

NOTES

INTRODUCTION

1. It is arguable that the vocabulary of human rights has now been displaced, in the wake of September 11, 2001, by the discourse of terrorism and counter-terrorism both globally and domestically within many nations of the world.
2. Freedom as understood variously: the freedom of negative rights (freedom from state intervention and coercion); and the freedom of positive rights, (freedom to live in conditions sustaining a dignified life).
3. Afghanistan, Iraq, and North Korea have displaced China as “worst cases” in the wake of September 11. It is also the case that China has had effective ways of defending its position while other nations have been silenced or dismissed. Thus the dominant, but not the only, international discourse surrounding China for the last decade has been that of economic “development miracle” rather than that of “human rights violator.”

1 CONJUNCTIONS: LIFE NARRATIVES IN THE FIELD OF HUMAN RIGHTS

1. The West is obviously a contested concept. By it, we mean to imply not a geographic location but a locus of symbolic and grounded power relations, emanating mainly from the United States, Europe, and the English-speaking world, sharing Enlightenment traditions and (post)colonial histories. The term entails a complex and often contradictory set of philosophic, political, economic, and social relations. There is no ground for identifying an essential “Western” subject, discourse, or nation. The Western subject shares many attributes of modern, or modernizing, subjects, nations, and cultures across the globe. Often, critics in non-Western countries who are contesting Western frameworks use hybridized Western-based political, legal, and cultural theory to make their case. Often those living in and identifying with the West inflect their arguments with theories and analyses contrary to Western traditions. We will try to work with some of these complications in our analyses of storytelling in a human rights field.

2. As Leigh Gilmore recently noted, the number of books published in English and labeled as “autobiography or memoir” tripled from the 1940s to 1990s (Gilmore 2001, 1). Gilmore goes on to discuss factors contributing to the memoir boom, particularly in the United States. Jay Winter notes that in the last twenty years historians in France, Germany, Italy, and Portugal have sought and published numerous collections of memoirs as ways of understanding historical legacies of events in the twentieth century (52).
3. The Sisters in Islam is a case in point. Working in Malaysia, but connected to reformist Islamic women’s groups throughout the world, Sisters in Islam solicits testimony from abused Muslim women with a view to promoting equality and justice in accord with the teaching of the Koran. Although the group adopts modernist philosophies and feminist practices from the West that are “not welcomed” by conservatives and traditionalists (Langlois 2001, 60), it has nonetheless been influential in a number of spheres, particularly in relation to law reform and advocacy for Islamic women suffering domestic violence. Working between democratic states rights and religious obligations of the Islamic state, Sisters in Islam argues that grounds can be found in the Koran to promote equality, justice, and freedom for women through democratic Shari’a (or religious) law reform.
4. Elie Wiesel and Primo Levi were two of the more widely circulated witnesses from the 1960s and 1970s, contributing their testimony to public Holocaust remembrance.
5. Hirsch defines postmemory as “the relationship of children of survivors of cultural or collective trauma to the experiences of their parents, experiences that they ‘remember’ only as stories and images with which they grew up, but that are so powerful, so monumental, as to constitute memories in their own right” (8).
6. Films include documentaries like Claude Lanzmann’s *Shoah*, and features such as Steven Spielberg’s *Schindler’s List*. Representative exhibitions and archives include the Spielberg Shoah Visual History Foundation, the Fortunoff Video Archive at Yale University, and the dramatic scenes of witness in the Holocaust Museum in Washington, D.C.
7. The reception of Holocaust narratives by different audiences both inside and outside of Israel suggests how critical location is to reception. In Israel, the dominant mode of response is to receive these narratives as examples of heroic resistance and survival. In the United States Holocaust literature is consumed and interpreted within national narratives of redemption, as stories that tell “of the wider struggle for tolerance, for freedom of religion, for freedom from persecution: they locate the Holocaust within the American narrative, itself configured as universal” (Winter 2001, 54).
8. See, e.g., Caruth (1995); Felman and Laub (1992); and LaCapra (2001), among others.

9. For some social commentators, however, “the global reach of the media and of power mechanisms with which they are in complicity dwarf local efforts to fight back” (see Massumi 1993, 30).
10. Dunant shared the first Nobel Peace Prize (1901) with Frédéric Passy.
11. See *The Rigoberta Menchú Controversy*, edited by Arturo Arias; with a response by David Stoll (2001).

2 THE VENUES OF STORYTELLING

1. For the emotional and ethical difficulties of this positioning, see Sen 110 and Langer 195.
2. In the midst of this fieldwork, fact-finders’ and witness’s lives may be put at risk. Witnesses in particular face the possibility of reprisal if they give personal testimony or, in the case of indigenous people, if they reveal sacred secret knowledge. Anonymity, however, limits the truth-value of the testimony, often rendering it suspect.
3. In 2002, *Witness* documentary testimony was offered into evidence at the World Court during the International Criminal Tribunal for the former Yugoslavia (ICTY) in which two former army officers were found guilty of crimes against women.
4. Media links with Hong Kong also resulted in massive street demonstrations in which one million of the city’s 5.5 million residents marched in solidarity with the students. A Hong Kong rock concert for protestors raised valuable cash to maintain the protest.
5. To avoid surveillance, radios were set up under surgical beds in gynecological clinics. When police raids occurred, officers would be put off in their investigations by the sight of undressed women lying on the beds in stirrups.
6. Bethaney Turner explains that in contrast to the Marxist–Leninist diatribes of the past, the Zapatistas “employed a simplistic vernacular used to convey information in an often lyrical, story-like manner, rich with poetic imagery” (5). Subcommandante Marcos adopted a language familiar to the Tzeltals, Tzotziles, and Choles so that freedom fighters and people in indigenous communities found common ground for resistance.
7. One disadvantage of the advanced technological features of *Witness* is that full access also requires sophisticated hardware. Other sites, like Universalrights.net offer access to stories and invite viewer dialogue in ways that require minimal hardware.

3 TRUTH, RECONCILIATION, AND THE TRAUMATIC PAST OF SOUTH AFRICA

- * This chapter could not have been written without our interactions with a number of South African scholars. Of particular note, we wish

to thank Dorothy Driver and Joan Wardrop who generously shared their knowledge and research materials, commented on drafts as they developed, and, along with Colin Muller, engaged us in conversations that refined our thinking and provided countless insights as the research progressed.

1. Our discussion here is indebted to Alexis de Veaux's published recollections of the event in "Walking into Freedom" (1990); Mark Gibson's retrospective assessment of this "moment of radical opening and possibility as well as repression and cynicism" (Gibson 2001, 66); and the recollections of Dorothy Driver and Joan Wardrop.
2. In his ghostwritten autobiography *The Long Walk to Freedom*, Mandela reports on the conflict between the ANC and Inkatha that ensued shortly after his release. He notes that the ANC refused his attempts to meet with Chief Buthelezi and that the Zulu king retaliated by refusing to become involved in negotiations to bring about the end of white rule. This impasse between the ANC and the Inkatha led to violence, demonstrations, and police killings in the townships of Johannesburg and brought a temporary end to talks with President de Klerk (Mandela 1994, 561–64).
3. The MDM included the Congress of South African Trade Unions (COSATU), the United Democratic Front (UDF), the South African Youth Congress (SAYCO), and the Congress of South African Writers (COSAW).
4. Personal correspondence with Joan Wardrop, 4 August 2003. Albert Tambo had been the ANC President in exile for decades.
5. Collections of worker stories and prisoner narratives had been issued by publishers testing the limits on censorship; but these narratives, fuelling the Struggle, were seldom couched within a human rights framework. In addition, the South African Institute of Race Relations, the Black Sash, the Federation of Transvaal Women (FEDTRAW), and other anti-apartheid organizations had kept records of violations (Driver, pers. comm.).
6. Pass laws required every black adult to carry a pass at all times. Originally required by men (and women in the Orange Free State from 1913), they were extended to all black women in the 1950s, prompting active defiance (See Ngoyi 240–44). Without passes, black South Africans remained outside the law and vulnerable to arrest, detention without trial, relocation, disappearance, and death.
7. As the editors of *Women Writing Africa* explain, "In South Africa, the racial category 'coloured' was applied to people of certain mixtures of descent since colonial times. Gradually it was formalized to serve apartheid and white domination; officially the South African government declared it to include all people of 'mixed race,' but the category soon came to include the many peoples who could not be placed in the rest of the irrational system. Thus San, Khoe, and Griqua people, as well as those of "Malay" origin (the descendants of slaves brought to

the Cape from Java and neighboring islands), were categorized as coloured, as were the Chinese people” (Daymond et al. 61, footnote 36).

8. The apartheid state organized intersubjective exchange and relationships. Whiteness was reproduced in white families whose participation in the apartheid system confirmed white superiority and privilege and to whom the benefits of the apartheid system accrued. The laws of miscegenation meant that people could not marry across their racial classifications. Thus, after the passage of the apartheid laws, many affective relationships were suddenly made illegal, as children of cross-racial marriages became “coloured.” Black family life suffered from fragmentation, dislocation, and the pressures of state violence.
9. After being released from prison, First went into exile. She was killed in 1982 in Mozambique by a letter bomb sent by the South African Security Police.
10. Other notable prison narratives included Albie Sachs’s *Jail Diary* (1966), Quentin Jacobsen’s *Solitary in Johannesburg* (1973), Hugh Lewin’s *Bandiet: Seven Years in a South African Prison* (1974), Winnie Madikizela Mandela’s “Detention Alone is a Trial in Itself” (1975), Breyten Breytenbach’s *The True Confessions of an Albino Terrorist* (1984), Tim Jenkins’ *Escape From Pretoria* (1987), and Caesarina Kona Makoere’s *No Child’s Play: In Prison Under Apartheid* (1988).
11. Later critics would claim that far from portraying “everyday life,” such narratives produced only “the spectacular” of oppression. See Ndebele, “The Rediscovery of the Ordinary.”
12. For many international readers in the United Kingdom, the United States, Australia, and other white settler nations, anti-apartheid advocacy displaced anti-racist action against oppression in their own countries, like that suffered by black Britons and African Americans, Indigenous Australians, and other minority cultures struggling for recognition in postcolonial contexts. Nonetheless, these stories promoted international campaigns and UN motions of censure that led to measures against South Africa.
13. “History from below” projects, evolving from the Black Consciousness Movement, gained momentum and cultural force in the 1980s and involved gathering, transcribing, and disseminating oral histories and promoting street poetry and performance as a way of making the stories of people’s everyday lives available to a broader public. These were projects involving people whose stories were unlikely to become fare for novels, television series, or films made inside the country.
14. As Hofmeyr (1996) reminds us, what had primarily been male oral traditions were sustained by women in the absence of male storytellers due to the National Party’s policies of forced removal of black men from the homelands to migrant barracks, where, in the absence of

- courtyards, the storytelling tradition could find no constitutive space. Women's storytelling, however, "which was associated with the kitchen and the hearth area, transplanted quite well" (92).
15. "Necklacing," a particularly cruel form of violence, involves the practice of filling a tire with petrol and setting it alight around the neck of a black person suspected of colluding with the police.
 16. We are indebted to Dorothy Driver for this information.
 17. McClintock critiques Joubert's depoliticization of the narrative through her editorial framing. See *Imperial Leather* (30 f.f.).
 18. For Guattari, a "singular event" is "a point, or presence in the world that comes into contact with other singularities." Here, Guattari points to the release of energy that the viewer, as subject coming into contact and "if need be, in open conflict" (36) with alterity, occasions and generates. The singular event propels different configurations of knowledge and, in turn, gives rise to uncertain and unsettling effects. It is this energy that calls attention—as a politically mobilizing force—to what is in the midst of happening and to what may be yet to come. There is risk involved in this recognition, but it is propulsive risk, moving the subject and its environment into transformed relations that evade formula. "[I]t's sometimes necessary to jump at the opportunity," Guattari writes, "to approve, to run the risk of being wrong," and, in doing so, "[to] respond to the event as the potential bearer of new constellations of Universes of reference" (18). We thank Emily Potter for her assistance in the formulation of this discussion.
 19. Beginning in 1974 in Uganda, Truth Commissions have occurred in more than twenty-one countries, including Chile, Argentina, Uruguay, the Philippines, Chad, Bolivia, Zimbabwe, Ethiopia, Germany, Uganda, El Salvador, Guatemala, Malawi, South Africa, Australia, and Peru.
 20. In their submission to the Commission on behalf of the Gender Research Project of the Centre for Applied Legal Studies at the University of Witwatersrand, Beth Goldblatt and Sheila Meintjes catalogued a set of interlocking effects of the TRC's exclusive terms of reference. These terms of reference precluded addressing the systemic effects of gender inequalities and the realities of sexual violence (1996, subsequently published 1998).
 21. Albie Sachs, referring to the demands for justice, asks: "What does this word 'justice' mean? In terms of social processes, is that the beginning and end of justice? Is there no justice if you do not send someone to jail?" (99). He asserts that perpetrators did pay a price, and continue to live with the legacy of the public confession to their crimes.
 22. Other features of the TRC in practice impeded the goal of healing wounds opened by giving witness to the truth of the past: the differential sums paid to lawyers for perpetrators as opposed to victims; the limits of investigatory and prosecutorial powers of the

- Commission; the perceived leniency in the treatment of ANC perpetrators; and the murky permeability of boundaries between personal and political motives for killing.
23. The Amnesty Committee continued its work for another two years.
 24. Notable here is the South African Broadcasting Company's dramatic presentation of TRC testimony through the emotive and dramatized production of a special set of CDs entitled *South Africa's Human Spirit*. For a critical assessment of the package, see Libin (2003).
 25. After the democratic elections in 1994, Ramphela became the first black Vice Chancellor of the University of Cape Town. She has been followed by Njabulo Ndebele.
 26. Heyns notes that J.M. Coetzee's autobiographical narrative *Boyhood* (1997) is a notable exception to the conversion narratives that have appeared. Coetzee does not split the protagonist off from his past, nor protect him from the knowledge of complicity (52, 55).
 27. For a discussion of the "drama of hospitality," see Derrida and Dufourmantelle.
 28. In addition to Morgan, the storytellers in the book are Virginia Maubane, Robert Buys, Valentine Cascarino, Siphon Madini, David Majoka, Steven Kannetjie, Gert, Patrick Nemahunguni, Pinky Siphamele, and Fresew Feleke. We are told before the title page that one of the storytellers, Siphon Madini, has gone missing. His picture appears with the request printed underneath: "Can you help?"

4 INDIGENOUS HUMAN RIGHTS IN AUSTRALIA: WHO SPEAKS FOR THE STOLEN GENERATIONS?

1. On the encoding of legal fictions, see Goodrich 1990.
2. This was a position articulated by the Aboriginal Provisional Government, founded in 1990 by Tasmanian lawyer Michael Mansell. Mansell, along with Roberta Sykes, Paul Coe, and other activists, had erected an Aboriginal Tent Embassy on the lawns of Parliament House in 1972 as a symbol of sovereignty claims. From the early 1970s Mansell engaged many performative acts to assert his belief and commitment to justice and the sovereignty of Aboriginal nations, including the design of an Aboriginal flag and the issue of passports. He traveled to Cuba and Libya for independent talks with Fidel Castro and Colonel Gaddafi. These dramatic gestures captured the attention of an international media and maintained pressure on the government at home. See APG 1992b (324–29), and Nicoll.
3. In 1938 Indigenous people had been bussed into town and forced to play their appointed roles in a reenactment of the coming of the First Fleet to Sydney Cove, under threat of starvation. That confrontation led to the first Day of Mourning and Protest, organized later that year

- by William Cooper and the Aborigines Progressive Association, to commemorate 150 years of grief since the Anglo-invasion of 1788. In 1954 when Queen Elizabeth visited Australia, Aborigines were coerced into providing “exotic” entertainment, dancing a corroboree in the Melbourne stadium. (See Goodall 2002 and Kleinert 1999.)
4. In addition, incarceration rates vary across the nation. In Western Australia an Aboriginal person is 7.5 times more likely to be serving a non-custodial sentence than a non-Aboriginal person (RCADIC 126).
 5. Enraged Aboriginal activists vented their anger in protests and renewed political claims for self-determination (McDonald 1999). By 1995 Indigenous detention rates had risen a further 25 percent, another ninety-seven deaths in custody had occurred, and few of the RCADIC recommendations had been implemented (Harris 208). Although larger in scope than any previous government inquiry, RCADIC had little practical impact on the nation or the lives of Indigenous Australians.
 6. The quotes from the review appear on the front and back covers of the first edition.
 7. Colin Johnson, later known as the writer and critic Mudrooroo Narogin and Mudrooroo, grew up in government institutions believing himself to be Aboriginal. His claims to an Aboriginal identity have since been challenged. *Wild Cat Falling* was presumed to be the first modern Indigenous narrative, predating the “foundational” texts of Oodgeroo Nunuccal, Monica Clare, Kevin Gilbert, Margaret Tucker, and others.
 8. See, e.g., the collection of essays on *My Place* in Delys Bird and Dennis Haskell’s (eds.) *Whose Place?* (1992), the discussion of *My Place* along side other Australian autobiographical narratives in Rosamund Daziell’s *Shameful Autobiographies* (1999), and the objections concerning the representativeness of the memoir voiced by Jackie Huggins (1993).
 9. Narratives continued to be published in the years following the Bicentennial. They include Glenyse Ward’s *Unna You Fullas* (1991), Torres Strait Islander Ellie Gaffney’s *Somebody Now* (1989), Alice Nannup’s *When the Pelican Laughed* (with Lauren March and Stephen Kinnane, 1992), Evelyn Crawford’s *Over My Tracks* (1993), Rita Huggins and Jackie Huggins’s intergenerational narrative, *Auntie Rita* (1994) and Doris Pilkington Garimara’s *Follow the Rabbit-Proof Fence* (1996).
 10. For a discussion of the collaborative framing of foundational women’s narratives and the politics of their production and reception, see Jones (2000a, b, c; and 2001).
 11. Jill Bennett and Rosanne Kennedy detail the politics of cultural memory in their “Introduction” to *World Memory: Personal Trajectories in Global Time* (2003).

12. The positive reception of the film in Australia was echoed globally. Overseas reviewers, however, framed the film within their own previously established popular myths of exile and belonging, variously comparing the film to *E.T.* and *The Wizard of Oz*, *Schindler's List*, and prison-escape films. Most reviews provided historical information about the child removal practices. In the United States and Canada particularly, reviewers frequently drew comparisons with their own colonial past and similar experiences of racial oppression and human rights violations against indigenous populations (See Potter and Schaffer 2004).
13. There is a major absence of critical texts authored by black or Indigenous Australians. Mudrooroo Narogin published his landmark study *Writing From the Fringe: A Study of Modern Aboriginal Literature* (1990). Marcia Langton's influential, extended essay on constructions of "Aboriginality," "Well, I Heard it on the Radio and saw it on the Television—": *An Essay for the Australian Film Commission on the Politics and Aesthetics of Filmmaking by and about Aboriginal People and Things* appeared in 1993, followed by Aileen Moreton-Robinson's searing critique of white women's privilege in *Talkin' Up to the White Woman: Indigenous Women and Feminism* in 2000. The first anthology of critical writings, *Blacklines: Contemporary Critical Writing by Indigenous Australians* (with Michelle Grossman as contributing editor) appeared in 2003.
14. The referendum is sometimes said to have given Aborigines citizenship status. This is not entirely accurate. Aboriginal people had had voting and other citizenship rights in some states prior to this time, but their status was both insecure and highly variable. In 1967 the Commonwealth assumed conjoint jurisdiction with the States over Aboriginal and Torres Strait Islander peoples and, for the first time, began to count them in the national census.
15. The Mabo decision on land rights overturned the doctrine of *terra nullius* thus allowing Indigenous groups who could claim continuous occupation on Crown lands to attain land rights, as was the case of the Mer Island people who were the subjects of the Mabo claim. The decision did not, however, restore traditional Indigenous customary law nor did it cede national sovereignty. For an extended discussion on Indigenous claims to sovereignty see Reynolds (1999).
16. These included Ted Koppel's *Nightline*, which aired in the United States shortly after the release of the Report, and John Pilger's documentary, *Welcome to Australia*, which aired in the United Kingdom in 1999.
17. The government responded by refusing to allow a visit by a United Nations special rapporteur and by issuing a warning to the UN that it would not support UN Committees unless the entire appeals process was radically overhauled and no longer capable of being "hijacked by minority groups."

18. See also Rosanne Kennedy (2001).
19. The Report set up conditions for reparations and compensation through Court processes. Several test cases, presented to State Courts, have met with limited success. In 1999 Joy Williams sought compensation from the New South Wales government, charging the State with breaches of duty of care. In 2000 Lorna Cubillo and Peter Gunner claimed against the Commonwealth of Australia, citing gross mistreatment that resulted in long-term suffering. Both claims were dismissed. In Queensland, Aboriginal workers sought compensation for stolen wages, kept in government-held “trust” accounts. Since the 1980s these workers have waited for wage claim adjudication, which could amount to as much as \$500 million (AUD). In May 2002 the government offered \$55.6 million (AUD). as a “take it or leave it” deal. The “Stolen Wages” campaign continues.
20. Some human rights advocates see apology as an empty symbolic gesture in the absence of substantive, structural changes. Around the world too many apologies were forthcoming—with too little action. Eric Yamamoto (1997, 80–8) has drawn up an “apology catalogue” detailing over forty-eight instances in the 1990s to which governments, religious organizations, businesses, individual public figures, institutions, and private actors issued apologies for race or ethnically related crimes.
21. The Wukindi Rom Project is one of those initiatives. Based on Yolngu protocols of conflict resolution aimed at restoring relationships between individual, groups and clan nations, it offers an ancient ceremony, strongly linked to non-Indigenous mediation, conflict-resolution, and decision-making processes. Offered as an annual event, the Rom Project provides “a positive and practical way towards national reconciliation as well as providing an opportunity to exchange dispute resolution understandings and skills between... ‘western’ and indigenous sources of learning” (Wukindi, accessed March 4, 2004).
22. Witnessing offered people who had been objectified through various rights-violating processes an opportunity to take up enabling subject positions through which they might become agents of history and claim legitimate positions within the sociality. “Through the processes of bearing witness to oppression and subordination,” suggests Oliver, “those othered can begin to repair damaged subjectivity by taking up a position as speaking subjects” (7).
23. See Judy Atkinson for a discussion of the use of Aboriginal healing practices of *dadirri*, or deep listening, growing out of indigenous cultural protocols.
24. This is not to say that none of these elements were present in pre-HREOC life narratives. Rather the new narratives combine many elements in ways that signal important shifts in narrative voice, collective identifications, and modes of audience address.

25. The Hindmarsh Island Bridge controversy concerns Njarrindjeri objections to plans to build a bridge over the Hindmarsh River south of Adelaide, South Australia. After a group of Njarrindjeri women claimed the proposed bridge would interfere with a women's secret site, the Labor government imposed a twenty-five year ban on construction that was overturned when the Liberal government came to office in 1996. A Royal Commission deemed the women's claims to be fabricated and approved the bridge construction. The findings of the Royal Commission continue to be contested. For a full account, see Simons.
26. Stephen Kinnane, in his Writer's Week talk at the Adelaide International Festival of the Arts (First Nations Writing panel, March 10, 2004), used this phrase to describe the general situation faced by contemporary researchers tracing family heritage through anthropological, medical, mission, and government records. We are indebted to Stephen for comments on how contemporary Indigenous lives are transected by multiple community identifications, a concept which we adapt in this discussion.
27. Grant was the first Indigenous newsreader, then host of a current affairs program, in Australia. His private life attracted widespread attention in the popular media when his marriage broke down after he fell in love with a white broadcaster, Tracey Holmes, whom he met when they both covered the Olympic games in Sydney. He is now located in Hong Kong where he works as a media journalist and presenter for CNN.
28. Here Grant refers to the so-called "history wars" and debates about historical representation, responsibility, and blame that arose after the publication of the *Bringing Them Home* Report. See Windschuttle (2001) and Manne (2003).

5 BELATED NARRATING: "GRANDMOTHERS" TELLING STORIES OF FORCED SEXUAL SLAVERY DURING WORLD WAR II

1. Most people writing on the former "comfort women" explain the vexed use of the term. We have put the term in scare quotes here in order to call attention to the ethics and politics of naming. On the one hand, the use of the term reproduces the dehumanization of the women and renders invisible the violence of women's sexual slavery during the Pacific War. On the other hand, the term has transnational political salience at this historical juncture and can be understood as a collective term of identification among women from very different geographical locations. We sometimes use the term sex prisoner and sometimes the term survivor. We often use the phrase sexual slavery to mark, as Vera Mackie does in her discussion of the issue of discursive reference,

- “the institutional aspect of this form of violence” (39). But we do use the phrase “comfort women” at times so as not to lose the charge of the irony of the naming of these women subjected to repeated rapes as “comfort women.”
2. See Ustina Dolgopol for an exploration of the history of the UN War Crimes Commission (created on October 20, 1943) and its recommendations on the prosecution of Japan for war crimes.
 3. For an extended discussion of the history of Japanese compensation to Southeast Asian nations after the Pacific War and issues of reparations, see Won Soon Park.
 4. The Korean Council is an umbrella group of some twenty-three feminist organizations in South Korea.
 5. Recent research suggests that Japan’s organized system of brothels for soldiers dates back to the turn of the twentieth century (Watanabe 4) and certainly was expanded after the Nanking massacre in 1937 in China. The military system of enforced sexual slavery can also be historicized in terms of the far longer system of licensed prostitution dating to the Tokugawa Shogunate (1603–1867). For further historicization of the brothels, see Fujime Yuki; and Chin Sung Chung.
 6. During the early twentieth century, Japanese women were recruited by sex brokers primarily from Kyushu, where impoverished parents sold daughters to support their families. The *karayuki* lived as captives while they worked as prostitutes and then were often rejected and disowned by their families when their usefulness came to an end (Freiberg 232). Also see Chin Sung Chung and Watanabe for discussions of the development of military sexual slavery in Imperial Japan.
 7. Lee is glossing the work of medical anthropologists Arthur and Joan Kleinman (1994) on the body as a somatic site of traumatic remembering (716).
 8. Stetz notes the long history of “rape culture,” organized systems of state prostitution for fighting men, reaching back at least to the imperial powers in the classical world (91–2). She argues that the “systematic sexual violence by invading or occupying military forces has been disguised as ‘prostitution,’ to mitigate atrocities by dismissing them as ordinary commerce” (Stetz 92).
 9. Vera Mackie comments that “a feminist consciousness of the linkage between gender and militarism, and the relationship between sexuality and human rights is necessary before militarized sexual violence can be seen as a fit topic for public discourse, and an issue which must be considered alongside other aspects of international relations” (38).
 10. The upsurge in women’s activism in Korea had to do in part with the international attention focused on Korea before and during the 1988 Seoul Olympic Games (Barkan 54).
 11. In the 1980s, Yun Chong-ok, a civilian who had almost been forced into sexual slavery during World War II, joined forces with the Korean

- Church Women's Federation to call attention to the history of sexual exploitation of Korean women. In 1988 she read a paper on former sex prisoners at a conference on Japanese sex tourism in Korea. See Japan Anti-Prostitution Association paper, 1995; cited in Chunghee Sarah Soh's lecture, "Human Rights and Humanity: The Case of the 'Comfort Women,'" delivered at the University of Pennsylvania, December 4, 1998. The Federation began protesting Japanese sex tours in Korea. In 1988 women from the group visited a former comfort station. In 1990 the group joined with others to call on the Korean president Roh Tae Woo to bring up the history of military sex slavery on his next official visit to Japan (Chin Sung Chung 1997, 234).
12. Since 1991 the Korean Council has taken the lead in supporting and advocating on behalf of former sex prisoners (Chin Sung Chung 1997, 235–6).
 13. In 1990, the Japanese Diet refused to acknowledge Japanese military involvement in the comfort station system. In 1991 the Japanese government, in reply to demands made by the Korean Council for the Women Drafted for Military Sexual Slavery in Japan, denied the need for public apology and stated that all Korean claims against Japan for wartime deeds had been compensated in the treaty of 1965 (Soh 2001).
 14. See Rumiko (1998) for a more detailed analysis of official and unofficial Japanese responses to the claims of the former sex prisoners.
 15. Feminist scholars and activists contest the ways in which rights discourses and mechanisms reproduce the gendered distinction between private and public spheres, assigning women's experience to the private sphere of household and family and failing to frame their issues as issues of rights. "The marginalization of women's rights," suggest Brunet and Rousseau, "inevitably reflects the position of inferiority held by women in all countries, societies and communities" (35).
 16. For an exploration of the tension between feminist and cultural relativist critiques of the human rights system, and the implications for issues having to do with violence against women, see Brems.
 17. Despite the publication history, the narrative included in *Comfort Women Speak* was recorded in 1994 in Seoul, the narrative included in *Silence Broken* was recorded in 1995.
 18. The profound irony of this scene of rape is that the father's home is appropriated by the Japanese military during the occupation and used as a headquarters where Henson herself is raped by officers.
 19. After the 1992 international hearing on compensation for war crimes held in Tokyo, for instance, the historian Yoshimi Yoshiaki studied the archive of the Imperial Army in the Self-Defense Agency (which had been returned to Japan from the United States during the Cold War era). Through archival documentation, he exposed to the public the extent of imperial culpability in establishing and maintaining the

- system of comfort stations throughout Japan's empire and named it a "war crime."
20. For an analysis of the ways in which the testimony of survivors at the 2000 Tokyo Tribunal was framed and altered on Japan's public education television in February of 2001, see Yoneyama (2002). Yoneyama describes how the program "disgraced the survivors" who had witnessed at the Tribunal by adding a caption insinuating that they were giving false testimony and by intercutting an interview in which a person active in the textbook debates denies that there had been a "comfort station" system.
 21. Paradoxically, the successful suit on behalf of Japanese Americans rounded up and held in detention during World War II focused national and world attention on the unsettled war crimes from the Pacific War of World War II.
 22. For a discussion of transnational state-building across diasporic communities, see Kim (n.p.).
 23. One small victory has been won: In 1996 the U.S. government instituted a ban on entry into the country of sixteen former perpetrators of this crime against humanity.
 24. The Asian Peace and Friendship Fund for Women was set up as a way to negotiate the tension between Japan's position that reparations had been made to South Korea in 1965 and Japan's recognition that contemporary pressure was building to make some gesture in response to the history of sexual slavery during the Pacific War, to show a kind face toward the now old women (Hyunah 1997, 55).
 25. Soh notes, "the individual survivors in the Philippines and the Netherlands have been given the freedom to make a personal decision to accept or reject the atonement money, while in Korea, Taiwan, and Indonesia, the actions of the leadership or the government have disallowed the survivors to decide on their own" (Soh 1998).

6 LIFE SENTENCES: NARRATED LIVES AND PRISONER RIGHTS IN THE UNITED STATES

1. The reform of modes of punishment emerged out of the American Revolution, engendered in part in resistance to the continued transportation of convict labor to the colonies and to the "Bloody Code" that called for execution for as many as 200 crimes (Franklin 1998, 2).
2. The Attica Rebellion began on September 9, 1971, when approximately 1,200 inmates at the Attica prison in upstate New York took action against the conditions of their incarceration. Then Governor Nelson Rockefeller sent 500 state troopers to quell the rebellion. In the end thirty-nine people died, including ten guards held as hostages.
3. Indeed, the right to litigation, earned piecemeal during the 1970s and eroded throughout the 1990s, conferred agency upon prisoners.

- “Prisoners who believe that their constitutional rights are being respected and that they have some legal recourse,” write Specter and Kupers, “are less likely to resort to illegal or violent means to attain some control over their situation” (242–3).
4. “Without these kinds of lawsuits,” conclude Specter and Kupers, “there is little doubt that the absence of outside scrutiny would permit correctional officials to return to the barbaric practices that the courts discovered when they began to review conditions in the prisons in the 1970s” (241).
 5. As Elliott Currie observes: “In a very real sense, we have been engaged in an experiment, testing the degree to which a modern industrial society can maintain public order through the threat of punishment. That is the more profound meaning of the charge that America is an unusually punitive country” (21).
 6. Knox is here reading the fate of Karla Faye Tucker against the fate of Henry Lee Lucas in order to understand why the former was executed for murder while the latter, falsely confessing to hundreds of serial killings, had his death sentence commuted.
 7. For a discussion of Little Rock Reed’s status as a political prisoner and his affidavit on his behalf, see Garlin.
 8. According to its website, PEN is “the worldwide association of writers” that “exists to promote friendship and intellectual co-operation among writers everywhere, regardless of their political or other views; to fight for freedom of expression and to defend vigorously writers suffering from oppressive regimes. PEN is strictly non-political, a Non Governmental Organization with Category A status at UNESCO” (<http://www.internatpen.org/>). In 1973 PEN American Center inaugurated the Prison Writing Project, which sponsored an annual literary competition for prisoners. The competition continues until this day, though it languished in the 1980s after Abbott killed a restaurant waiter while on parole.
 9. In one case, the father of the inmate victim who committed suicide tells his son’s story of repeated sexual assaults.
 10. Chevigny notes that women “who write seem to send their work out more reluctantly than men unless they have political backgrounds” (xviii).
 11. Jacobsen is the coordinator, with three attorneys and a former prisoner. Two of the four women profiled in “From One Prison” have been released: Violet Allen and Juanita Thomas. Geraldine Gordon (not on a life sentence) was released on parole at thirteen years. Linda Hamilton has now served 26 years. The Clemency Project has filed two clemency petitions and motion for relief from judgment with no results thus far.
 12. *The Exonerated* was initially produced by The Culture Project, a grantee of the George Soros funded Open Society Institute and its Criminal Justice Initiative.

7 POST-TIANANMEN NARRATIVES AND THE NEW CHINA

1. Wherever possible, Chinese characters are provided for Romanised Chinese names in *pinyin* appearing in the text for the first time.
2. Official Chinese estimates were that 300 soldiers and 23 civilians lost their lives in the “turmoil”. A host of Western journalists, using both photographs and eyewitness accounts, estimate that between 1,000 and 3,000 people were killed (Chung 1988, 294).
3. The Tiananmen Mothers have petitioned the Supreme People’s Protectorate to open a criminal investigation of the Tiananmen Square killings and determine legal responsibility. They also brought a lawsuit in the United States against the former Premier Li Peng for his role in the crackdown (see Swenssen 2002, 303–5).
4. Notes here refer to news reports in *The New York Times*, *The Times (London)*, *The Age (Melbourne)*, and *The Australian* newspapers on June 5, 1989. See also note 24.
5. Wanning Sun reports, “according to official figures released by the Chinese Ministry of Education, since the start of economic reform, 370,000 Chinese students . . . have gone overseas, with a return rate of one in three . . . roughly 40 percent went to the United States, 22 percent to Japan, and 6 percent to Australia, followed by Canada, France and the UK” (Sun 2002, 3). See also note 23.
6. For discussions of the transmission of “world memory,” see essays in Bennett and Kennedy (2003).
7. By the mid-1990s, in what seemed at least a partial recognition of human rights activists’ demands in the West, most jailed political activists from the Democracy Wall and Tiananmen Square movements were released. Of the thousands of other people arrested after the Massacre, little is known. They have been lost to history.
8. Wei was sentenced to fifteen years in prison in March 1979, released on parole in September 1993, rearrested in March 1994, and finally released into exile in the United States in November 1997. He was first released in 1993, along with Tiananmen Square protestor Wang Dan and other prominent dissidents partially in a gesture of concession to the United States and partially out of China’s self-interest (see Nathan 1997, xiii). The release came only nine days before the International Olympic Committee announced the winner of the 2000 Olympics bid, which Australia won over China by the thinnest of margins.
9. After his arrest in 1979, a brief autobiographical essay was smuggled out of China and published in the *New York Times Magazine* (November 18, 1980) and overseas Chinese newspapers. After his 1993 release, two letters from prison (September 5, 1990 and June 15, 1991) were published in the U.S. press with Chinese government approval. After his re-arrest in 1994, Liu Qing, Wei’s friend and fellow Democracy Wall

- protestor, smuggled the transcript of his trial and other articles out of China, for which Liu received a ten-year jail sentence.
10. While Wei was in prison he received the Sakharov Prize for Freedom of Thought (1996), and was corecipient (with Nelson Mandela) of the Gleitsman International Activist Award. He also was nominated three times for a Nobel Peace Prize. He received \$50,000 (USD) for the Gleitsman Award, money that enabled him to survive after his exile to New York (Wong 1999, 29).
 11. Fang Litzi, China's most outspoken human rights advocate, is an astrophysicist and Professor at Peking University.
 12. For the most part, the Chinese deliberately avoid the term "human rights," tied as it is to Western liberal principles deemed "imperialistic" within government circles. (See Weatherley 151.)
 13. See also Ran Yanshi (1997).
 14. As of May 2002, according to HRW, the ICESCR had been ratified (with reservations) but the ICCPR had not.
 15. A host of (unstable) Internet sites support human rights campaigns, including those of the Tiananmen Square Mothers, the Free Tibet Movement, the "illegal" religious activities of the Falun Gong and the demands for religious and ethnic freedoms by the Xinjiang Uighur Autonomous Region (XUAR), HIV/AIDS, gay and lesbian rights, and those of other pro-democratic activists (Buruma 2001, 108–23).
 16. For more on the commodification of suffering in the West, see critiques by Karen Ball (2000), Megan Boler (1997), and Lauren Berlant (1999).
 17. The concept of banning in China is complex. It means that a book cannot be officially published or sold in official government bookshops. Although subject to censorship, such titles often continue to circulate widely through the Chinese underground. Western promoters utilize the "ban" to different ends, e.g., advertising it in order to promote sales of controversial books like *Shanghai Baby* to an overseas audience (See www.chinaguide.org/e-white).
 18. In fact attention to China's human rights record has been overdetermined in the news. For example, *The New York Times* in 1996 ran fifty-seven articles about human rights in China, compared to three on Pakistan and one on India (Finnane 101).
 19. The film was made possible through the resources of the U.S. media, which contributed some 1.4 million dollars to its production.
 20. For further details of the controversy, see the website for *The Gate of Heavenly Peace* (www.tsquare.tv).
 21. In April 2003, both the United States and the European Union chose not to support resolutions censoring China on its human rights record in exchange for China's support for the war against Iraq (HRW April 16, 2003 press release).
 22. Personal communication with Nicholas Jose, author and Australian Cultural Counselor to Beijing from 1987 to 1990.

23. *Lili* is Annie Wang's first novel in English. She is presently preparing a text drawn from her weekly satirical columns appearing in the Hong Kong news. Wang's cast of shallow, name-dropping, trend-hopping, urban chic characters offers a farcical antidote to the high seriousness of the "shock sisters" and their crowd.
24. For various perspectives on the nature and dynamics of the Chinese diaspora see Tu Wei-Ming's "Introduction" and "Cultural China: The Periphery as the Center" in his book, *The Living Tree: The Changing Meaning of Being Chinese Today*; Wang Gungwu and Annette Shun Wah, *Imagining the Chinese Diaspora: Two Perspectives*; Ien Ang, *On Not Speaking Chinese: Living between Asia and the West*; and Wanning Sun, *Leaving China: Media, Migration and Transnational Imagination*.

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