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**JAPANESE WOMEN'S RIGHTS AND THEIR ROLES
IN THE CONTEMPORARY AGING JAPAN
FROM THE PERSPECTIVE OF SELECTED SOCIAL PROBLEMS**

The place of Japanese women in the society as well as their rights have been changing throughout centuries and have varied depending on the cultural period as well as the economic and political situation of the country. Such a statement is probably typical for many countries in the world, though in Japan other factors have played the role. Before official introducing Buddhism onto the Japanese Archipelago in the middle of 6th century, modified by the Chinese cultural influences along with Confucianism thought, in the first primeval states women enjoyed freedom.¹ Women could even acquire as privileged position as of a shaman ruler of the state, such as Himeko, who died in 248 AD, did. In the history of Japan, empresses also emerged as rulers but usually had a man to help them out in performing their political duties, e.g. Suiko who ruled 593–628 (her regent was Shōtoku Taishi). Women could take important posts in Japan, however, their actual roles were slightly limited (e.g. mentioned male regent). The domination of Confucius's philosophy and its derivative of neo-Confucianism along with Buddhism and samurai based feudalism changed the women's situation and made them more obedient to men until World War II, despite rhetoric of equality of classes that was spread in Japan in the late 19th century².

¹ Account of a Chinese visitor to Japan. Ivan Morris, *The World of the Shining Prince*, Alfred A. Knopf, New York 1964, p. 11.

² Barbara Molony, 'Women's Rights, Feminism, and Suffragism in Japan, 1870–1925', *Pacific Historical Review*, Vol. 69, No. 4, Woman Suffrage: The View from the Pacific (Nov., 2000),

The law concerning contemporary Japanese society is, to some extent, just thanks to the American occupation of 1945–1952 which changed the position of women tremendously. Primary actions undertaken by the occupational forces were based on instructions. On 3rd November 1945 Joint Chiefs of Staff issued *Basic Initial Post Surrender Directive to Supreme Commander for the Allied Powers for the Occupation and Control of Japan (JCS1380/15)* which was to be implemented by gen. Douglas MacArthur, the very Supreme Commander for the Allied Powers. In the document Japan was to become a country with idealized version of American democracy.³ Finally, the Constitution was written mainly by the supervision of an American colonel Charles Kades in 1946 and came into effect in 1947. On the basis of this document women were awarded the right to exercise their human rights. Article 11 says:

The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.⁴

Article 14 gave Japanese women the right to equality:

All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin (...).⁵

Article 24 touched upon the rights connected with marriage:

Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis. With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.⁶

All the above mentioned articles gave the basic sketch of changes that were to come in Japan concerning not only the law but the culture as well, and laid foundations to even a further reform of the society that started in 1945. According to the constitution, women were to have the same rights as men and were allowed to exercise the law like rightful members of the society. Nevertheless, the reality is still more dominated by patriarchal traditions. According to D. Hałasa's Japanese

pp. 642–645. For general historical background see, e.g.: Conrad Totman, *A History of Japan*, Blackwell Publishing, US, UK and Australia 2005, or so far best written history of Japan by a Polish author Jolanta Tubielewicz, *Historia Japonii [History of Japan]*, Ossolineum, Wrocław 1984.

³ National Diet Library of Japan (NDL), *Basic Initial Post Surrender Directive to Supreme Commander for the Allied Powers for the Occupation and Control of Japan (JCS1380/15)*, <http://www.ndl.go.jp/constitution/e/shiryō/01/036/036tx.html> [accessed: 10.05.2015].

⁴ KANTEI (Prime Minister of Japan and His Cabinet), *The Constitution of Japan*, promulgated on November 3, 1946, came into effect on May 3, 1947, http://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html [accessed: 10.09.2015].

⁵ *Ibid.*

⁶ *Ibid.*

friend changes in Japanese society after World War II are like “fresh French polish on the old, hard wood”⁷, adding that the feudal system is still valid in Japanese society, as a Japanese person

(...) is still entangled in a web of dependence, obligations and responsibilities towards their parents, co-workers, neighbours and the whole society.⁸

Such a statement is very true about women as they are not as free as they could and wish to be. The Constitution from 1947 and later established, sometimes contradictory to it, laws show two-wayness of Tokyo’s policymakers: the first path was marked out during the occupation by the Western power and implemented forcibly by the government due to American strong presence until 1952. Widely expected privileges like accepting by the Japanese universities female students or the right to finally vote by women were at last executed. On the other hand, not the whole society was ready to accept such laws and apply them on daily basis. Social limits have still been enacted and they take various forms connected with groupism and loyalty.

The picture of women who are subservient to men, who are dedicated and quiet to extremes still prevails in Western societies and this notion does not often fall a long way short of the truth. Such an opinion on the Japanese women may be an outcome of orientalism or self-oriented orientalism.⁹ Nevertheless, Japanese female members of the society do not have the same rights as their male counterparts and this is undeniable. Unfortunately, such a statement is likely to be invalidated as our (Western) interpretation of the Japanese culture is a result of analyzing only the official, formal behaviour of women which is meant to be seen by people who do not belong to their social groups, such as their family, colleagues or other. The meaning of some dichotomous terms should be analyzed:¹⁰

Meaning	Term	Antonym	Meaning
inside, interior	UCHI	SOTO	outside, exterior
authentic sentiment	HONNE	TATEMAE	“political correctness”
back	URA	OMOTE	face
emotions	NINJŌ	GIRI	duty, loyalty

⁷ D. Hałas, p. 77.

⁸ *Ibid.*, p. 78.

⁹ For more on orientalism Edward Said, *Orientalism*, New York: Vintage Books, 1979; on orientalism in Japan Richard H. Minear, ‘Orientalism and the Study of Japan’, *The Journal of Asian Studies*, Association for Asian Studies, Vol. 39, No. 3 (May, 1980), pp. 507–517; Daisuke Nishihara, ‘Said, Orientalism, and Japan’, *Alif: Journal of Comparative Poetics*, No. 25, Department of English and Comparative Literature, American University in Cairo and American University in Cairo Press, 5002 (Arab year), pp. 241–253.

¹⁰ Yoshio Sugimoto, *An Introduction to Japanese Society*, Cambridge University Press 2014, pp. 34–35; Dorota Hałas, *Życie codzienne w Tokio [Everyday life in Tokyo]*, Dialog 2004, pp. 82–84.

These “double codes”¹¹, as called by Sugimoto, are of essential importance to analyze the Japanese society. *Uchi* means literally “home”, but this term means the group we affiliate to, such as family, classmate or colleagues and others. People from *soto* “outside” do not have an access to our group and thus we put a borderline between “us” and “them”. They are not familiar with problems of our group, these people are even addressed to with another style of language. *Honne* is a true opinion on any matter. However, the Japanese, for the sake of the group they belong to, usually tend to show *tatemaie* in order not to harm the group they associate with; *tatemaie* is like a construction before their faces to show only some pieces of true opinions or only the truth that is accepted by a group or just a stance. *Omote* is what is shown to the public, permissible in opposition to *ura* which is a dark and even wrong side. All these terms we can say are bound by *giri* – the duty and loyalty to the group. The image of a Japanese woman is an outcome of *soto*, *tatemaie* and *omote* and very often does not represent their inner opinions and emotions which are more and more repeatedly expressed in the public as an outcome of changes in the Japanese society. Yet, the laws established by some ministries or offices prove that Japanese women do not have the same rights as men and, what is more, some of these laws stand in contradiction to the Constitution from 1947.

Undeniably, the Japanese civil code discriminates women. One of such regulations – *koseki*, that is a family registration system and the notion of household (*ie*) head, limit women in many aspects of their lives. In *koseki* the head of the family (usually husband; in 2006 year 96% of them were husbands), a wife and their children are registered. The maximum number of registered generations is two. The dubious thing concerning gender equality in *koseki* is the way of defining the head of the family. The first people to take this position are males living in the same *ie* and the last ones are women and it happens only if the wife earns a living and, at the same time, the husband is unemployed. The system is also discriminatory as both spouses have to have the same surname and in majority of cases women change their maiden name. Two compound surnames are against the law. The next unjust rule is that even after a divorce a newborn baby will be included in the ex-husband’s *koseki* if the infant is born within 300 days after the divorce or even after the death of the father. It is worth emphasizing that the rule is applied even if the biological father is someone else.¹² These solutions do not take into consideration the mother’s opinion and limit her independence.

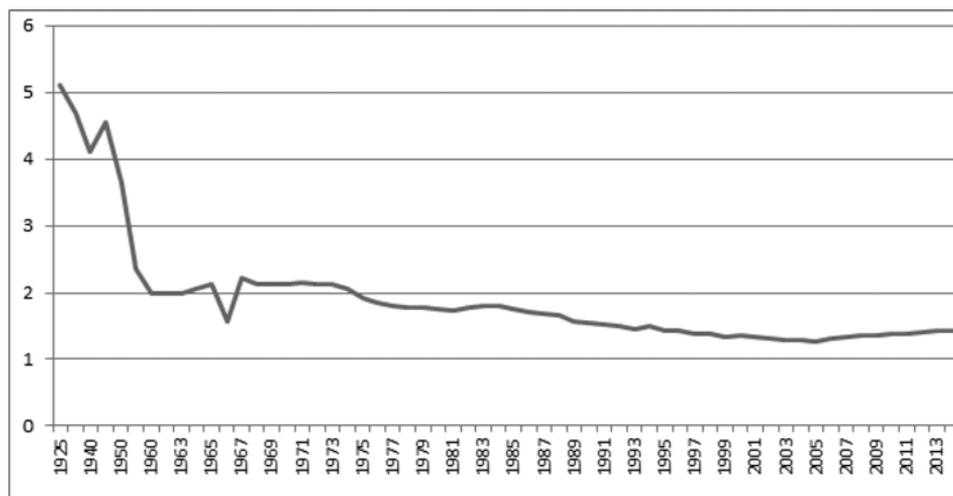
Some aspects of *koseki* and *ie* systems will be analyzed by the Supreme Court to define if they are with accordance of the Constitution. In February 2015 the media (Kyodo; Japan Times) announced that the Court will judge whether Civil Code article 750 that forces married couples to choose a one compound and the same surname and also the article 733 which prohibits women from getting married for the next time within six months after divorce is violating the Constitution. A proverb says that one swallow does not make a summer. However, courts of

¹¹ Y. Sugimoto, p. 33.

¹² *Ibid.*, pp. 163–166.

lower instances have been dealing with more and more cases on these issues, which proves deepening social interest in these matters. Nevertheless, in November 2014 Ms. Yōko Kamikawa, the incumbent Minister of Justice in Japan since September 2014¹³, announced that as far as she is concerned, the law as it stands should not be changed and spouses ought to have the same family name.¹⁴

Many developed countries suffer from declining fertility-rates in their societies. Japan is one of them and this country is familiar with all the issues connected with this process. This issue is immensely connected with women, their unfulfilling of their social roles and duties like some Japanese perceive this situation.



Fertility-rate in Japan 1925–2014

Sources: *Japan Statistical Yearbook 2015*, Statistics Bureau, Ministry of Internal Affairs and Communications, Japan; *Handbook of Health and Welfare Statistics 2014*, Statistics and Information Department, Ministry of Health, Labour and Welfare (MHLW).¹⁵ Data for 2014 from *The Japan Times*.¹⁶

¹³ KANTEI, *The Cabinet*, http://japan.kantei.go.jp/96_abe/meibo/daijin/kamikawa_e.html [accessed: 08.11.2015].

¹⁴ The Japan Times Online, *Constitutionality of rules on surnames, remarriage under review*, Feb 19, 2015, <http://www.japantimes.co.jp/news/2015/02/19/national/crime-legal/top-court-will-hear-cases-constitutionality-civil-code-surnames-remarriage/#.Vm3Fwr9tdv0> [accessed: 08.11.2015].

¹⁵ Statistics Bureau, MIAC, *Statistical Yearbook of Japan 2014*, Chapter 2 *Population and Households, 2–25 Standardized Vital Rates and Reproduction Rates*, <http://www.stat.go.jp/english> [accessed: 25.09.2015]; MHLW (Statistics and Information Department, Ministry of Health, Labour and Welfare) *Handbook of Health and Welfare Statistics 2014*, Part 1 *Population and households*, <http://www.mhlw.go.jp/english> [accessed: 25.09.2015].

¹⁶ “Fertility rate dips again” Editorials, *The Japan Times*, Jun 21, 2015, <http://www.japantimes.co.jp> [accessed: 25.09.2015]. Note: The population base used for calculation of rates is, up to 1940, the total population (including resident non-Japanese), and from 1947, Japanese nationals. Okinawa Prefecture is not included in the figures from 1947 to 1972.

This problem is rooted in Japan of 1974 when the total fertility-rate reached the point of 2.05, meaning that each woman in her life span on average gave birth to as many as two children.¹⁷ Each society needs higher amount of children per woman and it is considered to be slightly above two to sustain. When there are only two children per woman, it equals the number of parents as these children will replace the workforce represented by their mother and father. Unfortunately, due to some unexpected diseases and accidents not all offspring may become working force and contribute to the society by being a replacement for their parents. Therefore, the Replacement Level Fertility (RLF) rate of 2.1 seems to be the safest though it depends on the mortality rate in each country and for Japan it is exactly 2.07 to maintain the population.¹⁸ Japan has not recorded such a level since 1973 when the level was as high as 2.14 after two consecutive years of achieving the record.

The lowest record was set in 2005 when the level of fertility rate hit 1.26. From 2006 to 2013 it slightly rose, approximately by 0.02 on average to stop in 2014 with the level of 1.42. The data shown in the graph shows that along with the development of the Japanese economy after World War II the Japanese people decided to have less children. The situation was mainly caused by common factors that are typical for developed societies, such as high costs of living and, what is more important, birth control. When it comes to having children or not, Japanese women have control over their lives only to some extent. Due to predicted overpopulation in Japan, in 1948 abortion was legalized under the Eugenic Protection Law.¹⁹ Nowadays, the most popular birth control methods are condoms and abortion, if the latter can be perceived as a method of contraception. According to the data from 2013, there were as many as 200 000 abortions performed in Japan yearly.²⁰

The history of introducing birth control pill is rather long. In 1967 the Ministry of Health and Welfare prohibited Japanese companies from producing it, in years 1972–1999 it was available only on prescription and was classified as medicine to be finally legalized in 1999. The main reasons for the policy of unwillingness to introduce of the pill was a threat of its side effects and possible increase in the number of people infected with AIDS. Viagra was also legalized in 1999 but only after a few months of deliberation.²¹

¹⁷ Statistics Bureau, MIAC (First Editorial Section, Statistical Information Planning Office, Statistical Information Systems Division, Statistics Bureau, Ministry of Internal Affairs and Communications, Japan) *Statistical Yearbook of Japan 2014*, <http://www.stat.go.jp/english/data/nenkan/pdf/y2800000.pdf> [accessed: 08.11.2015].

¹⁸ “Fertility rate dips again” Editorials, *The Japan Times*, 21.06. 2015, <http://www.japantimes.co.jp> [accessed: 25.09.2015].

¹⁹ Mariko Kato, “Abortion still key birth control”, *The Japan Times*, Jun 21, 2015, <http://www.japantimes.co.jp> [accessed: 25.09.2015].

²⁰ Y. Sugimoto, p. 184.

²¹ *Ibid.*, pp. 182–183.

To make the matter worse for the Japanese women, a child adoption leaves a mark in *koseki* register as every child must be included in it. Therefore, women prefer having an abortion rather than giving a birth and leaving trace in their *koseki* when giving a child to adoption.²² *Koseki* is an important document which can be sometimes required during the process of recruitment of a mother or enrolling a child to educational institutions or even to preschools.

Japanese women can divorce and they exercise this right to discontent of some parts of the society. In 2011 the ratio of divorces to marriages was as high as 1/3. The life of a divorced woman can be harsh as she does not often have any rights and does not own jointly any assets. There is no shared parental custody over children and a father, unless granted the right to look after his children, does not participate in the child rearing process financially. In about 75% of cases judged by courts woman are those responsible for children after divorce.²³ If they are *ryōsai kenbo* (good, wise mothers) during their marriage and do not work, their future life is very difficult.

Japanese society is a highly developed one. The economy of Japan is in top economies of the world and is not agriculture – based. It is considered to be top industrialized and technologized now but they still need hands to work because not all the work is done by machines. Since the past, when Japan incorporated new territories and its inhabitants, forcing some colonies to work for the sake of the Empire of Japan, the percentage of working people ages 15–64 has been quite good. It is worth noting that in the past even younger people worked. In 1935 58.5% of people in Japan were in their best age when they were able to contribute to the society. The youngest group of people aged 0–14 was immense and it constituted as much as 36.9% of the society. The last group in the chart is the group of the elderly people aged 65 and more, who usually do not work that much. In 1935 only 4.7% of people in Japan were of that age.

In 2012 the structure of the Japanese society pyramid looked completely opposite, more like a maze or a column. The base of the pyramid is very small as only 13.0% of the society is aged 0–14. The group of people who can work and therefore pay taxes has dwindled in a few decades since 1990 when it reached almost as many as 70% of the society. In 2012 80.175 million out of 127.515 millions of people, which is still a good figure, so 62.9% of the society would imply that the Japanese are relatively still a young society. However, this conclusion is completely incorrect. What should worry all the Japanese and it already does, is the number of people who do not work due to their age and are pensioners. As much as 24.1% of the Japanese can take their time and are entitled to take benefits (better or worse) from the state. Almost 31 millions of people do not have to work and pay high taxes. Thus, a statement that Japan is one of the fastest ageing societies in the world is true.

²² *Ibid.*, pp. 166–167.

²³ *Ibid.*, p. 189–190.

Population by age 1935–2012²⁴

Year	Total Population (1000)	0–14	15_64	65 and over	Percentage by age structure 0–14	15–64	65 and over
1935	69 254	25 545	40 484	3 225	36.9	58.5	4.7
1940	73 075	26 369	43 252	3 454	36.1	59.2	4.7
1945	71 998	26 477	41 821	3 700	36.8	58.1	5.1
1950	84 115	29 786	50 168	4 155	35.4	59.6	4.9
1955	90 077	30 123	55 167	4 786	33.4	61.2	5.3
1960	94 302	28 434	60 469	5 398	30.2	64.1	5.7
1965	99 209	25 529	67 444	6 236	25.7	68.0	6.3
1970	104 665	25 153	72 119	7 393	24.0	68.9	7.1
1975	111 940	27 221	75 807	8 865	24.3	67.7	7.9
1980	117 060	27 507	78 835	10 647	23.5	67.4	9.1
1985	121 049	26 033	82 506	12 468	21.5	68.2	10.3
1990	123 611	22 486	85 904	14 895	18.2	69.7	12.1
1995	125 570	20 014	87 165	18 261	16.0	69.5	14.6
2000	126 926	18 472	86 220	22 005	14.6	68.1	17.4
2005	127 768	17 521	84 092	25 672	13.8	66.1	20.2
2010	128 057	16 803	81 032	29 246	13.2	63.8	23.0
2011	127 799	16 705	81 342	29 752	13.1	63.6	23.3
2012	127 515	16 547	80 175	30 793	13.0	62.9	24.1

Source: Statistics Bureau, MIAC, *Statistical Yearbook of Japan 2014, Chapter 2 Population and Households, 2–8 Population by Age Group and Indices of Age Structure (1935–2012)*.

Future of Japanese society

Year	Allages in thousands	0–14 Y.O. in thousands	15–64 Y.O. in thousands	65 and over in thousands	Percentage of working age people in the society
2020	124 100	14 568	73 408	36 124	59.2
2030	116 618	12 039	67 730	36 849	58.1
2040	107 276	10 732	57 866	38 678	53.9
2050	97 076	9 387	50 013	37 676	51.5
2060	86 737	7 912	44 183	34 642	50.9
2070	75 904	6 911	38 165	30 829	50.3
2080	65 875	6 053	32 670	27 152	49.6
2090	57 269	5 161	28 540	23 568	49.8
2100	49 591	4 472	24 733	20 386	49.9

Source: *Japan Statistical Yearbook 2014*, Statistics Bureau, MIAC. The last column is the author's estimate based on the data from the three first columns in the chart.

²⁴ Statistics Bureau, MIAC, *Statistical Yearbook of Japan 2014, 2–8 Population by Age Group And Indices of Age Structure (1935–2012)*, <http://www.stat.go.jp/english/data/nenkan/1431-02.htm> [accessed: 10.05.2014]. Notes on years: 1940, 1950 – 2010: data includes Japanese military personnel and military civilians overseas, but excludes foreigners other than those whose native place was in old Japanese overseas areas; ages not reported.

The data clearly shows that the pyramid of population no longer looks like a typical pyramid as it should look to secure prosperous future for the Japanese people. Also, the predictions for the future do not look optimistically. Based on the research done by National Institute of Population and Social Security Research in 2012, the Statistics Bureau estimates the future of Japanese society as follows.²⁵

In 2013 working age group constituted 62.1% of the society, but in 2100 it will be about 49.9% if there is no change in immigrational policy nor in fertility of the Japanese women. Such a drop along with a surge of people who will be 65 or more is highly dangerous for Japan. Having a society with 49.9% people working and 21% retired is a ready recipe for a societal catastrophe. The burden of paying taxes for the working ones will be extremely high. Just to show the significance and danger of the present situation, it is worth mentioning that Japan's public debt, vast and hazardous is expected to approach 240% of GDP in 2014.²⁶

If contemporary tendencies prevail, the future for the Japanese economy does not seem to be promising. The most worrying fact for the policy makers in Japan should definitely be the ratio of the whole society versus the number of working-age people and, what causes this problem, very low fertility rate. Japanese health care system has been experiencing some problems, but it can still provide Japanese people with care and, along with a healthy diet, it all results in impressive life expectancy in Japan. A woman is expected to live 87 years and this is the longest in the world. When it comes to Japanese men, on average they live merely 80 years, which places them as 8th in the top 10 countries of the world.²⁷

Japanese women face great pressure. Their main social role is to become *ryōsai kenbo*, it means "good wife and wise mother" and *sengyō shufu* – a full time housewife is best for the family and children.²⁸ According to the notion of *ryōsai kenbo*, mothers are best at caring for as well as educating their children and their mutual bonds are of natural and fundamental character. There is also no better job for a woman than being a mother.²⁹ Such an attitude towards women's roles in the society started in the second half of the 19th century when young girls were proud to be not only members of the family, but they also contributed to the whole society

²⁵ Statistics Bureau, MIAC, *Statistical Yearbook of Japan 2015, Chapter 2 Population and Households, 2–2 Future Population (2013–2110)*, <http://www.stat.go.jp/english/data/nenkan/1431-02.htm> [accessed: 10.05.2014].

²⁶ MOF (Ministry of Finance Japan), *How big is Japan's debt?*, <http://www.mof.go.jp/english/gallery/201407e.htm> [accessed: 01.12.2014].

²⁷ *World Health Statistics 2014. Large gains in life expectancy*, World Health Organization, 15.05.2014, <http://www.who.int/mediacentre/news/releases/2014/world-health-statistics-2014/en> [accessed: 01.12.2014].

²⁸ M. Fujita, "It's All Mother's Fault": Childcare and the Socialization of Working Mothers in Japan, *The Journal of Japanese Studies*, Vol. 15, No. 1 (Winter, 1989), Society for Japanese Studies, p. 67.

²⁹ *Ibid.*, p. 72.

with their new roles.³⁰ The good and wise mother contemporary philosophy is not based on Confucianism, but on new reformed Japan from Meiji period and it is still valid. In contemporary Japan women are striving to be good mothers and workers. In 2010 in 7.4% of households there was only a mother with children.³¹ In 2013 in 10.65 million households both spouses worked while in 7.45 million only a husband worked.³² Some Japanese people express their concerns if such a situation is best for children and, what is more, according to them, mothers may be blame for social dysfunctions of young people as they lack basic emotional skills. Mothers are made responsible due to the time they spend away from home, working.

Though Japanese youth have been struggling against many problems like their counterparts in the other parts of the globe, some of them are perceived as the very Japanese issues or those that started in Japan. First to bring up is *hikikomori*, staying indoors, withdrew people who avoid of social contact and suffers some disorder: "A person who avoids social contact."³³ They tend to stay home or leave it just for a while at night and they avoid personal social contacts, therefore, they usually do not work and do not pay taxes. According to the research done by specialists and another one done by Japanese government it was proven that there were about 235,000 *hikikomori* people in Japan in 2010. The number of *hikikomori* is appalling and it does not help to cure the ageing and heavily indebted Japan.³⁴

Another issue connected with young people is generation resignation (*satori no sedai*)³⁵: young Japanese think an effort is not rewarded in Japan.³⁶ Freeters (*furiitaa*) are mostly young people who do not want to or cannot be fully employed in any companies, they are job hoppers, too. Their decision sometimes may be based on their image of their fathers who were not at home all the time as they had to work or overwork or join their colleagues partying after work. Such social meetings are rather a must for everyone in order to show their eagerness to be in the group. Children of such busy fathers who were never home sometimes decide not to follow their example. They usually get part time jobs so they can find some free time for themselves. They do not pay such high taxes as fully employed and that

³⁰ Sh. Koyama, *Ryōsai Kenbo. The Educational Ideal of 'Good Wife, Wise Mother' in Modern Japan*, Leiden 2013, p. 11.

³¹ Y. Sugimoto, p. 191.

³² Masami Ito, 'Can women really 'shine' under Abe? The prime minister has vowed to help women break the glass ceiling in the workplace but critics have questioned his motivation', *The Japan Times Online*, 22.11. 2014, <http://www.japantimes.co.jp/life/2014/11/22/lifestyle/can-women-really-shine-abe/#.VjEC6CttDv1> [accessed: 27.10.2015].

³³ *Ibid.*

³⁴ Tateno T., Park Tae Woo, Kato T.A., Umene-Nakano W., Saito T., 'Hikikomori as a possible clinical term in psychiatry: a questionnaire survey', *BMC Psychiatry* 2012, 12:169, <http://www.biomedcentral.com/1471-244X/12/169> [accessed: 02.07.2014].

³⁵ Is a generation of those born just around the time the economy started getting worse about twenty years ago.

³⁶ 'Satori no sedai', *The Japan Times Online*, 22.02.2014, <http://www.japantimes.co.jp/life/2014/02/22/language/satori-no-sedai/#.VHzzsmf4Xwk> [accessed: 03.03.2014].

makes them less valuable for the society and its economy. In 2012 38.2% of working people in Japan were non-regular staff members.³⁷ According to the ministerial data from 2013 there were 1.76 million freeters in Japan in 2012.³⁸

On the other hand, NEETs (Not in Education, Employment nor Training) are in a much worse situation and are of even less worth taking just from the economy point of view. There were 0.63 million NEETs in 2012.³⁹ Ministry of Internal Affairs and Communications in Japan has been trying to change the current situation by introducing new programs to encourage NEETs and freeters to get jobs and therefore contribute to the society.⁴⁰ However, it seems as if it is not enough, as even if they succeed in finding employment, more workforce is needed in Japan.

Easing immigration policy should help the Japanese economy as well as the society, but letting foreigners onto the Japanese soil is a difficult goal to achieve. There are such people as Hidenori Sakanaka who advocate allowing foreigners to enter Japan in huge numbers.⁴¹ There are also such chauvinists like Shintaro Ishihara implying that some foreigners have crimes written in their DNA.⁴² In 2011 1.7% of people who lived in Japan were foreigners.⁴³ That number should prove that the Japanese society is not such a homogeneous one as the Japanese think of themselves. In 2000 foreigners constituted 1.3% of the society.⁴⁴ These numbers of foreigners in Japan are not enough to provide sufficient workforce and the easiest way to gain new skilled workers is to train and employ women.

The total number of foreign residents in Japan in 2014 amounted 2 121 831.⁴⁵ Despite some damaging allegations and generalization concerning foreigners, in 2006 6.1% of the total number of marriages in Japan were the marriages between Japanese and non-Japanese nationals. In 2012 the figure fell to 3.2% but the number is still surprisingly high. All the foreigners and new robotical solutions are not

³⁷ 'Number of nonregular workers hits record high', *The Japan Times Online*, 13.07.2013, <http://www.japantimes.co.jp/news/2013/07/13/national/number-of-nonregular-workers-hits-record-high/#.VH0D9Gf4Xwl> [accessed: 03.03.2014].

³⁸ MIAC, *Provision against young people ("Freeter" (Job hopping part-time workers), NEET)*, 10.10.2013, http://www.mhlw.go.jp/english/dl/Overview_eng_04.pdf [accessed: 02.07.2014].

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ Foster M., 'Foreign trainees still falling prey to Japanese employers', *The Japan Times Online*, 24.11.2013, <http://www.japantimes.co.jp/news/2013/11/24/national/foreign-trainees-still-falling-prey-to-japanese-employers/#.UxThBM4hGro> [accessed: 03.03.2014].

⁴² *Ibid.*

⁴³ JILPT (Japan Institute for Labour Policy and Training), *Databook of International Labour Statistics 2013*, Japan Institute for Labour Policy and Training http://www.jil.go.jp/kokunai/statistics/databook/2013/02/p082_t2-14.pdf [accessed: 10.05.2014].

⁴⁴ *Ibid.*

⁴⁵ First Editorial Section, Statistical Information Planning Office, Statistical Information Systems Division, Statistics Bureau, Ministry of Internal Affairs and Communications, Japan, *Statistical Yearbook of Japan 2015, Foreign National Residents by Nationality (1990–2013)*, <http://www.stat.go.jp/english/data/nenkan/1431-02.htm> [accessed: 10.05.2014].

enough as Japan is preparing for 2020 Olympics and it is women who will probably have to accept the burden of many arrangements. This will not be an easy task as Japan placed 104th in the latest *the Global Gender Gap Report* from 2014 published by World Economic Forum.⁴⁶

According to Japan's Prime Minister Shinzō Abe the solution to the problems connected with aging society is womenomics and this is his “*third arrow*” of *Japan's Revitalization Strategy*.⁴⁷

The “Power of Women” has the greatest potential in Japanese society, which is not yet fully mobilized. It is essential for a vibrant and growing society to create an environment where women can demonstrate their power to the fullest extent. (...) ⁴⁸

Prime Minister Abe mentions the term “womenomics” was even present in his address at The Sixty-Eighth Session of The General Assembly of The United Nations on September 26, 2013 and has been promoted at every occasion since then.

What will serve as both a factor for and outcome of growth will be to mobilize the power of women, a point almost self-evident at this gathering. There is a theory called “womenomics,” which asserts that the more the advance of women in society is promoted, the higher the growth rate becomes.

Creating an environment in which women find it comfortable to work and enhancing opportunities for women to work and to be active in society is no longer a matter of choice for Japan. It is instead a matter of the greatest urgency. (...) ⁴⁹

Abe has guaranteed that until 2020 women will take 30 percent of managerial positions. So far the laws that have been introduced are not satisfactory. First to analyze is the goal as being promoted for the leadership roles just for the sake of statistics may be seen as wrongdoing since abilities should be the main driving force behind such changes. Such a stance is not only expressed by women in Japan.⁵⁰ The taxation system does not comply with the new lifestyle of Japanese women. The vast majority of nonregular workers are women and the number is close to 69 percent. Also, a decision made by the Prime Minister to enable foreign housekeepers to enter six Japanese economic zones in order to assist women who want to go back to work, will help only these women who have the highest status in the society. Japanese women are unsparing in their criticism of Abe's policy as they believe the Prime Minister perceives only two types of women — high-paid

⁴⁶ WEF (World Economic Forum), *the Global Gender Gap Report 2014*, http://www.weforum.org/docs/GGGR14/GGGR_CompleteReport_2014.pdf [accessed: 08.11.2015].

⁴⁷ MOFA, *Japan's Initiative regarding Women's Empowerment and Gender Equality*, September 2013, <http://www.mofa.go.jp/files/000016518.pdf> [accessed: 27.10.2014].

⁴⁸ *Ibid.*

⁴⁹ KANTEI, http://japan.kantei.go.jp/96_abe/statement/201309/26generaldebate_e.html.

⁵⁰ M. Ito, <http://www.japantimes.co.jp/life/2014/11/22/lifestyle/can-women-really-shine-abe/#.VjEC6Ctdv1> [accessed: 27.10.2015].

women (usually *sōgō shoku*) and housewives (*shufu*). The former group are all-round employees and their career path is planned in the same way as their male colleagues. The latter group focuses mainly on the household chores and child rearing. Japanese women point out that most of them are somewhere between.⁵¹ Sugimoto refers to these women as part-time workers and part-time housewives and these groups are abandoned by Abe.⁵² They mostly include a group *ippan shoku*, that is ordinary employees and they play less important roles in companies.⁵³ Very often women are employed only to the positions where they do not have to be trained as they can marry and become pregnant anytime.

Unequal rights are seen in the laws established after passing the vote for the Constitution in the Diet.

At present, in Japan in the contemporary period women seem to have more rights than they did in the past. Nevertheless, the same comparison has completely opposite result when analyzing a very limited group that is aristocracy in Japan. In Edo period (1600–1868) two women became empresses: Meishō (ruled 1629–1643) and Gosakuramachi (ruled 1762–1771).⁵⁴ Women seem to be able to exercise their rights in contemporary Japan more than during the Edo period following it Tashō (1912–1926) and first part Shōwa till 1945 (1926–1989). Nevertheless, when it comes to the imperial throne, it cannot be succeeded to by a female. Comparing this state to the previous times, it means deterioration of the women's rights in some aspects, prestigious ones but still showing some aspects of the Japanese culture such as strong attachment to tradition. *The Imperial House Law* from 1947 (voted in the Diet) clearly states in Chapter 1 what determines succession to the imperial throne in Article 1:

The Imperial Throne shall be succeeded to by a male offspring in the male line belonging to the Imperial Lineage.⁵⁵

In case of lack of a male successor, the law limits the imperial family in Article 9:

The Emperor and the members of the Imperial Family may not adopt children.⁵⁶

Chapter 2 dedicated to the imperial family discriminates women in Article 12 as follows:

⁵¹ *Ibid.*

⁵² Y. Sugimoto, pp. 177–182.

⁵³ *Ibid.*, p. 173.

⁵⁴ Maciej Kanert, *Starożytna Japonia: miejsca, ludzie, historia [The Ancient Japan: Places, People, History]*, WUJ 2006, p. 82.

⁵⁵ KUNAICHŌ (The Imperial Household Agency): *The Imperial House Law*, 1947, <http://www.kunaicho.go.jp/e-kunaicho/hourei-01.html> [accessed: 08.11.2015].

⁵⁶ *Ibid.*

In case a female of the Imperial Family marries a person other than the Emperor or the members of the Imperial Family, she shall lose the status of the Imperial Family member.⁵⁷

Moreover, women do not have the same rights concerning regency. In Chapter 3 *Regency* in Article 17 the law establishes an order in which members of the imperial family can become regents. According to it, the first woman to become a regent comes third in line after male candidates.⁵⁸ *The Imperial House Law* touches upon only a few Japanese women but it concerns the whole Japanese society. There has been an on-going discussion on the imperial lineage, but so far no changes have been done.⁵⁹ Patriarchal law is the dominant one in Japan as it can be seen in case of *koseki*, mother's dedication at home and her career chances.

Summary

New tendencies show that the new generations on the Japanese soil are much more interested in acquiring new positions in the social strata based on the roles. Women more often wish to work and bring up their children at the same time. Using the word "revolution" when describing the process of changes in women's lives seems to be an exaggeration for the reason that the grassroots activities and the prime minister's encouraging rhetoric on the issue of working women is of rather slow pace. So far, the situation of Japanese women has not been good as their chances for better lives are very often hampered by older customs and regulations. The future of the Japanese society has never been so dependent on the women's careers. As Abe said *It is (...) a matter of the greatest urgency. (...)*.⁶⁰ Yet, the society does not seem to be ready for drastic changes in the women's roles so better laws must be introduced to let women fight for their better future.

Abstract

The article analyzes selected women rights in comparison to the past, contemporary social problems of Japanese society and stereotypical social roles of women. Taking into consideration the future of Japan, the most important problem of Japanese society is that Japan suffers from declining fertility-rate and rapidly aging population. In the next 50 years there will probably be only 84 million Japanese people (currently slightly above 127 million). The working age population (15–64) will fall by nearly half from today's level of 80 million to 42 million. Along with the change of the customary perception of female traditional social roles, the professional activity of Japanese

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ Alex Martin, 'Imperial law revisited as family shrinks, Emperor ages. Idea floated to let women remain in household after wedding commoner', *Japan Times Online*, Dec 16, 2011, <http://www.japantimes.co.jp/news/2011/12/16/national/imperial-law-revisited-as-family-shrinks-emperor-ages/#.Vj-Ezr9tdv0> [accessed: 08.11.2015].

⁶⁰ KANTEI, http://japan.kantei.go.jp/96_abe/statement/201309/26generaldebate_e.html.

women seems to be the only solution. What is more, new laws giving the same rights to Japanese woman as Japanese men have, should be implemented.

This article examines women's basic human rights in contemporary Japan, including historical background, Japanese Prime Minister Sh. Abe's policy toward women and attempts to find improvements in the women's lives connected with attempts to change the laws and traditions of this patriarchal society. The assumption is made that though Japanese women can exercise their rights thanks to the newest Constitution, their lives are often subdued to old patriarchal traditions and perceptions of their roles as well as regulations established after World War II.

Key words: *ryōsai kenbo*, womenomics, aging society, Japan, Abe, patriarchalism

