

**INDENTURED SERVITUDE  
AND THE ABOLITION OF PROSTITUTION  
IN POSTWAR JAPAN**

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## INTRODUCTION

Bondage figures into debates about Japan's position in world politics and labor markets, yet has otherwise played little role in discussions about Japan's modern history. An extensive system of brothels operated under the auspices of the Japanese military during World War II. The victims of this system, the comfort women, have become the object of international attention in recent years. Even today, forced labor persists as foreigners enter Japan to work in the underground sex industry. Both topics rightly draw attention to the colonial and racial dimensions of unfree labor in Japan. What is less well known is that native Japanese subjects too entered unfree relationships well into the 20<sup>th</sup> century, particularly in labor intensive, low-skilled industries. Fisheries, farms, and brothels continued to rely on bonded labor even after World War II. Until 1955, indentures in the sex industry had legal backing. In other words, brothel keepers advanced wages to prostitutes, confident that the courts would compel women to either perform the labor promised or repay the money advanced. For Japanese women and children – and their families – bondage provided access to a much-needed yet scarce resource: credit. The story of domestic Japanese bonded labor markets puts Japan's better known systems of forced labor into perspective.

Although the Japanese state was complicit in many forms of unfree labor, few studies have sought to situate bondage in the landscape of labor and social history. On occasion, bonded labor appears in works on prewar Japan, in most cases as evidence of the sufferings of the poor rather than as a category of analysis. Postwar labor histories omit its study altogether, and instead follow the rise of labor unions and the middle class. In the early postwar years, however, a remarkable story was unfolding. From the

“discovery” of widespread indentured servitude in 1948 through the passage of the Prostitution Prevention Law in 1956, Japan confronted fundamental questions about what constituted a fair contract, a decent childhood, and the proper limits of child labor. Over these years, bondage on fisheries and on farms, nearly forgotten today, and indentured prostitution commanded the attention of the public, journalists, and labor and welfare specialists.

Many of these relationships occupied a gray area between free and unfree labor. This was especially true when employers offered a cash advance, in addition to room and board, for a degree of control over a person’s body and labor. As a general rule, the more restrictive the terms, the more generous the initial payment. The nature of that initial payment determined the legality of the contract. Contracts stipulating an advance of wages (*zenshakukin*) were prohibited by the Labor Standards Law (1947). Courts recognized a second type of contract, however, that promised a loan (*shōhi taishaku*). The latter was common in the sex industry. While the distinction between a loan and an advance was an important one before the law, both had virtually identical effects for the parties bound by them.

Contemporary observers reported on the violence, coercion and deception inherent in bonded labor, but this essay focuses on the unsettling aspects of its place in modern society. Bondage gave the poor a safety net that the state and private charities were unable or unwilling to provide. Without a strong individual rights tradition, Japan accommodated a wide variety of labor relationships. Bonded labor died out only after the democratic promises of the 1947 Constitution and social legislation became well known and widely enforced.

I use the terms bondage, bonded labor, and indentured servitude interchangeably, since the terms *jinshin baibai*, *miuri hōkō*, and *nenki hōkō* were used at the time in no rigorous way. As we shall see, part of the controversy over bondage was a battle over definitions. “Child” refers to an individual under the age of 18, the age at which restrictions on certain types of employment were lifted.

## CHAPTER 1

### THE EARLY POSTWAR PERIOD

In 1948, the press raised the alarm about epidemic numbers of indentured servants in the countryside. July newspapers followed the escape of two boys from a small island off Shikoku where they had endured four and a half years as indentured fishermen.<sup>1</sup> In December, the *Tokyo Shimbun* broke the story that traffickers had abducted war orphans from Ueno Station and sold them to families in northern Tochigi prefecture.<sup>2</sup> Incidents that would not have raised an eyebrow before the war now caused an uproar. For the first time since the turn of the 20<sup>th</sup> century, bonded labor had become a topic of public debate.

In 1900, a loose coalition of missionaries won for prostitutes the right to “freely cease” working for a brothel, regardless of their employers’ wishes, and regardless of outstanding loans. This right had limited implications for prostitutes and none for workers in other industries. The concern for bonded labor in the early postwar period was a significant departure from previous reform movements in at least two ways. Critics focused on child servants rather than on adult women. And, critics were native Japanese, not foreign missionaries.<sup>3</sup>

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<sup>1</sup>Honjō Shigeko, *Jinshin Baibai: Urareyuku Kodomotachi* (Tokyo: Dōkōsha, 1954) 10.

<sup>2</sup>Fujin Shōnen Kyoku, *Nenshōsha no Tokushu Koyō Kankō* (Tokyo: Fujin Shōnen Kyoku, 1953) 10.

<sup>3</sup>Bonded labor became a topic of debate in the 1920’s and the early 1930’s when the League of Nations investigated human trafficking, but the debate did not involve much participation for Japanese abolitionists. See Akane Onozawa, “Daiichiji Sekai Taisengo ni Okeru Haishō Undō no Kakudai,” *Kokusai Kankeigaku Kenkyū* 26 (1999) 55-68, and “Kokusaiteki Fujō Baibai Ronsō (1931) no Shigeki,” *Kokusai Kankeigaku Kenkyū* 24 (1997) 93-110.

As the press turned the spotlight on bondage in the late 1940's, authorities began to uncover robust markets for “human trafficking (*jinshin baibai*)” in the hinterlands. Farmers bought and sold children throughout the impoverished northeastern part of the country. At the other end of the archipelago, the Okinawan town of Itoman relied on indentured children for fishing vessels that traveled as far as the Indian Ocean.<sup>4</sup> Every place in between had a name for a relationship that boiled down to bonded labor. Interregional networks of brokers linked sellers and buyers, sometimes at considerable distance, and markets took many forms. Tobishima Island off the coast of Yamagata imported boys from certain counties on the mainland, while generations of Hiroshima and Ehime families sent sons to work on islands in the Inland Sea. Traveling circuses reportedly bought children along their routes. Yokote, in Akita Prefecture, held live auctions for young farmhands (*wakazeichi*), possibly until 1948.<sup>5</sup>

Child workers appealed to employers because they were productive, reliable, and cheap. By the age of 14 or 15, a child could perform as much labor as an adult for a fraction of the cost.<sup>6</sup> In the northeast, with its vast disparity between rich and poor, indentured child labor flourished as it did in pockets of the Kantō – albeit for different reasons. The Kantō area faced a labor shortage, which a Yamagata journalist on assignment in Kanagawa explained as a symptom of regional pathology. Farmers, in his opinion, bought hardworking children from prefectures like his own because they

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<sup>4</sup>Fujin Shōnen Kyoku, *Nenshōsha no Futō Koyō Chōsa Hōkoku: Kyūshū Hen* (Tokyo: Fujin Shōnen Kyoku, 1955) 160-1.

<sup>5</sup>Jinken Yōgo Kyoku, “Shōnen Miuri Mondai no Jittai o Tsuku,” *Jinken*, No. 5 (1 February 1954) 16; 36-41; Fujin Shōnen Kyoku, *Tokushu Koyō Kankō* 38-52; *Saakasu ni Hataraku Nenshōsha* (Tokyo: Fujin Shōnen Kyoku, 1950). Area native Yoshimi Sagawa denies that the auction was comparable to a slave market; see his “Yokote no Wakazeichi,” *Minkan Denshō* 20 No. 4 (April 1956).

<sup>6</sup>Fujin Shōnen Kyoku, *Tokushu Koyō Kankō*, 75; Jinken Yōgo Kyoku, “Shōnen Miuri Mondai” 7.

themselves were lazy.<sup>7</sup> In truth, upward mobility, not laziness, had emptied the fields. Industrial workers in the area earned the highest wages in the country outside of Tokyo and the capital itself was just a short commute away. As farmers lost sons and daughters to factories and the creature comforts of the city, they turned to outlying areas to meet their labor needs.<sup>8</sup> Paradoxically, the advance of the wage-labor economy into the Kantō kept indentured servitude alive and well.

In his report, the Yamagata journalist had echoed conventional wisdom about children from the northeast. They had a reputation for hard work and diligence. Kantō farmers admired their ability to endure poor conditions without complaint. In contrast, adult workers introduced by employment agencies rarely lasted long in the villages. “Mine did very little work, and was only good at talking,” remarked one farmer. Another admitted: “It was a mistake to ask the Public Employment Security Office for farm workers (*hyakushō*). The people they introduce are more suited to factories or urban jobs. You sleep under the same roof, so you’ve got to trust [whomever you hire].”<sup>9</sup> Farmers could “trust” children because they had extensive control over them, tantamount to custody. A child received clothes, food, and medical care at the discretion of his employer. He might attend school, if he had the energy and if his employer did not object. Parents could redeem a child only if they repaid the advance and any other loans they had made against the child’s wages. Often far from home and saddled with debt and parental expectations, children certainly had fewer inclinations than other workers to run away.

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<sup>7</sup>Matsubara and Etō, “Ie ni Iru Yori mo Shiawase,” *Yamagata Shimbun*, 10 March 1952: 3

<sup>8</sup>“Fujin Shōnen Mondai Kakuchihō no Jitsujō,” *Rōdō Jijō* 5, No.6 (1952) 43-45. Gyōsei Kansatsu Tokubetsu Inkai, “Joshi Oyobi Nenshōsha no Jinshin Baibai ni Kansuru Hōkokusho,” in Appendix to *Nenshōsha no Tokushu Koyō Kankō*, 48 and Gyōsei Kansatsu Tokubetsu Inkai, No. 12 (3 March 1952) <<http://kokkai.ndl.go.jp>> (24 June 2006).

<sup>9</sup>Honjō, *Jinshin Baibai* 119-121.

If employers saw advantages in the docile labor of children, so did parents and guardians. In the years following the 1948 scandals, the government embarked on a program of research to identify child trafficking practices throughout the country. The most ambitious of these, the “Surveys of the Facts of Unfair Hiring Practices (1953-1957),” uncovered a startling range of customs and showed that, wherever they were found, indentured children had in their backgrounds poor, large, and complicated families. Figures for Kyushu are instructive. There, the study found more than 2,000 children in questionable situations, and, of those, 858 warranted follow up attention. Over two-thirds of these children came from households with six or more members. A similar proportion of households got by on less than ¥15,000 (U.S. \$41.70) per month when all members pooled their wages (throughout this paper, the exchange rate of U.S. \$1 = ¥360, which obtained from the immediate postwar period until the early 1970’s, is used). One-third of the children had lost a parent, most often a father. By sending a child to live and work away from home, parents could “reduce the number of mouths (*kuchiberashi*)” straining household resources.<sup>10</sup> Furthermore, child labor gave parents without land to mortgage or assets to pawn much-needed access to credit. The following examples taken from the “Surveys” demonstrate how, well into the 1950’s, children could play an important role in the finances of the poor.

Fifteen-year-old “Tomoko” came from a family of six in Tokushima. Salt air caused irreparable damage to the family’s land, so they subsisted on what the father could earn from fishing in a nearby river. Tomoko’s brother had already left home, and she too entered the labor force after the fifth grade. A local family took her in as a babysitter and sent her parents ¥1,500 (U.S. \$4.20) each month. Although the length of her contract was

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<sup>10</sup>Fujin Shōnen Kyoku, *Kyūshū Hen* 23-31.

not set, Tomoko had no illusions of leaving in the near future – her parents had borrowed ¥20,000 (U.S. \$55.60) from her employer for a home improvement project.<sup>11</sup>

Seventeen-year old “Kazuo” also worked under vaguely defined terms. The boy was one of four children born to a family in Miyazaki. Kazuo’s father, unemployed and “lazy,” rarely took day-labor assignments because he did not like to get up early in the morning. In a typical month he worked around 10 days, bringing in ¥2,700 (U.S. \$7.50). The father’s pay, combined with the ¥2,000 (U.S. \$5.60) the mother earned gathering firewood, enabled the family somehow to make ends meet. At one point, the family had received public assistance to send the children to school. The family lost the award, however, because the parents used the money to cover living expenses. Upon graduating from middle school (a feat that in itself surprised surveyors), Kazuo went to work on a farm in neighboring Kagoshima. Apparently, the boy bore little resemblance to his father; he had a solid work ethic and was determined to help his family. The employer gave Kazuo a set of work clothes and his parents a ¥2,000 (U.S. \$5.60) advance against his future wages. Later, with Kazuo’s labor as collateral, the parents borrowed an additional ¥20,000 (U.S. \$55.60) from the employer.<sup>12</sup>

Buyers pegged the value of children sold for farm and domestic labor well under ¥10,000 (U.S. \$27.80). By this standard Tomoko and Kazuo received above-average advances. Tomoko’s employer might have reasoned that, if his family tired of her, he could sell her to a brothel for a much larger sum and thereby recoup the money loaned to

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<sup>11</sup>Fujin Shōnen Kyoku, Fujin Shōnen Kyoku, *Nenshōsha no Futō Koyō Chōsa Hōkoku: Chūgoku Shikoku Hen* (Tokyo: Fujin Shōnen Kyoku, 1957) 51. In the original survey, children are identified by the letters A, B, C, etc. For purposes of clarity, I have given the children names beginning with the letter used to identify each in the survey. Names are pseudonyms unless otherwise noted.

<sup>12</sup>Fujin Shōnen Kyoku, *Kyūshū Hen* 122-123.

her parents. On the other hand, Kazuo's employer was, according to the surveyor, a kind man and genuinely impressed with the boy. He probably intended to keep Kazuo around long enough to make the loans profitable. Though unusually high sums were at stake, in other ways these situations were typical. Both children relinquished their earnings to others and both expected to maintain a long-term relationship with an employer who doubled as a lender.

Parents who took their child's wages or who entered a labor contract on the child's behalf violated the Labor Standards Law (1947) and the Employment Security Law (1947), but widespread sympathy for the parents and a lack of written contracts kept authorities from taking action.<sup>13</sup> The laws themselves did not provide adequate protection for women and children at the lowest rungs of the service sector. The Labor Standards Law, designed for the needs of big business, exempted domestic workers. This meant that Tomoko's employer could call her a domestic and evade the minimum requirements of the law.<sup>14</sup>

Agencies across the Ministries of Labor, Welfare, Justice, and Education oversaw different aspects of child labor, making it difficult for social workers to even locate children like Tomoko and Kazuo. In an attempt to centralize figures, the Women and Minors Bureau asked middle school principals to report numbers of chronically absent students, i.e., those who had missed 50 or more days of school. In 1951, more than 3 percent of middle schoolers fell into this category, and rates could be much higher depending on the region. A few years earlier, for instance, Aomori Prefecture had seen an

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<sup>13</sup>Jinken Yōgo Kyoku, "Shōnen Miuri Mondai" 9.

<sup>14</sup>Gyōsei Kansatsu, "Joshi Oyobi Nenshōsha" 52-53.

astonishing absentee rate of 18 percent.<sup>15</sup> It appeared that only a small fraction missed school due to a debilitating illness – a full 85 percent were working.<sup>16</sup> In most cases, if a child stopped coming to school, he had joined the labor force.

But the figures were far from definitive. Schools, the front line of detecting improper child labor, controlled the flow of the data, and principals sometimes underreported absences. One principal in Chiba admitted to having lowered numbers for his school to protect his job evaluation rating. Others chose to ignore requests for information.<sup>17</sup> Blurry jurisdictional boundaries, inadequate legal protections, and the competing agendas of state agencies all made investigating bonded child labor a costly, time-consuming task. Without strong evidence of abuse or forced prostitution, authorities usually declined to investigate the private arrangements between parents and their children's employers.<sup>18</sup>

In spite of the obstacles to collecting accurate data, the central government confirmed that, as the newspapers had reported, child bondage was becoming more common. In comparison to 38 children in 1947, the police discovered 247 in 1948 and hundreds more in subsequent years. At first, the culprit seemed to be labor customs in the northeast and the far-flung corners of Kyushu and Shikoku, home to Kazuo and Tomoko. Before long, it was evident that communities throughout the country accommodated

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<sup>15</sup>Kanazawa Ki'ichi, Part 6 of *Jidō Kenshō Kaisetsu*, 1951; reprinted in *Jidō Kenshō Seitei Kiroku* (Tokyo: Nihon Tosho Sentaa, 1988) 68.

<sup>16</sup>Fujin Shōnen Kyoku, *Nenshō Rōdō Tōkei Shiryō* (Tokyo: Fujin Shōnen Kyoku, 1953) 20.

<sup>17</sup>“Chōki Kesseki Jidō no Seitai,” *Karikyuramu*, No. 22 (October 1950): 66, Fujin Shōnen Kyoku, *Tōhoku Hen* 17-18.

<sup>18</sup>Fujin Shōnen Kyoku, *Nenshō Rōdō no Shōmondai* (Tokyo: Fujin Shōnen Kyoku, 1950) 155.

various forms of child trafficking.<sup>19</sup> Official estimates barely grazed the surface of the problem.

The sudden spike in bonded labor was a symptom of the deteriorating conditions in the countryside. The years since defeat in the war had been a boon to farmers, who sold surplus grains and produce at inflated black market prices. But, as the stabilization of supplies put an end to price gouging, farm incomes spiraled downward.<sup>20</sup> Then in 1949 SCAP (Supreme Commander of the Allied Powers) implemented the “Dodge line,” a strict policy of retrenchment that worsened unemployment and inflation. Nothing short of a miracle, it seemed, could improve conditions.

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<sup>19</sup>Fujin Shōnen Kyoku, *Tokushu Koyō Kankō* 109.

<sup>20</sup>Gyōsei Kansatsu, “Joshi Oyobi Nenshōsha” 42.

## CHAPTER 2

### THE KOREAN WAR ERA

Japan got a miracle of sorts in 1950 when war broke out on the Korean peninsula. Famously dubbed a “gift of the gods” by Prime Minister Yoshida Shigeru, the Korean War put Japan on the road to recovery as the United States placed orders that boosted Japan’s industrial production. But benefits of the “gift” remained elusive for thousands of Japanese. Left to fend for themselves with stingy public assistance, many supplemented their incomes with the proceeds from the sale of a child.

The hardships were real, but when child trafficking appeared in the headlines in 1948, it took on an importance far beyond its numbers. To some extent, the media had engineered the panic. The number of indentured children was miniscule in comparison with the overall number of minors working. Four million teenagers, approximately half of all 14- to 19-year olds, held a paying job between 1947 and 1952.<sup>21</sup> Even if several times the known number of indentured children had eluded surveyors, they made up a tiny fraction of the labor force under 18. The traffic in children achieved crisis status because it touched a nerve with those who believed in the guarantees of the postwar Constitution and social legislation. These individuals, many of whom were journalists or bureaucrats in the newly formed Women and Minors Bureau, helped shape public opinion.

Socially minded intellectuals indicted indentured servitude as unsuited to a democracy. However poor a family might be, they believed, children should no longer work and live away from home. All children had a right to attend school and to enjoy the

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<sup>21</sup>For 1947 figures, see Fujin Shōnen Kyoku, *Shōmondai* 64; For 1948-1952 figures, see Fujin Shōnen Kyoku, *Tōkei Shiryō* 9.

care of industrious parents. This notion of the family centered on life in the home (*katei*) had spread among the middle and upper classes since the late Meiji Period. In the home, close emotional relationships and a sense of togetherness (*danran*) held families together.<sup>22</sup> Although the idea itself had roots in the prewar period, the conviction that parents, regardless of income, had a basic right to keep their children at home and in school was new. Thus, what had been known as *modern* family life for those who could afford it became *democratic* family life, a right guaranteed to all. Proponents were making a radical jump by insisting that both rich and poor were entitled to the *katei*.

Over the course of the Occupation, the central government signaled its commitment to the new standard of family living through legislation, political inquiries, and declarations. Yet none of these provided financial incentives significant enough to allow Japan's poorest citizens to keep their children out of the labor market. The burden of household expenses prevented many families from living together. For those struck by catastrophe, putting a child out to work was a necessity. In such cases, children had value primarily as wage earners or as security for loans rather than as the sentimental core of the family.

Yet bondage was more than a calculated response to poverty. It had what one bureaucrat described as an "ideological" (*shisōteki*) dimension.<sup>23</sup> Self-sacrifice for the benefit of the family had long been regarded as a primary virtue. It made bondage seem if not normal, then at least tolerable. Since the Meiji Period, the state had advocated loyalty

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<sup>22</sup>Chizuko Ueno, Commentary on *Fūzoku Sei*, Vol. 23 of *Nihon Kindai Shisō Taikei*, eds. Shinzō Ogi, Isao Kumakura, Chizuko Ueno (Tokyo: Iwanami Shoten, 1990); Kazue Muta, *Senryaku to Shite no Kazoku* (Tokyo: Shinyōsha, 1996).

<sup>23</sup>Jinken Yōgo Kyoku, "Shōnen Miuri Mondai" 13.

at any cost to parents (*kō*) and, by extension, to the nation (*chū*).<sup>24</sup> Even without official encouragement, the primacy of the household unit resonated with the realities of communal and family life. Filial piety (*oya kōkō*) could mean many things: agreeing to a marriage partner selected by parents, caring for infirm parents in old age, or otherwise compromising one's own preferences to benefit the household. In spite of the many ways by which the 1947 Constitution privileged the rights of the individual, for the poor, filial piety still meant handing over one's earnings to one's parents.

Self-sacrifice entailed submitting not just to the will of parents, but also to employers. In a famous and often-cited example, a young girl ran away from her employer's household when the son tried to rape her. Her mother dragged her back, and, when summoned by the prosecutor to explain herself, retorted that she thought it natural to send her daughter out for service and that the employer had been within his rights.<sup>25</sup> Dramatizing the pressures on child workers, in the summer of 1951, the *Yamagata Shimbun* reprinted a letter from a father to his children under the headline "If You Lived at Home We Could Not Eat."<sup>26</sup> The father, a day laborer, complained about the rising price of rice and then told his children that the advance paid against their wages had gone to make much-needed repairs on the family home. He ended with a reminder to "persevere in repaying the kindness (*ongaeshi*) of your master." Employers also encouraged the perception of benevolence. A Kantō village headman explained that the words "selling" and "buying" did not convey the substance of local practices. Instead, he

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<sup>24</sup>Chizuko Ueno, *Kindai Kazoku no Seiritsu to Shūen* (Tokyo: Iwanami Shoten, 1994).

<sup>25</sup>Gyōsei Kansatsu, "Joshi Oyobi Nenshōsha" 44; Jinken Yōgo Kyoku, "Shōnen Miuri Mondai" 15.

<sup>26</sup>"Ie de wa Gohan Kuenu," *Yamagata Shimbun*, 11 August 1951: 2.

suggested, the traffic in children should be regarded as “a splendid act of kindness (*hitotasuke*).”<sup>27</sup>

Journalists and some bureaucrats cited such stories thinking it extraordinary that parents would relinquish control over their children to outsiders. All the same, most Japanese regarded child indentured servitude as inevitable. Few looked fondly upon the practice, to be sure, but a 1950 study indicated that people were not ready to condemn it either. For its “Present State of Human Rights Philosophy,” the Civil Liberties Bureau probed attitudes towards customs contrary to human rights, including child trafficking. The 3-year-old bureau directed efforts to promote understanding of “human rights,” a concept whose meaning was far from settled. The survey confirmed that people had at best a hazy understanding of the term. To the surprise of researchers, some of those polled mistook the topic of inquiry for a homonym – “synthetic fabric (*jinken*).” While police brutality and bullying by local bosses enjoyed high levels of recognition as “human rights” violations, opinion was divided over whether child trafficking fell into that category. Few opposed indentured servitude for children in all cases. Most responded that it was an understandable course of action “if it were in the best interest of the child (51 percent)” or if “it can’t be helped because the parents have a debt (20 percent).” Even in comparatively progressive urban areas, only 35 percent opposed trafficking across the board.<sup>28</sup> The prevailing opinion was that a crisis – be it a death, injury, or an illness that prevented a breadwinner from earning – warranted the sale of children.

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<sup>27</sup>Honjo, *Jinshin Baibai*, 117.

<sup>28</sup>Jinken Yōgo Kyoku, *Jinken Shisō no Genjō* (Tokyo: Jinken Yōgo Kyoku, 1951) 14-15, 35. The literal translation of *jinken yōgo* is “human rights protection.” Following convention, I refer to the bureau and commissioners with the term “civil liberties.” Since it more accurately reflects the substance of the bureau and commissioners’ work, I otherwise use the term human rights. See Lawrence W. Beer, “Human Rights Commissioners (Jinken Yōgo Iin) and Lay Protection of Human Rights in Japan,” *International Ombudsman Institute Occasional Paper #31*, October 1985: 1-2.

The survey revealed that the closer one was to the trade, the more sympathy one had for sellers and buyers of children. This held true for the authorities as well, particularly for welfare commissioners (*minsei iin*). The welfare commissioner program had started in the late 1910's in Okayama Prefecture and, by the 1930's, commissioners were fixtures throughout the country. As the appointed overseers of the poor, many believed their job was to discourage people from applying for public assistance.<sup>29</sup> In an incident that reverberated years later, 40 commissioners resigned en masse when the press reported that a parent had sold an 11-year-old boy for ¥1,000 (U.S. \$2.78) in 1948. In resigning, the commissioners did not accept responsibility for the scandal; rather, they apparently protested their critical treatment in the press. A few commissioners declared in a public statement that “[There is no reason] we shouldn’t recognize this system of filial piety.”<sup>30</sup> Despite the perceived inclination of welfare commissioners to sanction child trafficking, many assumed the mantle of “child commissioner” when the position was created in 1949. The Labor Ministry, itself a product of the postwar reforms, wanted the Welfare Ministry to install more forward-looking individuals in these positions.<sup>31</sup>

Bureaucrats often clashed over the best course of action in cases of bondage. A conference held in February 1949 exposed the fissures within the government. The 2-year-old Civil Liberties Bureau solicited opinions from government agencies, the media, and the academy for the event. Some officials, including the representative from Tochigi Prefecture, insisted that the purchase of a child was a charitable act. He assured the panel

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<sup>29</sup>Sheldon Garon, *Molding Japanese Minds* (Princeton, NJ: Princeton University Press, 1997) 19-20, 52-53, 219-220.

<sup>30</sup>“Shikitari ni Tada Mōjū,” *Asahi Shimbun*, 4 February 1949. In 1954, the *Asahi* reported that all 40 offered that excuse. See *Asahi Shimbun*, 24 March 1954.

<sup>31</sup>Jinken Yōgo Kyoku, “Shōnen Miuri Mondai” 15.

that the children he had seen were “very satisfied” and did not want to go home. Though “feudal” and “akin to serfdom and slavery,” bondage had its advantages from the perspective of a child. By correcting the shortcomings, he concluded, bonded labor could serve as a form of welfare. A delegate from the Ministry of Justice ventured that employers often improved a poor child’s standard of living. With a rhetorical flourish he asked: “Could parents do better? Could the state do better?”<sup>32</sup>

Of course, not all officials saw utility in bonded child labor. The Women and Minors Bureau in the Labor Ministry consistently opposed tolerance for “unfair labor practices.” Legal sociologist Takeyoshi Kawashima was another outspoken critic. Having observed the conditions of an indentured child during the war – upon evacuating Tokyo, he had stayed with a family in Chiba that kept a girl to help out around the farm – he spoke with the authority of experience. The girl had slept in a glorified shed and, unlike the employer’s daughters, was not allowed to graduate from middle school.<sup>33</sup> Even if she enjoyed a slight material advantage in her employer’s home, he argued, she was not on equal footing with her employer’s children.

Both sides marshaled extensive anecdotal evidence, but even officials sensitive to children’s rights conceded that sometimes it made sense to keep a child with his employer. Instructions issued to the prefectures from the ministries of Welfare, Justice, Labor, and Education advised that children should stay put if life with an employer seemed “happier” than life at home. In such cases, authorities should enroll employers in

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<sup>32</sup>Jinken Yōgo Kyoku, “Shōnen Miuri Mondai” 7 and 11.

<sup>33</sup>Jinken Yōgo Kyoku, “Shōnen Miuri Mondai” 9. This episode made quite an impression on Kawashima. He mentioned it in his 1950 “Jinshin Baibai no Rekishiteki Rekishiteki Seikaku,” reprinted in *Kawashima Takeyoshi Chosakushū* (Tokyo: Iwanami Shoten, 1982) 85.

the fledging foster parent program, requiring them to send their child workers to school. This proved a stumbling block for expanding foster care. According to one report, rural families had used foster children to gain access to cheap labor, and considered the obligation to enroll foster children in school a nuisance.<sup>34</sup> In an attempt to increase the program's appeal, a Welfare Ministry official clarified that it accommodated moderate levels of child labor. "Even birth parents make children work around the house... as long as foster parents emphasized nurturing (*yōiku*) over using a child," the program could help combat the excesses of child bondage.<sup>35</sup>

Welfare specialists struggled to find an acceptable ratio of work and school for very poor children. In practice, school attendance served as the benchmark for determining a child's welfare. The pitfalls of relying on school attendance were exposed by a journalist investigating the boy at the center of the "Kōza Incident" described below. The incident raised the profile of child bondage to a new level and ultimately spurred the government to take action on the problem of bonded child labor.

In the summer of 1951, police in Kōza County, Kanagawa, stopped a barefoot boy wandering down the road. Under questioning, the boy admitted that he had run away from his employer to look for his brothers working in nearby Yokohama. In the course of investigating his claims, police stumbled upon a sophisticated operation connecting Kōza farmers with poor villagers in Yamagata. At least 80 children had passed through the network. Perhaps most shocking, officials in both prefectures had known about the operation, but had done nothing to stop it.<sup>36</sup> The incident prompted the central

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<sup>34</sup>Fujin Shōnen Kyoku, *Shōmondai* 287-291.

<sup>35</sup>Jinken Yōgo Kyoku, "Shōnen Miuri Mondai" 14.

<sup>36</sup>Fujin Shōnen Kyoku, *Tokushu Koyō Kankō* 75; Jinken Yōgo Kyoku, "Shōnen Miuri Mondai" 7; Gyōsei Kansatsu, "Joshi Oyobi Nenshōsha" 47.

government to investigate bonded child labor in early 1952. Following that official inquiry, in March, a journalist from the boy's native Yamagata filed a story on how the child had fared in the several months since his life in the household of an affluent Kanagawa farmer had become a national scandal. The journalist met the boy – whom he referred by the pseudonym Shingo Etō – at school under the supervision of his homeroom teacher and the school principal. The school went to considerable lengths to prove Etō was contented and well nourished. The boy's appearance told a different story: he was much smaller than the other children and dressed in rags. Moreover, attendance records confirmed that he had missed an entire month of school. In the course of the meeting, Etō's teacher presented the journalist with an essay the boy himself had written:

I came to Nakawagawa (Etō misspelled Kanagawa) prefecture at the convenience of my family. Nakawagawa and everyone in the house (*ie*) I came to is very kind and it is a nice family. It is much better [to stay here] than to go home. There is no shortage of food or anything. I go to school and study every day. All my friends are kind and they play together with me. I think nothing is as pleasant as this. Also, my older brother lives nearby so he comes to visit.

Etō, in his second year of middle school, reportedly had the writing ability of a third or fourth grader. The journalist left with extreme reservations about what he had seen. Yet the boy asserted that he was happy. Capturing the contradictions at the heart of the case and others like it, the journalist ran a feature entitled, “Happier Than at Home: Shingo Says, I Don't Want to Go Back Home.”<sup>37</sup> Nor was Etō's sentiment exceptional.

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<sup>37</sup>Matsubara and Etō, “Ie ni Iru Yori” 3

Given the chance, indentured children regularly declined to return to their parents, saying that “it’s better to stay put than to live at home and be hungry.”<sup>38</sup>

Thus, lengthy analyses were conducted both within the bureaucracy and on the pages of newspapers across the country. Failing to appreciate the subtleties of the issues at stake, the English language journal *Democratic Japan* issued a cursory judgment: “That child slavery is still existent is a tragic commentary on the failure of all the people of Japan to understand and respect the precepts of democracy.”<sup>39</sup> The rhetoric nicely mirrored what SCAP itself might have endorsed, but the Occupation authorities were themselves prepared to take only indirect action – which had a surprisingly powerful impact. In 1949, the Public Health and Welfare Section contacted the Children’s Bureau in the Ministry of Welfare with the idea for a Children’s Charter, patterned on the one adopted in the United States in 1930. Hoping to mask the project’s origins in the Occupation bureaucracy, the Children’s Bureau then asked the Central Child Welfare Inquiry Commission to sponsor the project. The bid fooled no one, and the press criticized the Charter for lacking “democratic” input, that is, from the people.<sup>40</sup> Despite its pedigree, children’s rights groups embraced the Charter when it was announced on Children’s Day, a national holiday that had been known as Boy’s Day until 1948.

The Charter was neither a law nor a police order, but a “national promise (*kokuminteki yakusoku*)” anchored by three principles: children had value “as human beings” and “as members of society,” and they deserved to grow up in a suitable

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<sup>38</sup>“Ōkunarū Jinshin Baibai,” *Asahi Shimbun* 7 December 1951; Fujin Shōnen Kyoku, *Kyūshū Hen* 75; *Chūgoku Hen Shikoku Hen* 42, and *Tōhoku Hen* 53.

<sup>39</sup>*Democratic Japan*, No. 9 (November–December 1950).

<sup>40</sup>Mikio Nagakawa, “Shimbun Ronchō,” *Shakai Jigyō* 34, No. 5 (May 1951) 20-21.

environment. Of its 12 articles, several had direct bearing on the question of child bondage. Article Two guaranteed children a home life (*katei*) filled with proper love and knowledge. Articles Six and Eight addressed the problem of children put to work and denied education by their parents.<sup>41</sup> In a handbook published by the Ministry of Education, scholars and child advocates explained the Charter in accessible language. The ubiquitous commentator Kiyoshi Kanzaki best summed up what contributors believed to be at stake: “Feudal philosophy is breaking down, and children should be liberated from old parent-children relations, but a new relation between parent and child has not yet been established.” This resembled the moment when a parent “takes off his child’s clothes [before] the bathwater is heated. The child catches a cold, doesn’t he?” Supporters hoped that the Charter would move Japan beyond this transitional stage by exhorting parents to protect children from the vagaries of paid labor and other dangers present in the postwar social environment.<sup>42</sup> Subsequent to its release, the Charter became a touchstone for opponents of bonded labor, as well as a weapon in the arsenal of women’s groups intent on shielding children from exposure to prostitutes in the streets and other public areas.

In the wake of the Children’s Charter the *Kōza* Incident broke. A major investigation into bonded child labor got under way in February 1952, when the Administration Inspection Special Committee of the Lower House (Gyōsei Kansatsu Tokubetsu Iinkai) convened to discuss the traffic of women and children. It heard testimony from witnesses ranging from officials in the Yamagata and Kanagawa

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<sup>41</sup>Hatatarō Shiroto, Part 8 of *Jidō Kenshō Kaisetsu*, 1951; reprinted in *Jidō Kenshō Seitei Kiroku* 84; Konomi Yu, Forward to *Jidō Kenshō Seitei Kiroku* 6.

<sup>42</sup>Kiyoshi Kanzaki, Preface to *Jidō Kenshō Kaisetsu*, 1951; reprinted in *Jidō Kenshō Seitei Kiroku* 17.

prefectural governments, the Labor, Education, and Welfare Ministries, and the police bureaucracy. In a nod to the growing concern about prostitution, a representative from a brothel trade association made an appearance. Yamagata and Kanagawa prefectures bore the brunt of criticism in the report issued later in the spring. Neither prefecture, in the committee's opinion, had made any effort to address what was a well-known problem. The Kanagawa Employment Security Office had known about the Kōza-Yamagata connection for a full six months before the police discovered the boy by chance.<sup>43</sup>

As the hearings got under way, the Vice Ministers collectively endorsed the conclusions of the Central Conference on the Problems of Juveniles. The “Principles for Countering ‘So-called’ Trafficking Incidents” called for closer cooperation among government agencies to prevent the kind of bumbling seen in Kanagawa. Even more important, the “Principles” addressed the conceptual muddle at the heart of trafficking (*jinshin baibai*). Translated literally, *jinshin baibai* means “the buying and selling of persons.” In Japanese usage, the phrase refers to a number of practices, including trafficking, slavery, bondage, and indentured servitude. Indeed, testimony before the Lower House would show that each official brought to the table his own understanding of phrase.<sup>44</sup>

In a step towards a unified approach, the “Principles” defined “so-called” *jinshin baibai* as contracts that violated a child's welfare, submitted a child to unfair restraints on his person, and committed one to a very long term of service. Expanding on these dimensions were the following glosses: obscenity in the line of work; abuse; forced labor;

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<sup>43</sup>Gyōsei Kansatsu, “Joshi Oyobi Nenshōsha,” 49.

<sup>44</sup>Chūō Seishōnen Mondai Kyōgikai, “Iwayuru Jinshin Baibai Jiken Taisaku Yōkō” and Jikan Kaigi, “Iwayuru Jinshin Baibai Taisaku ni Tsuite,” reprinted in Fujin Shōnen Kyoku, ed., *Baishun ni Kansuru Shiryō* (Tokyo: Fujin Shōnen Kyoku, 1953) 57-9.

as restrictions on one's freedom of movement and communication with the outside world.<sup>45</sup> The qualification "so-called" mattered. Bonded labor was a violation of criminal law only when the victim was transported outside of Japan's borders. This curious double-standard was a product of the Meiji Period, when large numbers of women were sold to Japanese-run brothels throughout Asia.<sup>46</sup> No laws prohibited bondage as long as the buyer resided within Japan.

Certain aspects of "so-called" bondage did entail criminal sanctions. Many of the laws concerning child welfare, labor, and school attendance passed after 1945 included provisions that touched upon aspects of a child worker's living situation. Wide gaps, however, separated the passage, publicity, and enforcement of any given law. Several factors complicated the swift enforcement of the child welfare standards. Sales rarely left a paper trail, and parents and employers might not know that what they were doing was illegal. Furthermore, as surveys showed, there was considerable sympathy for parents forced to sell children to make ends meet. No one had much sympathy, however, for the middlemen who profited from the sale of children. Bureaucrats soon realized the most effective way to intervene in child trafficking was to prosecute brokers under the Labor Standards Law and Employment Security Law.

Brokers found their way into the shady world of child trafficking by a number of routes. Black market runners sometimes traded in children on the side. Well-intentioned amateurs might fall into the business while negotiating sales for struggling relatives and friends.<sup>47</sup> Still others learned of the money to be made upon selling their own children.

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<sup>45</sup>Chūō Seishōnen Mondai Kyōgikai, "Taisaku Yōkō" 58.

<sup>46</sup>Fujin Shōnen Kyoku, Tokushu Koyō Kankō, 10; Takahiko Kimiya, *Tokubetsu Keihō Shōkai: Fūzoku Eigyōtō Torishimari Hō* (Tokyo: Nihon Hyōron Shinsha, 1961) 91-92.

<sup>47</sup>Fujin Shōnen Kyoku, *Kyūshū Hen* 46.

Hirokichi Kikuchi was one such father. The day laborer and occasional farmer from Iwate Prefecture began his career in 1947. When he took his daughter to the home of a Saitama farmer, the farmer asked him to bring more children. Kikuchi agreed, in exchange for ¥1,300 (U.S. \$3.60) and three *masu* (5.4 liters) of grain per child. When the police caught up with the entrepreneurial Kikuchi, he had reaped ¥17,000 (U.S. \$47.20) in profits as well as a large quantity of rice and beans. The children he had trafficked, by contrast, had received nothing but vague promises of spending money and clothing. In April 1949, Kikuchi was fined ¥20,000 (U.S. \$55.60).<sup>48</sup>

The 1952 hearings and reports could not take the place of legislation designed to combat the traffic in children. These much publicized efforts, however, did raise awareness about both the extent of bonded labor and the general malaise within the government. Attention came at a moment when the demographics of bonded labor were changing. Trafficking in rural areas seemed to have abated somewhat since the late 1940's. Conditions in the countryside had improved so that the poorest families could keep their children in school. Furthermore, farmers had begun to fear questions from nosy investigators. On the other hand, overall numbers of trafficking victims had shown alarming growth. Teenage girls were signing unfree labor contracts with brothel keepers more often than ever. This group was poorly served by the concept of "so-called" trafficking.

The problem was that the central government condemned unfair labor conditions for minors only (under 18), but many, if not most, trafficking victims were at least 18 years old, full-fledged adults before the law for the purpose of labor. Takeyoshi

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<sup>48</sup>This is not a pseudonym. "Hanrei Tokushū," in Appendix to *Tokushu Koyō Kankō*, 60.

Kawashima, the scholar who had lived alongside a poorly treated farmhand during the war, urged people to realize that bondage touched the lives of adults as well as child workers.<sup>49</sup> Traveling in Kansai, Kawashima had encountered hotel maids working for nothing more than room and board.<sup>50</sup> The maids, evacuees from Asia, had returned to Japan destitute and with nowhere to go. Like many others, they accepted whatever terms of employment they could get.<sup>51</sup> The Women and Minors Bureau reported that nearly 2,000 adult victims had surfaced between 1949 and early 1952. Still, many in the government balked at classifying adults as victims of contracts they had entered of their own free will.<sup>52</sup> As a result, the category of “so-called” bondage excluded the single largest group of indentured servants, young women sold by their parents and husbands to brothels.<sup>53</sup> The state was not ready to take on the business of prostitution, which, since the end of war, had carved out a legal place for itself. The investigations put in motion after the Children’s Charter and the Kōza Incident, however, drew attention to abuses in the sex industry and paved the way for action.

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<sup>49</sup>Kawashima, “Jinshin Baibai no Rekishiteki Seikaku” 80.

<sup>50</sup>Jinken Yōgo Kyoku, “Shōnen Miuri Mondai” 14.

<sup>51</sup>Jinken Yōgo Kyoku, “Shōnen Miuri Mondai” 14.

<sup>52</sup>Jinken Yōgo Kyoku, “Shōnen Miuri Mondai” 5; Fujin Shōnen Kyoku, *Tokushu Koyō Kankō* 111.

<sup>53</sup>Hidemasa Maki, *Jinshin Baibai* (Tokyo: Iwanami Shoten, 1971) 221.

## CHAPTER 3

### THE CHANGING FACE OF PROSTITUTION: FROM TACIT ACCEPTANCE TO ABOLITION

Even before the question of labor conditions was added to the equation, prostitution presented multiple challenges to reformers and regulators alike. The laws concerning prostitution were contradictory and poorly enforced. With much fanfare, SCAP had ended licensed prostitution and freed prostitutes from bonded contracts in January 1946. Tempering the progressive impulse behind SCAPIN-642, police officials and Home Ministry bureaucrats reassured bar owners that it targeted only involuntary and licensed prostitution. They also introduced a new, euphemistic vocabulary for the industry. In January 1946, houses of assignation (*kashizashiki*) became “places for waitress service” (*settaijo*) and prostitutes (*shōgi*) became “serving women” (*settaifu*). Then in September, the police introduced terms even more ambiguous than before: “special restaurants” (*tokuinshokuten*), “cafés,” and “waitresses” (*jokyū*). The brothel keeper with whom a prostitute lived became her “landlord.”<sup>54</sup> Lest there be any doubt in the minds of brothel keepers where the Japanese government stood, in November 1946, the Vice Ministers declared prostitution a “necessary evil” best kept in districts far from the public eye.<sup>55</sup> When the directive was promulgated as Imperial Ordinance Number 9

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<sup>54</sup>Yutaka Fujino, *Sei no Kokka Kanri* (Tokyo: Fuji Shuppan 2001), 178-180. See the Home Ministry Memorandum to the Superintendent General of the Metropolitan Police and the prefectures, issued on 20 August 1946. “Kōshō Seido no Haishi ni Kansuru Shidō Torishimari no Ken,” in *Baishun ni Kansuru Shiryō*, 21-22. Akira Murase, “Sengo Baishun Koshi,” in *Tōkyō-tō no Fujin Hogo*, ed. Tōkyō-tō Minsei Kyoku Fujinbu Fukushima (Tokyo: Tokyo-tō Minsei Kyoku, 1972) 10-11.

<sup>55</sup>“Shishō no Torishimari Narabi ni Hassei no Bōshi Oyobi Hogo Taisaku ni Kansuru Jikan Kaigi Kettei,” reprinted in *Jinken*, Vol. 7 of *Nihon Fujin Mondai Shiryō Shūsei (FMSS)*, ed. Ichikawa Fusae (Tokyo: Domesu Shuppan, 1976-1980) 555.

in early 1947, a year's worth of maneuvering by the Japanese police and Home Ministry had rendered it meaningless.<sup>56</sup> Brothel keepers got a green light to operate largely as they had before.

By issuing carefully worded instructions and ever more euphemistic designations for businesses trading in sex, the Japanese authorities might have been subverting the letter of the law. They were not, however, misleading the Americans, who were concerned primarily with the spread of disease. In August 1946, Alfred Oppler of the Government Section wondered to his diary whether SCAP should ban prostitution altogether because “to impose puritan morality on this oriental nation was beyond the objectives of the Occupation and may even expose us to some ridicule.” He believed the most sound policy was to “intensify our measures for the protection of our men from venereal diseases and severely act against forced prostitution.”<sup>57</sup> As the Occupation progressed, SCAP did, in fact, focus on disease prevention, while responses to “forced prostitution” fell by the wayside.

In this way, the sex industry grew with tacit acceptance from both the Japanese and SCAP. To keep track of the expansion of this sector, the police began drawing colored lines around known pleasure quarters on their maps. Police generally avoided harassing “red-line” districts, which had long-standing connections to the authorities, and concentrated instead on the goings-on of the upstart “blue-line” districts.<sup>58</sup> Although

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<sup>56</sup>Fujino, *Sei no Kokka Kanri* 178-180.

<sup>57</sup>Alfred C. Oppler, *Legal Reform in Occupied Japan: A participant looks back* (Princeton, NJ: Princeton University Press, 1976) 157-58.

<sup>58</sup>Yoshikazu Nagai, *Fūzoku Eigyō Torishimari* (Tokyo: Kodansha Sensho Mechie, 2002) 71-73; Kimiya, *Tokubetsu* 28.

prostitution technically lost its legal status in 1946, the prewar licensed/unlicensed distinction lived on, courtesy of the patchwork regulations. By the mid 1950's, several hundred thousand women were thought to be working in the sex industry.<sup>59</sup>

The year 1948 was an important milestone in the history of bondage and prostitution in Japan. As many have pointed out, the Justice Ministry introduced the first postwar legislation prohibiting prostitution in this year. But that was not all. The year witnessed developments with more immediate and arguably lasting consequences. In September the “Law to Regulate Adult Entertainment Businesses (Fūzoku Eigyo Torishimari Hō, hereafter, Adult Entertainment Law)” went into effect, replacing an assortment of police orders that had governed public morals until 1947. These had granted the police extensive powers of oversight and therefore conflicted with the guarantees of 1946 Constitution. The concept of “adult entertainment (*fūzoku eigyō*)” narrowed the scope of oversight to businesses that featured “waitress service (*settai*),” dancing, and gambling. The first two usually led to sex. Inns and public baths, enterprises connected with prostitution in the public imagination and often in fact, avoided the “adult entertainment” label. Separate legislation, also passed in 1948, dealt with these businesses.<sup>60</sup> By the end of the year, many of the venues for prostitution had secured legal recognition.

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<sup>59</sup>Both pro-industry and abolition supporters claimed the rather spectacular number of 500,000. More sober estimates came in closer to 100,000, excluding base town prostitutes. The true figure likely lies somewhere in between. Nihon Minshutō, “Baishuntō Shōbatsu Hōan ni Nihon Minshutō wa Naze Hantai Shita ka?,” reprinted in *FMSS*, 661; Toshikazu Yamashita, “Baishun Gyōsha no Ugoki,” *Fujin to Nenshōsha* 5, No. 11 (1957) 7-8; Fujin Shōnen Kyoku, ed., *Baishun ni Kansuru Shiryo* 14.

<sup>60</sup>Fūeihō Nagai 64, 73; Masayoshi Honda, “Fūzoku Eigyo Torishimari hō Kaisetsu,” in Vol. 1 of *Sei Bōryoku Mondai Shiryo Shūsei Henshū Fukkokuban* (Tokyo: Fuji Shuppan, 2004) 145.

From 1948, local governments began to enact statutes against public solicitation, which was overwhelmingly regarded as a problem of streetwalkers and GIs. In a significant and deliberate omission, statutes exempted from criminal sanction prostitution that occurred inside brothels and houses of assignment (*kashizashiki*). Thus in 1952, when the sex industry came under fire for its role in the traffic in women and children, it had been running for several years on a solid legal footing.

Adding another layer of complexity, courts had recognized the contracts of bonded prostitutes as enforceable since 1902. When the Home Ministry codified prostitutes' right to free cessation in 1900, it had emboldened prostitutes to quit. That, in turn, led to a spate of disputes over advance wages, which worked their way through the court system. In the case of *Ōkuma Kin vs. Watanabe Mase*, the Supreme Court (*Daishin'in*) found prostitutes liable for repaying funds advanced by an employer. According to the precedent-setting 1902 judgment, prostitute indentures consisted of two separate parts: a labor contract (*kagyō*) and a debt note. Under consideration was the status of the debt note. If the sum were "advanced pay (*maebarai kyūkin*)," then the debt was void, since one could no longer legally contract to perform prostitute labor (brothels at the time operated under the pretense of room rentals). Instead, the Court concluded that the debt was a loan (*shōhi taishaku*), conceptually distinct from any promise a woman made about her labor. Therefore, it did not violate Article 90 of the Civil Code, which forbade "juristic acts contrary to good public morals." In other words, a prostitute could quit if she pleased, but would remain obligated to repay money borrowed from her employer. In the abstract, the Court could conclude that an indenture consisted of two unrelated agreements, neither of which compelled a woman to perform labor against her will. In reality, the only way a woman could hope to repay a loan was by working in a

brothel. The ruling seriously compromised a prostitute's right to "free cessation" (*jiyū haigyō*) and strengthened the hand of the sex industry. It served as the basis for 20<sup>th</sup>-century prostitute indenture until it was reversed in 1955.<sup>61</sup>

The attention generated by the 1952 hearings and the release of the "Principles" put the legal and institutional foundation of the sex industry under the microscope. And, each year the authorities were discovering more and more prostitutes working under bonded contracts. Although the "Principles" did not apply to adult women, and although prostitute indentures were valid contracts, abolitionists began to make use of the discourse on bondage. Women in the Diet and activists like Kanzaki began to link *jinshin baibai* with prostitution and to campaign against both. Indeed, Upper House member Fusae Ichikawa acknowledged that the linkage had been a deliberate choice.<sup>62</sup> One legal scholar thought that *jinshin baibai* suffered from overuse, but, what the highly charged term lost in precision, it made up for in effect.<sup>63</sup> As *jinshin baibai* became shorthand for all of the ills of prostitution, support for the industry plummeted. In 1949, 70 percent favored some form of legal prostitution in 1949. By 1957 the proportion that saw the necessity in retaining red line districts had dropped to 16 percent.<sup>64</sup>

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<sup>61</sup>Kaneko Yoshimi, *Baishō no Shakaishi* (Tokyo: Yūzankaku, 1992) 91; J.E de Becker, *The Nightless City, or the History of the Yoshiwara Yūkwaku* (Reprint of 1905 edition; New York: ICG Muse, Inc., 2000) 441. For the text of the decision see "Kashikin Seikyū no Ken Hanketsu [Decision on Collection of Loans]," reprinted in *FMSS*, 264-268. For a general history of legal questions in the free cessation movement by a participant, see Ulysses Grant Murphy, *The Social Evil in Japan and Allied Subjects* ([n.p.]: Methodist Publishing House, 1908).

<sup>62</sup>Tōru Ariizumi and Shigemitsu Dandō, eds., *Baishun* (Tokyo: Kawade Shobō, 1955) 219.

<sup>63</sup>Kimiya, *Tokubetsu* 91-92.

<sup>64</sup>Fujin Shōnen Kyoku, *Fūki ni Kansuru Seron Chōsa* (Tokyo: Fujin Shōnen Kyoku, 1949); "Baishun Mondai ni Taisuru Seron Chōsa no Gaiyō," *Fujin to Nenshōsha* 5, No. 11 (1957) 26-27.

Brothel keepers sensed the turning of the tides as early as August 1951. That month, the National Sexually Transmitted Disease Prevention Council (Zenkoku Seibyō Yobō Jichikai, hereafter Zensei), as the brothel lobby was known, met for its annual meeting. A resolution presented by a proprietor from Hiroshima drew unwanted publicity – Kanzaki put it in print just a few months later. To be sure, the bulk of it consisted of mundane calls for lower taxes, standardized terminology, and a crackdown on streetwalkers. One provision, however, gave brothel keepers pause, for it asked the state for help pressing errant prostitutes to repay money they owed. Fifteen years earlier, the call would have passed unnoticed. It was now so poorly timed that Kanzaki concluded “the atomic bomb drop must have affected the Hiroshima representative’s sanity.” The resolution came just days after Prime Minister Shigeru Yoshida had announced that he would not seek to reestablish the licensed trade after the departure of the Americans. Zensei members rushed to condemn the resolution. “People might misunderstand our intentions,” warned a proprietor from Kyushu. The hapless representative did not realize what had already dawned on his colleagues: the era of state-sanctioned bondage was coming to an end.<sup>65</sup> Brothel keepers had begun to shy away from acknowledging the loans they made, but clearly, the prospect of a loan had attracted many women to prostitution. In interviews with streetwalkers, sociologist Yōji Watanabe learned that many had first worked in brothels in order to obtain a cash advance.<sup>66</sup> Five years later in

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<sup>65</sup>Kanzaki, “Sengo Nihon Baishō Chizu,” December 1951, reprinted in *Musume o Uru Machi* (Tokyo: Shinkō Shuppansha, 1954) 192-194.

<sup>66</sup>Yōji Watanabe *Gaishō no Shakaigakuteki Kenkyū* (Tokyo: Hōkōsha, 1950) 117.

1955, 58 percent of prostitutes still admitted that they had taken out a loan at the start of their contract.<sup>67</sup>

Throughout the 1950's, demands for lawmakers to address prostitution intensified on many fronts. A coalition of women's and Christian groups renamed their Central Council on the Purity Problem to more accurately reflect their concern. From December 1952, the group would be called the Council to Promote the Enactment of an Anti-prostitution Law. The following July, the Upper House's Committee on Judicial Affairs organized a subcommittee to study prostitution. Then in October, women Diet members vowed to work across party lines for abolition. At the end of 1953, the Vice Ministers created a cabinet-level commission devoted to prostitution. Over these years, abolitionist legislation was submitted in the Diet several times, and, though legislation did not pass until 1956, each failure brought more attention to the sex industry and the labor conditions within it. And, since nothing titillated readers like a story of sex, the press kept episodes of bondage and trafficking in the headlines.<sup>68</sup>

Agitation reached a crescendo in 1955. Again, the press played a major role in fanning the flames of outrage. Within weeks of each other in the spring of 1955, two scandals gripped the nation. In the "Matsumoto Incident," brothel keeper Michio Matsumoto and his wife Tsurue concocted a bribery scheme that furnished prefectural officials with teenaged prostitutes. They had the girls appear in their school uniforms because, according to the Matsumotos, bureaucrats "like that kind of thing."

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<sup>67</sup>Fujin Shōnen Kyoku, *Sengo Arata ni Hasei Shita Shūshō Chiiki ni Okeru Baishun no Jitsujō ni Tsuite* (Tokyo: Fujin Shōnen Kyoku, 1955) 36.

<sup>68</sup>Timeline in *Tōkyō-tō Fujin Hogo*, 416-427; Ariizumi and Dandō, eds., *Baishun*, 216; Garon, *Molding*, 199-200.

A second scandal also involved a minor. The victim of the “Ōta Ward Incident” was a 16-year-old girl who had escaped from the geisha house to which her father had sold her. Geisha houses, though ostensibly providing customers with trained female entertainment, were in the vast majority of cases indistinguishable from brothels. This house was no different – the girl had accused her employer of forcing her into prostitution. After she ran away, the proprietor refused to forgive her debt and would not return her identity papers and belongings. Making matters worse, the police declined to help and turned her family away with useless advice: “She should go negotiate directly with the owner. It is best to settle this quickly,” and concluded with the adage, “one must work to repay what one has borrowed.” At wit’s end her stepfather contacted Kanzaki, who investigated together with an *Asahi* reporter. Their findings caused a sensation and led to an inquiry in the Diet. Applause reverberated through the hall as Upper House member Michiko Fujiwara demanded to know what the prime minister and his cabinet planned to do about prostitution.<sup>69</sup> But unlike the Matsumoto Incident, with its salacious charges of bribery and schoolgirl prostitution, the Ōta Ward Incident contained an element of ambiguity. Courts tended to make prostitutes repay advances in cases like these. Years of turmoil on the question of trafficking had not changed the fact that the status of the loan was still an open question.

In the fall of 1955, the Supreme Court handed down a ruling that rendered prostitute indentures null once and for all. At the center of the case was “Harue,” a

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<sup>69</sup> Ariizumi and Dandō, eds. *Baishun* 21-29; “Kagoshima no Doken Senshoku ‘Matsumoto Jiken,’” reprinted in *FMSS*, 600-601; Ichikawa, et. al, “Zadankai: ‘Baishun Bōshi Hō Seitei no Tōji o Kaerimite, Genzai no Mondaiten o Saguru,’” in *Tōkyō-tō Fujin Hogo*, 31; Katsu Fukuda, “Baishun Bōshi Hō to Fujin Dantai no Ugoki,” reprinted in *FMSS*, 713; Kanzaki, “Geisha Mondai,” *Fujin to Nenshōsha* 3, No. 26 (1955): 6-7; Kokkai Honkaigi, No. 13 (13 May 1955), <<http://kokkai.ndl.go.jp>> (24 June 2006).

prostitute who, like the girl in Ōta Ward, had run away before the end of her term. The brothel keeper took her father and her guarantor to court to recoup a ¥40,000 (U.S. \$111.10) cash advance. Since the landmark 1902 ruling, courts had generally held that prostitute indentures consisted of two separate parts: a labor contract that was not legally binding and a debt note that was. Breaking with over 50 years of precedent, the Supreme Court repudiated this interpretation. It found that the core of the contract was the fact that Harue would repay the lender with what she earned from working as a prostitute (*shakufu*). Without that understanding, there would be no loan. According to this new interpretation, the loan and labor agreement were inseparable. Harue's labor agreement violated the child welfare law (which prohibited minors from prostitution) and the Labor Standards Law, which prohibited contracts promising loans against future wages). Since the labor agreement was illegal, the loan was too, and her guardian and guarantor were freed from the obligation to pay it back. Legal analysts lauded the judgment, but doubted whether it freed adult prostitutes from their debts. Harue was a minor, after all, and the Court had emphasized her age in its ruling.<sup>70</sup>

Half a year later in May 1956, some of the uncertainty lifted when the Prostitution Prevention Law passed both houses of the Diet. This was the crowning victory of the 80-year-old abolition movement. The criminal provisions of the law, scheduled to go into effect in April 1958, made a range of activities illegal, including procurement, profiting from, furnishing a place for, and contracting a woman for the purpose of prostitution. But the law did something arguably even more important. It created women's consultative centers (*fujin sōdansho*) and a force of semi-professional counselors. This mechanism,

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<sup>70</sup>Sakae Wagatsuma, "Zenshakkin Mukō no Hanketsu," *Jūrisuto* (1 November 1955): 24-25; Hidemasa Maki, *Jinshin Baibai* (Tokyo: Iwanami Shoten, 1971) 222-24.

backed by the Supreme Court ruling, helped prostitutes extricate themselves from financial obligations to employers.

The first eight women's consultative centers opened in 1956 with a staff of nearly 500 part-time counselors.<sup>71</sup> Other agencies, though not required by law, ramped up services to prepare for an influx of clients. The Women and Minors' Bureau increased the number of participants in its volunteer (*kyōjoin*) program by 500. The Tokyo Metropolitan Government opened counseling centers in April 1957, and then gave counselors access to a special fund for abortions and other medical procedures. The fund was necessary because, as the Tokyo Welfare Office explained, prostitutes were usually not poor enough to qualify for public assistance.<sup>72</sup>

Many counselors seem to have been housewives with time on their hands to devote to social causes. The headmaster of one Tokyo area women's home recalled that Woman's Christian Temperance (WCTU) members vied for the chance to serve.<sup>73</sup> Good intentions were not always enough to warm prostitutes to the counselors. Those in Tokyo's Shinagawa Ward showed little enthusiasm. In response to a local poll, 11 said that the counselors were "a good thing," while 142 had no opinion.<sup>74</sup> The Yoshiwara Health Cooperative (Shin Yoshiwara Joshi Hoken Kumiai, henceforth YHC), an organization of Yoshiwara-area prostitutes, politely acknowledged the efforts of

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<sup>71</sup>Yasusuke Kawakado, "Baishunfu no Hogo Kōsei ni Tsuite," *Fujin to nenshōsha* 4, No. 37 (1956) 7-8.

<sup>72</sup>Kawakado, "Baishunfu" 7-8; Fujin Shōnen Kyoku, "Jūnen no Ayumi," *Fujin to Nenshōsha* 5, No. 9 (1957) 6-15; Tsuya Nakano, "Tōkyō-tō no Fujin Hogo Gyōsei no Ayumi," in *Tōkyō-tō Fujin Hogo* 283.

<sup>73</sup>Zadankai: Baishun Bōshihō no Seiritsu o Megutte," *Fujin to Nenshōsha* 4, No. 37 (July 1956) 19.

<sup>74</sup>Akira? (央) Sagehashi, "Kameido chiiku," in *Tōkyō-tō Fujin Hogo* 117.

counselors – and then urged them to go undercover into brothel streets to learn about realities of prostitutes’ lives.<sup>75</sup> At the same time, the YHC advised members to speak with counselors as they contemplated life after abolition.<sup>76</sup>

Many prostitutes apparently took the advice to heart. An increasing number approached state agencies as the deadline neared. More than 3,000 prostitutes visited Tokyo counseling centers in 1958, twice as many as in 1957, the first year of the program’s operation. The Civil Liberties Bureau also saw a rise in inquiries from prostitutes.<sup>77</sup> According to the Women and Minors Bureau, most cases concerned disputes over cash advances, unpaid wages, or items a proprietor refused to return. Each was unique, and each required a unique settlement. The time-consuming negotiations meant that, on average, a counselor could deal with only one case a week.<sup>78</sup>

The record of one investigation shows what prostitutes and bureaucrats were up against. It also provides a window into the ways that obligation and benevolence played out in the sex industry. A 16-year-old, unnamed, but whom I shall call “Akiko,” had been sold to a couple who promised her a job as a waitress. After a few days, a customer initiated her into prostitution by raping her. The proprietor told Akiko that, if she wanted to leave, she must return the ¥50,000 (U.S. \$138.90) given to her father. Conditions were

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<sup>75</sup>“Fujin Sōdanin ni,” *Fujin Shimpū*, No. 50 (1 February 1957) 1.

<sup>76</sup>“Dekiru Hito wa Kondon Kōsei o,” *Fujin Shimpū*, No. 52 (1 April 1957) 3.

<sup>77</sup>Tōkyō-tō Minsei Kyoku Fujinbu Fukushika, ed., “Tō ni Okeru Fujin Hogo Gyōsei no Genjō Mondaiten Taisaku,” in *Tōkyō-tō Fujin Hogo* 310, 514-15; Akifumi Tarao, “Baishun to Jinken Yōgo Gyōsei,” in *Tōkyō-tō Fujin Hogo* 268.

<sup>78</sup>“Fujin Shōnen Kyoku Sōsetsu Jūshūnen ni Atari: Sandai no Kyokuchō ni Kiku,” *Fujin to Nenshōsha* 5, No. 9 (1957):13; “Baishun Bōshihō no Zenmen Shikkō ni Sonaete no Gyōsei Sochi no Kyōka ni Tsuite,” *Fujin to Nenshōsha* 5, No. 11 (1957) 28-29; Sachiko Kanematsu, *Tojirareta Rirekisho: Shinjuku, Sei o Uru Onnatachi no 30 Nen* (Tokyo: Asahi Shimbunsha, 1990) 116.

bad: employees had no days off, even during menstruation. Fines were levied if they left the premises during the day and doubled at night. What sent Akiko over the edge was the threat to sell her to another brothel. Resale (*kuragae*) was widely feared by prostitutes because it would increase their debt. Without any hope of ever leaving the trade, the girl tried to throw herself in front of a train.<sup>79</sup>

Apparently at this point, a civil liberties commissioner got involved. Founded in 1948, the civil liberty commissioners program tapped lawyers and others with “knowledge of human rights” to assist individuals who suspected they had suffered a violation of their human rights, either at the hands of state agents or in private disputes with neighbors and employers. By the mid-1950’s, the program had grown to include several thousand members<sup>80</sup> This profile was very different from the welfare commissioners, who, as we have seen, tended to favor preserving bonded labor. The Women and Minors Bureau even identified some brothel keepers among the ranks of welfare commissioners in 1955.<sup>81</sup> From 1955 through 1957, the period during which Akiko was discovered, human rights commissioners aggressively intervened in cases of *jinshin baibai*.<sup>82</sup>

Officials from the local branch office met Akiko and the recalcitrant proprietor. The suicide attempt had convinced the bureaucrats that she had been forced into prostitution. All Akiko wanted was her debts forgiven and her belongings returned. The

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<sup>79</sup>Shinjirō Maeda, “Baishun Mondai ni Kansuru Sanshō,” *Hōritsu Jihō* 30, No. 2 (February 1958): 159-165.

<sup>80</sup>Jinken Yōgokyoku, *Jinken Yōgo Nijūnenshi* (Tōkyō: Jinken Yōgokyoku, 1968: 9, 19.

<sup>81</sup>Fujin Shōnen Kyoku, *Arata ni* 27.

<sup>82</sup>Tarao, “Gyōsei ”269.

proprietor and the female manager (*okami*) answered the charges with defiance – they had made a poor peasant girl pretty, and the advance to her father had “made a country bumpkin (*yamazaru*) human.” If the girl owed a lot, it was because she spent a lot. The proprietor conceded that they did restrict her activities, but not everyone hated the work. “Women get to do what they want, wear nice clothes... no work is as easy as this.” According to the female manager, while Akiko’s relationship with a customer might be a labor relationship, to the brothel Akiko was merchandise (*shōhin*). To turn a profit, the brothel must sell its commodity (*shinamono*). “The girl is not the victim here,” the proprietor declared, “I am.” Eventually, he agreed to let her go and to forgive her debt on the condition that she “left [the brothel] in the state she came to [them]: with nothing.” The bureaucrats reminded him that the Supreme Court ruling meant he had to release her and her possessions. Though it is unclear what happened to Akiko, the commissioner who had helped her, a doctor, promised to arrange for her to train as a nurse in his office.<sup>83</sup>

Not every case was pursued to its legal limits, and compromises might ignore the hard-won restrictions on bondage. For its part, the Civil Liberties Bureau rarely filed charges. Akiko’s case, in spite of clear violations of the Child Welfare Law and several others, does not seem to have resulted in any indictments.<sup>84</sup> Prostitutes sometimes wished to repay their debts, concluding that it was safer to return advances than to tempt employers to make good on their threats. Others told counselors they appreciated the care and protection they had received from their employers.<sup>85</sup>

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<sup>83</sup>Maeda, “*Sanshō*” 159-165.

<sup>84</sup>Tarao, “*Gyōsei*” 269-271.

<sup>85</sup>Kanematsu, *Rirekisho* 113; Satoyoshi, et. al., “*Zadankai*,” in *Tōkyō-tō no Fujin Hogo* 147.

Resolving disputes with brothel keepers was only half of the battle. Prostitutes were often heavily indebted to local businesses, and these debts remained valid even after the Supreme Court decision. Counselors spent much of their work days visiting dry cleaners and launderers to settle unpaid bills and pawnshops to redeem prostitutes' belongings. One recalled frequent trips to Shinjuku Station in Tokyo to retrieve items prostitutes had stowed in coin lockers. Counselors accompanied their clients on these errands because it was common for prostitutes to melt back into the world they were trying to leave. Though far from perfect, the various counselor and commissioner programs gave prostitutes a way to break ties with employers and lenders if they chose.<sup>86</sup>

Yet many prostitutes chose not to walk away. The threat of violence was just one of many reasons a woman might continue working in a brothel. Prostitution was, after all, the highest paid job available to women. Brothel keepers provided room, board, and the means by which a woman could support others. Neither the state welfare system nor other employers could match what brothels offered.<sup>87</sup> In truth, the Prostitution Prevention Law, the Supreme Court, ruling and the discourse against bondage created problems for women and their families. YHC officer Taeko Ōtomo vented her anger at the government in a roundtable discussion: "We don't want to do this job. That's right. But I want to ask: have you really thought through how to guarantee our parents' well-being? The prostitution law is all well and good, but before you submit it, why don't you give us a regular job? Why don't you feed our parents?"<sup>88</sup> The next month, the editors of the

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<sup>86</sup>Fujin Shōnen Kyoku, *Arata ni*, 45-46; Satoyoshi, et. al., "Zadankai" 163.

<sup>87</sup>Fujin Shōnen Kyoku, *Baishunfu no Tenraku Genin to Kōsei no Mondai*, reprinted in *Seikatsuhēn* 5, Vol. 23 of *Sengo Fujin Rōdō, Seikatsu Chōsa Shiryōshū*, eds. Hisako Takahashi, Saeko Harada, and Yasuhiko Yūzawa (Tokyo: Kuresu Shuppan, 1991) 139.

<sup>88</sup>"Yowai Mono Ijime no Shobatsu Hōan, *Fujin Shimpū*, No. 32 (15 July 1955) 2.

women's periodical *Fujin Shimpū*'s sounded a similar refrain: "We are not doing this job because we like it or because we are vain and dissipated. Call it old-fashioned morality, call it conservative, but we can't bear to see the hard lives of our parents and siblings."<sup>89</sup> And, despite the promises of the 1955 decision and abolition itself, many prostitutes feared the consequences of walking away from debts.

Perhaps it is natural that *Fujin Shimpū*, run by the YHC and closely aligned with area brothel keepers, ran features critical of abolition. Independent studies, however, confirmed that the claims of women like Ōtomo were not far from the truth. A survey of several hundred prostitutes and their families found that prostitutes maintained close ties with their families. Two-thirds of the prostitutes gave money to their relatives on a regular basis. Those who did not told surveyors they wanted to give, but had none to spare. Even prostitutes less inclined to share were under a great deal of pressure to contribute to their household incomes. Three-fourths received letters from parents asking for money "often" or "very often." Not content to wait for a response, one-fifth of parents said that they went their daughter's brothels for the express purpose of demanding money. A prostitute's earnings could mean the difference between destitution and comfortable living for her relatives. Over one-third told surveyors that they were the family breadwinner and, when questioned separately, parents agreed. And ties were more than financial. Half of the women claimed that they went home for occasional visits, two-thirds of whom felt they were treated with great respect when they did. In most cases, parents and close relatives were well aware of and grateful for – their work. Parents and

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<sup>89</sup>"Baishunhō ni Taisuru Watashitachi no Iken," *Fujin Shimpū*, No. 33 (25 August 1955) 3.

daughters shared the belief that prostitution was both the inevitable consequence of poverty and a legitimate response.<sup>90</sup>

In spring of 1958 when the lights went out in red line districts across Japan, it was not clear what would happen to the women and families who depended on the sex industry for survival. Ultimately, the effect of abolition was less disruptive than the press reports at the time suggested. Demand for the labor of prostitutes remained strong, and a large segment of the industry remained legal under the banner of adult entertainment. The prostitution “prevented” by the 1956 law was narrowly interpreted to mean “sexual intercourse,” so that every imaginable service short of penetration could be bought and sold.<sup>91</sup> Even intercourse became a part of the *fūzoku* family when a revision added Turkish baths to the regulation in 1966.<sup>92</sup> Since then, adult entertainment businesses with ties to the criminal underworld have backed the loans the state and police had enforced just a few years before. By contrast, children had completely ceased to be a significant or problematic percentage of the labor force.

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<sup>90</sup>Fujin Shōnen Kyoku, *Tenraku Genin*, 136-157; Fujin Shōnen Kyoku, *Arata ni*, 7: 58-59.

<sup>91</sup>For the English text of the Prostitution Prevention Law see Justice Ministry, *Materials Concerning Prostitution* (Tokyo: Justice Ministry, 1957) 32; Kimiya, *Tokubetsu*, 18-23.

<sup>92</sup>Turkish baths have been known as “soaplands” since a successful protest by Turkish exchange students in the early 1980’s.

## CONCLUSION

Today, most Japanese regard bonded labor exclusively as a problem of foreign sex workers. As many as 150,000 women, many from Thailand, the Philippines, and Colombia, work in Japan's underground brothels, which do not register with the police as required by the present incarnation of the Adult Entertainment Law.<sup>93</sup> A sign of the severity of the problem, in 2004, the U.S. State Department put Japan on its "Tier 2 Watch List" for states complicit in or indifferent to human trafficking. Along with countries such as Russia and Zimbabwe, Japan risked falling into the worst offender's category, Tier 3.<sup>94</sup> Japan's status has since been upgraded to Tier 2. The State Department explains the upgrade by noting that, although Japan "does not fully comply with the minimum standards for the elimination of trafficking," it has made progress.<sup>95</sup>

Yet vestiges of bonded labor appear in more mundane forms as well. Adult entertainment recruiting magazines (*fūzoku jōhōshi*) and websites, designed to appeal to young Japanese women, advertise advances (now called *bansu*) as one of many perquisites available (others include private waiting rooms, uniforms, even daycare and housing). One of the many online glossaries of sex industry terms explains for beginners how advances work: Novices can expect a loan of up to ¥300,000 (US \$2,770). Since it is "prohibited by law for the business to keep a cut of your earnings," the standard

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<sup>93</sup>International Labor Organization in Japan, *Human Trafficking for Sexual Exploitation in Japan 2004*: 34.

<sup>94</sup>Department of State, Office to Monitor and Combat Trafficking in Persons, *Traffic in Persons Report* (14 June 2005), <<http://www.state.gov/g/tip/rls/tiprpt/2004/33191.htm#japan>> (20 June 2005).

<sup>95</sup>Department of State, Office to Monitor and Combat Trafficking in Persons, *Traffic in Persons Report* (3 June 2005) and (5 June 2006), <<http://www.state.gov/g/tip/rls/tiprpt/>> (20 June 2006); On June 16, 2005, the Japanese government announced a significant revision to the penal code. Human traffickers will face stiffer punishments and non-Japanese victims will no longer be treated as illegal aliens. See "Japan Revises Penal Code, Immigration Law to Fight Human Trafficking," *Japan Economic Newswire*, 16 June 2005.

procedure is for one to return a set amount from each paycheck. The entry concludes by reminding the reader that “the system exists solely by the *good will* of employers... so be sure to repay your advance.”<sup>96</sup> Even as Japan confronts the problem of human trafficking of foreign nationals, a problem that has brought Japan extensive critical coverage in the international media, businesses throughout its regulated sex industry continue to blend the roles of employer and creditor.

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<sup>96</sup>Tinkle Co., *Fūzoku Gyōkai Yōgo Jiten*, <<http://www.tinkle.co.jp/dictionary/index.html>> (20 June 2005). The definition has since been modified.

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