

ARTICLE

Imagining a community that includes non-human beings: the 1990s Moyainaoshi Movement in Minamata, Japan

Orika Komatsubara*

Abstract

This article offers a vision of a community that includes non-human beings. After suffering environmental damage, a community is often harmed and confused. Restorative justice may have the potential to intervene in divisions with a community approach. However, though environmental damage affects both human and non-human beings, restorative justice typically concerns itself with human communities. Therefore, through a review of the literature I consider what non-human beings mean for a community, focusing on the Moyainaoshi Movement (MM) in Minamata, Japan, in the 1990s. This movement aimed to reconstruct the community after severe, long-term pollution. First, I examine the motivations of several stakeholders that worked to reconstruct the Minamata community in the 1990s. Second, I clarify the role of non-human beings in the vision of community as practiced by the MM. I find that non-human beings served as symbols to connect human beings within the community. Finally, I conclude that a vision of a community that includes non-human beings can propel community reconstruction in our current political realities, and I reveal that in studying this concept of community in restorative justice, listening to victims' voices is of paramount importance.

Keywords: restorative justice, community, environmental damage, spirituality, Japan, the Moyainaoshi Movement.

1 Introduction

Can we imagine a community that includes non-human beings? The concept and agenda of environmental restorative justice brings to our attention the difficulties inherent in reflecting on the treatment of non-human beings in our communities. Non-human victims typically have no legal recourse because they

* Orika Komatsubara is working under a Research Fellowship for Young Scientists from the Japan Society for the Promotion of Science (JSPS). This study was supported by Grant Number 20J00091.
Contact author: orika1982@gmail.com.

Orika Komatsubara

do not have full civil rights. Given that restorative justice usually focuses on human victims, offenders and community members, restorative justice scholars should consider ways to include non-human beings in our communities, creating therefore new visions of community.

At its core, restorative justice essentially concerns itself with the handling of community-based conflicts. In the classic restorative justice work *Changing lenses: A new focus for crime and justice*, Howard Zehr (2005: 181) wrote:

Crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, the offender, and the community in a search for solutions which promote repair, reconciliation, and reassurance.

In restorative justice, the community approach is often the starting point for modifying the criminal justice system from the perspective of supporting crime victims and offenders. Restorative justice strives for the creation of a good community to prevent crimes and repair the harm they cause.

It has been pointed out that restorative justice researchers in Asia, especially in Japan, have still not been able to imagine a concrete better community (Segawa, 2005).¹ In Japan, studies on restorative justice began in the 1990s when Japanese scholars began translating Western works on restorative justice into Japanese. A few lawyers and probation officers as well as the heads of the juvenile training school have personally worked with offenders using a restorative approach (Nishimura, 2015). However, in the 2000s, victims' rights movements emerged suddenly, opposing the introduction of restorative justice in the Japanese criminal justice system (NAVS, 2006), and restorative justice failed to achieve institutionalisation in the Japanese legal system. Japanese restorative justice scholars have meanwhile explored the promotion of restorative practices in the areas of education and social welfare, and a few legal specialists and citizens have organised small groups for restorative practice. Nevertheless, despite all efforts, restorative justice has not gained much momentum in Japan.

Though scholars and practitioners have not abandoned the promotion of restorative justice, they are often faced with the question of whether restorative justice, which is labelled as a Western approach, is feasible or culturally suitable for Japan. This question has its roots deep in Japanese history. After the Second World War, Japanese society changed dramatically. From 1945 to 1952, the US occupied and westernised Japan due to the risk that the imperial Japanese army would initiate a military coup to reinstate the fundamental character of the empire of Japan. Additionally, in 1955, the renowned economist Hisao Otsuka claimed that the traditional Japanese village community must be broken up and a new democratic civil society built (Otsuka, 2000). Otsuka's argument had a considerable impact on Japanese society shortly after the defeat. Nevertheless, it has been refuted by recent empirical research (e.g. Uchiyama, 2010), and the feeling for some Japanese that Japanese civil society and democratic culture is

1 The author refers to a number of Japanese sources. All quotations from the Japanese literature have been translated by the author.

inferior to their Western counterparts persists. Additionally, restorative justice tends to suggest a civil society in which people respect democracy, diversity, common sense and equality. Restorative justice often stimulates this sense of inferiority in Japanese people, even though communities based on restorative justice values do not exist in the West.² The Japanese often imagine that a good community has to resemble an idealised Western civil society.

How might we challenge this impression? I suggest that non-human beings can play a key role in expanding the concept of restorative justice in Japan. Non-human beings do not have full rights in civil society, and it is impossible for them to participate in democratic dialogue with human beings. In every country, people are starting from the same position: can we imagine a good community that includes non-human beings?³ Thinking about environmental restorative justice therefore creates the opportunity to discuss community in each country while starting on common ground. In that case, we cannot ignore our relationship with non-human beings in discussing restorative justice, because in addition to humans, others too are affected by environmental destruction.

This idea runs the risk of becoming immersed in idealism. In the 1980s, environmental ethics was fashionable in Japan, and some researchers inspired nationalism by praising traditional Japanese environmental thought (Morioka, 1994). Some have claimed that Japanese people live in harmony with nature, while ignoring the reality of people destroying mountains, forests and the sea and the recurrent problems with pollution. Environmental restorative justice must refrain from these types of idealistic notions and take the perspective of victims of environmental damage as a starting point while focusing on the harsh realities of environmental damage and the conflicts created by it. Therefore,

- 2 For example, Braithwaite (2000) suggested that the restorative justice theory of reintegrative shaming is based on the Japanese culture of community. Traditionally, Western scholars have pointed out that shaming was an important value in Japanese culture (e.g. Benedict, 1946), and this value was based on *bushido*. Firstly, *bushido* as the religion of the privileged samurai class is well known in Japan and is thought to have had a significant influence on their mentality. However, the actual morals of village communities vary from region to region and cannot be directly linked to *bushido*. Second, shaming is sometimes connected with revenge and *seppuku* (traditional style of suicide) because that is the only means to die to avoid shaming in *Bushido* (Kurihara, 2020). This connection was emphasised in WW2 to justify *kamikaze* (suicide bomb) actions. The theory of shaming can bring to mind the dark history of war for some Japanese. In addition, the tendency to link shame and suicide in Japan is one that is still evident today. For example, Pellegrini (2018) points out that in Japan, suicide is a more common response of researchers accused of research misconduct than in other countries. Pellegrini (2018) states the reasons as follows: 'when someone is humiliated or dishonoured, when he or she cannot convince others of his or her truth, then, voluntary death appears as a redemption act or as a proof of a purity of honour' (Pellegrini, 2018: 1308). In other words, in Japan, the concept of shame still works to bring an end to the problem through suicide, rather than restoring order to the community by holding the wrongdoers accountable.
- 3 As an exception, indigenous peoples may have a vision of a good community that includes non-human beings. In the case of Japan, if research on the indigenous Ainu people had occurred earlier, it is possible that their concept of community could have been used as a basis for the concept of restorative justice (Nishimura, 2015). I am considering future research on the Ainu people.

environmental restorative justice must be based on empirical investigations of environmental damage, which has been the case in some recent studies (e.g. Boyd, 2008; White, 2017). Additionally, in 2019, the collection *Environmental justice: Restoring the future. Towards a restorative environmental justice praxis* was published by the European Forum for Restorative Justice (Biffi & Pali, 2019), opening investigations and proposing commitments in an area that has just begun to be explored.

In this article, I explore a vision of a community that includes non-human beings. To this end, I examine the case of the Moyainaoshi Movement (MM) in Minamata in the 1990s. Minamata is a small city located on the south-western coast of Kyushu [九州]. It is one of the most (in)famous contamination sites in Japan, well known since the 1960s. The MM emerged 30 years later, in the 1990s, even though the majority of Minamata was no longer polluted. The movement was created by the local government, groups of victims, victims' supporters and unaffected Minamata citizens. This movement aimed to rebuild the community in the aftermath of the actions that had polluted their community. It was, in other words, an attempt to restore a community, not unlike restorative justice.

Yet, the MM has not been an explicit proponent of restorative justice practices, and no one in the movement was familiar with the concept of restorative justice in the 1990s: the grassroots movement developed spontaneously. However, the foundations of restorative justice are clearly present in the movement (Ishihara, 2013). The process of victims and various stakeholders holding conversations to explore the rebuilding of Minamata's community can be broadly viewed as a restorative practice.

Several empirical studies of the MM have been conducted using interviews, surveys and policy analysis (e.g. Ensyu, 2013; Shimoda, 2017; Yokemoto, 2015, 2020), and several reports have been published (e.g. Fujisaki, 2013; Watanabe, 2017; Yoshii, 2017). Based on these secondary data, in this article, I will specifically address two research questions. First, why did the MM emerge in Minamata? To answer this question, I will explore the factors that motivated stakeholders to initiate the movement in terms of economics and politics as well as philosophy and spirituality. Second, how did the MM imagine community? I answer this question by investigating whether or not the stakeholders that began the movement evoked a vision of a community that included non-human beings. Finally, I present a vision of such a community by analysing the case of MM in Minamata.

2 Minamata disease and the MM

When the problems with pollution in Minamata first began, victims received little compensation. In the early 1950s, there was an unknown increase in the number of patients who lived near Minamata Bay exhibiting symptoms of a neurological disease. Many residents in the area saw dead fish, shellfish, birds as well as cats that were paralysed. In 1956, the first case of the Minamata disease (MD) was officially recognised. MD is a neurological disease for which, to this day, there is

no cure, and in severe cases, victims die. Newborn babies will contract MD if their mothers eat too much toxic seafood during pregnancy. The MD medical research group at Kumamoto University reported that MD was caused by the drainage from the Chisso Co. Ltd factory (Chisso) in 1956. At that time, Chisso was producing raw material for plastic and draining liquid waste, including methylmercury, in the Minamata Bay until 1968. This contaminated the aquatic life in the bay and in turn, the fishermen and residents who relied on seafood as the main source of their daily sustenance. As the number of MD patients increased, fishermen and victims demanded that the draining be stopped and that they receive compensation for damages caused by MD. The national and local governments, however, did not ask Chisso to stop draining liquid waste, nor did the company accept responsibility for the contamination, despite scientific evidence in 1957 showing that the drainage was clearly the cause of MD. The company paid the victims a meagre solatium and forced them to sign an unfair contract in 1959 called *Minmaikin-keiyaku* (solatium agreement and payment). The Japanese government prioritised the development of the economy after the Second World War over rescuing the lives of victims from environmental damage. Although the government established the Basic Law for Environmental Pollution Control in 1967, this law did not have the power to stop the commercial activities of private companies (Otsuka, 2007). Therefore, the Minamata victims were sacrificed in exchange for economic growth and modernisation.

In the 1960s and 1970s, victims began to fight against Chisso to get fair compensation. In 1968, the company stopped draining waste, particularly methylmercury, because they had changed the manufacturing method. Four months later, the Japanese government recognised that Chisso was responsible for MD. In 1969, 112 victims organised to pursue a legal remedy against Chisso, and victims' supporters, including journalists, lawyers, artists, students, Marxists and citizens all over Japan, gathered in Minamata. These movements were reported by newspapers and TV news and included in novels and movies. Overall, it was a victory for the victims, and in 1973, Chisso paid a total of approximately 930 million JPY (8 million EUR). Other victims have continued taking legal action against Chisso up to the present. Additionally, a compensation agreement was reached between victims and the company in 1973. Until 2020, the company paid for 2,283 victims who were officially diagnosed as MD patients, paying a total of 164,500 million JPY (1,400 million EUR) (Chisso, 2020). Victims have become known in Japanese society, and legislation based on the victim compensation system was enacted in the 1970s. Moreover, in 1977, the government of Kumamoto Prefecture began cleaning up Minamata Bay, a process that was completed in 1990 (Minamata Disease City Municipal Museum, 2015). The majority of Japanese then believed that the pollution issue in Minamata belonged to the past.

In the 1990s, the MM was founded by various stakeholders. Defining the term *moyainaoshi* is quite difficult because opinions on its meaning differ widely. *Moyainaoshi* literally means 'to reconnect', and it also refers to the action of making a knot out of fishing rope to connect two boats. This image of *moyainaoshi* was originally offered by Masato Ogata, one of the victims. He said that *moyai*

means to travel on a round trip with a person (Ogata, 2020). This implies that in Minamata, the word *moyai* refers to both a knotted rope and links or relationships between people. Ogata therefore uses the word *moyainaoshi* to invoke the reconstruction of human relations. Masazumi Yoshii, mayor of Minamata between 1994 and 2002 and one of the MM leaders, referred to Ogata's image of *moyainaoshi* in his speech at the memorial ceremony for the MD victims in 1994 (Yokemoto, 2015). He gave an additional meaning to the word: a restoration of people's relationships in Minamata through dialogue. Yoshii (2017: 281) said:

After MD spread, people clashed with one another because opinions were divided, people excluded others, biases developed, people were slandered, and our inner community was completely destroyed. '*Moyainaoshi*' requires the restoration of the inner community ... Dialogue means meeting face to face with participants, recognising and accepting a variety of values. Dialogue beyond boundaries can create new values after conflicts are resolved. The new value that emerges after conflicts are resolved plays an important role in the process of reconstructing Minamata's community.

Hoping to reconstruct the community in Minamata, the mayor spearheaded many *moyainaoshi* projects and the establishment of two centres. The Minamata Municipality organised a workshop for all Minamata citizens to discuss the design idea for the centres in 1995. At the first meeting, participants were highly emotional and even shouted at each other because of their divergent views. Although some citizens complained, they participated repeatedly, and an opinion leader was eventually selected for the workshop group. After thirteen workshops, a proposal for the centres was created. When the centres opened, Yoshii (2017) is reported to have witnessed the members of the workshop smiling and having moved beyond their differing values. Yoshii's idea of *moyainaoshi* overlaps substantially with the philosophy and principles of restorative justice.

Even though Yoshii's definition was quite clear, *moyainaoshi* was still interpreted differently by people in Minamata. On the one hand, a city council member identified *moyainaoshi* as being about excluding outsiders – including victims' supporters – from the promotion of the community reconstruction, because he wanted to rebuild the traditional village community in Minamata that existed before the pollution. On the other hand, one of the victims defined *moyainaoshi* as being about inhabitants of Minamata discussing the history of pollution and building a new, better Minamata community (Maruyama, 2000). While the word *moyainaoshi* was catchy and known to 87.3 per cent of Minamata citizens in 1999 (Mukai, 2004: 236), these different accounts show that they did not have a common understanding of the term.

It remains unclear what results the MM produced because there has never been any official assessment of the reconstruction of the Minamata community. One victim said that there was 'no change' in Minamata due to MM (Okamoto, 2015); further, not all patients with MD were satisfied with MM. However, Yoshii (2017: 291) said that the 'MM could not have been a complete success, and we did

not aim to make it so'. Yokemoto (2015, 2020) pointed out that the MM may have created new value for Minamata and its history. At the very least, the MM was a new and creative approach to address the legacy of the pollution: an attempt at creating community-based conflict resolution. Moreover, the MM was not a movement promoted by outside leaders or administrators but occurred autogenously through the local residents. They themselves saw value in community rebuilding and proposed a new framework for it. In this respect, the MM can be considered a reference for the conceptualisation of an environmental restorative justice framework.

3 Why the Moyainaoshi Movement emerged in Minamata

In this section, I explore the factors that motivated the stakeholders to create the MM, focusing particularly on the economic/political and philosophical/spiritual factors.

As regards the economic and political factors, in the 1990s, the social structure of Minamata changed dramatically. Masahumi Yokemoto (2015), an economist, classified three dimensions of social change at the time. The first dimension was the decline of the economic status of Chisso in Minamata. In the 1960s, 73.7 per cent of manufacturing workers in Minamata worked in the chemical industry, predominantly in Chisso. That percentage decreased to 28.1 in 1980 and to 26.7 in 1990 (Yokemoto, 2015: 36-37). This affected the political balance in Minamata City because Chisso's tax-based income was declining, and Minamata City no longer depended on Chisso economically. The economic structure of Minamata as a result became unstable, and the administration needed a new vision for developing the community independently of Chisso (Yokemoto, 2015).

The second dimension is the experience of the mistakes made during a project which took place in 1990. The government of Kumamoto Prefecture began to remove the sludge that included the methylmercury from Minamata Bay and reclaimed 58 ha of land between 1977 and 1990. In the 1980s, Kumamoto Prefecture explored how to make good use of the land and began the Environment and Creation Minamata project in 1990. The first event organised in the framework of this project was a concert, which aimed to gather 10,000 people in Minamata to sing together. On the day of the concert, Masato Ogata and his wife, Sawako, handed out flyers at the entrance to the venue to protest the concert; Ogata claimed that Kumamoto Prefecture intended to suppress the memory of the pollution and disguise reality in Minamata with a celebratory event (Ogata, 2020). After this incident, the prefecture officials changed their methods for coping with victims by motivating them to actively participate in the MM (Yokemoto, 2015). The third dimension is the movement's *Seiji-Kaiketsu* (resolutions made by politicians). Since 1973, the most difficult problem had been dealing with the grievance of the 'non-entitled' victims. In total, 33,612 people had requested to be officially certified with a medical diagnosis of MD, of whom only 2,283 victims were certified and therefore eligible to receive

compensation until 2020 (Chisso, 2020). While most victims had clear symptoms of MD, the qualification screening board denied their entitlement. At that time, some 'non-entitled' victims gave up hope of ever receiving any compensation; others, however, continued to fight in court until 1995. In the 1990s, more than 2,000 victims made claims to the national government for compensation, assigning responsibility to the state and seeking redress for the 'non-entitled' victims. In 1995, the national government, which was a coalition government and headed by the JSP (The Social Democratic Party of Japan), suggested a solution which proposed that only 2.6 million JPY (22,000 EUR) be paid to each 'non-entitled' victim, and they should be provided free medical services (Yokemoto, 2015). The amount of money was insufficient, but victims' groups agreed to the solution because it was the only chance for redress for the 'non-entitled' victims at that time; 10,353 victims received monetary compensation in 1995 (Okamoto, 2015: 533). This *Seiji-kaiketsu* has been identified as a final settlement of the issue.⁴

'Non-entitled' victims were called *nise-kanja* ('fake patients') and were discriminated against by people in the community. Masazumi Yoshii supported an early resolution of the issue and mediated between stakeholders, including victims' groups, and the Ministry of Environment. Additionally, Yoshii spoke with Takanori Goto, a lawyer who supported the victims' lawsuits (Yoshii, 2017). Goto said that 'the key to a solution is both economic compensation and the restoration of honour' (Okamoto, 2015: 527). This solution might transform the biased image of these 'fake patients' within the community. Yoshii also wanted to take advantage of his reconstruction projects in Minamata to attract national attention and saw a solution in the MM (Yokemoto, 2015).

As regards the philosophical/spiritual factors motivating the stakeholders, from 1995, the new movement was led by *Hongan-no-kai*, a group comprising patients with MD and victims' supporters. *Hongan-no-kai* did not fight against Chisso or the national or local governments to acquire the compensation but focused on the spiritual pain and prayers for the lives sacrificed. The group's main activity is sculpting stone statues called *tamashii-ishi* (soul stone), which include *sekibutsu* (stone Buddha), *nobotoke-san* (Buddha placed in the field), *ojizo-san* (*Jizo* statue) and others by group members. In 1994, the first members of *Hongan-no-kai* included victims involved with the legal struggle with Chisso between 1969 and 1973. Their aim was to narrate their story of survival to the next generation (Ishimure, 1998). Part of the process of sculpting the statues was to reflect on one's life and one's memories related to MD. Additionally, *Hongan-no-kai* organised spiritual events, such as pollution-themed Noh performances,⁵ and published newsletters (*tamashiitsure*). The group also created venues for some participants to express their feelings artistically.

4 In fact, some victims' group continued the lawsuits, and the problem persists.

5 Noh is one of Japan's traditional performing arts. It is based on ancient Japanese songs, dances and dances dedicated to the gods, and was developed by Zeami in the 14th and 15th centuries. In particular, Zeami focused on 'Mugen Noh'. In this form of Noh, ghosts, gods and spirits of plants and trees appear, depicting a world of illusion on the border between this world and the next world.

Masato Ogata, who originally proposed the image of *moyainaoshi*, is one of the key members of *Hongan-no-kai*. He led the group using his own philosophy, which comprises three major aspects. The first is the criticism of the institutionalisation of compensation. As one of the key players in the victims' movement between 1973 and 1985, he was supportive of efforts to demand that the local government pay compensation to 'non-entitled' victims (Ogata, 2020). He proposed his own application for the certification of entitled patients and fought Kumamoto Prefecture in court. However, while engaged in this fight, a question arose within him: can money fix the MD problems? (Ogata, 2020) For three months, he had suffered from intense stress and reached a point of mental crisis, after which he withdrew the application for certification in 1985 (Ogata, 2020). He pointed out that the compensation system lacked 'human responsibility' (Ogata, 2001: 40). From within the social movement, he had negotiated with Chisso, the national government and Kumamoto Prefecture, but their 'faces' were invisible because the people he talked to were only representatives of an institution and not individuals. He did not want to meet officials but with human beings and hoped to engage in a sincere dialogue with victims, offenders and other members of community (Ogata, 2001). Thus, he explored an alternative to the movements operating in Minamata at that time.

The second aspect of Ogata's philosophy was *tamashii-no-itami* (spiritual pain). *Tamashii* means 'heart', 'soul' or 'spirit'; *no* means 'of' and *itami* means 'pain'. Ogata (2001: 137) explained:

It means that there is something that cannot be saved within the social system or compensation, something that cannot be contained within those things. It seemed to me that that was *Tamashii*. I felt that there was something that could not be saved, that could not be fully saved.⁶

During his mental crisis in 1985, he realised that his *tamashii-no-itami* was caused by the trauma of his father's death (Shimoda, 2017). His father also had MD from which he suffered a state of mental confusion and died when Ogata was six years old (Ogata, 2001). Looking back on his experiences, Ogata (2001) realised that he needed a sincere apology and to relate his spiritual pain to the offenders, but instead, they placed a monetary value on his spiritual pain.

The point of his argument is not that *tamashii-no-itami* equates to emotional and psychological damage. The meaning of *tamashii* is based on a traditional concept in Minamata, and the word is commonly used in daily life. The word has been studied since the 1970s (Hagiwara, 2012; Iwaoka, 2016; Tsurumi, 1998), and ShigekoHaga described the culture of *tamashii-ire* in her field notes thus: 'In Minamata, there is the custom of people in the village drinking and eating when they have guests or they just do not feel well. They call it *tamashii-ire*' (Haga,

6 Ogata describes *tamashii* as 'saving' rather than 'healing'. This is probably because *tamashii* are assumed to be 'lost' rather than 'wounded'. For the people in Minamata, *tamashii* are internal and external, so we can assume that Ogata is referring to protecting *tamashii* from leaving their bodies.

1983: 434-444). *Ire* means 'put in'. So, the meaning in this context is to put *tamashii* in one's body by eating and drinking with others. Therefore, *tamashii* does not refer to the personal troubles of an individual but the dysfunction of a community. From this perspective, saving of *tamashii-no-itami* requires more than mere personal, psychological recovery; it requires restoration of the community. Hence, Ogata adapted the problem of *tamashii-no-itami* to the new movement. He claimed that the activities of *Hongan-no-kai* aimed 'to confront *tamashii-no-itami* and to create a dialogue between us, a variety of *tamashii*, and non-human beings' (Ogata, 2001: 198).

The third aspect was the inclusion of non-human beings within the community. Ogata (2001) pointed out that no one had taken responsibility for the killing of cats, fish, seabirds, pigs, chickens and plankton that had occurred as a result of the pollution, and he asked how any amount of money could ever account for these losses. Ogata (2001) claimed that it was impossible for a human being to take responsibility for the killing of non-human beings because their sacrifice was incalculable and unlimited. Because non-human beings exist outside human society and systems, monetary compensation and words of apology are not valid. Instead, he proposed that the *Hongan-no-kai* sculpt statues (Ogata, 2001), which would be non-verbal reminders to human beings of the sacrifice of non-human beings. In the process of making such a statue, a sculptor reflects on the history of the pollution of Minamata and is aware of the guilt of having killed so many non-human beings. He describes the process in the following manner:

For me, *nobotoke-san* are like access points. They allow us to communicate with the *tamashii* of the dead victims, fish, birds and cats [...] A negation of the past means a negation of the future. Without past experiences, we cannot move toward the future. I do not wish to bring about the end [of the history of Minamata]. We will be living connections to the *tamashii* of other beings (Ogata, 2020: 266-267).

My interpretation is that Ogata imagined communication between humans, non-human beings and the dead. At first glance, his philosophy might seem burdensome because he emphasised the burden of human responsibility, but in fact, he focuses on the connection with non-human beings and on the reconstruction of the community through dialogue. In this context though, dialogue is not conveyed through meetings or workshops, as it did for Yoshii, but through non-verbal and spiritual processes. Ogata (2001) declared that *Hongan-no-kai* was not a religious group but an artistic group while clearly suggesting that the vision of the community had spiritual values.

Analysing the motivations of the MM, it becomes clear that stakeholders had different reasons for joining the movement. On the one hand, politicians, local government officials and most victims' groups were motivated mainly by political strategies and economic benefits. On the other hand, *Hongan-no-kai* was motivated by its own philosophy and spirituality. Although these factors were divided theoretically, in practice, it was their entanglement which created the

organisation of the MM. Actual cooperation despite theoretical division was realised in Minamata in the 1990s.

4 What kind of community was imagined in MM

MM was partly motivated by the spiritual concerns of the members of *Honagan-no-kai*, and in practice, it dealt with the idea of the community, including non-human beings. I have selected three examples – the memorial ceremony for MD victims in 1994, the *Hi-no-matsuri* (fire ceremony) in 1994 and the statues of *Hongan-no-kai* – to analyse non-human beings' position within the movement from their perspective. I argue that non-human beings were valued in these MM projects that aimed to reconstruct the Minamata community.

The first example is the third memorial ceremony organised for MD victims on 1 May 1994. The ceremony included a speech by the mayor, Masazumi Yoshii, in which he openly apologised to the victims:

I am very sorry about the victims of MD for whom we did not take sufficient measures. Please forgive us; we will develop and rebuild the community with consideration of the environment and the health and welfare of the community with a basis in regret and a perception of the tragedy of MD in order not to waste your sacrifice (Yoshii, 2017: 15).

This apology had a considerable impact on Japan at the time because it was the first time that a political leader had apologised to victims of pollution. The officials of national and local governments had avoided making an apology for a long time. Officials from the Ministry of Environment had even demanded that Yoshii (2017) revise his statement of apology, but he did not comply.

Yoshii (2017) focused on the reconstruction of the community in his speech. He avoided criticising Chisso because most Minamata residents who were not patients supported Chisso; furthermore, even though Chisso's economic position had declined in the 1990s, many Minamata citizens depended on it mentally. While Yoshii's stance was to take responsibility for the pollution, he also attempted to mediate between the victims and other citizens to rebuild the community.

Yoshii did not, however, include non-human beings in his vision of a new community in the speech. He nevertheless made a conscious reference to non-human beings:

I promise that we will respect the lives of all of the animals and plants in the cycle of life and death; we will sincerely accept the idea of symbiosis, that is, harmony with the natural world, and we will move forward with a new feeling from the standpoint that human beings are one member of the natural world and that the natural world permits us to survive (Yoshii, 2017: 18).

Orika Komatsubara

Yoshii was a member of the Liberal Democrat Party (LDP) in Minamata. Some LDP city council members in Minamata, including Yoshii, had been in discussion over this issue since 1992 and had already suggested that the range of victims should be expanded to include 'lives killed by unjust human wrongdoing' (Yoshii, 2017: 27). However, the part of his speech related to non-human beings in 1994 was too abstract and did not involve a direct apology. The reason for this exclusion, Yoshii (2017) explained, was that some victims' groups refused to be categorised together with non-human beings because they felt that, for a long time, they had not been treated as human beings. For them, it was an indignity to equate the victimisation of a human being with that of fish or other non-human beings. Therefore, Yoshii decided to abandon this officially proposed image of the community.

The second example was the *Hi-no-matsuri*, which was organised by volunteers and took place on 6 November 1994. The intention of the ceremony was to pray for the non-human beings that had been killed, to deepen the bonds of the people in Minamata and to reflect on the history of Minamata (Minamata City, 2019). The idea for the ceremony began when Eiko Sugimoto, a victim member of *Hongan-no-kai*, asked Masazumi Yoshii to organise the ceremony. Sugimoto said:

I am sorry for the killing of the fish because they were killed by human wrongdoing. My wish is that their *tamashii* would be at peace. I would like to organise the *Hi-no-matsuri* on the reclaimed land in order to pray for them (Yoshii, 2017: 29).

While agreeing personally with her idea, the mayor had to refuse her request because the Minamata City government was prohibited from organising specific religious ceremonies due to the separation of government and religion (Yoshii, 2017). Thus, volunteers have organised the *Hi-no-matsuri* ever since.

In the *Hi-no-matsuri* in 1994, non-human beings were a symbol of the sacrifice necessary to develop the community in Minamata as Sugimoto conceived it in her performance. The ritualistic ceremony was held during an autumn night. A fire was lit instead of electric lighting. Half-naked men beat traditional Japanese drums. Sugimoto appeared wearing a white dress and read a prayer. The point of her prayer was to advocate for the fish in Minamata Bay. The fish had been born in Minamata Bay, played with other fish and were happy in the sea, but they were poisoned and killed without knowing anything about pollution. She spoke on behalf of the fish, saying that they hoped that the people of Minamata would hold both the fish and the pollution in their memories. She said:

I want to become part of the earth again soon, but I cannot ...
 If I accept this situation, I might be happy to be part of the earth.
 However, if I do not accept this situation,
 I might, I might come back as a ghost.
 I do not do so because I want to ask for an apology.
 I want you to remember us and say thank you on my behalf.

So ... my prayer is 'Thank you' (Fujisaki, 2013: 260-261).

Her argument focused not on an apology but on gratitude. It implied that modern humans are building their happiness on the sacrifice of non-human beings and that we should be grateful for the blessings of nature. Finally, she said 'come back to Minamata, if you love Minamata' (Fujisaki, 2013: 261) (*own translation*). Her words mean that non-human beings would welcome the reconstruction of the community in Minamata if people would remember and recognise their sacrifice, which would give meaning and value to that sacrifice. This act was a creation of meaning through symbolisation, and it placed non-human beings at the foundation of the community in Minamata.

The background of Sugimoto's performance was her experience of her life being saved by fish. She was born in Minamata, the daughter of a fishing boat captain, and when she was a child, her father trained her to be a captain as well. Sugimoto's mother and father died from MD, and both Sugimoto and her husband were also victims. She and her husband had been involved in lawsuits since 1969. She was depressed because of the hopelessness in her life. One day, she decided to commit suicide, and she and her husband took a fishing boat and went out into the sea intending to die. However, when she saw a group of sardines swimming towards her boat, she said she felt compelled to catch them: 'Let's get *Iriko* [sardines]! I have to do that!' (Fujisaki, 2013: 185) (*own translation*). Then, she felt the will to live return, and her identity as a fisher renewed:

Then, I regretted that I did not share the sardines with the community [because I was unprepared to be a fishing boat captain]. I was too impolite to the sardines, so I went to the sea and offered *sake* as a dedication. I said I was sorry and prayed. It was hard for me to dump the sardines. The sardines gave me the opportunity to realise that I am a fisher (Ishimure et al., 2006: 166).

Offering *sake*, a popular custom in Japan, is a sign of gratitude to the gods and other spirits. Although she received economic compensation after winning a lawsuit, the real starting point for her new life was the experience with the sardines that saved her life. Additionally, most of her arguments coincided with Ogata's philosophy, and both were members of *Hongan-no-kai*. It seems that they formed an image of the community that included non-human beings through communication with other members and based on their own experiences.

In the third example, the sculpting of stone statues, *Hongan-no-kai* asked Yoshii for permission to place statues on the reclaimed land in Minamata Bay which was owned by the Kumamoto Prefecture. They planned to build a *jodo* (paradise) for *tamashii* there. Though the process was complicated due to the separation of government and religion, it was finally concluded that the statues could be placed on the reclaimed land as long as there was no explicit religious aspect in relation to their placement (Yoshii, 2017). The members of *Hongan-no-kai* placed 52 statues on the reclaimed land (Shimoda, 2017).

The anthropologist Kentaro Shimoda studied the statues in Minamata and claimed that they served as a catalyst for communication between human and non-human beings and the dead. Through the sculpting process, the members experience deep feelings which they express in stone, losing themselves in self-reflection (Shimoda, 2017). In one instance, 'J' (Shimoda identifies his interviews with an anonymous single letter) experienced a transformation of his feelings for the dead victim while sculpting a statue. J moved to Minamata in 1983, when he was 24 years old. He volunteered in many activities and met with victims of MD. He learned how to live harmoniously with nature from Y, a victim who, after his court battles between 1969 and 1973, explored a self-sufficient lifestyle on a farm. For J, Y was like a father, and J carved his statue as witness to Y's life (Shimoda, 2017). In 2009, J said:

after death, [Y said to me] I want to be loved because I was bullied in life ... So, I want to make an adorable *Ojizo-san* more than anything. I would place it there, and everyone would gently stroke it (180) (*own translation*).

However, J's statue does not appear to smile but to suffer. He explained that he had thought of Y's suffering while sculpting and that this had been unconsciously expressed in the statue (Shimoda, 2017). However, J pointed out that, over time, the statue had transformed: the face, especially the eyes, nose and mouth had been weathered and were now smoother, giving the face a much calmer appearance (Shimoda, 2017). In 2010, he recognised a smile on the face, saw other features of Y's face and felt that he was seeing Y again in the statue (Shimoda, 2017). Moreover, in 2011, he said he had overcome his anger and was able to forgive. He interpreted Y's words, 'I want to be loved', as the desire to be relieved of the suffering of this world (Shimoda, 2017). Shimoda (2017) interprets J's story as a member of *Hongan-no-kai* engaging in dialogue with the dead through a statue, an interpretation that is consonant with Ogata's philosophy claiming that statues are access points for communication between human and non-human beings and the dead.

5 Discussion

Non-human beings were valued in the three MM examples examined in this article, and two implications can be highlighted from these cases. First, the two dimensions of the MM social movement – spiritual and realpolitik – both contributed to the movement's progress. In the *Hi-no-matsuri* and the 'sculpting of the statues', non-human beings were obviously an important spiritual part of the community. Both projects were led by members of the *Hongan-no-kai*, and these activities were consonant with Ogata's philosophy. On the contrary, at the ceremony for MD victims, Yoshii did not officially propose a vision of a community that included non-human beings. Additionally, he avoided organising projects with *Hongan-no-kai* in public to maintain the separation of government and religion while not hiding his sympathy for the group. For similar reasons, the

local government could not organise the projects that had spiritual meaning despite recognising their value. Yoshii's attitude acted as a connection between the political strategy for reconstructing the Minamata community and the demand to heal spiritual pain, and placed those projects in a grey area.

Second, non-human beings functioned as a symbol in the spiritual vision of the community. At the *Hi-no-matsuri*, the idea of the future community in Minamata centred on the killing of fish. Through the remembrance and gratitude for non-human beings, in this case the fish, humans would be able to reconstruct this community. This attitude of the MD victims could be seen as a reorganisation of the human community. The human community, in its pursuit of technological development, has caused pollution. By living in this society, MD victims have contributed to environmental destruction and are responsible for the killing of non-human beings. If we humans believe that we have a responsibility to prevent the future slaughter of non-human beings by pollution, MD victims should be considered not only as victims but also as part of the human community. In other words, they are equal to non-human beings; when we try to make amends to non-human beings, MD victims, non-affected Minamata citizens and Chisso employees are all human beings, and all of them should be equal and united in atoning for this symbolic killing. Here, I would like to raise one possibility based on my case study of the MM so far: the differences that separated entitled MD patients, non-entitled victims, unaffected citizens, victim supporters, Chisso employees and the local government would disappear and paradoxically create solidarity by recognising non-human beings' killing. With this interpretation, Minamata can serve as a reference for a vision of a community that includes non-human beings.

Through sculpting statues, people found a way to make contact with the dead, engaging in a non-verbal dialogue with deceased victims. This communication cannot be observed, however; the statue is only a visual representation of the deceased, but it locates them in the spiritual community. This incorporates the deceased into the community so that they are represented in the world and their stories are told. Thus, we can assume that through this dialogue, spiritual pain is healed, and anger and bitterness are relieved. It is important to note that this interpretation has not been empirically tested in psychological research, and empirical research on these internal and religious issues is difficult to conduct. Nevertheless, despite the difficulties of obtaining empirical proof, this hypothesis is worth examining.

However, it is equally important to indicate that this vision of a community does not grant civil rights to non-human beings and will likely not occur in reality. For example, the disappearance of the difference between victims and offenders is counterproductive in court, and it is impossible not to distinguish between 'entitled' and 'non-entitled' victims in the current system of compensation. The deceased cannot participate in a real community, and it is dangerous to idealise the healing of spiritual pain and forgiveness. These factors should therefore remain spiritual and not be factored into real politics. Therefore, Yoshii's attitude seemed to be the correct political strategy. Although no one can

realise the vision of a community that includes non-human beings, this vision can propel the reconstruction of the community in reality.

6 Conclusion

This article has offered an illustration of the vision of a community that includes non-human beings through a case study of the MM in Minamata. Non-human beings, in this instance, serve as a symbol of the community. This symbolic function of non-human beings can propel the reconstruction of a community through real political action. Importantly, the study has focused on the perspective of the victims: the MD victims who led the MM developed their ideas based on their own experiences. By examining their ideas, this study was able to derive a vision of a community that includes non-human beings.

Victims' voices, which express their specific experiences, are the key to developing a vision for the community. The MD victims did not establish their relationship with non-human beings because they were taught to do so by someone else. Originally, they had a relationship with non-human beings in their own lives. In examining their own experiences of environmental harm, they have proposed a vision of a community that includes non-human beings. At the same time, a focus on concrete experience does not mean an emphasis on material evidence. Victims' voices regarding the spiritual dimension are rarely recorded in court documents or official papers. It is thus a very difficult area of empirical research. Of course, empirical research on spirituality should be pursued in future studies, but the approach that is used in the fields of philosophy and art should also be considered for analysing the relationship between spirituality and social movements. Environmental philosophy, deep ecology, spiritual ecology, environmental folklore, environmental aesthetics and eco-criticism focus on the relationship between human and non-human beings, including spiritual aspects, and produce prolific research. I expect that bridging restorative justice and the study of philosophy and art will lead to further improvement of studies on environmental restorative justice.

Although it is necessary to consider which research approach is appropriate, the current study's findings provide a basic framework that research on environmental restorative justice should always begin with victims' voices. Moreover, from examining the findings, this is also true for the conceptualisation of community in restorative justice in general. Traditionally, the concept of community has been actively discussed in the context of communitarianism and civil society theory. These theories considered that society would function better if run by communities. In the restorative justice concept, the specific experiences of crime victims in their communities are emphasised. These experiences may include spiritual elements, and when the concept of community is conceived on the basis of victims' voices, a new form of community may emerge.

References

- Benedict, R. (1946). *Chrysanthemum and the sword: patterns of Japanese culture*. Boston: Houghton Mifflin.
- Biffi, E. & Pali, B. (eds.) (2019). *Environmental justice restoring the future towards a restorative environmental justice*. Leuven: European Forum for Restorative Justice. Retrieved from <https://in05.hostcontrol.com/resources/57e73f3480162f/ce28a3c273/file-object/Environmental%20Justice%20Restoring%20the%20Future.pdf> (last accessed 20 August 2020).
- Boyd, C. (2008). Expanding the arsenal for sentencing environmental crimes: would therapeutic jurisprudence and restorative justice work? *William & Mary Environmental Law and Policy Review*, 32, 483-512.
- Braithwaite, J. (2000). Shame and criminal justice. *Canadian Journal of Criminology*, 42(3), 281-298. doi: 10.3138/cjcrim.42.3.281.
- Chisso (2020). *Tokusohonimotodoku Minamatabyokaiketuniatatte*. Retrieved from www.chisso.co.jp/minamata/torikumi.html (last accessed 20 August 2020).
- Ensyu, H. (2013). 'Moyainaoshi' to 'Arumonosagashi'. *Annual Report of Community Outreach Centre, Kobe University Graduate School of Humanities*, 5, 8-24.
- Fujisaki, D. (2013). *Nosari: Minamata ryoshi, Sugimotoke no kiokukara*. Tokyo: Shin nipponshuppansha.
- Haga, S. (1983). Chosadannishshi. In D. Irokawa (ed.), *Minamata no keiji*, vol. 1 (pp. 429-468). Tokyo: Chikumasyobo.
- Hagiwara, S. (2012). Umiotosarerukotoba, tewatasarerrukotoba. *SyukyoKenkyu*, 86(2), 393-420.
- Ishihara, A. (2013). Tokyo denryoku Fukushima daiichigenpatsusaigaika de okotteiruchikiyakateitoudenoniningankankei no bundanyatairitsunitsuite. *Kumamoto DaigakuShakai Bunka Kenkyu*, 11, 1-20.
- Ishimure, M. (1998). Tatoehitorininattemo. *TamashiiUtsure*, Honganno-kai.
- Ishimure, M., Ogata, M., Sugimoto, E., Sugimoto, T., Yamashita, Z., Kanasashi, J. & Enokida, H. (2006). Hongan-no-kai zadankai: tamashiiutsure. *Kan*, 25, 158-205.
- Iwaoka, N. (2016). *Tamashii no michiyuki*. Fukuoka: Gen shobo.
- Kurihara, T. (2020). Death in 'Hagakure' (Art. 2, Vol. 1): founded on the ideal form of 'Kenka-Uchikaeshi'. *Yamaguchi DaigakuTetsugakuKenkyu*, 27, 1-16.
- Maruyama, S. (2000). Minamatabyonyitaisurusekinin. *KankyoShakaigakuKenkyu*, 23-38.
- Minamata City. (2019). *PR Minamata*. No. 1409. Retrieved from www.city.minamata.lg.jp/kiji0031454/3_1454_1565_up_itjc5ie6.pdf (last accessed 20 August 2020).
- Minamata Disease City Municipal Museum (2015). *Minamatabyo*. Retrieved from https://minamata195651.jp/pdf/kyoukun_2015/kyoukun2015_all.pdf (last accessed 20 August 2020).
- Morioka, M. (1994). *Seimeikan wo Toinaosu*. Tokyo: Chikumasinsho.
- Mukai, Y. (2004). Minamata shiminishikichosanimiruMinamatabyo no genzai. In S. Maruyama, H. Taguchi, Y. Tanaka & K. Keita (eds.), *Minamata no KeikentoKioku* (pp. 199-279). Kumamoto: Kumamoto shuppanbunkakaikan.
- NAVS. (2006). *2000 nenkaiseisyonenhou 5 nengo no minaoshi no ikensho*. Newsletter 26.
- Nishimura, H. (2015). Nihon niokerusyuhukutekisihou no genryu wo tazunete. In H. Nishimura & S. Takahashi (eds.), *Syuhukutekiseigi no shoso* (pp. 1-114). Tokyo: Seibun do.
- Ogata, M. (2001). *Chisso ha watashi de atta*. Fukuoka: Ashishobo.
- Ogata, M. (2020). *Tokoyo no fune wo kogite*. Shimonoseki: Sokei Publishing.
- Okamoto, T. (2015). *Minamata byo no Minsyushi*. Tokyo: Nihon hyoronsya.

Orika Komatsubara

- Otsuka, H. (2000). *Kyodotai no kisoriron* (2nd ed.). Tokyo: Iwanami syoten.
- Otsuka, T. (2007). *Kankyo-hou* (2nd ed.). Tokyo: Yuhikaku.
- Pellegrini, P. (2018). Science as a matter of honour: how accused scientists deal with scientific fraud in Japan. *Science and Engineering Ethics*, 24, 1297-1313. (<https://link.springer.com/article/10.1007/s11948-017-9937-8>).
- Segawa, A. (2005). Syuhukutekishihou (restorative justice) ron no konmei. *Doshisha hougaku*, 56(6), 2053-2070.
- Shimoda, K. (2017). *Minamata no kioku wo tsumugu*. Tokyo: Keiogijukudaigakusyuppannkai.
- Tsurumi, K. (1998). *Tsurumi Kazuko Mandara 6 Tamashii no sho*. Tokyo: Fujiwara shoten.
- Uchiyama, T. (2010). *Kyodotai no kisoriron*. Tokyo: Nousangyosonbunkakyokai.
- Watanabe, K. (2017). *Shimin to nichijo*. Fukuoka: Gen shobo.
- White, R. (2017). Reparative justice, environmental crime and penalties for the powerful. *Crime Law Social Change*, 67, 117-132. doi: 10.1007/s10611-016-9635-5.
- Yokemoto, M. (2015). Kogaihigaichiiki no saiseinikansuruichishiron. *KeieiKenkyu*, 66(3), 31-48. doi: 10.1146/annurev-med-051413-024741.
- Yokemoto, M. (2020). Gendaishihonsyugi to 'chiiki no kachi': Minamata no chiikisaisei wo jireitoshite. *Chikikeizaigakukenyu*, 38, 1-16.
- Yoshii, M. (2017). *Janakashaba*. Tokyo: Fujiwara shoten.
- Zehr, H. (2005). *Changing lenses: a new focus for crime and justice* (3rd ed.). Scottsdale: Herald Press.