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## COMFORT WOMEN: THE NORTH KOREAN CONNECTION

Tetsuo Arima  
J. Mark Ramseyer

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Harvard Law School  
Cambridge, MA 02138

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Address correspondence to:

Tetsuo Arima  
tarima@waseda.edu

J. Mark Ramseyer  
ramseyer@law.harvard.edu

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## **Comfort Women: The North Korean Connection**

**By Tetsuo Arima & J. Mark Ramseyer\***

*Abstract:* Through its "comfort women" framework, the World War II Japanese military extended its licensing regime for domestic prostitution to the brothels next to its overseas bases. That regime imposed strenuous health standards, which the military needed to control the venereal disease that had debilitated its troops in earlier wars. These "comfort stations" recruited their prostitutes (we limit this article to women recruited from Korea and Japan) through variations on the standard indenture contracts that the licensed brothels had used in Korea and Japan. Some women took the jobs because they were tricked by fraudulent recruiters. Some took them under pressure from abusive parents. But the rest seem to have taken the jobs for the money.

The notion that the comfort stations were anything else dates from the 1980s. In 1983, a Japanese writer published a memoir in which he claimed to have led a posse of soldiers to Korea and conscripted women at bayonet-point. Soon, several women sued the Japanese government for compensation. The government apologized (the Kono statement), and the U.N. issued two scathing reports.

In fact, the Japanese author had made up the story. By the end of the century, historians and journalists (in both Japan and South Korea) had determined that he had fabricated the entire memoir. In the meantime, however, an apparently corrupt organization (its leader is currently on trial for embezzlement) with close ties to North Korea (the leader's husband served prison time for passing documents to a North Korean agent) took control of the comfort-women movement. Steadily, it inflamed the ethno-nationalism within South Korea and stalled rapprochement with Japan.

All this took place while North Korea steadily developed its nuclear weapons arsenal. Given the close ties between North Korea and the organization running the comfort women movement, that may be the point. Under pressure from the South Korean left, however, the government continues to launch criminal prosecutions against scholars who point out the genesis of the movement in the fabricated memoir. Readers in the Anglophone world need to realize that scholars who contest the fabricated comfort women story in South Korea face potential prison time for doing so.

\* Professor of Social Science, Waseda University, and Mitsubishi Professor of Japanese Legal Studies, Harvard University, respectively. We received helpful comments and suggestions from a wide variety of scholars; we are enormously grateful. We retain copyright over this article.

The convention in the English language press seems to be to give Japanese given names first and family names last. The convention also seems to be to give Korean family names first and given names last. We do not understand the logic for the difference, but generally adhere to these two apparent conventions.

It is hard to discuss the history of wartime Japanese prostitution without alluding to modern politics in Japan and South Korea. It is hard to discuss the history without turning to the partisan polarization within South Korea between the left (intent on shifting the South toward North Korea and China) and the right (determined to maintain its ties to Japan and the U.S.). And it is hard to discuss the history without addressing the uncomfortable reality that South Korean professors who dissent from the left's favored account can find themselves criminally prosecuted.

It is also hard to discuss the history without alluding to the nuclear program in North Korea. Over the course of the last three decades, North Korea has amassed an ever-larger, ever-more-deadly battery of nuclear bombs and missiles. For years it threatened Seoul with its chemical bombs. Now it threatens it with nuclear weapons besides. It threatens Japan

Yet rather than work together to control this existential threat, the two countries nearest to North Korea remain locked in a curious battle over World War II. Curious, because the two countries have settled their claims multiple times. They initially settled them in 1965. The Japanese government paid South Korea reparations totaling \$300 million. The amount came to ten percent of the Japanese national budget at the time, and Japan lent Korea long-term (at very low interest) another \$500 million besides. In exchange, the South Korean government explicitly waived all private and public claims arising from either the war or Japan's earlier occupation.<sup>1</sup>

In 1991, several Korean women sued the Japanese government. The wartime military had, they asserted, forced them into work as "comfort women" -- prostitutes -- during the war. The case reached the Japanese Supreme Court in 2004. Straightforwardly given the 1965 agreement, the court dismissed the suit on the ground that the Korean government had waived the claims.<sup>2</sup>

In the early 1990s, the Japanese government apologized to the comfort women anyway. The Diet passed a resolution ordering the government to make things right, and the government solicited private donations on top of its own budgeted amount for a compensation fund that would eventually top 5 billion yen. To each comfort woman, it proposed to pay a flat 2 million yen (about \$20,000), and up to another 3 million yen toward medical care.<sup>3</sup>

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<sup>1</sup> Zaisan oyobi seikyu ken ni kansuru mondai no kaiketsu narabi ni keizai kyoryoku ni kansuru Nihon koku to Dai kan minkoku to no aida no kyotei [Agreement between Japan and the Republic of Korea Concerning the Economic Cooperation and the Resolution of Problems Involving Property and Claims], Treaty No. 27, 1965, at arts. 1, 2.

<sup>2</sup> [No names given] v. Koku, 1879 Hanrei jiho 58 (Sup. Ct. Nov. 29, 2004). Several other cases were also filed, but these were dismissed by the Supreme Court as well. See Zaisan, *supra* note.

<sup>3</sup> See Digital Museum. N.D. The Comfort Women Issue and the Asian Women's Fund, available at: <http://www.awf.or.jp/e2/foundation.html>.

But the dispute did not end. In 1996, the U.N. Human Rights Commission published a scathing report on the comfort stations.<sup>4</sup> In 1998, it published another. Starting in 2000, comfort women filed several suits (all unsuccessful) against the Japanese government in U.S. courts.<sup>5</sup> And in 2007, the Foreign Affairs Committee of the U.S. House of Representatives issued its own blistering report.<sup>6</sup>

In 2007 the Japanese government issued another apology, and in December 2015 then-Prime Minister Abe issued yet another. As the Foreign Minister Fumio Kishida put it, Abe "expresses anew sincere apologies and remorse from the bottom of his heart to all those who suffered immeasurable pain and incurable physical and psychological wounds as 'comfort women.'" The government added another \$8 million in compensation, and the South Korean government agreed not to make further demands. The deal, they promised each other, was "final and irreversible."<sup>7</sup>

Final it was not to be. Agreement or no agreement, a South-Korean government-appointed panel soon declared the 2015 deal unsatisfactory. In early 2018, the newly elected left-aligned President Moon Jae-in announced the 2015 agreement "defective as it not only goes against the principle of truth and justice, but did not reflect the view of the victims," and killed the deal.<sup>8</sup>

The explanation for the diplomatic quagmire does not lie in any historical dispute. Among scholars actually working in the field, the history itself is straightforward, and close-to-settled in both Japan and South Korea: some of the comfort women were sold by abusive parents, some were tricked by fraudulent recruiters, and the rest were extremely poor women who took the job for the money. The alternative sex-slave accounts so widely repeated by the Korean left and by Western scholars do not date from the pre-war period. Instead, they date to the years after 1983, when a Japanese writer published a book in which he described leading a platoon of soldiers who raped and conscripted Korean women into comfort-women work at bayonet point. Before he died, he admitted to having fabricated the entire story. But by then, the account had taken on a life of its own.

Relentlessly, the deeply rooted North Korean network within the South (conspiratorial as it sounds, there is no other way to describe it) manipulated the dragooned-at-bayonet-point story to generate hostility toward Japan. To the North, that hostility is exactly what it needs. After all, by stalling rapprochement between the South and Japan, it sabotages the South-Korea-Japan-U.S. alliance, and prevents the three countries from coordinating their efforts to block its potentially cataclysmic nuclear program.

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<sup>4</sup> United Nations Commission on Human Rights, Report on the mission to the Democratic People's Republic of Korea, the Republic of Korea and Japan on the issue of military sexual slavery in wartime, E/CN.4/1996/53/Add.1, Jan. 4, 1996 (report by Radhika Coomaraswamy).

<sup>5</sup> See Columbia Law School, Center for Korean Legal Studies, available at: <https://kls.law.columbia.edu/content/lawsuits-brought-against-japan-former-korean-comfort-women>.

<sup>6</sup> See Protecting the Human Rights of Comfort Women, Hearing before Subcom. on Asia, the Pacific, and the Global Environment, of Com. Foreign Affairs, House of Rep. Feb. 15, 2007.

<sup>7</sup> See Choe Sang-Hun, Japan and South Korea Settle Dispute Over Wartime "Comfort Women", N.Y. Times, Dec. 28, 2015.

<sup>8</sup> See Choe Sang-Hun, Deal with Japan on Former Sex Slaves Failed Victims, South Korean Panel Says, N.Y. Times, Dec. 27, 2017; Choe Sang-Hun & Rick Gladstone, How a World War II-Era Reparations Case is Roiling Asia, N.Y. Times, Oct. 30, 2018.

Within South Korea, pressure from the left has also caused the government to launch criminal prosecutions against scholars who contest the dragooned-at-bayonet-point account. To discuss the origins of this favored account in a fake Japanese memoir constitutes -- according to prosecutors -- criminal defamation of the comfort women and the North-Korean-aligned organization that controls them. Scholars in the West need to realize that professors who point out the origins of this dragooning story face potential prison time in South Korea.

We stress three preliminary points. First, we undertake an exclusively -- exclusively -- empirical study. We take absolutely no position on the many, obviously important normative, ethical, and moral questions about prostitution. Like everyone else, we each have our beliefs about these questions, but this article does not concern those beliefs. It concerns -- it only concerns -- what actually happened on the ground.

Second, we discuss only the comfort women from Japan and Korea. Korea was part of Japan, and Koreans were Japanese citizens (however second class). Soldiers tend to treat women from their own country differently from foreign women in the war zone. Other evidence suggests that some women from other countries experienced harsher treatment than those from Japan or Korea. In this article, we focus only on Japanese citizens -- women from either the Japanese islands or the Korean peninsula.

Third, we use -- and urge others to use -- words by the ordinary meaning. Someone who agrees to work for a finite period of time and receives her wages in advance is an indentured servant. Someone who is captured and sold into work for an indefinite period is a slave. Many Europeans paid for their trans-Atlantic fare through indenture contracts. Most Africans came as slaves. The distinction is basic to history, social science, and the English language: an indentured servant is not a slave.

In the article that follows, we begin by discussing the regulatory framework for the sex industry in pre-war Japan and Korea (Sec. I). We then turn to the scope and structure of the comfort station regime (Sec. II). We discuss the origin of the current dispute in a fraudulent Japanese memoir, and its relentless manipulation by a group with close North-Korean ties (Sec. III). We detail the evidence of those ties (Sec. IV), discuss current scholarship (Sec. V), and return to the role that domestic South Korean politics and North Korea have (implicitly) played in this dispute (Sec. VI). In the attached Appendix, we detail the sources from which we obtained the details of the employment contracts involved.

## I. The Regulation of Prostitution in Japan and Korea

### A. Roots in the Domestic Regime:

The Japanese military command created the "comfort station" regime as a way to extend the domestic regulatory framework over prostitution into its occupied territories.<sup>9</sup> During its 1917 Siberian expedition, it had not designated brothels for its troops. Instead, individual soldiers had frequented local establishments as they chose. There, many of them contracted venereal disease. Writer Kako Senda located the medical records for one set of battalions. From August 1918 to October 1920, the units had suffered 1,387 deaths and 2,066 injuries in battle. During the same period, it had suffered 2,012 reported cases of venereal disease, and many more unreported.<sup>10</sup>

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<sup>9</sup> The fact that the comfort station regime represented an overseas extension of the domestic licensing regime is a point made by multiple scholars. See, e.g., C. Sarah Soh, *The Comfort Women: Sexual Violence and Postcolonial Memory in Korea and Japan* 117 (Chicago: University of Chicago Press, 2008).

<sup>10</sup> See Kako Senda, *Jugun ianfu [Military Comfort Women]* 16-17 (Tokyo: Futaba sha, 1973).

Venereal diseases could debilitate the troops. At any given moment, the Japanese command had found a substantial minority of its men bedridden by the diseases and unable to fight. As it expanded its reach over the continent during the course of the 1930s, it wanted badly to avoid a reprise of that Siberian disaster.

Toward that end -- not toward compassion, but toward a deadlier military force -- the military command decided to extend the Japanese domestic licensing regime overseas. The military did not need prostitutes; it needed healthy prostitutes. Prostitutes follow armies everywhere, and they followed the Japanese armies across Asia. What the military needed were prostitutes who would not give their soldiers debilitating disease.

#### B. The Structure of the Domestic Licensing Regime:

Prostitution had been legal in pre-war Japan, but only in licensed form.<sup>11</sup> Under the regulatory regime, brothels and prostitutes registered with the police. They agreed to require their customers to use condoms, and the prostitutes agreed to undergo weekly medical examinations. If found to have contracted venereal disease, they stayed off work until they passed the next examination.

Most women entering the sexual services market would have known that they would suffer a one-time reputational hit for taking the job. They also would have known that recruiters had an incentive to exaggerate the income they would earn. To make credible their promises of high pay, the brothels used a standard indenture contract. They paid the women a stated amount upfront, and capped the number of years they would have to work. Divide the upfront amount by the maximum term, and the formula obviously gave the prostitutes a minimum annual wage.

Yet the brothels also knew that the women would be doing unpleasant work in an environment they would find nearly impossible to monitor. To induce the women to exert effort, they applied a fraction of the revenue a woman raised against her outstanding advance. Generate enough revenue, and she could quit before the end of her maximum term.

By many accounts, some of the women took these jobs under pressure from abusive parents or were tricked by fraudulent private recruiters. And by the same accounts, most of the other women independently took the jobs for the money. The job paid well, and these tended not to be women with many attractive alternatives. Readers would do well not to discount the incidence of child abuse, but neither should they deny impoverished young women their agency.

In 1924, some 50,100 women worked as licensed prostitutes in Japan. Another 77,100 worked as licensed geisha (who sometimes sold sexual services), and an (estimated) 50,000 women worked as unlicensed prostitutes.<sup>12</sup> Would-be prostitutes generally preferred to work at the licensed brothels than in the unlicensed sector: from 1920 to 1927, barely 62 percent of the women applying for jobs in Tokyo as licensed prostitutes found work.<sup>13</sup>

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<sup>11</sup> This introduction follows J. Mark Ramseyer, *Indentured Prostitution in Imperial Japan: Credible Commitments in the Commercial Sex Industry*, 7 *J. Law, Econ. & Org.* 89 (1991).

<sup>12</sup> See Takao Fukumi, *Teito ni okeru bai'in no kenkyu* [A Study of Prostitution in the Capital] 26-28, 32, 50-56, 178 (Tokyo: Hakubunkan, 1928).

<sup>13</sup> See Chuo shokugyo shokai jimukyoku, *Geishogi shakufu shokaigyo ni kansuru chosa* [An Investigation into the Placement Industry for Geisha, Prostitutes, and Bar Maids] (1926), reprinted in Ken'ichi Taniguchi, ed., *Kindai minshu no kiroku* [A Report of the Modern Populace] 381-82 (Shin jinbutsu orai sha); Yasoo Kusama, *Jokyu to baishofu* [Waitresses and Prostitutes] 27-30, 36 (Tokyo: Hanjin sha, 1930).

This general preference among prostitutes for the licensed sector reflected at least two factors. First, licensed prostitutes earned higher pay. After all, they worked for an employer who could cultivate a reputation for how it treated its customers and its workers. That employer could then use the resulting higher revenue to hire the women that customers most desired. And second, licensed prostitutes faced a lower incidence of disease. Consider each factor in turn.

Licensed prostitutes in Tokyo generally earned high wages. During the 1920s, licensed prostitutes in Tokyo usually negotiated advance payments in the 1000 to 1200 yen range.<sup>14</sup> They generally agreed to a maximum term of six years.<sup>15</sup> In fact, they typically repaid their advance early and quit. During 1922, 18,800 women registered as new prostitutes, and 18,300 deregistered each year. Out of a population of about 50,000 prostitutes, about one-third deregistered each.<sup>16</sup> Roughly consistent with a three- or four-year work period, after age 21 (the minimum age was 18) the number of licensed prostitutes in Tokyo falls steadily: 737 age 21, 515 age 24, 254 age 27.<sup>17</sup>

Earning 1200 yen for 3 years' work was high income in the 1920s. Given that prostitutes apparently received revenue-based cash in addition, the actual income was higher still. With obvious caveats about precision and reliability, consider a variety of reports: According to police and labor data, Tokyo licensed prostitutes earned incomes during the late 1920s and early 1930s of between 1.5 and 2.1 times the earnings of female factory workers. In 1926, for example, female factory workers earned 312 yen per year (often without room and board); prostitutes earned 641 yen (usually with room and board besides).<sup>18</sup>

Subject to similar caveats about precision and reliability, licensed prostitutes also faced lower risk of disease. In 1932, 3.2 percent of the licensed prostitutes in Tokyo had venereal or other infectious disease. Among the unlicensed prostitutes, the rate was 9.7 percent.<sup>19</sup> Other studies report a 1-3 percent infection rate among licensed prostitutes, but over 10 percent among the unlicensed.<sup>20</sup>

The Japanese government implemented a similar licensing regime in Korea, but with a lower minimum age. In Japan, prostitutes were required to be at least 18 years old. In Korea, the minimum was 17. The other requirements were largely the same.

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<sup>14</sup> See Fukumi 1928, *supra* note, at 70.

<sup>15</sup> See Chuo shokugyo 1926, *supra* note, at 414-15; Kusama 1930, *supra* note, at 211.

<sup>16</sup> See Shun'ichi Yamamoto, *Nihon kosho shi* [A History of Licensed Prostitution in Japan] 388 (Tokyo: Chuo hoki shuppan, 1983). Hidekichi Ito, *Kotoka no kanojo no seikatsu* [The Lives of Womn under the Right Lamps] 211-13 (Tokyo: Jitsugyo no Nihon sha, 1931) (reprinted, Tokyo: Funi shuppan, 1982) finds that 13,500 registered in one year and 11,000 deregistered. Note that Ito is less reliable because of the way he haphazardly combines data from several years. Note that Ramseyer 1996, *supra* note, at 124 n.45, explicitly notes that data from Osaka indicated that "one-third of the new registrations were not genuinely new recruits but rather, inter alia, prostitutes moving from one city to another or reenlisted with a new indenture contract." Accordingly, Ramseyer 1996, *supra* note, at 124 n. 45, continues, if one "assumes that one-third of Yamamoto's 18,800 registrants were not genuinely new registrants, then the annual industry turnover rate would be about one-fourth." Note, further, that "only about 1 percent of the licensed prostitutes quit their jobs with outstanding debt ...."

<sup>17</sup> J. Mark Ramseyer, *Odd Markets in Japanese History: Law and Economic Growth* 125 tab. 6.3 (Cambridge, U.K.: Cambridge University Press, 1996).

<sup>18</sup> See Ramseyer Odd, *supra* note, at 115 tab. 6.2.

<sup>19</sup> See Ramseyer, Odd, *supra* note, at 116 n.17.

<sup>20</sup> See Keishi cho sokan kanbo bunsho ka, *Showa nananen keishi cho tokei ichi ippan* [An Outline of Police Agency Statistics for 1932] 143-44 (*Sokan kanbo bunsho ka*, 1933); Kusama 1930, *supra* note, at 288, 291; Fukumi 1928, *supra* note, at 93, 168-69; Chuo 1926, *supra* note, at 433-35.

Like their Japanese compatriots, licensed Korean brothels and prostitutes used indentured servitude contracts. As in Japan, prostitutes generally worked about three years. Economist Rhee Younghoon observes that 7,527 women worked as prostitutes in Korea at the end of 1923. Over the course of 1924, 3,494 women newly registered as licensed prostitutes and 3,388 deregistered. Each year, in other words, about half to one-third of the prostitutes seem to have quit. Rhee estimates that the average prostitute worked 2-1/2 years.<sup>21</sup>

More detailed prefectural records from Korea confirm the general phenomenon.<sup>22</sup> Consider Table 1: the statistics for two provinces in Korea in 1924. Most commonly, licensed prostitutes were in their early 20s. Relatively few continued working into their late 20s. Consistent with most prostitutes being in their early 20s, most worked for only a few years. In Gyeonggi, prostitutes seem to have worked four or five years, and then quit. In Gyeongsang, they worked two or three years and quit.

[Insert Table 1 about here.]

## II. The Comfort Stations

### A. Introduction:

Starting in 1932, the Japanese military began encouraging entrepreneurs to build licensed brothels near its overseas bases. It would come to call them "comfort stations." It would call the prostitutes "comfort women."

For several decades already, Japanese and Korean women had travelled abroad to work as unlicensed prostitutes. Economist Lee Dong-Jin writes that in Manchukuo in 1940, 19,059 Chinese women worked as prostitutes ("shakufu," the standard euphemism for prostitute), 2,264 Japanese worked as prostitutes, and 3,586 Koreans worked in the role.<sup>23</sup> Historian Ikuhiko Hata observes that in 1930 712 Japanese women worked as prostitutes in Shanghai; 1,173 Korean women worked there as prostitutes.<sup>24</sup>

By the 1930s, in other words, Japanese and Korean women were already travelling abroad to work as prostitutes. Through the new comfort station program, the military command hoped to identify a corps of disease-free prostitutes -- women who would agree to follow health standards to keep the risk of venereal disease in check. Toward that end -- and not because of any shortage of prostitutes -- it established the comfort station regime.<sup>25</sup>

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<sup>21</sup> See Rhee Younghoon, ed., *Hannichi shuzoku shugi* [Anti-Japanese Tribalism] 284 (Tokyo: Bungei shunju, 2019).

<sup>22</sup> See Saiichiro Doke, *Baishunfu ronko* [A Study of Prostitutes] (Shishi shuppan, 1928), reproduced in Yuko Suzuki, et al., *Nihon gun "ianfu" kankei shiryō shusei* [Collection of Materials Related to the "Comfort Women" of the Japanese Military] (Tokyo: Akashi shoten, 2006), vol. 1, pp. 786-820.

<sup>23</sup> See Lee Dong-Jin, *Minzoku, chiiki, sekushuaritii: Manshukoku no chosenjin "seibaibai jujisha" wo chushin to shite* [Nationalism, Localism and Sexuality: The Case of Korean "Prostitutes" in Manchukuo], 22 *Quadrante*, 39, 47 tab. 5 (2020). Given the widespread use of "shakufu" to refer to prostitution, this would not have been misleading.

<sup>24</sup> See Ikuhiko Hata, *Ianfu to senjo no sei* [Comfort Women and Sex on the Battlefield] 51 (Tokyo: Shincho sensho, 1999)

<sup>25</sup> One persistent legend is that the Japanese military killed 3/4 of the comfort women. The origin of this rumor lies in conservative politician Seijuro Arafune. In 1965, Arafune had told supporters that the Japanese military had killed 3/4 of the comfort women. That year, in order to normalize relations, the Japanese government had paid the South Korean government \$300 million and lent another \$500 million besides. Arafune now needed to justify this enormous transfer to the public. To explain his support for the compensation, he declared that the Japanese military



## B. Health Standards:

The military command knew its men would patronize prostitutes, and wanted them to have access to women who agreed to follow health practices that would keep the risk of venereal disease in check. As at domestic licensed brothels, the Japanese military required customers at the comfort stations to use condoms. It prohibited women from having sex with a man who refused. It required both a prostitute and her customer to wash with disinfectant after each sexual encounter. It required prostitutes to submit to weekly health inspections. If a woman contracted venereal diseases, it banned her from taking customers until a physician certified her health. The military barred soldiers from patronizing any brothels other than the licensed comfort stations. And in many cases it barred the stations from accepting any non-military customers.<sup>26</sup>

By most accounts, the comfort stations enforced these rules strictly. Probably, they enforced them more strictly than the Tokyo brothels. In Tokyo, the licensed brothels operated in a competitive market, and the police did not station officers at the brothels to monitor compliance with the health regulations. A licensed Tokyo prostitute in 1924 saw an average of 2.5 customers per day, but by 1931 only 1.8.<sup>27</sup> Both she and the brothel had incentives to attract more customers. Should a customer complain about the condom requirement, one can imagine a prostitute and brothel not objecting.

By contrast, the comfort stations operated in a much more strictly monitored environment. The military command was there in the station -- physically present, both as customers and as military police. That command wanted the health standards enforced, not out of charity but to maintain fighting capacity. The comfort stations typically had few (if any) licensed competitors. Operating at close to full capacity already (with regulatorily set prices -- see below), they had little reason to try to attract more customers. Largely, the regulatory strategy may have worked. At least one Allied report from late 1945 reported that "the venereal rate among Japanese troops in South West PACIFIC is exceedingly low."<sup>28</sup>

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had killed 3/4 of the Korean comfort women at the end of the war. In fact, Arafune had invented the story out of whole cloth. He was famous for making up stories as he pleased, and he seems to have made up this one as well. No one has ever found any evidence that the military massacred comfort women. See generally Josei no tame no Ajia heiwa kokumin kikin, "Ianfu" mondai to Ajia josei shikin [The "Comfort Women" Issue and the Asian Women's Fund], at 10-12 (2004). Available at <https://www.awf.or.jp/pdf/0169.pdf>.

<sup>26</sup> Gunsei kanbu bisaya shibu [Philippines], Ianjo kitei sofu no ken [Regarding Transmittal of Comfort Station Regulations], Nov. 22, 1942, reprinted in Josei no tameno Ajia heiwa kokumin kikin, ed., Seifu chosa: "Jugun ianfu" kankei shiryō shusei [Government Investigation: Documents Relating to the "Military Comfort Women"] (Tokyo: Ryukei shosha, 1997), vol. 3, at 187; Shina haken gun, Showa 17 nen 9 gatsu fukukankai doseki jo iken [Opinions Expressed at the July 1942 Vice Officers Meeting], Oct. 3, 1942, reprinted in Josei 1997, supra, at vol. 3, at 7; Minami Shina hakengun, Eisei shun ho [Sanitation Dispatch], Aug. 1939, reprinted in Josei, supra, at vol. 2, at 79; Morikawa butaicho, Morikawa butai tokushu iangyomu ni kansuru kitei [Morikawa Detachment Rules Regarding Special Comfort Industry], Nov. 14, 1939, reprinted at Josei, supra, at vol. 2, at 327; Mandalay command, Ianjo kitei [Comfort Station Rules], May 26, 1943, reprinted at Josei, supra, at vol. 4, at 281; U.S. Interrogation Report, No name, No number, 1943, reprinted in Josei, supra, at vol. 5, at 113; Hito gun seikanbu, Ianjo kitei sofu no ken [Case Regarding the Transmission of Comfort Station Rules], Nov. 22, 1942, reprinted in Yuko Suzuki, et al., eds., Nihongun "ianfu" kankei shiryō shusei [Collection of Materials Relating to the Japanese Military "Comfort Women"] (Tokyo: Akashi shoten, 2006), vol. 1, at 383.

<sup>27</sup> Keisho cho 1933, supra note, at 93-98.

<sup>28</sup> SCAP, Amenities in the Japanese Armed Forces, Nov. 15, 1945, in Josei, supra note, at vol. 5, at 139.

### C. The Economics:

The economic logic to comfort station work tracked the logic to Tokyo prostitution work - but in more extreme form. Given that they would be working near the war zone, the prostitutes faced physical danger. Given that they were moving to a foreign country, they would find themselves more vulnerable to brothel opportunism.

Predictably, the comfort women obtained shorter maximum terms and (probably) higher annual wages. About the Tokyo prostitutes, we have aggregate data collected by the metropolitan police. About the comfort stations, we have only haphazard observations (we detail them in the Appendix). During the 1930s and early 1940s, the comfort women seem to have received upfront payments in the range of 500 to 1000 yen. By 1943-1945, the payments had risen -- but the economic turmoil within Japan and Korea make the amounts hard to gauge. The women seem usually to have contracted for maximum terms of two years.<sup>29</sup>

In Table 2, we include a form contract reproduced in a 1938 government memorandum. The memorandum comes from Ibaraki prefecture governor's office and discusses the recruitment efforts of a Kobe brothel owner. The memorandum includes the contract solely for informational purposes, and neither praises nor criticizes its terms. Note the following: (a) the contract is for a maximum two-year term; (b) the advance payment would range between 500-1000 yen; (c) the recruits would serve at a Shanghai army comfort station; and (d) the recruits would be between 16 and 30 years old.

[Insert Table 2 about here.]

Several observations: First, this contract does not detail the accounting by which a woman would pay down her advance -- typically comfort stations applied 40-60 percent of a woman's earnings toward the advance.<sup>30</sup> Second, the contract specifies that the brothel would pay for food and clothing, and for the woman's return trip. Third, although the contract stated that comfort women might be as young as 16, most comfort women in practice seem (it is hard to know for certain) to have been in their 20s.<sup>31</sup>

Note that this contract specifically provided that a woman could quit even before she had either completed her two-year term or repaid her advance. Should she choose to do so, the contract provided that she would owe the brothel the unpaid portion of the advance and a specified penalty. This is an unusual provision.

In Table 3, we give the prices for assignations in several locations during the last year of the war. Privates generally paid 1.5 to 2 yen for 30 minutes, while officers often paid for 60-

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<sup>29</sup> The earlier figures for prostitute incomes in the domestic Tokyo market were from the 1920s. General price levels are stable until the late 1930s but then explode in the 1940s. The wholesale price index was 1.296 in 1921, 1.157 in 1926, 0.748 in 1931, and 1.036 in 1936. It hits 1.466 in 1939, 1.758 in 1941, and 2.046 in 1943. See Yoshio Ando, *Kindai Nihon keizai shi yoran* [Overview of Early Modern Japanese Economic History], 2d ed. 2-3 (Tokyo: University of Tokyo Press, 1987). Over the course of these decades, the shadow wages for would-be prostitutes fell. These were women who would otherwise have worked in factories or on the farms. Factory wages for women were lower in the 1930s than they had been in the 1920s. A standard reference volume in economic history (Ando 1987, *supra* note, at 12) gives the daily female wage in manufacturing (in sen = 1/100 yen) as: 1920 - 96, 1925 - 103, 1930 - 92, 1935 - 67, 1939 - 82 (the table ends with 1939). Female wages in agriculture fluctuated more broadly (Ando 1987, *supra* note, at 12): 1920 - 94, 1925 - 131, 1930 - 86, 1935 - 70, 1939 - 131.

<sup>30</sup> For an elaborate description of the accounting in English, see SCAP Research Report 1945, *supra* note, at 151-53.

<sup>31</sup> E.g., Naimusho, *Shina toko fujo* [Women Passage to China], Feb. 18, 1938, in Suzuki, *supra* note, at vol. 1, at 130; SCAP Research Report 1945, *supra* note, at Josei *supra* note, at vol. 5, at 151.

minute visits or even overnight stays. Given that a private second class earned 7.5 yen per month in 1943, for most soldiers this would have constituted a significant portion of their pay -- consistent with the general sense that soldiers typically hoped to visit a comfort station once a month. During the same period, a sergeant made 23-30 yen per month, and a lieutenant general made 5,800 yen per year.<sup>32</sup>

[Insert Table 3 about here.]

An upfront payment of 500 to 1000 yen for a maximum two-year term is high. It is high even compared to the already high incomes (for uneducated lower-class women) that prostitutes earned in the domestic Tokyo market (typically, 1200 yen for a maximum six years). Economic historian Rhee Young-hoon makes exactly this point. "Compared to licensed domestic prostitution, the military comfort system was 'hard work, high income, and high risk,'" he writes.<sup>33</sup> The comfort women saw more men per day, and faced all the risks of working on the front lines, but "from the perspective of the comfort women, the comfort station was a market where demand was guaranteed and income was high."<sup>34</sup>

Economist Lee Wooyoun writes:<sup>35</sup>

Comfort women" were engaged in a "high-risk, high-return" occupation. Some occasionally earned enormous sums, and a great many returned to Korea or re-entered the workforce after their contracted term of employment ended. Restrictions on daily freedoms applied equally to military personnel, civilian employees, nurses, and anyone else in the battlefield environment. In conclusion, comfort women were not sex slaves, but sex workers who were fundamentally no different from today's sex industry workers.

#### D. Quitting:

As in the domestic Japanese and Korean markets, comfort-station prostitutes often seem to have generated enough revenue to pay off their debt early and quit before the end of their maximum terms. Again, the absence of comprehensive statistics makes these observations hard to gauge. As the material in the Appendix shows, however, the women typically seem to have worked only 1 or 2 years. As economist Lee Wooyoun put it, "there would have been far more comfort women who returned home before the end of the war" than who were still working at the comfort stations in August of 1945.<sup>36</sup>

Seikichi Yamada worked for the Japanese military monitoring the comfort stations in Wuhan. He reports that the 280 comfort women in the area (130 Japanese, 150 Korean) in 1943-

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<sup>32</sup> See, Ikuhito Hata, *Ianfu to senjo no sei* [Comfort Women and Sex on the Battlefield] 394 (Tokyo: Shincho sensho, 1999), at 394 (additional premia for combat pay possible).

<sup>33</sup> See Rhee Younghoon, ed., *Hannichi shuzoku shugi* [Anti-Japanese Tribalism] (Tokyo: Bungei shunju, 2019), at 261.

<sup>34</sup> See Rhee 2019, *supra* note, at 262.

<sup>35</sup> See Lee, Wooyoun, *Anti-Japan Tribalism on the Comfort Women Issue*, *The Diplomat*, Nov. 14, 2021. Available at alternative site: <https://archive.ph/20211115071637/https://thediplomat.com/2021/11/anti-japan-tribalism-on-the-comfort-women-issue/#selection-1231.547-1231.1052>. This is the article that historians David Ambaras, Amy Stanley, and Sayaka Chatani intimidated the journal (the *Diplomat*) into censoring in November 2021. For a description of the incident, see J. Mark Ramseyer, *Contracting for Sex in the Pacific War: A Response to My Critics*, Harvard Olin Center DP 1075, SSRN WP 4000145, Jan. 20, 2022.

<sup>36</sup> Wooyoun Lee, *Ramseyer's Paper, Criticism Against It, and Counter-Criticism for It*, Naksundae Institute of Economic Research, Working Paper 2022-02, Jan. 2022, at 8.

44 tended to pay off their debt after about 1-1/2 years.<sup>37</sup> Economic historian Rhee Young-hoon puts the point this way:<sup>38</sup>

The comfort station ... was an extremely fluid place. It was a place that many comfort women left -- they left when they had completed the contractual term, or when they had earned the money they hoped to make, or when they had paid off their advance.

#### E. Numbers:

Given that the comfort stations were small, mostly privately owned and operated businesses, no one has located records giving the total number of comfort women. North Korea insists on 200,000 from Korea.<sup>39</sup> Just because North Korea insists on the number need not make it untrue, of course. But one can probably consider it the most aggressive upper bound possible. Most scholars instead start with the number of Japanese military personnel abroad. They posit a soldier-to-prostitute ratio. They posit a prostitute length-of-service term, and from it estimate a turnover ratio to cover replacements.

Take the most prominent scholars in the field. Ikuhiko Hata experiments with a variety of calculations. If we greatly simplify the calculations, we can begin with 3 million overseas soldiers.<sup>40</sup> Most men apparently hoped to be able to visit a comfort station once a month, and estimates that the comfort women averaged 5 customers per day. Obviously, this yields a soldier-to-prostitute ratio of 150:1, and that in turn points to 20,000 comfort women total. Hata also suggests, however, that only about 2.5 million soldiers were within range of a comfort station -- a number that implies a 17,000 comfort women total at any one time. He estimates a replacement ratio of 1.5 for some areas, but writes that replacements did not necessarily arrive. From this, arrive at an aggregate wartime figure of about 20,000. From other material, he concludes that the comfort women were 40 percent Japanese, 30 percent local, 20 percent Koreans, and 10 percent of other nationality.<sup>41</sup>

Yoshiaki Yoshimi observes that the Japanese military had 2.32 million soldiers overseas in 1942, and 3.51 million in August of 1945.<sup>42</sup> He then follows Hata in working from a 3 million figure. Yoshimi suggests a soldier-to-prostitute ratio of between 100:1 and 30:1. The figures imply a total comfort women range (at any one time) of between 30,000 and 100,000. Yoshimi suggests that the replacement ratio fell between 1.5 and 2.0 -- yielding an aggregate wartime total between 45,000 and North Korea's 200,000. Yoshimi argues that when the army was on the move the comfort stations would have hired local women for short terms. If true, this would imply a relatively high aggregate number. By contrast, if armies on the move did not bother with comfort stations, the aggregate number would remain low.

Consistent with Hata, economist Rhee Younghoon reports that the Japanese military command used a 150:1 soldier-to-prostitute ratio when they planned the system in 1937.<sup>43</sup> On a population of 2.8 million Japanese soldiers (his number), this would require 18,000 comfort

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<sup>37</sup> See Seikichi Yamada, *Bukan heitan* [Wuhan Logistics] 77, 84 (Tokyo: Tosho shuppan, 1978).

<sup>38</sup> See Rhee 2019, *supra* note, at 320.

<sup>39</sup> See U.N. Report 1996, *supra* note, at para. 69.

<sup>40</sup> See Hata 1999, *supra* note, at 402-06.

<sup>41</sup> See Hata 1999, *supra* note, at 410.

<sup>42</sup> See Yoshiaki Yoshimi, *Jugun ianfu* [Military Comfort Women] 78-80 (Tokyo: Iwanami shoten, 1995).

<sup>43</sup> See Rhee 2019, *supra* note, at 268-69.

women at any one time. Rhee further observes (as does Hata) that in 1942 the Japanese military supplied 32.1 million condoms. Figure five customers per prostitute per day, and the figures imply a total population at any one time of about 18,000 comfort women. Rhee suggests a replacement ratio of 2.0. He follows Hata in writing that the comfort women were 40 percent Japanese, 30 percent local, 20 percent Korean, and 10 percent from other areas.

#### F. Recruitment Regulation:

In structuring the comfort-station regime, the Japanese military command understood the political risk it entailed. It was drafting its young men into war (from Japan; Korean men were not subject to conscription), and many were not returning. Now, it was about to invite brothel owners to hire young women to work in the war zone as well.

The government also understood that Korea (less so Japan) faced a long-standing problem of fraud in the recruiting industry. Recruiters arrived at isolated farming villages. They promised attractive factory jobs in the cities. And then they assigned the men and women to far worse jobs, and the women sometimes to the urban brothels.<sup>44</sup>

To limit the bad press, the Japanese government encouraged recruiters for the comfort stations to focus on women already working as prostitutes. And to monitor that recruiting, they required exit interviews of all women going abroad to work in the comfort stations.<sup>45</sup> To obtain their exit permits, it required the women to come to the police stations in person. It required them to show parental consent. It required them to bring their contracts. And it instructed the officer conducting the interview to insure that each woman was voluntarily choosing this course of conduct.<sup>46</sup>

Importantly, the Japanese government enforced these exit interviews in Korea as well as in Japan. The surviving documents detailing these requirements on their face applied only to the Japanese islands. For reasons explained in detail by Arima elsewhere and confirmed by Lee Wooyoun, however, they also applied to the Korean peninsula.<sup>47</sup>

The exit interviews obviously did not stop all fraud. A recruiter could hire an imposter to stand in for the interview. If a woman had been tricked and -- upon discovering at the interview what she had contracted to do -- wanted to quit, she would need to return the money. If (as was

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<sup>44</sup> See generally, Song Youn'ok, *Nihon no shokuminchi shihai to kokkaitteki kanri baishun* [Japan's Colonial Control and the National Management of Prostitution], 32 *Chosenshi kenkyukai ronbun shu* 37, 51 (1994); Yoshie Yamashita, *Chosen ni okeru kosho seido no jisshi to so no tenkai* [The Realization and Development of the Licensed Prostitution System in Korea] (2006), in Suzuki, *supra* note, at vol. 2, at 675; Keijo [Seoul] *nippo*, June 12, 1918 (evening ed.), quoted in Takeshi Fujinaga, *Shokuminchi Chosen ni okeru kosho seido no kakuritsu katei* [The Establishment Process for the Licensed Prostitution System in Colonial Korea], *Nijusseiki kenkyu*, Dec. 2004; Kako Senda, *Jugun ianfu* [Military Comfort Women] (Futaba sha, 1973), at 89; *Toa nippo*, Nov. 5, 1937, *Shojo yuin dan kyukei* [Gang to Entrap Young Women Sentenced], in Suzuki, *supra* note, at vol. 1, at 829; *Toa nippo*, Mar. 7, 1939, *Shinpan momoiro hakuku kyo.* in Suzuki, *supra* note, at vol. 1, at 829..

<sup>45</sup> See generally Tetsuo Arima, "Ianfu" ha mina goi keiyakuwo shiteita [The "Comfort Women" Had All Agreed to Contracts] ch. 11 (Tokyo: WAC, 2021).

<sup>46</sup> See Arima 2021, *supra* note, at 180; *Naimu sho* 1938, *supra* note, at vol. 1, at 124.

<sup>47</sup> See Arima 2021, *supra* note, at ch. 11; Wooyoun Lee, *Ramseyer's Paper, Criticism Against It, and Counter-Criticism for It*, Naksundae Institute of Economic Research, Working Paper 2022-02, Jan. 2022., at 14; Tetsuo Arima, *Read the Endnotes! Comfort Women Paper was Based on Wealth of Historical Facts*, *Japan Forward*, July 2, 2022; Tetsuo Arima, *What Happened to Comfort Women Recruitments: Facts, Not Conjectures*, *Japan Forward*, July 3, 2022.

probably sometimes the case) her parents now held the money, she would need to convince them to return it. These requirements do not show that the Japanese government stopped all fraud. They do indicate that it put in place measures apparently designed to limit the extent of any fraud.

### III. The Genesis of the Sex-Slave Account

#### A. Introduction:

The contemporary comfort-women dispute concerns the perception, ubiquitous in the West, that Japanese soldiers captured women at gun-point and forced them to work as sex slaves. Largely unknown in the West is the fact that this account began with a 1983 Japanese book eventually shown to be a fraud. It was only after the author published the book but before he admitted to the fraud that several Korean women sued the Japanese government for conscripting them at bayonet-point. It was during this interval (in 1993) that the Japanese government issued its famous "Kono declaration." And it was during this interval (in 1996) that the U.N. issued its scathing attack on Japan.

Within Japan, this is common knowledge. Among scholars in the field, it is common knowledge in South Korea as well. In the U.S., the New York Times carried articles about the fraud and its unraveling.<sup>48</sup> Yet presented with the way she had relied on the fraud for her 1996 report, the author of the U.N. Report refused to retract it.<sup>49</sup> And perhaps most troubling of all, Western scholars of the comfort women consistently fail to acknowledge the origin of the sex-slave narrative in fraud.

#### B. The Yoshida Debacle:

1. The memoir. -- The claim that the Japanese army coerced Korean women into comfort station work dates from the early 1980s. One Seiji Yoshida had run for local office on a communist ticket in the early post-war years.<sup>50</sup> In 1982, he began talking about "comfort women hunts" he had led. He gave lectures, and soon incorporated the stories into what he styled a memoir.<sup>51</sup>

"My War Crimes," Yoshida called his book.<sup>52</sup> He had worked from 1942 in a labor office in Yamaguchi, he said. There, he had supervised the work of mobilizing Korean workers. In May of 1943, his office received an order to recruit 2000 Korean workers. More pointedly, it received an order to acquire 200 Koreans to work as "comfort women."

With nine soldiers, Yoshida wrote, he went to the Korean island of Jeju. There, he led "comfort women hunts." In a typical account, he recalled finding a compound where 20-30 women worked.<sup>53</sup> He and his team went in with guns. When the women started screaming, nearby Korean men came running. He and his team grabbed the women by their arms, and dragged them off. The mob soon grew to over 100, but Yoshida's soldiers drew their bayonets and held them at bay. They

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<sup>48</sup> E.g., Martin Fackler, *Rewriting the War, Japanese Right Attacks a Newspaper*. N.Y. Times, Dec. 2, 2014; Mindy Kotler, *The Comfort Women and Japan's War on Truth*, N.Y. Times, Nov. 14, 2014.

<sup>49</sup> See Martin Fackler, *Japan, Seeking Revision of Report on Wartime Brothels, Is Rebuffed*, N.Y. Times, Oct. 16, 2014.

<sup>50</sup> Even the question of whether this is his real name is not clear. See Ikuhiko Hata, *Comfort Women and Sex in the Battle Zone 190* (Lanham, MD: Hamilton Books, 2018) (Jason Michael Morgan, transl.).

<sup>51</sup> Asahi shimbun citation.

<sup>52</sup> See Seiji Yoshida, *Watashi no senso hanzai [My War Crimes]* (Tokyo: San'ichi shobo, 1983).

<sup>53</sup> See Yoshida 1983, *supra* note, at 108.

loaded the women into the truck, drove 5 or 6 km, and then stopped for a half hour to rape them. The military transported the women to the harbor and loaded them onto its ships -- hands tied, and each woman bound to the next.

2. The Asahi newspaper. -- The Asahi Shimbun newspaper, as close to a "newspaper of record" as any paper in Japan, gave Yoshida's story flamboyant coverage.<sup>54</sup> With its articles, it catapulted Yoshida's story into the heart of the modern comfort women dispute. Yoshida is the man who started the story about Japanese soldiers capturing teenage Korean girls and turning them into "sex slaves." The Asahi newspaper is the institution that made him a celebrity.

In the years after 1982, the Asahi covered Yoshida's sensational accounts in over a dozen articles. To make matters worse, its lead reporter on the topic, Takashi Uemura, was son-in-law to a major South Korean activist then suing Japan over war-related claims (an obvious conflict-of-interest he did not disclose).<sup>55</sup> In August of 1991 (the year that Korean comfort women would first sue the Japanese government), Uemura announced that he had located a woman in Seoul who had been forced into comfort-woman work.<sup>56</sup> In fact, the woman seems to have been saying that she had trained as a kisaeng (the Korean equivalent of geisha) and that her manager had sold her to a comfort station.<sup>57</sup> In 1992, the Asahi declared that historian Yoshiaki Yoshimi had found proof of the government's involvement. In fact, he had found evidence only of the government's worries about deceptive recruiters.<sup>58</sup>

Readers in both South Korea and Japan soon began to question Yoshida's story. The Asahi itself tried to confirm his claims, but found itself unable to do so. In 1997, it announced that it could not verify his accounts.<sup>59</sup> In 2014, it finally pronounced them "false" and retracted the entire portfolio.<sup>60</sup> "From April to May of this year," explained the Asahi, "we interviewed approximately 40 residents of Jeju Island in their mid-70s to 90's. We were not able to obtain any testimony corroborating the forced recruitment claims of Mr. Yoshida." Accordingly, it continued, "we have

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<sup>54</sup> See Yoshida shogen" yoyaku torikeshi ... [At Last, the "Yoshida Testimony" Withdrawn ...], Yomiuri shimbun, Aug. 6, 2014; Ikuhiko Hata, 19991, supra note, at ch. 7.

<sup>55</sup> See Tsutomu Nishioka, Ianfu mondai no haikai ni ... [In the Background of the Comfort Women Problem ...], Kin'yu fakushimirii shinbun, Nov. 17, 2014. Uemura's supervisor at the Asahi was Yayoi Matsui, daughter of a mainline Protestant minister and board member to a JCP-affiliated anti-nuclear group.

<sup>56</sup> Uemura announced that the woman had been drafted as part of the "teishintai." "Teishintai" was the term applied to the wide-spread program drafting all Japanese (whether on the mainland or in Korea) into factory work as part of a last-ditch attempt to manufacture the necessary war equipment. Under the program the government drafted even children for the work. Crucially, "teishintai" did not apply to comfort station work. Nevertheless, Uemura's misuse of the term for prostitution created massive confusion within Korea, and contributed to the popular impression that young girls had worked as comfort women. See generally Nobuo Ikeda, *Asahi shimbun: Seiki no Daigoho* [The Asahi Newspaper: Fake News of the Century] 48-52 (Tokyo: K.K. Aspekuto, 2014).

<sup>57</sup> See Sec. xx, infra.

<sup>58</sup> Ianjo he no gun kanyo shimesu shiryō [Documents Showing Military Involvement in the Comfort Stations], *Asahi shimbun*, Jan. 11, 1992. Yoshimi's document is Rikugun sho, Gun ianjo jugyofu to boshu ni kansuru ken [Regarding the Solicitation of Employees, etc., for the Military Comfort Stations], Rikugun sho, Mar. 4, 1938, in Suzuki 2006, supra note, vol. 1, at 103.

<sup>59</sup> See Hata 1999, supra note, at 238.

<sup>60</sup> See Jiyu wa ubawareta kyoseisei atta [There was Coercion in the Sense that They Lost Their Freedom]..., *Asahi shimbun*, Aug. 5, 2014; "Saishuto de renko" shogen ["Forced to Accompany in Jeju" Testimony], *Asahi shimbun*, Aug. 5, 2014; "Asahi shimbun moto kisha [Former Reporter for Asahi Shimbun]," *Zakzak*, Aug. 5, 2014.

concluded that Mr. Yoshida's claims that he forcibly recruited comfort women from Jeju Island are fraudulent. We retract the articles."<sup>61</sup>

3. The collapse. -- In fact, Yoshida had invented the entire story. He had written an immensely readable memoir, complete with long dialogues. Prominent historians questioned it from the start. Ikuhiko Hata was among the first to doubt the account, and travelled to Jeju to investigate.<sup>62</sup> He found the village where Yoshida claimed to have conducted one of the larger hunts, but no one remembered anything about a raid. This is a small place, one old resident had said. If the Japanese military had abducted women to serve as prostitutes, no one would forget it.<sup>63</sup>

Other historians and reporters -- both Japanese and Korean -- followed. The local Jeju newspaper had already declared Yoshida's account a fraud in 1989.<sup>64</sup> Yoshida initially insisted that the events had occurred. Yet after a while, he started avoiding reporters and scholars, and eventually admitted to having fabricated the book. By the mid-1990s, Japanese scholars had come to dismiss Yoshida's account as fiction. Even activist historian Yoshiaki Yoshimi -- so idolized by U.S. historians -- had already decided in 1993: "We therefore had no choice but to confirm it would be impossible to use Yoshida's memoirs as testimonial."<sup>65</sup>

4. The Kono declaration. -- It was in the midst of this fraud that the Japanese government issued its "Kono declaration" (named after Chief Cabinet Secretary Yohei Kono). It was after Yoshida had published his "memoir," but before the Asahi announced its inability to verify it. Given the turmoil, the Japanese government did its own research, but according to Hata could not find any evidence that its military had coerced Korean women into the work.<sup>66</sup>

Yet the South Korean government insisted that the Japanese military had indeed coerced Korean women: "From 1943, comfort women were rounded up using methods similar to those employed during the slave raids in black Africa in the nineteenth century."<sup>67</sup> In fact, other than the late-in-life statements of several comfort women, the Korean government had no evidence of any coercion. According to Hata, the only thing it proffered was Yoshida's memoir.<sup>68</sup>

But this was 1993. Yoshida had not yet admitted to fabricating his story, and the Asahi had not yet disowned his work. The two governments exchanged accusations, and in August 1993 the Japanese government demurred.<sup>69</sup> The South Korean government assured Japan that it did not

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<sup>61</sup> See "Saishuto de renko" shogen ["Forced to Accompany in Jeju" Testimony], Asahi shimbun, Aug. 5, 2014.

<sup>62</sup> See Hata 1999, *supra* note, at ch. 7; Hata 2018, *supra* note, at ch. 7.

<sup>63</sup> Hata 2018, *supra* note, at 185.

<sup>64</sup> Hata 2018, *supra* note, at 185.

<sup>65</sup> "Saishuto" 2014, *supra* note; Hata 2018, *supra* note, at 189.

<sup>66</sup> Hata 1999, *supra* note, at ch. 8; Hata 2018, *supra* note, at ch. 8.

<sup>67</sup> See Hata 2018, *supra* note, at 201; Hata 1999, *supra* note, at 252.

<sup>68</sup> See generally Hata 1999, *supra* note, at 252.

<sup>69</sup> See Hata 2018, at 201. See also Lee (2022), *supra* note, at 11 ("The Japanese government only released the Kono Statement because it was pressured by the circumstances where almost everyone believed there exist testimonies of victims and perpetrators, and military documents proving them. At first, however, since 1992, it has been proven that the military documents were in fact irrelevant to the claim of forced recruitment. No additional documents have been found, either.").



intend to demand any further money.<sup>70</sup> After elaborate negotiations, the Japanese government issued a statement: the Japanese military had indeed been "involved in the establishment and management of the comfort stations and the transfer of comfort women." What is more, "in many cases they were recruited against their own will through coaxing, coercion, etc." and that sometimes "administrative/military personnel directly took part in the recruitments."<sup>71</sup>

5. The law suits. -- Over the course of the 1990s, several self-identified comfort women would file law suits against Japan. Journalist and activist Rumiko Nishino identifies 10 suits in Japanese courts, three by Korean comfort women. All ten were unsuccessful. In 2000, fifteen comfort women filed a class action against Japan in the U.S. In the course of several opinions, the federal district and appellate courts variously dismissed the suit on grounds of sovereign immunity and the "political question" doctrine.<sup>72</sup> In truth, all of the cases -- whether in Japan or in the U.S. -- were massively overdetermined: the 1965 treaty between Korea and Japan, sovereign immunity, the statute of limitations, and the basic absence of any corroborating witnesses or documentary evidence. Any one of those reasons would have been enough to doom the litigation.

Yoshida-school writers claim to rely on the court cases. According to historian Carol Gluck, the Japanese judges "recognized the truthfulness, the 'irrefutable historical evidence,' of the plaintiffs' accounts of abduction, brutality, and violence."<sup>73</sup> According to legal scholar Y.S. Lee, one of the cases "affirmed the illegal nature of military sexual slavery."<sup>74</sup> Nishino writes that a "total of 93 victims testified before Japanese courts, and judges have accepted most of their depositions as factual. ... Both Tokyo and Yamaguchi district courts ... acknowledged the plaintiffs' personal accounts of sexual violence and direct Japanese military involvement to be trustworthy."<sup>75</sup>

The best known of the Japanese comfort women opinions is probably the decision mentioned by both Lee and Nishino -- the opinion by the Shimonoseki branch office of the Yamaguchi District Court. In 1994 several Korean comfort women had sued Japan in the Shimonoseki court for damages from their dragooning. The court had awarded them each 300,000

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<sup>70</sup> Ianfu mondai wo meguru Nikkan kan no yaritori no keii [The Course of the Exchanges Between Japan and South Korea on the Comfort Women Problem], Asahi shimbun, June 21, 2014. .

<sup>71</sup> Statement by the Chief Cabinet Secretary [Kono Declaration], Aug. 4, 1993, Ministry of Foreign Affairs of Japan, available at: [https://www.mofa.go.jp/a\\_o/rp/page25e\\_000343.html](https://www.mofa.go.jp/a_o/rp/page25e_000343.html).

<sup>72</sup> Hwang v. Japan, 172 F. Supp. 2d 52 (D.D.C. 2001), aff'd, 332 F.3d 679 (D.D.Cir. 2003), remanded, 413 F.3d 45 (D.C. Cir. 2005), cert. den'd, 2006 U.S. Lexis 1691 (2006). See Protecting the Human Rights of Comfort Women, Hearing before Subcom. on Asia, the Pacific, and the Global Environment, of Com. Foreign Affairs, House of Rep. Feb. 15, 2007.

<sup>73</sup> See Carol Gluck, What the World Owes the Comfort Women, in J.H. Lim & E. Rosenhaft, eds., Mnemonic Solidarity, Entangled Memories in the Global South 80 (2021).

<sup>74</sup> Yong-Shik Lee, Natsu Taylor Saito & Jonathan Todres, The Fallacy of Contract in Sexual Slavery: A Response to Ramseyer's "Contracting for Sex in the Pacific War," 42 Mich. J. Int'l L. 291, 294 n. 11 (2021).

<sup>75</sup> Rumiko Nishino, Forceful Mobilization: What Survivor Testimonies Tell Us, in Rumiko Nishino, Kim Puja & Akane Onozawa, eds., Denying the Comfort Women: The Japanese State's Assault on Historical Truth 40, 43-44 (London: Routledge, 2018).

yen plus interest. And on appeal, the Hiroshima High Court reversed on the grounds of sovereign immunity.<sup>76</sup>

If Gluck, Lee, Nishino or anyone else relies on these cases for "the truthfulness ... of the plaintiffs' accounts of abduction, brutality, and violence," they miss a basic legal principle: judges only decide questions that the parties contest. Having just issued the Kono declaration, the Japanese government chose not to contest the plaintiffs' factual claims. It had no reason to contest them. Regardless of what the facts might be, the plaintiffs had no legal claim -- most obviously, the Korean government had waived all Korean claims in the 1965 treaty. The Shimonoseki court cited the Kono declaration, and explicitly noted that the government had not challenged the plaintiffs' factual assertions. On appeal, the Hiroshima High Court again noted that the government had not contested the factual claims, but reversed for several legal reasons -- including the 1965 treaty. The point is basic: judges do not decide questions the parties do not contest. Whether the military forcibly conscripted women into the comfort stations was not at issue in the Shimonoseki case.

Besides the Shimonoseki decision, Nishino lists two court cases (both filed in the Tokyo District Court) where she claims the judges accepted the factual claims of Korean comfort women. As in the Shimonoseki case, in both of these Tokyo cases the courts expressly noted that the government never contested the claim that the Japanese government forcibly conscripted Korean comfort women. Whether the military dragooned the comfort women was simply not at issue. Instead, in both, the courts straightforwardly paraphrased the statement to that effect in the Kono declaration.<sup>77</sup>

6. The first U.N. report (Coomaraswamy). -- The *Asahi* celebrated Uemura's discovery of what-he-claimed was a dragooned Kim Hak-Sun in 1991. It celebrated Yoshimi's discovery of what-he-claimed were incriminating government documents in 1992. The government issued its "Kono statement" in 1993. And in 1996, Sri Lankan human rights activist Radhika Coomaraswamy wrote her virulently anti-Japanese diatribe for the U.N.<sup>78</sup> To write her report, Coomaraswamy relied heavily on Yoshida's 1983 book. As anthropologist Sarah Soh put it: "Yoshida's work served as a crucial resource for international human rights activists and the United Nations as they constructed the paradigmatic comfort women story."<sup>79</sup>

More specifically, to document her claims Coomaraswamy cites four sources: Yoshida's book, a 1995 book on the comfort women by George Hicks,<sup>80</sup> a 1994 report by the International

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<sup>76</sup> See *Kuni v. [Unnamed parties]*, 1642 Hanrei jiho 24 (Shimonoseki Br. Off. Apr. 27, 1998), rev'd, 1759 Hanrei jiho 42 (Hiroshima High Ct. Mar. 29, 2001), [aff'd], (Sup. Ct. Mar. 25, 2013).

<sup>77</sup> See [No names given] v. *Kuni*, (Tokyo D.Ct., Mar. 26, 2001), aff'd, 1843 Hanrei jiho 32 (Tokyo High Ct. July 22, 2003), aff'd, (Sup. Ct. Nov. 29, 2004); *Song v. Kuni*, 1741 Hanrei jiho 40 (Tokyo D. Ct. Oct. 1, 1999) (appendix), aff'd, 1741 Hanrei jiho 40 (Tokyo High Ct. Nov. 30, 2000), aff'd, (Sup. Ct. Mar. 28, 2003). Webster seems to make the same mistake as Y.S. Lee and Gluck when he asserts that the district court in the Tokyo case made "factual findings that reflect Yoshimi's view." Immediately before the passage that Webster quotes, the district court explicitly noted that these facts were uncontested. See Timothy Webster, *The Minds Behind the Movement: The Role of Academics in East Asia's War Reparations Litigation*, 54 Case Western Reserve J. Int'l L. 1, 14 (2022).

<sup>78</sup> U.N. Report, *supra* note.

<sup>79</sup> Soh 2008, *supra* note, at 154.

<sup>80</sup> See George Hicks, *The Comfort Women: Japan's Brutal Regime of Enforced Prostitution* (New York: W.W. Norton & Co., 1994).

Commission of Jurists (ICJ),<sup>81</sup> and unspecified documents provided by Yoshiaki Yoshimi. Coomaraswamy cites Yoshida only once. The book is in Japanese, and Coomaraswamy does not know Japanese. Hicks, however, Coomaraswamy cites repeatedly. George Hicks was an Australian. He did not read Japanese either, so he relied for his research on a Japan-resident Korean activist named Yumi Lee.<sup>82</sup> In turn, Lee relied heavily on Yoshida's book. Coomaraswamy cites the ICJ report twice. This report too cites both Yoshida and Hicks.<sup>83</sup> Coomaraswamy seems to have used Yoshimi's documents to claim that the Japanese government controlled the comfort stations.

Coomaraswamy relates the testimonies of three comfort women. Hwang So Gyun stated that in 1936, at age 17, the head of her village promised her a job in a factory.<sup>84</sup> After truck and train rides, she found herself in a military brothel in China. Observe that she claims to have been defrauded by her village head (and probably a recruiter). She does not claim to have been conscripted by the Japanese army.

Hwang Kum Ju stated that in 1940 (again, age 17) she was drafted as part of the general war-time Japanese mobilization into work at a military factory.<sup>85</sup> After three years, she was raped by a Japanese soldier and then forced to provide sex to military personnel on a regular basis. Crucially, the basic premise to her conscription claim is false: the Japanese government did not draft either Japanese or Korean civilians into factory work until the fall of 1944.<sup>86</sup>

The woman with the strangest statement by far was one Chong Ok Sun. Because its very extravagance causes it to be quoted frequently by activist scholars (e.g., political scientist Michael Chwe quotes it in his 2021 petition against Ramseyer's comfort-women article),<sup>87</sup> we reproduce it at length.<sup>88</sup>

One day in June, at the age of 13, I ... went to the village well to fetch water. A Japanese garrison soldier surprised me there and took me away .... I was taken to the police station in a truck, where I was raped by several policemen. When I shouted, they put socks in my mouth and continued to rape me. ...

After 10 days or so, I was taken to the Japanese army garrison barracks in Hyesan City. There were around 400 other Korean young girls with me and we had to serve over 5,000 Japanese soldiers as sex slaves every day - up to 40 men per day. ...

One Korean girl who was with us once demanded why we had to serve so many, up to 40, men per day. To punish her for her questioning, the Japanese company commander Yamamoto ordered her to be beaten with a sword. While we were

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<sup>81</sup> Ustinia Dolgopol & Snehal Paranjape, *Comfort Women: An Unfinished Ordeal* (Geneva, Switzerland: International Commission of Jurists, 1994).

<sup>82</sup> See, e.g., Hicks, *supra* note, at "Acknowledgements."

<sup>83</sup> See preface and chronology.

<sup>84</sup> See U.N. 1996, *supra* note, at para. 55.

<sup>85</sup> See U.N. 1996, *supra* note, at para. 56.

<sup>86</sup> See J. Mark Ramseyer, *Social Capital and the Problem of Opportunistic Leadership: The Example of Koreans in Japan* *Int'l Rev. L. & Econ.* n.2 (2021).

<sup>87</sup> Michael Chwe, Letter by Concerned Economists Regarding "Contracting for Sex in the Pacific War" in the *International Review of Law and Economics* (2021), available at: <http://chwe.net/irle/letter/>; see J. Mark Ramseyer, *Contracting for Sex in the Pacific War*, 65 *Int'l Rev. L. & Econ.* \_\_\_\_ (2021).

<sup>88</sup> U.N. 1996, *supra* note, at para. 54; see Chwe (2021), *supra* note; Ramseyer 2021, *supra* note.

watching, they took off her clothes, tied her legs and hands and rolled her over a board with nails until the nails were covered with blood and pieces of her flesh. In the end, they cut off her head. Another Japanese, Yamamoto, told us that 'it's easy to kill you all, easier than killing dogs'. He also said 'since those Korean girls are crying because they have not eaten, boil the human flesh and make them eat it'. ...

Once they took 40 of us on a truck far away to a pool filled with water and snakes. The soldiers beat several of the girls, shoved them into the water, heaped earth into the pool and buried them alive.

I think over half of the girls who were at the garrison barracks were killed. ... Thirteen-year old girls as comfort women; 400 comfort women having sex 40 times a day to serve 5,000 men; trouble makers rolled over boards with nails and then beheaded; women forced to eat the meat of their compatriots; women buried alive; half the women killed -- these are the stories "Chong" told.

Historian Ikuhiko Hata sardonically notes that the "scenario writer" might have done a bit more research.<sup>89</sup> This "Chong" claimed to have been abducted in 1933, but Hyesan, where she said she worked as a comfort woman, is a city in the current North Korea. Japan did not have comfort stations in Korea in 1933. Korea was part of Japan, and the military licensed comfort stations almost exclusively for its overseas posts.

What is more, Coomaraswamy never met any "Chong Ok sun" anyway. The woman styled "Chong" lived in North Korea, and Coomaraswamy never went there. Instead, members of an activist group (the "Center for Human Rights") went on her behalf. This statement is the document they brought back when they returned.<sup>90</sup>

7. The second U.N. Report (McDougall). -- Come 1998, the U.N. issued a second report. This time, the author, activist lawyer Gay McDougall, took a position even more aggressive than Coomaraswamy. The comfort stations did not just involve "sex slavery," said she. They constituted "rape centers":<sup>91</sup>

It is now clear that both the Japanese Government and military were directly involved in the establishment of rape centres throughout Asia during the Second World War. The women who were enslaved by the Japanese military in these centres -- many of whom were between the ages of 11 and 20 -- ... were forcibly raped multiple times on a daily basis and subjected to severe physical abuse ....

Apparently, by McDougall's account none of the women took the jobs for the high pay. Instead, writes McDougall, to "obtain these 'comfort women', the Japanese military employed physical violence, kidnapping, coercion and deception."<sup>92</sup>

McDougall claims that she "relies exclusively on the facts established in the Japanese Government's own review of the involvement of Japanese officials in establishing, supervising and maintaining rape centres during the Second War."<sup>93</sup> She does nothing of the sort. She does indeed

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<sup>89</sup> Hata 1999, supra note, at 273.

<sup>90</sup> Hata 1999, supra note, at 326-327; U.N. 1996, supra note, at para. 2, 47, 66.

<sup>91</sup> Gay J. McDougall, Systematic Rape, Sexual Slavery and Slavery-like Practices During Armed Conflict, U.N. Economic & Social Council, June 22, 1998, para. 7.

<sup>92</sup> McDougall, supra note, at App. para. 7.

<sup>93</sup> McDougall, supra note, R App. para. 1.

cite the Kono statement repeatedly. For her more preposterous claims (of which there are many), she instead turns to a law review article written by one activist Karen Parker with the help of a student.<sup>94</sup> The two follow the Yoshida-school line, apparently embroidered with abandon.<sup>95</sup>

As many as 200,000 women were tricked or abducted into slavery for sexual services for the Japanese Imperial Army during World War II. Women and girls as young as twelve were taken from their homes in Korea, China, the Dutch East Indies, Taiwan, Malaysia, Burma, and the Philippines. They were sent to locations throughout Japanese-occupied Asia where they were imprisoned in facilities known as 'comfort houses,' raped daily by soldiers, and forced to endure torture and abuse. Only about 25 percent survived this treatment.

8. Women's International Tribunal. -- It was toward the end of this period between Yoshida's initial fraud and its eventual unraveling that a number of activist groups convened a show trial of several prominent mostly dead Japanese wartime leaders for their role in what the activists styled sexual slavery. Held in Tokyo toward the end of 2000, they predictably convicted the Showa emperor, the wartime prime minister Hideki Tojo, and several others. The organizers called it a "people's tribunal," enthuses historian Alexis Dudden, and gave the former prostitutes "an opportunity to testify about their enslavement."<sup>96</sup> The guilty verdict against the Showa emperor was an "outstanding" moment, explains Japanese literature scholar Norma Field. It was a "moment, when the audience rose to its feet in response to the utterance of words that few who know Japan would have thought likely to hear in public ...."<sup>97</sup>

The tribunal's report took both the original post-war Tokyo trials and the Yoshida dragooning claims at face value. On the one hand, it wrote "that the Japanese presence in Korea was one of long and brutal economic and social exploitation of the Korean land and society." On the other, it declared that "[t]ens of thousands of Korean women and girls were forced into the sexual slavery system through such means as deception and force, after which they were subjected to rape and other forms of sexual violence and confined in 'comfort' facilities under inhumane conditions."<sup>98</sup>

At this point in this article, readers will not be surprised to learn who organized the tribunal. Two of the key members of the organizing committee were Yayori Matsui and Yun Chung-Ok. Matsui was the senior staff member at the Asahi newspaper who supervised reporter Takashi Uemura as he transformed Yoshida's fraudulent memoir into international outrage against Japan. In turn, Yun was the founder of the Korean Council (see Sec. IV), the group at least informally

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<sup>94</sup> Karen Parker & Jennifer F. Chew, Compensation for Japan's World War II War-Rape Victims, 17 *Hastings Int'l & Comp., L. Rev.* 497 (1994).

<sup>95</sup> Parker & Chew, *supra* note, at 1994, 498-99,

<sup>96</sup> Alexis Dudden, "We Came to Tell the Truth": Reflections on the Tokyo Women's Tribunal, 33 *Critical Asian Stud.* 591, 591 (2001).

<sup>97</sup> Norma Field, The Courts, Japan's 'Military Comfort Women,' and the Conscience of Humanity: The Ruling in VAWW-Net Japan v. NHK, 5 *Asia-Pac. J: Japan Focus* No. 2, 1, 2 (2007).

<sup>98</sup> The Women's International War Crimes Tribunal for the Trial of Japan's Military Sexual Slavery, Jan. 31, 2002, paragraphs 124, 189. Available at: [https://archives.wam-peace.org/wt/wp-content/uploads/2020/03/Cover-Page\\_Judgement.pdf](https://archives.wam-peace.org/wt/wp-content/uploads/2020/03/Cover-Page_Judgement.pdf).

allied to North-Korean that has relentlessly manipulated the comfort women to stoke anti-Japanese sentiment within South Korea and block any rapprochement with Japan.<sup>99</sup>

### C. The Claims:

1. Introduction. -- It was in the midst of this Yoshida-instigated fraud that several comfort women began to claim that they had been captured by the Japanese military at bayonet-point. Once again, it was after Yoshida published his "memoir," but before the Asahi finally pronounced it a fraud. The women told gripping accounts, but they did not all tell the stories on which the activists and North American scholars have come to insist. Consider first four of the more prominent women, then the 19 claimants promoted by the Korea Council.

2. Kim Hak-sun. -- In 1989, a Korean publisher brought out a translation of Yoshida's book. Activists organized in 1990 what would eventually be called the Korea Council, and through it began coordinating litigation against Japan (discussed further in Section IV). The Council wanted women who would claim to have been dragooned. Takashi Uemura was *Asahi's* lead reporter on several of the comfort women articles. Matsui was his supervisor. Uemura was also son-in-law to a South Korean activist organizing litigation against Japan over war-related claims.<sup>100</sup>

In August of 1991, Uemura announced that he had found a woman in Seoul who had been forced into comfort-woman work. "It has become clear that a woman exists within Seoul who was taken [renko] to the battlefield," he wrote, "and forced [shiiirareta] to engage in prostitution with Japanese military men."<sup>101</sup> Japanese lawyers were in Korea recruiting plaintiffs to sue the Japanese government over World War II claims, and the woman had volunteered. The Korea Council had recorded the woman's statement, and let Uemura listen to it.

The woman was Kim Hak-sun. Two other comfort women soon joined Kim Hak-sun in her lawsuit.<sup>102</sup> The lower courts rejected their claims. They appealed to the Japanese Supreme Court, and the Supreme Court dismissed the appeal. As already noted, in 1965 the South Korean government had waived all claims that it or its citizens might have against Japan and Japanese citizens for acts arising out of the war and Japanese annexation. In exchange, Japan had paid South Korea large reparations. The treaty bound, and the courts dismissed the claims.<sup>103</sup>

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<sup>99</sup> Christine M. Chinkin, Women's International Tribunal on Japanese Military Sexual Slavery, 95 Am. J. Int'l L. 335, 336 (2001).

<sup>100</sup> See Tsutomu Nishioka, Ianfu mondai no haikai ni ... [In the Background of the Comfort Women Problem ...], *Kin'yu fakushimirii shinbun*, Nov. 17, 2014.

<sup>101</sup> Omoidasuto ima mo naimida ... [Even Now, When I Remember I Cry ...], *Asahi shimbun*, Aug. 11, 1991.

<sup>102</sup> See generally Nobuo Ikeda, *Asahi shimbun: Seiki no dai goho* [The Asahi Newspaper: Fake News of the Century] 48-52 (Tokyo: K.K. Asupekuto, 2014). Regarding the Uemura dispute, see [No names given], 1479 Hanrei taimuzu 217 (Tokyo D. Ct. June 26, 2019), *aff'd*, (Tokyo High Ct. Mar. 3, 2020), *aff'd*, (Sup. Ct. Mar. 11, 2021); [No names given], 1477 Hanrei taimuzu 57 (Sapporo D. Ct. Nov. 9, 2018), *aff'd*, 1477 Hanrei taimuzu 48 (Sapporo High Ct. Feb. 6, 2000), *aff'd*, (Sup. Ct. Nov. 18, 2020).

<sup>103</sup> [No names given] v. Koku, 1879 Hanrei jiho 58 (Sup. Ct. Nov. 29, 2004). At least two other cases were also filed, but these were dismissed by the Supreme Court as well. See *Zaisan oyobi seikyū ken ni kansuru mondai no kaiketsu narabi ni keizai kyōryoku ni kansuru Nihon koku to Dai kan minkoku to no aida no kyotei* [Agreement between Japan and the Republic of Korea Concerning the Economic Cooperation and the Resolution of Problems Involving Property and Claims], Treaty No. 27, 1965.

According to Uemura's account in the *Asahi*, Kim had said that she boarded the train that would take her to her comfort station after cryptically being told that "if you go there, you can make money."<sup>104</sup> No one explained what her work would involve. In fact, Kim had told the Korean press at the time that her mother had sold her at age 14 to a kisaeng house in Pyongyang for 40 yen.<sup>105</sup> The geisha-equivalent in Korea, the kisaeng provided private customers with song, dance, and -- occasionally -- sexual services. There, she had studied for three years.

Elsewhere, Kim had given a fuller account of this.<sup>106</sup> The dates that do not quite match, but the story is roughly consistent. What is more, it adds a level of detail that suggests authenticity:

My mother sent me as a foster daughter to a house that trained kisaeng. I was 15 at the time. I went to the house with my mother, and passed [the entrance requirement when I] sang a song. I remember that my mother took 40 won from the foster parents and sent me to live there under a multi-year contract. ... There was also a foster daughter who had arrived earlier than me in that house. The two of us commuted together to the kisaeng exchange. The exchange was a two-story building with a big sign at the gate, and had about 300 students. I attended for about two years, and studied dance, song, and poetry very hard.

When you obtain your diploma from the kisaeng exchange, you can go into business as a proper kisaeng. You could obtain your license as a kisaeng from the office at age 19, but I had graduated at age 17. Even though I'd graduated, I couldn't work. My foster father took me to several places in an effort to get a license. I looked older than my age, and foster father lied about it. But given that the office had recorded my age as 17, his scheme didn't work.

My foster father wasn't able to find work for us within the country, so he said, "if we go to China, you can probably make some money." And so it was that I and the older [foster] sister with whom I had been studying kisaeng work at the exchange went to China with our foster father. It was 1941, and I was 17 at the time.

Before leaving for China, my foster father contacted my mother and obtained her permission. On the day I left, my mother bought a yellow sweater and came to see me off at Pyongyang station.

Rather than disclose that Kim had trained as a kisaeng, Uemura wrote that she had been "taken" and "forced" to engage in sex.<sup>107</sup> Kim had indeed described herself as taken to the comfort station -- but not by the Japanese military. Instead, she told the Korean press that she had been taken there by her adoptive father (her kisaeng manager). At the end of her training as a kisaeng, the kisaeng manager had taken her to a comfort station in China.<sup>108</sup> By 1992, however, she would indeed be telling a different story: in or the Korean Council's book on the comfort woman (see below), she would now claim that Japanese soldiers had detained the kisaeng house owner, and that they had sent her to the comfort station.

<sup>104</sup> Moto ianfu Kim Hak Sun san [For Comfort Woman Kim Hak Sun], *Asahi shimbun*, Dec. 25, 1991.

<sup>105</sup> Ikeda 2014, *supra* note, at 25, 51.

<sup>106</sup> Seok-choon Lew, Hensen wo kasaneta "ianfu shogen" no uragawa [What Lies Behind the "Comfort Women Testimonies" that Have Changed Multiple Times], *Shukan shincho*, June 2, 2022, at 44-48, 45.

<sup>107</sup> "Moto ianfu, hatsu no shogen" kiji ni jijitsu no nejimage nai ["The First Testimonial of a Former Comfort Woman," Truth Not Twisted in Article], *Asahi shimbun*, Aug. 5, 2014; Omoidasu 1991, *supra* note.

<sup>108</sup> Quoted in [No names given], 1479 Hanrei taimuzu 217 (Tokyo D. Ct. June 26, 2019), *aff'd*, (Tokyo High Ct. Mar. 3, 2020), *aff'd*, (Sup. Ct. Mar. 11, 2021).

To the Tokyo District Court in December 1991, however, Kim still blamed her kisaeng manager for taking her to the comfort station. She had not yet started to accuse the Japanese military. In her complaint, in which she refers to herself in the third person, Kim wrote:<sup>109</sup>

Although Kim Hak-sun's mother took various jobs like housekeeper, their family was poor. In order to work as babysitter or home helper, Kim Hak-sun dropped out of regular school. At age 14, she was adopted [as a foster child] by Kim Tae-won, and attended a school for kisaeng for three years. In the spring of 1939 (now age 17 by Asian reckoning), she was assured that "if you go there you can make money." Her foster father took her and her colleague Emiko (one year older than she) to China. They rode a truck to Pyongyang, and boarded a military train which they rode for three days. The only other passengers were soldiers. They changed trains several times, and passed through Andong and Beijing. Eventually, they reached a small village in North China called [not identifiable]. They arrived at night. She parted with her foster father, and was taken by an officer to a Chinese house where she and her colleague were locked in rooms. For the first time, she thought "I've been tricked." ...

One autumn night that year, a Korean man sneaked into Kim's room. The soldiers were off at war, so not many were nearby. When he told her he was Korean as well, she asked him to help her run away. That night, they quietly escaped. The man was a silver-coin trader named Cho Gen-san. Kim Hak-sun went with him to Nanking, Suzhou, and then Shanghai. They were married in Shanghai, and hid until liberation in the French quarters where they ran a pawn shop for Chinese customers. She gave birth to a daughter in 1942 and a son in 1945. In the summer of 1946, she returned to Korea on the last boat from China with her countrymen in the liberation army.

Arima observes elsewhere that Kim brought this suit against the Japanese government because she had been paid in military scrip. At the end of the war, the scrip became worthless, and she was suing for compensation.<sup>110</sup>

Historian Tsutomu Nishioka thought Uemura's *Asahi* articles in 1991 intentionally false, and said so in print. Journalist Yoshiko Sakurai said so too. In 2015, Uemura sued them and their publications for slander. By 2019 he had lost both cases at trial, and by 2021 had lost his appeals all the way to the Supreme Court.<sup>111</sup>

The Tokyo District Court was particularly brutal. Nishioka had claimed that Uemura had deliberately written his article to convey the impression that the Japanese military had dragooned Kim, even though he knew that she had not said that. Wrote the court:<sup>112</sup>

We find it reasonable to hold that [Uemura] deliberately wrote his [December *Asahi* article] in a way that introduces [Kim] as a military comfort woman who was dragooned

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<sup>109</sup> Sojo [Complaint], Park v. Nihon koku, Dec. 6, 1991, available at: <https://www.awf.or.jp/pdf/195-k1.pdf>, at 51-52.

<sup>110</sup> Tetsuo Arima, *Koshite rekishi mondai ha netsuzo sareru* [This is How Fraudulent History Is Written] 106 (Tokyo: Shincho sha, 2017); Ikeda, *supra* note, at 25.

<sup>111</sup> See generally [No names given], 1479 Hanrei taimuzu 217 (Tokyo D. Ct. June 26, 2019), *aff'd*, (Tokyo High Ct. Mar. 3, 2020), *aff'd*, (Sup. Ct. Mar. 11, 2021); [No names given], 1477 Hanrei taimuzu 57 (Sapporo D. Ct. Nov. 9, 2018), *aff'd*, 1477 Hanrei taimuzu 48 (Sapporo High Ct. Feb. 6, 2000), *aff'd*, (Sup. Ct. Nov. 18, 2020). For an excellent background, see Arima (2017, 108-09).

<sup>112</sup> [No names given], 1479 Hanrei taimuzu 217 (Tokyo D. Ct. June 26, 2019).



[kyosei renko] to the front. In other words, we find that he intentionally wrote [his December *Asahi* article] in a way that differed from the facts ....

Nishioka had also claimed that Uemura had deliberately misstated the facts of Kim's recruitment in order to benefit his mother-in-law's litigation campaign. The court concluded simply:<sup>113</sup>

[T]here was a reasonable basis for [Nishioka] to believe this.

3. Lee Yong-soo. -- For most of last two decades, the public voice of the comfort women has been Lee Yong-soo (Yi Yong-su). Lee had originally told historians that she left home with a friend in the middle of the night. Her friend had urged her to "[c]ome out quickly," she told them, so she had "tiptoed out" and followed her friend. There she found a Japanese man who gave her a "a red dress and a pair of leather shoes in a packet." So excited was she that she followed him "readily," and "without any further thought."<sup>114</sup>

By the next decade, Lee had become the public face of the Korean Council (see Section IV), and told a different story. In 2002, she visited the Japanese Diet and declared that "she had been taken away at age 14 at bayonet-point."<sup>115</sup> In 2007, she told the U.S. House of Representatives "that she had been kidnapped by Japanese soldiers." Shortly after that visit to the U.S., she added at a Tokyo news conference that "Japanese soldiers had dragged her from her home, covering her mouth so that she could not call to her mother."<sup>116</sup>

The whistle-blower who first detailed Lee Yong-soo's fraud was Uiwon Hwang, CEO of MediaWatch. For attacking the Korean Council and Yoon Mee-hyang, South Korean prosecutors charged him with criminal defamation. He won, but he had to fight his way to the Korean Supreme Court to do so.<sup>117</sup> Hwang had begun to report the wild variations in the stories that Lee told. In 2018, he published a table that detailed 20 public statements that Lee had made since 1993. Originally, she had stated that she left home voluntarily. Later, she claimed to have been forcibly conscripted -- at the point of a sword in one account. She has variously claimed to have been conscripted at 14, 15, 16, and 17. She claimed to have become a comfort woman in 1942, 1943, and 1944. She claimed to have worked as a comfort woman for 10 months, for two years, and for three years. On at least one occasion, she claimed to have been dragooned into work as a comfort woman in 1944 and forced to stay in that job for three years.<sup>118</sup>

Interviewed about his findings, Hwang reported:<sup>119</sup>

The content varies completely. Nowhere do her earlier and later statements match. Let me give you some representative statements. At first she claimed to be led away by a

<sup>113</sup> [No names given], 1479 Hanrei taimuzu 217 (Tokyo D. Ct. June 26, 2019).

<sup>114</sup> See Soh 2008, *supra* note, at 12-13, 99-100; Keith Howard, ed., *True Stories of the Korean Comfort Women* 89 (London: Cassell, 1995); Joseph Yi, *Confronting Korea's Censored Discourse on Comfort Women*. *The Diplomat*, Jan. 31, 2018.

<sup>115</sup> Moto "ianfu" e hosho wo [Compensation for Former "Comfort Women"], *Akahata*, June 26, 2002.

<sup>116</sup> Martin Fackler, No Apology for Sex Slavery, Japan's Prime Minister Says. *N.Y. Times*, March 6, 2007.

<sup>117</sup> Tsutomu Nishioka, Saikin no Kankoku no anchihannichi no ugoki ni tsuite [Regarding the Recent Anti-Japanese Movement in South Korea], 8 *Rekishinshiki mondai kenkyu* 71, 83 (2021).

<sup>118</sup> Tsutomu Nishioka, Kankoku no ianfu undo no "naifun" [The "Internal Dispute" of the Comfort Women Movement], 7 *Rekishinshiki mondai kenkyu* 95, 103-05 (2020a).

<sup>119</sup> Nishioka (2020a), *supra* note, at 105. Personal correspondence with Uiwon Hwang, Feb. 27, 2022.

Japanese. Later it was by a Japanese soldier. At first she said she was enticed away by a red dress and leather shoes. Later she was dragooned with a sword in her back. In terms of length, [at one point] she said that she was taken away in 1944 and worked as a comfort woman for three years. But that's completely incoherent, [of course]. In August of 1945, Korea was liberated from a being a colony, so the numbers didn't work. Then the year changed to 1942 -- but then changed again, this time to 1944 with an 8-month length. It's all this kind of stuff. ...

But there's no corroborating evidence for her comfort woman testimony. There are no third-party witnesses. There are no eyewitnesses. It's just the statement of one person. At the very least, there should be a consistency to her testimony. But in Lee Yong-soo's public statements, there's not a shred of that consistency.

4. Kim Sun-ok. -- Kim Sun-ok originally told those who asked that she had "had no childhood. I was sold four times from the age of seven."<sup>120</sup> Recruiters would come "showing up at my home, coaxing my parents," she recalled. "I declared to my parents that I was not going anywhere .... I begged them not to sell me again." Indeed, "I contemplated a variety of methods of killing myself." But her parents sold her anyway, and she eventually landed in a Manchurian comfort station.

Nevertheless, when the U.N. Commission on Human Rights held hearings on the comfort women in 1996, she told "U.N. interrogator Radhika Coomaraswamy ... that she was abducted by the Japanese military."<sup>121</sup>

5. Kim Kun-ja. -- Like Kim Hak-sun, Kim Kun-ja started her career in comfort-women politics by blaming her foster father. He had "sold" her, she recalled. She "hated the father more than the Japanese military."<sup>122</sup>

Nevertheless, in 2007 she told the U.S. House of Representatives that the Japanese army had abducted her.<sup>123</sup> She had lived in a house "in front of a train station," she now explained. At age 17, the family with whom she lived had "sent [her] outside for an errand." There, she "was captured and taken away" on a train. "[T]here were lots of soldiers" on the train, "and there were lots of women who were forcibly taken away."

6. 1993 The Korean Council Interviews. -- In 1993, the Korean Council published the testimonials of 19 surviving comfort women (See Table 4). The Council had played a part in the 1991 litigation. In 1992, it claimed to have interviewed 40 former comfort women. These were the key 19, it assured its readers.

[Insert Table 4 about here.]

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<sup>120</sup> See Soh 2008, *supra* note, at 101.

<sup>121</sup> See Maija Rhee Devine, Are Comfort Women Lying? Korea Times, June 8, 2016. Available at: [http://www.koreatimes.co.kr/www/news/opinion/2016/06/162\\_206538.html](http://www.koreatimes.co.kr/www/news/opinion/2016/06/162_206538.html) (quoting Soh).

<sup>122</sup> See Soh 2008, *supra* note, at 11; Korea Institute of History (KIH), "The Comfort Women" by Professor C. Sarah Soh, Apr. 29, 2016a, available at <http://scholarsinenglish.blogspot.com/2014/10/the-comfort-women-by-chunghee-sarah-soh.html>.

<sup>123</sup> See Protecting the Human Rights of Comfort Women, Hearing before Subcom. on Asia, the Pacific, and the Global Environment, of Com. Foreign Affairs, House of Rep. Feb. 15, 2007, at 30.

None of these 19 women claimed to have been forcibly conscripted by the military in any Yoshida-style "comfort woman hunt." Those hunts would soon become central to the Korean Council's campaign, but as of 1993 none of the 19 had yet mentioned any hunt. Only Kim Hak-sun (No. 1), Mun Ok-chu (No. 10), and Kan Dok-kyon (No. 18) claimed to have been forcibly abducted. Yet Kim had told the Tokyo District Court only two years earlier that the owner of her kisaeng shop had tricked her into going to a comfort station. Kan did not work at a comfort station at all.

Almost uniformly, the women in the Korean Council's anthology claimed to have been defrauded. Some claimed that Korean recruiters fooled them, some that Japanese fooled them, and some that a pair of recruiters from each country fooled them. However, none argued that the Japanese government had caught her in a programmatic campaign forcibly to drag women for sexual slavery. Instead, most simply said that their recruiters (typically private recruiters) had lied.

#### D. Contemporaneous Evidence:

1. Introduction. -- Apparently, the oral testimonies constitute virtually the only evidence that the Japanese army ever forcibly and programmatically conscripted Korean women at gunpoint. Had the Japanese military kidnapped non-trivial numbers of young women at gunpoint, one would expect to find contemporaneous corroboration. Activists and Western scholars insist that the former comfort women were too shy to tell their story. Even had they been reluctant, the others in their village would not have hesitated to detail the outrage. They would have described it in their diaries. They would have written about it in letters. They would have told the newspapers. The papers were subject to Japanese oversight before the war, to be sure, but not thereafter. Had the pre-war Japanese military run "comfort woman hunts," newspapers, essayists, and historians would have detailed the hunts at length during the years after 1945. Instead, these accounts mostly appear only in the wake of Yoshida's fictitious memoir.

2. Soh. -- Anthropologist C. Sarah Soh explores the post-war media accounts at great length.<sup>124</sup> She finds no mention of comfort women before 1964. For that year, she locates an article in the Han'guk Ilbo newspaper about (quoting the newspaper) a comfort woman who "was forcibly taken, during the period of imperial Japan, to the Southeast Asia ...."<sup>125</sup> The woman had died in 1963. Soh does not give more information about how she came to be a comfort woman.

Soh continues:<sup>126</sup>

Almost all Korean publications concerning the comfort women issue surfaced after the 1965 bilateral agreement was signed between South Korea and Japan. Nearly all have presented postcolonial nationalist perspectives, denouncing Japan for the forced mobilization of 'virgins' ..., who, many Koreans have continued to assert, were abused as comfort women.

Soh identifies the beginning of "public discourse" in Korea on comfort women with a 1970 article.<sup>127</sup> She does not say much about content of the article, but instead continues her account of

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<sup>124</sup> See Soh 2008: 159-69.

<sup>125</sup> Soh 2008, *supra* note, at 159

<sup>126</sup> Soh 2008, *supra* note, at 160.

<sup>127</sup> Soh 2008, *supra* note, at 160.

the occasional publication on the subject (including the Korean translation of Senda<sup>128</sup>). She then writes:<sup>129</sup>

Nevertheless, it was not until 1981 that the first Korean-authored volume devoted to the topic of the Korean comfort women was released to the general public.

Soh does not say much about this volume either, but instead turns to an ensuing novella. She notes that the comfort woman in the book earned 2000 won, and then observes:<sup>130</sup>

It is also remarkable that the author gives the amount of money saved by Sun-i as 2,000 won because, after the redress movement began, it has become socially unacceptable and politically embarrassing to state that the women had been paid for their sexual service ....

Finally, Soh turns to the lavish attention given in the Korean media to an unnamed Korean comfort woman who had been living in Thailand.<sup>131</sup> This woman reported:

I was forcibly recruited by Japanese policemen in 1942 and sent to Singapore, where I labored as a comfort woman for three years.

This is the first reference after the 1963 article in Soh's chronology where the woman clearly asserts that that she was recruited "forcibly." Recall that Yoshida published his book in 1983, and that the Asahi newspaper promoted it aggressively. The Korean media reported this woman's story in 1984. The Japanese newspaper that published the story was the Asahi Shimbun.<sup>132</sup>

3. Newspapers. -- The two Korean newspapers with the largest circulation are the Dong-a Ilbo and the Chosun Ilbo. Both date from 1920. From 1945 until after the Korean translation of Yoshida's fraudulent memoir appeared in 1989, neither newspaper gave any significant coverage to the comfort women.

At Ramseyer's request, economic historian Ikjong Joo very generously agreed to search two newspapers. In the Figure 1 below, he gives the number of times the phrase "comfort woman" appeared in the pages of either the Dong-a Ilbo or Kyunghyang newspaper. Dong-a Ilbo is sometimes described as currently right-of-center; the Kyunghyang is a smaller-circulation newspaper founded in 1946, and is considered left-of-center. The green numbers give the number of general references to "comfort woman," the blue to the term "comfort women" used to refer to prostitutes working for the U.S. bases, and orange for those who had worked for the Japanese bases. The newspapers include virtually no references to comfort women working for the Japanese military before 1991.

[Insert Figure 1 about here.]

In 1982, 1984, and 1989, the papers did include at least 10 references to the so-called "Teishintai" (chongsindae). These were the work corps by which the Japanese government mobilized Koreans for industrial jobs under the emergency mobilization program of late 1944 and 1945 (it also mobilized Japanese during this time). For a brief period, these corps were confused

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<sup>128</sup> Senda 1973, supra note.

<sup>129</sup> Soh 2008, supra note, at 161.

<sup>130</sup> Soh 2008, supra note, at 166.

<sup>131</sup> Soh 2008, supra note, at 166-67.

<sup>132</sup> See generally Tetsuo Arima, *Koshite rekishi mondai ha netsuzo sareru* [This is How Historical Problems Give Rise to Fraud] 104-11 (Tokyo: Shincho shinsho, 2017). There was no corroborating evidence or testimony to the woman's account. Yayoi Matsui, discussed in the text, was the reporter involved.

with the comfort women.<sup>133</sup> Note that the term teishintai also appears several times (albeit never more than six per year) during the 1970s, but most of these articles apparently discuss two movies. One was a Japanese documentary about prostitutes (not coerced) in Okinawa. The other was a pornographic movie by the name Joshi teishintai.<sup>134</sup>

Parallel to Joo's work, Choi Sok-yong ran a similar search in the Dong-A Ilbo newspaper alone. We give the results in Table 5. As one would expect, Choi's results track those of Joo: the newspaper did not include more than a trivial number of articles on Japanese-military comfort women until after the Korean translation of Yoshida's memoir appeared in 1989.

[Insert Table 5 about here.]

Kobe University law professor Kan Kimura searched for the appearance of the phrases "comfort women" and "transported labor" in the pages of the Chosun Ilbo -- the principal rival to the Dong-A Ilbo. From 1945 to 1990, he found a small number of articles on the forced transport of Koreans (a second controversial historical issue between South Korea and Japan), but none at all on the comfort women.

[Insert Table 6 about here.]

Kimura similarly searched for the appearance of the phrases "comfort women" and "transported labor" in the pages of the Japanese daily, Asahi Shimbun. As noted earlier, this is the paper that initially gave Yoshida's story such enormous fanfare.

[Insert Table 7 about here.]

Here, Kimura searched only in the headlines. Before 1980, he found only one reference to a comfort women.

The point is simple: prior to the publication of the Korean version of Yoshida's fabricated memoir, the Korean newspapers rarely discussed World War II-era comfort women. To the extent they did discuss the sex industry, they discussed the prostitutes and brothels that catered to American military personnel.

#### IV. The Korean Council

##### A. Maintaining Control:

One organization lies at the heart of the comfort women dispute, and it is an organization that has relentlessly manipulated the dispute to block rapprochement between South Korea and Japan. It is the Korean Council for Women Drafted for Military Sexual Slavery (recently renamed the Korean Council for Justice and Remembrance). The Council organizes weekly protests in front of the Japanese embassy in Seoul. It installs (and sometimes funds) comfort women statues wherever it can around the world. It instigates many of the criminal prosecutions of the Korean scholars (detailed below, Sec. V). And it systematically pressured the former comfort women to reject any Japanese compensation.<sup>135</sup>

The Korean Council controls most of the public statements by the comfort women. It maintains its ability to do this by collaborating in the operation of a nursing home -- the House of Nanumu -- for the women who recount the stories it wants told.<sup>136</sup> As political scientist Joseph Yi

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<sup>133</sup> See Hata 1999, *supra* note, at 366-76.

<sup>134</sup> See Soh 2008, *supra* note, at 162.

<sup>135</sup> Korea Institute of History (KIH), "Comfort Women of the Empire" by Professor Park Yuha, Apr. 30, 2016d, available at <http://scholarsinenglish.blogspot.com/2014/10/summary-of-professor-park-yuhas-book.html>.

<sup>136</sup> Soh 2008, *supra* note at 96.

put it, the "prevailing narrative of abductions is based on the oral testimonies of a small number of women (16 of 238 registered survivors in 1990s), associated with activist organizations (e.g., House of Sharing [i.e., the nursing home]; Korean Council)."<sup>137</sup> By controlling Nanumu, the Council controls which women scholars and reporters will see and what those women will say.

Many of the comfort women have deeply resented the Korean Council. Back in 2004, several comfort women sued the Council to try to retake control over their own movement.<sup>138</sup> The Council retained its power, however, and successfully intimidated most of the women who remain. Harsh critic of the Korean Council, historian Park Yu-Ha confesses herself puzzled that the group ever let her interview the women:<sup>139</sup>

I regained my interest in [the comfort women] issue in the early 2000s when I heard that [the Korean Council] was confining surviving women in a nursing home called House of Nanumu. The only time these women were allowed to talk to outsiders was when [the Council] needed them to testify for the UN Special Rapporteur or the U.S. politicians. But for some reason I was allowed to talk to them one day in 2003.

Park found the Nanumu women deeply unhappy with the Korean Council. Park continues:<sup>140</sup>

I could sense that women were not happy being confined in this place. One of the women (Bae Chun-hee) told me she reminisced the romance she had with a Japanese soldier. She said she hated her father who sold her. She also told me that women there didn't appreciate being coached by [the Korean Council] to give false testimonies but had to obey [the Council's] order.

#### B. Sabotaging Reconciliation:

To sabotage Japanese-Korean reconciliation seems to have been the Council's goal from the start. Seoul National University economic historian An Byeong-jik had worked with the Council when it first began interviewing the comfort women. He eventually quit in disgust. "They were doing this as an anti-Japanese effort," he complained.<sup>141</sup> They were not doing it to help the comfort women. "If the result of the research led one to join an anti-Japanese movement, that might be unavoidable. But to make the deliberate aim of the project be anti-Japanese? That's just not right."

When comfort women seemed inclined to make peace with Japan, the Council threatened them. It made those threats credible when Japan first offered compensation in 1995. Nominally, the Council fought the compensation program because Japan had routed it through a private fund. The Japanese government took the position that South Korea had waived all claims in 1965 in exchange for the reparations it had paid. To preserve that position, it contributed its funds to a newly organized private entity. It expected that entity to raise additional contributions from the public, and then pay the total to the comfort women.

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<sup>137</sup> Joseph Yi, *Confronting Korea's Censored Discourse on Comfort Women*. *The Diplomat*, Jan. 31, 2018.

<sup>138</sup> See Moto ianfu tachiga Kankoku Teishintai mondai ... [Comfort Women, to the CDH ...], *Bunshun Online*, Dec. 27, 2018.

<sup>139</sup> See KIH 2016d.

<sup>140</sup> See KIH 2016d, *supra* note.

<sup>141</sup> Hajime Imanishi, *Kaihogo, Kankoku chishikijin no ayumi* [The Path of a South Korean Intellectual After Liberation], 67 (*Otaru shoka daigaku*) *Shogaku token* 239, 244-45 (2017).

The Korean Council declared that the Japanese government was denying responsibility, and ordered all comfort women to refuse the compensation. Many of the elderly women disagreed. They were old, they were poor, and they wanted the money. When Japan set out to interview the potential recipients, the Council contacted the comfort women. "Come to the office," it told them. "We have money to pay you." The women arrived, and the Council promised them 2.5 million won in exchange for a pledge not to cooperate with the Japanese program.<sup>142</sup>

Toward those women who refused to follow its demands, the Council was ruthless. The Japanese government had indeed promised the comfort women 5 million yen.<sup>143</sup> According to historian Park Yu Ha:<sup>144</sup>

When Japan offered compensation through Asian Women's Fund in 1995, 61 former Korean comfort women defied [the Korean Council's] order and accepted compensation. Those 61 women were vilified as traitors. Their names had been a confidential part of the government's records, but the Council obtained their names and published them.<sup>145</sup> Park continues:<sup>146</sup>

Their names and addresses were published in newspapers as prostitutes, and they had to live the rest of their lives in disgrace.

The South Korean government then added that the women who cooperated with Japan would lose both their government pension and their right to live in public housing.<sup>147</sup>

Anthropologist Sarah Soh confirms Park's account.<sup>148</sup> Many former comfort women "have firmly refused to be further interviewed after the initial investigation for the government certification process." They have, Soh explains, "kept their silence out of fear of making 'speech errors' that might lead to the cancellation of their registration and hence the cessation of their welfare support money."

In late 2015, the Japanese and Korean governments cut yet another deal over the comfort women. Then-Prime Minister Shinzo Abe issued another apology. The government added another \$8 million in compensation, and the South Korean government agreed not to make further demands. The deal, they promised each other, was "final and irreversible."<sup>149</sup> At least 34 of the remaining 46 comfort women accepted the compensation.<sup>150</sup>

<sup>142</sup> Shin'ichiro Akaishi, "Okane wo ageru kara ..." [We'll Pay You Money so ...], Bunshun online, June 16, 2020b, available at: <https://bunshun.jp/articles/-/38366..>

<sup>143</sup> Shin'ichiro Akaishi, Firipin no ianfu mondai ... [The Philippines' Comfort Women Problem ...], Bunshun online, June 29, 2020a, available at: <https://bunshun.jp/articles/-/38632..>

<sup>144</sup> See KIH 2016d, supra note. This is 61 out of 236 registered comfort women. See Nishioka 2020a, supra note, at 96. See also Akaishi 2020a, supra note; Akaishi, 2020b, supra note.

<sup>145</sup> Akaishi 2020a, supra note.

<sup>146</sup> KIH 2016d, supra note.

<sup>147</sup> Akaishi 2020a, supra note.

<sup>148</sup> See Soh 2008, supra note, at 101.

<sup>149</sup> See Choe Sang-Hun, Japan and South Korea Settle Dispute Over Wartime "Comfort Women", N.Y. Times, Dec. 28, 2015.

<sup>150</sup> Ianfu zo no seisakusha fufu ... [The Couple Who Made the Comfort Women Statue ...], News Posuto seibun, Mar. 7, 2017. Available at: [https://www.news-postseven.com/archives/20170307\\_498048.html/2](https://www.news-postseven.com/archives/20170307_498048.html/2).

"Final" it was not to be. A South-Korean government-appointed panel soon declared the 2015 deal unsatisfactory.<sup>151</sup> Then-President Moon Jae-in announced that the agreement violated principles of justice and truth and did not incorporate the victims' perspectives. Effectively, he killed the agreement.

In truth, the Korean Council had deliberately engineered that result. In May 2020, Lee Yong-su accused the head of the Council (Yoon Mee-hyang) of deliberately insuring that the deal not reflect the views of the comfort women. Yoon had known the details of the negotiations, Lee explained, but had purposely not told the comfort women. She had planned to sabotage the agreement all along.<sup>152</sup>

### C. The North Korean Connection:

By blocking any reconciliation between South Korea and Japan, the Korean Council directly promotes a key North Korean political goal -- and that seems to be the point: the Korean Council is an organization that works deliberately and relentlessly on behalf of North Korea. Sociologist Lew Seok-choon describes the Council as "working in collaboration with North Korea" on the comfort-woman issue.<sup>153</sup> Historian Park Yu-ha writes that the Council "has used the comfort women issue for its political purpose, which is to drive a wedge into U.S.-Japan-South Korea security partnership."<sup>154</sup> "Formed by South Korean communists," according to Park, the Council is fundamentally a North-Korean-allied organization that deliberately sabotages reconciliation between Japan and South Korea. It seems to do so precisely because that sabotage advances the North Korean agenda.

The origins of the Korean Council lie in an international anti-nuclear conference held in Hiroshima and Nagasaki in August of 1987. Sumika Shimizu of the Japanese Socialist Party later recounted the history in the official publication of the North-Korean allied Japanese group Soren. That August, Shimizu had met with the chair of a South Korean church group, Lee Wu-jong. To avoid observation from the KCIA, they met secretly aboard a boat in Nagasaki harbor.<sup>155</sup> "She held my hand tightly and said," Shimizu recalled, "Tell me about Chairman Kim Il-sung. Tell me about our brothers and sisters in the North!" "Make it possible for me to meet our Northern sister Lyuh Yeon-gu [Ryo Yon-gu; a prominent member of the North Korean ruling elite]. You could do it."<sup>156</sup>

Aboard the boat, Shimizu and Lee Wu-jong discussed how best to start their collaboration with the North. More specifically, they began to plan a joint project that would involve the North

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<sup>151</sup> See Choe Sang-Hun, Deal with Japan on Former Sex Slaves Failed Victims, South Korean Panel Says, N.Y Times, Dec. 27, 2017.

<sup>152</sup> Kankoku ga Nihon no shinrai wo ushinatta ... [South Korea Lost the Trust of Japan ...], Bunshun online, May 14, 2022, available at: <https://www.jiji.com/jc/bunshun?id=54320>.

<sup>153</sup> See Tsutomu Nishioka, Ianfu mondai wo kogi de furete ... [Discussing the Comfort Women Problem in a Lecture ...], Oct. 19, 2021. Available at [www.morality.jp/salon211019-1/](http://www.morality.jp/salon211019-1/).

<sup>154</sup> See KIH 2016d, supra note.

<sup>155</sup> See Kankoku gekishin ... [Massive Shock in South Korea ...], Japan In-depth, May 26, 2020.

<sup>156</sup> "Teitai-kyo no shotai [The Truth about the Korean Council], May 2020, available at: <http://daishi100.cocolog-nifty.com/blog/2020/05/post-77ade9.html>.



Korean group known as the Democratic Front for the Unification of Our Country.<sup>157</sup> In time, their project would become the Korean Council.

Shimizu and Lee's teamwork soon led to a Symposium on Peace and the Place of Women in Asia. Held in May of 1991 in Tokyo, the Symposium included a representative of the newly formed Korean Council. Lyuh Yeon-gu arrived from North Korea. By 1992, the Symposium would hold its conference in Pyongyang.<sup>158</sup> There, the first chair of the Korean Council (Yun Chung-ok) met with Kim Il-sung.

Yoon Mee-hyang joined the Council management in 1992. The Council had its roots among the Korean Christian elite, and Yoon brought that background. Born in 1964, she had attended Hanshin University, and then Ewha Womens University. Lee Wu-jong (who met with Shimizu on the boat) had been a professor at Hanshin; Yun Chung-ok (who met with Kim Il-sung) had been a professor at Ehwa Womens. Prior to joining the Council, Yoon had worked at the South Korean Christian Elders Association.

Note the class-tension that inhered in the Council from the start. Ewha is a school for women from what mid-20th century New Yorkers might have called "good families." Think of it as the Korean Wellesley. The recruiters in 1930s and 1940s Korea did not hire their comfort women from families that would eventually send their daughters to Ewha. They hired their comfort women from the most destitute of the rural poor. The social distance between Ewha and the comfort women probably resembles the distance between a dinner for Wellesley alumnae at the New York Yacht Club and lunch at a diner in the fentanyl-laced hills of Appalachia.

Although Yoon came from within the South Korean church bureaucracy, she simultaneously brought deep ties to North Korea's network within the South. The very year that she joined the Council leadership, South Korean police arrested her husband Kim Sam-seok (Kim Sam-suk) and his younger sister for spying for the North.<sup>159</sup> The two had gone to Japan, met with a North Korean agent, passed documents, and received money. The courts convicted both, and sentenced Yoon's husband to 4 years in prison and his sister to 2 years. The Supreme Court affirmed.<sup>160</sup>

Kim demanded a retrial, and upon a new trial the court vacated his conviction for spying. The court confirmed that he had indeed passed documents to a North Korean agent, however, and upheld his conviction for violating the National Security Act (albeit with a two-year suspended sentence). It vacated the specifically "spying" charge on the ground that prosecutors had not shown the elements of the crime in South Korea -- that he had passed "state secrets" under orders from the North.<sup>161</sup> Do note that judicial independence has a troubled history in South Korea: the Korean

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<sup>157</sup> See Kankoku gekishin 2020, *supra* note.

<sup>158</sup> See Ianfu mondai: Nikkan ayumi yori wo bogai suru ... [The Comfort Women Problem: Blocking Rapprochement Between S. Korea and Japan ...], MSN Sankei Nyusu, Sept. 23, 2012; JID 2020, *supra* note.

<sup>159</sup> See Kim Ji-yu, Pyonyan de hannichi wo sakenda ... [Shouting Anti-Japanese in Pyongyang ...], Daily Shincho, June 23, 2020; Ruriko Kubota, Oshu de kita supai to renkei ... [Collaboration with North Spy in Western Europe ...], Sankei News, May 30, 2020a.

<sup>160</sup> See Ruriko Kubota, Giwaku zokushitsu no Yoon Mee-hyang shi ... [Doubts Grow over Yoon Mee-hyang ...], Sankei News, May 23, 2020b; Kim Ji-yu, *supra* note; Ri 2020, *supra* note, at 53

<sup>161</sup> Private correspondence from Uiwon Hwang, Media Watch, Jan. 25, 2022.

Council maintained close ties to the leftist Moon Jae-in administration, and the Supreme Court vacated Kim' spying conviction in May 2017, immediately after Moon became president.<sup>162</sup>

North Korean ties seemed to run in Yoon's family. In 2007, police arrested the husband of Yoon's sister-in-law (the woman convicted with Kim Sam-seok of passing documents to a North Korean agent). It did so in connection with yet another spying case. The court convicted Yoon's sister-in-law's husband, and sentenced him to 3-1/2 years in prison.<sup>163</sup>

In fact, Yoon's sister-in-law's husband had also been part of the senior leadership of the banned pro-North Unified Progressive Party (UPP). Several years ago, police had caught UPP leaders planning a massive sabotage operation. As political scientist Meredith Shaw put it, "secret recordings revealed that members [of the UPP] had plotted to assist a North Korean takeover."<sup>164</sup> Or maybe not so secret. Long-time Korea observer Joshua Stanton (2020) writes that the UPP members had been "plotting attacks against South Korean infrastructure targets in support of a North Korean invasion ... *over an open conference line*" (ital. in orig.). When the Korean courts cut the sentence for one of the defendants from twelve years to nine, Stanton suggested that perhaps "South Korean law has a sentencing guideline for aggravated stupidity."

In any event, in 2014 the constitutional court ordered the party disbanded -- and, according to sociologist Lew Seok-choon, the UPP leadership promptly moved over to the Korean Council.<sup>165</sup> In part because of this statement, Lew currently faces criminal prosecution, but Lew can point to specific people. To his college class, Lew asked:<sup>166</sup> "Do you really think the Council is a group that straightforwardly serves only the comfort women grandmothers?" "The Council is simply using them. It plays on the heart-strings of well-meaning people like you. ... The central management of the UPP now works through the Korean Council."

#### D. The Ningpo 12:

In April 2016, the manager of a North-Korean owned restaurant in Ningpo, China, defected to South Korea with 12 of the restaurant's 19 waitresses. Pyongyang ran a network of some 100 restaurants in foreign locations, most commonly in Asia. There, the waitresses sang and danced.

The regime chose the men and women to groom for its performing arts programs while they were still children.<sup>167</sup> Inevitably, by the time these children become adults, some of them were not quite talented enough for its top arts programs. Those women not good enough for the

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<sup>162</sup> Sotetsu Ri, Hannichi shuzoku no tabu [The Taboos of Anti-Japanese Tribalism] 112-13 (Tokyo: Takarajima sha, 2020).

<sup>163</sup> See Ruriko Kubota, Oshu de kita supai to renkei ... [Collaboration with North Spy in Western Europe ...], Sankei News, May 30, 2020a; Ri 2020, supra note, at 53.

<sup>164</sup> Meredith Shaw, Godzilla vs Pulgasari: Anti-Japanism and Anti-Communism as Dueling Antagonisms in South Korean Politics, 22 J. E. Asian Stud. 201-230, 211 (2022).

<sup>165</sup> See Nishioka 2021, supra note; Kubota 2020a, supra note; Ri 2020, supra note, at 53-56.

<sup>166</sup> Tsutomu Nishioka, Kankoku ni okeru gakumon no jiyu no kiki ni tsuite [Regarding the Crisis in Academic Freedom in South Korea], 10 Rekishi ninshiki mondai kenkyu, 79-91, 85 (2022).

<sup>167</sup> Patrick Winn, Why North Korean Peace Talks May Hinge on 12 Singing Waitresses," The World, Sept. 15, 2017; Joshua Stanton, Minbyun's Frivolous Lawfare Terrorizes 12 Young N. Korean Refugees & Endangers Lives, Free Korea, July 5, 2016, available at: <https://freekorea.us/2016/07/minbyuns-frivolous-lawfare-terrorizes-12-young-n-korean-refugees-endangers-lives/>; Joshua Stanton, The N.Y. Times, the Ningpo 12, Minbyun & Yoon Mee-hyang: The Story Behind the Story, FreeKorea, June 8, 2020, available at: <https://freekorea.us/2020/06/the-n-y-times-the-ningpo-12-minbyun-yoon-mee-hyang-the-story-behind-the-story/>.

best positions in the arts the Pyongyang regime sent to its restaurants. There, they entertained patrons by singing, playing the accordion, and dancing in special costumes.<sup>168</sup>

In part, the restaurants helped Pyongyang raise the foreign exchange it needed. In part, too, they provided an added benefit. The restaurants were a cash business. As such, they provided an avenue through which it could launder the cash it earned by selling drugs and military equipment in the illicit market.<sup>169</sup>

For the Pyongyang regime, the Ningpo defection was a public relations disaster. It had recruited to its arts programs primarily children from elite families. Twelve women from those families -- "a dozen vetted daughters of the Pyongyang elite," as one-time U.S. JAG corps officer in Korea and long-term observer Joshua Stanton put it<sup>170</sup> -- had now chosen to defect as a group. The defection was "a threat to the very stability of the regime." Pyongyang immediately declared that the South Korean National Intelligence Service (NIS) had tricked or kidnapped the young women.

It is here that the bizarre politics of the modern South Korean left resurfaces. At this point, an elite group of leftist South Korean lawyers adopted the North Korean cause. Named the Minbyun (Lawyers for a Democratic Society), the group constitutes an incarnation of the left upper-crust. As Stanton described it,<sup>171</sup> "[n]o organization is as identifiable with the elite of South Korea's political left as Minbyun." Recent presidents Roh Moo-hyun and Moon Jae-in had both been members.

Minbyun announced that it represented the parents of the 12 waitresses. Quite how it obtained a power of attorney from the parents is not clear. Given that North Korea is North Korea, they obviously worked on behalf of the regime itself.<sup>172</sup>

Minbyun now filed a "habeus corpus petition" to call the 12 into court. It wanted to question them, it explained, to determine whether they had come voluntarily, or instead been kidnapped by the South Korean NIS.<sup>173</sup> The petition was a flagrant breach of loyalty to its nominal clients. Nominally, the group represented the families of the 12. Call the daughters to court, and the lawyers jeopardized the very lives of those family members. As Stanton explained:<sup>174</sup>

If [the Ningpo 12 are] forced to reaffirm their asylum claims in public, Minbyun will have succeeded in winning its "clients" a slow death in the gulag. If, knowing and fearing this, the 12 publicly renounce their asylum claims, they'll be sent back to North Korea and a dark, uncertain fate. And if Minbyun establishes a precedent that it has a right to interrogate refugees every time Pyongyang trots out a terrified family member as a cat's-paw plaintiff, no North Korean refugee would ever dare to enter South Korea again."

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<sup>168</sup> Winn 2017, supra note.

<sup>169</sup> Winn 2017, supra note; Stanton 2020, supra note.

<sup>170</sup> Stanton 2016, supra note.

<sup>171</sup> Stanton 2016, supra note.

<sup>172</sup> Stanton 2020, supra note.

<sup>173</sup> Stanton 2016, supra note; Stanton 2020; Minbyun Efforts May Be More Harm Than Help for Defector Group, Daily NK, June 28, 2016, available at <https://www.dailynk.com/minbyun-efforts-may-be-more-harm-t/>; J.H. Ahn, S. Korean Lawyers to Again Request Meeting with 12 Restaurant-worker Defectors, June 19, 2017, available at: <https://www.nknews.org/2017/06/2-korean-lawyers-to-again-request-meeting-with-12-restaurant-worker-defectors/>.

<sup>174</sup> Stanton 2016, supra note.

None of the waitresses wanted to return to North Korea, but the manager stayed in the limelight for some time. Multiple times he changed his story. Sometimes, he insisted that they defected on their own volition; sometimes, he told people that the defection had been a South Korean plot. In Stanton's words: "There is no question that Heo [the manager] lied; the only question is when."<sup>175</sup> Eventually, he and several of the waitresses decamped to a third country -- apparently out of concern for their personal safety.<sup>176</sup>

In 2018, several Minbyun attorneys contacted the former manager, and introduced him to Yoon Mee-hyang and her husband Kim Sam-seok. Regularly, they met in a suburban Seoul house that the Korean Council had bought in 2012. Apparently, the Council had bought it from a left-activist acquaintance of Yoon's husband Kim for treble the market value. No one lived in the house, but Yoon's father worked as the paid caretaker (Nishioka 2020).

Yoon, husband Kim, and Minbyun lawyers then met with the manager and three of the waitresses multiple times. Relentlessly, they urged the manager and waitresses to return to the North. Yoon's husband apparently belted out a famous North Korean revolutionary anthem,<sup>177</sup> and several times the attorneys paid the manager cash that they explained had come from the Korean Council.<sup>178</sup>

#### E. The Lee Yong-soo Feud:

1. The money? -- As noted earlier, by the 2010s Lee Yong-soo had become the public face of the Korean Council's virulently anti-Japanese crusade. Recall that Lee is the woman who had originally explained that she left home with a friend in the middle of the night to meet a Japanese man who gave her a "a red dress and a pair of leather shoes in a packet," and followed him "readily," and "without any further thought."<sup>179</sup> Recall as well that by 2002 she would tell the Japanese Diet that "she had been taken away at age 14 at the point of a sword."<sup>180</sup> In 2007, she would tell the U.S. House of Representatives that she had been captured by a Japanese soldier. At a Tokyo news conference, she would add that "Japanese soldiers had dragged her from her home, covering her mouth so that she could not call to her mother."<sup>181</sup>

Within the last two years, Lee Yong-soo has split the comfort-women campaign down the middle. Publicly, the dispute has concerned money. Although the Korean Council received large amounts of government subsidies and private donations, it paid very little to the comfort women

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<sup>175</sup> Stanton 2020 supra note.

<sup>176</sup> See Dappokusha ni kikoku susumeru ... [Encouraging Refugees from the North to Return ...], Asahi shimbun, May 23, 2020; Ri 2020, supra note, 113-15.

<sup>177</sup> Probably: <https://www.youtube.com/watch?v=Usi-YZH5gWw>.

<sup>178</sup> Nishioka (2020a), supra note, at 107. See Dappokusha 2020, supra note; Ri 2020, supra note, at 113-15; Stanton (2016, 2020).

<sup>179</sup> See Soh 2008, supra note, at 12-13, 99-100; Keith Howard, ed., True Stories of the Korean Comfort Women 89 (London: Cassell, 1995); Yi 2018, supra note; Joseph Yi, Illiberal Means for Liberal Ends: Low-Road Challenge to Liberal Public Discourse and International Relations (2020), available at: <https://preprints.apsanet.org/engage/apsa/article-details/5f52aa1a9277460012015626>; Hata 2018, supra note, at 235.

<sup>180</sup> See Moto 2002, supra note; Hata 2018, supra note, 235.

<sup>181</sup> Fackler 2007, supra note; see Soh 2008, supra note. at 100-01; Protecting the Human Rights of Comfort Women, Hearing before Subcom. on Asia, the Pacific, and the Global Environment, of Com. Foreign Affairs, House of Rep. Feb. 15, 2007, at 17; Hata 2018, supra note, at 236.

themselves. Instead, massive funds seem to have gone to dubious use.<sup>182</sup> Much the same thing has happened at the affiliated nursing home.<sup>183</sup> Lee complained publicly in May of 2020, and prosecutors moved in and filed criminal charges against Yoon. As of early 2022, her trial for financial fraud was ongoing.

According to tax returns, from 2014 to 2019 the Korean Council raised donations of 4.9 billion won (about \$4 million) in its own organizational name (nominally on behalf of the comfort women). It additionally raised another 3.1 billion (\$2.5 million) in the name of its predecessor organization.<sup>184</sup> Of the 4.9 billion, the Council paid to the comfort women 920 million won. Of this, it had paid 100 million won each to 8 comfort women who (following its instructions) had refused to take the money offered by Japan in 2015. In other words, other than the 100 million to those who refused the Japanese money, from 2014 to 2019 the Korean Council had paid the comfort women a total of 120 million won (2.4 percent of the 4.9 billion raised). Despite the criticism about not using the donations for the comfort women, the Council has not disclosed how it spent the 3.1 billion it raised in the name of the predecessor organization. Given this nondisclosure, historian Tsutomu Nishioka reasons that it probably did not pay any of this money to the women.<sup>185</sup>

Korean media continued to investigate Yoon and her husband's finances. They found bank deposits of 321 million won, a condominium worth 186 million won (paid for in cash), a vacation house worth 47 million won, and two cars. They found that Yoon had solicited some donations to her personal bank account. And they found that she and her husband had declared to the tax office a combined annual income of 50 million won.

With this collapse in group cohesion has come (perhaps unanticipated) candor. Once Lee publicly accused Yoon of graft, Yoon responded by accusing Lee of fraud. Faced with Lee's charges, Yoon retaliated by stating what many observers (and most scholars in the field) had long-since concluded: that Lee has not been telling the truth about her life. Yoon posted on Facebook her memory of her first encounter with Lee. Lee had telephoned her, said Yoon. And she had introduced herself by saying, "I'm not a victim myself, but my friend ..." Note the import: the head of the virulent and long-standing campaign to extract money and apologies from Japan (Yoon) is publicly accusing her own principal comfort-woman spokeswoman (Lee) of having fabricated her entire life history.<sup>186</sup>

Lee replied: "I was used for thirty years. I was deceived." Yoon had called her and her colleagues "sex slaves," but Lee recoiled. "Why would I have been a sex slave? That's absolutely preposterous."<sup>187</sup>

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<sup>182</sup> See Ri 2020, *supra* note, at 88-103 (Kitamura author).

<sup>183</sup> See Ri 2020, *supra* note, at 122-26 (Kitamura).

<sup>184</sup> For the financial data, see Nishioka 2020a, *supra* note, at 98.

<sup>185</sup> Nishioka (2020a), *supra* note, at 98-02.

<sup>186</sup> See Tetsuhide Yamaoka, Ianfu harumoni ... [The Comfort Women Grandmothers ...], *Gekkan Hanada purasu*, May 26, 2020; Katsumi Murotani, Kihonteki na daigimon [A Basic, Major Doubt ...], *Zakzak* (Yukan Fuji), June 11, 2020. Lee herself explained that she began the conversation by stating that she was calling on behalf of her "friend" because she hesitated to describe herself as a comfort woman at the outset in a conversation with someone she had not met. Nishioka (2020, 109 n.2), otherwise a strong critic of Lee, finds this credible.

<sup>187</sup> Moto ianfu "zettai ni yurusenai" [Former Comfort Woman "It's Absolutely Unforgivable"], *Asahi shimbun*, May 26, 2020, at 11.

2. Or the movement's collapsing credibility? At base, historian Nishioka attributes the break between Lee and Yoon not to money, but to Yoon's failure to back Lee when she came under attack.<sup>188</sup> For years, the Korean media had balked from criticizing the comfort women. Even in the face of the obviously fraudulent statements that some of the comfort women were making, they had said nothing. Finally, however, in 2014 the young CEO of MediaWatch, Uiwon Hwang, broke the press embargo. To the Korean public, he began to report both the ties between the Korean Council and North Korea, and the wild variations in the stories that Lee had told.

Nishioka attributes the Yoon-Lee split to Hwang's investigation. Faced with Hwang's disclosures, Yoon and the Council did not defend Lee. Instead, they sidelined her and substituted another comfort woman as the movement's face instead. "I've been giving exactly the testimony that they told me to give. How come they aren't protecting me?," Lee complained.<sup>189</sup> But once Hwang began to report the radical inconsistencies to Lee's accounts, her credibility had collapsed. Realizing that they could not use her anymore, Yoon and the Council abandoned her, and she retaliated. Ultimately, the facade to the comfort woman movement collapsed.

## V. Scholarship

### A. The Japanese Literature:

Outside of the Anglophone world, none of this is news. Within Japan, only a dwindling band of activists and far-left academics still assert that the Japanese military conscripted Korean women by force. The claim began with Yoshida's book, but Yoshida eventually admitted that he had made up the entire account. The Asahi newspaper gave the claim enormous press, but retracted it all in 2014. Fraud is fraud, and serious Japanese scholars have long-since abandoned the captured-at-gunpoint narrative.

At one point, the Japanese scholar at the center of the sex-slave activists had been historian Yoshiaki Yoshimi. In 1992, he had claimed to find a document proving the government's role in procuring Korean comfort women. In fact, the only documents he found were ones that showed the government's worries about private recruiters who claimed to be working for the government. The recruiters were doing nothing of the sort, and the government wanted them stopped immediately.<sup>190</sup>

Even Yoshimi no longer claims that the military dragooned Korean women. Already in 1993, Yoshimi had announced that he did not trust Yoshida.<sup>191</sup> In a more recent interview with the Mainichi newspaper, Yoshimi explained that he no longer thinks the Japanese military forcibly conscripted Korean women at all:<sup>192</sup>

"So, how were the comfort women gathered? There were three general methods. First, an industry member [recruiter] selected by the military lent money to a woman's

<sup>188</sup> Nishioka (2020a), supra note, at 102-06.

<sup>189</sup> Nishioka (2020a), supra note, at 103.

<sup>190</sup> Naimusho, Shina toko fujo [Women Passage to China], Feb. 18, 1938, in Suzuki, et al., supra note at vol. 1, at 124; Arima, supra note, at chs. 5, 11.

<sup>191</sup> See Saishuto 2014, supra note; Hata 1999, supra note, at ch. 7.

<sup>192</sup> See Riki Yoshii, "Hyogen no fujiyu" ko: "Jugun ianfu ha dema" to iu dema, rekishigakusha, Yoshimi Yoshiaki shi ni kiku [Thoughts on the "Lack of Freedom of Expression": Asking Historian Mr. Yoshiaki Yoshimi about the False Rumor that "Military Comfort Women Were a False Rumor"], Mainichi shimbun, Aug. 15, 2019. Note that Webster 2020, supra note, at 12-16, seems to have missed the fact that Yoshimi has renounced the claims of dragooning made in his 1995 book.

family (the advance loan), and she in exchange worked at a comfort station (the purchase of a human). Second, a member of the industry [recruiter] fooled a woman into thinking that she would be working in a job like bar hostess or nurse (kidnapping). Third, government officials or a member of the industry used threats or violence forcibly to impress the woman (capture).

"On the Korean peninsula, which was a colony, the first and second were common.

There is testimony and court material indicating that the forcible impressment by government officials occurred in occupied territories like China and Southeast Asia."

Recruiters and government officials may have forcibly captured women in China and Southeast Asia, explained Yoshimi. In Korea, he continued, the women were either tricked by a private recruiter, or took the job for the money.

Western historians urge skeptics of the dragooning thesis to read Yoshimi and Sarah Soh.<sup>193</sup> Historian Tessa Morris-Suzuki writes that the statements by the comfort-women "should be read alongside, the abundant evidence already presented by Yoshimi Yoshiaki, Sarah Soh, Yuki Tanaka, Hank Nelson and many other scholars."<sup>194</sup> We could not agree more. Yoshimi expressly states that the Japanese military did not conscript Korean women into comfort station work. In turn, Soh describes Ramseyer's earlier work on Japanese prostitution:<sup>195</sup>

Ramseyer notes that the women who became licensed prostitutes were 'not women with many attractive alternatives' and that 'prostitution did pay well.' His study concludes that women in prewar Japan became licensed prostitutes by signing six-year indenture contracts, and 'most prostitutes did not become slaves' (emphasis in original). Instead, most of them quit when their contracts expired, and some were able to quit earlier by repaying their debts in three or four years."

She then concludes:<sup>196</sup>

The lived experience of some Korean comfort women has corroborated Ramseyer's research findings, but their personal histories have remained a part of strategically 'subjugated knowledge' in contemporary politics.

## B. The South Korean Literature:

1. The politics. -- Within South Korea, an increasing cohort of courageous scholars now publicly contests the forcible conscription thesis. There is a bitterly partisan angle to this: anti-Japanese hostility is very much a creature of the South Korean left. As political scientist Meredith Shaw put it, "anti-Japanism remains an indispensable weapon of Korea's left wing ...."<sup>197</sup> On the one hand, show historical Japanese ties, and the governing party can confiscate property. Statutes dating from 2004 and 2005 define, in Shaw's words, "'pro-Japanese and anti-national' actions committed during the colonial period," and "allow for assets to be confiscated from collaborators'

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<sup>193</sup> See, e.g., Tessa Morris-Suzuki, *You Don't Want to Know About the Girls? The 'Comfort Women,' the Japanese Military and Allied Forces in the Asia-Pacific War*, 13 *Asia-Pacific J. Japan Focus*, Aug. 3, 2015; see generally Mark R. Frost & Edward Vickers, *Introduction: The 'Comfort Women' as Public History -- Scholarship, Advocacy and the Commemorative Impulse*, 19 *Asia-Pacific J. Japan Focus*, Mar. 2, 2021.

<sup>194</sup> Morris-Suzuki 2015, *supra* note.

<sup>195</sup> Soh, *supra* note, at 114.

<sup>196</sup> Soh, *supra* note, at 114.

<sup>197</sup> Shaw, *supra* note, at 202.

descendants and redistributed to the descendants of independence fighters."<sup>198</sup> On the other hand, activists who attack Japan over the comfort women claims indirectly but simultaneously attack South Korean conservatives. The modern conservative party traces its antecedents to the 1960s Park Chung-hee regime, and the 1965 treaty with Japan stands as one of its key achievements. To pursue comfort women claims is implicitly to disgrace the treaty that did not address it. Within the world of modern South Korean politics, to press the comfort woman issue today is to attack that treaty -- in Shaw's words, it is "to attack one of the core legacies of the [Park] regime and, by proxy, its successors in today's conservative party."<sup>199</sup>

Given how ruthlessly the Korean government and the Korean Council policed the forcible conscription thesis, scholars who contest the thesis risk their jobs and freedom. Korean law criminalizes defamation, and Yoon Mee-hyang and the Council assert that scholars who question the sex-slave story defame the comfort women involved. All too often, the prosecutors' offices have followed their lead and filed criminal charges against scholars who speak out. Most Korean scholars do not speak out about the comfort women for a simple reason: they could lose their jobs and go to prison.

2. Park Yu-ha -- In the West, the best known of the scholars in South Korea to question the dragooning thesis is probably historian Park Yu-ha. Park does not just examine the statements from well-known comfort women like Lee Yong-soo.<sup>200</sup> She also interviews the women who have deliberately avoided the limelight. In her meticulously argued book, she stresses that private recruiters hired the women for privately owned comfort stations.<sup>201</sup> The Japanese military did not hire them. Some of the women may have been fooled by the private recruiters, but many chose the job knowingly and deliberately.<sup>202</sup>

Jun Bong-Gwan of the Korea Advanced Institute of Science and Technology reviewed Park's monograph:<sup>203</sup>

After reading the book, I was a little bit disappointed because there was nothing in the book that I didn't know. We all knew that Korean comfort women were not coercively taken away by the Japanese military. Korean comfort station owners recruited women in the Korean Peninsula and operated comfort stations in the battlefields.

The point seemed common sense. As he put it: "The Japanese military was busy fighting all over Asia, and it certainly didn't have time to be in Korea recruiting women."

For writing the book that she did, however, Seoul prosecutors filed criminal defamation charges against Park. Joe Phillips, Wondong Lee & Joseph Yi describe the case:<sup>204</sup>

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<sup>198</sup> Shaw, *supra* note, at 212.

<sup>199</sup> Shaw, *supra* note, at 213.

<sup>200</sup> See Park Yu-ha, *Teikoku no ianfu* [Comfort Women of the Empire] (Tokyo: Asahi shimbun shuppan, 2014).

<sup>201</sup> See Park 2014, *supra* note, at 28.

<sup>202</sup> The book is available in Japanese; in Korean, only a censored version is available. It is important to note that the English-language wikipedia entry on the book bears virtually no relation to the book itself.

<sup>203</sup> Korea Institute of History, "Comfort Women of the Empire" Reviewed by Professor Jun Bong Gwan, Apr. 21, 2016e, available at: <http://scholarsinenglish.blogspot.com/2014/10/comfort-women-of-empire-reviewed-by.html>.

<sup>204</sup> Joe Phillips, Wondong Lee & Joseph Yi, *Future of South Korea-Japan Relations: Decoupling or Liberal Discourse*, 91 *Political Quarterly* 448, 452-53 (2020).



In 2013, Sejong University professor, Park Yu-ha, published a book revealing the diversity of comfort women experiences and challenging the veracity of some testimonies. Nine comfort women activists sued Park for civil and criminal defamation, and government prosecutors requested a three-year prison sentence. A Seoul civil court partially censored Park's Korean-language book and fined her 90 million won (\$74,000) for defamation. A Seoul criminal court acquitted Professor Park on defamation charges; but, on 27 October 2017, after Moon's election, a Seoul appeal court overturned Park's acquittal and fined her 10 million Won (\$8,848). Prosecutors have appealed, again seeking a three-year jail term. The case is currently on appeal to the Supreme Court.

3. Rhee Young-hoon. -- Equally well-known within Korea and Japan (but not the West) is Seoul National University (SNU) emeritus economist Rhee Young-hoon. Rhee described the comfort stations as "regulated houses of prostitution for the army." More specifically:<sup>205</sup>

The comfort woman system was a licensed prostitution system under the control of the military.... The comfort women were not sex slaves.... Korean comfort women were recruited by pimps by means of advance payments and outright fraud.... There is no evidence that there were 200,000 Korean comfort women. The number is somewhere around 5,000.

In 2004, Rhee explained the history on television. No Korean scholar -- not one -- thinks the Japanese government "forcibly mobilized comfort women," implied Rhee.

Almost immediately, the Korean Council attacked. He should resign, it announced. If he refused, the SNU should fire him. In time, Rhee relented, and visited the women in Nanumu House. When he briefly tried to explain himself, the women went livid. For forty minutes, according to reporters, they berated him. "It's inconceivable that he would compare us to the women who are selling their bodies at Tondochoon," one declared. "I'd like to slug him if I could," said Kim Kun-Ja. "We were forcibly taken away." Rhee went down on his hands and knees (literally) and apologized.<sup>206</sup>

In fact, however, by the end of the decade Rhee would go on to publish two best-selling books: Anti-Japanese Tribalism (2019) and The Battle Against Anti-Japanese Tribalism (2020).<sup>207</sup> In the course of addressing the anti-Japanese sentiment among segments of modern South Korea, Rhee and his co-authors discuss the comfort-women dispute in great detail. The gist: the comfort-women system was an overseas extension of the domestic Japanese and Korean licensed prostitution regime. Some of the women from Korea were deceived by private recruiters into taking the job. Some of the women took the job under pressure from their families. And the rest took the job because they wanted the high pay. Most of them did indeed earn extremely high incomes. They worked 1 or 2 years, and then returned home.

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<sup>205</sup> See Nishioka 2017, supra note; [Seoul University Prof. Lee Yong-hoon "Comfort women = Sex slave" is an illusion.](http://staff.texas-daddy.com/?eid=502), Oct. 10, 2016, at <http://staff.texas-daddy.com/?eid=502>.

<sup>206</sup> See Rhee Young-hoon Seoul dai kyoju "jugun ianfu ha baishungyo" [SNU Professor Rhee Young-hoon "Comfort Women Were Prostitutes"], Chosun Online, Sept. 3, 2004, available at: <https://web.archive.org/web/20070517204644/http://www.chosunonline.com/article/20040903000051>; Ianfu 2004, supra note.

<sup>207</sup> See Rhee 2019, supra note; Rhee, Younghoon, ed., Hannichi shuzoku shugi to no toso [The Battle Against Anti-Japanese Tribalism] (Tokyo: Bungei shunju, 2020).

The 2019 book sold 110,000 copies in South Korea, briefly becoming the best-selling book in the country.<sup>208</sup> The think-tank for Moon's ruling party responded by urging the government to criminalize books like it. As political scientist Meredith Shaw explained it, the law would have "included criminal penalties for anyone who 'praises, incites, or sympathizes with Japanese organizations that seek to justify colonial rule.'"<sup>209</sup> When the Japanese translation appeared later in the year, it sold 200,000 copies and hit the number 1 best-seller status in Japan.<sup>210</sup>

In 2020, Lee Yong-soo and several others filed criminal defamation charges against Rhee.<sup>211</sup>

4. Lew Seok-choon. -- Yonsei University sociologist Lew Seok-choon recently found himself prosecuted (the case is on-going) for criminal defamation when he suggested in class that the comfort women had not been forced into the work by the Japanese military. Instead, he said, the work was simply "a form of prostitution."<sup>212</sup> He went on to explain the ties between the Korean Council, the banned UPP, and North Korea. The prosecutors filed charges, and the case is on-going.

The Wall Street Journal reported the case, but according to Lew left out the crucial historical and political context -- the roots of the dispute in Yoshida's fraud and its amplification by the pro-North Korean Council. About that context, reported Lew, the reporters (Timothy Martin and Dasl Yoon) omitted everything he said:<sup>213</sup>

"The Wall Street Journal gave my problem big notice. With comments from both sides, it presents the appearance of being even-handed. Yet when I agreed to the interview, I explained at great length the way that the comfort women had changed their stories, the way that the U.N. Coomaraswamy report relied on Yoshida Seiji's book (*My War Crimes*) that was shown to be a fabrication, and the way that the [Korean Council] and Yun Mee-Hyang are being tried for suspicions of embezzlement, etc. Unfortunately, the Journal left out all of this."

In truth, Lew was being kind. The *Journal* reporters did not just omit what he had said. Instead, they framed his prosecution within a bizarre account that -- once again -- presented the fraudulent Yoshida-school account as fact. Comfort women, they explained, "were forced into sex slavery by the Japanese military." "Decades of research clash with Mr. Lew's interpretations of history." The Korean Council was simply "a Seoul-based advocacy group for the survivors." The principal remaining disagreement between Tokyo and Seoul "largely revolves around whether the government bears any legal liability."

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<sup>208</sup> See Shin'ichiro Akaishi, Besuto seraa "Han Nichi shuzoku shugi" he no hanbatsu [The Reaction to the Best-selling "Anti-Japanese Tribalism", Bunshun online, Nov. 28, 2019.

<sup>209</sup> See Akaishi 2019, supra note; Shaw, supra note, at 24.

<sup>210</sup> See Akaishi 2019, supra note.

<sup>211</sup> Nishioka 2022, supra note, at 79.

<sup>212</sup> See Timothy W. Martin & Dasl Yoon, Professor's 'Comfort-Women' Lecture Gets Him Indicted -- And Sparks Debate on Academic Freedom, Wall. St. J., Aug. 21, 2021.

<sup>213</sup> See Uooru sutoriito jaaneru ni kansuru Lew kyoju to media uocchi no hanno [The Reactions of Professor Lew and Media Watch to the Wall Street Journal], Rekishi ninshiki mondai kenkyu kai, Aug. 23, 2021. Available at: [harc.tokyo/?p=2275](http://harc.tokyo/?p=2275).

5. Lee Wooyoun. -- In November of 2021, economist Lee Wooyoun discussed the history of the comfort women in the Diplomat, a public policy journal specializing in Asian affairs.<sup>214</sup>

Comfort women" were engaged in a "high-risk, high-return" occupation. Some occasionally earned enormous sums, and a great many returned to Korea or re-entered the workforce after their contracted term of employment ended. Restrictions on daily freedoms applied equally to military personnel, civilian employees, nurses, and anyone else in the battlefield environment. In conclusion, comfort women were not sex slaves, but sex workers who were fundamentally no different from today's sex industry workers.

Lee Wooyoun has studied as a visiting scholar at Harvard, and has taught at Kyushu University. He is one of the contributors to the two books edited by Rhee. Lee Yong-soo has filed criminal charges against Lee Woo-youn.<sup>215</sup>

6. Joo Ikjong. Lee Yong-soo has also filed criminal charges against Joo Ikjong.<sup>216</sup> Joo provided the data about the newspaper coverage of the comfort women during the post-war years that appears earlier in this article. He too has studied as a visiting scholar at Harvard, and he too has contributed to Rhee's "Anti-Japanese Tribalism" books.

6. Yon So-yon. -- Economics professor Yon So-yon remarked in class that the comfort women had been "voluntary prostitutes. The notion that they were forced into the position is manufactured history without any basis in fact." The university promptly fired him, and he faced substantial criticism from the public.<sup>217</sup>

7. Ji Man-won. -- Social critic and management Ph.D. Ji (Jee) Man-won suggested that many of the self-identified former comfort women had not in fact worked as comfort women at all. Of those who had indeed been comfort women, he said, most "were people [who] wanted to enter the sex trade because of the terrible economic situation." He further observed that the Korean Council was pro-North Korea. The Korean Council declared this to be criminal defamation, and petitioned the local prosecutors' office to initiate criminal prosecution. The court imposed a six-month prison sentence, subject to a 1-year probation.<sup>218</sup>

8. Song Dae-yup. -- In April of 2017, Song Dae-yup, a physics professor at the Sunchon National University, suggested in class (in passing) that the comfort women "probably had a clear idea what they had to do." Prosecutors launched criminal defamation proceedings. For this and other comments, Sunchon National University fired Song, and the court sentenced him to six

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<sup>214</sup> Lee 2021, supra note. The article is available at: <https://japan-forward.com/no-debate-the-diplomats-cancellation-of-my-comfort-women-article/>

<sup>215</sup> Tsutomu Nishioka, *Kankoku ni okeru gakumon no jiyu no kiki ni tsuite* [Regarding the Crisis in Academic Freedom in South Korea], 10 *Rekishin nishiki mondai kenkyu*, 79-91, 79 (2022).

<sup>216</sup> Nishioka 2022, supra note, at 79.

<sup>217</sup> Private email correspondence with Uiwon Hwang, MediaWatch, Feb. 22, 2022. More generally, see Hannichi 2014, supra note; Ianfu 2018, supra note; Jitsuwa 2018, supra note; Kankoku 2018, supra note.

<sup>218</sup> See Ji Man-Won shi "nise no ianfu" ... [Ji Man-Won "Fraudulent Comfort Women" ...], *Chuo Nippo*, Apr. 14, 2005, available at: [https://japanese.joins.com/article/j\\_article.php?aid=62513&sectcode=400&servcode=400](https://japanese.joins.com/article/j_article.php?aid=62513&sectcode=400&servcode=400) (reporter's words); Gunji hyoronka no Chi Man-won ... [The Military Commentator Chi Man-won ...], Sept. 29, 2013, available at: [https://s.webry.info/sp/92971510.at.webry.info/201309/article\\_88.html](https://s.webry.info/sp/92971510.at.webry.info/201309/article_88.html).

months in prison. The appellate court declared that he had "committed a serious crime of spreading false information and defaming the comfort women," and the Supreme Court affirmed.<sup>219</sup>

### C. The Western Literature:

1. Soh. -- By far the most thoughtful English-language study of the Korean comfort women is the work of anthropologist Sarah Soh.<sup>220</sup> Soh focuses on the process by which the testimonies of the comfort women converged on what she calls the "paradigmatic" statement. She looks carefully at the testimonies of the comfort women, and examines the way that the testimonies changed over time. Early in the movement, the women had stated that they took the job under parental pressure or because of the high pay. Over time, women converged on the bayonet-point dragooning story instead.

Soh writes:<sup>221</sup>

Their [i.e., the comfort women's] personal narratives paint quite a different picture from the canonized image of police or the military forcibly dragging them away from loving parents: They unwittingly interfere with the activists' paradigmatic story. ... Both [the transnational women's human rights movement and South Korean ethnonationalism] are invested in a paradigmatic story of Japan's comfort women as sex slaves who were forcibly recruited by the military.

Soh explains that she "is committed to the exploration of inconvenient and unsavory social facts that have remained buried or unexplained in the major studies, including those by the most forceful critics of the comfort woman system in Japan, Korea, the United States, and elsewhere."<sup>222</sup> In the end, however, she quotes a reviewer of Yoshimi's book:<sup>223</sup>

... I advise potential readers to approach this topic with caution. No matter which side you take, there will be people who will hysterically hate you for it. Trying to take the middle ground will make you the enemy of people on both sides, because each side believes that EVERYTHING they believe they believe is the TRUTH, even when it is patently not. ... In the end, it gets very political and very race oriented. And it will ruin your day many times over.

2. Gluck. -- Historian Carol Gluck is probably the most prominent of the western scholars who insist on what Soh called the "paradigmatic" account. Bizarrely for a professional historian, she objects to any attempt to verify the statements that the comfort women might make. Gluck writes:<sup>224</sup>

"To make the argument against coercion ... the government and its nationalistic supporters denigrated the testimonies of the former comfort women as -- in their words -- subjective, inconsistent, nebulous, unreliable, and as just 'confused memories.'"

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<sup>219</sup> See Lee 2018, *supra* note; private email correspondence, Feb. 17, 2022, from Kenji Yoshida, MediaWatch, and Feb. 22, 2022, from Uiwon Hwang, MediaWatch.

<sup>220</sup> See Soh 2008, *supra* note.

<sup>221</sup> Soh 2008, *supra* note, at xiii.

<sup>222</sup> Soh 2008, *supra* note, at xiv.

<sup>223</sup> Soh 2008, *supra* note, at 248.

<sup>224</sup> Carol Gluck, What the World Owes the Comfort Women, in J-H Lim, E. Rosenhalf, eds., *Mnemonic Solidarity* 84-85 (2021).

Instead, she dismisses the need for documentary verification as "a modern conceit."<sup>225</sup> The leading Japanese historian on the subject, Ikuhiko Hata, did try to check the claims the comfort women made -- and Gluck dismisses him as the scholar favored by the "conservative Japanese 'denialists.'" <sup>226</sup> Concludes Gluck: "it seems clear to almost everyone -- except Japanese conservative nationalists -- that the comfort women were telling stories they did not invent ...."<sup>227</sup>

3. Others. <sup>228</sup> -- Scholars mention the comfort women regularly. A simple Google Scholar search for "comfort women" returns an astonishing 2,000,000 hits; even "Karl Marx" returns only 1,770,000. Japan-specialists writing in English have placed many of their recent pieces in the Asia-Pacific Journal: Japan Focus. Daniel Schumacher, for example, published there in 2021. He says nothing about the Yoshida or Asahi newspaper scandals, ignores nearly everything written in Japanese or Korean, repeats the 200,000 comfort women number, and calls the comfort women regime the "Imperial Japanese military's wartime system of sexual servitude ...."<sup>229</sup>

Writing in the same journal, Tessa Morris-Suzuki ramps the potential number of comfort women to 400,000 (recall that there were only 3 million Japanese soldiers overseas), and repeats the claim that some of the Korean women "were rounded up at gunpoint." She quotes the 1996 U.N. report, and discusses what she calls "the forcible recruitment of women who were held in so-called 'comfort stations' and subjected to rape and other forms of sexual abuse at the hands of the Japanese military."<sup>230</sup> Alexis Dudden, again in the same journal, writes that the military was "eventually enslaving some 100-200,000 women as forced sexual labor for the system, of which Koreans and Chinese comprised the greatest numbers."<sup>231</sup>

The most unsettling aspect of this literature is the way these Japan specialists in the West refuse to acknowledge the historical context to the dispute itself. That the comfort-women dispute began with a fraudulent 1983 memoir is common knowledge in Japan. That the Asahi newspaper played up his claims to enormous fanfare is just as well-known. So is the observation that several of the more prominent comfort women have changed the stories they told. And so is the fact that most of them live in a nursing home run by a woman with extremely close ties to North Korea. All this is common knowledge among educated Japanese, yet (other than Sarah Soh) Western scholars rarely mention it at all.

## VI. The North Korean Connection

Consider one timeline:

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<sup>225</sup> Gluck 2021, supra note, at 81.

<sup>226</sup> Gluck 2021, supra note, at 77 n.3.

<sup>227</sup> Gluck 2021, supra note, at 86.

<sup>228</sup> Please recall that we do focus exclusively on comfort women recruited from Japan and Korea. Korea was part of Japan, and we do not believe soldiers will necessarily treat fellow citizens the same way they treat women in warzones. Thus books like Peipei Qiu, with Su Zhiliang & Chen Lifei, *Chinese Comfort Women* (Univ. British Columbia Press, 2013), are outside the scope of this study.

<sup>229</sup> Daniel Schumacher, *Asia's Global Memory Wars and Solidarity Across Borders: Diaspora Activism on the "Comfort Women" Issue in the United States*, *Asia Pacific Journal: Japan Forum*, v19, Mar 1, 2021.

<sup>230</sup> Tessa Morris-Suzuki, *Japan's "Comfort Women": It's Time for the Truth (in the Ordinary, Everyday Sense of the Word)*, *Asia Pacific Journal: Japan Forum*, v. 5, Mar. 1, 2007.

<sup>231</sup> Alexis Dudden, *The End of Apology*, *Asia-Pacific Journal: Japan Forum*, v. 3, Feb. 15, 2005.

In 1983, Seiji Yoshida published a fraudulent memoir. He claimed to have gone to Korea with a team of soldiers and conscripted 200 women at bayonet-point into comfort women work.

In 1987, a Japanese Socialist secretly met with a South Korean representative to plan a collaborative conference with the North. They held their first three-way conference in 1991. In 1992, they held the three-way conference in Pyongyang.

In 1991, Kim Hak-sun sued Japan. Activists had already organized the Korean Council in 1990 to focus on comfort women. Yoon Mee-hyang joined the leadership in 1992, and to the position brought a hard-core loyalty to the North Korean regime.

Japan offered the comfort women compensation in 1995. When it did, Yoon pressured the comfort women to refuse the money. When many of them did anyway, she publicly denounced them as traitors and prostitutes, and forced them (as Park Yu-ha put it)<sup>232</sup> "to live the rest of their lives in disgrace."

The Japanese government made another offer of compensation in 2015. The Korean government accepted the offer, and promised not to bring up the issue again. This was to be "final and irreversible." But Yoon and the Korean Council protested strenuously, and Moon Jae-in had allied himself with Yoon. Once he took office in 2018, he promptly repealed the agreement on the grounds that the Japanese government was insufficiently "sincere."

\* \* \*

Now consider a second timeline:

1991 was a bad year for North Korea. The regime had long pegged its security on a loose balance of power. The South counted on U.S. and Japanese support. The North relied on China and the Soviet Union. Among those two countries, the Soviet Union had been especially generous.<sup>233</sup>

But in 1991, the Soviet Union collapsed. With that collapse, the balance of power on the peninsula shifted dramatically against the North. To redress that shift, the North Korean regime escalated its nuclear weapons program. It had developed chemical weapons in the 1950s. It had begun work toward nuclear weapons in the 1960s. Neither the Soviet Union nor China had helped it build the bombs, but the Soviet Union had at least provided nominally non-military technology.

With the Soviet Union gone, the North Korean regime pushed forward with its nuclear weapons program. As it did, however, it desperately needed to insure that Japan and South Korea did not coordinate their opposition to this program. It played cat-and-mouse with the U.N. and the International Atomic Energy Commission. It bought technology from Pakistan, and in 2006 detonated its first underground nuclear explosion. It conducted additional tests at steadily higher power in 2009, 2013, 2016 (twice), and 2017. Concomitantly, it developed increasingly sophisticated missiles to carry these nuclear warheads.

In 1991, the Japanese government also determined unambiguously that North Korea had been kidnapping its citizens and forcing them to coach their spies in the language. The Japanese

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<sup>232</sup> See KIH 2016d, *supra* note.

<sup>233</sup> Tomokazu Shigemura, *Kita chosen no rachi, tero, kaku kaihatsu, yuji no kokusai kankei* [North Korea's Abductions, Terrorism, Nuclear Development, and International Emergency], 3 *Waseda daigaku shakai anzen seisaku kenkyujo kiyo* 181 (2011); Patrick M. Morgan, *Deterrence and System Management: The Case of North Korea*, 23 *Conflict Management and Peace Science* 121, 123 (2006).

government had suspected this since the 1970s. But in 1987, North Korean agents blew up the Korean Air Flight 858 en route to Bangkok. On death row, the one surviving bomber explained that she had learned Japanese from a Lee Un-hae who had regularly wept about how much she missed her children. In 1991, the Saitama police finally determined that Lee Un-hae was one Yaeko Taguchi, who had disappeared in 1978.<sup>234</sup>

The discovery was explosive. The Japanese police had concretely demonstrated that the rumors of North Korean abductions had indeed been true. In fact, North Korea had abducted at least several hundred South Koreans over the years. With the Saitama police determination that Lee was Taguchi, the North could now anticipate that Japan and South Korea might begin to work together to pressure it to return the kidnapped men and women. That too it needed to stop.

\* \* \*

When Yoon Mee-hyang sabotages rapprochement between South Korea and Japan, she promotes long-standing North Korean interests. South Korea and Japan are the obvious targets of the North Korean nuclear weapons, and the countries with the most to gain by stopping that program. They are the obvious targets of the North Korean kidnapping program. To continue its nuclear development, North Korea desperately needs enough hostility between them to prevent them from coordinating their responses. It does not want them to focus on its work. It wants them so distracted by their mutual hostility that they cannot interrupt its nuclear missile program.

To both South Korea and Japan, the North presents a next-door nuclear-armed regime controlled by a rogue oligarchy headed by a mentally unstable sociopath. The two countries desperately need to work together to shut down its nuclear program. They need to collaborate, cooperate, and coordinate their responses.

That collaboration is exactly what Yoon and the Korean Council have successfully prevented. South Korea and Japan almost settled their dispute in 1995, and again in 2015. Both times, Yoon successfully sabotaged the rapprochement. Her sabotage did not help the comfort women themselves: they were old, they were poor, and they needed the money Japan offered. Neither did her sabotage advance the interests of South Korea: it needs pressure on the North, not 1940s vintage quarrels with Japan.

We are not aware of any evidence that Yoon and the Korean Council acted under explicit instructions from the North. We realize that we show only two coinciding timelines. We also realize that Yoon's hardline approach to Japan is massively over-determined. Through that approach, she raises comfortable amounts of money that (according to Seoul prosecutors) she has diverted to her private accounts. She has had straightforward wealth-maximizing reasons to do what she has been doing.

Crucially, however, Yoon stands near the center of a deeply entrenched network of pro-North activists. From that location, for 30 years she has distracted South Korea and Japan while the North aggressively developed its nuclear weapons. More than anyone else, she has relentlessly inflamed the ethno-nationalism that drives the anti-Japanese hostility in South Korea. In the process, she has blocked any reconciliation with Japan. Effectively, she has stopped the two

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<sup>234</sup> Tomokazu Shigemura, *Kita chosen no tero, joho kosaku senso to Nihon no anzen* [Japan's Safety and North Korea's Terrorism and Misinformation War], 9 *Waseda daigaku shakai anzen seisaku kenkyujo kiyo* (2016); James T. Laney & Jason T. Shaplen, *How to Deal with North Korea*, 82 *Foreign Affairs* 16 (2003); see generally Keishi cho, *Kitachosen ni yoru rachi yogi jian* [Cases with Suspicions of North Korean Abductions], Sept. 21, 2021. Available at [https://www.keishicho.metro.tokyo.lg.jp/jiken\\_jiko/ichiran/ichiran\\_10/rachijian.html](https://www.keishicho.metro.tokyo.lg.jp/jiken_jiko/ichiran/ichiran_10/rachijian.html)

countries from coordinating their response to the North Korean nuclear weapons program. And in so doing, she has done exactly what the North Korean regime needed done.



**Table 1: Licensed Prostitutes in Korea, 1924, Two Provinces**Age Distribution of Licensed Prostitutes, 1924 (Doke 1928, 787, 800):

<u>Gyeonggi province %.</u>			<u>South Gyeongsang province %.</u>		
18-19	104	9.45	18-19	176	19.22
20-24	680	61.76	20-24	415	45.30
25-29	273	24.80	25-29	230	25.11
30+	44	3.99	30+	95	10.37

Years' Experience of Licensed Prostitutes, 1924 (Doke 1928, 788, 801):

<u>Gyeonggi province %.</u>			<u>South Gyeongsang province %.</u>		
0+	134	11.17	0+	328	35.81
1	154	13.99	1	198	21.61
2	186	16.89	2	158	17.25
3	222	21.16	3	99	10.81
4	294	26.70	4	65	7.10
5	65	5.90	5	44	4.80
6	17	1.55	6	20	2.18
7+	29	2.64	7+	4	0.44

Sources: Saiichiro Doke, Baishunfu ronko [A Study of Prostitutes] (Shishi shuppan, 1928), reproduced in Yuko Suzuki, et al., Nihon gun "ianfu" kankei shiryō shusei [Collection of Materials Related to the "Comfort Women" of the Japanese Military] (Tokyo: Akashi shoten, 2006), vol. 1, pp. 786-820, at 787-88, 800-801.

## Table 2: Sample Form Contract

### Contract:

- Item: Working term [stated below to be 2 years; see below].
- Item: Contractual amount [stated below to be 500 - 1000 yen].
- Item: To work as a prostitute (shakufu) at the comfort station (ianjo) of the Fourth Army stationed in in Shanghai.
- Item: Bonus shall equal 10 percent of revenue (half to be saved).
- Item: Food, clothing, and supplies shall be the obligation of the [brothel] owner.
- Item: Should this contract be dissolved during the contractual period, the remaining principal, the penalty [defined below as 10 percent of the principal per year], and costs incurred at the time of hiring shall become due and payable.
- ...

### Conditions:

- Item: Contractual term: Two full years.
- Item: Advance loan: 500 yen to 1000 yen; provided, however, that 20 percent of the advance shall be deducted and applied toward incidental and start-up expenses.
- Item: Age -- 16 to 30 years old.
- Item: [Consent of parent required.]
- Item: The advance and the repayment formula expire upon the completion of the term of years. In other words, should the contracting party be unable to work because of illness, the advance shall be considered paid in full upon the end of the term
- Item: Interest shall not be charged during the term of the contract. Should the contracting party quit during the term of the contract, interest shall be charged at the rate of 1 percent per month.
- Item: The penalty shall equal 10 percent of the contractual advance per year.
- Item: Should the contracting party quit during the term of the contract, calculations shall be made on a per-day basis.
- Item: Upon completion of the term of years, the cost of returning to the home country shall be borne by the [brothel] owner.
- Item: 10 percent of the calculated earnings [I assume net] shall be paid to the contracting party [i.e., the woman] as income on a monthly basis.
- Item: Upon completion of the term of years, a reasonable payment of gratitude shall be paid in proportion to the contracting party's earnings.
- ...

Source: Ibaraki ken chi ji. 1938. Shanhai haken gun nai rikugun ianjo ni okeru shakufu boshu ni kansuru ken [Case Regarding the Recruitment of Prostitutes for the Comfort Station Attached to the Army Stationed in Shanghai], Feb. 14, 1938, in Josei no tame no Ajia heiwa kokumin kikin, ed., Seifu chosa: "Jugun ianfu" kankei shiryō shusei [Government Investigation: Materials Relating to the "Comfort Women Accompanying the Military"], vol. 1, 47-52, at 50, 52 (Tokyo: 1997).

**Table 3: Assignment Charges for Comfort Stations**

	Privates	NCO	Officers
Manila	1.5 yen	2.5 yen	
Shanghai	1.5	1.5	3.0
Tacloban	1.5	2.0	3.0
Burauen	1.5	2.5	5.0
Rabaul	2.0	2.5	2.5
Myitkyina	1.5	2.0	5.0

Note: The figures are from an Allied military report, 1 hour for the officers in Manila and Shanghai, for 40 minutes in Burauen, and in all other cases for 30 minutes. Privates include sailors.

Source: SCAP, Research Report: Amenities in the Japanese Armed Forces, Nov. 15, 1945, in Josei no tameno Ajia heiwa kokumin kikin, ed., Seifu chosa: "Jugun ianfu" kankei shiryoshusei [Government Investigation: Documents Relating to the "Military Comfort Women"] (Tokyo: Ryukei shosha, 1998), vol. 5, 137-66.

#### Table 4: Comfort Women Testimonies

In 1992, the Korean Council interviewed 40 surviving self-identified comfort women. In 1993, they published summaries of the testimonies of 19 of these comfort women. They described these as the women whose interviews they were able to complete.

1. (p. 41) *Kim Hak-sun*. She hated her parents. They put her up for adoption as an kisaeng entertainer (singing, dancing, sex). Her adoptive father (owner of the kisaeng house) then takes her to China to find work, but en route she is abducted by Japanese military, and taken to a comfort station. Discussed more fully in Section III.

2. (p. 57) *Kim Dok-chin*. She is tricked by Korean recruiter who claimed that she would be doing factory work, and taken to a comfort station near Shanghai.

3. (p. 71) *Lee Yon-suk*. Follows Korean recruiter who promised a job in Japan, and is taken to a comfort station in Guangdong.

4. (p. 84) *Ha Sun-nyo*. When she was 20 or 21, she followed a Korean man and a Japanese man, both wearing business suits. They promised her a well-paying job in Osaka, but she was taken to a comfort station in Shanghai.

5. (p. 95) *O O-mok*. Korean man promised her a job in a cotton-spinning factory, but she was taken to a Manchurian comfort station.

6. (p. 103) *Fan Kum-ju*. Her village head (who was a Japanese) promised her high wages in a Japanese munitions factory, but she was taken to a comfort station.

7. (p. 117) *Mun Bil-gi*. Local Korean man and the Japanese patrolman promise her a position where she can both earn high wages and study, but she was taken to a Manchurian comfort station.

8. (p. 131) *Lee Yon-su*. Early one morning, her friend came to her window and urged her to come out. She discovered her friend with a Japanese man, who handed her a bag with a dress and a pair of shoes. She followed them, and was taken to a comfort station in Taiwan. N.B.: Discussed more fully in text.

9. (p. 144) *Lee Ok-pun*. She was told by a Japanese man (wearing horse-riding pants) and a Korean man that her father was looking for her. She followed them, and was eventually sent with several other captured Korean adolescent girls to a comfort station in Taiwan. In 1942, she was sent to a comfort station for the suicide squads. N.B.: The suicide squads were not formed until 1944.

*Continued on next page*

**Table 4 (Continued)**

10. (p. 159) *Mun Ok-chu*. Captured by Japanese in military uniform and sent to Manchurian comfort station. Discussed extensively in J. Mark Ramseyer, Contracting for Sex in the Pacific War: A Response to My Critics, Discussion Paper No. 1075, Harvard John M. Olin Center for Law, Economics and Business, Jan. 2022, SSRN-id4000145.

11. (p. 180) *Lee Su-nok*. Recruited by a Chinese man for a Japanese silk weaving factory, but sent to a comfort station in China.

12. (p. 195) *Lee San-ok*. Recruited by a Japanese civilian (affiliated with the military) to work for a factory in Japan, but sent to a comfort station in Palau.

13. (p. 212) *Lee Tok-nam*. While working at a cafe in Manchuria, a Japanese civilian offered to introduce her to a better-paying cafe. Instead, she was taken to a comfort station in Hankou.

14. (p. 227) *Lee Yon-nyo*. She was first sent by her father (who received an advance loan) to work at a bar in Seoul. The owner (a woman) promised to introduce her to a good paying place in Japan. When she agreed, the owner paid her a large sum. She boarded a ship, and was taken to a comfort station in Burma.

15. (p. 241) *Kim Te-son*. A Japanese man (who may or may not have been wearing a military uniform) and a Korean man recruited her by promising a high-paying job at a Japanese factory. She boarded a ship, and was taken to a comfort station in Burma.

16. (p. 253) *Park Su-ne*. She first married at age 16 to an impoverished man. She ran away, and at age 18 remarried as the second-wife to a rich Korean. She bore a child, but her husband (who received an advance loan) transferred her (now age 23) to a recruiting station in Seoul. At the recruiting station she learned of a job as a nurse and laundress for the Japanese military, and enlisted. She was taken to a comfort station in Papua New Guinea.

17. (p. 269) *Che Myon-sun* (also known as Kim Kyon-sun). A town leader recruited her for a high-paying job in Japan. Upon arrival in Japan, She was made a mistress to a Japanese military officer. When she asked to go home, she was taken to Osaka where she was regularly raped by many military men.

18. (p. 286) *Kan Dok-kyon*. In 1944, she was drafted to work in Japan at an aircraft factory. She escaped one night, but was caught. She was taken to a military installation where she was regularly raped.

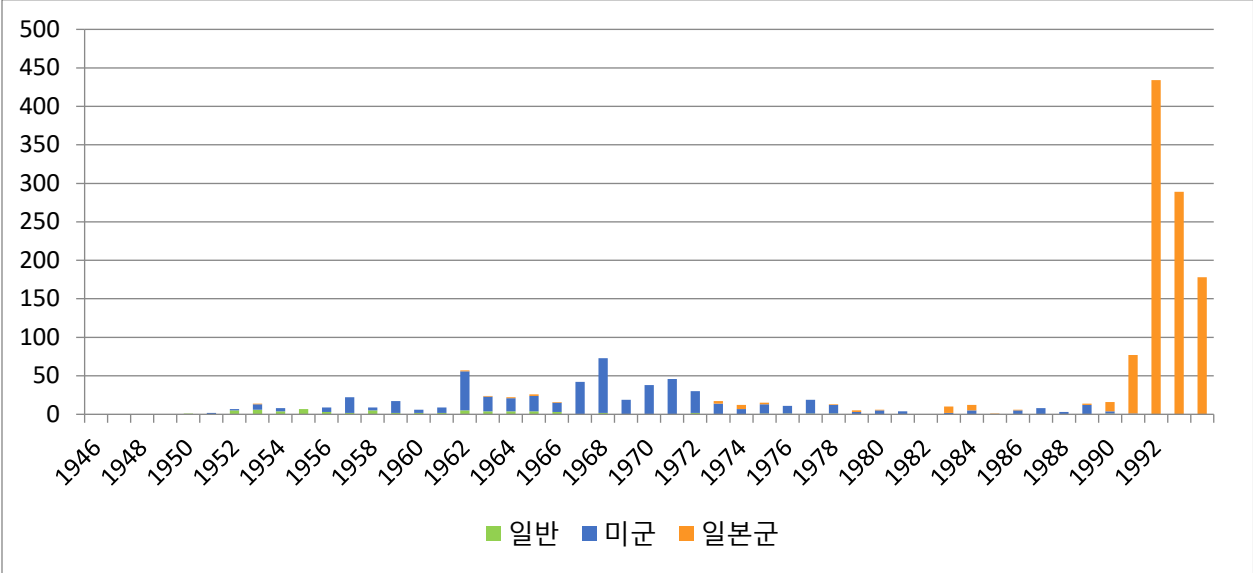
*Continued on next page*

**Table 4 (Continued)**

19. (p. 301) *Yun Do-ri*. While walking past a Pusan train station, she was stopped by a police officer. The police officer promised her a good job. She was taken by military truck to the harbor, and from there to Japan. From Japan, she was taken by boat to a comfort station on an island off the coast of Korea. N.B.: there were no comfort stations in Korea.

Source: Kankoku teishintai mondai taisaku kyogikai, ed. *Shogen -- kyosei renko sareta Chosenjin gun ianfu tachi* [Testimonial -- the Dragooned Korean Military Comfort Women] (Tokyo: Akashi shoten, 1993).

**Figure 1: Number of Articles on the Comfort Women, Dong-A Ilbo and Kyunghyang Daily Newspapers**



Source: Personal correspondence with Ikjong Joo.

**Table 5: Number of Articles on the Comfort Women  
Dong-a Ilbo Daily Newspaper**

	Comfort women for the Japanese military	Comfort women for the US (UN) military.
1951-55	1	17
1956-60	0	36
1961-65	0	56
1966-70	1	118
1971-75	5	39
1976-80	0	20
1981-85	4	9
1986-90	5	8
1991-95	616	3

Source: From Choi Sok-yong, The Real Reason behind "Anti-Japanese Nation" Written by a South Korean 100 (Saizusha, 2012), as reported in Ikuhito Hata, Three-point Suite: The Facts About South Korea's Comfort Women, 1945-2015 (Aug. 2015) (translated from Seiron).



**Table 6: Number of Articles Using Given Word in Headline or Body,  
Chosen Ilbo Daily Newspaper**

	<u>Japan</u>	<u>Reparations</u>	<u>Forced transport</u>	<u>Comfort women</u>
1945-49	1236	47	0	0
1950-54	936	13	0	0
1955-59	3250	24	0	0
1960-64	4534	22	2	0
1965-69	3535	7	3	0
1970-74	5620	8	2	0
1975-79	4643	5	0	0
1980-84	5133	4	2	0
1985-89	4748	4	11	0
1990-94	17,539	344	150	3
1995-99	28,121	357	186	459
2000-04	34,943	286	44	349
2005-09	35,867	215	27	366

Source: Kan Kimura, *The Burden of the Past: Problems of Historical Perception in Japan-Korea Relations* (Ann Arbor: University of Michigan Press, 2019) (Marie Speed, tr.), p. 6, Fig. 1.1.

**Table 7: Number of Articles Using Given Word in Headline,  
Asahi Shimbun Daily Newspaper**

	<u>Comfort women</u>	<u>Forced transport</u>
1945-49	0	0
1950-54	0	0
1955-59	0	0
1960-64	0	1
1965-69	0	0
1970-74	0	5
1975-79	1	15
1980-84	1	8
1985-89	6	14
1990-94	600	275
1995-99	822	222
2000-04	126	169
2005-09	225	142
2010-14	413	57

Source: Kan Kimura, *The Burden of the Past: Problems of Historical Perception in Japan-Korea Relations* (Ann Arbor: University of Michigan Press, 2019) (Marie Speed, tr.), p. 26 Fig. 2.1.

## **Appendix: Information About Comfort Women Contracts**

**A. Naimu sho keiho kyoku, Shina toko fujo no toriatsukai ni kansuru ken [Case Regarding the Treatment of the Passage of Women to China], Feb. 18, 1938, in Yuko Suzuki, et al., eds., Nihongun "ianfu" kankei shiryō shusei [Collection of Materials Relating to the Japanese Military "Comfort Women"] (Tokyo: Akashi shoten, 2006), vol. 1, pages 124-138.**

\* Kobe brothel owner tries to recruit 500 women from Yamagata prefecture for north China comfort stations (part of a 2500 women recruitment effort), ages 16-30, advances of 500-1000 yen, maximum 2-year terms (page 127).

\* Kobe brothel owner tries to recruit 500 women from Gunma prefecture (part of a 3000-women recruitment effort). First sample contract does not specify advance size or maximum term. Second sample contract specifies ages 16-30, advances of 500-1000 yen, maximum 2-year terms (pages 127-29).

\* Miyagi governor reports Fukushima entrepreneur who recruited approximately 30 women to work at Shanghai comfort station, ages 20-35, advances of 600 yen, unspecified terms (page 130).

\* Ibaraki governor reports Kobe brothel owner who recruited two women (already working as prostitutes) for Shanghai comfort station, one for an advance of 642 yen, and one for 691 yen. Sample contract (p. 131) included, but with maximum term and advance amount unspecified. A second sample contract (p. 132) also included, specifying specifies ages 16-30, advances of 500-1000 yen, and maximum 2-year terms (pages 131-32).

\* Wakayama governor reports recruitment effort involving 70 women for a Shanghai comfort station (part of a 3000-women recruitment effort). Solicitation specified maximum advance of 800 yen. Additionally, the report discusses a 26 year-old who received 470 yen, and a 28-year-old who received 362 yen (pages 134-35).

\* With respect to all contracts for women from Japan, note the police order: All women traveling from Japan to north or central China to serve as prostitutes must bring their contract with them and apply in person at the police office for a permit. They must be told to return to Japan "upon the conclusion of their provisional contract" (page 125). Historian and specialist in government documents, Tetsuo Arima, *supra* note, at ch. 11, explains that Ambaras misunderstands government practice at the time, and notes that this directive would have applied to women traveling from Korea as well.

**B. SCAP, Research Report: Amenities in the Japanese Armed Forces, Nov. 15, 1945, in Josei no tameno Ajia heiwa kokumin kikin, ed., Seifu chosa: "Jugun ianfu" kankei shiryōshusei [Government Investigation: Documents Relating to the "Military Comfort Women"] (Tokyo: Ryukei shosha, 1998), vol. 5, 137-66.**

\* Report discusses comfort station operator who "purchased 22 Korean girls, paying their families from 300 to 1000 yen ...." The women were 19-31 years old, and arrived in 1942 (page 151).

\* Report further notes: "Every 'comfort girl' was employed on the following contract conditions. She received fifty percent of her own gross takings and was provided with free passage, free food and free medical treatment" (page 152).

**C. U.S. Office of War Information, Interrogation Report No. 49, Oct. 1, 1944, in Josei no tameno Ajia heiwa kokumin kikin, ed., Seifu chosa: "Jugun ianfu" kankei shiryoshusei [Government Investigation: Documents Relating to the "Military Comfort Women"] (Tokyo: Ryukei shosha, 1998), vol. 5, 203-09.**

\* This is an interrogation of 20 Korean comfort women found in Burma in 1944. The women had been recruited in 1942 through fraud, had received "an advance of a few hundred yen," and served maximum contractual terms of 6 to 12 months (page 203). Yoshimi, supra note, at page 95, states that they received advances of 300-1000 yen.

\* Report notes that about 800 women had been recruited through this effort (page 204).

\* Report notes that the Army permitted "certain girls who had paid their debt" to return home (page 205).

\* Reports comfort-woman: comfort-station revenue split of 50:50 or 60:40, but also reports that comfort stations charged the women high prices for various goods (p. 205).

**D. Fukuoka ken chiji, Shina tokosha ni taisuru mibun shomeisho hakkyu ni kansuru ken [Case Regarding the Issuance of Identification Documents for People Travelling to China], Dec. 15, 1937, in Josei no tameno Ajia heiwa kokumin kikin, ed., Seifu chosa: "Jugun ianfu" kankei shiryoshusei [Government Investigation: Documents Relating to the "Military Comfort Women"] (Tokyo: Ryukei shosha, 1997), vol. 1, 113-115.**

\* Document shows two prostitutes applying to travel in 1937 to a Shanghai comfort station -- one for a 1-year term, and one for a 1-year-9-month term (page 115).

**E. Park, Yu-ha, Teikoku no ianfu [Comfort Women of the Empire] (Asahi shimbun shuppan, 2014).**

\* Park quotes a 1937 Korean newspaper article (page 29):

"Choi Jae-hyun (37) and his wife Lee Seong-Nyeo (24), from [address] conspired several days ago to entice Kim In-Sop's [address] second daughter Yohngoon (12) and sell her as a prostitute to a Chinese restaurant owner Chang Wookyeong at [address] for a 50-yen ransom [i.e., price]. He was caught by the police as he was drafting the contract, and is currently being stringently investigated. "

\* Park reproduces two 1944 Korean newspaper advertisements for comfort women (page 33): One specifies women aged 18-30, with contractual details to be determined upon interview. The other specifies women aged 17-23, monthly income of at least 300 yen, and advances of up to 3000 yen.

**F. Senda, Kako, Jugun ianfu [Military Comfort Women] (Tokyo: Futaba sha, 1973).**

\* Reports being involved in the recruitment of over 100 women, both Korean and Japanese, for comfort women service from northern Kyushu (pages 24-28). The advance was generally about 1000 yen, and the women were free to leave when they had repaid the amount.

\* Reports a recruiter from northern Kyushu who brought 20 women to serve as comfort women in Shanghai brothels in 1938 (pp. 60-62). The recruiter states (I find the claim implausible) that the women provided sexual services to the Japanese military personnel at the stations along the way, and by the time the train reached Shanghai they had repaid their 1000 yen advance and were free.

**G. Rhee, Younghoon, Hannichi shuzoku shugi [Anti-Japanese Tribalism] (Tokyo: Bungei shunju, 2019).**

\* Reports a 22-year-old Korean daughter sold by her father in 1937 to Manchurian brothel for a 1300-yen advance. She objected, and complained to the police (page 251).

\* The comfort women at a comfort station operated by a Korean in Burma in 1942 repaid their advances in six months (pages 273-74).

\* Reports a Rangoon comfort station from which in 1944 15 of the 20 comfort women completed their contractual obligations and went home to Korea. One of the comfort women had sent home 11,000 yen that year (pages 275, 283, 320).

**H. Yoshimi, Yoshiaki, Jugun ianfu [Military Comfort Women] (Tokyo: Iwanami shoten, 1995).**

\* Reports one Japanese woman who went to a Shanghai comfort station in early 1938 on an advance of 1000 yen (pages 88-89).

\* Reports one Japanese woman who returned from prostitution in Saipan and Palau in 1939. She had repaid her advance, but then volunteered with several other women to go work in a Nanking comfort station (page 89).

\* Reports that a Japanese geisha went to work at a navy-operated comfort station in the Truk islands in 1942 because it agreed to take on the nearly 4000 yen she owed to her placement agency (okiya), on a 1-1/2 year term (page 89).

**I. Lee Woo-yeon, Chosenjin gyosha to keiyaku shi ianjo wo tenten to shita ianfu no shogen [The Testimony of a Comfort Woman Who Contracted with a Korean Member of the**

**Industry and Moved from Comfort Station to Comfort Station], Yahoo News Japan, Mar. 7, 2021 (originally JB Press).**

\* Sixteen-year-old Korean signs up for a three-year term as a prostitute for an advance of 3000 yen. Eventually, she consents to having her contract assigned to a comfort station. Date uncertain.

**J. Yamada, Seikichi, *Bukan heitan [Wuhan Logistics] (Tokyo: Tosho shuppan, 1978).***

\* Reports that Wuhan area comfort women (130 Japanese, 150 Koreans) in 1943-44 (by which time inflation was serious) had average advances of 6000-7000 yen, could repay 400-500 yen per month, and could repay their advances and return home after about 1-1/2 years (page 77, 84).

\* Revenue split for Wuhan area comfort stations was 60:40 comfort-station:comfort-women for women with debt; it was 50:50 for those without debt.

\* Reports one comfort woman from Osaka, age 20, with a 10,000 yen advance (page 87).

\* Reports a woman whose mother died at age 2 and whose father abandoned her; who then applied for work as a comfort woman and came to Wuhan (narrative notes that Korean recruiters often used other terms for the work), repaid the advance in two years, returned to Korea, and then signed up for another term in Wuhan (pages 102-03).

**K. Nishino, Rumiko, et al., "Ianfu" basshingu wo koete [Beyond "Comfort Women" Bashing] (Tokyo: Otsuki shoten, 2013).**

\* Reports accounts of Japanese prostitutes volunteering for comfort women service and repaying their advance in one or two years and returning home (p. 37).

\* Reports Japanese 18 year-old who left to serve as comfort woman in 1942; she returned in 1943 having repaid her 4000 yen advance and saved an additional 10,000 yen (pp. 37, 53-54). Probably the same woman reported by Yoshimi, supra.

\* Reports Japanese geisha who received an advance of 2,300 yen to serve as a comfort woman on a 1-year contract (p. 37).

\* Reports Japanese prostitute who enlisted as comfort woman for Shanghai on a 1,500 yen advance. She returned to Japan two-years later and opened a restaurant (pp. 37-38). She reports that the comfort women in Shanghai repaid their advances in 1 to 3 months.

**L. Soh, C. Sarah. *The Comfort Women: Sexual Violence and Postcolonial Memory in Korea and Japan (Chicago: University of Chicago Press, 2008)***

\* Confirms that the "lived experience of some Korean comfort women" mirrors the contractual structure under which licensed Japanese prostitutes worked, including large upfront advances, maximum terms, and the ability to quit earlier by repaying the debt (page 114).

**M. Hata, Ikuhiko, Ianfu to senjo no sei [Comfort Women and Sex on the Battlefield] (Tokyo: Shincho sensho, 1999).**

\* Reports woman who volunteered to work as comfort woman on Chuuk islands repaid her 4,000 yen advance in two years (p. 224). Possibly same woman reported by Yoshimi, supra.

\* Reports Korean owner of comfort station in China noted that the women tended to repay their advances of 300-500 yen in 1 or 2 years; after they had saved additional money, they tended to marry or return home; hiring their replacements was one of his biggest problems (pp. 382-83).

**N. Hosoya, Kiyoshi, Nihon gunjin ga shogen susu senjo no hana: Chosenjin ianfu [The Flowers of the Front, Reported by Japanese Soldiers] (Tokyo: Haato shuppan, 2019).**

\* Former Manchukuo police officer reports the comfort woman: comfort station revenue split as 40:60; reports claims that debt grew, and describes role of police as stopping such schemes; reports that all Korean comfort women had formerly worked as prostitutes within Korea (account concerns mostly Korean comfort women with some Japanese (pp. 42-43).

\* Former naval officer reports (1940s) reports that women were recruited on advances of 4,000-5,000 yen for a one-year contractual term; most of the women were able to repay their advances in 6 months, but some within 3 months; further reports that women were able to save 5,000 to 10,000 yen (p. 140).

\* Reports 50:50 split in Philippine comfort stations (p. 145).

\* Reports 40:60, 30:70 comfort woman: comfort station split (location unclear; p. 172).

**O. Hasegawa, Shin, Ikiteiru shosetsu [A Living Novel] (Tokyo: Chuo koron, 1990 reprint) (orig. pub. 1958) (NB: notwithstanding the title, this is a memoir rather than a novel).**

\* Account of comfort station of island off south China: reports one woman who caused so much trouble within the comfort station that the owner paid her additional money and sent her home to Taiwan (pp. 103-4); reports shipowner stating that the women who had arrived had been tricked (p. 106).

\* Reports advances at the island comfort station (in 1938) ranging from 500-600 yen to 1200-1300 yen (women from Taiwan). Reports that women preferred dealing with non-officers at 2 yen rather than with officers at 5 yen because the greater volume enabled them to earn more money.

\* Reports case where physician discovered that a new recruit was a virgin; officers pooled their savings, repaid her advance, and negotiated her immediate return (pp. 107-09).

**P. Nakazawa, Ken'ichi, Hanko ianjo [The Hankou Comfort Stations] (Tokyo: Tosho shuppan sha, 1983).**

\* Reports revenue split for comfort women of 60:40 brothel:prostitute for women with loans, and 50:50 for women who had repaid their loans (p. 64).

\* Reports one woman arriving from Korea in Sept. of 1944 who complained that she had been promised work other than prostitution. The military officer in charge of the area comfort stations ordered that she be given appropriate (non-sex) work (p. 221).

**Q. Hirota, Kazuko. Shogen kiroku: Jugun ianfu, kangofu [Statements and Records: Military Comfort Women and Nurses] (Tokyo: Shin jinbutsu orai sha, 1975).**

\* Reports Kikumaru (age 18; over the opposition of her father), who in 1942 signs on as a comfort women for officers and goes to Truk Islands. She had been geisha, and the recruiter agreed to take on her 4000 debt, for a 1-1/2 year contract. Split of revenue was 60 to navy (this was directly operated comfort station), 40 to her. When she returned home in 1943, she had repaid the 4000 yen and saved another 10,000 yen (pages 18-19, 24). After end of war, Kakumaru invested her savings in her own unlicensed brothel and hired four women; she lost her money when the women she had hired ran away (pages 89-90).

\* Reports Suzuki Fumi (age 18), who signed on as a comfort women for the rank-and-file sailors and goes to Truk Islands. Like Kikumaru, she had been geisha, and went in 1942, and returned to Japan in 1943. She repaid her 2300 yen advance, and (like Kikumaru) saved another 10,000 yen (pages 42-43, 69).

\* Reports approximately 40 women came from Osaka and Kobe to work as comfort women in Truk Islands; they all repaid their debts quickly (page 44).

\* Reports geisha from Kansai area who came to Truk Islands to work as comfort woman; she repaid her 500 yen advance in three months (page 52).

\* Reports that some women who came to Truk Islands were surprised by their job, but writes that they were sent home (page 53).