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The rhetoric of norm evasion and its social psychological underpinnings: The case of colonial redress

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Abstract

The growing focus on the agency of norm violators has led to new insights on various rhetorical strategies that states accused of norm violation deploy. However, few studies have simultaneously examined both specific rhetorical devices that enable norm evasion and their social psychological underpinnings. Building on International Relations (IR) research on norm evasion and social psychological research on in-group wrongdoings, this paper conceptualises states' rhetoric of norm evasion as a social psychological coping strategy: aimed at protecting in-group esteem. Empirically, the paper offers a systematic analysis of Japan's rhetoric of norm evasion regarding its colonial and wartime past, as well as its social psychological underpinnings. Five rhetorical strategies of norm evasion are identified: (1) claiming legality, (2) claiming the inapplicability of relevant treaties, (3) claiming the inapplicability of relevant norms, (4) equivocating, and (5) citing non-disparagement pledges. These strategies, as well as the psychological disengagement they enable, have culminated in the promotion of non-remembrance, or behavioural manifestations of norm regress.

Keywords: backlash; comfort women; denial; naming and shaming; norm evasion

Introduction

Norms as 'standard[s] of appropriate behavior for actors with a given identity'[1] shape state behaviour by means of socialisation and stigmatisation.[2] 'Naming and shaming', a popular strategy of global norm enforcement whereby norm-violating states are singled out and publicly condemned, serves the dual function of both socialisation and stigmatisation. Although IR scholars have long treated naming and shaming as an integral part of global norm diffusion, the effectiveness of this strategy has come under increasing scrutiny.[3] Recent findings show that normative

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[1]Martha Finnemore and Kathryn Sikkink, 'International norm dynamics and political change', *International Organization*, 52:4 (1998), pp. 887–917 (p. 891).

[2]Ayşe Zarakol, 'What made the modern world hang together: Socialisation or stigmatisation?', *International Theory*, 6:2 (2014), pp. 311–32.

[3]James C. Franklin, 'Shame on you: The impact of human rights criticism on political repression in Latin America', *International Studies Quarterly*, 52:1 (2008), pp. 187–211; Emilie Hafner-Burton, 'Sticks and stones: Naming and shaming the human rights enforcement problem', *International Organization*, 62:4 (2008), pp. 689–716; Jack Snyder, 'Backlash against human rights shaming: Emotions in groups', *International Theory*, 12:1 (2020), pp. 109–32; Jack Snyder, 'Backlash against naming and shaming: The politics of status and emotion', *The British Journal of Politics and International Relations*, 22:4 (2020), pp. 644–53; Dustin Tingley and Michael Tomz, 'The effects of naming and shaming on public support for compliance with international agreements: An experimental analysis of the Paris Agreement', *International Organization*, 76:2 (2022),

pressure exerted by external actors risks provoking norm evasion, contestation, and backlash in target states.[4] This focus on the agency of norm violators has led to new research on various rhetorical strategies that states accused of norm violation deploy.[5]

Meanwhile, social psychology research on in-group wrongdoings – for example, the Holocaust orchestrated by Nazi Germany and the Turks' denial of the Armenian massacre – has produced many insights that are highly relevant for, yet underutilised in, IR research on norm evasion. The social identity approach in social psychology, which consists of social identity theory[6] and self-categorisation theory,[7] is of particular relevance. These closely connected theories show that individuals categorise themselves and others as members of certain groups, and that they derive a sense of identity from their group membership. Due to people's desire to maintain a positive image of themselves, they form an in-group bias through which they are inclined to view their group favourably. Building on the social identity approach, social psychologists focusing on in-group wrongdoings have identified a range of psychological techniques that in-group members use to protect their positive group image when confronted with information that threatens group esteem.[8]

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pp. 445–68; Brian Greenhill and Dan Reiter, 'Naming and shaming, government messaging, and backlash effects: Experimental evidence from the convention against torture', *Journal of Human Rights*, 21:4 (2022), pp. 399–418; Rochelle Terman, *The Geopolitics of Shaming: When Human Rights Pressure Works – and When It Backfires* (Princeton, NJ: Princeton University Press, 2023).

[4] Rebecca Adler-Nissen, 'Stigma management in international relations: Transgressive identities, norms, and order in international society', *International Organization*, 68:1 (2014), pp. 143–76; Fernando G. Nuñez-Mietz and Lucrecia García Iommi, 'Can transnational norm advocacy undermine internalization? Explaining immunization against LGBT rights in Uganda', *International Studies Quarterly*, 61:1 (2017), pp. 196–209; Miles M. Evers, 'On transgression', *International Studies Quarterly*, 61:4 (2017), pp. 786–94; Karen J. Alter and Michael Zürn, 'Conceptualising backlash politics: Introduction to a special issue on backlash politics in comparison', *The British Journal of Politics and International Relations*, 22:4 (2020), pp. 563–84; Snyder, 'Backlash against human rights shaming'; Snyder, 'Backlash against naming and shaming'; Terman, *The Geopolitics of Shaming*.

[5] Sonia Cardenas, *Conflict and Compliance: State Responses to International Human Rights Pressure* (Philadelphia: University of Pennsylvania Press, 2007); Anja Jetschke and Andrea Liese, 'The power of human rights a decade after: From euphoria to contestation?', in Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink (eds), *The Persistent Power of Human Rights: From Commitment to Compliance* (New York: Cambridge University Press, 2013), pp. 26–42; Jennifer M. Dixon, 'Rhetorical adaptation and resistance to international norms', *Perspectives on Politics*, 15:1 (2017), pp. 83–99; Jennifer M. Dixon, *Dark Pasts: Changing the State's Story in Turkey and Japan* (Ithaca, NY: Cornell University Press, 2018); Zoltán I. Búzás, 'Is the good news about law compliance good news about norm compliance? The case of racial equality', *International Organization*, 72:2 (2018), pp. 351–85; Michal Smetana, *Nuclear Deviance: Stigma Politics and the Rules of the Nonproliferation Game* (New York: Palgrave Macmillan, 2020).

[6] Henri Tajfel and John C. Turner, 'An integrative theory of intergroup conflict', in William G. Austin and Stephen Worchel (eds), *The Social Psychology of Intergroup Relations* (Monterey, CA: Brooks/Cole, 1979), pp. 33–47; Henri Tajfel and John C. Turner, 'The social identity theory of inter-group conflict', in William G. Austin and Stephen Worchel (eds), *Psychology of Intergroup Relations* (Chicago: Nelson-Hall, 1986), pp. 7–24.

[7] John C. Turner, Michael A. Hogg, Penelope J. Oakes, et al., *Rediscovering the Social Group: A Self-Categorization Theory* (Cambridge, MA: Basil Blackwell, 1987).

[8] Roy F. Baumeister and Stephen Hastings, 'Distortions of collective memory: How groups flatter and deceive themselves', in James W. Pennebaker et al. (eds), *Collective Memory and Political Events: Social Psychological Perspectives* (Mahwah, NJ: Erlbaum, 1997), pp. 277–93; Bertjan Doosje, Nyla R. Branscombe, Russell Spears, and Antony S. R. Manstead, 'Guilty by association: When one's group has a negative history', *Journal of Personality and Social Psychology*, 75:4 (1998), pp. 872–86; Albert Bandura, 'Moral disengagement in the perpetration of inhumanities', *Personality and Social Psychology Review*, 3:3 (1999), pp. 193–209; Nyla R. Branscombe, Bertjan Doosje, and Craig McGarty, 'Antecedents and consequences of collective guilt', in Diane M. Mackie and Eliot R. Smith (eds), *From Prejudice to Intergroup Emotions* (New York: Psychology Press, 2002), pp. 49–66; Michael J. A. Wohl, Nyla R. Branscombe, and Yechiel Klar, 'Collective guilt: Emotional reactions when one's group has done wrong or been wronged', *European Review of Social Psychology*, 17:1 (2006), pp. 1–37; Mark Tarrant, Nyla R. Branscombe, Ruth H. Warner, and Dale Weston, 'Social identity and perceptions of torture: It's moral when we do it', *Journal of Experimental Social Psychology*, 48:2 (2012), pp. 513–18; Katie N. Rotella and Jennifer A. Richeson, 'Motivated to "forget": The effects of in-group wrongdoing on memory and collective guilt', *Social Psychological and Personality Science*, 4:6 (2013), pp. 730–7; Colin Wayne Leach, Fouad Bou Zeineddine, and Sabina Čehajić-Clancy, 'Moral immemorial: The rarity of self-criticism for previous generations' genocide or mass violence', *Journal of Social Issues*, 69:1 (2013), pp. 34–53; Colin Wayne Leach, Rezarta Bilali, and Stefano Pagliaro, 'Groups and morality', in Mario Mikulincer, Phillip R. Shaver, John F. Dovidio, and

Some of these techniques significantly overlap with states' rhetoric of norm evasion that we witness in international politics. Building on the IR literature that combines insights from both fields,[9] I demonstrate that states' rhetoric of norm evasion amounts to a social psychological coping strategy aimed at protecting in-group esteem. In making this point, this paper draws on the case of Japan. Based on the analysis of 338 documents (1992–2021), the paper examines specific rhetorical strategies Japan has deployed against 30 years of global accusations of norm violation concerning the so-called comfort women: Japan's euphemism – as will be shown below, euphemism is itself a psychological mechanism of evasion[10] – for the women mobilised to provide sexual services to Japanese troops between 1932 and 1945. As noted by some of the earliest writings on transnational advocacy in IR, the emergence of a transnational redress movement for the comfort women coincided with the rise of violence against women as an international human rights concern in the 1990s.[11] The compliance constituencies, which consist of multinational victims and their advocates, United Nations (UN) human rights bodies, foreign governments and parliaments, and international NGOs, have repeatedly invoked the following norms in their condemnation of Japan: broadly, norms regarding gross human rights violations of the past, and more narrowly, norms concerning conflict-related sexual violence. In response to strong compliance pressure, Japan made major concessions in 1995 and 2015. At the same time, a powerful domestic backlash in Japan[12] has accompanied signs of norm regress[13] – an outcome that potentially casts doubt on the effectiveness of naming and shaming as a norm enforcement strategy. Surprisingly for an issue that continues to stir strong emotions among many, however, there is little systematic analysis of Japan's rhetorical strategies of norm evasion or their social psychological underpinnings.

Ultimately, this paper seeks to make the following scholarly contributions. First, while the current IR literature focuses on a wide range of norm evasion strategies as a way of demonstrating norm violators' agency,[14] this paper examines their social psychological underpinnings and conceptualises the rhetoric of evasion as a group-protective strategy. Similarly, while pioneering norm studies have incorporated insights from social psychological research,[15] they have yet to examine specific rhetorical devices at work. Second, based on insights borrowed from social psychological research, this study joins a growing number of IR studies that re-evaluate 'naming and shaming' as a norm enforcement strategy.[16] Third, this study offers a systematic analysis of Japan's rhetorical devices that enable norm evasion, making additional contributions to the IR literature on historical justice.[17] As will be shown below, my analysis identifies specific rhetorical strategies ranging from claims of legality to non-disparagement pledges. In the case of Japan, these strategies of norm

Jeffry A. Simpson (eds), *APA Handbook of Personality and Social Psychology, Volume 2: Group Processes* (Washington, DC: American Psychological Association, 2015), pp. 123–49.

[9]Vaughn P. Shannon, 'Norms are what states make of them: The political psychology of norm violation', *International Studies Quarterly*, 44:2 (2000), pp. 293–316; Snyder, 'Backlash against human rights shaming'; Snyder, 'Backlash against naming and shaming'.

[10]Bandura, 'Moral disengagement in the perpetration of inhumanities'.

[11]Margaret E. Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998), p. 166.

[12]Jennifer Lind, *Sorry States: Apologies in International Politics* (Ithaca, NY: Cornell University Press, 2010).

[13]Claudia Junghyun Kim, 'Transnational advocacy, norm regress, and foreign compliance constituencies: The case of the "comfort women" redress movement', *International Studies Quarterly*, 66:3 (2022), p. sqac059.

[14]Cardenas, *Conflict and Compliance*; Jetschke and Liese, 'The power of human rights a decade after'; Adler-Nissen, 'Stigma management in international relations'; Dixon, 'Rhetorical adaptation and resistance to international norms'; Dixon, *Dark Pasts*; Búzás, 'Is the good news about law compliance good news about norm compliance?'; Smetana, *Nuclear Deviance*.

[15]Shannon, 'Norms are what states make of them'; Snyder, 'Backlash against human rights shaming'; Snyder, 'Backlash against naming and shaming'.

[16]Snyder, 'Backlash against human rights shaming'; Snyder, 'Backlash against naming and shaming'; Terman, *The Geopolitics of Shaming*.

[17]Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (Baltimore, MD: Johns Hopkins University Press, 2000); Lind, *Sorry States*; Thomas U. Berger, *War, Guilt, and World Politics after World War II* (New York: Cambridge University Press, 2012); Dixon, *Dark Pasts*.

evasion, as well as the psychological disengagement they enable, have culminated in the promotion of non-remembrance – or behavioural manifestations of norm regress.

Norm evasion and in-group wrongdoings

Despite the initial optimism among IR norm scholars about the rapid diffusion of human rights norms, the literature is increasingly shifting its focus from norm compliance to norm violations, including violations by democracies.[18] Research shows that norm-receiving states' responses to 'naming and shaming' go beyond the compliance/non-compliance dichotomy. Instead, states adopt various rhetorical strategies to cope with accusations of norm violation and reject the associated stigma.[19] For example, Dixon conceptualises 'rhetorical adaptation', which ranges from norm *disregard* (i.e. ignoring norms) to norm *signalling* (i.e. expressing norm commitment without changing behaviour) on the part of target states.[20] Búzás theorises a specific norm evasion strategy that exploits 'norm–law gaps', whereby target states, faced with strong international compliance pressure and strong domestic violation pressure, comply with international law but violate the norms that underlie such law.[21] Similarly, states strive to establish 'plausible legality', which reduces human rights violations to a question of legality.[22] These rhetorical appeals are sometimes 'multivocal', with states strategically deploying terminology with different meanings that appeal to dissimilar audiences.[23] In sum, these studies show that evasion occurs when states deny violating a norm without challenging the norm itself.[24]

IR research on norm evasion has interdisciplinary potential because evasive rhetoric is seen across a broad spectrum of perceived norm violations – from 'trivial delinquency' to 'the worst political atrocities'.[25] For example, most rhetorical devices identified in the IR literature correspond to 'techniques of neutralisation', a classic theory in criminology that explains how individuals justify norm violations. Originally developed to explain juvenile delinquency, neutralisation theory offers a typology of such justifications: (1) denial of responsibility (i.e. refusing to accept blame); (2) denial of injury (i.e. denying that any harm was done); (3) denial of the victim (i.e. arguing that victims deserved to be victimised); (4) condemnation of the condemners (i.e. arguing that others are hypocrites or equally to be blamed); and (5) appeal to higher loyalties (i.e. arguing that their behaviour was for a different cause).[26] For example, condemnation of the condemners, based on the *tu quoque* ('you too') fallacy, corresponds to 'whataboutism' in international politics.[27] Citing national security as a higher loyalty in defence against accusations of norm violation is another frequent rhetorical strategy that IR scholars have identified.[28] Shannon builds upon the sociological concept known as an 'account' – defined as a 'linguistic device employed whenever an action is subjected to valuative inquiry', which includes neutralisation techniques[29] – to show that state leaders violate norms when they can justify doing so.[30]

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[18] Jetschke and Liese, 'The power of human rights a decade after'.

[19] Adler-Nissen, 'Stigma management in international relations'.

[20] 'Rhetorical adaptation and resistance to international norms'.

[21] 'Is the good news about law compliance good news about norm compliance?'.

[22] Rebecca Sanders, '(Im)plausible legality: The rationalisation of human rights abuses in the American "Global War on Terror"', *The International Journal of Human Rights*, 15:4 (2011), pp. 605–26.

[23] Julia C. Gray and Alexander Baturo, 'Multivocal appeals in international organizations: Explaining 70 years of UN support for Russia's anti-Nazi initiatives', working paper, n.d.

[24] Terman, *The Geopolitics of Shaming*, pp. 48–9.

[25] Stanley Cohen, *States of Denial: Knowing about Atrocities and Suffering* (Cambridge: Polity, 2001), p. 61.

[26] Gresham M. Sykes and David Matza, 'Techniques of neutralization: A theory of delinquency', *American Sociological Review*, 22:6 (1957), pp. 664–70; for an IR application, see Smetana, *Nuclear Deviance*.

[27] Wilfred M. Chow and Dov H. Levin, 'The diplomacy of whataboutism and U.S. foreign policy attitudes', *International Organization*, 78:1 (2024), pp. 103–33.

[28] Cardenas, *Conflict and Compliance*; Jetschke and Liese, 'The power of human rights a decade after', p. 34.

[29] Marvin B. Scott and Stanford M. Lyman, 'Accounts', *American Sociological Review*, 33:1 (1968), pp. 46–62.

[30] 'Norms are what states make of them'.

Similarly, many rhetorical devices that appear in IR studies correspond to those identified in Cohen's sociological study of denial.[31] Cohen, partially drawing on neutralisation theory and the concept of accounts, offers a new categorisation of the denial of normative obligations: (1) literal denial (i.e. denial of facts or the knowledge of the facts); (2) interpretative denial (i.e. acknowledging facts but giving them a new meaning); and (3) implicatory denial (i.e. acknowledging both facts and their usual interpretation but denying their negative implications). Cohen's categorisation jibes well with existing norm research in IR. For example, according to Deitelhoff and Zimmermann,[32] norm contestation comes in two flavours: applicability contestation and validity contestation. The former asks whether the norm in question can be applied to particular situations without questioning the norm itself – a form of interpretative denial. The latter challenges the righteousness of the norm's claims – a form of implicatory denial.[33]

Social psychology offers another avenue for interdisciplinary theoretical development. In particular, the present study borrows insights from social psychological research on in-group wrongdoings, which is highly relevant for studies of norms as they relate to past and ongoing human rights violations. There are many reasons why the two areas of study can be fruitfully combined. First, topically, social psychologists have extensively studied such cases as Turkish perceptions of the Armenian massacre, German attitudes towards the Holocaust, and Israeli responses to rights violations associated with the occupation of Palestinian territories – all of interest and importance to IR scholars. Second, the very recognition of – or the emergence of pressure to recognise – in-group wrongdoings cannot exist without normative developments in international politics. Pressure to come to terms with (or at least respond to) in-group wrongdoings is often a by-product of the global diffusion of norms concerning past and ongoing human rights violations. Third, the widespread practice of 'naming and shaming' in international politics, which highlights certain groups' wrongdoings, lends itself to group dynamics. Questions of morality associated with in-group wrongdoings are an inherently 'group phenomenon' rather than an individual phenomenon.[34] As nations are groups, national identification is essentially group identification,[35] and IR scholars have long drawn on insights from social psychology research to explain state behaviour. Fourth, because social psychological research investigates the varying degrees of collective guilt associated with in-group wrongdoings,[36] it offers policy implications that are pertinent for IR research.

The present study focuses on the specific rhetorical strategies aimed at evading normative expectations regarding in-group wrongdoings, as well as the social psychological underpinnings of such rhetorical devices. To be sure, as mentioned above, pioneering norm studies have incorporated insights from social psychology. Shannon[37] draws on social psychological research to explain why individual leaders, when confronted with a choice between their self-interest in norm violation and external pressure for norm compliance, sometimes choose to violate norms. Snyder[38] and Terman[39] also draw on social psychology to show how 'naming and shaming' is likely to lead to defiance rather than compliance. These studies, however, have not focused on specific rhetorical

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[31]Cohen, *States of Denial*.

[32]Nicole Deitelhoff and Lisbeth Zimmermann, 'Things we lost in the fire: How different types of contestation affect the robustness of international norms', *International Studies Review* 22:1 (2020), pp. 51–76.

[33]Cohen, *States of Denial*, p. 110.

[34]Leach, Bilali, and Pagliaro, 'Groups and morality', p. 142; Wohl, Branscombe, and Klar, 'Collective guilt'.

[35]Doosje et al., 'Guilty by association'.

[36]Branscombe, Doosje, and McGarty, 'Antecedents and consequences of collective guilt'; Leach, Bilali, and Pagliaro, 'Groups and morality'; Rezarta Bilali, Yeshim Iqbal, and Samuel Freel, 'Understanding and counteracting genocide denial', in Leonard S. Newman (ed.), *Confronting Humanity at Its Worst: Social Psychological Perspectives on Genocide* (New York: Oxford University Press, 2019), pp. 288–315.

[37]Shannon, 'Norms are what states make of them'.

[38]Snyder, 'Backlash against human rights shaming'; Snyder, 'Backlash against naming and shaming'.

[39]Terman, *The Geopolitics of Shaming*.

strategies as they relate to in-group wrongdoings. The same gap remains when we narrow our focus to norms regarding past human rights violations, the empirical focus of this study. While scholars have attributed the reluctance of states to acknowledge historical wrongdoings to ontological insecurity, a concept originating from psychology,[40] they have not focused on specific rhetorical manifestations of this insecurity-induced evasion. Studies linking transnational advocacy for victims of historical wrongdoings to norm promotion, meanwhile, have not engaged with social psychological research.[41]

In attempting to fill this gap, the first place to turn is the social identity approach in social psychology. The oft-cited social identity theory has established that people develop an identity based on their group membership, and that they are inclined to view positively not just themselves but also their group.[42] Similarly, self-categorisation theory posits that people categorise themselves and others as members of certain groups, thereby activating 'self-defining social categorisations'. These groups are both social and psychological in nature, and they are a basis of intergroup comparisons.[43]

While the social identity approach has numerous applications, I focus in particular on its implications for IR research on norms as they relate to in-group wrongdoings: genocide, massacres, slavery, colonialism, war, and torture, among others. Naming and shaming, as well as accusations of norm violation, often entails a question of a group's morality – an important source of group esteem.[44] Naming and shaming presents in-group members with 'group-threatening' information,[45] leaving a choice between 'revising the [group's] image and revising the meaning of events'.[46] Given the in-group bias established by the social identity approach, group members are motivated to maintain a favourable group image even when presented with information about in-group wrongdoings (i.e. an in-group inflicting harm on an out-group).[47] This discrepancy between the positive group image and threatening information, as well as the discomfort it creates, results in a 'psychological challenge', such as cognitive dissonance, for in-group members.[48] The desire to counter threats to one's group image and status is especially strong for high identifiers, or those who identify strongly with their in-group – even when in-group wrongdoings occurred a long time ago and group members today did not commit the wrongdoings themselves.[49]

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[40] Ayşe Zarakol, 'Ontological (in)security and state denial of historical crimes: Turkey and Japan', *International Relations*, 24:1 (2010), pp. 3–23.

[41] Berger, *War, Guilt, and World Politics after World War II*; Mary M. McCarthy, 'The power and limits of the transnational "comfort women" movement', in Mary M. McCarthy (ed.), *Routledge Handbook of Japanese Foreign Policy* (Abingdon: Routledge, 2018), pp. 336–80; Kim, 'Transnational advocacy, norm regress, and foreign compliance constituencies'.

[42] Tajfel and Turner, 'An integrative theory of intergroup conflict'; Tajfel and Turner, 'The social identity theory of inter-group conflict'.

[43] Turner et al., *Rediscovering the Social Group*.

[44] Colin Wayne Leach, Naomi Ellemers, and Manuela Barreto, 'Group virtue: The importance of morality (vs. competence and sociability) in the positive evaluation of in-groups', *Journal of Personality and Social Psychology*, 93:2 (2007), pp. 234–49; Daniel Sullivan, Mark J. Landau, Nyla R. Branscombe, and Zachary K. Rothschild, 'Competitive victimhood as a response to accusations of ingroup harm doing', *Journal of Personality and Social Psychology*, 102:4 (2012), pp. 778–95; Tarrant et al., 'Social identity and perceptions of torture'; Nicolay Gausel, Colin Wayne Leach, Vivian L. Vignoles, and Rupert Brown, 'Defend or repair? Explaining responses to in-group moral failure by disentangling feelings of shame, rejection, and inferiority', *Journal of Personality and Social Psychology*, 102:5 (2012), pp. 941–60; Leach, Zeineddine, and Čehajić-Clancy, 'Moral immemorial'.

[45] Doosje et al., 'Guilty by association', p. 883.

[46] Baumeister and Hastings, 'Distortions of collective memory', p. 277.

[47] Wohl, Branscombe, and Klar, 'Collective guilt'.

[48] Eran Halperin, Daniel Bar-Tal, Keren Sharvit, Nimrod Rosler, and Amiram Raviv, 'Socio-psychological implications for an occupying society: The case of Israel', *Journal of Peace Research*, 47:1 (2010), pp. 59–70.

[49] Doosje et al., 'Guilty by association'; Baljinder Sahdra and Michael Ross, 'Group identification and historical memory', *Personality and Social Psychology Bulletin*, 33:3 (2007), pp. 384–95.

Groups, therefore, employ various 'group-protective strategies'[50] or 'motivated forms of collective self-deception'[51] to minimise the potential damage that group-threatening information can do to their positive image.[52] Group members may initially try to forget or deny the occurrence of the wrongdoing itself.[53] When literal dismissal is infeasible, they attempt to justify the wrongdoings. To list just a few examples, some of which overlap, they may (1) selectively omit, embellish, and exaggerate parts of the event or the causal chain linking a series of events;[54] (2) positively interpret the harm done;[55] (3) claim to be victims rather than perpetrators;[56] (4) blame the in-group's enemy, victims, or circumstances;[57] (5) differentiate the in-group from the wrongdoers by emphasising temporal distance or describing them as 'black sheep';[58] and (6) psychologically disengage from the immorality of in-group wrongdoings.[59] The final strategy, known as 'moral disengagement', is in turn activated by four justificatory psychological manoeuvres: (1) cognitive restructuring of immoral conduct as moral conduct (e.g. using euphemistic language and making expedient, self-serving comparisons); (2) displacement of responsibility (e.g. minimising or obscuring agency of those involved); (3) minimisation of the consequences (e.g. dismissing or distorting the consequences of immoral action); and (4) dehumanisation of the victims (e.g. characterising victims as non-human or sub-human).[60]

These 'group-protective strategies' explain why, despite the frequency of in-group wrongdoings in the world, states are reluctant to express collective guilt and instead opt for denial or justification.[61] A review of the social psychological literature reveals that more often than not, descendants of perpetrator groups exhibit little shame or guilt about mass violence and atrocities committed by their ancestors.[62] This bodes ill for reconciliation. After all, apology and reparations cannot come without first acknowledging in-group wrongdoings.[63] As long as naming and shaming triggers people's instinct to preserve their group esteem, it runs the risk of encouraging evasion rather than compliance.

The case of Japan

I apply these insights to the case of Japan, with a focus on its rhetoric of evasion in the areas of norms regarding gross human rights violations of the past and conflict-related sexual violence. Japan, a country otherwise well socialised into global norms,[64] is an illustrative case for the study of norm evasion as it relates to in-group wrongdoings. Its dealings with the victims of its expansionist past

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[50]Wohl, Branscombe, and Klar, 'Collective guilt', p. 2.

[51]Baumeister and Hastings, 'Distortions of collective memory', p. 278.

[52]According to social psychologists, these coping techniques align well with more traditional psychoanalytic concepts related to individual defence mechanisms: repression (i.e. repressing uncomfortable information), denial (i.e. denying the presence of uncomfortable information), avoidance (i.e. avoiding uncomfortable information), projection (i.e. projecting one's negative qualities onto others), and rationalisation (i.e. providing seemingly rational yet irrelevant or false explanations); Halperin et al., 'Socio-psychological implications for an occupying society'.

[53]Rotella and Richeson, 'Motivated to "forget"'.

[54]Baumeister and Hastings, 'Distortions of collective memory'.

[55]Baumeister and Hastings, 'Distortions of collective memory'; Doosje et al., 'Guilty by association'.

[56]Sullivan et al., 'Competitive victimhood as a response to accusations of ingroup harm doing'; Wohl, Branscombe, and Klar, 'Collective guilt', p. 8.

[57]Baumeister and Hastings, 'Distortions of collective memory'.

[58]Branscombe, Doosje, and McGarty, 'Antecedents and consequences of collective guilt', p. 55.

[59]Bandura, 'Moral disengagement in the perpetration of inhumanities'.

[60]Bandura, 'Moral disengagement in the perpetration of inhumanities'.

[61]Wohl, Branscombe, and Klar, 'Collective guilt'.

[62]Leach, Zeineddine, and Čehajić-Clancy, 'Moral immemorial'.

[63]Tarrant et al., 'Social identity and perceptions of torture'; Branscombe, Doosje, and McGarty, 'Antecedents and consequences of collective guilt'; Wohl, Branscombe, and Klar, 'Collective guilt'.

[64]For a rare exception, see Amy L. Catalinac and Gerald Chan, 'Japan, the West, and the whaling issue: Understanding the Japanese side', *Japan Forum*, 17:1 (2005), pp. 133–63.

remain controversial long after World War II. Japan's critics, rightly or wrongly, view the country as 'the model impenitent', often in comparison to Germany as the 'model penitent'[65] – a charge that Japanese leaders consider as an attack on national honor.[66] Disputes over Japan's historical wrongdoings have had far-reaching consequences in international politics. Historical animosity between Japan and South Korea (hereafter Korea), for example, has hampered US strategy in the region. To cite just one of many examples, Korea's relative ambivalence (until recently) towards the US-led Indo-Pacific security order – the Indo-Pacific is a new regional grouping that Japan helped create as a counterweight against China – has been attributed at least partially to the 'mutual distrust' between the two American allies over historical disputes.[67] (To be sure, the United States is partially responsible for the difficulties it has faced in the region over the animosity between two of its closest allies. See, for example, Dower[68] for a critique of the US role in the Tokyo war crimes trials and the San Francisco Peace Treaty.) More broadly, Japan's case also shows that 'naming and shaming' as a norm enforcement strategy can backfire and instead result in norm regress.[69] At the broadest level, Japan's case shows how shame and stigma associated with historical memory continue to shape state identity and status hierarchies in the world.[70]

This paper focuses in particular on the most intractable dispute concerning Japan's past wrongdoings: the 'comfort women' issue. The following recommendations issued by the United Nations Human Rights Committee in 2008 offer a typical example of the transnational compliance pressure Japan has faced for the past three decades:

> The State party should accept legal responsibility and apologize unreservedly for the 'comfort women' system in a way that is acceptable to the majority of victims and restores their dignity, prosecute perpetrators who are still alive, take immediate and effective legislative and administrative measures to compensate adequately all survivors as a matter of right, educate students and the general public about the issue, and refute and sanction any attempt to defame victims or to deny the events. (CCPR/C/JPN/CO/5)

As will be shown below, the Japanese government believes the international condemnation is unfair, especially in light of Tokyo's repeated apologies and offers of monetary contributions in 1995 (in the form of the Asian Women's Fund) and 2015 (in the form of a bilateral agreement with Korea). The Japanese government, according to observers, loathes being 'put in the same dock as Serbian military rapists in Bosnia'.[71] Indeed, Japan has characterised the comfort women issue as a 'sensitive' issue[72] that undermines 'Japan's credit'.[73] Criticisms at the UN by former victim countries have been described as a 'negative campaign against Japan' on the world stage.[74]

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[65]Berger, *War, Guilt, and World Politics after World War II*, p. 123.

[66]Prime Minister of Japan and His Cabinet, 'Press Conference by the Chief Cabinet Secretary' (3 October 2014), available at: {https://japan.kantei.go.jp/tyoukanpress/201410/3_p.html}; Prime Minister of Japan and His Cabinet, 'Press Conference by the Chief Cabinet Secretary' (21 October 2014), available at: {https://japan.kantei.go.jp/tyoukanpress/201410/21_p.html}.

[67]Tam-Sang Huynh, 'Bolstering middle power standing: South Korea's response to U.S. Indo-Pacific strategy from Trump to Biden', *The Pacific Review*, 36:1 (2023), pp. 32–60.

[68]John W. Dower, 'The San Francisco system: Past, present, future in U.S.–Japan–China relations', *The Asia-Pacific Journal: Japan Focus*, 12:8 (2014), no pagination.

[69]Lind, *Sorry States*; Kim, 'Transnational advocacy, norm regress, and foreign compliance constituencies'.

[70]Zarakol, 'Ontological (in)security and state denial of historical crimes'.

[71]George Hicks, 'A "comfort women" screen hides the enduring shame', *International Herald Tribune* (13 April 1993), available at: {https://www.nytimes.com/1993/04/14/opinion/IHT-a-comfort-women-screen-hides-the-enduring-shame.html}.

[72]Ministry of Foreign Affairs of Japan, 'Koichi Mera and GAHT-US Corporation v. City of Glendale, Brief for the Government of Japan as Amicus Curiae Supporting Petitioners' (2017), p. 11, available at: {https://www.mofa.go.jp/files/000231732.pdf}.

[73]Prime Minister of Japan and His Cabinet, 'Press Conference by the Chief Cabinet Secretary' (3 October 2014).

[74]Prime Minister of Japan and His Cabinet, 'Press Conference by the Chief Cabinet Secretary' (18 March 2014), available at: {https://japan.kantei.go.jp/tyoukanpress/201403/1204375_9550.html}.

Accordingly, the country has deployed various rhetorical strategies in response to international condemnation. Based on an analysis of three decades of official documents and statements that represent the Japanese government's view on the comfort women issue, I identify five categories of state rhetoric that enable evasion: (1) claiming legality, (2) claiming the inapplicability of relevant treaties, (3) claiming the inapplicability of relevant norms, (4) equivocating, and (5) citing non-disparagement pledges. These categories are derived inductively based on the coding of 338 texts (1992–2021) from the following sources (see the supplementary material for data collection): (1) all UN documents that contain information on Japan's official position on the comfort women issue, including reports that Tokyo submitted to various UN bodies, official records of UN meetings where Japanese government representatives spoke on the issue, and other UN documents that include information on the Japanese government's responses; (2) all documents issued by the International Labor Organization's (ILO) Committee of Experts on the Application of Conventions and Recommendations (CEACR) that summarise Japanese responses; and (3) statements, reports, and remarks by the Japanese government, including those issued by prime ministers, Cabinet secretaries, and foreign ministry officials. I deliberately limited data collection to texts available in English because evasion targets international audiences.

Coding was based on an inductive process of reading this corpus of texts and identifying specific and repeatedly used phrases that indicate different types of evasive rhetoric. Each category is associated with straightforward, unambiguous stock phrases that are consistently used to refute international condemnation. First, responses coded as 'claims of legality' involve a justificatory invocation of the post-war settlements Japan reached with relevant parties. Specific keywords include the 1951 San Francisco Peace Treaty and the 1965 treaty that normalised relations between Japan and Korea. Second, responses coded as 'claims of the inapplicability of relevant treaties' involve Japan's rebuttal of international condemnation that draws on specific human rights treaties and conventions (e.g. the Convention on the Elimination of all Forms of Discrimination Against Women [CEDAW]) on the ground that they cannot be retroactively applied to the comfort women case. Third, responses coded as 'claims of the inapplicability of relevant norms' refer to Japan's repeated assertion that relevant norms (e.g. norms concerning sexual slavery) are inapplicable to the case. Fourth, responses coded as 'equivocation' include vague statements that either obscure Japan's agency or implicate other states in the same wrongdoings. Fifth, responses coded as 'non-disparagement pledges' include a justificatory invocation of Japan's 2015 agreement with Korea, which includes an agreement to refrain from criticising each other at the UN. For illustrative purposes, Table 1 below shows excerpts from some of the relevant texts and how they were coded (see the supplementary material for more examples).

Figure 1 illustrates the usage of the five strategies based on the number of times they appeared in the corpus. Each document may contain more than one strategy. Overall, claiming legality (mentioned 121 times) is the most dominant approach and served as Japan's first response when the issue began attracting international attention in the early 1990s. At the same time, there are notable changes over time: claims of norm inapplicability (mentioned 44 times), equivocation (used 31 times), and non-disparagement pledges (cited 87 times) have been on the rise in more recent years, especially after Abe Shinzō's second term as prime minister began in December 2012. Two points can be made here about the continuities and changes in rhetoric. First, there is little difference between the long-dominant, conservative Liberal Democratic Party and the more liberal Democratic Party of Japan (briefly in power from 2009 to 2012) when it comes to the fact that the Japanese government has consistently employed evasive rhetoric for the past 30 years. Second, however, the frequent use of the three aforementioned strategies during Abe's second term (2012–20) – his first term lasted for only a year (2006–7) – indicates meaningful rhetorical changes over time when it comes to the normative implications of the rhetorical strategies employed. More specifically, claims of norm inapplicability, equivocation, and non-disparagement pledges allow Japan to protect group esteem by denying the victim and condemning the condemners. Compared with the technical applicability contestation concerning legality and specific human rights treaties, these are more aggressive forms of norm evasion. This

Table 1. Coding examples.

Text	Rhetorical strategies
Since the Covenant has no retroactive effect and does not apply to issues arising in Japan before Japan's accession of the Covenant (1979), it is not appropriate to mention the issue of the comfort women before and during the Second World War in the report on the measures implemented under the Covenant. … Japan concluded the San Francisco Peace Treaty, bilateral peace treaties, agreements and instruments with countries concerned … (Source: CCPR/C/JPN/6)	Claiming inapplicability of relevant treaties and conventions Claiming legality
Throughout history, women's dignity and basic human rights have often been infringed upon during the many wars and conflicts of the past. The Government of Japan places paramount importance on and is committed to doing its utmost to ensure that the 21st century is free from further violations of women's dignity and basic human rights. … Lastly, the Government of Japan considers that it is not appropriate for this report to take up the comfort women issue in terms of the implementation of State Party's undertakings under the Convention as this Convention does not apply to any issues that occurred prior to Japan's conclusion thereof (1999). With regard to the expression 'sexual slave' used in the Committee's concluding observations concerning Japan's report, the Government of Japan has considered the definition of 'slavery' stipulated in Article 1 of the Slavery Convention, concluded in 1926, and finds that it is inappropriate to consider the comfort women system as 'slavery' from the perspective of international law at the time … (Source: CAT/C/JPN/CO/2/Add.1)	Equivocating Claiming inapplicability of relevant treaties and conventions Claiming inapplicability of relevant norms
[A]s a result of considerable diplomatic efforts, Japan and the Republic of Korea reached an agreement in December 2015. With that agreement, both countries confirmed that the issue of comfort women was resolved finally and irreversibly. It is of great importance that the agreement be steadily implemented by both sides … (Source: S/PV.8514)	Making non-disparagement pledges

finding closely matches findings in existing studies that global shaming risks provoking a powerful backlash.[75]

In what follows, I list five rhetorical strategies of evasion and discuss their social psychological underpinnings.

Claiming legality

Ever since the comfort women issue emerged 30 years ago, Japan has taken advantage of what Búzás[76] calls 'norm-law gaps', strategically opting for 'technical compliance with the law that violates underlying norms'. Continuing condemnations and recommendations for redress by transnational compliance constituencies, on the one hand, indicate perceived norm violation. Japan's claims of legality, on the other hand, rest in part on international treaties: the 1951 San Francisco Peace Treaty, which restored peaceful relations between Japan and the Allied Powers, and a series of bilateral treaties and agreements Japan has signed with other countries, such as the 1965 Treaty on Basic Relations between Japan and Korea. Japan has pointed to these two treaties – they were reached long before survivors publicly came forward and therefore did not 'provid[e] for or mentio[n]' the comfort women and their private claims[77] – for the past three decades as evidence that it bears no legal responsibility for the plight of colonial victims, including the Korean comfort women. As early as 1991, shortly after the redress movement emerged in Korea, Japanese officials

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[75]Lind, *Sorry States*; Snyder, 'Backlash against human rights shaming'; Snyder, 'Backlash against naming and shaming'; Kim, 'Transnational advocacy, norm regress, and foreign compliance constituencies'; Terman, *The Geopolitics of Shaming*.

[76]Búzás, 'Is the good news about law compliance good news about norm compliance?', pp. 352–3.

[77]Karen Parker and Jennifer Chew, 'Compensation for Japan's World War II war-rape victims', *UC Law SF International Law Review*, 17:3 (1994), pp. 498–549 (p. 538).
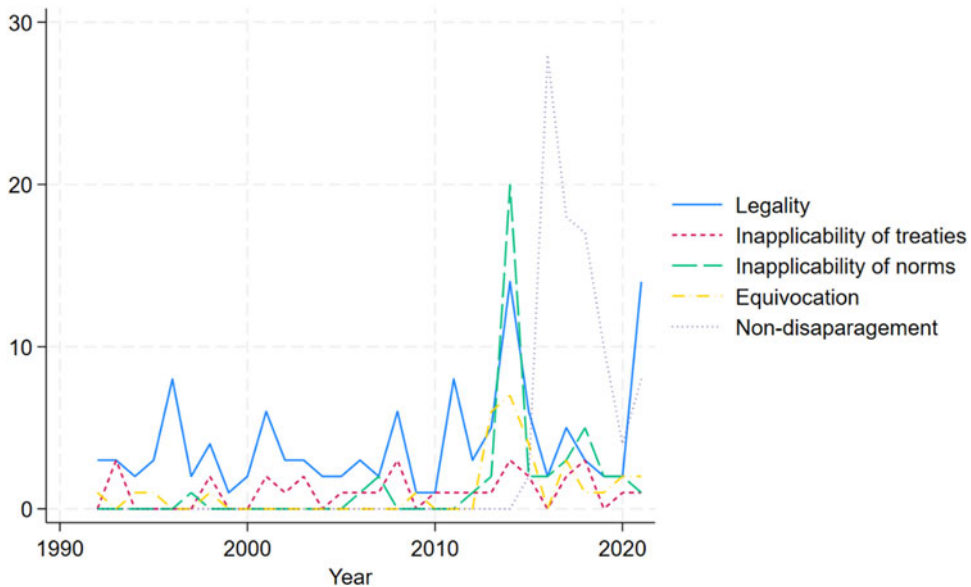
Figure 1. Rhetoric of evasion over time (1992–2021).

said that the issue had been legally resolved in 1965.[78] Nearly all its responses to UN human rights bodies include variations of the following: '[I]n the Japan–[Korea] relations, the issue concerning property and claims … was settled completely and finally in 1965' (CEDAW/C/JPN/9). Similarly, Japan points to the 2002 Pyongyang Declaration as evidence that no legal issues remain regarding North Korean comfort women.[79]

Another source of legality stems from the lack of legally binding decisions against Japan. Beginning in 1991, former comfort women have turned to the courts in pursuit of individual reparations. However, except for one lower court ruling in 1998, which was later reversed, Japanese courts have dismissed all lawsuits on the following basis: sovereign immunity, statutes of limitation, treaty waivers, and the principle that individuals cannot bring states to court for violating international law.[80] Activists' efforts to bring the issue to the Permanent Court of Arbitration and the International Court of Justice have not been successful. Japan has cited this lack of court victories in disputing its responsibility at the UN (CEACR 2007; 2008; 2013; 2016). A more defiant variation on this line of argument came in 2013 when the Japanese government dismissed the Committee against Torture's recommendations about the comfort women issue on the ground that such recommendations are not legally binding (A/HRC/27/NGO/48). More recently, when some of the last remaining victim-survivors won a lawsuit they filed in Korea, Japan's foreign minister not only dismissed the court decision by citing state immunity but also criticised it as a breach of international law.[81]

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[78]'Jūgun Ianfu Hoshō Mondai, Jūrai No Tachiba Kaezu Gaimushō, "Seifukan Dewa Ketchaku,"' *Asahi Shimbun* (27 August 1991).

[79]Ministry of Foreign Affairs of Japan, 'MOFA: Diplomatic Bluebook 2006', 2006, available at: {https://www.mofa.go.jp/policy/other/bluebook/2006/index.html}.

[80]Timothy Webster, 'Japan's transnational war reparations litigation: An empirical analysis', *Harvard International Law Journal*, 63:1 (2022), pp. 220–1.

[81]Toshimitsu Motegi, 'Regarding the Confirmation of the Judgment of the Seoul Central District Court of the Republic of Korea in the Lawsuit Filed by Former Comfort Women and Others', Ministry of Foreign Affairs of Japan (23 January 2021), available at: {https://www.mofa.go.jp/press/danwa/press6e_000269.html}.

This claim of legality served Japan well until the victims began to make demands in the early 1990s – decades after the bilateral settlements were reached. Still, Japan remains unwavering in its rejection of any form of redress that can imply its legal responsibility.[82] If anything, this official position allows Japan to self-congratulate. Because the Japanese government considers itself legally absolved, it portrays any action it takes as something it does out of pure goodwill. Japanese officials have described the letters of apology that several Japanese prime ministers sent to some of the victims – an initiative that was part of the 1995 Asian Women's Fund, Japan's first major attempt to resolve the issue – as 'an unprecedented act in history' (CAT/C/SR.770). Despite the lack of 'legal liability in relation to individual claims', Japan told the ILO in 2002, it 'has nevertheless expressed its apologies and remorse' (CEACR 2003). In a statement submitted to the Human Rights Council in 2008, Japan stated that it will 'promote understanding in the international community with regard to the sympathy of the Japanese people' (A/HRC/8/52) – the emphasis being on raising international awareness of Japanese benevolence rather than responsibility. This self-congratulation persists to this day. 'Although the … legal settlement had been reached, the Government has taken a variety of measures … as a goodwill effort', reads Japan's periodic report in 2020 to the Human Rights Committee (CCPR/C/JPN/7).

While many acts of colonial injustices were once '*internationally legitimated*', the structural legitimation of the colonial system is not to be equated with moral legitimacy.[83] According to Cohen,[84] legalism as a tool for interpretative denial is difficult to refute unless one can demonstrate that 'behind the intricate legal façade lies another reality'. In the case of Japan, legality enables the denial of responsibility (i.e. 'we are not legally obligated to do anything') and injury (i.e. 'all injury has been legally addressed'). This legal language has important implications for collective guilt. Social psychological research shows that current members of an in-group that committed historical wrongdoings are more supportive of a victim group when they believe that (1) the victims are still suffering today from the past harm, and that (2) offering reparations is feasible.[85] The legal language in the context of the comfort women issue renders both infeasible: it supports the argument that there is no outstanding injury to be legally addressed, and that all war-related claims are legally resolved at the interstate level. With no legal duty weighing on the in-group, in-group members can celebrate their goodwill efforts as evidence that they are morally superior to others – an example of 'moral self-aggrandizement'.[86]

Claiming inapplicability of relevant treaties and conventions

A similar yet distinct claim is that relevant human rights treaties and conventions cannot be applied to the issue at hand. Japan has pointed to the fact that the comfort women system was in existence before it signed and ratified most international human rights agreements, which serve as norm enforcement guidelines. According to Japan, it is not responsible for the obligations outlined under these treaties and conventions. Along with the claims of legality, this strategy has served Japan well, although the victims' plight became public knowledge only in the early 1990s.

This argument is repeatedly found in Japan's responses to the Committee on Economic, Social and Cultural Rights (E/C.12/JPN/3); the Human Rights Committee (CCPR/C/JPN/6;

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[82]For criticism of the legality claims, see Parker and Chew, 'Compensation for Japan's World War II war-rape victims'; Ethan Hee-Seok Shin and Stephanie Minyoung Lee, 'Japan cannot claim sovereign immunity and also insist that WWII sexual slavery was private contractual acts', Just Security (20 July 2021), available at: {https://www.justsecurity.org/77492/japan-cannot-claim-sovereign-immunity-and-also-insist-that-wwii-sexual-slavery-was-private-contractual-acts/}.

[83]Catherine Lu, *Justice and Reconciliation in World Politics* (Cambridge: Cambridge University Press, 2017), p. 124, italics original.

[84]Cohen, *States of Denial*, pp. 107–8.

[85]Katherine B. Starzyk and Michael Ross, 'A tarnished silver lining: Victim suffering and support for reparations', *Personality and Social Psychology Bulletin*, 34:3 (2008), pp. 366–80; Wohl, Branscombe, and Klar, 'Collective guilt', p. 21.

[86]Leach, Bilali, and Pagliaro, 'Groups and morality', p. 126.

CCPR/C/JPN/7); the CEDAW committee (CEDAW/C/JPN/9); the Committee against Torture (CAT/C/JPN/CO/2/Add.1); the Committee on the Elimination of Racial Discrimination (CERD/C/JPN/CO/7-9/Add.2); and the Committee on Enforced Disappearances (CED/C/SR.258). A typical response goes like this: 'The [International Covenant on Civil and Political Rights] does not apply retroactively to issues that arose before 1979, when [Japan] acceded to the Covenant' (CCPR/C/JPN/Q/5/Add.1). It is unsurprising in this context that Japan has refused to accept suggestions from China and the two Koreas – three major victim countries – to discuss the comfort women issue in its Universal Periodic Reports, a human rights mechanism overseen by the Human Rights Council (A/HRC/22/14/Add.1). This line of argument has been extended to the UN itself, as Japan has argued that the organisation is not an appropriate forum for discussing issues that precede its establishment (E/CN.4/Sub.2/1993/30; E/CN.4/1993/SR.58; E/CN.4/1993/SR.38).

These applicability challenges have sometimes portrayed criticism by various UN bodies as a misguided exercise of authority – and, by implication, an abuse of power. In 2006, Japan criticised Doudou Diène, the UN Special Rapporteur on racism, racial discrimination, xenophobia, and related intolerance, for going 'beyond [his] mandate'. According to Japan, Diène's investigation of the comfort women issue, which went beyond his 'mandate' to examine 'contemporary forms of' discrimination, was not just 'inappropriate'; it was also detrimental to the UN's human rights efforts. 'The … mandate … was carefully decided in order to resolve the various human rights issues confronted all over the world', Japan said in a statement. 'The Special Rapporteur should … act within it' (A/HRC/1/G/3). Japan made the same argument to the ILO's CEACR, which has called the comfort women system a violation of the Convention Concerning Forced or Compulsory Labour, 1930 (No. 29) (CEACR 1996). The inapplicability claim is apparently harder to make in this case, as Japan ratified the Convention in 1932. Instead, Japan has argued that 'these issues hold no relevance to the ILO as current topics for deliberation' (CEACR 2001). According to Japan, the Committee should 'desist from further examination' of the issue because it is 'beyond the mandate of the ILO' to comment on the issue (CEACR 2005).

This rhetorical strategy heavily emphasises 'temporal containment', by which in-group members can say that wrongdoings occurred before the current government came to power or before the country signed relevant treaties.[87] This strategy derives moral legitimacy from the fact that there is a significant temporal distance between the past wrongdoings and the ongoing accusations. From the social psychological perspective, this strategy is a natural one: time influences people's cognitive interpretation of, and behaviour towards, events.[88] Research shows that the amount of time elapsed since the wrongdoings is a factor that influences how in-group members evaluate past wrongdoings. For example, younger generations, influenced by normative changes over time, can be more critical of past wrongdoings (e.g. their country's colonial history). At the same time, older generations may express greater shame or guilt because shorter temporal distance means greater association with in-group perpetrators.[89] There is another reason why temporal distance facilitates moral disengagement. In-group members 'project' their currently moral, and therefore positive, image 'into the past'. In other words, people believe that because their in-group is currently moral, the in-group has always been, and will always be, moral. This type of projection obviates the need for self-criticism.[90] In the end, the passage of time has important implications for reconciliation: those who feel that they can claim sufficient temporal distance from in-group wrongdoings exhibit less collective guilt and less willingness to offer compensation.[91]

[87] Cohen, *States of Denial*, p. 114.

[88] Nira Liberman, Yaacov Trope, and Elana Stephan, 'Psychological distance', in Arie W. Kruglanski and Tory E. Higgins (eds), *Social Psychology: Handbook of Basic Principles* (New York: Guilford Press, 2007), pp. 353–83.

[89] Bilali, Iqbal, and Freel, 'Understanding and counteracting genocide denial', pp. 299–300.

[90] Leach, Zeineddine, and Čehajić-Clancy, 'Moral immemorial', p. 50.

[91] Johanna Peetz, Gregory R. Gunn, and Anne E. Wilson, 'Crimes of the past: Defensive temporal distancing in the face of past in-group wrongdoing', *Personality and Social Psychology Bulletin*, 36:5 (2010), pp. 598–611.

Claiming inapplicability of relevant norms

If claims of the inapplicability of relevant treaties do not explicitly negate norm violation, claims of the inapplicability of relevant norms deny the deviant behaviour itself. In the case of Japan, its claims that the relevant norms – i.e. redressing past human rights violations, as well as norms concerning conflict-related sexual violence – are inapplicable are based on its counter-narratives: (1) there is no documentary evidence that the women were forcibly recruited, (2) the women were not sex slaves, and (3) the often-quoted number of victims – up to 200,000[92] – is inaccurate.[93] These counter-narratives are based on Japan's own investigation, which concluded that no existing documents that the government has identified confirm 'forced kidnappings, forced rapes and forced breaking into private citizens' homes to capture young women'. Instead, according to Japanese officials, most of these women 'were being paid by the sex industry which was associated with the military'.[94]

This claim of norm inapplicability, as much as it invites accusations of historical revisionism and denialism, should be differentiated from rejection of the relevant norms. Instead, perhaps counter-intuitively, this strategy allows Japan to continue to engage in what it sees as norm-compliant, rather than norm-violating, behaviour. More specifically, recasting the story of the comfort women allows Japan to achieve two seemingly contradictory goals at the same time: showing commitment to the global norms that Japan, as a responsible member of the international community, is expected to commit to, while at the same time denying that behavioural obligations derived from those norms apply to this particular group of claimants.[95] Accomplishing this dual mission requires that Japan establish the case of the comfort women as something that falls outside the relevant norms – hence the insinuation that the women were voluntary sex workers.

To be sure, scholars have criticised the counter-narratives for relying on an extremely narrow definition of coercion[96] and ignoring existing data, including court documents and testimonies, and the mass-scale destruction of documents that took place before Japan's surrender.[97] In addition, the norm inapplicability argument sits uncomfortably with Japan's previous admissions of wrong-doings. Most notably, the 1993 Kōno Statement acknowledged that the victims were 'recruited against their own will, through coaxing [and] coercion', and that the military was 'involved in the establishment and management of the comfort stations and the [women's] transfer'.[98] Nonetheless, claims of norm inapplicability have allowed Japan to argue that the shamers are making false accusations based on an incorrect understanding of history. 'There are one-sided claims which lack any corroborative evidence in reports by United Nations Special Rapporteurs as well as in criticisms and recommendations from treaty bodies', Japan told the Committee against Torture in 2015. 'It is very regrettable that this false information provides the essential basis for United Nations reports and recommendations' (CAT/C/JPN/CO/2/Add.1). In 2016, Japan voiced 'concern' that the ILO CEACR's recommendations were based on 'information and figures … which lack corroborative evidence' (CEACR 2016). Japan's reply to the Human Rights Committee in 2020 was

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[92]The estimate ranges from tens of thousands to 200,000.

[93]Ministry of Foreign Affairs of Japan, 'Japan's Efforts on the Issue of Comfort Women' (3 June 2021), available at: {https://www.mofa.go.jp/policy/postwar/page22e_000883.html}.

[94]Ministry of Foreign Affairs of Japan, 'Press Conference, 9 March 2007' (9 March 2007), availalble at: {https://www.mofa.go.jp/announce/press/2007/3/0309.html}.

[95]Kim, 'Transnational advocacy, norm regress, and foreign compliance constituencies'.

[96]Hirofumi Hayashi, 'Disputes in Japan over the Japanese military "comfort women" system and its perception in history', *The ANNALS of the American Academy of Political and Social Science*, 617:1 (2008), pp. 123–32; Yoshiaki Yoshimi, 'The Kōno statement: Its historical significance and limitations', in Nishino Rumiko, Kim Puja, and Onozawa Akane (eds), *Denying the Comfort Women: The Japanese State's Assault on Historical Truth* (Abingdon: Routledge, 2018), pp. 17–39.

[97]Tessa Morris-Suzuki, 'Addressing Japan's "comfort women" issue from an academic standpoint', *The Asia-Pacific Journal: Japan Focus*, 12:9 (2014), no pagination.

[98]Ministry of Foreign Affairs of Japan, 'Statement by the Chief Cabinet Secretary' (4 August 1993), available at: {https://www.mofa.go.jp/a_o/rp/page25e_000343.html}.

noticeably terse: 'The expression "sexual slavery" contradicts the facts and should not be used' (CCPR/C/JPN/7).

Social psychological research helps us understand Japan's promotion of counter-narratives as an example of a group that alters, rather than completely denies, past events in order to maintain its positive social identity.[99] While the event itself is not denied, certain aspects of the event are reinterpreted so that the relevant norms – and behavioural standards that come with them – do not apply to the case. Here, the alteration of the past coexists with the dehumanisation of the out-group.[100] According to social psychologists, the practice of colonisation is itself a practice of 'moral justification of dehumanization', as shown by the tradition of colonial powers citing their noble intentions as superior humans in carrying out a civilising mission.[101] In the comfort women case, by recasting sex slaves as willing sex workers and sexual slavery as wilful acts of sex work, victims are deemed 'unworthy of moral or human treatment'.[102] Sex workers who were paid for their service, in this narrative, deserved what they experienced. This denial of the victim (i.e. the women were not sex slaves) and injury (i.e. the women were not subjected to slavery-like conditions) leaves little room for collective guilt. Collective guilt cannot exist without in-group members' recognition that past wrongdoings are 'inconsistent with the current humanitarian norms of the ingroup'.[103] The counter-narratives, which imply that there was no norm violation to begin with, obviate this antecedent of collective guilt.

Equivocating

Japan's statements on its past wrongdoings often lack specificity about who did what, when, and how. Many official statements leave ambiguous the question of accountability: 'We must never forget that there were women behind the battlefields whose honor and dignity were severely injured.'[104] When exactly did these vaguely defined and acknowledged wrongdoings occur? We would not know based on Japan's foggy references to the past: 'During a certain period in the not too distant past', along with 'during a certain period in the past', are stock phrases that ambiguously invoke the period marked by Japan's colonial and war mobilisation. References to this ill-defined period have repeatedly appeared in statements by Prime Ministers Murayama Tomiichi,[105] Obuchi Keizō,[106] and Koizumi Junichiro,[107] among others, as well as in Japanese reports to the United Nations (A/HRC/22/14/Add.1). Similarly, Japan's disuse of the term '*military* comfort women' (*jūgun ianfu*) adds an additional layer of ambiguity to the military's role (or the lack thereof) in the comfort women system.[108]

[99]Rezarta Bilali and Michael A. Ross, 'Remembering intergroup conflict', in Linda R. Tropp (ed.), *The Oxford Handbook of Intergroup Conflict* (New York: Oxford University Press, 2012), pp. 123–35 (p. 127).

[100]Bandura, 'Moral disengagement in the perpetration of inhumanities'.

[101]Leach, Zeineddine, and Čehajić-Clancy, 'Moral immemorial', p. 49; Bandura, 'Moral disengagement in the perpetration of inhumanities'.

[102]Branscombe, Doosje, and McGarty, 'Antecedents and consequences of collective guilt', p. 57; Daniel Bar-Tal, 'Delegitimization: The extreme case of stereotyping and prejudice', in Daniel Bar-Tal, Carl F. Graumann, Arie W. Kruglanski, and Wolfgang Stroebe (eds), *Stereotyping and Prejudice: Changing Conceptions* (New York: Springer, 1989), pp. 169–82.

[103]Branscombe, Doosje, and McGarty, 'Antecedents and consequences of collective guilt', p. 56.

[104]Shinzō Abe, 'Statement by Prime Minister Shinzo Abe', Prime Minister of Japan and His Cabinet (14 August 2015), available at: {https://japan.kantei.go.jp/97_abe/statement/201508/0814statement.html}.

[105]'Statement by Prime Minister Tomiichi Murayama', Ministry of Foreign Affairs of Japan (15 August 1995), available at: {https://www.mofa.go.jp/announce/press/pm/murayama/9508.html}.

[106]'Japan–Republic of Korea Joint Declaration: A New Japan–Republic of Korea Partnership towards the Twenty-First Century', Ministry of Foreign Affairs of Japan (8 October 1998), available at: {https://www.mofa.go.jp/region/asia-paci/korea/joint9810.html}.

[107]'Statement of Prime Minister Junichiro Koizumi', Ministry of Foreign Affairs of Japan (13 August 2001), available at: {https://www.mofa.go.jp/a_o/rp/page25e_000358.html}.

[108]Tessa Morris-Suzuki and Mindy Kotler, 'Why comfort women matter to the U.S.–Japan values summit', *The National Interest* (12 April 2021), available at: {https://nationalinterest.org/blog/politics/why-comfort-women-matter-us-japan-values-summit-182552}.

Japan has mastered another form of purposive vagueness, which has allowed Japan to condemn any and every state on earth. By stating that many bad things happened all over the world in the past, Japan insinuates that other parties, including Japan's self-righteous shamers, are equally responsible for the past predicaments of women – and that the comfort women's case is not the only case. The following phrase, often cited as Japan explains its efforts for the victims to the UN, is so broad that it subjects everyone, not just Japan, to criticism: 'Throughout history, women's dignity and basic human rights have often been infringed upon during the many wars and conflicts of the past' (CEDAW/C/JPN/7-8; CAT/C/JPN/CO/2/Add.1). Abe's speech in 2015, which Japan's reports to UN bodies have repeatedly cited (CERD/C/JPN/CO/7-9/Add.2; A/HRC/37/15; CCPR/C/JPN/7; CEDAW/C/JPN/9), is similarly broad in a way that inculpates all violators: 'The dignity and honor of many women were severely injured during wars in the 20th century.' One variation of this argument is that the 'war violated the human rights of all: women and men, young and old, Japanese or not' (CEDAW /C/SR.890 [B]) – indeed, that 'humanity at large' suffered (A/HRC/35/22/Add.5). By this logic, Japan is not uniquely responsible for the sufferings of the comfort women because everyone has made everyone else suffer all the time. This implicit, *tu quoque* generalisation goes hand in hand with Japan's repeated, future-oriented pledge to ensure that the 21st century will not see violations of women's human rights (CEDAW/C/JPN/7-8).

Abe's speech on the 70th anniversary of the end of World War II was the pinnacle of this sentiment. The 2015 speech went straight to whataboutism: 'More than one hundred years ago, vast colonies possessed mainly by the Western powers stretched out across the world.' It went on to portray Japan's own colonisation and occupation of other countries as an unavoidable necessity because the 'colonial economies' of the 'Western countries' resulted in economic losses for Japan. It also made references to the atomic bombings of Hiroshima and Nagasaki, the firebombing of Tokyo, and the Battle of Okinawa – all of which caused tragic civilian deaths in Japan.[109] Abe complained in his memoir that the 1995 Murayama Statement, which contains an apology for 'colonial rule and aggression',[110] made it seem as if Japan was the only coloniser in the world. His preferred point of comparison was King Philippe of Belgium, who expressed regrets over the colonisation of Congo in 2020 – long after a series of Japanese apologies.[111]

According to social psychologists, equivocation is partially enabled by euphemism and sanitising language, which serves the function of moral disengagement. The term 'comfort women' is a textbook example of euphemism to begin with, by which 'the activities lose much of their repugnancy'.[112] Equivocation also permits evasion by 'obscuring or minimizing the agentive role in the harm one causes'.[113] If the Japanese narratives that place blame on the imperial military[114] are themselves a psychological mechanism that protects in-group esteem by differentiating in-group members from a few 'bad apples' or 'black sheep',[115] more recent attempts to downplay the military's role further obscure the question of responsibility. Similarly, the 'agentless passive style in depicting events', which reduces the repugnancy of the acts,[116] is palpable in many of Japan's statements to the effect that something bad happened to some women sometime in the past. What results is 'self-exemption' from responsibility.[117]

Meanwhile, the kind of equivocation that implicates others in the same wrongdoings also protects group esteem. Blaming circumstances (i.e. citing uncontrollable circumstances forcing

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[109] Abe, 'Statement by Prime Minister Shinzo Abe'.

[110] Murayama, 'Statement by Prime Minister Tomiichi Murayama'.

[111] Shinzō Abe, *Abe Shinzō Kaikoroku* (Tokyo: Chūōkōron-shinsha, 2023), pp. 160–3.

[112] Bandura, 'Moral disengagement in the perpetration of inhumanities', p. 195.

[113] Bandura, 'Moral disengagement in the perpetration of inhumanities', p. 196.

[114] Berger, *War, Guilt, and World Politics after World War II*, p. 4.

[115] Branscombe, Doosje, and McGarty, 'Antecedents and consequences of collective guilt', p. 55; Bilali, Iqbal, and Freel, 'Understanding and counteracting genocide denial', p. 290.

[116] Bandura, 'Moral disengagement in the perpetration of inhumanities', p. 195.

[117] Bandura, 'Moral disengagement in the perpetration of inhumanities', p. 196.

Japan to colonise other nations) is another way to morally disengage from uncomfortable facts about in-group wrongdoings. When groups describe their wrongdoings as something 'forced by compelling circumstances', as Japan does in its description of how it ended up colonising and invading other countries, their action then become 'excusable', and in-group members 'even can feel self-righteous'.[118] This appeal to situational factors in turn minimises responsibility by obscuring the agency of those who made the decision to engage in wrongdoings.[119] At the same time, whataboutism, or condemnation of the condemners, challenges norm enforcers' alleged double standards and hypocrisy.[120] Although Abe's point about Belgium does have empirical support,[121] such comparisons are 'advantageous', 'self-exonerating', and 'expedient', and they further facilitate moral disengagement.[122] Another variant of whataboutism, which highlights the wrongdoings done to Japan, also features what social psychologists call competitive victimhood. Because an in-group's victim status can strengthen a sense of moral entitlement among group members, competitive victimhood protects an in-group's social image when confronted with threatening information about in-group wrongdoings.[123]

Citing non-disparagement pledges

We now turn to the latest development in Japan's rhetoric of evasion. In what appears to be an unprecedented attempt in the international politics of redress, Japan has sought diplomatic pledges of non-disparagement from Korea, where a majority of the comfort women originated. In 2015, reportedly under American pressure, the quarrelsome neighbours declared that they had 'resolved' the comfort women issue 'finally and irreversibly'. The bilateral agreement included major concessions on the part of Japan, including 1 billion yen ($8.3 million) from its state coffers – a notable change from the 1995 Asian Women's Fund, which critics boycotted for being an ambiguous private entity. This agreement, however, came with what is essentially a non-disparagement pledge: '[Korea and Japan] will refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations.'[124] Since reaching this agreement, Japan has repeatedly told the compliance constituencies, including the Human Rights Committee (CCPR/C/JPN/7), the Committee against Torture (CAT/C/JPN/CO/2/Add.2), the Committee on the Elimination of Racial Discrimination (CERD/C/JPN/CO/7-9/Add.2), and the ILO (CEACR 2019), that the issue has already been resolved.

Japan's invocation of this bilateral deal in countering shaming at the United Nations shows that the country strategically prioritises lower-level interstate agreements over higher-level normative order (CAT/C/JPN/CO/2/Add.2; CERD/C/JPN/CO/7-9/Add.2; CCPR/C/JPN/7). For example, when the UN High Commissioner for Human Rights expressed concern about the controversial agreement, Japan called the commissioner's concern 'very regrettable' and vowed to formally complain to him.[125] Japanese officials have repeatedly emphasised that the 2015 agreement is 'a

[118]Bandura, 'Moral disengagement in the perpetration of inhumanities', p. 203.

[119]Bilali, Iqbal, and Freel, 'Understanding and counteracting Genocide denial'.

[120]Cohen, *States of Denial*, p. 111.

[121]Thomas U. Berger, 'Japan's incomplete liberalism: Japan and the historical justice regime', in Yoichi Funabashi and G. John Ikenberry (eds), *The Crisis of Liberal Internationalism: Japan and the World Order* (Washington, DC: Brookings Institution Press, 2020), pp. 271–302.

[122]Bandura, 'Moral disengagement in the perpetration of inhumanities', pp. 195–6; Cohen, *States of Denial*, p. 111.

[123]Sullivan et al., 'Competitive victimhood as a response to accusations of ingroup harm doing'.

[124]Ministry of Foreign Affairs of Japan, 'Announcement by Foreign Ministers of Japan and the Republic of Korea at the Joint Press Occasion' (28 December 2015), available at: {https://www.mofa.go.jp/a_o/na/kr/page4e_000364.html}.

[125]Prime Minister of Japan and His Cabinet, 'Press Conference by the Chief Cabinet Secretary' (11 March 2016), available at: {https://japan.kantei.go.jp/tyoukanpress/201603/11_p.html}.

commitment at the international level', which has declared to 'the world that the issue is irreversibly resolved'.[126] This emphasis on the bilateral agreement has also allowed Japan to accuse Korea of breaching its promise whenever Korean officials bring up the issue at the UN, even when they refrain from directly naming Japan.[127] Korea has countered this criticism by resorting back to international norms, saying that the issue, as a 'universal human rights' issue, 'has dimensions that go beyond the bilateral relationship' (S/PV.8514). Nonetheless, Japan has pointed to the non-disparagement pledge to accuse Korea of not meeting its 'responsibility to the international community'[128] – meaning Korea's responsibility to refrain from bringing up the issue, not Japan's responsibility to provide full redress for the victims. Abe's memoir confirms that he enjoyed getting back at the Koreans: 'Every time I met [Korean officials], I was now in a position where I could say, "You guys, do it properly" (*kimitachi, chanto yare yo*).'[129]

Several traditional psychoanalytic concepts related to individual defence mechanisms, which have been applied to group-level responses to in-group wrongdoings,[130] help us to understand Japan's insistence on the non-disparagement clause. First, it enables an ego-protecting defence mechanism known as avoidance.[131] Those engaging in avoidance remove themselves from uncomfortable information and situations. If Korea is not allowed to discuss the issue again at the UN, Japan can avoid an uncomfortable situation where it is repeatedly reminded of the past wrongdoings and shamed for continuing norm violations. Avoidance, in this sense, allows moral disengagement.[132]

Second, the way Japan criticises Korea for broaching the non-disparagement agreement – an example of condemnation of the condemners – corresponds to another defence mechanism known as projection, by which individuals attribute undesirable characteristics and actions to others.[133] If the aforementioned strategy of equivocation allows Japan to incriminate all countries in the same kind of norm violations (i.e. causing women's sufferings), this non-disparagement pledge allows Japan to present itself as a rule-abiding, responsible member of the international community – something Japan can claim Korea is not. At the same time, there are some contradictions in the way these two strategies challenge norm enforcement. The former maximises the scope of norm enforcement (i.e. universalising the issue as something that implicates everyone), while the latter minimises it (i.e. reducing a universal human rights issue to a bilateral one).

When it comes to collective guilt, the non-disparagement clause serves a function that is similar to claims of legality: because it creates the impression that the issue has been technically resolved, it eliminates the need to feel bad about the victims' suffering or consider other forms of reparations.[134] The fact that the 2015 agreement came after the 1995 Asian Women's Fund also bodes ill for feelings of remorse: when in-group members believe that compensation has already been offered, they are less likely to feel collective guilt about in-group wrongdoings.[135]

[126]Yoshihide Suga, 'Press Conference by the Chief Cabinet Secretary', Prime Minister of Japan and His Cabinet (29 September 2017), available at: {https://japan.kantei.go.jp/tyoukanpress/201709/29_a.html}.

[127]'Kankoku, Kokuren de Ianfu Genkyū e Pusan de Chōyōkō-Zō Setchi No Ugoki Mo', *Asahi Shimbun* (22 February 2019), available at: {https://www.asahi.com/articles/DA3S13904007.html}.

[128]'Japan rejects South Korea mention of wartime "comfort women" at U.N.', *Reuters* (27 February 2018), available at: {https://www.reuters.com/article/us-southkorea-japan-minister-women-idUSKCN1GA2HR}.

[129]Abe, *Abe Shinzō Kaikoroku*, p. 173.

[130]John Bunzl and Benjamin Beit-Hallahmi, *Psychoanalysis, Identity, and Ideology: Critical Essays on the Israel/Palestine Case* (Norwell, MA: Kluwer Academic Publishers, 2002); Halperin et al., 'Socio-psychological implications for an occupying society'.

[131]Halperin et al., 'Socio-psychological implications for an occupying society', p. 64.

[132]Bandura, 'Moral disengagement in the perpetration of inhumanities', p. 197.

[133]Halperin et al., 'Socio-psychological implications for an occupying society', p. 64; Thomas Gabor, *Everybody Does It! Crime by the Public* (Toronto: University of Toronto Press, 1994), p. 176.

[134]Starzyk and Ross, 'A tarnished silver lining'; Wohl, Branscombe, and Klar, 'Collective guilt', p. 21.

[135]Branscombe, Doosje, and McGarty, 'Antecedents and consequences of collective guilt', p. 58.

Discussion and conclusion

Despite growing attention to the agency of norm violators in international politics, few studies have simultaneously examined both specific rhetorical devices that enable norm evasion and their social psychological underpinnings. Joining scholars attempting to fill this gap, this paper seeks to conceptualise states' rhetorical devices that enable norm evasion as socio-psychological coping strategies aimed at protecting in-group esteem. Acknowledging that one's in-group is responsible for wrongdoings is the first step in establishing collective guilt, which in turn increases group members' willingness to take reparative action.[136] Rhetorical devices of norm evasion, however, stand in the way, making it difficult for groups to apologise and offer reparations.[137] This comes at a cost: when in-group members psychologically disengage from in-group wrongdoings, they are more likely to condone ongoing and future violence.[138]

Has Japan's evasion been effective? The answer is mixed. As discussed above, Japan has given in to global compliance pressure and offered important concessions in 1995 and 2015. When seen in a comparative context, Japan may not be 'the model impenitent' that it is often made out to be.[139] Indeed, the extensive social psychological literature on in-group wrongdoings and (the absence of) collective guilt is itself evidence that Japan is not alone in struggling to come to terms with its past.

At the same time, Japan's rhetoric of norm evasion has enabled its promotion of non-remembrance – or behavioural manifestations of norm regress.[140] Much of Japan's diplomatic effort to counter global shaming today goes into resisting attempts by multinational civic groups and foreign governments to preserve the memory of the comfort women. The most prominent example is Japan's global campaign against comfort women statues and memorials erected around the world – physical, rather than verbal, reminders of in-group wrongdoings. For example, Japan filed an amicus brief with the US Supreme Court in 2017 in support of a lawsuit seeking the removal of a comfort women statue in Glendale, California. The government described the removal as something that qualifies as belonging to Japan's 'core national interests'.[141] Similarly, at the UN, Japan has also defended the increasingly scant description of the comfort women issue in Japanese history textbooks (E/CN.4/2005/SR.36; A/HRC/35/22/Add.5; CCPR/C/JPN/7). The country has also opposed the registration of comfort women-related documents with UNESCO's Memory of the World Programme. Citing 'problems with transparency and fairness' at UNESCO, it has withheld its contributions to the organisation.[142] Japanese leaders argue that they are simply correcting the international community's misunderstanding of the comfort women issue, which will help 'restore the honor and trust of Japan'.[143] Non-remembrance, in other words, is being promoted in the name of Japan's higher loyalties to national honour.

Japan's promotion of non-remembrance is a behavioural culmination of various rhetorical strategies examined in this study and the psychological disengagement they enable. Non-remembrance is activated by what social psychologists call 'motivated forgetting' at the group level.[144] These phenomena are also akin to silencing, or selective remembrance of the past, whereby

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[136]Branscombe, Doosje, and McGarty, 'Antecedents and consequences of collective guilt'; Wohl, Branscombe, and Klar, 'Collective guilt'.

[137]Tarrant et al., 'Social identity and perceptions of torture'.

[138]Leach, Bilali, and Pagliaro, 'Groups and morality'.

[139]Berger, 'Japan's incomplete liberalism'; Berger, *War, Guilt, and World Politics after World War II*, p. 123; for a broader discussion of colonial injustices as a product of a colonial international order, see Lu, *Justice and Reconciliation in World Politics*.

[140]Kim, 'Transnational advocacy, norm regress, and foreign compliance constituencies'.

[141]Ministry of Foreign Affairs of Japan, 'Koichi Mera and GAHT-US Corporation v. City of Glendale', p. 4.

[142]Kishida, Fumio, 'Press Conference by Foreign Minister Fumio Kishida', Ministry of Foreign Affairs of Japan (2 June 2016), available at: {https://www.mofa.go.jp/press/kaiken/kaiken4e_000274.html}.

[143]Prime Minister of Japan and His Cabinet, 'Press Conference by the Chief Cabinet Secretary', 3 October 2014.

[144]Rotella and Richeson, 'Motivated to "forget"'.

embarrassing and uncomfortable episodes are omitted from historical narratives.[145] Ultimately, these devices seem to have served their purpose: 30 years of international condemnation seem to have reached an impasse. While UN experts debate whether to give Japan a rating of C or B over the comfort women issue (CCPR/C/SR.3393), Japan can simply go on to reject UN recommendations based on various combinations of rhetorical strategies (A/HRC/22/14/Add.1). While naming and shaming 'reinforces the notion of normality',[146] a norm-based world order sometimes does little more than simply let the shamers and the shamed talk past each other. When things go awry, backlash as an unintended consequence of global naming and shaming manifests rhetorically and behaviourally in international politics.

What, if anything, can be done about the impasse? Various approaches explored social psychological research – for example, confronting people with negative information about in-group wrongdoings (e.g. including a detailed description of in-group atrocities in history textbooks), presenting positive information about in-group moral virtues (e.g. emphasising cases of in-group members protecting victims in the context of inter-group conflicts), emphasising out-group narratives of in-group wrongdoings, and affirming other parts of group identity to minimise threats to group esteem – have different pros and cons.[147] Still, some findings offer hints as to how to proceed from here. As IR scholars increasingly note,[148] shaming, it seems, can be done differently. While shame – defined in the context of this study as the 'experience of self-criticism about in-group wrongdoing against an out-group'[149] – is strongly tied to defensive reactions, some aspects of shame have been shown to lead to pro-social reactions, such as an enhanced willingness to apologise. Avoiding feelings of rejection and inferiority caused by the fear of condemnation is a way to avoid provoking defensiveness on the part of the shamed group.[150] The kind of shaming that can be interpreted as a threat to the morality of an in-group as a whole should be avoided.[151] Dealing with political leaders who are high identifiers – Japan's Abe, for example, was widely considered a high identifier whose grandfather was jailed after World War II as a suspected Class A war criminal – requires particular attention. In the end, international compliance constituencies, now armed with information about a growing list of rhetorical strategies of evasion, should be able to identify evasion at work and adjust their persuasion strategies in a way that neutralises the neutralisations[152] – but in a non-threatening way.

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[145]Bilali and Ross, 'Remembering intergroup conflict', p. 126.

[146]Adler-Nissen, 'Stigma management in international relations', p. 149.

[147]For a review, see Bilali, Iqbal, and Freel, 'Understanding and counteracting genocide denial'.

[148]Snyder, 'Backlash against human rights shaming'; Snyder, 'Backlash against naming and shaming'.

[149]Leach, Bilali, and Pagliaro, 'Groups and morality', p. 141.

[150]Gausel et al., 'Defend or repair?'.

[151]Bilali, Iqbal, and Freel, 'Understanding and counteracting genocide denial', p. 302.

[152]Shadd Maruna and Heith Copes, 'What have we learned from five decades of neutralization research?', *Crime and Justice*, 32 (2005), pp. 239–44.