



March 15, 2021

Dean John F. Manning
Harvard Law School
1563 Massachusetts Ave.
Cambridge, MA 02138

Dean Manning,

The National Asian Pacific American Bar Association (NAPABA) and its affiliates are deeply concerned by the [article](#) published by Professor J. Mark Ramseyer, Mitsubishi Professor of Japanese Legal Studies, titled “Contracting for sex in the Pacific War” in the *International Review of Law and Economics* and his accompanying [opinion piece](#) in *Japan Forward*. Harvard Law School (HLS) cannot afford to ignore the issues raised by Professor Ramseyer’s writings, which fall short of the standards expected of Harvard’s scholarship.

We call for HLS to issue a public rebuke, disavowing Professor Ramseyer’s writings on “comfort women.” As organizations that represent AAPI attorneys, we have a duty to acknowledge and condemn human trafficking, and to support and educate the public about the plight of “comfort women” and other human trafficking victims, past and present. Therefore, in 2014, NAPABA issued a [statement](#) acknowledging the suffering of WWII “comfort women” and other victims of human trafficking. Similarly, HLS has the same responsibility to uphold the truth.

The articles are problematic for a multitude of reasons, including 1) a misogynistic premise alleged to be based in contract law; 2) missing factual context regarding “comfort women” during World War II; 3) a disregard for legal ethics; and 4) a potential conflict of interest with the position he holds.

In his writings, Professor Ramseyer purports to discuss a “contracting problem,” but he fails to establish how these arrangements could be characterized as arm’s-length transactions between independent parties, given the violence and oppression that was pervasive through the years of Japan’s occupation of Korea, the Philippines, Taiwan, Hong Kong and other areas of China, Vietnam, Cambodia, Laos, Thailand, Malaysia, Singapore, Guam, Myanmar, and other regions. He similarly fails to discuss how the chauvinistic views that were prevalent during that time and place would have skewed the balance of power between the parties involved. Most importantly, he [fails to produce any examples](#) of the alleged contracts, a purposeful omission that is unacceptable for any practicing attorney, much less a law professor.

Professor Ramseyer's position and writings regarding "comfort women" are historically inaccurate and damaging toward the hundreds of thousands of victims and their families of these violent atrocities by the Japanese military. Professor Ramseyer should issue an apology and voluntarily retract both his journal article and his *Japan Forward* opinion piece, as it ignores the ethics, laws, and consensus from international and United States governing bodies, including acknowledgement from the U.N. Commission on Human Rights and the U.S. House of Representatives.

Many of these "comfort women" were kidnapped, deceived, and trafficked into sexual slavery by and for Japanese soldiers in World War II. This includes girls who were as young as eleven years old and unable to consent. What Professor Ramseyer has written is undeniably wrong and reprehensible. He denies the criminal actions of the Japanese military and fails to acknowledge the weight of historical evidence showing how their actions impacted women in the occupied regions.

The overwhelming academic failings of these writings have been expressed at length by [numerous other professors and scholars](#), and the *International Review of Law and Economics* itself has [published](#) "an Expression of Concern to inform readers that concerns have been raised regarding the historical evidence in the article listed above" and that it is conducting an investigation.

Professor Ramseyer's position on this topic is held only by a select few, in particular the government of Japan. In fact, the Japanese Government has intervened on behalf of Mitsubishi (donor of the endowment associated with the chair that Professor Ramseyer currently holds) regarding a case brought against Mitsubishi by victims of forced labor for Mitsubishi during the Japanese occupation of Korea. Professor Ramseyer did not offer any substantiated argument, but simply rhetoric and propaganda supporting criminal acts and war crimes.

In a time where "fake news" runs rampant among media and institutions alike, HLS must take a stand against false narratives that continue to perpetuate a harmful tale, especially one that condones human trafficking of vulnerable populations.

As an educator who is responsible for shaping legal minds, it is wholly inappropriate for Professor Ramseyer to fabricate a narrative without any supporting evidence that these girls and women were able to consent to and "negotiate" a contract despite clear evidence that this was untrue. If a HLS student were to adopt Professor Ramseyer's standard of scholarship, that student would be deemed unsuitable for any position where well-reasoned, evidence-based, and balanced legal analysis was required.

In light of HLS's commitment to be "dedicated to excellence in teaching, scholarship, and interdisciplinary exploration," NAPABA urges HLS to take steps to uphold these standards by demonstrating to its faculty, its students, and the world that the Harvard name cannot be used to validate and elevate unsubstantiated efforts to legitimize and whitewash historical acts.

Regards,

A handwritten signature in black ink, appearing to read 'A.B. Cruz III'. The signature is stylized with a large initial 'A' and a prominent 'C'.

Rear Admiral A.B. Cruz III, USN (ret.)
NAPABA President

NAPABA Affiliate Bar Associations