FROM POPULATION CONTROL TO REPRODUCTIVE RIGHTS: CONSTRUCTING ABORTION AND CONTRACEPTION IN POSTWAR JAPAN

by

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Abstract

Japan's unusual postwar reproductive policy has been examined in the past using religion and interest groups as the primary units of analysis. This thesis will highlight the flaws in these examinations and introduce reproduction as a social problem in postwar Japan using the social constructionist approach. The primary period to be analyzed, 1945-1948, witnessed the struggle between two policy options for the treatment of birth control in Japan. Both options had prominent supporters yet the Japanese Diet chose the option which legalized abortion and blocked the introduction of new contraceptives into the Japanese market. I argue that the content of this policy was determined by a claims-making process infused with ideas about maternal protection and eugenics. From these ideas, an image of the type of woman having abortions, along with the reasons why she was having them, was created. This, combined with the strong centralized Japanese state of the late-1940s, led to the adoption of Japan's unique reproductive policy.
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**Introduction**

Japan emerged from WWII a nation determined to limit population growth. In its urgent search for a solution to this problem, Japan adopted a rather puzzling reproductive policy which persisted long after population growth was a concern.¹ In fact, postwar Japanese reproductive policy was unique in the industrialized world and appeared to be riddled with contradictory elements. Abortion, rather than contraception, was the preferred solution to the Japanese population problem. In 1949 Japan became the first country to allow abortions to be performed for socioeconomic reasons, yet in 1999 it was the last member of the United Nations (UN) to introduce low-dose contraceptive pills.² High and medium-dose pills were available in Japan up until this time, but were offered as a treatment of menstrual irregularities not for contraceptive purposes.³ As a result of this highly unusual ban on contraceptive pills, the use of condoms together with the rhythm method has been the primary method of contraception adopted by Japanese couples.⁴ When these methods failed, abortion was a popular alternative. It is estimated that in Japan roughly half of the unwanted pregnancies resulting from contraceptive failure end in abortions.⁵ It is important to be clear on the usage of the term “abortion” in this context. Medically, the term “abortion” is quite general and refers to any "expulsion

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¹ Reproductive policy will be used throughout the paper to refer to the laws and regulations governing access to birth control and abortion. This is in keeping with the current trend in feminist literature of referring to these matters as matters of reproductive health, rights, and freedom.
or removal of a fetus from the uterus at a state of pregnancy when it is incapable of independent survival". Throughout this paper however, abortion will be used to refer specifically to the termination of a pregnancy that has been *induced*, i.e. caused by deliberate human action. Although the medical community makes a distinction between induced and spontaneous natural abortion, the public does not. The term abortion is used in most public discourse to refer simply to induced abortion and miscarriage is used to describe spontaneous abortion.

The unique pro-abortion/anti-contraception policy of Japan’s government is especially interesting given that it was not the only model proposed after the war. Before Japan adopted its official policy, there were efforts to introduce legislation that emphasized contraception. These efforts were rejected in favor of a pro-abortion stance. The main task of this work is to try and understand how and why Japan adopted a progressive abortion and conservative contraceptive policy from amongst the policy alternatives that were available in 1948 - 1949. It is the intention here to highlight the flaws in the previous answers to these questions and to add a third explanation to the debate, one that recognizes the importance of interest groups but shifts the focus away from the selfish interests of the groups themselves and examines the ideas, definitions, and understandings of the birth control issue used by these groups in Japan in the late 1940s.

From a North American perspective the birth control situation in Japan seems to defy logic. Family planning regimes operating from this perspective tend to view a range of contraceptive options, rather than an emphasis on abortion, as the main solution to 

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population growth. Furthermore, in most cases, conservative birth control policies are supposed to be good predictors of conservative abortion policies. However, a conservative birth control policy did not lead to a conservative abortion policy in Japan and population growth was curbed without a reliance on modern contraceptives.

It is useful at this point to discuss the term conservative. For the purposes of this paper the term will be used in its simplest form rather than as a reference to any larger political agenda or philosophy. Japanese contraceptive policy is conservative in that it has been cautious and resisted rapid change. It is a policy that operates within the confines of existing institutions and norms. In contrast, Japanese policy towards abortion can be described as progressive. Unlike Japanese contraceptive policy, abortion policy made use of ideas about population growth and new opportunities created by the end of the war to change the status-quo. Japanese abortion policy in 1948-49 was only progressive in the sense that it experienced rapid change in this manner, not because it espoused any liberal views or represented an improvement in women’s reproductive health. In fact, Japan’s postwar abortion policy is an example of a hindering policy. Yael Yishai has outlined four basic types of abortion policy that exist in the developed world: enabling, in which the state grants freedom of choice and provides the means to implement that choice; restrictive, in which the state denies individual choice and the means to implement that choice; hindering, in which the state grants freedom of choice yet does not provide the means to implement that choice; and intrusive, in which the state limits individual choice.

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8 Norgren, p. 3.
9 Ibid, p. 4.
10 Ibid, p. 4.
but provides the means to implement authorized abortions.\textsuperscript{11} Following Yishai’s definition of the term, Japan allows individuals a great deal of freedom in their choice to have an abortion but the Japanese government has made no commitment to provide these services to its citizens. Citizens are required to pay for the procedure out of their own pocket as it is not covered by health insurance.\textsuperscript{12} The state makes trained professionals available to the public but sees that its responsibility ends there. Japanese policy regarding the pill prior to 1999 also contributed to the hindering nature of abortion policy. The long pill ban made it harder for women to avoid pregnancy in the first place, often leaving abortion as their only option. Although women had freedom of choice over reproduction in theory, restricted access to the pill meant that they were not provided with the full means to implement the choice not to have a child.

Religion and interest group politics combined with historical circumstances are the primary explanations for Japanese reproductive policy that have emerged over the last sixty years. However, these explanations are unable to provide a complete analysis of reproductive policy. An explanation that focuses on public ideas presents a deeper understanding of the formation of policy. Public ideas are “a set of durable beliefs having broad scope that pertain to personal matters and involve deep emotions.”\textsuperscript{13} The attitude towards women’s role as mothers is a clear example of a public idea. It is an idea that is not overtly political or consciously examined by most people. It is not the intention of this paper to discover the “true” motivations of policymakers but to argue that groups in

\textsuperscript{12} Norgren, p. 5.
\textsuperscript{13} Yishai, p. 207.
society invoke public ideas as motivations and justifications and that this activity affects policy design.

Methodology

The analytical framework of this study is grounded in theories of the construction of social problems. This study will use the work of Malcolm Spector and John Kitsuse, as well as Joseph Schneider, as the foundation of the constructionist view of social problems. The social constructionist approach views social problems as social constructions. This means that social problems are not objective conditions or social arrangements but are the result of a process of collective definition. Groups and institutions use public ideas, i.e. beliefs and norms, to shape definitions of social problems. The act of defining a problem is encapsulated by what social constructionists call “claims-making activities.” Claims-making refers to complaints or demands for change made by members of a society in the attempt to call attention to situations or mobilize institutional reactions and can range from calling press conferences to supporting or opposing some governmental practice or policy. When participants make these complaints and demands, the way in which they do it helps shape popular understandings of the problem. For this reason, the claims-making process is the most important unit of analysis.

Although social constructionism arose out of the discipline of sociology, political science has translated many of the same ideas into the study of public policy. The

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17 Ibid, p. 78-79.
conclusions drawn from this application of social constructionism have been threefold. First, many policies, such as civil rights and environmental laws, have not merely been motivated by selfish interests; second, most government leaders have explicit visions of what is desirable and possible for society to do; and third, the initial definition of policy problems and choices greatly influences the subsequent design and execution of public policies. The social constructionist approach to the study of reproductive policy in particular is best summed up by Shelley Burtt in her examination of the fetal rights debate in the U.S. In it she states that “The question remains open of what sort of sacrifices the community can appropriately demand of a pregnant woman, how far it can legitimately constrain her behavior.” The key words are “appropriately” and “legitimately”. Reproductive policy will not be implemented unless it is perceived as appropriate and legitimate.

The initial definition of a problem plays an important role in determining which solutions will be chosen and implemented as public policy. At the core of defining a problem is what Deborah Stone calls a “causal story”. Causal stories blame one set of people for causing the suffering of others and demonstrate the mechanism by which this suffering is being inflicted. Outlining the cause of a problem also specifies which tools are necessary as the solution. For example, if population growth due to lack of access to contraception is blamed for causing economic suffering in a country then increasing access to contraception is the only possible solution.

21 Ibid, p. 283.
The definition of policy problems will be expanded upon through the use of Anne Schneider and Helen Ingram’s theory of the social construction of target populations. Schneider and Ingram build upon social constructionist theory by adding the concept of target populations to the mix. Their theory “contends that the social construction of target populations has a powerful influence on public officials and shapes both the policy agenda and the actual design of policy”.

According to Schneider and Ingram, target populations are persons or groups whose behaviour and well-being are affected by public policy. In a broad sense, Japanese women are the target population of the policy examined in this study but married women and mothers will also be looked at as specific sub-categories of this population. Schneider and Ingram assert that target populations can have positive or negative social constructions. These constructions can determine the type of policy that is then aimed at a population. For example, positive constructions can lead to political power and favorable policy for a population, while negative constructions may lead to unfavorable policy.

Despite the conceptualization of women as a target population for the purposes of this paper, it is not the intention here to make generalizations about the inherent characteristics of individual women. Instead, references to “women” throughout this paper will be aimed at the popular social constructions of women, rather than at women themselves. It is assumed here that the group socially constructed as “women” are “marked by diminished opportunities compounded by conditions or efforts to ignore their

23 Ibid, p. 334.
24 Ibid, p. 335.
demands for institutional change within and outside the family." It is also assumed that there are rule-bound social structures that constitute similar limits and constraints as individual women try to accomplish distinctive purposes. Women need not have the physical experience of childbirth, abortion, and contraception to experience the social rules associated with these events.

Comparisons will be made throughout the paper to the abortion and birth control policies of other countries. These comparisons will be dominated by South Korean examples as it is a nation that shares many religious and cultural similarities with Japan. Traditional Confucian belief systems still dictate the roles allowed for women in Japan and South Korea, mainly that of heir provider. Despite postwar economic development and democratization in both of these countries, women have not gained an equal status with men. Many unfortunate conditions, such as unusually large wage gaps between men and women, still exist. Despite these similarities, Japan and South Korea have maintained quite different birth control policies in the postwar era. For this reason South Korea offers a great opportunity for comparison.

Organization

This paper will be organized into three chapters. Chapter One will examine the religious and interest group politics arguments, with a particular focus on Tiana Norgren’s work, and highlight the strengths and flaws in these arguments. Chapter Two will outline the social constructionist version of Japanese reproductive policy by

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26 Ibid, p. 99
28 Norgren, p. 10.
highlighting the claims-making process and public ideas that contributed to the initial definition and design of the policy in 1948-49. Chapter Three will examine the claims-making process and public ideas that were behind the 1999 reversal of the government’s anti-contraception policy and review the current definitions of the birth control issue in Japan. Finally, the conclusion will bring together the arguments laid out in the previous chapters and discuss the implications they have for feminist interpretations of reproductive policy and the future of Japanese policy.
Chapter One: Religion, Interest Groups, and Policy Formation

This chapter will reexamine the role of religion and interest groups in the formation of Japanese reproductive policy in 1948-49. As the religious explanations of Japan’s policy have been successfully repudiated by other scholars, they will only be discussed briefly here. Instead, the primary focus of this chapter will be on the interest group politics explanation provided by Tiana Norgren in her book, Abortion Before Birth Control: The Politics of Reproduction in Postwar Japan. Samuel Coleman was among the first to hint at the idea that interest group politics may have played a more significant role in determining reproductive policy in Japan than religion. Norgren has built upon his work and examined the activities of Japanese interest groups in the late 1940s in great detail. Although her work is thorough, it will be argued here that Norgren’s interpretation of Japanese postwar abortion and birth control policy is flawed. Norgren relies too heavily on the pluralist model of politics in her analysis. Pluralism provides an analysis that is focused on self-interest and misses many crucial elements that influence policy formation. The activities of Japanese interest groups were indeed a crucial element to the formation of reproductive policy but the self-interest of these groups should not be the primary unit of analysis. The bulk of this chapter will be dedicated to demonstrating this point.

Religion and Reproduction

When scholars first attempted to explain the early legalization of, and heavy reliance on, abortion in Japan they argued that the Japanese must possess religious or cultural attributes that make them more tolerant of abortion than other nations. The two

dominant religions in Japan, Buddhism and Shintō, were believed to foster this tolerance as they are generally not perceived to be as vocal on the abortion issue as certain sects of Christianity. Buddhism is not seen as a proselytizing religion and is often associated with images of compassion. Part of this image is derived from the language which Buddhism in Japan uses when referring to abortion; words such as “suffering” and “sadness” are more common in Buddhist circles than words like “sin” and “evil”. For these reasons earlier scholars may have been quick to assume that Buddhism had a more tolerant abortion principle than Christianity. As a result, William Lafleur has argued that the reason the abortion debate does not divide Japanese society the way it does in North America lies in the differences in the way religion deals with the issue in the two societies. In his view, certain strains of Japanese Buddhism have fostered tolerance towards abortion in the way they approach the practice. Lafleur has suggested that mizuko kuyō rituals in particular may serve a therapeutic function for women who have aborted a fetus. These rituals are therapeutic in the sense that they function as a type of funeral for the aborted fetus and may help couples put closure on the incident. Besides offering closure to couples, mizuko kuyō also function as atonement for abortions. An advertisement of the ritual from the Shiun-zan Jizō Temple in Saitama Prefecture describes mizuko kuyō in this way, “[an aborted fetus] is a child existing in the realm of darkness. The principal things that have to be done for its sake are the making of a full apology and the making of amends to such a child”. A Jizō statue, adorned with special clothing and mementos, may be erected as part of this apology. Jizō statues have a long

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31 Ibid, p. xiii.
history in Japan but currently they are often used to represent an aborted fetus and the bodhisattva that will take care of them in the next world.\textsuperscript{34} \textit{Mizuko kuyō} are clearly designed as a means through which Japanese women can express grief and remorse. There is no equivalent service provided to women of Christian faith, therefore it is assumed that their burden of guilt may be heavier than that of Japanese women.

\textit{Mizuko kuyō} used as evidence that Japanese religion is more tolerant of abortion than other religions is misleading. One author does not see the \textit{mizuko kuyō} rituals as therapeutic at all but rather as practices that reflect the stigma attached to the nonreproductive sexual activity of women in Japan.\textsuperscript{35} Although the \textit{mizuko kuyō} may serve a therapeutic function for some Japanese women, the rituals demonstrate that many Japanese women are told to regard abortion as a sin, much like women under Christianity and feel a need, or societal pressure, to atone for that sin. The 1992 National Survey on Family Planning in Japan found that 46% of the women interviewed thought that one positive aspect of the pill was that it reduced the need to rely on abortions.\textsuperscript{36} This means that women often see abortion as a negative procedure and do not want to have to rely on it as a means of birth control if possible. Regarded in this light, it seems that tolerance of abortion in Japan can be superficial.

Religious explanations deal with the symptoms of the policy rather than the causes. Religious practices in Japan have had to take a more compassionate view of abortion only because it became a legal and frequent practice, not the other way around.

\textsuperscript{33} \textit{Ibid}, p. 221.
\textsuperscript{34} \textit{Ibid}, p. 53.
Mizuko kuyō are primarily postwar phenomena that draw upon various historical religious traditions in Japan.\(^{37}\) Abortion was not ritualized in this manner significantly until the 1970s, approximately twenty years after its legalization.\(^{38}\) As more women experienced abortions, the market for religious rituals emerged. Mizuko kuyō were created to fill that niche. Surveys have shown that the majority of religious institutions in Japan do not in fact recognize mizuko kuyō as a legitimate practice and that the popularity of the ritual peaked in the mid-1980s.\(^{39}\) Therefore, mizuko kuyō do not appear to be a true reflection of traditional religious doctrine in Japan.

Some scholars have moved beyond the religious element to explore other factors that may affect reproductive policy. Samuel Coleman makes a persuasive case that culture and religion actually have not contributed as much to the acceptability of abortion in Japan as it would seem. He states that Japanese Buddhism is in fact opposed to abortion because it contradicts the Buddhist value of life, which forbids killing of any and all living things.\(^{40}\) The central doctrine of Buddhism did not change with the increased popularity of mizuko kuyō. The only change was in the rituals practiced by lay people. Coleman argues that Shintō is also opposed to abortion. Since Shintō assigns supernatural powers to spirits, it is believed that they may haunt the living through evil curses.\(^{41}\) Thus, the spirit of an aborted fetus may haunt its mother and father. In the same advertisement for mizuko kuyō distributed by the Shiun-zan Jizō Temple mentioned earlier, this idea is expressed in its statement that the living children of people who have had repeated abortions often have nightmares caused by the aborted siblings expressing distress and

\(^{37}\) Hardacre, p. 3.  
\(^{38}\) Ibid, p. 3.  
\(^{39}\) Ibid, p. 92.  
\(^{40}\) Coleman, p. 59.
anger.\textsuperscript{42} This statement is recognition that abortion is wrong and causes harm not only to the body of the fetus, but to its spirit as well.

The presence of organized religious opposition to abortion in Japan in the postwar period is further evidence that tolerance for abortion is not inherent to Japanese religions. One right-wing religious and political group in particular, called \textit{Seichō no Ie Seiji Rengō}, has campaigned numerous times to revise Japan’s abortion law and remove the clause which allows abortions to be performed for 'economic reasons'.\textsuperscript{43} The members of this group follow the religion \textit{Seichō no Ie} founded in 1929 and their opposition to abortion rests on their teaching that abortion is murder.\textsuperscript{44} The religion can be thought of as neo-Shintoist as it derives much of its rhetoric from Shintō traditions.\textsuperscript{45} Although \textit{Seichō no Ie Seiji Rengō} had a political agenda, it did find justification for its objection to abortion in traditional religious beliefs.

Finally, religion cannot be used to explain why postwar South Korean reproductive policy has been so different from that of Japan. Buddhism is a dominant religion in South Korea yet its abortion laws have been conservative while its contraceptive policy has been more open than Japan’s. Abortion was made legal in South Korea in 1973 only for health reasons, and was available based on other criteria such as genetic defects and rape from 1986 onwards.\textsuperscript{46} There are no provisions which allow abortion for economic reasons as in Japan. Thus, the policy can be thought of as intrusive using Yishai’s framework. The South Korean government limits individual choice for an

\textsuperscript{41} Ibid, p. 62.
\textsuperscript{42} Lafleur, p. 221.
\textsuperscript{44} Hardacre, p. 73-74.
\textsuperscript{45} Lafleur, p. 193.
abortion by outlining specific criteria that must be met in order for the procedure to be legal. The South Korean state then takes on the responsibility of providing the procedure to those who have met the legal requirements. In contrast, the pill has been available to South Korean women since the late 1960s.\textsuperscript{47} The South Koreans have even developed their own term for the pill, ‘Pi-Yim-Yak’, while until recently the Japanese simply used their pronunciation of the English word pill (‘piru’).\textsuperscript{48} Although the pill is not widely used in South Korea, the adoption of a native term for the drug at least acknowledges that it is not a foreign concept, as is implied by the Japanese use of ‘piru’. The South Korean example clearly demonstrates that religion is not the largest determinant of reproductive policy.

\textit{The Politics of Interest}

Although religion has been largely eliminated as a legitimate explanation of Japanese policy, interest group politics remains the widely accepted account. Tiana Norgren also remains the leading authority on the subject. Norgren’s explanation of Japan’s decision to initiate a pattern of “abortion before birth control!”\textsuperscript{49} in 1948-49 is comprised of four main arguments; 1) the Allied Occupation of Japan provided a window of opportunity for policy innovations in this area; 2) a powerful group of doctors was then able to make use of that opportunity and orchestrate the legalization of abortion in order to advance their own professional interests; 3) Japanese women’s groups played no part in the effort to legalize abortion and therefore could not design the policy to include

\textsuperscript{46} Hyoung Cho, “Fertility Control, Reproductive Rights, and Women’s Empowerment in Korea,” \textit{Asian Journal of Women’s Studies}, Vol. 3 No. 1, p. 112-113.
the full array of contraceptive choice; and 4) the timing of the introduction of the pill to the world market ensured that it would not be a possible option for Japanese policymakers. Each of these arguments will now be examined.

Occupation

The evidence supports Norgren's idea that the end of WWII provided a window of opportunity for innovations in reproductive policy. According to Paul Pierson, social change is bounded "until something erodes or swamps the mechanisms of reproduction that generate continuity". 50 Certainly the loss of a war and occupation by a foreign power would qualify as such an erosion for the Japanese wartime system. The Occupation removed obstacles that had stood in the way of political and social reform in the past. 51

The Occupation also helped place population growth on the political agenda. The existence of food shortages for the Japanese public during the Occupation provided population and birth control activists with an important issue to which they could link their cause. Both Japanese and Occupation officials linked food shortages to population and supported the idea that Japan's population needed to be controlled in order for the economy to recover from the war. The Occupation also steered Japanese policy toward a pro-abortion/anti-contraception orientation. U.S. domestic and international politics contributed to the Occupation's support of this type of policy. It is in these three ways that the Occupation played a role in determining Japan's postwar reproductive policy.

The Occupation forces definitely arrived in Japan with the intent of eroding the forces of continuity that had led Japan into the aggression of WWII. The basic goals of

49 Norgren, p. 10.
the Occupation outlined in the Potsdam Declaration were 1) to ensure that Japan would never again become a threat to the peace and security of the world and 2) to encourage the establishment of a peaceful democratic government in Japan. On September 1, 1945, U.S. Secretary of State James F. Byrnes specifically called for the elimination of "oppressive laws and practices, which in the past have closed the door to truth and have stifled the free development of democracy in Japan." Part of the effort to ensure Japan would not become a threat again was tied up in eliminating the structures of Japanese society that had caused the nation to expand. The wartime reproductive policy of pronatalism and a ban on birth control was re-examined in this light. The Occupation certainly did not want to retain policies that were aimed at expanding the population in the name of Japan's imperial glory. Rarely is such an opportunity presented to policymakers where the reform of past laws is not only allowed but actively encouraged. The presence of the Occupation forces, and the goals which they promoted, freed Japanese policymakers from the military rhetoric of the war and allowed them to chart a different course.

Once the space for policy reform had been created by the Occupation, Japanese policymakers did not actually chart a new course in reproductive policy. There had been negative views of population growth in prewar Japan. Between 1920 and 1940 population in Japan was defined as a problem in terms of limited food supplies, high agricultural

density, and an unsustainably rapid growth of the labour force.\textsuperscript{55} Intellectuals and
government officials in large part created this definition.\textsuperscript{56} It was only with the build-up
of the military government in the 1930s that population control began to lose favor. By
1941 the Ministry of Health and Welfare (MHW)\textsuperscript{57} began to adopt official policies to
promote births and establish an average of five children per family by lowering the
average age of marriage and offering tax exemptions, loans, and rationing privileges to
couples with more children.\textsuperscript{58} After the war, Japanese leaders returned to their earlier
view of population growth. As a consequence, the aggressive pronatalist discourse of the
war years quickly disappeared from Japanese medical journals after 1945.\textsuperscript{59} The
discourse was replaced by the declaration of the population "problem" in Japan. Severe
food shortages that ensued after the war were then attributed to population pressures.\textsuperscript{60} In
1946 the finance minister announced that 10 million people were at risk of starving to
death.\textsuperscript{61} Linking food shortages to population raised the profile of the population problem
to one of urgency for the public. Food shortages were clearly outlined as a priority for
Japanese voters in the 1946 election slogan ‘Food Before a New Constitution’.\textsuperscript{62} The
linkage between population and food is not necessarily a natural one. There may have

\textsuperscript{56} Ibid, p. 620.
\textsuperscript{57} The MHW was later merged with another department to become the Ministry of Health, Labor and Welfare (MHLW) and currently retains this title. This change in title took place after the primary time period being discussed here; therefore the ministry will be referred to as the MHW throughout most of the paper. Despite the change, reproductive policy has remained under the ministry's jurisdiction for the entire postwar period.
\textsuperscript{60} Oakley, p. 622.
\textsuperscript{61} Norgren, p. 37.
been reasons for postwar food shortages other than overpopulation. For example, there were problems with food production at this time. The rice and wheat harvest of 1945 were two of the worst crop failures in Japanese history. There were also problems with distribution. There was evidence that immediately after Japan's surrender, government officials and their corporate allies looted stockpiles of supplies. Many Japanese had to turn to the black market to supplement insufficient government rations, while police did little to stop this kind of trade. Despite the contribution of these factors to the problem, it was overpopulation that was accepted as the causal story for the food shortages. The Japanese government issued several reports about population growth after WWII that fueled public debate and convinced many Japanese that the country was indeed overpopulated. Finally, in 1949 population was incorporated as the sixth of the government's top ten priorities.

SCAP (Supreme Commander of the Allied Powers), another name for the Occupation, was also interested in population issues but needed to treat the issue very delicately. They ordered six censuses to be taken between September 1945 and October 1950. In 1949, SCAP's Economic and Scientific Section analyzed population growth and predicted that too many men of productive age would be entering the labor force than could be sustained in the coming years. In the same year SCAP's Natural Resources

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63 Irokawa, p. 37.
64 Schaller, p. 26.
65 Aldous, p. 20 &25.
67 Oakley, p. 634.
Section determined that population was part of the resources problem in Japan. Just as Japanese government reports on population had incited public interest so did SCAP’s activities. The demographic materials that SCAP collected were sometimes published in Japanese newspapers. SCAP’s stance was that population growth was detrimental to Japan’s future. General MacArthur issued a directive in 1948 stating that an uncontrolled increase in Japan’s population could hinder economic recovery and the establishment of a peaceful democracy. However, SCAP’s support of population control remained informal throughout the Occupation. It was unable and unwilling to formulate official policies and programs to solve the population problem. MacArthur stated publicly in 1949 that he was not engaged in the study of Japanese population control and that it was a matter that did not fall within the scope of the Occupation. There were specific reasons for MacArthur’s reluctance to commit to any overt population policy in Japan. Nazi abuses of birth control and population policies during WWII were still headline news and SCAP wanted to avoid being charged with genocide itself in the attempt to regulate the Japanese population. U.S. forces in Germany at this time also did not permit any birth control initiatives there. It appears that SCAP was worried that the Soviet Union in particular might turn population into a political issue. Others believed that opposition from the Catholic Church was SCAP’s primary concern. Birth control advocates Katō Shizue and Fumiko Amano charged SCAP with denying Margaret Sanger a visa to Japan and suppressing the findings of its own consultants due to Catholic

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70 Ibid, p. 370.
71 Oakley, p. 623.
72 Norgren, p. 37.
73 Taeuber, p. 370.
74 Oakley, p. 625.
75 Ibid, p. 625.
76 Ibid, p. 625.
pressure. Whatever the reason, SCAP was definitely reluctant to openly support birth control initiatives in Japan and this allowed Japanese policymakers to design a reproductive policy according to their own understanding of the population problem.

The Japanese understanding of the population problem was not dictated by senior SCAP officials, but was somewhat supported by them. In particular, the Japanese reluctance to emphasize contraception as a means of family planning was supported. Crawford Sams, chief of SCAP’s Public Health and Welfare Section, was a key figure who supported efforts to legalize abortion while at the same time downplaying the need for a birth control regime in Japan. In the first years of the Occupation Sams did not believe that active propaganda or services for birth control were necessary to control Japan’s population. Instead, he believed that industrialization should be the focus because it would lead to urbanization in Japan, a process that would naturally produce lower fertility. MacArthur also believed that there was no need to actively introduce birth control in order to curb population growth. Their tepid support of birth control reinforced the opinion of many Japanese policymakers that contraceptives were not an important part of postwar reproductive policy.

It may seem strange that abortion legalization was acceptable to SCAP under these conditions. It may seem even stranger that Sams seems to have played a role in passing abortion legalization through SCAP as well. However, SCAP’s tolerance of abortion legalization was quite logical. There are two main reasons for SCAP’s acceptance of the Eugenic Protection Law (EPL) in 1948. First, parts of the EPL were

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77 Hardacre, p. 56.
78 Oakley, p. 626.
79 Ibid, p. 626.
80 Ibid, p. 626.
revisions of the previously existing National Eugenic Law; the Americans encouraged revision rather than total abolition of most relevant Japanese laws. Second, sterilization was not being aggressively promoted by the EPL. Sterilization and extermination programs had been the main tools of the Nazis. The EPL allowed sterilization under only two basic circumstances, as a means of preventing the spread of genetic defects and hereditary disease, and as protection for women whose health was seriously affected by conception or childbirth. Under the law, the general public was not intended to use sterilization as a contraceptive method. If it had been, the hint of genocide that SCAP was worried about may have become apparent. The EPL was acceptable as a compromise between the competing interests of SCAP and the Japanese government. The law put some measures in place that allowed people to control their family size without being too aggressive. There was the sentiment, expressed in a memo from the Public Health and Welfare section to the Diplomatic section in 1949, that although the EPL was not perfect, its deficiencies would no doubt be corrected over time.

While the Occupation did contribute to reproductive policy reform, it was a policy designed by Japanese policymakers. Most contemporary scholars agree that the reforms made during the Occupation were not merely imposed on Japan but instead they were achieved through "collaboration between Americans and Japanese". The modern Japanese lifestyle that exists today began in the 1920s and was only briefly interrupted by

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85 Norgren, p. 43 & 177.
86 Moore and Robinson, p. 4.
the war and immediate postwar period.\textsuperscript{87} During the Taishō Democracy (1905-1925), Japan’s urban classes experienced a wave of liberalization and the emergence of democratic political behaviour.\textsuperscript{88} Key figures in Japan had ideas about how to reform Japan’s reproductive policy during this period. The activities of the 1920s culminated in 1931 with the formation of the Birth Control League of Japan and the formation of the Women’s Birth Control League of Japan in the fall and winter of 1933-34.\textsuperscript{89} The Occupation allowed the Japanese to follow many of the ideas that had gained limited popularity before the war and expand them to the whole population. Birth control was one of these ideas.

\textit{Doctors}

Norgren’s second argument, that it was in the professional interest of Japanese obstetrician-gynecologists (ob-gyns) to lobby for abortion legalization is less convincing than her arguments about the Occupation. She argues further that ob-gyns subsequently protected their professional interest by promoting traditional birth control methods and lobbying against the pill when it was introduced years later. In Norgren’s view, it was interest group politics above all else that initiated a pattern of contraceptive behaviour in Japan in which abortion was favoured over birth control.\textsuperscript{90} Norgren uses the close relationship between medical interests and bureaucrats as the primary evidence that ob-gyns were able to dictate Japanese birth control policy in a way that served their professional interests. The main interest of ob-gyns in abortion was financial. Abortion procedures provided ob-gyns with income; the pill and other modern methods of

\textsuperscript{87} Irokawa, p. 4.
contraception threatened that income by possibly lowering the demand for abortion.\textsuperscript{91} As the Japanese government does not cover abortion under its health insurance programs, ob-gyns may underreport abortions, thereby avoiding taxes and directly collecting the profits from the procedure.\textsuperscript{92} According to Norgren, legalization of abortion also eliminated the threat of criminal charges being laid upon those physicians who were performing abortions in secret, prevented doctors with other specialties from performing the operation and cutting into the ob-gyns profit, and continued the ob-gyns' general attempt to take control of women's health care.\textsuperscript{93} As will be seen, this argument is flawed in that it does not explain the entire picture of events surrounding postwar reproductive policy and places too much emphasis on interest as an analytical tool. Before going any further, a brief outline of the actual presentation and passage of the EPL is necessary here as a frame of reference for the rest of the paper.

The postwar abortion legalization movement in Japan was originally initiated by members of the Socialist party in the form of the Eugenic Protection Bill.\textsuperscript{94} The Eugenic Protection Bill was designed to legalize contraception, increase the number of circumstances under which individuals could obtain voluntary sterilizations, and to provide for legal abortions under a wider scope of circumstances, such as rape and protection of the health and well-being of the mother.\textsuperscript{95} Sterilization was intended to play a key role in population control under this bill. It suggested allowing sterilization under the same circumstances as legal abortion.\textsuperscript{96} The bill also advocated an aggressive eugenic

\textsuperscript{90} Norgren, p. 10.
\textsuperscript{91} Ibid, p. 104.
\textsuperscript{92} Ibid, p. 5.
\textsuperscript{93} Ibid, p. 41-42.
\textsuperscript{94} Ibid, p. 37.
\textsuperscript{95} Ibid, p. 38.
\textsuperscript{96} Ibid, p. 38 & 173.
sterilization program, targeted especially at sex criminals and inmates of mental asylums. Socialist birth control activist Katō Shizue introduced the Eugenic Protection Bill to Diet members in 1947 emphasizing the plight of women struggling with postwar supply shortages and criticizing the previous military regime’s pronatalist policies effect on women’s health. Although other birth control activists presented the bill alongside Katō, she seems to have taken the spotlight. Contraception was also a key part of the original version of the bill and Katō herself later became known as the nation’s birth control pioneer for her promotion of contraceptives. In Katō’s view, control of family size was an integral part of improving quality of life and ensuring women’s equality with men. Although Katō did officially support legal abortions, she was generally opposed to the practice and wanted to pass legislation that emphasized education and contraceptives in order to make abortion less necessary. However, the Socialists failed to garner support enough support to pass this type of legislation. Instead, a revised version of the bill that eliminated the contraceptive provisions was passed in 1948 as the EPL. As mentioned earlier, sterilization also took a back seat in the 1948 version. Taniguchi Yasaburō was the individual who revised the original bill and re-introduced it to the Diet. Taniguchi was an ob-gyn and also an Upper House representative from the conservative Progressive Party who wanted to help turn the Eugenic Protection Bill into

97 Ibid, p. 38.
100 Hopper, p. 101.
101 Ibid, p. 128.
102 Norgren, p. 40.
Taniguchi had shown interest in legalizing abortion prior to the emergence of the bill. He submitted questions about family planning and birth control to the government in 1947. Taniguchi did not present the Eugenic Protection Bill in the same way as Kato. He emphasized the national interest when he introduced the bill in 1948 in terms of eugenics and the democratic value of protecting maternal health. The EPL was revised shortly after its passage with a clause added in 1949 that allowed abortions in cases where the continuation of a pregnancy would harm the mother’s health for economic reasons. This clause is broad, subjective, and basically ensured that anyone who wanted the procedure, and could afford it, was able to obtain it. The allowance of such wide access to abortion is the defining progressive characteristic of the EPL. Despite slight revisions to the law, it retained its pro-abortion bias throughout the postwar period.

The role of Taniguchi in the postwar abortion movement is central to Norgren’s argument. Norgren provides examples where Taniguchi’s contribution to the abortion legalization movement appears to be in aid of ob-gyns. Taniguchi added a revision to the Eugenic Protection Bill stipulating that only designated doctors could perform abortions. This gave ob-gyns a monopoly over legal abortion procedures. This monopoly led to the creation of Nichibo, an interest group formed in 1949 by designated abortion doctors, of which Taniguchi became president. Ob-gyns now had a formal vehicle through which they could lobby to protect their interest in abortion income by disapproving the pill. Taniguchi suggested another revision to the EPL in 1952 which

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106 Norgren, p. 40.  
107 Ibid, p. 45.  
109 Ibid, p. 44.
eliminated the requirement for women to appear before a committee for permission to have an abortion.\textsuperscript{110} This gave ob-gyns more discretionary power in controlling women's access to abortion, and their own access to increased abortion profits. Norgren uses Taniguchi's success in promoting the Eugenic Protection Bill where the socialists had failed and his involvement in \textit{Nichibo} as evidence that ob-gyns were able to design postwar reproductive policy according to their own professional self-interest.

While Norgren is not essentially wrong in her interpretation of the role of the ob-gyns in creating postwar reproductive policy, she is indeed misguided. There is no doubt that ob-gyns benefited from abortion legalization in the ways listed by Norgren. There is also no doubt that they were an influential group in defining the abortion issue. However, there is no documentation that medical interests were allowed to dictate any policy they wanted. Ob-gyns were not the only group who played a role in defining the abortion issue. As will be demonstrated in the following pages, the Socialists and women's groups in Japan also contributed significantly to the design of reproductive policy in 1948. Four main flaws to this element of Norgren's explanation of abortion legalization will be discussed; 1) Taniguchi did not in fact create a monopoly over women's health care for the ob-gyns, 2) Socialist birth control advocates also had the support of many doctors in their emphasis on contraception and sterilization yet they failed to pass their version of the Eugenic Protection Bill, 3) professional interest does not explain the reversal of ob-gyns disapproval of oral contraceptives in the 1980s, and 4) interest cannot be proven nor measured in political analysis and therefore should not be the main focus of such scholarship.

\textsuperscript{110} Ibid, p. 48.
Doctors in Japan took over control of women's health care after the EPL but they did not create a complete monopoly. Postwar family planning initiatives called upon midwives to provide practical instruction on contraception.\textsuperscript{111} If the doctors were set on creating a monopoly they could have totally excluded midwives. Public health nurses also played a vital role in family planning, particularly in the countryside. These nurses handed out condoms to housewives and instructed women about the use of the rhythm method together with condoms as the main means of contraception.\textsuperscript{112}

Norgren states that the Socialists bill failed because it was too radical in its original form and that there was not enough consensus-building prior to their presentation.\textsuperscript{113} The fact that Norgren does not investigate this matter further is a glaring oversight. Her emphasis on the power of medical interests ignores the fact that Katō worked together with, and was accompanied by, two members of the Socialist party who were doctors, including Ōta Tenrei, when she presented the first version of the Eugenic Protection Bill.\textsuperscript{114} Ōta was world-famous for his invention of the contraceptive device called 'the Ōta ring'.\textsuperscript{115} Although he was not as charismatic a public figure as Katō, his support was important to the Socialist version of the bill. Ōta was an ob-gyn himself yet he was uncomfortable with the EPL's emphasis on abortion.\textsuperscript{116} Therefore, the fact that Taniguchi was an ob-gyn is not useful in explaining his choice to design a law that favoured abortion over contraception. Ōta was an ob-gyn and a politician, much like Taniguchi, yet Norgren does not attribute his actions to the promotion of medical

\textsuperscript{111} Fujime, p. 322.
\textsuperscript{113} Norgren, p. 39.
\textsuperscript{114} Ibid, p. 37.
\textsuperscript{115} Oakley, p. 623.
\textsuperscript{116} Norgren, p. 43.
interests. Since the Socialists also had prominent medical support for their bill it is not convincing that it was a key element of Taniguchi’s success.

Norgren’s emphasis on professional interest fails to explain the fact the ob-gyns played a critical role in the lifting of the pill ban in 1999. They reversed their stance on the pill issue many years before government officials were ready to change their policy. In the 1980s, Nichibo began to support the introduction of the pill and petitioned the MHW to allow clinical tests of low-dose oral contraceptives. This change in position was not the result of a change in self-interest. The system initiated by the EPL, whereby doctors could profit from abortions, was still in place in the 1980s. Therefore, the change in Nichibo’s support of the pill was inspired by something other than the politics of interest, and hints at the fact that this might also be true of the ob-gyns choice to support a pro-abortion policy in 1948. Since the professional interest of the ob-gyns is a constant throughout the postwar period, the historical and political conditions of 1948 must be compared with those of 1999 in order to find a more complete explanation of the ob-gyns change in claims-making activities.

The key flaw in Norgren’s explanation, from which the other three stem, is that a focus on the politics of interest in political analysis is narrow, misguided, and difficult to document. For example, Japanese ob-gyns did not make claims on the government to change the abortion law specifically as an interest group in 1948. Spector and Kitsuse define an interest group as a group that claims to be the victim of the conditions it is seeking to ameliorate. In 1948, Japanese ob-gyns did not claim to be the victims of repressive abortion laws in their lobbying activities. Instead, they portrayed women and

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117 Norgren, p. 105.
118 Spector and Kitsuse, p. 87.
the Japanese nation suffering from overpopulation as the victims of the law and argued
for abortion legalization on humanitarian grounds. Some might argue that their use of
these arguments was merely meant to divert attention away from their pursuit of self-
interest. This may be true, but for the purposes of analysis it is practically impossible, and
dangerously subjective, to document the true motives of political participants and
therefore not useful as an analytical tool. Spector and Kitsuse argue that “motives are
conceived to be answers to questions about actions after the fact [emphasis in original],
they cannot have been causes of those acts”.¹¹⁹ Political participants themselves may not
be consciously aware of their own motives but upon being pressed to justify their position
they are forced to create an explanation for the public. Pluralist analysis tends to assume
that self-interest is always the primary motive for groups to make claims on the
government. This is almost impossible to prove. Norgren does not provide any concrete
documentation, be it private letters, interviews, or public statements, that Taniguchi was
motivated by a desire to advance the interests of the ob-gyns. The only thing that can be
documented and analyzed is the public motives given by Taniguchi, and by rival groups,
and the effect that these had on the reaction of government and citizens and on the design
of policy. Thus, this will be the focus of the following chapter.

Women’s Groups

Part of Norgren’s explanation for the ability of ob-gyns to dictate reproductive
policy rests upon the lack of participation from women’s groups in the abortion and
contraception debates. Norgren states that the women’s movement in Japan had no role in
the initial shaping of abortion policy or the discourse that surrounded it.¹²⁰ However, it is

¹¹⁹ Ibid, p. 92.
the contention here that this was not the case. It is true that the abortion and contraception
debates in Japan have remained largely within the confines of what can be called “the
birth control policy subsystem”. Paul Sabatier defines a policy subsystem as a collection
of actors from public and private organizations who are actively concerned with a policy
problem or issue. In Japan’s case, ob-gyns, along with politicians and bureaucrats,
have been the most vocal actors in the birth control policy subsystem. However, women’s
groups in Japan can also be considered part of this subsystem. They too were actively
concerned with birth control policy. For most Japanese women’s groups this concern
translated into support for the status quo on reproductive issues throughout the postwar
period. It is in this capacity that they had an impact on policy.

In 1948, abortion became primarily a population control issue, not specifically a
women’s rights issue. According to most women’s groups, abortion and contraception
were not defined as a woman’s individual right to decide her sexual and reproductive
fate. It is this fact that has perhaps led Norgren to discount their role in designing policy.
Most Japanese women’s groups maintained a definition of the issue that complimented
that of the ob-gyns.

There are several reasons for this support of the status quo. Two notorious
slogans appear throughout studies of Japanese women’s issues. The Meiji era ushered in
the slogan ‘ryōsai kenbo’ (good wives and wise mothers). The wartime regime
produced ‘umeyo fuyaseyo’ (bear children and multiply). In the postwar period a third,
slightly subtler, slogan emerged that was no doubt an extension of the first two. This

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121 Paul A. Sabatier, “An Advocacy Coalition Framework of Policy Change and the Role of Policy-
122 Mackie, p. 25.
slogan is summed up in one word, *housewife*. The Japanese government, depending on the specific needs of the state at the time, promoted all three slogans. All three slogans emphasize women as defined by motherhood. ‘Housewife’ became the archetypal figure of femininity and ‘salaryman’ became the archetypal figure of masculinity in the postwar era.\textsuperscript{124} The idea that women’s place was in the home as caretaker and caregiver while men’s duty was to be a devoted company worker was promoted as the Japanese dream. The government supported this idea and the household became bound to the nation in order to support economic growth in the form of stable marriages centered on reproduction and mother’s nurturance and education of Japanese children.\textsuperscript{125} The ‘housewife’ slogan emerged very early in the postwar period. Many women’s groups that formed in the immediate postwar period mobilized their members specifically as housewives.\textsuperscript{126} The ideals espoused by the ‘housewife’ image became public ideas in Japanese society and institutions. It is impossible to say that every individual Japanese woman believed in these ideas but it is enough to say that the image of housewife created a social structure that put similar limits and constraints on Japanese women.

In the immediate years following the war, women’s groups tended to be focused on such benign issues as food shortages.\textsuperscript{127} They had more urgent day-to-day concerns than reproductive rights and challenging traditional gender roles. Discussion of reproductive issues also threatened the housewife/salaryman ideal. Since most women’s groups supported this ideal, there was little motivation for them to lobby for abortion

\textsuperscript{124} Ibid, p. 123.
\textsuperscript{126} Mackie, p. 122.
\textsuperscript{127} Ibid , p, 122.
legalization and increased access to contraceptives as a women’s right. Housewife-ism was a duty and therefore women did not have a right to challenge it.

Yael Yishai has laid out four different forms of interaction between women’s groups and the state: integration, absorption, separation, and cooptation. For the most part Japan follows the cooptation model of interaction. Following Yishai’s definition of cooptation, Japanese women’s groups have largely been incorporated into the male-dominated power system. As mentioned earlier Katō Shizue was the most prominent female supporter of birth control and was active in this area since the 1920s. To a large extent however, Katō worked within the Japanese system to effect limited change. Later, more aggressive birth control advocates did appear but they were relegated to the fringe of the women’s movement. Chūpiren, a vocal women’s group that emerged in the 1970s, demonstrated for government approval of the pill but their tactics only succeeded in adding to the negative image of the pill. Chūpiren’s confrontational style included members wearing pink helmets as a symbol of the pill and crashing such events as the National Convention on Family Planning and Maternal and Child Health. In general, other women’s groups have been at best what one author describes as “tepid” in their support of contraceptives like the pill. Chūpiren aside, there had been a distinct lack of feminist elements that challenged traditional power structures. Using a pluralist model it would be easy to assume that Japanese women’s groups lacked organization or must not have had access to enough financial resources and therefore were uninvolved in the abortion and pill debates. However, this is not the case. Japanese women’s groups have

128 Yishai, p. 218.
129 Ibid, p. 223.
130 Ashino, p. 87.
131 Ibid, p. 86.
had large memberships, both right and left-wing affiliations, and have achieved many victories in other issue areas. Japanese women's groups had the resources, the degree of organization, and certainly an interest in lobbying for abortion and pill legalization, but chose largely not to do so. There are two methods by which the male-dominated power system incorporated Japanese women's groups thereby causing them to support the status-quo on these issues. Yael Yishai provides an explanation of the first. She believes that feminism in some countries has been undermined by nationalistic concerns for security, leading women to feel driven to fulfill traditional nurturing roles. Feminism will refer here to what Mary Hawkesworth defines as "a political movement inspired by a belief in the fundamental equality of men and women and committed to the eradication of gender-based biases." Nationalism in Japan has undermined feminism defined in this way. There was no physical threat to Japan after the war, but occupation by a foreign nation inspired the fear of Westernization. In an effort to protect Japan from Western ideas, women in the postwar era were bound more tightly to the home and expected to fulfill a nurturing style considered to be typically Japanese. Women are often considered to be the guardians of culture in this manner. During the war women were expected to play this role with the idea that the spirit of motherhood in Japan held the nation together and provided a moral foundation. Many women's groups subsequently

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132 Ibid, p. 89.
133 Norgren, p. 51.
134 Yishai, p. 223.
136 Rosenberger, p. 16.
gained political legitimacy as wives and mothers. One observer argues that every movement towards equal employment, sexual independence, etc. in Japan in the postwar era has been influenced by “housewife feminism”. Housewife feminism has often been displayed blatantly. The perfect example of this trend is the Shufuren (Japan Housewives Association) and its use of a rice-serving spoon as the association’s symbol; at once invoking images of women in the kitchen and national identity through rice as staple of the Japanese diet. The Shufuren was established in 1948 under the leadership of Oku Mumeo who advocated a “direct connection between the kitchen and politics.” Once again this use of the word “kitchen” reinforces traditional stereotypes of women and their participation in society.

Japanese feminists have not merely been brainwashed by the male-establishment. Their use of housewife feminism can be explained by the fact that many of them believed that a reliance on political legitimacy as wives and mothers would actually give them more power. The constant challenge for feminists in all nations is how to regard femininity, either as a tool of oppression or as the essential female nature. According to the first view the definition of women as wives and mothers helps to keep them oppressed and limited to specific roles and spheres in society. Conversely in the second view, women should not reject the definition as wives and mothers but embrace it as it the source of female power and fight for increased recognition of their nurturing role in society. Hiratsuka Raichō, a leading figure in the history of the Japanese women’s

138 Norgren, p. 51.
140 Mackie, p. 123.
141 Tokuza, p. 215.
142 Asano Tamanai, p. 99-100.
movement, is known to have relied on the theory of women as the publicly valued site of reproduction. This theory views women's value and power as coming directly from their reproductive function. Their worth to the nation is in this capacity. Hiratsuka advocated a social recognition of the role of mothers. She wanted to improve women's status in society and thought the best way to do that was to celebrate women's reproductive contribution to society. Despite a reliance on this view, Hiratsuka was a supporter of legalized abortion and contraception. This exposes the fundamental contradiction, and essentially flaw, in early 20th century Japanese feminism. It is not possible to effectively lobby for reproductive rights when those rights are being justified by women's status as mothers rather than as individuals. While Japanese women's groups were able to improve some of their legal rights in the postwar period, ultimately the ideology of motherhood and housewife inadvertently hindered the possibility for radical change to women's status. One scholar argues that in the 1930s feminists were under the delusion that the prosperity of the Greater Japanese Empire would protect the institution of motherhood. Many postwar feminists operated under a similar delusion in thinking that this would be the case in a newly democratic Japan. The sanctity of motherhood is an abstract ideal that does not translate well into reality. The language of such a discourse can, and has been, twisted to justify women's oppression rather than liberation. If women are to be valued as mothers then abortion and birth control threaten that value to society. Reproductive rights are difficult to win in this situation.

143 Fujime, p. 298.
144 Mackie, p. 51.
146 Fujime, p. 321.
Timing

Finally, Norgren's argument that Japanese birth control policy exhibited path dependence will be examined. Her argument is that abortion was legalized before a safe version of the pill became available, and therefore the reliance on abortion was set and difficult to reverse in later years. The idea of path dependence was first articulated in the field of economics. A path-dependent sequence of economic changes is one in which temporally remote events and happenings dominated by chance elements can exert an important influence on outcomes. These events and chance elements can be things like the timing of contracts, political interests, and decisions made at key meetings. Chance events can determine the success of a product or technology on the market. A technology that gains an early lead in adoption may corner the market and lock other technologies out. This means that even if a new technology is more efficient it may not be able to enter the market because a previous technology is already in wide use. Path dependence in political science literature follows these same basic principles; the only difference is that policies rather than technologies are the focus. The birth control issue is interesting in that it involves both policy and technology. Over time one or two contraceptive methods come to dominate in a country as word of mouth, the medical community, and government programs reinforce them. Abortion and condoms came to dominate in Japan before the invention of the pill. The first synthesis of the steroid used for oral

148 Norgren, p. 10.
152 See Paul Pierson.
contraception was completed on October 15, 1951; two years after abortion for economic reasons had been legalized.\textsuperscript{154} The culture of \textit{mizuko kuyō}, the medical community’s reluctance to support contraceptives, and government family planning programs that focused on condoms, combined to reinforce the dominance of these two methods for the last sixty years. Despite evidence that emerged over the years suggesting that the pill was an effective contraceptive and had relatively few health risks, it was difficult to reverse the government’s stance on the issue. The pill was also introduced at an unfavorable moment in Japanese history when economic recovery, the declining birth rate, and drug-related scandals were emerging.\textsuperscript{155} The total fertility rate (TFR) dropped from 4.54 to 2.04 between 1947 and 1957 and has continued to decline ever since.\textsuperscript{156} The drop in the TFR that occurred after 1947 caused Japanese bureaucrats to worry that their postwar population concerns had been exaggerated. The government gradually shifted its view and saw population control as a hindrance rather than a boost to future economic development. The government income-doubling program was achieving success and the Tokyo Olympics in 1964 was a sign to the world that Japan had recovered from the war.\textsuperscript{157} It was difficult to justify promotion of the pill in this climate.

All of the above factors did hinder the Japanese adoption of the pill however; they did not contribute to the fact that abortion was chosen over contraception in 1948. The pill may not have been available but other contraceptive methods, such as IUDs or sterilization, were available. There was even a type of IUD invented by a Japanese doctor yet ob-gyns and politicians favoured abortion. There was an anti-contraception bias

\textsuperscript{155} Norgren, p. 10.
\textsuperscript{154} Djerassi, p. 13.
\textsuperscript{155} Norgren, p. 10
\textsuperscript{156} "Japan's Fertility Trends," p. 166.
entrenched in the political climate of the day that had nothing to do with timing or path
dependence. It is this bias that will be examined further in the next chapter. The
introduction of Viagra in Japan will also be discussed later in the paper in terms of path
dependence. It was a crucially timed chance event that affected a policy outcome in 1999.
It occurred right when the policy environment was supportive of change and served to
galvanize feminist mobilization on the pill issue.

Conclusion

“A science which is postulated on the assumption that human beings are avaricious and
will remain avaricious through all eternity is utterly devoid of point (whether in problems
of distribution or any other aspect) to a person who is not avaricious.”
- Osamu Dazai in The Setting Sun. 158

As the above statement demonstrates, there are things that cannot be explained by
self-interest alone. Unfortunately, pluralism is the traditional model used to describe the
political world. 159 It is the model favoured by North American analysts. Pluralism is part
of the rational choice approach to political science that is premised on the assumption that
individuals maximize their personal advantages through political action. 160 Despite the
popularity of this approach, the central problem remains that policy is not always
designed according to the self-interest of individuals or groups and there can be no
satisfying account for this fact in a pluralist rational choice analysis.

Robert Reich writes that “politics has more in common with religion than with
economics.” 161 Although many scholars portray political decision-making as a calculated

158 Osamu Dazai, The Setting Sun, translated by Donald Keene, (New York: New Directions Publishing
Corporation, 1956), p. 112.
159 Reich, p. 26.
161 Reich, p. 27.
cost-benefit analysis, in fact the decision-making process is heavily influenced by ideas and beliefs. In the public ideas literature, human behaviour in most important activities is seen as motivated not by an economic model of self-interest but by human social commitments, connections, and attachments.\textsuperscript{162} These attachments are not only to other human beings but also to beliefs and ideas about society. The ideal version of policymaking is one in which “the central responsibility of public officials, administrators, and policy analysts is to determine whether public intervention is warranted and, if so, to choose the policy that leads to the greatest improvements.”\textsuperscript{163} It seems logical that contraception before abortion would be the most effective way to limit population growth; yet Japanese officials chose the reverse strategy. The policy that would lead to the greatest improvements was not chosen. For social constructionists the question of motivation is an irrelevant and moot one. An analyst can never know the true motives of any person.\textsuperscript{164} Therefore it should not be the task of political science to discover such motives. What is important for political analysts to remember is that interests, motives, and even values, are not the explanation for conduct.\textsuperscript{165} Instead, interests, motives, and values are invoked by actors themselves as a justification or explanation for their behaviour.\textsuperscript{166} It does not matter whether or not the actors involved truly believe in their justification. Social constructionism does not deny the power of interest groups in their ability to press their claims.\textsuperscript{167} However, it measures that power as it is expressed in the claims of the participating groups and the responses to those claims.

\textsuperscript{162} Ibid, p. 27.
\textsuperscript{163} Ibid, p. 2.
\textsuperscript{164} Spector and Kitsuse, p. 92.
\textsuperscript{165} Ibid, p. 96.
\textsuperscript{166} Ibid, p. 92.
\textsuperscript{167} Ibid, p. 143.
Claims-making activities must be understood in terms of the "Other activities that lead up to, prepare, and set the stage for them." This conclusion has been drawn about the claims-making activities involved in reproductive policy before. Anulla Linders discovered that abortion claims-makers in Sweden and the U.S. developed their claims in relation to the political context in which they operated. Yael Yishai found in a study of four different countries that the abortion issue in all four countries was defined in line with widely shared public ideas and beliefs. Norgren herself states, "But these organized interests were able to liberalize Japan’s abortion law only because the national political climate was compatible with their goals." The next chapter will examine the political context and widely shared public ideas and beliefs in Japan in 1948 to discover a more complete explanation of postwar reproductive policy.

169 Ibid, p. 129.
171 Yishai, p. 215.
172 Norgren, p. 36.
Chapter 2: Claims-Making in 1948: Defining Abortion and Birth Control for a Generation

"To disregard these motivating ideas is to miss the essential story."\(^{173}\)

- Robert Reich

This chapter will apply the central tenets of social constructionist theories to Japanese postwar reproductive policy. It will follow the formula used by Annulla Linders in her comparison of American and Swedish abortion policy. Linders argued that the different policy solutions taken by each nation "were grounded in the different understandings of abortion that the respective claims-making processes produced".\(^{174}\)

Linders highlights the different perceptions in the two nations of the type of women having abortions, why they were having them, and what could be feasibly done about it.\(^{175}\) Similarly, I will argue that the Japanese understanding of the type of women having abortions, why they were having them, and what could feasibly be done about it, determined the unique policy solution chosen by the government in 1948. The widely shared public ideas of the time and the structure of the state influenced this understanding. Evidence from the U.S. abortion policy of the late-nineteenth century and the South Korean birth control policy of the 1960s will be used to highlight the unique characteristics of Japan’s social constructions of this issue.

Public Ideas

Before examining the details of the claims-making process, it is necessary to understand the political and social context in which these claims were made. Public ideas create this context. It is not enough to say that Japanese society held certain beliefs.

\(^{173}\) Reich, p. 4.

\(^{174}\) Linders, p. 488.
Concrete examples of how specific institutions and individuals defined reproductive issues will be given.

As mentioned in chapter one, the housewife-salaryman ideal contributed to the political context of 1948. Both government and Japanese women’s groups emphasized women’s important role as mothers. This led to the discourse of ‘maternal protection’ that will be discussed further in the next section of the paper. However, there was another important set of ideas that shaped decisions about population and reproduction - eugenics. The eugenics movement arose out of hereditarian and biological determinist theories that emerged in the 1870s and 1860s. The field of eugenics was devoted to the “improvement” of the human race. This improvement was supposed to come about through breeding inferior genes out of the population. Japan’s eugenic law was largely based on negative eugenics in which there is an attempt to decrease the offspring of people with undesirable traits. These undesirable traits included things such as hereditary illness and genetic defects. In the late nineteenth century, ideas about the quality and quantity of the population became heavily linked to nationalist discourse in Japan. These ideas intensified with the build-up for war in the 1930s. The Japanese Race Hygiene Society was created in 1930, primarily by doctors, and developed intimate relations with the bureaucracy, thereby affecting its policies. Many members of the Japanese intelligentsia supported eugenics. The main adherents of eugenics in Japan were

175 Ibid, p. 488.
178 Ibid, p. 79.
179 Coleman, p. 19.
180 Norgren, p. 22.
181 Ibid, p. 28.
professionals, mostly doctors, academics, birth control activists, and even feminists. These groups had different mandates yet they all promoted the idea that eugenics was beneficial for Japanese society.

The immediate antecedents of modern Japanese abortion policy can be traced back to the National Eugenic Law. This law was passed in 1940 and was modeled after the Hereditary Disease Law of Nazi Germany. Both of these laws were based on beliefs associated with eugenic practices. The National Eugenic Law did not make abortion legal for the general public. However, it did provide an article which allowed abortions to be performed by doctors after a detailed review of an individual case had been conducted. This review would be successful if an individual met the eugenic criteria, such as hereditary illness or defect, set out by the law. The National Eugenic Law established a precedent in Japan whereby abortion could be seen as legitimate under certain circumstances. This precedent made it much easier for abortion advocates in later years to further cement abortion as a legitimate practice. A precedent whereby contraception was seen as dangerous was also established at this time. Although the National Eugenic Law is thought of primarily in terms of its limitations on the spread of undesirable traits, there was also an element designed to promote the spread of desirable traits. The government wanted to prevent “fit” people from limiting births. If contraceptives were widely available it would allow fit people to limit the amount of offspring they produced. Although legal abortions might also help fit people limit births, the screening process set out by the National Eugenic Law made it difficult for this to

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182 Ibid, p. 27.
183 Ibid, p. 70.
happen. The screening process would only select unfit people as abortion candidates. A similar screening process for contraceptives such as the pill could have been introduced but it would have been much easier for people to gain access to a drug or to a contraceptive device than to a medical procedure like abortion.

The Japanese intelligentsia did not abandon eugenics with the end of the war. Although the rhetoric may have become more subtle, the ideas remained largely the same. Perhaps as the fear of Westernization drove women further into nurturing roles, it too reinforced a need for policymakers to be concerned about the purity of the Japanese race. The endurance of the EPL in its original form is a testament to the degree that eugenics was an entrenched idea in Japanese society. The eugenic content of the EPL was not removed until 1996 after domestic groups who were opposed to the law used international pressure to embarrass the Japanese government, making them look backward and illiberal in the eyes of the world.\textsuperscript{187} This pressure was unfair as many other countries have eugenic elements in their policies. Even in the U.S. some states give economic incentives to poor women encouraging them to have fewer children.\textsuperscript{188} Japan’s policy was simply more blatant and therefore open to attack. Other than the 1996 revision of the EPL, the issue of Japanese racial purity largely went unquestioned in the postwar period. Popular media demonstrated that the Japanese race had a purity that needed to be preserved. The popularity of eugenics seemed to have reached its peak in the 1980s. The Nihonjinron literature that became popular in Japan in the 1980s emphasized the belief that Japanese culture is unique and can only be understood and practiced by those of

\textsuperscript{186} Ibid, p. 42.
\textsuperscript{187} Ibid, p. 79.
\textsuperscript{188} Hartmann, p. 70-71.
Japanese descent. Japanese culture and national character are portrayed by this discourse as being homogeneous and dependent on race. The *Nihonjinron* discourse is prevalent throughout all levels of Japanese society but is especially important at the national level. Scholar Harumi Befu has gone so far as to argue that the worldview presented by the *Nihonjinron* has become a sort of civil religion for the country. The idea of a “civil religion” is an interesting one and adds to Reich’s assertion that politics has more in common with religion than with economics.

The legacy of eugenics in Japan established a pre-war precedent for legal abortion. Evidence will be presented here that suggests Taniguchi and the ob-gyns in Japan were able to pass their version of the Eugenic Protection Bill due to their use of the public ideas of the time. The ob-gyns were not only acting out of self-interest when they lobbied for abortion legalization, but more importantly they acted as an advocacy coalition that shared a basic set of values, assumptions, and perceptions. Conversely, the failure of the Socialist initiative was not due to lack of resources or organization but rather due to the fact that some key arguments invoked, and solutions proposed, in their presentation of the bill did not correspond with the public ideas of the time. The claims-making activities of the Socialists contributed to the definition of abortion and contraception as a social problem and unwittingly contributed to the creation of a target population that made abortion the more acceptable method of birth control. Thus, they were unable to successfully promote freer access to contraceptives and sterilization.

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190 Ibid, p. 122.
191 Sabatier, p. 139.
The Three Stages of the Claims-Making Process

This section will trace the stages of the abortion claims-making process in 1948. Taniguchi and Katō’s role in channeling public ideas into the claims-making process will be examined in particular as they were two prominent actors in the birth control policy subsystem.

Spector and Kitsuse divide the life of a social problem into four stages. First, a group asserts the existence of some condition, defines it as undesirable, and publicizes these assertions; second, there is official recognition of the group’s legitimacy by an organization, agency, or institution; third, there is a reemergence of claims and demands from the original group or another group expressing dissatisfaction with the established procedures for dealing with the problem; fourth, there may be the creation of alternative institutions as a response to the dissatisfaction with established procedures. In Spector and Kitsuse’s first stage, the causal story for the social problem emerges. The causal story is usually presented by academics, interest groups, or politicians. A target population is often outlined in the causal story or created in the second stage when an official body legitimizes a group’s causal story. In the third stage a prevailing causal story is either replaced by a competing story or the condition is no longer viewed as a social problem and fades off the public agenda. Thus, the social constructionist version of policymaking is one in which “public policies (or programs) can be conceptualized in the same manner as belief systems, i.e. as sets of value priorities and causal assumptions about how to realize them.” For the Japanese case study presented in this section only the first two stages will be examined. The third stage will be discussed in the following chapter.

192 Spector and Kitsuse, p. 142.
193 Sabatier, p. 131.
Stage One – From Objective Condition to Social Problem

The first stage in the creation of the social problem of population growth in postwar Japan was very simple. The situation had to be seen as caused by human actions and therefore open to human intervention.\(^{194}\) Population growth is an objective condition but American and Japanese policymakers and intellectuals declared it to be a problem in the immediate postwar period and blamed it for many of the country’s woes. Population growth was established as the causal story for immediate postwar food shortages. The problem was seen as being created by human action, i.e. reckless procreation. The act of raising an issue, such as limiting population growth, subsumes the value judgments that declare something to be a problem.\(^{195}\) The value judgments behind raising the issue of limiting population growth in Japan are that population growth is bad, economic growth and modernization are good. Once population growth was deemed undesirable there needed to be someone to blame for the problem.

It is always difficult to talk about the specific number of abortions in Japan as they have been substantially underreported.\(^{196}\) Many statistics about sexual/reproductive behaviour are difficult to accurately obtain due to the sensitive nature of the subject. Even though these statistics are often unreliable, there are prevailing views that emerge as to what type of woman is involved in certain practices. It is these views that affect policy more than the actual statistics they represent. The causal story for the population problem that prevailed in 1948 laid the blame for population growth on the uncontrolled procreation of the poor and the eugenically inferior. These groups were seen as threatening Japan’s survival by putting a strain on the nation’s resources and infecting

\(^{194}\) Stone, p. 281.
\(^{195}\) Reich, p. 5.
society with undesirable elements. Thus, they were singled out as the target population for Japanese reproductive policy. It was the behaviour and well-being of these groups that were meant to be affected by the policy. Even before the war, birth control initiatives had been framed in this manner. Elites in the early 1920s believed there may be a connection between the living conditions of workers, their fight for just wages, and an inability to control the size of their families. Birth control in this situation would help the working class to limit family size and improve their living conditions thereby eliminating their desire to fight for more wages. Essentially, birth control among the poor would save employers money. At this time birth control was also deemed necessary for improving public health. In 1929 the assistant mayor of Tokyo declared that birth control was the best hope for increasing the health prospects of the lower classes and clinics were first set up in the slum districts of Tokyo. The image of the poor as mass reproducers continued into the war years. During the war, rural women, a group which also tends to be poor or thought of as being underprivileged, were targeted as the site of abundant reproduction. A document issued by the cabinet in 1941 entitled “Guidelines for the Establishment of Population Policies,” stated that the superior reproductive abilities of rural women provided Japan with the finest military and labor forces. Scholar Kawakami Hajime argued that a rural woman could bear more children than a woman living in an urban setting due to the hygienic and wholesome environment of the countryside. This positive image, which was useful during the war when expansion was the goal of the government, soon turned negative when the government began to focus on

196 “Japan’s Fertility Trends,” p. 166.
197 Hopper, p. 24.
199 Asano Tamanoi, p. 163 & 234.
modernization. In 1945 there were statements by the media that the poorest class was the most in need of access to birth control. Birth control in this case referred primarily to abortion. In 1949 one Japanese scholar argued that legalized abortion would eliminate the situation in which people gave birth to children they did not want and could not educate thereby eradicating 80 percent of the nation's prostitutes and delinquent youth.

A target population for contraceptives was also outlined as part of the overall discourse and it too had prewar antecedents. In the 1920s it was popular to associate contraception with bourgeois women who wanted to enjoy sex as recreation. Upper class women could afford to raise large families therefore they must have chosen to use contraceptives for personal reasons. Poor women were not portrayed as users of contraceptives because they were seen as lacking the education and resources needed to obtain them.

Under the umbrella of the poor and inferior, women and mothers were specifically targeted for abortion policy. The plight of poor fathers was not often mentioned in public discourse. According to Schneider and Ingram's theory, mothers constitute a very interesting target population for politicians. Although Schneider and Ingram use the U.S. as the primary model for their theory, it can be applied to Japan as well. Mothers are generally positively constructed yet they are considered to be dependent or politically weak. They are seen as a deserving target population for their important role in childrearing but this positive construction does not often lead to direct access to political decision-making. Under Schneider and Ingram's typology the

201 Oakley, p. 623.
202 Norgren, p. 41.
203 Hopper, p. 33.
government’s message to mothers is that they are helpless and needy, their problems are not the responsibility of the public sector, and they should be treated with pity.\textsuperscript{205} Since mothers are portrayed as dependent, policies need to be made on their behalf. Officials want to appear to be supportive of the interests of mothers so they often enact symbolic policies that do not actually allocate many resources to a given problem.\textsuperscript{206}

Mothers in Japan have experienced the phenomena associated with a positive yet dependent social construction as a target population. There were many positive social constructions of mothers floating around in the late 1940s. The pre-war emphasis on mothers as the valued site of reproduction and the housewife as vital component of the postwar Japanese dream were present. The image of women as a dependent group, housewives dependent on their husband’s income, was also present in the late 1940s. As dependents, mothers needed the state to protect them because they could not protect themselves. The language of “protection” is present throughout any motherhood debates in Japanese politics. The propensity for target populations constructed as dependents to use disruptive forms of political participation is low.\textsuperscript{207} This helps explain why women’s groups in Japan in the late 1940s did not lobby vigorously for access to birth control or challenge prevailing views on reproduction. The EPL was a symbolic policy in the way that it used the language of protection. Legal abortions appeared to protect women but did not in fact ensure that mothers would be protected in all aspects. Abortion legalization in Japan did not actually allocate any resources to relieving the conditions of poverty for women.

\textsuperscript{204} Schneider and Ingram, p. 335 - 336.
\textsuperscript{205} Ibid, p. 341.
\textsuperscript{206} Ibid, p. 338.
\textsuperscript{207} Ibid, p. 341.
Katō and Taniguchi both played pivotal roles in the translation of eugenics and maternal protection into a construction of a target population for reproductive policy in the postwar era. It has been said that government leaders who have achieved things in office or have been able to set the direction of public action have explicit well-crafted public visions of what is possible and desirable for society. These visions seem to be the key to their success as leaders. Public officials must appeal to the electorate by demonstrating a policy's connection to a vision of the public interest in order to justify their policy positions. Katō and Taniguchi were two such government leaders. The vision Taniguchi presented for postwar Japan succeeded in mobilizing support for abortion legalization in 1948. Katō's vision did not. However, both leaders helped create the construction of the target population as poor inferior mothers.

**Taniguchi**

Taniguchi overtly supported many eugenic ideas. He expressed public concern about the moral deterioration of the Japanese people. This concern infused his support of legal abortion. Taniguchi presented the Eugenic Protection Bill specifically as a means to curb population growth among inferior elements. Taniguchi preferred abortion over contraception as the method with which to curb this growth. He argued that wide access to contraception may lead to a trend of reverse selection in which the superior and educated classes would use the reproductive technologies and the inferior would not.

In fact, Taniguchi argued that the trend had already begun as the number of imbeciles and

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208 Reich, p. 4.
209 Schneider and Ingram, p. 336.
210 Ishii, p. 177.
211 Norgren, p. 41.
the insane was on the rise. Taniguchi’s concern was echoed by other government actors. The Foundation Institute for Research on Population Problems also believed that contraception would lead to a counter-selection of the unfit. Taniguchi thought that birth control measures should somehow be designed to discourage reverse selection. At the time no one had a birth control design that could ensure reverse selection would not happen, therefore Taniguchi could not support increasing access to contraceptives. Taniguchi did not express any fear that the superior classes would use abortion more than other classes because abortion was portrayed as a last resort of the poor. Kato and other Socialists did not argue the contraception issue in terms of reverse selection and failed to provide evidence that contraception would not in fact lead to reverse selection. Their failure to deal with this popular idea of the time proved to be a critical error. Taniguchi continued to advocate eugenic ideas “often and enthusiastically” after the EPL had already passed. This indicates that eugenics was indeed part of Taniguchi’s overall vision for Japan, not limited to the passage of the EPL.

Taniguchi’s second point of strength was his emphasis on the national interest in his presentation of the bill. He emphasized the national interest above all else and declared that pronatalism no longer served that interest due to the changed conditions that Japan faced, such as limited resources and overpopulation. He did not criticize pronatalism for its ill effect on women but rather for its ill effect on Japan’s economic recovery. Taniguchi presented the bill in terms of family planning for the good of the

213 Ibid, p. 41.
214 Taueber, p. 372.
nation, not solely for the good of women. Taniguchi's mention of women was restricted to the protection of maternal health that legal abortions would provide.\footnote{\textit{Ibid}, p. 40.}

Finally, the mere fact that Taniguchi was a man was important in influencing the success of his presentation of the Eugenic Protection Bill. Women in Japan were not granted the right to vote and the right to full freedom of political activity until 1946.\footnote{Tokuza, p. 223.} For Kato's initiative to be taken seriously only a year later would have been remarkable. Although she was appointed to two important committees upon her election to office in 1946, Kato and other elected women were ignored and isolated at the back of the chambers.\footnote{Hopper, p. 112.} This would have been no small obstacle to overcome. Had the Socialists relied on men to spearhead their birth control initiatives they may have achieved more results.

\textit{Kato}

Kato's support of eugenic ideas was subtler than Taniguchi's. Although it may not have been her explicit intent, the way in which Kato justified the need for birth control helped construct the target population of the poor and inferior. During the war Kato argued that "soldiers are stronger if they have grown up in families which have been able to adjust their size to their incomes."\footnote{\textit{Ibid}, p. 60.} This statement enforces the idea that family size should be determined by income, in which case the rich do not have to worry about limiting family size, only the poor do. Kato was not a supporter of abortion in general, but she explained that she accepted the abortion clauses because she recognized that physicians had seen the desperate measures that women were driven to by the economic

\begin{footnotesize}
\begin{enumerate}
\item Ibid, p. 40.
\item Tokuza, p. 223.
\item Hopper, p. 112.
\item Ibid, p. 60.
\end{enumerate}
\end{footnotesize}
pressures of housing and food. The lowest classes would be most affected by these economic pressures. When Katō introduced her version of the Eugenic Protection Bill she invoked the plight of average women trying to raise children when they were struggling to obtain housing, fuel, and food. At this time Katō also supported the idea that the procreation of the inferior should be limited. Katō’s version of the Eugenic Protection Bill strengthened provisions for eugenic sterilization and she criticized the wartime regime for being ineffectual in preventing poor heredity. Preventing inferior births was obviously a priority for her. In 1946 Katō defended the need to change the family system in Japan and develop healthy, progressive social relations by arguing that Japan would not be able to “develop any racial power, or hope for any cultural progress” otherwise. In later years Katō downplayed her belief in eugenic theories. However, whether or not she actually believed in these theories is not important. The fact that Katō presented eugenic definitions of the population problem is what was important to the claims-making process in 1948.

**Stage Two - Legitimization**

In the second stage Taniguchi had his claims officially recognized as legitimate by the Diet and to a lesser extent by the Occupation officials. The EPL was an official proposal for the reform of the population problem. Family planning and medical committees were established to attend to the claims and demands made by Taniguchi. On the contrary, the Socialists prescribed a solution to the population problem that did not have policy legitimacy. Takayuki Sakamoto argues that policy legitimacy has been an

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223 Norgren, p. 37.
225 Moore and Robinson, p. 224.
important factor in a policy obtaining approval in postwar Japan. Policy legitimacy is defined as “a degree of support, acceptance, or tolerance accorded by relevant actors to a particular policy.” Ideas played a role in creating policy legitimacy. Policymakers try to build support for their policies by highlighting normative attributes and arguments, as well as scientific evidence, which supports the correctness and effectiveness of the policy. The normative arguments highlighted by Katō and the Socialists led to the ultimate rejection of their birth control proposal.

Although the Socialists presented a similar causal story and target population for the population problem as Taniguchi and other physicians did, they invoked slightly different ideas in their rhetoric. Katō stressed the importance of women’s rights in her claims-making activities. She did not use the language of maternal protection as much as her competitors. Katō’s overall vision for postwar Japan included many socialist elements that emphasized improving the economic welfare of women and children in particular. Women and children often comprise the most impoverished groups in society due to their lack of earning power. Katō focused on women and children in her campaigns in this manner. When Katō announced in November of 1945 that she would campaign for the Diet, she said that if she were elected she would “seek to promote planned parenthood and a democratic life for women.” This was the essence of Katō’s vision. She not only supported birth control but women’s liberation as well. When U.S. Occupation officials asked Katō what Japanese women most wanted to achieve in the postwar era she replied

226 Norgren, p. 38.
228 Ibid, p. 22.
229 Ibid, p. 23.
230 Hopper, p. 104.
231 Oakley, p. 623.
that they wanted fundamental rights as human beings. On July 6, 1946 Katō gave an impassioned speech in support of the proposed Article 24 of the constitution, which would change the traditional Japanese family system, citing such injustices as wives being considered legally incompetent, the skewed grounds for divorce in which a husband may sue a wife for infidelity but a wife could not do so unless the husband was convicted of it in court, and the lack of protection for mothers whose husbands had died or abandoned the family. Katō’s emphasis on women’s struggles contradicted the popular thinking of the time. Although many initiatives aimed at improving women’s status were ushered in by the U.S. Occupation, attitudes towards women remained relatively unchanged. The nation had just been defeated in a war and had many other pressing matters on its agenda besides improving the situation of women. Economic revival took precedence over other concerns. To be successful it is important for a causal story to accord with widespread and deeply held cultural values, capture or respond to a national mood, prescribe no radical redistribution of power or wealth, and for its proponents to have visibility, access to the media, and prominent positions. Although its proponents had visibility and prominent positions, the Socialists causal story failed to accord with widespread and deeply held cultural values and the national mood because it invoked ideas about women’s equality and liberation. It also called for a radical redistribution of wealth in that women were to be seen as having the right to be protected economically either by law or through government assistance. The emphasis on women’s rights led the Socialists to focus more on contraception than Taniguchi, further undermining their presentation to the Diet.

232 Hopper, p. 98.
233 Moore and Robinson, p. 224-225.
State Structure and Reproduction

Public ideas linked to state structure also determine the parameters of policy. Sven Steinmo argues that an understanding of the institutional context in which political values are translated is crucial to predicting the types of policies that will be produced. State structure predisposes policymakers to choose certain types of policies. One element Steinmo emphasizes is the constitutional foundation of decision-making institutions, i.e. federalist, parliamentary, etc. The Japanese state is a constitutional monarchy, parliamentary, and unitary. This structure combined with traditional ideas about the state and the socialist ideas of the immediate postwar period, contributed to the design of reproductive policy in Japan.

Japan had a strong centralized state in the late-1940s. Power is more centralized in parliamentary systems. The presence of the Occupation forces helped reinforce that centralization by supporting a parliamentary arrangement in the new constitution. Decision-making power was located in Tokyo. The primary political battles took place there between politicians and the bureaucracy. Furthermore, the Japanese people had historically viewed active state intervention into the private life of its citizens as acceptable. Despite the many radical reforms of the Meiji era, the subordination of the individual to the government remained an important social principle. The traditional loyalty that was used by the shogunate to legitimize its rule was transferred toward the

234 Stone, p. 294.
236 Ibid, p. 503.
238 Steinmo, p. 527.
239 Ibid, p. 108.
241 Tokuza, p. 44.
emperor and became a kind of nationalism. After the war loyalty to the imperial system and the government did not die out. The traditional family was seen as an intrinsic part of that system, therefore some Japanese policymakers believed that they had a responsibility to protect traditional family relations for the greater good of the nation. They believed that the state had not only a right but a duty to be involved in private matters. Contributing to this belief was the fact that Japanese socialist forces had some power in the immediate aftermath of WWII. The revised Japanese bill of rights in 1946 represented a mix of nineteenth-century capitalist and twentieth-century socialist ideals with less emphasis on the individual than the American bill of rights and more emphasis on the common good. Initially the Occupation also supported some leftist ideas. Occupation officials encouraged the establishment of labor unions and less than a year after the war, five million workers were organized. Also, in June of 1947 the Socialists were able to form a coalition government with their party chairman assuming the position of prime minister. The Socialist influence in Japan did not last long. Unfortunately for the prime minister, the cabinet was dominated by conservative forces and the Occupation began to shift its focus from democratization to economic recovery, thus making it difficult for him to achieve much in his short term in office. By 1948 the country was overtaken by a conservative outlook. Thus, the plight of the Japanese working class only came under a temporary spotlight. Although the spotlight was temporary, it did

243 Moore and Robinson, p. 222-223.
244 Ibid, p. 293.
245 Irokawa, p. 48.
248 Allison, p. 64.
inform the definition of the poor as the target population for reproductive policy. The Socialist emphasis on state intervention coupled with the traditional loyalty to a strong state helped make it possible for Japanese policymakers to introduce abortion legislation designed for the common good of population control.

Comparing Reproductive Policy: Japan, the U.S., and South Korea

I chose to compare the policy of these three countries because they share at least one element of the explanation I have offered here for the design of Japanese policy, yet each have adopted vastly different policies. The comparison demonstrates how each combination of public ideas, target population, and state structure is unique and therefore produces unique policy results.

The eugenics movement had followers in many parts of the globe, not only Germany and Japan. Eugenicist ideas arose in the U.S. in the late 1800s yet abortion was not deemed to be a suitable tool of the movement. In fact, abortion was outlawed in the 1860s and 1870s. Prior to the Roe versus Wade decision in 1973, the U.S. was one of the most legally restrictive countries in the world towards abortion. One reason behind the restrictions was that American doctors had framed the abortion debate in the late-nineteenth century under the idea that abortion was murder. This definition has continued to colour abortion debates in the U.S. until the present day. Current policy is still considered hindering in that it recognizes a woman’s right to make reproductive decisions but is not committed to helping her realize those decisions. American claim-makers in the late-nineteenth century, usually doctors, emphasized that abortion was

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249 Petcheksy, p. 72.
250 Yishai, p. 212.
251 Linders, p. 493.
252 Yishai, p. 212.
common among Anglo-Americans, the learned, the higher classes, and the more intelligent and refined.\textsuperscript{253} It was easy to consider abortion murder among these elements because they were not driven to do it out of necessity. They simply made a calculated decision to end a pregnancy for personal reasons. Doctors also played on the fear that immigrants were having more children than native born Anglo-Americans in their case against legalized abortion.\textsuperscript{254} Immigrants and the poor were not portrayed as users of abortion. In fact, some doctors vehemently denied that poverty was a motive for seeking abortion by stating that “[h]onest, frugal and moral parents usually find no insuperable difficulty in rearing a large family of children.”\textsuperscript{255} U.S. political culture portrays poverty as a choice not as an excuse for ‘immoral’ behaviour. According to eugenics, legalized abortion in this type of situation would be disastrous. Legalized abortion would make it easier for fit people to limit births while unfit people would continue to multiply and the racial balance of the country would shift. The primary reason given for abortion among white upper class women by the medical community was self-indulgence.\textsuperscript{256} The “frivolous wife” became the target of abortion policy in the U.S.\textsuperscript{257} These women chose abortion out of a selfish desire to avoid mothering responsibilities and perhaps engage in consequence-free sexual activity. They were not the poor exhausted mothers that were targeted in Japan and therefore deserved punishment rather than pity or protection. Thus, compulsory sterilization became the favoured method to realize the state’s eugenic goals between 1907 and 1945.\textsuperscript{258} This method was chosen as part of the overall punitive

\textsuperscript{253} Linders, p. 495.
\textsuperscript{254} \textit{Ibid}, p. 495.
\textsuperscript{255} \textit{Ibid}, p. 500.
\textsuperscript{256} Petchesky, p. 82.
\textsuperscript{257} Linders, p. 498.
\textsuperscript{258} Petchesky, p. 87.
reproductive policy. Compulsory sterilization punished the sexual promiscuity of lower-class women.\(^{259}\) Since the poor were not perceived as using abortion it could not be used as a tool against them. Instead illegal abortion punished the sexual promiscuity of upper-class women.

Unlike Japan, the U.S. has traditionally viewed the proper role of the state as limited in the area of social life.\(^{260}\) The promotion of individualism and limited state power has long been characteristic of the American political system. The state is expected to merely draw boundaries between what is acceptable and unacceptable and to punish any crossing of these boundaries.\(^{261}\) The state is not expected to take an active role in manipulating social outcomes. Compulsory sterilization programs were punishment for people who crossed the boundary of acceptable behaviour, they were not an active attempt to organize society. The decentralized structure of the U.S. government also hindered the development of a universal family planning program. A comprehensive national policy was difficult to form since abortion laws were made at the state level.\(^{262}\) Sterilization laws were also primarily decided at the state level.\(^{263}\) The type of national family planning network that emerged in Japan was not possible in this fragmented policy environment.

The South Korean case is quite different. A strong state, coupled with an adherence to the neo-Malthusian orthodox, caused South Korea to focus on contraception rather than abortion in the postwar era. Malthusianism refers to a belief in the argument that Thomas Malthus articulated in 1798, "...the power of population is indefinitely

\(^{259}\) Ibid, p. 88.
\(^{260}\) Linders, p. 503.
\(^{261}\) Ibid, p. 503.
\(^{262}\) Ibid, p. 503.
greater than the power in the earth to produce subsistence for man". Throughout his work Malthus states that there are preventive checks on this power of population. Neo-Malthusians emerged in the 1960s and 70s and applied this logic to Third World development. They blamed many of the social problems of these countries on overpopulation. Some neo-Malthusians continued to argue that although modern food production is ahead of population growth the world is indeed approaching its limit. Preventive checks needed to be imposed on these countries. Followers of this movement tend to see a reduction in population as key to economic development rather than the other way around. Population came to be defined in these terms in the South Korea of the 1960s. Although eugenics never took hold in South Korea the way it did in Japan, there is some content of postwar South Korean policy that resembles eugenicist thinking.

"Menstrual regulation", the term that the South Korean government likes to use for legal abortion, is only provided free of charge to low-income individuals who have experienced contraceptive failure. Cash payments from the government of (US)$45 for those with more than two children, $110 for two, and $330 if they had only one child, were also only available to low-income individuals who accepted sterilization. The primary targets of the South Korean government’s National Family Planning Program (NFPP) were women from rural areas or lower class urban groups. The government

263 Petchesky, p. 87.
265 Hartmann, p. 15.
266 Ibid, p. 15.
270 Cho, p. 118.
clearly wanted to discourage poor people from reproducing. Despite this hint of eugenic thinking, the South Korean government used primarily a neo-Malthusian assessment of what would be best for economic growth in the postwar era.\textsuperscript{271}

After a coup on May 16\textsuperscript{th}, 1961, a military regime assumed power in South Korea.\textsuperscript{272} The regime was authoritarian and focused on state intervention to achieve economic development.\textsuperscript{273} It was after this change in leadership that population control became policy. Population control was introduced as part of the first Five-Year Economic Plan issued by the new government.\textsuperscript{274} Malthusianism put population on the political agenda and it also specified some solutions to the problem. Postwar Malthusianism places emphasis on high-tech methods of contraception such as the pill and IUDs.\textsuperscript{275} Abortion is largely left out of the debate as these other methods are seen as more modern. South Korea adopted these new contraceptive technologies willingly as part of their adherence to neo-Malthusian ideas and modernization. South Korea's NFPP was initiated in 1962.\textsuperscript{276} The NFPP was quite aggressive and ambitious. Some would even argue the program was so aggressive that a few of its elements could be called coercive.\textsuperscript{277} The coercive nature of the NFPP no doubt stems from the fact that in Malthusian terms the individual no longer matters.\textsuperscript{278} The control of their reproductive rights is seen as helping the nation. Therefore rather than simply offer couples more contraceptive choices, South

\begin{footnotesize}
\begin{enumerate}
\item Ibid, p. 100.
\item Lisa Kim Davis, p. 227&228.
\item Hartmann, p. 38.
\item Palmore et al., p. 1.
\item Cho, p. 118.
\item Hartmann, p. 40.
\end{enumerate}
\end{footnotesize}
Korea followed a more aggressive path exemplified by the following examples. The period between 1977 and 1979 was chosen to include population education in the curriculum of primary, middle, and high schools in order to preempt the primary reproductive years of Korea's baby boom generation. The government even offered incentives to couples who accepted contraception such as subsidies for housing and tax benefits. Older people who had two children or less also received higher pensions and maternity leaves were limited to a specific number of births. The government tried to reach as many members of South Korean society as they could through the program. Nationwide networks of public health and administrative organizations emerged to provide services to couples. The NFPP was recognized to be one of the best or most effective population control programs in the developing world and increasingly became aimed at maximizing the availability of contraceptives to people who needed them. Unlike in Japan, the South Korean government focused heavily on contraception through modern scientific means. There were four main contraceptive methods made available to women through the program. IUDs, condoms, the pill, and sterilization were all used but emphasis on each method changed over time, moving from IUDs, to the pill, to sterilization by the late 1970s. The comprehensive path that South Korea took was difficult to reverse. Despite the fact that fertility rates were steadily on the decline after initiation of the program, many of the elements of the NFPP remained intact until the

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280 Cho, p. 117.
281 Ross and Issacs, p. 278-279.
282 Cho, p. 117.
283 Palmore et al, p. 4.
284 Ibid, p. 3.
1990s. In 1996, the government finally removed the subsidies and benefits given to small families, basically marking the end of their family planning policy.\textsuperscript{285}

**Conclusion**

Japan, the U.S., and South Korea all declared overpopulation to be a social problem and a hindrance to the economic development of non-Western countries. All three countries laid the blame for the problem on the poor or genetically inferior, most of who were women. Despite these similarities, each country adopted a different solution that corresponded to their public ideas, target populations created, and ability of the state to regulate reproduction. The comparison is proof that all of these factors need to be taken into account in an analysis of reproductive policy. Japan’s eugenic legacy caused claims-makers to focus on abortion among the poor and inferior when dealing with their perceived population problem. Helpless mothers were to be protected by the law. The denial of wide access to contraceptives was punishment for upper class women for their wanton sexual behaviour and their avoidance of the duty to bear many superior children. The centralized government in Japan, coupled with a political culture infused with socialist ideas and traditional loyalty to a strict hierarchy, allowed policymakers to create a far-reaching program. This same type of program was impossible in the U.S. and South Korea as it would not have corresponded to their public ideas, target populations, and state structure. Claims on the government will only be recognized as legitimate if they align with these elements. The next chapter will outline the policy changes that occurred in Japan in the 1990s when the 1948 claims failed to maintain this alignment.

\textsuperscript{285} Cho, p.117.
Chapter 3: Reproductive Rights and Giving Dreams to Families

The 1999 lifting of the pill ban represents the third stage in the claims-making process whereby a competing definition and/or causal story replaces the former understanding of a social problem. Many Japanese doctors and women's groups expressed dissatisfaction with the established procedures for dealing with population problems and reproductive health in the 1990s. These groups and individuals then initiated new definitions and causal stories of the birth control issue. An analysis of the lifting of the pill ban is useful in highlighting the conditions that led to such a ban in the first place. Certain factors affecting the political environment in 1948 were different from those of 1999 while other factors remained the same. It can be concluded that the factors that were different were more important in determining the formation of policy than those that were similar. As in 1948, the Japanese government was faced with two birth control policy options in 1999, it could maintain its ban on the pill or it could release the ban. The vested interests of ob-gyns in the abortion industry remained constant throughout the postwar period. The conditions cited as the official reasons for the continued pill ban by the government also remained fairly constant. However, the way in which reproduction was defined as an issue in Japan changed in the 1990s. In 1994, a competing definition of reproduction emerged and gradually took hold of the public discourse. For the last decade reproduction in Japan has been reframed under the broad umbrella of human rights. The legacy of the EPL is still influential in guiding policy choices but the ideas encapsulated by the law are losing legitimacy. This chapter will examine the role of non-governmental organizations (NGOs), ob-gyns, and the approval of Viagra in channeling human rights
discourse into current debates about reproductive policy. It will also examine government reaction to the new discourse.

**Resistance to the Pill: 1948 - 1999**

As mentioned in Chapter One, the pill was not invented until after the EPL had already been passed. This made it difficult for the pill’s proponents to overcome the pro-abortion bias that had been built into the Japanese family planning system. Officially the government did not recognize any pro-abortion bias. Instead from 1965 onward, the government continued to focus on the danger of side effects in its justification for denying women access to the pill.\(^{286}\) However, government resistance to the pill has actually been fueled by a combination of concern over population decline, concern over the decline of female morals, and concern about women’s changing role in the home. These concerns continued to be dictated by the public ideas that initiated abortion legalization in 1948.

When the pill finally emerged as a safe alternative to abortion and other contraceptives in the 1960s, the Japanese government’s definition of the population problem was changing. By 1960, the Japanese economy showed a remarkable recovery and the rate of population growth had declined.\(^{287}\) Population growth was no longer seen as an urgent social problem and the introduction of new contraceptives was considered unnecessary by the state. Gradually, claims-making activities promoted the idea that a lack of population growth had now become the social problem. This shift in problem

\(^{286}\) Ashino, p. 86.

definition was cemented in the public by 1976. Concern continued to grow in the late-1990s when alarming reports were issued that projected the Japanese population would begin to decline after it peaked in 2007. This prediction was supported by the fact that in 1997 the TFR reached 1.39, way below replacement level. The population situation quickly went from problem to crisis. It was argued by the government that a decreased labour force population would impede economic growth, increasing the burden of the social security system on workers in active service and would give children less opportunity to develop social skills. However, the government did not officially link their resistance to the pill with the population crisis. In 1999 the Japanese government issued three official reasons for its continued ban of low-dose contraceptive pills: the danger of side effects to women, the fear that the introduction of the pill would contribute to the spread of AIDS and other sexually transmitted diseases, and the possible effects of the pill’s chemicals on the environment. Many do not believe that these were truly the only reasons behind the ban. One member of the Family Planning Federation of Japan has stated that among the unofficial reasons for the continued pill ban in the 1990s was the concern that the pill would cause the already declining TFR to plummet further. The government was quite clearly worried about population decline as indicated by their dire predictions for the future. There has been no scientific evidence that the introduction of oral contraceptives in industrialized countries where abortion is widely practiced had

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292 Ashino, p. 88.
293 Ibid, p. 88.
any significant effect on the birth rate.\textsuperscript{294} Despite this evidence, the introduction of a new contraceptive was difficult to accept in a political climate worried about the birth rate. Japan’s concern for its declining population growth in the 1990s was still shaped by nationalistic ideas linked to eugenics and the \textit{Nihonjinron}. Labour shortages resulting from population decline leads to the need for increased foreign immigration. The presence of non-Japanese in Japan challenges ideas about cultural homogeneity and racial purity. In these terms a decline in population means a decline in Japanese cultural strength.

Another unofficial reason for the pill ban was that contraceptives had not lost their association with immorality. The common perception in the 1990s was that married couples used a combination of condoms, the rhythm method, and abortion in order to regulate their fertility. The 1948 idea that other contraceptives were used mainly by frivolous women who engage in sex for pleasure was still a salient one at this time. In 1990 the Central Pharmaceutical Affairs Council argued that if women were given access to the pill they would stop using condoms thereby increasing the spread of HIV and other STDs.\textsuperscript{295} Presumably this spread would take place as a consequence of them choosing multiple partners. One editor of a monthly drug magazine apparently believed this to be true when he wrote that women who demanded the pill simply wanted the freedom to be unfaithful to their husbands.\textsuperscript{296} Despite this reference to married women, the pill was portrayed primarily as a tool for single people. The term ‘parasite single’ that emerged in 1999 best captured the public image of young women who wanted to avoid pregnancy. A

parasite single refers to a young unmarried working person who stays at home with their parents.297 'Parasite' women are targeted more heavily by this term than 'parasite' men. Traditionally women were expected to be the ones to leave their parent's home to start a family but many Japanese believe that modern women are shirking this responsibility and are engaging in what the mass media portrays as a jet setting life of luxury.298 In this discourse the choice to have a family is not merely a personal one. Instead, having a family is the right choice and not having a family is the selfish choice.

The formulation of the target population for reproductive policy became the third unofficial reason for the pill ban. The target population changed after the 1960s along with the definition of the population problem. Women were still the main targets for policy but the poor and genetically inferior no longer carried the blame for population problems. Instead, the re-definition of population control as a problem led claims-makers to target the "middle" class. The number of Japanese included in this group has exploded since the 1960s.299 Current policy solutions proposed by the government are aimed at the "average" Japanese couple and the middle class is considered the average. For the most part policy is not aimed at unmarried individuals. The government sees that Japan has much fewer births to unmarried couples than is true of many Western nations.300 This fact is used to justify their lack of interest in this group. Most academic literature in the 1990s agreed that socio-economic factors, such as level of education or rural versus urban residence, did not have any noticeable effect on Japanese women's inclination to support

296 Ashino, p. 89.
298 Ibid, p. 274.
299 Allison, p. 15.
approval of the pill.\textsuperscript{301} It is also suggested that the number of children born to a woman over her lifetime is only very slightly affected by level of education and area of residence.\textsuperscript{302} This contradicts the 1948 view that these factors determined whether or not women preferred abortion over contraceptives and whether or not they had large families. Thus, clear socio-economic distinctions were difficult to make in post-1960s Japan and claims-makers were left with the nebulous middle class target. By targeting the middle class the government can no longer implement aggressive family planning programs that are easily recommended for the poor. The middle class has a positive construction and therefore needs to appear to be treated with respect by the government. Within the middle class, women in particular have been blamed for population decline. This pressure may explain the results of a 1993 survey in which 75\% of wives said they were concerned about Japan’s falling fertility rate, while only 66\% of husbands were concerned.\textsuperscript{303} The government cites the fact that couples are getting married at a later age as the main cause of the decrease in the number of children being born.\textsuperscript{304} The late-marriage trend is portrayed as primarily the choice of women. Women are perceived as getting married later now because they have more economic power than before and feel more burdens about child care in the home and balancing a career with such duties due to remaining sexist practices in Japanese society.\textsuperscript{305} Thus, the changing role of women in the home is now a primary concern for the government. Some researchers in the 1990s openly suggested that the government should take measures to make marriage more attractive to

\textsuperscript{303} Turner, p. 278.
\textsuperscript{304} Ministry of Health, Labor and Welfare, p. 2.
\textsuperscript{305} \textit{Ibid}, p. 3.
women if they want to boost fertility in Japan. One rather shocking incident took place in 1990 when former Japanese Prime Minister Hashimoto made a statement that declining birth rates were due primarily to the increase in higher education of women and suggested that the government alter its policy of enabling all students to attend college. The statement is proof that Japanese women were still defined by their child rearing role in the home despite economic growth and democratization. Another reason for late marriage that is cited in academic studies is the high cost of housing in Japan. However, this factor is not mentioned by the MHLW. It is easier for the government to lay the blame for late marriage on women than to address such things as housing problems.

Government resistance to the pill influenced the fact that prior to 1999 many women’s groups in Japan also did not support its legalization. They often gave three main reasons for their reluctance: 1) the pill alters the natural rhythms of a woman’s body, 2) women alone would suffer from the pill’s side effects, and 3) the pill absolves men of all contraceptive responsibility. These concerns are all valid and all seem to support the goal of feminism however, in this instance the women’s movement was once again co-opted by the male-dominated power system. They were duped by the scare tactics used by the government about the side effects of the pill, despite evidence that the pill was safely used in many places around the world. They also toted the government line about the spread of AIDS by arguing that men would no longer feel responsible for using condoms, despite the fact that the pill is a very discreet method of contraception and

306 Klitsch, p.138.
307 Norgren, p. 134.
309 Ibid, p. 90.
therefore would not have to be made known to a male partner. In that case men would still feel the need to use condoms to prevent pregnancy. Gradually, more and more women’s groups began to move away from the ideas that had dominated the postwar period and abandoned their official concerns about the pill. Their activities helped lead to a redefinition of the birth control issue in 1999.

Stage Three — Dissatisfaction with Established Procedures and the Reemergence of Claims

NGOs and Human Rights

Public support grows and changes as people come to understand and engage with the ideas underlying a policy. Dissatisfaction with the established reproductive policy in Japan resulted in a challenge to the underlying ideas of the policy. A new set of claims was presented to the public that eventually gained legitimacy over those of the past. These claims were centered on the idea of human rights. Both women’s groups and ob-gyns in Japan changed their postwar claims in this manner. In her recent study of gender and human rights in Japan, Jennifer Chan-Tiberghien discovered that “network [emphasis in original] mobilization of global human rights norms by NGOs, academics, and sympathetic politicians explains the recent dramatic changes concerning women’s and children’s rights.” The recent dramatic changes Chan-Tiberghien is talking about include mandates for sexual harassment prevention in the workplace, the passage of the Domestic Violence Prevention Law, the recognition of “comfort women” as sexual slaves, the passage of the Child Prostitution and Pornography Prohibition Law, and the

310 Mackie, p. 4;
legalization of the pill. There is rising support for this view among scholars. Sue Ellen M. Charlton also argues that the growth of NGOs is a process that presents opportunities for women’s organizations to expand their influence in Japanese politics. Women’s lives have come to be seen as more flexible than men’s therefore Japanese women in particular have been targeted as agents of change by various public discourses. These discourses are often centered on the idea that women embrace international culture and norms at a much faster pace than men. Some people point to the fact that Japanese women are more involved in “international” activities than Japanese men as proof of this phenomenon. Japanese study-abroad students, interpreters, translators, and international public servants are all positions dominated by women. Karen Kelsky has argued that “the turn to the foreign has become perhaps the most important means currently at women’s disposal to resist gendered expectations of the female life course in Japan”. This means that many women have now rejected housewife feminism and are turning more toward the type of feminism espoused in today’s international institutions. The shift in the orientation of women’s groups began before the 1990s and included many other issue areas besides reproduction. 1975 marked a turning point in the nature of women’s issue debates in Japan. At this time a domestic coalition of women’s organizations, called the Liaison Group for the Implementation of the Resolutions from the International Women’s Year, was formed to work for implementation of UN goals. Their activities

314 Rosenberger, p. 1.
316 Ibid, p. 2.
317 Charlton, p. 74.
helped lead to the Equal Employment Opportunity Law implemented in 1986.\textsuperscript{318} Recently the Japanese women's liberation movement has evolved further to consider the relationships between Japanese men and women and the rest of Asia in terms of gender inequality as well as racial, class, and ethnic inequality.\textsuperscript{319} Women's groups in 1999 were finally able to demonstrate that denying women access to oral contraceptives was violating global standards of human rights. The foundation of Japanese women's definition of the pill issue lies in specific global developments. These developments include a series of events in the early 1990s that led to the declaration at the Vienna World Conference on Human Rights that "The human rights of women and the girl-child are an inalienable, integral, and indivisible part of universal human rights."\textsuperscript{320} From this point on, many different groups chose to latch on to this idea of women's rights as human rights. As a consequence, there has been a shift away from past definitions of reproduction to one of reproductive rights and reproductive health.\textsuperscript{321} According to Chan-Tiberghien, local mobilization to legalize the pill in Japan had been marginalized and ineffective until the issue was defined as one of women's reproductive rights at the 1994 World Conference on Population and Development in Cairo.\textsuperscript{322} This redefinition gave Japanese women's groups an opportunity to adopt new language with which to treat the abortion and birth control issue. Reproductive rights as defined by the conference's Programme of Action are:

\begin{quote}
...certain human rights that are already recognized in national laws, international human rights documents, and other consensus documents.
\end{quote}

\textsuperscript{318} Ibid, p. 74-75.
\textsuperscript{319} Mackie, p. 4.
\textsuperscript{320} Chan-Tiberghien, p. 25.
\textsuperscript{322} Chan-Tiberghien, p. 8.
These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health.\textsuperscript{323}

The local group that played the most significant role in promoting this agenda was Japan's Network for Women and Health.\textsuperscript{324} Part of the network's purpose was to redefine the population problem "from the perspective of reproductive health, placing and emphasis on a woman's self-determination of her own fertility."\textsuperscript{325} The network also had ties to many female politicians in Japan.\textsuperscript{326}

The activities of the UN established the global human rights framework. Despite the Western origins of human rights principles they can be thought of as global ideas because they are promoted as globally legitimate and are used by nation-states to construct a modern national identity.\textsuperscript{327} Specific Western principles such as individualism and world citizenship are seen as becoming globally legitimate.\textsuperscript{328} Countries are adopting these principles and redefining them in terms of their own needs and societal structures.

Western feminism initiated the idea that there are common agendas for all women globally.\textsuperscript{329} The language and politics of reproductive rights have roots in women's health movements coming out of the U.S. but women from developing nations in the 1980s also had input in linking women's health to development and human rights issues.\textsuperscript{330} In this sense there has been collaboration between the West and other regions to develop "global" standards. The UN is the primary vehicle for the promotion of human

\textsuperscript{323} Petchesky, \textit{Reproductive and Sexual Rights}, p. 2.
\textsuperscript{324} Chan-Tiberghien, p. 135.
\textsuperscript{325} \textit{Ibid}, p. 127.
\textsuperscript{326} \textit{Ibid}, p. 128.
\textsuperscript{327} Chan-Tiberghien, p. 16.
\textsuperscript{328} \textit{Ibid}, p. 195.
rights and reproductive rights principles. The series of UN conferences held in the 1990s, and the UN system itself, are the forum and framework through which a transnational women's movement came together. The frame of the debate has been changed not only by the language of reproductive rights but by women's groups use of the term NGO itself.

The popularity of the term NGO is unfortunate in many ways. The literal meaning of the term creates a very vague picture. In essence, virtually any private organization is non-governmental. However, the term is often used in public discourse to refer to a particular type of organization. Generally the term NGO creates the image of a 'kinder gentler' interest group. Currently the number of NGOs officially recognized by the UN is 2613. Although no concrete definition of the UN's use of the term NGO could be found, according to the Economic and Social Council Resolution 19996/31, NGOs that are eligible for consultative status must meet certain criteria. Among them are: aims and purposes that conform to the spirit, principles, and purposes of the Charter of the UN, a promise to support the work of the UN and to promote knowledge of its principles and activities in accordance with the organization's own aims and purposes, NGOs can be national, regional, subregional, or international, the organization should be of recognized standing within its field, there should be presence of an established headquarters and executive officer, possession of a democratically adopted constitution and general democratic decision-making mechanism, and the organization should derive financial

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resources mainly from contributions of national affiliates or from individual members. Essentially the UN defines an NGO primarily as a well established group that does not have financial links to a government, and that supports democracy and other UN goals. The criteria laid out by the UN for NGO consultative status eligibility involve specific beliefs that support democracy and the guiding principles of the UN such as fundamental human rights and freedoms, sovereign equality of nations, the desirability of international peace and security, friendly relations between nations, and multilateralism. This is still a broad definition. Organizations traditionally thought of as interest groups could conceivably fit within this category. Academic literature tends to use the term NGO without offering an exact definition either thus further adding to the confusion. It is important to examine the term NGO in more depth. Rosalind Petchesky offers some insight into the popular understanding of NGOs. She says that NGOs can be grassroots or community-based, service or advocacy coalitions, or giant non-profits such as the International Red Cross. According to Petchesky's definition, the image of NGO as benevolent institution emerges. Essentially any interest group is an NGO but there is a different perception of groups commonly called NGOs. The key difference in how the public views NGOs is in the common emphasis on the non-profit and grassroots aspects. Spector and Kitsuse's discussion of interest groups provides a clear distinction between how interest groups and other groups are perceived. An interest group claims to be the direct victim of a certain condition whereas humanitarian crusaders do not claim to be the

335 Petchesky, Reproductive and Sexual Rights, p. 2.
victim but claim to work on the victim’s behalf. The way the term NGO is used in contemporary discourse is as humanitarian crusader. Indeed, the International Red Cross fits this image. The media plays an integral role in portraying NGOs as humanitarian crusaders. A survey of the fifty most recent national news stories from The Japan Times involving NGOs highlight tsunami relief, foreigner rights, environmental issues, children’s rights, and peace initiatives. Similarly, NGO articles from the same newspaper in 1999 highlight children’s rights, refugee relief, human security, and volunteerism. The recent trend in Japan is to muddle women’s groups and NGOs together. Coalitions of women’s groups in Japan are often referred to as NGOs but the female members of these groups themselves are the direct victims of many of the conditions they seek to eliminate. According to Spector and Kitsuse, that makes them an interest group. The different perceptions elicited by each term and the way in which this perception might affect the response to a group’s claims have led more and more groups to call themselves NGOs. NGOs gain legitimacy because they are seen as humanitarian crusaders. Their members seemingly have no personal vested interest in a condition but instead are objective principled participants in policy debate. Whether or not this is true is beyond the point. The fact that it is perceived to be true is what is important. Women’s groups in Japan in the 1990s were able to motivate their members not only as housewives but as humanitarian crusaders. The changing label of women’s groups in Japan has helped reframe the birth control debate. Women’s groups are now a part of a complex web of domestic and transnational linkages. Women in Japan can be directly affiliated

336 Spector and Kitsuse, p. 87.
337 http://www.japantimes.co.jp
338 Ibid.
with larger human rights and international NGOs as members or they can entreaty those NGOs to help put pressure on the Japanese government.

The ob-gyns in Japan also began to question the ideas underlying the policy as exposure to Western ideas about the pill increased. Generational change that had occurred within the Association of Ob-gyns allowed younger, less conservative, Western educated doctors to redefine the association’s position.\textsuperscript{339} The new generation of ob-gyns enlarged their understanding of the contraception issue and was able to engage and challenge the ideas underlying Japanese policy. In 1985 \textit{Nichibo} even requested clinical testing of the pill.\textsuperscript{340} Dr. Kitamura Kunio was one outspoken advocate of the pill’s legalization from the medical community. Kitamura was a prominent member of this community in 1999 as the director of the Family Planning Clinic of the Japan Family Planning Association.\textsuperscript{341} He argued that the unavailability of low-dose pills in Japan compromised women’s health by forcing them to use less safe high-dose pills or to resort to abortion.\textsuperscript{342} Kitamura also advanced the idea that the pill would lessen the reliance on abortion and would be necessary in contemporary Japan as teenagers were having intercourse sooner and more often than before and relationships between adult males and school-age girls were becoming commonplace.\textsuperscript{343} Kitamura was trying to recognize the changes in society that had made the old policy obsolete. His arguments stressed the importance of giving women the right to protect themselves and access to modern contraceptives.

\textsuperscript{339} Norgren, p. 122.  
\textsuperscript{340} Chan-Tiberghien, p. 122.  
\textsuperscript{341} Kitamura, p. 44  
\textsuperscript{342} Ogino “You Can Have Abortions,” p. 106.
Timing

There is one event that took place in 1999 that also helped put pressure on the government to legalize the pill and highlights a further contradiction in Japan’s reproductive politics. It concerns the introduction of sildenafil, commonly known as Viagra, to the Japanese market. Viagra was initially developed as a treatment for high blood pressure but soon the unintended side effect of curing impotence became apparent. The anti-impotence pill was approved in Japan in 1999 after only six months of deliberation. Japan experienced international criticism for approving Viagra so quickly while maintaining a ban on contraceptive pills for almost three decades. However, this international criticism was highly hypocritical in that on the whole Viagra received the fastest approval and distribution of a new drug worldwide. The quick approval of Viagra called the official reasons for the pill ban into question and gave women’s groups proof that women in Japan had less human rights than men. It appeared that a double standard existed. Government officials did not seem as concerned with the danger of side effects to men associated with the introduction of Viagra nor with the possibility that this pill might also contribute to increased sexual activity and the spread of AIDS or other STDs in Japan. The possible side effects of Viagra and low-dose contraceptive pills are relatively similar and generally only affect people with high risk factors. Some of Viagra’s possible side effects include cardio vascular events,
ventricular arrhythmia, headaches, and dizziness. Cardio vascular problems and headaches are also possible side effects of low-dose contraceptive pills. Viagra could conceivably have contributed to the spread of sexual disease through increased sexual activity as well but this concern was never raised. Increased female sexual activity is a greater fear for most societies than increased activity in men. As Miho Ogino has pointed out, the fear of sexual disorder among men has never been a subject of discussion in Japan. This is interesting given the fact that the sexual act usually involves both a man and a woman at the same time. This reality is rarely expressed in public discourse. Not only was Viagra approved quickly despite the risk of side effects and the spread of disease, the government also allowed mass marketing of the drug. In 2000 full-page print ads and a TV advertising campaign were launched in which Viagra was marketed as a treatment for ‘erectile dysfunction’, a disease, rather than impotence, which is perceived as merely a weakness on the part of men. This distinction helped promote use of the drug as men were made to feel less ashamed of obtaining it. The stark contrast of a thirty year approval wait for the pill and a six month wait for Viagra was finally too much to ignore. Japan’s Network for Women and Health organized a successful protest together with many female politicians after the approval of Viagra went through and the pill was legalized shortly after.

351 Ogino “You Can Have Abortions,” p. 103.
353 Chan-Tiberghien, p. 128.
Government Reaction to Changing Public Ideas

The use of international norms by women’s groups successfully put pressure on the Japanese government because the government was embarrassed by its potential inability to ratify UN conventions.\textsuperscript{354} To reject these international norms is to be backward and primitive in the eyes of Western critics. Japan does not want to be seen as either of these things. So in this way the Japanese government too has recognized global human rights norms as legitimate. Although the government has embraced the idea of reproductive rights on the surface in order to appear modern, there is still an undercurrent beneath their policies that indicates that reproduction is still seen as a tool of the state. The Japanese government’s new approach to population and reproductive issues is summed up by their use of the phrase ‘Giving Dreams to Families.’\textsuperscript{355} They argue that Japanese families are unable to realize their “dreams” under current conditions. Thus, the government’s goal is to create “a society where people can have dreams in delivering and rearing children.”\textsuperscript{356} This is a soft version of a pronatalist policy. The message is that heterosexual nuclear families are legitimate and should procreate for the benefit of the nation. Whereas the initial postwar dream was one of devoted company man and devoted housewife, the current dream is one of devoted parents. Pronatalism is evident in such proposals as the one initiated by three main political parties in 1999 that national health insurance should be extended to cover infertility treatments, while birth control and abortion remain uncovered by the program.\textsuperscript{357} In 1989, the gestation period during which an abortion may be legally performed was also cut down from 24 to 22 weeks in what

\textsuperscript{354} Charlton, p. 82.
\textsuperscript{355} Ministry of Health, Labor and Welfare, p. 6.
\textsuperscript{356} Ibid, p. 5.
\textsuperscript{357} Ashino, p. 91.
appeared to be a reaction to government fears about the birth rate. The official reason given for this change was that the improved quality of healthcare now ensures that 1 in 5 babies born at 22 weeks can survive outside the womb, making it unethical to allow the termination of such a pregnancy. Although the government agreed to legalize access to low-dose contraceptive pills, they do not promote its use. The approval of the pill was hardly covered by Japanese language news media. The MHW conveniently chose to issue a statement that AIDS was a far greater threat to Japan than the public had been led to believe just before official sale of the pill was to begin. In fact there are many practices in place which serve as a deterrent to pill use. The instructions sent out to women from the MHW make using the pill a scary and embarrassing ordeal, frequent checkups are recommended and there are large warnings about health risks.

Despite the pronatalist orientation of the government, recent reports have declared that Japan’s population has already begun to shrink. The Ministry of Health, Labor and Welfare’s latest survey shows that the balance of domestic births against deaths in 2005 was minus 10,000 (not including data from foreign residents). The government is not able to enforce coercive pronatalist policy on the middle class. Instead, the government’s strategy is to eliminate the “socioeconomic and psychological factors that have made it difficult for young men and women to create new families” through the “revision of the

359 Ishii, p. 189.
362 Ashino, p. 87.
division of roles between men and women, the correction of corporate culture giving priority to jobs, support of the reconciliation between jobs and child care such as the diversification of working forms, the promotion of joint participation by men and women in family affairs, and the improvement of child care services such as daily nurseries that are strongly needed." 364 The government supported male involvement in child-rearing in a 1999 ad campaign that stated that 'a man who does not take care of his children should not be called a father'. 365 These activities are aimed at relieving the stress of child rearing for women yet once again they are symbolic policies. Other than the improvement of child care facilities, they do not offer many concrete solutions or promise the allocation of sufficient financial resources to the problem. The high cost of education is often cited as one of the main reasons couples want to have fewer children. 366 But the government has not offered any measures to lower the cost. The government has chosen these kinds of policies because they want to appear sympathetic to the international definition of women's rights issues but still somehow promote their goal of population growth. Thus, there has been both change and continuity in the government's stance on reproductive issues over the last sixty years.

365 Kingston, p. 283.
Conclusion

“Learning is another name for vanity. It is the effort of human beings not to be human beings.” – Osamu Dazai in *The Setting Sun*.367

This thesis sought to demonstrate how the social constructionist approach can successfully be applied to the abortion and birth control debates of postwar Japan. This approach highlights the fact that the debates were influenced by the legacy of eugenics and maternal protection which led policymakers to accept an assessment that blamed poor genetically inferior women for the population problem. These women were thought to use abortion rather than contraception as their main means of birth control. Therefore, in its efforts to modernize the country and limit population growth, the Japanese government made the unique choice to rely on traditional birth control methods. Birth control arose as an issue in a different context for the U.S. and South Korea. Although the U.S. also subscribed to eugenic ideas, the de-centralized government system and individualistic political culture caused policymakers to accept the image of abortion users as frivolous and irresponsible, not in need of government assistance. Japan and South Korea were both worried about population growth and economic development but an authoritarian state structure and an adherence to neo-Malthusian doctrine led the South Korean government to choose an aggressive contraception campaign over legalized abortion. Japan’s reproductive policy remained intact as long as the political context of 1948 endured. Human rights finally replaced eugenics and maternal protection as a legitimate public idea in 1999 and the government revised its position to allow for freer access to contraceptives.

367 Dazai, p. 63.
While social constructionism can be used to explain the Japanese case, it has implications that extend much further. This method of analysis helps fulfill the responsibility of a policy analyst to offer alternative ways of understanding policy problems and to expose underlying norms to critical examination. Analysts themselves are trapped in society's web of constructions and social constructionist analysis is an attempt to escape this web. A social constructionist examination of postwar Japanese reproductive policy demonstrates that what is considered commonsense knowledge about birth control by the Western influenced international community must be challenged. Religion and interest group politics do not explain the birth control situation in Japan. Religious groups in Japan did not play a large role in the debate over abortion legalization in 1948. This was not because they lacked a moral criticism of abortion but instead due to the fact that Japan was desperate to control population growth in the name of national survival. In this atmosphere religious definitions of abortion as murder were not considered relevant. Only a definition that promoted the national interest in terms of the widely held beliefs of society could have been successful. The medical interest groups in Japan promoted such a definition. Their power as an interest group was largely tied into the promotion of this definition. They were able to persuade policymakers to believe their causal stories by using the popular public ideas of the time. This element of the policymaking process is not captured by traditional interest group analysis. Conversely, social constructionist analysis highlights the fundamental idea conflicts behind the abortion and birth control issue. There is a battle between the poor and the rich, between men and women, and between different races that becomes clear through an examination of the claims-making process.

368 Reich, p. 6.
Feminist analysis is also aided by social constructionist theory. Androcentrism has been recognized in the established theories and methodologies of policy studies. However, social constructionism allows gender to enter the analysis by critically examining every assumption. The reality that only women can become pregnant remains constant yet the way in which societies define, construct, legislate, and propagate pregnancy varies greatly. It is important to remember this basic truth when examining public policy on reproduction. The biology is universal but the reproductive policies adopted by states reflect other factors that affect the perception of pregnancy. Pregnancy is framed by a society’s widely held values concerning the national interest, individual rights and freedoms, and the role of women. Groups use these values to justify their demands on the government. In this way pregnancy is both a biological and political act. Most governments in the world operate under the assumption that they have a right to regulate reproduction according to their national goals. The state does not in fact stay out of the bedrooms of the nation. It is very much a part of what transpires there, acting as a channel or sponsor of certain societal values that affect an individual’s reproductive habits. As the site of reproduction, women experience this state policy in a unique way.

**Prospects for the Future**

A feminist definition of abortion has yet to take place in most countries today as policy-makers continue to define the issue in terms of their own country’s political ideologies and societal attitudes and mores. The feminist definition of the abortion issue rests upon notions of women’s liberation, control over their own bodies, and a

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369 Hawkesworth, p. 105.
370 Spector and Kitsuse, p. 93.
371 Yishai, p. 215.
threat to the existing values and structures within society.\textsuperscript{372} These notions did not enter into the debate when postwar birth control policy was formed in Japan. Instead the focus was on women's traditional role of child bearing and the maintenance of female morals. The language and ideas codified by the Cairo conference have helped women in Japan move closer to the feminist definition of birth control. Although pill legalization was achieved, it is unclear whether or not the reproductive rights discourse will be beneficial in the future. There is inconsistency within the discourse that may prove detrimental to its goals. The definition of the rights of the individual is not clear. For example, reproductive rights emphasize the autonomous individual yet large-scale coercive state programs around the world are also emphasized.\textsuperscript{373} Parental rights were challenged in Cairo in the case of sexual education for adolescents.\textsuperscript{374} In this case an individual's parental right to decide how to educate their children about sex was infringed upon. Perhaps most troubling is the fact that the language of human rights arguments can actually be turned around and used against feminists. Pope John Paul II issued his concern over Cairo's documents by using human rights arguments. He argued that the right to life is the basic human right, the family has rights as a unit, and radical individualism is inhuman.\textsuperscript{375} This demonstrates that there is not a universal definition of human rights despite the UN's efforts to create one. Furthermore, the mere translation of the English terms “reproductive rights” and “reproductive health” into other languages can often alter the original meaning.\textsuperscript{376} For example, the Japanese government initially did not know how to

\textsuperscript{372} Yishai, p. 215.
\textsuperscript{374} \textit{Ibid}, p. 137.
\textsuperscript{375} \textit{Ibid}, p. 139-140.
\textsuperscript{376} \textit{Ibid}, p. 147.
translate these terms so it simply used the Japanese pronunciation of them in their policy papers. It is unclear then to what extent the ideas behind the terms have actually been absorbed. 'Women’s rights as human rights' has also been criticized as a campaign for homogenization based on white European or American heterosexual women as the representative of the subject ‘woman’. This campaign does not adequately account for socio-economic and cultural differences among the world’s women. For these reasons it is unclear whether the movement towards a feminist definition of reproduction will result in real improvements to women’s lives.

377 Chan-Tiberghien, p. 127.
378 Grewal, p. 351.
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