# CHANGING CIVIL SOCIETY MOVEMENT IN JAPAN, 1991-2009

*Dissertation submitted to Jawaharlal Nehru University*
*in partial fulfilment of the requirements*
*for the award of the degree of*

## MASTER OF PHILOSOPHY

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**2010**

Date: 20 . 7.2010

## DECLARATION

I declare that the dissertation entitled "**CHANGING CIVIL SOCIETY MOVEMENT IN JAPAN 1991-2009**" submitted by me in partial fulfilment of the requirements for the award of the degree of **MASTER OF PHILOSOPHY** of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this University or any other university.

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## CERTIFICATE

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*Dedicated to the memory of*

*My Late Grandfather*

*Dr. Ravindra Pratap Rao*

*I wish he had lived to see this.......*

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## *ACKNOWLEDGEMENTS*

# LIST OF ABBREVIATIONS

| | |
|---|---|
| AAE | Association for Aid and Relief |
| AMPO | Association of Metropolitan Planning Organizations |
| APEC | Asian Pacific Economic Community |
| ARI | Asian Rural Institute |
| BLL | *Buraku* Liberation League |
| CSO | Civil society Organization |
| DPJ | Democratic Party of Japan |
| EBRD | European Bank for Reconstruction and Development |
| EF | Epistemological Fallacy |
| FY | Financial Year |
| G8 | Group Eight |
| G-CAP | Global Call to Action Against Poverty |
| IAG | Interagency Group |
| JANIC | Japan NGO Centre for International Cooperation |
| JANNI | NGO Network on Indonesia |
| JBIC | Japan Bank of International Cooperation |
| JCIE | Japan Centre for International Exchange |
| JCP | Japan Communist Party |
| JFGE | Japan Fund for Global Environment |
| JICA | Japan International Cooperation Agency |
| JIGS | Japan Interest Group Survey |
| JMA | Japan Medical Assiciation |
| JOCS | Japan Overseas Christian Medical Cooperative Services |
| JOICFP | Japanese Organization for International Cooperation in Family Planning |

| | |
|---|---|
| LDP | Liberal Democratic Party of Japan |
| METI | Ministry of Economy Trade and Industry |
| MITI | Ministry of International Trade and Industry |
| MOFA | Ministry of Foreign Affairs |
| MP | Member of Parliament |
| NFP | New Frontier Party |
| NGO | Non Governmental Organization |
| NPO | Non Profit Organization |
| OCED | Organization for Economic Cooperation and Development |
| ODA | Official Development Assistance |
| OISCA | Organization for Industrial, Spiritual and Cultural Advancement |
| PARC | Pacific Asia Resource Centre |
| PIP | Public Interest Legal Persons |
| SDF | Self Defence Forces |
| SDP | Social Democratic Party |
| UN | United Nations |
| WTO | World Trade Organization |

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# GLOSSARY OF JAPANESE TERMS

| | |
|---|---|
| *Amae* | interpersonal relationship |
| *Amakudari* | literally means "descent from heaven" or the practice of retired bureaucrats landing cushy jobs in the private sector |
| *Borantia* | volunteer/volunteering |
| *borantia gannen* | year of the volunteer |
| *borantia senta* or *borasen* | volunteer center |
| *buraku* | outcast communities |
| *chokai, chonaikai,* or *jichikai* | neighbourhood association |
| *daisan sekuta* | third sector |
| *dantaishugi* | groupism |
| *futoko* | non attendance |
| *gakko hojin* | private-school corporation |
| *gakusei undo* | students' movements |
| *hansen undo* | antiwar movements |
| *heiwa undo* | peace movements |
| *hieiri hojin* | nonprofit organization (NPO) |
| *hikikomori* | social withdrawal |
| *hiseifu soshiki* | nongovernmental organization (NGO) |
| *hoshi* | service |
| *ijime* | bullying |
| *ippan shadan hojin* | general incorporated association |

| | |
|---|---|
| *ippan zaidan hojin* | general incorporated foundation |
| *joho kokai* | Information disclosure |
| *josei-bu* or *fujin-bu* | women's association |
| *jumin undo* | local residents' movements |
| *kankyo undo* | environmental movements |
| *kanshi seido* | supervision system |
| *koeki hojin* | public-interest legal person/public-interest corporation |
| *kojinshugi* | Individualism |
| *machi zukuri* | community making |
| *nihonjinron* | Japaneseness |
| *Nihon Shohisha Renmei* | Consumers' Union of Japan |
| *nintei NPO hojin* | approved specified nonprofit corporation |
| *nippon Keidanren* | Japan Business Federation |
| *okami* | God |
| *orutanatibu media* | alternative media |
| *rodo undo* | labor movements |
| *shadan hojin* | incorporated association |
| *shimin dantai* | citizens' group |
| *shimin gurupu* | citizens' group |
| *shimin shakai* | civil society |
| *shimin undo* | citizens' movements |
| *shikyo hojin* | religious corporation |

| | |
|---|---|
| *shufuren* | The Japan Federation of Housewives' Associations |
| *todo-kede* | automatic approval |
| *tokutei hieri katsudø hojin* | specified nonprofit corporation |
| *tokutei hieiri katsudo sokushin ho* | Law to Promote Specified Nonprofit Activities |
| *zaidan hojin* | incorporated foundation |

*Chapter One:*

*Introduction*

# 1. Introduction:

Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. Civil society is defined as *the realm of organized social life that is voluntary, self-generating, self-supporting and autonomous from the state and bound by a legal order or a set of shared values* (Diamond 1992). Habermas (1996; 367) defines the term as follows:

> Civil society is composed of those more or less spontaneously emergent associations, organizations, and movements that, attuned to how societal problems resonate in the private life spheres, distill and transmit such reactions in amplified form to the public sphere. The core of civil society comprises a network of associations that institutionalizes problem solving discourses on questions of general interest inside the framework of organized public spheres

Hence, civil society is an intermediary realm between the private sphere and the state. Theoretically, it is distinct from the institutions of the state, family and the market but in practice such water tight compartments do not exist. Often the boundaries delineating civil society from the above get blurred. This is because in practice, the relationship between civil society on one hand and the state, family and market on the other is not linear and one-dimensional but complex. There exists an array of diversity among its institutional forms, actors because in practice many of these factors overlap. This diversity is not confined only to the type but is also found in the varying degree of formality, power and autonomy that these factors exercise. For a long time, social scientists believed that we lived in a two-sector world.[1] There was the market or the economy on the one hand, and the state or government on the other. Taking a look at the traditional school of thoughts, it becomes evident that the great theories are about them, and virtually all our energy was dedicated to exploring the two institutional complexes of market and state. Nothing else seemed to matter much for long.[2]

Not surprisingly, 'society' was pushed to the sidelines and ultimately became a very abstract notion, relegated to the confines of sociological theorizing and social philosophy, not fitting the two-sector world view that has dominated the social sciences for the last fifty years. Likewise, the notion that a 'third sector' might exist

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[1] Two sector world refers to treating the state and the market as the two major decisive components.

[2] "What is civil society?" Centre for Civil Society, London School of Economics.
http://www.lse.ac.uk/collections/CCS/introduction/what_is_civil_society.htm, accessed on 25.02.10

between market and state somehow got lost in the two-sector view of the world. Of course, there were and are many private institutions that serve public purposes- voluntary associations, charities, nonprofits, foundations and non-governmental organizations- that do not fit the state-market dichotomy.[3] Yet, until quite recently, such third-sector institutions were neglected if not ignored outright by all social sciences.

The third sector took center stage in the late 1980s in East European countries (erstwhile communist countries), notably Poland, where the civil society played an important role in the overthrowing of the authoritarian communist regimes and revival of democratic institutions.

However, civil society is hardly something that comes to mind when common visions about Japan are discussed. This is all the more true because Japan has long been identified as a 'strong state' and as a result the majority of studies on Japan (politics, economy, society etc) have the statist argument as their reference point. It is only in the post bubble burst scenario where the economy has been witness to continuous shrinking and recessions that the so far unquestioned leadership of the state has started to be questioned. Now, as we stand well into the twenty first century, we may take a look back at the events that gave a new direction to the economically and politically fatigued Japan that had entered the new millennium with dampened spirits. It will be no exaggeration to concur that rise of the third sector, known as *daisan sekuta* in Japanese, in almost all spheres of decision making, public policy and services stands out as *the* phenomenon. It is probably one of the very few positive things that have happened to Japan in a course of decades.

For a long time, scholars on Japan overlooked or dismissed the role of civil society movement in Japan by labelling it 'nascent' or 'ineffective' or 'stunted'. But this tendency has undergone a radical paradigm shift in the last decade and a half. Subsequently, those scholars have had to reformulate their erstwhile pessimistic stand on the topic. In the current times, Japan offers an interesting and insightful case study of its civil society movement which boasts of a story of protest and tenacity in its own

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[3] It is interesting to note that international relations theory, especially in the after the constructivist turn, has elaborated extensively on the role of Non-governmental organizations in intergovernmental linkages and as negotiating actors. For a further discussion see, Wendt (1992)

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right. It is fascinating to see the way civil society movement has come of age in Japan and has actually become a factor to look forward to with great hope amidst times of unending economic, social and political problems in recent times. There is still, however, a lot of tendency to research on those topics which Japan is already (in) famous for.[4] Looking at the state of Research on Japan in India, there is a considerable dearth of work dealing with the development of civil society and its unique landscape in Japan. But as is the assertion of the current work, Japan provides a fascinating case study of its unique civil society movement and the subject has been the subject of several path breaking researches done on the country in contemporary times both within and outside Japan (Haddad 1998, 2004, 2007; Inoguchi 2001, 2002; Pekkanen 2000, 2004, 2006; Pharr and Schwartz 2003; Hirata 2002; Osborne 2004; Hasegawa 2004, 2005, 2007; Ogawa 2009; Kingston 2004; Tsujinaka 2003, 2007, 2008 2010; Vinken et al 2010 to name a few). Civil societies are often populated by organizations such as registered charities, development non-governmental organizations, community groups, women's organizations, faith-based organizations, professional associations, trade unions, self-help groups, social movements, business associations, coalitions and advocacy groups.[5] In the following chapters we will see how Japan offers an interesting array of all such kinds of organizations in no less a degree.

The present work is on the changing civil society movement in Japan focussing on the period from 1991-2009. As the title indicates, the fact that there is change in the civil society movement indicates that there has been a civil society in Japan but that it maintained a low profile for a long time and the most pronounced and important changes in it happened during the decade of the 1990s. However to assess the significance of this time period, it becomes mandatory to compare and contrast it with earlier times to be able to correctly assess as what was it that changed during the 1990s and how. This calls for a brief outline of the historicity of the term civil society and citizen's associations and is covered in the next section.

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[4] Japanese foreign policy with its close relationship with the US, the economy, bubble burst, successive recessions, Japanese political passivity, the lone reign of the LDP etc. top the list of the popular themes of research on Japan traditionally. Most of the above have not been doing well of late and are hence being called infamous in the present context.

[5] "What is civil society?" Centre for Civil Society, London School of Economics. http://www.lse.ac.uk/collections/CCS/introduction/what_is_civil_society.htm, accessed on 25.02.10

## 2. Brief history of the Civil Society Movement in Japan

Although in a restricted way, but Citizens participation is definitely not a new phenomenon for Japan. Japan may rightfully boast of being the first Asian country to have constitutionally provided for citizens' activities as early as 1896. The **Uniform Civil Code of 1896** of the Meiji constitution provides the necessary rules and regulations to operationalize citizen's associations. In fact, the 1896 law (Uniform Civil Code or Meiji Civil Code) continued to be followed without any amendment till 1998 and its strict legal bindings were one of the main reasons that had curbed civil society. Japan is the first Asian country where the history of citizen's activity dates more than a century back. For analyzing civil society in Japan in the modern times, it is pertinent to then focus on the Meiji Restoration.

### 2.1 Importance of the Meiji Restoration:

It was an event that modernized the country which was left untouched from the outside world for two centuries and was epoch making in many ways. While the literature on the Meiji revolution and its effect on the Japanese economics, politics and society has been a centre of research for a generation of scholars and probably has been the most popular subject of study with regard to Japan, little attention has been paid to the fact that it were the Meiji rulers who for the first time for an Asian country, constitutionally enshrined citizen's activity in the first ever constitution of the country in the Art. 33 and 34. Article 34 of the Civil Code enabled voluntary organizations to be incorporated. Article 34 stipulates that "an association or foundation relating to rites, religion, charity, academic activities, arts and crafts, or otherwise relating to the public interest and not having for its object the acquisition of profit may be a legal person subject to the approval of the competent authorities".

Any research on civil society in Japan must necessarily date back to the Meiji period not only because Japan was the first country to have a constitution like that but a variety of other factors that we would now turn our attention to. This factor though important, is dated and would seem of little importance to current research on the topic. However, this is where the interesting bit lies. The framework provided by the Art. 34 and 35 of the Meiji constitution remained unchanged till 1998 which was when a new revised law technically called the Law to Promote Non Profit Activities (*tokutei hieri katsudo sokushin ho*) was promulgated. It is surprising as to why when the very

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context and historical experiences of Japan changed drastically since the Meiji times there was no change in this aspect of the Japanese Law till so late?[6]

This concern is one of the important probes of this research where it is argued that Japan, a strong state with a strong bureaucracy and with economic development as its focus saw little need and hence, paid little attention to the development of civil society in Japan. This attitude changed only when the traditional centres of powers lost their credibility in the eyes of the public and when they were disillusioned with the economy in the aftermath of the bubble burst.

At the moment, however, it would be fruitful to analyse the state of civil society in Japan in the Meiji period when the country experienced the first wave of democratization [after which it experienced several such waves until the present era (Tsujinaka 2010)]. In fact there is considerable evidence that there was some kind of noticeable associational development in premodern Japan i.e. even before the Meiji Restoration (Imada 2010).[7] However, the numbers of associations formed after the Restoration grew rapidly but it must be borne in mind that the character of these associations was imported from the western example and in that sense the idea of what may be considered modern citizen's associations remained foreign in Japan (Tsujinaka 2010, 252). Hamilton (1984) has asserted that this was the time when individualism *(kojinshugi)* emerged suddenly as a major preoccupation in Japanese discourse late in the Meiji era (1868-1912) and flourished during the Taisho era (1912-1926)[8].

But the idea of civil society that was taken from abroad took an indigenized character in due course and hence Japanese civil society became qualitatively different from its western counterparts in contemporary times. At the outset the most pronounced factor for this was the traditional Japanese culture of volunteering that can be categorized broadly with other cultural specificities of Japanese culture under the rubric of

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[6] Schoppa (2001) has made an interesting argument about the reluctant tendency to revise laws and reform in Japan.

[7] The tradition of community volunteering was perhaps established during this time whose spirit has continued in the present era as well. In fact the research on social capital on Japan has time and again reiterated that the roots of this social capital date back earlier than the Meiji revolution itself. A detailed study of this is not the focus of current research but for further discussion on this please refer to Imada 2010

[8] For a detailed reference to Taisho era refer to http://en.wikipedia.org/wiki/Taish%C5%8D_period accessed on 01.01.2010

cultural factors. On following this argument it becomes clear why there is need to develop a fresh theoretical paradigm for the study of Japanese civil society and this is dealt with in the second chapter of this research.

Right now attention must be returned to the Meiji era and the course of civil society at that time.

## 2.2 Stages of development of civil society in the Meiji times:

The development of civil society in the Meiji times can be divided into the following stages:

1. **1870s-1880s-** While the law came into existence only in 1896 but the formation of civic associations had started forming from the 1870s and into the 1880s (Tsujinaka 2010; 252, Imada 2010;26-30). During this time about 2000 associations were formed which were primarily agricultural associations, chambers of commerce, business associations and industrial associations.[9]

2. **1918-1937-** This was the phase of the development of party politics in Japan and saw the establishment of many labour unions and social movements (Garon 2002).

3. **By the end of 1930s.** - This was the phase of ultra-nationalism in Japan and logically enough, most democratic movement in the country was curtailed and checked with the ultimate goal of furthering imperialism under a totalitarian military leadership for the purpose of war mobilization.[10]

## 2.3 Civil Society in the Post Second World War Scenario:

The second wave of democratization in Japan was felt after the war at the time of the occupation period when the country was democratized and civic activity revived. However, it is strange to note that in the new constitution of 1947, the basic legal structure dealing with formation of citizen's groups and associations was left untouched although new laws were enacted. It would also be a mistake to assume that the pre-war citizen's associations were simply rediscovered in the post war era.

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[9] For a detailed discussion on this please refer to Tsujinaka 2010; 252-253 or Imada 2010 page 27-30

[10] The National Mobilization Law was enacted in 1938 and following this law Japanese society became a militaristic centralized bureaucratic country.

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Immediately after the war, the civil society organizations suffered a complete breakdown as economic recovery became the national goal after the Yoshida Doctrine, hence, in order to be revived they had to begin from scratch (Tsujinaka 2010;253 , Imada 2010; 32, 34). But during this period the general scenario of civic activity was encouraging and positive. This is reflected from the fact that the newly enacted legislations enabled many consumer groups, new citizen's organizations like the Japan Housewives' Association, industrial associations etc. were formed. This structure continued till the 1970s after which there was a slowdown in the civil society scenario.

Tsujinaka (2010) makes a valid point at this juncture which refers to the way of evaluating civil society in Japan at this time depending upon the parameter employed. When considered in terms of an idealized concept in the Western sense of NGOs and NPOs, the Japanese case looks weak and underdeveloped. On the other hand when considered in terms of 'social capital' the Japanese case appears robust. In the words of Tsujinaka (2010; 253-254),

> If the term "social capital" is used to refer to relationships between fellow human being, public and private networks, trust, and reciprocity norms, then it can be argued that Japan's economic-oriented society, with its traditionally broad and multiple grassroots structure, corporations and industry, demonstrates evidence of a wealth of social capital.

In fact, the argument of a strong social capital oriented civil society but weak in terms of the modern civic sense; has been reinforced by many scholars in the field. (Pekkanen 2003; Pharr and Scwartz 2003; Tsujinaka 2010).

## 2.4 Phases of the development of Civil Society in Japan after the Second World War:

With this background, the post war development of civil society in Japan[11] may be summarized in the following five phases of development:

1. **Post war democratization by the Occupation Forces** (lasting till late 50s) - This phase was short lived as economic recovery became the national goal

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[11] Barshay (2003) has also described the post war development of civil society movement in Japan. He argues that along with the growth of civil society, there was also a corresponding growth of capitalism in Japan.

after the War. Nonetheless, there could be seen a sharp increase in the number of citizen's associations.

2.    **1960s and 1970s-** Citizens' frustration in this era centred around two major themes. First, negative impacts of rampant industrialization that resulted in various environmental problems (resulting in environmental movements or *kankyo undo*) and second, anti-Vietnam War movement. The works of Marxist scholars like Uchida Hiroshi[12] and Hirata Kiyoaki encouraged anti-state feelings in the people. However, these did not cast a deep impact on the rise of civil society in particular because the former ones were addressing local problems while the latter ones were addressing complex foreign policy issues from which the steam died out when the Vietnam War ended. These anti-war movements are known *as hansen undo* in Japanese.

Out of the main associations, there was an overall trend towards the formation of business/economic associations and labour unions. Citizen' movements (*shimin undo*) and citizen's groups (*shimin gurupu* or *shimin dantai*) also started to form during this era. (Tsujinaka 2010; 254)

3.    **Mid 1980s-1991-**Citizen's activity saw resurgence with a sharp decline in confidence in politics. Moreover, post the bubble burst, Japanese people were for the first time disillusioned with material wellbeing and had begun questioning several government policies regarding aid and ODA where they felt their money, by way of tax, was used. Secondly, a series of political corruption scandals added to the anxieties of the Japanese society which at this time was also facing major social unrest and a string of sociological problems like youth unrest, aging society, broken homes etc. which reflect a fundamental imbalance that had taken root between the traditional Japanese mind set and the demands of rampant industrialization and commodification.

The most remarkable feature of this era was that there was better coordination of citizen's efforts and public administration in general.

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[12] Uchida has also written on the civil society in Japan. Though the concept is too narrowly conceived, only in terms of comparison between the Japanese case and the German notion of **Marx's** *bürgerliche Gesellschaft.* For details see Uchida(2009). Brashey 2004 has written extensively on the Marxian trsdition in social sciences in Japan. Both these works may be further referred to for further discussion on the topic.

4.  **1991-1998-** With the rise of pluralism in Japan, various civil society movements came into being and their number has grown substantially since then coinciding with a decline in confidence in the government. This period which is often regarded as the lost decade is actually the period when Japan underwent a 'structural transformation'[13] wherein the citizens have responded to the rising complex socio-economic issues with their own initiatives. In addition this period saw the Great Hanshin earthquake of 1995 which was *the* watershed event in establishing the norm of volunteerism in the Japanese people while the central and the local governments remained static. Further, 1998 was a watershed event when the 1896 Law was amended and a new Law technically called the **Law to Promote Specified Non-Profit Activity** came into being under which the earlier stringent legal and financial restrictions were made more flexible and a surge in the number of civil society organizations was seen. Structural changes in the international scene (which coincided with the end of the 55 regime (Curtis 1991)) also prompted Japan to change its stand with regard to the SDF and financial grants overseas (Dobson 1994). Several NGOs were invited to share the platform with the government in decision making. Hence, several international NGOs came into being corresponding to the growth in ODA.

5.  **Post 1998 period-** While the attitudes of the people have become more questioning and non-compromising, a significant positive change is seen in the government's attitude regarding people's empowerment and in its willingness to incorporate the civil society at the policy making and policy execution levels. With this a new discourse on the changing relationship between the civil society and the government has come to the fore. The current political regime change in Japan reflects the will of a determined Japanese people[14]. Further, DPJ, the party which has swept recent general elections has been a strong advocate of greater decentralization and local autonomy and had played a major role in the 1998 amendment. This situation is also encouraging as

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[13] This structural transformation is expansion of the term quite transformation as coined by Kingston 2004

[14] http://en.wikipedia.org/wiki/Japanese_general_election,_2009 accessed on 03.01.2010

many of the MPs of the DPJ are themselves members of various NGOs or NPOs.

The period since Post 1998 is also the time when financial problems have become a permanent feature in the civil society institutions (Yutaka 2010) and their financial condition has deteriorated. This can be explained by the general sluggishness in the nation's economic health in the aftermath of the bubble burst and an already shaky situation worsened by first, the hollowing out of the economy (Roychowdhary 2008) and then, the Global Financial Crisis of November 2008[15].

## 2.5 Summing up:

The above mentioned stages provide a rough division of the development of the civil society movement. It is evident that the movement has come a long way and the decade of the 1990s can be singled out as the phase when the 'taking off' happened, owing to a combination of economic malaise, natural calamity, political imbecility and social imbalance. Problems continue to persist in present day Japan. On the political scene, the continuous dip in the popularity of the current government is a cause of concern[16] as is the recent change of the Prime Minister[17] Yukio Hatoyama. These trends show political instability in Japan and a feared return of the LDP in power would be really detrimental to the state of civil society in Japan.

On the whole, however, it may be concluded that the surge in citizens' activity is no less than phenomenal[18]. The graph below shows the rise of NPOs in Japan from a

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[15] Hall, Ben. (2009), "Call to overhaul economic data", Financial Times (www.ft.com) Accessed on 15 April 2010, URL: http://www.ft.com/indepth/global-financial-crisis.

[16] For a dip in the popularity of Hatoyama see http://www.angus-reid.com/polls/view/japanese_condemn_hatoyama_cabinet/accessed on 18.05.2010. For the dip in the popularity of Kan see http://www.angus-reid.com/polls/view/kan_already_facing_negative_trend_in_japan/ accessed on 15.07.2010.

[17] http://www.nytimes.com/2010/06/05/world/asia/05japan.html accessed on 28.06.2010

[18] Domestically based organizations have been a fact of Japanese society since pre Meiji times. In the contemporary times, for a citizen's association to gain a legal status in order to be called a NPO was very cumbersome, hence there are many kinds of domestically based citizen's associations and civil society organizations in Japan. On the other hand, the internationally based organizations are called NGOs and they may or may not be having a legal status. Though the development of NGOs is relatively late in Japan when compared to the domestically based associations and organizations, their development is also seen alongside the development of the latter in general. Both these kinds of organizations along with their subdivisions collectively form the Civil Society Movement in Japan.

little before the Meiji restoration up till 2006 and in this way encapsulates the description in the preceding sections.

The following graphs show the development of civil society from, first, the Meiji Times and second from the post war era.
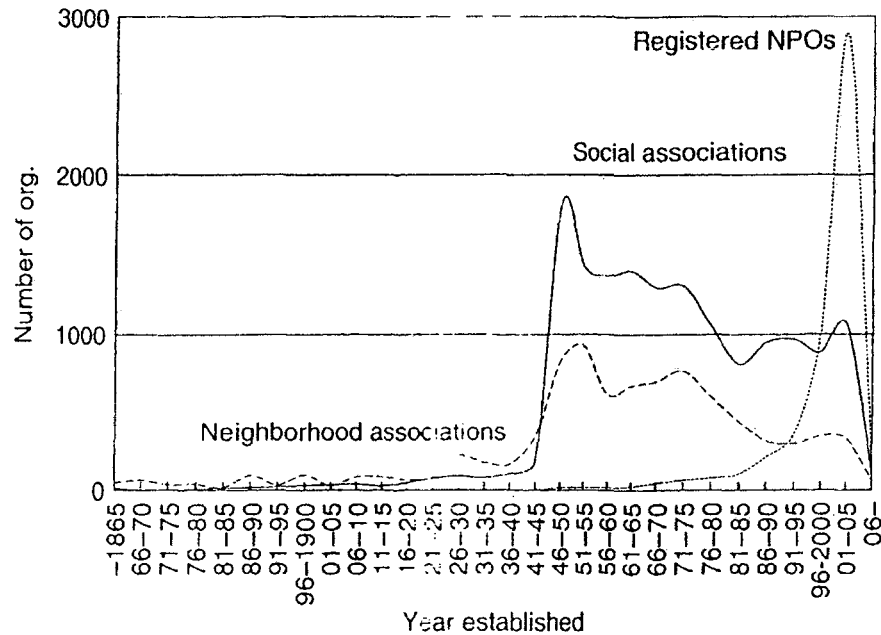


Fig. 1 Establishment year of Japanese civil society organizations, 1865-2006.
Source:Adapted from Tsujinaka (2010; 255)
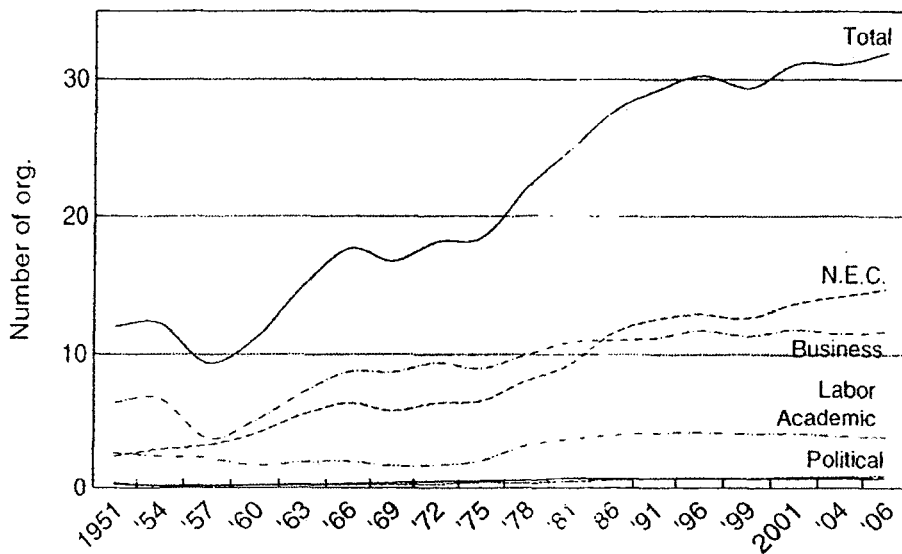


Fig 2 number of associational establishments in Japan, 1951-2006
(per 100,000 people)
Source: Adapted from Tsujinaka 2010; 254)

## 3. Issues in Japan's Civil Society Movement:

There are several layers of interesting inter-related issues in the above mentioned area which will be the subject matter of the chapters of this dissertation.

### 3.1 Cultural Factors, theorization and the nature of civil society in Japan:

For instance, along with analysing the development of the changing civil society movement in Japan, one notices the manner in which unique cultural values of the East-Asian Region in general and the *Nihonjinron* aspects of Japan in particular have time and again intervened in the conceptualization of the idea of civil society. Though public sphere is a much celebrated concept in political theory, finding its most ardent expression in the writings of **Jurgen Habermas** (who used this concept (Public Sphere) as a desired realm representing the maturity of modernity), civil society is a term that emerged in the particular reference of East European societies trying to free themselves from the clutches of communism in the 1980s in the contemporary times. Western approaches are dominant in the theorizations on civil society with a rich list of philosophers like Wilhelm Frederich Hegel, Karl Marx, Antoni Gramsci and Alex d' Tocqueville who have extensively theorized on the subject.

Although the popularity of the term spread from the works of the above mentioned authors, the term soon acquired an international character associating with the spread of democracy and global capitalist free market. In this context it can also be interpreted as the 'spread of democracy and free market' agenda undertaken by the U.S. after the collapse of communism in 1991. Japan became inextricably linked with this owing to its bilateral relations with the US[19]. The point of debate is that while a number of scholars on civil society in Japan regard it as a product of industrial maturation and globalization **(Hirata, 2002)**, and to this extent treating it immune from the thick cultural matrix which is fundamentally different from the west and within which this civil society movement has grown/found it difficult to grow. This study attempts to take a fresh look at this argument asserting that the uniqueness of Asian values may not be a myth in the shaping of civil society development after all.

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[19] This inference is also supported by the empirical evidence of the rise of civil society associations in Japan and in the positive change in the government's attitude towards them, following in the league of the United States.

It seems pertinent to then treat cultural factors as an intervening variable in our analysis.

## 3.2 Linkages between civil society-government:

*Secondly*, there is an argument that civil society, in any country, is shaped by the state because it is the state that provides a legal / formal framework to the civil society to exist **(Pekkanen 2006)** and in turn, is affected in its decisions by the civil society agencies. This catch 22 situation is very deftly presented by **Walzer (1992)** (as given by **Pekkanen 2006)** as the **paradox of the civil society** argument i.e. *a democratic state requiring a strong civil society and a strong civil society requiring a strong responsive state.* This situation basically urges one to carefully analyse the linkages and the way they have changed between government and civil society which becomes all the more interesting to study in the case of Japan.

## 3.3 Difference between NGOs and NPOs:

*Thirdly,* the term N.G.O.s and N.P.O.s have different meanings in Japan with the former engaged in international activities and the latter in domestic activities. The classification of these into various subgroups is complicated and this complication has arisen with the new NPO law of 1998.

## 3.4 Renewal in civic activities after the 2009 general elections:

Fourthly, the current elections[20] have renewed interest in civic empowerment and it remains to be seen whether the tenacity of this initial utopia will sustain or not[21]. Though this modest effort at research cannot make tall claims on deciding the future course of civil society movement in Japan, but it does, however, seek to work out the broad direction that the movement is likely to take under changed circumstances. *Lastly*, it will be argued that though quantitative increase is bound to take place, the legal-formal structure is not likely to change in near future in Japan.

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[20]For details refer to http://en.wikipedia.org/wiki/Japanese_general_election,_2009 accessed on 02.01.2010.

[21] For Details refer to http://english.peopledaily.com.cn/90001/90777/90851/6743197.html accessed on 02.01.2010

## 4. Research Objectives:

The dissertation has following five central research objectives-

4.1. To gain an understanding of the structural transformation in Japan's Civil Society's movement beginning from 1991.

4.2. To gain an understanding of how civil society is perceived in the Japanese mental and psychological framework.

4.3. To structurally classify the complicated fabric of civil society agencies in Japan according to the varying degree of legality in them

4.4. To examine the linkages between government and civil society agencies.

4.5. To analyse the intervening effect of the cultural variables in the development of civil society in Japan.

## 5. Research Questions:

Four research questions that set the scope of the research which may be listed as follows:

5.1. Did the promulgation of the New NPO law in 1998 play an effective role in the qualitative change in the civil society scenario in Japan.

5.2. Is low Voter turnout/political passivity getting translated in increased citizen's participation in non-governmental activities? Is this a constant theme in the 90s?

5.3. Is the Current environment with the change of political regime more conducive to further civic engagement?

5.4. Does the identity reassertion argument in reaction to globalization affect the direction of civil society movement in Japan?

## 6. Hypotheses:

The dissertation has two hypotheses which are tested in respective chapters. These are as follows:

**6.1** Frail economic conditions helped trigger the structural transformation in the 1990s which in turn got aggravated with industrial maturation, social unrest and directionless ness of the government. The combined effect of this brought about significant change both in the civil society movement and in the government's perception of it.

**6.2** Though current change in the political regime of Japan will be directly proportional to enhanced civic activity but the complicated array of the types of civil society institutions will remain largely unchanged in near future.

**7. Brief outline of chapters:**

The dissertation has six chapters. The first is this introductory section i.e. **Introduction.**

The second chapter titled, **Theorizing Civil Society: A Critique of the Western Paradigm and the Search for a Japanese Model of Civil Society**" is basically a critique of the western approaches on civil society in order to formulate a fresh understanding of Japanese civil society while making a conscious effort to understand the role of the cultural factors. Quentin Skinner's theory of Contexualism has been applied to bring out the theoretical misgivings by applying a western concept and theory to an inherently different context. These have been termed as epistemological fallacies and in particular three such fallacies have been brought to fore. Subsequently, in the fresh paradigm, it has been tried that these epistemological fallacies are resolved.

The third chapter, titled **"Civil Society in Post 1991 Japan: Arrival of the Tipping Point and the Development of Civil Society Organizations"**, is where the first hypothesis of the research is extensively tested. As per the first hypothesis, the central argument is that the decade of the 1990s is the most important decade to understand the development of civil society as a number of epoch making events during that decade changed the earlier course of the civil society movement. It is argued that it was in this decade that Japan underwent a radical transformation termed as 'structural transformation' that changed the rules of civil and political engagement for once and for all. In order to establish this radical change, the challenge has been to take up changes in all three important aspects of Japanese society, viz. political, economic and

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social in one gestalt. Without this exercise, the contrast of pre and post would not have been done justice to. This chapter can be looked at as the backbone of the research. Hence this chapter gives extensive data on the growth of civil society organizations in the stipulated time period. The independent variables are treated at length in this chapter so that the causal explanation may be seen clearly. The first hypothesis is tested in this chapter and is supported in the fourth chapter.

The fourth chapter, titled "**Relation between Civil Society and the State: Its Changing Dynamics**", is an extension of the third chapter as it focuses on the changing relationship between the civil society and state. Seen from a different angle, it means looking at the development of civil society. Whereas the focus of the previous chapter is on the decade of the 1990s as being the critical period for the growth of civil society, this chapter looks at the change in the attitudes of the government with regard to the former. For instance, while the previous chapter establishes the importance of the Promulgation of the NPO law, this chapter studies the change in the attitudes of the government with regard to the said promulgation. It is mentioned that the attitude of the government became more inclusive of the third sector and it began outsourcing the government's functions to these civil society organizations. The chapter also studies in detail the unprecedented way in which legislation on the NPO bill was done.

Further, this chapter also looks at the way government has become more conducive to NPOs and NGOs and the reasons for it. It critically engages with Ogawa's (2009) stand of the failure of the third sector in Japan and raises questions regarding the current pattern of government- CSO's partnerships. The bottom-line of this argument is that government agencies have started outsourcing their work to NPOs as they are more efficient but this in turn, restricts the freedom and the sphere of activity for those NPOs. This is a catch 22 situation. The NPOs/NGOs willingly come forward for such outsourced work as it provides them with more government funding. However, this funding comes at a cost of their autonomy. Hence, this raises a pertinent question at the status of the CSOs.

Further, this chapter explores the relationship not only between the government and the civil society but also among the various civil society agencies themselves. The reason for this compulsorily takes us back to the *'Japaneseness'* of the civil society in

Japan. The traditional and the modern civil society agencies, more technically the legal NPOs and the non-legalized neighbourhood associations have found it difficult to converse as the former consider themselves 'modern' with a more 'democratic' functioning while the latter are considered 'primitive', 'traditional' with more hierarchical ways of functioning and decision making. This friction actually stumbles the growth of civil society in Japan as a movement and networking among the NPOs and the thousands of unincorporated associations is one major problem before Japanese civil society on the whole[22].

The first hypothesis finds support in this chapter as it was mentioned that it is partially an extension of the earlier chapter. However, the bulk of the chapter is focused on testing the second hypothesis particularly with regard to the enhancement of the civil society scenario under the current government[23].

The fifth chapter, titled **"Easing the Nomenclatural Web: NGO, NPOs and their Subdivisions"** deals with an orderly classification of the various civil society agencies in Japan on the basis of their being or not being a legal person. This has proved to be a very daunting task considering the variety of such agencies. This chapter basically focuses on providing the empirical data on each one of these entities in terms of their structure, staff etc. and the way each type has evolved in the present times.

The second part of the second hypothesis is tested in this chapter as it is shown why the complicated array of the types of civil society institutions will remain largely unchanged in the near future.

The last chapter is **Conclusion.**

## 8. Methodology:

Now we must come to the most cardinal part of performing research i.e. the methodology employed in carrying out the research. This section will be categorized in the following **four** parts. The **first** part describes the research design along with the methodological framework, followed by the **second** part outlining the types of

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[22] Tsuchiya, Kazuho, 2010, Personal interview, Japan NPO Centre, Tokyo, 28.05.2010.

[23] Ohaashi, Masaaki, 2010, Personal Interview, JANIC, Tokyo, 23.05.2010.

variables employed in the study and the hypothesized causal relationship between them. The **third** part describes the theoretical paradigm taken - a critique of the liberal paradigm by applying **Skinner's** theory of **Contexualism** is offered with a view to develop a fresh paradigm suited to the study of civil society in nonwestern contexts. The **fourth** part describes the dimensions and the units of civil society and the ones taken for this particular study.

## 8.1 Research Design:

The research is both **Exploratory** and **Explanatory** in nature with regard to the research design. The methodological framework is **qualified positivism** (as opposed to the embryonic positivism which seeks a definitive and hard theory) and the approach is **Inductive.** The conceptual framework is a critical response to the accepted Liberal Paradigm prevalent in the Western academic discourse. Instead an attempt is made to develop a fresh paradigm that covers the development of civil society in a typically nonwestern context. This is treated in detail in the section on theoretical paradigm.

## 8.2 Variables employed in the study:

Main concepts/variables used in the Research are: **Civil Society, State, Society, Political Economy, Social Unrest, Aging society, Generational Gap, Democracy and _Nihonjinron._**

Since the research is done on the changing aspect of civil society, **Civil Society** is treated as the **dependent variable** in relation to other variables. The endeavour is to bring out a Causal Explanation by establishing a relation between the **Explanandum** (effect which is Civil Society in this case) and **Explanans** (i.e. causes which are a set of variables). The **cultural factors** would be treated as **intervening variables** because it is argued that the very model of civil society in Japan is different from its western counterparts as the cultural context (an entity made up of socio-political-cultural trends) is inherently different. The second chapter is devoted entirely to study the effects of the intervening variables and this involves an endeavour to develop a fresh theoretical paradigm suited to the study of civil society in Japan.

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## 8.3 Theoretical Paradigm:

Developing a fresh approach has been cardinal to the methodology adopted in this research as the existing theoretical paradigms were not found to suffice. Hence, in this sense this exercise is also a **critique of the liberal paradigm.** Though it provides scope for more flexibility than, say, the Marxist paradigm, the assumptions of this school are derived from the western **enlightenment project of modernity** which starts acting as the main structural impediment when applied to the case of non-western societies like Japan. This epoch making event is actually the edifice on which the entire structure of modern (western) knowledge is built[24]. This ethnocentrism is the fundamental concern of this research because it is particularly evident when it comes to theorizing civil society and the idea of citizen. This ethnocentrism finds its most ardent expression in the philosophy of individualism with its strong undercurrent of democracy intertwined with the very idea of civil society. At the outset what we get is the problem of euro centrism and a lack of a theoretical paradigm to study the Japanese *Shimin shakai* that results in *epistemological fallacy*[25].

### 8.3.1 Ethnocentrism in theorization:

Most literature on Japan's civil society in English contains traits of euro centrism. While both the body of theory and the canon of literature on civil society in general is burgeoning yet theory by itself cannot explain reality. Persisting with this stand has a higher probability of producing mistaken results. Moreover, when there is a spatio-temporal disjunct between the object of analysis and the fundamental assumptions in the epistemological rooting of the implied theory, the outcome, more often than not, will be epistemologically fallacious. Most theorizations on Japanese civil society have almost always operated in the western modernity project of enlightenment and have failed to grasp both the essence and the nature of development of civil society in Japan, and hence, the epistemological fallacy. The Anglo American understanding of the term (dating back to **Thomas Hobbes**) is premised on the philosophy of individualism. On the other hand, non-western cultures (restricting to the East Asian

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[24] This argument has been made by a series of historians of western political theory but finds its most ardent expression in the works of Michel Foucault as given by Cohen and Arato (1994; 255-298).

[25] Epistemology is that branch of philosophy that deals with the theory of knowledge and delves in the questions regarding what constitutes knowledge. This term has been made popular by Kant. Epistemological fallacy in this light means the problems emerging because of two untenable or incommensurable entities being mistakenly dealt with in the same vein.

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region, specifically Japan) are fundamentally different in this regard. These societies are primarily guided by **communitarian ethics.**

'Deducing from the above, the theorization on civil society, among other similar concepts like democracy and citizenship, in countries like Japan, follows an inherently different trajectory in consonance with the evolution of Japanese polity. The Civil Society landscape engulfs a set of contradictions[26] which can be better explained if one transcends the western monolithic understanding on the subject. One of the most important engagements of the present work is to situate the Japanese trajectory towards the construction of a civil society in the essentially oriental ethos (Bary 1988) that the Japanese society has so consciously nourished and nurtured against heavy historical and political odds.

### 8.3.2 Importance of contextualizing: Skinner's theory of Contexualism[27]-

While the actual application of Skinner's theory (Skinner 2002) is done in the second chapter, this section will look generally at the central idea it of epistemological fallacy (hereafter EF) and the three main such fallacies that have been brought out in the context of Japan's civil society movement. It is to rectify these three EFs that the second chapter is devoted. The three EFs are as follows:

### 8.3.2.1 Epistemological fallacy:

1. *That civil society in Japan is regarded it as a product of industrial maturation and globalization* (Hirata, 2002), and to this extent treating it immune from the thick cultural matrix which is fundamentally different from the west and within which this civil society movement has grown/found it difficult to grow.

2. *That the western Liberal Paradigm is sufficient for the study of civil society in Japan.*

3. *That Japan can be clearly clubbed as one of the western capitalist democracies/ or on the other hand be clubbed with the rest of the Asian world.*

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[26] This is particularly true in the case of Japan where these contradictions emerge because a western term has been applied to a non-western context.

[27] Quentin Skinner's theory of contexualism is basically a methodology for interpreting the history of political ideas. (Skinner 2002).

## 8.4 Dimensions of civil society and Units of Analysis -

The last section of methodology deals with the unit of analysis problem with reference to theorizing on civil society. Anheier (2004) has written most extensively on the issues emerging in the analysis, measurement and interpretation of civil society[28]. Most strikingly he presents the units and dimensions for measuring civil society, a thing that may be applied across contexts and hence appears useful in describing the scope of the present work as well.

### 8.4.1 The dimensions of civil society-

Civil society has been analyzed across four different dimensions-

1.  *Structural-* regarding size, composition sources.

2.  *Legal and political-* the regulatory environment that regulates civil society.

3.  *Functional or impact related-* contributions by the civil society in terms of the functions it performs.

4.  *Value related-* norms and cultural elements encompassing the civil society.

The present research will incorporate all the above mentioned dimensions of civil society.

### 8.4.2 The Units of analysis

These refer to the scope of civil society under consideration. They may be summarized as below (Anheier 2004):

1.  **Macro** (applied to countries, societies or regions) - when the entire civil society scenario functioning in a country or a society is studied. This has to be more theoretically inclined and the focus has to be to develop a paradigm within which civil society of that country or society may be located. It also includes data acquired at Meso or Micro units. The Macro unit takes into account all the above four dimensions.

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[28] The best thing about Anheier (2004) is that he actually explains the state of civil society in Japan in terms of a mathematical model. The implication of the mathematical aspect is beyond the scope of the present work and doubts may be raised with regard to the validity of his analysis per se because he does not discuss the particular context of Japan. Most of his theorization is based on empirical data.

2. **Meso** (a particular segment or subfield like human rights or community development) - when a particular segment of civil society from the macro is picked up and studied in isolation and then may be used to compare with other aspects of it.

3. **Micro** (a specific organization or a particular setting) - this is the smallest level at which civil society may be studied. This refers to the study of a particular civil society organization or a neighborhood association as in the case of Japan.

Above mentioned units of analysis are important to know which indicators refer to what[29].

In the present research, the unit of analysis that is found to be most suitable is the Macro unit of analysis where the focus is to analyze the changing civil society in Japan on the whole by taking empirical corroborations from both Meso and Micro levels.

## 9. Conclusion:

This chapter has covered a broad canvass by dealing with the basic issues regarding civil society discourse. Subsequently, it provides various phases of the development of civil society in Japan, starting from the Meiji period till the present times. This chapter describes the research questions, research objectives, hypotheses and the methodology applied in the research. Further, it identifies the main variables and their causal relationship and lastly, the dimensions and units of civil society.

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[29] for example, HDI (Human Development Index) refers to the macro level or attitudinal aspects refer to the micro level etc.

Chapter Two:

Theorizing Civil Society: A Critique of the Western Paradigm and the Search for a Japanese Model of Civil Society

# 1. Introduction:

Civil society has been rightfully interpreted as the most popular concept of the twentieth century time and again by numerous authors (Kaviraj and Khilnani 2001, Alagappa 2004, Baker 2002, Hann and Dunn 1996, Keane 1998, Archibugi1998). Keane (1998) enthusiastically mentions the move of civil society, reborn on grand scale, to "occupy the center-ground of contemporary political thought." This is because, in the first place, it is thought to be crucial in the collapse of the erstwhile soviet regimes in the Central-Eastern Europe. Alagappa (2004) has rightly pointed out that

> Political leaders and scholars, especially in the West, credit civil society with having played a crucial role in the collapse of communism and authoritarianism and in the accompanying democratic transitions.

This is what Samuel Huntington (1991) has called the 'Third Wave of democracy'. Many others have claimed that historians would look back on the last quarter of the twentieth century "as the greatest period of democratic ferment in the history of modern civilization" (Diamond and Plattner 1996: ix). Ever since, the term has been coterminous with the spread of democracy and democratic empowerment all over the world. Baker (2002) has elaborately explored the relationship between state, civil society and democracy[30]. The already extensive and continuously burgeoning literature on this topic helps us understand the importance of the term in contemporary times.

## 1.1 Difficulty in Theorizing the Term:

When starting with any task relating to Civil society, one must be fully prepared to first bring out the various versions of the term as it popularly connotes in both common and technical parlance. Following from here it becomes imperative to then mention the most serious difficulty in theorizing this term. As indicated, this difficulty arises in the very meaning of the idea. Kaldor (2003; 5-7) distinguishes five different meanings of the term:

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[30] Baker (2002) "Civil Society and Democratic Theory" has maintained that the dominant approach for studying the relationship between democracy and civil society has been the liberal democratic perspective that establishes a positive correlation between the two though it forcefully asserts other alternatives to this version. For a detailed discussion please refer to Baker(2002)

1. The understanding as *'societas civilis'*, with a focus on the lawful environment and civility.

2. The bourgeois concept used by Marx and Hegel: the *'Bürgerliche Gesellschaft'* encompasses everything between family and state, including markets and economic organizations.

3. The activist view, emphasizing active citizenship, self-organization, and the influence of citizens.

4. The neo-liberal position which concentrates on charities and voluntary associations that perform welfare functions for the state.

5. The less universalistic postmodern concept, including, for instance, fundamentalist movements.

Kaviraj and Khilnani (2002) argue that the problem with regard to a unified meaning of the term emerges because of its diverse popularity across the world[31]. This chapter deals with the various approaches to civil society which requires that this confusion and its source (sources) must be sorted out as a prerequisite. To quote the authors

> the debate regarding civil society is both fascinating and unclear. Both individual and different strands in literature used the idea with substantially different meanings (those meanings themselves being unclear)

The crux of the matter can be addressed by posing a set of questions as put forward by the authors. They have grasped the very essence of this tussle by posing the following questions[32]:

1. *Does the idea (of civil society) mean the same thing in all different contexts?*

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[31] Kaviraj and Khilnani (2002) have argued that this confusion over the interpretation and meaning of the term has impeded the realization of its full potential in non-western societies. For a detailed discussion please refer to Kaviraj and Khilanani (2002)

[32] In the Introduction to their book, the authors have raised this concern. It is worthwhile to note that they are not referring to Japan. Nevertheless their analysis can be applied to the case of Japan as these questions form the crux of the debate regarding theorizing on civil society. For more details refer to Kaviraj and Khilnani (2002)

2. *Are the supporters of civil society in the West, former communist societies and the third world, all trying to achieve the same thing?*

3. *What is the idea of civil society? Is it a descriptive term for a certain type of a social structure, mode of social behaviour or political ideal?*

4. *What are the conditions of its possibility and existence?*

## 1.2 The Special Case of Japan:

Let us take the questions one by one and apply each to the case of Japan. It has been outlined in the previous chapter that civil society in Japan has been a picked up straight from the American parlance. This explains why more or less all kind of theorizing on the term has also suffered from this ethnocentrism. This is one important assertion of this chapter and will be discussed at length in some time.

### 1.2.1 Context of Civil society in Japan:

Currently, it shall suffice to mention that borrowing a term from a different intellectual and cultural context, of what Kaviraj and Khilnani (2002) call as *'received language'*, will inadvertently but surely give birth to epistemological fallacy. Another problem is that many a time political theorizing happens under the pressure of *'historical baggage'*[33]. In the case of Japan this is particularly true where westernization was perceived as *the* agenda[34] in the Meiji times[35] and again during the occupation period[36]. This indicates an important implication this chapter will be largely based on. That while dealing with a concept whose context, origin and understanding is mainly foreign; how has, the society on which it is applied,

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[33] Kaviraj and Khilnani (2002) discuss the role of this historical baggage at length citing the example of countries with a history of colonial rule. They argue that in such countries many western concepts found their way through in a way that is 'received'.

[34] Detailed discussion on this topic can be found in Yanaga, Chitoshi (1975) Chapters 5 and 6. These chapters give a brilliant account of the feverish pace at which westernization (equivalent to modernization) was chased during the early Meiji times in all spheres of public life.

[35] It is useful to note that the Citizen's association law was first promulgated in 1896 by the Meiji rulers in a desperate attempt to westernize Japan.

[36] The span of the Occupation Period in Japan was from 1945-52 whereby Japan was demilitarized and democratized. Encouragement to citizen's activities was looked upon as an important tool to establish democratic foundations in the country. Many left leaning authors emerged who championed the cause of citizen's activities. However it must be born in mind that their ideas on civil society were as western as was their understanding of Marxism. (See Ogawa 2009; 26). This phase however was short-lived because starting from the Yoshida Doctrine the main task before the Japanese became economic revival.

internalized it? In what way does the society understand this term in their psyche? It will be pertinent to believe that the two understandings cannot have a one to one relationship or be in perfect correspondence. The variables that intervene in this regard are what this chapter identifies as the intervening variables of specificity of the Japanese culture drawing from a larger oriental East Asian Civilization that is inherently different from the western civilizations[37].To quote Hann and Dunn (1996),

> There is something inherently unsatisfactory about the international propagation by western scholars of an ideal of social organisation that seems to bear little relation to the current realities of their own countries; an ideal which, furthermore, developed in historical conditions that cannot be replicated in any other part of the world today.

This study also shares this dissatisfaction stemming from accepting a unified ideal of civil society for a country whose socio-cultural milieu is inherently different from the western world. Incidentally there has been a general consensus building from this realization, but unfortunately it has not reflected in the scholarly writings on the Japanese case.

### 1.2.2 Ethnocentrism in Theoretical Formulation of Civil Society:

Most of the work in the field contains normative theoretical formulations with ethnocentric Western intellectual origins (e.g., Arato 1981, 2000; Keane 1988, 1998; Habermas 1989, 1996; Shils 1991; Calhoun 1992; Cohen and Arato 1992; Curtis et al. 1992; Evans and Boyte 1992; Seligman 1992; Tester 1992; Walzer 1992; Kumar 1993; Pérez-Diaz 1993; Putnam 1993, 1995, 2000; Salamon 1994, 2001; Diamond 1994; Eberly 1994; Gellner 1994; Fukuyama 1995; Hall 1995; Verba et al. 1995; Levi 1996; Berman 1997; Diamond et al. 1997; Sakamoto 1997; Lehning 1998; Wuthnow 1998; Salamon et al. 1999; Skocpol and Fiorina 1999; Ehrenberg 1999; Levy 1999; Florini 2000; Edwards et al. 2001; Warren 2001; Rosenblum and Post 2002; Kaldor et al. 2003; Edwards 2004; Salamon et al. 2004; Batliwala and Brown 2006; Redclift 2006). Little attention has been directly paid to the context of the discourse within

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[37] A detailed study of the East Asian cultures and civilizations is beyond the scope of this work. However, discussions with regard to Japan in particular can be found in many books. For further discussion please refer to Khanna, Anita (2002) *Ancient Japanese Literature* Delhi: B.R.Publishing Corporation; For a good insight on early interests in the Far East see Edwin o. Reischauer and John K. Fairbank (1948) "*Understanding Far East through Area Study*", Far Eastern Survey vol 17, no. 10 and Jansen, Mauris B. (1980) *Japan and Its World: Two Centuries of Change*, New Jersey: Princeton University Press.

which concepts of civil society are presented as solutions to the problems of democracy.

The concept of civil society, which has its origins in early modern West European thought, was reinvented in Eastern Europe and Latin America in the 1980s and found its way into the mainstream political science discourse during the 1990s. Hence, there is extensive literature on the term from these quarters. Many scholars have termed the discourses from Eastern Europe and Latin America as the alternative approaches to civil society. (Baker 2002, Kaviraj and Khilnani 2002). Others have given interesting case studies of civil society in different countries but these works though excellent descriptions, lack in a theoretical grounding that inevitably makes them remain as mere accounts[38]. Another surprise is that while many works on civil society in Asia have appeared time and again, they have many a time not included Japan in the list of their case studies[39]. This leads us to yet another dichotomy that we are faced with when trying to study a phenomenon relating Japan. Most of the discussion on Asian countries tends to count Japan out as it is considered an already 'advanced' or 'developed' nation as compared to the otherwise developing Asia, or the Third World[40] and when clubbed with western countries, the result leads to the same epistemological fallacies[41]. In fact, this dual status[42] of Japan has been the root cause of many of the existing problems with regard to devising a theoretical framework. Japan is a post-industrial society whose societal specificities are unlike its western counterparts.

### 1.2.3. Review of scholarly works on Japanese Civil Society:

To take the argument further, other works which deal with Japanese civil society specifically (see Barshay 1992, 2003, 2004; Koschmann 1978, 1993, 1996; Takashima 1991; Matsushita 1994; Garon 2002; Carver et al. 2000; Takabatake 2001,

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[38] This refers to John Knight (1996) where civil society in Japan is explored through the living experience of a girl.

[39] This is particularly true of the work by Quadir and Lele (2004) where the discussions on civil society and mass movements in Asian context conveniently but conspicuously leave Japan out.

[40] Algappa (2004) has pointed this problem out while describing civil society and political change in Asia.

[41] Refer to the First chapter, the section on methodology.

[42] Being a developed nation and an Asian country (with the rest of the developing Asia) at the same time.

2004; Avenell 2006 for reviewing comprehensive historical developments on the civil society argument) deal mainly with the historical development of the phenomenon. There are others which locate Japan's civil society in an analytical framework like Pharr and Schwartz (2003), Ogawa (2009), Kingston (2004), Pekkanen (2003, 2004, 2006) and Hasegawa(2004, 2005, 2007), but an approach with reference to the specificity of Japanese culture is found only to the extent of being namesake. These are studies, which are most reflective of the state, contradictions and potentialities of the civil society movement in Japan. . Some of the few works that engage with Japanese civil society theoretically in a specific cultural context to Japan are Tsujinaka 2007,2010; Kurokawa (2010), but these writings, rather than giving a theoretical paradigm with respect to the understanding of Cultural specificity of Japanese civil society, limit themselves to providing some general suggestions.

As it becomes clear that civil society is a concept located strategically at the cross-section of important strands of intellectual developments in the social sciences, the necessity to discuss the various approaches, both existing and lacking, becomes evident.

**2. Aim of the Chapter**: The aim of this chapter is twofold:

1. To describe the various approaches to civil society (western and nonwestern).
2. To develop a fresh approach in the case of Japan keeping the cultural factors in consideration. This will be an attempt to devise an alternative theoretical model of analyzing civil society in the Japanese context.

The relevance of the above exercise is essential to the exploration of the research questions and the subsequent testing of the first hypothesis.

**3. Applying Skinner's Theory of Contexualism: Establishing the Importance of the Japanese Context**

The contexuality of the term is located by applying Quentin Skinner's theory of Contexualism (Skinner 2002) to establish the importance of the context in which any theorizing is done in general and civil society in the particular case of Japan. The next section is dedicated to Skinner's theory as it is applied in the case of Japanese civil society.

## 3.1 Theory of Contexualism:

The main points of this theory may be summarized as below:

❖ **Performative role of ideas**- Skinner espouses that ideas/concepts have no lasting history but only a momentary *performative* role. The notion that ideas persist over time is 'spurious' and historians who think they are tracing such ideas 'never go right'. Skinner insists there are no such *'perennial* and *linear* ideas' and no concepts or doctrines that transcend time and place. In fact Skinner puts his ideas as a set of warnings about what should not be done and cannot be done in intellectual history. One cannot study the history of ideas as though they were continuous, anticipatory, influential, or consequential. Skinner calls such assumptions the *'reification of doctrines'* and the *'myth of coherence'* whereby ideas are immanent in history even though thinkers remain unaware of their origins, roots and implications[43].

❖ **Centrality of Contexts**- Skinner, instead, shifts the scene to the *'centrality of contexts'*. We must focus on the debates, controversies, and discourses that arose specifically from a historical context"[44].To do so one must penetrate through to the argument of a given age in history to get at the meaning and intent of the authors of texts (or a phenomena) who were involved in such arguments.[45] It was engaging with these historical and other socio-cultural variables that Skinner's program came to be called 'contextualism'. Therefore, a historian's/social scientist's obligation is to establish the *"exact context"* of an idea/concept.

❖ **Avoiding the three pitfalls while studying 'ideas'**- As Diggins (2006) point out, according to Skinner we must avoid the three extreme pitfalls in the study of past ideas[46]:

1. Regarding them as so perfectly autonomous as if they exist independently of the thinker or the context.

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[43] For more detail see Diggins, 2006, Arthur o. Lovejoy and the Challenge of Intellectual History, Journal of the History of Ideas, Vol. 67, No. 1 (Jan., 2006), p. 194.

[44] Ibid. p.185.

[45] Ibid. p.185.

[46] Ibid. p.208.

2.  Regarding them as so coherently continuous that "we conceive of an idea as being like a baton that is handed from runner to runner in a relay race".

3.  Regarding the race itself as so determined, a marathon of doctrines, that we believe an idea is destined to arrive at the goal line as the logical purpose of its activity[47].

Hence, it would be appropriate that the methodology of interpreting a text (concept for our purpose) should be to locate a text/concept within its cultural-socio-intellectual and historical context that surrounds it.

## 3.2 Summing up:

In this backdrop it makes sense that the study of Japan's civil society should be done by locating it in its cultural-socio-intellectual and historical context that surrounds it. The next section is the application of Skinner's theory to the case of Japan whereby civil society is located in its specific context.

## 4. Brief Intellectual History of the Term in the West:

### 4.1 Introduction:

Since the dominant approach in the study of civil society is western, it is necessary to ponder on the contextuality of the term. At this juncture it also becomes important to point out that the assumption of a homogenized version of civil society in the western world is as mistaken as its counter argument. If the contexuality part of a term is so cardinal in the theoretical treatment of the term and its understanding in general, how can we assume that the western model of civil society has meant the same thing in differing western contexts? A similar kind of an anomaly rests with what is known as the **cultural relativism** debate in Japan in particular and Asia in general[48]. Basically

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[47] Citation given by Diggins in (Diggins, 2006) *"The existence of contradictory ideas, Lovejoy held in opposition to Hegel, is not to be dialectically overcome in order to arrive at a "higher synthesis" but to be sustained as the very definition of their state of becoming. (Arthur O. Lovejoy, The Reason, the Understanding, and Time (Baltimore, Md.: The Johns Hopkins University Press, 1961)"*, p.182.)

[48] This principle was established as axiomatic in anthropological research by Franz Boaz in early twentieth century. However this concept was first brought in use by one of the most prominent of his disciples Ruth Benedict in her seminal work, *Patterns of Culture* (1934) followed by another seminal work on Japan *The Chrysanthemum and the Sword: Patterns of Japanese Culture (1946)* in order to understand and predict the behaviour of the Japanese in the second world war by reference to a series of contradictions in traditional culture. For a detailed discussion on this please refer to Benedict, Ruth (1946) "Chrysanthemum and the Sword: Patterns of Japanese Culture".

this argument is another extreme of the **Universalist School** whereby in order to distinguish between one's culture from the dominant western ones, there is a risk of falling in the pitfall of treating the western cultures as homogenous. Alagappa (2004) has rightfully argued that because the cultural relativist argument has been very pronounced in Asia there has been a tendency to assume a single western conception on civil society.[49] To quote Alagappa (2004; 51)

> The concept of civil society and its perception as a problem or solution to the ills of society and state have varied with intellectual tradition and the prevailing socio-political and economic conditions.

Therefore, it is necessary that a discussion on the varying interpretations and connotations of civil society corresponding to different socio-cultural and temporal contexts draws upon a brief history of the term in the western world as well.

Nonetheless, research on civil society dates centuries back. In fact, if we first take the western understanding on the topic as the representative understanding (so far), the bulk of the literature might well bedazzle the seeker. A detailed account of the history of the idea of civil society is not only well beyond the scope of the present work, but also not required for the current purpose of this study.

Ogawa (2009) has worked out a good way to trace the development of civil society since the ancient times. While the summary of the development of the term is more or less the same in most works on the topic (Hann and Dunn 1996; Baker 2002; Osborne 2003; Quadir and Lele 2004; Weller 2005; Glasius et al 2005; Sorenson and Funck 2007; Ducke 2007), it will be a good idea as Ogawa(2009;Introduction) did, take the cue from the International Encyclopedia of the Social and Behavioral Sciences[50] which defines civil society in two ways depending upon their relation with the state. In the first set of definitions, where civil society can be traced back to the idea of Aristotle's *koinonia politike* and Ciciero's *societas civilus,* civil society was synonymous with the state. In the second set of definitions, however, civil society is understood as a self-regulating, self-governing body outside and often in opposition to the state with civil and moral overtones.

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[49] For contemporary discussion on cultural relativism taking Japan as a case study, please refer to Marfording, Annette (1997).

[50] Most works on civil society follow this way of introducing the subject more or less.

## 4.2 Scottish Enlightenment:

It is this category from where the idea of the modern civil society emerges as given in the works of the philosophers of the Scottish Enlightenment, especially those of Adam Ferguson and Adam Smith. Ferguson is usually credited with having systematically theorized the concept in the context of budding individualism in the early phases of capitalism. Ferguson treated civil society as a solution to the particularity of the market sphere that was increasingly redefining the estate system of the feudal society. This represented a threat to civic virtue which arose out of unquenched thirst for private wealth and which in turn turned people away from the affairs of the state. Hence civil society is looked upon as a solution that will rekindle some kind of republican virtue in the people. Undoubtedly this presentation carries with itself a strong normative intonation that draws from Christian ethics and theology. Seligman (1992) rightfully mentions that "18th century thought on civil society is shaped by Christian and natural theology. This information cannot be ruled out as irrelevant to our present study for three reasons which are discussed at length by Baker (2002). Three concerns come to fore when the above is analyzed again in the contemporary context[51].

1. Rising tension between individual and community life.
2. Need to check the power of the state.
3. Need to rediscover some kind of republican virtue.

## 4.2.1 The thought of W.F. Hegel, Karl Marx and Antonio Gramsci:

The scene for the development of civil society then turns to Germany where Hegel (1827) is the first philosopher to take up the concept in a more modern sense of the term as compared to the Scottish Enlightenment philosophers. Hegel held that civil society had emerged at the particular period of capitalism and served its interests: individual rights and private property. Hence, he used the German term *"bürgerliche Gesellschaft"* to denote civil society as "civilian society" - a sphere regulated by the civil code. It is also important to note that Hegel's theory of civil society was not in

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[51] What Baker is emphasizing is that the basic concerns regarding the need for a civil society in any context remain perennial if not in letter then at least in spirit. It is interesting to see how he has identified a continuity running through centuries regarding the basic trends in statecraft. For a detailed discussion please refer to Baker, Gideon (2002) "Civil Society and Democratic Theory" London: Routledge, p 16-17

the same positive way thinkers of the Scottish Enlightenment had conceptualized. Instead Hegel gave what Baker calls a 'pejorative hue' to the concept for the first time (Baker 2002; 16) because civil society is characterized by chaos and this chaos undermines ethical unity. In this way, civil society, for Hegel, was more of an analytical category which he employed to substantiate his argument for a strong state. Further, for Marx (1845) completely rejected any separation of powers between state and civil society though he reiterated Adam Smith's identification of civil society with the mechanisms of market i.e. the economic sphere.

It was Grasmci (1871) who for the first time projected civil society as the realm of culture and ideology through which state perpetuates its hegemony. The negative view about civil society was also rectified by him (Edwards 2004:10). Departing from Marx, Gramsci did not consider civil society as coterminous with the socio-economic base of the state and saw positive potential in civil society. He was, therefore, the first to articulate the idea that civil society, in a moment of counter-hegemony, could actually be resistant to state power as, in his well-known phrase, so many 'earthworks and buttresses' (Gramsci 1971: 238). It is this emphasis which is reflected in most contemporary accounts; civil society is, therefore, used to identify a sphere of willed action.

### 4.3 Contemporary Schools on Civil Society:

Coming to the contemporary times, two formulations of the term, two models are relevant to our study which although differ in *"diagnosis, diagnosis, purpose, and strategy"*, both the New Left and the neo-Tocquevillean i.e. Liberal-democracy school share a positive take on civil society. These two approaches are also the most popular contemporary frameworks for studying civil society (Alagappa 2004; 28). The term occupies an important place in the political discourses of the New Left and Neo-liberals.

### 4.3.1 The New Left-

The New Left conception is rooted in the Gramscian formulation of civil society, which departs significantly from that of Marx/orthodox Marxism. The voluntarism and political agency accorded to civil society in Gramsci's account inform much contemporary thinking of the New Left on civil society(Baker 2002: 7). It follows

logically from here why the New Left accepts and is appreciative of civil society. Agreeing with Gramsci, the New Left assigns civil society a key role in defending people against the state and the market and in asserting the democratic will to influence the state.

### 4.3.2 The Neo-Liberal School (neo-Tocquevillean School)-

Gramscian analysis and strategy have also been appropriated by advocates of the neo-Tocquevillean conception of civil society, the origins of which can be traced to the response to centralizing monarchs and a powerful state in early-eighteenth-century France. The intermediation and limitation of state power functions that Tocqueville (1840) assigned to associations also inform the neo-Tocquevillean formulation of civil society. Tocqueville (bk. 1, chap. 12; bk. 2, chaps. 5–7), who does not use the term *civil society*, crafted his conception of associations as performing several key functions: meeting unmet social needs in the context of a weak central government; intermediating between personal or local interest and the national common good; preventing the tyranny of the majority (a major concern of Tocqueville's in light of despotic excesses in France); limiting state power; and preventing abuse by the state. The successor to this stream of thought is the neo liberal approach to civil society. While they stand to a mutually exclusive stand on civil society from the New Left, at the same time, Neo-liberal thinkers consider civil society as a site for struggle to subvert Communist and authoritarian regimes. The current discourse on civil society draws heavily not only on the European discourse but also on the American, especially the Tocquevillian, account of the vital role of voluntary associations in American life (Bhikhu Parekh 2004; 28)

### 5. Summing up: Structural Limitations of the Western Conception:

There are some important conclusions to be reached from the above exercise. These are listed as follows:

### 5.1 Project of Modernity and Creation of Knowledge:

It must be borne in mind that the discourse on civil society started from the period of enlightenment which happens to be an event of paramount importance in the history

of western intellectual development with Europe and Europe only as its backdrop[52]. This western enlightenment plays *the* important role in shaping the intellectual ideas of that era with the project of modernity at its main thing[53]. In fact the term enlightenment means to wake up to the ideas of modernity as opposed to the medieval values of the dark ages[54]. What is interesting for us to know is that the entire edifice of 'modern' (read European) knowledge is built upon the fundamental assumptions of enlightenment. It is neither possible nor desired to delve deeper in the debates of enlightenment. However, it suffices to say that the most basic of all its assumptions was the assumption that the basis of modern knowledge should be rationality that stems from the individualistic nature of human beings. Human beings were by nature free and equal and endowed with the capacities for rationality and self-determination. That is to say, human beings are inherently rational and the basis of this rationality has individualistic undertones.

### 5.2 The Philosophy of Individualism as the Lynchpin:

Let us look at this argument, now, from the point of view of the argument of civil society. It is also important to keep in mind to ask the question that as to what is so modern about the whole discourse just mentioned in the preceding paragraph. Does it only indicate a shift in the time period or does it imply a deeper paradigmatic shift from the 'old' way of thinking? Definitely there was a paradigmatic shift and what characterises that shift is the stress of individualistic values over anything else. This can be proved by other things happening at that time in Western Europe. We'll take a brief look at this.

The famous British Political theorist and philosopher, Thomas Hobbes, who is also regarded as the father of Individualism, brought out his highly acclaimed work

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[52] It will be important to note that actually it was Western Europe that was the seat of enlightenment as was in the case of renaissance a few centuries earlier.

[53] Sabine (1961) gives a good account of the age of Enlightenment in Europe and its impacts on the discourse of political theory.

[54] The term Dark ages is given by Dunning who is a very famous historian of political theory to refer to the medieval period that commences from the fall of the Greeks up to the late 16th century. 'Dark ages' signifies the impasse that was created in the development of political theory during that period as the struggle for supremacy between the King and the Church characterized this period. Though popular, but this term has had its share of criticism from multiple quarters as it is often asserted that some very insightful works on natural law and political obligation came out in this period. Hence it will be wrong to label it as Dark ages in its entirety. Dunning (1902)

Leviathan, in the sixteenth century. He has worked out an interesting model to show the birth of the modern state by way of individuals entering in a contract and thereby creating the state where they surrender their rights to the sovereign and in return get their right to life guaranteed. Though the theory goes much beyond this but at this juncture it will suffice to take this as the bottom-line of Hobbes' argument. A closer analysis of the above reveals the premise of individualism that Hobbes uses as his vantage point. The fact that individuals enter a contract, by which a state is established, happened in the first place because they were enabled by their 'individualities' to do so[55]. Putting it in a nutshell it means that the people entered contract because they were free individuals enabled by the virtue of their 'individuality' to take these decisions. So the fact that we keep coming back to again and again is that the basis on which we differentiate between modern and prior times is on the basis of modernity which is characterized by individualism i.e. the faculties of a free man.

## 5.3 Need for Civil Society in the West:

In the classical terms there is actually no scope for something like a civil society to exist because it is either the state (in Greek terms) or the church (religion) that is supreme. Hence, where is the scope for a third faculty, if any, to assert its existence? It is only after feudalism was waning away in England and was slowly giving way to capitalism (via the industrial revolution) that the very scope of a third sector like a civil society is for the first time pondered upon. This is the contexuality of their ideas of Adam Ferguson as elucidated in the preceding sections of this chapter. Prior to that, it was in the ideas of Aristotle and Cicero where civil society was conceptualized but there as mentioned already, was no difference in civil society and state. At this time there is an idealist character accorded to the status of the state. It was only during the times of the industrial revolution which was the precursor of capitalism in Western Europe. It was in this context that Adam Ferguson conceptualized civil society as a sort of a refuge which was an arena for the revival of **republican values** in the face of overpowering alienation due to capitalism. This part has already been dealt with in the preceding sections of the chapter.

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[55] For a quick reference to the philosophy of individualism, the meaning of the term and representative works on it, refer to http://www.britannica.com/EBchecked/topic/286303/individualism. accessed on 02.03.2010

## 5.4 Relationship of Civil Society with the Philosophy of Individualism:

What is the relationship of civil society with individualism in this context? The basis of this civil society is voluntary membership which again is the product of individualism. (Citation needed). Parekh (2004) mentions that there is a 'consistency that can be seen in the argument of civil society over centuries and contexts' and that is what he calls as civil society being the realm of 'associative freedom'[56]. However he attaches individualism as the important precondition/prerequisite on which such associative freedom is based. The concern with associative freedom arises out of the belief that,

> as free, equal, rational and self-determining individuals human being desire to and should be able to form such societal relations (Parekh 2004; 18).

Now it will suffice to say that in this way civil society is not only directly related but also logically contingent upon individualism. It will not be an exaggeration to assert that western civilization, the modernity project of Enlightenment and the concept of civil society; all fall logically in the same line. We will see how the above two contemporary frameworks are not applicable in the case of Japan. The next section is primarily an effort to substantiate this assertion.

## 6. Revisiting the Case of Japan:

Now let us revisit the case of Japan. There are **three** points of difference which are specific to its case. Basically the effort here is to elucidate the fundamental differences that Japan has and has had with the western civilizations. The first one refers to the historical experiences within which the country is located. The second one refers to its basic difference from the western civilizations. The third one refers to the special case of the strong state argument in the Japanese policy making. We will tackle them one by one.

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[56] Parekh (2004) discusses at length the nuances of individualism intertwined with western discourse on civil society.

## 6.1 Japan's Historical Experience-

A review of any scholarly work on the medieval/modern history of Japan elucidates that Japan as a country has borne witness to fundamentally different set vicissitudes[57].

### 6.1.1 Lack of Exposure to the likes of Enlightenment:

Unlike any western country, Japan enjoyed (although this 'enjoyment' itself can be questioned) a two century period of splendid isolation from 1600-1868 till the Meiji Restoration opened up the country and changed it forever.

An overview of either the 'splendid isolation' or of the Meiji Restoration is neither desired nor necessary in our context. But what is more important to our discussion is that Japan as country has never been witness to something of the effect of the Renaissance or the Enlightenment and that is an important difference from the western world. It is important to note that the entire modern civilizational structure of the West draws on the ideas propounded and developed during these two path breaking phenomena that it encountered.

The impact of these two and especially that of Enlightenment can be overtly seen on all the aspects of the western civilization like philosophy, art or science. In the preceding sections of this chapter, the characteristics of Enlightenment in general and its relationship with civil society in particular have been dealt with at length. What strikes as important right now is the fact that something like this did not take place in Japan. Japan's culture and civilization continued to be impacted by the oriental East Asian culture.

### 6.1.1.1 Meiji Restoration is not comparable to the Enlightenment:

The Meiji period cannot in any way be equated with the Enlightenment movement of the West though it plays the most important part in the contemporary history of Japan as it opened up the country after two centuries of isolation from the rest of the world and provided a new impetuous to hunger for education in general. But most of the historians and scholars on Meiji restoration agree that it was rampant and feverish westernization that remained the bottom-line of the Meiji oligarchs. Hence it was not so much about new or indigenous or original ideas but about a general consensus that

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[57] The best account of the historical events in Japan can be found in the works of Yanaga (1975)

in order to advance Japan must westernize for the sole reason that western nations were much 'advanced' as compared to them. However, it cannot be said that this thinking did not do any good to them. In fact as history goes, Meiji restoration provided the basis of all 'modern' (read western) phenomenon in Japan including the fact that it was the Meiji rulers who first provided for a constitutionally enshrined law for citizen's activity in Japan[58]. But this was yet another step to blindly follow the ways of the west and was largely restricted by strict legal codes. Although it was path breaking as this made Japan the first country in Asia to have such a provision to further civic activity but citizen's activity was in no way contextualized according to the indigenous sensibilities of the Japanese people or their day to day reality.

### 6.1.2. Brunt of the War: Post War Reconstruction

Another ripe time for the advance of new ideas in Japan was after the Second World War. This time is considered important as this was when the country had to be rebuilt after the ruins of the war, it had to start afresh. Since the society was in turmoil, it could have proved to be a good time to advance indigenous values and sensibilities blended into well thought of patterns of political and social theory but again it could not be so because of Japan's *fait accompli* with the Yoshida Doctrine and its preoccupation with the rebuilding of the economy.[59] Japan's stint with compulsory democratization (along with demilitarization) was limited to the Occupation Period (1945-52) where these goals were chased actively. However, it cannot be said that these steps played any critical part in the advancement of civil society in Japan.

Just for the purpose of a brief revision and also for summing up the argument, a quick contrast with the western world might prove a little helpful here.

### 6.1.3 Not being subject to Socialist Rule:

Apart from the enlightenment project that has been just mentioned, Japan was also bereft of any socialist rule unlike the Central Eastern European countries. It was these countries which became the backdrop for the re-emergence of civil society in the late

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[58] 1896 Meiji civil code. For further reference please refer to
http://www.britannica.com/EBchecked/topic/301097/Japanese-Civil-Code accessed on 03.03.2010

[59] David Flath (2005) has worked extensively on the Japanese economy and an account of the state of Japanese economy during the Meiji times can be taken from here. For further reference see Cazdyn (2000)

80s. And that is how the interest of the western scholars got revived in the concept because it came to be associated with the overthrow of communist regimes and the spread of democracy starting from Eastern Europe (notably Poland and then Czechoslovakia) and then spreading all over the world.

### 6.1.4 Summing up:

Summing up the argument of the first factor that is called the **historical factor,** Japan has not had any revolution similar in either letter or spirit like the Enlightenment, which in the West has provided the basis for thought on civil society (among other theories) to take shape. And second that Japan was never a part of the Soviet empire where the dramatic unfolding of democratic protests and movements helped reinstate civil society which finally emerged as the most important factor in the overthrow of Communism in Eastern Europe. In this second innings, during the 80s, it was ideas like individualism, individual liberty etc. from the enlightenment period which were being floated in the argument supporting civil society. These two factors play the most important role in the emergence and re-emergence of the idea of civil society. It is no surprise then, that the way this idea has been conceptualized is firmly rooted in the respective historical experiences, sensibilities of the people, the need of the hour; in short, their respective contexts. The concept has been theorized according those theoretical propositions which come up no less than axiomatic principles when theorizing civil society.

None of the above mentioned factors are applicable to Japan. It had no influence or role to play during the Enlightenment (most of whose period Japan was under splendid isolation) or during the collapse of Communism in Eastern Europe (During most of this period Japan was largely in the capacity of an ally of the United States). If this is the case then how come the term be employed 'as it is' in the case of Japan only because it is looked upon as something which is 'good' and 'modern' and hence be applied to Japan for the sake of modernization. The way the concept of civil society has been taken over directly from the West and has been applied to the case of Japan illustrates a classic example of what Kaviraj and Khilnani (2002) have termed 'received language'. Where is the role/contribution of historical and cultural dynamics—local practices, values, and beliefs—in the development of context of civil society? Before attempting to answer this question, let us take a look at the other

factor that I deem as central to the civil society discourse in Japan and that draws a clear distinction between Japan and the western civilizations.

## 6.2 Japan's civilizational legacy-

The second factor is what is termed as the civilizational factor in the light of the argument made by Edwin O Reischauer (Bary 1988) and Ruth Benedict (1946) to name a few. The bottom line of the argument is that societies and groups can differ, in the extent to which they are based upon predominantly "self-regarding" (individualistic and arguably self-interested) rather than "other-regarding" (group-oriented, and group, or society-minded) behavior. Japan is a typical example of the latter kind where it is interpersonal relationship[60] and not the individual which is the primary unit of the society. This is in sharp distinction from the western societies where the entire edifice of modernity is based on the philosophy of liberal individualism of which civil society discourse is a part. Japan's familial civility differed substantially from the ideal type of individualism. This has been argued to such an extent that it is often mistakenly judged by Western scholarship to be a lesser form of civility and therefore a 'deficient manifestation of modern civil society' (Cheng and Bettinger 2001: 31). It has long been argued that this culture of civility is rooted in individualism. Only 'self-consciously autonomous and rational' contract makers are considered capable of engaging in social interactions that are relatively free of the hierarchies. Habermas locates a "public sphere" between these institutions of private interiority and public authority. He argues that, in the Western past, it was precisely the formation of individuality in the private sphere that enabled participation in both the spaces of public sphere and public authority[61]. It is in this private sphere that "the political self-understanding of the bourgeois public originated." (Habermas 1989: 29)

Following this assertion of distinction between the two kinds of societies is Ruth Benedict's research in her seminal work Chrysanthemum and the Sword. It throws light upon the distinction, between "*guilt*" societies (e.g., medieval Europe) with an

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[60] The notion of *Amae* is elaborated upon by Sugimoto (1994) in relation to other distinctive features of the Japanese societal codes.

[61] See Jurgen Habermas, The Structural Transformation of the Public Sphere, translated by Thomas Burger with the assistance of Frederick Lawrence (Cambridge: the MIT Press, 1989), particularly Chapter II, "Social Structures of the Public Sphere."

"*internal reference standard*", and "*shame*" societies (e.g., Japan, "bringing shame upon one's ancestors") with an "*external reference standard*", where people look to their peers for feedback on whether an action is "acceptable" or not (also known as "group-think")[62]. If analyzed closely this characteristic also dwells on the same line of thought i.e. individualistic societies vs. communitarian societies. The extent to which society or groups are "individualistic" can vary from time to time, and from one country to another.

A further inference that can be drawn from here is that individualism and communitarianism could be treated as two ends of a spectrum on which societies can be placed depending upon the degree of individualism or communitarianism inherent in them. For example, Japanese society is more group-oriented (e.g., decisions tend to be taken by consensus among groups, rather than by individuals), and it has been argued that "personalities are less developed" (than is usual in the West) (Benedict 1946). Democracy is deeply rooted in Japanese history, but not in a form that is readily recognisable to Western observers. The Japanese tradition of decision-making is based on consensus (McNeil, 1994, p. 162; ). This tradition continues in towns and villages to the present day, and remains central to political decision-making at all levels[63]. To quote Yamashita and Williams (2002)

> Zenrei (what people have done before, custom, precedent) is important. If students say they want to do something, the principle often asks 'Is there is Zenrei ?' When there is no Zenrei, it takes time to justify why there is need for something new. In an interview, one male secondary teacher said, 'Principals always say 'there is no Zenrei'. Some heads don't understand when you do something new or interesting, it is natural that there is no Zenrei.

This fact is again a validation of the central argument denoting inherent differences between the western and the non-western cultural contexts. What does this statement reflect? This statement about personalities being less developed clearly reflects a lack of individualism that pervades the Japanese society in its entirety. On the other hand The United States is usually thought of as being at the individualistic end of the spectrum. The point made above has

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[62] This point is, again, important as it traces the formation of the essential thinking patterns of the two societies and thus validates the basic claim of the chapter.

[63] The word still used when decisions are made is Goi-Go (putting together) + i (opinions).

been time and again reiterated by many sociologists and anthropologists after Benedict[64].

John Knight (1996) has interestingly labeled the lack of western type of civil consciousness as 'civil deficit' that has been noted in relation to particular or sectional interests. 'Groupism' or *dantaishugi* has been a prominent theme in the writings of Japanese intellectuals in the postwar period, particularly from the 1970s on (see Dale 1988: *passim;* Yoshino 1992:17– 22, Darling-Woolf 2000). That Japan is a group-centered society is now part of the conventional understanding in western anthropology and sociology. On the same lines Robert Smith draws attention to 'the intense identification of the individual with small groups of affiliation', which therefore claim primary allegiance (Smith 1983:127; see also Coulmas 1993). Another seminal work on Japanese political culture by Mauris B Jansen also mentions this group conformity and intra adhesiveness of the Japanese society (Jansen 1981). Japanese society, as a consequence, is marked by a dearth of voluntary activity, low standards of public behavior, and contracts which lack a binding quality (Coulmas 1993:130–1)[65].

These along with many other similar characteristics collectively are labelled as *Nihonjinron* which literally translates as Japanseness. An in-depth study of this concept will let one improvise while dealing Japan's civil society as it enables one to analyse the cultural specifications in a much newer light. However, it has often been unconsciously used as an alibi by western scholars for simply attributing distinct cultural characteristics under a single label of Nihonjinron. This is a convenient way of shoving important analysable aspects under the carpet and let the lacunae exist and widen. So much so that even a number of Japanese authors have time and again reiterated that Japan's civil society is a natural product of globalization and industrialization and to this extent should be treated as immune from any cultural specifications[66]. Such unconscious western ethnocentrism should indeed be checked through conscious efforts. In fact, understanding Japan's civil society in particular and Japanese culture in general can be better done and analysed by respective

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[64] The most detailed expression can be found in the work of Sugimoto 1994.

[65] As given in John Knight (1996) p 220.

[66] For details refer to Hirata (2002) for a brief account of her analysis of Japanese civil society.

'communitarian' societies like India because of a great deal of religious-philosophical-cultural similarities that these two countries might share[67].

## 6.2 The Iron-Triangle- The Strong State Factor:

There is also a third factor that sets Japan different from its western counterparts, to which attention must now be turned to. Japan has, for all practical reasons, been a capitalist democracy for more than five decades but Japan's democratic experience is, in spirit, extraordinarily different from the typical western countries particularly from the United States and the countries of Western Europe. Japan has made an astonishing success of capitalist economic development, while maintaining a strong state and principles of lifetime security of employment and respect for seniority that seem to contradict western economic logic. (Hann and Dunn 1996; 15). Revising the traditional role of civil society as standing up against a despotic and totalitarian state meets a little problem in the case of East Asian countries and particularly in the case of Japan[68]. He (2007) rightly argues in this light and asserts that civil society is deeply rooted in the western historical and political context, an assertion that is made again and again in this chapter."

> [It] is often portrayed as the opposition to "the state", a force that checks the state's power and develops in tandem with democracy."

However, in East Asian countries and particularly Japan power has traditionally been rested with the state. Japan's tremendous economic success has been attributed to a state led capitalism in tandem with the working of the Iron Triangle[69]. This Iron Triangle has traditionally afforded little scope for things like civil society to prosper. Japan has been characterized by 'soft authoritarianism' rather than real democracy (Johnson 1982), and marked by a 'passive' political culture (Pharr 1990:29)[70] Of course the development of civil society in Japan is contingent upon a number of

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[67] A strong case for this has been made by me where I have argued for an Indian interpretation of Japanese culture owing to the various similarities that the two countries share in terms of their philosophical-religious-cultural attributes. The assentation is not for a complete overlap of this. For details refer to Rao (2009)

[68] **He, Lichao. "In search for an East Asian model: Comparative Civil Society Study in China, Japan and South Korea"** *Paper presented at the annual meeting of the Southern Political Science Association, Hotel InterContinental, New Orleans, LA*, Jan 03, 2007 <Not Available>. 2009-10-11 <http://www.allacademic.com/meta/p143194_index.html>

[69] The Iron Triangle denotes the synchronized network of Government, Big Business and Bureaucracy.

[70] For details refer to Knight (1996)

factors like environmental hazards, declining faith in the structure of the government and politics and the bubble burst followed by a series of successive recessions[71]; still the very fact that civil society could prosper in Japan in spite of a strong state continues to remain as a puzzle.

It is this puzzle that He (2007) has argumentatively probed. Her basic argument is that in East Asian countries, civil society grows out of the needs of the state. This is the primary reason why a civil society movement could actually take off because like other things (big business or state led capitalism) it was the state that realized the need of patronizing a civil society. As new challenges came up there were a large number of social and economic challenges that the state was not able to cope with. As a result, the state had to give more space to the society, yielding part of its power in return for corporation and even partnership in addressing those issues. Japanese civil society presents a very important aspect in this regard. The terrain of its civil society movement is such that one can draw a clear distinction between internationally based NGOs and domestically based NPOs[72]. It will suffice here to report that those civil society institutions which are encouraged by all means by the state are still the internationally based NGOs which in many ways work more as extended state machinery. Ogawa (2009) has rightly pointed out that Japanese civil society or third-sector groups in fact will have this quasi-government characteristic. From this perspective, the political advocacy that exists is weak (primarily compared to the United States); the relationship between the state and society is very close, and little attention is paid to what is going on outside the state[73].

The point that needs to be drawn home is that Japan (including the other two countries in East Asia; China and South Korea) differs from the western world, again, as far as the relationship between civil society, democracy and state is concerned. It cannot be clubbed with the western world to study this relationship. Though there are a number of works on the relationship between civil society and democratic theory, unfortunately this relationship has not been explored much in the East Asian

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[71] The astounding development of civil society in the 90s is the core of the next chapter.

[72] This distinction and the reasons for it including a description of various other kinds of civil society institutions are dealt with at length in the Fifth chapter.

[73] For details refer to Ogawa, Akihiro (2009)

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context[74]. Algappa (2004; 42) argued that a positive connection may not be compulsory between civil society and democracy.

> There is no necessary connection between civil society and democracy; civil society can have both democratic and antidemocratic effects; and the actual effect in practice hinges on the ideas, purpose, and the distribution of power among the organizations that make up civil society, the strategic connections between organizations and leaders in civil society with their counterparts

He makes this point in order to understand and explore civil societies in Asian countries[75]. Quoting him further

> ....democracy may build on civic virtues, but such virtues are not uniquely democratic. They may underwrite other forms of government (Nazism in Germany, Fascism in Italy, and apartheid in South Africa) as well. Much depends on the political and constitutional context and the political ends for which the social capital is deployed (Algappa 2004; 42).

## 6.3 Summing up:

Summing up the argument of this section, the basic aim has been to prove how Japan's civil society as a case study differs from its western counterpart. Three main reasons have come to the fore in this regard. The first one claims the difference on the basis of Japan's distinct historical evolution as a modern nation state. The second one underlines the civilizational context of the west in contrast to that of Japan and thereby points to the socio-cultural and philosophical differences between the two civilizations. The third point refers to the distinct type of state led capitalist democracy in Japan despite being in the so called first world league for decades together and asserts that the interface of civil society, democracy and state is bound to be fundamentally different from the Western democracies. These three differences together bring out a paradigm shift in theorizing the civil society debate in Japan which is different from the West both in letter and spirit.

The above exercise was important for two main reasons. An overview of the genesis of the term helps the analysis in being technically sound and historically rooted. The

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[74] Baker (2002) has explored this debate but he has restricted to the debates in Eastern Europe mainly.

[75] Though this context does not really work much in the case of Japan because in the section in japan deals more with the legal confinements to civil society and do not advance this proposition per se. This argument is made for Asian societies in general as they differ from quintessential western democracies where there is almost always a strong positive correlation between democracy and civil society.

second is that by this we exactly know from what and where to disagree. The latter reason is specifically important as the basic aim of this chapter is to assert that the prevailing approaches to the study of civil society are severely limited in scope and heuristics especially when they are applied to the case of Japan in particular and non-western civilizations in general.

### 6.3.1 Alternative Approach to Civil Society:

The focus now turns to building an alternative approach to theorizing civil society in the case of Japan. It is not to be assumed, however, that there have not been any attempts to argue beyond the western conception. In fact in the case of Eastern Europe and Latin America there have been a considerable number of efforts to that end. But as mentioned in the preceding sections, Japan's case has been different. Hann and Dunn (1996) have worked on alternative models of civil society but with respect to Japan, their work only mentions an experiential account of a girl's and a grown up man's perspective on what they understand by civil society[76]. Though it gives a good insight into the subject[77] but it would be an exaggeration to say that it actually constructs a civil society model to study the case of Japan. In a yet another valuable work in the field (Alagappa 2004) argues that the inherent variety in the Asian countries calls for a separate volume on civil society in Asia but fails to build a separate model for theorizing Japanese civil society. Many works on Asian civil societies overlook Japan's case as Japan does not fit in the typical mould of the third world. In this respect Japan is one of its kind countries in Asia and a separate model is not only suggested but also needed. Hence what is required is that the existing understanding on civil society be deconstructed.[78]

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[76] For details refer to Knight (1996). Here, the development of civil society is understood in terms of personal experience of a girl.

[77] To quote the Hann and Dunn (1996; 15)

> ....some of these new forms (of civic initiatives) emphasize their 'voluntary' character, it is clear that these, too, are radically different from the western, liberal-individualist model.

The statement indicates dissatisfaction with the existing western paradigm and a will to transgress from there but in effect it does not substantiate a model by which one may do so.

[78] A term used by Benthall 2000 in Benthall, Jonathan. 2000. "Civil Society's Need for De-Construction". *Anthropology Today* 16(2): 1–3.

As mentioned earlier, the most dominant theoretical frameworks for the study of civil society are New left (commonly referred to as Marxist) and Neo Liberal (neo-Tocquevillian). While the Marxist framework is not applicable to Japan at all, the Japanese case comes closer to the neo liberal conception of civil society (keeping in mind that Japan is at least labelled as a democratic capitalist state)but both frameworks are rejected in this research as both are found lacking in the specific case of Japan.

The other existing approaches for the study of civil society are derivatives of the liberal framework, namely the Universalist and the Relativist approaches. The former operates under the cloak of a broad Anglo-American ethnocentric bias and is the kind of approach that the research is out to counter from the very beginning. The relativist argument draws from the cultural relativism debate popularized by Ruth Benedict (in the case of Japan). An earlier account of cultural relativism has been given in the preceding sections of the chapter and it would suffice to say that the kind of approach that this chapter finds justified is a relativist approach. There has been a lot of work on cultural relativism in general and in the case of sociological and anthropological studies on Japan in particular but the emphasis of this chapter is to apply this understanding in the context of civil society which, though intended and suggested, but unfortunately has not been taken up by major contemporary works on Japan.

## 7. Conclusion:

The important suggestions in the field of developing an alternative Japanese approach to its civil society movement are as follows:

1. Importance of contexuality of Japan- Quentin Skinner's centrality of context can be applied here as a theoretical support in this regard.

2. Keeping in mind the three differences viz. Japan's Historical experiences, Japan's civilizational legacy and The Iron-Triangle, that have been extensively probed in this chapter.

3. Taking into account the intervening variables of *Nihonjinron* in theorizing about civil society.

4. Taking account of domestic civic associations (NPOs and other innumerable unincorporated voluntary associations) alongside the statist NGOs and legal NPOs rather than concentrating on only the later as has been the usual trend for eg. Hirata (2002) approach. This relates to emphasizing the importance of decentralization in the context of civil society in Japan.

Chapter Three

Civil Society in Post 1991 Japan: Arrival of the Tipping
Point and the Development of Civil Society Organizations

# 1. Introduction:

## 1.1 Scope of the Chapter:

This chapter deals with the development of civil society in Japan as a concept and as a movement. As mentioned in the introductory chapter, it will be logically established in this chapter why the decade of the 1990s is the most crucial period for this movement in Japan. To this end it will be important to establish the incident during the 1990s which can be rightly acclaimed a tipping point in the recent development of civil society and provided the much needed 'break' for the movement to take off. In this course the chapter will also pay special emphasis on the idea of Japan undergoing a 'quiet revolution' in the decade of 1990s and the expansion of this idea as a 'structural revolution'.

Secondly, important movements and organizations that played a crucial part in the development of civil society into a movement in Japan in the correct sense of the term will be reviewed. There would also be due emphasis on the role of other factors of cardinal importance like the bubble burst and its subsequent effect on the mind-set of the Japanese people and will be treated as the major variable that brought changes in the very psyche of the Japanese people in a considerable way. As argued in the first chapter of this study, despite the fact that there was a legal provision for civil society to exist in Japan, events at the ground level were far from being on a positive note. The era of 1990s, in this sense, is of supreme importance as various factors combined to propel the civil society movement in the right direction. These factors range from the paradigm shift that the Japanese people underwent as a result of bubble burst to other related factors like the changing sociological patterns and declining faith/confidence in politics etc. These factors, when amalgamated with the already empowering influence of globalization, have brought about a fundamental change in the traditional roles of family, state and politics and provide a key element to understand the development of civil society and citizen's movements all over the world (Tsujinaka 2006). This is particularly true in the case of Japan as well and we will shortly see how.

This chapter is an endeavour to test the first hypothesis of the research i.e. *Frail economic conditions helped trigger the structural transformation in the 1990s which in turn got aggravated with industrial maturation, social unrest and directionless ness*

*of the government. The combined effect of this brought about significant change both in the civil society movement and in the government's perception of it.*

## 1.2 Theoretical Framework:

The main theoretical framework for analysing the events during the1990s is the theory of **'quite transformation'** by Kingston (2004). It should also be mentioned at the outset the concept of quite transformation, though justified, has been found to be slightly deficient in understanding the crux of the change that shook the Japan during the 1990s. With this assertion, this research has expanded this concept into what is termed as 'structural transformation'.

## 2. Justification of the Time Line:

There has to be a justification with regard to the timeline specified in this chapter. In this regard this work is a response to these questions:

1. What is the significance of post 1991 Japan in the particular context of civil society?

2. Why has this decade been chosen as the most important period for the development of civil society?

## 2.1 Role of the 'Lost Decade':

It was during this decade that a combination of factors changed Japan inherently. This decade is usually labelled as the 'lost decade' owing to the ill performing economy. However, the point made here is that seeing the 1990s only in that dimension is actually looking only at one side of the coin.

It may appear at the outset that this chapter is dealing with establishing the importance of the notion of the 'lost decade'. However, in line with Kingston's argument, the aim of the chapter is to examine this notion in a way that goes beyond economic implications. The term lost decade is a misunderstood and a misquoted term. To quote Curtis (1999),

> The so-called Lost Decade of the 1990s has been misunderstood because it really marks a watershed in Japan and has been a time of far reaching transformation.

Jeff Kingston (2004) has taken this argument forcefully further in his thesis of Japan undergoing a 'quite transformation' during the so called lost decade[79]. Further, it is to establish that Japan underwent a transformation that was not just 'quite' but also 'structural' in nature[80], during the period of the 1990s and to view this decade as the decade of lost opportunities only, is a folly. Kingston (2004; 3) has asserted that the quiet revolution involves "the gradual process of extending and reinvigorating its stunted civil society". Putting the idea of Kingston's 'quite transformation' it may be said that he critiques the uni-dimensional understanding of the 1990s mostly done only in the economic sense and has argued that this was the very time when a multitude of factors cropping up in the Japanese society and politics, had caused a slow but steady shift in the Japanese politics and society at large. Though the multitude of factors have been divided into three categories (mentioned later), but simultaneously running alongside is the following specific events that helped bring this change.

## 2.2 Time Line of Important Events during the 'Lost Decade':

Hence, for what is being reiterated again and again, providing a timeline of events related to the growth of civil society vis. a vis. the lost decade will be useful in encapsulating the reason of selecting the said time line. Presenting them in a chronological order will help bring out the evident change that had engulfed Japan in that decade. It will also be useful to then locate these changes vis. a vis. corresponding developments in the various facets of civil society. This exercise will help in validating the first hypothesis of the research. Secondly, this will also help in understanding the expanse of events touched upon in this chapter. Taking a timeline from 1989 to 2000 (basically covering the 1990s) the important events selected are as follows:

1. December 1989- stock market peak when Japanese stocks reached a value of $4 trillion, constituting 44 percent of the world's equity market
2. Early 1990- Bubble Burst

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[79] Jeff Kingston (2004; 3) has given the most insightful analysis of the decade of the 1990s in favour of the development of the civil society in Japan.

[80] The term quite transformation has been given by Jeff Kingston. Though I agree with his ideas, nonetheless for the use of this dissertation, the term structural transformation has been found more apt. The reason behind this is covered at length in the following pages of this chapter. In this way, this chapter is also a critical response to the Kingston.

3. 1991-Gulf War[81]
4. 1992-Revison Of SDF law
5. 1993- 18 July 1993, in which the LDP failed to win a majority: Hosokawa Government
6. January 1994-Electoral reforms
7. June 1994- Murayama government; coalition of Japan Socialist Party (JSP), the LDP, and the small New Party Sakigake.
8. January 1995- Kobe earthquake
9. March 1995- terrorist attack on Tokyo metro station by Aum Shinreikyo[82]
10. 1998- Revision of the 1898 law and promulgation of the NPO law.
11. 1999- Information disclosure Law[83]
. 12. 1999- setting up of Justice System Reform Council
13. September 1999- Nuclear Mishap in Tokaimura (near Tokyo)

The events mentioned above are both domestic and international in character but the one and the most important common trait they carry is that each was first of its kind in Japan and that is why their combined effect brought about a structural change in Japan that cut across economic, social and political spheres.

## 3. Dissecting the Lost Decade: Underlying the Structural Factors instrumental in Changing Japan

The decade of the 1990s has been labelled as the 'lost decade'[84] (Kingston 2004). In Japan, the 1990s were characterized by a deep socio-economic crisis (the "bursting of the bubble") that created the context for significant social changes in established institutions such as the bureaucracy and the education system. While the labelling of the lost decade has been done in a very 'economic' sense of the term, it will be asserted that this understanding is not sufficient for analysing the development of civil society. Hence in order to review the nuances of the 'lost decade', the political and sociological ramifications should be given due importance.

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[81] Dobson has argued that Gulf war may be treated as one epoch making event in Japan's foreign policy orientation which ultimately brought revision of the SDF law. For details refer to (Dobson 2003)

[82] This was an event which was first of its kind in Japan and the exact causes of this are still not known.

[83] For a detailed discussion on the impact of information disclosure please refer to Repeta (2006)

[84] While the term lost decade applies to the economic aspect where Japan's economy lost considerably, in this piece of research the connotation of this term has been extended to cover other negative traits like deterioration of politics, falling apart of the traditional role of family and other sociological problems that sprung up in urban Japan; whose repercussions unfolded in Japan almost simultaneously.

## 3.1 Factors that Changed Japan:

This multitude of factors, which ought to be treated separately for bringing forth their significance, may be shortlisted as below:

1. **Economic-** Frail economic conditions (the bubble burst and its aftermath) bringing disillusionment with the economy.

2. **Political-** Decline of politics and the weakening of the 1955 political system (Curtis 1999;39) that resulted in waning reputation of bureaucracy and the arrival of coalition politics.

3. **Social/Sociological-** Social imbalance brought by feverish economic development for decades that had resulted in collapse of the family system and familial values (being particularly true of urban Japan) and various other social problems relating to a confused self-image and identity loss among youth.

Each of these variables constitutes the **set of independent variables** identified at the beginning of the study. Hence each will be treated separately and then their combined impact will be seen on the way they affected the movement to change its trajectory in order to finally arrive in Japan.

The evaluation of the above mentioned variables is done in the context of the idea of structural revolution which is inherently linked with the projection of 1990s being the lost decade in Japan. It is, in fact, a critical response to this labelling of the lost decade.

## 4. Structural Transformation in Japan: Factors integral in this analysis:

The next section will centre on the theme of quiet transformation and my own extension of the term as structural transformation with respect to the development of civil society movement in Japan.

**Quiet Transformation in Japan-** As mentioned earlier, this term has been coined by Kingston (2004) in his path braking research on Japan's civil society. While it is evident that Japan had a history of citizen's activity and volunteering but it was during this period (the 1990s) that a 'culture of volunteering' was accorded a central place in the Japanese society.

## 4.1 Background to the quite /structural transformation:

There is an important relationship between the ideas of the 'quiet revolution' and the lost decade. Japan, right after the Second World War had been pre occupied with building up its economy (Vogel 1980, Flath 2005). The feverish pace of economic development enabled Japan to fast become the world's second largest economy: a position it had maintained till only recently[85]. Japan's economic miracle has been a subject of fascination for a generation of researchers and scholars from across the world and this stands as an undisputed fact. Japan has also been the first Asian country to have joined the first world league of industrially advanced countries of the western world. The Japanese fixation with economic success and a resultant bubble economy suffered a major setback only when its bubble burst in 1989. As was mentioned in the earlier sections of the chapter, the economic political and sociological ramifications of this change may be summarized in as follows:

### 4.1.1 Economic deterioration-

Following from bubble burst, due to its structural impediments[86] and drawbacks, the Japanese economy could not recover and suffered successive recessions during the 1990s. The Japanese economic honeymoon had ended and hence the lost decade. In the words of Kingston (2004: page no) it was,

> A period when the economy imploded, the asset bubble collapsed, banks were on the edge of insolvency, unemployment skyrocketed, suicides increased and the leaders of Japan were tarnished by exposés of pervasive corruption.

The Japanese self-image was shaken substantially for the first time after the Second World War. One may go on with assessing the impact Bubble Burst had on the Japanese in general, but for our purpose it will suffice to examine the most important effect that was brought about was the realization of the importance of transparency in government dealings and policy making. This was a watershed event whereby the political culture and awareness of the Japanese people which otherwise has been a

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[85] Chinese economy overtook Japan as number two this year with Japan slipping to the third position.

[86] Refer to Gao (2001) for a detailed analysis on the structural impediments in the Japanese economy as established by the Bretton Woods system.

subject of massive criticism, progressed by leaps and bounds[87].The most pronounced impact of the bubble burst is the drive towards information disclosure. The next paragraph revolves around this impact in the aftermath of the bubble burst.

### 4.1.1.1 Information Disclosure Measures:

As the title of the chapter suggests, Post 1991 Japan was a changed Japan. Japan after the bubble burst was substantially different from the one prior to it. What had changed? Though the explanations of why there was a bubble burst at all and the related structural defects in the Japanese economy are many[88], but for our purpose it would suffice to mention that lack of transparency at the level of the decision making bodies was attributed as the main reason for this collapse (Gao 2001, Kingston 2004)[89]. In the aftermath of the bubble burst, the importance of greater accountability and public participation in government policymaking was realized in general following which the demand for reform in this sector sped up and many NPOs and other pressure groups exerted pressure for this to happen. This phenomenon has been rightly summarized by Kingston (2004) as Japan's Glastnost. The most glaring effect of these was the **National Information Disclosure Law** which was passed in1999 and came into effect in 2001. It is noteworthy that there were efforts by a group of citizen's to this end since the 1970s both at the level of central as well as local governments but not much headway could be made[90]. But it is noteworthy that local governments played a more positive role in this respect and the role of certain heads of the prefectures must not be overlooked[91]. The role of NPOs and other citizen's

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[87] Japan has been often said to have a first rate economy but at third rate politics or the reputation of an economic giant political pygmy; pertaining to the stunted sense of political awareness and probity in the Japanese people. This is often regarded as the main reason, among others, that helped the LDP to sustain its unbroken reign in politics.

[88] Please refer to Gao, Bai (2001) the structural causes of the bubble burst..

[89] The main agencies responsible for financial decision making are MITI (now METI) and the Bank of Japan.

[90] Information disclosure is known as *joho kokai* in Japanese. The demands for this were fuelled by the Lockheed scandal in the 70s and then in 1985 by the families of the victims of the largest air crash in Japan in order to have information on their litigation. For a further discussion please refer to Kingston 2004; p43). The development in this regard was limited to setting up of 'information windows' at the ministries. Virtually, however, the scope of these was limited due to the absence of legal sanctions.

[91] Governor Asano of Miyagi Prefecture played a key role in promoting information disclosure. For a further discussion on this please refer to Kingston (2004;50)

groups in this regard will be discussed a little later[92] though the importance of these organizations cannot be under evaluated[93] (Kingston 2004, Repeta 2006, Vinken et al 2010).

In the late 1980s and early 1990s, corresponding to growing needs for international cooperation[94], aggravation of environmental issues, growing number of aged people in the country that turned Japan in an ageing society, insufficient child care, deterioration of the community in general and of the youth in particular[95], voluntary action became diversified and various kinds of voluntary organizations were established.

While the economic frustration remains the gloomiest factor, the second factor that becomes important in post 1991 Japan is political.

## 4.1.2. Political deterioration

The Japanese political system had been long characterised by the 1955 party system. In short this system was characterized by two important features:

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[92] Some of the early efforts with regard to information disclosure were by The Japan Federation of Housewives' Associations (*Shufuren*), the Consumers' Union of Japan (Nihon *Shohisha Renmei*) and the Japan Civil Liberties Union which lobbied for an information disclosure law on the US model.

[93] See L. Repeta, 'Japan – Breaking Down the Walls of Secrecy: The Story of the Citizens' Movement for an Information Disclosure Law,' July 2002, available at www.freedominfo.org

[94] Though this is not the focus of the study, nonetheless it provides an interesting insight into the tensions japan was undergoing from all quarters both domestically and internationally. 1991 was also the time when the second gulf took place and in spite of donating $13 billion to the war, Japan was still criticized for not playing a more 'physical' role in the war and this donation was labeled as chequebook diplomacy. Following this one cannot overlook the fact that it was in the aftermath of the Gulf war that Japan had to under pressure from the US, amend its SDF law (1992) to enable its SDF forces travel overseas. When scrutinized carefully, it becomes clear why post 1991 Japan was structurally different from the one prior to it. Like the bubble burst, the Gulf War was a watershed event in the changing Japan structurally. For a further discussion on the role of Gulf War in Japan's foreign policy, refer to Dobson Hugo (2003) Japan and United nations Peacekeeping: New Pressures, New Challenges New York: Rout ledge Curzon; Dore Ronald (1997) Japan, Internationalism and the UN New York: Rout ledge.

[95] Japan is a closed society which does not like to open up or accept their defects and problems. With growing social problems, a need was felt in the Japanese society to break out of their shell look at the situation with a more objective view. Sugimoto (1997) has given a very good account of the types and causes of youth problems in Japan. This is particularly unnerving as Japan is an ageing society which cannot afford to overlook its already few young population.

### 4.1.2.1. Unbroken LDP supremacy-

The Liberal Democratic party of Japan had enjoyed an unbroken reign till 1993 thanks to policies like pork barrelling, factions and multiple member constituencies[96]. This is also called as the Fifty-Five-Regime that implies stagnancy and lack of the social dynamism in the Japanese society. This stagnation has been a primary reason for a stagnant civil society in Japan. This case has been deftly argued by Hirata (2004) who asserts that Japan has had a dysfunctional democracy that curtailed any dynamism in Japanese political landscape.

### 4.1.2.2 Strong Bureaucracy-

It is often quoted that bureaucrats in Japan enjoyed a status akin to God (*Okami*) (Schwartz 2003) and that the LDP could sustain itself in spite of internal disturbances was because it continued to have the support of the Bureaucrats. Inoguchi (2001) coined the term "karaoke politics" to point to a system in which bureaucrats offered political options to politicians whose subsequent actions highly mimic karaoke singing: they simply follow the lyrics and melody that stem from the karaoke/bureaucracy machine. Also relevant here is the role of the Confucian historic context where people are inclined to believe that matters relating politics and governance (and this applies to civil service as well) are best taken care of when left to experts[97] and these experts in turn function according to the examples set by their superiors or seniors[98] (Yamashita and Williams 2002; 277-289). The "*Okami*" notion is an illustration of this larger than life image attributed to the bureaucrats. These two factors when combined with the big business provided what is famously known as the Iron Triangle that ruled Japan successfully till the early 1990s.

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[96]A detailed discussion on these is beyond the scope of this work. However, here it may suffice to mention that pork barreling, *koenkai* (large personal support groups), factions and multiple member constituencies were factors that enabled LDP to rule the way it did while concomitantly giving birth to rampant corruption within the political system. Refer to. Ramseyer and Rosenbluth (1993) for further discussion. The three critical ammunitions for a candidate to win an election was called "Three Bans: Jiban, Kanban, Kaban

[97] Vinken, H. (2007). Changing life courses, citizenship, and new media. The impact of the reflexive biographization of the life course on young people's democratic engagement. In P. Dahlgren (Ed.), *Young citizens and new media. Learning for democratic participation* (Pp. 41–57). New York & London: Routledge.

[98] This is known as the importance of *Zenri* (what people have done before, custom, precedent) in Japanese life. The concept has been introduced in the earlier chapter, For a further discussion on this refer to Yamashita and Williams 2002

The changes in this 1955 political system after 1991 were of considerable importance[99]. In fact the weakening of the 1955 political system is undoubtedly one of the most significant themes of that era. The reasons of this change may be given in short as follows:

a)    **Successive political scandals becoming rampant** – Starting from Lockheed bribery scandals[100] in the 1970s, Japanese politics saw a string of similar scandals throughout the 1980s and the 990s. For eg The Recruit affair Scandal in 1989 and the Sagawa Kyubin Scandal in 1992[101] to name just a few[102]. This led to a general public disenchantment from politics along with spoilt images of bureaucrats and politicians in Japan. Kingston (2004; 24) has given a detailed account of the corruption scandals that marred Japan's political landscape in the 1990s.

b)    **Electoral Reforms**-There was considerable pressure on LDP to bring about electoral and administrative changes and it had been building up since a long time. The above mentioned scandals had weakened the LDP like never before and the fact of the bubble burst had further worsened the matters as it was all taxpayer's money that was lost by way of these scandals. Schoppa (2001) has forcefully argued that Japan's troubles were making headlines since a long time but the public carried on with their trademark passivity as long as their lives were not affected directly. Hence Christensen (1994) has called 1993 as the period of a political earthquake in Japan. However after four years of haggling the reforms were carried out in 1994[103]. Carlson (2006; 363) argues that these first set of reforms are important as they represents challenges of shifting from one system to another. In this context this shift means from

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[99] Curtis (1999) has convincingly argued that since the factors supporting the 1995 system were no longer relevant in the 1990s, the age of this system was over and had no rationale whatsoever so exist. For a further discussion refer to Curtis (1999)

[100] http://en.wikipedia.org/wiki/Lockheed_bribery_scandals accessed on 02.05.2010

[101] http://factsanddetails.com/japan.php?itemid=799&catid=22&subcatid=146 accessed on 02.05.2010

[102] It must be noted that Japanese politics is marred by political scandals and this feature has carried well into the current decade. More detail on this can be found on http://factsanddetails.com/japan.php?itemid=799&catid=22&subcatid=146 accessed on 02.05.2010

[103]Japanese Pass Bills On Electoral Reform Published: November 3, 1994, The New York Times, http://www.nytimes.com/1994/11/03/world/japanese-pass-bills-on-electoral-reform.html?pagewanted=1?pagewanted=1 accessed on 12.04.2010

single member constituencies to multiple member constituencies[104]. A detailed appraisal of electoral reforms is beyond the scope of the present work and not even required at this moment. What is important here is to keep in mind that the above changes during the early 1990s marked a significant shift away from the old Japan that can be translated best in terms of the arrival of coalition politics in Japan.

Now attention must be turned to the third aspect which is as follows.

### 4.1.3. Social/Sociological problems:

### 4.1.3.1 Background:

This requires some background about some connotations of the Japanese culture. Japan is a country where double standards find a rightful place in the very culture of that country (Sugimoto 1997). In fact as the social mores and norms of its society are concerned, a considerable deal has been written in the previous chapter. Without having to repeat it again, we can come to the conclusion that Japanese society is marked by distinctive features that in the real world exert a lot of pressure on its people[105]. A detailed discussion on social problems in Japan is a topic too wide to be covered here. While the specific reasons for each one of a phenomenon might be different, it must be borne in mind that the general environment in which they arose was common. This was characterized by the paradox the Japanese people had been living in for almost half a century. This paradox emerged because Japan was a traditional society which failed to handle the overpowering impact of incessant industrialization in the sense of conflicting values between the traditional (communitarian) Japan and the modern (individualistic) West.

### 4.1.3.2 Specific Social Problems:

Putting more specifically the major social problems with reference to the question of civil society may be presented as follows. However, it must be mentioned that while

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[104]For a further discussion on this refer to Ramseyer and Rosenbluth (1993) and to Thomas Lundberg (1995) Electoral Reform in Japan? http://archive.fairvote.org/reports/1995/chp7/lundberg.html accessed on 03.03.2010.

[105]That accounts for a large number of suicides in Japan among other things like examination pressure, *karoshi* etc. the most severe social problems that their society is facing are ageing society, a string of youth problems, increasing rate of divorce, juvenile delinquency etc.. For a detailed discussion on this refer to Sugimoto 1994.

these problems started to be felt in the decade of the 1990s, they continue to haunt the Japanese society till date[106].

**4.1.3.2.1 Declining Birth-rate and ageing population-** Japan is becoming one of the top ageing, low fertility societies (with one of the highest life expectancies in the world) and this trend had started in the late 1990s. Almost one fifth of the entire population is comprised of people over 65 years of age in 2007and statistics show that this ratio will reach up to one third by 2035. Japan has had a low birth rate for over more than a decade and this became negative for the last year. The causes for the above are that medical treatment advanced rapidly in Japan. Late marriage became popular and there has been an increasing trend towards being single (this being specifically true in the case of women). Other reasons could be the high costs of child education in the times of an ill performing economy. Direct impacts from above can be seen in declining economic development, rural depopulation and introduction of long term care insurance system.

**4.1.3.2.2 Unemployment-** this has been the most pressing problem in Japan among the youth. The most prominent reasons for above are two, long standing economic recession and shrinking labour market[107]. This has resulted in unstable working conditions, economic disparity (a thing that did not really exist till the 80s). This has lead to the problem of freeters (freelance workers) and irregular workers[108]. Closely related with this is the spreading problem of the homeless in Japan.

**4.1.3.2.3 Educational problems-** institutionalized, systematized and bureaucratized public schools in Japan often do not respond to individual needs or providing effective support to those suffocating from the pressures of competition oriented education (Hendry 1986, Sugimoto 1994). The most infamous effects of this are the issues like *ijime* (bullying), *futuko* (non-attendance), *hikikomori* (social withdrawal)[109] etc (Sugimoto 1994). Some of the causes are rampant urbanization and nuclearization of families which have made child rearing difficult. In a nutshell this has led to severe isolation in the Japanese families.

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[106] Tsuchiya, K (2010) Personal interview, Japan NPO Center, Tokyo, 28.05.2010.

[107] A detailed account on the current state of the Japanese society can be found in Flath, D , 2005.

[108] Roychowdhary, Srabani (2008) Lecture delivered at Centre for East Asian Studies, School of International Studies, Jawaharlal Nehru University, New Delhi.

[109] In 2005, more than 180,000 *futoko* students and 77,000 high school students were dropouts.

## 4.1.4 The Sociological theory of NPOs[110]:

The central idea of the theory can be summarized as follows. Japanese people do not quite like exclusion. This is evident in the agricultural ties operational in the early Japan in the first half of the twentieth century. However, there was rampant and wide spread urbanization after the Second World War and now the associational facet was best seen in the practice of the Long term employment system[111] in Japan. Under this system, the identity of the company was the identity of the individual. The individual 'belonged' to the company. This was true of the new economic culture till the 1990s. However, when the economy started doing badly after the bubble burst the people who formerly attached their identity to that of the company's felt cheated and started looking out for a new associational realm. That was when the Kobe earthquake struck and civil society sector (particularly volunteering) became this new associational realm. For the already working people, who lost heaps of money following the bubble burst, this was the primary reason why they joined the NPO sector. For the young people of that era an additional factor played an important role.

1990s was also the time when the young generation could not find jobs (rate of unemployment rose) and this became a traumatic experience for them. As a result this period saw a sharp rise in a number of youth related sociological problems mentioned in the preceding section. For the young people then, it was neither the market nor the society to which they could associate themselves. Hence when the Kobe earthquake struck at that time, it gave impetus to community volunteerism and a new associational realm to the estranged young generation of the 1990s.

The above paragraph can be summarized as below:

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[110] This theory was conveyed in a personal interview with Prof. Katsukata. It is included in this section because it draws heavily upon the socio-cultural context of the Japanese in the 1990s and the way it becomes contingent in the way they attach themselves to the Nonprofit sector. This theory is also strongly supportive of the need of an alternative theoretical paradigm for the civil society in Japan (please refer to chapter two of the dissertation). For Details refer to Appendices.

[111] Long term employment system (also referred to as the Life time employment system) is one of the three pillars of the Japanese Management along with, seniority based wage system and .
Roychowdhary, Srabani (2009) "**Three pillars of the Japanese Management System**" lecture delivered at Centre of East Asian Studies, School of International Studies, Jawaharlal Nehru University, New Delhi.

4.1.4.1 Firstly, in the way presented above, volunteerism happened to be a kind of a **self-actualization** where the older generation regained their lost identity and the younger generation found a new one.

4.1.4.2 Secondly, after the debacle of Kobe, there was also a general realization of the limitation of the local government and as a result people realized the need for a local NPO bodies.

Apart from the above mentioned sociological problems other problems like environmental hazards need separate mention. These had started to become more problematic with growing industrialization. In this regard it must be kept in mind that while environmental problems had made an appearance quite some time back, the decade of 1990s not being particularly important in this regard. What is, however, interesting to note for the purpose of the current study is that the realization of government's inefficiency towards catering to and solving these problems was becoming widespread. This point will be elaborated in a short while when the development of NPOs in the 1990s will be discussed[112]. While the impact of this imbalance had started to be felt ever since the 1970s, and that this gave birth to certain citizen's groups which protested vehemently, it was unfortunate that movements like these could not sustain themselves and their steam died out with time. It was left to 1990s, more particularly the Kobe earthquake, when volunteering action came into limelight.

**4.2 Summing up-**

As had been outlined in the opening section of this chapter, the facets of a changing Japan were to be found in terms of economic, political and social/sociological factors that combined to bring about the desired transformation in Japan. It must be kept in mind that these three factors are not equal in their impact or in bringing about the transformation. The fact remains that the bubble burst ended Japanese preoccupation with the economy and for the first time in half a century, seriously enough, their attention turned to other problems in their lives and ultimately in their society. It is not that earlier no notice was taken of this. But the fact remains that such people were less

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[112] The first breed of civil society organizations in Japan happened to be environmental organizations. Hence the role of environmental hazards should not be overlooked. For further discussion refer to Hasegawa (2004).

and could not have sustained a movement or a large organization when a strict regulatory framework continued to exist without any revision or amendment even hundred years after it was promulgated. The bubble burst impacted on the lives of the Japanese people in unprecedented ways and set the stage for changing Japan from within. This was fueled by political corruption and a resultant public apathy from the delivering efficiency of politics and urged the people to take initiatives on their own. The issues at hand were not just economic but also glaring social inconsistencies and problems that were reaching monstrous proportions were left unattended. This realization was looked upon as a political opportunity by the opposition parties mainly the DPJ to exert pressure on the ruling party to promulgate a new NPO law. While the stage for this was set, what was required was a final push that could radicalize the general public towards that end. And this push was provided by what has been identified as the high point of the 1990s i.e. the Great Hanshin Earthquake or commonly known as the Kobe Earthquake that struck Kobe in the early hours of 17th January in which over five thousand people died.

## 5. The high point of the 1990s:

One of the central concerns of this chapter was to trace the arrival of the tipping point in post 1991 Japan that established civil society and helped it in taking off as a movement. So far the effort has been to show the various changes that Japan has undergone after the bubble burst. Following from here, there are certain other important factors that need attention. For making possible the arrival of the tipping point in the form of the NPO law, attention must be turned to what has been identified as the high point in unfolding the arrival of civil society and the spirit of volunteerism in Japan in the true sense of the term.

The high point of this was undoubtedly the Kobe earthquake that struck Japan in the early hours of morning in January 1995. Many scholars attribute this incident to be the most important and decisive event in the coming of civil society in Japan (Nakano 2005; Osborne 2003; Kingston 2004; Hasegawa 2005; Ozerdem and Jacoby 2006; Ducke 2007; Sorenson and Funck 2007; Tsujinaka 2005, 2008, 2010; Ogawa 2009; Vinken et al 2010). And these claims have enough reason to be so. To quote Pekkanen (2000; 111) "the aftershocks of the Hanshin Earthquake would rumble through Japanese politics until 1998". The most striking one is that when this

massive earthquake struck , that took almost five thousand lives, the government machinery was paralyzed, the local government were waiting for the central government to take charge and vice versa[113]. In the most unprecedented way, volunteers from all over Japan came to the rescue of the sufferers. Help came from individual people, from various voluntary groups, NPOs and other citizen's associations so much so that the Japanese government declared 1995 as the year of the Volunteer (*borantia gannen*)[114]. It is estimated that over 1.5 million people volunteered. What makes this account even more interesting is that it occurred in Japan, a country whose people are known for anything but taking initiative in the place of those institutions (the government and the bureaucracy) whom they considered experts and didn't meddle much with. Clearly this indicates a paradigm shift for the Japanese people. It can be concluded that the Kobe earthquake rewrote the state-civil society relations in Japan (a factor that is studied at length in the next chapter). It is also important that we see this in the light of the argument made by Kingston (2004) in terms of Japan undergoing a 'quiet transformation' in order to deliver this way when need struck in the form of the Kobe earthquake. As was mentioned earlier, the notion of quiet transformation is found to be less expressive of the phenomenon and would be referred to as a 'structural transformation' as the latter is better equipped to express the nuances of the change.

This transformation, though fueled by the economic setback, is evident in the other two important factors of the Japanese society, the political and the social. Hence, the term lost decade is a period when although the country's economy lost and suffered, there was a never before enthusiasm seen in the people of Japan as the spirit of volunteerism gained and spread. This spirit was so pronounced that it fueled a revision of the NPO law that was earlier based and confined to the Art.34 of the Meiji Civil Code of 1896. Attention to this will be turned shortly.

1995 Kobe earthquake was an event whose impact was probably the most far reaching in the modern history of Japan. There are **two** important areas in which the direct impact of Kobe can be seen.

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[113] Samuels (1983) has called vertically divided administration, or *tatewari gyosei*, "the single most important structural feature of Japanese public administration."

[114] July 13, 1995, Kyodo Tsushin used the term "The Year of the Volunteer" (*borantia gannen*)

## 5.1 A propelling factor for the promulgation of the NPO law in 1998:

The first of course, is that it helped up build pressure on the government to amend/revise the existing legal framework of Art 34 of the Meiji Civil Code. This impact is more transient in the sense that it actually led to the promulgation of the new NPO law in 1998. Pekkanen (2000) has extensively described the political upheavals that this law had to undergo before finally being promulgated. Even earlier there was pressure on the government to amend the strictly restrictive 1896 law regarding citizen's association but not much headway had been made[115]. In fact the proposal to amend the article was shelved many a time in the past. The main reason behind this delay was that the bureaucrats did not want to give away their discretion in deciding over the fate of the civil society organizations in Japan. It should be noted that in the existing civil code, the bureaucrats enjoyed maximum power in allotting a legal status to such an organization. This is the very reason Pekkanen (2006) attributes to the highly skewed civil society landscape in Japan. Because it was exceedingly difficult for citizen's groups or voluntary associations to be granted a legal status thanks to the strict provisions of the Art 34 corresponding to financial, administrative and other procedural straitjacketing, Japan had a distinct civil society landscape. The distinctness embarked upon the fact that big citizen's organizations remained rare while unincorporated (those without a legal status) were more. Another problem was that because a greater number of organizations remained without a legal status, they were denied legal body status that denied them from tax exemptions, buying or selling property, hiring staff etc. Another reason why very less organizations qualified as legal was because the moment one wanted to start an organization it had to show up three million yen in its bank account; a sum so big that not many could afford in the first place.

The second hurdle was that the power of granting legal status to a citizen's organization, rested solely with the bureaucrats who were most watchful of not letting their power be shared by these non-governmental actors. For this purpose, even after an organization was finally granted a legal status, bureaucratic presence in the organization in the garb of the *amakudari* system[116] was an accepted fact. It can be

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[115] For further description refer to Pekkanen (2000)

[116] Literally means descent from heaven. This is used to refer to those bureaucrats and government officials who are sent to (or invited to) supervise/oversee the third sector activities.

well imagined that the actual or permissible sphere of activity for such an organization is bound to be severely confined in scope and restrictive in action. As a result there was a mushrooming of small unincorporated organizations in Japan whose sphere of activity was limited and which were mostly locally based. This explanation has been very deftly constructed by Pekkanen (2006) who explains by way of above why a movement like the Greenpeace or the Amnesty International could not take root in Japan. This strange phenomenon in the pre-1998 civil society scenario is what urges him to phrase that civil society in Japan is like 'members without advocates'.

A natural question that springs in this regard is that what is the relevance of Pekkanen's analysis to the present research? Pekkanen's analysis is important because it provides us with a vantage point to evaluate the development of civil society in the years following the promulgation of the new NPO law. And to this end, the performance of civil society in Japan may be said to be impressive. This portion will be reviewed shortly. For the time being attention must be turned to the other consequence of the Kobe earthquake.

### 5.2 Establishing the Culture of Volunteerism:

The second factor is that it helped create and more than create, popularize a culture of volunteering (Nakano 2005). Nakano doesn't shy away from saying that the unprecedented gush of volunteering in 1995 was not untouched from rhetoric. In fact rhetoric was created and sustained by the media in no less a measure. But the positive impact was that this helped sustain the image of volunteering in the minds of the people even after the initial euphoria and frenzy died.

### 6. Arrival of the tipping Point:

Most certainly, this was the promulgation of the NPO law (technically called the Law to Promote Specified Nonprofit Activities) in 1998 which came as a decisive turn for the civil society scenario. It reflects the struggle by citizens' groups to reform Japanese society and provide a channel for more effective citizen participation. *Keidanren*, Japan's conservative business association emerged as a forceful and influential advocate for far more progressive legislation than the LDP initially favoured. The Keidanren's **Social Contribution Group** had played a key role in coordinating the Kobe earthquake relief efforts and thus had first-hand experience and

expertise in mobilizing the potential of NPOs. In addition, member companies with overseas operations had learned the benefits of cultivating good corporate citizenship and had seen the positive impact of NPO participation on their employees and local communities (Kingston2004; 72).

The new legislation of the NPO law was aimed at simplifying the paperwork involved in applying for legal recognition for non-profit organizations. Previously, as mentioned earlier, Japan had one of the most difficult regulatory environments for NPOs, involving strong bureaucratic screening, supervision, and sanctioning of powers. However, the biggest problem that remained was that although it reflected the concerns of citizens' advocates in general terms, it failed to grant the tax advantages enjoyed by NPOs in other OECD nations. To illustrate, tax exemption provisions highlight the problems of implementation that continue till date. Although the original NPO law did not include tax exemptions, these were approved by the Diet in 2000. However, between 2000 and mid-2002, only five NPOs were awarded the tax exemption status[117].

## 6.1 Specific Activities under the NPO Law:

NPO Law enabled small voluntary organizations to be incorporated through authentication when they engage in specified nonprofit activities, more precisely[118]:

1. Promotion of health, medical treatment, or welfare

2. Promotion of social education

3. Promotion of community development

4. Promotion of academic research, culture, the arts, or sports

5. Conversation of the environment

6. Disaster relief

7. Promotion of community safety

8. Protection of human rights or promotion of peace

9. International cooperation

10. Promotion of a society with equal gender participation

11. Sound nurturing of youth

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[117] The government proposal in March 2003 to curtail tax exemptions for public interest corporations (*koeki hojin*) demonstrates the NPO movement's vulnerability to bureaucratic interference.

[118] The draft of the NPO law is attached in the appendix and may be referred to for more details.

12. Promotion of information technology

13. Promotion of science and technology

14. Promotion of economic activities

15. Development of vocational ability or promotion of employability

16. Consumer protection

17. Administration of organizations that engage in the above activities or provision of liaison, advice, or assistance in connection with the above activities

The NPO Law must be viewed in the larger context of integrated policy reforms in the area of social services. The rapid ageing of Japan's population and its fiscal implications in terms of

Healthcare costs and pensions have had an enormous impact throughout the policy process. Here, NPOs are seen as a significant source for mobilizing relatively cheap volunteer participation in providing care services for the elderly. According to Kingston (2004) the emergence of NPOs, the growing transparency of government resulting from information disclosure legislation, and judicial reform are three key developments that are shaping the emergence of civil society in Japan.

**7. Growth of the Civil Society agencies in the decade of the 1990s-**

While it is not possible to cover all the civil society organizations that came up in this decade, certain important organizations may still be pointed out. These organizations have been chosen on the basis of broadness of purpose and activity. The NPO and the NGO scene will be separately looked at. However, it must be mentioned that this section looks only at the early development of the NGOs/NPOs focusing on the decade of the 90s. For noting the qualitative leap that these organizations went through in the 90s, it is necessary that their earlier situation is compared with that during the 90s[119].

❖ **The NGO sector-** As mentioned before, these refer to the internationally based Non Profit organizations

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[119] Other details like their composition, main area of activity, staff, finances etc are covered in the fifth chapter.

❖ **The NPO sector-** These refer to domestically based non profit organizations. The NPO sector is more confusing because it includes a variety of organizations other than the legally registered ones.

## 7.1 Growth of the NGOs:

**Brief history and Background-** The beginning of Japanese NGOs can be traced back to a medical mission composed of Christian doctors and medical students sent to China in 1938. This mission was sent in response to damage caused by the Japanese military invasion and to provide care for the refugees. However this work had no smooth sailing and remained disrupted for the next twenty years following intensifying of war. International cooperation by citizen's initiative resumed at the end of the 1950s.

### 7.1.1Growth of NGOs from 1960s to 1990s[120]:

This can be divided into following groups for the sake of convenience and alacrity

❖ **During the 1960s-** This decade was an important decade as many of the NGOs that came into existence during this period continue to exist till date. Some examples are the Japan Overseas Christian Medical Cooperative Services (JOCS, established in 1960), the Asian Rural Institute (ARI) and the Organization for Industrial, Spiritual and Cultural Advancement (OISCA established in 1969 as the OISCA Industrial and Development Body).

❖ **During the 1970s-** the most important NGO that got established during the 70s is *Shapla Neer* (the Citizens' Committee in Japan for Overseas Support). At the time of creation, the name *of Shapla Neer* was Help Bangladesh Committee. Association for Aid and Relief, Japan (AAE, Japan) was created in 1971. The other important organization was the Pacific Asia Resource Center (PARC) in 1973. The main function of PARC was to analyze developments in citizens' movements along with main political and economic issues and distribute such analysis and information overseas through AMPO (its English newsletter). PARC is also the first NGO spearheading advocacy-type work.

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[120] Data from JICA(2008)

❖ **During the 1980s-** the numbers of NGOs grew rapidly from 1979 to the late 1980s. The main reason was the outflow of a large number of Cambodian and Indochinese refugees in this period. A number of Japanese citizens hurried to these areas for relief activities and later set up NGOs. The Shanti Volunteer Association (named Japan *Sotoshu* Relief Committee at the time of its creation in 1979) and the Japan International Volunteer Centre (named the Japan Volunteer Center at the time of its creation). It is useful to note that as the area of their activity expanded from support to reconstruction to development, their understanding of the structure of the North-South divide deepened.

Other NGOs that got established during this period were those focussing on the famine in Africa, regarding the global environmental problems, human rights and environmental issues.

As the need to share information and experience among NGOs grew, organizations that catered specifically to this demand came into existence. The late 1980s saw the establishment of the Japanese NGO Centre for International Cooperation, The Kansai NGO Council and the Nagoya and the Third World Exchange Center (Currently the Nagoya NGO Center). Their main aim was to develop wide networks bridging different fields. These network type NGOs began to play a large role in information and experience sharing among organizations, organizational development, distribution of information to the public and national level NGO networking. Another distinguishing feature is that since the late 1980s, network type NGOs by country/ region[121] and area of activity[122] have emerged.

Careful examination of the above data shows that with rising complexity in the field of activities of the Japanese NGOs, one sees the need for better networking. The 1898 Civil Code was still in place and the problems with regard to gaining a

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[121] IN 1988, the Free east Timor National Coalition (currently the East Timor Japan Coalition) was established. After 1990, the People's Forum on Cambodia, Japan (1993), the Japan NGO Network on Indonesia (JANNI, 1993), the Nippon NGO Network for Nepal (1993) and the Africa Japan Forum, (1994) were formed.

[122] Examples include the International Human Rights NGO Network (1990), the Japanese Society for Rehabilitation of Persons with Disabilities (1993) and the Solidarity Network with Migrants, Japan (1997).

legal status were draining. It is also interesting to see that many of the NGOs created in Japan during this time were not legal bodies[123].

❖ **During the 1990s-** the number of newly established NGOs was the greatest during the 90s. The reasons, a series of world shaking events, may be given as below:

1. *The 1991 Gulf War* triggered a debate on international contribution within Japan as Japan's heavy aid was criticized as chequebook diplomacy.

2. The *eruption of Mt. Pinatubo* in the Philippines (1991) and the ethnic *genocide in Rwanda* (1994) contributed to the rapid growth of public attention on overseas cooperation work.

3. The use of the term NGO spread through media reports in a series of *international conferences* held in the 90s.- Starting with the Earth Summit in 1992 (also called the UN Conference on Environment and Development), the 1993 World Conference on Human Rights, the 1994 International Conference on Population and Development, the 1995World Summit on Social Development, the 1995 Fourth world Conference on Women and the 1996 Second UN Conference on Human Settlements.

4. *The 1995 Kobe earthquake* - the importance of this epoch making event has been outlined in the preceding sections. It impacted the NGO sector considerably.

5. *The after-effects of the Bubble Burst-* getting financial aid became tougher because of the economic slowdown that continued well into the twenty first century. Income from Membership fees and donations that had been rising steadily stagnated as a result of the continuous economic recessions. In this period many government projects t help the NGOs overcome this problem came into being[124].

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[123] This is as true of the NPO sector, the only difference being that the number of unincorporated NPOs was much larger than the Unincorporated NGOs.

[124] MOFA launched the NGO Project Subsidy in 1989 and the Postal Savings for the Global Voluntary aid was launched by the Ministry of Post and Telecommunications (currently Japan Post) in 1991, the International Cooperation in Construction Program by the M ministry of Construction (currently the Ministry if Land, Infrastructure and Transport) in 1992 and the Japan fund for Global Environment by

6. *The NPO law 1998-* this gave a new impetus to the non profit sector and the number of civil society organizations steadily rose ever since.

## 7.2 Growth of the NPOs:

Like the NGOs, the growth in this sector also began in the 1960s. 1960s was the time when many citizens' groups were formed to address and resolve issues in labour, pollution, atomic/hydrogen bombs and security fields as they became serious social issues. The decade of the 1960s saw the emergence of peace movements *(heiwa undo)*, students' movements *(gakusei undo)*, women's association *(josie-bu)* and labour movements *(rodo undo)* along with the anti-war movements and environmental movements mentioned earlier. Local residents' movements *(jumin undo)* and neighbourhood associations had been a part of the Japanese society since long.

This sector also saw a boom after the Kobe incident and specifically after the 1998 NPO law. Currently there are about forty thousand NPOs in Japan (Ohashi 2010). This sector includes both incorporated as well as the unincorporated organizations

## 7.3 Advancement of civil society:

This section aims to illustrate the quantitative growth in the various dimensions of civil society in Japan. It uses empirical data to show the rise in the third sector and related activities in the forms of tables and graphs.

In 2006, close to 400,000 people in Japan participated in voluntary activities and more than 30,000 volunteer associations received a nationally certified status as non-profit organizations (NPOs). However, in 1985, only about 100,000 people had counted as volunteers. This is, beyond doubt, a paradigm shift.

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the Environmental Agency in 1993 (now managed by under the auspices of the Environmental Restoration and Conservation Agency),
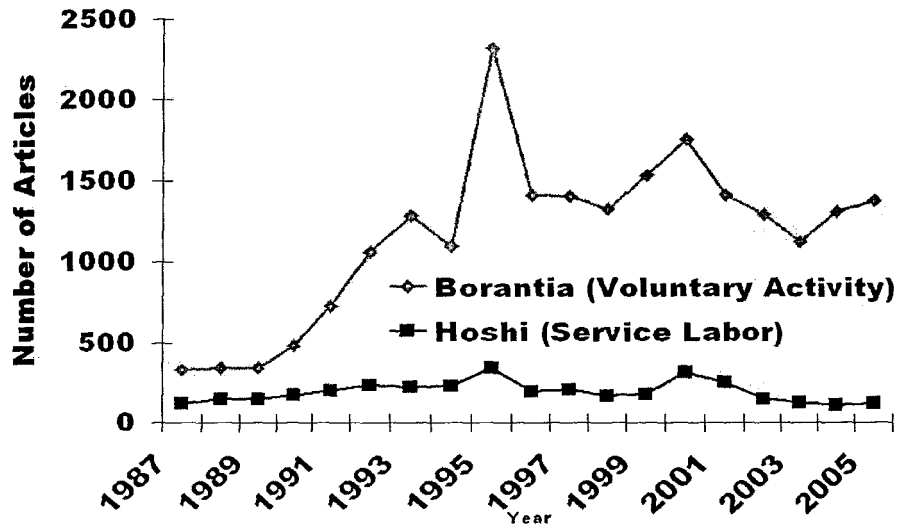
**Frequencies of voluntary activities (*borantia*) & service labor (*hoshi*) newspaper articles in Japan 1987–2005**

Figure.3
Source: Asahi Shimbun data archives 1987–2005.

The above graph shows the phenomenal rise in the number of volunteers as compared to the service labour in the years after the Kobe earthquake.

The following graph shows the rise of independent volunteers along with the rise of volunteer organizations. There is a qualitative leap for both the variables.
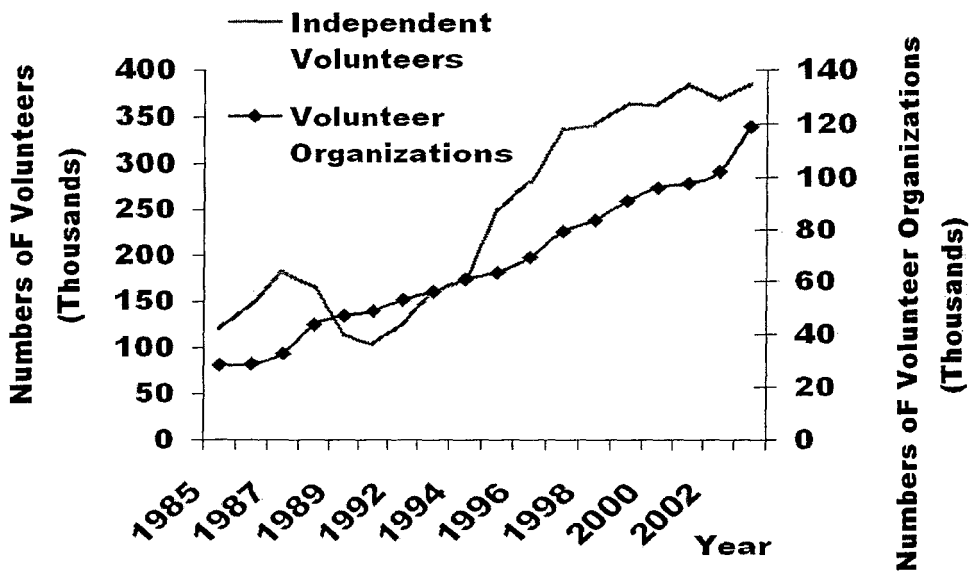


**Number of volunteers and volunteer organizations in Japan 1985–2003.**
Fig. 4
Source: JMA Research Institute inc. 2003

The third graph (Fig.3) below shows the increase in the number of articles regarding NGOs/NPOs appearing in the newspapers from 1985 to 2002. It is clear from the graph that the number of articles appearing in the left leaning Asahi newspaper is greater than in Yomiuri. This also indicates at the fact that the left leaning agencies are more oriented and favourable towards the third sector.
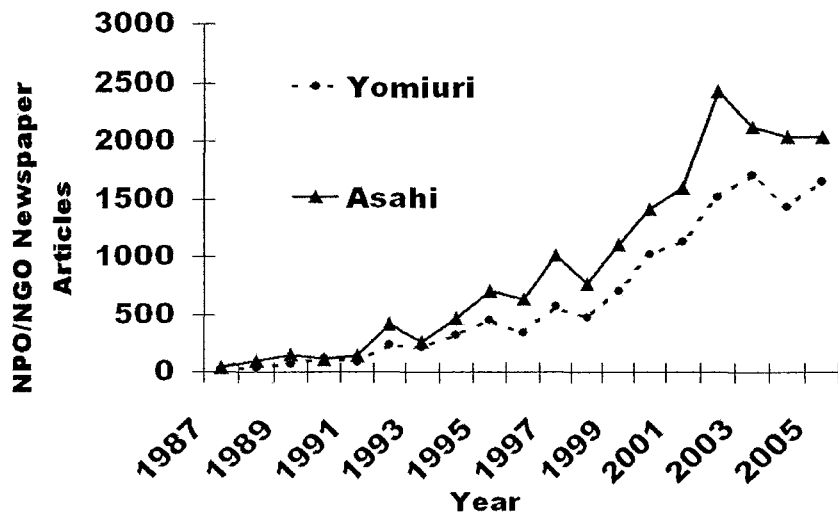


Fig. 5
**Frequencies of NPO/NGO newspaper articles in Japan 1987–2005**
Source: Asahi Shimbun & Yomiuri Shimbun data archives 1987–2005.

Similarly, Fig.4 shows the subsequent increase in the number of organizations which applied for a legal status alongside those which were successful in obtaining the legal status. The slight difference between the two shows that on an average the number of organizations that got legal status was less than the actual number that applied.

However, it also indicates at another important fact that might go unnoticed if not referred to otherwise. Closer observation shows that for each year the difference between the number of organizations which applied for legal status and the number which actually got it, is not large at all. It implicates that there has been very few organizations that applied for a legal status and could not get it. The fact was that very few organizations actually applied for a legal status (the laws being very strict). The majority preferred to go without it. Another feature that stands out is the increase in the number of organizations after the promulgation of 1998.
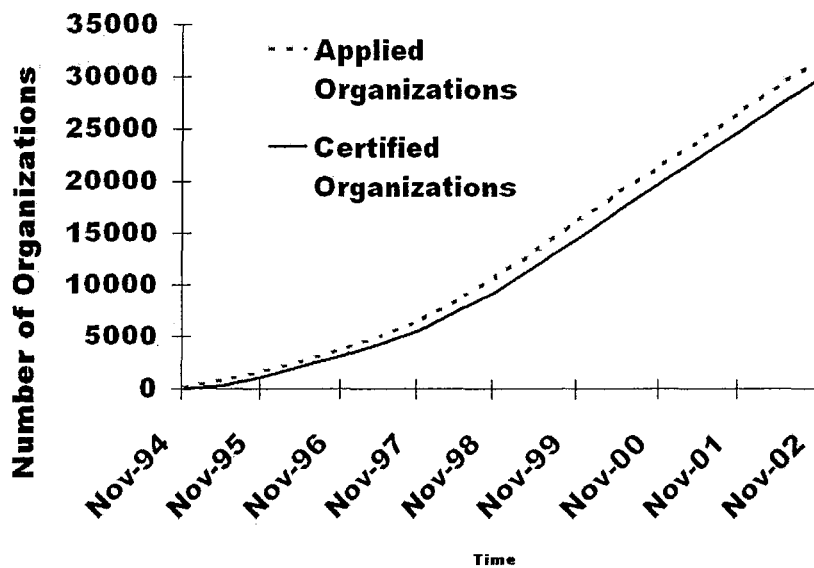
**Numbers of applied & certified organizations 1998–2006**

**Fig. 6**

Source: Cabinet Office of Japan, 2007; Hasegawa, 2004

**8. Conclusion-** This chapter was devoted to study the taking off of the civil society movement in Japan in the decade of the 1990s. For this purpose firstly the understanding of that decade was shifted. From that in terms of a lost decade to a decade where the structural transformation (borrowing from Kingston's quite transformation) took place. For this purpose the argument supporting the thesis of structural transformation was constructed by elaborating upon certain important events that brought about the structural change. Three types of factors were found to play an important role in the structural transformation, namely, political, economic and social/sociological. The taking off of the civil society sector was also theorized in the light of the Sociological NPO theory. Subsequently, the 1995 Kobe earthquake was identified as the high point and the 1998 NPO law was identified as the tipping point of the 1990s along with many other domestic and international events that changed the rules of the game for once and for all and hence, the term structural transformation. This section had many layers of arguments apart from the main one mentioned above.

The chapter elaborated the growth of NGOs and NPOs in the decade of the 90s to corroborate the hypothesis of the chapter.

The figurative evidences also show that there has been an increase in the civil society activity in the decade of the 1990s especially after the promulgation of the 1998 law.

The first hypothesis is, "Frail economic conditions helped trigger the structural transformation in the 1990s which in turn got aggravated with industrial maturation, social unrest and directionlessness of the government. The combined effect of this brought about significant change both in the civil society movement and in the government's perception of it.

Taken together the above points corroborate the first hypothesis of the research.

*·Chapter Four:*

*Relation between Civil Society and the State:*

*Its Changing Dynamics*

# 1. Introduction:

This chapter focuses on the changing relationship between civil society and the attitude of the Japanese state and shows the sharp growth of civil society organizations after the promulgation of the NPO law. If we take a quick overview of the preceding chapters, the second chapter dealt with the problems emanating from a unified but erroneous meaning of civil society per se and the need to contextualize the term and thereby trying to develop a fresh paradigm that takes into account the specificity if the Japanese case and its cultural variables. The third chapter provided the main arena for testing the first hypothesis and looked at the importance of civil society landscape in the decade of the 1990s while addressing and expanding the understanding of the lost decade from the view point of civil society development in Japan. It was explained in this chapter as to why the decade of the 1990s became a seat of the 'structural transformation' which changed the very social political constructs of engagement for the Japanese people. It further went on to note the importance of the Great Hanshin earthquake that, in terms of its impact, established a culture of voluntarism in Japan.

## 1.1 Background and Scope:

Logically following from where the previous chapter left, this chapter will focus on the specific growth of civil society institutions in Japan. This is inadvertently connected to its changing relationship with the government as it has been asserted many a time in the preceding sections about the strong Japanese state with its Iron triangle of LDP, bureaucracy and the big business that successfully ruled Japan and left little scope for things like civil society to exist. Hence any deliberation on the description of the civil society movement in Japan will take into its stride the corresponding change in the attitudes of the government. Equally important are the reasons for this shift. The present chapter would concentrate on these themes.

The first hypothesis finds support in this chapter as the chapter describes the development of civil society in Japan. But the major bulk of the chapter, however, focuses on the second hypothesis. It traces the development, or rather the changing pattern of the state-civil society relationship up to the present government. Subsequently it corroborates the first part of the second hypothesis that coming of

DPJ to power would be directly proportional to the enhancement of civic activity in Japan.

Since the most luminous example of the changing relationship between state- civil society is the promulgation of the NPO law in 1998, the opening section of the chapter will focus on the difficult passage leading to its promulgation that began in the aftermath of the Kobe earthquake.

## 1.2 Theoretical Framework:

Secondly, the theoretical framework selected for this chapter is the models of state-civil society relations as given by Gidron et al (1992: 16-20). It should be noted that expansion of the civil society or the third sector indicates a shift from *Government to Governance* and that this is true in the case of Japan as well. While contemplating on this shift, it is necessary to elaborate the character of government-third sector relations. There are certain questions that crop up in this analysis regarding state- civil society relations or government- third sector relations. These concerns/questions may be summarized as below[125]:

1. Is third sector a mere agent of government or is it a partner?

2. What does it mean to be a partner or an agent of government?

3. What are the differences involved in the area of accountability and responsibility?

The above questions hold ground when applied to the case of Japan as well. This will be subsequently explored at a later stage. At the outset it may be mentioned that there are various aspects to this relationship and there exists a number of intermediary actors in this regard.

The next section deals at length with the promulgation of the NPO law in 1998 along with its political, legal and social ramifications. The passage of the NPO law interestingly illustrates the change in the government- civil society relations as well. The Japanese state that has been long characterized as a 'strong' state slowly carved

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[125] These questions are formulated in an on line article by Kosuke Omaya , available on the following web link http://www1.biz.biglobe.ne.jp/~iam/httpdocs/pdfdownloads/athens01-paper2.pdf accessed on 05.03.2010.

out space for the third sector to exist. The context and propelling force behind this change is to be found in the aftermath of the Kobe earthquake.

## 2. Promulgation of the NPO law:

### 2.1 Background:

Scholars have long associated Japan with an image of a "strong controlling" nation-state. This argument stems from the corporatist state theory that has explained the traditional Japanese state since long. A number of policy regulations and rigidly arranged social structures have often restricted free activities of individuals, groups and organizations in Japan[126]. Prior to the NPO Law, voluntary associations were not recognized as legal bodies and hence were not able to buy or sell property, hire staff, get tax exemptions, be eligible for government funding or establish their own bank accounts. Logically enough, restrictions like these prevented volunteer groups from both growing in number and for the existing ones to expand their base or area of activity[127].Even if there were some which qualified the strict regulatory framework, another hurdle was presented to them in the name of "sound financial base", an hurdle created particularly by the Bureaucrats[128]. The problems did not stop here and the bureaucrats have insisted on continuing "administrative guidance."[129] Hence, it is no surprise that under Japan's Civil Code system, only 26,089 groups gained legal status as nonprofit public-interest legal persons (PIPs). As mentioned above, the regulatory

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[126] This strict regulation is based mostly on Article 34 of the Uniform Civil Code promulgated in 1896. Article 21 of the constitution provides for freedom of association. This broad guarantee is limited by Article 33 of the Uniform Civil Code, which requires that all legal persons be formed in accordance with its regulation. Further, Art 34 and 35 create classes of legal persons. Apart from these articles, there was a number of Special Laws which further impeded the growth of the nonprofit sector in Japan.

[127] As part of the Johns Hopkins Comparative Nonprofit Sector Project, L ester Salamon and Helmut K. Anheier have conducted by far the most comprehensive multinational survey of the nonprofit sector. (Lester Salamon and Helmut K. Anheier, Defining the Nonprofit Sector: A Cross-National Analysis [New York: Manchester University Press, 1996], p. 22).

[128] Citing the Civil Code·for a "sound financial base," bureaucrats have frequently demanded that the organizations should have Y300 million ($3 million) as their financial base before starting the organization. Naturally, this kind of money is hard for a group of citizens to raise, and many viable groups could not accumulate such funds. Pekkanen 2000 has further argued that this "base" was open to the interpretation of the Bureaucrats and reflects one more dimension of the tight bureaucratic control over the non profit sector.

[129] This supervision is established by Civil Code Article 67. Paragraph 2 establishes a "supervision system" (kanshi seido) by the "competent supervising ministry". Civil Code Article 84 made further provisions for fines by directors of PIPs who violate directions by the competent ministry.

framework was so stringent and cumbersome that many bodies consciously chose not to become PIPs.

This is perhaps the most important reason why the earlier civil society organizations of the late 1960s and the 1970s could not sustain their activities and slowly lost their relevance. Hence, the civil society landscape of Japan was characterized by what Pekkanen (2000) describes as a situation of 'members without advocates'[130], basically highlighting their non legal status. It is pertinent to point out a phenomenon here. The NPO sector has found it more difficult to grow and to win a legal identity as compared to the NGO sector. NGOs came into being much earlier and were more closely aligned with the government, especially the MOFA. But they did not establish a culture of *'borantia'* in the Japanese society the way NPOs did. The main reason for this can be understood simply as NPOs are domestically based Non Profit organizations whose area of activity is more locally based. On the other hand, NGOs are internationally based organizations whose activities are usually beyond the reach of the common man in Japan and more because they are little concerned with the daily life struggles of the average Japanese. However, The NPO is a watershed event because its promulgation gave new confidence to the civil society movement in general and people's interest and attitudes in this area underwent a radical transformation when they saw these organizations performing better than their local government machinery.

Hence it will be no exaggeration to assert that the promulgation of the new NPO law represents the essence of the changing relationship between the Civil Society sector and the government. The most prominent evidence of a paradigm shift in the relationship between civil society and the Japanese state finds expression in the promulgation of the NPO law in 1998. This event also marks a classic case where the change in the stand of the then LDP government can be clearly seen. The most comprehensive original research on the promulgation of the NPO law has been done by Pekkanen (2000, 2006).

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[130] This phrase (coined by Pekkanen 2000) is by far the most illustrative of the condition of the civil society landscape that existed in Japan prior to 1998. The basic implication is that there was a large number of small civil society organizations without legal status and very few with actual legal status. These small, non legal organizations made for the bulk of civil society organizations in Japan.

## 2.2 An example of changing civil society relationship:

The Law for Specified Nonprofit Activities that was passed in 1998 demands attention as it brought a shift in state-civil society relations in a nation long characterized as a "strong state. To quote (Pekkanen 2000; 111)

> Changed electoral institutions altered incentives for politicians and produced this law. It is also part of broader changes-including an increase in Diet members' bills, a move to-ward a Freedom of Information Act, decentralization, and deregulation-in Japanese society and politics, all striking at centralized bureaucratic power.

The NPO law[131] is important because of two reasons broadly:

1. It allows for more organizations to be formed by loosening the strict regulatory framework that was in place earlier.

2. It represents a shift in the state- civil society relations. This law actually set a trend for a new kind of legislation in Japan. Usually it is the Bureaucrats who write most legislation in Japan but in this case, this law came about in an unprecedented series of legislation proposed by the diet members themselves between the years 1995-1998[132].

The second point deserves special attention in this chapter. The first initiative in this regard was taken by the Economic Planning Agency which led a group of 18 ministries and agencies (the Related Ministries Interagency Group for the Volunteer Issue, (IAG) considering revised or new legislation to support volunteer activities[133]. The actual legislative procedure regarding the NPO law took three years. This section will be covered in detail because it represents the crux of changing relations of state-civil society. Distinct issues varied in the stand of the political parties in their respective drafts regarding the NPO bill. These have been summarized below.

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[131] It is important to note that while NPO indicate the domestically based organizations and NGOs the internationally based one, the NPO law in general describes NON governmental organizations, i.e. the broader nonprofit sector.

[132] Bills promoting NPOs were submitted by the New Frontier Party (NFP), Sun Party, Heisei Party, Japan Communist Party (JCP), and by the ruling Liberal Democratic Party (LDP), which was working with the Social Democratic Party (SDP), Sakigake Party, and the Democratic Party of Japan (DPJ). For further details please refer to Pekkanen 2000; 112- 130.

[133] Pekkanen 2000 is critical of this Agency as it failed to grant a legal status to the nonprofit sector. However, this agency needs mention as this was the first attempt by the government in the direction of the NPO law. In fact this agency was criticized by the media as well. For further discussion please refer to Pekkanen 2000; 115).

Subsequently, it is mentioned that the passing of the law was not at all a smooth ride. It was in every sense a roller coaster ride with political drama at its best. For convenience that has been outlined in five stages and are mentioned below.

## 2.3 Central Issues and stages in the passing of the law:

2.3.1 The **central issues** in the drafts and the **stages** in the final passing of the bill (Pekkanen 2000; 120) - The central issues were three:

1. The number and type of groups that would be covered by the law and thus able to gain legal status.

2. Tax benefits for these groups

3. Power of bureaucrats to supervise and sanction these groups.

## 2.3.2 The stages of legislation:

Five stages can be outlined in this regard and the fate of the NPO law took a certain turn in each of the stages. In this sense, they represent a kind of a development towards the final outcome.

1. *Stage One*: **Legislators versus Bureaucrats**- For the first ten months there was tussle over who would write the legislation which was finally done by the legislatures. Days after the Kobe earthquake, to quote from Pekkanen 2000; 121)

   > Igarashi Kozo, the chief cabinet secretary, declared in the Diet that the government would write legislation to support the volunteers, including possibly favourable tax treatment and allowing volunteer groups to become PIPs. Even the prime minister stated in the Diet that "we must think about a system to make it easier for them [volunteers] to operate."

2. *Stage Two*: **Legislative Politics** (Conservative parties against progressive parties) - This time the tussle was between among the ruling coalition's partners and groups within the LDP. It ended by the formulation of the PARC. In this stage, bureaucrats had to work indirectly, via the LDP's Policy Affairs Research Committee (PARC)[134]. In a nutshell it may be concluded that during

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[134] PARC was established by the Coalition NPO team, the government team to further the cause of amending the Law. For further details on this please refer to Pekkanen 2000; 123-124)

this, various parties came up with their drafts of the revised law a work done by the various committees formed by the respective parties for this task. Though there were differences in the respective drafts, one commonality was that each provided for minimum bureaucratic interference while differing in degrees. The vision of the NPO Law held by the three main parties was different in several important respects.

(a) *Government Supervision-* The LDP called for the need for bureaucratic supervision of the new NPOs. In contrast, the SDP and Sakigake favoured the free formation and operation of NPOs.

(b) *Bureaucratic Interfence-*The LDP initially wanted bureaucratic licensing of NPOs,( followed by an obligation for the NPOs to file yearly reports to bureaucrats) and with bureaucrats retaining the right to revoke permits for NPO operation. On the other hand, the SDP favoured a "notification" (*todo-kede*, meaning automatic approval) system for gaining legal person status, minimal supervision by bureaucrats etc. It must be noted that the LDP later softened its stand on this issue.

Notwithstanding the above hiccups, an agreement, "Citizens' Activities Promotion Law (provisional name) Draft Law Outline," was worked out and signed on December 14, 1995. This agreement was actually a precursor to the NPO law of 1998 as there are many similarities in the two (Pekkanen 2000; 125). The question that now emerges is that why did it then take three years to pass the Law? That was because the three main parties continued to differ in their approaches and continued to reject each other's amendment- drafts[135].

3. *Stage three*: **The Role of the DPJ, 1996 impetus and realignment of parties with respect to the Law-** This section mainly dwells upon the role of the DPJ.

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[135] It is also interesting to see that the call for the NPO law sometimes came from the most conservative quarters. Pekkanen(2000) illustrates with an example: The conservative Nikkei shinbun, sometimes called Japan's Wall Street Journal, and the liberal Asahi shinbun had been the most aggressive in calling for a progressive NPO Law. This greatly favoured the case of the law because the Nikkei often wrote in support of it and the Nikkei had major influence on the LDP and the LDP supporters. To give another example, Yomiuri shinbun, which has a reputation of being a conservative paper, is also known to be strong on coverage of laws. This also influenced the conservative members of the LDP favourably. Yomiuri did not cover the NPO Law as much as Nikkei and Asahi, but the coverage it gave was quite favourable. For a further discussion on the role of media in the promulgation of the NPO law please refer to Pekkanen 2000; 130-131).

DPJ actually played a very important role in the promulgation of the NPO law. The debate that had started in the aftermath of the Kobe earthquake had become a little directionless with all the three main parties continued rejection of each other's drafts. It could be argued that without the emergence of the DPJ on the scene, the NPO law might not have come about in its present form. The major impetus to the Law was provided by the rise of DPJ and the challenge it posed to the LDP in 1996. The DPJ was a strong and staunch supporter of a new NPO law[136].The DPJ began a series of hearings with citizen groups in February 1997, about the NPO Law. In fact, because the NPO Law was a Diet member's bill, media and citizen groups played an active role throughout the process, even when only the governing parties were involved. This would not have been the case had the legislation been hijacked by the bureaucracy.

On 6th February 1997, the DPJ Policy Coordinating Committee approved the "DPJ Thinking on the (Governing Parties') NPO Draft Law" submitted by the party's NPO Issue Project Team. This was a very progressive document and reflected the party's stand on the issue.

4. *Stage four*: **1997 reconvening of the Diet**- Even after the impetus provided by the DPJ, there was some delay in the final passing of the Law. Among other minor factors that delayed this, the most important was the friction between the upper and the lower houses of the Diet with respect to the draft of the Law[137]. When the bill was again introduced in the Diet, there was one major change that took place. That was to alter the name of the bill to "Law for Promotion of Special Nonprofit Activities" with the new legal persons to be called "special nonprofit legal persons." This change is important to note because it represents the psyche of the Japanese people and politics in general. This change of name removed the previous bill's "citizen" terminology. For many conservative politicians, the term "citizen group" recalls the anti-LDP citizen movements of the 1970s. Hence, while this was more of a cosmetic

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[136] The most active advocate of the NPO Law in Sakigake was Yanase Susumu, who left Sakigake for DPJ. .

[137] The bill had passed the House of Representatives but did not clear the House of Councilors in 1996.

change, it had symbolic value to conservative politicians[138]. Citizen groups themselves were not unhappy with the change, because this change made them more acceptable in the Japanese society at large.

Further, the bill then received the active promotion of the SDP and Sakigake and even the LDP leadership strongly supported it with a view to maintain the three-party alliance.

5. **Stage five: Final passing of the Law-** The various parties made final revision requests on 10th February 1998, and discussions were held on February 12, 17, 19, and 24 (Pekkanen 2000; 136). The revised bill was named the "Law for Pro-motion of Special Nonprofit Activities" and was co-sponsored by the LDP, SDP, Komei, and Sakigake. The bill passed the House of Councillors as a whole by 217 for and 2 against on the 3rd March 1998. Even the Liberal Party and JCP decided not to oppose the law. On March 19, 1998, the NPO Law[139] passed the House of Representatives by a unanimous vote and The NPO Law was implemented on December 1, 1998.

The above section shows how that the promulgation of the NPO law elucidates the changing pattern of the state-civil society relations. This promulgation is in fact only the beginning of the taking off of the civil society movement in Japan that has been made a lot easier by the NPO law. However, it does not mean that the development of civil society in the aftermath of the 98 law has been smooth. On the contrary, the structural impediments are still very much in place. It is time that the government-third sector relationship in Japan be placed under a theoretical model for the sake of clarity. It is to this endeavour that our attention will be now focussed at.

## 3. Models of government-third sector relationship:

The models of government-third relationship: Gidron et al (1992: 16-20) presents four models of the government-third sector relationship along with their subdivisions:

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[138] It is interesting to note that this debate regarding the acceptability of the term 'citizen' in Japanese legal and political language continues till date. Even a progressive part like the DPJ is not willing to provide formal acceptance to the term 'citizen' owing to its negative connotation gained in the past. This is a useful insight into the Japanese political mindset and the way they discourage change in general. Personal Interview, Massaki Ohashi (2010) JANIC, Tokyo

[139] The NPO Act was written as a "special exception" to Article 34 of the Civil Code, the article that provides the legal foundation for public interest corporations (*koeki hojin*) (Yamamoto, 1999: 122).

1. **The government dominant model** - government plays the dominant role in the financing and delivery of human services. The notion of the Welfare state represents this kind of model.

2. **The dual model** - both government and nonprofit sector are involved in financing and delivering human services, but each in its own separately defined sphere. This model can further broken down into *two sub groups* but in either case the distinguishing feature is the existence of two sizable, but relatively autonomous, systems of service finance and delivery.

    (a) *Supplement submodel-* nonprofits deliver the same kinds of services as government but only to clients not reached by the state.

    (b) *Complement submodel-* nonprofits fill needs not met through government activity

3. **The collaborative model-** government and the third sector work together rather than separately. Typically, government finances third sector organizations that provide services. This model can be further subdivided subdivided according to the extent of service provider discretion involved:

    (a) *Collaborative vendor submodel-* where nonprofits merely function as agents of government program administrators in the area of policy implementation with little discretion or bargaining power. This is also supposed to be the most common of pattern/model of the government-third sector relations[140].

    (b) *Collaborative-partnership submodel-* where third-sector organizations retain a considerable amount of discretion in managing programs and during policy implementation or in policy planning. The regulation is carried out through government and voluntary sector 'mediating structures'.

4. **The third sector dominant model-** voluntary organizations play the dominant role in the funding and delivery of services. Given the prominence

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[140] Gidron et al (1992: 19-20), however, suggest that given the political clout of third sector and the difficulty that large government agencies face in monitoring contractors, the collaborative-partnership model may actually be more common in practice.

of the private sector and market in this model, an alternative term for this model could be the "market model."

The first and the last represent two extremes where either component dominates, while the middle two are in between the opposite extremes.

## 3.1 The case of Japan:

It will be argued further that Japan is a case of the collaborative vendor submodel of the collaborative model. This can be established by looking at the present state of the civil society sector in Japan. The advancement of the third sector in Japan is located within this larger collaborative vendor model. What is also important to remember is that this relationship tends to vary slightly from one area to the other. For example, while the government-NPO relationship is close to that of a vendor in medicine, health and social services, it appears closer to that of a partner in education[141]. The empirical details will be furnished a little later. At this juncture, there are certain distinctive characteristics of the government-civil society relationship that are outlined below:

### 3.1.1 Outsourcing:

Outsourcing of projects by the government to the civil society organizations: The most prominent feature of the government-third sector relationship is that the government has taken to outsource its work mostly welfare measures, to the civil society organizations both incorporated and unincorporated. Following in the aftermath of the Kobe earthquake, the government quickly realized the speed and deftness with which the civil society organizations, with their large base of volunteers and better reach at the grass root level, cater to the local population at a much lower cost.

This trend started way back in the late 1990s and going by the survey data published in the Nikkei Regional Economic Report (280: 2-21, 1997), all local governments in Japan outsource projects and do so because they anticipate cost reductions and because they consider outsourcing as a way to respond to the increasing variety of

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[141] For further reference see article by Kosuke Omaya , available on the following web link http://www1.biz.biglobe.ne.jp/~iam/httpdocs/pdfdownloads/athens01-paper2.pdf accessed on 05.03.2010.

residents' needs. In a general trend during the 1990s, more than 90% of all responding local governments answered that outsourcing had led cost reductions. More than half (56.4%) answered that the quality of services had remained comparable to those provided through direct operations while 36.9% responded that the quality of service had actually gone up[142]. It is interesting to note that there was no indication that the outsourced function performed by the NPO sector was dissatisfactory. In all cases it was either better than or comparable to the government machinery and that too at a lower cost. Outsourcing became more systematic after 2000 enforcement of the Decentralization laws (Shigeru 2003).

The main reasons why outsourcing has been sustained ever since it started are two:

1. **Cost reduction**- This makes a lot of sense in the case of Japan where the economy has not been doing well for more than two decades. The cost reduction is possible mainly because the salaries of the people involved in the voluntary sector is very low compared the government sector.

2. **Better services**- Because the grass root organizations have a better reach to the people owing to the fact that it is the people themselves who are involved.

The above section shows with ample proof that under the present system of outsourcing, the nature of the relationship between government-third sector largely remains collaborative vendoring rather than collaborative partnership. A natural question that stems up here is that what is the problem with this relationship remaining under collaborative vendoring?

### 3.1.2 The drawbacks of outsourcing:

The problems with outsourcing are many.

1. The issue of monitoring and accountability of the NPO: NPOs in Japan can be placed under two broad categories[143]. The first category consists of those NPOs which are more volunteer types and they do not need nor want more money from the governments in the form of funds. They are mostly

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[142] For further reference see article by Kosuke Omaya , available on the following web link http://www1.biz.biglobe.ne.jp/~iam/httpdocs/pdfdownloads/athens01-paper2.pdf accessed on 05.03.2010

[143] Personal interview with Prof. Katsukata at the Kyoto University. See appendix for the transcript.

unincorporated neighbourhood associations. They work outside the government control as they have no registration or legal standing.

The second category consists of those NPOs which have a larger base and most of them also have an incorporated (legal) status. They need staff, salaries, funds, man power and all those things required to run a successful NPO. Naturally, they need government funds and support. The government usually outsources its functions to these NPOs. It is here that the issue of monitoring and accountability come to the fore. When the government provides funds, it indirectly controls the functioning of the NPO. Since funding is the most gruesome problem before the Japanese third sector today, the NPO condescends to this demand. Hence, the question that arises is that what is the degree of freedom possessed by the associational realm (the third sector) in Japan? If it is merely an agent of the government in the sense described above, then is it not the failure of the third sector? Ogawa (2009) shares this view and has called the third sector in Japan a failure. To quote Ogawa (2009; 137)

> For the fiscally constrained, conservative government, cost cutting was the highest priority and preference in its rationality

It looks like that there exists a kind of a vicious circle as far as this particular problem of the government- third sector is concerned. As long as the economy is doing badly, local governments would keep outsourcing to the NPOs and they in turn would continue being controlled by the government as they would not like to lose out the money coming from the latter.

However, this research does not agree to the extreme position taken by Ogawa (2009). It must be remembered that the Japanese civil society is still young. With time, these issues will be addressed with more force and there is a big reason for this. With this we come to the second drawback related with outsourcing.

2. **The Problem of networking**: While there is general consensus on the fact that a number of civil society organizations exist in Japan both NPOs and NGOs, yet there is poor networking among them. A number of problems arise because of this situation:

(a). **Low possibility and scope for collective bargaining-** if the civil society organizations in Japan form better networking there are chances that their needs and requirements can be better voiced with more collective force[144]. What is also required in the same league is advocacy platforms and think tanks serving the cause of the third sector but as of now the existing ones cannot really make a headway because of the poor networking among the third sector bodies themselves.

(b). **Lack of a collective identity**: The various agencies of the third sector sometimes do not know of their own collective size and hence the civil society movement in Japan remains fragmented on the whole. This directly affects the capacity of influencing policy making in their favour. This following section taken from Ogawa illustrates the attitudes of the people engaged in civic activities with regard to networking and is a good assessment of why networking is still low in Japan Ogawa (2009; 152-154).

> A bureaucrat, who actually played a significant role under Governor Kitagawa's administration in Mie Prefecture, voiced an interesting comment in opposition. He said:

>> I was thinking of why various kinds of NPOs don't unite. If they unite for achieving something, they believe they can do something more powerfully. If only one NPO does something, its power is limited. However, if they get together and propose something in the policy-making arena, it would be influential. Why don't they do that more? The move would directly generate social change

> Mr. Park, a Korean-Japanese man organizing an NPO in Shinjuku, responded:

>> I would never do that. I am not interested in it. Why should I get together with other organizations just because we are all labeled as NPOs? Each NPO has a different vision, right? It seems difficult to get together. . . . Before getting together, I want to do something by myself. It's easier. That's why I organized an NPO

> Mr. Machida, another environmental NPO practitioner, concurred.

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[144] This is a view that is unanimously shared by all the people (academics, scholars, civil society activists, workers etc.). See appendix for personal interviews.

I also don't imagine getting together with other NPOs. Each NPO has its own mission. If we strongly felt that we needed to get together, we would. However, we could get together if somebody (implying not the government) prepares and organizes such an NPO network for policy making. That move would be possible, but it is difficult for me to get involved in such NPO networking (intentionally generated by the government)

The above extract simply indicates the difference of attitudes of the parties involved.

### 3.1.3 Efforts at networking and advocacy:

Though this area has a long way to go but it is not to be concluded that there have been no efforts made to address the question of networking both at the level of networking among the third sector and between the third sector and the government. This also happens to be reflective of the changing pattern of the state-civil society relationship. The focus would be on advocacy-type NGOs/NPOs as networking and advocacy constitute the core of their functions among others.

### 3.1.4 Financial support from the Government:

One of the most important factors that usually take top priority during government-third sector relations is the issue of **funding**. While funding is a constant problem before both NGOs and NPOs, yet the domestically based NPOs lose out to the NGOs when it comes to funding. As will be elucidated below, this happens because there is a lack of government initiatives for providing funding to the NPO sector. On the other hand there are relatively more schemes available for the NGOs.

Two of the greatest sources of financial assistance to the third sector come from the government and corporate funding. Both these areas have seen deterioration in the recent past. We will take a look at them one by one.

**Government support for NGOs for financial assistance-**

In 1992, just after the Earth Summit in Rio de Janeiro, Brazil, was held in June, the Environment Agency of Japan conducted a survey to understand the problems and the needs of Japanese NGOs engaged in environmental protection at home and abroad. The agency sent a questionnaire to 661 Japanese environmental NGOs and got responses from 386 organizations. The result was striking. More than 60 percent of

the respondents said they operate on an annual budget of less than $100,000. Nearly half of the respondents said they did not have a single paid staff person working full time. About the same percentage of respondents were in need of both financial and human resources. In their responses to the survey they indicated an expectation that the government might provide some type of financial assistance[145].

The UN conference on Population and Development held in 1994 in Cairo was from where *systematic* advocacy activities started. This was the first international conference where Japan had NGO representatives in its delegation. However, most NGOs began getting involved in advocacy after 2000. Before then, there were not so many NGOs working on advocacy. It has been pointed out that international factors helped environment advocacy NGOs in Japan in the 1980s and 1990s (Reimann 2002). In fact, global networking and participation in global campaigns often give Japanese NGOs legitimacy in the eyes of the public.

### 3.1.4.1 A Brief history of governmental initiatives for financial assistance for the NGO sector since the 90s:

Since the decade of the 90s happens to be the core of the first hypothesis, it will be useful to look at the initiatives that the government took to meet financial demands of the NGOs during this decade. Some such initiatives in the decade of the 90s are given as follows:

1. **NGOs Aid Assistance Division** - The Ministry of Foreign Affairs, the lead agency on foreign aid, has begun emphasizing the importance in aid projects of NGOs that provide grass-roots activities in developing countries. Not only does this help alleviate the dearth of human resources in charge of implementing Japan's ever-growing official development assistance but the use of NGOs brings more local involvement. Accordingly, the ministry established a special center for supporting NGO activities in 1989 with a start-up sum of about $1 million. In June 1994 the center became the ministry's NGOs Aid Assistance Division. Budget increases have been dramatic. In FY

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[145] The lack of financial backing is a serious problem for NGOs in Japan. An example might be taken from OISCA. OISCA, one of the country's biggest NGOs, operated with an annual budget of about $20 million. In contrast, the annual budget for CARE (Cooperative for American Relief Everywhere), a big American NGO, was $434.5 million for the year ending in June 1993.

1993 the division contributed $3.7 million to Japanese NGO activities and budgeted to contribute $5.4 million in FY 1994. In addition, the division contributed $7.7 million to NGOs for operations in FY 1993 and $8.7 million in FY 1994.

2. **Postal Savings for International Voluntary Aid** - In July 1989 a private advisory council to the director general in charge of savings at the Ministry of Posts and Telecommunications included a unique idea for humanitarian assistance. The idea was for each postal saver to be able to donate a part of his or her interest on savings to organizations that assist refugees or persons experiencing troubles because of natural disasters. The share of interest that could be contributed eventually was set at 20 percent. The ministry agreed to collect the donations and contribute to the betterment of social welfare in developing countries through NGO activities. In its first year of implementation, 1990, this plan registered 2 million participants. The number of participants increased to 15 million by the end of July 1994. Donations amounted to $24 million in 1993. But the picture did not remain so promising for long. This scheme provided assistance of 2.8 billion in 1995. Because of the decline of interest rates, this figure fell to 1.5 billion in 1996 and 1.0 billion in 1997.

3. **Japan Fund for Global Environment** - The Japan Fund for the Global Environment is the Environment Agency's initiative to involve NGOs in environmental efforts. The JFGE includes funding from the national government as well as private donations. Its purpose is to provide NGOs with financial support, information and training. The fund amounted to $20 million at the end of March 1994 and is continuing to increase. In 1993 the fund contributed $4 million to 104 projects.

4. **Keidanren Nature Conservation Fund** - Keidanren[146], a leading business organization in Japan, established its Nature Conservation Fund in 1992 to support foreign and domestic NGOs carrying out nature conservation projects in developing countries. With its membership consisting of around 1,000 top

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[146] Japan Business Federation

Japanese companies and 120 industrial associations, Keidanren deals with environmental issues basically from the viewpoint of business.

5. Other ministries and agencies, including the Ministry of Construction and the Ministry of Agriculture, Forestry, and Fisheries, also have NGO assistance budgets, although the figures have been small.

It must, however be remembered that the above made sense only when the Japanese economy was still having a strong footing. Most of the data given above are from the early 90s. With the slowdown of the economy the issue of funding became the biggest problem before the Japanese third sector.

Cooperation between government and the NGOs has further developed in the form of emergency financial assistance, the exchange and training of staff and the establishment of Japan Platform in 2000. The 'Don't Let it Be- World Poverty' Campaign (launched in close coordination with the global campaign G-CAP (Global Call to Action Against Poverty)) in 2005 has been carried out through the joint efforts of NGOs, supporting corporations and individual supporters.

## 4. JICA (Japan International Cooperation Agency):

JICA is an independent governmental agency that coordinates Official Development Assistance (ODA) for Japan. The current organization was formed on October 1, 2003 as outlined in the International Cooperation (Independent Governmental) Agency Act of 2002. Its predecessor, the (Japan) International Cooperation Agency (also known as "JICA"), was a **semi governmental** organization under the jurisdiction of MOFA, formed in 1974. JICA is the world's largest Bilateral Development Aid agency with its network in 151 countries.

The most successful example of government- NGO relationship can be given from the critical engagement of NGOs towards ODA (Official Development Assistance). The agenda of strengthening of advocacy and presenting the government with alternatives have also been actively pursued consistently[147]. Another milestone that by which the

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[147] Examples include: NGOs' "Alternative Declaration" adopted at the 1995 World Summit on Social Development, Copenhagen; the "NGO statement" adopted at the APEC NGO Ministerial Conference held at Osaka in 1995; NGO involvement in drafting the new environmental guidelines for the Japan Bank of International Cooperation (JBIC) in 1999, activities related to the WTO Ministerial Meeting at Seattle in 1999.

NGO-Government relationship got substantiated is the NGO-MOFA regular meetings (beginning from 1996). Following this was another important collaboration between NGO-JICA. These meetings also started being held regularly. Another initiative that deserves mention here is the NGO-JICA Reciprocal Training Program that began in 1998.

**Information disclosure**[148]: JICA discloses information through its website and other means in accordance with Article 12 of the Law Concerning Access to Information held by Incorporated Administrative Agencies, Etc. (Law No. 140 of December 5, 2001).

The Table below shows Japan's ODA and JICA's Activities

Table-1

| Type                                                          Calendar year | 2008 | | 2007 | |
|---|---|---|---|---|
| Technical Cooperation expenses (proportion of ODA) | 316.5 | 17.38% | 309.8 | 19.19% |
| JICA's activities (proportion of Technical Cooperation expenses) | 150.8 | 47.65% | 146.1 | 47.16% |
| Training participants | 23.7 | | 19.2 | |
| Experts | 19.6 | | 20.2 | |
| Study teams | 20.0 | | 23.0 | |
| JOCVs | 15.9 | | 15.9 | |
| Other volunteers | 4.4 | | 4.9 | |
| Provision of equipment | 4.4 | | 4.2 | |
| Others | 63.0 | | 58.8 | |
| Grant Aid | 493.0 | | 402.4 | |
| Government and other loans | (110.2) | | (24.3) | |
| Total Official Development Assistance | 1,821.3 | | 1,614.0 | |

Notes: Results include disbursements for Eastern Europe and graduate countries, and contributions to EBRD. Figures for Japan's results in 2008 are provisional.

Figures and subtotal for Technical Cooperation (expenses proportion of ODA) are fiscal year figures. Figures for Grant Aid, government and other loans and Total Official Development Assistance are calendar year figures.

Source: JICA Annual Report 2009

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[148] More information available at http://www.jica.go.jp/disc/index.html

The above graph shows the cardinal role of JICA in ODA. Though it does not separately indicate the level of NGO participation but is important nevertheless as the inflow of NGO personnel to JICA and vice versa has been outlined in the previous section.

However, contracting economy continues to be the biggest drawback in the activities of JICA. The graph produced below has been included as it bears upon its relationship with the NGO sector. The NGO sector's activities have subsequently seen a relative contraction in recent years due to contraction in the respective fiscal budgets. The only positive aspect that can be seen is the slow rise in the budget after the debacle of 2008 global economic crisis[149].

**JICA's budget over the last ten Fiscal Years:**

The following graph shows the slump in the size of budget of JICA from 2000 onwards. The only silver lining is that the slump is not very sharp and it may be expected that it will revive.

(¥1 billion)
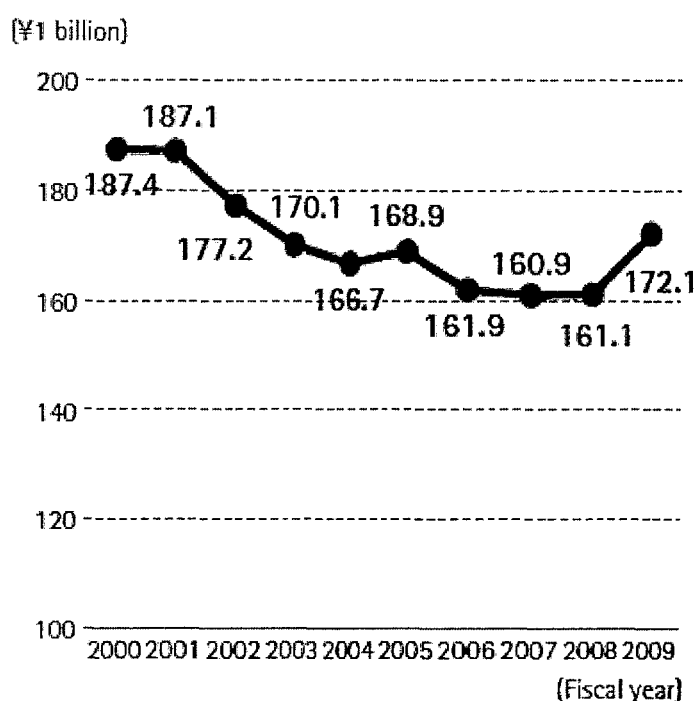
Figures for fiscal 2009 are a part of the General Account. Fiscal 2009 budget plans for the Loan Account, income and expenditure estimates and other items are not included.

Fig. 7 JICA's budget over the last ten Fiscal Years:
Source: JICA Annual Report 2009

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[149] Give web link for the Global economic crisis.

40,000

36,319

30,334

30,000

24,504

21,024   19,683          20,089                                    21,280

20,000

16,277

10,000    9,391
                8,505
                      7,753    7,548    6,862
                                                  5,747    6,104    4,624
                               4,340    3,488    4,541    4,940
          3,233   2,802  2,946                                     4,597
          1,137   1,234  1,310   1,422    1,804    1,529   1,482    1,365

0         438     529    539     457      633      395     410      492

          2001    2002   2003    2004     2005     2006    2007     2008
                                                                    (Fiscal year)

Technical training    Members of      Experts      Japan Overseas          Other volunteers
participants          study teams     (92,777)[3]  Cooperation Volunteers  (4,371)[5]
(407,979)[1]          (213,721)[2]                 (33,131)[4]

*1. Cumulative total 1954–2008
*2. Cumulative total 1957–2008
*3. Cumulative total 1955–2008
*4. Cumulative total 1965–2008
*5. Cumulative total 1999–2008 (Includes senior volunteers, senior volunteers for overseas Japanese communities, UN volunteers, and Japan overseas development youth volunteers. Until 1998, these figures had been included in other totals.) The dispatch of immigrants ended in fiscal 1995. The cumulative total from fiscal 1952–1995 was 73,437.

Fig. 8: Number of People contributing to JICA's Activities
Source: JICA Annual Report 2009

**Degree of Volunteerism in JICA activities-** From the above graph it can be seen that the highest number of those people contributing to JICA activities is of the technical training participants. This makes us aware of the role of the NGOs again because a large number of such trainees actually come from the NGOs. This number after seen a sharp plunge in 2007, has been on a steady rise. The number of Japan Overseas Cooperation volunteers and other volunteers has been more or less the same since 2001 But the fact that such a category exists, is a positive sign In terms of data, the number of individual volunteers has actually risen from 410 in 2007 to 492 in 2008.

**Key Civil Society Initiatives that at the 2008 G8 Summit: An illustration of changing dynamics of the civil society- government relations[150]**

One of the most prominent initiatives was the 2008 Japan G8 Summit NGO Forum, a coalition of 141 NGOs that came together more than a year before the Toyako Summit to help ensure that the voice of civil society would be taken into account in setting the summit agenda. The G8 NGO Forum advocated for greater commitments from G8 member states in three areas—environment, poverty and development, and peace and human rights. The Japanese Organization for International Cooperation in Family Planning (JOICFP) and one of the country's most prominent NGO leaders in the field of global health played an important part in this endeavour.

One distinguishing characteristic of the Toyako G8 Summit (2008) was that, for the first time, a wide range of Japanese civil society organizations mobilized to shape public opinion and influence Japanese and world leaders' thinking on global issues. The following are some of the more prominent initiatives.

1. **2008 Japan G8 NGO Summit Forum**—A coalition of 141 NGOs, the forum served as the central coordinating mechanism for G8 advocacy. It drafted policy platforms in three areas development, environment, and peace and human rights—and sponsored outreach activities to engage the Japanese public.

2. **Civil G8 Dialogue**—This April conference, which was organized by the G8 NGO Forum, brought together Japanese civil society leaders with key figures from overseas advocacy groups, and included a roundtable session with all of the G8 members.

3. **Takemi Working Group**—This high-level group urged the Japanese government to prioritize global health issues in the summit and is now following up on the G8 commitments with proposals for health system strengthening. Organized by JCIE, it is headed by Keizo Takemi, a prominent politician, and includes nongovernmental experts, practitioners, and government officials.

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[150] Taken from Civil Society Monitor (2008), No.13 p 2.

4. **2008 People's Summit**—the "alternative summit" hosted by the G8 NGO Forum and the Hokkaido People's Forum on the G8 Summit brought together NGOs from around the world to focus on issues such as poverty and environmental degradation. The resulting "Sapporo Declaration" outlined measures to end global poverty

**Corporate Philanthropy-** With its booming economy, Japan had an impressive tradition of corporate funding. But given the state of the Japanese economy the situation has changed drastically. When queried about their priorities in supporting nonprofit organizations, companies cited the most important factor as being the "transparency of the recipient's operations" (66.7%), followed by the "track record of their activities" (50.8 percent) and their "fit with the corporation's basic philosophy and focus" (47.2 percent)[151].

The following two graphs illustrate the decline in corporate spending on the non profit sector.

**Average Corporate Social Contributions (US$ millions)**
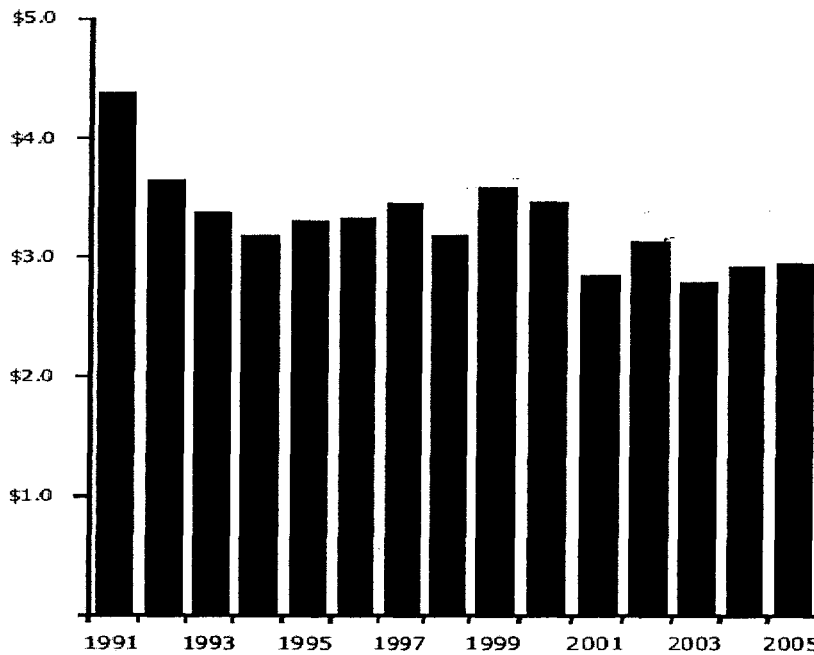


Note: Includes cash contributions, in-kind contributions, and companies' operating expenses for charitable, volunteer, and social programs.

Fig. 9: Average Corporate Social Contributions
Source: Civil Society Monitor No.12;2
Japan Center For International Exchange

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[151] Data from Civil Society Monitor, No.12; 2

It can be clearly seen from here that there has been a gradual decline in the corporate spending on the third sector.

The second graph shows the decline in corporate spending vis. a. vis the exapnsion in the non profit sector. This represents a sort of an ironical relationship.

## Direct Corporate Giving and the Expanding Nonprofit Sector
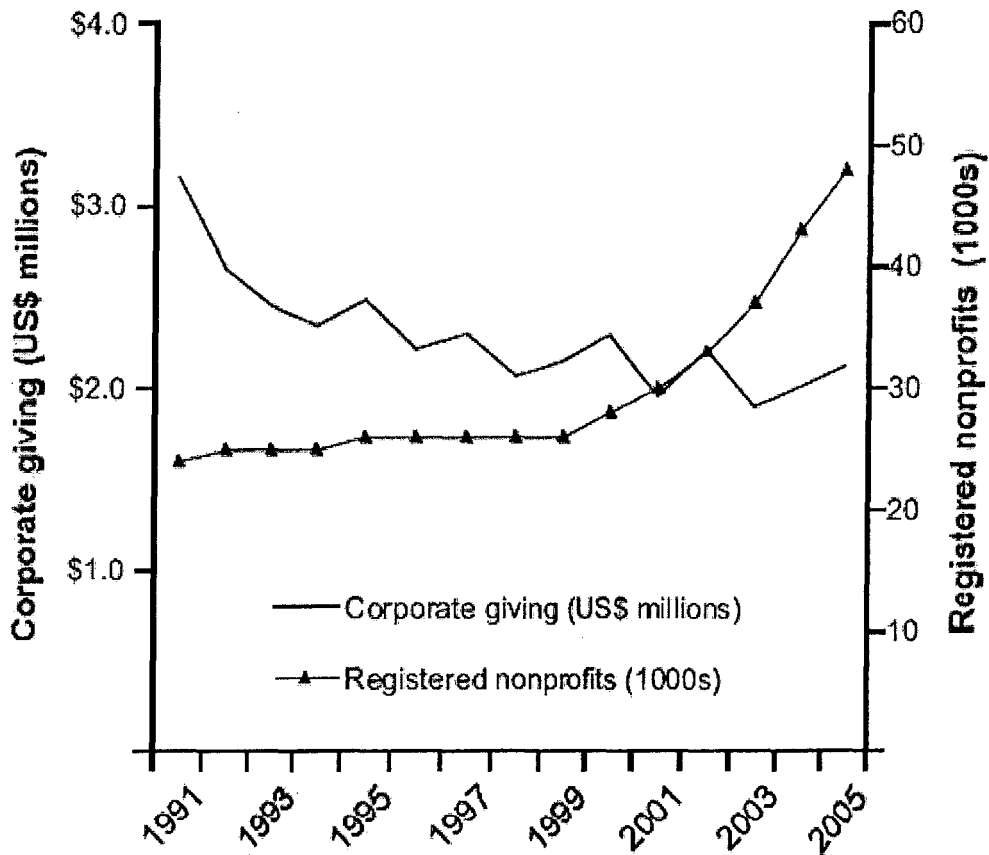


Note: Direct corporate giving consists of cash and in-kind contributions to nonprofits. Registered nonprofits include public interest corporations (*koeki hojin*), NPOs (*NPO hojin*), and mutual benefit corporations (*chukan hojin*).

Fig. 10: Direct Corporate Giving and Expanding Nonprofit Sector
Source: Civil Society Monitor No.12; 3
Japan Center For International Exchange

The stagnation in corporate giving is particularly striking in light of the dynamism of Japan's nonprofit sector and growing societal recognition of the role of nonprofit organizations. There has been explosive growth in the level of nonprofit activity in the

past decade, and the number of registered nonprofit organizations has nearly doubled since the late 1990s, intensifying competition for a limited pool of funding. Simultaneously, societal expectations for the nonprofit sector have climbed[152].

It is clear that the continuing slump in corporate philanthropy contributes to one of the main bottlenecks hampering the growth of the nonprofit sector in Japan and hence an area where advocacy and networking are most urgently required.

**Conclusion**: The nonprofit sector in Japan has undergone dramatic changes over the past few decades, and continues to face a rapidly changing environment. There have been increased opportunities as more government funding has become available with an increasing interest on the government's part to partner with NGOs in the provision of development and humanitarian assistance to the poor. Furthermore, space for engaging with government in advocacy and policy dialogue has gradually opened up, as have opportunities for NGOs to form networks with a range of other stakeholders globally.

However, the picture is far from satisfactory primarily because of the following three issues:

1. The question of autonomy and the capacity to act as a check on the government: otherwise the status of the third sector is merely relegated to the confines of being an agent of the government with little capacity to act freely.

2. The challenge of networking among the third sector- bridging the gap between the old and the new. If not pursued, this would entail that the bargaining capacity of the third sector would eventually be at a loss. It would also not let the big picture of the civil society movement in Japan emerge.

3. The challenge of funding: from government, the corporate sector or international institutions: the majority of CSOs face the challenge of funding, shortage of staff and other resources. While many NGOs have turned to international organizations for financial help, it cannot be said of the NPOs which are domestically based. However, a small percentage of NPOs too, have started turning to the international

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[152] In 2007, the Edelman Trust Barometer Study for the first time found that Japanese opinion leaders rank NGOs as the most trusted institutions in Japan, ahead of government, business, and the media

organizations. But the unincorporated segment of the domestically based nonprofit sector is totally devoid of any such planning.

Until the above are not resolved, one has little choice but to agree with Ogawa's pessimistic analysis of the third sector in Japan. This, however, does not deny the achievements of the civil society movement in Japan on the whole. In fact, the civil society movement has shown impressive tenacity and strength in the face of political and financial odds. In this context the role of the DPJ government remains central to the direction civil society movement will take in Japan (Ohashi 2010).

*Chapter Five:*

*Easing the Nomenclatural Web:*

*NGOs, NPOs and their Subdivisions.*

**Introduction:**

This chapter deals with the various types of civil society organizations in Japan and furnishes various empirical details supporting the development of the civil society movement in Japan. An attempt has been made to study the NGO and the NPO sector separately as it has been reiterated in the previous chapters that the NGO scene in Japan is much more formalized and clear as compared to the NPO and neighbourhood associations. Hence, internationally based NGOs will be taken into account first for the sake of convenience and clarity. The aim of this chapter is twofold:

1. **Testing of the second hypothesis**: As mentioned previously, the second part of the second hypothesis is tested in this chapter. The second hypothesis of this research is *"Though current change in the political regime of Japan will be directly proportional to enhanced civic activity but the complicated array of the types of civil society institutions will remain largely unchanged in near future."* The central assertion made in the above context is that because the complex legal structure still exists in Japan, with respect to the civil society sector, it is unlikely that the complicated array of the types of civil society agencies particularly in the context of the domestically based organizations will change in the near future.

2. To provide with an updated account of the various facets of the different kinds of civil society organizations. This section is written with a view to provide the empirical data on the latter. The information in this section is derived from primary sources.

As was mentioned in the introductory part, this study falls under the macro type of research on civil society. Hence, the attempt would be more generally to look at the 'big-picture' rather than looking at individual examples. However, individual examples would be furnished in order to corroborate a claim or if it helps elucidate the big picture in some way.

The data provided by JICA provides the basis for the NGO section. For the NPOs and neighbourhood associations, the data provided by the JIGS-1 and 2 especially JIGS -2 is used[153].

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[153] Another source of primary data is the personal interview with Mr. Tsuchiya, at the Japan NPO Centre, Tokyo, Japan.

## A. NGO Sector

### 1. Fields of activity[154]:

According to JICA, though the field of activity for international cooperation vary widely but they can be roughly classified into four areas:

1. **Development-** The main areas therein are regional development, agricultural training, health care services, improving living conditions, spreading education, vocational training etc in rural areas or urban slums.

2. **Environment-** These are reforestation, forest conservation, prevention of desertification and conservation of the ecosystem.

3. **Human rights** –Therein come the protection of the rights of the refugees, women, children, people with disabilities, disaster victims, indigenous peoples, people in detention and foreign workers in Japan.

4. **Peace-** These include disarmament, eradication of landmines and peace education.

### 1.1 Looking at the area of overseas activities for the Japanese NGOs:

Asia is the main centre of focus for the Japanese NGOSs. About two hundred organizations (70% of the total NGOs) work in Asia followed by Africa where fifty four organizations work. The number of Japanese NGOs working in different parts of the world has been shown graphically as below:[155]

The main countries covered in Asia are the Philippines, Cambodia, Nepal, Bangladesh, India and Thailand. In Africa, Kenya, Zambia, Uganda, Ethiopia. In Latin America they work in sixteen countries including Peru, Brazil, Haiti etc. In Eastern Europe, they work in 10 countries including Ukraine and Belarus and in Oceania in seven countries including Papua New Guinea.

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[154] According to the data provided by JICA, there are 33 fields of activities which have been broadly classified into 9 major fields. The list of the 33 fields is given in Appendix.

[155] Taken from JICA 2008. The list of the number of organizations country wise for Asia is given in appendix.

**Number of Japanese NGOs working in the major regions of the world (as of 2008)**

Legend:
- Asia
- Africa
- Latin America
- Eastern Europe
- Oceania

Fig. 11: Number of Japanese NGOs working in the Major Regions of the World
Source: JICA 2008

The main region for NGO activity is Asia where the largest number of organizations is centred in South Asia, followed by Southeast Asia, West Asia and Central Asia. The number of organizations working for Afghanistan has significantly risen in the past few years. A similar increase has been seen in the case of organizations working for Palestine.

**2. The extent of the type of activities:**

Mainly five kinds of activities are performed by the NGOs overseas. These may be summarized as below:

❖ **Financial assistance** (including scholarship programmes): It includes providing fund that people in the developing countries need.

❖ **Provision of materials**: Supplying materials that people in the South need

❖ **Sending personnel**: Dispatching experts with technical expertise, managers for local offices, project coordinators, volunteers etc. from Japan to other countries.

❖ **Emergency relief**: The main activities include providing emergency financial assistance, material support, personnel, information and others to offer relief to people facing life threatening situations as a result of natural disasters (floods, draughts, earthquakes etc) and human made disasters (wars, conflicts, nuclear power plant accidents etc) from imminent threat.

❖ **Research and investigation**: These include conducting overseas research and investigation into to the problems and issues faced by local people as well as international cooperation.

The figure below shows the percentage of the above mentioned activities:
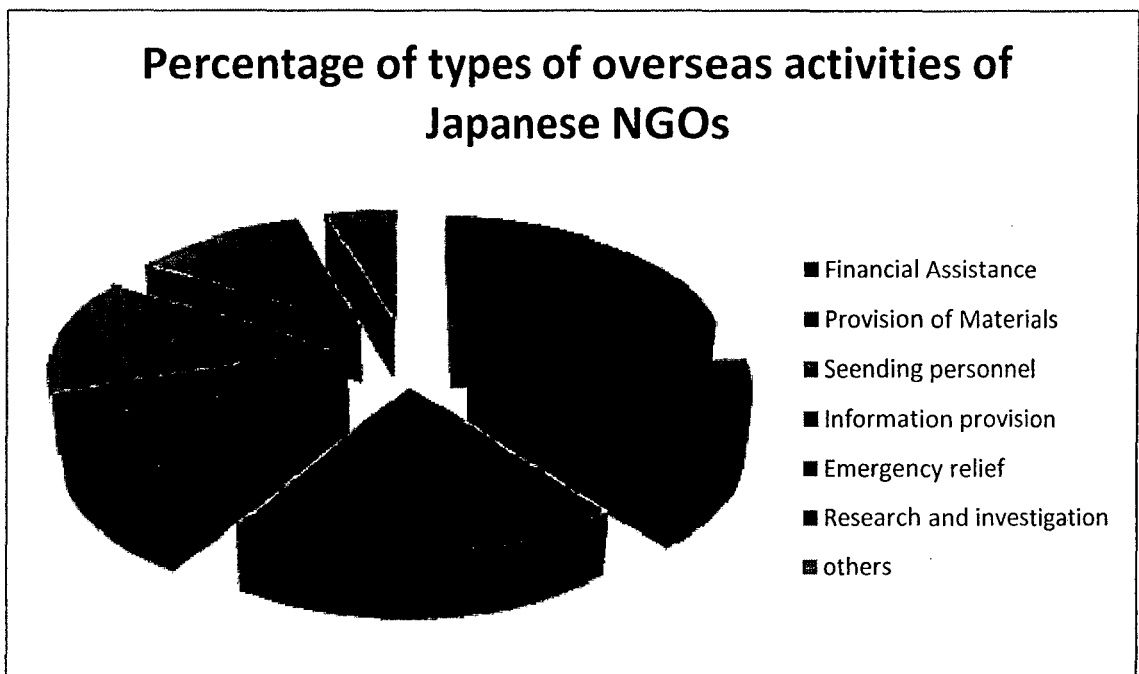


Fig. 12: Percentage of Types of Overseas Activities of Japanese NGOs
Source: JICA (2008)

If we compare the budget allotted to each of the six main activities mentioned above, the result shows that the two major types of activities represented by financial assistance and sending personnel comprise a high percentage of the budget. It also shows that emergency relief represents a high percentage in organizations with budgets of 100 million yen or more. Basically the relationship brings out that the larger the budget size, the more diversified the types of activities of that NGO.

## 3. Size of the Budget and areas of activities:

Asia gets top priority in the agenda of the NGOs working overseas. The following data[156] shows the division of budget among major regions of NGO's activities ( these regions being Asia, Latin America, East Europe, Oceania, Africa, Japan)

1. Budget Size: **More than 1 billion-** Asia: 70%; Latin America: 10%; East Europe: 0%, Oceania: 2%; Africa: 18%

2. Budget Size: **500million-1 billion-** Asia: 83%; Latin America: 2%; Africa: 15%

3. Budget Size: **100 million- 500 million-** Asia: 79%; Latin America: 2%; east Europe: 2%; Africa: 16%; Japan: 1%

4. Budget Size: **50 million- 100 million-** Asia: 70%; Latin America: 2.5%; Oceania: -0.5%; Europe- 1%; Africa: 20%; Japan : 4%

5. Budget Size: **10 million – 50 million-** Asia: 76%; Latin America: 2.5%; Oceania: 1.5%; East Europe: 1.5%; Africa: 9%; Japan: 6%

6. Budget Size: **5 million- 10 million-** Asia: 62%; Latin America: 6%; Africa: 20%; Japan: 10%

7. Budget Size: **Less than 5 million-** Asia: 68%; Latin America: 3%; Oceania: 1%; East Europe: 2.8%; Africa: 1.5%; Japan 18%

## 4. Citizen's Participation:

This can be broadly divided into two categories[157].

a. Individual members-The type of individual members are divided into full members, associate members, student members and other categories. The term 'individual member' includes all these types.

b. Organizational members- these may also be divided into full members and associational members.

As a general trend over the years, there has been an increase in the number.

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[156] From JICA 2008

[157] For details see Appendix 2

## 5. Finances:

According to JICA (2008), the overall income/expenditure size for fiscal 2004 was 28,613,200,000 yen[158]. The distribution of this varies widely and can be graphically represented as below:
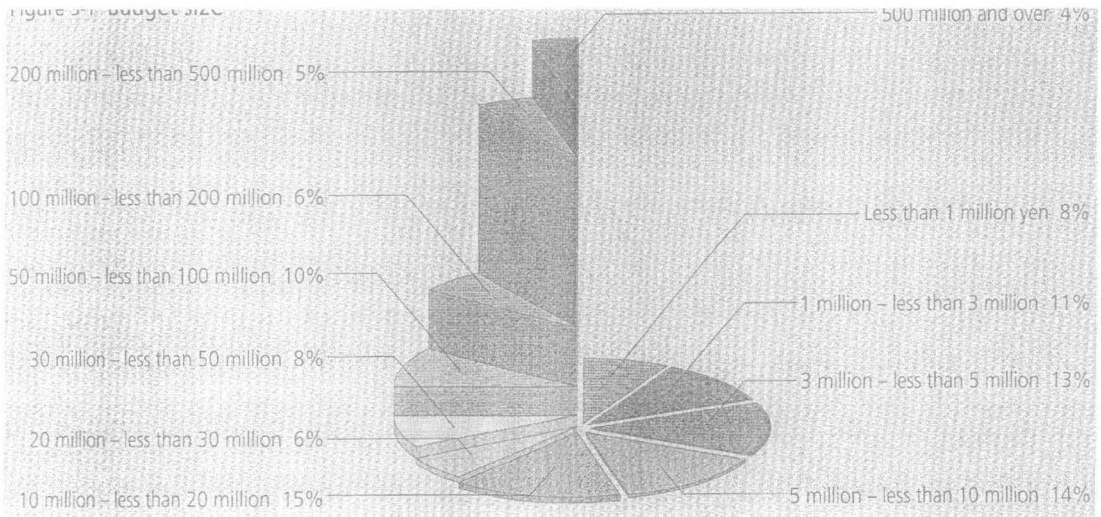


Fig. 13: Budget Size and Distribution
Source: JICA 2008

It is evident from the above figure that only 90% organizations have a budget size that does not exceed 200 million yen.

**Breakdown of Income**: In general, donations form the largest part of this pie. The breakdown of income can be shown as below:
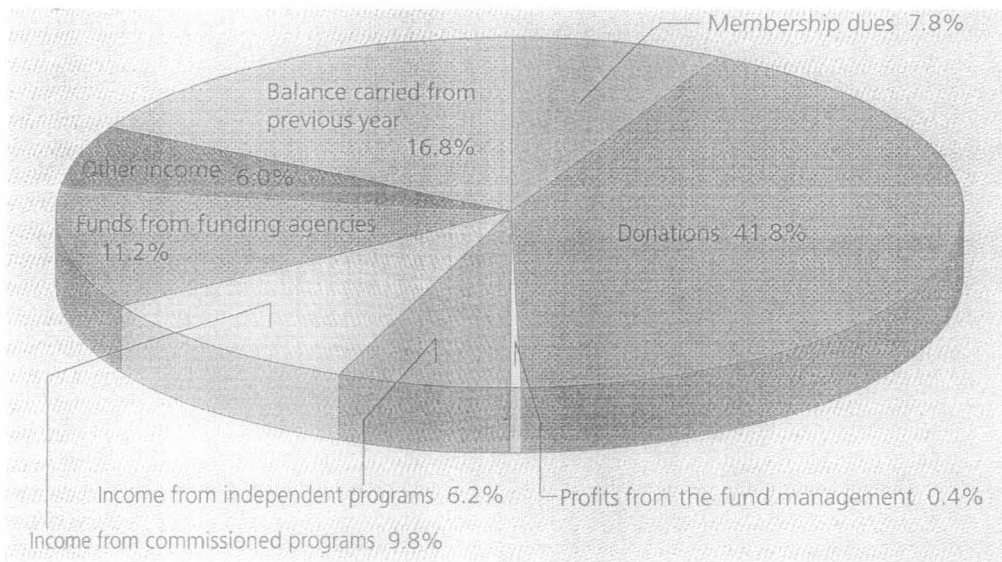


Fig. 14: Breakdown of Income
Source: JICA (2008)

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[158] The budget size for top ten organizations and their budget size is given in Appendix 3

Looking at Donations, as they form the largest part of the income, we get the following result:
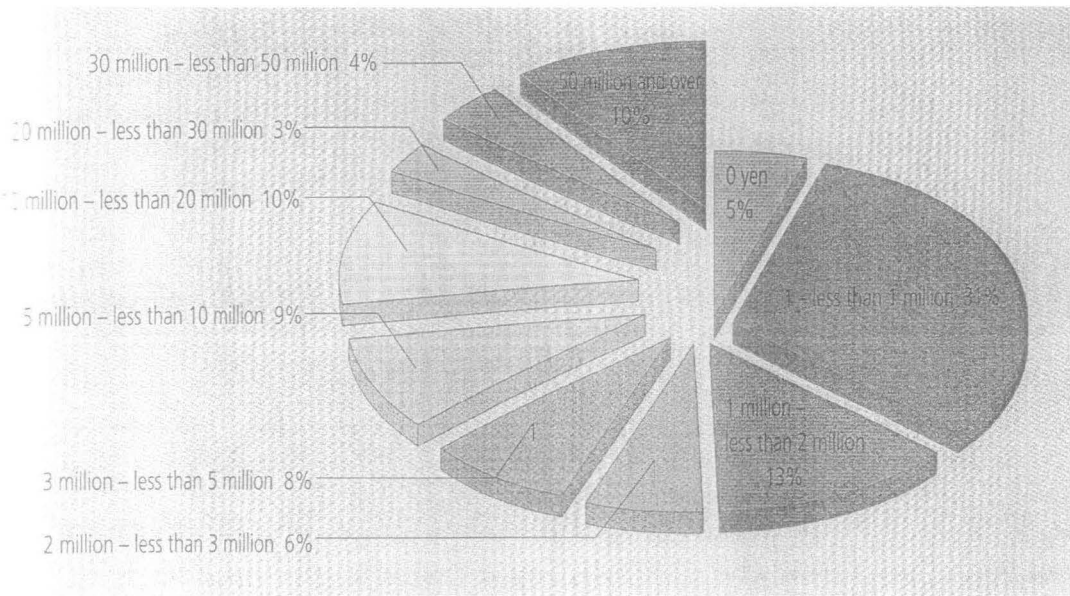


Fig. 15: Breakdown of Income From Donations
Source: JICA (2008)

7. Funds from funding agencies: these also make a significant part of the NGOs' income. Their breakdown can be given as below:
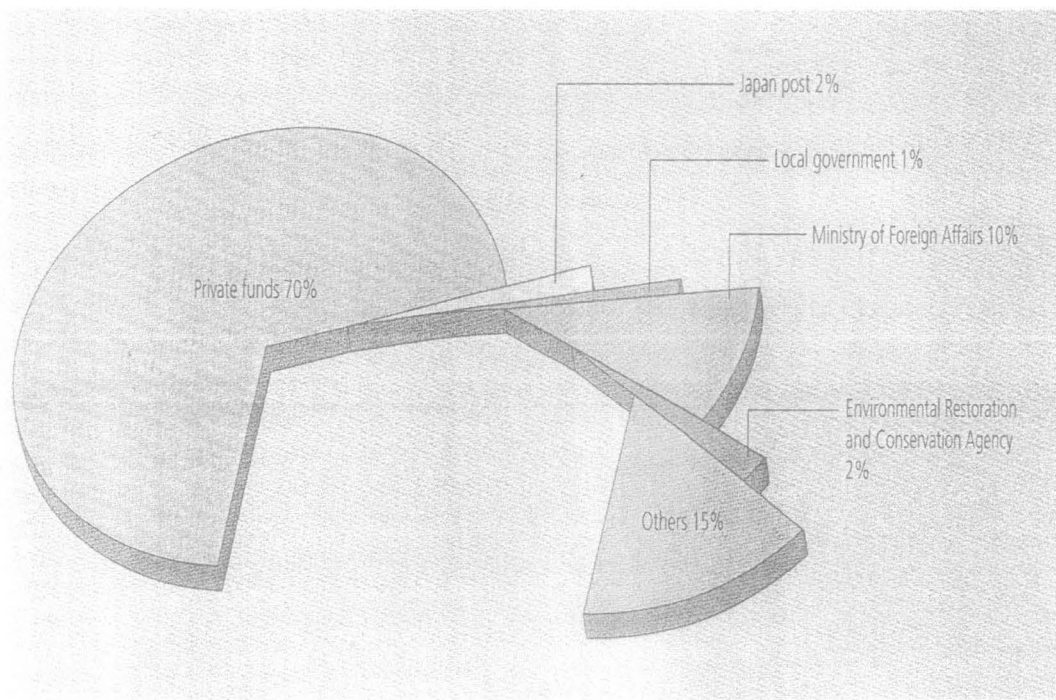


Fig. 16: Fund from Funding Agencies
Source: JICA (2008)

The most conspicuous fact from the above graph is that government funding is very little compared to private funding. His reflects the problem of funding from government in the NGO sector. However, MOFA created the first NGO project subsidy in 1989 for assisting the NGO sector in a variety of activities. But it is a disappointing fact that, till 2004, only 10% of the NGOs were actually receiving this subsidy. This reflects that this [program has not penetrated well into the NGO sector.

## B. NPO Sector:

**Major types of Japanese Non Profits**[159]: In all there are approximately 0.28 million organizations in Japan that may be included under the broad rubric of the Non profit sector. Out of these, only about 40,000 organizations are those which are granted formal legal status under the 1998 promulgation.

1. **Public Interest Corporations (*koeki hojin*)**: 25000 organizations

   (a). *Incorporated associations (shadan hojin)*- these may be classifies into general incorporated associations (*ippan shadan hojin*) or public interest incorporated associations (as of 2008).

   (b). *Incorporated Foundations (zaidan hojin)* - General incorporated foundations *(ippan zaidan hojin)*/ public interest incorporated foundations (as of 2008).

2. Other major public interest organizations: These may be divided in to the following:

   (a). **Social Welfare Corporations**: approx. 17,000 organizations

   (b). **Private School Organizations (*gakko hojin*)**: approx. 17,000 organizations

   (c). **Religious Organizations (*shikyo hojin*)**: approx. 183,000 organizations

3. **Specified Nonprofit Corporations** (*NPO hojin/nintei NPO hojin*): 37,000 organizations (as of 2009). These are new type of organizations started after the NPO law of 1998.

4. **Unincorporated civic groups**: about 90,000 organizations.

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[159] From Tsuchiya's presentation, personal interview, Japan NPO center, Tokyo.

# JAPAN'S NONPROFIT SECTOR



adopted from Yamaoka (2005)
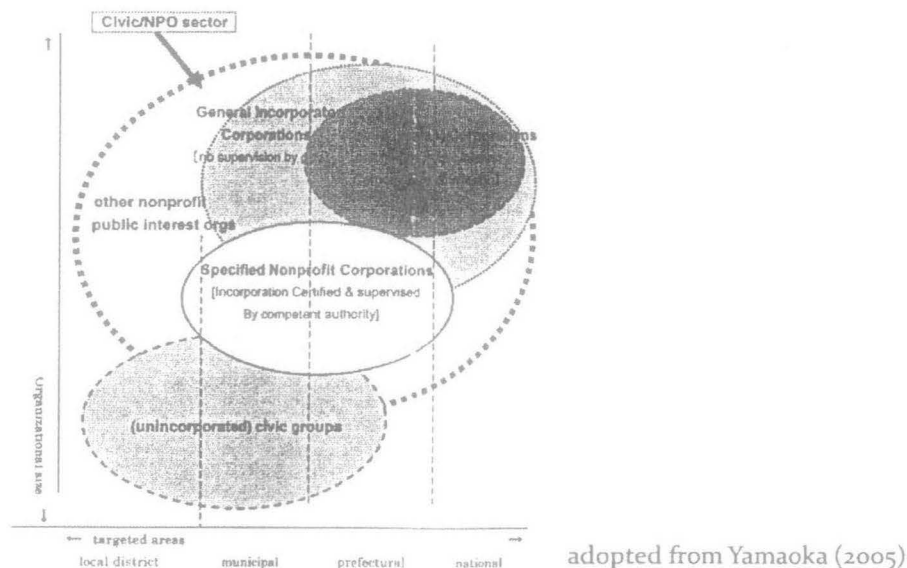
Fig 17: Yamaoka's Graphic presentation of Japan's NPO sector
Source: Yamaoka 2005

o Let us take first take the formal sector i.e. the Specified Nonprofit Corporations-

Of the 40.000 such organizations, the following are the major types of activities of NPOs among seventeen activity areas.

1. Health, medical or welfare (57.8%)
2. Social Education (46.0%)
3. Sound nurturing of youth (40.5%)
4. Education, culture and sports activities (32.8%)
5. Environmental Conservation (28.5%)
6. International Cooperation (19.5%)
7. Development of vocational expertise or expansion of employment opportunities (18.5%)
8. Human rights or peace protection (15.6%)

It is evident from the above description that many organizations perform more than one activity.

o **Neighbourhood Associations**[160]- Total number of such organizations in Japan is 18404. The majority of them remain unincorporated. But they represent a dynamic

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[160] Data from the blue book 2009 -3 JIGS 2

civic participation as a tradition in Japanese societies. The data provided below describes the various dimensions of this sector.

1. The type of region where these neighbourhood associations are found:

    1.  Agriculture or fisheries centred- 4398 (23.9%)
    2.  Where a large number of factories are located- 118 (0.6%)
    3.  Where large number of offices are located- 82 (0.4%)
    4.  Where large number of shops are located- 514 (2.8%)
    5.  Where assembled residents are located- 1395 (7.6%)
    6.  Where a large number of detached houses are located- 11420 (62.1%)
    7.  Where a large number of schools are located- 44 (0.2%)
    8.  Others- 221 (1.2%)

2. Data based on the observation of the entire area, what kind (degree) of close association are these Resident's Associations having- represents cordial cooperation.

    1.  From the point of view of daily life, they are cooperative- 4598 (25.0%)

    2.  In daily life their cooperation is limited to the level of talking- **10543 (57.3%)**

    3.  In daily life their cooperation is limited only to the extent of wishing each other- 3001 (16.3%)

    4.  There is no association or closeness among them- 51 (0.3%)

3. What are the levels of activeness in terms of social life? Is it a prosperous one from that angle? The majority response is medium level of activeness of social life.

    1.  Is Prosperous- 1680 (9.1%)
    2.  Prosperous but only to a limited extent- **4926 (26.8%)**
    3.  Only some bit- **6887 (37.4%)**
    4.  Not that prosperous- 4037 (21.9%)
    5.  Not at all prosperous- 695 (3.8%)

The next section deals with the civil society organizations at large and describes their various dimensions

❖ Development of the civil society sector: the topmost unbroken black line in the following two graphs represent the total number of the civil society groups in

Japan and the total number of people employed in the civil society sector on the whole, while the other lines represent the number group wise. The growth is evident.

- Number of civil society groups in Japan (1951-2006)
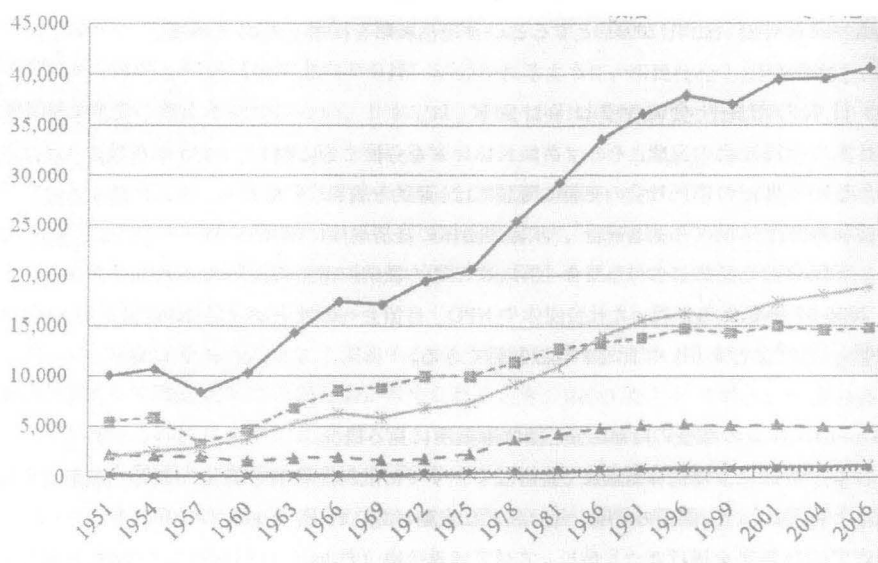


Fig. 18: Number of civil society groups in Japan (1951-2006)
Source: Civil Society and Governance J-JIGS2-LG
(Japan, Nation-wide, Local Government Survey)
An Interim Report (2009; 10)

- Number of employed people in the group (1951-2006)
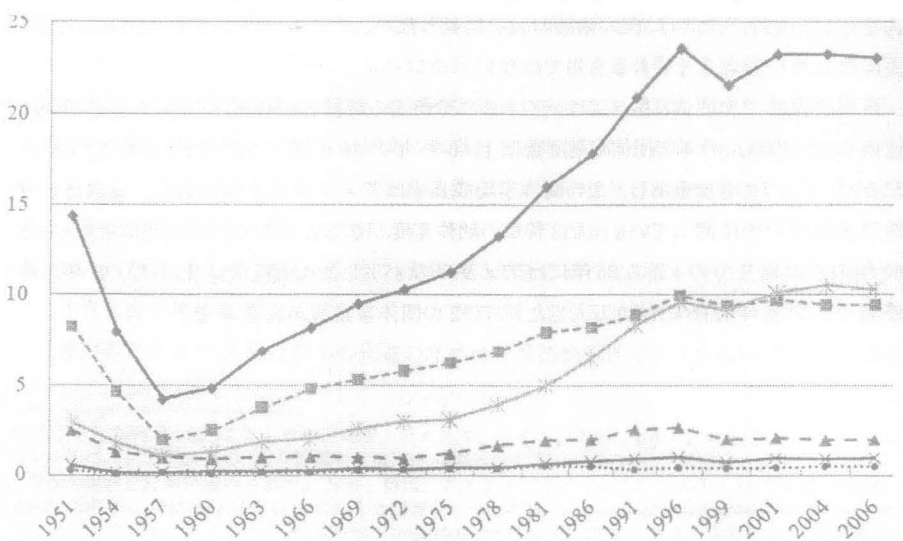


Fig.19: Number of employed people in the group (1951-2006)

Source: Civil Society and Governance
J-JIGS2-LG An Interim Report (2009; 10)

❖ This section describes the finances of the groups (in hundred yen) from 1981-2007. The peak can be seen during the 1995-1996 time period. After a slump in early 2000s, there is a slow revival later on.

■ Finances of the groups (1981-2007)
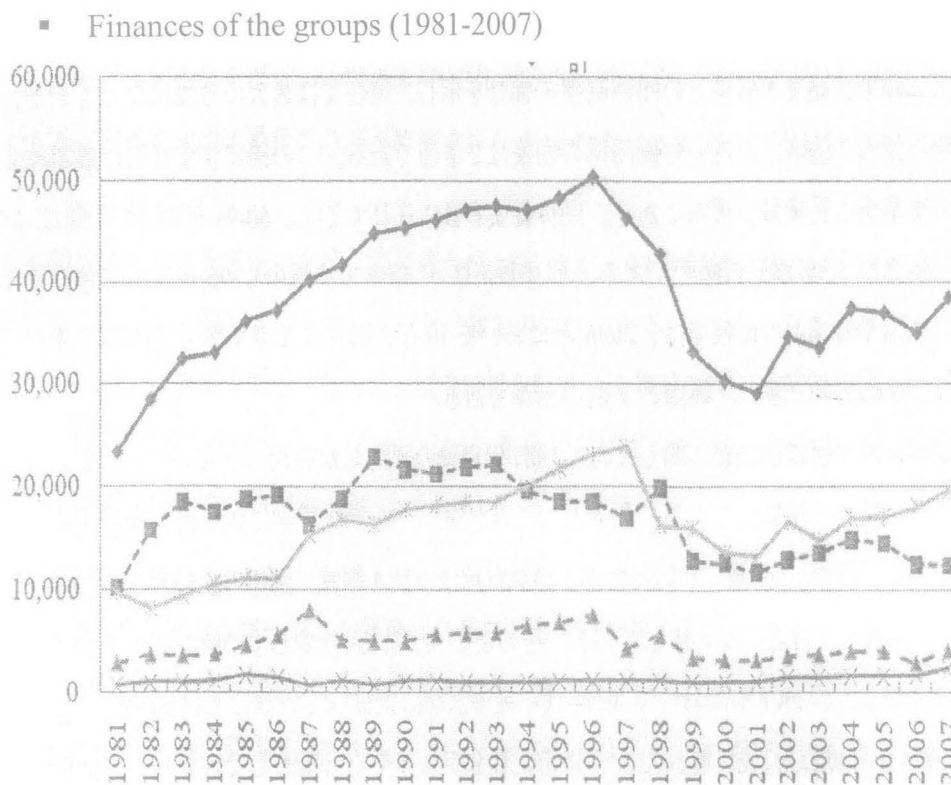


Fig. 20: Finances of the groups (1981-2007)
Source: Civil Society and Governance
J-JIGS2-LG An Interim Report (2009; 11)

❖ Cross national survey on civil society organizations and interest groups in Japan: this section reveals a very important characteristic regarding the civil society sector. The figure below shows that Resident's Associations (RA) and neighbourhood associations have a higher level of trust than the NPOs. While 23.9% of the respondents have a lot of trust on the RAs, only 3.1% have that much trust on the NPOs. 13% respondents are described as having not trust at all on the NPOs as compared to only 0.6% respondents saying the same about the RAs.

- The following graph describes the level of trust placed on RAs (first line), and NPOs (third line).



Fig. 21: Level of trust placed on RAs

Source: Cross-national Survey on Civil Society Organizations and Interest Groups in Japan,

J-JIGS2 An Interim Report (2009; 26)

- The following graph shows the subjective influence power of the groups. And the structural comparison between the Ra, social groups and the NPOs shows that 13.4% of the people find RA score more than the social groups (4.1%) or the NPOs (4.1%). Further, 18.7% people find that the NPOs have no influencing power. The result again corroborates the thesis that locally based organizations enjoy more support and influence among the people.



Fig. 22: Subjective influence power of groups

Source: Cross-national Survey on Civil Society Organizations and Interest Groups in Japan, J-JIGS2 An Interim Report (2009; 27)

❖ This section describes the ideology adhered to by the civil society groups along with their establishment years. As the graph shows the number of organizations pertaining to progressive ideology has decreased. This reflects the conservative nature of the third sector in Japan.

▪ Average number of years of establishment of groups and ideology
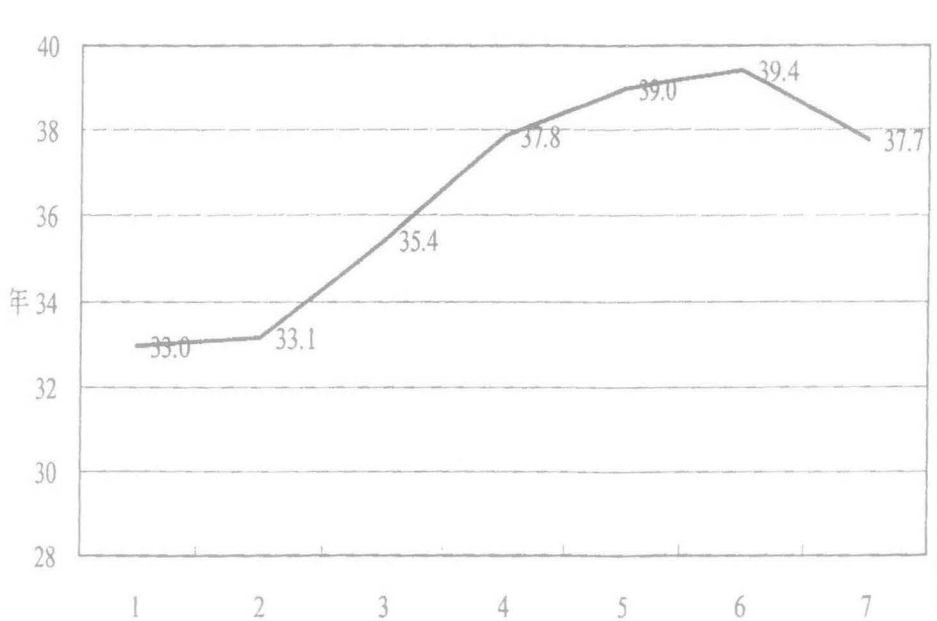


Fig 23: Average number of years of establishment of groups and ideology

*Innovative <------Ideology-----> Conservative*

Source: Cross-national Survey on Civil Society Organizations and Interest Groups in Japan, J-JIGS2 (Japan, Nation-wide, Social Association Survey)

An Interim Report (2009; 71)

❖ However, the number of individuals attaching themselves to progressive groups has increased in recent years. This reflects that change in the conservative mind set of the Japanese people and is very positive. However, a sizable number of groups fall in the middle range and with change in the policies in the government it is hoped that the civil society sector will become more innovative.

However, what is important is that the number of individuals attached to civil society sector has increased significantly. The next two graphs reflect this phenomenon.

- Group ideology and average number of individual members



| | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|---|
| ----設立時 | 4513.8 | 1508.9 | 1477.3 | 1682.6 | 1847.4 | 1239.6 | 3575.2 |
| ——現在 | 6354.9 | 4245.0 | 3326.0 | 4014.8 | 2622.3 | 3923.5 | 4909.0 |

革新的 ← イデオロギー → 保守的
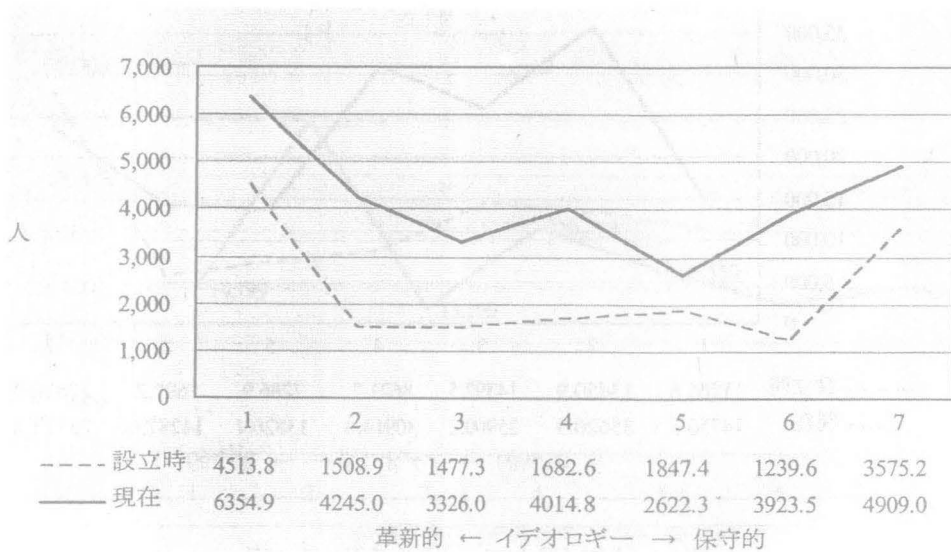
Fig. 24: Group ideology and average number of individual members

Innovative <-----Ideology----> Conservative

Source: Cross-national Survey on Civil Society Organizations and Interest Groups in Japan, J-JIGS2 An Interim Report (2009; 73)

❖ Group ideology and average number of people affiliated to it.



| | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|---|
| ----設立時 | 11265.6 | 13450.9 | 14392.5 | 8621.2 | 7286.9 | 5690.2 | 27830.9 |
| ——現在 | 14750.5 | 35620.9 | 25900.2 | 30914.4 | 13826.4 | 14287.6 | 23773.8 |

革新的 ← イデオロギー → 保守的
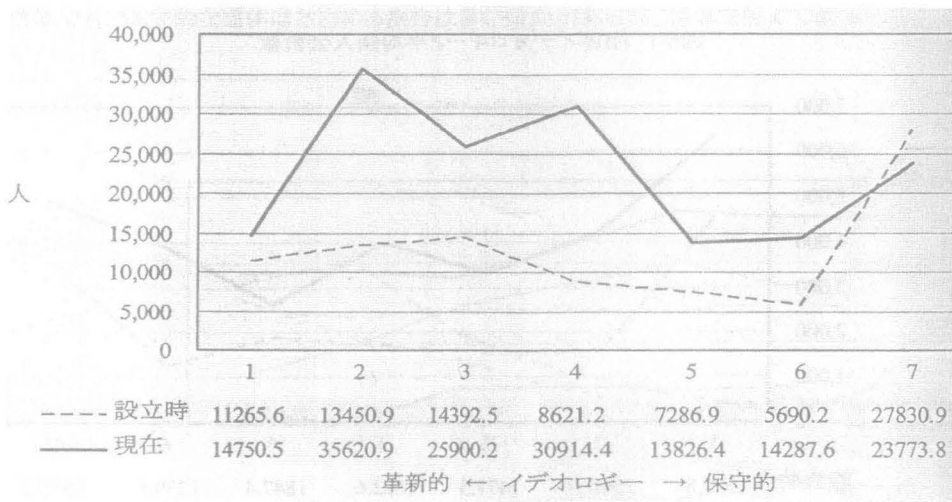
Fig. 25: Group ideology and average number of people affiliated to it.

Innovative <-----Ideology----> Conservative

Source: Cross-national Survey on Civil Society Organizations and Interest Groups in Japan, J-JIGS2 An Interim Report (2009; 74)

❖ As is evident from the following graph, the progressive groups face fewer problems in arranging for funds than the conservative groups. The change in this situation is very promising of a bright future for the civil society future.

- Group ideology and average income of the group
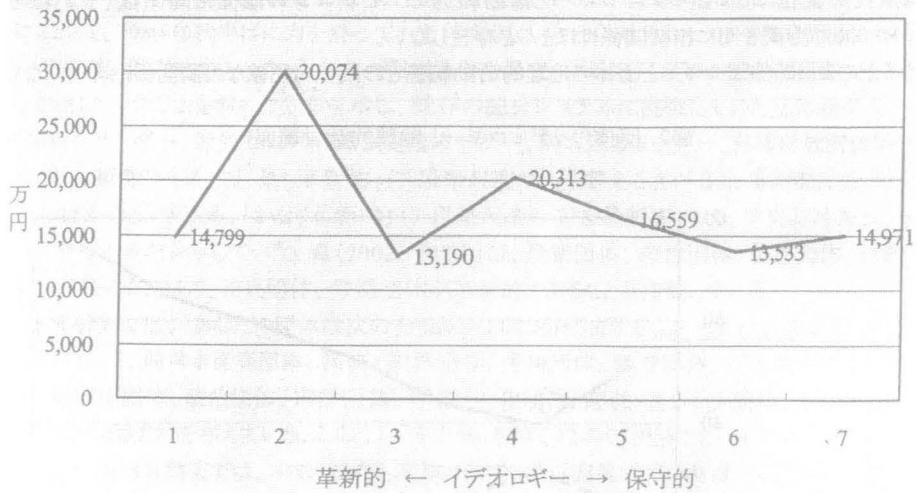


Fig. 26: Group ideology and average income of the group

Innovative <-----Ideology-----> Conservative

Source: Cross-national Survey on Civil Society Organizations and Interest Groups in Japan, J-JIGS2 An Interim Report (2009; 75)

❖ The following graph shows the distribution of group- ideology as per their types:

- Ideology as per types of groups (religion, politics, education, academics and culture, technical specialization)



| | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|---|
| 教育団体 | 3.1 | 4.8 | 13.7 | 47.2 | 19.3 | 8.9 | 3.0 |
| 専門家団体 | 2.0 | 4.8 | 13.0 | 44.9 | 18.7 | 11.2 | 5.5 |
| 政治団体 | 19.9 | 11.3 | 11.0 | 13.8 | 12.8 | 12.2 | 19.0 |
| 学術・文化団体 | 4.3 | 7.8 | 20.0 | 43.0 | 15.6 | 7.1 | 2.2 |
| 宗教団体 | 3.9 | 3.1 | 14.1 | 44.5 | 14.1 | 16.4 | 3.9 |

［データ］ JIGS II 調査.
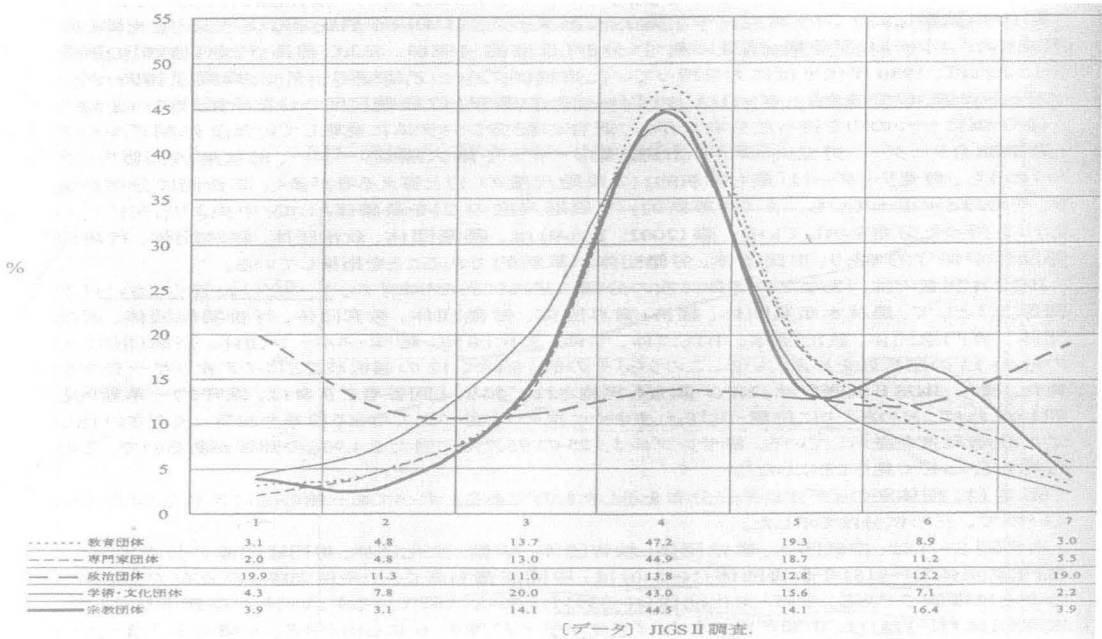
Innovative <-----Ideology----> Conservative

Fig. 27: Ideology as per types of groups

Source: Cross-national Survey on Civil Society Organizations and Interest Groups in Japan, J-JIGS2 An Interim Report (2009; 78)

The bell-shape of the graph indicates a normal distribution signifying that the maximum number of all the groups are located at the median position. This position strikes a balance between the two extremes of being conservative or progressive.

❖ This graph represents the degree of contact between the civil society sector and the government in terms of the number of cases where this consultation happened.

   ■ Contact (consultation) with middle range ministries



註）数字は、「3．ある程度」以上の回答をしている団体の割合である
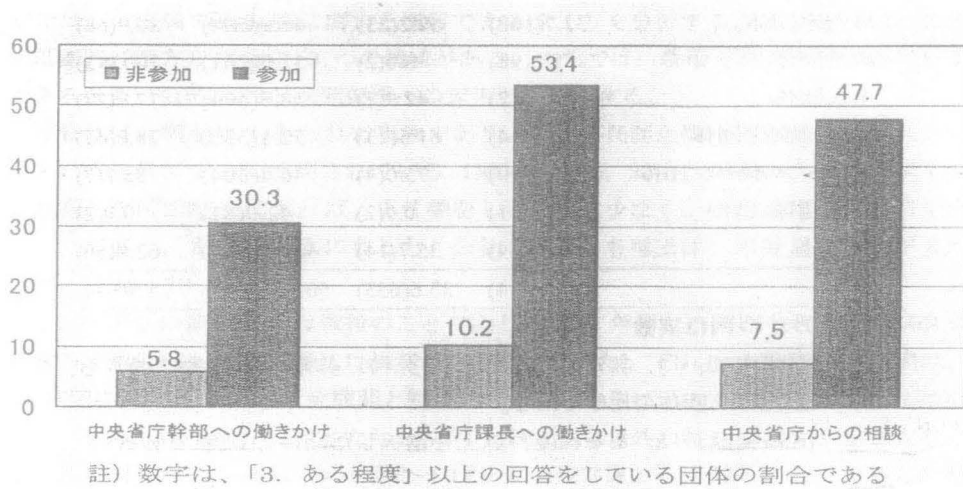
Fig. 28: Contact (consultation) with middle range ministries
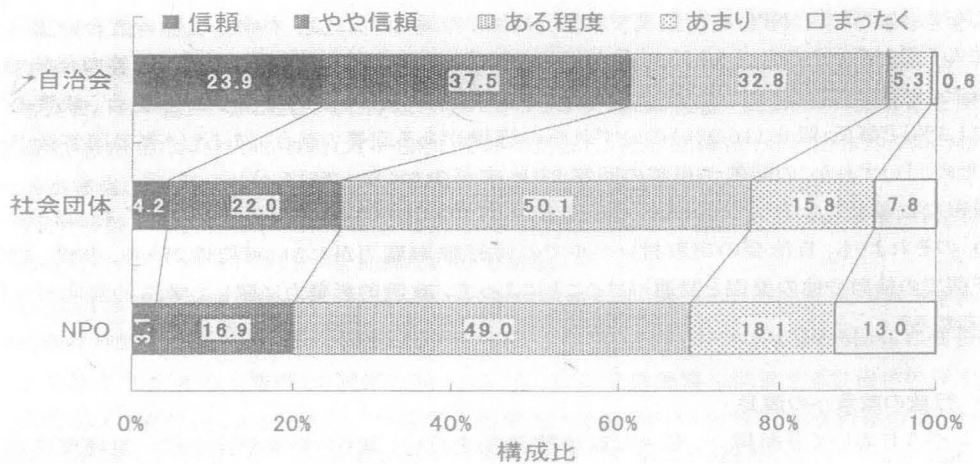
Source: Cross-national Survey on Civil Society Organizations and Interest Groups in Japan, J-JIGS2 An Interim Report (2009; 271)

❖ This graph represents another dimension of the government-civil society relationship. It describes the number of posts offered to *Amakudaris* over the years. As a general trend it can be seen that the number has reduced during the decade of the 1990s as compared to earlier decades.

   ■ Posts offered to *amakudari*
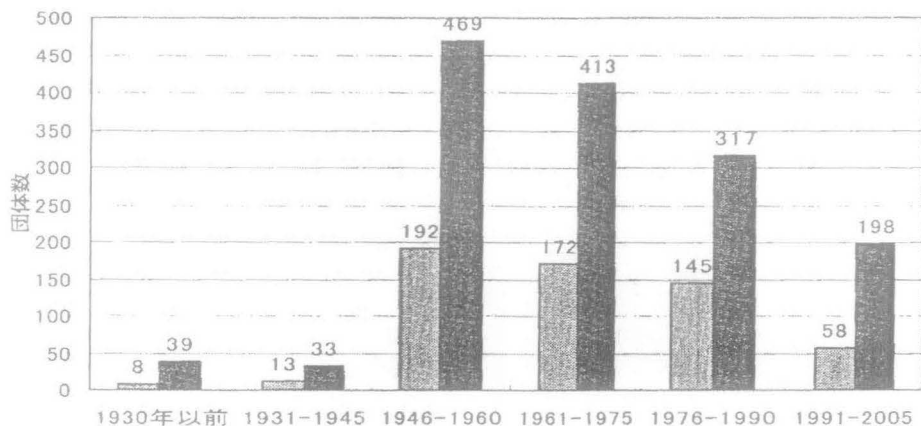


Fig. 29: Posts offered to *amakudari*

Source: Cross-national Survey on Civil Society Organizations and Interest Groups in Japan, J-JIGS2 An Interim Report (2009; 278)

❖ The regions shown are Hokkaido, Northeast Region, Northern Kanto Region, Tokyo, Southern Kanto Region, Eastern Sea Region, Kinki region, Centre of the Country, Shikoku region and the Kyushu Region. The maximum number can be seen in Tokyo (1803), Kinki Region (1850) and the Kyushu Region (1995)
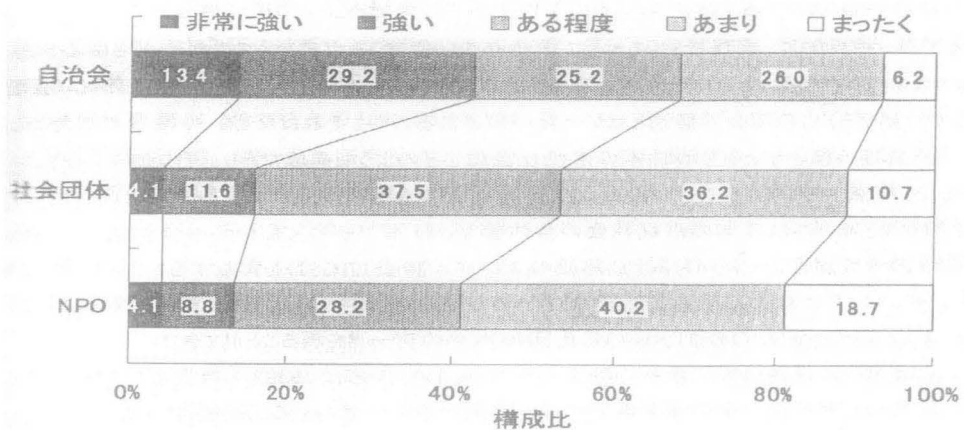
  ▪ Number of groups region wise.
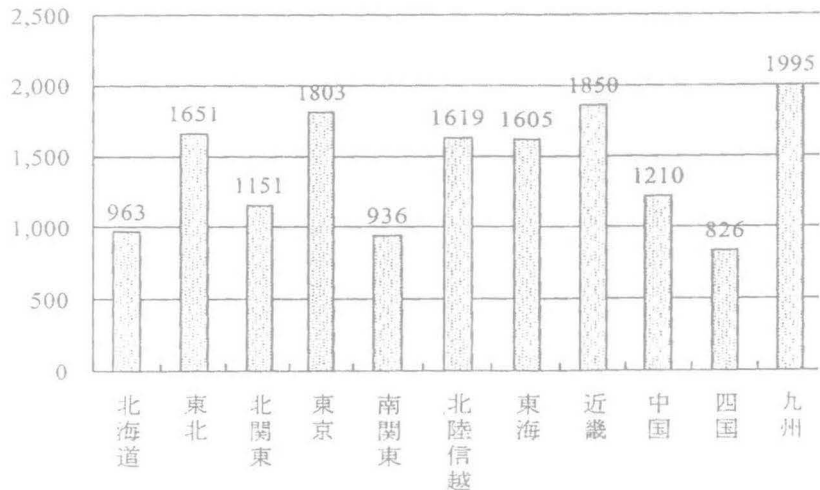


Fig. 30: Number of groups region wise

Source: Cross-national Survey on Civil Society Organizations and Interest Groups in Japan, J-JIGS2 An Interim Report (2009; 368)


**Conclusion**:

Taken together, these graphs and figures show the increase in the civil society movements in general since the 1990s. It has been attempted that the wide variety of nomenclatural confusions be systematically presented along with facts supporting the argument. The chapter focussed on the various factors attached with the third sector for eg. size, area of activity, budgeting, funding, innovative capacity etc. At a more micro level it also described the details of the Resident's Associations, a sector which is still largely unincorporated.

It is interesting to note that Asia emerges as the top area of activity both in terms of the budget and size in the NGO sector. Similarly, the figures depicting the ideological inclination of the CSOs concur that since the late 1990s, the number of those CSOs which favoured innovative policies and outlook as opposed to the conservative outlook, has grown. Various dimensions of being innovative have been explored based on the data given by the JIGS-2 survey. As a general trend, it can be observed

that the number of those organizations which are more innovative in their outlook has increased since the mid of 1990s and especially in the current decade. This reflects the changing aspect of the erstwhile conservative nature of the Japanese non-profit sector.

**The Legal Environment:**

**2001 New Tax Law:** The new tax law, which took effect in October 2001, provides tax-deductions on individual and corporate donations to a qualified non-profit corporation. However, the requirements that needed to be satisfied in order for an organisation to become a qualified non-profit corporation continued to remain difficult at the ground level. (Asahi Shimbun, December 11, 2001, Kuroda and Imata 2002). In fact, only 12 organisations[161] out of the 10,000 non-profit corporations[162] incorporated under the NPO Law were approved as qualified non-profit corporations till 2003.

The new tax relief mechanism encouraged non-profit corporations to increase the number of small contributions in proportion to their total revenue (Kuroda and Imata 2002), assuming that wider support from the general public will ensure that the organisation provides public benefit. The major change in the NPO Law in 2001 is that it has expanded the list of 'specified non-profit activities' and has added five activities[163] in order to reflect current and emerging needs, such as activities to develop an information-oriented society, activities to promote science and technology, activities to stimulate economic activities, activities to develop vocational skills and support the expansion of employment opportunities, and activities to protect consumers.[164]

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[161] According to the Japanese National Tax Agency, the number was 12 as of February 25 2003. (www.nta.go.jp).

[162] The number of non-profit organisations authenticated as of February 28, 2003 amounted to 10,089. (www5.cao.go.jp/seikatsu/npo/pref.hml, Asahi shimbun March 7, 2003).

[163] Specified non-profit activities include: activities to promote health, medical care, or welfare; activities to promote social education; activities to promote community development; activities to promote culture, science, the arts, or sports; activities to protect environment; disaster-relief activities; activities to ensure community safety; activities to protect human rights or promote peace; international cooperation activities; activities to promote the creation of a gender-equal society; activities to promote the sound nurturing of youth; and liaising, advising, or support activities related to the operation or activities of organizations performing any of the activities listed above. For details refer to Appendix.

[164] http://www.npoweb.gr.jp/

**2008 Tax Law:** This has further provided tax relief to the NPOs and the gaining of the specified status had been eased further. But in reality, the problem of bureaucratic interference and strict legal framework continues to exist. The impact of the new Tax Law has to be assessed in near future.

On one hand, it can be clearly seen that the nonprofit sector has grown substantially in Japan while on the other hand, the strict legal framework, especially with regard to tax relief, is still not very encouraging. However, the small steps in this direction are expected to bring about significant change in the future. Hence as per the second hypothesis; *though current change in the political regime of Japan will be directly proportional to enhanced civic activity but the complicated array of the types of civil society institutions will remain largely unchanged in near future*; the legal framework is not likely to change fast in near future given the long lapses between reforms directed at the third sector. But the progress of the third sector has been impressive, especially after the decade of the 1990s.

*Chapter Six:*

*Conclusion*

This research has been focussed on the changing, developing, evolving civil society movement in Japan. The subject undertaken is interesting because Japan does not come across usually as a typical example of a model of civil society. However, as has been argued in the preceding chapters, to treat/ project Japan as a country having little or sidelined civil society is a gross error. The civil society movement remained on a low pedestal till the decade of the 1990s after which it took off owing to a series of structural changes that changed the rules of civic engagement forever. It is more appropriate to say that though the Japanese civil society movement is young but its scope is widening with the passage of time. There are problems in the way of this development, but they are constantly addressed (in differing degrees from different quarters). However, any country would have its own set of problems and same is the case with Japan too. What is interesting and satisfying is that the big picture of the way civil society movement has developed in the country is promising[165] and that is what matters.

It must be reiterated that the prime motive of this study was to establish that the two sector view[166] of the world is a misnomer because with rising complexities in a globalized world and with the decline of the role of the traditional state, the third sector has increasingly become important and decisive not only because it adds a dimension to the erstwhile decision making and implementation of public services but mainly because it actually stems from people's own frustration with their government's misdoings or insensitivity, in some cases, or in others, because it represents the reinforcement of people's sincere political consciousness that seemed to have got lost in corrupt politics and politicians who have lost all respect in the eyes of the common man.

Hence, civil society should also be seen as a voice of dissent. It may not be relegated to protests and demonstrations against the government only, because at the end of the day it is much more than that. One may go on with ways of describing civil society in the present times but the voice of dissent that gave birth to the very idea is too forceful to be neglected in whatever the context may be. Equally true is the fact that

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[165] Personal interview with Jeff Kingston Tokyo and Personal interview with Katsukata Shirasi, Ryukoku University, Kyoto

[166] As given in the introductory part, this refers to the prominence of only the state and the market while sidelining the society.

civil society embraces a diversity of space, actors and institutional forms which differ in their respective degree of power, and autonomy while endorsing different formal structures.

While the traditional forms of civic engagement continue to be delved in, new forms of civic engagement have started coming to the fore. Discussion on these is a cardinal part of the concluding section and will be done shortly. At the moment, there requires to be a briefing of the chapters, their main findings and the extent to which the two hypotheses of the research are corroborated or otherwise.

Civil society was treated as the dependent variable in this research because it was the main variable whose changing nature was studied. There was not one but a variety of independent variable as it was argued that the change in the civil society movement was contingent upon not one but several factors. The main independent variables identified in this study were economic and social unrest (each is set of variables) and cultural factors were treated as intervening variables. While the literature on civil society was being reviewed, there was an increasing realization that scholarly writings on civil society suffer from western ethnocentrism. While this is not a problem per se, but it becomes one when the same narratives are used in the case of Japan. Hence, providing a non western perspective or a theoretical paradigm was lacking and was one of the most daunting tasks undertaken in this study.

The **first** chapter is "**Introduction**". The focus of this chapter is threefold. Firstly, to generally introduce the term, its contemporary origin and its increasing popularity in the present times. It has also been attempted to provide a general introduction of the different approaches to the term and to give a general idea of the scope of the research. Secondly, to provide the general outline of the development of civil society in Meiji Japan as Japan is the first country in Asia to have constitutionally provided for civic activity by way of the Meiji Civil Code of 1896. This section was mainly a general description of the developments in the civil society scenario from a little before Meiji times up till the present times. This was divided in two parts; stages of the development of civil society since Meiji times to the onset of the Second World War; and then starting from the post war period up till the present times. The rationale behind this was simply to trace the evolution of civil society movement in Japan from the point of its origin. Comparing the pre and post1990s civil society scenarios, one

can clearly see the qualitative and structural transition that the movement has undergone. This section is not restricted merely with providing a sketch of the development of civil society in earlier times but to also introduce that the most distinguishing feature of Japan's civil society organizations, most notably, with regard to the neighbourhood associations, was the high degree of social capital that was found in the Japanese society. This was the binding force behind several citizens' associations and is an important parameter to judge the vivacity and robustness of civic activities in non western context. As pointed out by Tsujinaka, when considered in terms of an idealized concept in the Western sense of NGOs and NPOs, the Japanese case looks weak and underdeveloped. On the other hand when considered in terms of 'social capital' the Japanese case appears robust. In the words of Tsujinaka (2010; 253-254),

> If the term "social capital" is used to refer to relationships between fellow human being, public and private networks, trust, and reciprocity norms, then it can be argued that Japan's economic-oriented society, with its traditionally broad and multiple grassroots structure, corporations and industry, demonstrates evidence of a wealth of social capital

Thirdly, this chapter provided the scope of the study by underlying the research questions, research objectives, identification of variables, presenting the hypotheses and the methodological tools adopted for this study. The several research objectives and research questions have been the focus of study in the corresponding chapters and have been dealt with in corresponding chapters. Similarly the two hypotheses that provided the causal linkage between the variables (the explanans and the explanandum as well as the intervening ones) have been tested in those chapters as well. The first hypothesis had asserted that the frail economic conditions fuelled with social unrest and a badly performing government triggered a structural transformation in the civil society movement in Japan. The second hypothesis asserted that the DPJ's coming to power will be positive for civil society but because the legal structure takes a lot of time to change in Japan, the legal structure regarding the civil society institutions is likely to remain unchanged in near future. Both these hypotheses were tested in the third, fourth and the fifth chapters respectively and were found to be corroborated.

The first chapter actually provides a case for the need to devise a non western perspective to study the Japanese civil society. The problem with applying a western approach to the case of Japan has been elucidated by pointing out the epistemological fallacies that result from such erroneous mixing of contexts. This has been done by applying the theory of Contexualism by Quentin Skinner devised as a theory to study the history of ideas. This theory holds a prominent place today as a methodology for interpreting the history of political ideas. This exercise has provided the rationale for pointing out the problems with the western approaches and trying to develop an approach suited to the study of the Japanese case.

The last part of the first chapter describes the various units and dimensions of civil society as given by Osborne. This study has been a macro unit study of the changing civil society movement of Japan because it focussed on the civil society as movement in its entirety which included NGOs, NPOs and the various neighbourhood associations, resident's associations and other voluntary associations of which the civil society in Japan is comprised of.

The **second chapter** is titled, **"Theorizing Civil Society: A Critique of the Western paradigm and the Search for a Japanese Model of Civil Society"**. It is argued that application of the western approach to civil society to Japan's case is not justified. The initial aim of this chapter was to provide an alternative approach to theorising civil society has been only partially fulfilled. The western approach has been critiqued at length and various suggestions for an alternative approach have been worked out. An alternative model of Japanese civil society has not been devised formally. Hence, this chapter ends with what may more correctly be called certain suggestions on devising an alternative approach to theorize civil society suited particularly to the case of Japan rather than a full fledged theoretical model to study the same.

The second chapter focuses on the primacy of cultural variables emanating from the Japanese socio-cultural-political culture that have been identified as the intervening variables in the present study. It is because of these very factors that the western approaches (based on the philosophy of individualism) ought not to be applied in the case of Japan. As Mardin (295) has argued,

> but the dream of Western society - or its cultural civility - has not become the dream of these societies

The absence of individualism-based civility often appears problematic in the eyes of scholars of civil society, not so much because they are convinced of Western superiority, but because they tend to see civility as intrinsically tied to individualism (Cheng and Bettinger; 2001). Haddad (2004, 2007) has extensively worked on the Japanese civil society and concurs that the cultural factors must be taken account of without which any description of the Japanese civil society would be biased.

The **third chapter** is titled, "Civil **Society in Post 1991 Japan: Arrival of the Tipping Point and the Development of Civil Society Organizations**" and has been the testing ground of the first hypothesis. It is more directly related to the title of the dissertation as well. It has focussed on the decade of the 1990s when the civil society movement took off in Japan because it was during this decade that a multitude of factors led to the structural transformation in Japan. Because of this structural transformation that the Japanese civil society underwent in this 'lost' decade, the civil society actually saw a rise. The three most important turning points in the modern history of Japan, the bubble burst (its aftermath), the 1995 Kobe earthquake and the 1998 promulgation of the NPO law; took place in this decade and changed the Japanese civic life fundamentally. To quote Watanabe (2007; 24)

> Japanese society has, since 1990, been suffering through the 'lost decade' of the post-bubble era. It seems clear that a solution to these problems has not been found yet, as we are now at the beginning of the twenty-first century, rushing through another 'lost decade.' Critical conditions persist throughout society, with the government and economy at the forefront of the problems. In my view, the contemporary crisis should be seen as one of three great turning points in Japanese history along with the Meiji Restoration and the post-World War II period. Even in the depths of dark despair, a small light of hope can be seen

This chapter has established the importance of these three epoch making events along with reference to a host other events that helped achieve this structural transformation. The main theoretical perspective to study this change has been taken from Kingston's theory of 'quite transformation'. However, a more suitable term, structural transformation has been applied to describe the above as it has been proved why the term by Kingston does not capture the essence of the change in the 1990s. However, for all practical reasons it may be confessed that this term is merely an extension of

Kingston's term and does not provide any significant departure from the basic vantage point.

The first hypothesis -- *Frail economic conditions helped trigger the structural transformation in the 1990s which in turn got aggravated with industrial maturation, social unrest and directionless ness of the government. The combined effect of this brought about significant change both in the civil society movement and in the government's perception of it--* stands corroborated in this chapter and is supported in the fourth chapter.

The **fourth chapter** is titled, "Relationship **between Civil Society and the State: Its Changing Dynamics".** It may be seen as an extension of the third chapter because it tests the changing dynamics between the civil society and the state. This relationship also undergoes a transformation in the decade of the 1990s. It is during this period that we see the government becoming more inclusive of the civil society organizations. The most promising example of this is the promulgation of the NPO law itself. It was indeed a novel experience for Japanese politics in terms of the way it was legislated. The other feature that stands out in the changing relationship may be seen in the decrease of bureaucratic control over the nonprofit sector. The bureaucratic interference in the third sector is still higher in Japan as compared to other advanced nations. But several measures have been taken to decrease this influence[167]. Among these, the NPO law presents one such example.

The main issue that this chapter attempts to address is the pattern of engagement between the state and the third sector that has evolved in Japan over the years. The theoretical basis for this was provided by Garon's third sector-government relationship models. Out of these, the Japanese case falls under the Collaborative model where the government outsources its work to third sector for two primary reasons. The first being cost cutting (this makes a lot of sense in the current economic situation) and the second being better reach of the third sector at the grassroot level. This pattern has given birth to doubts over the freedom of the third sector and many scholars like Ogawa (2009) actually view this relationship pessimistically arguing that

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[167] Majority of such measures are limited in impact as their effect is subdued by the other laws which are still in place. But on the whole, it may be concluded that the degree of bureaucratic control has significantly decreased compared to the 1990s.

this pattern reflects the failure of the third sector. The third sector is merely relegated to the margins with serving only the purpose of an agent of the government.

However, in this chapter such extreme pessimistic positions have been critiqued and it has been argued that though the third sector is more of an agent of the government but there are problems as to why it is so. These problems were found to be primarily economic constraints and the strict legal structure. In view of these obstacles, it is natural that the third sector is in the above mentioned position. However, it is also true that there is widespread dissatisfaction with this situation and various suggestions have been made in order to rectify this problem. The main suggestion in this regard is to work towards better networking among the various civil society agencies as that would give them a collective identity and better advocacy potential. Lack of appropriate networking has been identified as the main lacunae. This happens because there are many non formalized, unincorporated organizations like the Resident's organizations and other community volunteer groups besides the formal structured organizations. These organizations do not have proper representation in the formal civil society picture and hence are left out from the mainstream. Moreover, even in those organizations that comprise the formal structure, the networking is not very good.

However, the stand taken in this regard is that the core point should be that civil society organizations do not have to be entirely independent from the state of business in order to qualify as civil society organizations. The same applies to civic activities or civic engagement also. The real benchmark is not that they take place in an idealized "public sphere" which is unattached from the interests of government (local or central). The reality is far from that. In reality the organizations are usually attached to the market or the government in differing degrees. The real benchmark should be the genuineness of the work done by them.

Second problem with the coming together of all the third sector agencies is that the modern incorporated organizations (read formal) are not very comfortable with collaborating or communicating with the unincorporated ones as the former feel they are 'modern' and 'democratic' while the latter, they feel, are traditional, hierarchical and undemocratic. On the other hand, the unincorporated lot does not want the so-called modern ones to meddle with their way of functioning which they have been

used to since centuries and consider a part of their tradition. The divisive legacy of what Knight (1996; 219) calls village exclusivism- of sharply distinguishing in-group from out-group- in urban Japan has been a cause for concern, as it posed a serious danger to urban social harmony and national unity (Kawada 1993:53–60). It has been commonly viewed as an obstacle to the achievement of a mature civil society in Japan.

While there is some merit in the above differentiation, it is interesting to see that both types (the modern organizations as well as the old fashioned ones) are actually working for civic empowerment and in this way, complement each other. The main assertion of this chapter is that the civil society movement in Japan draws its originality from these unincorporated (old fashioned) organizations and these organizations are where the real civil society is really located. This argument has been summed up by Knight (1996; 219):

> the tradition of village communality and its wider social legacy in modern Japan has been defended as consistent with, even a precondition of, democracy—or rather *Japanese* democracy (Irokawa 1978; Kawamura 1994). The argument is that village communality ensures a social solidarity and interdependence among Japanese in everyday life which can serve as a bulwark against a potentially oppressive state

Cheng and Bettinger (2001) have grasped the crux of the debate.

> How can a system of family relations be so significant to this modern entity? After all, whether actual (as with tribalism) or metaphorical, familial ties and the social networks they form are typically thought to be pre-capitalist/pre-modern/pre-civil forms of organization. The importance of hierarchical, family-like ties to the social fabric is supposed to wane as new obligations develop, based on rational, voluntary contracts among individuals. Freed to some degree from familial obligations and acting autonomously from the dictates of rulers, individuals become the citizens, rather than subjects, of modern states, and the creators of voluntary, egalitarian associations based on common interests

The idea on the village oriented community can be helpful in building an alternative approach in civil society from below. That would mean placing less importance on NGOs which as of now hog the limelight in Japan's civil society scenario. The suggestion would be to empower civil society from below and that would mean empowering the local governments. Thus, the debate will be inextricably linked to

decentralization in Japanese politics. This topic is, however, much beyond the scope of present research and here it would suffice to say that it should be merely looked upon as a suggestion but a strong one indeed.

On the other hand, the importance of the incorporated lot should not be underestimated either. On the whole, the chapter contends that this divide, which exists mostly in the case of the NPOs (and not the NGOs. Though there are some NGOs which are unincorporated but the number is small when compared to the NPOs), is not so much real and can be successfully overcome provided the networking measures are strong enough.

The other aspects that have been covered in this chapter describe the various government initiatives taken in favour of the third sector particularly the NGOs.

Another focus of this chapter has been on the tax exemption laws that were passed earlier in this decade. This chapter also reflects upon the role of the DPJ in the context of the civil society. It argues for a positive relationship between the two by highlighting the role of the Hibiya park incident[168] that was central to DPJ's coming to power in 2009.

The **fifth chapter** titled, "Easing **the Nomenclatural Web: NGO, NPOs and their Subdivisions**" has focused on the types of civil society organizations in Japan. There is a lot of literature available on the incorporated sector specially the NGOs and data from the JICA publication (2008) have been used to describe various aspects of the Japanese NGOs. The data for the NPO sector, especially the unincorporated sector, has been taken from the Japanese Interest Group Survey. On the basis of primary data on both the NGOs and NPOs (along with the unincorporated sector), the chapter outlines the main characteristics of these organizations in terms of their structure, size, budget, main areas of activity, ideology etc. This chapter provides support to the second part of the second hypothesis that since the array of the types of both incorporated and unincorporated civil society organizations remains large the possibility of changing the legal ethos that surrounds them is likely to remain unchanged in near future specially when the popularity of the current government is going down day by day.

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[168] Kingston, Jeffery (2010) personal Interview, Tokyo.

**Civil Society as a norm in Japan:**

The case of the civil society movement in Japan illustrates a good example of the way a norm gets embedded in the political culture [169] of a particular country. Once a norm gets embedded it reflects in the way of life and this is true of the Japanese civil society movement also. The decade of the 1990s was a period when this norm got developed and in the course of these twenty years it has come to be part of the Japanese mainstream socio-political discourse [170].

There are some areas where civic participation is still emergent but the trends indicate that in times to come, it may emerge as another success story.

The next two sections focus on the less known types of engagement in Japan which require some reference in the concluding section of the study.

❖ **Civic engagement outside the mainstream:** Activism in support of Japan's ex-Untouchables the *Burakumin*, of the Deaf, of the *shimin*, or *orutanatibu* media (citizen or alternative media) are grouped together in: engagement outside the mainstream.

**1. The Burakus:** In Japan, government policies generally don't recognize the country's ethnic or minority diversity, preferring to view Japan as homogenous. In the words of erstwhile Prime Minister Taro Aso, Japan is

one nation, one civilization, one language, one culture, and one race [171].

However, Japan is, in fact, a multiethnic country where there are ancient ethnic minorities such as Ainus and Okinawans. There are also resident Koreans and Chinese.

Japan's ex-Untouchables, the *Burakumin* are another "ethnic" minority who are living on the fringe of society in segregated neighbourhoods and hamlets called "*buraku*"[172]. They were treated, beginning with the Tokugawa era, as "nonhuman" and

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[169] Study of how certain norms get embedded in the political culture or foreign policy is covered under the theory of constructivism. For details refer to Wendt (1992)

[170] For further reference see Gurowitz (1999)

[171] Aso, made Prime Minister in September, 2008, had made the statement in 2005 as Foreign Minister (The Japan Times 2005) as given in Vinken et al 2010.

[172] They are also referred to as "Japan's Invisible Race" (DeVos and Wagatsuma 1973 in Vinken et al 2010).

"pollutants." Today, Burakumin status is comparable to other Asian minorities such as Korea's Pak-chee and India's Scheduled Castes (ex-Untouchables). The Buraku Liberation League (BLL) achieved a great political triumph by negotiating with the government for passage of the Special Measurement Law which supported their efforts to build community infrastructure, educate their children, get jobs in local governments, and educate children of non-Buraku origin about Buraku discrimination. However discrimination against them continues (Nishimura 2010)

There have been stories of successful community- building activities (in Japanese, *machizukuri*) by many *Buraku* leaders and that will be mentioned in this section. *Buraku* neighborhoods are where grassroots level *machizukuri* or community development has been the most successful in Japan. In fact, there is considerable voice in Japan that says that the Buraku model is more holistic and of a larger scale than the better-known efforts in Japanese *machizukuri* movement in post-World War II Japan.

BLL grassroots organizations have worked with Buraku neighborhoods, particularly in Western Japan, to improve the quality of life and environment for Burakumin. These efforts of BLL community building have been mostly overlooked by researchers of Japanese *machizukuri* and seldom acknowledged by "mainstream" *machizukuri* leaders (Nishumura 2010).

The BLL as an organization brought about a big socio-economic improvement for the community. The younger Buraku generation is continuing the inquiry about oneself and about the community. This inquiry requires interactions with outsiders to assist in the creation of newly formed mirror images on Buraku culture, images from which new ethnic and community identities can be conceived.

**2. The Deaf movement**: Like the Burakumin, Deaf and alternative media activists have also had to fight a hard battle in order to be fully 'included' in Japanese society. The Deaf movement has a successful history in influencing the state, while increasingly and skilfully using culture as a leverage to stipulate deaf people's rights and to achieve an impressive level of institutionalization. The deaf for long formed an outsiders segment of Japanese society.

They also have been able to work within a civil law environment (which usually promotes state interests only) and successfully manipulated the system to their own benefit. Since the late 1980s, there have been positive changes into a promotion and celebration of Deaf cultural space (Maher 2010). With TV-shows, film, theatres, literature, magazines, even deaf manga, the deaf community with its rising number of organizations works to raise its profile as a culturally distinctive entity

**3. Civic engagement of and through *shimin* media**: Hadl ( 2010) has discussed the emergence of *shimin* media at length. Media is vital in understanding civic engagement in contemporary societies. Civic engagement is all about gaining and giving voice to one's cause which, by definition, is possible only with media. Mainstream media in Japan rarely address people as citizens[173]; usually they are addressed as consumers and only occasionally as voters. *Shimin* media, usually of the anticommercial and radical democratic kind, fills the gap. They face, however, many obstacles. Because of the restrictive NPO-laws, ditto broadcast laws, copyright regulations, funding policies, etc, *shimin* media have difficult times, not just to make ends meet, but also to gain political, public, or community support and to obtain satisfying levels of reach among these publics and communities.

These difficulties translate to a wider circle of citizens and civic groups who aim to channel their cause through these alternative media. *Shimin* media is first of all a form of civic engagement in its own right. They provide an infrastructure for other forms of civic engagement that cannot gain access to mainstream channels easily.

❖ **Emerging forms of civic engagement**: Three such aspects have been selected under this theme.

**1. Japanese youth-led music scenes**- White (2010) has described the emancipation that is derived from these activities. Emancipation from competitive consumerist work ethics and "mass" lifestyles, emancipation from an emotionally stifled culture with people who keep their feelings to themselves, and emancipation from worldviews that order individuals into boxes labelled with race, culture, or nationality. The participants of these music groups do not concretely develop social groups or "real" communities, but they create "civic infrastructures of the mind" or imaginative

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[173] Refer to the interview with Ohaashi (See Appendices)

communities with members who do not necessarily meet in "meat space." These communities do form a supportive network of values and social capital to guide and inspire social action in other areas and the living out of alternative value-sets and worldviews.

**2. Korean Wave:** The rising popularity of Korean pop culture in Japan has led to what is called the Korean Wave or *Hanlyu* in Japanese. Popularity or even acceptance of Korean identity was not an easily accepted thing in post war Japan. But because the Korean Pop Culture is fast becoming popular, now the Korean immigrants sometimes do not hide their identity of origin in order to avoid discrimination. Ogawa (2010) has argued that this contributes to a civil society which is tolerant toward diversity and respectful toward differences.

**3. Anticonsumerist activism in Japan** - This is celebrated with 'Buy Nothing Day' which is an international and 'loosely organized' one-day event that builds on highly educated and networked younger people in Japan. Vinken (2010) has described this sector in detail and according to him the core activists are mostly foreigners living in Japan who say they are interested in doing politics, who say they wisely turn away from the world of deliberation and decision-making.

**Summing up:**

**Future Trends:** The 1998 NPO Law, despite providing basis to grassroot organizations to act more easily, has been criticized for its lack of viable tax incentive and continuance of bureaucratic interference (Deguchi 2010:242). Hence CSOs in Japan have pressed for further reforms in both these areas, viz. -

a) Administrative Reforms to simplify the bureaucratic hurdle and clearance procedure, and,

b) Tax Reforms to provide locally working NPOs more tax exemptions and financial assistance by the government.

It has been mentioned earlier that as a result, in December 2008, a more viable and conducive reform was enforced which tried two do away with the drawbacks of 1998 Law (Deguchi 2010:241). Consequently, creation and registration of general NPOs

has been made simpler and there have been tax benefits which have made the CSOs financially more viable.[174]

Vinken et al (2010; 238) have summed up the status of Japan's civil society as follows:

> Japan's issue is not that it consists of a dual civil society (many small organizations, a few large advocacy clubs), but of people with dual civil identities, of people who do not fully engage in the identity of the civic activist alone. They are willing to be activist alright, but only for as long as the activist identity can be swapped for another, more socially acceptable one. Civic engagement is alright, as long as the identity of a civically engaged citizen is not hampering the functioning in other contexts or periods of life.

There is no doubt to conclude that the civil society movement in Japan has come a long way and it certainly has a long way to go. The idea should not be to only compare one situation with the other, though it may give certain important insights at the outset. Japan, as an essentially non-western country, does not need to ape the civil society sector in the US or the UK, but it needs to look within. Nakano (2005) has correctly described the practical status of civil society organizations that applies not only to Japan but also to other contexts:

> The core point is that civil society organizations do not have to be entirely independent from the state of business in order to qualify as civil society organizations. The same goes for civic activities or civic engagement as such. The ultimate benchmark is not that they take place in an idealized "public sphere" which is unattached from the interests of government (local or not) or the market. In reality, they are attached and dependent in different shapes and forms. Civil society in Japan and in many Western nations (especially in Europe) is firmly attached to the state and the market place. Moreover, the latter two are most likely dependent on civil society

Japan's civil society movement is a child of its own circumstances and sensibilities, though fuelled by the western success. Its civil society is a reflection of the identity of the Japanese people, their way of life. Logically, it rests on the construction of knowledge done by them. One should, hence, be conscious of the specific context of Japan while theorizing on the subject or else, the result may be epistemologically fallacious.

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[174] For more detail see Appendix .....

A progressive civil society represents a changed Japan. The role of the DPJ needs to be closely observed in this regard. In the end, there are two main points that conclude the discussion on the civil society movement of Japan. The third sector needs to be theorized within a suitable theoretical paradigm that is sensitive to the particular contexuality of the civil society movement. On the ground level, there needs to be more reforms oriented towards tax relief and providing independence to the third sector. Internally, there needs to be better networking among the various diversified civil society organizations in Japan in order to let the third sector emerge as a forceful unified movement.

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**Important Internet Links**

www.angus-reid.com (for global opinion polls)

www.asahi.com/english/english.html (*Asahi* newspaper)

www.britannica.com

http://pages.britishlibrary.net/bridgetojapan/ (Daiwa Foundation (UK) Information Resources)

http://freedominfo.org (Website focusing on freedom of information issues, including Japan and other links)

www.japanfocus.org (Writings about Japan and Asia)

www.japanreview.net/index.htm (Reviews of books on Japan)

www.japantoday.com (Daily news with searchable archive)

www.jcer.or.jp/eng/index.html (Japan Center for Economic Research)

http://jguide.stanford.edu (Resources on Japan)

www.jpri.org (Japan Policy Research Institute)

www.mainichi.co.jp/english/index.html (*Mainichi* newspaper)

www.mofa.go.jp (Official website of Ministry of Foreign Affairs)

www.newsonjapan.com (Current news on Japan culled from various sources)

www.ojr.org/japan/home/section.php (Japan Media Review)

www.taipeitimes.com (for a critical take on the dip in the popularity of the Japanese government)

http://web-japan.org/stat/index.html (Japanese government statistics)

www.yomiuri.co.jp (*Yomiuri* newspaper)

*Appendices*

No. of organizations by country of activities (Asia)

| Country | No. |
|---|---|
| Tajikistan | 1 |
| Uzbekistan | 1 |
| Kazakhstan | 1 |
| Jordan | 1 |
| Iran | 8 |
| Turkey | 4 |
| Iraq | 3 |
| Lebanon | 3 |
| Palestine | 4 |
| Afghanistan | 23 |
| Pakistan | 18 |
| Sri Lanka | 33 |
| Bangladesh | 27 |
| India | 40 |
| Nepal | 43 |
| East Timor | 10 |
| Malaysia | 7 |
| Myanmar | 20 |
| Laos | 19 |
| Indonesia | 34 |
| Viet Nam | 28 |
| Cambodia | 50 |
| Thailand | 39 |
| Philippines | 56 |
| Mongolia | 6 |
| DPRK | 4 |
| ROK | 3 |
| China | 19 |

# Citizens' Participation

**Chapter 4**

## 4-1. Individual membership

How many individual members do Japanese NGOs have? This survey revealed that 219 of 277 organizations have an individual membership system, with the overall number of individual members being 179,989. Some organizations call those who support their activities donors or supporters rather than members. 81 organizations have such a system, with a total number of 343,133 individuals, exceeding the number of individual members. The distribution of the number of individual members shows that organizations with 100 members or fewer and between 100 and 300 members comprise about half.

The top 10 NGOs in terms of the number of individual members are listed below:

1. WWF Japan                                                                55,000
2. Network Earth Village (NEV)                                             13,000
3. Peaceworkkai                                                            12,500
4. Japan Overseas Christian Medical Cooperative Service (JOCS)             5,800
5. Amnesty International Japan                                             5,181

Figure 4-1 Distribution of individual membership

6. Asian Health Institute (AHI) 4,464
7. Organization for Industrial, Spiritual and Cultural Advancement (OISCA) 4,279
8. Asian Rural Institute (ARI) 3,500
9. Child Fund Japan 3,440
10.Peace Winds Japan (PWJ) 3,216

As for individuals other than members who support organizations (donors, supporters etc.), NGOs with 100 persons or fewer comprise 30 percent. Individuals who support the following 10 organizations comprise 80 percent of all such individuals:

1. Japanese Organization for International Cooperation in Family Planning (JOICFP)
159,000
2. Plan Japan 75,100
3. World Vision Japan 37,784
4. Minsai Center Japan 8,000
5. International Children Without Borders 3,000
6. Child Fund Japan 2,614
7. Organization for Industrial, Spiritual and Cultural Advancement (OISCA) 2,203
8. Association to Help Chernobyl-Chubu District, Japan (Chernobyl Chubu Association)1,200
9. Japan Committee, Vaccines for the World's Children 1,000
10.Association of Support for People in West Africa (SUPA) 800

Organizations with a large number of individual members and supporters share the characteristics of having juridical person status and a Western NGO as their parent body. Among those with many individual supporters, we can identify another characteristic: a foster parent program. These organizations appear to attract a greater number of members and supporters owing to the high social credibility generated by having juridical person status, the name recognition created by a parent Western NGO, effective publicity and greater approachability, as well as the transparent destination of donations that a foster parent program provides.

## 4-2. Organizational membership

Now let us turn to organizational members.[?] 144 NGOs have organizational members numbering 10,229 in total, which are broken down into 7,053 for-profit organizations and 3,176 non-profits. As is the case with individual members, 27 NGOs have a system of support organizations rather than member organizations, which number 3,542 (2,053 for-profits and 1,489 non-profits) in total. For both member organizations and support organizations, there are more for-profits than non-profits.

As with individual membership, organizations maintain a distinction between types of lawful members and associate members. Here "organizations" are classified by their types.

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# Appendix 3

## Support for and collaboration with Japanese NGOs from JICA as of January 2008.

| Objective | Name of support project | Beneficiaries | Content |
|---|---|---|---|
| Collaboration project | NGO-JICA Mutual Training | NGO staff members and JICA staff members | Facilitation of mutual understanding, sharing of knowledge on international cooperation and networking building through retreat workshops. |
| Training of personnel | Project Management Training | Staff members of NGO interested in JICA Partnership Program | Introduction to planning methods and monitoring/evaluation method: of JICA Partnership Program. |
| | Organizational Development Training | NGO staff members | Acquiring basic knowledge and practical skills in development aid and implementation of an action plan by participants. |
| Organizational enhancement | Technical Support by Experts (overseas) | Japanese NGOs operating overseas | Sending experts with expertise needed at the NGO's project site to help effective implementation of the project. |
| | Technical Support by Experts (domestic) | Japanese NGOs operating in the field of international cooperation | Sending experts in accounting and various kinds of organizational management to the secretariat or activity sites inside Japan to support organizational enhancements. |

# Appendix 4

## Transcripts of Excerpts of Interviews

### A. Interview with Prof. Jeffery Kingston (Temple University, Tokyo)

Q.1 How do you perceive the civil society movement in Japan today?

Ans. I had made an argument in my book on the Japanese civil society in 2004. It mentioned about the idea of Japan undergoing a 'quite transformation' during the lost decade. I had further argued that the effects of this quite transformation will be far reaching. These will be seen, not immediately, or in 5-8 years, but over a course of a couple of decades. The main reason for this is that social and political changes take a long time to happen.

Seen in this way, I definitely see a significant progress in the Japanese civil society movement.

Q.2 Do you think DPJ's coming to power would be crucial for the civil society scenario?

Ans. Yes. In fact the victory of DPJ is actually an example that civil society has started to matter in the mainstream politics of Japan. The role of the anti incumbency factor is there but as far as the role of the civil society sector is concerned, the role of the Hibiya Park incident must not be overlooked. Let me take up this incident.

Lehman Shock was the Kobe earthquake of the twentieth century. The protest at the Hibiya Park was staged by the civil society organizations along with the DPJ members against the economic deterioration in general and the situation of unemplued in particular. This changes the political debate. Suddenly the public opinion was seen turning in the favour of the DPJ. Also the fact that many DPJ members are erstwhile heads of the civil society organizations, played a crucial role at the Hibiya Park. This is one strong reason why DPJ's coming to power should be a boon for the civil society sector. One does not come across many LDP members with a similar status or experience.

So the DPJ has to lobby in the Diet to improve provisions for civil society. The question ultimately is to fight for more political space.

Q.3 What is the role of the bureaucracy in the civil society movement?

Ans. The bureaucracy is still in the way. It does not want to have a vibrant civil society. That would undermine their importance. As of now, the arrogance of the bureaucrats is a problem.

Q.4　What kind of measures would you suggest to make this happen?

Ans.　More support for information disclosure has to be garnered. The government documents have to be submitted in the central archives. Better access to information would mean better empowerment of the people and thus strengthening of democracy.

Q.5　Information disclosure is inherently linked with the empowerment of civil society. You have elaborated on this relationship ion your book also.

Ans.　Yes, that is right.

Q.6　What, in your opinion, is the biggest problem/obstacle in the way of the development of the civil society movement in Japan today?

Ans.　Funding is the main problem. With the economy doing bad, it is becoming a bigger problem with the passage of time. Secondly, there is a hidden problem also. Over time we have seen that local governments have started outsourcing their work to the local civic organizations because that comes in cheap for them with better results. Government funding id liked with increasing government control. This poses a serious question at the freedom of the cave society sector. With more funding from the government, the NGOs and the NPOs lose their independence.

But a lot has changed. There is higher representation of NGOs in the various advisory committees. The aid programmes and decision making has become more democratized. Their presence, as such, is important.

Another problem with funding is that people want to contribute but do not have enough money to do so. Unless the present state of the economy improves, there is little scope for this.

Q.7　Do you think your 2004 thesis is corroborated in the present times?

Ans.　Yes. I think so. As I have mentioned earlier, to evaluate the development of the civil society movement, one needs to look over a period of centuries. When looked at this way, there is quantitative progress in the civil society scenario. On the contrary one of my students, Akihiro Ogawa, takes a pessimistic view of the state of the civil society sector. He is looking at the immediate problem regarding the question of independence of the third sector and concludes that the third sector is actually a failure in Japan.

I guess it depends on the perspective one takes. I am looking at what is achieved and he is looking at what is not. But I do think it is more a matter of time. The civil society sector

**Thank you so much Sir, It was a pleasure talking to you.**

## B.    Interview with Prof. Masaaki Ohaashi (JANIC, Tokyo)

Q.1    What in your opinion is the current state of the civil society movement in Japan.?

Ans.    It is promising. Especially now that the DPJ is in power, there is a lot of expectation. If we take a look at the statement made by the advisor group of Prime Minister Hatoyama, it states that the civil society's work will be important. Basically it reflects that the current government is according much more importance to civil society than \the previous one. But the ride is not very smooth.

Q.2    What are the main problems in the development of civil society?

Ans.    There are many. First, that the government is not comfortable with using the term civil society. It says that efforts will be made to provide tax exemptions to NGOs/NPOs but doesn't use the term civil society.

This is because the idea of idea of civil or the idea of citizen does not exist in Japan. Whatever little association is there, it carries a negative connotation. This is connected with the legacy of the anti state movement in the 70s. Hence it is not an accepted on the Japanese psyche. Neither the LDP nor the bureaucracy is comfortable with the term. Relatively, the current DPJ government has a better understanding of the term. The word civil society is not properly understood nor properly accepted in the Japanese mindset or society. And now they are planning to drop the name civil altogether.

There is another problem which is more fundamentally rooted. In Japan there is a tendency to have blind faith in the government. Even if the work performed by the NGOs is better many a times, the people would still have more faith on the government agencies. This is a legacy of having a strong state for more than a century and changes in this aspect will take a long time to arrive.

This is not to say that the situation has not changed. In Fact there has been far reaching change in the general status of NGOs and the public trust in the NGOs especially in the post bubble burst era. All I am trying to say is that the Japanese society does not change fast.

Further, there is a third problem which in my opinion is the biggest one. It is related to the aspect of funding the third sector. When the government gives financial assistance to the NGOs/NPOs, their status is relegated to the status of agent of the government rather than being the watchdog over the government. Such sort of cooperation then becomes a project oriented government cooperation. On the other hand, if the civil society organizations do not take

this help, many of them would not be able to sustain themselves. This danger applies more to the NPO sector. NGO sector is much better organized than the NPO sector. In this context, if the LDP comes back to power, there is a wide spread fear that it will roll back many of the favourable policies towards the third sector.

Q.3  Can you elaborate the role of the DPJ in this regard?

Ans.  The DPJ has been generally more encouraging. For example, the number of telephone calls made by the government to the NGOs has increased after DPJ has come to power. Secondly, the participation of people coming from the minority communities has also increased in politics. Many of the DPJ officials are saying that ODAs should be given through the NGOs. If accomplished, this will be a big step.

Q.4  Can you elaborate the organizational nature of the third sector in JAPAN?

Ans.  There are about 400-500 NGOs in Japan and over 40,000 NPOs. The NGO sector is smaller but better organized and its workers and volunteers are a devoted lot. NGOs are financially more independent than the NPO sector. But the NPO sector is more grassroot based with its large number. Women make a considerable number of the lot working in the NPO sector.

Q.5  You are both a scholar as well as an activist. Are you satisfied with the way the third sector has shaped up in Japan?

Ans.  The scholar in me is more positive on this as compared to the activist in me. Being an activist, we have to deal with the problems mentioned above on a daily basis. That tires us at the end of the day. But civil society has come a long way from where it began. There is no doubt on this.


**Thank you so much Sir. It was indeed a pleasure talking to you.**

## C.    Interview of Prof. Katsukata Shirasi (Ryukoku University, Kyoto)

Q.1    Can you elaborate the main points of the NPO theory as given by you?

Ans.    The main idea on which the NPO theory is based is that no one in Japan likes exclusion. Local communities, neighbourhood associations etc are all symbols of the patriarchal, hierarchical Japanese society that places a lot of importance on the idea of belongingness. In a village based community, agriculture needs community cooperation. With urbanization (in the post World War 2 era), this sense of belongingness moved to the company one worked for.

This is also the explanation of the Long Term employment system in Japan. The identity of the individual came to be inherently linked with the identity of the company. This was true till the 90s after which the economic scenario changed fundamentally. In the aftermath of the bubble burst, the younger generation cannot find jobs and the kind of identity that they have been used to seem in their preceding generation cannot be sustained now.

Q.2    How is the above related to the Kobe earthquake?

Ans.    Kobe earthquake happened at a time when traditional identities were in a state of chaos. The Kobe earthquake provided a new kind of identity to the directionless youth by providing an impetus to community volunteerism. This happened to be a kind of self actualization by which the older generation gained a new identity and the younger generation gained a fresh identity. After the bubble burst, the older people felt cheated by their companies. During the same era, the younger people felt alienated. in this way the spirit of community volunteerism gave them both a new identity. Secondly, there has been a tendency among the Japanese people to look upto the government. This had continued because the Japanese sate was considered as all powerful, especially the local government. During the Kobe incident, the local governments remained frozen while the civil society volunteers worked day and night. This helped in changing the erstwhile perception towards the government. The people realized the limitation of the government. The fact of the ill performing economy also worsened the situation. In this context, a new kind of identity emerged in Japanese society.

Q.3    By the picture you just presented, will it not be unjustified to say that the Japanese civil society is an example of the modern democratic Japan?

Ans.    We do not really have a civil society model like in the west. But that is not the real challenge. The real challenge is to make the NPOs and the unincorporated organizations work together. Often there is a conflict between the two as the formal sector considers itself modern and democratic and finds it difficult to align with the unincorporated sector which they consider hierarchal and undemocratic. The unincorporated sector on the other hand, finds the formal

sector as being interfering and they find it easier to function according to their old ways.

Hence, there is a problem of providing infrastructure for networking on the whole. The importance of participation and collaboration cannot be ruled out.

Q.4    What is the main problem in this?

Ans.    The main problem is that the NPO sector is very idealistic. It has to be made more realistic. The NPO culture has to be changed. They need more money, more bargaining power, better networking, more rationality and hence more lobbying. What is happening now is outsourcing, not partnership. This will happen when the support base is enlarged.

Q.5    Can you elaborate on expanding the support base?

Ans.    Yes. By this I mean that more private actors have to come in. The NPO sector needs money, professionalism and lobbying power. Schools, Hospitals, Universities etc need to be included in this struggle. Another important component is the Corporate Social Responsibility. Japan has had positive history of CSR. Financial problems emerged because of the ill health of the economy but may be revived when the situation improves.

Q.6    Are you satisfied at the way civil society has shaped up in Japan?

Ans.    Not really. I think the civil society sector is not realizing its full potential. There are so many possibilities that are left unexplored because of poor networking and lack of professionalism. But the fact that possibilities exist, is a positive thing itself.

**Thank you so much Sir. It was a pleasure talking to you.**

# Appendix 5

## Law to Promote Specified Nonprofit Activities

Promulgated on March 25, 1998

(Including all revisions with the latest made on April 9, 2003)

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## Chapter I. General Provisions

(PURPOSE)

Article 1.　The purpose of this law is to promote the sound development of specified nonprofit activities in the form of volunteer and other activities freely performed by citizens to benefit society, through such measures as the provision of corporate status to organizations that undertake specified nonprofit activities, and thereby to contribute to advancement of the public welfare.

(DEFINITIONS)

Article 2.　1. "Specified nonprofit activities" under this law shall mean those activities specified in the attached schedule, which are for the purpose of contributing to advancement of the interests of many and unspecified persons.

　　　　　2. "Specified nonprofit corporation" under this law shall mean an organization that has as its main purpose the implementation of specified nonprofit activities, that conforms with each of the following items, and that is a corporation established under the provisions of this law:

　　　　　　i.　an organization that is covered by both of the following items and is not for the purpose of generating profits:

　　　　　　　a. provisions regarding acquisition and loss of qualifications for membership are not unreasonable;

　　　　　　　b. the number of officers receiving remuneration total no more than one-third of the total number of officers;

　　　　　　ii.　an organization whose activities conform with each of the following items:

　　　　　　　a. the activities are not for the purpose of propagating religious teachings, performing ceremonies, or educating or fostering believers;

　　　　　　　b. the activities are not for the purpose of promoting, supporting, or opposing a political principle;

　　　　　　　c. the activities are not for the purpose of recommending, supporting, or opposing a candidate (including a prospective candidate) for a public office (meaning a public office as specified in Article 3 of the Public Offices Election Law [Law No. 100 of 1950]; the same shall apply hereafter), a person holding a public office, or a political party.

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## Chapter II. Specified Nonprofit Corporations

### Section 1. Common Provisions

(PRINCIPLES)

Article 3.　1. A specified nonprofit corporation must not engage in operations for the interests of a specific individual or corporation or other organization.

　　　　　2. A specified nonprofit corporation must not be used for a specific political party.

(RESTRICTION ON USE OF NAME)

Article 4.　No entity other than a specified nonprofit corporation may use the words "specified nonprofit corporation" within its name or any wording that can be confused with same.

(OTHER OPERATIONS)

Article 5.　1. A specified nonprofit corporation may engage in operations other than those relating to specified nonprofit activities (referred to hereafter as "other operations"), to the extent that said other operations do not interfere with operations relating to specified nonprofit activities. Revenue generated from said other operations, if any, must be used in the specified nonprofit activities.

　　　　　2. The account for other operations must be separated from the account for operations relating to specified nonprofit activities implemented by said specified nonprofit corporation and administered as a special account.

(ADDRESS)

Article 6.　The address of a specified nonprofit corporation shall be the location of its main office.

(Registration)

Article 7. 1. A specified nonprofit corporation must be registered as prescribed by cabinet order.

2. In regard to matters requiring registration as specified in the preceding paragraph, a specified nonprofit corporation cannot contest claims by third parties until after registration.

(Mutatis mutandis application of the Civil Code)

Article 8. The provisions of Articles 43 and 44 of the Civil Code (Law No. 89 of 1896) shall apply mutatis mutandis to specified nonprofit corporations..

(Competent authority)

Article 9. 1. The government agency with jurisdiction for a specified nonprofit corporation shall be the governor of the *to, do, fu,* or *ken* (prefecture or equivalent) in which the main office of the specified nonprofit corporation is located.

2. Notwithstanding the provisions of the preceding paragraph, the Prime Minister shall be the government agency with jurisdiction for any specified nonprofit corporation that has offices in two (2) or more *to, do, fu,* or *ken* (prefectures or equivalent).

## Section 2. Establishment

(Authentication of establishment)

Article 10. 1. A person who intends to establish a specified nonprofit corporation must submit an application together with the following documents as prescribed by ordinance of the Prime Minister's Office (or ordinance of a *to, do, fu,* or *ken* [prefecture or equivalent], in the case of a specified nonprofit corporation other than a specified nonprofit corporation specified in Article 9.2; the same shall apply hereafter, with the exception of Articles 26.3, 44.2 and 44-2) and must obtain authentication of establishment:

    i. articles of incorporation;

    ii. the following documents concerning officers:

        a. a list of officers (meaning a listing of the name, address or residence and indication of paid or unpaid status for each officer);

        b. a certified copy of an affidavit from each officer stating that he/she is not covered by Article 20 and that he/she will not violate the provisions of Article 21, and a letter of acceptance from each officer;

        c. a document as prescribed by ordinance of the Prime Minister's Office attesting to the address or residence of each officer;

    iii. a document listing the names of at least ten (10) members (which for corporate members shall mean the name of the corporation and the name of the representative), as well as their addresses or residences;

    iv. a document indicating that conformance with Article 2.2.ii and Article 12.1.iii has been verified;

    v. a prospectus;

    vi. a certified copy of minutes attesting to a decision of intent to establish a specified nonprofit organization;

    vii. an operating plan for the initial fiscal year and the following fiscal year after establishment;

    viii. a budget statement of revenue and expenditure for the initial fiscal year and the following fiscal year after establishment.

2. If an application for authentication has been submitted as specified in the preceding paragraph, the government agency with jurisdiction must promptly publish that fact, as well as the matters specified below, and must provide the documents specified in items i, ii.a, v, vii, and viii for public view at a designated location for two (2) months from the date of acceptance of the application:

    i. the date on which the application was submitted;

    ii. the name of the specified nonprofit corporation related to the application, as well as the name of the representative, the location of the main office, and the purposes specified in the articles of incorporation.

(Articles of incorporation)

Article 11. 1. The articles of incorporation of a specified nonprofit corporation must specify the following:

    i. purposes;

    ii. name;

    iii. types of specified nonprofit activities to be undertaken and types of operations related to said specified nonprofit activities;

    iv. location of the main office and any other offices;

    v. matters relating to acquisition and loss of qualifications for membership;

    vi. matters concerning officers;

    vii. matters concerning meetings;

    viii. matters concerning assets;

ix. matters concerning accounts;

x. fiscal year;

xi. matters concerning the types of, and other particulars of, any other operations that are to be undertaken;

xii. matters concerning dissolution;

xiii. matters concerning amendment of the articles of incorporation;.

xiv. method of public notice.

2. The initial officers after establishment must be listed in the articles of incorporation.

3. If provision is made in the matters specified in 1.xii above for an entity to succeed to remaining assets, said entity must be a specified nonprofit corporation or another entity selected from those specified below:

i. the national government or a local public organization;

ii. a corporation established under the provisions of Article 34 of the Civil Code;

iii. a school corporation as specified in Article 3 of the Private Schools Law (Law No. 270 of 1949);

iv. a social welfare corporation as specified in Article 22 of the Social Welfare Law (Law No. 45 of 1951);

v. a relief and rehabilitation corporation as specified in Article 2.6 of the Relief and Rehabilitation Enterprise Law (Law No. 86 of 1995).

(CRITERIA FOR AUTHENTICATION, ETC.)

Article 12. 1. The government agency with jurisdiction must authenticate establishment if it is recognized that the application for authentication specified in Article 10.1 conforms with the following:

i. the procedures for establishment, the application, and the content of the articles of incorporation comply with laws and regulations;

ii. the specified nonprofit corporation of said application is an organization as specified in Article 2.2;

iii. specified nonprofit corporation making said application is not to be any of the following:

a. a violent criminal organization (meaning a violent criminal organization as stipulated by Article 2.ii of the Law Concerning the Prevention of Irregularities by Gangsters [Law No. 77 of 1991]; the same shall apply hereafter);

b. under the control of a violent criminal organization or its members (including members of a constituent organization of a violent criminal organization; the same shall apply hereafter) or a person who has been a member of a violent criminal organization and for whom five (5) years have yet to pass from the date on which said person was no longer a member of a violent criminal organization (referred to hereafter as "members of a violent criminal organization, etc.");

iv. the specified nonprofit corporation of said application has at least ten (10) members.

2. Authentication or denial pursuant to the provisions of the preceding paragraph shall be made within two (2) months from the date of expiration of the period specified in Article 10.2 unless there is just and proper reason to the contrary.

3. If the government agency with jurisdiction denies authentication pursuant to the provisions of paragraph 1, the government agency with jurisdiction must provide prompt notification in writing to the person who submitted the application, stating the reason for denial.

(SEEKING FOR OPINION, ETC.)

Article 12-2 The provisions of Articles 43-2 and 43-3 shall apply mutatis mutandis to authentication if application is filed pursuant to provisions of Article 10.1.

(DATE OF ESTABLISHMENT, ETC.)

Article 13. 1. A specified nonprofit corporation shall be established through registration of establishment at the location of its main office.

2. A specified nonprofit corporation that has made the registration specified in the preceding paragraph shall promptly submit to the government agency with jurisdiction written notification, together with a certified copy of registration attesting that said registration has been made.

(MUTATIS MUTANDIS APPLICATION OF THE CIVIL CODE)

Article 14. The provisions of Article 51.1 of the Civil Code (limited to those sections that concern the time of incorporation) shall apply mutatis mutandis to establishment of a specified nonprofit corporation.

## Section 3. Administration

(OFFICERS)

Article 15. A specified nonprofit corporation shall have three (3) or more directors and one (1) or more auditors as its officers.

(Representation by directors)

Article 16. The directors shall represent a specified nonprofit corporation in all the business thereof, with the proviso that their power of representation may be restricted by the articles of incorporation.

(Determination of business)

Article 17. The business of a specified nonprofit corporation shall be determined by majority vote of the directors, unless otherwise specified in the articles of incorporation.

(Duties of auditors)

Article 18. Supervisors shall perform the duties specified in each of the following items:

  i. inspect the status of business conducted by the directors;
  ii. inspect the status of assets of the specified nonprofit corporation;
  iii. if, as a result of the inspection specified in the preceding two items, improper conduct or important facts indicat-ing violation of laws, regulations, or the articles of incorporation with regard to the business or assets of the specified nonprofit corporation are discovered, report same to a general meeting or the government agency with jurisdiction;
  iv. if necessary in order to submit a report as specified in the preceding item, convene a general meeting;
  v. present opinions to the directors on the status of business conducted by the directors or the status of assets of the specified nonprofit corporation.

(Prohibition of dual functions by auditors)

Article 19. An auditor may not concurrently be a director or staff member of the specified nonprofit corporation.

(Reasons for disqualification as an officer)

Article 20. No person who is covered by any of the following may become an officer of a specified nonprofit corporation:

  i. an adult ward or a person under curatorial care
  ii. a bankrupt who has not been reinstated with his/her rights;
  iii. a person who has been sentenced to imprisonment or a more severe penalty, and for whom two (2) years have yet to pass from the date of expiration of execution of the sentence or the date on which said person became no longer subject to execution of sentence;
  iv. a person who has been sentenced to a penal fine as a result of violation of the provisions of this law or the provi-sions of the Law Concerning the Prevention of Irregularities by Gangsters, excluding the provisions of Article 31.7 of said law or Article 204, Article 206, Article 208, Article 208-3, Article 222, or Article 247 of the Criminal Code (Law No. 45 of 1907) or the provisions of the Law Concerning Punishment of Violent Acts, Etc. (Law No. 60 of 1926), and for whom two (2) years have yet to pass from the date of expiration of execution of the sentence or the date on which said person became no longer subject to execution of sentence;
  v. a member of a violent criminal organization, etc.
  vi. a person who was an officer of a specified nonprofit corporation at the time of dissolution thereof, authentication of establishment having been revoked pursuant to the provisions of Article 43, and for whom two (2) years have yet to pass from the date on which said authentication of establishment was revoked.

(Limitations on relatives, etc., of officers)

Article 21. Officers may not include more than one (1) person who is a spouse or relative within the third degree of consanguinity of any one (1) officer, and said officer and his/her spouse and relatives within the third degree of consanguinity may not constitute more than one-third of the total number of officers.

(Filling vacant offices)

Article 22. If the offices of more than one-third of the fixed number of directors or auditors fall vacant, they shall be filled promptly.

(Notification of changes concerning officers)

Article 23. 1. A specified nonprofit corporation must promptly notify the government agency with jurisdiction in the event of any change in the name or the address or residence of an officer.
2. When making the notification specified in the preceding paragraph when a new officer has been installed (excluding instances of reappointment simultaneously with expiration of the term of office), a specified nonprofit corporation shall submit to the government agency with jurisdiction the documents listed in Article 10.1.ii.b and c in regard to said officer.

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(Term of office of officers)

Article 24. 1. The articles of incorporation shall specify a term of office of not more than two (2) years for officers. However, reappointment shall not be prohibited.

2. Notwithstanding the preceding item, for specified nonprofit corporations which are to elect their officers at the general meeting as specified in the articles of incorporation, if a successor is not elected to office, the term of office may be extended until termination of the first general meeting from the last day of the previous officer's term of office as specified by the articles of incorporation pursuant to the provisions of the preceding paragraph.

(Amendment of articles of incorporation)

Article 25. 1. Any amendment of the articles of incorporation shall take place by resolution of a general meeting as specified in the articles of incorporation.

2. Any resolution specified in the preceding paragraph must be approved by at least three-fourths of the members present at a general meeting attended by at least one-half of the members, unless otherwise specified in the articles of incorporation.

3. No amendment of the articles of incorporation shall be effective unless approval is obtained from the government agency with jurisdiction, excluding amendments involving the matters specified in Article 11.1.iv (limited to those not involving a change of competent authority), as well as the matters specified in viii and xiv of the same paragraph (referred to in paragraph 6 as "amendment of the articles of incorporation regarding minor matters").

4. If a specified nonprofit corporation wishes to obtain the approval specified in the preceding paragraph, said specified nonprofit corporation must submit an application to the government agency with jurisdiction together with a certified copy of the minutes of the general meeting at which amendment of the articles of incorporation was approved, as well as the amended articles of incorporation. If amendment of the articles of incorporation is related to matters specified in Article 11.1iii or xi, an operating plan and a budget statement of revenue and expenditure for the fiscal year in which the date of amendment is included and the following fiscal year must be attached to the application

5. The provisions of Article 10.2 and Article 12 shall apply mutatis mutandis to the approval specified in paragraph 3.

6. A specified nonprofit corporation must notify the government agency with jurisdiction promptly in the event that it makes any amendment of the articles of incorporation regarding minor matters.

Article 26. 1. The application specified in paragraph 4 of the preceding article for approval of amendment of the articles of incorporation involving a change of government agency with jurisdiction must be submitted to the government agency with jurisdiction after the change via the government agency with jurisdiction prior to the change.

2. In the event of the preceding paragraph, in addition to the documents specified in Article 25.4, the documents specified in Article 10.1.ii.a and iv, as well as the most recent activity report, etc., as specified in Article 28.1 (which for the period from establishment through compilation of said documents shall mean the inventory of assets at the time of establishment specified in Article 14 applying Civil Code Article 51.1, and for the period from a merger through compilation of said documents shall mean the inventory of assets specified in Article 35.1) must be attached to the application.

3. In the event of paragraph 1, if the government agency with jurisdiction approves amendment of the articles of incorporation, the government agency with jurisdiction shall promptly take over administrative work from the prior competent authority as prescribed by ordinance of the Prime Minister's Office.

(Accounting principles)

Article 27. Accounts for a specified nonprofit corporation must be kept as prescribed in this law as well as in accordance with the following principles:
  i. repealed*
  ii. account books must be kept accurately, in keeping with the principles of formal bookkeeping;
  iii. the inventory of assets, balance sheet, and statement of revenue and expenditure must clearly state the truthful extent of revenue and expenditure and of finances on the basis of the account books;
  iv. the standards and procedures adopted for processing accounts must be followed consistently each fiscal year and must not be changed indiscriminately.

(Keeping of activity report, etc., and viewing thereof)

Article 28. 1. A specified nonprofit corporation must compile within the first three (3) months of each fiscal year, as prescribed by ordinance of the Prime Minister's Office, an activity report, inventory of assets, balance sheet, and statement of revenue and expenditure (referred to in the following paragraph, Article 29, and Article 43.1 as "activity report, etc.") for the previous fiscal year, and a list of officers (meaning a listing of the names and addresses or residences of all persons who were officers the previous fiscal year and indication of paid or unpaid status for each officer for the previous fiscal year), as well as a document listing the names of at least ten (10) members (which for corporate members shall mean the name of the corporation and the name of the representative), as well as their addresses or residences (referred to in the following paragraph, Article 29, and Article 43.1 as "list of officers, etc."); and said specified nonprofit corporation

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must keep these documents at its main office until the last day of the second successive fiscal year after the fiscal year in question.

2. If a member or other interested party asks to view the activity report, etc. (which for the period from establishment through compilation of said documents shall mean the inventory of assets at the time of establishment specified in Article 14 applying Civil Code Article 51.1 and for the period from a merger through compilation of said documents shall mean the inventory of assets specified in Article 35.1; the same shall apply in Article 29.2), the list of officers, etc., or the articles of incorporation or copies of documents relating to the authentication or registration of same (referred to in Article 29 and Article 43.1 as "articles of incorporation, etc."), said specified nonprofit corporation must allow viewing thereof unless there is just and proper reason to the contrary.

(SUBMISSION AND PUBLIC DISCLOSURE OF ACTIVITY REPORT, ETC.)

Article 29.   1. A specified nonprofit corporation must submit its activity report, etc., list of officers, etc., and articles of incorporation, etc. (limited to articles of incorporation that have been amended, as well as copies of the documents relating to approval and registration of said amendment), once every fiscal year to the government agency with jurisdiction as prescribed by ordinance of the Prime Minister's Office.

2. If a request is made to view the activity report, etc., or registry of officers, etc. (limited to those submitted within the last three [3] years), or the articles of incorporation, etc., submitted to the government agency with jurisdiction by a specified nonprofit corporation, the government agency with jurisdiction must permit viewing thereof as prescribed by ordinance of the Prime Minister's Office.

(MUTATIS MUTANDIS APPLICATION OF THE CIVIL CODE)

Article 30.   The provisions of Article 54 to Article 57 and Article 60 to Article 66 of the Civil Code shall apply mutatis mutandis to a specified nonprofit corporation. In this case, "the court ... on the application of any person interested or of a public prosecutor" in Article 56 of the Civil Code shall be read as "the government agency with jurisdiction ... on the application of any interested party or by the authority of his/her post."

## Section 4. Dissolution and Merger

(REASONS FOR DISSOLUTION)

Article 31.   1. A specified nonprofit corporation shall be dissolved for any of the following reasons:
  i.   resolution of a general meeting to that effect;
  ii.   the occurrence of any reason for dissolution specified in the articles of incorporation;
  iii.   the impossibility of successful performance of operations relating to the nonprofit activities that are its objective;
  iv.   absence of members;
  v.   merger;
  vi.   bankruptcy;
  vii.   revocation of authentication of establishment in accordance with the provisions of Article 43.

2. Dissolution for the reason specified in item iii of the preceding paragraph shall not take effect without the approval of the government agency with jurisdiction.

3. A specified nonprofit corporation wishing to obtain approval as specified in the preceding paragraph shall submit to the government agency with jurisdiction a document attesting to the reason specified in paragraph 1.iii.

4. The liquidator shall, when dissolution is effected for the reasons specified in paragraph 1.i, ii, iv, or vi, promptly notify the government agency with jurisdiction to that effect.

(ASSIGNATION OF REMAINING ASSETS)

Article 32.   1. The remaining assets of a dissolved specified nonprofit corporation shall, except in the cases of merger and bankruptcy, be assigned to the entity stipulated by the articles of incorporation at the time of notifying the government agency with jurisdiction of the completion of liquidation.

2. If there is no provision in the articles of incorporation regarding assignation of remaining assets, the liquidator may, upon receipt of approval by the government agency with jurisdiction, transfer them to the national government or a local public organization.

3. Any assets that are not disposed of under the provisions of the preceding two paragraphs shall be assigned to the national treasury.

(MERGER)

Article 33.   A specified nonprofit corporation may merge with another specified nonprofit corporation.

(PROCEDURES FOR MERGER)

Article 34.   1. Any merger by a specified nonprofit corporation must be approved by resolution of a general meeting.

2. The resolution specified in the preceding paragraph must be approved by at least three-fourths of the members, unless otherwise specified in the articles of incorporation.

3. No merger shall be effective unless approval is obtained from the government agency with jurisdiction.

4. If a specified nonprofit corporation wishes to obtain the approval specified in the preceding paragraph, said specified nonprofit corporation must submit an application to the government agency with jurisdiction together with a certified copy of the minutes of the general meeting at which the resolution specified in paragraph 1 was approved.

5. The provisions of Article 10 and Article 12 shall apply mutatis mutandis to the approval specified in paragraph 3.

Article 35. 1. A specified nonprofit corporation shall, upon approval by the government agency with jurisdiction as specified in Article 34.3, prepare an inventory of assets and a balance sheet within two (2) weeks from the date of notification of said approval.

2. A specified nonprofit corporation shall, upon approval by the government agency with jurisdiction as specified in Article 34.3, give public notice to creditors within two (2) weeks from the date of notification of said approval that they shall present objections, if any, during a fixed period and further shall give separate notice to the same effect to each known creditor, provided that said fixed period is not less than two (2) months.

Article 36. 1. If no creditor presents an objection to the merger during the period specified in Article 35.2, it shall be deemed that the merger has been consented to.

2. If any creditor presents an objection, the specified nonprofit corporation must satisfy his/her claims or furnish him/her with equivalent collateral or entrust equivalent assets to a trust company or a bank engaged in trust business for the purpose of satisfying said creditor. However, this is not necessary when there is no possibility that the merger will harm said creditor.

Article 37. When a specified nonprofit corporation is to be established by merger, preparation of the articles of incorporation and other matters relating to establishment of said specified nonprofit corporation shall be attended to by joint action of persons selected by each specified nonprofit corporation.

(EFFECT OF MERGER)

Article 38. A specified nonprofit corporation that continues to exist after merger or a specified nonprofit corporation established by merger shall succeed to all the rights and obligations of the specified nonprofit corporation or corporations ceasing to exist by reason of merger (including the rights and obligations possessed by said specified nonprofit corporation or corporations by virtue of permission and other dispositions granted by the administrative authorities in connection with the business thereof).

(TIME OF MERGER)

Article 39. 1. Merger of specified nonprofit corporations shall take effect upon completion of registration at the locality of the main office of the specified nonprofit corporation that continues to exist after merger or of the specified nonprofit corporation that is established by merger.

2. The provisions of Article 13.2 shall apply mutatis mutandis to the registration specified in the preceding paragraph.

(MUTATIS MUTANDIS APPLICATION OF THE CIVIL CODE)

Article 40. The provisions of Article 69, Article 70, Article 73 to Article 76, Article 77.2 (limited to the portion relating to reporting), and Article 78 to Article 83 of the Civil Code, as well as the provisions of Article 35.2, Article 36, Article 37-2, Article 136 to Article 137, and Article 138 of the Law of Procedure for Noncontentious Matters, shall apply mutatis mutandis to dissolution and liquidation of a specified nonprofit corporation. In this case, "the competent authorities" in Article 77.2 and Article 83 of the Civil Code shall be read as "the government agency with jurisdiction."

## Section 5. Supervision

(REPORTS AND INSPECTION)

Article 41. 1. If there is sufficient reason to suspect that a specified nonprofit corporation has violated laws, regulations, administrative dispositions based on laws or regulations, or the articles of incorporation, the government agency with jurisdiction may have said specified nonprofit corporation make a report concerning the status of its business or assets or have officials of the government agency with jurisdiction enter the office or offices and other facilities of said specified nonprofit corporation and inspect the status of its business or assets or its account books, documents, and other materials.

2. If the government agency with jurisdiction has the inspection specified in the preceding paragraph performed, the government agency with jurisdiction shall have its officials present a document stating the sufficient reason of said paragraph to the officers of the specified nonprofit corporation or other persons with authority to supervise the office or offices and other facilities that are subject to inspection (referred to hereafter in this paragraph as "officers, etc., of the specified nonprofit corporation") and must deliver said document if the officers, etc., of the specified nonprofit corporation demand delivery thereof.

3. Any official performing the inspection specified in paragraph 1 must carry a certificate attesting to his/her official status and must show it to those concerned.

4. The authority to inspect specified in paragraph 1 shall not be construed as the authority to conduct a criminal investigation.

(ORDERS TO IMPROVE)

Article 42.   The government ageny with jurisdiction may order a specified nonprofit corporation to take such measures as are necessary for improvement within a fixed period if the government agency with jurisdiction deems that said specified nonprofit corporation does not meet the requirements of Article 12.1.ii, iii, or iv or otherwise violates laws, regulations, administrative dispositions based on laws or regulations, or the articles of incorporation or that its operations are materially lacking in propriety.

(REVOCATION OF AUTHENTICATION OF ESTABLISHMENT)

Article 43.   1. The government agency with jurisdiction may revoke its authentication of establishment of a specified nonprofit corporation if said specified nonprofit corporation violates an order specified in Article 42 and the government agency with jurisdiction cannot fulfill the objectives of supervision through other means or if a specified nonprofit corporation has not submitted an activity report, etc., registry of officers, etc., or articles of incorporation, etc., as specified in Article 29.1 for at least three (3) years.

2. The government agency with jurisdiction may revoke its authentication of establishment of a specified nonprofit corporation even without issuing the order specified in Article 42 if said specified nonprofit corporation violates laws or regulations and if it is clear that improvement cannot be expected as a result of such an order and that the objectives of supervision cannot be fulfilled through other means.

3. If a specified nonprofit corporation so requests, efforts must be made to hold public hearings on the dates of hearings concerning the revocation of authentication of establishment as specified in the preceding two paragraphs.

4. If the government agency with jurisdiction does not hold public hearings on the dates of hearings when a request as specified in the preceding paragraph has been made, the government agency with jurisdiction must deliver to the specified nonprofit corporation a written statement of the reason for not holding public hearings.

(SEEKING FOR OPINION)

Article 43-2 If there is sufficient reason to suspect that a specified nonprofit corporation has not complied with the requirements specified in Article 12.1 iii or if its officer(s) disqualifies by corresponding to Article 20.v, the government agency with jurisdiction may ask, stating the reason, for the opinion of the Director General for the National Police Agency in the case where the government agency with jurisdiction is the Prime Minister and of the Chief Commissioner of the Metropolitan Police or the Chief Commissioner of the Prefectural Police in the case where the government agency with jurisdiction is the governor of a *to, do, fu,* or *ken* (prefecture or equivalent), (referred to as "Director General for the National Police Agency or Chief Commissioner of the Prefectural Police" in the following section).

(ADVICE TO GOVERNMENT AGENCY WITH JURISDICTION)

Article 43-3 If there is sufficient reason to suspect that a specified nonprofit corporation has not complied with the requirements specified in Article 12.1 iii or if its officer(s) disqualifies by corresponding to Article 20.v and there is a need for the government agency with jurisdiction to take appropriate measures as are necessary on the said specified nonprofit corporation, the Director General for the National Police Agency or Chief Commissioner of the Prefectural Police may advise the government agency with jurisdiction to do so.

## Section 6. Miscellaneous Provisions

(PROVISION OF INFORMATION)

Article 44.   1. The Prime Minister must deliver copies of documents for viewing as specified in Article 29.2 (excluding copies of documents already delivered pursuant to this paragraph) to the governor of the *to, do, fu,* or *ken* (prefecture or equivalent) in which an office of a specified nonprofit corporation specified in Article 9.2 is located.

2. A specified nonprofit corporation specified in Article 9.2 must submit copies of the documents specified in the preceding paragraph to the Prime Minister as prescribed by ordinance of the Prime Minister's Office.

3. The governor of a *to, do, fu,* or *ken* (prefecture or equivalent) may permit viewing of the copies of the documents that he/she receives pursuant to paragraph 1 as prescribed by ordinance of his/her prefecture or equivalent.

Article 44-2 (Translation left out)

(REGULATIONS FOR IMPLEMENTATION)

Article 45.   In addition to the provisions of this chapter, the procedures for implementation thereof, as well as other particulars necessary for implementation, shall be prescribed by ordinance of the Prime Minister's Office.

## Chapter III. Special Treatment Under Tax Law

Article 46. 1. A specified nonprofit corporation shall be deemed to be a public interest corporation, etc., as specified in Article 2.vi of the Corporation Tax Law (Law No. 34 of 1965) for the purposes of application of said law and other laws and regulations relating to corporation taxes. In this event, for the purposes of applying Article 37 of said law, the wording "public interest corporations, etc." in paragraph 3 of said article shall be read as "public interest corporations, etc. (excluding corporations; hereafter referred to as 'specified nonprofit corporations'), specified in Article 2.2 of the Law to Promote Specified Nonprofit Activities (Law No. 7 of 1998)," and the wording "public interest corporations, etc." in paragraph 4 of said article shall be read as "public interest corporations, etc. (excluding specified nonprofit corporations)"; for the purposes of applying Article 66 of said law, the wording "ordinary corporations" in paragraphs 1 and 2 of said article shall be read as "ordinary corporations (including specified nonprofit corporations)," and the wording "public interest corporations, etc." in paragraph 3 of said article shall be read as "public interest corporations, etc. (excluding specified nonprofit corporations)"; and for the purposes of applying Article 68-6 of the Special Taxation Measures Law (Law No. 26 of 1957), the wording "those corporations deemed" in said article shall be read as "those corporations deemed (which for corporations specified in Article 2.2 of the Law to Promote Specified Nonprofit Activities [Law No. 7 of 1998] shall be limited to corporations designated by cabinet order as small-scale corporations)."

2. For the purposes of applying the Consumption Tax Law (Law No. 108 of 1988) and other laws and regulations concerning the consumption tax, a specified nonprofit corporation shall be deemed to be a corporation as specified in Schedule 3 of the Consumption Tax Law.

3. For the purposes of applying the Land Value Tax Law (Law No. 69 of 1991) and other laws and regulations concerning the land value tax (excluding the provisions of Article 33 of said law), a specified nonprofit corporation shall be deemed to be a public interest corporation, etc., as specified in Article 2.vi of the Land Value Tax Law, with the proviso that for the purposes of applying the provisions of laws or regulations concerning exemption from land value tax pursuant to Article 6 of said law, a specified nonprofit corporation shall be deemed to be an organization, etc., without juridical personality as specified in Article 2.vii of said law.

Article 46-2 If a specified nonprofit corporation meets the requirements of organization and operation as specified in the Special Tax Measures Law and receives approval of the Director General for the National Tax Administration Agency as contributing to the promotion of public benefit, an individual or a corporation contributing or donating a gift to the said specified nonprofit corporation for its specified nonprofit activities shall be considered a special case and exempt from income tax, corporate tax or inheritance tax as specified by the said law.

## Chapter IV. Penal Provisions

Article 47. A person who violates an order specified in Article 42 shall be liable to a fine not exceeding 500,000 yen.

Article 48. If a representative or proxy or an employee or other worker of a specified nonprofit corporation commits any violation specified in the preceding article in connection with the business of said specified nonprofit corporation, the specified nonprofit corporation as well as the offender shall be liable to the penalty prescribed in said article.

Article 49. Directors, auditors, or the liquidator of a specified nonprofit corporation shall be liable to a nonpenal fine not exceeding 200,000 yen in any of the following cases:

 i. registration as specified in the provisions of the cabinet order specified in Article 7.1 has been neglected;

 ii. preparation of an inventory of assets as specified in the provisions of paragraph 1 of Article 51 of the Civil Code, applicable mutatis mutandis to Article 14, has been neglected or matters required to be included in said inventory have not been included or untrue entries have been made;

 iii. notification has not been given, in violation of the provisions of Article 23.1 or Article 25.6, or false notification has been given;

 iv. the keeping of the documents specified in the provisions of Article 28.1 has been neglected or matters required to be included in said documents have not been included or untrue entries have been made;

 v. submission of the documents specified in Article 29.1 has been neglected;

 vi. preparation of the documents specified in Article 35.1 has been neglected or matters required to be included in said documents have not been included or untrue entries have been made;

 vii. the provisions of Article 35.2 or Article 36.2 have been violated;

 viii. application for adjudication of bankruptcy as specified in Article 70.2 or Article 81.1 of the Civil Code, applicable mutatis mutandis to Article 40, has been neglected;

 ix. public notice as specified in Article 79.1 or Article 81.1 of the Civil Code, applicable mutatis mutandis to Article 40, has been neglected or untrue public notice has been given.

 x. reporting specified in provisions of Article 41.1 has been neglected or untrue, or inspection specified in the same Article refused, disturbed or evaded.

Article 50. A person who violates the provisions of Article 4 shall be liable to a nonpenal fine not exceeding 100,000 yen.

## Attached Schedule (Article 2)

1. Promotion of health, medical treatment, or welfare
2. Promotion of social education
3. Promotion of community development
4. Promotion of science, culture, the arts, or sports
5. Conservation of the environment
6. Disaster relief
7. Promotion of community safety
8. Protection of human rights or promotion of peace
9. International cooperation
10. Promotion of a society with equal gender participation
11. Sound nurturing of youth
12. Development of information technology
13. Promotion of science and technology
14. Promotion of economic activities
15. Development of vocational expertise or expansion of employment opportunities
16. Protection of consumers
17. Administration of organizations that engage in the above activities or provision of liaison, advice, or assistance in connection with the above activities

## Supplementary Provisions
### (Law No. 173 of 2002) (Excerpts)

(ENFORCEMENT DATE)

Article 1.　This law shall be in force and effect from May 1, 2003.

(TRANSITIONAL MEASURES)

Article 2.　1. The provisions in Article 5.2 of the revised Law to Promote Specified Nonprofit Activities (referred to hereafter as the "new Law") are to be applied to operations starting in the fiscal year following that of the date of enforcement of this law (referred to hereafter as the "enforcement date"). For operations in the fiscal year started before the enforcement date, the provisions are to follow precedent cases.

　　2. In enforcing this law, the provisions in Article 11.1 (limited to those sections that concern xi) relating to other operations specified in Article 5.1 of the new Law (excluding the revenue-generating operations specified in Article 5.1 of the Law to Promote Specified Nonprofit Activities before the revision [referred to hereafter as the "old Law"]) of a specified nonprofit corporation shall not be applied until passing of one year from the enforcement date of this law.

Article 3.　1. The provisions relating to the documents to be submitted together with the application for approval specified in Articles 10.1, 25.4 and 34.4 of the old Law before the enforcement date are to follow precedent cases.

　　2. The criteria relating to the application for approval specified in Article 10.1 of the old Law, application for approval specified in Article 25.4 of the old Law, and application for approval specified in Article 34.4 of the old Law before the enforcement date are to follow precedent cases.

Article 4.　1. In enforcing this law, the provisions in Article 11.1 (limited to those sections that concern item x) shall not be applied to specified nonprofit corporations (including organizations relating to application for authentication of establishment of a specified nonprofit corporation; the same shall apply to the following paragraph) which have not fixed a fiscal year in their articles of incorporation until passing of one year from the enforcement date of this law.

　　2. In enforcing this law, the wording shall be amended for the purpose of applying Articles 27.4, 28.1 and 29.1 of the new Law and Article 2.1 of the Supplementary Provisions until the day before the start of the initial fiscal year to specified nonprofit corporations which have not fixed a fiscal year:
The wording "every fiscal year," "previous fiscal year" and "two fiscal years hence" in Article 28.1 shall be amended to read "every year," "previous year" and "two years hence." The wording "every fiscal year" in Article 29.1 shall be amended to read "every year." The wording "the fiscal year following that of the date of enforcement of this law (referred to hereafter as the "enforcement date")" shall be amended to read "January 1, 2004 (the date of the initial fiscal year if the initial fiscal year starts before the said date)." The wording "the fiscal year started before the enforcement date" shall be amended to read "December 31, 2003 (the day before the start of the initial fiscal year if the initial fiscal year starts before the said date)."

* Editorial note: Article 27.i, an accounting-related clause, stated that all revenues and expenditures must be based on an initial budget.

## Outline of the 2003 Revision
## of the Special Tax Measures Law

(Excerpts of provisions concerning NPOs)

Ministry of Finance

The following revisions are introduced to the system regulating the Approved Specified Nonprofit Corporations eligible for tax-deductible contributions.

(1) The conditions for the approval of Specified Nonprofit Corporations shall be as follows.

    i. Measures relating to the public support test (total amount of donations and grants shall make up more than one-third of the total amount of income) are as follows:

        a. For the period between April 1, 2003, and March 31, 2006, the ratio shall be eased to more than one-fifth (specified as one-third under the present law in force) the total amount of income.

        b. The standard limit per donor not to be counted toward the amount of donations received shall not exceed five (5) percent of the total amount of donations received (presently set at two (2) percent).

        c. The standard limit per donor not to be counted toward the total amount of income and the total amount of donations received shall be lowered to under 1,000 yen (presently set at 3,000 yen).

        d. The amount of commission grants received from national or local governments and international organizations in which Japan is a member or the amount of subsidies received from international organizations in which Japan is a member shall not be counted toward the total amount of income.

    ii. The conditions for approval relating to operations of specified nonprofit corporations conducted in more than one municipality are to be repealed.

    iii. If the said corporation remits or transfers money overseas, it shall submit documents beforehand to the National Tax Administration Agency for the amount exceeding 2,000,000 yen. For the amount equaling 2,000,000 yen or less, the information on the said remittance or transfer of money shall be submitted after the termination of the fiscal year.

(2) The amount used for specified nonprofit activities from assets obtained from revenue-generating operations shall be deemed to be donations and the percentage limit of tax deductible amount for said donations shall be twenty (20) percent of the profit.

# NONPROFITS IN THE US AND JAPAN

- USA: 1.6 million orgs (including 734,000 501(c)(3))

⇕

- Japan: 0.28 million orgs (including 37,000 *specified nonprofit corporations*)

# MAJOR TYPES OF JAPANESE NONPROFIT ORGANIZATIONS

- Public Interest Corporations: 25,000 orgs (2000)
  - (a) incorporated associations
    - > general incorporated associations/public interest incorporated associations (2008)
  - (b) incorporated foundations
    - > general incorporated foundations/public interest incorporated foundations (2008)
- other major public interest organizations
  - (a) Social Welfare Corporations: 17,000 (2000)
  - (b) Private School Organizations: 17,000 (2000)
  - (c) Religious Organizations: 183,000 (2000)
- Specified Nonprofit Corporations (or *NPO hojin*) : 37,000 orgs (2009) > new type of org started in 1998
- unincorporated civic groups: 88,000 (2000)

# JAPAN'S NONPROFIT SECTOR
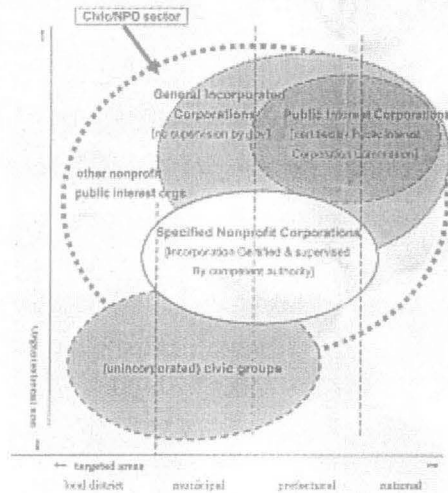


adopted from Yamaoka (2005)

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# CLOSER LOOK AT SPECIFIED NONPROFIT CORPORATIONS (1)

- Major Types of Activities of NPOs among 17 activity areas
  - Health, medical or welfare (57.8%)
  - Social education (46.0%)
  - Community development (40.8%)
  - Sound nurturing of youth (40.5%)
  - Education, culture, and sports activities (32.8%)
  - Environmental conservation (28.5%)
  - International co-operation (19.5 %)
  - Development of vocational expertise or expansion of employment opportunities (18.5%)
  - Human rights or peace protection (15.6%) (Cabinet Office, 2009)

# Appendix 6

## Basic Scheme of Koeki Hojin Reform



Old System

**Public interest corporations**
(incorporated associations and incorporated foundations)

**Establishment**

"Permission" by the competent agencies is necessary to get a legal status

**Firmly Combined**

**Public interest qualification**

※Old system is often criticized that authorization procedure is not clearly transparent, and that it is extremely difficult to set up a new public interest corporation.

New System

**Generalnon-profit corporations**
(incorporated associations and incorporated foundations)

**Establishment**

"only registration to registry office"

**Public interest corporations**
(Public interest associations and foundations)

**Authorization**

·Prime Minister authorizes public intere corporations.
·Prime Minister has to consult with
to authorize a public interest corporation.

※Requirement for Authorization is clearly defined by law

Source: Website of the Cabinet Office. (Adapted from Deguchi, 2010)