

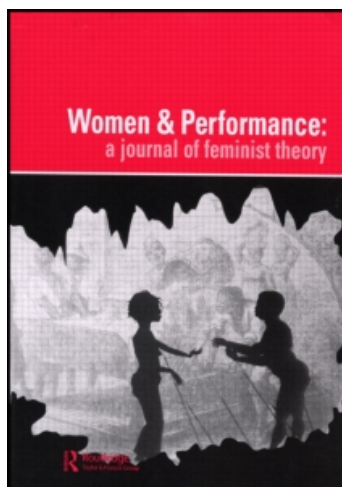
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E. Tammy Kim

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PERFORMING SOCIAL REPARATION: “COMFORT WOMEN” AND THE PATH TO POLITICAL FORGIVENESS

E. Tammy Kim

During WWII, 200,000 girls and young women from across Asia were sexually enslaved by Japan—a tragic history unearthed less than 20 years ago and still inadequately addressed by the Japanese government. This paper examines, from an interdisciplinary perspective, the legacy of this “comfort women” history, problematizing its attendant rituals of apology, “political forgiveness,” and reparation. The author analyzes the meaning of apology and forgiveness, and develops a typology of “reparation,” concluding that what surviving “comfort women” have articulated is a model of “social reparation,” or a holistic goal of mending the past and restoring an international human community.

1. Introduction

On November 19, 2005, the *New York Times* reported the wild success of *Hating the Korean Wave* and *Introduction to China*, bestselling comic books in Japan (Onishi 2005). The comic books portray Koreans and Chinese as “base peoples,” and offer revisionist historical accounts of Japan’s colonial World War II period—For example, “Japan built the South Korea of today!” (Onishi 2005). Nishio Kanji,¹ who authored part of the *Korean Wave* comic book, chairs the Japanese Society for History Textbook Reform, a group that protests the inclusion of Japan’s war crimes in schoolbooks. Fighting to preserve this same history, Professor Ienaga Saburo pursued litigation for decades over the government’s rejection of his history book, which acknowledges Japanese imperial aggression in Asia and atrocities like the Rape of Nanking (see Chang 1997; Watts 2002). These two men represent Japan at a moral crossroads: will the nation reject or repair its past?

From this locus of national amnesia, I propose a theory of *social reparation*, or a holistic, communal project of institutional apology and reconciliation. This theory is tailored to heal and avenge “comfort women”² (in Japanese *ianfu*), a euphemism for the adolescent women used as “military sexual slaves” by and for



FIGURE 1

"Waiting," by author. (woodblock print, Korean ink on paper)

Japan's military during World War II. The "comfort women" issue represents a particularly obdurate absence in the Japanese memory, a continuing void unmitigated by official reparative gestures (see Figure 1). Some 60 years have passed since the trauma was initially inflicted, leading many to argue that discussions of apology and reparation no longer make sense. To them I reply that present generations continue to feel the emotional and political rupture caused by Japan's unwillingness to account for its past.

In this paper, I first provide a brief summary of the history of "comfort women," including the diverse actors who helped unearth these women's stories. Second, I consider the notions of apology and forgiveness, focusing specifically on the promises of political forgiveness, and by contrast, the stunted practice of verbal apology in the "comfort women" context. Third, I turn to reparation generally and explore its many theoretical and practical instantiations; of these, I analyze the practice of monetary reparation, which has failed to effect post-traumatic restoration. I then develop a practice-oriented theory of *social reparation*, thinking broadly about the possible range of reparative acts. Finally, I meditate on the future of the "comfort women" movement: what is the universe of relevant actors potentially engaged in this dialogue of social reparation? In calling for social reparations, I commit myself to the communal project of political forgiveness and offer the following as a small act of repair.

2. Unfreezing the History of "Comfort Women"

What is the Historical Record?

Due to various factors, namely the non-disclosure of the Japanese, Korean, and U.S. governments, there was until recently no historical record of the

"comfort women." Almost nothing was known about the "comfort women" system until the late 1980s, when the first survivor-witnesses spoke out. Today, we know that the Japanese government instituted and maintained a formal system of sexual slavery between 1937 and 1945 for the Imperial Army.³ During Japan's World War II colonial period, some 200,000 preteen and teenage girls, 80 to 90 percent of them Korean (see Ho Suk-Till, "Report on the former 'comfort women' in North Korea," in *War victimization and Japan* 1993), were torn from their homes and homelands across Asia (McDougall 2000). They became "comfort women" through abduction,⁴ fraudulent recruitment for manual labor,⁵ and fraudulent representations of commercial sex work.⁶ The "comfort women" system was conceptualized as a means of sustaining Japanese forces.⁷ According to Kelly Dawn Askin, sexual slavery was instituted "because it was more convenient to have females locked up in buildings designed to sexually service large numbers of men, than for men to have to take the time, energy, and risks necessary to go out and locate them, rape them, and then possibly kill them to cover the crime" (Askin 1997, 81). A Japanese Ministry of War memo from 1940 describes the positive "psychological effects that the soldiers receive at comfort stations," including "enhancement of troop morale, maintenance of discipline, and prevention of crimes and VD" (Tanaka 2002, 24). "Comfort women" were used as implements of physical release—some soldiers referred to the women as "sanitary public toilets" (Soh 1996, 1238–39)—on par with inanimate military supplies. In fact, in one of the first documents released by Japan, "comfort women" are listed as military provisions (Tanaka 2002, 173).

The great majority of the women were young, impoverished, uneducated, and foreign, taken from countries under Japanese control at the time: Korea, China, the Philippines, and Indonesia (Figure 2).⁸ Korean survivor Ha Sunnyö, who was too poor to attend elementary school, was fraudulently recruited as a worker (see Ha, "I would rather die," in Howard 1995, 59):

A Korean man approached us together with a Japanese man as we chatted . . . They said that if we went to Osaka with them we would be able to earn lots of money. We were fascinated by the prospect of earning our own income so, without even asking what kind of work we would do, we went with them.

Ha's coerced departure speaks to the colonial context within which the "comfort women" system operated. As Yuki Tanaka observes, foreign women were enslaved because physical rape operates as a metaphor of the patriarchal state: "The power over female members of a subjugated people is emblematic of the power exercised by colonial administrators to dominate colonial subjects."⁹ To rape is to pursue conquest—the Japanese over Korean women, German soldiers over Jewish women, and US and Russian soldiers over Japanese women.¹⁰



FIGURE 2

"Comfort women" loaded onto a Japanese military vehicle. (photo: courtesy of Korean Council: <http://www.womenandwar.net>)

The testimony of survivors, extant photographs, and Japanese documents give us some insight into the daily reality of "comfort women." Housed in austere barracks or tents, the girls were given just enough food, clothing, and medical attention to survive. In the experience of Kim Haksun (see Kim, "Bitter memories," in Howard 1995, 36):

[The] soldiers varied in the way they treated us: while one soldier was so rough as to drive me to utter despair, another would be quite gentle. There was one who ordered me to suck him off, while he held my head between his legs. There was another who insisted that I wash him after intercourse. I was often disgusted by their requests, but if I resisted they would beat me until I gave in. They brought their own condoms: we weren't allowed to keep any. Once a week, a military surgeon visited us with an assistant and gave us routine check-ups. If he was busy he would sometimes miss a visit. Whenever he was due, we gave ourselves a thorough scrubbing with the antiseptic solution. If he checked us and found anything slightly wrong, he would inject us with "No. 606."

Beyond their somatic abuse, the women suffered culturally. They were captured as Japanese subjects, assigned Japanese names, and forbidden to speak in their native languages. Kim Yong-Sil recalls her first days as a "comfort woman" (see Kim, "How can we permit their sins?" in *War victimization and Japan* 1993, 57):

We hesitated to wear a strange dress and were disrobed by force. With just a word I was named Eiko, a Japanese name, and the soldier stuck a tag bearing the name of Eiko on my breast, which I wore from that day.

The floor of the room had two straw mats, which were barely big enough for two people to lie on. The man who was the first to enter my room was the one

who had lured me there. Unlike before, when he was wearing a suit, he was now wearing a middle-ranking officer's uniform. He raped me by force and was followed by seven other officers.

Survivors report that during the day they were often used to perform menial tasks, such as laundry and food preparation; at night they were raped repeatedly by soldiers and officers lined up at their door. For some, the rapes went on all day and all night. Survivor Kang Soon-Ae recalls: "From 9 a.m. to 9 p.m. we had to serve soldiers in the ranks and after 9 p.m. we served the officers" (see Kang, "Brother, don't avoid me," *War victimization and Japan* 1993, 23). The average "comfort woman," stationed in a stable-like wooden stall, was forcibly raped and molested by several dozen Japanese soldiers and officers on a daily basis. Unsurprisingly, other forms of extreme physical and verbal violence accompanied the repeated rapes. Yi Sunok testifies:¹¹

Among the soldiers, some carried a flask of alcohol at their side. They would get drunk and become violent. Not long after I arrived, I was stabbed on the thigh by one. This happened after I tried to refuse him when he went for me several times. I screamed when I was stabbed and the other women and soldiers in the station rushed to my room in surprise. I had to continue to serve the soldiers, even while I was receiving treatment from the military hospital.

Political Context

Whereas Germany has continued to face moral, political, and economic consequences for its Holocaust atrocities—the German government has paid over \$100 billion in compensation and reparations to date—Japan was permitted to move forward with virtual impunity.¹² From the perspective of its victims, Japan, unlike its wartime ally Germany, has not properly been held to account for the horrors it perpetrated. This has both external and internal causes.

External geopolitical factors at the end of the war meant that less was demanded of Japan than Germany in terms of criminal and economic accountability (Chang 1997, 222). The difference is exemplified in the contrast between the two post-war tribunals. At the war's end, the US *unilaterally* designed the Charter for the International Military Tribunal for the Far East (IMTFE; "Tokyo Tribunal"), Japan's equivalent to Nuremberg, via executive decree (Askin 1997, 165). In addition to its undemocratic genesis, Askin notes, the Tokyo Tribunal was procedurally inferior to the Nuremberg Tribunal:

For example, the Chief Prosecutor at Nuremberg was Justice Robert Jackson, "a man of great stature, a great figure, a former minister of Justice, a former member of the Supreme Court of the United States," whereas the Chief Prosecutor at Tokyo was Joseph B. Keenan, a relatively unknown attorney, considered a bit "second-rate," and "not quite up to his job." Additionally, there

were problems with the way the IMTFE operated. A simple majority of six justices could convene the Tokyo Tribunal. Indeed, three justices arrived after the trial had begun, and some justices were absent during the trial for weeks or even a month at a time. (Askin 1997, 173)

The most glaring substantive omission was the failure to try Emperor Hirohito, “despite cries in America, Britain, China, and elsewhere.”¹³

Ivy Lee explains that, “by absolving the emperor, General MacArthur hoped to exempt the Japanese people themselves from any shared sense of responsibility.”¹⁴ If the IMTFE failed generally to serve the ends of justice, then its failure was spectacular with respect to the special horrors visited upon Asian women during the War. George Hicks remarks that, “Only the Dutch (Indonesia was a Dutch colony from 1815 to 1920) took action against the Japanese for forced prostitution—but on behalf of Dutch women only. Indonesian women who were also captured for comfort stations did not figure in the Batavia (now Jakarta) Trials, a reflection of racist bias just as the failure of the Allies to try those responsible for the comfort system is a reflection of sexism” (Hicks 1994, 270).

Allegations of US control and lack of Japanese accountability also surrounded the postwar treaty negotiations. The US, concerned about its presence in East Asia, decided to “[help] build its former enemy into an economic powerhouse and competitor” (Hicks 1994, 223). For example, neither South Korea nor North Korea participated in concluding the Ally-led 1951 San Francisco Peace Treaty, which allowed for Japan to enter bilateral treaties with all of its former colonies, effectively “eliminat[ing] the possibility of war reparations from Japan.”¹⁵ Take the 1965 Korea–Japan Accord, for instance: in exchange for an undisclosed amount of reconstruction funding from Japan, Korea gave up the right of its citizens to sue the Japanese government for civil damages.¹⁶ Such limitations have been the primary obstacle to the reparations campaign of “comfort women” and victims of forced labor.¹⁷

Internally, a defensive posture of nationalism and a long militaristic history have made Japan “an extraordinary example of forgetting, suppression, or denial by significant and influential groups in the population” (Cairns 2003, 75). Ian Buruma attributes the ascendancy of the Japanese Right to indignation over Hiroshima and Nagasaki and a complacent prosperity born of rapid economic development (1994, 32–33, 99–101). For the Japanese people, the traumatic experiences of war—articulated most viscerally in the, now iconic, twin atomic bombs—were followed upon by the shame and frustration of national defeat and an externally imposed political and social reconstruction of identity. The graphical, emotional outgrowth of this history was explored in 2005 in the immensely popular *Little Boy* exhibit at the New York Japan Society, curated by Japanese pop artist Takashi Murakami:¹⁸

Little Boy: The Arts of Japan's Exploding Subculture explored the culture of postwar Japan through its arts and popular visual media, from the perspective of one of Japan's most celebrated artists. Focusing on the phenomenally

influential subcultures of *otaku* (roughly translated as "pop cult fanaticism") and its relationships to Japan's artistic vanguard, Takashi Murakami explores the historical influences that shape Japanese contemporary art and its distinct graphic idioms. The exhibition's title, *Little Boy*, refers to the atomic bomb dropped on Hiroshima in 1945, clearly locating the birth of these new cultural forms in the trauma and generational aftershock. In Murakami's perspective, a resonant figure for Japan's contemporary condition is that of the "little boy"—both the nickname for the bomb dropped on Hiroshima and an image of Japan's infantilized culture.

Godzilla, gruesome depictions of monster anatomy, cute kitsch, *anime*, and *otaku*: these are the sublimated, self-reflexive goods of Japan's wartime suffering. Politically and culturally, Japan is a nation struggling against its history.

A Movement is Born

Had it not been for the courageous emergence of the "comfort women" themselves,¹⁹ the stories and physical evidence substantiating wartime human rights violations would still be hidden. In 1991, three Korean "comfort women" came out publicly with their testimonies and filed a restitution suit in Japanese courts.²⁰ Of these women, only Kim Haksun, who up until her death in 1997 was one of the most politically active survivors,²¹ decided to use her real name (Yoshimi 2000, 33). In time, other former "comfort women" told their stories, researchers combed through historical records, and citizens organized internationally around the issue.

In the ongoing process of outing the history of "comfort women," survivors and supporters have employed various media, including creative outlets, historical and social documentation, advocacy projects, and international law mechanisms.²² On the creative end, artists have imagined the lives of "comfort women" in novels, visual and performance art, music, and film. Nora Okja-Keller's novel *Comfort Woman* charts life beyond enslavement through the relationship between Akiko, a former Korean "comfort woman," and Beccah, the American daughter she raises in Hawaii (Keller 1997). Akiko is haunted by the aged ghost of Induk, a girl she had known as a "comfort woman," who was impaled on a pole by Japanese soldiers for speaking Korean. In her suburban neighborhood, Akiko becomes a shaman set on exorcizing her past.

A number of nonfiction books have been written on the history of comfort women, both as straightforward documentary and as philosophical/sociological analysis. Korean Professor Yun Chung Ok began her activism and historical scholarship in the 1980s, organizing with the South Korean Church Women's Alliance (Barkam 2000, 54). In 1992, Japanese Professor Yoshiaki Yoshimi became the first to uncover extant wartime documents in Japan's government archives.²³ Many of the nonfiction books written on "comfort women" include interviews with the survivors themselves.²⁴

Following in the tradition of post-Holocaust activism, NGOs and informal citizen groups have organized transnationally to advocate for surviving “comfort women” and educate the public about Japanese war crimes. In Seoul, former “comfort women” and supporters from the Korean Council for the Women Drafted for Sexual Slavery by Japan (Korean Council) have demonstrated in front of the Japanese Embassy every Wednesday since 1992 (Amnesty International 2005); nearby is the future site of the planned War and Women’s Human Rights Museum (Korean Council: <http://www.whrmuseum.com>). Also in Korea, several survivors live at the House of Sharing, a communal home and education/advocacy space founded by Buddhist organizations in 1992 (<http://www.nanu-morg/eng/index.html>). Pilipina survivors of sexual slavery and rape at the Japanese massacre at Mapanique established Lola Kampanyeras, a local activist group (Amnesty International 2005a). The New York based Global Alliance for Preserving the History of World War II in Asia uses international law mechanisms to press for Japanese accountability. It recently collected an astounding 42 million signatures over the Internet, protesting Japan’s move to secure a permanent seat on the UN Security Council based on Japan’s continuing refusal to provide reparations.²⁵ Additionally, international human rights groups like Amnesty International have written advocacy papers on behalf of “comfort women” (Amnesty International 2005a), and the Korean Council has teamed up with the V-Day violence against women campaign, inspired by playwright Eve Ensler’s *The Vagina Monologues*, to expand its advocacy reach (Figure 3).²⁶

Also, survivors have used formal and informal international legal channels to amplify their voices. Within the UN framework, the Special Rapporteur on Violence against Women, its Causes and Consequences; the Special Rapporteur on Systematic Slavery, Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict; including Internal Conflict and the International Commission of Jurists have issued reports on “comfort women” and recommended that Japan provide official apology and reparation.²⁷ In 2000, a consortium of NGOs organized the Women’s International War Crimes Tribunal on Japan’s Military Sexual Slavery, a symbolic “people’s tribunal” to correct for the deficiencies of the Tokyo Tribunal.²⁸

Collectively, these activities have put “comfort women” issues on the international agenda and awakened global citizens to Japan’s war crimes legacy. The project of assembling and outing these stories has intrinsic value, but education and uncovering are also instrumental goods purposed to bring about justice. For survivors, this justice comprises at least two stated ends: official apology and reparations.

3. Apology & Forgiveness as Political Dialogue

Roy L. Brooks, along with Derrida and others, has observed that we are in an “age of apology,” of politicized expressions of regret and gestures toward



FIGURE 3

V-Day "comfort women" event, Marymount Manhattan College, February 19, 2006 (from right to left: Survivor Lee Yongsu, Survivor Kim Oksun, SUNY Albany Professor Eunju Lee, Dr Heisoo Shin of the Korean Council). (photo: author)

reconciliation (Brooks 1999, 3–11). Among his many examples are the apologies of President Bill Clinton to African American survivors of the Tuskegee syphilis experiments, and of Queen Elizabeth II to the Maori people (see Brooks 1999, 3). Today, nearly 40 years since the death of classical colonialism, intervening "structural transformations in the global community of states and in citizen–state relations" beg a more refined view of political relationships (Cairns 2003, 76). The import of these political shifts is that more of the world now belongs to the same community. We can thus interpret manifestations of regret and reconciliation as responses to the question: "How do we live in the same community with our enemies?"

Defining Apology and Political Forgiveness

In English, "apology" derives from the Greek *logos* (speech).²⁹ Originally, it appeared as the Greek *apologia*, "a speech in defense," but was also used in our modern sense of an "acknowledgment of offence" as *apologizesthai* (*Oxford dictionary of English etymology* 1966). Today, *apology* is defined as: (1) a formal justification/defense or excuse; (2) an admission of error or discourtesy accompanied by an expression of regret; or (3) a poor substitute (*Merriam-Webster collegiate dictionary* 11th edn). The first and second definitions are almost oppositional. The second comes closest to everyday usage, while the first is legal or academic in character, bringing to mind the image of a criminal trial or the notion of religious or historical apologetics. Surviving "comfort women" clearly demand "an admission of error" or "expression of regret," while Japanese revisionists, who maintain that all "comfort women" were willing prostitutes, practice "formal justification/defense or excuse."

To say "I apologize" is to begin the work of reconciliation. J. L. Austin, in *How to do things with words* (1975), already recognized the active character of the apology, which he identifies as an *explicit performative utterance*, or "a statement [considered] not as a sentence (or proposition) but as an act of speech" (Austin 1975, 20). It is a *speech act*, a performative gesture with causal force,³⁰ its purpose being to effect forgiveness and to restore a relationship or state of affairs. But the naked utterance is insufficient; Austin identifies certain necessary conditions for the apology: that the speaker possess proper intention (sincerity) (1975, 11) and commit herself to do something subsequently (1975, 46), and that there be a receiving audience (1975, 37). This latter condition—that someone hear and ideally accept the apology—emphasizes its relational nature. While all of Austin's *explicit performatives*, including *I thank*, *I censure*, and *I bid you welcome* (1975, 79), presuppose a receiving audience, the apology demands a particularly high degree of response. That is, while saying *I apologize* has value whether or not it is well received, the speaker hopes to hear, *I accept your apology*, and better still, *I forgive you*.

Here, then, is the reciprocity of apology and forgiveness, dialogic speech acts that presuppose some relationship between the speaker and receiver. At the interpersonal, micro-level, this exchange is common, banal, even uncomplicated; but what happens when the parties are not persons, but collectivities, such as organizations, ethnicities, or nations? It is hard enough to discern what kind of apology would adequately convey corporate intention, but forgiveness constitutes a more difficult assessment. What is needed is a kind of forgiveness that is less emotional, less person-dependent than our usual understanding of forgiveness. P. E. Digeser calls this *political forgiveness*, or a set of performances that relieves debts and restores a preexisting "relationship between at least two parties in which the appropriate party relieves a debt through appropriate signs or utterances . . . it settles past claims and invites a restoration of a valued political relationship through the reinstatement of civic and moral equality or of the status quo ante."³¹

Political forgiveness is necessitated by the ethical judgment that a victim of political or governmental atrocities should not be asked to enact personal forgiveness, thereby making a moral sacrifice, for her perpetrator. Unlike interpersonal or theological forgiveness, political forgiveness is not about altruism; it is about the victim's ethical duty to herself—a duty that "stems from not wanting to live with feelings of resentment and the desire for revenge . . . poisonous attitudes and states of mind" (Margalit 2002, 207). This is to say that the individual victim owes something to herself, not to some abstract collectivity or institution. For, as Derrida recognizes, "[t]here is always a strategical or political calculation in the generous gesture of one who offers reconciliation or amnesty, and it is necessary always to integrate this calculation in our analyses" (Derrida 2001, 40). At the same time, because universal ideas of human rights ground "the entire geopolitics of forgiveness" (Derrida 2001, 30), political forgiveness can be a generalized good, positive for both victim and aggressor, and indeed for all human beings.

Ascertaining Collective Will: the Adequacy of Japanese Apology

It is often said that "Japan has not apologized," but Japanese officials have in fact acknowledged and expressed regret on more than one occasion for what was done to the "comfort women." Why, then, do survivors and advocates maintain their demands for an apology? Why are they dissatisfied with the expressions of regret and sorrow already proffered?

First, and most important, is the critique of *officialness*. Japanese apologies to date have been uttered by government officials but have wavered in the degree to which they evince state sponsorship. While the 1993 statement of then Chief Cabinet Secretary Kato Koichi expressed "sincere apologies and regrets" from "the government of Japan," Prime Minister Ryutaro Hashimoto in the mid-1990s "avoided using the words *government* and *Japan*" in his public acknowledgment of a "grave affront" to women.³² In law, the concept of agency distinguishes personal from representative activity: is X acting for herself (*X qua X*) or as the *agent* of Y (*X qua Y*)? While legal rules guide the identification of agency, the broader question of official action is slippery, even metaphysical.

Second, there is the Austinian question of *sincerity*. Is the *I apologize* authentic and credible? From the perspective of "comfort women" advocates, this judgment depends on the greater societal context in which Japanese apologies have been acted out or uttered. For instance, when Prime Minister Junichiro Koizumi extended apologies to Chinese and Korean victims in 2001, he did so just before the Asia Pacific Economic Cooperation summit was to convene in Shanghai (Lee 2003, 26). Moreover, that same month, Koizumi paid respects to Japan's military dead (by the ritual laying of flowers) at the former State Shinto Yasukuni Shrine, which enshrines Class A war criminals from World War II.³³ The

juxtaposition of Koizumi's regret alongside these nationalistic performances gave rise to suspicion and led to the rejection of his apology.

That the apologetic expressions of Koichi, Hashimoto, Koizumi, and others have been lost on their intended audience bespeaks the feebleness of verbal apology. Survivors and advocates consistently demand something more robust and substantial, a material complement to official apology. In the context of state-sponsored atrocities, this materiality normally reduces to money, the mother tongue of institutions and governments, for "without some sort of monetary compensation to go along with an apology, many will be inclined not to take such apologies very seriously."³⁴

4. Reparations: Money, Symbol, Emotion

If money paid out to victims is the requisite accessory to verbalized apology, have we reached the end of our inquiry into the substance of *social reparation*? In the US, the term "reparations" has assumed a very specific monetary meaning in the past several decades, bringing to mind the calls for compensation made by African Americans, Japanese Americans, and Holocaust survivors, among others. Diverse collectivities have demanded money as symbolic and literal payment (e.g. lost land, medical bills) for the effects of past atrocities and traumas. Unfortunately, the narrow usage of "reparation" has eroded its conceptual richness and unduly constrained the thinking and strategizing of advocates with respect to what kinds of practices could repair the past and enable future progress. In the following, I first unpack the meaning and limitations of reparation as monetary payment. I then draw from psychoanalytic and anthropological approaches to further problematize our denuded understanding of reparation and to broaden the constitutive possibilities of social reparation.

Types & Functions of Monetary Payment

Bestowing payment for wrongdoing is an age-old ritual. In the context of war, the practice of reparations dates back to the third century BCE, when Rome imposed severe conditions of peace on Carthage after the First Punic War (Lazenby 1996, 158). Reparation, both material and symbolic, is also discussed in the Torah/Old Testament, chiefly in Leviticus:

If anyone sins and commits a trespass against the Lord and deals falsely with his neighbor . . . *he shall not only restore it in full, but shall add to it one fifth more and give it to him . . .* And he shall bring to the priest his trespass or guilt offering to the Lord, *a ram without blemish out of the flock, valued by you to the amount of his trespass; and the priest shall make atonement for him before the Lord, and he shall be forgiven* [emphases added]. (Amplified Bible, Lev. 5:2-7)

According to this passage, the sinner receives forgiveness through payment of considerable reparation (220 percent) and a symbolic act of surrender.³⁵ Monetary reparation alone would be insufficient.

Despite the long history of monetary reparations, we still question the ability of money to repair physical or emotional harm. Even in the US, where civil tort litigation is notoriously prevalent, it is common for defendants and the public to cast plaintiffs as moneygrubbers capitalizing on misfortune.³⁶ This, despite the multiple non-compensatory functions purportedly achieved by the ordering of payments: deterring bad actions, reinforcing mores, and punishing wrongdoers (Professor Peggy Cooper Davis, New York University School of Law, personal communication, December 2, 2005). Superficially, it is obvious that no amount of money can replace a lost limb, or worse, a lost child. But in the face of irrevocable tragedy, and accepting the limitations of manmade law, entering court to sue for money damages is a justice-seeking ritual.

Legislated Reparations versus Judicial Compensation

Surviving "comfort women" have invoked the governmental channels of legislation and litigation in service of their cause. While both means yield monetary payment, significant practical and moral differences exist between *legislated reparations* and *judicial* (court-ordered) *compensation*.

There is precedent for legislated reparations, or money that a congressional or parliamentary body orders paid to victims. In 1990, after decades of civil society organizing around the issue (Ijima 1998), the US Congress passed the Civil Liberties Act of 1988, which provided \$20,000 in reparations to each Japanese American interned during World War II.³⁷ The theatre of Congress is a performance space imbued with democratic meaning. With respect to Japanese-American internment, the legislature (the people) decided to give each survivor a uniform amount rather than tailor payments to individual circumstances, affirming that reparation is more a symbolic gesture than a dollar-for-dollar accounting.³⁸

Progressive organizers and politicians in Japan have attempted to legislate various reparations measures for "comfort women." In 1996, a Bill was unsuccessfully introduced to the House of Councilors to establish a fact-finding committee on the issue (Totsuka 1998). In 2003, the Promotion of Resolution for Issues concerning Victims of Wartime Sexual Coercion Act (Bill) was reintroduced to the National Diet by parliamentarians and NGOs like the Japan Fellowship of Reconciliation (Totsuka 1998). The Bill drew media attention and was formally supported by Korea's National Assembly but failed to pass into law (Totsuka 1998). Given the failure of voluntary reparations, survivors and advocates have turned to another theatre, the courtroom, to pursue compensatory civil lawsuits—suing for money damages based on inflicted harm. In 1990, after giving her initial testimony, Kim Haksun and two other Korean "comfort women"

filed a complaint in the Tokyo District Court (Hicks 1994, 117–19). To date, ten complaints have been filed by former “comfort women” in Japanese courts; six of these have been dismissed dispositively by Japan’s Supreme Court (Amnesty International 2005a). A hopeful moment came in April 1998, when the Shimonoseki branch of the Yamaguchi Prefectural Court ordered Japan to pay compensation to a plaintiff-class of three “comfort women” and seven forced laborers (Totsuka 1998). The trial court ruled that it was unconstitutional for the Japanese Diet not to provide legislated reparations. However, this rationale was rejected on appeal in March 2001, and compensation was never awarded (Yamaguchi 2001). In the US, survivor Hwang Geum Ju has been the named plaintiff in *Hwang Geum Joo v. Japan*.³⁹ Her case, now on its second appeal to the US Supreme Court, is based on the US Alien Tort Claims Act, which provides for jurisdiction in US courts for violations of the law of nations.⁴⁰

Out-of-court settlement involves negotiation, a variation on judicial compensation. Settlement usually occurs in the shadow of, or to cut short, contentious litigation. On November 24, 2005, Canada and the First Nations (the country’s aboriginal peoples) reached a \$2 billion settlement for abuse of native people in the state-mandated, church-run “residential schools” of the nineteenth and twentieth centuries, which were “primarily designed to culturally assimilate young aboriginal children.” The settlement agreement does not include a government apology, something the Assembly of First Nations has vowed to fight for (Gordon 2005).

Which form—i.e. legislated reparation or judicial compensation—is more compatible with social reparation? On the one hand, legislated reparations emphasize the voluntarism of *social guilt*, “a powerful political tool because of its vagueness and because of the voluntary nature of accepting responsibility” (Barkan 2000, 216). If memory and memorialization are requisite components of social reparation, then voluntarism indicates the aggressor’s willingness to deal with history. Yasuaki Ōnuma reflects: “it’s very unfortunate that the matter has come to court. From a moral perspective, especially after [Japan] became an economic superpower, [it] could have and should have [passed] the domestic law to respond to the voices of the victims.”⁴¹ On the other hand, going to court theoretically offers victim-plaintiffs the satisfaction of legal (and implicitly moral, in human rights litigation) judgment by a third-party decision-maker.

The compensation/reparation distinction permeates the controversy over the Asian Women’s Fund, a private entity established in 1995 to provide “comfort women” survivors with compensation (Yoshima 2000, 23–24). Established in part by the Japanese government, the Fund’s initial \$4 million (enough to provide each former “comfort woman” approximately \$16,667) was fundraised from private citizens and corporations (2000, 23–24). Surprisingly few survivors have accepted the Fund’s offer, despite the poverty in which most former “comfort women” live.⁴² Survivor Lola Ammonita explains, “I want justice—more than the money...I want a public apology from the Japanese government” (Amnesty International 2005b). That most “comfort

women" have rejected money from the Fund illustrates the distinction "between remedial responses to injustices (which can result from the goodwill or sense of justice of a third party) and reparation owed by the agent responsible for the injustice" (Thompson 2002, 42). It also shows the insufficiency of material reparation: "To [the 'comfort women' who rejected the money] the moral offense—the refusal of the Japanese government to acknowledge responsibility—depreciated the economic value of the compensation and made it valueless" (Barkan 2000, 324).

Beyond Materiality: Reparation in Social Dramas & Unconscious Reparation

With respect to an issue as deep and movement as large scale as that of the "comfort women," it should not be assumed that what is publicly demanded as reparation (namely, official apology and monetary payment) is the only level at which the need for restoration operates. Broader notions of reparation beyond law and politics can inform our conversations about the content and processes of reparative actions. Here, I touch on two influential theories of reparation from the recent past: that of anthropologist Victor Turner and that of psychoanalyst Melanie Klein.

Turner assumes a structural reading of social processes to glean his theory of the *social drama* (Turner 1974). From an ethnological interpretation of rituals and social conflicts, he devises the four-phase *social drama: breach, crisis, redressive action, and reintegration or irreparable schism* (Turner 1974, chap. 1). The "comfort women" story, like other political or social dramas, then, can be told within Turner's four-stage framework. (1) Japan's war crimes caused a *breach* or relational splintering between Japan and other nations and citizens. (2) This led to *crisis*, the current upheaval and civil society mobilization around "comfort women" issues, and the threat of failing to resolve the conflict before aged survivors pass away. (3) We thus seek out *redressive action* in what I call *social reparation*. (4) Depending on how Japan reacts to the demands for redress, it will produce either *reintegration* or *schism* in the international community.

Saidiya Hartman invokes the Turnerian framework to contextualize African and African-American performances (broadly construed) in the history of slavery. Looking at performance as "a necessarily incomplete working through of the event of breach" (Hartman 1997, 76), she says of *redress* (reparation):

Redress has liminal characteristics, the quality of being "betwixt and between"; it is poised between breach and mounting crisis and, as such, furnishes "a distanced replication and critique of the events leading up to and composing the crisis." These techniques concern remedying affiliations, caring for the violated and broken body, and reconstituting the terms of subjectivity for the socially dead." (Hartman 1997, 77)

The redressive techniques suggested by Hartman—mending relationships, healing the body, and returning voice to the “socially dead”—are apt for “comfort women” survivors. More challenging is Hartman’s perception of redress/reparation as an interstitial social process. While Turner stages his social drama linearly as *breach*, *crisis*, and then *redress*, Hartman characterizes *redress* as a liminal fending off of “mounting crisis”; that is, should *redress*, fail to achieve its restorative function, the breach will explode into a continued crisis.

In this nonlinear reading of Turner, Hartman aligns herself with psychoanalytic perspectives on reparation, namely that of Melanie Klein (1964). Klein has interpreted Freud to develop a theory of reparation that focuses on every person’s basic, early need to make up for “[o]ur grievances against our parents for having frustrated us, together with the feelings of hate and revenge to which these have given rise in us, and again, the feelings of guilt and despair arising out of this hate and revenge” (Klein 1964, 67). Reparation on this account is restorative, but impure; it is intermixed with aggression and hostility, evincing “the constant *interaction* of love and hate” (1964, 57). According to Klein, our “making reparation” is a means of relieving unconscious guilt and constitutes a “fundamental element in love and in all human relationships” (1964, 68).

Psychoanalytic reparation proceeds at the level of the individual but extrapolates to the societal level, as well. Its macro-instantiations can take various forms, some of which connect not intuitively to the “drive to reparation.” A peculiar, relevant example of Klein’s is the desire to *explore*, in all its moral and symbolic complexity:

The child’s early aggression stimulated the drive to restore and to make good, to put back into his mother the good things he had robbed her of in phantasy, and these wishes to make good merge into the later drive to explore, for by finding new land the explorer gives something to the world at large and to a number of people in particular. In his pursuit the explorer actually gives expression to both aggression and the drive to reparation. We know that in discovering a new country aggression is made use of in the struggle with the elements, and in overcoming difficulties of all kinds. But sometimes aggression is shown more openly; especially was this so in former times when ruthless cruelty against native populations was displayed by people who not only explored, but conquered and colonized. (1964, 104)

Exploration, then, epitomizes the hateful/aggressive and loving/restorative aspects of unconscious reparation. Taken literally, it is ironic to conceive of the explorer/colonizer as performing (psychoanalytic) reparation, given that current demands for (lay, monetary) reparations—the “comfort women” being no exception—are outgrowths of painful colonial legacies. For the purposes of the present paper, Klein’s critical observation is that reparation is an innate drive, a



FIGURE 4

Survivors at a Wednesday protest in 2005. (photo: courtesy of Korean Council: <http://www.womenandwar.net>)

restorative impulse that imbues the individual life and pervades both interpersonal and societal/national relationships.

5. Social Reparation: Corporate Healing & Historical Truth

Armed with a vocabulary of reparation and the recognition that neither money nor apology alone can sufficiently heal the open wounds of the past, I turn now to explore what kinds of reparation would be appropriate and effective in the case of "comfort women" (Figure 4). Amnesty International has recently described "full reparation" for the survivors as including:

rehabilitation, including healthcare; compensation; restitution of lost homes, livelihood and property; guarantees that the crimes committed against them will not be repeated and forms of satisfaction such as restoration of their dignity and reputation through public apology and acknowledgement of the harm they have suffered. (Amnesty International 2005a, 4)

This is a robust account, but many survivors ask for more in the way of symbolic, prospective reparations, pointing to a thick, holistic model of reparative action that encompasses official/ritualized apology, material restitution, public memorialization, and accurate historical education.⁴³ In demanding what I have termed

social reparation, “comfort women” invite Japan to engage in dialogic performances that treat reparations as “practices, events, and behaviors, not as ‘objects’ or ‘things.’”⁴⁴ This dialogue would unfold as a fluid ritual in which the many acts of social reparation would be performed toward the end-goal of political forgiveness. For this to occur, there must, of course, be a “mutuality of desires” (Lee 2003, 23) between aggressor and victim (Austinian sincerity), a shared hope for political forgiveness, and a shared responsibility for bringing it to fruition. Social reparation foregrounds the work of memory, for memorialization serves as a means of healing corporate trauma and ensuring historical truth, to which I now turn.

Healing Corporate Traumas

This paper began by summarizing the history of “comfort women”. Theirs is a 60-year legacy of *trauma*, or “a blow” defined generally as “a blow to the tissues of the body—or more frequently now, to the tissues of the mind—that results in injury or some other disturbance” (Erikson 1995, 183). In their lifetimes, “comfort women” have suffered an extraordinary range of traumatic experiences—enslavement, rape, silencing, and abandonment—proving Dr. Judith Herman’s observation that “[p]rolonged, repeated trauma . . . occurs only in circumstances of captivity” (Herman 1997, 74). Given this horrific history, why do I choose to invoke the abstraction of memory as a vehicle of healing?

The mending of trauma as a process of social reparation is deeply connected to memory. From medical experts and therapists to theologians and philosophers, thinkers on trauma have recognized that the telling and reconstruction of the pained account “actually transforms the traumatic memory, so that it can be integrated into the survivor’s life story” (Herman 1997, 175). The survivor is thus an immediate witness, and in the context of mass atrocities, what Avishai Margalit calls a *moral witness*, “one who experiences the suffering” firsthand and hopes “that in another place or another time there exists, or will exist, a moral community that will listen to [her] testimony (Margalit 2002, 150).” The moral witness not only remembers her own past, but memorializes it, usually through a process of verbalization. Former “comfort woman” Maria Rosa Henson, who eventually translated her experiences into a published book (Henson 1999), engaged in this labor of memory: “I tried to work my mind all the time, night and day . . . I learned to remember everything, to remember always, so that I will not go mad” (Mydans 1996). This is not to oversimplify the difficulty of testimony, which Survivor Kim Haksun understood well: “I find it very painful to recall my memories. Why haven’t I been able to lead a normal life, free from shame, like other people?” (Kim, “Bitter memories,” in Howard 1995, 40). Henson and Kim, like too many other former “comfort women,” have now passed on—a passage that underscores the special meaning of memory late in one’s life. Indeed, the unique psychological posture of aging persons accounts, at least in

part, for why the "comfort women" disclosed their experiences so many decades after the primary infliction of their trauma:

Old age, with its losses, imposes the inescapable necessity to face one's past. This development determines that one either accepts one's self and one's past or continues to reject it angrily. In other words, the choice is . . . integration or despair. (Henry Krystal, in Erikson 1995, 83)

This is more than a lofty theoretical distinction. At a recent V-Day event in Manhattan, New York, where survivors Lee Yongso and Kim Oksun gave testimony, advocate Heisoo Shin of the Korean Council observed that the women used to be afraid and would censor their identities but now protest and give testimony without shame.⁴⁵ In Shin's assessment, Lee and Kim have chosen the brave path of integration.

Ensuring Historical Truth

Memorialization is thus realized in personal testimony, but it is just as important to the formation of history at a general, societal level, for in the "coming to voice of the victims . . . history itself is remade" (Jelin 2003, 85). While not at the fore of reparations discourse, the telling of history "against the grain in order to write a different account of the past" (Hartman 1997, 10) plays an important role in the "comfort women" movement. This is especially true given Japan's historical amnesia and tendency toward historical revisionism. Accurate historical memorialization is both an intrinsic and an instrumental good: it honors the experiences of survivors while preventing the erasure of painful memories that nearly guarantees a recycling of the past. According to Hannah Arendt, "[t]he greatest evildoers are those who don't remember because they have never given thought to the matter, and, without remembrance, nothing can hold them back" (Arendt 2003, 95). Moreover, "[n]ations are prone to interpret history in their own favour and in ways that contradict the interpretations of their neighbors and rivals" (Thompson 2002, 85), as hyperbolically seen in Japan's continuing textbook controversy (Akemi Nakamura 2005). To avoid forgetting: this is why the "comfort women" demand multidimensional social reparation. As we distance ourselves from past horrors, we relegate them to the periphery of our consciousness and eventually dismiss them as exceptional historical accidents with no predictive power. The point of social reparation is that no one should *forget* what has happened, although it may be in everyone's best interest to (politically) *forgive*, for "it is this very commitment to truth, in a dialogic context and with an authentic listener, which allows for a reconciliation with the broken promise, and which makes the resumption of life, in spite of the failed promise, at all possible" (Dori Laub, in Erikson 1995).

If we accept the ideas of an international community and some shared human history, then every individual and collectivity should engage in the dialogic practices of social reparation. The relevant actors should include

the home countries of the “comfort women” as well as the greater international public, for social reparation would permit Japan to re-enter a moral community with its former colonies (China, Indonesia, Korea, Philippines, Taiwan). During the war, Japan breached these relationships by violating the highest human rights standards: the *jus cogens* and *erga omnes* prohibitions of slavery and torture.⁴⁶ But we have today the opportunity to pursue social reparation: “[t]he cost of admitting guilt (especially on the home front) and the difficulty of conceding that one’s identity is mired in crimes of injustice may be somewhat eased by the international trend to validate the ritual of public confession and legitimized by the recognition of the egalitarianism of imperfection” (Barkan 2000, 323).

The reconstruction of history demands that every citizen accept the proposition, “I must be held responsible for something I have not done, and the reason for my responsibility must be my membership in a group (a collective) which no voluntary act of mine can dissolve” (Arendt 2003, 149). In taking this vow, we accept our complicity in suffering, a ubiquitous complicity identified by Mark Sanders in his analysis of the post-apartheid Truth and Reconciliation Commission in South Africa (Sanders 2002). Sanders draws from the writings of Emile Zola and Jacques Derrida to examine the self-conscious individual’s striving against this sin: in Zola, “The duty to speak out is linked with a will or desire not to be an accomplice” (2002, 4); similarly, in Derrida’s analysis of Heidegger, “When opposition does not free one from complicity, but depends on it as its condition of possibility, responsibility is sharpened” (2002, 10). Each individual’s commitment to this identity of complicity—Arendt’s definition of *collective responsibility*—is a necessary condition of social reparation. Survivors, perhaps the only innocents, are excepted from this rule but may be obliged nevertheless to grant political forgiveness—not for the sake of Japanese perpetrators or other actors, but for their own (Margalit 2002, 207).

Survivors’ home governments, too, must respond to the call for social reparation, not only because they are the stewards of their people, but because they themselves have caused or contributed to the Turnerian breach. For instance, in the mid-1990s, the South Korean government failed to endorse the UN determination that Japan is legally obligated to provide compensation to “comfort women” (Moon 1999, 311, n.3). Survivors like Kim Tökchin express anger but desire restoration with respect to their home countries: “Of course Japan is to blame, but I resent the Koreans who were their instruments even more than the Japanese they worked for. I have so much to say to my own government” (see Kim, “I have much to say to the Korean government,” in Howard 1995, 49).

6. Conclusion: Survivors’ Neglected Epilogue

What is the arc of the survivor’s life? *Breach, crisis, redress, reintegration?* Many “comfort women” have rounded their arc, having served diligently as moral

witnesses in their postwar lives. Many others, now in their seventies and eighties, press onward, continuing to demonstrate every Wednesday outside the Japanese embassy in Seoul. On March 15, 2006, marking the 700th of these weekly protests, surviving "comfort women" and their advocates protested in front of Japanese embassies and consulates around the world, vocalizing their desire to experience justice and repair.

In developing a theory of social reparation, I have tried to illuminate what the 'comfort women' are after. Yes, they want an official apology, and want and need monetary payment. But they also want to be remembered, to tell the world what has happened, and to prevent the cycling of their violent history. Testimony thus figures centrally, making "comfort women" moral witnesses whose story-and truth-telling have eclipsed the war. As listeners, we must guard against curbing their testimony. Researcher Sarah Chang observes:

Some of the women who have been interviewed innumerable times by the media now know how to present their stories best for the camera. They understand that interviewers want sound-bytes, packaged and ready for the evening news. Some women have given up on the idea that journalists are truly listening to their story: "Even reporters who seem to be helping us do not respect us. I ask them, 'Do you tell the public everything we tell you?' And they say, 'Of course, *halmoni*,'⁴⁷ of course,' but that's not true. They change our words." Lee Ok Sun, a former "comfort woman," sees that her words are fragile and that she must guard them closely lest they be commodified for mass consumption. (Chang 2005, 2)

Building on this notion of testimony, I also conceive of social reparation as a demand for historical truth in the service of political forgiveness. Underlying this demand is the presumption that every individual belongs to and owes some duty to a universal international community, a connection forged by the juridical discourse of human rights or something more transcendent. Social reparation, then, should involve every individual member of this metaphorical society, the living and the dead.

While our drive to reparation expresses the hope of being made whole, we are inevitably haunted by those who have already passed on, forever deprived of their moral entitlement to social repair. Like the survivor-turned-shaman in Nora Okja Keller's novel, living "comfort women" are possessed by the images, persons, and trauma of their time in bondage. In 1993, survivor Yi Yongsu testified: "I visited my parents' graves the other day. I said to them: 'Mother, I know you won't come back to life however much I may wish for it. My own people will avenge me. Please close your eyes and go to paradise'" (see Yi, "Return my youth to me," in Howard 1995, 94). I am haunted by her promise: *My own people will avenge me*. Can social reparation alleviate our instinctual move to revenge? How do we enact such a performance satisfactorily? In response, survivor Gil Won-ok, age 78, offers the perspective of a true moral witness:⁴⁸

The Japanese government thinks if all “comfort women” die, it will be buried and forgotten. But it won’t. As long as our next generation knows about it, it won’t be forgotten. I go to the Wednesday Demonstration . . . When I see young people there, I feel supported. I am there even if I am aching, because of them.

Gil Won-ok challenges Japan to engage in social reparation: to choose the path of restoration, healing, and political forgiveness.

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NOTES

1. In this paper, Japanese and Korean names are generally written as surname, then name, unless the named subject has chosen to follow the reverse convention.
2. After much consideration of terms such as “military sex slave” and the Korean “*jeongshindae*” (voluntary body corps), I decided to use the term “comfort woman” in quotes throughout the paper. “Comfort woman” appears consistently in both advocacy materials and academic research, which leads me to believe that: first, survivors and advocates have transformed and reclaimed this euphemism; and second, that for research and collaborative purposes, it is useful to rely on a single term for consistency.
3. In fact, “comfort stations” existed as early as 1930 in Shanghai; 1937 marks their systematization. See Lee Mi-Gyeong, “Realities of the ‘comfort women’ in South Korea,” in *War Victimization and Japan: International Public Hearing Report* (1993, 10). According to Yoshimi Yoshiaki, the first military “comfort station” was established in Pingquan in 1933, during the early period of Japan’s war with China (Yoshimi 2000, 43).
4. For example, according to one researcher, 30 of 30 Filipina “comfort women” interviewed in the early 1990s reported being “forcibly taken from the work place” (“Questions and answers,” McDougall 2000, 47). See also Yuki Tanaka (2002, 44–50).
5. See e.g. Chunghee Sarah Soh (1996, 1227, 1229). For more on the economy of Korean worker recruitment see Tanaka (2002, 34–37).
6. I use the terminology of Professor Sylvia Law. For more on *commercial sex* (as opposed to *prostitution*), see Law (2000, 523–610). To the extent that there were volunteer sex workers, they were Japanese women who had already been working in the sex industry; see Lee Mi-Gyeong (1993, 12).

7. Iris Chang and others believe that the Japanese established the comfort women system in response to the Rape of Nanking, the most infamous episode of mass rape and violence committed by the Japanese army. See Chang (1997, 52–9) and Yoshimi (2000, 51). Tanaka (2002, 167) notes that Japan had practice sex trafficking earlier in its history.
8. For information on Dutch colonialism and racism see Tanaka (2002, 59).
9. See Tanaka (2002, 180 and chap. 3). This is not to say that Koreans did not participate in the violence against women. By the 1930s, "Koreans could no longer blame just the foreign race for the misfortunates [*sic*] that befell them, since the regime often presented itself in the person of a Korean official" (Cumings 1997, 178).
10. See Tanaka (2002, 100–05), wherein she discusses "the universality of rape in war."
11. Yi, "It makes me sad that I can't have children," in Howard (1995, 118). See also Kang, "Brother, don't avoid me," in *War victimization and Japan* (1993, 23–24): "During the war those military men had their own way. For example, they would bite off the nipples of a woman simply because she was slow in getting ready for them. There was even one Japanese serviceman who gouged out the breasts and the genitals of a woman with his bayonet . . . When they thought I was not obedient enough, they slashed me with a sword at my right eye, beneath my forehead, the back of my neck and on my head."
12. Chang (1997, 222). In July 2005, I had an illuminating conversation about collective guilt and education with a German friend in Tübingen, Germany. When I raised the issue of Japanese amnesia and the need for accountability in historical education, she responded by saying, "Yeah, but it can go too far." From her point of view, young Germans like herself, disconnected from the war, feel inundated by "indoctrinated remorse."
13. Ivy Lee (2003, 24). I add that, while judicial (courtroom) justice is important, Martha Minow is wise to observe that, "[w]ithout a personal transformation, the focus on prosecution can entrench an adversarial thirst for revenge. That kind of thirst is seldom satisfied even by successful prosecutions, and failure in the prosecutorial structure can seem another betrayal" (Minow 1998, 8).
14. See Lee (2003, 24). Conversely, the Tokyo Tribunal also possessed some interesting elements with respect to women's rights. In contrast to Nuremberg, the Tokyo Tribunal indicted at least one defendant, General Yamashita, for "fail[ure] to control, stop, or prevent acts of murder, rape, and other serious crimes committed by persons under his command" (Askin 1997, 203; emphasis added). Also, the prosecutorial team included three women: "While it is unknown whether these women were responsible for including rape charges within the indictments," Askin writes, "perhaps their presence and participation made a difference" (1997, 167). Still, rape and sexual enslavement were not brought as independent charges, despite their illegality under international law at that time and US knowledge of the "comfort women" system at the end of the war. In fact, "[t]he United States Army had even . . . made a study of a group

- of comfort women, and Allied soldiers had been known to take advantage of them" (Hicks 1994, 270).
15. Lee (2003, 19). Under US control after the war, South Korea was purportedly represented by the US in treaty negotiations.
 16. Only in February 2004 did a Seoul Court order the release of Korean documents related to the Accord: Ryu Jin (2005).
 17. See article: "Ex-forced laborer demands compensation," *Korea Times*, January 26, 2005.
 18. See *Past Exhibitions: Little Boy*, Japan Society, New York (<http://www.japansociety.org/events/past.cfm#little>).
 19. Katharine H. S. Moon has written on the intersection between the "comfort women" and *gijichon* (the villages in the immediate vicinity of US military bases in South Korea that cater to American military men, particularly with respect to sexual labor) movements, an important area of study: Moon (1999, 310–27). See also Nora Okja Keller (2002).
 20. There was in fact another Korean "comfort woman," Pae Pong Gi, who came forward earlier but in a less political fashion: her story was featured in Yamatani Tetsuo's 1979 film, *An Old Lady in Okinawa* (Hicks 1994, 194). Many writers have attributed the delay in speaking out to the patriarchal structure of Korean society, which valorizes chastity to an extreme. While this in itself is debatable, the kind of sexual violence involved in the "comfort women" system is so extreme as to make any woman, regardless of her societal context, reluctant to bear witness. Dai-Shil Kim-Gibson believes that Korean "comfort women" wanted to overcome shame and testify about their experiences but were discouraged to do so by their communities: Kim-Gibson (presentation, Cardozo School of Law, New York, November 17, 2005).
 21. Documentarian Dai-Sil Kim-Gibson was inspired to research "comfort women" history by the initial disclosure of Kim Haksun. At the time, Kim-Gibson was a Korean-American graduate student in Washington, DC, who knew nothing of "comfort women." By chance, she was called on to translate the testimony of Kim Haksun at an organizational event in the capitol, an experience that led her to write a book and a film of the same title, *Silence Broken*. Kim-Gibson (presentation, Cardozo School of Law, New York, November 17, 2005).
 22. I explore litigation later in the paper.
 23. Hicks (1994, 205–06). Yoshimi went through Japan's Library of the National Institute for Defense Studies, confirming *inter alia* that "comfort stations" were explicitly established by the military "to avoid a repetition of previous disorder," the Rape of Nanking.
 24. The works of Hicks, Kim-Gibson, and Howard all include the voices of "comfort women." See also Sangmie Choi Schellstede (2000).
 25. Sulia Chan (presentation, Cardozo School of Law, New York, November 17, 2005). See also The Global Alliance for Preserving the History of WWII in Asia (<http://www.global-alliance.net>).

26. See "V-Day Spotlight 2006: Justice to 'Comfort Women,'" V-Day (<http://www.vday.org/contents/vcampaigns/spotlight/comfortwomen>).
27. McDougall, *Systematic rape, sexual slavery and slavery-like practices during armed conflict. Update to final report submitted by Ms Gay McDougall; Radhika Coomaraswamy, Report of the Special Rapporteur on Violence against Women, its Causes and Consequences in Accordance with Commission on Human Rights Resolution 1994/45*, UN Doc. E/CN.4/1996/53/Add.1/Corr.1, February 7, 1996; and Ustinia Dologopol and Snehal Paranjape, International Commission of Jurists, *Comfort Women: An Unfinished Ordeal*. In addition, South Korean has gone to the International Labor Organization on behalf of forced laborers (including "comfort women") under Japanese rule.
28. See Yatori Matsui, "Women's International War Crimes Tribunal on Japan's Military Sexual Slavery: Memory, Identity, and Society," in Lee (2003, 259–79). The international Tribunal was a grand drama, a "performance" in nearly every sense of the word, and that included prosecutors, witnesses, and judges from around the world.
29. *The Oxford Dictionary of English Etymology*, ed. C. T. Onions (1966), s.v. "apology." I focus here on the etymology of the English *apology*, both because of my linguistic limitations (I do speak Korean, but not Japanese) and because the general sense of this concept is sufficiently cross-cultural for the purposes of this analysis.
30. P. E. Digeser (2001, 11) builds on J. L. Austin's notion of apology as an "explicit performative verb" to identify forgiveness as a speech act: "a peculiar set of performances that releases people from their past actions."
31. Digeser (2001, 4–5). Political forgiveness is defined as "an illocutionary act of self-disclosure" that "entails the release of debts" and takes place before a public audience who "receive[s] and understand[s] both the message that the debt has been forgiven and the invitation to restore a relationship."
32. See Barkan (2001, 61). It was also under Hashimoto's tenure that the non-governmental reparative Asian Women's Fund was established: Minow (1998, 105).
33. Matsui, in Lee (2003, 266). Koizumi's ritualized behavior at the shrine recalls Schechner's (2002, 47) observation that, "Many state ceremonies take on the quality of a religious ritual, with the state playing the role of the transcendent or godly other."
34. Torpey, Introduction in Cairns (2003, 23).
35. The passage prescribes two strains of reparative actions: first, the sinner must compensate the aggrieved party for 100 percent plus an additional 20 percent of the latter's loss. Second, the sinner must acquire a ram equivalent in value to the aggrieved party's loss and surrender it for ceremonial animal sacrifice by a priest. This latter action is performed for the audience of God, rather than man.
36. See e.g. Kent D. Streseman (1995, 1268–1330).
37. In 1988, President Ronald Reagan signed the Civil Liberties Act into law, Pub. L. No. 100-383, 102 Stat. 903 (1990).

38. The Act reads: “[T]he Congress recognizes that, as described by the Commission on Wartime Relocation and Internment of Civilians, a grave injustice was done to both citizens and permanent resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. As the Commission documents, these actions were carried out without adequate security reasons and without any acts of espionage or sabotage documented by the Commission, and were motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership. The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering for which appropriate compensation has not been made. For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the Congress apologizes on behalf of the Nation” (s. 2(a)).
39. See *Hwang Geum Joo v. Japan*, 413 F.3d 45 (D.C. Cir. 2005).
40. The Alien Tort Claims Act, or Alien Tort Statute, 28 U.S.C. 1350, states: “The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.”
41. Laura Hein, “War compensation: Claims against the Japanese government and Japanese corporations for war crimes,” in Cairns (2003, 141).
42. Maria Rosa Henson, discussed earlier in this paper, was one of the few women to accept money from the Asian Women’s Fund: see Mydans (1996).
43. Survivor Lola Ammonita recently said, “I want justice—more than the money, I want a public apology. The apology should come from the Japanese government, they should admit to the atrocities that happened, we want a promise that they will never be involved in the abuse of women again. I wouldn’t exchange my dignity for all the money in the world”: *Fifteen “comfort women” tell their story* (Amnesty International: <http://www.amnesty.org/resources/slideshow/comfortwomen>).
44. Schechner (2002, 2): “Performance must be construed as a ‘broad spectrum’ or ‘continuum’ of human actions ranging from ritual, play, sports, popular entertainments, the performing arts (theatre, dance, music), and everyday life performances to the enactment of social, professional, gender, race, and class roles, and on to healing (from shamanism to surgery), the media, and the internet.”
45. Heisoo Shin, in a presentation at Marymount Manhattan College, February 19, 2006.
46. *Erga omnes* norms define obligations owed to the international community as a whole. *Jus cogens* refers to a status level of rights that is higher than treaties or customary law; arrived upon by state consensus, they are rights so universal that treaty provisions cannot defeat them. Olivier De Schutter (lecture, New York University School of Law, September 2004).
47. *Halmoni* means “grandmother” in Korean.

48. *Fifteen "comfort women" tell their story* (Amnesty International: <http://www.amnesty.org/resources/slideshow/comfortwomen>).

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E. Tammy Kim, E-mail: etammykim@gmail.com