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The 'Comfort Women' Issue, Freedom of Speech, and Academic Integrity: A Study Aid

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Abstract: In December 2020, an article by J. Mark Ramseyer of Harvard University about the so-called 'comfort women' issue was published in the International Review of Law and Economics. This article caused widespread controversy amongst scholars, many of whom responded with serious criticisms of its content. On the other hand, some commentators argued that Ramseyer's critics were seeking to suppress his right to express controversial opinions. In the past few years, there has been widespread international debate both about the protection of free speech and about problems of assessing the quality of knowledge and distinguishing well-founded information from 'fake news'. Against that background, this study aid aims to encourage debate about ways to maintain research integrity while protecting free speech, and uses the example of the Ramseyer article to provide illustrative material. This is the first in a series of responses on the "comfort women" issue prompted by the Ramseyer article.

The Issue

On 1 December 2020, an article by Professor J. Mark Ramseyer was published online in the International Review of Law and Economics. The article, 'Contracting for Sex in the Pacific War', was scheduled for inclusion in the March 2021 edition of the journal but, following expressions of concern from scholars, the article was taken down from the journal's website for further examination. These events caused a major controversy amongst scholars. A copy of the article as it appeared on the journal's website is attached (Appendix 1).

The main contentions of this article are: (i) that wartime 'comfort stations' were run by private entrepreneurs, the Japanese military's only direct role being the maintenance of hygiene in the establishments; (ii) that 'comfort women' freely negotiated contracts with the 'comfort station' owners, reflecting their personal interests and following the 'basic game theoretic principles of credible commitments' (p. 7).

The article was strongly criticised by a number of student and other groups linked to Harvard Law School and by other groups and individuals (see an example).

On the other hand, some groups have responded with criticisms of Ramseyer's critics, arguing that they are threatening freedom of speech by denying Professor Ramseyer the right to controversial opinions. The attached letter from a group of conservative Korean public figures, for example, has been widely circulated to various university groups and individuals in the US. It praises Professor Ramseyer's article, insisting that the article should be published in the journal, and argues that anyone who questions the journal's decision to publish is trampling on free speech (Appendix 2).

Professor Ramseyer's article provides a really important opportunity for a free and open debate. But that debate must begin by

examining the ground-rules and understandings of academic knowledge and research integrity that underpin debates between contending opinions. Are the participants in a debate following the same fundamental principles of research integrity and ethics? If there are no ground rules, then academic journals would have no basis for rejecting any paper submitted to them, and any statement of opinion – however lacking in logic or factual evidence – would have to be treated as equal to any other. We could then very easily end up spending much of the rest of our lives debating conspiracy theories or fake news which have no intellectual foundation whatever. To put it at its simplest and crudest, if there are no research standards, then we may as well all pack up and go home, because anything goes and any truth claim is just as good as any other.

So, I welcome the opportunity for debate, and embrace the opportunity for academics, students and the broader community to have a thorough and frank discussion about crucial questions of free speech and academic integrity. This short document provides a few suggestions and questions as a starting point for such a debate, accompanied by illustrative materials from Professor Ramseyer's article and other writings on the 'comfort women' issue. The fundamental principles, it should be emphasised, apply not just to this article or historical issue, but across the board of research and scholarship.

Free Speech and Research Integrity

We live in an age when the online and other media are flooded with conspiracy theories, pseudo-science, fake research findings etc. But it is also an age when free speech faces as many challenges as ever, if not more. The issue, then, is how we defend and uphold free speech, while also learning (and teaching others) how to assess the quality of information. How do we distinguish well-founded research and knowledge from research that lacks integrity? How do we identify knowledge claims that lack proper foundations? How do we protect free debate while preventing the abuse of academic credentials to disseminate misleading information? These are vital problems of our age.

Sincerity and Integrity in Research

Universities have developed a range of rules and principles about proper research practices and ethics. These are always a work in progress, and are an important topic for debate and improvement. You can find some helpful thoughts on the subject in a range of documents such as the US government Office of Research Integrity's guidelines on responsible publication or the European Code of Conduct for Research Integrity (ALLEA 2017).

Below, I suggest some key principles that, I think, have come to underpin the notion of research integrity. This is my list, which I offer to you also for debate and improvement. In each case, I illustrate the principle by referring to issues arising from research on the 'comfort women' issue and from the debate about the Ramseyer article.

The European Federation of Academies of Humanities and Sciences (ALLEA 2017, p. 4) defines the underlying principles of research integrity as being reliability, honesty, respect and accountability. This means that researchers should genuinely want to find the answers to research questions, be as honest as possible about their own research motives, and be prepared to report unexpected findings if they discover that the data they are looking at contains information which they had not anticipated. They should try their best (within the human limitations that we all have) to convey their findings truthfully to others, and

should certainly not consciously invent or misrepresent information about the data they have collected (e.g. by falsifying the results of experiments or stating that source material contains facts which it does not contain).

Below I try to flesh this out in a bit more detail. The principles set out are the aims. No researcher is perfect and no one piece of research fulfils all the principles listed below perfectly. The issue is whether a piece of research falls so far below all (or nearly all) of these principles that it fails to meet fundamental standards of research integrity.

Former "Comfort Women" from various Asian countries and Holland in Tokyo in 1992.From left anonymous Taiwanese survivor, Kang Soon-ae, Wan Ai Hua, Kim Young-hil, Maria Rosa Henson, Jan Ruff O'Herne and Coordinator Indai Sajor.

Some Key Principles for Discussion

1. Defining the boundaries of the research topic. Research integrity begins by telling yourself and others what topic you are researching, and defining the scope of the topic. Many topics are very large, so researchers will only look at one small corner of them. This can be very valuable – a single human being's life history can tell us a lot about a whole historical era, for example. But a historian who writes about a single life should try to say something to readers about the extent to which this one person's experience can be generalised to the wider history of their day.

In relation to the 'comfort women' history – What is the 'comfort women' issue? So-called 'comfort stations' were places where members of the Japanese military had sex with women during the 'long' Asia-Pacific War (defined here as the period from 1931 to 1945) under the jurisdiction of the Japanese military authorities. The Japanese government's 1993 report 'On the Issue of Wartime "Comfort Women"' states that 'comfort stations were established in various locations in response to the request of the military authorities at the time', and adds: 'the countries or areas where it has been possible as a result of the study to confirm that comfort stations existed are: Japan; China; the Philippines; Indonesia; the then Malaya; Thailand; the then Burma; the then New Guinea; Hong Kong; Macao; and the then French Indochina'. (In this context, 'Japan' means the pre-war Japanese empire, including Okinawa, Korea, Taiwan and Karafuto [Southern Sakhalin]). It defines the 'comfort women's' known places of origin as 'Japan; the Korean Peninsula; China; Taiwan; the Philippines; Indonesia; and the Netherlands. Apart from Japanese, many of the comfort women transferred to the war areas were from the Korean Peninsula.'

The report notes that the earliest 'comfort stations' appear to date from 1932, and that 'many comfort stations were run by private operators, although in some areas there were cases in which the then Japanese military directly operated comfort stations.' (see full

document)

Substantial further research has since extended our knowledge of the problem, but this provides a starting point.

During the war, the Japanese government and military used the term 'comfort station' (ianjo) or 'comfort facility' (ian shisetsu), but typically used terms such as 'bar maids' (shakufu) or 'special women' (tokushu fujo) to describe the women in these 'facilities'. Allied service-people who encountered the women during the war sometimes referred to them as 'comfort women' or 'comfort girls', and after the war the euphemism 'comfort women' became widely used in debates. From the 1990s a number of researchers began to use the term 'sex slaves', drawing on the internationally understood definition of 'slavery' as 'an umbrella term covering practices such as forced labour, debt bondage, forced marriage, and human trafficking' and referring to 'situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power'.

Questions for discussion – How well do the boundaries of the problem presented in Ramseyer's research match the Japanese government's 1993 definition of the 'comfort women' problem, or the definitions used by other key reports and documents on the issue?

Why does Ramseyer's research make no mention of women from China, the Philippines, Indonesia or the Netherlands (nor of women from Malaya, East Timor and other places who are now also known to have been recruited into the system?

Why does he largely cite pre-1932 sources to analyse a post-1932 problem, and what is the basis for his claim that information about the 1920s to early 1930s applies to the period of the Asia-Pacific War?

Given that the 1993 Japanese government report, like many other sources, says that the Japanese military directly operated some comfort stations, why does Professor Ramseyer state that the Japanese army 'encouraged private entrepreneurs to establish semi-official brothels next to its bases' (Ramseyer 2020 p. 1) but remain entirely silent about bases run by the military themselves (including the navy)?

2. Defining your own position in relation to your research. Most researchers approach their work with some pre-existing belief and ideology, and many have political objectives, such as the wish to influence policy, support the work of social movements etc. It is important that researchers are open about their own positions. It can be argued that, if a piece of research is being done specifically to advance a policy position or movement etc., the author should make this clear to readers.

   In relation to the 'comfort women' history – Immediately after publishing the article 'Contracting for Sex in the Pacific War', Professor Ramseyer went on to publish a media piece, 'Recovering the Truth about the Comfort Women' in the online journal Japan Forward. Here, repeating sentences from his International Review of Law and Economics article, he shifted from his academically-worded conclusion about the application of game theory to wartime 'comfort stations' to the much

more aggressively political statement that 'the comfort-women-sex-slave story' is 'pure fiction', that testimonies from former 'comfort women' about forcible recruitment are lies, and the whole story has been driven by a left-wing South Korean lobby group bent on sabotaging Japan-South Korea relations in order to promote a 'key North Korean political goal'. Japan Forward is a news/opinion site established by the neo-nationalist Japanese Sankei Media group to propagate its views and those of like-minded people to an English-speaking audience (see Nakai 2018, p. 3). The site is currently running a very energetic campaign on the 'comfort women' history, aimed at denying that any 'comfort women' at all were recruited by force or deception and denouncing women who testify to forcible recruitment as liars.

Questions for Discussion – Should Professor Ramseyer's have provided his readers and peer reviewers with more frank information about his personal position on the 'comfort women' issue and his aims in conducting this research?

3. Demonstrating awareness of the existing research done by others in your field - Good research needs to be based on a knowledge of the work that has been done already in the field of study. Researchers have very rarely read everything in their field, but they should have read a fair share of existing research, and it is helpful to readers if they start by mentioning some of the existing works that have informed their own research. Where they strongly disagree with existing work in the field, particularly the most influential works, they should provide some explanation of the reasons why they are doing so.

In relation to the 'comfort women' history – Appendix 3 (from a reading list published by the Center for Korean Legal Studies at Columbia Law School), contains one list of many existing works on the 'comfort women' issue in English (representing various viewpoints); there are many other lists, including this one (please note that this list is from a former 'comfort women' support group, and lists works sympathetic to their cause); and this one (a somewhat older list from Japan's Asian Women's Fund, including key works in Japanese). You can doubtless find more lists online.

Questions for Discussion –

See if you can find further lists of resources on the 'comfort women' issue.

Can you identify the position on comfort women issues of the creators of the lists, or their openness to presenting conflicting positions on a subject that is notable for controversy?

How many of the key existing research works on the 'comfort women' issue does Professor Ramseyer refer to in his article?

Does he explain his selection?

Does he indicate why his work disregards the conclusions of most other researchers of the topic?

4. Providing evidence for your research claims – The key findings of research need to be supported by verifiable evidence, which might include documents, oral testimony, material objects, combinations of all of these etc.

In relation to the 'comfort women'

history – 'Contracting for Sex in the Pacific War' offers an analysis of the contracts signed between 'comfort women' and the owners or managers of 'comfort stations' during the Asia-Pacific War. Surprisingly, though, Professor Ramseyer does not provide any references to or quotations from any contract actually signed by a 'comfort woman' and her 'employer'. He provides no evidence that he has ever seen such a contract, and no oral or written testimony from anyone who had ever signed one of these contracts or witnessed one being signed.

Source material which he has read and cited (though without acknowledging this part of its content) describes a situation where 'contracts' were signed by women who had been recruited by deception (see 5.iii below), with a loan payment going to their debt-burdened families. Ramseyer assumes that all women signed contracts on the basis of informed consent while providing no evidence to support this assumption, and remaining silent about evidence which contradicts this assumption.

His article also ignores testimony of cases where women clearly did not sign 'contracts' of any sort (for example, O'Herne 1998; McGregor and Mackie 2018)

Question for Discussion – Does Ramseyer provide convincing evidence for the existence of 'comfort women' contracts founded on 'basic game theoretic principles of credible commitments'?

What percentage of the wartime 'comfort women' do you think might have signed such contracts?

5. Using sources with honesty and respect – Debates about historical, social and political issues rely on a range of resources, including official documents, private records, oral testimony etc. It is a basic principle of research that scholars should not deliberately misrepresent the content of the sources that they cite. It is also important that they think carefully about the nature of the sources and the context in which they were produced. In the case both of oral and written sources, we need to ask ourselves the questions: who produced the information in this document or interview etc. and why? Using multiple sources carefully and honestly is central to research integrity.

   In relation to the 'comfort women' history – Here are just a couple of illustrative examples of the sources used by Professor Ramseyer, and of the way in which he has cited them.

   (i) On p. 6 of the article, Professor Ramseyer quotes from the memoirs of former 'comfort woman' Mun Ok-Ju, as published in the 'Korea Institute of History, 2016'. Despite the impressive-looking institutional title, the 'Korea Institute of History' is actually an anonymous neo-nationalist online blogger whose site is dedicated to denying the forced recruitment of 'comfort women'. The blog provides no information about the person who runs it or its source of funding. The site does not contain Mun's memoirs. Rather, it contains one page of selected extracts from her memoirs, carefully chosen to try to persuade readers that her experiences were pleasurable and well-paid. Incidentally, it also mis-spells her name. University of Toronto scholar Joshua Pilzer, who has studied testimony given by Mun in detail, writes that she described being forcibly abducted by

Japanese military personnel in 1940 at the age of 16 and forced to provide sexual services to twenty to thirty Japanese soldiers a day (Pilzer 2014, p. 2). He quotes Mun, a courageous and resourceful woman, as saying that 'on the rare occasions when we had something to laugh about in our torturous life, and when we felt lonesome or miserable, we would sing in unison or hum together quietly' (Pilzer 2014, p. 18)

(ii) 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 role of the military in the 'comfort station' system being limited to its regular checks of the hygiene of women in the 'semi-official brothels'. This is at odds with the contents of the sources cited by Ramseyer himself, such as his reference 'Naimusho 1938', in Suzuki et al 2006, vol. 1, pp. 124-138 (incorrectly referenced by Ramseyer as Suzuki et al 2006, vol. 1, p. 124.) 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 of Japanese military police (kempei) – clearly caused concern and even disbelief amongst some officials in Japan, one of whom expressed his anxiety that it was hard to maintain that this 'was not in contravention of the terms of international treaties on the trafficking of women' ('婦女売買に関する国際条約の趣旨にも悖ること無きを保し難き' – 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 vol. 1, 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, but Ramseyer makes no mention of this aspect of the document's content.

(iii) On p. 6 of his article, Ramseyer gives a detailed account of the contract terms in 'comfort stations' in Malaya, and provides two sources for this information. One of these is the document 'US Office of War Interrogation (1944), Interrogation Report no. 49'. You can find a copy of this document here.

As was common in Allied military reports on encounters with 'comfort women' on the battlefield, the tone of this report is derogatory towards the women, but the report still contains important information and is widely known to researchers. Interrogation Report No. 49 does contain figures for the pay received by the women, but the figures are

different from the ones cited in Ramseyer's text, which are for Malaya, while this document is about Burma.

Significantly, this document does refer to contracts signed by the women, which might seem to support the core contention of Ramseyer's article. But it states the following: '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 it 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 the 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. The majority of the girls were ignorant and uneducated, although a few had been connected with "oldest profession on earth" before. The contract they signed bound them to Army regulations and to work for the "house master " for a period of from six months to a year depending on the family debt for which they were advanced... Approximately 800 of these girls were recruited in this manner and they landed with their Japanese "house master " at Rangoon around August 20th, 1942'. In other words, the report shows that the signing of wartime 'contracts' did not mean that these women had freely chosen to work in 'comfort stations'. 'Contracts', in this case at least, were signed even though women were recruited by trickery and transported to places from where they had no possibility of returning until they had paid off their debt (and in many cases probably even after paying off their debt). Contrary to statements made by Ramseyer in his article (see particularly Ramseyer 2020, p. 5), only a few had previously worked as prostitutes, while most had not. Having read and cited this important document, Ramseyer fails to acknowledge or address this crucial part of its content directly at odds with his claims.

Question for Discussion – See if you (with help from Japanese or Korean speaking friends if necessary) can check more of the sources used in the Ramseyer article.

Consider possible reasons why Professor Ramseyer may have failed to mention the information about contracts contained in Interrogation Report no. 49.

Do you think he uses his sources in an academically responsible, honest and balanced way which genuinely conveys the content of the sources to his readers?

6. Treating readers with honesty and respect – The Office of Integrity's Responsible Publication guidelines, like other statements on research standards, remind us that footnotes and bibliographies need to be fair and accurate, so that other researchers can verify a scholar's conclusions and follow up sources for their own further research. It's easy to make occasional mistakes with a page number or a date in a reference, but a systematic mismatch between the information in a book or article and the source material that it claims to be citing is cause for real concern.

   In relation to the 'comfort women' history – Here are a few more instances

of the sources used by Professor Ramseyer, and of the way in which he has cited them.

(i) One basic rule of academic referencing is that you should cite page number/s that point readers to the information you are citing. 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; but in the case of these documents, Professor Ramseyer 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 Ramseyer bears no correspondence to the information he is supposed to be citing, and does not provide the necessary help to readers trying to follow up his sources.

(ii) 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 Table 6 of a 2012 article by Takei Yoshikazu (Ramseyer 2020, p. 5, footnote 5). In an earlier 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. The Takei document cited in Ramseyer's article is a conference presentation outline which contains no Table 6 and no figures for 'comfort women' or unlicensed prostitutes. There is also a full version of this paper, which does contain a Table 6, but this table does not give numbers of individual 'unlicensed prostitutes' and 'comfort women'. The figures are for households not individuals, and the terminology used makes it impossible to distinguish 'unlicensed prostitutes' from 'comfort women'. The document from Suzuki et al. does not give a figure of 527 (nor any precise figure for the number of Korean unlicensed prostitutes in Shanghai), and gives a figure of 20 Korean 'comfort women' in the 'comfort stations' that it lists. (See Appendix 4).

(iii) Ramseyer also 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' (Ramseyer 2020, p. 5). The document he cites as his source (Suzuki et al. 2006 vol. 1, p. 143; Appendix 5) 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 115 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. 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.

(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), The document is confusingly referenced, but the reference appears to be to p. 19 of volume 1 of this collection. That page (Appendix 6) contains no reference to Korean comfort women, Burma or six-months contracts. It is about the setting up of 'comfort stations' in North China in the 1930s. Interrogation Report no. 49, cited in 5(iii) above, does refer to contracts of six months to a year, but, as we have seen, states that these contracts were fraudulent.

(v) Professor Ramseyer's statement that karayuki-san earned 'generally higher wages [overseas] than they could earn within Japan' (Ramseyer 2020) is referenced to 'p. 451' of Park Yuha's 2014 book Teikoku no Ianfu. Since the book only has 324 pages, it is impossible to identify the source of the information.

Question for Discussion – As above, see if you (with help from Japanese or Korean speaking friends if necessary) can check more of the sources used in the Ramseyer article.

Does Professor Ramseyer provide full and correct references which confirm his conclusions and allow other researchers to verify them and follow up sources for their own further research?

General Questions for Discussion:

How would you rate the article 'Contracting for Sex in the Pacific War' in terms of your own standards of research integrity?

Do you think this article should be accepted for publication in an academic journal?

What systems exist in your university to protect research integrity?

Who implements them, and how?

What sanctions do they impose on researchers whose work fails fundamental tests of research integrity?

Could these systems and their implementation be improved?

What do you consider to be the best ways of maintaining research integrity and preventing research misconduct while also supporting the right to free speech?

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This article is a part of the supplementary issue **Academic Integrity at Stake: The Ramseyer Article - Four Letters**, edited by Alexis Dudden, to the special issue **The 'Comfort Women' as Public History.**

We created a zip file for download containig all articles in this supplementary issue for your convenience.

Please also see "Seeking the True Story of Comfort Women: How a Harvard Professor's Dubious Scholarship Reignited a History of Mistrust between South Korea and Japan" by Jeannie Suk Gersen on *The New Yorker.*

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