Changing media understandings of gender relations: Japan's equal employment opportunity Law in 1985 and 1997

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This paper examines the portrayal of gender relations and issues in the Japanese media through a case study of discussions in mainstream newspapers surrounding the introduction in 1985 of the Equal Employment Opportunity Law (EEOL) in Japan. This law was introduced as part of Japan’s ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The debate surrounding the changing EEOL is examined through articles from three mainstream daily national newspapers, notably the Asahi Shinbun, the Nihon Keizai Shinbun and the Yomiuri Shinbun. The articles reflect and reinforce the changing cultural understanding of gender relations in Japan over this period. The newspapers supported the introduction of the Law to various degrees, stating that they believed Japan should aim to become a gender equal society. However, they expressed concerns over whether there was societal support for the law, and feared that women’s conditions were being ‘equalised down’ rather than men’s being ‘equalised up’.

Keywords
Japan, CEDAW, EEOL, Media, Gender
[1] The media and society reflect and impact upon each other through a continuously evolving process. Media representations reflect current societal understandings, while at the same time contributing to changes in the way that members of society understand social issues. In this case study I examine how media understandings of gender relations in Japan changed between 1985 and 1997, and provide conclusions regarding changing social understandings of gender relations and legal remedies for gender-based discrimination. Specifically, I examine the 1985 introduction of the Equal Employment Opportunity Law through analysing three widely-circulated, mainstream daily newspapers: the Asahi Shinbun, the Nihon Keizai Shinbun, and the Yomiuri Shinbun. These newspapers all expressed hopes that the new legislation would increase gender equality in workplaces, and subsequently in society, but also expressed scepticism over whether the increased equality would occur. This Law was relatively ineffective, proving the newspapers’ concerns correct, and was amended in 1997 amongst a raft of other legislative changes.

[2] It is valuable to examine newspapers when evaluating social and legal change, as newspapers simultaneously affect and reflect their targeted audience.\(^1\) Public and media opinions reinforce and build upon each other, and therefore mainstream newspapers provide a valuable perspective through which to view mainstream public opinion on an issue (Rausch 104). In Japan, the existence of reporters’ clubs (きしゃクラブ, kisha kurabu) as well as a high level of assimilation of the media into official government views complicate this view and lead to a high level of homogeneity and innocuousness of articles and editorials in the mainstream press. The kisha kurabu system has a complicating effect on the relationship between the mainstream media of newspapers, radio and television and Japanese society. The high levels of homogenisation created by this system reinforce the perceived homogeneity of Japanese society,\(^3\) and can result in there being limited space for alternative views within the newspapers which utilise this system, as all three of the newspapers examined here do. As such, there are fewer differences than similarities between the articles, editorials, and opinion pieces in the three newspapers examined in this study. This study merely shows what the mainstream newspaper media opined on this legal change; there is a host of wider views available through other media which remain unexplored here.

[3] In this article I examine the changing understandings of gender relations in the press by comparing newspaper coverage of the initial passage of the Equal Employment Opportunity Law in 1985 to its 1997 revision. Changes in newspaper opinion reflect a similar change in social attitudes. In a 1984 Public Opinion Survey by Loraine Parkinson, 70% of male respondents and 80% of female respondents replied that they believed Japan was a gender unequal society – 60% of
respondents of both sexes believed that the genders were unequal ‘in the workplace’ (159). A Ministry of Labour Survey from the same year stated that approximately 63% of the companies surveyed established job categories to which women are never admitted (162). These numbers indicate that the introduction of workplace gender equality legislation was needed at this time. However, thirteen years later, in a 1997 Public Opinion Survey, 49% of respondents stated that they did not think that the existing national policies reflected women’s opinions and ideas, while only 30% said there had been “reflection to some extent”; of those who felt that government policy did not reflect women’s opinions, 29% felt that this was because the government was uninterested in women’s opinions. 40.7% of respondents wished the government to review and enact laws aimed at gender equality. However, in the same survey, 47.6% of respondents believed that women should have housekeeping and childcare as their primary roles, though 40% stated that they believed conventional wisdom about gender roles would change over time to create a more gender equal society (Prime Minister’s Office 1997).

The Original EEOL

[4] In principle, workplace gender discrimination in Japan was outlawed by both Article 14 of the Post-war Constitution (1947) and the Labour Standards Law (1947), though they failed to outline any specifics as to what this discrimination entailed, with the exception of ‘equal pay for equal work’.[8] Vera Mackie writes how the ‘equal pay’ provision within the Labour Standards Law was easily bypassed by employers by reclassifying job titles for men and women (60). Challenging other inequalities involved lengthy, expensive individual lawsuits. In addition, the Labour Standards Law contained so-called ‘protective’ provisions that were gender-specific and prohibitive in nature. Rather than simply removing these gender-specific provisions from the Labour Standards Law in order to ratify the United Nations’ Convention on the Elimination of All Forms of Discrimination Against Women in 1985, the Japanese government chose to implement a new law: the Equal Employment Opportunity Law (Danjo Koyō Kikai Kintō Hō, enacted May 1985, effective April 1986, and referred to hereafter as the EEOL).

[5] This new law was not without opposition. Business representatives, in particular, disliked the proposed law, and opposed changes in hiring and promotion practices (Edwards 243). These representatives employed an ‘individualist’ argument, which emphasised abstract concepts of equality while dismissing limitations caused by socially defined roles, particularly concerning childbearing and its attendant responsibilities, and the inflexible culture that reinforced these gender roles (Mackie 60–61). They called for absolute equality of treatment, which commentators
have noted is only successful ‘in so far as men and women are able to participate in waged work under identical conditions (Equal Opportunity” 98).

[6] Those who opposed this position, such as feminists and some labour representatives,\(^7\) argued that gender roles were too entrenched in Japanese society for workplace gender equality to be simply legislated into being.\(^8\) They called for the provisions that ‘protected’ female workers from harsh working conditions to be extended to all workers, regardless of gender.\(^9\) These representatives believed that this would create a more healthy, balanced Japan where women could pursue a career, aided by men working shorter hours and shouldering more household and family-care burdens. This would create significant change from the existing Japanese lifestyle – for example, in 1986, men spent an average of 11 minutes per day involved in domestic duties such as housework or childcare, while women spent 3.5 hours on those same tasks; however, men spent almost twice as long at work than women did (Ministry of Internal Affairs and Communications 26–27). Those who opposed the introduction of total equality of treatment for women workers declared that until men worked equally as hard as women in the home, it was not equitable to ask women to work equally as hard or equally as long as their male colleagues at work (Mackie 61).

[7] In addition to the gender imbalance between working and housekeeping hours, feminists were also concerned about the employment life cycle of Japanese women. The Japanese female labour force participation rate is known as the ‘M–shaped’ curve: most Japanese women are employed after the completion of their studies, then typically retire upon marriage or childbirth in their late-twenties, and trickle back into the workforce as their children grow up and become more independent.\(^10\) This curve is not unique to Japan – South Korea, Australia, New Zealand and many other countries also show at least a small drop in labour participation rates for women at the ages when they are likely to have responsibility for childrearing.\(^11\) Though the M–shaped curve has been slowly levelling out through time in Japan, it remained evident before the introduction of the EEOL, after the introduction of the EEOL, and indeed today. While having separate retirement ages for men and women was judged illegal in the 1966 *Suzuki vs. Sumitomo Cement* ruling (Upham 131–34), the tradition persisted informally and was one of the many types of discrimination that the EEOL was designed to combat (Parkinson 147).
Indeed, on paper, the EEOL did combat retirement discrimination, among other issues. It prohibited discrimination in terms of retraining, welfare, retirement and retrenchment, and required employers to ‘make efforts’ to abolish discrimination in recruitment, hiring, transfers and promotions. However, Mackie tells us that it was based on a philosophy of ‘equality of opportunity’ rather than one of ‘equality of result’ (Gendered Discourses 61), and in its original form had neither affirmative action programs to support the law nor significant penalties for breaking it (Edwards 219). Akamatsu argues that while support for this law was initially high (12), some commentators denounced the law for being effectively toothless (Mami 65).

[8] The Asahi Shinbun provides a good example of the changing media attitudes towards the law, as its initial support soon morphed into criticism of the EEOL. At the time of the incoming law, the Asahi dubbed the EEOL as “the country’s first attempt to create a mechanism to eliminate gender discrimination in employment and also a pillar of national legislation to ratify CEDAW.” Nine days later, Asahi claimed that the EEOL “merely ratifies the present condition of gender equality,” and goes on to call for a better workplace environment for women, and increased flexibility for both working men and working women. By the end of 1985, the Asahi Shinbun is firmly deriding the existing legislation as “not fitting reality.”
[9] In this article I draw on a larger research project which uses a text-driven, interpretive content analysis approach in examining the reaction by mainstream newspapers in Japan to various labour laws directly affecting women. The first step taken was to conduct several keyword searches across a series of Japanese newspaper databases; this created a large pool of articles to draw upon throughout the project. A brief reading of the collected articles allowed for some reductions, due to lack of relevance or information, or repetition of an identical or highly similar article from a different edition of the same newspaper. Once the initial collection had been reduced to more pertinent articles, the content analysis was then performed. In this case, I examined the rhetoric employed in these articles in terms of what they said about the law and any calls for future changes, rather than the language used. However, any understanding of newspaper opinion on gender issues needs to be read in the context of the highly gendered nature of journalism as a profession.

[10] The newspapers surveyed in this study were critical of the effectiveness of the new law from the very start. With a combined daily circulation of over 30 million copies a day, the Asahi Shinbun, Nihon Keizai Shinbun ('the Nikkei') and the Yomiuri Shinbun (representing Japan's largest 'liberal', business, and 'conservative' newspapers respectively) have considerable power and influence in Japan (World Association of Newspapers). These influential newspapers all displayed similar attitudes and reservations regarding the incoming EEOL. They observed that gender discrimination and set gender roles ('consciousnesses') remained prevalent in Japanese society despite an increasingly powerful women's movement, and contained articles calling for reforms in order to eliminate such discrimination (Otoko wa Soto). The Asahi Shinbun was an early critic of the EEOL, declaiming its weakness through several articles and editorials. Moreover, the Asahi outlined complaints from opposition politicians that the proposed law would not be strong enough to combat gender discrimination in the workplace, and reported similar comments from women’s and labour organisations.

[11] After the EEOL was enacted, the three newspapers continued to criticise the efficacy – or lack thereof – of the law with regards to improving gender equality in both workplaces and society. In 1987, the Nikkei broached an issue that would become more prevalent as the twentieth century drew to a close – Japan’s gradual transformation into an aging, low-birthrate society. This issue is frequently linked in Japan to concerns regarding gender-based discrimination within society (Roberts 56). Calls for Japanese society to alter traditionally-defined gender roles and to create
more gender equality, inspired by both the EEOL and the ratification of CEDAW (the Convention on the Elimination of All Forms of Discrimination Against Women), were common in all three of the newspapers in this study. However, Mackie writes that other ‘gender issues’ such as the provision of childcare facilities and the declining birth-rate are often 'simplified' and 'sensationalised' as controversies in the mass media, and are more thoroughly discussed in specialist feminist media (“Feminism and the Media” 31).

[12] Ten years after the introduction of the EEOL, the newspapers and other critics were proved correct, as female labour participation, wages, and presence in management positions had barely improved (though the large recession in Japan during this time is partially to blame). Supported by the results of the 1995 UN Women’s Conference in Beijing and the Beijing Plan of Action, it was seen that the time had come to reconsider how gender equality could be established in Japan. This conclusion was reflected and reinforced within the media. Mackie explains that it was realised by the Japanese government that ‘simply outlawing direct discrimination and mandating equality of treatment was not sufficient to ensure gender equality’ (“Gendered Discourses” 64) and a series of legislative changes were enacted – amongst them, a revision of the EEOL.

The Revised EEOL

[13] The 1997 amendments to the Equal Employment Opportunity Law included widening the scope of the prohibitions of discriminatory treatment, modifying procedures for mediation, and introducing sanctions for those who broke the Law (Ibid 66–67). These changes were accompanied by amendments to the Labour Standards Law that removed the gender–specific provisions which had treated women differently with respect to working hours and overtime. All three newspapers in this study supported the amendments to the EEOL and the Labour Standards Law, but again raised concerns over the ability of Japanese society to enable and support increased gender equality. These concerns were reflected by opinion pieces in the newspapers, such as one by self-described ‘housewife’ Ishii Keiko, reports from various parties, unions and organisations, and newspaper editorials.

[14] Among the concerns raised in the 1990s was the persistence of gender discriminatory attitudes, such as the employment of stereotypical language when referring to female staff. There had long been resistance to these terms by feminists in Japan; resistance that became more prevalent following the ratification of CEDAW (in 1985) and the passage of the EEOL. The
increasing sensitivity to words and phrases judged discriminatory and offensive towards women indicates a shift towards more egalitarian attitudes in Japanese society. This shift was not without problems, however. The newspapers noted that while more women were working since the passage of the original EEOL, they remained rare in high-level political and managerial positions. Along with several academic, political and social commentators, the newspapers claimed that the initial law had been largely ineffective in promoting widespread gender equality in the Japanese workforce, and subsequently society (Edwards 217).

[15] One issue was the establishment of the ‘two-track employment system’ employed by Japanese corporations as a reaction to the EEOL, which developed further the idea of discrimination through job titles. Under the two-track system, all new corporate employees were nominally offered one of two employment tracks. The first option, offered only to women, was *ippanshoku*, the ‘clerical’ or ‘general’ track. This track involves shorter working days, as well as limited promotions and little chance of transfer. The other option was *sōgōshoku*, the ‘integrated’ or ‘management’ track, which involved long hours, fierce competition, and the likelihood of transfers. *Sōgōshoku* was offered to all men and very few women. After the passage of the EEOL this system became common, and was identified by the newspapers as a significant hindrance to women seeking managerial positions in the years before the EEOL was amended.

[16] Though the newspapers cautiously supported the 1997 revisions, Mackie argues that they raised concerns that by removing the gender-specific ‘protective’ provisions from the existing labour legislation, the Japanese government would not be increasing women’s workplace equality but would rather result in women’s ‘equality of exploitation’ (“Gendered Discourses 61). This was described by college professor Noritake Kiko as the process of expecting women to work the long hours demanded of their male colleagues while single-handedly shouldering the burdens of running the Japanese home. To utilise Susan Atkins’ terminology, the newspapers were concerned that women’s working conditions were being ‘equalised down’ to men’s more strenuous, less-protected working conditions. Opposing this, the newspapers lobbied for the ‘protective’ provisions to be expanded and for men to be ‘equalised up’. The newspapers called for Japanese society itself to undergo further change to enable this equalisation. They argued for a balance between work and family life, so that families would be able to spend more time together.

[17] An examination of newspaper articles surrounding the initial passage of the Equal Employment Opportunity Law and its 1997 revision reflects a subtly changing understanding of
gender relations in the Japanese newspaper media. Attitudes towards women workers during the drafting and passage of the initial law called firstly for equality between men and women in the workplace and secondly for changes in society. Ten years later, this attitude had altered slightly – there was now more of an understanding that without widespread social change, workplace equality could not be achieved. This subtle change also reflects a change in social understandings of gender, as media and the public reflect and impact upon each other in a continuous cycle. The current understanding in Japan is that until conceptions of the roles of, and the relations between, men and women change, gender equality in the Japanese workplace will remain elusive. This view is shared, reflected and reinforced simultaneously by both society and the mass media, and change is slow to occur.

About the Author

Kirsti Rawstron is a doctoral candidate at the University of Wollongong. She holds a Bachelor of Arts (Honours, First Class) in Japanese Language and Culture and a Bachelor of Commerce in Finance from the University of Otago. She spent a year at the University of Tokyo as part of the AIKOM exchange program. Kirsti’s first publication is in AIKOM Forum Vol. 14. Her current research addresses the effectiveness of United Nations Human Rights Conventions in improving human rights, particularly for women and children. The target countries of her study are Australia, New Zealand, and Japan.

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1 See Kippendorff “Content Analysis: An Introduction to Its Methodology”; Rausch “Role of Local Newspaper Media in Generating a Citizen Volunteer Consciousness”; Reinharz, Shulamit “Feminist Methods in Social Research”; and Richardson, John E. “Analysing Newspapers: An Approach from Critical Discourse Analysis”.

2 *Kisha kurabu* comprise reporters from several large news agencies in Japan, who follow and report on a specific person, ministry or company. Originally created as social clubs, *kisha kurabu* have become the main method by which the major agencies gather their political and business news, through both official press conferences or *kisha kurabu* only ‘informal’ chats at an official’s residence. *Kish kurabu* a have strong internal loyalty, to the point where one member of a club may delay breaking a major story out of loyalty to the club. *Kisha kurabu* are populated by the large, mainstream media and exclude less official, smaller agencies. As such, media such as weekly magazines or (historically) foreign newspapers often break major stories first. See See Cooper–Chen, Anne “Mass Communication in Japan”; Feldman, Ofer “Politics and the News Media in Japan”; Gamble, Adam and Takesato Watanabe “A Public Betrayed: The Power of Japan’s Scandal–Breaking Weeklies”.

3 For challenges to the commonly perceived belief in the homogeneity of Japanese society, see Mouer, Ross and Yoshio Sugimoto for further details.

4 Article 14 of the Constitution outlaws discrimination in ‘political, economic or social relations’ due to ‘race, creed, sex, social status or family origin’; Article 4 of the Labour Standards Law guarantees equal pay for equal work between men and women.

5 See Upham, Frank K. “Law and Social Change in Postwar Japan” for further details.

6 Parkinson explains that these provisions forbade women from working late night or holiday shifts, in dangerous occupations such as mining, and limited their overtime to much less than their male colleagues (144–145).

7 An interesting characteristic of the Japanese working environment is that on some matters, labour unions are not united in opinion. For example, in the mid–1990s when the gender–specific provisions within the Labour Standards Law were removed, some unions supported the removal while others opposed it. Additionally, labour unions in Japan have a history of failing to represent Copyright 2011. Licensed under the Creative Commons Attribution Non-commercial No Derivatives

8 ‘Otoko wa Soto, Onna wa Uchi no Ishiki Kawarazu hō no Seibi wa Zenshin ‘Kokuren Fujin no Jūnen’ de Hakusho (‘UN Decade for Women’ White Paper: the consciousness of ‘men outside and women inside’ has not changed, but, law development progresses’). Asahi Shinbun 9 April 1985: evening.


10 A discussion of this employment life cycle is common in most works on Japanese women. For example, see Iwao, Sumiko. “The Japanese Woman.”


13 ‘Dōhō wa koyōmen de no danjosabetsu wo nakusutameno shikumi o waga kuni de hajimete tsukurō to suru mono de, kokuren no joshi sabetsu teppai jōyaku o hijun surutameno kokunaihō seibi no hashira demo aru.’ In ‘Danjo Koyō Kintō Hō, asu San’in’i de Kaketsu he (EEOL to be Passed by Upper House Committee tomorrow)’. Asahi Shinbun, 24 April 1985, morning.

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18 The same article would be reproduced in say, the morning and the evening edition; in this case, I elected to work with the evening edition articles as they not only included the information from the morning article but also any additional information that had come to light during the day. In addition, an article was often completely reproduced in the Tokyo and one of the regional editions; in this case, I used the Tokyo edition as the default edition.

19 For examples of the impact of gender in Japanese media communication, see, for example, Kumagai, Shigeko. “Gender and Writing Style in the Letters in Readers’ Column in Japanese Newspapers”; Martinez, Dolores P. “The Worlds of Japanese Popular Culture: Gender, Shifting Boundaries and Global Cultures”.

20 Although the large daily newspapers are considered by their readers to be either liberal or conservative, there is little evidence to support this. For an empirical investigation into this matter. See Cooper-Chen “Mass Communication” or Lee, Jung Bock. “The Political Character of the Japanese Press”.

21 ‘Danjo Byōdō e’. Asahi Shinbun, 5 May 1985: morning; ‘Danjo Koyō Kintō Hō ga Seiritsu Shin’yakin ya Chōka Kinmu wa Rōshikōshō ga Kagī 61 Nen 4 Gatsu Shikō (The EEOL is coming into force: On Night Work and Overtime work negotiations between labour and management are the key; effective April 1986)’. Asahi Shinbun, 17 May 1985, evening; ‘Joshi Sabeltsu Teppai Jōyaku to Hodo Tōi Genjitsu Ikudōon’ni ‘Shōnenba’ (The reality is a long way from CEDAW: a unanimous ‘moment of truth’)’. Asahi Shinbun, 5 June 1985, morning; ‘Joshi Sabeltsu Teppai Jōyaku, Hijun Shōnin Anken ga Shūin Tsūka Rōshikan Chōsei nado Kadai (CEDAW, ratified by Lower House, coordination problems between labour and management)’. Asahi Shinbun, 5 June 1985, morning; “Onna no Yoake’ e no Michi wa Kewashī (The steep road towards ‘the dawn of women’)’. Asahi Shinbun, 26 June 1985, morning; ‘Danjo Koyō Kintō Hō, San’in de Shingi Hajimarui Jūsei no Ugoki Honkakuka mo (Upper House Debate Begins over Equality Legislation; the move for amendment is gaining momentum)’. Asahi Shinbun, 12 April 1985, morning.

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31 Ishii, Kiko. ‘Shigoto to Katei no Ryōritsu e, Rōdōjōken o (Koe) (To balance work and family, to improve working conditions (opinion))’. Asahi Shinbun, 21 April 1995, morning; ‘Nikkeiren, Danjo Koyō Kintō Hō Kyōka’an, Ōsuji de Ukeire – Saiyō Sabetsu nado Kinshi (Nikkeiren, Equal Employment Opportunity Law to reinforce gender, broad acceptance – and prohibit discrimination in hiring)’. Nihon Keizai Shinbun, 5 December 1996, evening; ‘Josei Hogo no Haishin wa Yuruyaka ni (Slowly Abolish Women’s Protections)’. Asahi Shinbun, 20 December 1996, morning.
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34 See Mackie “Feminism in Modern Japan”, 174–80.
35 In 1990, it was reported that 6% of Diet members were female, and only 2% of local assembly members were. In addition, some unions had less than 0.1% of official positions occupied by...

A discussion of the two tracks is common to most works on Japanese working women. See, for example, Kawashima, Yuko. “Female Workers: An Overview of Past and Current Trends” and Ogasawara, Yuko. “Office Ladies and Salaried Men”.

37 ‘Madamada’. Yomiuri Shinbun, 6 December 1993, Osaka morning.
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