

## **Emergency Statement by Japan-based Researchers and Activists Criticizing a New Form of Denialist Discourse on Japanese Imperial Military “Comfort Women”**

In December 2020, the international academic journal *International Review of Law and Economics* (IRLE) published online Harvard Law School Professor J. Mark Ramseyer’s article “Contracting for Sex in the Pacific War.” On January 31, 2021, *Sankei shimbun* presented the article’s findings under the headline “Repudiation of the argument that ‘comfort women = sex slaves,’” drawing wider attention to Ramseyer’s claims in Japan, South Korea, and also the world.

In contrast with the title, the actual article devotes a significant amount of space to discussing the pre-Pacific War system of legalized prostitution in Japan and Korea. The author applies principles of game theory simplistically to the contracts of prostitutes, which actually involved human trafficking, and presents these as if they had been agreements resulting from calculations made by two parties, the prostitute and the brothel proprietor, over conditions such as amount of payment and contract duration. Ramseyer then applies this interpretation to the case of the Japanese Imperial Military system of “comfort women.” He asserts that such agreements changed only in terms of pay and duration to reflect the risks of the battlefield, but can be understood as fundamentally the same consensual contractual relationship between Korean “comfort women” and proprietors. Moreover, as part and parcel of this argument, the author argues that, even in cases in which recruiters in Korea deceived women, this did not involve the Japanese government or military. Thus, this argument also denies the Japanese state’s responsibility.

That is to say that this article, in conflating “comfort women” with licensed prostitutes and arguing that licensed prostitutes were not subject to human trafficking but were parties to mutually beneficial contracts with proprietors, is trying to deny that there was any harm done to “comfort women” and that Japan bears any responsibility.

We cannot suppress our astonishment that this article passed through a scholarly peer review process and was published in an academic journal. We can only imagine that it was not checked by a specialist in modern Japanese history. Beyond that, the article not only ignores previous research and treats many cited Japanese sources arbitrarily, but it also makes essential assertions without offering any evidence. Below, we have organized the problematic issues into three main categories.

1) First of all, although the Japanese Imperial Military’s “comfort women” system and the system of licensed prostitution were deeply related, they were not the same. Unlike licensed prostitution, “comfort stations” were set up and managed at the direction and command of the Japanese military itself. “Comfort women” were recruited directly by the Japanese military or by military instruction or command. A vast body of research has made it clear that although there were cases of recruitment of women who had previously worked as prostitutes, geisha, or barmaids especially among Japanese women, most of the women had no involvement in the licensed prostitution system and were made to work as “comfort women” without contracts, through deception, violence,

and human trafficking. Nevertheless, Ramseyer ignores the existence of numerous documents demonstrating the active involvement of the Japanese military.

Most crucially, Ramseyer does not provide even one contract between a proprietor and a Korean “comfort woman,” even though such a document should be essential to his own argument. Beyond this kind of unsubstantiated claim, at every instance he uses only those parts of sources that are convenient for his own assertions. For example, a document he cites on page six of his article, a U.S. Office of War Information report from 1944, includes the information that 703 Korean “comfort women” who were brought to Burma did not understand the nature of the work before coming, and that many were subjected to human trafficking or kidnapping. Ramseyer does not acknowledge this information in the source at all.

2) There are also serious problems with his understanding of the modern prostitution system. Both the primary sources themselves and a voluminous historiography on this subject make clear that under the system of licensed prostitution, contracts for prostitutes were actually agreements to buy and sell people. Women were not free to stop working. But Ramseyer, through arbitrary citations to secondary sources and without producing evidence, argues that prostitutes and *karayuki-san* (women who were trafficked overseas to work at brothels) freely entered into contracts. For example, on page four of his article, he cites *Sandakan Brothel Number 8* to assert that the subject, Osaki, who was sold to a proprietor by her older brother, was not deceived by the proprietor and that even at the age of ten she knew what the job entailed. However, Ramseyer ignores several episodes from the book that contradict his assertions, including an instance in which Osaki resisted her employer and called him “a liar.”

3) This article completely lacks any perspective on women’s human rights and overlooks the authority exerted by a patriarchal system that placed restraints on women. Years of accumulated research suggests that—because women were denied freedom of residence, freedom of movement, the freedom to quit prostitution, and the freedom to refuse sexual activity—the Japanese military’s “comfort woman system,” like the system of licensed prostitution itself, was a form of sexual slavery. But this research is ignored in the article. Even though this is an article published in a journal that covers the related fields of law and economics, there is not even a trace of a sincere effort to investigate violations of domestic (criminal) law or international law (such as treaties or conventions concerning crimes against humanity, slavery, forced labor, the sale of women and children, or the Hague Conventions).

For the reasons stated above, we cannot recognize any academic merit in Ramseyer’s article.

Moreover, we are gravely concerned about the spillover effect of Ramseyer’s article. In addition to absolving the Japanese state of responsibility by explaining the “comfort woman” phenomenon in terms of a simple bilateral relationship between two parties (the woman and the proprietor), this article’s significance goes beyond that of simply being a piece of research by one researcher. It has been embraced by people who wish to deny Japan’s responsibility for perpetrating harm. Since the late 1990s, those in Japan, Korea, and elsewhere who deny Japanese state responsibility for the “comfort women”

system have insisted on statements similar to those made in Ramseyer's article: "Comfort women were licensed prostitutes," "Comfort women were engaged in voluntary prostitution," "Comfort women were highly compensated," "Comfort women were not sex slaves." This article of Ramseyer's encourages such denialists, who use the authority of an academic journal and Ramseyer's position as a scholar of Japan at a celebrated university in the United States to launder and regenerate their arguments. In addition, they attack criticism of this article's claims as "anti-Japanese," revitalizing an undercurrent of xenophobia and hatred toward Koreans in Japanese society. We are deeply anxious about this.

In light of the above, we would like to first request that the IRLE re-examine this article through an appropriate process of peer review and then, according to the results, retract its publication. In addition, our commitment to facts and historical justice leads us to oppose this denialist argument once again spreading in Japan. The current denialist argument is crossing borders as it expands through Japan, Korea, North America, and elsewhere. This is precisely why we wish to stand against this new form of the denialist argument about the Japanese imperial military's "comfort women" through a solidarity that transcends borders and languages.

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Fight for Justice (The Japanese Military "Comfort Women" Issue Website Production Committee)  
The Historical Science Society of Japan  
The Association of Historical Science  
The History Educationalist Conference of Japan