


Response to “Protecting the Human Rights of Comfort Women”

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Response to "Protecting the Human Rights of Comfort Women"

By Bruce Klingner

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I. Introduction

The following are comments on the editorial "Protecting the Human Rights of Comfort Women" by Mindy L. Kotler. Paul Midford is an Associate Professor and Director of the NTNU Japan Program at the Department of Political Science & Sociology at the Dragvoll, Norwegian University for Science and Technology (NTNU).

The views expressed in this article are those of the author and do not necessarily reflect the official policy or position of the Nautilus Institute. Readers should note that Nautilus seeks a diversity of views and opinions on contentious topics in order to identify common ground.

II. Comments by Paul Midford on "Protecting the Human Rights of Comfort Women"

I believe Mindy Kotler's post shows a lack of understanding for the significance of then Chief Cabinet Secretary Kohno Yohei's statement of apology to women coerced into sexual servitude during the Pacific War. First, she is wrong to suggest that a Chief Cabinet Secretary is the equivalent of a White House Press Secretary. Unlike a White House Press Secretary, a Chief Cabinet Secretary is a full Minister of State, answerable to the Diet. Indeed, the Cabinet Secretary is often the second most important figure in the cabinet, a virtual deputy prime minister, with responsibility for managing the cabinet and keeping other ministers in line.

Second, since the Kohno apology was issued in the name of "The Government of Japan," it was clearly an official statement, not a personal opinion, as Mindy Kotler seems to believe. Indeed, much of his statement repeated findings of fact from an official government investigation, the results of which were made public. The Kohno statement has been undeniably treated as an official position by the Japanese government. The Foreign Ministry has posted the Kohno statement on its web site as an official statement of policy in Japanese as well as English. (In English see: <http://www.mofa.go.jp/policy/women/fund/state9308.html> ; in Japanese see: <http://www.mofa.go.jp/mofaj/area/taisen/kono.html>). Ms. Kotler herself admits that members of the LDP are lobbying the Abe cabinet to "water down" the Kohno statement. This would obviously be both meaningless and impossible unless Kohno's statement constitutes official policy of the Japanese government. Prime Minister Abe Shinzo would not have publicly reaffirmed the Kohno statement, even if reluctantly, if it had simply been the opinion of a single individual.

Other official statements, such as prime minister Murayama's apology of August 1995, an apology often repeated by former prime minister Koizumi, is similar in form to the Kohno statement (i.e. a statement issued by a leading cabinet member in the name of the Government of Japan), yet nobody has claimed that the Murayama apology is anything but official. China for example, treats both the Kohno and Murayama apologies as official positions of the Japanese government.

I entirely agree that Japan needs to make an unequivocal apology for its mass enslavement of large numbers of Asian women into sexual servitude until 1945, as well as conduct much more thorough research (such as interviewing and taking into account the testimony of the so-called "comfort women") into the role of the Japanese military, Asians and others in coercing these women into such slavery. However, our efforts to this end will be greatly hindered unless we understand the steps Japan has taken in this direction already, and unless we understand her democratic institutions.

III. Response by Mindy Kotler on "Protecting the Human Rights of Comfort Women"

Professor Paul Midford correctly reiterates the position that the Japanese government presents to the outside world—that the Kono *Danwa* (Statement) is to be considered official. The Kono *Danwa* is displayed on the Ministry of Foreign Affairs' (MOFA) website precisely to provide corroboration

for this assertion.

However, the MOFA use of "official" relies upon a narrow interpretation of that word-on the order of "it is official because an official said it"-that conflicts with the generally accepted meaning that an "official position" is one that is binding upon the government.

Questions about the ability of the Kono *Danwa* to commit the Abe Cabinet to an apology for the Comfort Women were answered by a March 16, 2007 Cabinet Decision (kakuji kettei). Here, the Cabinet affirmed that the Kono *Danwa* had not been sanctioned by a Cabinet Decision. This would have been a pointless exercise unless the Abe Cabinet needed to demonstrate that the Kono *Danwa* possessed questionable legal stature.

In addition, within days of taking office, Prime Minister Abe Shinzo was asked in a Diet session whether or not he considered the Kono *Danwa* to be "keisho shite iru." The Prime Minister confirmed that he believed the Kono *Danwa* to be so. Keisho shite iru is generally a casual phrase meaning "to be in a continuing state of being heritable." The Prime Minister did not confirm that he and his government "accepted" the Kono *Danwa* . Prime Minister Abe simply confirmed was that he recognizes that previous Cabinets have stood behind the Kono *Danwa* .

Why would Prime Minister Abe be asked whether or not he considers the Kono *Danwa* to be a part of his office's historical legacy unless there was a question about whether or not he considered it a part of his office's historical legacy?

Professor Midford finds a seeming contradiction between 1) my view that the Kono *Danwa* lacks official stature and 2) my warning that members of the LDP were lobbying to water down the Kono *Danwa* .

There is no contradiction. The idea that the prime minister could by himself, in whole or in part, repudiate the Kono *Danwa* -without consulting the Cabinet, the country's chief executive body (Article 65)-indicates that the "official" status of the Kono *Danwa* is precarious.

Professor Mitford is correct in saying that the role of the chief cabinet secretary is more than that of a White House Press Secretary. The position has shades of many offices in a White House such as the Vice President or the Chief of Staff. All these combined roles, however, do not give the chief cabinet secretary a stature equal to that of a prime minister or ultimately that of the entire Cabinet. Historically, the role of the chief cabinet secretary was not as powerful as it is now, and most certainly not at the time of the Kono *Danwa* in 1993.

Professor Mitford is also correct in saying the 1995 apology by Prime Minister Murayama Tomiichi was an official apology. However, the 1995 Murayama apology was for Japan's Pacific War. Prime Minister Murayama made no specific mention of Comfort Women in his remarks.

In all of the above, the critical factor is the recognition that the Cabinet is the executive authority of the Government of Japan. The "official" actions of a Japanese prime minister require the approval of the Cabinet. A prime minister's statement-or a chief cabinet minister's statement-not backed by a Cabinet decision is a proposition or a personal assumption.

IV. Nautilus invites your responses

The Northeast Asia Peace and Security Network invites your responses to this essay. Please send responses to: napsnet-reply@nautilus.org . Responses will be considered for redistribution to the network only if they include the author's name, affiliation, and explicit consent.

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