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Encountering Loss: An Ethnographic Account of Chinese War Survivors' Pursuits of Redress in
the Fin-de-siècle Japanese Law Courts

By

Maiko Morimoto

A dissertation submitted in partial satisfaction of the
requirements for the degree of

Doctor of Philosophy

in

Anthropology

in the

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of the

University of California, Berkeley

Committee in charge:

Professor Xin Liu, Chair
Professor Andrew Jones
Professor Stefania Pandolfo
Professor Miryam Sas

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Abstract

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In the early 1990s, as many parts of the post-Cold War world went through a resurgence of WWII memories, numerous Chinese victims of the Japanese invasion and occupation between 1931 and 1945 began to seek individual redress for their wartime suffering. Some of their grievances, by gaining support from Japanese progressive lawyers and activists, reached the Japanese civil law courts as a series of compensation claims. This dissertation is an ethnographic and historical exploration, and in part, an attempt at philosophical elucidation, of what we are left with after the Japanese judiciary's dismissals of these numerous lawsuits; namely, a pile of documents produced through and around the litigation.

Whereas a few other anthropologists of East Asia, by studying various failed pursuits of legal redress concerning Japanese-inflicted atrocities, have astutely observed law's failures and limits of institutional justice, I propose to take an ethnographic return to the testimonial weight of those pursuits. How did the series of litigation serve as a (limited) medium through which to encounter the plaintiffs' wartime losses and wounds? Now that most of these war victims have passed away, can we still hear their voices by reading the testimonial documents left behind? With these questions, I aim to move away from a "what happened" kind of inquiry to "how" we can(not) encounter the pain of others, and thereby explore the limits of our empathy.

To pursue this objective, I engage in discourse analyses combined with field observations and interview research, examining the said series of litigation as an analytical space in which global, national, and local discourses intersected with one another. Without relying on a dichotomized view on global humanitarianism vs. national sentiments, I carefully sort out the multiple levels and directions of inter-discursive translation — and the limits of such translation — occurring in this space, and illustrate how the Chinese war survivors' memories traveled across space and time through such translation. I demonstrate this point by closely studying two specific cases chosen from the series of litigation: the Pingdingshan Massacre (1932) in the territory of Manchukuo; and wartime sexual slavery in a rural area of Shanxi Province. At the same time, these ethnographic

case studies highlight my own troubled efforts to encounter the pains of the Chinese litigators. To reflect upon this issue, the last chapter examines the concept of trauma by engaging in an anthropological reading of philosophical and psychoanalytical texts. I argue that the concept of trauma enables us to grasp how our inextricable relationship to the loss experienced by the vanquished is effected, sustained, and at the same time alienated by the work of language.

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I also appreciate the joy and love I share with my family — my parents, my husband, my parents-in-law, my son, and my daughter, in the order of when first I met them in my life (for otherwise they might fight over the order). Even when I am overwhelmed by the task of writing, which has somehow been very difficult for me, they always find a way to make me smile, laugh, love, and live.

Lastly, but not least importantly, I am deeply indebted to the enormous efforts of the litigators whom I encountered during my research, either in person or through reading documents — the monumental efforts they had made to bring forth the series of legal attempts examined in this dissertation. In the sustained hope of sharing with the world their will, their resilience, and their sorrow, I have dedicated a countless amount of time to writing, though in a somewhat stumbling manner, to continue where they left off.

Encountering Loss: An Ethnographic Account of Chinese War Survivors' Pursuits of Redress in
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Introduction: The Task of the Translator, up against the Wall of Testimonial Documents

*Here we are, then, up against the wall — up against the wall of language.
We are in our place here, that is, on the same side of the wall
as the patient [or the plaintiff], and it is off this wall
— which is the same for him [or her] as for us —
that we shall try to respond to the echo of his [or her] speech.
There is nothing that is anything but outer darkness to us beyond this wall.
— Jacques Lacan (2002[1966]), 98¹*

In the mornings or afternoons when they attend court, lawyers of “the Legal Team for the Chinese Compensation Claims Cases concerning War Damages” (J: *Chūgokujin sensō higai baishō seikyū jiken bengodan*; referred to as the Legal Team hereinafter) arrive one after another or together in groups at Kasumigaseki metro station in the heart of the administrative district of Tokyo.² As they climb the stairs of the metro exit and out onto the sidewalk of Sakurada Street, an expanse of open sky hovers ahead — a rare sight in this metropolis where high-rise buildings normally block the greater part of the sky — because, at the far end of this street, lies the vast complex of the Imperial Palace, which the French critic Roland Barthes once described as an empty center, “both forbidden and indifferent” (1982[1970], 30), of the nation’s semantic landscape. A few short steps away, they arrive at the iron gate of the Courthouse.

Occasionally in front of this gate, a small march is organized for media and symbolic purposes by the aforementioned group of Japanese lawyers, in alliance with a group of citizens

¹ By citing at the outset Jacques Lacan’s “The Function of Speech and Language in Psychoanalysis,” I by no means intend to psychologize my discussion, noting in passing that, in the cited piece written up based on his 1953 conference speech, Lacan himself argued against institutional psychologizations of psychoanalytic experiences. Nor, with my textual act of inserting the image of a plaintiff next to that of a patient in the passage cited, do I necessarily intend to pathologize the plaintiffs of the litigation examined in this dissertation (unless, that is, to pathologize every one of ourselves). My primary intention to begin with this epigraph is to direct our attention, by superimposing Lacan’s psychoanalytic insight onto my ethnographic experiences, to the crucial position that language occupies in our encounter with someone in pain.

² Throughout the dissertation, I follow the Hepburn system of romanization to transcribe Japanese expressions, and use Pinyin transcription for Chinese expressions.

called “the Society to Support the Demands of Chinese War Victims” (J: *Chūgokujin sensō higaisha no yōkyū wo sasaeru kai*; referred to as the Society to Support hereinafter). The march typically takes place when a key courtroom event, such as an examination of the party or a rendition of judgment, is scheduled for the day because, for these key events, the Chinese plaintiffs, who are the protagonists of the case on trial, travel to Japan and make their court appearance. As a customary arrangement, a few such visiting Chinese plaintiffs — whose number depends on the nature of the courtroom event as well as how much money the Society to Support can raise for their trips to Japan — march toward the middle of the front row behind a long banner with a slogan written on it, which is usually held by a few of their Japanese supporters lined up on both sides alongside them. Meanwhile, all other participants marching behind the plaintiffs chant a few slogans in Japanese calling for justice for the case on trial, be it concerning a past massacre, sexual slavery, forced labor, or other forms of Japanese-inflicted violence. But this scene can only be seen occasionally. On countless other less eventful days when none of the Chinese plaintiffs are present, their professional and lay supporters simply pass the iron gate, climb the front steps to the building, and enter the lobby area, where the high ceilings above the cold marble floors, a couple of X-ray baggage scanners near the entrance, and rolling briefcases dragged by numerous legal professionals walking across the halls all contribute to making the space take on the look and feel of an old airport’s departure lounge from some long-gone socialist regime.

It is primarily at the actual site of a courtroom that embodied forms are given to what I later call *a space of aftermath* — an otherwise *analytical* space in which losses and wounds from past atrocities become actualized as problems in the present. Every day, more than a thousand court sessions, both criminal and civil, take place in the massive, nineteen-story building where the Tokyo High Court, Tokyo District Court and Tokyo Summary Court preside. But the aforementioned group of litigators directly go to their destination assigned ahead of time from among the hundreds of courtrooms that are more or less structurally identical to one another — all windowless except for small peep windows on thick double doors, and divided into two sections by a bar. While the spectators amongst the group pour into the gallery section through the rear doors, the lawyers amongst them go through another entrance that leads to the front section, where they sit along the designated long table, showing their right side profiles to the spectators, and face the defendant’s attorneys, who sit opposite to them across the witness stand. Placed perpendicularly behind the attorneys’ tables is the table for the court stenographers, who face the spectators as they are getting seated. Behind and above the stenographers’ table, placed on the raised platform, is the table reserved for the judges. The wall behind the judges’ table consists of several thick wooden panels, two of which turn out to function as yet another double-

door entrance as the panels suddenly open and the three judges in black robes appear from behind them and on to the stage.

Some sessions are dramatic and several-hours long, like when the Chinese plaintiffs appear at the court to give their testimonies, while others are monotonous and short, as when the presiding judge calls it a day only after the attorneys of both sides discuss the submission deadlines of particular documents. When a session ends and the judges disappear behind their door, members of the Legal Team and the Society to Support immediately head for their next destination: They walk, via the back gate of the Courthouse, to a meeting room located in the adjacent Bar Association's Hall, booked beforehand in order to hold an inner-circle meeting to discuss their future strategies in relation to the just-completed session. An exception to this procession, however, occurs after a rendition of judgment. Instead of proceeding to the back gate after the session, the visiting Chinese plaintiffs and their professional and lay supporters all return to the front gate where they held a march earlier that same day. They gather there, standing on the sidewalk in front of the iron gate, to listen to one of the lawyers assessing the just-rendered judgment, with a microphone in his or her hand. Throughout the speech, another lawyer standing next to the speaker holds up a banner. Two different banners are apparently prepared beforehand for this purpose: On one is written two brush-stroked *kanji*, or Japanese-adopted Chinese characters, that declare the plaintiffs' "Victory (J: *shōso*)"; and on the other, four brush-stroked characters that condemn the court's "Unjust Ruling (J: *futō hanketsu*).” Nearly without exception, our litigators see the four *kanji* characters, and not the two, held up high.

Despite the (in)famous “ethnographic present” tense used in the passages above, as if written by a conventional anthropologist inscribing the customs of a tribe into an eternal present filling the space of her ethnography, what I have described here belongs to the past, if not a remote one.³ These courtroom practices were repeated for a period of nearly two decades at the turn of the century, but now, no longer. What we are left with afterwards is a pile of documents produced through and around the litigation: documents submitted to the courts, testimonials and other kinds of accounts published in the forms of books, pamphlets, and newsletters, and digitally archived records of court-issued judgment, etc. This dissertation is an ethnographic and

³ See Stocking, Jr.’s historical examination of how that “vague and essentially atemporal moment we call ‘the ethnographic present’” (1992, 54) came into use in the discipline. See also Fabian (1985) for (ab)uses of time in anthropology and Clifford et al. (1986) for emphases on the aspect of writing, rather than observing, in anthropology.

historical exploration, and, in part, an attempt at philosophical elucidation, of those documents. I have written the beginning part of this introduction in the present tense, as opposed to the past tense, not so much in conformity with the (much-problematized) ethnographic convention as out of my own hopes. I hope, first and foremost, that the change in tense of the verbs helps to somehow capture what the described practices were like when lived by the said community of litigators: namely, a recurring reminder, given in and for the present, of our troubled relationship to the violence committed in the last century. Additionally, the present tense is intended to serve as a metaphor for what this dissertation, as a whole, attempts to do: to take up, in the present, the reminding role once played by those litigators. In other words, I hope to sustain in my writing, a little while longer, our space of aftermath in which a troubling region of the past is not just past, but a continual part of the present.

But I first need to take a precursory look at the unfolding and closing of this turn-of-the-century series of litigation. In the early 1990s, as many parts of the post-Cold War world went through a resurgence of WWII memories, what came to be known in Chinese as “problems remaining from WWII (C: *erzhan yiliu wenti*)” — or more precisely, problems that had come to be thought as left over by the state-to-state settlements to that war — began to surface in the People’s Republic of China (PRC).⁴ A number of individuals all over the PRC viewing themselves as “victims (C: *shouhaizhe*)” of the Japanese invasion, which had started with the Manchurian Incident (1931) and ended with Japan’s defeat in the Asia Pacific War (1945), began to seek ways to bring their individual grievances to justice. Both the Chinese and Japanese governments initially ignored such attempts, maintaining their official lines that there was essentially no war reparation issue remaining after the 1972 diplomatic normalization between the two countries.

While the PRC government neither opposed nor endorsed its citizens’ growing calls for individual wartime compensation, several Japanese civil groups responded, often through connections made through chance encounters. One among such groups was the aforementioned Legal Team. By this time in Japan, dozens of what are categorized as “postwar compensation lawsuits (J: *seno hoshō saiban*)” concerning individual war reparations had been filed by citizens of South Korea, Taiwan, and other nations, but plaintiffs of such lawsuits had yet to appear from mainland China. To specifically fill in this lacuna, the Legal Team was established in 1995 by more than two hundred lawyers across various law firms based in Tokyo and other

⁴ Note that, in the naming of the “problems (C: *wenti*),” the experiences that had been designated in the PRC exclusively under the term “the War of Resistance against Japan (*kangri zhanzheng*)” came to be put into international perspective by the use of the term “WWII (*erzhan*).”

Japanese cities, who were willing to provide pro bono legal work. At the same time, the Society to Support was also established as an organization of citizens to offer financial, moral and other types of assistance to sustain the litigation. In the years that followed, the Legal Team, in alliance with the Society to Support, filed twenty civil lawsuits altogether on behalf of their Chinese clients, demanding official apologies and compensation from the Japanese government (and when applicable, Japanese corporations), based on various multi-frontal claims of international and domestic laws including, but not limited to, Article 3 of the Hague Convention (the liability to pay compensation for wartime damages) and the provision of damages in torts defined by Article 709 of the Japanese Civil Code.⁵ Whereas other Japanese groups pursuing redress activism usually had a narrow focus on one case, or a specific kind of grievance, the Legal Team's undertaking spanned a wide range of acts encompassing mass killings, aerial bombardments, lethal human experimentation, production and abandonment of chemical weapons, forced labor, and sexual slavery — an assemblage of the varied violent methods of twentieth-century warfare that the Japanese Empire had deployed during its occupation of various parts of China between 1931 and 1945.

As each of these civil lawsuits at the hands of the Legal Team's lawyers took a decade or longer to slowly make their way through the three-tiered Japanese judicial system, one lost case was piled on top of another, except for four wins at the district courts (which were all dismissed later by the appellate courts) and an in-court settlement reached between the six plaintiffs of a forced labor case and the corporation they sued. Arguably the most crucial loss for the group came on April 27, 2007, when the Supreme Court of Japan rejected several appeals from Chinese survivors of forced labor and sexual slavery, including some of those represented by the Legal Team.⁶ Before this date, logic used at different levels of the Japanese judiciary to dismiss each of the nearly thirty compensation lawsuits filed by Chinese survivors of the Japanese invasion (of which two thirds were represented by the Legal Team) had been inconsistent, oscillating from “statute of limitations (J: *joseki*, rejection due to lapse of a stipulated length of time)” to

⁵ The list of the lawsuits represented by the Legal Team is provided on the Network to Support Demands of Chinese War Victims” (formerly the Society to Support):

http://www.ne.jp/asahi/suopei/net/3_saiban/saiban_table.htm#%E4%BA%AC%E9%83%BD (Last accessed February 20, 2020). See also the list of “postwar compensation lawsuits” provided in Tanaka Hiroshi et al. (2012, 208-213) for other compensation lawsuits filed by victims of various nationals.

⁶ Heisei 16 (ju) No. 1658, Heisei 17 (ju) No. 1735, Heisei 17 [o] No. 985, Heisei 14 [ne] No. 511, and Heisei 8 [wa] No. 5435.

“sovereign immunity (J: *kokka mutōseki*),” and to the 1952 Treaty of Taipei. Meanwhile, the 1972 China-Japan Joint Communiqué had rarely been cited. This was presumably due to the fact that, although Section 5 of the Communiqué, “in the interest of the friendship between the Chinese and the Japanese peoples,” declared the PRC’s renunciation of demand for war reparation from Japan, it did not explicitly state, as the above-mentioned Treaty of Taipei does, whether Chinese nationals’ *individual* rights to reparation were to be waived.⁷ However, the Supreme Court’s decisions issued on April 27, 2007 — employing a rare arrangement to conclude related but separate appeals on the same day, which signaled a strong judicial intention to close the curtain on this set of problems altogether — took a sudden turn through hitherto-unused reasoning.

“Given some currently-known-facts about the negotiation process [of the diplomatic normalization between the PRC and Japan in 1972],” the highest body of the Japanese judiciary observed in its decision for one of the sexual slavery cases represented by the Legal Team (see Ch.2 for details), “it is not possible to understand that the [1972] China-Japan Joint Communiqué, with regard to war reparations and rights to claim [them], made an agreement different from the framework of the [1951] San Francisco Peace Treaty,” the multilateral treaty that explicitly relinquishes reparations and other kinds of claims of “the Allied Powers *and their nationals*”(emphasis mine).⁸ “Therefore,” the decision of the Japanese Supreme Court concluded, “it should be said that the PRC nationals’ rights that had emerged during the Sino-Japanese War to claim [reparations] from Japan or its nationals or corporations lost the entitlement to appeal judicially due to Section 5 of the 1972 China-Japan Joint Communiqué.”⁹ This juridical maneuver enabled the Japanese Supreme Court to endorse, once again as in many other similar war compensation lawsuits brought by nationals other than PRC citizens, the twentieth-century modality of state-to-state “settlement (J: *shori*; a word that could also be translated as treatment, processing, and, notably, disposal)” for individual wartime sufferings — the very modality that was contested by the fin-de-siècle upsurge of various individual redress claims concerning WWII.

The April 27, 2007, decisions of the Supreme Court was *de facto* the ultimate conclusion of the Japanese judiciary, followed by the subsequent decisions with no more oscillations in reasoning. Now, at the end of their more-than-a-decade-long journey through the Japanese law

⁷ The translation of the Communiqué is provided by the website of the Japanese Ministry of Foreign Affairs (<https://www.mofa.go.jp/region/asia-paci/china/joint72.html>).

⁸ Heisei 17 (ju) No.1735, written by Saiguchi Chiharu, Yōko Kazuko, Kainaka Tatsuo, and Izumi Tokuji.

⁹ *Ibid.*

courts, our Chinese and Japanese litigators found themselves standing almost exactly where they had started: There were essentially no legal redress issues remaining after the 1972 diplomatic normalization, the official line now confirmed by the Japanese judiciary. The Chinese plaintiffs found the Supreme Court's conclusions outrageous, even enigmatic, because it was incomprehensible for them how, as their Japanese lawyers explained to them, the judges acknowledging "the facts of damages (J: *higai jijitsu*)" inflicted upon them could reject their claims to apology and compensation. But the crucial defeat on April 27, 2007, did not immediately lead to the dissolution of the Legal Team and the Society to Support. In addition to the fact that some of the Legal Team's cases were still going through the courts, their activist strategy, in the first place, was to use litigation as a means to engage in a politics of recognition. In other words, drawing on a tradition of the Japanese postwar left, they aimed, *through* the lawsuits (while trying their best to win them within the limits of current laws and available adjudications), to publicize voices of the victimized Chinese plaintiffs, accumulate evidence through suits against the Japanese government and corporations, and thereby call for changes in policies and laws. Thus, for the Legal Team and the Society to Support, there was indeed much to be urgently done during this phase on behalf of the now-former plaintiffs, who were showing signs of aging, often suffering from ailments, and dying one after the other. However, their efforts to seek possible redress through legislative, administrative, and other channels were stifled in Japan's political climate — increasingly nationalistic and inward-looking — which could partly be attributed to the sense of stagnation resulting from the long and ongoing economic recession since the early 1990s.

My fieldwork took place between 2012 and 2013, during those lingering years of the aforementioned series of legal activism. I first attended the Society to Support's annual assembly and introduced myself, where major members of the Legal Team were also present. I also began to sit in on court sessions for the cases that were still on trial, while studying already-closed cases by collecting documents and conducting interviews. What I observed and heard during my fieldwork took on a combined sense of urgency and repetition. The sense of urgency, on the one hand, was coming from pressing health and/or financial issues of the plaintiffs and former plaintiffs, whose "demands (J: *yōkyū*)" for apology and compensation were central to this activism (as was ordained by the very naming of one of the two organizations, "the Society to Support the Demands of Chinese War Victims"). The sense of repetition, on the other, stemmed from the litigators' will to keep fighting their battle. They were fighting, they believed, a political and moral battle that *ought not to* be lost. They were fighting not only for the still-active cases, but for the already-concluded cases as well, by lobbying lawmakers, organizing various public events, and keeping their ties with the former plaintiffs in China through occasional visits and

other kinds of communications. In theory, the battle *was not* (yet) lost as long as they kept fighting it.

In practice, however, no battle could be fought forever, at least not with unaltered intensity. During the summer of 2013, right before I went back to the United States, the Society to Support held its last annual assembly, which was attended by a few dozen members, as well as several lawyers of the Legal Team. This “ending (J: *shūketsu*)” of the organization, whose membership was in continual decline after a peak of around 3,000 people reached in the late 1990s, was agreed upon during the previous year’s assembly after the Legal Team’s last two lawsuits had added two more losses. Although this ending came as no surprise, with the organization’s headquarters in Tokyo already vacated, its finances sorted out, and the last issue of its quarterly newsletter ready to be printed, some attendees insisted on calling it “a temporary pause (*ittan no kugiri*).” In fact, all of the attendees agreed that even after the dissolution of the Society to Support, its various subgroups, each of which had been formed during the past litigation to take care of a specific lawsuit or a specific kind of grievance, would continue to operate. One attendee even declared that their “fights would all be continued (*tataikai wa zenbu tsuzuiteiku*).” Whether one calls it an ending or a temporary pause, eighteen years had passed since the formation of the organization. The period was even longer than “the Fifteen-Year War (*jyūgonen sensō*)” itself, as another attendee remarked, using an alternative name for Imperial Japan’s violent enterprise between 1931 and 1945, whose gravitational pull had held this particular community of litigators together.

History, the Failure of Laws, Trauma: The Objective of Inquiry

Throughout my fieldwork, the overall tone of the language officially spoken by the members of the Legal Team and the Society to Support remained positive and forward-looking, focusing on wins and changes that could potentially be achieved at some point in the future. There were, however, also occasional moments when individual litigators personally revealed their bleak reflections, as in a conversation I had one day during my fieldwork with a retired teacher and long dedicated member of the Society to Support. “These days,” she started telling me as we were walking together in the basement corridor of the Courthouse, rather unexpectedly without me asking any specific questions, “I sometimes get really anxious. Maybe what we have done, after all, will be completely forgotten by history, leaving no trace whatever behind.” By giving “history (*rekishi*)” an agency to forget, she did not mean by the term, of course, history in an archival sense, which would stay dormant in records except for when some researcher might sort out those records for one academic reason or another. What she meant by the term was history in an actual sense: a course of past events that were alive in the present makeup of the

world, with the signs of their relevance, or “trace[s] (*ato*),” tangibly marked on the surface of social institutions such as law, policy, and education. It should be noted that, situated within the context of Japanese leftist political engagement, the group’s redress movement was essentially a twofold project on national history, directed not only at the past but also at the present. In terms of the past, the movement aimed to correct historical injustices through judicial, legislative, and political channels. At the same time, as the Japanese supporters of the litigation aimed to achieve this goal by gaining support of the Japanese public through accumulation and dissemination of the plaintiffs’ testimonial accounts, this meant for them to renew and reinforce, in the present, Japan’s break from its militarist past — a break that, in their view, had remained insufficient throughout Japan’s postwar trajectories. Therefore, the above-cited member’s fear of their ultimate defeat was inevitably a fear of double-failure, both in terms of the re-making of the past and the re-making of the present.

As I staggered along the way towards determining the objective of the current inquiry, I often recalled the bleak confession cited above. How would I respond in my writing to her fear of succumbing to history’s forgetting? What could an act of writing do after such an enormous amount of effort had seemingly failed to rewrite history as intended?

Before I could answer these questions, however, I needed to examine whether the dedicated activist’s fear of an ultimate defeat had already been finalized. To be sure, it might still be premature, even in 2020, to evaluate the results of their undertaking in its entirety, given the recent developments that I briefly review here, which are situated in relation to a new multi-frontal series of transnational efforts seeking redress for multinational victims of Japanese colonial expansion and wartime aggression.¹⁰ In 2014, Beijing No. 1 Intermediate People’s Court accepted a lawsuit filed by a group of Chinese victims of wartime forced labor suing Mitsubishi Materials Co. (formerly Mitsubishi Mining) and Nippon Coke & Engineering (formerly Mitsui Mining). This sudden move made by the Chinese judiciary, which was hitherto known among victims and activists for having neither accepted nor rejected similar petitions filed during the previous decade, prompted speculation about behind-the-scenes instructions from President Xi

¹⁰ The major locus of such efforts has been South Korea in recent years, especially since the nation’s Supreme Courts issued a landmark ruling on May 24, 2012, to remand the lower court case filed by former wartime-drafted workers, who had previously filed and lost a compensation lawsuit in Japan and subsequently brought another suit in South Korea. The lower court ruling remanded by the Supreme Court of South Korea had accepted the ruling of the Japanese court (2009Da22549; see Kokubun 2014; also Dudden 2008 for an earlier overview of South Korean pursuits of redress).

Jinping's administration, and immediately led to several other groups of victims submitting suits against Japanese corporations to the courts in Beijing and other provinces.¹¹ In 2016, a settlement was signed in Beijing between Mitsubishi Materials Co. and groups of Chinese victims who had been forced to labor in the company's wartime mining sites, agreeing that the company would offer an apology and 100,000 RMB to each of the more than 3,700 former slave laborers or their bereaved family members. Mitsubishi Materials Co. also promised, according to its press release, to build commemorative monuments at its former mining sites across Japan as part of the "reconciliation project (J: *wakai jigyo*)" run by its fund which was to be established for the purpose of facilitating a "comprehensive and permanent solution (*shūkyokuteki katsu hōkatsuteki kaiketsu*)."¹² It should be noted that, although the Beijing law court's sudden acceptance of the said suit certainly worked as a stimuli, the agreement was a product of longer-term negotiations that had started years earlier with the series of lawsuits filed against the company in the Japanese law courts, including several cases represented by the Legal Team.¹³ Negotiations with the company were mediated not by the Chinese judiciary but through networks of victims, lawyers, and activists built during the litigation in Japan, who utilized the Japanese judiciary's acknowledgment of the facts concerning the company's use of Chinese slave laborers, as well as its recommendations to compromise often imparted during or at the conclusions of the trials. The agreement was welcomed as "epochal (J: *kakkiteki*)" by "the Network for the Solution of Chinese Forced Labor Cases (*chūgokujin kyōseirenkō jiken kaiketsu wo mezasu zenkoku renraku kai*)," one of the sub-organizations that succeeded the Society to Support, on their website.¹⁴ It is not certain whether this move by one Japanese corporation will be followed by more of the thirty-five Japanese corporations involved in the state-endorsed use of Chinese slave laborers, or

¹¹ A report on May 16, 2014, by *Nikkei Asian Review* provides detailed findings ("True face of Chinese plaintiffs seeking wartime compensation for forced labor" by Shuhei Yamada.

<https://asia.nikkei.com/Politics/True-face-of-Chinese-plaintiffs-seeking-wartime-compensation-for-forced-labor>. Last accessed February 20, 2020).

¹² "On the reconciliation with the former Chinese workers (*chūgokujin rōdōsha tonō wakai ni tsuite*)", statement released by the Mitsubishi Materials Co. on June 1, 2016:

<http://www.mmc.co.jp/corporate/ja/news/press/2016/16-0601.pdf> (Last accessed: February 20, 2020).

¹³ Uchida Masatoshi (2016), one of the lawyers who participated in the negotiation processes provides some details in his article contributed to the monthly *Sekai*.

¹⁴ http://www.ne.jp/asahi/suopei/net/4_undo/5_renko/undo_renko.htm

that it will even lead to a more comprehensive scheme encompassing the Japanese government.¹⁵ But one thing for certain is that, as was declared in the Society to Support's last annual meeting that I attended, the former litigators' "fights [are] continued" in order to achieve as many wins as possible.

That said, it is undeniable that the undertaking of the Legal Team and the Society to Support failed, at least to fulfil its original goals. As was implied in how some of the group's lawyers and activists revealed the group's political orientation toward social reform, inherited from various earlier Japanese leftist movements, by calling their own undertaking "litigation struggles (*saiban tōsō*)" — as opposed to mere "courtroom battles (*hōtei tōsō*)" where only winning or losing a case is at stake — their project was not a direct translation of humanitarian concerns that were globally diffusing during the 1990s. As I have already mentioned and will further elaborate in Chapter 2, it was primarily a nationally-situated historical undertaking, even if it was pursued with an awareness of the presence of concerned international communities. Their sense of national obligation is illustrated by the very fact that the Legal Team and the Society to Support both had the word "Chinese (*chūgoku jin*)" in their names, defining the organizations' roles in relation to a *nationally-assembled* set of Chinese grievances, as opposed to taking an issue-specific approach. The members saw their key to success lying in how they could rework, as a lawyer of the Legal Team stated during the early stage of their movement, the "[Japanese] nation's recognition (J: *kokumin no ninshiki*)" about Japan's militarist expansion in the past as well as its present national responsibility for apology and compensation over that expansion (*Suopei*, 10 December 1997, 5). To achieve this goal, another lawyer also said, they aimed first to increase the membership of the Society to Support to "the scale of ten thousand (J: *ichiman nin kibo*)" from the current few thousand. Such an expansion of the group, however, did not happen, while the gates of the Japanese judiciary, through which they had originally intended to enter the fighting arena of a national politics of recognition, opened once and then closed again without producing major political gains for the movement. After the judicial closure, there seems to be an increasingly prevalent acceptance among the Japanese public, fervent or passive, of historical revisionist discourses that were in many ways compatible with explicit and implicit messages sent by the cabinet of Abe Shinzō (who became in 2019 the longest-serving prime minister in the history of Japanese constitutional government). Meanwhile, the former Chinese plaintiffs passed away one after the other. Although the corporate-led reconciliation mentioned

¹⁵ Various concerned groups of Japanese lawyers and activists demand a scheme comparable to the German federal foundation ("Remembrance, Responsibility, and Future") established for former forced laborers under the Nazi regime.

above arrived in time, if just barely, for the lifetimes of a few surviving victims of forced labor, these developments might be driven by concerns of corporate governance in the current world characterized by the rise of the PRC both as Market and Super Power (to the degree that none of our litigators could have foreseen at the start of their endeavor back in the mid-1990s).

What directly underlies the group's failure, which is of course part of the larger picture of so-called "post-war compensation lawsuits (*sengo hoshō saiban*)" in the Japanese judicial venue filed and lost by not only Chinese but also Korean, Taiwanese and other nationals, is the (Japanese) law's failure. This point has been articulated by the anthropologist Yukiko Koga (2013, 2016), who studies the series of compensation lawsuits filed by Chinese victims of forced labor and exposure to Japanese-abandoned chemical weapons. Aptly evoking Kafka's parable "Before the Law," in which a countryman waits before the closed gate of Law until his death, Koga points to the "fundamental disjuncture" (2016, 419) characterizing the legal space into which the Chinese grievances were brought — the disjuncture between the plaintiffs' society (China) and the jurisdiction to which their claims were submitted (Japan) as well as between the claims of international legal agency of individuals (the basis for which to apply Article 3 of the Hague Convention of 1907 that stipulates liability to pay compensation for wartime damages) and the Japanese judiciary's repeated refusal to engage in international law. Because of this disjuncture, Koga argues, the Chinese plaintiffs who "actually enter[ed] the gate" of the Japanese courts of law had to "find themselves between the law, where Law remain[ed] as elusive as [the parable] to account for the past violence" (*ibid.*, 412). At the root of such disjuncture, Koga further notes, lies "an absence of law" created by "the foundational violence inscribed onto the radically new legal system" of the postwar democratic Japan when the imperial and colonial subjects of the Japanese Empire were legally abandoned at the moment of the Empire's demise (*ibid.*, 427). In other words, the postwar Japanese legal system suffers amnesia from the nation's imperial past, and the said series of legal attempts, in defeat, revealed the violent nature of such amnesia.¹⁶

¹⁶ Whereas Koga discusses the legal lacuna that is specific to the Japanese judicial venue, Lisa Yoneyama (2016), in her study of what she calls a "transborder redress culture" of the post-Cold War era, adds an even more fundamental layer to the discussion. Evoking Derrida's notion of justice as "absolute alterity," that is, "justice conceived as an alterity to existing law, rules, and rights [that] becomes an aporia" (2016, 12), Yoneyama argues that

[t]he subject of our transborder redress culture must first subject itself to the available juridical, legislative, and other processes to be reckoned as a legitimate speaking subject;

Given what Koga calls “law’s imperial amnesia” (*ibid.*, 402), and in response to the earlier-cited Japanese activist’s fear of “[getting] completely forgotten by history (*rekishi ni wasure sarareru*),” I offer in this dissertation my own practice of remembering: an ethnographic return to the testimonial weight of the said series of litigation. Ethnographic writing, because its form is essentially grounded in the field of experiences, holds potential to do justice (although the expression, I am aware, falls into a mere play on English words before the kind of justice our plaintiffs demanded) to the horrendous wartime experiences that were once recounted in and outside of the courtrooms, and are now stored in the documents left behind. Here I am reminded of the anthropologist Veena Das (2007, 75), who chose *not* to take on the role of historians who “often collect oral narratives [...] to answer the question: ‘What happened?’” when she studied the long aftermath of the 1947 Partition of India and Pakistan. Whereas the aim of her study, instead, was to examine “how the violence of the Partition was folded into everyday relations” (*ibid.*), my focus is on memories’ travel. How, and how far, can one’s memory of loss, a loss that is so singular and so embedded in particular contexts of history and life, travel through space and time so that his or her painful utterance may be heard, or unheard, by members of a remote community?¹⁷ How did the said series of litigation, by bringing the plaintiffs’ bodies to the Japanese law courts, serve as a (limited) medium through which to encounter their losses and wounds? With these questions, I will explore the limits of empathy — limits to which the failure in question, in my view, could be attributed at the most fundamental of levels. In so doing, I will also show that my own empathy, historically and materially conditioned, is by no means exempt

but in doing so, *whether in victory or defeat*, it also exposes what is left of justice that defies the instrumentalization and the assimilation into the hegemonic order of knowledge (*ibid.*, emphasis mine).

An accessible example I can raise to understand what defies instrumentality of justice is the very practice of monetary compensation: the legal agent representing a person suffering what is in the latter’s view an irremediable loss must speak in the language that posits it as monetarily calculable. But Yoneyama’s above-cited insight is all the more important when we take into consideration what she calls “Americanization of Japanese war crimes” pursued through judicial, legislative, and other kinds of measures in the post-nineties United States. Although it is out of scope of this dissertation to chronicle these pursuits on the other side of the Pacific, they certainly lie in the background to and in interaction with my observations centered on the Japanese judicial venue. It is thus helpful to acquire from the outset, by virtue of Yoneyama’s take on Derrida’s notion of justice as an absolute alterity, a disillusioned view of the U.S. legal hegemony in relation to what I discuss in this dissertation.

¹⁷ See Spivak (1988).

from certain limits. My bewildering encounter with a massacre survivor in her living room, described at the beginning of Chapter 1 and silently contemplated upon throughout my writing, will illuminate this point.

I note, meanwhile, that our previously mentioned activist's fear and anxiety of an ultimate defeat is rooted in the normal/normative, and at the same time historically-specific, perception of time as moving forward, which, coupled with lessons of modern warfare and revolutions, underlies the common twentieth-century dictum, "history is written by the victors." As I will highlight in Chapter 1 (Section 5) by examining Chinese local commemorative occasions in the 1950s concerning a Japanese-inflicted massacre, a peculiar embodiment of this dictum can be observed in Maoist China, where distinctive modes of testimonial practices were exercised so that revolutionary subjects become signified as victors, with the dictum's cause-and-effect relationship reversely applied, literally by means of their acts of participating in authoring official history. At any rate, history, posited in this mode of time, is forgetful of losers: hence the Japanese progressive litigators' emphasis on winning, or on otherwise continuing their battle until winning, to ascertain their project's place in history.¹⁸

In contrast, my writing's relationship to the losses both from the war and of the litigation is informed by another modern model for perceiving time, namely, the Freudian notion of trauma, in relation to which time, roughly speaking, (re)starts recurring, rather than moving forward, with the pain that returns. I defer most of the task of clarifying this point to Chapter 3, where I attempt to engage in an anthropological reading of philosophical and psychoanalytical

¹⁸ One may wonder if it is because forgetfulness of history accelerated with time flying by, and there even have become no victors to be remembered that, by the end of the last century, the French historian Pierre Nora gave a diagnosis that we lived in the "regime of discontinuity" (1989, 17). According to Nora, modern society no longer has *milieux de mémoire*, "settings in which memory is a real part of everyday experience" and there only exists *lieux de mémoire*, where "every social group [is trying] to redefine its identity by dredging up its past" (10). His proposal to revitalize social remembering, however, was pursued still along the line of time trodden forward by the victors, if by more subtle ones. Thus Didier Fassin and Richard Rechtman criticize Nora as a major culprit among the "French historians [who] have barely heard the voices of the vanquished," and whose "great undertaking of reconstituting 'realms of memory (*lieux de mémoire*)'" gave "no space either to the sites of the vanquished (in particular offering virtually nothing on colonial history), or to traumatic memory (systematically preferring the heroic version)" (2009, 17).

texts. Yet I immediately need to clarify the following: It is not the focus of this dissertation to engage in causal explanations inferred from the notion's clinical adaptations. I do not primarily aim to verify that any of the war survivors I encountered in person or through reading documents showed symptoms of post-traumatic stress disorders (PTSD) according to the clinical criteria today. Didier Fassin and Richard Rechtman have called our contemporary world *the Empire of Trauma* (as in their book title), in which "the clinical paradigm and the social norm come together and mutually reinforce one another, making trauma the universal language of a new politics of the intolerable" (2009, 93). In fact, the Japanese lawyers tried to verify in the courtroom that the plaintiffs who were victims of sexual slavery suffered PTSD (see Chapter 2, Subsection 4.1). While my own sensitivity as a contemporary, I concede, may also have been nurtured in and by this Empire, I argue that trauma *as discourse* — a supposedly universal language deployed to produce certain institutional truths to serve contemporary moral economies — needs to be historicized and thus relativized.¹⁹ The historical juxtaposition I lay out in Chapter 1 between the Maoist language of heroism and the fin-de-siècle language of victimhood (with trauma discourse implied by the latter) is an attempt at such historicization and relativization, which I offer as a contribution to the field of historical anthropology.

I do need, however, to utilize trauma *as a conceptual model* despite, or even because of, its historical specificity, as opposed to its supposed universal validity. This is a necessity not in terms of causal explanations, but in order to figure out the relation between my findings and my own act of writing, which is a belated ethnographic attempt to encounter — through the documents — the losses experienced by the Chinese survivor-turned-plaintiffs. What are the conditions of my attempt? And given the conditions, how can an ethnographer be, or what does it mean for her to be, "an attentive listener," as Liisa Malkki (1995, 81) defined her own role as an ethnographer among the Hutu refugees in Tanzania when she collected their memories of mass murder? For my undertaking, the utility of this Freudian concept (rendered through Lacan) lies in its stakes in temporality, signification, and transgression: the stakes enable me to grasp our inextricable relationship to the loss experienced by the vanquished as a relationship that is effected, sustained, and at the same time alienated by the work of language.

What I particularly have in mind is a specific moment in the concept's life: Freud's discussion on repetition compulsion laid out in *Beyond the Pleasure Principle* (2009[1920]), in

¹⁹ See also Ian Hacking for an examination of how, once a new notion of "a kind," such as "child abuse" (as in his study, and "trauma" as in my cases), is produced, "the past can occur in a new world [as] experiences are not only redescribed; they are refelt" (1999, 130).

which the father of modern psychology, in response to the wide public attention drawn to the so-called war neuroses after WWI, revisited and modified the notion of trauma he had developed earlier at the turn of the century (cf. Breuer and Freud, 1966[1895]).²⁰ In this puzzling piece of writing characterized by oscillations of thought repeated in an almost performative manner, Freud observes that patients suffering from so-called traumatic neuroses repeatedly go back in their dreams to the scene of the disaster, conceding that these dreams cannot be explained by his earlier thesis of dream as a wish-fulfillment. He also pays attention to a young child repeatedly flinging his toys away so that they are “Gone! (*Fort*).” He notes that the child plays the “Gone!” part far more frequently than the supposedly more pleasurable part in which he finds the toys are “There! (*Da*),” implying that the play gravitates around, and is sustained by, the more fundamental and the least pleasurable loss, that is, the loss not of his toy but of his mother. While I defer to Chapter 3 my task of reading (through Lacan) of this text, which contains Freud’s highly speculative discussion on “death drive,” I pause for a moment to cite one of Lacan’s comments on the child’s game. He notes that “the game of the cotton-reel,” far from being an expression of the child’s natural/naturalistic need to demand the return of the mother, “is the subject’s answer to what the mother’s absence has created on the frontier of his domain — the edge of his cradle — namely, a *ditch*, around which one can only play by jumping” (1981[1973], 62; original emphasis).²¹ This ditch, posited elsewhere by Lacan as an outer darkness holed at the

²⁰ See Ian Hacking (1995) and Allan Young (1995) for the historical and clinical contexts to the birth of the notion of trauma.

²¹ To make reference to this particular passage from Lacan in relation to my own work: The current inquiry may also be my belated answer to what the annihilation of the people under the explosion of the Atomic Bomb has created on the frontier of my childhood domain. My childhood was spent in the Prefecture of Hiroshima (but not exactly the City of Hiroshima), Japan, during the country’s affluent 1980s. I did not dislike the plenty of commemorative occasions and representations by which I was surrounded due to the proximity: In particular, when I was nine years old or so, I repeatedly read *Hadashi no gen* (The Barefoot Gen), the cartoon series authored by Nakazawa Keiji, who was himself a Hiroshima survivor, or a *hibakusha* (literally, an “exposed”). I went back time and time again to the shelf placed at the back of our grade-4 classroom where the series was available. (I did not have the copies at home and I thought my parents would not allow me to do so because of the graphic images contained.) But as I read the series repeatedly, I was so scared — scared not, I think in retrospect, of the cartoon series per se but of the space of destruction that Hiroshima had come to occupy within me. I was too scared to even ask adults around me what to do with this thing. I soon started to secretly but keenly look for spots and

center of one's existence, is the space of fundamental loss or — what comes to the same thing — of total destruction, in which no signification or no cultural form is possible, and around which my inquiry may only be able to gravitate after all.

A Fin-de-Siècle Space of Aftermath: Analytical Units, Settings, and Structures of Inquiry

I have already stated that this inquiry, as an ethnographic return to the testimonial weight of the said litigation, focuses on memories' travel. In other words, my focus is not the "what happened" of the Japanese-inflicted atrocities, but how and to what extent we can access the singularities of the victims' experiences of those atrocities, by exploring the documents left behind by their litigation. What analytical frameworks, besides the conceptual model of trauma that will remain latent mostly in the observational part of this dissertation, would make such an inquiry possible? On a disciplinary note, during what an observer called "memory booms" in anthropology, the term memory, with its newly-acquired implication of collectivity, came to suffer overextension so that the same observer warned that "memory gradually [became] everything which is transmitted across generations, everything stored in culture," in fact, almost exchangeable for "the concept of culture itself" (Bernier 2005, 203). I recognize at the outset that memories of the Chinese survivor-turned-plaintiffs examined in this dissertation obviously cannot be conflated with a demarcated entity such as "a culture," even though the singularity of one's memory and the social-cultural dimensions to it are intrinsically entangled. If not a total conflation, Lisa Yoneyama (2016), in her otherwise insightful engagement in a transpacific critique of what she calls a "transborder redress culture" concerning Japanese war crimes, seems to rely, under the rubric of the "culture" as a singular noun, on a given spatial entity (even if extended over the Pacific) within which wartime memories — the kernel of redress calls — are supposed to disseminate by very virtue of the presupposed spatial connectivity. The reliance makes it difficult to *analytically* engage in fissures and disjunctions running through her "transborder culture" even though Yonayama *descriptively* does so. It is one thing to observe that memories are always manifested through certain *cultural* forms ranging from courtroom testimonies to literary engagement, or from diary entries to commemorative rites and objects. But it is another thing to assume that these culturally manifested memories, when aggregated within a certain geographic border, or across borders for that matter, add up to *a culture as an entity*, even partially.

blotches on my skin to find signs of that space appearing on the surface of my body as symptoms of illnesses, despite the fact that none of my grandparents were exposed to the radiation. I kept doing so until I stopped after some time for unknown reasons.

My proposal, which is more of a practical choice with my ethnographic materials than an overreaching theoretical prescription, is to focus on languages/discourses, as the main units of my analysis. Or to borrow Michel Foucault's words from his archaeological project, I will examine wartime memories in relation to "the law of what can be said, the system that governs the appearance of statements as unique events" (1972, 129) although my focus is not the language as a system per se but interactions and disjunctions between languages/discourses. The utility of this analytical operation is two-fold. On the one hand, it locates my inquiry at the intersection of singularity (of one's memory) and sociality (of a society of people who understand the language in which one's memory is recounted): the former is not inherently conflated with the latter in this approach *even if* we can only reach the former through the latter.²² On the other hand, my focus on languages transforms questions concerning memory's

²² The conflation between memory and society was often seen during the "memory craze in history and social sciences" (Bernier 2005, 203) at the turn of the century. It is by no coincidence that this craze was accompanied by the rediscovered idea of "collective memory" presented by Maurice Halbwachs, who was a Durkheimian sociologist from the interwar period, that is, a pre-structuralist scholar. As part of the Durkheimian school's collective project for which each scholar picked up one theme that is usually thought solely personal and proved it to be a social product, Halbwachs observed that one's dreams, composed of fragments of memory, do not make sense "because, in order to remember, one must be capable of reasoning and comparing of feeling in contact with a human society that can guarantee the integrity of our memory" (1992, 41). By contrast, "when we are awake," he argued, "time, space, and the order of physical and social events as they are established and recognized by the members of our group are imposed on us" (*ibid.*, 172). One can observe in this argument a Durkheimian tautology, which explains the question of social bonds by pointing to collective representations (in this case, coherent remembrance, as opposed to fragmented one appearing in one's dream), whose presence in turn relies on the presence of social bonds. Claude Lévi-Strauss thought that he was dissolving this problem of social bonds, together with the problem of reason, by and in the unity of language that is "an unreflecting totalization, [...] human reason which has its reasons and of which man knows nothing" as he stated in his fierce criticism of Jean-Paul Sartre, the advocate for dialectical reason (Lévi-Strauss 1966[1962], 252). Whereas Lévi-Strauss intended to terminate history, together with its supposed protagonist, man, by declaring that history was myth, this long-lived structural anthropologist was apparently never interested in the question of memory. This is where my inquiry invites some reading of Lacan, who, of course, was in conversation with Lévi-Strauss through his psychoanalytic experiences and his reading of Freud. Note also the striking contrast between Halbwachs' above-summarized rendering of dream and the views on

travels into questions of memory's (un)translatability, and thereby spares my inquiry from being conflated with mere questions of physical mobility, while at the same time keeping, within its analytical scope, mobility and physical encounters as part of the conditions that surrounded the translations occurring in the processes of the litigation in question.

By proposing to present my ethnographic findings in terms of (un)translatability, I do not exclusively refer to translations that occurred between Chinese and Japanese languages in the said series of transnational legal attempts. My earlier emphasis on the nationally-situated character of the said series of legal activism (Chinese grievances nationally assembled, to which the Japanese lawyers and the Society to Support responded, aiming at social reforms within their *own* national society) does not contradict my view that the said series of litigation is a product of global processes. To make this stance analytically possible, I go back to the proposal made by a group of anthropologists in the book entitled *Global Assemblages*. They argued that, instead of defining what is global by demarcating a spatial or cultural entity, or by tracing mobility itself, we should locate it in an analytical "problem-space," in which an assemblage of "multiple determinations that are not reducible to a single logic" problematizes something (Collier and Ong 2005, 12). What I present as an analytical setting for my inquiry by calling it a *fin-de-siècle space of aftermath* is such a problem-space: It is a space, formed by the confluence of multiple scales of discourses, concerns, and practices contesting and negotiating with one another, "in which problems of the human are crystallized, posed and resolved" (Ong 2006, 504) — or left unsolved, to add a necessary modification for my case study. This setting enables my inquiry to look beyond a simple opposition between universal humanitarianism and legal-political realities of nation-states, and instead analyze the said series of litigation as a site where globally circulating human rights discourses and various other particular discourses, concerns, practices of smaller scales such as regional, national, and local, or even of the kinship intersected through concrete forms of legal and political practices. In other words, my inquiry will examine how human rights were negotiated, depending on available schemes, rather than given by the supposedly-universal entity called "rights culture." Thus, it is necessary that I carefully sort out the multiple levels and directions of inter-contextual and inter-discursive translation —and the limits of such translation — occurring not only between one national language and another, but also from local language to international language, from language of the past to that of the present, and from everyday language to legal language.

dream presented by Freud/Lacan. Whereas, in Halbwachs' view, society loosens its pressure in the unconsciousness state (dreams), for Freud/Lacan the unconscious state is precisely where the social repression manifests itself through the symbols that try to cover up the repressed wishes.

The particularities of my ethnographic site, however, invite an intriguing departure from the temporal scope offered by the *Global Assemblages* project. While the editors of the book explicitly state that “[t]he temporality of an assemblage is emergent” (Collier and Ong 2005, 12), the borrowing of the term “assemblage” from Gilles Deleuze and Félix Guattari (1987) also strongly suggests the project’s aspiration to free itself from historical determinations (most typically by stressing the malleability of capitalist economic and governmental formations). At the center of my legally-problematized space, however, are the grievances over *historical* injustices, assembled belatedly after half a century had passed since the end of the war in question. This deferred emergence of the aftermath yields questions that seem to demand a longer temporal scope than the focus on an emergent temporality. Why did all those Chinese wartime grievances emerge as legal claims so belatedly at the end of the last century? When and under what conditions, was the reemergence triggered? Was the belated formation of the space of aftermath, if not historically determined, somehow anticipated in its long absence? The most general way to answer the “why” question about the belated emergence of redress calls from many corners of the former colonial or wartime territories of the Japanese Empire is to attribute the initial, half-century-long silencing to the geopolitical and legal conditions of the Cold War. A number of scholars including above-cited Koga (2016) and Yoneyama (2016) have rightly done so. Yet my aim is to examine what *particular* conditions for wartime memories were generated by the belatedness, depending on the specific contexts in which each of the wartime grievances was situated.

Since I am more interested in specificities than in generalities, aiming to explore ethnographic details through which I hope to encounter singular truths of someone’s memory, my thematic scope necessarily becomes a quite focused one. Although I have already chosen one group of litigators (the association of the Legal Team and the Society to Support), among other equally fervent redress activists’ groups, I will further narrow my focus and examine in this dissertation two sets of lawsuits filed by the Legal Team, even at the expense of other thematically-important cases including forced labor and the Nanjing Massacre. Chapter 1 examines the case of another massacre, which provides an opportunity to engage in a longue-durée examination to answer the questions raised in the previous paragraph regarding the belated emergence of redress calls. The Pingdingshan Massacre (1932), although less well-known in the West than the Nanjing Massacre (1937), occupies an exceptional position in the PRC’s commemorative trajectories as it occurred in the outskirts of a mining town in the northeastern territory of China where the Japanese puppet-state of Manchukuo (1932-1945) was established. It should be noted that many incidents of Japanese-inflicted violence including the Nanjing Massacre, as they occurred in the then-Nationalists’ territories, did not receive much

commemorative attention during the early years of New China, when the PRC's primary enemies were the Nationalists in Taiwan and the United States. In contrast, a special commemorative focus was given to the Pingdingshan Massacre due to the location as well as the class connotation of coal mine laborers' suffering. As such, this case provides my inquiry with a valuable opportunity to explore two historically specific languages — Maoist discourse of heroism and the fin-de-siècle legal redress discourse of victimhood — summoned to recount the same event, namely, the massacre.

Chapter 2, in contrast, examines a set of grievances that had been completely silenced in the PRC until they emerged as legal claims at the end of the century, namely, the cases of sexual slavery in a rural area of Shanxi Province — dubbed “Chinese ‘comfort women’ cases (J: *Chūgokujin* ‘ianfu’ *soshō*).” While the inquiry of Chapter 1 is designed as a journey over time, that of Chapter 2 is a travel across space, aiming to map out configurations of the fin-de-siècle space of aftermath, within which the rural women's memories of sexual slavery came to be verbalized for the first time. To put the contrast between the first and second chapters in Saussurean terms; while Chapter 1, by discussing the case of a long-commemorated massacre, provides a diachronic account of the emergence of the space of aftermath, Chapter 2 intends to explore the synchronic dimension of the space by examining a sexual slavery case. However, the synchrony in this study, contrary to the static, closed linguistic system that Ferdinand de Saussure (1983, 99-105) aimed to demarcate with the term, is characterized by discursive dynamics that, going hand in hand with physical travels made by the litigators, entailed multiple levels and directions of inter-discursive negotiations and translations.

Although the two chapters are contrastive in terms of both contents and analytical axes (long-commemorated vs. long-silenced memories, diachronic vs. synchronic analyses), they also share common ground, namely, in terms of my troubled relationship to the losses experienced by the Chinese litigators. This repeated issue, pointing time and time again to the same relational problem latent in my inquiry, is an inevitable consequence of the historical conditions surrounding my — or by extension, our — encounters with the Chinese war victims, or more in general, others in pain. To examine this relationship, Chapter 3 makes a turn away from ethnographic case studies to engage in an anthropological reading of philosophical and psychoanalytical texts in relation to one another, exploring trajectories of philosophical engagements in the categories of time and space. The aim of the last chapter is to highlight, in relation to these philosophical trajectories, how the concept of trauma works as a model to designate our relationship to time, law, and language.

Ch. 1 How Memories Travel I: Traversing Historical Ruptures

*Truth depends on an encounter with something
that forces us to think and to seek the truth.*

— Gilles Deleuze (2000[1964], 16)

1. An Excerpt from the Decision of Tokyo District Court (issued on June 28, 2004)

*Acknowledged Facts: Damages against Plaintiff Fang*²³

- a. *Plaintiff Fang, whose original name was Han Xiaozhong, was born on June 2, 1928 in the village of Pingdingshan. At the time of the incident in question, Plaintiff Fang was four years old, living in a family of eight. She lived with her parents, her two younger brothers, her paternal grandparents and her aunt.*
- b. *On September 16, 1932, when Plaintiff Fang was playing in front of her house, she saw several trucks drive towards [the village]. A number of soldiers of now-defunct Japanese military²⁴ alighted from the trucks, and they ran toward the village. Plaintiff Fang felt scared and called her grandfather, who, upon seeing the Japanese soldiers, closed the front door quickly. All the family members locked themselves up in the grandfather's room. Her father, who worried that the Japanese soldiers would forcefully cart him away, ran toward the backyard. Right afterward, two Japanese soldiers broke open the front door and entered the*

²³ Heisei 8 (wa) No. 15770; reprinted in Inoue and Kawakami (2012, 532), written by Kikuchi Yoichi, Fujiwara Shunji, and Tanaka Masaya.

²⁴ “Now-defunct Japanese soldiers” is my deliberately awkward translation of the Japanese term *kyū nihon hei*. Perhaps the writers of this text— judges of the Tokyo District Court— abbreviated the more naturally-sounding term, *kyū nihon gun heishi*, soldiers of the now-defunct Japanese army. At any rate, this odd-sounding term is repeated at every place where “Japanese soldiers” would do, inscribing within the text an institutional and moral rupture between the current Japanese state and the “now-defunct” Empire of Japan, a rupture that, in effect, exempts the former from responsibility for violations committed by agencies of the latter. In my translation, though, I heretofore omit the word “now-defunct” as repeating it would be too distracting whereas, in the original text, the repetition appears to serve to diminish its odd feeling.

house, and one of them shot and killed her father when he was climbing the backyard wall. Then, the Japanese soldiers said in Chinese to the plaintiff et al., “[We are going to] take photographs”, ordering them at gunpoint to walk out of the house. All the family members including the plaintiff were forced to move outside and herded on, together with some other residents, to the base of the hill located to the south of the village, where many other residents had already gathered into a formless crowd.

The plaintiff saw things covered with pieces of black cloth and thought that those were cameras. However, the pieces of black cloth were taken away soon, and the Japanese soldiers fired at the residents with the machine guns that had been beneath the cloth. At this time, the family members of Plaintiff Fang stood together. Her youngest brother was held in the mother’s arms, her immediate younger brother in the aunt’s, and the plaintiff held the hand of her grandfather. When the grandfather was shot and fell down, he embraced the plaintiff with his two arms, so his body covered that of the plaintiff. At this time, Plaintiff Fang was also shot in her neck, her left arm and several other parts, so she became unconscious due to physical pain. When Plaintiff Fang regained her consciousness, she saw one of the Japanese soldiers bayonet her immediate younger brother, who had been crying for his mother, and fling him in the air.

- c. A while after the Japanese soldiers had left, Plaintiff Fang crawled out from beneath her grandfather’s body. Neither her mother nor her grandparents, nor her brothers moved. Plaintiff Fang tried to go home, but realized that her house had been burnt down. So she came back to the place where the bodies of her family lay to spend one night there beside her grandfather’s body. The next day, Plaintiff Fang was sheltered at the dormitory of coal mine laborers. On the following day, she was escorted to the house of her maternal grandparents. A few days later, due to her maternal grandparents’ fear that Japanese soldiers could find Plaintiff Fang, she was sent to the house of a relative to stay there while her wounds were treated. In addition, lest the fact that Plaintiff Fang was a survivor of the said incident would come to light, her maternal grandparents gave the plaintiff her current name, Fang Surong.
- d. Since 1958, Plaintiff Fang had worked as principal of a kindergarten and as director, and then vice chairman, of the women’s section of a labor union before she retired in 1984. She has a daughter with her former husband (who died of

disease) and two sons and a daughter with her current husband, whom she married in 1952.

2. Two Portraits of Fang Surong

In the summer of 2012, I flew to the southwestern Chinese city of Kunming to visit and interview Fang Surong. She was, by then, the last survivor of the three former plaintiffs of the litigation concerning the Pingdingshan Massacre.

2.1 Portrait One

Fang and her husband's apartment was in a huge old compound, located off a busy street in the provincial capital. In this labyrinth-like place, I would have been lost if it had not been for Qiuyu, my helper for the day, who talked with many passers-by in the cheerful-sounding Kunming dialect to figure out our way. This young Japanese-language teacher at a local college had kindly agreed to spend her free afternoon to help me in case my mandarin Chinese would not work to whatever degree in communicating with the elderly interviewee. On our way, I explained my dissertation project to Qiuyu and found out, to my surprise, that she did not know of the 1932 Massacre. "But I know Pingdingshan, the mountain in Henan Province," she said humbly. But *this* Pingdingshan, I explained, was not the "flat-top (*pingding*) mountain (*shan*)" in the eastern province, but a coal miner's settlement that had once existed in the Northeast, the then-territory of Manchukuo, or the "false (*wei*)" state of Manchu as it is usually called in Chinese. According to the official estimation of the Chinese government, more than three thousand residents were killed there by Japanese soldiers, who also set fire to the bodies as well as the settlement and then buried the bodies by dynamiting the hill. I stubbornly relayed to Qiuyu what I had heard from a Chinese acquaintance of mine in his fifties: the massacre of Pingdingshan, due to its class connotation as suffering inflicted on coal-mine laborers, was well-known within the country until the 1970s, perhaps even more widely than that of Nanjing. Qiuyu of course knew of the latter, but had never heard of the former. She was a *baling hou* (the generation born after the '80s), whose living memory did not extend back beyond the post-Mao era.

Fang Surong and her husband welcomed us in their modest living room. The couple seemed healthy although the wife, due to physical problems in her knees, rarely moved her stout body from the sofa (whereas the husband, who had come downstairs to find us outside the building, was incredibly agile: he almost ran up the stairs as Qiuyu and I barely kept up). The couple spoke the standard kind of Mandarin Chinese that is usually spoken by northeasterners, despite the fact that they had moved to this southwestern province several decades ago due to the

husband's job transfer. This meant that I could communicate with them by myself, but the couple seemed very delighted to meet Qiuyu, a local college teacher of the Japanese language. I sensed that I was received with more caution, which was understandable given the opacity of my status as a Japanese citizen affiliated with a U.S. institution (and studying anthropology, not history, to the puzzlement of many of those whom I encountered during my field study). First and foremost Fang asked how I had come to know Attorney K, the lawyer of the Legal Team who was my contact person and one of her "trusted friends in Japan," and whose dedicated engagement with her litigation, she said, had altered her long-held hatred toward the entire Japanese population. The question seemed to be of such primary importance to Fang that I felt as though my answer would determine whether I was positioned on the side of good — "friend" — Japanese or on the other, enemy's side. I answered the question,²⁵ feeling unsure if my response was satisfying to Fang.

Then, after exchanging a few words with Qiuyu, Fang suddenly started to tell her story of the Massacre. At this point, I had not taken out my audio-recorder, nor had I explained my project by showing my required paperwork. She started her recounting of the events in such an abrupt manner that I am inclined to describe it as automatic, and soon began to pour out her emotions, sobbing and clenching her fists on her knees. I kept hesitating whether to stop Fang, while Qiuyu was motionless with her wide-open eyes fixed at the speaker. It was not until Fang's husband mindfully interrupted by suggesting that her Japanese visitor probably already knew the whole story, that Fang came to a pause. Then, while starting to offer us plates of peanuts and fruits, this eighty-four-year old survivor of the Pingdingshan Massacre asked what my expectations for the interview were.

Fang's husband was right in that I "already knew" the story as I had read it in several printed versions of her testimony. I indeed planned not to ask her to recount it again partly because doing so, as Fang had once told her lawyers, could cause severe headaches. I also somehow assumed that her detailed court testimony, made under oath first at the Tokyo District Court in 2000 and then at the Tokyo High Court in 2004, was the culminating product of her long-standing testimonial efforts. Both courts, while acknowledging the "facts of damage (*higai jijitsu*)" claimed by Fang and the two other plaintiffs, deployed the principle of "sovereign immunity (*kokka mutōseki*)" to reject their appeal for official government apology and monetary compensation of 20 million yen each. The case was concluded in 2006, after ten years of trial,

²⁵ I had helped Attorney K. and a Japanese historian when they were trying to find descendants of Edward Hunter, the late American journalist who conducted an investigative report at Pingdingshan a few months after the Massacre (see Subsection 4.2 for a brief description of Hunter's contribution).

when the Supreme Court of Japan decided not to accept the plaintiffs' final appeal. As an ethnographer who arrived too late to be physically part of her courtroom audience, I aimed to contextualize and hopefully revitalize the court testimony that I had read. Yet I had no intention to ask her to repeat the supposedly painful effort to revisit the original scenes.

Having waited for the interviewer in her living room, however, Fang was obviously ready to go back to 1932 once again. "When I realized," I wrote in my field-notes later,

she was already speaking in an unstoppable manner. A dialogue, an exchange of words, was not possible. Words gushed forth out of her mouth in the kind of seamless flow that could be achieved only through numerous retellings — a level of proficiency that made a striking combination with the apparently very intense freshness of her emotions. She was looking at Qiuyu, not me, perhaps because the young compatriot was for her a more qualified listener than this foreign interviewer was. Or perhaps she did so only out of habit based on her previous encounters with Japanese audience, which had always occurred through a translator. But for that matter, she was not so much even talking to Qiuyu, who was no longer really translating either. I felt as though Fang was possessed by her memory that urged her to perform it for a larger audience imagined behind the body of the translator.

Fang's recounting in the living room, which filled me with an uncanny sensation, is difficult to capture here. Reconstructing its content based on my memory would yield nothing more than any version of her testimony that I "already knew" at the time. In her living-room recollection as in other versions, Fang's fateful day starts from its small hours, when the four year old is awakened in her bed by loud sounds of a bunch of men stomping through the outside street while shouting "Kill (*sha*)! Kill (*sha*)!" (Upon hearing these Chinese sounds *sha! sha!*, pronounced so sharply with Fang's tongue nearing the roof of her mouth, as if cutting through the air to deliver a sinister cue in theatre, I realized that she was no longer conversing but reenacting her catastrophe.) This battle cry in the dark was supposedly made by Chinese rebels on their way to raid the Japanese-operated Fushun Coal Mine. In retaliation for some purported conspiracy with these men, the residents of Pingdingshan were killed indiscriminately on the following morning by the Japanese garrison force officers stationed in Fushun. By the end of the same day, the Japanese "devils (*guizi*) equipped with black iron helmets and bayonets," as Fang recalls, killed every other member of her family— her parents, her paternal grandparents, her paternal aunt, and her two little brothers.

As her recounting continued, each of her family members died deaths that I knew too well. Her father was shot from behind while trying to escape over the backyard fence. The rest of the family members were killed in the outside field where the residents were herded to be machine-gunned. When he fell to the ground, her grandfather covered his beloved granddaughter with his body, thanks to which the four year old survived. When the sound of gun shots stopped, her mother was just a dead body with “white stuff popping out of her head.” The eldest of her two little brothers crawled from beneath the dead mother, crying out for his mama, only to be impaled by a bayonet and flung away. I have no doubt that if her husband had not interrupted, Fang would have described how the four year old spent the rest of the day— escaping from the killing site, discovering the whole neighborhood burning, and returning under the cover of night to the pile of corpses, and sleeping next to her dead grandfather as she had done until the previous night when he had been alive.

To me, as much as this sudden unfolding of Fang’s story was puzzling, it was also terrifying. Because every scene was predictable, I was not as shocked as Qiuyu apparently was. Instead, I felt powerless as one would feel when there was nothing one could do to stop things from developing in an extremely unpleasant but completely familiar way. This experience was morally unsettling as well. On the one hand, I was reminded of the pain that I had felt upon reading Fang’s testimony for the first time, the pain of the four year old who had nowhere to return but the pile of corpses. That shock, I realized on the other hand, had already subsided in the course of my repeatedly reading her testimony. I tried to revitalize that initial pain in myself, by feeling the pain that Fang seemed to be feeling in front of me, so that I could feel morally secure about my relationship to her loss. But my attempt was in vain. Out of my hope to be an empathic listener, I looked in front of me for a person to empathize with. But I could not find one. It seemed as though Fang Surong had been swallowed up by her story.

2.2 Portrait Two

I would by no means do justice to Fang’s self-image if my writing focused solely on the initial moment of our encounter when she almost automatically enacted her role as a victim. Upon her husband’s suggestion that the interviewer, given her limited time, should be given a chance to ask some questions, Fang returned to what seemed to be her usual self. Taking advantage of the suggestion, I presented my mandatory paperwork that stated the purpose and procedure of the interview. My offer to read it out loud was proudly rejected by Fang. She read through it by herself, declared that I should feel free to ask any question, and signed her signature. Her handwriting was strikingly elegant if one were to recall that she had not finished her elementary education: Her relatives stopped sending her to school when she was eleven years

old. So it appears that she was one of many in a generation of urban women who were beyond school age when New China was established and thus who were “painfully self-taught, long after learning comes easy,” to borrow the words of Margery Wolf (1985, 56) in her study of status of women in the PRC. Throughout our conversation (that was audio-recorded upon her consent), Fang was far from an automaton-like speaker: She was responsive, clear-headed (although she admitted, when she asked me for the second time about my relationship to Attorney K, that she was having more difficulty than before with remembering recent occurrences), and above all, very proud. She was proud of her role in initiating the litigation against the Japanese government as well as of the clarity of her memory of the Massacre in spite of her fairly young age at the time.

Not surprisingly, Fang became very offended in hearing my observation of a common undermining tactic employed by Japanese right-wingers: In this maneuver, Korean, Chinese, or other foreign plaintiffs like Fang are often portrayed as weak-minded puppets, manipulated either by their own government or by some Japanese leftists. “That’s not true!” Fang raised her voice, almost standing up from the sofa with her troubled legs. She emphasized, and asked that I emphasize in my report, that she and her husband took the initiative in the litigation, solely motivated by her “accumulated indignation (*jiyuan*) for the three thousand people in Pingdingshan and [her] family of eight.”

“My old pal,” she said referring to her husband, “even travelled to our hometown solely for the purpose of collecting materials to prepare our statement. Some people up there weren’t very enthusiastic [about helping him]. Maybe they were afraid.”

“Were you not afraid?” I asked.

“No, I was not,” she answered firmly.

“But we were afraid,” continued her husband, “to trust the Japanese lawyers when we met them for the first time [to discuss the possibility of filing a lawsuit in Japan]. We weren’t sure if they really meant to do it for us.”

“Right,” Fang confirmed. “I now have to admit that *we* were wrong in our lack of trust in the Japanese lawyers.” She said this last sentence playfully because, by this point of the interview, she and her husband had stressed several times that the Japanese government should “acknowledge its wrong (*renzui*).”

For the proud Fang, the Japanese court’s authorization of the facts concerning her and the two other plaintiffs’ claims was a “victory in a lost case (*baisu zhong de shengli*),” the fruit of the collective work of the plaintiffs, the lawyers and the activists. Of course, she expressed strong discontent with what she regarded as an “ambiguous attitude (*buming de taidu*)” of the Japanese government. (“Germany’s attitude is good in this regard,” added her husband from her

side, presumably referring to its apologies to Holocaust survivors.) After the closure of their case, the three former plaintiffs and their Japanese lawyers came up with a modified set of demands over which to negotiate with the Japanese government through legislative channels. Having abandoned the claim of individual monetary compensation, they now demand that the Japanese government should officially apologize to the victims of the Pingdingshan Massacre as well as their descendants and, as a token of the apology, construct a monument and a cemetery. In spite of the efforts made to fulfill these “modest demands (*sasayakana yōkyū*),” as her Japanese supporters put it, little progress has been made.²⁶ In the meantime, the two other plaintiffs have already passed away. During our conversation, Fang conveyed her frustration:

You acknowledged the facts. Doesn't this mean you acknowledged your wrong?
Then why do you not respond to our demands? We originally demanded monetary
compensation, but later decided that it wasn't the most important thing. You
should just do it in a straightforward way: apologize and construct the cemetery!
This is to educate the next generation and to promote peace instead of war!

While Fang clearly referred to the Japanese government with the otherwise generic pronoun “you (*ni*),” I sensed that the accused “you” could also potentially include me, a Japanese citizen sitting in front of her. For Fang, any logic less “straightforward (*gancui*)” than her distinction between “you” and “we” would be a perpetrator's excuse. I was exempted from what could have been a laborious task to prove my “attitude” solely thanks to my connection to one of her trusted Japanese lawyers. It had taken these lawyers a vast amount of pro bono work to prove that they could be a part of how she understood “we.” As she was now eager to see a visible sign of her and her supporters' “victory”—a proof that their work had not been wasted—I was being questioned on whether and how I would work on their side.

The above sketch has thus produced two contrasting portraits of Fang Surong. To add impressionistic or tentative captions: Fang is in inconsolable pain in the first portrait, and in proud indignation in the second. In the former Fang mournfully bears witness, turning onlookers into witnesses to her pain: in the latter she demands collaborative actions to change the outrageous state of the world. The distinction, needless to say, is not purely descriptive, as no

²⁶ See Heichōzanjiken soshō bengodan (2008, 161-162) for the statement on their demands issued by their lawyers.

description entirely is. It is a narrative construction shaped by some of the conceptual concerns of this ethnographer, and presented in anticipation of the two discrete modes of relationship to the past that underlies this chapter's inquiry.

Such a conceptual operation, no doubt, exercises a certain violence on the ethnographer's own memories. At the end of this ethnographic account of my experience with Fang Surong, I would like to spare from such violence a piece of memory that would otherwise be precluded as it does not seem to neatly fit into either of the "two portraits." When Qiuyu and I were about to leave the apartment following her husband, Fang stood up from the sofa and slowly walked up to the front door to send us off. In spite of our plea not to do so, she continued to walk with her troubled knees, by supporting her body with her hands against the wall, reached the entrance, and asked with a stern face, "Will you return or not?" When I answered somewhat nervously that I would, she said, "That's good," and smiled a beautiful broad smile.

3. Between Life and Documentation (The Scope of Inquiry)

Many people who were informed of my project advised me, understandably, that I had better hurry to see the elderly survivors. But did I arrive into Fang Surong's life in time, when she had been waiting so long for justice she so strongly desired? I interviewed her with a naïve hope to empathize with her situation only to be left questioning what empathy meant and how it was possible under the circumstance. Nor did my interview, even when I was allowed to ask my questions, reveal much more than what I "already knew" from existing documents. I felt as though all that could be said and documented about her experiences had been already said and documented so that our encounter was completely circumscribed by the court documents or other types of records into which her life had entered as a set of legal and historical facts. Indeed, that impromptu, bewildering narrative she offered in her living room shows the extent to which a testimonial life has become circumscribed by the language of its own recounting, within which speech tends to occur only as a repetition.

It is important, however, to recognize a *longue-durée* dimension to this circumscribed and circumscribing testimonial life of Fang Surong. For her recounting of the Pingdingshan Massacre — coherent, entrenched, and enacted with precision — is as much a product of her repeated testimonial engagement since 1951 as it is a product of her suffering and loss. In contrast, the court testimonies given by victims of sexual slavery in Shanxi Province, as I will observe in Chapter 2, are strikingly fragmented and incoherent, testifying to the long absence of a language, whether public or private, in which their experiences could be verbalized. If not as extreme as these sexual slavery cases where even private recollection was impossible, many other atrocious incidents during the Japanese invasion did not receive much official attention during the early

years of the People's Republic, when more focus was placed on the ongoing confrontations with the U.S.-backed Nationalists in Taiwan as well as on the internal struggles against class enemies.²⁷ However, the Pingdingshan Massacre, as an example of the class suffering of coal-mine laborers in the Northeast, a territory that the Communists claimed the Nationalists had “sold out by not resisting (*bu tikang maichuqu*),”²⁸ became one of the exceptional sites where suffering inflicted by the Japanese invaders fell under the auspices of “legitimate wrongdoing.” It was therefore no coincidence that the three survivors who later stood in the Japanese courtroom were, in the eyes of their Japanese lawyers, “excellent plaintiffs” who “retained surprisingly vivid memories from the time of the incident and were able to recount them with concrete descriptions” (Heichōzan jiken soshō bengodan 2008, 96): they had been official witnesses of the Pingdingshan Massacre long before they arrived in the Japanese court at the turn of the century.

However, the justice to which they bore witness during the Maoist years was of a different kind. To highlight the rupture that marks this difference — a rupture in Fang Surong's recounting that would otherwise seem to be a repetition — is the aim of the *longue-durée* treatment that I present in this chapter. Whereas legal and diplomatic milestones that constitute what the Chinese have come to call “problems remaining from WWII (*erzhan yiliu wenti*)” are concisely laid out by Caroline Rose (2005) in her overview of postwar Sino-Japanese relations, I attempt to shed a different light on the same trajectory by focusing on shifts at the level of discourse. To do so, I am informed by Robert Meister's *After Evil*, a critical examination of current human rights politics “that represents itself as coming after evil, especially the evil of the twentieth century” — that is, the era that has become known as “a century of genocide.” In this book, Meister presents a sharp historical break in the conception of human rights: “the revolutionary conception of human rights that dominated the period between 1789 and 1989 has been supplanted by a counterrevolutionary conception of human rights that regards this two-hundred-year period as evil” (*ibid.*, 7). In other words, an “ethically centered approach to human rights that triumphed after the fall of communism in 1989 superseded the politically centered

²⁷ In other words, Japan was not the most threatening enemy to the People's Republic as the U.S.-backed Nationalists for a long time. (It even became a potential ally at a certain point in history as I will examine in Subsection 5.2.) It was only after the 1980s, it has been pointed out, that the internationally famous Nanjing Massacre (1937), committed in the then-capital of the Nationalist-governed Republic of China, came to receive increasing official attentions in mainland China (see Fogel 2000; Yoshida 2006).

²⁸ This expression is taken from a local cadre's remark in the 1951 meeting that I will examine in Subsection 5.1 (Fu and Xiao 2002, 326).

version of the Rights of Man that had been the focus of struggles for equality and liberty since the French Revolution of 1789” (*ibid.*, 5).²⁹ It is true, Meister admits, that

[d]emands for free elections and civil liberties that were revolutionary in 1789 and 1848 have become uncontroversial in the twenty-first century: it no longer *takes* a revolution to accomplish them, as it did in societies where feudal forms of power still prevailed” (*ibid.*, 21; original emphasis).

However, Meister continues to point out, it is also true that

the ideology of postmodern humanitarianism understands itself as coming *after* a world politics based on revolution and counterrevolution. Post-1989 Human Rights Discourse must thus be understood as a critique and supersession of earlier ideas of revolutionary struggle in much the way that the post-1789 doctrine of the Rights of Man must be understood as a critique and supersession of the feudal ideas that it put in the past (*ibid.*; original emphasis)

The supersession has occurred, Meister argues, most notably with the idea of justice: the revolutionary concept of justice-as-struggle has been supplanted by the newly-emerged concept of justice-as-reconciliation. The former, justice-as-struggle, is pursued by “unreconciled victims,” for whom “justice itself would become a continuing struggle — not merely to defeat the evil regime but also to force remaining beneficiaries of past injustice to permanently relinquish their illegitimate gains” (*ibid.*, 21-22); while the latter, most typically through the techniques of transitional justice, is meant to “bring about a cultural transformation that will leave liberal democracy secure” (*ibid.*, 23) although in so doing it serves, in his view, the politics of counter-revolution under the guise of an ostensibly apolitical intervention. In this light, while the aforementioned 2005 book by Rose was primarily interested in Sino-Japanese reconciliation, the focus on reconciliation, far from being an abiding value, reflects historically-specific concerns and politics of our recent time, which hardly concerned Maoist revolutionaries.

Meister’s historical framing has helped me to understand the Chinese survivors’ litigation examined in this dissertation not simply as a prolonged aftermath of WWII but as a series of

²⁹ See also Samuel Moyn, who argues that the current human rights paradigm “not only displaced [the romance of third-world revolution and guerilla warfare] but also targeted it for its most passionate criticism” (2010, 115).

legal practices that emerged in relation to the collapse of the Maoist revolutionary discourse. In other words, what I call a space of aftermath — the fin-de-siècle “problem-space” (Collier and Ong 2005; see Introduction for my explication on the analytical utility of this notion) in which these Chinese victims’ grievances became legally problematized — has to be situated in the double aftermath of the original events and the death of the Chinese Revolution. Yet there is also room in Meister’s view for further complexity: While, as an abstract construction, the sharp contrast he draws between the 1789-1989 justice-as-struggle and the post-1989 justice-as-reconciliation provides some economy of thought, it makes one wonder whether and how such a break in conception was experienced in a concrete locale far away from the Berlin Wall, say, in China, where a revolution was *lived*. As an exceptional site where a Japanese-inflicted atrocity was officially commemorated during the Maoist years, the Pingdingshan Massacre enables my inquiry to engage in a productive comparison between the two historically-specific languages summoned to recount the same event: the Maoist language of heroism and the fin-de-siècle language of victimhood. What characteristics did each of these languages manifest in Fang Surong’s recounting at different moments in history? When, if not in 1989, and with what narrative complexities that cannot be grasped by a standardized image of the fallen wall in Berlin, did the collapse of the revolution take place within the Chinese local history? Did the language of struggles die out to be completely supplanted by the language of victimhood, or is it still exercising some effects, if only in residual ways? These queries, I must emphasize, are not meant to reduce Fang Surong’s (and other massacre survivors’) experiences to mere narrative constructions or to discredit them as products of political propaganda. One of the obligations of an ethnographer, I believe, is to attempt to exercise an art of listening in order to hear someone’s painful utterance *despite* the language in which it is addressed.³⁰ Before being able to fulfill such ethnographic obligation, she must first discern the politics at work in these languages, be they revolutionary or humanitarian.

By historicizing the inquiry, I am probing into the gulf between what was lived and what is documented.³¹ Fang Surong’s recounting in her living room gave me a strong impression

³⁰ I am indebted for this articulation to our discussion in the Fall 2010 seminar taught by Stefania Pandolfo at UC Berkeley, which revolved around *The Ethics of Psychoanalysis 1959-1960* by Jacques Lacan (1992). See Chapter 3 for more explications.

³¹ This gulf, in its mechanism, resembles the one “between memory and history” articulated in French historian Pierre Nora’s diagnosis of a contemporary “regime of discontinuity” (1989, 17), where “our memory [has become] nothing more in fact than sifted and sorted historical traces” (8). This chapter’s

precisely because it was a repetition for me, a repetition not observed in the space of a written object (as had been heretofore the case with me) but experienced in the time of my life and Fang Surong's. This reflection, on one hand, reveals an essential difference between a testimony in "the form of life" (cf. Das 2007) and one in the form of documentation and, on the other hand, points to the alienation of the former by the latter that had a displacing effect on my encounter with Fang Surong. Recognizing the irreducible difference between life and its documentation, and therefore the impossibility of accessing the former through the latter, I nonetheless propose to read Fang's documented testimony within the long duration in which it was repeatedly invoked: thereby I stretch its (in)decipherability to its limit. My ethnographic reading of the documents, in other words, is an attempt to translate lived repetitions *out of* written ones.

This chapter's investigation is enabled mainly by two books, one published in Japan and the other in China. Both are collections of documents concerning the Pingdingshan Massacre, although with differing orientations. The one published in Japan, *The Packet of Materials of the Pingdingshan Incident* (Inoue and Kawakami 2012), is a product of the litigation filed in Japan, which is a voluminous collection of "materials (*shiryō*)" including not only court documents produced through the judicial process but also old Japanese or Chinese newspaper articles, memoirs, etc. collected by professional and amateur historians in the Society to Support (see Introduction), the organization of citizens who supported the Pingdingshan litigation. This book collates documents roughly in the chronological order of the events that they refer to, reflecting its orientation toward a factual reconstruction of the Massacre and related events, which was also the basis of the legal claims. A second book, *The Crime-deed, the Crime-proof, the Crime-responsibility: Focus on The Pingdingshan Massacre Inflicted by the Japanese Invaders* (Fu and Xiao 2002), edited by local historians of the Social Academy of Fushun City and the Pingdingshan Massacre Memorial, compiles historical accounts written by local research units, records of commemorations at various occasions, written confessions gained in Maoist punitive procedures, translations of Japanese memoirs and legal documents etc. These documents are presented roughly in the chronological order of their production, with minimal interventions

inquiry is in part my response to the critique of Nora's discussion presented by Arif Dirlik, who took up Nora's "regime of discontinuity" to pose the following question about the Chinese revolution: "Why is it that revolutions, which seemed to make eminent sense only decades ago, no longer seem to make any sense?" (2005, 183-225) While Dirlik worked on this question in terms of historians' memory, I approach the same question from the viewpoints of those who lived through the Chinese Revolution.

added by the contemporary editors, reflecting the book's character as a commemoration of past commemorations.

Lamenting over the obviously systematic concealment of the Massacre by the Japanese authorities, Japanese history professor Inoue Hisashi, one of the co-editors of *The Packet*, declares that "it is notwithstanding impossible to completely rub out traces of history" (Inoue and Kawakami 2012, 7). In the Japanese context, his as well as his collaborators' efforts that resulted in the voluminous collection of documents can be understood both as a resistance practice against the institutional silencing and as an intellectual attempt to better understand the Japanese imperial past by reconstructing as many empirical details of the Massacre as possible.³² In other words, the book's publication was another form of activism continued by the former litigators striving to build up facts against fictions. Although I fully acknowledge my indebtedness to the product of their fact-seeking efforts, I attempt to read these documents in a different way. I do so as a practitioner of historical anthropology, whose "task is less to distinguish fiction from fact than to track the production and consumption of those 'facts' themselves" (Stoler 2002, 91).

The next section tracks some media reports from the time of the Pingdingshan Massacre that are compiled in the two books. My treatment does not regard these reports, as Inoue does, as "traces of history (*rekishi no konseki*)," or in other words, as incomplete pieces of evidence that need to be patiently sifted through in order for the whole picture of the original event to be eventually reconstructed. Instead, what my inquiry examines are the signs denoting, to borrow Foucault's words from his structuralist phase, "enunciative possibilities and impossibilities" (1972, 129) that surrounded the Pingdingshan Massacre in its immediate aftermath.

4. The Pingdingshan Massacre (1932, Manchukuo)

4.1 Interdiction of Mourning³³

Pingdingshan, a place that we are aware of only as a result of its extinction, was a shanty town that quickly emerged and disappeared at the fringe of Fushun Coal Mine in Fengtian

³² Especially at issue is through what processes the decision to annihilate the whole settlement of Pingdingshan was made in the Japanese garrison force.

³³ I took this sub-section title from Marc Nichanian (2003)'s discussion on (im)possibility of mourning in the aftermath of a series of pogroms of Armenians in the territory of the Ottoman Empire at the end of the 19th century. In spite of intellectual, political and ethical dangers involved in comparing culturally varied responses to a wide variety of historically specific experiences only because these experiences are

Province (present-day Liaoning Province). After the Mine had come under Japanese control as a result of the Russo-Japanese War (1904-1905), the Japanese semi-governmental corporation South Manchurian Railway Co. rapidly expanded it by capitalizing on labor forces pouring in from North China.³⁴ By the time the puppet state of Manchukuo³⁵ was established in 1932 with the promise of “kingly-way paradise (J: *ōdō rakudo*; C: *wangdao letu*)”, the downtown area of Fushun, or Bujun as its about 18,000 Japanese inhabitants called it, was already a modern town equipped with electric and telephone cables, clinics, schools and preschools; whereas Pingdingshan, in the eyes of one Japanese colonizer, was just an emerging “slum” of Chinese coal-miners, or “Manchurians (J: *manjin*; C: *manren*)” as the colonizers decided to call them (Inoue and Kawakami 2012, 232).³⁶ It is telling that later, when the first official PRC’s account on the Pingdingshan Massacre was written in 1964 based on local oral histories, it started with a story of the collective naming of the place.³⁷ In order for the extinction of Pingdingshan to make

assumed to be classified under the same category such as “genocide,” “atrocities,” or “catastrophe,” I nonetheless evoke here an inter-cultural and inter-historical comparison in order to point to how (im)possibility of mourning is enmeshed in structures of power and crises of language. See Alan Tansman (2004) for a discussion, in the context of Japanese and Jewish responses to the A-Bomb attacks and the Holocaust respectively, of the problematics and possibility such comparison when it comes to pedagogical practices.

³⁴ According to the quinquennial report issued by the Fushun Mine administration, 17,990 Japanese or “in-landers (*naichijin*),” 4,352 ethnic Koreans, and 43,660 ethnic Chinese populated in the concession area of Fushun in 1932 (Inoue and Kawakami 2012, 36; reprinted from Bujun Tankō Syomuka, *Bujyun Fuzokuchi Enkakushi: Showa 6-10*).

³⁵ I admit that my account relies on the categorical economy of the terms such as “puppet state” and “colonial regime.” Pransanjit Duara cautiously maintains that, for all the undeniable oppression and violence exercised by this regime, it is still worthwhile asking the following question: “Why was Manchukuo established as an independent, civilian nation-state, however formal, rather than as a colonial and military state?” (2003, 61). For Duara, the puppet designation alone is not enough to grasp the complexity of Manchukuo as it “cannot capture the novel institutional arrangements that produced results very different from the old colonial states” (*ibid.*, 60).

³⁶ Reprinted from Yamashita Tei, *Shuki haisen jigoku bujun* (Tokyo: Kōbunsha, 1982).

³⁷ According to this account, coal-miners, after their previous residence had become unlivable due to an expansion of the Mine, started to build shanties on a wasteland whose soil had been taken to infill wasted pits. For a while, the place was nameless because “everyone first did not know how to call this village.

sense in this latter-day account, its collective genesis had to be narrated *postmortem*: this illuminates the degree of obscurity in which the whole settlement disappeared on September 16, 1932.

It is said that the Massacre was committed by the Japanese garrison force in retaliation for some residents' purported conspiracy with Chinese insurgents who had attacked Fushun during the previous night.³⁸ This attack on Fushun by Chinese insurgents, in stark contrast to the silent extinction of Pingdingshan on the following day, was vociferously covered by the Japanese-owned local media. For the preceding few months, city and regional newspapers fervently reported increasing attacks on the railway by groups of crudely armed men. When a couple of thousands of these "bandits (J: *hizoku*)" finally reached Fushun to attack and killed five Japanese on September 15, the headlines of these newspapers were filled first with sensational expressions of terror, then lamentation. The September 17 issue of *Manchurian Daily* (*Manshū nippō*), for example, mourned in one article the death of a head engineer who "was warmly sincere, kind to others, loved by so many, and had an intense sense of responsibility" while bewailing in another article the overnight damage on "the modern mine on whose beauty and scale we had prided ourselves" (*ibid.*, 114).

Soon afterward, local monthly magazines started to pour out numerous commentaries and interviews as though there was a thirst for more stories and meanings to quench the initial sensation of terror. The October issue of *Monthly Bujun* (*Gekkan bujun*) published a featured interview with garrison force officers excitedly speaking about their "defensive battles" as well as an essay lauding the wives of police officers for their "calm, brave, and well-chosen actions" in the emergency (*ibid.*, 123-127). (One of these pages even contained an advertisement from the editorial staff who wanted more stories: "Will you please write about fights, hardships, or gossips during the bandits' attack? We will offer you a memorial photo as a reward.") The October 1 issue of the South Manchurian Railway Co.'s newsletter *Concord* (*Kyōwa*) also

Later, several elderly men discussed among themselves and said: this area was originally a hill and then became flattened, so why don't we call this village Pingdingshan, Flattened-Top Mountain? Everyone thought that this name was quite good, so the village was named accordingly" (Fu and Xiao 2002, 3; reprinted from Zhengxie Fushun-shi Wei yuanhui Wenshi Bangongshi, "Pingdingshan Datusha Can'an Shimo," in *Wenshi ziliao xuanji di si ji*, Shenyang: Liaoning Renmin Chubanshe, 1964).

³⁸ As Yamamuro Shinichi (1993, 295) points out, in the same month of this year, a law was established in Manchukuo to endow its military and police officers "the discretion to respond" flexibly to situations involved in punitive expeditions to chastise 'bandits'," a mandate called *rinjin kakusatsu* (to translate literally, "facing the battle, beating to death").

exhibited one article after another coping with the aftermath of the terror. One article was a eulogy for the martyred head engineer, to whom its author dedicated a *tanka* poem describing a full moon shining on his dead body. Another article, explaining that the intruders were members of the occult religious “Red Spear Society,” showed an illustration of brush-written spells on a charm found beside a dead man, whose arm was nothing more than a hand-made willow-hilt spear — an image in which the enemy’s figure was projected as a superstitious Other in contrast to the Japanese colonizers’ images of themselves as rational, modern engineers. Conclusively, the editorial column in the same volume drew the following lesson: in order to prevent a second such attack and defend the “security-line as well as life-line of our country” that was Manchukuo, what must be done, in this editor’s view, was “to make the [local] people afford to eat (*kueru yō ni shite yaru kotoda*)” by promoting economic development of the territory (*ibid.*, 150-153).

No such verbosity was available for the colonized to mourn those who were killed in Pingdingshan on the day following the raid. No report of these deaths, deaths that were not supposed to have occurred in the kingly-way paradise, appeared in newspapers published within the territory of Manchukuo. No mourning took place: although the Japanese soldiers spared an old local temple (which happened to be the only building that remained unburnt), the community that would have made the temple culturally meaningful was completely destroyed.

Some signs of the unspeakable event, however, can be found in local newspapers, precisely in the form of concealment.³⁹ The October 2 issue of *Manchuria Daily*, for example, reported that an increasing number of refugees, “due to the fear of a second attack by bandits,” were leaving villages surrounding Fushun for their native places in North China, causing a serious scarcity of laborers (*ibid.*, 246). The October 6 issue of *Shengjing Times* (*Shengjing shibao*), a Japanese-owned Chinese-language paper based in Fengtian, published a pronouncement issued by the county head to order these refugees to return to their villages to harvest crops, assuring that there would be “not a single danger hereafter” (*ibid.*, 259). The October 15 issue of *Manchuria Daily* also reported that “relief money (*kyūsaikin*),” provided jointly by the Fengtian Province administration and Fushun Coal Mine, was distributed to the residents of surrounding villages “that had been trampled on by the bandits.” The article continued to observe that “the afflicted people are herein weeping with joy (*hisaimin wa*

³⁹ The way in which a censored event manifests itself resembles the way in which the Freudian unconscious manifests its repressed presence in dreams, in slips of the tongue, and in symptoms, through peculiar work of symbols — words and images that cover up, and *by so doing*, signify. See, for example, Freud (2005 [1901]).

kokomoto zuiki shite iru)” (*ibid.*, 251), as if to foreshadow the slogan with which Michel Foucault characterized the coincidence between the unprecedented scale of slaughters in WWII and the massive welfare programs instigated during the same time period: “Go get slaughtered and we promise you a long and pleasant life” (Duara 2003, 71).

4.2 Brief International Attention

Outside the territory of Manchukuo, protests appeared as words traveled with those who fled Fushun. The timing happened to be such that the report by the Lytton Commission had been made public in October, concluding that, contrary to the Japanese Kantō Army’s allegation, the Manchurian Incident (1931) could not be regarded as a measure of legitimate self-defense. As further debates on the incident were scheduled to take place in the League of Nations, rumors from Pingdingshan invited some serious efforts to investigate how, in the words of Beiping-based nationalist protester Wang Zhuoran, this “new record of misery and inhumanity” had been made under the Japanese occupation (*ibid.*, 278).⁴⁰ Edward Hunter, an American journalist for the Internews agency who apparently conducted an undercover investigation, concluded in the December 2 issue of *The Seattle Post Intelligencer* that 2,700 residents of Pingdingshan and other surrounding villages had been slaughtered because they were “simply suspected of giving food and lodging to the rebels” (*ibid.*, 312).⁴¹ The Japanese consul in Seattle dismissed this report as part of Chinese propaganda, maintaining that the incident was simply a security-enforcement operation in which “about 350 bandits and unruly elements associated with them” had been killed (*ibid.*, 307).⁴² Citing the same report by Hunter, the Chinese representative at the League of Nations appealed to the assembly held on December 6 that “even right now, when we are discussing peaceful solutions [for the Manchurian crisis], innocent women and children are being killed by Japanese airplanes and machine guns” in the territory of Manchukuo (*ibid.*, 324).⁴³

⁴⁰ See Rana Mitter (2000; especially Chapters 4 and 5) for the protest activities engaged by Wang and other nationalists in response to Japanese inflicted atrocities in the Northeast.

⁴¹ Reprinted from Edward Hunter (1932, December 2), “Shambles found where Japanese massacred 2,700,” *The Seattle Post Intelligencer*. For a fuller summary on Hunter’s coverage, see Rana Mitter (2000, 112-114).

⁴² Reprinted from the Foreign Ministry Archives, A-1-1-0-21-4-4.

⁴³ Reprinted from the Foreign Ministry of the Republic of China, *Waijiaobu gongbao* (The Official Gazette of the Foreign Ministry), Vol.5:4.

The culminating protest during this phase was made by a refugee named Zhang Rongjiu, who had reportedly fled to Beiping from a village adjacent to Pingdingshan. According to his statement published in the December 22 issues of *Shanghai News* (*Shen bao*) and *The Great Public News* (*Da gong bao*), a squad of Japanese military men arrived in his native village on the morning of September 16 when Zhang and his family were still eating breakfast. (Since the previous night was a Chinese Full Moon Festival, many families were consuming their precious festive leftovers at this time.) The military men were accompanied by a translator, who told them that the village must be evacuated due to scheduled military drills. Having rejected Zhang's request to let them finish their meal first, the Japanese soldiers escorted the Zhang at gunpoint to the neighboring Pingdingshan settlement where many other people were being herded. There were covered things that Zhang initially thought to be cameras, and when they eventually turned out to be machine guns, "more than three thousand people, in the pandemonium of running, screaming, and yelling out to one's children, fell down one after the other responding to the sounds [of gunfire] (*sanqian yuren zai dongben xipao, hutian handi, jiao'er huannv de daluan zhong, ge ge yingsheng er dao*)." A bullet shot through Zhang's older brother, whose body happened to fall over Zhang. "My mother, my wife, my sister-in-law, and my brothers—" Zhang describes what he saw when he opened his eyes a while later, "every one of them was already dead. Blood was still coming out from their wounds. My son died an even more miserable death: his face entirely unrecognizable, his brain completely broken (*mianmu mohu, naojiang benglie*)." Finding from afar his village set on fire, Zhang ran first to the nearby village where a relative lived, and then to Beiping, where he gave his testimony.

A number of concise, graphic four-character expressions employed in the above-cited and other parts of Zhang's statement suggest that some literary touch was added to dramatize the original account given by the (most likely illiterate) refugee from the Northeast. The statement was recorded at the hands of those who meant to present it to Chinese communities outside the Northeast as a formal plea for its salvation (which makes a sharp contrast, as I will discuss in Subsection 5.1, with the 1951 presentation of Fang Surong's experience). Hence the sophistication in his laments in the concluding part of the statement:

I think I've been smashed by horror. In the night, I often get up and run like crazy or yell with fright while still dreaming. My family is all dead. I no longer want to be alive. Oh, this is the happiness being enjoyed by the people of "Manchukuo", the tasteful flavor being tasted every day by countless Northerners. What I stated above is what Zhang Rongjiu myself experienced by fleeing alive out of

death. If any word in this statement is forged, I should be executed by heaven, destroyed by earth. (Inoue and Kawakami 2012, 282)⁴⁴

In this passage, the painful utterance in the first four sentences (describing what, today, could be diagnosed as symptoms of post-traumatic stress disorder) is incorporated into the dramatic latter part where Zhang solemnly speaks for the collective suffering of the Northeasterners.

Made at the height of the League of Nations' attention, this plea was clearly addressed to international audience as well. Its English translation appeared in the January 7 issue of *China Weekly Review*, a Shanghai-based English language publication, as evidence of "the wholesale massacre" committed by the Japanese army (Inoue and Kawakami 2012, 300). Yet after this date, no further report concerning the Pingdingshan Massacre can be found in the two collections of documents I am assessing; except some Japanese diplomats' telegrams that diligently tracked, until January 23, the whereabouts of the journalist Hunter (such as his "job promotion" to become a correspondent in Europe), who they asserted "had actively delivered forged reports against our country (*honpō ni taishi sakan ni netsuzō kiji wo tsūshin seru*)" (*ibid.*, 371; reprinted from Foreign Ministry Archive, A-3-5-003). It is unknown from the available documents whether Zhang's translated testimony reached the League of Nations, from which Japan withdrew in February 1933.

At this point, four-year-old Fang Surong, or Han Xiaozhong to use her original name, was being looked after by her aunt, the wife of her mother's brother. Although she was wounded in several parts of her body, her relatives did not take her to a doctor lest the authorities should find out that she was a witness of the Massacre. It was due to the same concern that they later gave her the new name to disguise her identity from the census register inspectors. Fang's aunt kept applying slices of pumpkin, a folk remedy, to the wound in her neck, out of which a bullet emerged a few months later. Yet this is only knowable from Fang's testimony in the Japanese courtroom in 2004. Needless to say, the four year old left no sign of her injured existence in the documents left from 1932.

⁴⁴ This translation is mine. The English translation published in the January 7 issue of *The China Weekly Review* is slightly different: the part complaining about his being smashed by horror (*xia huai le*), i.e. mad, is removed perhaps in order not to decrease the credibility of the statement; the last four characters (*dianzhu dimie*) are translated simply as "let God punish me" (Inoue and Kawakami 2012, 300).

5. Victors (Turn I)

One morning, in early November [of 1945] I think, I looked out of the window and saw soldiers holding guns on their shoulders. A cannon was placed in the yard, aiming at us. The soldiers wearing uniforms of the Eighth Route Army (Chinese Communist Force) came running inside the building and ordered us to go out. ... A cadre of the Eighth Route Army mounted a platform and spoke to us. I remember he said in rudimentary Japanese, “Your country has turned from the land of the rising sun [hi izuru kuni] to that of the setting sun [hi bossuru kuni]. If you obey our orders, we will spare your lives.” This is how they disarmed us.

— Recollection by a Japanese former military nurse, whose unit was stationed in Shenyang⁴⁵

The metaphor of a suddenly fallen sun in this quote, presented to a group of people at one crucial moment of their lives,⁴⁶ conveys well how the subversion in power in the Northeast in

⁴⁵ Higo Kikue, “Senchi ni sasageta seishun: moto nisseki jyūgun kangofu no shōgen” (August 2013, <http://www.jiji.com/jc/v4?id=jrcnurse0007>), based on an interview conducted by Miyasaka Ippei.

⁴⁶ At this point, Higo held a bottle of potassium cyanide that had been distributed by her unit— a Japanese military practice that was ubiquitously seen toward the end of the Asia Pacific War — so that she and her workers could kill themselves anytime. After the above-recalled disarmament, Higo and her several other colleagues were treated to a bowl of sorghum and a bowl of bean-curd soup, which “tasted delicious” for this hungry Japanese nurse, and then they were “asked” to stay on in China to “help” the Communist with their “high skills” in medicine: they ended up joining not only the immediate Civil War (1945-1949) but also in the subsequent Korean War (1950-1953). It should be noted that the wording for the rising and setting suns, conveyed by the cadre at this time in “rudimentary Japanese”, is apparently taken from a popular historical episode in the tributary relationship between Imperial China and Japan. During the 7th century the Japanese Emperor of the time wrote in her letter to the Chinese Emperor, “This is a letter sent from the sovereign of the land of the rising sun (*hi izuru kuni*) to the sovereign of the land of the setting sun (*hi bossuru kuni*)”, and according to a popular view circulating in Japan, the former upset the latter. Evoking a long Sino-Japanese history in which Japan was subordinate except in the modern time, the reference in this scene seems to imply the comparative shortness and recentness of Japanese prosperity.

1945 was also a subversion of the symbolic order. When Manchukuo dissolved following the Soviet invasion into the region and Japan's surrender to the Allies in August, "every state department office burnt documents all at once," as a former intelligence officer (*tokkō*) of Manchukuo Shimamura Saburō (1975, 90) later recalled. The amount of incinerated documents was such that "for a week or longer, the smoke completely covered the administrative district" of Shinkyō/Xinjing, the "New Capital" built on the old "Long Spring" Changchun. Thus along with Manchukuo, a massive amount of signs that the regime had produced to signify itself during the thirteen years of its reign also vanished in smoke, literally or metaphorically.

Yet who was to fill the power vacuum was an open question in the immediate aftermath of WWII that was also the eve of the Chinese Civil War (1946-1949). Under these historical circumstances, what was at stake in the deferred justice for Pingdingshan was not just *postwar* justice, as in Nuremburg and Tokyo, but also a symbolic dimension of the renewed *wartime* power struggle. In the city of Fushun under the brief Nationalist governance, local newspapers fervently wrote about the "blood debts (C: *xuezhai*; J: *kessai*)" of Pingdingshan to be paid by the former colonizers before they left for their defeated country. Eventually, eleven Japanese — ten former employees of the South Manchurian Railway Co. and one former police officer, who all pleaded not guilty — were arrested as suspects of the Massacre.⁴⁷ Tried in the military tribunal held in Shenyang in liaison with the Tokyo War Crimes Tribunal,⁴⁸ seven of them were sentenced to death in January 1948, and executed in April when the Communist force was rapidly approaching to lay siege to the area. Through this act of execution, performed in accordance with the "international" framework of military tribunals, the Nationalist government sought to prove itself to be the executor of justice, or the legitimate collector of the "blood debts."

⁴⁷ This account relies on observations made by a Japanese Christian pastor who stayed in Shenyang for three more years after Japan's defeat (Inoue and Kawakami 2012, 483; reprinted from Hirano Ichijō 1969, *Saigo no hikiage bokushi no shuki— shūsengo no hōten sannen*). The whereabouts of the Japanese military officers who were believed to be directly responsible for the Massacre was apparently unknown to the authorities of the Nationalist tribunal, but by this time, the officer whose rank was the highest among them had already killed himself in Japan.

⁴⁸ Whereas "Class A" war criminals, those responsible for "crimes against peace," were tried in Tokyo, so-called "Class B/C" war criminals, those responsible for "conventional war crimes" and "crimes against humanity", were tried in various Allied countries. In China, the Nationalist government tried such "Class B/C" war criminals in ten cities between April 1946 and January 1949 (Yoshida 2006, 64-65; also Dower 1999, 443-449).

Thus once the Chinese Communists came to power, a different language of justice had to be sought in order to confirm themselves as the true victor of the War of Resistance against Japan. It was in the process of this Maoist project to invalidate the Nationalist justice by virtue of revolutionary justice that Fang Surong and other survivors of the Pingdingshan Massacre emerged as its official witnesses. By examining two happenings in Fushun during the 1950s — one concerning war mobilization and the other leniency — this section looks into the ways in which Fang took part in this Maoist collective project of becoming victor.

5.1 Mourning Fighters (1951, China)

In assessing what he calls “the revolutionary concept of justice-as-struggle,” Robert Meister observes that “[i]n revolutionary justice the victim is to become victor; the problem with this concept is that nothing counts as winning except continuing the fight” (2012, 22). Such a serious paradox of revolutionary justice, later exercised its absurd cruelty in the Chinese Cultural Revolution (1966-1976) when enemies were created within Chinese society solely because they had to exist for the sake of the continuous existence of fighting qua winning.⁴⁹ Yet during the phase examined in this section when the New China was still new, its internal and external enemies were more readily identifiable.

Indeed, the revolutionary temporality of continuing struggle firmly underlay Fang Surong’s first public testimony delivered in the midst of the Korean War (1950-1953), the war that the Chinese Communists regarded as an extension of the Civil War. Among other survivors of the Pingdingshan Massacre, Fang participated in a series of mobilized activities intended to enhance wartime morale among the locals of Fushun, a mining city less than 100 miles away from the border beyond which the War was being fought. While the climax of this series of events was the first public commemoration of the Pingdingshan Massacre convened on April 5, 1951, on the traditional mourning day of Qingming Festival, Fang’s concrete remarks are more extensively reported from a preliminary event, a round-table talk attended by a dozen survivors facilitated by several cadres. According to the report in the April 1 issue of *Fushun Daily*

⁴⁹ In the context the French Revolution, Reinhart Koselleck also notes the “necessarily partisan” nature of a legitimate revolution, observing that “revolution [...] once established in its legitimacy, [...] proceeded to continually reproduce its foe as a means through which it could remain permanent” (2004, 56),

(*Fushun ribao*), headlined “Oppose U.S. Rearmament of Japan, Avenge More Than 3,000 Dead Compatriots!”, Fang made the following statement: ⁵⁰

My original surname was Han: after that event, I came to live in my maternal grandmother’s house, so I acquired my maternal grandmother’s surname. At that time, I was only five years old and my family had eight members, but only I myself am left now! On August 15th, I heard from outside the roars shouting “Kill (*sha*)! Kill (*sha*)!” I was very afraid, so my paternal grandmother embraced me.⁵¹ On the following day, when I was playing with my little brother on the porch, suddenly several devil soldiers came wearing black helmets and holding guns, and they ordered all our family members to go to the bottom of the south-side hill in order to take pictures. My father climbed up on the fence to run away, and was shot to death. We reached the hilltop and finished taking pictures, and then soon the machine-gun fire started. My mother was shot in the head so her brain popped out! My paternal grandfather embraced me and pressed my body under his. At this time, my little brother was still sucking his mother’s breast while calling her, and the devil killed him with one strike of a sword. (Crying so much that she cannot even continue to speak.) I went home in the evening and saw our house burnt down, so I came back again and spent one night lying next to the dead grandfather’s body. On the following day, I ran away and came across a friend of my grandfather’s. He hid me in his luggage [to carry me away]. Later, my maternal grandmother came to know my whereabouts and took me back. After Liberation, I [now] have not only my job but also laborers’ protection benefits. On the day when I saw the news on a paper that the U.S. imperialists

⁵⁰ In order to fight effectively in the Korean War, the United States had just moved to rearm Japan with the para-military “National Police Reserve (*keisatsu yobitai*).” This move, under the constraint of the Pacifist Constitution of Japan that had been conferred by the same United States just a few years before, led to the adaptation of a whole new set of self-deceiving usages of Japanese vocabularies as John Dower observes. For there was a lack of “enough popular support to permit calling an army an army or even a tank a tank” (1999, 547). Thus for instance, the tanks operated by this “Police Reserve” came to be called “special vehicles (*tokusha*).”

⁵¹ The date is given according to the lunar calendar. Fang’s age mentioned in the previous sentence is based on a conventional East-Asian counting according to which a new born baby is one year old at the time of birth.

were going to arm the Japanese devils again, I immediately found someone to help me to write a piece [to be sent to the newspaper] (feeling so much hatred that she sheds tears). I hate the U.S. imperialists and the small Japanese devils so much, and will never let him[sic] come to kill the Chinese again! (Fu and Xiao 2002, 322-323; inserts in () are original while those in [] are mine)

The first three quarters of this statement where Fang recounts the Massacre is essentially the same as her recollection documented from other occasions that followed, both in terms of the order and the content (except what might be a minor slip of memory about the photographs that they were actually taken); whereas the last three sentences are saturated with the political concerns of the day. The contrast made in this latter part between the mass killing witnessed in the past and the laborers' protection enjoyed in the present suggests that Fang's suffering as a child has become rendered as part of the class struggle, overlapping with the economic and physical exploitation under the Japanese domination. Through her loss and anger from the past, Fang merges into the collective subject that is being threatened *in the present*.

Hence comes, as a logical and emotional synthesis, Fang's determination to defend the new idealized collective life from attacks of enemies in order to sustain it into the future. This dialectical connection, as a recurring motif, is repeatedly enacted by Fang and other survivor-turned-speakers at this documented meeting.⁵² Unlike the refugee Zhang Rongjiu (introduced above in Subsection 4.2), whose aestheticized testimony in 1932 implored the literati outside the territory to rescue the Northeast while the speaker himself remained helpless, Fang Surong, whose testimony was recorded in extremely colloquial language,⁵³ emerged as a local fighter in

⁵² The modality of this meeting seems to be an application of the Maoist oral performance known as "speaking bitterness (*su ku*)," widely practiced during this period, most typically in the course of domestic land reform. Through this practice, a sharp break was drawn in the life-worlds of its participants between the old regime and the new republic on one hand and between the people and their enemies on the other (Liu 2009, 133-171; Anagnost 1997, 18-44; Hinton 1997[1966]). More precisely, one may say that this particular newspaper article is a *written* mimicry of the "speaking bitterness" practice: hence the speakers' acts of crying are inscribed in the text.

⁵³ One can see the striking everyday-ness of the language in which Fang's 1951 testimony is recorded by comparing it with the language of Zhang's 1932 testimony. For example, the death of Zhang's son is described in a couplet-like (though not rhymed) expression: he died with "his face entirely unrecognizable, brain completely broken (*mianmu mohu, naojiang benglie*). In contrast, Fang's "mother was shot in the head so her brain popped out! (*wo ma rang qiangzi ba naozi da chulai le*)"

the collective struggle against the international imperialist regime. Her emotions, instead of being dramatized by aesthetic refinements, are inscribed into the text by means of the direct descriptions of her crying acts inserted in the parentheses. Notably, her crying is at once preserved and negated in this performative text. On the one hand, one of the supervising cadres intervenes at the end of the meeting saying, “We must forever remember this hatred, wipe off tears, and avenge ourselves by means of various real actions!” (Fu and Xiao 2002, 325). Tears, according to this logic, must be wiped off as they are signs of powerless suffering to which the enemy can afford to stay indifferent. Only “real actions (*shiji xingdong*),” such as labor at mining sites and factories, can make difference on the state of the world. On the other hand, Fang’s and other participants’ acts of crying are deliberately inscribed into the text (whereas some speakers’ politically inappropriate remarks, such as about the atonement money paid by the Japanese colonial authorities or about the investigations conducted in preparation for the Nationalist tribunal, are apparently omitted from the text as one can tell from the cadres’ comments to criticize and correct them). To preserve expressions of grief in order to abolish them: this emotionally rendered Hegelian *Aufheben*, operated in the hands of the Party which authorizes the text, produces a paradoxical effect. That is, in spite of the cadre’s emphasis on the importance of real economic actions, it is the power of the Party to transcribe the speech that turns these speakers into victors, retroactively against the Japanese invasion in the past and proactively against the U.S. imperialism in the future. That is, the victory at the level of the text occurs independently of possible materialist explanations of the courses of these wars (e.g. that the Nationalist forces mainly fought against the Japanese Army, that Soviet military and economic support was crucial for the outcome of the Korean War, etc.). Through their acts of speech endorsed by the Party, Fang Surong and other survivor-turned-speakers became signified, by virtue of their national and class collectivity, as the protagonists of history who are propelling and defending the Chinese Revolution.⁵⁴

It seems that Fang’s speech at this meeting was viewed as an excellent job in the cadres’ eyes: it was cited more lengthily than most of other survivors’ statements, and she appeared only second to another male survivor. She was the first female speaker in this *Fushun Daily* article, which apparently had taken some care with respect to gender representativeness among the

⁵⁴ While the scholarship on the question of memory under state socialism often finds in unauthorized forms of personal or communal memory possibilities of unofficial or even potentially dissident histories (e.g. Watson 1994; Jing 1996), it would be naïve to assume that one can differentiate “true” personal memories and “mere” effects of propaganda in this authorized form of Fang Surong’s memory where even her silent crying is unequivocally explicated in the legitimated language of the day.

speakers. A week after this meeting, a public memorial service for the massacred, the first of its kind held in Fushun after the establishment of New China, took place at the top of the Pingdingshan Hill. Fang Surong addressed more than ten thousand people mobilized from various city sectors as she was chosen, together with two other male survivors, to speak on behalf of the bereaved families. “In their accusations (*kongsu*), often interrupted as they wept in grief,” *Fushun Daily* observed on April 6, “they said, ‘We will never forget this deep grudge in the sea of blood. We will have the blood debt returned; take revenge on behalf of the dead parents, brothers, and sisters! Take revenge on behalf of the compatriots slaughtered by the Japanese invaders! We have to turn the grudge into strength so that we will make extra efforts in our life, work, and study units, broadly expand the patriotic labor competitions, and defend our good life’” (Fu and Xiao 2002, 331). In this moment of remembrance where the sense of mourning and that of revenge were inseparable, justice — note that “accusation (*kongsu*)” was also the term used to denote a form of mass trial that was widely mobilized in political campaigns during this phase of New China, the “accusation meeting (*kongsu hui*)”— was rendered through a language of struggle.⁵⁵ Turning over her own suffering to the inscribing hands of the Party, the young, obviously smart woman Fang Surong quickly learned this language in her attempt to take part in the Maoist collective project of authoring history.

5.2 The Heroic Self, the Pardoned Other (1956, China/1975, Japan)

In 2012, when I asked Fang in her living room whether she had had any other chance to deliver a public speech after the one in 1951, she sighed “Ay!”, as if enduring her foreign interviewer’s ignorance, and answered, “So many times!” At various occasions in recurring Maoist political campaigns, she was invited to radio stations, schools, factories, army units, etc. to continue to speak as an official witness of the Pingdingshan Massacre even after her move out of the Northeast in 1958 due to her husband’s job transfer. While her testimonial engagement was primarily concerned with construction of the Maoist collective Self amidst ongoing (real or imagined) revolutionary struggles, an exceptional occasion arose in 1956 when she addressed a group of Japanese POWs detained in the nearby prison. These men, formerly soldiers of the

⁵⁵ In fact, at one point during the preliminary meeting examined above, one of the supervising cadres suggested that they call it an “accusation meeting (*kongsu hui*),” a remark that attempted to place this particular commemorative event in the broader context of the Maoist political campaigns mobilized across mainland China which often ended in massive purges without going through formal court procedures, such as the land reform in the countryside and the “Suppress Counterrevolutionaries (*chenya fan geming*)” campaign in urban areas. (Strauss 2007).

Japanese Army or officers of Manchukuo, had been captured by the Soviet Union in 1945 and extradited in 1950 on suspicion of crimes against Chinese citizens. Put bluntly, they were those collectively referred as “devils (*guizi*)” in Fang’s and many other Northeasterners’ stories of suffering. How was Fang’s testimony encountered by its designated Other? The current subsection visits the scene by way of the memoir written in 1975 by Shimamura Saburō, one of the detainees who became Fang’s audience.

At the time of this unlikely encounter, Mao’s government was preparing to grant mass clemency to its more than 1,000 Japanese war criminals as part of the attempt to restore diplomatic relations with Japan, a policy implemented to deal with the new geopolitical conditions emerging after the end of the Korean War. The magnanimity policy, accompanied by “a sudden and drastic shift in media discourse in 1954” (Jacobs 2011, 152), crystallized in the tribunals held in Shenyang and Taiyuan in 1956, where none of the forty-five Japanese defendants — the rest were exempt from prosecution — was sentenced to death in spite of the grossness of their admitted violations. Although these developments may seem utterly to contradict the logics and emotions of vengeance and bitterness fervently expressed during the above-examined mobilization in Fushun from only a few years before, I argue that the shift was made *within* the Maoist heroic discourse; that is, it was presented as a step forward along the road of the victors whose imperative, as in 1951, was to “wipe off [their] tears.” Nor, in my view, was the new propitiating approach to Japan a sign of abandoning the Maoist vision of the revolutionary struggle on the international stage. For there was an expectation, as historians Adam Cathcart and Patricia Nash (2009) point out in their examination of the Premier Zhou Enlai’s remarks to Japanese unofficial delegates, that the clemency could enable the PRC to place a wedge between the Japan-U.S. relations and gain an edge over the Taiwan problem by forming alignment with anti-militarist currents within Japanese civil society such as the Japan-China Friendship Association (*Nicchū yūkō kyōkai*).⁵⁶

Thus the 1956 Chinese Communist tribunals were meant to present an alternative form of justice, claimed to be more humanistic and fairer than the Allied justice that had been executed in Tokyo and in Nationalist China. Accordingly, the Japanese war criminals received legendarily decent physical treatment in their prison called Fushun War Criminals Management Center

⁵⁶ See Franziska Seraphim (2006, 108-134) for the formation of this organization and its role in responding to the “people’s diplomacy (*renmin waijiao*)” pursued by Mao’s government.

(*zhanfan guanlisuo*).⁵⁷ But the prerequisite of the clemency was that they be re-educated and “admit [their] crimes/wrongs (C: *renzui*; J: *ninzai*)” through “confession (C: *tanbai*).” As in cases of thought reform of the PRC citizens, the underlying doctrine was that all errors in action were external consequences of errors internal to one’s thinking and, therefore, internal errors should be corrected by assailing external ones.⁵⁸ Hence, during the years of internment documented in his lengthy contemplative memoir published in 1975, Shimamura was required to repeatedly rewrite his “crime review (J: *hanzai sōkatsu*)” — an external sign of his internal perception — until it satisfied his interrogators. He did so while receiving fierce criticism by his Communist mentors and his compatriots in his “study groups (J: *gakushū han*)” as well as reading pages after pages of “accusation essays (J: *kokuhatsu bun*)” written by Northeasterners demanding the prosecution of this former intelligence officer of Manchukuo.

The visit by Shimamura and his fellow prisoners to the mining site where Fang worked as a clerk was part of a series of excursions organized in the spring of 1956 when their re-education program neared its end. When Fang delivered a speech in the auditorium, her intense recounting of the Pingdingshan Massacre shocked Shimamura so deeply that he “could not even raise [his] head” (Shimamura 1975, 195). By this point of the text, he had already experienced his first moment of repentance through reading an accusation essay submitted by an elderly village woman who was the mother of a man beheaded by him; however, Fang’s “grievance delivered in sobbing cries” made him “realize afresh for how long and how deeply the crime of invasion was still giving sorrow and anger to the Chinese people” (*ibid.*). After summarizing in great detail the content of Fang’s speech, Shimamura transcribes its concluding section as follows:

“Since [the Massacre,] every time I saw Japanese [during the Manchukuo era], I was tempted to leap on and bite them to death. At the time when Japanese imperialism was defeated, I troubled many people by shouting in tears that I would kill them all, just as they had killed my family.

But the Party members always instructed me, [saying that] the people of Japan don’t invade, [and that] we have to band together with the Japanese people

⁵⁷ “They were eating white rice when we were eating sorghum,” Fang Surong stated to Qiuyu and me in her living room. Since she certainly did not observe their prison life by herself I assume that Fang reiterated a circulated expression.

⁵⁸ This relationship between the external and the internal in the Communist logic of thought reform was pointed out by contemporaneous American critics, who were monitoring the New China from the outside (Chen and Chiu 1955, 177).

and fight in solidarity to prevent wars from happening. But for that purpose, they told me, we have to first build a strong China that won't be invaded again".

I have come to believe in the correctness of what the Party tells me. But today, when I was told that Japanese war criminals were visiting and that I should be a guide to show them around, I fell apart again. I could not bring myself to serve as your guide.

I have nothing more to say, but I just want to plainly state one thing. Please, everyone, never invade another country again." (*ibid.*, 196-197)

The cadre's instructions were in line with the official Maoist rationale for the clemency that these war criminals "had been forced by Japanese imperialists to participate in the war, and that their superior officers had ordered them to commit crimes" (Jacobs 2011, 170; cited from *Beijing ribao*, June 23, 1956). Notably, Fang said that, although she had accepted this doctrine as long as the emphasis was on the collective self-strengthening of the Chinese nation, she came to "fall apart (*dōyō suru*)" at the concrete prospect of facing this group of Japanese war criminals. In the end, she agreed to deliver a speech but refused to guide them around the mining site. Fang's partial obedience to the Party's command, mentioned in her speech and inscribed in Shimamura's text, destabilizes this scene that would otherwise symbolize the completed magnanimous act of forgiving by Fang Surong and, by extension, the Chinese people.

Fang's act of forgiving remained incomplete in Shimamura's text not so much because of scanty magnanimity on her side as due to the uncertainty concerning the position of those who were to receive it. When Fang's "tearful one-hour-long recounting was over," Shimamura further writes, "those young war criminals sitting in front rows ran to the foot of the stage and apologized, crying and kneeling down with their both hands on the floor" (Shimamura 1975, 197). Fang's reaction to this dramatic gesture is not described by the author: the exchange of an apology for forgiveness does not conclude in the text. Instead, the contemplative Shimamura observes his own psychological reaction. "I told myself that I also should go [to kneel down]", he writes, "but I felt embarrassed and had no courage to dash out." He concludes by attributing his indecisiveness to the insufficient degree of his re-educational achievement: "This meant that I was still behind these younger people." In other words, "I still latently held my view from a third-party position, thinking, 'Luckily, I wasn't directly involved [in the Pingdingshan Massacre]'" (*ibid.*). Shimamura's problem to be fixed, in his understanding, was to overcome a tendency to find shelter behind a third-party position, which, to follow Meister (2011)'s terminology, was none other than the position of beneficiaries of the oppressive regime. While confessions and apologies by some of these Japanese POWs may have been mere one-time

gestures to escape punishment, this was apparently not the case with some others including Shimamura. Precisely because they were spared external capital punishment by the Chinese Communists, they were obliged not to excuse their own crimes internally. And their internal reform, in turn, had to manifest itself through their external actions. Although Shimamura blames himself for not having knelt down as his junior fellows did, it is also obvious from the text that the one-time gesture would have been far from a good-enough proof of his internal reform. For he was expected, as in Fang's remark transcribed by himself, "*never* [to] invade another country again," that is, to continuously fight against militarism. The continuous temporality of revolutionary struggle was thus transmitted, in the form of life-long burden, from the magnanimous victor to the pardoned perpetrator.

I am inclined, however, not to regard this suspension of time as an immediate effect of Shimamura's encounter with Fang Surong in particular or of his experience of the thought reform in general. It is rather generated textually by the operation of Shimamura's writing in 1975 amidst his belated post-war life in Japan. This point becomes clear when we put Shimamura's account of Fang's speech in contrast with another returnee's account of the same scene, written in 1962. In his short memoir of the interment written right after his return to Japan and published in the left-leaning *Asahi* newspaper, this author, unlike Shimamura, smooths out signs of uncertainty potentially contained in the scene, such as Fang's refusal to serve as a tour guide and the young prisoners' dramatic gestures of apology left unanswered; so that Fang's anger appears to have been already overcome by her rational and amicable hope to "serve the peace of East Asia and the normalization of China-Japan diplomatic relations" in solidarity with the people of Japan (*Asahi Shimbun*, 17 February 1962). Published after the failed 1960 Anpo protests to stop the ratification of the revised security treaty with the United States, this 1962 account was likely intended to promote, against American pressures, the yet-to-be-restored diplomatic relations with the PRC. In contrast, Shimamura's text, published after the 1972 diplomatic normalization and the PRC's waiver of its right to war reparation, is much more self-reflective: Shimamura seems to be struggling not to lose sight of his own feeling of remorse in a flood of now-official calls for Japan-China "friendship" conditioned by the U.S.-China rapprochement and Japan's expanding economy. His text, or more precisely the act of writing it, refuses to allow the diplomatic milestone to relieve him of the burden of carrying the repentance. As an active member of the Association of Returnees from China (*Chūgoku kikansha*

renrakukai),⁵⁹ whose members were often stigmatized as having succumbed to the “brain-washing (J: *sennō*)” of Red China,⁶⁰ Shimamura counters that “one can never get a satisfactory answer to a problem without washing one’s own brain by himself” (Shimamura 1975, 166). Although he generally assumes in ideological terms, as his Communist prison-mentors did, that there is an objectively correct answer to a problem (hence his above-cited perception that he was “behind” his younger prison-mates on an imagined path toward correct thinking), his writing at one point in the text captures what may be a more nuanced dimension of his learning:

I was carrying, in both my hands, what I believed was the water of *ninzai* [admitting/recognizing one’s own wrongs] as if it were a treasure. I was walking along quite nervously as I feared the water would spill through my fingers if I should look away even for a second. (*ibid.*, 216-217)

While the metaphor of carefully carrying water is meant to portray his state of mind in a particular period toward the end of his internment, it can also be read as pointing to the tension surrounding his act of writing in post-war Japan; and more essentially to the difficulty in confronting the wrong, both his own and historical, that fundamentally cannot be undone.

I emphasize that to sustain such tension, Shimamura’s account of Fang Surong’s speech occupies a crucial position in his entire text. For it was his *second* encounter with a grieving Chinese. The first one occurred when he collapsed into tears after reading the testimony by the

⁵⁹ Shimamura was the then-chair of one of the two factions of the Association, which was split from 1967 to 1986 over their dispute concerning evaluations of the Cultural Revolution. Shimamura belonged to the faction that did not support the Cultural Revolution and, as a result, lost direct contacts with the PRC. According to one member, the publication of his and other members’ memoirs during this period was part of their conscious efforts to continue their anti-militarist movement without supports from the PRC (Kaeriyama 2009, 273-284). See also Japanese sociologist Fukuoka Aiko’s valuable study (2014) on how various groups of Japanese reacted to the Cultural Revolution differently and how they reflected upon their initial reactions later after its immensely violent realities came to light.

⁶⁰ See Petra Buchholtz (2014, 228-234) for the term “brain-washing” used not only for these Japanese POWs but also POWs in other national and geographical contexts such as American prisoners in North Korea. Difficulties in finding employment etc. faced by some Japanese returnees from the Chinese internment are touched on in oral biographies of returnees by Kobayashi Setsuko (1999, 137-138) and Kaeriyama Noriyuki (2009, 250-252; 268-272).

grieving mother of a man beheaded by him. Yet as if refusing to be undone by his earlier cathartic crying, the grievance returned to trouble Shimamura, this time through the mouth of sobbing Fang Surong. This series of events exercised on Shimamura an effect that is structurally homologous to that of the Maoist clemency as a whole. For the latter can be understood, regardless of original intentions in 1956,⁶¹ not just as a condemnation of the Allied justice whose means of settling the past was the persecution of a handful of perpetrators but, rather, as a wholesale refusal to settle the past: a refusal that aspired the perpetual return of past pains, as was embodied in the 1960s' Maoist slogan "Never Forget Class Suffering (*bu wang jieji ku*)."⁶² Thus Shimamura's memoir was a translation of the perpetuity of Maoist militant struggle into a strained pacifist tranquility of sustaining, in increasingly affluent Japan, a burdened relationship to the pain of others.

6. Victims (Turn II)

I illustrated my remarks by pointing to the antiques standing about in my room. They were, in fact, I said, only objects found in a tomb, and their burial had been their preservation: the destruction of Pompeii was only beginning now that it had been dug up.

— Sigmund Freud (1996[1908], 21)

A stunning departure from heroism toward victimhood can be observed in local commemorative discourse on the Pingdingshan Massacre, as in discourses elsewhere in China

⁶¹ Chinese scholar Cheng Kai (2007) points out that an emphasis was initially put on "humanity (*rendao*)" and "magnanimity (*kuanshu*)" exhibited by the 1956 Communist trials. It was only later, during the 1960s when the Maoists increasingly focused on the logics of revolutionary struggles, that the trial was re-interpreted according to their new emphasis on the "reform (*gaizao*)" of the Japanese war criminals through the re-educational program. Cheng makes this point astutely by observing the re-editing, made on the eve of the Cultural Revolution, of the film footage that captured the life of the Japanese POWs at the Management Center as well as their 1956 trials.

⁶² The slogan was first implemented in 1962 for the Socialist Education Movement (1962-1965). Mao's warning against forgetting the past primarily concerned the present state of society as he "insisted that class struggle still exists under socialism, and that the subject of class conflict 'should be discussed every year, every month, [and] every day'" (Wong 1979, 96).

concerning its historical self-image, between the 1960s and the 1980s. To give a brief overview: the first official narrative entitled “the Whole Story of the Pingdingshan Massacre (*Pingdingshan datusha can'an shimo*)” (Fu and Xiao 2002, 3-25) was written in 1964 as part of the *wenshi* local oral history project conducted nationwide⁶³ and this account was radically revised in 1984 under the new title “Women and Children in the Pingdingshan Massacre (*Pingdingshan can'an zhong de funü ertong*)” (*ibid.*, 54-62).⁶⁴ The 1964 account, notably, was dominated by male characters such as Chinese patriotic insurgents, Japanese military officers dubbed as “slaughterers (*kuaizi shou*),” and their submissive local collaborators, all portrayed individually with almost mythic vividness. In contrast, the massacred victims remained anonymous throughout this 1964 text while a few survivors’ witness accounts were often blended into one narrative, rendering the sufferings of the massacred as a chunk of collective experience. From the revised version in 1984, the original section on the patriotic heroes was deleted and what was added, instead, was a section on experiences of several survivors, including Fang Surong, who had been children at the time of the Massacre. These children were all named in the text, and each of their experiences of losing family members were presented separately rather than being mingled together. A generational shift alone — that those who had been children in 1932 and still young in 1964 became old enough in 1984 to be considered the main providers of oral histories — does not explain this stark contrast. What is at work is not the mere passing of time but a rupture in signification.

When and in what ways did this discursive rupture come into being? Regarding the paradoxical state of revolutionaries that they are victors only on condition that their struggle is ongoing, Robert Meister points out that their moral defeat “will have already occurred if they give up the struggle for material justice; it may yet occur if they pursue that struggle until the revolution discredits itself through Terror”(2011, 22). To specify when and how the Maoist revolutionary discourse became untenable, is it possible to locate an original point of rupture around the time of the Cultural Revolution — China’s self-created struggle that was Terror? The

⁶³ The narrative appeared under the name of Literary and Historical Research Division of Fushun City Committee of the Political Consultative Conference in a periodical journal of *Wenshi ziliao* (literary and historical materials) published on the provincial level (1964, *Wenshi ziliao xuanji di si ji*. Shenyang: Liaoning renmin chupanshe). According to Sherman Cochran, the founding of *Wenshi ziliao* was originally called for by the Premier Zhou Enlai, who “urged older Chinese to record their own personal experiences without fear of recriminations” (1996, 91-92).

⁶⁴ An individual named Ju Dashen is credited as the writer of this account, which first appeared in *Wenshi ziliao* published on the city level (1984, *Fushun wenshiziliao di san ji*. Fushun: Fushun shi zhengxie).

first half of this section is my attempt to do so by reading texts that report a specific commemorative development at Pingdingshan from 1971 to 1973. In the latter half of the section, I will examine some consequences, especially in terms of the question of justice, entailed by such drastic transformation of Chinese heroic revolutionaries into victims of violence.

6.1 Bodies Exposed (1971-1973, China)

On November 12, 1971, the City Committee and the City Revolutionary Committee of Fushun issued a decision to construct a Class Education Hall (*jieji jiaoyu guan*) at the site of the Pingdingshan Massacre, “following the great leader Chairman Mao’s instruction regarding ‘the need to carry out an active, realistic political education in the middle of the masses’ and ‘the strengthening of class education’ to the youth” (Fu and Xiao 2002, 332; reprinted from *Fushun ribao*, November 13, 1971). According to the local newspaper article reprinted in the Chinese collection of resources to which I have often referred, the aims of the construction were to “make the broad revolutionary masses firmly remember class suffering and ethnic hatred (*laoji jieji ku, minzu hen*), constantly enhance class struggle, political-line struggle as well as determination to continue the revolution, clearly discern the [problematic] nature of imperialism, revisionism, and reactionism, oppose the revival of Japanese militarism, and make sufficient preparations for an anti-invasion war” (*ibid.*). At the core of this proposed exhibition were the bodily remains of the massacred, unearthed after nearly forty years since the Japanese colonizers had buried them by dynamiting the cliff.

In spite of the “determination to continue the revolution” manifested in this 1971 local government decision, ambiguity surrounds the revolutionary status of Chinese society during this phase. On one hand, according to the common periodization that is also endorsed by the current Chinese government’s expression, the “Ten Years of Calamity (*shinian haojie*),” the Cultural Revolution lasted from 1966 until the arrest of the Gang of Four following Mao’s death in 1976. In the continuation of many institutional arrangements such as revolutionary committees, the youth rustication policy and above all Mao’s reign, there is no doubt that the Calamity and its effects lasted for a decade or even longer for many of its victims. On the other hand, however, the most destructive phase of the Cultural Revolution was over by 1969 when its “great victories” were declared: it was Mao himself, with military support from the People’s Liberation Army, who ended

the turmoil that he had initially called for.⁶⁵ In other words, behind “the need to carry out active, realistic political education in the middle of the masses” stated in the above-cited 1971 announcement was the fact that real mass movement was no longer allowed to occur. On the international front, moreover, the full-frontal hostility expressed in the same announcement became seriously contradicted by diplomatic decisions made shortly thereafter. As a major setback to its long-proclaimed pursuit of “proletarian internationalism,” the PRC hosted U.S. President Richard Nixon’s historical visit in 1972, the year of the infamous American “Christmas Bombings” on North Vietnam, and subsequently entered diplomatic relations not only with Japan but also with countries led by “all manners of feudal monarchs and military dictators” such as the Franco regime in Spain and the Greek military junta (Meisner 1999, 387-388).

Was the newly-built hall full of unearthed bodies — a locally-produced sign of the past that mirrors the nation’s present — an embodiment of the continuing Maoist permanent revolution or a symbol of its demise?⁶⁶ Unlike the extremely formulaic explication offered in the above-cited official announcement, two other texts reprinted in the same volume invite more complex understanding.

One of the two texts, about which publication data is not provided except for the date 1971, is an essay describing the process of exhumation of the massacred bodies, wrought manually by sheer force of numbers. Maintaining a dramatic, uplifting tone throughout the text, the anonymous writer lauds how “the people of the entire city passionately responded” to the mobilization call so that “a large voluntary labor troop, like tidewater, emerged at the work site”

⁶⁵ Hence, as historian Maurice Meisner observes, “[i]n 1966-1967 a massive popular movement had flourished on the basis of the principle that ‘the masses must liberate themselves’; by 1969 the mass movement had disintegrated, and selected remnants of it had been absorbed by old bureaucratic apparatuses” (1999, 348). See also Alain Badiou, who argues that in terms of what he calls “collective creation of thought of the political type,” the Cultural Revolution “forms a sequence that goes from November 1965 to July 1968,” or even shorter, “between May 1966 and September 1967” (2005, 485-486).

⁶⁶ The late historian Frederic Wakeman, Jr. once pointed out that, for Mao Zedong, “because ‘modern history is continually divided into two,’ because ‘it is a history of continuous struggle,’ the Cultural Revolution was only among many” (1973, 321). Mao’s faith was that “history was revolution and therefore will,” and thus, as Wakeman observed, “it was as though revolution was its own master, pulling men forward, demanding constant readjustment from them. Time moves so swiftly; the present makes new demands” (*ibid.*, 321-322).

(Fu and Xiao 2002, 333-334). There were even elementary-school students among the voluntary workers: as these children did not have their own buckets, they dumped books out of their schoolbags in order to carry the soil, embodying the anti-intellectual pedagogy of the day. Indeed, this entire project, “removing the big mountain that lay as a dead weight on the bodies of the martyred compatriots” (*ibid.*, 335), was apparently designed as an embodiment of Mao’s then-much-quoted reference to the ancient fable called “the Foolish Old Man Removed Mountains (*yugong yishan*),” a celebration of sheer human will and labor. It is intriguing, however, that this typically Maoist emphasis on manual labor as a mode of combat starts to commingle with, or even seems overridden by, the traditional Chinese sense of obligation to the dead ancestors’ bodily remains, based on the belief that corpse and spirit are not parted at the moment of death.⁶⁷ For example, during the final phase of the exhumation, a small team of selected citizens including a few survivors of the Massacre

focused their hatred against imperialism as well as their yearning for families and compatriots all on their own hands. First, they removed the covering soil with small shovels, scooped out sand between the bodies with little spoons, then brushed off with writing brushes some sand remaining in the nostrils, eyes, teeth, and joints, and then finally, once again, brushed off the whole surface with little bristles. The comrades requested of one another, “Lightly, more lightly. Your stroke seems a bit too strong. The [dead] compatriots may feel pain”. Every time they scooped the stomach, some gases rushed out and caused severe headache. But the comrades of the team nicely put it: “This is the anger [*nu qi*: literally, angry air] held by all the three thousand compatriots of Pingdingshan, having been repressed under the ground for forty years, so just let it out!” (*ibid.*, 336)

The headache-causing toxic gases mentioned in this episode point to the danger — primarily physical but by extension psychological — entailed in exposing the dead bodies; for, in so doing, one exposes his or her body to the bodies of the dead. Thus in this scene, the living, instead of transcending the dead by means of actions as they should in revolutionary imagination, are reduced to the level of body in their contact with the dead. While the reference to “severe headache” captures a terrorizing effect of this bodily encounter, the potential terror immediately becomes tamed through the affective relationship that the living attempt to build with the dead

⁶⁷ E.g. James Watson (1988). See also Martin White (1988) for the CCP’s attempt to intervene in this conventional system of belief and practice.

by taking physical care of their remains, that is, by performing a conventional cultural obligation in the cloak of compatriotism. It seems to me that, after the strenuous labor of “removing the mountain” to uncover the dead bodies, the living became caught up in the affective circuit between the care (for exposing the bodies) and the terror (of being exposed to the bodies) rather than “removing imperialism” as was originally assumed in Mao’s appropriation of the ancient fable.

Thus the physical encounter with the massacred bodies at Pingdingshan, supposedly an ultimate form of materialist commemoration, rather produced an abundance of culturalist reactions. What was becoming of the Maoist discourse of heroism during this phase? The other text dated 1973, a script to be enacted by the guide to the new memorial hall, gives further insights. Addressed to the “comrade audience,” (dramatized, according to the direction given in the script, by dirge music at the beginning, middle and ending parts), the guide’s speech was apparently designed to set up a theatrical mood for collective mourning. Following a call for a moment of silence at the outset, the guide points to the sandpit in the middle of the hall and addresses to the visitors: “Thinking of the sanguinary past brings us from the world of sunshine to the site where blood was once all over the ground” (*ibid.*, 337). Although the contrast made between the dark past and the bright present is not new in the Maoist revolutionary discourse, what is subtly different here is that the contrast is no longer recounted, whether through speech as in the “speaking bitterness” practice during the 1950s or through writing as in the oral history research project during the early 1960s, but is instead spatialized as the contrast between the sunny outside and the dark interior of the hall. Vision plays a pivotal role in this spatial setup so that the guide repeats the imperative, “Look!” or “Look again!”, sixteen times throughout the 9-page script while pointing to specific bodies or objects eight times. One such call for visual attention reads as follows:

Today, in mourning [these] remains, we might find it difficult to imagine the solemn and stirring scene in which these martyred compatriots resisted the slaughterers. However, among these more than eight hundred bodies, there is no single body that does not express the heroic spirit with which to fight through the bloody fight against the enemy. Look! Each one of these mouths opens wide in anger — do they not look as if [letting out] furious cries and swears, or as if calling on the angry people to come to thrust into the enemy!? (*ibid.*, 342)

Although the “heroic spirit” is emphasized here as was appropriate throughout Mao years, this spirit, it should be noted, is no longer manifested in a struggle continuing in the present. “The

bloody fight against the enemy” is fought by these *dead* bodies whose opened mouths are said to exclaim “furious cries and swears,” while their offspring, according to the concluding remark of the speech, are living “right under the sunshine of the Party” (*ibid.*, 345). In 1951, the living spoke about their past suffering in order to become fighters in the present struggle; whereas in 1973, the living visualized the past suffering in order to make the dead speak as fighters.

Therefore, although China’s 1972 move to waive its right to war reparation in the China-Japan Joint Communiqué was, at least on the surface, based on the logic of victors’ generosity, I argue that the contemporaneous renewal of the local commemoration of the Pingdingshan Massacre presented a subtle sign of internal collapse of the Maoist discourse of heroism: the dead came to occupy the militant part of the discourse that the living had once played, as an effect of which the struggle was done and therefore, because “nothing counts as winning except continuing the fight” for revolutionaries (Meister 2012, 22), the victory was undone. The representation of the dead as angry fighters, moreover, was far from a stable one. As was admitted in the above-cited passage, it was indeed “difficult to imagine” a valorous scene of resistance by looking at the numerous bodies displayed in the hall. In many other instances of the speech, the guide often exclaims, “What misery!”, while inviting the audience to pay visual attention to specific bodies or objects, such as bullet or sword wounds left on the surfaces of some bones, bodies of adults and children embracing one another, little lucky bracelets worn by a child’s body, etc. No synthesis is provided in the script in order for the Maoist representation of the massacred as heroic fighters to transcend the sense of “misery” roused by such sight of the bodies. (I note in passing the word “misery (*can*)” was never used in the previous 1964 official account to describe the fate of the massacred.⁶⁸) Rather, the more the speaker and the audience

⁶⁸ The only occasion when the word “misery (*can*)” appears in the 1964 official account, “The Whole Story of the Pingdingshan Massacre,” is the following scene, located near the end. About ten days after the Massacre, a Chinese officer of Manchukuo named Zhang happened to attend a party in the capital city to welcome a group of newly assigned Japanese personnel. At the party, when a female entertainer sang a Chinese Opera song, the officer Zhang, a native of Shenyang, thinking of the rumor about the Pingdingshan Massacre, became emotional, and recited a Tang poem (written by Du Mu). “The chorus girls knew no lamentation over a perished kingdom. Singing a flowery love song, they lined up on the opposite bank” (translation taken from Young and Lin 2007, 83 with some modifications added by myself). Someone must have squealed on Zhang’s hidden criticism, for he was arrested by the military police shortly thereafter. Zhang was eventually returned to his family as a dead body that was “messy, almost unrecognizable in some parts, with hands, legs, ears and breasts, etc. missing as German shepherd

stare at the bodies, it is as though the more fatally misery corrodes heroism. As I may say in a parody of Freud's remark on the city of Pompeii (in his conversation with the patient known as Rat Man), the destruction of Pingdingshan was only beginning now that it had been dug up.

6.2 Rights-Holders (1991, China and Japan)

Three decades later, in her courtroom testimony delivered at the Tokyo High Court in 2004, Fang Surong recalled visiting the Class Education Hall at Pingdingshan right after its construction in 1972 when she travelled to Fushun. "When I first saw the bodily remains," she stated in the courtroom,

I was filled with grief that I cannot describe in words. I cried. In the heap of bones, I saw [a set of] bones embracing a child. I thought that they might be my mother and my youngest brother. I really longed to bring back the bones so that I

dogs had bitten them off, [which was] *a misery beyond words (can bu keyan)*" (Fu and Xiao 2002, 24; my emphasis). It is suggestive that the death of which "misery" is directly mentioned and most graphically emphasized in the 1964 official account is that of a Chinese collaborator of the Japanese colonial regime. (It should also be recalled that the Cultural Revolution was foreshadowed in 1963 by Mao's wife Jiang Qing's reform of Chinese opera.) By inscribing this anecdote, which is about a miserable failure of mourning through a means taken from the traditional cultural repertoire (a Tang poem), the anonymous writers of the 1964 "Whole Story" ascend as the true mourners of the countless unnamable deaths in Pingdingshan. In other words, the writers at once preserve and negate the traditional cultural mode of mourning to become its transcending successor.

In the concluding remark that follows this anecdote, the writers present an aspiration to bring to an international stage the moral precept to remember the Pingdingshan Massacre as a means to unite together "all the oppressed and enslaved people in the world" (*ibid.*, 25). It should be noted that the narrative was written amidst the escalation of US military involvement in the Vietnam War. However, starting from the point where the Chinese traditional cultural language of mourning such as reciting of Tang poems have been abolished, how do these writers acquire an international language to attest the "blood debt" of Pingdingshan for and with the world's oppressed? This move from the local to the international occurs only as an unsubstantiated leap at the end of the narrative. No path is shown in this 1964 text except a lofty will for the move. The exposing of dead bodies — a commemorative practice apparently initiated right about this time followed by the Cultural Revolution (see my f.n.43) — may be understood as the dead end at which such an attempt to seek a universal language of mourning eventually arrived: the language of terror.

could hold a prayer service for them. But the remains were protected [at the hall] so I could not bring them back. These people who have become skeletonized are already dead, but if they could speak, I am sure that they would appeal to the Japanese government their agony and resentment for having been forced, in spite of the fact that they were unarmed civilians, to die for nothing. (Inoue and Kawakami 2012, 387)

In this latter-day rendering, as if as an outgrowth of the above-observed internal collapse of the Maoist heroic discourse, angry fighters have become unarmed civilians who “die[d] for nothing.” Concomitantly, the state-built memorial hall has become a site where Fang’s desire for kinship mourning is stirred and yet, at the same time, to perform such mourning ritually by reclaiming what she imagines as her family’s remains is prohibited by the state. Speaking for her dead family in the fin-de-siècle Japanese courtroom may have been one means for her to perform a form of such delayed kinship mourning by bypassing the Chinese state.

What came in to redeem this internal collapse of the national political discourse were the claims of international law. The watershed year that eventually brought Fang Surong as well as more than a hundred other Chinese litigators to the Japanese courts was 1991, when a Beijing-based young scholar/activist named Tong Zeng published an article entitled “A New Concept in International Law: Damage Compensation” in the *Legal Daily (Fazhi ribao)*. In this article, the author made a distinction between the conventional, state-to-state “war reparation (*zhanzheng peichang*)” and what he called the “damage reparations (*shouhai peichang*; or to translate differently, reparation for victimhood)” that must be paid for “violations of universal basic rights suffered by citizens of any country under the invasion of another country”(Tong 1991). By this distinction, Tong implied that, even if the former had been abandoned in state-to-state treaties (as in the 1972 China-Japan Joint Communiqué), the latter remained intact and claimable. Although his article, deploying a vast trajectory of international law since WWI,⁶⁹ did not fully substantiate

⁶⁹ In so doing, Tong also mentioned in a favorable tone the Tokyo War Crimes Tribunal, which the young PRC had once “accepted only conditionally” (Cheng 2007, 129). Pointing to a notable shift in both official and popular views of the tribunals concerning WWII, Cheng Kai observes that since the 1990s “more and more people [in the PRC] are regarding the ‘Tokyo Trial’ as representing ‘justice’ supported by ‘international society’ whereas the ‘Shenyang Trial’ [in 1956 (see 5.2)] is increasingly regarded as a political performance by the Communist Party” (*ibid.*, 130) as is demonstrated by the welcomed

where and how such compensation could be sought, the concept of compensation for damages/victimhood alone opened a whole new possibility for Chinese victims of Japanese aggression to “win” without the endorsement of a revolutionary struggle; by claiming damages on their rights protected under international law. To refer to these rights, Tong even used at one point in the article the exact term “human rights (*renquan*)”—the notion, if “mentioned at all after 1949 [in the PRC], ... generally dismissed as a bourgeois slogan” (Svensson 2002, 233).⁷⁰

Originally published in a specialized newspaper on legal issues but widely covered in popular media sources, this short, seemingly technical article made its author so influential that he reportedly received more than 10,000 letters from those who expressed their keen interest in suing the Japanese government, including Fang Surong. “For so many years by then,” she later told me in her living room, “this had been a state-to-state problem. There’d been nothing we could do.” Upon reading about Tong Zeng, she wrote a letter to him, as fervently as she had prepared her letter to the newspaper in 1951 upon the news of the U.S. rearmament of Japan (see 5.1). Yet in 1951, bearing witness to the Pingdingshan Massacre made her a local fighter in the collective struggle *against* the international imperialist regime; whereas in 1991, in contrast, the same act granted her a status of victimhood that was supposed to become a source of rights by virtue of international law.

This shift from revolutionary heroism to legal victimhood seems congruent with the globally-observed changeover from the revolutionary concept of justice-as-struggle to the post-1989 concept of justice-as-reconciliation that Meister (2011) articulates by assessing contemporary discourses on the Holocaust as well as transitional justice practices such as the one led by the Truth and Reconciliation Commission (TRC) in South Africa. However, the transnational processes toward and during the Chinese plaintiffs’ litigation in Japan were *not* processes through which the new global human rights consciousness supplanted old or less global concerns. This is where my observation departs from Meister’s general picture. Rather, I

publication of a memoir written by Mei Ru’ao, the judge of the Tokyo War Crimes Tribunal delegated by Republican China.

⁷⁰ Adding a more complex dimension to this observation, Marina Svensson points out that, although human rights were dismissed in domestic contexts, the PRC often used the notion to criticize other countries such as the United States and the Soviet Union. For “[t]he PRC’s early human rights rhetoric was related and subordinated to the struggle against imperialism and colonialism and voiced in support of the struggle for national self-determination” (2002, 234).

argue, the new and old discourses as well as the global and various other *particular* concerns of smaller scales such as regional, national, local, or even of kinship continued to co-exist throughout the litigation by being grafted upon one another.

Part of the reason for such incomplete changeover may be classified as technical. Due to the lack of an international judicial scheme to deal with what the Chinese have come to call “problems remaining from WWII (*erzhan yiliu wenti*)” (and, for that matter, earlier claims made by individuals of Korean, Taiwanese, and other nationalities claiming damages from Japanese violations of the law of warfare during WWII), Chinese litigators’ grievances against the Japanese government had nowhere to reach but the Japanese *domestic* law courts,⁷¹ where the new global trend for “reconciliation” might be considered but does not have to override/overwrite more conventional judicial frameworks. Comparing the revolutionary concept of justice-as-struggle with the post-1989 concept of justice-as-reconciliation, Meister notes that the latter’s “greatest appeal ... [lies] in the fact that it provides a clear notion of ‘winning,’ something that the revolutionary model of justice lacks” (2011, 53). That is, the new kind of justice under the fin-de-siècle human rights advocacy spares, on one hand, victims of oppression from perpetual struggles for the equal Rights of every Man, and on the other hand spares beneficiaries of the oppressive system from getting ousted. For the new scheme has enabled “winning” to be defined either as the punishment of individuals who were direct perpetrators or as monetary atonement to victims. Yet even such new, supposedly more clear and less radically redefined “winning” in the name of reconciliation has not been achievable for victims of atrocities inflicted by the Empire of Japan, and meanwhile the survivors are dying, one after the other.

Yet the legal technical constraint is only part of the larger historically configured circumstances under which, for better or for worse, a total overwriting by the global language of victimhood has not (yet) been observed concerning the said series of litigation. As I will highlight below and in the next chapter, some surviving workings of revolutionary consciousness both on the Chinese and Japanese sides, while intersecting with globally-circulating discourses that define the post-1989 era, have conditioned the formation, development and aftereffects of this series of legal redress movements including the Pingdingshan litigation.

⁷¹ Following unsuccessful results in Japanese law courts, several forced labor cases and one “comfort women” case were brought to U.S. law courts (Yoneyama 2016; Anderson 2002, 16-19; I will briefly discuss this aspect in Chapter 2). Most recently, it has been reported that some cases concerning forced labor were brought to Chinese law courts on the basis of the economic activities of the defendant Japanese corporations within the People’s Republic (See Introduction).

On the Chinese part, the sense of national pride seeking national prosperity, which had once been nurtured through and mobilized for Maoist class struggles, was a major force from the very beginning when Tong Zeng's article attracted wide public attention. (Note that Tong later became a militant anti-Japanese advocate focusing on the territorial dispute over the Diaoyu/Senkaku islands.) On the eve of full-scale marketization of China's economy, Tong resorted to the internationally-endorsed language of legally protected rights instead of the language of revolutionary struggle that was already dead; however, his intention was still to bring a *collective* victory for the nation, this time not against the international imperialist regime but specifically against Japan, modern China's inveterate enemy that had just been rediscovered. China had to win for the first time now that the Maoist victory had been undone, and wishfully for the last time as *this* victory, because it was monetized, would be tangible unlike the previously-pursued one. In 1992, Tong submitted a lengthy proposal to the People's Political Consultative Conference and the National People's Congress, in which he argued as follows: "Calculating based on international customs as well as the amounts of war compensation that other countries have paid, the compensation for the loss that the Japanese invaders caused for China between 1931 and 1945, in theory, amounts to about \$300 billion, which consists of the war reparation amounting to \$120 billion and the damage compensation amounting to \$180 billion"; and "the Chinese government has never declared on any occasion to abandon" the latter \$180 billion worth of compensation claims (Wang and Liu 1993, 21).

It seems that Tong, by recommending that a bill be passed in the National People's Congress, envisaged that such compensation would be sought in its entirety (either through the Chinese government or through non-governmental organizations such as the Overseas Chinese Association or the Chinese Red Cross) rather than being claimed discretely by individual victims (as actually has become the case). Although Tong's proposal was not adopted by the National People's Congress, his view was keenly shared by some followers including the unspecified author of one of the essays contained in the same pamphlet-like book in which Tong's proposal was reprinted: this author discussed how the \$180 billion or whatever amount of compensation, when received, be distributed for social welfare purposes, given that it should be regarded as a repayment of "the zero-interest loan that China in its time of difficulty [had] extended to Japan" that was by then an economic powerhouse (*ibid.*, 85). Lamenting over the sheer numerical contrast between \$180 billion and \$50 that was the average monthly salary of Chinese public officers of the day as well as over the at least one million Chinese children missing learning opportunities due to poverty, the author of the essay concluded that the compensation, once paid by Japan, should be used "for civil purposes [such as] to remedy the folks' conditions of life, education or other urgent aspects" (*ibid.*, 87). What was at stake here was recouping the defeat of

the Chinese Revolution on a monetary basis — a recouping for the sake of “folks (*renmen*),” whose living conditions had to be urgently addressed, rather than in the name of “people (*renmin*),” who had once been believed to propel history forward.

When it comes to Fang Surong, according to what she emphasized in my interview, she pursued her litigation for the sake of the massacred — “three thousand population in Pingdingshan, eight members in my family (*pingdingshan sanqian ren, yijia bakou ren*).” In her fin-de-siècle attempt for justice, she no longer related her suffering to that of class as in 1951: instead, her claims for loss included, among others, the loss of properties of her family as she attested that her grandfather and her father had run a small but relatively successful general store and a clock-repairing service respectively. Yet she apparently retained the view that she was giving voice to collective suffering rather than speaking only as an individual victim qua rights-holder (“three thousand population”). Nor did her proud view of herself sway in spite of the new emphasis on victimhood, perhaps reflecting the earlier Maoist gender empowerment from which she had most likely benefited as an urban working woman (in stark contrast with conditions of the village women who will appear in Chapter 2).⁷² While the two other male plaintiffs testified about their bitter adult life in New China where their subliteracy as grown-up orphans had prevented them from pursuing as successful (male) careers in state enterprises as they desired, Fang did not make such a claim of precarious *postwar* life that would retroactively undermine the communist Liberation.⁷³ Indeed, despite the sharp break between the language of revolution and the language of litigation to which she resorted at different moments in history, Fang seemed barely conscious of the discursive gulf that her engagement has traversed. For all discontinuities surrounding her long-standing testimonial effort, she seemed to have been driven by a consistency: a consistent sense of loss of her kinship ties. I will return to this point in the next and last section.

Yet it was probably more on the part of Japan, ironically a land where no revolution has taken place, that legacies of revolutionary ideas and practices, combined with the surplus of wealth having been accumulated among its citizens through their affluent 1970s and 80s, played a crucial role as Fang and other Chinese litigators sought their supporters among a broad range of

⁷² We recall here the pride that Fang showed about her being able to read the document I presented in her living room (Subsection 2.2). According to her court testimony, Fang was vice president of the women’s section of a labor union before she retired in 1984 (Section 1).

⁷³ Hence the item (d) of her “Facts of Damage” acknowledged by the Tokyo District Court (see Section 1), summarizing her postwar years, oddly contains no fact of damage from the postwar years unlike in the other two plaintiffs’ cases.

left-leaning lawyers, activists, scholars and citizens there. I will come back in Chapter 2 to describe how such transnational political alliances were formed through the establishment of the Legal Team and the Society to Support (which I briefly introduced in the Introduction), but here I only point to one of the continuities between the Maoist legacies and the said redress movement in fin-de-siècle Japan by noting the participation in the latter of some members of the Association of Returnees from China, those who had been pardoned in the Communist tribunal (see Subsection 5.2). These former detainees, now aging, were intensifying their testimonial activities during the late 1990s, when revisionist movements such as that led by the Study Group of Liberal Historical View (*jiyū shugi shikan kenkyūkai*) were blaming them, among many other groups, for spreading a “masochistic view of history (*jigyaku shikan*).”⁷⁴ One such returnee attended one of the public gatherings held in several Japanese cities in February 2000, when Fang Surong and another plaintiff Yang Baoshan visited Japan in order to make their court appearance. According to the lawyers’ account, this returnee testified that Fang’s testimony in the gathering “had exactly the same content” as the one he had heard as a detainee in 1956 (and thus was presumably trustable), and “he offered an apology to Ms. Fang once again.” “Then,” the lawyers note, “suddenly, Mr. Yang,” the other attending plaintiff whose family had been also killed in the Pingdingshan Massacre, “stood up and said in a loud voice, ‘It is not you who are to blame. You have expiated your guilt by admitting it’” (Heichōzan jiken soshō bengodan 2008, 97). A reenactment of Mao’s clemency, unfolded this time in front of a group of Japanese spectators, this scene can be read as a reminder from Maoist China, long after it was gone, of the burden placed by the magnanimous “people” on the shoulders of a pardoned Japanese — the burden to perpetually prove the truthfulness of his admittance of the wrong by continuing the struggle against what had forced him to wrong them. One might wonder, what role has the lingering, revolutionary concept of victory played in propelling this rekindled transnational alliance to pursue what some of the Japanese lawyers called “litigation-struggle (*saiban tōsō*)” in the face of numerous lost cases, including the Pingdingshan litigation? Is the victory only postponed, and not abandoned, as long as the struggle continues?

⁷⁴ For example, some members began the quarterly magazine *Chūkiren*, first published in 1997 (Kaeriyama 2009, 294). It is telling that one of the final efforts of the aging returnees crystallized in the form of a periodical, rather than a one-time book: their struggle had to be perpetual even when the end of their lives was nearing. The Association dissolved in 2002 and its projects including the publication were taken over by the Society to Continue the Miracle of Fushun (*bujyun no kiseki wo uketsugu kai*) composed of younger activists.

7. Return: Kinship Obligation, Memory's Loss, the State

My attempt to construct a ruptured genealogy of signification concerning the Pingdingshan Massacre has thus highlighted a contrast between two languages: the Maoist discourse of heroism that turned Fang Surong into a class subject; and the fin-de-siècle legal redress discourse of victimhood that made her an individual rights-holder. In light of this understanding, the two portraits of Fang Surong that my writing produced earlier — that of a fighter who leaves me no choice other than either to fight for her or to become her enemy and that of a victim who paralyzes me with an uncanny feeling of helplessness— have emerged as the respective effect of these languages, lived by the same person. Namely, I found the heroic Fang within the first language, and lost sight of the victimized Fang at the limits of the second.

Despite my emphasis on the different models of justice that operated at different moments in history and her life, Fang's recounting of her catastrophic day per se has remained strikingly unchanged. Her 2004 court testimony and her 1951 statement at the mobilized political event not only narrated the same series of events of that fateful day in the same temporal order from its predawn hours through the evening, but also likewise started with the remark on her original name. So did, as I have come to realize in retrospect, that impromptu recounting in her living room in 2012. As I have written earlier, it was when I heard the "*sha* (Kill)! *sha*!" sounds pronounced by Fang that I noticed she was no longer in the conversation but reenacting her story. However, it came to me much later, during my puzzled search of my memory of our lost (and unrecorded) conversation, that her reenactment had started at an earlier point with her remark to Qiuyu, my translator, about her original surname being Han. I realized this only when I pondered over another of Fang's puzzling remarks, this one recorded with my audio-device: "the only reason that I didn't get back my original name was my maternal aunt-in-law (*jiumu*)," to whose care she remained grateful in spite of all the loneliness and comfortlessness she had experienced with her adoptive family, the Fangs. Fang uttered this comment to Qiuyu right after having answered my question by saying proudly that she had made a public speech on the Pingdingshan Massacre on too many occasions to count. The seemingly unrelated comments about the number of her public speech opportunities, on one hand, and about her family name, on the other, came to be connected in my mind when I understood that Fang regarded her public speech as a means to honor her family. In other words, it was necessary for her to always start telling her story with the remark on her original name, registering the irretrievable fissure in her sense of kinship belonging that was at once underlying and unsettling her every act of identifying herself before the spectators of her reenactment. In so doing over more than half a century, Fang Surong has inscribed this fundamental fissure time and again in public records as if to exercise her kinship obligation to fight against the physical and symbolic violence that had extinguished

the Han family. And so she did on that summer day of 2012 in her living room, in order to fulfill once again, in the presence of this foreign ethnographer, her obligation to the Han family as its last member — a tiny piece of truth restored belatedly from my otherwise missed, and still-largely missed, encounter with Fang Surong.

Yet perhaps even more fundamental than her loss of kinship ties was the loss of memory itself. After the dismissal of her first trial at the Tokyo District Court, she showed her Japanese lawyers three old photographs: in one photograph was Fang at the age of two, in another her mother and her paternal aunt, and in the last one her younger brother. These photographs had been kept in a photo studio in a nearby town until they were passed on to Fang when she was nine years old.⁷⁵ “Until then,” she first told the lawyers and later testified during an appellate court session at the Tokyo High Court, “I had not even remembered the faces of my mother and my little brother,” and she went on to confess that she remained unable to remember her beloved grandfather’s face as there was no photograph of him (Heichōzanjiken soshō bengodan 2008, 146-148; Inoue and Kawakami 2012, 382). A product of her and her lawyers’ collaborative work, this revision added to her otherwise entrenched story brings a minute but precious revelation about a fundamental loss in Fang Surong’s memory, hitherto concealed by the seeming coherence and clarity of her recounting: *she did not remember the face of her grandfather*, who she said had shielded her with his own body. In this light, her long-standing testimonial engagement can be read of as her unending attempt to fill in her memory’s loss by means of language. Language tries, and yet any language is destined to fail, to give ontological status to the lives that were suddenly annihilated without being allowed to leave traces of their existence. Her undertaking, therefore, was an impossible task of translation: to translate what had been irrecoverably lost into something present and tangible in this world.

I have not returned to Fang Surong’s living room. Instead, I traveled to Fushun to attend the 80th anniversary of the Pingdingshan Massacre held on September 16, 2012, to which a number of Japanese former supporters of the Pingdingshan litigation — lawyers, scholars, activists and others — were invited. According to what I heard, a ceremony with five thousand

⁷⁵ Photographs were a sign of wealth unlikely for a coal-miner’s family. As she told in her 2000 and 2004 court testimonies (and not during Mao years), her dead grandfather and father were relatively well-off merchants. It should also be noted that Fang did not show these photographs to the Japanese lawyers during the first round of litigation at the district court because, according to her, she did not trust them enough at that time.

attendants had been originally planned, but the scale of the event was greatly and hastily reduced due to the mounting tension in the immediate wake of the Japanese government's move on September 11 to purchase the disputed Senkaku/Diaoyu islands in order to put them under state control. As the September 18 anniversary of the Manchurian Incident approached, anti-Japanese protests were expected to take place in Fushun as in many other Chinese cities, and it was not decided until the last minute whether the Japanese visitors (myself included), who had flown from Japan for this anniversary event, would be allowed by the municipal authorities to attend the official commemoration. Eventually, only a reduced number of us were permitted to attend under police guard. On the night before the ceremony, our Chinese translator/guide told us not to leave our hotel rooms (where TV news channels were ceaselessly providing furious reports about the said islands) and remarked half-jokingly, "If you still want to go out for a drink, please don't take your passport with you. Even if you're beaten up on the street, insist that you are a stateless person: don't admit that you are a Japanese citizen. Otherwise, you will create a great political problem for your Chinese friends who invited you." Some of the Japanese participants positively maintained that their attendance, if limited in number, at the ceremony held in this difficult time was "an accomplishment (*seika*)" earned by their two-decade-long efforts to build up inter-citizen collaboration. Yet others were shocked, such as one participant whose chorus performance was cancelled: she lamented that their "various efforts were suddenly shut down (*ironna mono ga patto kirare chatta*)" by external forces.

This episode points to an underlying dilemma faced by this group of Japanese lawyers and citizen activists. Their dilemma boils down to the following: even though the Pingdingshan litigation — their medium par excellence for *constant* activities — was long over,⁷⁶ inaction was for them out of question given that the litigation had not achieved its goals. The possibility of not losing lied only in pressing forward, but where and how could they do so? While their negotiations through legislative channels over the former plaintiffs' modified demands (see Subsection 2.2) were stalemated in an increasingly nationalistic atmosphere of Japanese society, to participate annually in the local official commemoration of the Pingdingshan Massacre had

⁷⁶ In 2005, the Tokyo High Court ruled that the plaintiffs had no right to claim compensation from the state because Japanese law, at the time of the tort in question, had maintained the "sovereign immunity doctrine (*kokka mutōseki no hōri*)", according to which the government of a state could not be held liable for its public acts (Heisei 14 (Ne) No. 4160; the decision reprinted in Inoue and Kawakami (2012, 585-626). The decision was finalized on May 16, 2006 by the Supreme Court's rejection of the final appeal of the plaintiffs (Heisei 18 (O) No. 281; Heisei 18 (Ju) No. 340).

become a major channel for this group of Japanese citizens to be present as part of this special Chinese community as well as to hopefully maintain and develop what they regarded as mutual trust fostered between themselves and certain Chinese members of local scholarly or commemorative institutions. When I recall that “you (*ni*)” uttered by Fang Surong in her living room — the condemning finger pointed at the Japanese government but potentially at myself, a Japanese national, as well — I can imagine the magnitude of pride and pleasure which this group of Japanese citizens sensed by being exempt from the finger-pointing and called “friends” in the local Chinese context of remembering the Pingdingshan Massacre.⁷⁷ Yet notwithstanding the sharp demarcation line with which they separated their “civil interactions (*minkan kōryū*)” with Chinese citizens from collaboration with the Chinese state (in a way that somewhat resembled, ironically, Mao’s old familiar rhetoric that had separated the Japanese people from their government to pardon the former), the public commemoration of the Pingdingshan Massacre was undeniably a state-sponsored one. There was not much their Chinese “friends” could do for them during this time of national territorial hostility when it was better, as in the playful but astute words of their Chinese guide, to be “a stateless person” than to be a Japanese citizen on Chinese street corners.⁷⁸

Held outside of the grand Memorial Hall that had been rebuilt in 2007 as a hub for the Chinese state campaign for Patriotic Education (which replaced the *Class* Education Hall), the tone of the ceremony was remarkably hostile. According to my field-notes entry, the Director of the City Propaganda Section addressed in his speech the Japanese government’s “act of purchasing the [Diaoyu] islands” and declared,

the Chinese people will not give even a half inch. Standing in front of the pile of skeletal remains that testify to the scars of history, we solemnly warn the Japanese government: these historical scars are not yet restored, and you will never ever ‘play with fire’ in Sino-Japanese relations. Otherwise, ‘those who play with fire

⁷⁷ I am most certain that they were entitled to feel this way after their long-standing commitment. In 2006, Fang Surong said in her video-taped message to them, looking back at their decade-long litigation: “We say ‘a decade’ [easily], but — this thought often strikes me these days — how many decades does one have in one’s life? What you have dedicated was that [precious] decade of yours, for which I would like to express my gratitude” (Heichōzan jiken soshō bengodan 2008, 174).

⁷⁸ There were apparently several plain-clothes policemen in our hotel lobby, presumably called on to protect us by, of course, putting us under their surveillance.

are destined to get burned themselves’! The era when the ethnic Chinese suffered humiliation is over and will not return again!

As the Chinese state was thus speaking for the national/ethnic pride at stake in the territorial dispute, the two survivors of the Massacre who were among the audience did not appear on the stage, presumably due to their old age (although a bereaved family member of one of the former plaintiffs made a brief, restrained speech). Next to the square where the ceremony took place stood the building in which the massacred bodies were displayed. When the ceremony was over, one of the Japanese lawyers noticed that I had never been to this hall, and she helped me get access. I stepped into the hall alone. The room was dim and cool, and several hundreds of bodies lay on the sand area in the middle of the room, surrounded by a glass wall. “Who is entitled to speak on behalf of these silent bodies? And in what language?” So I scribbled down in my notebook once I came out of the state-preserved site of the Massacre.

Ch. 2 How Memories Travel II: Riding on Bodies, Moving Between Languages

We can think about demarcating the human body through identifying its boundary, or in what form it is bound, but that is to miss the crucial fact that the body is, in certain ways and even inevitably, unbound—in its acting, its receptivity, in its speech, desire, and mobility. It is outside itself, in the world of others, in a space and time it does not control, and it not only exists in the vector of these relations, but as this very vector.

—Judith Butler (2010, 53)

1. At the Lawyer's Office

I begin this chapter with a visit to a law firm office in the outskirts of Tokyo. I first came to this office in the early summer of 2013 to meet Attorney Ōmori, who had served as lead attorney for the set of two lawsuits the current chapter focuses on: the lawsuits, dubbed “Chinese ‘comfort women’ cases (J: *Chūgokujin* ‘ianfu’ *soshō*),” filed by victims of sexual slavery in a rural area of Shanxi Province. Throughout that summer, after obtaining the lawyer’s consent, I made repeated visits to the office in order to make scans of a massive number of documents kept under her care. The office was located within walking distance from a busy transfer station and on the top floor of an unremarkable six-story building. Every time I opened the door, I would be politely received by two female clerks sitting at the front counter. Behind them were two huge photocopiers, and behind the photocopiers was an open work space, where Attorney Ōmori and a few much younger lawyers, if they were in the office, could be seen working independently at their own desks laid out side by side. The office was tidy and efficient, even pleasant, but it still struck me as modest perhaps because I mentally compared it with the descriptions I had read about the offices of American lawyers pursuing class actions in the U.S. law courts (*cf.* Mattei and Nader 2008, 161; Harr 1996). As Ōmori humbly called herself, she was a *machi ben*, the folksy-sounding abbreviation for “town lawyer (*machi no bengoshi*),” who works primarily for locals and small-business owners — and usually not giant corporations — on various legal matters concerning affairs of people’s life and livelihoods such as divorce, inheritance, debt-repayment, and so on. Although she was usually addressed by her clients with the honorific *sensei*, literally meaning teacher, as was the case in Japan with lawyers, lawmakers, and medical doctors along with actual teachers, her attitudes in general were plain and unpretentious, lacking signs of self-dramatization or self-promotion.

Given her long career described in the website of her law firm, I assumed that the lawyer, with a small and thin build, was in her late sixties or early seventies. She maintained her steady,

swift and matter-of-fact way of speaking as we sat face-to-face in one of her two meeting rooms to discuss her work in the past and the present. A child of the postwar democracy and gender equality that were guaranteed, at least nominally, by the 1946 Constitution, Ōmori became a practitioner of law in 1968 after passing the famously-narrow gate of the national bar exam.⁷⁹ With the Vietnam War underway, the fledgeling lawyer immediately joined a team of pro-bono lawyers to represent residents from the town of Naganuma, Hokkaido, to challenge the Japanese government's decision to build a missile base in the area, and to question, more generally, the constitutionality of the Japanese Self-Defense Force with regard to the renunciation of war and war potential, stipulated in Article 9 of the Constitution of Japan.⁸⁰ After this appeal was dismissed by the Supreme Court in 1982, Ōmori took part in the famous legal battles by history professor Ienaga Saburō against the Ministry of Education's textbook authorizations.⁸¹ The experiences and connections gained through the Ienaga Litigation led her to join in the mid-1990s the group that I have been referring to as the Legal Team. Ōmori and several other lawyers from the Legal Team, who usually worked at different law firms across Tokyo, formed a sub-team to work on the "comfort women" cases, while other lawyers in the Legal Team were in charge of other cases concerning the Nanjing Massacre, forced labor, etc. In August of 1995, four victims of Japanese military sexual slavery from remote villages of Yu County, Shanxi Province, China, brought to Tokyo District Court a civil lawsuit against the Japanese government, seeking apology and compensation. Ōmori's team also decided to take on another similar lawsuit that was filed by two other plaintiffs from the same local area in February of 1996.

Even though the two lawsuits had eventually been dismissed by the Japanese Supreme Court on April 27, 2007, she was still spending, when I met Ōmori in 2013, a considerable amount of her time, money, and expertise for her prolonged efforts in the wake of the already-concluded cases. On the one hand, she was in alliance with various groups of lawyers, activists and advocates concerned with the so-called "comfort women (*ianfu*)" problem, seeking possibilities for legislative or other kinds of redress under a political climate that was by no

⁷⁹ The national bar exam system had kept the number of lawyers relatively low until the recent "judicial system reform", including the implementation of an US-inspired law school system. In 1999, on the eve of the reform, 16,731 lawyers registered in Japan: the number has doubled at 33,624 in 2013 (Nihon bengoshi rengōkai 2015, 42).

⁸⁰ Showa 52 (gyō tsu) No. 56. The Supreme Court of Japan dismissed the plaintiffs' appeal in 1982.

⁸¹ See Subsection 5.2 for her involvement in the Ienaga Litigation.

means favorable to their advocacy. When I first visited her, she happened to be busy helping a prominent historian of the Japanese Imperial army's "comfort station (*i'anjo*: military euphemism for brothels)" system as the historian prepared an open letter addressed to the then-mayor of Osaka to question the latter's internationally-criticized comments from a few weeks before: "It is clear to anyone," the popular mayor who had formerly been a lawyer-turned-TV-commentator reportedly said, "that the comfort women system was necessary in order to provide rests for the soldiers," asserting that militaries of other countries had also utilized similar systems in warfare in the past.⁸² On the other hand, Ōmori and some other members of the Legal Team and the Society to Support repeatedly traveled to Yu County to pay courtesy visits to the now-former plaintiffs at their homes, hospitals, and increasingly at their graves. In my interview, the lawyer frankly admitted that she had spent at least ten million yen for the said litigation and related activities, which was no trivial expense for a *machi ben* town lawyer. So, she told me, when a former classmate who was also a lawyer treated her to a meal one day, he teased her for being a "poor lawyer (*binbō bengoshi*)." "How rude!" Ōmori commented on this episode although she did not really sound offended. She delivered all her frank remarks including this one in a strikingly detached tone, as if going through a list of long-given facts. Likewise, when I asked how she kept motivation under the circumstances, her immediate answer was so matter-of-factly that it almost sounded terse: "I just have no choice. The problem remains unsolved and doesn't let go of me".

Perhaps this was not only how the lawyer typically spoke, but also part of her self-imposed prohibition against self-dramatization about her commitment. Knowing how much hope her Yu County clients had placed in winning their cases as the only way out of their material, social, and symbolic precariousness, Ōmori seemed bitterly aware of the unfillable void with which they had been left by not winning their litigation. Living in the margins of society, the plaintiffs from Yu County could not afford to make a gesture of coming to terms with this void in the name of transnational friendship as was done by Fang Surong (See Chapter 1), a long time official witness to the Pingdingshan Massacre, when she consoled her beloved Japanese lawyers by an uplifting reference to their "victory in a lost case (C: *paisu zhong de shengli*)."

It is true that, right after the final dismissal of their cases in 2007, the plaintiffs in Yu County said that they had no regrets about their legal attempt regardless of the disappointing rulings. But it is also

⁸² Later, on the same day, he also added (supposedly in defense of his earlier comment) that "U.S. Marines in Okinawa should make greater use of the [local] sex industry," presumably implying that such "rests" would help to prevent rape incidents committed by American servicemen stationed there (E.g. *Asahi Shimbun*, 14 May 2013).

true, Ōmori frankly admitted, that they grew deflated later in post-litigation quietus. One of them, before passing away, even left the following comment: “No apology. No compensation. Nothing good resulted from our litigation.” Nor could Ōmori observe any drastic change in the locals’ derogatory views of these women — the very image, as I will examine in Section 3, her former clients so strongly hoped to shake off by turning to law — although the publicity generated by the litigation had resulted in some material and moral support coming from outside worlds on individual bases.

“Yet I nonetheless do not think that I should not have become involved [in the litigation] in the first place,” Ōmori continued. “As a Japanese citizen, I find it good that I learned those facts.” Having read her book published in 2008, I understood that this comment on “learning facts,” which might otherwise have sounded like a platitude to my ears, was referring concretely to the years-long, arduous endeavor through which those village women’s grievances gradually became apprehensible to this veteran lawyer. A body of knowledge she called “facts” was, for her, bodily-acquired knowledge that accumulated as the traveling bodies of litigators — including her own body — took part in the process of litigation. In 1998, when Ōmori first traveled from Taiyuan, the provincial capital of Shanxi, to the Yu County villages where her clients lived, it took her a whole-day car trip through muddy unpaved roads. At one point during the trip, the tires of her driver’s car became completely stuck in an overflowing creek, so she and her companions had to push the car out of the mire. Describing this scene in her book, she lamented, “If only I could have brought the judges [in Tokyo] to this place!” If so, she thought, the judges would “bodily feel (*karada de kanjiru*)” how unjust the logic of “statute of limitations (*jyoseki*)”— a legal principle often deployed to dismiss such appeals on the basis that a certain period of time had passed since the tortious act — would be for those rural women who had “spent half a century keeping their sorrow tucked away in their bosom, not knowing how to settle their accounts” (Ōmori 2008, 67).

In our conversation, Attorney Ōmori summed up her undertaking with the following sentence: “It was as though the damages [inflicted upon the plaintiffs] came to be understood as my own pain (*higai ga jibun no itami to shite wakaru, yōna*).” This comment struck me as both idealistic and humble. On the one hand, what she referred to in a technical term as “damages (*higai*)” and what she called in an affective term “pain (*itami*)” are posited on the same plane, pointing to the ideal state of her professional mode of “apprehending (*wakaru*),” where there would be no barrier between the legal and the affective, as well as that between her clients, who are represented, and her “self (*jibun*),” who is representing. On the other hand, the uncertain phrase “as though (*yōna*)” added at the end of the sentence in Japanese after a slight pause — a rare sign of hesitation among her other crisply-delivered answers to my interview questions —

humbly avoided asserting her mastery of this ideal, and thereby perpetually postponed the fulfillment of her goal.

What was central to her self-imposed, unending task of apprehending the pain of her clients was the transformative nature of knowledge. Returning to my earlier question to which she had only briefly answered, Attorney Ōmori restated that her current motivation lay in letting more people know “what happened (*nani ga attaka*),” that is, those minute, if immensely painful, pieces of “concrete facts (*gutaitekina jijitsu*)” that she had learned through the litigation. In her view, this should come before ideationally or ideologically determining “whether Japan invaded [its neighbors during WWII] (*shinryaku ga attakaka*),” a political question that was long dividing the Japanese left and right.⁸³ Let our raw body encounter with the sheer facts about another body in pain before turning to any ideology — this seemed to be Ōmori’s maxim. However, her earlier remark that she “[found] it good (*yokatta*)” that she learned those facts “as a Japanese citizen (*nihon kokumin to shite*)” attests her national identity as a condition for her body’s reaction. An apparent tension intrigued me: she turned to the strikingly national framework in order to define her political and ethical responsibility for learning (the “good” for a “Japanese citizen”), while also aspiring through the process of learning to feel her Chinese clients’ pain “as if her own.” She did not bring up other categories, such as her gender identity (“as a woman”) or humanity in general, which would have erected no barriers to her efforts to empathize with her clients. Ōmori instead upheld the national border between those women and herself. This border seemed to constitute at once a difficult condition *and* the very reason for her to engage in the task of learning, and trying to invite her compatriots to learn, the sufferings of the Yu County women. I will come back to this point at the end of the current chapter.

At any rate, a bleak point I did not fully discuss with the lawyer was that her bodily-felt “facts (*jijitsu*)” could be at best *mere* facts for some, while, not to mention, others who try to actively deny these facts would seize every opportunity to make them look like “fabrications (*netsuzō*).” As Judith Butler notes in the context of contemporary wars, “[t]o encounter the precariousness of another life, [one’s] senses have to be operative” (2010, 52) while one’s bodily senses, in turn, are far from merely physically given. Rather, “the body is exposed to socially and politically articulated forces as well as to claims of sociality — including language, work, and

⁸³ With this remark, Ōmori specifically referred to the comment of Japanese Prime Minister Abe Shinzō in parliament from a few months before. The Prime Minister reportedly said in the parliament, “the definition of what constitutes aggression has yet to be established in academia or in the international community,” and “things that happened between nations will look differently depending on which side you view them from” (*The Washington Post*, 26 April 2013).

desire — that make possible the body’s persisting and flourishing” (*ibid.*, 3). Thus, as I attempt to revitalize the documents upon documents that I have scanned from the numerous files neatly organized and shelved in the lawyer’s heavy steel cabinet — an ultimate form into which the plaintiffs’ cries were materialized — it seems imperative to go *against* her explicit wish that we focus our attention on learning and disseminating factual (or “bodily” in her rendering) knowledge of “what happened” in the original wartime violations. Instead I choose, in the hope of paying full respect to Attorney Ōmori’s immense amount of unpaid work, to focus on the contemporary processes through which the litigation emerged as a locus of contestations over whether or not and why, or in what *senses*, their voices had to be heard and responded to in the Japanese courtrooms half a century after the original events — at a particular point in space and time that these bodies, as in another quote from Butler that I put in the epigraph to this chapter, “[did] not control” (*ibid.*, 53).

In Chapter 1, I highlighted the discursive break in the PRC — the one between the earlier revolutionary language of struggles and the post-Maoist language of victimhood — that preceded the fin-de-siècle emergence of a legally problematized space of aftermath. I observed that a massacre survivor, who was once signified as a revolutionary hero, came to be re-signified in this fin-de-siècle space as a victim of Japanese-inflicted violence. The current chapter examines how survivors of military sexual slavery in a rural area of Shansi Province — a group of women who had been completely silenced in Maoist China — emerged into this space, and thereby describes the configuration of the “problem-space” (Collier and Ong 2005, 12; see Introduction of this dissertation) in which their grievances came to be verbalized. Whereas the last chapter was designed like a travel through time, this chapter traces journeys across space, examining how, as the litigators physically traveled between Yu County and the Courthouse in Tokyo, these rural women’s memories also traveled across borders of local, national, regional, and global discourses by going through multiple levels of inter-contextual translations. As the journeys unfolded, the term with which the women were addressed also changed: from the “women in the pillboxes (C: *paolou li de nvren*),” as they were locally called, to the globally-circulating name “comfort women (J: *ianfu*; C: *weian fu*).”

2. In the Villages of Yu County

The accelerating “time-space compression” (Harvey 1990, 201-323) of our world has not left the valley-tucked villages of Yu County, Shanxi Province, untouched, where the plaintiffs represented by Attorney Ōmori and her team spent most of their lives — villages which scarcely had telephone lines until the turn of this century. In contrast to when the plaintiffs first traveled to Tokyo for their court appearance more than two decades ago (see Subsection 4.1), the total

travel time to reach these villages today is drastically shorter. This is largely due to the High-Speed Rail (*Gao Tie*) connecting the provincial capital of Taiyuan to Beijing, and the highways spreading out into several parts of Yu County, both constructed as massive state-funded projects to develop transportation infrastructure. So when I last visited Yu County Capital in the spring of 2016, I took a west-bound *Gao Tie* at Beijing West Station shortly after seven o’ clock in the morning, and arrived two hours later at Yangquan North Station, where the tall skeletal figures of abandoned half-constructed buildings were greeting travelers, as they would do in many other so-called “ghost cities (*guicheng*)” throughout China.⁸⁴ After a twenty-minute car ride from the station, I was already standing in a busy street corner of Yu County Capital, surrounded by people speaking with accents that my ears were untrained to hearing. It was only ten o’clock in the morning of that same day.

The home villages of the six plaintiffs represented by the team of Attorney Ōmori, however, are still several valleys away from Yu County Capital. As the Japanese Imperial Army marched into Shanxi Province after having launched an all-out war with China in July 1937, it captured Yangquan and Taiyuan successively along the railway, and by marching inland, reached the Yu County capital by January 1938. But it was not until September 1941, after having fought several harsh battles with Chinese warlord forces and Communist guerrillas, that the Japanese army established control over the part of the county which the plaintiffs — most of them were teenagers at that time — called home. When the war between Japan and the United States broke out in December of that year and necessitated shifts in focus by the Japanese military, the Japanese army units stationed in North China were redeployed in a highly dispersed way and kept relatively immobile in the years that followed. As a result, each military unit across this area tended to act, to borrow the words from a Japanese scholar, like “a little military

⁸⁴ Such “high-speed” railroad trips tend to deprive us of sense of distance — a sense that once could have made an ethnographer feel authentic and authoritative to open her writing with a scene of her arrival in the field-site. During the particular train trip mentioned here, I tried hard to stay attentive to the sceneries quickly flying away outside my window. Only by so doing, I was able to note that the train, having run through the series of long tunnels bored through the Taihang Mountains, came into a different world in terms of climate and agriculture: before the tunnels, on the vast plain spreading west of Beijing, farmers were working here and there in the field colored with newly-planted green wheat and blossoming pink flowers on apricot trees; valleys after the tunnels, in contrast, had not been reached by a bustling spring yet, with the loess-covered earth lying ocher and still, on which the traveler on the flying-away train could see few animate things moving around.

dictator in itself,” turning the territory under its control into “a small lawless space” (Katō 2004, 156-157).⁸⁵

The Japanese Imperial Army deployed across Yu County, an area of about 940 square miles spreading over mountainous loess-covered land, identically constructed “pillboxes (J: *tōchika*, C: *paolou*; shelters equipped with loopholes through which to fire weapons)” in and around each of the Chinese-village-turned-Japanese-outposts. Whereas it has been testified that there were numerous incidents of confinement and rape of local women by Japanese soldiers — a violation of their own military regulations — throughout Yu and other surrounding counties, the six plaintiffs represented by the team of Attorney Ōmori, in particular, were confined in the base built at the village that I call Jade Plate Village.⁸⁶ According to a village elder, an initial company of about one hundred soldiers occupied the eastern half of Jade Plate Village by driving out local residents, but their numbers later significantly grew so it seemed that, for a certain period, “the Japanese were everywhere (C: *daochu dou shi ribenren*)” in the village, where the local population had been around eight hundred (Zhang 2011, 11). The number of Japanese soldiers stationed in Jade Plate Village started to decrease in the latter half of 1943 due to the military redeployment necessitated by the worsening situation of Japan’s war in the Pacific and elsewhere. The last batch of soldiers — the village elder recalls there were only eight in the end — withdrew from the village by the latter half of 1944. Since then, time in relation to the image of the Japanese had stopped moving forward for the villagers, the extent of which is illustrated by the following episode: when members of the Legal Team and the Society to Support started to visit the remote villages of Yu County to conduct research for the litigation in the late 1990s,

⁸⁵ Katō Nobuhiro’s laborious study based on Chinese and Japanese sources is a product of the research project conducted by a team of Japanese scholars and citizens who supported another lawsuit filed by ten victims of sexual slavery from Yu County. This was a separate suit (see Subsection 4.2 for a difference in their stance) from the two cases represented by Attorney Ōmori’s team. Although most of these ten victims were confined in a different base than the one in which Ōmori’s clients were confined, the claimed offenses were of the same nature.

⁸⁶ To refer to villages in Yu County, I use pseudonyms in a manner which I hope pays homage to William Hinton (1997[1966]), who named his fieldwork site Long Bow Village. The pseudonyms I use, as Hinton’s Long Bow, do not necessarily have connections with actual objects found in the referred villages. In so doing, I also intend to protect privacy of family members of the plaintiffs whereas I refer to the plaintiffs with their real names because, as far as I understand, bearing witness under their real names was part of their decision to sue the Japanese government.

some elderly locals commented on the attires of the male members among the group, exclaiming, “Why, they don’t wear those [military] boots!”⁸⁷

Given the lapse of half a century frozen in time, how did the belated but sudden outburst of grievances from victims of sexual slavery occur during the last decade of the last century in this remote area? While Yu County, with the two lawsuits filed by the team of Attorney Ōmori and another filed by a separate group, became the home of more plaintiffs concerning wartime sexual slavery than any other area in China, the concentration of claims does not necessarily indicate that there were markedly more violations of this nature in this region than in other parts of the vast territory occupied by the Japanese Imperial Army in China.⁸⁸ It was, rather, a direct result of contingent local happenstance in a more recent time, which opened up a gate for the victims of sexual slavery in this remote area to enter the emerging space of legal redress attempts in the 1990s. By tracing these recent local chance occurrences, this section highlights the social stigma with which the local patriarchal order had exercised structural violence on the *postwar* lives of victims of military sexual slavery. Thereby I will show how, for this marginalized group of women, the possibility of suing the Japanese government suddenly envisaged at the end of the last century was no less a narrow path to cast off their locally-stigmatized bodies than it was a means to redress Japanese wartime wrongdoings.

2.1 Frozen Time, a Devalued Body, and a Schoolteacher on His Bicycle

The contingent and fateful origin of the lawsuits filed from Yu County, as would be told later in the Tokyo courtrooms,⁸⁹ was a chance encounter between a survivor of sexual slavery I call Dong-e and a younger male neighbor and schoolteacher named Zhang. The two met at Tower Village, Yu County, in 1982, shortly after Zhang had moved from another village to take his post at the elementary school there. In late fall, Zhang and his students were on their way back from a field trip when they saw an elderly woman working in her millet field — or more precisely, she was barely working due to physical difficulties. The time was when the so-called

⁸⁷ Personal communication with D. Y., summer of 2012, Taiyuan. D.Y. is a Shanxi-born businessperson who volunteered for the said lawsuits to translate the dialect spoken by the plaintiffs.

⁸⁸ In addition to the six plaintiffs represented by the team of Attorney Ōmori, ten plaintiffs from Yu County filed their lawsuit at the Tokyo District Court in 1998 with the support of another group of Japanese scholars, citizen activists and lawyers (Ishida et al. 2004, 16). Another area from which similar claims were brought is the southern island province of Hainan: eight victims of wartime sexual slavery represented by lawyers of the Legal Team filed a lawsuit at the Tokyo District Court in 2001.

⁸⁹ E.g. Zhang’s testimony at the Tokyo High Court on June 2, 2004 (Evidence: Kō No. 208).

household-responsibility system had been just introduced to the hitherto-collectivist Chinese rural economy, and her field was far from being harvested while all other fields were already bare. With his students' assistance, Zhang helped this elderly villager finish gathering her millet. She thanked him many times, and later even came to his school to show her appreciation. This person was Dong-e.

Zhang knew from village rumors that, during the war against Japan, Dong-e had been abducted to and confined in the Japanese military base built in the neighboring Jade Plate Village. She was "bullied (*bei qifu*)," as the village euphemism put it, by the soldiers stationed there. Rumors also had that she had once been a famous beauty called by the nickname "the Top (Beauty) of Shanxi (*gai shanxi*)."¹ A teacher in his late twenties who was also an aspiring writer, Zhang wanted to write a novel based on Dong-e's experience. So he visited her residence one day hoping to conduct an interview. Upon entering her gate, as Zhang notes in his book published in China in 2011 (which did not come out as a novel, as I will explain later), he could tell from the appearance of the compound that "her family was very badly off" (Zhang 2011, 4). Here is an observation of precarious living in rural society, conveyed in the simple language of another villager astutely noticing the physical states of another villager's life.

Dong-e was sixty-one years old. She looked rather old due to physical reasons, but one could tell from her refined facial contour that she had once been a beautiful woman. Her husband Z.Z., seventy years old, was a tall man. He must have stood 1.8 meter-tall once, but his back was already severely crooked. His head had few hairs, and his nose formed one deep dark hole, having decayed due to the syphilis which he had contracted during the wartime period. Someone who didn't know him would jump with fright upon seeing this unusual appearance. Z.Z.'s older brother, Z.X., seventy-three years old, was also a tall man. He was a retired military man but his capacity to work was long gone. This was her entire family: their ages, added together, made more than two hundred years. (Zhang 2011, 4; names anonymized)

Being also a farmer from neighboring Goat River Village (where he has been in charge of farming, to this day, a piece of land allocated to his family), Zhang knew well how nearly impossible it was to sustain an agricultural living by having as little labor power in one's family as Dong-e did. Sitting on a stump-turned-stool that was one of the very few possessions Zhang could see in her house, he tried to bring up Dong-e's wartime suffering.

My talk went from household issues to neighbors and relatives in a roundabout way, and finally reached, with much difficulty, the main issue. She earnestly listened to the purpose of my visit, smiled a bitter smile, and said to me, “There’s no point. If I speak up, that’d let others laugh at me.” Then she changed the subject, and took to household chores. (*ibid.*)

A week later, the unrelenting Zhang visited Dong-e once again, but she firmly rejected his interview request even though she said, once again smiling bitterly, “I know that you are a good person and will not speak badly about me behind my back.” Hearing this comment, Zhang finally understood that he “had taken the matter too lightly” and gave up his interview plans. He nonetheless continued to regularly visit Dong-e to offer some help with household chores, social welfare paperwork, and other sundry tasks. mainly because he found her situation “extremely pitiful.” It seems that Dong-e also placed trust in this young schoolteacher. A decade passed.

One morning in June 1992, Zhang sat as usual in the office of his school and opened a school-subscribed local newspaper. Then he read an article written by the scholar-activist Tong Zeng on the possibility of “damage reparations (*shouhai peichang*),” which I discussed in Chapter 1 (Subsection 6.2). Zhang, believing that Dong-e “finally had a chance to speak bitterness, redress the injustice [...and] wash off the shame she had borne for decades,” sobbed silently in the school office (*ibid.*, 5). As Zhang had been transferred to a teaching post in another village by this time, he waited for the weekend and rushed on his bicycle to Tower Village. At first, Dong-e was in utter disbelief. She pointed out: while, even before the 1972 China-Japan normalization—which had made her “extremely sad (*nanguo ji le*; literally, extremely hard to get through)” upon hearing the news then—no one had brought up “avenging the gross injustice (*baochou xuehen*) for her, so how could that be possible now, when the two countries were on good terms? Zhang insisted: the diplomatic normalization was a precondition for initiating a lawsuit while “accounts must be settled even between those on good terms (*hao guanxi ye yao suan qingzhang*).” Sensing that Dong-e’s disbelief was becoming less firm, Zhang visited her once again a couple of weeks later, this time with his wife. Since his wife was from the neighboring small hamlet where Dong-e’s natal family (*niangjia*) was, the latter trusted the former.

After [my wife and I] arrived at her house, we three did some household chores together. It was rather [Dong-e] who first brought up the issue with my wife: “Your husband says it is possible to avenge the injustice for me. Is this true or not?” My wife said this was all true, but [Dong-e] did not utter a word. After a

long pause, she only said, “I will think about this once again. Can we discuss this again tomorrow?” [...] When [we were] about to leave her house, she suddenly took my hands and said, “Make sure you come see me tomorrow!” (*ibid.*, 5)

When Zhang visited Dong-e the next day, she tried to give an account of her wartime experiences, agreeing that Zhang should write a statement for her pursuit of justice. But she immediately started sobbing, saying, “From where should I begin? This is really so hard to tell!” Soon she began to cry loudly. Many hours passed without her being able to speak any complete sentence. Zhang waited, sitting still with an open notebook on his lap, a pen in his hand. Nothing was recorded by his pen at the end of the day. Yet when Zhang went back on the third day, Dong-e said that she felt good after having cried and slept well the previous night. Then she started to recount her life since her abduction by Japanese soldiers in the fall of 1942, a life consisting of misery after misery.

This episode of Dong-e's is placed at the very beginning of Zhang's 2011 book, not a novel as he initially intended to write but a compilation of nearly eighty accounts he had collected from victims of military sexual slavery (or their family members) living in Yu County and surrounding areas. I have reproduced the episode at length above because his repeated visit to Dong-e as well as her rejection and hesitation, described in great detail by Zhang (while all other women's accounts appearing after Dong-e's are preceded by little or no description of his intervention), mark a symbolic threshold of silence that his reader — and by extension any listener to the stories of military sexual slavery in Yu County — must cross first. Only after this threshold can the reader enter the pages filled with numerous accounts of the women's horrendous, if often similar, experiences of being abducted, confined, repeatedly raped, and finally released (after weeks or months when they became very ill *and*, often times, when their family members paid ransom money) by the Japanese military men stationed in Jade Plate Village as well as other similar military bases set up in the surrounding areas.⁹⁰

The initial silence of these women, however, does not mean that their wartime experiences had been unknown before Dong-e's confession in 1992. During my visit to Yu County in the spring of 2013, when Zhang and I were walking on a steep village path after we had visited a surviving victim in her home, I praised him for his “historical discovery” of these numerous victims, made possible by his tremendous labor of biking along valleys from one village to another. But he shook his head to refuse my compliment, and he said, lowering his

⁹⁰ In some cases, women were “persuaded” by villagers to go to the Japanese base because each village was assigned a quota of women just as quotas of other resources (e.g. Zhang 2011, 49-56).

voice (I think partly out of humility and partly not to agitate any villager passing by), “Basically, people all knew that (*jiben shang, dajia dou zhidao*).” That is, knowledge about the “women who were dragged to the pillbox (*bei zhua dao paolou de nvren*)”— how they were locally referred to — had been long circulating in the form of gossip, or in Dong-e’s words, as “jokes (*xiaohua*)” and “vicious rumors (*huaihua*)” within each of the villages where these women resided. Zhang’s role, therefore, was not to “discover” these women as I put in my conversation with him, but to deliver to them, by riding his bicycle, hitherto-unseen vision of justice. For otherwise, these women would have seen “no point” (*meiyou yong*)” in “speaking up (*shuo chu lai*),” as Dong-e had said in the 1980s to refuse Zhang’s interview request.⁹¹ In other words, the young schoolteacher was a mediator of the new possibility opened up by a language emerging outside the local society, that is, to repeat my own phrase from Chapter 1, the fin-de-siècle legal language of victimhood. While the motive of Tong Zeng, the author of the article Zhang read, was apparently to boost Chinese national pride and prosperity via international legal discourse (see 6.2 of Chapter 1), Zhang, the bike-riding village schoolteacher, turned to the scholar-activist’s nationalistic argument to empower a group of women who had been long marginalized and silenced within both national society and their local communities.

It is worth pointing to the two-fold forces that pertained to the silencing of the former sexual slaves in Yu County: national-public marginalization and local-communal alienation. Dong-e’s postwar life is illustrative of both counts. On the national-public level, my discussion in Subsection 5.1 of Chapter 1 should first be recalled, in which I asserted that the Chinese Revolution retroactively turned the victims of Japanese-inflicted violence (massacre survivors) into the victors of national revolution on the condition that they became signified as class subjects engaging in perpetual revolutionary struggle. Dong-e’s case presents an ironic contrast to that observation. Per her account recorded by Zhang, she was a communist during the Japanese invasion, the chief of the National Salvation Association of Village Women (*cunfu qiuhui*) established in her village, “leading all other women of the village and participating in the Anti-Japanese struggle by making military shoes, storing food supplies without being seen by

⁹¹ In the context of the fin-de-siècle (re)emergence of Korean “comfort women,” Japanese sociologist and feminist Ueno Chizuko notes: “the historical fact that it took the damages (*higai*) [inflicted upon them] half a century to become problematized was shocking” (1998, 100). Ueno argues that the problematization was precisely entailed by a “paradigm shift”: what had been regarded as “shame of women” (*onna no haji*) in the patriarchal paradigm (both in Korea and in Japan) came to be understood as “crime of men (*otoko no hanzai*)” at the turn of the century.

Japanese soldiers, etc. [to support other communist guerillas]” (*ibid.*, 6). However, during a Party consolidation campaign in the winter of 1952 — “a winter that is forever unforgettable for me (*wo de yongyuan ye wang bu liao de yi ge dongtian*),” as she described it to Zhang (*ibid.*, 14) — Dong-e was stripped of her party membership due to the fact that she had been confined twice in the Japanese military base. Amidst the confusion during the postwar period when Yu County villagers were required by national policies to choose wartime traitors among them,⁹² her earlier contribution as a communist fighter was *retroactively denied* precisely due to her sexual victimization by — dubbed “her association with” — the former enemies. Needless to say, her suffering, as well as those of other numerous wartime sexual slaves, did not receive any national commemorative recognition.

On the local-communal level, Dong-e’s political vulnerability that led to (and was finalized by) the 1952 revocation of her party membership was intrinsically linked to her unprotected state in yet another dimension: her alienation in patriarchal society, or to drily use Lévi-Straussian terms, the depreciation of her value as a woman, as an object of exchange or a sign, to be “circulated between clans, lineages, or families” according to local marriage laws, so that kinship identities are perpetuated (1963[1958], 61; see also Lévi-Strauss 1969[1949]). When Dong-e’s husband, who had gone away to join the Nationalist forces during the two wars (one against Japan and one between the Nationalists and the Communists), belatedly came back in 1951 to Tower Village, he discarded her for a new young wife because, he said, Dong-e had been made “unclean (*bu ganjing*)” (Zhang 1911, 4) by the enemy. A devalued exchange object in local marriage transactions, Dong-e’s body, which had been defiled by rape, put her on a precarious trajectory ever since: we have already glanced at its last phase, captured by Zhang’s brutally simple description of the wretched state of her life with Z.Z., her third husband suffering the alleged aftereffects of syphilis infection from the wartime period. As Z.Z. was also discriminated against by the locals because of his physical appearance and disabilities, Dong-e understood her marriage to this man as one made due to having no other choice. After her second husband’s death by disease in 1967 and subsequent expulsion from her late second husband’s

⁹² See William Hinton (1997[1966]) and Edward Friedman et al. (1991) for their respective descriptions of confusions during about the same period. In the villages that these authors respectively studies, the Party required village cadres to choose from the villagers “landlords” and “rich peasants”— enemies of the people to be attacked verbally and physically.

house,⁹³ Z.Z. approached her by offering some goods such as rice, noodle and housewares. Dong-e accepted these gifts, knowing what they meant. Devaluation of Dong-e's body was manifested through this chain of marriage-divorce-remarriage-expulsion-remarriage practices, which went hand in hand with the locally-exchanged discourses that she called "jokes" and "vicious rumors," causing and escalating the material and symbolic precariousness of her life over several decades. The practices and the talks justified each other, perpetuating a system of meanings within which victims of Japanese wartime sexual slavery like Dong-e could hardly find a shield against its structural violence.⁹⁴

2.2 Fictive Sisterhood: A Marginal Community

Thus far, by examining the self-perpetuating local communal system of meanings within which Dong-e's body, rendered as an unclean object, was circulated as a devalued sign, I might have made the local symbolic order look as though it was a closed, totalizing system. Lévi-Strauss's model of kinship economy has been criticized for being such, despite his claim of an arbitrary relation existing between signifier and signified. Judith Butler, for example, questioned "the presumed fixity and universality of the [structuralist] law" in her study of the feminist search for an alternative sexual economy (1999[1990], 53). One might ask, though: is the Lévi-Straussian fixity not indeed an apt picture for this particular case? Is it not because the local

⁹³ As Dong-e had lost her reproductive ability, her second husband adopted a baby boy lest his family line would fail. Yet this second husband was frail in health, and when he died of illness, the adopted child whom Dong-e had fostered from babyhood was taken away by his biological family as she could no longer afford to rear him (Zhang 2011, 15).

⁹⁴ It was indeed heartrending for me to see a villager engage in such talk in a situation where I least expected to do so: in a scene of a contemporary documentary film that posthumously featured Dong-e (Ban 2007). In this scene, the director, apparently with the benign intention of establishing the late protagonist's sufferings as firm facts, interviews an elderly man who rescued the moribund Dong-e when she was released from the Japanese base. While showing the place where he and other villagers put her on the back of a donkey half a century ago, the elderly man recalls that, when they pushed Dong-e's swollen belly to detox it, "dirty stuff came out of her body, from down there." And one can tell — I could tell — from his facial expression that *this man is amused* by saying this. While this villager believes that he is earnestly attesting to the Japanese invaders' brutality from half a century ago, he is apparently unaware that his own remark belongs to and perpetuates the local communal order whose symbolic violence tormented Dong-e until her death in 1994.

symbolic order in Yu County villages was fixed and totalizing that Dong-e and other former sexual slaves had been forced into silence until a new language of victims' rights reached it from the outside world? Further examinations below, however, will reveal a subtly unstable side of the local kinship order that would justify Butler's approach, and not Lévi-Strauss's.

It should first be noted that when the schoolteacher Zhang read Tong's argument on "civil reparations (*minjian peichang*)" for wartime damages in the summer of 1992, he had virtually no idea that he was encountering a novel discourse. All he understood then was that a possibility of redress seemed to be opening up for Dong-e and other Yu County victims of wartime sexual slavery — an understanding he conveyed to Dong-e in conventional vocabulary that was familiar both to himself and to his addressee, for example by saying that this was her chance to "speak bitterness and redress the injustice (*suku shenyuan*)"⁹⁵ and "wash off the shame borne for decades (*xishua beifu le jishi nian de chiruo*)."⁹⁶ What was occurring at this moment was not an overturning of an old, local set of meanings by a new, outside language of international law. Rather, I argue, the local symbolic order, when it was reached by the new discourse from without, was both invoked and contested *from within* by Dong-e, a subject long marginalized by that order.⁹⁶ For it was *against and with* the weight of her "shame borne for decades" within the local system of meanings that Dong-e decided to recount her story in order to become a litigator. To borrow Slavoj Žižek's words, Dong-e did "not protest a simple reality, but an experience of [her] real predicament made meaningful through language" (2009, 57), that is, through her community's old language of shaming. For "[r]eality in itself, in its stupid existence, is never intolerable: it is language, its symbolization, which makes it such" (*ibid*). Though the new international language played an important role in showing her (through the schoolteacher arriving on his bike with the news) a possible scheme of redress, it did not supplant but instead intersected with the old local language, the language that was precisely what made Dong-e's reality intolerable.

More particularly, having in mind Butler's astute point that the Lévi-Straussian kinship identities are based on "a relationship between men which is, finally, about the bonds of men, but

⁹⁵ See Subsection 5.1 of Chapter 1 for how Maoist oral performance practices for class struggles appropriated this Chinese vocabulary, "speaking bitterness."

⁹⁶ In the structuralist rendering, according to the concise summary given by Vincent Descombes (1980, 98), "[m]an desires in so far as he is a *subject*, which no longer means the 'absolute origin of meaning,' but literally, 'subjected to the signifier (just as in an absolute monarchy one is 'the king's subject).'⁹⁶ Even though Dong-e's act did not subvert the local signifying order to which she was subjected, it demonstrated an *unfixed* quality of what it meant to be subjected to that order.

which takes place through the heterosexual exchange and distribution of women” (*ibid.*, 52), it is crucial to note that Dong-e evoked in her narrative (recorded by Zhang) the relations of “nominal sisters (*gan jiemei*)” she had with several other women abducted from surrounding villages. These women were confined together in one room of a commandeered *yaodong* (traditional cave house common in the loess plateau), lying on the same *kang* (traditional bed-stove) together, covering themselves only with some blankets (since wearing clothes was pointless when they were raped constantly by dozens of men in turns). Most of the others besides Dong-e were often teenage girls, who had been abducted apparently due to their young age as the Japanese men preferred what they called in their rudimentary Chinese “*hua guniang* (presumably meaning virgins; literally, flower girls).” Compared to them, Dong-e was older: she had been targeted supposedly because of her troublesome nickname, “the Top (Beauty) of Shanxi.”⁹⁷ So she took the role of an older sibling, taking care of the sick among her younger surrogate “sisters,” sometimes even offering herself (if she was not monopolized by the captain called “Red Face”) to be raped in place of her sisters by the Japanese military men.⁹⁸

According to Dong-e’s narrative, these sisters encouraged one another not to lose hope by saying, “For [our] family and for [our] relatives, [we] must survive (*weile jiating, weile qinren, bixu huo xia qu*)” (Zhang 2011, 13). Drawing on the Chinese common cultural practice of sworn siblings, they summoned through their fictive sisterhood a sense of kinship that would otherwise have been brutally absent in the space of this rape station. There, they were violently separated from their actual family members while the foreign invaders kept planting in their bodies the seeds of children who, if born at all, would never be raised in their society. (Later, Dong-e would find out that she was pregnant with such a child, whom she aborted by engaging herself in

⁹⁷According to Dong-e, the Japanese military men came to know this nickname of hers through the mouths of those locals whom she disapprovingly calls “traitors (*hanjian*).”

⁹⁸ But, I cannot not wonder, what “needs” exactly were these military men trying to satisfy? What did they desire? Were they satisfied, and in what sense could they be, by raping these resisting—and later as numbed as an object—women day after day, night after night, often with some other fellow soldiers doing the same thing in the same *Yaoton* cave-room? Were these repeated acts of raping not also about “the bonds of men,” mediated by the confined women as objects to share, although the “bonds” in this case were institutionalized not through marriage but through warfare—bonds of men that supposedly determined matters of their life and death in the battle fields?

extremely hard field labor: she told Zhang that her body had become infertile since.)⁹⁹ The above-cited words of encouragement shows that these women regarded their kinsmen waiting at home as their reason to survive the horrendous hardship, persuading themselves and one another that they had to survive so that they could return to their family and fulfill their familial obligations — obligations that they believed would be rewarded with protection, comfort, and sustain meaning in life. Thus, initially, this frail society of fictive sisters was as much an expression of their faith in the local kinship order in which they were embedded as it was a social base from which to fight against the brute violence exercised by the invading men.

However, after Dong-e survived the ordeal from the rape station “for [her] family and for [her] relatives (*weile jiating weila qinren*),” the reality of her actual kinship relations utterly failed her: her husband, who belatedly came back from the war front and discovered that she had been raped by the Japanese, abandoned Dong-e as he regarded her as “unclean (*bu ganjing*)” despite the fact, to her dismay, that she had faithfully observed mourning obligations for his parents who had passed away during his absence. Her young son was taken away.¹⁰⁰ What she regarded as justice was not served by the patriarchal kinship laws, and she concluded that the root of all injustice “was the Japanese robbers [who] destroyed my body, and blemished my honor (*shi riben qiangdao huaile wo de shenti, dianwu le wo de mingsheng*)” (Zhang 2001, 15). According to the court-submitted statement of Chen Lintao, a “sister” in the rape station who later became one of the six plaintiffs represented by the Legal Team, Chen visited Tower Village

⁹⁹ To complicate the picture, one of the six plaintiffs represented by the Legal Team and Dong-e’s closest “sister,” Chen Lintao, told her Japanese lawyers that the Japanese soldiers used condoms when they raped her, and made her use antiseptic. The lawyers used this testimony to infer in their courtroom argument that “the Japanese soldiers thought of this self-made ‘rape station’ along the same lines with the comfort stations set up in urban areas, and operated it as such” (Ōmori 2008, 82).

¹⁰⁰ According to her narrative recorded by Zhang (2011, 13-14), Dong-e had two children with this first husband: her son was five years old, and her daughter two months old at the time of her abduction by the Japanese military men in 1942. When Dong-e was released after a month thanks to her fellow communists’ maneuver, the baby girl had already died from hunger due to the lack of mother’s milk. Shortly after Dong-e came back from the second confinement (which lasted for three months until her parents in law, parents, and relatives raised ransom money by selling their lands) her parents in law died of illness. Dong-e prepared some wood to make two caskets for the two, but the material was confiscated by Japanese soldiers to coffin their fellow soldiers who died during battles. She used door boards instead. She raised her son alone until her husband came back in 1951.

to see Dong-e one day during the 1980s, and the two women discussed how terribly they wished they could find those Japanese soldiers, beat them up, and make them apologize.¹⁰¹ *If only this little society of fictive sisters had had power to enforce its own justice!* Nothing more than a peripheral community of marginalized bodies, the society of raped “sisters” obviously could not have such power.

This frail society of victimized women, however, played an important role once again, half a century after its formation. When the possibility of redress suddenly seemed to open up in the 1990s, and Dong-e decided to recount her experience to Zhang, she named those “sisters” of hers in the rape station, so that Zhang started to seek them in the neighboring villages. It should be recalled here that, when village rumors first piqued Zhang’s interest to interview Dong-e in the 1980s, he had to go through roundabout small talk before even bringing up the issue, and he had to wait for ten years before encouraging Dong-e to speak up. And when Zhang finally managed to persuade her in the 1990s, he was with his wife, a woman native to the small hamlet where Dong-e’s maternal family (*niangjia*) was based: in the conversation recaptured by Zhang (which I translated in the previous subsection), Dong-e asked this lady, before making her decision, if what her husband said was true. In order to believe in something, one usually needs someone to believe with.¹⁰² It is understandable that Dong-e, long alienated in Tower Village where she lived as a result of her unfortunate marriages, needed another woman from her native village to endorse Zhang’s view. But now, as Zhang visited one after another of Dong-e’s “sisters” introduced in her recounting, there was virtually no need for him to persuade any of these women to talk about their experiences of sexual slavery. He only needed to tell them that Dong-e had already done so in order to sue the Japanese government.¹⁰³ For he was now functioning as a messenger of Dong-e, the big sister from the little society of women connected through quasi-kinship that had been bonded in the space of that rape station, rather than someone regarded as a curious (if relatively benign) male member of the dominant national/local communities within which this group of women were ostracized.

¹⁰¹ Statement submitted to the Tokyo District Court, dated October 11, 1999 (Evidence: Kō No.44, 12).

¹⁰² See also Hideko Mitsui’s insightful observation about kinship-metaphors (such as the Korean term *harmoni* or the Chinese term *daniang*) used by feminist activists in order to foster kin-like engagement with survivors and thereby earn their trust (2006, 173-202).

¹⁰³ Later, he became sought after by more victims in surrounding villages, who had not necessarily been confined with Dong-e. They heard of the litigation and hoped to file their cases (Personal communication with Zhang, summer 2012, Taiyuan).

What this messenger seemed to show to them was a suddenly opened up opportunity to pursue *their* justice — justice that had not been done either by national revolutionary society or by local patriarchal communities. Dong-e's lamentation cited earlier should be recalled here: "No one ever suggested that [they] could avenge for me the gross injustice (*meiyou yigeren tiqi guo ke yi wei wo baochou xuehen*)"(Zhang 2011, 5). That is to say, their fictive sisterhood, evoked at this fin-de-siècle moment, was no longer an expression of their faith in the patriarchal kinship order as it originally had been. In effect, it was now their base from which to resist the symbolic violence of shaming exercised by that very order, which had been perpetuating "the bonds of men" at the expense of women objectified through sexual exchanges (while ostracizing those women who are deemed as too devalued to be exchanged).¹⁰⁴ In this regard, I argue, the marginal society of raped "sisters" of Yu County can be construed as an excellent example of what Butler calls "the insistent ambiguity and openness of linguistic and cultural signification" (1999[1990], 51) — the ambiguity and openness repressed by the Lévi-Straussian structuralism, without which their litigation would not have occurred, so we would not know them today.

Dong-e did not survive long enough to become a plaintiff in her own case. In July, 1992, Zhang wrote for her a statement that expressed her intention to sue the Japanese government (although both the schoolteacher and the survivor of sexual slavery did not know how and where), and sent it to the Japanese Embassy in Beijing. The ailing Dong-e eagerly waited for a response, which never arrived. She passed away in April 1994.

Later that year, Zhang was contacted, through Tong Zeng, by Attorney Ōmori and other members of the Legal Team. Things started to move forward and the six women decided to bring their grievances to the Japanese law courts. As far as I can tell from their publicized accounts, while the circumstances of these six plaintiffs varied to some extent, none of them was as

¹⁰⁴ It should also be recalled that, when Zhang persuaded Dong-e to tell him her story in order to go to law, Zhang took his wife with him, a woman native to the small hamlet where Dong-e's maternal family (*niangjia*) is based. Before deciding to believe in what Zhang said, Dong-e asked Zhang's wife if Zhang was true. In order to believe in something, one needs someone to believe with. It is understandable that Dong-e, who had been alienated in the village where she lived as a result of her unfortunate marriages, picked up this "someone" to believe with from the village where she had spent her premarital life. Zhang's wife, in a sense, played the role of a quasi-kinswoman in this scene. See also Hideko Mitsui's interesting observation about kinship-metaphors (such as the Korean term *harmoni* or the Chinese term *daniang*) used by feminist activists in order to foster kin-like engagement with the survivors (2006, 173-202).

extremely destitute as Dong-e had been. (Dong-e's case is indeed so extreme that it is as if her narrative functions as a founding myth to the entire legal attempt pursued by her surrogate sisters.) Yet the structural violence of the local patriarchal order cast long shadows on the courses of their lives in one way or another. Some of the six plaintiffs had married men whom they considered disadvantaged economically or in other ways, attributing their undesirable marriage to the social stigma resulting from the wartime rapes. Others had lost reproductive ability at young ages, and the social price of such a loss was high in the rural economic society. All of them, according to the Japanese doctor who conducted their medical examinations for the litigation, presented symptoms of post-traumatic stress disorder (PTSD; see Subsection 4.1).

All of the plaintiffs, above all, wanted to "air [their] resentment held in the stomach (*tu duzi li de yuanqi*)" (Zhang 2011, 37) after half a century of silence. Their experiences had been unspeakable not only in public but, in most cases, even to their own family members. They did not discern between various kinds of laws, being oblivious to differences between patriarchal laws and positive laws, domestic laws and international laws, and so on. But they knew that a gross injustice had been done to their bodies and their lives so "justice (*gongdao*; literally, a fair path)" had to be regained. Some village authorities demanded that the litigation be dropped in order "not to expose the shame of the village [to the outside world]," but these women did not stop (Ōmori 2008, 86). In order to cast off the "shame" affixed to their experiences, they had to stand before the law by traveling to a place wherever justice would be executed.

3. Into a Global Milieu: From "Village Shame" to "Human Rights Abuse"

The last section has shown how, in the early 1990s, the scholar-activist Tong's idea of "damage reparations" reached the remote area of Yu County, and how, as a result, a marginalized group of women broke their silence that had been long-imposed by the local patriarchal order. Tong's argument no doubt reflected the geopolitical shifts in the post-Cold War world, where human rights rose as its defining value, applied not only to justify interventions in the contemporary conflicts (as in the NATO bombings of Yugoslavia in 1999 during the Kosovo War), but also retroactively to remedy historical injustices wrought in the past such as Apartheid in South Africa. Yet Tong's nationalistic concerns examined in Chapter 1, as well as the local framework with and against which the Yu County women verbalized their long-repressed memories highlight that these women's fin-de-siècle pursuit of justice can by no means be attributed to the formation of "a single human rights culture," as in the words of a 1990s' advocate who described human rights "as the preeminent language of the good in international politics" (Ignatieff 1999, 313). In this section, as I continue to examine the configuration of the fin-de-siècle legal space into which these marginalized women of Yu County emerged, I will

observe yet another point of conjunction/disjunction between differing scales of concerns, this time between the global communities' concern with sexual violence against women, and the Japanese progressives' pursuit of "litigation struggles for human rights (*jinken saiban tōsō*)": I argue that the latter had a revolutionary, albeit pacifist, orientation that was different from what the post-1989 "ethically centered approach to human rights" (Meister 2011, 5). Through negotiations over the intersection of these differing scales of discourses, as I will examine in this section, the Yu County women came to be referred to as "Chinese 'comfort women'" when they appeared in the Japanese law courts at the turn of the century.

3.1 "The Comfort Women" as a "Traveling Trope"

In Tong Zeng's article that Zhang read in his school office in the summer of 1992, the author mentioned the former "comfort women" of South Korean nationality who had initiated a civil lawsuit in Japan in the previous year, inferring that, although hitherto unknown, there must be a number of equivalent victims in China.¹⁰⁵ Although Zhang immediately understood the meaning and relevance of the term "comfort women," the addressed term was unfamiliar not only to him but also to those victimized women themselves. Originally a Japanese military euphemism, the "comfort women" were, according to the Japanese historian Yoshimi Yoshiaki's definition in his widely-read book, those who "were constrained under control of the Japanese military without having rights for a certain period of time, and forced to have sexual intercourse with military officers and soldiers" (Yoshimi 1999, 11). While the actual experiences of Dong-e and her fictive sisters examined in the last section seem to meet this definition, they were not called by this name both during and after the war. What were institutionally called "comfort stations (J: *ianjo*)"—military-regulated brothels which, in the case of the Chinese battlefronts, held women sent from Japan and colonial Korea — were usually set up in a city or a town where a battalion or larger unit was stationed.¹⁰⁶

According to Zhang, victims of Japanese military slavery in Yu County were locally referred to not as "comfort women" but as the "women dragged to the pillbox (C: *bei zhua dao*

¹⁰⁵ Zhang read this article in *Shanxi Daily* (*Shanxi ribao*) as it was reprinted from *Management Daily* (*Jingying ribao*) (Zhang 2016, 14).

¹⁰⁶ Pointing out that women from colonial Taiwan, who (unlike those from colonial Korea) could possibly understand Chinese language, were not sent to the comfort stations in the Chinese battlefronts, Ueno Chizuko (139, 1998) pays attention to how the colonial subjects were designated to serve the counterintelligence purpose.

paolou de nvren).” Or they were simply called the “women in the pillbox (*paolou li de nvren*).”¹⁰⁷ Compared to the alarmingly euphemistic “comfort women,” this local term might seem benign as it only focuses on *where* these women had been confined. In my view, however, this seemingly matter-of-fact naming reflects a local way of forgetting that may not just be benign. The actual place in Jade Plate Village where our six plaintiffs were confined was *not* the Japanese pillbox built on the hill behind this once Japanese-occupied village. It is true that the captives were often taken to the hilltop pillbox so they could be raped by higher-ranking officers, who apparently had their own private space there. But the women were usually confined in a Japanese-confiscated *yaodong* (local traditional cave-house) located *within* the village, where they were gang-raped by numerous lower-ranking soldiers. The pillbox was nonetheless chosen as an index by the locals apparently because it was a highly visible symbol of Japanese domination and power. But much more than that seems to be at stake. In Jade Plate Village, the *yaodong* cave-house in which Dong-e and other women were confined was used as an office of the local “[Peace] Preservation Association (C: *weichí hui*),” the organization which the Japanese occupiers forced villagers to form. Through this organization, the villagers had to receive and respond to various demands from the Japanese military men — demands for food, materials, labor, and women. Gatekeepers conscripted from among the locals guarded the facility when numerous Japanese low-ranking military officers were raping the captive women day and night in this “office building (C: *bangong lou*).” These gatekeepers occasionally helped the captives by offering what they could, but they generally remained helpless. This particular *yaodong* in Jade Plate Village, it should be noted, still remains to this day while, in contrast, the hilltop pillbox is already long gone due to the Japanese invaders dynamiting it at the time of their withdrawal. The local term of address, by encasing memories of sexual slavery into the once-forbidden, now-vanished pillbox, functioned to seal the thorny issues of the villagers’ complicity with the foreign enemy — albeit under duress — and distance the dark unsettling part of the village’s past away from its everyday present. Thus, the image of the “women in the pillbox,” I argue, was a product of feigned ignorance of the locals, who “basically knew” (as in the earlier-cited remark by Zhang) the horrendous experiences suffered by those women.

Now, when Dong-e and other Yu County victims of military sexual slavery broke their long-imposed silence in 1992, a transnational milieu for problematizing Japanese military’s sexual violence was already being shaped around the term “comfort women.” The famous watershed moment was December 1991, when Kim Hak-sun, a former “comfort woman” of

¹⁰⁷ This is also the title of Zhang’s 2011 book. Believing that the title reflected the author’s literary taste, I had not realized that it was a term actually used by the locals until Zhang pointed it out to me.

South Korean citizenship, became the first to bear witness under her real name. Kim's coming-forward led to more comfort-station survivors of Korean, Taiwanese, Philippine, Dutch, and other descent coming forward to testify, which attracted wide-spread international attention.

While the term "comfort women" had little meaning in the PRC in the early 1990s, the international attention drawn to the issue also caught the eye of the aforementioned Chinese scholar-activist Tong. Thus, upon receiving Schoolteacher Zhang's letter about the victims of sexual slavery in Yu County, Tong contacted concerned international parties so as not to miss the opportunity of what seemed to be turning the international tide. As a result, Yu County women received an invitation to an international public hearing, to be held by a group of Japanese activists, journalists, scholars, and lawyers concerned with the "comfort women" issue. So Dong-e and Wan Aihua, another survivor whom Zhang had found with the help of Dong-e's memory, volunteered to travel to Tokyo, leaving their respective homes in December 1992. But several accidents and illnesses prevented Dong-e from even reaching the provincial capital, which, according to Zhang, she would regret until her death. Meanwhile, Wan Aihua traveled to Tokyo, where she became a public witness, along with other former "comfort-women" from various countries, testifying on the severe tortures and sexual assaults that Japanese military men inflicted upon her. However, when Wan visited Japan again in the summer of 1996 to testify in another series of testimonial meetings, she publicly expressed her strong objection to the term of address used to refer to her:

When I came to Japan to attend the international hearing of 1992, the term "comfort women" appeared in newspapers. It was also introduced to China and harmed me very seriously. I am not a "comfort woman." I am clean both in body and in mind. I am not a "dirty woman." But in my country, my (adopted) children and neighbors came to exhibit scornful attitudes to me [due to the term "comfort woman"]. [...] So I had to run around to prove that I was not a "dirty woman" but a communist. [...] As I successfully verified that, I have recovered my party membership and am now an excellent Chinese communist. I am by no means a "comfort woman." ('Ajia taiheiyō chiiki no giseisha ni omoi wo hase kokoro ni kizamu shūkai' jikkō iinkai 1997, 37)

It should be noted that Wan, as well as many other Yu County victims, associated this term of address with the image of female traitors providing enemy soldiers with sexual "comfort (C: *weian*)" — the very derogatory view with which the locals had dismissed these women in the postwar years: hence Wan's objection. At the same time, her potentially divisive emphasis on her

“cleanness” was mitigated by her following comment, added immediately after the above-cited remark: “All the women from South Korea and other areas of the world who suffered these miseries are not ‘comfort women,’ either,” because “it was Japanese devils who forced them into these miseries” (*ibid.*). The Japanese organizers, on their part, responded to Wan’s objection with a politically creative move. They used her objection, “I am not a ‘comfort woman’ (J: *watashi ha ianfu de ha nai*),” as the title of the booklet in which testimonies delivered on this occasion were compiled, resulting in Wan’s remark bringing to light the brutal deceptiveness of the Japanese military euphemism, as well as the fundamental coercion underlying the varied experiences of those who had been called “comfort women.”¹⁰⁸

Even so, the notion of a “dirty woman” in Wan’s objection left the patriarchal emphasis on women’s chastity unquestioned. In fact, the provincial government official who accompanied Wan on this occasion was more explicit in this regard. According to his speech delivered at the same meeting and documented in the same booklet compiled by the organizers of the event, he warned that the “very inappropriate” term “comfort woman” should be abandoned, adding that “chastity is a very important value for the ethnic Chinese” (*ibid.*, 31). In this official’s view, female bodies are rendered as moral and reproductive assets for the entire “ethnic Chinese.” This view is none other than a nationally extended version of the local patriarchal discourse whose violent effects on Dong-e’s life I have already put forth in the last section. The official’s comment, as well as the fact that Wan “had to run around to prove that [she] was not a ‘dirty woman’ but a communist” exposes the national and local realities in which Wan and other Yu County women had to continue living even after breaking their silence.

Meanwhile, the “comfort women” issue increasingly became an international problem during the 1990s. The predecessor of what later came to symbolize the transnational “comfort

¹⁰⁸ It should be cautioned that emphases on coercion in this context could exercise molding effects on how victims of sexual slavery would recount their experiences and how we would listen to their stories. In her study of Korean “comfort women,” Sarah Soh presents an important point: “It is not surprising that the prevailing transnational discourse, or the paradigmatic story, adopts the activists’ theme of forcible recruitment by the military and ensuing sexual slavery,” by erasing differing degrees of coerciveness of the recruitment processes. She continues, “although the feminist humanitarian representation of comfort women as military sex slaves has finally thrown light on their abject victimization, we should be aware that seeing them only as sex slaves denies— however unintentionally— the marked human agency enacted by some former comfort women against gendered oppression” in their own society when they initially responded to the deceptive recruitment calls (2008, 33).

women” movement could be found in South Korea during the 1970s as a campaign against international sex tourism, which primarily targeted Japanese male sex tourists visiting South Korea.¹⁰⁹ During the 1980s, as the bilateral relationship between Japan and Korea became strained over issues in history textbooks, South Korean activists started to emphasize the parallels between soldiers of the Japanese Empire in the past and Japanese visitors engaged in sex tourism in the present, and as a result came to address sufferings of those who had been turned into “comfort women” for the Japanese Imperial Army. This South Korean feminist-nationalist movement, as the anthropologist Sarah Soh notes, achieved remarkable success during the 1990s, not only due to domestic factors such as South Korea’s democratization, but also thanks to several international forces: “the end of the Cold War, the consequent emergence of human rights as a defining value in the emergent new world order, and media attention to mass rape in the Balkan conflict all contributed to the transformation of the comfort women issue from a South Korea-Japan bilateral dispute into a *universal* issue of sexual violence against women in a time of war” (Soh 2003, 215; my emphasis).¹¹⁰ To increase the level of international pressure on the Japanese government, the leading non-governmental organization in South Korea “the Korean Council for Women Drafted for Military Sexual Slavery by Japan” made appeals to the United Nations Commission on Human Rights to investigate the problem.¹¹¹ In response, a Special Rapporteur appointed by the Commission compiled a report in January 1996, concluding that she was “absolutely convinced that most of the women kept at the comfort stations were taken against their will, that the Japanese Imperial Army initiated, regulated and controlled the vast network of comfort stations, and that the Government of Japan is responsible for the comfort stations.” Therefore “the Government of Japan,” the rapporteur continued, “should be prepared

¹⁰⁹ Ajia jyosei shiryō sentā 1997, 24.

¹¹⁰ For an example from this period of feminist legal scholars’ growing interest in post-conflict gender justice, see Ronda Copelon (1995)’s reexamination of the concept of “crimes against humanity,” its limitations and inherent potential in the light of the crimes committed against women in Bosnia (see also Askin 2003; Charlesworth and Chinkin 2000).

¹¹¹ When this organization translated its own name into English, it turned to the term “military sexual slavery,” which was more universal than the Korea-specific “*Chong shin dae*” (another euphemism used by Korean activists to designate “comfort women”) in its Korean name.

to assume responsibility for what this implies under international law” (Coomaraswamy 1996, 22).¹¹²

Despite the UN Rapporteur’s concern “that the phrase ‘comfort women’ does not in the least reflect the suffering, such as multiple rapes on an everyday basis and severe physical abuse, that women victims had to endure during their forced prostitution and sexual subjugation and abuse in wartime” (*ibid.*, 4), and despite her recommendation that “wartime sexual slavery” should be used instead, the questionable terminology continued to prevail. Perhaps the contagious power of the term lies precisely in the shocking gap between the word as a signifier (“comfort”) and the experiences it signifies (although it is also true that the ambiguity of the term excuses those who refuse to recognize the gap). At any rate, there is no doubt that the “comfort women” issue was increasingly functioning as a mirror of the past to reflect growing feminist concerns in the present. Thus in the span of a decade, the historian Carol Gluck observed in a chapter she contributed to a 2007 book that the term “comfort women” had become “a traveling trope: a reference to a particular and gruesome memory, which resonated with human experience in other times and places.” Just as the Holocaust “gradually became the referent for the surpassing evil of genocide,” Gluck argued, the Asian comfort women signified the end of the long invisibility of wartime sexual violence against women” (2007, 74). It seems to me that, by thus drawing a parallel to the Holocaust, which arguably occupied a central place in the contemporary humanitarian consciousness, she herself, the US-based historian of modern Japan, also participated in the influential trans-Pacific discourse that redefined the hitherto-neglected *Asian women’s* wartime suffering as a no-longer-negligible problem of *human* rights. This discourse was also intrinsically linked to the renewed, post-nineties phase of what Lisa Yoneyama calls “Americanization of Japanese war crimes,” where “the heightened presence of Asian immigrant-citizen-subjects and their growing importance in American representative

¹¹² Contrary to the now-popular belief in Japan that an inaccurate report by the leftwing *Asahi* newspaper based on a false testimony made by a Japanese man (who claimed to have witnessed Japanese army men take Korean women by force on the streets) led international investigators to write wrong reports and conclusions, the Special Rapporteur acknowledges that “little documentation remains that bears witness to the recruitment methods” and instead pays close attention to “the actual operation of the system [...] widely attested in records which survive from the period” (Coomaraswamy, 6).

politics” played crucial roles in the judicial, legislative, and other kinds of pursuits of redress for victims of Japanese-inflicted atrocities (2016, 149).¹¹³

Against the backdrop of an ever-growing circle of concerned international parties, Attorney Ōmori and several other lawyers in her team chose in the mid-1990s to refer to their Yu County clients’ litigation as “the Chinese ‘Comfort Women’ Compensation Lawsuits (J: *Chūgokujin ‘ianfu’ songai baishō seikyū soshō*).” Thus, the six “women in the pillbox” came to be known in the media as “Chinese comfort women.” The lawyers were aware that the plaintiffs, for the same aforementioned reason Wan Aihua had voiced a strong protest against the term (and would later choose not to join this litigation and sought for help from another Japanese group to file a separate case), did not like to be called by this name. Moreover, it was not readily verifiable whether or how the said sexual abuses in Yu County had been part of the Japanese military’s “comfort station (J: *ianjo*)” system as there was no record, of course, to show how the decisions and orders to abduct and confine local women — violations of Japanese army regulations — were made within and across each of the several military units stationed in the county.¹¹⁴ The lawyers nonetheless decided to register the Yu County victims’ claims under the “comfort women” category, maintaining that “there [was] not an essential difference” (Ōmori 2008, 39) between the “comfort station” system and the sexual slavery cases in Yu County: if the *yaodong* cave-house in which their clients had been confined was a “rape station (J: *gōkan jo*),” that was what an institutionalized “comfort station” essentially was. According to Ōmori’s recollection, when they were conducting preliminary research on the said cases in 1994,

¹¹³ Yoneyama sees both dangers and possibilities in this phenomenon. On the one hand, she expresses concern over “Asian immigrants’ nationalization through their subject-ification to U.S. judicial, legislative and other state apparatuses” (2003, 60). On the other hand, she points to “the possibility of contagious justice” (*ibid.*, 58), cogently arguing that “[t]he task of carrying the pursuit of justice forward and mourning for the dead requires not so much the authentic restitution of the original, or the uncritical identification with and empathy for the ultimate victims, as the contagious acknowledgement of and indignation for the violence done by colonialism to the wholeness of life, language, body and name” (*ibid.* 72; see also Kang 2003).

¹¹⁴ See also a report from the laborious research by Ishida Yoneko and Uchida Tomoyuki (Ishida et al. 2004, 238-271) on “comfort stations (*ianjo*)” set up in Shanxi Province. Engaging both in archival and oral history research, they note the scarcity of written materials discovered so far on this topic.

it was reported that the [then] cabinet led by [the socialist Prime Minister] Murayama was preparing some measures to address the “comfort women” issue, among other things, for the fiftieth anniversary of the end of the [Asia-Pacific] War. Therefore, even though it was predicted that ultimately winning our cases would be difficult, it seemed imperative that the cases be filed in the first place in order [for the plaintiffs] to be included in the [anticipated] overall framework of solution. (Ōmori 2008, 36)

Thus, the name choice was a hurried move the lawyers made in the hopes of capturing the Japanese government’s “full attention,” as in the words of the statement issued in August 1993 by the then Japanese Chief Cabinet Secretary, aroused by “[preceding] actions [that had been] brought to court as well as interests [...] shown outside Japan.”¹¹⁵ In other words, the lawyers were attempting to turn external pressures into a card they could use to play in a *national* politics of recognition and inclusion. The next subsection will explore who these lawyers were and thereby highlight the distinctively national political dimensions of their frameworks and strategies.

3.2 Japanese Lawyers and their “Litigation-Struggles”

*The fundamental human rights
by this Constitution guaranteed to the people of Japan
are fruits of the age-old struggle of man to be free;*

¹¹⁵ The then Chief Cabinet Secretary was Kōno Yōhei, and his statement was based on the Japanese government’s investigation conducted between December 1991 and August 1993. In this statement, Kōno offered his government’s “sincere apology and remorse to all those, irrespective of place of origin, who suffered immeasurable pain and incurable physical and psychological wounds as comfort women” (“Statement by the Chief Cabinet Secretary Yōhei Kōno on the result of the study on the issue of ‘comfort women’,” August 4, 1993; <http://www.mofa.go.jp/policy/women/fund/state9308.html>). The timing when Ōmori’s team was preparing the Yu County litigation fell between the government’s announcement of this statement and its controversial move to establish the semi-official Asian Women’s Fund. No Chinese victim-survivors were included as recipients of this Fund. To understand the controversy over the Fund, installed by the Murayama Cabinet in July 1995, compare, for example, Yun Jung-Ok (1997) and Sarah Soh (2003).

*they have survived the many exacting tests for durability and
are conferred upon this and future generations in trust,
to be held for all time inviolate.*

— Article 97, The Constitution of Japan (proclaimed in 1946)

Although Attorney Ōmori and other members of the Legal Team decided somewhat hurriedly and pragmatically to represent the Yu County women as Chinese “comfort women,” more theoretically significant for them was to argue that the confinement and rapes inflicted upon the plaintiffs were not mere individual violations of the military regulations committed *despite* the Japanese military’s “comfort station” system but, rather, *the very effect* of that state system. What was at stake for the lawyers was the act of forcing the Japanese government to take responsibility for the injustice systemically done to the women in its former colonial and wartime territories. One of the observations Robert Meister made about the post-1989 “justice-as-reconciliation” model is that it is “expressly meant to decollectivize both injury and responsibility and to redescribe systemic violence as a series of individual crimes” (Meister 2011, 28). Although his argument primarily refers to the International Criminal Courts and the practices of transitional justice in post-conflict societies, and not the lawsuits that, like the ones examined here, were brought to domestic civil law courts, it seems worthwhile to note here another point of departure from his general picture of the post-1989 proliferation of humanitarian discourses. That is, the litigation in question was understood by the Japanese lawyers not just as pursuits of individual remedies for the human rights violations inflicted upon the plaintiffs, but also as a means to collectively pursue a reform of national society, reflecting a tendency that I describe as revolutionary, albeit of a pacifist, non-violent kind — a tendency the group had inherited from earlier conventions of the Japanese postwar left. To highlight this point, the current subsection examines the lawyers’ emphasis on “struggles (*tōsō*)” in their understanding of “human rights (*jinken*)” as well as a subtle link to the Maoist practice of remembering that I will discover in Attorney Ōmori’s earlier professional life.

I have already described in Chapter 1 (Subsection 6.2) how the scholar-activist Tong Zeng argued that “damage reparations (*shouhai peichang*)” for Chinese individual victims of the Japanese invasion, as opposed to state-to-state “war reparations (*zhanzheng peichang*),” had not been invalidated by the 1972 China-Japan Joint Communiqué. I have also mentioned his attempt in 1992 to submit a proposal to the People’s Political Consultative Conference (PPCC) and the National People’s Congress (NPC), recommending that a bill should be passed to initiate or endorse pursuits of such newly defined reparations for victimized individuals. The

recommendation was not taken up, and his next move to start an organization of war victims was immediately shut down as it was a potential political risk for the Party dictatorship.¹¹⁶ In short, Tong and the Chinese war survivors gathering around him were only able to engage in a very limited form of activism in the PRC, which marked a sharp contrast to the remarkable expansion of the nationalist-feminist advocacy for the former “comfort women” in the rapidly-democratized South Korea during the 1990s.

Specifically in response to those who had fervently expressed their wishes, through Tong, to sue the Japanese government, the Japanese lawyers’ group that I have been referring to as “the Legal Team (*bengodan*; as the lawyers themselves often called it),” or formally “the Legal Team for Chinese Compensation Claims Cases concerning War Damages” (*Chūgokujin sensō higai baishō seikyū jiken bengodan*), was established in August 1995. What led to the founding of the group — just as in Zhang’s chance encounter with Dong-e, which I examined in Section 2 — was the result of contingent happenstance. In May 1994, according to the account that the Legal Team collectively published in book form, several select members of the Japan Democratic Lawyer’s Association (*Nihon minshu hōritsuka kyōkai*; hereinafter JDLA) visited China “to conduct research on the Chinese judiciary system, as well as to restore inter-communications between Japanese and Chinese lawyers which had been lost during the Cultural Revolution” (*Chūgokujin sensō higai baishō seikyū jiken bengodan* 2005, 4). After a press conference the lawyers held in Beijing, a journalist working for the Beijing branch of a Japanese news-agency approached them. The Japanese journalist, having interviewed Tong Zeng and knowing the stalemate faced by the Chinese war survivors pursuing redress from the Japanese government, asked if any of the visiting Japanese lawyers would undertake the laborious task of representing them in the Japanese law courts. In response, the Legal Team was founded, somewhat in haste, in order to be ready in time for the fiftieth anniversary of the end of WWII, in which more than

¹¹⁶ While his earlier proposal submitted to the National People’s Congress was not adopted (see Subsection 6.2 of Chapter 1), the national attention stirred by his action elicited Vice-Foreign Minister Qian Qichen’s remark in March 1992. He reportedly commented that even though there was no change to the Chinese government’s position on reparations as expressed in the 1972 Joint Communiqué, “the Japanese government should appropriately deal with the complex problems resulted from the war of invasion on China” (*Chūgokujin sensō higai baishō seikyū jiken bengodan* 2005, 8). This comment was a subtle sign of a changeover in the Party’s position on this sensitive issue, signaling that Chinese citizens would be tolerated, if not encouraged, to seek individual war compensation from the Japanese government as far as they, somewhat hurriedly in order to be in time for the fiftieth anniversary of the end of WWII, do not create internal political problems.

two hundred lawyers participated both from and outside the JDLA, and from all across Japan. Some of them were veteran lawyers like Ōmori, while others were utterly new to the practice, having just completed their mandatory program for post-national-bar-exam training, and having been recruited by senior members of the Legal Team, occasionally during informal drinking sessions. Together, these experienced and novice lawyers formed several smaller teams, and, in the two decades that followed, filed twenty civil lawsuits altogether, representing Chinese victims of various forms of Japanese-inflicted atrocities between 1931 and 1945, which I have already introduced briefly in the Introduction. The lawyers also took an initiative to found the civil group that I have referred to as “the Society to Support,” or formally “the Society to Support the Demands of Chinese War Victims” (*Chūgokujin sensō higaisha no yōkyū wo sasaeru kai*), whose members would sustain the litigation through membership fees and donations as well as by providing moral, logistic and other kinds of support. This quick move to respond to a set of claims suddenly emerging from across the border, as further examination will reveal below, was rooted in the political conventions of Japanese postwar progressives’ legal activism, rather than being a direct translation of the ascent of human rights as a defining value of the post-Cold War order.

i) Human rights and an incomplete revolution

The notion of “human rights (*jinken*),” the meaning of which the lawyers understood primarily through their earlier involvement in various political practices of Japanese postwar legal activism, was central to the formation of the Legal Team. The following episode, which was presented at the beginning of the 2005 book collectively written by the lawyers, is illustrative. In May 1994, the aforementioned Beijing-based journalist, referred to as Journalist K in the book, was having a lunch meeting with Attorney Onodera, a member of the JDLA delegation to Beijing who would later become Secretary General of the Legal Team, when the journalist asked the lawyer’s view on “human-rights litigation (*jinken saiban*)” in Japan. Without knowing the journalist’s intention to use this conversation as a precursor for his main subject, Attorney Onodera

introduced the activities of JDLA as well as his own involvement in various lawsuits such as those filed by pollution victims or patients of pneumoconiosis. He proudly spoke about traditions and achievements of Japanese human-rights lawyers’ litigation-struggles (*Chūgokujin sensō higai baishō seikyū jiken bengodan* 2005, 10).

Then, the journalist raised another question, suddenly in sharp voice:

“You have said that there are numerous human-rights lawyers in Japan, but why do they not tackle international cases of human-rights violations in which the victimizer was Japan?” Interrogated in a forceful tone and not knowing what exactly was being asked, Onodera felt as though he were insulted. But sensing the seriousness in Journalist K’s attitude, he responded, “What do you mean?” (*ibid.*, 11)

The journalist explained that the Chinese war victims whose grievances had reached Tong Zeng were looking for Japanese lawyers who could represent them in the Japanese law courts.

Onodera sensed that Journalist K was expecting him to pursue the litigation as a human-rights lawyer in Japan. He hesitated as he thought about the weight of the cases as well as the immeasurable difficulty foreseen for the litigation. But the historical importance of Chinese postwar compensation lawsuits was obvious. [...] If he turned his back to the victims, he would also betray his own previous self (*ibid.*, 12).

This episode, as an origin story of the group, presents the notion of and self-identification with “human-rights lawyer (*jinken ha bengoshi*; literally, lawyers of human rights school)” as pivotal for the Legal Team’s undertaking. Yet further examination is necessary in order to understand what “human-rights lawyer” meant in this context.

Although not all of the members of the Legal Team came from the JDLA, it is worth examining in brief the JDLA’s historical background in order to understand underlying tenets of the Legal Team. The JDLA, according to the description presented on its website, is an association of legal practitioners and scholars, which “was born out of the 1960 Anpo Struggle,” and “has been consistently leading movements to support the Constitution by promoting peace, democracy, human rights — and democratization of the judiciary.”¹¹⁷ If the failure of the 1960 “Struggle (*tōsō*)” against the renewal of the 1951 US-Japan Security Treaty was a failure of the protesters to make their government fulfill the pacifist promise of the 1946 Constitution, the aim of JDLA, established in 1961 in the wake of that failure, was to continue “struggles” to realize

¹¹⁷ The Japan Democratic Lawyer’s Association website: <http://www.jdla.jp/syukai/syukai.html> (Last accessed: April 3, 2020)

constitutional values — “peace, democracy, human rights (*heiwa, minshu shugi, jinken*)” — through judicial means, if not through physical protests on the streets. Given that the JDLA was affiliated with the Japanese Communist Party in the past, it comes as no surprise that its members historically tended to concern themselves with various issues of inequality in the increasingly-industrialized postwar Japanese society, as was the case with Attorney Onodera. We should recall that, in the above-cited conversation with the Beijing-based journalist, he mentioned his earlier involvement with pneumoconiosis patients (mainly coal workers and tunnel-construction laborers) and pollution victims. Both groups of people — treated as a class characterized by precariousness associated with certain occupations or neighborhoods — are presented as victims of systemic, if indirect, violence of Japan’s rapidly expanding capitalist national economy.

It is in this historical context that we should understand the term “litigation-struggles (*saiban tōsō*),” which Attorney Onodera used in his 1994 conversation with the Beijing-based journalist, and which I also often heard when I attended the Society to Support’s meetings during my field research between 2011 and 2013. Onodera gives further articulations in a dialogue he had with two other lawyers of the Legal Team during the early phase of the group’s activism, which was published in a 1997 newsletter of the Society to Support:

It’s not that human rights were instantly generated [in Japanese society] when the Constitution stipulated them after the War. But they were substantialized precisely because the victims whose rights had been violated and who had gone through disastrous sufferings stood up, questioned the victimizers’ responsibilities, and in so doing creatively established [the rights]. [...] And they did so not only inside but also outside the courtrooms, or in other words, at the social end, by carrying on social political movements in such a way as to put a finger on the very roots of structural contradictions and bring changes to the national perception. (*Suopei*, 10 December 1997)

From the perspective of this veteran lawyer, who was himself the son of a coal mine laborer, the postwar “litigation-struggles (*saiban tōsō*)” were not just “courtroom battles (*hōtei tōsō*)” fought merely inside the courtrooms to draw desirable legal outcomes for the clients. Rather, it was a form of political movement, through which the victims themselves would become a catalyst for making important changes to what he called “structural contradictions (*kōzō teki mujun*).” On a technical note, Japanese civil law rulings, unlike American rulings for class actions, grant redress only to the actual plaintiffs, and not to other “similarly situated” individuals. Such limited scope

for legal remedies in the Japanese civil law courts made it all the more important to use litigation as a medium through which to address what Onodera called “the national perception (*kokumin no ninshiki*)” so that the legislative and administrative bodies of the national and local governments would have to respond to public opinion by initiating desirable measures for more thorough relief and preventions. Thus targeting Japanese society and the state at large, the postwar “litigation-struggles for human rights,” in this lawyer’s view, were the “creative (*sōzō teki*)” processes, often engaged in by marginalized groups of people, to “substantialize (*naijitsuka suru*; literally, give content to)” the promised but not-(yet)-fully-realized human rights values of the Japanese Constitution.

This framework of “human rights (*jinken*),” through which Onodera understood the Legal Team’s commitment to the Chinese plaintiffs’ fin-de-siècle pursuits of redress, has distinctive national and political orientations, in contrast to the post-Cold War human rights discourses that Robert Meister characterizes as transnational and ethical (i.e. ostensibly apolitical). I would even describe their orientation as revolutionary, which is implied by the term “struggles” — collective and sustained fights to overturn the status quo, although via a distinctively non-violent means in this case, that is, through litigation. At this point of the discussion, it is important to recall that the cherished Japanese Constitution had been written at the hands of the Allied Occupation and, to use the words of its article 97 that I cited in the epigraph to this subsection, “conferred upon the people of Japan” practically overnight, through a “revolution from above” (Dower 1999, 203).¹¹⁸ One may interpret that the postwar “litigation struggles” were fought as a means to accomplish from below the democratic-pacifist revolution that had been imposed from above — and left incomplete — by the occupying forces. In this regard, the lawyer’s new undertaking at the end of the century was understood not only as an extension of the previous postwar litigation-struggles (despite the sharp break between the two in terms of available legal bases to establish the claims in question, i.e., foreign citizens’ rights violated during Japanese invasion half a century ago vs. mainly Japanese citizens’ rights violated in contemporary tort cases). But the new undertaking was even understood as a return to the untapped heart of the old one, because what was at stake this time was human rights violations under “the pursuit of war as a structural crime committed by the state,” according to attorney Onodera’s articulation in the same dialogue. He stated:

Although the Japanese themselves had had their human rights violated in the War, they obscured responsibilities for the violations [of their own rights] as well as for

¹¹⁸ See also Satō (1999[1952]) for a firsthand account of the process of composing the Constitution.

the War. “We’ve come to live in a new society after the War,” the Japanese said to themselves, “so why do we trouble ourselves with the past?” But to the eyes of the people in the victimized nations in Asia, this Japanese attitude seems extremely selfish. If human rights of the people affected [by the invasion] have been totally ignored, and no redress has been provided at all, then this means that the predisposition of Japan including its social and political structures remains essentially unchanged, right? That being so, it is legitimate [for the affected people in Asia] to have a keen sense of insecurity that [Japan] might repeat [the pursuit of war again]. (*ibid.*)

According to this statement, read in conjunction with his previous comment, although postwar Japanese creatively embraced human rights as a core value of the radically new Constitution, Japan’s responsibilities for “the War,” arguably the gravest violations of their own and other peoples’ rights in the nation’s history, were left unaccounted for: as a result, in the lawyer’s view, the “predisposition (*taishitsu*; literally, bodily quality)” of Japanese society was left “essentially unchanged.” Thus, responding to the Asian war victims’ fin-de-siècle calls for redress was a necessary step to retroactively complete the break that, in this lawyers’ view, Japan as a nation should have made between its militarist past and its pacifist present.

Not only in this particular comment but also more generally throughout the publicized accounts by the Legal Team, I note a general absence of references to the United States. This absence is intriguing especially given that the JDLA, which provided some of the key members of the Legal Team, was founded in the wake of the Anpo Struggle’s failure to stop the 1960 renewal of the U.S.-Japan Security Agreement, with the aim of continuing to pursue political movements by turning from street protests to litigation.¹¹⁹ The absence should rather be thought of as an absent presence, pertaining to the fact that the beginning of postwar democratic Japan had been initially inscribed, to borrow the words of the Japanese historian Katō Yōko, through “the incomplete revolution by the Occupation (*mikan no senryō kakumei*)” (Utsumi et al. 2014,

¹¹⁹ Jordan Sand (2016) observes an ambivalent reaction from a progressive Japanese scholar to “the Open Letter in Support of Historians in Japan” signed and issued by a group of 187 American scholars of Japan signed and issued in May 2015, ambivalence toward the possible influences of the message from “Americans” on Japanese government policy.

49).¹²⁰ While there were ubiquitous emphases in the lawyers statements and dialogues on fidelity to the spirit of the postwar pacifist Constitution, I seldom heard articulations addressing details of the Constitution's twisted life — that it had been originally written by the Allied Powers, and that its renunciation of war and war potentials, stipulated in Article 9, was weakened as the United States demanded that Japan possess its own armed forces that would function as “a little American army” (Dower 1999, 547) at the outbreak of the Korean War (1950). Yet, if I may fill the void of the unarticulated gap, the group's spirit could be interpreted as follows: if revolutionization of Japanese society had not been followed through due to Cold War calculations, they should now make a more decisive break from the militarist past by responding to the “demands (*yōkyū*)” that reached Japan after the end of the Cold War: demands, put in Hegelian terms, not from Japan's political Master (the United States) but from its former Slave (the Chinese people). In this regard, the undertaking of the Legal Team, in alliance with many other similar civil groups in Japan, was a national historical project to finally put an end to the Asia Pacific War, in what they thought was the proper way, that is, to borrow the same lawyer's words again, “with [their] own hands (*watashi tachi jishin no te de*)” (*Suopei*, 10 December 1997, 5).¹²¹

ii) Courtroom testimony as terror

Compared to her more eloquent colleagues on the Legal Team, Attorney Ōmori placed less emphasis on speaking in big political terms such as “struggles.” Although her 2008 book titled *Facing the Facts of History* (*rekishi no jijitsu to mukiatte*) was distributed by a publisher affiliated with the Japanese Communist Party, the author did not convey any Marxist or other ideological agendas as she chronicled her involvement with her Chinese clients' pursuit of redress in the Japanese law courts. Nor did she even once use the term “human rights” in our

¹²⁰ I have borrowed the phrase “an absent presence of the United States” from Leo Ching's astute comment, though given in a slightly different context, for an earlier version of this chapter I presented in the panel entitled “Grievances against the State, Legacies of War, and Legal Discourses in Twentieth-Century East Asia” at the annual conference of the American Society for Legal History on October 31, 2015.

¹²¹ My interpretation is in part informed by Victor Koschmann for how Japanese intellectuals in the early postwar period grappled with the idea(l) of democratic revolution by variously theorizing the concept of historical “subjectivity (*shutaisei*)” with emphases on actions as opposed to contemplation, as well as how their concepts and theories “cannot be understood properly apart from nationalism in its various guises (1996, 204),” an insight whose implication goes far beyond the early postwar period.

interview, arguably because of her resolution to start from, and stay with, what she calls “concrete facts,” and not abstract principles. But in order to discern certain facts worth learning from the myriad records of history, there still requires a framework of some sort. In this regard, Ōmori primarily relied on the category of nation as I have observed in Section 1. It was her national self-identification, apparently so resolute that she appeared to take it for granted, that made it imperative for her to learn, “as a Japanese citizen,” about those whose lives had been severely affected by the nation’s aggressive enterprises in the past, as well as to disseminate to her compatriots the knowledge about that inglorious part of the national history.

Attorney Ōmori had been initiated into this mode of learning during the late historian Ienaga Saburō’s legal battles against the Ministry of Education, in which she and other key members of the Legal Team had previously participated. Evolving as a series of constitutional complaints against textbook authorizations, the historian’s litigation consisted of three lawsuits sequentially filed between 1965 and 1997. Its third and final phase (1984-1997) focused mainly on the Ministry’s intervention at several parts of Ienaga’s account of the Asia Pacific War, including his brief description of the Nanjing Massacre.¹²² The grassroots style of the Ienaga Litigation as well as its emphasis on knowledge production had a major influence on the activist strategies of the Legal Team and the Society to Support. While Ienaga and his supporters were aware that the judiciary was only another institution of state power, they regarded litigation as “a measure to fight against the behind-closed-doors administration of censorial authorizations” (Tokutake 1999, 190), that is, in order to hold authorities accountable for their interventions into educational means, as well as to engage in counter-education. In hindsight, the Ienaga Litigation produced and disseminated a far greater amount of knowledge than what could have been conveyed by the brief descriptions removed from the censored textbook. In a period of three decades, more than a hundred expert and non-expert witnesses were summoned by the plaintiff’s lawyers to corroborate Ienaga’s claims legally or historically. Meanwhile, on top of popular media coverage, dozens of records of trial briefs, court testimonies, and rulings, as well as nearly four hundred issues of newsletters were distributed to the supporting organizations and groups throughout the country. According to an activist participating in the movement, the membership of supporting groups of the Ienaga Litigation reached twenty-eight thousand people at the movement’s peak in 1993, according to an overview given by a participant (*ibid.*, 205). It was with reference to these previous experiences in the Ienaga Litigation that the lawyers of the Legal Team came to regard their undertaking to represent the Chinese war victims in the

¹²² See Tokutake 1999, esp. 114-136. See Nozaki and Inokuchi (2000) for an examination written in English of Ienaga’s life and his lawsuits against the backdrop of Japanese postwar social history.

Japanese law courts as “a social enterprise that could disseminate such a significant amount of information which could never have been obtainable other than through the processes of litigation” (Ōmori 2008, 141).

In explaining why she joined the Legal Team, Attorney Ōmori recalls in her book a particular moment from her earlier involvement in the Ienaga Litigation, when the journalist Honda Katsuichi was summoned to the courtroom to give expert testimony. Formerly working for the popular left-leaning Asahi Newspaper, Honda had visited the PRC during the 1970s and 80s, and produced influential reportages on Japanese-inflicted atrocities in China, including the Nanjing Massacre. On the witness stand, Honda described horrendous rapes committed during the Nanjing Massacre while Ōmori listened from her seat on the plaintiff’s side of the courtroom. When the session was over, she found herself “so shocked that [she] was left with no power of mind to even stand up from [her] seat” (Ōmori 2008, 18). According to Ōmori, this and other learning experiences during the Ienaga Litigation made her realize her obliviousness to Japan’s militarist past, or more precisely, of what she calls “concrete facts” about it — experiential forms of suffering by the oppressed, and not a dry chronological list of the names of political incidents which she had memorized during her schooldays. As this realization deepened her sense of repentance for her nation’s past in relation to its Asian neighbors, she joined the Legal Team in the mid-1990s.

The way Attorney Ōmori describes the shock that she received from Honda Katsuichi’s terrifying expert testimony reminds me of a particular passage in Honda’s reportage entitled “Travels in China,” based on his first trip to the PRC in 1971, where the journalist himself does not hide the fact that he was frightened. Throughout the lengthy reportage, published originally in forty serials in the Asahi Newspaper (with a daily circulation of about six million subscribers then) and later in book form, Honda seldom expresses his own feelings. But an exceptional moment occurs when the journalist describes what he saw in one of the “Class Education Halls (C: *jieji jiaoyu guan*)” built in the Northeast during the Cultural Revolution (1966-1976). Whereas the Class Education Hall in Pingdingshan, which I discussed in Chapter 1 (Subsection 6.1), was built upon the massacre site and was not yet complete by the time Honda visited Pingdingshan, the Chinese officials took Honda to another Class Education Hall in the same province, which had been built on top of what was said to be remnants of a so-called “pit of ten thousand men (C: *wanren keng*, J: *man’nin kō*)” from the Manchukuo era. Therein lay literally tens of thousands of bodies, which the PRC’s official history claims were bodies of Chinese laborers brought from Japanese-operated mining sites in the surrounding areas, to be dumped dead or alive. Honda writes:

I have not seen the actual site of the Nazi murder factory at Auschwitz yet. So I had never seen such a horrifying scene as this pit of ten thousand men. Upon entering through the gate with the words ‘Never Forget Class Suffering’ written right above it, I was struck by a shock that left on my brain a scar that would not disappear for the rest of my life. [What I saw] was a hill made of piles of skeletons. (Honda 1972, 158).

The word “skeletons (*gaikotsu*)” in this sentence is written not in Japanese-adopted Chinese *kanji* ideograms, but in Japanese *katakana* phonograms that are usually used to represent foreign loan words and onomatopoeias in the Japanese language, bringing forth a violent shock he almost physically received from the alien objects that defy immediate cultural meanings. It seems to me that Honda’s expert testimony during the Ienaga Litigation had a similar kind of impact on Attorney Ōmori sitting in her courtroom seat, debilitating her “power of mind” (*kiryoku*)” and making her physically unable to stand up for quite some time.

The above-cited scene in Honda’s reportage deserves further reflection because it provides an intriguing link between the Maoist practice of remembering and the journalist’s work. In Chapter 1 (Subsection 5.1), by examining the Maoist “class education (C: *jieji jiaoyu*)” that entailed exhumations of bodies buried at the massacre site of Pingdingshan in the early 1970s, I have argued that this ostensible height of the materialist mode of commemoration of class suffering can be interpreted as a subtle sign of the collapse of the Chinese revolutionary discourse at the local level. The terrorizing effect of the exposed bodies at Pingdingshan, far from rekindling momentum for a revolutionary fight against imperialism as was officially propagated, was tamed through abundant culturalist reactions in the guise of comradeship, as the local discourse described the acts of exhumation as a means to fulfill traditional obligations to the ancestors’ remains. Honda, in contrast, described the sight of the countless bodies as an act of sheer terror inflicted upon him, comparing it to physical force that left in his brain “a scar that would not disappear for the rest of [his] life.” He was a foreigner devoid of an immediate cultural medium through which to connect with the dead, and a foreigner, of course, not from any other country but from Japan, for whom an easy reconciliation with the dead was forbidden. The Maoist practice of displaying dead bodies as a visual symbol of perpetual returns to past violence apparently had a more direct effect on Honda than on the locals who evaded the display with cultural coping mechanisms.

Indeed, his influential reportage can be read in itself as an extension of his reaction to the violent sight of the dead bodies, redirected at his Japanese audience. I argue this both in terms of his overall framework and his concrete writing technique. To start with, the framework he uses

in “Travels in China” is characterized by a peculiarly dichotomized view. The purpose of my visit [to the PRC],” Honda wrote, “was to shed light on the wartime behaviors of the Japanese army in China *from the viewpoint of the Chinese side*. This also meant to understand the image of ‘militarist Japan’ as it was viewed by the Chinese people who were placed on the invaded side” (Honda 1972, 10; original emphasis). What motivated him, he claimed, was the fact that the Chinese viewpoint had been largely neglected in Japanese perceptions of the Asia Pacific War. For, according to Honda, “those who are on the side of being controlled, being invaded, being oppressed are ‘invisible people’ to the eyes of those who are on the side of controlling, invading, oppressing [them]” (*ibid.*, 16). Resembling the political framework of revolution that only discerns its friend and its enemy, Honda’s dichotomized view had been developed through his previous experiences in covering the Vietnam War. Elsewhere, in an essay originally published in 1968, he summarily coined the principle of his reportage as “the logic of those who are on the side of being killed (*korosareru gawa no ronri*)” as opposed to “those who are on the side of killing (*korosu gawa*).” Denying the idea of “impartial reporting (*chūritsu hōdō*)” as deceptive, he argued that a journalist could only take either of the two “sides (*gawa*),” and that he would avowedly choose to take the side of those who are being killed while reporting their “subjective facts (*syukanteki jijitsu*)” that mattered to their struggles to be freed from oppression (1990, 21; originally published in *Dokusho no tomo*, 1 March 1968). The framework does not leave any room for the third party’s position to be excused from the struggle: you are on the accused side, if you are not on the accusing side.

A glaring weakness to Honda’s “logic” in terms of his coverage in the PRC was that it could not help but conflate the oppressed with the revolutionary state. Did his “Travels in China,” then, merely propagate PRC propaganda? In fact, the reportage heavily cites his informants who were chosen by the Party officials, leaving intact the Maoist language — the official story lines and number of deaths, etc. — that were relayed by the interviewees as the journalist put them in extended quotes. It should also be noted that the coverage occurred before the 1972 diplomatic normalization, so it was not possible to write reports from China without the Party officials’ surveillance. I argue, however, that what saved “Travels in China” from merely pushing CCP propaganda was Honda’s writing technique, which I call a mapping realism — the second point of my observation. Throughout his reportage, the journalist describes in great details the spatial settings of the atrocities he covers, often providing maps and drawings of the sites, and thereby anchors what he calls the “subjective facts” of his interviewees to an outer-subjective domain of space.

To illustrate my point, I examine his chapter on the Pingdingshan Massacre (the massacre I examined in Chapter 1). The introductory passage of the chapter reads as follows:

Driving south while overlooking the huge valley of a strip mine, [one finds] the village of Pingdingshan lying almost right next to the mining area, wedged by hills both on the east and west sides. A monument for the victims of the massacre stands on the west-side hill. Among those who miraculously survived, I met three men who were still alive. (Honda 1972, 96)

In this passage, the journalist first locates Pingdingshan through the eyes of a traveler, and immediately introduces his subjects against the spatial backdrop that his writing has just set up previously. He also provides a drawing of the overhead view of the settlement, with the killing site located directly west of it, with signs that show how the Japanese military besieged the settlement and narrowed their incursion around the herded residents. Honda also rearranges the interviews in such a way that his reader can roughly locate in the maps, describing what each of his three interviewees witnessed at their respective locations during the course of the Massacre. For example, by the time when the machine gun fire started, Honda writes, one interviewee was on the south side of the besieged crowd while the other two were on the north side. The journalist continues to describe the “inferno (*jigoku e*)” of the massacre, which is already familiar to us through Fang Surong’s testimony discussed in Chapter 1, but what makes his presentation distinctive is that he describes the massacre as a series of *spatially located* events experienced by his interviewees. For example, during the machine-gun fire, survivor Xia Tingze, twenty-seven years old at the time of the Massacre, saw

people around him fall one after another. The cries and screams were bundled up together so loudly as to almost drown the sounds of gunshots. The gunshots were not seamless rapid fire, but the sounds had a break after every three or four sounds, like “rat-a-tat, rat-a-ta-tat.” Mr. Xia had no choice but to grab with his left hand the baby who had been thrown out [from the arms of his sister-in-law], but the instant he lifted the baby, the upper part of that very arm was shot through. Perhaps because he was under tension, he didn’t feel much pain. He continued to lift the baby, held him in his right arm, and ran to the south, toward a valley-shaped piece of lower land. (Honda 1972, 103-104)

In this passage, Xia’s experience is located not only within the detailed spatial settings of the killing site, but also on specified parts of his body which is, in a sense, an object in physical space. (Note how Honda uses right and left sides of a body in a manner parallel to his use of

azimuths). The reportage also presents a photograph in which Xia, looking at the camera, points to the bullet wound on his left upper arm: the mark of violence located on the physical surface of his body. Honda's form of writing that I call mapping realism could be part of a common journalistic strategy, perhaps exaggerated by the individual tendency of Honda, whose enthusiasm for travel had begun with his earlier career as an amateur alpinist. Yet under the specific conditions of this coverage, Honda's mapping operations served particularly well to demonstrate that his interviewees, with scars marked on their bodies, were not merely illusory products of the Communist propaganda, but that they actually existed, with memories of the Japanese-inflicted violence that were locatable in the physical space of the world.

As if to reproduce the shockingly visible, spatialized presentation of past violence in the Maoist "class education" practice, Honda mapped out the memories of Japanese-inflicted violence relayed by his interviewees in the physical space of the killing sites as well as of the bodies of the survivors. Put together with his binary "logic (*ronri*)," the violence spatialized in his reportage, and by extension in his courtroom testimony that shocked Attorney Ōmori during the Ienaga Litigation, left no space for his audience to hide in, except to choose either the side of those who "are killed (*korosareru*)" or the side of those who "kill (*korosu*)" them (unless one was to deny his entire work as fabrication as his opponents have often tried to do). By deciding to participate in the Legal Team, Ōmori chose to stand for those who were on the side of being killed.

Yet at the time of the Ienaga Litigation, Attorney Ōmori still took it for granted that what she called "facts of history (*rekishi no jijitsu*)" were found in the accounts given by experts, be they historians like Ienaga or journalists like Honda. Skillfully organized in writing and eloquently delivered from the witness stand, the knowledge to which she was exposed during the Ienaga Litigation, however shocking, was what had already been made into "facts" before her learning. In the next chapter of her professional life, however, she would have to engage in a radically different mode of learning as she encountered the Yu County plaintiffs, whose memories of sexual slavery had not been part of public knowledge.

4. In the Tokyo Courtrooms

In the mid-1990s, the six Yu County "comfort women" entered the newly configured legal space, where at least four languages, which I have thus far examined, intersected and negotiated with one another: the local patriarchal language through and against which this marginalized group of women decided to pursue their justice by resisting the symbolic violence of shaming; the language of international law adopted through the lens of Chinese nationalistic concerns that seemingly opened up a possibility of individual redress; the emerging transnational

focus on the “comfort women” as a major historical lexicon of sexual violence against women; and the Japanese progressive lawyers’ emphasis on “litigation struggles” as a means for national social reform. In August of 1995, four Yu County women — Li Xiumei, Liu Mianhuan, Chen Lintao, Zhou Xixiang — filed their civil lawsuit against the Japanese government at the Tokyo District Court. Two others — Hou Qiaolian and Guo Xicui — filed another lawsuit with similar claims in February of 1996. Standing up from among numerous other victims in Yu County, including Dong-e, who did not have a chance to become litigators, the six women broke a half-century long silence about their experiences under military sex slavery, or to borrow their own words, they finally tried to “breathe out (C: *chu kouqi*).”

However, having long been denied a space, private or public, in which to recount their memories, these women were far from ready-made witnesses. When Li Xiumei and Liu Mianhuan first arrived at the Tokyo Narita Airport on July 15, 1996, surrounded by media reporters with their cameras waiting at an airport VIP room to meet the first “Chinese ‘comfort women’” who would make their court appearance, both women only said that they had “nothing to talk about,” and then fell completely silent (*Suopei* 19 September 1996, 11). It was true, as their silence was interpreted by their lawyers, that they were exhausted by their travels from their Yu County homes, which took much longer at that time than it takes today: the pair had traveled for hours on rough unpaved roads from their homes in Yu County to the nearest railway station, followed by a night journey on a sleeper train to Beijing, before taking an airplane — for the first time in their life — bound for Tokyo. I can imagine how tiring it must have been for the elderly, bound-feet women to travel all that way. Yet something more than mere physical exhaustion was at work here. According to what their Japanese lawyers learned much later, the two rural women were afraid that they might be killed or harmed during their trip by the brutal Japanese, attesting to the degree of fear still ingrained in their minds, the fear in relation to which time had stopped moving forward. Oblivious to whether and how they would be heard once they broke their silence, they had yet to complete their mission to traverse half a century of this frozen time, in order to become witnesses to their own suffering.

4.1 Spatialized Facts, Spontaneous Truths

*It is because that which is known can only be known in words
that that which is unknown offers itself as having a linguistic structure.*

—Jacques Lacan (1997[1986], 33)

In stark contrast to the plaintiffs of the lawsuit concerning the Pingdingshan Massacre (or the “excellent plaintiffs retain[ing] surprisingly vivid memories”; see Chapter 1), the Yu County plaintiffs’ accounts were often told in a fragmented manner. The far-from-coherent state of their accounts, together with the remoteness of the local rural setting in which the said abuses had occurred, made it hard for Attorney Ōmori and other members of the Legal Team to initially grasp the profundity of the suffering experienced by their clients. In the current subsection, I will highlight how, in the Tokyo courtrooms, the lawyers representing the victims of sexual slavery in Yu County tried to establish the abuses inflicted upon their clients as legally claimable “facts of damage (*higai jijitsu*).” While such efforts inevitably had the effect of fixing the suffering by each of the plaintiffs in the representations wrought by their agents, I will also observe that there were rare but notable moments of spontaneity when a cry or an utterance that emanated from the plaintiff pointed to what was beyond representations, or beyond the representable.

Before the filing of the said lawsuits, the lawyers had three preliminary interviews with their future plaintiffs between 1994 and 1995. The interviews were conducted not in their abode in Yu County but in hotel rooms in Beijing and the provincial capital Taiyuan, primarily because the rural areas where they resided were not yet open to foreigners at that point in time. Moreover, since the Chinese government’s attitude toward their attempt was still ambiguous, there was an aura of fear that police might burst in to stop the meetings. And so, some random hotel rooms were chosen for their rendezvous. As Attorney Ōmori later recalled, the interviews were in many ways unexpected experiences for her. First, she and her colleagues discovered that their interpreter could not understand the local language spoken by the Yu County plaintiffs, so their communication had to go through double-translation: the questions asked by the lawyers were first translated into standard Chinese by their interpreter, and then into the local dialect by the schoolteacher Zhang. Second, local ways of referring to dates and places puzzled Attorney Ōmori. The exact dates of births of the future plaintiffs — a fundamental piece of information with which to define one as a legal subject — were hard to ascertain in the first place. And as the lawyers asked them when the abuses in question had occurred, their answer, instead of giving dates, was typically as follows: “It was in the month when pumpkin flowers were in bloom in the year when I was sixteen.” In addition, Attorney Ōmori had not seen traditional cave houses, so she could not understand how, as the women described, “the Japanese soldiers [had] come down a rope from the roof [of the *yaodong* in which they were confined]” to rape them. When asked to draw a picture of the *yaodong*, Li Xiumei declined to do so by saying that she was not able to draw.

Yet the most unforgettable experience for Attorney Ōmori during the preliminary interviews was when she met Hou Qiaolian for the first time. She recalls in her book:

I and another male lawyer started the interview in our usual manner. [Hou] appeared to be speaking rather in a matter-of-fact way. Then, it was when our interview reached the point where [she and her father were] hauled [to the military outpost] by Japanese soldiers, and [when] I asked, “So you were caught by the Japanese military and then what happened?” that she suddenly started to cry loudly. She could not stop, and Teacher Zhang, who was accompanying her, earnestly tried to calm her while massaging her hands. The way she cried was inordinate. We were transfixed as if struck by a thunderbolt. After a while, when she finally seemed to have calmed down, Teacher Zhang told us that, when she talked about her injuries, her body would become stiffened and she could faint, so he had massaged her hands because [her body] would usually start stiffening from there (2008, 41).

Not knowing at this point in 1995 about symptoms of PTSD (Post-Traumatic Stress Disorder), Ōmori was dumbfounded by Hou’s breakdown as much as she was puzzled by the fragmented manner in which Hou’s experiences were told. “I was only fourteen [years old],” Hou repeated time and again during the interview. She also described in details how she had been forced to dance by many soldiers surrounding her in an open space with some unfamiliar music heard from a record player, but she remained unable to reconstruct the timeline of events that had led to or followed this vividly remembered scene.

Even while the lawyers were initially struggling to grasp a full picture of their clients’ horrendous experiences, they had to prepare themselves for the court procedures. It seems to me that, in order to produce enough pieces of evidence with which to have the judges acknowledge the “damages (*higai*)” inflicted upon the plaintiffs, one strategy employed by the lawyers was to anchor those damages in the space of either the actual village settings or the bodies of the plaintiffs (with or without conscious references to the techniques often used by the journalist Honda Katsuihich examined in Subsection 3.2). For this purpose, Attorney Ōmori sought the cooperation of a Chinese lawyer based in Beijing, with whom she had become acquainted through a chance encounter. The Chinese lawyer traveled to Yu County and took photographs of the places pertaining to the said cases, including the *yaodong* cave house in Jade Plate Village where the plaintiffs had been held captive. At the same time, in preparing the depositions by the plaintiffs to be submitted to the court, the lawyers paid special attention to the bodily injuries inflicted by Japanese soldiers, and thereby traced the evidence of their wrongdoings in the body-space of the plaintiffs, which appeared as scars, bone deformities, chronic pain, partial blindness,

and so on. These statements, accompanied by photographs taken of their bodies and of the local places concerned, were among other numerous “documentary evidence (*shoshō*),” including the theoretical “opinions (*ikensho*)” written by legal scholars upon the lawyers’ request to legally support the plaintiffs’ claims, relevant legal articles, chapters of history books, newspaper articles, etc. that the lawyers had submitted to the court by the time when Li Xiumei and Liu Mianhuan made their first court appearance.

Li’s and Liu’s court appearance on July 19, 1996 was in itself a hard-earned product of transnational labor. According to Ōmori, the attorneys representing the defendant, the Japanese state, initially maintained that the court’s decision should be made only based on theoretical arguments as to whether the plaintiffs’ compensation claims were claimable based on existing laws. Therefore, the defendant’s attorneys argued, there should be no necessity to examine the facts of damages claimed by the plaintiffs (and thus no necessity for the plaintiffs’ court appearance either). Attorney Ōmori and other lawyers of the Legal Team, believing that “having the court hear *directly* the statements made by the victims themselves” was of central importance to their legal activism, requested that the Tokyo District Court hold an examination of the plaintiffs (Ōmori 2008, 49; emphasis mine). The request was granted, so the lawyers chose Li and Liu to be called to the witness stand because their physical constitutions were relatively well, presumably good enough to allow them to travel. But from then on, the schoolteacher Zhang had to literally run around to make the plaintiffs’ travel possible. Since no one around him, including officials, knew for certain where to initially submit the passport applications for such an unprecedented purpose, Zhang and the passport applications in his hands were ping-ponged between the department of police and the department of foreign affairs several times. He also contacted Ōmori one day to inform her that the planned submission of their urgent visa application to the Japanese Embassy would be delayed for a few more days “due to rain.” The Japanese lawyer was secretly upset about this news: She had not traveled to Yu County yet, and had no idea at this point how rain could turn the deeply-valleyed area into an untravelable land. In the end, the much-awaited passports arrived a few days before the scheduled departure, so the schoolteacher took Li and Liu from their homes and left for Beijing, where the aforementioned Chinese lawyer joined. Then, they went to the Japanese Embassy and grabbed their visas that were issued upon special request based on the summons from the court, and finally boarded an airplane bound for Tokyo.

But if, as I have discussed in the preceding sections, the fin-de-siècle emergence of these Yu County women into the legally-problematized milieu was preconditioned by the discourses provided by society (which was, for example, why they were represented as “Chinese ‘comfort women’” regardless of their own perceptions), should we not suspect that these languages also

circumscribed their courtroom testimonies and thereby foreclosed, contrary to the earlier-cited hope expressed by Attorney Ōmori, the possibility of “direct” encounters with their suffering? If so, how can we assume that their physical appearance at the courtroom, even if their bodies and voices were present, had any more significance than the numerous court documents in which their suffering came to be inscribed in the end? With the observations that follow, however, I argue that in the courtroom emerged rare fleeting yet noticeable moments when the plaintiff’s body, in the presence of other bodies including those of the judges, the stenographers, the attorneys, and the spectators, “[came] up against” (Butler 2010, 34) the discursive circumscriptions, by performing a spontaneous act of pointing to the limits of representations, to an unnameable beyond the foreclosing of languages/Language.

Four days after Li Xiumei and Liu Mianhuan arrived at the airport and, looking visibly tired, declined to talk to the waiting media reporters, they appeared at No.103 grand courtroom of the Tokyo District Court. The gallery section with about one hundred seats was filled to capacity. By this time, the lawyers of the Legal Team had composed questions to be asked of the plaintiffs during their courtroom examination, by organizing the events pertaining to the abduction, confinement, rapes, and release of each of the two plaintiffs ordered chronologically, apparently as a means to supplement the elusiveness of their narratives. Over the questions and answers thus prepared, the lawyers had rehearsed the plaintiffs two days before their courtroom appearance, with the day immediately preceding it set aside as a rest day. According to a court record produced by a member of the Society to Support who was among the court spectators, and later published in the Society’s newsletter, the examination session began at eleven o’clock in the morning, Plaintiffs Li and Liu took an oath respectively through their translator (a Shanxi native whom the lawyers had painstakingly found), and Li took the witness stand first. In the beginning, her examination conducted by a member of the Legal Team was going as rehearsed beforehand, with the plaintiff answering the lawyer’s questions in an apparently matter-of-fact way. The lawyer started by asking her age as well as the vocation of her family at the time of the incident in question, and proceeded to ask how she had been abducted from her family’s house at the age of fifteen, and taken to the Jade Plate Village. The examination then referred to her confinement:

— During the period of five months in the *yaodong*, what happened on an everyday basis?

“Except for [the first day] when I was put into the *yaodong* [and taken to the pillbox and raped by an officer there, as I had stated earlier], while I stayed in the

yaodong, there were times when Japanese soldiers came one after the other. [For] Raping.”

— You were raped numerous times. Are you not feeling ill?

“Even now, I can’t move my legs when winter comes. My head aches when summer comes. I take medication every day.” (*Suopei* 18 September 1996, 9)

It appears that the lawyer’s intervention was designed in such a way as to locate the injuries that had been inflicted upon the plaintiff half a century ago on the *current* physical state of her body — the kind of mapping technique that I have already mentioned, which was devoid of emotional content, and apparently employed here to corroborate the factness, as well as the degree of physical harmfulness, of the rapes. The lawyer’s next question, however, suddenly elicited a torrent of emotion from Li:

— After you were returned to home, how did your life change compared to the time before you had been taken away?

“My mother was dead.”

— Why did she pass away?

“After I became a captive, my mother, in order to bring me back, borrowed 600 yuan from relatives and passed [the money] to the Japanese soldiers. But she couldn’t bring me back.”

([Li] begins to cry. The lawyer consoles.)

“Money ran out. My mother hung herself. She killed herself because of the Japanese soldiers. They did [so many] wrongs. Mother. Mother....”

(The crying voice becomes louder. First two, and then three, lawyers come up to calm her. [Li] does not stop crying. A recess called for about ten minutes.) (*ibid.*)

According to Attorney Ōmori, the scene apparently shocked the judges, who immediately called for a recess, as much as it shocked the lawyers themselves, who had never expected, from their previous contacts with Li, that they would witness such an intense rush of emotion outpouring from this rather silent woman of Yu County.

I offer two alternate interpretations of this scene, the spontaneity of which renders it particularly important to ponder. On the one hand, as far as Li’s words recorded in text are concerned, this part can be read as her way of belatedly mourning her mother. It was a belated mourning because, in the local community where she and her family’s plight was stigmatized, it had been impossible to mourn her mother in the way she did in the courtroom: the real cause of

her mother's death — the “wrongs (J: *warui koto*; the original Chinese term unknown)” by the Japanese soldiers — had been unnamable there even though, and precisely because, “people all knew (C: *dajia dou zhida*; Zhang's earlier remark I have cited in Subsection 2.1).” Now that Li named the hitherto unnameable in the symbolic presence of the perpetrator (the Japanese state), her long repressed “dream,” to partly borrow Attorney Ōmori's expression, of “telling her suffering and demanding justice [...] came true” (2008, 56). On the other hand, I suspect that what was at stake was not merely “the work of mourning,” where “the object is not only lost, but acknowledged as lost (Butler 1999[1990], 86).” Her breakdown, which is not fully described in the above-cited record of the session, physically caused a serious interruption to the court session, inhibiting the very process that would have enabled her to continue her symbolic act of mourning. According to Ōmori, Li's “body became stiff” at that moment, making the lawyer worry that she “was close to the edge (*dōnika natteshimau*)” (2008, 56). It seems to me that her body's rejection of the proceeding “erode[d] the conditions of metaphorical signification itself,” and thereby pointed to what still remained “radically unnameable” (Butler 1999[1990], 87).¹²³ For, I wonder, was the loss of her mother all that she would grieve about? What about her own pain, a supposedly tremendous amount experienced by the fifteen years old? As far as I gathered from reading available documents, Li left relatively thin accounts on this aspect, both in this particular courtroom session (where Li managed to come back after the recess and finished her part of the examination) and in other testimonials that followed, making me wonder how large part of her suffering, which her stiffened body alluded to in the courtroom, remained un verbalized.

At any rate, it seems that two immediate consequences followed the travels made by the two Yu County women at that time. First, during their journey, they both grew increasingly confident in their roles as witness to historical injustice. According to their itinerary published in the newsletter of the Society to Support, between their court appearance and their departure for their Yu County homes, the two women attended three testimonial meetings, held respectively in Tokyo, the adjacent prefecture of Kanagawa, and Osaka in western Japan, with more than four hundred people participating in each of the meetings. Through these occasions, a lawyer among the Legal Team noted, “their testimonies became increasingly moving” despite the apparently accumulating fatigue (*Suopei* 18 September 1996, 11). According to the same lawyer's

¹²³ Here I refer to Butler's text where she discusses, following Nicolas Abraham and Maria Torok, the psychoanalytic distinction between “introjection,” which is “a process that serves the work of mourning,” and “incorporation,” which “belongs more properly to melancholy, the state of disavowed or suspended grief in which the object is magically sustained ‘in the body’ in some way” (1999[1990], 87).

observation, Liu Mianhuan, who, like Li, had also surprised her lawyers in the courtroom by wailing in a manner utterly unexpected from her previous matter-of-fact way of recounting in the rehearsal, “rose to her full height in the Kanagawa meeting and showed how her left arm was shorter than her right arm [due to the bone deformity caused by an attack with the bottom of a bayonet]”(*ibid.*). That is, instead of letting the lawyers point to the scar on her body as evidence of injustice, she came to point to it herself, reclaiming power to signify her own victimhood. On the one hand, there can be no doubt that this was an empowering process for the plaintiffs, whose life had been devalued by local social stigma (with their bodies signified as “unclean” objects), and whose existence had been thus diminished to something *less* than victimhood. On the other hand, this also meant that the women set their feet in the testimonial life in which they came to live, at most, *up to* the representations of victimhood, so that even their initially spontaneous, bodily unleasings of emotion, which might have pointed to something beyond the representable, quickly became its own representation through their repeated enactment of victimhood. We have already witnessed how deeply Fang Surong, the massacre survivor whom I encountered in Chapter 1, had taken this path of a testimonial life, gone so deep as to the point where her recounting, both entrenched and entrenching, had come to occur only as repetition. One of the predicaments, both practical and theoretical, that pertains to such testimonial life is that the victim requires returns of her audience in order to prevent her life becoming less than her victimhood once again, until justice is finally done to redeem — as she expects — the loss that diminished the value of her life. Perhaps similarly to when Fang Surong asked me if I would return to her living room (see Subsection 2.2 of Chapter 1), Liu Mianhuan, after the 2007 dismissal of her case by the Supreme Court, surprised her Japanese lawyers by saying, “[I] want to file the lawsuit again” (Ōmori 2008, 138).

But I may be getting ahead of myself. I now turn to the second immediate consequence of the plaintiffs’ first court appearance, which occurred on the part of the team of lawyers. Li Xiumei’s breakdown during the court examination opened the lawyers’ eyes to the clinical discussions on post-traumatic stress disorder (PTSD), whereas previously they had not been aware of such concepts when they witnessed Hou Qiaolian’s breakdown during the preliminary interview. As Attorney Ōmori and other lawyers of her team continued to work in preparation for the second round of the litigation — the separate case filed by Hou and Guo Xicui — while at the same time proceeding with the first case filed by Li, Liu and the two other plaintiffs, making recourse to the clinical notion of PTSD helped the lawyers in establishing that the fragmentation of memories often observed among the plaintiffs’ recounting was a symptom of PTSD, or, effects from the harm inflicted upon the plaintiffs, and thereby proof in and of itself of the harmful events, as well as of the lasting damages which these women were still suffering half a

century after the original events. It goes without saying that this newly-employed strategy was situated within what Didier Fassin and Richard Rechtman call “the moral economy of contemporary societies” (2009, 276), where trauma has become “itself the proof of an unbearable experience” (*ibid.*, 93). However, we should be cautioned against regarding the lawyer’s strategy as an instance of application of the supposedly universal language of trauma that uniformly spread across the globe following its most-well-known application to the Jewish experiences of the genocide in Europe. As Fassin and Rechtman emphasize, for U.S. psychiatry in the 1980s, when the treatment of returning Vietnam Veterans was brought to the fore, the criteria of PTSD were reinvented in such a way to include the perpetrators of atrocities in the same diagnostic category as the victims of unbearable events. An intriguing consequence of this classification in the U.S. political context was that PTSD provided “a compromised solution,” as the nation confronted its defeat in the Vietnam War. “Instead of facing up to the impossible choice of either condemning for some of its soldiers for their actions or itself assuming responsibility for their crimes,” the authors of *the Empire of Trauma* point out that “the nation could rest easy in the psychiatrist’s comforting conclusion: these were ordinary men placed in extraordinary conditions who needed to be cared for rather than judged and perhaps condemned” (*ibid.*, 95). In contrast, in the particular case examined here, the diagnostic category of PTSD was employed by the Japanese leftist lawyers to acknowledge the responsibility of the Japanese state, if not individual soldiers, as the perpetrator of unbearable crimes. In other words, the clinical category was employed as a tool of political and moral condemnation.

Moreover, using the notion of trauma in Japanese courts in this context (i.e. to legally establish foreign citizens’ rights to claim individual reparation for Japanese-inflicted wartime damages from half a century ago) was by no means an established practice at that time. Rather, the use of PTSD in this litigation was an intervening move made by the lawyers who were determined, acutely knowing the slim chance of winning, to use every measure available in order to make their clients’ claims both legally claimable and emotionally relatable. In Japan, although there had been a certain degree of popular knowledge concerning PTSD from the Hollywood movies featuring Vietnam Veterans, the clinical treatment of PTSD as well as the lay applications of the diagnosis had only just started in the aftermath of the 1995 Great Hanshin earthquake. A Japanese translation of Judith Herman’s *Trauma and Recovery* (1992) was published in 1997, with its chapters submitted to the courts as part of the massive tome of evidential documents. In November 1997, the lawyers took a Japanese psychiatrist to Taiyuan, where the psychiatrist met the six plaintiffs and examined them based on the fifth revision of the *US Diagnostic and Statistical Manual of Mental Disorders* (DSM-IV). He also used several checklists such as the Harvard Trauma Questionnaire and the Hopkins Symptom Checklist, and

concluded that his examination found “clinical evidences [that] showed significant effects of PTSD” in all of the six plaintiffs, compared to the control group chosen from the same local area (Kuwayama 1998, 17). The psychiatrist also pointed out that Hou’s extremely vivid memory of being forced to dance in front of the soldiers, among other likewise isolated memories, was an example of “traumatic memories (*gaishōsei kioku*)” — scenes which are remembered vividly yet in fragments, namely memories that fail to construct coherent narratives by connecting to one another, which are in themselves traumatic (*ibid.*, 17). Authorization by the psychiatrist turned the otherwise-disadvantageous absence of coherent narratives, constructed along time-lines, into evidence pertaining to the original violent events, as well as to their pathological effects that were continuing on in the present. Following Herman, he argued that the plaintiffs had been deprived of the second stage of trauma recovery, namely, remembrance and mourning, let alone its third stage, reconnection and integration, so that trauma was turned into disorders, “as memories that had been frozen in the unconscious, rejecting any changes or modifications, and taking up its space stubbornly” (*ibid.*, 19).

I argue that this medicalization of the plaintiffs’ suffering could be understood, at one level, as an internal extension of the strategy of spatializing violence inflicted upon them — the strategy that the lawyers had previously employed by tracing its evidences on the spatial surface of the plaintiffs’ bodies. Explicating the Japanese translation of the term trauma, *shin teki gaishō*, which literally meant “external injuries on the mind,” the psychiatrist emphasized that the plaintiffs were “suffering not because they [could] not forget the abhorrent memories” but because trauma caused by the abhorrent events “[had] been deformed into PTSD” (*ibid.*, 19). Owing to the expert’s explanation, the past violence became no longer posited in the time that had gone, but in the space that was present, designated as something deformed in an almost tangible manner, something that *was* there “stubbornly (*dokkarito*).” Yet the culminating moment of such spatialization of violence was delivered by one of the plaintiffs herself, once again in an unexpected act in the courtroom. When Guo Xicui took the witness stand for the first time on 13 July, 2001, she testified with a low voice that her “legs” had been “cut apart” by the soldiers who had raped her: a fact she had not revealed to her lawyers till this very moment. The lawyer who was directing the examination was dumbfounded by this unrehearsed remark, but she quickly collected herself and asked, “By legs do you mean the private parts?” Guo answered yes, and the courtroom was filled with the gasping of a shocked audience (Ōmori 2008, 77). With this sudden spontaneous act, Guo turned her own body into a site on which criminal acts were inscribed. Even though many of the audience members hearing Guo’s courtroom testimony

thought her private parts had been cut apart by a knife, later it turned out that they were actually literally “torn apart,” as her two legs were pulled apart in two directions.¹²⁴

4.2 An Excerpt from the Concluding Chapter of the Final Brief Submitted to Tokyo High Court on July 21, 2004

*Chapter 8: Conclusion*¹²⁵

A.

Plaintiff Guo Xicui was in her sixteenth year (fifteen years old), an age that would be equivalent to a middle school student [in present-day Japan]¹²⁶ when she fell victim to the damage in question. She was carted off and forced to see her brother-in-law covered in blood after he had been beaten by Japanese soldiers with sticks of firewood, which alone would have left an immense mental scar [on her]. However, from that night on, she was repeatedly raped by a number of Japanese soldiers for consecutive days. What is more, her private parts were split open as her legs were pulled apart in the presence of many Japanese soldiers. She stated in the courtroom that it was cut [by the soldiers instead of “pulled apart”] — excruciating pain must have struck her, making her unable to tell whether it was cut or split apart. We would like you to try to imagine this scene. [Some of the soldiers, unsatisfied with just raping her, harassed and tormented the little girl by pulling apart her both legs while other soldiers were watching.

¹²⁴ This was found out when a Chinese documentary filmmaker based in Japan interviewed Guo and took her to a Chinese gynecologist: One scene in his film showed the doctor’s certificate verifying that her wounds were “tears” (Ban 2007). This might be yet another instance when an intervention made with benign intentions to provide a stronger evidence for the plaintiff’s claim turned a spontaneous truth into a fixed fact. I am reminded of a Buddhist saying that one cannot see the moon by staring at the finger pointing to it: What we are left with after the litigation is a finger pointing to the loss, and not the loss itself.

¹²⁵ Heisei 14 (ne) No.2621; “Final brief (*saishyū jyunbi shomen*),” 378-381, written by Oyama Hiroshi, Onodera Toshitaka, Omori Noriko, Sakaguchi Sadahiko, Kawakami Shiro, Hozumi Takeshi, and Yamada Katsuhiko.

¹²⁶ The lawyers apparently struggled in translating the ages of the plaintiffs —an ontological base of their claims in the legal world. The plaintiffs used a conventional East-Asian counting according to which a new born baby is one year old at the time of birth,

After having been confined three times, the fifteen-year-old girl was finally returned home. But she became bedridden, and even after her body finally recovered, she had to live as [someone who was regarded by her fellow villagers as] “a mad person.”

Plaintiff Hou Qiaolian was in her fourteenth year (thirteen years old) when she was carted off together with her father and several other women. Even after other women were returned home, she was confined for forty days and raped. When she was initially forced into a dark yaodong, the thirteen-year-old girl could not even imagine what was about to happen. Then, she was raped day and night by the foreign soldiers whose language she could not even understand. She came to suffer severe PTSD afterwards.

Until her death in 1999, Hou would often suffer sudden flashbacks of the scene where the damage was inflicted upon her. In terror, she shouted and ran around. Scared of strangers, she hid herself in the bathroom or in the cowshed, from which she could not come out for several days.

Both Guo and Hou would often madly strike their own children all of a sudden and were unable to stop themselves even when the children bled or became unconscious. Once they recovered their senses, how tormented these women became, as the mothers of their children, with feelings of remorse!

Their children were frightened by their own mothers’ violence when they were at home, and once they went outside their homes, they were subjected to cold stares from the villagers, being regarded as the children of their “mad” mother who “slept with Japanese soldiers.”

B.

What, then, caused such incidents?

The offenses were not uncommon, unlawful behaviors conducted by soldiers of an individual unit stationed in one particular army post. Rather, the sexual violence in question was a necessary product of the combination of the following factors: the nature of the Japanese army as an invading military sent to occupy China, the sense of discrimination against the Chinese people instilled into the mind of every soldier, and the military operations carried out at that time.

In addition, we have revealed that the system of “comfort stations”—rape stations—set up institutionally by the Japanese military was also in the background of the sexual violence in question.

C.

It might not be unimaginable, ideationally and generally speaking, that the invading army inflicted sexual violence upon women in the occupied area.

To our regret, however, ordinary citizens in Japan are informed neither of the fact that such heart-wrenching damages did occur nor of the fact that the Japanese military committed all sorts of brutal acts. Without knowing this for more than half a century, we interacted with Chinese people as well as [people from] other Asian countries. But, now that the damages inflicted upon Guo Xicui and Hou Qiaolian as well as the wrongful nature of the offenses have been revealed, the Court is required to decide how to confront this injustice.

It may not be [technically] impossible to turn to the logic of sovereign immunity or that of statute of limitations to reject these women's grievances. In fact, many rulings have done so [with regard to this case as well as other similar war compensation cases filed in Japan]. However, now that the Court has learned, in such real and grotesque details, the damages inflicted upon the plaintiffs, their sufferings, and the perpetrators' evil conducts, should it be allowed to escape into this [legal] reasoning?

These women literally put their lives at stake when they made their appeals (indeed, Hou Qiaolian, who passed away in May 1999, was not feeling well when she came to Japan in July of the previous year [to make her court appearance] and we infer that the long trip and tension shortened her lifespan). Would the Court reject such appeals by deploying those logics that would never be understood by the plaintiffs themselves, by ordinary Chinese people, or by the people around the world who are closely watching this lawsuit? Would that judgment be considered all right?

Suppose this incident had happened within the country of Japan, could the Court reject [their appeal] simply because of the statute of limitations when, after having been unable to bring their lawsuit for half a century under the circumstances uncontrollable for them, these women finally did so while still actually suffering, on a daily basis, from the incident's [continuing] damages? Or, if those [Japanese] victims abducted by North Korea brought their case to the North Korean courts to demand compensation and have their claim rejected because of sovereign immunity or statute of limitations, could the victims as well as the Japanese people accept [the conclusion]?

If the judges' hearts do not feel pain by rejecting these women's appeal based on sovereign immunity or statute of limitations, is it not because they have, at the bottom of their own hearts, the [discriminatory] thought that it is [all right] because "they are Chinese"? [...]

4.3 The Legal and the Affective

An emotion is an affective stirring of the soul,
but a surface agitation is one thing, an upheaval of the depths another.
—Henri Bergson (1977[1935], 43)

I have thus far examined how, and to what extent, we can hear the voices of the Yu County women whose memories, riding on their bodies, emerged into the fin-de-siècle Japanese law courts. This subsection highlights the language of legal doctrines with which the Japanese judiciary refused to respond to their demands, standing in sharp contrast to the affective language with which the Legal Team's lawyers attempted to make the judges hear the grievances of the Yu County women. I will also examine the final dismissal issued by the Supreme Court on April 27, 2007, to address how the highest body of the Japanese judiciary put an effective end to the Chinese war survivors' pursuit of redress in the Japanese judicial venue.

The 381 page-long "final brief (*saishū jyunbi shomen*)," whose concluding chapter I have in part excerpted above, was submitted in July 2004 to the appellate court examining the appeal brought by Guo, along with Hou's bereaved family members. Hou had already passed away years before the lower court made its decision on March 29, 2002 to dismiss the plaintiffs' demands for monetary compensation (of twenty million yen each) and an official apology, even though it acknowledged the "facts of damage (*higai jijitsu*)" claimed by them. In the excerpted part of the brief, written in a distinctively affective tone (in contrast to the brief's other parts in which the lawyers present legal and historical discussions in a scholarly tone), the lawyers emphasized the severe symptoms of PTSD that affected the postwar lives of Guo and Hou, as well as the lives of their children. They also pressed numerous rhetorical questions, intending to cast doubt on the previously applied doctrines of "sovereign immunity (*kokka mutōseki*)" and the "statute of limitations (*joseki*)," refuting them as "[mere] logics (*rikutsu*; literally meaning "reason bent," with a negative connotation of sophism compared to *ronri*, a more neutral-sounding word usually used to mean logic)." In so doing, they urged the judges of the appellate court to ask themselves: were such conventional legal logics not a mere excuse not to have the same amount of fairness and empathy toward the foreign plaintiffs as they would have toward

their own citizens under an analogous situation? (Hence their reference to Japanese “victims abducted by North Korea (*kitachōsen ni rachi sareta higaisya*),” a center of media attention and a popular target of compassion at that time.) Was there not a sense of discrimination underlying the previous judicial rejections of the compensation claims filed by the Chinese war victims? In other words, with both the emphasis on PTSD and the recurrent rhetorical questions, the lawyers attempted to make the judges’ “hearts feel pain (*kokoro ga itamu*),” problematizing the “logics” that the judiciary had hitherto found unproblematic, and pleading instead for an alternative, affective reinterpretation of laws.

To question the reasoning employed by the Japanese judiciary, the lawyers also maintained that these “logics” were unacceptable not only to the plaintiffs themselves but also to “ordinary Chinese people (*chūgoku no ippan no hitobito*)” as well as to “the people around the world who [were] closely watching this lawsuit,” highlighting the extent to which their imagined court spectators were present and observing, far beyond the actual physical space of Tokyo courtrooms. According to this view of the world, what was at stake in the said litigation was not merely how to remedy the precarious conditions of the plaintiffs (one of whom was dead, for that matter), but how one nation (Japan) would respond to the demands for justice from another nation (the Chinese people, but not the Chinese state, as was implied by the terms they used, “ordinary Chinese people”) with the presence of concerned international communities “closely watching.” What is invoked in this imagined arena, it should be noted, is not just general humanitarian concerns, but a strong national sentiment, a sentiment that was also fervently expressed in the following speech delivered by a young member of the Legal Team during the closing argument for the same appellate trial:

I am neither kidding nor exaggerating [when I say that] I became a lawyer in order to take part in this litigation. I have become convinced that this problem must be solved even if it means spending my whole life on it. I firmly hope that the country of Japan will become a nation that can fairly recognize and apologize for its wrongdoings, a nation that is thus self-respecting — that is why I have decided to become a lawyer (Ōmori 2008, 127).

It appears that the young lawyer’s sense of national identity was so strong that he identified the “pride (*hokori*)” of his nation with that of his own, having made an important life decision based on this identification. As was the case with Attorney Ōmori, his firm sense of national identity, rather than resulting in blindness to inglorious parts of the nation’s past as in the revisionist versions of nationalism, required this young lawyer to confront the Japanese state with regard to

its historical “wrongdoings (*ayamachi*).” To end his argument, he maintained that the judiciary was *the* institutional venue where such confrontation was both possible and imperative:

The law court is the only state institution that is endowed with the right to order the appellee — this extremely insincere state that cannot but fill us from the bottoms of our hearts with shame of being Japanese — to make an apology and [provide] compensation. I firmly believe that the only possible way for the law court to fulfill its responsibility is to execute this mission (*ibid.*).

Given the previous results of dozens of war compensation lawsuits including the Yu County women’s two cases brought to the lower court, the lawyers of the Legal Team were aware that the chance of winning at this appellate court was slim to none. But using such strong affective terms as “fill[ing] us from the bottoms of our hearts with shame (*shinsoko hazukashī*)” to condemn “the appellee, the state (*hikōsonin kuni*),” the young lawyer challenged the judges to *feel* the indignation of the litigators. According to Attorney Ōmori, the presiding judge of the appellate court closed the final session by saying that the judges would examine the appeal “so that [their ruling could] respond to the argument (*benron ni kotaerareru yōni*)” made by the young lawyer (*ibid.*).

On March 18, 2005, the Tokyo High Court issued a ruling to reject the appeal. The dismissal was mainly based on the 1952 Treaty of Taipei, with which the Republic of China, following the framework of the 1951 San Francisco Peace Treaty, had renounced demands for war reparation from Japan.¹²⁷ To look more closely at the decision; firstly, it endorsed the lower court for having rejected to apply Article 3 of the Hague Convention of 1907 by denying international legal agency of individuals (despite the post-1990s’ developments in the discussions of international regarding this point).¹²⁸ Instead, secondly, the ruling maintained that the appellants’ rights to demand compensation from the Japanese government had emerged due to the provision of “liability of employers (*shiyōsha sekinin*)” defined by Article 715 of the Japanese Civil Code — a domestic law. In so doing, it refuted (contrary to the lower court’s decision) the employment of the doctrine of sovereign immunity, maintaining that the harmful acts in question had been done by “the former Japanese soldiers, based on no authority or no orders, in order to fulfill their own sexual lust,” and thus did not fall into the category of “the

¹²⁷ Heisei (Ne) No. 2621, written by Emi Hirotake, Hashimoto Shōji, and Ichiakwa Tamiko.

¹²⁸ See Shin (2005) for a legal critique of the Japanese judiciary’s refusal to engage in this trend.

exercise of public power (*kōkenryoku no kōshi*)” by the state that was to be immune from civil suit.¹²⁹ However, thirdly, the ruling argued that, although the Japanese state’s liability for compensation had thus emerged concerning this case, the appellants’ rights to compensation had been abandoned by the 1952 Treaty of Taipei. This reasoning, a counterintuitive argument that the PRC citizens’ rights had been abandoned by the treaty signed by the Republic of China, was what the attorneys of the Japanese government had newly brought in at the appellate court. Additionally, the ruling maintained to undergird the conclusion, “even if [...] the appellants’ rights to compensation continued to exist after the Treaty of Taipei,” the rights had “disappeared” due to the lapse of statute of limitations: the court completely ignored our lawyers’ repeated emphasis that the statute of limitations did not apply to this case given that the circumstances of the Yu County women had not allowed them to bring their lawsuits to the Japanese law courts until the 1990s.

So, how did this ruling “respond,” as the presiding judge had promised, to the young lawyer’s fervent argument? It did so presumably in the last section entitled “On the appellants’ argument,” in which the judges acknowledged that the gravity of damages inflicted upon the appellants “made [them] speechless (*kotoba wo ushinau*),” but maintained as follows:

The representatives of the appellants [...] strongly preach about the role of the law court and demand redress. It is true that, in the past, there have been cases where there were grave damages and the court made a judgment to redress by making full use of existing legal theories. In addition, [we] believe that the activities carried out by the representatives of the appellants, as we came to know through the trial, should be paid due respect and appreciated. However, even where there are grave damages, legal judgments must be justified under current laws, or they will appear arbitrary, failing to maintain the trust in the law courts. It is not the role of the court to decide that a case still deserves redress even though it cannot be redressed in terms of the understanding of current laws. The law court should most carefully refrain from being swayed by emotion and [thereby] making an arbitrary decision.¹³⁰

¹²⁹ Note that the team of Attorney Ōmori, while refuting the doctrine of sovereign immunity itself, had also argued against such individualization of the torts in question.

¹³⁰ *Ibid.*

If it was “not the role” of the judiciary to address the historical injustice whose gravity was such that it made one “speechless,” whose role would it be to do so? The ruling did not leave any clue on this point: The judges only refused to engage in affective modes of reexamination of current laws as the Legal Team’s lawyers had urged them, refuting such engagement as “being swayed by emotion (*jō ni nagasareru koto*),” or as the source of arbitrary legal decisions. However, as in this case as well as in other compensation lawsuits filed by Chinese war survivors, the court’s reasoning for dismissing their claims initially oscillated between the doctrines of the statute of limitations and sovereign immunity, and then later turned, by endorsing the Japanese government’s new line of reasoning as in this case, to the dubious employment of the Treaty of Taipei to deny the plaintiffs’ individual rights to claim compensation.¹³¹ Did this “swaying” between doctrines observed in the court’s reasoning not signify the arbitrariness, perhaps, of reason, rather than of “emotion”? What were the potentialities of our lawyers’ affective approach that was utterly rejected by the above-cited ruling? I will come back to this point in Chapter 3 as I examine the role of emotion in the philosopher Henri Bergson’s rendering of the formations of morality.

At any rate, the dubious recourse to the Treaty of Taipei was made by the Tokyo High Court presumably because the 1972 China-Japan Joint Communiqué, while renouncing the PRC’s rights to demand for war reparation from Japan, does not explicitly state that Chinese nationals’ individual rights to reparation be waived, as is stated in the Treaty of Taipei and other war settlements made under the multilateral San Francisco Peace Treaty of 1951. Nonetheless, as I have already mentioned in the Introduction, when the Supreme Court of Japan rejected several appeals from Chinese survivors of forced labor and sexual slavery, including the two cases this chapter has been examining, the decision concluded that “the PRC nationals’ rights that had emerged during the Sino-Japanese War to claim [reparations] from Japan or its nationals or corporations lost the entitlement to appeal judicially due to Section 5 of the 1972 China-Japan Joint Communiqué.”¹³² The conclusion was based on an argument that after examining “some currently known facts” about the negotiation process of the diplomatic normalization between

¹³¹ Yukiko Koga offers an insightful observation of how developments of these three legal doctrines — the statute of limitation, sovereign immunity, and the rejection of individual rights to claim reparation based on the Cold War treaties — constituted a legal lacuna “by declaring the Law’s irrelevance in belatedly accounting for historical violence” (2016, 404), a lacuna in which the plaintiffs came to stand “between law” instead of before law.

¹³² Heisei 17 (ju) No.1735, written by Saiguchi Chiharu, Yoko Kazuko, Kainaka Tatsuo, and Izumi Tokuji. This ruling was made concerning the case of Guo and Hou.

the PRC and Japan in 1972, “it is not possible to understand that the China-Japan Joint Communiqué, with regard to war reparations and rights to claim [them], made an agreement different from the framework of the [1951] San Francisco Peace Treaty.” As was signaled in the rare arrangement to conclude related but separate appeals on the same day, this was the final answer from the highest body of the Japanese judiciary concerning compensation lawsuits filed by Chinese war victims, putting an end to the entire series of such legal efforts at the Japanese judicial venue. At the same time, it seems that the decision also introduced a subtle effect at the level of the text. On the basis that “it is not possible to understand (*kaisuru koto ha dekinai*)” otherwise, the judicial text in question retroactively subsumed the 1972 China-Japan Joint Communiqué under the US-led “framework (*wakugumi*)” of multilateral pacification during the 1950s (when, as I have examined in Section 5 of Chapter 1, the PRC was fiercely challenging this very framework with its own modalities of transitional justice and memory production). By thus conflating Cold War trajectories, and thereby smoothing out potentially unsettling ambiguities of the PRC’s relationship to the post-Cold War world, the juridical text presented a convenient version of the world of the new century, where the PRC is retroactively counted among the old Cold-War allies of the United States. The war settlement by the 1951 San Francisco Peace Treaty, a Cold-War product without whose leniency Japan’s postwar economic rise would not have been possible, was thus preserved and reinforced much later than the end of the Cold War itself as far as the Japanese judiciary’s view was concerned.

Speaking of economy, it should be noted that the Supreme Court’s ruling issued on the same day concerned a forced labor case, where the former forced laborers’ rights to claim compensation was denied on the same legal reasoning as cited above. The ruling, however, included “a supplementary paragraph (*fugen*)” at the end. And in this commentary space added to the ruling, the judges of the Supreme Court acknowledged the “psychological and physical suffering” of the victims, recommending that “the related parties” including Nishimatsu Construction, the company sued for its wartime use of forced labor, should make efforts to redress the injuries inflicted upon the former Chinese forced laborers, given “the certain economic gains that they earned by forcing the Chinese laborers [to work] under the aforementioned [severe] conditions.” The ruling also made clear that “even under the framework of the San Francisco Peace Treaty, the debtors are not prohibited from voluntarily responding to the particular and concrete rights to claim [compensation].”¹³³ Many of the activist lawyers both

¹³³ Heisei 16 (ju) No. 1658, written by Nakagawa Ryōji, Imai Isao, and Furuta Yuki. Translation mine. See Koga (2016, 424) for an astute articulation of this space of *fugen*, as “something external to the actual

in and outside of the Legal Team count this *fugen* recommendation as a hard-earned achievement in the series of legal redress movements for the Chinese forced laborers in which various Japanese activist groups were involved. Indeed, the recommendation led to the settlement between Nishimatsu Construction and its former forced laborers, and later other moves towards settlements were made by other companies that had also used wartime forced labor.¹³⁴ However, the *fugen* recommendation marked a stark contrast to the ruling that the Yu County women's appeals received. Although many of the words used in the reasoning parts of the rulings overlapped between the Nishimatsu case and the case of Guo and Hou to the extent that Attorney Ōmori felt as if they were “copied and pasted” (2008, 134), the latter case did not receive any extra recommendations except for the main part of the ruling that rejected the victims' claims. The *fugen* for the forced labor case recommended that the parties involved in the use of forced labor — the “debtors (*saimusha*)” — should settle accounts with the Chinese victims, even though it emphasized the “voluntary (*nin'i, jihatsuteki*)” nature of the recommended settlements, and thereby avoided engaging in judicial enforcement. In contrast, even a recommendation of such ambiguous nature was not granted to the Yu County plaintiffs. Having been long ostracized in the local circuits of marriage transactions, these women, at the very end of their long journey to seek justice, found themselves once more excluded, this time from the economic circuits of historically calculated debts and losses. Their debtors remained unnamed by the Japanese judiciary.

It is important to note that the Japanese judiciary's eventual turn to the *international* framework of the San Francisco Peace Treaty as the basis for dismissing the Chinese plaintiffs' compensation claims (by moving away from the more domestic frameworks that had been previously applied, such as sovereign immunity and the statute of limitations) was compatible with the US judicial judgments concerning what Lisa Yoneyama (2016) calls post-nineties Americanization of Japanese war crimes. According to her summary, the California state legislature amended in 1999 the previously established Code of Civil Procedure (§ 354.6), expanding the category of the “Second World War slave labor victims” so that, in addition to the victims under the Nazi regime (as was previously stipulated), those victimized by its allied Axis powers also became able to file lawsuits to demand compensation from companies and organizations operating in California. The amendment led to the filing of numerous suits by

ruling, something that goes beyond the boundary of Law” (2016, 424). See also Levin (2008) for an overview in English of this ruling. The plaintiffs of this Nishimatsu case were represented by a different group of lawyers than the Legal Team.

¹³⁴ See Uchida (2016).

former American POWs as well as by those who had survived Japanese forced labor in Asia and the Pacific Islands and later immigrated to the United States. However, in contrast to the successes of so-called “Holocaust cases” in the US law courts in the preceding years, the suits concerning Japanese wartime abuses ran against the court rulings that dismissed § 354.6 as unconstitutional, maintaining that it “infringe[d] on federal jurisdiction over foreign affairs” (Yoneyama 2016, 160) by affecting the standing international treaties and agreements such as the San Francisco Peace Treaty: put bluntly, the U.S. law courts, which was increasingly becoming “the *de facto* judges of world history” (Mattei and Nader 2008, 159), apparently prioritized the U.S. geopolitical interests over the ethical concerns for human rights that had previously been emphasized in ruling the legal claims by European victims of the Nazi regime. Significantly enough, the series of litigation prompted by § 354.6 had ended without success by the time of the April 27, 2007 dismissals of the Yu County plaintiffs’ appeals by the Japanese Supreme Court.¹³⁵ The Japanese judiciary’s eventual rejection based on the “framework” of the San Francisco Peace Treaty, therefore, had an indirect endorsement from the United States, Japan’s political master since the end of the War in question.

5. Conclusion: Missed Encounters

There are only bodies and languages, except that there are truths.

—Alain Badiou (2009, 4)

According to what Attorney Ōmori confided in me at her office’s meeting room, the Yu County women were mystified every time the Japanese law courts, at each stage of the three-tiered judicial system, rejected their claims. During the course of the litigation, the members of the Legal Team and the Society to Support repeatedly visited the women’s homes in Yu County to earnestly explain and make clear the challenging prospects of their legal undertaking, as well as the necessities to pursue their demands further through political and legislative channels. Yet for the Yu County women, it was crystal clear that gross injustices had been done to them. And if some of the court rulings acknowledged their suffering as “facts,” why, then, could they not be

¹³⁵ *Deutsch v. Turner Corp.*, 317 F.3d 1005, 1023; U.S. App. Ninth Circuit (January 21, 2003), amended 321 F. 3d 692 (March 6, 2003), certiorari denied by the U.S. Supreme Court, 540 U.S. 820 (October 6, 2003). *Taiheiyo Cement Corp. v. Superior Court*, 117 al. App. 4th 380 (July 2004), certiorari denied, 543 U.S. 1089 (January 18, 2005). See also *Hwang Geum Joo v. Japan*, 172 F.Supp.2d 52 (October 4, 2001), vacated, 542 U.S. 901 (June 4, 2004), reaffirmed 413 F.3d 45 (June 28, 2005), certiorari denied, 546 U.S. 1208 (February 21, 2006).

compensated and apologized for what they had suffered? The legal language with which the Japanese law courts dismissed their claims was not in the way they had imagined “Justice (*gongdao*; literally, the fair path)” would speak.

When I visited the valley-tucked villages of Yu County in the spring of 2013, both Hou Qiaolian and Liu Mianhuan had already passed away. With the help of the schoolteacher Zhang, I visited Li Xiumei, Zhou Xixiang, Chen Lintao, and Guo Xicui, and found them lying on the *kang* at their homes, being very ill or weak, sometimes semiconscious. Far from conducting an interview, all I could do was to offer some words of comfort in asking after their health, and to appreciate their courage to have come forward to speak about their harrowing experiences. “I don’t want to live any longer,” said one of them to me, miserable about her failing health.

An exceptionally spirited person with whom I met was Wan Aihua, who had not participated in the litigation with the Legal Team, and instead had filed another lawsuit with the help of a different group of Japanese supporters. She was the one who had complained about the “comfort woman” as a term of address (See Subsection 3.1). At the time of my visit, she was hospitalized in the provincial capital Taiyuan with the financial support of an overseas benefactor. Despite her illness, Wan welcomed me with light makeup on, as her token of hospitality and willingness to be photographed. Sitting tall on her bed, Wan vigorously expressed her dissatisfaction with the legal result of her litigation, and declared, “We have to bring more lawsuits (*da guansi hai yao da*)!” I conceded that Wan had a point when she commented on the purpose of my visit to her hospital room. “What do you want to hear from me?” she asked. “All I had to say is on record, all out there.” Indeed, for the Yu County plaintiffs, their litigation was far more significant than any other interviews because it was *by the Law* that they believed their grievances would be heard. All that they could express and speak out against their suffering had been already told in the courtrooms, and already placed in records. The ball is in *your* hands: she seemed to be telling me.

In September of the same year, I received the news of her passing. Despite the fierce objection that she had initially expressed to the term “comfort woman,” when she passed away, the Chinese media reports mourned her as “the first Chinese comfort woman who publicly testified,” reflecting the currency that the term had gained in the PRC over the last two decades due to the permeation of public discourse by the term: “the comfort women” as a globally-recognized historical lexicon of sexual violence against women.

In this chapter, I have explored the discourses that worked in the efforts to bring the grievances of a marginalized group of women, moving them physically from their remote villages of Yu County to travel directly to the Japanese law courts. As the litigation unfolded and

many physical travels occurred between Japan and their home villages in both directions, various local, global, and national languages were also translated into one another. These multiple layers of inter-discursive translation were a necessary condition for their grievances to reach the public spheres by breaking the half-century long silence imposed upon their memories. Were the Yu County women's painful memories lost in translation when, for example, the local "women in the pillbox" became the globally recognized "comfort women"? Yet even the local term of address, for that matter, was not in the first place fair to our women: I have suggested that the term was part of a local way of forgetting the villagers' complicity with the foreign occupiers, justifying the locals to stay callous to the former sexual slaves' postwar plight. I have shown, in other words, that the Yu County plaintiffs' irremediable loss cannot be merely reduced to any of the signifying languages examined in this chapter. The untranslatability pertaining this chapter's examination was not untranslatability of an original language, but untranslatability of the loss in itself. At the same time, if any of these mediating discourses had been absent, the women's long-repressed memories might not have reached the Japanese law courts: their testimonies would not have been recorded in the documents, and I (we) would not have come to know about them. As I have examined the multiple levels of translation that occurred during the Yu County women's litigation, my task as the translator of these series of translation might be compared to what Walter Benjamin delineated as the task of the translator of an art work. Benjamin wrote in the essay entitled "The Task of the Translator":

Fragments of a vessel which are to be glued together must match one another. In the same way a translation, instead of resembling the meaning of the original, must lovingly and in detail incorporate the original's mode of signification, thus making both the original and the translation recognizable as fragments of greater language, just as fragments are part of a vessel (1969, 78).

What Benjamin called "greater language" — the divine, perfect language in which every single meaning of life is preserved, or in which one can "speak of an unforgettable life or moment even if all men had forgotten it" (*ibid.*, 70) — can be compared, in its structural designation, what I call the loss in the current dissertation. My task as a translator, therefore, was to offer another fragment to be matched to other fragments in order to point to the never recoverable whole — the lost vessel in relation to which "languages are not strangers to one another, but are, *a priori* and apart from all historical relationships, interrelated in what they want to express" (*ibid.*, 72).

In sum, exploring as thoroughly as possible the limited work of each of these mediated discourses and their interactions which, in spite of their limitations, nonetheless delivered the Yu

County women's memories to us through translation (if in an incomplete manner), I have tried to demonstrate, mostly at the performative level, that their loss was between the languages, even beyond the language itself (or according to Benjamin's view, posited in the greater language), and that we could perhaps hear it only in the echoes against the wall of language. In other words, I have tried to encounter the Yu County women in my writing, paradoxically by showing how our encounters with them were destined to miss

It is clear that the Yu County women's lawsuits were not settled in the way they had wanted. The undertaking of the Legal Team and the Society to Support as a revolutionary (albeit pacifist) kind of project — the Japanese left's attempt to finally "end the War with [their] own hands" by using the litigation as a means to create political momentum — became aborted. Standing in the aftermath of double loss, the Yu County women's wartime loss and the loss of the litigation as a historical project, I have offered this chapter as a practice of remembering what history seems to want to forget. The next chapter is an attempt of explicating this position through an anthropological, historicized reading of a few philosophical and psychoanalytical texts in relation to one another.

Ch. 3 Time Sustained: Anthropological Notes on the Concept of Trauma

Throughout the time when I wrote the previous chapters, I was troubled by my own relationship — political, ethical, and historical at once — to the losses experienced by the Chinese war survivors. On the one hand, my desire to participate in their project of pursuing redress and thereby become their “friends,” as Fang Surong called her Japanese lawyers, was unfulfillable due to the belatedness of my arrival at the field. By the time when I started my field research, it seemed undeniable that the litigation project had basically failed to achieve its goals. The cases I would eventually write about had long been concluded, and while the Japanese lawyers and citizen activists continued their post-litigation “fight” through legislative or political channels, I could not readily see how my own engagement through writing would serve to help them achieve their goals as they often seemed to expect me to promise. On the other hand, my hope to be an empathic listener of the Chinese litigators’ experiences of wartime loss was also troubled. As my bewildering episode in Fang Surong’s living room in Chapter 1 highlighted, it seemed as though the language(s) through which a victim of war violence had been engaging in numerous retellings circumscribed her testimonial life, foreclosing my possibility to encounter her pain. In Chapter 2, as well, I discovered, after my long journey to explore the several discourses through which the Yu County women’s experiences came to be represented, that I could not find them along any of the signifying chains I examined. I realized, instead, that the women were only between the languages, or beyond language itself, so that our encounter with them was essentially and inevitably a missed one.

When it is this difficult to encounter the plaintiffs either by doing justice to the their memories of loss through my solitary act of writing or, let alone, by collectively achieving the kind of justice they pursued, in what kind of time are we — the plaintiffs and their spectators, including this ethnographer — living (and dying) ? To probe into the historical conditions of this unsettling difficulty, the current chapter engages in an anthropological reading of a set of philosophical and psychoanalytic texts in relation to one another, examining a few (im)possible models for temporality, signification, and law/transgression, with which to make sense of my own relationship to the ethnographic site explored in this dissertation. Without having in mind the alternate possibilities and limitations of these models, my writing would have been completely inhibited.¹³⁶ At the same time, I must emphasize that this inquiry is a *historical* one. I

¹³⁶ Essentially grounded on the plane of experiences (even when, as in historical anthropology, and as in many parts of this dissertation, the materials the ethnographer uses are documents and not his or her direct field experiences), ethnography, nonetheless, and “whatever it is, has never been mere

read these philosophical texts *not* because I assume that they provide time-abiding truths: such an assumption would merely result in reducing the ethnographic depths in hand to the philosophers' formulations. Instead, I propose to historicize the texts, particularly by focusing on how each philosopher, with his body located "in a space and time it [did] not control" (Butler 2020, 53; to use the same phrase I borrowed to describe the conditions of our litigators' bodies), worked with the categories of time and space in his system of thinking in a way that he thought would yield his truth in relation to the systems that had been wrought and presented by other philosophers before him. For time and space are something that both modern philosophy, from Kant onward (see below), and ethnography share; for the former, as possible materials with which to build a system of thinking; and for the latter, as the plane on which experiences are observed and reconstructed. Just as I tried to listen to the stories of loss told by the Chinese plaintiffs by immersing myself in the texts of legal testimony in the first two chapters, I will try to participate in the long-durational philosophical conversations through a certain mode of immersion; by

description" as in the words of the anthropologist long dedicated to the discipline (Nader 2011, 211). Experiences, with the marks of space and time in which they occurred, need to be organized in a certain way so that, whatever the way the ethnographer chooses, the ethnography can critically engage in the problems it examines.

Especially when it examines historical violence, the question of how to engage in time and space through a certain form of writing becomes a thorny question of intervention as is revealed by the critical and creative engagement with the categories of space and time in Allen Feldman's analysis (1991) of the decades-long formations of the Northern Irish violence. To shed light on impossibility of a historical project under what he describes as endo-colonial conditions, Feldman structures the chapters of his book *in such a way that space shrinks when chapters proceed* — starting from streets and ending in prison cells. Through this operation, coupled with his sensory, bodily, almost animalistic descriptions of human actions, Feldman radically inverts the Hegelian/Kojévian prioritization of time (see Section 2 of the current chapter), the co-relative of the mind, over space, the co-relative of the body. That is to say, he privileges space over time, and thus the body over the mind, in order to write "a genetic history" (1991, 1) driven by the agency of space and body.

Yet, at the same time, the Irish separatists' political attempts are not reduced to mere subjugation to the power exercised over their bodies by the state apparatus. The book culminates when the last chapter highlights the Hunger Strike, by which the separatist prisoners desperately manipulate their bodily time as the last resort for their resistance. The outcome of this last attempt by time/mind to overturn space/power is deadly both for the individual prisoners and for the separatist movement.

traveling through, within, and between the texts. I do so, despite the risk of unaccomplished philosophizing, in the belief that ethnography is possibly where some enduring questions on human conditions can be reflected upon through the historical and cultural specificities of our lives. By presenting in this last chapter some field notes, as it were, of my ongoing and unfinished travel into the philosophical site of inter-textual relationships, I by no means intend to overwrite/override the already least hearable voices of the subjects like the Yu County women by the most heard European “thinkers.” On the contrary, I hope that the current chapter, by *overlapping* the ethnographic and the philosophical sites, delineates the extent to which we can take our litigators with us in thinking, even after their bodies have departed.

In essence, the current chapter is an explication of why the concept of trauma provides an apt structural model as I try to demarcate my relationship to the ethnographic site examined in this dissertation, which I call a fin-de-siècle space of aftermath. In order to fully highlight the *historical* depth that makes this the case, I will take a long detour, by first examining Kant as a point of departure, and then discussing how Hegel/Kojève and Bergson respectively provided impossible models for my endeavor, before I finally discuss how Lacan, by offering his rendering of the Freudian concept of trauma in relation to his ethics of psychoanalysis, returned to Kant, but with a significant structural twist added to the latter’s perspectives on morality.

1. Kant as a Point of Departure: Freedom by Law in a Stable House of the age of Newton

“Our contemporary moment is defined by an immense ‘return to Kant’,” the French philosopher Allain Badiou noted in the early 1990s in his commentary on the ongoing proliferation of humanitarian ethics (2001[1993], 8). While “the variety and the detail of this return are labyrinthine in their complexity,” the hostile critic of the trend observed,

[w]hat essentially is retained from Kant (or from an image of Kant, or, better still, from theorists of ‘natural law’) is the idea that there exist formally representable imperative demands that are to be subjected neither to empirical considerations nor to the examination of situations; that these imperatives apply to cases of offence, of crime, of Evil; that these imperatives must be punished by national and international law; that, as a result, governments are obliged to include them in their legislation, and to accept the full legal range of their implications; that if they do not, we are justified in forcing their compliance (the right to humanitarian interference, or to legal interference) (*ibid.*)

The return to Kant summarized here, historically speaking, corresponds to what I observed in Chapter 1 as the move turning away from the politics of revolutionary “justice as struggle” to the ethics of “justice as reconciliation” (Meister 2011). A Maoist in France, Badiou of course fiercely attacked the latter as “self-satisfied egoism of the affluent West, with advertising, and with service rendered to the powers that be” (Badiou 2001, 7). Yet he also made another point of criticism that, due to its *general* approach to the question of humanity, contemporary “ethics prevents itself from thinking the singularity of situations as such, which is the obligatory starting point of all properly human action” (*ibid.*, 14). This statement should be understood in terms of his keen sympathy with Lacanian psychoanalysis, which always focused, in Badiou’s view, on the *singular* processes through which to encounter a patient.

At one level, I wrote the previous chapter both with and against Badiou. With him, or more precisely agreeing with his emphasis on the singularity of an encounter, I demonstrated that reliance on the assumed correctness of the globally circulating humanitarian discourse — reliance on the general ground of Kantian “morality [...] based on the conception of human being as one who is free but who also, just because of that, binds himself through his reason to unconditional laws” (Kant 1998[1793], 33) — does not guarantee us to hear the voices of the marginalized women of Yu County. Yet I also wrote the chapter against Badiou; with regard, first, to his assertion that “the status of victim, of suffering beast, of emaciated, dying body, equates man with his animal substructure, it reduces him to the level of a living organism pure and simple” (2001, 11). I have shown that the redefinition of Yu County women as “victims (C: *shouhai zhe*)” of Japanese military sexual violence, far from reducing them to animality, enabled them to verbalize their long-repressed memories (albeit often in a fragmented way), by rising from their status of unspeakable non-beings — a status imposed not only by the local patriarchal order but also by the *revolutionary* national regime. (Remember Dong-e’s “forever unforgettable winter” of 1952 when she was stripped of her party membership, discussed in Subsection 2.1 of Chapter 2.) I refuse to accept Badiou’s assertion that “man” has to choose between “[being] living animal or [pursuing] immortal singularity” (*ibid.*, 10), at least if victimhood is equated with the former.

A second aspect regarding which I wrote against Badiou is his anti-multi-culturalist, anti-anthropological orientation. I concede that he may be right in arguing that “[i]nfinite alterity is quite simply *what there is*. Any experience at all is the infinite deployment of infinite differences.” (*ibid.*, 27; original emphasis). For him, the path to a truth does not lie in differences but in the Same, which he argues is “not what is [...] but what *comes to be*.” Yet I intended, by putting in the epigraph to the last section of Chapter 2 his principal philosophical statement that “there are only bodies and languages, except that there are truths” (2009[2006], 4), that my

chapter *performed* against his position that “a truth is [...] *indifferent to differences*” (2001, 27; original emphasis). It was only by and after exhausting my travels to visit the particular bodies and languages pertaining to my ethnographic site that I could even start to think about a fleeting possibility of encountering the Yu County women; about truths of their experiences that one may glimpse only when she confirms, after a long journey, that they can be found neither on the represented bodies nor in the representing languages. At least when one intends to walk her path to a truth by starting from the experiential plane, she cannot be indifferent to differences.

Yet after having traveled through time (Chapter 1) and across space (Chapter 2), I propose to probe further into implications of the contemporary “return to Kant,” in terms of philosophical categories of space and time, in order to reflect upon conditions of our life, in which, as generations of anthropological encounters have shown, modern categories and lived experiences are intrinsically entangled. Only by so doing did I come to understand the twist Lacan made in returning to Kant in *the Ethics of Psychoanalysis*. And only with this twist is it possible for me to accept a return to Kant as a model to designate my writing’s relationship to the suffering experienced by the Chinese litigators I encountered (see Section 4). Thus Immanuel Kant (1724-1804) serves as a departure point for this chapter’s inquiry; not least because it was Kant who brought space and time into philosophy so that, as Karl Jaspers points out, European thinking was freed for the first time from the traditional ontology, according to which a thinker previously had had to *eliminate* space and time — elements of sensory intuition — in order to access truth by means of concepts. By virtue of Kant’s intervention, the world has become “appearance, not illusion,” because “space and time have reality, objective validity in respect to all outward objects that can come our way [through space], and inner validity in respect to our inner subjectivity [that unfolds over time]” (Jaspers 1962, 21). What was at stake in this operation bringing space and time in philosophical thinking?

My mode of anthropological reading of Kant — a travel into another land — took off when I first read *The Critique of Pure Reason* (1781) and noticed the intriguing page layout of the section entitled “Antithetic of Pure reason” (1965, 415-421). This was a section placed in Book II of the Second Division of the Second Part of the “Transcendental Doctrine of Elements” (which is the book’s first, lengthier division, paired with the second, shorter division), where Kant examined four conflicts in what he called “the transcendental ideas,” presenting four pairs of a thesis, an idea of the unconditioned, and an antithesis, an idea limiting itself to the conditioned: one of the conflicts (the Third Antinomy), for example, was between the thesis stating that there was another causality than that governed by laws of nature, namely, freedom, and the antithesis stating that there was no freedom as everything in the world took place in accordance with laws of nature. Kant’s eventual purpose for presenting these conflicts, which

had traditionally been conflicts between dogmatists and empiricists, was to show their illusory character, by demonstrating either that the thesis and the antithesis are both false, or that they are both true, as in the case of the Third Antinomy, because they belong to two different realms of the world respectively (see below).¹³⁷ But my immediate attention was caught by how he displayed the conflicts — by presenting the theses and the antitheses, each followed by proof, in two parallel columns laid out side by side. I felt as though the spatial division of the pages disregarded the fact that I could only read one of the two columns at one time, even if they were presented in parallel on the same pages, because reading always unfolded in time. (This reading experience intuitively helped me when I later understood Bergson’s claim in *Time and Free Will*, discussed below, that Kant, although ostensibly granting the equal importance of space and time as forms for sensible intuition, in fact prioritized space over time, or more precisely, spatialized time.) The image of two columns, by extension, was useful when I tried to grasp the structure of the book. While *The Critique of Pure Reason* comprises two major divisions, the first, lengthier division comprises two Parts; and the first Part comprises two sections, while the second, lengthier Part comprises two Divisions, each of which in turn comprises two Books. Thus, the whole book may be imagined as a structure comprising multiple layers of floors each of which is sustained by two columns.

I came to understand Kant’s operation in terms of what I call a gravitational mode of thinking, when I had a chance to read consecutively Voltaire’s *Letters on England* (1733) and Baron de Montesquieu’s *Spirit of Laws* (1748), different types of texts written by Frenchmen in the first half of the 18th century — the century when the influence of Newtonian physics prevailed. In the short essay by Voltaire, the author explicitly admired the English scientist by calling him the “destroyer of the Cartesian system”(2005, 68), who replaced the Cartesian idea of vortex by the “secret principle in nature which at one and the same time causes the motion of all the heavenly bodies and weight on the earth” (*ibid.*, 75), that is, the universal law of gravitation. While *The Spirit of Laws* did not mention any achievement of Isaac Newton, Montesquieu’s mode of thinking seemed to be modeled on the law of gravitation, as was typically seen in his now famous proposal of “separation of powers” that was based on a gravitational balance among discrete institutional bodies.¹³⁸

¹³⁷ See Gary Banham et al. (2012, 169-172).

¹³⁸ The law of gravitation is pervasive on the surface of Montesquieu’s globe that is laid out in homogeneous space, precisely thanks to which the author manages to grasp the immense diversity of customs and manmade

Living and writing in the same century (although not in France but in Königsberg, Prussia), Kant seems to have been concerned with building a stable philosophical edifice that was at once compatible with and free from the laws of nature, amidst “the systematic questioning of principles there where they need[ed] to be questioned,” to borrow Lacan’s words in *The Ethics of Psychoanalysis* that I will discuss later (1992, 70). For, if everything was conditioned by Newtonian laws of nature, what would happen to “the unconditioned,” such as freedom and God? Kant took up this task first in terms of knowledge in *The Critique of Pure Reason*, in which, as he reflected himself, “although [he] had contemplated building a tower which should reach the heavens, the supply of materials suffice[d] only for a dwelling-house, just sufficiently commodious for our business on the level of experience, and just sufficiently high to allow of our overlooking it” (1965, 573). At stake in this work was to secure what was knowable and how it was knowable, by discerning *a priori* epistemological structure due to which we can gain empirical (*a posteriori*) knowledge about the universe.

I portray Kant’s house in the following way. The house is composed of two levels: phenomena, or what he calls things as they appear, at the ground level; and noumena, or things in themselves, at the foundational level. The former, the domain of phenomena, is knowable to us through experiences, and our knowledge about it is given by the work of two interconnected elements: sensibilities given by intuition, which works through the “two pure forms of sensible intuition, serving as principles of *a priori* knowledge, namely, space and time” (1965, 67); and concepts given by understanding. These two elements (sensibilities and concepts) sustain our knowledge of phenomena, or things as they appear. If either of them should be missing, we would have no knowledge about the world: for sensibilities without concepts would be mere messy impressions while concepts without sensibilities would be mere empty categories. Things in themselves, on the other hand, are utterly inaccessible to human as *a posteriori* knowledge: they are not empirical knowledge; hence Kant’s admittance of the limited capacity of his first house. In this formulation, each of the oppositions, between phenomena and noumena, on the

laws in the human world — instead of putting aside some of them as those of infidels who are unrelated/unrelatable just as Marco Polo in the 13th century did in describing China with a peculiar combination of awe and detachment — under the same universal category of “mankind.” In fact, the English anthropologist Edward Evans-Prichard put Montesquieu’s *The Spirit of Laws* at the very beginning of the genealogy of anthropological thought presented in his 1981 book: it is significant that the interest in mankind in general, in which Evans-Prichard demarcates an embryo of anthropological thought, coincided with the Newtonian invention of homogeneous space.

one hand, and between concepts and sensibilities that work at the level of phenomena, on the other, was posited as relations between form and matter. Kant made a sharp division between form and matter on each level and, by this very act of dividing, united them; so that each one of them was sustained by the gravitational force of the other. Kant's difficult task, it seems, lay in rescuing the "unconditioned" that "alone [could] complete the series of conditions when we proceed to trace these conditions to their grounds" (1965, 496) — freedom and, behind it ultimately, God as free Creator of the world — from the order of the conditioned, that is, from laws of nature. Put in a reverse way, this also meant to shelter the conditioned from influences of the divine order of the unconditioned, so that it would succumb only to the scientific laws. By establishing the impossibility to prove empirically the existence of freedom and God ontologically, cosmologically, or physico-theologically, Kant argued that "[c]onsequently, the only theology of reason which is possible is that which is based upon moral laws or seeking guidance from them" (1965, 528).

With this last point, Kant made his next move toward a critique of what he called practical reason, his second house, as it were, by defining that "a free will and a will under moral laws are one and the same" (1998[1785], 53). The solution Kant laid out in *Groundwork of the Metaphysics of Morals* (1785) to save freedom (which is now identified with morality) from necessity (laws of nature) shared the same structure that he had constructed in his critique of knowledge. Kant differentiated in ourselves two dimensions belonging to two fundamentally different orders: "causes efficient a priori" and "actions as effects that we see before our eyes" (*ibid.*, 56). While the latter, namely an experiential dimension of ourselves, belongs to the order of *appearance*, or "to the world of sense, under laws of nature (heteronomy)," the former, a transcendental dimension of man as beings in themselves, belongs to "the intelligible world, under laws which, being independent of nature, are not empirical but grounded merely in reason" (*ibid.*, 57). In this second operation, with reason searching toward its foundation for what was conditioning the conditioned, Kant established freedom as the dimension of human being governed not by laws of causality but by moral laws. There he argued that the seeming contradiction between natural necessity and freedom had been removed because, he said, "both not only *can* very well coexist but also must be thought as *necessarily united* in the same subject" (1998, 60; original emphasis). In other words, in Kant's house of Practical Reason, man as a living animal governed by laws of necessity and man as a free agent binding himself by moral laws were united, with the latter occupying a more fundamental level than the former, just as noumena (things in themselves) occupied a more fundamental level than phenomena (things as they appear) in his structure of Pure Reason. In sum, in contrast to how Hegel (examined below; Section 2) and Bergson (Section 3) respectively departed from Kant by bringing forth

movement in time, the focus of Kant's system was to establish *stability* in the homogeneous space of the Newtonian age, allocating secure positions in his static system both to scientific knowledge and morality.

In addition to its generality, its adhesion to stability makes the Kantian structure unacceptable as a model around which my writing organizes space and time in relation to laws. It seems that the return to Kant characterizing the contemporary world has functioned to reinforce the stability of the post-Cold War status quo under the political and legal hegemony of the United States (although the current rise of the PRC as its main opponent might signal the end of the post-Cold War). It should be recalled that the 2007 Japanese Supreme Court's dismissals of the Yu County women's claims evoked that very US hegemony in an act of prolonging the life of a Cold-War apparatus (the San Francisco Peace Treaty) as if it would continue to be a rock-solid foundation of the new century's world.

2. Model 1: Dialectical Time, Freedom toward Law, Creators of History?

Hegel / Kojève / Fang in "Portrait Two" / the Japanese lawyers in their struggles

Hegel's *Phenomenology of Spirit* (1807) was separated from Kant's first *Critique* by three decades, during which Europe experienced the French Revolution and its Terror.¹³⁹ When I wrote "Portrait Two of Fang Surong" in Chapter 1, I had roughly in mind Hegel's philosophical system, especially in terms of how Alexandre Kojève rendered it in his lectures during the 1930s, as a structural model of which the historical predicament overlapped my difficult relationship to Fang Surong.¹⁴⁰ "You acknowledged the facts," Fang Surong said to me in her living room during our first and last encounter. She continued to ask me, "Doesn't this mean you acknowledged your wrong? Then why do you not respond to our demands?" In that chapter, I wrote:

¹³⁹ *On the Origin of Species* (1859) by Charles Darwin, which made evolutionary time a tenet of the 19th century, was published half a century later than *The Phenomenology of Spirit*.

¹⁴⁰ I concede that Kant was right in designating sensibilities and concepts as two necessary elements for the experiential plane. I confirmed to myself, in my agony in writing this dissertation, that ethnographic experiences indeed offered overwhelming amounts of messy information to my sensibilities: it was impossible to write about them without some guidance of concepts that provided structural models, if in a loose way. Meaning is relational, and relations cannot be found if solely based on sensibilities. There is no purely descriptive way to describe any experience "as it is."

While Fang clearly referred to the Japanese government with the otherwise generic pronoun “you (*ni*),” I sensed that the accused “you” could also potentially include me, a Japanese citizen sitting in front of her. For Fang, any logic less “straightforward (*gancui*)” than her distinction between “you” and “we” would be a perpetrator’s excuse. [...] It had taken [her] lawyers a vast amount of pro bono work to prove that they could be a part of how she understood “we.” As she was now eager to see a visible sign of her and her supporters’ “victory”— a proof that their work had not been wasted — I was being questioned on whether and how I would work on their side.

In order to explain how the scene was written as an impossible instance of Hegelian dialectics through Kojève’s rendering, I first offer some reading notes from my philosophical site, and then come back to my ethnographic site.

When I read *The Phenomenology of Spirit* by Georg W.F. Hegel (1770-1831), one significant contrast that I observed, at the level of reading experience, in relation to Kant’s *Critique of Pure Reason* was as follows. In the latter, each chapter (especially in the first, lengthier division entitled “Transcendental Doctrine of Elements”) presented a building block to be piled up in relation to one another in order to make a whole system. By contrast, each of Hegel’s chapters was presented as a *moment* of Spirit’s insight into its own working, a moment that was *to be negated* by the immediately succeeding chapter.¹⁴¹ To restate the contrast by

¹⁴¹ To support my observation, I would like to cite a passage from the beginning of Chapter VI, in which Hegel starts discussing Spirit after the chapters on Consciousness (Chs. I-III), Self-Consciousness (Ch. IV), and Reason (Ch. V):

Spirit is... the self-supporting absolutely real ultimate being (*Wesen*). All the previous modes of consciousness are abstractions from it: they are constituted by the fact that spirit analyses itself, distinguishes its moments, and halts at each individual mode in turn. The isolating of such moments presupposes spirit itself and requires spirit for its subsistence, in other words, this isolation of modes only exists within spirit, which is existence. Taken in isolation they appear as if they existed as they stand. But their advance and return upon their real ground and essential being showed that they are merely moments or vanishing quantities; and this essential being is precisely this movement and resolution of these moments. Here, where spirit, the reflexion of these moments into itself, has become

continuing to speak metaphorically, whereas Kant's chapters are presented as a unit of a structure to remain in space, Hegel's chapters are meant to vanish over time (and in so doing, paradoxically, be preserved). Homogeneous space, Kant's working site for truth, was abandoned by Hegel, who declared that "what is concretely actual is not something spatial" (2003, 25). By virtue of this operation, Hegel dispensed with the transcendental that was indispensable for Kantian philosophy. For, in Hegel's system, transcending lay in cancelling, that is, in an act of mind. Lamenting over the "excellent" work of Kant having been "devitalized and despiritualized" by Kant's followers (2003, 30), Hegel strove to actualize and surpass Kant by defining Spirit as "the self-supporting absolutely real ultimate being" (2003, 252), which could be contrasted with Kant's "absolutely necessary existence" that could neither be proved nor refuted in the experiential order. By contrast, Hegel's ultimate being was real as it was proved by its own movement, the movement that started when consciousness became conscious of itself: "consciousness first finds in self-consciousness — the notion of mind — its turning-point, where it leaves the parti-colored show of the sensuous immediate, passes from the dark void of the transcendent and remote super-sensuous, and steps into the spiritual daylight of the present" (2003, 104). Spirit was Consciousness, Self-consciousness, and Reason all at once, but Spirit was ultimate in that it discerned in itself, and then canceled, all these stages as they appeared (as phenomena of mind).

As both a consequence and a prerequisite of this departure from Kantian space, Hegel dealt with the problem of law under a new light. In Kant's system, laws of nature and moral laws qua freedom belonged to two orders that were radically heterogeneous, if united by gravitational force. Yet Hegel's system had no such stable division. For him, "[w]hat is universally valid is also universally effective: what *ought to be*, as a matter of fact, *is* too; and what merely *should be*, and is *not*, has no real truth" (2003, 143; original emphasis). His task was to treat the distinctions between different kinds of law — not only between laws of nature and the moral law but also between Divine Law and Human Law — on a dialectically evolving, unified terrain. On the one hand, Hegel was not bothered, as Kant had been, by bridging between the so-called external world, governed by laws of nature, and the inner world, governed by the moral law. For laws of nature, such as the law of gravitation, if we would treat them in aggregation, merely expressed the changeless, self-identical attribute of the perceived natural world. Hegel's focus lay in another kind of law that "expresses rather the process of like becoming unlike, and unlike

established, our reflexion may briefly recall them in this connexion: they were consciousness, self-consciousness, and reason (2003, 252).

becoming like” (2003, 90). This second, self-discordant kind of law concerned actions. In other words, as David Carr (1986, 139) has pointed out, the real problem for Hegel was that of “transcending the *I*, not toward the external world, [...] but toward the other *I*.” (Carr 1986, 139). Thus, his problem was at once philosophical, political and historical. The ultimate goal of the Hegelian evolution of law was to inaugurate a spiritual community that embodied “the unity of the different self-related and self-existent self consciousnesses in the perfect freedom and independence of their opposition as component elements of that substance: Ego that is ‘we,’ a plurality of Egos, and ‘we’ that is a single Ego” (Hegel 2003, 104). For Hegel, this amounted to building a Nation, as the actual substance of Spirit, together with its Citizens, as its concrete instantiation (2003, 256). Man was free, according to this formulation, not because he bound himself to static unconditional laws, but because his actions enabled him to progress, by turning the Other into the Same, toward a new community/Nation and its laws.

Kojève’s interpretation of Hegelian dialectics focused more on the problem of recognition rather than that of community building. According to Vincent Descombes (1980, 9), Kojève’s lectures on Hegel between 1933 and 1939 triggered “the triumphal return of Hegel” after the decline of Neo-Kantianism and Bergsonism in the French intellectual scene. His *Introduction to the Reading of Hegel* (1969) is useful for the purpose of my inquiry as it gives a further articulation of the importance of time in the Hegelian system in terms of struggles for recognition. For Kojève, Chapter VI (entitled “Self-Consciousness”) of *The Phenomenology* was the key to understand Hegel and his dialectics. According to Kojève, man’s ability to speak, or to utter the word “I,” gave him self-consciousness, and concomitantly desire for the consciousness of the other. In other words, unlike animals that only had desire for a thing, man desired to be desired. Since this desired desire appeared only as an absence (while a desired thing in contrast was always present in the given world), the former would be realized only by man’s actions to negate the given. In other words, man was essentially a “becoming” being that would *postpone* the world in order for it “not to be what it is and to be what it is not” (1989[1969], 5). Thus for Hegel, as Kojève observed, only man lived in time while nature was merely space. Without man, the world would be only a spatial natural world, but he by his actions “temporalize[d]” it, or transformed it into a historical world (1989, 145).

Meanwhile, according to Kojève, human desire, or the desire for recognition, necessarily led to conflicts as man fought for recognition from the other. The initial victor of this fight was the master, who subordinated the slave. The master, however, could not fulfill his desire for recognition because the slave was equated for him with a thing. The slave, on the other hand, was forced to work for the master, driven by fear of death. And by so doing, he would bring into the world his product of labor, which in turn would transform the world itself. “It is this work,

and only this work, that frees — i.e. humanizes — man (the slave)” (1989, 26). Thus, only the slave had access to his own emancipation although in order for this process to be possible, the master had to be there as “the catalyst” (1989, 25). The slave, only through his initial subjugated relation to his master, could transform the world by his work. In this transformed world, he recognized himself, rather than being recognized by the master, and would “discover and reveal to others the objective reality of his humanity” (1989, 27). It should be noted that in Kojève’s interpretation of the Hegelian formulation of time, primacy was given to the future. For the desire was directed essentially toward what did not exist in the given natural world. The process of man’s fulfilling his desire by his action took the form of a dialectic: in the primacy of the future, man negated the past by his action that took place in the present. Whence lay what Kojève admirably deemed the unprecedented feature of Hegelian time:

In the time that pre-Hegelian philosophy considered, the movement went from the past toward the future, by way of the present. In the time of which Hegel speaks, on the other hand, the movement is engendered in the future and goes toward the present by way of the past: Future -> Past -> Present (->Future) (Kojève 1989, 134).

Through this process, Kojève maintained, “the real reveals itself in its dialectical truth as a synthesis” (1989, 146). What propelled this process through dialectical time, as opposed to natural time, was man’s desire to be recognized. By temporalizing Kant’s spatial world, in sum, Hegel brought in the image of man as the creator of history, a free subject progressing toward the law of a national community of citizens — by forming, as in the above-cited words of Hegel, “‘we’ that is a single Ego.” Meanwhile, with Kojève’s intervention, this dialectical process — progress through canceling the previous moment — became rendered in terms of the confrontation between the slave and the master.

To my mind, the sanguinary confrontation in Kojève’s rendering of Hegelian dialectics — “a terrorist conception of history” (Descombes 1980, 14) — presents a structural resemblance to the opposition that the Japanese journalist Honda Katsuichi made between “those who are on the side of being killed” and “those who are on the side of killing” in his 1971 reportage on various Japanese-inflicted atrocities in China, which was influential in Japan and also paved the way for the post-nineties formation of the Legal Team and the Society to Support. As I discussed in Chapter 2 (Subsection 3.2), Honda’s reportage exercised terrorizing effects by narrating violence inflicted upon those “on the side of being killed” in a determinedly physical manner utilizing the spatial settings of the atrocities, which I called a mapping realism. Coincidentally,

space in Kojève's interpretation of Hegel was correlative of animality while time belonged to humanity. It should be noted that Honda's spatial descriptions of the atrocities, which were terrifying precisely because they reduced humans to animals, were followed by extensive quotes from his Chinese informants, who usually spoke in a distinctively Maoist language, making a sharp contrast between the dark past of the Japanese invasion and the bright present under the Party leadership, and inviting the Japanese "people" to build, by confronting their nation's dark past, a future relationship with the Chinese people. (Note that Honda's visit to the PRC was accommodated by the Chinese government on the eve of diplomatic normalizations in 1972). It is true that the practical utility of such extensive quotes from his informants lay in the fact that Honda could claim, as an excuse for such writing, that he only quoted what had been relayed to him (given the limited freedom of journalistic investigation granted to him) rather than writing what he believed was right: the left-leaning journalist actually did so to defend his work especially after the Tiananmen incident in 1989. But at least at the textual level, the terror of the Japanese-inflicted atrocities remembered by his Chinese informants was presented as a catalyst through which they came to signify themselves as the protagonists of history, by rising from the status of animality in space to live in dialectical time and transform the world.

Likewise, the view of Fang Surong described in "Portrait Two" (Chapter 1, Subsection 2.2) can be understood along the same dialectical mode of relations: she and her Japanese lawyers, together forming the unit she called "we," confronted the Japanese government through their actions of fighting the litigation. "We originally demanded monetary compensation," she told me in her living room, "but later decided that it wasn't the most important thing. You should just do it in a straightforward way: apologize and construct the cemetery!" I may interpret that she was seeking not so much recognition of her loss by the Japanese government, but recognition of her and her lawyers' work by the world: she was eagerly waiting for the apology and the construction of a cemetery because they would be the tangible signs of *a transformed future* — the signs of validity of their work. "This is to educate the next generation and to promote peace instead of war!" declared Fang Surong, who had once been an eloquent survivor-turned-speaker for the Chinese Revolution. Therefore, the "you (*ni*)," the verbal pointing finger she directed at me in her living room, was as much an invitation to the transnational collaborative work engaged in by her and her lawyers as it was a potential accusation.

However, I could not allow myself to rely on this structural model to designate my writing's relationship to the ethnographic problem examined in this dissertation, given the death of the Chinese Revolution, or how it was exhausted from within as I discussed in Chapter 1 (Subsection 6.1); as well as given the unsuccessful outcomes of the litigation and subsequent political efforts made by the Legal Team and the Society to Support, whose "struggles" I

presented in Chapter 2 (Subsection 3.2) as part of the Japanese postwar left's pursuits of a pacifist revolution. If I were to accept that Hegel and Kojève were right in saying that a criterion of truth "is interior to history," or in other words, if "[t]hat which succeeds is true, that which fails is false" (Descombes 1979, 29), there should be no justifiable reason for me to have written the previous two chapters. No reason, that is, unless I believe that the revolutions are not fully dead or lost yet, because they have only been postponed as we continue to fight our struggles.

3. Model 2: Time Leaping Forward, Freedom from Law, Human Rights as a Way of Life? (Bergson / Attorney Ōmori

The figure of Attorney Ōmori was puzzling throughout my efforts to write about her in Chapter 2. What she said about what she did — it is part of the conventional wisdom of anthropologists to look for and comment on how their interlocutors talk about their own practices — did not fit neatly into the structure of the revolutionary model (provided by Hegel/Kojève) with which I often understood the "litigation struggles (*saiban tōsō*)" of the Legal Team and the Society to Support. To explain her own endeavor, she did not use big concepts such as struggles or even human rights, except emphasizing the importance of "concrete facts (*gutaitekina jijitsu*)." Even though I conceded that no experience would "neatly" fit into conceptual models, I gradually came to think that the difficulty I had with her partly stemmed from the following tension: she and her colleagues were fighting a politics of *recognition* for their Yu County clients while what was really driving her commitment was an aspiration for *apprehension*. I note that she probably did not see any tension where I found one because these two aspects, opposed to each other in theory, were perfectly integrated, in practice, in her own way of being. Yet as Judith Butler reflects on the distinction,

it is necessary to consider how we might distinguish "apprehending" and "recognizing" a life. "Recognition" is the stronger term, one that has been derived from Hegelian texts and subject to revisions and criticisms for many years. "Apprehension" is less precise, since it can imply marking, registering, acknowledging without full cognition. If it is a form of knowing, it is bound up with sensing and perceiving, but in ways that are not always — or not yet — conceptual forms of knowledge (2010, 4-5).

With this distinction in mind, what Attorney Ōmori cherished as "concrete facts" — like what she came to "bodily understand (*karade de wakaru*)" during her first travel to Yu County when the tires of her driver's car became completely stuck in an overflowing creek (described in

Chapter 2, Section 1) — designated something, in the realm of apprehension, that did not (yet) yield precise conceptual forms and that nonetheless exercised, through one's senses and emotion, transformative force on one's perception.

In order further to understand Attorney Ōmori's mode of apprehending the pain of her Yu County clients in contrast to the Hegelian/Kojévian mode of recognition, I propose to turn to the philosophical structure presented by the French philosopher Henri Bergson (1859-1941). In addition to the contrast that Bergson's departure from Kant made with Hegel's departure from the same Enlightenment philosopher, the utility of the Bergsonian model also lies in that, as I will discuss below, his last major work, *The Two Sources of Morality and Religion*, provides a possible clue to another puzzling aspect of Attorney Ōmori's commitment; namely, the strong sense of *national* identification which, paradoxically enough, seemed to make her a robust humanist. At the end of the section, however, I will have to address untenability of the Bergsonian model due to its reliance on the assumption of progress.¹⁴²

Yet I will first describe the structure of Bergson's system in contrast to Kant's and Hegel's. In fact, my above-summarized understanding of Kant (Section 1) is primarily based on Bergson's diagnosis made in *Time and Free Will* (1889). According to Bergson, Kant treated time as a homogeneous measure, and thereby spatialized it. As a result, freedom, which in Bergson's view belonged to time, became inaccessible for empirical knowledge, placed by Kant within the realm of noumena in order to be protected from the realm of phenomena governed by the law of causality. Although Bergson's reaction to Kant is likened to Hegel's in that both prioritized action and time over static contemplation and space, Bergson presented a radically different view of sociality than Hegel — a view that was compatible with his peculiar view of language. Bergson argued that the Kantian conception of time and space differed less than was usually imagined from popular renderings of time and space. According to Bergson, by separating time and space from experience as *a priori* forms, Kant merely theorized what had been *de facto* done by common sense: in other words, Kant merely stood at the intersection of common sense and modern science, where the latter came in so as to reinforce the former's tendency to allow invasions of time by space, and what came to the same thing, invasions of freedom by the law of

¹⁴² See Alexandre Lefebvre (2013, xvi) for Bergson's involvement in the League of Nations (1920-1946), as well as his indirect influence on the later composition of the Universal Declaration of Human Rights (1948). The title of this section is taken from his book ("Human Rights as a Way of Life"), an insightful work on *The Two Sources* that shows that "human rights are the very center of [Bergson's] vision of politics" (xv).

causality. Kant's problematic, as Bergson saw it, lay in our deep-rooted tendency toward *quantification* for the sake of communicable, presumably more certain, knowledge. According to Bergson, since qualitative aspects of any phenomenon are so elusively subjective whereas quantitative sides are so handily tangible, the duration of our true life, of which each moment "permeates one another" depending on the state of our passion, sorrow etc., tend to become projected onto a spatial line for the sake of convenience. Time, separated from the *qualities* of our experience, became spatialized as a mere homogenous medium with which to make social life possible. To summarize Bergson's diagnosis, in the Kantian system as in common sense, space was prioritized over time because space, "clearly perceived by human intellect, enable[d] us to use clean-cut distinctions, to count, to abstract, and perhaps *also to speak*" (1960[1889], 97; my emphasis).

Bergson's view on society and language revealed in the above-quoted remark came to be fully articulated in his last major work, *The Two Sources of Morality and Religion* (1932). As was often the case with his writing, Bergson symbolized the tenet and structure of his thinking in the form of an image:

Certain aquatic plants as they rise to the surface are ceaselessly jostled by the current: their leaves, meeting above the water, interlace, thus imparting to them stability above. But still more stable are the roots, which, firmly planted in the earth, support from below (1977[1932], 15).

His point was that, whereas on the surface we would find our social ego, interdependent on each other, in the depths lay "our innermost selves," although it was only "exceptional" that we would find the latter, "if [it were] possible at all" (1977, 14). This three-dimensional image embodied the philosopher's consistent tendency, as Gilles Deleuze aptly pointed out, to separate something into two "directions" that were radically heterogenous, that is, different in kind and not in degree. Moreover, these two directions are connected to his views on the problem of change because "one of these two directions takes all the differences in kind on itself and all the differences in degree fall away into the other direction, the other tendency" (Deleuze 1991, 92). Now, the two directions provided in the image of aquatic plants corresponded to what Bergson thought were "the two sources" of the evolution of morality and religion. Sociality on the surface was the source of all the quantitative changes that would occur as gradual accumulation, whereas the inner free self in the depth took on itself all the qualitative changes that would occur, rather exceptionally, as "discontinuous leaps" (Bergson 1977, 115). What we would call historical change, in Bergson's view, was a chain of the latter's leaps that became constantly appropriated

and solidified by the former. The appropriation, it should be noted, would be done primarily through language. The sudden movement, created by an exceptional individual such as, notably, a religious mystic, through confrontations with his/her inner being, would become fixed by words so that others could follow his/her path. With regards to their views on change, the contrast between Bergson and Hegel is striking. For Bergson, as for Hegel, man was the creator of history. Yet man became the creator, in Bergson's view, not by forming society and speaking language, or by uttering the "I" to mark the first step on the road to the "We," but, on the contrary, by escaping society in the name of a yet-unnamed self.

To understand what was at stake in Bergson's delineation of "a qualitatively different kind of morality, irreducible to obligation" (Lefebvre 2013, 50) — irreducible to obligation merely imposed by society, which in Bergson's view was none other than what Kant called morality — it should be noted that Bergson wrote *The Two Sources* during the interwar period, with memories of WWI still fresh and with WWII looming ahead. As Alexander Lefebvre points out, the problem of war was central to this last major work of Bergson, precisely because "war disclose[d] the exclusive tendency of moral obligation" (2013, 15). In other words, in Bergson's view, experiences of war testify that

the two opposing maxims, *Homo homini deus* and *Homo homini lupus*, are easily reconcilable. When we formulate the first, we are thinking of some fellow-countryman. The other applies to foreigners (Bergson 1977, 286).

When society is closed, even a morally perfect man who impeccably complies with his obligations within his society will be "a wolf (*lupus*)" to another man from another society. Bergson criticized "*a priori* reasoning, the result of a purely intellectualist conception of the soul," such as that of Kant, for assuming that "our sympathies are supposed to broaden out in an unbroken progression [by starting from a smaller scale of society such as family to proceed to a larger scale of society such as nation], to expand while remaining identical, and to end by embracing all humanity" (*ibid.*, 32); whereas in Bergson's view there was a discontinuous leap between love of nation and love of mankind — difference not of degree but *of kind*. For Bergson, human rights, far from being given by a general principle which supposedly encompassed all humankind (as was in Kant's thought), can only be pursued, as Lefebvre puts it, "as a way of life."

Only an exceptionally open soul, Bergson maintained, could transcend man's brutality toward another man from another society: this leap could be made when the soul confronted his inner soul with his love open to others. Hence Bergson's emphasis on the role of emotion in

moral progress: he argued that, whereas mere emotion was usually only elicited by representations, creative emotion, typically open love, would in turn engender representations so that other members of his society, with their emotion stirred by the new form of representation, would follow his path. This process, it should be noted, amounted to opening up the *language* spoken by his society.

Bergson's emphasis on the role of emotion in the soul's confrontation with the self, as well as the sharp discontinuity he saw between nation and humankind, helped me better understand Attorney Ōmori's endeavor. For her, her strong national identification "as a Japanese citizen (*nihon kokumin to shite*)" and her commitment to the Chinese victims of Japanese sexual slavery by no means contradicted each other. With Bergson, I may interpret that precisely because she identified herself with her nation, she had to confront the brutality, or the wolf-ness as it were, that her nation had exhibited to the people of another nation in its pursuit of war. Her emotion engendered in the process of encountering the Yu County women, in turn, created representations, such as court statements and her book, with which she tried to open up her national society.¹⁴³

¹⁴³ The weight of memory in Bergson's thought should also be noted. Memory, as was elucidated in *Matter and Memory* (1896), offers the primary mechanism through which Bergsonian creation can occur. According to his formulation, in the mind's movements of making sense of the world, memory continuously presses forward with the totality of our past, trying to insert the largest possible part of the past into the present action. The greater tension with which memory contracts itself, the more enriched becomes the perception it enlarges. Whereas pure perception of the universe, that is, perception deprived of memory, or perception only concerned with the present that is none other than the materiality of our existence, can only grasp something *less* than the universe, and thus an action it entails cannot be free from the confinement of the material limitations of reality, memory can *add* something to the universe, first in an act of attentive recognition, and then in an action into which the recognition is one way or another embodied. Thus, human being, "retaining in an ever higher degree the past in order to influence ever more deeply the future" (2004[1896], 296), is for Bergson a free being who is liberated from laws of nature. Memory symbolizes for Bergson what spirit is, and what matter is not. In this formulation, it should be noted, memory even provides a possibility of freedom from language (if temporarily) because, instead of ready-made fixed words that are given to us to understand the world, man can create new ideas and expressions by means of unique encounters between the perceived present and the contracted past. As the Bergsonian mind can transcend the walls of language, beyond which one finds not another language but one's own creation, there is no forbidden ground in his memory.

However, how can one assume that an open soul, in Bergson's terms, will be followed by other members of society? It should be recalled that, as I discussed in Chapter 2 (Subsection 4.3), the affective language engaged by Attorney Ōmori and other lawyers of the Legal Team in their final brief submitted to the law court, as well as in their final courtroom speech, was utterly rejected by the Japanese judges: they preached that "the law court should most carefully refrain from being swayed by emotion and [thereby] making an arbitrary decision." Moreover, as far as I judge from the fact that the former litigators' further pursuit of redress through political and legislative channels remained largely unsuccessful in the following years, the general response from Japanese society to the lost litigation was to let the legal language *close* the problem, rather than letting the affective language of the lawyers continue to open the society to the problem. Given the circumstances, I can by no means accept Bergson's assumption of moral progress, which is based on his view of biology as a series of creative evolutions. I concede that, given the rupture I examined in Chapter 1 between language of heroism and language of victimhood engaged by one society (the PRC) at different moments of history, society may take an unforeseeable leap from one language to another. But how can one assure that the leap is always a leap *forward*, rather than just an arbitrary mutation, or even regress?

I end this section with an anecdote from Japanese literature that engaged in such an untenability of Bergsonian time, the predicaments of time that leaps forward. What I present here is a passage from the Japanese novel *Fires on the Plain* (1952), written partly based on the author Ōoka Shōhei's own military experiences in the island of Leyte, the Philippines, during the period when Japan was almost losing WWII. The novel culminates in the protagonist's cannibalistic act in the end, but in relation to my discussion on Bergson I am especially interested in the passage in which the protagonist Japanese soldier, fleeing alone both from his enemy and his own party, stricken with sickness and hunger in the middle of a field, suddenly feels that the same experience has happened to him before. Trying in vain to identify the experience in the past, the soldier instead recalls a remark of Bergson he once read:

According to Bergson, this phenomenon arises at moments of fatigue or prostration. At such moments, conscious life, which normally evolves without interruption, constantly feeding the memory with present experiences, ceases its advance, and the memory, no longer nourished with fresh material, strikes on its own, as it were, ahead of one's consciousness. Yet this lucid Bergsonian explanation struck me now as unsatisfactory. In particular, the hypothesis of a ceaselessly evolving life seemed untenable; for often I seemed not to advance, but to repeat myself or even to regress. Though the hypothesis must be flattering to

the self-pride of the modern man, I was generally cautious against what flattered me. [...] If one were ready to accept the premise of a constantly evolving life, would it not, I wondered, be at least as logical to believe in the guidance of some supernatural entity— for example, God? (Ōoka 2004[1952], 91-92)¹⁴⁴

To counter Bergson's "unsatisfactory" theory, the soldier continues to speak to himself:

The fact that "false memories" appear at moments of fatigue or prostration is not because life ceases its forward progress, but because on those occasions, once there is no more concern with mundane matters, the desire for repetition inherent to life is laid bare. I did not consider my own improvised metaphysics particularly well-grounded, but in any case this discovery gave me satisfaction. It made me feel a kind of pride in that it affirmed that I was living now (Ōoka 2004, 93).

The soldier's denial of Bergsonian "hypothesis of a ceaselessly evolving life" yields complex interpretations. On the one hand, this very act of recalling, at such a pressing moment, a metaphysical discussion that is completely unnecessary for physical survival somewhat confirms Bergson's point in *Matter and Memory* (1896) in an ironic, paradoxical way. It seems to me that the soldier, amidst destruction and deprivation, is trying to free himself from these devastating material conditions (co-relative of space) by turning to the last resort in his mind, that is, his memory (co-relative of time). One may ask, on the other hand, by retrieving his own "pride" (*hokori*) through his counterargument only a moment after expressing skepticism about the modern man's "self-pride" (*jisonshin*),¹⁴⁵ did the protagonist gain more freedom through his thought, or did he become less free by getting entangled with his imagined battle over pride against "the modern man (*kindaijin*)"? Furthermore, a reader is forced to fundamentally reconsider his/her entire reading experience of the novel when, in the epilogue, it is revealed that the whole narrative has been written as a therapeutic memoir by a madman treated in a

¹⁴⁴ I relied on Ivan Morris's translation with some modifications.

¹⁴⁵ Among the two terms Morris translates both as "pride", the one the soldier uses to designate that of "the modern man" is literally "self-respecting mind" (*jisonshin*), which is a term that sounds less of a native origin and thus more artificial than the other one (*hokori*) used to address that of the soldier himself.

psychiatric hospital in postwar Japan.¹⁴⁶ How can one relate to that instance of profound meditation in the midst of warfare, which is now relocated in the madman's memory?

4. Model 3: Time That Recurs, Law and Pain, the Concept of Trauma

Freud through Lacan/Kant upside down/ Fang in "Portrait I" / the Yu County women

Thus far I have taken a long (yet short) detour examining two systems of thought, which posited time as moving forward, whether dialectically (Hegel/ Kojève), or in an evolutionary manner (Bergson). As I have shown, neither of the systems provided an apt model to designate my own relationship to the ethnographic site explored in the previous two chapters. In this last section, I explore how Jacques Lacan (1901-1981), through his reading of Freud's texts concerning the notion of trauma, provided in *The Ethics of Psychoanalysis* an alternative model in relation to my discussion above. In order to do so, I first examine a text by Freud.

i) A Kantian structure in Freudian trauma

Sigmund Freud (1856-1936) was a contemporary of Bergson. The first instance the notion of trauma appeared on the surface of his writing was at the end of the 19th century: he and Josef Breuer worked on the case history of a patient of the latter, Anna O., whose hysterical symptoms were "talked away" when she gave utterances, in a state of hypnosis, to the events that were supposedly etiological.¹⁴⁷ Yet the notion of trauma as a shocking external event soon

¹⁴⁶ Dennis Washburn argues that the lack of resolution to the following questions makes the novel an achievement that is "much more than a merely sensational account of the horrors of war": "How does one judge the past, or come to terms with it, when the reliability of memory is uncertain? Is it possible to write intelligibly about extreme experiences that break the bounds of normative values? And to the extent that a narrative succeeds in capturing the essence of such experiences, does their reduction to literary language render them abstract and inauthentic?" (1997, 105). I would also like to add that the author probably had in mind the Chinese writer Lu Xun's short story *A Madman's Diary* (1918), a narrative told by a madman who is obsessed with cannibalism in the Confucian society surrounding him, as the former uses exactly the same title for the first section of the epilogue. It should be noted that the structure of *Fires on the Plain* can be read as a reversal of that of Lu Xun's *A Madman's Diary* as, in the latter, the preface that is written in a prose form of traditional Chinese reveals that the following part is a diary written by a madman who has been cured by now. How can one interpret this Japanese postwar writer's response to 'the father of modern Chinese literature' in a novel on WWII?

¹⁴⁷ Breuer and Freud 1966[1895], 55-82.

disappeared from Freud's theory, or became latent, when he abandoned his initial so-called seduction theory that attributes hysteric symptoms to the patient's childhood experience of sexual abuse, maintaining that if certain sexual events could trigger pathological effects among some people, it was because sexuality qua desire, or "unconscious wish," was already traumatic for anyone. Due to WWI, so-called "war neuroses" drew wide attention from society and led Freud to revisit the notion of trauma, and shed new light on it. In *Beyond the Pleasure Principle* he suggested that "there really exists in psychic life a repetition-compulsion, which goes beyond the pleasure principle," or the principle of hallucinatory satisfaction of desire (2009[1920], 27). In this puzzling writing characterized by oscillations that are repeated in an almost performative manner, Freud examines four sets of phenomena. 1. Patients suffering from traumatic neuroses repeatedly go back in their dream at night to the scenes of the disaster. These dreams cannot be explained by Freud's earlier thesis of dream as a wish-fulfillment. 2. A young child repeatedly flings his toys away so that they are "gone." This act, as Freud suggests, symbolizes a loss of his loved object and thus of his mother, which is supposedly very painful to the child. 3. A patient, in a state of "transference" in his/her relation to the psychiatrist, *repeats* all his/her past painful experiences rather than, as is expected, *recollecting* them. 4. There are "normal" persons, as well, who tend to have every relationship end in the same tragic way. Examining these four sets of phenomena as a cluster, Freud concluded that some past experiences revived by these series of repetition "contain no potentiality of pleasure, and which could at no time have been satisfactions, even of impulses since repressed" (2009, 24).

In association with this newly highlighted problem of repetition-compulsion, in which Freud found a "daemonic character" (2009, 45) in contrast to the pleasure-principle, his highly puzzling notion of death instinct was introduced. According to Freud, the death instinct of a living organism, contrasted with the sex instinct that strives to prolong the duration of life by connecting to other organisms, is the conservative force that brings life itself back to an inanimate state. Freud's view on life in light of the notion of death instinct is striking (especially in contrast with the view of Bergson): the phenomena of life are essentially nothing other than expressions of organic inertia. In other words, progress is a delusive appearance of life, because life is in fact a circuitous but hurried travel back to death, taken by an organism in reaction to animating stimuli enforced by the external world. How is this related to the above-raised series of ideas on repetition-compulsion? Freud argued:

an occurrence such as an external trauma will undoubtedly provoke a very extensive disturbance in the workings of the energy of the organism, and will set in motion every kind of protective measure. But the pleasure-principle is to begin

with put out of action here. The flooding of the psychic apparatus with large masses of stimuli can no longer be prevented: on the contrary another task presents itself — to bring the stimulus under control, to “bind” in the psyche the stimulus mass that has broken its way in, so as to bring about a discharge of it (2009, 37).

Therefore, the repeated acts of a trauma neurotic’s dreaming of the disaster as well as of a child’s dramatizing the loss of his loved object, and certain people’s tendency to relive their most painful experiences in the past are all understood in terms of this “binding” effort of the psychic apparatus. What is important to note, however, is that such a mastery that might be gained through these repeated acts of pain (*unlust*) — a “cultural” achievement— is for Freud primarily a side effect of the self-annihilating tendency of psyche, or of organic life.

Freud called this line of thinking “speculation”(2009, 29), expressing his regret about being unable to provide scientific findings to support it. I find the notion of death instinct hard to comprehend, speculative, and almost mystical, yielding the following three sets of questions. 1. Questions of form: no form is attached to the death instinct, which makes this notion so elusive. The death instinct is an elastic force that becomes phenomenal only when it is combined, typically as in sadism and masochism, with the sex instinct that is supposedly radically opposed to it. Precisely because the death- and sex- instincts are so radically heterogeneous, they connect to each other. Yet they do so not so much in a dialectical way but in such a way that reminds me of the polarity between matter and form in the Kantian topology. How is it that the death instinct is always only assumed to be working silently behind the noisy work of libidinous/sexual instinct that produces this and that form of action? 2. Questions of time: if, as Freud points out in his brief reference to the Kantian proposition on time and space as *a priori* forms of intuition, “unconscious mental processes are in themselves ‘timeless’,” what does it mean for Freud to say that the “beyond” of the pleasure-principle is also of “earlier origin”(2009, 20) than it? Does this origin belong to time? 3. Questions of knowing: Freud extensively discusses functions of biological cells at the risk of vitiating his early achievement in the emphasis on symbols, that is, an exclusively human order. Yet he does so perhaps not completely without justification; whereas the peculiar work of language and symbols, that is, the covering-up qua manifestation, enabled early Freud to address the unconscious desire that would otherwise be unknowable, he now attempts to address that which produces no symbolic form. Thus, one may say that he searches in a biological cell for a model, or a metaphor. Yet he does so, as his oscillating writing suggests, *not* so much to make the unknowable known, but to make the search itself expose the impossibility of knowing.

Thus far seen, Freud's thought formulated around the notion of trauma in *Beyond the Pleasure* strikingly resembles the Kantian structure outlined in *The Critique of Pure Reason*. In fact, Freud gives in the book a few hints as to his own aspiration toward Kantian philosophy. In one such moment in the text, Freud repudiated an often-raised condemnation of psychoanalysis as a reduction of all human phenomena to sex impulses, arguing that, unlike Jung's libido theory, that is "a monistic one" (2009, 70), his theory is dualistic as it notes the polarity between the libidinous sex instinct and the non-libidinous death instinct. He then goes on to observe that the polarity between sex- and death- instincts seems to be repeated at the level of libidinous object-love as a polarity between "love (tenderness) and hate (aggression)" (2009, 71), which to me evokes the Kantian polarity between matter (noumena) and form (phenomena) being repeated at the level of phenomena as a polarity between intuition (matter) and concepts (form). Freud ends this speculative passage with an aspiring exclamation: "What if we could succeed in bringing these two polarities into relation with each other, in tracing the one to the other!" (2009, 71). But what is at stake in this homology between the Kantian structure and the Freudian trauma? The next subsection examines Lacan's explication on this matter.

ii) Das Ding (The Thing) in *The Ethics of Psychoanalysis*

The complexity of Lacan's *The Ethics of Psychoanalysis* lies in that it aims to tie the field of language to the most mechanical, seemingly the least symbolic part of Freud's writing, namely, the train of theorizations that starts from his discussion on the pleasure vs. reality principles and culminates in his "speculation" on the sex- and death- instincts. While Lacan seems to find his master's quantitative emphasis on psychic excitations justifiable,¹⁴⁸ he nonetheless insists that Freud's highly mechanical psychic apparatus should be understood solely in relation to what he calls "the signifying chain" (1992, 39).

To accomplish this aim, Lacan introduces *Das Ding* (The Thing), a notion used in Freud's early work that was posthumously published, "An Outline of Psychoanalysis." Once it is understood that by this notion Lacan designates a position in a certain topological structure, *Das Ding* can be identified in various forms throughout Freud's texts, particularly in his thread of thought I examined above in relation to his revisiting of the notion of trauma. The key lies in Freud's rendering of reality. Lacan points out, through his reading of the "Outline," that "the

¹⁴⁸ Lacan exclaims, "What is there to justify it, if it isn't that experience of ungovernable quantities which Freud had to deal with in his experience of neurosis? That is the driving imperative behind the whole system"(2002, 28).

subject's experience of satisfaction is entirely dependent on the other, on the one whom Freud designates in a beautiful expression, [...] the *Nebenmensch* [Neighbor]" (1992, 39). It is in association with this neighbor that *Das Ding* appears as in the following sentence of Freud cited by Lacan: "The complex of the *Nebenmensch* is separated into two parts, one of which affirms itself through an unchanging apparatus, which remains together as a thing, *als Ding*" (1992, 51). Lacan notes that the German term *Ding* is used in a clearly differentiated manner from *die Sache*, which also means "thing"¹⁴⁹ but is closely linked to *Wort* (word) in the sense that "the things of the human world are things in a universe structured by words, that language, symbolic processes, dominate and govern all" (1992, 45). That is to say, the part of the "other" designated as *Ding* belongs to the kind of reality that is dislocated from the correspondence between an object and a representation because, in this reality, "to find [the object] again, to confirm that it is still present" (1992, 52) is an urgent task. In short, *Das Ding* is an ontological notion, contrasted with the work of pleasure principle that is nothing but "the dominance of signifier" (1992, 134).

Thus far, it may be noticed that the position occupied by *Das Ding*, this "absolute Other" (1992, 52), or "the beyond-of-the-signified" (1992, 54), when placed in relation to the signified world, resembles the position of noumena in the Kantian system, at which Freud hinted in *Beyond the Pleasure Principle*. One should recall that Kant's noumena, or things in themselves, are utterly inaccessible for human knowledge, by definition evading concepts that are the form created by man so as to grasp phenomena, or things in appearance. It should also be recalled that it is in man's relation to the domain of noumena that Kant locates the moral law qua freedom, as opposed to laws of nature that govern the world of phenomena. According to the 18th century philosopher, if man may ever prove the existence of God who is the creator of all things, it is with the faculty not of speculative reason, but of practical reason, that is, through man's obedience to the universal maxim dubbed the moral law. Indeed, Lacan's introduction of *Das Ding* is followed by discussion on the problem of moral law with explicit reference to Kant, who according to Lacan lived the age of "the great revolutionary crisis of morality" (1992, 70).

¹⁴⁹ Lacan informs us that French does not differentiate such two kinds of "thing": it only has *choses*, which immediately reminds me of the title of one of Foucault's books. I am also reminded of two other things. First, Bergson repeatedly warns in *Matter and Memory* about the futility of treating ideas as ready-made things (*choses*) because he thinks thought is a movement. Second, Chinese and Japanese also have two words to differentiate two different kinds of "thing": *shi /wu* in Chinese, or *koto/mono* in Japanese, which may or may not resonate what Lacan explains as the difference between *Ding/Sache*.

However, Lacan modifies the Kantian universe in a crucial way. He does so by way of the Marquis de Sade (1740-1814), and of course, by way of Freud. Now, while both noumena and *Das Ding* designate the indispensable foundation of our relation to the universe by occupying the same position in almost identical topological structures, it seems to me that there can be a two-fold explanation as to how these two notions point to the different composition of the Kantian vs. the Freudian/Lacanian universe. 1. *In terms of language*. Noumena, things in themselves, must be inaccessible for concepts because, to put it bluntly, concepts (and things in appearance they designate) are created by man while things in themselves are not. By contrast, *Das Ding* is inaccessible for language precisely because, if I understand Lacan correctly, language must summon some distance to *Das Ding* in order for itself to be possible. *Das Ding* is an object that supposedly has to be found again by man in order for him to survive, and therefore, as Lacan points out,

we might just as well characterize this object as a lost object. But although it is essentially a question of finding it again, the object indeed has never been lost. [...] The pleasure principle governs the search for the object and imposes the detours which maintain the distance in relation to its end. Even in French the etymology of the word — which replaced the archaic “quérir (“to search”)” — refers to *circa*, detour. The transference of the quantity from *Vorstellung* [idea] to *Vorstellung* always maintains the search at a certain distance from that which it gravitates around (1992, 58).

One may recall Freud’s discussion on the repetition compulsion associated with the death instinct, an instantiation of which was a child’s play that seemed to point to the absence of his mother that Freud equated with an excessive amount of excitation attacking the psychic apparatus from within. The child develops the play with his toy, a *cultural* form, which signifies being *Da* (there) and being *Fort* (gone). While the play is pleasurable as such, its repetition implies that it gravitates around, and is sustained by, the more fundamental and the least pleasurable loss, that is, the loss not of his toy but of his mother. The point is, however, that the loss of the mother *emerges as the fundamental loss as an effect* of this signifying play precisely because the play can never signify the unbearably painful loss. To suggest this, Lacan evokes Saussurean linguistics in the following passage:

Fort is the correlative of *Da*. *Fort* can only be expressed as an alternative derived from a basic synchrony. It is on the basis of this synchrony that something comes

to be organized, something that the mere play of *Fort* and *Da* could not produce by itself (1992, 65).

To use Lacan's metaphor, just as production of a pot cannot not be accompanied by an empty space in its inside, *Das Ding*, a space in which no word is possible, emerges right next to signifiers. 2. *In terms of law*. In the Kantian universe, the domain of phenomena and man's relationship to that of noumena operate around two separate laws, that is, laws of nature vs. the moral law. (It should be recalled that, according to Bergson's diagnosis, one of the stakes in Kant's project was to save the moral law qua freedom from the invasion of laws of nature, or what comes to the same thing, to allow laws of nature, as science, to govern the phenomenal world without being bothered by a free agent.) By contrast, for Lacan, as for Hegel although for a different reason, laws of nature pose little problem because the kind of law with which Lacan is concerned is that which "separate[es] nature from culture" (1992, 68). Drawing on Lévi-Strauss, Lacan argues that the elementary structures of kinship, according to which property and daughters are exchanged, points to the fundamental law of incest, in which Lacan finds what

is located as such at the level of the unconscious in relation to *das Ding*, the Thing. The desire for the mother cannot be satisfied because it is the end, the terminal point, the abolition of the whole world of demand, which is the one that at its deepest level structures man's unconscious (1992, 68).

For Lacan, there is no more than one kind of law that is essential, that is, the Law regarding desire. (For that matter, Lacan does not differentiate Hegel's Divine Law of the kinship community from its dialectical replacer Human Law of the political community, either.) To simplify, while for Kant the two kinds of law make the two domains (phenomena and noumena, although the aim of his operation, as I see it, is to unite the universe by the act of dividing, just as one builds two columns in order to sustain one story of a building), Lacan is concerned with *the* Law that separates *Das Ding* from the rest of the world. Indeed, he asks if the Law is the Thing, and answers by evoking the Commandments:

Certainly not. Yet I can only know of the Thing by means of the Law. In effect, I would not have had the idea to covet it if the Law hadn't said: "Thou shalt not covet it" (1992, 83).

In other words, *Das Ding* occupied the space of transgression of the law, yet it is the field that flares up precisely due to the law's demarcation. Nonetheless, *both* Kant's morality, "a pure and simple application of the universal maxim", and an orientation toward *Das Ding*, "a pure and simple object" (1992, 70), sway man through their sheer arbitrariness. For they are not at man's disposal. The difference is that, while Kant's moral law demands observance, *Das Ding* points to resisting one's desire to transgress the law, with the desire being the very effect of the law.

To conclude the preceding long paragraph by using my initial metaphor, Lacan has turned Kant's still house upside down, so that *the foundation of the world constantly falls down on our head*. To continue to abuse the same metaphor, I may say that to inhabit Lacan's house, one has to recurrently push back the ceiling. Herein lie his ethical actions because ethics, since antiquity, lies in actions associated with something that is certain to return. Lacan himself prefers a cosmological metaphor, saying that *Das Ding* occupies the "excluded interior" (1992, 101), around which all signs (including man himself) gravitate, paradoxically due to the possibility that they may collapse any time.

A significant effect of this operation is a temporalization of the Kantian system. The time Lacan has brought into the picture is neither a chronological one, nor that of the Hegelian/ Kojévian dialectics, nor that of the Bergsonian discontinuous evolution. Namely, Lacan suspends time by the tension that is constantly regenerated between the present moment and *Das Ding*, that "prehistoric Other that is impossible to forget" (1992, 71). This prehistoric moment, unlike the Hegelian/ Kojévian past that is to be negated in order to be preserved in the mind's movement, is posited as an utterly unalterable, irrecoverable moment of transgression. As Freud contemplates in *Civilization and Its Discontents*, human civilization is recurrently reminded of this moment outside of time, located in the unconscious, in the form of wars and atrocities.¹⁵⁰

Here also emerges the question of creation. Lacan emphasizes that Freud created the myth of the murder of the father. That is to say, as I interpret the statement, that prehistoric moment is nothing but a *post factum* creation by a certain modern European sensibility whose embodiment Freud was. *Das Ding* is essentially a missed encounter because it comes to be lost by being refound as it is sought not in its place, but in the paths of the signifiers that man creates.

¹⁵⁰ It is not difficult for one to interpret this point as arguing that innate psychological aggressiveness is the driving force of all historical wars. Such an interpretation, if combined with sociobiological orientations, constitutes what Marshall Sahlins dismisses as a "vulgar" conflation of understanding of social institutions and that of biological tendencies. As Sahlins aptly points out, "the reasons people fight are not the reasons wars take place" (1976, 9).

Yet these signifiers, Lacan adds, are objects — goods, discourse, and artistic forms— created “probably more by his hands than by his spirit” (1992, 119), that is, by the unconscious. Lacan talks here about what is called in Freudian terminology “sublimation,” which designates the sexual libido’s finding satisfaction in objects, or more specifically for Lacan, in “objects that are socially valorized, objects of which the group approves, insofar as they are objects of public utility”(1992, 94). In Lacan’s view, these objects, destined to miss their target *Das Ding* and yet elevated to that level, are social cultural products, and thus can be historicized. He seems to suggest that some notions Freud created are not exceptional for that matter. That is, what Freud says, or perhaps even Freud himself as a man of science, should be taken as a historically produced signs in relation to *Das Ding*. Lacan emphasizes a social cultural dimension of creation and its blinding effects. The created objects are easily exchanged for their socially recognized values in the service of goods (that are presumably “good”) while the true gravitation lies not in the goodness but in the fundamental transgression in which no sign is possible. As a warning against serving this circulation of goods, Lacan refers to the psychoanalyst’s own desire to cure his patient. The moment of recognition, which might seem to some to be a goal of psychoanalysis, does not appear in *The Ethics of Psychoanalysis*. In other words, Lacan does not necessarily agree with the politics of the current discourse within which a patient must be cured (to become a functionally healthy, exchangeable sign), and yet at the same time engages in psychoanalytic practice as an ethical action, not in the name of the circulating discourse that is supposedly to promote happiness, but in the commitment to the painful loss which the existing discourse cannot not fail to address.

What is no less important to me is a broader historical implication of this model when it is examined side by side with the systems of thought I have discussed so far. By spatial separations, Kant sheltered the absolute free being from the domain of phenomena. As a result, as Bergson points out, freedom became unintelligible as it lies only in the unconditional obedience to the categorical imperative of the moral law. Both Hegel and Bergson, though not in the same manner, brought time into the picture and thus freedom into the phenomenal world. Hegel’s freedom is freedom *to* the law, through which the Spirit, the absolutely real ultimate being, dialectically culminates in the communal building of a rational State. Bergson’s is freedom *from* the law, which is achieved through discontinuous leaps that durational being alone can afford. Both for the Kojévian- rendered Hegel and for Bergson, nature, essentially repeating itself, is associated with space, whereas the spirit, transforming itself and the world, must be a correlative of time. It is this aspect of time, that is, time as the indispensable condition for the free creator of history, that Lacan abandoned between “The Function”, in which he repeatedly warned psychoanalysts against terminating their therapeutic meeting according to the clock time

rather than the internal dialectical time (that overlaps with historical time), and *The Ethics*, in which he turned Kant upside down or inside out via Freud. According to this operation, man is still a creator insofar as his unconscious creates objects that signify, such as discourse, myth, artistic forms, and even nuclear bombs. But right next to these objects emerges simultaneously the Thing, or the absolute Other, which is to be remembered as the prehistoric destruction, and in the constraint of which time begins and recurs. There is no history to be remembered prior to Words, and no history to be made beyond signifiers. Whereas Bergson, whose “naturalistic inadequacy” displeased Lacan (2002, 29), saw beyond language a frontier waiting to be explored by the spirit of exceptionally creative individuals, Lacan sees there an absolute darkness.

What should be emphasized through these comparisons are the relocations of what used to be called absolute being. Among all the systems of Kant, Hegel, Bergson, and Freud/Lacan that relocate it in various ways, only *Das Ding* (The Thing) in the last is the absolute that does *not* create. Therefore, according to Lacan, it is Freud who completed the elimination of God. Paradoxically, it is not because Freud killed God, but because he relocated it in the unconscious by means of the myth of the murder of the father. For, as Lacan argues elsewhere, “the true formula of atheism is not God is dead—even by basing the origin of the function of the father upon his murder, Freud protects the father—the true formula of atheism is God is unconscious” (1977[1964], 59). In other words, in evolutionist thought, as in Bergson, “although God goes unnamed throughout, he is literally omnipresent” (Lacan 1992, 213), whereas

it is only from the point of view of an absolute beginning, which marks the origin of the signifying chain as a distinct order and which isolates in their own specific dimension the memorable and the remembered, that we do not find Being [l'être] always implied in being [l'étant], the implication that is at the core of evolutionist thought (Lacan 1992, 214).

The condition of our time, according to Lacan's view, is that in which man can no longer be the protagonist of history. This diagnosis, which in turn has become part of our intellectual and lived world, coincides with that of Foucault, condensed in his famous 1975 statement that “the soul is the prison of the body” (1977, 30), in which the soul, or what once was called spirit, becomes radically disconnected from time, and correlated to space. On the other hand, Lacan's ethical commitment to this world lies in viewing it as an aftermath of destruction. Perhaps the one final question would be until when we shall live in such temporality? Or is it possible to ask this question in the first place given that Lacan's model excludes the possibility of having at our disposal an outside of what is given in our language? While I obviously do not have an answer to

the first question, I am inclined to say yes to the second one because a radical reading of *The Ethics* seems to suggest that this model itself, the image of the universe of which the center shares the same darkness with its exterior, is a cultural product that can be historicized. And, for that matter, the text also seems to encourage its reader to appreciate Freud's writing in its historical cultural particularity, that is, as that which emerged out of Europe, after its long commitment to and struggle with its God, at the beginning of the 20th century.

The Wall

At the end of the current philosophical inquiry, it should be recalled that this dissertation started with an epigraph taken from Lacan, which posited us up against the wall — the wall of language. That outer darkness Lacan pointed to beyond this wall was the zone of total destruction named *Das Ding*, where no signification is possible, and around which we — our bodies, our words, our goods — can only gravitate. With *Das Ding* introduced into our understanding of trauma, trauma no longer merely designates a discrete etiological event, but becomes the concept to designate our relationship to the aggregation of violence as such.

I stood before this wall with Fang Surong in her living room, where she suddenly began to enact her story before I even started to explain my research project to her. Trying to capture the uncanny feeling of this experience, I wrote in Chapter 1:

To me, as much as this sudden unfolding of Fang's story was puzzling, it was also terrifying. Because every scene was predictable, I was not as shocked as Qiuyu apparently was. Instead, I felt powerless as one would feel when there was nothing one could do to stop things from developing in an extremely unpleasant but completely familiar way. This experience was morally unsettling as well. On the one hand, I was reminded of the pain that I had felt upon reading Fang's testimony for the first time, the pain of the four year old who had nowhere to return but the pile of corpses. That shock, I realized on the other hand, had already subsided in the course of my repeatedly reading her testimony. I tried to revitalize that initial pain in myself, by feeling the pain that Fang seemed to be feeling in front of me, so that I could feel morally secure about my relationship to her loss. But my attempt was in vain. Out of my hope to be an empathic listener, I looked in front of me for a person to empathize with. But I could not find one. It seemed as though Fang Surong had been swallowed up by her story.

In other words, I looked for, and lost sight of, the victimized Fang at the limits of the language of victimhood that had circumscribed her testimonial life. My encounter with Fang was a missed one, but it also came back time and again in my memory, together with the uncanny feeling, precisely because it had been missed. Likewise, I stood up against this wall, as the Yu County women stood on the same side with me, when I read through their court documents. I also missed my encounters with them: I could not find these women along the varying scales of signifying chains that configured what I call the legal space of aftermath. They were at once “comfort women” and “women in the pillbox,” but I knew that they were neither of these. I do think that even the supposedly politically correct term I used throughout the chapter, military sexual slavery, failed to capture the full extent of their pain. Yet in my ears I still hear the recurring voice of Wan Aihua, one of the Yu County women whom I met in her hospital room years after the closure of her litigation: “We have to bring more lawsuits!”

Epilogue: Writing as an Ethical Act

The last chapter's analysis of Lacan's text has yielded the metaphor of Kant's still and stable house turned upside down so that we must recurrently push back the ceiling in order to prevent the foundation of the world, which is now above our head instead of being beneath our feet, from constantly falling down on us. I have conceived of this metaphor in trying to understand what Lacan offered as the kernel of his ethics of psychoanalysis. But it also serves as the metaphor for my own act of writing as an ethical practice in relation to the violence committed in the last century. What I call a space of aftermath — a space in which the present is understood and problematized *in relation to* destructions in the past — was once actualized in the physical space of the courtrooms in Japan, owing to those litigators' arduous efforts to sustain their legal practices. That actual space has disappeared due to the judicial closures. Instead of letting the closures also close our possibilities to encounter the litigators and their pains, I have tried to retain that space in the pages of this dissertation, describing and analyzing the space's emergence (Chapter 1) and configurations (Chapter 2). I have repeatedly shown how my effort to encounter the pain of the Chinese plaintiffs missed its target, and how my desire to empathize with them was prohibited. That was how I attempted to exercise my ethical obligation as an ethnographer standing in a space of aftermath.

At the same time, I may also view this inquiry as my belated answer to what the annihilation of the people under the explosion of the Atomic Bomb “created on the frontier of [my] domain” (Lacan 1981, 62). As I spent my childhood in the outer reaches of Hiroshima Prefecture, Japan, during the country's affluent 1980s, I was inundated with plenty of commemorative occasions and representations pertaining to the Atomic Bomb, due my relative proximity to the city of Hiroshima. In particular, when I was nine years old or so, I repeatedly read *Hadashi no gen* (The Barefoot Gen), a series of graphic novels or manga authored by Nakazawa Keiji, who was himself a Hiroshima survivor, also known as a *hibakusha* (literally, an “exposed person”). One particular imagery in the manga — an image of the devastated city in which a number of bodies of those who had just been exposed are out on the landscape, wandering with their arms held in front of them, with skin from their bodies dripping down from their outstretched arms — was especially horrifying. Hiroshima came to occupy the space of destruction within me. Yet I kept peeking at these comics until one day, I started to secretly but keenly look for spots and blotches on my own skin, to find signs of that space appearing on the surface of my body — as symptoms of illness (despite the fact that none of my grandparents had been exposed to the radiation). Later I became “cured,” although I do not remember how. But twenty years later, I completely collapsed when I read a memoir written by a Hiroshima survivor, and noticed that she referred to those wandering bodies and said that they were holding

their arms out in front of them to avoid dragging their skins on the ground and causing them even more pain. Up to that moment, I had not realized that those wandering bodies were alive, feeling pain on those skin hanging off of their bodies. At that time, I thought that I finally encountered those who had perished under the Atomic Bomb, and that I became finally completely cured. Yet somehow, the space of destruction did not let go of me: I have still been gravitating around it by writing this dissertation.

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