

Research Center for Human Rights,  
Osaka City University,

March 7, 2021

Dear Editors-in-Chief of Review of Law and Economics

We are sending this letter to express our grave concern as scholars over the publication of the article by J. Mark Ramseyer, entitled “On the invention of Identity Politics: The Buraku Outcasts in Japan” in your journal (Volume 16 issue 2, 2019). Both of us are researchers and educators at the Research Center for Human Rights at Osaka City University, known as the first university in Japan, that deployed a full-time faculty for the research and education on Buraku discrimination in 1970. Since then, research and education for human rights have been our Center’s mission, not to mention that studies on Buraku discrimination constitute an integral part of our work.

From our perspectives as researchers on Buraku discrimination for many years, the article is based on fallacious interpretation of history of social movements that arose within Buraku communities. The author neglects the fact that the Dōwa Special Measures projects for the improvement of Buraku communities in the post-war era was based on the national laws but describes them as the outcome of “shakedown” strategies of the specific Buraku organization. The article then misuses statistical data to draw a conclusion that complies with seemingly preconceived ideas of the author on Burakumin and Buraku communities. The problematic use of national census data of 1936 (Zenkoku buraku chosa [National Survey of Buraku]) should be also noted.

We lay out some of the critical problems in the article below. As sociologists, we center our concerns within that realm and leave the numerous historical concerns to the historians. The following is not an exhaustive list, however, rather the concerns we raised here are what we consider the most egregious. We believe they are significant enough for the editorial board to re-examine the article.

While our concerns with Ramseyer’s scholarship outlined here centers on Buraku issues, it is not the first time that Ramseyer has been criticized for highly problematic scholarship. An article Ramseyer published in *International Review of Law and Economics* has been criticized heavily by scholars across the globe from a variety of disciplines. Numerous scholars have raised questions and concerns over Ramseyer’s misrepresentation of facts, problems with methodology, citation

issues, and what seems to be a willful ignoring of data that would counter his preconceived notions, and indeed, the journal has appended the on-line article with an “Expression of Concern”.

As scholars, we uphold professional standards and procedures. Ramseyer’s article on the Buraku issue does not meet even minimum level of academic integrity. It discredits the work of social scientists that work in the ways that inspire trust and confidence in the society.

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## **Negligence of legal basis of Dōwa Special Measures**

First, the author, neglecting the political and legal process of Dōwa Special Measures projects, misleads the readers to suggest the projects were the outcome of the “shakedown” strategy of a specific Buraku organization. Indeed, it was the Dōwa Policy Council, an advisory body of the prime minister, that, in 1965, recommended the policies and the legislation of Dōwa Special Measures Law to provide a legal basis for national subsidies for policy implementation. The first law came into force in 1969. In other words, from the start, this was a policy program that had its foundation within the government.

## **Misinterpretation of demographic changes in Buraku communities**

Secondly, considering the author’s apparent fluency in Japanese, the lack of engagement with recent scholarship in Japanese is nothing short of inexcusable. There are myriad examples of research that highlight demographic changes in Buraku communities, as well as examples of community changes through “first-hand accounts”, such as public data from national, and local governments.

Instead, The author links the demographic changes of Buraku communities with “criminal incentives” created by the subsidies for Dōwa Special Measures projects, and draws a far-fetched conclusion: the author explains that the national subsidies increased incentives for “burakumin with lowest opportunity costs” to stay in the communities and “invest in criminal careers”, whereas those “with higher legitimate career options abandoned the community” (in the abstract, p.1). The author also stated that the end of the subsidies stopped such incentives, and “young buraku teenagers increasingly stayed in school. They finished high school, left the buraku for university, and never returned” (p.85).

Despite what the author claims, making use of the public data shows us the facts. Fig.1<sup>1</sup> shows the population structure in Buraku communities by age group in 1971, 1975, and 1993, showing the demographic changes of Buraku Communities under Dōwa Special Measures Laws. The percentage of those under fifteen years of age constituted 24.1% of total population in 1971, whereas it went down to 16.2 % in 1993. The percentage of the elderly (above 65 of age) increased from 7.2% in 1971 to 15.5% in 1993.

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<sup>1</sup> Both fig.1 and fig.2 are in Noguchi, et.al. (1997) *Konnichi no Buraku Sabetsu* 『今日の部落差別』 p.33. Buraku Liberation Publishing House Co., ltd. Both figures are based on the national census of Buraku communities, and on national population census, both conducted by Management and Coordination Agency (総務庁) of Japanese Government.

Fig.2 shows the comparison of population structure by age group between Buraku communities and total national population in 1993. In Buraku communities, the percentage of the young generation between 20 and 34 years old was comparatively lower, while the percentage of those above 55 was higher.

Fig.1 Population structure in Buraku communities by age group (1971, 1975, 1993)

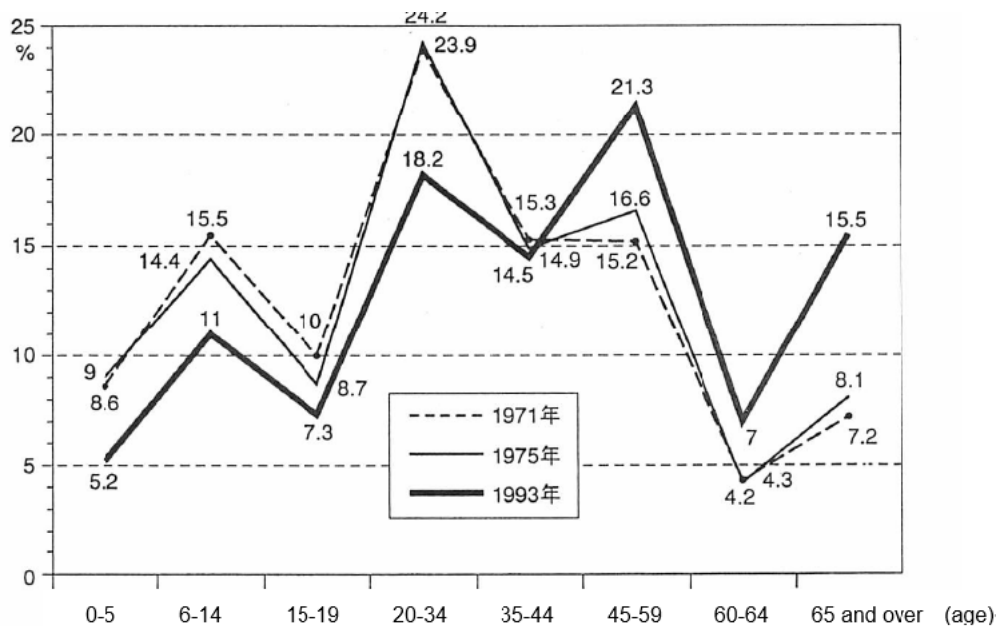
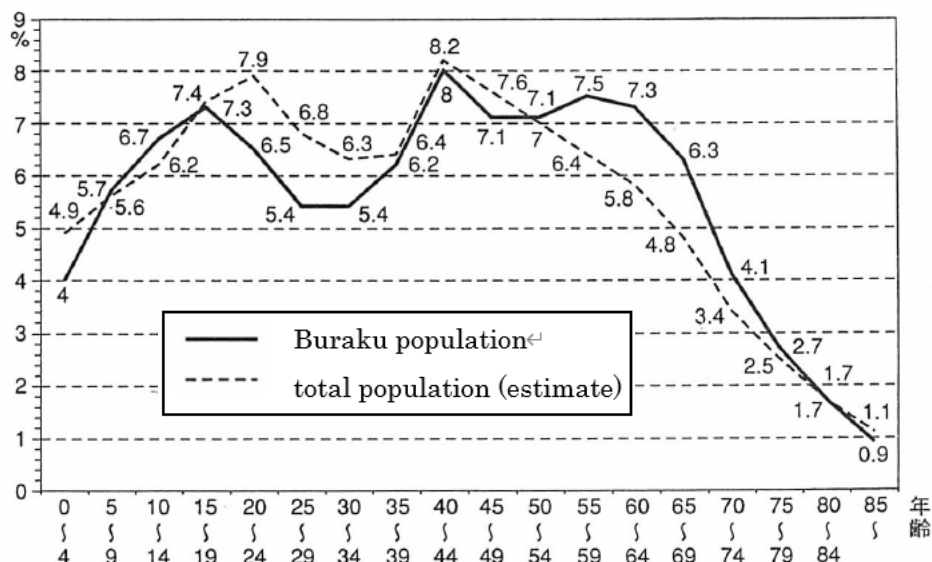


Fig.2 Population structure in Buraku communities in comparison with national census (1993)



[注1] 同和地区実態調査は、1993年同和地区実態把握等調査  
 [注2] 全国推計は、1993年10月1日現在推計人口（総務庁統計局）

Those figures imply, during the period of Dōwa Special Measures, that the younger generation left

Buraku communities after finishing their education, and thus leaving the remaining population disproportionately elderly, when compared with total national population. Ramseyer describes Burakumin stay in communities as those who “faced ever-larger incentives to stay in the buraku and invest in criminal careers” (in the abstract, p.1) and enhances violent images of Burakumin. This is so ridiculous. Is Ramseyer attempting to say that the elderly stay in Buraku communities are violent and dangerous?

Another public data source, the surveys conducted by Osaka prefecture in 1990 (大阪府同和対策事業対象地域住民生活実態調査, hereafter 1990 Survey) and in 2000 (同和問題の解決に向けた実態調査, 2000 Survey) give us the “first-hand accounts” of the background of the demographic changes of the forty-eight Dōwa districts (an administrative term that refers to Buraku communities) in Osaka, mostly urban communities, just before the end of Dōwa Special Measures projects.

Prior to the expiration of Dōwa Special Measures Law in 2002, changes of policies and laws took place during the transitional period from the late 1990's. One such example was the amendment of the Public Housing Law in 1996, which had a large impact on movement of the population particularly from urban Buraku communities.

The total population of Buraku communities in Osaka prefecture had fallen from 111,435 in 1993 to 95,468 in 2000 (a decreased of 15,967). In the 2000 Survey, questionnaires were randomly distributed among 10,000 residents in Buraku communities over 15 years of age, and it found that 9.4% of the total respondents (n=7676) were “born outside of the Buraku communities where they then resided”, and “moved into these areas within the last ten years”. If we apply that percentage to the whole population including those under fifteen, the total estimated number of those who were born outside and came into these communities within the last ten years was 8,974 (Okuda 1997)<sup>2</sup>.

Building upon this, Okuda estimated the number of people moving out from Buraku communities of the same period. If we ignore the natural increase and decline in population, the minimum estimated number of those moved out was 24,941 (15,976[decrease] + 8,974[those came in and replaced those who moved out]), comprising 26.1 % of the total population in 2000.

Such a large number of movements from urban Buraku communities took place, to a large extent, due to the amendment of the Public Housing Law in 1996, as the housing rent reductions under Dōwa Special Measures stopped. The rent of public housing thereafter was determined by the household income, the rent simply became too high for households with higher incomes to continue

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<sup>2</sup> Okuda, H. (2002) *Jinken No Takarajima* 『人権の宝島』 p.23. Buraku Liberation Publishing House Co., ltd.

living in public housing, and therefore they had to leave. The vacancy was filled with the new residents with economic difficulties (Okuda *ibid.*; Uchida *et.al* 2005)<sup>3</sup>. Considering that the application for occupancy in public housing after 1996 was opened to the public as a whole, a large percentage of relatively new residents who moved into Buraku communities are presumably of general households.

It is so untrue to attribute the mobility of Buraku residents to their “criminal incentives”, since there are plenty of public data that account demographic changes in Buraku communities that the author completely neglected.

To add more information, some local governments have continued to gather data on the conditions of Buraku communities after the expiration of the Dōwa Special Measures law. One example is Tatsuno-city in Hyogo prefecture, which conducted a survey in Buraku communities in 2020, and the result is widely known as it was introduced in the news media. Other prefectures, such as Osaka, Wakayama and Fukuoka used the national population census (Kokusei-chōsa 国勢調査), to understand the condition of the areas formerly connected with the Dōwa Special Measures projects.

### **Misuse of statistics**

To draw a conclusion that fits to the authors preconceived bias, the author creates a highly problematic index, “Burakumin PC” (explained as the number of burakumin, divided by total population), and uses it as a crucial variable. However, is it reasonable to see the correlation between the fraction of burakumin in 1993 and other indices that represent social phenomena at prefectural level nearly 20 year later, as the author tries to do (p.27)? The author finds positive correlations between the fraction of Burakumin and some variables, including Crimes per capita (2010) and Methamphetamines crimes per capita (2011), Welfare dependency (2010) etc., stating that the fraction of Burakumin is associated with several indices of dysfunctional behavior (p.27). Considering the percentage of burakumin in the prefectural population in 1993 was between 0% and 4.289% (Table 3, p.23), the article has to face the criticism that it is creating abusive image of Buraku using the data with “the risk of ecological fallacy” (p.22), which is seriously high. The author again uses the index (Burakumin PC) later in the article, such as in p.52. After finding that Burakumin PC of 1907 correlates with Total crimes PC (total crimes divided by total population) and Murders PC (total murders divided by total population), the author stated “the higher the fraction of burakumin in a prefecture, the higher the rates both of total crimes generally and of

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<sup>3</sup> Uchida, Y., and Otani E. (2001) Tenkanki niaru Dōwa Chiku no Machizukuri ga Kongo no Nihon no Machizukuri ni Shisa Surukoto 「転換期にある同和地区のまちづくりが今後の日本のまちづくりに示唆すること」 in *the Journal of City Planning Institute of Japan*. Vol.30. 『第 36 回日本都市計画学会学術論文集』 pp.109-114

murders specifically” (p.52). Again, as the author confesses, the risk of “ecological fallacy” (p.51) is too high, especially numbers of Buraku and non-Buraku crimes and murders are not distinguished when calculating Total crimes PC and Murders PC.

Clearly the author recognized this was an ecological fallacy yet continued to make these unsubstantiated claims.

### **False explanation about career paths of Buraku youth**

The author explains that the Dōwa Special Measures (the national subsidy) “encouraged young burakumin men to drop out of school, stay in the buraku, and join the criminal syndicates” (p.77), misleading the readers as if the national subsidies promoted diversion of the future paths of Buraku youth into criminal careers.

Again, considering the author’s fluency in Japanese, it is shocking the author neglected the huge compilation of previous studies in education for Buraku youth. Under the Dōwa Special Measures Laws, enhancement of education was one of the goals of the Dōwa projects<sup>4</sup>. Educational projects, such as improving educational facilities, assigning of additional teachers to provide complementary teaching, and providing financial aid to Buraku students, were implemented in order to ensure the academic progress of Buraku students, as well as to narrow the achievement gap between Buraku and non-Buraku students.

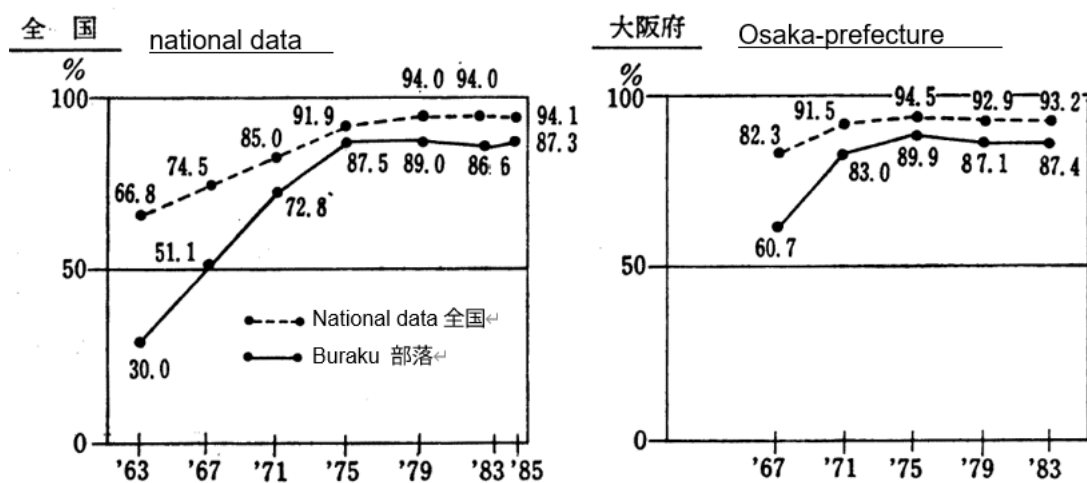
As a result of these efforts, together with the impact of rapid economic growth from the 1950’s through the 1970’s in Japan, high school enrollment rate of students from Buraku communities rose rapidly. Fig.3, based on the data from Ministry of Education and from a local board of education, shows the narrowing gap in high school enrollment rates between national rates and the rates in Buraku communities (Ikeda1987)<sup>5</sup>. The disparity had been reduced, but nonetheless leaving a small gap between Buraku and non-Buraku children. The author should engage with such public data before drawing the far-fetched conclusions.

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<sup>4</sup> The goals of the Dōwa Special Measures Projects were listed in the article 5 of Dōwa Special Measures Law of 1969: improvements in the living conditions, promotion of social welfare, promotion of industry, stabilization of employment, enhancement of education, and strengthening of activities for human rights protection.

<sup>5</sup> Ikeda, H. (1987) Nihon Shakai no Mainorithi to Kyōiku no Fubyōdō 「日本社会のマイノリティと教育の不平等」 in *the Journal of Educational Sociology*: Vol.42. 『教育社会学研究』第42集 pp.51-69

Fig.3 Comparison of high school enrollment rates (between national data and Buraku)  
(left: national data, right: Osaka-prefecture)



(Mariko Akuzawa)

### Use of the data in an ethically questionable way

The author uses ethically problematic data in this article, namely Zenkoku Buraku chōsa (The national survey of Buraku communities, 1936). Ramseyer mentions to have found the data on internet, which was posted by an "activist" individual. The author states in the text: "The data briefly surfaced in late 2015 (and were used in Ramseyer and Rasmusen, 2018)" (p. 13).

The national survey of Buraku communities (1936) was originally conducted to obtain basic data for community improvement, however, the names and locations of Buaku communities appeared in the report and this data was later abused for conducting background checks. The Tokugawa outcasts formed their own communities according to their assigned official duties and occupations, and many of these communities overlap with modern Buraku communities. Therefore, there is a possibility that the information on the location of the Buraku community can be used as a clue to identify the Buraku people. For this reason, people who try to exclude the Buraku people from their relationship such as marriage have requested such data which was posted by an "activist" individual.

This list of Buaku communities can also be used to track Buraku people who have moved out of the Buraku communities by comparing the names of communities in the list to the *Koseki* (the Japanese family registration system). Ramseyer mentions: "Whether in the U.S. or Japan, virtually no professional lives within ten blocks of his natal home. If a burakumin moves more than those ten blocks, however, he ceases to be a burakumin" (p.21). However, this statement is



contrary to the facts. By exploiting *koseki* system, it is possible to identify Burakumin who live outside the Buraku communities.

The Buraku list posted by the “activist” on internet is a copy of the research report prepared by the government-affiliated organization in 1936. In 1970’s, detective agencies used this government report as a source to produce a directory of Buraku communities, which the agencies sold underground at a high price to companies and individuals who intended to avoid Buraku people, such as in time of marriage or of employment.

It became a social problem at that time, and the Ministry of Justice collected them and urged companies not to acquire said list. Zenkoku Buraku chōsa, which Ramseyer used as the crucial data for the article, was the original source for the detective agencies to produce the directory of Buraku communities for background checks.

The posted census data by “the activist” was removed by a temporary court injunction in April of 2016, and a civil lawsuit was filed against the “activist”. The case is now pending in court. As Ramseyer stated that "the data briefly surfaced in late 2015" (p. 13), it is no longer available. There are multiple problems when using these lists published on the Internet for academic treatises. The first is the problem of research ethics. This list can be used to identify Buraku people by comparing it to the *koseki's* data and addresses. At Japanese research institutes, studies using this list are not likely to pass an ethical review.

Second there is the question of the reproducibility of the data. As mentioned above, this Buraku list is currently restricted by the courts for viewing, and the data may not be reproduced by any third party.

Last but not least, most of the literature about the present situation of Buraku that the author cites are non-academic, including general introductory books (by Kenzo Tomonaga, whose surname is mistyped as Tominaga by the author) or those written by journalists (such as Kadooka, Uehara, Terazono, Mori, Ichinomiya and group K21). The author ignores considerable academic research published in different journals and monographs, by stating that "Work on the modern buraku by serious Japanese scholars barely exists" (p.5). There are many “serious scholars” in Japan who do work on Buraku issues, if only Ramseyer had looked. Instead, he seems to have ignored this body of work, leading to his many misinterpretations.

(Naoko Saito)