

“The Official Marginalization of Comfort Women”
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Introduction

The term 'comfort women' is a euphemism for women forced into sexual slavery by the Japanese military during World War II. Of the estimated 200,000 women that were forced into this form of prostitution, approximately 80 per cent were Korean since, at this point in time, Korea was a Japanese colony. Additionally, soldiers indicated that, next to Japanese women, they preferred Korean women. In 1932, after the big intergovernmental problem of the mass rape in Shanghai, these stations were established in order to enhance the morale of Japanese soldiers and protect the local public from rape (Yoshimi, 1995). Japan began drafting Korean women from around 1937 when "its army invaded China and the soldiers raped and murdered tens of thousands of Chinese women in Nanjing" (Soh, 1996).

At that time, the Japanese military had limited access to Japanese comfort women who were essentially former prostitutes and most of whom had been infected with venereal diseases. Thus, the military leadership suggested that the government recruit unmarried and young Korean women: "Japan began an active assimilation process, which included the 'Pledge of the Imperial Subjects' hoisting of the Japanese national flag, worship of the emperor, and attendance at Shinto ceremonies" (Soh, 1996). Soldiers viewed these Korean women as gifts from the emperor and believed that if they had sex with a comfort woman they would be safe in war. In Japan, this atrocity turned up in memoirs but was seldom regarded as a criminal act. Even Japanese feminists regarded "the plight of comfort women [as] just one more example of how 'women' were

victimized in war. The generic portrayal in Japanese recollections turns a blind eye to the specificity of comfort women's victimization in terms of gender, ethnicity and class" (Yoshiaki, 1995).

For years, the surviving comfort women were silent about this atrocity and were relegated to the status of a minor aspect of the Second World War. However, since 1991, many of the women decided to break their silence and speak out about this gross human rights violation. They demanded reparations combined with a legal apology – neither of which they received. Although a series of lawsuits have been put forth against the Japanese government, none of them have been successful and the Japanese government is still unwilling to take full responsibility, let alone offer a formal legitimate apology (Horn 1997). Official apologies ultimately move towards social justice by drawing on the rhetoric of truth and empathy and without them, marginalization is furthered. Thus, the discourse surrounding official Japanese government statements with regards to 'comfort women' has reinscribed and reproduced their marginalization.

Methodology

In this paper, I draw loosely upon theorists that examine discourse through the lens of power. I couple this methodology with a literature review of work done on the topic of comfort women and a historical method of research. With respect to the latter method, I draw on official public records, historical writing, and press reports to support my thesis.

Drawing on a basic interpretation Foucault, van Dijk, Fairclough and Wodak's

theories regarding discourse, power and biopower, as well as critical discourse analysis, it is evident that the Japanese government's treatment of 'comfort women' has furthered their marginalization and trauma. Specifically, by using critical discourse analysis it is substantively transparent how powerful discourses are able to construct a compelling narrative that describe the role of comfort women in the war. CDA studies ultimately demonstrate how social power abuse, dominance, and inequality are enacted [and] reproduced by text and talk in the social and political context (Dijk, 2008).

As for Foucault, his work regarding biopower, governmentality and discourse demonstrates, in a very concrete way, the ways in which the Japanese government talks about comfort women and their role in the Second World War furthers their marginalization. In this context, discourse is defined as historically situated truths that transmit and produce power. Foucault's theory of biopower is employed loosely to show how the official truths promulgated by the government are produced, understood, and deployed in the service of certain interests and relationships of power (Ramazanoglu, 1993).

The historical method used throughout this paper employs both primary accounts, from the victims themselves, and secondary sources. The secondary sources have been examined through the filters provided by Harter and Busha. They argue that all secondary sources must be appraised in light of the possible biases of the historians, the many factors that contribute to "historical episodes" and from several points of view (Busha and Harter, 1980). Moreover, the literature review completed is both exploratory and

critical. That is, it provides an overview of the work on the subject as well as a critical appraisal of what has been written.

Background

There are three primary purposes the Japanese hoped to achieve by establishing comfort stations. The first was to enhance the moral of the Japanese soldiers. As the war continued, soldiers “began to lose their fighting spirit, which had grave consequences for their psychological state and caused many difficulties in managing occupied territories. The authorities saw the sexual comfort facilities as a means of reducing these problems” (Howard, 1995). The second purpose was to protect soldiers from venereal infections, a widespread problem amongst soldiers. Thus, soldiers were required to only use the stations established specifically for them. Furthermore, women stationed to comfort soldiers were required to complete regular check-ups and were often let go of if they showed signs of a venereal infection. The last and most direct reason for the implementation of these stations was to prevent mass rape. Soldiers frequently plundered areas and destroyed areas while raping women and “rape, in particular, tended to provoke strong anti-Japanese local feeling” (Howard, 1995).

In a notice issued by Japan’s Home Ministry’s Chief of the Police Bureau and sent to the governor of each metropolitan district, the government’s reasons for turning women from the colonies is revealed as well as the extent to which the government was aware of international law:

“If the recruitment of these women and the regulation of [recruiting] agents is improper, it will

not only compromise the authority of the empire and damage the honor of the Imperial Army, it will exert a baleful influence on citizens on the home front, especially on the families of soldiers who are stationed overseas. Also, we cannot be assured that it is not contrary to the spirit of international treaties relating to the traffic in women and girls. You are hereby notified of your orders to handle these matters from now on in accordance with the following instructions” (Yoshiaki, 1995).

The notice continues to stipulate regulations regarding the physical transportation to North and Central China of women who were prostitutes, over the age of 21, and free of any sexually transmitted infections. Moreover, ethnic discrimination is clearly inherent within this notice since the Japanese government did not consider it necessary to take issues such as age into consideration with regards to women who were not Japanese (Yoshiaki, 1995).

According to Howard, of the estimated 200,000 comfort women, “it is usually considered, following recent revelations and a 1939 account by a military surgeon, Aso Tetsuo, that between 80 and 90 per cent of comfort women were Korean. This, then, is a Korean tragedy, unique in terms of the numbers of women used” (Howard, 1995). In 1941, as the Sino-Japanese war turned into the Pacific war, the drafting of Korean women became more systematic and compulsory. Approximately 20% of Korea’s population was drafted. Although the drafting of women was legalized in 1942, “female recruitment was nominally carried out on the basis of ‘voluntary participation.’ This is why the Japanese government persistently denied until 1993 any coercion in the recruitment of Korean women into the Women’s Voluntary Labor Service Corps” (Soh, 1996).

These women were most often recruited under the impression that they would be given a high-paying job such as a nurse or teacher, or they were kidnapped or sold by their families who could not afford them (Yoshimi, 1995). An American study emphasizes that comfort women were found essentially everywhere it was necessary for the Japanese military to fight. Furthermore, “testimonies of former Japanese soldiers show that comfort stations were located in many areas, not only in the occupied territories of China and Manchuria, but also in colonies such as Taiwan and Korea, and at home in Japan” (Howard, 1995).

With regards to recruitment, hardly any military documents have appeared that have explained their methods in any detail. However, one of the men responsible for drafting Korean comfort women, Yoshida Seiji, has testified that the, “army headquarters supplied [him] with the trucks and soldiers to take women away by force” (Howard, 1995). As Howard indicates, the recruitment of comfort women can be divided into four categories: “recruitment by violence; including threats of violence and the misuse of power, false promises of employment; abduction; human traffic” (Howard, 1995). The most prominent method being ‘promises of employment.’

There were three types of comfort stations established by the Japanese: “those established by civilians but licensed by the authorities, existing private brothels which the authorities subsequently requisitioned for military use [and] stations established by the military” (Howard, 1995). The most prominent and violent stations were established by the military throughout various camps. Upon arrival at these military stations, women

were forced to relinquish not only ownership over their bodies, but also over their identities as many of them were further objectified by being referred to by numbers and strictly prohibited to speak Korean or call one another by their Korean names. Once assigned to a station, these women were expected to maintain a rigid schedule of often 30-40 men a day at 15-30 minute intervals (Yoshimi, 1995). While there were certain regulations concerning the hours, according to the testimonies of former soldiers, most men took a mere few minutes since there were so many other soldiers waiting. These soldiers also emphasized that “between 20 to 30 soldiers would queue up outside the women’s rooms, with their trousers down, waiting their turn” (Howard, 1995). Most of the women who have spoken out about this atrocity have indicated that time constraints were rarely enforced and in some excessive cases women had to serve up to 100 soldiers (Howard, 1995).

With regards to the fees soldiers had to pay for exploiting these women, they varied according to rank and hours of visiting. For example, “one station in 1942 charged the lower rank and file 1 yen for 30 minutes or 2 yen for an hour, non-commissioned officers 1.5 yen and 2.5 yen respectively, and officers 3 yen and 4 yen. Officers were charged 8 yen to stay overnight” (Howard, 1995). In order to prevent confusion, fees were often charged through the purchasing of tickets. However, regardless of the fees, comfort women were not paid according to what the regulations stipulated. The regulations of another comfort station specified fees according to the nationality of

women. To serve a non-commissioned officer, a Japanese woman was to receive 2 yen, a Korean woman 1.5 yen, and a Chinese woman 1 yen (Howard, 1995).

Once a building was secured within a close vicinity to where soldiers were stationed to house the comfort station, usually former hotels, schools, shops and Buddhist temples because of their many rooms, the process of making it into a comfort station commenced. Interiors were refurbished, washrooms were created and each room was furnished with a bed, blankets and liquid disinfectant. According to a former orderly, “when you opened the door, there was only a small space with a cramped dirt floor. Since the comfort women lived there, their possessions were all crowded into the space. A strange smell permeated the narrow rooms” (Yoshiaki, 1995). The closer to the front lines the comfort women were stationed, the more unbearable were their living quarters. Usually these stations had a wooden fence put up and a simple rush mat on the ground (Yoshiaki, 1995).

While comfort women were stationed at various camps, they were required to complete frequent medical checks for venereal infection and pregnancy as outlined by various military documents. Military authorities also required that soldiers wear condoms in order to prevent the spreading of venereal infections, however this stipulation often was not followed: “in spite of the strictness of these regulations, many survivors state that there were soldiers who refused protection” (Howard, 1995). Women who were diagnosed as being infected were given an injection called ‘No. 606.’ This injection, however, often caused sterility and pain within women. Aside from venereal infections,

women also suffered from malaria, malnutrition, jaundice, mental disorders and vaginal swelling. Although violence against comfort women was technically forbidden, it did occur on a regular basis as “most women say that they feel they were not treated as human beings” (Howard, 1995).

Many of these women died as a result of abuse, improper abortions, torture, inhumane living conditions and the improper forced injection of STD prevention drugs. Moreover, many women attempted suicide while they were confined in the military comfort stations. Furthermore, it was nearly impossible for the comfort women to flee as they were subject to strict surveillance by the army and operators. In addition, since most Korean women were stationed in countries foreign to them, the concept of escaping was even more difficult as they were unable to speak the local language and they stood out since their habits, mannerisms and customs were often different.

As Ha Sun-nyo, a woman who fled from a comfort station in Shang-hai, indicated, “No matter how hard I thought, I couldn’t think of a place where I could go. With no other options, I quietly crept back to the kitchen of the comfort station. When I boiled some rice the manager came in and told me not to eat. When I sat down and ate anyway, he beat me severely, calling me the bitch who took off” (Yoshiaki, 1995). For years, the surviving comfort women were silent about this atrocity. However, since 1991, many of the remaining women decided to break their silence and speak out about this human rights violation. They demanded reparations along with a legal apology, something they have not received to this day by the Japanese government (Yoshimi, 1995).

Pak Kumjoo is one of the several former comfort women who have spoken out about this abuse. She was approximately seventeen when local Korean officials, implementing the orders of the Japanese, began to recruit women for 'factory work.' A female member of Pak's family was required to go and, in April of 1942, Korean officials turned these women over to the Japanese who then took them to their military camps in Japan and China. When asked about her experience, Pak provided a detailed description of the horrific environment the Japanese military forced her into:

“Whether it was morning or night, once one soldier left, the next soldier came. Twenty men would come in one day. We would try to talk each other out of committing suicide, but even with that, women still did. There were women who stole opium and took it. If they took a lot of it, they would vomit blood and die. There were also people who hanged themselves with their clothing when inside the toilet. We tried to hide string from each other. I told a colonel in the army, “Do you think we are your maids and prostitutes? How can you be a human being after making us do such things? We came because we were told we were going to a factory.” From there the soldier said, “It is the command of the army. The country's order is the Emperor's order.” Then he beat me. I was in a coma for three days. Even when I regained consciousness I couldn't move. Even now I feel pain from that time, and scars remain” (Horn 1997).

In her situation, Pak exercised a certain semblance of agency in that she outright questioned the 'human-ness' of the soldier who raped her. However, Pak was consequently tortured and 'punished' because she disrupted the hierarchy inherent within the camps. Her lack of subordination led to her abuse and the stripping of her identity as

she was left with visible emotional and physical scars.

Hwang Keum-ju is another former Korean comfort women who was officially drafted into the Women's Voluntary Labour Corps. Upon arrival at Kilim, Keum-ju was informed that she would not be transported to a factory:

“The officer told me from then on I had to obey him, or I would be killed. So I asked him what his orders were. He told me to follow his instructions. Then he told me to take off my clothes. I explained to him that it was not possible for me, a virgin, to undress in front of a man. He insisted that was his order. Then he grabbed my skirt and tore it at the seams. He ordered me again, but I was so shocked I just sank to the floor. Then he grabbed his knife and cut my underskirt and underpants. I was totally exposed. I was so shocked, I just fainted. When I woke up, I found myself lying on a pool of blood. I could not get up for a week afterwards. I was so sick I could not even drink water. I saw so many deaths, so much illness. Girls arrived; they got sick and pregnant. The Japanese injected us with so many drugs that we would have miscarriages. Sometimes our bodies would swell up like balloons but the Japanese soldiers did not care. They would line up for sex day after day. They did not care whether the girls were bleeding or what. They would still force sex on them” (Schellstede, 2000).

The Japanese government seized and appropriated these women when it was ‘convenient,’ for them but is now unwilling to own, take responsibility, or even pay tribute, to the violation of these women. Consequently, when the government and the military decided that these women were no longer useful or that they could no longer adequately fulfill their role as comfort women, usually due to the fact that they were pregnant, infected by syphilis, or no longer desirable, instead of taking responsibility for

them the Japanese government disposed of and ultimately replaced them. As the war came to an end in 1945, these stations were abandoned and the women were often left sterile, a result of the mass rapes and the anti-syphilis medication they were constantly injected with, battered and without families. Thus, of the 200,000 women stationed throughout the war, only approximately 60,000 survived and out of that 60,000 only about 800 are still alive. For years after these stations were abandoned this issue received little to no attention as “accounts of former comfort women reveal that many told only a few family members or no one about their experiences” (Horn, 1997). Thus, as a result of the anxiety and shame fostered by the government with regards to these women’s bodies and identities, they were reluctant ‘own’ their own experience when forced to reintegrate into society (Horn, 1997).

Silence Broken

Although silence was not officially broken by former comfort women until 1988, the truth regarding the comfort women situation began to emerge as early as 1962 when Senda Kako, a journalist researching the war, uncovered a previously censored wartime photograph. In this photograph two Korean women were wading in the Yellow River. Kako was told that these women were “P” women: Japanese slang, which refers to comfort women and descends from the word “piya” which means vagina house. Eleven years later Kako published his first book. His efforts were supported by Kim Ilmyon’s 1976 account through which he referred to an account of the comfort stations given in 1965 “under the pseudonym ‘Kim Chonja,’ and Ito Keiichi’s 1969 publication of

Shanghai comfort station regulations promulgated in the late 1930's" (Howard, 1995). In 1982, Yun Chongmo's fictional novel, *My Mother Was a Military Comfort Woman*, told the story of a comfort woman who had been recruited to the Philippines. Although Yun's novel was far more direct than former accounts, censorship under Tuhwan's regime limited the novel in Korea.

After Chongmo's novel, military memoirs slowly began to emerge. Yoshida Seji's 1983 memoir that discusses "how each Japanese regiment in Shanghai used one or more dedicated comfort station staffed mainly by Korean women, and recalled expeditions to Korea to recruit labourers in which some 1000 comfort women were taken, is best known" (Howard, 1995). By the time Seji's memoir emerged, two documentary films existed. The first film to surface was 'Karayuki-san' or 'Foreign-bound Women' in the late 1970's. Throughout this film, the direction, Imamura Shohei, traveled to Malaysia and accompanied a former comfort woman to Japan. The second film, created in 1979, called 'Okinawa no harumoni,' showed the life of a former Korean comfort woman, Pae Ponggi (1915-1991) living in Okinawa. In 1991, before her death, Pae also appeared in another documentary called 'Chongshindae Arirang.' Another memoir, this time from the perspective of a former Korean comfort woman, was created in 1982 under the pseudonym Yin Namnim. As well, Yututa, a Korean living in Thailand, was interviewed by a newspaper and then brought to Seoul in 1985 and Shirota Suzuoko publicized her story in 1986 on Japanese radio (Howard 1995). While novels,

documentaries, articles and memoirs increased international awareness, it was not until 1988 that silence about this atrocity officially diminished.

As Howard mentions, during Roh Tae Woo's administration (1988) in Korea, four factors contributed to push for the redress by former comfort women with respect to the gross human rights violation committed by the Japanese government and military. The first was the establishment of the women's movement, a movement particularly among female scholars who began to encourage research on comfort women. The second factor was a result of Tai-Young Lee's, a female lawyer in Korea, establishment of the Korean Legal Aid Center for Family Relations. Her Center, in 1989, succeeded in persuading the government to revise their position with regards to family law. Third, "the 1980's had witnessed an outpouring of nationalism, directed primarily at what was perceived to be foreign cultural imperialism. Koreans had become secure in their economic development, and could not question the continuing influence of Japan" (Howard, 1995). The fourth factor was the fact that the surviving women were finally willing to tell their stories.

Thus, in 1988, silence was finally broken when a Professor of the University of Korea began to lead an activist group that conducted and presented research about comfort women (Horn, 1997). Further, in 1988, more than 200 members of various Korean women's organizations drafted a protest letter against the news that the Korean government would be sending a representative to attend Japan's Emperor Hirohito's funeral. They then facilitated a protest at Pagoda Park in Seoul. This was the place where

in 1919 a Declaration of Independence was established and announced against Japanese rule. Moreover, “Yun Chung-ok and two members of the Korean Church Women United visited sites in Japan where comfort women had been stationed in February [and] in April, the church group sponsored a conference on women and tourism” (Howard, 1995).

In 1990, 37 women’s groups in Korea formed the Voluntary Service Corps Problem Resolution Council and demanded that the Japanese government admit that Korean women had been forcibly drafted to sexually serve Japanese soldiers (Horn, 1997). In August of 1990, 67-year-old Kim Haksun came forward to tell her story. A year later, in December of 1991, Kim and two other women filed a lawsuit at the Tokyo District court (Howard, 1995). They demanded:

“That the Japanese government admit the forced draft of Korean women as comfort women, that a public apology be made for this, that all barbarities be fully discoursed, that a memorial be raised for the victims, that the survivors or their bereaved families be compensated [and] that these facts be continuously related in historical education so that such misdeeds are not repeated” (Hicks, 1995).

These three women filed a formal lawsuit and demanded legal reparations combined with a legal apology - neither of which they received since Japanese government is still unwilling to take any responsibility, let alone offer a formal legitimate apology. A series of lawsuits came forth after the initial one but none have been successful (Horn, 1997). In other words, the three women were calling on “the Japanese government to investigate and reveal the truth about its wartime conduct, acknowledge its war crimes, punish those

responsible, issue apologies and pay compensation to all its victims and, and educate younger generations about Japan's war crimes so as to prevent their repetition (Yoshiaki, 2005).

As Soh indicates: "although factors such as the lack of documentary evidence may be offered to explain the long silence within Korean society, I suggest that a major factor is the cultural legacy of a patriarchal society" (Soh, 1996). Thus, this has maintained a double standard for men and women. Traditionally, the sexual culture in Korea almost encouraged male sexual freedom, while rigidly controlling women's sexuality based on the virtues of chastity and virginity. Unmarried women were expected to preserve their virginity until marriage and women who lost their chastity were viewed as shameful and were likely ostracized by their families¹. It is likely then that this is the reason that comfort women decided to conceal their past lives until 1991 when Kim Hak-sun testified to her life as a comfort woman (Soh, 1996). In an interview Hak-sun gave to the Japanese Broadcasting Corporation she declared, "I wanted to sue for the fact that I was trampled upon by the Japanese military and have spent my life in misery. I want the young people of South Korea and Japan to know what Japan did in the past" (Yoshiaki, 1995).

The first response of the South Korean government, when the situation was brought to light in 1991, was to ignore it: "the ostensible reason for the government's

¹ As Soh (1996) indicates, even a Christian church found a Dutch woman unfit to a nun because she had served as a comfort woman in Indonesia.

silence was the lack of documentary evidence on which to press charges against Japan,” since the Japanese government had destroyed most of its information pertaining to comfort women. Furthermore, the 1965 ‘normalization treaty’ between Japan and South Korea prohibited the Korean government from redressing and making claims for reparations for crimes that occurred within the colonial period. In addition, while it is important to consider the patriarchal context of Korea, it is also important to note the rather elitist attitudes regarding social injustices inflicted upon the poor and ultimately powerless, which most of the Korean comfort women were. In addition, economic policies within South Korea since the 1960’s have included the exploitation of women as cheap laborers and as sex workers in international tourism: “the exploitation of women’s sexuality as a commodity prospers under the political economy of transnational capitalism in contemporary South Korean patriarchy” (Soh, 1996).

With regards to confessions by the Japanese, in 1983, Seiji Yoshida, a former Japanese soldier, published an article called *My War Crimes*. Through this article, the author confessed to forcibly drafting Korean women from the island of Jeju in Korea under the order of the Japanese military. In 1991, one of the major newspapers in Japan, *Asahi Shimbun*, ran a series on the comfort women, which signaled the beginning of the emergence of this issue in Japan. Initially, the Japanese government denied any official connection to the comfort women stations and declared, in 1990, that all of these stations were run privately. In 1991, Yoshiaki Yoshimi discovered and released documents indicating that the military was directly involved in the running of these stations. In 1992,

another Professor discovered wartime documents at the Library of the National Institute for Defense Studies that confirmed Japanese involvement in these comfort stations. While this information was published, the Japanese government still maintained that recruitment tactics by “middlemen,” (namely Korean officials) were not the responsibility of the Japanese military (Hicks, 1995).

However, by the end of 1991, only three Korean women had publicized their involvement as comfort women. According to Howard:

“The tragedy then, was [further] exacerbated by silence. The poverty of colonial Korea meant that offers of work had held considerable attraction to both families and individual women, yet such paid labour countered the traditional view that a women’s place was within the home. The Confucian propriety of Korea stretched beyond economic power, since men held all legal and social mechanisms to represent their power, since men held all legal and social mechanisms to represent their women. Again, Korean society ascribed to a notion of defilement, which expected and required chastity” (Howard, 1995).

Ultimately, the issue surrounding comfort women began to emerge in South Korea at a time of domestic realignment as the women’s movement gained considerable momentum and as economic development allowed for South Korea to stand up to Japan. North Korea, on the other hand, has yet to attempt to normalize relations with Japan and, as a result, the issue of sexual slavery is seen as a useful lever. Moreover, as Japan attempts to integrate into the international community, smaller Asian communities are using the comfort women situation to reiterate that the Japanese have not yet attempted to atone for their

war crimes. As Howard mentions, “it can be argued that the lack of pressure by America and its allies on Japan began as an attempt to limit war reparations and aid the building of a Cold War balance. The issue, therefore, was buried by the international community for reasons that lie beyond Korea’s borders” (Howard, 1995).

Furthermore, in 1992, the correlation between the comfort women and the so-called Women’s Voluntary Labour Corps was exemplified as two Korean newspapers, *Tonga ilbo* and *Choson ilbo*, wrote of the confession of a Japanese school-teacher, Ikeda Masae. In it, he confirmed the recruitment of Korean women, who were under the impression that they would be given an employment opportunity, and were actually forced into prostitution and sexual slavery. This teacher ultimately, in obedience to an apparent divine edict, recruited six pre-teen girls to provide comfort to Japanese soldiers (Howard, 1995).

Initial Response by the Japanese Government

When the Home Ministry’s Chief of the Police Bureau referred to ‘international treaties relating to the traffic in women and girls,’ he was referring to the four international treaties existing at the time that banned such traffic. These treaties include: The International Agreement for the Suppression for White Slave Traffic (1904), The International Convention for the Suppression for White Slave Traffic (1910), The International Convention for the Suppression of Traffic in Women and Children (1921) and The International Convention for the Suppression of Traffic in Adult Women and Girls (1933). In 1925, Japan was a signatory to the first three treaties, but the fourth was

never completely ratified. In other words, as a result of these treaties, to force women, especially women who were defined as minors, to engage in sexual slavery was completely forbidden.

With regards to the treatment of minors, the definition of 'underage' differs between treaties. For example, in the second treaty it is defined as under twenty and in the third treaty it is under twenty-one. However, when the Japanese government initially signed the first treaty, a proviso was attached that defined minors as individuals under eighteen years of age. In 1927, the Japanese government removed this proviso and, as such, at the time that comfort stations were implemented individuals were defined as minors until they reached the age of twenty-one. Ultimately, the Chief's instruction to limit the recruitment of women to those over the age of twenty-one was natural. However, "the authorities exploited an ingenious loop-hole they had created [as] they had placed the colonies and such territories [such as Korea] beyond the jurisdiction of those laws" (Yoshiaki, 1995). The implementation of these international treaties worked, in the end, to eliminate the civilian operation of forced prostitution. However, with the case of Korean comfort women, their coercive recruitment into sexual slavery was done by the Japanese government and by the military to provide services exclusively for military personnel, a violation of the treaties that is both contradictory and inexcusable.

The monstrosity that is the comfort women situation remained buried "primarily because the Japanese government and military authorities kept all relevant documents hidden" (Howard, 1995). Information has recently emerged that reveals the fact that not

only did the Japanese military systematically operate the comfort women stations, they also demanded that soldiers destroy any documents that confirm the existence of these stations at the end of the war. Ultimately, “although Japan perpetrated the crimes, responsibility for failing to deal with the issue properly, for concealing it and for not publicizing it as a historical lesson, belongs not only to them but to the sex-discriminating culture of Asia and to the consciousness of the whole world, primarily America,” as America was intent on having the Japanese on their side during the cold war and were thus reluctant to condemn Japan’s ferocity and malevolence (Howard, 1995).

Despite the pressure placed on the Japanese government by three comfort women who went to the Tokyo District Court to sue the Japanese government for 20 million yen as reparation, “the prospect of these women winning their case [was, and still is] remote, at least in the Japanese government’s view, because of the many loop-holes in Japanese law” (Howard, 1995). Prior to the post-war Constitution, no explicit provision existed legally that indicated that victims were able to claim damages based on wrongdoing by the state. Additionally, the Civil Code emphasizes a twenty-year statutory limitation placed on victims who are suing their perpetrators. Basically, the Japanese government maintains that the right to claim of individual victims was not infringed upon and that no individual has a legitimate enough position to stand under international law. Interestingly, “Article 98(2) of the Constitution allows a court to apply international law directly, regardless of any domestic litigation” (Howard, 1995).

On July 6, 1992, the Japanese government published a report, which was the basis for a *general* apology to all countries concerned with the comfort women. However, the government failed to acknowledge and include documents from the Police Agency or Labour Ministry, the two agencies most implicated in the forced recruitment of these women. In December of 1992 “an international public hearing of the victims of sexual slavery and an international seminar attended by five international law experts were organized in Tokyo by the Japan Federation of Bar Association and the Organizing Committee of the International Public Hearing” (Howard, 1995).

In 1993, Yohei Kono, the Chief Cabinet Secretary of the Japanese government issued a statement in which he recognized the military’s involvement with these stations (Robinson, 2007). On August 4 1993, the government announced the findings of its inquiry, although it refused to reveal testimonies from the hearings. The government acknowledged the following: that the Japanese military was “directly or indirectly” involved in the systematic management of the comfort stations, that in many cases women were recruited against their own will, that the women lived in a coercive environment, that the issue of military comfort women injured the dignity of the women and that “the government of Japan would like to extend its sincere apologies” (Yoshiaki, 1995). However, the government’s ‘apology’ goes no further than an offer and does not engage in the fact that comfort stations violated international law and was, in fact, a war crime. As Yoshiaki indicates, “the government’s response should have included a thorough explication of the truth, an acknowledgement of and apology for the crimes,

compensation, and an outline of steps to be taken to prevent a recurrence of these crimes, but in all these it was lacking” (Yoshiaki, 1995).

On August 31 1994 Prime Minister, Mr. Murayama, made an announcement in which Japan refused to admit its legal responsibility towards the victims and refused to pay monetary reparations. Instead, he proposed that a foundation set up through which civilians could donate money for the victims. Japan called this a ‘gift of atonement.’ In addition, “a ten-year, \$1 billion programme was announced by Mr. Murayama. This, however, is a kind of aid programme, which will never be paid in monetary terms to individual victims” (Howard, 1995). In 1995, Japan set up the foundation in an attempt to provide compensation to each surviving comfort woman and promised to provide a signed apology. The majority of the remaining comfort women refused to accept compensation from the foundation and never received an individual written apology. On March 2, 2007, Japan's Prime Minister, Shinzo Abe, said that the "comfort women" were not coerced into becoming sexual slaves. He said: "There was no evidence to prove there was coercion as initially suggested. That largely changes what constitutes the definition of coercion, and we have to take it from there" (Robinson, 2007).

Thus, although the Japanese government has offered the limited surviving comfort women unofficial apologies and compensation, the majority of these women have refused to accept it at least until the government of Japan owns up to this violation and offers a legal and legitimate apology thereby, in part, relinquishing them from the burden of this history (Hicks, 1995). There appears to be no legal record of a formal

Japanese apology other than in 1995 and again in 2009 when the government apologized to former Prisoners of War. However, some former POW's "felt that the Japanese government's apology wasn't specific enough [and] that this latest apology statement was reaffirmed in the 1995 apology, but at this time American POW's were specifically mentioned" (James, 2009).

Although the fact that social conventions in South Korea began to change in the 1990's, in turn facilitating the speaking out of former comfort women, another factor had to be taken into consideration: the age of the remaining former comfort women. At this point, "the former comfort women were now old. They had outlived their parents, and their families – where these existed – had grown up and married. The women had nothing left to lose" (Howard, 1995). Many of the women who had initially attempted to confront the Japanese government are no longer alive and perhaps this is a reason as to why the Japanese government does believe offering a legitimate apology and compensation is necessary as in ten years from now, when most of the remaining comfort women (who are now mostly over 80) are no longer alive and able to discuss their experiences, they will not be able to place demands on the Japanese government (Howard, 1995). In a press release issued by the International Commission of Jurists in 1994, an NGO, they emphasized that "it is imperative that Japan take immediate steps to provide full rehabilitation and restitution. It is clear that Japan has a moral and legal obligation towards the victims" (Howard, 1995).

United Nations Reports/Changing Responses

Fierce disputes and debates have been occurring at the United Nations between several non-governmental organizations and Japan since February 1992 when Etsuro Totsuka raised the issue of comfort women at the UN Commission on Human Rights. By August 1994 “about 100 interventions had been made against Japan by about 15 NGO’s and several governments in support of the victims” (Howard, 1995). Some of the NGO’s include: the International Fellowship of Reconciliation, the World Council of Churches, Liberation, the International Association of Democratic Lawyers and the Third World Movement Against Exploitation of Women.

Originally, these NGO’s demanded monetary reparations for the surviving women, a demand that Japan continues to reject. In February 1994, the Korean victims, against their perpetrators, filed an official complaint. The Tokyo District Prosecutors Office immediately rejected this complaint. Ultimately, Japan did not see it necessary to investigate or punish any perpetrator of war crimes committed especially against Korean comfort women. This compares to the punishments “including the death penalty, which the 1948 Dutch military tribunal served on nine Japanese army personnel who were responsible for the sexual slavery of 35 Dutch women during the war period” (Howard, 1995).

On a side note, it is also important to mention that after Japan’s defeat, many of the men involved in the implementation of comfort stations in Semarang on the Island of Java, primarily consisting of Dutch women were tried with war crimes. There were

several defendants and their verdicts were distributed on March 24, 1948, with a verdict against the corps commander handed out on August 29, 1951. Of these defendants, two were found not guilty, several were given the death penalty, and the rest were given anywhere from two to fifteen years of penal servitude. Moreover, upon learning he was being pursued by the Dutch after returning to Japan, the colonel who was thought to have played a central role in the establishment of the comfort stations, committed suicide in January 1947. These trials are significant in that “Asian women other than Japanese women were not given this kind of consideration. For Asian women, there was no punishment for those responsible even after the facts of the cases came to light. Here the fundamental outlines of the Japanese army’s comfort women policy are clearly visible²” (Yoshiaki, 1995).

In May 1994 the UN Working Group on Contemporary Forms of Slavery attracted both parties to the possibility of making an agreement to settle the case before The Permanent Court of Arbitration. Japan never officially responded although ten Korean victims and the Korean Council for the Women Drafted for Military Sexual Slavery accepted the recommendation. On August 19, 1994 the UN Sub-Commission adopted a resolution “which decided to recommend that the Special Rapporteurs on the questions of impunity of perpetrators of violations of human rights take into consideration information on the sexual exploitation of women and other forms of forced labour during wartime” (Howard, 1995). Linda Chavez was responsible for conducting

² This policy refers the Japanese military’s preference for Korean women.

research on wartime slavery. Thus, for the first time the United Nations were investigating war crimes committed by the Japanese during the Second World War – investigations that were previously considered to have been concluded by the International Military Tribunal for the Far East in 1948 (Howard, 1995).

In 1996, the United Nations pronounced a conclusive condemnation of Japan for forcing women into sexual slavery. The UN special investigator into violence against women made several recommendations which closely parallels the claim for redress in 1990: “Japan must admit its legal responsibility, identify and punish those responsible for the sex slavery during the war, compensate the victims, apologize to the survivors in writing, and teach its students this hidden chapter in Japanese history” (Soh, 1226).

However, this has not occurred since, as United Nations commission has emphasized, the Japanese government is still unwilling to take full responsibility and ownership of the violations that occurred within their military camps. In the 1998 UN report regarding Japan’s legal position, it was emphasized that although the government has:

“Seemingly apologized repeatedly for these offenses, [it still] denies legal liability for the creation and maintenance of the system of “comfort stations” and comfort women used during World War II. The Japanese government has set up an Asia Women’s Fund, which conveys Japan’s apologies for crimes committed against women during World War II through direct donations from the Japanese public. Despite this, according to the Japanese government, individual comfort women don’t deserve compensation” (Schellstede, 2000).

Conclusion

It is evident that although forced sexual slavery is as shameful and shocking as it was during World War II, it no longer occurs in the systematic way it did during the second world war when over 200,000 Korean women were involved in comfort stations. However, it must be noted that sex trafficking and forced prostitution remain significant problems even today. As Suave indicates, “we hear a great deal about human trafficking and the toll it takes on countries and those that are left to lead lives of horror and abuse. What we seem to forget however is that Canadian women and children are sold into sexual slavery every day in this country and it is a multi-billion dollar business” (Suave, 2009).

Furthermore, according to Suave, most individuals are oblivious to the fact that many escorts and prostitutes are forced into the business of sexual slavery and are ultimately controlled by various members of organized crime. A common myth surrounds the notion that prostitutes/escorts can choose who and how many individuals they will serve. However, prostitutes/escorts do not have that luxury for the most part. Thus, “they will often have sex with between 15-30 men per day. They often commit acts that are humiliating, degrading and dangerous in order to meet their quotas and are sometimes robbed and raped” (Suave, 2009). Although there is no single solution to ending forced prostitution, there are a number of steps individuals can take in order to reduce the problem. These include: acknowledging the problem, educating individuals, exposing common misconceptions and adjusting laws and social justice programs (Suave, 2009).

While this article does not discuss military sexual slavery, it does provide insight into the fact that unrecognized forced prostitution still exists.

In December 2009, two individuals were arrested and charged with two unrelated cases of forced prostitution in Calgary. In the first case Linh Quy Ho used a false hair salon to set up prostitutes and clients. The prostitutes consisted of women from China who were forced into the sex-trade business. Linh Quy Ho attempted to sell these prostitutes for as little as \$4000 each. Undercover officers came across Linh Quy Ho's advertisements for sexual services and, in an undercover operation, purchased two women for \$8000. As the Police Superintendent emphasized: "human trafficking is a hugely profitable industry in the world. In terms of the price for these particular girls it's a shocking thing to see humans traded for money and for a relatively low amount of money" (Dearing, 2009).

With regards to the unrelated second case, through various social networking websites, Codie Toby Cardinal aimed to attract Canadian girls to Calgary. Upon arrival, he forced them into prostitution. The RCMP indicated to the press that, "15,000 people are trafficked through Canada each year. On the street corners of Canada's largest cities, thousands of women are bought and sold every night. Most of them ... are aboriginal and an alarming number are trafficked" (Dearing, 2009). A recent report on North American organized crime concluded that human trafficking is the third largest source of revenue for members of organized crime. Although a minimum sentence for individuals convicted of human trafficking is not stipulated in Canadian law, a bill has been introduced to the

House of Commons requesting a minimum of five years to be implemented (Dearing, 2009).

Thus, sexual slavery still exists today in many forms and, as discussed throughout this paper, one of the most atrocious and large-scale examples of forced prostitution occurred throughout World War II. Ultimately, the patriarchal power and discrimination inherent in both the Japanese and Korean governments still exists as legitimate and legal redress has yet to occur. While this history is one that all of the former comfort women will always carry with them, the Japanese government's inability to take ownership is hindering the ability for these women to reclaim their bodies and their identities.

Perhaps "the Japanese government is waiting for the last comfort woman to die, hoping that this issue will die along with them. To ensure justice for these victims, it is imperative that those responsible redress this inhumanity as soon as possible" (Schellstede, 2000). It appears that this historical atrocity can never be resolved, because the Japanese administration has not been taken full responsibility for, let alone explicitly acknowledged, these atrocities and, as such, a part of these women will always reside within those atrocious comfort stations. Ultimately, as stated by this report, the demands made by these women are not being fulfilled and, as a result, their pain and marginalization is furthered.

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