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Dear Colleagues,

I have recently read Professor J. Mark Ramseyer's article 'Contracting for Sex in the Pacific War', published in the *International Review of Law and Economics* late last year. I am writing to you to express my extreme concern about this article. Quite simply, I cannot imagine how this article could have gone through any properly constituted review process and have been published in its current form in a peer reviewed academic journal. I am writing to ask you to conduct an investigation of the scholarly content of the article and review process which the article underwent, explain the outcomes to your readers and take appropriate action.

I apologize in advance for the length of this letter, but this issue goes to the core of integrity in academic research and publishing.

We are, I think, all aware of the fact that certain sensitive and highly politicized issues – questions of climate change and of potential treatments for COVID 19, for example – generate some extremely questionable scholarship, and therefore that articles on these topics need to be reviewed with particular care. Anyone familiar with events in East Asia will know that the history of the Japanese army's wartime 'comfort stations' – where many women experienced extreme sexual abuse – is another of those issues. I am sure that the editors of the *International Review of Law and Economics* must have been conscious of that fact, and I would like to know what steps they took to ensure a thorough and balanced review of Prof. Ramseyer's article.

The 'comfort women' issue is a very complex matter about which opinions will inevitably differ. This letter is not about differences of opinion – which are, after all, the lifeblood of academia. It is about the quality and sincerity of scholarship and about the responsibilities of academic publishers towards their readers and the scholarly world.

I know that you have received other letters about this article, and will therefore not attempt to enumerate all the problems that abound in this article. Instead, I shall try to focus on the core issues.

Misapplication of data from one place and time to another

In 1991, Professor Ramseyer published an article entitled 'Indentured Prostitution in Imperial Japan: Credible Commitments in the Commercial Sex Industry' in the *Journal of Law, Economics and Organization*. This article examined the contracts used in Japan's licensed geisha houses and brothels, and was based on data from 1920s and early 1930s government and other related reports. He began that article with caveats: acknowledging that, 'for lack of data', he had not considered the question of whether women entered into these contracts voluntarily or because of pressure from their families (Ramseyer 1991, p.

91). He also explained that he had deliberately ignored contemporary firsthand accounts by 'reformist journalists, abolitionists, and ex-prostitutes rescued by those abolitionists', because he believed that these accounts presented problems of bias (Ramseyer 1991, pp. 91-92).

In March 2019, Professor Ramseyer published a new paper entitled 'Comfort Women and the Professors' in the Harvard John M. Olin Discussion Paper Series (no. 995). In this, he began by attacking almost all existing research on the 'comfort women' issue and the credibility of the former 'comfort women' themselves. He then went on to recycle his 1991 data about the 1920s to early 1930s Japanese licensed prostitution system, some sections of it word-for-word (cp. Ramseyer 1991 pp. 102-103 and Ramseyer 2019, p. 3), while omitting all the explanatory caveats about the self-imposed limitations of his earlier research.

More bizarrely, he transposed his earlier research from one place and historical period to another, so that a study which was originally about systems that existed in Japan in the 1920s and early 1930s was now presented as a statement about the late 1930s to 1940s wartime 'comfort station' system, despite the fact that this system operated in a different time, in different places and in drastically different circumstances. He produced nothing at all except supposition to support his contention that many or most of the women recruited to Japanese wartime military 'comfort stations' throughout the wartime East and Southeast Asia and the Pacific signed contracts virtually identical to those he had analyzed in his 1991 article (but with better wartime pay and conditions). (see Ramseyer 2019, p. 12).

The main focus of this 2019 article was a blanket denial of the fact that Korean women had been forcibly recruited to Japanese military 'comfort stations'. To support this denial, Professor Ramseyer relied primarily on a brief discussion of the licensed and unlicensed prostitution system within Korea in the 1920s to early 1930s, and on a handful of wartime documentary sources, nearly all of which he mis-cited (see below). He gave a totally inaccurate account of the course of the 'comfort women' debate, ignored the mass of existing research that cast doubt on his assertions, and astonishingly, said not a word about the fact that the 'comfort women' issue is not just an issue between Japan and Korea. It also concerns the large-scale recruitment of Chinese, Malayan, Indonesian, Filipina, East Timorese, Dutch and other women to wartime Japanese 'comfort stations', and of the use of physical force, deception and other forms of coercion in the process. Readers were presumably expected to believe that all these Chinese, Southeast Asian, European and other women also voluntarily negotiated contracts (in Japanese?) with their 'employers'.

Professor Ramseyer ended his 2019 paper with a ferocious attack on the 'comfort women' support movement, seriously misrepresenting the positions of many of those who have sought to debate and understand this complex, sensitive and painful history, and ridiculing most scholars of the issue for gleefully embracing a narrative that 'promised [them] a trifecta... "sexism, racism, imperialism" combined'.

Unacknowledged 'recycling' of text from one article to another

'Contracting for Sex in the Pacific War' is a republication of substantial sections of Professor Ramseyer's 2019 paper. The overt attacks on fellow scholars, the former 'comfort women' and the 'comfort women' support movement have been removed, but the unsubstantiated transfer of data on the early twentieth century licensed brothel system to the wartime 'military comfort station' system is repeated, in large part word-for-word (and including the word-for-word transfer of some material from his 1991 article). The new title –

‘Contracting for Sex in the Pacific War’ – highlights Professor Ramseyer’s claim that his analysis of 1920s and early 1930s contracts in Japan proper can be transferred *holus bolus* to the entire area of East Asia, Southeast Asia and the Pacific under Japanese occupation after 1941, and that he regards ‘comfort women’ en masse as voluntary prostitutes who were consenting parties to well-paid contractual arrangements. For some reason, though, his article in the *International Review of Law and Economics* does not reference his 2019 paper, and (as far as I can see) gives no indication that large sections of the article had already been published elsewhere.

I urge you to take the time to place the 2019 and 2020 iterations of Professor Ramseyer’s paper side-by-side and observe the similarities, changes, additions and omissions. To give just one example: In 2019, the author wrote ‘*for the network of overseas comfort stations, the Japanese government drafted recruiting regulations designed to limit potential fraud*’ (Ramsayer 2019, p. 11) and referred readers to an army document of which he helpfully provided a full translation (Ramsayer 2019, pp. 5-6). In 2020, he cites the same army document as one of two sources for the revised statement: ‘*for the network of overseas comfort stations, the Japanese government drafted recruiting regulations designed to select only prostitutes already in the industry*’. In this version, though, he does not include the translation of the document concerned – sensibly, since the document says no such thing (see Appendix A below). Instead, it shows that even in Japan itself (let alone in colonies or occupied areas) some women had been recruited by ‘something close to kidnapping’, and that the proposed solution to the problem was to ‘choose recruiters carefully’ and make sure that the recruiters concealed their links to the military and the police.

Systematic Referencing Problems

For a piece of research by such a senior scholar, ‘Contracting for Sex in the Pacific War’ contains an extraordinary number of referencing problems. A large proportion of the wartime primary sources quoted by Professor Ramseyer come from a two-volume collection of archival documents edited by Suzuki Yūko and others. It is, surely, a basic rule of academic referencing that you should cite page number/s that point readers to the information you are citing. In the case of the Suzuki et al. documents, Professor Ramseyer does not do this. He simply provides the number of the first page of the document concerned – and some of these documents run to a dozen or more pages. In most cases, therefore, the information on the page cited by Professor Ramseyer bears no correspondence to the information he is supposed to be citing; and in multiple cases, Professor Ramseyer cites ‘facts’ which simply do not appear anywhere in the documents he cites. Here I offer just a few illustrative examples:

- i. He gives figures of 12 Korean ‘comfort women’ and 527 Korean ‘unlicensed prostitutes’ in Shanghai in 1938, and attributes these to a document reproduced on ‘p. 118’ of vol. 1 of the Suzuki et al. collection (actually pp. 118-120) and to a 2012 article by Takei Yoshikazu (Ramseyer 2020, p. 5, footnote 5). In his 2019 article, he gave the same figures and said that they were for 1940 (Ramseyer 2019, p. 10), oddly citing pre-1940 official data as a source for 1940 statistics. He seems subsequently to have spotted the problem, because his 2020 article now tells us that these are 1938 figures. The figures he cites appear nowhere in either of the sources referenced (indeed, the Takei source contains no figures for

- ‘comfort women’ or unlicensed prostitutes at all, while the approximate statistics in Suzuki et al. show that Ramseyer’s figures must be wrong).
- ii. Also on p. 5, Professor Ramseyer writes that, in one month of 1938, 90 Korean women ‘petitioned’ the colonial government for permission to go to the Chinese city of Jinan ‘to work as unlicensed prostitutes’. The document he cites as his source (Suzuki et al. vol. 1, p. 143) does not contain any mention of a petition or a request from any women, Korean or otherwise. What it contains is a letter from the colonial government of Korea reporting that 907 people (including 105 Korean women) had been issued with official documents for a journey to Jinan. There is no mention of ‘unlicensed prostitutes’ in the document. It speaks of ‘special women’ (*tokushu fujin*), a term used in documents of the time to refer to military ‘comfort women’ as well as women working in private brothels. The document also notes the issuing of documents to an unspecified number of others by the Japanese military police – see note (iii) below. In other words, Ramseyer converts a government document about the mass transportation of women to sexual service in Jinan into a ‘petition’ from women pleading to be ‘permitted’ to be unlicensed prostitutes.
 - iii. Professor Ramseyer cites another document in the same collection (Suzuki et al. vol. 1, ‘p. 124’ – actually pp. 124-138) as the source of the statement that ‘sample contracts for Japanese women recruited for Shanghai comfort stations in 1937 provided advances of 500 to 1000 yen’ (Ramseyer 2020, p. 6). This source is a miscellaneous but important bundle of documents including reports from various ministries, local government officials, local police agencies etc. It does not contain any contracts between women and their employees providing advances of 500 to 1000 yen. It contains two blank sample contract forms for ‘employment in a comfort stations within the Shanghai Expeditionary Army’ (without information about the amount of money to be advanced). In the same document bundle there is also a statement from a Japanese brothel owner that, as part of an urgent campaign by the Japanese military in Shanghai to obtain 2500 Japanese women for ‘comfort stations’, he was recruiting 500 women aged between 16 and 30 and was planning to pay them advances of between 500 and 1000 yen. We have absolutely no way of knowing whether he actually did so. As discussed below, the content of this document is also radically at odds with the whole picture of the ‘comfort station’ system presented by Professor Ramseyer.
 - iv. Professor Ramseyer states that ‘Some Korean comfort women in Burma worked on contracts as short as six months to a year’, and references this to a nineteen-page document in another five-volume archival collection (Josei no tame no Ajia Heiwa Kokumin Kikin ed. 1997), without identifying which volume or which specific page is being cited. I can find no reference in the document he names to Korean ‘comfort women’ in Burma, or to the length of contracts served by Korean or other ‘comfort women’ anywhere.
 - v. His statement that *karayuki-san* earned ‘generally higher wages [overseas] than they could earn within Japan is referenced to ‘p. 451’ of Park Yuha’s 324-page book *Teikoku no lanfu*.
- and so on...

Failure to Acknowledge Information in Sources Consulted

The problem is not just that so many important statements of fact are mis-referenced, but also that Professor Ramseyer has clearly consulted official documents and then made statements that directly contradict the information contained in the documents that he has quoted. For example:

- i. Professor Ramseyer writes that the Japanese military ‘encouraged private entrepreneurs to establish semi-official brothels next to its bases’ (Ramseyer 2020, p.1), but that ‘the Japanese military did not need additional prostitutes; it had plenty. Prostitutes have followed armies everywhere, and they followed the Japanese army in Asia’ (Ramseyer 2020, p. 5). Thus he tells his readers that women and private brothel owners flocked to the war zones, with the only role of the military in the ‘comfort station’ system being its regular checks of the hygiene of women in the ‘semi-official brothels’. This is totally at odds with the contents of the sources cited by Ramseyer himself, such as the document mentioned in (iii) above (Suzuki et al 2006, vol. 1, pp. 124-138). The information in that document shows that in late 1937-early 1938 private recruiters in various parts of Japan reported being urgently requested by the military command in Shanghai to help dispatch 2500-3000 Japanese women for work in ‘comfort stations (in fact brothels)’ being set up ‘within the Shanghai Expeditionary Army’ (Suzuki et al. vol. 1, pp. 130 and 134). Reports of this request – and of the fact that the women were to be transported from Japan in military vessels under the supervision Japanese military police (*kempei*) – clearly caused concern and even disbelief amongst some officials in Japan, some of whom were aware that it was a potential violation of Japan international treaty obligations (Suzuki et al. vol. 1 p. 125). But enquiries made by local authorities to the Japanese Consulate General in Shanghai confirmed the essence of the reports, including the central involvement of the Japanese military police and the Consulate’s own military bureau in the scheme, and the recruitment of the women continued (Suzuki et al 2006, p. 136). In short, these documents provide compelling official testimony of the role of the Japanese military and other government agencies in initiating and overseeing the recruitment of Japanese women to serve in ‘comfort stations’ in China.
- ii. Professor Ramseyer is emphatic that ‘comfort women’ entered freely into contracts, and that managers did not exploit the women by overcharging them for food and other items – or at least, ‘not on a large scale’ (Ramseyer 2020, p. 2). He acknowledges that some Korean recruiters deceived women, but insists that this was a purely Korean problem and was not connected to the Japanese Army or to the military ‘comfort station’ system (Ramseyer 2020, p. 5). But on p. 7 of his article, Professor Ramseyer cites information from the very well-known 1944 US Office of War Information Interrogation Report no. 49, which provides one of the few clear officially documented wartime statements about the recruitment of ‘comfort women’ (in this case, from Korea to Burma). He uses this document as a reference for a paragraph containing details of ‘contract terms’ about the share of profit received by the ‘prostitutes’. In fact, the document does not contain the relevant information about ‘profit shares’. But, as Professor Ramseyer clearly knows, and as any competent reviewer of this article could also be expected to know, it does say this: ‘*Early in May of 1942 Japanese agents*

arrived in Korea for the purpose of enlisting Korean girls for “comfort service” in newly conquered Japanese territories in Southeast Asia. The nature of this “service” was not specified but was assumed to be work connected with visiting the wounded in hospitals, rolling bandages, and generally making the soldiers happy. The inducement used by these agents was plenty of money, an opportunity to pay off family debts easy work and the prospect of a new life in a new land – Singapore. On the basis of these false representations many girls enlisted for overseas duty and were rewarded with an advance of a few hundred yen... Approximately 800 of these girls were recruited in this manner...’ (p. 7). The same document also states that “‘masters” made life very difficult for girls by charging them high prices for food and other articles’.

The striking fact is that, even in the case of Japanese women, Professor Ramseyer provides no reference to a single contract actually signed between a ‘comfort woman’ and her employers, and cites no oral testimony from any former ‘comfort woman’ who recalls signing a contract of the type he describes, nor from any third party who witnessed the signing of such a contract. He ignores the fact that many recruits to the system would have lacked the level of literacy and / or Japanese language knowledge necessary to give informed consent to a contract, let alone negotiate modifications. He says nothing about the very many thousands of women from China, Indonesia, Burma, Malaya, the Philippines etc. recruited by the Japanese military as ‘comfort women’, and he ignores evidence of recruitment by trickery or coercion which he has clearly read. He ignores almost all the existing significant secondary research in English, Japanese, Korean, Chinese and other languages on the topic he is discussing: something which should surely have rung alarm bells in the minds of editors and peer reviewers of the article. Professor Ramseyer also selectively misquotes documents and selectively reuses his own previously published material in a way which also seem to me to fall well below the standards expected for publication in a peer reviewed academic journal.

How could all of this have made its way through a properly constituted review process without questions being raised?

As you are probably aware, Professor Ramseyer, having successfully placed his article in your refereed journal, promptly went on to write a piece in a widely circulated Japanese right-wing online journal proclaiming that the ‘comfort-women sex-slave story’ is ‘pure fiction’ invented to promote a ‘North Korean political goal’, and that comfort women were just high paid prostitutes, a few of whom subsequently made up stories of recruitment by force or deception for personal gain (see <https://japan-forward.com/recovering-the-truth-about-the-comfort-women/>). This is currently giving great encouragement to an energetic political campaign underway in Japan to remove references to the ‘comfort women’ issue from school textbooks, and to promote a blanket denial of this deeply troubling aspect of wartime history.

I believe that your journal may be considering publishing some critical responses to Professor Ramseyer’s article. It is good that these will appear, but it is not a solution to the problem. It is one thing to publish a properly researched and documented article which expresses controversial views, and then invite other scholars to debate those views. It is quite another to publish an article with such fundamental research flaws, and then invite your readers to identify the flaws which should have been picked up by the peer review and editorial processes.

I look forward to hearing from you about this.

Yours sincerely
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Fellow of the Australian Academy of the Humanities

APPENDIX A

(Gunianjo jugyofuto boshū ni kansuru ken, translation as cited in Ramseyer 2019, pp. 5-6)

Several matters requiring close attention have arisen with respect to the recruitment of women from Japan for comfort stations located near operations relating to the China incident. Some recruiters claim to have received the approval of the military. They threaten to damage the good name of the military, and to create misunderstanding among the general public. Some recruiters risk creating social problems by recruiting unsystematically through the intervention of military journalists or sympathetic outsiders. Some people have dealt with carelessly chosen recruiters, and they in turn have transformed recruitment into something close to kidnapping, and found themselves the subject of arrests and police investigation. In the future, recruitment should be coordinated through the local military, and recruiters should be selected carefully. In carrying out their activities, recruiters should keep any ties to the local police and military police confidential -- in order to maintain the good name of the military and minimize social problems.