals as victims by the government only occurred in 2011 (Jeju 4.3 Peace Foundation 2019:69)

²⁵ Jeju 4.3 Jeonglip Research Foundation, website, <http://www.jeju43.net/main/index.html> (accessed October 26, 2024).

legal recognitions and benefits, the surviving convicted individuals remained marginalized within the broader redress movement.²⁶ Though they were aware of their suffering and harm given their testimony or interview (Jeju 4.3 Research Institute 2002), the burden of their criminal records limited the scope of their public recognition and advocacy. Many were reluctant to share the reasons behind their victimhood and their families had limited involvement in the bereaved families' association, as they were still alive to speak for themselves. Moreover, South Korea's guilt-by-association law (*yeonjwaje*), in effect until 1981, led to widespread discrimination against survivors and their families, including surveillance, travel restrictions, and barriers in education, employment exams, and the workplaces (Jeju Commission 2003, 500–508).

The Jeju 4.3 Provincial Solidarity (JPS) played a crucial role in bridging these survivors together through a gathering (*huisaengja moim*) (DW Shin 2019). Under the leadership of Yang Dong-yoon, a civic activist, the JPS began organizing gatherings for the convicted victims starting in 2015. Initially, these meetings were held to provide social support, but, over time, discussions about filing a retrial petition began. While the encouragement from the JPS's leader was significant, the survivors' own determination was also strong. Yang explained that a heartfelt plea from an 88-year-old survivor, Mrs Hyeon Chang-yong, instilled a "firm resolve" to pursue a retrial (Byun 2019).

When the idea of filing a retrial petition was initially proposed, Jeju society and 4.3 organizations reacted with some skepticism. Concerns arose that, if a retrial failed, it could hinder future legal efforts for other convicted individuals.²⁷ At the time, legal scholars and lawyers largely favored legislative invalidation of the military trials over pursuing a retrial, reflecting a broader doubt about litigation's effectiveness for achieving social change (Park 2016). With South Korea's retrial process notoriously difficult to win—often requiring a judgment document as a basis—and considering the survivors' advanced age and the uncertainty surrounding the process, many within Jeju 4.3 organizations questioned whether a legal approach could achieve the desired outcomes.

The survivors, however, saw things differently. They sought to reclaim their "lives stolen by the law" through the court system.²⁸ The JPS reached out to the *Haemaru* Law Firm, a progressive law firm in Seoul known for handling historical cases such as the compensation lawsuit for victims of forced labor during the Japanese colonial period. Despite the lawyers' recommendation to pursue a national compensation lawsuit, citing difficulties due to the lack of judgement documents, the survivors insisted on filing for retrial (JH Kim 2019a). For them, the restoration of their honor was the primary goal, not financial reparation (Oh 2019). Although the retrial was a risky move, they believed it was their last chance to assert their innocence and dispel the lingering social stigma.

²⁶ The author's interview with Jeju 4.3 activist (B). Jeju, South Korea, May 16, 2022.

²⁷ The author's interview with a lawyer who was involved in the Jeju 4.3 retrial (C). Jeju, South Korea, December 01, 2021.

²⁸ Interview by the Jeju CBS (Kim Dae-hwi and Moon Jun-young) with Mrs Jung Ki-seong (surviving convict), who said that "I served prison time so unfairly ... it's a prison life taken away by the law." September 12, 2017.

Though legally recognized as victims, the survivors felt that this alone was insufficient. What they sought was an official declaration of their innocence—"not guilty, no wrongdoing." As we will see, the stigma of being labeled a criminal had not only affected their own lives but also those of their families, leaving a deep sense of guilt and sorrow. Despite being granted victim status by the government and receiving subsidies from the local government, in 2017, with the support of the JPS, survivors filed the retrial petition with the Jeju District Court. This effort proceeded despite limited media attention and minimal support from the major 4.3 organizations at the beginning (Song 2017; JH Kim 2017). In September 2018, their petition for retrial was granted (JM Lee 2018). Then, in a landmark decision in January 2019, the Jeju District Court dismissed all charges, exonerating the survivors (JH Kim 2019). In the next section, I demonstrate how their passive victimhood transformed through the retrial process, examining this change across three dimensions: performing, socializing, and mobilizing.

Performing: White-Haired Elders with Canes and Wheelchairs in the Courtroom

The 2017 retrial of the Jeju 4.3 survivors transformed the courtroom from a mere legal venue into a symbolic stage where survivors actively performed their victimhood, shifting from passive sufferers to assertive claimants of justice. This performance was not merely about recounting personal pain but was also related to reclaiming identity, dignity, and social recognition in a public and legal forum. Many survivors, who had lived in silence for decades, used the courtroom to challenge state-imposed narratives that had long stigmatized them as criminals. By publicly naming their injuries and attributing responsibility to the state, the survivors turned their courtroom appearances into moments of resistance, reframing their victimhood in front of a legal audience. This act of performing victimhood allowed them to regain their voice and confront their trauma, and to transform their pain into a powerful public and political narrative.

At first, many survivors concealed their participation in the retrial, reflecting the deep-rooted social stigma associated with their past convictions. For example, Mrs Kim Pyeong-guk shared, "At first, when people in the neighborhood asked, I couldn't say I was going to trial and said I was just hanging out" (MK Kim 2018b). Similarly, Mrs Oh Hee-Chun could not bring herself to tell her family about the retrial petition (JH Kim 2019a). Their reluctance highlights how the stigma of being labeled as criminals still weighed heavily on them. However, as the lawsuit progressed, these survivors transitioned from passive victims to active participants. Their public testimonies were not only about seeking personal justice but also entailed rejecting the social labels that had been imposed on them. A survivor reflected: "For 70 years, we have lived by burying this issue in the ground. Since the trial began, we can finally breathe, and it feels heartening to know that people around the world are becoming aware of our plight... Now we can depart without regrets" (MK Kim 2018b). These transformations marked crucial turning points, where the courtroom became a space for survivors to shed their shame, reclaim their narratives, and confront the state's role in their suffering.

The courtroom as a stage for performing victimhood was also visually striking, with elderly survivors appearing in wheelchairs or walking with canes. Unlike the

1999 lawsuit, where the witnesses were in their 70s, the 2017 retrial involved survivors with an average age of 90. Some claimants were too frail to testify, but their very presence conveyed a powerful message. Media reports highlight the imagery of “white-haired elderly Jeju 4.3 inmates seeking to resolve their lifelong resentment” and “inmates with mobility difficulties due to old age came to court with canes and wheelchairs” (JH Kim 2017). This vivid portrayal of frailty contrasted with their determination to seek justice before their deaths. In Korean society, where elders are culturally revered, the sight of these white-haired survivors demanding justice resonated deeply with the public. Their physical vulnerability amplified the power of their performance, transforming them from invisible, stigmatized figures into dignified figures reclaiming their narratives in a highly public forum (Song 2022, 8).

In contrast to the 1999–2000 *Jemin Daily* trial, which focused more on the legality of martial law and civilian massacres, the 2017 retrial centered on the survivors themselves. Their testimonies were not merely about seeking personal vindication, they also entailed restoring collective honor. For example, Mr Park Dong-su, a convicted victim, aged 91, passionately declared: “I cannot bear to carry this false charge with me to my grave. What I truly desire is to restore our honor.”²⁹ His words reflect the sentiment of many other survivors, understanding the deep personal and collective significance of the retrial. Additionally, the lawyer Lim Jea-sung reflected on the emotional weight of these testimonies, noting how the trial became a space for survivors to confront the pain they had endured for decades. He recalled the testimony of 96-year-old grandma Oh Gye-chun, who still grieved for the child she lost during her imprisonment: “when I think of that child, my chest hurts so much that I can’t live.” Lim observed that the trial was “an ongoing event,” highlighting how their testimonies transformed the courtroom into a space where historical trauma was not only recounted but released and confronted.³⁰

For many survivors, the Jeju 4.3 Incident was not merely a past event. The trauma persisted, not only because of the memories but also because of the impact their criminal records had on their children and the fear that this stigma would be passed on to future generations. Mr Hyun Woo-ryong, a survivor, lamented how his son could not enter the civil service due to his father’s criminal record, stating: “It’s fine if I’m the only one suffering, but it breaks my heart to block my child’s path”³¹ Another survivor shared a similar experience: “Having suffered enough without committing any crime and living an unjust life in prison, it’s truly painful when that stigma follows me for a lifetime and even torments my children. Whenever that happens, I feel like I’m still trapped in prison” (Moon 2018, 10). This survivor asked the court to ensure that her descendants would not bear the stigma of their criminal record—demonstrating that the survivors’ fight for justice extended beyond personal redemption and into broader concerns of family honor and collective memory.

²⁹ Interview by the Jeju CBS (Kim Dae-hwi, Moon Jun-young) with Mr Park Dong-su: “In the mountainous areas, they beat and kill regardless of age or gender.” September 17 2017, <https://v.daum.net/v/20170917070304841> (accessed April 30, 2023).

³⁰ Interview by Hankyoreh with the lawyer Lim Jae-Sung, June 8, 2019. https://www.hani.co.kr/arti/society/society_general/897095.html (accessed April 6, 2023)

³¹ Interview by the Jeju CBS (Kim Dae-hwi, Moon Jun-young) with Mr Hyun Woo-ryong: “Blocking the path of my children with consecutive defeats, my heart is in so much pain.” September 20, 2017, <https://www.nocutnews.co.kr/news/4848747> (accessed April 30, 2023).

As the trial progressed, the survivors' performances in the courtroom began to attract increasing public attention. Initially, the retrial garnered little interest from civil society, but as survivors persistently appeared in court—despite their physical vulnerability—their determination resonated with the public. Courtroom sessions became a focal point not just for legal justice but also for social recognition, transforming the survivors into visible figures of resistance. With each trial session, more supporters filled the courtroom, and the trial became a symbol of the broader movement for justice.³² The survivors' performance, both in its persistence and in its public nature, played a central role in reclaiming their victimhood in a society that had long ignored or silenced them.

Socializing: Constructing a Just Trial with Survivors, Legal Professionals, and the Public

Seventy years after the Jeju 4.3 survivors endured what they described as a “trial that didn't seem like a trial” (MK Kim 2018a), the 2017 retrial became more than a legal proceeding; it was a pivotal moment for socialization among the survivors, legal professionals, and their supporters. For the survivors, the retrial offered an opportunity to reclaim their voices, which had been silenced for decades. In stark contrast to the rushed and unjust military trials of 1948, where basic legal rights were denied, the 2017 retrial provided survivors with a space to publicly share their stories and experience a fair trial process.

On October 29, 2018, the retrial was officially initiated—a historic moment seventy years in the making (MK Kim 2018c). For the first time, survivors, who had been convicted in a military court without identity confirmation or the right to refuse testimony, experienced a “proper trial” (MK Kim 2018d). The presiding judge kindly explained the defendants' legal rights, emphasizing the importance of fairness and due process—elements that had been denied for so long. A Jeju dialect interpreter was present to ensure smooth communication between the survivors and judicial professionals (JH Kim 2018). The court showed a genuine commitment to listening to the survivors' testimonies. The prosecution, while acknowledging the historical significance of the case, emphasized the need to concretely prove the charges against the 18 defendants. They stated (JG Kim 2018; MK Kim 2018e):

If a decision to dismiss the charges is made due to the lack of records, the historical significance of the retrial held after 70 years could be diminished. We will try our best to specify the charges through the defendants' statements and then seek the court's judgment, so the defendants will feel that they have received a fair trial.

The prosecution's stance illustrated its efforts to balance legal procedures with respect for the survivors' stories. Survivors like Mrs Kim Pyeong-guk, who had faced a sham trial without any legal representation decades earlier, were finally able to testify in a courtroom that respected due process. Her dialogue with the lawyer during the retrial highlights the contrast between her past and present experiences (MK Kim, 2018a):

³² Interview conducted by author with a Jeju 4.3 activist (D). Jeju, South Korea, May 22, 2022.

Lawyer: Do you remember the place where you went for the trial?

Mrs Kim: How could I raise my head? They said I was a criminal, so I bowed my head and followed. When I went inside, there were three soldiers walking back and forth on a slightly elevated platform. There was a banner hanging. Article 77, the rebellion charge. That's the only thing I remember.

Her testimony, now delivered in a courtroom filled with fellow survivors, support groups, and legal professionals, powerfully recounted the injustice she had endured. Unlike the original trial, where her voice was silenced, the retrial allowed her to publicly speak her truth and regain her dignity. She went on to describe the 1948 military trial as a process devoid of any legal structure, saying, "There was no roll call, no questioning about the charges, not even a mention of what day it was. They just looked at the written charges, said it was the crime of rebellion, and told us to go" (MK Kim 2018a). This shift from silence to speaking out was not just a legal process but also a deeply personal and collective transformation. Survivors like Mrs Kim expressed how participating in the retrial allowed them to shed the shame they had carried for decades: "When it came to retrial, what was tightly bound to my body slowly melted" (MK Kim 2018e). Having married outside Jeju to hide her imprisonment, Mrs Kim concluded her final statement, saying, "Please help ensure that our grandchildren will not have records showing that their grandmother was a convict who served time in prison" (MK Kim 2018e).

Lawyer Lim Jae-sung noted that, although it was emotionally taxing for the elderly survivors to recount their painful experiences, the process of telling their stories and initiating the retrial served as a form of healing (MK Kim, 2018c). The socializing aspect of the trial extended beyond the courtroom. After each court session, survivors, lawyers, and supporters gathered to debrief and reflect on the proceedings (HS Lee 2018). These post-trial discussions allowed survivors to ask questions, understand the legal complexities, and share their thoughts, transforming the trial into a collective experience of solidarity. It brought the survivors closer together, helping them move from isolation to a shared community of resilience. Survivors expressed their gratitude, saying, "I suffered so much without even knowing what my crime was. I never thought a day like this would come," and added, "I am grateful for everyone who has helped and supported us along the way" (JM Lee 2018). Survivors' engagement extended to the public sphere as well, with media interviews, discussion events with survivors, and book publications bringing further awareness to the Jeju 4.3 Incident (YH Lee 2018; Moon 2018). These activities not only allowed the survivors to solidify their collective identity but also to extend their voices beyond the courtroom.

In January 2019, the retrial judgment reaffirmed that the original military trials had failed to adhere to normal legal procedures. The court recognized that the lack of identity confirmation, sentencing hearings, and legal representation had violated the survivors' rights (Koh 2019a). The court's acknowledgment of these injustices was a significant moment, not just legally but socially, as it contributed to the collective memory of the Jeju 4.3 Incident. The courtroom became a space where survivors' voices were heard, their experiences validated, and their stories recorded for history. The survivors, through the retrial, were no longer passive victims; they were active agents in reclaiming their identities and shaping how their stories would be remembered (See Figure 2).



Figure 2. Eighteen surviving prisoners of the Jeju 4.3 Incident celebrate their acquittal after the Jeju District Court dismissed the case (Credit: *Jemin Daily*).

Mobilizing: Overcoming Deadlock of Legislative Movement

The 2019 dismissal of the indictment marked a crucial turning point for the surviving convicts of the Jeju 4.3 Incident. The ruling allowed these convicted victims to remove the rebellion charges that had stigmatized them for their entire lives, providing long-awaited justice (Byun 2019). Yet, the significance of the ruling extended far beyond the individual relief. It set a powerful precedent, leading to a surge of retrial claims and pressuring the government to develop countermeasures (JH Kim 2019).

One of the most critical outcomes of this court ruling was the momentum it provided for the long-stalled efforts to amend the Special Act. Since 2017, bereaved families and advocacy groups had been campaigning for change to the Special Act, but by 2019, their efforts had hit an impasse (SH Hong 2020). The Ministry of Interior resisted these amendments, arguing that invalidating the High Military Court's verdicts from 1948 to 1949 could infringe upon judicial authority (CS Yoon 2020). In this difficult environment, the 2019 retrial decision became a powerful bargaining chip for activists. They used the court's ruling to negotiate with the government, emphasizing the need to address the injustices experienced by the estimated 2,500 convicted individuals who had died without receiving justice (Koh 2019b). They demanded collective legislative action to acquit all Jeju 4.3 victims through a comprehensive amendment to the Special Act (Bu 2019). The court's ruling created a sense of urgency, and even within the government, officials began to recognize the financial and time constraints involved in handling these cases one by one. As a result, the retrial ruling became a potent symbol of the need for broader legislative change.

The 2019 ruling invigorated the push for comprehensive redress. The average age of the surviving convicts who participated in the retrial petition was 90, and some passed away during the proceedings (Park 2019). Although most survivors could not participate directly in the movement due to age or health constraints, their presence in the courtroom played a crucial role in advancing the legislative process. Some

bereaved family members remarked, “While the elderly pursued this [retrial], what are we, the younger generation, doing?”³³ This spirit of determination and resilience strengthened the movement, highlighting the powerful symbolic presence of the elderly survivors, even if they could not directly participate in the legislative rallies. The courtroom became a site of struggle both inside and outside its walls, with their symbolic efforts pushing the legislative movement forward.

Responding to this mounting pressure, the Ministry of Justice proposed a revised bill in November 2020. This bill granted prosecutors the authority to request retrials as part of their official duties and gave jurisdiction to the Jeju District Court, allowing for collective retrials through the special retrial (*jikwon jaesim*) (SH Hong 2020). The bereaved families welcomed these legal shifts, and on February 26, 2021, the National Assembly passed the revised bill for the Jeju 4.3 Special Act with overwhelming support—199 votes in favor, 5 against, and 25 abstentions (CB Hong 2021).

The mobilization achieved through the court victories shows how legal proceedings can empower marginalized individuals and communities to demand broader societal change. The courtroom victories were not just about rectifying past wrongs—they also concerned reclaiming dignity, challenging the state’s narratives, and reshaping public understanding of the Jeju 4.3 Incident. As survivors’ voices gained prominence in the courtroom, they also amplified the voices of those outside it, ensuring that the movement for justice gained broader public support. This chain of events demonstrates how mobilization through legal victories can reinvigorate stalled legislative efforts and bring about broader social change. The retrial process, while primarily a legal matter, became much more than that: it provided a platform for survivors to challenge their stigmatization, reclaim their identities, and ensure that their suffering was recognized both legally and socially. These victories not only won justice for individual victims but also transformed them into symbols of resilience and determination, fueling the movement for justice for all Jeju 4.3 victims.

CONCLUSION

This article has examined the complex interplay between victimhood as a legal status and social identity, with a focus on how individuals subjected to prolonged suppression and silence come to identify themselves as victims and develop empowered identities through legal mobilization. The Jeju 4.3 trials offer an important case study, illustrating how litigation can not only act as a means for seeking justice but also as a transformative process of restoring identity. In traditional legal contexts, the term “victim” often implies passivity and powerlessness. However, this study emphasizes that victimhood is not a static label externally conferred; it is an active, evolving identity that individuals can claim for themselves. The Jeju trials illustrated how individuals, previously labeled as passive victims, or even perpetrators, were able to transform their identities through the litigation. This transformation highlights the indirect effects of litigation (Galanter 1983; McCann 1994; Levitsky 2015; Webster 2018; Arrington 2019), where legal processes catalyze shifts in both personal and collective identities.

³³ Interview conducted by author with Hahn Min-seok (pseudonym). Jeju, South Korea, December 15, 2021.

Legal victories did more than acknowledge past injustices, they created opportunities for personal empowerment and fueled further social mobilization. By reclaiming their voices through litigation, survivors reshaped their identities and used their experiences to drive public advocacy and systemic change. This transformation not only redefines how victims see themselves but also how society perceives them, showing the unique power of legal mobilization in shifting public narratives. This study also challenges the conventional notion that litigation might be less effective than legislation in driving social change (Rosenberg 2008; Bogart 2002). While judicial victories may sometimes provoke counterproductive political backlashes or counter-mobilization, these responses are often inevitable, regardless of whether change is pursued through courts or legislature (Price and Keck 2015, 880). Despite potential limitations, such as the courts' lack of authority or willingness to enforce large-scale remedies, litigation can exert a broader socio-political influence in restoring survivors' honor and reputation (Merry 2006; Holzmeyer 2009).

Additionally, the findings of this research can extend beyond the specific context of Jeju. Since the late 1980s, global shifts have increasingly recognized victims as active historical agents using legal frameworks to address state violence within transitional justice. South Korea's democratic transition has similarly opened avenues for historical reckoning, elevating it as both a societal responsibility and a key political agenda. These developments underscore how litigation can bridge formal legal recognition and social acknowledgment, offering valuable insights for addressing other historical grievances. Legal proceedings, as shown, enable victims to not only assert their rights but also undergo personal transformation and inspire collective action. The Jeju trials demonstrate that legal engagement extends beyond courtroom justice, playing a crucial role in constructing resilient victim identities.

In conclusion, this study contributes to a broader understanding of the intersection between legal processes, identity formation, and social movements. It underscores how litigation, beyond its immediate legal outcomes, facilitates the development of resilient victim identities and catalyzes profound social change. By focusing on the personal and collective transformation facilitated by litigation, this research enriches ongoing discussions about how legal processes can help societies address and heal from historical injustices.

Acknowledgments. I sincerely thank Kwai Hang Ng, Christena L. Turner, Lynette J. Chua, David N. Engel, Jonathan Goldberg-Hiller, Jong-min Kim, Jo-Hoon Yang, Sung-man Koh, Su-seong Hyun, and Akira Fujimoto for their invaluable feedback on earlier versions of this manuscript. This research greatly benefited from discussions at various academic conferences, including the *Law and Society Association Annual Meeting* and the *International Conference on Sociology of Korea*. I am also grateful to the anonymous reviewer and the editor for their thoughtful and constructive feedback, which helped me further refine my analysis of how victimhood unfolds through three interconnected dimensions of litigation. Above all, I extend my deepest gratitude to the survivors and families of the Jeju *Sasam* who generously shared their time and experiences with me.

Funding. This research was supported by the Jeju 4.3 Peace Foundation in 2022 and International Institute Graduate Research and Travel Awards from the University of California, San Diego.

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Cite this article: Ahn, I. H. (2025). 'Empowering Victimhood Through Litigation: Trials from the Jeju April 3 Uprising and Political Repression'. *Law & Social Inquiry*. <https://doi.org/10.1017/lsi.2025.21>