

Historical Reconciliation and Reciprocal Non-domination: Reconsidering Inherited Responsibility in the Comfort Women Case

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The comfort women case in South Korea has been a polemic issue in the context of inherited responsibility. The Japanese government who emphasizes on state as an agent for taking the responsibility tends either to deny collective responsibility of historic wrongdoings or to limit the scope of its roles to superficial ways such as reparation. Meanwhile South Korea demands not only reparation but official apology, emotional compassion, and material compensation on the ground that nation, not state, should be accountable for historic injustice, but this claim still encounters a difficulty of application to cases originated in multinational countries. Based on these observations, I will develop two arguments: (1) that reciprocal nondomination conceptualized with civic responsibility will better the comfort women case in the context of inherited responsibility because this contains full ground of deliberation in which those who come from regardless of state or nation can participate; (2) that reciprocal nondomination embodied with civic responsibility can be operated as a regulative principle which prompts both victims and wrongdoers to have their deliberative stances and to reach an agreement conducive to transitional justice.

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I. Introduction

This year marks the eighteenth anniversary of the first Wednesday Demonstration in Seoul. Over 900 times, the former 'comfort women' and other Korean citizens assembled in front of the Japanese Embassy in Seoul to demand a sincere and official apology from the Japanese government. However, the door of the Embassy is still firmly closed to the voices of the surviving victims and the citizen-led protests. The Korean government similarly disregards the aforesaid demands, citing the importance of maintaining a peaceful diplomatic relationship with Japan. A phrase used on the website of the Korean Council for the Women Drafted for Military Sexual Slavery by Japan (Korean Council hereafter) succinctly expresses the feelings of the survivors: "Our tears have not dried up yet."

In this respect, the conception that responsibility for historical injustices committed by the previous generation can be, and is, inherited to the next generation seems to be applicable to the comfort women case. First of all, with the passage of time, fewer and fewer perpetrators and victims are left. Without the theoretical basis of responsibility being passed down to the next generation, historical injustices, such as the 'comfort women' case, will be buried and forgotten without ever healing the wounds of victims. Secondly, the principle of inherited responsibility is expected to guarantee that no similar inhumane deeds will ever be committed again. By recognizing the graveness of the injustices perpetrated in the past and the difficulty of healing the wounds, we can share the idea that we must try to do our best not to become either perpetrators or victims of the same injustice.

However, the 'comfort women' issue in the context of inherited responsibility is still stuck in the middle of contentions without a viable solution. The Japanese government, which has the role as the agent responsible for the wartime atrocities, tends to either deny the rationale for any collective responsibility or limit the extent of such responsibility in terms of recompense and non-financial measures. In contrast, South Korean victims and protestors, who have demanded from Japan an official apology and the acknowledgement of historical wrongdoings, have been too unilateral or nationalistic to shape a non-ethnocentric deliberation for thick reconciliation with Japan.

Based on these observations, analyzing the comfort women case in the context of inherited responsibility, I will suggest civic responsibility with reciprocal non-domination as a viable solution for the 'comfort women' case in Northeast Asia. Specifically, I intend to accomplish

the following aims. First, reviewing the theories of inherited responsibility, I argue that these are not sufficiently applicable to the 'comfort women' issue. Two considerations are proposed in accordance with the "agent" bearing inherited responsibility and the "scope" of its recompense. Second, I propose reciprocal non-domination as a regulative principle for making citizens responsible for historical injustices in Northeast Asia. Here, reciprocal non-domination is presented as a future-centered regulative principle that encourages both victims and wrongdoers to have a non-ethnocentric deliberative stance.

II. The Comfort Women Case in the Context of Inherited Responsibility

The 'comfort women' case has been a polemic issue in the context of inherited responsibility. The first reason is that the agents responsible for these misdeeds have not been properly defined. On the one hand, when we consider the state as an actor involved in inherited responsibility, two limitations become apparent. First, the concept of the state does not fully clarify the continuation of responsibility from the past to the present and into the future because there is no shared and continued identity between the state responsible for historical injustices and the current Japanese government. Second, the issue of responsibility may be delegated to a limited number of political officials or representatives, excluding public participation. The Japanese government has actually adopted this position on the issue of state responsibility. For instance, Japan's political leaders have reiterated that their duty had already been wholly fulfilled because of the international treaties concluded after the end of the Pacific War, such as the 1951 San Francisco Peace Treaty and the 1965 Treaty on Basic Relations between Japan and the Republic of Korea. However, this focus on the international treaties limits the ability of ordinary Japanese citizens to participate freely in the deliberation on the 'comfort women' issue. As the Japanese government is considered the sole agent in charge of the 'comfort women' issue and the government considers all reparations fully made, its citizens have been expected to disregard this issue.

On the other hand, the theory of national responsibility, which considers the nation as an actor, may be more effective than that of state responsibility. First and foremost, because a nation continues regardless of the passage of time, historical responsibility should not disappear over time. Moreover, not only government officials but also ordinary citizens can be active agents in addressing historical injustices. However, as a nation is not a tangible reality but an "imagined community" that is short of legal and political substance, problems may arise, such as sharing responsibility among citizens and remedying injustices in practice. Further, appealing to the nation may likely accentuate national shame or purity. Thus compensating victims may become less important than recovering national pride. In South Korea, the 'comfort women' issue has been depicted as a national shame, causing the victims to feel moral guilt, which in effect paradoxically reinforces the violation of their human rights. Furthermore, the nationalists who have emphasized the emotional condemnation of Japan have measurably impeded sincere or "thick" reconciliation.

The second reason why this issue cannot be dealt with by the existing arguments over inherited responsibility is that the scope problem remains unresolved. Simply put, the scope problem indicates to which extent one should be responsible for historical injustices. As seen

in Japan's assertion that the problem of providing compensation for war crimes had already been resolved by the South Korean-Japanese Treaty in 1965, the Japanese government has tended to confine the scope of its responsibility to legal and material responsibility, without morally acknowledging its crime. As a result, the Japanese government fails to notice that the real demand of former 'comfort women' is the restoration of their dignity through the sincere admission of Japan's wrongdoings. In contrast, South Korea has demanded Japan's acknowledgement of historic injustice, an official apology, and the revision of controversial Japanese textbooks. Even if Japan considers not only legal/material responsibility but also the restoration of the dignity, honor and human rights of the 'comfort women', the "politics of apologies" constantly stimulates Japan, and an apology becomes more difficult as the injustices in question were perpetrated a long time ago and as they were committed not by the present generation but by previous ones.

The Agent Problem: State or Nation

The Japanese government still insists that all reparations for Japanese atrocities had been made in accordance with the 1965 South Korean-Japanese Treaty and holds the view that assuming legal responsibility and providing the state-to-state material compensation are sufficient for its reconciliation with South Korea. A statement made by Cabinet Minister Morihiro Hosokawa during a plenary session of the upper house of the Japanese Diet clearly illustrates the consistent and unchanging view of the Japanese government. He stated that the problem of compensating 'comfort women' was completely and finally resolved by the 1965 "Agreement Concerning the Settlement of Problems in Regard to Property and Claims and Economic Cooperation" in the "Treaty on Basic Relations between Japan and the Republic of Korea." Thus, any additional action involving reparations would only be a humanitarian effort motivated by compassion for 'comfort women' who underwent tremendous suffering, rather than an obligation. In principle, the Japanese government has tended to regard the state as the proper agent for taking responsibility for the 'comfort women' issue, whereby only the state as an officially composed political entity can carry out domestic and foreign policies regardless of the people living in its territory.

However, state responsibility cannot be a proper framework for solving the 'comfort women' problem. There are two reasons for this. First, because of the lack of shared and continued identity between the empire of Japan and the post-war government of Japan, state responsibility cannot guarantee that the responsibility for historical injustices done by the Japanese military through the end of World War II in 1945 would be transferred to the current generation (Miller, 2007: 112). Although the state of Japan has remained despite regime changes, the rationale of state responsibility is insufficient to persuade the state's members to be responsible citizens by taking responsibility for their predecessors' wrongdoings. Worse still, state-centered responsibility inspires an idea that responsibility for historical injustice does not exist if the victims and/or perpetrators have already passed away. For instance, political leaders in Japan frequently adumbrate that demands for a sincere official apology and compensation to the survivors of the 'comfort women' system would fade away as the survivors die of old age or illness (Lee Hahm, 2001: 128). However, it is inappropriate for the descendants, who enjoy the benefits the colonial rulers brought

about, to disclaim any responsibility for the harm the colonial rulers brought to the survivors, who still suffer from past injustices.

The second limitation of state responsibility is that the collective agency of taking responsibility is likely to be restricted to a relatively small numbers of individuals, such as diplomats and other government officials. We do not question the appropriateness of the representatives' main role in inherited responsibility when public opinion is well formulated through a democratic deliberation process. We do, however, consider the case in which Japan does not place sufficient emphasis on democratic deliberation or does not institute any deliberative process at all. In this case, the responsibility for historical injustices cannot be maintained in terms of self-determination. Namely, there is no sincere expression of respect when there is only a decision made by political officials without a public consensus. In addition, the insistence by the Japanese government that all reparations had been fully made because of the earlier international treaties prevents a broader and deeper discussion on the issue among its citizens. If we cannot expect a change in the attitude of the Japanese government, it may be the ordinary Japanese citizens who could change the government. Yet those who fail to acknowledge their obligation to remedy their ancestors' misdeeds cannot be expected to pressure their government to initiate feasible solutions and reconciliation.

The limitations of the theories of state responsibility can be complemented if the nation rather than the state is considered as the proper bearer of inherited responsibility. The continuity of a nation over time is a powerful rationale for why the future generation is responsible for injustices perpetrated by the past generations (Miller, 2007: 151-9). However, it is highly doubtful as to whether the 'comfort women' issue would ever be successfully resolved based on the principle of national responsibility. First, solidarity spurred by national commonality may provide us with a rationale for inherited responsibility, but historical responsibility feasible is made feasible largely by actual politics, rather than imaginative ties. Second, appealing to the nation might give priority to the restitution of national pride over the restitution of the victims' dignity.

In short, inherited responsibility based on either the state or the nation cannot be a proper ground for solving the 'comfort women' issue. For this reason, we need a new paradigm, not only for the 'comfort women' issue but also for achieving thick reconciliation between Japan and South Korea.

The Scope Problem: Punishing or Forgetting

With respect to reparations for historical injustices, there have been two dominant positions. The first position emphasizes that one party has to pay back whatever was lost or harmed, without considering the prospective provision for restoring bilateral relations in the future. No matter how straightforward this may appear, such a simple view of restitution has practical weaknesses. On the one hand, in some cases, it would be impossible to restore what was damaged. We can readily find a number of examples, such as the absence of the expropriator, the victim, or the object taken (Vernon, 2003: 551; Kukathas, 2003: 170). Actually, all of these three reasons can be found in the 'comfort women' issue. Thus, we need

to define the problem of historical injustices by using a more sophisticated logic through which one may use a compensatory system even in the absence of perpetrators, victims, and objects taken. On the other hand, unilateral retribution without restoring relations may not result in reconciliation between the involved parties but end in deadlock (He, 2009: 25-45). The 'comfort women' issue exemplifies this. Whenever deliberating about the issue, we can easily find that both Japan and Thus, this indicates the need for a deliberative stance for forward-looking reconciliation in which both parties can overcome the feeling of victimhood and exclusive nationalism.

The second approach to address reparations for historical injustices is focused on the establishment or reestablishment of current and future bilateral relations without resolving the historical injustices themselves. This tactic of forgetting historical wrongdoings may actually be used as a method to deny all responsibility for historical wrongdoings (Kukathas, 2003: 172; Miller, 2007: 139; Waldron, 1992: 13; 24-7). Denying one's historical responsibility would, of course, result in new conflicts between the two parties. For instance, in July 1995, the Japanese government decided to establish a foundation named "Asian Women's Fund" to support former 'comfort women' (Han, 1995). Such an attitude, which focuses only on the restoration of bilateral relations in the future, actually aggravates anti-Japanese sentiments because neighboring countries do not regard the creation of such a fund as a sincere attempt at thick reconciliation (Schmidt, 2000: 68; 173). Another problem inherent in the restoration of bilateral relations without taking past wrongdoings into consideration is that it cannot suggest any principle by which such inhumane atrocities could be avoided in future. It is agreeable that the present, in which we live, is precious and that we still face a wide range of injustices, inequalities, and unfairness. However, a past injustice hardly, if ever, becomes justice because what the passage of time provides is not a change from injustice to justice but a period of time in which we have to show justice by helping those in need.

Shortly put, a new principle is needed to resolve the 'comfort women' problem, through which non-ethnocentric deliberation may be realized; the victim's position will be restored although nothing would truly replace what they lost; one's responsibility for historical wrongdoings will not be neglected; and the repetition of similar injustices will be prevented.

III. Civic Responsibility with Reciprocal-Nondomination

South Korean NGOs have played a pivotal role in drawing national and international attention to the 'comfort women'. At the citizens' level, an increasing number of people in South Korea have been paying attention to and getting involved in the 'comfort women' issue through channels such as the Wednesday Demonstrations, donations, and volunteer activities. At the national level, as early as 1993, the South Korean National Assembly enacted a law on providing support to former 'comfort women'. At the international level, the UN Commission on Human Rights published Radhika Coomaraswamy's report on "Violence against Women, its Causes and Consequences" in 1996, 1998, 2001, and 2003. The International Court of Justice published its final report in 1994 under the title of "Comfort Women: An Unfinished Ordeal," while the International Labor Organization (ILO) asserted that the 'comfort women' system violated international laws. The attention paid to the

'comfort women' issue in international society is also demonstrated by related parliamentary resolutions passed in a number of countries, such as the U.S., the Netherlands, Canada, and the EU. To facilitate NGO's efforts and overcome the limitations of the existing solutions for the 'comfort women' issue, I suggest 'civic responsibility' with reciprocal non-domination.

Civic Responsibility as a Framework

Inherited responsibility requires a framework of civic responsibility. Through such a framework, citizens may take responsibility collectively without suppressing their individual autonomy and dignity. At this juncture, civic responsibility is embodied at three levels. That is, reciprocal recognition at the individual level, civic contestability at the state level, and civic decency at the international level.

First, a responsible citizen must recognize another community member's need, even if they have conflicting interests. This anthropocentric recognition of the other is possible if a reciprocal understanding at the individual level is based not on self-interest or altruistic devotion but on self-love, which can be extended to humanitarian considerations. In this sense, apart from acceptance, indifference, and approval, which are mainly employed by approaches focusing on self-interest and individual choice, civic responsibility can be implemented in specific conditions rooted in reciprocal recognition. To put it concretely, acceptance does not approve of differences, indifference does not approve of individual preferences, and approval does not approve of a will to coexist. However, tolerance in civic responsibility accommodates differences with a clear preference and necessitates a will to coexist despite differences. According to the individual level of civic responsibility, taking responsibility for the 'comfort women' issue is never reduced to individual choice. In addition, citizens of the victimized country may also try to prevent any violence against local women that may be similar to the 'comfort women' system.

Second, at the state level, we need to establish an institution that can maintain reciprocity at the individual level and guarantee civic contestability to check the institution. For this, the republican conception of liberty as non-domination can provide us with an institution aimed at preserving reciprocity among citizens, and every citizen should have the capacity to check and monitor the institution's arbitrary use of political power. By the same token, civic responsibility based on liberty as non-domination can encourage citizens to check and monitor the deliberation on the 'comfort women' issue to prevent the violation of liberty as non-domination. As previously noted, the 'comfort women' debate in South Korea frequently becomes a manifestation of extreme nationalism, which compounds the suffering of former 'comfort women.' If this debate had focused on the restoration of liberty as non-domination rather than the healing of national pride, inherited responsibility would not have guided all of the movements and discourse on the 'comfort women' issue, which have been based mainly on virulent nationalism.

Third, civic decency is required to apply civic responsibility at the international level. Taking civic responsibility can be acknowledged by citizens as a way to dignify themselves, but this would occur only if it is articulated through democratic deliberation as ethical responsibility.

By the same token, taking inherited responsibility can be accepted by citizens as an extension of civic decency to other people beyond national boundaries only if it is conceptualized by democratic deliberation as a way of consolidating democratic legitimacy. Actually, inherited responsibility itself is a subject of public deliberation, and so it is conceived neither as *prima facie* nor as a natural right granted by superhuman power. Therefore, civic decency as a representation of citizens in a healthy democracy is imperative for empowering citizens to juxtapose their compatriots' civic responsibility with ethical responsibility for other peoples, particularly in terms of liberty as non-domination. In this way, anyone who wishes to identify himself or herself with the achievements of his or her fellow citizens or to find his or her dignity in them would voluntarily take the inherited responsibility for the misdeeds of previous generations.

With civic responsibility, the 'comfort women' issue can be viewed as a question of inherited responsibility in good shape. This is because not only political elites but also citizens would actively participate in the deliberation and reach a consensus on how to resolve the issue satisfactorily. Those who can imagine the grave results that may occur if the 'comfort women' issue is not resolved properly would persuade others earnestly to prevent the reoccurrence of similar injustices.

Reciprocal Non-domination as a Regulative Principle

There is one more point that we need to consider: how an effective discursive stance can be created and properly operated. I suggest "reciprocal non-domination" as a regulative principle that can guarantee equal power to both parties with the aim of facilitating discussions between them.

Reciprocal non-domination, as a regulative principle in democratic deliberation, would serve three roles (Kwak, 2009). First, reciprocal non-domination functions as a condition to establish a discursive stance between countries in conflict over historical injustice. When a deliberative stance is guided, the focus is the conditions under which more open and democratic debate can be guaranteed. Reciprocal non-domination may become a coherent ground that protects an individual from being subjected to the arbitrary will of others, legitimizes legal and institutional interference and at the same time, draws the limits of such interference. For instance, if a victim were forced to forgive a historical injustice due to the pressure by the perpetrator, we could view the situation as a problem of inequality between the powerful and the weak through the principle of reciprocal non-domination.

Second, reciprocal non-domination not only creates a deliberative stance but also enforces the participants to follow the outcome of discussions. It is true that if we can simply reject decisions resulting from deliberation on the grounds that the involved parties inevitably have dissimilar and contrary opinions, the deliberation stance itself becomes meaningless and useless. However, if the result of the deliberation can also be regulated by that principle, the participants can have reciprocal non-domination as a minimal condition as well as an investigation standard during the deliberation. For instance, if the Japanese government refuses the result that it must acknowledge its historical injustices and apologize to former

'comfort women', the other participants in the deliberation process can recognize that the Japanese decision violates reciprocal non-domination.

Finally, reciprocal non-domination should contain the process of internalizing liberty as non-domination as a normative principle. The minimal standard to reach an agreement through deliberation is reciprocity, which entails the identification of one's status with the counterpart's status. However, reciprocity cannot be achieved automatically; it is shaped through the daily experience of liberty as non-domination. In the 'comfort women' issue, the internalization of liberty as non-domination can bring about the reciprocity between the victims and the perpetrators. If the Japanese government viewed that its citizens might also become victims of similar injustices, it would be far easier for the government to reach an agreement that would be satisfactory not only to the present victimized party but also to the Japanese people themselves.

IV. Concluding Remarks

With the exponential increase of exchanges in population and materials, the post-Cold War period demands to formulate a regional community that transcends the boundary of homogeneous nation-states. Similar efforts to realize a European Union-like regional community are being invested in East Asia. Yet, the case of Northeast Asian countries shows the opposite side of the coin. Although there have been communications among political leaders to envision a regional community, the realization of such a community has become a rhetorical or diplomatic game played between the regional powers.

The stagnation of historical reconciliation in Northeast Asia is one of the reasons why all of diplomatic and scholarly endeavors do not seem to be sufficient to meet the demands of reconstructing a regional identity. The opposing opinions and memories on the matter of past wrongdoings reproduce and aggravate the national adversity and conflict between Northeast Asian countries, and nationalism acts as a big obstacle in the process of making a peaceful coexistence in the region. Certainly, there have been various endeavors to set up dialogue on historical issues as well as textbooks and to share different experiences, perceptions and knowledge. However, these attempts were not so much fruitful for promoting a culture of peace but provocative of cynical pessimism.

In this context, I suggest civic responsibility with reciprocal non-domination as a viable approach for solving past as well as present problems and constructing a shared understanding in the region. Here, let me lay out briefly what policy implications may be practically reasonable.

- **Official Apology:** The Japanese government should provide an official apology for historical injustices including the comfort women case. For the victims in the region, an official apology for historical injustices is frequently regarded as nothing but lip-service. On the contrary, Japanese suffer from the demands for official apologies, questioning why they must continue to apologize for historical injustices that took place long time ago. Nevertheless, an official apology is imperative in terms of civic

responsibility with reciprocal non-domination, since it can open a public discourse on wrongdoings by the previous generation and help citizens take historical injustices more seriously. In this context, I suggest that Yukio Hatoyama, Japan's Prime Minister, should reinvigorate his original view that historical reconciliation is a very prerequisite for peaceful coexistence in Northeast Asia. Even if we acknowledge that responsible citizens can call upon their governments to apologize to victims and compensate them, it would be equally important to realize that political leadership has a crucial role in persuading fellow citizens to participate actively in assuming inherited responsibility.

- **Forward-Looking Reciprocity:** Current civic endeavors for historical reconciliation in Northeast Asia are not so much forward-looking. Here forward-looking signifies a future-oriented standpoint that aims simultaneously to retribute past victims and regulate inhuman actions in the future. As the comfort women case shows, the unilateral advocacy of restitution or retribution often goes well with the stubborn denial of responsibility of past wrongdoings. If it so, any demand for official apology as well as restitution can be helpless in the face of flimsy realism aimed at justifying war crimes with Japan's situation during the war. At this juncture, what we need is a regulative principle that can be equally applicable to the victim countries that committed historical injustices similar to that of the comfort women case, such as South Korea during the Vietnam War. Shortly put, there is a desperate need for a forward-looking reciprocity through which the Northeast Asian countries can not only retribute past victims but also prevent future inhuman actions.
- **Multilateral and Non-ethnocentric Deliberation:** The nationalist advocacies of retribution in South Korea and China have much in common with their Japanese counterparts in their efforts to find their philosophical and sociopolitical grounds, such as the law of the jungle. Even scholarly deliberations for historical reconciliation between the Northeast Asian countries have gradually gravitated toward the virulent antagonism spurred by strong nationalism. At this juncture, the multilateral and non-ethnocentric deliberation for historical reconciliation must be equipped with a safety device that secures a more open and democratic debate about irreconcilable understandings. In addition, we need the political persuasion of civic responsibility that encourages citizens to participate voluntarily in a deliberative stance to resolve historical injustices. I believe that reciprocal non-domination can be a regulative principle that is conducive to regulate differences in opinions and power status between the victimized and perpetrating parties. Multilateral and non-ethnocentric deliberation coordinated by reciprocal non-domination would become a future-oriented and conflict-regulating mechanism through which present conflicts with respect to historical injustices would be resolved and citizens not directly related to such conflicts would join the deliberation process willingly to prevent history from repeating itself.

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