



Tübingen Korean Studies Lecture Series

# Frontlines of Social Science Research on Korea

## *The Politics of Regulating History Denial: Current Discourse in Korea on Law against the Distortion of History*

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Wednesday December 14, 2022, 18:00 c.t.

Wilhelmstraße 133, Room 30



### Abstract

Provoked by the ludicrous statements made by far-right politicians that ridiculed and distorted Gwangju Uprising, voices asking for juridical punishment became prominent within civil society, which led to the enactment of legal provisions to enable the punishment of history denial in Korea. The objective of today's presentation is to analyze the politics of using law as weapon to fight memory war in transnational memory space. The following three research questions will be discussed.

The first one is on the legal implication of the enactment. Due to the difficulties in finding definite and alive victims because of long gap of time between the abuses and present-day claims, it is not easy to punish history denial under the category of crimes against reputation within current Criminal Law. Thus the Rechtsgut of new provisions is not human rights of individual victims, but rather, the historical truth, or furthermore, the social memory. The second one is on the way Auschwitz-Lüge is dealt within public discourse in Korea. Although the laws against negationism in Europe currently reveal problems such as dispute over victimhood among conflicting memories or hierarchy of the historical trauma, they are regarded in Korea as ideal model of coming to terms with the past. The third one is on the political side effect of regulating history denial. Since the traumatic historical memories are no longer oppressed or marginalized but emerged as dominant public memory through legal recognition and cultural commemoration, the deniers may claim themselves as victim of the oppression of right to expression, demanding legal recognition of their distorted version of history.

### Bio

Originally trained in the field of legal theory and socio-legal studies (Ph.D of Law from Korea University), Professor Soyoung Lee is currently teaching at the Department of Social Studies Education at Jeju National University. Her current research interest is on the mutual construction of law and social memory in Korea. By analyzing how legal sanctions against denial and distortion of the traumatic events of the past are used as weapon of mnemonical security to fight memory war, she problematizes the ways of coming to terms with the past by law.



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