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Kathryn J. Witt Ms.

University of Wisconsin, La Crosse, [witt.kath@uwlax.edu](mailto:witt.kath@uwlax.edu)

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### Cover Page Footnote

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**COMFORT WOMEN: THE 1946-1948 TOKYO WAR CRIMES  
TRIAL AND HISTORICAL BLINDNESS**

**KATHRYN J. WITT**

*UNIVERSITY OF WISCONSIN — LA CROSSE*

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**ABSTRACT**

In this essay Kathryn Witt critically explores the little-known Japanese “comfort women” system — a system that forced women and girls into sexual slavery during and preceding the second World War. The essay starts with an overview of Japan’s colonization and formation of the comfort women system. Subsequently, it compares the Japanese system to the Korean and Dutch comfort women systems, before turning to the Tokyo War Crimes Trials. Witt argues that the United States government, through their representatives, manipulated the aforementioned trials to gain an ally in the Far East. Ultimately, Witt argues that this manipulation facilitated the historical blindness that is associated with the Japanese comfort women system during the second World War.

Keywords: Comfort women, historical blindness, World War II, Japan, Tokyo War crimes, gender, biopolitics, rape, Asian history, women’s history

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**T**he comfort women's story began in the 1930s. The Japanese Imperial Military coerced around two hundred thousand women from Japan, Korea, Taiwan, China, Dutch Indonesia and Southeast Asia into sexual slavery.<sup>1</sup> The Japanese Imperial Military subjugated the women to inhumane conditions, rape, and ill treatment; yet, few discussed comfort women until the 1990s. This paper will examine why this was the case. There are multiple reasons: the women themselves did not say much about their experiences and the Korean government did not prioritize investigating the issue. Furthermore, the International Military Tribunal for the Far East of 1946 to 1948 (Tokyo War Crimes Trials) played an extremely significant role in assuring these women's silence.

This paper considers the comfort women system as a set of Japanese war crimes and atrocities, that remained largely hidden from public consciousness in East Asia and beyond for nearly 50 years, due to emerging Cold War concerns in the United States soon after the end of World War II; specifically, this involved actions and decisions of figures such as war crimes trials prosecutor Joseph Keenan and Supreme Commander of Allied Forces during the US occupation of Japan General Douglas MacArthur. Japanese atrocities, including comfort women, were "swept under the carpet," creating a "historical blindness" not only with regard to Japanese history but also with regard to the history of World War II. This blindness has been receding over recent decades and clearer pictures of that history are emerging. To analyze the comfort women issue, one needs to understand the themes of racism, misogyny, victor's justice, biopolitics and historical blindness.

Racism pertains to a belief that certain races are better than others leading to poor treatment and violence to the less-favored race. This term intertwines with biopolitics when one population is valued or devalued in relationship with others. In the case of the comfort women, Allied Powers regarded Asian women as less important than their Dutch counterparts. Misogyny means the mistrusting, hating, or disliking women or simply a prejudice against women, leading to men belittling or degrading women as second-rate citizens. The Allied Judges felt other matters were more important than

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<sup>1</sup> Joshua Sabatini, "Plans for SF 'comfort women' memorial move closer to reality," *San Francisco Examiner*, (18 September 2015), <http://www.sfexaminer.com/plans-for-sf-comfort-women-memorial-move-closer-to-reality/>

convicting perpetrators responsible for rape and violence committed when it came to comfort women.

Fujita Hisakazu's chapter, "The Tokyo Trials: Humanity's Justice v Victor's Justice", discusses victor's justice as "American justice," meaning that Americans wanted revenge, while only claiming to have been serving justice.<sup>2</sup> Americans wanted the Japanese to pay for, in particular, the Pearl Harbor attack. In their revenge-seeking zeal, Americans focused neglected justice for the comfort women and other victims of the Japanese military.

Mark Driscoll's *Absolute Erotic, Absolute Grotesque: The Living, Dead, and Undead in Japan's Imperialism, 1895-1945* uses the concept of biopolitics. Drawing on both Foucault and Marx, Driscoll defines biopolitics as both "enhancing life" and "letting people fare for themselves."<sup>3</sup> Biopolitics readies living labor for expropriation of surplus.<sup>4</sup> Biopolitics deems some populations worthy and some unworthy based on how their bodies can be used in the accumulation of capital. In this case, the Japanese military selected some women as comfort women as rape prevention of other local women in Asia. This served the larger end of Japanese imperialism, to efficiently expand access to territory, markets, resources, cheap labor, and in general opportunities for profitable investment.

As George Hicks notes: "as the women continue to speak out, this deliberate historical blindness will become harder to sustain."<sup>5</sup> The historical blindness to which Hicks refers means seeing only a limited and selective view of history. The comfort women case is an example of how erasing parts of history has led to misunderstanding the past, which has sustained the pain of victims of criminal behavior and forestalled reconciliation between various parties.

Before Korea became part of the Japanese Empire in 1905, Japan fought China in the Sino-Japanese War from 1894 to 1895. With Chinese defeat, Japan gained Taiwan as its first colony. The Japanese defeated Russia in the Russo-Japanese War from 1904-1905, gaining Korea as protectorate.

<sup>2</sup> Fujita Hisakazu, "The Tokyo Trial: Humanity's Justice or Victor's Justice," in *Beyond Victor's Justice: the Tokyo War Crimes Revisited* (Boston: Martinus Nijhoff Publishers, 2011), 3.

<sup>3</sup> Mark Driscoll, *Absolute Erotic, Absolute Grotesque: The Living, Dead, and Undead in Japan's Imperialism, 1895-1945*, (Durham: Duke University Press, 2010), 15.

<sup>4</sup> *Ibid.*, 15.

<sup>5</sup> George Hicks, *The Comfort Women: Japan's Brutal Regime of Enforced Prostitution in the Second World War*, (New York: W. W. Norton & Company, 1994), 12.

Korea officially became a Japanese colony in 1910. The reasoning behind the desire to colonize Korea was its abundance of agricultural land; if Korea could become a major source of food for Japan, Japanese labor could focus increasingly on industrial production. Later, the Japanese government incorporated Manchuria into its empire as a puppet-state in 1932.<sup>6</sup>

In an attempt to control sexually transmitted diseases (STDs) and prevent incidents of Japanese soldiers raping Asian women, the military decided to biopolitically determine some women and girls to be prostitutes or euphemistically “*ianfu*,” or “comfort women.” This was the origin of Japanese Military brothels, what were later called comfort stations. The system began in Siberia. Between 1918 and 1922, Japanese troops were sent to Siberia in “a war of intervention in the Russian Revolution.”<sup>7</sup> In one survey, “more than half of the soldiers didn’t understand why they had been sent there.”<sup>8</sup> Japanese soldiers’ morale diminished, leading to pillage and rape.<sup>9</sup> Soldiers’ behavior became a problem for superior commanders who were concerned about Japan’s image, and how such behavior made the military’s ends more difficult than they would otherwise be.

Japan’s military commanders were also concerned about STDs among soldiers. Between August 1918 and October 1920, around 1,109 soldiers contracted STDs.<sup>10</sup> According to military police reports in Sakhalin, prostitutes and women who served at eating and drinking establishments were the reasons for the high rates of STDs.<sup>11</sup> Tsuno Kazusuke, chief of military administration, issued rules and regulations in 1920 requiring women in areas under Japanese occupation to obtain licenses to work from military police, forcing them to submit to medical examinations.<sup>12</sup> The Japanese Military Police were not the first to regulate prostitution in such ways.

Philippa Levine discusses how the British regulated prostitution throughout their Empire. The British military’s STDs rate ranked higher than any other

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<sup>6</sup> Louise Young, *Japan’s Total Empire: Manchuria and the Culture of Wartime Imperialism* (Los Angeles: University of California Press, 1998), 4.

<sup>7</sup> Yoshiaki Yoshimi, *Comfort Women: Sexual Slavery in the Japanese Military during World War II*, trans. Suzanne O’Brien (New York: Columbia University Press, 2000), 46.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*, 47.

military during the mid to late nineteenth century<sup>13</sup> More than a dozen British colonies and the United Kingdom passed the Contagious Diseases Laws by 1870.<sup>14</sup> STDs and prostitutes were seen as destroyers of soldiers' masculinity and health.<sup>15</sup> British authorities connected the physical health of men to the vitality and wellbeing of the empire.

In the case of the Japanese Empire, however, Japanese commanders also intended to use comfort stations to prevent rape. In 1932, Okamura Yasuji, Vice Chief of Staff of the Shanghai Expeditionary Force, established comfort stations in Shanghai; ironically he justified the comfort stations, which were sites of rape, as a means of rape prevention.<sup>16</sup> Okabe Naosaburō, Senior Staff Officer, wrote the following entry:

Recently, soldiers have been prowling around everywhere looking for women, and I often heard obscene stories [about their behavior]. As long as conditions are peaceful and the army is not engaged in fighting, these incidents are difficult to prevent. Rather, we should recognize that we can [could] actively provide facilities. I have considered many policy options for resolving the troops' sexual problems and have set to work on realizing that goal....<sup>17</sup>

Rape prevention became the primary rationale for establishing comfort stations, especially after the aptly named Rape of Nanjing. In 1937, the Japanese Imperial Military invaded Nanjing, the capital of the Republic of China. The troops ran amok, massacring and raping the city's population; three hundred thousand deaths occurred during the invasion.<sup>18</sup> After this, from early 1938 onwards, comfort stations grew rapidly.<sup>19</sup> In order for the men to use these stations, the stations had to have women.

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<sup>13</sup>. Philippa Levine, *Prostitution, Race & Politics: Policing Venereal Disease in the British Empire*, (New York: Routledge, 2003), 44.

<sup>14</sup>. *Ibid.*, 41.

<sup>15</sup>. *Ibid.*, 269.

<sup>16</sup>. Yoshiaki Yoshimi, *Comfort Women: Sexual Slavery in the Japanese Military during World War II*, trans. Suzanne O'Brien (New York: Columbia University Press, 2000), 45.

<sup>17</sup>. *Ibid.*

<sup>18</sup>. "The Rape of Nanking 1937-1938 300,000 Deaths," The History Place, <http://www.historyplace.com/worldhistory/genocide/nanking.htm>.

<sup>19</sup>. Yoshiaki Yoshimi, *Comfort Women: Sexual Slavery in the Japanese Military during World War II*, trans. Suzanne O'Brien (New York: Columbia University Press, 2000), 51.

Japanese prostitutes were employed for the comfort stations but there were little attempts to recruit them for war zones.<sup>20</sup> Prostitutes helped out in farming and factories and if soldiers saw their own sisters used as prostitutes, it would lower the troops' morale.<sup>21</sup> Exercising biopolitics, the Japanese Imperial Military targeted women in colonized populations as an abundant supply of sexual labor. The majority of so-called comfort women originated from Korea, while others came from China, Taiwan, and Southeast Asia. A few were Australian and Dutch. The women aged from 15 to 29, and most had lower class backgrounds with little to no education. Recruiters often deceived these women with promises of highly paid work and educational opportunities.

Kang Duk-kyung remembered how her teacher lied to her about receiving education: "One day, my school teacher, who was Japanese, visited my home and asked me if I wanted to go to Japan to further my education and do something 'good' for the Emperor. I was flattered, but was too shy to question his motives. So I said yes."<sup>22</sup> Moon Pil-gi recounted how she was in a similar situation:

One day a man in our village visited me when my parents were not around and asked me if I was interested in going to a good school. I told him that I was always interested in schooling and that I would even go to a night school if I had to work during the day.<sup>23</sup>

Pak Du-ri described her recruitment before being taken away: "When I was 16, there was a man recruiting young women to work in a factory out of town. I applied for a job against my parents' wishes. I decided to make some money for my family and for my marriage expenses."<sup>24</sup> These women 'accepted' a position without knowing what they were getting themselves into.

Women and girls were also conscripted to service as comfort women.

Hwang Keum-ji stated, "When the Japanese sent us a draft notice for girls,

<sup>20</sup> George Hicks, *The Comfort Women: Japan's Brutal Regime of Enforced Prostitution in the Second World War*, (New York: W. W. Norton & Company, 1994), 34.

<sup>21</sup> *Ibid.*, 34-35.

<sup>22</sup> Sangmie Choi Schellstede, *Comfort Women Speak: Testimony by Sex Slaves of the Japanese Military*, (New York: Holmes & Meier, 2000), 15.

<sup>23</sup> *Ibid.*, 63.

<sup>24</sup> *Ibid.*, 69.



who was going to go? ... So I went. I wasn't kidnapped, I was officially drafted."<sup>25</sup> Kim Soon-duk had a similar yet different drafting experience: "Japanese officials told us that girls 15 and older should not stay in Korea, but should instead go to Japan to work in military supply factories or become military nurses."<sup>26</sup> Japanese military personnel also kidnapped women and girls who were then forced to serve as military prostitutes. Jin Kyung-paeng described details of her kidnap:

When I was 14 years old, my mother and I were picking cotton on our farm when two Japanese Kempei (military police) passed by. My mother spotted them and told me to lie flat on the ground. But they succeeded in finding me. They kicked my mother when she came after me. I was crying.<sup>27</sup>

Japanese military personnel treated and transported these women as cargo. Jin Kyung-paeng gave an account of how she was transported:

They took me to Pusan and put me aboard a ship, which set sail at 11:30p.m., arriving at Shimonoseki the following morning. I was then taken with about 30 other Korean girls to an even bigger ship to an even bigger ship along with many army and navy personnel.<sup>28</sup>

In Rabaul (Micronesia) women were brought in "quickly as ammunition" preceding the arrival of a wireless interception unit.<sup>29</sup>

Employing biopolitics, the Japanese military controlled these women's reproduction, health, and lives. They imposed inhumane treatment and conditions on them. As part of their "job," the women "served" around 10 to 50 men per day, depending on the station and location. Kim Dae-il remembered being forced to "serve" 40 to 50 men each day.<sup>30</sup> Kim Bun-sun recounted her days in a comfort station in Manila:

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<sup>25</sup>. Ibid., 4.

<sup>26</sup>. Ibid., 37.

<sup>27</sup>. Ibid., 11.

<sup>28</sup>. Ibid.

<sup>29</sup>. George Hicks, *The Comfort Women: Japan's Brutal Regime of Enforced Prostitution in the Second World War*, (New York: W. W. Norton & Company, 1994), 120-1.

<sup>30</sup>. Sangmie Choi Schellstede, *Comfort Women Speak: Testimony by Sex Slaves of the Japanese Military*, (New York: Holmes & Meier, 2000), 26.

We were provided with boiled rice and a side dish of vegetables. The food was not enough, and we always went hungry...I had to service 15 to 20 soldiers on weekdays and many more on weekends. They gave me tickets, not currency. I had to take these tickets to my manager for goods I needed... I was infected with VD a number of times. Frequently, they treated me with “#606,” made of arsenic and used for treating syphilis in those days.<sup>31</sup>

Kim Dae-il recalled the space she was given to stay: “Each of us was assigned a number for identification, and a small space of four feet by six with one tatami, a Japanese straw mattress, for the floor.”<sup>32</sup> To appease the Japanese, they were to converse in Japanese and they had to adopt Japanese names. Kim Sang-hi remembered, “[m]y own name was replaced with a Japanese name ‘Takeda Sanai.’” At times the women were not even given names at all but reduced to numbers, Kim also recalled, “the soldiers gave out numbers to us. I was #4.”<sup>33</sup> The women did not face only starvation and STDs. They, also, faced violence from the soldiers.

The women had little protection against the soldiers. Kim Dae-il recalled three incidents:

One time a soldier sat on top of the stomach of a pregnant “comfort woman” who was almost full term. Apparently this act induced labor. As a baby started to appear, he stabbed both the infant and the mother and exclaimed, “Hey, these senjing (dirty Koreans) are dead. Come and see... The soldier in line came in, holding a lighted cigarette close to my nose, made me inhale the smoke to wake me up. He then stuck the lit cigarette into my vagina spreading my two legs apart. He laughed and clapped his hands for having done this. One time another drunken came in and continued drinking in my cubicle. He then stabbed the lower part of my body and shouted, “Hey, this senjing (a dirty Korean) is dying.” He screamed, “Kono yaro” (Damn you!) and stabbed a few more times on my lower

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<sup>31</sup>. Ibid., 22.

<sup>32</sup>. Ibid., 25.

<sup>33</sup>. Ibid., 31.

abdomen.<sup>34</sup>

Though the military at times offered medical treatment, whether they received it or not depended upon a woman's overall health. If Japanese in charge deemed a woman to be "too sick," her life to them was not worth saving. Kim Yoon-shim described the ill women's fate:

When a girl got too sick, a guard would wrap her up in a blanket and carry her away. I did not see any of the sick girls ever come back. One day I went to a stream nearby to wash my clothes. Suddenly I noticed a female hand stretched straight up from a blanket. I realized later that it was the hand of the sick girl who had been buried alive, and who had struggled to free herself from the wrapped blanket.<sup>35</sup>

There were no rules and no officer was going to intervene on the women's behalf. The women had little help reaching home after allied soldiers "liberated" them; Everybody abandoned the women. Hwang Keum-ju narrated her liberation:

So I left the barracks on the evening of the 15<sup>th</sup> of August [1945, the day of Japanese surrender]. I walked. On the road, I picked up abandoned clothes and shoes to wear. I begged for food. I was alone and walked all the way to the 38<sup>th</sup> parallel. At the 38<sup>th</sup> parallel, American soldiers sprayed me with so much DDT; all the lice fell off me.<sup>36</sup>

Officers sent other women home. Kim Bun-sun remembered her departure:

I cried and begged Sergeant (Gunso) Yamamoto in charge of our camp to send me home. Finally he gave in. He gave me some money for travel and shipped my things for me. I was lucky I met someone like Sergeant Yamamoto. I came home through Manchuria.<sup>37</sup>

Dutch victims of the comfort women system experienced similar yet in

<sup>34</sup>. Ibid., 26-7.

<sup>35</sup>. Ibid., 45.

<sup>36</sup>. Ibid., 8.

<sup>37</sup>. Ibid., 23.

some ways different situations. Cases of sexual violence against Dutch women began to happen in March 1942, after the Japanese invasion of the Netherlands East Indies.<sup>38</sup> In September 1942, the Japanese military moved Dutch citizens there into internment camps with men and boys in one camp and all women, children, and elderly in other places.<sup>39</sup>

Japan's military did not force Dutch women into comfort stations until mid-1943 when rates of STDs became a concern.<sup>40</sup> A staff officer, Colonel Okubo, proposed using these women from internment camps to solve this problem.<sup>41</sup> The military saw these imprisoned women as a supply similar to their Asian counterparts. First, they started to procure former prostitutes.<sup>42</sup> In this process, the Japanese Kempeitai ordered camp leaders and resident doctors to "procure" women from a list. When examinations were done, the Kempeitai took the girls to the comfort stations.<sup>43</sup>

Jan Ruff-O'Herne went through a similar process. The camp leader, Mrs. Jildera, first refused the order of lining seventeen women (including Ruff-O'Herne).<sup>44</sup> She remembered how the Japanese men would "look up and down and laughed and point at them."<sup>45</sup> The women suspected something but were hesitant to ask. Seven women were allowed to go back to the camp; Jan Ruff-O'Herne was one of the ten chosen for recruitment.<sup>46</sup> Six other women were taken along with them.<sup>47</sup> The women were taken away to comfort stations on February 26, 1944.<sup>48</sup>

Ruff-O'Herne remembered the station's name: House of the Seven Seas. The women did not understand their stay until two older women, Dolly and Yvonne, arrived the next day. The following day, Japanese officers told them about their new "profession." Ruff-O'Herne and the other women were told

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<sup>38</sup> Yuki Tanaka, "'Comfort Women' in the Dutch East Indies," *Legacies of the Comfort Women of World War II*, (Armonk: M. E. Sharpe, Inc., 2001), 42.

<sup>39</sup> *Ibid.*, 49.

<sup>40</sup> *Ibid.*, 45 and 47.

<sup>41</sup> George Hicks, *The Comfort Women: Japan's Brutal Regime of Enforced Prostitution in the Second World War*, (New York: W.W. Norton & Company, 1994), 57.

<sup>42</sup> Yuki Tanaka, "'Comfort Women' in the Dutch East Indies," *Legacies of the Comfort Women of World War II*, ed. Margaret Stetz and Bonnie B. C. Oh, 42-68, (Armonk: M. E. Sharpe, Inc., 2001), 51.

<sup>43</sup> *Ibid.*

<sup>44</sup> Jan Ruff-O'Herne, *50 years of Silence*, (Sydney: Editions Tom Thompson, 1994), 67.

<sup>45</sup> *Ibid.*, 67-8.

<sup>46</sup> *Ibid.*, 68.

<sup>47</sup> *Ibid.*, 71.

<sup>48</sup> *Ibid.*, 90.

to sign “consent” forms; they refused. They had no allies; a female Japanese brothel manager showed no mercy towards them.<sup>49</sup>

Each girl was taken away as stated in Ruff-O’Herne’s memoir: “One by one, the girls were taken, crying, protesting, screaming, kicking and fighting with all their might. This continued until all the girls were forcibly taken to their rooms.” The women developed the same feelings as their Asian counterparts and tried “to wash away all the dirt, the shame, the hurt.” Military personnel treated these women’s ailments but the doctors raped and humiliated them during examinations. While Korean women suffered mutilation during their pregnancy, Ruff-O’Herne had tablets shoved in her throat to induce a miscarriage. Around three months later, the military closed down the comfort station in the formerly Dutch colony.<sup>50</sup>

On April 1, 1944, Colonel Odajima Kaoru, a senior officer in POW management, inspected internment camps and requested comfort stations to close down.<sup>51</sup> The women reunited with their families at Bogor camp.<sup>52</sup> This seemed too good to be true for the Dutch women and children. Ruff-O’Herne, her family, and the others were transferred to Kramat, where the camp personnel separated her and other abused women from the rest.<sup>53</sup> Unfortunately, the other Dutch women called them, ‘whores’ and ‘traitors,’ due to their experiences.<sup>54</sup> Of course, the internment camps were also horrible, with inhumane conditions and starvation as the fate of prisoners.<sup>55</sup> Medical supplies were scarce. Ruff-O’Herne recounted: “Medicine, pills, and tablets were the most sought after and precious possessions in the prison camp. Everyone tried to hang onto them in case they were needed to save someone’s life.”<sup>56</sup>

The internment camps ended on August 15, 1945. At that time, allied pilots dropped food, medicine and supplies to help the liberated prisoners.<sup>57</sup> Later in 1948, Dutch officials prosecuted those who imposed forced prostitution

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<sup>49</sup>. Ibid., 77 -8.

<sup>50</sup>. Ibid., 85- 6.

<sup>51</sup>. Yuki Tanaka, ““Comfort Women” in the Dutch East Indies,” *Legacies of the Comfort Women of World War II*, (Armonk: M. E. Sharpe, Inc., 2001), 57.

<sup>52</sup>. Ibid., 58.

<sup>53</sup>. Jan Ruff-O’Herne, *50 years of Silence*, (Sydney: Editions Tom Thompson, 1994), 114.

<sup>54</sup>. Ibid., 115.

<sup>55</sup>. Ibid., 117-8.

<sup>56</sup>. Ibid., 117.

<sup>57</sup>. Ibid., 120.

at the Batavia Military Tribunal.<sup>58</sup> The Dutch officials convicted Nozaki and Major Okada along with eight officers.<sup>59</sup> The Trial was not known outside Dutch Indonesia but it was the only trial convicting Japanese military personnel for the crime of forcing women into prostitution.<sup>60</sup> The Dutch women received justice; their Asian sisters did not.

The US Occupation of Japan followed the surrender. When Japanese government officials signed the Instrument of surrender on September 2, 1945, General MacArthur as SCAP (Supreme Commander for the Allied Powers) assumed the responsibility for punishing Japanese war criminals. In January 1946, MacArthur established the Tokyo Tribunal.<sup>61</sup> MacArthur approved and issued the Tokyo Charter, which introduced the constitution, jurisdiction and functions of the Tribunal.<sup>62</sup> Trials that ensued made disappeared Korean comfort women from the historical record. Though it seemed that Americans would force the Japanese government to address crimes involving the comfort women, this did not turn out to be true.

The first factor was the US government's conduct during the trials. MacArthur's charter determined how the judges were picked: "not less than six members nor more than eleven members."<sup>63</sup> There were justices from Australia, Canada, China, France, the Netherlands, New Zealand, the Soviet Union, the US, and Great Britain; these were each Western countries, joined by representatives of colonial India and Commonwealth of the Philippines; these countries had POWs (Prisoners of War) who had been tortured and killed by the Japanese military.<sup>64</sup> The tribunal charged defendants with three classes of crimes: (A) Crimes against Peace, (B) Conventional War Crimes, and (C) Crimes against Humanity.<sup>65</sup> Twenty-eight defendants were charged as Class A war criminals.<sup>66</sup>

Before the prosecution began, the Chief Prosecutor of the International Prosecution Section (IPS), Keenan, divided defendants into eight categories, which he designated alphabetically with the letters A-H. Keenan then

<sup>58</sup> George Hicks, *The Comfort Women: Japan's Brutal Regime of Enforced Prostitution in the Second World War*, (New York: W. W. Norton & Company, 1994), 168.

<sup>59</sup> *Ibid.*, 169.

<sup>60</sup> *Ibid.*, 168.

<sup>61</sup> *Ibid.*, 5-6.

<sup>62</sup> *Ibid.*, 6.

<sup>63</sup> *Ibid.*, 6.

<sup>64</sup> *Ibid.*, 6-7.

<sup>65</sup> *Ibid.*, 7.

<sup>66</sup> *Ibid.*, 7.

divided defendants into time periods corresponding with their alleged crimes. All of this was to help prove a “conspiracy” of Japanese aggressive war making since the 1920s. Keenan designated more than a hundred ‘Class A’ suspects; working groups then conducted interrogations, drafted indictments, and prepared detailed reports. One working group was assigned to collecting documents. By the end of December 1945, American prosecutors commenced the substantial work. In January 1946, they began to acquire crucial Japanese documents, witnesses, and supporting figures.<sup>67</sup>

In February 1946, Allied prosecutors started their investigations and set up committees to assist in this.<sup>68</sup> Keenan finalized and submitted the list of defendants to MacArthur: eighty-eight people were suspected, twenty-eight defendants were on trial, fifteen of the twenty-eight were in the Army, and three were in the Navy.<sup>69</sup> The Emperor was not indicted at all.<sup>70</sup> The remaining twenty-five defendants were charged with fifty-five counts. Over the course of the trial two defendants died of natural causes and one was sent to a psychiatric ward.<sup>71</sup> The majority judgment chose to ignore other counts, but focused on ten that referred to conspiracy, waging war, and breaches of the laws and customs of war against armed forces, prisoners of wars, and civilian internees of the Allied Powers.<sup>72</sup> The defendants were senior officials including General Tojo Hideki (prime minister and war minister during the war).<sup>73</sup> The tribunal centered on prosecuting Class A suspects,<sup>74</sup> and in general scholars later criticized it because of its nature as “victor’s justice.”<sup>75</sup> This means it manufactured a conspiracy that did not exist among Japanese leaders to evilly prosecute war, and because most of the allied powers prosecuting Japanese were themselves representatives of imperialist powers that at the time were attempting to regain colonies lost to Japan in 1942. MacArthur and Keenan manipulated the procedure and outcomes throughout the trial, and they were far more interested in revenge than justice. Other Allied powers took part in the trials, but the US was in

<sup>67</sup> Awaya Kentarō, “Selecting Defendants at the Tokyo Trial,” *Beyond Victor’s Justice: the Tokyo War Crimes Revisited*, (Boston: Martinus Nijhoff Publishers, 2011), 58-59.

<sup>68</sup> *Ibid.*, 60-2.

<sup>69</sup> *Ibid.*, 61-2.

<sup>70</sup> *Ibid.*, 61.

<sup>71</sup> Fujita Hisakazu, “The Tokyo Trial: Humanity’s Justice or Victor’s Justice,” *Beyond Victor’s Justice: the Tokyo War Crimes Revisited*, (Boston: Martinus Nijhoff Publishers, 2011), 8.

<sup>72</sup> *Ibid.*, 8.

<sup>73</sup> Richard J. Goldstone and Adam M. Smith, *International Judicial Institutions: The Architecture of International Justice at Home and Abroad*, (New York: Routledge, 2015), 69.

<sup>74</sup> *Ibid.*, 69.

<sup>75</sup> *Ibid.*, 72.

full control of decision-making.

Another factor in the prosecution of Japanese war crimes under US auspices was how prosecutors addressed gendered crimes. Gendered crimes are “ill-treatment,” “inhumane treatment,” and “failure to respect family and rights.”<sup>76</sup> The tribunal did address the 1937 Rape of Nanjing, which had a great deal to do with its infamy on a global scale before 1941. Upon entering and subduing Nanjing, Japanese soldiers raped around two hundred thousand women and girls.<sup>77</sup>

Indian Justice Rabindranath Pal read extensively through testimonies of Rape of Nanjing survivors and he questioned some accounts. With regard to one testimony about a Japanese soldier dragging a girl upstairs, Pal held that the soldier might have been taking her to share a chat or nap. Pal questioned how people might have misperceived body language, gestures, or circumstances during such encounters. When he discussed such crimes, Pal used the term “misbehavior” instead of rape, implying that sexual violence might be blamed on some women’s promiscuity. His reflection on these crimes mirrored other justice’s view of rape, as well as what men in general believed at the time. Laws and customs regarding conduct including in sex crimes in wartime have changed over time. The WWI War Crimes Commission strived to charge war crimes including rape and enforced prostitution in 1919. The commission failed in this attempt, however, because of debates about international court’s jurisdiction, individual responsibility, and differences between respective national laws.<sup>78</sup>

Sexual violence is never justified, but as a matter of historical fact, in the context in the early- to mid-twentieth century, men in charge deemed crimes against women to be less important than other matters. The general commonsense stipulated that sexual relations with women and girls, consensual or not, were more-or-less within the rights of soldiers who faced combat.<sup>79</sup> But one can easily see that this is where racial or racist notions affect outcomes because the Dutch prosecuted culpable Japanese for raping white women in the context of the so-called comfort women system, while US government did not when the victims in question were Asian.

76. Kelly Dawn Askin, *War Crimes Against Women: Prosecution in International War Crimes Tribunals*, (Place: Kluwer Law International, 1997), 180.

77. *Ibid.*

78. *Ibid.*, 19.

79. *Ibid.*, 48.



A further factor in the outcome of the comfort women issue in the wake of the Second World War involved the Cold War and reverse course. After World War II ended, the Cold War conflict between the super powers, the USSR and United States began. Those controlling the United States government saw communism as a threat to “democracy.” The reverse course refers to how Americans running the occupation of Japan originally were very liberal and even supported the Japanese radical left, including socialists and communists who had been imprisoned by the Japanese government previously. When the Cold War came fully into the picture, US authorities in Japan reversed this policy and began to support the Japanese right, which meant supporting the same kind of—if not the very same—people who had controlled Japan before surrender. The Cold War was furthermore a competition over allies, territory, and knowledge. An example would be the case files on Unit 731, an army group that had conducted horrific biological and chemical weapons experiments on mostly captured anti-Japanese Chinese insurgents in Manchuria. In exchange for data derived from such experiments, US authorities agreed to not prosecute the Japanese medical doctors responsible for such war crimes.<sup>80</sup> MacArthur thought it lacked definitive evidence to prosecute Shirō Ishii, the leader of Unit 731, and his group at the War Crimes Tribunal.<sup>81</sup> An American investigator, Murray Sanders, was misled to believe that Unit 731 was innocuous; however, when the Soviet government made requests about Ishii and Unit 731, the United States became interested in these records.<sup>82</sup> This led to Ishii handing the coveted data over to US authorities.<sup>83</sup> American investigators deemed documents on so-called comfort women to be entirely unimportant.<sup>84</sup>

The Truman administration let MacArthur finalize the decision to not prosecute Emperor Hirohito; with Brigadier General Bonner Fellers’ advice, MacArthur decided to protect the emperor.<sup>85</sup> Fellers told MacArthur if they prosecuted the emperor, the people would react violently and “die

<sup>80</sup> Daqing Yang, “Documentary Evidence and the Studies of Japanese War Crimes: An Interim Assessment,” *Researching Japanese War Crimes: Introductory Essays*, (Washington DC: National Archives and Records Administration for the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group, 2006), 35.

<sup>81</sup> *Ibid.*, 37.

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

<sup>84</sup> Edward Drea, “Introduction,” *Researching Japanese War Crimes: Introductory Essays*, (Washington DC: National Archives and Records Administration for the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group, 2006), 15.

<sup>85</sup> Naoko Shibusawa, *America’s Geisha Ally: Reimagining the Japanese Enemy*, (Cambridge: Harvard res, 2006), 103.

like ants.”<sup>86</sup> What he meant was that if one took away Japan’s leader, the Japanese people would react with suicidal violence. MacArthur agreed with Washington’s wishes to make Hirohito a “puppet” emperor.”<sup>87</sup> This would in theory enable Americans to use Japanese for various ends and as capitalist ally in the Cold War.<sup>88</sup>

The United States government prosecutors never mentioned the comfort women during the trials. The trials served to make Japan an ally by executing the “bad” Japanese and supposedly teaching surviving Japanese democracy. This in a sense purified Japan, releasing it from its horrific past.<sup>89</sup> In part due to this “purification,” the Japanese government never paid reparations to former colonies.<sup>90</sup>

This paper demonstrated how MacArthur and Keenan used their positions to shape the outcome of the Trials in order to make Japan an ally in the global fight against communism after World War II. In the process of creating an ally, these men erased Japanese atrocities from the Tokyo War Crimes Trials narrative, leaving them hidden from the historical narrative of World War II until fifty years later. The handling of the Tokyo War Crimes Tribunal lead to historical blindness in regards to the experiences and memory of the former so-called comfort women. MacArthur and Keenan discarded their presence from history, seeing them as inferior in gender and race, and unworthy of notice or mention. Instead, these men focused on making Japanese persons pay for Pearl Harbor and mistreatment of white soldiers as prisoners of war.

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<sup>86</sup>. Ibid., 103.

<sup>87</sup>. Ibid., 100 & 104.

<sup>88</sup>. Ibid., 111.

<sup>89</sup>. Ibid.

<sup>90</sup>. Ibid., 4.

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