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**Symbolic Meanings of Historical Injustices:
Attitudes of South Korean Students to Japan's Policy of Dealing with the Past**

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Symbolic Meanings of Historical Injustices:

Attitudes of South Korean Students to Japan's Policy of Dealing with the Past

Roman David

This paper hypothesises that policies of dealing with the past carry symbolic meanings, which either facilitate or hamper victims' perceptions of justice. The symbolic meanings communicated through compensation, trials, and apologies express the disassociation of the wrongdoer from the wrongdoing. In the eyes of victims, they indicate whether or not the wrongdoers are genuinely interested in dealing with the past. In order to test this hypothesis, we have devised an experimental vignette which manipulates financial compensation, trial, and apologies in a 2x2x3 factorial design. The vignette was embedded within a questionnaire, which was randomly assigned and distributed within a group of South Korean students. The outcome variable was "historical justice", which comprises a scale of six questions. The results of the analysis obtained from the general linear model show that financial compensation, trial and apologies are all significant predictors of justice perceptions; more importantly, these policies interact with one another in terms of influencing justice perception, thereby indicating that a successful policy to deal with historical injustices must incorporate compensation, trials and apologies. The absence of one of these three dimensions in terms of dealing with the past would significantly undermine the overall success of the policy.

Introduction

The problems of dealing with the past reverberate with various degrees of urgency in many countries around the world. For instance, post-military regimes in Latin America and

Southern Europe, post-socialist Central and Eastern Europe, many African countries which have experienced a civil war, authoritarian regimes and/or genocide, and also increasingly various countries in Asia, have all witnessed some form of demands for historical justice. In particular, the last two decades have witnessed the rapid spread of international criminal tribunals, reparation claims, truth commissions, lustration programmes, demands for apologies, and various forms of grassroots justice. In many countries, however, these policies were either inadequately implemented, or have largely failed.

Commentators often point out the stark contrast between Germany and Japan. Both countries started World War II, during which they committed atrocities which were so gruesome that they challenged the very foundations of human civilisation. Both countries also experienced and implemented very similar policies of dealing with the past. Their perpetrators were prosecuted at Nuremberg and Tokyo trials, both paid reparation payments, and both expressed regrets over their pasts. However, whilst Germany is widely accepted as a good neighbour in Europe and indeed a friend of the Jewish State, Japan is far from being accepted in Asia. This puzzle leads to a number of questions: Why have some countries been more successful than others in terms of dealing with legacies of wars, civil wars and authoritarian regimes? What factors inhibit citizens of victimised countries from accepting that justice has been done?

This paper addresses the puzzle. It theorises that: (i) crimes committed in political contexts carry deep symbolic meanings; (ii) policies of dealing with the past also carry such symbolic meanings; and (iii) ignorance of these symbolic meanings is the reason for their failure. Through crime, the transgressor communicates his dominance which he has over his victim. On the other hand, the symbolic meaning may help the transgressor to deal with the

consequences that the crime inflicts upon his victim. In his attempt to redress historical injustices, the transgressor conveys a message to the victim through which he communicates that he deserves to be accepted as a reformed person. In this sense, measures of dealing with the past comprise a set of gestures which fundamentally form one organic whole; if one policy of dealing with the past fails, the entire process of dealing with the past would fail. For instance, financial compensation without apology is as inefficient as apology without financial compensation.

In order to test these hypotheses, this study designed an experimental survey in South Korea. An experimental survey is a social science method which has been praised for its ability to combat endogeneity. In order to reduce survey costs and to effectively study interaction terms, the survey adopted a 2x2x3 fully-crossed factorial design, which manipulated proxies for financial compensation, punishment, and apologies. South Korea is an optimal research site: it has unresolved problems from the past vis-à-vis Japan, which occupied Korean Peninsula until 1945.

Expressive Theory of Crime and Punishment

The global spread of transitional justice as an emerging field of an interdisciplinary enquiry is not matched with the spread of theories that would be able to explain its origins and comprehend its impacts. The rational paradigms which dominate political science, and the theories of retributive justice which dominate legal enquiry, often fail to capture the social meanings of intangible policies, such as truth-telling, apology diplomacy, and reconciliation policy. Likewise, researches in criminology and victimology have focused on the tangible consequences of crimes, such as injuries and economic losses; social impacts of crime on family and community life; and psychological consequences of crime, such as damage to

self-esteem and post-traumatic stress disorder (e.g., Wallace 1998). However, the focus on the study of the observable or obvious consequences of crime has overlooked the deep symbolic meanings of crime. By symbolic meanings, we understand an expressive dimension of tangible acts (Edelman 1964, 12).

As opposed to considering crime through the prism of established legal theories, several legal theorists (e.g., Murphy & Hampton 1988; Kahan 1996; Murphy 2003) have shown a greater sense for the understanding of the meta-reality of observable social processes. According to them, crime may be effectively analysed through the expressive dimension which it inherently carries. Similar to other social processes, crime may be viewed as a method of symbolic communication through which the transgressor conveys a message of dominance over his or her victim: by committing a crime, the transgressor shows disrespect for the victim, denies the victim's dignity and challenges his or her moral worth and, at the same time, demonstrates his or her domination and superiority over the victim. Crime therefore creates a moral inequality between victims and transgressors. According to Murphy, crimes are symbolic communications: "They are ways a wrongdoer has of saying to us, 'I count but you do not'... 'I am here up high and you are there down below'... Intentional wrongdoings *insult* us and attempt to *degrade* us — they involve a kind of injury that is not merely tangible and sensible" (Murphy, 1988, 25). In other words, victims of crime are "humiliated". The word "humiliation" has its roots in the Latin word "humus", which entails "a downward orientation, literary a 'de-gradation', or your face being put down into the mud" (Lindner, 2002).

However, gross human rights violations and other political crimes are specific instances of crimes; in fact, they exert another layer onto typical crimes. Political crimes have been

committed in particular political contexts; they are frequently perpetrated or tolerated by the state and its criminal justice system, and the unfavourable political and social conditions tend to persist even after the crime has been committed. The systematic, political, structural, and temporal dimensions make a political crime quite distinct from other crimes. “Mere crimes” may be economically motivated one-off acts, which are subsequently tackled by state institutions and quickly resolved. A thief who steals a bicycle shows little respect for the victim; the victim consequently feels angry but then reports the theft to the police, who subsequently catch the transgressor. As a result, the victim is able to feel even pity for the perpetrator considering how silly it was to end up in jail. On the other hand, however, the situation is quite different when a victim is systematically wronged when the acts are tolerated—or even initiated—by authorities which impose sanctions against the victim as opposed to the transgressor, and when they occur with the silent consent of society. Political crimes can then be stated as carrying a politically symbolic dimension (David & Choi. 2005; 2009; cf. Becker *et al.*, 1990); they project the power hierarchy in the violent conflict or the authoritarian regime onto the dignity of victims. Victims thus suffer twice: they are victims of crime and victims of its political nature.

If a crime creates an inequality between victims and transgressors, transitional justice then has to address the numerous consequences of political crime. Consequently, an effective redress of the consequences of political crimes requires an adoption of a number of measures: (i) re-establishing the dignity of victims and empowering them economically, socially, and politically; (ii) addressing their inequality vis-à-vis transgressors by taking criminal, administrative, or shaming sanctions against transgressors; and (iii) promoting equality in their relationship. Thus, reparatory policies which address victims, retributive policies which

address transgressors, and reconciliatory policies which address both, ultimately form a basis for a successful transitional justice programme.

All transitional justice policies carry symbolic meanings that express the extent to which the transgressor has been reformed. Punishment symbolises that the transgressor relinquished his illegitimately acquired position of dominance and superiority. Financial compensation functions as a transgressor's expression of regret—as an irrevocable admission that crime has occurred. Apology enables the transgressor to be dissociated from his wrongdoing: by making such an apology, the transgressor admits that he has committed the crime and demonstrates his willingness to renew the relationship with the victim; in other words, not only financial compensation and punishment, but also apologies can contribute to historical justice. These bring us to the first set of hypotheses:

H1: Financial compensation contributes to historical justice.

H2: Punishment contributes to historical justice.

H3: Apologies contribute to historical justice.

In this set of hypotheses, only the apologies exclusively represent the symbolic policies of transitional justice; financial compensation and punishment are policies which exert both tangible and intangible dimension. If significant, critiques would point out their tangible dimension, thereby disregarding their symbolic meaning. The expressive theory of transitional justice proposed in this paper would not have any particular effect. Rather, in order to demonstrate their symbolic meaning, our analysis has to proceed to another level.

Policies of transitional justice form an organic whole. They consist of several individual responses to a single instance of injustice. If crime has a symbolic meaning which essentially creates inequality between a victim and a transgressor, the redress of crime then has to empower the victim, downgrade the transgressor, and renew the equality in their relationship. Thus, if the perpetrator is not punished, the victim may view the compensation with a suspicion that intends to silence his or her demands for justice. Thus, Mothers of the Plaza di Mayo refuse to accept compensation from the Argentinean government for this precise reason: they see compensation as blood money through which the government tries to buy its way out of culpability for crimes which have occurred in the past.

Similarly, the effect of financial compensation may be undermined by the denial of the atrocities of the past. The message of denial is exactly the opposite to that of apologies: it signifies the continuing superiority of transgressor. For instance, Japan sought to compensate China but, at the same time, tried to sustain its superiority over China by providing China with “humanitarian aid”; thus, it is suggested here that financial compensation without apologies are as ineffective as apologies without financial compensation. Consequently, transitional justice policies are conditional upon each other, which brings us to another set of hypotheses:

H4: Financial compensation contributes to historical justice under the condition of apology.

H5: Punishment contributes to historical justice under the condition of apology.

H6: Financial compensation contributes to historical justice under the condition of punishment.

Naturally, if conditionality expressed in a hypothesis is valid in one direction, it is also valid in another direction. For instance, H4 may be reformulated in the opposite direction: apology contributes to financial compensation under the condition of financial compensation.

More importantly, our considerations have suggested that policies of transitional justice form an organic whole; this means that all of the policies are conditional upon each other. All transitional justice policies acting in accord enable the actors in the former conflict to redefine their identities of victims and transgressors, respectively. Only comprehensive policies of transitional justice would allow them to disassociate themselves from the past. This means that we can formulate an overall hypothesis which, if valid, would supersede other hypotheses:

H7: Apologies contribute to historical justice under the conditions of punishment and financial compensation.

Redress of Injustices Committed by Japan in South Korea

South Korea is an optimal research site for the reconciliation studies. While most countries underwent a single process of dealing with the repressive past, and some countries, e.g., former Yugoslavia underwent a double process of dealing with socialism and the civil war, South Korea has three reasons to be involved in a process to reconcile historical injustices: dealing with the colonization and occupation of Korean Peninsula by Japan; dealing with legacies of the Korean war and its reconciliation with North Korea; and dealing with its own authoritarian past. The focus of this study is on the first topic that is relevant to other countries in Asia, which were affected by Japanese war atrocities.

According to our analytical framework, we can distinguish three types of policies of transitional justice: (i) reparatory, (ii) retributive, and (iii) reconciliatory policies. They were all pursued by Japan but Japan put all the effort to maintain its superiority.

(i) Japan has not compensated South Korea. However, in 1965, both sides reached a “settlement” that effectively granted compensation without calling it “compensation”. In exchange, South Koreans had to give up their compensation claims. The previous analysis has shown that this must have been a humiliating act for South Koreans. The North Koreans on their part have refused to accept the settlement for precisely the same reasons – unless Japan changes its stance over the terminology (Manyin 2001). Thus, in order to “save its face”, Japan has lost a great opportunity to deal with historical injustices.

Yet not all compensation claims were nullified by the treaty. Among them was compensation for the so-called “comfort women”, whose plight had not brought to light until the late 1980s. The Japanese government again refused to accept any responsibility for the compensation of “comfort women.” It nevertheless encouraged Japanese companies to set up an “Asian Women’s Fund.” This enabled the Japanese government to show a gesture of good will and at the same time maintain its defiant position against the issue of direct reparation. Likewise, it refused to accept responsibility for slave labour on the pretext that it did not concern those who were employed by the government (Asahi Shimbun 2005). Individual reparation claims through Japanese judiciary were also largely unsuccessful. The government refers claimants to courts and courts refer them back to the government.

(ii) Japanese war criminals were tried at the Tokyo trial. However, many Japanese witnessed the trial without any reflection on its history. For many of them, it was a continuation of the

war. They lost the opportunity to assign the guilt to the military leadership, which was an original intention of Allies in setting up both Nuremberg and Tokyo trials (Hicks 1998, 128), and clear the nation of its “sins” in the same way as Germany did. Thus, neither Japan’s militarism nor the Japanese nation was defeated in World War II. The denial enabled the old as well as new generations to avoid the questions of responsibility. The US bombing of Japan’s civilian population in 1945 and victor’s justice in Tokyo trials facilitated this social construction in the post-war period (Buruma 1994).

(iii) Japan however apologized for its atrocities committed in Asia. The latest apology was issued at the opening of the Asian-Africa Summit in 2005. Unfortunately, this apology was issued to the people of Asia, not to South Koreans. Moreover, this apology policy has been undermined by the lack of self-reflection in the recurring debate over school textbooks during last quarter of century and frequent visits of Japan’s politicians to the Yasukuni Shrine enshrined “souls” of 14 major Japanese war criminals, convicted at the Tokyo Trial. The visits of Japanese Prime Ministers may be called “regular” for they have taken place every year since 2001 until 2006, especially during the tenure of the Prime Minister Koizumi. Previously, Japanese PMs visited the shrine only ‘occasionally’: PM Nakasone in 1985 and PM Hashimoto in 1996. No one could imagine that any German Chancellor would go to worship Nazi criminals as his Japanese counterpart has done repeatedly.

Research Design

In order to effectively test the aforementioned hypotheses, this research adopts an experimental design. Experiments are becoming an increasingly important method of social and political research (Druckman *et al.* 2006). They have been praised for their ability to establish causal relations (Sniderman & Grob 1996) and for simulating real-life situations

(Gibson & Gouws 2003). The experiment was attitudinal, comprising an experimental vignette embedded within a survey of Korean students at the Seoul National University. It was based on 2x2x3 fully crossed factorial design which manipulates financial compensation, punishment and apologies. The factorial design was used in order to cut research costs (Neuman 2000) and to effectively study the conditionality in our hypotheses which is manifested in the interaction terms.

The experimental vignette consisted of three parts. The first part told a story of a comfort woman, Mrs Kim (which is a typical Korean surname). The term “comfort women” may sound euphemistic to outsiders; however, it has become an officially used term referencing the sexual slavery experienced by Korean, Chinese, Filipino, Indonesian and other Asian women during the Japanese occupation or colonial rule. The plight of “comfort women” has been an issue on political agenda since the late 1980s, when survivors’ stories and historical evidence started to challenge the cover-up made by Japanese authorities (Hicks 1994; Yoshiaki 2000; Stetz & Oh 2001).

The vignette then proceeds to mention Mr Takahashi, one of the officers of the Japan’s Imperial Army who was responsible for Mrs Kim’s slavery. The reference to the Imperial Army was motivated by the need to situate the story to its historical context (it was the official name of Japan’s army at that time) and to accordingly revive the memory of Japan’s imperialism and dominance. Notably, Takahashi was one of the most typical Japanese surnames.

The second part of the vignette was situated in the present. Mrs Kim found out that Mr Takahashi was still alive and, upon this revelation, demanded justice. The third part then

manipulated solutions to the story. Since Japan never compensated South Korea, and since it established Asian Woman's Fund to compensate victims, respondents heard that Mr Takahashi donated a financial gift to the retirement house in which the comfort women lived. The financial gift was therefore used as the closest realistic proxy for financial compensation. Other respondents then heard that he did not donate the financial gift, which signified an absence of compensation. Since many officers of the Japan's Imperial Army were punished soon after the war, the respondents heard that Mr Takahashi was punished, whilst others heard that he was not punished after the war. Finally, Japan never explicitly apologised for injustices of the past, although it expressed some regrets. It was realistic that an individual wrongdoer would apologise, express regret, or would not apologise at all. For this reason, the third factor had three levels: apology, regret, and no apology.

The 2x2x3 factorial design has generated 12 versions of the questionnaire. Each respondent heard only one version of the questionnaire. The most affirmative version stipulated that Mr Takahashi donated financial gift, was punished, and apologised. The most negative version mentions that Mr Takahashi did not donate any financial gift, was not punished, and did not apologise (see Appendices).

Dependent Variables:

In order to capture the level to which historical injustices have been overcome in each scenario, we have developed a *Historical Injustices* scale. Overcoming historical injustices was conceptualised as a process of establishing justice, redefining the role of the victim and that of the transgressor, and forgetting. The scale comprised six variables which captured: the general notion of historical justice; fairness of the transitional justice towards Mrs Kim; repayment a debt which Mr Takahashi was viewed as owing the society; the restoration of

Mrs Kim's dignity; the restoration of Mr Takahashi's dignity; and whether or not Mrs Kim should forget Mr Takahashi.

Respondents had five response categories on the Likert scale, ranging from "strongly agree" to "strongly disagree", capturing the neutral response. Since "justice" is a category that reflects certain balance, the neutral category was coded 0, strong disagreement -2, and strong agreement +2. The scale had a high reliability with Cronbach's alpha = 0.804. Thus, the six items were added together in order to create a scale ranging from -12 to +12.

Fieldwork

In the preparatory stage, the questionnaire vignette was developed and consulted with Korea experts amongst sociologists, political scientists, and practitioners. A double-blind reverse translation was then solicited in order to minimise any differences in the meanings of the translations. The fieldwork was conducted in South Korea between April 26 and April 27, 2010. The 12 versions of the questionnaire were copied, randomised, and distributed amongst the social science students at the Seoul National University. The questionnaires were then subsequently collected from three groups of students: two groups of students at the freshman level; and a heterogeneous group of older students at the student union. There was seen to be no significant difference between the three groups, which consisted of 20, 35, and 12 students, respectively. Thus, in total, 67 questionnaires were collected.

Analysis and Results

The data were imputed into SPSS. The analysis used the general linear model. In order to test our hypotheses, interaction terms were permitted in our model. Interaction terms are generally regarded as statistical expressions of conditionality; thus, our model tested the main

effects (hypotheses 1-3), the second order interaction effects (hypotheses 4-6), and a third order interaction term (Hypothesis 7).

The results of the analysis have met our expectations (see Table 1). The main effects of compensation, punishment, and apology are all highly significant ($p < 0.001$), providing a tentative support for hypotheses 1-3. However, the third order interaction term compensation*punishment*apology was also statistically significant ($p < 0.05$) as hypothesised (H7). Moreover, the model is very reliable with $R^2 = 0.572$, and adjusted $R^2 = 0.487$.

These results can be clearly demonstrated by estimated marginal means (see Table 2 and Figure 1). The direction of the main effect of each of the instruments of transitional justice is positive. It means that financial compensation, punishment, and apology are able to reduce historical injustices. Curiously, the effects of compensation and punishment are very similar: 2.43 and 2.74, respectively. Apology, on the other hand, has the largest effect on historical justice. The mean score of apology is 3.17 points higher than that of regret; and 5.1 points higher than that of no apology. Given the reluctant attitude of Japan to apologise, and also considering its frequent avoidance of apology by expressing regret, it is not surprising that the effect of regret is only 1.93 points over no apology. The post-hoc test (Table 3), however, reveals that the effect of regret significantly differs to that of no apology; this means that it is still better to express regret than for there to be no apology at all.

In the final step of our analyses, we have disentangled the historical justice scale and analyzed its components separately. We sought to find out which aspect of historical justice can be effectively overcome by the interplay of transitional justice policies. The method was

inductive and exploratory. It served to set limitations to the universal validity of our final and the most important hypothesis, which stipulated conditionality. We have found that the third-order interaction term is the only significant predictor of “forgetting”, while it fails to reach a statistical level of significance in other variables. It means that respondents are consciously willing to put the past behind by forgetting if they hear about compensation, punishment, and apology. On the other hand, the final sets of results do not support the dissociation of wrongdoer from his wrongdoing, upon which our theory is based.

Conclusion

Our analysis has provided preliminary support for the critical hypothesis (H7), which captured the symbolic meaning of policies of dealing with the past. On the one hand, financial compensation, criminal trials, and apologies are all able to reduce the severity of historical injustices; on the other hand, these policies have to act in accord in order to contribute to the successful redress of historical injustices, in particular by facilitating a willingness to forget the past. They are a part of an organic whole which may be undermined if any of its components are absent.

Although the above results are only based on the analysis of preliminary data, they nevertheless tentatively suggest some important policy implications. First, they explain the failure of Japan’s policies of dealing with the past towards South Korea. They provide clues as to why the South Koreans were never willing to accept Japan’s policy of dealing with the past as genuine. In particular, they explain, for instance, why the “settlement” was never accepted as an instance of financial compensation. Notably, Japan has not expressed any form of apology, which should have been included in the preamble of that bilateral treaty.

The findings also indicate a direction towards reconciliation between Japan and South Korea. Without financial compensation, investigation of war atrocities, and profound apologies, Japan can hardly achieve sympathy in Asia. The historical investigation, in particular, is equally important, although increasingly difficult; however, naming those responsible for gross human rights violations may help to establish accountability—even though many from the generation of main culprits are no longer alive. Furthermore, the findings also have implications for Japan's domestic politics. Japan's government should reconsider wasting taxpayers' money on projects that would inevitably fail without prior acknowledgment of its responsibility.

However, these findings are preliminary, and may reflect only the views of the elite (university students). To further validate these findings, the use of random samples from the nation as a whole would be required—a step that will be carried out in the next stage of this study. Moreover, the puzzle that indicates the critical role of forgetting begs for taking this research to another level, or another direction.

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Table 1

Tests of Between-Subjects Effects

Dependent Variable: Historical Justice

Source	Type III Sum of Squares	df	Mean Square	F	Sig.
Corrected Model	590.779(a)	11	53.707	6.692	.000
Intercept	1797.120	1	1797.120	223.928	.000
Compensation	98.382	1	98.382	12.259	.001
Punishment	125.147	1	125.147	15.594	.000
Apology	295.035	2	147.518	18.381	.000
Compensation * Punishment	17.362	1	17.362	2.163	.147
Compensation * Apology	9.524	2	4.762	.593	.556
Punishment * Apology	.947	2	.474	.059	.943
Compensation * Punishment * Apology	50.913	2	25.456	3.172	.050
Error	441.400	55	8.025		
Total	2871.000	67			
Corrected Total	1032.179	66			

a R Squared = .572 (Adjusted R Squared = .487)

Table 2

Estimated Marginal Means for Historical Justice

	Mean	Std. Error	95% Confidence Interval	
			Lower Bound	Upper Bound
No compensation	-6.417	.480	-7.379	-5.455
Compensation	-3.983	.503	-4.991	-2.976
Δ	(2.434)			
No punishment	-6.572	.503	-7.580	-5.565
Punishment	-3.828	.480	-4.790	-2.866
Δ	(2.744)			
No apology	-7.542	.593	-8.729	-6.354
Regret	-5.617	.606	-6.832	-4.401
Apology	-2.442	.606	-3.657	-1.226
Δ (regret – no apology)	(1.925)			
Δ (apology – regret)	(3.175)			
Δ (apology – no apology)	(5.1)			
No compensation*punishment*apology	-9.667	1.157	-11.984	-7.349
Compensation*punishment*apology	.200	1.267	-2.339	2.739
Δ	(9.867)			

Figure 1
The Effect of Transitional Justice Measures on Historical Justice

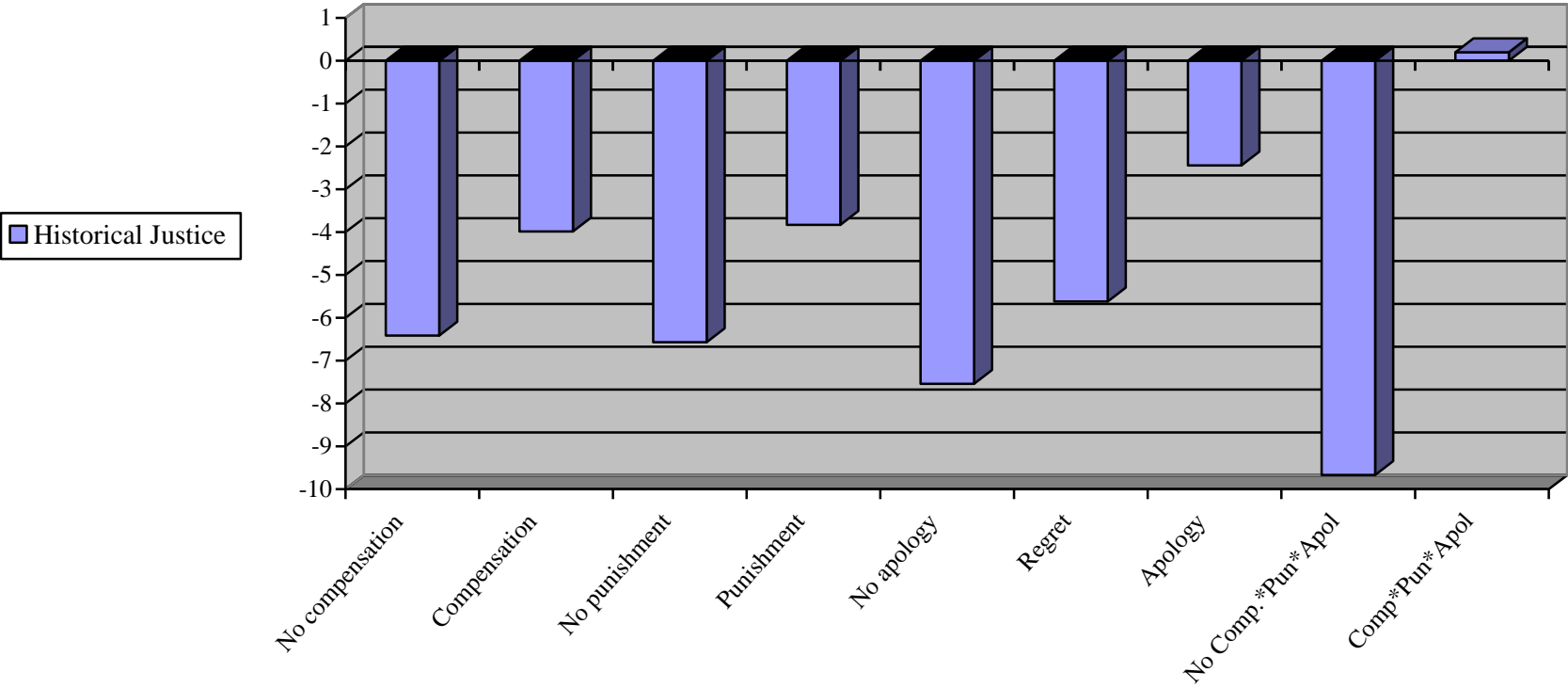


Table 3

The Comparison of the Mean Scores of Apology and Regret Based on Observed Means of Historical Justice

(I)	(J)	Mean Difference (I-J)	Std. Error	Sig.	95% Confidence Interval	
					Lower Bound	Upper Bound
No apology	Regret	-2.02	(.84)	.020	-3.71	-0.33
	Apology	-4.93	(.84)	.000	-6.62	-3.24
Regret	No apology	2.02	(.84)	.020	0.33	3.71
	Apology	-2.91	(.85)	.001	-4.62	-1.20
Apology	No apology	4.93	(.84)	.000	3.24	6.62
	Regret	2.91	(.85)	.001	1.20	4.62

Based on observed means (LSD)