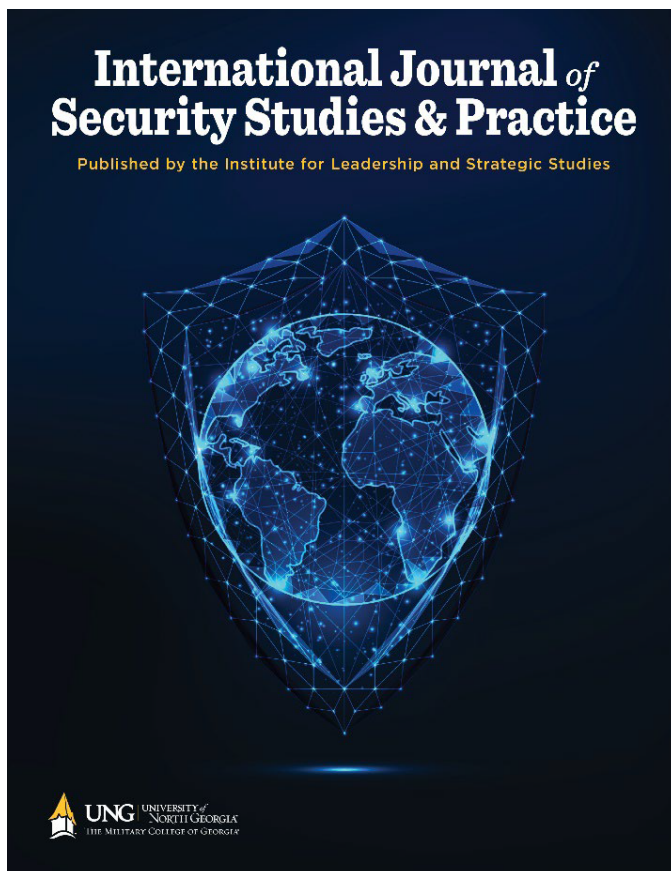


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**Korean Comfort Women:
The Keystone of East Asia's Unresolved History Problem**

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Korean Comfort Women:

The Keystone of East Asia's Unresolved History

Unresolved issues from the Second World War still lurk beneath the surface of East Asian politics. On 21 April 2021, a Republic of Korea (ROK), Seoul Central District Court judge dismissed a civil suit filed by 20 comfort women survivors and their families, citing a potential diplomatic clash if he did otherwise (Lee et al., 2021). The message is clear, although the full scope of the problem is more elusive. The legacy of World War II, or more accurately, the Asia-Pacific War that covers the events and Japanese actions between 1931 and 1945, continues to evoke deep feelings and hostility even though the war ended over seven decades ago. The tensions serve as a testimonial to the deep scars left by Japan's colonial occupation of the region, which is evident in East Asia historiography. South Korea, China, and Japan continue to disagree about the legacy of the war and its place in regional history, including educating younger generations about the good and bad history within their cultures along with other such controversial topics. As Hiro Saito highlights in his book subtitled *The Politics of War Commemoration in East Asia*, even today, several subjects generate lively controversy such as interpretations of the Tokyo War Crimes Trial, visits to the Yasukuni Shrine, official apologies and compensation for victims, along with bowdlerized Japanese history textbooks (2017, p. 1; Totani 2008, pp. 11–15). Collectively, these issues are known as East Asia's *dong-asia*

yeogsa munje, (*rekishi ninshiki mondai*) or history problems. One issue that continues to be raised by Korea is that of reparations for comfort women who were forced into prostitution (most against their will) by the Japanese military. This paper will argue that American leaders historically played a role that created a problem that haunts East Asian geopolitics, specifically with comfort women. However, there are many other issues outside the scope of this paper that stem from a failure to hold the government of Japan accountable for its actions during the conflict. This manuscript provides a background or context for an overview of the diplomatic rift that continues to surface between Japan and the ROK, while highlighting the nuances caused by American involvement in the post-war trials. Japan's leaders must acknowledge the distorted perceptions created by U.S. foreign policy as it shifted to address Communist concerns first and foremost, rather than justice at the end of WWII.

The paper is divided into three sections. The first will survey the literature on the topic and provide an overview of the historical context of comfort stations during the period. The second part looks at the many issues surrounding the Tokyo Trial and America's role during the trials, which shifted Japanese accountability for many reasons such as the protection of Japanese emperor Shōwa, or Hirohito (1926–1989) as he is more commonly known, along with American fear of Communism spreading to Japan and a U.S. reluctance to charge Japan's military for the use of biological and chemical warfare. All of these

factors created an atmosphere that shifted Japanese accountability for its actions during the war. The third section looks at the history of post-war reparations and the comfort women movement, along with regional policy implications that serve as the bedrock for East Asian contemporary geopolitics. The rise of China dictates a recognition of America's role in creating an issue that must be resolved to secure trilateral military cooperation in the region. The analysis in this essay is qualitative, primarily utilizing public sources, academic papers, and secondary data sources to provide historical context for the issue of comfort women.

Historical Context

Before we begin the essay, it is essential to note that because of the cultural bias that overlooked women in society, marginalization and male-dominated society rendered women invisible due to sexism and inequality. Hence, the experience of women during the conflict was ignored for many decades. It is only more recently—since the 1990s—that the feminist movement has garnered international attention to the plight of comfort women. Various allegations of abuse stemming from the period continue to crop up intermittently, much to the dismay of Japanese officials.

Prima facie, although comfort women and World War II reparations appear to involve only Japan and South Korea, the history is more complex. A cursory review misses the pivotal role that America played at the end of the war during its occupation of Japan and the subsequent International Military Tribunal

for the Far East (IMTFE), or the Tokyo Trial, which first met on 29 April 1946, ultimately concluding on 8 November 1948. Because the trials spanned over two years, American attention shifted in 1947 based upon a growing concern over the threat of Communism. During this time, U.S.-backed Chiang Kai-shek appeared destined to lose to Communist forces led by Mao Zedong. Concomitantly, socialism was spreading in Japan, stoking American fears that it, too, might become another communist country.

These factors dictated that the American-led prosecution of war criminals held only a few individuals responsible for war crimes. Not surprisingly, the manner in which the trials were conducted and the issues raised during the two years set a tone that exacerbated further reparations and continues to cloud contemporary geopolitics. Suggestions that the prosecuting team withheld details about Japanese war crimes does not pass examination of the court records, although there was a clear cover-up of biological weapons and experiments conducted by Unit 731 (Totani, 2008, p. 3). These nuances are well covered by other researchers.

Across the Pacific from Australia to Asia, Japanese scars from World War II remain despite the lapse of three-quarters of a century. Most of Japan's past transgressions were resolved decades ago. However, one notable exception is the Japanese government's policy of forced sexual slavery during the war—or comfort women—as it is more commonly known. In 2007, as the American

Congress considered drafting a resolution to request an official Japanese atonement for comfort women, the current prime minister Shinzō Abe (who held the office from 2006–2007 and again from 2012–2020) remarked that “Americans did not know ‘the facts’ and denied that the Japanese government ‘coerced’ the women into the system” (Dudden, 2008, p. 89). Historically, some leaders and academics in Japan suggested that comfort women made large sums of money that dwarfed those of the soldiers, implying that they were engaged in the practice for financial benefits. Comments such as these underscore challenges in geopolitical relations because the protagonists of political diplomacy continue to overlook women and do not see them as relevant in politics. Thus, the issue of comfort women is relegated to the backburner.

Nevertheless, past transgressions evoke powerful feelings on both sides of the debate. More recently, Japanese leaders apologized for the treatment of comfort women, although they suggested that reparations were paid.¹ Despite these facts, the issue still lurks just below the surface of Asian politics, flaring only during periods of tension. Sonya Kuki (2013) captured the dilemma well: “The degree to which this issue is deeply entrenched in the cultural and political

¹ Reparations payments are discussed later. However, the 1965 Korea-Japan Normalization Treaty set aside \$45 million (US) for damages during the conflict, though it included no mention of comfort women. However, there was a clause that indicated that the payment was to be considered complete and final settlement of property claims and interests. In 1993, the Asian Women’s Fund was created with \$5 million in donations by the Japanese people specifically designated as compensation for the comfort women in Korea. A subsequent fund was established in 2015 with the Agreement on Comfort Women that set aside \$8.3 million to settle the issue of compensation for comfort women in toto.

conscience of the people and identity of South Korea reflects the complexity of this issue and its unconventional diplomatic challenge” (p. 245). Her words might well represent the understatement of the century for East Asian politics.

There is a vast body of literature covering comfort women. Among some of the most notable is Sonya Kuki’s “The Burden of History: The issue of ‘Comfort Women’ and What Japan Must Do to Move Forward” (2013). In her essay, Kuki highlighted the history of comfort women’s past agreements and how these arrangements fell short of resolving the issue. More recently, Indu Pandey’s essay “Tigers on the Prowl” (2019) suggested that the dispute between Japan and South Korea is largely symbolic, fueled by nationalists in both countries, and shaping contemporary politics for both countries. Gabriel Jonsson’s “Can Memories of the Japan-Korea Dispute on ‘Comfort Women’ Resolve the Issue?” (2019) argued that the debate regarding comfort women continues to fester. He concluded that the issue was neglected by both countries for different reasons, although the time was never more urgent for both governments to work together for a solution. Eika Tai’s book *Comfort Women Activism* (2020) provides an excellent history of the movement from its beginnings to expose sexual violence and the mistreatment of women as well as Japanese historical revisionism and denial of women’s experiences during the conflict that continues even today. One of the more comprehensive books covering the period, even though the topic of comfort women is treated lightly, is Yuma Totani’s *The Tokyo War Crimes Trial*:

The Pursuit of Justice in the Wake of World War II (2008). Totani's research on previously overlooked documents explores historical distortions while dispelling the idea that the trial was an example in victors' justice where the legal process was compromised for political and ideological reasons. Hiro Saito's book, *The History Problem: The Politics of War Commemoration in East Asia* (2016), provides the background geopolitical climate leading up to the Tokyo Trial. Saito covers the nuances of the history problem in East Asia while stressing that Japan has a lead role in the issue. However, other countries such as the United States, the ROK, and China are also instrumental in framing the relationship. He also focuses on the evolving role of education as China, Japan, and the ROK each seeks to shape their history and national identity. Comfort women are treated as an aspect of a much larger problem, although potential solutions are established for future discourse.

Surprisingly, there is little literature surrounding the precarious nature of regional security agreements, given the long-standing threat from the Democratic People's Republic of Korea (DPRK). In 2019, a Congressional Research Service report on Japan-U.S. relations covered the topic of comfort women and the friction between Japan and the ROK in a few paragraphs that barely touched on the complex history, though it did cover highlights between 2015 and 2018. (Chanlett-Avery et al., 2019). The report did cite comfort women as a concern for

future cooperation. A brief history of the controversy and overview of past agreements helps frame an approach for a future solution.

The sexual exploitation of women began with the inception of *ianjo*, or comfort stations, as a mechanism for Japanese soldiers to temporarily escape from harsh military life. It also served to discourage soldiers from raping the locals and spreading venereal diseases. The comfort stations were an integral facet of the Japanese army in the Asia-Pacific (1931–1945). Although many records were destroyed, it appears that the program involved at least 50,000 to as many as 200,000 women from the entire region, while roughly 80 percent were Korean (Kuki, 2013, p. 246). In 1932 the Imperial Army practice began with existing establishments run by civilian prostitutes from Japan. This fact is the basis for claims that the women were willing volunteers who were simply trying to earn a living. But this is only part of the story. After Japan invaded China in 1937, the program grew and included women from other countries, notably Korea, who were not volunteers (Jonsson, 2019, p. 65).

Table 1 depicts the proliferation of comfort stations in 1939. While there were at least 400 stations during this period, it is unclear how many more were created in subsequent years leading to the end of the war. It is also clear that most stations were located in China to support Japan's largest concentration of soldiers.

Table 1*Comfort Stations April 1939*

Location	Number of Stations
North China	100
Central China	140
South China	40
South Asia	100
South Sea	10
Sakskhalin	10
TOTAL	400

Note. Number of comfort stations compiled by the author via material from the Digital Museum: The Comfort Women Issue and the Asian Women's Fund. ("Number of comfort . . .," 2021).

Women were often lured with the promise of factory employment, abducted, or otherwise forced to work at comfort stations. As the program expanded, women were forcibly taken from many countries such as China, Taiwan, the Philippines, Indonesia, Burma, Thailand, Malaysia, East Timor, India, Guam, Vietnam, and even the Netherlands (Jonsson, 2019, p. 65). Most records were destroyed, although some comfort women processed through Taiwan provide a glimpse of the ethnicity of some of the women processed between November 1938 and December 1939. During this period, 938 women who were sent to China were from Japan (49.8%), 384 (20.4%) were from Taiwan, while 561 (40.1%) were from Korea ("Number" 2021). The military often utilized private contractors to recruit and manage the stations.

Unfortunately, at the end of the war, the Japanese killed many comfort women; others were forced to commit suicide or did so out of shame. Consequently, the records and details of the program are incomplete. Alexis Dudden (2008) captures the horrible stigma in Korean society:

The women who lived through the experience and managed to return to Korea risked enormous social prejudice at home should their story become known. Regardless that they were forced to have sex with up to as many as forty men a day, regardless that they were beaten for protesting, in a society with strong Confucian overtones that privilege chastity, survivors were without a doubt impure as a result of their history. (p. 91)

Even the women who survived kept their secret, sharing it only with those closest to them.

In 1945 the U.S. sought to reconstruct Japan in its image as a democratic government to counter Communist expansion while demilitarizing the entire country in the process. Historian Andrew Gordon (2003) captures the nature of American post-war plans:

They were based on a simple logic: Militarism stemmed from monopoly, tyranny, and poverty. To construct a peaceful, non-militaristic Japan required more than just disbanding the military. It required vast reforms to smash authoritarian political rule, equalize political rights and even wealth, and transform values. (p. 230)

Due to the growing threat of the Soviet Union and signs that Mao would make China a Communist nation, Americans began to rethink post-war plans for Japan. The ever-increasing popularity of socialism in Japan intimated that it too might become Communist. This perceived threat prompted America's Reverse Course policy, which can be likened to the European Marshall Plan, to build Japan as a democracy and serve as a counter to the regional domination of communist ideology (Heer, 2018, pp. 58-85). As a result of the policy change, the war crime tribunals that followed took a softer edge.

The IMTFE or Tokyo Trial

On 29 April 1946, the International Military Tribunal for the Far East (IMTFE), or Tokyo Trial, convened to prosecute Japanese leaders with charges ranging from war crimes to crimes against humanity amidst a panel of international judges from eleven countries. Because of inherent sexism during the timeframe, women's experiences were excluded or marginalized, so there was little discussion of crimes against women (and there were many), whereas comfort stations were mainly ignored. While the international community was well aware of the harsh treatment of other peoples, and the deplorable treatment of prisoners of war, it might suggest a large international reckoning of most Japanese military leaders. This, however, is not what happened. The Tokyo Trial held only a few leaders accountable. Surprisingly, only 28 military and political leaders were charged. One defendant was found unfit to stand trial, and two died of natural

causes during the trial, which meant that only 25 defendants went through the judicial process out of the entire Japanese Imperial Army of over six million men. (There were many smaller trials in other countries that received little international attention.) An American team led the prosecution, overlooking several contentious issues that questioned the integrity of the process. Japanese newspapers devoted attention to the charges and counterarguments of the defendants, even though the trial proceedings were not publicized.

America's role in the Tokyo Trial (1946–1948) is controversial to this day. The trial involved 11 judges and prosecution teams from Britain, British India, America, the Republic of China, France, the Netherlands, Australia, the Soviet Union, New Zealand, Canada, and the Philippines (Saito 2017, p. 22). Unlike the Nuremberg trials that only lasted a year, the Tokyo trials lasted two and a half years. The locus of the Tokyo Trial was crimes against peace (Class A) that involved planning and conspiring to engage in an aggressive war. Notably, the 11 judges did not unanimously agree that a war of aggression was punishable under international law. Still, by the end of the trials, the only dissenting judges were from British India, France, and the Netherlands (Saito, p. 22). Conventional war crimes included abuse of prisoners of war and crimes against humanity (Class B) and the capture and the killing of civilians (Class C). After the trial, Chief Justice William Webb (Australia) presented a 1,445-page judgment with detailed findings and rationale for the tribunal's decisions. In the document, seven defendants were

sentenced to death, along with 16 to life in prison. (One defendant, Kaya Okinori, would later serve as Japan's minister of justice and Shigemitsu Mamoru would become a minister of foreign affairs). There were three dissenting judges from France, the Netherlands, and British India (Saito, p. 22). Of the most interest to subsequent generations was the complete disagreement from Justice Radhabinod Pal of India that questioned the very foundations of the Tokyo Tribunal and its quest for justice. Japanese leadership would cite his dissenting opinion because Pal disagreed with all of the findings and rationale for the tribunal's decisions, arguing that no Japanese civilians or military should be found guilty (Saito, p. 22).

Pal's most potent argument was that all charges concerning aggressive war were outside the jurisdiction of the Tokyo Tribunal. He even went so far as to suggest that the Fourth Hague Convention of 1907 was not legally binding upon Japan. Pal would become a hero to Japanese conservatives, visiting Japan in 1952, 1953, and 1966 to support campaigns to discredit the outcome and foundation of the Tokyo Trial (Saito 2017, p. 218). Emperor Hirohito would award Pal the First Order of Merit for his actions supporting world peace. After Pal died in 1967, a large memorial service and official homage suggested "that the leaders of the Japanese government then in power had little regard for the judgment of the Tokyo Tribunal—with which they knew Pal had dissented—despite the pledge made in the San Francisco Peace Treaty" that suggested Japan's leaders accepted the judgment of the Tokyo Tribunal and other courts (Saito, p. 229). However, the

1970 decision to enshrine 14 of the 25 *convicted* Class-A war criminals from the Tokyo Trial at the Yasukuni Shrine implicitly assumed a defiant stance against the judgments from the trials (Saito, p. 229). And even earlier, in April 1959, unbeknownst to anyone outside of Japan, Yasukuni priests secretly enshrined 346 Class B and C war criminals (Saito, p. 32).

Critics suggested that the Tokyo Trial was ritualized vengeance enforced by the winner upon those who lost the conflict during the trial. At the same time, subsequent historians viewed the trial as a distortion of justice and omission of critical facts. During the trial, media coverage supported a narrative that the Japanese were co-victims of the war, rather than a more accurate characterization of the Japanese as the aggressors. Furthermore, the male-dominated society rendered women invisible due to rampant sexism and inequality. This meant that women were excluded from the justice process as they were not viewed as having a stake or, in some cases, being present in the conflict. If anyone bears responsibility for the conduct of the Tokyo Trial and the shape of American policies in post-war Japan, one might be inclined to assume that it was General Douglas MacArthur. He took the lead in promoting alarmist scenarios at the prospect of holding Emperor Hirohito responsible and accountable at the war tribunal, even suggesting that he would need upwards of a million soldiers to maintain order in Japan. Of MacArthur, Andrew Gordon wrote: “He sent home alarming reports of the threat to social order and American policies that would

ensue should Hirohito be a force to stand trial for war crimes or even simply abdicate” (2003, p. 234). However, Gordon misrepresented the facts. Even MacArthur’s recollection that he changed the minds of American leadership regarding charging Hirohito is false. Yuma Totani painstakingly researched the records to correct the historical record:

What is not correct in his recollection is the claim that he succeeded in changing his government’s policy. Not only did he not receive any instructions for policy change from Washington, he was explicitly ordered to continue adhering to the existing U.S. directive after the Far Eastern Commission met: namely, that he should “take no action against the Emperor as a war criminal pending the receipt of a special directive concerning his treatment. (2008, p. 57)

Totani’s *The Tokyo War Crimes Trial* (2008) convincingly argued that MacArthur had no formal or informal power regarding the emperor, while leaders of the United States and other allied partners made the ultimate decision. Totani stated that “the decision they [the Allies] made, moreover, was to keep the option of his [Hirohito] trail open, *not* to grant him immunity; the Allied governed ruled out the latter possibility at the outset” (p. 4). While American and British leaders viewed Hirohito as a military asset to control the population, other Allies such as Australia, for example, regarded the emperor as a potential future threat to the region if he was not removed from power (Totani, p. 49). On 29 October 1945,

instructions from Washington DC directed MacArthur to quietly collect evidence that could be utilized in the emperor's trial, noting: "The United States government's position is that Hirohito is not immune from arrest, trial and punishment as a war criminal" (Totani, p. 53). From its inception, American civilian leaders were debating the best way to conduct the trial.

During the war, Japan utilized poison gas and chemicals on Chinese citizens and the military while it was also deployed against Outer-Mongolian troops. The Soviet army and the United States had proof of the use, although they ignored it during the Tokyo Trials. The American prosecution team was instructed to omit an indictment of any bacterial warfare units, such as Units 100 and 731 of the Kwantung Army that infamously conducted bacteriological experiments on human subjects (Totani, 2008, p. 248). Japanese historian Awaya Kentarō suggested that the American authorities avoided prosecuting Japan's poison gas use because it could open the door to questions about America's use of the atomic bomb. He wrote: "In addition, the United States intended to conduct chemical warfare in later years, and was afraid of having its hands tied by setting a legal precedent against chemical warfare under international law at the Tokyo Trial. The United States abandoned the prosecution for this reason" (Totani, p. 249). Kentarō also convincingly argues that the US and other Allied governments allowed themselves to be immune from prosecution to ensure that their mistreatment of indigenous peoples in colonies in Southeast Asia was sidestepped

(Totani, p. 248). Some critics of the Tokyo Trial raised questions about the abilities of the Allied nations to serve as a moral authority to try the leaders of a defeated nation. The trial served only “to satisfy the desire of the victorious Allied powers for revenge” to apply arbitrary laws concocted by the victors (Totani, p. 4). Ultimately, the United States elected to preserve the conservative elements of the Japanese government and businesses. Totani noted that “it was also true that the Americans began providing political and economic assistance to the remaining wartime Japanese political leaders to bring them back to power and make Japan the bulwark of the cold war in the Pacific region” (p. 217).

As a result of how the trial was conducted, the Japanese public knew little of the horrors and “underestimated the extent of the suffering that Japan had inflicted upon the people in the Asia-Pacific” (Saito 2017, p. 138). Only seven Japanese leaders received death sentences, which was a stark contrast to the European judicial process against the Germans. There are several reasons for the differences, which fall outside the scope of this paper. Of primary concern to American leadership was the reaction of the Japanese public. There were also concerns about raising the issue of America’s use of the atomic bomb as a war crime. As Hiro Saito articulated well, America failed to

collectively distribute war responsibility among the imperial powers that participated in the Asia-Pacific War and subjecting the Allied powers to the same standard of criminal justice and thereby recognize Japan’s

victimhood. . . . By not indicting Emperor Hirohito, the symbol of the Japanese nation, the trial legitimated the historical view that only a small number of government leaders were responsible for Japan's wrongful acts.

(p. 145)

American actions shifted ownership of the war to a select few, circumventing most of the perpetrators, the Japanese people, and the government. Not surprisingly, this legacy serves as a foundation for the collective memory of the country. New charges of war crimes and past transgressions ring hollow to the Japanese government and the people because of American post-war-shaping actions in the region.

The only reference to sexual slavery during the Tokyo Trial was the Dutch presentation of other Japanese war crimes. Dutch prosecutors argued that forced prostitution took place in Dutch Borneo in 1943, where the local contractors would hunt for local women, abduct them, and force them to work in the brothels (Saito, 2017, p. 176). In Portuguese Timor, Japanese leadership directed local chiefs to collect women to work in the brothels and threatened that their female relatives would fill the role if they failed to comply (Saito, p. 177). Ultimately, the Dutch presented four cases of sexual slavery; these examples, along with other issues introduced by the Chinese team, constituted the first documented evidence against Japan for sexual slavery in the comfort system. However, the Tokyo Tribunal did not specify Japanese sexual slavery as another form of a war crime.

The findings mentioned that women were forced into prostitution with Japanese troops, while overlooking the leaders and role of the Japanese government in the practice. The reasons are unclear, although it might have been due to insufficient evidence to support large-scale government involvement in the comfort system that was relegated to the bottom of a list of local transgressions and isolated incidents of a handful of soldiers (Saito, p. 185).

The U.S. policy of Reverse Course (1947–1952) was designed to counter Communism in the former Soviet Union and the growing influence in China, and focused on reducing Japanese nationalism, rebuilding the economy, and promoting democracy (Heer, 2018, pp. 58-85). These considerations shaped America's decision to hold only a few of Japan's leaders responsible, avoiding any responsibility or guilt of Emperor Hirohito and his family, as well as the Japanese citizens. The unusual manner in which America resolved the war in Japan was unlike any other precedent in recent international history, creating a transnational problem with America as the central relevant political actor. Furthermore, the Communist threat of the Soviet Union during the Cold War promoted "Japan's 'amnesia' of its past wrongdoings by prioritizing reconstruction and rearmament of Japan over demilitarization and democratization, as well as by allowing former war criminals to return to power" (Saito, 2017, p. 149). America needed a democratic regional partner and willingly perpetuated this image globally. As part of the Reverse Course, the Supreme

Commander for the Allied Powers (SCAP) released 19 Class A war suspects from Sugamo Prison on 24 December 1948; the next day, seven were executed (Saito, p. 23; Heer, 2018, pp. 58-85). The outbreak of the Korean War (25 June 1950–27 July 1953) accelerated the removal of American troops from Japan to the Korean peninsula, and the SCAP pressed the Japanese government to establish a National Police Reserve in August 1950 while purging communists from Japanese businesses and public officials (Saito, p. 24). The Japanese government signed the San Francisco Peace Treaty (SFPT) on 8 September 1951 to restore Japanese independence and officially recognize the outcome of the Tokyo Trial.

From the outset of the Tokyo Trial, American influence and fears of victor's justice, along with concerns about its use of the atomic bomb, shaped the prosecution's approach. While some critics suggest that the Tokyo Trial was ritualized vengeance enforced by the winner upon those who lost the conflict during the trial, it was more complex as media coverage at the time fabricated the narrative that the Japanese were co-victims of the war, rather than a more accurate and realistic characterization depicting the Japanese as the aggressors and the belligerents. By not indicting Emperor Hirohito, it is reasonable to conclude that the Japanese collective memory was unaware of the details during the war. Hence, Japanese history textbooks and educators have shaped public perceptions over generations; they avoid the details of what took place during the period. This means that modern charges of war crimes and past transgressions ring hollow to

the Japanese government and the people because of decades of history that downplay Japan's role during the war. All of these consequences stem from American post-war shaping actions in the region.

America's prosecution and conduct of the Tokyo Trial were further shaped by the threat of Communism and the fear that it would spread to Japan. Halfway through the two-year-long trial, the U.S. policy of Reverse Course (1947–1952) was designed to counter Communism in the former Soviet Union (Heer, 2018, pp. 58-85). The growing influence in China had a significant effect on the direction of the trial. This topic is outside the scope of this paper but is worthy of substantial research. As stated above, the policy of Reverse Course focused on reducing Japanese nationalism, rebuilding the economy, and promoting democracy (Heer, pp. 58-85). These considerations shaped America's decision to hold only a few of Japan's leaders responsible, avoiding any responsibility or guilt of Emperor Hirohito and his family, as well as the Japanese citizens. All of these factors were influential in the next stage of Japanese reparations during the SFPT.

Post-war reparations

Post-war reparations began with the SFPT and a host of other bilateral agreements, which resolved most of the damages and wartime compensation (Kuki, 2013, p. 246). Japan signed the agreement and officially acknowledged its wartime transgressions. Nevertheless, conservative Japanese politicians embraced the view that Japan's aggression was an act of self-defense. At the same time, the

Tokyo Judgement was flawed and an example of “victor’s justice.” Consequently, the Japanese government publicly rejected the Tokyo Trial and used their objections to release convicted war criminals. Ohashi Takeo, the Minister of Justice, announced: “The Military Tribunal for the Far East and other tribunals by the Allied Powers were not carried out according to Japan’s domestic law. Therefore, those acts that were judged war crimes according to the tribunals and international law can no way be regarded as crimes as far as Japanese law is concerned” (Saito, 2017, p. 24). While one might think that this was strictly the view of Japanese conservative leadership, the Japanese public supported these decisions, as did many members of the Liberal Party. For example, a national rally to release war criminals in November 1953 drew thirty million signatures; the figure is more impressive considering that Japan’s population after the war was 72.2 million in 1945 (Saito, p. 24).

The SFPT involved 48 other nations as signatories to the agreement (seven nations were invited but did not attend), and stipulated that those countries would negotiate war compensation with Japan directly. However, it would involve industrial assistance rather than monetary compensation (Hane 1996, p. 38). Korea was not a signatory, nor was it entitled to reparations benefits under Article 14, although they did fall under Article 4 regarding property and claims. The humiliation the women suffered was difficult to bear and was further exacerbated by Confucian elements in Korean culture that emphasized chastity and cast a

negative stigma with any actions remotely associated with promiscuity. In other words, if the Korean women told their stories, they would be ostracized from family and society (Jonsson, 2019, p. 66). ROK President Syngman Rhee (1948–1960) emulated Japan and was not interested in raising past issues that Japanese leaders would find objectionable, so he ignored the problem of comfort women and post-war frictions with Japan.

On 22 June 1965, Japan and the ROK signed the Korea–Japan Normalization Treaty, reestablishing formal diplomatic relations, although it took 14 years and seven talks to reach an agreement (Ju, 2020). Prima facie, one might think that the normalization of the bilateral relationship involved only these two countries with realist motivations stemming from mutual economic benefits. While it is true that Japan needed an export market for its goods and a nascent South Korean economy was desperate for investment, America played a more significant role in reconciling the two nations due to a rising threat from China and deteriorating conditions in Vietnam, prompting “the United States to place the highest priority on reconciliation of relations between its two primary noncommunist allies in the region” (Cha, 1996, p. 124). The treaty included an \$845 million package with loans, grants, and \$45 million in property claims for the ROK (Cha, p. 127).² Economic factors drove ROK President Park Chung-hee

² All money figures will be in U.S. dollars unless otherwise specified.

(1963–1972) to the negotiating table despite his intense hatred of the Japanese. Additionally, American financial assistance began dropping in 1960 and reached an all-time low in 1965 (Cha, p. 127). The reality is that the normalization of the Japan-ROK relationship was a “product of the confluence of realpolitik Cold War security imperatives and domestic political needs” (Cha, p. 143).

American security interests in Asia were exacerbated with China’s growing influence and successful nuclear tests in October 1964 and May 1965, along with growing tensions over reclaiming Taiwan. The geopolitical climate in Indochina was deteriorating and costing America more economic resources. At the same time, large-scale bombing campaigns against North Vietnam in February 1965 and the decision to send in American ground troops in April 1965 drove U.S. diplomats to foster a Korea–Japan rapprochement to support the liberal democratic world order in Northeast Asia (Cha, 1996, p. 132). Although American leaders were covert about their support of normalization and the treaty process, there were a few public support cases for the process. As Cha aptly stated:

American encouragement of ROK–Japan normalization intensified in the first half of 1965, largely taking two forms. First, State Department officials continued to play a discrete albeit critical role in facilitating dialogue between the two sides over seemingly intractable issues. Second, the White House provided high-profile support for the treaty at critical

moments that enabled Seoul and Tokyo to confront virulent antitreaty forces at home. (p. 138)

While the 1965 Agreement might be considered trilateral, the treaty stimulated transnational interactions within government and non-governmental organizations, primarily through the issues of atomic bomb victims and forced labor during the war. It is important to note that the 1965 Agreement did not cover comfort women issues as little information was available, translating to a lack of awareness in Japan and Korea and the collective ignorance over the role of women and insensitivity over crimes against women during the conflict. Eventually, as part of the 1965 Agreement, Japan paid the ROK \$300 million for war damages. However, the Park government spent only six percent of the money on compensation for war-related damages (Saito, 2017, p. 69). South Korean war victims protested, forming several groups while lobbying the Park government to make compensation programs less restrictive.

Post-war reparations appeared to be resolved for many decades, although more recently, they have resurfaced. For example, in 2018 a South Korean Supreme Court ruled that Japanese private companies must compensate Koreans who served as forced labor during WWII. Japan disagreed with the ruling. As Jinyul Ju recently wrote:

First, neither Korea nor Japan placed any restrictions on the scope of the claims that were settled by the 1965 Agreement. Although there are some

exceptions defined in Article 2, it is clear that the claims of the alleged victims were not considered exceptions in the 1965 Agreement. According to the general principles of international law on the interpretation of treaties, any interpretation of the 1965 Agreement must conclude that these claims were completely and finally settled. (2020)

Consistent with principles of international law on treaties, Japan claims that the payments issued as a consequence of the 1965 Agreement acknowledged that the Korean government would be responsible for dispensing compensation to individuals from the fund going forward (Ju 2020). Consequently, Japan argued that the ROK Supreme Court ruling is inconsistent with international law, suggesting that the verdict needs international arbitration. South Korea is reluctant to turn to the international community because they could lose the case, thereby undermining their credibility. The problem of comfort women remains at an impasse.

In the 1970s the Asia Women's Association was formed in Japan to redefine women's relationships in the family throughout Southeast Asia. The group explored women's history and began researching prostitution during WWII, which slowly unmasked the narrative of comfort women (Saito 2017, p. 67). The Korean Church Women's Alliance picked up the plight of comfort women in 1988, bringing it to the attention of the Korean public. They demanded that Japan investigate the issue in May 1990, just before President Roh Tae Woo visited

Japan (Saito 2017, p. 67). The Japanese parliament reviewed the case of comfort women in April 1991 and concluded that the Japanese government resolved the issue via the 1965 Normalization Treaty. Even then, numerous demonstrators in Korea alleged that Park Chung-hee had sold the country away to Japan by signing the treaty (Dudden 2008, p. 94). The subject remained dormant for most of the year until 14 August 1991. That day in August would become a watershed moment for comfort women as Kim Hak-sun became the first woman to testify publicly and share her experiences; her responses refuted the Japanese government's claim that there was no evidence of Korean women being forced to serve at Imperial *ianjo* or comfort stations (Kuki 2013, p. 68).

Hak-sun's testimony slowly altered the conversation, and the Japanese government found comfort women's stories increasingly challenging to deny. However, the Japanese people and Korean supporters and enforcers of Japanese policies remained peripheral to the role of the government. Support for comfort women continued to run up against the same issue of accountability of the Japanese government. Saito (2017) captured the dilemma well. He wrote:

Take, for example, the Women's International War Crimes Tribunal on Japan's Military Sexual Slavery in December 2000. ... Although the tribunal was an important achievement in exposing Japan's past wrongdoings, it ended up reinforcing the government-centered view of war responsibility because it did not question Japanese citizens'

responsibility in the war crimes, not to mention local Korean complicity.

(p. 147)

While it might seem natural to view the citizens of Japan at the time of the war as partially culpable, this narrative is difficult to reconcile. It runs contrary to entrenched beliefs and history as handed down in Japanese culture. On 11 January 1992 a Japanese researcher, Yoshimi Yoshiaki, published official Japanese government documents painstakingly retrieved from archives that established an undeniable link that comfort stations were controlled and run by the government. Yoshiaki's paper forced the Japanese government to acquiesce and admit to its role in the comfort station institutions (Totani, 2008, p. 107).

A formal apology by the Japanese government followed on 4 August 1993, along with the creation of the Asian Women's Fund (AWF) in 1995 with 600 million yen (\$5 million USD) donated by the Japanese people as compensation to the women of Korea (Totani, 2008, p. 107). The fund also contained a letter of apology from Japan's Prime Minister, who wrote:

I, Japan's prime minister, offer a heartfelt apology and express remorse for all former military comfort women who suffered great pains and incurable physical and mental wounds. We shall not evade our responsibility for the past and the future. Our country must embrace moral responsibility, take our apology and remorse seriously, confront our past and teach it to future generations. (Totani, p. 92)

The funds ran out after five years, although medical and welfare projects assisted many victims. South Koreans argued that the money, since it was privately raised, represented private contributions and did not constitute official Japanese payments. Saito (2017) wrote that the AWF underscores the challenges of

going beyond the government-centered view of Japan's war responsibility.

By collecting atonement money equally and voluntarily for all groups of Japanese citizens, the promoters ended up obscuring whether those who had a larger share of responsibility—contractors who had recruited comfort women, military officials who had helped manage the comfort women system, and soldiers who had used comfort stations—contributed atonement money. (p. 146)

The way money was collected avoided governmental responsibility and ownership of their actions, and the blame was deflected to the guilt of the Japanese people. To put it another way, rather than resolving the comfort women controversy, the AWF exacerbated the issue, ensuring that it would remain unresolved. Japanese government officials considered the issue resolved with South Korea. In 2008 the United National Human Rights Council requested that Japan accept legal responsibility and issue formal apologies despite Japanese protests (Kuki, 2013, p. 68).

In December 2011 the Korean Council for the Women Drafted for Military Sexual Slavery by Japan raised funds for a large statue of a 13-year-old

comfort girl in front of the Japanese Embassy in Seoul, designated as a statue of peace, gazing directly toward the embassy (Saito, 2017, p. 123). The following year, in December 2012, South Korea elected Park Geun-hye Hye to serve as president. She was the daughter of Park Chung-hee Hee, who assumed a position of open hostility toward Japan, reinforcing the notion of victim and perpetrator. At the same time, she attempted to finish the job her father began. She, too, managed the issue extremely poorly by not listening to the voice of the victims and tried a political settlement that obscured the issue one more time.

Reparations for comfort women remained under the surface until 2015 when both countries reached a consensus with the Agreement on Comfort Women between Japan and the Republic of Korea. The agreement specified that Japan would set up a foundation and contribute one billion yen (\$8.3 million USD), although support in South Korea faltered before the ink was dry (Panda, 2017). The agreement was to settle the issue of comfort women “finally and irreversibly,” but it proved unpopular in South Korea. The new South Korean administration under President Moon Jae-in ultimately dissolved the foundation and refused to support the agreement reached under the previous administration of Park Geun-hye (*Kyoto News* 2019). Nevertheless, as Seluki Lee et al. recently wrote, “survivors and humans rights groups say the bilateral agreement did not go far enough in terms of Japan accepting legal responsibility and *did not include survivors* at the negotiating table” (2021).

Further complicating the contentious agreement, some of the victims refused to accept monetary compensation. Of the 47 surviving women, 36 elected to receive cash payments of 10 million yen each (“Japan-funded,” 2019). Only 500 million yen remained in the foundation, and feelings were mixed in Seoul regarding what to do with the residual funds. South Korean leaders ultimately dissolved the foundation over the objections of Japanese politicians; Japanese leaders consider the ROK closure of the fund to be akin to “moving the goalposts” to keep the issue alive (Kumagai, 2020). Korean comfort women’s support groups continue to demand public condemnation from South Korean officials toward Japan despite the agreement. As Alexis Dudden (2008) aptly stated:

Despite the official pronouncements of ‘remorse,’ however, Japan remains embroiled in what are known throughout the region as the ‘history problems,’ which are hostage almost entirely now to political policy, meaning that they are no longer about history (if they ever were). In short, Japan’s way of apologizing only perpetuated a disastrous policy failure since so many found Japan’s words so hollow. (p. 33)

Although Dudden’s assessment is correct, it misses the nuances of the Tokyo Trial and a lack of accountability stemming from the American foreign policy covered here. In other words, American prosecutors shaped the trial to support the narrative that the Japanese were co-victims in the war.

While Japanese leaders feel as if they cannot escape the dark shadow their ancestors cast during World War II, and they continue to be attacked on all sides, the problem is that the apologies seem forced and less than sincere. In 2018 a South Korean Supreme Court ruled that Japanese company Nippon Steel & Sumitomo Metal owed plaintiffs \$90,000 each because of forced labor conditions during the war, despite the objections of Japanese officials who claimed that a 1965 settlement was paid and accepted decades earlier (Pandley, 2019, p. 15). South Koreans continue to view Japan negatively, with almost 79 percent of the population looking through the harsh lens of WWII atrocities more than seven decades after the end of the conflict (Pandley, p. 16). Pandey highlighted the problem, writing, “the Japanese government maintains that they are continually punished for crimes they have already acknowledged” (p. 17). One cannot help but agree with Japanese leaders. There is some validity with their argument, and the problem is exacerbated by intense South Korean nationalism and “extrajudicial demands for reparations and snubbing of previous representations” (Pandley, p. 17).

On 21 April 2021, South Korean Seoul Central District Court Judge Min Seong-cheol dismissed a civil suit filed by 20 comfort women survivors and their families, citing a potential diplomatic clash if he did otherwise as a 92-year-old survivor appeared visibly shaken. (Lee et al., 2021). The irony was that an earlier court ruling in January established a precedent, awarding 12 Korean survivors

\$91,800 each. (Lee et al.). Even today, the issue remains unresolved, and with only 15 registered survivors currently alive, time is running out (Lee et al.). Every week over the past 39 years, protestors gather next to a bronze statue of a Korean girl outside the Japanese embassy in Seoul to demand justice for comfort women. As the crowd gathered during a 2020 protest, “a woman placed a bright yellow sign on the statue’s lap. It read 1,488—the number of protests demanding justice since 1992” (Lee et al., 2021).

In the past, tensions between the ROK and Japan over comfort women prompted the cancellation of military exercises. In 2014 *The Korean Times* suggested that *wianbu*, or the issue of comfort women, was a significant diplomatic dispute between the two countries (Jonsson, 2019, p. 64). Under President Moon Jae-in, South Korean overtures toward North Korea and a return of the Sunshine Policy only raised Japan’s concerns given the unpredictability of Pyongyang. The U.S. Congressional Research Service updated a document in late 2019 (Chanlett-Avery et al.) that covered Japanese relations and potential issues stemming from the Second World War that continue to impact the trilateral partnership between the United States/South Korea/Japan. The report cited a recent South Korean court ruling that inflamed the ROK/Japanese relationship, prompting the ROK to withdraw from a critical military agreement. The report concluded that

analysts are concerned that the positions taken by leaders in both capitals leave little room for a managed exit. Seoul's decision to withdraw from the Japan–South Korea military intelligence agreement, or GSOMIA, could have lasting impacts: not only does the withdrawal stymie many trilateral exercises and communications, but re-entering the agreement could become a risky political move for future South Korean presidents. (Chanlett-Avery et al., 2019, pp. 11-12)

Researchers highlighted the challenges and mentioned a Korean American activist group that raised awareness of the past, prompting the U.S. House of Representatives to request the Japanese government formally apologize and take responsibility for past military transgressions (Chanlett-Avery et al. 2019, p. 13). This action exacerbated the tension while overlooking the complex history as outlined in this essay.

On 25 March 2021, Pyongyang fired two missiles into the Sea of Japan, although no debris fell within Japanese territorial waters; the action was a test for the new Biden administration and raised the hackles of both Japan and South Korea (Bicker, 2021). Over the past few years, the ROK has intermittently refused to participate in military exercises with Japan, decreasing military cooperation and regional readiness. The need for a solid trilateral partnership between the United States, Japan, and the ROK has never been more urgent. Contemporary geopolitics with a rising China and belligerent Democratic

People's Republic of Korea (DPRK) make cooperation between the ROK, Japan, and the United States crucial for regional stability. Multilateralism will be the keystone for diplomacy in the future.

Due to problems stemming from the Tokyo Trial, the United States shares some ownership of the problem and needs to be a part of the solution. Even during the trials in 1946, Ben Bruce Blakeney, a Class A war crime suspects attorney, raised concerns that Allied killing of the Japanese was considered legal while the same act by the Japanese military was considered criminal (Saito, 2017, p. 137). Indian Justice Radhabinod Pal's dissenting opinion raised questions about the validity of the trials. It galvanized Japanese conservatives who used Pal's words to reinforce the unjust nature and outcome of the Trial. While this provided support for Japanese nationalists, the root of East Asia's history problem is much deeper; it goes back to colonial rule, which is outside the scope of this paper and an area that requires further research to demonstrate its influence on the prosecution during the trials.

The Tokyo Trial set the tone for the SFPT and established monetary compensation for countries that participated in the meeting, although Korea was omitted. Even at the time, Japanese leaders stated that Japan's aggression between 1931–1945 was an act of self-defense, suggesting that the Tokyo Trial violated Japan's domestic laws, which rendered the verdict meaningless. However, the 1965 Korea-Japan Normalization treaty formalized diplomatic relations and

included \$845 million of loans and grants along with \$45 million in property claims for the ROK, although the topic of comfort women was overlooked. The issue of comfort women did not garner public attention until the 1991 public testimony of Kim Hak-sun, who offered direct evidence that Korean women were *forced*, not volunteers, to work at Japanese comfort stations. A formal apology followed in 1993 along with \$5 million to compensate Korean women, although the Japanese public donated the entire amount. In 2015 Japan and the ROK reached another agreement, awarding \$8.3 million in a fund to support comfort women. As of 2021 there were only 15 surviving Korean comfort women alive. While the families of comfort women continue to attract attention in Korea, time is running out.

U.S. politicians also exacerbate the issue of comfort women. In 2007 the Democratic Party of Japan expressed outrage at the United States House of Representatives Resolution 121, where American politicians asked the Japanese government to formally apologize for coercing women into sexual servitude. Japan's argument was that the United States never apologized for firebombing Tokyo and dropping two atomic bombs, killing countless women and children. While the use of nuclear bombs distorts the issue, American involvement in the Tokyo Trial distorted Japan's role in the war. The statements by Japanese officials are only the tip of the iceberg, while the core of the dilemma becomes clear with

America's Reverse Course, the Tokyo Trial, and the 1965 Agreement (Heer, 2018, pp. 58-85).

Politicians in America mistakenly assume the issue of comfort women involves only Japan and the ROK. A brief historical review underscored American involvement in shaping the problem developed as part of the Tokyo Trial and policy of Reverse Course after the war (Heer, 2018, pp. 58-85). Regional frictions continue to surface and impact regional stability in Southeast Asia. These two countries are unlikely to resolve the issue independently, and it might finally take an international tribunal to settle the matter. As Saito (2017) recently pointed out, "the history problem in 'East Asia is transnational to the extent that it includes the United States as a relevant political actor" (p. 149). U.S. leaders facilitated the 1965 Treaty to normalize the ROK-Japanese relationship.

Surprisingly, there is little literature surrounding the precarious nature of regional security agreements, given the long-standing threat from the Democratic People's Republic of Korea (DPRK). In 2019 a Congressional Research Service report on Japan-U.S. relations covered the topic of comfort women and the friction between Japan and the ROK in a paragraph, citing a concern for future cooperation. (Chanlett-Avery et al., 2019).

Conclusion

This paper highlighted the complex factors at work during the International Military Tribunal for the Far East, or the Tokyo Trial, and the

subsequent alteration of the American policy based upon the growing concern for the spread of Communism in Asia. The projected loss of China to communist forces under Mao Zedong, along with the threat of the Soviet Union, prompted the United States to adopt a policy of Reverse Course and not remove key leaders from Japan's military and civilian establishment, while trying only a small token sample of leaders (Heer, 2018, 58-85). Although America did purge Japan of nationalist and communist sympathizers, the focus, following the conclusion of the trial in November 1948, was on a rapid rebuild of the Japanese economy. During the trials, media coverage supported a narrative that the Japanese were co-victims of the war. At the same time, subsequent historians view the Trial as a distortion of justice and omission of the facts. Indian Justice Pal's dissenting opinion on the entire Trial and questioning the validity of the tribunal itself served to make Pal a hero to Japanese conservatives and provide support for arguments that challenged the findings and overall conduct of the Tokyo Trial.

Even as Japanese leaders signed and agreed to the terms of the SFPT and a host of other bilateral agreements, officially acknowledging Japan's wartime transgressions, conservative Japanese politicians continued to embrace the view that Japan's aggression was an act of self-defense. The Japanese government openly rejected the Tokyo Trial publicly and used their objections to release convicted war criminals. Ohashi Takeo, the Minister of Justice, argued that the Tokyo Trial violated Japan's domestic laws and was invalid. Judge Pal's

dissenting opinion set the stage for the release of Japan's convicted war criminals. Korea was not a signatory to the SFPT, although Article 14 compensated for property and other claims. Still, the issue of comfort women was not known or acknowledged at the time.

Domestic economic concerns for both countries drove the Japan–Korea 1965 Normalization Treaty. However, once again America pulled strings in the background due to a rising threat from China and deteriorating conditions in Vietnam. America's strategic interest was to ensure that its democratic allies in East Asia were amiable and productive members of a tripartite anti-communist agenda. This was another example where the issue of comfort women yet again evaded attention. A series of events in the early 1990s raised public awareness of the Japanese practice of comfort stations and the forcible abduction of women. The AWF was established in 1995 with money raised from the Japanese public, not the government, which further exacerbated the issue and Korean perceptions that the Japanese government avoided responsibility for its involvement in managing comfort stations during the war.

Reparations for comfort women remained under the surface until 2015 when both countries reached a consensus with the Agreement on Comfort Women between Japan and the Republic of Korea. The agreement specified that Japan would set up a foundation and contribute \$8.3 million, although support in South Korea faltered quickly. At the same time, the effort to settle the issue of comfort

women finally and irreversibly failed to materialize. On 21 April 2021, a South Korean Seoul Central District Court dismissed a civil suit filed by 20 comfort women survivors and their families, citing a potential diplomatic clash if he did otherwise, underscoring the fact that the issue continues to lurk in the shadows.

Politicians in America mistakenly assume the issue of comfort women involves only Japan and the ROK. The historiography underscores the complexity of the historical narrative that selectively includes or excludes important events while glossing over contemporary historical disputes. A brief historical review underscored American involvement in shaping the problem developed as part of the Tokyo Trial and policy of Reverse Course after the war (Heer, 2018, pp. 58-85). Regional frictions continue to surface and impact regional stability in Southeast Asia. These two countries are unlikely to resolve the issue independently, and it might finally take an international tribunal to settle the matter. The threat of China demands better cooperation between the United States, the ROK, and Japan; the United States needs to be involved in the solution as they unwittingly created part of the problem. America's strategists and political advisors must contend with the complex regional history shaped as part of a Cold War strategy to solve contemporary security issues. Only then can this chapter of East Asian history be closed and a nail put in the geriatric coffin that has haunted the region for almost a century.

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