

"For the Sake of Providing Comfort to All Imperial Soldiers Progressing on Every Front": An Analysis of Regulations on the Establishment and Management of a Japanese Panopticon Over "Comfort Women"

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Introduction

It has been estimated that around 200,000 women from various Asian countries such as Korea, China, Taiwan, Myanmar, and Vietnam were forced to work as "comfort women" for the Japanese Imperial Army during the Second World War. Much research has been done on topics such as experiences of "sex slaves" inside the military brothels, their personal experiences of being kidnapped, and their experiences upon returning to their home countries after years of unbearable hardship. It is also well established that Korean women comprised the largest number of such "comfort women," which explains the enduring bitterness between Korea and Japan over the issue of colonial reconciliation concerning sexual slavery during the Second World War.¹

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1 Yoshimi Yoshiaki and Kim Son-ho trans., *Chong-kun Wianpu Charyochip* (Seoul, Korea: Sumundang, 1993); George Hicks, *The Comfort Women: Japan's*

Yet, in contrast to the wide variety of facts established from the perspectives of individual "comfort women," there has yet to be a detailed examination, especially in the realm of sociology and history, about how the Japanese Imperial Army maintained a close surveillance of "comfort women" to maintain sexual slavery as a bureaucratic system. In other words, an organizational analysis of sexual slavery with an aim of understanding how and why the Japanese military ascribed a systematic veneer to sexual slavery remains unanswered. While it is important to demonstrate why and how Japanese sexual slavery in World War II was immoral, it is also important to understand how and why the Japanese military was able to maintain it without drawing international scrutiny on the problem until after the end of the war to do justice to the gravity of sexual slavery.

Most sociological studies on sex trafficking and related crimes have focused on these issues from a generic perspective to allow for conceptual and theoretical analyses concerning linkages between sex trafficking and other sociological topics such as social stratification.² Even

Brutal Regime of Enforced Prostitution in the Second World War (New York: W. W. Norton and Company, 1995); Chung, C. S. "Il-ponkun Wianso Chŏngch'aeküi Su-ripkwa Chŏnkae," in *Iponkun Wianpu Muncheüi Chinsang*, ed. The Korean Council (Seoul, Korea: Yoksa Pip'yong, 1997); *Chŏnhu Posangüi Nonri*, trans. Keni'chi Dakagi and Yong-ki Choi (Seoul, Korea: Han-ul, 1997).

- 2 Larry Baron and Murray Straus, "Four Theories of Rape: A Macrosociological Analysis" in *Social Problems*, Vol. 34, No. 5 (December, 1987), 467-489; Kenneth Ferraro, "Women's Fear of Victimization: Shadow of Sexual Assault?" in *Social Forces*, Vol. 75, No. 2 (December, 1996), 667-690; Herman Gray and Macarena Gómez-Barris eds., *Toward a Sociology of the Trace* (Minneapolis, Minnesota: University of Minnesota Press, 2010); Jane Scoular, "What's Law Got to Do with It? How and Why Law Matters in the Regulation of Sex Work," *Journal of Law and Society*, Vol. 37, No. 1 (March, 2010), 12-39; Margaret S. Archer, "Trafficking in Human Beings: Modern Slavery-A Sociological Approach," *Pontifical Academy of Sciences, Scripta Varia*, 122 (2013), 1-22; Kari Lerum and Barbara G. Brents, "Sociological Perspectives on Sex Work and Human Trafficking," *Sociological Perspectives*, Vol. 59, No. 1 (Spring, 2016), 17-26; Nancy Whittier. "Where are the Children? Theorizing the Missing Piece in

in the subfield of feminist studies, despite entertaining a wide variety of theoretical explorations ranging from socialist feminism, Marxism and feminism, patriarchal societies and feminism, and bureaucracy and feminism, there is no exploration of sexual slavery practiced as a form of bureaucratic apparatus within an Asian, a colonial and a military context, of which Japan during World War II represents an important example encapsulating all three elements.³ While these studies did achieve their intended aims and enhanced theoretical knowledge about sexual slavery, there is no existing study analyzing the notorious case of Japan's sexual slavery of Korean and Japanese women in the Chinese front during World War II from the perspective of the Japanese military bureaucracy and its systematic attempt to police and impose restrictions to install a surveillance mechanism in sexual slavery. There is no exploration of how the Japanese actually redressed and managed sexual slavery in China into a legalized practice despite the fact that it blatantly violated Japanese and international law.

This shortcoming is also generally noticeable in most of the historical scholarship as well. Although there exist comprehensive studies of how sexual slavery operated against victims, the internal institutionalization of sexual slavery as a product of regulations and bureaucratic management within the Japanese Army is generally omitted or mostly told in conjunction with the victims' experiences. Scholars such as Yoshimi Yoshiaki and Carmen Argibay have examined how sexual slavery operated internally within the Japanese military in a bureaucratic fashion, but even his work concentrates more on sexual slavery's impact on victims rather than the question of how the Japanese military operated a Panopticon—a system of surveillance imposed to allow for a permanent and automatic exercise of power which observed

Gendered Sexual Violence," *Gender and Society*, Vol. 30, No. 1 (February, 2016), 95-108.

3 R. Connell, "The State, Gender, and Sexual Politics: Theory and Appraisal," *Theory and Society*, Vol. 19, No. 5 (October, 1990), 507-544.

individuals have to be constantly aware of— by institutionalizing regulations on sexual slavery to give it a veneer of legality.⁴ George Hicks, Sarah Soh, and Peipei Qiu and Su Zhiliang, and Yu-ha Park have meticulously examined various socio-political conditions to which "comfort women" were subject in "comfort stations," documenting the brutality and inhumanity of life inside "comfort stations," or attempting to differentiate between "sex slaves" and women who were employed for other non-sexual purposes in the Japanese military. Ueno Chizuko has examined feminist critiques about "comfort women" in Japan and has argued that "positivist" attempts to depict varied experiences of "comfort women" as "sexual crimes" ignores various and diversified realities which "comfort women" confronted in the Japanese military. Ueno has urged for a need to reconcile between critics' representations of "truth" regarding "comfort women" with those presented by so-called "deniers" of truth concerning the subject to arrive at a more comprehensive and objective understanding of "comfort women" as a complex historical phenomenon.⁵

In other words, the sociological literature on sexual slavery treats it rather too generically which has led it to ignore Japanese sexual slavery as a specific example of a colonial and an imperialistic in-

4 Michel Foucault, "Panopticism" from *Discipline and Punish: The Birth of the Prison* *Race/Ethnicity: Multidisciplinary Global Contexts*, Vol. 2, No. 1 (Autumn, 2008), 1-12.

5 Carmen M. Argibay, "Sexual Slavery and the Comfort Women of World War II," *Berkeley Journal of International Law*, Vol. 21, Issue 2 (2003), 375-389; George Hicks, *The Comfort Women: Japan's Brutal Regime of Enforced Prostitution in the Second World War* (New York: W. W. Norton and Company, 1995); Sarah Soh, *The Comfort Women: Sexual Violence and Postcolonial Memory in Korea and Japan* (Chicago, IL: University of Chicago Press, 2009); Yu-ha Park, *Chekuküi Wi-an-pu: Sik-min Chi-paewa Kiöküi T'u-chaeng* (Seoul, Korea: Ppuriwa Ippari, 2013); Peipei Qiu and Su Zhiling, *Chinese Comfort Women: Testimonies from Japan's Imperial Sex Slaves* (Oxford University Press, 2014); Chizuko Ueno, *Nationalism and Gender* (Melbourne, Australia: Trans Pacific Press, 1988).

stitutionalized slavery. The historical literature has concentrated rather strongly on the victims of sexual slavery without delving too deeply on the question of how the presence of a surveillance system in the form of regulations allowed the Japanese military to operate a Panopticon on their particular form of sexual slavery. While these studies allow readers to understand that Japanese sexual slavery during World War II was a war crime, the approach does not show how, despite the apparent criminality, the Japanese Army was able to maintain it as a bureaucratic systematic practice in China throughout the late 1930s and early 1940s. While sociological studies on sexual crimes display a good balance between theory and empirical evidence and some historical studies on Japan's sexual slavery during World War II did show the extensive nature of the crime and its impact on victims, the question of how Japan maintained sexual slavery as a system and officially managed it by imposing regulations and operating a Panopticon to give a legal veneer to sexual slavery has not been adequately addressed.

Methodology and the Main Thesis

Collecting primary sources on Japan's management of its sexual slavery system has been a persistent difficulty for scholars, largely due to the lack of publicly released official documents and the difficulty of obtaining witnesses' testimonies.⁶ However, most recently, the Northeast Asian History Foundation, a nationally endowed research institute in Seoul dedicated to studying diplomatic and historical problems between Korea and its East Asian neighbors, has published a collection of official documents from the Japanese Army stationed in China during

6 Zhou Guixiang. "Chungkuk Ch'imryak Ilpon Chönpömüi 'Wianpu'wa Söngpömchoe Pansöng Koch'al," in *Ilponkun Wianpu Munchewa Kwache II - P'ihaecha Chungsim Haekyöl*, (Seoul, Korea: The Northeast Asian History Foundation, 2020).

World War II and other related documents which reveal meticulous details about how the Japanese systematized sexual slavery. In contrast to much of the existing sociological and historical literature on sexuality and sex trafficking, which tends to link these topics with conceptual topics such as social stratification and Conflict Theory, I propose to examine sexual slavery by utilizing various theories about Foucault's Panopticon. I adopt a more empirical approach by analyzing recently revealed official military reports and related documents to directly address sexual slavery as a phenomenological and organizational problem.

More specifically, by drawing on various theories on institutional change and showing how Japanese sexual slavery acquired a false sense of legality by having strict regulations about the practice of sexual slavery in the manner of imposing a Panopticon, I will concentrate on showing how an emphasis on hygiene, prohibition, and prevention of unruly behavior ascribed a veneer of legality to redress sexual slavery as a lawful practice. I will also demonstrate that the main irony behind the Japanese Army's attempts to imbue a sense of legality to sexual slavery was precisely what clearly demonstrates the blatant illegality of sexual slavery. Not only did Japanese sexual slavery violate the Japanese Constitution, but it was also, despite the Japanese Emperor's agreement to observe the need to police sexual slavery by signing the *Convention on the Prevention of Sexual Slavery*, a clear violation of international law, since sexual slavery fundamentally operated under the phenomenological premise that Korean and Japanese women were taken to various fronts against their will through the use of coercion and deception.

The principal aims of this article are to comprehend Japanese sexual slavery during World War II primarily as a systematic practice and to unravel how the imposition of regulations allowed the Japanese Army to engage in a war crime by disguising it as a regulated practice having a veneer of legality. Contingent to the second aim, this article also aims to show that even the attempt to establish sexual slavery as an institution was inherently illegal, for it was a direct violation of both

Japanese and international law through Japanese sexual slavery's contempt for human rights abuses and denial of consent and through the Japanese government's direct negation of the *International Convention on the Prohibition of the Sale and Purchase of Women for Prostitution* (1925), which explicitly prohibited women from being coerced to engage in illegal sexual acts during war, proving that sexual slavery existed long before the Second World War. The deeper source of gravity behind the Japanese military's decision to clandestinely allow the operation of brothels in China was that this decision was enforced despite the Japanese Criminal Code's specification that sexual slavery is unconstitutional, and the international agreement's unequivocal commitment to prohibiting sexual slavery as a clear violation of human dignity. In other words, even if the specific actions and details regarding the enforcement of regulations in the Japanese Army are not considered, the initiative to think about establishing military brothels was in itself a clear violation of both Japanese national and international law.

The importance of proving the illegality of sexual slavery in the Japanese military can be most clearly shown by examining an international agreement and the Japanese Criminal Code, important precedents prohibiting the operation of sexual slavery prior to the Second World War. This approach, in contrast to many works such as Yuma Totani's *Justice in Asia and the Pacific Region, 1945-1952* (2015), which examined the gravity of war crimes as a post-war issue, promotes a more direct appreciation of how serious sexual slavery was as a war crime by examining what the crime actually violated upon its origination.³⁴ Moreover, by examining how sexual slavery was both a violation of Japanese national law as well as international law established very close to its own time, the criminality behind sexual slavery becomes more apparent, since it also directly explains why, as it had been established in the prior section, the entire Japanese Army took great caution and assumed risks to keep the operation of military brothels a secret until the end of the war. In short, the gravity of a historical crime can be best appreciated by assessing how it originally became a crime

under the legal standards of its time. The bi-lateral consideration of both national and international law not only allows for a direct measurement of the gravity of the crime in terms of the crime's content, but also allows for a better understanding of the Japanese Army's intention to become an organization above the Japanese state and global norms.

The primary method by which the illegality and hence, the gravity of sexual slavery as a crime, will be explicated is by examining the *International Convention on the Prohibition of the Sale and Purchase of Women for Prostitution*, signed by the Japanese emperor in 1925 and several Articles from the Japanese Criminal Code. Through the examination of a major international agreement which had explicitly prohibited the installation of military brothels through forced conscription of women and Japan's criminal laws, I will endeavor to show that international law and Japanese national law as external precedents prohibiting sexual slavery equally matter, if not more, in explaining the gravity of sexual slavery as a crime. In contrast to many existing studies on sexual slavery which tended to focus on the internal mechanisms of conscriptions and narratives of the "comfort women" to explain conditions of life inside the military brothels to show the illegality of the practice, I adopt the opposite approach by looking at external elements which precluded the fate of sexual slavery as a grave war crime even before it went into extensive practice during a major war. In adopting this method, I also focus more on explaining the legal rationale behind the illegality of sexual slavery than the traditional approach of "revealing" the illegality through personal experiences, which, regardless of believability, is far more subjective than my chosen approach.

By revealing the empirical essence of the illegality behind sexual slavery, I not only ascribe a more empirical approach to the problem of sex trafficking in contrast to the existing sociological literature; through my invocation of Foucauldian analysis about the Panopticon in my study of sexual slavery, I also show that Japan's sexual slavery during World War II was inherently a practice of a false sense of governmentality used as a scapegoat to hide the important fact that the

practice was an inherent violation of human rights, human dignity, and most importantly, a breach of international law and national conscience. The last point is especially clear, given that it was the Japanese government which had fundamentally agreed to police the very illegal action it had acknowledged as such through the signing of an international convention.

The main argument will be divided into two parts. In the first part, I examine various methods through which the Japanese Army attempted to display a false sense of legality by imposing regulations on hygiene, prohibition, and the prevention of unruly behavior by soldiers using the military brothels. I will argue that these elements collectively constituted a distinctively Japanese version of a Panopticon in practicing sexual slavery, which was the main strategy the Japanese military used to give the false impression that because there was legality in imposing regulations and standards in the practice of sexual slavery, that legality could be transcribed to sexual slavery itself. In the second part, I will examine the draft of the *International Agreement on Prohibiting the Purchase and Sale of Women* to show that the practice of sexual slavery was illegal due to the existence of the Panopticon. I will also examine the Japanese Criminal Code to show that sexual slavery was inherently illegal even before it began because it was a direct violation of international and Japanese law. The conclusion will synthesize my findings from both sections and reiterate the main thesis statement's importance.

Policing Occupational Transition, Hygiene, Prohibition, and Prevention of Unruly Behavior: The Elements in the Making of a Panopticon in the Japanese System of Sexual Slavery

Japan's extremely intensified engagement in the Chinese front by 1937 marked an urgent need to boost the Army's morale. Facing in-

tense resistance from the Chinese Communist and Nationalist armies, the Japanese military decided to open military brothels or "comfort stations" for "the sake of providing comfort to all imperial soldiers progressing on every front." Although "progress" seemed uncertain due to the intense fighting which had began to spread since 1937 when Japan initiated the invasion of China, the Japanese military believed that psychological consolation for soldiers even at the cost of pursuing illegal means of sexual gratification was necessary.⁷ Japan's institutionalization of sexual slavery, chiefly through the installation of brothels across southern China, was principally aimed at "congregating women between the ages of 20 and 35 with a promise of payments." Women who wished to work as cooks or dancers "had to prove that they have no history of suffering from venereal diseases, be able to provide a means of self-identification to the Japanese police upon request." Moreover, when such women were going to be employed in such occupations, the Japanese military had to make sure that "they did not make any contact with military personnel or present any negative influence on the Army." Finally, any individual who was deemed to be "unable to present clear means of identification were not to be authorized as legitimate workers."⁸

The final restriction was especially rigorously enforced against many women who were suspected of crossing the Sino-Korean border by ly-

7 For examples of scholarship on China's Second World War, see Iris Chang, *The Rape of Nanking: The Forgotten Holocaust of World War II* (New York: Basic Books, 1997); S. C. M. Paine, *The Wars for Asia, 1911-1949* (Cambridge University Press, 2012); Rana Mitter, *Forgotten Ally: China's World War II* (New York: Mariner Books, 2013) and Rana Mitter, *China's Good War: How World War II is Shaping a New Nationalism* (Cambridge, Massachusetts: Harvard University Press, 2020).

8 "China To-hang Pu-nyōi Chwikūp e kwanhan Kōn," February 18, 1938 in Cho Yun-su ed., *Ilponkun Wianpu Mun-che Charyochip, Vol. 1: 'Wianpu Tong-ōnkwa Wianso Sōlch'i* (Seoul, Korea: The Northeast Asian History Foundation, 2021), 77 and 80-81. The document collection will be abbreviated as *IWMC* hereafter.

ing about their occupations.⁹ Caution was particularly emphasized on issuing permits to women whose "employers might take advantage of their ignorance and attempt to conceal the actual nature of a woman's employment," and any "comfort woman" wishing to return to China could only do so if the Chinese Consulate or a Chinese police station officially issued a permit. The only occasion in which an exemption to this requirement was allowed were if a particular region under the Consulate's jurisdiction was not accessible for "comfort women" or if there were sudden shortages in the number of available "comfort women" either because some regions had uneven distribution of "comfort women" or some could not handle the pressure of the working environment.¹⁰ In other words, excluding circumstances such as a "comfort woman" trying to enter an area beyond the Chinese Consulate's jurisdiction or cases of labor shortage, the Japanese military was especially careful to exercise tight restrictions against granting access to China to "comfort women" to make sure that they remained under the management of the Japanese military and by no other entity.

To prevent any illegal transitions from ever occurring, the Japanese military further stipulated in late 1938 that the number of women who would be allowed to transition to other jobs such as cooks or dancers in China be restricted to 400 and if there were women who wished to operate a brothel, the supervisor in charge had to secretly inform the Home Ministry in advance, whereupon appropriate arrangements such

9 "China To-hang Pu-nyöüi Tansok e kwanhan Kõn," June 20, 1938 in *IWMC*, Vol. 1, 97-98 and "China To-hang Pu-nyöüi Tansok e kwanhan Kõn," June 25, 1938 in *IWMC*, Vol. 1, 101-102.

10 "China To-hang Pu-nyöüi Tansok e kwanhan Kõn," June 30, 1938 in *IWMC*, Vol. 1, 108; "Kun Wianso Chong-öp-chaе taehan Sin-pun-chüng-myöng-sö Pal-üpi Kõn," June 1, 1940 in *IWMC*, Vol. 1, 158; "China To-hang Sa-yu Chüng-myöng-so tüngüi Ip-su Pul-nüngi In-chöngtoenün Tae-an Chi-yök e taehan To-hang-cha Ch'wi-küp e kwanhan Kõn," August 23, 1940 in *IWMC*, Vol. 1, 161. See also "Nam-pang P'a-kyön To-hang-cha e kwanhan Kõn," March 12, 1942, March 16, 1942, and June 13, 1942 in *IWMC*, Vol. 1, 206-208.

as preparing a ship at Taiwan, would be made. These restrictions were strictly enforced, although recruiters who were successful in organizing 50 or more "comfort women" at special behests of Japanese military officials were on rare occasions, exempted from them.¹¹ Illegal transitions such as exchanging sexual services for cash or bribery had to undergo extensive screening not only because there was a fear of disrupting morale within the military, but also because "comfort women" often took large amounts of cash in Japanese currency when they left the brothels. The Japanese military was concerned that there was a large exodus of such "comfort women" and along with the exodus, a large outflow of Japanese cash into China, which might be used by Chinese resistance fighters or other enemies of the Japanese army operating in China to procure weapons and prepare for resistance schemes against the Japanese military.¹²

In other words, the Japanese military especially took identification of "comfort women" seriously to prevent any illegal transitions from one job to another without prior authorization and to assure that employers did not collaborate with "comfort women" by encouraging such transitions. Policing such transitions was tightly linked with the public aim of strengthening national security to ensure that "comfort women" did not inadvertently help enemies through their private economic activities. Moreover, the timing behind informing a will to make an occupational transition was also crucial because a "comfort woman" had to be certain about her decision early to ensure that she could be

11 "China To-hang Pu-nyö e kwanhan Kõn Munüi," November 4, 1938 in *IWMC*, Vol. 1, 117; Hankou Yuk-kun Amaya Putae Wianso Pu-nyö China To-hangüi Kõn," December, 23, 1939 in *IWMC*, Vol. 1, 153, "Hankou Yuk-kun Amaya Pu-tae Wianso Pu-nyö China To-hangüi Kõn - Hoe-tap," December 27, 1939 in *IWMC*, Vol. 1, 156, and "China To-hang Sa-yu Chüng-myöng-so tüngüi Ip-su Pul-nüngi In-chöngtoenün Tae-an Chi-yök e taehan To-hang-cha Ch'wi-küp e kwanhan Kõn," September 2, 1940 in *IWMC*, Vol. 1, 170.

12 "China To-hang Pang-in Cham-chöng Ch'ö-ri e kwanhan Kõn," August 16, 1941 in *IWMC*, Vol. 1, 174.

among a select cohort allowed to make an occupational transition. The policing of identity and strict verification of appropriate means to prove identification were primary measures aimed at preserving a strict classification of "comfort women" as permanent employees of the Japanese military such that no change of jobs was to be allowed without official acknowledgement from the Japanese military beforehand. The preservation was essential, for failure to do so was directly linked to Japanese military security, as it not only meant a loss of labor for the military brothels but the loss of large amounts of cash which could inadvertently help enemies of Japan arm themselves and prepare insurgency operations.

However, it was not only the recruitment of properly inspected "comfort women" which was crucial to maintaining order in the Japanese military but also the selection of proper recruiters which was essential to maintaining security in the Japanese Army. Therefore, the Japanese military specifically prohibited the recruitment of people who could "denigrate the honor of the Imperial Army, people who had the possibility of arousing confusion and misunderstanding among civilians, or people who had Army reporters or visitors involved in the recruiting process and caused numerous social problems," including cases of interrogation by the Police for abusing the recruitment process in such a manner that it "resembled kidnapping."¹³ In short, the fundamental cornerstone to building a thorough surveillance of "comfort women" began with the simple yet important task of selecting qualitatively proper people for the right positions who would not cause chaos, spread unfounded rumors or false information, or engage in nepotism – actions which could cause harm to public order and morale and conduct as loyal soldiers of the Japanese Emperor. A thorough

13 "Kun Wianso Chongöppu tūng Mochip e kwanhan Kōn," March 4, 1938 in *IWMC*, Vol. 1, 93. For a discussion of the Japanese military's loyalty to the Japanese Emperor, see Ruth Benedict, *The Chrysanthemum and the Sword: Pattern of Japanese Culture* (New York: Mariner Books, 2005), 20-42.

performance of this task was also essential, for the military was wary of the possibility that if any recruiters of "comfort women" displayed improper conduct which gave the slightest hint of kidnapping, the entire business of gathering "comfort women" could meet an abrupt end once the police intensified their investigation. Ironically, it was the Japanese military's self-consciousness of the illegality of running brothels and the exposure of this crime by their compatriots which served as the core reason to emphasize ethical behavior among recruiters.

Therefore, propriety could only be determined through a precise screening of women who had the potential to harm the bureaucratic integrity of the military and of recruiters who had the possibility of arousing unwanted and unnecessary attention to the Japanese military by engaging in disturbing behavior in public or inviting irrelevant people in the recruitment of "comfort women," which could collectively contribute to forming a negative public image and opinion of the military inside Japan and abroad.

A strict regimen dictated norms for improving hygiene, enforcing temperance, and preventing unruly behavior through the existence of extensive bureaucratic surveillance within the Japanese Army to ascertain that neither soldiers nor women who were forcibly conscripted as "comfort women" would damage the Japanese Army's morale and organizational stability. On hygiene, the Army especially paid close attention to the "comfort women" demanding that they take daily baths, prepare new and clean bed sheets on a daily basis, prepare medication in their rooms to prevent the accidental transmission of venereal diseases, not encourage or engage in smoking or the use of drugs, and most importantly, to report all instances of change or updates on conditions inside rooms. The military and navy discouraged the introduction of venereal diseases in the brothels, recommended extensive check-up sessions for sexual diseases for all "comfort women," soldiers, and brothel owners. Temperance was also vigorously enforced. Doctors discouraged the consumption of alcohol, which eventually became prohibited in brothels, with both soldiers forbidden from drinking

and brothel operators serving alcohol, as there was a "clear correlation between increased alcohol consumption and disease." The prohibition applied to all troops associated with operating brothels. Brothel owners who failed to abide by all of the restrictions were forced to suspend operating brothels.¹⁴ In short, hygiene and temperance were not only directly linked to the maintenance of soldiers' health but also, from the perspective of brothel owners, important conditions whose fulfillment was essential to ensure the sustainability of brothels as means of livelihood inside the Japanese military.

Most importantly, comprehensive sessions on sex education through the "distribution of propaganda leaflets, pamphlets, photographs and motion pictures" were highly encouraged to enlighten the Japanese military on the gravity of introducing diseases in military camps. As Japanese military reports and a report from the American War Information Office noted, a "comfort woman" was limited to serving 100 soldiers per week and was only allowed to spend an hour with a soldier. Hourly rates differed according to the nationality of a "comfort woman," with Japanese women receiving the highest rate, followed by Korean women and Chinese women. Operators of brothels were responsible for covering costs associated with curing any venereal diseases that "comfort women" were suffering from. Doctors, with cooperation from both the military and the Japanese Consulate in China, had to conduct medical check-ups once every week and issue a certificate confirming that a "comfort woman" was physiologically fit to

14 "Hwa-ryu-pyöngüi Chökkükchökin Ye-pang-pöp," June 26, 1939 in *IWMC* Vol. 1, 242-243; Kinbara Setsuzo Öp-mu-il-chi Chu-yo Ki-rok," March 12-May 30, 1939 in *IWMC*, Vol. 1, 282; "Sang-hai[Shanghai] T'ük-pyöl-si Jiabei Kyöng-ch'alsöchangi Kyöng-ch'al-kuk e Ponaen Kong-mun," February 20, 1940 in *IWMC*, Vol. 1, 304-305. See also "Ch'angzhou Chu-tun-kan Nae-mu Kyu-chöng," March, 1938 in *IWMC*, Vol. 2, 43, "Morikawa Pu-tae T'ük-chong Wi-an Öp-mu e kwanhan Kyu-chöng," November 14, 1939 in *IWMC*, Vol. 2, 84, "Takamori Pu-tae Kyöng-pi Chi-ku Nae Chi-pang Sang-inüi Yöng-öp e kwanhan Kyu-chöng," October 11, 1940 in *IWMC*, Vol. 2, 99, and "Hae-kun Wianso Yi-yöng Nae-yu," March 18, 1945 in *IWMC*, Vol. 2, 238.

work, and a "comfort woman" could only operate her business after obtaining a certificate.¹⁵ In short, medical check-up sessions, temperance, sex education were the three essential tools to combat any unexpected outbreaks of diseases inside military brothels. Usage of "comfort stations" were regulated in terms of time and differentials in wages. Regarding the latter, a strict racial hierarchy reflecting Japan's imperialist gaze informed the "comfort women" industry.

Since such precautions were addressed mostly to "comfort women" for the benefit of soldiers, soldiers' individual failures to abide by the precautions was far less important than the maintenance of order in the Japanese military, especially if the former was not serious to harm a division's morale. As a Japanese military report written a year after the Nanjing Massacre, a report from Kinbara Setsuzo, Chief of the Medical Affairs Section in the Japanese Army, and a report from the Supreme Command of Allied Powers all commonly noted, the latter depended on maintaining "an active military spirit and because the prevention of the spread of venereal diseases" was essential to the implementation of a "comprehensive quarantine program." To meet this objective, soldiers had to only abide by the requirement that they could only leave their posts on designated holidays, refrain from consuming too much alcohol, apply medication, wear condoms whenever they were using "comfort stations," and abide by sanitation standards on a daily basis. Soldiers procuring the services of "comfort women" had to encounter fewer restrictions, as the Army assumed that a pristine and clean environment "undoubtedly had a profound impact on the psychology and spirit of a soldier."¹⁶

15 United States Office of War Information, "Japanese Prisoner of War Information Report No. 49," in *IWMC*, 226. "China Sa-pyŏn Kyŏng-hŏm esŏ Pon Kunki Chin-chak Tae-ch'aek," September 19, 1940 in *IWMC*, 293; "Chin-chung Il-chi (Tok-nip, Hon-sŏng Che 15 Yŏn-tae Che 8 Chung-tae Cho-che)," November 1-November 30, 1944 in *IWMC*, Vol. 2, 247. See also "1939 Nyon 8 Wol 2 Sun Wi-saeng Sun-po," August, 1939 in *IWMC*, Vol. 2, 65-67.

16 "Kun-in Kun-taeüi Tae-chu-min Haeng-wi e kwanhan Chuüi Kŏn Tong-ch'öp,"

However, the absence of any meaningful restrictions on soldiers' behavior had the negative effect of producing the Japanese military's laxity and even indifference towards rape committed in both inside and outside brothels. Despite receiving several field reports about an exponential rise in the number of rape incidents, unauthorized trespassing in private properties, and physical abuse of "comfort women" in China following the Nanjing Massacre, the Japanese military imposed almost no penalties to soldiers. The Japanese military simply emphasized that divisions operating brothels in China had to enhance the quality of their education of soldiers on how rape "dented the fame of the Imperial Army, brought negative influences to Japan's foreign diplomacy, and deteriorated the quality of operations launched in pursuit of a holy war"; all commanders had to inspect soldiers' ideological tendencies, daily lifestyle, social relations, and their trustworthiness," while also ensuring that soldiers be "educated on patrolling duties, retrieving materials and objects which might obstruct patrolling as well as hiding the military's intentions and actions." Brothel owners and "comfort women" were also informed about the Japanese military's need to keep operations related to patrolling duties secretive and the need to maintain high sanitation standards on a regular basis to "prevent the occurrence of any unexpected problems."¹⁷

In short, the military carefully monitored all aspects of soldiers' daily lives, stressing the importance of maintaining a consistent schedule

June 27, 1938 in *IWMC*, Vol. 1, 286; "China Sa-pyŏn Kyŏng-hŏm esŏ Pon Kunki Chin-chak Tae-ch'aek," September 19, 1940 in *IWMC*, Vol. 1, 294; Kinbara Setsuzo Ōp-mu-il-chi Chu-yo Ki-rok," August 1-August 29, 1942 in *IWMC*, Vol. 1, 475. See also Allied Translator and Interpreter Section of the Supreme Commander for the Allied Powers, "Amenities in the Japanese Armed Forces," in *IWMC*, Vol. 2, 264.

17 "Sang-hwang Po-ko," July 6, 1942 in *IWMC*, Vol. 2, 122; "Kun Wianso e kwanhan Kŏn Po-ko Tongch'ŏp," July 6, 1940 in *IWMC*, Vol. 2, 346, "Yuk-kun Kun-sa Kyŏng-ch'al Sang-hwang Che-ch'ulŭi Kŏn Po-ko," April 7, 1942 in *IWMC*, Vol. 2, 370-373, and Yuk-kun Kun-sa Kyŏng-ch'al Sang-hwang Che-ch'ulŭi Kŏn Po-ko," May 30, 1942 in *IWMC*, Vol. 2, 391-393.

in using brothels. Although the Japanese military were relatively indifferent to soldiers' conduct outside the brothels, the laxity toward soldiers was an exception rather than a norm, since brothel owners and "comfort women," feared for their potential to be informants to Japan's enemies, remained under constant surveillance—a condition from which they could never escape due to the persistent need to report and contact with the Japanese military. Brothel owners and "comfort women" were, in effect, imprisoned twice by their conflicting dual identities in the eyes of the Japanese military, due to their primary duties inside the Panopticon and due to their potential to be daggers pointing at the Panopticon should they succeed in getting out of it. Japanese military doctors paid special attention devoted to promoting rigorous quarantine, encouraging temperance, and launching campaigns to alert soldiers of the need to receive a proper sex education to raise awareness about the crucial need to abide by these restrictions, which the Japanese military administration believed was important for the maintenance of a positive spirit and ambience in the camps.

Yet, as it is clear from the Japanese military's treatment of rape on the Chinese front, the prevention of rape cases was not important for the Japanese military because they were violations of human dignity and rights but because such actions deteriorated the maintenance of Japanese "military governmentality," whose success was directly linked to enhanced performance on the battlefield. Prevention of sexual crimes was desirable not out of any respect for victims but because the crimes prevented the extension of Japan's war efforts to realize the aggrandizement of the sphere of influence for Japanese imperialism throughout China and because the Japanese military wished to keep all information and activities happening inside the military secretive, potentially including the fact that it was operating brothels. The coldness of Japanese "military governmentality" was such that even the prevention of a crime did not necessarily have a humane or ethical purpose, but was thoroughly instrumentally wed to judging the utility of crimes based on how detrimental of an impact it had in Japan's quest

to expand the realm of violence throughout East Asia in pursuit of empire.¹⁸

As much as these preventative measures were important, the preparation of most precautionary measures had to be the primary and sole responsibility of the "comfort women." Although the Army expected soldiers to apply the prepared medication, to abide by sanitation requirements and to cooperate in keeping rooms in a pristine and an orderly condition, there was an inherent discrimination in handling violations of hygiene standards. Compared with "comfort women" who would face fines and dismissal from their businesses upon a discovery of violations, punishment for soldiers was almost non-existent, as it usually only consisted of verbal warnings, temporary suspension of entry into brothels, and very rarely, the imposition of fines. Soldiers who were found to have "not adhered to restrictions inside brothels" could be "immediately prohibited from using brothels, a prohibition which could also extend to an entire division, if deemed necessary," and often face demotion, but, unlike "comfort women," were never dismissed from the Army.¹⁹

Although soldiers had to use brothels for specific numbers of hours, which varied by rank, had to practice temperance inside brothels, and pay designated fees, the responsibility of maintaining quarantine, the responsibility of preparing contraceptives and condoms and cleaning rooms on a daily basis lay strictly with the brothel owners and employees.²⁰ The responsibility to help soldiers abide by these guidelines not only fell to brothel owners but even to local businesses, for

18 On "governmentality," see Tania Murray Li, "Governmentality," *Anthropologica*, Vol. 49, No. 2 (2007), 275-281 and David Scott, "Colonial Governmentality," *Social Text*, No. 43 (Autumn, 1995), 191-220.

19 "Chu-tun-chi Wianso Kyu-chông," May 26, 1943 in *IWMC*, Vol. 2, 177.

20 "Kun Kyu-chông-chip," November 11, 1943 in *IWMC*, Vol. 2, 196; Allied Translator and Interpreter Section, Supreme Commander for the Allied Powers, "Amenities in the Japanese Armed Forces," *IWMC*, Vol. 2, 260. See also "Chu-tun-chi Wianso Kyu-chông," in *IWMC*, Vol. 2, 178.

the Japanese military was not only expected to provide materiel and economic support to these businesses as needed, but it was also expected to provide regular medical check-up sessions. The responsibility to allocate these services in various provinces lay with each province's governor.²¹ The Japanese military also recommended that sex education courses be routinely provided in all bases to prevent "the body from losing touch with the reality of being on a battlefield and pursue immediate pleasures without any regard for the future."²² The military had its own authority to direct operations in brothels located in regions it had conquered, but, according to a report of a meeting held between the Ministry of the Army, Navy, and Foreign Affairs, it often exercised the liberty to request cooperation from the Japanese Consulate in China concerning brothels operating in regions outside the military's authority.²³ With regard to cooks, merchants, and professionals associated with the military, there was a strong emphasis on maintaining constant surveillance over their ideologies, lifestyles, relationships, and most importantly, inspections aimed at identifying the possibility that these individuals might commit espionage.²⁴ The comprehensive nature of the inspections was such that by 1938, the Japanese military guidebook stated that brothel operators also became subject to such surveillance through the requirement that brothel owners "maintain constant contact and make constant efforts to cooperate with the military" and that the Japanese Consulate in China be "constantly informed about an operator's address, age, date of birth and death, and other changes as-

21 Takamori Pu-tae Kyōng-pi Chi-ku Nae Chi-pang Sang-inūi Yōng-op e kwan-han Kyu-chōng," October 11, 1940 in *IWMC*, Vol. 2, 98; "Kun Kyu-chōng-chip," November 11, 1943 in *IWMC*, Vol. 2, 196.

22 "Ch'ang-chou [Changzhou] Chutunkan Naemu Kyu-chōng," March, 1938 in *IWMC*, Vol. 2, 43; "Sang-hwang Poko," January 22, 1939 in *IWMC*, Vol. 2, 58-59.

23 "Chae Nanjing Ch'ong Yōng-sa-kwan Yuk, Hae, Woe-mu 3 Sōng Kwankyecha Hyōpūi Kyōlkwa," April 16, 1938 in *IWMC*, Vol. 2, 53.

24 "Sang-hwang Po-ko," July 6, 1942 in *IWMC*, Vol. 2, 122.

sociated with the status of the operator."²⁵

In short, the military not only took meticulous care in ensuring that soldiers were thoroughly educated about proper conduct in the brothels, but also enforced strict rules concerning the maintenance of high standards for quarantine and cleanliness inside brothels and even sought coordination from the Japanese diplomatic community in China to maximize coercion in applying those rules across China. The inclusion of brothel owners in the realm of surveillance signified that the Japanese military considered everyone under its authority as a member of a quasi-police state and sought to identify and track down every movement and change in a member's activities to remind every member that the Japanese Consulate in China was an extended representative of the Japanese military and consequently, there would be no practical means to evade or escape from the military.

Based on the records examined thus far, it can be ascertained that a major reason behind the apparent differences in treatment between soldiers and "comfort women" was the existence of an extensive Panopticon operated by the Japanese military. The extensive regulations on "comfort women," which generally concentrated restricting their transition to other occupations and on maintaining consistent standards for hygiene and prevention implied that the maintenance of propriety and order in military brothels was largely the responsibility of the "comfort women." The consequences of failure to abide by such regulations, which ranged from fines to banishment, was generally harsh toward "comfort women" rather than the soldiers because the main purpose behind the military's surveillance of its brothels lay in disciplining sex slaves who were treated as inferiors, as properties of soldiers rather than human beings. Unlike the Foucauldian Panopticon, whose main purpose was to encourage correct behavior through the

25 "Kun Kyu-chông-chip," November 11, 1943 in *IWMC*, Vol. 2, 194; "Chae Nanjing Ch'ong Yông-sa-kwan Yuk, Hae, Woe-mu 3 Song Kwankyecha Hyöptüi Kyölkwa," April 16, 1938 in *IWMC*, Vol. 2, 53.

impositions of various regulations by the state, the Japanese military's Panopticon understood sexual slavery as a management practice whose supreme objective was the preservation of solidarity and order within the military ranks rather than the moral or medical improvement of the lives of "comfort women."²⁶

However, aside from the difference in contextual purpose, considering the various suggestions and requirements for quarantine and precaution suggested by Japanese military doctors, Japan's emphasis on the maintenance of discipline and order in the military as the most important priority for enhancing the military's esteem still faithfully reflects the Foucauldian Panopticon's emphasis on the centrality of "governmentality." The Japanese military considered conducting routine inspections as a serious business requiring means of identification and reports about "comfort women," the latter of which came from not only inside the military, but also the Japanese Consulate and brothel owners, forming an extensive network of surveillance such that there was no possibility for a "comfort woman" to completely evade Japanese surveillance. The filing of various reports itself is a reflection of the fact that, as Foucault's model requires, the Japanese military's Panopticon relied on an extensive network of uninterrupted writing because that network reflected an institutional process embodying the power of the Japanese military's organized interest in policing the activities of "comfort women" and hygiene standards for soldiers to enhance performance on the battlefield.²⁷ The immediate audience of the stream of writing was the Japanese military bureaucracy as a whole, which func-

26 P. J. DiMaggio and W. Powell, "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields," *American Sociological Review*, Vol. 48 (1983), 147-160; R. Greenwood and R. Suddanby, "Institutional Entrepreneurship in Mature Fields: The Big Five Accounting Firms," *Academy of Management Journal*, Vol. 49 (2006), 27-48.

27 Andrew Crane, "Modern Slavery as a Management Practice: Exploring the Conditions and Capabilities for Human Exploitation," *The Academy of Management Review*, Vol. 38, No. 1 (January, 2013), 52.

tioned to "locate, examine, and distribute among the living, sick, and dead," which faithfully abided by the ultimate Foucauldian condition that a Panopticon's most noticeable feature are the incessant functioning and omnipresence of "a compact model of a disciplinary mechanism."²⁸ The compactness does not only arise from the level of concentration that the Panopticon requires in the form of voluminous writing alone, but also, as sociologist John McNeill points out, the Panopticon is a strategy of power, whose aim is to minimize its cost while maximizing its coverage, such that power's economy is inextricably tied to its firm institutionalization.²⁹

Of course, there are some important caveats. Foucault's notion of policing paid more attention to public health than policing, and the Japanese cared less about the health of "comfort women" than their ability to provide sexual services.³⁰ Moreover, "comfort women" were in no position to perform any actions or display defiance or resistance. Considering these differences between Foucault's Panopticon and the Japanese Panopticon, it is, as Monique Deveaux points out, questionable whether the Japanese Panopticon can be considered as a real relationship of power, for a properly functioning relationship of power must feature a bilateral exchange or interaction of power dynamics.³¹

Yet as sociologist John McNeill and anthropologist Martha Kaplan argue, since the economy of power is derived from the meticulous attention writing directs towards certain individuals to closely monitor them, power is individualized to maximize its concentration.³² The re-

28 Michel Foucault, "'Panopticism from 'Discipline and Punish': The Birth of the Prison," *Race/Ethnicity: Multidisciplinary Global Contexts*, Vol. 2, No. 1 (Autumn, 2008), 3.

29 John McNeill, "The Disciplinary Society: From Weber to Foucault," *The British Journal of Sociology*, Vol. 37, No. 1 (March, 1986), 53.

30 Andrew Johnson, "Foucault: Critical Theory of the Police in a New Liberal Age," *Theoria*, Vol. 61, No. 141 (December, 2014), 5-29.

31 Monique Deveaux, "Feminism and Empowerment: A Critical Reading of Foucault," *Feminist Studies*, Vol. 20, No. 2 (Summer, 1994), 233.

ports analyzed in this article demonstrate that knowledge is simultaneously building blocks and products of discipline, which implies that writing reports served to not only enable the Japanese military to accumulate information about "comfort women" and soldiers, but also use reports directly as evidence to reinforce discipline because they were records of misdemeanors and breaching order, which the Japanese military considered detrimental to its organizational integrity and bellicosity.³³

In other words, the reports functioned to discipline "comfort women," providing an uninterrupted mode of supervision which prevented both the "comfort women" and the military bureaucracy from losing attention to the fact that there existed a constant control over the "comfort women." The reports wielded an invisible power by instructing only soldiers to closely monitor the movements of the "comfort women," an action which does not require additional sanctions to be unleashed, and yet, informs "comfort women" to behave according to the military's expectations if they wished to be free from constant surveillance. By allowing knowledge to become the basis for power, the Japanese military was able to exercise a gentle yet omnipresent power without releasing power's brute physicality onto the "comfort women."³⁴ Moreover, because a hierarchy between soldiers and "comfort women" existed such that an implicit assumption of the latter's inferiority compared with the former led the Japanese military to exercise a more strict division and branding, as well as coercion and a constant surveillance over "comfort women," the "comfort stations" were, in a literal sense, an imperialistic and literal embodiment of a Foucauldian Panopticon.³⁵

32 McNeill, "The Disciplinary Society: From Weber to Foucault," 53; Martha Kaplan, "Panopticon in Poona: An Essay on Foucault and Colonialism," *Cultural Anthropology*, Vol. 10, No. 1 (February, 1995), 88.

33 Gerald Turkel, "Michel Foucault: Law, Power, and Knowledge," *Journal of Law and Society*, Vol. 17, No. 2 (Summer, 1990), 185.

34 Foucault, "Panopticon," 4.

35 Yumi Totani, *Justice in Asia and the Pacific Region, 1945-1952: Allied War*

A Facade of Legality for an Inherently Illegal Act: Japanese Sexual Slavery as a Violation of Japanese National Law and International Law

Yet, the construction of a rigorous Panopticon alone is not the only ingredient which explains the preservation of sexual slavery in the Chinese front. In addition to rigorous policing of the brothels, it was the ultimate silence within the Japanese military about sexual slavery's blatant violation of the Japanese Criminal Code and sexual slavery's violation of the *International Convention on the Prohibition of the Sale and Purchase of Women*, signed in Geneva, Switzerland, in 1925, which encouraged and allowed for the system to operate in China during the Second World War. The gravity behind the Japanese military's decision to run military brothels in China from the late 1930s to the end of the Second World War does not merely lie in the details concerning the operation of a Panopticon, but also in the fact that the military condoned that practice despite the fact that the Japanese government had prohibited it by national law and by entering into an international agreement.

Internationally, the Japanese government could be identified as chiefly being responsible for the Japanese military's conduct, for despite clearly agreeing to not allow any form of sexual slavery through the signing in 1925, the Japanese military had ignored the seriousness of the treaty's legally binding power and operated brothels by using their self-styled Panopticon as a veneer for legality in an inherently illegal institution. The Agreement's first article had stated that no individual, for the purpose of satisfying sexual desire, should tempt or lure women or kidnap them; even if prior consent was obtained, and such actions were carried out in another country, the individual could still be subject to punishment. Moreover, Article 2 added violence, deception, abuse of authority, and other "coercive measures" as part of

Crimes Persecutions (Cambridge University Press, 2015).

the illegal methods specified by Article 1. Article 3 demanded that "appropriate measures be taken in consideration of the levity or gravity of a crime and that a nation promises to confer such crimes to their legislative institutions."³⁶

In short, it can be clearly established that the Japanese military's engagement in sexual slavery was a direct violation of the first two articles, for the purpose of "comfort stations" was precisely to gratify soldiers' sexual desires without any prior consent from "comfort women" and because the imposition of a Panopticon was solely based on the Japanese military's decision at the expense of ignoring opinions from "comfort women," the imposition of various restrictions, as examined in the previous section, is an indisputable example of "a coercive measure" as described by Article 2.

However, an even more serious problem with Japan's use of "comfort women" and "comfort stations" during the Second World War was that it was an apparently illegal transgression against Japan's Criminal Code, and if Article 3 from the *Convention on the Prohibition of the Sale and Purchase of Women* was rigorously enforced, all soldiers and generals responsible for managing the Panopticon inside military brothels would serve sentences in prison. Article 222 had stated that "any individual who threatens another person's life, body, freedom, honor, or property shall be subject to imprisonment for a year or a fine equal or less than 100 Yen." Article 223 had stated that in addition to the harm specified by Article 222, if an individual, "through the use of threats or violence, forces another to "perform non-obligated actions or obstructs another from exercising rights," such an individual would be subject to "serving up to 3 years in prison."³⁷

According to these laws, Japan's sexual slavery would be a severe

36 Articles 1 and 2 of *The International Convention on the Prohibition of the Sale and Purchase of Women for Prostitution* (1925) in *IWMC*, 431.

37 Articles 222 and 223 of *Hyōng-pōp* (*Criminal Code of the Japanese Empire*) (1907) in *IWMC*, 406.

crime subject to all of the terms specified, since the coercive Panopticon inside the brothels bore the intention of restricting the freedom of "comfort women" and soldiers, and the institutionalization of "comfort stations" had the precise aim of harming the life, body, and honor of "comfort women." Furthermore, given the fact that the existing scholarly literature and this article has shown that "comfort stations" existed in China, which was outside the realm of the Japanese Empire, the operation of "comfort stations" in China was a direct violation of Article 226, which stated that any individual found guilty of "transporting individuals outside the borders of the Japanese Empire through kidnapping would be subject to 2 years of imprisonment." Moreover, because the presence of a Panopticon inside the military brothels functioned to hide and conceal the illegality of institutionalizing prostitution within the Japanese military, Japanese sexual slavery was also a crime under Article 227, which stipulated that any individual found guilty of "accepting, concealing, or aiding the escape of individuals who had committed kidnappings or engaged in the sale and purchase of women shall serve a sentence whose length could vary from 3 months to 5 years."³⁸

In short, all military personnel who had engaged in operating a Panopticon would be criminals subject to imprisonment had the Japanese Criminal Code been rigorously applied, and the Japanese government's failure to do so, along with the Japanese military's brazen contempt and disregard for the national constitution are also considerable limitations are all notable shortcomings. It is also clear that Japanese sexual slavery was a thoroughly illegal enterprise from its inception, since it had nullified Japan's commitment to preventing the outbreak of human trafficking made over a decade before the outbreak of the Second World War, and because sexual slavery was already specified as a criminal activity that could receive substantive prison sentences if any

38 Articles 226 and 227 of *Hyōng-pōp* (*Criminal Code of the Japanese Empire*) (1907) in *IWMC*, 406.

individual who had been found guilty of even assisting the kidnapping of "comfort women" were to stand trial. Since the Japanese military's decision to operate a Panopticon to provide a false sense of legality to sexual slavery necessarily involved transgressing all of the Criminal Code's Articles examined in this article, it is beyond doubt that the manner of operation concerning both sexual slavery and a clandestine Panopticon to hide sexual slavery's illegality were clearly criminal charges subject to imprisonment by national law. Japanese slavery was not only an illegal activity, but an outlawed activity, for the Japanese military's decision to operate it was in itself a mocking gesture toward both international and national law.

Conclusion

This article discussed Japan's operation of sexual slavery during World War II in the China theater with two central objectives. First, through a close examination and analysis of Japanese military documents on sexual slavery, it demonstrated that the Japanese military operated a Panopticon by stipulating various regulations which sought to curtail the movement and behavior of Japanese soldiers and brothel workers. It specifically demonstrated that the Japanese military imposed various regulations aimed at controlling the hygiene, temperance, and unruly behavior of both Japanese soldiers and "comfort women," and also pointed out that compared with "comfort women" who had to prepare beds, maintain quarantine, and assure that no sexual diseases were transmitted inside brothels, soldiers faced very few significant consequences from violating the regulations, the most severe penalty being a permanent ban on the use of the brothels.

Moreover, in order to ascribe a sense of legality and disperse responsibility to businesses and merchants cooperating with the military, the Japanese military also required provincial governors to oversee the

enforcement of the military's restrictions, thereby diffusing responsibility for running brothels to other non-military entities to lessen the burden of responsibility and hide the inherent criminality of sexual slavery by disguising it as a normal business operation featuring a division of labor in managerial practice. In essence, not only did the Japanese military encourage a discriminatory division of labor between "comfort women" and soldiers, but also sought to clandestinely conceal such discrimination by inviting non-military entities to cooperate in the organization and maintenance of the brothels, which helped to diffuse both managerial and moral responsibility toward sexual slavery away from the Japanese military.

The second related objective of this article was to demonstrate that the Japanese military could ultimately impose a Panopticon to redress sexual slavery as a legal institution because the military had turned a blind eye to an international agreement and Japanese national laws prohibiting the purchase and sale of women into sexual slavery. Although the Japanese government had signed an international agreement prohibiting the sale and purchase of women in 1925 and had clearly explained through the national constitution that any engagement, either implicit or explicit, in the sale and purchase of women was illegal, the Japanese military voluntarily and liberally ignored the prohibition and used the Panopticon as a quasi-legal device to conceal the illegality and criminality of running military brothels. As this article has shown through its discussion of how the Japanese military exercised the Panopticon and through a brief analysis of the Japanese Criminal Code, the Japanese military's use of the Panopticon was marked by a thorough attention to maximizing coercion, enforced relatively lighter obligations to soldiers compared with "comfort women," and also let soldiers face fewer significant consequences for violating rules. Moreover, as the discussion of the Criminal Code made it clear, because the conscription of "comfort women" largely involved unwanted coercion and kidnappings—a fact already well established in the secondary literature—the initiation of the very idea to operate mili-

tary brothels was illegal. All the intermediaries and officers directly responsible for organizing the recruitment of "comfort women" and running the "comfort stations" were undoubtedly violating not only international law's commitment to prohibiting such illegal activities, but also Japanese national law's clear commitment to criminalizing them.

The failure of the Japanese government to rigorously enforce such laws and the Japanese military's outright contempt for the rule of law are all responsible for the violation. In essence, Japan's sexual slavery was a grave crime not only because it sought to use a Panopticon inside the Japanese military to restrict individual freedom and practice discriminatory policies toward "comfort women" and clandestinely hide the coercive and illegal nature of military brothels, but also because the initiative to have such an illegal institution was a direct violation of international and national law. The Japanese government's failure to officially recognize it as a violation in real time and the Japanese military's lack of cooperation in internally policing itself based on the constitution are additional factors which intensify the gravity of sexual slavery as a crime against humanity. Japan's sexual slavery in the Second World War was a bureaucratic and an illegal crime against human dignity and propriety.

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〈Abstract〉

"For the Sake of Providing Comfort to All Imperial Soldiers Progressing on Every Front': An Analysis of Regulations on the Establishment and Management of a Japanese Panopticon Over "Comfort Women"

Kyu-hyun Jo

Most sociological and historical accounts on sex trafficking and Japanese war crimes focus on conceptual and theoretical analyses concerning linkages between sex trafficking, social stratification, and victims. While these studies enhance theoretical knowledge about sexual slavery, they do not meticulously explore how the Japanese actually manipulated and managed sexual slavery in China into a legalized practice despite the fact that it blatantly violated Japanese and international law. I argue that Japan attempted to design sexual slavery into a legalized practice by exercising a Panopticon, or more specifically, by emphasizing the maintenance of tight regulations on hygiene, prohibition, and unruly behavior of soldiers inside brothels. These attempts do not hide the fact that the Japanese military breached Japanese and international law by abandoning a commitment to human rights and dignity as stipulated by the Japanese Criminal Code and *The International Convention on the Prohibition of the Sale and Purchase of Women for Prostitution* (1925).

Keywords: Comfort Women, Japanese military, Panopticon, China, crimes

〈국문초록〉

"각 전선에서 전진하고 있는 모든 병사들에게 '위안'을 주기 위해": 위안부들을 대상으로 한 일본의 판옵티콘 구축 및 관리를 위한 제재 사항들에 대한 분석

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성매매에 대부분의 사회학적 그리고 역사학적 고찰들은 성매매에 대한 개념적, 이론적 분석들을 토대로 성매매, 사회적 계층화, 그리고 성 매매 피해자들에 대한 연결고리들을 설정하는 데 집중하였다. 대부분의 연구는 위안부의 이론적인 이해를 심화시키는데 기여하였으나, 일본이 어떻게 중국에서 위안부들을 일본 국내법과 국제법을 명백히 위반했음에도 불구하고 조종하고 관리하였는지에 대한 자세한 고찰은 아직 이루어지지 않고 있다. 본 논문에서는 일본군이 위안소의 운영을 판옵티콘의 활용, 구체적으로 위생, 금주, 그리고 위안소 내에서의 군사들의 불량한 행동 단속 등을 통해 위안소의 운영을 합법화시키려고 시도하였다고 주장할 것이다. 이러한 시도들은 일본군이 일본 형법과 매춘을 위한 여성의 매매 금지에 관한 국제 조약 (1925)이 명시한 인권과 인간의 존엄성을 깃밟은 것에 불과하다고 주장한다.

주제어: 위안부; 일본군; 판옵티콘; 중국; 범죄

