

## Japan and its past

# Slave wages

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### The long fight for compensation for wartime slave labour

LIKE Nazi Germany, wartime Japan made abundant use of forced labour. Across Asia millions were enslaved to boost the imperial war effort. In Japan itself, hundreds of thousands of Koreans, nearly 40,000 Chinese and a smaller number of Allied prisoners were brought by force to work in construction, mining and the like, mostly in the last two years of the war. For these people, conditions were atrocious, and death common—for instance, almost one in five of all Chinese brought to Japan died in 1943-45.

The manner in which Japan today deals with this legacy of forced labour stands in stark contrast to the German approach, where over the past few years facts have been established, guilt admitted and compensation—\$5 billion of it—paid to 1.6m victims by the German state and 6,000 offending companies. There is rather more to Japan's failure to settle historical scores with its neighbours than its leading politicians' provocative visits to Tokyo's controversial Yasukuni shrine.

The Chinese labourers brought to Japan were taken from mainland prisons, duped with offers of lucrative jobs in Taiwan, rounded up in northern Chinese hamlets at gunpoint or even caught with nets in country lanes. About 4,000 survive today. Some of these, in a handful of lawsuits working their way through Japanese courts over the past few years, are seeking redress both from the state and the Japanese companies that put them to work. But they are not finding it easy.

On March 29th the Fukuoka District Court on southern Kyushu island dismissed a suit brought three years ago by 45 Chinese enslaved labourers or their families against the state and two giant corporations, Mitsui Mining and Mitsubishi Materials. These are the modern descendants of conglomerates that ran mines on Kyushu with slave labour.

Mitsubishi's brazen defence broke new ground in such cases. It questioned whether Japan had even invaded China, preferring to leave that difficult question to future historians. It denied the company had used forced labour—even though Mitsubishi built and operated a notorious fleet

of “hell ships” that brought victims in the cargo hold to Japan. And it asked the court to see through to the plaintiff’s political motives: to fall for these would be to produce a “mistaken burden of the soul” for future generations of Japanese.

In curtly dismissing the case, the court said, among other things, that time limits for filing claims had expired. That is a common reason for the dismissal of such cases, but hardly a persuasive one. Japan and China did not even re-establish diplomatic relations until 1972; and suppressed reports from Japan’s foreign ministry about the extent of the forced-labour programme have come to light only since the mid-1990s. All this has made meeting the deadline decidedly hard.

The government’s usual stance is that all wartime claims and grievances have long been settled—notably by the 1951 San Francisco peace treaty with the United States, and by the agreements in which Japan re-established diplomatic relations with South Korea and China. Successive American administrations and courts have accepted this argument too. In a case brought by an American prisoner-of-war against Mitsui, the American Supreme Court has upheld the finding of a federal-court judge in 2000 who, while accepting that prisoners had not been compensated, found that “the immeasurable bounty of life for themselves and their posterity in a free society and in a more peaceful world services the debt”.

In Japan, says **William Underwood of Fukuoka Jo Gakuin University**, even plaintiffs’ setbacks help to establish historical facts. And he thinks the issue of forced labour is certain to become more prominent. That is because plaintiffs and their lawyers now promise to press their cases in courts in China, where the issue of compensation for forced labour is as hotly followed as it is coldly ignored in Japan. Japanese firms have interests to protect in China. Mitsubishi alone stands to make millions from construction contracts for Beijing’s 2008 Olympic games. Which is why the day after the Fukuoka ruling this week, the firm was due to receive the plaintiffs’ lawyers in its Shanghai offices.

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