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Spring 2013, Volume XXXVIII

### **Cover Art by Caroline Schmid**

Caroline Schmid is a graduating senior at Wittenberg University and a native of Springfield. She is an art studio major with a Japanese minor. In the coming year Caroline hopes to be teaching in Japan while she continues to pursue her passion for modern and contemporary art.

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# Wittenberg University East Asian Studies Journal Spring 2013, Volume XXXVIII

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### In Dedication

Every year, the *East Asian Studies Journal* dedicates the issue to a Wittenberg faculty or staff member who is actively involved in the East Asian Studies Program, promotes academic achievements, and encourages students to stretch beyond their limits in their chosen fields of study. The staff would like to dedicate this year's issue to Dr. Jooyeon Rhee.

Dr. Rhee earned her Ph.D. from the Department of Humanities at York University in Toronto, Canada, developing her knowledge and research of representation of gender in popular culture in the early 1900s through the 1920s. Her current research focuses on crime and gender in colonial Korean film and literature. Joining the Wittenberg faculty in 2012 as a Teaching Fellow, Dr. Rhee has previously been a Visiting Scholar affiliated with the Asian Institute at the University of Toronto while teaching Korean history. She also taught Korean language and pre-modern East Asian Culture and Society at York University. It is her warm presence in the classroom and enthusiasm for students' achievements and learning that has made her a loved member of the Wittenberg community.

We at the *East Asian Studies Journal* would like to thank Dr. Rhee for her contribution and passion to the East Asian Studies department and that while her time at Wittenberg was brief, is dearly appreciated by students and staff.

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### Terrifying Toilets: Japanese Toilet Ghosts and Sexual Liberation in the Postwar Period

### Michele Druga

Monsters are the physical representation of our unnamed and subconscious fears. As a result of this ambiguity they have the ability to rise and fall in and out of the public imagination as necessary. They provide humanity with an instrument, however grotesque, to voice its concerns with the time in which the monster appears. Not all of the ghosts and goblins provide obvious clues about their origins, in terms of the public psyche; two specters haunt public bathrooms for no apparent reason other than an arbitrary desire to reside there. The myths surrounding *Toire no Hanako-san* (lit. Hanako of the Toilet, or Hanako-san) and *Aka Manto* (Red Cloak) are varied and change from telling to telling, yet one aspect remains the same: using the facilities in Japan can be a truly terrifying experience.

In the majority of the stories circulating, it is only the girls' bathroom that has ghosts in the U-bend. In the case of Hanako-san, no one is certain as to how she came to be a permanent fixture in the washroom. It is believed she began her haunting in the 1950s, although she gained notoriety thirty years later when summoning her became a rite of passage for girls in elementary schools. Some say she is the ghost of a young girl who died in an air raid during World War II while using the facilities. Often described as having bobbed hair and wearing a red skirt, one must knock three times on the door of the third stall in the restroom on the third floor while asking, "Are you there, Hanako-san?" If a faint "Yes, I'm here" comes from behind the door, the person still has the option to leave without consequences other than being scared. Should she open the door, one of two things can happen: if Hanako is in a good mood, she will simply vanish. If, on the other hand, she is upset about something, the victim will be pulled into the toilet and die. The simplest and surest way to avoid crossing her path is to stay away from her designated hiding spot.

The other supernatural inhabitant of the washroom is much more violent than Hanako-san. Aka Manto is known to haunt the last stall and does not need

to be summoned to appear. He is said to wear a red cloak and a white mask to cover his face. While a girl sits on the toilet a male voice will ask, depending on the story, if she wants red or blue paper or to put on a red or blue cloak. If the answer is red, she will either be beheaded or any number of gruesome cuts will appear on her body, giving her the aforementioned 'red cloak.' Should her answer be blue, hands will appear to strangle her or the blood will drain from body, turning her a shade of blue. Asking for a different color will result in the floor opening up and two hands coming to drag the victim into the pits of hell. One must refuse whatever he offers in order to escape from him. His origins are less well-known; it is believed that in life he was so achingly beautiful that women fell in love with him just by looking at his face, prompting him to don the mask. One day he supposedly kidnapped a young woman and the two were never seen again until he began to plague the girls' washroom.

Ghost stories and urban legends such as Hanako-san and Aka Manto reflect the time period that created them, as well as the larger society from which they sprouted. Japan has a long history of equating females and menstruation with death and impurity, going as far back as the Japanese creation myth involving Izanagi and Izanami. After the two gods created the earth and married Izanami gave birth to several deities, including the fire god Kagutsuchi. She died from burns sustained during delivery and descended to Yomi, the dark Land of the Dead. Izanagi went after her to try to bring her back to life, and she agreed to return as long as he agreed not look at her until they were out of Yomi. He could not resist the urge and lit a piece of comb on fire so he could see her. Horrified by the ghastly creature death had turned her into, he ran away and blocked the entrance to Yomi with a boulder. This "contact with pollution meant that Izanagi had to participate in rites of purification... these rites, or O-hara, remain fundamental to Shinto" to this day (Balmain 63). Shinto and Buddhism, the two prevailing religions in Japan, both have had taboos placed on women during menstruation until as recently as the end of the nineteenth century (Segawa 239). These beliefs led to the creation of special huts that women were secluded to at night during their periods and prohibited them from touching the family cooking fires lest they pollute it and the whole family in the process. Special rites including the washing of hair and drinking tea from the local shrine or temple had to be observed before the woman was allowed back into her home. Originally it was believed that anything dealing with "the vagina involves impurity" and so any woman who had given birth would go to the Buddhist hell of blood for contaminating the earth, but during the Edo period this "idea of blood pollution was expanded to include menstrual bleeding, so it came to be believed that all women would go to the hell of blood after death" (Okano 20-21). These views have largely

been forgotten during the twentieth and twenty-first centuries, yet they remain active in the Japanese subconscious even in modern times.

The presence of Hanako-san and Aka Manto in the bathroom can attest to the power of these subconscious leanings. Their stories are *kaidan*, or "narratives of the strange," and can be classified as such since they "include elements of horror as well as a revenge motif" (Reider 80). The purpose they serve as *kaidan* is to inform and entertain the public imagination. Aka Manto keeps alive his odd quest for revenge against the sex that made him hide his face behind a mask while Hanako-san's summoning is used as a test of courage for young schoolgirls, in line with the samurai tradition of telling scary stories to prove one's bravery. The imagery connecting Aka Manto's bloody option of 'red' with the historically negative reactions to menstruation strengthens the ties between blood, death, and the resulting impurity. *Kaidan* are frightening tales meant to terrify people, and in these particular cases, young girls. Their residency in the washroom is no coincidence if one considers the time period that gave rise to them.

While it is unclear as to when exactly Aka Manto came into being, Hanako-san's story originates in the 1950s during the Allied occupation of Japan. It is during this time that a new sexual standard was becoming common practice amongst Japanese women as they adopted the Western ideals that were then in vogue, such as the "fashions that had been forbidden during the war" including "increased use of cosmetics and the wearing of such clothes as closefitting blouses [and] skirts...emphasizing parts of the female anatomy—breasts and legs—that had been hidden by traditional clothing" (McLelland, Queer Japan 60). Among other changes that the loss of World War II brought about, these new practices led to an uncertain feeling as to the future of feminine morality in the presence of American forces stationed in Japan. The defeat served to emasculate Japanese men, and seeing 'their women' strolling armin-arm with American soldiers did nothing to soften the blow already dealt them. Given the devastation that most soldiers returned home to, it came as no surprise that a good number of young girls and women were left homeless and orphaned, desperate for any means of income to survive.

The solution many turned to was prostitution, specifically in service to the American servicemen. The need for sex industry workers was so high that the Japanese government set up the Recreation and Amusement Association (RAA) to act as a 'female floodwall' to handle the increase in demand (*ibid*, Love, Sex, and Democracy 56). The RAA managed the brothels that were put in place so the US forces would have an acceptable place to relieve sexual tension without resorting to rape. They also served to buffer the local 'respectable' women from becoming involved with the soldiers, thus keeping the Japanese

race 'pure' (Bix 538). Damages sustained during the war were immense for a large portion of the Japanese, and "for many young women, including some who were still in high school, there were no other options available" except prostitution (McLelland, *Love, Sex, and Democracy 57*). A new challenge appeared that the government had to face: preventing young women from falling victim to the new moral decay apparently taking over the country.

An aid to this quest came about in the form of urban legends and ghost stories, whether government officials knew it or not. It is possible that the two tales in question acted "as a means of reasserting social and ethical boundaries" (Balmain 52). In order for these stories to work as cautionary tales they have to take place in a space associated with one particular facet of femininity: the toilet. They accomplish this by evoking fear in one's bodily functions; one cannot help if she has to urinate, but the fear accompanied by possibly encountering Aka Manto or Hanako-san in the process restrains one from doing so, if only in public. The fact that the average commuting time in Japan is anywhere from thirty minutes to an hour makes it difficult for one to run home for a quick pee break, and so it is not easy to avoid the spooks in the toilets. This feeling is ultimately internalized as fear of the body itself with a focus on the genital area. Fear and pain are two powerful inhibitors and an admixture of the two (fear of pain, in relation to Aka Manto) is an even more potent combination. In a time when "public sexuality was suddenly visible and acceptable in a manner not seen prior to the war's end" and children of all ages were exposed to increasingly risqué images, some kind of inhibitor was necessary to prevent young girls from falling prey to the moral corruption beginning to surround them (McLelland, *Queer Japan 62*). Inducing apprehension towards their genitals would ideally keep girls from entering the sex trade, or at the very least make it an undesirable last resort. It is interesting to note, however, that when young boys would imitate the American soldiers in what is known as 'pan pan play' and stroll around the city streets with local girls on their arms, adults rarely admonished them (ibid, Love, Sex, and Democracy 73). Given the dichotomy of how women were, and to a certain extent still are, viewed in Japanese society, it is unsurprising that the government was willing to sacrifice some girls in order to protect others from the invading Western forces.

Japan, similar to most Western societies, has struggled with two basic images of women. Commonly referred to as the Madonna/whore complex, it states that women can be either paragons of purity and goodness or debased harlots who cater only to the sexual needs of the masses. In Japan the Madonna image is that of Kannon, the bodhisattva of compassion of mercy, often used to represent the maternal ideal. "The contradictory nature of the feminine as

both polluted and pure" creates tension in society and needs to be understood in terms harkening back to the creation myth with Izanami and Izanagi (Balmain 62). While Izanami is the mother of the world, many of the gods who inhabit it, and ultimately all of humankind, she is also responsible for death. After Izanagi escaped and blocked the entrance to Yomi he asked his wife for a divorce, prompting her to respond saying that she would kill a thousand people a day. Since Izanami represents all three points of the triangle, the association can be made between women, their life-giving capabilities through blood and menstruation, and death. Menstruation, which is primarily dealt with in the washroom, is thus something to be feared as it goes hand-in-hand with death. As such, there is little to wonder at that Hanako-san and Aka Manto are permanently linked to toilets and public bathrooms.

To most people the stories of *Toire no Hanako-san* and Aka Manto are exactly what they seem: amusing tales told to frighten young children. When they are viewed through the lens of the much larger context leading up to their arrival in the Japanese popular imagination one begins to see what role they play in that society. Whether the original intent behind their creation was to curtail young women from entering the sex industry or not, it is a duty the two perform with ease in the subconscious mind of many young Japanese.

### **Bibliography**

- Balmain, Colette. *Introduction to Japanese Horror Film*. Edinburgh: Edinburgh University Press, 2008. Print.
- "Hanako." *Scary For Kids*. N.p., 11 2007. Web. 9 Dec 2012. <a href="http://www.scaryforkids.com/hanako/">http://www.scaryforkids.com/hanako/</a>>.

Bix, Herbert. *Hirohito and the Making of Modern Japan*. Harper Collins, 2001. Print.

- McLelland, Mark. Love, Sex, and Democracy in Japan during the American Occupation. 1st. New York: Palgrave Macmillan, 2012. Print.
- Queer Japan from the Pacific War to the Internet Age. Lanham MD: Rowman & Littlefield, 2005. Print.
- Okano, Haruko. "Women's Image and Place in Japanese Buddhism." *Japanese Women: New Feminist Perspectives on the Past, Present, and Future*, Kumiko Fujimura-Fanselow and A. Kameda, eds. New York: The Feminist Press (1995). Print.
- "Red Cloak." Scary For Kids. N.p., 29 2008. Web. 9 Dec 2012. <a href="http://www.scaryforkids.com/red-cloak/">http://www.scaryforkids.com/red-cloak/</a>>.

- Reider, Noriko T. "The Emergence of 'Kaidan-shu' The Collection of Tales of the Strange and Mysterious in the Edo Period." *Asian Folklore Studies*. 60.1 (2001): n. page. Print.
- Segawa, Kiyoko. "Menstrual Taboos Imposed upon Women." *Studies in Japanese Folklore*, Richard Dorson, ed. Port Washington, New York: Kennikat Press (1973; orig. 1963). Print.

## Traces of Wenzhou: A Translation of Zhu Ziqing's "Wenzhou de zongji"温州的踪影 (1924)

Hui Sian Tan

I. Hazy Moon, Drowsy Birds, The Lifted Curtain Reveals Red Crabapple Blossoms

This is a small painting about a foot wide, by Ma Mengrong. On the top left corner, there is a slanted green curtain, thin and long; it is about a third of the painting's height, and two thirds its length. At the center of the curtain, there is a yellow, teapot-shaped hook—is this what they call a 'golden hook'? From the curve of the hook hangs a pair of tassels, azure in color; their silk threads are in slight disarray, as if moving left and right in the gentle breeze. On the right there is a full moon, its pale blue light suffusing the entire painting; the purity of the moon, soft and gentle, is that of the face of a sleeping beauty. On the top of the curtain slanted towards the right is a branch of intertwining crabapple blossoms. The flowers are at varying heights, clustered in five clumps of differing sizes; whether sparse or lush, the flowers are all exquisite. From the green of the tender leaves it seems as if one might draw moisture with a single pinch; under the moonlight's embellishment, the overlapping leaves faintly reveal a patchwork of light and shade. The flowers in full bloom are a vibrant red on the cusp of flowing; the yellow stamens are distinct, glistening—highlighted against the green foliage, they have a special delicate beauty. The angled branch is alive with movement, resembling the arm of a young girl. On the branch there rests a pair of black mynah birds, their backs to the moonlight, facing the curtain. One is perched a little higher, its tiny eyes half-opened and half-closed, as if just before falling into a dream, he still wishes to linger in longing. The lower one faces the higher one and has already drawn in his neck, fast asleep. Below the curtain is emptiness-not a single mark or trace.

One might think, that on such a hazy full moon night, with the crabapple blossoms so beautiful and mesmerizing; why do the lovely birds on the branch perch in a pair but dream independently? In the stillness of the late night, why

does that higher mynah still endeavor to prop up his eyelids, refusing to fall asleep? Just what is he waiting for? Is he reluctant to leave the pale moon? Reluctant to leave the distant curtain? No, no, no, you have to look below the curtain, you have to look to the middle of the curtain—have you found the person who rolls the curtain? He is charming and refined; so this is why! It is not only the half-hidden moon; not only the bird? But this person, so close yet seeming so far away, how can I endure it? I use all my might to call out repeatedly: can you come out?

This painting is so elegant, with such gentle and lively coloring, its significance exceptionally moving; though the painting seems a trifle, it has a charm so profound, so deep it moves one to the bone and more. I looked at this painting in surprised awe; I kept looking at it, reluctant to leave, unable to control myself. So I wrote all the details of my feelings and impressions, to record this predestined encounter. But I am an amateur with both western and eastern paintings, so whatever I say would naturally be a joke to the experts—I can only let it be.

### II. Green

The second time I visited Xianyan, I was amazed by Meiyu Pool's Green.

Meiyu Pool lies beneath a waterfall. Xianyan has three waterfalls, Meiyu Waterfall being the lowest. Walking to the edge of the mountain, one can hear a "hua hua hua hua hua bordered by two damp strips of black, a white stream of shining water appears before one's raised eyes. We first went to the Meiyu Pavilion. Meiyu Pavilion is opposite that very waterfall; sitting by the pavilion, without looking up, one can see the entirety of it. Deep below the pavilion is Meiyu Pool. A side of the pavilion sticks out from atop the rock, with nothing above or beneath it; it resembles a goshawk that has spread its wings, floating in the sky. Surrounded by mountains, the pavilion, as far as we can see, seems to be embraced by a semicircle; it is as if one is at the bottom of a well. The autumn weather is slightly overcast. Faint clouds flow above us; the wet rocky surface and moist grass patches reveal a trace of lush green. Even the waterfall seems to be especially loud. The waterfall rushes down from above, like silk threads of varying thicknesses being pulled; it is no longer a neat and smooth cloth<sup>2</sup>. On top of the rock there are many jutting

<sup>1 &</sup>quot;Hua哔" is an onomatopoeia indicating rushing/gushing water. However, Zhu Ziqing uses the character "花 [flower]" that has the same pronunciation as emphasis to his comparison between the waterfall and various blossoms.

<sup>&</sup>lt;sup>2</sup> The second character of "瀑布 [waterfall]" is "cloth" and Zhu Ziqing juxtaposes both seamlessly.

angles; when the waterfall passes over them it crashes down furiously; flowers in the wind scattering like jade pieces shattering, splashing chaotically. The splattering drops sparkle in abundance; from afar, they look like many small white plum blossoms, falling down plentifully like light rain. It is said that Meiyu Pool gets its name from this "plum rain." But I think poplar blossoms create a more precise image. When the breeze blows, the light rain dances in the wind—like the poplar blossoms. —At this point, this scene came to us as an inadvertent gift, and as we embraced it, it pierced our breasts instantly and disappeared, untraceable.

Meiyu Pool's bright Green attracts us; we start attempting to chase after her to catch her admirable light, now dispersing, now condensing. We tug on grass, climb jagged rocks, and carefully lean forward to bow under a stone arch, arriving at Green's<sup>3</sup> vast poolside. The waterfall, like cloth, lies between the sleeve and lapel<sup>4</sup>; but my heart no longer contains the waterfall. My heart is swayed by the Green of the pool water. That intoxicating Green, as if covered by an enormous lotus leaf, that full, mystic Green. I want to spread both arms and embrace her; but that is such a vain hope.

-Standing by the water, I look at the other side—it is actually quite far away! This thick, spreading Green is especially lovely. Her loose creased pattern is like a young married maiden's skirt; her surface gently throbs with the beating heart of a virgin's first love; she is smooth and shining, as if she had applied "illuminating oil," displaying the suppleness and delicateness of an egg white—it reminds one of the tenderest skin one has ever touched; she embodies no dirt or dust, like a smooth piece of jade, there is only the presence of a clear color—but you cannot see through her! I have seen in Beijing, Shi Sha Hai Temple's willow trees brushing the ground; their leaves cannot rid their tips of a faint yellow that renders the scene lackluster. I have also seen in Hangzhou, Hu Pao Temple's nearby steep and deep "green wall"; it has an infinite overlapping of green grass and leaves that seems too thick and dense. As for the rest of those scenic areas, West Lake is too bright and Qinhuai river is too dark. Dearest, what should I compare to you? How can I compare anything to you? The pool is presumably deep so as to conceal such an amazing Green; it is as if a slice of the bright blue sky has melted into the

The character here, "碧," when used as a noun indicates jade. However, as Zhu Ziqing refers to Meiyu pool as Green, "绿," throughout the rest of the text, I have decided to retain its consistency here.

<sup>&</sup>lt;sup>4</sup> Here, Zhu Ziqing alludes to two previous images: the waterfall resting between the two black strips, which are now replaced by the sleeve and lapel; and the notion that the waterfall is no longer a smooth piece of cloth lying between the sleeve and lapel as the falling water resembles silk threads of varying thicknesses being pulled.

pool<sup>5</sup>—so fresh and rich it is. —That intoxicating Green! If I could cut you into a ribbon, I would bestow it upon the lithe dancing girl; she will then be able to move with the wind. If I could scoop you up as eyes, I would bestow them upon the delightful singing blind girl; she will then have a beautiful, shining gaze. I cannot bear to leave you; how could I bear to leave you? I use my hand to lightly pat you, stroke you, as if you're a twenty-two, twenty-three-year-old lass. By cupping you into my mouth, I have kissed her. I will give you a name; from now on I will call you "Beauty Green," all right?

The second time I visited Xianyan, I could not help but be amazed by Meiyu Pool's Green.

### III. Bai Shui Ji

A few friends and I visited Bai Shui Ji.

This is also a waterfall, but it is too thin and narrow. Occasionally, it shines momentarily with white light; but when you try to look at it closely, it is not there—what remains is a strip of evaporating mist. In the past, they had mentioned a "mist-like veil," presumably referring to something of this kind. So, the waterfall looks like this because there is a section missing in the middle of the rock; when the water passes across this area, there is no support and it falls freely downwards, pulled into a thin and narrow form. At the gap in the rock, the waterfall is truly miraculous. White light turns into an evaporating mist, resembling an indistinct shadow; sometimes even this shadow cannot be seen. Sometimes a breeze comes by, using her hands to pull on that shadow, and the mist curls upwards into a soft arc; but once her hands let go, it becomes like a rubber band, immediately drawing back obediently. I suspect, that there may be another pair of deft unknown hands that want to weave this shadow into an illusory web. —The breeze wants to take the water from her hands, but how could she be willing?

Perhaps seduction is woven into this illusory web; my reluctance to leave is compelling evidence.

### IV. The Price of Life—Seventy Cents

Life should not have a price; but yet it has one! Traffickers, pimps and, more recently, kidnapping bandits put varying prices on all their goods to sell to others; I think that in the future, there will be public human markets.

There are two possible explanations for the odd description of blue in a green pool. One is due to the pool's being deep, enabling its surface to display a reflection of the sky, making it seem blue in particular areas. The second concerns the ancient word "青" [qing] that can mean blue, green or black depending on context; there is a saying "青出于蓝" that literally means that blue has its roots in green and the green here contains a hint of blue. The words "绿" (title) and "蓝," [green] and [blue], are modern words.

Among the various "human goods," the ones that have always fetched the highest price naturally belong to the bandits, ranging from a few thousand to the tens of thousands yuan; since the beginning of history, these kidnapped victims probably fetched the highest quotations for "human goods." As for the prostitutes owned by the pimps, they are often heard to range from the hundreds to the thousands of yuan. The cheapest ones are the goods of the human traffickers. All they have are small children—"premature goods" that cannot afford to be sold at a higher price.

The human traffickers are just the middle men; they still have to collect their "merchandise" from the "factory" and then sell it off. The "factory's" pricing is the genuine one! *Qing Guang*<sup>6</sup> previously published a record of a girl that was bought for three dollars; it was a transfer of possession, but the low price is enough to surprise anyone. A "factory's" price can still be lower. In any case, three hundred, five hundred yuan to buy a child—during a famine that is not a hard thing to do. But I have never seen it. The cheapest life that I ever personally saw sold was one for seventy cents! It was a five-year-old girl. A five-year-old girl sold for seventy cents; perhaps that cannot be counted as the cheapest. But please look carefully; to place the freedom of a life and seven small pieces of silver on the opposite plates of a scale, you will realize that it is exactly the same as comparing nine cows to a single strand of cow's hair—the difference in the weight of both plates is too vast!

I saw this girl at my landlord's house. At that time, I happened to be eating dinner with my children; my wife came and called me to look at a surprising matter: a child that was bought for seventy cents! The child was sitting upright on a bench; her face yellowish black, but plump and smooth skinned; her clothes were also neat and tidy. I took a few glances and felt that there were no significant differences between my children and her; I could not see any symbol that represented the low price of her life—for when we look at a cheaply priced item such a symbol is easy to find. I returned to my dining table, looked at Ah Jiu and Ah Cai, all along thinking that between them and the girl, there was no difference at all. But, I finally realized the truth. Our children are precious precisely because we have never sold them; meanwhile, that girl is cheap precisely because she is being sold; this is why she was only seventy cents! Ah, what a clever truth!

My wife told me that this child does not have parents; her older brother's wife sold her to the assistant of the silversmith shop, which belongs to the patriarch of the landlord's household, and this assistant is the one who

<sup>&</sup>lt;sup>6</sup> 《青光》[Qing Guang] is a supplementary journal published by the then newspaper of Shanghai, 《时事新报》[Shishi Xinbao], that ran from 1911-1949 under various starting names.

eats with her<sup>7</sup>. He seems to have no wife, appears to be in a poor financial situation, and likes to drink wine—what a muddle-headed man! I think, if this child's parents were still alive, they would perhaps be unwilling to sell her—at the very least they would wait a few years; after all, she is but a pitiful little lamb. In her sister-in-law's hands, the circumstances are different. The house is never well off; with another mouth to feed, additional spending on cloth for clothes—these extra costs are obvious. When the girl becomes an adult, it will naturally be difficult for her sister-in-law to sell her; she may even need to compensate the recipient in order to send her away<sup>8</sup>. What injustice! Why not take advantage of her youth when no one is paying attention and do oneself a favor by completely giving her away! Think about it: Wenzhou is not an impoverished place and has not encountered any years of famine for a long time; why, for only seventy cents, would someone willingly give their husband's young sister to someone else? Say you need money? No one believes it! Seventy cents cannot be an emergency! It is not as if Wenzhou has a lack of buyers. Both parties probably already knew: that side wants a child to play with, this side is also happy to sell her off, so they, in half-giving shop assistant dug into his pocket and quickly pulled out what he had—only seventy cents. The older brother was initially not expecting this amount of money, so he generously accepted it to complete the trade. As a result, the goods and money were exchanged, and the girl is now under the shop assistant's management.

The future of this trade lies in the hands of fate; the girl's original surname is "Peng<sup>9</sup>," so the rest of her life depends on trying her luck! But we know fate will not be kind to her. The first act of her play has already been shown to us. As my wife said, that shop assistant cannot be so patient as to raise her into an adult. He will feed her like a little pig and wait till she is strong and fat, then sell her to the butcher for him to slaughter as he wishes; during this time, for him to gain a dislike for the girl is to be expected. But who will be the butcher? When she is sold as a maidservant, the master will be the butcher! Like a shearer clipping wool off a sheep, a "benevolent" master will only exploit her by having her perform appropriate labor. When she reaches a suitable age, the master will betroth her to someone else. If this happens, even though she is trapped in the role of a maidservant, it will still considered

<sup>&</sup>lt;sup>7</sup> The phrase "带着她吃饭的人," literally "the person who brings her to eat", is an odd phrase indicating that the shop assistant is now raising and feeding her.

<sup>&</sup>lt;sup>8</sup> To "送出去" [send (the girl) away] could imply two possibilities: one is for someone else to take care of her when she's older, hence the need to compensate their expenses; the other is to marry her off to another family, which also involves dowry.

<sup>9</sup> The character here is "碰", which often alludes to the phrase "碰运气 [to try one's luck]."

a fortunate event within the tragedy. But at present, in this money-driven world, such generous people are few; what we see is: for every ten people, six or seven are despicable! If she is sold into the hands of such people, they will exploit her, expecting labor that is beyond her capacity. When their demands are not met, they will scold and beat her. When she becomes mature, it will be unfortunate for her to be sold as a concubine; the usual exploitations are not enough, they still have to add on more. Unluckily, this child's looks are not too good, so after entering her married family, she will not gain her husband's grace and will easily incur the abuse of her husband's first wife—all of this is apparent. Her entire life will be wasted in tears. There are also some masters who keep maidservants as their own concubines; but when a young girl is with an old man, her future is forsaken in vain. A comparison between the twolife under one master and life under the other—would only be the difference between fifty and a hundred steps! — A more dangerous circumstance is being sold into a brothel by the shop assistant; the pimp will strike fear and terror in our hearts! We can imagine: how she will be forced to learn to sing and play an instrument, how she will be dispatched to suffer heavy manual labor<sup>10</sup>; how she will be hit by canes and pricked by needles<sup>11</sup>; how she will be supervised to gain the favor of customers with her forced smiles; how she will eat cold leftovers; how she will endure not sleeping; how she will eventually end up with a body covered in poisonous sores<sup>12</sup>. Her looks will only allow her to be a lesser prostitute; her fall into prostitution will be permanent! Her tragedy is also permanent! —Ah! Seventy-cents has bought your entire life—your flesh and blood is not even worth a trifling seven pieces of silver? Life is too cheap! Life is too cheap!

Thinking about the lives of my own children, I actually feel a little afraid. Every day that the "life market" in this money-driven world continues to exist, it is a danger to our children. A humiliation to our children. Those of you with children, consider this: whose fault is this? Whose responsibility is this?

Because she is still a young girl, she cannot be a prostitute yet and is thus reduced to heavy manual labor.

It was a common tactic in the 1920s-30s to use needles to inflict pain on prostitutes as they do not leave scars or marks.

These sores could be referring to a mixture of diseases and illnesses that come with the job as they are not particular to any sicknesses.

### An Intellectual Debate: Ueda Akinari and Motoori Norinaga

Meghan McLaughlin

### Introduction

"There is a man who does recklessly interpret the things of old...Truly his self-interest is great." Writing about Motoori Norinaga seven years after his death in 1801, Ueda Akinari was recalling the sentiments he had toward the man with whom he had debated for years on several topics. The debate that these two historical Japanese writers had with one another took place over a large portion of their lifetimes and was complex and replete with conflicts of opinion over the study of ancient Japanese texts. It is in their correspondence and their respective writings that it is possible to understand their worldviews and their intellectual constructions of religion, language, and Japan's place on the world stage. Despite having never actually met face to face, Motoori and Ueda took part in a dispute over several years that held that nature of a debate; when one man stated his opinion, the other would offer a rebuttal in a kind of "verbal fencing." This conflict between the two writers reflects the backgrounds, contemporary contexts, and scholarly motivations of each individual and reveals the inherent differences between the two men. In this study, I will juxtapose the works and ideas of Ueda Akinari and Motoori Norinaga so that the similarities and differences in their thoughts will be apparent. Then, I will place the historical figures into conversation with each other through the analysis of the specific nature and details of their conflict. It can be seen that, despite similar backgrounds, Japanese writers Ueda Akinari (1734-1809) and Motoori Norinaga (1730-1801) were in conflict with one another due to a difference in opinion on the ancient Japanese language, a different take on the literality of the Kojiki, and their overall placing of Japan in relation to the rest of the world. This conflict is important in its bringing together and publicizing of the thoughts of two well-known and reputable

<sup>&</sup>lt;sup>1</sup> Ueda Akinari, quoted in Blake Morgan Young, Ueda Akinari, (Vancouver: University of British Columbia Press, 1982), 86.

Blake Young, Ueda Akinari, (Vancouver: University of British Columbia Press, 1982), 80.

Japanese scholars during a time period of widespread reflection on thought tradition in Japan as seen in the rise in popularity of the *Kokugaku* school of thought. The dispute shows us what was truly at stake for these two scholarly figures: the importance of ancient Japanese texts and Japan's role as a world power during the Tokugawa period.

### Setting the Stage: Tokugawa Japan and 18th Century Kokugaku

Ueda Akinari and Motoori Norinaga lived in a constantly shifting society in eighteenth-century Japan. Unlike the samurai-dominated culture of the seventeenth century, the eighteenth century featured intellectual and cultural production by people from all types of backgrounds as the "social strata grew more entangled." Society was changing as a result of changes in the people's views on religion and culture. The National School of Learning, or Kokugaku, became more prominent, as well as the Dutch School of Learning, or Rangaku, during this time. Because both Ueda Akinari and Motoori Norinaga considered themselves to be Kokugaku scholars, it is important for this study to focus on what it meant to be a Kokugaku scholar in the eighteenth century. Considered the most "energetic and influential" scholars who wrote about Japan's native legacy, Kokugaku scholars aimed to link the mythological past of Japan to the recorded history of the elites to the lives of the common people.<sup>4</sup> As a group, they were responsible for creating an ideological foundation of national selfawareness that existed in Japan throughout the years. Both Ueda Akinari and Motoori Norinaga spent their careers studying and writing about the national identity of Japan as it was found in the ancient Japanese texts.

### The Kokugaku Tradition and the Supernatural: Ueda Akinari

Ueda Akinari was born 1734 and grew up as the adopted son of a wealthy merchant in Osaka. During this time, Osaka was one of Japan's largest centers for economic activity, but was undergoing a transformation. It had reached its peak of economic prosperity, and would soon be surpassed economically and culturally by Edo. Nevertheless, Ueda and his family lived in a still-bustling city and the specific area where they resided, Dōjima, was the center of Japan's rice market. Ueda's early life was academically stimulating, but did not stand out substantially from other literary figures of the Tokugawa period. Like other scholars, Ueda had to learn to read and write, not because he wanted to be a scholar, but because it was an essential skill for carrying on the merchant's

Conrad Totman, Early Modern Japan, (Berkeley: University of California Press, 1993), 348.

<sup>&</sup>lt;sup>4</sup> Ibid., 366.

<sup>&</sup>lt;sup>5</sup> Young, 6.

trade; many of the scholars of the Tokugawa period came from mercantile families. Therefore, Ueda had the necessary skills to write and publish poetry and popular literature by the time he was in his early twenties and thirties.<sup>6</sup>

Ueda made his debut into the literary world at a young age with haikai poetry (a popular form of linked verse poetry in Japan) when he entered into the circle of haikai master, Ono Shōren, under the name of Gyoen at twenty-two years old. Ueda did not pledge allegiance to one haikai master, however. "Displaying even at this age the aloofness and independence that were to characterize him all his life," Ueda wrote for other masters and was published in other literary circles at a young age. Despite his participation in haikai, however, Ueda never truly considered it to be a respectable art form and was often intolerant of writers who took the poetry too seriously; he saw it as less important than the act of discovering Japanese history in the Kokugaku tradition. By the time Ueda was in his thirties, he began to write short stories that reflected his "metamorphosis" to the classical Japanese tradition.7 In this context, popular literature was that which was read by the artisans and merchants, or those who did not possess political power. It was in Osaka that this type of writing originated and flourished in the first half of the Tokugawa period.<sup>8</sup> Because of rising literacy rates in Japan and the increase in book production, Ueda's stories could be within the common man's reach; by the early 1700s, commoners formed a large percent of the reading public. It was due to this fact that when Ueda began writing his prose and drama, these genres had become "stylized for commercial purposes." Thus, his first two collections of short stories, written in 1766 and 1767, conformed to the standards of the popular literature of the day.

In general, Ueda Akinari was best known for his collections of supernatural tales or ghost stories in which he took "delight in the mysterious and problematic." Ueda's early prose works, however, were written with a comic tone, and were meant to make fun of human failures while ignoring the repercussions; where Ueda differed from contemporary writers, however, was in his inclusion of pathos with his humor. He often showed how he was sympathetic for his characters while simultaneously providing readers with a clue towards his pessimism that became more and more apparent throughout his career. In one story, Ueda attacked extreme religious piety while still

<sup>&</sup>lt;sup>6</sup> Ibid., 7.

Kengi Hamada, trans., Tales of Moonlight and Rain: Japanese Gothic Tales by Ueda Akinari, (Tokyo, Japan: University of Tokyo Press, 1971), xxii.

Susan Griswold, "The Triumph of Materialism: The Popular Fiction of 18th-Century Japan," *The Journal of Popular Culture* 29 (1995), 236.

Young, 19.
 Totmon, 41.

<sup>&</sup>lt;sup>10</sup> Totman, 414.

maintaining an undercurrent of sympathy for the characters. In the story, a devout man's son is killed and he "does not grieve; rather he rejoices that his son has been favoured [sic] as to be taken into paradise in his youth." When the man feels that it may be his time to die, however, the man "petitions Amida Buddha with *ikkō isshin* that his personal salvation be delayed." With this ironic twist, Ueda incorporates his awareness of the sadness in human life while criticizing those who are too religiously extreme. His use of pathos was a recurring device in Ueda's prose and was undoubtedly a result of his background: "Born out of wedlock, abandoned by his real mother, separated by death from his first foster mother, and left deformed by a debilitating illness, Akinari was too aware of the pain in the world to take the position of a sneering, completely detached observer."

Additionally, Ueda's works also featured criticisms of existing social structures. This can be seen in his story, "Kōkō wa chikara aritake no sumōtori," which means "The Sumo Wrestler Who Practiced Filial Piety With All His Might." In this story, Ueda provides a social criticism as well as indicates the role of luck or destiny in a man's life; Ueda attempts to show how man's power is limited. Other of his stories feature Ueda making fun of samurai decline or the decay of martial skill among the military class. In one story, Ueda mocked the breakdown of traditional values when he portrayed a "world in which the abacus [had] become mightier than the sword," thus showing Ueda's emphasis on scholarly knowledge over military arts which Tokugawa society deemed were the most important.<sup>13</sup> After publishing two collections of short stories, Ueda began to stray away from light fiction in order to delve deeper into writing about literary theory. The 1760s is often seen as a critical and transformative time in Ueda's life and scholarly career. It was then that he began to become increasingly involved with classical literature and became a Kokugaku student and eventual learned scholar. After being introduced to scholar Katō Umaki around 1766, Ueda said, "The road to the ancient learning was opened up." <sup>14</sup> In 1771, however, a large fire ravaged Ueda's home, ruined his family business, and changed the course of his life.

Because the revenue received from teaching and writing would not be enough to sustain him, his wife, and his mother, Ueda decided to begin a more lucrative career by practicing medicine. It is important to note, however, that Ueda was not abandoning his dreams of a literary career and that he was not alone in attempting to combine these two roles. Many scholars of the

<sup>11</sup> Young, 24.

<sup>12</sup> Ibid., 27-28. This was a point of similarity between Ueda and Motoori. Both writers were emotionally connected to their writings as a result of their upbringings.

<sup>13</sup> Ibid 23

<sup>&</sup>lt;sup>14</sup> Ueda Akinari, quoted in Young, 33.

time period practiced and studied medicine while simultaneously writing and pursuing a literary career. <sup>15</sup> In fact, Ueda remained active in literary circles and continued writing and publishing works in addition to practicing medicine during a majority of his adult life. It was during the 1770s that Ueda published his most famous work, *Ugetsu Monogatari*, which was a collection of nine supernatural tales that is often considered his masterpiece by historians today. <sup>16</sup> *Ugetsu Monogatari*, of *Tales of Moonlight and Rain*, used supernatural aspects in a way that "elevated the novel of the strange and mysterious to a new artistic height." <sup>17</sup> The stories had both Chinese and Japanese elements and Ueda was innovative as he used some traditional Chinese narratives while interweaving Japanese images, texts, and histories throughout. Each set in the historical past, the stories are each set in locations with rich historical and literary associations in order to evoke a romantic mood for the unexpected encounter with the supernatural that then allowed Ueda to express his deeper desires and fears. <sup>18</sup> Translator Kengi Hamada sums up the collection of tales best:

*Ugetsu Monogatari* depicts the misery, the pitifulness, the wretchedness, the anger resulting from the wrongdoer-victim relationships in the basic mutuality of living things, or which even the characters were not fully aware...At the same time, it confronts the basic problem of evil in man's existence, in his determination to live and in the various realities that surround him.<sup>19</sup>

An example from the story entitled "Homecoming" provides readers with the sentiment of human sorrow while incorporating supernatural elements. After being away from his wife, Miyagi, for years, Katsushiro returns to find that she had died and that her spirit had visited him. A neighbor tells Katushiro, "...I guess Miyagi's spirit must have returned to the earth to tell you of the long year of suffering she endured." Underlying all of the stories is the theme of man and fate and the collection of tales still maintains its prominent place in Japanese literature. By the early 1780s, Ueda had established himself as a *Kokugaku* scholar as he continued to write and publish works on classical Japanese literature. It was in this role that he saw his greatest contribution to scholarship; he was foremost a *Kokugaku* scholar.<sup>21</sup>

Young, 39. This is another point of comparison between Ueda and Motoori.

<sup>&</sup>lt;sup>16</sup> Ibid., 45.

Haruo Shirane, ed, Early Modern Japanese Literature: An Anthology, 1600-1900, (New York: Columbia University Press, 2002), 565.

<sup>&</sup>lt;sup>18</sup> Ibid., 567.

<sup>19</sup> Hamada, xxix.

<sup>&</sup>lt;sup>20</sup> Ibid., 18.

<sup>&</sup>lt;sup>21</sup> Totman, 414.

Writing in the 1700s, Ueda Akinari took part in a wide cultural transformation in Tokugawa Japan that included a reevaluation of commoner culture. This was manifested in the economic ascendency of merchants and tradesmen that resulted in a new social hierarchy, which called into question the dominant social order.<sup>22</sup> Previously, the Tokugawa authorities had envisioned a social order, called shinōkōshō, in which the merchants were in the ideologically lowest status group because of their so-called preoccupation with money and material goods. However, this ideal social hierarchy did not come to fruition by the middle of the Tokugawa period as the merchants began to experience financial successes. The economic successes became more important in reality than the supposed moral or ethical failings of the merchants. As a writer with a merchant background, Ueda was poised to develop into a successful Kokugaku scholar. He began a "conscious search for access to aristocratic culture" through writing and researching Japan's classical past. He was among many writers that participated in this cultural shift in an attempt to make knowledge known to people of every social status through their works. <sup>23</sup> In a "world of confusion with the breakdown of long cherished social and moral attitudes," Ueda wrote meaningful poetry and prose that reveals a great deal about how he attempted to live by his own beliefs while trying to discover Japanese past through ancient texts.

### The Enduring Kokugaku Scholar: Motoori Norinaga

Writing from a merchant background while participating in the cultural shift in Tokugawa Japan was a large similarity between Motoori Norinaga and Ueda Akinari. Rather than Osaka, Motoori was born in a city about 150 miles to the east, Matsuzaka in 1730 into a merchant family.<sup>24</sup> Not taking successfully to business, Motoori decided to travel to Kyōto to study literature and medicine.<sup>25</sup> This is a similarity between Motoori and Ueda: they were both scholar-physicians during their lifetimes. Their similar paths in life may have to do with their related upbringings in the merchant class. While in Kyōto, Motoori read the Chinese classics, studied ancient Japanese literature, and studied with scholars who influenced his later works.<sup>26</sup> Motoori was in Kyōto until 1757, when he returned to his hometown to practice medicine and publish his first

<sup>22</sup> C. Andrew Gerstle, ed., 18th Century Japan: Culture and Society, (Richmond, Surrey: Curzon Press, 1989), xii.

<sup>&</sup>lt;sup>23</sup> Ibid., xiii.

Shigeru Matsumoto, *Motoori Norinaga*, 1730-1801, (Cambridge, MA: Harvard University Press, 1970), 9.

Miyamori Asatarō, trans., Masterpieces of Japanese Poetry: Ancient and Modern, (Tokyo: Taiseido Shobo Co., 1956), 468.

Shirane, 611. The other scholars include Confucian scholar Hori Keizan and Keichū, whose philological methodology was a cornerstone of Motoori's work.

major work, a treatise on *waka*. It was during the next few years that Motoori developed the notion of mono no aware, a literary concept that represented the foundation of Motoori's thoughts on human nature during the majority of his career. A difficult term to translate, mono no aware refers to a subtle notion that involved the sympathy or empathy for an object or other living thing. In his own words, Motoori described *mono no aware* as the ability to:

Savor myriad deeds in one's heart, to absorb the essence of myriad deeds in one's heart according to what one sees with the eye, hears with the ear, touches with one's being – that is to know the essence of deeds, to know the essence of things, to know the *aware* of things.<sup>27</sup>

According to Motoori, the purpose of literature is to allow writers to express what is in their hearts and to provide expression to the mono no aware experience.<sup>28</sup> Overall, for Motoori, literature was a vehicle for understanding others as well as becoming the object of emotional empathy. To some scholars, the mono no aware concept grew out of his experience as a merchant as he saw the "alienation experienced at the time by urban commoners." <sup>29</sup> He showed through his writings his inherent belief in equality among all people; he saw differences among people as superficial and that mono no aware expresses the equality in human nature. It was something that was present and important in all of Motoori's works. In one of his most famous poems, "Cherry Blossoms," Motoori demonstrates the concept of mono no aware as he shows awareness and sympathy for the living plants found in Japan: "Setting aside my worldly affairs, On the cherry-bloom I will gaze, Every day till it withers; for the flowers will last so few days."30 In this poem, Motoori expresses sadness and sympathy for the cherry blossom flower, which will eventually die. His expression of this emotion is something that is characteristic of several of his works throughout his lifetime, and is another point of similarity between him and Ueda: both men included pathos within their writings, revealing sympathy and feeling in their works.

One of the largest writings that Motoori wrote was on the eighth-century Japanese text, the *Kojiki*, or the *Record of Ancient Matters*. This ancient text describes the creation of Japan by the gods and the descent of the imperial line from divine ancestors; this mythohistory is the basis for Norinaga's immense

Motoori Norinaga, quoted in Norma Field, The Splendor of Longing in the Tale of Genji, (Princeton, NJ: Princeton University Press, 1987), 299.

Matsumoto, 45. The literal translation of *mono no aware* is "sadness of things," but its meaning does not translate into English in the same way.

<sup>&</sup>lt;sup>29</sup> Shirane, 612.

<sup>30</sup> Asatarō, 469.

work, the *Kojiki*den, which was wholly completed in 1798.<sup>31</sup> Motoori began his work on the *Kojiki*, however, in 1764, which demonstrates how the *Kojiki*den truly was Motoori's life's work.<sup>32</sup> It was the main reason why Motoori is still considered one of Japan's greatest *Kokugaku* scholars.

Through his study of the *Kojiki*, Motoori hoped to search for the way of the kami, or the Ancient Way. As a Kokugaku scholar, Motoori was intent on discovering the true nature of Japanese history and descent. This, he believed, could be found through the intense study of the Kojiki. He often saw this ancient text as a "clear mirror" that reflected the Ancient Way and it was his responsibility to clarify this image by wiping off the dust of the "Chinese spirit" from its surface. 33 He argued that the Ancient Way was truly Japanese and that it was superior to Confucianism and to Buddhism. This true Way was a creation of the Japanese Gods, not of human sages, and called for humans to be governed without explicit rules or moral codes that were characteristic of Confucianism. It was to ancient Japanese thought that the people should turn, not to Chinese Confucianism that came from human thought. With this, people would find a way to be free from strict rules and would be able to live in the way of truth. For Motoori, the Kojiki provided enough information, including ethical, aesthetic, social, and political norms that were inherently Japanese and that were away from any foreign modes of thought.<sup>34</sup> In the first book of the Kojikiden, Motoori prepares his readers to consider the Kojiki in its full complexity, and makes known directly his disregard of the Chinese in his study of ancient Japanese history when he says:

One should be aware of this type of error [of not being able to distinguish between the Chinese style of writing and the Japanese style of writing], and read the text seeking the pure language of antiquity, without any *contamination* by the Chinese style. To wash off and rid one of these Chinese customs is part of the undertaking of the study of antiquity... The easy willingness to let the language of antiquity which lies at the basis of the work pass by almost unnoticed is quite deplorable. To ignore language and to emphasize principle alone is what is found in the texts of the exhortations of Confucianism and Buddhism in foreign countries...<sup>35</sup>

<sup>31</sup> Shirane, 612.

Matsumoto, 68. Motoori's interest in the Kojiki can be traced back into his twenties as well.

<sup>&</sup>lt;sup>33</sup> Ibid., 80.

<sup>&</sup>lt;sup>34</sup> Shirane, 613.

Motoori Norinaga, Kojki-den: Book 1, trans. Ann Wehmeyer, (Ithaca, NY: East Asia Program Cornell University, 1997), 145. Italicization added.

In this quote, we can see how Motoori's Japanese attitude made its way into his writings. Deliberately calling out Confucianism and Buddhism, Motoori is making it clear that the best way to understand language is through what he believes is a purely Japanese lens. It is also the best way to understand the world and the struggle between good and evil. He discounted the rational explanation of good and evil which included reward and retribution that was found in Confucian and Buddhist teachings. Instead, Motoori developed his own notion of good and evil from the *Kojiki*: evil is equal to filth and can be purified with good and cleanliness, and vice versa. Good and evil fortunes alternate and grow out of one another.<sup>36</sup> This was just another point of Confucianism and Chinese influence with which Motoori disagreed, which he made apparent in the *Kojiki*den.

Overall, Motoori's reading of the Kojiki reveals that he saw a true Japanese history in this ancient text. He believed that the emperor was the son of the sun goddess, Amaterasu, in a divinely established hereditary line. Although Motoori was chiefly concerned with lifetime work on the Kojiki, he was still affected by his surroundings, namely the turbulent social and economic situation of late 18th-century Tokugawa Japan. During this time, Japan was being influenced heavily by foreign modes of thought, including Confucian and Buddhist traditions. Because of this, Motoori was increasingly inspired to discover an indigenous, chiefly Japanese history in the ancient texts. Members of the Tokugawa government also took notice of Motoori's work in the Kokugaku tradition. In 1787, Tokugawa Harusada, the feudal lord of Kii, asked Motoori for his views on politics and the economy as a Kokugaku scholar. In the Tokugawa period, many times a shogun or daimyo would ask a Confucian scholar for advice, but almost never a Kokugaku scholar, until now. Because of this, Motoori applied his Ancient Way thought to the existing conditions in Japan. It is in this that we see how Motoori contributed to Japanese society during the time that he was living through his thoughts and ideas.<sup>37</sup>

After his death in 1801, Motoori's work was continued by his disciples. Throughout his life, he acquired many followers who wanted to continue the *Kokugaku* tradition. Motoori's followers continued his linguistic and literary studies as they worked their way throughout the country. One of his disciples, Hirata Atsutane, molded the Ancient Way into a religious-political ideology that was influential on the movement that resulted in the Meiji Restoration.<sup>38</sup> In all, Motoori's life and works were incredibly important in Tokugawa Japan and in the periods following his lifetime. As he worked to locate a truly

<sup>&</sup>lt;sup>36</sup> Matsumoto, 99-100.

<sup>&</sup>lt;sup>37</sup> Ibid., 127.

<sup>&</sup>lt;sup>38</sup> Shirane, 613.

Japanese identity through ancient texts, he furthered the *Kokugaku* tradition in a meaningful and enduring way.

### The Dispute: Ueda Akinari and Motoori Norinaga

Ueda Akinari and Motoori Norinaga engaged in a debate throughout their careers that reveals a lot about their respective ideas and views on the Kokugaku tradition. As both Ueda Akinari and Motoori Norinaga worked in similar fields and came from similar backgrounds, it was inevitable that they would come into contact with one another. What resulted, however, was a long, fierce debate over several years. In a strictly intellectual debate, the two men were both knowledgeable enough to square off against one another on fundamental issues in relation to National Learning, or *Kokugaku* studies, including philology and the literality of the Kojiki, ultimately leading to a difference in opinion on Japan's place on the world stage. It was by 1783 that Ueda began to openly criticize Motoori's work on the Kojiki, which evoked a series of heated responses.<sup>39</sup> Historians have mainly found evidence of the debate through a published work, Kakaika, which presents the dispute in the form of a debate between the two men, with Ueda first stating his position and then Motoori offering his rebuttal. Ueda biographer, Young, categorized the dispute into two main areas of conflict: the ancient Japanese language and Japan's position on the world stage in relation to other nations as it is found through the ancient Japanese texts.<sup>40</sup>

One aspect of the debate between Ueda and Motoori concerned the significance of the ancient texts on contemporary Japanese culture and society. Like some other *Kokugaku* scholars, Ueda believed that the *Kojiki* was only legend, not fact. In Motoori's view, however, these ancient texts provided a direct look into Japan's past, much like a mirror. He thought that the *Kojiki* must be accepted in its entirety, no matter how implausible its contents may have been. Instead, Ueda saw apparent inconsistencies that created a complexity in the texts that Motoori could never understand. This part of the dispute is best seen in the two men's stances on Japan's prominence on the world stage as well as its divine origins. Taking a so-called "rational" perspective, Ueda challenges Motoori on several accounts, most importantly in which he asks Motoori how he can be certain that Japan was created first in the world when it is a geographically small land and other countries have their own ancient

Susan L. Burns, Before the Nation: Kokugaku and the Imagining of Community in Early Modern Japan, (Durham, NC: Duke University Press, 2003), 103.

<sup>&</sup>lt;sup>40</sup> Young, 80-83.

<sup>41</sup> Reider, 45. The Nihongi was another ancient Japanese text, which in English means the Chronicles of Japan.

<sup>&</sup>lt;sup>42</sup> Burns, 111.

traditions that counter Japan's. By raising these issues, Ueda basically implies that to accept the ancient texts as they are written means to accept some ancient evidence while excluding others and that this was an unscholarly way to write about the *Kokugaku* school of thought.<sup>43</sup> Ueda's attack was critical and harsh, but Motoori's arguments were supported with his own confidence, his high reputation, and his immense knowledge about the classics. Despite Ueda's stance, Motoori maintained that Japan was the land of the gods and was supreme over all other nations; he believed that Japan deserved homage from every other country on earth. In response to Ueda's claims, Motoori replied that even though Japan is physically small, it still reigned supreme over all of the earth; he believed that the traditions of other nations were incorrect and only the ancient traditions of Japan are true and authentic. Ueda's rationale was not convincing to Motoori and he never withdrew his assertions. It was, according to Motoori, an obvious way to consider Japan's presence on the world stage.<sup>44</sup>

It is important to note that even though Motoori had responded in a way to defend Japan's greatness, Ueda was not attempting to call Japan insignificant. Rather, he was being realistic in illustrating that people of other lands would not easily accept Japan as the ruler of the world. Called, a "rational critic" of Motoori by biographer Young, Ueda did not believe that legends could be taken as proof of the actual occurrences of days past. He called Motoori's references to Japan's superiority "cultural chauvinism" and likened it to what was done by the Chinese. Furthermore, like the way that he recognized language's constant ability to change, he also attempted to describe the workings of historical change in a way that put him at odds with Motoori. Like Motoori, Ueda believed that Confucianism and Buddhism had transformed Japanese society. He did not, however, think that these Chinese influences were negative; he just saw them as natural, transformative occurrences that happen in every culture. He did not see the Japan before Confucianism and Buddhism as being necessarily better, and trying to recreate that Japan would be futile. He said:

Things and events change naturally, and there is no way to stop this. It may be possible to study and thereby achieve an imitation of the past, but the notion of recovering the past is nothing but the useless theory of scholars...My teacher once told me, the ways of the past were good in the past, the ways of the present are good in the present.<sup>46</sup>

<sup>&</sup>lt;sup>43</sup> Ibid., 112.

<sup>44</sup> Young, 83-85.

<sup>45</sup> Ibid., 85.

<sup>&</sup>lt;sup>46</sup> Ueda Akinari, quoted in Burns, 114.

In contrast, Motoori did not see this vagueness in cultural change. To him, recreating the past was completely possible through studying ancient texts. He denounced Ueda's criticisms as the work of a "Chinese mind" and refused to accept his opinions.<sup>47</sup>

Ueda also criticized Motoori's assertion that the *Kojiki* recorded the oral transmissions from ancient Japan in a direct and complete fashion. Throughout the *Kojiki*den, Norinaga attempted to restore the ancient Japanese language, which in his view was the pure Japanese language before it was corrupted by Chinese words and syntax that disrupted this perfect language. Motoori saw these differences between the pure language and the corrupted language, constantly referring to "correct" sounds of the past. Ueda, on the other hand, never implied that linguistic changes made the language correct or incorrect. He argued that, from the perspective of the speaker or author, no sound was any more or less good or natural than any other. He argued that the sounds that Motoori deemed "corrupt" may have actually existed in earlier times and therefore disagreed with Motoori's key argument that the ancient Japanese language was better, or truer, than the current Japanese language. <sup>48</sup>

Other disagreements about language came about due to phonetic and mechanical concerns in the ancient Japanese language. Specifically, the two men didn't see eye to eye on the existence of the "n" sound without a vowel that occurred in the ancient language. This was one of the sounds that Motoori saw as "corrupt," and he claimed that the sound did not appear in any of the old classics and therefore did not occur in verbal language until Chinese influence had brought it into use. Ueda, however, argued that just because the sound was not in ancient texts does not mean that the people did not use it in their verbal communication. He believed that to read characters without the "n" sound in every case would be to "sacrifice the niceties of speech for the sake of the written word."<sup>49</sup> This was just one example of their disagreements on several different sounds in the ancient Japanese language. This examination of the ancient language by Ueda and Motoori relates to the entirety of their views on Japanese nativism. By each defending their own points, they are putting at stake the question of whether or not Confucianism actually "corrupted" the Japanese language and revealing their thoughts on the supremacy of Japan over China and other countries around the world.

Overall, Ueda believed that Motoori had ignored the complex relationship between writing and speech that existed in ancient Japan. Motoori, however, saw this critique as a direct questioning of the foundation of the

<sup>47</sup> Reider, 45.

<sup>&</sup>lt;sup>48</sup> Burns, 106.

<sup>&</sup>lt;sup>49</sup> Young, 81.

Kojikiden because what Ueda was questioning was largely the foundation for Motoori's work; he believed that Ueda was trying to prove that Motoori's reconstruction of the ancient language was all for naught. Some scholars have suggested, however, that Ueda was simply attempting to point out the flaws in Motoori's philological claims, not to produce a different knowledge of the language. At the heart of his argument was his claim that writing had always existed in an erratic relationship with orality. For Ueda, what was at stake in pointing out these flaws was a broader opinion on the nature of language and society. He recognized the dynamic nature of language and how it would always be transforming over time. He was critical of Motoori's claims because he felt that language was forever undergoing change. <sup>51</sup>

The quarrel between the two men ended when Motoori compiled and published the *Kakaika* sometime around 1787. Ueda never made a formal response to the final rebuttal from Motoori, but still maintained that the past is not something that could be restored, but only learned from; it was then that he formally called off the dispute because he was "too busy" to carry things further.<sup>52</sup> For the rest of his life, however, Ueda held negative feelings toward Motoori, even after Motoori had passed away. <sup>53</sup> There were definite feelings of antagonism left between the two men as they formally ended what has been considered one of the most famous intellectual confrontations in early modern Japanese history.

### Conclusion

Through their individual works as well as their collaborative dispute through writings, Ueda Akinari and Motoori Norinaga have left an incredible legacy for future generations of Japanese students and scholars. Even though they disagreed openly on the veracity and exact truth of Japan's ancient texts, both men would have agreed that Japan had a unique past that could be found through studying these texts. Examining their discussions can provide us with insight into the kinds of ideas that people in Tokugawa Japan held about their country. As a scholar, Motoori had identified a unique Japanese-ness that put Japan on a pedestal over all other countries. Ueda had a rational viewpoint that respected the traditions of other nations while still recognizing the importance of maintaining Japanese culture. Together, the two men furthered *Kokugaku* 

<sup>&</sup>lt;sup>50</sup> Burns, 107-109.

Noriko T. Reider, *Tales of the Supernatural in Early Modern Japan*: Kaidan, *Akinari*, *Ugetsu Monogatari*, (Lewiston, NY: The Edwin Mellen Press, 2002), 44.

<sup>&</sup>lt;sup>52</sup> Young, 86.

<sup>53</sup> What he wrote and felt can be seen in the quote written in 1808 in the first line of the introduction to this paper.

studies through their poetry, stories, analytical writings, and of course, through their dispute with one another.

### **Bibliography**

- Asatarō, Miyamori, trans. Masterpieces of Japanese Poetry: Ancient and Modern. Tokyo:
- Taiseido Shobo Co., 1956.
- Burns, Susan L. Before the Nation: Kokugaku and the Imagining of Community in Early Modern Japan. Durham, NC: Duke University Press, 2003
- Gerstle, C. Andrew, ed. *18th Century Japan: Culture and Society*. Richmond, Surrey: Curzon Press, 1989.
- Griswold, Susan. "The Triumph of Materialism: The Popular Fiction of 18th-Century Japan." *The Journal of Popular Culture* 29 (1995).
- Hamada, Kengi, trans. *Tales of Moonlight and Rain: Japanese Gothic Tales by Ueda Akinari*. Tokyo, Japan: University of Tokyo Press, 1971.
- Matsumoto, Shigeru. *Motoori Norinaga*, 1730-1801. Cambridge, MA: Harvard University Press, 1970.
- Reider, Noriko T. *Tales of the Supernatural in Early Modern Japan*: Kaidan, *Akinari*, Ugetsu Monogatari. Lewiston, NY: The Edwin Mellen Press, 2002.
- Shirane, Haruo, ed. *Early Modern Japanese Literature: An Anthology,* 1600-1900. New York: Columbia University Press, 2002.
- Totman, Conrad. *Early Modern Japan*. Berkeley, CA: University of California Press, 1993.
- Young, Blake Morgan. *Ueda Akinari*. Vancouver: University of British Columbia Press, 1982.

### **Buddhism and Quantum Physics: Sharing the Path**

Bailey DuBois

Albert Einstein is famously quoted as saying that "if there is any religion that is acceptable to the modern scientific mind, it is Buddhism." Today, most authorities of Buddhism or science say that with the development of quantum mechanics theory, that relationship has only grown stronger. The world is now better poised to communicate on these two topics than ever before. What is the basis of this claim? More importantly, what are the implications of fostering a conversation between Tibetan Buddhism and modern physics? Before the most recent decades, a problem of anti-Buddhist or anti-Western sentiment on both sides of the equation has arisen from unfamiliarity with each other, concern about the threat the other might pose, and belief on both sides that the other lacked authority (in their scientific or spiritual perspective). This hostility prevented scientists and monastics from fully engaging in conversation. Professor Jose Cabezon, Ph.D., argues that this changed because of a new "mode of interaction" which he calls "complementarity," or the idea that "Buddhism is science: that the objects of investigation, the results, aims, and methods of the two are identical."2 Of course, differences and challenges remain. Buddhism tells that our reality is composed of both physical and mental phenomena, so a total picture of the world can only appear if we represent both in our studies of reality. Science (through the field of psychology) is beginning to expand its conclusions about the possibility of mental phenomena, but it has not reached all the same conclusions about the power of meditation and mind that Tibetan Buddhism recognizes. Basic categorizations—religious vs. atheistic—separate the two philosophies and can create an immediate language barrier. But today many people see possibilities for cooperative growth.

Changing theories in modern physics make new modes of communication

Pinit Ratanakul, "Buddhism and Science: Allies or Enemies?" Zygon: Journal of Religion & Science 37 (2012): 116.

Jose Ignacio Cabezon, "Buddhism and Science: On the Nature of the Dialogue," Buddhism & Science: Breaking New Ground (New York: Columbia University Press, 2003), 44.

possible and open a new door between east and west. The spiritual leader of the Tibetan Buddhists, the Dalai Lama XIV has used this portal to usher in an era of philosophical conversation on a global scale. Today, the world needs new and innovative collaborations. Scientific and Tibetan Buddhist worldviews bring different perspectives and skills to the table, helping to foster a greater awareness of the need for universal citizenship. The Earth is in a precarious position; it is badly damaged by humanity's irresponsible resource consumption and its ecosystems are rapidly deteriorating. Scientists are just beginning to engage with environmental problems, but Buddhists have always advocated for the Earth's intrinsic value as a basic part of the interdependent web of life. As the people of the Earth begin to understand their position of responsibility toward this homeland, science expands into new fields to answer the call. How do we fix the environment? It is a question that no one yet can fully answer. But there may be some solutions in the Dalai Lama's groundbreaking scientific and philosophical exchanges. A Buddhist understanding of a dynamic, interconnected world which no longer pits planet against human could be a more successful model for encouraging cooperation in the caretaking of our planet. A mission to understand the universe and enrich the lives within it is common to both parties. There is no surer way to encourage the citizens of this world to become responsible stewards of the earth than through a partnership of these philosophies.

In both figurative and literal terms, Tibetan Buddhism and modern (Western) science have had trouble understanding one another for some time. It's difficult to have a conversation in mutually unintelligible languages. The evolution of physics theory in the modern age is the key factor in recent communication. "In the 1970s it was discovered that Buddhism...constitutes something akin to what we think of as physics, the study of the material universe." Whereas Buddhist worldview remained unchanged, modern physics only recently accepted the flaws of classical Newtonian physics. Today, quantum mechanics theory reigns. Remarkably, the latest discoveries in quantum physics (and the emerging field of contemplative science) continue to substantiate 2,500-year-old Buddhist philosophies about the physical nature of the universe. The Dalai Lama comments that, "if on the quantum level, matter is revealed to be less solid and definable than it appears, then it seems to me that science is coming closer to the Buddhist contemplative insights of emptiness and interdependence." But he admits that Buddhist thought

Walt Anderson, Open Secrets: a Western Guide to Tibetan Buddhism, 107.

The Dalai Lama XIV, The Universe in a Single Atom: the Convergence of Science & Spirituality, 43.

<sup>&</sup>lt;sup>5</sup> The Dalai Lama XIV, 50-55.

insights only hint at the complexity revealed through scientific methods, growing outdated against contemporary definitions: "When one listens to descriptions of subatomic particles...in modern physics, it is evident that the early Buddhist atomic theories and their conception of the smallest indivisible particles of matter are at best crude models." Most dialogues hope to come to some understanding about the nature of physical phenomena and the universe, and where spirituality fits in this equation.

Quantum physics may be the field best equipped to understand Tibetan Buddhism because of its similar conclusions, but it is also a threshold for skeptical scientists to enter into the exchange. Those similar conclusions show that this religious understanding of reality has some legitimacy by scientific standards. The Dalai Lama certainly goes beyond similarities in physics theory in his own inquiry.

Discussions show thus far that it is easy to talk about experiment, theory and the nature of phenomena, but when the topic of morality or spirituality is approached, the conversation hits a wall. French Monk Mattieu Ricard states that Buddhism isn't centrally concerned with science, but has "long been asking similar [scientific] questions," such as, "are the laws of physics immutable, and do they have an intrinsic existence?"6 Ricard notes that Buddhism is flexible enough to accept new theories about reality which are "perceived as authentic" by modern science, but that it realizes that "since scientific knowledge has no connection with goodness or altruism, it cannot create moral values." Science is, by definition, study and experiment for the sake of knowledge; yet historical examples abound of unethical practice. Moral codes of practice exist to prevent harm, not to create good. Others may use that knowledge for public benefit, but the scientist does not typically bear a humanitarian mantle. It is not a necessary part of her role in Western culture. Tibetan Buddhist practitioners and monastics cultivate compassion and the wisdom to know how to do right, especially in relation to others or the environment. It is an active responsibility and commitment. This is the most important difference to keep in mind during any comparison of modern science and Buddhism.

The Dalai Lama supports and extends efforts for communication between these two bodies of knowledge, but claims that this dialogue must address the need for ethical conduct in human relationships and scientific exercises. "Granted," he states, "strictly speaking, science does not deal with questions of ethics and value judgments, but the fact remains that science, being a human endeavor, is still connected to the basic question of the well-

<sup>&</sup>lt;sup>6</sup> Ricard, Mattieu and Trinh Xuan Thuan, The Quantum and the Lotus: a Journey to the Frontiers Where Science and Buddhism Meet, 190-191.

being of humanity." The motivation here is clear. Study creates knowledge and knowledge has consequences. The greater the information, the greater its implications—for good or for worse. So encouraging a larger awareness of beneficial inquiry may be able to empower those who already work toward direct human/world assistance and inspire those who are not currently involved—even if their work is not connected to environmental topics or problems. Physicist and comparative religion professor Ravi Ravindra writes:

It is possible to hope that modern science and ancient spiritual traditions can be integrated in some higher synthesis. I would even say that such a task is the most important of all that can be undertaken by contemporary intellectuals, for on such a synthesis depends not only the global survival of man but also the creation of the right environment, right both physically and metaphysically, for future generations.<sup>8</sup>

In addition, facing possible extinction on this planet, it is logical that the scientific community should endeavor to search for knowledge that could save this habitat. It is the best equipped international body, and it operates as a system rather than a hierarchy, allowing room for independent leadership and action. The scientific community is enormously influential with citizens and policymakers. Its involvement in any Buddhism initiatives lends much credibility to the Buddhist message of compassion and responsible action. But before it is possible to conclude whether or not the Dalai Lama XIV's request is as practical as it is wise, the underlying commonalities, differences and definitions that currently support this ongoing dialogue must first be explored.

Buddhist theories underwent rigorous debate for thousands of years. The relatively recent development of Quantum Mechanics theory in the last century finally opened up a portal for scientists to enter into this discussion. Quantum physics understands reality as a dynamic system of interactions. This disputes classical Newtonian mechanics, which was so popularly accepted by science. Until Einstein's theory of relativity was declared, people considered Newton's conceptualization of a rigid reality to be an immutable law. Despite the fact that "no other theory in physics has been subjected to more meticulous experimental scrutiny, and no other theory has proven so exact and reliable in its predictive power," the invisible realm of quantum theory is still difficult for most people to grasp. Belief depends on some faith. The nature of reality,

<sup>7</sup> The Dalai Lama XIV, 51.

Vic Mansfield, Tibetan Buddhism and Modern Physics: Toward a Union of Love and Knowledge, 5.

<sup>&</sup>lt;sup>9</sup> L English, "On the 'Emptiness' of Particles in Condensed-matter Physics," Foundations of Science (12): 158.

based on personal, physical interaction, is much easier for the average human to conceptualize than atomic characteristics. In response to the pervasiveness of the idea of solid reality (despite realizations about the interdependence of matter), Buddhism teaches that the universe is beyond comprehension. Even well-educated people can easily forget that classical beliefs about matter have been unsubstantiated by quantum theory: "The old physics is still with us," Walt Anderson explains. "Our everyday consciousness still dwells in the world of subjects and objects, hard bodies, and simple location—or thinks it does....We seem to have accepted a perpetual split between the world of ordinary human experience and the incomprehensible truths of modern science" This simple confusion motivates Buddhist practice, which suggests that men and women must train their minds to grasp (illusory) reality as it is, despite knowledge about the ultimate (Buddhist) nature of reality.

This illusory world is relative to every person, not fixed or absolute. Even scientists or Buddhists may see reality within different definitions. So before even venturing into questions of Buddhist/scientific commonalities at the atomic level, it's possible to examine the definition of a human's basic sensory experience within both understandings. Through study of sensory cognition, science finds that people of one nation, one religion, one neighborhood or even one family have totally different ideas about the shape of the world. Basing his argument on the discoveries of modern science, Professor William S. Waldron, Ph.D. sees a process in which humans are incapable of sensing (without instruments) all the things that exist in the world. Their conception of the "world" is limited to things within their own sensory range. "Human eyes, for example, do not respond to ultra-violet or infra-red light, nor can most of us hear a dog whistle, we are blind and deaf to what other species can see and hear." Therefore, "Our everyday awareness of the world, what we see and hear and touch and smell, critically depends upon the distinctions our sense faculties are capable of 'drawing'—indeed, the world ordinarily only appears in the forms they draw."11 What our sensory organs recognize is what we believe is there. We consider this vision to describe a single world identical to the world in every other human's experience. The consequence of this is that many realities, not one singular world, develop in the human understanding, according to what each individual perceives at the most local level of their conscious experience.

Waldron discusses how "these considerations radically challenge our ordinary notion of the 'world,' making it a phenomenon that must be understood

<sup>10</sup> Anderson, 117.

William S Waldron, "The Co-arising of Self, Object, World and Society," Buddhism & Science: Breaking New Ground, (New York: Columbia University Press, 2003), 4.

interactionally rather than a reality that exists unilaterally." <sup>12</sup> 'Interactional' is key here. But this brings up the almost inconceivable idea of the existence of a subjective reality. Both Buddhist and scientific understanding suggests that if different worlds exist for different people, then there may be aspects of reality that can be determined on an individual level. "Biological philosophers Maturana and Varela...conclude that 'the domain...of interactions into which an organism can enter constitutes its entire cognitive reality' (1980). An organism's 'world' is thus not a simple reflection of some external, pre-existing objective reality. Rather, its cognitive reality...is defined by the range of its possible interactions." This suggestion refers to both interdependence and subjectivity. And, "much like our biologists, the Buddha defined our 'world' in terms of the cognitive capacities of our sense faculties (plus mind)."13 This example illustrates the new frontiers of debate and study. Yet with these conclusions we may be venturing into dangerous territory. The Dalai Lama describes how meditative practices can reveal a different "realm of reality," but that they fall within a subjective, personal framework. They cannot be discussed in the same way that objective theories about the physical realm can. Here the language barrier is present again. Every term in a conversation must be identically defined to yield true conclusion, otherwise the participants will be unable to convey any real meaning. He warns, "All the discussions about the nature of reality that take place in the scientific context should be incorporated within [an objective] type of discourse."<sup>14</sup> When drawing conclusions between science and Buddhism, it's important to emphasize their respective positions on the quantifiable nature of reality and avoid trying to understand subjective Buddhist experiences through an objective scientific lens (though other scientific studies, such as psychology and neuroscience, may be better equipped to explore this phenomena). That is why quantum physics and Tibetan Buddhism provide the best opportunity for discussion at this time.

Both understandings share two core principles: the Tibetan Buddhist philosophies of interdependence and emptiness are well-substantiated by quantum physics. Interdependence in quantum physics "can be expressed by the key words 'complementarity,' 'four interactions' and entanglements.'" These principles communicate the scientific concept of reality. First, the four interactions are the fundamental principles of electromagnetism, strong interaction, weak interaction (both relating to forces at the nuclear level) and gravitation. These forces do not require direct contact between the particles

<sup>&</sup>lt;sup>12</sup> Ibid., 7.

<sup>&</sup>lt;sup>13</sup> Ibid., 7-8.

<sup>14</sup> The Dalai Lama XIV, 92.

Christian Thomas Kohl, "Buddhism and Quantum Physics: A Strange Parallelism of Two Concepts of Reality," *Contemporary Buddhism* 8, (2012): 74.

they act on, but create a complex system of reactive forces between matter. Upon this finding, "two-body systems or many-body systems were established as the base of matter. Between the bodies, interacting forces are effective in keeping the bodies together." Thus reality is an interdependent network of dynamic forces.

Second, complementarity means, most simply, that the way people understand phenomena can change depending on what measuring instruments, or tools, they use to examine it. One tool may show results that another does not. Identical specimens may yield opposite results. Therefore the specimen (or phenomenon) and the instrument are complementary, affected by each other. If a scientist were to understand the principles of a particle through classical physics concepts, determining (through use of one instrument or another) that that particle always behaves in a certain way (for example, a wave-like or particle-like way) she does not see that it is possible for a particle to exhibit both behaviors. "In the long prehistory of quantum physics it could not be proved experimentally whether the smallest elements of light were particles or waves....Only one or the other could actually apply; but paradoxically both appeared."17 This is the concept of wave-particle duality, and it further demonstrates the Buddhist principle that people are limited by their own senses and perceptions, and increase their own misunderstanding of the nature of reality by trying to put absolute labels on things.

Quantum physics principles of non-locality and entanglement are related. Entanglement is the process by which particles that have at one time interacted with each other are forever associated, and their properties and state become contingent on the others', united as if they were no longer two separate particles. Non-locality then describes how these particles are capable of predicting each others' position and movement. Principles of non-locality conclude that wave-particle duality "points to a radical interconnectedness imposed by quantum mechanics and by direct consequence a lack of separate identity. This conclusion is very reminiscent of the Buddhist notion of universal connectedness." It also supports Nagarjuna's idea of the double nature of phenomena: "two bodies constitute a system of two material or immaterial components that complement each other. One of the components cannot exist without the other one; each forms the counterpart of the other." This is the Buddhist theory of cause and effect.

<sup>&</sup>lt;sup>16</sup> Ibid., 77.

<sup>&</sup>lt;sup>17</sup> Ibid., 75-76.

<sup>&</sup>lt;sup>18</sup> L English, 160.

<sup>&</sup>lt;sup>19</sup> Kohl, 73.

Non-locality helps to scientifically illustrate the Buddhist philosophy of cause and effect, which states, "in reality, nothing is free-standing, because everything exists in dependence on its cause and gives rise to its effect." Therefore if a particle lacks individuality, then an action upon it will create an equal action on the system of connected particles. This study may also lead to proof of the Buddhist concept of dependent origination, or that nothing arises from nothing. Non-locality and entanglement negate the notion that, "according to traditional metaphysics, substance or own being is something that has independent existence, something unchangeable, eternal and existing by itself. Substance is the underlying basis for everything else." This ignorance of interdependence in traditional metaphysics reflects a parallelism in Buddhism, which finds that the cause of suffering is clinging to an insistence that the self is a separate entity, rather than part of an integrated whole.

Deeper examination of even the most basic quantum physics principles evidence further support for many Buddhist precepts, especially emptiness. Emptiness shows that phenomena is empty of concept, or lacking inherent identity. Traditional ideas of matter and self are turned upside-down. A "table," a "chair." Anything familiar has been previously labeled. Labels designates identity, but where in an object's characteristics is the true nature? No integral part of a table makes it "Table." Though four legs and a top may shape an idea, they do not create identity. All those indistinguishable pieces, "scraps" when separate, merge to create something that does exist in space; it is only a concept in reality. "The essence of a particle is seen as inseparable from its interactions,"23 states English. "It is impossible to find an elementary quantum object that is not dependent on other quantum objects or dependent on parts of itself,"24 argues Kohl. From a Buddhist perspective, this paradox is clear—if its essence is obtained through interaction, then "it" does not have an individual essence. Physical phenomena are thereby empty of distinct characteristics, and can only be understood as part of a system. Tibetan scholar Gendün Chöphel sees the modern concept of relativity as proof of Nagarjuna's teachings that "all notions of absolute-whether of time, matter, or consciousness-are rejected and all things, in terms of their existence and even their identity, are understood within the framework of utter contingency."25 This is shunyata, or emptiness of all phenomena. The quantum mechanics concept of dynamic

<sup>20</sup> L English, 157.

Thupten Jinpa, "Buddhism and Science: How Far Can the Dialogue Proceed?," Zygon: Journal of Religion & Science 45, (2012): 873.

<sup>&</sup>lt;sup>22</sup> Kohl, 70.

<sup>&</sup>lt;sup>23</sup> English, 161.

<sup>&</sup>lt;sup>24</sup> Kohl, 79.

<sup>&</sup>lt;sup>25</sup> Jinpa, 873.

matter describes how particles and systems are in constant flux, changing through interactions.

It is impossible to identify a permanent situation at the atomic level, no matter how stable something appears to the human eye. Additionally, nothing in the world, including the world, escapes change, evolution or disintegration, though these processes occur at different rates for different matter. This is equivalent to the Buddhist idea of impermanence. <sup>26</sup> Both dynamic matter and the interconnected system of particles help to support the Buddhist idea of emptiness at the physical and the atomic level.

It would be wrong to think that electrons, protons, or phonons did not exist at all. They positively exist as abstractions or designations within "conventional reality". However, when we look for the particles' "ultimate reality", when we investigate their ontological or epistemological basis, we find that they are less substantial than we first guessed.<sup>27</sup>

So, Buddhist precepts about the nature of reality are strongly supported by modern physics. But an enduring difference remains: science, which seeks to define and characterize the physical world only to better develop and clarify human understanding, lacks the moral, spiritual, and ethical concerns of Buddhism. What are the practical benefits of re-examining these issues which science tends to neglect? Perhaps more important than any other topic is how we have and will continue to treat the environment. In this regard, Buddhism values stewardship and respect, while science simply seeks to understand. With a climate crisis looming, science may have no choice but to consider its moral responsibility and engage in greater activism. On a more personal scale, these values may provide tools to understand human nature and society. Waldron states that, "There is a growing consensus that we may understand ourselves and our world more deeply and fully if we conceive of things in terms of interconnected patterns of relationships rather than as reified entities existing somehow independently of their own development history, their internally differentiated processes or their enabling conditions."28 Scientists continue to struggle to persuade humanity on two points: that human activity has had a profound and destructive impact on the earth; and that humans are to blame for acting upon our (passive) planet and producing the effects of climate change and global warming. These arguments are rejected by a significant percentage

<sup>&</sup>lt;sup>26</sup> Jinpa, 873.

<sup>&</sup>lt;sup>27</sup> English, 169.

William S Waldron, "Common Ground, Common Cause: Buddhism in Science on the Afflictions of Self-Identity," *Buddhism & Science: Breaking* New Ground, (New York: Columbia University Press, 2003), 2.

of Earth's inhabitants. A Buddhist understanding of the interrelatedness of humans and the earth could help us move past the attitude of casting blame and avoiding responsibility by showing that as much as we are responsible for the effect we create, we are also a part of each other, and should unite to resolve problems, even if our individual impact on them was small. As a group, humanity is a powerful force. A more healing approach would be to recognize that this creates great negative impact as well as potential for great change. By understanding that reality is inherently integrative, that sensory perceptions limit the extent of human sensitivity and that the notion of self-identity derives from evolutionary necessity, reinforced by these incomplete perceptions, it becomes impossible to ignore that "reality" is a construct.

Today the conclusions being drawn about the nature of reality, the creation of a greater, more informed and involved citizenship, and the interconnectedness of humanity increase with every new conversation and examination. The fact that modern physics has done so much to support the Tibetan Buddhist's beliefs about the nature of reality lends it much credit on a global scale. But a great part of the world is still ignorant of these developments or unwilling to embrace an understanding of the world and humanity that contradicts most popular culture. Greater participation in the transmission of Buddhist/scientific conversation is necessary to increase attention and awareness of the conversation. The world stands to benefit from the study of these two highly intellectual fields and from Buddhism's message of interdependent existence. "Nonlocality and Middle Way emptiness," Vic Mansfield claims, "deeply concur on the nature of reality, not just in broad outline, but in the details."29 This relationship can lead to a greater level of peace within human relationships and a healthier give-take with the environment. "A realization of emptiness, of our profound interdependence with each other and the world surrounding us, decreases egotism and increases the genuine concern for all life."30 In the 21st century, war, apathy, greed and violence against humans, animals and nature are still rampant. No matter how well we understand why these problems occur, if we do not involve the whole citizenship in a conversation about the necessity of compassionate resolutions instead of short-term compromises, a universal culture of unequal rights, segregated classes and xenophobia will ultimately prevail.

Mansfield, 45.

<sup>30</sup> Mansfield, 90.

## **Bibliography**

- Anderson, Walt. *Open Secrets: a Western Guide to Tibetan Buddhism*. New York: The Viking Press, 1979.
- Cabezon, Jose Ignacio. "Buddhism and Science: On the Nature of the Dialogue." In *Buddhism & Science: Breaking New Ground*, edited by B. Alan Wallace, 35-70. New York: Columbia University Press, 2003.
- Capra, Fritjof. The Tao of Physics: An Exploration of the Parallels between Modern Physics and Eastern Mysticism. Boston: Shambhala Publications, Inc., 1999.
- English, L. "On the 'Emptiness' of Particles in Condensed-matter Physics." Foundations Of Science 12, no. 2: 155-171. 2007. Academic Search Complete, EBSCOhost (Oct. 4, 2012).
- Jinpa, Thupten. 2010. "Buddhism and Science: How Far Can the Dialogue Proceed?." Zygon: Journal Of Religion & Science 45, no. 4: 871-882. Academic Search Complete, EBSCOhost (Oct. 4, 2012).
- Kohl, Christian Thomas. 2007. "Buddhism and Quantum Physics: A Strange Parallelism of Two Concepts of Reality." Contemporary Buddhism 8, no. 1: 69-82. Academic Search Complete, EBSCOhost (Oct. 4, 2012).
- Mansfield, Vic. *Tibetan Buddhism and Modern Physics: Toward a Union of Love and Knowledge*. West Conshohocken: Templeton Foundation Press, 2008.
- Ratanakul, Pinit. "Buddhism and Science: Allies or Enemies?" Zygon: Journal Of Religion & Science 37, no. 1: 115-120. Academic Search Complete, EBSCOhost (Oct. 20, 2012).
- Ricard, Mattieu and Trinh Xuan Thuan. *The Quantum and the Lotus : a Journey to the Frontiers Where Science and Buddhism Meet*. New York: Three Rivers Press, 2001.
- The Dalai Lama XIV. *The Universe in a Single Atom: the Convergence of Science and Spirituality*. New York: Morgan Road Books, 2005.
- Waldron, William S. "Common Ground, Common Cause: Buddhism in Science on the Afflictions of Self-Identity." In *Buddhism & Science: Breaking New Ground*, edited by B. Alan Wallace, 145-191. New York: Columbia University Press, 2003. Gampo Abbey (Sept. 27, 2012).
- Waldron, William S. "The Co-arising of Self, Object, World and Society."
  In Buddhism Thought and Applied Psychological Research:
  Transcending the Boundaries, edited by D. K. Nauriyal, Michael
  S. Drummond, Y. B. Lal. London: Routledge, 2006. Gampo Abbey (Sept. 27, 2012).

- Wallace, B. Alan, ed. *Choosing Reality: a Buddhist View of Physics and the Mind*. Ithaca: Snow Lion Publications, 1996.
- Zajonc, Arthur, ed. *The New Physics and Cosmology: Dialogues with the Dalai Lama*. New York: Oxford University Press, 2004.

# Mirror Images: The (Lack of) Parallels Between Nogami Yaeko and Her Female Protagonists

Susannah Engdahl

Nogami Yaeko occupies a distinctive position in the pantheon of Japanese women writers. Many aspects of her career, personal life, and approach to writing differ from those of her contemporaries. As a result, readers stand to gain some unique insights from her works, but only following a careful examination of her history. Because many things in her life were unusual as compared to other Japanese women writers, it is difficult to analyze Nogami's work with the same lens one might use for her peers. Thus, this paper will begin with an overview of Nogami's life in order to provide readers a foundation on which to begin thinking about her works. Following this, several of her short stories will be analyzed in the context of her life story, as using this lens can reveal some key observations about her writing. Primarily, we will investigate the extent to which Nogami has written elements of her own life into her stories. In doing so, we may come to understand a technique that she used to provide some (subtle) commentary on social conditions.

One of the most remarkable things about Nogami is the length of her literary career, which extended through eight decades—beginning in 1907 and ending with her death in 1985 ("To Live" 147). Compared to many other writers, nothing about her career, or her life in general, was especially tumultuous. This at once sets her apart from her peers (such Uno Chiyo with her multiple divorces or Tamura Toshiko with her financial struggles), and can be traced all the way back to her early life. Nogami was born in 1885 to a progressive family with parents who opted to send her to Tokyo for her secondary education, an unusual choice but an appropriate one given her extreme studiousness as a child. Her six years (1900-1906) in Tokyo at the Meiji School for Girls proved to be extremely influential, as the school operated under a philosophy of gender equality, something which was especially unusual for the time. Students were taught to "think freely, distrust conventions, and resist authority. [They] also received basic training in the appreciation of

Western literature, philosophy and aesthetics, which were taught by teachers who were themselves writers and critics" ("To Live" 148). This approach contrasts sharply to the more prevalent one, which based women's education on the Confucian "good wife, wise mother" principle. Shortly after graduating in 1906, she married Nogami Toyoichirō, a decision which proved to be critical in launching her literary career. Toyoichirō did two important things for his wife. First, he introduced her to the writer Natsume Sōseki, who provided commentary on her early stories and familiarized her with the school of literary realism. This technique of writing about the ordinary details of everyday life was one Nogami used in many of her works. Second, he supported her in such a way that permitted her to both raise a family and pursue a productive literary career ("To Live" 149). Many women were forced to make a choice between the two, and the fact that Nogami did not have to was extremely influential to her writing.

This dual role as a "traditional woman" and a writer put Nogami in an odd position in terms of her relationships with other writers. As a wife and mother, she spent most of her time at home ("When Art" 385). Consequently, she did not closely interact with the rest of the literary world. Yukiko Tanaka argues that this "enabled her to see herself as neither a follower of the trend set by male writers nor as an imitator of a male model" ("Toward the New Era" 161). Nogami did not necessarily fit in with the women's literary world either. While she supported feminist ideals, she did not participate heavily in feminist movements, nor did she exemplify the stereotypical woman "who flouted conventional behavior" ("When Art" 385). Such a female came to be classified in Japan as a "New Woman" by the early 1900s, and although many women supported this label, Nogami did not adopt it. This issue will become important as we begin analyzing some of her short stories. For now, it is important to remember that Nogami's reluctance to associate herself with any particular literary group was intentional, as it allowed her to remain an "amateur" ("To Live" 149). We will see that her status as an amateur allowed her to engage in writing in a manner critical of society without being denounced by literary critics, who likely did not imagine that a mere "amateur" writer, and a woman at that, would dream of doing such a thing.

Although many of Nogami's works were written in the style of literary realism, she explored other techniques as well. By the end of her career, she had written about such varied topics as social reform, political activism, and the nature of good and evil. This range of subject matter served as proof to the literary world, if there was not enough mounting evidence from other women writers, that "a woman could write fine fiction on a topic, and in a style, that is not particularly 'feminine.' By asking difficult moral questions, it also proved

that a woman is capable of dealing with abstract ideas, not just the narrowly confined experiences of everyday life" ("Toward the New Era" 164). Ever since Japan's medieval period, the literary world contained a well-established category for works written by women. The assumption was that since women's intellect differs dramatically from men's, they could not contribute to literature in the same way as men and their work must be placed elsewhere in the literary canon. Specifically, women were only capable of writing "sentimental lyricism" and engaging in "impressionistic, non-intellectual, detailed observations of daily life" (Ericson 75). By the late 19th century, a growing number of women were publishing works that directly contradicted this assumption. Nogami's contributions in this respect don't necessarily set her apart, but Tanaka makes a further assertion about Nogami's literary merit—that she was not a keishu sakka, a female who wrote tragic stories about the unfortunate realities of life as a woman ("Toward the New Era" 164). Tanaka cites Nogami's self-proclaimed "amateur" approach to writing as evidence for this claim, in which she did not "approach fiction writing as a means of personal and social emancipation; instead, writing was an intellectual challenge for her" ("Toward the New Era" 165). In this light, Tanaka seems to be saying that Nogami's works should not be considered revolutionary or subversive. If she merely used writing as a way to exercise her brain and not to express her opinions, it would not make sense to view her works as critical.

However, I do not necessarily agree that this interpretation is appropriate. Indeed, other scholars—primarily Eleanor Hogan—suggest that Nogami did actually use her writing as a platform on which to make sociopolitical statements. A careful reading of several of Nogami's works suggests that she was engaging in some degree of commentary, albeit subtly. The way in which she does this is tricky to pinpoint, so the rest of this paper will focus on exploring that idea. The most fundamental issue here is whether or not Nogami wrote herself into her stories. If she had, her writing would be representative of her own life and might have provided her a way to assert criticisms. However, it is not clear the extent to which she did this. In fact, Hogan argues that it was precisely because she did *not* write herself into her stories that she could provide this commentary.

Let us begin by reviewing Hogan's article on this issue, "When Art Does *Not* Represent Life: Nogami Yaeko and the Marriage Question." To reiterate, Hogan feels that Nogami was somewhat isolated from the literary world due to the way in which she related to both the male and female writers of the time. Although she had a husband and male writer friend who solidly supported her literary endeavors, she was uncomfortable interacting with other male authors. Sōseki had group literary discussions at his house every week,

and while Nogami was always invited to attend, she declined to do so knowing that it would not be perceived as socially acceptable if she tried to speak (394). At the same time, she elected not to interact with fellow women writers either, specifically the contributors to *Seitō* (who called themselves New Women). The reason for this was her role as a wife and mother, which distanced her from the many other women writers who were divorced or involved with men out of wedlock (395). Furthermore, she was financially secure enough to be able to afford help with housework and child-care, providing her the freedom to write which was not afforded to women struggling to support themselves (395). Hogan concludes from this that her "status as a married woman allowed Nogami Yaeko herself, and her early works in particular, to be perceived as less radical than they actually were" (395). Knowing that she was a wife and mother tended to lead critics to interpret her works as supportive of the marriage system. The reality is more complex though, as the female protagonists in some of her works simultaneously operate within the bounds of the system and question it. Thus, it is only because Nogami appeared to fulfill the ideal of a traditional woman that she could get away with criticizing the system. Nonetheless, Hogan does not believe Nogami is really written into her own stories. The criticisms against marriage only appear in Nogami's writing; she did not act them out in her own life. Therefore, her writing "did not represent her life, but allowed her to express her opinions in a thinly veiled manner" (396). Therefore, according to Hogan, Nogami was able to provide social commentary only by *not* writing herself into her characters.

Hogan bases this argument on an analysis of just two of Nogami's works, "Meian" and Machiko. We will now look at her short story "Persimmon Sweets" in order to see if we can perform a similar analysis. "Persimmon Sweets" is, on the surface, a light-hearted story within a story. On one level, there is the story of the relationship between the female protagonist, Tokiko, and a family friend, Yoshida. Yoshida is something of an odd man, partially because he is unmarried and yet claims to have a wife. The second level of "Persimmon Sweets" involves Yoshida telling Tokiko and her sister-in-law the story of his marriage. It is this aspect of the story which deviates from the general lighthearted aura of the story—despite Yoshida's rather flippant account of his experiences, the story is quite dark and decidedly bizarre. The gist of Yoshida's story is this: one year on his annual pilgrimage to Mount Kokei, he stopped to visit an old family friend named Osetsu. He was disconcerted to find that she was living alone in a small house, despite her family's luxurious mansion being located nearby. It turns out that Osetsu had been in an arranged marriage, but elected to leave and live on her own because she was so unhappy with it. She tried to cope with the marriage by pretending that her true self died, but discovered it was impossible to live with this loss of self and decided to leave her husband. She and Yoshida part with the apocalyptic statement on her part that she will die the next time she marries. Ten days later, Yoshida received a package and a letter from Osetsu's father. The letter explains that Osetsu had wanted to marry him before she died, and the package contains Osetsu's cut-off chignon. Yoshida concludes his story with the rather bewildering statement, "Well, I imagine the identity of my wife has become clear now" (307).

Unfortunately, Yoshida's meaning still remains unclear to his listeners. We can derive meaning from the hair though, which is often used to symbolize beauty and femininity in Japan (*The Modern Murasaki* 298). By cutting off her hair, a woman could show that she was removing herself from the world by refusing to marry or by entering the religious life. As a result, "Osestu's action illustrates that she is relinquishing her ties to the world and the marriage/family system, resulting in total 'self-annihilation'" (*The Modern Murasaki* 298). We see that Osetsu has symbolically died, as promised, and that Yoshida has actually just married her hair. For her part, Osetsu is living as a nun without the restraints of men or family life (*The Modern Murasaki* 298).

In the spirit of Hogan's article, we will now investigate the extent to which Nogami appears in the character of Osetsu. The link between the two women is somewhat tenuous, so it seems that Hogan's argument may be applicable to "Persimmon Sweets" as well. The main way in which the two women connect is through their reasons for marriage. Osetsu is forced into her marriage by family circumstances and views it as a form of self-sacrifice ("Persimmon Sweets" 306). Similarly, Nogami's marriage was not motivated by love, and was possibly even a deliberately calculated move on her part in order to avoid an arranged marriage and remain in Tokyo where she could continue writing ("When Art" 384). Despite the sacrifice of settling for a loveless union, Nogami's marriage turned out to be quite beneficial for her, as her husband was influential in furthering her literary career. This is where Nogami diverges from Osetsu, whose unsatisfactory marriage prompts dramatic action. Hence, there is evidence in support of Hogan's belief that Nogami's writing doesn't represent her life, but still allowed her to express opinions. And, in contrast to Tanaka's belief that writing was simply an intellectual challenge for Nogami, there is strong evidence that Nogami is, in fact, making a statement about the marriage system. Osetsu escapes from the rigid marriage system twice—once by leaving a bad marriage and once by becoming a nun. Because she is able to take control of her life in this way, despite the hardships, we see that Osetsu is an empowered woman (The Modern Murasaki 299) and that Nogami is refusing to accept the validity of the traditional marriage system.

If we look at one of Nogami's stories which is not about marriage,

we can still find evidence that elements of Nogami's life are integrated into that of the protagonist. "A Story of a Missing Leg" particularly lends itself to this analysis because it is told from the point of view of an unnamed woman writer—making it especially easy to connect her with Nogami. The story opens upon the writer receiving a letter from a poorly-educated rural woman with a niece who is missing an arm. The aunt, believing it would be a good idea for the girl to try to become a writer, wants advice from the writer on how her niece might go about achieving this. Despite her normal inclinations to ignore requests like these, the writer agrees to meet with the aunt purely out of curiosity regarding the abnormality of the situation. At the meeting, the aunt reveals her hope that her niece can find something that she truly likes to do in order to make a living, since her disability will preclude her from getting married. The writer responds somewhat cynically to this notion, knowing how difficult it is as an artist to support herself by doing what she loves. At the same time, she is impressed with the situation, because it is only a recent social development that a family would ever consider "training their niece to become a writer, just as they might think of apprenticing their son to some trade or sending their daughter to become a hair stylist" (156). Nonetheless, she discourages the aunt from the idea, given the riskiness of the business and the uncertainty regarding the niece's actual interest in or talent for writing. The aunt accepts this answer, but before she leaves, cannot resist revealing another motivating factor behind her visit: she had thought that the writer was missing a leg. Surely this "beautiful, tragic woman writer who walks with crutches" (158) would be able to provide appropriately encouraging advice to her niece! The women remain polite to each other as the writer reveals that all of her limbs are intact, but she is aware that "nothing could make up for the leg that wasn't missing" (158). The story concludes with the writer wondering whether the aunt was truly as disheartened as she appeared on her departure.

It remains to be investigated to what extent Nogami wrote herself into the protagonist of this story. The obvious connection between them is that they are both writers. If we extend the parallel further, then we must entertain the notion that Nogami was suggesting she was crippled in some way. This would not be surprising, as many women writers would describe themselves in unappealing terms in compliance with the stereotype that respectable women (wives and mothers) did not write (Copeland 8). In Nogami's case, suggesting that she might be crippled exemplifies the idea that "the writing woman was regarded somehow as less than woman" (Copeland 8). There is a twist though, since neither Nogami nor the woman writer in the story is actually crippled. This might be interpreted as Nogami arguing for the acceptability of a writing career for women. Although the woman in the story is perceived as crippled

by a stranger and is thus "permitted" to be a writer since marriage wouldn't be an option, she turns out to be completely healthy and still succeeding as a writer. Similarly, readers might be inclined to think that Nogami is calling herself crippled, but she is in no way that "beautiful, tragic woman writer who walks with crutches." The commentary is particularly relevant coming from Nogami, who successfully balanced a successful literary career with being a wife and raising children.

In conclusion, "Persimmon Sweets" and "A Story of a Missing Leg" support Hogan's claim that Nogami was able to make societal criticisms through her writing by virtue of the fact that her protagonists did not mirror her own life. Her criticisms tend to be unobtrusive in manner, which is not a result of chance. By referring to herself as an amateur, Nogami primed literary critics to view her as one also (early in her career, at least). Her role as a wife and mother further perpetuated this appearance, since it was unusual for a woman to be able to fulfill such a traditionally feminine role and still be taken seriously as a writer. However, Nogami's approach to writing is decidedly not that of an amateur. Besides creating an impressive body of work throughout her long career, Nogami proved herself able to carefully craft literature so as to question society in a way that was not obvious to literary critics. The technique she used to do this was to not write elements of her own life into the lives of her female protagonists. Although Nogami enjoyed a happy and fruitful marriage, Osetsu in "Persimmon Sweets" has to resort to drastic actions two times in order to extricate herself from the stifling marriage system. And while Nogami was successful as a wife, mother, and writer, the woman writer in "A Story of a Missing Leg" is mistaken as a cripple by a stranger and is thought to have become a writer only because her disability kept her from having a more suitably feminine role. The careful reader is able to pick up on these subtle societal criticisms, but if one truly thought these pieces were written by an amateur, it would be easy to believe Nogami is not actually making any commentary since her own life generally complied with what was acceptable for women. It might be appropriate to say that regardless of whatever critics mistakenly thought or what Nogami herself said, Nogami should not be considered an amateur-her ability to integrate unobtrusive criticisms into her writing undeniably marks her as a skilled author.

#### Works Cited

- Copeland, Rebecca L. "The Made-Up Author: Writer as Woman in the Works of Uno Chiyo." *Journal of the Association of Teachers of Japanese* 29.1 (n.d.): 2-25. Print.
- Ericson, Joan E. "The Origin of the Concept of "Women's Literature"" *The Woman's Hand: Gender and Theory in Japanese Women's Writing*. Ed. Janet A. Walker and Paul G. Schalow. Stanford: Stanford University Press, 1996. 74-115. Print.
- Hogan, Eleanor J. "Nogami Yaeko." The Modern Murasaki: Writing by Women of Meiji Japan. Ed. Rebecca L. Copeland and Melek Ortabasi. New York: Columbia University Press, 2006. 293-300.
   Print.
- Hogan, Eleanor Joan. "When Art Does Not Represent Life: Nogami Yaeko and the Marriage Question." Women's Studies: An Inter-disciplinary Journal 33.4 (2004): 381-98. Taylor & Francis Online. Web. 17 Oct. 2012.
- Nogami, Yaeko. "A Story of a Missing Leg." *To Live and To Write*. Ed. Yukiko Tanaka. Seattle: The Seal Press, 1987. 153-58. Print.
- Nogami, Yaeko. "Persimmon Sweets." The Modern Murasaki: Writing by Women of Meiji Japan. Ed. Rebecca L. Copeland and Melek Ortabasi. New York: Columbia University Press, 2006. 301-310. Print.
- Tanaka Yukiko. "Nogami Yaeko." *To Live and To Write*. Ed. Yukiko Tanaka. Seattle: The Seal Press, 1987. 145-52. Print.
- Tanaka, Yukiko. "Toward the New Era of Literary Women: Nogami Yaeko." Women Writers of Meiji and Taishō Japan: Their Lives, Works and Critical Reception, 1868-1926. North Carolina: McFarland & Company, Inc. Publishers, 2000. 161-66. Print.

# Existentialism, Choice, and Morality in Ichikawa Kon's *Fires on the Plain*

#### Robert Catherall

### ABSTRACT

In this essay I explain how the protagonist of Ichikawa Kon's film *Fires on the Plain*, Tamura, embodies the essence of humanism. The story portrays the development of an unassuming army private as he refuses to accept the fate his superiors have chosen for him. For Tamura, the ability to determine his own actions becomes his resolve. He achieves this by acknowledging the power of choice within himself, a fundamental notion of humanism that he develops throughout the film. In this paper I propose that the character of Tamura, through his personal decision making, is a living allegory for humanism. To support this thesis, I cite specific scenes in the film that reflect the protagonist's evolution from dogmatist to humanist and link them with their corresponding elements of humanism. In conclusion, I find that Tamura effectively represents the functionality of humanism as defined by a selection of modern thinkers.

Ichikawa Kon's 1959 film *Fires on the Plain* follows the story of Tamura, a diseased Japanese army private, in his attempt to escape from the Filipino island of Leyte during World War II. The film begins with a shot of Tamura being ordered by his commanding officer to report to the nearest hospital as he believes Tamura has contracted a case of tuberculosis. This being the second time that he has been ordered to seek the hospital by his commanding officer, Tamura knows the hospital will not accept him unless he shows more severe signs of illness. To this the commanding officer responds that, as an alternative to spreading his disease, Tamura must commit suicide if he is refused entry to the hospital again. This order prompts Tamura to question his fundamental beliefs in morality as well as personal choice. Both are recurring themes throughout Fires on the Plain but each develop on their own and subsequently converge to provide Tamura with critical moral insight. In this essay I intend to illuminate the humanist themes presented throughout the film and explain their relation to first the foundational role that personal choice has in Tamura's morality and secondly give an explication, with particular instances, of his new-found morality. To achieve this I will draw from a selection of humanist,

phenomenological, and existentialist writings that reflect the ontological underpinnings of Tamura's choices. Let us now turn to an analysis of the philosophical notions that facilitate Tamura's transformation.

Fires on the Plain begins with no explicit plot or premise; viewers are only given the same insight as Tamura: regardless of what he decides he will die in the not-so-distant future. Or so he is told by his commanding officer. This premise acts as the fundamental basis for how Tamura chooses to live thereafter. This reflection on the existentialist notion that death is the only fixed variable in an individual's life enables Tamura to question whether he only has two options: to die from his disease or by his grenade<sup>1</sup>. In Albert Camus' work The Myth of Sisyphus, Sisyphus is condemned to the eternal cycle of pushing a boulder up a hill and then letting it roll back down the hill to its initial position. The tale of Sisyphus is intended to inspire fear and conviction—a version of hell, perhaps—but Camus reminds us that through Sisyphus' being aware of his eternally fruitless state, he is far better off than if he were ignorant of it<sup>2</sup>. This sentiment is reflected in Tamura's decision to keep his yams during his deliberation between the grenade, the yams, or both. By keeping the yams Tamura is actively choosing to live when he has been told that he will shortly die and the question is simply which method he would prefer. Analogous to the bleak fate of Sisyphus, Tamura finds himself at war, a situation that he likely has not chose to participate in and wishes to escape. Actively becoming aware of his options within a factual framework drives Tamura to find freedom within a given set of circumstances (that he is at war on an island, in the army, potentially diseased, near death, etc.). Being conscious of those circumstances, in Camus' view, makes Tamura much better off than his fellow army men.

Furthermore, Tamura's circumstances can never act as a valid excuse for his inability to choose freely for himself, as Sartre acknowledges, "man is a being whose existence precedes his essence, and [...] he is a free being who cannot, *in any circumstances*, but will his freedom"<sup>3</sup>. This notion of the inexcusability of circumstantial inaction of an individual is reflected through Tamura on numerous occasions, the first of which is his decision to stay with the squatters once he is rejected from the hospital for the second time. This life-affirming decision denotes the beginnings of Tamura's quest for the freedom to make choices of his own volition. Again we see Tamura exercising

Albert Camus, The Myth of Sisyphus, trans. Justin O'Brien (New York: Alfred A. Knopf, 1955), 24.

<sup>&</sup>lt;sup>2</sup> Camus, Sisyphus, 121.

Jean-Paul Sartre, "Existentialism is a Humanism," in Existentialism from Dostoyevsky to Sartre, ed. Walter Kaufman, (New York: Meridian Publishing Company, 1989), February 2005. Accessed October 15, 2010. http://www.marxists.org/reference/archive/sartre/ works/exist/sartre.htm, my italics.

his ability to choose within a given framework, rather than blaming his poor circumstances, when he meets the separated army trio in the yam plantation. The leader of the party states that Tamura can join them if he wants, and he does. Again Tamura is advised by both the leader and a follower of the trio to join their party when they are attempting to cross the road towards Palampon. He is urged to do so because the leader is experienced in battle, but Tamura declines even though it seems it would be in his best interest to follow their suggestions. Echoing this notion of choice, conceived of decades earlier than Camus or Sartre, however, is the main character from the first half of Fyodor Dostoevsky's Notes From Underground. The narrator, or 'underground man', provides a brief, yet crucial existential precept: regardless of how an individual is expected to act, each individual has a fundamentally inescapable ability to make one's own decisions<sup>4</sup>. The narrator finds himself having to make a simple decision regarding the current state of his toothache—exclaiming that its pain is insufferable—for which he knows he should see a dentist but delays merely because he can choose not to seek professional help<sup>5</sup>.

While Dostoevsky's example of the underground man seems ridiculous at first, it illustrates an individual's irrevocable ability to make decisions, even if they are detrimental to the individual. Tamura does not, however, act out of malice or stubbornness as he could, rather he follows his own moral criterion that solidify themselves with each decision he makes. Tamura's morality relies heavily on learning from the decisions he has made. Such is the case with the three instances in which he ends the life of another being, beginning with Tamura's stabbing of a vicious, threatening dog with his bayonet. Shortly thereafter, he shoots a young village girl in the chest and she dies. Immediately after these two acts of killing, Tamura, in an act of rebellion, throws his rifle into a nearby river. Hoenigswald's "suspicion of any objective hierarchy of values" is here combined with Sartre's notion that how an individual chooses to live is solely the responsibility of that particular individual and no one else<sup>6</sup>. By refusing to carry the army's rifle, Tamura is symbolically rejecting their morality as well. In the final scenes, when Nagamatsu tries to convince Tamura that cannibalism, disguised as 'monkey meat', is the only way to stay alive, Tamura rejects this option and kills Nagamatsu as a pronouncement of his faith to the moral code he has chosen for himself.

The quintessential display of Tamura's choice affecting his morality is depicted when the Japanese soldiers are marching drearily through the mud and

Fyodor Dostoevsky, Notes From Underground, trans. Michael Katz (New York: W. W. Norton & Co., 1989), 11.

<sup>&</sup>lt;sup>5</sup> Ibid., 11

<sup>&</sup>lt;sup>6</sup> Richard Hoenigswald, "On Humanism," *Philosophy and Phenomenological Research* 9.1 (1948): 43, and Sartre, *Humanism*.

rain towards Palampon, which gives rise to Ichikawa's metaphorical remarks on man's feral nature. It begins with one soldier exchanging his current boots for those directly off the feet of a Japanese soldier that he watches die. The soldier discards his old, worn boots back into the mud. Another soldier finds these discarded boots and greedily trades his boots for the slightly better, newly discarded pair he has found. This trade is repeated once more by another soldier. Finally, Tamura arrives at the now heavily worn pair of discarded boots and examines his own army boots only to find they are equally worn out. He removes his own boots and, at the point when the previous soldiers had put on the other boots, simply tosses them into the mud and proceeds to march barefoot. This is the defining moment for Tamura's application of responsible decision making and living by his own moral code. Moreover, it shows how the sentiments of the underground man can be applied in a positive, useful manner. For where the other soldiers followed the military dogma that a soldier *must* wear boots, Tamura again symbolically rejects this dogma.

Once Tamura has realized the power of his own will, and how this power enables him to justify a personal set of moral standards, his morality is frequently implemented and rigorously defined. A rejection of the dogmatic, old world values can be seen in the opposing views of the reason for the fires on the plain. Represented in the leader of the displaced trio, that the fires are simply for burning corn husks and nothing to be concerned about, is a culturally dogmatic view derived from the leader's past experiences. However, Tamura does not have any reason to follow this line of thought and alternatively believes them to be the smoke signals of guerillas. Tamura's imaginative and forward-thinking view of the fires reflects Battersby's notion that an individual is not inevitably required to propagate the ideas of a culture that an individual has gained such ideas from<sup>7</sup>. From these experiences—dropping his rifle, removing his boots, and creating his own answer to the fires—Tamura finds himself wholly rejecting the dehumanizing values brought on by the army's mentality and turns to a pacifistic morality that views all humans as equals.

In this essay I hope to have expounded and analyzed the philosophical groundwork that lead the protagonist of *Fire on the Plains*, Tamura, to conceive of not only his own moral code, but how humanism facilitates this formulation. To do so I first examined the notions of early existentialist thinkers Albert Camus and Fyodor Dostoevsky in order to justify the necessity of responsibility in Tamura's decisions. This framework allowed for a humanist analysis of how Tamura has come to his personal conclusions regarding morality that transcend the futile options the army has given him. Through Tamura's search for an

James. L. Battersby, "The Inescapability of Humanism," *College English* 58.5 (1996): 563-4.

escape from his duty to the Japanese army, he conceives of a morality that is relative to him, rather than following the dogmatic orders of his superiors. And as I have shown, taking responsibility for decisions made of one's own volition, outside of prescribed cultural norms, is the essential precept of humanism.

#### References

- Battersby, James L. "The Inescapability of Humanism." *College English* 58.5 (1996): 555-567.
- Camus, Arthur. *The Myth of Sisyphus*. Translated by Justin O'Brien. New York: Alfred A. Knopf, 1955.
- Dostoevsky, Fyodor. *Notes From Underground*. Translated by Michael Katz. New York: W. W. Norton & Co., 1989.
- Hoenigswald, Richard. "On Humanism." *Philosophy and Phenomenological Research* 9.1 (1948): 41-50.
- Sartre, Jean-Paul. "Existentialism is a Humanism." From *Existentialism* from *Dostoyevsky to Sartre*, ed. Walter Kaufman. Meridian Publishing Company, 1989. Accessed 15 October 2010. http://www.marxists.org/reference/archive/sartre/works/exist/sartre.htm.

# Transitional Justice and North Korea: The Question of Amnesty for North Korean Officials

John Andrew Petrushka

# Transitional Justice and North Korea: The Question of Amnesty for North Korean Officials

One of the many issues following governmental collapse and transition in any country is that of the former officials. The twentieth and twenty-first centuries have seen many governmental transitions; approaches regarding former officials have varied considerably, as have their outcomes. Naturally, pre-transitional characteristics and the characteristics of governmental collapse greatly affect these outcomes; however, transitional judicial action against former high-level officials has been successful in many transitions. Would such an approach be applicable in the event of Korean reunification, and how would it best be implemented with the objective of ending human rights violations in North Korea and facilitating an effective transition to South Korean leadership?

# **Defining Democratic Transition**

Democratic transition must take place before the pursuit of transitional justice can begin. Scholars have varying interpretations of what exactly constitutes true democratic transition. Guillermo O'Donnell and Philippe Schmitter define such a shift as taking place in the interval between the fall of an authoritarian regime and the institution of some form of democracy. Scott Mainwaring expands on that definition, outlining three necessary characteristics of a post-authoritarian democratic government. First, competitive popular elections, free of manipulation, must be the primary avenue to political power. Second, broad adult citizenship must be recognized by the government. Finally,

Scott Mainwaring, "Transitions to Democracy and Democratic Consolidation: Theoretical and Comparative Issues," Working Paper #130, Kellogg Institute for International Studies, November 1989, accessed August 4, 2012, http://kellogg.nd.edu/publications/workingpapers/ WPS/130.pdf citing Guillermo O'Donnel, Philippe Schmitter and Laurence Whitehead, eds. 1986. Transitions from Authoritarian Rule: Prospects for Democracy. Baltimore: Johns Hopkins University Press.

the government must guarantee essential civil liberties (and human rights) to all citizens, as well as protect the rights of minorities.<sup>2</sup>

O'Donnell and Schmitter differentiate between democracy and consolidated democracy, noting that consolidated democracy follows the installation of democracy in a successful transition. Mainwaring builds upon this assertion, contrasting "democratic governments" and "democratic regimes". Regimes are not necessarily confined by the regulations followed and upheld by democratic governments. These regulations take constitutional form—for example, the United States constitution limits presidents to two terms. Leaders of democratic regimes find ways to amend such regulations, if they exist in his or her state to begin with, and enable themselves to stay in power, or widen their authority. Prominent examples of democratic regimes are the Philippines under Ferdinand Marcos and the Republic of Korea (ROK, or South Korea) under Park Chung-hee and Chun Doo-hwan. In the case of the latter, transition from democratic regime to democratic government came about as a result of widespread civilian protests in favor of direct presidential election and an end to harboring, torture and killing of political prisoners.

## **Responding to Past Abuses**

In the process of transition, or following its successful completion, a wide range of options are available in response to past human rights violations, both in substance and in execution, to those managing transition. Each has advantages and disadvantages, and some are more feasible than others, particularly in domestically-managed transitions with limited resources. Brian K. Grodsky condenses the transitional judicial responses to past human rights abuses taken by a multitude of states in his book, The Costs of Justice, into seven general approaches, which are as follows: cessation and codification of human rights violations, rebuke of the old system, rehabilitation and compensation for victims, creation of a truth commission, purging human rights abusers from public function, criminal prosecution of "executors" (those lower on the chain-of-command) and criminal prosecution of commanders (those higher on the chain-of-command). They are classified on a spectrum of harshness, with cessation and codification being the most lenient and criminal prosecution of commanders being the most harsh.<sup>5</sup>

<sup>2</sup> Ibid.

Mainwaring, "Transitions to Democracy" citing O'Donnell, Guillermo, Philippe Schmitter, and Laurence Whitehead, eds. 1986. *Transitions from Authoritarian Rule: Prospects for Democracy*. Baltimore: Johns Hopkins University Press.

Mainwaring, "Transitions to Democracy."

<sup>&</sup>lt;sup>5</sup> Brian K. Grodsky, The Costs of Justice: How New Leaders Respond to Previous Rights Abuses (Notre Dame: University of Notre Dame Press, 2010), 38.

The fifth, sixth and seventh approaches listed involve transitional justice, as action is taken against former leaders as part of those approaches. Large groups of lower-level officials, higher-level officials or both can face trial after transition, as was the case in Japan. Alternatively, only certain lower- or higher-level officials (such as those believed to have exhibited unusual cruelty in their duties, in the case of the former, or those directly responsible for policies which caused abuses, in the case of the latter) can face action. Additionally, guilty verdicts in transitional judicial proceedings do not necessitate sentencing—guilty verdicts can serve to condemn and codify past violations while avoiding the increased risk of retribution associated with punishment of officials.<sup>6</sup>

Grodsky writes that those identifying with the "purist" school in international law advocate prosecution of all former officials responsible for or having engaged in human rights violations. However, due to the sheer number of violators and the difficulties a new government would face bringing them all to trial, such an approach is virtually impossible. Additionally, past attempts to punish vast sums of violators have caused many problems. Therefore, approaches more in line with the "pragmatist" school referenced by Grodsky, which involve selective justice and selective amnesty, are both more feasible and more effective in facilitating transition.

For purposes of clarity, the term "selective justice" in this essay refers to transitional judicial action against certain former officials who engaged in human rights abuses, or small groups thereof, with the objectives of ending human rights violations, preventing future violations and ensuring successful democratic transition, within the boundaries of feasibility imposed by limited resources and legal mechanisms. Pursuit of selective justice in a posttransitional society necessitates amnesty for many former perpetrators because not all of them can (or should) be tried. While formally granted amnesties greatly lessen the potential for resistance to transition among former officials, they risk public disapproval because they specifically allow violations to go unpunished. De facto amnesties result from lack of judicial action against violators. Such an approach leaves open the possibility of judicial action against former officials, risking their retribution, while still allowing almost all violators to remain unpunished.9 "Selective amnesty" refers to explicitly granted amnesty for former officials, with the purpose of ensuring successful transition and avoiding unpractical requirements of existing resources and legal structures.

<sup>&</sup>lt;sup>6</sup> Ibid., 13-57.

<sup>&</sup>lt;sup>7</sup> Ibid., 16.

<sup>8</sup> Ibid., 16-17.

<sup>&</sup>lt;sup>9</sup> Ibid., 13-58.

In any transitional judicial process, application of selective justice, and likewise selective amnesty, necessitates careful consideration. Action against "executors" is beneficial in that it curtails violations through exemplifying individual responsibility for abuses—police officers carrying out arbitrary arrests are not exempt from punishment because they were simply "carrying out orders." Furthermore, such action often seems necessary—violent lower-level officials have no place in government, no matter who is in charge. Grodsky, however, writes that any significant legal response to abusive "executors" must be systematic.

One or two criminal prosecutions of low-level perpetrators or twenty investigations of a 10,000-person administrative unit—where far more people are known to have been involved in rights abuses—are insufficient.<sup>11</sup>

Such systematic action may be unfeasible due to limited resources or qualified judicial personnel, or destabilizing to the transitional government or society. For purposes of clarity, judicial action against lower-level officials will only be classified as such if it is systematic—trial of a handful of officials will be considered in case study analysis, but not as "criminal prosecution of 'executors,'" as defined by Grodsky.

Judicial action can alternatively be pursued against commanders, those who hold responsibility for the policies or systems which permitted or encouraged rights violations. Such an approach is advantageous in that it seeks to punish those officials, or label their actions as unacceptable, deters future leaders from engaging in similar abuses, and further legitimizes international statutes on human rights. Furthermore, governments naturally have a much smaller number of commanders than executors, and often only one or a few are responsible for the mechanisms which violate the rights of their people. Accordingly, only one higher-level official need be tried for this approach to be effective. Therefore, judicial action against commanders will be classified as such even if legal action was taken against only one higher-level official in a case study.

The pitfalls of action against commanders largely involve difficulty bringing them to trial, particularly if they retain considerable influence. Trial of higher-level officials often worries other former leaders, who may remain influential, and make them resistant to transition.<sup>12</sup> Therefore, explicitly-granted amnesty must be considered to lessen elite fear of retribution in the face of legal action against former leaders.

<sup>&</sup>lt;sup>10</sup> Ibid., 52.

<sup>&</sup>lt;sup>11</sup> Ibid., 87.

<sup>&</sup>lt;sup>12</sup> Ibid., 54.

## **Legal Institutions and Selective Justice**

International tribunals, such as those conducted by the International Criminal Court (ICC), often pursue selective justice with the same objectives as those defined above. Indeed, international tribunals are a prominent transitional judicial option as they hold oppressive leaders to international human rights standards in countries that are unable or unwilling to do so. Tribunals, however, are often inefficient and time-consuming, sometimes lasting for decades. They also threaten harsher punishment for ousted leaders than they may face if dealt with by domestic systems, which makes those leaders more adverse to transition.

In addition, debate over international law and punishments for violations, as well as the role of the ICC, continues, which compromises international support for tribunal verdicts. Many international players object to international tribunals on other grounds—the US' refusal to recognize the ICC is evidence of such.<sup>14</sup> Additionally, leaders of many nations are, logically, reluctant to support the establishment of legal precedents that could one day be applied to them.<sup>15</sup> China, for example, has objected to components of Article 5 of the Rome Statute, which can be invoked to prosecute leaders responsible for the killing of nationals.<sup>16</sup> <sup>17</sup>

The alternative to tribunals is domestic action, which enables leaders and citizens formerly affected by human rights abuses to approach transitional justice in a national context. Punishments dictated by domestic legal systems are usually more lenient than those resulting from tribunals, often involving broad amnesty. Therefore, support among leaders for transition is stronger when domestic trials are employed. Such trials are often limited, however, by lack of resources and unbiased judges educated in international law. Hybrid approaches, which combine international and domestic judiciaries, often have problems associated with both tribunals and domestic trials. This has been the

Sara Darehshori and Elizabeth Evenson, "Peace, Justice and the International Criminal Court," Research Article 1, Oxford Transitional Justice Research, March 19, 2010, accessed August 13, 2012, http://www.csls.ox.ac.uk/documents/ DarehshoriandEvenson2010.pdf.

<sup>&</sup>quot;Overview of the United States Opposition to the International Criminal Court," ICC Now, accessed August 13, 2012, http://www.iccnow.org/documents/CICCFS\_US\_ Opposition\_to\_ICC\_11Dec06\_final.pdf.

Bing Bing Jia, "China and the International Criminal Court: Current Situation," 2006 Singapore Yearbook of International Law and Contributors (2006), accessed August 13, 2012, http://law.nus.edu.sg/sybil/downloads/ current/Jia\_SYBIL\_2006.pdf.

Bing Bing Jia, "China and the ICC."

<sup>&</sup>quot;Rome Statute of the International Criminal Court," *United Nations* (1998), accessed August 13, 2012, http://untreaty.un.org/cod/icc/statute/romefra.htm.

Priscilla Hayner, *Unspeakable Truths* (New York: Routledge, 2001), 12.

case in Cambodia, where several former Khmer Rouge officials are on trial for human rights violations during their rule in the 1970s and '80s. Many have died before their scheduled trials, and the effectiveness of any action by the tribunal has been considerably lessened due to the amount of time that has passed since the Khmer Rouge fell from power. Additionally, more than half of the presiding judicial officials are Cambodian, with ties to, or favorable views of, the Khmer Rouge, making justice less likely.<sup>19</sup>

#### **Case Studies**

In order to better predict the most effective approach for Korea and the international community in the objectives of democratic transition and cessation of human rights violations north of the present De-Militarized Zone (DMZ), similar states, which have addressed the issue of transition and transitional justice in the past, require study. Examination of several cases, involving either societies with pre-transition characteristics similar to those of present-day North Korea, or societies which addressed transitional and judicial issues likely to be factors in North Korean transition, follows. Analysis of these studies is beneficial in that it highlights approaches that have brought success in past transitions, particularly in cases similar to North Korea. It must be noted that North Korea is unique, and its society has many characteristics not present in any other case studies. This is true for any country; due to cultural differences and separate historical transitional contexts, approaches taken in one case do not always work in others.

In addition to a brief synopsis of the initial issues and subsequent transitional justice approaches taken in each case, each transition will be labeled successful of unsuccessful based on Mainwaring's guidelines: in democratic societies, free elections will be the primary selective process for governmental leaders, broad citizenship will be granted and civil liberties will be protected.

#### South Korea

Today a dramatic contrast to the North in almost every aspect, South Korea, as noted in the introduction, has a great deal in common with North Korea. For centuries before their division, the two shared a common history, including the hardship of Japanese colonization. Their post-division histories are similar through 1987—until then, both struggled with poverty and autocratic regimes which had little, if any, respect for human rights.<sup>20</sup> Following a

Elisa Hoven, comp., "The Khmer Rouge Tribunal—Cambodia's Search for Justice," CSEAS Speaker Series, University of Hawaii (2010), http://scholarspace/manoa.hawaii. edu/handle/10125/15288.

<sup>&</sup>lt;sup>20</sup> Bruce Cumings, *Korea's Place In The Sun* (New York: W.W. Norton & Company, 1997).

short-lived attempt at democratic transition in the early 1960s, South Korea successfully democratized in the 1980s, became a regional power and then rose to the world stage. Though all early South Korean presidents violated the rights of South Koreans, only the second transition attempt focused on holding these men accountable for those abuses.

South Korea's first president was Syngman Rhee, an authoritarian anticommunist leader who violated human rights on several occasions, notably presiding over the shooting of protestors following severely rigged presidential elections favoring Rhee's designee. A public uprising resulted from this atrocity, forcing him from power and giving way to a renewed democracy, led by prime minister Myon Chang, which vested most power with the parliament. In reaction to Rhee's leadership, the new governmental structure greatly limited the potential for future presidential abuse of power; however, this change, destabilized and weakened the government.

More backlash against the Rhee regime followed—a series of governmental purges was carried out by the new leaders as a result of popular pressure. Forty thousand former government officials and police officers were investigated under suspicion of complicity in anti-democratic activities or corruption. Of these, more than 2,200 government officials and 4,000 police officers were purged.<sup>23</sup>

These purges angered those affected and caused further political and social destabilization.<sup>24</sup> The strength of the police force was greatly lessened, along with the effectiveness of the government. Major General Park Chung-hee, heading military and popular factions opposed to the weakness of the Chang government and fearing its collapse into communism, led a coup on May 16, 1961.<sup>25</sup> The police force was far from capable of protecting the government and keeping order. Park was able to generate incredible support for the military coup, even among military police officers sent to arrest those partaking in the coup, as a result of the perceived weakness and corruption of the Chang government.<sup>26</sup> Within twenty-four hours, Park and the military leadership had assumed control of the entire South Korean government.<sup>27</sup> Though Park initially enjoyed democratic support, he followed a trajectory similar to that of Syngman Rhee, evolving into a tyrannical dictator who showed no respect

<sup>&</sup>lt;sup>21</sup> Cumings, Korea's Place, 344.

<sup>&</sup>lt;sup>22</sup> Ibid., 346.

<sup>&</sup>lt;sup>23</sup> Andrew C. Nahm, Korea: Tradition & Transformation (Elizabeth: Hollym International Corp, 1988), 441.

<sup>24</sup> Ibid.

<sup>&</sup>lt;sup>25</sup> Cumings, Korea's Place, 347.

Byung-Kook Kim and Ezra F. Vogel, eds, The Park Chung Hee Era: The Transformation of South Korea (Cambridge: Harvard University Press, 2011), 50.

<sup>&</sup>lt;sup>27</sup> Cumings, Korea's Place, 348.

for the rights of the South Korean people.

Following decades of oppressive rule under Park Chung-hee and, later, Chun Doo-hwan, the South Korean populace installed the Sixth Republic by forcing Chun Doo-hwan to hold elections, in which Roh Tae-woo triumphed. Roh was a veteran Korean politician; he had held a prominent position in the oppressive Chun government, which engaged in heavy censorship and often killed protestors. Poh proclaimed himself the face of a new South Korean democracy and blamed Chun alone for the killing of students protesting the anti-democratic government on December 12, 1979, though he had also been involved in the response. One senior official, Chang Se-dong, then head of South Korean intelligence, was sent to prison for involvement in the killing of protestors, but the Roh government did not punish any others.

Kim Yong-sam was elected president in 1993, and his government addressed past human rights abuses more directly. Action was taken against Roh and Chun; they were given lengthy prison sentences following trials and convictions by the democratic government and South Korean citizens. No lower-level officials were prosecuted. Roh and Chun were pardoned after only a few years in prison, but a human rights precedent had been established.<sup>32</sup>

The purge enacted by the Chang government in response to human rights violations under Syngman Rhee was an unsuccessful approach in that it failed to ensure such violations were not repeated. It served to further weaken the government and led to its rapid overthrow by Park Chung-hee. Furthermore, the Chang government's response to human rights violations was limited to the purge of lower-level officials—no action was taken against Rhee himself.

The Sixth Republic government's response to violations committed during the Chun regime, however, was much more effective. Action was limited to top officials complicit in human rights abuses. In addition, these trials had no role in the outcome of the transition. Though a significant step on South Korea's part, the trials were an afterthought in the context of the transition.<sup>33</sup>

# Japan

The division of Korea which brought about the Korean War and led to the separate fates of the two nations began with imperial Japan's exit from the

<sup>&</sup>lt;sup>28</sup> Ibid., 389.

<sup>&</sup>lt;sup>29</sup> Ibid., 342-403.

<sup>30</sup> Ibid., 390.

Kuk Cho, "Transitional Justice in Korea: Coping with Past Wrongs after Democratization," *Pacific Rim Law & Policy Journal* 16, no. 3 (2007): 580-611, http://digital.law.washington.edu/dspace-law/bitstream/handle/1773.1/582/16PacRimLPolyJ57 9.pdf?sequence=1.

<sup>&</sup>lt;sup>32</sup> Cho, "Transitional Justice in Korea."

<sup>33</sup> Ibid.

Korean Peninsula at the end of World War II. Though Japan and Korea had very different roles in early-twentieth century Asia, important parallels with imperial Japanese society exist today in North Korea.

Following Japanese surrender was the American-led Allied Occupation of Japan. General Douglas MacArthur, the US occupying force and the international community faced the incredible challenge of transforming a highly militant society, which worshiped and followed an Emperor, into a peaceful democracy, while responding to Japan's human rights violations. MacArthur risked harsh retribution from the Japanese people and occupational failure if he pursued judicial action against Emperor Hirohito, but Hirohito had overseen numerous grave human rights violations which required attention. Though he had not engaged in systematic abuses of domestic human rights in the normal sense of the term, he sent millions of Japanese to war with unconditional orders to defeat the enemy or die trying.<sup>34</sup> Treatment of those in territories occupied by the Japanese military, however, was atrocious.<sup>35</sup>

Like Kim Il-sung and his successors, the Japanese Emperor portrayed himself as a divine being and elicited absolute obedience from his subjects. However, though the Emperor was by far the most powerful man in the Japanese government, high-level military officials made many of the operational decisions regarding the war<sup>36</sup>; therefore Emperor Hirohito was not fully to blame for many of the human rights abuses conducted by the Japanese military (though he did oversee and permit them).

One of the most striking policy decisions of the American brass was to grant Emperor Hirohito amnesty, exempting him from their war crimes tribunal which tried, convicted and executed many other Japanese officials following the surrender. Hirohito was also retained as Emperor, albeit with very little power, to serve as a unifying figure for post-war Japan. However, a purge was imposed on many higher-level Japanese government officials, lasting until the end of the US occupation.<sup>37</sup> Most lower- and mid-level officials were not purged.<sup>38</sup>

The decision to grant Hirohito amnesty was highly unpopular in America and elsewhere. MacArthur, however, emphasized that the decision was made in an effort to avoid further antagonizing the Japanese—he feared the citizens would rebel openly if the occupying powers moved to put Hirohito on trial.<sup>39</sup>

Eiji Takemae, Inside GHQ: The Allied Occupation of Japan and its Legacy, Trans. Robert Ricketts (New York: Continuum, 2002), xxviii.

<sup>&</sup>lt;sup>35</sup> Ibid., xxxviii.

<sup>&</sup>lt;sup>36</sup> Ibid., xxxv.

<sup>&</sup>lt;sup>37</sup> Ibid., 268-70.

<sup>&</sup>lt;sup>38</sup> Ibid., 270.

Takemae, *Inside GHQ*, 268-70.

Rebellion would have possibly led to renewed armed conflict, which nobody wanted; moreover, mass opposition, of any sort, to Allied efforts would quickly undermine and jeopardize the transition, as well as reconstruction. MacArthur and others also recognized the importance of Hirohito's support and cooperation with the transition.<sup>40</sup>

The allied approach, though emphasizing the need for stability and support in the objective of transition, was quite different from that of South Korea. The head of state was granted amnesty and retained, though with sharply limited powers, while many military officials beneath him were sent to war crimes tribunals and executed, and other members of the government were purged. However, this approach proved incredibly successful—only a few years after the war ended, the powers left a completely democratic Japan with a new constitution, signed and supported by the Japanese, which renounced their ability to make war except in self-defense. The purge was also lifted and Japan evolved to become the world economic power it is today, and both its democracy and stability remain strongly intact.<sup>41</sup>

It must be noted that the extensive transitional justice approach taken by the allies in Japan, involving prosecution of higher- and lower-level officials as well as a purge, took place in an exceptional international political environment brought on by the conclusion of World War II. Such an approach would be virtually impossible to effectively duplicate in North Korea due to the nature of the political climate and the resources needed, though individual elements of the approach are applicable.

# **Philippines**

Like Korea and much of Asia, the history of the Philippine nation is characterized by imperialism. First the Spanish, then the Americans and finally the Japanese occupied the Philippine islands and following independence in 1946, the nation struggled to preserve democracy, which was especially weakened by Ferdinand Marcos, who rose to power after independence. Following Marcos' demise in 1986, Filipino leaders experimented with various transitional justice approaches in attempts to maintain governmental legitimacy while re-establishing democracy.

While Marcos was technically kept in power democratically, he was an authoritarian leader sustained by the military and his own manipulative actions. <sup>42</sup> The larger political atmosphere in the Philippines which permitted Marcos' abuses was characterized by the all-too-common narrative of military

<sup>40</sup> Ibid., 259.

<sup>&</sup>lt;sup>41</sup> Ibid.

Thompson, Mark R, The Anti-Marcos Struggle (New Haven: Yale University Press, 1995), 70.

governmental control.<sup>43</sup> Following his downfall, civilian leader Corazon Aquino took power from the military and attempted to purge leaders involved in the Marcos government.<sup>44</sup> This had mixed results. As governors and mayors fought to keep their positions, critics began casting her actions as non-democratic, even more so than some of the policies of her predecessor.<sup>45</sup> Her cabinet, divided between civilian and anti-Marcos military officials, became wrought with tension while the government became increasingly unstable.

Aquino also limited the power of the military significantly, and soon military officials opposed to her policies joined with other military factions, including those still loyal to Marcos, in efforts to force her from power. Seven coup attempts were carried out against the Aquino government between 1986 and 1989, though all were unsuccessful. The military factions opposed to Aquino were further weakened after the final major coup attempt as leaders were arrested.

Despite this turmoil, Aquino managed to enact some democratic reforms, and elections were held in 1992. Fidel Ramos, Aquino's defense minister, was elected and power was peacefully transferred.<sup>46</sup> In order to consolidate power and continue stabilizing the government, Ramos granted remaining rebel military leaders amnesty in exchange for their surrender following his electoral victory.<sup>47</sup> Due to this policy as well as the arrests of rebel military faction leaders under Aquino, the governmental conflict which characterized the Aquino presidency abated significantly.

The transitional period beginning with Marcos' departure from power and ending with the cessation of military hostility toward the government included two separate governmental approaches to transitional justice. The first was an attempt by Aquino to purge those she suspected of loyalty to Marcos from her government; the second was Ramos' granting of amnesty to rebel military faction leaders. In the interest of consolidating her power as well as moving the Philippines beyond the Marcos era and the corruption and human rights abuses which characterized it, this seemed an acceptable and even justified approach. The purge angered those she aimed to remove from power, who viewed the action as unfair and unjust. Many Filipinos sided with these officials and Aquino's political challengers, calling the attempted purge undemocratic. These factors resulted in a highly destabilized government and several attempted coups.

<sup>&</sup>lt;sup>43</sup> Ibid., 168.

<sup>44</sup> Ibid., 166.

<sup>45</sup> Ibid., 167.

<sup>&</sup>lt;sup>46</sup> Ibid., 178.

<sup>&</sup>lt;sup>47</sup> Ibid., 176.

Ramos' approach, conversely, ended the conflict between rebel military factions and the government. Many of the problems which plagued Aquino's presidency and government, particularly the instability and frequent attempts on the part of the military to force her from power, were eliminated as a result of Ramos' offer of amnesty to remaining military leaders. The Philippines consequently saw no attempts to force presidents from power for almost ten years.

Political instability returned in 2001 when President Joseph Estrada was compelled to leave office by popular protests amid widespread belief that he was concealing illegal income. Arbitrary killings and other problems, including corruption, continued under subsequent governments. And The Filipino transition cannot be called a success as it failed to restore essential Filipino civil liberties. However, many of the abuses carried out by Marcos were ended and those loyal to him were not able to exercise any notable influence in the Filipino government after 1992. The political power of the military was also neutralized significantly under Aquino and Ramos, leading to a stronger Filipino democracy. The different approaches taken by Aquino and Ramos toward pro-Marcos and rebel military factions in the Philippines, as well as the results of these approaches, are therefore illustrative.

# Germany

Like modern Korea, divided Germany was for decades characterized by sharp contrast, and a unique set of circumstances, including the absence of a domestic authoritarian leader, were addressed during reunification.

Set on a Cold War fault line, East and West Germany developed quite differently following the surrender of the Third Reich, due, as in Korea, to post-war occupational divisions and the rapid fallout between the Western allies and the Soviets. Strong executives were not part of the government of East Germany, which was, like other eastern European communist states, subject to the authority of the Soviet Union. Power in the East German government was decentralized, and therefore transition did not bring into question the fate of a dictator. The prominent secret police force (commonly known as the Stasi), which engaged in monitoring East German citizens and arbitrarily imprisoned some, was the institution of main concern in the German transition.49 Following reunification was the question of how to approach the Stasi leadership as well as the secret files the members had compiled on East German citizens.

<sup>48 &</sup>quot;Philippines," Human Rights Watch, accessed July 8, 2012, http://www.hrw.org/asia/-philippines.

<sup>&</sup>lt;sup>49</sup> Hayner, *Unspeakable Truths*, 61.

While Stasi officials had attempted to destroy the files before a mob stormed its headquarters as part of popular democratic and reunification efforts, most remained untouched.<sup>50</sup> Many debated the proper approach for the German government regarding the files; some believed they should be destroyed to protect the privacy of their subjects and to help East Germany move past the Stasi days, while others believed the subjects had a right to their files, and even that files should be used to try Stasi officials. The files were eventually made accessible to their subjects. A truth commission was later undertaken to investigate the secret police and East German abuses of power and human rights violations, which included some public testimony and produced policy recommendations for the government.<sup>51</sup>

Amnesty was not granted to any parties; however, with few exceptions, no East German officials were ever prosecuted for human rights abuses. Though the government approach to the Stasi files and truth commission were criticized, they were successful in complementing transitional efforts and Germany is today a world democratic power which protects the rights of its citizens.<sup>52</sup>

#### Romania

Allied with Germany early in World War II, Romania found itself inside the Iron Curtain along with East Germany following its conclusion. Similar to North Korea, Romania was a communist state ruled by a repressive dictator in the decades following World War II, with a decreasing standard of living, the lowest in in its region by 1989. Leader Nikolae Ceausescu was tried and executed by civilians as part of transition; they faced legal obstacles in bringing lower-level officials to court, which impeded transitional justice efforts, but not the transition itself.

Ceausescu came to power in 1965 and initially pursued progressive, West-looking policies, breaking from the Soviet Union on some issues.<sup>53</sup> As time passed, he increasingly followed a trajectory similar to that of Ferdinand Marcos and Park Chung-hee, widening the scope of the government and greatly broadening the powers of the police force, diminishing the rights of the Romanian populace and causing his own popularity to fall.<sup>54</sup> He also adopted debt-reduction measures which were ultimately successful, but impoverished

<sup>50 &</sup>quot;Stasi Museum," Stasi Museum, accessed July 8, 2012, http://www.stasimuseum.de.en/enindex.htm.

<sup>&</sup>lt;sup>51</sup> Hayner, *Unspeakable Truths*, 53.

<sup>52 &</sup>quot;Germany," Human Rights Watch, accessed July 20, 2012, http://www.hrw.org/europecentral-asia/germany.

<sup>53</sup> Ibid.

Jan Zielonka and Alex Pravda, ed. Democratic Consolidation in Eastern Europe, Volume I (Oxford: Oxford University Press, 2001), 213.

the population considerably.55 Though international organizations classified Romania under Ceausescu as a highly repressed society, Ceausescu worked to mask the oppression his regime engaged in; as a result, scholars are unsure of the extent of his abuses.<sup>56</sup>

Unlike the Kim regime in North Korea, however, Ceausescu was unable to sustain his rule following the collapse of the Soviet empire and, accordingly, the simultaneous evaporation of its military support for his regime. The population rose up against Ceausescu in December 1989. Following an unsuccessful attempt to flee the capital, Ceausescu was captured, forced to stand a farce of a trial for his crimes, and executed.<sup>57</sup>

Prior to his departure, Ceausescu issued a proclamation of amnesty for most crimes committed before 1988, and limited the punishments for the most severe, such as murder.<sup>58</sup> This proclamation remains in effect and has obstructed retroactive justice. However, between 1993 and 2002 fourteen former officials—police officers, militia officers, a political prison chief and the Interior Minister were tried and convicted for exceptional crimes under prior communist regimes.<sup>59</sup>

Romanian democratic transition was largely successful. Pre-World War II political parties reappeared, market reforms were quickly instituted and long-term economic growth followed. Several democratic transfers of power have taken place since Ceausescu's removal, and the repression of political freedoms and human rights abuses common throughout most of Romania's communist history have not returned.<sup>60</sup>

#### Czechoslovakia

Like Romania, Czechoslovakia was an authoritarian communist state for over four decades, but it differed from its neighbors in notable ways. Following peaceful transition, its new government was faced with the objective of ensuring that human rights violations carried out by lower-level officials under the previous communist leadership did not re-emerge.

Ralph Blumenthal, "Upheaval in the East: Obituary; The Ceausescus: 24 Years of Fierce Repression, Isolation and Independence," New York Times (New York, NY), December 26, 1989: http://www.nytimes.com/1989/12/26/ obituaries/upheaval- east-obituary-ceausescus-24-years-fierce-repression-isolation.html?pagewanted=all&src=pm.

Raluca Ursachi and Raluca Grosescu, "Transitional Criminal Justice in Post-Communist Romania," Presentation at the Crimes of the Communist Regimes conference, Prague, February 24-26, 2010, http://www.ustrcr.cz/data/ pdf/konference/zlociny-komunismu/Raluca\_Grosescu.pdf.

<sup>57</sup> Ibid.

<sup>&</sup>lt;sup>58</sup> Ibid.

<sup>59</sup> Ibid

<sup>60 &</sup>quot;Romania," Human Rights Watch, accessed July 8, 2012, http://www.hrw.org/europecentral-asia/romania.

Early in its communist history, political repression in Czechoslovakia was not as severe as it was elsewhere in Eastern Europe—in the 1960s, particularly under Alexander Dubcek, the Czechoslovakian government briefly moved away from authoritarianism and toward partial democracy and economic decentralization. This was halted forcibly by the Soviet Union in 1969; troops were sent in to "normalize" Czechoslovakia and reverse the fledgling political transformation. Until the Velvet Revolution of 1989, the goal of the occupying Soviet Union was to prevent Czechoslovakia from sliding out of the orbit of the USSR again. Czech leadership after 1969 lacked a strong, independent executive—as was the case in East Germany, power was less centralized and subject to Soviet authority, as demonstrated by the occupying military.

In the midst of the ultimately successful 1989 movement for democracy, popularly known as the "Velvet Revolution", as well as the collapse of other communist states and rapid decline of the USSR, Czech leaders decided to dismantle the longstanding communist system.<sup>64</sup> President Gustav Husak appointed non-communist leaders to fill an entirely new government and resigned shortly afterward. Democratic elections were held in 1990, and a "lustration law" was passed by the new parliament the following year.<sup>65</sup>

Similar to a purge, the "lustration law" forbade the holding of office in governmental, educational, judicial, media or state-owned corporate fields by communist collaborators of almost every sort. 66 Lower- and mid-level former officials, as well as members of the population having demonstrated communist sympathy, were targeted by the lustration law. In addition, a narrower resolution mandating screening of Federal Assembly employees and officers under the Prime Minister was adopted. 67 Efforts to exclude communist sympathizers from government were quickly established. In 1993 Czechoslovakia divided into the Czech Republic and Slovakia following a national referendum for Slovakian independence.

## **Results in the Czech Republic**

The original lustration law was intended to last five years; the Czech Republic has renewed it twice and it remains in effect. In addition, other laws

Mahoney, William M, The History of the Czech Republic and Slovakia (Santa Barbara: Greenwood, 2011), 208-11.

<sup>62</sup> Ibid., 216-28.

<sup>&</sup>lt;sup>63</sup> Zielonka et al., ed., *Democratic Consolidation*, Vol. I, 320.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid., 322.

Nadya Nedelsky, "Divergent Responses to a Common Past: Transitional Justice in the Czech Republic and Slovakia," *Theory and Society* 33, no. 1 (2004): 65-115, http://moduly.outly.cz/posycze1/transitionaljustice.pdf.

condemning the former communist party as a criminal organization were later passed, and several former officials were prosecuted. Presidential amnesties and statutes of limitations prevented the prosecution of many lower-level officials; trial subjects were high-level officials or those accused of crimes too severe to be exempted from trial by amnesty or a statute of limitation.<sup>68</sup>

The Czech economy grew following the Velvet Revolution and has continued ever since; the Czech Republic is now one of the premier Eastern European economic powers. Its democracy remains strong and communist influence has been effectively kept out of the government. Lustration policies have also not led to any major social unrest or civil conflict in the Czech Republic.<sup>69</sup>

#### Results in Slovakia

Though initially part of Czechoslovakia and under the same lustration law, Slovak officials did not enforce it in the same capacity as their Czech counterparts prior to independence. This approach continued following independence, and the lustration law was allowed to expire as originally planned in 1996. However, the last chief of the Czechoslovak Secret Service was tried in Bratislava and sentenced to a brief prison term in 2001. Department for the Documentation of Crimes committed by the communist regime was established by Slovak Minister of Justice and former religions dissident Jan Carnogursky in 1999. This institution aimed to provide legal advice to victims of communist abuse seeking restitution, though it has reportedly been slow and inefficient.

Despite such deviation from the neighboring Czech Republic's approach to former communist officials, the Slovak economy has experienced similar growth, and Slovakia remains a peaceful democracy. Some minor problems have been reported with Slovakian human rights, including lengthy detentions prior to trial and limits on freedom of religion in some areas, and corruption remains a concern.<sup>73</sup> However, Slovakia's transition can be considered successful.

## Hungary

Another member of the Soviet bloc, Hungary has little in common with North Korea besides communist history, and the forms communism took

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>&</sup>lt;sup>72</sup> Ibid.

<sup>73</sup> Ibid.

in the two countries were quite different. However, North Korean officials have expressed interest in the Hungarian model of economic development.<sup>74</sup> Democratic transition and transitional justice in North Korea following the Hungarian model also merit consideration as they may ease transition and make it more acceptable to those now in power.

Similar to Czechoslovakia and other Soviet satellite states, Hungary resisted communist occupation and control. Like Czech prime minister Alexander Dubcek, Hungarian prime minister Imre Nagy liberalized Hungarian government and policies, though a decade earlier than Dubcek. Fearing a Hungarian break from the Soviet bloc, Moscow intervened militarily in 1956, and the dispatched Soviet troops met with heavy, though ultimately unsuccessful, civilian resistance. Nagy was executed by the Soviets along with hundreds of other Hungarian rebels. Thousands more were imprisoned or interned. Fearing and other Hungarian rebels.

In 1989, popular protests against the occupying Soviets met with Soviet Premiere Mikhail Gorbachev's willingness to allow Hungary to transition from a communist economy with some free-market characteristics to a full market economy amidst a rapid Soviet decline. <sup>77</sup> Peaceful, managed democratization followed with the approval of Gorbachev as pro-democracy leaders met with government officials to bring about transition <sup>78</sup>, and in 1990 Hungary held its first free parliamentary elections in decades, along with many of its neighbors. <sup>79</sup> The Hungarian Democratic Forum, a conservative party, won the elections and reform was adopted slowly. The Hungarian Socialist Party, made up of former communists, won the 1994 elections; progress in human rights as well as economic and democratic liberalization was not hampered by their control. <sup>80</sup>

Following democratization, the Hungarian government was unable to prosecute past human rights violators due to the repeated declaration of such actions as unconstitutional by the Constitutional Court. The Court made most of the final decisions on the permissibility of retroactive justice and lustration laws, declaring both unconstitutional.<sup>81</sup> Though the passage of a law defining

Bradley K. Martin, Under the Loving Care of the Fatherly Leader: North Korea and the Kim Dynasty (New York: St. Martin's Press, 2006), 667.

Pela K. Kiraly, Basic History of Modern Hungary, 1867-1999 (Malabar: Kireger Publishing Company, 2001), 73.

<sup>&</sup>lt;sup>76</sup> Ibid., 74-9.

<sup>&</sup>lt;sup>77</sup> Zielonka et al., ed., *Democratic Consolidation*, Vol. I, 408.

<sup>&</sup>lt;sup>78</sup> Ibid, 411.

<sup>&</sup>lt;sup>79</sup> Ibid, 413.

<sup>&</sup>lt;sup>80</sup> Zielonka et al., ed., *Democratic Consolidation*, Vol. II, 291-2, 4-5.

Sarah Benavides Ambrocio, "Time and Politics: Transitional Justice in Hungary and Spain" (masters thesis, Central European University, 2011), accessed June 22, 2011, http://www.etd.ceu.hu/2011/benavides\_sara.pdf.

crimes committed by the Soviets in 1956 as crimes against humanity was upheld, only two former officials were ever tried as a result.<sup>82</sup> Despite such reluctance to pursue judicial action against former communist officials or limit their participation in a post-communist society, Hungary's transition was very successful, and post-transitional liberalization has also been successful.<sup>83</sup>

## **Tabulating Case Study Data**

Per Grodsky's method, referenced above, seven general categories will be used to label post-transitional government responses to previous abuses, beginning with the most lenient approach, cessation and codification of human rights violations, and ending with the most harsh, criminal prosecution of those highest on the chain-of-command.<sup>84</sup> The categories are as follows:

- 1. Cessation and codification of human rights violations
- 2. Rebuke of old system
- 3. Rehabilitation and compensation for victims
- 4. Creation of a truth commission
- 5. Purging human rights abusers from public function
- 6. Criminal prosecution of "executors" (those lower on the chain-of-command)
- 7. Criminal prosecution of "commanders" (those higher on the chain-of-command)

The approaches taken in the cases examined above fall into many of these categories, and most of the post-transitional governments adopted policies which invoked multiple approaches, such as ceasing and codifying violations, rebuking the old system, purging human rights abusers from public function and prosecuting lower- and higher-level officials, which was the approach taken in Japan. Severe approaches (those being classified as five, six or seven by Grodsky's method) are often supplemented by more lenient tactics—for example, a new government putting a former dictator on trial may also provide rehabilitation and compensation for citizens abused under the dictator's regime. Case studies show this to be helpful and effective; accordingly, those participating in North Korean transition should consider using several of the lenient approaches to end human rights violations, label such violations as wrong and unacceptable, and aid the victims of imprisonment and torture.

<sup>82</sup> Ibid

<sup>&</sup>lt;sup>83</sup> Zielonka et al., *Democratic Consolidation*, Vol. II, 291-2, 4-5.

<sup>&</sup>lt;sup>84</sup> Grodsky, *The Costs of Justice*, 38.

However, use of one of the harsher approaches does not necessitate use of others—for example, Roh Tae-woo and Chun Doo-hwan, two former leaders, were tried and convicted in South Korea for ordering the violent repression of a student protest, but, with a handful of exceptions, no action was taken against lower-level officials, nor was a purge instated. Rarely are both lower- and higher-level officials prosecuted systematically for past human rights violations because such an approach carries greater risk of stalling transition or destabilizing the new government, in addition to being difficult and costly. Therefore, post-transitional governments taking category seven approaches do not usually take approaches fitting into category five or six, though category one through four approaches may be invoked along with the more severe action.

Following is a set of tables. Table 1 contains the values assigned to the approaches of the post-transitional governments examined in this essay, corresponding to the categories listed above. The value listed represents the most severe action taken by the respective government—more lenient approaches (those in categories 1-4) may also have been taken in each case. As noted in the preceding paragraph, governments often use only one of the harsher approaches (those in categories 5-7); multiple values indicate that a government used more than one of these approaches. Values of five or six represent systematic action against lower-level officials, while trial of just one higher-level official (a national leader or one working directly under a national leader) qualifies as a category seven response. In addition, the outcome (successful or unsuccessful) of each transition is listed. Table 2 lists the number of cases in which each approach was used and the number of successful resulting outcomes.

Table 1

Case	S. Korea (1960)	S. Korea (Post-'87)	Japan	Philippines (Aquino)
Approach	5	7	5, 6, 7	5
Outcome	Unsuccessful	Successful	Successful	Unsuccessful

Philippines (Ramos)	Germany	Romania	Czechoslovakia/ Czech Republc	Slovakia	Hungary
2	4	7	5, 7	3	2
Unsuccessful	Successful	Successful	Successful	Successful	Successful

Table 2

Approach	Successful Instances
7	3 of 3 cases
5, 6, 7	Successful in only case used
5, 7	Successful in only case used
5	1 of 3 cases
4	Successful in only case used
3	Successful in only case used
2	1 of 2 cases

#### **Analysis of Case Study Data**

Many of the approaches have led to success; however, the most effective option in terms of prior usage and resulting success is approach 7, as outlined by Grodsky. Trial, and possibly conviction, of top leaders is an ideal option for transitional or post-transitional states for several reasons. First, trial of a leader who allowed or encouraged governmental violations of human rights holds that leader accountable for such crimes. Second, such a trial sets a national precedent for future human rights action, and, similarly, serves as a warning to post-transitional leaders that they will, too, be prosecuted if they follow the path of their predecessors. Third, such action does not greatly interfere with transition; if lower-level officials are not tried along with higher-level officials, the state is more likely to remain stable and experience a successful transition. This is evidenced by the failed transitions of post-Rhee South Korea and the Philippines under Aquino.

In the interest of protecting human rights and fostering democratization, would selective prosecution of higher-level officials be an effective approach in North Korea following Korean reunification? If so, which leaders should face judicial action, and should amnesty be explicitly granted to others?

## North Korean Transition: Objectives and Difficulties

Within the past few decades, scholars, analysts and politicians alike have speculated, on multiple occasions, that collapse of the reclusive Democratic People's Republic of Korea (DPRK, or North Korea) was imminent. While they were mistaken each time, the DPRK remains weak and reunification under the present South Korean government is a possibility. As different as North Korea is from South Korea, the leaders and citizens of both share a common identity, (pre-Cold War) history and a fundamental desire to see their nation reunited.

Given the current state of affairs, such reunification seems most likely to come about as a consolidation of the Peninsula under the government in Seoul following North Korean collapse, and for the purpose of simplicity, this essay assumes such a scenario. Kim Jong-un's rise to power was a delicately managed affair. <sup>86</sup> Jong-un had much less time than his father to prepare to assume the role, and had not always been Jong-il's favored successor. <sup>87</sup> Clearly, the KWP has doubts about Jong-un, and his inexperience may further weaken North Korea by perpetuating these doubts and causing power struggles within the KWP.

Governmental collapse is more plausible with Jong-un in power, and it has worked to counter this fact. Top North Korean leaders realize that they cannot remain in power without reviving the economy and achieving better food security in their country. As a result, Jong-un and Jang Sung-taek, one of the other top DPRK officials, have recently met with Chinese leaders to discuss further opening North Korea's market to Chinese investment and developing special economic zones to improve the DPRK's economic situation. Recently North Korea continues to threaten its neighbors, attempting to appear strong, likely to mask the actual weakness of its government and stave off feared international action in response to its human rights situation. North Korea's recent rocket launch as well as previous attempts to launch rockets, attacks on disputed territories and sinking of the Cheonan in 2010, are examples of these attempts.

This change would raise many issues, including the question of how to approach the government in Pyongyang, its egregious human rights record and its suppression of many basic civil liberties. <sup>91</sup> While members of the North Korean government have committed terrible atrocities and would require attention, reunification of such different worlds would be very challenging, and a fast, effective transition would be crucial in ensuring successful reunification.

Jean H. Lee, Sam Kim and Foster Klug, Associated Press, "North Korea Rally: Tens of Thousands Pledge Loyalty to Kim Jong Un," *Huffington Post* (Washington, DC), January 3, 2012, accessed August 13, 2012, http://

 $www.huffingtonpost.com/2012/01/03/north-korea-rally-kim-jong-un\_n\_1181595.html.$ 

Martin, Under the Loving Care, ch. 37.

Kornelius Purba, "China's Flagging Economic Aid to North Korea," *Jakarta Post* (Jakarta), August 24, 2012, accessed December 18, 2012, http://www.thejakartapost.com/news/2012/08/24/china-s-flagging-economic-aid-north-korea.html.

<sup>89 &</sup>quot;North Korea Defies Warnings in Rocket Launch Success," BBC News (London), December 12, 2012, Accessed December 18, 2012, http://www.bbc.co.uk/news/world-asia-20690338.

<sup>&</sup>quot;Seoul, Pyongyang Urged To Reduce Tension Through Dialogue," North Korea Newsletter, no. 208 (2012): http://english.yonhapnews.co.kr/northkorea/2012/05/03/91/0 401000000AEN2012503000700325F.HTML.

<sup>91 &</sup>quot;North Korea," Human Rights Watch, accessed July 8, 2012, http://www.hrw.org/nkorea.

Amnesty for some North Korean officials would likely facilitate such a transition by raising support for a new government among North Koreans and providing for the best administration of the Northern Provinces of the new Korea. With such interests in mind, how should South Korea and the international community approach the question of amnesty for North Korean officials?

The short-term objectives of South Korea and any nations assisting her following reunification will be to transform the area north of the present DMZ into an area in which democracy and capitalism are allowed to take root and the Seoul government and its institutions are recognized, as well as where human rights violations no longer occur. Later, a large-scale overhaul of infrastructure as well as continuing (and strengthened) measures to foster economic development will be necessary. This segment will examine how selective justice and amnesty for North Korean leaders can best be applied in the pursuit of these objectives.

## **Democracy and Capitalism under the Seoul Government**

Dramatic changes in North Korean society would follow reunification. One of the primary objectives of reunification efforts should be to minimize the immediate shocks to those living north of the DMZ. North Korean democratic institutions should be established relatively soon after reunification, but the immediate goal of reunification in this regard should be limited to gaining popular recognition of the Seoul government as the one legitimate Korean national government. Such an approach would serve to minimize both upheaval and unrest in North Korea, which would be counterproductive to the later development of democracy and capitalism.

Support from the North Korean elite, which logically holds favorable views of Kim Jong-un and the communist government, will be crucial in attaining this objective. While most North Koreans live in extreme poverty, the government has given power to some, and many in power have become wealthy. Preserve Reunification under the Seoul government may be welcomed by the average North Korean, who fits into the former category, but those within the latter would almost certainly react negatively to such change, fearing loss of their power (limited as it may be) and wealth, as well as judicial action.

Past democratic transitions have shown that, as much as possible, new governments must avoid provoking the elite into resisting governmental

Ezra Klein, "The Dark Legacy of North Korea's Ruling Elite," Japan Times (Tokyo), December 22, 2011: http://www.japantimes.co.jp/text/eo20111222a3.html.

change, as such a reaction can cripple or prevent transition. <sup>93</sup> Similarly, amnesty for political elites helps them to be more receptive to such change as they will not fear prosecution for any past crimes or cooperation with the former government. This was shown to be the case in the Philippines, as Ramos' offer of amnesty quelled the fierce opposition of military leaders to the new government there. Given the presence of an elite in North Korea, amnesty should be considered as a policy option to facilitate recognition of the Seoul government in North Korea.

### **Human Rights**

The North Korean government commits grave human rights violations in efforts to maintain its power and large scope, and those will need to be halted following transition. Among other abuses, the North Korean government maintains prison camps for those it determines to be criminals or "antisocialists." International estimates believe 200,000 state-declared criminals to be detained in these camps, in which conditions are terrible, torture is commonplace and deaths are frequent. Following reunification, the ROK should immediately stop the torture of prisoners and aid them. Liberation should follow soon after. In addition, other state abuses of power will need to be halted as soon as possible.

One great challenge post-transitional governments face is ensuring that the human rights abuses committed under previous leadership are not repeated. While North Korea is a third-world society with a long history of human rights abuses, the transition from Pyongyang governance to Seoul leadership would quickly result in substantial improvement in North Korean human rights as South Korea has maintained a good record following Roh Tae-woo's electoral defeat in 1992. A successful transition would likely prevent any future major or systematic human rights violations in North Korea as South Korean human rights standards would be automatically imposed on the North.

In addition to trial of higher-level officials, should South Korea take other action to aid transition from DPRK governance and human rights violations? Government reparations to victims and official apologies for past human rights infractions would be helpful. Inquiries into abuses would also be welcome, though perhaps after a successful transition has been completed. Trials and punishment for lower-level North Korean officials, however, could undermine the transition by taking resources and public attention from it, while

<sup>93</sup> Grodsky, The Costs of Justice, 53-6.

<sup>94 &</sup>quot;North Korea."

<sup>95</sup> Ibid

<sup>&</sup>lt;sup>96</sup> Cumings, *Korea's Place*, 391.

risking retribution from the North Korean elite and alienating other North Koreans. Furthermore, while many North Koreans likely do not believe much of what their current government tells them, they may be wary of international influence, particularly from Japan and the US, in human rights trials. <sup>97</sup> The prominence of anti-imperialist, American and Japanese themes in North Korean "Juche" ideology, as well as the level of exposure of North Koreans to these themes, suggest such a possibility. <sup>98</sup>

## Post-Transitional Long-Term Development

History, including that of Korea, shows that one of the major problems with governmental transition, particularly transition with international forces at play (colonialism, post-colonialism and sometimes unification), is the issue of national and local administration. One of the impediments for Syngman Rhee in post-World War II South Korea was the presence of former Japanese collaborators in his administration. He had spent decades condemning Japanese colonial rule of the Korean peninsula, he had little choice but to keep Japanese collaborators in his government following independence because of their governmental experience and expertise though shared anti-communist views also played a major role. American Major General John Hodges advocated the same approach following Japanese surrender, believing that, in the interest of stability, the US and South Korea had no choice but to keep the collaborators in power. On the collaborators in power.

Today, those outside North Korea have limited knowledge of what goes on inside due to the nature and regulations of its regime. Many conclusions can be made on matters regarding the economy and human rights, but little is known about its infrastructure and technical policies. Logically, those best suited to manage such North Korean affairs, particularly in low, technical levels of government, are those presently in those positions, as their knowledge and experience in those positions are unrivaled. A wide cleaning of the lower-and mid-levels of the house, so to speak, would hamper transition efforts by necessitating training and familiarization of new, less experienced officials

<sup>97</sup> Dr. Mitchell Lerner (Ohio State University Professor) in discussion with the author, July 4, 2012.

J.E. Hoare and Susan Pares, North Korea in the 21st Century: An Interpretive Guide (Kent: Global Oriental Limited, 2005), 6-9, 34-6.

<sup>&</sup>lt;sup>99</sup> Guy Podoler, Monuments, Memory, and Identity: Constructing the Colonial Past in South Korea (Bern: Peter Lang, 2011), 103.

Man-gil Kang, A History of Contemporary Korea, Trans. John B. Duncan (Kent: Global Oriental Ltd., 2005), 187.

Podoler, Monuments, Memory and Identity, 103-4.

Lerner, in discussion with the author.

in these matters. Though many lower-level officials engage in human rights violations, their actions are likely conducted under considerable pressure from the North Korean leadership. Most North Korean civilians suspected of anti-socialist activity are imprisoned, often along with the three proceeding generations of their families. <sup>103</sup> Refusal by an official to carry out senior orders probably risks similar, or worse, punishment. Therefore, they are not as culpable in systematic human rights abuses and amnesty should be considered.

Those now in technical administrative positions likely hold somewhat more positive views of the Kim regime than the average North Korean, but their removal from government may anger them and foster their resistance to transition. Furthermore, North Korean officials are at least somewhat open to new governing methods. Though they have been commanded by the Kim family or their subordinates, many (including the Kims) have studied and support other, more successful models for development, including the Hungarian model, as noted above. 104 Amnesty and retention of mid- and lower-level administrative officials is likely to result in their cooperation and thereby smooth transition, while institution of an entirely new administration will, at least initially, hamper such efforts.

## Popular Sentiment and the Question of Amnesty

It is very difficult to draw definitive conclusions about popular political sentiment in North Korea due to the tightly-closed nature of the country and the domestic measures in place which do not allow free speech. Given the volume and experiences of North Korean defectors, a consensus exists in scholarship that, despite the efforts of the government and the spectacles of support for the Kim family performed by North Koreans, many do not hold favorable views of their leaders. <sup>105</sup>

However, this is not true of all defectors. Some, though frustrated enough with life in the North to escape, are trapped in a pro-Kim mindset due to the level of political indoctrination which takes place beyond the DMZ. <sup>106</sup> There may well be considerable factions of North Koreans who staunchly support Kim Jong-un and would object, possibly violently, to judicial action against him. Grodsky writes that,

Even the world's most brutal dictators seem capable of inspiring immense emotional solidarity in their former

N.C. Heiken, Kimjongilia, Documentary (2009).

Martin, Under the Loving Care, 667.

<sup>105</sup> Ibid.

Mikyoung Kim, Securitization of Human Rights: North Korean Refugees in East Asia (Santa Barbara: Praeger, 2012), 16-36.

subjects. The powerful reaction to Joseph Stalin's death, with his funeral drawing tens of thousands of mourners, illustrates this fact. Fifty years afterward, a retiree who attended Stalin's funeral recalled, 'It was as if we lost the father of the family, the person who took care of us. We felt like orphans.' 107

This anecdote parallels eerily with Kim Il-sung's and, more recently, Jong-il's funerals.

Despite the support for Kim encouraged (and required) by the North Korean government, some scholars wonder if the Kim family really holds complete power. <sup>108</sup> It is well-known that the Korean Workers' Party (KWP) has a considerable role in the governing process, and advisers of the Kim leaders have, of course, been prominent KWP members. Two of these officials, Jang Sung-taek and Kim Kyong-hui, have held positions of great power in the Kim governments, particularly since Jong-un assumed command in late 2011 due to his inexperience. <sup>109</sup> High-ranking members of the KWP and relatives of Jong-il and Jong-un, Jang and Kim have exerted considerable influence in North Korea for decades. <sup>110</sup> The extent of such influence is impossible to determine given the nature of the North Korean government, but with their positions, the two may be responsible for many of the Kim government's policies, including those which arbitrarily arrest and imprison North Koreans.

### Issues with the North Korean Judiciary

Compounding the issue of transitional justice in North Korea is the nature of the longstanding judicial system. Its views of legal transgressions and appropriate justice for such transgressions are quite misguided as it acts as a vehicle for the enforcement of decrees of the Kim family and KWP. Severe prosecution of acts labeled treasonous seems to be the main focus of the judicial system, and as the Kim family has great influence on the appointment of jurors, it can be assumed that they are loyal to the Kim family.

The absence of a judicial system capable of conducting trials for past human rights violators, whether due to lack of resources or of fair jurors,

Grodsky, 55, citing Steve Rosenberg, "Shades of Spring on Stalin's Legacy," BBC News, March 5, 2003.

Lerner, in discussion with the author.

Mure Dickie, "Chef Offers New Tidbit on North Korean Leader," Financial Times (London), December 7, 2012, Accessed December 10, 2012, http://www.washingtonpost. com/world/asia\_pacific/chef-offers-new-tidbit-on-n-korean-leader/2012/12/06/77040f42-3fce-11e2-a2d9-822f58ac9fd5\_story.html. The likely role of Jang (spelled 'Chang') is highlighted.

Lerner, in discussion with the author.

<sup>&</sup>quot;World Report 2012: North Korea," Human Rights Watch, accessed April 21, 2012, http://www.hrw.org/world-report-2012/world-report-2012-north-korea.

makes successful domestic trial and conviction of violators very unlikely. On the contrary, such domestic trials might reverse transitional efforts, affirming violations as legally acceptable by declaring violators innocent and permitting them to remain in power.

International tribunals, the alternative to domestic trials, would be without these flaws, and would discourage future human rights violations by trying and (likely) punishing offenders; however, such tribunals may also be counterproductive to transition efforts. Retrospective inquiries into human rights violations by non-domestic judicial bodies with the intent of punishing offenders would not only destroy any support among the elite for transition, as noted above, but would also risk alienating popular support. As shocks to North Korean society should be minimized in the wake of reunification, the early imposition of international jurors and judicial systems on transitional North Korea should be avoided as it would be unwelcome and serve to further complicate a difficult undertaking.

#### Case Studies Most Similar to North Korea

Correct application of past transitional justice approaches in North Korea requires anticipation of key factors in North Korean transition, and special consideration of cases where these factors have been most prominent. On the basis of pre-transitional conditions, South Korea is the most similar to North Korea. Shared peninsular history, noted above, should be a significant factor in consideration of post-unification policy options.

The cases of North Korea and Japan are less similar, but a vital aspect of North Korean society was also present in World War II-era Japan. As noted above, the Kim family is revered on a divine scale by some North Koreans, as Emperor Hirohito was before Japan's surrender. This must be kept in mind when addressing the question of amnesty for North Korean officials. The incredible success of the decision to grant Emperor Hirohito amnesty merits possible inclusion in any proposed solution.

In addition, pre-transitional Romania bears significant similarities to North Korea. Both were communist societies farther distanced from Soviet control than some of their counterparts (such as Czechoslovakia), and both were ruled by dictators who engaged in systematic human rights abuses, including the use of prison camps (though the North Korean camps are much more notorious).

#### Cases Less Similar to North Korea

While the subject states of each of the case studies were chosen for their similarities with North Korea, naturally, some are more similar to North

<sup>112</sup> Grodsky, The Costs of Justice, 19-28.

Korea than others. This applies particularly to many of the Eastern European post-communist states examined above as they are rooted in European and Western Asian, rather than East Asian, tradition and often were under subtly, but notably, different forms of government than North Korea.

Czechoslovakia and Hungary differed from North Korea in many respects, most importantly in the nature of their relationships with the Soviet Union. Both were much more adverse to communist ideas. Government officials and civilians alike resisted many such ideas and Soviet directives. Such resistance resulted in much greater and more direct Soviet control of both. Unlike in North Korea or Romania, vast numbers of Soviet troops were sent into Hungary and Czechoslovakia to curtail popular anti-communist sentiment, which manifest itself in revolt. In addition, Moscow itself chose Czechoslovakian leaders.

As a result, communist ideas, autocratic governments, violence and human rights violations were associated more with international forces than with domestic leaders in Czechoslovakia and Hungary. The reactions of the Czech and Hungarian peoples to Soviet political and military influence support such an argument. This fundamental difference explains the differences in Czech, Slovak and Hungarian transitional justice approaches from those of Romania, Japan and post-1987 South Korea. Those ultimately responsible for human rights violations were not national politicians but rather policymakers in the Kremlin. Therefore following democratization it was logical to take action against seemingly traitorous, lower-level domestic collaborators rather than attempt to prosecute former officials in Moscow (which would not have been feasible anyway).

#### **Authoritarian Leaders and Transitional Justice**

The prominent common element in pre-transitional societies most similar to North Korea has been the presence of a domestically-based authoritarian leader. Such leaders were present in each of the cases categorized "most similar to North Korea" above, as well as in the Philippines.

Following are two tables, tables 3 and 4, which contain data extrapolated from tables 1 and 2 corresponding to countries with strong, domestically-based dictators prior to transition. This is a crucial factor in North Korea today; therefore, these cases merit separate consideration.

Table 3

Case	S. Korea (1960)	S. Korea (Post-'87)	Japan
Approach	5	7	5, 6, 7
Outcome	Unsuccessful	Successful	Successful

Philippines (Aquino)	Philippines (Ramos)	Romania
5	2	7
Unsuccessful	Unsuccessful	Successful

Table 4

Approach	Successful Instances
7	2 of 2 cases
5, 6, 7	Successful in only case used
5	0 of 2 cases
2	Unsuccessful in only case used

According to the case studies, approach 7 is the most effective in facilitating transition. In societies with strong dictators prior to transition, like North Korea, this is particularly the case—trial of commanders has been necessary for successful transition in each of the most applicable cases (South Korea, Japan and Romania). Therefore, the best approach for Korea and the international community in the event of peninsular reunification would be to place former top North Korean officials on trial and grant amnesty to lower-level officials in its government.

#### **Further Considerations**

No society in the modern world has had a populace exposed to the amount of political indoctrination and brainwashing that the North Koreans have experienced. 113 Furthermore, the leaders in North Korea have been in power longer than those in almost any other state, and its remarkable isolation has facilitated these realities, making comparison to other cases difficult. The experience of Japan and the approach taken there, though of different circumstances and a different historical period, require attention due to the similarities between the nature of the Emperor's command before and during World War II and that of the Kim family since.

An ideal general approach (judicial action against higher-level North Korean officials) also requires effective implementation. Trials can take any of three broad forms: by civilians, national judicial officials, or an international tribunal. Combinations of elements of each have been used in other cases: the jury is sometimes composed of national, as well as international, representatives.

The nature of the leadership of Kim Jong-un and his predecessors would

<sup>113</sup> Lerner, discussion with the author.

likely make trial by international tribunal difficult. One alternative, trying of officials by a jury composed of both domestic and international officials, has been problematic in many countries, notably Cambodia. 114 As a result of the nature of North Korean society under Kim's rule, international influence in a transition should be kept to a minimum in order to maintain public support. Therefore, only domestic factions should try higher-level North Korean officials.

The problems noted above will, however, make effective trial of higher-level officials by the North Korean judiciary impossible. Without any knowledge of international human rights standards or personal experience with North Korean prison camps, domestic judicial officials will have a skewed view of North Korean officials. Their close political relationships to Kim Jong-un and members of the KWP will render them incapable of bringing justice to the officials.

#### Conclusions

Historical analysis, particularly of cases most similar to North Korea, suggests trial of higher-level officials by North Korean civilians would be the most effective approach in halting human rights violations and instituting democracy north of the present DMZ through recognition of the government. In order to hold North Korean officials accountable for their human rights violations and end such abuses on the Korean Peninsula while pursuing a successful transition, Jang Sung-taek and Kim Kyong-hui, the high-ranking members of the KWP presumed by some to be controlling North Korea from behind the scenes, should face trial for their crimes. Amnesty for Kim Jong-un, possibly in exchange for his support of transition, should be considered due to the place of his family in North Korean culture. He is also not fully responsible for the transgressions committed since the death of his father, as he may not hold as much power as Jang Sung-taek, Kim Kyong-hui and other KWP officials, though they have called for North Korea to rally around him.<sup>115</sup>

The ROK government should be the only one involved in dictating transitional justice in North Korea. Involvement of other nations (particularly the US) in the process would be counterproductive due to widespread North Korean sentiment. The interests of other nations may also negatively affect transitional justice proceedings, as some would be wary of the establishment of international legal precedents that could one day affect them. Furthermore, other characteristics of international tribunals, particularly the possibility of more widespread prosecution of officials, as well as harsher consequences for those determined guilty, would be disadvantageous in the case of North Korea.

Elisa Hoven, "The Khmer Rouge Tribunal."

<sup>115</sup> Ibid.

Accordingly, Jang Sung-taek and Kim Kyong-hui should be tried by a court of North Korean citizens, who experienced life under the former regime and are unaffiliated with the former judiciary, possibly a few years after transition. Like the trials of Roh Tae-woo and Chun Doo-hwan in South Korea, such action will allow national focus to stay on transition. Furthermore, it will give North Koreans time to become accustomed to democratic society and familiar with international human rights standards and laws. This will enable a more effective trial of Jang Sung-taek and Kim Kyong-hui. Laws defining and forbidding future abuses would complement transitional justice. When feasible, reparations for victims and eventually a truth commission should be considered to help North Korea move beyond its repressive history. These have been shown to contribute positively to other post-transitional societies. 116

Preservation of a national unifying figure, like the emperor in Japan, should be considered to facilitate popular support for unification under Seoul leadership, which will be necessary for a successful transition. The most obvious choice is Kim Il-sung, the "eternal president" of North Korea. Though revered by many North Koreans, on a level unmatched by his son or grandson, Kim Il-sung would, of course, be unable to exert counter-progressive influence on a new Korea. Maintaining Kim Il-sung's prominence in North Korea, even to a lesser degree, would also show international respect for North Korean society and its eternal president, which North Korea has long desired. Retention of Kim Jong-un should also be an option, though he should be given as little power as possible.

In the interest of successful transition, blanket amnesty should be granted to lower-level North Korean officials, and they should be retained in their positions. Case studies support this approach, even in Hungary where former communists regained national control. The necessarily limited nature of international influence following transition also makes amnesty for lower-level officials ideal.

The case of North Korea is unique and complex, and any transitional justice approach to human rights violations by North Korean leaders must take into account and reflect such complexity. Though North Korea is like no other society in history, prosecution of higher-level officials has been successful in other unique societies. One can only hope that someday the lessons learned from successful application of transitional justice in North Korea will aid transitional efforts elsewhere in the world.

Hayner, Unspeakable Truths.

Barry Keenan (Denison University Professor), in discussion with the author, June 7, 2012.

#### Works Cited

- Ambrocio, Sarah Benavides. "Time and Politics: Transitional Justice in Hungary and Spain." Masters Thesis, Central European University, 2011. Accessed June 22, 2012, http://www.etd.ceu.hu/2011/benavides\_sara.pdf.
- Blumenthal, Ralph. "Upheaval In The East: Obituary; The Ceausescus: 24 Years of Fierce Repression, Isolation and Independence." *New York Times* (New York, NY), December 26, 1989: http://www.nytimes.com/1989/12/26/obituaries/upheavaleast-obituary-ceausescus-24-years-fierce-repression-isolation. html?pagewanted=all&src=pm.
- Cho, Kuk. "Transitional Justice in Korea: Coping with Past Wrongs after Democratization." *Pacific Rim Law & Policy Journal* 16, no. 3 (2007): 580-611. http://digital.law.washington.edu/dspace-law/bitstream/handle/1773.1/582/ 16PacRimLPolyJ579.pdf?sequence=1.
- Cumings, Bruce. *Korea's Place In The Sun*. New York: W.W. Norton & Company, 1997.
- Darehshori, Sara and Evenson, Elizabeth. "Peace, Justice and the International Criminal Court." Research Article 1, Oxford Transitional Justice Research, March 19, 2010. Accessed August 13, 2012. http://www.csls.ox.ac.uk/documents/DarehshoriandEvenson2010.pdf.
- Mure Dickie, "Chef Offers New Tidbit on North Korean Leader," *Financial Times* (London), December 7, 2012, Accessed December 10, 2012, http://www.washingtonpost.com/world/asia\_pacific/chefoffers-new-tidbit-on-n-korean-leader/2012/12/06/77040f42-3fce-11e2-a2d9-822f58ac9fd5\_story.html.
- "Germany." Human Rights Watch. Accessed July 20, 2012, http://www.hrw.org/europecentral-asia/germany.
- Grodsky, Brian K. *The Costs of Justice: How New Leaders Respond to Previous Rights Abuses*. Notre Dame: University of Notre Dame Press, 2010.
- Hayner, Priscilla. Unspeakable Truths. New York: Routledge, 2001.
- Heiken, N.C. Kimjongilia. Documentary. (2009).
- Hoare, J.E. And Pares, Susan. *North Korea in the 21st Century: An Interpretive Guide*. Kent: Global Oriental Limited, 2005.
- Hoven, Elisa, comp. "The Khmer Rouge Tribunal--Cambodia's Search for Justice." *CSEAS Speaker Series*. University of Hawaii (2010), http://scholarspace.manoa.hawaii.edu/handle/10125/15288.

- Jia, Bing Bing. "China and the International Criminal Court: Current Situation." 2006 Singapore Yearbook of International Law and Contributors (2006). Accessed August 13, 2012, http://law.nus.edu.sg/sybil/downloads/current/Jia\_SYBIL\_2006.pdf.
- Kang, Man-gil. *A History of Contemporary Korea*. Trans. John B. Duncan. Kent: Global Oriental Ltd., 2005.
- Keenan, Barry, Denison University, interview by John Petrushka, June 7, 2012.
- Kim, Byung-Kook, Vogel, Ezra F., eds. *The Park Chung Hee Era: The Transformation of South Korea*. Cambridge: Harvard University Press, 2011.
- Kim, Mikyoung. Securitization of Human Rights: North Korean Refugees in East Asia. Santa Barbara: Praeger, 2012.
- Kiraly, Bela K. *Basic History of Modern Hungary*, 1867-1999. Malabar: Kireger Publishing Company, 2001.
- Klein, Ezra. "The Dark Legacy of North Korea's Ruling Elite." *Japan Times* (Tokyo), December 22, 2011: http://www.japantimes.co.jp/text/eo20111222a3.html.
- Lee, Jean H., Kim, Sam and Klug, Foster. "North Korea Rally: Tens of Thousands Pledge Loyalty to Kim Jong Un." *Huffington Post*, January 3, 2012. Accessed August 13, 2012: http://www.huffingtonpost.com/2012/01/03/north-korea-rally-kim-jong-un n 1181595.html.
- Lerner, Mitchell, Ohio State University, interview by John Petrushka, July 4, 2012.
- Mahoney, William M. *The History of the Czech Republic and Slovakia*. Santa Barbara: Greenwood, 2011. Print.
- Mainwaring, Scott. "Transitions to Democracy and Democratic Consolidation: Theoretical and Comparative Issues." Working Paper #130, Kellogg Institute for International Studies, November 1989. Accessed August 4, 2012. http://kellogg.nd.edu/publications/workingpapers/WPS/130.pdf.
- Martin, Bradley K. *Under the Loving Care of the Fatherly Leader: North Korea and the Kim Dynasty*. New York: St. Martin's Press, 2006.
- Nahm, Andrew C. *Korea: Tradition & Transformation*. Elizabeth: Hollym International Corp, 1988.
- Nedelsky, Nadya. "Divergent Responses to a Common past: Transitional Justice in the Czech Republic and Slovakia." *Theory and Society* 33, no. 1 (2004): 65-115. http://moduly.outly.cz/posycze1/transitional justice.PDF.

- "North Korea." Human Rights Watch. Accessed July 8, 2012, http://www.hrw.org/nkorea.
- "North Korea Defies Warnings in Rocket Launch Success." *BBC News* (London), December 12, 2012, Accessed December 18, 2012, http://www.bbc.co.uk/news/world-asia-20690338.
- "Overview of the United States Opposition to the International Criminal Court." *ICC Now*, Accessed August 13, 2012, http://www.iccnow.org/documents/CICCFS\_US\_Opposition\_ to\_ICC\_11Dec06 \_final.pdf.
- "Philippines." Human Rights Watch. Accessed July 8, 2012, http://www.hrw.org/asia/-philippines.
- Podeler, Guy. Monuments, Memory, and Identity: Constructing the Colonial Past in South Korea. Bern: Peter Lang, 2011.
- Purba, Kornelius. "China's Flagging Economic Aid to North Korea." *Jakarta Post* (Jakarta), August 24, 2012, Accessed December 18, 2012, http://www.thejakartapost.com/news/2012/08/24/china-s-flagging-economic-aid-north-korea.html.
- "Romania." Human Rights Watch. Accessed July 8, 2012, http://www.hrw.org/europecentral-asia/romania.
- "Rome Statute of the International Criminal Court." *United Nations* (1998). Accessed August
  - 13, 2012, http://untreaty.un.org/cod/icc/statute/rome fra.htm.
- "Seoul, Pyongyang Urged To Reduce Tension Through Dialogue." *North Korea Newsletter*, no. 208 (2012): http://english.yonhapnews.co.kr/northkorea/2012/05/03/91/0401000000 AEN20120503000700325F.HTML.
- "Stasi Museum." Stasi Museum. Accessed July 8, 2012. http://www.stasimuseum.de/en/enindex.htm.
- Takemae, Eiji. *Inside GHQ: The Allied Occupation of Japan and its Legacy*. Trans. Robert Ricketts. New York: Continuum, 2002.
- Thompson, Mark R. *The anti-Marcos Struggle*. New Haven: Yale University Press, 1995.
- Ursachi, Raluca, and Raluca Grosescu. "Transitional Criminal Justice in Post-Communist Romania." Presentation at the Crimes of the Communist Regimes conference, Prague, February 24-26, 2010. http://www.ustrcr.cz/data/pdf/konference/zlociny-komunismu/Raluca\_Grosescu.pdf

- "World Report 2012: North Korea." Human Rights Watch. Accessed April 21, 2012. http://www.hrw.org/world-report-2012/world-report-2012-north-korea.
- Zielonka, Jan and Pravda, Alex, ed. *Democratic Consolidation in Eastern Europe*, Volumes I and II. Oxford: Oxford University Press, 2001.

# Cunningham, Eric. Zen Past and Present. Key Issues in Asian Studies, no. 8. Ann Arbor: Association for Asian Studies, 2011.

#### Sarah Boedicker

In this essay booklet titled *Zen Past and Present*, Eric Cunningham attempts to put into plain academic text the complicated and, in some cases, indescribable history, teachings, and practices of Zen Buddhism from its ancient beginnings until the modern day. In many ways, he succeeds in transferring complex ideas into conversational topics that are easily understandable, even if one does not have a background in Buddhist history and teachings. However, the helpful manner in which he presents many of the legends and teachings in his essay booklet must be taken with a grain of salt and a lack of assumption in the professionalism of this work. With both the good and the bad, it can be seen that this essay is, at best, an all right source as an introduction to Zen Buddhism, albeit one that would not be useful in any form of academic work.

With many topics and teachings of Zen Buddhism, an emphasis is placed on indescribable qualities of the world, and the ability to understand without words. This can make it very difficult for beginners to jump into a study or history of Zen, but Cunningham handles his description of Zen teachings very well, putting them into conversational terms that the beginning student can understand. Furthermore, he offers his reader a concise look at the history of Buddhism itself, and some unique closer looks at some key Buddhist sutras such as the Prajnaparamita Sutras, and the koan questions specific to Zen. The structure of this essay is also very easy to follow in that it flows from the history of Buddhism, from its roots in India, across Asia, into Japan, where Zen has become most prominent, and into its modern-day influences such as in the translation works of D.T. Suzuki—a prominent figure in the introduction of Zen to American society—and Punk Zen.

In the chapters where he describes the integration of Buddhism into Chinese culture, Cunningham does an excellent job of comparing and

contrasting the teachings of Buddhism with native Chinese philosophies such as Confucianism and Taoism. This allows the reader to see, in a more detailed way, how Buddhism was able to adapt to philosophical ideas that were already present in Chinese society, and thus become an integral part of the culture. He presents a similar view of when Zen reaches Japan, but it is not nearly as detailed as the integration of Buddhism into Chinese culture. Finally, in his description of topics related to Zen teachings, such as Zen gardens and many Japanese art forms that were based off of Zen ideas, he takes a very conversational standpoint. This dialogue form of presenting these facts again helps beginning students of Zen history and teachings to understand what is usually intended to be understood without words.

Unfortunately, apart from the helpful way in which Cunningham presents the history, teachings, and related topics of Zen Buddhism, he has many errors in his presentation of Buddhist history, and some very unhelpful breaks in his train of chronological and academic thought. Firstly, when describing the birth and early life-story of Siddhartha Gautama, there are many errors in comparison to the traditional canon of Buddhist history. For starters, Cunningham compares the birth of Siddhartha Gautama to the birth of Jesus Christ, and while he explains it as a perhaps imprecise analogy, there is a difference between "imprecise" and "erroneous." Siddhartha Gautama, while his mother had a vision of a divine white elephant during her pregnancy, was not present at his own conception and birth the way that Cunningham tries to explain it. Furthermore, Siddhartha Gautama was not born the Buddha, but rather became the Buddha through his choice to pursue transcendence from suffering. Cunningham also claims that Siddhartha Gautama was kept isolated by his father because he was attempting to change his son's fate to become a holy man, while in fact, it was prophesized that Siddhartha Gautama would become either a holy man or a great king, and his father was simply trying to promote one possible destiny over another. Later, long after he has attained enlightenment and is approaching death, Cunningham claims that the Buddha appointed Mahakasyapa to follow him as the patriarch of Buddhism, when in fact, the Buddha did not appoint an heir, which resulted in the many different schools of Buddhism. Also, as someone who has also learned about Buddhist artwork, I feel I must point out that the figure of a statue on page eight of the essay booklet is incorrectly described by Eric Cunningham. He describes this statue as the Buddha sitting in meditation, when in fact the hand positions of the main figure and the smaller figures underneath it indicate that it is a depiction of the Buddha's first sermon at Sarnath.

Some other difficulties in reading this essay booklet arise after about Chapter Five, in Cunningham's organization and representation of some ideas. After the fifth chapter, Cunningham switches his narrative randomly and without prelude between China, Japan, and their respective time periods. I myself was able to understand when and where he was referring to, but only because I already have a basic knowledge of Chinese and Japanese history, while anyone without that knowledge would have been completely lost. An example of this is seen in Chapter Seven, where Cunningham jumps from China and the invasion of Manchuria to World War One and the impact of that conflict on Zen as a budding international school of Buddhism. Also, when the booklet reaches Chapter Seven, which covers Zen in Japan, it becomes more of a lesson on pre-modern Japan with a few miscellaneous points about Zen's influence rather than a full description of how Zen became such a prominent school of Buddhism in Japan. Another issue with writing style that might impact beginning readers of works about Zen Buddhist is in the occasional breaks that Cunningham takes from academic form with a statement or question that is really very unprofessional in academia. Some examples of this are on page 31, where he asks, after introducing the Prajnaparamita, an important Buddhist text, if the Prajnaparamita is 'true,' with the implication that he wants the reader to decide then and there if that Buddhist text is 'true' or false,' or on page 68 when he asks if Punk Zen is really Zen. Both of these questions, while irrelevant and useless in actual Zen teachings, are also completely unprofessional in the type of academic work that he is presenting.

So all in all, this essay booklet by Eric Cunningham about Zen Buddhism is a decent source for someone who is a complete beginner to Zen Buddhism, but it should not be used for anything other than a piece of basic, and flawed, introductory work. Cunningham offers a list of additional sources and further reading at the end of his essay, but I am of the opinion that any one of those sources, even though they are sources that focus on particular areas, or sections of history. Thus, depending on what it is that the reader is attempting to learn, this essay is either a great way to start learning about Zen Buddhism, or a bad academic source for further learning.

## **Contributors**

Sarah Boedicker is an upcoming senior at Wittenberg University, and an East Asian studies major. Some of the other academic topics that she works with are Women's Studies, Sociology, and music, and she truly enjoys being able to tie all of these topics together as she studies at Wittenberg. As a result, some of the topics in East Asian Studies that most pique her interests are women's issues, histories, and topics, and philosophical traditions, such as Buddhism, Confucianism, and Taoism. After she graduates, she plans on applying to a number of graduate programs to refine all of her various interests into an ultimate career goal, in whatever field she ultimately ends up in.

Bailey DuBois is a junior Geography major and East Asian Studies/Chinese minor at Wittenberg University. She is not a religious studies scholar and knows almost nothing about physics, but a course on Buddhism inspired her to take a research position with her professor and try to learn more about both. Her primary academic interest is Chinese growth and urban planning. She spent a summer in China as a camp counselor and English teacher at Yew Wah International Education School of Shanghai, and returns to China in the summer of 2013 with a research grant to study "ghost" cities in Inner Mongolia for her senior thesis.

**Michele Druga** is a double major in Psychology and Japanese with a minor in East Asian Studies. She spent fall semester 2012 in Japan at Kansai Gaidai University. A member of the Wittenberg University Class of 2014, after graduation she plans to pursue a graduate degree in Industrial/Organizational psychology. Her eventual goal is to work for a company with a large amount of Japanese workers and help make the transition into a new culture and workspace as smooth as possible.

Meghan McLaughlin is currently a graduating senior at Wittenberg University. She is from Loveland, Ohio. She will be graduating with a degree in History as well as with her teaching license for secondary education. She plans on teaching high school history, but has yet to find a position for next year. During her time at Wittenberg, she has concentrated her studies in Modern History, but has also had the opportunity to study various time periods and regions in history, including East Asia. She hopes to use her background in history not only while teaching, but also while doing museum or library work during the summers.

**Hui Sian Tan** graduated from John Carroll University and has a strong passion for language and literature studies. When not buried in books, she likes hanging out with Bob Richardson and their cats. She hopes to further her studies in Chinese literature and Japanese language.

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