

Korean Comfort Women: An Opportunity for the United States to Engage in Reparative Justice that Heals

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I. INTRODUCTION

“The more I think about my life, the more I think women like me were the biggest sacrifice for my country’s alliance with the Americans. Looking back, I think my body was not mine, but the [South Korean] government’s and the U.S. military’s.”

– Jeon¹

In 1977, three men kidnapped seventeen-year-old Cho Soon-ok and sold her to a brothel-keeper in Dongducheon, South Korea.² Instead of finishing high school and following her dream of becoming a ballerina, Soon-ok was forced into five years of sexual servitude to American soldiers.³ Similarly, Cho Myung-ja fled from home to escape her abusive father, only to be sold to a brothel, facilitated by the South Korean government, to serve the United States military.⁴

Survivors struggle to put into words the horrifying physical and sexual trauma they witnessed and endured.⁵ The South Korean government

¹ Sang-Hun Choe, *Ex-Prostitutes Say South Korea and U.S. Enabled Sex Trade Near Bases*, N.Y. TIMES (Jan. 7, 2009) [hereinafter Choe, *Ex-Prostitutes Say South Korea and U.S. Enabled Sex Trade Near Bases*], <https://www.nytimes.com/2009/01/08/world/asia/08korea.html>. Jeon would only identify herself to a reporter by her first name due to the shame and stigma associated with being recognized as a Korean comfort woman. *Id.*

² Sang-Hun Choe, *A Brutal Sex Trade Built for American Soldiers*, N.Y. TIMES (May 2, 2023) [hereinafter Choe, *A Brutal Sex Trade Built for American Soldiers*], <https://www.nytimes.com/2023/05/02/world/asia/korea-us-comfort-women-sexual-slavery.html> (highlighting an example of how young Korean women became part of the comfort women system).

³ Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2.

⁴ See Ju-min Park, *Former Korean ‘Comfort Women’ for U.S. Troops Sue Own Government*, REUTERS (July 11, 2014), <https://www.reuters.com/article/us-southkorea-usa-military-idUSKBN0FG0VV20140711> (providing another example of a young Korean woman becoming involved in the camptowns).

⁵ See generally Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2.

and United States military officials subjected Myung-ja and many others to degrading tests for venereal diseases.⁶ If they tested positive, Myung-ja remembered how they would be locked up and only let out for meals.⁷ She even recalled how “some people broke their legs trying to escape.”⁸ Myung-ja now lives, forgotten and impoverished, in a small shack in Pyeongtaek, South Korea.⁹

The tragic stories of Myung-ja and Soon-ok exemplify the life of “comfort women” — young women who were lured, kidnapped, or deceived into violent sexual servitude for foreign troops.¹⁰ For Myung-ja, Soon-ok, and many others, their suffering took place in government-facilitated “*kijichon*”— camptowns built around United States military bases to offer local women to American soldiers.¹¹ Often regarded as resources rather than people, the South Korean government exploited local women to service the country’s political and economic goal of maintaining United States military presence.¹² Only recently has “justice” been served for Korean comfort women.

In a historic ruling, the Supreme Court of Korea finally acknowledged its government’s startling human rights abuses and ordered

⁶ See Park, *supra* note 4. Worried about the spread of venereal diseases, the South Korean government, with the help of United States officials, initiated a “clean-up campaign” to reduce the rates of sexually transmitted diseases among American troops. See KATHERINE H. S. MOON, *SEX AMONG ALLIES* 78 (1997). United States and Korean officials searched within the camptowns for women suspected of carrying venereal diseases. See Tim Shorrock, *Welcome to the Monkey House*, *THE NEW REPUBLIC* (Dec. 2, 2019), <https://newrepublic.com/article/155707/united-states-military-prostitution-south-korea-monkey-house> [<https://perma.cc/5X8R-7WMN>].

⁷ See Park, *supra* note 4.

⁸ *Id.* (illustrating the severe trauma Myung-ja and other Korean comfort women endured).

⁹ See *id.* Korean society shamed and stigmatized comfort women for working in prostitution, which forced many to live in poverty. See *id.*

¹⁰ See Amanda Taub, *A South Korean Horror Story, Long Suppressed*, *N.Y. TIMES* (May 3, 2023), <https://www.nytimes.com/2023/05/03/world/asia/south-korean-comfort-women-suppressed.html>. The Korean word, *wianbu*, refers to comfort women that served as sexual laborers for the Japanese military as well as the United States military. See Grace M. Cho, *Voices from the Teum: Synesthetic Trauma and the Ghosts of Korean Diaspora*, in *THE AFFECTIVE TURN: THEORIZING THE SOCIAL* 151, 164 (Patricia Ticineto Clough & Jean Halley eds., 2007).

¹¹ See Sung-man Kang, *Fighting for Reparations for Korea’s Camptown Women Before It’s Too Late*, *HANKYOREH* (June 26, 2022), https://www.hani.co.kr/arti/english_edition/e_national/1048463.html [<https://perma.cc/S3J8-UQ6M>]; Donna M. Hughes, Katherine Y. Chon, & Derek P. Ellerman, *Modern-Day Comfort Women: The U.S. Military, Transnational Crime, and the Trafficking of Women*, 13 *VIOLENCE AGAINST WOMEN* 901, 903 (2007).

¹² See Taub, *supra* note 10.

reparations to Korean comfort women.¹³ Initially filed in 2014, over 120 surviving Korean comfort women joined the lawsuit, claiming that government actors kidnapped or lured them to work as sexual servants throughout the 1960s and 1970s.¹⁴ After nearly a decade of waiting, in 2022, the Supreme Court of Korea upheld the lower court’s ruling that the South Korean government “justified and encouraged” forced sexual servitude.¹⁵ Additionally, the Court blamed the government for the “systematic and violent” way it subjected the women to invasive checkups for venereal diseases.¹⁶

The landmark ruling marked a victory for human rights and progress in the Korean comfort women’s decades-long fight for acknowledgment.¹⁷ However, as evidenced in the epigraph, South Korea is not the only one to blame for transgressions against Korean comfort women.¹⁸ Perhaps most significant, the Court’s reparative justice effort is missing a crucial party — the United States.¹⁹ Despite requests from advocacy groups and survivors, what remains to be addressed is the United States’ role in the *kijichon* — both as a direct participant and intended beneficiary.²⁰

Although South Korea initiated the *kijichon* to keep the United States from withdrawing its troops, American soldiers directly participated in the physical and sexual abuse with no intention of stopping or taking responsibility for the lasting wounds of their victims.²¹ Park Geun-ae, a *kijichon* survivor who endured severe beatings and sexual abuse from American soldiers, stressed,

[t]he Americans need to know what some of their soldiers did to us. Our country held hands with the United States in

¹³ See Min-jung Shin, *S. Korean Supreme Court Rules State Must Compensate Camp Town Women Who Worked Near U.S. Bases*, HANKYOREH (Sept. 30, 2022), https://english.hani.co.kr/arti/english_edition/e_national/1060899.html [<https://perma.cc/3MGM-PNKZ>] [hereinafter Shin, *Supreme Court of Korea ruling*]; see generally Supreme Court [S. Ct.], 18Da224408, Sept. 29, 2022 (S. Kor.).

¹⁴ See Park, *supra* note 4.

¹⁵ Shin, *Supreme Court of Korea ruling*, *supra* note 13; Supreme Court [S. Ct.], 18Da224408, Sept. 29, 2022 (S. Kor.).

¹⁶ Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2 (noting the human rights transgressions by the South Korean government); Supreme Court [S. Ct.], 18Da224408, Sept. 29, 2022 (S. Kor.).

¹⁷ See Park, *supra* note 4; Shin, *Supreme Court of Korea ruling*, *supra* note 13.

¹⁸ See Choe, *Ex-Prostitutes Say South Korea and U.S. Enabled Sex Trade Near Bases*, *supra* note 1; Supreme Court [S. Ct.], 18Da224408, Sept. 29, 2022 (S. Kor.).

¹⁹ See *id.*

²⁰ See Kang, *supra* note 11 (emphasizing the absence of the United States in the reparative justice initiative).

²¹ See generally MOON, *supra* note 6.

an alliance and we knew that its soldiers were here to help us, but that didn't mean that they could do whatever they wanted to us, did it?²²

In addition to the lack of discussion on the United States' involvement, the Court's ruling does not provide proper economic justice for the survivors and their families.²³ The Supreme Court awarded minimal reparations ranging from three to seven million won per person (\$2,000 to \$5,000).²⁴ These individual monetary payments did little to ease the women's financial burdens or denote a meaningful acknowledgment of the wrongs committed against them.²⁵ Many *kijichon* survivors faced financial difficulties and enrolled in the government's basic livelihood security program.²⁶ Furthermore, many survivors need urgent medical care due to sexual trauma, frequent abortions, and excessive use of penicillin for venereal disease treatment.²⁷

The enslavement of Korean comfort women during World War II by Japan is widely known and publicized.²⁸ Yet little is written about Korean women exploited by their own government.²⁹ Moreover, only a few recognize the United States' participation and complicity in the *kijichon* transgressions.³⁰ This trend continued until the recent Supreme Court of

²² Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2 (highlighting a survivor's need for United States accountability for its role in the *kijichon*).

²³ See Shin, *Supreme Court of Korea ruling*, *supra* note 13; Supreme Court [S. Ct.], 18Da224408, Sept. 29, 2022 (S. Kor.).

²⁴ See Shin, *Supreme Court of Korea ruling*, *supra* note 13; Supreme Court [S. Ct.], 18Da224408, Sept. 29, 2022 (S. Kor.).

²⁵ See Kang, *supra* note 11.

²⁶ See Kang, *supra* note 11 (describing the need for proper economic justice as Korean society exiled comfort women and forced them to live in poverty).

²⁷ See *id.*

²⁸ See, e.g., Christine J. Hung, *For Those Who Had No Voice: The Multifaceted Fight for Redress by and for the "Comfort Women,"* 15 ASIAN AM. L.J. 177 (2008); James Ladino, *Ianfu: No Comfort Yet for Korean Comfort Women and the Impact of House Resolution 121*, 15 CARDOZO J.L. & GENDER 333 (2009); Michele Park Sonen, *Healing Multidimensional Wounds of Injustice Intersectionality and the Korean "Comfort Women,"* 22 BERKELEY LA RAZA L.J. 269 (2012); Esther Song, *Just Reparations for Korean "Comfort Women": A Transitional Justice and International Law Perspective*, 20 J. KOREAN L. 373 (2021); Eric K. Yamamoto & Sara Lee, *Korean Comfort Women Redress 2012 through the Lens of U.S. Civil and Human Rights Reparatory Justice Experiences*, 11 J. KOREAN L. 123 (2012) [hereinafter Yamamoto & Lee, *Korean Comfort Women Redress*].

²⁹ See, e.g., Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2; Taub, *supra* note 10.

³⁰ See generally MOON, *supra* note 6.

Korea ruling in 2022.³¹ Now, advocates and survivors set their sights on the United States.³²

This paper employs Professor Eric K. Yamamoto's *social healing through justice* framework.³³ This analytical framework provides four reparative justice inquiries (*recognition, responsibility, reconstruction, and reparation*) to assess and restructure, if needed — as best as possible in the present political and social environment — current initiatives aiming to repair damage to people's lives.³⁴

Using Yamamoto's framework, this paper analyzes how the absence of the United States in the Supreme Court of Korea ruling impedes comprehensive and enduring social healing for Korean comfort women and assesses how the United States could be brought to the reparative justice table.³⁵ Drawing from salutary aspects of previous reparative justice efforts, this paper proposes practical recommendations for the United States to begin engaging in social healing.³⁶ Additionally, this paper briefly addresses how the United States could take reconstructive and reparative action, such as an apology, building memorials, or awarding appropriate monetary compensation to make a deeper effort to repair the damage.³⁷

Accordingly, Part II describes the historical background of Korean comfort women dating back to World War II.³⁸ This section includes specific details of America's involvement in the *kijichon* after the Korean War. Part III highlights the current political and social events that ignited

³¹ See Shin, *Supreme Court of Korea ruling*, *supra* note 13 (illustrating the movement toward recognizing a country's human rights transgressions); Supreme Court [S. Ct.], 18Da224408, Sept. 29, 2022 (S. Kor.).

³² See Kang, *supra* note 11.

³³ See ERIC K. YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE: UNITED STATES, SOUTH KOREA, AND THE JEJU 4.3 TRAGEDY 72 (2021) [hereinafter YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE]. The initial framework, termed "interracial justice," mainly targeted grievances and reconciliation efforts for people of color. See *id.* Yamamoto's subsequent works expanded and refined the approach to encompass a variety of reparative justice efforts, which resulted in the renaming of the framework: *social healing through justice*. See *id.*

³⁴ See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 72; Eric K. Yamamoto, *International Reparations: What Justice Amends Can and Should There Be?*, 52 SW. L. REV. 141, 143 (2023) [hereinafter Yamamoto, *International Reparations*].

³⁵ See generally YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33; Supreme Court [S. Ct.], 18Da224408, Sept. 29, 2022 (S. Kor.).

³⁶ The previous reparative justice efforts will include the 1988 Civil Liberties Act, the public apology for the 1940s Guatemala syphilis experiment, and the settlement for the bombing of the Republic of the Marshall Islands. See *infra* Part V.

³⁷ See *infra* Part IV.

³⁸ See *infra* Part II.

the Korean comfort women initiative.³⁹ It begins by discussing current reparative justice efforts in South Korea, followed by the rise of comfort women organizations and advocates in the United States. Part IV outlines the *social healing through justice* framework.⁴⁰ The framework integrates six working principles (briefly described in this section) into the language of the 4Rs (*recognition, responsibility, reconstruction, and reparation*).⁴¹

Part V briefly assesses different levels of the United States' participation in repairing harm from previous domestic and foreign incidents.⁴² Previous efforts to engage in reparative justice include the 1988 Civil Liberties Act (the "Act"), the public apology for the 1940s Guatemala syphilis experiment, and the bombing of the Republic of the Marshall Islands.⁴³ The salutary aspects of these initiatives support the recommendations this paper proposes for the Korean comfort women initiative. Finally, Part VI employs Yamamoto's analytical framework to synthesize how the United States could potentially heal the wounds of Korean comfort women and their families.⁴⁴ This includes recognizing past and present harms, accepting responsibility for its transgressions, reconstructing societal institutions and policies, and providing adequate reparations.

II. THE HISTORY BEHIND KOREAN COMFORT WOMEN

As explained above, "comfort women" is a euphemism describing young Asian women forced into sexual slavery.⁴⁵ Throughout World War II, Japan organized "military-run rape centers" by luring over 200,000 women from Southeast Asian countries, with the promise of education and better-paying jobs, to sexually service its soldiers.⁴⁶ Korean women made up approximately eighty percent of the women lured into comfort stations.⁴⁷

³⁹ See *infra* Part III.

⁴⁰ See *infra* Part IV.

⁴¹ See *id.* at 48-71, 72-93.

⁴² See *infra* Part V.

⁴³ See *infra* Part V.

⁴⁴ See *infra* Part VI.

⁴⁵ See Taub, *supra* note 10.

⁴⁶ Sang-Hun Choe, *Overlooked No More: Kim Hak-soon, Who Broke the Silence for 'Comfort Women'*, N.Y. Times (Oct. 21, 2021) [hereinafter Choe, *Overlooked No More: Kim Hak-soon*], <https://www.nytimes.com/2021/10/21/obituaries/kim-hak-soon-overlooked.html> (describing one of history's biggest examples of state-run sexual slavery); see, e.g., Song, *supra* note 28, at 377-78; Sonen, *supra* note 28, at 282. Japan's alleged rationale for running comfort stations was to prevent Japanese soldiers from raping local women, contain the spread of venereal diseases amongst soldiers, and counter the exchange of sexual favors for Japanese military secrets. See Hung, *supra* note 28, at 184.

⁴⁷ See Sonen, *supra* note 28, at 282.

Imperial Japan's systematic patriarchy condemned Korean women and created the radicalized identity of Koreans as an "inferior race."⁴⁸ Japan's narrative that Koreans are at the bottom of the social hierarchy allowed Japan to justify targeting Koreans to serve as comfort women.⁴⁹ After Japan's imperial rule ended in 1945, sexual exploitation continued at the hands of South Korea and the United States military.⁵⁰

A. *The Korean War and its Aftermath: Specifics of the United States Military's Involvement in the Kijichon*

The conditions that spawned the *kijichon* date back to the Korean War.⁵¹ Many Koreans believe that the United States "carelessly and rashly divided this historical country [Korea]" to further its own interests.⁵² During the Korean War, the United States dropped over 600,000 tons of bombs on the Korean Peninsula, which left both sides of the country in shambles.⁵³ The Korean War claimed approximately four million fatalities, with more than half being civilians.⁵⁴ Additionally, the United States helped establish the Korean Demilitarized Zone (DMZ), which permanently divided Korea and created a legacy of divided families.⁵⁵ The signing of the Mutual Defense Treaty between the United States and South Korea in 1953 allowed American military forces to be stationed around the DMZ.⁵⁶ This provided a massive boost to South Korea's depleted military.⁵⁷ Consequently, this ignited a "permanent war economy" and unleashed "massive militarization" in Korea.⁵⁸

When United States President Richard Nixon campaigned for peace during the Vietnam War, the South Korean government worried that

⁴⁸ See *id.* at 272.

⁴⁹ See *id.* (explaining how Japan justified using Korean women as sexual slaves).

⁵⁰ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2.

⁵¹ See Simone Chun, *Koreans Demand the U.S. End the Korean War 70 Years After Armistice*, TRUTHOUT (July 27, 2023), https://truthout.org/articles/koreans-demand-the-us-end-the-korean-war-70-years-after-armistice/?utm_source=Truthout&utm_campaign=11cde59bc8-EMAIL_CAMPAIGN_3_20_2023_13_41_COPY_05&utm_medium=email&utm_term=0_bbb541a1db-11cde59bc8-650199445&mc_cid=11cde59bc8&mc_eid=cde8ff6838 [https://perma.cc/6YJB-C5PY].

⁵² *Id.* (highlighting the attitudes of Koreans towards the United States' imperialism and militarism).

⁵³ See *id.*

⁵⁴ See *id.*

⁵⁵ See *id.*

⁵⁶ See *id.*

⁵⁷ See Chun, *supra* note 51.

⁵⁸ *Id.*

America would pull its troops from South Korea.⁵⁹ That fear became a reality in 1969 when President Nixon announced a plan to reduce and withdraw troops from Southeast Asian countries, including South Korea.⁶⁰

Recognizing that the country would be defensively and economically vulnerable, the South Korean government took urgent steps to address any concerns on United States military bases.⁶¹ The most pressing matter for the United States military involved the spread of venereal diseases among troops in the *kijichon*.⁶² When top levels of the South Korean government and United States military leadership heard of its severity, former President of South Korea, Pak Chŏnghŭi (Park Chung Hee), ordered the “Purification Movement” and the formulation of “purification policies” for United States military camptowns, otherwise known as the “Camptown Clean-up” operation.⁶³

Surprised by South Korea’s willingness to openly address the venereal disease issue, the United States military organized joint meetings with South Korean officials to discuss possible solutions.⁶⁴ The South Korean government expended considerable resources to “clean up” its women to reduce venereal disease transmission to American servicemen.⁶⁵ This meant enforcing regular medical examinations, improving clinic facilities, and educating Korean comfort women on how to protect themselves from sexually transmitted diseases.⁶⁶ The joint effort appeared promising, yet this was not the reality.⁶⁷

B. *The Reality of the “Camptown Clean-up” Operation*

For Korean comfort women, the “Camptown Clean-up” operation resulted in physical, emotional, and financial consequences.⁶⁸ Many Korean

⁵⁹ See Shorrock, *supra* note 6.

⁶⁰ See MOON, *supra* note 6, at 58. Better known as the Nixon Doctrine, this change in foreign policy resulted from pressure to get out of Vietnam, the President’s promise to withdraw from Southeast Asia, the war’s negative effect on the United States economy, and the goal of meeting geopolitical challenges and opportunities to develop new relationships with Asian nations. *See id.*

⁶¹ *See id.* at 74.

⁶² *See id.* at 78.

⁶³ *See id.* at 75. President Pak ordered the establishment of the “Base Community Clean-Up Committee” in 1971, which cost 1.15 billion won. *Id.* at 75-76.

⁶⁴ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2.

⁶⁵ MOON, *supra* note 6, at 79.

⁶⁶ *See* MOON, *supra* note 6, at 79.

⁶⁷ *See, e.g.*, MOON, *supra* note 6; Shorrock, *supra* note 6; Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2.

⁶⁸ *See, e.g.*, MOON, *supra* note 6; Shorrock, *supra* note 6; Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2.

comfort women saw no point in attending the educational sessions on venereal diseases because the South Korean government prioritized ensuring American authorities that the women were “clean” instead of focusing on the women’s health and safety.⁶⁹

Additionally, neither government investigated allegations of American servicemen beating or killing Korean comfort women.⁷⁰ Korean and United States authorities rarely punished or turned over possible suspects.⁷¹ In the eyes of the Korean comfort women, neither government cared about them.⁷² Earning foreign currency and keeping United States soldiers happy became the only thing that mattered.⁷³

To enforce the “purification policies,” United States military and South Korean officials created a “tag system.”⁷⁴ The tag system required Korean comfort women to carry registration papers and venereal disease test cards, and wear numbered badges or name tags.⁷⁵ The purification policies also required women to pay for any treatment out of their own pocket.⁷⁶ Due to pimps collecting most of the Korean comfort women’s earned money, the vicious cycle of *kijichon* life continued.⁷⁷ For instance, the pimps loaned women money for medical treatment, further keeping them in debt.⁷⁸ If a Korean comfort woman tried to escape, pimps would

⁶⁹ See *id.* at 130.

⁷⁰ See *id.* at 153. A former Korean comfort woman, Mrs. Ch’oe (pseudonym), reported an American soldier to the Korean and United States authorities after being severely beaten. See *id.* The soldier never received any punishment. See *id.* In another case, Mrs. Pak’s (pseudonym) sister, a former Korean comfort woman, had been allegedly mutilated and murdered by an American serviceman. See *id.* The United States military never turned the soldier over to the Korean authorities to be tried in the Korean legal system. See *id.* Additionally, Mrs. Pak’s family never received any compensation or apology. See *id.*

⁷¹ See *id.* at 153; *contra U.S. Soldier Free After Brutal 1992 Murder*, HANKYOREH (Oct. 28, 2006), https://english.hani.co.kr/arti/english_edition/e_national/167869.html [<https://perma.cc/8RDS-79J6>] (explaining how a United States soldier murdered a Korean comfort woman and was released from a South Korean jail after thirteen years).

⁷² See Shorrock, *supra* note 6.

⁷³ See MOON, *supra* note 6, at 153-54.

⁷⁴ Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2 (elaborating on the inhumane processes Korean comfort women endured).

⁷⁵ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2; MOON, *supra* note 6, at 137.

⁷⁶ See MOON, *supra* note 6, at 131.

⁷⁷ See MOON, *supra* note 6, at 131. A pimp is “a person and especially a man who controls one or more sex workers, arranges clients for them, and takes a cut of their earnings.” *Pimp*, MERRIAM-WEBSTER DICTIONARY, <https://www.merriam-webster.com/dictionary/pimp> (last updated Oct. 4, 2024).

⁷⁸ See MOON, *supra* note 6, at 131.

threaten to (or actually) beat them.⁷⁹ As a result, many Korean comfort women never left the *kijichon* system.⁸⁰

If *kijichon* women tested positive for a sexually transmitted disease, United States officers and South Korean officials detained them for medical treatment.⁸¹ On the outskirts of Dongducheon, locals deemed one of the facilities the “Monkey House.”⁸² The Monkey House got its name because of *kijichon* women whose arms hung low and walked like “monkeys in a cage” after being forcibly dosed with excessive amounts of penicillin.⁸³ A survivor recalled her horrific experience of falling victim to rape in a warehouse.⁸⁴ After the incident, she received penicillin injections from American medics in the Monkey House.⁸⁵ Once released, officials forced her to wear a “cunt tag” — a plastic badge worn on her chest to prove that she received antibiotics and cleared testing.⁸⁶

Additionally, Korean comfort women suffered from health conditions derived from excessive dosages of penicillin and frequent abortions.⁸⁷ Neither American nor Korean officials considered how the women would react to certain medications or treatments.⁸⁸ United States medics typically administered larger doses of penicillin in comparison to doses Korean comfort women were accustomed to.⁸⁹ United States medics administered this treatment without researching the efficacy and side effects, causing many Korean comfort women to collapse and die from penicillin shock.⁹⁰

In short, the joint “Camptown Clean-up” operation only protected the health of American soldiers.⁹¹ It neither protected Korean comfort women from physical and sexual abuse from United States troops, nor did

⁷⁹ See *id.* at 154.

⁸⁰ See generally MOON, *supra* note 6.

⁸¹ See Shorrock, *supra* note 6.

⁸² See *id.*

⁸³ See *id.* (describing the horrific side effects of the penicillin treatment Korean comfort women were required to take).

⁸⁴ See *id.*

⁸⁵ See *id.*

⁸⁶ See *id.* (describing the humiliating tactics United States and South Korean officials imposed on Korean comfort women).

⁸⁷ See Shorrock, *supra* note 6; MOON, *supra* note 6, at 136.

⁸⁸ See MOON, *supra* note 6, at 135-36.

⁸⁹ See *id.* at 136. The United States military required 4.8 – 6.0 million units of penicillin in contrast to the lower dosages Korean physicians administered. *Id.*

⁹⁰ See Shorrock, *supra* note 6.

⁹¹ See MOON, *supra* note 6.

it conduct proper health examinations on Korean comfort women in a safe, humane, and noninvasive manner.⁹² Along with these abuses, Korean comfort women suffered emotional trauma and stigmatization from society.⁹³

C. “Dollar-Earning Patriots” or “Yanggalbo”?

The shame and stigma society cast on *kijichon* women silenced them.⁹⁴ Decades later, *kijichon* survivors finally described the “Camptown Clean-up” operation as burdensome, inaccurate, humiliating, and unfair.⁹⁵ For instance, a woman wrongly accused of being infected with venereal disease had no avenue for redress.⁹⁶ Already stigmatized for working as comfort women, victims wrongfully accused of infection were viewed as a “disease of shame” and had to live with that label because of the lack of recourse.⁹⁷

South Korean officials praised Korean comfort women as “dollar-earning patriots” and “frontline warriors in winning dollars” because officials recognized the women as necessary for the economy.⁹⁸ Yet they too sneered behind Korean comfort women’s backs calling them “an illegal, cancer-like, necessary evil” and rebuked them along with the rest of society.⁹⁹

Due to South Korea’s infusion of strong Confucian overtones, “a [Korean] woman who los[t] her virginity [became] ‘damaged goods,’ unmarried and socially ostracized.”¹⁰⁰ Moreover, many categorized rape victims as women with “loose morals or an unfortunate fate.”¹⁰¹ Korean society often dismissed the women as “yanggalbo” — whores for the West.¹⁰² Regardless of the atrocities inflicted upon the Korean comfort

⁹² See Shorrock, *supra* note 6; MOON, *supra* note 6.

⁹³ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2.

⁹⁴ See MOON, *supra* note 6.

⁹⁵ See *id.* at 137.

⁹⁶ See *id.* at 138.

⁹⁷ See *id.* at 102.

⁹⁸ Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2 (describing the complicated attitudes of government officials towards Korean comfort women).

⁹⁹ Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2 (illustrating Korean society’s mixed view of comfort women).

¹⁰⁰ Sonen, *supra* note 28, at 288.

¹⁰¹ *Id.*

¹⁰² See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2 (emphasizing the negative portrayal society casted on Korean comfort women).

women, the stigmatization and negative framing of these victims prevailed.¹⁰³

No longer seen as just “yanggalbo,” the next section discusses how views towards comfort women are changing.¹⁰⁴ Recent events in the United States and South Korea have mobilized advocates and organizations to raise public consciousness about how comfort women are victims, survivors, and so much more.¹⁰⁵

III. WHY ASK FOR REPARATIONS NOW?

For decades, society condemned Korean comfort women.¹⁰⁶ The narrative started to change when Kim Hak-soon became the first Korean comfort woman to publicly testify about her traumatic experience.¹⁰⁷ By raising public consciousness about the physical and sexual violence Korean comfort women endured, society began to view comfort women as victims and survivors.¹⁰⁸ Since then, recent events in South Korea and the United States have ignited discussions about the reparative justice movement for Korean comfort women.¹⁰⁹

A. *Reparations for the Jeju 4.3 Massacre*

In 2019, Judge Jegal Chang of the Jeju District Court swept away decades of injustice by expunging the criminal records of over 2,000 wrongfully convicted villagers from the Jeju April Third Massacre (Jeju 4.3).¹¹⁰ Between World War II and the Korean War, Korea’s armed forces

¹⁰³ *See id.*

¹⁰⁴ *See infra* Part III.

¹⁰⁵ *See infra* Part III.

¹⁰⁶ *See Choe, A Brutal Sex Trade Built for American Soldiers, supra* note 2.

¹⁰⁷ *See Choe, Overlooked No More: Kim Hak-soon, supra* note 46. On August 14, 1991, Kim Hak-soon became the first Korean comfort woman to tell her story. *See id.* During World War II, Japanese soldiers detained seventeen-year-old Hak-soon and raped her every day until she escaped. *See id.* By 1987, Hak-soon lived off of welfare handouts and worked temporary jobs. *See id.* After Hak-soon’s testimony, hundreds of former Korean comfort women would eventually share their experiences. *See id.* South Korea would then declare August 14 — the anniversary of Hak-soon’s testimony — a national memorial day dedicated to former Korean comfort women. *See id.*

¹⁰⁸ *See* Miyoko T. Pettit-Toledo, *Collective Memory and Intersectional Identities: Healing Unique Sexual Violence Harms Against Women of Color Past, Present and Future*, 45 U. HAW. L. REV. 346, 355 (2023); Taub, *supra* note 10.

¹⁰⁹ *See infra* Part III Sections A-D.

¹¹⁰ *See* Eric K. Yamamoto & Suhyeon Burns, *Apology & Reparation: The Jeju Tragedy Retrials and the Japanese American Coram Nobis Cases as Catalysts for Reparative Justice*, 45 U. HAW. L. REV. 5, 6-7 (2022) [hereinafter Yamamoto & Burns, *Apology & Reparation I*]; Jaegal Chang et al., *Korea Jeju District Court Second Criminal Department: The Decision*, 9 WORLD ENV'T & ISLAND STUD. 97 (Jin ju Moon, Chang hoon Ko & Michael Saxton trans., 2019) [hereinafter *2019 Jeju Order*].

(with the help of the United States military) killed approximately 30,000 Jeju Island villagers and tortured thousands more based on the false premise that they supported communists.¹¹¹ The killings, torture, and rapes caused deep generational trauma and mistrust.¹¹²

By invalidating the mass military convictions of Jeju 4.3 survivors, Judge Chang opened the door for reparations.¹¹³ Judge Chang granted monetary damages for each survivor, ranging from tens of thousands to over a million dollars.¹¹⁴ Along with the initial compensation from Judge Chang's order, the National Assembly of the Republic of Korea authorized reparations for over ten thousand identified victims and their families.¹¹⁵

This commitment to reparative action highlighted the largest compensation award by the Korean government to victims of past injustice.¹¹⁶ Judge Chang's ruling also illuminated what is missing — the United States (again).¹¹⁷ South Korea's National Jeju 4.3 Committee identified that the United States initiated the tragedy and maintained control over armed forces stationed in Korea.¹¹⁸ Jeju 4.3 advocacy groups, organizations, and even the United Nations convened in 2019, demanding that the United States engage in the Jeju 4.3 reparative initiative.¹¹⁹ Yet the United States continues to hide silently in the shadows.¹²⁰ The call for the United States to participate in Jeju 4.3 social healing shed light on other human rights transgressions the United States refuses to take accountability for, including the *kijichon* women.¹²¹

B. 2023 South Korea Court Ruling Ordering Japan to Pay Reparations to Korean Comfort Women

For Korean comfort women, momentum is on their side. In November 2023, a South Korean appellate court ordered Japan to pay reparations to a group of Korean women forced to sexually service Japanese

¹¹¹ See *id.* at 7.

¹¹² See *id.* at 68.

¹¹³ See *id.* at 10-11. See also *2019 Jeju Order*, *supra* note 110.

¹¹⁴ See Yamamoto, *International Reparations*, *supra* note 34, at 158-59.

¹¹⁵ See *id.*

¹¹⁶ See Yamamoto & Burns, *Apology & Reparation I*, *supra* note 110, at 12-13.

¹¹⁷ See *id.*

¹¹⁸ See Eric K. Yamamoto, Suhyeon Burns, & Taylor Takeuchi, *Apology & Reparation II: United States Engagement with Near-Final Stages of Jeju 4.3 Social Healing*, 45 U. HAW. L. REV. 77, 87-88 (2022) [hereinafter Yamamoto, Burns, & Takeuchi, *Apology & Reparation II*].

¹¹⁹ See *id.* at 91-92.

¹²⁰ See *id.*

¹²¹ See *id.*

troops.¹²² The lawsuit began in 2016 with sixteen victims requesting 200 million won (\$155,000) each.¹²³ The Seoul Central District Court initially dismissed the case due to sovereign immunity.¹²⁴ The Seoul High Court reversed the decision and recognized that South Korea had jurisdiction over the Japanese government because the plaintiffs filed suit in South Korea, where reparations can be sought for acts deemed “unlawful” under civil law.¹²⁵

Japan continues to deny the existence of comfort women by refusing to apologize, blocking the construction of comfort women memorials across the globe, and erasing comfort women from Japanese textbooks.¹²⁶ However, the Seoul High Court ruling is a positive step toward recognizing transgressions by institutions.¹²⁷ More importantly, this ruling creates an opening for Korean comfort women to bring suit against foreign countries in South Korea.¹²⁸ Assuming that the physical, emotional, and sexual harms are considered unlawful based on South Korean law, Korean comfort women might be able to receive a favorable ruling over a foreign government and possibly have an avenue for redress over the United States in their own courts.¹²⁹

C. *Emergence of Comfort Women Organizations in the United States*

Support for comfort women has gained traction in the United States after various coalitions and organizations emerged in the 1990s.¹³⁰ In 1992, Dongwoo Hahm and members of her church founded what is believed to be the first organization advocating for comfort women in the United States — the Washington Coalition for Comfort Women Issues, Inc. (WCCW).¹³¹ The

¹²² See Hyonhee Shin, *South Korea court orders Japan to compensate ‘comfort women,’ reverses earlier ruling*, REUTERS (Nov. 23, 2023), <https://www.reuters.com/world/asia-pacific/south-korea-court-orders-japan-compensate-comfort-women-reverses-earlier-ruling-2023-11-23/>.

¹²³ See *id.*

¹²⁴ See *id.* The sovereign immunity doctrine allows states to be exempt from civil lawsuits in foreign courts. See *id.*

¹²⁵ See *id.*

¹²⁶ See Agnes Constante, *Who are the “Comfort Women,” and Why are the U.S.-based Memorials for them Controversial?*, NBC NEWS (May 7, 2019), <https://www.nbcnews.com/news/asia-america/who-are-comfort-women-why-are-u-s-based-memorials-n997656> [<https://perma.cc/5L2G-6MWK>].

¹²⁷ See Shin, *supra* note 122 (providing an example of recognizing harms caused by an institution).

¹²⁸ See *id.*

¹²⁹ See *id.*

¹³⁰ See Constante, *supra* note 126.

¹³¹ See *id.*

mission of WCCW is to “promote education about the significance of women’s rights through the legacies of ‘comfort women’ survivors.”¹³² WCCW also seeks to prevent sex trafficking and other related crimes.¹³³

Since the founding of WCCW, comfort women organizations have continued to emerge in the United States. The Comfort Women Action for Redress and Education (CARE), formerly known as the Korean American Forum of California, focuses on advocacy and education.¹³⁴ Another organization, the Comfort Women Justice Coalition, stands against all forms of sexual violence targeted at any group and advocates for an end to the oppressive structures that fuel it.¹³⁵

Although these organizations focus mainly on comfort women harmed by Japan during World War II, these groups play a large role in educating and informing Americans about the existence of comfort women.¹³⁶ By organizing activities, such as holding film screenings and collaborating with artists to construct memorials, WCCW and other organizations are raising public consciousness in the United States for comfort women issues and ensuring that these women are not forgotten.¹³⁷

D. *The Demand for the United States to “End” the Korean War*

July 27, 2023 marked the 70th anniversary of the Korean War Armistice and sparked the demand for the United States to take responsibility for its actions against South Korea.¹³⁸ The Korean War Armistice temporarily ceased hostilities in the peninsula but did not officially end the Korean War.¹³⁹ As explained in Part II, the bombings by the United States killed millions of Korean civilians, separated families, and left Koreans “living in a state of perpetual war.”¹⁴⁰

On the 70th anniversary of the Korean War, thousands planned to form a human peace chain around the military base, Camp Humphreys, to

¹³² Washington Coalition for Comfort Women Issues, Inc., *About Us*, WCCW, https://comfort-women.org/?page_id=1780 [<https://perma.cc/L4AT-FDNL>] (last updated 2020).

¹³³ *See id.*

¹³⁴ *See* Constante, *supra* note 126; CARE (Comfort Women Action for Redress & Education), *About Us*, CARE, <https://comfortwomenaction.org/about-us/> [<https://perma.cc/XB4P-ZBWZ>] (last visited Mar. 12, 2024).

¹³⁵ *See* Comfort Women Justice Coalition, *About CWJC*, COMFORT WOMEN JUSTICE COALITION, <https://remembercomfortwomen.org/about-cwjc/> [<https://perma.cc/EHR6-LJ5N>] (last updated Nov. 2, 2023).

¹³⁶ *See* Constante, *supra* note 126.

¹³⁷ *See id.*

¹³⁸ *See* Chun, *supra* note 51.

¹³⁹ *See id.*

¹⁴⁰ Chun, *supra* note 51; *see infra* Part II.

campaign for the end of United States military occupation in Korea and an official end to the Korean War.¹⁴¹ An organizer of the human peace chain remarked, “July 27 will mark the first steps towards finding peace in our land on our own terms. We will spread our movement to Gunsan, Jinhae, Busan, Jeju... and will not give up until the job is done.”¹⁴²

Over seventy years removed from the Korean War Armistice, the United States continues its silence and lack of accountability for transgressions connected to the United States-South Korea alliance.¹⁴³ Noam Chomsky, a laureate professor at the University of Arizona, emphasized that, “...for all of South Korea’s existence, it [has] been subordinated to the United States.”¹⁴⁴ The 70th anniversary of the Korean War highlighted what many are waiting for — an acknowledgment from the United States for its role in dividing the country and the consequences Koreans continue to endure because of American imperialism and militarism.¹⁴⁵ Some consequences include the dependency on the *kijichon*, violence against civilians, and America’s support for Korea’s authoritarian rulers.¹⁴⁶

In short, now is the time for the United States to join the reparative justice effort for Korean comfort women. But how can the United States be held accountable to engage in reparative justice? The next section describes the *social healing through justice* framework used to evaluate and guide reparative initiatives aiming to repair damage to people’s lives.¹⁴⁷

IV. THE ANALYTICAL FRAMEWORK FOR COMPREHENSIVE AND ENDURING SOCIAL HEALING THROUGH JUSTICE

The *social healing through justice* framework provides a practical guide to assess and reconfigure (where needed) reparative justice initiatives endeavoring to heal the harm done to individuals, communities, and society.¹⁴⁸ Drawing commonalities from several scholarly disciplines, the framework gives rise to six working principles that are weaved into concepts that inform four reparative justice inquiries: *recognition*, *responsibility*, *reconstruction*, and *reparation* (the 4Rs).¹⁴⁹

¹⁴¹ See Chun, *supra* note 51.

¹⁴² *Id.*

¹⁴³ See *id.*

¹⁴⁴ *Id.*

¹⁴⁵ See *id.*

¹⁴⁶ See *id.*

¹⁴⁷ See *infra* Part IV.

¹⁴⁸ See generally YAMAMOTO, *A Framework for Social Healing Through Justice*, in HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 31.

¹⁴⁹ *Id.* at 47, 62, 72. The scholarly disciplines include law, theology, social psychology, political theory, economics, and indigenous conflict resolution and each

A. *The Six Working Principles*

The 4R framework integrates the six working principles into the concepts and language of the 4Rs.¹⁵⁰ The six working principles are *mutual engagement*, healing on *individual* and *collective* levels, healing through the generations, *promoting economic justice through individual assistance and capacity-building*, infusing real-world *pragmatism*, and anticipating the *darkside*.¹⁵¹

The first principle is *mutual engagement* — participation by all involved.¹⁵² For individuals and communities, this is an opportunity to contribute to the public narrative — or collective memory — of the injustice.¹⁵³ For perpetrators, this opens opportunities to accept appropriate responsibility for past transgressions.¹⁵⁴ The second working principle involves healing on the *individual* and *collective* levels.¹⁵⁵ *Individual* healing speaks to specific harms (physical injury, emotional trauma, or harm extending across generations), whereas *collective* healing targets damage to the community.¹⁵⁶

The third principle embraces *reparative justice across generations* by looking beyond “restrictive notions of legal justice” and embracing the idea of rebuilding people’s lives by restoring what was taken or repairing the damage done.¹⁵⁷ The fourth principle *promotes economic justice*

address approaches to social healing. *Id.* at 47. One commonality among the scholarly disciplines is that social healing is an interactive enterprise involving those who participated in the underlying events. *Id.* at 62. This includes those impacted and those seeking to build new productive relationships (governments, communities, businesses, etc.). *Id.* By addressing both the *individual* and *collective*, social healing demands a collaborative assessment of the sources of conflict, an acceptance of appropriate *responsibility* for individual and community harms, the *reconstruction* of relationships and institutions, and *reparation*. *Id.* The final commonality is the potential for a pragmatic downside of not finishing a reparative initiative. *Id.* These commonalities derived from multiple scholarly disciplines and are refined into six working principles. YAMAMOTO, *A Framework for Social Healing Through Justice*, in HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 31, at 62.

¹⁵⁰ *See id.* at 62.

¹⁵¹ *Id.* at 62-71.

¹⁵² *See id.* at 62-63. Participation from all parties encourages collaborative action to make amends and remove disabling constraints. *Id.*

¹⁵³ *See generally* Pettit-Toledo, *supra* note 108. Developing narrative structures is foundational in forming these collective memories. *Id.* at 370.

¹⁵⁴ YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 63.

¹⁵⁵ *Id.* at 64-65.

¹⁵⁶ *See id.* at 65-66.

¹⁵⁷ *See id.* at 66-67. Survivors can unintentionally influence future generations through trauma transmission of dysfunctional fears and beliefs. *Id.* This potentially gives

through individual assistance and group capacity-building.¹⁵⁸ Capacity-building extends beyond monetary compensation by aiming to benefit society by addressing the social structural conditions that harm one's capacity to survive productively.¹⁵⁹

The fifth principle infuses real-world *pragmatism* — generating a “real world” collective sense of “justice done” through actions that positively affect people and communities.¹⁶⁰ The final working principle is about anticipating the *darksides*.¹⁶¹ By recognizing the danger of an incomplete or insincere reparative initiative, this principle anticipates the potential for political backlash, distorted legal framing of justice claims, and the potential to reinforce disabling social constraints — justifications for social structures of oppression imposed by one group onto another.¹⁶²

Together, the working principles suggest that social healing engages not only individuals and communities, but also lawyers, businesses, civic organizations, policymakers, and many more in a “dynamic process of *recognition, responsibility, reconstruction, and reparation*.”¹⁶³

B. *The 4Rs*

The 4Rs aim to structure, guide, reassess, and recalibrate (when necessary) reparative justice initiatives by asking what else needs to be done and by whom?¹⁶⁴ How can participants meaningfully address the harm done to survivors?¹⁶⁵ What challenges would everyone face, and how would it impact the community, institutions, and society as a whole?¹⁶⁶ These are some of the questions contemplated when assessing reparative justice efforts with Yamamoto's *social healing through justice* framework.¹⁶⁷

rise to hatred, mistrust, and fear that spans generations. *Id.*

¹⁵⁸ YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 68-69.

¹⁵⁹ *See id.* at 69.

¹⁶⁰ *Id.* at 70.

¹⁶¹ *Id.* at 70.

¹⁶² *See id.* at 71, 75.

¹⁶³ *Id.* at 72.

¹⁶⁴ *See* YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33.

¹⁶⁵ *See id.*

¹⁶⁶ *See id.*

¹⁶⁷ *See id.*

1. Recognition

The first R, *recognition*, is the “first step” in healing and recognizes the context of the injustice.¹⁶⁸ Each participant is asked to engage in the social healing process to “acknowledge and empathize with the anger, suffering, and hopes of those who suffered.”¹⁶⁹ By empathizing, listening, and acknowledging the pain victims suffered, perpetrators gain a deepened understanding of the damage done and can start the process of social healing.¹⁷⁰

Recognition also aims to identify disabling constraints, which are justifications made by a group to rationalize social structures of oppression.¹⁷¹ Disabling constraints include discriminatory courts, corrupt legislators, bureaucracies, the media, and businesses.¹⁷² Perhaps most important, *recognition* focuses on identifying and framing the historic injustice and the claims for rectification.¹⁷³ Recognizing the history behind present-day grievances ensures that social healing efforts will not be diminished because of misunderstandings of the harms and their underlying causes.¹⁷⁴

To identify the justice grievance, *recognition* focuses on unraveling “stock stories” — narratives shaped and told by groups, especially governments — to legitimize the abuse of others or to portray victim status and enhance the validity of redress claims.¹⁷⁵ Stock stories are often created with partial information that distorts the actual events or interactions.¹⁷⁶ The goal of unraveling stock stories is to remake the stories to better reflect actual events and the experiences of those harmed while also encouraging remedies.¹⁷⁷ In short, *recognition* asks participants to empathize with the victims and assess the historical context leading to the injustice. It also aims

¹⁶⁸ *Recognition* acknowledges that people suffer individually and as part of communities. *See id.* at 73.

¹⁶⁹ *Id.* at 74. Stakeholders involved in the injustice must “first empathize, not sympathize; listen, not analyze; acknowledge; not blame” to foster the kind of deepened understanding for social healing. YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 75.

¹⁷⁰ *See id.* at 74.

¹⁷¹ *See id.* at 71, 75.

¹⁷² *See id.* at 75, 84.

¹⁷³ *See id.* at 75.

¹⁷⁴ *See id.* at 75-76.

¹⁷⁵ YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 76.

¹⁷⁶ *Id.*

¹⁷⁷ *See id.* at 78. *See also* Susan K. Serrano, *A Social Healing Approach to Native Hawaiian Claims: Law and Resistance at Maunakea*, 52 SW. L. REV. 50, 55 (2023).

to frame a new “collective memory of the injustice as a foundation to repair the damage.”¹⁷⁸

2. Responsibility

Building on the concept of *recognition*, this framework also embraces *responsibility*, the second R, and its commitment to healing another’s wounds by assessing the dynamics of group power.¹⁷⁹ It encompasses “both an acknowledgment of the harm generated by the misuse of ‘power over others’ and an acceptance of responsibility for repairing the inflicted damages.”¹⁸⁰ Ethical (or moral) *responsibility* can arise from:

- Direct participation in the abuse;
- Knowledge of and complicity in the abuse, even without direct participation;
- Receipt of benefits from the transgression of others’ rights, which can occur without direct participation or complicity; or
- Membership in a democratic polity that mistreated the communities within it.¹⁸¹

More specifically, for individuals or governments that directly participated in the abuse, *responsibility* “generates an obligation to officially acknowledge the victims’ suffering and participate in repairing the damage.”¹⁸² Evaluating direct participation is straightforward, whereas proving knowledge and complicity is more complex.¹⁸³ Assessing a group’s level of knowledge and complicity in the abuse involves a multi-layered analysis: knowledge of the abuse, the amount of power or authority over others, and an opportunity to intervene.¹⁸⁴

Yamamoto explains that receiving benefits is distinct from the second level (knowledge and complicity) because receiving benefits can occur when “individuals are unaware of other group members’ past or

¹⁷⁸ YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 78.

¹⁷⁹ *Id.* at 79.

¹⁸⁰ *Id.*

¹⁸¹ *Id.* For the purposes of this paper, only the first three will be assessed.

¹⁸² *Id.* at 79-80.

¹⁸³ *Id.* at 79.

¹⁸⁴ YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 80. Knowledge of the abuse can be obtained without witnessing the specific acts and through awareness of the other’s wrongful actions. *Id.* Complicity involves some form of authoritative relationship with the wrongdoer. *Id.* This is particularly important when there is knowledge of circumstances that later lead to human rights transgressions. *Id.*

current transgressions.”¹⁸⁵ Even when there is no direct participation or complicity, *responsibility* can arise through the receipt of benefits because of the oppressive actions of others.¹⁸⁶

Oftentimes, groups resist accepting *responsibility* for their transgressions because “if they were to ‘admit’ mistakes and wrongdoing, this would weaken [the] position” of their group.¹⁸⁷ A group may lack conscious awareness of wrongdoing, or the legal culture may fall short of addressing harm over generations.¹⁸⁸ Cultural norms, such as “saving face,” can also create barriers to accepting *responsibility* by discouraging public acknowledgment of the injustice.¹⁸⁹

In sum, *responsibility* generates a commitment to repair damage through words or actions tailored to the needs of the victims.¹⁹⁰ By not acknowledging *responsibility* for their transgressions, groups can exacerbate lasting wounds.¹⁹¹

3. Reconstruction

In addition to acknowledgment, ethical (or moral) *responsibility* must be incorporated with reparative action.¹⁹² The third R, *reconstruction*, acts on *recognition* and *responsibility* by interacting with and promoting individual and collective healing.¹⁹³ By rebuilding relationships and remaking institutions, reconstructive action can facilitate institutional changes in laws and politics while reframing cultural understandings.¹⁹⁴ *Reconstruction* could encompass:

- Performative actions among participants in the form of apologies and acceptance;
- Concrete actions and targeted remedial programs (construction of memorials, museums, education, and welfare);

¹⁸⁵ *Id.* at 80.

¹⁸⁶ *Id.*

¹⁸⁷ YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 81.

¹⁸⁸ *Id.* at 81-82.

¹⁸⁹ *Id.* at 82.

¹⁹⁰ *See id.* at 79.

¹⁹¹ *Id.* at 81-82.

¹⁹² *Id.* at 81-82; *see also* Pettit-Toledo, *supra* note 108, at 362. Words of *recognition* and *responsibility* are often not enough. *See* Pettit-Toledo, *supra* note 108, at 362.

¹⁹³ YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 82.

¹⁹⁴ *Id.*

- Substantive messages for public officials, educators, and journalists to collaborate on a new narrative; and, most importantly,
- Institutional restructuring to prevent the recurrence of abuses (changes in the legal system, public education, and political participation).¹⁹⁵

While apologies advance social healing, they are also susceptible to insincerity, misunderstanding, poor timing, and inadequacy.¹⁹⁶ Because formal apologies can be interpreted as “hollow words and empty gestures,” the apology must be tied with a commitment to make amends.¹⁹⁷ More specifically, the use of concrete actions during institutional restructuring helps to avoid the historical injustice from happening again.¹⁹⁸ In essence, *reconstruction* goes beyond words to restructure the “institutions and relationships that gave rise to the underlying injustice.”¹⁹⁹

4. Reparation

The fourth R, *reparation*, speaks to “transformation” by “repairing damage to the material conditions of... group life – transferring money and land, building schools and medical clinics, allowing unfettered voting – and of restoring injured human psyches.”²⁰⁰ The *reparation* inquiry needs to be framed toward capacity-building opportunities for those harmed to promote economic repair.²⁰¹ The capacity-building approach focuses on structural conditions that determine material advantages for individuals going forward: education, work opportunities, and government and community support.²⁰² It also promotes social structural repair rather than just the surface exchange of monetary compensation.²⁰³

¹⁹⁵ *Id.* at 82-84. Only when reconstructive action addresses societal institutions and specific policies can an initiative be integrated into the moral and pragmatic dimensions of *social healing through justice*. *Id.* at 84.

¹⁹⁶ *Id.* at 83.

¹⁹⁷ *Id.*

¹⁹⁸ See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 82.

¹⁹⁹ *Id.* at 84.

²⁰⁰ *Id.* at 86. *Reparation* and *reconstruction* are closely linked by drawing from the root word “repair.” *Id.*

²⁰¹ See *id.* at 88.

²⁰² See *id.* at 87.

²⁰³ See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 86. These qualitative aspects of life linked to economic development and social structural repair include decent work opportunities, access to affordable health care, education, freedom from violence, and racial and gender equality. See *id.* at 87.

Without economic justice, reparative justice efforts endeavoring to foster comprehensive and enduring social healing will not truly address oppressive systematic structures.²⁰⁴ The restructuring of institutions and changing of societal views will not happen on its own.²⁰⁵ Therefore, parties invested in social healing initiatives will need to “collaborate with civic organizations, journalists, artists, officials, lawyers, businesses, scholars, and community advocates to continue to push for systematic changes so that ‘this will not happen again... to anyone.’”²⁰⁶

The 4Rs are conceptual and pragmatic to engage those involved in an injustice in a dynamic process of fostering reparative justice and allowing those on the frontlines to identify where enduring and comprehensive social healing is needed.²⁰⁷ In this paper, Part V employs Yamamoto’s framework to evaluate different approaches taken by the United States when engaging (or not engaging) in reparative efforts to heal those harmed by human rights atrocities.²⁰⁸ Part VI utilizes this framework and its working principles to assess why the United States must participate in the Korean comfort women reparative justice initiative, and also provides recommendations on how to repair the harm done.²⁰⁹

V. DIFFERENT APPROACHES TO UNITED STATES REPARATIVE JUSTICE INITIATIVES

“We [the United States] don’t apologize, ever.”

– Professor Jennifer Lind²¹⁰

The United States apologizing for domestic and foreign incidents is rare, to say the least. Professor Jennifer Lind emphasized that, generally, countries “do not apologize for violence against other countries.”²¹¹ Both

²⁰⁴ *See id.* at 90.

²⁰⁵ *See id.*

²⁰⁶ *Id.*

²⁰⁷ *See id.* at 90.

²⁰⁸ *See infra* Part V.

²⁰⁹ *See infra* Part VI.

²¹⁰ Jennifer Lind is an Associate Professor of Government at Dartmouth College, an expert on American foreign policy toward East Asia, and the author of “Sorry States: Apologies in International Politics.” Adam Taylor, *It’s Not Just Hiroshima: The Many Other Things America Hasn’t Apologized for*, THE WASHINGTON POST (May 26, 2016, 2:00 AM), <https://www.washingtonpost.com/news/worldviews/wp/2016/05/26/the-things-america-hasnt-apologized-for/> (emphasizing the lack of accountability on the part of the United States for human rights transgressions).

²¹¹ *Id.*

Lind and Yamamoto explain that apologies are not always “enough” and can be controversial if they are deemed to be half-hearted or incomplete.²¹²

Using the *social healing through justice* framework, this section briefly assesses the level of United States participation in repairing harm for domestic and foreign incidents. By evaluating other United States reparative justice efforts, this paper can apply salutary aspects of these initiatives to propose and support recommendations for the Korean comfort women initiative. These incidents include the incarceration of Japanese Americans in World War II, the Guatemala syphilis experiment in the 1940s, and the bombing of the Republic of the Marshall Islands.²¹³

A. *The 1988 Civil Liberties Act*

During World War II, the United States wrongfully incarcerated over 120,000 Japanese Americans in prison camps based on false government claims.²¹⁴ When the United States committed itself to comprehensive redress, it included an acknowledgment of the violation of Japanese Americans’ civil liberties, a presidential apology to each survivor, over a billion dollars in reparations, and educating society on the effects of mass racial incarceration.²¹⁵

Although not perfect, the 1988 Civil Liberties Act was the first time the United States provided comprehensive government redress and continues to be cited as a catalyst for reparative justice efforts.²¹⁶ The United States acknowledged the harm done to innocent Japanese Americans

²¹² See generally Eric K. Yamamoto, *Race Apologies*, 1 J. GENDER RACE & JUST. 47 (1997). See also Taylor, *supra* note 210.

²¹³ The 1988 United States Civil Liberties Act is considered the first (and only) time the United States almost fully engaged in a reparative justice initiative. See Yamamoto & Lee, *Korean Comfort Women Redress*, *supra* note 28, at 128. The Guatemala syphilis experiment provides an example of the United States engaging in a half-hearted effort to apologize, but not doing anything further. It is also a comparable example to the plight of the Korean comfort women because of the similarity in facts. See CNN Wire Staff, *U.S. Apologizes for Infecting Guatemalans with STDs in the 1940s*, CNN (Oct. 1, 2010, 10:18 PM) [hereinafter *Guatemala Apology*], <https://www.cnn.com/2010/WORLD/americas/10/01/us.guatemala.apology/index.html> [https://perma.cc/LM9J-4JEK]. The bombing of the Republic of the Marshall Islands illustrates the United States attempting to provide services for the Marshallese population, but never formally apologizing for its actions. See Bureau of East Asian and Pacific Affairs, *U.S. Relations With Marshall Islands: Bilateral Relations Fact Sheet*, U.S. DEP’T OF STATE (Dec. 9, 2021), <https://www.state.gov/u-s-relations-with-marshall-islands/> [https://perma.cc/G65T-5Y5Q] [hereinafter U.S. Dep’t of State, *U.S. Relations*].

²¹⁴ See Yamamoto & Lee, *Korean Comfort Women Redress*, *supra* note 28, at 127.

²¹⁵ See *id.* at 128.

²¹⁶ See Yamamoto, Burns, & Takeuchi, *Apology & Reparation II*, *supra* note 118, at 96 (highlighting how the 1988 Civil Liberties Act excluded innocent Japanese Latin Americans); Yamamoto & Lee, *Korean Comfort Women Redress*, *supra* note 28, at 129.

by issuing a 500-page truth commission investigative report recognizing the wrongful incarceration that destroyed businesses, homes, and families.²¹⁷

The Act mandated an apology from the President, provided individual reparations to each survivor, and allocated funds to educate society on mass racial incarceration.²¹⁸ These types of reconstructive and reparative actions are the key to enduring and comprehensive social healing to ensure a similar incident will never happen again.²¹⁹ Overall, the Act exemplifies how the United States accepted responsibility for its role in repairing inflicted harm and is considered the first (and only) instance that America provided adequate support in a reparative justice initiative.²²⁰

B. *A Public Apology to Guatemala*

A far less complete reparative justice initiative was the United States' 2010 apology for a 1940s study in Guatemala.²²¹ The study, called the "United States Public Health Service Sexually Transmitted Disease Inoculation Study of 1946-1948," attempted to determine the effectiveness of penicillin when treating Guatemalans exposed to syphilis.²²² The study violated four ethics standards, mainly related to the lack of consent by the tested Guatemalans and the lack of information provided to them.²²³

Former Secretary of State Hillary Clinton and Former Secretary of Health and Human Services Kathleen Sebelius issued a joint statement apologizing "to all the individuals who were affected by such abhorrent research practices."²²⁴ Additionally, former President Barack Obama called former Guatemalan President Alvaro Colom to express "profound apologies."²²⁵

²¹⁷ See Yamamoto & Lee, *Korean Comfort Women Redress*, *supra* note 28, at 128. *Recognition* allows perpetrators of harm to acknowledge and empathize with the anger, suffering, and hope of their victims. See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 74-75.

²¹⁸ See Yamamoto & Lee, *Korean Comfort Women Redress*, *supra* note 28, at 128.

²¹⁹ See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 224-26. *Reconstruction* focuses on rebuilding institutions to prevent the injustice from happening again. See *id.* at 82. *Reparation* repairs the damage to material conditions of survivors and their communities by facilitating self-development and capacity building. See *id.* at 86.

²²⁰ See Yamamoto & Lee, *Korean Comfort Women Redress*, *supra* note 28, at 128-29.

²²¹ See *Guatemala Apology*, *supra* note 213.

²²² See *id.* More than 1,600 female sex workers, prisoners, mental hospital patients, and soldiers were infected. *Id.*

²²³ See *id.*

²²⁴ *Id.*

²²⁵ *Id.*

Furthermore, the Presidential Commission for the Study of Bioethical Issues issued two reports to acknowledge the wrongdoings of the study and recommend changes to improve standards for human subjects.²²⁶ Although these reports sought to improve bioethics standards, for the Guatemalans who were specifically harmed, the United States never engaged in further reconstructive or reparative action for Guatemalan survivors and their future generations.²²⁷

Commonalities exist between the Guatemalan study and the experiences of Korean comfort women. For one, the use of penicillin to treat sexually transmitted diseases is a key aspect.²²⁸ Another commonality is that American and South Korean officials forcibly detained Korean comfort women for treatment.²²⁹ In comparison, many of the subjects in the Guatemalan study consisted of female sex workers, prisoners, and mental hospital patients already imprisoned.²³⁰

In comparison to the 1988 Civil Liberties Act, the reparative justice effort for the Guatemala study is incomplete and deemed by some as “just talk.”²³¹ Although the United States publicly apologized to Guatemala for its human rights abuses, the United States never recognized the harm done or accepted responsibility for healing them.²³²

C. *The Bombing of the Republic of the Marshall Islands*

Between 1946 and 1958, the United States carried out sixty-seven nuclear tests on the northern Marshall Islands that destroyed the islands and caused illnesses related to radiation exposure.²³³ In 1986, the United States and the Marshall Islands entered into the Compact of Free Association (Compact) and the Section 177 Settlement Agreement to provide economic

²²⁶ See *Guatemala Apology*, *supra* note 213; Presidential Commission for the Study of Bioethical Issues, “*Ethically Impossible*” *STD Research in Guatemala from 1946 to 1948*, Sept. 2011, available at [https://bioethicsarchive.georgetown.edu/pcsbi/sites/default/files/Ethically%20Impossible%20\(with%20linked%20historical%20documents\)%202.7.13.pdf](https://bioethicsarchive.georgetown.edu/pcsbi/sites/default/files/Ethically%20Impossible%20(with%20linked%20historical%20documents)%202.7.13.pdf); Presidential Commission for the Study of Bioethical Issues, *Moral Science: Protecting Participants in Human Subjects Research*, Dec. 2011, available at <https://bioethicsarchive.georgetown.edu/pcsbi/sites/default/files/Moral%20Science%20June%202012.pdf>.

²²⁷ See *id.*

²²⁸ See *id.*

²²⁹ See Shorrock, *supra* note 6.

²³⁰ See *Guatemala Apology*, *supra* note 213.

²³¹ YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 70.

²³² See *Guatemala Apology*, *supra* note 213 (recognizing the Guatemala apology as an incomplete reparative justice effort).

²³³ See U.S. Dep’t of State, *U.S. Relations*, *supra* note 213.

and program assistance to the government, citizens, and nationals of the Republic of the Marshall Islands (RMI) affected by the nuclear testing.²³⁴ The settlement provided more than \$600 million for “nuclear claims, resettlement funds, rehabilitation of affected atolls, and radiation-related health care costs.”²³⁵ This settlement indicated that the United States, at least partially, accepted *responsibility* for the bombing and its role in repairing inflicted harm.²³⁶

The settlement seemed promising, however, the funds were depleted before the victims could be compensated and the claims could be settled.²³⁷ Many are still waiting for appropriate compensation even today.²³⁸ Along with the settlement attempt, the United States never issued a formal apology for bombing the islands.²³⁹ In March 2022, Senator Mazie Hirono and Representative Katie Porter introduced a joint resolution between the House of Representatives and the Senate to formally apologize for the nuclear legacy brought on by the United States.²⁴⁰ Activists continue to urge the United States to “support long-term environmental remediation, expand access to healthcare, especially for illnesses associated with radiation exposure, and declassify documents related on nuclear testing.”²⁴¹

As evidenced by the 1988 Civil Liberties Act, the United States is well capable of providing adequate support.²⁴² However, the United States continues to make half-hearted attempts, as illustrated by the Guatemala and RMI efforts, at engaging in reparative justice efforts.²⁴³ Given the factual similarities between the Guatemala study and Korean comfort women, a public apology is the most feasible option for Korean comfort women

²³⁴ *See id.*

²³⁵ *See*

²³⁶ *See* YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 79.

²³⁷ *See* THOMAS LUM ET AL., CONG. RSCH. SERV., RL32811, REPUBLIC OF THE MARSHALL ISLANDS CHANGED CIRCUMSTANCES PETITION TO CONGRESS 15 (May 16, 2005).

²³⁸ *See id.*

²³⁹ *See* U.S. Dep’t of State, *U.S. Relations*, *supra* note 213.

²⁴⁰ S.J. Resol. 40, 117th Cong., 2d Sess. (2022). Further research into the resolution indicated that the bill died after being referred to the Committee on Energy and Natural Resources. *See id.*

²⁴¹ David Brunnstrom & Michael Martina, *Activists Urge U.S. Apology, Fair Compensation, for U.S. Pacific Nuclear Testing*, REUTERS (Jan. 10, 2023, 12:38 PM) <https://www.reuters.com/world/activists-urge-us-apology-fair-compensation-us-pacific-nuclear-testing-2023-01-10/>.

²⁴² *See* Yamamoto & Lee, *Korean Comfort Women Redress*, *supra* note 28, at 128-29.

²⁴³ *See* *Guatemala Apology*, *supra* note 213; LUM, *supra* note 233.

redress.²⁴⁴ By drawing from the salutary aspects of these examples, Part VI will make recommendations on how the United States can engage in the Korean comfort women reparative justice initiative and start to repair the harm done.²⁴⁵

VI. AN OPPORTUNITY FOR THE UNITED STATES TO ENGAGE IN REPARATIVE JUSTICE

The Supreme Court of Korea ruling held that the Korean government “justified and encouraged” forced sexual services and blamed the government for the “systematic and violent” way it detained Korean comfort women.²⁴⁶ Yet the Court remained silent on an issue of considerable significance – the role of the United States, both as a direct participant and intended beneficiary of the *kijichon*.²⁴⁷ With the United States’ continued absence in the reparative justice process, trauma, social divisions, and mistrust will likely persist for future generations.²⁴⁸

Bringing the United States (specifically, the United States military) to the reparative justice table could start the social healing process for all parties. Genuine reparative justice for Korean comfort women entails multi-faceted engagement with the United States.²⁴⁹ The *mutual engagement* working principle requires all parties involved to have a seat at the table.²⁵⁰ Mutual participation in reparative justice efforts lays the foundation for further action so everyone involved (or their representatives) can make appropriate amends.²⁵¹ It emerges from “strategic efforts to expand public consciousness about the injustice and the need for rectification; to coalesce disparate groups so they work together rather than against one another; and to build grassroots and policy-making constituencies.”²⁵²

²⁴⁴ See *Guatemala Apology*, *supra* note 213. See also Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2.

²⁴⁵ See *infra* Part VI.

²⁴⁶ Shin, *Supreme Court of Korea ruling*, *supra* note 13; Supreme Court [S. Ct.], 18Da224408, Sept. 29, 2022 (S. Kor.).

²⁴⁷ See generally Kang, *supra* note 11; Supreme Court [S. Ct.], 18Da224408, Sept. 29, 2022 (S. Kor.).

²⁴⁸ See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 25.

²⁴⁹ See generally YAMAMOTO, *A Framework for Social Healing Through Justice*, in HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 31.

²⁵⁰ YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 62-63.

²⁵¹ See *id.*

²⁵² *Id.* at 215.

Only through *mutual engagement* can groups engage in the first two R's (*recognition* and *responsibility*).²⁵³ Healing is an interactive endeavor, and an integral part of this collaboration is the need to frame the healing effort in terms of a convergence of interests.²⁵⁴ In other words, those at least partially responsible for the injustice need to see a broad interest in healing the wounds of those suffering.²⁵⁵

The United States is the world's leading democracy because of its commitment to "outlaw discrimination, safeguard due process of law, and protect fundamental civil liberties and human rights."²⁵⁶ Yet many countries question the United States' stance on democracy because of its lack of accountability for human rights violations.²⁵⁷ To enhance its democratic legitimacy, the United States – as a direct participant, collaborator, and beneficiary of the *kijichon* – can start to repair the harms of victims and their families by engaging in the reparative justice initiative.²⁵⁸

As explained in Part IV, the *social healing through justice* framework guides and assesses reparative justice efforts aiming to heal individuals, communities, and society itself.²⁵⁹ By employing this framework and its working principles, this paper attempts to evaluate how the United States' absence in the reparative justice process impedes the healing process and what the United States can do moving forward to repair the harm done. By recognizing past and present harms, accepting responsibility for its transgressions, reconstructing societal institutions and policies, and providing adequate reparations, the United States can engage in comprehensive social healing that endures.²⁶⁰

A. *Unpacking Stock Stories and Reframing the Injustice*

The *recognition* inquiry illuminates the significant absence of the United States. *Recognition* allows perpetrators of harm to acknowledge and

²⁵³ See *id.* at 62-63.

²⁵⁴ *Id.* at 63.

²⁵⁵ See *id.*

²⁵⁶ YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 245.

²⁵⁷ See *id.* at 240. Many countries question the United States' commitment to democracy because of the former Bush administration's hostility to international agreements, human rights violations in Guantanamo Bay, and the Trump administration's mishandling of the coronavirus. See *id.* at 240-44.

²⁵⁸ See Yamamoto, Burns, & Takeuchi, *Apology & Reparation II*, *supra* note 118, at 118.

²⁵⁹ See generally YAMAMOTO, *A Framework for Social Healing Through Justice*, in HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 31; *infra* Part IV.

²⁶⁰ See generally YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33.

empathize with the feelings of their victims.²⁶¹ By employing the first reparative justice inquiry, this section advocates for the United States to acknowledge the harm done to Korean comfort women.²⁶² To do so, the United States could establish a truth committee to unpack stock stories that legitimized the abuse and reframe the collective memory of the *kijichon* injustice.²⁶³

The United States Commission on Wartime Relocation and Internment of Civilians (CWRIC) inquired into the United States government's wrongful incarceration of Japanese Americans during World War II.²⁶⁴ The 500-page Truth Commission Investigative Report recognized that the wrongful incarceration of Japanese Americans destroyed businesses, homes, and families.²⁶⁵ It also unpacked the cause of the mass racial incarceration — “wartime hysteria, racial prejudice, and a failure of political leadership.”²⁶⁶

Establishing a similar truth committee could help the United States acknowledge the harm done to Korean comfort women.²⁶⁷ The truth committee would allow the United States to conduct historical fact-finding to encourage official *recognition*.²⁶⁸ This would give the United States an ideal opportunity to recognize its history of injustice and the harm that Korean comfort women suffered at the hands of American servicemen, medics, and society in general.²⁶⁹ A large part of this process would involve unpacking “stock stories” — narratives shaped and told by governments to justify the abuse of others.²⁷⁰ Unraveling stock stories aims to reveal what was then, and is now, really going on.²⁷¹

It is true that South Korea created the *kijichon* to strengthen the United States' alliance with South Korea, generate foreign currency, and boost American soldiers' morale.²⁷² However, many are unaware that both

²⁶¹ *See id.* at 74-75.

²⁶² *See id.* at 74.

²⁶³ *See id.* at 76.

²⁶⁴ *See id.* at 203. The creation of the CWRIC is a credible example of a United States-centered inquiry into its own wrongdoings. *Id.*

²⁶⁵ *See Yamamoto & Lee, Korean Comfort Women Redress, supra* note 28, at 128.

²⁶⁶ *Id.*

²⁶⁷ *See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, supra* note 33, at 203.

²⁶⁸ *See id.* at 198.

²⁶⁹ *See id.*

²⁷⁰ *Id.* at 75.

²⁷¹ *Id.*

²⁷² *See, e.g., Choe, A Brutal Sex Trade Built for American Soldiers, supra* note 2;

the South Korean and United States governments conspired to facilitate the “Camptown Clean-up” operation at the United States’ request to reduce the spread of venereal diseases amongst its troops.²⁷³ South Korean government archives reveal joint meetings between American and South Korean officials to plan the *kijichon* Clean-up.²⁷⁴ Acknowledging and recognizing that the American military’s request started the whole *kijichon* operation would alter the false collective memory that Korea was solely responsible for what happened.²⁷⁵ The United States would be identified as a co-conspirator and perpetrator of harm against Korean comfort women.²⁷⁶

More specifically, the United States would need to unpack the stock story that it portrayed Korean civilians (and *kijichon* comfort women) as instigators rather than victims of United States military abuse.²⁷⁷ The notion that “they started it” allowed the Americans to justify any and all human rights transgressions against South Koreans.²⁷⁸ Acknowledging that *kijichon* women suffered physical, sexual, and even emotional wounds at the hands of American servicemen and medics would allow the United States to empathize and “gain an appreciation for [the women’s] struggles.”²⁷⁹

Harsh stereotyping is one of the major underlying causes of the survivors’ trauma.²⁸⁰ A traditional country with Confucian overtones, Korean society shamed women for losing their virginity regardless of the surrounding circumstances, whereas Americans glorified the idea of being catered to by submissive Asian women.²⁸¹ The shame and dishonor cast by society resulted in Korean comfort women being exiled and disowned by their families.²⁸²

Taub, *supra* note 10; Shorrock, *supra* note 6.

²⁷³ See MOON, *supra* note 6, at 74 (addressing how the United States initiated the *kijichon*).

²⁷⁴ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2.

²⁷⁵ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2; MOON, *supra* note 6, at 74.

²⁷⁶ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2; MOON, *supra* note 6, at 74.

²⁷⁷ See MOON, *supra* note 6, at 70 (emphasizing the racial tension between Koreans and specifically African Americans, who Koreans consider racially inferior).

²⁷⁸ See *id.*

²⁷⁹ ERIC K. YAMAMOTO, *INTERRACIAL JUSTICE: CONFLICT & RECONCILIATION IN POST-CIVIL RIGHTS AMERICA* 176 (1999).

²⁸⁰ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2; MOON, *supra* note 6, at 91.

²⁸¹ See Sonen, *supra* note 28, at 288; Shorrock, *supra* note 6.

²⁸² See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2; MOON, *supra* note 6, at 91 (highlighting the consequences Korean comfort women faced by

Additionally, much of the world continues to assume that Korean comfort women voluntarily sold sex in the *kijichon* to earn money and find an American husband.²⁸³ Although some volunteered, government actors kidnapped or deceived most Korean women into working in the camptowns with false promises of a better life, pay, and an opportunity for education.²⁸⁴ In practice, the money earned by the Korean comfort women went either to their pimps (who took most of it) or to the medical treatments necessary to continue working.²⁸⁵

Many Korean comfort women lived impoverished, remained unemployed, and were left with untreated medical conditions.²⁸⁶ Unraveling the stock story that most comfort women voluntarily serviced United States troops can reframe the collective memory that Korean comfort women are just “yanggalbo.”²⁸⁷ Korean comfort women are victims, survivors, mothers, and now activists fighting for accountability from those who harmed them.²⁸⁸

Although *recognition* can be cathartic and initiate the healing process for survivors, as evidenced by the *darkside* working principle, an insincere or incomplete acknowledgment can be perceived by survivors as “just talk.”²⁸⁹ Unless the truth committee makes a genuine effort to investigate and unpack stock stories that justified the abuse, a half-hearted attempt will be seen as cheap, “pretending offenses did not happen or that injustice cannot be addressed.”²⁹⁰ A truth committee might also be

working in the *kijichon*).

²⁸³ See Taub, *supra* note 10.

²⁸⁴ See Constante, *supra* note 126.

²⁸⁵ See MOON, *supra* note 6, at 91; Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2.

²⁸⁶ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2.

²⁸⁷ See *id.* Yanggalbo is a derogatory term describing Korean comfort women as “whores for the West.” *Id.*

²⁸⁸ See MOON, *supra* note 6. See generally Pettit-Toledo, *supra* note 108. Developing narrative structures is foundational in forming these collective memories. *Id.* at 370. The dominant narrative is not always aligned with accounts of sexual violence harms. *Id.* at 365. “For many women of color who have suffered sexual violence during conflict, there is a ‘need to create a new memory beyond the excruciating story of personal loss and suffering – a memory that include[s] a sense of social justice and... accountability.’” *Id.* at 366. When language or ideas are missing or excluded, sexual violence harms, in particular, are more difficult to recount and remember. *Id.* at 370. Thus, it is important when looking at redress for sexual violence harms for women to develop a counternarrative to describing women of color not just as victims, but survivors, political activists, fighters, and more. *Id.* at 370-71.

²⁸⁹ See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 70.

²⁹⁰ See *id.* at 55.

susceptible to political backlash since inquiring about one incident of human rights transgressions could open investigations into other claims.²⁹¹

In sum, *recognition* asks each participant to see into the woundedness of self and others.²⁹² *Recognition* requires critical interrogation to fully and fairly assess the specific circumstances and larger historical context of the justice grievances.²⁹³ The *recognition* inquiry illuminates the agenda and mechanisms (stock stories) employed by the United States (and South Korea) to avoid accountability for the *kijichon*.²⁹⁴ By recognizing that these stock stories continue to inflict harm on Korean comfort women and reframing the collective memory of the injustice to better reflect the actual events and experiences of Korean comfort women, the United States can create a foundation for collaborative efforts to repair the damage.²⁹⁵

B. *Accepting Responsibility for Human Rights Abuses in the Kijichon*

After creating the foundation to repair the damage, accepting appropriate *responsibility* can generate commitments through words and actions tailored to specific individual and community needs.²⁹⁶ As explained in the framework section, ethical (or moral) *responsibility* can arise from direct participation, knowledge of, and complicity in the abuse, receiving benefits because of the transgression of others' rights, and membership in a democratic polity that mistreated one of the communities within it.²⁹⁷

As it pertains to the United States, the first three are the most significant. Testimony and phone interviews reveal how American medics and soldiers directly participated in physical and sexual abuse against Korean comfort women.²⁹⁸ Document archives expose joint meetings between United States military officials and South Korean government actors to circumvent the spread of venereal diseases amongst American

²⁹¹ *See id.* at 211.

²⁹² *See id.* at 78. These wounds can arise from physical and emotional pain, as well as “loss of finances, damage to relationships, and tears in the community fabric.” *See id.*

²⁹³ *See id.*

²⁹⁴ *See* YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 78.

²⁹⁵ *See id.* at 76.

²⁹⁶ *See id.* at 81-82. Acceptance of *responsibility* can be complicated by complex social, psychological, political, and cultural barriers. *Id.* at 82.

²⁹⁷ *Id.* at 79; *see supra* Part IV Section B. Ethical (or moral) *responsibility* overlies forms of legal accountability. YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 126.

²⁹⁸ *See* MOON, *supra* note 6, at 153. *See also* Kang, *supra* note 11.

troops.²⁹⁹ Furthermore, the “Camptown Clean-up” benefitted the health and morale of United States soldiers.³⁰⁰ For Korean comfort women to heal, the United States needs to accept *responsibility* for directly participating in the physical and sexual violence, knowing about the abuse (even without participating), and benefitting from the transgressions in the *kijichon*.³⁰¹

1. Direct Participation

Direct participation in the abuse generates the strongest obligation to accept *responsibility* and participate in the healing process.³⁰² According to Ahn-Kim Jeong-ae, one of the co-representatives of the Camptown Women’s Human Rights Coalition, “[w]e even have testimony of Korean doctors and white people wearing white gowns — presumably United States Army medics — giving shots of penicillin to camptown women at the Monkey House, to which women were often taken by force.”³⁰³ Additionally, United States military officials used higher doses of penicillin than customary for Korean women without researching efficacy or side effects.³⁰⁴ Consequently, some Korean comfort women collapsed and died from penicillin shock and had their bodies thrown outside of the Monkey House and into a mass grave.³⁰⁵ This testimony and evidence prove that United States medics committed human rights abuses by harming, and even killing, Korean comfort women.³⁰⁶

Furthermore, American soldiers directly participated by soliciting sexual services from young Korean women and instigating violence against them.³⁰⁷ Mrs. Ch’oe, a former Korean comfort woman, recalled being beaten by an American serviceman.³⁰⁸ She reported the incident to the South Korean and United States military police, but the soldier never received any repercussions.³⁰⁹ In another case, an American soldier allegedly mutilated and murdered Mrs. Pak’s sister, a Korean comfort woman in Osan, South

²⁹⁹ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2.

³⁰⁰ See Shorrock, *supra* note 6; Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2.

³⁰¹ See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 79.

³⁰² See *id.*, at 79-80.

³⁰³ Kang, *supra* note 11 (shedding light on the involvement of the United States in the *kijichon*). See also Shorrock, *supra* note 6.

³⁰⁴ See MOON, *supra* note 6, at 136.

³⁰⁵ See Shorrock, *supra* note 6.

³⁰⁶ See Kang, *supra* note 11; Shorrock, *supra* note 6.

³⁰⁷ See MOON, *supra* note 6, at 153.

³⁰⁸ See *id.* Mrs. Ch’oe is a pseudonym. *Id.*

³⁰⁹ *Id.*

Korea.³¹⁰ However, the United States military never turned the soldier over to Korean authorities.³¹¹ As a form of direct responsibility, these accounts of physical violence generate the strongest obligation for the United States to officially acknowledge the Korean comfort women's suffering and participate in repairing the damage.³¹²

2. Knowledge of and Complicity in the *Kijichon* Operation

The second manner that *responsibility* can arise out of involves knowledge of and complicity in the abuse, even without direct participation.³¹³ This level of *responsibility* consists of a multi-layered analysis to assess a government's complicity in the wrongdoing of others: 1) knowledge of abusive actions by others, 2) some degree of power or authority over others, and 3) an opportunity to prevent or intervene.³¹⁴

The first part of this multi-layered analysis involves knowledge of the abuse, even if the government did not witness the specific acts.³¹⁵ During the early 1970s, many United States command officials urgently requested to work with the South Korean government to improve *kijichon* life.³¹⁶ The United States Secretary of the Joint Committee, Robert Kinney, pressed military officials and ambassadors to pressure the South Korean government to "clean-up" the camptowns.³¹⁷ The United States government went so far as to send Colonel Robert W. Sherwood as a special investigator and consultant to investigate the urgent venereal disease issue in the *kijichon*.³¹⁸

Moreover, South Korean government archives revealed documents from 1969 and 1973 that uncovered the United States' involvement in

³¹⁰ *Id.* Mrs. Pak is a pseudonym. *Id.*

³¹¹ See MOON, *supra* note 6, at 153. The family never received an apology or financial compensation, so camptown residents collected money from one another to pay for the funeral expenses. *See id.*

³¹² See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 79.

³¹³ *Id.* at 130.

³¹⁴ *Id.* at 127. These three elements of complicity comprise an ethical obligation to acknowledge and accept, at the very least, partial *responsibility* for the damage inflicted on others. *Id.* at 131.

³¹⁵ See MOON, *supra* note 6, at 74.

³¹⁶ *See id.*

³¹⁷ *See id.*

³¹⁸ *See id.* at 78. Colonel Robert W. Sherwood was the Chief of the Preventive Medicine Division from the Office of the Surgeon General of the Army. *Id.* Colonel Sherwood determined that "[t]here [was] an uncontrolled major epidemic of venereal disease in United States Army personnel in Korea and an even greater uncontrolled epidemic of venereal disease in the Korean prostitutes." *Id.*

planning the “Camptown Clean-up” operation that harmed local Korean women.³¹⁹ A 1969 ordinance from South Korea’s health ministry demanded “frequent” and “coercive diagnosis and treatment” to fight venereal diseases spread from Korean comfort women to American troops.³²⁰ A 1973 document exposed a joint meeting between the United States military and South Korean officials to discuss various measures to control venereal diseases on the military bases.³²¹ These documents and the request of United States officials to “clean-up” the camptowns prove that the United States: 1) helped plan the operation and 2) retained knowledge of the actions that could (and eventually would) be taken to harm Korean comfort women.³²²

The second level of knowledge and complicity analyzes whether the United States held some form of power or authority over others.³²³ Yamamoto explains that a national government with power over others may improperly exercise its power by enabling an emerging government to severely harm a segment of its civilians.³²⁴ At the time, North Korea was superior in military and economic power.³²⁵ South Korea’s economy had become reliant on dollars from United States troops as the *kijichon* became a way of life for both the United States and South Korea.³²⁶ When President Nixon threatened to withdraw American troops from South Korea, the South Korean government urgently implemented the “Camptown Clean-up” operation, hoping that it would boost soldiers’ morale and maintain a United States military presence.³²⁷ Thus, the United States could afford to interfere in the “internal affairs of the host nation” without resistance or criticism from South Korea.³²⁸ Therefore, the United States held substantial power over South Korea.³²⁹

³¹⁹ Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2.

³²⁰ *Id.*

³²¹ *See id.*

³²² *See id.*

³²³ *See* MOON, *supra* note 6.

³²⁴ *See* YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 130.

³²⁵ *See* Shorrock, *supra* note 6.

³²⁶ *See* David Vine, “My Body Was Not Mine, but the U.S. Military’s,” POLITICO (Nov. 3, 2015), <https://www.politico.eu/article/my-body-was-not-mine-but-the-u-s-militarys/> [<https://perma.cc/KC85-JQCM>]; Shorrock, *supra* note 6.

³²⁷ *See* Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2; Shorrock, *supra* note 6.

³²⁸ MOON, *supra* note 6, at 102.

³²⁹ *See* Shorrock, *supra* note 6; MOON, *supra* note 6, at 102.

The final part of knowledge and complicity evaluates whether the United States had an opportunity to prevent the harm or intervene before the transgressions occurred.³³⁰ As described above, the uncovered South Korean government archives revealed that the United States military and South Korean officials collaborated to control the spread of venereal diseases around the military bases.³³¹ The United States military did intervene in the *kijichon* to protect its soldiers from infectious diseases.³³² However, it failed to intervene to protect the Korean comfort women, either at the policy level or at the ground level of controlling its soldiers.³³³ Therefore, *responsibility* for the United States' role in the *kijichon* stems from its complicity in initiating the operation and the resulting violence.³³⁴

3. The Benefits of the Kijichon for the United States and its Soldiers

Additionally, ethical (or moral) *responsibility* can arise from the receipt of benefits from the oppressive actions of others, even where there is no direct participation or complicity.³³⁵ Beneficiaries acknowledging the “many benefits from their affiliation with the dominant side of the power system” is critical to social healing.³³⁶ In terms of the *kijichon* Clean-up operation, the United States benefitted because the health and morale of American soldiers drastically improved.³³⁷

Korean comfort women catered to American servicemen in nightclubs, bars, and restaurants, much to the women's disdain.³³⁸ Korean comfort women served as “dollar-earning patriots” to earn as much foreign currency as possible; thus, they became subjected to whatever the soldiers

³³⁰ YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 130. A dominant group may incur some degree of *responsibility* for repairing harm inflicted by others, especially when it fails to exercise its authority to prevent or condemn active oppression by others. *Id.*

³³¹ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2.

³³² See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2.

³³³ See Shorrock, *supra* note 6.

³³⁴ See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 130 (underscoring the significance of America's pivotal absence from the social healing initiative).

³³⁵ See *id.* at 133. “When benefits or privileges derived from the oppression of others remains unacknowledged, the system is ‘allowed to perpetuate, regenerate, and recreate itself.’” *Id.*

³³⁶ See *id.*

³³⁷ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2; Shorrock, *supra* note 6.

³³⁸ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2; Shorrock, *supra* note 6.

wanted from them (which was mainly sex).³³⁹ However, the spread of venereal disease around the military bases became an urgent issue.³⁴⁰

To keep American troops in the country, the South Korean government quickly and willingly addressed the American officials' Camptown concerns.³⁴¹ The South Korean government's immediate and favorable response provides an example of how South Korea's dependency on the United States allowed the United States to benefit.³⁴² By controlling the spread of sexually transmitted diseases through the "Camptown Cleanup" operation, the United States benefitted from the patriarchal system of sexual servitude as the health and morale of United States troops improved.³⁴³ Acknowledging this benefit is imperative for the United States to engage in a meaningful attempt at social healing.³⁴⁴

Accepting *responsibility* to repair the damage done to individuals and communities can be impeded by social, psychological, and political factors.³⁴⁵ As explained above, this often means reallocating group power, and many perpetrators — specifically governments — are concerned about loss of power.³⁴⁶ Furthermore, national governments are often worried that admitting to a mistake would "likely be misused for propaganda or political purpose."³⁴⁷ As a global powerhouse, the United States will likely be reluctant to accept *responsibility* and admit to its past transgressions.³⁴⁸

In short, *responsibility* requires perpetrators to accept responsibility for their role and commit to repairing the damage.³⁴⁹ Because the United States military directly participated in physical and sexual violence, possessed knowledge of the abuse, and reaped the benefits of South Korea's

³³⁹ Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2; Shorrock, *supra* note 6.

³⁴⁰ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2; Shorrock, *supra* note 6; see generally MOON, *supra* note 6.

³⁴¹ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2; Shorrock, *supra* note 6; see generally MOON, *supra* note 6.

³⁴² See generally MOON, *supra* note 6.

³⁴³ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2; Shorrock, *supra* note 6. See generally MOON, *supra* note 6.

³⁴⁴ See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 133.

³⁴⁵ See *id.* at 136.

³⁴⁶ *Id.*

³⁴⁷ *Id.*

³⁴⁸ See *id.*

³⁴⁹ See *id.* at 79.

willingness to harm its civilians, the United States should be held at least partially responsible for the suffering of Korean comfort women.³⁵⁰

Recognizing the injustice and accepting *responsibility* for its transgressions is the most practical way for the United States to engage in the reparative justice process.³⁵¹ Admittedly, as evidenced in Part V, this is a daunting task as the United States rarely acknowledges past wrongdoings.³⁵² Consequently, many countries criticize the United States' lack of commitment to the rule of law and values of democracy.³⁵³ Incentivized to enhance its democratic legitimacy, the United States could acknowledge past harms and accept *responsibility* for its role in the *kijichon* to foster social healing for Korean comfort women and their families.³⁵⁴

C. *Implementing Reconstructive Action to Facilitate Institutional Changes in American Society and the United States Military*

For Korean comfort women who have waited decades for acknowledgment, *recognition* and *responsibility* might not be enough. The third inquiry, *reconstruction*, goes beyond words by rebuilding relationships, facilitating institutional changes, and reframing cultural understandings to ensure the injustice never happens again.³⁵⁵ For reconstructive action to be effective, it is necessary to combine material and symbolic components rather than rely on a single measure.³⁵⁶ Apologies, educational programs, memorials, and other actions comprise *reconstruction*.³⁵⁷

Many Koreans continue to hope for a long-awaited United States apology for a range of issues: dividing the country in 1945, years of support for military dictators and counterinsurgencies, the atrocities inflicted on civilians during the Korean War, the Jeju 4.3 Massacre, and the abuses suffered by the *kijichon* women.³⁵⁸ Some Koreans still support the United

³⁵⁰ See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 79.

³⁵¹ See *id.* at 82.

³⁵² See Taylor, *supra* note 210; *supra* Part V.

³⁵³ See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 240.

³⁵⁴ See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 240; Yamamoto, Burns, & Takeuchi, *Apology & Reparation II*, *supra* note 118, at 118.

³⁵⁵ YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 82.

³⁵⁶ See Song, *supra* note 28, at 390. Material components include cash payments or health services, while symbolic components refer to memorials, museums, or education. *Id.* at 385.

³⁵⁷ YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 84.

³⁵⁸ See *supra* Part V.B. See also Chun, *supra* note 51; Shorrock, *supra* note 6;

States and South Korean military alliance.³⁵⁹ However, many view themselves as victims of United States imperialism and militarism.³⁶⁰ Hyuk-kyo Suh, the Executive Director of the National Association of Korean Americans, stressed that “[i]t’s a matter of resolving historical wrongs. All of these incidents [including the *kijichon*] are consequences of the United States’ military presence in Korea.”³⁶¹

As analyzed in Part V, the factual similarities between the 1940s Guatemala study and the Korean comfort women make a public apology the most likely outcome.³⁶² For reconstructive action to foster healing that endures, the United States needs to provide an apology to Korean comfort women and address its military culture. Racist stereotypes and sexist views of Asian women fostered American participation in the *kijichon*.³⁶³ More specifically, the lack of enforcement of military policies and the attitudes of local commanders and immediate superiors determined how servicemen perceived prostitution and the *kijichon*.³⁶⁴

The racism and sexism directed at Koreans by American soldiers is well-known, and those views motivated soldiers to take control of Korean women through forced sexual servitude.³⁶⁵ The main military newspaper encouraged American soldiers to explore Korea’s “nighttime action.”³⁶⁶ Before coming to South Korea, soldiers heard stories about how Korean women were:

“beautiful, subservient — they’re tall tales, glamorized... United States men would fall in lust with Korean women. They were property, things, slaves... Racism, sexism — it’s all there. The men don’t see the women as human beings — they’re disgusting things to be thrown away.”³⁶⁷ A marine

Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2; MOON, *supra* note 6, at 153; Yamamoto & Burns, *Apology & Reparation I*, *supra* note 110; Yamamoto, Burns, & Takeuchi, *Apology & Reparation II*, *supra* note 118.

³⁵⁹ See Shorrock, *supra* note 6.

³⁶⁰ See MOON, *supra* note 6, at 47.

³⁶¹ Shorrock, *supra* note 6 (emphasizing many Korean and Korean Americans’ feelings toward the United States military).

³⁶² See *Guatemala Apology*, *supra* note 213; *supra* Part V Section B.

³⁶³ See MOON, *supra* note 6, at 33.

³⁶⁴ See *id.* at 36-37.

³⁶⁵ See *id.*, at 33.

³⁶⁶ *Id.* The newspaper noted that the “ultimate experience” is “having three or four of the loveliest creatures God ever created hovering around you, singing, dancing, feeding you, washing what they feed you down with rice wine or beer, all saying at once, ‘You are the greatest.’ This is the Orient you heard about and came to find.” *Id.*

³⁶⁷ *Id.* at 33-34. Moon interviewed a United States Army Chaplain who noted that soldiers hear about these inappropriate comments and stories before arriving in Korea and

commented that “Koreans were just a bunch of gooks. Who cared about the feelings of people like that?”³⁶⁸

The United States Forces in Korea (USFK) maintain that the “USFK has a zero tolerance for prostitution and human trafficking. Prostitution and human trafficking are cruel, demeaning, and incompatible with our military core values.”³⁶⁹ These policies discourage soldiers from engaging in prostitution. Yet the *kijichon* environment entices servicemen to engage in sexual servitude with the local women.³⁷⁰ This environment, combined with the lack of enforcement of military policies and the attitudes of local commanders and immediate superiors, “ensure[s] that this type of activity [sexual servitude] will continue around the U.S. camps.”³⁷¹

The notion that “boys will be boys” is an excuse to dismiss the behavior and attitudes of men who take advantage of the *kijichon*.³⁷² Institutionalized military prostitution trains men to believe that forcing women into sexual servitude is part of being a soldier and a man.³⁷³ This way of thinking is created by decisions from mostly male military and government officials.³⁷⁴ Ultimately, this environment reduces women to be thought of as property, sex slaves, or as a resource, rather than human beings. It reduces women to being thought of for one purpose — sex.³⁷⁵ To counter racist and sexist stereotypes, the solution lies in education.

Education through the establishment of memorials could be a solution to eliminate racist and sexist stereotypes against Koreans and other Asian women. Memorials serve as sites for groups to “publicly remember and mourn their dead, celebrate their heroes and triumphs, and express and transmit their collective values, commitments, and desires.”³⁷⁶ Memorials are often built in public spaces to raise public consciousness and encourage

it strongly influences their decision to participate in the *kijichon*. See MOON, *supra* note 6, at 33.

³⁶⁸ See *id.* at 33 (emphasizing how racism influenced American views of Koreans).

³⁶⁹ Park, *supra* note 4.

³⁷⁰ See Shorrock, *supra* note 6.

³⁷¹ Vine, *supra* note 326.

³⁷² See *id.*

³⁷³ See *id.*

³⁷⁴ See *id.*

³⁷⁵ See Shorrock, *supra* note 6; Vine, *supra* note 326.

³⁷⁶ George Dalbo, *Memorializing the Holocaust: Public Art, Collective Memory, and Upstander Education*, in THE HOLOCAUST: REMEMBRANCE, RESPECT, AND RESILIENCE 312, 312 (Michael Polger & Suki John eds., 2023).

individuals to speak out against intolerance, discrimination, and mass violence.³⁷⁷

Similar to how the 1988 Civil Liberties Act allocated funds to educate American society on the effects of mass racial incarceration, funds from the government or comfort women organizations could be allocated to memorials to educate Americans on the effects of sex trafficking.³⁷⁸ Memorials in the United States are already built to honor comfort women abused by Japanese soldiers during World War II.³⁷⁹ Comfort women organizations in the United States could advocate for more memorial projects with a focus on Korean comfort women. As stated in the introduction, many Americans are unaware of the role the United States played in the *kijichon*, let alone know who comfort women are.³⁸⁰ The memorials could serve the dual purpose of humanizing Korean comfort women who suffered at the hands of American soldiers, as well as educating the public about a dark and relatively unknown facet of the United States and South Korea partnership.³⁸¹

Although memorials are pedagogical tools built to honor heroes or victims and record significant events, they come with limitations.³⁸² Research shows that people who visit memorials often avoid learning about painful parts of history.³⁸³ The vast majority of people want to reinforce what they already know and believe.³⁸⁴ If new information contradicts what they believe, people often ignore it.³⁸⁵

To counter this, Professor Laurajane Smith proposes that memorials and heritage sites need to “provide the resources to allow visitors to work through difficult and challenging emotions in a way that is constructive.”³⁸⁶ For example, the Immigration Museum of Melbourne, Australia, uses an interactive simulation of a hate speech incident to guide visitors into

³⁷⁷ See Dalbo, *supra* note 376, at 313; Song, *supra* note 28, at 386.

³⁷⁸ See Constante, *supra* note 126.

³⁷⁹ See *id.*

³⁸⁰ See *id.*

³⁸¹ See, e.g., Shorrock, *supra* note 6; Vine, *supra* note 326; Constante, *supra* note 126.

³⁸² See Erin L. Thompson, *Why Just ‘Adding Context’ to Controversial Monuments May Not Change Minds*, SMITHSONIAN MAGAZINE (Dec. 18, 2020), <https://www.smithsonianmag.com/history/why-just-adding-context-controversial-monument-may-not-change-minds-180976583/> [<https://perma.cc/5WMY-G8WH>].

³⁸³ *Id.*

³⁸⁴ See *id.*

³⁸⁵ See *id.*

³⁸⁶ *Id.* Professor Laurajane Smith is the Head of the Centre for Heritage and Museum Studies at the Australian National University.

thinking about discrimination from a different perspective.³⁸⁷ Implementing a similar tool at Korean comfort women memorials could help visitors understand how racist and sexist stereotypes influenced how Americans thought about Korean comfort women and Asian women in general.

In essence, *reconstruction* goes beyond words to facilitate institutional changes.³⁸⁸ Learning about the history of Korean comfort women can be uncomfortable, but making a sincere attempt to honor the victims with concrete actions, such as memorials, combined with an apology, could advance social healing.

D. *Providing Proper Economic Justice to Survivors*

The final R of the *social healing through justice* framework, *reparation*, entails repairing damage to the material conditions of survivors and their communities.³⁸⁹ Many narrowly define *reparation* by focusing only on monetary payments. However, it also encompasses economic justice, a key aspect to transforming structural conditions affecting survivors' life opportunities by facilitating self-development and capacity-building within the community.³⁹⁰

While the South Korea Supreme Court ruling awarded between three to seven million won (\$2,000 - \$5,000) to each claimant, the amount awarded does little to ease the financial burden on survivors or represent a meaningful acknowledgment.³⁹¹ As explained in the *responsibility* section, South Korea is not the only one to blame for the *kijichon* human rights transgressions.³⁹² To repair the damage caused by the military's actions, the United States can step in and provide proper compensation to *kijichon* survivors and future generations, including but not limited to:

- Coverage for the cost of medical expenses for health problems resulting from frequent abortions and excessive penicillin treatment;
- Compensation for therapy or other appropriate services for the trauma endured, including for future generations;
- An official acknowledgment or apology; or
- Other reparative measures for future generations.³⁹³

³⁸⁷ *See id.*

³⁸⁸ YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 82.

³⁸⁹ *Id.* at 86.

³⁹⁰ Yamamoto & Burns, *Apology & Reparation I*, *supra* note 110, at 65.

³⁹¹ *See Shin, Supreme Court of Korea ruling*, *supra* note 13; Supreme Court [S. Ct.], 18Da224408, Sept. 29, 2022 (S. Kor.).

³⁹² *See supra* Part VI Section B for a more robust discussion on the United States' role in the *kijichon*.

³⁹³ *See generally* YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC

The need for these compensations exists.³⁹⁴ Chastised and isolated from the rest of society, most Korean comfort women live off of welfare and on the streets.³⁹⁵ Many never received help for health conditions that resulted from frequent abortions and excessive penicillin treatment because they could not afford it.³⁹⁶ Gyeonggi Province in South Korea recognized the need to support survivors by passing an ordinance in 2020 to provide administrative and financial assistance to Korean comfort women survivors.³⁹⁷ Survivors would receive benefits such as a rental deposit and priority rental housing supplies, payment of a livelihood stability allowance, medical benefits, and assistance with funeral and nursing costs.³⁹⁸ Survivors' beneficiaries would also be allowed to receive benefits.³⁹⁹ The ordinance was a step in the right direction. However, the implementation of the ordinance stalled.⁴⁰⁰

The United States could enact a bill like the Gyeonggi Province ordinance to provide support to *kijichon* women.⁴⁰¹ It would send a statement to the world solidifying the democratic legitimacy of the United States.⁴⁰² By enacting a similar bill or a settlement agreement, these attempts at economic justice could restore what was taken — access to healthcare, housing, and business or job opportunities — and repair what was broken — hope and acknowledgment for Korean comfort women.⁴⁰³ It would also foster individual autonomy and self-determination.⁴⁰⁴

INJUSTICE, *supra* note 33.

³⁹⁴ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2; Kang, *supra* note 11.

³⁹⁵ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2; Kang, *supra* note 11.

³⁹⁶ See Kang, *supra* note 11.

³⁹⁷ See Yong-duk Hong, *Gyeonggi Province Council Passes Ordinance to Provide Support for Survivors of U.S. Military Camptown Prostitution*, HANKYOREH (Apr. 30, 2020), https://www.hani.co.kr/arti/english_edition/e_national/942709.html [<https://perma.cc/8B54-Z66M>] (recognizing the need to provide support to *kijichon* survivors who need medical assistance because of the harmful impacts of sexual violence).

³⁹⁸ See *id.*

³⁹⁹ See *id.*

⁴⁰⁰ See Kang, *supra* note 11. Gyeonggi Province officials claim that “there isn’t a superior law or Supreme Court ruling” to require them to act on the ordinance, although Ahn-Kim Jeong-ae, one of the co-representatives of the Camptown Women’s Human Rights Coalition, claims that the province has “every right to act on its own.” *Id.*

⁴⁰¹ See Hong, *supra* note 397.

⁴⁰² See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 28.

⁴⁰³ See *id.* at 68-69.

⁴⁰⁴ See *id.* at 68.

Additionally, capacity-building looks to heal psychological trauma that extends through generations.⁴⁰⁵ Survivors often “unintentionally influence future generations by transmitting dysfunctional fears and beliefs associated with traumatic memories.”⁴⁰⁶ The transmission of trauma often gives rise to “hatred, mistrust, and fear” that continues the damage across future generations.⁴⁰⁷

The trauma Korean comfort women have experienced extends past physical and sexual violence.⁴⁰⁸ In the opening epigraph of this paper, Jeon would only identify by her surname for fear of shaming her family.⁴⁰⁹ As an eighteen-year-old war orphan, Jeon got pregnant while working in the *kijichon* in Dongducheon.⁴¹⁰ She gave birth to a son in the 1960s but gave him up for adoption in the United States as a teenager.⁴¹¹ Jeon’s son, who is now an American soldier, returned to Korea to find her.⁴¹² She told him to forget her.⁴¹³ “I failed as a mother. I have no right to depend on him now,” Jeon cried.⁴¹⁴

Additionally, many survivors deal with the physical and psychological trauma of receiving multiple abortions because of the prejudice against biracial children in South Korea.⁴¹⁵ Choi Gwi-ja recalled women who killed themselves after American troops abandoned them and their children.⁴¹⁶ Others, like Park Geun-ae, have body parts covered with scars.⁴¹⁷ Those who survived the trauma from the *kijichon* walked “constantly on thin ice” and with self-inflicted wounds, fearing others would learn about their past.⁴¹⁸

⁴⁰⁵ Yamamoto & Burns, *Apology & Reparation I*, *supra* note 110, at 67.

⁴⁰⁶ *Id.*

⁴⁰⁷ *Id.* at 68.

⁴⁰⁸ See Choe, *Ex-Prostitutes Say South Korea and U.S. Enabled Sex Trade Near Bases*, *supra* note 1 (highlighting the shame and stigma felt by Korean comfort women).

⁴⁰⁹ *See id.*

⁴¹⁰ *See id.*

⁴¹¹ *See id.*

⁴¹² *See id.*

⁴¹³ *See id.*

⁴¹⁴ *Id.*

⁴¹⁵ See Choe, *A Brutal Sex Trade Built for American Soldiers*, *supra* note 2.

⁴¹⁶ *See id.*

⁴¹⁷ *See id.*

⁴¹⁸ *Id.*

The psychological trauma that Jeon, Gwi-ja, and Geun-ae witnessed and experienced is trauma that persists through future generations.⁴¹⁹ This trauma creates potential hatred, mistrust, and fear toward the perpetrators (American servicemen) and those who did nothing to stop it (the United States and South Korean governments).⁴²⁰ A mix of individual monetary payments and capacity-building is essential to repairing the damage and dissipating emotional pain by providing opportunities to basic financial, educational, and healthcare opportunities.⁴²¹

Proper compensation could transform the lives of Korean comfort women. However, an ordinance could stall or funds from a settlement agreement could run out before victims are compensated.⁴²² To prevent this, comfort women organizations could follow the advocacy of Jeju 4.3 grassroots organizations, advocacy groups, and survivors to mount pressure on the United States to adequately provide for Korean comfort women.⁴²³ Calling on the United States to enhance its democratic legitimacy could help Korean comfort women get the support they deserve.⁴²⁴

VII. CONCLUSION

This paper is written with the hope of expanding public consciousness about the United States' human rights transgressions against Korean comfort women. As the United States continues to remain silent on its role in the *kijichon*, advocates, scholars, organizations, and survivors are more adamant than ever to achieve justice.⁴²⁵ However, as revealed by the *social healing through justice* framework, without all parties involved, Korean comfort women will never receive the comprehensive and enduring social healing they deserve.⁴²⁶

⁴¹⁹ See Yamamoto & Burns, *Apology & Reparation I*, *supra* note 110.

⁴²⁰ See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 66-67.

⁴²¹ See *id.* at 68-69. Yamamoto explains that “[b]uilding self-development capacities for people and their communities empowers those suffering from past injustice to become participating agents in their own restoration through access to basic financial, educational, healthcare and other human resources as well as through work and entrepreneurial opportunities.” See *id.* at 69.

⁴²² See Kang, *supra* note 11; Hong, *supra* note 397 (highlighting a reparative justice effort that was never executed); U.S. Dep’t of State, *U.S. Relations*, *supra* note 213 (providing an example of an incomplete reparative justice effort).

⁴²³ See generally Yamamoto & Burns, *Apology & Reparation I*, *supra* note 110.

⁴²⁴ See Yamamoto, Burns, & Takeuchi, *Apology & Reparation II*, *supra* note 118, at 118.

⁴²⁵ See Kang, *supra* note 11.

⁴²⁶ See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 62-63.

This paper employs Yamamoto's *social healing through justice* framework to propose practical ways for the United States to mutually engage in the initiative through any of the reparative justice inquiries.⁴²⁷ The first step in the reparative justice effort would be for the United States to *recognize* and accept *responsibility* for Korean comfort women's trauma.⁴²⁸ Doing so would create a foundation to reframe the collective memory of the *kijichon*, empathize with the harm Korean comfort women suffered at the hands of the United States military, and have the United States accept *responsibility* for repairing its damage.⁴²⁹

Next, implementing *reconstructive action* (memorials) or providing *reparations* (capacity-building monetary compensation) would foster deep social healing for survivors and their families.⁴³⁰ Still, it would be time-consuming and require financial support. In sum, the United States, incentivized by the prospect of enhancing its democratic legitimacy, could follow any of these proposals and finally participate in comprehensive and enduring social healing.⁴³¹

Nonetheless, an important question remains: will the United States answer the calls of advocates and survivors to engage in the Korean comfort women reparative justice initiative? If not now, will it ever? Time is of the essence, and now is the time for the United States to engage in reparative justice that heals.

⁴²⁷ See generally YAMAMOTO, *A Framework for Social Healing Through Justice*, in HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 31.

⁴²⁸ See YAMAMOTO, HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE, *supra* note 33, at 82.

⁴²⁹ See *id.*

⁴³⁰ See Dalbo, *supra* note 376, at 313; Song, *supra* note 28, at 386; Constante, *supra* note 126; Hong, *supra* note 397.

⁴³¹ See Yamamoto, Burns, & Takeuchi, *Apology & Reparation II*, *supra* note 118, at 118.