

Exploring Human Rights in East Asia *

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1 My Life and Human Rights

1.1 War and Colonial Occupation

In 1928 my grandparents moved to Kyoto from the mid Korean Peninsula. After the annexation in 1910, Japan looted various resources from the Korean Peninsula, and especially in the rural areas, the Japanese Colonial Government of Korea and Japanese landowners took Koreans' land through the land survey. Having been driven off their land, Koreans left through the North for Manchuria and through the South for Japan.

On April 3, 1945, right after the U.S. forces landed on Okinawa Island, I was born in Keihokuchō, which was called Shūzan at that time. The town was located in an obscure area between the mountains. Roads were rough and unpaved, with buses sometimes plunged off steep mountain roads. Now it is only a half hour's drive from Kyoto, and we can go there without any difficulty.

In Japan my grandparents lived first in Tokiwa, Kyoto city. Shortly after my parents' marriage, the Second World War started, and Koreans too were drafted for a camp follower. My father was the eldest of six siblings. In those days he was the only wage earner of his family of nine, including my grandparents and my elder brother. If my father had been drafted, my family would have starved to death. So my mother asked the Uzumasa ward mayor to seek an exemption for him, and he was allowed to farm and pay a stipend of rice in lieu of serving as an army civilian employee.

Although we had one *chō* (2.45 acres) of farmland, a size double that of the average farmer, we had to submit all the harvested rice to the government, while all the barley produced as a subsidiary crop at winter season was taken by the landowner as rent. So our family income consisted of only rice bran, a byproduct after milling, and soybeans, planted on the dikes of the rice

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paddies. My family of nine had to collect grass roots and bark to survive.

After the escalation of the war, my father's exemption from service was canceled, and he ran away. When I was born, my mother was starving and could not breastfeed at all. My mother fed me with rice water made from broken rice grains and roasted soybeans that she chewed up before feeding me. Yet these foods were not easily digested by a newborn baby, so I suffered severe diarrhea, became emaciated like a tree branch, and almost died.

On August 15, 1945, my father secretly came home and helped with the weeding of the rice paddy. Hearing the news of Japan's defeat in war, my parents kneeled down on the muddy ground and cried. It was the end of our family starvation crisis. Later my parents said that it was as if a great wall in front of them had suddenly collapsed. If the war had lasted one more month, I would have starved to death.

Two years before the war ended, when my grandmother was pregnant, she complained of abdominal pain one day and was suffering late at night. A midwife in our rural region said, "The baby is breech. She needs an operation at the University Hospital in Kyoto." My grandmother was then carried on the only truck available in Shūzan leaving for Kyoto. However, when the charcoal-fueled vehicle reached the Kasa mountain ridge near Shūzan, it stopped as a result of engine failure, and my grandmother died on the cargo bed before dawn. When my mother lived in Tango Yamada village, her sixteen-year-old cousin, who had been drafted as a railway-switch operator at Tango Yamada station, was run over by a train and died. At the time, many Korean people died in battlefields, mines, and factories. Under colonial rule, they were forced to endure terrible hardships.

1.2 As a Korean Resident in Japan

At the time of Japan's defeat in war in 1945, there were approximately 2.4 million Korean residents in Japan. According to conservative official estimates, about 800,000 of them had been carted off to forced labor. It is said that in reality, however, 60 percent of them, 1.4 to 1.6 million Koreans, were actually forcefully transferred. After the war, most of them went back to Korea, and my grandfather, an uncle, and two aunts also left Japan and returned to their hometown in Korea.

My family moved from Shūzan to Hanazono Konpoku-chō beside Myoshinji Temple in Kyoto, where I went to Ōmuro Primary School. Later we moved to Nakagyō, where I completed my primary and secondary education. Looking back at those days, I started to see myself as Korean when I went to kindergarten. I felt that I was somewhat different from my neighbors. When my father's friends came over to our house, they spoke Korean, and

when I got into fights with neighborhood children, they shouted “Chōsen [Korean]!” at me. In this way, my surroundings in Japan gradually made me realize that I was a Korean.

There were four or five Korean children in every class in my primary school, and most of their families were so poor that they could not afford textbooks. Sometimes teachers scolded them for not doing their homework. At that time I thought it was shameful to be a Korean.

When I entered middle school, what bothered me most was the question of my identity. I had come to notice the differences between myself and others in daily-life culture, including such things as language and food. Most of the time, the Japanese around me made me aware of my not being Japanese. Back in those days most Japanese thought themselves superior to Koreans and discriminated against us, owing to the influence of a history of colonial rule.

In April 1960, when I was a third-grader in middle school, the April 19 Student Uprising took place. This was a rebellion against the dictatorship of then South Korean President Syngman Rhee. Even though more than 200 students and youngsters, including primary- and middle-school students, were killed in these demonstrations in Seoul, students continued their rebellious campaign without giving in to the shooting by the police. These demonstrations ultimately led to the resignation and exile of President Rhee. Watching the news on television, I was left wondering why South Korean middle-school students, almost the same age as me, participated in demonstrations without being afraid of violent suppression.

In Japan around the same time, the biggest demonstrations in its history occurred, opposing the Japan-U.S. Security Treaty. The 1960s is called the “Golden Sixties” because so many Asian and African nations gained independence. Moreover, opposition to the Vietnam War grew and later evolved into the international peace movement. During this time I was engaged in my middle-school, high-school, and college studies.¹

1.3 The Student Movement

In 1964, when I visited South Korea for the first time, the Japan–South Korea Talks were being held. The Treaty on Basic Relations between Japan and the Republic of Korea was signed the next year, in 1965. Up until then, although Japan had been defeated in the war and had renounced its colonial occupation of Korea, it had neither officially acknowledged South Korea nor restored

1 *Dare ni mo kokyō wa aru no da: Zai Nichi Chōsenjin to watashi* だれにも故郷はあるものだ — 在日朝鮮人とわたし (Everyone Has a Hometown: Korean Residents in Japan and Me) (Tokyo: Shakaihyōronsha, 2008).

normal diplomatic relations with the country. So through the treaty, Japan sought to terminate colonial rule and establish diplomatic relations with South Korea. The negotiations also included discussion of fishery rights and the legal status of Korean residents in Japan.

Yet the most important result of this treaty was to establish economic and military relations between Japan and South Korea. Despite the Japan-U.S. Security Treaty and the Mutual Defense Treaty between the United States and the Republic of Korea, it was difficult for Japan to directly establish military relations with South Korea, as Japan had only its Self-Defense Forces, which were restricted by article 9 of its constitution. But lack of relations between Japan and South Korea was inconvenient for the United States. Around this time the Vietnam War had gradually escalated, and the South Korean government, responding to a U.S. government request, sent 50,000 to 60,000 troops of the ROK Armed Forces to Vietnam, including troops from its Blue Dragon and Fierce Tiger divisions. Furthermore, in Okinawa, under military occupation by the United States at the time, Japan played a role as a logistical base for U.S. forces. B-52 bombers left from Okinawa and dropped bombs on Vietnam. U.S. Navy Ships replenished food and water supplies, and its servicemen recuperated in Japan. Under these circumstances, the U.S. government needed military collaboration between Japan and South Korea, and so eventually, with strong pressure from the United States, the Treaty on Basic Relations between the two nations was signed.

Through this treaty, Japan, by legally terminating its colonial rule over Korea, gained access to the Korean market, and South Korea could receive money of celebration for establishment of diplomatic relations, to be used for its military government and economic development. While some Japanese protested against the treaty, the opposition movement in South Korea was much stronger. Without an official apology from Japan for its colonial occupation, the treaty sought to conclude its colonial rule with the wishy-washy language of Article 2 of the treaty. It reads "It is confirmed that all treaties and agreements concluded between the Empire of Japan and the Empire of Korea on or before August 22, 1910, are null and void." Japan argued that this language supported the view that the annexation of Korea had been implemented legally, and that the annexation became invalid in 1965 when South Korea was recognized as an independent state. South Korea, in contrast, claimed that the annexation was forced on Korea by Japanese military pressure, and that it had been invalid from the beginning. As for reparations, while having different perspectives, both sides finally reached a compromise through a muddled phrase about financial aid to Korea celebrating diplomatic normalization and totaling \$500 million. This was broken down into a \$300 million grant and a \$200 million assistance loan, without

mentioning claim rights at all. This ambiguous settlement led to the current problem of a different understanding regarding historical issues between the two sides.

In Japan at the time there was opposition against the Treaty on Basic Relations between Japan and the Republic of Korea. Some people criticized it as a new U.S.–Northeast Asian military alliance. Japan’s labor unions were opposed to it because they thought that with diplomatic normalization, there would be an influx of cheap Korean labor, which would cause wages to drop. Other Japanese were opposed because they thought it would entrench the North-South Korean divide. Yet all of these arguments lacked a view on how to resolve questions of responsibility relating to colonial occupation.

In March 1965, when I first visited South Korea, demonstrations against the treaty started at the beginning of the new semester, and the government cracked down by invoking the garrison decree on June 3. The garrison decree is martial law limited to a specified region, and it allows the government temporarily to suspend constitutional rights and gives the military judicial, administrative, and police powers. People violating the order were charged in military tribunals, and armed forces were stationed at high-profile strategic posts in Seoul City.

When I arrived near the campus of Seoul National University, students were throwing stones at riot police, and the police were fighting back with tear-gas grenades. I too was affected by the tear gas. Next I went to Korea University, in Seoul, and discovered that nearly 3,000 students in a scrum had crashed with riot police out the school gate. I saw one student hit in the face by a tear-gas grenade. He was bleeding, and other students in the frontline carried him inside the university. Several days later, armed forces led by tanks broke through the gate of Korea University and arrested students. This incident is known as the August 29 Army Intrusion on Campus.

With the police and armed forces occupying their schools, South Korean students seemed to be shouldering a heavy historical burden. In those days South Korea was truly a poor nation, and I realized that I had a rather comfortable and easy life in Japan. I began to think of studying in South Korea to help eliminate the suffering of these students by any means possible.

When I was a high-school student, I engaged in activities to support the ethnic identity of Korean residents in Japan by setting up the Korean High School Student Association of Kyoto. And soon after entering university, I joined a movement led by the Korean Student League opposed to the Japan-Korea Talks. I began fully engaging in the student movement. In the summer of my first year in college, I staged a demonstration against the “humiliating diplomacy” of Lee Dong-won, then South Korean secretary of foreign affairs.

I was seized by police for not having my alien registration card. At Tsukinowa police station, I was humiliated by a detective in charge of foreign affairs who had once worked in Pyongyang as a detective. He said, “Do you know what *mong tong gooli* [idiot] means?... Hmm. As a Korean, you don’t even understand the Korean language.” Former Japanese Imperial detectives remained in the Public Safety Division or Foreign Affairs Police and clamped down on Korean residents and South Korean refugees in Japan. Through this experience I witnessed a bit of the bloody history of suppression.

1.4 Studying in South Korea

In 1968 I entered Seoul National University. First and foremost, I wanted to learn the Korean language. As I mentioned earlier, I developed my identity as a Korean because of the Japanese around me. I knew nothing about Korean language, history, or culture apart from some Korean foods, such as kimchi (Korean pickled cabbage) and Korean barbecue. So I realized that I had nothing in me by which I could proactively assert who I was. And I also wanted to shoulder even a small portion of the Korean students’ struggles by sharing their deep sufferings and pains.

In the Korean War, approximately 2 to 3 million people were killed, and more than 10 million people were separated from their families by the border. After the war, the North-South divide escalated, and both sides became more hostile. In South Korea, an extreme anticommunist dictatorship emerged, and many innocent people were slaughtered and jailed without legal due process. It is estimated that more than 1 million civilians were killed around the time of the Korean War. Later the militarist government ruled South Korean society with a huge military budget for the armed forces. I just wanted to do something to alleviate our extraordinary national tragedy, brought about by the division generated by the Cold War. Yet I was just a young and naive college graduate and did not know much about how to realize this wish.

Just when I was about to become an assistant teacher, having completed my master’s degree in sociology at Seoul National University Graduate School, Military Security Command suddenly arrested me on April 18, 1971, on suspicion of violating the National Security Act and other charges. Half a year later, on October 22, I received a death sentence at my first trial, and on December 7, 1972, I received life imprisonment at the second trial. My verdict was finalized after an appeal had been turned down. In 1988 my life imprisonment was commuted to a 20-year sentence, and on February 28,

1990, after having spent 19 years in prison, I was finally released.²

1.5 Imprisonment and Beyond

During this time, I was subjected to extreme torture and ideological conversion. I also witnessed executions. Through this lengthy term in the poor conditions of a jail cell, I realized the horror of state violence. Yet supported by global campaigns demanding the release of political prisoners, I also learned the importance of human-rights activism, which can counter such state violence.

Soon after my release, I went back to Japan, because the South Korean government felt uncomfortable with my receiving so much attention from all over the world and wanted me to leave South Korea. Because of my particular experience of spending such a long time in prison, I received many lecture requests from various organizations throughout Japan. Although the campaigns demanding my release were centered in Japan, other global human-rights organizations, including Amnesty International, were also engaged in these efforts. I received invitations not only from Amnesty International, but also from other American organizations involved in my release, so I went to the United States. In the fall of 1990, the year of my release, I went on a one-month trip, visiting Los Angeles, San Francisco, Chicago, Boston, New York, and Washington, D.C. During this time I got an offer to become a visiting research fellow at the University of California, Berkeley, and in 1991 I went to San Francisco, where I witnessed mass demonstrations against the First Gulf War. At that time I lived in Berkeley and received many invitations to speak from American and European organizations. I toured around Europe for one and a half months, and later went to South America and Canada. Through these travels I obtained real experiences relating to international human-rights activities and had an opportunity to be involved in establishing a human-rights nonprofit organization, Stop Torture in Korea, at Berkeley.

1.6 International Symposium “The Cold War and State Terrorism in East Asia”

In 1994 I came back to Japan and visited Taiwan. After a lecture in Taipei, I visited a former prison for political prisoners, the remains of a political concentration camp, Machangzheng (an execution site), and Liuzhangli city cemetery (where political criminals were interred). There I witnessed East

2 For my experiences of arrest by Military Security Command and my subsequent 19-year imprisonment, see my *Unbroken Spirits: Nineteen Years in South Korea's Gulag* (Rowman and Littlefield, 2001).

Asian state violence in the raw. My travels to places that experienced state violence started in Taiwan, and I continued my journey to Okinawa, Jeju, and Yanbian. Since this trip, I have striven to link the contemporary situation with the history of political oppression in Taiwan and South Korea, and I have tried to expose the oppression in this region in order to eliminate it. In so doing, I have explored what East Asia is and who the East Asian people are. East Asians have been ruled by colonization, the Cold War, and a system of division. And to ensure a lasting peace in this region, I have struggled to draw a road map for converting the U.S.-Japan-oriented regional ruling order, which has been interspersed with wars, invasions, and state terrorism, to a people-oriented regional order.³

Since I left prison, I have been interested in peace, human rights, and state violence in East Asia, since Japan's invasion, its colonial rule, its defeat in the Pacific War, and Cold War history are deeply related to the division of the Korean Peninsula, which decided my fate. And I have pursued these topics because unification of the Korean Peninsula cannot be separated from a historical turnaround in East Asia. For Koreans, colonial occupation and the nation's division are historical events that occurred in East Asia from the late nineteenth century to today, and modern Korean history is a part of modern East Asian history.

In the East Asian region, Japan's defeat should have resulted in the liberation of the Korean and Taiwanese people, but this result was suppressed by the start of the Cold War, and Taiwanese and Koreans were left at the mercy of state terrorism, such as Taiwan's White Terror during the 1950s, the Jeju April 3 Incident, and massacres in Yeosu and Suncheon, South Korea. To dismantle the Cold War structure, to settle past issues, and to liberate the East Asian people, victims, researchers, and activists from Japan, South Korea, Taiwan, and Okinawa held a series of international symposia titled "The Cold War and State Terrorism in East Asia." Each symposium consisted of three sections: witness, fieldwork, and research/analysis. Six international symposia have been held in the following places: Taipei (1997) for the fiftieth anniversary of February 28 Incident, Jeju (1998) for the fiftieth anniversary of the Jeju April 3 Incident, Okinawa (1998), Kwangju (2000) for the twentieth anniversary of Kwangju Massacre, Kyoto (2002), and Yeosu, South Korea (2002). One of the achievements of these symposia was the enactment in South Korea and Taiwan of the Truth and Compensation Act for State Violence. In the movement for this act, I was involved in its proposal, estab-

3 See *So Sun no Higashi Ajia heiwa kikō* 徐勝の東アジア平和紀行 (Suh Sung's Peace Pilgrimage in East Asia) (Kyoto: Kamogawa Shuppan, 2011).

lishment, and implementation.⁴

In around 2005 I started, together with other East Asian supporters, to protest against the enshrinement of Korean and Taiwanese soldiers' souls at Yasukuni Shrine, since we think that collaboration and peace among the diverse nations of East Asia can be achieved only by overturning Japan-centric regional hegemony, which has been deeply rooted in this region since the Meiji era under the slogans of Asianism and the Greater East Asian Co-prosperity Sphere. Overturning Japan-centric regional hegemony in East Asia would mean true liberation of the people (i.e., independence from colonialism). I realized that the most important task for us is to protest against Yasukuni Shrine in a movement seeking correct understanding and settlement of history, rather than in a lawsuit demanding the separation of religion and politics. The former Japanese imperial military regime glorified Japan's war and drafted Koreans and Taiwanese, who died as soldiers of the imperial army. Even now the souls of these soldiers are forced to be honored as imperial soldiers through their enshrinement with Japanese soldiers at Yasukuni Shrine. So we established Lighting Peace Candles for the Darkness of Yasukuni to demand an end to the forced enshrinement of Korean and Taiwanese soldiers there. Since 2006 we have continued this Yasukuni movement as a movement about the right to live in peace, with the right to self-determination and freedom of thought.

1.7 A Hundred Years after Japan's Annexation of Korea, "A Declaration of History, Human Rights, and Peace in East Asia"

Recently, in 2010, the hundredth-year anniversary of Japan's annexation of Korea was covered by many newspapers, magazines, and broadcasts, and various organizations issued statements or declarations related to this event. Though there were minor differences, the basic ideas claimed by these statements were as follows:

- Japan had invaded Korea from the beginning of the modern era.
- Japan's annexation of Korea was unjustifiable, and the Japan-Korea Annexation Treaty was illegal.
- Owing to the 1965 Treaty on Basic Relations between Japan and the Republic of Korea, assessment of the annexation treaty and Japan's colonial rule have become ambiguous.

4 See *Higashi Ajia no reisen to kokka terorizumu: Bei-Nichi chūshin no chiiki chitsujo no haizetsu o mezashite* 東アジアの冷戦と国家テロリズム——米日中心の地域秩序の廃絶をめざして (The Cold War and State Terrorism in East Asia: Toward Elimination of the U.S.-Japan-Centered Regional Order) (Tokyo: Ochanomizu Shobō, 2004).

- Early implementation of the 2002 Japan–North Korea Pyongyang Declaration is necessary to settle with North Korea over Japan’s colonial occupation.
- In commemorating the one hundred years since Japan’s annexation of Korea, the Japanese prime minister should declare the annexation treaty illegal and invalid and settle past issues with a sincere apology.

Traditionally, discussion of the annexation of Korea has focused mainly on the illegality of the annexation and subsequent treaty. The Japanese government’s view, it has been said, has shifted from considering the annexation and treaty as legitimate to considering it unjustifiable but legal, whereas the Korean side has continued to claim it as both unjustifiable and, in the original context, illegal. The Korean government’s argument has two prongs. First of all, Japan’s annexation of Korea was illegitimate, because it was forced. International law during the age of imperialism should be denounced as the law of aggressor takes all. Second, this treaty did not even comply with such defective international law, since its terms were defective, it lacked the emperor’s seal, and it was not ratified.

There is concern, however, that discussion on the hundredth anniversary of the annexation could be trivialized by paying attention just to the legality or illegality of the treaty. And there is a flaw in reasoning that laws made during the age of imperialism are justified if the ratification process was legal. The legitimacy of such laws should be questioned because they were established to enslave and discriminate against people in order to rule them. For example, though Taiwan became Japan’s legal territory through the Treaty of Shimonoseki, in reality its people were sold out by their feudal rulers’ agreement, and they knew nothing about the deal. For these reasons, and since there was no popular sovereignty at the time, the legitimacy of any such treaty arbitrarily signed by autocratic rulers should be questioned.

In addition, discussion on the hundred-year anniversary did not fully clarify the history of Japan’s colonial occupation of Korea. Japan’s aggression began with the Invasion of Ganghwa Island in 1875, and substantive colonial rule was already in place by the Russo-Japanese War of 1905. From Japan’s standpoint, the annexation of Korea should not be trivialized as a mere ethnic conflict. Instead, it should be positioned as one of a series of aggressions and administrative rules on Hokkaido, Okinawa, and Taiwan since the beginning of the Meiji era, and it needs to be recognized in the much broader context of world history. On the hundredth anniversary, the annexation of Korea should be considered from the universal viewpoint of denying colonial rule.

In 2001 the “World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance” was held in Durban, South Africa, and concluded with the “Durban Declaration and Action Programs.” This epoch-

making conference reviewed the previous 400 to 500 years of world history, when Western imperialism ruled the world. It defined slavery and colonial rule imposed by Western states as crimes against humanity. The Durban Declaration defined the modern age as a period when so-called Western civilization ruled over so-called barbarianism, and it went on to point out that the Western domination created discrimination and prejudice, which led to barbarous acts of slavery and colonial occupation. The declaration can be viewed as the most significant event in the twenty-first century to question the origins of today's rule and discrimination, and to raise the issue of international human rights. Since the conference was held in Africa, the emphasis, naturally, was on slavery. The issue of colonial rule was not mentioned in detail. Rather, it was referred to in only two out of several hundred items on the agenda.

Inspired by the Durban Declaration, I decided to promote an East Asian version created by citizens and asserting that a proper settlement of the past is necessary to ensure collaboration and a peaceful future in East Asia. Starting on this hundredth anniversary of Japan's annexation of Korea, we should acknowledge that East Asia has incurred tremendous damage as a result of a century of Western aggression, war, and colonial rule. To rectify matters, we need to realize a sincere settlement of the past—including apologies, compensation, and prevention of reoccurrence. I believe that Japan's responsibility for its past colonial rule should be looked at in a more universal and historical context. For these reasons, I decided to establish "A Declaration of History, Human Rights, and Peace in East Asia" as an East Asian version of the Durban Declaration. I wanted to put this declaration out there to raise questions about universal human rights. I am now planning to position this declaration as a document sponsored by the United Nations, which should always be referred to whenever arguments arise regarding the East Asian Community or cooperation in East Asia. First, we collected the demands of nongovernmental organizations concerned with peace and human rights in this region in order to create an action program. Then planning got under way to hold a conference in September 2011 to issue an East Asia Declaration, ten years after the Durban Declaration.

2 Exploring Human Rights in East Asia

2.1 Are Human Rights Universal?

After overturning autocratic rule, citizens obtained power and became individuals with inalienable rights in modern nation-states. Basically, the concept of human rights was created to assure the individual of protection from the violence of state power, and the fiction of a social contract was introduced to control state power. For a long time, human rights were consid-

ered a privilege of being protected as citizens under state sovereignty. Such rights, however, were restricted to males of the privileged classes of Western nations. Commoners, colonial subjects, and females were excluded from these “universal rights of human beings.”

Yet in the *Declaration of the Rights of Man and of the Citizen* (1789), it was stipulated that “men are born and remain free and equal in rights.” That is, human rights, based on transcending natural law, were claimed to inhere universally in the individual per se. Because they are universal, they inevitably obtained a liberating feature as people pushed to eliminate restrictions to specific groups. Thus, the concept of universal human rights contained within it the germ of a mission to expand its horizon by continuously seeking the realization of rights among wider and wider groups. That mission was first to eliminate discrimination inside the nation-state, then to do away with discrimination among nations and organizations, and finally to seek universal human rights for all.

Though human rights have been claimed to be universal, human rights have in fact lacked universality since the emergence of modern civil society. When people speak of universal human rights, they are speaking of a declared program that has yet to be realized. Throughout history up to the present, human rights have never been universal. Modern laws, especially those created in Western nations, are especially nonuniversal in nature, because they have emerged under a violent regime of international law based on the worldview that “civilization” is superior to “barbarianism.”

From the Opium Wars (1839–1842, 1856–1860) on, Western imperial powers became more prominent in East Asia. Under the pretext of advancing “civilization” over “barbarianism,” they forced unequal treaties on East Asian nations through invasions. After going through the long era of aggression and colonial rule, many nations in East Asia formally achieved independence after the end of the Second World War, yet they failed to establish democracy and systems that value human rights. In addition, East Asia was divided by the wall of the Cold War, and both Eastern and Western powers paid attention only to their own superiority in relation to other nations. States advocated democracy and human rights merely as ideological demagoguery. While the United States criticized socialist and nonallied nations for lacking freedom, human rights, and democracy, and even meddled in these nations to bring about regime change, it also turned a blind eye toward dictatorships, suppression of human rights, and genocide committed by states within its own bloc, or even encouraged these things.

In socialist nations, human-rights theory advocated people’s ultimate liberation through class revolution. Hence in China, universal human rights were denied on the basis of the theory of class dictatorship. In other East

Asian nations, such as South Korea and Taiwan, their autocratic regimes, under the guise of “anticommunism” and with the support of the United States, continuously and repeatedly slaughtered people and committed human-rights abuses. In this region, it was only after the 1970s that the process of democratization began and human-rights issues started to draw attention.

In East Asia, Japan has been considered an exemplary nation embodying democracy and human rights. After the Second World War, its constitution was revised to stipulate that sovereignty resided in the people, and the people became citizens, rather than subjects. As a result, the Japanese have become more aware of human rights. However, the concept of human rights has often been understood only superficially, and many people have not achieved the deeper understanding that human rights are a means to protect against state violence. Under the Meiji Constitution, the Japanese people were subjects in a servile position, and even in the postwar Japanese constitution, provision for the emperor is contained in chapter 1, even though the people are designated as sovereign in article 1 and the “Rights and Duties of the People” are included in chapter 3 as fundamental sections of the constitution. This shows that postwar Japan has not completely broken with the past, and that the Japanese have failed to proactively establish the modern notion of the individual by themselves. For this reason, the concept of human rights is not fully developed in Japan. After the Second World War, the United States, which occupied Japan, revised Japan’s constitution, putting more emphasis on peace and democracy as basic features, and dismantled Japan’s militarism, to prevent Japan from threatening its security again. It can be argued that the essential notion of human rights is not fully shared by the Japanese, because the new constitution was established without their own violent struggles to seize sovereignty.

Even though the concept of human rights has continuously improved and expanded in substance, the notion of human rights has always been a nonuniversal concept built into the Western idea of civilization, according to which the West dominates the world order. Especially in the context of modern East Asian history, where state violence has been prominent in wars, aggression, colonial rule, and massacres, what people valued most were such basic rights as the right to life and the right to live in peace and security. Even issues from everyday life, such as discrimination against Koreans in Japan, have as a background Japan’s invasion and colonial rule, which was based on a unidimensional worldview of civilization versus barbarianism. Without realizing this squarely, people will find it impossible to acquire universal human rights from rulers and oppressors.

2.2 Civilization and Barbarianism

Since the Peace of Westphalia (1648), which was based on theories of state independence and equality and on noninterference in internal affairs, the world system of sovereign states was gradually established, and this new order created new international relations while undermining the medieval European hierarchical order. It also opened the door to a modern civil society, ruled by the people, who are independent and equal. However, independent sovereignty, after Westphalia and up to the present, was a privilege given only to those nations that met the standards of being “civilized,” and was not allowed to those regarded as “barbaric” or “uncivilized.” Universal human rights neither existed nor were allowed in such “barbaric” nations.

At the time, the mission of “civilization” was to cultivate the “barbarians,” and Western nations’ invasions, dominance, and conversions of the “barbaric” world were even regarded as a mission. So what is civilization? In general, civilization is general prosperity based on the latest science, technology, and literature. But if it flourishes on the basis of aggression, dominance, and exploitation of “barbarianism,” such “civilization” itself should be called barbaric.

In 1989, at the two-hundredth commemorative symposium of the Declaration of the Rights of Man and of the Citizen in Paris, one African representative reportedly pointed out that over the past 200 years, this declaration has never crossed over the Mediterranean to Africa. Even after Western society obtained the concept of human rights through peoples’ revolutions, universal human rights were never extended beyond the wall of civilization, and even with Western propaganda and cultivation, human rights have never been universalized.

In addition, even after scholars of civilization theory criticized the dominance of Western civilization and took a relativist standpoint when discussing various cultures, Samuel P. Huntington, in *The Clash of Civilizations and the Remaking of World Order* (1996), claimed that Western culture is superior. Even today, when some scholars consider the notion of civilization to be a theory of hegemony pursued by imperialism, violence at the Guantanamo Bay detention camp and at Abu Ghraib prison could not be stopped, because this violence was justified as necessary to further the three values of freedom, democracy, and the market economy. Steeped in these values, the unidimensional worldview of civilization versus barbarianism is still deeply rooted and prevents universal human rights from spreading to the “barbarians” by labeling them as “terrorists” or “rouge states,” etc. Even today, aggression, domination, and human-rights violations have been justified in the name of

civilization.⁵

While Western nations have enjoyed special privileged positions as dominant players in the world, they have criticized non-Western nations for not meeting Western standards of “universal human rights” and have used this circumstance as a means to control them. In reaction, the rest of the world has criticized the Western theory of universal human rights.

In 1994 a controversy surrounding Asian notions of human-rights theory erupted at the World Conference on Human Rights in Vienna. Asian nations asserted that human rights accrue in stages and that they are culturally relative, and Western nations fiercely criticized this stance by stressing the universality of human rights. Admittedly, socialism, Confucian culture, and collectivism in Asian nations have a restrictive totalitarian nature, which might conflict with freedom for individuals. The Asian view that other nations may not interfere in human-rights issues in Asian nations because of national sovereignty, based on experiences of being colonized and invaded, is by no means a universal human-rights theory. Rather, it is more like propaganda to defend the administrations of Asian states. Yet Western criticism of East Asian human rights is also a kind of propaganda, in this case, an advocacy of regime change, rather than a pure effort to realize universal human rights.

2.3 What Is East Asia?

East Asia is not just a geographical classification on the world map. The Chinese writer Lu Xun wrote, “For actually the earth had no roads to begin with, but when many people pass one way, a road is made” (“故郷” [My Old Home]). In the beginning, the word “Asia” referred just to Asia Minor. With the expansion of the Western world, the concept of Asia also expanded. Starting from the Near East, it eventually encompassed Korea and Japan. During the past 500 years of modernity, with the aggression and domination of strong Western powers, the regional distinctions of Latin America, Africa, and Asia were shaped. Thus, Asia is a concept of a historical and political regional order created by the aggression and domination of Western Europe.

Since the Meiji period, Japan had two different choices in seeking self-reliance and independence against overwhelming pressure from Western Europe, and these two alternatives were not clearly contradictory, but rather interdependent and complementary. One path, the path of Asianism, was to collaborate with other East Asian nations against Western empires. The other

5 See Abe Hiroki 阿部浩己, *Kokusai hō no bōryoku o koete* 国際法の暴力を超えて (Beyond the Violence of International Laws) (Tokyo: Iwanami Shoten, 2010).

path, that of Westernization, was to oppress other East Asian nations by emulating Western imperialism. Eventually Japan chose to join the “civilized” nations of the West by establishing its foundation on aggression and domination of other East Asian nations, while saying good-bye to its bad Asian friends. Hoisting the slogan of “cultural enlightenment” and resorting to violence, Japan sought Western nations’ recognition as a “civilized nation” by thoroughly mimicking them. In the Meiji era, Japan’s main objective in its diplomacy was revision of the unequal treaties, and to realize this objective, Japan had to show its “true ability.” Building an alliance with Britain, a nation antagonistic toward Russia in its global strategy, Japan, by winning victories in the Sino-Japanese War and the Russo-Japanese War, obtained control over the Korean peninsula. And only after being recognized as a “civilized” nation as a result of these victories did Japan’s wish for treaty revision become possible. Only one year after its annexation of Korea, Japan rose briskly as a small empire in East Asia.

Ironically, through aggression and domination Japan transformed the notion of Asia, first created by the West, into the idea of a Japan-centric regional order. Just as Japan produces superior goods by copying and improving foreign articles, so Japan created its own version of Asia by modifying the Western concept of Asia. As Professor Kokubun Ryōsei of Keio University says, “Asia is Japan.” To convert a Sino-centric East Asian order into a Japan-centric East Asian regional order, Japan reconstructed the notion of Asia. But Japan used the term “Asianism,” instead of the blatant “Japanism,” to avoid raising suspicions. Thereafter, Japan, a small empire, promoted regional control to establish the Empire of Japan, while hiding its ambition under the name “Asia,” “East Asia,” or “Greater East Asia.” However, the true nature of Japan’s “Asianism” became unveiled with the Greater East Asia Co-prosperity Sphere and the Greater East Asia Holy War.

2.4 The Cold War and State Terrorism

After Japan’s war defeat in 1945, efforts to dismantle Japan’s militarism and settle the system of colonial rule were interrupted by the start of the Cold War. As a result, the East Asian region was realigned under U.S. domination. Since Japan supported the U.S. strategy in East Asia and could restore relationships with (pro-Japanese) former colonial-rule collaborators with the strong backing of enormous American force, Japan retained its influence in a large part of the former Greater East Asia Co-prosperity Sphere, and as a result, East Asians could not fully liberate themselves.

The Cold War was a system under which the United States and the former Soviet Union established rival global blocs not only in terms of politics and the military, but also in terms of ideology, economy, society, and culture, and

they rivaled with each other across the board. Furthermore, the Cold War froze the decolonization process in East Asia. Thus, national liberation in East Asia was thwarted, even though it had been the fervent wish of East Asians since the Opium Wars. U.S. interests in military strategy crippled the process of dismantling Japanese militarism in East Asia. This ensured that Japan would remain a major American collaborator, which dampened East Asians' enthusiasm for national liberation. What resulted were raging struggles and civilian genocide in South Korea, Taiwan, and Southeast Asian nations.

In East Asia, the forefront of the Cold War, a wall of division was created across the Korean Peninsula, the Taiwan Strait, and Vietnam, and under martial law, extreme state violence spread extensively. In South Korea, an authoritarian regime continued for almost half a century, from both before to well after the Korean War. In China, after the civil war, the Chiang Kai-shek regime moved to Taiwan and ruled there under martial law for as long as 37 years. Vietnam experienced a 40-year-long war.

In these nations, many perished as a result of state violence. In South Korea, it is said that as many as 1 million civilians were killed by state violence during the Korean War, the North-South division, and the National Security Act regime, from the Jeju April 3 Incident to the Kwangju Massacre. In Taiwan, tens of thousands of civilians were slaughtered in the February 28 Incident and the subsequent White Terror of the 1950s. These victims were long dishonored as "insurgents," "dissidents," "traitors," and "Reds."

In the 1980s in Taiwan and South Korea, gross human-rights violations through state violence were eventually raised as a central issue of protest against dictatorships in the course of the democracy movement. And the collapse of the Soviet Union and U.S.-Soviet rivalry in 1989 gave momentum to this movement. Then the movement advocating restoration of honor and compensation for state violence emerged. In South Korea, restoring honor and giving compensation to the families of Kwangju Massacre victims made a significant breakthrough during the Cold War, and as a result, the Special Act on the Restoration of Honor of Persons Involved in the Geochang Incident was passed in 1996. Although the Law for the Restoration of Honor and Compensation for Civilians Massacred before and after the Korean War remains unsettled, the Special Act for the Investigation of the Jeju April 3 Incident and for the Restoration of the Honor of Victims was enacted in December 1999. Concurrently, the Act on the Restoration of the Honor of and Compensation for Persons Engaged in the Democratic Movement and the Special Act on the Investigation of Suspicious Deaths came into effect in 2000. In Taiwan, the Law for Compensation for the February 28 Incident was enacted in 1995, and the Act for Compensation of Victims of 50 Years of White Terror passed the Diet in 1998.

The above are examples of progress in East Asia in receiving delayed justice and settling the past. However, it is problematic that Japan has not proceeded to settle its past, and this has resulted in the following issues:

- Japan's problematic historical perceptions
- The controversy over history textbooks
- Wartime comfort women
- The forced enshrinement of Korean and Taiwanese soldiers at Yasukuni Shrine
- Carting off Koreans to forced labor
- The Korean massacre after the Great Kanto Earthquake

2.5 Conclusion

In view of the above understanding and historical course of human rights, one can see that human rights in East Asia differ from Western "universal human rights." Thus, to expose the false understanding of "universal human rights" and to realize true human rights in East Asia, we need to rid ourselves of so-called "universal human rights" under Western hegemonic control. And in East Asia, we also need to rid ourselves of a Japan-centric understanding of Asia and reform the regional order. The most important task is to dismantle the order of domination that has continued over the past 500 years and to realize true human rights by renouncing the colonial past and questioning Japan's and Western nations' responsibilities for their imperialist pasts.

In the meantime, the most significant challenge ahead of us is to end the state of conflict on the Korean Peninsula that has continued since the Korean War and establish a system of peace there. Next, we should investigate and restore the honor of innocent victims of past state violations of human rights by Japan, whether they occurred inside and outside Japan. To achieve these goals, we should first establish a clear international consensus on the idea that colonial rule is a crime against humanity.