

*Hwang Geum Joo v. Japan:*

**Exemplifying the Consequences of Not Acknowledging**

**Past War Crime Atrocities through Lawsuits**

Lesley Morales-Sanchez

School of History, University of Mary Washington

History 299-01: Intro to the Study of History

Professor Claudine Ferrell

April 26, 2024

## **Abstract**

The 2000 *Hwang Geum Joo v. Japan* case is an example of the consequences when a country does not acknowledge or accepts accountability for past war crimes and atrocities. Examining how the suffering of the comfort women came to be, the Japanese public and government neglect of these women, and the case itself clarifies how ignoring past atrocities can impact future foreign relations between countries.

Whenever World War II is brought into conversation, the most common narrative that is discussed is how cruel Nazi Germany was to the countries it invaded and the people it abused. Germany, however, was not the only country which committed atrocities during this historic conflict. Another Axis Power, Japan, also committed several war atrocities. A particular stain in Japanese history is the country's systematic sex slavery of Korean and other Asian women, known as comfort women. These women went through such unbearable abuse that many died because of their various illnesses or by suicide.<sup>1</sup> Their suffering, however, did not end when Japan surrendered in 1945 as comfort women victims were belittled and their past suffering disregarded by the Japanese public and government. It was not until the late 1980s and early 1990s that comfort women's voices were heard and their search for justice gained traction. Their fight continues to this day, with the most recent lawsuit being filed in 2023, according to the Ministry of Foreign Affairs of Japan.<sup>2</sup>

A particular case that has rarely been studied is 2000's *Hwang Geum Joo v. Japan*, a lawsuit filed in the United States by fifteen former comfort women who claimed that the Japanese military was responsible for their systematic abuse and torture before and during WWII.<sup>3</sup> *Hwang Geum Joo v. Japan* is important as it illustrates how not effectively acknowledging or holding accountability for war atrocities can lead to foreign relations issues between countries, such as lawsuits; demonstrating the extent in which victims of past war

---

<sup>1</sup> George Hicks, *The Comfort Women: Japan's Brutal Regime of Enforced Prostitution in the Second World War* (New York: W.W. Norton & Co., 1995), 15.

<sup>2</sup> Yōko Kamikawa, "Regarding the Judgment of the Seoul High Court of the Republic of Korea in the Lawsuit Filed by Former Comfort Women and Others (statement by Foreign Minister Kamikawa Yoko)," Ministry of Foreign Affairs of Japan, November 23, 2023, [https://www.mofa.go.jp/press/release/press1e\\_000489.html](https://www.mofa.go.jp/press/release/press1e_000489.html).

<sup>3</sup> *Hwang Geum Joo v. Japan* (Columbia Law School: Center for Korean Legal Studies October 4, 2001).

crimes will go to seek justice when their atrocities are not addressed by the culpable government. To better understand how the *Hwang Geum Joo v. Japan* court case exemplifies these consequences, one must first understand what happened to the women, their treatment by the Japanese public and government after WWII, the case itself, and its negative impact on foreign relations with Japan and other countries, specifically South Korea.

During the 1910s and 1920s, the rape of the citizens of invaded countries by Japanese Imperial forces had become a large problem for both Japan and the countries it occupied. For the Japanese military, these rapes proved to be problematic for both the morale and health of soldiers as many of them began to show signs of venereal disease (VD), also known as sexually transmitted diseases (STDs). These diseases took a heavy toll on Japanese forces as it left many of them incapacitated. To address this problem, Japanese military leaders devised a plan to establish “military-controlled prostitution” near war zones in the 1930s, the first being implemented in Shanghai, China.<sup>4</sup> According to economic historian George Hicks, in 1964 journalist Senda Kako tracked down the “first officially-sanctioned” comfort women station, which was established in China in 1938.<sup>5</sup> Such stations were where Japanese soldiers received sexual services from the comfort women for a charge as low as ¥1.50, or approximately 0.0065 USD.<sup>6</sup>

These military brothels were brutal for those who were unfortunately forced to work there. Former comfort women who came from various Japanese-occupied countries, such as

---

<sup>4</sup> Yuki Tanaka, *Japan's Comfort Women: Sexual Slavery and Prostitution During World War II and the US Occupation* (London: Routledge, 2002), 9-10.

<sup>5</sup> Hicks, *The Comfort Women*, 15-16.

<sup>6</sup> Hicks, *The Comfort Women*, 14.

Korea and China, recount the same thing: they were brutally abused by Japanese troops, many having to take to twenty or forty men a day with little to no rest in between. They also had little to “no freedom of movement” during their time in the comfort stations.<sup>7</sup> They were often left in their crowded huts with limited passes to leave the military premises. The only way these women ever rested was when they had to heal from the diseases they unfortunately contracted.<sup>8</sup> The way in which these women and girls were brought to the stations was just as cruel as they were either stolen from their families, coerced, or tricked into coming to the comfort women stations.<sup>9</sup> One account of a former comfort women details how when a “Korea[n] enlisted in the Japanese Army told [her group] that they had ‘made a big mistake’ . . . one of the girls . . . drowned herself.”<sup>10</sup>

Upon the end of WWII, the suffering of the comfort women, many who were between the age of fourteen and eighteen when they were first taken, were now free. This freedom did not come with much consolation, however, as they were kept from the public’s eye for years after the war through the censorship of history books and other forms of media. This censorship had certain negative impacts on Japan’s relationship with the countries it formally occupied, which ultimately culminated in the 1990s when comfort women began to voice their grievances through lawsuits. These lawsuits caused Japan to take more seriously its apologies to the countries that it

---

<sup>7</sup> Puja Kim, et al. *Denying the Comfort Women: The Japanese State’s Assault on Historical Truth* (London: Taylor and Francis, 2018), <https://doi.org/10.4324/9781315170015>.

<sup>8</sup> Hicks, *The Comfort Women*, 16.

<sup>9</sup> Hicks, *The Comfort Women*, 20.

<sup>10</sup> Hicks, *The Comfort Women*, 14.

used to occupy since “official apologies became deeply entwined with the pursuit of national interests.”<sup>11</sup>

However, the Japanese public’s view of themselves and their actions in the war caused the apologies it was issuing to lack luster and impacted how comfort women were treated after the war. It was a “social taboo” to discuss the atrocities Japan committed in the nations it occupied during WWII.<sup>12</sup> In fact, the Japanese public often focused on the atrocities committed to them by Allied Powers, such as the “wastelands of Hiroshima” caused by the U.S., unlike Germany, which is internationally recognized for the efforts it had made to address the atrocities it committed during its Nazi Regime.<sup>13</sup>

The reason why the Japanese people ruminated more on the wrongs done to them rather than the war atrocities they committed to others is largely due to the social taboo they have of questioning their emperor, who had an influence on government decisions during WWII. This way of thinking is often referred to as the “Chrysanthemum Taboo” and it prohibits both the questioning of the emperor’s decisions during the war and any history surrounding the matter.<sup>14</sup> The comfort women were only finally able to voice their grievances against the Japanese government when Emperor Hirohito died in 1989; essentially freeing the public from the Chrysanthemum Taboo restraints.<sup>15</sup> This freedom did not come without risk, however, as those within the Japanese public who benefited from the past being forgotten, such as pardoned war

---

<sup>11</sup> Alexis Dudden, *Troubled Apologies Among Japan, Korea, and the United States* (New York: Columbia University Press, 2008), 33 (hereafter cited as *Troubled Apologies*).

<sup>12</sup> Dudden, *Troubled Apologies*, 36.

<sup>13</sup> Dudden, *Troubled Apologies*, 36.

<sup>14</sup> Dudden, *Troubled Apologies*, 36.

<sup>15</sup> Dudden, *Troubled Apologies*, 36.

criminals, and others who simply refused to view Japan's history in a dishonorable light, "publicly humiliate[ed] or threaten[ed] those who touched on the historical [matter] of Japan's empire and war between 1900 and 1945."<sup>16</sup>

Though the threat of public retaliation was immense, a wave of lawsuits began to be filed by former comfort women following Emperor Hirohito's death, the first being made in 1991. Most of these cases, based on the data provided by the Columbia Law School Center for Korean Legal Studies, have been issued in Japanese and/or Korean courts from the 1990s to 2016.<sup>17</sup>

The 2000 *Hwang Geum Joo v. Japan* case, however, is the first of only two comfort women lawsuits to take place in the United States, effectively bringing the victims' grievances to the West. The victims of this case consist of fifteen former comfort women from various Asian countries, such as Korea, Burma, and China. These women filed suit against the Japanese government for claims of "forced . . . sexual slavery by the Japanese Army between 1931 and 1945" that happened to them and "approximately 200,000 other women."<sup>18</sup> The victims argued that a major consequence of the years of abuse and torture they had to endure was the innate health issues they received such as damaged reproductive organs, STDs, and in many cases, death. According to the case, the victims estimated that "only 25% to 35% of [comfort women] survived the war."<sup>19</sup>

---

<sup>16</sup> Dudden, *Troubled Apologies*, 38.

<sup>17</sup> "Lawsuits brought against Japan by former Korean 'Comfort Women,'" Columbia Law School, accessed February 20, 2024, <https://kls.law.columbia.edu/content/lawsuits-brought-against-japan-former-korean-comfort-women>.

<sup>18</sup> *Hwang Geum Joo v. Japan*, 2.

<sup>19</sup> *Hwang Geum Joo v. Japan*, 2.

According to the case, its purpose was for the victims to receive reparations for the abuse and torture they had to endure and for the Japanese government to provide an official apology for their conduct towards them. The Japanese government looked to dismiss this case on the basis that the U.S. District Court for the District of Columbia (D.C.) did not have jurisdiction over “Japan’s conduct and that the [Japanese government] was immune from suit under the Foreign Sovereign Immunities Act (FSIA).”<sup>20</sup> This request for dismissal by the Japanese government was granted by the U.S. D.C. District Court, and the case was effectively closed in 2006 by U.S. Supreme Court after two attempted appeals by the plaintiffs. The case was closed by the U.S. Supreme Court because after it was reviewed by the U.S. Circuit Court of Appeals for the District of Columbia (D.C.), and then granted an additional review by the Supreme Court, the initial decision made by the U.S. D.C. District Court was held and there were no more legal actions to be taken.<sup>21</sup>

Though the case was dismissed, it did have an impact on how Japan was viewed by the West, especially the United States, an important ally to Japan. As a result of this case and its six-year battle from the U.S. D.C. District Court to the U.S. Supreme Court, the U.S. House of Representatives released in 2007 the Resolution 121 bill, expressing the House’s wish for the Japanese government to “formally acknowledge, apologize, and accept historical responsibility . . . for its Imperial Armed Forces’ coercion of young women into sexual slavery” during WWII.<sup>22</sup> This request by the U.S. House of Representatives illustrates the troubles Japan was

---

<sup>20</sup> “Lawsuits brought against Japan by former Korean ‘Comfort Women,’” Columbia Law School, accessed February 20, 2024, <https://kls.law.columbia.edu/content/lawsuits-brought-against-japan-former-korean-comfort-women>.

<sup>21</sup> Hwang Geum Joo v. Japan, 546 U.S. 1208, 126 S. Ct. 1418, 164 L. Ed. 2d 115 (2006).

<sup>22</sup> H.Res.121, 110th Cong. (2007-2008).

having towards accepting full responsibility and acknowledgement of the atrocities it committed during WWII as outside governments had to become more involved in the issue.

For South Koreans, the fact that the U.S. House of Representatives had to formally ask Japan to acknowledge the atrocities it committed towards them was especially infuriating as they attempted the same thing back in 2001 when school textbooks approved by the Japanese Education Ministry omitted most if not all mention of comfort women.<sup>23</sup> When the South Korean government asked Japan to correct these omissions, the Japanese government merely made excuses to not revise the textbook.<sup>24</sup> This tension between Japan and South Korea was made worse when the Prime Minister of the time, Abe Shinzō, attempted to “reverse the 1993 Konō statement, which acknowledged the Japanese military’s role” in the comfort women issue, and his attempts to prevent the U.S. House of Representatives 121 resolution.<sup>25</sup> This caused the stress between Japan and South Korea’s foreign relations to grow as the South Korean public found the “glossing over, denying, or even honoring of . . . war criminals” frightening as it made the fear of Japan’s return to its imperial ways more plausible to them.<sup>26</sup>

This addition of the 2007 U.S. House of Representatives 121 Resolution, a direct outcome of the *Hwang Geum Joo v. Japan* case, to South Korea’s already revamped mistrust towards Japan, illustrates the consequences of Japan not fully accepting responsibility or acknowledging the atrocities it committed in the past. To appease South Korea’s growing

---

<sup>23</sup> Kevin Cooney and Alex Scarbrough, “Japan and South Korea: Can These Two Nations Work Together?,” *Asian Affairs*, an *American Review* 35, no. 3 (2008): 183. <https://doi.org/10.3200/AAFS.35.3.173-192>.

<sup>24</sup> Cooney and Scarbrough, “Japan and South Korea, 183

<sup>25</sup> Cooney and Scarbrough, “Japan and South Korea, 185

<sup>26</sup> Cooney and Scarbrough, “Japan and South Korea, 185

animosity towards Japan, the Japanese government began to issue public statements to express the efforts it was taking to address the atrocities it committed back in WWII. Though Japan has previously made statements regarding comfort women in the 1990s, these new statements and policies released between 2001 and 2015 illustrates Japan's growing effort to show the public that it is remorseful for the atrocities it did towards the comfort women. In many of these statements by the Japanese government, it reiterates the actions it has already taken to redeem itself from the comfort women atrocities, such as the Asian Women's Fund (AWF).<sup>27</sup> After years of effort by the Japanese Ministry of Foreign Affairs, Japan and Korea were able to come to a resolution on the comfort women issue in 2015.<sup>28</sup>

This resolution, however, was short lived as many in the public were still not convinced or satisfied with Japan's actions towards comfort women. This mistrust in the Japanese government proves to be an issue for Japan as it again had to release another statement in 2021 on how the actions its government has taken have addressed the comfort women issue to show the public how it is acknowledging its responsibility in the abuse of these women.<sup>29</sup> Though these Japan continues to respond to the grievances of the former comfort women, the Japanese government has grown tired of having to return to this matter regularly for these past few

---

<sup>27</sup> "Measures Taken by the Government of Japan on the Issue of 'Comfort Women,'" Ministry of Foreign Affairs of Japan, January 14, 2021, <https://www.mofa.go.jp/policy/women/fund/policy.html>. The Asian Women's Fund (AMF) was established by the Japanese government on July 19, 1995, to express Japan's atonement and remorse for the former comfort women of South Korea, Taiwan, the Philippines, and other effected countries. The AMF provided funds for the physical and mental welfare to the former comfort women who requested atonement up until March 2007 when it was dissolved after completing its atonement activities.

<sup>28</sup> "Measures Taken by the Government of Japan on the Issue of 'Comfort Women,'" Ministry of Foreign Affairs of Japan, January 14, 2021, <https://www.mofa.go.jp/policy/women/fund/policy.html>.

<sup>29</sup> "Measures Taken by the Government of Japan on the Issue of 'Comfort Women,'" Ministry of Foreign Affairs of Japan, January 14, 2021, <https://www.mofa.go.jp/policy/women/fund/policy.html>. The 2021 statement released by the Ministry of Foreign Affairs of Japan summarizes the actions the Japanese government has taken since the 1990s to address its role in the comfort women event of WWII.

decades. This is especially true when it comes to the comfort women advocacy by the South Korean government, as the relationship between South Korea and Japan continues to be strained by this sensitive topic.<sup>30</sup>

The *Hwang Geum Joo v. Japan*, and the resulting U.S. House of Representative's resolution, further demonstrates how Japan continues to have trouble with maintaining healthy foreign relations with the countries it formally occupied. From examining how the comfort women stations began, the suffering of the comfort women, the women's continued belittlement once the war was over, and finally to the lawsuits that came from all this neglect, one can see how disregarding the past can impact future foreign relations. These lawsuits, especially the *Hwang Geum Joo v. Japan* case exemplifies the importance of countries acknowledging and holding accountability for war atrocities as it can have in impact on the foreign relations a country has with another.

**I hereby declare upon my word of honor that I have neither given nor received unauthorized help on this work. – Lesley Morales-Sanchez**

---

<sup>30</sup> Zacharias, "The Japanese Diplomacy in Asia: Evolution and Challenges." *Journal of Liberty and International Affairs (Bitola)* 6, no. 2 (2020): 143. <https://doi.org/10.47305/JLIA2020135z>.

## Bibliography: Works Cited

### Secondary:

- Cooney, Kevin J., and Alex Scarbrough. "Japan and South Korea: Can These Two Nations Work Together?" *Asian Affairs, an American Review* 35, no. 3 (2008): 173–92.  
<https://doi.org/10.3200/AAFS.35.3.173-192>.
- Dudden, Alexis. *Troubled Apologies among Japan, Korea, and the United States*. New York: Columbia University Press, 2008. <https://doi.org/10.7312/dudd14176>.
- Hicks, George L. *The Comfort Women: Japan's Brutal Regime of Enforced Prostitution in the Second World War*. 1st American ed. New York: W.W. Norton & Co., 1995.
- Tanaka, Toshiyuki. *Japan's Comfort Women: Sexual Slavery and Prostitution during World War II and the US Occupation*. London: Routledge, 2002.
- Zacharias, Georgios. "The Japanese Diplomacy in Asia: Evolution and Challenges." *Journal of Liberty and International Affairs (Bitola)* 6, no. 2 (2020): 135–44.  
<https://doi.org/10.47305/JLIA2020135z>.

### Primary:

- Congress.gov "H.Res.121 – 110th Congress (2007-2008)." July 30, 2007, accessed February 20, 2024, <https://www.congress.gov/bill/110th-congress/house-resolution/121>.
- "Hwang Geum Joo v. Japan 'Comfort Women' case." Columbia Law School: Center for Korean Legal Studies, accessed February 20, 2024,  
[https://kls.law.columbia.edu/sites/default/files/content/docs/HwangGeumJoo\\_v\\_Japan\\_ComfortWomen\\_DC\\_district\\_dismissal\\_1.pdf](https://kls.law.columbia.edu/sites/default/files/content/docs/HwangGeumJoo_v_Japan_ComfortWomen_DC_district_dismissal_1.pdf).
- Hwang Geum Joo v. Japan, 546 U.S. 1208, 126 S. Ct. 1418, 164 L. Ed. 2d 115, 2006 U.S. LEXIS 1691, 74 U.S.L.W. 3474 (Supreme Court of the United States February 21, 2006, Decided).  
<https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:4J9V-FN20-0060-8478-00000-00&context=1516831>.
- "Japanese Government Statements and Ministry of Foreign Affairs Statements." Columbia Law School: Center for Korean Legal Studies, accessed February 20, 2024,  
<https://kls.law.columbia.edu/content/japanese-government-statements-and-ministry-foreign-affairs-statements>.
- Kamikawa, Yōko. "Regarding the Judgment of the Seoul High Court of the Republic of Korea in the Lawsuit Filed by Former Comfort Women and Others (statement by Foreign Minister Kamikawa Yoko)." Ministry of Foreign Affairs of Japan, November 23, 2023.  
[https://www.mofa.go.jp/press/release/press1e\\_000489.html](https://www.mofa.go.jp/press/release/press1e_000489.html).

“Lawsuits brought against Japan by former Korean ‘Comfort Women.’” Columbia Law School: Center for Korean Legal Studies, accessed February 20, 2024, <https://kls.law.columbia.edu/content/lawsuits-brought-against-japan-former-korean-comfort-women>.

“Measures Taken by the Government of Japan on the Issue of ‘Comfort Women.’” Ministry of Foreign Affairs of Japan, January 14, 2021. <https://www.mofa.go.jp/policy/women/fund/policy.html>.