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BOOK REVIEW

Crimes Against Humanity Women: The Uncomfortable Stories of “Comfort Women”—A Review Essay

Carlin Meyer


One day my school teacher . . . visited my home and asked me if I wanted to go to Japan to further my education and do something “good” for the Emperor. I was flattered, but was too shy to question his motives. So I said yes.

—Kang Duk-kyung

It was like a bolt from the sky. My long braided hair clearly showed I was a virgin. How was it possible that I could take my clothes off in front of a man?

—Hwang Keum-ju

I cried often and ran away several times. Each time guards caught me, brought me back to the house and physically punished me. The beating was so severe that my back was permanently injured, and my face became mangled. People used to tell me I was pretty until then.

—Kim Bun-Sun

I saw so many deaths, so much illness. Sometimes our bodies would swell up like balloons but the Japanese

1 Professor of Law, New York Law School. My thanks to Camille Brous-sard, Roy Basit and Yukiko Kojima for invaluable research assistance, and to my colleagues Professors Lenni Benson, William Lapiana, and Peter Bienstock for thoughtful and extremely helpful comments.

2 Hereafter cited as “CWS".

1019
soldiers did not care. They would line up for sex day after day. They did not care whether the girls were bleeding or what. They would still force sex on them.

—Hwang Keum-ju

Some of them were too impatient to wait for their turns for sex. They would yell, “Hey, hurry up, and come out now.” A few even intruded into my cubicle and tried to mount me before the previous soldier could remove himself from me.

—Kim Dae-il

I often fainted after servicing so many soldiers, 50 or so. The next soldier . . . [held a] lighted cigarette close to my nose . . . to wake me up. He then stuck the lit cigarette into my vagina . . . [and] laughed and clapped his hands for having done this.

—Kim Dae-il

I . . . started to bleed severely through my vagina . . . our manager gave me packets of black powder to take . . . the bleeding was reduced. He then told me the powder was made from the leg of a Chinese soldier’s corpse. From that day on I started to dream of human legs rolling around. I even dream of it to this day.

—Kim Soon-duk

I could keep neither my sense of humiliation nor my dignity. I felt like a living corpse. When soldiers came to my room and did it to me one after another, it was done to a lifeless body. And again. And again . . .

—Kim Young-shil

Today I have constant pain all over my body and frequent dizziness, but I cannot even afford over-the-counter drugs . . . . I have no possessions, relatives, or offspring. I am alone.

—Jin Kyung-paeng
INTRODUCTION

Comfort Women Speak narrates the stories of nineteen Korean "comfort" women, now in their late sixties and seventies who were kidnapped, lured with false promises, conscripted and otherwise forced to serve in brothels ("comfort stations") established and regulated by the Japanese military, and there made to sexually "service" Japanese and other soldiers fighting overseas. They were among more than a hundred thousand women — Korean, Philippine, Chinese, Indonesian, Formosan, Okinawan, and other nationalities many of whom "served" for years and thousands of whom died of disease, malnutrition, suicide, and in battle. And they are among a growing number of survivors who have come forward in an effort to obtain redress from the Japanese government — which

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3 The term "comfort women" is a translation of the Japanese euphemism, jugun ianfu, (military comfort women). Although I dislike the euphemistic terms "comfort" and "service", I use them to emphasize the irony of this renaming of often horrifyingly brutal forced sex. I avoid the use of the term rape, although I believe these acts to have been a form of rape, because of inevitable disputes over the technical legal meaning of the term "rape", and its lack of precision as applied to what is perhaps more appropriately described as state-sponsored sexual enslavement. Comfort women were most frequently known during the war as "Ps," a denomination most likely from the similar Chinese word for vagina. George Hicks, The Comfort Women: Japan's Brutal Regime of Enforced Prostitution in the Second World War 18 (1995)[hereinafter Hicks].

4 The women whose stories are narrated are from both North and South, although at the time they became comfort women no such division existed.

5 Precise numbers are impossible to obtain, largely because the Japanese military destroyed most of the documentation related to the "comfort" operation. See Hicks, supra note 3, at 19 (139,000, based on ratio of women to soldiers, but failing to account for replacements for the many who died of disease, maltreatment, suicide, in combat); Mark O'Neill, Purging the shame, South China Morning Post, Nov. 25, 2000, at 15 (citing Su Zhijiang, Japanese Military Slaves, that Chinese women accounted for 200,000 of a total of alleged 400,000 sex slaves) [hereinafter O'Neill]; Summary of Findings, Women's International War Crimes Tribunal 2000 for the Trial of Japanese Military Sexual Slavery, Dec. 12, 2000, http://home.att.ne.jp/star/tribunal/jedgement-e.html (estimated minimum of 200,000 girls and women). There is dispute about when the earliest military-sponsored "comfort station" was established. See O'Neill, id, (citing Chinese author stating first opened Shanghai, in 1932); Hicks, supra note 3, at 16 (first in Shanghai in 1938). State-sponsored brothels continued to be set up for several months after the war, although this time not for Japanese servicemen, but rather for American GIs. John W. Dower, Embracing Defeat: Japan in the Wake of World War II 124–126 (1999) [hereinafter Dower].

6 Hicks, supra note 3, at 18 (others included Malays, Eurasians, White Russians, Vietnamese).
in 1993 reluctantly admitted its role but thereafter refused to pay the women compensation — or to correct the historical record of denial and distortion and prevent such occurrences in the future.

_Comfort Women Speak_ is an astonishing, moving, extraordinary little book. It adds to and enriches earlier books on this subject by bringing us the pain, the courage, and the outrage of the women themselves, in their own voices.\(^7\) The histories these women have shared after decades of silent suffering are spartan, consisting of no more than seven pages each prefaced by a photograph of the speaker, yet their faces and words present a far more powerful chronicle than any academic account.\(^8\) Together they paint a detailed and shocking picture.

Their are not simply tales of past cruelty and degradation, strength and survival. They are demands that we confront difficult questions about our own time, and ask whether, because of the way in which we train men to be warriors, because of the increasing turn to war-making throughout the globe, and because of continuing inequality in the treatment of women, similar histories are being forged and stories written, albeit within different settings and circumstances. Not only is today’s world filled with conflict, not only do (mostly male) soldiers train for war at more and more youthful ages, and not only are we increasingly hearing stories of sexual enslavement and abuse taking place in the context of these conflicts, but also we have seen entire populations of women drawn into the sexual “entertainment” of soldiers and former soldiers, “service” often as demeaning and brutalizing as life in the comfort stations, if sometimes more freely “chosen.”\(^9\)

\(^7\) See, e.g., Jan Ruff-O’Herne, _Fifty Years of Silence_ (1994) (autobiographical account of one Dutch former comfort woman); Hicks, supra n. 3 (historical and analytic treatment of issue); Keith Howard, _True Stories of the Korean Comfort Women_ (1995) (survivors’ stories originally published by Korean Council for the Women Drafted for Military Slavery together with Association for Research on the Women Drafted for Military Sexual Slavery by Japan) [hereinafter Howard].

\(^8\) Most accounts suggest that the majority of comfort women were Korean (Korea was under Japanese occupation from 1910 until the end of World War II). But see O’Neill, supra note 5 (Chinese women as largest group). Filipino, Formosan, Indonesian, Dutch and other women were also enslaved as “comfort women” throughout the Asian theater of war: in China, Burma, the Philippines, the South Pacific, and the Ryuku Islands (Okinawa). CWS app. at 108.

\(^9\) See infra notes 121–131 and accompanying text.
There are, of course, some hopeful signs that progress has been made. On February 22, 2001, the United Nations War Crimes Tribunal for Bosnia-Herzegovena found three Bosnian Serbs guilty of crimes against humanity for raping and torturing Bosnian Muslim women and girls.\(^{10}\) Two of the three were also found guilty of sexually enslaving their captives.\(^{11}\) Yet, we must ask ourselves whether strengthening human rights norms and war crimes prosecutions will be sufficient to deter continued sexual enslavement and abuse. For it seems certain that without improving the position of women in many regions of the globe, without dramatically altering the way men are inculcated to norms of “warrior masculinity” which perpetuate the treatment of women as inferior, these sorts of atrocities are bound to continue, and stories of similar horrors will continue to be written.

\(^{10}\) Their crimes included selling girls to other soldiers for sexual use (including a twelve year old girl torn from her mother and never again seen); multiple and public rape, enslavement (required to perform duties both sexual and household labor), and other vicious and brutal acts. Judgement of Trial Chamber II in the Kunarac, Kovac and Vukovic Case, ICTY, The Hague, Feb. 22, 2001, http://www.un.org/icty/pressreal/p566-e.htm. The tribunal found three military personnel, Dragoljub Kunarac, Radomir Kovac, and Zoran Vukovic, guilty of raping and torturing the women (including girls as young as 12 and 15), also a crime against humanity, but only two, Kunarac and Kovac, were found guilty of “enslavement.” The Tribunal declined to label the offense “sexual enslavement.” See, e.g., Summary of Findings, Women’s International War Crimes Tribunal 2000 for the Trial of Japanese Military Sexual Slavery (in the matter of The Prosecutors and the Peoples of the Asia-Pacific Region v. Emperor Hirohito et al. and the Government of Japan), Dec. 12, 2000, http://home.att.ne.jp/star/tribunal/jedgement-e.htm (“Sexual slavery is not a new crime but a particularly outrageous, invasive and devastating form of enslavement defined as the ‘exercise of any or all of the power of ownership over a person’”). Kunarac and Kovac were sentenced to 28 and 20 years respectively; Vukovic, who was not charged with enslavement, received 12 years. \(\text{Id}\).

\(^{11}\) This was the first time an official international war crimes tribunal prosecuted and condemned sexual slavery. Marlise Simons, 3 Serbs Convicted in War-time Rapes, NEW YORK TIMES, Feb. 23, 2001, at A1. Japanese military officers had been convicted by a 1948 Batavia Military War Crimes Tribunal of war crimes for their seizure of 35 (of an estimated one to two hundred) Dutch women from an Indonesian prisoner of war camp to serve as comfort women. However, although convicted of rape, the officers were apparently neither charged with nor convicted of crimes against humanity or sexual enslavement (for reasons that remain unclear, much of the record of that proceeding including the names of the accused has been sealed until 2025). KELLY DAWN ASKIN, WAR CRIMES AGAINST WOMEN: PROSECUTION IN INTERNATIONAL WAR CRIMES TRIBUNALS 85-87 (1997) [hereinafter ASKIN]; HICKS, supra note 3, at 168-9.
All nineteen of the women whose stories are narrated in *Womfort Women Speak* were young when taken — between the ages of twelve and twenty-one and poor. All were virgins, wholly naive about sex, from a culture which highly prized female virginity. Some were kidnapped from the fields or from school by local police or members of the military, and disappeared from families without the chance to explain their whereabouts or fate. Others were lured with promises of good factory or service jobs which would enable them to help support families while aiding the war effort. Others were drafted — sent off by families whose sons, too, were being drafted for the war effort and who believed their daughters were being conscripted for factory work.

Summarily transported to one or another theater of war, sometimes moving from camp to camp along with the troops, they were given Japanese names and housed in tiny cubicles in barracks or brothels built as “comfort stations,” but whose “comfort” did not extend to its inhabitants. They were fed starvation rations of clear soup, meager amounts of rice, and if lucky, a few vegetables. They were forced to cope with freezing weather, inadequate clothing, torn, lice-infested blankets and straw mats, and were repeatedly in-

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13 Stories of Moon Pil-gi, Pak Du-ri, Pak Leyung-soon, and Pak Ok-nyon. CWS at 63-64, 69, 74, 81-82.
14 Stories of Hwang Keum-ji and Ms. K. CWS at 3-4, 103. One woman actually initially began work in a factory (whose “pay” and conditions were so bad that the women ate grass and roots, and “many girls died of hunger and some went crazy”), but ended up in a “comfort station” after running away and being captured by the military police. NCWS at 16-17. Another, Kim Soon-duk, “volunteered” despite her mother’s effort to hide her from Korean “girl delivery” collaborators, because she had heard that if she did not appear, her mother would be taken in her place. CWS at 38.
15 These comfort stations were initially constructed and fully controlled by the military itself. Later, however, they were run by private entrepreneurs, but were extensively regulated by the military. Rations were provided by the military; methods (including time allotments, issuance of tickets, and so forth) were established by the military; when injured or ill the women were treated at military clinics; when disobedient they were punished by the military. CWS app. at 138.
16 Some of the barracks were at the “front,” so that in addition to the suffering detailed below, they also endured (and some died from) the “ordinary” dangers of war. CWS app. at 115, 117, Askin, supra note 11, at 75.
fected with venereal and other diseases contracted from the hundreds of soldiers they “serviced”. Displeased “customers” beat, stabbed and otherwise injured the women with impunity. Attempts by comfort women to escape were severely punished by crippling beatings and sometimes summary execution. Most considered suicide — others committed it and many others died of disease and malnutrition or were murdered by Japanese soldiers. After the Japanese defeat, hundreds and perhaps thousands were slaughtered by Japanese soldiers, while others died of starvation and illness, or committed suicide.

The descriptions of the system of sexual “service” these and other women were forced to endure are particularly horrifying. Soldiers lined up with tickets or scrip provided by the military entitling each to fifteen to thirty minutes of sex, however he elected to have it. Some soldiers, too impatient to wait, would yell, pound on the cubicle door, or even burst in on the previous “customer.”

17 For venereal disease, they were treated with an arsenic-based medicine also used to treat Japanese and U.S. soldiers. CWS at 12, 22, 78.

18 Kim Dae-il describes one soldier who “sat on top of the stomach of a pregnant ‘comfort woman’” and, when this caused labor to begin, stabbed both infant and mother to death. She herself was threatened, had a lighted cigarette inserted in her vagina, and was stabbed several times in her lower abdomen. CWS at 26–27.

19 See, e.g., CWS at 18, 31, 39.

20 Although precise numbers are impossible to glean because the Japanese military destroyed much of the documentation related to the “comfort” operation after their defeat, thousands of women are believed to have died before the war’s end, and at least hundred more were killed by the Japanese military upon learning of defeat, or during the women’s often unaided efforts to return to Japan afterward. CWS app. at 115.

21 Hicks, supra note 3, at 154–156 (describing grenades thrown in women’s dugouts, machine-gunning; starvation marches — but indicating that two few accounts exist for accurate estimates). See Katha Pollitt, Cold Comfort, The Nation, June 11, 2001, at 10 (explaining that only one quarter of 200,000 women survived) [hereinafter Pollitt].

22 CWS at 32. Hours of service varied according to “client” status: soldiers came in the morning, non-commissioned officers in the afternoon, and commissioned officers in the evening with the right to stay all night. CWS at 89. Hicks, supra note 4, at 83–96 (describing varying regulations for different comfort stations). David E. Sanger, Japan Admits It Set Up Army Brothels, N.Y. Times, July 7, 1992, at A8 [hereinafter Sanger].

23 CWS at 26, 32. See also Louis Allen, Burma: The Longest War 599 (1984) (this inaccurate and apologist account nonetheless confirms the women’s description as to the impatience of the waiting soldiers) [hereinafter Allen].
Others would expose their erections to one another on line.\textsuperscript{24} The women “serviced” as many as twenty or more soldiers on weekdays and forty or fifty on weekends; their vaginas bled and became so swollen, raw and sore that they were in constant pain and sometimes had to be treated in military clinics.\textsuperscript{25} The scrip (or, rarely, money) they received sometimes enabled them to make small purchases of food and toiletries, but was usually entered into “accounts” from which payment was promised after the war. Not surprisingly, none ultimately received payment from these accounts.\textsuperscript{26}

A few women were “lucky” enough to eventually find sympathetic officers, doctors, or others who (sometimes for a sexual “price”) responded to their pleas for help.\textsuperscript{27} Those fortunate enough to make it home had to be de-liced; most required treatment for venereal disease and myriad other painful and debilitating conditions; several were crippled for life. None were able to be fully reintegrated into society: many could not find their families or found them disintegrated; several were too ashamed to be reunited with them (or, if they were, lied about their war experiences).\textsuperscript{28} They describe classic symptoms of what has come to be termed “post-traumatic stress disorder”: repetitive nightmares, inability to trust others; constant anxiety and fear. Most experienced physical pain as well, and felt unable to marry (several had been rendered infertile) or to sustain sexual relationships.\textsuperscript{29}

\textbf{The Subsequent Story}

Although these and other stories, as well as considerable documentary evidence, was available to the Asian War Crimes Tribunal which convened in Tokyo between 1946 and 1948,\textsuperscript{30} none of those

\begin{footnotes}
\item[24] CWS at 50.
\item[25] CWS at 31–32, 39.
\item[26] Some comfort women were able to send earnings home if they were stationed where this was possible, but it appears from the testimony of these and other comfort women that these were often “extra” monies earned from tips for musical performances, and that few of the women were able to do so. See generally CWS, and Hicks, \textit{supra} note 3.
\item[27] See, e.g., CWS at 23, 34, 39.
\item[28] CWS at 39, 89, 97, 100, 104.
\item[29] CWS at 8, 19, 35. Some comfort women were physically unable to have children, having been rendered infertile by repeated rape, as well as disease and injury. Askin, \textit{supra} note 11, at 87, 92; Hicks, \textit{supra} note 4, at 96.
\item[30] There is some dispute about what evidence was available to the 1946–1948 Tokyo tribunal. See, e.g., Jonathan Watts, \textit{Japan Tokyo Unmoved by Mock Tribu-}
\end{footnotes}
who organized or carried out this system of sexual enslavement were prosecuted at that tribunal\(^3\) as war criminals.\(^2\) The surviving

\(^{31}\) A small number of officers and others were convicted at a Tribunal held in 1948 in Batavia (now Jakarta) for forcing some thirty-seven (of an estimated one to two hundred) Dutch women living in Indonesia to serve as “comfort women.” Known in Japan as the “white horse case,” because it involved “white women being used like horses,” the trial received little international notice, and its records were sealed until 2025. See Hicks, supra note 3, at 168–69. See also Askin, supra note 11, at 85–86.

\(^{32}\) Several reasons have been offered for this failure, ranging from the claim that these activities were not viewed as crimes at the time, to United States reluctance to explore culturally and politically sensitive subjects — including not only those related to prostitution and the military, but also “the contradiction between the world of colonialism and imperialism and the righteous ideals of crimes against peace and humanity” — to the United States’ desire to resurrect Japan as an ally against what it perceived to be the increasing danger of Soviet communism. Watts, supra note 30; Dower, supra note 5, at 465 and 470–71. In addition, it would have been difficult for the Tokyo Tribunal to treat the establishment of the comfort system as a war crime, given that the Japanese government had set up a similar system immediately after the war to “service” the occupation forces, albeit one staffed by nearly 55,000 “volunteers” (one of whom recalled that she serviced 23 American soldiers on her first day; another, a nineteen year old former typist, committed suicide on the first day). Dower, supra note 5, at 124–131, Nicholas D. Kristof, Fearing G.I. Occupiers, Japan Urged Women Into Brothels, N.Y. TIMES, Oct. 27, 1995, at A1[hereinafter Kristof]. See also Cynthia Enloe, Maneuvers: The International Politics of Militarizing Women’s Lives 84–86(2000) [hereinafter Maneuvers]. Although the military turned the management of these brothels over to private parties, it initially continued to endorse them and provide financial support for them, and only dismantled the system after an alarming rise in venereal disease among the troops was detected. Id. It would surely have appeared unseemly for the Tribunal to prosecute when occupation forces initially endorsed and partook of a system of “entertainment” not dissimilar to the comfort system, whose premises — that warriors have uncontrollable sexual appetites which would otherwise be unleashed on local women — were strikingly similar. Dower, supra note 5, at 124–6. See also Kristof, id., (quoting former owner
comfort women, isolated, injured, ashamed, and poor, remained for the most part silent about their ordeals, not only because they were often blamed and, when not vilified, at least misunderstood, but also because the societies to which they returned were themselves coping with the devastations of war: losses of family members, reintegrating crippled soldiers, coping with literal starvation. In addition, in many cases the very local collaborators that had sent them to “serve” were still active in the towns to which they returned. Many, of course, had died during or soon after the war; others—too ashamed to return home—remained in the countries and regions to which they had been transported, some remaining in privatized houses of prostitution.

The stories remained buried throughout the 1950s; and to a large extent for nearly thirty years thereafter. To the extent that they surfaced at all, official involvement was denied. The women were claimed to be volunteers—who were already prostitutes, or elected to become them as the best option given impoverished circumstances, or were sold into prostitution by families that couldn’t afford to keep them, or were lured by private pimps and entrepreneurs. They were presented as—if not as happy with their lot—at least no less unhappy than others who volunteered in the war effort. Thus, for example, one writer described surviving photographs portraying “a group of girls in kimono bashfully... eyeing the camera,” “a pretty girl smiling happily as she wears a naval cap,” and soldiers in front of huts pasted of restaurant turned brothel that “We were told that our mission was to be a sexual dike to protect the chastity of Japanese women...”).

Dower, supra note 5, at 47-48, 56. Some comfort women remained in Japan, China and elsewhere rather than return home to face opprobrium and shame. ASKIN supra note 11, at 78-79. Hicks, supra note 3, at 21. Hicks, supra note 3, at 20-21. Hicks, supra note 3, at 11. Early efforts by Japanese journalist Senda Kako, who in the early 1960s unearthed photographs and witnesses to various aspects of the comfort system, although translated into Korean, appear to have been largely ignored.

Id. at 15-16.

See ALLEN, supra note 23 at 595-599 (discussing comfort women as “prostitutes from Korea, China and Japan” and “girls” who were “collected” in Japan by paying 1000 yen for each, who could by their freedom after having sex with 500 soldiers at 2 yen each which, at three minutes per soldier enabled some to buy their freedom “by the time they reached their destination.”); Hicks, supra note 3, at 177.
with signs like “We welcome with our hearts and bodies the brave soldiers of Japan.” Another suggested that “the system was not so brutalizing as we might suppose.”

A more accurate history of the comfort women began to emerge in tandem with worldwide feminism’s exposure of the pervasive problem of sexual violence against women. Initially, sporadic efforts by journalists and filmmakers reached limited audiences. But not until the comfort women themselves began to come forward with their stories, gradually and tentatively during the 1980s and early 1990s, and those stories were taken up by women’s organizations in Korea and Japan, did the issue begin to come to the fore. In May of 1990, their wartime treatment was raised by a group of students from a South Korean university, who called on then president Roh Tae-woo to raise the issue during an upcoming meeting with Japanese emperor Akihito. Shortly thereafter, in June 1990, Japanese lawmaker S. Motooka raised questions about the issue in the upper house of the Japanese Diet, eliciting a complete denial by a government official.

By December 1991, three comfort women joined a class action lawsuit on behalf of former soldiers, paramilitary, bereaved families and others seeking compensation for violations of human rights under Japanese colonial rule, and soon thereafter former comfort women began to come forward with their stories in increasing numbers. A number of other lawsuits were filed on behalf of comfort women from several countries; nearly all were rejected by the Japa-

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39 ITO KEICHI, Heitai-tachi no rikugunshi THE SOLDIERS’ ARMY HISTORY 596 (1969) cited in LONGEST WAR. One wonders how this (male) source might characterized being “penetrated” by 500 different men in 3 minute sessions, which the author notes in some instances occurred as passing railway wagons were turned into “comfort houses” so that “there was no time for them to sleep, and they simply napped as best they could with a soldier riding on top of them.” Id. The women themselves describe being in constant pain, to the point that they sometimes fainted and were often unable to walk. See generally CWS; Hicks, supra note 3.


42 Id.

43 Id. See also Hicks, supra note 3.
nese courts, on grounds ranging from laches and statutes of limitation, to the assertions that claims were settled by earlier treaties and that private rights of action are not available for violations of international human rights. Much of this activity was spurred on by women’s groups such as the Korean Council for Women Drafted for Military Sexual Slavery by Japan, the South Korean Church Women’s Alliance, The Filipina Task Force for Women Victims of Military Sexual Slavery by Japan, and many others.

What provoked the Japanese government to retract its denial of involvement, however, was an article by Japanese history professor Yoshimi Yoshiaki, which irrefutably demonstrated government complicity based upon documents obtained from Japan’s Library of the National Institute for Defense. In January 1992, in a major reversal, Japanese Prime Minister Miyazawa Kiichi apologized during a state visit to South Korea; by July of that year the Japanese issued a report, based on 127 documents including those used by Yoshiaki, confirming the government’s involvement. Both the North and South Korean governments quickly followed with reports of their own, containing eyewitness accounts from survivors and criticizing the Japanese report.

In a 1993 supplementary report, the Japanese government finally not only admitted official involvement, but also acknowledged the suffering of comfort women. However, the ruling was overturned by the High Court in March 2001. Women have argued, inter alia, that since the treaties did not address the claims of comfort women, they cannot have resolved the issue, that treaties do not settle individual compensation claims, and that there is no statute of limitation on war crimes and crimes against humanity. Id.; Hicks, supra note 3, at 261–2; Howard, supra note 7, at 198. Recently, comfort women have filed a lawsuit in the United States Court of Appeals for the D.C. Circuit, under the Alien Tort Claims Act, which the U.S. Stated Department has asked the U.S. Justice Department to oppose. See Pollit, supra note 21.

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44 See Askin, supra note 11, at 85–86, n.288; Ken Hijino, Court Rejects Comfort Women Claim, FINANCIAL TIMES, Dec. 7, 2000, at 10 (Tokyo high court rejects suit by 46 Filipina comfort women and another by South Korean comfort woman) [hereinafter Hijino]; Kakuya Ishida, Mock Court to Rule on WWII Sex Slave System, THE DAILY YOMIURI (Tokyo), Dec. 4, 2000, at 3 (eight lawsuits filed; most rejected) [hereinafter Ishida]. But see Japan Court Backs 3 Brothel Victims, N.Y. TIMES, Apr. 28, 1998, at A8 (awarding the equivalent of $2300 each, a District Court judge rules for 3 victims). However, the ruling was overturned by the High Court in March 2001. See Bill Miller, U.S. Resists ‘Comfort Women’ Suit, WASH. POST, May 14, 2001, at A 19. Women have argued, inter alia, that since the treaties did not address the claims of comfort women, they cannot have resolved the issue, that treaties do not settle individual compensation claims, and that there is no statute of limitation on war crimes and crimes against humanity. Id.; Hicks, supra note 3, at 261–2; Howard, supra note 7, at 198. Recently, comfort women have filed a lawsuit in the United States Court of Appeals for the D.C. Circuit, under the Alien Tort Claims Act, which the U.S. Stated Department has asked the U.S. Justice Department to oppose. See Pollit, supra note 21.

45 Hicks, supra note 3, at 168–195, 243.

46 Sanger, supra note 22, at A8; Hicks, supra note 3, at 197, 205–6.

47 Hicks, supra note 3, at 220.

volvement, but also the deception and coercion used to obtain young women for forced sexual labor. Nonetheless, the Japanese government refused, until 1996, to issue an official apology to the women, and has never itself provided compensation to them. The government did, in 1995, set up the “Asian Women’s Fund,” a privately funded “humanitarian fund,” to help compensate survivors, but most refused to accept compensation from it because of its paltry funding and the lack of governmental admission of guilt or apology.

As a result of continuing activism on the part of the women and their supporters, three important reports were issued and helped bring further international attention to the issue. First, a 1994 mission by the International Commission of Jurists urged full disclosure and speedy compensation by the Japanese government. It was followed by 1996 and 1998 reports from the United Nations Commission on Human Rights (UNCHR) — the first urging that compensation be paid by the Japanese government to the victims and their descendants, the second demanding that those responsible for the comfort system be prosecuted.

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50 The government continues to assert that its responsibility for wartime atrocities ended with the reparations paid under the San Francisco Treaty of 1951 and later treaties. See *supra* note 45. See also Howard W. French, *Japanese Veteran Testifies in War Atrocity Lawsuit*, *N.Y. Times*, Dec. 21, 2000 (French), at A3. *Japan Apologizes On Korea Sex Issue*, *N.Y. Times*, January 18, 1992, §1 at 2. Women’s advocates have responded by arguing that since the war crimes were not considered during the treaty process, they should not fall under it. *Id.* See also MANEUVERS, *supra* note 32, at 88.


After the Japanese government failed to follow the recommendations of either Report, an unofficial but highly prestigious Women's International War Crimes Tribunal, organized by activists and headed by the former presiding judge of the official War Crimes Tribunal for Yugoslavia as well as other respected personnel, convened for five days beginning December 8, 2000 to confront the issue. The Tribunal heard testimony from more than 60 of the approximately 75 survivors who attended the tribunal, as well as from two former Japanese soldiers who participated in the comfort system and several historians who had studied it. In addition, the Tribunal considered documentary evidence from memoirs, as well as what remained of Japanese official records. The women's stories were strikingly similar and were clearly credited as authentic by the tribunal members. The tribunal found wartime Emperor Hirohito and other military and political officials guilty of crimes against humanity for the wartime enslavement of these women.

The Japanese government and much of the Japanese press ignored the tribunal, although it made headlines throughout the rest of the world and, together with the UNCHR reports, may well have influenced the United Nations War Crimes Tribunal for Bosnia-Herzegovenia's later finding that wartime sexual enslavement constituted a crime against humanity. The Japanese right has vociferously denied that women were enslaved, sticking instead to the old official story that the women were either military "camp followers" who volunteered with full knowledge of the nature of the work, already prostitutes (or girls tricked by brokers and pimps into

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54 In addition to McDonald, among its six judges were Argentine Judge Carmen Argibay, president of the International Association of Women Judges, P.N. Bhagwati, vice chair of the United Nations Human Rights Committee and former chief justice of India's supreme court, Willy Mutunga, chair of the Kenyan Commission on Human Rights, Vitit Muntarbhorn, U.N. Rapporteur on the Sale of Children, and Christine Chinkin, Professor of Gender and International Law, University of London. Ishida, supra note 43 at 3.


becoming prostitutes) or hailed from rural families eager to sell them into prostitution — and are now simply trying to “extort more money from Japan.” Indeed, a “growing movement which includes [Japanese] academics, politicians and sports stars” asserts that the government should not have admitted wrongdoing because the women lack evidence of it. This, despite the reports of hundreds of Japanese soldiers admitting their participation in the system, and the unearthing of more than one hundred documents detailing its workings.

CONFRONTING UNCOMFORTABLE QUESTIONS: THREE STORIES ABOUT THE STORIES OF THE COMFORT WOMEN

What should we make of all this? How might we understand what occurred and why it occurred? Can we feel confident that similar horrors will not recur?

A STORY ABOUT THE PAST:

Recollecting such a past is so emotionally draining.

Yi Young-sook.60

Is it right to ignore me like this as if they did nothing to me?”

Ms. K.61

I worry now: what if a war breaks out in the future, how do we know that they will not repeat such atrocities again?

Kim Yoon-shim62

One story counsels that these events are past, and we should leave them there — that times have changed, and such episodes ought neither be judged by today’s standards, nor addressed with the sort of attention they might merit were it likely that such events

57 Watts, supra, note 30; Struck, supra note 30 (quoting historian Hideaki Kase); O’Neill, supra note 5. See also Hicks, supra note 3, at 214—216.
58 Watts, supra note 30. See also Mark Landler, Cartoon of Wartime ‘Comfort Women’ Irks Taiwan, N.Y. TIMES, Mar. 2, 2001, at A 3 (describing furor in Taiwan after a Japanese comic book portrayed Taiwanese women as volunteers).
59 Hicks, supra note 3, at 220–227.
60 Cws, at 101.
61 Cws, at 105.
62 Cws, at 47.
might recur. In the words of a Japanese businessman: “It is unfair to use the standards of today to judge the events of the 1930s and 1940s... At that time, human life was worth very little.” But it is not only fair, but imperative that we unearth and evaluate these events, for several reasons.

The first is best expressed in the voices of the women themselves — voices of anguish, pain, and loneliness. Human life may well have been worth little; the comfort women may well have had few options in life. But forced wartime sexual slavery — accompanied by horror and brutality — was not one that they would under almost any circumstances have elected, especially given the stark divide between “sullied” and unsullied women in Korean society (or any of the Asian cultures from which comfort women were drawn.) Nor can the brutality and degradation of forced and repetitive “intimacy” — violation of the very boundaries of the body — be equated with other forms of combat. Soldiers are not required passively to permit their bodies to be maimed at will, infected with disease, torn asunder. These things may happen, but soldiers are trained and expected to resist them — and supported by their fellow soldiers in that effort.

The harms inflicted on the comfort women were being inflicted not by the “enemy,” but by supposed protectors whom they were required to welcome as heroes and treat as “lords,” but who constantly abused them both physically and verbally, accusing them, in the words of Kim Yoon-shim, of being “liars, distrustful, subhumans [and without] ancestors.” They were treated as discardable ob-

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63 Another version of this claim is that we have limited resources, and should address ourselves to more pressing contemporary matters rather than purely historical ones. See Struck, supra note 30 (reporting that some feminists argue that effort might better be spent on more recent cases).
64 O'Neill, supra note 5.
65 Virginity is a virtual precondition for marriage in Korea. Katherine H.S. Moon, Sex Among Allies: Military Prostitution in U.S./Korea Relations 2, n.4–5 (1997) hereinafter Moon; Sanger, supra note 22; Good Times, supra note 80, at 26. It is true that many girls from the same societies from which the comfort women were drawn were sold (or married) into sexual slavery by families too poor to keep them. But such a fate did not entail sexually servicing hundreds of men each week — with all that entailed in terms of exponentially expanded exposure to disease and brutality — nor suffering the risks of war (not merely of enemy bombs, grenades and bullets, but also of arduous travel, starvation, and military punishment.) Hicks, supra note 3, at 164–5; Howard, supra note 7, at 4–5.
66 CWS at 45.
jects — those who became pregnant or too ill to “perform” often disappeared; thousands were killed by soldiers or allowed to die from disease and malnutrition; still more were killed in combat for which they were neither trained nor prepared.\textsuperscript{67} Theirs was not honorable (let alone glorified) combat (by contrast Japanese WWII soldiers are annually mourned, and worshiped by many as \textit{kami} — gods.\textsuperscript{68}) The acts which they were to perform, repeatedly, endlessly, were (and continue to be) regarded by many as the lowest form of activity — as animalistic, disgusting, impure, inferior, appalling. Theirs was not honorable labor, but activity of a lower order: indeed, as Kim Sang-hi recites, “if [the soldiers] couldn’t have women, they would have sex even with dogs.”\textsuperscript{69}

It may well be that many besides the comfort women were horribly treated during and after the war: thousands of Korean and Chinese conscripted soldiers died terrible deaths or were cruelly maimed, and returned not to glory but to vilification and, often, starvation.\textsuperscript{70} Indeed, military service of many of these soldiers was no more truly voluntary than was the service of the comfort women — after all, non-Japanese Asian soldiers were conscripted from conquered or colonized peoples, and many were enslaved in factories or used in horrific medical experiments.\textsuperscript{71} Yet, the systematic rape of the comfort women was beyond the ordinary horrors of war.

Indeed, while human life may have been worth little in the early 1940s, what one gleans from these and other comfort women’s stories is that female life was — and remains, not only in the countries from which most comfort women were drawn, but throughout much of the world — worth still less. The Korean comfort women

\begin{itemize}
  \item \textsuperscript{67} CWS at 45, 84, 97, 103, & app. at 137.
  \item \textsuperscript{68} Japanese annually participate in a “National Ceremony to Honor the War Dead” and some make pilgrimages to the Yasukuni Shrine, where dead soldiers are worshiped as gods. \textsc{Haruko T. Cook \& Theodore F. Cook, Japan at War: An Oral History} 6, 11(1992) [hereinafter \textsc{Cook\&Cook}]; Kristof, \textit{supra} note 32; Sheryl WuDunn, \textit{Japanese Apology for War Is Welcomed and Criticized}, \textsc{N.Y.
\textsc{Times}}, Aug. 16, 1995, at A3 [hereinafter WuDunn]. Of course, immediately after the war many Japanese soldiers were vilified and ill-treated; only later, with the passage of time, were they deified. \textsc{Dower, supra} note 5, at 58–64.
  \item \textsuperscript{69} CWS at 32.
  \item \textsuperscript{70} \textsc{Dower, supra} note 5, at 54.
  \item \textsuperscript{71} \textsc{Dower, supra} note 5, at 54–56; WuDunn, \textit{supra} note 67 (describing lawsuits seeking compensation for forced labor, medical experimentation and other atrocities).}

whose stories comprise CWS were drawn from rural families, most of them poor with many mouths to feed, and could look forward to early marriages followed by a life of hard work in home and fields, raising similarly large families in poverty, or to a “maid’s job” — of hard labor at extremely low pay, without the nominal status and rights of a wife, although often with the requirement of sexual “service”.72 And marital “rights” were few: wives became part of and were expected to serve their husband’s families, were required to obey their husbands, could not divorce without their husbands’ consent (and were forbidden to set up independent households, yet were looked down upon if they returned to their natal homes), and remained bound to their husbands’ families even after their husbands died.73

Nor is it the case that standards at the time condoned or tolerated the sort of forced sexual labor represented by the comfort system. For if it did, why was the system kept secret at the time, and lied about immediately afterward, and why was documentation destroyed at war’s end?74 Further, it appears that “ordinary” Japanese women were not conscripted, kidnaped, or deceived into serving as comfort women.75 Both of these facts strongly suggest that at the time it was clear that the comfort system was not only out of the ordinary, but also wrong.76

72 “Marriage became a kin transaction to acquire a woman’s domestic and procreative services.” How ard supra note 7, at 4. “Still, today, women’s given names are often avoided; a girl, as the ‘sister of x’ (her brother), becomes a wife and the ‘mother of y’ (her son).” Id.
73 Howard, supra note 7, at 4.
74 CWS app. at 109.
75 Japanese women did “serve;” but they were apparently far fewer in number, and “volunteers” largely drawn from an existing prostitute population (prostitution was legal and regulated in Japan at the time). Hicks, supra note 3, at 34, 66; Kristof, supra note 32. Even these women, however, were deceived about the circumstances under which they would “serve”. Michael Shapiro, Secret Shame, N.Y. Times, September 10, 1995, § 7, at 41.
76 And the Batavia war crimes tribunal at the time convicted military officers for treated the rape and sexual enslavement of white women taken from Indonesian prisoner-of-war camps. Askin, supra note 11, at 85–87; Hicks, supra note 3, at 168. See also James Sterngold, Japan Admits Army Forced Women Into War Broth el s, N.Y. Times, August 5, 1993, at A2 [hereinafter Sterngold 1]. “Voluntary” prostitution, by contrast, was widely accepted. See, e.g., Cynthia Enloe, The Morning After: Sexual Politics at the End of the Cold War 145–6 (1993) (almost 250,000 men per month visited Hawaiian prostitutes during 1941 & 1944, a fact well known to the military authorities, which regulated the brothels) [hereinafter Sexual Politics].
But most importantly, these events, and the lessons of them, are not all in or of the past. Rape, sexual enslavement, and control of women has been part of nearly every military campaign since the comfort women “served,” as well those that preceded them. German, Russian, and other soldiers raped thousands of women during WWII. U.S. soldiers gang-raped Vietnamese women during the Vietnam war; Pakistani soldiers raped as many as two hundred thousand Bangladeshi women during the early 1970s. Sexual enslavement was characteristic of the recent conflict in the former Yugoslavia, and stories of similar atrocities have surfaced in relation to conflicts in Rwanda, East Timor, and elsewhere. And, women living in conditions of poverty and inequality similar to those from which many comfort women were drawn continue to be trafficked or forced by economic circumstances into sexual service to militaries throughout the world, as well as into sexual “entertainment” often promoted and patronized by soldiers and former soldiers.


Further, the rationales then offered for the comfort system are ones still salient today. They included enhancing troop morale by offering recreational sex, thereby preventing the sort of rape and rampaging of local populations that occurred in Nanking in 1937, and controlling sexually transmitted disease — at that time a more serious problem because of the unavailability of effective medication. These same justifications have been employed in modern

80 During the rape of Nanking, then the Chinese capital, as many as 20,000 women were raped during the first month of occupation by Japanese soldiers during which young children were allegedly used for bayonet practice, Chinese were burned alive, and women were sexually enslaved, maimed and killed. Askin, supra note 11, at 63; Dower, supra note 5, at 458–9, 505–7; Stephen Holden, Film Review; Horrors Committed by the Japanese, N.Y. Times, December 13, 1995, at C19; Cook & Cook, supra note 67, at 39; Maneuvers, supra note 32, at 79 (quoting local Philippine 1980s businessman that it is better to "provide an outlet for the soldier's sexual urge" than to endanger local "decent" women.).

81 Maneuvers, supra note 32, at 81. Although discovered much earlier, penicillin was not marketed as a drug until 1941, and did not become available to the Japanese until 1946. Dower, supra note 5, at 130. VD was and remains a persistent problem for militaries throughout the world, and the Japanese were neither the first nor the last to use it as a justification for involving themselves in military prostitution. "[A]t the end of the Victorian era, VD incapacitated half the [British] troops in India," and military officials proposed providing government-inspected brothels, and enforced Cantonment Acts authorizing colonial police to "conduct compulsory genital examinations on women around imperial military bases." Cynthia Enloe, Bananas, Beaches and Bases 82 (1989) [hereinafter Bananas]; Allen, supra note 23, at 590. Indeed, the British Boy Scouts organization was founded in part to combat venereal disease. Bananas, id., at 49–50. The United States military began requiring weekly examinations of Philippine prostitutes in the early 1900s, yet by 1917, 17% of U.S. soldiers there were infected, as were 30% of U.S. troops involved in the 1916 border war with Mexico. (The U.S. military did not begin "widely using" penicillin until 1944). Saundra P. Sturdevant & Brenda Stoltzfus, Let the Good Times Roll: Prostitution and the U.S. Military in Asia 303–4 (1992) [hereinafter Good Times]. See also Hicks, supra note 3, at 33 (between 1918–1922, during Siberian Intervention against Russian revolution, equivalent of one Japanese division in seven incapacitated by venereal disease.) See also Moon, supra note 64, at 12, n. 107 (during WWI, almost seven million days of active duty lost to venereal disease). One of the motivations for the U.S. sale of penicillin patents to Japan was the high rate of
times to rationalize not capture and enslavement, but encouragement, condonation and regulation by the U.S. and other militaries of places of prostitution surrounding military bases.82

Even today, some Japanese veterans argue that the comfort system served the “humanitarian purpose” of reducing the incidence of rape of local populations — a purpose that is likewise claimed to be served by the availability of cheap “entertainment centers” outside contemporary military bases of operation. While the existence of sexual “entertainment” — even when nominally assisted and regulated by the military — differs from sexual enslavement, the premises which lead to them are too similar to enable us to be confident that the chasm between present and past ensures against future repetition.83

Indeed, in many instances the methods of procurement of young women to serve as sexual entertainers are strikingly similar to those described by the comfort women. Today, young Burmese and Nepali girls and their families are deceived into contracting with middlemen who promise well paying factory and service jobs, but deliver the women to brothels in Thailand and India where the women remain in bondage until they have repaid the “advances” made for their travel and expenses.84 Similar stories of deception


83 There are those who would argue that the bars and entertainment centers are the near equivalent to governmentally enforced sexual enslavement — that both are forms of trafficking in women that ought to be condemned. While a full examination of the issue is beyond the scope of this Review, the difference between economically “coerced” participation in a system of prostitution and sexual enslavement are significant, and the two sorts of activity deserve separate treatment.

84 See generally Burmese Women, supra note 76 and Rape for Profit, supra note 78. Many are never able to pay off the debt, increased by the addition of costs for medical expenses and food, and are only released when they are too old to please customers any long...Id.
and servitude are heard throughout Asia, Africa, Eastern Europe — and wherever women are poor and undervalued.85

These sorts of horrors are bound to continue to repeat themselves in one form or another unless we better understand and address the conditions which enable — indeed encourage — them. Some argue that rape and sexual degradation, if not enslavement per se, are inevitable by-products of war.86 Others, like Cynthia Enloe, suggest that controlling women's sexuality may be central to the process of “militarizing men,” a process itself necessary to fulfilling the objectives of the highly militarized modern nation-state.87

Yet we need, and ought, not accept degradation of women as the inevitable price of war. We do not accept the proposition that because slavery has been a part of the past of most societies, it cannot and ought not be eradicated in the present and future. Nor do we acquiesce in the notion that because throughout history women have been treated as inferior — as property of men or tribes — that they must be treated thus in the present and future. There are ways, in addition to insisting that history be confronted rather than forgotten, that change can occur. But before turning to the future, consider a story of the present.

85 See Sabrina Feve & Christina Finzel, Trafficking of People, 38 Harv. J. On Legis 279 (2001) (citing CIA estimates of 700,000 to 2,000,000 women and children annually trafficked across international borders, and describing methods including kidnap, purchase and deceit, but suggesting that most of 50,000 to U.S. come willingly); See generally Richard, supra note 78, & at 5; Hicks, supra note 3, at 175 (Philippine and other non-Japanese girls “recruited” to work in Japanese clubs); Bruce Cumings, Silent but Deadly: Sexual Subordination in the U.S.-Korean Relationship, in Good Times, supra note 80, at 173 (describing Korean brothel children as having been “shanghaied into a kind of slavery as they got off the train from the countryside, looking for work to support their peasant families”); Rape for Profit, supra note 78 (trafficking of Nepali girls to Indian brothels).

86 See Askin, supra note 11, at 50 (describing long history of association of rape as privilege of victory and incident of combat); See generally Ehrenreich, preface to I Klaus Theweleit, Male Fantasies xiii-xvi (Stephen Conway, trans., 1987) (1977) (implying that since “hatred — or dread — of women” connected to “primal fear of dissolution” may be psychologically hard-wired, the only way to stop such atrocities may be to “try to stop the war.”) [hereinafter Theweleit 1].

87 See generally Maneuvers, supra note 32; Barbara Ehrenreich, Blood Rites: Origins and History of the Passions of War 125-131 (1997) [hereinafter Blood Rites].
A Story About the Present: Weighing Women's Words

We might unearth from the ordeal of the comfort women another story — a story about the continuing failure of male-dominated institutions and societies to listen to and credit women's voices. Such a perspective is lent credence by the Japanese government's refusal to fully and officially apologize to and compensate the women, or to alter school textbooks to address this and other atrocities committed by Japanese troops during WWII. It is supported by the Japanese press's failure to report the activities and outcome of the Women's War Crimes Tribunal 2000, and the insistence of an apparently growing number of Japanese that there is no "evidence" of governmental wrongdoing — all in the face not only of the extraordinarily similar testimony of more than a hundred women, official documents detailing the system's operation, and the accounts of former soldiers. And, it is confirmed by the refusal of Korean political officials to confront the complicity of Korean patriarchal culture — with its assumptions about female social and sexual subordination — in the ordeal of the comfort women, despite the efforts of women address these issues.

Here, our tale laments, is just one more instance of a historically widespread refusal to recognize and appreciate women's accounts, lives and realities. Feminists have long documented the myriad ways in which women's "truths" have been ignored by traditional methods of assessing "evidence" and arriving at "truth" — whether by science, law, culture, or debate in public fora such

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89 Other soldiers, of course, wholly deny that the women were captives. In the words of one veteran, "I think many of these women accepted the invitation of businessmen who operated the 'comfort stations' because they needed the money to help their families. I never heard before of forced recruitment or that the military was involved." James Sterngold, Tokyo Journal; Admitting Guilt for the War: An Outrage Dissent, N.Y. times, August 21, 1993, §1, at 2 [hereinafter Sterngold 2]. But see Hicks, supra note 3, at 195–6 (describing YOSHIDA SEIJI, MY WAR CRIMES: THE FORCED DRAFT OF KOREANS (1982) admitting author's role in operating comfort system.)

90 MANEUVERS, supra note 32, at 86.

91 CAROL GILLIGAN, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT (1982) (psychology); TOWARDS AND ANTHROPOLOGY OF WOMEN (Rayna R. Reiter, ed. 1975) and GENDER AT THE CROSSROADS OF KNOWLEDGE: FEMINIST ANTHROPOLOGY IN THE POSTMODERN ERA (Micaela
as the media. As a result, women have embraced collective storytelling — to one another and eventually in public — to begin to grasp and embrace their own reality. The comfort women engaged in a process of collective coming forward — supported by women's groups and NGOs — a process long-delayed because of cultures which induced them to remain silent by refusing to hear or denying their accounts and by isolating, censuring or even subjecting them to additional physical abuse because they had supposedly allowed or even invited defilement. But storytelling, especially when the bards are women, is often publicly discounted — as partial, self-interested, or inaccurate (women, especially, exaggerate and misremember), or simply unimportant.


93 Norma Broude & Mary D. Garrard, Feminism and Art History: Questioning the Litany (1982); Women, Art, and Power and Other Essays (Linda Nochlin ed., 1988) (fine art); Writing and Sexual Difference (Elizabeth Abel ed., 1982) (literature); Catherine Clement, Opera: or the Undoing of Women (Betsy Wing trans., 1988, 1979) (music).

94 Feminism, Media & the Law (Martha A. Fineman & Martha T. McClusky eds., 1997); The Female Gaze: Women as Viewers of Popular Culture (Lorraine Gamman & Margaret Marchment eds., 1989); Feminism and Film Theory (Constance Penley ed., 1988); Female Spectators: Looking at Film and Television (Deidre Pribram ed., 1988).

95 See Catharine A. MacKinnon, Towards a Feminist Theory of the State 95 (1989) ("[c]onsciousness raising is a face-to-face social experience that strikes at the fabric of meaning of social relations... by calling their givenness into question and reconstituting their meaning in a transformed and critical way." See also Finley, supra note 90.

96 Non-governmental organizations — a term previously used to describe organizations recognized by the United Nations but without the status of official governmental representatives to the UN; now often used to refer to any non-governmental organization that addresses issues of international concern.

97 Feminists engaged in a similar process when addressing the theretofore unappreciated problem of domestic violence. See Deborah Rhode, Justice and Gender 237–244 (1989); Elizabeth M. Schneider, Battered Women and Feminist Lawmaking 20–23(2000).

98 Of course, Japan long declined to officially admit or apologize for most of its wartime atrocities, including horrifying medical experiments conducted on prisoners of war, and indentured factory servitude of male prisoners and subjects of colonial conquests. Karnow, supra note 87. See also, Cook & Cook, supra note 64, at 10–17 (paucity of public analysis of war; responsibility for it still not estab-
Because of this tendency to discount women’s stories, women have frequently turned to law seeking to enhance the credibility of their words. But the legal system, too, has often been unfriendly, especially when women’s stories had to do with male sexual misdeeds. For many years in the United States, and still, today, in many countries, stories of rape and incest victims were discounted unless “corroborated,” and unless the victim demonstrated resistance to her attacker. Even when special rules were not carved out, women who for obvious reasons waited until they were emancipated to expose the incest of fathers, step-fathers, uncles, and cousins found their claims barred by statutes of limitation. Comfort women’s claims were not even addressed in the Tokyo War Crimes Tribunal of 1946–1948, and recent lawsuits in Japanese courts have been dismissed partly on timeliness grounds. And while the conviction of Bosnian-Serb soldiers for rape and sexual enslavement (made possible in part because the evidentiary limits noted above were not imposed) is heartening, existing rules and

lashed in minds of most); Dower, supra note 5, at 504–8 (“sensitive responses to revelation of the hands-on horrors perpetrated by the emperor’s men, fragile and fragmented to begin with, never developed into a truly widespread popular acknowledgment of Japan as victimizer rather than victim”). Yet the denials as to the women are of a different order, containing, as they do, the implication that the women are discreditable because as (voluntary) prostitutes, their words are less reliable than those of enemy soldiers or male colonial subjects.


101 Id. Other problems, such as the norms that permitted the victim's sexual history to be explored regardless of any claim of consent, also rendered the legal system “unfriendly” to women. Id.

102 In the United States, such statutes have been revised to permit delayed incest claims in several states. See generally Margaret M. Cornish, Comment, Applying the Discovery Rule to Toll the Statute of Limitations in Incest Cases, 28 Suffolk U. L. Rev. 323 (1994).

103 Hijino, supra note 43.

104 The WCT evidence rules contain no corroboration requirements. The purported consent of the woman is an impermissible defense if the victim is subjected to or has reason to fear “violence, duress, detention or psychological oppression” detention in relation to herself or another; prior sexual conduct is not admissible; and testimony may be given in writing rather than in person in certain circumstances. See Int’l War Crimes Tribunal, Rules of Procedure and Evidence (1994, as amended through 2000) at http://www.UN.org/ICTY/basic.htm.
norms may make it difficult both to prosecute those who may not have authored, but certainly condoned sexual abuse, as well as to punish the many throughout history who have ensured that their victims would or could not testify.\textsuperscript{105}

Moreover, there are dangers associated with reliance on the legal system. Not only is there a risk of enhancing the legitimacy of laws whose delineation of offenses may be unfriendly to women’s claims of sexual victimization, but also there is a danger that legal terms, rules or procedures crafted for other purposes may distort the meaning or import of such claims.\textsuperscript{106} For instance, some have expressed disappointment with the recent ruling of the Yugoslavian War Crime Tribunal for its failure to treat sexual enslavement as a separate crime against humanity, instead incorporating it within the preexisting category of “enslavement.”\textsuperscript{107} This tendency to choose a preexisting category, while often initially necessary in order to achieve redress, can deflect attention from the ways in which sexual violence has particularity which must be made visible and addressed. Especially when sex and sexuality are involved, effective prevention and redress may require that we attend to the ways in which wartime rape and sexual enslavement are different from rather than similar to wartime violence and enslavement in general.

Yet it is important to emphasize another side to the story of the comfort women—a narrative of courage and endurance, and of the efficacy of collective action to alter public opinion as well as rules and institutions so as to increase their receptivity to women’s claims. In the relatively short time since the comfort women, urged on by supportive women’s groups and NGOs, began to speak out and demand a hearing, international attention has focused on the

\textsuperscript{105} Japanese soldiers were counseled to kill their rape victims to ensure that their rapes would not become known. \textit{Askin, supra} note 11, at 68–69. \textit{See also Allen, supra} note 23, at 598 (reporting decision of Japanese division in Burma to let troops know that “if they raped a woman, they should kill her, so that the crime should not be discovered.”).

\textsuperscript{106} I have elsewhere argued that distortion created by the use of criminal law’s definitions of sexual abuse, rather than more accurate, refined and specific terminology, has generated needless controversy which, in turn, has hampered efforts at redress. \textit{See Carlin Meyer, What’s In a Name: the Danger of Using Legal Categories to Define Social Problems,} 1995 (unpublished talk, on file with the author).

\textsuperscript{107} Kelly D. Askin, \textit{Rape’s Black Day In Court; A war crimes ruling gives women worldwide a way to call torturers to account, Newsday,} February 25, 2001, at B4.
issue — attention sufficient to cause the governments of North and South Korea to become involved, induce the Japanese government to admit its role and set up a private compensation fund, and generate a prestigious, although unofficial, war crimes tribunal.\textsuperscript{108}

It is also a story about the power of law and the value of working within the international legal arena. Reports by the International Commission of Jurists, as well as reports by two Special Rapporteurs to the U.N. Commission on Human Rights, contributed greatly to international outcry about the comfort women, which, in turn, caused the United States Justice Department to place several Japanese involved in the operation of the comfort system on a list of aliens ineligible to enter the United States.\textsuperscript{109} The Women’s War Crimes Tribunal which, for the first time in history, held wartime Emperor Hirohito responsible for WWII atrocities, gained international attention despite its unofficial status. And all of these activities, as well as countless others by legal activists working directly on bringing Balkan war criminals to justice, undoubtedly contributed to the successful prosecution of the Bosnian Serb rapists, as well as to the attention paid to other similar instances of wartime sexual abuse.\textsuperscript{110}

Whether these efforts will lead to lasting change, such that women will not be sexually enslaved and exploited by future governments and militaries is the subject of the explorations which follow.

\textsuperscript{108} Notably, however, the turnaround occurred as the result of the discovery of irrefutable documentary evidence; the testaments of increasing numbers of unrelated women from several different countries did not, despite their consistency and power, suffice. See Sanger, \textit{supra} note 22.


\textsuperscript{110} As noted earlier, such prosecutions are more likely to be successful in the future because the tribunals have rejected evidentiary rules distrustful of women’s testimony and adopted lenient admissibility rules tailored to the circumstances of wartime sexual assault. See \textit{supra} note 90.
A Story About the Future: Must We "Control" Women for the Sake of Militarizing Men?\textsuperscript{111}

It would be comforting to believe that the international attention given the comfort women and the Bosnian war crimes convictions portend a major shift, such that events like these will not recur. But conditions worldwide suggest otherwise. In countries throughout the globe, women are still viewed and treated if not as chattel, then as inferior beings required by religious or civil dictates to obey the will of men.\textsuperscript{112} These attitudes lend themselves not only to domestic brutality and sexual abuse, but also to wartime sexual victimization. They lead as well, especially given the poverty in which so many women live, to women's election of prostitution as the best among limited options, as well as to their sale, enticement and kidnaping to serve as sexual entertainment for soldiers, former soldiers and their industrial counterparts (often themselves graduates of militaries).\textsuperscript{113}

Moreover, militaries themselves reinforce the very perceptions of women that lead to these conditions. It is hardly coincidental that the majority of militaries throughout the world train their soldiers that supposedly female attributes, such as gentleness, empathy, and sympathy represent the antithesis of warrior values, and undermine that which is necessary for victory. In addition, the (perceived) military imperatives which underlay the impressment of women into military sexual service — improvement of the morale of soldiers, "release" before battle, confirmation of masculine war-

\textsuperscript{111} Cynthia Enloe, Beyond 'Rambo': Women and the Varieties of Militarized Masculinity in Women and the Military System 85 (Eva Isaksson ed., 1988) [hereinafter Beyond Rambo].


\textsuperscript{113} See supra note 78; Howard, supra note 7, 4–5. When Japanese women were enticed into prostitution to serve U.S. occupation troops, they were asked to assist with "patriotic tourism." Hicks, supra note 3, at 160. Indeed, Hicks argues, Korean feminists link the past and present sex industries by referring to contemporary Japanese sex tourists as "industrial warriors" working "on the frontline to contribute to Japan's wealth as a great power." Hicks, supra note 3, at 175–6. Give the increasing tendency of military officers to "retire" and become corporate managers and officers, the interconnection may be even stronger.
rior status through display of power, domination, and sexual prowess (and control of that display, so that it does not express itself in ways damaging to military-civilian or international relations), control of venereal disease — retain their salience and centrality today for militaries throughout the world. Thus, it is not surprising that stories of sexual assault and enslavement, sometimes on a massive scale, have been reported regularly from WWII to Vietnam to Bangladesh to the recent conflicts in the former Yugoslavia, Rwanda, E. Timor, and elsewhere. Nor is it surprising that modern “comfort women” continue to be impressed, coerced, or enticed to sexually service military men throughout the world.

Of course, there are differences between the Japanese comfort system and the wartime sexual atrocities of today. Although some estimates put the rape of Bosnian Muslim women as high as 20,000 to 50,000, the comfort woman system was far larger. And, although there is evidence that rape in the former Yugoslavia was part of a deliberately fostered genocidal policy of “ethnic cleansing,” and those who participated in it included officers and local politicians, it was neither as organized and systemic as the comfort system, nor regulated with the same precision and detail.

— See supra note 80.


— The Japanese government prescribed rules which included everything from penalties for wrongdoing, to condom use and smoking, to time allotments for
modern instances of sexual enslavement, victims have typically been drawn from target populations — the “enemy” — whereas the comfort system drew largely, though not exclusively, from colonized peoples whose men were drafted to serve alongside Japanese soldiers who, themselves, used the women’s “services.” Moreover, the purposes served by the Japanese system did not include the genocide or “ethnic cleansing” that seems to be characteristic of modern instances.119

Yet, there are important links between the two types of sexual enslavement. Both involve sex as a form of violence: even had the Japanese military not enforced its regime through violence (maintaining discipline through brutality; injuring and killing women who sought to escape), even had they not allowed soldiers to brutalize the women with relative impunity, the repetitive rape the women had to endure in the name of male sexual “release” inflicted trauma beyond measure. The modern examples instantiate sex as another, particularly horrific, weapon in pursuit of conquest — one which goes beyond the traditional capture of women as “spoil” of war, and uses them instead to destroy a people and their culture by one of the most vicious methods imaginable.120 Both represent an inter-

soldiers, non-commissioned officers and officers. It even set differing rates for women of different nationalities, and sometimes made a profit from the women’s “work.” Hicks, supra note 3 at 220–228. By contrast the stories emerging from Bosnia, Rwanda, and elsewhere, while equally and in some regards even more horrifying (including, as they do, sale of young children for sexual use; deliberate forced impregnation and humiliation, and worse), evince the cruelty of a variety of ungoverned imaginations, rather than a highly regulated and regimented system. See supra note 10.

119 The Japanese were already practicing cultural “genocide,” through such methods as requiring all subjects to speak Japanese, take Japanese names, and worship the Emperor. But they did not seek either to make it impossible for comfort women to reproduce, nor to impregnate them so that their children would not be ethnically Korean or Chinese — as did the Bosnian Serbs to their Muslim victims. And while the 1937 rape by Japanese soldiers of an estimated 20,000 Chinese women during the infamous “rape of Nanking” might be analogized to the systemic rape in Bosnia, it appears to have been part of an uncontrolled rampage that — while it resulted in numerous atrocities and the death of some 100,000 Chinese — aimed at conquest rather than at annihilation of the Chinese people. Askin, supra note 11, at 62–69; Cook & Cook, supra note 64, at 39; Dower, supra note 5, at 458.

120 It is a method that has its roots in the sexual abuse inflicted during WWII by Nazis against Jewish women, which included equally horrific forms of torture and brutality, as well as by Russian troops on German women after the conquest of Germany. See Askin, supra note 11, at 52–61.
twining of power, sexuality, and racism: male soldiers are enabled to exercise power through the use of sex, and to feel powerful — indeed, to become warriors — by violating women, who represent surrogate, or actual, enemies. More fundamentally, as discussed more fully below, in both cases, women serve both as “entertainment” and “release,” and at the same time, are feared and loathed both as women and as members of supposedly inferior and threatening races.\textsuperscript{121}

In the case of the sex industry surrounding the U.S. and other military operations, the differences from the comfort system are even greater. Many of those who “service” troops have neither been kidnapped, conscripted, nor forced to do so. Rather, they have elected to sell their sexual labor — albeit coerced by a combination of economic circumstance (dire poverty), social role (as family caretakers, often excluded from or discriminated against in other forms of employment), and moral values (importance of acting responsibly toward those who have taken care of you, or whom you have brought into the world).\textsuperscript{122} Unlike the comfort women, they are paid, and in many cases, have a significant degree of control over their circumstances (some can reject “clients” or move among employers; most can choose to leave for other employment). And although frequently brutalized,\textsuperscript{123} the brutality rarely rises to the level to which the comfort women were subjected. Prostitutes who

\textsuperscript{121} The Japanese held other Asian societies to be ethnically and culturally inferior; their women more inferior still. At least through the “imperial era” which ended with their WWII surrender, Japanese believed themselves members of the superior Yamato race. Dower \textit{supra} note 5, at 22, 143 and generally; Cook & Cook, \textit{supra} note 64, at 51 (former soldier speaking of “backward races”). Karnow, \textit{supra} note 87 (reviewing \textit{Japan At War} and summarizing stories therein as describing “a culture that had implanted in them the conviction they were . . . a superior breed”). Conquered peoples were required to learn and speak Japanese, take Japanese names, go to Japanese schools, and bow to the Japanese emperor. Howard, \textit{supra} note 7, at 2; CWS at 5, 31. The victims of sexual violence in Bosnia, Rwanda and E. Timor were viewed as enemy (or, in E. Timor, enemy agents), as well an inferior. See \textit{supra} note 109; Ms. Radhika Coomaraswamy, \textit{Report of the Special Rapporteur on violence against women, its causes and consequences to the UN Commission on Human Rights,} Addendum: Mission to Indonesia and East Timor (Jan. 21, 1999) at http://www.unhchr.ch.

\textsuperscript{122} See generally \textit{Good Times,} \textit{supra} note 80 (all of these motives are expressed by the women interviewed); Moon, \textit{supra} note 64, at 4, n.28–31, & 6, n. 38 (1965 study reports that of 105 Korean prostitutes surveyed, all were supporting family members).

\textsuperscript{123} \textit{Good Times,} \textit{supra} note 80, at 125; Moon, \textit{supra} note 64, at 3, n.18–24.
service contemporary militaries are not dragged to the "front" and moved from place to place in theaters of war; they are not forced to eat roots and grass, bayoneted, forced to have sex so frequently that their bodies swell up or they become permanently infertile; they are not slaughtered by soldiers in defeat.

Yet here, too, there are similarities. The numbers of prostitutes who either serve military personnel or work in sex industries generated by past military presence are probably greater in the aggregate than even the largest estimates of the numbers of comfort women. They are drawn from a similarly youthful population — one writer claims that one in every six Korean women between the ages of 15 and 35 works in the sex industry, the majority servicing U.S. soldiers; another reports that since the Korean War, more than a million Korean women have provided sex to the U.S. and other militaries. Like the comfort women, they are drawn from nationalities viewed by their patrons as inferior: in Korea and the Philippines t-shirts for GIs neatly capture the prevalent attitude, labeling the women "Little Brown Fucking Machines Powered With Rice." As were the comfort women, today's "entertainment workers" are infected with life threatening diseases — today's AIDS supplementing yesterday's syphilis. And these entertainment districts have been and continue in some cases to be condoned when not fostered, as well as regulated (often indirectly, 

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124 Isabelle Talleyrand, *Military Prostitution: How the Authorities Worldwide Aid and Abet International Trafficking in Women*, 27 SYRACUSE J. INT'L L. & COM. 151 (2000) (reporting prostitution surrounding U.S. bases in the United States, Germany, Korea, Okinawa, Hawaii, Honduras, Philippines, and British base in Belize, as well as near U.N. peacekeepers in Kampuchea, Mozambique and elsewhere). See also MOON, supra note 64, at 8–9, n.57 (20,000 registered Korean prostitutes in late 1960s; 1200 bars and clubs in Okinawa); MANEUVERS, supra note 32, at 76 (estimated 300,000-500,000 prostitutes in Philippines in 1986, 15,000-17,000 around U.S. Subic Bay base).

125 Rita Nakashima Brock, *Japanese Didn't Invent Military Sex Industry (Letter to the Editor)* N.Y. TIMES, Feb. 23, 1992 (citing study by My Sister's Place, agency that works with Korean prostitutes and others). Brock is a sex researcher who studied sex industries in Southeast Asia. See *The Morning After*, supra note 75, at 155–6. See also MOON, supra note 81, at 1,17 (one fifth of South Korean women in age 15–29 cohort selling sexual services). Where sex tourism has replaced more highly regulated military "service," the prostitutes are often younger. BURMESE WOMEN, supra note 74 at 15.

126 GOOD TIMES, supra note 80, at 40; MOON, supra note 64, at 10, n.79–82.

127 "R & R" for purposes of sexual entertainment and release has been a time-honored military practice. Nowhere has the military used its considerable
through cooperation with local governments) by the U.S. military. The Japanese similarly ran the comfort stations through private entrepreneurs. But, unlike the U.S. military, they not only procured the women to serve, but kept tight control over the entire system, including hours, prices, and "working" conditions. See supra n.1 based on precisely the same rationales — prevention of disease and rape; improvement of troop morale — as justified the comfort system. GIs continue to view sex workers as subhuman, discardable objects, and not only brutalize the prostitutes with some frequency, but also impregnate and abandon them, in most cases without incurring further consequence: the military rarely disciplines soldiers for abandoning their offspring, nor otherwise ensures that they assume responsibility for their progeny.

128 The U.S. military — together with private partners — established health clinics to test prostitutes for venereal disease and participated in systems to license bars, brothels and prostitutes, and to declare violators "off-limits" to military personnel. See Good Times, supra note 80, at 303-313; Allen, supra note 23, at 590-594; The Morning After, supra note 75, at 142-160.

129 See generally Good Times, supra note 80, at 303-313. See also supra note 84 (describing regulation by British government in 19th century, as well as early U.S. regulation); Maneuvers, supra note 32, at 62-3 (British regulated brothels in North Africa, but denied involvement with brothels generally; French placed them under direct military control; U.S. military openly regulated Hawaiian prostitution).

130 See generally Good Times, supra note 80, at 59; Moon, supra note 64, at 3-4, n. 17-27. See generally Gwen Kirk & Carolyn Bowen France, Redefining Security: Women Challenge U.S. Military Policy and Practice in East Asia, 15 Berkeley Women's L.J. 229, 251-253, 258-261(2000) [hereinafter Kirk & France] East Asian Status of Forces Agreements [SOFAs] make no reference to issue; U.S.-German agreement contains memorandum requiring military to assist and cooperate in advising soldiers to pay child support. Of course, were it possible for the women to prove paternity in a proceeding recognized by the U.S. courts, child support enforcement proceedings could ensue. But most Asian prostitutes have neither access nor the means to pay for paternity testing, let alone to pursue legal claims which would require tracking down the men and obtaining their consent to, or a court order for, testing. See Lambert, supra note 78 ($68 million class action suit for support filed against U.S. Navy, "mainly because the Filipino women and children cannot afford the legal costs involved in tracking down fathers or proving paternity"). Kirk & France, id. at 262 (lawsuit "settled" after dismissal on motion
Moreover, as recited earlier, the ever expanding sex tourism industry, much of it spawned by the military, uses methods of procurement not dissimilar from those of the Japanese military.\footnote{133}

These comparisons suggest that there is something underlying the association of militarism with sexual violence and control that is worth pursuing and changing. Doing so requires us to go beyond understanding rape as merely one more in the panoply of weapons of war and women as one more prize, and demands that we seek change not only through strengthening and better enforcing international human rights norms, but also by altering the way in which militaries throughout the world teach men to think and behave.

**RE-MAKING THE WARRIORS: A STORY OF HOPE**

As of 1998, the 30 nations with the largest organized militaries were training more than sixteen billion active troops (1.3 million of them U.S. troops deployed worldwide in 1999) and another twenty-eight billion reserves, and had trained millions more no longer active veterans.\footnote{134} Hundreds of thousands of additional young men and even boys (and a small number of young women) are being drawn into militias and conflicts throughout the globe, and indoctrinated in warrior ideologies at younger and younger ages.\footnote{135} The

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\footnote{134} 2001 *THE WORLD ALMANAC AND BOOK OF FACTS* 207 (2001). In the U.S. alone there were as of July 2000 more than 24 million living veterans. *Id.*

\footnote{135} See Ian Fisher & Norimitsu Onishi, *Chaos in the Congo: A Primer*, NEW YORK TIMES, Feb. 6, 2000, § 1, at 1 (describing African conflicts involving Angola, Namibia, Congo, Rwanda, Uganda, Burundi, Sudan, Somalia, Ethiopia & Eritrea); Norimitsu Onishi, *Survivors Sadly Say, Yes, Reward the Tormentors*, NEW YORK
norms of masculinity these militaries inculcate in young soldiers oppose femininity to the qualities necessary to be successful warriors, thereby confirming and reinforcing their masculinity. Conversely, "men who failed as warriors have been reviled as 'women.'" Disdain for women is thus inextricably bound up with military ethos — notwithstanding the presence of women in many militaries and the efforts of some military leaders to establish formal gender neutrality. "War," writes Barbara Ehrenreich in her study of its origins and history, "is, in fact, one of the most rigidly 'gendered' activities known to humankind." The wonder is not that wartime sexual abuse is prevalent, but that it is not far more so.

Klaus Theweleit, in his famous two volume study of the German Freikorps, fascist soldier-volunteers known for their invincibility, ruthlessness, and success in battle, uncovers in the writings of these men a deep hatred, indeed a dread, of women. Theweleit posits that for them "masculine identity [is] a flight from the feminine, [is] fear of ego dissolution" into the "horribly disorganized jumble of flesh, hair, skin, bones, intestines and feelings" that is represented by the softness of the female. The Freikorps masculine ideal is the body as machine — characterized by hardness, firm boundaries, lack of feelings, and self-denial in the service of destruction. That which is male is not merely opposite to female — which is characterized by sensuality, fluidity, and warmth — but is

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Times, Aug. 30, 1999, at A4 (Sierra Leone); Maneuvers, supra note 84, at 12–14 (Junior ROTC programs fastest growing in Department of Defense; 300,000 high schools students as young as 14 trained, including 40% girls).

136 Siefert, supra note 76, at 59, 62.

137 Blood Rites, supra note 86, at 126–7 (describing instances in which such warriors were made to live and cook with the women, rear children, and wear female attire).

138 Blood Rites, supra note 132, at 125.


140 Id. at 160.

141 Theweleit suggests that it is ultimately the fear of their own desire — desire for pleasure and for sensation — that motivates the murderous destruction of the Freikorps. Theweleit 1, supra note 85; Theweleit 2, supra note 134.

142 These qualities are notably similar to those emphasized by Teddy Roosevelt and others at the turn of the Twentieth century as embodying the "manly virtues": toughness, ability to withstand discomfort and pain, physical prowess, and the glorification of muscular and hard bodies. See E. Anthony Rotundo, American Manhood: Transformations in Masculinity Form the Revolution to the Modern Era 233–34 (1993) [hereinafter Rotundo].
deeply threatened by it, because men contain that female within themselves. Despite their efforts to make their bodies hard and impregnable, they contain soft viscera and genetalia, and are weakened by emotion and desire. Without constant vigilance, and vigorous exercise, training, and self-discipline, men may dissolve or degenerate into their feminine selves.\footnote{Rotundo has argued that the “new emphasis on the self” in at the turn of the Twentieth century contributed to this same fear of feminization, because if men and women, stripped of social convention, were fundamentally similar, then the danger existed that males might, through training or socialization, become soft, sensitive and weak. See id at 104–5, 252–53. See also Carlin Meyer, Snips and Snails and Puppy Dogs’ Tails, That’s What Little Boys are Made of, 38 N.Y. L. SCH. L. REV. 443 (1993) (reviewing Rotundo).}

In wartime, Theweleit suggests, “the repudiation of one’s own body, of femininity, becomes a psychic compulsion” for these men.\footnote{THEWELEIT 2, supra note 134, at xiii.} And in Theweleit’s schema, desire — that which is provoked by female sexuality — becomes the most dangerous enemy of all. It is a short step from repudiation of desire to the compulsion to punish those who provoke that desire — women who represent a threat as great, or greater, than that of the official “enemy,” and who are doubly targets when they are of the enemy.

Wartime rape fits well within Theweleit’s schema. The act of rape at once hardens the soft, flaccid penis — the one part of the male body that no amount of exercise can permanently harden — and annihilates the identity and individuality of the threatening women who, instead of weakening the body of the machine-like male, turns it (by hardening it) into a weapon.\footnote{In her introduction to Volume 1, Ehrenreich points out that the Freikorps turned to annihilation and murder, not to rape. THEWELEIT 1 supra note 85, at xv-xvi. At least one explanation for this may be the strength of their antisemitism and racism, which lead them to fear contamination by entering the vagina.} The Freikorps, however, were not primarily rapists, but rather vicious killers. For Theweleit, the desire to repudiate the feminine within explains their obsession with killing, with dead bodies; exposed and ravaged viscera; rivers of blood. But, it may also help to explain why many ordinary soldiers turn to rape and sexual abuse; perhaps even why many men (who are, after all, continuously exposed to norms of masculinity reminiscent of Freikorps values, in sports training, on film and television, in military training) abuse women. For although the Freikorps were a self-selected group not necessarily representative of all men or all soldiers, there is the possibility, indeed
the suggestion in Theweleit's and other writings, that masculinity itself may be constituted by these same fears and convictions.

Theweleit is not alone in noting the relationship between masculine warrior values and negative attitudes about women. During the late nineteenth century, E. Anthony Rotundo notes, the "martial virtues" were explicitly cultivated to combat what was feared to be a "feminizing" influence by men's increased employment in the "soft, pampered life of the business and professional classes."146 Barry McCarthy points out that "traditional cultures in which warfare is engaged in most frequently also tend to be highly patriarchal, with a sharp division of labour by sex and a wide gulf between the lifestyles and status of men and women."147 He emphasizes the "link between warrior values and stereotypically male role norms,"148 norms which are "little more than slightly diluted versions of warrior values,"149 and notes the "renewed idealization of the warrior" in the recent proliferation of war films and books, in which women "play a peripheral part."150 Barbara Ehrenreich assembles impressive evidence that "one of the acknowledged purposes of war has often been to make men 'men'" and that war has remained a male bastion not because of biological or physical necessity, but because of its role in defining gender, and masculinity in particular.151 Feminist writers Ruth Siefert, Barbara Ehrenreich, Cynthia Enloe and Joan Smith have emphasized the way in which military masculinity is constructed in opposition to supposedly feminine qualities such as empathy, sympathy, gentleness, and willingness to acknowledge fear, love and other emotions.152

The other common salient characteristic of the comfort women and the victims of contemporary wartime sexual assault is their status, in the eyes of their captors, as ethnically or racially inferior. The Japanese viewed other Asians as "backward races" and drew

146 ROTUNDO, supra note 137, at 233. See also BLOOD RITES, supra note 86, at 127-8 (describing ancient Greek "ritual wars" aimed at initiating young men into manhood, and other similar practices).
148 Id at 116.
149 Id at 118.
150 Id.
151 BLOOD RITES, supra note 86, at 128-30. Indeed, Ehrenreich sees war as perhaps the central means by which societies have "establish[ed] a division of labor . . . a hierarchy of power between men and women." Id, at 131.
152 See Siefert, supra note 76, at 60, 62 (citing Smith).
the comfort women largely from those populations. The conflicts in the Balkans, Rwanda, and E. Timor have centered around ethnicity. Because already viewed as inferior, sexually enslaved women both reinforce the sense that the targeted ethnicity is inferior, and serve as less physically threatening (because civilian and unarmed) representatives of it. To the extent that military training, at least in the armies of the industrialized nations, no longer explicitly targets other ethnicities (because those nationalities and ethnicities become our allies as often as they are our enemies), woman — and the targeting of all qualities feminine — serves as the surrogate for fear and hatred of the (inferior) enemy. Thus, women frequently stand in for, and are especially hated and feared if they are of, the enemy.

Theweleit attributes the attitudes of the Freicorps to pre-Oedipal psychological development, such that short of changing the conditions under which such development occurs, little can be achieved by way of change. Feminist Barbara Ehrenreich, reading Theweleit together with feminist theorists Dorothy Dinnerstein and Nancy Chodorow, worries that because mothers are the early caretakers of men, men inevitably experience a pre-oedipal desire for the mother and a deep need to repudiate that desire. Ehrenreich fears that until the conditions of pre-oedipal development change, men are bound to “see the world divided into ‘them’ and ‘us,’ male and female, hard and soft, solid and liquid,” will “make their bodies into hard instruments,” and “will confuse, in some mad revery, love and death, sex and murder.” See e.g. Warrior Values, supra n.

153 Supra note 71. The only Japanese who served in comfort stations were drafted from those already in the sex trades, who were for that reason seen as similarly inferior. Howard, supra note 7, at 15.


155 For instance, Theweleit notes the overlapping fears expressed in Freikorps writings of the feminine, the Jewess as the quintessential female, and of the masses — whose slaughter, with its flow of blood and mountains of viscera — represents the vanquishment of femininity in the aggregate. Theweleit 2, supra note 134, at 7–15.

156 Theweleit 1, supra note 85, at xvi. Ehrenreich elsewhere traces the impulse to “ecstatic” war-making (with its religious fervor) to the history of the human species and our transition from prey to predator, and dismisses the notion that men possess a “single warlike instinct.” Blood Rites, supra note 132. Others hint that broad historical change of a dimension which cannot be influenced by deliberate human intervention is the necessary precursor to changes in warrior norms.
which, although it does not explicitly adopt such a view, analyzes
the development of such values in terms of major historical
trends.\textsuperscript{157}

By contrast, I harbor the hope, based on social learning theory,
which treats social behaviors as strongly influenced by environ-
ment, that changes in the environment in which young men are
turned into warriors can change the way they think about and be-
have toward women.\textsuperscript{158} Currently that environment, in both East
and West, is one which for the most part inculcates and reinforces
precisely the values Theweleit and others have described. While
there is clearly great variety in the norms of the societies from
which soldiers worldwide are drawn, as well as differences in the
types of training they receive, nonetheless, a pattern is evident. We
see everywhere reproduced the ideal of the hard, self-denying,
emotionless, body-machine and the disdain for and association of
femininity with all that is its opposite.\textsuperscript{159}

Considerable evidence suggests that military training is essen-
tial to overcoming humans' "powerful, innate resistance to killing
[their] own species"\textsuperscript{160} — that the perpetual training and drilling, as
well as the parades and other rituals of war, are necessary in order
to "invert the normal moral order in which most human beings live
their lives."\textsuperscript{161} That military training is powerful enough to over-
come both instinct and everyday morality (although in many in-

\textsuperscript{157} McCarthy, supra note 143, at 105–120.

\textsuperscript{158} See generally Hoffmann, Ireland, & Widom, \textit{Traditional Socialization The-
ories of Violence: A critical examination, in Male Violence,} (John Archer ed.,
1994) at 289, 291–93 (describing socialization theories including "social learning"
theory, which it describes as the "most prominent" of the socialization theories).

\textsuperscript{159} See \textit{Good Times}, supra note 80, at 3246 (in military training, masculinity
equated with "aggression and domination over others"; "feelings associated with
being soft, with what is taken to be feminine, are meant to be crushed, eradicated";
"pussy," "girl" "faggot" used as epithets denoting failure). \textit{See also} McCarthy,
supra note 143, at 110–118 (tracing warrior codes in Eastern and Western
societies).

\textsuperscript{160} \textit{Lt. Col. Dave Grossman, On Killing: The Psychological Cost of
Learning to Kill in War and Society} at xxix, 2, 5–39 (1995) [hereinafter
\textit{Killing}].

\textsuperscript{161} \textit{Blood Rites}, supra note 132, at 10–12. \textit{See generally} \textit{Killing}; Michael
Ignatieff, \textit{The Gods of War,} \textit{N. Y. Rev. of Books} (Oct. 9, 1997) [hereinafter
\textit{Ignatieff}]. Moreover, desertion rates were extraordinarily high when modern first
emerged in the 16th and 17th centuries. \textit{Blood Rites}, supra note 86, at 24.
stances, the aid of drugs has apparently been necessary), suggests that altering its associations with and treatment of women and femininity could produce significant change. As one writer has argued, “[a] different kind of masculinity — one less obsessed with command and obedience — becomes possible when the military model begins to lose its grip over our imaginations.”

It therefore behooves us to consider changing the norms and methods of that training, in the hope that alternative socialization can at least mitigate, if not eliminate, some of the more negative influences of biology and early psychological development. One crucial change, already in progress in the U.S. military but as yet far from complete, is that of ceasing the association of femininity with weakness and failure (“stop acting like a girl” “don’t be a sissy”). But that is merely a beginning. Professor Mary Ann Case has suggested that a model of cooperation and empathy might be equally or more successful in training successful soldiers than one based on adversity and competition. It is beyond the scope of this Essay to offer a detailed alternative training methodology; it’s aim is the more modest one of urging re-evaluation and change.

Opposition is likely to be great, as evinced by the legal battle that surrounded the admission of women to Virginia Military Institute (VMI), an academy whose training emphasizes the sort of physical rigor, masculine hardness, self-denial, and self-abnegation that characterizes the Freikorps ideal. These qualities are often

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162 Blood Rites, supra note 86, at 11–12 (history of use of alcohol and hallucinogens by various groups and tribes before going to war); Killing, supra note 133, at 270–271 (alcohol always used to numb, but Vietnam War first “pharmacological war”).

163 Ignatieff, supra note 156. But see Barbara Ehrenreich, Introduction, in The Weleit 1, supra note 85, at xvi (only way to end violence against women may be to end war-making).

164 See supra note 148. Better yet would be the elimination of such associations not only in the military, but also in the sports world. See generally Carlin Meyer, Sex, Sin and Women’s Liberation: Against Porn-Suppression, 72 Texas L. Rev. 1097, 1162–1172 (1994) (arguing that sports and military training both contribute to aggression against women).

165 Mary Anne Case, Two Cheers for Cheerleading: The Noisy Integration of VMI and the Quiet Success of Virginia Women in Leadership, 1999 U. of Chicago Legal Forum 347.

166 Some useful suggestions for change can be found in Good Times, supra note 80, at 324–326 and Case, supra, note 160.

167 See U.S. v. Virginia, 518 U.S. 515, 522 (1996) for description of VMI’s “adversative” training method. For descriptions of the battle over admission of
viewed as synonymous with military preparedness and success. Yet, not only may other emphases be equally or more effective, but also the continuing usefulness of the “old ways” is subject to question because of changes in the nature of warfare itself. Modern fighters make war from within the protective shields of airplanes and armored vehicles; the individual physical hardness and impenetrability of the human body is largely beside the point.\textsuperscript{168} Precision in instrument-reading and manipulation of controls, computer mapping and decoding — these are skills that have little to do with the warrior training and traditions of past centuries.\textsuperscript{169}

In the U.S. as elsewhere, the increasing recruitment of women to serve in all facets of the military is already fostering some change. Militaries — especially those staffed by volunteers — have opened their doors to women because of pressures from women and their advocates,\textsuperscript{170} as well as from increased need for personnel

\begin{footnotesize}
\begin{enumerate}
\item This notwithstanding the insistence of writers like Stephanie Gutmann, who insist that despite these changes in modern warfare, the “kinder, gentler military” being forged by the effort to fully integrate women into the armed forces, is sapping its vital strength. See generally Stephanie Gutmann, the Kinder, Gentler Military (2000) (paean to boot camp style training which laments the decline of the “warrior culture” and military “identity crisis” due to the increased presence of women.) For an opposite view, see Case, supra note 150. See also Blood Rites, supra note 86, at 179–81 (wars fought with missiles rather than arrows or guns required large armies and “the sheer size of new armies necessitate rigid systems of discipline and command”, which lead to the introduction of drilling at the end of the 16th century as a means by which to ensure that soldiers internalized the necessary discipline). In today’s military, in which battles are often fought with smaller, more flexible and mobile units, the “drill” may have outlived much of its usefulness.
\item Indeed, the wars of the future are likely to be fought in considerable part by machines: by unmanned attack vehicles, self-targeting missile systems and pilotless aircraft, although, of course, many conflicts will still be fought with machetes and knives rather than modern weaponry. See, e.g., Ian Fisher, Congo’s War Overshadows Tribal Fight, N.Y. TIMES, Feb. 13, 2000, §1, at 12 (describing use of machetes and barbed arrows in Congo conflict). See generally Chris Hables Gray, Postmodern War: The New Politics of Conflict (1997).
\item In the U.S., at least, the military offers better child and healthcare as well as education benefits than many entry-level employers; it is the employer of first resort for many with limited educational and other resources. Gutmann, supra note 163, at 89.
\end{enumerate}
\end{footnotesize}
and an inability to recruit sufficient male volunteers.\textsuperscript{171} The presence of women has already impelled some change: at a minimum, it is no longer possible, or at least politic, to use epithets like “pussy” and “girl” to represent weakness or incompetence. More significantly, however, by their presence, female soldiers require their brethren to question the value of warrior ideals in the age of technology and information-driven warfare.\textsuperscript{172} And the presence of women brings into the open — into an arena of study, debate and verbal “warfare” — the threat that women represent.

Changing warrior norms will not necessarily eliminate sexual abuse of women\textsuperscript{173} or alter the conditions which lead to trafficking in young girls and women. Far too many other factors contribute to these abuses, including the fact that many economies and subeconomies have become dependent on the revenues they generate.\textsuperscript{174} But, to continue to inculcate in billions of men norms steeped in contempt for women will ensure that these abuses continue. If the price of maintaining our militaries is that they continue to perpetuate gendered notions of masculinity and femininity, which, in turn, lead to abuse of women worldwide, perhaps it is time we ques-


\textsuperscript{172} See Siefert, \textit{supra} note 76, at 60 (“the increasingly strong position of women in the American army has shaken the image and professional self-understanding of the soldier, which is currently having to be redefined.”). Cynthia Enloe, \textit{The Politics of Constructing the American Woman Soldier as a Professionalized ‘First Class Citizen’: Some Lessons from the Gulf War}, \textit{Minerva: Quarterly Report on Women and the Military} (1992).

\textsuperscript{173} I do not mean to foster the view that prostitution by itself constitutes abuse of women, although I think it is largely practiced under conditions of inequality and abuse even when “chosen” as the best available employment. Rather, I believe that militaries, for reasons connected with the nature of war-making in general and warrior masculinity in particular, enable, promote and enhance the abuse that “entertainment girls” suffer.

\textsuperscript{174} See generally Saskia Sassen, \textit{Countergeographies of Globalization: The Feminization of Survival} (Seminar paper, 2000, on file with this author) (dependence of “developing” country economies on women’s sexual labor); Moon, \textit{supra} note 64, at 16, 17; \textit{Good Times, supra} note 80, at 313–15; \textit{Burmesian Women, supra} note 78, at 15–17; \textit{Rape for Profit, supra} note 78, at 9–14; \textit{Maneuvers, supra} note 32, at 99–103 (e.g. Thailand “once seeded by military consumers,” sex industry “hard to dislodge” even after military presence diminishes).
tioned altogether the militarization of modern life.\textsuperscript{175} Indeed, with Enloe and other writers, we might ask ourselves whether our profoundly gendered methods of organizing and training our soldiers might not be responsible for perpetuating war itself.\textsuperscript{176}

\section*{Conclusion}

If the stories of the comfort women do no more than make us uncomfortable, they would have value. But they have done a great deal more. These stories have encouraged a re-examination of the intricate relationship of war-making and abuse of women at the same time that they have fostered steps to provide actual redress — monetary and psychological — to women sexually abused in wartime. They have demanded attention for the voices and stories of women, past and present, and helped to develop and spur on an international movement to ensure that those voice continue to be heard and credited.

Yet it remains too easy to dismiss their stories as part of an aberrant past, or to allow ourselves to believe that prosecutions of individuals or groups of individuals will ensure a better future. Sexual abuse of women in wartime is systemic, not individual; and derives from deeply inculcated norms, not individual aberrant behaviors. Unless we attend to remaking the warriors, wartime abuses will surely continue. That is the uncomfortable lesson the comfort women teach.

\footnotesize{\textsuperscript{175} Indeed, it appears that some youth are already doing so. See Cowell, \textit{supra} note 168 (German youth opting for "civilian" over military service).}

\footnotesize{\textsuperscript{176} See generally \textit{Maneuvers, supra} note 86; \textit{Bananas, supra} note 80.}