

# A Critical Appraisal of the 'Comfort Women' Agreement between Japan and South Korea

Written by Kazuya Fukuoka

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<https://www.e-ir.info/2016/03/30/appraising-the-comfort-women-agreement-between-japan-and-south-korea/>

KAZUYA FUKUOKA, MAR 30 2016

On December 28, 2015, the Japanese and South Korean governments announced that the two countries agreed to settle the comfort women issue. The announcement was a surprise to many as the bilateral relations between the two U.S. allies has been hitting the lowest level for years. Domestic as well as international media responded to the news positively. Washington also welcomed it.

There are mainly five points in this agreement. First, the Japanese government will provide one billion yen (about \$8.5 million) to build a fund that will support the former comfort women. The fund will be administered by the Korean government. Second, the Japanese government will issue an apology with “the acceptance of ‘deep responsibility.’” Third, with the above premises fulfilled, the government in Seoul will take the above as the “[final] and [irreversible]” resolution of the issue. Fourth, the South Korean government will also work on removing a comfort women statue which was built outside of the Japanese Embassy in Seoul in 2011. Fifth, both governments “have agreed to refrain from criticizing each other on this issue in the international community.” [1]

What does this agreement mean to two countries? Will this provide closure on the issue?

### Reading the December Agreement

First of all, the agreement would enable a long-stalled bilateral relationship to move forward. The two governments, together, can now deal with other (more pressing) issues such as China’s growing military presence and North Korean nuclear crisis. In this sense, the agreement was certainly a victory for the United States, which was reported to have played a major behind-the-scenes role in the negotiation process.[2]

More concretely, the first two promises, including the Japanese government’s monetary compensation (#1) and official apology (#2), show a great deal of compromise from both parties. The deal #1 could probably avoid criticism that the Asian Women’s Fund (AWF) in the 1990s suffered. When this *private* fund was created in July 1995, then Prime Minister (PM) Tomiichi Murayama promised that he would write a letter of apology to each victim. However, the great majority of former victims in Korea (and the human rights organizations in Japan and Korea who collaboratively initiated and led the campaign) condemned AWF since they believed that the compensation must be undertaken by the Japanese government. They claimed that the Japanese government could convey its acknowledgement of guilt only through official compensation. The fund was thus deemed as “an insult to the war victims and a desecration.”[3]

The deal #2 (official apology with “the acceptance of ‘deep responsibility’”) is also critical as the Japanese government has been criticized for eschewing its responsibility, and its official apologies have continuously failed to be considered as sincere. There has been an observable pattern in which official apologies by prime ministers were immediately followed by conservative backlashes over the years. In Norihiro Kato’s famous phrase, this represented Japan’s self-contradicting national psyche characterized as *Jekyll-and-Hyde*. In terms of a war apology, “Dr. Jekyll apologizes, but then Mr. Hyde comes forward and calls the Nanjing massacre a frame-up or otherwise contradicts Jekyll’s sentiments.” This self-contradiction was partly responsible for Japan’s “perpetual failure to apologize in a

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manner that inspire[d] confidence.”[4] The pattern became more conspicuous especially after the appearance of liberal prime ministers such as Morihiro Hosokawa and Murayama in the mid-1990s. Accordingly, viewed from the outside, Japan never seemed to act as a collective totality.

Through the deals #3 (the agreement is final and irreversible) and #5 (each party will refrain from criticizing each other), it is obvious that the two governments tried to bring closure on this issue. In this context, the South Korean Constitutional Court preempted a further review of the 1965 compensation treaty between Japan and South Korea and maintained that the treaty “was never meant to serve as a standard for providing individual compensation.”[5]

With the deal #4 (the removal of a comfort women statue in Seoul), Japan will get what it has long wanted.

## Problematizing the December Agreement: Thin vs. Thick Reconciliation?

There are arguably four core elements in the process of political reconciliation, including truth-telling (and acknowledgement of guilt), apology (including restitution/compensation), communal trust, and (eventual) forgiveness.[6] Most simply put, within this ideal-type framework, offenders first need to acknowledge and apologize for the past offense and compensate for the damages they caused. Then, victims, accepting (and/or empathizing with) the offenders' remorse, forgive the past offense. This is a very ethical action on the part of victims, voluntarily renouncing the right to punish offenders. This so-called restorative justice approach pursues eventual communal healing among the parties.

It is noted that memory issues have been deeply embedded in the socio-cultural milieus of the two societies. Especially in South Korea, the comfort women issue touches upon the very core of South Korean collective identity. Although the two governments aimed to make the agreement final and irreversible and the agreement was carefully schemed, the main goal of the agreement rather lies in the peaceful co-existence of the two U.S. allies in Northeast Asia for strategic purposes. In this regard, even if the two governments made successful implementations of the promises spelled out in the current agreement, the reconciliation outcome would be “thin” at best; it could not yield “thick” reconciliation the above four-step process envisions.[7]

Also importantly, while the deal #2 promises an official apology with “the acceptance of ‘deep responsibility,’ ” would PM Shinzo Abe's apology be appealing to the international community? Apology is a speech act and the question of who performs the act is critical. He is the very person who has been questioning the validity of both Kono Statement (1993) and Murayama Statement (1995) (although the administration has maintained that it follows them).[8] PM Abe's 70<sup>th</sup> Anniversary Statement last summer was also very ambiguous. It was widely reported that PM Abe struggled to produce a diplomatically acceptable statement without compromising his revisionist position. There have been also reports on disagreements among his advisers on how to use certain key phrases in Murayama Statement (such as “colonial rule and aggression,” “feelings of deep remorse,” and “heartfelt apology”). Although the statement eventually included “deepest remorse” and “sincere condolences,” it is highly questionable if it was interpreted as a sincere apology. Furthermore, PM Abe explicitly denies “intergenerational responsibility” of current/future generations.[9] China's state-run Xinhua news called the statement “linguistic tricks” and South Korea's Yonhap was also disappointed as the statement “made no new apology ... falling short of South Korea's expectations.” [10]

In this conjunction, the December agreement also lacks the concern for communal trust in reconciliation process, i.e., trustworthiness (or, civic trust) between (former) offenders and victims.[11] Nicholas Tavuchis emphasizes the norm affirming nature of the act of apologizing. For the act of apology re-orient moral standards of the society. In this regard, apology is also constitutive by nature.[12] Through political apology, former enemies (ideally) nurture mutual trust for eventual reconciliation. Moreover, as Aaron Lazarre's famous phrase suggests, the act of apology is the exchange of shame and power. While the act of apology is intersubjective, it is at the same time asymmetrical: the victim has the power to accept (or not to accept) apologies.[13]

According to Michel-Rolph Trouillot, collective apology of historical wrongs is inherently *abortive* as it never embodies those original actors who committed the wrongs and who suffered from them.[14] As public remorse is only possible by contemporary *proxy*, [15] apologizers and apologizees who can never truly feel the pain of the past,

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hence fail to be relevant actors. PM Abe would certainly echo this. Trouillot, however, misses one important point. That is, "what makes a ritual effective is not participants' ability to experience the feelings of forebears but to experience the feelings of one another." [16] In other words, what matters here is "the capacity to feel and express remorse and empathy for the victims' pain." [17] By saying that later generations should not be obliged to keep apologizing for the past wrongs that occurred long before they were born, PM Abe thus fails to recognize the importance of confidence building at the societal level.

Finally, in this very context, the deal #4 (the removal of a comfort women statue in Seoul) is a potential time-bomb. As the comfort women statue in Seoul has been established as one of the most iconic symbols of the comfort women issue in South Korea, the removal (especially if forced) would further complicate the already troubled bilateral relations. There are already questions raised from the former victims about the agreement. [18] It is not difficult to foresee that the public outrage with the removal would backfire on other issues, including the territorial dispute over Takeshima/Dokdo. In Japan, too, the public perception toward Korea has been markedly deteriorated in the recent years. Japanese people are now more pessimistic about the future relationship with Asian neighbors and many feel apology fatigue: why do the Japanese have to keep apologizing?

As Field cogently claims, collective apologies are in the end meant to be future-oriented: "[a]pologies are made *to* the victims of past wrongdoing but *for* the shared present of victims and apologizers, and most of all, for the sake of a common future." [19] If PM Abe and President Park Geun-hye genuinely seek for true (or, "thick") reconciliation between the two countries, what we need to see is a future vision, or a grand scheme within which the current agreement is contextualized. Otherwise, the December agreement would end up being another not-so-effective, short-term painkiller yet with (potential) side-effects.

## Notes

[1] *BBC NEWS*, "Japan and South Korea agree WW2 'comfort women' deal," December 28, 2015

<<http://www.bbc.com/news/world-asia-35188135>>

[2] *The Guardian*, "Korean comfort women agreement is a triumph for Japan and the US," December 28, 2015 <<http://www.theguardian.com/world/2015/dec/28/korean-comfort-women-agreement-triumph-japan-united-states-second-world-war>>

[3] *New York Times*, "Japan Fund for War's 'Comfort Women' is in Crisis," May 13, 1996.

[4] J. Victor Koschmann, 2000, "National Subjectivity and the Uses of Atonement in the Age of Recession," *The South Atlantic Quarterly*, 99(4): 747-48; Cf. Tessa Morris-Suzuki, 1998, "Unquiet Graves: Kato Norihiro and the Politics of Mourning," *Japanese Studies*, 18(1): 21-30.

[5] *Asahi Shimbun*, December 25, 2015 <[http://ajw.asahi.com/article/asia/korean\\_peninsula/AJ201512230070](http://ajw.asahi.com/article/asia/korean_peninsula/AJ201512230070)>. Previously, in 2011, the South Korean Constitutional Court ruled that it was unconstitutional that Seoul had failed to pursue a solution with the Japanese Government, including Japan's compensation to the former Korean victims. This failure "constitutes infringement on the basic human rights of the victims and a violation of the Constitution." See *Asahi Shimbun*, August 31, 2012 <[http://ajw.asahi.com/article/behind\\_news/politics/AJ201208310080](http://ajw.asahi.com/article/behind_news/politics/AJ201208310080)>

[6] Mark Amstutz, 2005, *The Healing of Nations: The Promise and Limits of Political Forgiveness* (Lanham, MD: Rowman & Littlefield).

[7] Zohar Kampf and Nava Löwenheim, 2012, "Rituals of Apology in the Global Arena." *Security Dialogue* 43(1): 43-60.

[8] The so-called Kono Statement in 2013 admitted Japanese military's involvement in the recruiting process of comfort women. On August 15, 2015, PM Murayama expressed his "heartfelt apology" for the "tremendous damage

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and suffering” that Japan’s “colonial rules and aggression” had caused, which has since become Japan’s official position.

[9] For the concept of intergenerational responsibility, see, for example, Janna Thompson, 2012, “Is Political Apology a Sorry Affair?” *Social and Legal Studies* 21 (2): 215-225.

[10] *The Guardian*, “Japanese PM Shinzo Abe stops short of new apology in war anniversary speech” (August 16, 2015) <<http://www.theguardian.com/world/2015/aug/14/shinzo-abe-japan-no-new-apology-second-world-war-anniversary-speech>>

[11] Pablo de Greiff, 2008., “The Role of Apologies in National Reconciliation Processes: On Making Trustworthy Institutions Trusted”, in Mark Gibney, Rhoda E. Howard-Hassman, Jean-Marc Coicaud and Niklaus Steiner (eds.), *The Age of Apology: Facing Up to the Past*, pp. 120-136 (Philadelphia: University of Pennsylvania Press).

[12] Nicholas Tavuchis, 1991, *Mea Culpa: A Sociology of Apology and Reconciliation* (Stanford, CA: Stanford University Press).

[13] Aaron Lazare, 1995, “Go Ahead, Say You’re Sorry.” *Psychology Today* 28(1): 40-43, 76-78.

[14] Michel-Rolph Trouillot, 2000, “Abortive Rituals: Historical Apologies in the Global Era,” *Interventions*, 2(2): 171-86.

[15] Girma Negash, 2006, *Apologia Politica: States and Their Apologies by Proxy* (Lanham, MD: Lexington).

[16] Kazuya Fukuoka and Barry Schwartz, 2010, “Responsibility, Regret, and Nationalism in Japanese Memory,” in Mikyoung. Kim and Barry Schwartz (eds), *Northeast Asia’s Difficult Past*, p. 87 (London: Palgrave).

[17] Norma Field, 1997, “War and Apology: Japan, Asia, the fiftieth and after,” *Positions*, 5(1): 34.

[18] *The Wall Street Journal*, “Japan-South Korea ‘Comfort Women’ Deal Faces Backlash in Seoul,” January 3, 2016. <<http://www.wsj.com/articles/comfort-women-deal-faces-backlash-in-seoul-1451557585>>

[19] Field, “War and Apology,” 37 (Emphasis in original).

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