

## Contracting for Sex? “True Story” of the so-called “Comfort Women” during World War II

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*Criticism has erupted around the world over the paper “Contracting for sex in the Pacific War” written by Mark Ramseyer, a Mitsubishi professor at Harvard University Law School. Ramseyer insists that “comfort women” by Japanese imperial military made “credible contracts” with recruiters regardless of the Japanese government or the Japanese military. Ramseyer further insists that the “comfort women” were certified prostitutes. However, the Japanese government selected recruiters secretly and provided them with convenience in mobilizing women. Recruiters have deceived women, mainly by job fraud, into kidnapping them to military brothels. The recruiters signed with Japanese women as barmaids (shakuhu), meaning women who served drinks. However, the Japanese military brothels were prohibited from drinking. Almost Korean women were illiterate in 1940’s, so recruiters did not make contract papers with them. It was very easy to deceive Korean women to make sexual slaves of Japanese military. The surviving Japanese military’s surgeon or soldiers testified that Korean “comfort women” had been sexual slaves.*

### Keywords

Ramseyer, Contract, Recruiter, Barmaid, Comfort Women, Sexual Slave

## 1. Introduction

A paper written by Mr. J. Mark Ramseyer of Harvard Law School has been point at issue since his paper, “Contracting for Sex in the Pacific War” was accepted for publication at INTERNATIONAL REVIEW OF LAW AND ECONOMICS in March 2021.<sup>1</sup> Ramseyer argues in this paper:

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<sup>1</sup> J. Mark Ramseyer, *Contracting for sex in the Pacific War*, 65 INT’L REV. L. & ECON. (2021), <http://chwe.net/ramseyer/ramseyer.pdf>.

These dynamics reflected the straightforward logic of the “credible commitments” so basic to elementary game theory.<sup>2</sup> Note, however, what this problem was not. It was not that the government—either the Korean or the Japanese government—forced women into prostitution. It was not that the Japanese army worked with fraudulent recruiters. It was not even that recruiters focused on the army’s comfort stations.<sup>3</sup>

Through these sentences Ramseyer insists that the women who worked as “comfort women” for the Japanese Army had signed “credible commitments” with recruiters and the Japanese government and military were not involved in this “business.” He further argues in this paper:

Brothel owners (not the military) hired the bulk of the new prostitutes, and hired most of them from Japan and Korea. Realizing the incentive brothel owners had to exaggerate their future earnings, women wanted a large portion of their pay upfront. Brothels agreed. Knowing that they were headed for the front, women wanted a maximum service length. Brothels agreed. In turn, realizing the incentive the women had to shirk within their unmonitored quarters, the brothels wanted terms that gave women an incentive to work hard. The women agreed.<sup>4</sup>

According to Ramseyer, while in the territories conquered by Japan there was a system of prostitution of the same form as the state-regulated system in Japan and Korea, the women working there became “comfort women” of their own volition.

His arguments have been heavily criticized for the factual distortion, unethical defense of crimes against humanities and irrelevant legal interpretation. This paper will critically and positively review Ramseyer’s arguments and statements highlighting a number of fundamental flaws in his work based on evidence.

## 2. Review

### *A. The Japanese military did hire recruiters to abduct women.*

In his paper, Mr. Ramseyer applies the game theory to explain the so-called “comfort women,” or victims of sexual slavery by the Japanese Army. He claims that they

<sup>2</sup> Ramseyer, *supra* note 1, at 1 (Abstract).

<sup>3</sup> *Id.* at 5 (§2.4).

<sup>4</sup> *Id.* at 7 (§ Conclusion).

were not sex slaves because both the women and their recruiters agreed to “credible commitments.”<sup>5</sup> However, the official document shows that such recruiters intended to kidnap the women as follows:

... They said the recruiters told the women, who were unaware of negotiating methods, that they could earn money just for consoling the army, which would provide their meals. Because of the suspicion of abduction, we accompanied the suspect to investigate.<sup>6</sup>

This proves that Korean or Japanese women were kidnapped by job fraud, not by agreeing to a “credible commitments” with recruiters.

### ***B. Both the Japanese government and military designated the recruiters.***

Ramseyer says “the recruiters had no connection to the Japanese military.”<sup>7</sup> However, the Japanese government and military did designate the recruiters to kidnap the women at that time. As seen in the document below, the Japanese government and military did choose the recruiters.

After investigating, however, police found that the Japanese military stationed in Shanghai ordered recruiters to mobilize women as barmaids (for serving drinks to soldiers) and sent them to Japan and Joseon [Korea].<sup>8</sup>

After 1938, the Japanese government and police cracked down on recruiters not certified by the Japanese military, but provided convenience to those who were permitted. The Japanese government and military were fundamentally responsible for the sex slaves since they backed the recruiters. Ramseyer, however, glosses over this fact.

As seen in the documents below, the Japanese government selected the recruiters under strict confidentiality and exclusively allowed them to hire the women, while prohibiting unlicensed recruiters from doing so. The licensed recruiters under the supervision of the Japanese government and military handled all related matters ranging from recruiting the women to managing comfort stations as below.

<sup>5</sup> *Id.* at 1 & 7.

<sup>6</sup> “Regarding the Incident of Kidnapping Women in Using the Current Situation”[時局利用婦女誘拐被疑事件ニ関スル件], National Archives of Japan, Feb. 7, 1938 (Reference code: A05032044800).

<sup>7</sup> Ramseyer, *supra* note 1. at 5 (§2.4)

<sup>8</sup> *Supra* note 6.

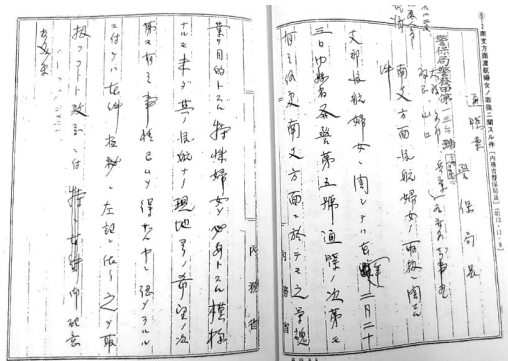
### Case related to handling women making passage to southern China

Women making passage to China must abide by the rules under Notice No. 5 of the Home Ministry on Feb. 23 this year (1938). The military stationed in southern China apparently needs such special women for the purpose of prostitution. They have yet to make passage and the military there wants them, so we have no choice. Therefore, this case is being handled as strictly confidential as below.

#### (1) Designation and handling of recruiters (pimps)

- (a) Among the brothel owners (pimps), we select among contractors people with good backgrounds who are considered to have no problem running military comfort stations in southern China as pimp leaders. Those who wish to install and operate these stations need to convey such intent to the people in charge so that the latter recommend and select them based on their voluntary wishes.
- (b) (Omission in the middle) To lead the women, we permit the designation of suitable people to allow pimp leaders to hire women confidentially. (Omission in the middle)
- (c) To send certificates to the military, we must allow the passage of women to be confidentially hired for the purpose of prostitution.<sup>9</sup>

Figure 1: The first page of “Case related to handling women making passage to southern China”



<sup>9</sup> Haruki Wada, Case related to handling women making passage to southern China [南支方面渡航婦女ノ取扱ニ関スル件], 1 THE COLLECTION OF DATA RELATED TO MILITARY COMFORT WOMEN [「従軍慰安婦」関係資料集成] 87-94 (1997). [支那渡航婦女ニ関シテハ本年 2月 23日内務省警発第5号通牒ノ次第モ有リ南支方面ニ於テモ之等醜業ヲ目的トスル特殊婦女ヲ必要トスル模様ナルモ未タ其ノ渡航ナク現地ヨリノ希望ノ次第モ有ル事情已ムヲ得ザルモノト認メラレルニ付テハ本件極秘ニ左記ニ依リ之ヲ取扱フコトト致スニ付御配慮願ウ。記 一 抱主タル引率者ノ選定及取扱(イ)引率者(抱主)ハ貸座敷業者等ノ中ヨリ身許確實ニシテ南支方面ニ於テ軍慰安所ヲ経営セシムルヲ支障ナシト認ムル者ヲ抱主タル引率者トシテ選定シ、之ニ対シ南支方面ニ軍慰安所ノ設置ヲ許可スル模様ニ付、(後略)] [Emphasis added]

In this regard, overseas prostitution up until 1937 was separate from the Japanese military's sexual slavery after 1938. However, Ramseyer maintains in his paper:

For the network of overseas comfort stations, the Japanese government drafted recruiting regulations designed to select only prostitutes already in the industry.<sup>10</sup>

These sentences means that such prostitution in Japan or Joseon (Korea) were developed into a business overseas without connection to the Japanese military. An official document, however, proves that the Japanese government's policy (February 1938) of sending only prostitutes to overseas comfort stations was not kept.<sup>11</sup>

Quoting a notice from Japan's Home Ministry in February 1938, Ramseyer insists that women sent overseas to serve at the comfort stations were originally prostitutes. But the following official document shows that the Japanese government's policy was not observed.

One tendency is that the local military police issues certificates to those neither attached to nor employed by the military or mostly special women who want to make passage to China. But we ask that you consider such certificates as those issued by the consulate as a matter of course.<sup>12</sup>

The above document shows the women were able to travel to China with a certificate issued by Japanese military police in this region, not one from police (the consulate). In this case, the women could go to China without undergoing a preview in Japan of their purpose of travel. As a result, they could be easily duped to go to comfort stations under the guise of being hired as waitresses at military cafeterias. Takushiro Suzuki, a former sergeant in the Japanese military police in Nanning, southern China wrote:

After Nanning was occupied in summer 1940, I patrolled every day a shabby comfort station with a signboard reading "Military Comfort Station Beijiangxiang (北江鄉)," a former private home turned into a comfort station. The order from the brigade command was intended to prevent any incident from occurring at this military-opened station.

A man surnamed Hwang managed there about 15 Korean women ages 15-23. This young man reminded me of a teacher at an elementary school in the countryside. He said he was the second son of a landowner who brought daughters of the

<sup>10</sup> Ramseyer, *supra* note 1, at 5.

<sup>11</sup> Wada, *supra* note 9, at 142.

<sup>12</sup> *Id.*

tenants there. The contract said the women were to work as waitresses at military-run tea shops and restaurants, but he seemed to feel deeply responsible for forcing these young women, who called him “big brother,” into prostitution.<sup>13</sup>

This testimony shows how the Japanese military opened the station. Hwang and the women were scammed with false contracts and abducted. The author of the book, a Japanese military police officer at the time, could have done something about such military’s crimes but did not. This is because the station was a military brothel. He wrote many cases in his book that all the women were kidnapped. Nonetheless, Ramseyer ignores this historical fact.

Plenty of evidence shows that the women were not initially prostitutes. Japanese Prisoner of War Interrogation Report No. 49 of the Allies reports the stories of 20 Korean victims of sexual slavery captured. Only a few of them had prior experience in prostitution before, while most were forcibly taken to Burma under false pretenses.<sup>14</sup> This document shows many victims were not originally prostitutes. That is why the women could travel overseas with a certificate from the Japanese military police without going to a police station. It clearly contradicts Ramseyer’s stance.

### *C. Ramseyer’s false claim of “credible commitments” from all women*

Did sex service contracts truly exist? To jump straight to the conclusion, even if sex service contracts might have existed within Japan or Joseon (Korea), such contracts were not admitted for women who were sent abroad. This was because the then Japanese Imperial Diet ratified the International Convention for the Suppression of the Traffic in Women and Children in 1925 and, as a result, banned the sending of both underage and adult women abroad for prostitution.

To avoid violating the Convention, the Japanese government abolished the licensed prostitution system, starting first in Shanghai, China.<sup>15</sup> Since Shanghai was a Japanese occupied territory at the time, many Japanese nationals, including licensed Japanese prostitutes, lived in the city. Against this backdrop, unlicensed prostitution gradually expanded from Shanghai to other overseas Japanese settlements. In the end, the Japanese government came to revoke the licenses of prostitutes overseas

<sup>13</sup> TAKUSHIRO SUZUKI, MILITARY POLICE SQUAD LEADER [憲兵下士官] 91 (1974).

<sup>14</sup> United States Office of War Information, Japanese Prisoner of War Interrogation Report No. 49, <http://www.exordio.com/1939-1945/codex/Documents/report-49-USA-orig.html>.

<sup>15</sup> Wada, *supra* note 9, at 447-50.

absolutely.<sup>16</sup> Instead, it introduced a restaurant barmaid (*shakufu*) system.<sup>17</sup> *Shakufu* literally means a woman who pours alcoholic drinks, but does not refer to a prostitute. Meanwhile, the Japanese police clearly distinguished among prostitutes, performers, and barmaids in its statistics.<sup>18</sup> Originally, *shakufu* did not engage in sex with customers. When requested, however, some might have agreed to have sex with their customers. Even in such cases, however, they never thought of themselves as prostitutes.<sup>19</sup> Japanese authorities introduced the restaurant barmaid system overseas to replace the licensed prostitution system, which eventually led to the comfort women system. Although barmaids (*shakufu*) were not originally prostitutes, the Japanese Army recruited women under this appellation and forced them into prostitution. Finally, these women later came to be referred to as “comfort women” instead of “licensed prostitutes.”

After Japanese authorities in Shanghai abolished the licensed prostitution system, the Japanese National Police Agency (NPA) produced new statistics on women who were relocated to China. In these data sets, the prostitute category was eliminated. According to the NPA’s statistics from 1938 to 1943, the women who entered China were classified as performers, barmaids, waitresses, housemaids, dancers, and other types of workers, but none were categorized as prostitutes.<sup>20</sup> However, those who signed contracts as such workers were then forced into prostitution by the Japanese Army, which was the true nature and origin of the comfort women system. Contrary to what their contracts stated, these women were coerced into providing sex to Japanese soldiers. Their original commitments were based on a fraudulent premise.

A fraudulent contract deceived women to believe that she would be hired as a factory worker in Tokyo for one year. A young girl who was cheated to believe to work at a factory in Tokyo by a school teacher in Joseon (Korea) was taken to Burma (present-day Myanmar) and forced into prostitution.<sup>21</sup> Later, the narratives of women who were deceived and forced to serve as comfort women were documented and published.<sup>22</sup>

In December 1937, the Japanese military decided in earnest to establish military comfort stations and commissioned recruiters to recruit women as barmaids. Unaware that barmaids were required to provide sex to Japanese soldiers, these

<sup>16</sup> IKUHIKO HATA, COMFORT WOMEN AND SEX IN THE BATTLE ZONE [慰安婦と戦場の性] 87 (1999).

<sup>17</sup> Wada, *supra* note 9, at 447-50.

<sup>18</sup> HATA, *supra* note 16, at 84.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 87.

<sup>21</sup> IKUO OMATA, BATTLEFIELD AND REPORTER [戦場と記者] 333-4 (1967).

<sup>22</sup> YUJI HOSAKA, FORCED RECRUITMENT OF JAPANESE MILITARY ‘COMFORT WOMEN’ WITNESSED THROUGH DOCUMENTS AND TESTIMONIES [文書・証言による日本軍「慰安婦」強制連行] 189-209 (2019).

women signed their work contracts that had been prepared by the recruiters. This is what Ramseyer refers to as “credible commitments.” However, these women never imagined their barmaid employment contracts as sex service contracts, because barmaids were not assumed to be prostitutes. As such, the contract forms provided by the recruiters did not include the content regarding sexual services.

A recruiter arrested in Gunma Prefecture in January 1938 possessed a four-page barmaid contract form, which included a letter of request for cooperation. The contract form included such statements as: “a contract period of two years”; “income will be 10 percent of the generated revenue”; “required to perform the duty of a barmaid at an army comfort station”; and “penalty will apply for a mid-term cancellation of the contract.”<sup>23</sup> This is the contract form referred to by Mr. Ramseyer and remains the only surviving copy.

At that time, recruiters easily deceived women who were more or less illiterate and unable to properly comprehend the contractual terms. In particular, the illiteracy rate of Korean women was 32.1% in 1955, 10 years after liberation, and the illiteracy rate of the 1930s was about 67% on the global average.<sup>24</sup> Considering that, the illiteracy rate of Korean (Joseon) women probably exceeded 70 % in the 1930s, so these women could hardly understand the sentences even if they signed contracts.

A written consent form, which constituted the contract, states, in an inconspicuous manner, “the duty of a barmaid” (equivalent to that of a *shogi*). However, an ordinary woman at the time would not have recognized that *shogi* meant prostitute. It appears that the recruiters inserted the parenthesized expression to take the maximum possible advantage of the women’s lack of knowledge and to avoid possible legal problems. Indeed, Japanese police arrested some recruiters on suspicion of defrauding and kidnapping uneducated women who were not familiar with contractual terms.<sup>25</sup> In such circumstances, women offered up fierce resistance after arriving at their destinations, realizing that they had been cheated. However, the Japanese military disregarded the protests of these women and forced them to serve as comfort women.

The following excerpt, written by a military doctor, details a case where a woman who was deceived and taken to a comfort station strongly resisted, but was suppressed and coerced into serving as a comfort woman.

The manager of the Senshokan (戦捷館) comfort station dragged in an unfamiliar

<sup>23</sup> Wada, *supra* note 9, at 14 & 19-20.

<sup>24</sup> M. Roser & E. Ortiz-Ospina, Literacy: Global Education, Our World in Data, <https://ourworldindata.org/global-education#literacy>.

<sup>25</sup> Regarding the Incident of Kidnapping Women Using the Current Situation, *supra* note 6.



young woman, grabbing her by the hands, but she continued to resist and lurch backwards, recoiling with her bottom pushed backwards. When she saw me, she backed away even more fiercely, with the scared face of a cornered dog.

I removed his grabbing hand from hers, brought him behind the curtain, and asked about the situation. The manager said that she arrived yesterday from mainland Japan and that she should receive a physical exam today and start working tomorrow, but was not cooperating and giving him trouble.

I brought her behind the curtain. Her tanned face suggested she had been brought straight from a farm. While crying, she said with an accent, "I was told that I only needed to console soldiers at a place called a comfort station, and never knew I was required to perform this kind of act at this kind of place. I want to go home. Please help me go home." At this, the manager looked very troubled. (omitted)

The next day, she returned to the medical office with the manager and the recruiter. ... Whether because she had been slapped by the manager and the recruiter or because she had been crying continuously, her face was swollen so much that her eyes were shut. As if having made up her mind, this time, she climbed up and lay on the examination bed without resistance. She hid her face with her sleeves. Her legs stiffened with nervousness and began to tremble. (omitted)

[The next day] I heard her crying. I looked out the window and saw the woman from yesterday sticking her face out the window and vomiting from a washroom of the Senshokan comfort station located next to my building. ... Crying while she was vomiting, and when the vomiting stopped, she cried out again like a baby. ... She was heavily indebted, with no way to return, with her hometown too distant. Her cry could not be answered by her parents, siblings, family, friends, or anyone else. The only thing she could do must have been to cry out in a shrieking voice. After a while, a fellow comfort woman showed up, brought the other woman's arm over her shoulder and took her out.<sup>26</sup>

This is a true story of a woman who was told that a comfort station was where women provided solace to soldiers and later realized that it was a brothel and resisted. Although the military doctor was aware that she was a victim of fraud, he did not take any action. This statement defies Ramseyer's position of "credible commitments," that is, sex service contracts were made under credible premise between recruiters and the women.

#### ***D. Ramseyer's mix-up of prostitute (sex-worker) contract and barmaid contract.***

In his article, Mr. Ramseyer confuses prostitute (sex-worker) and barmaid contracts.

<sup>26</sup> KENICHI NAGASAWA, HANKOU COMFORT STATION [漢口慰安所] 146-9 (1983).

However, barmaids and prostitutes are obviously different. For instance, in the document which Fukuoka governor sent to the police commissioner of the Ministry of Home Affairs, dated May 4, 1925, a case was reported as follows: a female named Kono Hatsu had promised to register as a sex worker and received advance payment, but was found working as a barmaid and had not registered for sex worker.<sup>27</sup> This document clearly classifies prostitutes from barmaids.

There are other examples as well: Article 23 of Regulations on Commercial Job Placement Business stipulates the business arranging women's jobs; it confirms that the regulation is applicable to performers and barmaids but not applicable to prostitutes. Article 23 provides that "prostitution is hitherto treated as an independent business." This regulation also classifies prostitution from barmaid as a different job.<sup>28</sup> Under the Japanese law of that time, prostitutes (sex-worker=registered prostitution) and barmaids were different. However, Ramseyer considers both as the same business.

According to the "General Condition of Legalized Prostitution," a document dated May 1, 1931,<sup>29</sup> the only subject being described for registered prostitution (prostitute) are sex-workers. In this document, barmaids are not mentioned as registered prostitute. Also, in the "Legalized Prostitution and Private Prostitution," a document dated February 1931,<sup>30</sup> registered prostitution is described as sex-worker. It refers to: "There may be private prostitution carried out by performers, barmaids, companions, waitresses working in café, bar, restaurant and others, saleswomen working in department stores or other buildings, but there are difficulties in investigating of such."<sup>31</sup> In other words, barmaids may freely engage in romantic relationship with customers but are not prostitutes. Therefore, in Japan, registered prostitute stands for sex-worker, which means prostitutes, but not performers, barmaids, companions and waitresses. To become a registered prostitute, women had to sign the sex-worker job contract. The sex-worker job contract specifies the following:

Firstly, as (name of subject) is registered to the district police station according to Article 3 of Regulations on sex-workers (44<sup>th</sup> Decree of the Ministry of Home

<sup>27</sup> Prostitute register [娼妓登録に関する件] (May 4. 1925), Japan Center for Asian Historical Records (JACAR) (Reference code: A05032277300).

<sup>28</sup> Query about labor exchange regulations [営利職業紹介事業取締規則嫌疑の件] (Dec. 11. 1925), JACAR (Reference code: A05032288000).

<sup>29</sup> General condition of legalized prostitution [公娼の概況] (May 1. 1925), Ministry of Home Affairs Document, JACAR (Reference code: A05020102900).

<sup>30</sup> Legalized Prostitution and Private Prostitution [公娼と私娼] (Feb. 1931), JACAR (Reference code: A05020127200).

<sup>31</sup> *Id.* at 316.

Affairs) ... legalized prostitution is implemented.<sup>32</sup>

In other words, prostitutes made contract according to the sex-worker job contract. But the only format of sex slave contract that remains to this day is the barmaid job contract, not the sex-worker job contract. Therefore, the original contract between Japanese Army and the contractors of their choice was confirmed as barmaids, not prostitutes, based on the contract format. But no such contract forms for Korean (Joseon) women remained.

Barmaids could make their own profit from serving customers or liquor sales.<sup>33</sup> Also, barmaids could redeem their advance payment from such profits. These women could receive advance payment according to their barmaid job contract. For operating the Japanese army comfort facilities with women who were in contract as barmaids, however, Japanese Army prohibited not only sales of food and liquor, but also drinking within these comfort stations which shows as follows: “The sales of food, liquor, and other snacks will be prohibited within comfort stations, and said comfort stations must be kept sanitary at all times.<sup>34</sup> Drinking liquor within comfort station is prohibited.”<sup>35</sup> These regulations clearly show that Japanese Army and their contractors violated the contract with these women.

As a consequence, the contractors selected by Japanese Army made contract with women for working as “performers, barmaids, companions, waitresses at mess hall or army restaurant, practical nurse at navy hospital,” but forced them to prostitute at military sites. Abducting women by deception should be an organized crime by Japanese Army. The women cried injustice and inhumanity. However, they were paid in advance and running away was virtually impossible under strict surveillance in warzone. Therefore, becoming sex slaves was the only and inevitable option for the so-called “comfort women.”

### *E. Had comfort women high incomes?*

First, Ramseyer has miscalculated the amount of money that a woman earned by prostitutes in Japan. In his paper, Ramseyer has indicated:

<sup>32</sup> *Id.* at 106.

<sup>33</sup> *Id.* at 321.

<sup>34</sup> Regulations on special comfort job, Morikawa unit [森川部隊特種慰安業務ニ関スル規定] (Dec. 14, 1939), in 2 THE COLLECTION OF DATA ON MILITARY COMFORT WOMEN 330 (Haruki Wada ed., 1997).

<sup>35</sup> Regulations on soldier club [軍人倶楽部規定] (Aug. 16, 1942), in 3 THE COLLECTION OF DATA ON MILITARY COMFORT WOMEN 150 (Haruki Wada ed., 1997).

(d) Under the typical contract, the brothel took the first 2/3 to 3/4 of the revenue a prostitute generated. It applied 60 percent of the remainder toward the loan repayment, and let the prostitute keep the rest.<sup>36</sup>

However, he has misinterpreted the above contracts as follows:

(c) An example. Consider some simple calculations (Keishi, 1933: 96–98; Kusama, 1930: 227–28). In 1925, customers made 3.74 million visits to the 4,159 licensed prostitutes in Tokyo. Aside from payments for food and drink, they spent 11.1 million yen. Of this amount, prostitutes kept 31 percent, or 3.4 million yen – 655 yen per prostitute. Under the standard arrangement, the prostitute would have applied 60 percent of this amount (393 yen) toward the repayment of her loan, and kept the rest (262 yen). She would have repaid her initial loan of 1200 yen in about 3 years.<sup>37</sup>

Ramseyer has omitted from the above calculations the fact that 2/3 to 3/4 of the amount earned by women was taken by their brothel keepers. He states that 60% of JPY 655 the women earned was used for loan repayment and that they received the remaining 40%, but brothel keepers actually took 2/3 to 3/4 of that amount of money (JPY 655) from his calculations. If recalculating while bearing this in mind, we see that the women received JPY 163–218 out of JPY 655. The women then determined their loan repayments from that sum. Therefore, Ramseyer’s method of calculating that the women repaid 60% and kept 40% is in itself wrong.

Ramseyer declares that as the women were paid high in advance they could compensate for the risk of going to overseas brothels. This is, however, another incorrect, baseless assertion. As Ramseyer mentions, according to internal documents from 1938, only 4 records of initial loans to women after signing contracts actually remain. Those sums are JPY 470, JPY 362,<sup>38</sup> JPY 642, and JPY 691.<sup>39</sup> If this is the case, did the women who went overseas in February 1938 pay back the entire sum in two years? No. These contracts were different from prostitution contracts inside Japan. The following contract information can currently confirm this information.

Loan repayments were annulled at the conclusion of the contract period. Even in the event of convalescence due to illness during the contract period, initial loans

<sup>36</sup> Ramseyer, *supra* note 1, at 2 (§ 2.2).

<sup>37</sup> *Id.* at 3. [Emphasis added]

<sup>38</sup> Case of Suspected Kidnapping of a Woman Using the Current Situation, *supra* note 6.

<sup>39</sup> *Id.*

were considered fully repaid at the conclusion of that period.<sup>40</sup>

In other words, women did not have to fully repay this initial loan once the two-year contract was complete. Women had to fully repay the loan if they stopped working during the contract period. There is another statement as follows:

There is no interest on the initial loan during the contract period. However, interest of 10% monthly shall be applied to the balance of the initial loan if work is ceased during the contract period.<sup>41</sup>

Ultimately, brothel keepers calculated that the loan was automatically repaid if the women worked for two years because the women had to pay 90% of their income to brothel keepers as follows:

10% of money earned is aid monthly to the barmaid as income. However, half of this must be saved.<sup>42</sup> ... The brothel keeper shall be liable for the costs of clothing, bedding, food, bathing, and medical care.<sup>43</sup>

Ramseyer has ignored the above information from extant prostitution contracts.<sup>44</sup> Calculated simply, if women earned approximately JPY 700 annually as in Japan, they would only receive JPY 70 per year. This equates to a mere JPY 5.8 per month. Of this, 50%, or JPY 2.9, had to be saved; the women were eventually given no more than JPY 2.9 per month. How can this be considered a high income? Even though brothel keepers were liable for living expenses such as food costs for minimum level of survive of the women could, they could not live well.

Ramseyer has attempted to generalize it from the case of a comfort woman named, Moon Ok-ju, stating that she earned a high income.<sup>45</sup> However, Ramseyer did not mention that Moon Ok-ju was a talented singer and dancer who was always called to military banquets and could earn enough money even without having sexual relations. These facts are recorded in detail in the book “Moon Ok-ju who was

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> Ramseyer maintains: “With 1,500 yen or more outstanding, she was to receive 40 percent of the revenue; if she had less than 1,500 yen, she was to receive 50 percent; and if she had no outstanding debt she was to take 60 percent. Of this share, the brothel was to apply 2/3 toward the remaining debt, and directly pay the prostitute the rest.” See Ramseyer, *supra* note 1, at 6 (§3.4).

<sup>45</sup> *Id.*

a comfort woman of Japanese Shield Division in Burma.”<sup>46</sup> Moon’s case was simply an outlier among comfort women. It should not be applied to other women.

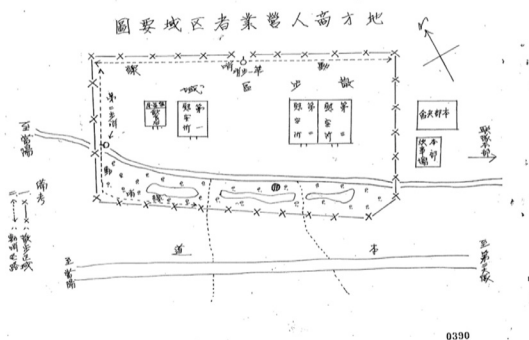
### F. Comfort women as sex slaves

The comfort women were definitely slaves for sexual servitude. Those women were deceived to take job offers as barmaids, performers, waitresses, factory workers, or others, but forcibly taken to military brothels. Since the area around the brothels was battlefield, the women could not flee. They could go out shopping and spend time freely on their days off, but that was exceptional. Even in such cases, they were unable to leave zones guarded by Japanese soldiers or military police. The women were monitored to move only within a rectangular 50-100 meter perimeter around the brothel. Typically, one comfort woman was allocated for every 100 soldiers. On days off, nearly 100 soldiers would descend upon the comfort woman. She was definitely a sex slave. Ramseyer failed to discuss such cases. The following is an official Japanese Army document describing this actual situation.

1 comfort woman is allocated for every 100 Japanese soldiers... Industry personnel (employees, comfort women, waitresses, etc.) shall walk only in those zones indicated on the attached map.<sup>47</sup>

Figure 2 shows the area enclosed by x-x-x-x where comfort women were permitted to walk, and it is a rectangular zone of a mere 50-100 meters.

Figure 2: The map showing the area of local merchants [地方商人營業者區域要圖]



<sup>46</sup> MACHIKO MORIKAWA, MOON OK-JU WHO WAS A COMFORT WOMAN OF JAPANESE SHIELD DIVISION IN BURMA [文玉珠ビルマ戦線楯師団の「慰安婦」だった私] (2015).

<sup>47</sup> Regulations for Special comfort Work at Takamori Base [高森部隊特殊慰安業務規程] (Oct. 11, 1940), National Archives of Japan (Reference code: C13070262500).

The following image is a scene from a graphic novel by Shigeru Mizuki depicting his own brothel experience for his military service on the island of New Britain, Papua New Guinea. He tells that about 70-80 soldiers per woman were lining up in front of three comfort women on days off or one day before combat.<sup>48</sup> Shigeru Mizuki describes the sex slave status of these comfort women as follows.

The soldiers were also destined for hell, but those ‘comfort women’ may have experienced a worse hell. ... Stories of compensation for the comfort women sometimes appear in newspapers, but they must be incomprehensible to those who have not experienced such things. That was hell. That’s why I always thought that the comfort women deserved compensation.<sup>49</sup>

Figure 3: Brothel on the Island of New Britain (picture by Shigeru Mizuki)



### *G. Controversies of Ramseyer’s Paper: Critical Comments*

Ramseyer’s paper has been a highly topical issue since last February. Many people in the world severely criticize his arguments and ask the journal to recant the publication.<sup>50</sup> However, a group of Japanese and even some Korean people support him. Japanese historical revisionists have begun to publish rationale in defense of Ramseyer’s paper in the Japanese and Korean press. Tsutomu Nisioka, a professor

<sup>48</sup> Onward Towards our Noble Deaths! [総員玉碎せよ!], June, 1995, at 14.

<sup>49</sup> The Record of KaranKoron Drifting-Teacher GeGeGe talks a lot [カランコロン漂泊記ゲゲゲの先生大いに語る] (2010), at 8. (An essay with cartoons)

<sup>50</sup> Jeannie Suk Gersen, *Resources on “Contracting for Sex in the Pacific War” in the International Review of Law and Economics*, ANNALS OF INQUIRY, Feb. 26, 2021, <http://chwe.net/irle>.

at Japan's Moraroji Research Institute has asserted that even if no contracts between Korean women and brothels are now extant, such contracts did exist. He quoted a part of book written by an army surgeon Nagasawa as follows:

There were some extreme cases among Korean brothels. The daughters of poor farmers were trafficked without any sort of documents or other proof and made to work, being treated as disposable, like slaves. They had no hope of freedom until the day they died, but the women themselves seem to have had no awareness that they were in that position. ... The army surgeon Fujisawa (藤沢) ensured that women could repay their entire debt and regain their freedom by making promissory notes adding payment for miscellaneous expenses to the money brothels paid to women. Brothels implemented travel fees and clothing fees to increase the women's debt, but Fujisawa made such travel expenses free of charge and had rayon (人造絹絲) clothing sold cheaply instead of at outrageous prices.<sup>51</sup>

In these quotes, Nagasawa places the blame brothel owners for Korean women's sexual slavery and depicts the Japanese army as a "righteous lion" correcting irregularities. However, as mentioned previously, the brothels at the time were selected by the Japanese authorities including the Japanese Government-General in Korea who was responsible for selecting brothels. Although Nagasawa tried to shift all the blame to Korean brothel owners, the Japanese authorities and the Japanese Government-General of Korea assumed the ultimate responsibility for the misdeeds of the brothel owners.

According to Nagasawa, Korean brothel owners "trafficked" women "without any sort of documents" and treated them as "disposable, like slaves." Nagasawa also described the women as having "no hope of freedom until the day they died." Paradoxically, he clearly indicated in his book that Korean comfort women were sex slaves who did not have contracts signed with brothels.

However, Nagasawa praises his fellow army surgeon Fujisawa, saying, "[T]he army surgeon Fujisawa ensured that women could repay their entire debt and regain their freedom by making promissory notes adding payment for miscellaneous expenses to the money brothels paid to women."

In fact, many of these women pressed into work without contracts had been deceived with fraudulent job offers. Fujisawa did not investigate how women arrived at military brothels, but only offer them promissory notes. He would have had to confirm the women's intentions through interpreted interviews with them to fundamentally prevent the malicious actions of brothel owners. However, no such

<sup>51</sup> NAGASAWA, *supra* note 26, at 63-4.



incidents are described in Nagasawa's book.

In the 1930s, illiteracy rate of Korean women was 92%. Most of Korean women could then read neither Japanese hiragana nor Korean Hangeul.<sup>52</sup> Since over 90% of Korean women did not speak Japanese, they could not communicate with the Japanese army headquarters at their location and had no option except continued forced prostitution. In other words, there were no measures to rescue Korean women deceived into prostitution. However, Nishioka's comment on the above text from Nagasawa's book is as follows:

Many of the Korean comfort women at the time could not read, and so it appears that most contracts were verbal rather than written. There were cases of Korean brothel owners using these to exploit Korean women working in private brothels. However, the military managed its state-regulated brothels with proper ledgers such that debts could quickly be repaid. ... The military properly managed contract relationships and could protect Korean comfort women from immoral brothel owners. There were contract relationships even without contracts.<sup>53</sup>

Nishioka acknowledges that "many of the Korean comfort women ... could not read," while arguing that "most contracts were verbal rather than written." This means that brothel owners could easily deceive the women. In addition, Nishioka ignores that verbal contract with deception could not be acknowledged officially. The promissory notes provided by Fujisawa were not prostitution contracts for work as comfort women. Therefore, the women were forced to prostitute to repay their advances without contracts. According to Nagasawa, the army headquarters instructed that if Korean women were forced into brothels and complaining of fraudulent job offers, other work should be introduced by the military.<sup>54</sup> This story might be emphasizing that the military did not forcibly conscript women into prostitution. However, only a few women fluent in Japanese could make complaint. Nagasawa never mentions precisely which alternative jobs were introduced to these women.

Even in this case, Nagasawa implies that there must have been cases in which brothel keepers forcibly prostituted women who refused to become comfort women. As discussed above, the military police, tasked with correcting military misconduct, undertook no corrective action whatsoever even while recognizing the existence of women tricked into prostitution with fake job offers. The army corrected such problems only at a few times when the problems would become even more

<sup>52</sup> Ryuta Itagaki, *Literacy Survey in Colonial Korea*, 58 *J. ASIAN & AFRICAN STUD.* 289 (1999).

<sup>53</sup> Media Watch, Mar. 8, 2021, <https://www.mediawatch.kr/news/article.html?no=255409>.

<sup>54</sup> NAGASAWA, *supra* note 26, at 221.

exacerbated if uncorrected.

Official documents verify that Japanese Army established military brothels.<sup>55</sup> These were expanded to almost all territories including China, Southeast Asia, and the South Pacific Islands. Because the army needed much more comfort women as time went by, it did not ask each individual brothel owner about the women's consent.

Japanese historical revisionists have been trying to spread that the "comfort women" became prostitutes of their own accord; they were well-paid and free to leave if they want. Nothing is true, however. These revisionists are promptly confronted with official documents directly contradicting their claims and with innumerable examples refuting their assertions.

### 3. Conclusion

This review has just noted a small part of major factual errors that Ramseyer made. My comments briefly focus on the problems that Ramseyer has applied to the issue of comfort women. The following are undeniable facts: (1) the Japanese government and Japanese Army were always in the background of kidnapping women because the recruiters were selected by them; (2) the women did not sign the contracts for prostitution, but were forced to prostitute at comfort stations in Japanese Army; and Ramseyer miscalculated the comfort women's earnings based on incorrect idea that comfort women earned high salaries.

Finally, I would suggest the readers to read the following references for details as: "New Pro-Japanese Groups";<sup>56</sup> "Forced Migration of 'Comfort Women' by the Japanese Army According to Documented Testimony";<sup>57</sup> and "Collection of Documents Proving Japan's Comfort Women Problem 1."<sup>58</sup> These works will be published in English in the near future.

Received: February 1, 2021

Modified: March 30, 2021

Accepted: May 15, 2021

<sup>55</sup> Regarding the Incident of Kidnapping Women Using the Current Situation, *supra* note 6.

<sup>56</sup> YUJI HOSAKA, NEW PRO-JAPANESE GROUPS [신친일파] (2020).

<sup>57</sup> YUJI HOSAKA, FORCED MIGRATION OF 'COMFORT WOMEN' BY THE JAPANESE ARMY ACCORDING TO DOCUMENTED TESTIMONY [文書·証言による日本軍「慰安婦」強制連行] (2019).

<sup>58</sup> YUJI HOSAKA, COLLECTION OF DOCUMENTS PROVING JAPAN'S COMFORT WOMEN PROBLEM 1 [일본의 위안부문제 증거자료집 1] (2018).