

9-2009

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### Recommended Citation

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# The Role of the '*Tôjisha*' in Current Debates about Sexual Minority Rights in Japan

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## Abstract

'Speaking as a *tôjisha*' has become an important strategy in establishing 'correct knowledge' about sexual minority cultures in contemporary Japan. Originally developed in a legal context where it referred to the 'parties' in court proceedings, in the 1970s *tôjisha* was taken up by citizens' groups campaigning for the right of self determination for the 'parties concerned' facing discrimination and has become a central concept for all minority self-advocacy groups. In the 1990s the discourse of *tôjisha sei* (*tôjisha*-ness) was adopted by gay rights groups and by spokespersons for lesbian and transgender communities in a battle to change public perceptions of sexual minorities through insisting on their right to speak about themselves in their own voices.

This paper considers two unforeseen outcomes of the primacy of the *tôjisha* in current LGBTQ discourse. Firstly, through insisting on attending to the voice of each individual, it has proven difficult to establish common links between discriminated communities (or within communities) because of widely diverging perspectives. Also, given the broad variety in many individuals' experience of non-normative sexuality, having to identify and speak as a *tôjisha* has engendered normalizing effects. The current primacy of the *tôjisha* reinforces developmental narratives of sexual-identity formation (only the 'out' homosexual is truly authentic) and in so doing inadvertently silences those unable or unwilling to prioritize the sexual in their presentation of self, or whose modes of self-expression fall outside current orthodoxies that provide the boundaries for sexual-minority identification.

## The Role of the 'Tôjisha' in Current Debates about Sexual Minority Rights in Japan

### Introduction

Discussion of non-normative sex and gender categories and persons, once referred to in Japanese as *abunômaru* (abnormal) or *hentai* (perverse), has been a conspicuous feature of Japan's postwar media environment.<sup>1</sup> These reports were usually the fodder for popular low-brow journalism. However, since the millennium, debates about 'sexual minority' (*seiteki mainoriti*) rights have received increased publicity in more high-brow media and are being accorded a greater level of seriousness by news and entertainment media and by government agencies.<sup>2</sup> Indeed, such is the new acceptability of 'sexual minorities' that since 2000 several openly 'out' lesbian, gay and transgender candidates have stood for public office, at least one endorsed by a major political party.

The reasons for this discursive shift in the treatment of sexual minority issues are complex but one contributing factor was the late 1990s decision by Japan's medical establishment to recognize Gender Identity Disorder as a diagnostic category and to recommence sex-change

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<sup>1</sup> For a comprehensive discussion of media representations of so-called *hentai seiyoku* or 'perverse desires' in the postwar period, see McLelland, *Queer Japan from the Pacific War*; McLelland, *Male Homosexuality in Modern Japan*; Ishida and Murakami 'Process of Divergence'; and Mitsuhashi, 'Seitenkan no andôguraundoka to hôdô'.

<sup>2</sup> See for example the special 'gay' editions of *Newsweek Japan* and *SPA!* listed in the references. Other examples would include the participation of male-to-female transsexual singer Nakamura Ataru in one of the highest-rating TV programs in Japan, NHK's New Year's Eve singing contest *Kôhaku uta gassen*, in December 2007 and the inclusion of a female-to-male transgender student character in the popular high-school drama *Kinpachi Sensei in class 3-B* in 2002 (see Ofuji, 'Sexual Minority Issues and Human Rights,' 131, for a discussion of the impact of this show). For a summary of recent social and legislative changes impacting sexual minorities see Sunagawa, 'The Social Situation Facing Gays' and Taniguchi, 'The Legal Situation Facing Sexual Minorities'.

operations after a hiatus of nearly thirty years.<sup>3</sup> The ramifications of this move have been widespread and one result has been new legislation, enacted in 2004, that allows some post-op transsexual individuals to revise their gender in the *koseki* or family register – the primary identity document in Japan.<sup>4</sup> Since the late 1990s transgenderism has increasingly been represented as a medical condition and has gained a great deal of airplay in a manner very different from the media’s previous sensationalization of the phenomenon.<sup>5</sup> Evidence of the new seriousness accorded transgenderism was the 2003 election (and 2007 reelection) of male-to-female transgender politician Kamikawa Aya to the Tokyo Municipal Council, despite her initially being recorded on ballot documents as male.<sup>6</sup>

One other reason why the media have begun to approach issues relating to non-normative sexual and gender orientations with greater seriousness relates to the success that various sexual minority rights organizations and spokespersons have had in inscribing a range of sexual minority identities such as *gei* (gay), *rezubian* (lesbian) and *toransujendâ* (transgender) within a discourse of *shutaisei* or ‘subjecthood.’ I prefer to translate *shutaisei* as ‘subjecthood’ in this context, instead of the more common ‘subjectivity’ or ‘individuality,’ since subjecthood

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<sup>3</sup> Kameya and Narita ‘A Clinical and Psycho-Sociological Case Study.’ See also Someya and Takahashi, ‘Is DSM Widely Accepted by Japanese Clinicians?’ The rather late acceptance by Japanese clinicians of the model of ‘gender identity disorder’ encoded in the U.S.-based *Diagnostic and Statistical Manual of Mental Disorders*, 3rd edition (DSM-III), originally released in 1980, is evidence of Japan’s increasing acceptance of globalized forms of medico-scientific sexual ‘knowledge’. The arbitrary nature of this knowledge is evidenced by scientific debate over whether or not the diagnosis of GID should remain in DSM-V, see Hausman, ‘Controversy Continues to Grow over DSM.’

<sup>4</sup> Maree, ‘The Un/State of Lesbian Studies,’ 162-63; Ofuji, ‘Sexual Minority Issues and Human Rights,’ 131; Taniguchi, ‘The Legal Situation Facing Sexual Minorities’.

<sup>5</sup> Ofuji, ‘Sexual Minority Issues and Human Rights’; Mitsuhashi, ‘Seitenkan no andâguraundoka to hôdô’ and ‘The Transgender World in Contemporary Japan’; Ishida, ‘Yomigaeru burûbô saiban.’

<sup>6</sup> See Kamikawa’s official website <http://ah-yeah.com/index.html> (accessed 12 March 2008).

connotes a degree of outside recognition or validation of a subject's speaking position. Gaining validation (from the state and its institutions, from aid agencies, from medical and other 'experts') for previously discriminated subject positions has been a necessary step when advancing arguments based on human rights.<sup>7</sup> Gaining official recognition for gay, lesbian and transgender subjecthood has been a long process since social attitudes in Japan toward those failing to present as 'normal' have traditionally been paternalistic and controlling.<sup>8</sup> According to Ishida and Murakami, the 'pivotal event' which resulted in the dissemination of this new way of thinking about sexual minorities was the 1993 success of gay-rights group OCCUR's<sup>9</sup> court case against the Tokyo Metropolitan Government (which had denied them access to public meeting facilities). They point out that, for the first time in Japan, 'the court legally recognised the existence of homosexuality *as a subject position* and acknowledged the equivalence of homosexuals and heterosexuals before the law'.<sup>10</sup>

One of the key terms to have developed in minority rights discourse since the 1970s which has been closely tied to the notion of articulating subjecthood has been '*tôjisha*' which I translate as the 'person [directly] concerned.' Yet, despite the importance of this term and its deployment across a range of minority rights literature in Japanese, the history of its use has not so far been traced in English-language studies of Japanese social movements. In this paper I provide a history of the term *tôjisha* as it has been used in a variety of activist movements. I go on to argue that it is not possible to understand contemporary debates about minority identities, particularly

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<sup>7</sup> Sexual minorities whose subjecthood is not considered viable for purposes of human rights debates in Japan include sex workers (Kanai, 'Riberarizumu to patânarizumu,' 13-17; Lunsing, 'The Politics of *Okama* and *Onabe*,' 86), and those whose desires cross generational bounds considered unacceptable (Fushimi, *Yokubô mondai*, 6-15).

<sup>8</sup> Stibbe, 'Disability, Gender and Power in Japanese Television,' 22.

<sup>9</sup> Ugoku Gei to Rezubian no Kai (OCCUR) was established in 1986 and was the first organization primarily working on issues related to homosexuality to register as an NPO (non-profit organization) in Japan.

<sup>10</sup> Ishida and Murakami 'Process of Divergence,' para 45, emphasis mine; see also Fushimi *Yokubô mondai*, 19.

sexual minority identities, both within minority communities as well as within wider public consciousness in Japan, without attending to a close reading of how *tôjisha* has developed, how it is variously deployed and how it has both enabled as well as compromised community building.

#### Origin and development of the term ‘*tôjisha*’

The term ‘*tôjisha*’ originated in the fields of law, politics, and administrative studies, and has been used continuously in these disciplines across the course of the twentieth century.<sup>11</sup> Prior to World War II, in particular, the term *tôjisha* was most closely associated with legal studies<sup>12</sup> where, according to the 2005 Kôjien dictionary, it referred to the ‘people or parties directly involved in the matter, often the matter of a litigation/lawsuit.’ In legal proceedings, *tôjisha* parties are situated within a confrontational context where their perspective is differentiated from that of ‘third parties’ (*daisansha*) or *hi-tôjisha*, that is, non- *tôjisha* (those not directly concerned). As a result, the deployment of the term *tôjisha*, irrespective of the context, has tended to set up rather stark contrasts between *tôjisha* and *daisansha* or *hi-tôjisha*. This is one reason why scholars, not only from the field of law but also from disciplines such as sociology and psychology, often structure their arguments in a dichotomous framework that pits *tôjisha* against *hi-tôjisha*. Hence attending to the debates around who exactly is a *tôjisha* in any given context

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<sup>11</sup> The term has also been used in the field of literature, particularly in *shi-shôsetsu* (I-novel) studies, in debates over whether or not the voice of the narrator corresponds to that of the author.

<sup>12</sup> The Japanese NACSIS-CAT online cataloging system provided by the National Institute of Informatics (<http://webcat.nii.ac.jp/webcat.html>) was consulted on March 16, 2008, finding 188 books published between 1910 and 2007 whose entries contained the keyword *tôjisha*. I notice that of these 188, while the majority comes from the field of law, from the 1970s onward an increasing number of books are published within sociology, social welfare and social work. Interestingly, after the 1990s the number of publications in law and sociology that contain the term is almost equal.

becomes a fundamental research concern for scholars engaged in researching discriminated communities.<sup>13</sup>

The early 1970s saw a shift in the meaning of *tôjisha* beginning in the context of the women's liberation movement and gradually expanding to the fields of social work and social welfare (particularly those aspects concerned with disability). This period saw a range of *tôjisha* organizing into social movements (*shakai undô*) aimed at combating social discrimination as well as defending minority rights. Prominent among these were the women's movement (*ûmanzu ribu*) and the disability self-help movement (*shôgaisha shien undô*), to name but two.<sup>14</sup> From this time, the developing discourse of the *tôjisha* began to shift away from the simple designation of the parties directly concerned or impacted by a lawsuit and more towards a subject position (*shutaisei*) based on shared characteristics. In this context, *tôjisha* were understood as individuals or groups comprised of individuals who were discriminated against by the majority. Those deploying the notion of the *tôjisha*, have, on the whole, been positioned as *jakusha*, that is as 'weak persons' or subordinates, and as *hisabetsusha* or 'persons discriminated against' whereas *hi-tôjisha* have been posited as the discriminatory majority.

A range of new *tôjisha* movements continued to emerge throughout the 1970s, including those concerned with women, children, senior citizens, patients, people with disabilities, and people with psychiatric disorders. By the early 1980s, energized by activism surrounding the UN's designation of 1981 as the 'International Year of Disabled Persons',<sup>15</sup> the notion of the *tôjisha* began to expand to embrace the concept not just of self advocacy<sup>16</sup> but also of self help/self

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<sup>13</sup> Kawano, 'Jishi izoku shien soshiki no seiritsu,' 62; Nakanishi and Ueno, *Tôjisha shuken*, 4-5.

<sup>14</sup> Nakanishi and Ueno, *Tôjisha shuken*, 186-90.

<sup>15</sup> Tsuda, 'Shiteki shôgaisha ga iru kazoku.'

<sup>16</sup> Tsuda, 'Japanese Culture and the Philosophy of Self-Advocacy,' 153, mentions that 'most self-advocacy groups in Japan identify themselves as 'Honnin no Kai' which means 'a group of our own.' While '*honnin*' (the person him/herself) is a common referent, *tôjisha* is actually a more prominent self-designation as can be seen in one of the examples he cites: the group People First Japan, where the term *tôjisha* is constantly reiterated all over their website. See their website <http://www.pf-japan.jp/p1stj.html> (accessed 12 March 2008). Tsuda discusses the term *tôjisha* in

support.<sup>17</sup> Drawing upon western Disability Studies paradigms emphasizing the socially constructed nature of disability,<sup>18</sup> *tôjisha* began to critique the assumption that those with special needs ‘should live without causing problems for others’.<sup>19</sup> This represented a major paradigm shift in Japan where it has traditionally been the case that ‘observing convention without self-assertion is the means to acquire support from the community’.<sup>20</sup> This shift was registered in a change of vocabulary – a rejection of minority ‘problems’ in favor of ‘needs,’ a rejection of ‘management’ in favor of ‘self determination’ and a refusal of ‘benefits’ in favor of ‘rights.’ This move might seem straightforward, but in the Japanese context where ‘notions such as self-determination and independence are sometimes thought of as the source of offensive relations with others’,<sup>21</sup> such language was controversial.

It was at this time, too, that different *tôjisha* groups began to find common ground.<sup>22</sup> The early 1980s saw a range of coalitions across different social movements representing the ‘socially weak,’ in what can be termed a broad *tôjisha undô* or movement with the aim of strengthening their bargaining power vis-à-vis national and local governments.<sup>23</sup> The trend toward coalition politics, establishing ‘solidarity’ (*rentai*) among the weak/minorities (*jakusha no rentai*, *mainoriti no rentai*), in which various social movements supporting discriminated minorities found common ground despite a diversity of problems, continued into the 1990s.<sup>24</sup> In 1992, the

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an earlier Japanese article, ‘Shiteki shôgaisha ga iru kazoku.’

<sup>17</sup> See also Disability Information Resources at the following website:

<http://www.dinf.ne.jp/doc/japanese/conf/z20/z20001/z2001025.html> (accessed January 16, 2008).

<sup>18</sup> Shakespeare and Watson, ‘The Body Line Controversy, 1-3.

<sup>19</sup> Ueno, ‘Atarashii kea no kizuna ,’ 179.

<sup>20</sup> Tsuda, ‘Japanese Culture and the Philosophy of Self-Advocacy,’ 152; see also Ueno, ‘Atarashii kea no kizuna, 179.

<sup>21</sup> Tsuda, ‘Japanese Culture and the Philosophy of Self-Advocacy,’ 155.

<sup>22</sup> Ibe ‘Tôjisha ni manabu’; Nakanishi and Ueno, *Tôjisha shuken*, 12.

<sup>23</sup> Nakanishi and Ueno, *Tôjisha shuken*.

<sup>24</sup> Ibe, ‘Tôjisha ni manabu’; Nakanishi and Ueno, *Tôjisha shuken*, 12; Tsuda, ‘Japanese Culture

Special Nonprofit Activities (NPO) Law removed many of the bureaucratic hurdles that had made it difficult for small self-interest groups to register as official bodies<sup>25</sup> and resulted in a rapid increase in the number of small citizens' rights and advocacy groups that styled themselves as *tôjisha dantai* or *tôjisha* groups.<sup>26</sup>

However, the premise of solidarity was shown to be somewhat fragile as conflict began to arise not only between *tôjisha* and *hi-tôjisha* but also among *tôjisha* themselves.<sup>27</sup> Indeed, there has always been a fundamental tension underlying the concept of the *tôjisha*, as Oka exposes when he asks, 'Is *tôjisha* an individual or a group identity?'<sup>28</sup> Problems concerning whose experience is to be included are always going to arise when individual *tôjisha* appear as spokespersons on behalf of wider communities. Accordingly, the trend since the 90s has been to pay increased attention to the question of who exactly constitutes a *tôjisha*, thus questioning the *tôjisha sei* or '*tôjisha*-ness' of participants involved in advocate activities. These debates can become heated, one activist describing the kind of exclusionary rhetoric favored by some *tôjisha* groups as a kind of '*tôjisha* nationalism'.<sup>29</sup>

In large part this debate over *tôjisha sei* has been facilitated by the development of the Internet in Japan since the early 1990s.<sup>30</sup> Unsurprisingly, given the lack of positive exposure minority groups have received in the mainstream media, minorities (including sexual minorities) were among the first to set up online networks on the new dial-up bulletin-board systems of the early 1990s and have maintained a strong presence on the Internet ever since. Given the difficulties attendant on making public one's non-normative sexual orientation, the Internet offered an

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and the Philosophy of Self-Advocacy,' 153.

<sup>25</sup> Pekkanen, 'Japan's New Politics'.

<sup>26</sup> Nakanishi and Ueno, *Tôjisha shuken*, 131-34.

<sup>27</sup> Fushimi et al. *Okama wa sabetsuka?* 77, 87, 117.

<sup>28</sup> Oka, 'Chiiki fukushi no ninaite.'

<sup>29</sup> See 'Tôjisha to jijo katsudô' (*Tôjisha* and self-help activities), March 2001, *Makiko no jendô hyôron*, online: <http://homepage2.nifty.com/mtforum/ge007.html> (accessed January 18, 2008).

<sup>30</sup> Kadoya, 'Nettoraiifu.'

invaluable networking space for transgenders, gay men and lesbians to ‘come out’ and discuss issues relating to personhood and subjectivity.<sup>31</sup>

Another context in which the *tôjisha sei* of participants has been much discussed is in the developing field of *tôjisha gaku* or *tôjisha* studies. Nakanishi and Ueno define *tôjisha gaku* as a collection of discourses and theories reflecting *tôjisha*’s own experiences and listening to *tôjisha* voices (*tôjisha no koe*) with an emphasis on the subjectivity of the participants, thereby distinguishing it from the supposedly ‘objective’ expertise established by outside authorities.<sup>32</sup> However, Nakanishi and Ueno’s account of *tôjisha* subjectivity is largely uncritical and somewhat essentialist. It does not take into account Foucauldian insights that the self is not an entity caught in a preexisting binary relation with power holders, but rather subjectivity is the *outcome* of particular power dynamics – that differences between people *become* socially significant as an *effect* of power. As Wendy Brown points out ‘there is no such thing as “the sovereign subject.” There is always a particular configuration of it, and governmentality is the place where that configuration is articulated in very specific ways, along lines of race, gender, sexuality, class, subculture, and nationality, and religion, and so forth.’<sup>33</sup> In this context, the title of the Nakanishi and Ueno book, which might be rendered in English as *The sovereignty of the tôjisha*, seems somewhat optimistic in its celebration of *tôjisha* agency.

Despite these theoretical reservations, there has been a significant increase in the number of *tôjisha* narratives – beginning with gay men and lesbians in the early to mid 90s and today including a large number of publications concerning transgender individuals as well as sex workers.<sup>34</sup> The proliferation of *tôjisha* narratives has necessarily intensified debates around what

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<sup>31</sup> For a discussion of sexual-minority networking on the Internet, see McLelland, ‘Gay Men, Masculinity and the Media’, 68-74.

<sup>32</sup> Nakanishi and Ueno, *Tôjisha shuken*, 15-17, 186-204.

<sup>33</sup> Brown, ‘Learning to Love Again,’ 36.

<sup>34</sup> Takatori’s ‘My Coming Out Story’ account is a good example of the media’s interest in pursuing ‘coming out’ stories. For a discussion of the evolution in coming-out narratives, see McLelland, *Queer Japan from the Pacific War*, chapter 5.

exactly *tôjisha sei* is in any given context – who is allowed to speak and on behalf of whom.<sup>35</sup> A 2007 edited collection by Miyauchi and Imao *Anata wa tôjisha de wa nai* (You are not a *tôjisha*)<sup>36</sup> is a good example of debates in which *tôjisha* and researchers who work with various *tôjisha* subjects tackle the question of how researchers should/can interact with *tôjisha* as their object of study, in other words, how researchers should listen to and represent *tôjisha*. This is essentially a debate over reflexivity, positionality and situated knowledge that has also been well rehearsed in the Anglophone academic world since the 1970s in the fields of women’s studies, postcolonial studies, anthropology and sociology as well as queer studies.<sup>37</sup>

There has also been a recent change of focus from ‘*people of concern*’ to the notion of *concern* itself by asking whether or not the socially weak or those discriminated against can always understand their problems or seek solutions in exactly the same way.<sup>38</sup> One clear example of this trend described by Karen Nakamura in her 2006 book on the deaf community in Japan is the tension between groups representing individuals born deaf who have been educated separately using sign language in deaf-only environments and those individuals who have become deaf later in life or who have been educated via immersion into mainstream Japanese society and taught to lip read. Representatives of the former organizations, who sometimes put forward the argument that they are the *real* deaf people, have been accused of a kind of ‘deaf nationalism’ by other deaf organizations promoting more integrationist approaches.

Similarly, not all sexual minorities share the same attributes, and thereby view types of discrimination differently. For instance, some gay men find the usage of the term *okama* to be always inappropriate, but others deliberately deploy the term in their own self-fashioning. Literally a pot for cooking rice, *okama* has long been used as slang for the buttocks and thereby a reference to anal sex. When used of men it suggests effeminacy and carries many of the same connotations as *fairy*, *poof*, *queen* or *faggot*. However, as Lunsing points out, there has been

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<sup>35</sup> Nozaki, ‘Tôjisha sei no saikentô.’

<sup>36</sup> Miyauchi and Imao, *Anata wa tôjisha dewa nai*.

<sup>37</sup> King, “‘Am Not! Are Too!’”

<sup>38</sup> Nakanishi and Ueno, *Tôjisha shuken*, 82-84; Fushimi et al., *Okama wa sabestsu ka?*, 76-77.

much debate about the use of the term as a self-designation.<sup>39</sup> Debates have also been staged among women's groups as to who should be allowed access to the self-designation *rezubian* (lesbian).<sup>40</sup> Hence, although the notion of the *tôjisha* gained currency as a kind of authenticating ground for 'correct knowledge' produced about any given group in the context of social activism in the 70s and into the 80s, the very concept of the *tôjisha* itself is now faced with a kind of identity crisis, especially in the field of sexual minority studies.

### Sexual minorities as *tôjisha*

When theory-building efforts and practices for advocating sexual minority rights peaked in the 1990s, the term *tôjisha* began to gain currency among sexual minority groups.<sup>41</sup> In an act of 'strategic essentialism',<sup>42</sup> radicalized gay rights groups such as OCCUR 'actively promoted the use of foreign medical categories in an attempt to establish the legitimacy of their organisations based on Euro-American discourse about "sexual minorities"'.<sup>43</sup> By the turn of the millennium, the notion that persons experiencing same-sex desire as well as individuals suffering from 'gender identity disorder' were members of communities analogous to other groups facing discrimination in Japanese society was well established as can be seen in a new media environment<sup>44</sup> as well as a range of educational initiatives aimed at highlighting their problems.<sup>45</sup>

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<sup>39</sup> Lunsing, 'The Politics of *Okama* and *Onabe*'; see also Fushimi et al., *Okama wa sabestsu ka?*, 61-63.

<sup>40</sup> See the various conflicts over 'native' vs 'political' lesbians, as well as butch role-play, discussed in Izumo Marou et al., 'Japan's Lesbian Movement.'

<sup>41</sup> *Gendai shisô*, 'Rezubian/gei stadiizu.'

<sup>42</sup> Noguchi 'Japanese Lesbian/Gay Studies,' para 26. Noguchi is here borrowing a term originally devised by Gayatri Chakravorty Spivak.

<sup>43</sup> Ishida and Murakami 'Process of Divergence,' see also Suganuma, 'Associative Identity Politics,' 491-96, and Lunsing, 'The Politics of *Okama* and *Onabe*,' 81-82.

<sup>44</sup> For a discussion of the media's changing relationship to 'sexual minorities' see McLelland *Queer Japan from the Pacific War* and Ishida and Murakami, 'Process of Divergence.' See also

It was during the 1990s, too, that lesbian, gay and transgender studies in Japan developed out of women's and gender studies and was positioned as a kind of *tôjisha gaku* given that all the major players self-identified as members of sexual minorities.<sup>46</sup> As witnessed in the cases of other minority groups, the usage of *tôjisha* by sexual minorities in Japan is closely related to the process of building an identity among those who share experiences of discrimination 'from the same standpoint.' However, given that sexual minorities include lesbians, gays and transgenders – individuals who are all positioned very differently in relation to normative gender roles and expectations – establishing solidarity across these groups has always been a source of conflict.

The difficulty of establishing common ground, particularly between gay men's and lesbian groups in Japan, can be seen in the many disagreements over the composition of the organizing committee for Tokyo's lesbian and gay parades which have taken place only sporadically over the last 15 years.<sup>47</sup> There is also conflict among transgenders – between those accepting of the medical model of 'gender identity disorder' and those who feel that the 'disorder' is itself a product of an overly restrictive heteronormative sex and gender system.<sup>48</sup> Another point of conflict that has gained visibility recently relates to representations of male homosexuality in the *yaoi*<sup>49</sup> or 'Boys' Love' manga fandom popular among heterosexual women.<sup>50</sup> Some gay *tôjisha*

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note 2 above.

<sup>45</sup> Ofuji, 'Sexual Minority Issues and Human Rights'; Takatori, 'My Coming Out Story.'

<sup>46</sup> Nakanishi and Ueno, *Tôjisha shuken*, 186-191; Noguchi 'Japanese Lesbian/Gay Studies,' Shôjima, 'Watashi no tôjisha shiron.'

<sup>47</sup> Sunagawa, 'Reflections on the Tokyo Lesbian and Gay Parade.'

<sup>48</sup> Mitsunashi, 'The Transgender World in Contemporary Japan'; Kanai 'Riberarizumu to patânarizumu' 3-5; Transgender individuals who do not accept their assigned role as 'patient' and refuse to follow the dominant story predetermined by the medical establishment are not recognized as having viable identities and are excluded from the sex-reassignment process (see Ishida, 'Yomigaeru burûbôî saiban.')

<sup>49</sup> Yaoi is an acronym of 'YAMA nashi Ochi nashi Imi nashi' (No climax, no point, no meaning) and is a genre of manga comics popular with women since the late 1970s that feature representations of boy-on-boy sex. For a discussion of women's appropriation of the genre, see

have criticized the genre's producers and fans for trading in 'irresponsible' representations of gay men and of being blind to the genre's potential negative effects upon 'real gays.' However, fans of the genre counter that these fantasy narratives are not about 'real gays' and therefore gay *tôjisha* should have no input on the topic.<sup>51</sup> These publicly voiced debates are all evidence of increasing conflict not just between *tôjisha* and *hi-tôjisha* but among *tôjisha* themselves.

The difficulty of galvanizing widespread support for sexual minority issues across the broader community as well as among the LGBT community was also evidenced by the very poor showing of openly lesbian politician Otsuji Kaneko who had campaigned for a seat in the House of Councilors in the 2007 election, including in her platform a variety of human rights measures for sexual minorities. Much to her campaign team's surprise, despite positive publicity at home and abroad, she came in only 29<sup>th</sup> among the 35 candidates supported by the Democratic Party. In retrospect, the tactic of politicizing the issue of human rights for gays and lesbians not only failed to resonate with the Japanese public but with sexual minorities themselves.

#### The *Shûkan Kinyôbi* discriminatory expression incident

Some of the problems associated with establishing the *tôjisha sei* of participants in debates concerning sexual minorities in Japan were brought to light in an incident that became known as the '*Shûkan kinyôbi* discriminatory expression incident.' In June of 2001, the left-leaning current affairs magazine *Shûkan kinyôbi* (Weekly Friday) published an article based on an interview with veteran gay campaigner Tôgô Ken entitled '*Densetsu no okama: aiyoku to hangyaku ni*

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Welker, 'Lilies of the Margin.'

<sup>50</sup> Lunsing, 'Yaoi *Ronsô*.'

<sup>51</sup> Ishida 'Gei ni kyôkan suru onna tachi,' 47; The emergence of this debate in the early 1990s is described by Lunsing, 'Yaoi *Ronsô*,' but there is still much discussion on the topic. See for example the June 2006 edition of the journal *Yuriika* on 'Fujoshi manga taikai' (Rotten Girls' Manga Compendium) where various authors discuss boys' love as a feminist project, a lesbian feminist project, a means for women to establish solidarity with gay men as well as a distortion of 'real gay' life. Clearly, establishing who, exactly, are *tôjisha* in this context is problematic.

*moetagiru*'.<sup>52</sup> The title, which translates as 'The legendary *okama*: burning with lust and rebellion,' despite its apparently sensational tone, headed what is in fact a highly appreciative article about Tôgô where he spoke at length about his personal history, political career and ideas about the Emperor system and sexual and gender identity. Tôgô was the fifth person to be interviewed by the magazine for a series entitled 'Living individually' and, in keeping with the magazine's politics, the purpose of the article was not to sensationalize Tôgô's life but to give voice to one of the most vehement, if idiosyncratic, critics of postwar Japanese society.

The day after the article appeared, Itô Satoru, a prominent gay activist and director of Sukotan Project,<sup>53</sup> an influential team of gay educators, complained to the magazine's editors that the use of the term *okama* in the title was 'discriminatory' and that the definition of the term given in the article was 'incorrect' and showed that the journalist responsible had 'insufficiently studied' the issues involved. Itô was further incensed that despite having run a workshop for the magazine's staff some time previously on how the media should treat the topic of homosexuality they had gone ahead and highlighted such a discriminatory term. In mounting this complaint, Itô was seen by many to be engaging in the kind of *kotobagari*, or 'word hunt' aimed at removing discriminatory expressions from the media, that had been successfully deployed by the Buraku Liberation Front in the 1970s.<sup>54</sup>

In its publicity Sukotan Project emphasizes that it is a gay and lesbian organization offering 'correct understanding and information about homosexuality (*dôseiai*)...for *tôjisha* as well as society'.<sup>55</sup> However, in publicly challenging *Shûkan Kinyôbi*'s motivation in using such an eye-catching headline, Itô found himself embroiled in a very public debate about nomenclature with

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<sup>52</sup> An English translation of this article appears as Oikawa Kenji, 'Tôgô Ken: The Legendary Okama.'

<sup>53</sup> For further information, see their website: <http://www.sukotan.com> (12 December 2007).

<sup>54</sup> Burakumin are descendants of outcast communities considered 'polluting' because of the nature of their occupations – associated with butchering and waste disposal – who still suffer discrimination today. In the 1970s Buraku rights groups launched aggressive campaigns to have discriminatory expressions removed from the media.

<sup>55</sup> See [http://www.sukotan.com/ABOUT\\_US/about\\_top.html](http://www.sukotan.com/ABOUT_US/about_top.html) (accessed 10 March 2008).

supporters of Tôgô – himself a *tôjisha* and a prominent spokesperson on gay issues of considerable seniority who has long identified with the term *okama* as can be seen in the subtitle of his 2002 autobiography: *70 Years on the Okama Path*.<sup>56</sup>

To discuss the issues raised in this debate, prominent gay critic and author Fushimi Noriaki organized a symposium. Although both Tôgô and Itô declined invitations to attend, Oikawa Kenji, the article's author, as well as *Shûkan kinyôbi*'s editor-in-chief Kurokawa Nobuyuki, were grateful of the opportunity to canvass a wider range of opinions on the contentious topic of speaking and writing about gay people in Japan. The consensus from the ensuing discussion, which was later published by Fushimi as *Okama wa sabetsu ka* (Is *okama* a discriminatory term?),<sup>57</sup> was that individuals had to be allowed to identify themselves in whatever way they chose and that it was the context, not specific terms themselves (or the sexuality of the person wielding them), that should be used to judge whether a particular usage was discriminatory.<sup>58</sup>

Furthermore, as some participants pointed out during the discussion, Itô's own preferred terms for discussing male homosexuals, *gei* (gay) and *dôseiaisha* (the Chinese character translation of 'homosexual'), were themselves contentious given the long association of *gei* with the *gei bô* stereotype of the entertainment world, and the history of *dôseiaisha* as a medical category signifying perversion.<sup>59</sup> It was concluded that the right of *tôjisha* themselves to choose their own self-designations was paramount and that it was unhelpful to be too prescriptive about designating 'correct' and 'incorrect' nomenclature.

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<sup>56</sup> Tôgô, *Jôshiki wo koete*; For an extensive discussion of this case see Lunsing, 'The Politics of *Okama* and *Onabe*,' 84-86.

<sup>57</sup> Fushimi et al., *Okama wa sabetsu ka*; For an excellent background to the problem of discriminatory language in Japan, see Nanette Gottlieb's review of *Okama wa sabetsu ka?* in *Intersections* issue 12, [http://www.she.murdoch.edu.au/intersections/issue12/gotlieb\\_review.html#n1](http://www.she.murdoch.edu.au/intersections/issue12/gotlieb_review.html#n1) (accessed 12 March 2008).

<sup>58</sup> Fushimi et al., *Okama wa sabetsu ka?* 61.

<sup>59</sup> Fushimi, *Okama wa sabetsu ka?* 60; see also Fushimi, *Yokubô mondai*, 47, and Lunsing 'The Politics of *Okama* and *Onabe*,' 84.

However, the discussion of the pros and cons of making prescriptive statements about language use was not the only point raised in the seminar. Also discussed was the problematic and somewhat simplistic framework within which Itô had structured the debate.<sup>60</sup> In deploying the *tôjisha* discourse as the basis of his argument, Itô had seemingly accepted at face value the stark binary between *tôjisha* and *hi-tôjisha*, positing that it was ‘as different as chalk and cheese’ when terms such as *okama* were used by *tôjisha* and *non-tôjisha*. He also positioned gay men as victims of this language use, arguing that some readers of the original article had ‘been hurt’ by the use of the term *okama*. In a response to Itô’s concerns, gay critic Hirano Hiroaki challenged the notion of the *tôjisha* as the touchstone for deciding a term’s discriminatory nuance, arguing that ‘good ideas are good, bad ones bad, regardless of the speaker’s sexual orientation.’<sup>61</sup> He noted that if expressing opinions on homosexuality were the sole right of homosexual *tôjisha* themselves then this would have the effect of forcing people to declare their sexual orientation, of making them speak *as* homosexuals, a move not always appropriate or able to be embraced by everyone. He also criticized Itô’s victim mentality, asking ‘if someone was hurt by reading a *non-discriminatory* essay about gay men, then why did that happen?’ – suggesting that an oversensitivity to discussion of homosexuality may be a result of the internalized homophobia of the ‘victim’ as opposed to any intention to cause offense by a victimizing majority.<sup>62</sup> A parallel point was also made by non- *tôjisha* journalist Matsuzawa Kureichi who, employing the metaphor of a court of law where a range of contrasting voices contest the evidence, noted that a court in which only the perspective of the victim was taken into account would be ‘scary’.<sup>63</sup>

Indeed, others at the seminar concurred that the binary set-up of the *tôjisha* discourse, the notion that *hi-tôjisha* are always the discriminators and *tôjisha* are always those discriminated against, is too simplistic. It was pointed out that this discursive framework has an inadvertent chilling effect

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<sup>60</sup> For an online discussion of this point, see [http://www.netpro.ne.jp/~takumi-m/book/266-okama\\_sabetsu.htm](http://www.netpro.ne.jp/~takumi-m/book/266-okama_sabetsu.htm) (accessed January 16, 2008).

<sup>61</sup> Fushimi et al., *Okama wa sabetsu ka?* 114-18; for a revised and updated English translation of Hirano’s argument see Hirano, ‘Who Should Be Ashamed of Whom?’

<sup>62</sup> See also Lunsing, ‘The Politics of *Okama* and *Onabe*,’ 83.

<sup>63</sup> Fushimi et al., *Okama wa sabetsu ka?* 88.

– if a non- *tôjisha* must always consider the perspective of ‘the weakest of the weak’ or ‘those most easily hurt’ when venturing an opinion, then it becomes difficult to say anything at all on some topics for fear that someone involved might take offense.

Participant Noguchi Katsuzô, one of a very small number of out gay academics in Japan, was also vocal in his complaint that the magazine, in printing responses to the original article, had been too accommodating of groups such as Sukotan who were condemnatory of the use of *okama* in the title, and had failed to canvass opinions from the wider community. In defense of this policy, editor-in-chief Kurokawa pointed out that the magazine had simply printed comments from individuals who had complained, thus leading Noguchi to argue once again that it was inappropriate that it should always be ‘those most easily hurt’ who should set the agenda on any given issue, claiming that this resulted in a ‘supremacy of the weak’ (*jakushashijôshûgi*).<sup>64</sup> Rather, he thought that such debates over nomenclature should be conducted in an ‘open manner’ among all stakeholders.<sup>65</sup> A similar point is made by Tsuda when he notes that the argument that only *tôjisha* are capable of truly understanding a given problem can result in society in general evading responsibility as well as increased isolation for minority groups.<sup>66</sup>

The potential chilling effect of prioritizing ‘those most easily hurt’ was gestured toward by editor-in-chief Kurokawa, when he nervously commented after being introduced at the beginning of the symposium that ‘this seems to be some kind of denunciation session’.<sup>67</sup> Fushimi, the chair, was quick to allay these fears by immediately replying in *onê-kotoba* (female-coded language used by gay men for camp effect), ‘Oh my, Mr President! That’s certainly not what this is about. We’re just a bunch of *okama* who live for love and desire’ (*Ara yada shachô. Atashitachi wa ai*

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<sup>64</sup> See also Fushimi’s reflections on this point in *Yokubô mondai*, 48-9.

<sup>65</sup> Fushimi et al., *Okama wa sabetsu ka?* 74-5.

<sup>66</sup> Tsuda, ‘Shiteki shôgaisha ga iru kazoku,’ 54.

<sup>67</sup> Fushimi, *Okama wa sabetsu ka?* 38; *kyûdan* or ‘denunciation’ was a tactic once favored by the Buraku Liberation League. Ofuji, ‘Sexual Minority Issues and Human Rights,’ 132-33, points out the influence that activism around Buraku issues has had on awareness of minority rights in general in Japan.

*to yokubô ni ikiru okama desu yo. Sonna koto itashimasen yo*) -- thus making a camp appropriation of the term *okama* on behalf of the participants despite the very repudiation of this term having sparked the debate in the first place.

Rather than a random remark, this might be seen as a ‘queer’ intervention on the part of Fushimi, in the sense that he deployed a ‘parodic and non-conformist self-presentation’<sup>68</sup> so as to resist – both on his own behalf and that of the audience – the position of ‘abused gay men’ seeking redress from ‘understanding heterosexuals’ that is so routinely implied in the usual invocation of the *tôjisha* versus *hi-tôjisha* binary.<sup>69</sup> Indeed, reflecting on these events later, Fushimi pointed out the pleasure that some individuals derived from ‘feeling hurt’ because it gave them a ‘righteous’ (*seigi*) platform from which to make claims to ‘proper’ and ‘correct’ knowledge at other people’s expense.<sup>70</sup> As Wendy Brown has noted, this ‘blaming structure’<sup>71</sup> is common in identity movements that are premised on harm, the effect being a ‘vengeful moralizing’ on the part of the victims, and ‘a politics of recrimination that seeks to avenge the hurt even while it reaffirms it’.<sup>72</sup>

On the contrary, Fushimi, although deploying the discourse of the *tôjisha* to some extent, has skillfully avoided the politics of recrimination, instead arguing for a more inclusive debate about sexual minority status. His latest book, which might be titled in English as *Problems of desire: It’s not about people working to just end discrimination*,<sup>73</sup> sidesteps the essentialising tendencies inherent in the *tôjisha* debate as conducted by groups such as Sukotan, by focusing not so much on discriminated *identities* as on stigmatized *desires* – a more universalizing perspective. As the book’s subtitle suggests, working to end discrimination against a few new officially recognized ‘sexual identities’ such as gay men, lesbians and transsexuals does little to offset the negative repercussions of what Fushimi terms the ‘hetero system’ overall.

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<sup>68</sup> Gamson, ‘Must Identity Movements Self-Destruct?’ 395.

<sup>69</sup> Fushimi et al., *Okama wa sabetsu ka?* 73-77, 80.

<sup>70</sup> Fushimi, *Yokubô mondai*, 56-58.

<sup>71</sup> Brown, ‘Wounded Attachments,’ 403.

<sup>72</sup> Brown, ‘Wounded Attachments,’ 406.

<sup>73</sup> Fushimi, *Yokubô mondai*.

## Conclusion

The debate surrounding the *Shûkan kinyôbi* discriminatory expression incident shows that in Japan, as in the Anglophone west, sexual minority communities are caught in an ‘impasse between deconstructive cultural strategies and category-supportive political strategies’<sup>74</sup> which has no easy resolution. Although the insistence on *tôjisha sei* as validating ‘correct knowledge’ about sexual minorities has been an understandable and necessary strategy in Japan where non-normative sexual and gender identities have long been denied official recognition and been subject to media misrepresentation, the very plurality of *tôjisha* viewpoints on any given topic tends to work against the development of fixed group identities.

Also at stake here are issues that have been highlighted in the context of western queer theory: the tension between identification and subjectification – identifying as a *tôjisha* may have liberatory potential in some circumstances but this identification also has minoritizing effects. As Freund notes ‘Claiming a minority group status gives a focus...and cohesion to the battle against disabling conditions. Yet the dualism of such categories militates against universalizing the acceptance and incorporation of differences into the social body’.<sup>75</sup> Indeed, the very limited ‘acceptance’ of a few new narrowly defined categories of personhood into Japanese society’s sex and gender system has not resulted in a re-envisioning of the system as a whole since, as Wendy Brown points out, the State is well able to ‘conjure and regulate subjects through classificatory schemes, naming and normalizing social behaviors as social positions’.<sup>76</sup>

As Ishida and Murakami have argued, the efforts of prominent lesbian, gay and transgender rights groups to situate issues relating to non-normative sexuality in a ‘minority rights’ framework has produced ‘a new consensus...in public discourse’ in which ‘gay men are normal and transgenders in need of a cure’,<sup>77</sup> but this move has not resulted in a more flexible

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<sup>74</sup> Gamson, ‘Must Identity Movements Self-Destruct?’ 391.

<sup>75</sup> Freund, ‘Bodies, Disabilities and Spaces,’ 184.

<sup>76</sup> Brown, ‘Wounded Attachments,’ 393.

<sup>77</sup> Ishida and Murakami, ‘The Process of Divergence,’ para 50.

sex/gender system. On the contrary, they argue that ‘the representational framework describing sexuality in postwar Japan [has] changed over about forty years from a flexible network which stressed the congruence between a range of “perverse” desires to a rigid system which acknowledges only a finite number of fixed “sexual identities”’.<sup>78</sup> Although this shift has had positive effects for some, particularly transgenders who are willing to submit to the medical model of ‘gender identity disorder’ or gay men and lesbians content to live outwardly ‘normal’ lives, others, expressing more radical subjectivities, such as Tôgô Ken -- who has long campaigned for a revision of the sex/gender system *in toto* -- run the risk of being sidelined.<sup>79</sup> As Stuart Hall reminds us, the strict insistence on one ‘authentic’ mode of identity always ‘provide[s] a kind of silencing in relation to another.’<sup>80</sup>

The apparently self-evident need to listen to the ‘voices of *tôjisha*’ which has become such a central platform in minority rights debates in Japan is thus problematic to some degree since it raises some difficult questions – both ontological (who, exactly, is a *tôjisha*) and epistemic (what is it about *tôjisha* experience that grounds ‘correct knowledge’)? What has been termed ‘*tôjisha ken’i shugi*’ (*tôjisha* authoritarianism)<sup>81</sup> also distracts from the fact that there are multiple stakeholders in the broader project of rethinking the interrelationships between sex and gender constructs and the institutions that validate and reproduce them in Japan of the new millennium. Hence, attempts to restrict who can speak about these issues at a time when they ought instead to be opened up to wider debate seem counterproductive and in need of reconsideration.

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<sup>78</sup> Ishida and Murakami, ‘The Process of Divergence,’ para 54.

<sup>79</sup> Wendy Brown in ‘Wounded Attachments,’ gives a compelling and eloquent account of the dangers of seeking and accepting ‘protection’ from the State, since minority communities are often compelled to abide by State-imposed rules, definitions and protocols as indeed is the case for those seeking sex-reassignment surgery in Japan.

<sup>80</sup> Hall, ‘Old and New Identities,’ 56.

<sup>81</sup> Tsuda, ‘Shiteki shôgaisha ga iru kazoku,’ 54.

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#### Acknowledgement

The author would like to thank Dr Natsuko Hayashi Nicholls for her assistance when preparing this paper.