Equal Employment in Contemporary Japan: A Structural Approach

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Much of the literature about Japanese society explains the marginalization of women as a cultural trait; however, it is naïve to conclude that the issue of gender equality is specific to the "nature" of a certain society or culture. To adequately understand gender inequality requires a systematic analysis of the sociocultural, economic, and political structures that produce such inequality. It is within these structures that the issue of equal employment arises, becomes problematized, and is negotiated. This paper relies on a structural perspective to understand the major developments concerning equal employment in contemporary Japan. To illustrate the problem of structurally based gender discrimination, I critically examine women's position and treatment in the Japanese corporate employment system and consider how various actors contributed to the policy development process that culminated in the passage of the 1985 Equal Employment Opportunity Law.

Four primary features characterize the Japanese employment system—high job security, high worker commitment to the company, cooperative company unionization, and personnel management involving extensive in-house training and frequent transfers. These aspects constitute what is called "lifelong" employment. The transfer system, known as rotation, is vital for Japanese companies' ability to produce highly skilled workers, because these companies usually recruit recent graduates who lack management skills. Rotation provides executive trainees, in particular, with opportunities to become acquainted with all aspects of the company's operations, as well as establish personal networks that promote their authority. Within the fairly rigid life-long employment system, such structural flexibility enables companies to adjust to market changes, technological innovations, and the globalization of the economy.

Data reveal that fewer women than men are employed, and among women, those ages 30 to 34 tend not to participate in the labor force. This pattern of Japanese women's employment, referred to as the "M curve," is partially explained by women's withdrawal from the labor market due to household and childcare demands. However, women's employment must also be understood in the context of gender imbalances in the labor market and gendered practices in the Japanese employment system. Discrimination against women is embedded in the job recruitment and assignment process, wage structure, and training, promotion, and retirement systems of Japanese corporations.

The Japanese labor market is characterized by both horizontal and vertical segregation. Similar to the United States, women workers are highly concentrated in certain industries and occupations. Segregation within occupations and companies also exists; that is, men hold a disproportionate number of the high status positions. That only a small number of women hold positions of authority in Japanese companies reflects a cultural preference for men, who are regarded as more valuable employees. Women who want to work have had to accept positions as assistants, regardless of their professional qualifications and desires, resulting in the widespread devaluation of qualified women workers as well as a significant wage gap.

Although the Labor Standards Act of 1946 requires equal wages for women and men, the equal pay clause only applies to the same type of labor. Therefore, employers may claim that a substantial wage difference exists because women and men usually perform different jobs. Because wage disparity due to discrimination in recruitment, training, job assignment, and promotion is beyond the scope of this law, those groups that support full equality in employment began to call for new legislation around 1975. Their efforts were facilitated by the United Nations' introduction of a set of women-friendly policy initiatives, including the CEDAW, which Japan ratified in 1980. Although its passage was complicated by conflicts between business and labor interests, Japan's first Equal Employment Opportunity Law (EEOL) was enacted in 1986. The EEOL prohibited gender discrimination in training, pension allocation, and employee dismissal, but only encouraged companies to eliminate discriminatory practices in recruitment, job assignment, and promotion. Moreover, the law imposed no penalties for violations.

Many companies introduced the two-track system—a career-track (*sogoshoku*) and an assistant track (*ippanshoku*)—in response to the EEOL. Although the new system finally gave women an opportunity to enter the career track, it created new inequalities among women workers, and it continues to disadvantage women in terms of job content, pay, and promotion. In 1997, the EEOL was revised to prohibit discrimination in recruitment and promotion, require public disclosure of the name of companies that violate the law, grant employees the ability to enter arbitration without the employer's consent, and encourage companies to adopt measures to end sexual harassment. Although the 1997 EEOL addressed several problems in the original law, it was still too weak to substantially prevent discriminatory practices.

I conclude that, overall, Japanese policy concerning equal employment reflects dramatic progress over the last three decades, yet employment conditions still vary substantially for men and women. It appears that systematic, indirect discrimination in personnel practices is at least partly responsible for impeding women's full integration into the workplace. Another type of workplace inequality that is increasingly common in Japan is the division between full-time and part-time or dispatched workers. These forms of "flexible" employment have emerged in response to changing economic conditions. Since the 1990s, the equal employment bureau (formerly the women's bureau) has worked ardently to implement measures that support part-time workers and help them reconcile the competing demands of paid work and family life. This reflects the shifting emphasis of women's employment policy from universal equality to reconciliation.

Engendered Violence: India in Comparative Perspective

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Although gender has often been neglected in standard academic discourse concerning violence and the state, increased media attention to collective violence against women in Bosnia and Rwanda in the 1990s raised public consciousness and challenged scholars to view political conflict through a gendered lens. For a long time, political analysts failed to recognize the gendered organization of violence during armed conflict. As a

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result, rape and other sexual assaults committed during riots, wars, and other political conflicts were viewed as distinct deviant acts perpetrated by a few individuals. In this paper, I argue that the common view of rape as an individual act spontaneously committed during violent confrontations is erroneous. In fact, sexual assault is a common strategic weapon in the commission of political violence.

The first half of this paper focuses on how and where incidents of gendered political violence occurred. Narrowly defined, gendered violence includes molestation, rape, other sexual assaults against women, and rape-murders. These acts of abuse have a broader purpose than the sexual exploitation of individual women, however, because they serve as a way to demoralize individuals and damage entire communities. This explains why gender violence is often closely associated with ethnic cleansing and genocide. Excerpts from a human rights fact-finding task force report are provided to reveal how victims of gendered political violence suffered during and after armed conflicts in Gujarat and Kashmir. These reports conclude that the state did not sufficiently protect or defend women from having their civil rights violated. After the assaults ended, women continued to suffer from psychological trauma, miscarriage, unwanted pregnancy, social ostracism, divorce and abandonment, domestic violence, and life in refugee camps. A review of these cases suggests the assaults against women were strategically planned, deliberate attempts to incite violence by recruiting new members and clearly identify an enemy, supporting the thesis that violence against women is an integral part of hostile political struggles.

The second half of this paper exposes the narrative that supports collective violence against women. Religious norms, traditional rituals, and indigenous customs are rearranged to construct a new identity politics of community. Gender is an essential component of this warrior discourse, which is composed of the dichotomous rhetoric of masculinity versus femininity as well as the deeply gendered rhetoric of family. Through this discourse, dominant men make women signifiers of the family and community, and chastity comes to symbolize the group's honor. In the context of this ideology, raping women is a highly effective way to denigrate the enemy group's honor. Transformed into objects by men's struggle for power, marginalized women become trapped between enemy men and their own men in a desperate attempt to prove the authenticity of their own bodies. In volatile political situations, marginalized groups are called on to prove their worth in the community, and women are often exploited by both their own men and enemy men as the men struggle for power. Thus, the dynamic of communal violence against women both has its roots in, and supports the commission of, domestic violence.

By comparing the political violence during riots in Gujarat and military occupation in Kashmir to other incidents of collective violence against women around the world, as well as to particular forms of domestic violence in India—*sati*, *dowry* murder, and triple *telaq*—this paper reveals how political violence is deeply gendered, and how patriarchal ideology and family structure support both domestic and communal violence. Each of these individual cases of violence against women was justified using the discourse of family privacy. As long as women are confined to the domestic sphere and that space is defined as one where men are entitled to exert authority over other family members, women will continue to be victimized. In the age of globalization and democratization, however, patriarchy is facing serious challenges in politically volatile societies like India. The basic units of society—family and community—are in the process of transformation, as are the concepts of tradition and religion. I conclude that we must not only assign gender a central place in analyses of political processes, but that we also need to develop a feminist critique of politics based on bordered sovereignty. Such a critique may enable us to develop an alternative way of organizing the political system to effectively challenge violence in our international society.

Equal Employment Policy in the United States

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Title VII of the Civil Rights Act of 1964, which prohibited employment discrimination based on sex, as interpreted and advocated for by a women's policy network, has proven to be a potent resource for American women in the labor force to date. Additional legislation in 1972 and 1991 expanded the scope of women's equal employment rights. The presence of a national enforcement agency, the Equal Employment Opportunities Commission, (EEOC) and sanctions for non- enforcement have also been significant factors in creating dramatic increases for women in professional and managerial positions, where they now number over 45%.

The cause of equal employment for women was aided by the EEOC's power to prosecute discrimination cases and act as a repository for complaints. Litigation has proven to be a crucial tool for American feminists, sometimes supported by government efforts through the EEOC and other federal enforcement agencies. There have been thousands of cases litigated in U.S. courts since 1964; as of 2002, one in five civil lawsuits dealt with harassment or discrimination, as opposed to one in 20 a decade ago, supporting the view that women as individuals and groups have often mobilized effectively to seek favorable judicial rulings from the court system.

In the U.S., when outcomes have been most helpful to working women, policy communities have brought together bureaucrats ("femocrats") and feminist advocates, as well as members of Congress, to support legislation and other government action to strengthen civil and employment rights.

Medicalization versus Demedicalization of Women's Health Care

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This essay focuses attention on some specific issues related to medicalization versus demedicalization of women's health care.

The intersection of cultural norms, politics, economics, and demographics is especially apparent in the broad area of women's reproductive health care. Included within this rubric are concerns with puberty, pregnancy and childbearing, and menopause. All of these states are normal; no one of these life cycle stages is an illness as illness is usually defined. The *Webster-Merriam Dictionary* defines illness as "an unhealthy condition of body or mind." It also relates illness to sick-

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