
Volume 19

Issue 1 *New Writings in Feminist Studies: Winning and Shortlisted Entries from the 2017 Feminist and Women's Studies Association's Annual Student Essay Competition*

Article 6

Jan-2018

Honour and Dignity: Trauma Recovery and International Law in the Issue of the Comfort Women of South Korea

Gudrun Getz

Follow this and additional works at: <http://vc.bridgew.edu/jiws>



Part of the [Women's Studies Commons](#)

Recommended Citation

Getz, Gudrun (2018). Honour and Dignity: Trauma Recovery and International Law in the Issue of the Comfort Women of South Korea. *Journal of International Women's Studies*, 19(1), 63-77.
Available at: <http://vc.bridgew.edu/jiws/vol19/iss1/6>

Honour and Dignity: Trauma Recovery and International Law in the Issue of the Comfort Women of South Korea

By Gudrun Getz¹

Abstract

Despite the decades of work undertaken by the international legal community to attain full and satisfactory reparation for the consequences of Japan's actions during World War II, the emotionally-charged bilateral dispute between Japan and South Korea over the issue of the so-called 'comfort women' continues to this day. This paper is focused on analysis of the discourses surrounding the issue through the lens of a psychoanalytic methodological framework. Based upon the therapeutic work of one of the world's leading sexual trauma specialists Judith Herman and her text *Trauma and Recovery* (1992), the paper examines the issues at stake in the comfort women issue through the themes inherent to Herman's three stages of recovery for survivors of violent trauma. The research concludes that, while there are limitations in applying psychoanalytic methodologies to diplomatic disputes, there is value in pursuing and campaigning for holistic and therapeutic approaches to historical trauma in the context of feminist legal activism.

Keywords: Comfort women, transitional justice, psychoanalytic theory

Introduction

The on-going issue of the so-called 'comfort women'² of South Korea and the continued dialogue surrounding the traumatic period in World War II, during which Japan's military and governmental authorities detained up to 200,000 young women and girls in euphemistically-named 'comfort stations', is one of the most complex and longest-running legacies of the Second World War. In the decades following Japan's admonition in the Tokyo Trials, which failed to prosecute the horrific crimes against hundreds of thousands of women who had been forced into sexual slavery by the Japanese military (Henry, 2013), multiple attempts have been made both by South Korea and the international community to achieve satisfactory reparation. While the systems and procedures of international law have sought to resolve the diplomatic disputes surrounding the comfort women, via legal modes of reparation, and with a particular focus on the women of South Korea who make up the majority of the victims and survivors, the long-lasting consequences of this violent trauma both for the psyche of the individuals involved and the collective memory of the victim-nation have yet to be healed. In this regard, psychological and emotional distress lies at

¹ Gudrun Getz recently completed an MA Gender Studies with distinction at SOAS University of London. This paper is an extended and revised version of her final project for the *Gender, Armed Conflict and International Law* module under the tutelage of Dr. Gina Heathcote. Gudrun's research interests include Japanese culture and society, collective historical memory, ecofeminism, deep ecology and feminist approaches to religious and spiritual practice.

² In Japanese 慰安婦 (*ianfu*), 위안부 (*wianbu*) in Korean. An estimated 200,000 women and young girls from across Korea, China, the Phillipines, Burma, Thailand, Vietnam, Malaysia, East Timor and Indonesia (then Dutch East Indies) were forced into sexual slavery by the Imperial Japanese Army and referred to as 'comfort women'. The term itself provokes controversy and use of the words 'comfort women' should be assumed hereafter to refer to the 'so-called comfort women'.

the heart of this case. This paper will therefore explore the issue of the comfort women through a methodological framework of feminist psychoanalytic critical theory, specifically the work of Judith Herman, and the three stages of recovery she proposes in her ground-breaking text *Trauma and Recovery* (1992). In taking this approach I argue for the benefits of incorporating psychoanalytic theory into feminist international legal theory when approaching reparation for historical abuse and trauma. I assert that, in doing so, one brings the private sphere (traditionally occupied by women) into the public sphere (as conventionally occupied by men; Rosaldo 1974), thus mobilising feminist activism by highlighting the emotional and psychological impact that sexual violence has on the victim-survivor.

Throughout this paper I analyse the discourse surrounding the comfort women, and the legal frameworks employed by the international community, alongside the actions of Japanese and South Korean government bodies and NGOs, all within the context of Herman's three stages of recovery. I argue that full and complete resolution of the issue has not been achieved due to an underlying failure to appropriately comply with the requirements of these trauma recovery processes. The paper will follow the structure of Herman's recovery stages: 1) safety, 2) remembrance and mourning, and 3) reconnection. In the first instance, Herman demonstrates that the foundational stage of trauma recovery is reinstatement of physical, emotional and psychological safety for the victim-survivor. Here I argue that the historical failure of the Allied Forces to acknowledge the crimes during the Tokyo Trials, the gendered hierarchies that are reproduced with the repeated use of the phrase 'honour and dignity' in reference to the comfort women, and the consistent framing of Japan as eternal aggressor, all serve to deny full recovery of safety to the victim-survivors. Following the establishment of safety, Herman details the process of remembrance of the trauma and the mourning of what was lost throughout the abuse. In exploring these themes, I examine the ongoing tensions over comfort women memorial statues, the politics of the Yasukuni War Shrine, and the denial of responsibility and promotion of revisionist discourse from the Japanese state as obstacles to remembrance and mourning. Herman's final stage of reconnection refers to reconnection both with a subjective identity of Self and, consequently, between Self and community. This process follows the successful completion of the first two stages and represents the overall goal of trauma recovery. This section will discuss the role of the Asian Women's Fund, the Wednesday Demonstrations and independent women's tribunals in promoting and aiding a reconnection process, while asking whether these activisms depend upon maintaining a wider sense of disconnect between the bilateral communities of Japan and South Korea. My closing arguments centre on an assessment of the limitations and effectiveness of adopting this approach within the context of international law and diplomatic disputes, with the aim of encouraging further dialogue surrounding feminist psychoanalytic methodologies as a route to healing historical trauma between nations.

Safety

Trauma robs the victim of a sense of power and control; the guiding principle of recovery is to restore power and control to the survivor. The first task of recovery is to establish the survivor's safety. This task takes precedence over all others, for no other therapeutic work can possibly succeed if safety has not been adequately secured. (Herman 1992, p. 159)

The Tokyo Trials and Allied Forces as obstacles to safety

Following the surrender of Japan and subsequent US occupation in 1945, one could be forgiven for assuming that the process of securing safety for Korea's comfort women, as Herman describes above, would naturally emerge as a result of the liberation of Korea from 35 years of Japanese colonial rule. On the contrary, this merely marked the beginning of a long and tumultuous road toward recovery that continues decades later.

The International Military Tribunal for the Far East (hereafter the Tokyo Trials) that ran from 1946 to 1948 appeared to seek full justice for the violences committed by Japan during the war, yet the exclusion of the comfort women issue from these trials represents the first major denial of safety restoration for the victims and survivors of the atrocities, with even the existence of 'comfort stations' entirely left out of the proceedings. As Herman notes, "[t]raumatic syndromes cannot be properly treated if they are not diagnosed" (1991, p.156), and the omission of the experiences of the comfort women from the long list of charges laid out against Japan ultimately signifies failure at the first hurdle in its refusal to acknowledge that a trauma had even occurred.

Furthermore, it has since become clear that this was despite the Allied Forces having extensive knowledge of comfort stations (Henry, 2013). Documentation prepared by the US Army Psychological Warfare Team provides evidence of the interrogation of twenty Korean comfort women captured as prisoners of war, the details of which are presented in the *Japanese Prisoner of War Interrogation Report No.49* (United States Office of War Information, 1944; hereafter *Report No.49*). Although this report clearly demonstrates awareness of the existence of comfort stations, the brevity of the document from a unit that ordinarily produced highly detailed accounts of its interrogations has been argued to indicate that there was little interest in the subject on the part of the US military (Tanaka, 2002). Examination of *Report No.49* reveals deeply gendered and racist overtones in the attitudes of the authors in its references to "native girls" and in statements such as, "interrogations show the average Korean 'comfort girl' to be... uneducated, childish, and selfish" and "not pretty either by Japanese or Caucasian standards". Aside from the derogatory tone of the report, which describes the women as "nothing more than prostitutes", there is no commentary on the violations committed against these women under the systematic control of the comfort stations. Instead the interrogators appear far more interested in ascertaining whether any Japanese soldiers revealed state secrets to the women, and the report has an overall air of dismissal and disinterest in the experiences of the women themselves. Quite simply, at no time was there a consideration that the comfort stations might represent a serious atrocity or war crime. It is highly plausible that this was a result of a pervading attitude at the time that rape was, at best, an unfortunate side-effect of war, at worst a good soldier's 'reward' for victory (Gardam, 1997). In addition to such casual attitudes toward sexual violence, the strong likelihood that the exclusion of the comfort women issue from the Tokyo Trials was an attempt to avoid scrutiny of US soldier's regular use of comfort stations themselves during the occupation (Tanaka, 2002) makes the inability of the Allied Forces to restore a sense of safety to the victims of Japan's system of sexual slavery painfully clear.

In the years since the Tokyo Trials, Japan has repeatedly denied legal responsibility for the atrocities committed against the comfort women, arguing that neither customary nor conventional international law prohibited such actions at the time they occurred (Ahmed, 2004). Although Japan chose to extricate itself from the League of Nations in 1933 in what appears to be a defiant refusal to be held to the standards of international law, key treaty signatures provide evidence that Japan was well aware of international law in regard to enslavement and sexual exploitation. Articles 1 and 2 of the 1910 Convention for the Suppression of the White Slave Traffic state that the

recruitment of women or underage girls for “immoral purposes” and “in order to gratify the passions of another person” will lead to punishment, and Japan’s 1925 ratification of the 1921 International Convention for the Suppression of the Traffic in Women and Children saw them agreeing to the formal criminalisation of these activities. That the Allied Forces failed to enforce prosecution at the Tokyo Trials on the basis of this ratification further destabilises the process of safety recovery for the victim-survivors, since this exclusion undermines international law’s capacity to create an atmosphere of trust and, consequently, a safe environment for survivors. Herman notes: “Survivors feel unsafe in their bodies...Establishing safety begins by focusing on control of the body and gradually moves outward toward control of the environment” (1992, p.160). Given that the bodies of comfort women continued to be violated by Allied troops even after the surrender of Japan, and that, when issues pertaining to the war moved outward to the wider environment of international law, their bodies, voices and experiences were actively excluded from proceedings that might have provided protection, I assert that the entire foundation of trauma recovery was undermined from the very beginning.

Honour and dignity: denial of safety through gendered hierarchies

Following the supposedly conclusive judgements of the Tokyo Trials, the stories of the comfort women remained largely unheard until the late 1980s, when they began to surface in South Korea. Ongoing conflict in the Korean War, continued political struggle surrounding the democratisation that followed, and the global uncertainty of the Cold War all compounded the Korean comfort women’s silence and inability to come forward to tell their harrowing stories. With democratisation, however, came the rapid growth of women’s rights movements in Korea and by the early 1990s survivors began to disclose their experiences of life in the comfort stations (Myoung-sook, 2008). In response to mounting pressure from a number of women’s rights organisations to address the issue, Japan found itself forced to launch an investigation into the case of the comfort women and released their findings via the 1993 Kōno Statement. In a carefully worded statement, Chief Cabinet Secretary Yōhei Kōno expressed Japan’s remorse over the injury done to the “honour and dignity” of the comfort women, a phrase that would come up time and again in future discourses.³ I argue here that the repeated use of this phrase throughout diplomatic discourse serves to further undermine the establishment of safety for the victim-survivors by reproducing the intensely gendered systems of hierarchy that enable sexual violence against women to begin with.

The concept of dignity within the context of international law is at once both frustratingly vague and specific in its normativity. A product of post-World War II efforts to create a universal standard by which to measure the presence of human rights, the lack of a clear definition as to what constitutes ‘dignity’ renders the term one of assumed “common sense” (Kamir, 2006, p.193). What *is* clear from the opening lines of the Universal Declaration of Human Rights is that dignity is an inherent quality that humans possess by default rather than by right of social status (*ibid.*). This being the case, use of the word would imply that the inherent dignity of the comfort women was removed by the actions of Japan and must therefore be ‘restored’ by that nation, as urged by Special Rapporteur Radhika Coomaraswamy (United Nations Economic and Social Council, 1996). I propose that the repeated demand from the international community for Japan to ‘give back’ a dignity that it steadfastly ‘withholds’ serves to maintain the power dynamics inherent to Japan’s role as aggressor-abuser who ‘enslaves’ South Korea as victim-survivor. By providing

³ See for example United Nations Committee Against Torture & Other Cruel, Inhuman or Degrading Treatment or Punishment (2013) and Shadow Report to CEDAW (2009)

Japan with the opportunity to deny an ‘inherent’ attribute to the victim-survivors, Japan retains its power as a historical abuser and inhibits the reinstatement of safety by reproducing the original ordeal of having this dignity ‘removed’.

The gendered implications of the use of the word ‘honour’ further destabilise the first stage of trauma recovery. As Kamir notes, while “[a]ll persons are worthy of human dignity and/or possess it merely by being human... [h]onour entails variable status and virtue” (2006, p.202) and, when those persons happen to be female, the presence or lack of either honour or its polar opposite, shame, is intrinsically linked to her sexual activity. Furthermore, “[a]n honour society entails a structured hierarchy and strict social roles, encouraging assertive competition among men and sexual constraint among women” (*ibid.* p.196). Thus repeated references to the need for reclamation of honour for the comfort women is not only a request for the removal of the ‘shame’ associated with their bodies, it is a demand for the stripping of ‘honour’ from the patriarchal nation of Japan.

Japan remains a disarmed nation since the war, with Article 9 of its 1946 constitution declaring renouncement of war as a sovereign right and pledging eternal disarmament.⁴ Interestingly, this introduction to the constitution expresses the desire that the people of Japan “...occupy an *honoured* place in an international society...” (Constitution of Japan 1946; my emphasis), suggesting that, along with an underlying principle of pacifism, recovery from shame was among Japan’s top priorities after the war. Perhaps the discursive restoration of honour to the comfort women and South Korea as a collective community represents a figurative emasculation of Japan as a nation, since the (re)construction of collective shame for Japan would be an inevitable consequence of that honour restoration. In addition, by maintaining its own national ‘honour’, Japan again perpetuates its historic role as aggressor-abuser since, “[a]s long as the abuser has not relinquished his wish for dominance, the threat of violence is still present” (Herman, 1992, p. 168).

Remembrance and Mourning

In the second stage of recovery, the survivor tells the story of the trauma. She tells it completely, in depth and in detail. This work of reconstruction...transforms the traumatic memory, so that it can be integrated into the survivor’s life story (Herman, 1992, p.197)

Memorial statues as interruptions of remembrance

In December 2015, Japan and South Korea issued a joint statement stating that they had “finally and irreversibly” resolved the issue of the comfort women (Ministry of Foreign Affairs of Japan, 2015). In return for a one-off contribution of ¥1 billion from the Government of Japan, South Korea agreed to refrain from criticising Japan over the issue in international forums and promised to address Japan’s concerns over a comfort woman memorial statue outside the Japanese embassy in Seoul. This commitment was understood to amount to removal of the statue, which Japan claimed to represent an “impairment of its dignity” (*ibid.*). At the end of 2016, the activists

⁴ This was true at the time of writing. However the recently re-elected Prime Minister Shinzō Abe is expected to attempt to remove Article 9 from the constitution so that Japan might once again possess a standing army. If successful, it will be interesting to see how the trauma recovery process will be impacted given that South Korea’s relationship with Japan is perpetually infused with historical memory of the atrocities that led to the latter’s initial disarmament.

behind the Seoul statue removed it from the embassy, only to re-erect it outside the Japanese consulate in Busan, a move that led to Japan recalling envoys to South Korea in protest. I argue here that the diplomatic disagreements over comfort women statues, which continue at the time of writing (Minegishi, 2017), interrupt the recovery process of remembrance and mourning and deny the victim-survivors an opportunity to integrate the past into their life story.

Blustein notes that, “[m]odes of remembrance, officially and publicly implemented and supported, are instances of a type of historical redress or reparation for the harms caused by the wrongs of the past” (2015, p. 75), but the erection of the comfort woman statue outside the Japanese embassy in Seoul in 2011 by a private civil activist group, The Korean Council for the Women Drafted for Military Sexual Slavery by Japan (hereafter The Korean Council), initially represented the failure of Japan to make full legal reparation. Early in their campaign, The Korean Council listed among its seven demands from the Japanese government the construction of memorial tablets for the victims of military sexual slavery (Korean Council for the Women Drafted for the Military Sexual Slavery by Japan, 1994), highlighting the significance of remembrance in facilitating the healing of violent historical trauma. Two years later, a report from the Special Rapporteur into the issue stressed the importance of UN member states fulfilling their obligations to make reparation for past wrongdoings, with part of that process consisting of commemorations for victims (United Nations Economic and Social Council, 1996), thus asserting the value of public remembrance within legal modes of reparation.

However, the dispute over these statues, which resurfaces whenever a new memorial is erected or moved, represents a major interruption to the process of telling the comfort woman story in such a way that it might be integrated fully into the life story of South Korea as victim-survivor nation. This disturbance becomes another signifier of the abuser-victim relationship between Japan and South Korea, with the two nation’s historical power dynamic manifesting in a political struggle over who remembers what and, crucially, *how* and *where* it is remembered.

Herman (1992) notes that the simple act of remembering and telling a story of trauma actively promotes healing and transformation of post-traumatic stress for the victim-survivor, but that this transformation can only occur if the story is told within a safe space to someone who is listening. While South Korea insists upon the story of the comfort women being remembered in very public spaces, such as with the recent installation of statues on Seoul buses (McCurry, 2017), Japan is challenged to allow the victim-survivor to tell their story in their own space, in their own words. Japan’s continued belligerence over the comfort women memorial statues undermines not only the remembrance element of the second stage of trauma recovery, it denies opportunities for public mourning for the lost lives of those women who died in captivity, for those who survived their enslavement yet died without witnessing satisfactory reparation, and for those survivors who still seek full acknowledgement and remembrance of their experiences. Since the second stage of trauma recovery requires that “[t]he basic principle of empowerment continues to apply” and asserts that “[t]he choice to confront the horrors of the past rests with the survivor” (Herman, 1992, p.175), the unstable position of the comfort women memorial statues as sites of remembrance deny victim-survivors empowerment and control, and further intervene in the trauma recovery process.

Collective amnesia: denial, revisionism and sites of recurring trauma

In turning attention to sites of remembrance and mourning as a necessary stage of healing the traumas of the past, it is helpful to consider the tensions surrounding discursive constructions of historical memory. Cubitt (2007, p.27) proposes two underlying vocabularies that form an understanding of the process of historical memory assemblage: 1) that the memory experienced in

the present is the result of a linear process of causality, in which the events of the past lead to the creation of a memory of those events in the present, and 2) that the events of the past are (re)created through the formation of memories in the imagination of the present and where “it is not the past that produces the present, but...the present that produces the past”. Considering the manner in which these two oppositional constructions of memory might coalesce, he argues that: “...our retrospective constructions of the past are themselves historically conditioned – shaped...by the very flow of past events and experiences at which their selective and creative backward gaze is directed” (p.28). This notion of cyclical memory construction, in which the past leads to a memory that in turns informs the recreation of the past, is of particular interest when examining the role of Yasukuni Shrine in the remembrance and mourning stage of trauma recovery.

Built in the Meiji Era as a war memorial site in which to house the ‘divine spirits’ (神, *kami*) of those lost to armed conflict, Yasukuni Shrine became a highly controversial location of political and historical memory construction in the 1970s when a number of convicted war criminals were enshrined there; including WWII Prime Minister Hideki Tōjō, who was executed following his conviction at the Tokyo Trials. Although Yasukuni Shrine also houses the remains of more than 2,466,000 other individuals who have died in wars since 1853 (Yasukuni Shrine 2008a), including women and young girls who were “involved in relief operation in battlefields” (Yasukuni Shrine 2008b), any sanctification of the spirits of the comfort women as *kami* remains absent from both the memorial site itself and the war museum adjacent to the shrine. Breen observes that “[t]he shrine venerates as glorious spirits only the military” (2008, p. 143), with the wartime experiences of civilians omitted from the shrine’s remembrance processes and rituals. The shrine therefore becomes a site of *selective* memory, serving as the location of a (re)constructed history where the past is (re)imagined through a particular lens of anamnesis of some memories and amnesia of others. Since the narrative function of Yasukuni is to preserve a recollection of the ‘glorious dead’ as holding an honourable place in Japanese history and therefore the nation’s sense of cultural identity, the telling of this history is by necessity subject to a process of selectivity. For Korea as victim-nation, such amnesia stands as a barrier for the remembrance and mourning stage of trauma recovery since, “[a] narrative that does not include the traumatic imagery and bodily sensations is barren and incomplete” (Herman, 1992, p. 177).

Yasukuni Shrine also reignites and reconstructs the memory of past trauma every few years when controversial visits are made by Japanese officials and international dignitaries. One of the most significant figures to visit the site in recent years was the current prime minister of Japan Shinzō Abe in 2013, although more recently he has maintained a distance and chosen instead to send ritual offerings at traditional times of year. For Korea, whose national recollection of Japan’s actions in the war calls to mind anything but a sense of divinity worthy of veneration, the regular legitimisation of the site as a location of historical memory becomes an aggressive challenge to their own sense of national identity as performed through their collective memory of the past. In 2016, South Korea’s Ministry of Foreign Affairs issued a statement expressing their “deep concern and disappointment” over Japan’s cabinet ministers paying tribute by sending offerings to the shrine and urged them to act in accordance with “a correct view of history” (Ministry of Foreign Affairs of the Republic of Korea, 2016), affirming that continued collective amnesia on the part of Japan remains central to ongoing tensions surrounding the site. In this regard, the site represents another enduring struggle over the construction of memory, with the trauma survivor urging the perpetrator to remember the past, while the perpetrator constructs an alternative version of history through their commitment to symbolic amnesia. With this underlying disconnect between the two nations infusing and informing bilateral relations over issues such as North Korea’s nuclear

weapons programme, the issue demonstrates the immense power of the phenomena described by Cubitt (2007) above when both linear and retrospective reconstructions of the past are simultaneously employed.

Shinzō Abe's visit to the shrine came just six months after Lower House lawmaker Nariaki Nakayama and the mayor of Osaka, Toru Hashimoto, both caused outrage by publicly denying that any women were forced into sexual slavery during the war and that the comfort women were willingly recruited (Hofilena, 2013; BBC Asia, 2013). Such denials and revisionist discourses were gradually becoming more frequent, with The Korean Council submitting a report to the Committee Against Torture (CAT) noting several instances of denial and defamation, including revisionist narratives appearing in Japanese school textbooks (Korean Council for the Women Drafted for the Military Sexual Slavery by Japan, 2013). In response, CAT produced its own report urging Japan to publicly refute denials by government officials, acknowledge its legal responsibility for the crimes, and to educate the public on the comfort women's experiences (United Nations Committee Against Torture & Other Cruel, Inhuman or Degrading Treatment or Punishment, 2013). These reports immediately followed a UN missive which likewise urged Japan to accept legal responsibility for human rights abuses, compensate the surviving victims individually, and ensure historically accurate education in schools and public arenas (United Nations Human Rights Council, 2013). Japan refused to accept these demands, stating that financial compensation had been made in the form of the Asian Women's Fund (AWF), and that students in schools were sufficiently enabled to "consider historical events from various perspectives and judge them fairly rather than to apprehend them from a one-sided perspective" (*ibid*, 147.158). Such discourses call to mind Herman's observations of perpetrators of violence: "In order to escape accountability for his crimes, the perpetrator does everything in his power to promote forgetting" (1992, p. 8).

Reconnection

Helplessness and isolation are the core experiences of psychological trauma. Empowerment and reconnection are the core experiences of recovery. In the third stage of recovery, the traumatised person recognizes that she has been a victim and understands the effects of her victimisation. Now she is ready... to take concrete steps to increase her sense of power and control, to protect herself against future danger, and to deepen her alliances with those whom she has learned to trust (Herman, 1992, p. 197).

The Asian Women's Fund and the Wednesday Demonstrations

Following the 1993 Kono Statement, plans were made to establish a fund to provide compensation for the surviving comfort women via programmes aimed at restoring their 'honour and dignity'. This led to the establishment of the Asian Women's Fund in 1995 despite widespread concern from activist groups, including The Korean Council, that creating a third-party fund instead of directly compensating the victim-survivors was an attempt to circumnavigate the sticking point of Japan's admission of legal responsibility (Myoung-sook, 2008). As such, the majority of the surviving comfort women refused to accept money from the fund (Kimura, 2015). Following the dissolution of the AWF in 2007 in light of the "completion of its Atonement Project" (Tomiichi Murayama, 2005), the Japanese government has repeatedly referred to the organisation as evidence of it having fulfilled its moral obligations toward the comfort women.⁵ Whilst the

⁵ See for example United Nations Human Rights Council, 2013.

establishment of the AWF was, superficially at least, an attempt to initiate a process of reconnection between the comfort women and their wider communities through social welfare projects (*ibid.*), the disconnect between the Japanese government and the victim-survivors that was produced by creating a third-party fund (financed by a combination of donations from the Japanese public and government-funded welfare trusts and not by the government directly), served to destabilise the reconnection process.

The dissatisfaction of activist groups regarding the mechanisms of the AWF run in parallel to ongoing feminist-led transnational political activisms that have had a significant impact on the handling of the comfort women issue by international agents and actors, including the UN (Piper, 2001). These activisms, organised in Korea, and supported by the international community, can most manifestly be seen in the long-running Wednesday Demonstrations, a protest in response to Japan's conduct that has taken place at the Japanese embassy in Seoul every Wednesday since 1991. As well as acting as a protest performance in the most characteristic sense, these demonstrations have become a site of connection between individual survivors as a community among themselves, and as a source of reconnection with the larger community. Activists who support the comfort women regularly attend not just to protest but simply to spend time with the elderly survivors of the war, to hear their stories, tell their own, and provide a sense of belonging in the wider community that was absent for the survivors in the years that they remained silent (*ibid.*, p. 163). A question arises, however, in regards to what might become of this site of reconnection should the goal of full reparation from the Japanese government be achieved: would the connection and community created at the Wednesday Demonstrations be lost if its purpose was removed? In this sense, there is a tension here that lies at the heart of all protests: since the solidarity created at a protest site can only exist while the source of the protest remains, can a protest ever really lead to the full experience of reconnection as part of trauma recovery, since the achievement of the protest's aims would dissolve this reconnection? That said, these demonstrations fulfil one of the vital stages in trauma recovery and the reconnection with self, namely that of the survivor mission. As Herman notes, "[s]ocial action offers the survivor a source of power that draws upon her own initiative, energy, and resourcefulness but that magnifies these qualities far beyond her own capacities" (1992, p.207). By publicly situating themselves within a group that shares a historical memory of systematic violence, the comfort women and their supporters reclaim the agency previously stripped from them and recover a source of power that enables social and legal reform, with wide-reaching consequences that stretch beyond the site-specific context of their protest.

Women's tribunals as sites of reconnection

In December 2000, a number of NGOs came together in Tokyo following two years of intense preparation to host The Women's International War Crimes Tribunal on Japan's Military Sexual Slavery (WIWCT). The tribunal sought to achieve what the Tokyo Trials did not, namely to pass judgement on the actions of the Japanese military and government over the atrocities committed against the comfort women. That phrase itself was rejected and replaced with the words 'survivor', 'victim' and 'sexual slaves', all firmly locating the tribunal within the context of feminist legal activism (Sakamoto, 2001). Adhering to the modes of performance inherent to international legal frameworks, WIWCT engaged the use of judges, witnesses, prosecutors and analyses of testimony. Although not directly affiliated to the UN, a number of former UN actors participated in the tribunal including former Special Rapporteur Gay McDougall and Gabrielle Kirk McDonald, who had acted as president of the International War Crimes Tribunal on the

Former Yugoslavia, thus lending weight to WIWCT's intended status as a judgement from the international community. Outcomes of the proceedings included the ruling that Japan had violated international customary law, human rights laws and international humanitarian law in their enslavement of the victim-survivors, explicitly refuting Japan's claims that the comfort women system was legal during the time in which it took place (*ibid.*, pp. 55-56). In a particularly damning move, the court also found then-Emperor Hirohito guilty of sexual slavery and rape, as crimes against humanity on the basis of state responsibility, and recommended declassification of military and governmental documentation pertaining to the failure to prosecute him at the Tokyo Trials (Women's Caucus For Gender Justice, 2001).

These proceedings were not just an attempt to construct legal justice within the framework of international law models, they provided a transnational forum in which the voices of the surviving victims could finally be heard, and in which the visceral emotions of grief, rage, anger, despair and catharsis, so far removed from the clinical rationality of legal discourse, could be witnessed and experienced by the thousand-plus members of the audience who participated in the process. Sixty-four women from eight countries came to take part in the proceedings, representing the largest gathering of former comfort women that had occurred since the atrocities. Twenty of these women told the truth of their harrowing experiences for the world to hear, with the court affirming the symbolic importance of this act in helping to facilitate healing and recovery where the Tokyo Trials did not (*ibid.*). For those present as witnesses and those participating in sharing their testimony, it was a moving experience unlike any other (Sakamoto, 2001). Twelve years later, the Asia-Pacific Regional Women's Hearing on Gender-Based Violence in Conflict conducted a similar testimonial-based event elevating the stories of women from Cambodia, Bangladesh, Nepal and Timor-Leste, which resulted in a number of recommendations for those respective countries and the UN in which to further seek modes of protection and prevention of gender-based sexual violence.

Although these hearings have no formal legal standing, nor possess the power to enforce legal change, the solidarity and community created through such actions provide an essential site of connection and reconnection for victim-survivors. The networks they create between feminist legal activists, and the opportunities for catharsis they provide to survivors through their testimony, demonstrate the powerful capacity international legal frameworks have for supporting modes of trauma recovery. It is, of course, a continued source of sadness that tribunals such as these remain purely symbolic, with no palpable legal consequences faced by the perpetrator/s of the crime and no guarantee of definitive justice. In discussing the pursuit of legal justice as part of the survivor mission, Judith Herman writes:

The survivor who elects to engage in public battle cannot afford to delude herself about the inevitability of victory. She must be secure in the knowledge that simply in her willingness to confront her perpetrator she has overcome one of the most terrible consequences of the trauma. She has let him know he cannot rule her by fear, and she has exposed his crime to others. Her recovery is based not on the illusion that evil has been overcome, but rather on the knowledge that it has not entirely prevailed and on the hope that restorative love may still be found in the world (1992, p. 211).

With this in mind, I assert the resoundingly powerful potential for women's tribunals to succeed where international law aspires but often fails, namely in the restoration of moral justice and

transcendence from the horrors of past trauma that the reconnection stage of the recovery process offers.

Conclusion

In adopting a methodological framework of feminist psychoanalytic theory within the context of the gendered implications of international legal discourse surrounding the issue of the comfort women, I have suggested that such an approach possesses inherent value when seeking a solution to issues arising from institutionalised sexual violence against women in armed conflict. By framing this ongoing historical dispute within the structure of the trauma recovery process as outlined by Judith Herman, I have demonstrated the manner in which international law seeks justice via methods of protection, prevention and reparation, all of which align with this process. However, it is my conclusion that, despite its best efforts, the framework of international law fails to achieve the desired outcome of a final resolution to this particular matter. I argue that this failure is a result of the lack of conscious integration between methodologies that are necessary for a full and complete trauma recovery process, and the modes of reparation as performed by the international community and the governments of both Japan and South Korea. While I have demonstrated Japan's consistent failure to accept legal responsibility and accountability, assimilate its violent history into the nation's life-story, provide stable sites of remembrance and perform humble and reverent reparation for its past crimes, it must also be acknowledged that South Korea and the international community have unintentionally contributed interruptions to the trauma recovery process. The exclusion of the comfort women from the Tokyo Trials, the tardiness with which international law has recognised war as impacting women differently from men,⁶ the focus on 'honour and dignity', with all the gendered implications that phrase possesses, and the lack of inclusion of The Korean Council in the decision making processes of establishing bilateral agreements, have all served to disrupt the process of securing a long-lasting, holistic treatment and a healing of the horrors endured by the individual comfort women themselves, and for Korea as a historically traumatised nation.

The limitations of adopting this approach should not be ignored, of course, and I concede that significant issues arise in proposing that a methodology developed for the treatment of individual human beings might represent a solution to the diplomatic complications facing bilateral and international communities. Individuals are not nations. Kim Hak-sun, the first comfort woman to bravely come forward and tell her story (Kimura, 2015), is not the nation of South Korea and such an implication would undoubtedly be problematic given the gendered power dynamics that underlie the concept of Woman as symbolic of the nation. There is a danger here of reproducing violences performed through discourses surrounding 'The Motherland' in the context of armed conflict, a concept which begets a series of harmful ideologies, and frames women's sexual function as rendering them "bearers of the nation" (McClintock 1993, 61-62). However, if nations are 'imagined communities' (Anderson, 2006) made up of individuals, I argue that it stands to reason that trauma recovery processes successfully employed in the healing of individuals can be effectively engaged in the healing of nations seeking restorative treatment for historical suffering, if implemented by international legal frameworks which already strive to produce humanitarian justice through reparative means. While willingly acquiescing that there are neither easy answers nor quick fixes to this deeply complex, sensitive and long-running dispute, I propose that the

⁶ The first international occurrence of this recognition was in 2000 through United Nations Security Council Resolution 1325.

conscious integration of sympathetic and therapeutic modes of trauma recovery into the strategies employed by nations and the international community in seeking diplomatic and legal solutions to historical violences, is a mode of enquiry worthy of further exploration and serious contemplation.

One vital component of Herman's framework (1992) of trauma recovery that is absent throughout the attempted resolution of this conflict, and which serves as an appropriate conclusion to my exploration of the topic, is the importance of acknowledging that the process of recovery from trauma is *never final nor complete*. While international law seeks concrete resolution and conclusion via linear modes of justice, Herman's three stages of recovery intertwine and coalesce with each other. They render themselves worthy of revisiting in light of new traumas or the triggering of old wounds, while the story of the original trauma is destined never to leave the victim-survivor, instead requiring integration into their life-story. What *is* possible, however, is a new future with the potential for love, joy, and a long-awaited freedom from suffering. As one survivor of incest and child abuse proclaimed at the end of her therapy, "I have burst into an infinite world full of wonder" (Herman, 1992 p. 213). Such is my hope for all comfort women, living and deceased, for the nation of South Korea, and indeed for their historical abuser, Japan.

Bibliography

- 1910 Convention for the Suppression of the White Slave Traffic. Hrlibrary.umn.edu. Retrieved from: <http://hrlibrary.umn.edu/instreet/whiteslavetraffic1910.html> Accessed: 23rd October 2017.
- 1921 International Convention for the Suppression of the Traffic in Women and Children. European Commission (Together Against Trafficking in Human Beings). Retrieved from: https://ec.europa.eu/anti-trafficking/legislation-and-case-law-international-legislation-united-nations/1921-international-convention_en Accessed: 23rd October 2017.
- Ahmed, A.R. (2004). 'The Shame Of Hwang V. Japan: How The International Community Has Failed Asia's "Comfort Women"' *Texas Journal of Women and the Law* 14(121), 121-149.
- Anderson, B. (2006). *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (Rev. ed.). London; New York: Verso.
- BBC Asia (2013). *Japan's WWII Sex Slaves 'Necessary'*. BBC News. Retrieved 19 November 2017, from <http://www.bbc.co.uk/news/world-asia-22519384>
- Blustein, J. (2015). 'How the Past Matters: On the Foundations of an Ethics of Remembrance' in Neumann, K., & Thompson, J. (Eds.). (2015). *Historical Justice and Memory* (pp.74-92). Wisconsin: University of Wisconsin Press. Retrieved from: ProQuest Ebook Central.
- Breen, J. (2008). 'Yasukuni and the Loss of Historical Memory' in Breen, J. (Ed.). (2008). *Yasukuni, the War Dead and the Struggle for Japan's Past*. New York: Columbia University Press.
- Constitution of Japan (1946). Japan.kantei.go.jp. Retrieved from: http://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html Accessed: 23rd October 2017.
- Cubitt, G. (2007). *History and Memory*. Manchester: Manchester University Press.
- Gardam, J. (1997). Women and the Law of Armed Conflict: Why the Silence? *The International and Comparative Law Quarterly*, 46(1), 55-80.
- Henry, N. (2013). Memory of an Injustice: The "Comfort Women" and the Legacy of the Tokyo Trial. *Asian Studies Review*, 37(3), 362-380.
- Herman, J. (1992). *Trauma and Recovery* (2nd ed.) New York, N.Y.: BasicBooks.
- Hofelena, J. (2013). *Japanese Lawmaker: Forcibly Recruited WWII Korean Sex Slaves Not Real*. The Japan Daily Press. Retrieved 19 November 2017, from <http://japandailynews.com/japanese-lawmaker-forcibly-recruited-wwii-korean-sex-slaves-not-real-1030251>
- Kamir, O. (2006). Honour And Dignity in the Film "Unforgiven": Implications For Sociolegal Theory, *Law & Society Review* 40(1) pp. 193-233.
- Kimura, M. (2015). *Unfolding the "Comfort Women" Debates: Modernity, Violence, Women's Voices* Basingstoke [u.a.]: Palgrave Macmillan.
- Kono, Y. (1993). *Statement by the Chief Cabinet Secretary Yōhei Kōno on the Result of the Study on the Issue of "Comfort Women"*. Retrieved from Japanese Ministry of Foreign Affairs <http://www.mofa.go.jp/policy/women/fund/state9308.html> Accessed 7th October 2017.
- Korean Council for the Women Drafted for the Military Sexual Slavery by Japan (1994). *The Military Sexual Slavery Issue and Asian Peace* Vcn.bc.ca. (Website). Retrieved from: <http://www.vcn.bc.ca/alpha/learn/KoreanWomen.htm> Accessed: 18th October 2017.

- Korean Council for the Women Drafted for the Military Sexual Slavery by Japan (2013). *Submission to the Committee Against Torture 50th Session: Japan: The Japanese Military Sexual Slavery ("Comfort Women") Issue*. Retrieved from http://www2.ohchr.org/english/bodies/cat/docs/ngos/KoreanCouncilfortheWomen_Japan_CAT50.pdf Accessed 19th November 2017.
- McClintock, A. (1993). Family Feuds: Gender, Nationalism and the Family. *Feminist Review*, (44), 61-80.
- McCurry, J. (2017). *Buses in Seoul install 'comfort women' statues to honour former sex slaves*. The Guardian online. Retrieved 19 November 2017, from <https://www.theguardian.com/cities/2017/aug/16/buses-seoul-comfort-women-statues-korea-japan>
- Minegishi, H. (2017). *New South Korean envoy to Japan addresses statue dispute* Nikkei Asian Review (online newspaper). Retrieved from: <https://asia.nikkei.com/Politics-Economy/International-Relations/New-South-Korean-envoy-to-Japan-addresses-statue-dispute>
- Ministry of Foreign Affairs of Japan (2015). *Announcement by Foreign Ministers Of Japan And The Republic Of Korea At The Joint Press Occasion*. Retrieved from: http://www.mofa.go.jp/a_o/na/kr/page4e_000364.html Accessed: 5th April 2017.
- Ministry of Foreign Affairs of the Republic of Korea (2016). *MOFA Spokesperson's Commentary on Sending Offerings to and Paying Tribute at the Yasukuni Shrine*. Retrieved from Korea.net: <http://www.korea.net/NewsFocus/policies/view?articleId=141611> Accessed 30th October 2017.
- Myoung-sook, Y. (2008). Controversies Surrounding the Question of the Japanese Army's Comfort Stations and 'Comfort Women in Hyun Dae-song (Ed). (2008) *The Historical Perceptions of Korea and Japan* (pp.213-228). NANAM Publishing House.
- Piper, N. (2001). Transnational Women's Activism in Japan and Korea: The Unresolved Issue Of Military Sexual Slavery *Global Networks* 1(2), pp. 155-170.
- Rosaldo, M.Z. (1974). *Woman, Culture and Society: A Theoretical Overview* in Rosaldo, M. Z., & Lamphere, L. (Eds). (1974). *Woman, Culture and Society* (pp. 17-42). Stanford, Calif.: Stanford University Press.
- Sakamoto, R. (2001). The Women's International War Crimes Tribunal on Japan's Military Sexual Slavery: a legal and feminist approach to the 'comfort women' issue. *New Zealand Journal Of Asian Studies*, 3(1), pp. 49-58.
- Shadow Report to CEDAW (2009). *44th Session Japan: The "Comfort Women" Issue*. Retrieved from: http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ComfortWomen_Japan_cedaw44.pdf
- Tanaka, T. (2002). *Japan's Comfort women: Sexual Slavery and Prostitution During World War II and the US Occupation*. London: Routledge.
- Tomiichi Murayama, President of the Asian Women's Fund. (2005). *Statement by President of AWF Murayama on the Scheduled Closing of the AWF in 2007*. Retrieved from <http://www.awf.or.jp/e6/statement-33.html>
- United Nations Committee Against Torture & Other Cruel, Inhuman or Degrading Treatment or Punishment (2013). *Convention Against Torture 50th session CAT/C/JPN/CO/2*. Retrieved from:

- http://www.nichibenren.or.jp/library/ja/kokusai/humanrights_library/treaty/data/torture_report_en2013.pdf
- United Nations Economic and Social Council (1996). *Commission on Human Rights 52nd Session, Item 9(a) of the Provisional Agenda E/CN.4/1996/53/Add.1*. Retrieved from: <http://www.awf.or.jp/pdf/h0004.pdf>
- United Nations Human Rights Council (2013). *22nd Session. Report of the Working Group on the Universal Periodic Review: Japan (Addendum)* Retrieved from: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-14-Add1_en.pdf
- United States Office of War Information (1944). *Japanese Prisoner of War Interrogation Report, No.49*. Available at: World War II Database <http://ww2db.com/doc.php?q=130> Accessed 7th October 2017.
- Women's Caucus For Gender Justice (2001). *Transcript of Oral Judgment delivered on 4 December 2001 by the Judges of the Women's International War Crimes Tribunal on Japan's Military Sexual Slavery*. Retrieved from: <http://www.iccwomen.org/wigjdraft1/Archives/oldWCGJ/tokyo/summary.html> Accessed 3rd December 2017.
- Yasukuni Shrine (2008a). [Yasukuni.or.jp](http://www.yasukuni.or.jp) (Website) Retrieved from: <http://www.yasukuni.or.jp/english/about/index.html> Accessed: 18th October 2017.
- Yasukuni Shrine (2008b). [Yasukuni.or.jp](http://www.yasukuni.or.jp) (Website) Retrieved from: <http://www.yasukuni.or.jp/english/about/deities.html> Accessed: 18th October 2017.