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HEALING MULTIDIMENSIONAL
WOUNDS OF INJUSTICE
INTERSECTIONALITY AND THE
KOREAN “COMFORT WOMEN”

Michele Park Sonen*

I. INTRODUCTION

On a frigid January day in 2010, Yi Ok Sun and fellow Korean “comfort women” survivors marched in protest outside the Japanese Embassy in Seoul.1 Every Wednesday since 1992, through the many unforgiving winters and the relentless summers, survivors – who are now in their seventies and eighties2 – supporters, and activists march, demanding accountability and an apology from the Japanese government for conscripting3 up to 200,000 women into slave-like military brothels during World War II.4

For Kim Young-shil, life as a “comfort woman” was anything but comfortable.5 She existed as “a living corpse”6 while Japanese soldiers forced her to service as many as forty men a day.7 She recalls: “When the soldiers came to my room and did it to me one after another, it was done to a lifeless body. Again. And

* J.D., 2011, William S. Richardson School of Law, University of Hawai‘i at Manoa. The author extends her deepest gratitude to Professor Eric K. Yamamoto for his invaluable guidance, insightful comments, and inspiration. The author is also exceedingly grateful to Professors Mari J. Matsuda, Jon Goldberg-Hiller, Jungmin Seo, Susan Serrano, and Leina’ala Seeger for their support, guidance, and feedback on earlier drafts. Thank you also to Annie Koh, who helped guide this essay by sharing her experiences with the halmoni of the House of Sharing and her insights into the Korean comfort women. All mistakes are my own.


2. See House of Sharing: Meet the Halmoni, http://www.houseofsharing.org/halmoni_all.aspx (last visited April 24, 2010) (listing the birth year of many of the halmoni living at the House of Sharing in the 1920s). Halmoni is a respectful term for “grandmother.” It is often used to refer to the former “comfort women.” See, e.g., Solis, supra note 1 (noting that the surviving women are euphemistically called “halmoni, the word for grandmother in Korean”); Dai Sil Kim-Gibson, They Are Our Grandmas, 5 POSITIONS: EAST ASIA CULTURES CRITIQUE 255, 274 (1997) (“[I]t is the Korean custom to address women old enough to have grandchildren by that term.”).

3. While some women volunteered for the comfort system, the Japanese military, often through Korean and Japanese recruiters, either kidnapped or coerced most women into serving as comfort women. Even those who volunteered were deceitfully promised good conditions and substantial compensation. See, e.g., CHIZUKO UENO, NATIONALISM AND GENDER 82 (Beverly Yamamoto trans., Trans Pacific Press 2004) [hereinafter Nationalism and Gender].

4. See, e.g., Solis, supra note 1.

5. Interview of Kim Young-shil, in COMFORT WOMEN SPEAK: TESTIMONY BY SEX SLAVES OF THE JAPANESE MILITARY 51 (Sangmie Choi Schellstede ed., Holmes & Meier Publ’g 2000).

6. Id.

7. Id.
Again. And again . . .8 She speaks of the torment directed at her Korean ancestry:

There was a girl next to my cubicle. She was younger than I . . . One day an officer overheard her speaking to me and accused her of speaking Korean.9 He dragged her out to a field and ordered all of us to come out there. We all obeyed. He said, 'This girl spoke Korean. So she must die. You will be killed if you do too. Now, watch how she dies.' He drew his sword. Horrified, I closed my eyes and turned my face away. When I opened my eyes, I saw her severed head on the ground.10

Kim Young-shil's testimony is not unique. Many former Korean comfort women share their stories of the brutality they endured as Korean women.11 January 2010, marked the survivors' 900th protest.12 After over fifteen-years, the Wednesday march has evolved into an uplifting gathering of hope and perseverance to honor the women and educate students and travelers. Yet, the survivors and their supporters continue to demand redress from the Japanese government to restore Kim Young-shil and her sisters' dignity and honor their human rights.13

For the former comfort women, and the many others emerging from widespread injustice, redress14 is integral to healing their deep wounds. Indeed, many governments and justice advocates now perceive redress as an essential step toward social healing—that is, both healing the wounds of individuals and repairing the damage to society.15 Yet the praxis question remains: What kinds of redress

8. Id.
9. The Japanese soldiers prohibited many women from speaking Korean at the comfort stations. See, e.g., Interview of Kim Dae-il, in COMFORT WOMEN SPEAK: TESTIMONY BY SEX SLAVES OF THE JAPANESE MILITARY, supra note 5, at 25 ("From now on, you must not speak Korean.").
10. Interview of Kim Young-shil, in COMFORT WOMEN SPEAK: TESTIMONY BY SEX SLAVES OF THE JAPANESE MILITARY, supra note 5, at 50.
13. The Korean Council for Women Drafted for Military Sexual Slavery by Japan, http://www.womenandwar.net/english/menu_014.php (The "Wednesday Demonstration [ ] is held . . . for the restoration of dignity and human rights of 'comfort women'"). The Japanese military also conscripted women of other ethnicities, including Chinese, Filipina, Guamanian, Taiwanese, Malaysian, Indonesian, and Dutch women. See infra note 194. But because the vast majority were women of Korean ancestry (eighty percent), and because Imperial Japan's racialization of Koreans was most apparent, this essay addresses primarily the justice initiatives of the Korean women.
14. Throughout this comment, "redress" refers to initiatives aimed at social healing after widespread injustice through words and acts—which many refer to as reconciliation (which encompasses forms of reparations). In today's reparatory landscape the terms "reparations" and "reconciliation" may be too narrow to encompass genuine social healing. "Reparations" tends to connote solely monetary compensation and "reconciliation" and has become a controversial subject worldwide. See Eric K. Yamamoto & Ashley Kaiao Obrey, Reframing Redress: A "Social Healing Through Justice" Approach to United-States-Native Hawaiian and Japan-Ainu Reconciliation Initiatives, 16 ASIAN AM. L.J. 5, 20, 24-27 (2010) [hereinafter Reframing Redress].
15. See Reframing Redress, supra note 14, at 7 ("[R]edressing the deep wounds of injustice to foster healthy group relations has become an issue central to the future of civil society"); WHEN SORRY
initiatives and theories genuinely repair complex harms in practice?

Professor Eric Yamamoto suggests that redress theory and practice stand at a crossroads. In search of a path forward, scholars and activists propose new efforts to "reframe redress" into a broader project of repair. Under its new frame, redress is a comprehensive concept that encompasses both reparations and reconciliation and emphasizes societal healing. It "generate[s] change that is comprehensive, sustained, and systemwide in order to foster the kind of justice that heals."

Although, traditionally, redress initiatives tend to overlook women’s unique harms, addressing harms that are specific to women is emerging as a key element of this evolving reparatory approach. For example, in 2002, Timor-Leste’s truth and reconciliation commission, the Commission for Reception, Truth, and Reconciliation, ordered urgent interim repair measures to immediately respond to the continuing devastation felt by women of Timor Leste from twenty-five years of sexual violence during the Indonesian occupation. The repair measures included healing workshops, monetary compensation, access to health care, and funding for community and educational centers, among other programs. The commission ultimately highlighted gender as one of its five guiding principles. For Professor Ruth Rubio-Marin, gender redress scholar and consultant for the International Center for Transitional Justice, the recent emergence of gender-specific reparations worldwide signifies a shift in redress practice toward the kinds of comprehensive initiatives that genuinely rebuild societies after injustice.

Isn’t Enough: The Controversy Over Apologies and Reparations for Human Injustice 1 (Roy Brooks ed., 1999); Redress for Historical Injustice in the United States (Michael T. Martin and Marilyn T quota eds., 2007); Martha Minow, Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence 21-22 (1998) (calling for communities to “heal the victims” and “promote reconstruction of a society”); Ruth Rubio-Marin, Gender and Collective Reparations in the Aftermath of Conflict and Political Repression, in The Politics of Reconciliation in Multicultural Societies 192-94 (Will Kymlicka & Bashir Bashir eds., 2008) (asserting that a goal of reparations is to “rebuild society” and suggesting that redress contributes to “democratic state building” and “promotes both interpersonal trust and trust in the institutions of the [state] as well as in its overall legitimacy and efficacy”).


17. E.g., Charles J. Ogletree, Repairing the Past: New Efforts in the Reparations Debate in America, 38 HARV. C.R. – C.L. L. REV. 279 (2003); Diana Cammack, Reparations in Malawi, in The Handbook of Reparations 215, 240 (Pablo de Greif, ed., 2006) (identifying the need for reparations to “repair the social fabric”); Ruth Rubio-Marin, supra note 15, at 195, 193 (observing that the “shift toward broader reparations” programs contributes to rebuilding societies and that reparations programs “seek, as a general inspirational aim, to ‘repair’ the wrong that has been done”).

18. See Reframing Redress, supra note 14, at n.19.

19. Id. at 36.

20. See, e.g., Rubio-Marin, supra note 15, at 195 (noting the “increasing trend to recognize that reparations must be gender sensitive and that they must address the specific needs and concerns of women”); Ruth Rubio-Marin, The Gender of Reparations: Setting the Agenda, Introduction to What Happened to the Women? Gender and Reparations for Human Rights Violations 20, 32 (Ruth Rubio-Marin ed., 2006) [hereinafter Gender Reparations] (urging redress policy makers to “imagine forms of redress that fulfill the specific needs of women”).


22. Id. at 304-05.

23. Id. at 308.

Even newly-recognized gender-specific redress, however, can risk falling short of fostering genuine social healing. During widespread injustice, women often face multiple systems of oppression—most commonly race and gender—that intersect to create unique and complex harms. 25 While many legal and multi-disciplinary scholars embrace the study of intersecting systems of oppression to reveal how mainstream law and policy excludes those multiply burdened, 26 these intersections remain under-analyzed and underemployed in redress theory and practice. 27

Bridging this gap, Yamamoto, in American Reparations Theory and Practice at the Crossroads, introduced “redress at the intersection of race and gender” and suggested that “examining gender alongside race” complements and “expands reparations analysis as a whole—crossing conceptual borders and opening new coalitional possibilities.” 28 This essay develops Professor Yamamoto’s “intersectionality reparations” and further extends Professors Kimberle Crenshaw, 29 Angela Harris, 30 and Mari Matsuda’s groundbreaking intersectionality theorizing. 31 Engendering genuine social healing calls for redress initiatives—as conceived and on the ground—that recognize and respond to women of color’s unique and persisting harms that arise at the intersections of multiple systems of oppression. To illustrate how intersectionality generates redress that is more attentive to the unique wounds of women of color, this essay examines the Korean comfort women’s continuing demands for justice. In particular, it explores how racism and patriarchy—informed by colonialism and nationalism—intersect to shape both their harms and their redress movement as women of Korean ancestry.

The Korean comfort women’s struggle, at times, exhibits both racism and patriarchy. Throughout Korea’s history as a colony of Japan, Japanese society created a racialized identity of Koreans as an inferior race. 32 This racialized identity intersected with Imperial Japan’s systemic patriarchy and condemned Korean women to the bottom of Imperial Japan’s hierarchy of human worthiness. 33 This then justified targeting primarily Korean women to serve as comfort women for the Japanese military’s “comfort stations” during World War II. 34 By contrast, Japanese comfort women were few in number, and by most accounts, were not forcibly conscripted. 35 They were reserved for high-ranking military officials far from the

26. See infra Part II.
27. See id.; American Reparations Theory, supra note 16, at 78-79 (observing that emerging gender redress scholarship and practice has yet to examine the intersection of race and gender).
32. See infra Part III.B.1.
33. See infra Part III.B.2.
34. Id.
35. See infra note 195 and accompanying text.
For many, their harms differed markedly.

Over sixty years later, the comfort women face continued oppression in their present-day redress movement. According to some observers, narrow constructions of the harms that entitle the comfort women to redress impede their redress movement. Gender analysis reveals that some redress advocates, reinforced by the media, embrace Korean society’s patriarchal norms and construe the women as innocent virgins forced into sexual slavery by the nationalistic Japanese government. This construction portrays the comfort women’s harm as solely the loss of chastity—excluding those deemed unworthy. For many, the “defiled women” narrative serves to fuel anti-Japanese nationalism. It reframes the comfort women’s suffering into harms to Korea, which translates into Korean men’s humiliation for their inability to protect Korean women. Lost in the redress translation are the severe long-standing physical and psychological harms that the women endured.

Yet still unaddressed by scholars and activists, the present-day redress movement tends to ignore the racialized nature of this gendered atrocity. As a result, the present-day redress movement obscures the women’s intersecting harms and impedes genuine social healing. To fill that void, this essay attempts to shift the discourse away from emphasizing harms to Korea and Korean men and refocus the redress initiative on the Japanese military’s racialized and gendered targeting of Korean women, as it was the intersection of racism and sexism that availed the Korean comfort women to the most severe treatment. More broadly, through analyzing the Korean comfort women’s redress movement at the intersection of race and gender, this essay endeavors to illuminate prospects for comprehensive redress when injuries arise at the intersection of race and gender.

To do so, Part I discusses the movement toward reframing redress as social healing and highlights the recognition of individual and societal harms as a fundamental element of social healing. Part II identifies how an intersectional analysis contributes to fashioning comprehensive redress in response to the unique harms sustained by women of color. It first describes intersectionality theory and intersectionality redress, then briefly discusses some scholars’ observations that South Africa’s Truth and Reconciliation Commission excluded the particular intersecting harms of Black women.

Parts III and IV employ an intersectional analysis to the Korean comfort women. Part III first reveals that, for the Japanese military, Korean women’s unique position at the intersection of racism and sexism relegated the women to the bottom of the existing social hierarchy and justified targeting them for sexual slavery. Part III then charts the comfort women’s redress movement and the feminist critique of the present-day movement. Finally, Part IV reveals how the present-day redress discourse is limited and may be insufficient to heal the comfort women’s and society’s long-standing wounds. In addition to reinforcing patriarchal ideology, it largely fails to recognize the women’s intersecting harms by eliding the significance of race. Intersectionality analysis is crucial in two realms for the comfort women.

36. See infra note 312 and accompanying text.
37. See infra Part III.D for critiques of the present-day redress movement.
38. See id.
39. See id.
40. See infra Part IV.
First, an intersectional analysis facilitates understanding the multidimensional nature of the Korean women’s harms. Second, it reveals how the present-day redress movement tends to miss those harms.

II. REDRESSING WIDESPREAD INJUSTICE THROUGH SOCIAL HEALING

How does society move forward after periods of widespread injustice? How do communities redress the persisting harms that arise from group-based injustice? In the words of Professor Martha Minow, “What would it take, and what do our current or imagined institutions need to do, to come to terms with the past, to help heal the victims, the bystanders, and even the perpetrators? What would promote reconstruction of...society?”

While once turning to reparations and reconciliation, for a growing number of scholars and advocates the answer now lies in forms of social healing.

Initially conceived as a group-based remedy for historic injustice, reparations emerged as a useful tool to repair survivors’ and society’s deep and persisting wounds. However, the term “reparations” now narrowly implies money payments and excludes apologies, institutional restructuring, or community restoration.

Reconciliation, on the other hand, embraces “bridge-building and peace-making,” but is an “ill-defined” concept that lacks firm guidelines and often breeds “political mischief” and insincerity.

Redress theory and practice thus stand at a crossroads. As a result, scholars and advocates are charting a new path forward and reframing redress as “social healing”—and it encompasses much more than monetary compensation.

Social healing envisions apologies, forgiveness, and various acts that repair material damage and restore psychological well-being through social structural transformation.

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41. MINOW, supra note 15, at 21.
42. Reframing Redress, supra note 14, at 7. See also supra note 15; M. Brinton Lykes and Marcie Mersky, Reparations and Mental Health: Psychosocial Interventions Toward Healing, Human Agency, and Retrressing Social Realities, in THE HANDBOOK OF REPARATIONS, supra note 17, at 591, 605 (suggesting social healing as a means of psychosocial recovery for victims of war); Rubio-Marín, supra note 15, at 193 (describing social healing as one of the larger political goals of reparations); Rebecca Tsosie, Engaging the Spirit of Racial Healing within Critical Race Theory: An Exercise in Transformative Thought, 11 MICH. J. RACE & L. 21 (2005); ALFRED BROPHY, REPARATIONS PRO & CON (2005).
44. Reframing Redress, supra note 14, at 20.
45. Id. at 25-27.
46. Reframing Redress, supra note 14, at 18; see generally American Reparations Theory, supra note 17.
47. See supra note 15.
49. ERIC K. YAMAMOTO, INTERRACIAL JUSTICE: CONFLICT & RECONCILIATION IN POST-CIVIL RIGHTS AMERICA 191-203 (1999) [hereinafter Interracial Justice]; Arturo Carillo, Justice in Context: The Relevance of Inter-American Human Rights Law and Practice to Repairing the Past, in HANDBOOK OF REPARATIONS, supra note 17, at 504, 512; Pablo de Greiff, Justice and Reparations, in HANDBOOK OF REPARATIONS, supra note 17, at 451, 455 (calling for responses to mass injustice that “go[
building schools and hospitals; providing medical, legal and social services; and enabling individuals to participate in the polity.\textsuperscript{50} Social healing repairs damage to individuals and to society itself. For instance, Pablo de Greiff, the editor of the Handbook of Reparations, proposed three goals of “justice” in the context of mass injustice: recognition, civic trust, and social solidarity.\textsuperscript{51} Analyzing African-American redress claims, Professor Maxine Burkett called for systemic changes that engender “true social transformation” and ensure “non-repetition.”\textsuperscript{52}

Drawing insights from social psychology, prophetic theology, political theory, law, economics, and indigenous healing practices, Professor Yamamoto proposed four points of inquiry to guide and assess whether redress initiatives are engendering genuine social healing—recognition, responsibility, reconstruction, and reparation.\textsuperscript{53} This essay draws upon and develops the first: recognition of the harms.

Yamamoto suggests that comprehensive recognition demands “critical interrogation to assess the specific circumstances and larger context of a conflict and to analyze justice grievances undergirding present-day intergroup conflict.”\textsuperscript{54} Recognition addresses the psychological, the historical and cultural, and the institutional.\textsuperscript{55} The psychological aspect calls for identifying how those harmed continue to suffer pain, fear, shame, and anger because of their group identity.\textsuperscript{56} The historical and cultural dimension entails scrutinizing history and decoding stock stories that embody cultural stereotypes and appear to legitimize the injustice.\textsuperscript{57} The institutional element examines whether organizational structures effectuate discriminatory policies that afford disparate access to resources or promote aggression.\textsuperscript{58} Pablo de Greiff similarly calls for “recognition” as one of three goals of justice after mass injustice.\textsuperscript{59} For Yamamoto, genuine redress requires recognizing victims’ “experiences of oppression.”\textsuperscript{60}

Many victims’ “experiences of oppression” arise from standing at the intersection of multiple systems of oppression—such as race and gender. Discussed in the following section, an intersectional analysis reveals how these systems

\footnotesize{\textsuperscript{50} Id.  
\textsuperscript{51} Pablo de Greiff, Justice and Reparations, supra note 49, at 451.  
\textsuperscript{53} Reframing Redress, supra note 14, at 31-36. Professor Yamamoto proposes “Social Healing Through Justice,” a framework to “guide and assess ... present-day efforts toward the kind of transformative justice that promotes social healing.” Id. at 31. Social Healing Through Justice emerges from commonalities among multidisciplinary redress scholarship: (1) all embrace a notion of South African “ubuntu” – that “all are members of the polity, and injury to one harms the entire community; therefore healing the injured is the responsibility of all;” (2) genuine healing requires mutual engagement and simultaneous repair on both the individual and institutional level; and (3) communities must see “material change” in socio-economic conditions to avoid “empty apologies” and perceptions of insincerity. Id. at 32-33.  
\textsuperscript{54} Interracial Justice, supra note 49, at 175-76.  
\textsuperscript{55} Id. at 33.  
\textsuperscript{56} Id.  
\textsuperscript{57} Id.  
\textsuperscript{58} Id.  
\textsuperscript{59} Pablo de Greiff, Justice and Reparations, supra note 49, at 451.  
\textsuperscript{60} Id. at 175-76.}
compound one another to create complex and nuanced harms. Genuine redress calls for recognizing these intersecting systems of oppression to provide a deeper and more comprehensive understanding of victims' harms. An intersectional analysis paints a more complete picture of the damage that needs repair.

III. REFRAMING REDRESS THROUGH AN INTERSECTIONAL ANALYSIS

Intersectionality theory illuminates how multiple systems of oppression are "mutually constructing systems of power" that "permeate all social relations." These systems of oppression create unique and nuanced harms and further marginalize those multiply burdened. By employing intersectionality theory, scholars and activists have revealed how legal frameworks—for instance, law related to equal protection, human rights, domestic violence and sexual assault—often obscure the experiences of those multiply burdened. This section further extends intersectionality theory's important insights into the redress realm.

A. Intersectionality in Legal Theory and Practice

Professor Kimberle Crenshaw first introduced "intersectionality" through the experiences of Black women. She suggested that a "single-axis" analysis of race or gender ignores the "multidimensionality" of Black women's experiences and further marginalizes many Black women in legal theory and practice. She explained: "Black women are sometimes excluded from feminist theory and antiracist policy discourse because both are predicated on a discrete set of experiences that often does not accurately reflect the interaction of race and gender." Black women's experiences "are not subsumed within the traditional boundaries of race or gender discrimination as these boundaries are currently understood." Many of their experiences are a product of the interaction of racism and sexism and these experiences "cannot be captured wholly by looking at the race or gender dimensions of those experiences separately," nor by simply adding race

61. See infra Part II.
63. See Demarginalizing the Intersection, supra note 29, at 139.
65. See Celina Romany, Themes for a Conversation on Race and Gender in International Human Rights Law, in GLOBAL CRITICAL RACE FEMINISM: AN INTERNATIONAL READER 53-66 (2000) (advocating for a "theoretical and practical re-vision of international human rights law that can be adapted to the country-specific realities of women's simultaneous experience of racism and sexism"—a "human rights framework that adopts the intersection model").
66. Mapping the Margins, supra note 29.
68. Demarginalizing the Intersection, supra note 29, at 139.
69. Id. at 140.
70. Id.
71. Mapping the Margins, supra note 29, at 1244.
plus gender. Crenshaw powerfully urged legal theorists and policymakers to understand Black women’s unique oppression, submerged under racism and patriarchy, and implored that “any analysis that does not take intersectionality into account cannot sufficiently address the particular manner in which Black women are subordinated.”

To illustrate, Crenshaw demonstrated how, based on a flawed assumption that subordination “occur[s] along a single categorical axis,” anti-discrimination law is ill-equipped to remedy compound discrimination on the basis of both race and gender. Individuals experience discrimination in a number of ways that defy categorical boundaries. For instance, Black women’s experience of discrimination is sometimes similar to the experiences of white women; sometimes Black men. Yet, Crenshaw observed, “often they experience double-discrimination—the combined effects of practices which discriminate on the basis of race, and on the basis of sex.” She continued, “[a]nd sometimes, they experience discrimination as Black women—not the sum of race and sex discrimination, but as Black women.” Courts, however, have required that discrimination claims arise based on either race or sex—not both, nor a distinct intersectional experience. According to Crenshaw, this “single-axis framework” limits inquiry to the most privileged group members: the law views race discrimination from a Black man’s perspective and sex discrimination from a white woman’s perspective. This, she argued, “marginalizes those who are multiply-burdened and obscures claims that cannot be understood as resulting from discrete sources of discrimination.”

Also drawing from experiences of women of color, Professor Mari Matsuda proposed moving toward “multiple consciousness,” or recognizing women of color’s multiple identities. Observing that a “consciousness of the experience of life under patriarchy and racial hierarchy” can assist in fundamental inquiries of what is justice, Matsuda challenged lawyers to “see the world from the standpoint of the oppressed.” From another perspective, Professor Angela Harris called upon feminists to abandon “gender essentialism”—the “notion that there is a monolithic ‘women’s experience’ that can be described independent of other facets of experience, like race, class and sexual orientation.” She observed that, to essentialize victims of oppression, “some voices are [necessarily] silenced in order to privilege others.” Ultimately, “the voices that are silenced turn out to be the same

72. Id.
73. Demarginalizing the Intersection, supra note 29, at 140.
74. Id.
75. Id. at 140, 149.
76. Id. at 149.
77. Id.
78. Id.
79. See e.g., id. at 141-43 (Professor Crenshaw’s discussion of DeGraffenreid v. General Motors, 413 F. Supp. 142 (E.D. Mo. 1976)). But see Maivan Lam v. Univ. of Haw., 40 F.3d 1551 (9th Cir. 1994) (recognizing intersectionality theory under Title VII).
80. Demarginalizing the Intersection, supra note 29, at 140.
81. Id.
82. Matsuda, supra note 31.
83. Id. at 298, 299.
84. Harris, supra note 30, at 585, 588.
85. Id. at 585.
voices silenced by the mainstream legal voice ... among them, the voices of Black women.\textsuperscript{86}

Illustrating intersectionality's resonance among many Black women, Professor Adrien Katherine Wing likened her experience to the Black lesbian feminist Audre Loude who wrote, "I find I am constantly being encouraged to pluck out some one aspect of myself and present this as the meaningful whole, eclipsing or denying the other parts of self."\textsuperscript{87} Wing reflected upon Audre Lorde's poignant observation and described the embodiment of her own multiple identities:

I am also not the 'essential' (white) woman discussed by many white feminists. I am not a white woman 'leached of all color and irrelevant social circumstance--a process which leaves Black women's selves fragmented beyond recognition.' My experience cannot be reduced to an addition problem: 'racism + sexism = straight Black woman's experience.' I am not a 'white woman plus.' I am an indivisible Black female with a multiple consciousness.\textsuperscript{88}

For many scholars, intersectionality theory more accurately reflected the complex experiences of individuals with multiple identities.

Embracing these groundbreaking illuminations of women of color's multiple consciousness and intersectional experiences, scholars began exploring subordination that arises from additional systems of power, such as class, sexual orientation, age, and nation.\textsuperscript{89} For example, Professor Darren Lenard Hutchinson described the unique sexualization of Blacks, Latinos and Latinas, and Asian Americans and its effect on each group's historical oppression.\textsuperscript{90} He suggested that the portrayal of Black men as "promiscuous, threatening to white women and as possessing an unmatched sexual prowess," and cultural disseminations of Black women as "promiscuous and sexually aggressive 'Jezebels,'" "legitimated a legacy of violence and legal injustice" against African-Americans.\textsuperscript{91} For Latin Americans, the public perception of Latino men as "macho, passionate, promiscuous," and violent justified "legal and extra-legal racial terrorism and domination."\textsuperscript{92} Similarly,
the perception of Latinas as "wanton and promiscuous" "justified violence against [them] and lack of concern for [their] victimization." 93 Asian-Americans faced the portrayal of Asian American males as "effeminate and weak, yet economically threatening," which invited "acts of oppressive violence," while notions of Asian American women as "docile, servile and heterosexually submissive" justified their "sexual exploitation and domination . . . through the law." 94 As some intersectionality scholars suggested, "we all stand at multiple intersections of our fragmented legal selves." 95

Intersectionality theory can also expand efforts to "reframe redress." Through "defin[ing] complex experiences as close to their full complexity as possible," 96 intersectional analyses facilitate more comprehensive recognition of the harms—the first step toward social healing. 97 Looking toward comprehensive reparatory justice, Professor Yamamoto has urged redress scholars and policymakers to "examine the deep complexities of the harm women endure when gender is coupled with other forms of discrimination; most commonly race." 98 He has noted that, in the context of "war or within oppressive regimes, women of color are . . . often specifically targeted because of perceived racial inferiority. They suffer a unique kind of oppression — submerged at the bottom of gender and race hierarchies of human unworthiness." 99 Further, when the guns are laid to rest, "women of color become 'often doubly or even triply marginalized [in] post-conflict reparations schemes.'" 100 When policymakers, those suffering the injustice, and the communities of those suffering recognize these unique and complex harms, they can collectively tailor redress initiatives designed to specifically address those harms.


Some scholars and advocates have critiqued the widely publicized and oft-praised South African Truth and Reconciliation Commission for marginalizing the harms of Black South African women. 101 Throughout most of the twentieth century Black South Africans suffered under racist laws established during Dutch and British colonial rule known as apartheid. 102 Apartheid created a legally segregated society that privileged whites in housing, school, and employment, while denying Blacks

93. Id. at 89.
94. Id. at 91-95.
96. Grillo, supra note 95, at 22.
97. See supra Part I.
99. Id. at 79; see also CATHERINE MACKINNON, Genocide's Sexuality, in ARE WOMEN HUMAN? AND OTHER INTERNATIONAL DIALOGUES 209 (2006) (discussing sexual atrocities as an act of genocide).
100. Id.
102. Goldblatt, supra note 101, at 48-91.
basic human rights, including the right to vote. Backed by white police and military violence, white South Africans forcibly removed Black South Africans from their land in order to eradicate “black spots from white areas.”

In 1993, after decades of violent and nonviolent protests, the ruling White National Party finally relinquished control. For the first time, Black South Africans participated in democratic elections, and Nelson Mandela, a Black South African former political prisoner, was elected as president. Aimed at “healing historic wounds and rebuilding the nation,” the new South African government quickly established a Truth and Reconciliation Commission (TRC) to engender “genuine reconciliation between the races.” Yet, from the beginning of the reconciliation process, observers expressed concern that the Commission painted an incomplete picture of Black South African women’s harms.

Throughout colonial rule and apartheid, marked by centuries of racism and patriarchy, women endured oppression as Blacks, as women, and specifically as Black women. Lyn Graybill noted that, “together with race, gender . . . [was] the fundamental justification for treating people as less than human.” Black women’s position at the bottom of South Africa’s race and gender hierarchies rendered them unworthy of humane treatment. Black South African women experienced particular forms of oppression that differed from that of Black South African men. “Societal norms” transformed Black women into “sexual objects.” Conflicting factions of opposition forces—comprised primarily of Black men—often targeted their adversaries’ wives and girlfriends—most often, Black women—as an act of “sexual competition.” Rival gangs raped women, or horrifically burned them to death by throwing an inflamed gasoline soaked tire around their necks. Black women activists endured “gender specific forms of torture,” most commonly rape and having their fallopian tubes flooded with water.

Despite these unique harms that Black South African women faced at the intersection of racial oppression and societal patriarchy, women’s organizations and activists did not participate in designing the TRC. The Commission did not distinguish between gendered differences under apartheid—such as men and women’s eagerness to report violations and their different reparatory needs—and, at most

103. Id.
106. Id.
110. Graybill, supra note 101 at 7 (quoting Caroline Massey, It’s Going to be Very Easy to Rape You, AGITATE MAGAZINE, available at www.agitate.co.za).
111. Goldblatt, supra note 101, at 51; Graybill, supra note 101, at 3.
112. Id.
113. Id.
114. Id.
115. Goldblatt, supra note 101, at 51.
116. Id. at 53.
117. Id.
TRC hearings, “women’s voices were not . . . heard.” As a result, the Commission inadvertently excluded many women from redress. For example, the TRC recommended compensation only for “gross” human rights abuses, such as torture, killings, or severe politically motivated maltreatment (as mandated by the South African government). But many women “suffered most brutally from the socio-economic consequences of apartheid.” For instance, when men left rural villages to seek migrant work, the migrant system prevented women and families from joining them in the towns, leaving women with the overwhelming burden of maintaining their homes and families alone. Further, patriarchal norms shamed many of the women who indeed suffered “gross” human rights abuses from coming forward to testify, particularly about their sexual abuses. With limited media coverage of women’s hearings, Black women were unaware of the supportive environment the TRC attempted to make available for them. In retrospect, the TRC’s final report concluded that its definition of “gross human rights violations” rendered the Commission’s work blind to the specific harms, particularly the economic harms, apartheid inflicted on Black women.

By failing to recognize the unique experiences of Black women, South Africa’s single-axis (race) redress initiative likely hindered efforts to heal their complex wounds of injustice. According to South African scholar and activist Beth Goldblatt, the TRC ultimately produced an “inadequate reflection of women’s experiences under apartheid” and marginalized the women’s “compounded burdens.” “Because of the inadequacies of the reparation process, the limitations of the reparations themselves, and the problems facing the rebuilding of South Africa, many women remain unhappy and less than fully ‘repaired.’” Today, Black women in South Africa continue to suffer disproportionately from one of apartheid’s “most serious legacies,” poverty.

Analyzed in depth in the following sections, the Korean comfort women further illustrate the multidimensional nature of women of color’s harms during interracial conflict, as well as how a redress movement that overlooks intersecting harms risks further marginalizing its intended beneficiaries.

IV. REDRESS FOR THE KOREAN COMFORT WOMEN

The Korean comfort women suffered three interrelated forms of injustice.

118. Graybill, supra note 101, at 1.
119. Id. at 4.
120. Id.
121. Goldblatt, supra note 101, at 51; Graybill, supra note 101, at 2.
122. Graybill, supra note 101, at 5.
123. Id.
124. Id. at 8 (citing Truth and Reconciliation Commission of South Africa Report, vol. 4, at 288 (1998)).
125. Goldblatt, supra note 101, at 55, 57.
126. Id. at 75.
128. Nationalism and Gender, supra note 3 at 70. Professor Ueno describes the comfort women issue as a “triple crime”: (1) rape, (2) silencing the victims, and (3) conservative factions in Japan today refuting the victims’ testimonies. Id. The women from other countries who served as comfort women are also victims of these injustices.
First, the Japanese military conscripted mostly young Korean women into sexual slavery throughout World War II. Second, after the war, Japan and Korea’s patriarchal societies silenced the women for over fifty years. Third, the Japanese government has refused to accept full responsibility for the atrocity. To this day, the Japanese government continues to deny the women comprehensive redress—refusing even to make an apology.

Since entering public consciousness in 1991, many scholars and activists have commented on the comfort women and their struggle for redress. Many frame redress for the comfort women as a nationalist or feminist issue. This essay diverges from previous approaches by employing an intersectional analysis to reveal how the intersections of race—through the lens of colonialism and nationalism—and gender shape the women’s persisting harms and their redress movement.

A. The Japanese Military’s “Comfort Stations”

Throughout World War II, the Japanese government organized military brothels across East Asia—known as “comfort stations”—to sexually service Japanese soldiers. Between 50,000 to 200,000 young women from Korea, China, the Philippines, Guam, Taiwan, Malaysia, Indonesia, and the Netherlands served in these frontline brothels. Eighty-percent were Korean.

For many comfort women the “experience was indeed sexual slavery.” The Japanese soldiers forced the women to “service” as many as forty men a day. Because of strict surveillance, escape was impossible. Japanese soldiers often brutally beat and even tortured the women. Many comfort women reported that Japanese soldiers electrocuted women for crying, talking, singing, or resisting their captors. Thousands of women died at the comfort stations, murdered by the
soldiers, as a result of inadequate medical care, or by committing suicide.\textsuperscript{142} Chong Ok Sun recalled the soldiers' brutality and sadism:

There were around 400 other Korean young girls with me and we had to serve over 5,000 Japanese soldiers as sex slaves every day - up to 40 men per day. Each time I protested, they hit me or stuffed rags in my mouth. One held a matchstick to my private parts until I obeyed him. My private parts were oozing with blood.

One Korean girl who was with us once demanded why we had to serve so many, up to forty men per day. To punish her for her questioning, the Japanese company commander Yamamoto ordered her to be beaten with a sword. While we were watching, they took off her clothes, tied her legs and hands and rolled her over a board with nails until the nails were covered with blood and pieces of her flesh. In the end, they cut off her head. Another Japanese, Yamamoto, told us that 'it's easy to kill you all, easier than killing dogs.' He also said 'since those Korean girls are crying because they have not eaten, boil the human flesh and make them eat it.'\textsuperscript{143}

Many of the women lived this horrific experience for over five years.\textsuperscript{144} The Japanese military regarded the women as commodities and shipped them from one battlefield to another to fulfill the soldiers' sexual "needs" as World War II waged on.\textsuperscript{145}

At the end of the war, Japanese soldiers forced many of the women to commit suicide and massacred many others.\textsuperscript{146} They "drove the women into trenches or caves and [either] bombed or opened fire upon them."\textsuperscript{147} One soldier recalled that 200 "comfort women" had been forced into a frequently torpedoed submarine.\textsuperscript{148} Other women were abandoned in remote areas with no means of returning home.\textsuperscript{149} Fewer than thirty percent of the comfort women survived.\textsuperscript{150}

\textsuperscript{142} Id. at 608-09.


\textsuperscript{144} E.g., Hyunah Yang, Revisiting the Issue of Korean "Military Comfort Women": The Question of Truth and Positionality, 5 POSITIONS: EAST ASIA CULTURES CRITIQUE 50, 60 (1997).

\textsuperscript{145} Id. at 65.

\textsuperscript{146} Shellie K. Park, supra note 135, at 28.

\textsuperscript{147} Id.

\textsuperscript{148} Kyyoung Park, supra note 134, at 611.

\textsuperscript{149} Shellie K. Park, supra note 135, at 28.

B. The Intersection of Race and Gender in Korea’s Colonial History and Throughout World War II

How and why did the Japanese military subject the Korean women to such inhumane treatment? As intersectionality scholars have observed, “[o]ppression or subordination cannot be understood outside of the context in which it occurs.”

Situating Korea and Japan in their colonial history illuminates how Korean women occupied the bottom rung of Imperial Japan’s hierarchy of human worthiness. Japanese colonization racialized Koreans as inferior—inhuman, even—justifying Imperial Japan’s oppression of its colonial subject. This racialized identity then intersected with Japanese sexism to render the Korean women dispensable sexual commodities.

1. The Colonizer and its Colonial Subject: The Inferior “Other”

Japan had long oppressed and subordinated Korea as one of its colonies for decades before the start of World War II. In 1910, Japan annexed Korea and subjected Koreans to harsh colonial rule for thirty-five years. For Koreans, colonization was traumatic. Japan “brutally governed” Korea—stories of torture, forced labor, random killings, abduction, rape, and imprisonment still permeate modern Korean society.

Deemed an intrinsically inferior race, the Japanese government enacted harsh, often ruthless, policies that reflected their perceived dominance. For instance, colonialism devastated the Korean economy. The Japanese government required Korea to import all industrial goods from Japan and forced Korean farmers to produce only rice and relinquish their land to immigrant Japanese farmers. As a result, a majority of Koreans lived in severe poverty. The rural areas endured particular hardship; forty-eight percent of rural Koreans faced starvation. In addition, the Japanese military mobilized millions of Koreans for military service and sent them to battles where it predicted defeat. Some suggest that the military sought to “driv[e] Koreans to national extinction.”

Most egregious, Imperial Japan attempted to replace Korean culture with its own. Imposing a strict cultural and political assimilation policy, the Japanese

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153. Id.
154. D UDDE N, supra note 133, at 63.
155. Id. at 64.
156. MICHAEL WEINER, RACE AND MIGRATION IN IMPERIAL JAPAN 154 (1994).
158. Id.
159. Id.
160. Id.
162. Id.
163. Assimilation was a central tenet of Japanese colonialism; it was used as a tool of “social manipulation.” WEINER, supra note 156, at 154.

Japan's cruel colonial policies reflect what Albert Memmi characterized as the colonizer's "racist attitude." Memmi, a Tunisian Jew who witnessed European colonialism and survived imprisonment at a Nazi work camp, theorized that a colonizer unconsciously breeds racism not only out of irrational hatred, but rather to justify its continued oppression of the colonized subject. Memmi observed that colonists "had to be racist to legitimize control." To "live as colonists... they had to render inferior their ill-fated partners in the colonial relation." Indeed, according to Professor Michael Weiner, hostility toward, and maltreatment of, Koreans was often based upon Japanese society's constructed belief in the "immutable degeneracy and inferiority" of its colonial subjects.

Racism, Memmi suggested, is the result of four "essential elements":

a) Stressing the real or imaginary difference between the racist and his victim.

b) Assigning values to these differences, to the advantage of the racists and the detriment of his victim.

c) Trying to make them absolutes by generalizing from them and claiming that they are final.

d) Justifying any present or possible aggression or privilege.

Japanese colonialism exhibited each of these elements. With respect to the first and second elements, Japanese society separated Koreans and Japanese based on physical or cultural characteristics and then relied on these differences to render Koreans as Japan's racial "other" and treat Koreans as though they lacked the qualities of the dominant society. In contrast to its own "physical and
psychological purity," Japanese society portrayed Koreans as dirty and having "low moral character." Many Japanese viewed Koreans as lazy, aggressive, obstructive, ignorant, dissolute, uncreative, and dogmatic; whereas, Japanese were "future-oriented, united, strong and pragmatic."

With respect to the third and fourth elements, the stereotypes of Koreans were disseminated over time throughout Japanese society. According to Professor Weiner, they "developed their own social power and helped reify the assumed differences between the majority Japanese and the excluded and despised Korean other." The perception of the "inferior Korean" justified continued aggression toward Koreans and allowed Koreans to become tools used by Imperial Japan to legitimate its violent conquest.

2. Targeting the Racialized and Sexualized Korean Women as Dispensable Sexual Commodities

When Japan decided to establish institutionalized military brothels, the intersection of Koreans' racialized identity and Japanese patriarchy ensured that Korean women would become an obvious target. Japanese society operated under "a patriarchal understanding of men’s and women’s sexuality, in which men’s desire was inevitable and uncontrollable," and it was women’s role to relieve that desire. In addition, Japanese society could use women "in any way to serve the purpose of the Japanese state." Imperial Japan required colonized women to "offer their bodies for the nation;" sexual service was "just one more way" of doing so. Moreover, the Japanese military targeted Koreans because they had been racialized as inferior, as a "valueless race." Dehumanized in the minds of the Japanese colonizer, Korean people were merely "instruments to be expended for its war purpose."

Yet the Japanese military targeted Korean women specifically because they were Korean women, not solely because they were women or because they were of Korean ancestry. The intersection of race and gender rendered the women dispensable sexual commodities in the eyes of the Japanese military. To justify the

176. Weiner, supra note 156, at 140.
178. Weiner, supra note 156, at 140.
179. Id. at 154 (discussing the differential treatment between Koreans and Japanese in colonial Korea and Japan flowing from the categorization of Koreans based on physical and cultural characteristics as well as Japanese perceptions of Koreans as intrinsically inferior).
180. See Racism, supra note 166, at 53.
181. This comment focuses only on the intersections of race and gender. As other articles have suggested, additional forms of oppression also played a key role in targeting the Korean women, particularly class. See, e.g., Min, supra note 165 (analyzing colonial power, gender, and class).
182. Kyeoung Park, supra note 134, at 577-78.
183. Min, supra note 165, at 948.
184. Nationalism and Gender, supra note 3, at 101.
186. Yang, supra note 144, at 64.
187. Min, supra note 165, at 945.
comfort system, Japanese government officials explained that "Korean comfort women were necessary [to] protect the Japanese people;" Korean women would satiate Japanese soldiers' sexual appetite and thus protect Japanese women from rape by their own military.\(^{189}\) Korean virgins, specifically, would protect Japanese soldiers from transmitting venereal diseases.\(^{190}\)

Reflecting Japanese society's belief in the inferiority of Koreans, the Japanese military spared Japanese women from the brutal treatment the soldiers imposed on Korean women.\(^{191}\) Japanese women comprised only ten percent of the Japanese military's comfort women.\(^{192}\) And while they "literally hunted Koreans like animals"—from the toilets, beds, rice fields, and closets—the Japanese military "never proposed" coercing or forcibly conscripting Japanese women.

The Japanese military also kept Japanese women away from stations near frontline battlefields.\(^{194}\) Merely tents or wooden shacks, the frontline stations operated under the most appalling conditions.\(^{195}\) The soldiers that frequented these stations subjected the comfort women to increased aggression and violence.\(^{196}\) The Korean women on the frontline also lived in constant fear of death as a result of frequent attacks and bombings.\(^{197}\)

From one perspective, "Japan targeted young Korean women . . . to obliterate the Korean people."\(^{198}\) Japan believed that the "quickest way to destroy Korea was to eliminate its women."\(^{199}\) According to Professor Yang, the "sexual expropriations" of Korean women by Japanese men served to "nullify[,]" the Korean ethnic identity.\(^{200}\) Korean activists who reflect this perspective tend to frame the comfort women as a "genocidal act" committed against Koreans by the Japanese.\(^{201}\)

For redress, the brutal, often sadistic, conditions imposed upon the Korean women are most significant. The Korean women's racialized and sexualized identity as dispensable sexual commodities inflicted long-standing intersecting harms manifested in deep physical and psychological wounds throughout their lives. These harms include chronic pain, permanent disabilities, sexually transmitted diseases, the inability to bear children, and suicidal tendencies, to name a few.\(^{202}\)

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189. Yang, supra note 144, at 63.
190. Id.
192. Id. at 66. The Japanese military also targeted women from its other colonies and territories, including China, Taiwan, the Philippines, and Indo-China. Race, Rights and Reparation, supra note 105, at 436.
196. Id.
197. Id. ¶ 37.
199. Id.
200. Yang, supra note 144, at 64.
C. After the War

For the fewer than twenty-five percent of the comfort women that returned home, the torment continued. Korea's patriarchal society considered the surviving comfort women sexually defiled and shamed the women into silence for nearly fifty years. Upon finally coming forward, the former Korean comfort women, supported by Korean and international activists, turned to Japanese courts, United States courts, and international tribunals for justice. Decades of litigation later, the women have yet to achieve meaningful redress.

1. Shamed into Silence

Korean society had long "regard[ed] losing chastity as a personal shame." Traditionally, "a woman who los[t] her virginity [became] 'damaged goods,' unmarriageable and socially ostracized." Korean society deemed rape victims as women with "loose morals or an unfortunate fate." As Professor Alexis Dudden piercingly described, "[r]egardless that [the women] were forced to have sex with up to as many as forty men a day, regardless that they were beaten for protesting, in a society with strong Confucian overtones that privilege chastity, survivors were without a doubt impure as a result of their history." Many of the comfort women's families and communities shunned the survivors. Ock-ju Mun, for instance, reported that her family treated her as if she was "less than human." Some survivors were beaten and even killed. Today, over sixty years later with many of these women reaching ninety years old, the resulting deep physical and psychological wounds persist. Many survivors continue to feel "deep self-contempt, humiliation, and isolation from their families and society as a whole."

Some have suggested that, in post-World War II international justice efforts, the intersection of race and gender further silenced the former comfort women. Gender bias compounded with racial disadvantage and rendered the women "close to invisible." Political leaders, all men, traditionally considered women's suffering during war irrelevant, while Japanese and Allied militaries in particular considered rape an acceptable side effect of war. The post-war justice
movement thus “minimized or ignored crimes committed against non-white populations.” For instance, the post-war Batavia Tribunal only prosecuted cases of Dutch comfort women and ignored the similarly situated Indian, Chinese, and Indonesian comfort women of that region. The Tokyo War Crimes Trials similarly did not address sexual violence against Asian women.

Korea’s patriarchal culture, which labeled the former comfort women as sexually defiled, also discouraged the women from making claims for justice. In the rare instances when women did come forward, Korean men’s “patriarchal voice of suppression” rejected their testimonies and cried: “Don’t expose our nation’s shame.” The “nation’s shame”—rather, the men’s shame—arose out of Korean men’s humiliation for their perceived inability to protect “their” women’s chastity. For its part, Japan repeatedly denied claims of coercion and maintained that the women had volunteered themselves as prostitutes.

2. Coming Forward and Pursuing Redress Through Litigation

After nearly five decades of shame and silence, in the late 1980s Korean academics uncovered historical evidence of the comfort system and the comfort women finally entered public consciousness. First to speak publically about her experiences, Kim Hak Sun testified about the Japanese military’s involvement and refuted Japan’s consistent denial of its role in the atrocity. For many, the “most disturbing aspect of the revelation” was the women’s nearly fifty-year silence.

Shortly after coming forward, the comfort women pursued traditional legal remedies in Japan and eventually expanded their struggle to United States and international forums. Turning first to Japanese courts in 1991, survivors filed at least four lawsuits against the Japanese government. All but one, Ha v. Japan, failed on procedural grounds. In Ha v. Japan the Tokyo District Court found the Japanese government guilty of negligence and awarded each plaintiff the equivalent of $2,270. However, Japan’s High Court overturned the ruling.

After the unsuccessful litigation in Japan, the survivors pursued redress in United States courts. In 2000, fifteen survivors filed a federal suit under the Alien Tort Claims Act that reached the United States Supreme Court. The United

216. Ling, supra note 213, at 76.
218. Won Soon Park, Japanese Reparations Policies and the “Comfort Women” Question, 5
219. Ling, supra note 213, at 76-77.
220. Nationalism and Gender, supra note 3, at 73.
221. Id.
222. Ling, supra note 213, at 76-77.
223. Id. at 74.
224. Id.
225. Seo, supra note 133, at 373.
226. Ishikane, supra note 150, at 134, n.98.
227. Id. at 134.
228. Id.
229. Id. at 135.
230. Alien Tort Claims Act, 28 U.S.C. § 1350 (2006). The Alien Tort Claims Act grants original jurisdiction to United States courts for civil torts claims that arise under the “laws of nations” or a
States District Court first dismissed the suit for lack of jurisdiction over Japan on the grounds of sovereign immunity. The Court of Appeals affirmed. The Supreme Court, however, without issuing a full opinion, vacated the judgment and remanded the case back to the Court of Appeals. Upon rehearing, the Court of Appeals affirmed its previous decision, reiterating that, "much as we may feel for the plight of the appellants, the courts of the United States simply are not authorized to hear their case." Comfort women activists also organized the Women’s International War Crimes Tribunal, a people’s tribunal to “consider the criminal liability of leading high ranking Japanese military and political officials and the separate responsibility of the state of Japan.” The people’s tribunal implicated Emperor Hirohito (Japan’s head of state throughout World War II) and found Japan responsible for crimes against humanity. Despite that it is an “informal” decision with no legal ramifications, the tribunal’s judgment has reached formal bodies. In 2001 the tribunal sent the judgment to the United Nations calling for an international court to adjudicate the crimes. In 2003, over objection from a Japanese representative, the United Nations’s International Labour Organization cited portions of the decision. Yet, despite generating a worldwide consciousness, international

U.S. treaty. Id.


237. Ishikane, supra note 150, at 137.


239. Id. at 337. The International Criminal Court defines a “crime against humanity” as “any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”: murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape; sexual slavery; enforced prostitution; forced pregnancy; enforced sterilization; or any other form of sexual violence of comparable gravity; persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law; enforced disappearance of persons; apartheid; other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health. Rome Statute of the International Criminal Court art. 7, available at http://www.ice-cpi.int/NR/rdonlyres/E9AEFF7-5752-4F84-BE94-0A655EB30E16/0/Rome_Statute_English.pdf.

240. Ling, supra note 213, at 99.

241. Id. at 98.


litigation has not resulted in comprehensive redress and genuine social healing. With no legal recourse, the comfort women increasingly focused on international political channels.

D. Linking with the International Human Rights Movement

Primarily led by the Korean Council for the Women Drafted for Military Sexual Slavery by Japan (the “Korean Council”), a private organization seeking justice for the former comfort women, the comfort women and Korean activists pursued redress through international human rights and women’s rights forums, such as the United Nations Human Rights Commission, the Sub-commission on Human Rights, and the Asian Women’s Solidarity Forum. Although these efforts further amassed international support, none of them garnered adequate redress. Worse yet, they may have further marginalized many of the victims. In linking with human rights movements, the comfort women’s redress activists adopted strategic approaches that risked inadvertently advancing the interests of established power.

1. A National Issue

Korean leaders first articulated the comfort women’s claims “in nationalistic terms,” centered around conflict between Korea as a nation-state and Japan as a nation-state. In doing so, according to Professor Jungmin Seo, Korean society took the focus away from the women’s suffering and internalized the comfort women as “the suffering of the nation as a whole.”

Because of Korea’s colonial past, the nationalist frame particularly resonated with the Korean public. In present-day Korea the “memory of colonial
occupation hurts Koreans deeply,” and it is a source of humiliation for many.253 Still
healing from the persisting wounds of Japanese racism and colonization, the post-
liberation Korean government’s “rhetorical legitimacy wholly depends on the anti-
Japanese struggle.”254 In this context the comfort women became “a core symbol of
the atrocities committed as a result of Japanese imperialism” against Korea as a
nation. 255 Denouncing the Japanese government for the atrocity and its continued
refusal to confer redress became an issue of anti-colonialism and anti-imperialism.256

This nationalist frame, however, proved limited. It framed the comfort
women issue as merely a conflict between two nations.257 To enlist international
allies, the redress movement attempted to reframe the comfort women as an issue of
universal women’s rights.258

2. Generating a Model Victim Narrative

Broadening its support base, the Korean Council built coalitions with other
human rights groups around the world by reframing its redress claims in the
language of international women’s rights.259 It “used this discourse to construct a
narrative of shared collective memory and sense of injustice, to inspire frustration
against the Japanese State, to develop agency and solidarity among . . . its members,
and to build coalitions.”260 Attempting to build a foundation for redress, the
movement adopted a model victim narrative as its collective memory.261 Japanese
feminist, Professor Chizuko Ueno, has summarized the familiar story: “An innocent
virgin is suddenly taken by force, gang-raped and forced into labor as a comfort
women. She tries to escape but is stopped and lives through unbearable suffering.”262

While this narrative evokes a visceral sense of injustice, it is fraught with
patriarchy. It excludes the women not reflected in the narrative and undermines goals
of the women’s rights movement it purports to advance. For example, it fails to
recognize agency where it exists.263 In addition, when Korean activists deploy the
model victim narrative to bolster anti-Japanese Korean nationalism, it subordinates
those the redress movement ostensibly seeks redress for — the women.

By framing the comfort women as powerless virgins taken by force, the
narrative deems only virgin women worthy of redress and implicitly deems other
women unworthy.264 Voicing this concern, Professor Ueno has characterized the

253. C. SARAH SOH, THE COMFORT WOMEN: SEXUAL VIOLENCE AND POSTCOLONIAL
MEMORY IN KOREA AND JAPAN 15 (2008).
254. Soh, supra note 133, at 378.
255. Id. at 374.
256. Id. at 377.
257. See Ling, supra note 213, at 78.
258. Id.
259. Kyeyoung Park, supra note 134, at 596; Ling, supra note 213, at 78.
260. Ling, supra note 213, at 78.
261. See id. Nationalism and Gender, supra note 3, at 89 (discussing the model victim and the
international women’s rights movement).
MEMORY 129, 143 (1999) [hereinafter Politics of Memory].
263. See, e.g., Kathryn Abrams, Sex Wars Redux: Agency and Coercion in Feminist Legal
Theory, 95 COLUM. L. REV. 304, 344 (1995) (observing that many feminists insist upon “recogniz[ing]
agency among oppressed women”).
model victim as a "manipulative category." She denounced: "It is easy to see that [the model victim narrative] makes it difficult for the 'impure victims,' whose cases do not precisely fit that description, to come forward." The "impure victims" run the risk of challenging patriarchal norms.

Korean feminists have vigorously asserted that a "postcolonial Korean public discourse of the comfort women in terms of forcible recruitments of helpless young virgins by the Japanese military would arbitrarily exclude all the personal experiences of sexual violence suffered by other individual victims." Professor C. Sarah Soh further observed that some "personal narratives paint quite a different picture from the canonized image of police or the military forcibly dragging [young women] away from loving parents." Some women, seeking independence and to escape various burdens, such as domestic violence, poverty, an arranged marriage, or familial conflict, left their homes voluntarily to work in factories or as licensed prostitutes. These narratives, Soh asserted, "unwittingly interfere with the activists' pragmatic story."

Moreover, by reinforcing a patriarchal double standard that draws a line between the pure and un-pure, the model victim narrative implicitly frames the comfort women issue as solely the forcible loss of the women's chastity and purity and undermines the larger goal of women's rights projects to eliminate patriarchy. Observing how a model victim--or a "model minority"--narrative can impede a redress movement's broad societal goals, Professor Chris Iijima suggested that providing redress based on a model minority narrative reinforces ideologies that may impair the larger political vision of the redress movement. Analyzing Japanese American internment redress, Iijima argued that the United States government celebrated "blind obedience" to injustice rather than resistance to it by framing Japanese Americans as the "model minority" that acquiesced "patriotically" to their wrongful incarceration. Congressional reparations rendered invisible the dissenters who saw the injustice and outrage of the internment at its outset. Most significant, Congress' implicit message contradicted a broader goal of internment redress--to "never let deep injustice under the false mantles of 'necessity' or 'security' or 'protecting the American way' happen again--to [Japanese Americans], or to anyone." For the Korean comfort women, achieving redress based on the model

Claims, 40 B. C. L. REV. 477, 499 (1998) (suggesting that an inherent danger in conferring reparations is that it characterizes "group worthiness").

265. Nationalism and Gender, supra note 3, at 89.
266. The Politics of Memory, supra note 262, at 141.
268. Id. at xiii.
269. Id. at 2, 8, 13. Licensed prostitution was firmly entrenched in Korean society by 1910. Id. at 8-11.
270. Id.
271. Nationalism and Gender, supra note 3, at 77, 89 (noting how the model victim narrative echoes more explicitly patriarchal paradigms that emphasize purity and chastity); Beverly Yamamoto, Introduction to Nationalism and Gender, supra note 3, at vii, xix.
273. Id. at 399.
274. Id. at 395.
victim narrative similarly risks conveying the patriarchal message that Korean society values women only for their purity and chastity.

The model victim narrative further impedes genuine redress when activists invoke the narrative to incite anti-Japanese Korean nationalism. Despite the redress movement’s shift toward women’s rights, the tendency remains to “construct [the comfort women issue] within a nationalist discourse,” and Korean activists “defend [their] right” to do so. The model victim narrative permeates Korean culture, and almost all Korean publications related to the comfort women have deployed this “postcolonial nationalist perspective[,] denouncing Japan for the forced mobilization of ‘virgins.’”

This patriarchal nationalist response, however, carries a latent danger. Because women are subordinate to men in Korean society, Korean nationalism transformed the comfort women into a men’s issue and eclipsed the full range of women’s harms. As mentioned above, the model victim narrative implies that the only harm is the forcible loss of chastity. In a society where “Korean women’s sexuality belongs to Korean men,” this loss of the comfort women’s chastity became the “loss of the nation’s essential property.” The rape of the women became the rape of the nation. As a result, discourses about the comfort women emerged as “neither about nor for the [comfort women], but rather about the humiliation of Korean men,” expressed as “Korean men’s anger against Japanese men.” From this perspective, framing the comfort women as the loss of women’s chastity subordinates the women themselves and erases their harms.

V. AN INTERSECTIONAL ANALYSIS TO BETTER ILLUMINATE THE FOUNDATION FOR GENUINE REDRESS

In the previous section, a feminist analysis of the comfort women’s redress movement and its model victim narrative revealed that the movement risks subordinating victims and, on a broader level, risks perpetuating systemic patriarchy. Building on that analysis, this section considers the present-day redress movement, specifically the model victim narrative and nationalist frame, through an intersectional lens and illuminates how the movement also tends to erase race and strip the comfort women of their intersecting harms.

A. Where is the Racism Here?: Obscuring the Unique Racialization and Sexualization of Korean Women

While overt sexism continues to burden the comfort women, it intersects
with other systems of oppression. Professor Matsuda suggests that “no form of subordination ever stands alone;” all forms of subordination are connected. To see the interconnections, she instructs us to “ask the other question.” When she sees something racist, she asks, “Where is the patriarchy in this?” When she sees something sexist, she asks, “Where is the heterosexism in this?” And when she sees something that looks homophobic, she asks, “Where are the class interests in this?” With the comfort women’s present-day redress movement – situated within women’s rights and nationalism–patriarchy is the obvious oppression. But where is the racism here?

An intersectional analysis reveals that racial oppression lies buried within the model victim narrative and the nationalist frame. They erase the significance of the racialized nature of the atrocity and, as a result, fail to recognize the comfort women’s intersecting harms as the basis for genuine social healing through redress.

In the model victim narrative, race is a non-issue. Its implicit notion that the forcible loss of virginity is the only harm, essentializes the complexity of a history of colonization, nationalism, and patriarchy into a narrow paradigm that upholds patriarchal perceptions of women’s value–that women are valued for their chastity. It leaves race unexamined. Contrary to the narrative, Japanese racism, through colonialism, is at the heart of the Korean comfort women atrocity. As discussed above, throughout colonization, Japanese society racialized Koreans as inferior, as a “valueless race,” and the dehumanized “other.” Albert Memmi’s theorizing on colonialism and racism illuminates how racializing Koreans provided justification for the Japanese military to target Korean women and subject them to slave-like conditions at the comfort stations: “The colonialist constructs a portrait of the colonized that is so well adapted to the needs of colonial domination that it presents itself as the predestined order of things.” The resulting Japanese racism was “both the ideology and active manifestation of [this] dominance.”

Even when the narrative is deployed within the Korean nationalist frame–where the harms of colonialism are seemingly brought to the forefront–Korean activists mask the women’s unique intersecting harms by subsuming the comfort

287. Id.
288. Id.
289. Id.
290. Id.
291. Professor Hyunah Yang raised this concern in response to those in Japan who allege that all comfort women were prostitutes. The prostitution paradigm, she observed, excludes the “interethnic violence” and “leaves the axis of race unexamined or at best secondary.” Yang, supra note 144, at 59-60. Conservative factions in Japan often deploy the prostitution paradigm to legitimize the comfort women system. Critics, including Professor Ueno, refute this paradigm for many reasons. First, while some women voluntarily became comfort women for compensation, most did not. Moreover, recruiters often deceitfully lured even those who “voluntarily” entered the comfort stations, promising the women they would make a “good living.” Any compensation, however, was nominal and the women often worked under “slave conditions.” Second, the paradigm denies the military’s involvement in organizing and implementing the comfort stations. Third, the comfort stations were “forced labor under conditions of confinement.” Nationalism and Gender, supra note 3, at 82-84; see also Yang, supra note 144, at 59-60.
292. Yang, supra note 144, at 64; see supra Part IV.B.1.
293. Racism, supra note 166, at 53.
294. Id. at 56.
women within the nation’s anti-colonialist nationalist struggle. In a colonized country, nationalism arises out of the oppression the colonized endured at the hands of the colonizer, legitimized by racism. Anti-colonialist nationalism, then, is a response to the colonizer that frames all of the harms of colonization as harm to the entire country.

Korean nationalism indeed centers around the deep wounds of colonialism, that decades of colonial rule left millions of Korean lives in “utter shambles.” National identity in Korea today continues to “incorporate[ ] a widespread belief. . . that Japan must still apologize for the colonization of Korea.” But in subsuming the comfort women issue, not only does Korean nationalism divert the discourse away from the women themselves (as revealed by a gender analysis), Korean nationalism obscures the significance of race in the characterization of Korean women as dispensable sexual commodities.

B. Recognizing How Race Intersected with Gender to Create Multidimensional Harms

Dehumanized in the eyes of the Japanese military, the Korean comfort women became merely “a resource to enable the Japanese victory.” The Korean comfort women occupied the bottom of the Japanese military’s hierarchy of human worthiness. The Japanese military disparaged the Korean comfort women not only because of racism or patriarchy, but the intersection of both. Fast forward nearly seventy years to present-day and the Korean comfort women’s redress movement tends to miss the significance of race. When the discourse centers around the model victim narrative and Korean nationalism, the movement does not comprehensively recognize the full range of victims’ intersectional harms. In doing so, the present-day redress movement risks impeding genuine social healing for the women.

The atrocities the Korean comfort women suffered are too egregious to neglect. Women like Chong Ok Sun, who recalled having a “matchstick to [her] private parts” until they “oozed with blood,” endured particularly brutal and often sadistic treatment at the comfort stations because they were Korean women. Professor Yang likened their treatment to that of a “sanitary toilet,” where the Japanese military disposed of their sexual needs, tensions, and neurosis.

Evoking deep-seated perceptions of racial inferiority, Japanese soldiers disparagingly referred to the Korean comfort women as senjing (dirty Koreans) or chosenjin (a derogatory term for a Korean baby) and emphasized that the “Korean

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295. See id. at 50 (discussing the colonized’s “hypervaluation” of its own race because it has been devalued by the colonizer).
296. Id.
297. DUDDEN, supra note 133, at 82.
298. Id. at 63.
299. Yang, supra note 144, at 65.
300. The atrocities of comfort women of other ethnicities are similarly too egregious to neglect. However, this essay focuses particularly on the Korean women, as understood within Korea and Japan’s complex colonial history.
301. See supra text accompanying note 143.
303. Yang, supra note 144, at 65.
304. Interview of Kim Dae-il, in COMFORT WOMEN SPEAK: TESTIMONY BY SEX SLAVES OF
race should be eradicated from the earth."\(^{305}\) Kim Yoon-shim recalled Japanese soldiers declaring their disdain and disregard for people of Korean ancestry, calling all Koreans "liars" and "subhumans."\(^{306}\) "No one cares," a soldier told her, "no one can trace if [Korean] people are killed."\(^{307}\)

In this way, the Korean comfort women were subjected to a racial hierarchy.\(^{308}\) Korean comfort women suffered inhumane treatment not visited upon Japanese comfort women. For instance, while the Japanese military kept Japanese women in "more secure base areas," Korean women were "sent to the frontlines" and designated for cruel treatment.\(^{309}\) Japanese comfort women were reserved for the highest-ranking soldiers, whereas Korean women were designated for ordinary soldiers.\(^{310}\) While Korean women faced rape "not just by one soldier but by dozens of men each day—by thousands over the course of years"—the military allowed the Japanese women to "limit the number of clients they served, if too exhausted or raw."\(^{311}\) Even Japanese comfort women looked down upon "the lower ranks," such as the Korean women.\(^{312}\)

Providing an illustrative example, when women's groups protested establishing comfort stations in Okinawa for fear of corrupting public morals, the Japanese military responded perversely as it did in Japan: comfort stations populated by Korean women would protect Okinawan women's chastity by decreasing the likelihood that soldiers would rape local Okinawan women.\(^{313}\) As Professor Ueno observed, "the chastity of the women of Okinawa was 'defended' at the sacrifice of Korean women."\(^{314}\)

By excluding the significance of race—that racism intersected with sexism to multiply-burden the Korean women—both the model victim narrative and the nationalist frame preclude comprehensively recognizing the full range of victims' harms, the first step toward genuine social healing.\(^{315}\) While many scholars and activists emphasize the comfort women's persisting harms that resulted from the innumerable rapes and beatings, as well as systemic patriarchy, they tend to overlook the harms that arose out of racism.\(^{316}\) For example, Professor Soh noted that

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305. Interview of Moon Pil-gi, in COMFORT WOMEN SPEAK: TESTIMONY BY SEX SLAVES OF THE JAPANESE MILITARY, supra note 5, at 66.
306. Interview of Kim Yoon-shim, in COMFORT WOMEN SPEAK: TESTIMONY BY SEX SLAVES OF THE JAPANESE MILITARY supra note 5, at 45.
307. Id.
308. Hicks, supra note 191, at 48 ("Koreans were ranked after Japanese and Okinawans.").
309. Id. at 66.
310. Id.
311. Yang, supra note 144, at 65.
312. Hicks, supra note 191, at 67.
313. Id.
314. Nationalism and Gender, supra note 3, at 85.
315. Id.
316. See supra Part I for a discussion of social healing as the goal of redress.
317. See, e.g., Nationalism and Gender, supra note 3, at 70 (emphasizing the patriarchy prevalent in Japanese and Korean society and addressing Korean nationalism and Japanese colonialism, but not discussing harms to the women that arise out of racial oppression); but see Yang, supra note 144, at 62 (suggesting that, because of racism and Japanese imperialism, the comfort women atrocity was an act of genocide; however, not elaborating on the specific and persisting harms that arose out of this attempted genocide).
survivors reported suffering “childlessness and chronic pain from past injuries or sexual abuse” and “low self-esteem and abiding psychological trauma over the loss of their virginity,” yet she did not address the long-standing harms of racism.\footnote{318}

The harms of racism are significant.\footnote{319} Professor Ruth Rubio-Marin has explained that, when people face persecution based on race, their experience conveys to them, their group members, and to society that their identity is unworthy.\footnote{320} According to Professors Joe Feagin and Melvin Skies, “experiences with serious discrimination not only are very painful and stressful in the immediate situation and aftermath but also have a cumulative impact on particular individuals, their families, and their communities.”\footnote{321} For instance, a study of African Americans associated high present-day psychological stress with previous racial discrimination.\footnote{322} Persisting psychological harms of racism often include anger, bitterness, anxiety, frustration, and a sense of fear or hopelessness.\footnote{323} Victims also often internalize racist beliefs about their group identity and accept negative messages of their intrinsic worth.\footnote{324} Unaddressed, this internalization can result in generations of individuals and communities perceiving limitations to their “full humanity, including one’s spectrum of dreams, one’s right to self-determination, and one’s range of allowable self-expression.”\footnote{325}

The comfort women’s colonial history is particularly significant because of the dynamic interaction between colonialism and racism. For colonial subjects, racialized colonialism “inflict[s] serious psychological and physical stress on those colonized, both those initially colonized and their later descendants.”\footnote{326} These long-standing harms arise out of the “constant barrage of racialized assaults by the colonial system on the personalities, lives, families, and communities of those it targets.”\footnote{327} Because communities retain racist experiences in “not only in individual memories but also in family stories and group recollections,” the wounds of racism remain fresh through generations.\footnote{328} Both the model victim narrative and the nationalist frame preclude healing these persisting wounds by excluding the Korean comfort women’s racialized experiences and obscuring the multidimensional nature of their harms.

\footnotesize{318. SoH, supra note 253, at 176.}
\footnotesize{319. Indeed, the harms of sexism are also significant. Systemic violence against women “exacerbates social meanings that feed the construction of gender relations as a system of dominance” and “undermines women’s chances to live with self-respect and free of prejudice and subordination.” Rubio-Marin, supra note 15, at 200.}
\footnotesize{320. Id. at 199.}
\footnotesize{321. JOE R. FEAGIN & MELVIN P. SIKES, LIVING WITH RACISM: THE BLACK MIDDLE CLASS EXPERIENCE 16 (1994).}
\footnotesize{322. JOE R. FEAGIN & KARYN D. MCKINNEY, THE MANY COSTS OF RACISM 31 (2003).}
\footnotesize{323. Id.}
\footnotesize{324. Camara Phyllis Jones, Levels of Racism: A Theoretic Framework and a Gardener’s Tale, 90 AM. J. OF PUB. HEALTH 1212, 1213 (2000).}
\footnotesize{325. Id.}
\footnotesize{326. FEAGIN & MCKINNEY, supra note 322, at 39-40.}
\footnotesize{327. Id. at 39.}
\footnotesize{328. FEAGIN & SIKES, supra note 321, at 16.}
VI. CONCLUSION: LOOKING FORWARD

In recent years, publicity and international support for the comfort women’s redress movement has flourished. In 2007, the World Conference on Japanese Military Sexual Slavery brought global leaders, activists, and survivors together to “reflect[ ] and ruminat[e] on the way forward.” In 2007 and 2008, the United States, the European Union, Canada, and the Netherlands legislatively called upon the Japanese government to provide redress. Thirty-six cities and localities in Japan have since passed resolutions calling for the central Japanese government to support the women. Various United Nations bodies have also repeatedly called for justice. More recently, on the International Day for the Elimination of Violence Against Women, November 25, 2010, activists and survivors presented the Prime Minister of Japan with a 620,000 signature-strong petition demanding redress.

With momentum gaining, and with the survivors approaching their 90th year, the time is ripe to consider how to craft a redress initiative that genuinely heals the comfort women’s complex and persisting wounds. While this essay does not propose the details of a specific initiative, it attempts to realign the Korean comfort women’s redress movement within the larger task of “reframing redress” by revealing how intersectionality expands their redress into a more comprehensive project of repair and social healing. It calls for resisting both the model victim narrative and the nationalistic frame and “reframing redress” to acknowledge how race intersected with gender throughout the comfort women’s struggle.

Intersectionality reveals that Korean women stood at the bottom of Imperial Japan’s gender and race hierarchies. Women existed to serve Japanese men, often by relieving their sexual desires, and Koreans were Japanese society’s inferior, dehumanized other. It was the intersection of these hierarchies, however, that led to the especially sadistic treatment of Korean women. The intersection of racism –
through colonialism—and sexism rendered Korean women dispensable sexual commodities in the eyes of the Japanese military. An intersectional analysis further reveals how Korean activists’ present-day redress movement—the model victim narrative and Korean nationalism—is insufficient to heal the former comfort women’s, and society’s, wounds. In addition to reinforcing patriarchal ideology, it largely fails to recognize the women’s intersecting harms by erasing the significance of race. Only when the harms are fully recognized, can policymakers and advocates collectively design a comprehensive and specifically tailored redress initiative that aims to heal those multidimensional wounds. For reparatory justice, “[t]he remedies must be tailored to the harm. That is, when the injuries are long-term and systemic, so must the response.”

On a broad level, analyzing the Korean comfort women under an intersectional lens aims to lay a foundation for future proposals to redress widespread, group-based injustice where victims face intersecting harms. As part of the larger project to “reframe redress” as change that engenders “comprehensive, sustained, and systemwide” justice that heals, this essay urges redress policymakers to embrace intersectionality theory as a tool to help heal the deep wounds of injustice—to help communities “heal the victims, the bystanders, and even the perpetrators” and “come to terms with the past.”

337. See infra Parts III.D. and IV. for an in-depth critique of the present-day redress movement.
338. Reframing Redress, supra note 14, at 38.
339. Id.
340. MINOW, supra note 15 at 21.