

# Social Significance of Recent Korean Courtroom Films : A Case Study of *Silenced*, *Unbowed*, *The Attorney* and *New Trial*

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## 한국 법정영화의 사회적 의미연구

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**Abstract** This study explores four Korean films: *Silenced* (2011), *Unbowed* (2012), *The Attorney* (2014), and *New Trial* (2017). Based on these films, this study explores the features of courtroom films and their social significance on society. The ability of Korean courtroom films to have such a profound impact on Korean society is something that is not usually witnessed in other countries. Also, the fact that they are low-budget works, not action/thrillers within the 'guaranteed star' system, and the fact that they present opportunities for netizens to call for change is a defining feature of Korean courtroom films. All four films have sparked controversy over the level of realism in Korean courtroom films, but what is more important is the way in which they portray contemporary social change. In summary, these four Korean courtroom films highlight the characteristics of social action and the means of mobilization required to effect it.

**Key Words** : Korean movies, *Silenced*, *Unbowed*, *The Attorney*, *New Trial*

**요약** 본 연구는 <도가니> (2011), <부러진 화살> (2012), <변호인> (2014), <재심>(2017)까지 네편의 영화를 통해 한국의 법정 영화의 특징과 한국 법정영화의 사회적 의미를 탐색한다. 한국 법정 영화가 한국 사회에 미치는 영향은 보통 다른 나라에서는 볼 수 없는 차별적인 것이다. 한국 법정 영화는 '스타' 체제 내의 액션/스릴러가 아닌 저예산 작품이라는 점과 네티즌들에게 변화를 촉구할 수 있는 기회를 제공한다는 특징을 지녔다. 네 편의 영화 모두 한국 법정 영화의 사실성 수준에 대한 논란을 불러일으켰지만, 중요한 것은 현대 한국 사회의 변화를 어떻게 그려내느냐 하는 점이다. 요약하자면, 이 네 편의 한국 법정 영화는 사회적 행동의 특성과 그것을 실현하기 위한 사회 고발적 기능을 수행하고 있다.

**주제어** : 한국영화, 사회고발, 도가니, 부러진 화살, 변호인, 재심

## 1. Introduction

Through the proposition that “the medium is the message”[1], Marshall McLuhan has emphasized the importance of media. Film in new media itself is an entire society, which provides netizens with the opportunity not only to discover the similarities and differences between fiction and the real world, but also to change reality. The ability of film in new media to narrate hope and desperation, means that it can show the “everydayness” of human life under the frustrations and hardships of the real world, and shapes a kind of social construction. As one of the most influential elements of popular culture, the reason why film in new media can interact with and call up its netizens is probably that it is a reflection or extension of modern social ideology, and it has become a reflection of netizens’ desires.

Courtroom films can cause strong social repercussions and exert a great influence on judicial branches at all levels of society (including the government) by creating pressure for accountability and bringing about the amendment of bills. However, the increasing popularity of SNS (Social Network Service), YouTube, Facebook etc. has created a network environment where public opinions can be easily aroused by social-oriented films in new media. Therefore, the pure function of courtroom films—as warning to society—may possibly be abused by those who have malicious intent. Moreover, since courtroom films are mainly based on real events with a greater or lesser admixture of fiction, it might be meaningless to discuss whether the film’s contents conform to the real-life events.

This paper concerns four Korean films, *Silenced* (2011), *Unbowed* (2012), *The Attorney* (2014), and *New Trial* (2017), all of which were based on true stories, and all of which became hot topics on the internet and SNS when they

were first aired. All of them show the pain of the underdog characters, who are frustrated with the power exerted by a corrupt judiciary and their trampling on human rights, which have commonly been ignored in South Korea. These films contributed first to the establishment of a new legal framework and secondly to a change in the consciousness of Korean citizens.

Compared with Hollywood courtroom films,[2] Korean courtroom films has been drawing more and more attention in recent years and the four films discussed in this paper should be understood in the context of this broader phenomenon. However, *Silenced*, *Unbowed*, *The Attorney*, and *New Trial* have greatly influenced people’s perceptions as well as creating significant hostility towards the Korean legal system in society as a whole. By examining these Korean films, this study aims to identify the key features of Korean courtroom films and observe their significance in terms of wider culture.

## 2. Korean courtroom films



[Fig. 1] *Silenced*, *Unbowed*, *The Attorney*, *New Trial*

### 2.1 The Legal thriller courtroom film—*Silenced*

The film *Silenced* had already become a heated topic before its release because of the powerful emotions aroused by the original novel, its portrayal of these events, and because of the contentious lawsuits between the victimized students and the perpetrators of the abuse.

As Korea.net reports, “depicting both the crimes and the court proceedings that let the

teachers off with minimal punishment, the film sparked public outrage upon its September 2011 release, which eventually resulted in a reopening of the investigations into the incidents.”[3] Over 4 million people went to the cinema to see this story for themselves and their reaction were not only tears, but the courage to ask for legislative reform. Finally, in late October 2011, the National Assembly of South Korea passed a revised bill concerning sex crimes against minors and the disabled, which is also known as the Dogani law.

The film not only meets the space requirement of the courtroom film via its setting in the civil/criminal court, of battle in public trial and of testimony and evidence collection, but also in that the content is based on an actual civil/criminal event. This is noted in a subtitle at the beginning of the film, which states that it is “based on an actual event that took place in a school for the hearing impaired in 2005.” In addition, the narrative structure based on the “virtue and vice dualism” reflects the typical formula of the courtroom film, that is a main plot. In this film, what is right or what is wrong are clearly described. Although the criminal acts of the principal and teachers are individual behaviors, their collusion with those in power in the private school and the use of bribery and threats reflects many flaws in the legal and social system in reality and forced audiences to rethink their respect for those in authority.

*Silenced*'s main story is as follows. A young male art teacher Kang In-ho came to work at a school for hearing-impaired children in the fictional city of Muji. He is keen to make friends with his new students but the children all try to avoid his friendly touch. In-ho does not give up and finally the students tell him the cruel facts. Some of the boys and girls have been physically and sexually abused by some teachers for a long time. In-ho then tries to fight for his students against those in power, including other staff

members, the police, and even local churches. There is no “happy ending” for the children concerned, two of whom even lost their lives.

What the film *Silenced* represents is not limited to the sexual violence exerted on children by sexual perverts, but rather the human rights problems of the disabled, the distrust of legal institutions, the collusion between the school and the police to cover up these crimes, and other social problems. This story ends up with the struggle of several hearing-disabled students in a national campaign. The result reveals that their tragic failure in confronting the social injustice, not only served to bring netizens together, but also provoked their outrage. This film sparked public outcry over the lenient court rulings, prompting police to reopen the case and lawmakers to introduce bills to protect the human rights of the vulnerable.

As the Korean film critic Ahn Shi-hwan points out, “for the past few years, we have seen almost no South Korean films that actively examine the state of our society, the value of what is right, and we need to do the way *Silenced* does.” However, *Silenced* has clearly functioned as a vehicle for social change.

## 2.2 Social issue courtroom film—*Unbowed*

*Unbowed* is a film based on a highly controversial event in which an academic, Kim Myung-ho, was arrested for shooting a cross bow at the presiding judge in 2007. The film is produced and distributed by Aura Pictures on a low budget of \$13 million which includes marketing for production. Director Chung ji-yeong said, “making the film would not have been possible without the actors’ willingness to work for very little pay, commending their passion.” However, even on such a small budget, it achieved great success in Korean society.

The film describes two public trials at different times, which are closely related, with courts and

prisons as the main spaces and cross-editing between public trial scenes as the core plots. The first is the process of Professor Kim Myung-ho filing a lawsuit against his university to restore his position and reputation after his unjustified suspension and dismissal. The second is the process of Kim Myung-ho “attacking” the judge because of his dissatisfaction with the last judgment, and thus becoming the defendant once again in court. In the first half of the film, the defendant’s wife entrusts the lawsuit to a law firm; while in the latter, Professor Kim Myung-ho lodges an appeal by himself after his application for a retrial is accepted. The two parts make up the core structure of the film narration. The key feature of *Unbowed* is that it explains social injustice through its focus on individuals who feel frustrated after fighting against the judiciary, which turns a single legal incident into the core factor of narration. Therefore, this work can be classified as a social issue courtroom film. If the film *Silenced* focuses on whether the truth about a crime can be brought to light in court and whether the criminals can be punished properly, the emphasis of *Unbowed* is whether the film can show the illegitimacy in the procedures of trying the defendant over this cross bow attack. That is to say, the film does not focus on whether the defendant is really innocent, but whether the judiciary, where interests converge, can provide defendants with fair legal opportunities.

Most of the courtroom scenes in the film are relatively static without the use of any special techniques. Director Chung deliberately restrained his actors and cameras in the court because of “the seriousness of the film.”[4] The audiences have two expectations for the film based on actual events, that is, to be real and to be moved. The balance between the two is the social, moral, and ethical responsibility that must be fulfilled in the courtroom film based on actual events.

As a social issue courtroom film, the film

*Unbowed* keeps the balance well. On one hand, through depicting Professor Kim Myung-ho’s struggles, it strives to find out the truth and achieve justice; on the other hand, it brings comfort and hope to the audiences. For example, in the scene in which the defendant attacks the judge in court with his logical argument in hand, or the scene in which Professor Kim helps his gangster-like cellmate to change by treating him humanely, overcome the sense of dullness of the courtroom film that only depends on lines and logic. The film ends with the failure of Professor Kim exactly as it happened in reality, but Kim lefts the audience a brilliant smile. Thus, the film adeptly balances the relations between fiction and truth, film and reality.

### 2.3 Lawyer courtroom film—*The Attorney*

*The Attorney* is a Korean courtroom film released in 2014. It is directed and co-written by Yang Woo-suk as his debut film. Yang is well known as a former film producer and web-toon author. *The Attorney* is the 8th best-selling Korean film in history, and the second in 2014 with ticket sales of \$82 million.

In this film, a former judge named Song moves to Busan to start his own law office in the late 1970s. The other lawyers look down on him because he has never attended university, but he soon becomes famous for his ability. When he see his friend’s son and other students facing a trial for “sedition”, Song decides to give up his peaceful life and take the case. Song and his colleagues must fight not only against the prejudiced judge but also against the government. In the end, they lose but the students get a much lighter sentence than expected, serving 2 years in prison at most. Then later in 1987, Song (who has become a democracy activist) is arrested and also charged with “sedition”. This time, 99 out of the 142 lawyers in Busan express their support to him, showing their respect and courage.

Seen overall, the film can be divided into three parts. The first describes the everyday life of the main character, Song Woo-suk. The close interpersonal relationships and social community depicted in this section offers people a sense of warmth and humanity. The second part shows the hero giving up his comfortable life and making up his mind to defend Jin-woo, who is imprisoned for political crimes. This part stresses his strong sense of social justice. The third concerns the five public trials that thoroughly changed Song Woo-suk's life. The battle in the chaotic 1980s between judges and attorneys who considered the innocent university students to be left-wing political enemies, and the lawyer who managed to find evidence of forced confessions and the like defines the life of the lawyer Song Woo-suk, and so the film belongs to the category of lawyer courtroom film.[5]

Although Roh Moo-hyun, a former lawyer and later president, has passed away, he is portrayed in the film *The Attorney* as a person of great humanity and justice. *The Attorney* set a record with more than ten million tickets sold, and the main character in the film became a national hero. He chose to become a lawyer at a time of appalling political repression in South Korea (with the background of Bu-Ma Democratic Protests and Gwangju Uprising) in order to fight against illegal power and realize fairness and justice. The response to the several elements above, the power truthfully depicting the society, and the political influence of former president Roh Moo-hyun, become the main factors that make the film a massive hit.[6] Generally speaking, *The Attorney* is a combination of the social issue courtroom film and the lawyer film. This film also mobilized netizens interested in social issues.

#### 2.4 Social issue and Lawyer courtroom film-*New Trial*

The film *New Trial* is based on the 2000

"Yakchon murder case" in which a teenaged boy was falsely accused of murder and spent ten years in prison. On the morning of August 10, 2000, a taxi driver was found killed in Ik-San City. The police announced that the witness Choi was the suspect. 15-year-old Choi argued that he had made false statements to the police because of threats and violence. Despite his resolute denial, Choi was sentenced to 15 years and detained in a juvenile prison. He then spent 10 years in prison.

The courtroom film *New Trial* does not show the final judgment directly. It mainly focuses on the process of requesting the trial. This can also be seen as reflecting the director's values, that is no matter what the result of the retrial is, the final victory is achieved by people's attitude during this process. Films based on real stories have their own natural power. As people living in the same time and space, the audiences can automatically understand and agree with the story they have seen. The film can easily touch the audience if the director just simply combines the feelings of sadness and anger together. But the question is that how the film can be more expressive by re-interpreting area land compact story. In this, although *New Trial* has to some extent successfully preserved some of its advantages as planned at the beginning, it can never really exceed the basic appeal of the true story. As mentioned above, Choi and Lee's images in this film as the innocent youth, and the lawyer feeling the destructive power of unbearable grievances still have some problems in characterization.

In summary, *New Trial* shows a true story that was gradually made known to the public through the mass media. It is impressive that such a film which attacks society became so successful financially. The film is a positive response to the problems of an overweening judicial system that ignores the survival of individuals. Although it cannot change the judicial system itself, at least

the audience who sees the film can understand that restrictions on the judicial system and its powers is necessary. In reality, the fact that the relevant institutions were distressed about this miscarriage of justice and felt responsible for their mistakes shows *New Trial* has already achieved something. As with *The Attorney*, *New Trial* is a Korean courtroom film mixed with social issue courtroom film and a lawyer film. It continues to stimulate public sensibility, and has achieved a certain significance in mass media, especially in the field of film.

### 3. Conclusion

From the four films mentioned above, one is able to understand more deeply the flaws in the Korean judicial system. For example, the films reveal how Korea's judiciary can sometimes victimize innocent citizens by treating them as criminals and how irrational decisions are made. The four films' transparency allows netizens to experience the underbelly of the legal system that may otherwise be hidden in real life. Due to Korea's lack of oversight, important information is often delayed or completely hidden from citizens.

Although the four films belong to different sub-genres, including the "legal thriller" and "lawyer film", all of them are typical courtroom films focusing on social issues, which perform the fundamental role of new media such as SNS (Social Network Service) networks. Accusations against authority figures form the main feature of Korean courtroom films. The fact that they are based on real events gives these dramas power, and it is sustained by the collective and anonymous public response. From watching the courtroom films, Korean netizens can feel the direction of culture and social values reflected by the film. Through these courtroom films, viewers will be able to become aware of social problems.

It is also common for the significance of the film to be expanded through further active communication and critical discussion. Thus, the "courtroom film" becomes a positive and powerful force in wider society. In the case of Korean courtroom films, real events can be used as a background to raise reflective questions and allow for public criticism. These are the valuable and important texts for law and social justice. For their features and significances both on and off screen, further studies on Korean courtroom dramas are required.

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