

Preface

By J. Mark Ramseyer

"If liberty means anything at all it means the right to tell people what they do not want to hear," said George Orwell. The right to say only that which others decide to allow is not liberty, and without that liberty democracy cannot thrive. Only when we have the right to say what others -- powerful others -- oppose do we have the right to that speech which leads to liberty and democracy.

Liberty and the right to speak is especially important among scholars. I am a scholar. I teach, and I write. For the most part, I write about Japan. Given that I am a law professor, I mostly write about Japanese law. I try to understand the way that law and legal institutions function in Japan. If they do not work as we imagine, I try to understand how and why they do not function as usually thought.

Scholars cannot do their work if designated conclusions are ruled out of order for political reasons. Our job is to follow the evidence and logic to their conclusions. Most of what we do has no serious political ramifications. I am not being overly modest -- rarely do we as scholars do anything that is very important. But sometimes, we touch on a topic with deep political ramifications. When that happens, some of our conclusions will be politically convenient to some groups than others.

If we scholars are behaving as we should, politics is not our business. Our job is to follow the evidence and the logic. We follow these elements to where they lead. In an open society, we will be free to express these conclusions. If one scholar believes that another scholar is wrong, he can explain why. Scholarship progresses through the arguments and debates that follow. The process is never finished. New evidence may appear. New considerations may present themselves. The scholarly process is always open.

The history of the comfort women is one such contested field. There is an enormous amount of documentation about the work. There are survivor testimonies about the work. At times, the documents and the testimonies contradict. When they do, we (scholars and members of the public alike) will need to weigh the material and make judgments.

This process is not unusual. On historical issues of importance, there will often be conflicting pieces of evidence. Scholars will need to examine the pieces of evidence and reach conclusions. They will explain their logic. Readers can then weigh the evidence and logic themselves, and come to their own conclusions. The scholarly community can function only if no conclusions are banned.

But in a democracy, liberty and the right to speak is vital to everyone. Democracy requires us (scholars and non-scholars alike) as members of the public to participate in collective decision making. To make sensible decisions, we need to understand the world in which we live. And to understand the world, we need to be able to speak with each other. We cannot make sensible decisions if some statements are banned at the outset. Often, our conclusions may have political implications. When that happens, others may try to prevent us from expressing our opinions. We may want to prevent those others from expressing their opinions.

For the sake of liberty and democracy, we -- all of us, as members of the public -- must fight the urge to limit speech. And it is here that Orwell's principle becomes so important. The essence of democracy lies in liberty, and the essence of liberty lies in the right to speak. It is the right to make statements that others oppose.