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# The Trials of a Comfort Woman

Erica Park

*Claremont McKenna College*

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**CLAREMONT McKENNA COLLEGE**

**THE TRIALS OF A COMFORT WOMAN**

SUBMITTED TO

PROFESSOR MYUNG-KOO KANG

AND

DEAN GREGORY HESS

BY

ERICA PARK

FOR

SENIOR THESIS

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## Chapter 1: Introduction

The Second World War ended with a series of unresolved issues as a “victors’ justice.” With an estimated 78 million casualties, the Second World War was the deadliest conflict in history. The estimated total of civilian casualties by “strategic bombing, Nazi persecution, Japanese war crimes, population transfers in the Soviet Union, Allied war crimes and deaths due to war related famine and disease was about 40-52 million.<sup>1</sup>” Nearly two-thirds of the millions killed were civilians, and among them were Asia’s “comfort women”, girls as young as eleven that the Japanese captured and forced into sexual slavery. Women, subjected to intense torture, sexual abuse, and humiliation by Japanese soldiers, were left to die in the conclusion of WWII. They were abandoned to starve and die at the hands of the Allied forces with no way to return home without a permit to travel through Japanese occupied territory. Due to the actions of the Japanese and American government, almost half a century passed before the international community acknowledged the existence of comfort women in 1991. During this time, Japan rebuilt itself into arguably the most powerful country in Asia. With its increase in power, Japan looked to assert its place in the international diplomatic community and set its sights on attaining a seat on the UN Security Council.

With Japan’s attempts to increase its stature in the international community, the Asian states that fell victim to Japan’s use of comfort women felt the need to step in and expose the world to the crimes committed by Japan almost fifty years earlier. However, Japan remains defiant and refuses to recognize its role in causing the suffering of

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<sup>1</sup> "World War II Casualties." *Medical-Answers.org*. Medical Answers, 2010. Web. 7 Feb. 2011.

hundreds of thousands of women. Japan, with the support of the United States, is a strong ally of the West and a prominent member in the diplomatic community. Exposure of such crimes against humanity will irrevocably harm Japan's reputation and will raise questionable matters to the surface. Sensitive topics such as why the issue of comfort women took half a century to reveal itself and Japan's failure to take wartime responsibility towards victim states will result in an international scrutiny. This would hurt Japan in the diplomatic community while victim states like Korea fight for justice on behalf of the forgotten comfort women. The combination of increased US influence as a result of the San Francisco Treaty of 1951 and Japan's fervent nationalistic identity served to widen the gap between Japan and other East and Southeast Asian nations, making reconciliation over the issue of comfort women a problem that remains unresolved to this day.

### **Current Critical Reviews**

While the conclusion of WWII brought with it the end of Japanese Imperialism, its effects remain and continue to adversely affect Japan's relationship with neighboring countries. The emergence of the comfort women controversy brought great scrutiny on Japan, which affected Japan's relationship with its diplomatic partners. As the international community became more aware of comfort women through the advocacy of both domestic and international groups, Japan felt increased pressure to take responsibility for its crimes against Asian women.

Current news reflects the ongoing fight on the comfort women. A 2007 NY article highlights the controversy surrounding the "Asia Women's Funds" as an example of Japan showing unrepentant behaviors. Until Japanese historian Yoshiaki Yoshimi

uncovered incriminating documents in 1991, published by Japanese national daily newspaper *Asahi Simbun*, which indicated the military's direct involvement in running the military brothels, Japan adamantly denied its culpability and consistently shirked responsibility for the crimes it committed.<sup>2</sup> In 1993, the Japanese government issued a carefully-worded statement vaguely admitting their involvement in the military brothels, yet rejecting legal responsibility for them by contending the brothels were neither a "system" nor a crime against humanity.<sup>3</sup> Instead, Japan set up the "Asia Women's Fund" in 1995 to provide monetary compensation to each surviving comfort woman along with a signed apology. While the Japanese intended the Asia Women's Fund to aid in the reconciliation process, it instead caused outrage from the Asian people. In Japan's mind, the AWF was a serious concession, especially given the fact postwar treaties absolved all of Japan's wartime crimes addressed as part of the Tokyo War Tribunal. By contrast, former comfort women saw it as Japan attempting to silence the growing accusations from groups advocating for the rights of comfort women and to save face in the diplomatic community without taking full responsibility. The money provided as compensation did not come directly from the Japanese government, but from the conscientious ordinary citizens' donations and contributions from several public servants. In short, it is a private fund that does not represent the government clearly yet remains under the control of the Japanese government.<sup>4</sup>

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<sup>2</sup> Soh, Sarah. "Japan's National/Asian Women's Fund for "Comfort Women"" *Pacific Affairs* 76.2 (2003): 209-33. *JSTOR*. Web. 3 Mar. 2011.

<sup>3</sup> "Washington Coalition Comfort Women Issues." *Washington Coalition for Comfort Women Issues Inc.* Comfort-women.org, 2010. Web. 7 Feb. 2011.

<sup>4</sup> Soh, Sarah. "Japan's National/Asian Women's Fund for "Comfort Women"" *Pacific Affairs* 76.2 (2003): 209-33. *JSTOR*. Web. 3 Mar. 2011.

In the NY Times article, former Dutch comfort woman Ellen van der Ploeg stated “If this were a pure government fund, I could have accepted it... Why should I accept money from private Japanese people? They were also victims during the war.”<sup>5</sup> As a result, with the exception of 285 woman from South Korea, Taiwan, and Philippine who received \$17,000 each, most of the Asian states declined this monetary compensation. In fact, many criticized those that did accept the compensation as they saw it as an act of betrayal. In the mind of the international community at large, such compensation was little more than “hush money.” Women’s advocacy groups believed that taking such compensation undermined their efforts to obtain true justice for the victims and the universal rights of women. Despite the lapse of judgment, continuous international pressure from Asia and also from the United States fought to push Japan into taking a more meaningful step in resolving the issue of comfort women.

After international awareness over the issue of comfort women became more widespread in the 1990s, the United States urged Japan to formally accept responsibility and apologize to the victimized Asian states. The United States Congress enacted a number of resolutions to encourage the Japanese government to take responsibility for its wartime actions. Resolution 126 (1997) urged Japanese government to issue a formal apology and to pay reparations to all victims. Resolution 357 (2000) called the Japanese government to issue an apology and pay reparation for their wartime crimes by their military. A year after Resolution 357, Resolution 195 was issued to call upon the Japanese government to formally issue an unambiguous apology in light of the history

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<sup>5</sup> NORIMITSU, ONISHI. "Japan's 'Atonement' to Former Sex Slaves Stirs Anger." *New York Times*. The New York Times, 25 Apr. 2007. Web. 5 Apr. 2011.

textbook controversy which angered the Asian community. When Japan failed to comply in issuing a clear apology and to revise its textbook, Resolution 226 (2003) was introduced to urge Japan to formally issue a clear and unambiguous apology for the surviving former comfort women. Three years later, the Congress passed a bipartisan resolution, Resolution 759, for Japan to formally acknowledge, apologize, and accept responsibility for its Imperial Armed Force's coercion of young women into sexual slavery.<sup>6</sup> Resolution 121 (2007) was the final bill that was passed which encompassed all the previous resolutions together. It called upon the Japanese government to formally state a clear apology and accept historical responsibility for its Imperial Armed Force involvement during its colonial and wartime occupation of Asia and the Pacific Islands.<sup>7</sup>

Japan made steps to amend past war aggressions through US resolutions and international persistence. However, Resolution 121 has garnered a surprising response from Japan. US Congressman Michael M. Honda introduced Resolution 121 in 2007, riling Japanese conservatives. Mr. Honda has stated that "the purpose of this resolution is not to bash or humiliate Japan," but to urge the Japanese government to admit wrongdoing to the dwindling survivors and help Japan to genuinely reflect on its conduct.<sup>8</sup> Japan, on the other hand, pursued an aggressive approach in an effort to prevent the resolution from passing. While Mr. Honda intended for a historical reconciliation, Japan took it as an offense that could be a negative impact on US-Japan alliance. To most

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<sup>6</sup> "Washington Coalition Comfort Women Issues." *Washington Coalition for Comfort Women Issues Inc.* Comfort-women.org, 2010. Web. 8 Feb. 2011.

<sup>7</sup> Honda, Michael M. "February 15, 2007 House Committee on International Relations, Protecting the Human Rights of Comfort Women." *GlobalSecurity.org - Reliable Security Information.* GlobalSecurity.org, 15 Feb. 2007. Web. 8 Feb. 2011.

<sup>8</sup> "'Comfort Women' Resolution Likely to Pass U.S. Congress." *Digital Chosunilbo.* Englishnews@chosun.com, 2 Feb. 2007. Web. 9 Feb. 2011.

conservatives, the resolution focuses excessively into the past and is considered nonessential. As such, conservatives and Prime Minister Shinzo Abe refused to comply with the United States Congress demand for apology for the sexual slavery of foreign women and seek to revise the 1993 statement. In a NY Times article, Mr. Honda stated as a Japanese-American who was sent to an internment camp in Colorado, “it taught me that if governments make mistakes, they should apologize.” In the end, ignorance of the past is a blunder for future mistakes. Seeking reparations is a long process, but reconciliation through government actions in the form of an apology is clear and absolute.<sup>9</sup> Mr. Honda asserts that “If we wanted to help Japan, it should be in the light of, ‘If you want to be a global leader, you have to first gain the trust and confidence of your neighbors.’”<sup>10</sup>

However, in 2007 Prime Minister Shinzo Abe and conservative lawmakers retracted Japan’s official position acknowledging the existence of comfort women but denying government involvement. Instead, Mr. Abe took the position that due to the lack of evidence on the subject, there was no reason for the Japanese government to claim responsibility. As a result, Mr. Abe and his fellow conservatives refused to apologize to the comfort women and lobbied against taking clearer responsibilities for the enslavement of the victimized women in an attempt to rewrite Japanese history. Their loss of a distinctive Japanese historical consciousness is expressed in their outrage toward the war apology issued by Prime Minister Murayama.<sup>11</sup> Mr. Abe criticized House

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<sup>9</sup> Honda, Michael M. "February 15, 2007 House Committee on International Relations, Protecting the Human Rights of Comfort Women." *GlobalSecurity.org - Reliable Security Information*. 15 Feb. 2007. Web. 8 Feb. 2011.

<sup>10</sup> NORIMITSU, ONISHI. "A Congressman Faces Foes in Japan as He Seeks an Apology." *The New York Times - Breaking News, World News & Multimedia*. The New York Times, 12 May 2007. Web. 8 Feb. 2011.

<sup>11</sup> McCormack, Gavan. *Client State: Japan in American Embrace*. London: Verso, 2007. Print. 12

resolution 121, which blamed Japanese authorities for coercion as “objective fact and does not consider the Japanese government’s measures so far.”<sup>12</sup> In response to this claim, outraged officials, particularly those from China and South Korea, and women’s groups across the world took to the streets in violent protest. Fearful Japan being viewed by the international community as unrepentant, Mr. Abe did concede that on some level that there was coercion and acknowledged that the military played an indirect role in such coercion, thus pulling back to ease diplomatic criticisms. China’s foreign minister Li Zhaoxing urged Japan to accept responsibility and cooperate with China to resume an amicable relation between the two.<sup>13</sup> Within Japan, various groups slammed Mr. Abe’s decision to change Japan’s stance on comfort women. In fact, a group of Japanese researchers publically challenged his claims with presented evidences used which dates back to Tokyo war tribunal which included evidence that Dutch investigators compiled detailing the actions of Japanese soldiers and policemen who coerced young Indonesian women to join military brothels.<sup>14</sup> Japan’s main defense against accepting responsibilities for their war crimes was their belief that the government was already tried for their WWII crimes and formally accepted the ruling of the Tokyo War Tribunal as part of the 1951 San Francisco peace treaty. This belief put Japan in a difficult position; to refuse the evidence would be to refuse the ruling, one which the government would have difficulty in denying. In an effort to appease the conservatives and support Japanese statement

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<sup>12</sup> Fackler, Martin. "No Apology for Sex Slavery, Japan’s Prime Minister Says." *Http://www.nytimes.com/*. The New York Times, 6 Mar. 2007. Web. 5 Apr. 2011.

<sup>13</sup> Yardley, Jim. "China Stresses Ties With Japan Despite Sex Slavery Issue." *The New York Times - Breaking News, World News & Multimedia*. 7 Mar. 2007. Web. 8 Feb. 2011.

<sup>14</sup> Fackler, Martin, and Sang-Hun, Choe SANG-HUN. "Japanese Researchers Rebut Premier’s Denials on Sex Slavery." *The New York Times - Breaking News, World News & Multimedia*. The New York Times, 18 Apr. 2007. Web. 8 Feb. 2011.

admitting Japan's role in the military brothels, Mr. Abe vowed to ignore House Resolution 121. In order for Japan to rectify past misdeeds with Asia, Japan must first accept the need for reconciliation; the need to resolve the dispute over history textbook.

For much of the Cold War, Japan and Asia gave each other the cold shoulder until a resolution was passed through the Diet and Prime Minister Murayama made a statement of deep remorse over past colonial aggression towards the people of Asia. Later echoed by following prime ministers, the "Murayama statement" was aimed at easing tensions between Japan and Asia, explicitly to South Korea, yet failed to achieve the same within the country. Many did not accept the Murayama statement and sought to revise it. Among the groups, the "History Education" group, *Tsukurukai* (Association for New History textbooks), was essential for the adoption of the historical revisionist movement in history education.<sup>15</sup> Various conservative groups oppose the war apology statement and call for the return of traditional values. The textbook they call for downplay Japanese atrocities and instill a sense of national pride in order to create a history that slowly, but surely, return the Japanese identity to the semi-divine emperor system.<sup>16</sup>

Under the administration of Shinzo Abe, education officials said textbooks would be cleansed of longtime references to the military. In 2001, several Japanese regional school boards approved the use of a censored school textbook that concealed Japanese crimes before and after WWII. The board of education endorsed the edited textbooks for handicapped students which angered other Asian countries to the point that South Korea suspended the cultural exchange plans in protest. In August, twenty men dressed in

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<sup>15</sup> McCormack, 10

<sup>16</sup> McCormack, 12

Korea's national colors chopped off their little fingers in protest of the Japanese textbook and mailed it to Japan.<sup>17</sup> Public protest popped throughout North Korea and China over the distortion of history. The Japanese government, however, refused both South Korea and China's demand to revise the heavily criticized textbooks which falsely narrate Japanese military crimes during WWII<sup>18</sup>

However, the actions of the historical revisionist movement failed to reach the people of Japan. The majority of Japanese school districts rejected the history textbooks; accusing the textbook of whitewashing events such as the Nanjing massacre in China and the sexual exploitation of Asian women by Japanese troops; summing Japanese aggression as Japanese advancement in the book. Ayako Okino, a member of the Children and Textbooks Japan Network 21, have organized and lectured in over 1,000 meetings lobbying against the book. Ms. Okino stated "it might be too much to say we declare victory but this is a result stemming from campaigning by civic movements... We must not use such a book for teaching children who carry the future on their shoulders."<sup>19</sup> Central government also approved the book for junior high school use, but received a fervent response from both citizen and neighboring Asian states. In 2007, Japan's Education Ministry announced the reinstatement of Japanese military involvement in mass Okinawan suicides when Okinawans publically protested the Imperial Army's major atrocity in Okinawa. Yet the Ministry of Education failed short in referring to these

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<sup>17</sup> Crampton, Thomas. "The Ongoing Battle over Japan's Textbooks." *The New York Times - Breaking News, World News & Multimedia*. 12 Feb. 2002. Web. 22 Apr. 2011.

<sup>18</sup> Kershner, Isabel, and Mark Landler. "Japanese State Approves Disputed Textbook." *The New York Times - Breaking News, World News & Multimedia*. 9 Aug. 2001. Web. 8 Feb. 2011.

<sup>19</sup> Kershner, Isabel, and Mark Landler. "Http://www.nytimes.com/2001/08/16/world/most-japanese-school-districts-reject-disputed-history-textbook.html?scp=2&sq=Japanese+textbook&st=nyt." *The New York Times - Breaking News, World News & Multimedia*. 15 Aug. 2001. Web. 8 Feb. 2011.

suicides as a result of military coercion and force until later on. When Prime Minister Yasuo Fukuda succeeded the office, education officials replied that further reconsideration will be put into revising the textbook; indicating for the first time that the issue of the textbooks as a distortion of history has now become a political problem.<sup>20</sup> The Okinawa revision did not clearly state direct military involvement in the textbook; it is a start towards fixing the problem that will hopefully lead to future reconciliation between Japan and Asia.

The story of the Japanese comfort women came under international scrutiny only in the early 1990s when survivors of the comfort station stepped forward to speak about their ordeal with the intention of forcing Japan to acknowledge their crimes against humanity. Chapter one introduces the thesis of the paper, the controversy surrounding the comfort women and its effect on Japan-Asia-US relationships, and investigates current news articles that expose the issue of comfort women as a colonial legacy in the 21st century. Chapter two presents a historical background on the formation of the comfort women class and the failure of the Tokyo War Tribunal to allow the comfort women cases to come to trial while also explaining cultural context that can explain the long silence. Chapter three introduces the Women's International War Crimes Tribunal as a means of examining the failure of the Tokyo War Tribunal and analyzes Japan-Asia-US relationships following the Women's Tribunal. Chapter four summarizes the paper and provides future implications on comfort women and policy recommendations for resolving comfort women issues for a future reconciliation between Japan and Asia.

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<sup>20</sup> NORIMITSU, ONISHI. "Japan Textbooks to Restore Reference to Wartime Suicides." *New York Times*. 27 Dec. 2007. Web. 8 Feb. 2011.

## Chapter 2: The History of the Comfort Women and the Long Silence

The history of comfort women was erased from the dominant view of history through “the homogenization and naturalization of knowledge about the past.”<sup>21</sup> Comfort women’s recollections not only shed light on the forgotten aspect of the Asia Pacific War, but also challenged the common historical norms through evidence that support the contention that Japanese government did have a hand in the implementation of comfort stations.

Comfort women (*ianfu* in Japanese and *wianbu* in Korean) were generally young Asian women forced into sexual slavery by the military to “serve” soldiers on the front lines during World War II.<sup>22</sup> They were the most vulnerable members of society due to age, poverty, class, family status, education nationality, or ethnicity; they were generally from poor and rural communities because the uneducated class were more easily deceived into slavery.<sup>23</sup> Japanese soldiers established comfort stations as military brothels in the occupied colonial countries. The Imperial Conference, which consisted of the emperor, representatives from the armed forces and the main Cabinet ministers approved the establishment of comfort stations after Japan invaded Manchuria in 1937.<sup>24</sup> From 1937 until the war ended in 1945, the Japanese forced an estimated 100,000 to 200,000 women, to deliver sexual services to Japanese soldiers. While most of the comfort

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<sup>21</sup> Fujitani, Takashi, Geoffrey M. White, and Lisa Yoneyama. *Perilous Memories: the Asia-Pacific War(s)*. Durham, NC: Duke UP, 2001. Print. 21.

<sup>22</sup> Stetz, Margaret D., and Bonnie B. C. Oh. *Legacies of the Comfort Women of World War II*. Armonk, NY: M.E. Sharpe, 2001. Print. 3

<sup>23</sup> *The Women's International War Crimes Tribunal: Judgment, 4 December 2001*. The Hague: Women's International War Crimes Tribunal for the Trial of Japan's Military Sexual Slavery, 2002. Print. 73

<sup>24</sup> Robinson, B.A. "Comfort Women Used as Sex Slaves during World War II." *ReligiousTolerance.org by the Ontario Consultants on Religious Tolerance*. Ontario Consultants on Religious Tolerance, 8 Nov. 2009. Web. 05 Dec. 2010.

women were Korean, many hailed from other occupied territories such as China, Taiwan, Philippines, Indonesia, Vietnam, Netherlands, Burma, Australia, and even Japan itself. Ironically, the first comfort women were Japanese until the military elites saw the need to acquire more women to satisfy the vast Japanese military. As a result, they attempted to “recruit” additional women in occupied countries. Korean women became the preferred candidates for comfort women and were specifically reserved for officers because they were considered clean. As a result, Korean women became targets of the Japanese military.<sup>25</sup>

### **The Mobilization of Comfort Women for War**

The Japanese created the first military comfort stations in the early 1930s when Japan sent soldiers to cope with the Shanghai Uprising in China. The first comfort station that was established in Shanghai was constructed by the navy.<sup>26</sup> The main purpose of these stations was to encourage the fighting spirits of the soldiers and keep morale high as the war progressed by means of “comforting” the men sexually. In addition, they were meant to prevent the spread of venereal diseases by providing alternatives to traditional brothels. Given the widespread prevalence of venereal disease among Japanese soldiers, the military tried to contain them by ordering them to use military stations exclusively. The military provided condoms, regular check-ups, sanitary and hygiene rules, and other regulations for the comfort women. However, the most direct reason for the expanding military comfort stations was the frequent rape of women carried out by Japanese soldiers during the war. As soldiers destroyed towns, raped women, burned houses and brutally

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<sup>25</sup> Howard, Keith. *True Stories of the Korean Comfort Women: Testimonies*. London: Cassell, 1995. Print.

<sup>26</sup> Yoshimi, Yoshiaki, and Suzanne O'Brien. *Comfort Women: Sexual Slavery in the Japanese Military during World War II*. New York: Columbia UP, 2000. Print. 43

murdered any captives in the most inhumane ways, they created an intense anti-Japanese sentiment among locals that made it difficult to maintain order in the occupied territories. Hence, the “comfort station system institutionalized sexual violence against comfort women in an attempt to curb unauthorized sexual violence (Yoshimi, 9).” Finally, the military saw the comfort station system as a potential source of revenue, as they charged soldiers fees to use the comfort station. As the war dragged on and Japan became more involved in the war, the demand for comfort women continued to grow.<sup>27</sup>

The Japanese government refuses to acknowledge the comfort stations as a result of a lack of evidence which directly indicate Japanese government involvement. One matter of controversy between Korean and Japanese authorities today is the recruitment methods, but newly discovered evidence such as mobilization records and travel passes attest to the fact that the comfort stations were systematically organized by the military. The methods used to draft Asian women strongly indicate Japanese military’s active role in the process. Research indicates that there were four primary methods of recruitment: “recruitment by violence, including threats of violence and the misuse of power; false promises of employment; abduction; human traffic.”<sup>28</sup>

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<sup>27</sup> Howard, 13-14

<sup>28</sup> Howard, 19-20

Table 1. A table by former Korean comfort women on how comfort women were drafted by the Japanese military.

Recruitment method	Recruited by			
	Civilians	Local authority	Military/military police	Civilian employees
Violence	0	0	3	1
False employment	6	2	1	4
Abduction	1	0	1	0
Human traffic	1	0	0	0
Other	0	0	1	0

Source: Howard, Keith. *True Stories of the Korean Comfort Women: Testimonies*. London: Cassell, 1995. Table 4.

Soldiers and military police were the main perpetrators of violent recruitment.

Civilian perpetrators, occasionally village authoritative figures, used false promises of employment in Japan and were the most common method in the recruitment of women.

Civilians usually were the main perpetrators that carried the last two methods, abduction and human trafficking. The village heads might inform the Japanese soldiers of the families who had daughters and forcibly took removed them from their homes, Sometimes even with the assistance of soldiers.<sup>29</sup> Despite the role of civilians as recruiters, evidence indicates that the:

Military controlled and intervened by providing transport such as boats or trucks, or by raping the women during transit. A military document dated 4 March 1938 actually records that ‘personnel in charge of drafting women must be selected with great care to minimize commotion during the process,’ thus implying that civilians could be appointed or licensed by the military to recruit women.<sup>30</sup>

Current primary documents expose the army central command and the state involvement in the drafting of the comfort women. Names of the commissioned officers

<sup>29</sup> Byun, Young-Joo. *The Murmuring II- Habitual Sadness*. Seoul: Korean Film Council, 2005. Video.

<sup>30</sup> Howard, 19

that were involved in the establishment of the military brothels have surfaced to reveal that most of the officers were members of the army elite. Army elites such as Okamura Yasuji, Commander of the China Expeditionary Force in 1944, were one of few who were publically named for his involvement with the comfort stations. These documents reveal that the establishment of comfort stations is a systematic operation that is approved and promoted by the Ministry of War itself.<sup>31</sup>

One key document found that attest to the Ministry of War involvement was discovered to show incriminating evidence of higher authority involvement. A notice, issued by an adjutant in the Ministry of War labeled “Matters Concerning the Recruitment of Women to Work in Military Comfort Stations,” clearly stated the government’s role in the comfort station:

In recruiting women domestically to work in the military comfort stations to be set up in the areas affected by the China Incident...it is feared that some people have claimed to be acting with the military’s consent and have damaged the honor of the army, inviting the misunderstanding of the general public...In the future, armies in the field will control the recruiting of women and will use scrupulous care in selecting people to carry out this task. This task will be performed in close cooperation with the military police or local police force of the area. You are hereby notified of the order [of the Minister of War] to carry out this task with the

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<sup>31</sup> Yoshimi, Yoshiaki, and Suzanne O'Brien. *Comfort Women: Sexual Slavery in the Japanese Military during World War II*. New York: Columbia UP, 2000. Print. 57-59.

utmost regard for preserving the honor of the army and for avoiding social problems.<sup>32</sup>

This document clearly states that the Ministry of War was involved in procuring comfort women in order to avoid social problems from the local citizens. The phrase “You are hereby notified of the order [of the Minister of War]” can attest to the fact that it was an authorization from the War Minister, Sugiyama Hajime himself. Since the War Minister in charge with the military government is involved, the issue of comfort women can be traced back through the line of command which leads all the way up to the emperor himself.

The extent of the Japanese government’s role in establishing and maintaining comfort stations extends all the way to Emperor Hirohito. Hirohito, along with the members of the Imperial Conference, was aware of the existence and activities that transpired within comfort stations. He was the Head of State of Japan and Supreme Commander of the Armed Forces and wielded political powers that were independent and superseded the authority of the Japanese government. The Ministry of War may have been in charge of the military government, but he was not given supreme authority of command and wielded a partial authority that was accountable to the emperor. As a result, the Prime Minister, Ministry of War, Home Ministry, and other cabinet members had the responsibility to inform the emperor of domestic and international affairs. More importantly, enormous power was granted to Hirohito by the Constitution. In 1882, a formal decree was issued that explicitly declared all ultimate decision-making power, such as the power to declare war, make peace, and conclude treaties, lay solely in the

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<sup>32</sup> Yoshimi, Yoshiaki, ed., *Jugun Ianfu Shiryoshu*. Tokyo: Otsuki Shoten, 1992. 105-104

Emperor.<sup>33</sup> Even if Hirohito was merely a figurehead and his counsel kept requisite knowledge away from him, international media and public outcry would make it nearly impossible for the Emperor to remain ignorant. His own brother, Prince Mikasa, stated that Hirohito was well aware of the atrocities committed by his soldiers and even discussed the issue with him publically.<sup>34</sup> In conclusion, it would be facetious to assume that Hirohito was not informed of the comfort stations, and as Head of State of Japan and Supreme Commander of the Armed Forces, it was his responsibility to approve the establishment and maintenance of comfort stations under the guise of his political advisors, thus implicating Hirohito in the atrocities committed by the Japanese during the war, including those associated with comfort women.<sup>35</sup> As the country's ruler, the emperor must be recognized as the guiltiest one of all. However, these crimes against humanity were not tried due to Allied forces interventions.

### **Chapter 3: Tokyo War Tribunal**

The International Military Tribunal for the Far East (IMTFE), also known as the Tokyo War Tribunal, was intended to deliver a just trial and punishment of the major war criminals, but instead turned into a trial where the victors become the lawmakers. In reality, the Tokyo War Tribunal was nothing more than an American show trial with the intention of turning Japan into a client state. Established on January 19, 1946, eleven Allied Powers (The United States, United Kingdom, Soviet Union, France, China, Philippines, Netherlands, Canada, Australia, India, and New Zealand) charged twenty-eight high-ranking war criminals with “A Class crimes” (crimes against peace)

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<sup>33</sup> *The Women's International War Crimes Tribunal: Judgment*, 193

<sup>34</sup> *The Women's International War Crimes Tribunal: Judgment*, 194

<sup>35</sup> *The Women's International War Crimes Tribunal: Judgment*, 193

committed in Asia between 1928 and 1945. The trial, organized and led by the United States, lasted until November 4, 1948 when tribunal president sir William Webb found all defendants guilty. Of the twenty-eight criminals charged, seven were sentenced to death, sixteen to life imprisonment, one to a seven years term, another to a twenty years term, two deceased during trial, and one declared insane.<sup>36</sup>

The Tokyo War Tribunal was a failure in many ways, and the repercussions of the tribunal affect Asian politics to this day. First and foremost, critics charged that the tribunal failed to hold the man who bore the greatest responsibility for Japan's crimes accountable: Emperor Hirohito. In examining the facts available, it becomes clear that there are only two reasons why the Allied powers did not bring Hirohito to trial at the Tokyo War Tribunal. Firstly, even before the United States dropped atomic bombs on Hiroshima and Nagasaki, the Japanese government understood that defeat was inevitable, but refused to yield because it would mean the complete surrender and indictment of their emperor.<sup>37</sup> The Japanese government frantically tried to find a way that they could surrender but still obtain a full pardon for the Emperor and the imperial family. The defense lawyers at the Tokyo Tribunal sought to protect the Emperor who represented the essence of Japan. Secondly, the prosecution did not put Hirohito on trial for fear that it would lead the Japanese people to riot.<sup>38</sup> Given such considerations, the Allies never even put Hirohito on trial. Hirohito went on to live the rest of his life under the protection of

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<sup>36</sup> "International Military Tribunal for the Far East (IMTFE). War Crimes Trials ~ Occupied Japan 1946 ~ 1948." [Http://720mpreunion.org/](http://720mpreunion.org/). 720th Military Police Battalion Reunion Association History Project. Web. 5 Apr. 2011.

<sup>38</sup> Li, Peter. *Japanese War Crimes: the Search for Justice*. New Brunswick: Transaction, 2003. Print. 50

his advisors and later, by the United States.<sup>39</sup> While other Allied nations wanted to bring Hirohito to trial, General Douglas MacArthur convinced both the Allied nations and the US Congress that communism was the new threat and that they needed a strong ally in Asia to fight against the communist Soviet Union and China. MacArthur knew that Hirohito was the key to ensuring stability within Japan and the fastest solution to fight against communism in Asia. If the US dethroned Hirohito, it is a possibility that the Japanese would have fought to restore him to his throne. The very lives of the people are integrated with the emperor as the center. Thus, it was the political considerations of the US and the strong conviction of Hirohito's subordinates that rescued him from an indictment during the Tokyo War Crimes Tribunal.

Second, most of the cases tried during the tribunal were reopened for examination in 1950 when large number of Japanese criminals still remained in prison throughout Asia. The Japanese people united and demanded reduced sentences for Japanese criminals. In the Japanese point of view, the tribunal was unfair and the prisoners were victims of war. Ironically, the aftermath of the atomic bomb fostered a victim mentality within the Japanese populace. The result of an unforgotten catastrophic event altered the politics of remembering to the point that it has become skewed to suit the need of the people. Japan believed that their criminals were victims of war, not murderers who have committed heinous crimes during the WWII. Once all convicted war criminals were released, fourteen Class-A war criminals were secretly enshrined at Yasukuni Shrine which became a major cause for a political dispute. Prime Minister Koizumi Junichiro and Abe Shinzo's public homage to the shrine displays a blatant disregard to all of

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<sup>39</sup> Li, 66

Japan's Asian neighbors. It is also disrespect to the former emperor who requested homage to the shrine be stopped in consideration for Japan's neighbors. As a result, Allied courts agreed to reexamine cases and managed to reduce sentences for some of the criminals and even received parole for others. Later, MacArthur showed support for the reopening of the cases and issued a sentence reduction by one-third for good behavior and parole for those sentenced to life imprisonment after serving fifteen years.<sup>40</sup> This effectively downplayed the crimes against humanity originally punished at the Tokyo War Crimes Tribunal and enabled the Japanese people to integrate memories of atomic victimization with the memories of the victims of their own aggressions. This lack of remorse and responsibility infuriates the victimized Asian to this day, as they naturally expected the tribunal to be a means to punish Japan for its crimes against peace, conventional war crimes, and crimes against humanity. Instead, the victimized Asian nations saw the tribunal as little more than a tool used by the US for political expediency with Japan's embrace of the US being tantamount to a slap in the face.

Finally, American dominated the tribunal. For example, General MacArthur both headed and organized the tribunal and director of the criminal division of the US Department of Justice, Joseph Keenan, served as the chief prosecutor. In addition, Americans composed and General MacArthur approved the rules governing the trial (referred to as the Tokyo Charter). More importantly, however, the official language used in trial was English and only one out of the eleven judges, Justice Radhabinod Pal, was familiar with international law. As a result, the remaining judges could not understand

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<sup>40</sup> Tanaka, Yuki. "Crime and Responsibility: War, the State, and Japanese Society." (2006). *Japan Focus*. Web. 12 Mar. 2011.

the proceedings and saw the trial being heavily slanted in the US's favor. In addition, all the committee representatives were citizens of the victor states and some were even direct victims of Japanese aggression during WWII. As such, the idea that the Tokyo War Tribunal was fair and impartial is a complete farce.

In spite of all the criminals tried during the Tokyo War Crimes Tribunal, the United States silenced comfort women and did not address their issue at all during the tribunal. In fact, the Dutch military tribunal in Indonesia was the only trial that prosecuted the Japanese for sexual slavery. Drawn to Indonesia's vast oil resources, Japanese forces took control of Indonesia and began their three-and-a-half-year-long occupation by raping Dutch women living in Indonesia.<sup>41</sup> The reason why the comfort women of Indonesia received justice while those from other Asian nations did not was simply due to the fact that those affected by the Japanese crimes were citizens of the country leading the tribunal. In a particularly incriminating piece of testimony, a former Dutch woman stated:

On Saturday afternoon, 7 March 1942, the Japanese soldiers had appeared in the emergency hospital where the women and children were seated together. The ladies were here raped by the Japanese...After this happened, we managed to tell the Chinese doctor Liem. He went to the commandant...we were transferred to a classroom in a school nearby...Between ten and twelve o'clock that night...a whole mass of Japanese soldiers entered with the above mentioned Commandant

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<sup>41</sup> Stetz, and Oh. 42-43

at the head. The Commandant sat on a table in our classroom and then watched how each of the women was dragged away, one by one, to be raped.<sup>42</sup>

This testimony highlights the collaboration between Japanese soldiers and civilians to target Allied women, and Indonesian women, through force and deceptive means. As mentioned previously, civilian perpetrators were common participants in crimes committed by the Japanese. While the commandant did not engage in sexual violence against the women, he did deceptively lead the women into false safety and brought Japanese soldiers during the dead of night to brutally rape them amidst the screams and cries. Given the palpability of such crimes committed against their own people, Dutch military forces in Batavia investigated and tried twelve Japanese soldiers in 1948. In response to these crimes, General Nozaki Seiji, head of the Cadet School, made the following statement to the Dutch military prosecutors:

I must admit that such an undesirable situation arose as the result of me neglecting my own duty to properly supervise junior officers. When I received an order to close down the “comfort stations” I was truly ashamed of myself. I went to see the commander of the Southern Army and sincerely apologized for bringing disgrace on the Army Cadet School.<sup>43</sup>

Despite being sentenced to twelve years imprisonment, the only remorse shown laid in the fact the existence of the comfort stations under his watch damaged the army’s reputation rather than any remorse for the Dutch women that the Japanese victimized. This lack of concern is reflected not only by the Japanese, but by Dutch military

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<sup>42</sup> The International Military Tribunal for the Far East. Tokyo, 1946. 13,639-13,642

<sup>43</sup> Stetz, and Oh. 58

authorities as well. While Dutch officials interrogated a wide range of former comfort women, they collected relevant information to solve the cases of the white Dutch victims only, while they dismissed the vital testimony of Indonesia women. Given such fact, it becomes apparent that the Dutch did not concern themselves with the exploitation of indigenous women. Due to racial discrimination against indigenous, non-white women, the Tokyo Tribunal not only failed to try those responsible for crimes against humanity involving Asian, but deliberately concealed ample evidences that jeopardized Japan<sup>44</sup>

### **The Asian comfort women**

There are many ways to explain in depth why such tribunals never mentioned Asian comfort women, but the predominant factor that led to this silence was racial discrimination by Allied forces. Immediately following the end of the Second World War, Allied forces held a deep seeded resentment and hatred towards Asians, especially towards the Japanese. Both sides heavily utilized propagandas to dehumanize the other in an attempt to improve morale among soldiers and foster hatred towards the enemy. Furthermore, atrocities committed by both sides only served to fuel this animosity. The Japanese raped and killed with an unholy passion. The Americans brutally killed the Japanese and took fingers for souvenirs. This type of aggression instills a deep hatred where discrimination is a blinding factor and such racism manifested itself prominently in dealing with the issue of comfort women.

The Allied powers emerged victorious in the Second World War. As a result, the Allied nations earned the right to choose the perfect conclusion. In examining its proceedings and its verdicts, the IMTFE can be easily characterized as “victor’s justice.”

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<sup>44</sup> Stetz, and Oh. 60-64

In doing so, the allies exacted their revenge for all the suffering they endured at the hands of the Japanese without considering losses that did not directly affect them. As such, it was in the Dutch's best interests to try the Japanese soldiers responsible for the comfort stations in Indonesia given the fact that such were offenses against the people of the nation that was holding the tribunal. Given a nation's responsibility to protect its people, it is understandable that the Dutch would want to protect its people's human rights. At the same time, however, it also reflects the prejudice in existence among Allied nations and the mentality that if it did not affect one's own people, then it is not one's concern. In the end, the IMTFE simply emphasized the victor's right to pick and choose what crimes it cared about, rather than seeking justice for all those affected.<sup>45</sup>

In the end, the fact remains that the Tokyo War Crimes Tribunal was meant to focus on the interests of the United States rather than the interests of East Asian nations and their people. Given that the United States provides the funds and staff necessary to hold the tribunal and that the Supreme Commander of Allied Forces in the South Pacific, General Douglas MacArthur presided over the whole trial. It would be foolish to think that the IMTFE was not biased in favor of the Americans. With the Japanese government conceding to the jurisdiction of the IMTFE, as signed in the San Francisco Peace Treaty Japan accepted the judgment of the IMTFE and agreed to carry out the sentence as stated in Article 11. Under Article 14, it stated that Japan should pay reparations to the Allied Powers for the damage and suffering caused during WWII, but because of its inability to pay for all the damage it caused, Japan entered negotiations to obtain assistance in paying

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<sup>45</sup> Soh, Sarah. "JPRI Working Paper No. 77." *Japan Policy Research Institute*. University of San Francisco Center for the Pacific Rim, May 2001. Web. 7 Feb. 2011.

the compensation and the Allies waived of all reparations claim by the Allied Powers except the ones provided in the San Francisco Peace Treaty.<sup>46</sup> Japan's only obligations were to the Allied Powers as stated in the San Francisco Peace Treaty. At the same time, the Japanese had little obligation to deal with legal issues that the tribunal did not address, like that of comfort women. The Japanese viewed the San Francisco Peace Treaty as insurance against external pressures. While blame for the failure to address the crimes against humanity involving Asian comfort women lay with the United States and other Allied Powers, blame for failure to take responsibility and make amends to East Asia rests solely in Japan.

In the eyes of the United States, ignoring the issue of Asian comfort women was necessary because it saw dealing with the threat of communism to be more important than holding the Japanese accountable for war crimes they committed. The subsequent occupation of Japan brought with it changes that dismantled key elements of Japanese feudal society in order to push Japan into the democratic age. In doing so, Americans brought many significant social, economic, and political reforms in order to prevent the reemergence of militarism, and against the rise of communism. During the post-WWII era, the United States adopted a national security policy promoting containment, and as part of this policy, US Officials attempted to create a policy that focused on two main objectives: maintaining world balance of power and protecting the United States against potential threats, especially those involving communism. As a result, the United States sought to avoid complications with comfort women and sidestepped the issue. The United States needed a strong ally in Asia, especially given China's rise as a communist

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<sup>46</sup> *The Women's International War Crimes Tribunal: Judgment*, 244

nation. Japan became that ally and the US shifted its focus towards economic growth and to ensure stability, and to do so necessitated, the continuity of certain prewar practices and marginalization of certain aspects of its history, like that of comfort women. Given such facts, US actions regarding the status of comfort women may have been justified. Had the US not overlooked the issue of comfort women, it could have potentially compromised the US's efforts to build a strong, stable relationship with Japan, which meant possibly losing an important ally in its fight against communism. The new constitution "retained the imperial system but also established the principle of popular sovereignty and guaranteed a broad range of human rights."<sup>47</sup> Under Article 9 of the new constitution, the military was dissolved and Japan renounced its sovereign right to wage war. The Emperor remained the symbolic head of state and ensured stability, but also guaranteed that he remained a puppet of the United States. As for the Diet, it remained functional, but democracy introduced popular election and implemented many reforms such as women rights. However, democracy in Japan was very limited. MacArthur exercised absolute power and practiced widespread censorship that made it clear that democratic freedom was not yet possible. He encouraged the "continued socialization in the acceptance of authority" to a society that is subservient to the political head in order to exert his power over the people.<sup>48</sup> It did remain effective in containing communist sentiments from spreading within Japan. Later on, the US implemented a "Reverse Course" reforms to strengthen the Japanese economy to fortify itself against

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<sup>47</sup> Dower, John W. *Embracing Defeat: Japan in the Wake of World War II*. New York: W.W. Norton, 1999. 411

<sup>48</sup> Dower, 439-440

Communism. It is clear that Japan gained more from the US occupation than any Asian country post-WWII.<sup>49</sup>

During the post-WWII era, the United States adopted a national security policies promoting containment. US Officials attempted to create a policy that focused on two main objectives: maintaining world balance of power and protecting the United States against potential threats. As a result, the United States sought to avoid complications with the comfort women and sidestepped the issue. The United States needed a strong ally in the US since China cannot step up as the Asian leader. Japan became that ally and all focus was shifted towards economic growth and to ensure stability. In the context of the global community post-WWII, US actions may have been justified in that US could not pursue stability in Japan had they not overlooked the comfort women which might compromise Japan's position as a US ally in the fight against communism.

### **Cultural Influence**

More than half a decade already passed before the international community learned of the existence of comfort women. The war atrocities committed by Japanese soldiers were indeed appalling. When the crimes came to light almost fifty years later, many of the victims were in no condition to speak out against the atrocities committed against them. In order to explain why they did not speak up earlier, it is important to understand the mindset of both the Japanese and Asia. Focus will shift towards Korean societies as the country that was brutally exploited by the Japanese and following recent revelations that between eighty and ninety percent of comfort women were Korean;

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<sup>49</sup> Swenson-Wright, John. *Unequal Allies?: United States Security and Alliance Policy toward Japan, 1945-1960*. Stanford, CA: Stanford Univ., 2005. Print.

making it a Korean tragedy. Such cultural analysis must be taken into account because these cultural elements ultimately provide clues as to why the world chose to ignore the issue of comfort women in the years immediately following the Second World War. By observing the culture that is instilled in the populace, one can come to realize what caused such silence, not only the government, but from the victims themselves.

Communication is unique within every Asian culture, yet there are certain nuances that are consistent across every Asian culture. In East Asia, China played a dominant role in influencing culture, with the Chinese exchanging written language, religion, and philosophy amongst other East Asian ethnic groups, particularly with the Japanese and Koreans. When looking at basic philosophy, the tenets of Chinese Confucianism played a key role in the development of Japanese and Korean society. In addition, relationships and personal ties play a key role in the societies of most East Asian countries. For example, Japanese have a clear understanding in distinguishing between insiders (family, friends) and outsiders (acquaintances) and to strive to keep *wa* (“harmony”) within their groups. “*Wa*” is something that “is desired or aimed for” in Japanese groups.<sup>50</sup> A second key Japanese concept is that of dependence (*Amae*). *Amae* means “to depend and presume upon another’s benevolence” which is “a thread that runs through all of the various activities in Japanese society.”<sup>51</sup> It is a deep sense of dependence that is manifested in not only familial relationships, but also translates to other relationships. A final key Japanese concept is *enryo* (“to restrain oneself”). It is a notion where society conforms under group pressure because there is a constant

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<sup>50</sup> Gudykunst, William B. *Asian American Ethnicity and Communication*. Thousand Oaks, CA: Sage Publications, 2001. Print. 21

<sup>51</sup> Gudykunst, 22

conscious awareness among individuals to not go against a majority as a consideration towards others. Words are carefully chosen in consideration of the other in hopes of avoiding possible embarrassment. For a woman to speak out against her family wishes would result in the break of *wa* and the embarrassment of the family. These three concepts form a Japanese collectivism where the group takes precedence over individual needs because Japanese define their well-being and success through the achievements of the group.<sup>52</sup>

The same concepts apply in Korea. Koreans also refer to themselves, not as an individual, but as a part of a group called *woori* (“we”); *woori* is a closed group that consists mainly of family members that are bound together by *cheong* (“affection”) and *nichi* (“dependence”).<sup>53</sup> As such, there is a strong sense of nationalism and filial piety which is instilled within the in-groups as a result of a strong obligation to one’s family and cultural pride. Koreans also establish the importance of *noonchi* (“other awareness, or situation sensitivity”) in communication.<sup>54</sup> However, unlike the Japanese concept of *enryo*, where one speaks in consideration of the other, *noonchi* is related to “communication incompetence.” If the speaker does not choose to express themselves in a clear manner, then it is assumed that the speaker does not presume the other will understand the meaning of his words. *Noonchi* is used to figure out the intention of the other without concrete details by playing with different words filled with deep meanings and one’s knowledge of the other. This manner of communication is primarily used by the educated class and the elites. To not be able to use *noonchi* is seen as a sign of one’s

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<sup>52</sup> Gudykunst, 22

<sup>53</sup> Gudykunst, 23

<sup>54</sup> Gudykunst, 24

lack of ability.<sup>55</sup> Educated or not, Koreans value loyalty, filial piety, and in-group obligations which forms the Korean collectivism. Cultural influences impact communication in one's culture and collectivistic norms and rules are the main cultural trend in Asian cultures.<sup>56</sup>

As a result of collectivist norms and rules, patriarchy is one of the main components of Japanese and Korean cultures, which is a key reason why society demanded women bear their pain in silence. In a society where loyalty, filial piety, and family obligations are a large part of one's cultural norms, patriarchy is a common social structure and system where a male dominates and exploits the female population.<sup>57</sup> In such a culture, the father occupies the top of the family hierarchy and the rights and benefits of the rest of the family members are second to his. In Japan, the Meiji government institutionalized the patrilineal stem family system in 1868 in order to "create a centralized nation-state."<sup>58</sup> Consequently, the eldest son had exclusive right of inheritance as the heir of the family. In addition, upon marriage, the wife took on the role of housekeeper and caretaker for her aging father and mother-in-law. The system also forced any additional sons, who did not have any claim to family inheritance, to establish a separate family and pursue their own career and family while the eldest son's remained in his parents' house.<sup>59</sup> As a result of the system, eventually, the family became a group where family members placed emphasis on the eldest son's obligation of continuing the family name with all the implied rights and duties that came along with it.

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<sup>55</sup> Gudykunst, 24

<sup>56</sup> Gudykunst, 26

<sup>57</sup> Park, Boo Jin. "Patriarchy in Korean Society: Substance and Appearance of Power." :: *Welcome to KOREA JOURNAL* :: Web. 04 Apr. 2011.

<sup>58</sup> Nonoyama, 27

<sup>59</sup> Nonoyama, 28

By the outbreak of the Second World War, the patrilineal stem family system was the norm in Japanese society. In a society where men were the patriarchs and the religious societal influences of Confucianism, Buddhism, and Samurai culture stressed dominance over women, women were in all ways inferior to men and allowed men virtual free reign to ruthlessly exploit women.<sup>60</sup>

For the most part, Korea followed the same patriarchal system as Japan. The patrilineal stem families in Korea required the eldest son to remain home and bring a wife into the household, which ensured a comfortable source of income and domestic labor for the care of his aging parents.<sup>61</sup> Since the majority of Koreans maintained a rural lifestyle, the household served as the primary economic unit that sustained a peasant's lifestyle. Under this system, each household is organized around the father and exists as a closed group that uniquely separates its members from those of another household. The household carries a line of succession in which the household roles can be passed down from one person to another following the senior male line.<sup>62</sup> This pattern of succession instilled a sense of filial piety within the children to their parents who gave birth to them and raised them. In gratitude, the children felt obligated to care for their aging parents and continue the family line.<sup>63</sup> The patrilineal rule of descent led to the creation of unique kin groups and clans that are generally maintained and registered in their genealogical records.

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<sup>60</sup> Friedman, Seth. "The Changing Roles of Women in Japanese Society." *Www2.gol.com*. Dec. 1992. Web. 04 Apr. 2011.

<sup>61</sup> Sorensen, Clark. *Journal of Cross-cultural Gerontology*. 2nd ed. Vol. 1. Dordrecht: D. Reidel Pub. Print. 140

<sup>62</sup> Sorensen, 139

<sup>63</sup> Sorensen, 140

These genealogical records, or the lineage book, hold the records of all the group members born and accepted into the household which is proof of their history. The responsibility of becoming the bookkeeper of the record belongs to the head.<sup>64</sup>

In a society where survival depends on labor power, sons are considered more ideal due to the fact that men bring a wife into his household and have children, which will expand their source of capital. By contrast, a daughter will marry out of her household and is no longer considered a member of her father's family. As a consequence, women's roles are generally confined to the house and do not participate in society in the same capacity as men do. At a young age, girls are taught the virtues of subordination and endurance in order to prepare themselves for future roles as wife and mother. This tradition of total female subjugation led to a harsh, lonely life for most women who from a young age are forced to submit to men until they enter her husband's family to serve as the lowest member in the family until she bears a son. The outcome of such psychological trauma ultimately brainwashed the woman in Korean society into believing that a son is equivalent to happiness in their society. Given their place in a male-dominated society, Asian women maintained a lesser stature that allowed the Japanese to get away with the crimes they committed until the 1990s.<sup>65</sup>

The Asian patriarchal culture is a major reason that led to the silence of former comfort women. In a society where the rules condone the oppression of women by the male population, former comfort women had little chance to obtain justice. At that time, there was little widespread understanding of human rights, particularly within both Japan

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<sup>64</sup> Sorensen, 139-161.

<sup>65</sup> "South Korea Changing Role of Women." *Country Studies*. Web. 04 Apr. 2011.

and Korea's governments. The majority of the women refused to tell their family the truth of the shame it would bring, while the local communities immediately ostracized those who did. As stated earlier, both countries relied on well defined familial groups within small, close knit communities. Society forbade women to speak out publicly as it could be seen as infringing on the men's dominant role in society. At the same time, Korean men chose to not speak out due to the shame associated with their inability to save their women. As mentioned previously, society saw women as a man's property. In a man's mind, to be unable to protect what he viewed as his property was a failure on his part and shameful to his family, name, and culture. In addition, poverty besieged colonial Korea, which meant that possible work offers held strong attraction to both family and women. To these women, such an opportunity was a chance of a lifetime, one they would willingly take despite the traditional view of women. The reality of the situation, of course, was a nightmare and led to shame being brought on her entire family. More importantly, men and women being equalized could be seen as Korea being feminized by Japanese male dominance. In light of such realization, it can be understood that after so many losses, the people chose to ignore their pains and shame in order to rebuild their country. For a period of time, this maneuver proved to be successful in light of pressing state matters post-WWII. The truth about comfort women was never revealed and was lost until one aging woman shared her tales as a comfort woman to the world.

#### **Chapter 4: The Women's International War Crimes Tribunal**

It is largely the Korean women's movement that launched the international effort to obtain awareness and compensation for the remaining comfort women. The Japanese made no reparations to any former Asian comfort women post-WWII. Most likely, the

truth would have remained buried if not for Japan's ambition to seek a higher status in the international community, which reignited fear throughout Asia of a renewed Japanese empire. As a last defense, countries victimized by the issue of comfort women brought the issue to the forefront of the international debate as a means to put international pressure on Japan to atone for its crimes. While the South Korean government claimed that documentary evidence was destroyed after Japan's defeat, however during Roh, Tae-Woo's presidency (1988-1994), several key factors emerged to address the Japanese crimes against comfort women. First, the development of a women's movement began to emerge and pushed for an investigation into the existence of comfort women. Lee, Tai-Young was the first female lawyer in Korea who successfully revised the family law regarding women's rights. In addition, as Korea became more economically stable, Koreans began to investigate and accuse Japan for their imperialistic actions. Finally, former comfort women came to a key realization after remaining silent for half a decade: they saw that as they began to die, the details of the crimes committed against them would die as well.<sup>66</sup> As a result, surviving former comfort women began to come forward in order to share their stories with the world.

As the political climate changed in the 1990s, international awareness grew as a response to growing testimonies and media on former comfort women; ultimately leading to the creation of international organizations with the sole purpose of addressing Japanese crimes against humanity. Pae Ponggi is considered the first Korean comfort woman to break the silence after appearing in a Korean documentary in 1979. However, Kim Hak-Sun was the first to appear in a public press conference at the headquarters of the Korean

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<sup>66</sup> Howard, 3-4

Women's Association United on August 14, 1991. The Korean Women's Associations United, created on February 18, 1987, worked to unite women's organizations working for women's rights and democracy. With the public support from the KWAU, Kim Hak-Sun recalled the painful memories of being forced into sexual servitude in front of a crowd of reporters. As a result, Kim Hak-Sun became a symbol of courage and hope for other former comfort women. In December 1991, Kim Hak-Sun and two South Korean comfort women confronted Tokyo District Court and sued the Japanese Imperial Forces along with thirty-five Koreans. The combination of Kim Hak-Sun's public appearance and the class-action law suit caught the attention of both Japan and the world, causing them to become completely focused on Korea and opened the gateway for international movements to publicize the plight of comfort women.

Korean former comfort women held their first protest rally in front of the Japanese Embassy in Seoul on Wednesday, January 8, 1992 and continue to protest to this day, thus attracting increasing attention. In December 1992, the Japan Federation of Bar Associations and the Organizing Committee of the International Public Hearing organized an international public hearing of the victims former comfort women from various countries and an international seminar attended by five international lay experts in Tokyo.<sup>67</sup> With an actual investigation in place, it was not long before hard evidence against the Japanese government began to emerge. On January 11, 1992, Japanese historian Yoshiaki Yoshimi discovered official war documents at the Library of the National Institute for Defense Studies in Tokyo, which revealed the Japanese government's involvement in the establishing and operating of comfort stations. As a

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<sup>67</sup> "South Korea Changing Role of Women." *Country Studies*. Web. 04 Apr. 2011.

result, the Japanese government had no choice but to acknowledge its wartime involvement and Prime Minister Kiichi Miyazawa formally apologized to Korea on his visit to South Korea on January 13, 1992. Not long afterward, the Korean Council for the Women Drafted for Military Sexual Slavery by Japan (a SK non-governmental organization) appealed to the UN Commission on Human Rights to investigate the issue of comfort women.

Following this appeal, many NGOs, such as the Violence Against Women in War Network (VAWW-NET), debated and pressured Japan in support of the victims. When Japan still refused to accept legal responsibility, the VAWW-NET, a women's NGO that originated in Japan, decided to organize a "people's tribunal" and was accepted by supporting organizations of six victimized countries that later became the International Organizing Committee (IOC). The IOC brought the Women's Tribunal into existence after four years of organizing and mobilized activists from all over the world. Representatives from gathered as the members of the IOC. On December 8-10, 2000, The Women's Tribunal assembled in Tokyo and took the testimony of the survivors, experts and perpetrators. On December 12, 2000 the Tribunal issued its Preliminary findings with 65 comfort women present at the proceedings of the Tribunal.

The Women's International War Crimes Tribunal confronted both Japan's wartime conduct and its failure to accept responsibility for the crimes it committed during the war. More importantly, however, the Women's Tribunal served as a voice of the victims' pains, both past and present, and to bring Japan's crimes to the attention of the diplomatic community. As a result, the Women's Tribunal is unique from all the previous peoples' tribunals in that it focuses on a part of history that is largely ignored by most

historians—sexual violence against women. The Tribunal was organized by grassroots organizers from victimized countries and held in Japan, the nation that committed the crimes in question. Finally, it accused both individuals and state in violations of international, humanitarian and human rights laws.<sup>68</sup>

The Women's Tribunal was a mock trial established to address the crimes committed against comfort women. It also challenged the established historical facts and its trivialization of crimes against women. Organizers of the Women's Tribunal first accomplish was the creation of the charter that would set the jurisdiction on individual and state responsibility for the sexual slavery against Asian women. Immediately, the Women's Tribunal differs from the Tokyo Tribunal. The organization of the Women's Tribunal Charter was the result of combined efforts of various groups, both from victim states and international organizations, and ensures an impartial judgment in the Tribunal; unlike the Tokyo Tribunal which was solely organized and mandated by the US to ensure American influence in Court. Next, each representative formed a prosecutor teams to draft a country indictment and a common indictment was formed based on the country indictments. Again, this differs from the Tokyo Tribunal in that each participating country is given a fair share in the indictment of Japan and is equally involved in the trial. Also, there are four legal experts who are well versed in international laws and human rights and are not personally involved with the victim states and the victimizer. For the first time, a fair and legitimate trial was held in place for the Asian comfort women. Through the combined efforts of both individual and international organizations, the Women's International War Crimes Tribunal served as the culmination of previous

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<sup>68</sup> *The Women's International War Crimes Tribunal: Judgement*, 16.

attempts to encourage public awareness on Japan's crimes against humanity and to honor all the victimized women with a public trial, which the world denied to them for so long.

The Women's International War Crimes Tribunal took a whole year before it rendered its Final Judgment on December 4, 2001, in Hague of Netherland ('home of international law') where it was summarized and compiled into a 200 pages long factual findings of the Tribunal. The Judgment consists of eight parts: the Introduction and Background, Factual Findings, the Applicable Law, the law of Individual Criminal Responsibility, Legal Findings and Verdict, State Responsibility, Reparations, and the Conclusions.

The Introduction and Background presents the common indictment and a quick summary of the individual and state's crimes against humanity while laying the groundwork for international law to prosecute the perpetrators in the Tribunal. The Factual Findings is a collection of testimony of victim-survivor witnesses and evidences found from Japan and Allied countries regarding the history and establishment of comfort system throughout Japanese colonized territories. Applicable Law considers the principles of criminal law, international law and the crimes against humanity committed by the Japanese to combine and establish the Common Indictment that was formed based on the country indictments. Individual Criminal Responsibility analyzes the individuals accused and the extent of their knowledge of comfort women as well as individual responsibility for participation in the crimes. Legal Findings and Verdicts summaries the charges and evidence received of the nine accused by the Common Indictment and the verdict of the accused crimes with regard to findings. State Responsibility analyzes the responsibility of the state in pursuant to Article 4 of the Charter to contain and address

the crimes against humanity committed by the country; and to also take into consideration Japan's reliance on the Peace Treaties to avoid reparations to Asian states. Reparation summarizes Japan's obligation to provide compensations for its violation of human rights and to repair the relationships between Japan and its victim through recommendations made by the Tribunal; and a sincere apology that publically acknowledges its crimes to the comfort women. The final part of the Judgment concludes the Tribunal, urging Japan to recognize its responsibility and to recommend former Allied nations and the rest of the world to aid Japan in its rehabilitation.

When the Women's International War Crimes Tribunal was established and open to the public, the Japanese government did not respond to the invitation to participate in the tribunal. The lack of response on Japan's part indicates several offenses. One, it is an obvious disregard to the effort that was put into by the organizers of the Tribunal. Extensive networks of experts and advocates were gathered to provide legitimacy to the Tribunal: UN legal judges on international law and human rights, prosecution teams for each IOC member, domestic and international organizations, former Asian comfort women, and supporters of the Tribunal. In short, Japan refuses to acknowledge the voices of global civil society and the commitment that was put into the Women's Tribunal. Second, it reinforces the notion that Japan is unrepentant of their crimes against humanity toward the comfort women. It is an insult to the victimized nations who have traveled far to be a part of the Tribunal and a sign of Japan's indifference to its Asian neighbors. Third, under Article 53 of the Statute of the International Court of Justice, Japan's default signify their lack of concern of the outcome. Whether they feared that the outcome was irrevocably against their favor or it was not a matter of great importance, Japan did not

feel the need to defend itself from the accusations made against them. In the end, Japan's absence and refusal to stand trial does more damage to its reputation than good.

The Tribunal is a crucial contribution toward the evolution of international law. Even though the Tokyo War Tribunal resulted in a failure, it laid the groundwork for the Women's Tribunal and developed a body of applicable laws that can be used on the international court. The Women's Tribunal was critical in that it succeeded in developing several key elements to the progress of international law. First, it addressed and identifies sexual slavery against women as crimes against humanity and set the standard for sexual violence against women everywhere. It was the first time that gender played a sensitive role on the international stage. Second, the Tribunal was able to implement international laws to prosecute crimes committed by Western countries against women of Asian countries. For the first time, colonized countries were the ones to try the industrial powers. Third, the Women's Tribunal was a people's tribunal. Authority is not derived from the state, but from the people. It showed that international law can be used by the people to force states to submit to their will.<sup>69</sup>

Although the Japanese government failed to make an appearance at the Tribunal, a Japanese lawyer was invited as *amicus curie* to defend the Japanese government. Emperor Hirohito was tried and found to be criminally responsible for the crimes against humanity as the Supreme Commander of the Army and the Navy. Under Article 66(3) of the Rome Statute of the International Criminal Court (ICC Statute), the Tribunal must prove that Emperor Hirohito is guilty beyond a reasonable doubt in order to convict

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<sup>69</sup> Li, 270-271

him.<sup>70</sup> As ruler of the country, it was his responsibility to ensure discipline from his subordinate. On Emperor Hirohito's defense, officials claim that he was only a ceremonial figurehead who did not have the power to prevent war atrocities. As such, information in regards to the comfort system was withheld from the Emperor. However, factual findings have concluded that the Emperor was not a mere puppet, but the puppeteer who wielded the ultimate authority throughout the war. In addition, the Emperor failed to take preventive steps to stop the military from committing sexual violence against Asian women. As such, Hirohito is "criminally responsible for the planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime."<sup>71</sup> As a superior, he is also criminally responsible for failing to take "necessary and reasonable measures to prevent or repress their commission or submit the matter to the competent authorities for investigation and prosecution."<sup>72</sup> Thus, the Tribunal finds Hirohito guilty of criminal negligence for crimes against humanity committed by the military on the oppressed Asian women.<sup>73</sup> This is the first time that the Emperor was declared guilty in favor of the people.

The Tribunal holds the government of Japan accountable for the sexual slavery and rape of Asian women as crimes against humanity. Japan has a duty to the people to stop and fix past crimes. Under international law, the state is responsible for the crimes it has committed.<sup>74</sup> Though Japan has made a public acknowledgement, the government still continues to deny legal responsibility on the grounds that all war compensation

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<sup>70</sup> *The Women's International War Crimes Tribunal: Judgment*, 6

<sup>71</sup> *The Women's International War Crimes Tribunal: Judgment*, 160

<sup>72</sup> *The Women's International War Crimes Tribunal: Judgment*, 160

<sup>73</sup> *The Women's International War Crimes Tribunal: Judgment*, 193-196

<sup>74</sup> *The Women's International War Crimes Tribunal: Judgment*, 210-211

issues were settled by the San Francisco Peace Treaty. Therefore, the People of the Asia-Pacific region call upon the Tribunal to force the Japanese government to carry the burden of their past sins and make amends for their wrongful acts.

The International Military Tribunal of the Far East laid down the groundwork for future international laws, but the Women's International War Crime Tribunal revolutionized the body of applicable laws that can be used on the international court. In doing so, the Women's Tribunal highlighted the women's right movement and changed the law for women everywhere around the world.

### **Chapter 5: Conclusion**

The story of the comfort women will forever be one of the greatest tragedies in history. Forgotten in the aftermath of the Second World War, their pains were never fully understood by the world. As such, the story of the comfort women must be remembered so that the same mistake does not repeat itself. While Japan is considered an Asian state, Japan's refusals to acknowledge past wrongdoing will forever drive a wedge between Japan and Asia. The more Japan fails to understand and lean toward the US, the more difficult it becomes for Japan and Asia to reach a future reconciliation. The combination of increased US influence as a result of the San Francisco Treaty of 1951 and Japan's fervent nationalistic identity served to widen the gap between Japan and other East and Southeast Asian nations, making reconciliation over the issue of comfort women a problem that remains unresolved to this day.

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