

## Scholarly and Public Responses to “Contracting for Sex in the Pacific War”: The Current State of the Problem, A Report by Concerned Scholars

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**Abstract:** *J. Mark Ramseyer's 2020 article "Contracting for Sex in the Pacific War" provoked numerous highly critical responses from the general public and the scholarly community. Our group composed a report that analyzed the article and concluded that it should be retracted because it misused and distorted evidence. After more than two years of investigation, during which Ramseyer published a response to his critics, the editors of the International Review of Law & Economics decided not to retract the article, but to keep a statement of concern attached to the final published version. In this follow-up report, we explore the legacy of the original article as it relates to problems of academic integrity and historical denialism in public discourse. We highlight Ramseyer's persistent strategies of obfuscation and suggest how historians might continue to address the problem of deliberately misleading scholarship masquerading as "academic freedom."*

**Keywords:** *comfort women; Ramseyer; academic integrity; historical denialism; Heterodox East Asia Community*

In December 2020, J. Mark Ramseyer (Mitsubishi Professor of Japanese Legal Studies, Harvard University) published “Contracting for Sex in the Pacific War” on the website of the *International Review of Law and Economics* (IRLE).<sup>1</sup> In this article, Ramseyer asserted that Japanese and Korean military comfort women were not coerced into sexual servitude, but rather were contractual actors who negotiated the terms of their own employment according to the game theory model of “credible commitments.” In the article, and in public statements about it in Japan’s *Sankei Shimbun*, Ramseyer claimed to have thoroughly debunked what he framed as an exclusively Anglophone consensus that Korean comfort women were coerced into sexual slavery, going so far as to call it “pure fiction.”<sup>2</sup>

The appearance of Ramseyer’s article provoked numerous responses from the general public and the scholarly community, most—with the exception of those from the Japanese and Korean far-right—highly critical of his claims and methods.<sup>3</sup> We responded with a detailed report that analyzed Ramseyer’s use of evidence and concluded that his work should be retracted because it failed to conform to generally accepted principles of academic integrity. Other scholars and academic organizations from Japan, Korea, and other countries issued their own reports and responses. The IRLE consequently attached a

statement of concern to the article. Ramseyer then published his own response. Finally, after more than two years of investigation, the IRLE's editors decided not to retract the article but to keep the statement attached to the final published version.

After spending two and a half years engaging with this article and its ramifications, we feel it is now an opportune moment to summarize the issues at stake in the academic and public discourse about Ramseyer's work. While many academics, several cited below, have been closely attentive to the developments in the case, it can be difficult to keep track of all the academic work, public statements, and media coverage. Below, we offer an assessment of the state of the problem as it relates to questions of academic integrity and historical denialism.<sup>4</sup> We begin by assessing Ramseyer's response to his critics, specifically focusing on the part of his work that addresses our critique, in order to demonstrate the persistence of his strategy of misreading evidence and misleading readers. We also discuss responses from other scholars and the substance of IRLE's final decision on his article. Finally, we evaluate the risks to public discourse of not confronting articles such as "Contracting for Sex in the Pacific War," and we suggest how historians might continue to engage with the problem of misleading scholarship based on false claims masquerading as "academic freedom."

### **More of the same? Ramseyer's "A Response to My Critics"**

As noted above, in February 2021, we wrote a report asking IRLE to retract Ramseyer's article on the grounds that it misused evidence to such an extent that we considered it lacking in academic integrity. Around the same time that we issued this report and sent a copy to the IRLE, other scholars also spoke out about not only this paper, but also other publications by Ramseyer, raising many of the same issues.<sup>5</sup>

In the following months, major Japanese historical associations, including the Historical Science Society of Japan, The Association of Historical Science, The History Educationalist Conference of Japan, The Japanese Society for Historical Studies, and The Japan Association for Korean History, signed on to a statement that concurred with our assessment. Their statement concluded, "we cannot recognize any academic merit in Ramseyer's article." Accordingly, they wrote, "We would first like to request that IRLE re-examine this article through an appropriate process of peer review and then, according to the results, retract its publication . . . [O]ur commitment to facts and historical justice leads us to oppose this denialist argument once again spreading in Japan."<sup>6</sup>

Nearly a year later, in January 2022, Ramseyer issued "Contracting for Sex in the Pacific War: A Response to My Critics." When this paper first appeared, we decided it was not worth the time required to write an extensive analysis. As Tessa Morris-Suzuki writes, "[Ramseyer's] misinformation and misuse of sources is on such a scale that disentangling it requires voluminous documentation of the sort that does not fit readily into a standard academic article or book chapter."<sup>7</sup> However, as various groups continue to legitimize Ramseyer's work, and hold up his response as if it were a substantive rebuttal, we feel it is important to comment here.

In Ramseyer's "Response," he admits that he never had access to any actual contracts for work in comfort stations. But much of his response rests on the assertion that he never claimed to have them in the first place. In fact, he professes not to understand how readers could have believed that he based his analysis of contractual conditions on actual contracts. He writes, "I never claimed to have a data set of actual contracts," and "No one could actually read beyond the customary summary language in the 'abstract' to the article and imagine that

I had a dataset of signed contracts.”<sup>8</sup> This is misleading. In the body of the original 2021 article, Ramseyer wrote: “I compare the sexual service contracts the entrepreneurs and women negotiated (i) for the comfort stations, with the contracts they negotiated (ii) for domestic Japanese brothels, (iii) for domestic Korean brothels, and (iv) for the non-comfort-station war-time brothels across Japanese-governed East Asia. Finally I turn to the contracts used by the comfort stations themselves.”<sup>9</sup> This is a claim to have contracts that can be compared.

Similarly, elsewhere in the “Response,” Ramseyer asserts, “I never claim that [the evidence] I have is representative,” and asks readers to glance at page six of his article.<sup>10</sup> This page does not contain any consideration of the limitations of the sources. Instead, it introduces scattered evidence drawn from templates and secondhand references to contracts and makes statements, drawn from them, about what comfort stations “typically” and “usually” did. He writes of comfort stations, “the contracts usually specified only two year terms,” and “Typically, for the two-year job they paid several hundred yen up-front.” He concludes the section with an unqualified statement: “Note what this [evidence] means: in compensation for the much higher risks involved, prostitutes at the comfort stations earned much higher pay.”<sup>11</sup> These are claims to representativeness.

While asserting that he never made the central claims in the original paper, Ramseyer diverts attention to peripheral issues that were never addressed in either “Contracting for Sex” or the responses by historians. For example, he includes a long discussion of a forty-year-old fraud perpetrated by a man named Yoshida Seiji, which was uncovered in the 1990s and conclusively dispelled over a decade ago.<sup>12</sup> He also devotes significant space to a discussion of whether or not Korean comfort women were “dragooned” and a consideration of how their testimony changed over time, none of which is

relevant to his original analysis of “contractual conditions” or the allegations that he misused sources. At the end of the piece, he appends a list of sources about comfort women contracts, consisting of cherry-picked evidence from published scholarship, most of which was never mentioned or cited in his original article.

At several points in his response, Ramseyer rejects basic evidentiary standards that are widely shared, not only in the discipline of history, but across fields. In the face of countervailing historical evidence, he insists on his own counterfactual conjectures on the basis of “common-sense.” In response to our point that the indentured women he discusses did not, in fact, “disappear,” he writes: “They could disappear—nothing about Borneo at the time would have required them to find someone who would buy them out. This is not about law; this is about common-sense. These three young women walked to the harbor, caught a boat, and went to Borneo. Had they wanted, they could simply have disappeared.” (Note that Ramseyer’s “common sense” here is predicated on his mistaken belief that Borneo in the early twentieth century was a “large, anonymous city.”)<sup>13</sup> In response to criticism that he cites secondary scholarship as if it supported his claims, while ignoring that the substance of its argument directly contradicts them, he writes, “I was not saying—or even implying—that Kim & Kim support the thesis of my IRLE article. I was citing some specific material in their book,” adding “If anything, I might have thought it good practice to read and cite the work of authors who disagree with one’s thesis and conclusions.” He acknowledges no responsibility to accurately represent the work he has cited. This practice of Ramseyer’s has been an even more egregious problem in his work on zainichi Koreans. For example, he distorts the work of a leading historian, Yamada Shōji, by citing him vaguely and approvingly while ignoring that Yamada’s argument is diametrically opposed to his own.<sup>14</sup>

“A Response to My Critics” also features patterns of miscitation and misrepresentation similar to those appearing in his original paper. For example, Ramseyer devotes two pages to a translation of what he represents as an interview with a former comfort woman about her experience making a contract to work at a comfort station. However, he does not make clear that the original contract was negotiated in 1934 and was not for work at a comfort station. A second series of negotiations described in the interview, taking place in Fengtian, China, was not for work at a comfort station, either. While the interviewee eventually ended up at a comfort station, she does not discuss making a contract for this work anywhere in the text Ramseyer has reproduced. Here, Ramseyer does not work from the original source, but cites the interview as “reprinted” by the economic historian Lee Wooyoun (who is co-founder of a group called “End Comfort Woman Fraud”) in a Yahoo News Japan article, without providing a URL, and also refers the reader to an alternative translation by Lee in a *JAPAN Forward* article (again, without a URL).<sup>15</sup>

Ramseyer also selectively cuts quotations to obscure the context in which they appear. An example of misleadingly cutting a quotation appears in the discussion of what Ramseyer represents as exculpatory evidence for one of his claims, which is that ten-year-old *karayuki* Osaki said that she knew what the job of prostitution entailed. (*Karayuki-san* were Japanese women sent to other Asian countries to work as prostitutes in the late nineteenth and early twentieth centuries.) He says “Osaki...herself assures the reader that she took the job knowing the rough contours of what it entailed.” As support, he includes one directly quoted translated word “rough” (*usuusu*) from a Japanese phrase meaning “had a rough sense” (*usuusu kentō ga tsuitotte*). But the full quote reads, “*Usuusu kentō ga tsuitotte mo, hontō no koto wa dare mo oshiete kuren shi, kikare mo sen shi, shikkai wakarantai.*”

Translated, this reads, “Although I had some idea of what a prostitute did, no one explained to us exactly what went on and we didn’t ask. We really didn’t know anything.” Moreover, this sentence comes at a point in the narrative after Osaki was already living at the brothel, not before she signed the contract.<sup>16</sup>

The response to our group’s specific criticism was riddled with further distortions and errors of fact, and he often misrepresents the substance of our criticism. First, one of his assertions is a complete fabrication. He refers to our “claim that the Japanese army forcibly dragooned Korean women into comfort station work” when we do not make any such claim in our critique.<sup>17</sup> Ramseyer also suggests that our objection to his citation of an anonymous rightwing blog in place of an original source was that it was a publicly available English translation (“the critics object that I quote from a nicely done English translation on a publicly available website rather than using her Japanese or Korean memoir.”)<sup>18</sup> In fact, the problem was that he used a rightwing blog composed of a highly tendentious selection of quotes and deceptively cited it as “Korea Institute of History” while including no URL, page number or description that would allow readers to understand the context. He continues to rely on this site for quotations in “A Response to My Critics,” citing it eight times, often in place of original sources in Japanese, though he does include a URL.

Moreover, Ramseyer accuses our analysis of dishonestly “omitting” references to evidence that he thinks supports his claims, even when he did not actually cite or discuss such evidence in his paper. This is his typical response to criticism that he has cherry-picked his evidence from a text: he points to other passages within the text that he believes are validating, even though he did not originally cite them, and then excoriates his critics for not acknowledging them in the critique. This sidesteps the question of the contradictory

evidence he ignored in the original paper. For example, he criticizes us for “omitting a crucial detail” that Mun Ok-ju, a comfort woman whose testimony he cites, received permission to return home to Korea but chose not to board the boat home at the last minute. It is unclear why we should have addressed this, as he did not mention it at all in his paper, and the purpose of our work was limited to checking his claims and citations.<sup>19</sup>

Occasionally Ramseyer points to vague assertions elsewhere in his article as an indication that he has addressed this countervailing evidence, even though they have nothing to do with his discussion of the text in question. For example, Ramseyer attempts to rebut our point that he cherry-picks evidence from the story of Mun Ok-ju by ignoring her account of deception, abuse, and coercion. In a passage called “Abuse,” he contends that he has addressed this issue in his original paper, and cites a paragraph that in fact has nothing to do with Mun specifically, or even with the topic of abuse. Rather, it is concerned with questions of non-payment, also a serious issue, but not the one being addressed.<sup>20</sup>

### The IRLE’s response

In spring 2023, the IRLE, which had followed the Committee on Publication Ethics guidelines in response to the criticisms and calls for retraction, finally issued its own judgment on the paper. They explained that they had repeated the process of peer review, this time asking four historians for their feedback. They noted that all four reviewers expressed concerns about Ramseyer’s interpretation of evidence, and they all agreed that his article “does not warrant overturning the historical consensus.” Nevertheless, in the editorial board’s estimation, according to the “strict terms of the COPE guidelines,” which required “clear data fabrication or falsification,” his paper did not meet the bar for retraction. The

editorial board also raised the question of whether the paper’s use of evidence “constitutes qualitative error akin to a miscalculation or experimental flaw.” On this point, the editorial board was divided, with some members believing the paper should, in fact, be retracted on this basis. Ultimately, they decided against retraction, but they did leave an expression of concern attached to the article so that readers would be aware of the serious concerns it raised.<sup>21</sup>

At the same time, in 2023, Eyal Winter, a specialist in game theory, published his own assessment of the paper in the IRLE. He wrote, “I find the paper seriously lacking scientific rigor” and noted Ramseyer’s lack of any engagement with the relevant scholarly literature on game theory - other than a citation of a thirty-year-old article by Ramseyer himself, on the topic of “indentured prostitution in imperial Japan.”<sup>22</sup>

In August 2023, the Japanese historian Yoshimi Yoshiaki and three translators (Emi Koyama, Tomomi Yamaguchi, and Norma Field) published an article in IRLE.<sup>23</sup> This article, which criticizes Ramseyer’s paper, is a revised version of an analysis Yoshimi first produced in response to the IRLE editorial board’s request in 2021, and which he posted on SSRN in 2022, frustrated that Ramseyer had addressed the paper in “A Response to My Critics” before it had actually appeared in print.<sup>24</sup> Yoshimi’s article is more of a counterargument than a point-by-point fact check, as it introduces contextual evidence that Ramseyer’s original paper lacked. For example, Yoshimi explains that rules and prices at comfort stations were directly controlled by the Japanese military and points to examples in which Japanese military personnel admitted to knowledge that comfort women had been trafficked and abused. At the same time, Yoshimi also points out many of the issues of incorrect citation and distortion that we cited in our critique. He calls Ramseyer’s rendition of the *karayuki-san* Osaki’s story a

“pure fabrication” and, describing one of his many miscitations, points out: “Citation errors such as this are numerous throughout Ramseyer’s article, primary responsibility for which lies with the author, of course, but also indicate failure of the peer review process leading to the publication of this piece.”<sup>25</sup> In the end, Yoshimi’s judgment aligns with that of the many scholars who have criticized “Contracting for Sex” for its dishonest or misleading use of evidence: “there are many instances in Ramseyer’s paper where he fails to provide any evidence for the claims he makes, or the sources he presents actually prove the opposite of what he claims.”<sup>26</sup>

### **Ramseyer on the offensive: allies, enablers, and the weaponization of “academic freedom”**

As scholars have worked on careful responses to his article, Ramseyer and his allies have gone on the offensive, working through the rightwing media outlet *JAPAN Forward* and its parent newspaper *Sankei Shimbun*. (To date, *JAPAN Forward* alone has published over thirty pieces praising Ramseyer’s article, many of them by managing editor Jason Morgan.) These pieces often feature quotations from Ramseyer alongside ad hominem attacks on his most prominent critics, including a baseless attack on one of the co-authors of this paper as a North Korean sympathizer.<sup>27</sup> His forthcoming book, co-authored with Jason Morgan, which is entitled *The Comfort Women Hoax: A Fake Memoir, North Korean Spies, and Hit Squads in the Academic Swamp*, promises more of the same.

When Ramseyer tries to defend his own thinking, his accounts are sometimes revealing but often inconsistent or even false. For example, in one article in *JAPAN Forward*, he claims, “The critics . . . apparently want to claim that there’s a historical consensus that

these women were sex slaves. There’s certainly no such consensus among scholars in South Korea and among Japanese scholars,” ignoring that major Japanese historical associations, in condemning his work, explicitly affirmed this consensus. In their Emergency Statement cited above, these groups write, “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.”<sup>28</sup> In the same article, he claims that he came across evidence about “comfort women” while researching “Zainichi crime”: “It was around the year 2018. I was working on issues related to crime in underclass societies in the prewar and postwar eras. As I investigated Zainichi’s crime, I came across resources about comfort women.”<sup>29</sup> But he offers an entirely different and more innocuous explanation in an article published in Japanese (and then translated into English) just days later. That article asserts, “While researching historical Japanese documents related to the economy, [Ramseyer] discovered materials about comfort women. As he perused these materials, he unearthed facts that were entirely different from the prevailing notion in the United States.”<sup>30</sup>

These inconsistencies do not seem to bother Ramseyer or his allies, because the point is not to make a sustained argument, but to intimidate those who would offer criticism and to create the illusion of a hidden truth that exists in Japanese language sources that only they can read. This strategy depends on ignoring the many Japanese critics of his work and focusing on the ostensible political motivations and perceived deficiencies of Anglophone scholars. Ramseyer frequently alleges that his U.S.-based critics cannot (or refuse to) read original Japanese sources.<sup>31</sup> This is ironic, given that one of the most common

criticisms of Ramseyer’s work is that he tends to cite highly tendentious rightwing blogs and publications colloquially known as “Hate Korea Books” (J: *Kenkanbon*) in place of original sources.<sup>32</sup> Moreover, since he admits in his English-language writing that the critics who recommended retraction have found errors in his own citations of Japanese documents, he knows his assertion that his foreign critics neglect to read original Japanese sources is baseless.<sup>33</sup>

Ramseyer also seeks attention and sympathy by claiming that his academic freedom has been compromised. He says he has received threatening emails, and this is a legitimate complaint: threats against scholars who write on this issue, from all sides, are very common, and they are an impediment to everyone’s academic freedom.<sup>34</sup> Otherwise, he seems to have little cause for complaint. The office of Harvard’s president was quick to defend Ramseyer, saying that “his views are his own” and reaffirming that they were covered by “academic freedom.” As far as we know, Ramseyer has not been subject to any disciplinary proceedings, and he remains a professor in good standing at Harvard Law School and a faculty affiliate of the Reischauer Institute for Japanese Studies. He published a book on contracts with Cambridge University Press in July 2023. He has, however, been required to significantly revise his submission to the 2021 *Cambridge Handbook of Privatization*, in which he played up long-discredited rumors about Korean subversion and violence in prewar Japan.<sup>35</sup> In sum, he has retained all his academic affiliations, and he remains free to publish with academic outlets of his own choosing, as long as his work passes peer review.

Nevertheless, Ramseyer has found a supportive forum for his complaints at the Heterodox East Asia (HxEast Asia) Community, headed by Joseph Yi (Hanyang University, South Korea) and Shaun O’Dwyer (Kyushu University, Japan),

as a regional branch of the U.S.-based organization Heterodox Academy, which purports to foster open dialogue on controversial issues. The group has advertised Ramseyer’s presence at their events on more than one occasion. Most recently, in June 2023, the group invited Ramseyer to discuss academic freedom and also to contribute to an exercise in which participants would establish “shared facts” on the comfort women issue.<sup>36</sup> The fact that Ramseyer is still invited to contribute to such forums to share his academic expertise on this issue, even though several historians and historical associations have pointed out that his evidence for his claims is distorted and in some cases fabricated, is a troubling indication of how self-appointed defenders of “academic freedom” are willing to lend their credibility to denialist arguments.

Ironically, Ramseyer provided a stark example of this problem at the event in question, when, in defense of his position, he argued that Holocaust denialism should be allowed at research universities. His reasoning was that limits on any kind of speech—even fraud, racism, and Holocaust denial—might provide a template for censoring Mark Ramseyer:

So you know I, we have discussions in faculty meeting sometimes and some faculty will say ‘Well yeah no of course we should have freedom of speech, but of course you know we wouldn’t allow Holocaust denial,’ or they’ll say ‘Well of course but we wouldn’t allow racism, I mean we don’t hire racists, so we wouldn’t want to allow professors to engage, to say racist things,’ or they’ll say ‘Well of course but we allow

any sort of research, but of course we don't allow fraud why would we allow fraudulent research.' Well, you see what this does—and this is my experience—is what this does is it gives people who want to censor a template. If we don't allow Holocaust denial, then they say, 'Well Ramseyer talking about comfort women the way that you do is analogous to Holocaust denial and so it should be banned.' They'll say 'Ramseyer this is anti-Korean prejudice that's like racism we don't allow racism you're a white supremacist and so we're going to ban you,' or they'll say 'You know we don't allow fraud,' and so they will come up with, as far as I'm concerned, preposterously dishonest attacks claiming it's fraudulent. So I mean it seems to me it has to be that anything is allowed. If you don't like what somebody says you write an article opposed to it, you debate it, and that's what journals are for. You don't shut them down in advance. It's just, a research university can't work if things are banned in advance. And if you're going to have research universities open then you can't have criminal sanctions either.<sup>37</sup>

The Heterodox East Asia Community, which continues to insist that Ramseyer is a legitimate voice on the “comfort woman issue”

as well as concerns about “academic freedom,” omitted the content of his argument in their published reports on the event, though they did post a full recording on YouTube. (Oddly, the first article on this event, published by a member of the Heterodox East Asia Community, omitted his presence entirely, even though the event had been billed days earlier in the same venue as “Debating Lee Seok-ki and Mark Ramseyer.”<sup>38</sup>) By inviting Ramseyer to forums where he can complain about threatened academic freedom, and publicizing his attendance, but not reporting that he actually includes both Holocaust denial and research fraud in his definition of academic freedom, the Heterodox East Asia Community is giving him an outlet to share denialist rhetoric while obscuring his more extreme claims. This works against their stated goal of promoting open discourse, but it does provide a veneer of legitimacy for Ramseyer’s work, which is why his allies have heralded the Heterodox East Asia Community event as “almost revolutionary” and “a sea change in discourse about [the comfort women].”<sup>39</sup>

In spite of the dedicated efforts of scholars who have documented the distortions and misrepresentations underlying Ramseyer’s arguments in various academic publications, the paper continues to be treated as a serious contribution in public forums, in quasi-academic organizations such as the Heterodox East Asia Community, and in the popular press.<sup>40</sup> This effort at rehabilitation culminates in publications where Ramseyer’s false claims are treated as one legitimate perspective among many.<sup>41</sup> Joseph Yi has recently posted a working paper framing Ramseyer as a “dissenting” scholar. In his discussion, he equates Ramseyer’s work with “academic lectures and popular films that argued or implied that Korean women were forced into prostitution,” as if they are simply statements of opposing viewpoints.<sup>42</sup> Yi represents himself as a defender of Millian “procedural” liberalism, in contrast to a militant and



censorious “VR [Victims’-Rights] left,” putting himself in the position of a neutral arbiter who is willing to hear and tolerate competing claims. He does not recognize that there is a difference between a well-established historical fact, corroborated by oral testimony, documentary evidence, and decades of scholarly research—that “Korean women were forced into prostitution” at comfort stations—and Ramseyer’s series of widely discredited assertions to the contrary. This is a false stance of neutrality, putting preposterous distortions and responsible scholarship on the same plane. The implication is clear: academics engaged in historical research are censors limiting the range of acceptable discussion for political reasons, and Ramseyer is a brave dissenter telling a version of the truth they do not want others to hear. Because Yi omits any discussion of *why* historians have rejected Ramseyer’s work, a naive reader might assume that Yi’s claims are true, and Ramseyer’s perspectives were empirically sound but simply politically unpalatable.<sup>43</sup>

This is why we continue to believe retraction would have been the correct remedy for the failure of IRLE’s original peer review process. As long as the paper exists in IRLE, it can be endlessly revived and treated as legitimate scholarship by politically motivated organizations and individuals. Despite the IRLE’s “statement of concern” and damning assessments by both a subject matter expert (Yoshimi) and a game theory scholar (Winter) published in the same venue, Ramseyer’s allies are using the fact that the paper still stands as evidence that its “truth” has been vindicated.<sup>44</sup> This has consequences in the world beyond academia. On August 21, 2023, Ramseyer addressed a study group, convened jointly by the ruling Liberal Democratic Party’s Foreign Affairs Division and its Special Committee to Establish Japan’s Honor and Trustworthiness, as an expert on the “the comfort women system and academic freedom.” Reporting on the event, far-right Diet member Sugita Mio

contrasted Ramseyer’s “clear logical argumentation” with the “fierce bashing from the Korean and American academies” and “his critics’ emotional demands for retraction.” She praised him for his courageous “denial of the claim that comfort women equal sex slaves.”<sup>45</sup>

### Repairing the damage and moving forward

This mobilization of an article that does not meet the basic standards of academic integrity was entirely predictable in the political context of contemporary Japan. It demonstrates that not only has Ramseyer not been silenced or canceled, he has been embraced by segments of Japan’s ruling party, because his unsubstantiated claims offer ammunition for their historical denialism. Ramseyer and his allies argue that his freedom has been limited by other scholars, but being a tenured professor does not confer an automatic right to publish lies and distortions in academic journals. In our assessment, while Ramseyer’s academic freedom does not appear to be in jeopardy, the ideal of academic integrity—the principle that papers published in scholarly journals, however offensive or unpopular, represent honest efforts to seek truth without misleading the reader or distorting the evidence—has been badly damaged.

How do we move forward from here? More academic work might seem insufficient to repair the harm, as one of the strategies commonly used by denialists, including Ramseyer, is ignoring (or entirely misrepresenting) honest and careful scholarship. In that sense, there is no academic remedy for claims that have no scholarly basis in the first place. But while there might not be a way to prevent denialism from persisting in the public sphere and among politically motivated groups, we can certainly be more vigilant about combating the misuse of evidence in peer-reviewed journals and other academic spaces, and we can document how

fraudulent claims circulate elsewhere.

In the two and a half years since Ramseyer's original paper was published, many of us have been making a concerted effort to think, write, and teach about the history of the comfort women so that students, fellow scholars, and members of the public will understand the breadth and extent of the historical evidence showing that the Japanese military was directly responsible for organizing and maintaining a system in which women were held in bondage, raped, and subjected to brutal violence. We have been gratified to learn that many of our colleagues assign both Ramseyer's original article and our fact-check in their undergraduate classes as examples of how writers can distort evidence in the service of a tendentious argument, and how the work of historians can expose this deception. There is also more that can be done, particularly to

make Japanese-language sources and scholarship more available to English-speaking audiences. Members of our group are working on various strategies to make this happen, from hosting websites, to teaching seminars, to presenting at conferences, to publishing new translations and research articles. We are grateful for the many scholars who have joined us in this endeavor, and we hope our work and theirs provide new impetus for future scholarship.

### Acknowledgements

The authors wish to thank Paula R. Curtis and Ethan Mark for their helpful comments on the draft of this essay.

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## Notes

<sup>1</sup> J Mark Ramseyer, "Contracting for sex in the Pacific War" *International Review of Law and Economics*, 65 (March 2022), published online December 1, 2020. <https://doi.org/10.1016/j.irl.2020.105971>

<sup>2</sup> Mark Ramseyer, "Recovering the Truth about the Comfort Women," *JAPAN Forward* January 12, 2021. <https://japan-forward.com/recovering-the-truth-about-the-comfort-women/> (accessed

September 2, 2023).

<sup>3</sup> While the discussions surrounding Ramseyer's article are often limited to Japan-Korean historical relations, the "comfort woman system" was not limited to trafficking women from colonial Korea. It is beyond the scope of our discussion here to discuss the substantial evidence establishing this historical fact.

<sup>4</sup> Our definition of "denialist" follows Tessa Morris-Suzuki, who uses the term to describe the lobby groups that arose in Japan in the 1990s that "rejected evidence of the forced recruitment of 'comfort women' and more generally sought to justify Japan's wartime actions." Tessa Morris-Suzuki, "Un-remembering the Massacre: How Japan's 'History Wars' are Challenging Research Integrity Domestically and Abroad." October 25, 2021. <https://gjia.georgetown.edu/2021/10/25/un-remembering-the-massacre-how-japans-history-wars-are-challenging-research-integrity-domestically-and-abroad/>. Notably, Japanese historical associations, cited below, use the same descriptor, *kyohi shugi*, for Ramseyer's work.

<sup>5</sup> Amy Stanley, Hannah Shepherd, Sayaka Chatani, David Ambaras, and Chelsea Szendi Schieder, "Contracting for Sex in the Pacific War": The Case for Retraction on Grounds of Academic Misconduct." *Asia-Pacific Journal: Japan Focus* 19, no. 5 (2021) <https://apjif.org/2021/5/ConcernedScholars.html>. See also, for example, Andrew Gordon and Carter Eckert, "Statement by Andrew Gordon and Carter Eckert concerning J. Mark Ramseyer, 'Contracting for Sex in the Pacific War,'" February 17, 2021, <https://nrs.harvard.edu/URN-3:HUL.INSTREPOS:37366904>; Timothy Amos, Maren Ehlers, Anne McKnight, David Ambaras, and Ian Neary, "Doing Violence to Buraku History: J. Mark Ramseyer's Dangerous Inventions'." *The Asia-Pacific Journal, Japan Focus* 19, no. 9 (2021), <https://apjif.org/2021/9/Amos-Ehlers-McKnight-Ambaras-Neary.html>.

<sup>6</sup> Emergency Statement by Japan-based Researchers and Activists Criticizing a New Form of Denialist Discourse on Japanese Imperial Military "Comfort Women" (English translation at [http://fightforjustice.info/wp-content/uploads/2021/03/FFJ\\_ENGLISH\\_20210327.pdf](http://fightforjustice.info/wp-content/uploads/2021/03/FFJ_ENGLISH_20210327.pdf) (accessed August 31, 2023)). The original Japanese statement is available on the Japanese Society for Historical Studies site under <https://www.nihonshiken.jp/category/activities/statement/page/2/> (accessed September 2, 2023).

<sup>7</sup> Tessa Morris-Suzuki, "Unwriting the Wrongs: History, Trauma and Memories of Violence in Germany and Japan," in Tina Burrett and Jeff Kingston, eds., *Routledge Handbook of Trauma in East Asia*, (Routledge, 2023), p. 57. Despite the magnitude of this challenge, many scholars have contributed responses to the original article and later "Response" in the years since their publication. For example, Lee Yong-Shik, Natsu Taylor Saito, and Jonathan Todres, "The Fallacy of Contract in Sexual Slavery: A Response to Ramseyer's 'Contracting for Sex in the Pacific War,'" *Michigan Journal of International Law* 42, no. 2 (2021) <https://doi.org/10.36642/mjil.42.2.fallacy>; Hosaka Yuji, "'Contracting for Sex?': 'True Story' of the So-Called 'Comfort Women' during World War II," *Journal of East Asia and International Law* 14, no. 1 (2021); Min Pyong Gap, "Introduction: A Critical Evaluation of Mark Ramseyer's Arguments for 'Comfort Women' as Voluntary Prostitutes with Labor Contracts," *Journal of International Women's Studies* 24, no. 9 (2022). Scholars have also responded to Ramseyer's 2022 "response to my critics": see Lee Yong-Shik, "On Ramseyer's Response to the Critics of 'Contracting for Sex in the Pacific War,'" *Law and Development Review* 15, no. 1 (2022) and Kang, "Ramseyer's History Denialism and the Efforts to 'Save Ramseyer.'"

<sup>8</sup> J. Mark Ramseyer, "Contracting for Sex in the Pacific War: A Response to My Critics"

(January 4, 2022), Harvard Law School John M. Olin Center Discussion Paper No. 1075, Available at SSRN: <https://ssrn.com/abstract=4000145> or <http://dx.doi.org/10.2139/ssrn.4000145>, pp. 1, 12.

<sup>9</sup> Ramseyer, "Contracting for Sex," p. 2

<sup>10</sup> Ramseyer, "A Response to My Critics," p. 34.

<sup>11</sup> Ramseyer, "Contracting for Sex," p. 6.

<sup>12</sup> Ramseyer, "A Response to My Critics," pp. 16-22. Ramseyer has also recently insisted that his original article would have stood up to scrutiny if only the IRLE had allowed him to include a section "debunking Seiji Yoshida's fallacious stories." Kenji Yoshida, "Great Minds Don't Always Think Alike: What Happens When a Harvard Professor Challenges the Status Quo," *JAPAN Forward*, August 15 2023, <https://japan-forward.com/great-minds-dont-always-think-alike-what-happens-when-a-harvard-professor-challenges-the-status-quo/> (accessed August 31, 2023). It is difficult to understand how an examination of this incident from the late twentieth century would have had any bearing on an argument that purported to be an analysis of contractual conditions during the Pacific War. However, if the conditions of publication in IRLE were so limiting that he believed they compromised the integrity of his argument, he should have chosen another venue.

<sup>13</sup> See his discussion in Ramseyer, "A Response to My Critics," p. 35. Ramseyer also makes basic errors of fact that cast doubt on his understanding of the period. For example, on two separate occasions he refers to a U.S. military document that discusses conditions from 1943 through mid-1944 and suggests that this reflects the situation in "the last months of the war." *Ibid*, p. 38, 50.

<sup>14</sup> Ramseyer, "A Response to My Critics," p. 41. On Ramseyer's writing on *zainichi* Koreans and use of Yamada's work, see Morris-Suzuki, "Unwriting the Wrongs", p. 55.

<sup>15</sup> Ramseyer, "A Response to My Critics," pp. 9-10. Ramseyer cites the *Yahoo News Japan* article with the parenthetical addition "(originally JB Press)," also without a url. We have tracked this article to <https://jbpress.ismedia.jp/articles/-/64369> (accessed August 31, 2023). For the alternative translation by Lee in a *JAPAN Forward* article (again, URL not included): "Controversy Over Harvard Article Can't Erase the Facts of Comfort Women Contracts," April 3, 2021,

<https://japan-forward.com/bookmark-controversy-over-harvard-article-cant-erase-the-facts-of-comfort-women-contracts/> (accessed August 31, 2023). For an explanation of the original source, and Ramseyer's misrepresentation, see Sung Hyun Kang, "Ramseyer's History Denialism and the Efforts to 'Save Ramseyer': Focusing on Critique of "A Response to My Critics" (2022)," *Journal of International Women's Studies* 24, no. 9 (2022), p. 7.

<sup>16</sup> "Osaki...herself assures the reader...": Ramseyer, "A Response to My Critics," p. 31."Had a rough sense": p. 35. Full original quote: Yamazaki Tomoko, *Sandakan hachiban shōkan* (Tokyo: Chikuma shobō, 1972), p. 87. For the translation: Yamazaki Tomoko, *Sandakan Brothel No. 8: An Episode in the History of Lower-Class Japanese Women*, trans. Karen Colligan-Taylor (Armonk, NY: ME Sharpe, 1999), p. 60.

<sup>17</sup> Ramseyer, "A Response to My Critics," p. 41. Curiously, the word "dragooned" appears in this paper thirty-seven times.

<sup>18</sup> Ramseyer, "A Response to My Critics," p. 36

- <sup>19</sup> Ramseyer, “A Response to My Critics,” p. 36.
- <sup>20</sup> Ramseyer, “A Response to My Critics,” p. 37.
- <sup>21</sup> “IRLE Response,” *International Review of Law and Economics* 65 (Available online 18 January 2023, Version of Record 15 February 2023), <https://www.sciencedirect.com/science/article/abs/pii/S0144818823000030>.
- <sup>22</sup> Eyal Winter, “Comments on ‘Contracting for sex in the Pacific War’ by Mark Ramseyer,” *International Review of Law and Economics* 65 (2021). More than a thousand other economists and several hundred game theory experts, including Nobel Prize laureates, have also criticized Ramseyer’s flawed application of the methodology and demanded the article be retracted. See “Letter by Concerned Economists Regarding “Contracting for Sex in the Pacific War” in the *International Review of Law and Economics*,” <http://chwe.net/irle/letter/> (accessed August 30, 2023) For statements in support of the letter, including by the twelve editors of the *American Political Science Review*, see <https://chwe.net/irle/>.
- <sup>23</sup> Yoshimi Yoshiaki, “Response to ‘Contracting for Sex in the Pacific War’ by J. Mark Ramseyer,” tr. Emi Koyama, Norma Field, and Tomomi Yamaguchi, *International Review of Law and Economics*, August 2023, <https://doi.org/10.1016/j.irle.2023.106158>
- <sup>24</sup> Yoshimi Yoshiaki, “Response to ‘Contracting for Sex in the Pacific War’ by J. Mark Ramseyer,” tr. Emi Koyama, Norma Field, and Tomomi Yamaguchi, SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, February 8, 2022), <https://doi.org/10.2139/ssrn.4029325>.
- <sup>25</sup> Yoshimi, “Response” (IRLE pre-print), pp. 6, 7.
- <sup>26</sup> Yoshimi, “Response” (IRLE pre-print), p. 17.
- <sup>27</sup> For a list of articles, see “All posts tagged ‘J Mark Ramseyer,’” *JAPAN Forward*, <https://japan-forward.com/tag/j-mark-ramseyer/> (accessed September 4, 2023). North Korean sympathizer: “Sayaka Chatani teaches at the University of Singapore and sympathetically researches a pro-North Korea organization in Japan. Chatani has been an enthusiastic attacker against Professor Ramseyer and [his collaborator] Professor Arima.” Jason Morgan, “The Comfort Women: Scholars Fighting Historical Truth in East Asia,” *JAPAN Forward*, February 10, 2023, <https://japan-forward.com/the-comfort-women-scholars-fighting-historical-truth-in-east-asia/> (accessed September 4, 2023).
- <sup>28</sup> Emergency Statement by Japan-based Researchers and Activists.
- <sup>29</sup> Kenji Yoshida, “Great Minds Don’t Always Think Alike: What Happens When a Harvard Professor Challenges the Status Quo,” *JAPAN Forward*, August 15, 2023, <https://japan-forward.com/great-minds-dont-always-think-alike-what-happens-when-a-harvard-professor-challenges-the-status-quo/> (accessed September 4, 2023)
- <sup>30</sup> Yasuo Naito, “Tokyo Outlook: Comfort Women: History Wars Continue in Search of the Truth,” *JAPAN Forward*, August 21 2023, <https://japan-forward.com/tokyo-outlook-comfort-women-history-wars-continue-in-search-of-the-truth/> (accessed September 4, 2023). Originally in Japanese: “Rekishisen wa mada tsuzuku,” *Sankei Shimbun*, August 21, 2023, <https://www.sankei.com/article/20230821-BY7DP7XWVNNK7IJ5MZZDQLI4PQ/> (accessed September 4, 2023).
- <sup>31</sup> For example, he writes, ““They [the critics] are neglecting the effort to read Japanese

sources.” Ibid. (In Japanese: “(hihan suru) karera wa Nihongo no bunken o yomu doryoku o okotatte iru” (批判する) 彼らは日本語の文献を読む努力を怠っている.”

<sup>32</sup> Morris-Suzuki, “Unwriting the Wrongs.” p. 56.

<sup>33</sup> For example, see Ramseyer, “A Response to My Critics,” pp. 39, 41, confirming our corrections of his erroneous readings of original Japanese documents.

<sup>34</sup> Paula R. Curtis, “Taking the Fight for Japan’s History Online: The Ramseyer Controversy and Social Media,” *The Asia-Pacific Journal: Japan Focus* 21, no. 3, issue 22 (2021), <https://apjif.org/2021/22/Curtis.html>.

<sup>35</sup> Song Sang-ho, “Harvard professor Ramseyer to revise paper on 1923 massacre of Koreans in Japan: Cambridge handbook editor,” *Yonhap News Agency*, February 20, 2021, <https://en.yna.co.kr/view/AEN20210220002400325> (accessed September 4, 2023). The handbook’s co-editor apologized for “an innocent and very regrettable mistake on our part,” and told a reporter, “We assumed that Professor Ramseyer knows the history better than us. In the meantime, we have learnt a lot about the events and we sent a list of detailed comments on the paper that were written by professional historians and lawyers.” The excised portions of Ramseyer’s handbook chapter track with sections of a 2021 article he published in the *European Journal of Law and Economics* in which he took at face value (1) claims about Korean terrorist activities during the 1923 Great Kantō Earthquake based on, e.g., a confession made under duress by a man who was facing execution by a vigilante mob and was indeed executed immediately after having made his confession; and (2) the assertions about Korean criminality proffered by a prewar Japanese prosecutor of “thought crimes” whose job was to identify and root out Korean “subversives.” Morris-Suzuki, “Unwriting the Wrongs,” pp. 55–56, 57. For the 2021 article: J. Mark Ramseyer, “Social Capital and the Problem of Opportunistic Leadership: The Example of Koreans in Japan,” *European Journal of Law and Economics* 52 (2021): 1–32.

<https://doi.org/10.1007/s10657-020-09682-2>. After the journal’s editors received expressions of concern, they asked Ramseyer to correct his article; he made only some cosmetic changes to source citations and statements of basic historical fact. J. Mark Ramseyer, “Correction to: Social capital and the problem of opportunistic leadership: the example of Koreans in Japan,” *European Journal of Law and Economics* 52 (2021), <https://doi.org/10.1007/s10657-021-09718-1>.

<sup>36</sup> Joseph Yi, “Comfort Women: Debating Lee Seok-ki and Mark Ramseyer,” *JAPAN Forward*, May 29, 2023, <https://japan-forward.com/comfort-women-debating-lee-seok-ki-and-mark-ramseyer/> (accessed September 3, 2023).

<sup>37</sup> “HxEast Asia: Trials of comfort women scholars,” June 3, 2023, <https://youtu.be/FVXn8DQJmdM?t=2291> (accessed September 4, 2023).

<sup>38</sup> Frances An, “Complex Truths on Korean Comfort Women” *JAPAN Forward*, June 16, 2023, <https://japan-forward.com/complex-truths-on-korean-comfort-women/> (accessed September 4, 2023). In a second report, the same author notes that she disagrees with Ramseyer’s comments without ever describing their specific content. Frances An, “Truth-Seeking is a Moral Imperative in Scholarship: A Case Study in the Comfort Woman History Wars,” *Heterodox Academy* blog, August 10, 2023, <https://heterodoxacademy.org/blog/truth-seeking-is-a-moral-imperative-in-scholarship-a-case-study-in-the-comfort-women-history-wars/> (accessed September 4, 2023). Note that “comfort

woman history wars” is the preferred framing of the Japanese right – it was first introduced by *Sankei Shimbun* in a series of publications in 2014. See the discussion of the term in Tomomi Yamaguchi, “History Wars” and the “Comfort Woman” Issue: Revisionism and the Right-wing in Contemporary Japan and the U.S.” *The Asia-Pacific Journal: Japan Focus* Vol. 18, Issue 6, No. 3 (March 2020) <https://apjif.org/2020/6/Yamaguchi.html>.

<sup>39</sup> Jason Morgan, “Opening the Comfort Women Issue to Free Debate Rooted in Historical Documents,” *JAPAN Forward*, July 19, 2023, <https://japan-forward.com/opening-the-comfort-women-issue-to-free-debate-rooted-in-historical-documents> (accessed August 30, 2023).

<sup>40</sup> Andrew Salmon, “Sparks keep flying off comfort women brouhaha,” *Asia Times*, June 3, 2022, <https://asiatimes.com/2022/06/sparks-keep-flying-off-comfort-women-brouhaha/> (accessed August 30, 2023).

<sup>41</sup> See *Ibid*, and also Joseph Yi and Joe Phillips, “‘Low Road Liberalism’ Censoring Public Discourses on Communist North Korea and Imperial Japan,” *Society* 60 (2023): 212-223.

<sup>42</sup> Joseph Yi, “Competing Liberal Approaches to Problematic Speech: South Korea,” *Cambridge Open Engage* (August 22, 2023), p. 5. <https://doi.org/10.33774/apsa-2023-sn814>. It is not clear why this discussion of American academics is included in a paper that is ostensibly about the suppression of problematic speech in South Korea.

<sup>43</sup> Also see Yi and Phillips, “‘Low Road Liberalism’,” which asserts that Ramseyer “has been denounced as a war crimes denialist” for an article that “researched the contractual dynamics between Japanese and ethnic Korean comfort women and brothel owners, finding large advances to the women, 1- or 2-year maximum terms, and contractual [sic] freedom to leave earlier if they generated sufficient revenues” (p. 218). This treats his findings as legitimate and omits the substance of historians’ objection to the article.

<sup>44</sup> Jason Morgan, “Comfort Women: Professor Mark Ramseyer Speaks Out as Truth Wins,” *JAPAN Forward*, February 12, 2023, <https://japan-forward.com/comfort-women-professor-mark-ramseyer-speaks-out-as-truth-wins/> (accessed August 30, 2023).

<sup>45</sup> “Jon Māku Ramuzaiyā kyōju no kōen,” *Sugita Mio ofisharu burogu*, August 23, 2023, <https://ameblo.jp/miosugita-blog/entry-12817424962.html> (accessed September 4, 2023).