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Accounting for silence:

Inheritance, debt, and the moral economy of legal redress in China and Japan

ABSTRACT

Legal efforts seeking official apology and compensation for Japanese colonial violence have, since the 1990s, become a prime site of Chinese and Japanese attempts to come to terms with the past. This ethnography explores what it means to legally account for Japanese imperialism decades after the original violence ended with Japan's defeat in World War II. Examination of recent compensation lawsuits filed by Chinese war victims against the Japanese government and corporations shows how legal interventions publicly reveal artificially separated, yet deeply intertwined moral and monetary economies that present postwar compensation as a question of the generational transfer of unaccounted-for pasts and accompanying debts. I elucidate how accounts and accounting address overdue responsibility for postwar generations and, against the background of generational shift and the changing balance of economic power between China and Japan, show how the crux of this issue has shifted from apology to inheritance and accountability. [*law and accountability, moral economy, debt, colonial inheritance, generational gift, war victim testimony, China and Japan*]

In four landmark rulings on April 27, 2007, the Supreme Court of Japan rejected compensation claims filed by Chinese survivors of wartime forced labor, who were all male and were abducted from China to work in Japan, and by the so-called “comfort women” (*ianfu*), who were forced into wartime sexual slavery by the Japanese Imperial Army.¹ Despite its firm rejection, the court acknowledged in unprecedented, strong language the violence and injustice committed by the Japanese government and corporations during the war. The court gave “voice” to unclaimed experiences after decades of silence by underscoring the *moral* and *monetary* debts that Japanese society owes to Chinese war victims. These Supreme Court decisions signaled the opening of a new chapter in the series of compensation lawsuits filed since the 1990s by Chinese war victims.² The rulings explicitly recognized that, nearly 70 years after the original violence ended with the Japanese defeat in 1945, the past has not been adequately accounted for.

In the beginning of the 1990s, a historical constellation of multiple “endings” opened up a new space for China and Japan to come to terms with this contested past: the end of the Cold War, China's transition to a market economy, and the death of the Shōwa Emperor in Japan. I explore this new space by examining the compensation lawsuits filed by Chinese war victims against the Japanese government and corporations. Since their emergence in the 1990s, these lawsuits have highlighted the unfinished project of unmaking the Japanese Empire and become a prime site for redressing Japanese colonial violence.³ Filed in Japanese courts by a group of nearly 300 Japanese lawyers representing Chinese plaintiffs, the lawsuits have become a catalyst for many Chinese survivors of wartime violence to break their long-held silence and to testify about their ordeals in public (Figure 1). Their testimonies, in effect, underscore the profound silence they had kept prior to that time, even to their family members. Looking into what produced their silence and how they broke it through legal intervention allows us to approach the compensation issue as both a wartime and a postwar problem for China and Japan. This double task of accounting



Figure 1. Chinese plaintiffs marched in 2004 in front of the Japanese Diet building with Japanese lawyers and citizen supporters immediately preceding a court hearing of the so-called poison gas case (*doku-gasu saiban*) filed by Chinese civilian victims of recent exposure to mustard gas abandoned by the retreating Japanese Army in 1945. The case is part of a series of compensation lawsuits filed by Chinese war victims since the 1990s, which seek official apology and compensation from the Japanese government, corporations, or both for deaths and injuries stemming from Japanese imperialism in China. These lawsuits have become a prime site for attempts to come to terms with Japanese imperialism, and court sessions draw a significant number of Japanese citizen supporters, who organize marches and fill courtroom seats. Photo by Yukiko Koga, April 26, 2004.

for the original violence and for postwar complicity in producing the victims' silence has recently acquired a new momentum after the legal process revealed secret Japanese government archives once thought destroyed. These archives document the wartime use of Chinese forced labor and, more importantly, its postwar cover-up.⁴ The surfacing of these archives and the growing chorus of victims' voices bring additional pressure on the Japanese to settle past accounts within and beyond the courtroom.

In this article, I explore how the legal intervention to account for Chinese war victims' long-silenced voices has made publicly visible the convergence of monetary and moral economies. The legal process has unleashed at least three forms of "accounting": The first is accounting as bookkeeping (tallying unpaid wages and compensation for wartime use of slave labor); the second is accounting as storytelling (either as testimonies that break victims' silence or as explanations); and the third is a holding to account (assigning responsibility). Through my ethnographic observation of the recent legal interventions, which "gather accounts," I explore how accounts and accounting address the issue of responsibility that is overdue.⁵

In the early 1990s, the issue of Japan's responsibility gained new visibility when survivors of Japanese colonial violence started to testify publicly. The global human rights community celebrated this production of victims' voices

through legal interventions while denouncing Japanese unwillingness to settle accounts.⁶ My ethnographic observation of legal processes questions the role of "voice" privileged in dominant human rights and legal discourse: Whose voices are being produced? What, if anything, is being produced besides victims' voices? What is the ethics of knowing? And what is the relationship between accounting as giving voice and accounting as bookkeeping? I call into question the process of giving voice to the silenced and examine what is at stake in accounting for silence through legal means.

Examining the Peruvian Truth and Reconciliation Commission, Kimberly Theidon (2007) problematizes its testimonial practices by demonstrating how giving voice to female rape victims resulted in silencing their nuanced and complex experiences of the political violence of the 1980s–90s. Furthermore, she presents a powerful critique of how the narrative burden was unjustly imposed on women even as the silence of the rapists remained undisturbed. The two compensation cases I examine in this article share her concerns, which ultimately pose an uncomfortable question regarding the ethics of knowing in the redress process.⁷ While Theidon's analysis highlights gendered aspects, my ethnography brings to the fore dynamics not captured through gendered analyses alone: the workings of underlying economies of accounting to underscore the contradictory function of the market in redressing the past.

The first case I examine is a series of lawsuits filed by Chinese survivors of wartime forced labor, who were trafficked to slave at 135 corporate sites (mines, shipyards, and construction sites, to name a few) in Japan. I draw attention to the pervasive and academically underexplored silence that many wartime slave labor survivors, all of whom are male, maintained until the 1990s, when the series of lawsuits started in Japan. The scant attention paid to their postwar silence stands in stark contrast to that paid to their female counterparts—the comfort women—whose testimonies in the 1990s triggered the proliferation of a memory industry, which quickly identified how a patriarchal social structure had produced their silence.⁸ Yet gendered analyses cannot fully account for the men's postwar silence. My first case reveals how the contradictory mechanisms of the market both produced postwar silence and created the possibility for breaking it. The courtroom drama I describe reveals these market mechanisms by effectively presenting Sino-Japanese relations after the demise of the Japanese empire in 1945 as a gift relationship built on the economy of debt at the state-to-state level. I show how, through legal work, moral and monetary debt is officially transferred to Japanese postwar generations as an inheritance that they have no choice but to accept in the name of the nation.

While my first case revolves around the macrolevel gift economy, the second case centers on the microlevel gift economy between plaintiffs and lawyers. It concerns

compensation for recent deaths and injuries to civilians in Northeast China caused by exposure to mustard gas left behind in 1945 by the retreating Japanese Army. Here, colonial inheritance is not an abstract concept for postwar generations: Material wartime remains have brought death and injury to those generations who have no direct memory of Japanese imperialism in China. Whereas the first case demonstrates how secrets contained within inheritance are revealed through the legal process, the second case illustrates a new form of debt produced through the process of giving voice to the silenced. I examine how the legal process turned the survivors of this incident into victims, whose “voices” came to represent national suffering within the economy of debt.

Together, these two ethnographic examples, drawn from inside and outside the courtroom, illustrate the public convergence of moral and monetary economies and how victims’ bodies and voices circulate as symbolic currency in the intergenerational transfer of unpaid debt. This article thus tells a story of moral economy and its relation to formal economy surrounding monetary transactions across generations. It is this interwoven circulation of compounded moral and monetary debt that unfolds through the legal dramas in the following pages.

(For)given time: The economy of debt

When I visited one survivor of wartime forced labor, 78-year-old Li Guoqiang, in his modest, lower-middle-class apartment on the outskirts of Beijing, he had just come back from a trip to Chengdu, in central China, where he and fellow survivors were guests of honor at the Jianchuan Museum, a privately run historical museum established recently by a local millionaire. Li is among the few surviving members of the roughly 40 thousand Chinese men who were abducted and forcibly brought to Japan in the 1940s to work, mostly in mines, factories, and shipyards. Subjected to brutal work conditions, only about 32 thousand survived to see the Japanese defeat in 1945.⁹ While offering me watermelon to cool off from the heat of a nearly three-hour journey from the center of Beijing to his home, he showed me pictures of the trip to the museum.

One picture captured the moment when the museum staff took imprints of the ailing men’s hands to be set into the pavement of the museum plaza, among life-size statues of revolutionary heroes of modern Chinese history and significant political figures in the Chinese Communist Party (CCP). “We are also part of China’s history,” Li proudly declared, while showing me a picture of the group standing among the statues. The weight of his utterance “We are also part of China’s history” only became clear to me later, when he finished recounting his wartime ordeal in Japan and his thoughts drifted back to his life in China after repatriation.

He invited me to his bedroom-turned-study, which was filled with books. While proudly showing me his large collection of books on the Japanese invasion of China, Li explained, “I left my family, my wife and six children, to learn why China was invaded by Japan, and why I almost died three times in Japan during the war.” In his thick accent, he recounted how, after repatriation to civil-war-torn China, he was first recruited by the Kuomintang army and then eventually made his way to the Chinese Communist People’s Liberation Army, in which he built a career and earned numerous medals for his outstanding service. But, then, in the early 1950s, he was cast out of the Liberation Army, suspected of having been a spy because of his wartime experience in Japan and because he had been repatriated to China on a U.S. ship after the Japanese defeat.¹⁰ With nowhere else to go, he returned to his village to become a farmer. Li explained to me why he remained silent about his wartime experience: “My wife didn’t want me to tell my wartime story to our children for fear of harming them. I hadn’t told my story to anybody else until the Japanese lawyers contacted me in the 1990s to file a lawsuit. It was only after being contacted by the Japanese lawyers that I learned about other survivors of the wartime forced labor now living in Beijing.”

Li appreciated that the new historical museum in Chengdu recognized his and fellow forced laborers’ wartime ordeals as an integral part of China’s national history, that their sacrifice was recognized as part of communist nation-building. But his elation, captured in the group pictures taken at the museum, also underscores the postwar silencing that took place not only in Japan but also in China. The Jianchuan Museum is the only historical museum in China to date that devotes a section to wartime forced labor, although the memorial in Tianjin Martyr Cemetery on the outskirts of Tianjin enshrines the repatriated remains of forced laborers who perished in Japan. The legal process not only made the survivors’ voices audible but also brought this silencing mechanism to the fore.

Inverted compensation: Hidden Japanese archives on wartime Chinese forced labor

In 2002, a judge at the Fukuoka Regional Court in Japan had made an unusual ruling in a landmark lower-court case filed by former Chinese forced laborers.¹¹ As was usual in these cases, the judge denied any claim that the Japanese government was responsible by deploying the principle of sovereign immunity, and he argued that the Japanese state was not liable for damages resulting from actions related to its exercise of state power (*kenryoku sayō*). But the judge also found a Japanese corporation, Mitsui Mining Corporation, responsible for the wartime use of Chinese slave labor and ordered it to pay 11 million Japanese yen (approximately \$110,000 based on an exchange rate of 100 yen per dollar) to each plaintiff.

The case hinged dramatically on one of the supposedly destroyed 1946 Japanese government archives I mention above (Gaimushō kanrikyoku 1946a, 1946b). According to the plaintiffs' lawyers, this archive detailed the wartime use of Chinese forced laborers. During the trial, the plaintiffs repeatedly pleaded with the government to confirm and disclose the existence of this archive, and the defense lawyers repeatedly claimed that it did not exist. Yet, in an elaborate performance of a public secret, both sides knew of the very archive whose existence they sought to confirm or deny. In fact, the plaintiffs even had a secret copy, which they repeatedly alluded to in court.

For several court sessions, the two sides engaged in verbal ping-pong, with one set of lawyers demanding disclosure of the documents and the other denying their existence. Finally, the presiding judge lost patience and declared, "You lawyers on both sides seem to know what this 'missing' archive is all about. Yet in the past six months, *we*, the judges, have yet to see this seemingly first-class historical archive. The more we hear about it, the more we desire to see this archival material. Instead of requesting the government side submit these materials, would it be possible for the plaintiffs' side to submit them to the court?" This judge's utterance cued the plaintiffs' lawyers to publicly disclose the documents.

The plaintiffs' lawyers knew about the archive because, contrary to the official story of its destruction long ago, most of it, comprising thousands of fragile yellowed pages, was piled up in an office closet of the Tokyo Overseas Chinese Association (Tokyo kakyō sōkai) in downtown Tokyo. Chen Kunwang, the director emeritus of the association, had guarded the documents since secretly acquiring them immediately after the government ordered their destruction in 1946.

The plaintiffs' lawyers, who had heard a rumor about the preservation of this supposedly disappeared archive, sought Chen out and persuaded him to let them copy and use the materials for their forced labor compensation lawsuit as historical evidence. I visited Chen in the association office, and the 89-year-old man related to me the dramatic life of this archival material since 1946. This long-hidden archive tells the story of what can be called "inverted compensation," which laid the ground for Japan's postwar economic recovery.

Chen opened the door to an office closet that was filled with hundreds of worn-out brown envelopes and took out a large stack of documents wrapped in thick brown paper darkened with age and another in an old manila envelope. He placed them on a large conference table and carefully took out the documents they contained (Figure 2). From one pile emerged the handwritten field reports compiled at one of the 135 corporate offices that benefited from the wartime use of Chinese labor (Figure 3). The other pile com-



Figure 2. Chen Kunwang, the director emeritus of the Tokyo Overseas Chinese Association (Tokyo kakyō sōkai), as he carefully took out supposedly destroyed Japanese government reports from 1946 detailing the wartime use of Chinese forced labor. Chen treasures the original worn-out wrapping paper used by the group of Japanese social scientists who secretly brought the reports to him despite the Japanese government's order to destroy them. Photo by Yukiko Koga, July 25, 2008.



Figure 3. The "hidden" Japanese government archive that documents the wartime use of Chinese forced labor in 135 Japanese corporate offices. This envelope contains a handwritten report compiled at Nishimatsu Construction Yasuno power plant in Hiroshima, the defendant in a forced-labor compensation case decided by the Supreme Court justices in 2007. These reports were originally compiled, and then ordered destroyed, by the Japanese government immediately after World War II for the dual purpose of concealing the wartime practice of forced labor from the Allied Forces and allocating postwar compensation, or, better, "inverted compensation," to involved Japanese corporations (for "losses" incurred through the wartime use and postwar loss of Chinese labor). The same reports were used in recent forced-labor compensation lawsuits to reveal these secrets. Photo by Yukiko Koga, July 25, 2008.

prised government reports from 1946 that summarized this wartime practice.

Chen recalled how several Japanese social scientists had secretly carried these thousands of pages of documents hidden in their backpacks in small batches, walking for miles through the burned-down Tokyo landscape to bring them to him. These social scientists had been hired by the government to compile field reports in 1945–46, immediately after the Japanese defeat. Fearing investigation by the Allied Forces, the Japanese government had secretly ordered the corporate offices involved to produce reports on their wartime use of Chinese laborers. The government dispatched groups of social scientists to visit each site to write up the reports.

These reports consist of handwritten pages of detailed documentation of individual workers—from their basic biometric data to how they were captured, how they were transported, and, often, how they died—and of conditions of their work environment and corporeal management, such as how they were housed, fed, clothed, and what kind of work they engaged in and for how long (Gaimushō kanrikyoku 1946a). The Ministry of Foreign Affairs then compiled summary volumes (Gaimushō kanrikyoku 1946b) to be used in a cover-up in the event of an Allied Forces investigation, which never materialized. The government then ordered the destruction of the original field reports.

Yet, Chen explained with emotion, “Despite the government order to destroy the documents, these social scientists strongly felt that it was wrong to destroy such historically important materials. These reports were brought to me in *this* very wrapping paper, and I have kept the wrapping paper as it was, because it was truly a meaningful moment for me.”

While the government had ordered the social scientists to destroy their original field reports, it faked the destruction of its own summary reports, which it secretly used as the basis for financial compensation to the Japanese corporations for “losses” incurred through the wartime use and postwar loss of Chinese labor, rather than to the Chinese laborers whom they enslaved.¹² The dramatic appearance of this archive through legal proceedings betrayed this inversion of the commonsense logic of compensation.¹³

Not only were these documents evidence of Japan’s wartime violence, then, but they were also evidence of the Japanese government’s postwar practice of compensating the corporations that had enslaved the Chinese. Furthermore, this disclosure of postwar injustice through inverted compensation came with a courtroom drama of its own, as I have noted, and the ways in which the disappearance and reappearance of this “missing” archive unfolded highlights an attempt by the Japanese government to cover up historical evidence that continues even today.

Immediately after the archive was made public at the Fukuoka trial, the government side announced that it had

“discovered” a copy in the basement of a warehouse.¹⁴ While the appeals were dragging on, in November 2002, the Japanese government further declassified nearly 2,000 pages of internal memos (Gaimushō kanrikyoku 1952–72). These documents reveal in ample detail how the government sought to prevent the supposedly “missing” 1946 reports from becoming public. These memos stem from the years 1952–72, the period between the end of the U.S. occupation and the start of diplomatic relations with the People’s Republic of China.

Wealth accumulation through the economy of debt

The 1946 report was intended both to illustrate the wartime use of Chinese forced labor and to conceal the very knowledge of this practice from the Americans and Chinese. The legal process revealed the original secret of inverted compensation—approximately 57 million Japanese yen paid in 1946 to Japanese corporations against the background of unpaid wages to Chinese laborers. This disclosure was followed by yet another exposure: the Japanese government’s years of attempts to hide the original secret. The legal intervention thus presented the postwar compensation issue as resulting from wartime violence as well as postwar injustice. The case further highlights how this compounded debt contributed to the postwar reconstruction and recovery of the Japanese economy. Japanese postwar prosperity was in part predicated precisely on redirecting funds from victims to the very companies that had enslaved them. Postwar silence was not an innocent silencing or forgetting but a silencing that created wealth through the economy of debt. In this manner, both the Japanese government and corporations, with tacit U.S. approval, pursued postwar economic recovery and prosperity at the expense of compensating wartime slave laborers.¹⁵

(For)given time

The amoral emphasis on productivity was most symbolically affirmed when Japan and China signed the Joint Communiqué in 1972 to establish diplomatic relations. This, not 1945, was the true zero hour for official Sino-Japanese postwar relations, having been effectively deferred for 27 Cold War years. At this historic moment, instead of insisting on massive reparations for the war, which the Japanese delegation feared the Chinese side would, Chinese Premier Zhou Enlai announced that China would renounce all claims for war reparations on the implied condition that Japan not forget its past and never again resort to militarism and that it keep that promise by becoming a good neighbor and economic partner.¹⁶ The result was a “gift” to the Japanese, the implications of which are only becoming apparent now that the two economies are more deeply intertwined.

A gift, as Marcel Mauss (1990) suggests, demands reciprocity and thereby becomes a debt to be repaid. The

Japanese received a gift—the renunciation of reparations—and, in turn, incurred a debt that they would almost certainly be unable to repay, since it was measured in their attitude toward the past rather than in currency or concrete demands. What the Chinese gave to the Japanese was not forgiveness but the gift of time to repay this moral debt. It is this given time, or, better, “(for)given time,” that set the stage for the newfound Sino-Japanese relations.¹⁷

To this gift, the Japanese government responded by offering China large-scale Official Development Assistance (ODA) starting in 1979, at a time when other countries were reluctant to invest in China, which was just beginning to recover from the turmoil of the Cultural Revolution. Effectively, the Japanese side responded to what was a moral-economic gift from China with a monetary-economic return gift (ODA) and, increasingly, with Japan’s direct investment in China. By accepting this monetary gift, the Chinese state became complicit in an amoral gift economy.¹⁸ At this point, the question of moral debt became separated from and subordinated to the practice of formal economy surrounding monetary transactions. Moral debt was turned into formal economic debt at the state-to-state level. The complicity of the Chinese state in privileging formal economy over moral economy continues even today. While this topic requires a separate essay, I note that, so far, five attempts have been made since 2000 to file postwar compensation lawsuits in Chinese courts against the Japanese government and corporations, all of which the courts have refused to accept.¹⁹ In one of these cases involving a major Japanese corporation, after the court refused to accept the case, the lead Chinese lawyer for the plaintiffs was pressured by a high-ranking local government official, who expressed strong concerns that such a lawsuit might jeopardize ongoing negotiation with this corporation to invest in the region.²⁰

But the question of moral responsibility did not disappear. While recurring anti-Japanese street demonstrations in China are visible expressions of this unaccounted-for moral debt, they also obscure the underlying gift relations with their intertwined moral and monetary economies. By focusing on moral debt through their demands for official apology and the recognition of historical facts (Japanese atrocities) by the Japanese state, these street demonstrations tend to separate moral economy from formal economy. The postwar compensation lawsuits, in contrast, officially brought to light the latent gift relations and the double debt that Japan continues to owe to China. By highlighting the three forms of “accounting”—bookkeeping, storytelling, and responsibility—the legal process has brought to the fore the linkage among them. These legal cases, thus, have underscored how postwar Sino-Japanese relations are a product of deeply intertwined moral and formal economies, which nevertheless seemed separate at times.

Supreme Court decision in 2007

Five years after the Fukuoka ruling, on April 27, 2007, the Supreme Court of Japan rejected the forced-labor compensation claims I describe at the outset of this article.²¹ Referring to the 1972 Joint Communiqué in which the Chinese government renounced its reparation claims against Japan, the court ruled that the Chinese plaintiffs did not have individual rights to claim compensation in the court (*saiban-jō seikyū suru kinō wo ushinatta*, which literally means “lost the function to claim compensation through legal means”). The court’s firm rejection, in effect, pointed to a lacuna in adequately addressing the work of unmaking of empire in the legal sphere.²² As I have noted, the Supreme Court’s rejection was not unexpected, but what was remarkable was the unusually strong language with which the court acknowledged the injustice committed by the defendant (Nishimatsu Construction) and the Japanese state during the war.

By emphasizing the psychological and physical suffering that the plaintiffs endured over the years, the Supreme Court underscored the economic benefits received by the defendant through wartime forced labor and through the inverted compensation. The court further reminded the defendant that the Chinese plaintiffs’ lack of individual rights to claim for compensation in the court did not prohibit the defendant from making its own voluntary arrangements for redress. The court emphasized these points repeatedly and concluded the ruling with a supplementary paragraph (*fugen*) in which it strongly encouraged Nishimatsu and the Japanese government to make voluntary efforts to seek redress for the Chinese.

Through this unusually explicit encouragement, this Supreme Court decision signaled the opening of a new chapter in accounting for the past: The legal process made the postwar cover-up of the original violence an issue for postwar-generation Japanese. The ruling thus effectively presented this compounded debt as the inheritance of postwar generations and officially announced the intergenerational transfer of that debt.

This case draws attention to the contradictory function of market mechanisms in the context of redressing past injustice. On the one hand, the market elides past injustice through an amoral emphasis on productivity, as epitomized by the inverted compensation in 1946 and the Joint Communiqué in 1972. On the other hand, improved economic relations between Japan and China create the very circumstances in which past injustice becomes visible again. What results is a curious compensation economy that incurs moral debt, which, in turn, demands repayment in both monetary and moral terms. With China’s rapid rise to global economic power while the Japanese economy remains stuck in a two-decade recession, the shift in the economic balance of power is driving involved

Japanese corporations to settle accounts, as indicated by the eager under-the-table negotiations prompted by the 2007 Supreme Court decision. Of the Japanese corporations implicated in the lawsuits, Nishimatsu Construction made the first move to settle out of court. On September 23, 2009, it agreed to pay 250 million Japanese yen (approximately \$2.5 million) to 360 Chinese men who were enslaved at the Yasuno power plant in Hiroshima, and on April 26, 2010, to pay 128 million Japanese yen (\$1.3 million) to 183 Chinese at the Shinanogawa power plant in Niigata.

The legal intervention, in effect, uncovered the underlying economy of debt, in which formal economy has been privileged over moral economy. What is revealed is the unfinished project of unmaking the Japanese empire in the economic sphere, most dramatically displayed in the betrayal of the inverted compensation for Japanese corporations immediately after the Japanese defeat and during the postwar cover-up.

I now turn from the story of intertwined moral and monetary debt at the state and corporate level to the dynamics of this economy of debt at the microlevel, where the redress movement is also being propelled.

The moral economy of redress

8.4 Incident in Qiqihar

While the legal drama involving the hidden archive was unfolding in the courtroom in Japan, a deadly exposure to mustard gas took place in the city of Qiqihar in Northeast China. It is in this postindustrial city near the Russian border that the story of my second legal case begins.

Like many other cities in Northeast China, Qiqihar maintains many colonial structures from the early 20th-century Japanese puppet state of Manchukuo. These buildings are now buried among socialist-style concrete boxes and more recent glass-and-steel skyscrapers. Despite its high unemployment rate and prolonged economic stagnation, this city in China's rustbelt is like other urban locales: On any short walk, one passes numerous construction sites, as old buildings are demolished and replaced by apartment complexes and office buildings.

One recent construction, called the "Beijiang Flower Garden," comprises rows of identical seven-story apartment buildings in an incipient landscape of skinny young trees. The buildings have parking garages—sign of an emerging middle class. Here, families attempt to get closer to their dream of "modern life" (*xiandai shenghuo*, a buzzword in today's China) in modest apartments featuring a bathroom with hot water, a living room with a television, and a study for their child.

August 4, 2003, was a hot summer day, and men were hard at work on the construction site of a new underground garage in the center of the apartment complex. While excavating, they discovered five corroded steel drums filled with



Figure 4. The site of the 8.4 Incident in Qiqihar, China, where exposure in 2003 to mustard gas buried by the Japanese Army more than half a century earlier killed one and injured 43 people, including three young children. They are among a growing number of Chinese victims killed or injured by chemical weapons abandoned by the retreating Japanese Army at the end of World War II. China's transition to a market economy has resulted in a nationwide construction boom, and long-buried remainders from wartime have emerged in recent years as a deadly inheritance of postwar generations. Photo by Yukiko Koga, December 8, 2003.

liquid. The workers had no idea that they contained mustard gas, probably left over from biochemical experiments by Japanese Army Unit 516, which had been located in the city center during World War II.²³ The steel drums were sold to a collector of scrap metal, some of the contaminated soil was taken home by several workers to fill their backyards, and the remaining piled-up earth became a playground for schoolchildren.

By dinnertime that day, people had started to experience burning skin, vomiting, loss of vision, and high fever. Not until the following morning did people suspect toxic gas poisoning. The scrap metal collector, Li Guizhen, who thought he had made an unexpectedly good deal that day, died after excruciating suffering, his body burned and corroded beyond recognition. Forty-three people, including three young children, were injured in what is now referred to as the "8.4 Incident" and burdened with lifelong effects from the toxic exposure (Figure 4). One of the victims asserted, "We are also war victims!" This sentence encapsulates the disturbing consequences of intergenerational transfer of compounded debt.

The Qiqihar accident is one of the most vivid examples of how long-deferred attempts to account for Japanese colonial violence—in this case, the double violence of wartime chemical weapon development and postwar inaction—resulted in yet more violence, this time inflicted on the postwar generation. The Qiqihar case thus presents a new challenge to legalizing historical responsibility for violence, whose effects in this case were long delayed. The case also

illustrates how the moral and monetary debt plays out at the microlevel in the process of turning survivors into victims as part of the legal process.

Soon after the accident, a group of Japanese lawyers who represent other Chinese war victims pro bono made an investigative trip to China and sought out the survivors of the mustard-gas incident. In the subsequent months, the lawyers persuaded these badly injured and reluctant survivors to file a lawsuit against the Japanese government.²⁴

When the Japanese lawyers investigating the incident initially sought them out in December 2003, the victims had refused to meet with them despite repeated phone calls. Government-level negotiations between China and Japan were underway at the time. Because of this, the victims were afraid of agitating the Chinese government by initiating anything on their own. To this was added an instinctive fear of discrimination because of their disfigured bodies and a lack of understanding of the Japanese lawyers' intentions, compounded by the fact that they were simply too weak and sick to leave their homes.

Yet most of them owed a large sum of money to the hospital for their difficult and continuing treatment, and desperation finally drove the father of one small injured girl to meet the lawyers literally at the last minute, at the train station just as they were about to leave Qiqihar. In a scene out of a movie, the father and daughter hid behind a tall stone column in the dimly lit train station to avoid attracting public attention. Holding his little daughter under his arm as if to hide her from public exposure, the father emerged swiftly and quietly, exchanging furtive words through an interpreter. The father handed the Japanese lawyers a sheet of paper, with contact information for some of the other victims, his nervous, desperate eyes seeking signs of hope and trust. I remained in Qiqihar after the Japanese lawyers left, and in the following days I came to know other victims, all under terrible financial strain and struggling with recurrent medical problems and constant discrimination.

Within several months, in May 2004, a select group of survivors—an 11-year-old boy and three young adults—visited Tokyo in preparation for their lawsuit against the Japanese government. They arrived in Tokyo in the evening, exhausted after 30 hours of travel from China and displaying the disorientation of visitors experiencing their first trip abroad. For some, it was their first time away from home.

During their welcome dinner at a small Chinese restaurant, they repeated their gratitude over and over to the assembled Japanese lawyers and supporters, who far outnumbered the Chinese delegates. Anxious and uncertain, they began to recount their exposure to the mustard gas. They would tell their story many times during the ensuing one-week visit, which was packed with meetings from morning till night with lawyers, NGOs, and politicians. As the week progressed, the fragments they presented turned into narratives and vivid images of excruciating pain and fear.



Figure 5. During a preparatory meeting for a lawsuit against the Japanese government, Japanese lawyers urged Chinese survivors of the mustard gas exposure in Qiqihar to display their scarred bodies to illustrate their victim narratives. Through repeated questions and answers with Japanese lawyers sitting at the table, the victims squeezed out words and phrases with great difficulty and slowly wove these fragments into vivid images of their excruciating pain and fear. In this process of turning survivors into victims, their injured bodies were transformed into iconic bodies representing national suffering within the economy of debt. Photo by Yukiko Koga, May 6, 2004.

The Japanese lawyers, whom these victims revered with an adoration bordering on worship, encouraged them to punctuate their narratives by exposing their scarred bodies. Whenever they displayed their burnt skin, painfully raw even months after the accident, all who were present gasped at the pain and suffering the victims must have endured (Figure 5). Their bodies were turned into monuments of victimhood in a concerted emotional effort to highlight the colonial inheritance that continues to haunt both China and Japan almost 70 years after the end of the war.

On the second day, in the sleek meeting room of the high-rise headquarters of the Japanese Lawyers Association in downtown Tokyo, the four delegates faltered at the lawyers' questions about details. Fragmented words came out of their tight mouths to be woven by the lawyers into sentences and then supplemented by the victims with more words. The sessions revolved mostly around the same fact-finding questions, starting with "Where were you when the accident took place?" The victims squeezed out terse words or phrases in answer, each one adding a little more detail.

By the third day, each victim was narrating his or her own story again and again to different audiences, and again and again revisiting the trauma. Or perhaps it was not as much revisiting as recognizing their trauma as such through the force of narrating and being listened to. Liu Wenshu, a 24-year-old construction worker with a shy smile and friendly demeanor, broke down in tears on the third day while recounting his ordeal for probably the tenth time since he arrived in Tokyo. It was, it turned out, the first time

that he had cried over his catastrophic misfortune, which would haunt him for the rest of his life. He had traveled over a thousand miles from home to encounter his own trauma.

The trip also led the Chinese victims to discover the wounds of others. The older delegates, Liu Wenshu, Zhao Liangjie, and Wang Nanying, all in their twenties and thirties, were eager to know more about the Japanese lawyers who had sought them out in a freezing northeastern city near the Russian border, a 20-hour train ride from Beijing, and who had paid for the victims' trip to Japan out of their own pockets. Repeatedly expressing their deep gratitude and indebtedness, these Chinese victims wondered why the Japanese lawyers devoted so much time, money, and emotion to people to whom they had no relation whatsoever.

Tanaka Makio, a passionate, articulate lawyer and a man of action, is the locomotive leading the nearly 300-member Japanese legal team. Tanaka explained how he felt the need to repay the debt that he had inherited from the past. He told us,

When I started working as a lawyer many years ago, I was not interested in Japan's imperial past. But the news about the discovery of human remains [which many suspected belonged to victims of wartime human experiments] at the former site of the Japanese Army Medical College near Shinjuku [a downtown Tokyo skyscraper area] led me to start interviewing the surviving families of the victims of human biological experiments at Unit 731 in Harbin [in Northeast China], which shocked me tremendously.²⁵ Since then, I have strongly felt the weight of the perpetration (*kagai no omosa*). As the postwar generation, we inherit the burden of the past. This is my lifework, and I cannot simply consign these events to the past.

The young victims from Qiqihar leaned forward, hanging on Tanaka's every word. Wang Nanying, a charming 27-year-old woman, later expressed to me how deeply touched she was to know what was driving these Japanese lawyers, who had extended their hands to the victims as no one else had, and to understand the pain these mostly postwar-generation Japanese lawyers harbored in having inherited the burden of the past. As the negative inheritance of the Japanese Other became implicated in the process of sharing the victims' trauma,²⁶ both sides moved toward a collective sense of closure, and their farewell dinner was also a new beginning for them. Nevertheless, sharing was itself a torturously painful process for the victims, who again and again revisited their trauma. But their (re)encounter with their trauma was accompanied by their encounter with the Japanese lawyers' inheritance of the burden of the past, which the lawyers feel they have no choice but to accept. The lawyers saw this process as reciprocal. As Tanaka put it, "Learning about, and working with the Other's trauma inflicted by their and our parents' or grandparents' generation is the only way for Japan to recover from its own trauma."

From personal bodies to symbolic bodies

Here we find a double movement in the interactions between the Japanese lawyers and those affected by the Qiqihar incident: how the silent survivors were turned into speaking victims and how their injured bodies were transformed from personal bodies into symbolic bodies of national suffering and redemption.

In her exploration of the relationship between trauma and history, Cathy Caruth observes that "history, like trauma, is never simply one's own, that history is precisely the way we are implicated in each other's traumas" (1996:24). Her insights into the role of the Other in understanding traumatic historical events speaks to what I observed during the 8.4 Incident victims' visit to Tokyo.

What Caruth does not bring out but what stands out in the interactions between the Qiqihar victims and the Japanese lawyers described above, is how indebtedness, in addition to history, emerges from this process of mutual implication. This ethnographic moment captures the formation of a new debt economy between the Chinese survivors and the Japanese lawyers. While the purpose of the lawsuit was to repay the debt and therefore end the cycle, what we find, instead, is a growing sense of mutual indebtedness. The Japanese lawyers' sense of inherited moral debt (arising from Japanese colonial violence) elicits here the survivors' moral and financial sense of debt to the lawyers for their pro bono work. This indebtedness, however, is not unproblematic, for it replicates asymmetrical power relations and provokes performative obligations on the survivors' side, as expressed in their hesitant willingness to play the role of the victim, including publicly displaying their scarred bodies.

The unspeakable pains that the victims of the 8.4 Incident labored to convey to their Japanese lawyers, their supporters, and the general public were very personal ones, which stood at the cusp of being incommensurable. Yet at the point of their enunciation in the form of individual narratives, they turned into narratives of national suffering, which framed the very personal dimension of their ordeal.²⁷ The victims' personal pain represents the suffering inflicted by the Japanese on the Chinese nation. When victims' narratives are framed within the narrative of national suffering, their double suffering—from their original pain and from their recounting of it—finds a heroic space within this narrative. An ethical question of knowing often fades away within this landscape of nationhood. In this process, victims' injured bodies are transformed into iconic bodies that serve as symbols of the moral and financial debts of the nation. Although the global human rights community celebrates the breaking of long-held silence in these legal processes, the Qiqihar case poses an uncomfortable question of whose "voice" is being produced.

It is important to emphasize that this slippage from individual to national victims' voices is a product of the

postwar economy of debt between China and Japan at the macrolevel. And the victims' voices gain symbolic currency precisely because they allow this slippage to happen. Within this theater framed through the national debt, both Chinese and Japanese participants assume their respective roles as inheritors of this gift from the war generation.

A strong sense of moral indebtedness arising from this macrolevel debt—both moral and monetary—is what drives the Japanese lawyers to seek redemption and make repayment in their pro bono work for the Chinese plaintiffs, and ultimately raises a question of what pro bono work means in this context. Seen in this manner, the Qiqihar case illustrates the microlevel convergence of moral and monetary economy, which itself is a product of the parallel convergence at the macrolevel that is apparent in the forced-labor compensation case. And at the center of this economy of debts lie victims' bodies and voices, which circulate as symbolic currency that allows exchanges to happen.²⁸

Conclusion: Inheriting the economy of debt

In their analysis of the recent formation of the figure of the victim through the concept of trauma, Didier Fassin and Richard Rechtman (2009) trace the historical development of the contemporary moral economy over the past two decades at the intersection of the medical discipline and rights-based social movements.²⁹ The recent discourse on trauma is, they argue, a reflection of the moral economy, which is “the product of a new relationship to time and memory, to mourning and obligations, to misfortune and the misfortunate” (Fassin and Rechtman 2009:276). The legal redress examined in this article is an integral part of this global phenomenon in which victimhood is produced around the concept of trauma. The postwar compensation lawsuits and the resulting production of victims' voices have been propelled by the global proliferation of memory work and trauma discourse.³⁰ While Fassin uses *moral economy* to refer to a moral regime and employs *economy* metaphorically, the cases explored here point to the centrality of “economy” in a literal sense in the workings of moral economy. I argue that the crux of the issue in my case is the deeply intertwined nature of moral and monetary economies, whose artificial separation was belied by the legal interventions.³¹ This ethnography demonstrates that underlying these two forms of economy are gift relations, in which moral debts circulate along with monetary debts, the two feeding into each other.

Recent postwar compensation cases demonstrate how these dual economies—moral and monetary—are closely linked at the macro- and micro-levels. They also show that individual-level redemption is as important for settling accounts as the state-to-state level is, if not more so. Legal intervention has made the underlying economy of debt visible to the public through the circulation of victims' bod-

ies and voices and their archival traces. By announcing the compounded debt as an inheritance that postwar generations have no choice but to accept, and by underscoring (for)given time within which this generational transfer of debt takes place, the court in effect calls attention to the centrality of gift relations within the politics of redress.

There is a danger that the gift economy at the individual level—for example, “repayment” by the Japanese lawyers through their pro bono work and the acknowledgment of this return gift by the Chinese plaintiffs—can potentially mask state-level accountability. Indeed, many plaintiffs variably expressed how their sense of closure, redemption, and coming to terms with the past has derived primarily from their experiences of working closely with Japanese lawyers and supporters. In her analysis of a two-part documentary depicting a group of Korean former comfort women living in a group house in Seoul, Chungmoo Choi notes that “they have been healing their wounds through the years of speaking their silences verbally and visually to the camera (and its crew) and among themselves” (2001:407). Choi's observation echoes the sentiments expressed by Chinese plaintiffs in various postwar compensation lawsuits and poses the question of whether speaking itself or the presence of a certain audience is key to the healing process. As one of the plaintiffs in the forced-labor case put it, “What is healing my deep wounds from the torturous wartime experiences is the truly conscientious and heartfelt support that I have received over the past two decades from my Japanese friends.”

We are witnessing a fundamental shift in this gift economy and its redemptive effects at the microlevel, brought to the fore through the deeply affective ties participants have woven through their shared goal of coming to terms with the past. The issue of responsibility in the name of the nation seems only to intensify with the generational shift. As the process of redress drags on and the war generation is dying, the second and third generations inherit this gift economy. As a result, what “counts” as an appropriate repayment from the Japanese side is yet again becoming uncertain and contested. China's rise as an economic superpower in recent years has left the country less in need of Japan's financial assistance, while increasing nationalism highlights the unpaid moral debt. Second- and third-generation Japanese, whose immediate concern is Japan's never-ending recession, turn more and more inward looking, and have started to voice some doubts about the assumed inheritance of their moral and monetary debts in the name of the nation, creating a momentum for a new form of nationalism in the denial of national debts. With the rapid shift in the economic balance of power between China and Japan in recent years, the postwar generations in both countries face new challenges to reaching shared understanding of what it means to come to terms with the compounded debt of postwar injustice, inaction, and silence.

Notes

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1. Heisei 16 (ju) No. 1658 (forced labor case) and Heisei 17 (ju) No. 1735 (comfort women case). On the basis of these rulings, the Supreme Court dismissed the appeals of other cases on the same day (Heisei 17 [o] No. 985 [comfort women case], Heisei 14 [ne] No. 511 and Heisei 8 [wa] No. 5435 [forced labor case]).

2. For an excellent overview of the compensation lawsuits filed by Chinese war victims, see Chūgokujin sensō higai baishō seikyū jiken bengodan 2005, and Tanaka et al. 2012. For an overview of legal arguments developed through these lawsuits, see the 2004 special issue of *Hōritsu jihō*. In English, see Gao 2007 and Shin 2005.

3. For an overview of other sites where unaccounted-for Japanese colonial violence in China is problematized as the so-called history problem, see, for example, Dirlík 1993 and He 2009.

4. Gaimushō kanrikyoku 1946a and Gaimushō kanrikyoku 1952.

5. This article is based on my field research in China and Japan (2003–04, summer 2008, and 2012–13), during which I worked with Japanese lawyers representing Chinese war victims pro bono in their lawsuits against the Japanese government and corporations. I observed weekly court proceedings of various postwar compensation trials; participated in meetings with lawyers, plaintiffs, and civic support groups; accompanied the lawyers on investigative trips to China; and participated in activities of victim groups in China. Since I speak both Japanese and Chinese and have formal training in law and experience living in Northeast China (where many victims were from), I ended up playing the role of interpreter and mediator among Chinese victims, Japanese and Chinese lawyers and citizen supporters, and media. Since 2012, I have been affiliated with the People's Law Office in Tokyo, where I have access to the relevant legal documents and ample opportunities to discuss the cases with the lawyers involved on a daily basis.

6. See, for example, Askin 2001. A notable gendered asymmetry exists in scholarly analyses of “giving voice” to long-silenced Chinese war victims. Academic explorations predominantly revolve around comfort-women issues and mostly proceed from the perspective of gender analysis. Within this framework, testimonial practices of breaking silence are often linked to the issue of subject formation. See, for example, Kimura 2008, Park 2005, and Yang 1998 and 2008.

7. Theidon problematizes testimonial practices within what she calls the “economies of memory,” in which recounting past violence is linked to compensation or humanitarian aid. She asks,

What about the ethics of this trade? What about the coercive elements of “tell me your story of sexual victimization and you'll receive a blanket and cans of food? Or, in the context of a postwar reparations program, “provide graphic testimony about ‘your rape’ and perhaps receive a stipend?” I cannot divorce methods from ethics: in this case, both are repugnant. There are questions that we do not have a right to ask, and silences that must be respected. [Theidon 2007:474]

8. On the analysis of long-held silence among former comfort women, see, for example, Kim and Choi 1998 and Soh 2008.

9. These numbers are drawn from the Japanese government archive (Gaimushō kanrikyoku 1946b), which records the number of those brought to Japan as 38,935 and of those who died as 6,830. These numbers include neither those who died before arriving in Japan nor those who were enslaved within China. For an overview of the mobilization of Chinese forced laborers, see Nishinarita 2002. In English, see Kratoska 2005. Many Chinese peasants were rounded up in Hebei Province to be shipped to work in Japan and elsewhere (some were enslaved in the Japanese puppet state of Manchukuo in Northeast China). He Tianyi, a local historian in Shijiazhuang in Hebei Province who has researched the issue over two decades and who has played a pivotal role in organizing a victims' group, led a project to collect oral histories of survivors in the early 2000s. For edited narratives from this project, see He 2005.

10. Both the Japanese government and the Supreme Commander of the Allied Powers (which occupied Japan after World War II, from 1945 to 1952) had growing concerns about the labor movements emerging as a result of coalitions between the Chinese, particularly CCP members, and the Japanese laborers in occupied Japan. It became in their respective interests to repatriate the Chinese, which took place from October 9 to December 11, 1945. A total of 10,924 Chinese were sent home by the Nihon Senpaku (a Japanese shipping company), and 19,686 aboard U.S.-manned Landing Ships, Tank (LSTs).

11. Heisei 12 (wa) No. 1550; Heisei 13 (wa) No. 1690; Heisei 13 (wa) No. 3862, April 26, 2002. The Japanese government and Mitsui Mining Corporation appealed, and Fukuoka High Court overturned the lower-court decision on May 24, 2004 (Heisei 14 [ne] No. 511).

12. The government paid approximately 57 million Japanese yen to Japanese corporations that enslaved Chinese laborers during the war (Gaimushō kanrikyoku 1946a:vol. 3, 56–61). Tanaka Hiroshi, an economic historian and a leading Japanese scholar on the Chinese forced-labor issue, estimated in the 1990s that this compensation amount was equivalent to approximately 19 billion Japanese yen (Tanaka 1996:176–177).

13. Part of this archive had become public a decade earlier in Japan through a public television program broadcast on August 14, 1993 (NHK Special, “Maboroshino gaimushō hōkokusho: Chūgokujin kyōsei renkō no kiroku” [A phantom reports on the work condition of the Chinese laborers compiled by the Ministry of Foreign Affairs: The record of the Chinese forced labor]), which was

later published in book form under the same title (NHK Research Team 1994). Yet the public disclosure failed to have any traction at that time. This initial disclosure resulted in the reproduction of the original archival materials (Tanaka and Matsuzawa 1995). On the background of this government archive, see Tanaka et al. 1987 and Tanaka et al. 1990.

14. Gaimushō kanrikyoku 1946a.

15. The story of the “missing” archives illustrates how the effectiveness of inheritance goes beyond the simple transfer of colonial remainders from one generation to another. Colonial inheritance contains secrets, which open a possibility of betrayal—what one inherits is opaque, yet one has no choice but to inherit. Colonial inheritance, then, is something more than the classical economic conception of the circulation of property, although the two are intricately linked. The threefold common usage of “betrayal” illuminates the logic of inheritance. The first usage is the primary meaning of betrayal as an act of treason and disloyalty. The second refers to the act of revealing, disclosing, showing, or exhibiting. The third refers to the disclosure or revelation of what should be kept secret. Since inheritance embodies the multiplicity of the past, displaying inheritance through legal means reveals what is supposed to be unseen and therefore becomes a betrayal in all three senses. By exposing what has long been invisible, the legal intervention produced an excess that challenges long-held narratives of the past, as illustrated through the story of “hidden” Japanese government archives. Inspired by Jacques Derrida’s (1994) conception of “inheritance,” I explore in depth the relationship between colonial inheritance and betrayal elsewhere (Koga 2008).

16. The preamble of the Joint Communiqué of the Government of Japan and the Government of the People’s Republic of China states that “the Japanese side is keenly conscious of the responsibility for the serious damage that Japan caused in the past to the Chinese people through war, and deeply reproaches itself.” Article five of the Communiqué reads, “The Government of the People’s Republic of China declares that in the interest of the friendship between the Chinese and the Japanese peoples, it renounces its demand for war reparations from Japan.”

17. I owe my take on Mauss here to Rosalind Morris (2000:33), whose reading of Jacques Derrida’s (1991) observation on the gift leads her to point to the play of memory and economy that is mediated with gift and debt.

18. The explosion of heated discussions in China triggered by the Japanese government’s announcement in 2007 of its plan to end the ODA highlighted the enigmatic location of this financial assistance in relation to Japan’s moral debt to China. See, for example, Cao and Huang 2008.

19. These cases were submitted to Hebei High Court on December 27, 2000 (forced-labor case), Zhejiang High Court on May 12, 2003 (biological-warfare case), Shanghai High Court on September 5, 2003 (forced-labor case), Shandong High Court on September 16, 2010 (forced-labor case), and Chongqing High Court on September 10, 2012 (air-raid case).

20. While the role of Chinese lawyers, activists, and victim organizations within the legal-redress movement requires a separate analysis and is beyond the scope of this article, it should be noted that some of the Chinese lawyers involved in these cases filed within China had worked with Japanese lawyers on the compensation lawsuits in Japan courts.

21. Heisei 16 (ju) No. 1658. For an overview of the Supreme Court decision in English (*Nishimatsu Construction Co. v. Song Jixiao et al.*), see Levin 2008. While this Supreme Court decision concerned a forced-labor compensation case originally filed in Hiroshima, often referred to as the Nishimatsu case (as it involved Nishimatsu Construction Company), the Supreme Court used it as

the basis for dismissing the appeal filed in the Fukuoka and other related cases on the same day.

22. While consideration of the issue is beyond the scope of this article, I note that the “opening” of the legal arena for postwar compensation lawsuits has revealed a legal void in addressing postcolonial and postimperial transitional justice, which by nature is transnational. The compensation cases I discuss take place within a space of disjuncture between law and society: the plaintiffs’ society (China) is not governed by the law under which their claims are judged (Japan). This geographical disjuncture is reinforced by the three primary legal arguments deployed by the Japanese government and corporations through the course of the lawsuits filed by Chinese war victims—sovereign immunity, expiration of statutes of limitation, and rejection of individual rights to claim compensation in the court. These legal theories have effectively created a legal lacuna—a space of exception that is extralegal in both geographical and temporal senses—in which Chinese plaintiffs lose legal claims. Giorgio Agamben’s (2005:38) concept of “lacunae in the juridical order,” which are “juridically empty” spaces of the state of exception, captures the void presented in these compensation lawsuits. On the lack of presentness in the postwar compensation processes expressed in the claims of sovereign immunity and statutes of limitation, see also Derrida 1992, especially pages 201 and 205.

Another important issue that is academically underexplored is the continuity of prewar and postwar Japanese legal professionals, especially judges. Ueda Seikichi, a prominent progressive Japanese lawyer, wrote of how influential judges from the Japanese puppet state of Manchukuo occupied important posts in the postwar Japanese judicial system. See Ueda 1997.

23. On chemical warfare by the Japanese Imperial Army in China, see Nie et al. 2010, Yoshimi 2004, Bu et al. 2004, Bu 1997, and Gao 1996.

24. The case was filed in the Tokyo District Court on January 25, 2007 (Heisei 19 [wa] No. 1441), and the court denied the plaintiffs’ claims on May 24, 2010. On September 21, 2012, the Tokyo High Court rejected plaintiffs’ claims (Heisei 22 [ne] No. 4283). The case is now being brought to the Supreme Court of Japan.

25. On July 22, 1989, construction workers unearthed human remains of over 100 individuals at the construction site for the new National Institute of Health building in Shinjuku. Since the site was once that of the Japanese Army Medical College and only steps away from the former laboratory of Ishii Shirō, who taught bacteriology at the college and was in charge of the Unit 731 human biological experimental site in Northeast China, speculation emerged that the remains belonged to victims of human experiments by the Japanese Army. Suspicion intensified when the Japanese government ordered the Shinjuku Ward office to cremate and bury the remains without delay. A group of citizens organized a movement to preserve the remains for further examination and filed a lawsuit on September 2, 1993 (Heisei 5 [gyō u] No. 244), which Tanaka and other lawyers represented. The case eventually went to the Supreme Court (Heisei 8 [gyō tsu] No. 67), which ruled against the plaintiffs on December 19, 2000.

26. *Negative inheritance* (*fu no isan*) is a vernacular Japanese term often used to refer to unaccounted-for pasts stemming from Japanese imperialism. In Chinese, such remainders are often referred to as “Second World War remainder issues” (*erzhan yiliu wenti*) or “postwar remainder issues” (*zhanhou yiliu wenti*).

27. Using the lens of gender analysis, Hyunah Yang (1998) problematizes this slippage. She shows how the voices of former Korean comfort women were constructed within the sexualized national framework.

28. In their analysis of the appropriation of the suffering of the Other, Arthur and Joan Kleinman (1997) critically examine how

trauma stories become the symbolic capital to mobilize physical resources and to establish the figure of the victim. The economy of debt depicted in my ethnography demonstrates the circulation of this symbolic currency at the micro- and macro-axes of national inheritance.

29. On "moral economy," see also Fassin 2005.

30. For a global context in which postwar compensation for Japanese war crimes is motivated by Holocaust compensation attempts, see Yoneyama 2003.

31. In his critical overview of the genealogy of the concept of "moral economy," Marc Edelman (2012) laments how appropriations of this concept in recent anthropological studies tend to eviscerate the core class tension that E. P. Thompson highlighted through moral economy as an analytical tool. Edelman underscores how, for Thompson (1971), "markets" consist of "moral economy" and "political economy" surrounding monetary transactions. My ethnographic analysis of moral economy in this article demonstrates how the separation of moral and formal economies is itself a historical product.

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