Preface

Through an analytical approach embracing and integrating the two perspectives of gender equality and multicultural conviviality the Global COE Program entitled “Gender Equality and Multicultural Conviviality in the Age of Globalization” (established in the field of social sciences, with Miyoko Tsujimura as the program director and in cooperation with the Institute of Social Sciences of University of Tokyo) established in 2008 at Tohoku University attempts to present solutions for the broad set of problems emerging in a world of advancing globalization. Furthermore, as its primary purpose, this GCOE program aims to cultivate young researchers able to generate deep understanding and effective answers addressing the problems of globalization (for further details please visit the GCOE program’s website available at http://www.law.tohoku.ac.jp/gcoe). Since the second year of this project we have been also able to welcome the participating students of our Cross-National Doctoral Course (CNDC) allowing the GCOE program to unfold its full research capacity.

To aid in achieving its stated purposes and objectives this GCOE program launched a journal which publishes its academic research results in academic year 2008. Adopting the first letters from the GCOE’s program title “Gender Equality and Multicultural Conviviality”, this periodical was named “GEMC journal”. Since academic year 2009, we have published two GEMC journals, English and Japanese volumes every year.

The journal is divided into two sections. The first section includes invited articles requested by members of the journal’s editorial board and features papers based on presentations held at one of the GCOE’s workshops, as well as research articles from program members. In order to provide young researchers the opportunity for publishing their research work, the second section of this journal features submitted and reviewed articles. The journal accepts articles related to the GCOE’s program regardless of the author’s academic status and qualifications, and invites the authors of articles considered for publication to present their work at a workshop and to share the results of this research work. All submitted papers are subject to a review process conducted by the Referee Board established within the Editorial Board of this journal. Given the broad nature of themes the submitted papers cover, this Referee Board evaluates the articles by inviting additional opinions from anonymous experts from each article’s academic field. Based on these evaluations the Referee Board aims to provide a firm and fair review process. We would like to express our deepest gratitude to all external experts who have been kind enough to provide their help in offering their opinions on the various articles.

Accompanying the advancement of globalization, the differences created by gender, nationalism, community and generation have caused severe and structurally entangled negative effects for society. This GCOE program was initiated to support the seeking of ways to overcome these negative effects and to construct a society sharing a plurality of cultural values. In 2008, the year of the GCOE program’s founding, the world was been dominated by the globalization issue of the financial crisis spreading from its epicenter in the United States of America. Yet, while this crisis has created challenges of a complex and immediate nature, this GCOE program wishes to create through academic ventures reliable and sound research building the foundations for addressing these challenges. Therefore, we hope that this GEMC journal represents one effort in this endeavor.

March, 2011

GEMC journal Editorial Board
Tohoku University Global COE
“Gender Equality and Multicultural Conviviality in the Age of Globalization”
# Preface

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MINESAKI Hiroko
This special issue features the revised papers presented at the International Workshop organized by Professor Miyoko Tsujimura’s research project entitled “Gender Equality Policies and Challenges in Asian Countries” of the Global COE Program, and Associate Professor Fumiko Sawae’s JSPS project entitled “Taking Islamism into the Conception of the Public Sphere”. This timely collaboration furthered the mandates and objectives of both research networks.

The International Workshop “Dynamism of Gender Politics in Contemporary Muslim Societies” was held on 17 October, 2010 at Tohoku University. The workshop aimed at discussing how contemporary Muslim societies have been experiencing globalization in terms of gender. Gender in Muslim societies is quite an interesting field. Students of gender studies discuss gender as a socio-cultural construction. By doing so, they can find a room for negotiation and change. Thus, gender related problems need to be understood by considering historical, socio-economic, political and religio-cultural contexts of a society concerned. Interestingly enough, however, once Muslim societies become a subject, argument tends to be based on the presumption that Islam is unchanging, totally alien from modernity, and immune from the influence of globalization. This presumption is apparently conducive to a notorious binary approach which juxtaposes Islam and the West, and associates the former with evil, and the latter with superiority and good.

In order to overcome this reified image of Islam, the workshop focused on dynamism of gender relations in Muslim societies in terms of interactions between international gender regimes and the responses by states, and the resultant reflections into politics, employment and career, education, and legal systems. The workshop featured three papers dealing with Muslim states characterized by different regimes in terms of Islam, gender, and politics: Turkey, a secularist state that abolished the Sharia-based legal system; Egypt, a country employing the Islamic personal status law along with secular laws for other fields of social life; and Iran, an Islamic republic which itself is a unique combination of Islamic norms and a modern polity modeled after France.

In this special issue of the GEMC journal we are delighted to publish a collection of these papers provided by the distinguished presenters and commentator of this workshop. The paper on the subject of Egypt kindly submitted by the distinguished Professor Amira El-Azhary Sonbol from Georgetown University is not included in this special issue due to its publication in another journal. It is therefore that I would like to add a few words about Professor Sonbol’s important contribution to the workshop. In her paper entitled “Codifying the Family: The Shari’a and Nineteenth Century Legal Reforms”, Professor Sonbol illuminated how the codification of Sharia-based Egyptian personal status law had been exposed to the influence of the Victorian gender norms as a superior norm construct against the Islamic norms at the beginning of the modern era. It is, therefore, not enough to look at the last few decades of global interaction and consequential conflicts between the Western and the Islamic modernity by employing a binary framework. Interaction has started more than a century ago; and interestingly enough, what the contemporary conservative Islamists are keen about to protect is indeed the product of some sort of Westernizing reform that has evolved since the mid 19th century. By historicizing and being conscious of the constructedness and embeddedness of the Islamic, it seems possible to find a clue to shun othering the Islamic.

As the coordinator of this workshop I am delighted that we were able to share with this special issue the
important results generated in our workshop’s discussions. Finally but most importantly, I would like to express my gratitude to all the distinguished foreign presenters including Professor Sonbol, as well as the commentators and participants for their contributions and participation in this workshop.
TURKEY’S RESPONSE TO THE GLOBAL GENDER REGIME

Nüket KARDAM

I. Introduction

Most would agree that a global gender equality regime has been established, but it is less clear how those global gender equality norms ‘travel’ to different localities and interact with local politics, cultural and religious norms. After all, without an understanding of how global norms are interpreted, received, redefined, we are mostly in the dark about the effectiveness of the global gender equality regime. In this paper, I first investigate the nature of the global gender regime. This is because it is important to know how this regime came into being, who promoted it, what the contested issues are and the existing compliance mechanisms. Then, I turn to Turkey and explore its interactions with this global regime, making sure to pay special attention to its historical, political, religious and cultural context.

II. What Is the Global Gender Equality Regime?

Since the early 1980s, gender equality has received unprecedented attention at international forums. There is a growing international understanding that gender equality is prerequisite to achieving human and sustainable development. Gender equality is now embodied in an international legal instrument, the Convention on the Elimination of Discrimination against Women (CEDAW), which entered into force and has been ratified by 186 countries. I have argued elsewhere that a global gender equality regime has now emerged as defined by these four components (Kardam, 2004). The first one is a set of explicit rules that states agree to and are embodied in treaties and other documents such as platforms for action. The rules are the legal instruments that formalize and implement the principles and norms of an international regime. In this case the definitive legal instrument on gender equality is CEDAW, sometimes also called the women’s human rights
regime. CEDAW, the convention for gender equality is legally binding once the appropriate decision-making body of a ratifying state passes them. Governments are obliged to identify and eliminate obstacles to gender equality in constitutional, legal, political and bureaucratic realms.

The other three components of a regime are a) a set of principles b) norms and c) monitoring mechanisms to oversee compliance. The basic principles that underpin the gender equality regime are the prohibition of discrimination against women and the active promotion of equality between the sexes. CEDAW defines ‘discrimination against women’ as: “any distinction, exclusion, or restriction made on the basis of sex which has the effect of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field” (Cook 1997: 188).

The norms of a regime, on the other hand, define the rights and obligations of actors by establishing standards to overcome discrimination. The *Nairobi Forward-Looking Strategies* (1985) and the *Beijing Declaration and Platform for Action* (1995) both define the rights and obligations of governments and of international and regional organizations based on principles of equality and discrimination. For instance, governments are urged to translate the platform for action into national strategies with time-bound targets and benchmarks to monitor progress. International organizations are urged to increase development assistance for women, and engage in gender mainstreaming.

Regimes would be incomplete without decision-making procedures that reflect their norms and principles. And these include supervisory and monitoring mechanisms to formulate and enforce the rules, including a variety of commissions, courts and expert groups who monitor compliance and sometimes apply sanctions. The Commission on CEDAW is entrusted with monitoring compliance by ratifying states. Various other United Nations bodies act as monitors. The Committee on the Status of Women (CSW) and its Secretariat, The Division for the Advancement of Women, monitor and review progress at all levels. Governments file reports to the Commission on their progress, as well as Specialized Agencies of the United Nations.

### III. What Are the Explanations for the Emergence of a Gender Regime?

I suggest three sets of explanations: a) the leadership of a global women’s movement and its associated NGOs in alliance with b) the United Nations system which provided forums for agenda-setting, negotiation and norm development, accompanied by c) funding and other types of support the Canadian and some European governments and their bilateral aid agencies and Western liberal foundations. These actors took advantage of the window of opportunity provided by the collapse of the Soviet Union, when the world focused on democratization and human rights to bring attention to women’s human rights.

The emergence of a global gender regime owes a great deal to the leadership of a global women’s movement and its associated NGOs, which exercised leadership. Overall, thousands of women representing every hue in the ideological
rainbow—secular, religious, radical, grassroots and elite—were mobilized around the world. They were local, national, regional and international, and their goals were to bring women together to share information, resources, and strategies and to create alternative spaces in which to practice organizing, lobbying and legislating issues at all levels. As time went on, global women’s networks became more skilled in policy advocacy. As one observer comments: “But this (success) in no small measure has been due to the pressure that individual activists, women’s groups and NGOs have brought to bear on power holders, even under difficult circumstances in authoritarian and exclusionary regimes. At the recent global conferences, one could not help but notice the growth of an astute and regionally diverse cadres of advocates skilled in navigating the murky waters of global and regional policy and in moving through the circuitous corridors of influence” (Razavi 1999: 24). Representatives of women’s NGOs from Turkey also traveled to the global conferences and increased their awareness of global gender issues. Once they returned home, these NGOs set up workshops and conferences to disseminate CEDAW, the Beijing Platform for Action and other documents. They prepared a Plan of Action for Turkey and submitted it to the government and prepared Shadow Reports and presented them to the Committee on CEDAW. In other words, they used what they learned at global forums to lobby the government for change.¹

These accomplishments were clearly aided by United Nations agencies. United Nations conferences and forums were largely responsible for providing the context, space and an infrastructure that served as the basis of an international gender equality regime. In fact, the chronology of the international women’s movement is largely a collection of United Nations conferences in Mexico, Copenhagen, Nairobi, Vienna, Cairo and Beijing. These conferences certainly legitimized the issues and brought together unprecedented numbers of women from around the world. The UN agencies such as UNIFEM acted as allies of global women’s networks, allowing women from around the world to participate more fully in the official conferences pressing governments to be more receptive to NGO proposals. Targeted bilateral and multilateral agency and foundation funding enabled NGO leaders to come to these UN meetings. In short, foundations such as the Ford Foundation and Canadian and Northern European governments were key supporters of the organizing efforts that made women’s groups a powerful presence at conferences such as the Vienna Conference on Human Rights, the Cairo Population Conference and the Beijing Women’s Conference.

Women’s NGOs in Turkey also received funds and technical assistance from international donor organizations, such as the bilateral donor agencies of Europe, the EU and the UN to promote gender equality, to train women’s NGOs in leadership and advocacy. It is important to point out that international funding for gender equality became a double-edged sword as many NGOs as they became dependent on this funding for their projects, and followed the priorities of this funding rather than their own priorities. They competed with each other for funding, and some have complained that women’s movements have turned into ‘project feminism’.
IV. How Effective Is the Global Gender Regime?

A major outcome of the Gender Regime is that it has led to the establishment of further principles and norms at the global level. For example, in 1990, the issue of violence against women was one around which global women’s networks coalesced. This new focus on violence in the private sphere forced a reconceptualization of the boundaries between public and private. Violence against women in the home, was no longer viewed as private. At the same time, the states’ violence against women in the public sphere, such as when rape is used systematically as an instrument of war, was exposed. These led to the establishment of new principles and norms such as Vienna Declaration of Elimination of Violence against Women (1993) and the Security Council Resolution 1325 on Women, Peace and Security (2000). At the UN level, a Special Rapporteur was appointed on violence against women. Again, women’s NGOs from Turkey were very active in the debate on violence against women and were centrally involved in passing a UN General Assembly Resolution 59/165 on Crimes of Honor. The global gender regime also helped to open a domestic debate and put gender issues on the agenda around the world. National women’s movements learned how to hold their governments accountable. States that ratified CEDAW established National Women’s Machineries. Legal reforms were enacted in line with CEDAW. Progress Reports are filed to the Committee on CEDAW. Multilateral and bilateral donor organizations began to focus on gender issues.

V. Remaining Challenges

1. Ambiguity of Norms and Lack of Agreement

To have agreement on global norms means that they need to be stated in vague terms in order to elicit agreement. This means that they can only provide very general guidelines, and the main onus is on the national and local actors to translate these norms into local contexts where they can become meaningful. I will discuss this issue further as I explore Turkey’s response to the Global Gender Regime. How do these global norms interact with local contexts? How do these norms ‘travel’ as one observer has asked?

Whether or not global norms are stated in vague terms, agreement on the value of gender equality and women’s rights is still not widely shared. Tensions and contradictions among normative principles in international life will persist since there are competing values and understandings on what is good, desirable and appropriate that form the basis of politics. The gender equality regime is no different; it is a story of debate, contestation and dissent in norm development. In Mexico in 1975, a major division was revealed when the conference disintegrated into a heated debate, largely between women’s groups form western countries, who stressed discrimination, and those from the developing world who wanted to focus on the more pressing issues of development and justice that affect both women and men. Another area of disagreement is on civil and political rights versus economic, social and cultural rights of women. CEDAW
entitles women to equal enjoyment with men not only of civil and political rights, but also of economic, social and cultural rights. It is fair to say that gender equality claims have put down stronger roots in political and legal rights than in economic rights. Economic rights have found less support in a neoliberal environment. Global economic institutions such as the World Bank still search for ‘business reasons for gender equity’, and have been much more comfortable with providing resources for women’s education, family planning and microcredit, all justifiable in ultimately serving market based economic growth and efficiency norms (Goetz 2001).

A further contested area arose at the Beijing conference between conservative forces, who reacted to the challenge to traditional gender power arrangements, and local and global feminist activists. Baden and Goetz suggest that conservative opposition to the concept of gender at the Beijing process expressed a second-wind reaction after the failure to prevent agreement at the International Conference on Population and Development in Cairo on a broad definition of women’s reproductive health rights. They also explain the conservative fixation on gender by the perceived greater influence and presence of feminist NGOs, the greater visibility of lesbians in NGOs, and the inclusion, for the first time in the UN series of conferences on women, of very open language on sexual and reproductive rights (Baden and Goetz 1997: 23).

2. Monitoring and Compliance

Issue areas which propose changes in the relationship between the state and its subjects, such as women’s human rights, are especially sensitive because they challenge a state’s sovereignty. For effective monitoring, we would need effective monitoring mechanisms. Most observers agree that enforcement of CEDAW has not been adequate. The reports that governments submit to the Committee on CEDAW do not always comply with CEDAW guidelines. They are sometimes quite short, sometimes overdue, and rarely self-critical. CEDAW, like other human rights treaty commissions, has adopted the practice of ‘constructive criticism’ in the examination of reports by state parties, since it is able to apply only the sanction of public scrutiny. These reports are discussed in public sessions and the representatives of the state that introduced the report respond to questions from the committee. As Tomasevski points out: A particular manifestation of this avoidance of collective pronouncements is the fact that CEDAW has never formally denounced a state party to be in violation of the Convention, even though the members have clearly felt that some states have failed to carry out their obligations (1993: 119).

It is obvious that the Committee prefers to keep the dialogue going even with states that violate their obligations or file reservations that may be in clear conflict with the norms of CEDAW rather than exclude them completely since one form of influence is to continue dialogue. It is also worth noting that the Committee on CEDAW is not the only committee that monitors advances on gender equality. The Human Rights Committee and other committees monitoring human rights instruments also cover issues of concern to women in their reviews. But this may be as much part of the problem as it is part of the solution:

There is a great deal of duplication and overlap in what the different committees have to say about women’s human rights. States—and individuals—have limited capacity and resources to monitor and implement. There is room for a more integrated approach to monitoring progress and supporting
technical assistance to avoid waste of time and resources...There is not yet a circle linking the instruments and mechanisms on gender equality and women’s rights—CEDAW and its monitoring committee—to technical assistance to promote these rights, as there is in the case of the rights of the child (Hijab 1999: 7-8).

A recent successful example of monitoring comes from UNICEF’s experience in the area of children’s rights, which constitutes an interesting example even though it is not centrally related to gender equity. UNICEF is directly involved in the monitoring and implementation of the Convention on the Rights of the Child. It works closely with the Committee on the Rights of the Child, which receives reports from states parties to the Convention. These reports then are fed into UNICEF’s National Plans of Action at the country level, and into its technical assistance programs. In this way, its country programs become vehicles to promote and monitor the convention.

It is, then, a very timely development that the UN has just established a body called UN Women to be the central body to promote and monitor women’s rights. It brings resources and mandates for greater impact and merges United Nations Fund for Women (UNIFEM), Office of the Special Adviser on Gender Issues and Women (OSAGI), International Training and Research Institute for the Advancement of Women (INSTRAW), and the Division for the Advancement of Women (DAW) into one entity called UN Women. Part of the problem with monitoring and compliance of the gender quality regime, in my view, has been the multiplicity of actors and lack of one specific body like UNICEF to both monitor and implement CEDAW.

3. State Level: Signing and Ratifying Does Not Necessarily Mean Implementation

Formation of a regime is one thing, its maintenance and implementation another. States have much less incentive to actually ‘do’ something about gender equality by allocating budgets, staff, targets and deadlines, in other words, ‘put their money where their mouth is’ for a variety of reasons. First, government elites and bureaucracies are frequently hostile to gender mainstreaming efforts because they are seen as externally imposed political agendas. Why do they attend international forums, and sign and ratify CEDAW then? Because it makes them look good and contributes to their ‘international image’ as elites see it, and it may be perceived as relatively costless. Why is that the case? As one expert on international regimes says, the lack of well entrenched and properly financed international organizations ensures that international regimes must rely heavily on the ability and willingness of individual members to elicit compliance. As Cook (1997) suggests, UN instruments and institutions for the protection and promotion of human rights offer women an opportunity for recognition that the wrongs done to them are violations of human rights, but the UN system cannot guarantee their rights or offer women the security that their rights will be safeguarded.

In short, even though there is a global gender regime in place, we saw that external incentives for compliance are not sufficient for effectiveness. A country may be party to CEDAW, its laws mostly in alignment with it, yet what we may still see are contested or competing gender norms justified on the basis of traditions, religion, ethnicity or socioeconomic status. Understanding how global gender norms interact with local contexts means going beyond UN interaction with
member states. It means exploring how global norms are ‘interpreted, filled in, responded to and shaped’ at local levels. As the case study on Turkey reveals, gender norms and identities are socially constructed, defined, contested, and interpreted in different socio-political and institutional contexts. Every culture, institution, society, historical epoch constitutes and interprets sexual difference in a certain way. Turkey constitutes an excellent case study for how women’s human rights are debated and contested.

VI. Global Gender Regime and Turkey’s Gender Politics

1. Response to CEDAW

Turkey, since its inception in 1923, has proclaimed gender equality as a strong symbol of the Westernization process. But the Westernization process and its concurrent secularism did not permeate the whole society and remained limited to the big cities and to the Western regions of the country. There has always been an uneasy tension between a woman’s communal identity as wife and mother in the family and community versus her individual identity as a citizen, with rights to employment, education, political participation etc. This tension can also be viewed as whether women should be primarily part of the private sphere, that is the family, versus the public sphere where men traditionally dominate. Finally, Turkey’s Westernization and secularization process has pitted Western values and Muslim values as opposites and placed women’s rights and freedoms squarely in the Western and Secular camp, implying that Islam is detrimental to women’s rights. Turkey’s interaction with global gender norms should be viewed through these tensions and ambivalences.

Turkey’s involvement with CEDAW originated on the initiative of the Turkish Foreign Affairs Ministry who regarded it as compatible with the state’s long standing commitment to gender equality on the basis of its secular and modernist orientation. Yet, CEDAW was ratified in 1985 with reservations:

“Reservations of the Government of the Republic of Turkey with regard to the articles of the Convention dealing with family relations which are not completely compatible with the provisions of the Turkish Civil Code, in particular, article 15, paragraphs 2 and 4, and article 16, paragraphs 1 (c), (d), (f) and (g), as well as with respect to article 29, paragraph 1. In pursuance of article 29, paragraph 2 of the Convention, the Government of the Republic of Turkey declares that it does not consider itself bound by paragraph 1 of this article” (Womenwatch 1999).

While gender equality norms as embodied in CEDAW were overall acceptable, at the same time, CEDAW’s claim that men and women are equal in the family was not compatible with the family law in Turkey that proclaimed men as the head of the family. Following ratification, a public petition campaign to encourage compliance with CEDAW and for the lifting of reservations was organized in 1987 by the women’s movement. Initially, these leaders of the women’s movement came from the leftist groups who had been crushed and either sent to jail or exiled by the military coup in 1980. In the 1990s, we see a rise in the influence of Islamist politics, and concurrently, of Islamist women who dressed in coats and scarves that cover their hair and neck in the big cities. The call back to
Islamic values has usually meant a search for an authentic identity that is not influenced, dominated and shaped by the West. In fact, many have seen the process of Westernization and globalization as turning women into commodities for a consumer culture. Thus, covering partly became a sign of resistance to what was perceived as the immoral use of women’s bodies in various contexts such as advertising and magazine journalism.

The 1990s and early 2000s constituted a successful period for women’s movements in Turkey to demand legal reforms and voice their concerns. At the beginning, the concerns of each group were different: For secular women, they were the enactment of legal reforms in accordance with CEDAW, while the Islamist side was more focused on the right to cover their head as students in public universities or employees in public offices, as they were banned from these spaces unless they gave up their scarves. At the policy and institutional level, the competing discourses of individual women’s rights versus women’s place is in the family led to strangely worded laws or the establishment of parallel organizations. For example, in 1998, the law on domestic violence was adopted but it was called Protection of the Family Law. In 1990, Turkey established a National Women’s Machinery in accordance with CEDAW, called the General Directorate on the Status and Problems of Women. But it competes for resources with another bureaucratic unit in the same building, called the Family Research Organization.

In 1999, the reservations to CEDAW were lifted, and in 2002, a new Turkish Civil Code was adopted. This represents a significant step forward in bringing Turkish laws in line with CEDAW. The new Civil Code abolishes the supremacy of men in marriage, establishes full equality of men and women in the family, and removes the final say over the choice of domicile and children from men. It sets the equal division of property acquired during marriage as a default property regime, assigning an economic value to women’s hitherto invisible labor. It changes the legal minimum age for women’s marriage from fifteen to eighteen. Furthermore, Article 159 of the Civil Code was annulled by the Constitutional Court, which had stated that women needed their husbands’ consent to work outside the home. Article 438 of the Criminal Code was repealed which had provided for a reduction of one-third rape if the victim was a sex worker. A new Penal Code was passed by the Parliament in 2004, which makes unprecedented changes in improving women’s human rights (see WWHR). Accordingly, provocation will no longer be a defense in honor killings. It will also see that rape in marriage and sexual harassment are treated as crimes. These legal reforms clearly represent responsiveness to and compliance with CEDAW.

What factors serve to explain these very important reforms? I would argue that these reforms are not as much the result of pressure from the global gender regime on the Government of Turkey, as more direct pressure from the European Union, as Turkey applied for full membership, to fulfill the Copenhagen Criteria. Also, an increasingly strong women’s movement in Turkey has acted as advocates and lobbied the government for these reforms. No doubt, the women’s movement in Turkey also learned from the global women’s networks and UN conferences. Even though there are strong differences of opinion between secular and Islamist women’s networks, they were able to coalesce around issues like violence against women and honor crimes. Without the advocacy and lobbying efforts of the women’s movement in Turkey, these important reforms would not have taken place.

While women and men may be proclaimed to be legally equal, there are, of course, some serious implementation issues. For example, there are still
instances of men taking several wives, one with a civil ceremony, and another under a religious ceremony. The honor crimes have not stopped, in fact, there have been allegations that young women who have ‘defamed the family’ are being forced to commit suicide because jail sentences for male relatives who murdered their female relatives have gone up. Women’s employment has not increased and in fact, decreased. The Prime Minister has publicly encouraged women to have three children. Women who suffer from domestic violence are still afraid to go to the police or courts or may be turned away by them, being told that family is important and that they should go make up with their husbands. Social norms demand that what happens in the family should remain in the family. Social norms still put more value on giving birth to boys, restricting the movement of girls, and sending boys to school first.

In short, the opposing views on women’s human rights is still a central theme in the conflict between secularist and Islamist elites. Thus, a brief discussion of the polarities and dualisms that prevent effective dialogue may be useful.

2. Women and Islam

A discussion of women and Islam cannot be separated from the historical context of Western influence and constant colonization of most of the Muslim world. Although Turkey as the inheritor of the Ottoman Empire escaped colonization, it did not escape strong Western influences. The reasons this is important is because rights of Muslim women have generally been perceived through the dualism of Western civilization and values versus Islamic civilization and values, framing the dialogue in terms of inter-religious and inter-cultural conflict. This perceived opposition has had some unfortunate effects that we must still face and deal with today. The rise of industrialization and capitalism along with the principles of Enlightenment focusing on reason, rationality and individualism are products of Western culture and Christianity, often spread throughout the world through colonialism. The reason and rationality principles, are, in fact, upheld in Islam, while Arab philosophers such as Avicenna helped transmit Greek philosophy to the Europe of the Middle Ages. Although the dualism between the West and Islam is obviously questionable, the politics of ‘us versus them’ has produced a view of the Orient and Islam in stark contrast to Western civilization and values. As Edward Said has pointed out, the West perceives the East as its shadowy, darker “Other” (Said 1979). The West is thus defined as the cradle of modernity, human rights (including women’s human rights) and superior civilization, while the world of Islam is juxtaposed as being traditional, backward and in need of ‘progress’.

Two major points can be made regarding this analysis: first the experience of being on the receiving end of Western influence and various degrees of colonization meant that modernity, Western dominance and colonization merged into one in the minds and psyches of Muslim communities. Second, that human rights and especially women’s human rights are considered by many Muslims as part of modernity and Western dominance, that is, something to be shunned and to defend oneself against since this historical experience inevitably created a great deal of resentment and defensiveness, along with a search to assert some form of superiority. It is therefore not possible to discuss women’s rights in Muslim majority countries without understanding this historical context and the politicization of gender issues viewed through the lens of Western domination and Western criticism of Islamic cultures. In other words, the colonial powers used the position of women in Islam as a demonstration
of the cultural superiority of the West. In the Ottoman Empire’s last days, women’s position also became part of this debate.

After the Republic of Turkey was established, the position of women again became the centerpiece of the rhetoric of independence, as in other newly independent countries. Ironically, as Turkey was trying to free itself from Western domination and influence, Ataturk was still employing Western rhetoric to define the nation state and the position of women. This is because the legitimacy of the nation state derived from the rule of the majority with respect to the individual rights of people, including women. And the elite were mostly educated within the framework of Western institutions that valued equal individual rights, Ataturk having been educated in the Western Young Turk tradition and influenced by the ideas of the French Revolution. Yet traditionally and even after independence, women’s identities continued to be defined by their familial identities, and men’s identities by the upholding of their honor and protection of the virtue of the women in their families.

In short, Islam and Islam’s view of women have been associated with backwardness, traditions and women’s oppression while women’s rights, secularism, Western values all go together. This forces women to choose one side or the other. Thus secular women have not until recently explored their religious identities, or read the Qur’an, while ‘religious’ women have accused their secular sisters as ‘alien to their own culture and religion’. As one Iranian female author claims, in Iran, as elsewhere in the Muslim world, women who acquired a feminist consciousness in either a Western or an indigenous form have always faced a tension between conflicting components of their identity—their Muslimness perceived as backward and oppressed, yet authentic and innate; their feminism as progressive and emancipated, yet corrupt and alien (Mir-Husseini 1999).

The dualism that is most difficult to break down is individual versus collective identities and this is not directly related to Islam. How will women’s individual rights be protected in a country where traditionally women’s identity (including chastity and honor) is integrally linked to that of the family and the community? The fear to accord women their rights as individuals must first be investigated in the deep underlying identities that shape what masculinity and femininity mean. The link of masculine identity to the control of women’s sexual behavior and men’s honor linked to women’s chastity are not limited to any specific religion. We know, for example, that honor crimes occurred in Greece, or that until 1978 when the law was changed, men did not receive a jail sentence for murdering their wives in crimes of passion in Spain.

3. Turkey in the Twenty-First Century

In the Turkey of the 21st century, there are some very interesting developments. The AK Party, which is identified with moderate Islam, has been in power since 2002 and many see a strong competition between military and secular elites on the one hand and AK Party and its allies, including the powerful Gülen movement, on the other, to shape Turkey’s future. Their viewpoints are presented as black and white, one or the other, and women’s position is considered pivotal to which of these will prevail. Yet, upon closer investigation, AK Party’s policies defy being pigeonholed into Western or Islamist, as it is not just continuing negotiations with the EU but at the same time building strong partnerships with its neighbors, Syria, Iran, Lebanon, and Jordan, as well as with Russia and Central Asia and China. Much seems to be at stake as Turkey, with its strong economy
and trade ties, is being looked up to by the Muslim world as a potential leader. While some see Turkey as a bridge between West and Islam, others fear that it is tilting towards Islam away from the West and claim that it must make up its mind.

The secular side in Turkey is very fearful that any subscription to Islamic values may bring about a loss of women’s freedoms (ultimately turning Turkey into a shariat ruled state) and thus has banned covered women from most public universities and offices. The women’s groups who espouse Muslim values and attires, on the other hand, are denouncing these bans on the basis of individual rights, including the right to freedom of dress, right to education and employment, and using Western institutions such as the European Court of Human Rights to seek redress to what they see as violation of their individual rights. After winning a referendum in September 2010, the ruling AK Party vowed to support any student who was disciplined for wearing the headscarf on a university campus. Following this, the head of the Turkish Higher Educational council (YÖK), Yusuf Ziya Özcan, announced that instructors in universities may no longer take action against students wearing the headscarf. While this goes against the Constitutional Court ruling of 2008, most universities have started permitting students to wear the headscarf on campus (Hurriyet Daily News 2010).

How do we break free of this dilemma, these rigid dualisms and black and white worldviews that obstruct our understanding of the complexities and multiple realities inherent in the construction of women’s identities? How might greater dialogue on women’s rights be promoted among parties with opposing views? How might global women’s human rights norms be reconciled with local realities?

### 4. Strategies for Dialogue

According to Ertürk, multiple levels of intervention and multiple discursive frameworks need to be employed (2004). At the state level, CEDAW may be invoked and Turkey must observe due diligence to protect, investigate and punish by law violators of women’s human rights. Pressure from the international system, by means of international law, international networks and donor assistance has been highly useful in this area, while civil society advocacy—women’s networks—has maintained local pressure on the government. At the community level, involving families and other non-state actors can further legitimize the human rights and gender equality approach with a cultural or a social convention discourse examining the root causes of women’s oppression, including definitions of masculinity. In such discussions, the oppressive nature of certain practices in the name of culture must be flagged. But since change has to come from within the culture, the positive elements of culture and alternative masculinities that are respectful of women’s rights should be highlighted. As Ertürk points out, here civil society actors, academics, media, national and international NGOs can play a critical role in collaborating with the state (2004: 15).

A good example is the UNICEF campaign in collaboration with the Ministry of Education conducted in early 2000s which succeeded in increasing the number of girls going to school. A multilevel strategy was devised—national media campaign, garnering support from local bureaucratic, political and religious leaders, going from home to home, and monetary incentives to families sending their daughters to school.

Another example is the multilevel strategies to reduce violence against women, which again included a media campaign with support from
major newspapers and TV stations, women’s human rights training programs offered in partnership with state community centers and their social workers, and women’s NGOs, religious leaders. For instance, the imams were instructed to point out in their Friday sermons that honor crimes are not condoned in Islam. Women’s activists have lobbied at the United Nations, including successful efforts in bringing honor crimes to the international agenda and into UN resolutions. At local levels, workshops are being organized where ‘masculinities’ are being questioned, including ways in which men can maintain their ‘honor’ without resorting to violence. As women’s human rights activist Pervisat notes:

“In order to prevent honor killings, it is crucial to redefine the concept of honor within the community. ... When talking to families, a cultural discourse proves to be very effective. We believe that male members are also victims of the concept of masculinity—they suffer throughout the decision-making process. We try to give men what I call cultural and psychological space where their masculinity is not challenged and they do not feel forced to kill in order to cleanse their honor. To do this, and in order to create space for long-term change, we take advantage of some positive aspects of Turkish culture to offer individual men an excuse to avoid violence. These include special occasions and gatherings where nonviolence negotiations are encouraged or where authority figures can act as intermediaries, in which we can make use of traditions of hospitality towards guests or respect for elderly people’s recommendations as tools to prevent these crimes” (2003: 31).

A further strategy is to focus on common problems across ideological or cultural divides: Islamist women’s organizations are working together with secular women in the area of violence against women, honor killings, the establishment of women’s shelters, promoting reform of the Civil Code. The efforts of the Capital City Women’s Platform to establish a bridge between secular and religious women’s organizations and to develop relationships focusing on particular problems is highly meaningful in terms of overcoming the secular-Islamist polarization in Turkey for example. Secular and religious women’s organizations have begun to learn from each other so that the former emulated the effective grassroots organizations of the latter, and the religious women began to fight for their individual rights, including the right to cover their heads on university campuses and government offices, while employing lobbying tactics at national and international levels (such as appealing to the European Court of Human Rights).

Women from across ideological divides have begun to work together in common areas of concern, and further possibilities of confluence and dialogue are ripe for exploration. Women’s human rights based on individual human rights need to be reconciled with the kinship and family systems, community values and collective identities in which many women conduct their lives. New alliances with liberal Islamic intellectuals and community leaders, as well as human rights activities must be explored. Furthermore, the shaping of masculine identities that encourage the control of women’s freedom of movement and sexuality need to be examined carefully and redefined within the local communities themselves so that they have cultural legitimacy.
VII. Conclusions

As this discussion of the interaction between the global gender regime and Turkish gender politics shows, simultaneous action on all levels, international, national and local, seems to be quite effective, but the various strategies have to be tailored accordingly. While support from international actors is necessary, and national level commitment in the form of new laws, policies and pronouncements by political leaders is important, long term change and dialogue ultimately requires change from ‘within’ the culture at the local level. Thus, learning to speak the language of the relevant culture/religion is vital. Basic education programs focusing on literacy, human rights, communication and organizational skills can make a big difference in promoting dialogue and conflict resolution at local levels. But such programs need to be nondirective, participatory, and based on proper respect for others.

It is also clear that the dualisms (between the West and Islam, secularism and Islam, universal human rights and rights based on culture and religion) all encourage black and white worldviews, which does not reflect the reality of women’s lives. I have seen in Turkey many situations, where women dressed in tight blue jeans clutching their i-Phones, and kissing their boyfriends on the street, but their heads are covered. I have seen covered and uncovered women walking arm in arm together. I know for example a family where the female members of the family represent the wide array of female identities—from completely covered in black, to a headscarf, to a suit and briefcase. Most interesting is one case of a woman in beautiful high-heeled shoes, with expensive scarf, who sat next to me on a ferryboat, and as we started talking I found out that she was the manager of a hotel going home from work. The reality is much messier, richer and different than the black and white views imposed on it.

As Navaro-Yashin notes: “I argue that there is no inherent conflict or necessary difference between Turkey and Europe, Islam and the West. … It is not possible, in the context at hand to distinguish native from Western points of view because there is no space where they have not been integrally and historically engaged with one another” (2002: 9). She further notes that ‘westernization’ as a category of historical analysis is a positivist notion that assumes an original distinction between a constructed East and West (2002: 9). The very president of Turkey, Turgut Ozal, who led the country into the liberal capitalist world economy and integration with the West in the 1980s, was also known to be a practicing Nakshibendi, a Sufi Organization. Islamist groups have claimed modernity, they have embraced capitalist practices, but also incorporated the element of ‘social relatedness’ and ‘trust’ into the way they do business (Yavuz 2003). The political party in power, the AK party with its Islamist roots, has enacted more legal reforms on human rights, in an effort to satisfy the Copenhagen Criteria, than any other government before it. The Family Research Organization, has just completed a study on gender-based violence. The various women’s empowerment programs at local levels bring together women from diverse backgrounds and ideological persuasions with little problem. Hidayet Tüksal, a headscarved teacher of religion urged women to seek education and insist on their rights. Tüksal started a joint education project with secular feminists and the Religious Affairs Directorate that involved training 3,000 state-employed female preachers and Qur’an instructors.
to propagate women’s education, also publicizing recent changes in the Penal Code. (Economist 2004).

There is room for greater dialogue and exploration of women’s human rights in Turkey once the dualisms are transcended to reveal the multiplicity and complementarity of views. It is also clear that masculine superiority has been perpetuated in Turkey in cultural, religious, economic and political institutions. Without a clear understanding on how masculine and feminine identities are shaped in relation to each other, and how masculine superiority is perpetuated, we cannot begin to explore change strategies. Tripp argues that such practices (and identities) defended in the name of traditions, customs or religion are also often seeking to protect certain political and/ or economic interests (2002: 414). This means that we cannot begin to address as a political problem primarily economic and political institutions. Without a clear understanding on how masculine and feminine identities are shaped in relation to each other, and how masculine superiority is perpetuated, we cannot begin to explore change strategies. Tripp argues that such practices (and identities) defended in the name of traditions, customs or religion are also often seeking to protect certain political and/ or economic interests (2002: 414). This means that ultimately practices, which hurt women, have also to be addressed as a political problem primarily by actors within that society itself. This is exactly what is happening in Turkey at the same time as external incentive structures (both CEDAW and EU criteria) are encouraging greater attention to women’s human rights. The globalization process is creating new cultural identities, practices and patterns, which creates dissonance but also greater space and opportunity. As Turkey redefines its interaction with the world, a continuing reinterpretation of women’s identities and rights will be inevitable.

References
Turkish Civil Code (2002) Law N. 4721, Government of

TURKEY’S RESPONSE TO THE GLOBAL GENDER REGIME


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Note

1 See, for example, www.wwhr.org or www.ucansupurge.org. Websites of two prominent women’s NGOs in Turkey for more information on these activities.
PARTICIPATION OF WOMEN IN IRAN’S POLITY

Heshmat Sadat MOINIFAR

Abstract
Higher status of women can be achieved through their share in education, economic life and political participation. At the level of political behavior, it has been focused on participation within formal, constitutional and governmental institutions or procedures. This includes a wide range of political behavior, which influences the decision-making process in society. The status of women and gender equality is one of the main socio-political issues of Iran, especially in the last three decades after the Iranian Revolution in 1979. Based on Iranian Constitution, citizens of Iran from all cultural and ethnic backgrounds, regardless of their gender are entitled to all individual, economic, political, social and cultural rights. While the Iranian political decision-making process is still male-dominated, women’s presence in the socio-political arena has increased since the Revolution and the Iranian government has tried to promote increased participation of women, even though a continuous shortage of female professionals and women’s representation in key posts in Iran is evident where macro politics and planning are decided.

Nonetheless, since the establishment of the new government of president Ahmadinejad (August 2005), the previous policy of emphasizing on improving women's status in the society has more shifted towards the family role of women. In this paper, the participation of Iranian women in the socio-political arena is going to be examined. Also the impediments and solutions will also be acknowledged.

I. Introduction

Statistics from “Post-Beijing Conference on Women” in 2005 shows that women's representation in the world at the highest level of national and international decision-making remains almost unchanged. Around the world, women constitute about 15% of parliament members in 2002, which remain a small minority in parliamentary elections. Women have therefore, not yet achieved an effective role at the political and managerial levels. This is ironic, as they constitute the largest voting constituency in some countries (including Iran) that recognize female suffrage. During the Beijing
Conference in 1995, only 21 out of 189 countries made commitments to improve the status of women and gave their highest priority to the issue of increasing women's participation at all levels of decision-making.

Of all aspects of the relationship between women and politics, it is women’s political participation that has received the most sustained attention from political science but evaluating women’s situation in a country requires the knowledge of culture, customs and traditions of the country we are studying. Nonetheless, there are some common socio-human values that should be respected worldwide. This set of worldwide and domestic values should be used to evaluate women’s position in a society. Thus, to speak on women’s status in Muslim countries, one should not take ‘the western values’ as the sole judgment criteria. Furthermore, such evaluation is a relative issue and should not be considered as an isolated case. Contrary, it may be regarded in time and space, i.e., to evaluate the role of women in a country, it may be projected in comparison with it’s past or with another country in the region with a similar cultural background.

Women in Iran, like men, have shared the sense of power, dignity, and awakened pride in their culture, and the very controversy over women’s roles has highlighted the importance of women. In Iran today, women are found in schools, universities, government offices, factories, and the parliament. The emergence of women in the film industry in which few of the most famous film-makers are women, their strong presence in art and music, the success and fame of female writers, and the impressive academic success of female high school girls at the university entrance exams compared to males (based on official statistics about 65% of accepted students at the universities were female compared to 35% male in fall 2010), demonstrate the contemporary women’s quest for identity, self-determined subjectivity and space in social and cultural life in Iran.

II. Theoretical Approach

Political participation is a complicated process with many dimensions and thus can be defined in different ways. According to the definition of Abercrumby et al.\textsuperscript{2}, participation in political processes which lead to the selection of political leaders and determines public policy is called political participation. In other words, social voluntary activity in which people feel direct or indirect participation in public policy settings or the election of political leaders is called political participation. The level of democracy in a political system is measured with indicators such as suffrage rights, providing an atmosphere for candidacy and civil rights for the people. Women’s participation in all social activities like politics is necessary. It can be said that having a minor participation in political affairs by women will result in an unaccomplished democracy.

Empirical studies on political behavior have generally reported a gender gap in political participation in nations with vastly different political regimes and social mores, as well as varying levels of economic development. The gender gap appears to pervade various types of participatory activities, including voting and campaigning, communal activities, particularized contacting, as well as unconventional forms like boycotts, strikes and demonstrations.\textsuperscript{3}

Efforts to account for the gender differences in political participation can be grouped into
three sets of explanations. Socialization theory attributes the gender gap to the difference in early social learning, where women are culturallyconditioned as children to accept a more passive political role than men. In contrast to the focus on childhood experiences, situation theory attempts to explain the gender gap in terms of adult socialization, arguing that women’s social role as the primary caretaker of children and household chores deters them from engaging in more political activities than men. Finally, structural theory contends that the gender gap can be explained by the fact that fewer women than men are in socio-economic groups that are more participatory in politics, viz, those in professional occupations, with higher education, and having higher personal income. These three sets of explanations need not be mutually exclusive and the direction of all three putative explanations in convergent. Many women could have been socialized into passive political roles when they were young, assuming the domestic role of primary care-provider for children, and are less likely than men to make it to higher socio-economic and education strata.

III. Historical Background

The condition of women in the twentieth century Iran may be studied in three different intervals: pre-Pahlavi regimes era, Pahlavi’s perception on the emancipation of Iranian women, and post-Revolutionary era. In the 19th and early 20th centuries, the British and Russian rivalries in Iran on one hand, and the manipulation of Iran’s resources on the other hand presented adverse economic effects, leading to western superiority which created an awareness of an alternative model of society to aspire to; a model totally different from the socio-political setting inspired by the despotic and dictatorial Qajar regime of the time. In such era, Iranian women were the victims of a male-dominated society with very limited rights.

The changing position of women during the Pahlavi regimes (1925-1979) should be attributed to the integration of Iran into the world capitalism. The main progress of women’s position was made on the social front, and influenced very much by the western capitalist values through decreasing segregation, opening up education and employment to women. It is worth mentioning that these positive developments eroded due to contrasting government policies. Firstly both Reza Shah and Mohammad Reza Shah (1925-1979), due to their anti-religious approach perceived the emancipation of women as a secular issue. Therefore, they took the forceful unveiling of women, disregarding Islamic social values (in which the role of women has been a fundamental issue) as the emancipator movement for women in Iran. This policy led to further separation of majority of families in urban and rural areas from the un-elected dictator regime and furthermore it caused them to not identify themselves with such pro-women policies. Secondly, the regime’s approach was very cosmetic and limited. While the Pahlavi regimes, mainly Mohammad Reza Shah was emphasizing on one or two ministerial posts for women, in 1976 more than 83% of the rural population, which consisted 62% of the overall population, were illiterate.

Under Mohammad Reza Shah, through the military coup and the subsequent suppression of the opposition and from the early 1960s on, through a number of economic and social measures deeply affected the Iranian society in a negative way, thus the Pahlavi state gradually lost all the traditional bases of social support without
acquiring new ones. The development of the Islamic Revolution in the 1970s, contradicted the expectation that the process of modernization would uproot religion in Iran. It became obvious that understanding Islam, too, was moving ahead with time and was undergoing constant development. Furthermore, Islam was not rejecting modernity with its idealistic implications of economic prosperity, social justice, political freedom and national independence. Higgins argues that as Revolutionary opposition grew, more and more women, like men, came to see Islam as the alternative to the despotism of the Pahlavi regime and the alienating effects of westernization. Women expressed their opposition to the regime, and to the definition of sex roles it had come to represent. The emergence of the modernist interpretations of Islam by some religious intellectuals and clerics in 90s found tremendous support among educated Islamists, including gender-conscious women, who rely upon these modernist views to advocate change.

IV. Political Examination

To appraise the role of women in Iran’s polity in post-Revolutionary era, four criteria should be examined:

- social participation of women;
- accessibility and presence at all levels of power;
- legal/infrastructural framework on women in society;
- non-governmental institutions for women;

1. Social Participation of Women

During the time of the Revolution, women participated in anti-Shah rallies and demonstrations in large scale. The woman who has been portrayed for so long in her traditional status was coming out of seclusion and on to the streets, not as a sex symbol, but as a political force. Women in towns and cities as well as in rural areas, women of many social classes, those who were newly urbanized as well as those of established urban backgrounds engaged in public political activity during the Revolution.

Women’s role in the victory of the Islamic Revolution in 1979 has been significant. Women’s share in this period is characterized by their participation in nationwide demonstrations against the Pahlavi regime. They have also participated substantially in rallies and demonstrations in favor of the Revolution afterwards.

Higgins argues that many observers have noted the increased sense of power and self-confidence, the expanded political consciousness, and the perception of greater respect many women experienced as a result of these activities.

After the victory of the Revolution in 1979, it was women’s participation in politics which created an image of popular support and stability internally and internationally. Ayatollah Khomeini, the leader of the Revolution considered such participation of women crucial and on many occasions he praised and nominated them “the lion-hearted ones whose great efforts saved Islam from the captivity of the foreigners [and] who alongside men secured the victory of Islam”. He had endorsed women’s political rights as a religious duty: “women have the right to intervene in politics. It is their duty.....Islam is a political religion. In Islam, everything, even prayer, is political”.

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2. Accessibility and Presence at All Levels of Power

By law, there is no restriction on accessibility of Iranian women to high positions in the government. However, in reality, this process will take time to change the male-dominated culture in society, which sometimes has ties with religious misunderstandings. The Iraq-Iran War (1980-88) which for eight years mobilized the country’s resources was an impediment to the advancement of debate on the condition of women. The plight of Islamist women social activists was overshadowed by the predominant values of self-denial, devotion and sacrifice, rooted in the Shi’ia culture and internalized by the young volunteers. The centrality of war issues in the management of the country led to dismiss women’s social problems. Hence, the government was devoid of specific economic, social, and cultural policies on women, to the point that “women had no place in the First Plan, implemented during the war.”

For the first decade after the Revolution, there were only three female deputies out of two hundred and sixty-eight in the parliament. Female parliamentarians occupied 1.5% of the seats in first three parliaments. But their presence doubled to reach a total of nine in the 1992 elections which was 3.3% of the seats, to 13 in 1996 election, and remained 13 in 2000 election and 14 in 2004 election, and reduced to 8 in 2008 election. Nonetheless, the female candidates who could reach the second ballot of parliamentary election in 2000 were about 100, which was very encouraging. Although women’s presence in parliament has been tokenistic, they have played an important role in initiating progressive legislation on women. Parliamentarian women in the sixth round of the parliament constituted a committee concerning women’s problems in Iran. They ratified 35 bills related to women’s issues which have been the biggest since the Revolution. (Tables 1 & 2)

<table>
<thead>
<tr>
<th>Majlis (Parliament)</th>
<th>% of Women Parliamentary Candidates</th>
<th>% of Women elected into the Parliament</th>
<th>No. of Women Deputies</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Majlis</td>
<td>3.02%</td>
<td>1.66%</td>
<td>4</td>
</tr>
<tr>
<td>Second Majlis</td>
<td>1.98%</td>
<td>1.66%</td>
<td>4</td>
</tr>
<tr>
<td>Third Majlis</td>
<td>1.99%</td>
<td>1.66%</td>
<td>4</td>
</tr>
<tr>
<td>Fourth Majlis</td>
<td>3%</td>
<td>3.6%</td>
<td>9</td>
</tr>
<tr>
<td>Fifth Majlis</td>
<td>6.43%</td>
<td>5.6%</td>
<td>14</td>
</tr>
<tr>
<td>Sixth Majlis</td>
<td>7.3%</td>
<td>4.4%</td>
<td>13</td>
</tr>
<tr>
<td>Seventh Majlis</td>
<td>9.89%</td>
<td>4.4%</td>
<td>13</td>
</tr>
<tr>
<td>Eighth Majlis</td>
<td></td>
<td></td>
<td>8</td>
</tr>
</tbody>
</table>

Although Iranian women were the source of aspiration during the Iran-Iraq war from 1980-88, and participated by any means possible to support the government, the condition of women did not constitute a priority for the political and religious elite at that time. The end of the war and the implementation of ‘Reconstruction Policies’ provided a better ground to improve the condition of women in Iran. Kian notes that two periods can be distinguished with regard to the Iranian state’s policies on women: the Revolutionary period, which began after the triumph of the Revolution and lasted until 1988, and the period of ‘Reconstruction’ from 1988 until the present.

During the 90s, women’s participation in Iran’s polity focused more on national elections. It is important to mention that not always their vote followed their male relatives, in particular for urban inhabitants. It was actually women votes in presidential elections in both 1997 and 2001 that led to the vital victory of president Khatami. While such a role is crucial, the challenge for Iranian women is to turn it into a daily influence in Iran’s polity. Also women have been active in par with men in voting for parliament and there is a larger electorate of women than men to that extent that during the last election in 2004, 65% of women (with the right to vote) voted and only 62% of men were among the electorate. This factor specifies that women feel more responsible in determining their political fate than men do.

Therefore, the role of women may be examined in two areas of politics: Firstly, presence in major political decision-making processes, and secondly, women’s presence in on-going polity of the country. For the first one, it is argued that even in developed economies, in which women are more present in high positions, the political decision-making process is a male-dominated area. Behind the scenes, party runners (and not necessarily party leaders), influential politicians, key figures in the parliament, key figures in the president offices, multi-billionaire business owners, media tycoons’ and so on are still dominated mainly by men. However, one should bear in mind that success of women in the second presence which is an on-going polity of a country is a pre-condition to successfully being on par with men in major political decision-making processes.

<table>
<thead>
<tr>
<th>Majlis</th>
<th>Bills passed by Majlis</th>
</tr>
</thead>
<tbody>
<tr>
<td>First (1980-84)</td>
<td>16</td>
</tr>
<tr>
<td>Second (1984-88)</td>
<td>13</td>
</tr>
<tr>
<td>Third (1988-92)</td>
<td>6</td>
</tr>
<tr>
<td>Fourth (1992-6)</td>
<td>8</td>
</tr>
<tr>
<td>Fifth (1996-2000)</td>
<td>21</td>
</tr>
<tr>
<td>Six (2000-04)</td>
<td>17</td>
</tr>
<tr>
<td>Seven (2004-08)</td>
<td>13</td>
</tr>
</tbody>
</table>


### Table 2. Number of Bills related directly to the status of Women, passed by each Parliament
The 1997 presidential elections marked a new era in women’s participation in the political arena. Female votes were perhaps the largest single element responsible for the victory of president Khatami which was 69.7% of the votes. This was a direct consequence of Mr. Khatami’s gender-sensitive election agenda, for example in medium-ranking managerial position, the presence of women more than doubled during the two periods of Khatami’s presidency (1997-2005).

The Khatami government has taken the following measures in 1997: there were two female cabinet members; one at the rank of vice-president and the head of “Environmental Protection Department” and the other as a presidential advisor and the head of the “Center for Women’s Participation” (which has changed to the “Center for Women’s Affairs and Family” after president Ahmadinejad was elected in 2005).

Furthermore a trend of Muslim feminism has developed in Iran mostly in the last two decades, which has sought equal access to opportunity for men and women while also considering her motherhood instincts and her need for active participation in society. This new generation of modernist-Islamist women, feminist in the western sense, has flourished. They are gender-conscious and have discovered politics as an agent for radical change in women’s status. They are open to the outside world and share a modern view on Islam, which accounts for necessary social change. These women attempt to adapt or reinterpret Islam to the realities of a society in which women’s social, economic and political activities become an integral part.

By the end of the war, the ‘High Council of Cultural Revolution’, chaired by president Rafsanjani founded the ‘Socio-Cultural Council of Women’ to promote women’s economic and social status. Kian argues that the implementation of ‘Reconstruction Policies’ provided an opportunity for a new generation of gender-conscious Islamist women to seek allies among secular women, to present a modern reading of Islam, and make radical demands for change in women’s status by using politics as a potent agent.¹⁵

As women were without official representatives at the highest level of government, in 1992 the ‘Office of Women’s Affairs’, an offshoot to the president office, as well as in each ministry, was created to detect problems and shortcomings of women. Another point is that there is a trend towards a greater number of women occupying top-level managerial posts. This includes the appointment of four women as deputy ministers, female advisors to ministers and governors, director generals both in ministries and at the provincial levels, district mayors, judges and provincial deputy governor generals. In addition, in 2004, 630 women were elected in decision-making positions in the “Provincial Planning and Development Councils” as one of the highest decision-making institutions in different provinces of Iran. On the whole, according to existing statistics, the growth of female managers shows a 63% increase from 1989 to 2004.¹⁶ This increase has been mostly in the Ministry of Health and Medical Education, the Ministry of Economics and Finance, and also an increase in the number of provincial female managers.

Another milestone in the female political presence of the country at the policy level has been the nationwide “City and Local Council” elections. Number of female candidates in which most of them are below 40 years of age illustrates their will and commitment to full political participation. In 1999, in Tehran considered as the most significant city in the council elections, two of the top five winners were women. In 2005, 11% of all elected city council representatives were women. In the second round of the local council elections, the number of female candidates was increased, which
is a clear indication of public manifestation of women’s potential in this area.

The interesting factor is that there are more rural female candidates than urban ones.\textsuperscript{17} Based on Article 62 of the Constitution, the deputies of the parliament as well as the president are elected by people regardless of their gender, so are the representatives of councils of provinces, towns and cities. Women have also been vested with the Constitution of being elected or appointed to the highest political and administrative offices. The only exceptional rule involves the post of presidency which carries an interpretive clause (Article 115 of the Constitution stipulating that the candidate for the office must be among the ‘distinguished political and religious personalities’ (so far interpreted to be men). In 1997 presidential election, nine women apparently attempted to become presidential candidates and although their candidacy was rejected by the Guardian Council, a debate ensued on whether this ruling was because they were women or not ‘distinguished political and religious personalities’. Faizeh Hashemi\textsuperscript{18} in a press interview (July 1997) asserts:

“What is the difference between the presidency of the Republic (Iran) and the management of a government service? None. Both positions involve responsibilities in the executive branch. Therefore, why should a woman not lead the country when she can legitimately be at the head of a government service?”

This debate may end in favor of women’s participation. In articles 5, 107, 163 of the Constitution, religious and judicial leadership is attributed to men. However, Hashimi asserts that the word \textit{rajul} (literally means men) to define the prerequisite condition for assuming the post of the president of Iran denotes both a man and a well-known personality (which by definition can also be a woman).\textsuperscript{19} Nevertheless, politics is still a male dominated arena and integration of women in this field remains a difficult task. Low self esteem among women, as well as the resistance of male politicians, mostly in the parliament and political parties opposing women’s political participation, public mistrust of women’s abilities as politicians and decision-makers are among the most significant barriers facing women entering the arena of power and decision-making. However, female candidates for parliament have inadequate access to funds and it is a difficult job for lobbying legislations pertaining to women with their male counterparts. Also, there are not appropriate laws supporting women at the managerial levels in view of their duties in the family and their dual jobs in this respect. Male attitudes, customs and traditions concerning women’s position are among the impeding customary clichés regarding women’s roles and capacity holding key positions.

Since the establishment of the new government of President Ahmadinejad (since 2005), there has been no drastic change against or in favor of women’s status in Iran. However, one can witness a lesser emphasis on women’s issues compared to President Khatami (1998-2005) but more emphasis on family issues. One can observe the following remarks regarding the new government:

1- “Centre for Participation of Women” which is under supervision of the President of the Republic changed name to the “Center for Women’s affairs and Family”.

2- A woman is appointed as the Minister of Health. There are two Vice-President women for Legal Affairs and for Women’s Affairs who attend the Cabinet of Ministers as well.

3- President’s first deputy repeatedly announced that the new government has not expressed any commitments towards a new strategy for improving
women’s conditions, other than the general trend. Women’s status was not on top of President Ahmadinejad agenda during his presidential campaign in 2005, thus the new government feels no commitment towards this matter.

4- Educational attainment of women is improving as before.

Despite the claim that women are able to have a substantial share in politics and decision-making, women are still confronted by impeding laws and gender biased attitudes, which prevent women’s full participation in these areas. Consequently, in Iran, women’s political participation and their presence in power and the decision making process is one of the most important and critical areas of concern.

4. Legal/Infrastructural Framework on Women in Society

Moinifar asserts that Iranian women as highly educated specialists have tried to indicate the possibilities of reforming shari’at within Islamic jurisprudence through participation in international conferences and events, sponsoring conferences on Islam, and negotiation with ulama. The obstacles towards implementing change in conditions for Iranian women are as much intertwined with traditional impediments as they are with social, cultural and legal ones. The major challenge of women in the legal and judicial system is with respect to divorce, issues such as the right for divorce, child custody and division of wealth. The judiciary has been reluctant to accept a major policy shift towards these issues. It has been mainly women’s force within the parliament, which has successfully lobbied for the modification of certain family laws and passed new bills in favor of women.

In 1986, the parliament passed a 12-article law on marriage and divorce that limited the privileges accorded to men by both custom and traditional interpretations of Islamic law. In respect to women’s rights in divorce, by the late 1980s, the law contained some strikingly forward-looking provisions. In a remarkable move, female deputies in parliament managed to change divorce laws to make it more expensive for a man to leave his wife at will. In 1993, as a direct result of having a larger number of women deputies, the parliament passed a bill demanding that if a man ‘unjustly’ divorces his wife, he should pay ‘wages’ for the wife’s domestic work during their marriage. The husband is even under obligation to pay his wife for breast-feeding her own child. Also, under the new law, the first wife has the right of divorce should the husband take a second wife without her consent. To file for divorce, couples should now refer to civil courts, which have recently been authorized to hire female judicial counselor.

While the legal framework is changing very slowly in favor of women, the infrastructures for upgrading women’s status in society have accelerated in some respects. In this regard, one major criterion is education of women. Education is one of the most objective dimensions of the status of women in any society today. Education services are among the most expensive and scarce resources in most developing countries. Legally, in many of these countries (including Iran), elementary education is compulsory and should be provided free of charge by the government. In Iran, based on the Constitution, education up to the Ph.D. level is free of charge for men and women without any segregation. Of course in reality as government is not able to provide enough seats at governmental universities, many young people in Iran pay a lot of money for entering the open universities.

In Iran, a steady improvement in women’s
literacy rate is evident from the Censuses. In the decade 1956-1966, the literacy rate improved from 8 percent to 17.9 percent for women, and 22.4 percent to 40.1 percent for men. According to the 1976 Census, 55 percent of urban women were literate while the figure was just 17.3 percent for rural women. Almost a decade after the Islamic Revolution (1979), in 1986, 65 percent of urban women (and 80 percent of urban men) were literate, while 36 percent of rural women (and 60 percent of rural men) were literate. A decade later, in 1996, 84 percent of urban women were literate while the figure for rural women was 60 percent.\textsuperscript{25}

The 110% increase in the literacy rate of rural women in 1976-86 (as compared with a mere 37.5% gain for men), as well as its 71% rise between 1986 and 1996 for rural women, (as compared with a gain of 28% for rural men) are impressive. While the total number of students attending high school and university had increased 4.45 times between 1976 and 1996, those from rural areas had risen by a factor of 9.4. The number of university students from rural areas (93,000) revealed by the 1996 Census equals 23.25 times and 7.75 times of those registered in 1976 and 1986 Censuses, respectively.\textsuperscript{26} Last year, based on the statistics, the number of students who entered the universities were 60% females compared to 40% males. Youth literacy rate (aged 15-24) increased from 92% in 1997 to 96% in 2003 for females and from 96% to 98% for males in the same years, in which it shows 4% increase for girls and 2% increase for boys.\textsuperscript{27} Despite considerable achievements in education, the participation of women in the labor force is only 13 percent which is very low compared to other countries and has been almost constant from the beginning of the Revolution up to now.

There are only a few legal barriers towards women’s economic participation. Taking into account the population growth in the last two and half decades and the challenges faced by women in the employment market, women’s increased economic activity has been given special attention in the 3rd development plan (1998-2002). The main objectives of the plan was to increase employment opportunities and decrease national unemployment rates and to improve women’s economic activity and implementing policy for suitable conditions and mechanisms for increased women’s economic participation. Nevertheless their continued economic empowerment is conditional on the support they receive in all areas, and particularly to legal reforms.

5. Women NGOs

Another sphere of influence is the existence of NGOs which might be regarded as a sign of prosperity of a genuine movement. Although the establishment of such institutions has been a new phenomenon in Iran, by 1999, over 150 NGOs had been registered on women issues and by women from different walks of life. Many of them have been active in increasing awareness among the public as well as changes on women’s conditions. Based on national report on women’s status, there are presently 9 out of 326 registered women NGOs in which they have ECOSOC Consultative Status with the United Nations.\textsuperscript{28}
V. Conclusion

Women comprise half of Iran’s population. Thus, they are asking for more opportunities to have a voice and to be heard. In Iran, the ideologies and practice of gender difference and gender inequality exist, but these conditions are subject to the challenge of economic development and demographic change, such as the growth of the educated women population which is now a happening in Iran. The obstacles to women’s advancement could be defined as traditional, social, cultural and legal. It is worth noting that gender relations are determined and affected by such factors as state ideology, level of economic progress, women’s consciousness and struggle for better positions, legal/infrastructural elements such as the percentage and quality of women’s education and professionalism, the extent of industrialization and urbanization, and global integration. Nevertheless, one can argue based on the above reasoning, the situation of women in Iran is still inferior to that of men’s, but gradually improving and accelerating.

The political status of women in Iran is improving, though behind their status in education, labor force, and social arena. An increase of 53.81% in female candidates during the 2000 parliamentary elections demonstrates women’s interest in political participation. Despite this trend, the number of female parliamentarians decreased from 14 in year 2004 to 8 in 2008. In provincial politics, however, women have been more successful. This is apparent from the second round of the rural and urban council elections in 2005, in which the number of female members increased by 154.87%.

One of the major impediments is that despite the significant presence of women in various professions, there is a lack of women’s representation in key posts where macro politics and planning are decided. By appointing women specialists to relevant key posts, they can better defend women’s rights; however, this approach which was promised under President Khatami’s government was not fully realized. With the government of President Ahmadinejad now in place, hopes for the implementation of this approach is even dimmer, and his government has mainly emphasized on the role of women in the family. Nevertheless, there are two female ministers and two female vice-presidents in his cabinet, which is an increase in key political posts than before. The actions of government still fall short of international standards and require the serious willingness of statesmen. Generally speaking, despite claims and efforts made by the Islamic Republic of Iran in promoting women’s participation in Iranian politics and decision making, there are impediment laws, gender clichés and social obstacles which have effectively closed the doors to Iranian women in the area of power and decision making.

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18 She is the President of the ‘Islamic Countries Sports Solidarity Council’, and younger daughter of the President Hashemi Rafsanjani (1993-1997), who gained the second highest number of Tehran votes in the March-April 1996 Parliament election.
20 Islamic teachings.
21 Religious leaders.
23 By the law, at the time of marriage, the bride can impose the right of ownership of half the wealth and property of the groom at the time of divorce. Furthermore, the bride can initiate the right to education, the right of divorce, the right of holding a job and the right of employment, choice of residence and divorce at the time of marriage contract.
24 In 1996, the Ministry of Justice appointed 200 female judicial counselors to preserve more satisfactorily women's rights in courts and the number has been increased up to now. In an interview on 28 Jan. 2007, the judiciary system announced that there are 420 female judges in the courts in Iran (a TV interview in night news).
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I . The Bias of Our “Western Eyes”: Orientalism and Gender

This paper deals with the kinds of knowledge and ways of understanding that are necessary for the study of gender issues in contemporary Muslim societies. Those of us who are non-Muslims living in developed countries may find it difficult to empathize with the feelings of Muslim women (Muslima) and to understand the realities of their daily life. The media, such as newspapers, magazines, and television, are filled with fantasies and illusions of the “veil,” “passive Muslim women,” and so on, which fall far short of portraying how Muslim women really live these days. We are often not aware of our bias and lack of access to correct information about Muslim women’s daily lives and their social, political, and economic situation. For this reason, we have to recognize our bias and the skewed information we non-Muslims have about Islam, Muslim women, and gender in Muslim societies before discussing the gender issues within those societies. What is missing? What prevents us from understanding where we are? Is it Orientalism? Do we have “western eyes,” as Chandra Mohanty (1988) acutely pointed out?

My female students at women’s universities often have stereotypical images of Muslim women, such as, “Muslim women are oppressed,” or, “the hijāb is a symbol of discrimination against women.” One student writes, “Muslim women asking for a fatwā seems weak because they seek advice first and never try to solve problems themselves. If I were an Egyptian wife, I would really feel uncomfortable because I’d have no right to be independent economically.” These comments do not reflect the reality of Muslim women; they reflect the mental pictures of students who place high value on economic independence and the right to self-determination.

However, is the acquisition of economic independence and self-determination the only way for women to attain liberation and happiness? Are there no other options? In another context and another culture, it might be better to select another way for women to rebel against their own particular gender roles, division of labor, misogyny, and patriarchy. Kamala Visweswaran,
Almost all countries that have had experience with colonization are in a situation of legal pluralism. Sally Engle Merry (1988: 870) defined legal pluralism as “a situation in which two or more legal systems coexist in the same social field.” Legal pluralism in Muslim societies is characterized by the following: first, Sharia (Sharī‘a) plays an important role in and corresponds with statute law. Second, for religious reasons, the legal consciousness of Muslim societies regards the sacred Sharia as superior to statute law. Third, Sharia includes everything from ways of praying to ways of governing the state, so it covers areas beyond the compass of modern law.

It must be noted from a historical point of view that in the process of the reform and modernization of the law, Sharia itself is reshaped. The causes of this reshaping include the fact that in the codification of Sharia, lawmakers pick and choose certain theories from four law schools (madhab); thus, Sharia has been divested as part of the judicial power of the state. Statute law, imported from the West, is also reshaped through the adoption of Sharia as personal status law (e.g., Asad, 2003; Horii, 2003).

In order examine the relationship between Sharia and gender in contemporary Muslim societies, it is important to note that Muslim women have a tendency to negotiate with others and to solve troubles in daily lives by following Sharia. In my investigation of Islamic Phone, an Egyptian NPO in Cairo that issues fatwā over the phone, I discovered that 71.8 percent of users are women. They ask for fatwā to obtain religious guarantees and use it in alternative dispute resolution (ADR). This fact shows that women actively use fatwā, an adjective law of Sharia, to solve problems that happen in their daily lives.

There are three reasons for which women act in accordance with Sharia instead of statute law. The first and foremost is related to the third characteristic of legal pluralism that I mentioned above, in which Sharia covers areas beyond the
compass of modern law. Sharia provides for personal relationship in the private sphere, such as marital and familial relationships or neighborhoods. In a modern Western context, these relationships are outside of the law and are regarded as part of the private sphere, belonging rather to morals and ethics than law. However, Sharia is a wide-ranging law, so it legally covers these relationships. Because of the principle of nonintervention in civil matters and the protection of privacy, modern Western law has failed to see violations of human rights, including domestic violence performed by family or community members in the private sphere, as a legal problem. Only recently have we taken legal steps to solve these problems. Today, as in the past, family is one of the lawless areas outside of civil society. Sharia possesses remarkable characteristics that are able to legally address problematic behaviors or unlawful acts in the private sphere. Moreover, Muslims’ private sphere—one of the most familiar arenas for women—has been controlled by Sharia both socially and psychologically, insofar as the person involved is trying to be pious. This means that for women, Sharia and *fatwā* are very useful tools for survival in their daily lives.

As Radhika Coomaraswamy pointed out, violence against women can be divided into three types: violence in the family, violence in the community, and violence perpetrated and/or condoned by the state (Coomaraswamy, 1996-1999). Women negotiate with family members, relatives, and neighbors on a daily basis, but not with the community or the state. In this struggle, Sharia plays an important role as a useful tool for women. Moreover, women have tried to rewrite or reinterpret Sharia in attempts to modify it in order to obtain maximum utility in various parts of the world (Bano and Kalmbach, eds, 2011).

The Middle East has many countries that are regarded as “weak states,” “failing states,” and “failed states,” as defined by Robert I. Rotberg (2004: 2-4). *Foreign Policy* and the Fund for Peace have been publishing a Failed States Index since 2005. This index is based on the total scores of 12 indicators: demographic pressures, massive movement of refugees and internally displaced peoples, legacy of vengeance-seeking group grievance, chronic and sustained human flight, uneven economic development along group lines, sharp and/or severe economic decline, criminalization and/or delegitimization of the state, progressive deterioration of public services, widespread violation of human rights, security apparatus as “state within a state,” rise of factionalized elites, and the intervention of other states or external factors. According to the Failed States Index 2010, states are classified into five groups: critical, in danger, borderline, stable, and most stable. The worst ten on this list include four Islamic countries: Sudan (number 3), Iraq (number 6), Afghanistan (number 7), and Pakistan (number 10). Further, most Islamic countries are included in the category “in danger,” except for Libya, Tunisia, Kuwait, Bahrain, United Arab Emirates, Malaysia (all of which are considered borderline), and Oman (stable).

Weak, failing, and failed states are not equipped with conditions that enable them to fulfill the function of the law and collect exhaustive and accurate statistics. On the contrary, failed states even have the potential to inflict harm on their people. Women are weaker than men in the face of violence perpetrated and/or condoned by the state, causing a gender gap therein. Under such circumstances, in effect, it is impossible for the state to guarantee safety and justice for women. We may thereby say that women have selected Sharia as an alternative. From this point of view, it is also important to note that in the past, Sharia has been equivalent to present-day statute law, as had occurred at the time of the Ottoman Empire.
Sharia is the divine law that Allah gave human beings ideologically, so it has always been very important. Of course, there are gradations based on degrees of piousness, but in general, people who choose to follow Sharia owing to religious motivation are called “Muslims” (in Arabic, this word means “unconditional faith in Islam”).

For these reasons, Sharia still plays an important role in the private sphere, particularly in women’s lives.

III. Gender and Statistics: How to Keep Away from Misinterpretations

Statistics are an essential and extremely useful tool for grasping whole situations and general trends. We therefore have to pay special attention to using and reading statistics, especially gender statistics and surveys of developing countries. Central states that have enough administrative ability are requested to gather statistical data comprehensively. Of course, it is impossible to investigate statistical surveys in a conflicted area. Even now, most developing countries, including some Middle Eastern countries, are not satisfied with the current conditions; therefore, these countries cannot complete credible collection surveys (the aforementioned failed states are a typical example). In addition, there is no guarantee that a country will disclose all of its survey data. For political reasons, governments sometimes try to conceal the data that they gather. In particular, one must be careful when using surveys or formal announcements from states that manipulate and control information and speech. Sometimes the gaps between urban and rural areas are also not published in such statistics.

With respect to gender, statistics can put gender gaps and gender issues out of sight unless surveys are performed with gender consciousness. This is why we have to carefully examine gender statistics from multiple angles. How to evaluate gender gaps is the main topic for which the United Nations Development Programme (UNDP) has tried to make a suitable indicator. In November 2010, UNDP abolished the existing indicator, the Gender Development Index (GDI) and the Gender Empowerment Measure (GEM) and announced a new one, the Gender Inequality Index (GII) in the Human Development Report 2010. According to UNDP, the Gender Inequality Index is a composite measure reflecting inequality in achievements between women and men in three dimensions: reproductive health, empowerment, and the labor market. It varies between zero (when women and men fare equally) and one (when men or women fare poorly compared to the other in all dimensions). The health dimension is measured by two indicators: the maternal mortality ratio and the adolescent fertility rate. The empowerment dimension is also measured by two indicators: the share of parliamentary seats held by each sex and the secondary and higher education attainment levels. The labor dimension is measured by one indicator, women’s participation in the workforce. Those countries for which UNDP does not have enough data, such as Oman, are not ranked on the GII. Their absence from the survey also indicates these countries’ social and political situation.

The World Economic Forum uses another index, the Global Gender Gap Index (GGGI), introduced by the World Economic Forum in 2006. The GGGI benchmarks national gender gaps based on economic, political, educational, and health criteria (The Global Gender Gap Report 2010: 3). The world ranking of the GII is quite unlike...
that of the GGGI, especially regarding Japan (see Table 1) because their purposes and indicators are different: the GII regards reproductive health and rights as the most important factors, while the GGGI considers economic factors most important. It will be interesting to see which index is more frequently used and stressed by individual states.

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<th>United Arab Emirates</th>
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<tr>
<td>Rank on FSI</td>
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<td>38</td>
<td>85</td>
<td>43</td>
<td>121</td>
<td>164</td>
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Table 1. Rankings of HDI (the Human Development Index), GII, GGGI, and FSI (the Failed States Index)


When using statistics to analyze gender issues, we must pay attention to various factors. As Birgitta Hedman et al. (1996: 10) states, “Inadequate concepts and definitions used in surveys and censuses and measurement problems result in both quality problems and data gaps. The causes of data gaps should be analyzed.” The first instance of this is that statistics regarding the labor market often do not include women who work in the informal sector.

In many countries, as a result of scarce access to wage employment, women have sought opportunities in the informal sector. (…) Because of the nature itself of the informal sector, the lack of record-keeping by workers and the fact that the workplace is often located in the home, participation in the informal sector is very difficult to measure. Few countries regularly collect statistics on the informal sector and employment in this sector is underestimated by official statistics. (Hedman: 19-20)

Many women in developing countries work in the informal labor market and women often perform unpaid work in the private sphere, such as nursing care, reproduction, and child rearing. These women do not appear in statistics despite the fact that they exist, working and often earning money.

The second instance is education.

Education significantly affects women’s and men’s opportunities in life. Education opens doors to employment, earnings, career and social advancement. It also influences the health of individuals and their families and their participation in community life. There is also a strong relationship between the level of education and age at marriage and number of children. (…) A large number of girls drop out from school. Several factors are responsible for the high incidence of dropouts among girl students: reluctance of parents to send girls to distant schools, lack of women teachers, lack of financial resources, etc. In countries where adolescent childbearing is very common, many girls drop out when they become pregnant. (Hedman: 29)
Enrollment ratios, often used as the only indicator of gender differentials in educational achievement, are not always a reliable measure. Where dropouts, absenteeism and repetition are frequent, the number of reported enrollees is higher than the actual one. Dropouts and absenteeism are generally higher among girls, because of early pregnancies, lack of transportation, early engagement in work in the family farm, or other social and cultural barriers that obstruct girls’ access to educational facilities. (Hedman: 73-74)

It is not enough to read statistics at the state level only; we have to understand statistics in the context of globalization and transnational relationality. For example, in the United Arab Emirates (UAE), the number of women admitted to universities is now higher than that of men. During the 2009–2010 academic year, of the students admitted to universities in that country, 62.2 percent were female and 37.8 percent were male (UAE Yearbook 2010: 205). However, this does not mean that people invest more money in women’s education than in men’s; in fact, the reverse is the case, especially because UAE universities are free of charge. Most UAE men are admitted to universities abroad, which are more famous, selective, and expensive than domestic universities. Generous scholarship funds exist through the Ministry of Higher Education and Scientific Research and other organizations, both private and governmental, to allow UAE citizens to pursue higher education at universities abroad (UAE Yearbook 2010: 205). Therefore, statistically, the admission rate for women is higher than that for men at the state level. Thus, when looking at such statistics, we have to be careful not to misinterpret what we see.

IV. Muslim Women’s Situation: Social Capital, Practical Gender Needs, and the Household

For the moment, let us look closely at three things: social capital, which ensures that women gain agency; the concept of practical gender needs; and the household.

1. Social Capital

Women are not monolithic and do not necessarily have common interests, especially women in Muslim societies, who are influenced by globalization. Although women are classified as being members of the same sex, they do not necessarily share the same gender. The definition of gender is different in each culture; indeed, even if women live in the same culture or state, there are many differences among them, such as race, class, age, residential area, and religion. Two of the most important factors of gender politics in contemporary Muslim society are social class and residential area, both of which are closely related to the social capital that women obtain. The extent of women’s social capital, including education, social networks, and access to information technology (IT), depends on women’s social class and residential area. Moreover, the more they can obtain social capital, the more women will be able to develop their capability and gain agency.

As Nüket Kardam discussed in her paper in this volume, feminists working for NGOs and NPOs represent states’ link with global and international movements and with contemporary
feminism, including the World Conference on Women, the International Conference on Population and Development, and the Committee on the Elimination of Discrimination against Women. We should not overlook the fact that these feminists are well-educated, live in urban areas, and are middle or upper-middle class. Added to this, the average age of first marriage for women in urban areas is getting higher, which guarantees that women can postpone many kinds of unpaid, gendered work that is imposed on married women, including childbirth, childcare, and nursing care. These social conditions allow women to obtain social capital, which in turn makes it possible for women to gain agency through the cultivation of their literacy in various senses. The background of this phenomenon is that women, especially in urban areas, obtain good education and have access to IT elements such as the Internet and satellite TV. IT itself is neutral, so through IT, women can access not only universal international values but also traditional and Islamic values. Nowadays, Muslim women who are well-educated and live in urban areas can access a lot of information, and they possess enough literacy to customize it to suit their faith or interests. In contrast, women who do not have such social conditions are not able to cultivate their abilities or capabilities, so they are denied empowerment.

2. Practical Gender Needs

The gap between rich, well-educated women living in urban areas and poor, uneducated women living in rural areas has been widening in the Middle East.

We must draw attention to the fact that representative women’s associations do not always grasp the situation or needs of all women in a state. Educated women in urban areas from the middle or upper-middle classes do not always recognize the situation and needs of uneducated women in rural areas. It is a mistake to assume that women who live in the same country have detailed information about and understand each other. Sometimes their interests are actually in conflict with one another. Likewise, for outsiders, it is often difficult to recognize the needs of such women because they belong to the category of “practical gender needs” (PGN) as defined by Caroline O.N. Moser (1993).

Practical gender needs (PGN) are the needs women identify in their socially accepted roles in society. PGNs do not challenge, although they arise out of, gender divisions of labour and women’s subordinate position in society. PGNs are a response to immediate perceived necessity, identified within a specific context. They are practical in nature and often concern inadequacies in living conditions such as water provision, health care and employment. (Moser, 1993: 40)

Strategic gender needs (SGN) are the needs women identify because of their subordinate position in society. They vary according to particular contexts, related to gender divisions of labour, power and control, and may include such issues as legal rights, domestic violence, equal wages and women’s control over their bodies. Meeting SGNs assists women to achieve greater equality and change existing roles, thereby challenging women’s subordinate position. (Moser, 1993: 39)

On the other hand, elite women responsible for feminist NGOs are aware of the strategic gender needs that have developed together with the current international movement, so their opinions are easier for us to understand. This quotation shows that PGNs come from interests
involved in social and cultural situations, so they are context-sensitive needs. Accordingly, PGNs can appear illogical and unreasonable to outsiders, who fail to see the essence of PGNs due to a lack of understanding and correct information about each particular situation and context. Strategies for survival differ according to the social, political, and economic situations of individuals.

Honor killing between families is a good example. In a question and answer session during her October 2010 presentation at Tohoku University, Kardam pointed out that mothers of victims of honor killing often try to protect the murderer, who is generally their husband or son. In my opinion, this does not necessarily mean that mothers are indifferent to their daughters, that they are their “father’s daughters,” or that they are ignorant. Kardam claimed that these mothers need the money that their husbands and sons earn, so they have no choice but to protect themselves in order to survive. These mothers’ behavior differs from that of our culture’s idea of a “good mother,” so their behavior may strike us as strange. However, this is exactly why we have to analyze gender issues on the basis of a particular situation in a culture and society, including elements such as poverty, gender division of labor, and economic imbalance in the household. These decisions, therefore, are not irrational. Women have to protect their husbands and sons in order to fulfill their PGNs, so these actions are part of their survival strategy.

3. Household

The household is an economic unit in the private sphere where women spend most of their lives, but it is not a group whose members necessarily have the same interests. Decision making among household members and access to means of production contain a fundamental gender gap. A gender gap is also observed in the way in which income is used. Generally, women who are deemed to have the responsibility for food, children, and daily life spend more money than men do on food, clothes, and necessities, even though their income is less than that of men. We therefore have to examine household issues such as domestic violence and exploitation among family members: who has the right to decide on the number of children, who controls the family budget, and so on.

Sharia and civil law in Egypt contain the principle of division of matrimonial property, so only men have the responsibility to support their families. Wives and daughters from middle and upper-middle class urban families are therefore not expected to contribute to the family income; those who work can instead spend their salary on themselves, independent of family members (Minesaki, 2011). On the other hand, lower-class wives contribute to their family income even though they know the provisions of Sharia (e.g., Hoodfar, 1997).

Among household members, the right of ownership is not so clear. Egyptian women often share clothes with their sisters, but rarely with girl cousins. One of my informants, a lower-middle class woman in Cairo, had an older sister who was working outside the home, while the younger sister did domestic chores with their mother. The younger sister said, “My sister can work outside because I do everything in our home, so I think that I have a right to half of her salary. She spends most of her salary on clothes, so actually, half of her salary is mine. Sometimes I ask her to buy my taste in clothes. She must buy what I want.” In this case, single women in the same household share the domestic gender role and work outside to earn money. In such circumstances, scales that strictly distinguish individual capital do not
work. In this context, the marriage of female family members is influenced directly by another female family member’s economic situation, as it increases her daily burden; thus, women often interfere in their sisters’ marriage plans. In Cairo, there is a custom in which the bride buys all new clothes and leaves her old clothes at her former house after her marriage, so if the bride has single sisters, they receive her clothes. These frequent donations and invisible exchanges among female family members should be laid on the table for consideration.

V. Empathizing with the Silence Surrounding Female Genital Mutilation/Khitān al-mar’ā

It is important to see the issues we have been discussing from a psychological viewpoint. For example, the mothers of victims of honor killings choose to protect their husbands and sons: this is the best possible survival strategy under the circumstances. Can we stand by women who choose unavoidably, at least by empathizing with their silence? We must strive to hear the silent voices of women who live in severe social environments that do not allow them to speak for themselves. I will therefore now discuss female genital mutilation (FGM), a custom that still remains in many Muslim countries, from a psychological point of view, with a focus on the impact of FGM on all those concerned as well as its positionality.

I participated in a gender mainstreaming survey conducted by the Japan International Cooperation Agency (JICA) as a consultant and attended four semi-open free discussions in which 10 to 18 women discussed topics including FGM. In addition to this survey, during my fieldwork, I heard Egyptian informants’ narratives about FGM, called khitān al-mar’ā in Arabic (I use this term to describe their narratives in order to pay regard to the context and avoid judgment of the women’s attitude). Almost all of the women who spoke to me were perfect examples of the adage “Only someone who’s been through it can talk about it.” This offers the key to an understanding of khitān al-mar’ā.

I would like to lay special emphasis on the importance of being conscious that the survivor’s position and that of others are completely different. Therefore, I will examine here only the person concerned and will not discuss other points such as the famous binary oppositions surrounding FGM, including human rights vs. traditional customs and ethnocentrism vs. cultural relativism. These are of course important, but are irrelevant to the main subject. To argue these points would carry us away from the purpose of this paper. Therefore, let me stress again that the survivor and others are completely different: survivors have experienced FGM, while outsiders have not. FGM is irreversible body modification: survivors can never get back their bodies or become who they used to be. They have no choice but to live with a body that has experienced FGM, as well as the memories of the operation. This is a very heavy and serious fact (e.g., Behrendt, 2005).

In Egypt, to my knowledge, nobody talks about khitān al-mar’ā willingly. Many informants say that they never even talk about it with close friends or relatives. One informant said, “I have never talked about it even with my sister.” The family with which I have stayed in Egypt includes three sisters. The oldest sister is married and lives with her husband, while the second oldest works as a cabin attendant for Egypt Air and the youngest
is a university student. The two younger girls lived with me and told me separate stories about *khitān al-mar’a*. These stories were inconsistent. The second oldest said, “Our families never perform such a rustic and savage custom,” while the youngest said, “My oldest sister did it, but I and my other sister will not. It is not a problem of rural or urban life, it is a problem of age. We did not do it, which is why we cannot divorce. After sexual intercourse, women without *khitān al-mar’a* cannot control their desire, so I have to select my future husband cautiously.” She added, “My second elder sister lied to you because she may think that you will look at *khitān al-mar’a* critically because you are Japanese.” I never talked to the oldest sister, who I never lived with, about *khitān al-mar’a*. I do not know the facts of the three sister’s operations and I did not ask my host mother about all the facts because *khitān al-mar’a* is an unwelcome topic of conversation in this family.

In short, the experience of *khitān al-mar’a* that I encountered is one of silence. *Khitān al-mar’a* is never discussed. Survivors will not talk about it with anyone and do not talk with outsiders easily. My old, familiar informants relayed a minimum number of answers when I asked about the circumstances, but they always deftly avoided this topic. The others, including activists and supporters of the abolition of FGM, have to be extremely attentive. It is both important and difficult for supporters to be aware of these things: there is the difficulty of hearing voices that never speak, the risk of the representation of “victims” by unrelated people, and the knowledge that the representatives of “victims” are sometimes very violent to survivors⁶. For example, when supporters such as spokespeople discuss the health issues of “victims” or appeal to the society for the abolition of FGM, they say things such as FGM “cannot be undone,” that it is a “savage custom,” and that “victims suffer from sequela and decline in health.” Have they thought about how a survivor would feel if she heard such words? These words are from women who have not had FGM, who are discussing women who have had FGM⁷. Of course, there is a special manner of speech in campaigns for enlightenment that assumes that survivors do not hear what is said, but it sounds strange to me. Nevertheless, if activists speak only under such circumstances, they should examine the politics of positionality itself, specifically in what contexts these speeches can come into existence.

**VI. Conclusion**

I have discussed three main topics in this paper: the need to realize the bias of our “western eyes”; the technical way in which we must read statistics concerning women in Muslim societies; and the importance of engaging with women who live in other cultures and being mindful of the difficulties involved in becoming a spokesperson for others.

From what has been said above, we may reasonably conclude that the topics discussed have something in common. First, all cases are influenced by globalization; second, Muslim women have gained agency, especially those who are well educated and live in urban areas; and third, it is important to feel empathy with and understand the situations of others. We must also reconstruct the binary oppositions that exist, such as “Islamic” or “Oriental” vs. “Western,” Sharia vs. modern law, and “us” vs. “the other.” Such binary oppositions are not accurate and our situation is not so simple. These pairs influence one another, and there are results of their interaction; for example, Sharia has been modified in the face of modern law. We must
therefore try to trace the process of interaction and negotiation between the two items in each of these binaries, including who the main actors are and how gender issues are involved in this process. Whose intentions have been concealed in the process of modernization, nation building, and ongoing globalization? As Eric Hobsbawm said, many of the Islamic traditions that people think of as ancient in origin were not in fact sanctioned by long usage over centuries, but have been transfigured under certain circumstances. This is an important concept to bear in mind when examining gender issues in the Muslim societies.

Bibliographies


Notes

1 For perspective, there is a famous romance novel series published by Harlequin Enterprises that is part of a genre called “romance with a sheikh.” This is a very interesting instance of new type of Orientalism in which not Western men but Western women direct their sexual gaze not at Middle Eastern women, but at men. The Harlequin website features 87 books that included the word “sheikh” in the title. (http://ebooks.harlequin.com/4CEB19C2-20C6-406A-8B31-F54EBAC069A5/10/141/en/SearchResults.htm?SearchID=22832826, accessed January 4, 2011.)

2 For further details regarding Islamic Phone and women’s use of fatwā, see Minesaki, 2010.


4 The standard work on this subject is Hedman et al. (1996).


6 On this subject, see Miyaji (2007), who was the first scholar to give much attention to the relationship between survivor and supporter. In this excellent study, she likens a traumatic incident to Ground Zero, in which numberless victims died without speaking. Only a few people speak to outsiders about the traumatic incident. Those outsiders are therefore asked to imagine and empathize with the multitudes living in silence.

7 Even though supporters are without malice, sometimes their words hurt survivors emotionally. See for example Kobayashi 2010: 56-57.
Part II Invitational Papers

FEMALE AND CHILD VICTIMS:
Indian Situation
Kumaravelu CHOCKALINGAM

WOMEN AND RELIGION IN AMERICAN HISTORY:
Social Practice and the Politics of Gender
David D, HALL

CAN YOU LIVE ON A PRAYER?
An Empirical Analysis of a Marriage Market in Japan
MORITA Hatsuru

TEN YEARS' EXPERIENCE OF GENDER QUOTA SYSTEM
IN KOREAN POLITICS
SOH Eunyoung

ANALYSIS OF THE BALANCE OF INTENTION
TO SUPPORT PARENTS AND PARENTS-IN-LAW:
A Study of Intergenerational Support as Seen from Patterns of
Support Balance
SUZUKI Fumiko
I. Introduction

Since the founding of the United Nations in 1948, several instruments have been passed by the UN to protect the rights of women and children in the Member States. In the year 2000, the UN developed a Millennium Declaration with 8 laudable Millennium Development Goals (MDGs) with the aim to achieve it by 2015 (Heyzer, 2008). The eight MDGs are: 1. Eradication of extreme poverty and hunger; 2. Achieve universal primary education, by ensuring that all children, boys and girls alike, will be able to complete primary schooling; 3. Promote gender equality and empower women by eliminating gender disparity in primary and secondary education; 4. Reduce child mortality; 5. Improve maternal health; 6. Combat HIV/AIDS, Malaria, and other diseases; 7. Ensure Environmental Sustainability; 8. Establish a global partnership for development. Out of these 8 MDGs, four goals are directly addressing the well-being of women and children, though the other goals also have implications for women and children. Realization of all these goals will lead to better achievement of human rights of women and children which in other words means reducing their victimization. Though the millennium goals deal with general development of human population which is the perspective of macro victimology or General victimology of Mendelsohn (1976), in my view the achievement of the MDGs will have an impact on reducing criminal victimization also of the vulnerable sections of population like women and children.

In the present paper, we are directly concerned with the situation of women and children victims in India, and the legal and community measures to prevent and reduce their victimization and victim assistance programmes undertaken to alleviate their sufferings as proposed by the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985 (United Nations General Assembly, 1985).
II. Some Demographic Details about India

**Total Population:** 1,156,897,766  
(1.15 Billion) (July 2009).

- 0-14 years: 30.5%  
  (male 187,197,389/female 165,285,592)
- 15-64 years: 64.3%  
  (male 384,131,994/female 359,795,835)
- 65 years and over: 5.2%  
  (male 28,816,115/female 31,670,841) (2009)

**Literacy Rate:** definition: those with age 15 and over who can read and write

- **Literacy among total population:** 61%
- **Literacy among male:** 73.4%
- **Literacy among female:** 47.8% (2001 census)

**Life Expectancy:**
- Total population: 69.89 years
- Male: 67.46 years
- Female: 72.61 years

**Religions:**
- Hindu= 80.5%, Muslim= 13.4%, Christian= 2.3%, Sikh= 1.9%, other= 1.8%, unspecified= 0.1%

III. Some Crime Statistics in India

The Code of Criminal Procedure of India, 1973 divides the offences into cognizable and non-cognizable. Cognizable offences are those in which a police officer can arrest without a warrant from the court. In non-cognizable offences, a police officer cannot arrest without a warrant. Latest ‘Crime in India’ publication (Government of India, 2008) states: 2.09 million offences were registered under the Indian Penal Code (IPC); 3.84 million offences under the Special and Local Laws (SLL). In total, 5.93 million offences were registered under both the IPC and SLL. Rate of total cognizable crimes during 2008 was 515.0, which rose from 504.5 in 2007. In 2008, among the total IPC crimes, 10.9% are violent crimes.

Violent crimes could be classified under four categories: (i) those affecting life, (ii) property, (iii) public safety, and (iv) women (Government of India, 2008). Share of violent crimes to IPC crimes showed a declining trend from 2004 to 2007, but showed a marginal increase in 2008 (from 10.8% to 10.9%). Total crimes against women both under IPC and SLL were 195,856 in 2008 as compared to 185,312 in 2007, recording an increase of 5.7% in 2008. Crimes against women under IPC were 8.9% in 2008. Rape offences were 11% out of the total number of crimes against women. Actual number of rape-victims was 21,485 out of 21,467 reported rape cases in 2008. Reported offence of rape increased by 3.5% in 2008 over 2007. Dowry deaths (8,172) in 2008 also increased by 1% over 2007.

(a) Crimes against women

Crimes against women have consistently increased during the period 2004-2008. The rate of crime against women has also increased from 16.3 in 2007 to 17.0 in 2008. Crimes against women under the Indian Penal Code accounted for 95.3% of the total crimes against women and the rest 4.7% were from SLL crimes against women.
Table 1. Head-wise Incidents of Crime against Women during 2004 - 2008 and Percentage variation in 2008 over 2007

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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Rape (Sec. 376 IPC)</td>
<td>18,233</td>
<td>18,359</td>
<td>19,348</td>
<td>20,737</td>
<td>21,467</td>
<td>3.5</td>
</tr>
<tr>
<td>2.</td>
<td>Kidnapping &amp; Abduction(Sec. 363 to 373 IPC)</td>
<td>15,578</td>
<td>15,750</td>
<td>17,414</td>
<td>20,416</td>
<td>22,939</td>
<td>12.4</td>
</tr>
<tr>
<td>3.</td>
<td>Dowry Death (Sec. 302/ 304 IPC)</td>
<td>7,026</td>
<td>6,787</td>
<td>7,618</td>
<td>8,093</td>
<td>8,172</td>
<td>1.0</td>
</tr>
<tr>
<td>4.</td>
<td>Torture (Sec. 498-A IPC)</td>
<td>58,121</td>
<td>58,319</td>
<td>63,128</td>
<td>75,930</td>
<td>81,344</td>
<td>7.1</td>
</tr>
<tr>
<td>5.</td>
<td>Molestation (Sec. 354 IPC)</td>
<td>34,567</td>
<td>34,175</td>
<td>36,617</td>
<td>38,734</td>
<td>40,413</td>
<td>4.3</td>
</tr>
<tr>
<td>6.</td>
<td>Sexual Harassment (Sec. 509 IPC)</td>
<td>10,001</td>
<td>9,984</td>
<td>9,966</td>
<td>10,950</td>
<td>12,214</td>
<td>11.5</td>
</tr>
<tr>
<td>7.</td>
<td>Importation of Girls (Sec. 366-B IPC)</td>
<td>89</td>
<td>149</td>
<td>67</td>
<td>61</td>
<td>67</td>
<td>9.8</td>
</tr>
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<td>8.</td>
<td>Sati Prevention Act, 1987</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
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<tr>
<td>10.</td>
<td>Indecent Representation of Women (Prohibition) Act, 1986</td>
<td>1,378</td>
<td>2,917</td>
<td>1,562</td>
<td>1,200</td>
<td>1,025</td>
<td>-14.6</td>
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<td>11.</td>
<td>Dowry Prohibition Act, 1961</td>
<td>3,592</td>
<td>3,204</td>
<td>4,504</td>
<td>5,623</td>
<td>5,555</td>
<td>-1.2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>1,54,333</strong></td>
<td><strong>1,55,553</strong></td>
<td><strong>1,64,765</strong></td>
<td><strong>1,85,312</strong></td>
<td><strong>1,95,856</strong></td>
<td><strong>5.7</strong></td>
</tr>
</tbody>
</table>

Source: Crime in India 2008

Figure 1. Crime against Women Percentage Distribution during 2008

Source: Crime in India 2008
(b) Crime against children

Overall crimes against children have shown an upward trend during 2006-2008, with some decrease in specific types of crime. Particularly murder has decreased by 5.9% in 2008 over 2007. Kidnapping and Abduction have shown a significant increase of 20% in the year 2008 from that of 2007. In recent years, kidnapping of children from wealthy families by gangs for ransom has been highlighted in the media and police have adopted new strategies to prevent it. Fig. 2 shows that in the year 2008, contribution of kidnapping and abduction is 34%; rape 24.2% and murder 5.8% towards the total crimes against children.

Table 2. Crime against Children in India and percentage variation in 2008 over 2007

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<tbody>
<tr>
<td>1</td>
<td>Murder</td>
<td>1,324</td>
<td>1,377</td>
<td>1,296</td>
<td>-5.9</td>
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<tr>
<td>2</td>
<td>Infanticide</td>
<td>126</td>
<td>134</td>
<td>140</td>
<td>4.5</td>
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<tr>
<td>3</td>
<td>Rape</td>
<td>4,721</td>
<td>5,045</td>
<td>5,446</td>
<td>7.9</td>
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<tr>
<td>4</td>
<td>Kidnapping &amp; Abduction</td>
<td>5,102</td>
<td>6,377</td>
<td>7,650</td>
<td>20.0</td>
</tr>
<tr>
<td>5</td>
<td>Foeticide</td>
<td>125</td>
<td>96</td>
<td>73</td>
<td>-24.0</td>
</tr>
<tr>
<td>6</td>
<td>Abetment of Suicide</td>
<td>45</td>
<td>26</td>
<td>29</td>
<td>11.5</td>
</tr>
<tr>
<td>7</td>
<td>Exposure &amp; Abandonment</td>
<td>909</td>
<td>923</td>
<td>864</td>
<td>-6.4</td>
</tr>
<tr>
<td>8</td>
<td>Procuration of Minor Girls</td>
<td>231</td>
<td>253</td>
<td>224</td>
<td>-11.5</td>
</tr>
<tr>
<td>9</td>
<td>Buying of Girls for Prostitution</td>
<td>35</td>
<td>40</td>
<td>30</td>
<td>-25.0</td>
</tr>
<tr>
<td>10</td>
<td>Selling of Girls for Prostitution</td>
<td>123</td>
<td>69</td>
<td>49</td>
<td>-29.0</td>
</tr>
<tr>
<td>11</td>
<td>Child Marriage Restraint Act</td>
<td>99</td>
<td>96</td>
<td>104</td>
<td>8.3</td>
</tr>
<tr>
<td>12</td>
<td>Other Crimes</td>
<td>6,127</td>
<td>5,974</td>
<td>6,595</td>
<td>10.4</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>18,967</strong></td>
<td><strong>20,410</strong></td>
<td><strong>22,500</strong></td>
<td><strong>10.2</strong></td>
</tr>
</tbody>
</table>

Source: Crime in India 2008

Figure 2. Crime against Children Percentage Distribution during 2008

Source: Crime in India 2008
IV. Overview of Indian Criminal Justice System

India follows the British model of Criminal Justice System, as it was under British rule for a long period. Role, powers and functions of the Legislature, Executive, and Judiciary have been clearly demarcated. There is an independent judiciary and a Free Press. Prevention of crime, treatment and rehabilitation of criminals form the penal philosophy in India. For a long time, victims had no specific rights under the criminal justice system. State is vested with the full responsibility to prosecute and punish the offenders. Victims are mere witnesses during the prosecution.

1. Constitution, Criminal Law and Procedure

Following are the major four laws governing the criminal justice system in India: Constitution of India, Indian Penal Code, Code of Criminal Procedure of India, Indian Evidence Act.

Legislative power is vested with the Union Parliament and the State Legislatures. Law making functions are separated as Union List, State List and Concurrent List in the Indian Constitution. The Union Parliament alone is empowered to make laws under the Union list; State legislatures alone can make laws under the State list; both the Parliament and State Legislatures are competent to make laws on the Concurrent List. The Constitution guarantees certain fundamental rights to all citizens. Criminal jurisdiction is possessed concurrently by the central government and all the state governments.

Indian Penal Code, 1861 is the major substantive criminal law, defining all crimes and their punishments. The Code of Criminal Procedure, 1973 sets the criminal procedure to be followed during the process of investigation, prosecution and trial of an offence. These two codes are applicable throughout India and take precedence over any state legislation. All major offences mentioned in the Indian Penal Code (IPC) apply to resident foreigners and citizens alike. Apart from IPC, there are certain special laws which deal with certain specific subjects to tackle special crimes.

Indian Criminal Justice System has three sub-systems: Law enforcement (Police), Adjudication (Courts), and Corrections (adult and juvenile correctional institutions, Probation and other non-institutional treatment). Legal System in India is adversarial. There is no jury system or lay judges to perform judicial work. All members of the judiciary are qualified in Law and appointed by the government as full time Magistrates/Judges.

V. Policies for Victims, Women and Children

There has been no policy for victims framed by the Government of India. Though India has ratified the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985, there has been no separate law for victims. But there has been a Policy for women and Policy for children.

1. Policy for Women:

The year 2010 is the centenary of the declaration
of International Women’s Day (India Current Affairs, 2010). The UN statistics reveal that 70% of the 1.2 billion people living in poverty all over the world are female. The UN states that women do more than 67% hours of work in the world, but they possess only 10% of the world’s income and owned 1% of world’s property. The value of unpaid work was estimated to be 16 billion dollars out of which 11 billion dollars represents the contribution of women. On an average, women are paid 30-40% less than man for similar work (India Current Affairs, 2010). India is not an exception from many other countries to such gender discrimination.

With regard to the working conditions of women in India, female share to non-agricultural wage employment is only 17%. Women’s role in the workforce is only 13.9% in the urban sector and 29.9% in the rural sector. The wages earned by the women is only 75% of man’s wage rates and it forms only 25% of the family income. Though 60 to 80% of the food in most developing countries is produced by women, there is no equality in wages in the field of agriculture in any part of India.

The discrimination and exploitation against women persists in different fields of activities, which result in distorted demography. The child sex ratio has dropped from 945 females per 1000 males in 1991 to 927 females per 1000 males in 2001. The United Nations Children fund made an estimate that up to 50 million girls and women are missing from Indian population due to female foeticide or high mortality of the girl child due to inadequate care. The average nutritional intake of women is 1400 calories a day in comparison to the requirement of 2200 calories.

After 60 years of India becoming a republic, women hold only 10.82% of parliamentary seats and less than 4% in High Courts and Supreme Court. The 73rd Constitutional Amendment granting 33% reservation in positions in all the elected village councils and town municipalities to women recently has proved to be a powerful instrument for the empowerment of women. Amazingly, this has resulted in over 1 million women taking part in decision making at the local level (India Current Affairs, 2010).

2. National Policy for the Empowerment of Women

The Government of India framed a National Policy for the Empowerment of Women, reiterating the principles of gender equality enshrined in the Indian Constitution (Government of India, 2001). Beginning from 5th five year plan (1974), a marked shift in the approach to women’s issues from welfare to development has been spelt out. Currently, the empowerment of women has been recognized as the primary issue to determine the status of women. The National Commission for Women was constituted by an Act of Parliament 1990 to protect the legal rights of women. The 73rd and 74th Amendment to Indian Constitution in 1993 has provided the reservation of seats in the local bodies at the village level and municipalities for women. Giving a strong foundation for their role and participation in decision making at the local level, the policy also takes cognizance of the commitment of 9th five year plan of other sectoral policies relating to empowerment of women.

The goal of this national policy is to attain the advancement, development and empowerment of women. The specific objectives include: (i). creating an environment through economic and social policies for full development of women to enable them to realize their full potential; (ii). the de-jure and de-facto enjoyment of all human rights and fundamental rights by women equal to men; (iii). equal access to participation and decision making in social, political and economic life; (iv). equal access to health
care, quality education, career and vocational
guidance, employment, equal remuneration,
occupational health and safety, social security in
public office; (v). Strengthening legal systems
to eliminate all forms of discrimination against
women; (vi). changing societal attitude and
community practices by the involvement of both
man and woman; (vii), mainstreaming the gender
perspective in the development process; (viii )
elimination of discrimination and all forms of
violence against women and girl child; and (ix).
building and strengthening partnership with civil
society particularly with women’s organizations
(Government of India, 2001).

3. Policy for Children

Indian government has framed many policies for
the empowerment and protection of children on
different fronts.

National Policy for Children, 1974: This declared
that children are the supreme assets of the nation
and pleaded for a comprehensive health programme
for all children, programmes to ensure nutrition
in their diet to all children, to provide non-formal
education, special care to the physically challenged
and mentally retarded children and to ensure
equality of opportunity to all children (Government
of India, 1974).

National Policy on Education, 1986: This Policy
gave supreme importance on the universal primary
education and as a follow up measure, many
programmes were started to implement this policy.
The landmark judgment of the Supreme Court
of India in Unnikrishnan’s case in 2003 made
education a fundamental right for all children
of 6 to 14 years in 1993 (Unni Krishnan, J.P. &
Ors. v. State of Andhra Pradesh & Ors. Cited as:
1993 AIR 217, 1993 SCR (1) 594). This led the
Government of India to bring a constitutional
amendment introducing a provision as Article
21 A. On 1 April 2010, India joined a group of
few countries in the world, with a historic law,
making education a fundamental right of every
child. Making elementary education an entitlement
for children in the 6-14 age group, the Right of
Children to Free and Compulsory Education Act,
2009 will directly benefit children who do not go
to school at present (Government of India, 1986).

National Policy on Child Labour 1987: This
is aimed to achieve progressive elimination of
child labour in India by taking actions in the field
of education, health, nutrition, integrated child
development and employment.

National Health Policy, 2002: This Policy gives
priority to school health problems and aims at
health education and periodic health check-ups at
schools (Government of India, 2002).

National Charter for Children, 2003: The
Government of India after serious consideration
adopted a National Charter for Children to
reiterate its commitment to the cause of children
to see that no child remains hungry, illiterate
or sick. Under this charter, aspects such as
survival, life and liberty of children, promoting
high standards of health and nutrition, assuring
basic minimum needs, and security, play and
leisure, early childhood care for survival, growth
and development, free and compulsory primary
education, protection from economic exploitation
and all forms of abuse, protection of the girl
child, empowering adolescence, equality, freedom
of expression, freedom to seek and receive
information, freedom of association and peaceful
assembly, strengthening family, responsibility
of both parents, protection of children with
disabilities, care, protection, welfare of children
of marginalized and disadvantaged communities,
ensuring child-friendly procedures relating to
development and empowerment of children
have been elucidated in the National Charter for
VI. Legal Framework to Protect Women in India

Offences against women are broadly dealt with in the substantive criminal law, viz., Indian Penal Code. Crimes against women under the Indian Penal Code include rape (376 IPC), kidnapping and abduction for specified purposes (Sec. 363-373 IPC), homicide for dowry deaths, or their attempts (Section 302/304B, IPC), torture—both mental and physical (498A, IPC), molestation (Sec. 354 IPC), sexual harassment (Sec. 509 IPC), importation of girls up to 21 years of age (Sec.366 B, IPC).

Besides the Indian Penal Code, under the Special and Local Laws (SLL), there are five legislations dealing with crimes against women. They are: Immoral Traffic (Prevention) Act, 1956; Dowry Prohibition Act, 1961; The Child Marriage Restraint Act, 1929; Indecent Representation of Women (Prohibition) Act, 1986; Commission of Sati (Prevention) Act, 1987.

1. Some Specific Legal Provisions on Sexual Crimes against Women in India

Rape is considered as a serious crime against women. Section 375 of the IPC defines:

The offence of rape is said to have been committed if a man has sexual intercourse with a woman under any of the six following descriptions:

First—Against her will
Secondly—without her consent
Thirdly—with her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or hurt.
Fourthly—with her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.
Fifthly—with her consent when at the time of giving such consent by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.
Sixthly—with or without her consent, when she is under sixteen years of age.

Explanation: Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

Exception: Sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape.

Therefore, rape is an offence only against a woman and cannot be committed against a man under the existing Indian criminal law. Regarding the concept of marital rape, according to Indian Penal Code (IPC), a husband cannot commit rape on his wife excepting when she is less than fifteen years of age. That means only if the wife is less than 15 years of age, the intercourse by husband amounts to rape. In all other cases of married women, even if the ingredients for the offence of rape are fulfilled, the law does not consider the intercourse of a man with his own wife as rape. However, such victims have the right to seek appropriate remedy under the Domestic Violence Act.

Normally a complaint or information about a
crime, including sexual crimes is required for the police to initiate action/investigation by police. This complaint or information about the occurrence of crime can be from a victim or a bystander or anyone who has knowledge about the occurrence of the crime. If the police officer himself is the witness to the crime, he can also be an informant/complainant about the crime to initiate action. But usually what happens in sexual crimes is that victims may not fully cooperate with the police and prosecution because of the embarrassment and difficulties of secondary victimization by the criminal justice system. Without the cooperation of the victims, the prosecution would find it difficult to prove the case and hence the cases may end in acquittal of the accused.

The police treat sexual assault such as rape seriously and initiate action, though many victims are reluctant to report the same and are unwilling to cooperate with the police and prosecution both during investigation and prosecution due to social and cultural reasons. However, in the case of milder sexual offences such as sexual harassment cases, and in domestic violence cases, the general attitude of the police is not to take them seriously as they do not consider these as serious offences. There is a need for attitudinal change among police and for the requirement of specially trained police personnel to deal with the aforesaid cases. Many sensitization programmes for the police is being undertaken by the Government of India and the state Governments.

According to the Code of Criminal Procedure Section 41(1), any police officer has the power to arrest any person who has been involved in any cognizable offence, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been concerned in the offence. Normally if the offender/accused person submits to the police while arresting, there is no need for a force arrest. But if the accused person resists the arrest by police, the police have the power to use the minimum force to arrest the accused person.

2. Punishment for Rape

Under section 376 of IPC, the punishment for the offence of rape has been provided as follows:

(1) Whoever, except in the cases provided for by subsection (2), commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine unless the woman raped is his own wife and is not under twelve years of age, in which case, he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or both: Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.

(2) Whoever,
(a) being a police officer commits rape; or
(b) being a public servant, takes advantage of his official position and commits rape on a woman in his custody or in the custody of a public servant subordinate to him; or
(c) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law or of a woman’s or children’s institution takes advantage of his official position and commits rape on any inmate of such jail, remand home, place or institution; or
(d) being on the management or on the staff of a hospital, takes advantage of his official position and commits rape on a woman in that hospital; or
(e) commits rape on a woman knowing her to be pregnant; or
(f) commits rape on a woman when she is under twelve years of age; or
(g) commits gang rape shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine.

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of either description for a term of less than ten years.

3. Presumption as to Absence of Consent in Certain Prosecutions for Rape

Apart from the general definition of rape, rapes committed by some persons under special circumstances are dealt with as follows:

**Intercourse by a man with his wife during separation:** Under section 376 (a) of IPC, if a person has sexual intercourse with his own wife, who is living separately from him under a decree of separation or under any custom or usage without her consent shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine. The offence under this section is non-cognizable (where an arrest cannot be made without the order of a court), non-compoundable, and triable by Court of Session.

**Intercourse by public servant with woman in his custody:** Under section 376 (b) of IPC, if a public servant takes advantage of his official position and induces or seduces, any woman, who is in his custody as such public servant or in the custody of a public servant who is subordinate to him, to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term up to five years and shall also be liable to fine.

**Intercourse by superintendent of jail, remand home, etc.:** Under section 376 (c) of IPC, if a superintendent or manager of a jail, remand home or other place of custody or a women’s or children’s institution takes advantage of his official position and induces or seduces, any female inmate of such jail, remand home, place or institution to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term up to five years and shall also be liable to fine.

**Intercourse by any member of the management or staff of a hospital with any woman in that hospital, remand home, etc.:** Under section 376 (d) of IPC, if a person on the management of a hospital takes advantage of his position and has sexual intercourse with any woman in that hospital, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term up to five years and shall also be liable to fine.

In a prosecution for rape under clause (a), (b), (c), (d), (e) and (g) of sub-section 2 of section 376 IPC, where sexual intercourse by the accused is proved and if the victim states in her evidence that she did not consent, the Court shall presume that she did not consent (e.g.) rape by police officer, public servant, jail staff, hospital staff as mentioned above.

**Assault or criminal force to woman with intent to outrage her modesty:** Under section 354 of
IPC, if a person uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment up to two years, or with fine, or with both. The act of pulling a woman, removing her dress coupled with a request for sexual intercourse would be an outrage to the modesty of a woman, and knowledge that modesty is likely to be outraged, is sufficient to constitute the offence without any deliberate intention having such outrage alone for its object. When the accused who was the chief of police of a state slapped the back of a senior lady civil servant in the top administration in public place, then having regard to the sequence of events, the act of the accused prima facie amounted to outraging the modesty of the lady officer, according to the Supreme Court (Rupan Deol Bajaj v. K.P.S. Gill (1995) 6 SCC194; 1995 SCC (Cri) 1059.

4. Some Legal Provisions and Law Reforms to Protect Victims

There are some provisions in the Indian Evidence Act aiming to protect victims and witnesses from being asked indecent, scandalous, offensive questions, and questions with intention to annoy or insult the victims or witnesses. Criminal courts also have an obligation to order payment of reasonable expenses incurred by the witnesses and the victim to attend the trial proceedings. Besides, the judicial activism also has contributed to certain measures for protecting the victims during trial. They include an in-camera trial, exclusion of the identity of the victim or witness from all official documents to protect their privacy and safety. Recently, the Supreme Court has also accepted video conferencing method to record evidences. However, the powers to implement all these provisions to protect the rights of victims lie with the presiding officers of the court and their commitment to safeguard the interest of victims.

Section 304-B has been inserted in the Indian Penal Code by Dowry Prohibition (Amendment) Act, 1986 to combat the increase of dowry deaths of women. Dowry mentioned in this section is any property or valuable security given or agreed to be given in connection with the marriage. Under this section if the death of a woman with any burns or bodily injuries occurred otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death, she was subjected to cruelty or harassment by her husband or any relative of her husband for or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death. Under subsection 2 of Section 304-B, the person who has committed dowry death shall be punished with imprisonment for not less than seven years but which may extend to imprisonment for life. The offence under this section is cognizable, non-bailable and non-compoundable and triable only by Court of Session.

To prove the offence of dowry death of women, important amendments were brought in Indian Evidence Act, Sec.113 A: If the suicide of a married woman occurs within 7 years of her marriage, the law assumes a rebuttable presumption that it is a dowry death due to cruelty and the onus to prove that it is not a dowry death is shifted to the accused husband or relative of her husband from that of the prosecution. Also under Sec.113 B, on the question whether a person has committed a dowry death of a woman, if it is shown that such woman has been subjected to cruelty or harassment soon before her death, for any demand for dowry, the Court shall presume that such person has caused the dowry death.

Apart from the above offences against women dealt under the Indian Penal Code, a special law
to prevent and punish the offence of domestic violence was passed after a long struggle by the women’s organizations, by Indian Parliament in 2005 (Government of India, 2005) which came into force in 2007. This law gives many measures to protect the interest of women victims who suffer victimization at the hands of other members in their family including intimate partner violence.

5. Salient Features of the ‘Protection of Women from Domestic Violence Act, 2005’, and Victim Empowerment

The Protection of Women from Domestic Violence Act, 2005 (Government of India, 2005) Act is considered as a very progressive legislation by feminist organizations and women activists, as it contains several provisions to strengthen the position of victims and grant immediate relief and protection from further victimization. In the Act, “aggrieved person” implies the victim and means any woman who is, or has been in a domestic relationship with the respondent (accused) and who alleges to have been subjected to any act of domestic violence by the respondent. The “domestic relationship” has been defined as a relationship between two persons who live or have, at any point of time, live together in a shared household, when they are related by consanguinity (related by blood), marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family. Definition of domestic violence is very wide which includes harms or injuries or endangers the health, safety, life, limb or well-being, whether mental or physical of aggrieved person (victim) or tends to do so and includes causing physical, sexual, verbal, emotional and economic abuse.

The Protection of Women from Domestic Violence Act, 2005 is a major achievement of the women’s movement after a struggle for 16 years. The unique feature of the Act is that it provides certain special measures to ensure the protection of the interests of victims of domestic violence by granting certain rights to them, which the enforcement machinery has to follow mandatorily. A Police officer, Protection officer or a Magistrate has a mandatory duty to inform the victim of her right to obtain a protection order or an order of monetary relief, a custody order, a compensation order or more than one such order and the availability of the services of Service providers, Protection officers, and right to free legal services under this Act. A violation of the protection order by the offender will be punished with one year imprisonment or a fine up to Rs.20,000 or both. Failure of discharge of duties by the Protection Officer shall be punished with one year imprisonment or with a fine of 20,000 rupees or with both.

Under Section 3, economic abuse would include deprivation of any economic or financial resources which the victim is entitled under any law or custom, whether payable under an order of a court or otherwise. Another special feature of the Act is it prohibits denying the victim continued access to resources or facilities which the victim is entitled to use or enjoy by virtue of the domestic relationship, including access to the shared household. The ‘Aggrieved Person’ does not confine to the wife but includes any woman in a “domestic relationship” with the respondent like a partner living outside wedlock and extends to all family members living together as a “joint family”. Under this definition, an Aggrieved Person could even be a mother or sister abused by the Respondent. The Act implies that an ‘Aggrieved Person’ is a woman and the ‘Respondent’ is “any adult male person who is, or has been, in a domestic relationship with the aggrieved person...”
The Act contemplates creation of ‘Protection Officers’ by State Governments in every district to whom any person, not necessarily the Aggrieved Person, could report an act of domestic violence or its likelihood. It is the duty of such officers to make out a ‘Domestic Incident Report’ in a prescribed format to the Magistrate and to assist him further in the matter. Despite the introduction of the special law to prevent domestic violence, any police officer can also deal with domestic violence under any other law if it is a cognizable offence. There is a genuine apprehension among the men that they could be victimized by a false complaint of a woman against an innocent man, as it has been witnessed many times under the Dowry Prohibition Act.

The Act also provides a category of ‘Service Providers’, which are voluntary agencies registered with State Government with the objective of protecting the rights and interests of women and to assist women subjected to domestic violence. The victim can notify an act of domestic violence to the Service Providers, who may forward the complaint to the Magistrate or Protection Officer, and send the victim for medical examination simultaneously. On receipt of the complaint, the Magistrate first hears the Aggrieved Person (victim) and the Respondent (accused). If convinced that the complaint of domestic violence is true, the Magistrate can pass a ‘Protection Order’, prohibiting the respondent from continuing the acts of ‘domestic violence’. The Magistrate is competent to pass directions to order monetary relief for compensating losses suffered or expenses incurred by the aggrieved person, besides ordering the respondent to stay away from the shared household. The monetary relief ordered would not preclude any subsequent compensation granted by the Magistrate under the Act. Later on, if the respondent violates the Protection Order, that becomes a specific offence under the Act and could be punished with imprisonment for one year or a fine up to Rs. 20,000, or both. In a country like India, where the police power is abused more often by political, monetary and other powers, there is a great responsibility for the government to monitor the implementation and prevent the abuse of the law which intends to wipe out the tears of suffering of women victims (Raghavan, 2006).

On the other hand, the police cannot do anything to deal with domestic violence cases unless the women victims cooperate with the police and tender evidence during investigation and testifying in the court during the trial. Sometimes even though women make complaints to the police on domestic violence cases initially, they withdraw their complaints subsequently when their men are about to be arrested and prosecuted. In such cases, though the police can proceed to prosecute the accused, it is a futile attempt if the victims are not willing to assist the police in dealing with the offenders as per law. So in such cases the police simply permit the women to withdraw their complaints and close the case or if the police insist taking action on the accused, the case may end in acquittal because the victim turns as a hostile witness during the trial, denying the happening of the offence.
VII. Legal Framework to Protect Children Constitutional Provisions Relating to Children

The rights of children are protected by the fundamental rights and freedoms and also have been covered under the Directive Principles of State Policy. The framers of the Constitution were aware of the fact that the development of the nation can be achieved by the development of the children, and it is necessary to protect the children from exploitation as well. Following are the provisions of the Indian Constitution relating to children. Some of them are general provisions and are applicable to all including children and certain other provisions are directly applicable to children.

• Article 14 provides that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

• Article 15(3) provides that nothing in this article shall prevent the State from making any special provision for women and children.

• Article 21 provides that no person shall be deprived of his life or personal liberty except according to procedure established by law.

• Article 21A provides that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

• Article 23(1) provides that traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

• Article 24 provides that no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

• Article 29(2) provides that no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

• Article 39(e) provides that the State shall, in particular, direct its policy towards securing that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

• Article 39(f) provides that the State shall, in particular, direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

• Article 45 provides that the State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

• Article 47 provides that the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its
primary duties.

- Article 51A(k) provides that it shall be the duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years (Gupta, 2010).

1. Protection of Children under Other Legislations

Apart from the Constitution, there are a number of legislations which deal with the protection of children. The following are some of them:

The Guardian and Wards Act 1890
This Act deals with the qualifications, appointment & removal of guardians of children by the courts & is applicable to all children irrespective of their religion.

The Child Marriage Restraint Act 1929
This Act as amended in 1979 restraints the solemnization of child marriages by laying down the minimum age for both boys & girls. This law is applicable to all communities irrespective of their religion.

The Orphanages and Other Charitable Homes (Supervision and Control) Act 1960
This Act provides for the supervision and control of orphanages and homes for children.

Apprentices Act 1961
This Act lays down qualifications for persons above fourteen years of age to undergo apprenticeship training in any designated trade.

The Child Labour (Prohibition and Regulation) Act 1986
This Act prohibits the engagement of children in certain employment & regulates the conditions of work of children in certain other employment.

This Act regulates the production, supply and distribution of infant milk substitutes, feeding bottles and infant foods with a view to the protection and promotion of breastfeeding and ensuring the proper use of infant foods and other incidental matters.

This Act provides for the regulations of the use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic or chromosomal abnormalities or certain congenital malformation or sex-linked disorders & for the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide (Gupta, 2010).

Empowering the child is the road to prevention from abuse and victimization. To empower the child, education is the tool. Therefore, primary education for children has been made a fundamental right as per the decision of the Supreme Court of India judgment in Unnikrishnan’s case (1993). The Article 21-A of the Constitution states that “The State shall provide free and compulsory education to all children of the age 6-14 years in such manner as the State may
by law determine.” The proposal also will have a positive impact on eradication of child labour. The spread of elementary education through constitutional measures would have a good impact on other social indicators like population growth, health and women’s development as well as enhancement of productivity of the economy and reduction in unemployment.

2. The National Commission for Protection of Child Rights (NCPCR):

This Commission was set up in March 2007 and its mandate is to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child (see at Government of India, 2009). India has ratified the United Nations Child Rights Convention in the year 1992 and this Act was passed as one of the necessary steps to protect the rights of the children in the country. The National Commission for Protection of Child Rights has been taking up various issues brought forth in the area of child abuse. After inquiry, the national commission can recommend initiation of proceedings for prosecution or any other action the commission may deem fit.

VIII. New Provisions under Code of Criminal Procedure to Protect Victims

Historically in democratic India, the right to free legal aid to the suspects/accused persons is constitutionally recognized. Further, in the Code of Criminal Procedure, 1973 under section 304, it is stated that if the accused is not represented by a pleader in any trial in a court and if the accused has not sufficient means to engage a pleader, the Court shall assign a pleader for his defense at the expense of the State. The accused/suspect can ask for legal aid at any stage of the process of the case including during the trial.

1. Situation of Victims in India


The Criminal Procedure Code (Amendment) Act 2008 (Ministry of Law and Justice-India, 2010) considered and took into account many recommendations from the Parliamentary Standing Committee on Home Affairs, Law Commission of India, Justice Malimath Committee, periodic guidelines issued by the Supreme Court of India, Criminal Justice Policy and numerous representations from legal luminaries, Non Profit Organizations and citizens of India.

Victims have the right to ask free legal services by making an application to Legal Services Authority at the District level or State level or at the National level depending on the case where it comes for hearing. But free legal aid is offered only to the needy persons who are poor and who cannot engage their own counsel. The Legal Services Authority decides whether the person should be given free legal aid or not on the basis of the financial position of the victim. The victims can ask for such free legal services during any stage of the case such as during investigation, prosecution or trial. Victims can also sit in the court to witness the trial and to assist the
prosecution through his/her counsel engaged by the victim.

Before the Criminal Law Amendment Act 2008 which came into force from December 2009, the victims had no say at all in their case excepting to serve as witnesses when they are summoned by the court. After 31 December 2009, since the Criminal Law Amendment Act 2008 came into force, the victims can sit inside the court and actively participate in the trial by engaging an Advocate of their choice, who will assist the prosecutor in the trial of the accused. Now the victims can raise objections through their Advocates on anything which concern victims such as the release of the accused on bail, sentence of the offender etc. So now the victims have a legal status to participate almost like a party along with the prosecution and to have the right to express their views, concerns and apprehensions through their advocates. Also, the victim has the right to prefer an appeal against any order passed by the court acquitting the accused or convicted for a lesser offense.

In the amendment Act of the Code of Criminal Procedure, some important provisions granting certain legal rights to victims have been incorporated. The Criminal Procedure Code (Amendment) Act 2008 had come into force on 31 December 2009, except for sections 5, 6 and 21 (b).

Through this amendment, definition of the term ‘victim’ has been included for the first time. In section 2 of the Code, victim has been defined as “a person who has suffered any loss or injury caused by reason of the act or omission for which accused person has been charged and the expression include his/her guardian or legal heir”. In section 24, victim has been allowed to engage an advocate of his/her choice with the permission of the court to assist the prosecution during the trial. Until this amendment was brought in, the victims had no role to play during the prosecution excepting to act as a witness. Victims had no way to express his/her views or opinions on the case excepting that the victims had to answer to the questions of the prosecutor and the defense lawyer. Through this amendment, the need and right to legal assistance to victim and his/her role during the prosecution has been recognized.

In Section 26, an important provision has been introduced in the Indian Penal Code through which courts trying sexual offences against women shall be tried as far as practicable by a court with a woman as presiding officer. This is a significant provision as the presiding officer of the court has enormous powers to stop/intervene when the woman victim is deliberately embarrassed or harassed by the defense advocates by raising inconvenient questions which are not necessary for the case, as a woman magistrate might be able to protect the interest of women victims in a better manner than by male magistrates.

Under section 357, a new section called 357A dealing with victim compensation scheme has been inserted, with the following subsections: 1. Every State government in coordination with central government shall prepare a scheme for providing a fund; 2. Whenever a court recommends for compensation, the District Legal Service Authority or the State Legal Service authority shall decide the quantum of compensation to be awarded under the scheme; 3. If the trial court is satisfied that the compensation awarded is not adequate or where the cases end in acquittal or discharge, and the victim has to be rehabilitated, it may make recommendation for compensation; 4. Where the offender is not traced or identified, but the victim has been identified, and no trial takes place, the victim or his dependents may make an application to the State or District Legal Services Authority for award of compensation; 5. On receipt of such recommendations, the State or the District Legal Services Authority shall award adequate
compensation by completing an inquiry within two months; 6. The State or District Legal Service Authority may order for immediate first-aid facility or medical benefits to be made available free of cost on the certificate of police officer in charge of the police station or a magistrate of the concerned area, or any other interim relief as the appropriate authority deems fit.

Under section 372, a right to prefer an appeal has been granted to the victim against any order passed by the court acquitting the accused or convicting for a lesser sentence or imposing inadequate compensation, and such appeal shall lie to the court to which an appeal ordinarily lies against the order of conviction of such court (Ministry of Law and Justice —India, 2010).

2. Interventions of the Higher Judiciary in India to Protect Victim’s Rights

Besides the Criminal Procedure (Amendment) Code 2008 which has raised the legal status of victims in the CJS, the higher judiciary has also delivered many judgments protecting the rights of victims. The bench of the Madurai High Court in a recent judgment said that in a criminal proceeding sought to be quashed, the complainant should be heard. The issue was whether a victim was entitled to hear and take part in a criminal proceeding or not. In this case, according to the High Court, the victim had got every right to take part in the prosecution. As the victim is a part of the criminal justice, and in the anticipatory bail application filed by the accused person for suspected offences of dowry death and cruelty by the husband to a woman, the victim’s family has every right to intervene in the order to put forth their objections as the court said the “prosecution was primarily based on the victim or the person who set the case in motion. After all, the prosecution took up the case of the victim. While a decision of the criminal court did not affect society directly, it did so for the victim” (The Hindu, 2010).

In the last 60 years after India became a republic, there have been several laws to protect women and children from victimization. There have been constitutional guarantees to protect the weaker sections like women and children. The national policy for the empowerment of women and the national policy for children covering various ways of development of children, framed at different points of time, have all emphasized the importance of protecting the interest of women and children. Particularly, the special legislation, the Prevention of Domestic Violence Act 2005 is a significant development wherein many provisions to protect and prevent victimization of women in domestic setting has been ensured. Similarly in the case of children, the inclusion of the provision of free and compulsory education to all children of India in the age of 6 to 14 is expected to bring dramatic change in the life of children as education is the panacea for many social ills. Still, to achieve the goals of protecting the interests of women and children what is the barrier? In my view, the mindset of the people and the cultural prescriptions that women and children are subservient to adult men practiced for centuries is not an easy thing to be changed overnight. Legislation to change the age-old practices is most important, but law alone cannot ensure it unless the provisions of

IX. Conclusion: Challenges and Proposal on Measures for Female and Child Victims in India
the legislation are disseminated to the masses of people for their acceptance throughout the length and breadth of the country. In other words, the strict implementation of the law is required. For a serious and strict implementation of the progressive laws, the people in charge of implementation should have the conviction about the utility of these laws and the positive changes it may bring for the overall development of Indian society. Though there is no separate legislation as in other developed countries to protect the interest of crime victims, the recent amendment brought into the Code of Criminal Procedure through the Criminal Procedure Code (Amendment) Act 2008 has attempted to strengthen the legal status of victims by providing many rights to victims for the first time. Another important area for the empowerment of women is granting political rights and active participation of women in the political processes. Here also the country is witnessing enormous pressure from the civil society and women’s organizations for granting 33% reservation for women to contest in the elections to the Union Parliament and all the State legislatures. The law to provide reservation of 33% seats in the Union Parliament and State Assemblies is almost at the final stage for its adoption by the Parliament despite the intervention of many struggles.


Case Law


References


Women as subjects and actors in American society—few other aspects of history have attracted as much attention as these during the past forty years. An essay such as this one cannot hope to describe in any comprehensive fashion the discoveries, arguments, and consequences of a program of scholarship that has touched and, some would say, transformed, our understanding of politics, the arts, the workings of economic life, the family, and religion. For example, it is now widely acknowledged that, whatever the “natural” differences between men and women, “gender” is a socially constructed category that has borne an immense freight over time. Always linked to situations of unequal power, gender has continually absorbed and responded to particular circumstances and contingencies. As we learn from its history, the task of defining men and women in relation to each other is intrinsically political. Power is at stake, real power, be it exercised in the realm of culture, economics, or religion.

In recent years the recovery of women’s history and the emergence of gender as a crucial category of analysis have struggled to articulate an adequate understanding of power and agency. Assigning agency to people who otherwise seemed oppressed or excluded was an important aspect of doing history “from the bottom up,” a slogan that emerged in the 1960s. This possibility bore rich fruit, notably in how the history of chattel slavery was recast to emphasize the capacity of the slaves to create semi-independent communities of their own and, in doing so, to resist the pressures placed upon them by a racist and authoritarian social system.¹ Sailors, pirates, Native Americans, artisans on the cusp of industrialization—such groups were also incorporated into a history of agency and resistance, some of it prompted by the work of the British historian E. P. Thompson. So, of course, were women.

Yet the more this happened and the more that was recovered of women’s behavior in the past, the more it became difficult to generalize about agency, resistance, and power. Women themselves were not of one mind and certainly not of any single social location or religious affiliation.² As ideologies of gender were analyzed in more detail, they proved to be internally complex and possibly contradictory in ways that complicated any simple conclusion about their effects or consequences. Not surprisingly, therefore, the workings of gender and the social complexities of women’s lives reminded historians of the capacity
of people in the past to negotiate their way through the contradictions they were encountering within culture and society—and negotiation is a very different process from the dyadic relationship of outright defiance or abject subordination (“domination” and “resistance”) employed by some of the earliest work on women in early America.³ Ostensibly silent and barred from any public sphere, women petitioned civil governments and spoke their minds; and if married women ceded control of family property to their husbands, widows were remarkably active as managers that property after their husbands died.⁴

Nowhere has the challenge of understanding women’s behavior, the implications of gender, and the contradictions sustained within culture been more acute than in the realm of religion. Almost at the outset of the recovery of women’s history, the data on participation by sex made clear the quantitative importance of women in virtually all aspects of religious practice and affiliation. With some justification, Ann Braude could declare that American religious history was the history of women.⁵ The great exception was, of course, the clergy, a profession limited to men in most Protestant denominations until the mid-twentieth century, and still limited to men in some Protestant groups as it still is, also is within Roman Catholicism. Otherwise women were extraordinarily engaged and active—as were some fraction of enslaved African Americans. In the rest of this essay, I want to review some of the possibilities for interpreting the relationship between women and religious activism. I begin with the colonial period of American history and, in particular, seventeenth and eighteenth-century New England. Thereafter, I move to the antebellum period (before the American Civil War) and focus in particular on ideologies of gender and the role of women in social reform.

I. Women and Religion in Colonial America

Within the New England system of churches known as the “Congregational Way” that the “Puritans” who founded the New England colonies established as their official system, church membership ceased to be automatic, as it was in the Church of England from which they were withdrawing. Instead, adults had to apply for membership and satisfy the expectations of the congregation that they were adequately versed in doctrine and had known the experience of “the work of grace,” or conversion. At once, therefore, this system meant that some were admitted and others left outside. What percentage were in each of these categories remains unclear; too many records have vanished for us to be certain. On average, however, something like sixty or seventy percent of the people who emigrated in the 1630s became members—not all at once, of course, but over a period of years.

Becoming a church member gave everyone who did so the right to participate in two sacraments, baptism and the Eucharist (Lord’s Supper). As practiced among the colonists, baptism was for infants or children, the Eucharist for adults. Every one in a town could attend the Sunday services, hear sermons, and participate in communal singing and prayer. But the sacraments were open only to persons who passed into covenant.

An insistence on the church as a selective, “gathered” community of “visible saints” co-existed with another perspective on the purpose of this institution. As evoked by a minister using metaphorical language, the church on earth served
like a “garden” encompassing both the well-established Christian and the novice: the old and the young, the fervent and those whose faith was still evolving. To all such people, the church and ministry functioned as a “means of grace,” transmitting the essentials of biblical-based knowledge, prescribing ethical behavior, and in general practicing “edification” in the sense in which that term was used by St. Paul in some of his apostolic letters: the church was where people were built up in their faith and progressively became better Christians.  

The basis for this more corporate or inclusive understanding was the inter-generational covenant of Genesis 17:7, to which children were admitted on the basis of their parents’ membership. The ministers in New England agreed that the covenant between God and Abraham remained in force, although supplemented by the covenant between Christ and the saints. Explaining the nature of church membership, therefore, the ministers differentiated two kinds of covenants and two kinds of holiness that co-existed within any congregation: “federal holiness” and the “external covenant,” on the one hand, and real holiness and the covenant of grace, on the other. Each of these forms of covenant validated a particular version of membership: the first, the incorporation of children before they were of an age to describe the work of grace; the second, the incorporation of adults who could affirm their union with Christ (or hopes for such a union).  

A contradiction thus came into being within the very heart of the Congregational Way. Famously (for those of us who study the early of New England) this contradiction was debated at a special “synod” (meeting) of the clergy in 1662. At this synod the majority of the participants resolved that the covenant of Genesis 17:7 was good enough for someone who had been baptized as a child to remain in membership for the rest of his or her life, and to gain the privilege of having his or own children baptized. Nicknamed the “half-way covenant,” this decision shifted the basis of church membership to lines of descent within a family. In effect, it sanctioned a “tribalism” that would rapidly become the normal practice in New England: that is, close connections between inter-generational families and church membership. Nurture or edification became, if not the official norm, the unofficial framework within which a great many people practiced their religion.  

Ensuring that one’s children are admitted to the covenant can be likened to a legacy—that is, what happens when a parent who was dying assigned each of his or her children a share of the family property—land, money, clothes, animals, and the like. The colonists put a great deal of effort into making these decisions about the distribution of property after death. Experience (still true today) taught them that, unless done wisely, the process could embitter some children and produce long-lasting rivalries and resentments. Hoping to forestall any such outcome, people were also concerned to ensure that a widow had enough to live on after her husband died. Access to baptism may also be considered a legacy, that is, a gift that a parent can make to his or her children. And, thanks to measures like the “half-way covenant,” baptism became the gift that (to appropriate a saying) keeps on giving. That is, anyone baptized as a child could, in turn, secure baptism for the next generation provided a simple “profession” was made to the church.  

Is it plausible that women were especially interested in baptism as legacy or gift? When their husbands died before them, they had little explicit say in how property was distributed to the children, although certainly they had more of a role than the record may seem to suggest. But with regard to church membership, there could be no doubt about the benefits they were creating.
Something like this framework of understanding helps to explain why married women became church members earlier than their husbands, a trend already apparent by the 1640s and becoming much more visible during the rest of the seventeenth century and on into the eighteenth. Church membership did not give women political privileges; women could not vote in church or civil elections in any case. It seems implausible to argue, as an occasional feminist has done, that women were more overcome by the themes of Calvinist doctrine than men and therefore felt more strongly the imperative to become a member. Nothing in the records that come down to us suggests that this is the case. Instead, the evidence points to close connections between family formation and church membership. By family formation I mean getting married (or knowing that you were about to be married), and becoming pregnant or giving birth (or expecting these events to occur). Demographically, women seem to have joined when they were in their early- or mid-twenties, about the time they married and began to have children.

But why was baptism so important? Part of the answer to this question is the widely shared assumption that women were singularly responsible for the spiritual welfare of their children. This assumption pervaded the discourse of the clergy, as when Richard Mather, the minister of Dorchester, Massachusetts from the mid-1630s to his death in 1669, urged the women of his congregation to play the part of “faithful Mothers” on the grounds that “Mothers . . . are more with [their] children when they are little ones, then their fathers are.” Evoking the birth experience—“you are at much pains with the bodys of your children, and suffer not a little while you bear them in your wombs & when you bring them into the world”—Mather imagined mothers as naturally of tender and dear affection for your children, and God mistakes it not that it be so. Accordingly, he reasoned that “the prayers and teares of a faithfull Mother may be the salvation of the childs soule.”

Just as important in making baptism seem so important were assertions by the ministers that children who were baptized were much more likely to be saved by God’s gift of grace. The second-generation minister Increase Mather insisted on this point in sermons he preached in the 1670s, declaring in one of them that divine grace, although “free” and unmerited, was usually communicated through godly parents to their children. “There are special promise belonging to such children . . . There is a promise that they shall be blessed above other children,” he argued in Pray for the Rising Generation. Other ministers underscored the associations between baptism and grace by describing the satisfaction of having children baptized and of enabling family continuity; as the first-generation minister Thomas Cobbet remarked, ancestors add “something to the Common stock of blessings of grace, laid up for their posterity.” Implicitly if not explicitly, baptism emerged in popular religion as a means of securing benefits for one’s children: eternal life, presumably, but also a greater happiness and health in this world. Baptism acquired the aura of serving to protect children from the many dangers that awaited them.

For real mothers in early New England, this reasoning was central to how they understood their role in the spiritual economy of the household. Actions speak louder than words. On the eve of the synod that formulated the half-way covenant, the records of the gathered church in Dorchester contain this entry for 1660: “The wife of James Minott desired baptism for her children.” This one example of a mother taking the initiative may stand for hundreds of such instances. Equally revealing of collective behavior, although again but a single episode, is the example of Jane Turell,
a married woman and a church member living on the outskirts of Boston, who took her second child (the first had been stillborn) almost immediately to the meetinghouse to be baptized. The child lived but eleven days. From Jane Turell’s father came the following report of the mother’s response to this sad event: “all the family remembered the many tears of joy and thankfulness she shed at the presentation of the child to God in holy Baptism, and her more than common composure of mind and quietness at its death and funeral.”

Jane Turell was typical of thousands of New England women in hastening to have her newborn child baptized. Of all the practices that arose to reconcile family preservation and church membership, none is more striking than the timing of the decision to bring children to be baptized. More often than not, parents carried a newborn child to the meetinghouse as promptly as possible, and this in spite of there being no basis for regarding baptism as efficacious—which it was, theologically, within Catholicism and the Church of England. A systematic study of the relationship between date of birth and date of baptism for three early eighteenth-century Essex County, Massachusetts towns reveals that, of the 2,850 children for whom baptism and birth records can be linked, 49 percent were baptized within the first week of life and another 10 percent within the next seven days.

Men, too, recognized the health giving benefits of baptism; we are in the presence of a social construction (or a theology) that fathers and mothers could each appropriate. Yet even when we see men hastening to bring their children to be baptized, women are usually close at hand. The minister Thomas Shepard, who came to New England in 1635 and helped organize a new congregation in Cambridge, Massachusetts, in 1636, is a paradigmatic example provided that we also include his wife Margaret and others who settled in Cambridge with them in the story.

Near the end of his life, Shepard defended infant baptism at a moment when English Baptists were beginning to publicize their opposition to the practice. In the 1650s, a few in the congregation turned against infant baptism, most sensationally Henry Dunster. But most continued to regard the ritual action of including their children within the covenant as powerfully significant. Making their relations before the church, several people emphasized the connections between church membership and the welfare of their children. Mary (Angier) Sparhawk remembered feeling anxious when her husband decided to immigrate and how she reconciled herself to his decision by “thinking that [if] her children might get good it would be worth my journey.” Here, the implied context was the difference between the sacraments as administered in their primitive purity in New England versus how they were performed in England. Mrs. Crackbone (we do not know her first name) remembered the sadness she felt when one of her children died and how she worried about the others, thinking they would go “to hell . . . because I had not prayed for them,” a statement of self-blame followed in her relation by the sentence, “And so came to New England.” There she learned the comforting message that she “was under [the] wings of Christ,” as (theologically) were her children once she became a church member. The same feeling of responsibility for one’s children, together with a high opinion of the sacraments, was voiced by Ann Errington when she told the church that she knew of children who “would curse parents for not getting them to means” (i.e., the means of grace).

Words were matched by behavior. That people credited baptism with a distinctive significance is apparent in the promptness with which they brought their newborn children to the church to be baptized. Two examples must suffice. Within the
family of the printer and land speculator Samuel Green, the interval between the birth and baptism of three of his children was two days, six days, and one day. Shepard’s successor in the Cambridge pulpit, Jonathan Mitchell, had not been able to baptize a newborn son before the baby died, though he baptized another of his children seven days after it was born. Distressed that he had failed his infant son, Mitchell wrote in his journal that “to be deprived of [the sacrament] is a great frown, and a sad intimation of the Lord’s anger.”

The feelings of Shepard and his wife Margaret were as strong as those of Mitchell and the lay people in the church. Shortly before husband and wife set sail in 1635 for New England, Margaret had given birth to a son they named Thomas. Not until the congregation was organized in February 1636 was this Thomas baptized—in time, it seems, for Margaret to know before she died. During the long delay she had “made . . . many a prayer and shed many a tear in secret” for her unbaptised infant. Why she felt this way is indicated in a passage in Shepard’s autobiography that may contain language from the ritual itself. Addressing his son several years later, Shepard reminded him that through “the ordinance of baptism . . . God is become thy God and is beforehand with thee that whenever thou shalt return to God, he will undoubtedly receive thee—and this is a most high and happy privilege, and therefore bless God for it.” As he remarked elsewhere, children may have been “of wrath by nature” but, once baptized, became “sons of God by promise.” The difference was not that sin had been swept away but that God had become the child’s benefactor and—in the context of recurrent illnesses of the kind little Thomas was suffering—a source of protection. Baptism was a privilege that Shepard as parent and pastor wanted for his children.14

So he argued openly in his short treatise on baptism and in other writings. In the treatise he appealed directly to parents concerned about the spiritual well-being of their children, assuring them that through the sacrament “God gives parents some comfortable hope of their children’s salvation, because they be within the pale of the visible church; for as out of the visible church (where the ordinary means of grace be) there is ordinarily no salvation.” To pass up these benefits by delaying or rejecting baptism was, he added, “very hard, and horrible to imagine.” He reiterated this point in another text, this time underscoring the long term consequences of having—or not having—a child baptized. To withhold a child from being baptized, he declared, was to “undermine all hopes of posterity for [all time to] come to time.” The time frame of posterity was extensive, stretching for “generations without limitation in the Lyne of Beleevers,” an argument warranted by the covenant extending to a “thousand generations” God made with Abraham (Genesis 17: 7).15

The power of baptism as symbol and instrument of spiritual protection, although real, was always contingent, for the ministers were simultaneously warning their congregations of the dangers of “hypocrisy” or “formalism,” that is, going through the motions of being religious but not truly transformed where it mattered, in the “heart.” In this fashion the contradiction between two very different covenants, the one external, the other internal or of grace, persisted, together with the warning that to rely on the first was to risk engaging in hypocrisy or “formalism.”

Entering the eighteenth century, it is fascinating to watch the ministers and lay colonists wrestling with this contradiction. Whenever Baptists appeared on the scene, ministers within the Congregational Way emphasized the emotional benefits of having children baptized. As a minister in the early eighteenth century put it, “God’s covenant-people will prize God’s Covenant-Mercy
to their seed, as an inestimable blessing. Some when dying have express’d more comfort in this, than all else they leave with them in the world.” Here, the connections between baptism and legacy became remarkably explicit. Yet tensions persisted. The ministry of Jonathan Edwards in the town of Northampton, Massachusetts, is a case in point. Inheriting a congregation that practiced the half-way covenant, Edwards upheld that covenant even as he also preached for conversion. Theologically, he believed that the visible church lacked the ability to differentiate between the truly saved and the hypocritical. For this reason, the visible church would always include persons who in fact were not among the elect, although in some sense they in fact were Christians whose children were admitted to the sacrament of baptism.

But by the mid-1740s, in the aftermath of the tumultuous series of revivals known as the “Great Awakening,” Edwards turned against his congregation and the practice of baptizing the children of “half-way” members. Now, like the Puritans when they first came to New England in the early seventeenth century, he wanted to purify the church of the indifferent or the profane. In a treatise he published in 1750, he argued against “open[ing] a door for the letting in such universal ruin” as would happen if unregenerate persons became members. This dismal scenario was linked to a sociological or demographic pattern he had noted among the people of Northampton, the custom of young women to “renew” their covenant around the time they were getting married or about to bear their first children. In Edwards’ judgment, the coincidence of family formation and religious profession undercut the sincerity of the latter. Telling his people that they wanted baptism for the wrong reasons, he informed his congregation he would no longer admit anyone to membership or baptize any children unless such people made a “profession” flowing from an experience of grace.

Dismissed by his congregation in 1750 by an overwhelming vote of the men who were members, Edwards’ change of mind is instructive in two respects. First, it foregrounds the singular role of women in the creating of what we might name household religion. Second, it reminds us that certain contradictions cannot be resolved. The long history (to which we return in another few pages) of the tension between two different versions of church membership demonstrates this point superbly.

II. Dissenters

More familiar to many who write and teach about women and religion, and certainly more widely cited, are the examples of women who defied the values and practices associated with family formation. The most famous of these women and, in certain respects, the least understood, is Anne Hutchinson, who arrived in Massachusetts in 1634 and left in 1638 after being excommunicated by her congregation and ordered to depart by the civil government. Hutchinson stands as the first and, in the eyes of modern observers, archetype of women who chafed at the rules restricting women to a “private” sphere and who claimed that the Holy Spirit authorized her to speak out. The Quaker movement that arose in England in the mid-1650s brought forward hundreds of women who felt empowered by the Spirit to preach and bear witness to true religion; several of these women came to New England in the 1650s to proclaim the “Light,” and one of them, Mary Dyer, one of
the “Antinomians” of the 1630s, was executed in Boston in 1660.

Thereafter, but especially in the middle of the eighteenth century, women continued to feel the liberating power of the Spirit and, thanks to its influence, undergo a range of experiences that placed them outside the customary parameters of Puritan-style Protestantism: dreams, visions, trances, loud cries, bodily motions. The women who had such experiences in the 1740s in the midst of the “Great Awakening” usually decided to withdraw from their congregations and create new versions of fellowship that sanctioned and encouraged a fuller range of experiences. Regarding the congregations from which they departed as “dead” or lifeless, some of these women repudiated the connections between baptism and family formation—some, so completely that they became Baptists, who only administered the sacrament to adults.18 In effect, these women resolved the contradiction embedded within the Congregational Way by rejecting the traditional emphasis on the external covenant and the means of grace. For them, the impulses of the Holy Spirit were sufficient.

But were these women acting on the basis of an understanding of gender differences? And if not, were they proto-feminists protesting male dominance? The men who questioned Anne Hutchinson in 1637 were, for certain, hostile to her because of their assumptions about the relationship between gender, speech, authority, and the public/private distinction. As she was told by the group, she had wronged the situation of men (and of their women allies) by the weekly meeting she was holding in Boston, an “exercise which draws [women], and by occasion thereof, many families are neglected, and much time lost, and a great damage comes to the Common-wealth thereby, which we that are betrusted with, as the Fathers of the Common-wealth, are not to suffer.”19 Women stepping outside of their proper place and, by doing so, disturbing the “little commonwealth” of the family that was universally regarded as the foundation of social order: such were the consequences of Mrs. Hutchinson’s activities.

Of her own thinking we know relatively little, but one aspect of her program is clear: she was a religious elitist who imagined the true saints as few in number, surrounded by many would-be Christians who in fact were enemies of the saints. So her ally John Wheelwright argued in his inflammatory fast-day sermon of January 1637.20 For Hutchinson, the Christian community was radically divided between the few who truly felt the privileging power of the Holy Spirit and the many who claimed to have this experience but in fact did not. The logic of this way of thinking pointed toward withdrawal into intense, highly charged communities of the kind some New Lights would create in the middle of the eighteenth century, and as the Quakers had begun to do in England in the 1650s. Hutchinson claimed the authority to prophecy (interpret the Bible) on the basis of passages of Scripture such as Acts 18:26. Nowhere, however, did she assume that ecstatic experience was something peculiar to women. How could she, when as many men as women were “Antinomians” in 1630s Boston? Nowhere did she assert a theory of gender difference. Rather, the Holy Spirit overrode the differences that her accusers were affirming. And, as the historian Amanda Porterfield has pointed out, “it is a mistake to assume that the freedom to preach was simply a means by which women sought empowerment and found self-confidence,” noting that radical women usually described themselves as powerless vessels filled with the heady wine of the Holy Spirit. Powerless, and submissive to divine authority: these were their watchwords.21

Quaker women were no more likely to argue something akin to “women’s rights.” And, as
Catherine Brekus shows in her study of the women who, despite many obstacles, engaged in public exegesis (prophesying) and prayer in the late eighteenth and early nineteenth centuries, these pioneer “ministers” never claimed for themselves the authority or privileges of the men who were ordained clergy. Hutchinson fits a little uneasily among these women. It seems certain that she had absorbed from the left wing of the Puritan movement (the “Separatists”) the argument that, because the ministry in the Church of England retained certain connections with Catholicism, it was not a “true” ministry. From this argument followed another, that true Christians must turn away from these false teachers lest they become contaminated themselves. The decisive moments in Hutchinson’s spiritual history were two: first, when she accepted the proposition that no minister ordained within the Church of England taught the truth; and second, when she learned to rely on the “voice” of God to inform her what was true and what, false.

In the late eighteenth century, women became singularly active in the religious movement known as Methodism. Here, once again, the data on membership indicates the leading role of women as this movement was getting under way in the Upper South. The “circuit rider” (itinerant preacher) may have become the most glamorized figure in the early history of Methodism, but women deserve just as much prominence. Despite the strength of patriarchy as a social ideal among southerners, the women who became Methodists “spoke, counseled, reproved, testified, and even preached,” aided in doing so by the small group structure of Methodism, a structure that effectively created new forms of community apart from the customary structures of home or family. A historian writing about these women has emphasized the willingness of official Methodism to encourage and indeed to license women’s self-expression. These women and the Methodist theologian-ministers who sanctioned their participation drew on the biblical model of Deborah, a vigorous, even militant leader in Old Israel. Eventually, of course, some of these early assertions gave way to more regulation and refinement. But Methodism serves as yet another reminder of the capacity of certain kinds of religion to enhance the role of women despite gender norms that opposed any departure from traditional expectations.

III. Women and Religion in Antebellum America

The connections between women, gender, and religion become much more complex once we enter the nineteenth century. Complex, because we remain in the presence of contradictions; because of profound changes in economic and social relationships; and because Protestant Christians went in so many different directions. As the historian Nancy Hewitt has pointed out, it is a mistake to generalize about women who were religiously active, for Baptists brought one set of ideas and expectations to the table, and Presbyterians another. Specifically, Presbyterian women lived in the shadow of magisterial Protestantism, with its presumption that all of society could and should be incorporated into a single moral order supported by the civil state. Although Baptists wanted morality to prevail, they spurned the assumption that church and civil state should be formal allies. Accordingly, Baptists tended to vote for the party of Andrew Jackson, Presbyterians for the party of Henry Clay, John Quincy Adams, and Daniel Webster (the Whigs).
To lump these two groups and others, such as Methodists and Congregationalists, under the heading “evangelical” runs the risk of ignoring such differences. Among liberal Protestants, the people who became Unitarians (withdrawing from Congregationalism) and Universalists or who affiliated with the Quakers were also not in full agreement with each other. Unitarianism had its strongly conservative wing, favored a learned ministry, and was slow to recognize women as equals.25

Apart from the multiplying of denominations, what was different about the ante-bellum period from what I have been sketching thus far? Three differences are highlighted in most of the scholarship on women, religion, and gender. The first of these is the opening up of many more possibilities for women to participate in projects and institutions outside the home. These possibilities arose in the context of campaigns to bring about moral and social reform, and the forming of voluntary societies to agitate for these reforms. No such societies existed in colonial America; they are distinctively a phenomenon of the new republic and the decades before the Civil War; and, of course, remained highly significant for another century and a half. Among modern historians, the most publicized of the societies were those that took up the abolition of slavery, but many other causes were involved: overcoming the evil of alcohol, improving the situation of the mentally ill, the poor, and those who had fallen into prostitution; financing the great project of converting the world to Christianity and becoming missionaries as well; promoting the publication and distribution of bibles and other religious literature; promoting women’s education and becoming teachers or administrators in women’s academies. These are among the projects tens of thousands of Protestant women took up after 1800. Catholic women had a parallel set of projects (although not anti-slavery), though the Catholic community entrusted much of this work to women who entered religious orders.

The emergence of all these societies had several sources. One was the ending of state sponsorship of churches, a process already under way before the American Revolution but greatly accelerated afterwards when Anglicanism (the Church of England), the official religion in several colonies, collapsed because most of its clergy sided with the British. Now the way was open in most of the states for programs of evangelization under the auspices of Baptists and a new denomination, the Methodists; and as these groups gained in numbers, older, more traditional groups like the Congregationalists and Presbyterians looked for ways of adapting their structures to a different situation. A second source was the widely shared anxiety about the moral integrity of the new republic and especially the moral integrity of the tens of thousands of people (and eventually, millions) who were moving into the interior of the country, where the familiar agencies of moral order and instruction—churches, schools, libraries—were not reproduced. Because their leaders worried about the consequences of this vast uprooting of people, some voluntary societies may be understood as “conservative.” In another version of this anxiety, easterners who extolled free agency and the moral autonomy of the self wanted to be sure that every American could differentiate between free agency as mere selfishness and free agency as linked to the collective good. The “temperance crusade” is perhaps the leading example of a reform aimed at strengthening self-discipline in order to benefit the well being of the republic.

What did women bring to all these projects? The simple answer is, an energetic dedication to all these tasks of reform, the same mixture of optimism and anxiety that many of their husbands
or male leaders were voicing, and among some of them, a willingness to sacrifice some of the ordinary pleasures of life. This willingness to set aside self-interest was especially prevalent among the women who participated in the home and foreign missionary movements. Several of these women became celebrated for their heroism, which sometimes brought about their deaths in the mission field—most famously, the wives of the New England-born missionary Adoniram Judson, who left the United States in 1812 intending to enter the mission field in India but instead ended up in Burma, where he spent the rest of his life.26

As this brief survey may suggest, these women were aware of and responding to overlapping constructions of gender. Virtually to a person, all of them shared the assumption, already articulated in the seventeenth century, that women were peculiarly responsible for the religious upbringing of their children—and by extension, peculiarly responsible for the religious welfare of the young nation. In the South, as Christine Heyrmann has demonstrated, women responded earlier and in greater numbers to the new currents of evangelicalism that men were shunning because of how religion seemed to question their masculinity. Mary Ryan’s study of women in upstate New York, although less specific about men, makes the same point about women.27

During these decades, what may have been the most pervasive assumption about gender has been coded by historians as the concept of “separate spheres” or, alternatively, the “cult of domesticity.” The central elements of these constructions were two: women were naturally inferior to men and therefore must accept their authority; and the appropriate sphere within which women could be active was “private” or the “home.” In a classic expression of this way of thinking, the Congregationalist ministers of Massachusetts in 1837 criticized the anti-slavery activist (and Quaker) Sarah Grimke’s public lecturing on the grounds that speaking in public violated and would undermine the moral role of women. Liking all women to vines that depend for their support on trees (men), the ministers condemned any attempt on the part of women to asset the “independence” of the tree. “When the mild dependent [sic] influence of woman upon the sternness of men’s opinions is fully exercised,” the ministers argued, “society feels the effects of it in a thousand forms. The power of women is in her dependence, flowing from the consciousness of that weakness which god has given her for her protection.” On the other hand, men were entitled to act as “public reformer[s].”28

Uncovering the pervasiveness of a doctrine of “separate spheres” counts as one of the major accomplishments of women’s history since the 1960s, and rightly so.29 Moreover, the historians who undertook this project seemed confident that most women who engaged in moral reform accepted the premises of this doctrine. As Carroll Smith-Rosenberg demonstrated in an important essay, women who challenged the male world by attempting to reform prostitution ran the risk of being accused of overstepping themselves; and indeed, in the case study Smith-Rosenberg conducted, the women behind the New York Society for the Prevention of Vice abandoned their program in the face of such criticism.30 Equally striking was the willingness of women active in the anti-slavery moment to serve in separate societies from those headed by men, and to accept that their organizations were auxiliaries of the men’s—for example, soliciting donations to help pay the costs of these fraternal organizations. True, many of these women helped organize the anti-slavery petitions that, in the late 1830s, called the national government to account, but this involvement in “real” politics seemed to have no lasting consequences.
From my perspective, therefore, the marvelous work on women’s activism and the ideology of separate spheres created a certain contradiction or perhaps better, double vision—double vision in the sense that some women were clearly out in the world agitating for change and doing so using the new instruments of high speed printing and the like, yet all the while coding their work as in line with gender expectations. Was there nothing in the ideology of the separate spheres that licensed a more daring activism?

Again from my perspective, there seem to be two answers to this question. Let me spend the rest of this paper describing them. I begin with the figure of Catherine Beecher, noted in part because of her more famous sister Harriet Beecher Stowe.

The “cult of domesticity” emerged in so many places (and on both sides of the Atlantic) that we cannot ascribe it to any single person. Evangelical and liberal Protestants both seem to have embraced it, although the liberal wing may have done so more fully than the evangelicals because of how it relaxed or reduced the the disruptive consequences of sin. In the ideal “home,” sin as disruptive, inevitable, and requiring divine grace from outside had no real place or function. Whatever the genealogy, we can look to one American woman writer in particular for a reworking of the domestic ideology that would greatly influence her sister. This writer was Catherine Beecher, the oldest daughter of the minister Lyman Beecher. An educator who never married, Catherine began to articulate a theory of womanhood and domesticity in the 1830s that reappears in her younger sister’s novel *Uncle Tom’s Cabin*.

Catherine Beecher was interested in moral philosophy, a field of learning that every college student in ante-bellum America had to study, usually as the capstone of his training. Drawn from British sources, with American reworkings, moral philosophy claimed to identify the moral rules that governed economy and society. It also provided a description of human psychology, or how learning occurred and moral “character” was fashioned. Although never explicitly apologetic in the sense of defending any particular version of Christianity, moral philosophy presumed the divine sanction (and creation) of the most important moral rules. Implicitly if not explicitly, moral philosophy was about order and stability. Accepting the premise of free agency, it sought to reconcile the self-acting of humans (men) with an objective moral universe, the same task Ralph Waldo Emerson attempted in his essay “Self-Reliance” and other writings.31

Beecher worried about the risks of free agency. She saw those risks writ large in what to her was the troubled history of “democracy” in the United States and elsewhere: specifically, a heightening of the passions during electoral contests and the recklessness of partisan rhetoric. Close at hand, she had witnessed riots about slavery and anti-slavery in Cincinnati that left the city paralyzed. Democracy was turbulent and disorderly, as demonstrated in the riots that were beginning to occur in cities—riots against Catholics and anti-slavery advocates, for example. What would restore calmness and moral order to civil society, she wondered, and how could self interest and the common good be more fully reconciled? How, in short, would the excesses of democracy be controlled?

Her answer was simple: men must return to the “home” and come under the influence of women as home makers and mothers. What was special about such women? In her words,

Let every woman become so cultivated and refined in intellect, that her taste and judgment will be respected; so benevolent in feeling and action, that her motives will be reverenced; so unassuming and unambitious, that collision and competition will be banished; so “gentle
and easy to be entreated,” that every heart will repose in her presence; then, the fathers, the husbands, and the sons, will find an influence thrown about them, to which they will yield not only willingly but proudly.

Insisting on difference, Beecher argued that women should deploy the fundamental qualities of womanhood for the political end of improving a democratic society. In the home, they had learned the crucial lesson that they must replace self-interest and free agency with submission and self-sacrifice. These were the necessary qualities of motherhood, but qualities that were missing in men. Hence the political function of motherhood and home: to serve as a demonstration of peace and harmony in contrast to the frantic, passion-driven workings of the “world” that lay outside the home, the world inhabited by men.

Were the home to serve this redemptive function, women would have to eschew partisanship themselves. As she said in one of her books, “Woman is to win everything by peace and love, by making herself so much respected, esteemed and loved, that, to yield to her opinions and to gratify her wishes, will be the free-will offering of the heart.” To borrow the words of a modern scholar, “Mothers embodied that selflessness which lay at the heart of true morality: their great mission is self-denial, in training [family] members to self-sacrificing labors for the ignorant and weak.”

Catherine’s younger sister Harriet Beecher Stowe accepted these arguments and wove them into the narrative structure of *Uncle Tom’s Cabin*. Famously, she did so in chapter 13, “The Quaker Settlement.” At this point in the story, Eliza and her little son have crossed the Ohio River and, thanks to assistance from others, arrived at a farm owned by Quakers known to be sympathetic to runaway slaves. We soon realize that the household is a matriarchy presided over by a woman in her late fifties, Rachel Halliday, who inhabits a kitchen that Stowe describes in detail, lingering on its “motherly” qualities as exemplified in Rachel, who is nothing but “loving words, and gentle moralities, and motherly loving kindness.”

Into this household comes another runaway slave, Eliza’s husband George. He is cut from a different cloth than the weeping Eliza, for in an earlier chapter we learn that, as he is making his escape, he carries a pistol and will use it if need be. George is angry and therefore prone to violence. Moreover, unlike Eliza (and of course Uncle Tom, who lived on the same plantation as Eliza) George questions whether God really reaches out to the weak and suffering. The horrors of slavery and the complicity of Christianity in it make him virtually an atheist who doubts the realities of divine providence and a merciful Christ. For Stowe and her older sister, therefore, he is precisely the kind of person who threatens the well being of democracy, and therefore the kind of person who must undergo the transforming possibilities of “home.”

This indeed is what happens at the climatic moment of breakfast.

At last they were all seated at breakfast, while Mary [one of the daughters] stood at the stove, baking griddle-cakes, which, as they gained the true exact golden-brown tint of perfection, were transferred quite handily to the table. Rachel never looked so truly and benignly happy as at the head of her table.

This is pure fantasy, of course, the fantasy of perfect harmony and goodness mirrored in the qualities of the pancakes. The fantasy unfolds just as Catherine would have wished would happen:

It was the first time that ever George had sat down on equal terms at any white man’s table . . . this, indeed, was a home, –home– a word that George hade never yet known a meaning for; and a belief in God, and trust in
his providence, began to encircle his heart, as, with a golden cloud of protection and confidence, dark, misanthropic, pining atheistic doubts, and fierce despair, melted away before the light of a living Gospel.

Becoming a Christian, George becomes a different kind of man, someone who trades in his pistol for a creed of love.34

_Uncle Tom’s Cabin_ deserves our close attention for another reason, the ways in which Stowe employs the category of “sympathy.” To set the stage for understanding this aspect of the novel, we must begin with a different term, the word “sentimentalism.” Emerging within English literary history, “sentimentalism” referred to a body of eighteenth-century poetry and, to a lesser extent, novels, that elicited crying (tears) as a reader response. Benjamin Franklin alluded to this mode of reading in a letter to a London bookseller asking for a “dozen copies” of recent work by the fashionable poet James Thmson, adding that the “charming poet has brought more tears of pleasure into my eyes than all I ever read before.” Sentimental literature was about feeling, privileging the heart over the head. In some respects, it functioned as a critique of the rational Enlightenment.35

To some literary historians and to many who brought a feminist-inflected anger to the work of cultural criticism, sentimentalism was something shameful or debased, too much the opposite of hard-headed realism about the world and how it worked. On these grounds, Ann Douglas ridiculed the tears that flow so abundantly in _Uncle Tom’s Cabin_ and, indirectly, the tears that flowed among the readers of this novel. Scorning the emotionalism of the novel, Douglas contrasted it with the mental and moral challenges contained within the theological tradition known as Calvinism. By abandoning Calvinism, Stowe was reorienting women toward a new self-identity as consumers (rather than producers) and agents of emotional excess. While Douglas was unusually harsh in these judgments, her condemnation of sentimentalism was widely shared—for example, by readers troubled by the submissive qualities of Uncle Tom, whose very name became a synonym for political quietism.36

But hers was not the last word on sentimentalism and its cultural and political consequences. In the 1980s and 1990s a sharply different view of sentimentalism was voiced by the literary critic Philip Fisher and the legal historian Elizabeth B. Clark, among others. Let me quote Fisher at some length, to indicate just how different his point of view was from that of Douglas. Wanting to retrieve the moral force of _Uncle Tom’s Cabin_ from detractors such as Douglas, Fisher began by repositioning the politics of sentimentalism or sympathy. The political content of sentimentalism is democratic in that it experiments with the extension of full and complete humanity to classes of figures from whom it has been socially withheld. The typical objects of sentimental compassion are the prisoner, the madman, the child, the very old, the animal, and the slave. Each achieves, or rather earns, the right to human regard by means of the reality of their suffering.

Reminding us that “in the eighteenth century it was common to visit asylums to be entertained by the antics of the mad” but that in the nineteenth people reached out to the insane as fully human and capable of regaining their health, Fisher contrasts two moral situations: the first in which “humanity” is denied some classes of people, the second in which likeness, not difference, is the point of departure. For him, the quiet revolution caused by the emergence of sentimentalism has, at its center, the second of these attitudes. Hence, in his analysis of Stowe’s novel, its fundamental
radicalism, for the central theme of the novel is that slave mothers have the same emotions as white women and deserve the same degree of sympathy.  

Fisher writes, “The greatest achievement of sentimentality was the part it played in creating full human reality for children.” For Clark, the most striking consequence of sentimentality was how it transformed the situation of women, white and black. In her carefully reasoned and complex essay, she demonstrates that anti-slavery activists called attention to the pain inflicted on the slave body. Slaves suffered. So, of course, did women within the overall culture of “separate spheres.” Linking the two versions of suffering, and linking white women and black women through the category of sympathy, created a parallel demand for rights and liberties: the imperative to free black women from the horrors of the suffering they experienced under slavery, and the imperative to restore or assign new rights to white women to be spared the suffering they experienced at the hands of men.

Clark and Fisher thus rescued sentimentalism and sympathy from their detractors. Sympathy became a powerful instrument of transformation—initially moral, in the sense of creating identity between the powerful and the powerless, and subsequently political, in the sense of underlying agitation to redeem the powerless from their misery. By reversing the significance of sympathy, Clark helped to explain why the women who played such a large role in moral reform in antebellum America were able to remain in their “sphere” but also attempt radical changes. In her work, the contradiction between submission and activism was resolved.

*Uncle Tom’s Cabin* beautifully dramatizes the power of sympathy, as Fisher pointed out and as Clark also recognized. In Chapter 9 of the novel, entitled “In which it appears that a Senator is but a man,” Stowe narrates the reversal of public and private, power and powerlessness, that her older sister had advocated in her treatises. At the outset of this chapter we encounter “Mrs. Bird” and her husband, a Senator in the state legislature (presumably Indiana). He has just returned from a session in which a law was “passed forbidding people to help off the slaves that come over from Kentucky,” a law he defends as “Christian and kind” because it quells the “reckless Abolitionists” who threaten to divide those on the north of the Ohio River from those on the south side, where slavery existed. Mrs. Bird doesn’t like the law, and although she acknowledges that she doesn’t know much about politics, her “timid” qualities co-exist with a “gentle and sympathetic nature” that makes her detest and strongly react against “anything in the shape of cruelty.”

The differences between husband and wife are put to the test when they learn that Eliza, the just escaped slave woman who is carrying her little son, arrives to beg for shelter. Given the opportunity to narrate her reasons for escaping, Eliza evokes the violation of motherhood and the mother/child bond in ways that lead everyone to cry, including the Senator, although he tries to hide his tears. When Mrs. Bird turns to look for clothes for the child, the reader learns that she herself has recently lost a child—apparently her only child, since no other children are part of the household. It is as suffering woman to suffering woman, therefore, that Mrs. Bird nurtures Eliza and her son: motherhood and the tribulations it exacts override all other differences, in this case the combination of race, slavery, and Eliza’s rule breaking. Moreover, the power of sympathy is so great that it leads her to challenge her husband’s principles. The position he supported in public is not Christian at all, but anti-Christian. Accepting this logic, the Senator arranges for Eliza and her child to be protected elsewhere. The logic of
home, motherhood, and sympathy, each of them coded as “private,” thus override the public virtue of social harmony. So powerful is this logic that the Senator is willing to break the law, which indeed is what the anti-slavery movement was about.\textsuperscript{39}

Sympathy is a word we continue to use in the English language. But it has lost most of the significance it had for Stowe and many others in the nineteenth century. Rarely is it a call to arms, a means of promoting moral outrage. Within the context of women’s history, the challenge of reclaiming the role it played in moral reform can be linked with the challenge of understanding the religious activism of so many women. Coding religion as a system that enclosed white women within the norms of submission to male clergy is simply inadequate—inadequate to understand women in early New England, inadequate to understand the women who engaged in moral reform in the nineteenth century. True, we are in the presence of a paradox: submission as empowerment. But paradox and contradiction are the very stuff of history, then and now.

IV. Concluding Reflections

“Gender,” a historian of early America has remarked, “... served as a powerful metaphor for other social relationships in which power was unevenly distributed.”\textsuperscript{40} Within this perspective, gender as a social construction authorizes inequalities of power and, in doing so, becomes an instrument of the more powerful.

Without question, gender conventions have figured in the connections between women and religion—barring women from the ministry, foregrounding the importance of “home” as a site for the transmitting of religion, and the like. But the story is never quite this simple. On the one hand, women and men interacted in early America on terms of near equality in some situations. Gender did not dominate all aspects of the law or of how courts functioned; and discriminations could be blunted in practice. On the other, the history of women and religion reminds us of how limited we are in our understand of power. To a Richard Mather and his son Increase, women were immensely (and enviably) powerful because of the role they placed in nurturing their children. To Harriet Beecher Stowe, women, although always and everywhere suffering and submissive, were immensely powerful because of their capacity for sympathy—for crying, in short.

The challenge of understanding women and religion lies in having a capacious view of power as fluid, porous, and unpredictable. So the stories I have narrated in this essay try to demonstrate.

Notes


4 For the first of these points, see David D. Hall, \textit{A Reforming People: Puritanism and the Transformation of Public Life in New England} (New York: Alfred A. Knopf, 2011), 70-71. See in general Mary Beth Norton, \textit{Founding Mothers & Fathers: Gendered Power and the Forming of
7 “And I will establish my covenant between me and thee and thy seed after thee in their generations for an everlasting covenant, to be a God unto thee, and to thy seed after thee” (King James version).
8 Richard Mather, A Farewel Exhortation to the Church and People of Dorchester (Cambridge, 1657), 12, 13.
9 Increase Mather, Pray for the Rising Generation (Boston, 1678), 10-11.
10 Ibid., 12; Thomas Cobbet, A Fruitfull and Usefull Discourse Touching The Honour due from Children to Parents (London, 1656), 62.
16 William Williams, An Essay to prove The Interest of the Children of Believers in the Covenant (Boston, 1727), 20-22.
18 The best study of this fervency as it involved women

20 Ibid., 152-172.
23 Hall, Antinomian Controversy, 271-273.
25 Having taught at two universities in the Boston area, one of them created by Methodists in the nineteenth century, and the other remade by Unitarians in the nineteenth century, it is instructive to compare the access to each on the part of women: Harvard denied women access to all of its professional programs until the 1950s or 1960s, whereas Boston University was accepting them in the latter quarter of the nineteenth century and admitted women as undergraduates alongside men, whereas separation prevailed at Harvard well past my own years as a student.
28 Pastoral Letter: The Genersal Association of Massachusetts to Churches under Their Care (July 1837), reprinted in Women’s Rights Emerges within the Antislavery Movement, 1830-1870: A Brief History with Documents, ed. Kathryn Kish Sklar (Boston: Bedford/St. Martin’s, 2000), 119-121 (quotation, 120). Sarah Grimke, the object of these remarks, was not however asserting a full program of women’s rights.
Francis Wayland.


39 Stowe, *Uncle Tom’s Cabin*, 140-141.

I. Introduction

Once upon a time not so long ago: Tommy used to work on the docks. Union’s been on strike.
He’s down on his luck - It’s tough so tough.
Gina works the diner all day working for her man. She brings home her pay for love for love.
She says: We’ve got to hold on to what we’ve got. ’Cause it doesn’t make a difference if we make it or not. We’ve got each other and that’s a lot for love - We’ll give it a shot.
We’re half way there - Livin’ on a prayer. Take my hand and we’ll make it. I swear - Livin’ on a prayer.


Recently there are lots of debates about decreasing population in Japan. While more and more revenues for pension funds are needed for the increasing elderly generation, the fertility rate remains low and the relative proportion of the younger working generation is getting smaller and smaller. Of course, the main reason of the low fertility rate is the quantity-quality trade-off, as Becker (1991) Ch. 5 points out¹. However, marriage rate is also decreasing in Japan and the decreasing marriage rate is considered to be one of the reasons of the low fertility rate, since the cost of having a child is smaller for a married couple than for an unmarried couple and whether a couple is married or not has a marginal effect on the decision to have a child.

Therefore, there is a need for research on why marriage rate is so decreasing in Japan. However, many of the debates on marriage market in Japan so far are somewhat anecdotal and emotional and do not rely on firm empirical evidence. It is true that there are some empirical studies on marriage market in Japan, but they employ only conditional data: available data in Japan so far have been those of the characteristics of married persons and unmarried persons. They do not contain any matching information.

This paper is the first study of the marriage market in Japan employing an original matching data. While the previous studies only tell us what
kind of characteristics married and unmarried people have, the original data of the paper tell us who marries whom and why. It is this kind of basic knowledge of the marriage market that we need before making any policy proposals. By analyzing the data, we can distinguish which are the valid explanations of the marriage market in Japan and test some of the theoretical models of marriage.

The rest of the paper is organized as follows. Section 2 provides a brief review of the related literature. Section 3 discusses the data and their limitation. Section 4 presents the estimation methods and the estimated results. Finally, section 5 gives a brief conclusion.

II. Related Literature

1. Related Literature

As already mentioned in the introduction, there are huge amount of literature on marriage market or mating market both theoretically and empirically. Since we do not have sufficient space to present the whole literature here, we are going to give only a brief overview of the literature.

First, many empirical papers report a simple assortative mating mechanism. One of the oldest papers is Vandenberg (1972), which reviews various types of assortative mating, such as race and physical traits, and tries to give psychological and genetic explanation to such phenomenon.

This strand of literature has been developing mainly in the field of psychology: Keller, Thiessen, and Young (1996) show that dating and married couples show comparable levels of assortment for physical traits and that married couples are more assorted on psychological traits. They argue that both dating and married couples initially assort on physical similarity, but that couples who are similar on psychological traits are more likely to marry, since physical traits are apparently critical in initial partner selection and psychological traits are more important for long-term relationships. Thiessen, Young, and Delgado (1997) run experiments to explore the degree to which dating couples assort on physical and psychological traits and find that approximately equal levels of assortment occur for physical and psychological traits, and in short- and long-term relationships. This strand of literature as a whole establishes a simple assortative mating mechanism and its psychological and genetic explanation.

In the meantime, economists began to construct economic models of marriage. The path breaking study is Becker (1991) Ch. 4, which was originally published in 1973. Becker’s economic model of marriage relies on simple setting: he assumes that everyone is a utility maximizer and chooses the mate who maximizes her utility. Then the optimal sorting, where persons not married to each other could not marry without making at least one of them worse off, occurs and the efficient marriage market tends to maximize the aggregate output of household commodities. Becker shows that both positive assortative matching, where high-quality men are matched with high-quality women and low-quality men are matched with low-quality women, and negative assortative matching. To be precise, positive assortative matching occurs when

\[ \frac{\partial^2 Z(A_m, A_f)}{\partial A_m \partial A_f} > 0, \]

where

- \( Z \): the marital output
- \( A_m \): the quantitative traits of male
- \( A_f \): the quantitative traits of female,
and negative assortative matching occurs when
\[ \frac{\partial^2 Z(A_m, A_f)}{\partial A_m \partial A_f} < 0. \]
Intuitively, positive assortative matching occurs when the male partner’s ability and the female partner’s ability are complimentary and negative assortative matching occurs when the male partner’s ability and the female partner’s ability are substitutive.

After the path breaking study by Becker, many elaborations have been done so far. One of the recent achievements of this line of work is Burdett and Coles (1997). Burdett and Coles develop a matching model where agents are heterogeneous and utilities are nontransferable; and shows various equilibria and agents’ strategies.

At the same time, several papers try to empirically test matching mechanism in marriage market. Particularly, there are many structural estimation studies since the matching models can be effectively estimated through structural methods. For example, Wong (2003) employs a two-sided matching model in order to examine who matches with whom in marriage market. She shows, above all, that wage is more desirable than education in predicting marriage ability for white men while education is more desirable for black men. Similarly, Choo and Siow (2006) propose a static transferable utility model of the marriage market, which generates a nonparametric marriage matching function with spillover effects. They show that the gains to marriage for young adults fell substantially over the decade and that the legalization of abortion had a significant quantitative impact on the fall in the gains to marriage for young men and women. Del Boca and Flinn (2006) find some evidence supporting the view that households behave in a cooperative manner.

The most comprehensive and interesting empirical study is Hitsch, Hortaçsu, and Ariely (2010). They use data on user attributes and interactions from an online dating site and estimate mate preferences. They also use the Gale-Shapley algorithm to predict stable matches and compare the predicted matches with the actual ones. Their data contains the whole process of online dating, which enables them to estimate the matching model precisely. Although online dating is not necessary the same as actual marriage, the availability of the comprehensive data, which would be otherwise unavailable, is a huge advantage.

2. Contribution of the Paper

This paper contributes to the preceding literature by providing a first analysis of the marriage market in Japan. Although the data have several weak points, which will be discussed in the later section, we have not observed the similar type of data in Japan so far. All empirical analyses of the marriage market in Japan so far use only one-sided conditional data: what the characteristics of married people are and what the characteristics of unmarried people are. There has been no matching data of the marriage market in Japan so far.

In contrast, the data of this paper is a matching data of a subset of the marriage market in Japan. In addition, the data captures frictionless market, which enables us to identify theoretical models more easily. Through using this data set, it is possible to answer the question “who marries whom and why” for the first time. Although the data set is very limited one and all we can do is a very preliminary study, this is an important step toward a comprehensive understanding of the mechanism of the marriage market in Japan.
III. Data and Estimation Strategy

1. Data Description

This paper employs original data of the marriage market in Japan. The matching data is obtained from O-net’s advertisement on a newspaper. O-net is one of the largest marriage matching servicers, working both online and offline, in Japan and the matching data is based on its members’ marriage reports to O-net from December 2009 to February 2010 (three months). The data contains 523 pairs, which implies that there are about 2,000 marriages per year via O-net.

The reported characteristics of the pairs are sex of each pair, education, job, and annual income. Although it is true that O-net possesses much more detailed information of its members, such as appearance, preference, living area, working area, and job experience, O-net does not publish such detailed information, because the competitive advantage of O-net is based on such business secret. Since all we can have publicly is only limited characteristics of the married pairs, it is impossible to estimate complicated structural matching models; instead, what we are going to do in this paper is just to observe correlation among characteristics and to test various predictions from the theoretical models.

Before moving on to the estimation part, it is necessary to make a cautionary note about the data. The data is not random sample, and has two-pronged selection biases. First, the data does not cover the whole population, only the subset who voluntarily come into the marriage matching industry. This self-selection mechanism causes two biases: those who do not have success in the outside marriage market try to use matching servicers (‘opportunity constraint’) and those who can afford to pay the fee can utilize matching servicers (‘financial constraint’).

The effect of ‘opportunity constraint’ is unclear. Although it could be argued that those who search for ‘too better’ mate try to use marriage matching servicers and that they try to find such ‘better’ mate at marriage matching servicers, it is difficult to tell what effect such kind of behavior has. In addition, there is a possibility that those who do not have many opportunities to become acquainted with potential mates try to utilize marriage matching servicers. However, it is again difficult to tell how such occupational behavioral pattern affects matching results. All we can predict is that the average of the pairs are older than the average marrying couples in Japan, since only those who cannot find their mate in the outside marriage market come to the marriage matching servicers.

In contrast, the effect of ‘financial constraint’ is rather simple to see. In case of O-net, members are required to pay 109,800 yen as registration fee and 13,965 yen as monthly fee. The registration fee is required only at the time of registration, but members need to keep paying the monthly fee as long as they continue their membership. The amount of money O-net members are required to pay is not inexpensive so that only those who put much value on marriage and have considerable income enter the market. This income effect is easy to confirm, which will be discussed in the later part.

Second, the data only contains those pairs who have gained success in marriage matching. Therefore we cannot observe those who have dropped off and those who have failed successful matching. We do not have the complete information of matching process. Typical matching
data includes many useful information, such as who asks for a date to whom and who accepts (or declines) an offer from whom. In contrast, all we have is the matching ‘result’. In addition, we do not have the complete characteristics of each member, which are supposed to be confidential information of O-net. If we observed this information, we could identify richer model, such as structural matching models or at least probit models of matching function where whether a member has succeeded or not is the dependent variable. However, all we have here is just the selected (succeeded) subsample, so that we are able to check only the correlation among the available characteristics.

In spite of these limitations, our data has a strong advantage. Studies of marriage market in Japan so far have been mainly used reported matching results data: what the observed characteristics of married people and unmarried people are. Even if these studies find positive assortative matching from these data, it is difficult to tell whether the positive assortative matching is driven by the economic model as described in section 2. Observed positive assortative matching result can occur because of not only the economic incentives but also ‘peer effect’: that is, since those who have similar attributes tend to go similar schools and similar work place, similar potential mates have much more opportunities to come across with each other than dissimilar potential mates and the likelihood of forming a pair is higher among similar people than dissimilar people. Traditional studies cannot identify the economic model of positive assortative matching distinguished from this simple peer effect.

In contrast, our data is basically free from the peer effect. Marriage matching servicers, such as O-net, provide much more broad opportunity to find potential mates other than schools or work places. Members can freely search potential mates outside of their schools and work places. This implies that the marriage market which marriage matching servicers provide is more frictionless than the usual marriage market outside. By relying on such frictionless data, we can easily identify the effect of the economic assortative matching. This is the strong point of our data and one of the main contributions of this paper.

2. Summary Statistics

First, let us check the distribution of the variables (Table 1).

As Table 1 shows, the average age of the pairs is 38.4 for male and 35.6 for female and there is about 3 years difference within each pair on average. The average age of the pair is older

<table>
<thead>
<tr>
<th>Variables</th>
<th>Obs.</th>
<th>Mean</th>
<th>Std. Dev.</th>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male Age</td>
<td>523</td>
<td>38.42</td>
<td>7.64</td>
<td>23</td>
<td>74</td>
</tr>
<tr>
<td>Female Age</td>
<td>523</td>
<td>35.62</td>
<td>6.7</td>
<td>20</td>
<td>64</td>
</tr>
<tr>
<td>Age Difference</td>
<td>523</td>
<td>2.8</td>
<td>3.89</td>
<td>-9</td>
<td>17</td>
</tr>
<tr>
<td>Male Income*</td>
<td>523</td>
<td>634.6</td>
<td>235.7</td>
<td>250</td>
<td>2000</td>
</tr>
<tr>
<td>Female Income*</td>
<td>523</td>
<td>317</td>
<td>146.5</td>
<td>0</td>
<td>1000</td>
</tr>
<tr>
<td>Income Difference*</td>
<td>523</td>
<td>317.6</td>
<td>262.2</td>
<td>-600</td>
<td>2000</td>
</tr>
</tbody>
</table>

*: the unit is 10,000 yen.
than that of the whole population in Japan\(^9\), which implies there is ‘opportunity constraint’ mentioned above. Those who were not able to find mates seem to have come to marriage matching servicers.

In addition, Table 1 shows that there is an effect of ‘financial constraint’ discussed above. According to the National Tax Agency Salary Survey of 2010\(^{10}\), the annual average earned income is 4,997,000 yen for male, whose average age is 44.5 years old, and 2,631,000 yen for female, whose average age is 44.3 years old\(^{11}\). Since older age means higher income in general, at least for male, we need to check the average income for the same age as in our data. The NTA Salary Survey tells that the average annual income for age 35 through 39 is 4,970,000 yen for male and 2,850,000 yen for female. The O-net members in our data earn 6,346,000 yen per year if male and 3,170,000 yen per year if female. These numbers are much higher than those of the whole population, especially for male, and it is plausible to infer that this difference is mainly caused by the financial constraint of marriage matching servicers’ membership.

Next we move on to other characteristics of our data. Table 2 and 3 summarize the data:

### Table 2. Education

<table>
<thead>
<tr>
<th></th>
<th>Junior High</th>
<th>High School</th>
<th>Voc. School</th>
<th>Junior College</th>
<th>College</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>1.90%</td>
<td>17.20%</td>
<td>9.90%</td>
<td>4.40%</td>
<td>51.80%</td>
<td>14.70%</td>
</tr>
<tr>
<td>Female</td>
<td>1.00%</td>
<td>15.30%</td>
<td>17.80%</td>
<td>24.90%</td>
<td>37.30%</td>
<td>3.80%</td>
</tr>
</tbody>
</table>

### Table 3. Job

<table>
<thead>
<tr>
<th></th>
<th>Doctor</th>
<th>Public Servant</th>
<th>Executive</th>
<th>Self Emp</th>
<th>Freelance</th>
<th>Employee</th>
<th>No Job</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>1.10%</td>
<td>3.30%</td>
<td>2.90%</td>
<td>1.00%</td>
<td>1.30%</td>
<td>90.20%</td>
<td>0.20%</td>
</tr>
<tr>
<td>Female</td>
<td>1.00%</td>
<td>0.80%</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>93.50%</td>
<td>4.80%</td>
</tr>
</tbody>
</table>

Table 2 shows the distribution of educational level. Most of the male members finish college, but some continue to graduate degree, while others stop at high school level. Compared to the male members, the proportion of the female members who have graduated college or more are small and those with vocational school level education is much larger.

Table 3 shows the distribution of the members’ occupational status. The large fraction (over 90%) of the members, both for male and for female, are employees who are working at private companies. Medical doctors and executives, which are considered to be high-income jobs, are rare. Some male members are public servants, which are rather stable job and considered to be desirable under the present weak environment of the Japanese economy. The main difference between the male members and the female members is the ‘no job’ status. While about 5% of the female members do not have job, quite a few male members are without job. This is because O-net requires male members to have some income at the time of registration. Checking the individual data, all of the male members in the ‘no job’ status are elderly people with retirement pension income.
IV. Results

1. Estimation Strategy

As discussed in the former section (3.1), the limitation of our data does not allow us to estimate richer structural models of the matching market and all we can do with our data is to check correlation among multiple characteristics of the members. Considering the limitation, we run two simple multiple regression models here.

The first model (model A) uses male income as dependent variable. This model tries to answer the question which characteristics have impact on catching better mate. The underlying assumption of the model is that higher income corresponds to higher ‘price’ in marriage matching market and that income level can be used as a proxy for mate quality.

The second model (model B) employs age difference as dependent variable. This model tries to answer the question which characteristics have impact on overcoming generational/biological problem. The underlying assumptions of this model are that smaller age difference within a pair means smaller generation gap and that younger female has better biological ability to give birth. Although having children is not the only or the most important reason to marry, it is usually one

<table>
<thead>
<tr>
<th>A1</th>
<th>A2</th>
<th>A3</th>
<th>A4</th>
<th>A5</th>
<th>A6</th>
<th>A7</th>
<th>A8</th>
<th>A9</th>
<th>A10</th>
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</thead>
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<tr>
<td>Age Diff</td>
<td>23.79***</td>
<td>24.23***</td>
<td>25.27***</td>
<td>25.57***</td>
<td>25.12***</td>
<td>25.57***</td>
<td>25.19***</td>
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<td>(2.44)</td>
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<td>(2.35)</td>
<td>(2.34)</td>
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<td>(2.34)</td>
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</tr>
<tr>
<td>Female Age</td>
<td>8.06***</td>
<td>8.49***</td>
<td>7.81***</td>
<td>8.12***</td>
<td>9.66***</td>
<td>8.72***</td>
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<td>(1.50)</td>
<td>(1.37)</td>
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<tr>
<td>Female Income</td>
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<td>-151.2*</td>
<td>-145.4*</td>
<td>-151.2*</td>
<td>-145.4*</td>
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<td>-88.0**</td>
<td>-78.1**</td>
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<td>-20.7</td>
<td>-10.9</td>
<td>-20.7</td>
<td>-10.9</td>
<td>-20.7</td>
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<tr>
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<td>-10.2</td>
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<td>-10.2</td>
<td>-0.3</td>
<td>-10.2</td>
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<tr>
<td>(44.5)</td>
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<td>(44.9)</td>
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<td>(44.9)</td>
<td>(44.5)</td>
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<tr>
<td>Male GD</td>
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<td>10.4</td>
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<td>10.4</td>
<td>5.3</td>
<td>10.4</td>
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<td>(26.9)</td>
<td>(26.6)</td>
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<tr>
<td>Female JH</td>
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<td>-4.6</td>
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<td>-4.6</td>
<td>50.9</td>
<td>-4.6</td>
<td>50.9</td>
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<tr>
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<td>(94.4)</td>
<td>(93.3)</td>
<td></td>
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<tr>
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<td>-68.0*</td>
<td>-48.7</td>
<td>-68.0*</td>
<td>-48.7</td>
<td>-68.0*</td>
<td>-48.7</td>
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<tr>
<td>Female VS</td>
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<td>-40.2</td>
<td>-55.1*</td>
<td>-40.2</td>
<td>-55.1*</td>
<td>-40.2</td>
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</tr>
<tr>
<td>(25.9)</td>
<td>(26.5)</td>
<td>(25.9)</td>
<td>(26.5)</td>
<td>(25.9)</td>
<td>(26.5)</td>
<td>(25.9)</td>
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<tr>
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<td>-18.2</td>
<td>-12.5</td>
<td>-18.2</td>
<td>-12.5</td>
<td>-18.2</td>
<td>-12.5</td>
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</tr>
<tr>
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<td>(23.4)</td>
<td>(23.5)</td>
<td>(23.4)</td>
<td>(23.5)</td>
<td>(23.4)</td>
<td>(23.5)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female GD</td>
<td>15.5</td>
<td>16.8</td>
<td>15.5</td>
<td>16.8</td>
<td>15.5</td>
<td>16.8</td>
<td>15.5</td>
<td>16.8</td>
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</tr>
<tr>
<td>(49.1)</td>
<td>(48.9)</td>
<td>(49.1)</td>
<td>(48.9)</td>
<td>(49.1)</td>
<td>(48.9)</td>
<td>(49.1)</td>
<td></td>
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</tr>
<tr>
<td>Adjusted R²</td>
<td>0.152</td>
<td>0.051</td>
<td>0.012</td>
<td>0.209</td>
<td>0.182</td>
<td>0.060</td>
<td>0.250</td>
<td>0.250</td>
<td>0.239</td>
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<tr>
<td>Observations</td>
<td>523</td>
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<td>523</td>
<td>523</td>
<td>523</td>
<td>523</td>
<td>523</td>
<td>523</td>
</tr>
</tbody>
</table>

Standard errors are in parentheses. Significance levels are * = 5%, ** = 1%, and *** = 0.1%, respectively.
of the strong motives of marriage in Japan. In addition, it can also be argued that younger mate, both male and female, can be seen as having more attractive appearance in general.

For both model A and model B, we estimate various specifications changing the set of control variables.

2. Results

Model A

The estimated results of model A is presented in the table 4 and 5.

| Table 5. Model A results 2 (Dependent variable is male income) |
|-----------------|-----------------|-----------------|
|                 | A11             | A12             | A13             |
| Age Diff        | 23.20***        | 25.09***        | 22.86***        |
|                 | (2.20)          | (2.34)          | (2.20)          |
| Female Age      | 8.28***         | 7.53***         | 7.86***         |
|                 | (1.28)          | (1.36)          | (1.29)          |
| Female Income   | 0.270***        | 0.369***        | 0.355***        |
|                 | (0.0585)        | (0.0740)        | (0.0692)        |
| Male MD         | 570.5***        | 560.1***        |
|                 | (78.8)          | (78.6)          |
| Male PS         | 32.8            | 34.8            |
|                 | (47.5)          | (47.3)          |
| Male Exe        | 312.8***        | 305.2***        |
|                 | (50.8)          | (50.6)          |
| Male Self       | -14.7           | -15.9           |
|                 | (86.7)          | (86.2)          |
| Male Free       | 53.1            | 49.3            |
|                 | (73.0)          | (72.7)          |
| Male NoJob      | -143.4          | -197.5          |
|                 | (195.7)         | (197.2)         |
| Female MD       | -109.9          | -89.9           |
|                 | (96.2)          | (89.5)          |
| Female PS       | -182.0          | -168.8          |
|                 | (103.3)         | (96.0)          |
| Female NoJob    | 119.9*          | 94.5*           |
|                 | (48.9)          | (46.2)          |
| Adjusted R²     | 0.340           | 0.243           | 0.346           |
| Observations    | 523             | 523             | 523             |

Standard errors are in parentheses. Significance levels are * = 5%, ** = 1%, and *** = 0.1%, respectively.

Table 4 shows the estimation results with the specification using educational level as control variables, where the base category is college graduate. The most relevant results are columns A9 and A10. First, age difference within a pair has strong and significant effect across various specifications. We can make several observations here. First, from female’s view, one more age difference leads to 250,000 yen higher male income. This implies that younger female can catch mate with higher income, that is, ‘better’ mate.

Second, female age seems to have strong and significant effect, too: when a female is one year older, she will find a mate with about 100,000 yen higher income. However, this relationship is spurious. Recall that age difference is fixed in this specification. Then when a female is one year
older, her mate must be also one year older, too. Since male annual income tends to increase as his age, this leads to higher male income. Third, in contrast to the spurious relationship between female age and male income, female income has strong and significant positive effect. Column A10 specification indicates that a female with one yen higher income can find a mate with 0.2 yen higher income. This implies female with higher income, that is, ‘better’ female are matched with male with higher income, that is, ‘better’ male. We find an evidence of positive assortative matching here.

Finally, both male (column A9) and female (column A10) educational level have strong and significant effect. The male part is not surprising because higher educational experience leads to higher income in general. In contrast, the female part gives us interesting evidence. Lower educational level, except for those who finished only junior high school, leads to lower income of mate. Here we observe female with higher education level can find a ‘better’ mate. This indicates there is also an evidence of positive assortative matching with respect to educational level of female.

Next, table 5 shows the estimation results with the specification using job status as control variables, where the base category is employee. The most relevant result is column A13. Again we can make several observations here. First, some of male occupations have strong and significant effect. For example, medical doctors and executives earn much higher income compared to corporate employees (the base category); however, this is not a surprising result.

More interesting points are that public servants do not have significantly lower income and that self-employers and freelancers do not have significantly higher income. Recently there is an anecdote that public servants are attractive in marriage market in Japan since the job status of public servant is relatively stable even in the time of economic recession. If this anecdote were true, we would observe that male public servants earn lower income than male corporate employee since male public servants with lower income and male corporate employee with higher income would be equivalent in marriage market. The same logic applies to self-employers and freelancers, since their job status is relatively unstable so that their potential mates would require higher income in order to compensate for the risk. However, these risk-compensation effects might be contaminated with the income effect of each occupation and we cannot identify these effects independently.

In contrast, female occupation shows an interesting phenomenon. Females with no job find mates with 945,000 yen more income than female corporate employees. This indicates an evidence of negative assortative matching since females with no job do not have earnings in the outside market but have potential to perform household labor. This is consistent with Becker’s famous model of division of labor among households and families. Similarly, female public servants do not require high income for her spouse (barely insignificant at 5% level and significant at 10% level) and this can be seen as another evidence of negative assortative matching.

Model B
The estimated results of model B is presented in the table 6. In columns B7 and B8, both educational level and occupational status of male and female, which are employed in model A, are controlled.
The most relevant results are columns B7 and B8. First, higher male income leads to statistically significant positive age difference. Then we can say richer male can acquire younger and biologically more superior female. The same relationship is observed for female, too: higher female income leads to statistically significant negative age difference, which implies richer female can acquire younger male. Since age of male does not have clear relationship with fertility, youth leads to higher price in the marriage market for male as well as female.

Second, male age has significant positive effect, while female age has significant negative effect. Note that the effect of male age is not caused by increased income, because in column B7 specification we have already controlled male income level. Then older male tends to acquire younger spouse, while older female tends to get spouse with smaller age gap. One of the possible explanations of this gender difference is that biological potential of female declines with age, while that of male does not (at least dramatically). And we may confirm our assumption that younger female has better biological ability to give birth, which implies higher price in the marriage market.

V. Concluding Remarks

Overall, the results of our study confirm various positive and negative assortative matching with relatively frictionless data of the marriage market in Japan. At the same time, we cannot find evidence of popular anecdote, such as ‘public servants are attached higher value because of their stable occupational status’.

However, the analysis of this paper is quite limited and preliminary because of the limited information and the non-randomness of our data. In future researches, it is desirable to acquire more complete matching data in Japan and to estimate richer structural matching models.

References


Notes

1 A simplified explanation of Becker (1991)’s model is that the investment in children turns from children’s quantity to children’s quality as the return to investment in human capital increases and the child-rearing cost increases.

2 Matchings can be achieved through, for example, the Gale and Shapley (1962) algorithm.

3 http://o-net.jp/


5 The data do not contain same-sex couples.

6 Recall that O-net members need to pay monthly fee of 13,965 yen as long as they continue membership.

7 The reason we insert the word ‘basically’ is that strictly speaking the marriage market which marriage matching servicers provide is not completely free from the peer effect. Since marriage matching servicers have an incentive to report many matched pairs in order to attract new members, they try to provide as promising candidates as possible. In order to provide promising candidates, they usually exploit their own past matching data, which is supposed to be confidential, and estimate their own matching model. Then, what emerges there is an ‘artificially created peer’ and what we observe there might be another ‘peer’ effect.

8 There is a possibility that members are not telling the truth, but misrepresenting their income level, since O-net does not verify the income reported by the members through employing, for example, tax returns. However, it is uncertain what effects the lack of verification procedure for the reported characteristics of members has.

9 The average age of first marriage is available from the website of the Ministry of Health, Labour and Welfare (for the latest data, http://www.mhlw.go.jp/toukei/saikin/hw/jinkou/tokusyu/syussyo06/index.html). According to the website, the average age of first marriage for female is 28.6 in 2009. There is difference of about seven years between the average population and our data.


11 The average earned income for the whole population is 4,059,000 yen and the average age is 44.4 years old.

12 The phrase ‘from female’s view’ means fixing female age. Since male age, female age, and age difference are perfectly collinear, we cannot include these three variables at the same time. For reference’s sake, one more age difference from male’s view (fixing male age) leads to 120,000 yen higher income.

13 Note that the variable age difference is calculated by male age minus female age.

14 Recall that male age, female age, and age difference are perfectly collinear, so that we cannot employ three control variables at the same time.

15 Although this point is not the focus of this paper, a bit sad phenomenon is found in column A10. Male with graduate degree earns only 53,000 yen higher income compared to male with college degree and the difference is not statistically significant. This means that the return to investment in human capital at graduate school level does not seem to exist and that the Japanese society seems to be too egalitarian.

16 In column A9 specification, a female who finished just high school or vocational school finds mate with 680,000 yen or 551,000 yen lower income compared to a female who finished college, respectively.

17 Becker (1991), Ch. 2.

18 Note that we cannot include male age and female age at the same time since the dependent variable (age difference) is perfectly collinear with those two variables.

Unfortunately we cannot tell which of these two effects prevails in our data. We just make a cautionary note on this point here and continue analysis under the assumption that the unverifiability of the reported income (and other characteristics, too) does not have impact on the level of the reported income.
I. Preview

The Constitution of the Republic of Korea prescribes that all citizens over twenty years old have the right to vote and citizens over twenty-five years old are eligible to run for elections. However, women’s representation has been extremely low in both the National Assembly and local councils. Under the past dictatorial governments, most of citizens’ movements were for realization of democracy, and gender issues were easily ignored. It is since 1990s that people began to concentrate on women’s participation in politics in Korea. Gender quota system was first introduced in 1995, and later in 2000, it was settled down in the Political Parties Act. Although it is judged that the number of female representatives in the National Assembly has been successfully increased, female members of the National Assembly only occupy 10 per cent of the total numbers of the National Assembly members, despite the relatively strong quota system favorable to women. Also, there is also opposition insisting that we do not need to have gender quota system because women’s status in Korea is high enough to ‘fairly’ compete with men. This article evaluates the extent of women’s participation in politics over the past ten years, examines impacts of gender quotas in Korean electoral system, and suggests remained questions to improve female representation.

II. Brief of Korean Electoral System

1. General Election

The National Assembly has 299 members elected for a four-year term, 245 in single-seat constituencies and 54 members by proportional representation. Proportional representation seats are divided proportionately among the political parties based upon their votes obtained in the districts, on the condition that they have obtained
at least 3% of the total valid votes cast or secured five district constituency seats or more. Vacancies of district constituency seats arising between general elections are filled through by-elections, on the condition that there remains at least one year in the term of the Assembly member to be replaced. Vacancies of proportional representation seats are filled by the “next-in-line” candidates of the political party concerned.

2. Local Council Elections

The local autonomy in Korea has re-started with local council elections in 1991,¹ and elections for heads of local governments in June 1995. These two types of local elections have been held together since 1995.

Local councils also have members elected for a four-year term, and they are divided in single-seat constituencies and proportional representation. The proportional representation ratio is 10% in local councils, and the method to elect proportional representation member is the same as the general election.

III. Legislation of Gender Quota System

Although the Constitution of Korea Article 11 rules that all citizens are equal before the law, and may be no discrimination on the basis of gender, it is the Fourth World Conference on Women (1995) that invited discussion on the gender quotas. The conference made us realize that increase of female political representation is important, and spread the notion that gender quota is the fastest track to achieve the goal to all over the world.²

In fact, there were not many of arguments about the pros and cons about the gender quotas because people shared consensus that women’s participation in politics was extremely low comparing to other parts, which resulted in low indexes related to women’s status (Kim and Oh, 2010:142-143). To imposition of gender quota rules, Sae Jungchi Kukminheui (National Congress for New Politics) and Hannara-dang (Grand National Party) consented, and Jayu Minju Yeonhap (United Liberal Democrats) opposed at first but changed the party’s stance later at that time. While objections to the gender quota in politics were not that menacing, gender equality employment initiative encountered strong resistance. In addition, the Constitutional Court’s decision on whether the practice of giving veterans extra points of 3 or 5% in each subject test of civil service examinations (hereinafter ‘veterans’ extra points system’) is constitutionally based was caught up in huge controversy (Kim and Oh, 2010:174). The Constitutional Court decided that the veterans’ extra points system was unconstitutional and mentioned the meaning of affirmative action as below:

“In order to negate this reality and realize the constitutional ideals of equality and welfare, a comprehensive legal system is established in the area of women and the handicapped. The Framework Act on Women’s Development… emphasizes expansion of women’s social participation and specially institute discrimination bans and affirmative actions for women in public offices and employment.”³
In 1995, the ‘Framework Act on women’s development’ first introduced ‘temporary preference measure’ and the ‘Political Parties Act’ first ruled 30% quota for women candidates in the proportional representation of general election in 2000. This 30% quota was not very effective because it was not compulsory and there was no measure to change political parties’ passiveness in nominating women candidates. As the result, the ratio of female numbers in proportional representation could not reach 30% in the general election of 2000. Despite the problems, the first introduction of the gender quota in politics was valuable in itself.

In 2002, there was an amendment to the Political Parties Act. Under the amendment, women must account for over 50% of proportional representation candidates for municipal/provincial councils with female-male alternative order on the nominee list. Political parties are also required to make efforts to ensure that women make up at least 30% of nominated candidates for local constituencies in general and local level elections. Under the 2002 amendment to the Act on Elections for Public Offices and Prevention of Electoral Malpractices, registration of a candidate list that does not fulfill the women candidate nomination ratio and related regulation is not accepted in regional council elections. And the State shall offer additional subsidies to the parties which nominated more than 30% female candidates for supporting these measures (Article 17-2, Act on Political Fund).

In 2005, the gender quota rules in the Political Parties Act were removed and provided by ‘Election Act for Public Offices’ which the title was changed and revised from the Act on Elections for Public Offices and Prevention of Electoral Malpractices.

Under the March 2010 amendment to the Election Act for Public Offices, compulsory quota for women candidates in local councils’ constituencies was first introduced that political parties are required to nominate more than one woman candidates per one general constituency. Besides, even though it is not directly related to quota for women, the Political Fund Act assigns that political parties have the duty of promotion for women politicians, and rules that 10% of State benefits for political parties shall be used for the development of female politics (Article 28).

In summary, the gender quota system in Korean politics is institutionalized by law rather than political parties’ voluntary participation. It is because voluntary quota for women by political parties is less feasible, and it is difficult to expect that the gender quota system would success.

### IV. Achievement of the Gender Quota System

The Gender quota system contributed to increase the ratio of women in both the National Assembly and local councils.

In the National Assembly, it raised from 5.9% in 2000 to 13% in 2004. The impacts of quotas are most significant when combining with proportional representation system. The 50% quota in proportional representation was effective showing the result that 29 of 39 female winners in proportional representation. At the same time, it was proven that 30% arbitrary quota in constituencies and additional fund for nominating female candidates did not have much effect, as shown in the result of the election in 2000 right after introduction of voluntary 30% quota in proportional representation. Also, there is
no promotion without reinforcement of quota for women before the general election in 2008, we can not find a meaningful increase any more.

Table 1. Women Winners’ Ratio in General Elections (%)

Though women ratio in the National Assembly is still around 10%, female members are now familiar to people, and they have more chances to prove their own political leadership. In addition, male-dominated culture in politics is gradually ameliorated and stereotypes to female politicians were changed.

Women’s increase in politics does mean not only numerical increase, but also more interests in gender issues. Comparing to the 16th (2000-2004) with the 17th (2004-2008), there were enactment and amendment of 45 bills on gender issues, adoption of 2 resolutions in the 16th (Gender Equality Committee, 2004: 9-12). On the other hand, 104 bills on gender issues, 2 resolutions, 1 agreement, and 1 proposition in the 17th (Gender Equality and Family Committee, 2008: 921).

The similar analysis is possible in local elections. Gender quota was first implemented in 2002, which was 50% compulsory quota for women with male-female alternative order on the nominee list in proportional representation of municipal level elections. However, it was not effective because the proportional representation in municipal region is only 11% (73/682), and this ratio was already maintained before the implementation of the gender quotas. Contrary to municipal level elections, women’s ratio was only 2.2% in provincial level elections without gender quotas. At that time, it was impossible to rule gender quotas because political parties were not related to provincial level elections.

It is the local elections in 2006 that showed the effect of the gender quota. The Public Official Election Act was amended before the local elections in 2006, the amendment introduced nomination by political parties and quota for women with male-female alternative order in provincial level elections. Women members in provincial councils increased from 2.2% in 2002 to 15.1% in 2006. Also in municipal councils, it is from 9.2% to 12.1%. However, focusing on local constituencies, it showed a bit more increase such from 2.3% in 2002 to 4.9% in 2006 in municipal councils and from 2.2% to 4.4% in provincial councils.
It is consequently proven that the increase of women ratio is contributed to 50% gender quota with alternative order. And it also presented that the effect was limited in proportional representation. To promote more women’s nomination, the Political Fund Act provides the additional fund to the parties that nominated more women candidates, but it was not so much effective. It is partly because there is a tendency that major parties that can fundraise easier nominated less women candidates (Kim and Oh, 2010: 150).

V. Further Questions

Despite the increase of female members, there are still problems to solve. First, women’s participation in Korean politics still remains low. Because it is strongly dependent on compulsory gender quota system, reinforcement of quota may be the fastest way that more women can go to the National Assembly and local councils. In order to expand the gender quota in constituency representation, there are two options. One is the introduction of compulsory quota, the other one is the expansion of current voluntary quota by political parties. on the condition that institutionalization of the gender quota without intensive discussion, impellent adoption of compulsory quota will confront stronger opposition than so far. To make political parties nominate women candidates spontaneously, the agreement within parties and voters’ understanding will be important.

Second, quantitative improvement under the current quotas can not assure the realization gender equality. Fortunately, as female members in the National Assembly were interested in gender issues, they contributed to enactment and amendment of bills related to gender issues. One of the good examples is the abolition of the family-headship system in Korean civil law. Even though the issue was raised as a presidential election pledge in 2002, it was finally abolished in 2005 by the increase of female members in the National Assembly in 2004. However, there are no means to raise more qualified women politicians as ‘women’s representation’. It is necessary to monitor the process of nomination by political parties and women politicians’ activities in the National Assembly and local councils. Moreover, female students who want to be politicians need to be trained in gender policies and leadership.
VI. Conclusion

It has been ten years since the gender quota system was first introduced in Korea. Women’s participation in Korean politics is strongly dependent on the compulsory gender quota rules. Surely, it has been very useful measure quantitatively as well as qualitatively in Korea so far. However, we need to develop a strategy for making more women participate in politics without quota, attract voters’ interests for gender equality, and respond to the argument, ‘reverse discrimination’.

Gender quota system means not only a measure for women’s more participation but also realization of gender politics. It is an effective institutional strategy to promote substantial gender equality for women less represented in politics in spite of the equality before law. Benefits of quota for women are not merely the increase of female members, but empowering them to secure their veritable citizenship (YOON, 2006: 11). And quota is not only for gender equality, but for minority’s opportunities and participations to realize social integration.

References


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Notes

1 The Local Autonomy Act was enacted in 1949, and had hold local elections until 1960, but later in 1962, local councils were dissolved by military coup in 1962, and the local autonomy has not implemented for more than 30 years in Korea.

2 There were only 10 countries which have gender quotas until 1980, 12 countries were added in 1980s. More than 50 countries adopted quotas in 1990s, and did more than 40 countries so in 2000s. Now there are more than 100 countries which have quota systems, and more than 75 countries started quota systems after the World Conference on Women 1995 (Krook, 2009:4).

3 Constitutional Court, 11-2 KCCR 770, 98Hum-Ma363, December 23, 1999.

4 For the general election in 2000, Hannara-dang (Grand National Party) nominated 11 female candidates (24.4%), Jayu Minju Yeonhap(United Liberal Democrats) did 19.3%. Only Minju-dang (Democratic Party) nominated 32.6% female candidates of proportional representation. Moreover, some parties assigned less available number to female candidates, and eventually the female number of proportional representation in 2000 was 23.9% (Cho and Kim, 2010: 131).

5 The process to rule 30% quota did not get off a smooth start. The original bill ‘30% quota for women candidates on proportional representation in every election’, which was a presidential election pledge, was omitted right before summiting it to a plenary session. And, the whole female members (11) with their supporting colleagues proposed an amendment on Feb 8th, 2000. And the amendment was passed at the very next day (Cho and Kim, 2010: 131).

6 This article was enforced from 2003, and parties could not benefit from it in the regional council election in 2002.

7 The compulsory quota in local constituencies met with opposition from many members of the National Assembly, and there is also opinion that it violates the rule against
excessive restriction under Constitution. The agreement by Special Committee for Political Reform was rejected by Legislative and Judiciary Committee and returned. The first draft was amended by Special Committee for Political Reform and the amendment with proviso was barely passed (Cho and Kim, 2010: 132).

8 Chun analyzed that spontaneous quota system was effective in Germany because of understanding on democracy that substantial equality can be realized by female representation and expectation that female representation will ameliorate the quality of politics. On the basis of these grounds, movement for gender equality brought male members’ agreement within parties (Chun, 2004).

9 According to Marland and Studar, if political parties implement quota for women, the first reason is that political parties think carrying quota can appeal to voters who think gender equality is important in the society (Marland and Studar, 1996).

10 The system is basically based on the principle of fatherhood succession and fixedness of the family name. And feminist activists have raised the issue of the abolition since 1960, right after enactment of Korean civil law.
ANALYSIS OF THE BALANCE OF INTENTION TO SUPPORT PARENTS AND PARENTS-IN-LAW:
A Study of Intergenerational Support as Seen from Patterns of Support Balance

SUZUKI Fumiko

I . Introduction

In many cases, marriage results in a married couple having two sets of child-parent relationships: a relationship with one’s own parents (hereafter referred to as “parents”) and a relationship with one’s spouse’s parents (hereafter referred to as “parents-in-law”). Various delicate, complex issues result from the relationships formed with the respective parents of the wife and husband. First, there is the matter of housing, involving which set of parents the couple will live with or live close to. There is the matter of visits that will be paid at annual observances such as Obon and New Year’s. There are issues of socializing in everyday life, involving telephone calls, courtesy visits and gifts, the frequency of bringing grandchildren to visit and future issues such as care-giving toward parents.

Concerning the relationships with parents, Ochiai (2001) predicted from demographic factors that in the future there would be an intergenerational shift involving both sets of parents. The high-birth rate and low-death rate generation born between 1925 and 1949 also had a large number of siblings, and even following World War II, males (especially the eldest son) resided with their own parents, receiving inheritances from the parents and in exchange taking on responsibility for support of the parents, making possible an intergenerational relationship founded on preference for the husband’s family (the paternal line). However, the generation born in 1950 and following had fewer siblings, a low birth rate and low death rate. Most of the children of this generation were eldest sons and eldest daughters. In the case of parent-child relations with only a daughter, the existing “paternal line” intergenerational relationship meant that the parents lost the support of their child, and as a “daughter and heir,” it became difficult for the female child to marry.

How in actual fact is the low-birth rate and low-death rate generation born after 1950 attempting to manage relationships with these two sets of parents, their own parents and their parents-in-law? Are they able to socialize with both sets of parents while maintaining a balance between
both, or are they inclined to socialize with one set more than the other?

Within the intergenerational relationships, this article focuses on the child’s (married female’s) intention to support and assist parents. Employing nation-wide data, it analyzes the married female’s method of maintaining a balance in relations with both sets of parents and the standards and factors for doing so, and considers the current situation of intergenerational support in a society faced with declining birthrates and an aging population, along with future directions.

Following are two distinguishing features of the analysis. First, in order to grasp in as simple terms as possible the complex relations a married couple has with two sets of parents, it employs a “support balance system” which combines the existence or nonexistence of an intention to support one’s own parents and one’s parents-in-law. Second, simultaneously considering relations with one’s own parents and parents-in-law means not limiting consideration to just the relationship between the generations but taking into account the relationship between husband and wife who comprise the child generation that provides the support. Bearing these two features in mind, this article will consider the balance of support between the two generations.

II. Analytical Methods of Prior Research and the Present Study

A number of points require attention in grasping intergenerational support. There is the aspect of the content of the support and the direction in which it moves, that is, from whom to whom. The substance of the support varies and includes financial assistance; help with household chores, childcare and care-giving; care of the sick; visitation; and offering of advice. Further, in the matter of the direction, in addition to whether the support is based on blood relationship or marital relationship—one’s own parents or parents-in-law—the issue of gender comes forward, such as whether the recipient is the father or mother, or the son or the daughter. Moreover, there is the issue of whose perspective the intergenerational relationship is to be viewed from, that is, who the respondent is. While the support may be between parent and child, it is possible that the way of looking at that support varies between parent and child. In this way, various essential elements are involved in intergenerational support, and the various researchers have followed their own interests in deciding where to put the focus, and in doing so, have taken into account the limitations of the data.

The mainstream of such research to date has been, for each variety of support, to grasp the support relationship as a one-to-one relationship of child to parent or parent to child. Mitani (1991), as an example, for each individual form of support, focuses on the respondent (male or female) and his or her own parent and on the respondent and child. In terms of relationship with parents, the frequency of the husband’s parents is compared with that of the wife’s parents, and in terms of the relationship with children, the frequency with the son and daughter-in-law was compared with that of daughter and son-in-law. It is clear that there is a difference in support relations between the husband’s parents (son’s parents) and wife’s parents (daughter’s parents). Shirahase (2005) discusses the support relationship in terms of the relationship between the respondents (females) and each of the parents (husband’s father, husband’s
mother, wife’s father, wife’s mother). The results of the analysis of how various factors affect support relationships indicate that intergenerational co-residence, distance of residence from parents and parental needs increase support of parents and that if the husband is a first-born son, this increases the probability of looking after the parents, and these in turn suggest that a paternal pattern remains. Further, Shi (2009) discusses the exchange of support between respondents and their own parents (father and mother), comparing the effects of differences of gender and differences in the composition of the husband’s and wife’s siblings, and concludes that there is a difference in the nature of the support relationship between the husband’s parents and the wife’s parents.

Regardless of the methods of analysis, an attempt is made to carry out the analysis while observing the direction and the variety of intergenerational support, taking into consideration who was supporting whom and what kind of support was provided. However, because consideration was being given separately to each of the multiple relations of support that a single individual was engaged in, it was difficult to grasp an overall perspective of the entirety of these support relationships.

In order to grasp the whole picture of the support relationships that each person possessed, devices were designed to integrate, to the degree possible, the complex data concerning the direction of support and the varieties of support.

Yasuda (2004) focuses on who supports whom, classifying the support relationship into four categories: mutual benefit (relationships of mutual support between parents and children), provide-only relationships (children to parents only), accept-only relationships (parents to children only) and no-support relationships. Shimazaki (2009), on the other hand, focuses on the varieties of support, classifying it into four categories: financial and non-financial support, financial support only, non-financial support only and neither type of support. Okubo (2004) focuses on which set of parents were provided with caregiving where a person’s own parents and parents-in-law had died, classifying care-giving experience into four categories: own parents and parents-in-law, own parents only, parents-in-law only and neither of the two.

In contrast to these, Iwai and Yasuda (2008) make no recourse to types, instead carrying out analysis via a “support balance index” which is defined as the difference between the degree of support and is attained by subtracting the respective figures representing the degree of support from the wife’s parents from that from the husband’s parents, and, in the same way, the support given to the respective parents. This research is a departure in terms of analysis, first, because it deals simultaneously with the two sets of parental relationships of a single couple and it employs the concept of “support balance index.” Second, it is extremely interesting that its analysis takes up such variables as those related to the marital relationship as they affect the “support balance index.” It is worth examining the contents of this research in further detail here.

Iwai and Yasuda, taking as their base American theoretical developments regarding intergenerational relationships, focus on the balance between the husband’s family and the wife’s family, from the awareness that in “bilateral”4 parent-child and kinship relations, as a result of the weakening of the norm of paternal line, not only is there a tendency to treat the husband’s side on equal terms with the wife’s side, but there might be a tendency toward the wife’s side taking precedence as the central bearer of support. Subjects were restricted to children living separately from parents and analysis was carried out on prescribed factors of economic
support and practical, everyday support of the “support balance index.” The researchers carried out their investigation by including such factors as the relationship of the husband and wife in the intergenerational relationship, the age difference between the husband and wife, and the years of education of husband and wife. Results of the analysis indicate even when the child lives separately—wherein it would be thought that the paternal line pattern would be weak, and even when one’s view of support consciousness is incompatible—that there is a tendency for intergenerational support of parents to follow the paternal line.

The research of Iwai and Yasuda yields a highly significant analysis model regarding the bilateral parent-child and kinship relations of intergenerational relations. If there is one weakness, it is that within the support balance index no distinction is made between cases of support of parents on both sides and cases where there is no support of either side. Regardless of whether there is support of parents of both sides or no support on either side, the support balance index difference between degree of support of the husband’s parents and degree of support of the wife’s parents is “0.”

At a macro level, the arrival of the society with fewer children and an aging population means the shrinking of the number of children and the increase in the number of older people, but from the perspective of an individual living in such a society, it also means a decline in the number of siblings and an increase in the support one might anticipate receiving from one’s parents. From a different perspective, it means that responsibilities toward parents increase. For better or worse, it has become harder to sever relations. Under such circumstances, it will become important to discern whether the child generation will have relations with one set of parents or will have relations with both sets of parents.

Further, what stance a wife takes toward her own parents and those of her husband will become an important factor not only in intergenerational issues but also in the relations between husband and wife. For a married woman, the issue of what kind of support relationship she will form with her own parents cannot be discussed without considering both her relationship with her parents-in-law and in turn her relationship with their son, who is her own husband.

Taking the above into account, this article narrows down the focus to everyday assistance given to parents (household chores, care-giving, and visiting) and, regarding the method married women adopt in order to balance intergenerational assistance toward two sets of parents—their own parents and their parents-in-law—considers the husband-wife relationship via the introduction of an analytical framework. In concrete terms, it examines whether or not there is an intention to provide everyday support to her parents and her parents-in-law, elucidates four types and delineates the distinguishing features of each type.

### III. Data Used and Creation of Types

#### 1. Data employed

The present article employs the data of the 17th Survey of the Institute for Research on Household Economics (Juridical Foundation): “Japanese Panel Survey of Consumers” (JPSC). This survey, in order to clarify the actual circumstances of
women and their family life employs the panel research method to track the same individuals at multiple occasions over a long period of time.

Samplings of the respondents have been conducted on four occasions. This began with the first cohort (cohort A) which was selected randomly from across Japan in 1993 and it consists of 1,500 young women between the ages of 24 and 34. Additional samplings have been conducted in 1997, 2003, and 2008 in order to supplement younger cohorts. The second cohort (cohort B) consisted of 500 women between the ages of 24 and 27 sampled in 1997 for the Wave 5 Survey; the third cohort (cohort C) consisted of 836 women between the ages of 24 and 29 sampled in 2003 for the Wave 11 Survey; and the fourth cohort (cohort D) consisted of 636 women between the ages of 24 and 28 sampled in 2008 for the Wave 16 Survey. Each of these cohorts was selected from across Japan by random selection and added to the total sample. As a result, in the Wave 17 Survey (2009) the respondents range in age from 25 to 50 and the overall sample size is 2,155 (of which 1,396 have a spouse and 756 do not have a spouse).

The current analysis takes as its sample those in the Wave 17 Survey who have a spouse, at least one living parent and at least one living parent-in-law.


The panel survey inquires whether the respondent intends to provide “financial support” and “support including household chores, caregiving and visitation” (hereafter referred to as “everyday support”) toward her own parents and her husband’s parents, both at present and in the future. Answers are selected from “currently providing,” “plan to provide in the future” and “not currently providing and do not plan to do so in the future.”

Looking at the percentages of those currently providing support to parents, we find that 4.5% provide financial support and 7.5% provide everyday support to their own parents. While 8.4% provide financial support and 9.6% provide everyday support to their parents-in-law. In respect to both sets of parents, the percentage providing everyday support is somewhat higher, but neither exceeds 10% (Figure 1).

Figure 1: Intention to support parents and parents-in-law: financial support and everyday support

![Figure 1: Intention to support parents and parents-in-law: financial support and everyday support](image-url)
As to whether respondents intend to provide assistance in the future, 29.4% said that they would provide financial support to their own parents and 56.3%, the majority, said that they would provide everyday support. It is clear that irrespective of whether the set of parents are their own or their parents-in-law, intention to provide everyday support is high. Here we detect a tendency to support parents via everyday assistance, such as doing household chores, care-giving and visitation rather than through financial support.

Because the percentage of those currently providing support differs by cohort, this article carries out analysis by excluding those currently doing so. Instead it narrows the focus to those who intend to offer support to their own parents and parents-in-law, that is, those who responded that they intend to assist (“plan to provide in the future”) or do not intend to assist (“do not plan to provide in the future”).

3. Patterns of Support Details Resulting from Combinations of Financial Support and Everyday Support

The survey determined support details concerning whether the respondent intended to provide both financial support and everyday support to respective sets of parents or whether the respondent intended to provide just one form of support. The results showed “intention to support both financially and everyday” (own parents 25.7%, parents-in-law 29.0%); “intention to support only financially” (own parents 2.8%, parents-in-law 2.2%), “intend to provide only everyday support” (own parents 27.1%, parents-in-law 24.2%), and “do not intend to provide either type of support” (own parents 44.4%, parents-in-law 44.7%) (Table 1).

<table>
<thead>
<tr>
<th></th>
<th>both financially and everyday</th>
<th>only financially</th>
<th>only everyday</th>
<th>neither financially nor everyday</th>
<th>total</th>
</tr>
</thead>
<tbody>
<tr>
<td>support to parents</td>
<td>274 (25.7%)</td>
<td>30 (2.8%)</td>
<td>289 (27.1%)</td>
<td>474 (44.4%)</td>
<td>1067 (100.0%)</td>
</tr>
<tr>
<td>support to parents-in-law</td>
<td>309 (29.0%)</td>
<td>23 (2.2%)</td>
<td>258 (24.2%)</td>
<td>477 (44.7%)</td>
<td>1067 (100.0%)</td>
</tr>
</tbody>
</table>

When we compare the figures for “own parents” and “parents-in-law,” although the percentages for intention to offer only everyday support to their own parents and intention to support parents-in-law both financially and everyday are 3% higher respectively, the percentages for both sets of parents in terms of financial support only are extremely low at approximately 2% and the majority intending to offer no support of either form show a pattern of support that differs very little from one set of parents to the other. In terms of support of parents, there are almost no cases, either of own parents or parents-in-law, where only financial support is intended. From this we can infer that financial support is accompanied by everyday support. The base of the child-generation support of parents can be said to be everyday support.

4. Creation of Support Balance Types

Accordingly, in this article, focus has been placed on everyday support, combining those
with and without an intention to provide everyday support to their own parents with those with or without an intention to provide everyday support to their parents-in-law. From this, four “support balance types” have been created, the details of which are shown in (Table 2).

Table 2. Creation of support balance types combining intention to provide everyday support to parents and to parents-in-law

<table>
<thead>
<tr>
<th>intention to everyday support to parents</th>
<th>intention to everyday support to parents-in-law</th>
<th>total</th>
</tr>
</thead>
<tbody>
<tr>
<td>yes</td>
<td>support-both yes 420 (39.4%)</td>
<td>563 (52.8%)</td>
</tr>
<tr>
<td></td>
<td>parents priority no 143 (13.4%)</td>
<td></td>
</tr>
<tr>
<td>no</td>
<td>parents-in-law priority yes 147 (13.8%)</td>
<td>504 (47.2%)</td>
</tr>
<tr>
<td></td>
<td>no-support no 357 (33.5%)</td>
<td></td>
</tr>
<tr>
<td>total</td>
<td>567 (13.1%)</td>
<td>1067 (100.0%)</td>
</tr>
<tr>
<td></td>
<td>500 (46.9%)</td>
<td></td>
</tr>
</tbody>
</table>

In examining the details, one finds that the largest number, comprising approximately 40% of the total, comprised what is hereafter referred to as the “support-both pattern,” which refers to those intending to provide everyday support to both their own parents and their parents-in-law. Next, approximately one third belong to the “no-support pattern” which refers to those who do not intend to offer everyday support to parents on either side. This is followed by the “parents-in-law priority pattern” and the “parents priority pattern”, each of which accounts for somewhat over 10%. Rather than supporting just the parents or just the parents-in-law, a large number intend to offer support without discrimination. However, we can see that even where there seems to be a balance, there is a polarization between those who intend to support both sets of parents and those who do not intend to support either set of parents.

IV. Analysis 1: Special Features of Support Balance Types: Cross-totaled Results

1. Establishment of Variables

First, in regard to the attaining of a balance between parents and parents-in-law in terms of everyday support, cross tabulation is used to determine which factors correlate.

Shirahase (2005) takes up financial support and everyday support and investigates which factors determine whether a married child will provide support to the parents. As factors used to explain this, Shirahase considers conditions on the child’s side, including the economic capacity of the child’s generation vis-à-vis that of the parents’ generation (educational background, occupation, etc.) and conditions on the parents’ side, such as whether the parents need assistance, and whether couples received assistance from their parents at the time of the birth of their own children.

Iwai and Yasuda (2008), focusing on the balance of intergenerational support between the wife’s parents and kin and the husband’s parents
and kin, employ three factors in their argument: attributes of the husband and wife of the children’s generation, attributes of the parents’ generation and norm consciousness of the respondents (children’s generation).

While referring to this earlier research and taking into account the limitations of the data, the present analysis investigates factors associated with the child generation and factors associated with the parent generation.

As factors associated with the child generation, attribute variables are established for each of the following: the wife’s birth cohort; the number of husband’s and wife’s siblings; the husband’s position in his family in terms of birth order (whether he is a first-born son) and the wife’s position in her family (whether she is a first-born daughter); educational background; monthly income; and so on.

In addition, the analysis addresses the couple’s attributes, combining the attributes of both parties. In concrete terms, this means the composition of the husband’s and wife’s siblings, the combination of the couple’s educational background, the degree to which the wife contributes to the family budget, the couple’s combined monthly income, and as a perception variable the wife’s degree of satisfaction with the couple’s relationship. If the norm for priority for the husband’s parents and kin (the paternal line) remains strong, then depending on whether a man is a first-born son and whether a woman has male siblings, the sense of responsibility for the parents changes dramatically. Due to this, a new variable, “composition of husband’s and wife’s siblings,” combining the two variables has been created, with the following as the breakdown: “wife with male siblings and husband as the first-born son,” “wife without male siblings and husband as first-born son,” “wife with male siblings and husband as second or third son,” and “wife without male siblings and husband as second or third son.”

The couple’s combined educational background, including the respective academic backgrounds of both, was categorized as follows: “husband with advanced educational background,” “wife with advanced educational background,” “same educational background (graduate of junior high or high school),” “same educational background (graduate of vocational school, junior college, or technical college),” and “same educational background (graduate of university or graduate school).”

The wife’s contribution to the family budget is calculated by dividing the wife’s monthly wages by the couple’s total monthly income and is separated into “none,” “less than 30%,” and “more than 30%.”

The degree of satisfaction with the couple’s relationship employed an item inquiring “Are you currently satisfied with your relationship as wife and husband?” The five response options provided were: “very satisfied,” “somewhat satisfied,” “average,” “somewhat dissatisfied,” and “very dissatisfied.”

As factors associated with the parent generation, the analysis includes “relationship between couple’s residence and residence of both sets of parents” and “whether there is support from parents.” From the two variables “distance between couple’s residence and residence of both sets of parents” and “whether the couple lives closer to parents or parents-in-law,” a new variable was created: “relationship between couple’s residence and residence of both sets of parents.” Couples living with parents in the same building or in separate buildings on the same lot were categorized as “co-residing.” Those residing within 1 km or in the same neighborhood (machi, cho), the same ward (ku), or same city, town or village (shi, cho, son) were categorized as “residing nearby.” Those living further away were categorized as “residing far away.” Combining this
variable with the second variable surveyed by the question “Do you live closer to your own parents or your parents-in-law?”, the following six categories were created: “co-residence with parents,” “parents nearby,” “co-residence with parents-in-law,” “parents-in-law nearby,” “both sets of parents nearby,” and “both sets of parents far away.” In addition, there was one respondent who replied that they were living with both sets of parents.

This survey established four items: concerning support received from parents and parents-in-law, it inquired whether the couple was currently receiving financial support and whether there was a future possibility of receiving an inheritance from parents, and for subjects with children of junior high age or younger, it inquired whether the couple received everyday support in childcare and child-rearing or advice support.

Because this research considers the “balance of support toward parents and parents-in-law, these dependent variables also introduce the perspective of the balance of support received from parents. In concrete terms, in regard to the four items concerning support from parents, by combining the date regarding whether there is support from parents and parents-in-law, the following variables were created: “receiving support from both sets of parents,” “receiving support only from own parents,” “receiving support only from parents-in-law, and “receiving no support from either set of parents.” This enables us to see how the balance of support from parents affects the balance of support toward parents.

The above two groups of 18 items were screened by chi-square independence tests for cross-tabulation with the four patterns of balance of everyday support of parents and parents-in-law: cohort, number of wife’s siblings, number of husband’s siblings, husband’s position in his family in terms of birth order, composition of husband’s and wife’s siblings, wife’s educational background, couple’s combined educational background, and degree of satisfaction with the couple’s relationship (see Table 3).

2. Analysis Results

(1) Variables related to the child generation

In regard to variables connected with the child generation, 8 items have a significant association with the four patterns of balance of everyday support of parents and parents-in-law: cohort, number of wife’s siblings, number of husband’s siblings, husband’s position in his family in terms of birth order, composition of husband’s and wife’s siblings, wife’s educational background, couple’s combined educational background, and degree of satisfaction with the couple’s relationship. (see Table 3).

① Cohort

Four stages were established for the cohorts: cohort A (ages 40-50), cohort B (ages 36-39), cohort C (ages 30-35) and cohort D (ages 25-29). Differences between the patterns of support balance were significant at 5%.

Looking at the way in which they are related, the “parents-in-law priority pattern” in cohort A, the oldest of the cohorts, was more dominant than in any other cohort, whereas in cohort D, the youngest cohort, the “support-both pattern” occupied approximately half. The younger the cohort is, there is an apparent shift toward a loosening of the paternal line norm of “parents-in-law priority” and toward a strengthening of “support-both support.” However, in cohort C, the second youngest to cohort D, the “support-both pattern” is low in percentage and the largest percentage instead belongs to the “no-support pattern,” where neither set of parents provides support. Even when we say that there is a balance of support toward parents of both spouses, there
are two lines this follows: support provided to both sets of parents and no support provided to either set of parents.

② Sibling relationships
In terms of sibling relationships, number of wife’s siblings, husband’s position in his family in terms of birth order, and composition of the husband’s and wife’s siblings are significant at 1%, while the number of the husband’s siblings is significant at 5%, so a significant relationship is seen with the support balance pattern.

First, in terms of the number of siblings, when the wife is an only child, the tendency is toward the “support-both pattern” or “parents priority pattern.” When the husband is an only child, the tendency is toward the “support-both pattern” or “parents-in-law priority pattern.” In contrast, when the wife’s siblings number three or more, the tendency is toward the “parents-in-law priority pattern,” and when the husband’s siblings number four or more, the tendency is toward the “parents priority pattern.” A tendency can be seen for those with fewer siblings to turn that support toward their own parents and for those with more siblings to give priority to the parents of their spouses, but one detects a higher hurdle in drawing the husband over to the wife’s side.

Regarding position within the family in terms of birth order, i.e., whether the respondent is a first-born daughter and whether the husband is a first-born son, there is a significant connection only between the husband and the support balance patterns. If the husband is a first-born son, there is a tendency toward the “support-both pattern” or the “parents-in-law priority pattern.” If the husband is a second or third son, there is a greater tendency toward the “parents priority pattern” or “no-support pattern.”

In particular, special features dependent upon siblings were made most apparent via “composition of husband’s and wife’s siblings,” which was created from data regarding the siblings of both husband and wife. Frequent correlations appear between the following: “wife with male siblings and husband as first-born son” and the “parents-in-law priority pattern”; “wife with no male siblings and husband as first-born son” and the “support-both pattern”; “wife with male siblings and husband as second or third son” and the “no-support pattern”; and “wife with no male siblings and husband as second or third son” and the “parents priority pattern.”

③ Educational background
In regard to educational background, that of the wife is significant at 5%, and the couple’s combined educational background is significant at 10% in relationship to the support balance patterns.

Concerning the wife’s educational background, percentages were higher among “graduate of junior high or high school” for the “parents-in-law priority pattern,” among “graduate of vocational school, junior college or technical school” for the “parents priority pattern,” and among “graduate of university or graduate school” for the “support-both pattern.” The husband’s educational background was not significant.

When we observe the combination of a couple’s educational background, we can see that a large percentage of couples in which both graduated from university or graduate school fell within the “support-both pattern” and a large percentage where the wife was a junior high or high school graduate fell within the “parents priority pattern”.

④ Income correlations
Here the correlations of 3 variables with support base patterns are observable. In addition to the husband’s monthly salary and the couple’s
combined monthly salary, a third variable is added: “wife’s contribution to the family budget,” a variable which may be seen as reflecting the power balance resulting from the husband and wife’s respective responsibility for earning income. In the results, no significant relationship was observed between any of the three variables and the support balance patterns.

Degree of satisfaction with marital relations
A relationship was found between the degree of satisfaction with marital relations and the support balance patterns, at a significance of 1%. The five response options provided are: “very satisfied,” “somewhat satisfied,” “average,” “somewhat dissatisfied,” and “very dissatisfied.” Of those who responded “very satisfied” or “somewhat satisfied,” more than 40% fell into the “support-both pattern” and the “parent priority pattern” remained at approximately 10%. In contrast, among those who replied “very dissatisfied,” the “support-both pattern” failed to reach 30%, while the “parents support pattern” occupied a full 30%, a result which showed a conspicuous gap in comparison with those who are satisfied with marital relations.

Variables related to the parent generation
In regard to variables connected with the parent generation, 5 items have a significant association with the four patterns of balance of everyday support: the relationship between residences, whether the couple was currently receiving financial support, the possibility of receiving an inheritance in the future, and, for those with children of junior high age or younger, everyday assistance and advice support regarding childcare and the raising of children (Table 4).

Relationship between couple’s residence and the residences of both sets of parents
Regarding the relationship of residence and parents, there was a connection with the support balance pattern at a 1% level of significance.

Among those co-residing with parents or residing near parents, more than half belonged to the “parents priority pattern,” revealing a tendency for everyday support to gather overwhelmingly with wife’s parents alone. In contrast, with “co-residence with parents-in-law” and “parents-in-law nearby” not only the “parents-in-law priority pattern” but also the “support-both pattern” increases. Depending on whether the couple lives with the wife’s parents or her parents-in-law, a gap can be observed in the intention to support the other set of parents.

Whether support is received from parents
In regard to whether at present the couple is receiving financial support from parents, whether in the future there is a possibility of receiving an inheritance and, in cases where there are children of junior high age or younger, whether there is everyday support with childcare or child-raising, the analysis of the relationship with support balance patterns showed a relationship with each kind of support with significance at 1%.

First, looking at the proportion of those currently receiving some form of financial support from parents, those receiving support from parents was 12.1% (127), and those receiving support from parents-in-law was 11.7% (123), remaining within a range of approximately 10%. When we examine the way in which this is carried out, those receiving support from both sets of parents often fall in the “support-both pattern,” those receiving support from their own parents fall in the “parents priority pattern,” and those receiving assistance from parents-in-law often fall in the “parents-in-law priority pattern.”

However, depending on which set of parents support is received from, a gap appears in the
intention of supporting the other set of parents. When support is received only from the parents-in-law, both the “parents-in-law priority pattern” and the “support-both pattern” increase, whereas when support comes only from the wife’s own parents, only the “parents priority pattern” increases.

The same tendency can be seen in the “possibility of receiving an inheritance” and the support patterns. When there is a possibility of receiving an inheritance from both parents and parents-in-law, there is an increase in the “support-both pattern,” and when there is a possibility of inheritance from one set, one sees a tendency toward everyday support of the parents of the set that would provide the inheritance. However, when there is a possibility of inheritance from only the parents-in-law, an increase is observed in both the “parents-in-law priority pattern” and the “support-both pattern.”

In terms of childcare and child-raising or advice support, the pattern of support from parents corresponds with the pattern of support toward parents. If support is received from both sets of parents, then intention to provide support toward parents of both sides is observable. Alternately, if support is received from one set only, then intention to provide support to that set of parents is observable.

In regard to current financial support, the possibility of future inheritance and assistance with childcare and child-raising, when there is no support from either set of parents (or no prospect of such), the “no-support pattern” increases. Financial support and everyday support from parents is closely related to whether the child generation supports the parents, including the future prospects of such support.

In regard to the variables related to support balance patterns, the variables for the child generation and parent generation are divided and examined above. As a result, it has been clarified that there is a significant relationship between the age cohort of the child generation, the circumstances of wife and husband’s siblings, social status factors such as educational background, satisfaction within the marital relationship, co-residence with parents, and the interchange of resources between generations.

Next, multiple logit analysis will be applied to determine whether the relation with these groups of variables remains, even when the other conditions are controlled.8

V. Analysis 2: Distinguishing Features of Support Balance Patterns: Multinomial Logit Analysis

We conducted multinomial logit analysis for the dependent variables of support patterns. Independent variables were 6 variables related to children and 3 variables related to the parents. These independent variables were selected from the variables for which a significant association with support pattern was reported in the cross-tabulation analysis above. Variables related to children include the following 6: cohort, number of wife’s siblings, number of husband’s siblings, composition of husband’s and wife’s siblings, combined educational background of husband and wife, and the degree of satisfaction with the marital relationship. Variables related to parents include the following 3: relation of residence vis-à-vis parents and parents-in-law, whether there is current financial support from parents, and whether there is a possibility of inheritance from parents. Of these variables, the number of the wife’s siblings, the number of the husband’s siblings
and the degree of satisfaction with the marital relationship were submitted as covariates. To avoid confusion, the value of satisfaction with the marital relationship was converted to allow natural interpretation (i.e., the higher value indicates higher satisfaction). The reference category for the dependent variable was set to the “support-both pattern,” which is characterized by an intention to provide everyday support to both sets of parents. Results are shown in Table 5.

In comparing the “support-both pattern” with the “parent priority pattern,” when the husband is the first-born son and there is co-residence with or residence nearby the parents-in-law, the tendency is toward supporting both sets of parents. On the contrary, there is a greater tendency toward the “parent priority pattern” when assistance comes only from the respondent’s parents, as well as when the level of satisfaction with the marital relationship is low.

When comparing the “support-both pattern” and the “parents-in-law priority pattern,” when the number of the wife’s siblings is large, when the wife has male siblings, when there is co-residence with parents-in-law or they live nearby, and when there is a possibility of inheritance from parents-in-law, the tendency is toward “parents-in-law priority.” Furthermore, though it was not significant, in terms of the couple’s combined educational background, when couples had identical educational backgrounds (both graduated from university or graduate school), a tendency toward supporting both sets of parents was observable.

When comparing the “support-both pattern” and the “no-support pattern,” within cohort C (30-35 years of age), there was a tendency toward the “no-support pattern.” On the other hand, when the wife has no male siblings and the husband is a first-born son (when there are no siblings who can be relied upon to care for the parents), when the couple co-resides with or lives nearby the parents, when there is currently financial support from the parents and there is the possibility of an inheritance in the future, and when satisfaction with marital relations is high, it turns out that there is a tendency toward the “support-both pattern.”

Ⅵ. Summary

1. Analysis Results

This article has, in the preceding sections, examined the two sets of parent-child relations, those with own parents and with parents-in-law, which result from marriage. It has created support balance patterns and has attempted to find distinguishing features of those patterns through cross-totaled analysis and multinomial logit analysis. Through this analysis, the following points have been clarified.

(1) Powerful influence of sibling circumstances on intention to support and the still deep-rooted eldest-son norm

In terms of variables related to siblings, the number of the wife’s and husband’s respective siblings, the fact that the husband is a first-born son, and the composition of the couple’s respective siblings combined together are related to the support balance patterns. If we reframe “couple’s sibling composition” as a composite variable of the husband’s and wife’s respective responsibilities for supporting parents, then we find the following
to be large in number: “wife with male siblings and husband as first-born son” (only husband has support responsibilities) leads to the “parents-in-law priority pattern”; “wife with no male siblings and husband as first-born son” (both spouses have support responsibilities) leads to the “support-both pattern”; “wife with male siblings and husband as second or third son” (neither spouse has support responsibilities) leads to the “no-support pattern”; and “wife with no male siblings and husband as second or third son” (wife along has support responsibilities) leads to the “parent preference pattern.” This suggests that at the foundation of intention to support parents a deep-rooted paternal line remains normative, such that whether the husband is the first-born son and whether the wife has male siblings to succeed as the head of the family come into play.

(2) Relationships between balance of influence within spousal relations and patterns of support balance

On the other hand, it is observed that there is not only the paternal-line factor but also the possibility of a social stratification factor—that of educational background. Of great interest is the fact that this is a result not so much of the husband’s educational background as of the wife’s educational background or the combination of the husband and wife’s educational background. The fact that the “support-both pattern” is frequent among couples in which both spouses have a high level of education (university or graduate school) and that “parent priority” is frequent when the wife has a high level of education suggests that the issue of whether to provide everyday support to parents or parents-in-law reflects a balance of influence within the marital relationship.

In respect to a couple’s educational background, Iwai and Yasuda (2008) indicated that when the husband has more years of schooling than the wife, it has the effect of shifting the balance toward the wife’s side. However, in the present analysis, a reverse relationship was observed, such that when the wife had a higher-level educational background, the tendency was toward “parent priority.” Furthermore, when both husband and wife graduated from university or graduate school, a tendency toward the “support-both pattern” was observable, a view that differs from the results reported by Iwai and Yasuda.

One reason why there is a difference in the results of analysis could be that in the present research support of parents and parents-in-law were separated from the case of “no-support” from the case of “support-both”. When considering support balance toward parents and parents-in-law, the present author argues that it is essential not only to consider the balance but also to pay attention to the amount of assistance provided.

(3) Relationship between the satisfactoriness of the marital relationship and the support balance patterns

The current article employs an analysis of variables that combine the attributes of both husband and wife, such as composition of the couple’s siblings and the couple’s educational background, and variables relating to the marital relationship itself. Instead of investigating just the independent attributes of the husband and the wife but rather grasping the couple as a married unit, thereby attempting to incorporate analysis of the dynamism of the spousal relationship, we are able to gain a valuable perspective for grasping family relationships.

Of special interest is the fact that the satisfactoriness of marital relations is observed to have an impact on support balance patterns. When attempting to manage the two relationships, with her own parents and her parents-in-law, unless the motivation of the wife, who is the primary bearer...
or responsibility for support, is heightened, it is difficult to get along with the parents of both sides. In considering the support balance between her parents and kinfolk and those of her husband, the satisfactoriness of the marital relationship becomes an important element. In the balance between the two sets of child-parent relationships, we see that not only normative and circumstantial elements such as the composition of the couple’s siblings and the couple’s independent attributes are at issue but also involved are the individual’s intentionality and options.

(4) Difference of meaning of “own parents” and “parents-in-law” in the support relationships with parents
In contrast with the predominance of the “parent priority pattern” that is found when residing with one’s own parents, when co-residing with parents-in-law, both “parents-in-law priority” and “support-both” patterns increase. The same tendency appears in regard to financial support from parents and the possibility of inheritance. In contrast with the tendency toward the “parent priority pattern” when there is support only from one’s own parents, when there is support from parents-in-law, not only the “parents-in-law priority” but also the “support-both” pattern increases.

Depending on whether the provider of support is parents or parents-in-law, the fact that a gap develops in support of the other set of parents means that even when the “support” is the same whether it comes from her own parents or her parents-in-law, the impact on the wife differs. When we consider that the wife (daughter), regardless of whether there is support from her own parents, continued to be inclined to support her own parents must, from the perspective of her parents, be reassuring.

3. Toward Future Generational Support
Next, let us attempt to summarize the patterns that we have seen in the analysis above.

Support-both pattern:
The husband is first-born son and both spouses have a small number of siblings. Either co-residing with parents-in-law or residing nearby. Wife has strong intention of supporting not only her parents-in-law but also her own parents. Both husband and wife have advanced educational background. In the future, there is a high probability of an inheritance from both parents and parents-in-law.

Parent priority pattern:
Husband is second or third son who has large number of siblings. Wife has no male siblings or is an only child and therefore her inclination to support her own parents is high. Either co-residing with parents or living nearby. There is a tendency for the wife to have a higher level educational background than her husband. Currently receiving financial support from her parents and in the future there is the possibility of receiving an inheritance from them. Low level of satisfaction with the marital relationship.

Parents-in-law priority pattern:
Husband is first-born son and wife has large number of siblings. High degree of intention to support parents-in-law. Either co-residing with parents-in-law or living nearby. Possibility of receiving inheritance from only the parents-in-law in the future. Of the four patterns, this most closely adheres to the norm
of the paternal line.

No-support pattern:

Husband is second or third son and wife has large number of siblings, therefore neither spouse has significant responsibilities for looking after their respective parents. Living separate from both sets of parents. Currently not receiving financial support from parents and there is a low probability of receiving an inheritance in the future. Relationship with parents is weak, yet the relationship between the spouses is not necessarily good.

In conclusion, on the basis of the distinguishing features of the four patterns that have been obtained from the analysis so far, it is helpful to briefly consider the possible outcome of the intergenerational support within an aged society with low fertility. Ochiai (2001) points out, in regard to the post-World War II trend toward the nuclear family, that what made that nuclearization of the family possible, while maintaining the extended family (the three-generation family), was that there was a demographic transition generation with a high-birth rate and a low-death rate to shoulder the transformation of the family of that period. It was a period where “if the couple of the first-born son co-resided with the parents, then the second and third sons and the daughters were free to go off to Tokyo or Osaka.” That is, it was a generation where the “eldest brother would stay at home in the countryside and maintain the family system and the younger brothers and sisters would feel at ease about moving to the cities and create nuclear families” (Ochiai 2001: 83).

The formative years of the contemporary family is the low-birth rate low-death rate generation born beginning in 1950. The “first-born son” of this generation ought to look quite different in real terms from his predecessor in the period of high-birth rate and low-death rate. Nonetheless, the “first-born son” and “second and third-born sons” examined in the current analysis are clearly different in terms of their consciousness of parental support. It can be said that in Japan the norm of the first-born son remains deeply rooted. Within circumstances where this norm consciousness remains the base and there is the practical problem of the decline in the number of siblings, each respective couple is searching for a way to relate with their own parents from here forward, and we are justified in saying that what has surfaced as a feasible compromise plan is the “support-both pattern.”

If there is a cause for concern regarding the future of intergenerational support, it is that the factor of whether or not there is financial support from parents at present or in the future, has a large prescriptive influence when it come to controlling variables related to siblings. The fact that if there is no support from parents there will be no support toward parents means that parents who do not possess the economic wherewithal to provide financial support to their children or to pass down an inheritance will not be able to receive support from their children in the future. An issue that should be immediately considered beyond the framework of the family is what kind of support needs to be provided for elderly people who are not economically well off.

The intergenerational support relationship, not only of the present day but in the past and in the years to come is connected with the giving and receiving of support. The present study does not confirm whether or not support has been provided by parents in the past. In regard to whether in the past there has been support from the parents, rather than depending on retrospective data, the panel data has the advantage of providing that information. Employing this distinctive feature, the carrying out of analysis adding time factors is a subject for future research.
Supplementary note

The author is also a part-time researcher of The Institute for Research on Household Economics (Public Service Corporation) and has received permission to have this article translated into English.

References


Notes
1 Mitani (1991) takes up as acts of support such events as the following: visitation on a day-to-day basis, at Obon and the New Year, and at times of illness; communication by means such as telephone calls; leisure activities; the interchange of gifts at Chugen and Seibo as well as at regular and irregular occasions; financial support; assistance at child-birth and consultation of everyday living during old age.

2 Shirahase (2005) analyzes whether or not there is everyday support and financial support vis-à-vis respective sets of parents. In this case the two separate words *suien* (support, assistance) and *enjo* (support, assistance) are used, but because these two terms are virtually synonymous, the present article unifies their meanings in the term *enjo* (support).

3 Shi (2009) analyzes support in terms of “financial support” and “non-financial support”.

4 Iwai and Yasuda (2008) employ the term “bilateral parent-child and kinship relations” (sokeika), which can be interpreted to mean that there is a balance between the sets of parents, with no preference given to either one, and in the present study I employ the term in quotations to mean “so-called bilateral relations.”

5 The questionnaire form provides four options: (1) currently providing, (2) intend to provide in the future, (3) not providing currently and not intending to provide in the future, and (4) own (husband’s) parents are both deceased. In accord with the purpose of the present research, only the first three responses are taken into consideration.

6 Everyday support of parents by cohort is as follows: A, 13.2%; B, 5.6%; C, 2.4%; and D, 3.7%. Everyday support of parents-in-law by cohort is as follows: A, 19.3%; B: 5.6%; C, 2.1%; and D, 2.3%.

7 In reference to the health of the parent generation, the Japanese Panel Survey of Consumers does not inquire about parents’ health, so it is not possible to analyze that. Among variables related to the parent generation that were not included in the analysis are the age of the parents, whether the parents are single or whether both parents are living, and the parents’ economic situation. In regard to the parents’ financial circumstances, some consideration was given to the advisability of introducing such variables as whether the couple was currently receiving financial support from parents and whether there was a possibility of receiving an inheritance in the future. Increasing the amount of such information concerning parents and analyzing it remains the subject of future research.

8 In regard to support from parents, it is desirable to consider not only financial support but also everyday support and advice support, but for this research, in order to guarantee the sample number, in the multinomial logit analysis, support from parents was restricted to financial support. I hope to pursue this matter in future research.
Table 3. Cross-totaled results of the factors about the child generation correlated with support balance types

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<th>parents-in-law priority</th>
<th>no-support</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>50.0% 28.4% 4.1% 17.6% 74</td>
</tr>
<tr>
<td>2</td>
<td>41.3% 14.9% 11.3% 32.5% 538</td>
</tr>
<tr>
<td>3</td>
<td>36.9% 10.0% 16.9% 36.1% 379</td>
</tr>
<tr>
<td>4</td>
<td>27.6% 5.3% 25.0% 42.1% 96</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Composition of couple’s siblings</th>
<th>$\chi^2=127.872^{**}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wife with male siblings, husband as first-born son</td>
<td>39.3% 6.5% 20.2% 34.0% 415</td>
</tr>
<tr>
<td>Wife with no male siblings, husband as first-born son</td>
<td>51.6% 10.2% 11.8% 26.3% 304</td>
</tr>
<tr>
<td>Wife with male siblings, husband as second or third son</td>
<td>26.9% 17.3% 12.2% 43.7% 197</td>
</tr>
<tr>
<td>Wife with no male siblings, husband as second or third son</td>
<td>30.8% 34.2% 2.1% 32.9% 146</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The couple’s combined education</th>
<th>$\chi^2=19.995^+$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Husband with advanced education</td>
<td>39.6% 12.1% 16.2% 32.1% 321</td>
</tr>
<tr>
<td>Wife with advanced education</td>
<td>38.2% 19.4% 11.5% 30.9% 217</td>
</tr>
<tr>
<td>Same (junior high or high school)</td>
<td>35.3% 12.5% 14.5% 37.7% 289</td>
</tr>
<tr>
<td>Same (vocational school, junior or technical college)</td>
<td>38.9% 11.1% 17.8% 32.2% 90</td>
</tr>
<tr>
<td>Same (university or graduate school)</td>
<td>48.7% 10.7% 8.0% 32.7% 150</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Satisfaction with the couple’s relationship</th>
<th>$\chi^2=33.022^{**}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very dissatisfied</td>
<td>27.7% 34.0% 10.6% 27.7% 47</td>
</tr>
<tr>
<td>Somewhat dissatisfied</td>
<td>34.8% 18.0% 12.4% 34.8% 89</td>
</tr>
<tr>
<td>Average</td>
<td>34.3% 14.0% 15.7% 36.0% 344</td>
</tr>
<tr>
<td>Somewhat satisfied</td>
<td>42.7% 11.4% 12.1% 33.7% 412</td>
</tr>
<tr>
<td>Very satisfied</td>
<td>46.9% 9.1% 15.4% 28.6% 175</td>
</tr>
</tbody>
</table>

Note: Bold and boxed percentages indicate adjusted residual of 1.65 and above; shaded percentages, less than 1.65.

$p < .1$ * $< .05$ ** $p < .01$ **
Table 4. Cross-totaled results in regard to factors about the parents generation correlated with support balance types

<table>
<thead>
<tr>
<th>Relation with residence of both sets of parents</th>
<th>support-both</th>
<th>parents priority</th>
<th>parents-in-law priority</th>
<th>no-support</th>
<th>total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Co-residence with parents</td>
<td>33.8%</td>
<td>54.5%</td>
<td>3.9%</td>
<td>7.8%</td>
<td>77</td>
</tr>
<tr>
<td>Parents nearby</td>
<td>42.0%</td>
<td>17.1%</td>
<td>5.4%</td>
<td>32.7%</td>
<td>205</td>
</tr>
<tr>
<td>Co-residence with parents-in-law</td>
<td>50.0%</td>
<td>2.5%</td>
<td>36.7%</td>
<td>10.8%</td>
<td>158</td>
</tr>
<tr>
<td>Parents-in-law nearby</td>
<td>36.6%</td>
<td>5.2%</td>
<td>18.1%</td>
<td>40.1%</td>
<td>232</td>
</tr>
<tr>
<td>Both sets of parents nearby1)</td>
<td>44.7%</td>
<td>8.5%</td>
<td>4.3%</td>
<td>42.6%</td>
<td>47</td>
</tr>
<tr>
<td>Both sets of parents far away</td>
<td>35.4%</td>
<td>13.3%</td>
<td>8.8%</td>
<td>42.5%</td>
<td>339</td>
</tr>
<tr>
<td>(39.4%)</td>
<td>(13.4%)</td>
<td>(13.8%)</td>
<td>(33.4%)</td>
<td></td>
<td>1058</td>
</tr>
</tbody>
</table>

| Currently receiving financial support         | χ²=149.338** |                 |                         |            |       |
| Receiving support from both sets of parents   | 58.5%        | 4.9%             | 12.2%                   | 24.4%      | 41    |
| Receiving support from only from own parents  | 38.4%        | 44.2%            | 3.5%                    | 14.0%      | 86    |
| Receiving support from only from parents-in-law| 53.7%        | 2.4%             | 35.4%                   | 8.5%       | 82    |
| Receiving no support from either sets of parents| 37.4%        | 11.7%            | 12.5%                   | 38.4%      | 843   |
| (39.5%)                                       | (13.4%)      | (13.5%)          | (33.6%)                 |            | 1052  |

| Possibility of receiving an inheritance       | χ²=260.518** |                 |                         |            |       |
| Receiving support from both sets of parents   | 60.7%        | 6.6%             | 7.7%                    | 25.1%      | 183   |
| Receiving support from only from own parents  | 32.0%        | 43.4%            | 3.3%                    | 21.3%      | 122   |
| Receiving support from only from parents-in-law| 44.1%        | 3.4%             | 30.0%                   | 22.4%      | 263   |
| Receiving no support from either sets of parents| 30.6%        | 13.3%            | 9.3%                    | 46.8%      | 474   |
| (39.4%)                                       | (13.1%)      | (13.5%)          | (33.9%)                 |            | 1042  |

| Everyday assistance in childcare and child-rearing | χ²=179.954** |                 |                         |            |       |
| Receiving support from both sets of parents   | 51.2%        | 3.4%             | 11.8%                   | 33.5%      | 203   |
| Receiving support from only from own parents  | 36.4%        | 30.5%            | 4.1%                    | 29.1%      | 220   |
| Receiving support from only from parents-in-law| 36.1%        | 2.8%             | 39.8%                   | 21.3%      | 108   |
| Receiving no support from either sets of parents| 27.3%        | 10.5%            | 12.7%                   | 49.5%      | 220   |
| (37.7%)                                       | (13.3%)      | (13.8%)          | (35.2%)                 |            | 751   |

Note: 1) One respondent replied that they were living with both sets of parents.
### Table 5. Distinguishing features of support balance patterns: multinomial logit analysis (reference: support-both)

<table>
<thead>
<tr>
<th>Factors associated with the child generation cohort (reference: D)</th>
<th>Exp(B)</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>.900</td>
<td>1.158</td>
<td>1.278</td>
</tr>
<tr>
<td>B</td>
<td>.919</td>
<td>.810</td>
<td>1.249</td>
</tr>
<tr>
<td>C</td>
<td>.941</td>
<td>1.329</td>
<td><strong>1.840</strong></td>
</tr>
<tr>
<td>The number of wife’s siblings</td>
<td>.859</td>
<td><strong>1.395</strong></td>
<td>1.219</td>
</tr>
<tr>
<td>The number of husband’s siblings</td>
<td>1.224</td>
<td>1.084</td>
<td>1.058</td>
</tr>
<tr>
<td>The composition of the couple’s siblings (reference: Wife with no male siblings, husband as second or third son)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wife with male siblings, husband as first-born son</td>
<td>.338**</td>
<td><strong>3.572</strong></td>
<td>.861</td>
</tr>
<tr>
<td>Wife with no male siblings, husband as first-born son</td>
<td>.278**</td>
<td>2.903</td>
<td><strong>.624</strong></td>
</tr>
<tr>
<td>Wife with male siblings, husband as second or third son</td>
<td>1.038</td>
<td><strong>4.452</strong></td>
<td>1.293</td>
</tr>
<tr>
<td>The couple’s combined education (reference: Same (university or graduate school))</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Husband with advanced education</td>
<td>1.135</td>
<td>1.717</td>
<td>1.290</td>
</tr>
<tr>
<td>Wife with advanced education</td>
<td>1.559</td>
<td>1.342</td>
<td>1.175</td>
</tr>
<tr>
<td>Same (junior high or high school)</td>
<td>1.210</td>
<td>1.551</td>
<td>1.477</td>
</tr>
<tr>
<td>Same (vocational school, junior or technical college)</td>
<td>.955</td>
<td>1.794</td>
<td>1.115</td>
</tr>
<tr>
<td>Satisfaction with the couple’s relationship</td>
<td>.669**</td>
<td>.942</td>
<td><strong>.801</strong></td>
</tr>
<tr>
<td>Factors associated with the parents generation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relation with residence of both sets of parents (reference: Both sets of parents far away)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Co-residence with parents</td>
<td>1.552</td>
<td>1.123</td>
<td><strong>.196</strong></td>
</tr>
<tr>
<td>Parents nearby</td>
<td>.811</td>
<td>.605</td>
<td><strong>.671</strong></td>
</tr>
<tr>
<td>Co-residence with parents-in-law</td>
<td><strong>.192</strong></td>
<td><strong>2.018</strong></td>
<td><strong>.215</strong></td>
</tr>
<tr>
<td>Parents-in-law nearby</td>
<td><strong>.344</strong></td>
<td><strong>1.827</strong></td>
<td>.776</td>
</tr>
<tr>
<td>Both sets of parents nearby</td>
<td>.345</td>
<td>.491</td>
<td>.788</td>
</tr>
<tr>
<td>Currently receiving financial support (reference: Receiving no support from either sets of parents)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receiving support from both sets of parents</td>
<td>.545</td>
<td>.544</td>
<td>.495</td>
</tr>
<tr>
<td>Receiving support from only from own parents</td>
<td><strong>1.822</strong></td>
<td>.400</td>
<td><strong>.447</strong></td>
</tr>
<tr>
<td>Receiving support from only from parents-in-law</td>
<td>.762</td>
<td>.975</td>
<td><strong>.342</strong></td>
</tr>
<tr>
<td>Possibility of receiving an inheritance (reference: Receiving no support from either sets of parents)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receiving support from both sets of parents</td>
<td><strong>.407</strong></td>
<td><strong>.474</strong></td>
<td><strong>.416</strong></td>
</tr>
<tr>
<td>Receiving support from only from own parents</td>
<td><strong>1.906</strong></td>
<td>.505</td>
<td><strong>.558</strong></td>
</tr>
<tr>
<td>Receiving support from only from parents-in-law</td>
<td><strong>.368</strong></td>
<td><strong>1.899</strong></td>
<td><strong>.497</strong></td>
</tr>
</tbody>
</table>

Model Chi-square (d.f.=72): 486.368**
-2 Log Likelihood: 2077.397
(n=134) (n=138) (n=343)
Part III  Submitted Papers

THE PERCEPTION OF THE PHILIPPINES IN JAPANESE PAN-ASIANISM FROM THE MEIJI-ERA UNTIL THE WAKE OF THE PACIFIC WAR
  Sven MATTHIESSEN

REGIONAL GOVERNANCE AGAINST TRAFFICKING IN PERSONS: European Strategies towards the Implementation of Global Norms
  NAKAMURA Ayako
I. Introduction

Three days after the attack on Pearl Harbor, on 10 December 1941 the Japanese navy started invading the Philippine main island Luzon. This day marked the beginning of the Japanese occupation of the Philippine Islands which was to last for about almost three years. In spite of the lesser role the Philippines might have played in the Japanese government’s plans before the war against America became an eminent issue, the Philippine archipelago was home to the largest Japanese community in Southeast Asia in the early 20th century. In the late 1930s about 25000 Japanese resided in the Philippines, most of them in the Davao community in the Southern island of Mindanao, engaging in the cultivation of abaca (Manila hemp)\(^1\). In the wake of the planning for the Pacific War the Imperial government showed greater interest in the Philippine islands. The American military bases in the archipelago imposed a direct threat to the Japanese main islands and therefore the Philippines was strategically of great importance\(^2\).

The official justification given by the Japanese government for the Southward expansion including the invasion of the Philippines was to liberate the peoples of Southeast Asia from Western oppression and unite them in a self-sustaining economic bloc, namely the Greater East Asia Co-Prosperity Sphere (GEACPS, Daitōa kyōeiken). The underlying idea of the GEACPS was pan-Asianism (Han Ajia-shugi), an ideology that propagated the liberation and unity of all Asian peoples. In the eyes of Japanese pan-Asianists the creation of the GEACPS functioned as a final step in the Asian emancipation process from Western hegemony. The term was introduced to the public by Japanese Foreign Minister Matsuoka Yōsuke (1880-1946) on 1 August 1941 when he proclaimed the necessity of a self-sustaining stability sphere for East Asia. This Sphere should include amongst others the Philippine Islands\(^3\). What makes the Philippines a special case in connection with pan-Asianism are the historical and cultural specifics of the archipelago in comparison to its Southeast Asian neighbours.

The Philippines differed in many ways from
the other countries of Southeast Asia by the time of the Japanese invasion. The archipelago’s history as a Spanish colony for three centuries and as an American dominion for almost four decades had produced a society subject to Ibero-American influences instead of the British, Dutch and French colonial experiences of other Southeast Asian regions. As part of the Spanish legacy the great majority of the populace was Catholic and most Filipinos respected the Americans as teachers instead of considering them occupiers. Furthermore, the United States had scheduled Philippine independence for 4 July 1946 and in the Philippine Commonwealth that had been established in 1935, Filipinos already were able to decide their domestic affairs and choose their own government. Japan that sought to act as a liberator of the Asian continent found itself confronted with an environment where those who were to be freed did not feel suppressed. On the contrary, different to for example in Indonesia and Burma where the Japanese were in the beginning welcomed as liberators from Dutch oppression, in the Philippines the idea of “Asia for the Asians” seemed strange to many Filipinos since they saw themselves less as Asians but rather as belonging to the Western hemisphere. Most Filipinos did not feel oppressed by the Americans and they had no desire to be “liberated” by the Japanese. Overall, the pan-Asianist ideology had to be implemented in the arguably most Western-orientated country of the region. The Japanese propaganda therefore mostly fell on deaf ears and the Japanese were confronted with more hostility against themselves than in any other country of the region.

The strong and positive relationship between the Philippine population and the Americans made it difficult for the Japanese invaders to win over the Filipinos for their slogan of “Asia for the Asians”. Disseminating the idea of a GEACPS, Japan sought to unify Asia and free the continent from Western suppression. According to Japanese pan-Asianist ideologues Japan as the most developed country of the region had to take the leadership in this struggle for Asian independence. This New Order (shin chitsujô) for East Asia was one of the official Japanese objectives in the war against America. The geographer Noguchi Hôichirô who co-wrote Volume 2 of the “Ethnic Nation Series” in 1943, titled “The Nations of the GEACPS” (Daitôa kyôeiken no minzoku) pointed out that pan-Asianism was the obligation of Japan as the leader of the GEACPS and a method of self defence. This must not be the method of capitalist imperialist exploitation and extortion of the various ethnic groups of Asia that Europe and America have employed in the past; rather it is a league devoted to the co-existence and co-prosperity of all the ethnic nations of Greater East Asia.

However, ideas to unify Asia under Japanese leadership emerged in Japan as early as in the beginning of the Meiji period (1868-1912). Pan-Asianist movements called for the unification of the Asian race (“One Asia”) under Japanese leadership. Due to the obvious differences in terms of culture, language and politics, most advocates of pan-Asianism by then however only referred to the unification of the Eastern part of Asia.

From February 1941, the Supreme Command of the Japanese Imperial Army conducted specific research on how to administer occupied territories. In these plans it considered the independence of Burma and the Philippines within a GEACPS. This independence meant that the Philippine government was to be run by Filipinos; however, the Philippines would become part of an economic bloc where it was no longer dependent on trade with America but subject to Japanese domination. This domination the pan-Asianists justified with Japan taking the burden of liberating the
suppressed East Asian countries\textsuperscript{10}.

However, the Japanese administrators failed in winning over the Filipinos for the cause of the establishment of the GEACPS. The vast majority of the Philippine population considered the Japanese army from the very beginning of the occupation on rather an oppressor than a liberating force. The overall positive attitude towards the Americans among the Philippine population along with the perspective of guaranteed independence for 1946 made it almost a mission impossible for the Japanese Military Administration to convince the Filipinos that their country would be better off as a part of the GEACPS. It also cannot be doubted that the Japanese army repeatedly mistreated Filipinos and ignored Philippine culture. The purpose of this paper is to analyze the ideological background of the Japanese invasion of the Philippines by examining the perception of the archipelago in Japanese pan-Asianist thought from the early Meiji era until the wake of the Pacific War. First the development of Japanese pan-Asianism in the respective time period will be examined followed by a section on the differing views on Southeast Asia and the Philippines within the pan-Asianist community by the wake of the Pacific War.

II. Diverging Views Melting into One—the Perception of the Philippines in Japanese Pan-Asianist and Nationalist Thought, 1886-1931

The purpose of this section is to describe the development of Japanese pan-Asianism from the idea of a Sino-centric bloc to the GEACPS along with the perception of the Philippines in both pan-Asianist and nationalist thought from the Meiji era (1868-1912) to the Manchurian Incident. It was during this time span that Japan emerged from a developing country to the strongest economical and military power in the Far East.

Japanese nationalists took interest in the South Seas (南洋\textsuperscript{11}) and thus also the Philippines as early as by the beginning of the Meiji Restoration when they considered Southward expansion as the only possible answer to the threat the Western powers imposed on Japan. A prominent example for a Japanese nationalist advocating expansim to the South and colonisation of the Philippines was the journalist, political scientist and politician Fukumoto Nichinan (1857-1921). To Fukumoto colonisation of the Philippines was a measure to secure Japan’s independence by avoiding contact with the Great Powers. Fukumoto along with the nationalist Kuga Katsunan (1857-1907) co-founded the nationalist newspaper “Nihon” (Japan) in 1889 that was critical towards the policy of the Meiji administration and warned of an ongoing Westernization of Japan. “Nihon” found wide proliferation in Japan and made Fukumoto become an influential political commentator in the country. In 1908 he was even elected a member of the Lower House. Fukumoto represented the typical nationalist stance towards Southward expansion and was determined to accomplish the work of his old friend Sugenuma Teifû who was one of the pioneer advocates of a Japanese colonisation of the Philippine archipelago. In the face of the decline of the Spanish Empire, Fukumoto considered it likely to happen that another Western power would take the Spaniards’ place which would ultimately threaten Japan\textsuperscript{12}. Fukumoto did not advocate a military invasion of the archipelago but argued for taking over the islands by Japanese settlements and
trade. In 1889 he published his book Firipin guntô ni okeru nihonjin (The Philippine Archipelago with Regards to the Japanese) providing an account of the Philippines as a Spanish colony and describing perspectives for a Japanese colonisation of the islands. Even though Fukumoto showed great respect for former Bakufu-leaders as Harada Nobutane (1560-1598), Date Masamune (1567-1636) and Matsukara Shigemasa (1574-1630) who pursued an expansionist policy by the sword and in the case of Matsukara even planned a military invasion of Luzon, he advocated rapprochement by peaceful means.

Two years after Fukumoto, in 1891, Hattori Tôru (?-1908) published his book Nan’yô saku (South Seas Policy). Hattori undertook excursions into the South Seas where he collected plants and studied the vegetation. In 1908, as a journalist of the Osaka Mainichi Shinbun, he once more went on a trip to the Nan’yô in 1908 and died during the passage from Hong Kong to Java on the boat. Hattori was along with Shiga Shigetaka (1862-1927) one of the first “embedded” nationalist writers taking part in the naval training cruises of the Japanese navy throughout the Meiji era. As a journalist he functioned as a kind of messenger for the navy in its effort to bring the importance of the South Seas to the consciousness of the Japanese public. Just as Fukumoto, Hattori argued for close trade relations between the South Seas and Japan. He conceded a strong relationship between the Asian continent and the islands of the South due to the Pacific Ocean that he called the reason why the whole region was named Oceania.

Regarding the Philippines, Hattori was almost euphoric about the resources available in the islands and also praised the infrastructure as the harbours of Manila and Iloilo. Hattori saw great potential in various Philippine industries like the hemp and sugar production or the textile industry and stressed the ancient ties between Japan and the Philippines as well as the efforts of the Meiji government to enhance the relationship:

By the way, in ancient times 3000 Japanese established a Japanese city in the centre of Luzon, a mountain away from the capital Manila and in the year before last year our government built a consulate in Manila and sent a consul for the first time.

Fukumoto and Hattori were typical Japanese nationalists who took a strong stance towards the expansion of Japanese influence into Southeast Asia. Throughout the early Meiji-period various organizations emerged that focused on the exploration of the Southeast. One of them, the Tôhô kyôkai (Eastern Society), saw Japan’s obligation in leading the less developed countries of the region by extending its own influence. One of this organization’s most prominent members was Tanaka Suiichirô (1873-1923). He studied in England and Germany from 1905 to 1907 and established the Department of History at Keio University in 1910 where he not only taught Western history but also gave lectures in Japanese and Oriental history as well as in political science. During his studies under German exchange professors at the Department of Literature of Keio Gijuku University, Tanaka published one of his most renowned books, Tôhô kinseishi (Modern History of the Far East) in 1902. In his account of the American invasion of the Philippine archipelago he emphasized the strategic importance of the Philippines for the American advance into the Far East that would turn the United States into the dominant power of the region.

Tanaka wrote of proximity of the Philippines to the Asian continent which means that he did not consider the archipelago a part of Asia itself. He widely referred to independence movements in the Philippines but did not come up with a Japanese mission to help the Filipinos in their struggle.
for liberation. Fukumoto, Hattori and Tanaka were all concerned about Japan’s own security in connection with the Philippines. Fukumoto and Hattori feared that after the end of the Spanish colonial period in the archipelago another Western power could take control of the islands and thus threaten Japan. When Tanaka wrote his book the Philippines was eventually under American rule and he considered the archipelago a stepping stone for an American advance into the Far East. This fear of the Philippines being used as a basis for American domination of Southeast Asia became also an important point in later pan-Asianist writings in the Taishô era (1912-1926)\textsuperscript{21} and the Shôwa era (1926-1989)\textsuperscript{22}. Furthermore, Fukumoto, Hattori and Tanaka emphasized the ancient, friendly relationship between Japan and the Philippines but they did not come up with a particular vision for liberation of the islands from Western domination.

Early Meiji Foreign Minister Inoue Kaoru’s (1836-1915) vision of establishing a “European style empire on the edge of Asia”\textsuperscript{23} showed the willingness of the Meiji oligarchy to learn from the West first to be able to challenge it later. Inoue’s vision represented the nationalist thought in Japan by the end of the 19th Century. Japan’s own national integrity had to be preserved by adaption of Western style imperialism; hence, the “Asian identity” of Japan was either ignored or even neglected by the Meiji oligarchy\textsuperscript{24}. In 1886, the \textit{Nanyô kyôkai} (South Seas Society) was established that worked out detailed plans for Japanese settlers to colonise the Philippines. These plans involved Japanese settlers winning over the native chiefs on three islands of the archipelago, then start cultivating land and engaging in local industries. Branch offices of the \textit{Nanyô kyôkai} were to observe these activities. The first objective of the organization was to find a solution for the problem of surplus population in Japan\textsuperscript{25}. Other organizations like the \textit{Tôkyô chigaku kyôkai} (Tokyo Geographic Society), the \textit{Tôkyô keizaigaku kyôkai} (Tokyo Society for Economic Science) or the \textit{Shokumin kyôkai} (Colonial Society) were also mainly concerned with Japanese economic interests, the aspect of a cultural and racial kinship with the Filipinos did not play any role in their agendas. The establishment of these various nationalist organizations coincided with a clash between the Japanese army and navy. Whilst both factions agreed on the necessity of expansionism to secure Japan’s survival as a sovereign state, the army advocated for an advance into the North (\textit{Hokushin-ron}, “Northward Doctrine”) and the navy for Southward expansion (\textit{Nanshin-ron}, “Southward Doctrine”). As Lydia N. Yu-Jose puts it; pan-Asianism later became the “ideological counterpart” of this latter doctrine\textsuperscript{26}. Advocates of \textit{Nanshin-ron} considered the South Seas the future sphere of Japanese interest and were eager to establish cultural, ethnological and historical links with this region. Ikehata Setsuo drew as a conclusion from her studies of popular magazines advocating \textit{Nanshin-ron} such as \textit{Nihonjin} (Japanese), \textit{Tôhô kyôkai hôkoku} (Report of the Eastern Association) or \textit{Shokumin kyôkai hôkoku} (Report of the Colonial Association) that there had been the “assumption that Japan would come to possess the Philippines one day”\textsuperscript{27}.

Despite the huge interest of the nationalists in the South Seas and the Philippines, early pan-Asianists in Meiji-Japan were rather indifferent towards this region. They focused on the commonalities of “script and culture” (\textit{dôbun dôshu}) within the Sino-centric world system Japan had been a part of for centuries. Parallel to the afore mentioned nationalist organizations also various Asianists joined together to form the first pan-Asianist groups. Early organizations like the \textit{Kôa-kai} (Society for Raising Asia) and the \textit{Ajia kyôkai} (Asia Association) put an emphasis on
solidarity between Asian countries and refused to interfere in China’s affairs whereas follow-up organizations as the Tōa dōbun-kai (East Asia Common Culture Association), Kokuryū-kai (Armur Society) and the Kokumin dōmei-kai (National Alliance Association) advocated for the establishment of a cooperative body consisting of Japan, China and Korea under Japan’s leadership.

Early pan-Asianism in Japan stood in opposition to the Realpolitik conducted by the ruling Meiji government. Even though members of the Meiji oligarchy sympathized with pan-Asianist ideals it was common sense that Japan first had to modernize before it could challenge the Western Great Powers. The early pan-Asianists on the other hand were convinced that instead of “Leaving Asia” (Datsu-A) Japan needed to “Return to Asia” (Ajia kaiki) and become aware of its Oriental roots again if it wanted to withstand the Western encroachment. One of the pioneers of Japanese pan-Asianism, Okakura Kakuzo (1862–1913), bemoaned the departure from Asia and claimed the continent for Japan to be “the true source of our inspirations” despite everything Japan had learned from the West. However, Okakura’s vision of Asia was confined to only Japan, China, Korea and India. Thus, the slogan “Asia is one” used by Okakura at the very beginning of his 1904 first published standard work Ideals of the East and later a trademark of pan-Asianism clearly aimed at the unity of the Chinese Confucian hemisphere and the Buddhist Indian subcontinent.

The above mentioned pan-Asianist groups also focused on the unification of the Sino-centric core of Asia. Whereas Okakura’s pan-Asianism was a rather romantic idea based on solidarity and equality, groups as the Kokuryū-kai clearly emphasized the necessity of Japanese leadership in the process of creating a Sino-Japanese bloc. However, one early pan-Asianist took interest in the Philippine islands and tried to support the independence movement there. Miyazaki Tōten (1870-1922) was born in Kumamoto Prefecture and studied at Tokyō Senmon Gakkō (the institution preceding today’s Waseda University). In 1897, he became friends with the Chinese revolutionary leader Sun Yat-sen (1866-1925) and supported Sun’s struggle to topple the Qing government. Sun was a friend and supporter of the Philippine revolutionary Mariano Ponce (1863-1918) who came to Japan in 1898 officially representing the First Philippine Republic that had been inaugurated after the end of the Spanish rule in the same year. During this time Ponce met Miyazaki who was described by literary scientist Yamaguchi Kōsaku (1926-1993) as a “so called Rônin in the continent” and a “patriot (shishi) who actively supported Sun Yat-sen’s Chinese Revolution.” Miyazaki strongly sympathized with the Philippine independence movement and was eager to support Ponce’s cause. In 1899, Miyazaki tried to send arms and ammunition on a ship to Filipino independence forces but the old yacht sank shortly after its departure from the harbour. In his autobiography My Thirty-Three Years’ Dream first published in 1902, Miyazaki recalled his first meeting with Ponce and how he became sympathetic with the Philippine case. Just as his contemporary Asianists, Miyazaki was first of all concerned with Chinese affairs but soon developed a sense of solidarity for Philippine resistance against the United States when Ponce told him how his country had been betrayed by America. Ponce appealed to Miyazaki as a fellow Asian (“Oh, my friend from a chivalrous Asian country”) and thus succeeded in winning his support:

Although my aspirations centred on China, I also made friends with men from the Philippines while I was in Hong Kong. When I think about it, it seems fickle to me, but I
couldn’t help it. [...] I was full of sympathy. How could I listen to much of this without trying to help?

Miyazaki mentioned how enthusiastic Sun Yat-sen was about giving aid to the Filipinos and that he shared Sun’s enthusiasm right away. Miyazaki Tôten seemed to have taken interest in the Philippine struggle for independence rather spontaneously. Just as his contemporary pan-Asianists, his main concern was the creation of a Sino-centric bloc driven by a strong sense of solidarity for the Chinese revolution. Therein, he was a representative of the “first generation” of Japanese pan-Asianists that was lacking the aspiration for Japanese domination of the continent. Miyazaki was not aiming either at Japanese domination of China nor the Philippines but saw the overthrow of the Manchu dynasty in China and support for Philippine resistance against American colonisation as a first step towards global freedom and justice. Therein, he differed from many of his fellow pan-Asianists who also defined China as the starting point for Asian and worldwide liberation but clearly under Japanese leadership. Even though Miyazaki felt very close to Kokuryû-kai-leader Uchida Ryôhei (1873-1937) whom he called a “real comrade” he did not share the latter’s expansionist views. His support for the Philippine independence movement was very unusual for Japanese pan-Asianism around the turn of the century and the Philippines was not part of Miyazaki’s Asianism from early on. He was rather convinced by the representatives of the First Philippine republic like Ponce and Aguinaldo that the Philippines was a cause worth fighting for. Different to Uchida and other so called tairiku rônins, for Miyazaki Asian interests ranked higher than Japanese nationalistic interests what clearly separated his Asianism from the agendas of the Kokuryû-kai or the Tôa dôbun-kai. Nevertheless, it was the latter organizations’ pan-Asianism that gained more and more prominence throughout the last years of the Meiji era.

Uchida Ryôhei who founded the Kokuryû-kai in 1901 was one of the most prominent and most radical activists propagating a Japanese expansionist national policy and Japanese leadership in Asia under the banner of pan-Asianism. In his younger years Uchida already joined the radical nationalists of the Genyôsha (Black Ocean Society) that pressed for an aggressive Japanese foreign policy in Central Asia, especially Korea. Uchida, just like the Genyôsha became a strong advocate of pan-Asianism in the course of the Japanese annexation of the Korean peninsula in 1910. Therein, he perfectly exemplified the ongoing fusion of nationalist and pan-Asianist ideas during the Taishô period. In his 1912 published volume Nihon no sandai kyûmu (Japan’s Three Urgent Issues), Uchida outlined a national policy emphasizing the necessity for Japan to prepare for an “international war” militarily and economically. To Uchida, Germany was the most powerful country to emerge by the wake of World War I and he praised its rapid development and vitality. Overall, according to Uchida, Japan would need to prepare for a confrontation with the Great Western Powers in a decisive conflict:

It is the five Great Powers England, Russia, Germany, France and America that dominate world policy and engage in the Asian continent and the Pacific. How is our empire to fight each of these powers? We have to simultaneously prepare militarily and economically, participate in world policy and finally will prevail. What is world policy? It is the lessons learned from our imperial ancestors, namely, a foreseeing, universal plan for the whole world. That is the fundamental national policy of the Empire.

The “foreseeing, universal plan for the whole
world” is a reference to the core principle of
pan-Asianism, hakkô ichiu (The whole World
under one Roof). This principle also became the
leitmotiv for overcoming the old world order and
establishing a new one (shin chitsujô) that finally
lead to the concept of the GEACPS. In 1914, in his “Personal View on Government
Abuse” (Seihei shigi) Uchida once more made
clear Japan’s obligation to unify the whole world
according to this principle:

The Great Empire indeed is awarded with the
great task of protecting the cosmos (rikugô)
containing the whole world (hakkô) [...] In
this volume, he criticized the ruling government
and proposed Japanese intervention into foreign
states’ affairs. Uchida concluded that a passive
stance would lead to Japan’s decline as an
influential power in the Far East:

If we look at ourselves, today there are not
more than only the two methods of passivism
and activism that we can choose from. In
the case of passivism the Empire gives up
Manchuria and Mongolia, gives up Korea
and returns Karafuto to Russia and Taiwan to
China [...] If the advocates of passivism are
apt to leave Chinese affairs to the Chinese, will
this make it possible to preserve a long term
peace in the Pacific? Again I must absolutely
say that I do not believe so.

Whilst pure nationalists like Tanaka and Hattori
considered expansion into Southeast Asia and
especially the Philippines a matter of national
interest for Japan, pan-Asianist Uchida favoured
a Japanese domination of the Sino-centric core
of Asia to secure the empire’s hegemony in the
continent. Uchida could be labeled an advocate of
Hokushin-ron (Northward Doctrine) as he clearly
saw the key to Japan’s future in the expansion
towards China and Central Asia. Uchida’s
comrade Miyazaki actually showed sympathy for
the Philippine independence movement and tried
to support it. However, his Asianism was anchored
in the principle of Asian solidarity and not based
on the idea of liberating the continent by means of
Japanese domination.

Overall, there was a clear distinction between
the aims of pan-Asianists and nationalists in
Meiji Japan: the former proposed the creation of a
Sino-centric bloc under Japanese leadership to
withstand the Western encroachment and a re-
orientation towards Oriental values whereas the
latter called for expansion to the South pursuing
a Western-style, imperialist policy. However, the
fact that more and more pan-Asianist organizations
put an emphasis on Japanese superiority instead
of solidarity among all Asian peoples made the
ideology increasingly attractive to nationalists,
too. Especially the idea of creating a “Greater
Asia” that came up during the Taishô era (1912-
1926) made an increasing number of nationalists
join pan-Asianist societies.

In 1916, Lower House member Kodera
Kenkichi (1877–1949) published his Dai-
Ajiaishugi-ron (Treatise on Greater Asianism), the
first major work with the word “Asianism” in the
title. Kodera went beyond the idea of a Japanese-
Chinese-Korean entity even though he considered
close cooperation between Japan and China
the precondition for a new Asia under Japanese
leadership. The creation of a Sino-centric bloc was
only the first stage on the way to unify the entire
yellow race:

By the interdependence between the
same script and race along with trust and
cooperation we withstand the world’s current
thought and establish a great new Asian
civilization, aggrandize it little by little, revive
the entire Yellow Race under this doctrine
and gain politically complete freedom and
independence. After all, it must be the ultimate
goal to unify all yellow people in the world and thus the key conclusion of our so called Greater Asianism is that Asia is the Asia for the Asians […]47

Even though Uchida Ryôhei and other early pan-Asianists, too, shared the vision of a world unity starting from a Sino-Japanese bloc, Kodera introduced the outline for the establishment of Greater Asia. Kodera’s vision of “one Asia” went beyond a Sino-centric bloc and confined the whole of Asia (including the South Seas) as the final stage of Greater Asianism. Thus, his magnum opus can be considered a blueprint for future pan-Asianist writings of the Shôwa era (1926-1989) when finally pan-Asianism became the official doctrine of Japanese Foreign Policy and many Asianists considered the South Seas a natural part of Greater East Asia 48. Regarding the Philippines, Kodera described the islands as at the mercy of the Great Western Powers. Similar to Uchida Ryôhei’s concerns about German expansionism in Southeast Asia, Kodera in his account of Germany’s reaction towards the outcome of the first Sino-Japanese War claimed that Germany took an interest in leasing, not occupying the Philippines to gain influence in the Far East. However, the high price of 1680000 Reichsmark made the German Empire abandon the plan. America that was not pleased by the idea of the Philippines “falling into the hands of Germany” then came to buy the Philippines itself whereas Germany leased the Jiaozhon Bay and Palao giving the “political struggle in the Far East a new development” 49. Kodera just like the nationalists of the early Meiji era and later Asianists of the 1930s and 1940s emphasized the strategic importance of the Philippines by claiming that the possession of Hawaii and the Philippines enabled America to “send big warships into the Far East” and thus inhibited Chinese trade making Japan suffer a “high degree of damage” 50. Kodera was convinced that the fate of the Far East would be at the hands of Japan, Britain, America and Russia with Japan being the future hegemonic power in the region. In the event of a war Kodera considered the Philippines a stepping stone for the American advance in the Pacific 51.

Kodera wrote his Treatise during the transition period between the end of the Meiji period (1868-1912) and the beginning of the Second Sino-Japanese War (1931-1945). Throughout the era of the so called “Taishô Democracy” (1912-1931) Japan actively engaged in internationalism but at the same time pan-Asianist thought became increasingly popular. It was during this time when nationalist and pan-Asianist views ultimately melted into one. Even Uchida Ryôhei’s Kokuryûkai expanded its idea of Asian unity to the concept of a “Greater Asia” that went beyond the old Sino-centric core and included the South Seas. The volume Ajia taikan (Asian Overview) published by the organization in 1918, contained chapters on, amongst others, countries of the Middle East like Persia or Oman, Russian occupied Central Asia, India and Southeast Asian territories as French-Indochina and also the Philippines. The chapter on the Philippine archipelago provided a brief overview of Philippine history, topography, ethnicities and local customs 52. Even though this volume contained no suggestions for a future colonisation of the islands it is obvious that the Philippines was now part of the Kokuryûkai’s vision of Asia.

Nevertheless, pan-Asianism still centered on Japanese domination of China, Korea and Mongolia, the South Seas was only given strategic and economic importance in pan-Asianist thought of the Taishô era. However, the idea of a Japanese mission in Asia that went beyond militaristic interests found its way into nationalist thought of the time and nationalists also started to emphasize Japan’s obligation in leading Asia
in its struggle for freedom. In his 1918 published work Dai-Nihonshugi (Greater Japonism) the author Kamiizumi Tokuya (1865-1946) linked the idea of a Greater Japan to the concept of Greater Asianism. He therein represented perfectly the fusion of the concepts of Japanese nationalism and pan-Asianism. Kamiizumi was a graduate of the naval academy and fought in 1904 in Manchuria and a year later in the Russo-Japanese War. After his successful career in the Japanese navy where he achieved the rank of a vice-admiral, Kamiizumi became a committed advocate for Greater Japonism. However, different to earlier nationalists who solely called for Japanese expansionism to withstand the Great Western Powers, Kamiizumi came up with a vision of Japan leading the suppressed yellow race towards freedom. Eventually, to Kamiizumi Greater Japonism and Greater Asianism were one and the same thing. In Kamiizumi’s point of view, the foundation of Japan’s superiority towards other nations lay in its unique Kokutai (National Polity). The Imperial bloodline over thousands of years turned the Imperial household and its subjects into one family molding the national polity or national body called Kokutai. According to Kamiizumi, this national polity was “unparalleled in the world”.

Contemporary Japanese scholars on the history of the East (Tôyôshi) concluded that the absence of such a national polity as Kokutai was responsible for the decline of China to a point where it could no longer be called a state but merely a civilization and thus put Japan into a position of leadership within the East. Another point that following Kamiizumi made Japan different from other countries was that the vast majority of its population belonged to the same race and thus must certainly “have identical goals and ideals”. This uniqueness of the Japanese people was crucial for its mission in Asia. Just as many of his contemporary Japanese nationalists, Kamiizumi was mainly concerned with the surplus population of his country. Kamiizumi saw a necessity for Japan to expand its territory to solve the surplus problem; however, different to for example Tanaka and Hattori he called for Japanese settlements in Siberia and Central Asia. Kamiizumi was eager to make clear that Japan should not act as an imperial power but as a cultivator making Asia a prospering continent:

Whatsoever, these regions are places where the natives reside in Asian savage land and as an Asian country our first mission must be to take the lead in the cultivation of Asia, to make it emit the radiant brightness of ancient times and the recovery of this civilization.

Kamiizumi pointed out that Japan’s policy was different from that of other Great Powers because it was led by the concept of Greater Asianism:

I am not concluding that the question of our country’s population is like other power’s common question of territorial expansion. One result of the accomplishment of the mission of Greater Japonism is people feeling joy by being able to cultivate Asia. The Greater Asianism I am explaining about indeed shows this. As I repeatedly say, it’s very reason is originally that the peoples of the world do not close that territory or fight each other because of a yellow, white, copper or black skin colour but rather open that door along with the nations and let a civilized world emerge without restrictions to equal opportunities; truly a cause that promotes happiness of mankind.

Kamiizumi was a nationalist advocating for Greater Japonism but he also used the same arguments as contemporary pan-Asianists like Uchida Ryôhei. Even though nationalists did propose Japanese expansion to cultivate backward
areas before. Kamiizumi explicitly spoke of Greater Asianism as an ideal that needed to be fulfilled. Greater Japonism and Greater Asianism to him was one and the same thing as only Japanese expansion would serve the purpose of all Asia. Kamiizumi considered it Japan’s obligation to lead the Asian peoples towards the cultivation of their continent and Japanese settlements in underdeveloped regions were a means to this end. Even though Kamiizumi came from a navy background he was not an advocate of Nanshin-ron but called for Japanese engagement in Central Asia. Herein, he also resembled the early pan-Asianist organizations. He did not explicitly call for military actions in China or Siberia but it is obvious that the cultivation of wide landscapes in this region by Japanese settlers could not be achieved by peaceful means. However, different to earlier nationalists propagating Greater Japan he legitimized Japanese expansionism by declaring Greater Japonism a mission for the sake of Asia. Kamiizumi’s vision of Greater Japonism was a mixture of nationalistic and pan-Asianist views of the Meiji and Taishô eras and exemplified the melting together of these two ideologies.

The same was true for the in Japan until today very popular pan-Asianist Gotô Shinpei (1857-1929) who served in the Japanese colonial administration in Taiwan as the head of civilian affairs after Japan had ceded the island from China following the First Sino-Japanese War (1894-95). Later Gotô became director of the South Manchuria Railway (1906) and eventually was appointed Japanese Home Minister (1916 and again 1923) and Foreign Minister (1918). Gotô worked for the Japanese government and exemplified the growing impact of pan-Asianist ideas in Japanese politics. Just as Kamiizumi, Gotô firmly believed that Japanese expansionism was a tool to the emancipation of the entire Asian continent. In his 1921 published volume Nihon shokumin seisaku ippan (One Part of Japan’s Colonial Policy), Gotô praised Greater Asianism as the ideology that would return the Asian continent back to the Asian people:

The Asian continent is the Asian continent of the Asians and political affairs within Asia must by all means be supervised by Asians […] and this is what is called Greater Asianism and it is indeed the eternal, divine right of the people of the Asian continent.

Like Kamiizumi, Gotô also was convinced that Japanese geopolitical hegemony in the continent was the tool to achieve the ideal of an autonomous Greater Asia for the Asians. Furthermore, his administrative work in Taiwan and his approach to “scientific colonialism” based on his education as a medical doctor turned the island into a “model colony” for Japan. Gotô’s idea of Greater Asianism was quite similar to the Greater Japonism of Kamiizumi; the establishment of Greater Japan would eventually lead to the establishment of Greater East Asia. A third example for this symbiosis of ultra-nationalism and pan-Asianism was the journalist and political activist Mitsukawa Kametarô (1888-1936). Mitsukawa was not as influential as Gotô or Kamiizumi but his idea of pan-Asianism provides a perfect example of the way pan-Asianist ideas had changed by the early 1920s. Christopher W. A. Szpilman described Mitsukawa’s Asianism as reflecting the shift from universalistic or regional Pan-Asianism to a nationalistic Pan-Asianism that served as window-dressing for Japan’s military aggression.

In 1921, Mitsukawa published his book Ubawaretaru Ajia (The stolen Asia) including a large section on the South Seas. Mitsukawa quoted the historian Kawashima Motojirô (1877-1922) who claimed that traces would prove
the existence of Japanese trade relations with Southeast Asia since the early Tokugawa era three hundred years ago and that there had been “free Japanese colonies” all over the region, including Manila in the Philippine island Luzon. These settlements were defended in “cases of emergency” against foreign enemies like the Portuguese, Dutch, English and aborigine chieftains. Mitsukawa’s vision of Greater East Asia obviously included the Nan’yō and he considered this region subject to Western exploitation similar to China. Just like Kamiizumi and Gotô, Mitsukawa was both a nationalist and a pan-Asianist linking the establishment of “Greater Japan” inseparably to the concept of “Greater Asia”. After a journey through various right-wing organizations he eventually took part in the founding of the Greater Asia Society (Dai-Ajia kyōkai). This organization Christopher W.A. Szpilman called “radical pan-Asianist” in its purpose to liberate all oppressed nations worldwide on the basis of a close cooperation between Japan, China and Korea under the leadership of the Japanese Imperial Throne.

Following J. Victor Koschmann, this “Japonists” (Nihon-shugisha) vision of Asia was related to the exoteric form of Asianism [that] emphasized the harmonious, more or less natural continuity from family, to village, to Volk/nation, to Greater Asian community based on racial and cultural affinities between Chinese and Japanese, of the sort captured by the slogan dōbun-dōshu (same culture, same race).

Kamiizumi with his emphasis on Kokutai and advocacy for Japanese expansion in China and Central Asia was a typical representative of a “Japonist” adapting “exoteric” Asianism. The same was true for Gotô Shinpei and Mitsukawa Kametarō. Philosopher and critic Osamu Kuno (1910-1999) described two concurring ideologies in Meiji Japan, one “exoteric” and one “esoteric” stream of thought. In the “exoteric” canon the emperor was an absolute monarch with unlimited authority. The “esoteric” canon represented a school of thought where the true state power was executed by advisory organs on the emperor’s behalf. According to J. Victor Koschmann the coexistence of these two different conceptions eventually “brought that [Meiji] system down in the mid-1930s” and led to two different perceptions of Asianism in Japan, i.e. “esoteric Asianism” and “exoteric Asianism”.

The above mentioned Dai-Ajia kyōkai represented the exoteric, more “traditionalist” stream of Asianism whereas the Shōwa kenkyū-kai (Shōwa Research Association) around Rōyama Masamichi (1885-1980) propagated the esoteric ideology that was more progressive. By the mid 1930s it became apparent that these two factions showed different attitudes towards the realization of the GEACPS.

The clash between these two pan-Asianist streams and the role the Philippines played in both of them will be the focal point in the following section.
III. Traditionalists vs. Realists—“Exoteric” and “Esoteric” Pan-Asianism and the Inclusion of the Philippines in an East Asian Bloc

The purpose of this paragraph is to illuminate how “exoteric” and “esoteric” pan-Asianists viewed the Philippines and the possibility of its integration into Greater Asia. Even though pan-Asianists in the Taishô era (1912-1926) began to envision an unification of Asia that went beyond the Sinocentric core they did not come up with concrete plans for the inclusion of the South Seas (Nan’yô) into a Greater East Asian Community. It is obvious that advocates of pan-Asianism or Greater Asianism like Kodera Kenkichi and Uchida Ryôhei first of all emphasized the commonalities between Japan, China and Korea (Dôbun dôshu, “One Script, One Race”) as the basis for their ideology and stayed rather vague when it came to the question of Southeast Asia in connection with the concept of Greater East Asia. Nevertheless, pan-Asianism gradually changed from an ideology based on Asian solidarity and the principle of equality among the Asian peoples to the idea of a Japanese mission to take the lead in the liberation of Asia. In this respect it provided a justification for Japanese expansionism that went beyond the old nationalists’ argument of securing merely Japan’s own sovereignty. At the same time liberal forces inside and outside the Japanese government were eager to emphasize that Japan had no desire to invade the Philippines in the event that America granted independence to the archipelago.

As a result of the Washington Naval Conference held in November 1921 Japan accepted American and British hegemony in the South Seas and a confrontation with the U.S. over the Philippines was not a promising perspective. Japan held a passive stance in Southeast Asia throughout the 1920s acting only as a mandate power in Micronesia. However, the phase of internationalism in Japanese policy came to an end with the Manchurian Incident on 18 September 1931 and the establishment of Manchukuo in the following year. In 1933, Japan eventually announced its withdrawal from the League of Nations and the question of a new South Seas policy came up. This new situation induced Japanese pan-Asianists to define a “Japanese destiny” in Southeast Asia and put their attention towards the Nan’yô. The different views within the pan-Asianist community in the 1930s on extending Japanese influence to the South Seas and making them a part of a Japanese-led GEACPS will be the focal point of the following sub-sections that will mainly focus on the pan-Asianism of the Dai-Ajia kyôkai as a representative of the exoteric canon on one hand and the pan-Asianism of Rôyama Masamichi as head of the Shôwa kenkyû-kai on the other. Even though both organizations functioned as advisory organs for the government of Konoe Fumimaro there were hardly any overlapping memberships. Both organizations were influential and had clearly differing perceptions regarding the inclusion of Southeast Asia into the GEACPS.

1. Going to the Philippines is like Coming Home: The Perception of the Philippines in “Exoteric” Pan-Asianism

According to J. Victor Koschmann the “exoteric” pan-Asianism was based on the principle of “One Culture, One Race” (Dôbun dôshu). Hence it was necessary for the advocates of this ideology to apply this principle not only to the Sino-Japanese realm but also to Southeast Asia if they wanted to justify the expansion of the GEACPS into
this region\textsuperscript{72}. The \textit{Dai-Ajia kyôkai} (Greater Asia Society) typically represented this “exoteric” stream of Japanese pan-Asianism. Many of its members as the afore mentioned Mitsukawa Kametarô were both ardent nationalists and advocates of Greater Asia that in their opinion could only be achieved by the creation of Greater Japan. Founding members of the organization included Prince Konoe Fumimarô (1891-1945) who from 1937 on for three times served as Japanese prime minister and Army General Matsui Iwane (1878-1948). Matsui served as the first president of the \textit{Dai-Ajia kyôkai} from 1933 to 1945, and was executed as war criminal in 1948 for being commander of the Japanese Expeditionary Force that committed the Nanking Massacre starting on 13 December 1937. Since his days at the military academy Matsui was a devoted Asianist and advocate for close Sino-Japanese cooperation. This he considered the precondition for an Asian revival leading to a Greater Asian alliance and he felt sympathetic with Chinese revolutionists Sun Yat-sen and Hu Hanmin (1879-1936)\textsuperscript{73}. The founding prospective of the \textit{Dai-Ajia kyôkai} emphasized Japan’s obligation of leading Asia towards its renaissance:

Yes, and then it is the duty of the Japanese Empire to carry the heavy responsibility on its shoulders of rebuilding Asia and changing the (world) order. […] It is time that Imperial Japan suitably expands the worldwide historical significance of the Russo-Japanese War and concentrates all its cultural, political, economic and organizational power and must plan to take one further step in the rebuilding and unification of Asia. […] The formation of a “Greater Asian Union” is today’s historical task of the Japanese people\textsuperscript{74}.

After the outbreak of the Second Sino-Japanese War in 1937, Matsui wrote in his diary in December of that year about the purpose of the war and its implications for the Asian continent. He expected the war to become a “Greater East Asian War” and suggested immediate independence for the Southeast Asian countries ruled by Western powers as Japanese war aims:

Thus, the China Incident suddenly turned into a war against America and England = rushing towards a Greater East Asian War. […] The Greater East Asian War starts, the empire occupies Southern Asia and our government will following its past China policy, with an open and calm mind stimulate the awakening of every people to the idea of independence and unity of all the peoples of all countries in entire Asia. It is crucial for it to quickly guarantee independence to both the Philippines and Burma; furthermore, along with supporting preparation for independence of Indonesia and Indochina (Vietnam, Cambodia, Laos) to implement the Greater East Asia pact and explain this to the Asian peoples in detail along with the sacred purpose of the Greater East Asian War\textsuperscript{75}.

Matsui typically represented the “exoteric” pan-Asianism of the Japonists. The realization of Greater Japan would in his understanding ultimately lead to the establishment of Greater Asia and independence of the Western colonies in Southeast Asia, such as the Philippines. Matsui wrote of the necessity to communicate the “sacred” purpose of the war and the good intentions of the Japanese empire to the Asian peoples and he seemed convinced that these peoples would appreciate a Japanese invasion as an act of liberation if they were provided with sufficient information on the Japanese mission.

The growing interest in the South Seas was also reflected by various other articles published in the monthly magazine of the association, \textit{Dai-}...
**Ajia shugi** (Greater Asianism) Jounded in 1933. In this journal, members of the organization and other Japanese and non-Japanese (as the Philippine revolutionary Benigno Ramos and Pio Duran) pan-Asianists published articles on the political situation in Asia. It included also a news section about developments in the various regions in the continent. In the first year of its publication the Philippines was not mentioned in the journal; however, starting from January 1934 there were articles on the archipelago almost every month and it was frequently featured in the section “Southeast Asia News” (Tônan Ajia jôhô).

In September 1934, the pan-Asianist professor Imamura Chûsuke (1899-1954) published the article “Firipin dokuritsu to Dai-Ajia shugi” (Philippine Independence and Greater Asianism) in the journal. Imamura was head and founder of the Department of Colonial Economics at Nihon University and thus an influential scholar in pre-war Japan. Imamura bemoaned that despite the geographical proximity of the two countries, the Japanese people would not know too much about the Philippines. They failed to accept Philippine culture and believed they had nothing to learn from the Filipinos. The reasons were the location of the Philippines away from the European sea routes, lack of economic value for Japan, the closed door policy of the white race towards Japan and the “evil practice of isolation” (Sakoku no heifû) that had survived in Japan from the Tokugawa era until the present Shôwa period. Thus it was the ideology of Greater Asianism that had to win over the Japanese people for the case of Philippine independence:

This is today’s new problem—the topic of independence and the Philippines—and how to introduce it to the Japanese. Furthermore, Great Asianism has become of much more importance to deepen cooperation among Japanese people today as before for the construction of Manchuria, as self-awareness towards the outside world increases.

Imamura was convinced that it was Japan’s obligation to help the Filipinos win independence following the spirit of Greater Asianism as Japan had a “fateful connection geographically, ethnically and historically” with the islands. There was “no other way” but to support Philippine independence since otherwise the archipelago would become subject to Western indoctrination like Siam. Imamura was sure that the Philippine independence movements would eventually prefer Japanese Asianism over Western domination and support the idea of the Philippines becoming part of a Japanese-led regional bloc. His emphasis on historical, geographical and even ethnological ties was typical for the “exoteric” stream of Japanese Asianism.

The question of independence for the Philippines in connection with Greater Asianism remained a key issue in articles published in *Dai-Ajia shugi* throughout the 1930s.

During the early years of the *Dai-Ajia kyôkai* it became apparent that the advocates of “exoteric” pan-Asianism who published in *Dai-Ajia shugi* considered the Philippines a part of Greater East Asia. A strong proponent of regional integration was the Waseda professor Sugimori Kôjirô (1881-1968). Sugimori gave lectures in the Philippines and became a prominent expert in the field of Philippine politics. Already in the early 1920s Sugimori divided the world into the three entities of Greater America, Greater Europe and Greater Asia; the latter consisting of Japan, China, Siberia and parts of Southern Asia. Sugimori opposed trends towards nationalism and considered the nation state as a passing phase on the route towards an international world society. The next step following the nation state was regionalism which meant for Asia the construction of Greater Asia under Japanese leadership.
1936, Sugimori paid a visit to the Philippines where he lectured on various topics. After his return to Japan, he published several articles on the political situation in the Philippines, Thailand and China and how Japan should respond to it\(^8\). In his article for *Dai-Ajia shugi* that was published in the May 1937 issue, Sugimori described the Philippines, Siam and China as countries that had “a good opportunity” to become a “modern state” (*Kindai kokka*). Sugimori considered the societal and political conditions as sufficient in these countries but the underdeveloped economies were the main obstacle in his opinion. Thus, industrialization was necessary, just as in Japan in the course of the Meiji Restoration after 1868.

Regarding the Philippines, he praised the NEPA movement (National Economic Protectionism Association) as a “peoples’ movement” for Philippine industrialization since it did not receive any financial support from the state and as a “movement for economic nationalism” (*keizai teki kokumin shugi*). Nevertheless, he bemoaned the strong dependence of the Philippine economy on the United States even after the inauguration of the Philippine Commonwealth. Economic dependence in Sugimori’s point of view automatically led to colonisation:

> It is needless to explain that a people, nation or society that cannot develop its resources by itself and that cannot complete production until the finished product, in the modern world beckons for its own colonisation\(^8\).

Finally, Sugimori raised the question what Japan was supposed to do regarding the Philippines. He stressed the variety of resources the Philippines possessed and called it Japan’s obligation to provide aid to the Filipinos in cultivating them. Japan should foster Philippine industrialization.

The American tariff policy in the Philippines that privileged a minority of manufacturers whilst ignoring the desires of the consumers, Sugimori called a contradiction to “the moral principles of the founding of a nation”. Therefore, he considered a shift of morals necessary in both “ethnic nationalism” (*minzoku shugi*) and “popular nationalism” (*kokumin shugi*)\(^8\) in the present world\(^8\). Sugimori was convinced that most Filipinos favoured complete independence from the United States and would welcome Japanese aid in the building of a new nation. Sugimori was first of all interested in economic cooperation between Japan and the Philippines and showed a vivid interest in the Philippine raw materials like cotton and gold. A strong economy he named a precondition for the establishment of a sovereign state and without Japanese support the Philippines would remain dependent on the U.S. or become subject to colonisation.

From May 1938 onwards mostly Hayashi Naoki kept publishing articles on the Philippines in *Dai-Ajia shugi* as a kind of foreign correspondent for *Dai-Ajia kyôkai* in Manila. Hayashi reported directly from the Philippines and was the most valuable source concerning the archipelago for the *Dai-Ajia kyôkai* representing the organization’s view on the Philippines. Therefore, some of his articles are introduced here. Overall, the independence issue remained the most prominent topic. Hayashi was doubtful about Philippine president Quezon’s true desire for complete independence of his country and he quoted several American newspapers reporting that Quezon would prefer the Philippines remaining under American leadership. Hayashi also mentioned the “great challenge” Quezon had to face as amongst others the former president of the First Philippine Republic, Emilio Aguinaldo (1869-1964), harshly criticized him for allowing the U.S. to maintain its naval bases in the Philippines even after the end of the Commonwealth and thus “abandoning the ideal of independence”\(^8\).
Hayashi also took a critical stance towards Quezon’s in the Ramos-Affair. Benigno Ramos (1893-1946) was a long time fighter for Philippine independence and a comrade of Quezon in the Nacionalista Party in the late 1920s. He alienated from Quezon in the 1930s and accused him of keeping too close ties with America and not being a true advocate of complete Philippine independence. Ramos’ Sakdal-Movement and the Sakdal-Party established in 1933 that later turned into the Ganap-Party, proposed radical economical and political reforms and “immediate and total independence” from the United States. After a failed coup in 1935, Ramos went to exile in Japan from where he returned in 1938 on the German ship Gneisenau. He got arrested on his return but was soon released from prison again. In his November 1938 article for Dai-Ajia shugi titled Ramosu no kikoku to sakudaru-tô (Ramos’ Return Home and the Sakdal-Party), Hayashi showed great sympathy for Ramos’ will to reconcile and work together with Quezon for an independent Philippines and a “policy of social justice” (shakai seigi seisaku). At the same time Hayashi criticized Quezon for not retarding Ramos’ detention on his arrival in Manila and for being overall unclear about his willingness to accept Ramos’ offer of “mutual understanding” (ryôkai) and future cooperation. Hayashi also praised Ramos as an advocate for close Japanese-Philippine relations who neglected any Japanese intentions to invade the Philippines. He quoted from Ramos’ speech to his fellow party members at the Rizal Monument on 29 August 1938:

Because Japan will respect our independence there is no need to worry. Even after independence Japan will not invade the Philippine Islands as she recognizes the Philippines’ power of self-administration. In the cases where Japan invaded foreign territories the respective governments needed protection by the Japanese nation. However, this will not occur in the Philippines because she will preserve her inner order and will expect security from foreigners. [...] During the four years I have spent in Japan it never came to my ears that any Japanese revealed the Japanese intention to invade the Philippines. [...] Japan invaded China because in the present its own existence is being threatened.

Hayashi used Ramos as the chief witness for both the peaceful Japanese policy towards the Philippines and for the Japanese invasion in China as a matter of national security. He obviously mistrusted Philippine president Quezon is proximity to the U. S. and saw in Ramos the better advocate for Philippine independence within Greater Asianism. Assuming that Hayashi represented the mainstream thought within the Dai-Ajia kyôkai by the end of 1938, it is obvious that there was an interest in the Philippine independence issue in connection with the future influence of both Japan and the United States in the archipelago. The ongoing emphasis on the Japanese disinterest to invade the islands still showed the anxiety of provoking America by Japanese ambitions in the Philippines. Nevertheless, Hayashi considered Japan an ally of Ramos and praised him and his Sakdalistas as “a blessing” for the Japanese cause of an “Orient for the Orientals” and the “revival of Greater Asia.”

However, a few months later, in an article on the restructuring of the Philippine executive, Hayashi had to admit that the political influence of Ramos and his newly founded Ganap-Party was on the decline and that Quezon’s National Party held all political power in the Philippines.

Despite the mistrust he showed towards Quezon or maybe because he had realized that there would be no alternative Filipino leader in the near future, Hayashi also stressed affiliations
between Quezon and Japan when he wrote an article in November 1939 on the president’s 16 moral principles for Philippine education and linking these to the Japanese Bushidô (Way of the Warrior). On his 60th birthday on 19 August 1938, Quezon delivered a speech in front of professors and students at a conference for moral ethics in education at Santo Tomas University in Manila. In his address he emphasized the importance of morals in education and listed 16 centre principles as cornerstones of a civil code for the Philippines. This Code of Citizenship and Ethics became the Presidential Executive Order No. 217 on 19 August 1939 and covered the responsibility of each citizen towards the Philippine state and its people. Hayashi described these 16 principles as “President Quenzon’s Bushidô” in which he was lamenting the degradation of Philippine national character and calling for a mental renaissance. For this purpose he said he was to use Bushidô.

Despite Bushidô being a moral code designed to explain Japanese chivalry as “Precepts of Knighthood”, Quezon indeed took inspiration from it when he created his code of ethics for the Philippines. Quezon was eager to strengthen both the Philippine government and his own position as a president and to him Bushidô was a reason for the strong position of (the state in) Japan. Quezon showed sympathy for totalitarian regimes as those of Hitler and Mussolini but had to be careful not to offend his American overlords. Thus, Bushidô, less a political agenda but wore of a moral code seemed suitable to him in the Philippines to support the development of an original Philippine national identity and enhance the authority of the Philippine government. Quezon’s emphasis on honour, respect for the sovereign, patriotism and memorial of national heroes indeed resembled Inazô Nitobe’s (1862-1933) definition of Bushidô. Hayashi in his review on Quezon’s address stressed the president’s emphasis on the moral decline of the Filipino people as a result of the long the years of Spanish and American rule in the archipelago that misled the Filipinos in many ways. Quezon’s turn towards Bushidô and his criticism of the Western influence on the Filipino people was of course welcomed by the pan-Asianists of the Dai-Ajia kyôkai as they could take it as an invitation for Japan to engage in the “Re-Orientalisation” of the Philippines. Despite being still critical towards Quezon’s attitude regarding the independence issue, Hayashi was convinced that the president succumbed to the political realities and would stick to the plan of Philippine independence for 1946. Even more, the president’s affection for Bushidô seemed to have completely assured Hayashi that Quezon would lead the Philippines into a Japan-led Greater Asian Union:

When looking at Mr. Quezon’s attitude, he now shows nothing but sympathy (rikai) for Japan and due to his visit to Japan last year he knows the true meaning of our national power. After all, he can see that we are Oriental peoples and as Oriental peoples we finally have to understand that we must plan co-existence and co-prosperity (Kyôzon kyôei). Therefore, he can see that he needs to push forward the already determined policy for independence, adopt our Bushidô, plan a mental renaissance and bind close ties with Japan; this will not be difficult at all under the great leadership of Mr. Quezon.

By November 1939, Hayashi seemed to be enthusiastic about the perspectives of the Philippines to become part of a Japanese-dominated Greater Asia. To him, President Quezon’s positive remarks on Japan and his obvious sympathy for Bushidô completely outweighed the president’s long-term pro-
American attitude. However far-fetched Hayashi’s conclusion that Quezon would from then on lead the Philippines according to Greater Asianist principles might appear, they were to an extent typical for the “exoteric” stream of pan-Asianism. Hayashi assumed that Quezon finally became aware of Japan’s good intentions and how beneficial it would be for his country to become part of a Japan-led Greater Asia. Greater Asianism was thus a kind of self-fulfilling prophecy: sooner or later the world would have to see the benevolence of the Japanese Empire in leading the Asian peoples towards their liberation.

Hayashi’s conviction that President Quezon would alienate himself from the Americans became even stronger by autumn 1940. Quezon’s affection for totalitarianism made Hayashi believe in a shift in Philippine policy towards a more authoritarian form of governance. In his article Hitô no seijiteki dôkô (The Political Trend in the Philippines) from October 1940 in Dai-Ajia shugi, he analyzed Quezon’s attitude towards the elimination of political parties in favour of a one-party-rule in the Philippines. Hayashi pointed out that Quezon attempted to deny his affection for a one-party-leadership because he might have come “under negative influence” (i.e. American influence) but that his real beliefs were that a wide range of political parties would harm the political development in the Philippines. He only could not make his real intentions public.

The article on the trend in Philippine politics was the last article by Hayashi Naoki and the last article dealing with president Quezon in Dai-Ajia shugi before the Japanese invasion of the Philippines 14 months later in December 1941. The articles on the Philippines published in Dai-Ajia shugi show the growing sympathy of the Dai-Ajia kyôkai throughout the 1930s for the cause of Philippine independence along with increasing resentments against the United States. In the wake of the Pacific War, the organization seemed convinced that the Filipinos would highly appreciate membership in a Japanese-led regional bloc since the majority of the Philippine population would seek complete independence from the U.S. and only Japan could provide them with that. Typical for the “exoteric” or “traditionalist” stream in Japanese pan-Asianism, the Dai-Ajia kyôkai emphasized the common Asian identity of the Japanese and the Filipinos and considered cultural differences to be a result of foreign, especially American rule that would vanish as soon as the Philippines became part of Greater Asia. When the concept of the GEACPS became the official agenda of Japanese foreign policy in 1941, advocates of “exoteric” pan-Asianism turned even more eager to prove cultural, historical and even racial communalities between the Japanese and the Filipinos. The historian and anthropologist Nishimura Shinji (1879-1943), who was not a member of any pan-Asianist organization, called in his book Daitôa kyôeiken (The Greater East Asia Co-Prosperity Sphere) the Philippines as “a branch in the great Japanese tree” and thus “topographically inseparably connected with Japan.” Nishimura published his work in 1942 after with the outbreak of the war in the Pacific. He added an extra section to it in which he emphasized Japan’s leading role in the establishment of the GEACPS. In Nishimura’s opinion, the inclusion of Southeast Asia into the sphere could easily become reality due to topographical and ethnological factors. Access to the sea and the industries of sea fare and ship building in Nishimura’s point of view naturally connected the regions of the GEACPS and since Japan was the most developed country in these industries it had to be the natural leader of the sphere. Ethnically, according to Nishimura, there were obvious similarities between the Japanese people and the people of East Siberia, Manchuria,
China, Indochina and the islands of the South Seas as cephalic index and body height showed\(^9\). Nishimura aimed to prove a racial kinship between the Japanese and the Filipinos by the example of the Tagalu and Visaya peoples who landed in Japan during the Asuka period (552-646)\(^10\). Overall he believed in the feasibility of integrating the Philippines into a Japanese-dominated Co-Prosperity Sphere and agreed that for Japan “going to the Philippines is like coming home”\(^11\).

2. The “Esoteric” Stream: Pan-Asianism and Geopolitics

The other stream of thought in Japanese pan-Asianism took a much more critical stance towards the integration of the South Seas into Greater Asia. Just as the Dai-Ajia kyôkai, the Shôwa kenkyû-kai functioned as a brain trust for the government of Prime Minister Konone Fumimaro (1891-1945) since the late 1930s. Like the Dai-Ajia kyôkai that gave home to political scientists, philosophers, politicians and military officers, the Shôwa kenkyû-kai also contributed “philosophical, cultural as well as social-scientific” to Asianism and was politically affiliated to the “Control faction” (Tôseiha), whereas the Dai-Ajia kyôkai was “aligned with the military’s Imperial Way faction (Kôdôha)”\(^12\). According to J. Victor Koschmann, “the SRA’s contribution to Asianism should be understood as a reform-orientated alternative to the exoteric views of the status of the emperor and of Japan’s ‘manifest destiny’ in Asia that were gaining ground within the Japanese establishment”\(^13\). In this paper I will focus on its head Rôyama Masamichi (1895-1980) who was one of the most prominent figures in the field of political science in Japan before and after World War II. Rôyama on one hand played an active role in winning over intellectuals and public opinion for the purpose of the establishment of an East Asian Community and the GEACPS but on the other hand he was also aware of the difficulties this project would bring about. According to J. Victor Koschmann, Rôyama’s position “belonged to” the rationalist extreme of Pan-Asianism\(^14\) thus separating him from the above mentioned “exoteric” pan-Asianists. Different to the “exoteric” pan-Asianists, Rôyama did not consider the principle of “One Culture, One Race” applicable to Southeast Asia.

In his 1938 essay Tôa kyôdôtai no riron (Theory of the East Asian Cooperative Body), Rôyama referred to the China Incident of 7 July 1937, which triggered the Second Sino-Japanese War. He emphasized the necessity to clarify the Japanese mission in Asia to the people of China who were still reluctant to comprehend Japan’s approach to launch an “awakening of the Orient” (Tôyô no kakusei) and completely misunderstood the significance of this “holy war” (Seisen) that was according to Rôyama not fought for materialistic purposes. In Rôyama’s point of view, the “world historical significance” of the Japanese mission did not find its way to the peoples of the Orient yet\(^15\).

Rôyama pointed out that even though “the belief of hakkô ichû existed already during the founding days of Japan” the Japanese society and culture were taken over by European influence throughout the Meiji era and the pan-Asianists opposed this development. However, this pan-Asianism of people like Okakura Kakuzô and Sun Yat-sen did not find large proliferation in the regions of the Orient, remained limited to a small group of intellectuals and lacked “whatever substantial, systematical content”. In Rôyama’s point of view, the “awakening of the Orient” meant with respect to the West that the Orient awakes globally as the Orient. Thus, at the same time the world has to recognize the Orient as the Orient. Therefore, there must
never be the general thought that Europe is the world and European culture is world culture. Rôyama stressed the necessity of the formation of an Oriental bloc but at the same time he strongly neglected the existence of a historical Asian unity: However, since the dawn of history until today the Orient has not been aware of any political unity of course and not even of any cultural unity.

Different to the West where Christianity provided a religious unity since the Middle Ages, the religious beliefs in the Orient were differently shaped by Confucianism and Buddhism. Even though both were originally Oriental they did not “incarnate an Oriental unity”. Nevertheless, Rôyama was convinced that “finally the autumn of an ‘awakening of the Orient’ has come” and that the Orient would find its place as “part of the world system (sekai taisei)”, unaffected by the League of Nations that was dominated and created by the ideas of the Western powers. Rôyama concluded that “an ‘Oriental awakening’ and an ‘Oriental unity’ resulting from such a concrete world historical progress are now not a simple myth of the 20th Century”. Instead there were various movements within the present Japanese society that believed in these causes that were not a myth but something that was able to provide a “definite historical, sociological foundation (ittei no rekishiteki shakaiteki jiban)” and “definite, practical and systematical content (ittei no gijutsuteki seidoteki naiyō)”. These were exactly the attributes the early Japanese pan-Asianism in Rôyama’s point of view was lacking. He was convinced that after the China Incident the time was ripe for a “Japanese awakening” that could trigger an “Oriental awakening”. Even though he shared his belief with the earlier Japonists of the “exoteric” faction that the fate of Japan and the fate of Asia were inseparably connected to each other, he did not consider Asian unity a natural thing but as something that had to be achieved by political means. According to Rôyama, “the shape of a new unified culture and thought of the Orient does not appear immediately” because the region had to overcome the Western imposed nationalism first. Before a “new ideology of the Orient” could emerge it was necessary to create an “idea of East Asia” (Tōa shisō). Rôyama justified the Japanese expansion in the continent with the fulfillment of a “common regional destiny” (chiikiteki unmei kyōdōtai) and was convinced that the Orient needed to “overcome the tragedy caused by the misleading nationalism (minzokushugi)” using an “ideological weapon” (shisōteki buki). Rôyama’s abandoning of the nation state and concept of regionalism very much resembled the “exoteric” pan-Asianist Sugimori Kōjirō and he also shared the goal of creating an East Asian Community under Japanese leadership with the pan-Asianists of the “culturalist” faction. However, Rôyama considered this a political project and not a self-fulfilling prophecy:

However, this is not a simple intuitive ideal or poetic illusion and to be a theory it must be something creatively progressive (sōzōtekina shinpotekina mono) that has certain experiential substance and logical structure.

Three years later Rôyama examined the prospects for the GEACPS from a geopolitical point of view in his contribution to the volume Taiheiyō mondai no sai kenntō (A Reconsideration of the Pacific Problem) titled “Daitōa kōiki ron: chiseigakuteki kōsatsu” (On the Greater East Asia: A Geopolitical Point of View). Again he wrote of the necessity for an “awakening” (kakusei) of the Oriental peoples and an awareness for mutual cooperation within the envisaged GEACPS. Rôyama called this “geopolitically speaking
Japan’s matter and mission”. Nevertheless, it was also the Japanese obligation to awake these peoples by force if they did not develop an awareness of their Oriental identity themselves. In the case of Korea, Rôyama emphasized the “ancient ties” between the peninsula and Japan but at the same time he praised “the Great Saigô”, Saigô Takamori (1828-1877), for his strong stance towards an annexation of Korea after the latter had failed to accept the policy of the Meiji administration. Chastisement (yôchô) of peoples reluctant to accept or recognize the well-intended Japanese policy was an appropriate means to Rôyama on the road to realization of the GEACPS:

We punish those adjacent peoples who do not understand our real intentions […] By all means there is this relation of being the same Oriental peoples; however, there is no choice but awakening those peoples who are completely lacking self-awareness109.

Rôyama was proposing the implementation of an Oriental self-awareness by force if the peoples of the sphere were reluctant to cooperate. Therein he was more straightforward than the “exoteric” faction that regarded cooperation of the fellow Oriental peoples something that would come naturally.

Rôyama referred to the different scientific methods among advocates of the GEACPS of examining the economy of the envisaged region. He distinguished three approaches; one was to look separately at each country (method also applied by the League of Nations and the Western powers) which Rôyama called “an extremely planar, mechanical survey”. As the second method he described an approach to look at certain aspects of each country of the sphere with regard to the colonial character of the country. Rôyama praised this method as “a three-dimensional, world-political view and an appropriate method” but he himself favoured a third method which was based on the division of the GEACPS into two spheres: the Eastern Co-Prosperity Sphere (ECPS, Tôhô kyôeiken) consisting of Japan, Manchukuo and China (“Yen-bloc”) and the Southern Co-Prosperity Sphere (SCPS, Nanpô kyôeiken) consisting of the Philippines, India, Malaya, Thailand and Dutch-Indochina. Rôyama wrote of the need to provide a “two-staged examination” (Nidan no kenkyû) of the sphere; the first stage being an examination of the ECPS, the second stage being an examination of the SCPS. Finally, the mutual relations of these two regional blocs needed to be analyzed. Rôyama then described the economic situation within the so called “Yen-bloc” stating that 50 percent of Japan’s exports went into that very region with Manchukuo being the biggest receiver. The import volume made only half of the export volume and those goods needed by Japan could not yet be provided by the ECPS. 74 percent of these goods had to be imported from regions outside the ECPS, especially from America. On the other hand Japan maintained a balanced export-import rate with the SCPS but the great deal of this region’s trade was still conducted with the Western powers, foremost America and England. Rôyama quoted data from the year 1938 showing that by then only 6.4 percent of the whole export volume of the Philippines, India, Thailand, Dutch Indochina, the Straits Settlements and British occupied Burma altogether went to Japan. The import rates showed quite a similar figure with 8.5 percent of the SCPS’s overall imports coming from Japan. According to this data only 10 percent of the region’s trade volume consisted of trade with Japan. Rôyama saw the concept of the GEACPS in context with other “wide spheres” (kôiki) in the world and compared the plan for the establishment of the GEACPS to existing pan-movements in Europe and America. He especially praised Germany’s advance into the Balkan
region quoting the German political economist and statistician Ernst Wagemann (1884-1956) from his book *Der neue Balkan. Altes Land-Junge Wirtschaft* (The new Balkan. Old Country-Young Economy). According to Wagemann, since in 1938 40 percent of the Balkan region’s overall trade volume consisted of trade with Greater Germany, the latter’s economic predominance in the region was apparent. Rōyama concluded that Germany’s rivaling powers England, America and France were unable to compete with Germany any longer and hence the latter’s “relative weight” increased. Regarding the GEACPS, Rōyama claimed that Japan made comparable progress only within the ECPS, especially in the “organic economic relations” (yûkiteki keizai kankei) with Manchukuo. Nevertheless, he conceded that in the SCPS where only 10 percent of the trade volume consisted of trade with Japan, in the future “much energy” (tadai seiryoku) would be necessary to achieve the same results.

Following again the argumentation of Wagemann, the German Balkan policy was not only for the benefit of the German economy but also for the economy of the whole Balkan region itself. The Balkan economy however could only be developed if the native population’s solidarity could be won. Rōyama considered this plan for an “entire prosperity” (zentai ga sakaeru) a new meaning (atarashiki igi) of economy and the aspect of solidarity of the natives a “highly important point” (kiwamete daijina pointo). For Rōyama, Wagemann’s outline of a German Balkan policy functioned as a role model for the future Japanese role within the GEACPS. Japan had to adopt a policy to “enhance the whole Greater East Asia Co-Prosperity Economic Sphere (Daitōa kyōei keizaiken)” as the colonial character of the other member countries would slow the economic development. However, Japan itself would benefit from the increasing productivity and buying power within the sphere. Japan had to take the greatest efforts of all involved countries but would in return take advantage of the overall prospering economy within the sphere and also had a chance to win the solidarity of the other peoples. According to Rōyama, it was necessary to “establish a Japanese national policy” and a “new Japan” in connection with the GEACPS that unified these two objectives of making the entire sphere prosper and winning over the native peoples of the various regions. Again following German scholarship, Rōyama was eager to emphasize the necessity of establishing a new international law as well as conducting further cultural and sociological studies, especially on the Southern regions, since knowledge in the respective fields was still rather scarce in Japan.

In Daitōa kyōkeien the “culturalist” Nishimura Shinji criticized the economic dependence of Southeast Asia on the Western powers as well; however, since he was convinced the native peoples of the GEACPS would come to appreciate the Japanese policy for automatically its benevolence he did not mention any need for further investigations on the specific conditions of each region. Nishimura asked the question if all the various regions of the sphere ranging from the “Soviet occupied coastal provinces in the North until Dutch Indochina in the South” could be integrated economically into one bloc. His answer was quite simple: mutual understanding was the key to mutual economic aid and growing prosperity for all member countries of the sphere. “Liberal” (jiyūshugiteki) and “egoistic” (rikoshugiteki) trade had to be abandoned and eventually just distribution of goods within the sphere was just a matter of the good will of the peoples. Nishimura, arguing from an “exoteric” pan-Asianist point of view, had no intention to divide the GEACPS into an Eastern and a Southern sphere but was convinced that the ethnological,
racial and historical bonds would make economic cooperation come naturally.

Rôyama on the other hand showed even more criticism on the practicability of the GEACPS in his major work Tôa to sekai. Shin chitsujô e no riron (East Asia and the World. A Theory towards a New Order), published in 1941. Rôyama here criticized the Japanese government for its imprecise definition of the geographical outline of the sphere:

Nevertheless; however, considering the determination of this area one cannot avoid the impression that the explanations on the substance of the sphere are extremely abstract and vague\textsuperscript{116}.

Rôyama repeated his demand for intense research on the sphere that should be conducted by private scholars to “evaluate to what extent the determination of its limits and its content is relatively possible”. In this respect Rôyama praised the positive influence of German and English private scholars and research institutions on public discourse. Rôyama stressed that the government was unable to “fulfil the function of scholarship culture” and the concept of the GEACPS needed scientific examination\textsuperscript{117}.

Different to “Daitôa kôiki ken ron” where he divided the sphere into two main parts; the EACPS and the SCPS, Rôyama drove this division further in Tôa to sekai. He described the whole body of the envisaged GEACPS as consisting of three regions; namely the “Eurasian continental region” (Yûrashia tairikuteki chiiki), the “continental peninsula region (tairikuteki hantô chiiki)” and the “region of the islands in the Southwest Pacific” (Seinan taiheiyô tôsho chiiki)\textsuperscript{118}. Rôyama was very sceptical towards the fulfilment of the geopolitical preconditions for the creation of the GEACPS out of these three regions. Geopolitics he defined following Karl Haushofer (1869-1946) as science that aims to understand the political organism (seijiteki seikatsutai) in a natural living space (shizenteki seikatsu chiiki) by the restrictions set by its geographical shackles (chiriteki kisoku) and historical dynamics (rekishiteki undo)\textsuperscript{119}.

Even with regard to the core region (or first region) of the sphere consisting of Japan, China and Manchukuo Rôyama regarded the present situation as difficult. Although there was a possibility to concede a geopolitical connection between Japan and the coastal regions of China, the Chinese hinterland (ouchi) had “close geographical-political connections with the Soviet Union and military-geographical connections also developed”. Transport routes between China and the continental peninsulas of India, Thailand, Burma and Malaya were also insufficient due to the incomplete Chinese railway and road transport infrastructure.

Thus, Japan had to “overcome many obstacles” in establishing co-prosperity in the “Eastern region” (Tôhô chiiki) and the geopolitical consideration of this part of the sphere showed “great complexity”\textsuperscript{120}.

However, Rôyama’s main concern was the practicability of including the islands of the South Pacific around Dutch Indochina, the “so called Nan’yô” into a “geographic order” (chiikiteki chitsujo) following geopolitical principles. Even though this region had to some extent relations with the “second region” of the continental peninsulas there were only little economic relations with the “first region” (Japan, China, Manchukuo) and a “unified regional order” (tôitsuteki chiikichitsujo) did not exist yet.

According to the principles of geopolitics it was also necessary to compare the “historical dynamics” of the various regions with those of Japan. The historical dynamics in the sphere outside Japan were shaped by Western colonisation
and the Orient as such was a product of Western politics:

Until today the history of these regions was composed (kôseisuru) by the Western countries and it is no exaggeration to say that it almost cannot be thought of these regions’ history without these historical dynamics. Even today America’s and England’s cognizance (ninshiki) of the Orient is a result of the balance of power in Western Europe. The fate of the Orient is not decided by the Orient and there is a high degree of non-independence of the Orient that is determined by the fate of Western Europe.

The colonial character of the various regions was for Rôyama one of the main impediments on the way to the creation of the GEACPS. It was obvious to him that Western imperialism left its marks on the societies of many Asian regions and the “practical possibility” (jissenteki kanôsei) of implementing the idea of the sphere there would thus not be easy. Rôyama defined three historical dynamics for the region of the GEACPS; the first one was the movement from ancient, smallest communities to the nation state (minzoku kokka), the second was the “imperialist colonisation movement on land and sea” of the Western European countries and the third was the movement towards self-determination of the colonies with the aim of liberation from imperialist colonisation. For the successful establishment of the GEACPS, Rôyama declared a forth historical dynamic necessary that would describe a movement towards the “formation of a Greater Regional Bloc (Daichiiki kyôdôtai keisei)”.

Without this fourth historical dynamic the project of the GEACPS could not be accomplished. Regarding the Philippines there always had been independence movements since the years of Spanish colonisation but their impact weakened throughout the American occupation and especially during the Philippine Commonwealth. Furthermore, apart from a few pro-Japanese Asianists like Pio Duran there was no popular support for a membership of the Philippines in a Japan-led regional bloc. Following Rôyama’s argumentation, it would be necessary to evoke a desire for becoming part of the GEACPS in the Philippines that would create a dynamic movement among the Filipino people.

According to the geopolitical view of Rôyama Masamichi, the liberation movements in the colonies needed to be transferred into movements towards the establishment of the GEACPS. This would mean that all peoples within the envisaged sphere needed to be convinced that being part of the GEACPS would be more beneficial to them than being an independent nation state. Regarding the lack of such a fourth historical dynamic, Rôyama was highly critical towards the existing preconditions for the integration of especially the South Seas into the sphere. The whole project of the sphere in Rôyama’s point of view was “not at all an easy task but an extremely difficult project with many obstacles” and he concluded that “to date the preconditions for the establishment of the Greater East Asia Co-Prosperity Sphere are not sufficient”.

The “exoteric” faction within the Japanese pan-Asianist community like the members of the Dai-Ajia kyōkai or Nishimura Shinji saw in the GEACPS the tool to end the Western dominance in Asia. In this respect there is no difference to the “esoteric” pan-Asianists like Rôyama. However, whilst the “culturaists” were convinced that the project would find approval among all Asian peoples as soon as it was implemented, Rôyama considered the sphere a political project under construction that needed careful cultivation. The establishment of the GEACPS to him was a dynamic process that by the year of 1941 had not even begun yet.
IV. Conclusion

In the beginning of the Meiji Restoration during the second half of the 19th Century an opposition against the national policy of the government emerged in Japan. This opposition firmly criticized the adaption of Western manners and culture in the course of Japan’s modernization. Different to the ruling Meiji oligarchs the opposition leaders saw the answer to Western encroachment not lying in copying the enemy but in a re-orientation towards original (superior) Asian values and the creation of an Asian bloc. This in its early stages rather romantic pan-Asianism had its nucleus in the Sino-centric sphere consisting of China, Manchuria, Korea and Japan. On the other hand, Japanese nationalists, especially among the navy, advocated for a Southward expansion to secure Japan’s political and economical independence. These nationalists however, solely legitimated their agenda by Japanese national interests and not by the concept of mutual cooperation between Japan and other Asian regions. The nationalists embraced imperialism whilst the Asianists condemned it. Throughout the Meiji period among pan-Asianists the idea of Japan becoming the leader of an Asian bloc gained prominence as only Japan was considered economically and militarily capable to play this role. Throughout the Taishō era and early Shōwa period the concept of a Greater East Asian Cooperative Body that was no longer limited to the Sino-centric area developed. Finally, nationalist concepts of Southward expansion and pan-Asianist ideas melted into one and Southward expansion took place under the slogan of “Liberating Asia”. Imperialism that was associated with aggressive and oppressive Western policy was abandoned. In the wake of the Pacific War pan-Asianism became the outline of Japanese foreign policy and the moral justification for Japanese expansion into the South Seas. The establishment of a GEACPS was the manifestation of the Japanese pan-Asianist vision of a new order in the Far East. However, there was a discourse within the pan-Asianist community on the possibility of an immediate integration of the Nan'yō into this sphere under Japanese leadership.

One “exoteric” or “culturalist” faction argued for a simple application of the same principles underlying the old concept of an East Asian Community consisting of Japan, China, Korea and Manchukuo in Southeast Asia since this region also had natural geographic and ethnological ties with Japan. Therein, the peoples of the Nan’yō (as the Filipinos) would automatically come to appreciate participation in a Japanese–led regional system designed to emancipate and liberate the colonized people from their Western overlords.

The other “esoteric” or “realist” faction was far more critical towards an integration of Southeast Asia into the sphere. Even though they advocated the same fundamental principle of hakkō ichiu as “the culturalists”, the “realists” were also aware of the cultural and historical specifics which made an integration of the region into the sphere difficult.

The pan-Asianism that underlay the outline of the GEACPS was in itself by no means a monolithic theory. On the contrary, prominent scholars within the pan-Asianist community showed great skepticism towards the realization of the concept in Southeast Asia due to the lack of commonalities between this region and the Sino-centric core of the sphere.

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10 Kageyama, Hirippin no zenbô, pp. 269-270.
16 Ibid., p. 14.
17 Ibid., p. 16.
20 Ibid., pp. 576ff.
21 See for example Kodera Kenkichi, Dai-Ajiashugi-ron, (Tokyo: Takara Bunkan, 1916). Kodera’s vision of the Philippine role in Greater Asia will be discussed later in this chapter.
22 In the wake of the Pacific War the strategic importance of the Philippines was emphasized in literally every publication on the establishment of Greater Asia and the GEACPS. Kageyama Tomoji put the thread the Philippines imposed as an American stronghold even in the title of his book Hirippin no zenbô-Beikoku kyokutô shinshutsu no kyoten (All about the Philippines-the Basis for the American Advance in the Far East) (Tokyo: Aikoku Shimbunsha Shuppanbu, 1941).

24 Fukuzawa Yukichi (1835-1901) in his 1885 first published newspaper article Datsu-A-Ron (“Essay on Leaving Asia”) interpreted the colonization of China and Korea as a result of both countries’ lack of civilization. Only Westernization could bring upon civilization and thus spare Japan the fate of its neighbouring countries.
25 Saniel, Japan and the Philippines, pp. 82-83.
36 Ibid., pp. 141-142.
37 Ibid., p. 174.
38 Ibid., p. 178.
40 Uchida Ryôhei, Nihon no sandai kyûmu (Tokyo: Kokuryûkai honbu, 1912), p. 179.
41 Ibid., p. 186.
42 Ibid., p.186.
43 Eizawa, Daitôa kyôeiken no shisô, p. 88.
44 Uchida Ryôhei, Seihei shigi (Tokyo: Kokuryû-kai, 1914), p. 3.
45 Ibid., pp. 48-49.
48 See for example Nishimura Shinji, Daitôa kyôeiken (Tokyo: Hakubunkan, 1942).
50 Ibid., p. 205.
51 Ibid., p. 397.
55 Kamizumi, Dai-Nihonshugi, p. 175.
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59 Saniel, Japan and the Philippines, p. 73.
64 Ibid., p. 120.
72 Ibid., pp. 83-110.
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97 Ibid., p. 274.
98 Ibid., p. 54.
99 Ibid., p. 57.
100 Ibid., pp. 60-61.
101 Ibid., p. 264.
106 Ibid., pp. 6-27.
107 Ibid., pp. 6-27.
108 Ibid., pp. 6-27.

THE PERCEPTION OF THE PHILIPPINES IN JAPANESE PAN-ASIANISM FROM THE MEIJI-ERA UNTIL THE WAKE OF THE PACIFIC WAR
Rōyama quotes the German political theorist and law professor Carl Schmitt (1888-1985) who called for the establishment of a new international law that was applicable to the circumstances after Germany’s expansion.


Nishimura, Daitōa kyōeiken, p. 67.

REGIONAL GOVERNANCE AGAINST TRAFFICKING IN PERSONS: European Strategies towards the Implementation of Global Norms

NAKAMURA Ayako

Abstract
What role do regional organizations play in the process of diffusing global human rights norms? In arguing that regional governance structures can facilitate the process of global norm diffusion and implementation, this paper examines the strategies employed by the European Union (EU) in the fight against trafficking in persons. Looking at concrete policy examples such as the EU’s “Daphne Programme” this paper investigates how the EU contributes to the facilitation of civil society organizations at the domestic and transnational levels by employing concrete capacity building strategies. Such developments force us to reconsider the widely unacknowledged role of regional organizations in the process of norm diffusion. Similar to the often stated role of international organizations as political entrepreneurs and actors in transnational advocacy coalitions, regional organizations can function as norm interpreters that translate global norms into regional contests and that facilitate the process of norm implementation by empowering domestic actors while at the same time coordinating policy action and building policy networks at the transnational level. Based on this study, future research will compare initiatives of regional organizations in regions such as Southeast Asia in order to understand the effect of regional governance in the process of norm diffusion. Thus, this study represents a critical point of departure that generates insights by looking at rather successful examples of human rights governance which allows us to identify the requirements for similar achievements beyond Europe.

KEY WORDS European Union, norm diffusion, regional governance, trafficking in persons.

I. Trafficking in Persons and Governance at Margins of Global Politics

Global trafficking in persons—particularly for the purpose of sexual exploitation victimizing mainly women and girls—has been recognized as the most well known form of modern slavery. Victims are deprived of their human dignity and treated merely as sexual commodities. In the first decade of the 21st century various estimates were made concerning the range and extent of suffering caused
by trafficking in persons. For example, according to commonly quoted data published by the United States’ State Department (2009), an estimated total of 800,000 victims are annually trafficked across national borders. Among the many cross-border problems that have emerged alongside the acceleration of economic globalization, trafficking in persons must be considered one of the most severe and complex issues. In contrast to drug trafficking or environmental pollution, trafficking in persons involves human beings not only as agents of the trade but as its object. This being the case, trafficking in persons, in depriving individuals of their personal liberty, perverts the neoliberal logic of globalization celebrated in the freedom of the movement of money, goods, and people. As such, this particular form of involuntary migration highlights the one critical aspect of qualitative change in the global order, i.e. the deterritorialization of the nation-state that has advanced in the aftermath of the Cold War. In the emerging post-Westphalian global order, governance is not exclusively conducted by national governments but involves an increasing number of other kinds of transnational actors, such as non-governmental organizations (NGOs), international organizations (IOs), multinational corporations (MNCs), organized crime groups, and, as the problem of trafficking in persons illustrates, a large population of victims.

While this qualitative shift in world politics implies a lack of global authority, the emergence of the notion of global governance has accounted for these changes described in the global political modus operandi of “governance without government” (Rosenau and Czempiel, 1992). Moreover, as has commonly been pointed out, addressing cross-border issues in a globalized world requires solutions that transcend the porous and interdependent levels of governance. Here, the enhancement of global governance capability through new forms of multi-level governance targets particular (victim) groups who are at the margins of global politics. The spread of failed states and global slums such as the Gaza strip have created security risks and risk groups at the margins of the globalized world whose experience of governance has generated in the eyes of some observers a “state of exception” that resonates with a modus of “anarchical governance” expressed in particular forms of a “targeted governance” (Tosa, 2009). Meanwhile, in contrast to this top-down perspective on the governance of global risks, the erosion of central government authority and the spread of security risks in zones of insecurity and war has facilitated processes of civil-society-based self-governance within areas of limited statehood (Börzel and Risse, 2010). Forms of governance emerge at all levels of global society as natural patterns of organized interaction to govern the state of anarchy (i.e. a lack of centralized authority).

Thus, disregarding the analytical perspective employed in contemporary International Relations (IR) scholarship, consensus exists that the process of globalization entails a generation of large groups of victims excluded at the margins of global politics, trapped between the processes of an erosion of statehood on the one hand, and a lack of government authority at the global level on the other. In this vein, victims of trafficking represent a group at the periphery of global politics from whose perspective the qualitative shift of global order expressed in the deterritorialization of the nation-state and the advancement of globalization can be observed in full scope, and which requires a form governance that takes into account the current vectors of global change pointed towards increasingly porous state-borders accompanied by a lack of government capacity in response to cross-border problems.

Early attempts to address the problem of trafficking in persons include the successful
formation of a transnational advocacy network that involves the United Nations (UN), national governments, and NGOs, which brought the issue to the global political agenda. An active campaign against trafficking culminated in the 2002 UN Protocol on Trafficking in Persons as an optional protocol to the United Nations Convention against Transnational Organized Crime previously adopted in 2000. Trafficking in persons involving sexual exploitation has continued to represent one of the most serious problems in terms of scope for societies across the entire spectrum of economic development. The formation and diffusion of a credible anti-trafficking norm in the 1990s and early 2000s has indicated the advances made in human rights governance and problem awareness in many societies. And yet, the deficits in translating such advances into political and social practices and attempts to enforce anti-trafficking legislation for the purpose of ultimately preventing the occurrence of such transnational crimes are also indicated by the continuing existence and scope of this problem as reflected in the data presented above.

It is here that new forms of multi-level governance which recognize the importance of the “region” as an institutionalized governance level have gained scholarly attention, as a range of local and regional initiatives have been launched to address the problem of trafficking in persons. Pioneering attempts to facilitate the implementation of global anti-trafficking norms have been made during the 1990s and 2000s by the European Union (hence EU). The EU seeks to encourage the implementation of global and regional norms within domestic legal systems and has developed many projects aimed at the strengthening of efforts against trafficking in persons. The purpose of such projects is to increase the effectiveness of global norms at the local level through the development of global support provided to NGOs, the formation of transnational networks and the distribution of information and resources. The role of regional governance institutions as a mediating and facilitating level in the process of global norm diffusion and implementation represents the focus of this paper. Thus, acknowledging the transboundary nature of trafficking in persons on the one hand and the increased role of regions as actors and arenas of governance on the other, this paper ascribes to regional organizations the role of norm entrepreneurs as well as norm facilitators in the fight against trafficking in persons.

Moving forward from the conclusions of this paper, I am looking ahead to longer term research aims including comparisons of regional structures in Europe and Southeast Asia. I wish to regard the measures taken against trafficking in persons by the EU as an example of a standard of “good practice” that enhances the practice of democratic governance through the facilitation of civil society-state relations at national and transnational levels. That is to say, we have reason to hope for the further development of citizen-society networks for the abolition of trafficking in persons in Europe through the growth of regional advocacy networks, the internalization of anti-trafficking policies and the enactment of laws and formation of measures deployed to deal with trafficking in persons by the EU. Interaction between domestic actors such as regional organizations and NGOs is important; the encouragement of regional activities being necessary for the development of measures which are agreed and effective in both specific and general contexts. Furthermore, the adoption of anti-trafficking measures by the EU having aided the local internalization of global norms shows a further degree of effectiveness for the top-down policy adjustment procedures of “Europeanization” in its implementation with regard to the process of the diffusion of human rights norms. As a result, the EU has actively taken a role for itself in the
civil society of “Europe”. One of the measures considered in this paper, the “Daphne Project”, provides clear evidence for this process of EU activity. This paper will take the discussion forward in the following ways:

First, this paper will introduce a general overview on the scholarly debate on the issue of trafficking in persons. Following this, the third section of this essay will discuss the current extent of trafficking in persons in Europe and generally explains the formation and diffusion of global anti-trafficking norms. Based on this general overview, I will move forward in discussing the role of regional governance and regional organizations regarding trafficking in persons. This discussion will include a detailed overview of the current EU anti-trafficking measures. Through a discussion of issues of norm diffusion and formation of advocacy networks, this paper will explain theoretically the development of policies in the EU for the adoption and implementation of these measures. Focusing on these kinds of policy development, while discussing the possibilities of “Europeanization” for the formation of European civil society, I will go beyond the example of the EU and engage in reconsidering the role of regional governance in combating the problem of trafficking in persons. Finally, in accordance with research on regionalism-global governance linkages (Cooper et al., 2008), the purpose of this paper is to consider the formation of regional not global level governance and the question of whether stronger governance networks may be developed leading from the entry of regional organizations into global governance networks.

II. Research Overview on Human Trafficking in Global Politics

In response to the advancement of globalization, the proliferation of transboundary problems have received increased scholarly attention in the discipline of International Relations and its subfields. The variety of scholarship on the issue of trafficking in persons cuts across the social sciences, illustrating the complex nature of this particular issue. Broadly speaking, the problem of trafficking in persons can be separated into two major dimensions: (1) a cognitive dimension, and (2) a material dimension. These two dimensions have generated research in the fields of area studies, economics and developmental studies, critical theory such as gender studies, and IR research that focuses on the formation of global norms and international regimes that attempt to enforce legal prevention and prosecution of trafficking in persons and on the role of transnational actors.

More precisely, the cognitive dimension incorporates on the one hand a gender-perspective highlighting the fact of female victimhood in trafficking in persons for the purpose of sexual exploitation, illustrated by the vast majority of victims being women and girls. One the other hand, this dimension recognizes the discrimination against particular persons of a certain ethnic and economic background, for example the sexual exploitation of trafficked individuals from developing Southeast Asian countries to industrialized areas featuring a large commercial sex industry like Germany or Japan, or/and forms of sexual exploitation that victimize impoverished persons trafficked within zones of economic poverty or into areas of material affluence. Of course many reported cases, provided by area
studies research, incorporate all these dimensions. This is typically illustrated by the case of the Thai female sex-worker, who has been trafficked from a poor rural area into the metropolitan area of Bangkok where she is sexually abused by Japanese or European sex tourists (cf. Aoyama, 2009).

Yet, the vast amount of research on trafficking focuses on economic disparities as the critical push factor behind this particular form of coerced, i.e. involuntary migration. The general line of explanation reduces the cause of trafficking in persons to the existence of poverty and market-based supply and demand mechanisms, which force individuals into various circumstances of sexual exploitation. The demand for this exploitation is fueled by a growing commercial sex industry and the supply provided by desperate individuals trapped in poverty and organized crime groups exploiting these conditions for their own benefit (Shelley, 2010). More complex forms of economic explanation take into account the gendered dimensions of trafficking in persons pointing to the factor of female poverty caused by socio-cultural (ex. religious) constraints as a major breeding ground for trafficking for the purpose of sexual exploitation. Scholarship on international development has emphasized the need for the improvement of the economic conditions of women in developing societies—a major tool for achieving this goal has been sought via the provision of micro-loans.

However, as I have suggested in my earlier research, the occurrence of trafficking in persons is located at the intersection of these two dimensions. Here, cognitive factors represented in forms of ethnic, gender and economic discrimination are significant as are explanatory variables emphasizing economic factors (Nakamura, 2008). Thus there is a need for comprehensive research designs which are sensitive to both of these perspectives. It may be justified to argue that the cognitive dimension of the trafficking problem explains much of the demand side involved in sexual exploitation while the economic dimension seems to offer important insights into the factors behind the supply mechanisms. In summary, a comprehensive analysis of the causes and nature of trafficking in persons should follow the demand-and-supply dichotomy while acknowledging the different factors that determine individual and group behavior underlying these two aspects.

There has been a proliferation of transboundary problems as the result of increased interdependence and vulnerability between states and societies as the result of economic globalization and the diffusion of knowledge and technology. This has led to a greater amount of IR research having focused on the dynamics of domestic policy change in response to increased demand for engaging in the solution of global problems of collective action. Mainstream IR scholarship during the past decades was largely dominated by rationalist analyses in form of neo-realist and neo-liberalist research programs. Yet, this research programs were challenged with the abrupt change in the international system resulting in the collapse of superpower bipolarity. This proved to be difficult to explain by drawing on the conventional assumptions of rationalist explanations assuming that actor preferences and interests are exogenously determined and stable. Thus, neo-realist research represented by the work of Kenneth Waltz (1979) did not pay much attention to the possibility of the emergence of international regimes for the regulation of conflict and coordination and regulation of state behavior, while neo-liberalist literature recognized the processes behind the rise of international cooperation and regimes understood as a function of state interests (Keohane and Nye, 2001). In the issue area of gender equality and human rights, an example of such an international regime—
commonly understood as a set of explicit rules that states agree to and which are embodied in treaties and other documents—is the Convention on the Elimination of Discrimination against Women (CEDAW) adopted by the United Nations General Assembly in December 1979 (Kardam, 2004). The 2000 UN Convention against Transnational Organized Crime is an example of a regime concerning trafficking in persons.

However, in contrast to rationally calculated policy responses sought by states in these research programs, the occurrence of sudden change in state behavior proved difficult to explain without reference to the role of new transnational actors pressuring the state at the various levels of governance, and thus suggesting that policy change can indeed be the result of change in the interests and identities obtained by states and their constituting elites and general public (Wendt, 1999). It is here that social constructivism in its various appearances has gained much ground in the field of IR since the end of the Cold War. This is particularly the case with regard to global governance issues such as human rights and the protection of the environment, in which the change of state behavior and the adoption and ratification of new global norms has generated a new field of research interest (Checkel, 1998).

Accompanied by the emergence of a global civil society with non-governmental actors inhabiting the spheres of domestic and global governance, the study of norms has particularly focused on the processes and mechanisms of norm formation, diffusion and internalization. In doing so, attention has been paid to the role of transnational advocacy coalitions, incorporating states, NGOs and IOs as vehicles for the diffusion of norms, and individual actors as norm entrepreneurs in the process of norm formation (Finnemore and Sikkink, 1998; Keck and Sikkink, 1998). Classic examples of such transnational advocacy networks bringing about policy change through the mobilization of international pressure include the study of the collapse of the South African apartheid regime (Klotz, 1995), as well as the transnational campaign for the banning of landmines which resulted in the Ottawa process in 1997. What has emerged from these studies is a general insight into the process of norm development understood as a “life-cycle” of formation and promotion, cascading and diffusion, and internalization into domestic policies (Finnemore and Sikkink, 1998), the role of civil society in pressuring norm-violating states from within and from the outside (Keck and Sikkink, 1998; Risse et al., 1999), and insights into the possible causes that obstruct the internalization of global norms in political and socio-cultural practice (Acharya, 2004).

However, what has not been sufficiently studied at this point is the role of regional governance institutions as a contributing media in bridging the global and national levels of governance and regional organizations (ROs) as a possible facilitator of norm implementation and the monitoring of norm appliance. Thus, with regionalism being a largely new phenomenon in global governance, studies that account for the full potential of regional governance structures such as the EU are needed. This study argues that in addition to the role of IOs as norm entrepreneurs, ROs can function as norm interpreters and facilitators allowing for the localization of global norms into regional political contexts (cf. Friedman, 2009).

In its scope for regionalizing human rights norms the EU represents a case of advanced development. Its ability in facilitating policy formation and diffusion due to its high level of institutionalized governance at the supranational level represents a clear exception. As such, the EU embodies great potential for the diffusion of gender and human rights-related policies. Here,
the EU’s achievements have generated a large set of new literature (Kantola, 2010; Locher, 2007). What has been explained as the EU’s process of “Europeanization” (Cowles et al., 2001), i.e. the influence of EU policies with regard to domestic policy change has only very recently been studied with focus on the policy field of anti-trafficking measures (Locher, 2007; Montoya, 2008, 2009). This study aims to contribute to the emerging field of such studies through considering the EU case as an example of good governance practice in the fight against trafficking, and extend these scholarly efforts by analyzing ROs in other world regions. Comparisons conducted in such fashion will contribute to the growing field of the study of regionalism in global governance (cf. Cooper et al., 2008) and comparative studies of regional institutions (here esp. Acharya and Johnston, 2007), adding specific insights to the study of policy-issue related institutional behavior and the role of ROs in the diffusion of global norms. The next section will outline the current situation of trafficking in persons in Europe. This will provide the basis for discussing the mechanisms by which policy change within the various member states of the EU has been achieved with regard to anti-trafficking measures.

III. The Current Situation of Trafficking in Persons in Europe

1. The Global anti-Trafficking Norm

Trafficking in persons is understood as a severe transnationally organized crime. In November 2000 the Convention against Transnational Organized Crime concerning the involvement and collusion of organized crime syndicates, punishments for money laundering, the prevention of the detection of profit from crime, corruption and obstruction of judicial procedure was adopted as a treaty. This convention provided 3 optional protocols on trafficking in persons, illegal immigration and weapons smuggling and allowed for the introduction of special measures against international organized crime. Of these three protocols the section on trafficking in persons was ratified in 2002 entitled the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime and came into effect in 2003. Thus, the criminal and legal provisions for dealing with international trafficking in persons as an international organized crime were agreed upon and brought into action. Provision 3(a) of this protocol defines trafficking in persons as follows (see note 2):

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

According to this provision the purpose of trafficking in persons is exploitation, more precisely sexual exploitation, forced labor, enslavement and
organ trading. Methods for trafficking in persons include violence, threats, abduction, deception, the exchange of money and benefits and many others. Furthermore, provision 5 section 1 of this protocol apportions to signatory states the duty to criminalize actions involving the trafficking in persons. Provision 5 section 2 apportions to member states the duty to criminalize actions involving aiding and abetting trafficking in persons and attempted trafficking in persons. States considering the ratification of the protocol would be required to adjust their domestic laws to meet the demands of the treaty. At present, 137 states are signatories of this protocol.

Thus it is safe to conclude that trafficking in persons has been recognized as a serious and transnationally organized crime. This illustrates the successful construction of a global norm to combat trafficking in persons and highlights moves toward regulation of areas affecting trafficking in persons. The empirical reality within which these advances have been made constitutes, however, an extremely serious concern in international society. What explains the formation and diffusion of this problem awareness as expressed in the definition stated above? General insights are provided by the growing scholarship on norms in IR.

As Thomas Risse-Kappen (1994) has pointed out early on in his research on norm diffusion, “ideas do not flow freely” in the international society. Thus, a great deal of research in the field of IR has explored the way in which anti-trafficking in persons norms have been diffused and internalized in the EU, focusing on the activities of political entrepreneurs and advocacy coalitions as vehicles of norm development and policy changes. We may take the notion of the norm “life-cycle model” as put forward by Finnemore and Sikkink in their 1998 joint research as an example of an approach to understanding the formation, diffusion and internalization of norms understood as a life cycle of competing beliefs promoted by problem conscious political entrepreneurs. Furthermore, we can look to the research of the German scholar Birgit Locher and her work *Trafficking in Women in the European Union* published in 2007 for evidence of the application of this mechanism, and for a perspective on the role of governance actors such as the EU and the range of influence of regional governance has on norm diffusion.

Constructivist research conducted in this vein illustrates the important role of transnational advocacy coalitions in the process of norm diffusion. According to Keck and Sikkink (1998, pp. 14-25) advocacy coalitions are coming together through the close exchange of services and information among groups and individuals active transnationally and holding shared values and common discourses regarding a certain issue. Simply put, international organizations, NGOs and states have come to be seen as active players in these transnational advocacy coalitions advancing the process of norm formation and diffusion. However, the role of regional organizations has widely been overlooked. Models which explain norm formation, diffusion and internalization with particular regard to human rights such as the “boomerang”-model provided by Keck and Sikkink in 1998 (as shown in figure 1 below) and the “spiral model” put forward by Risse and Sikkink (1999) do not distinguish the special role played by regional organizations. These two models mainly focus on factors explaining the diffusion and obstruction of norms at the international/transnational and state/society levels, and the way external pressure and support of domestic civil society groups can generate policy change at the state level.
Let us now turn to the concrete situation of trafficking in persons in Europe and apply some of the theoretical insights gained above to explain the role of regional organizations as represented by the EU.

2. The Current State of Trafficking in Persons in Europe

Due to a lack of information sharing, the illicit nature of this criminal activity, and a lack of cooperation and agreement regarding categories and definitions among institutions there is little general consensus regarding data on trafficking in persons. According to the Annual Report of the US State Department (2009) 12.3 million are subjected to forced labor. Among these, at least 1.39 million are subject to sexual exploitation. Furthermore, 56 percent of forced laborers are women or female children. According to UNICEF (2009) data among the 600,000-800,000 transnational victims from one sixth to a half are children. Among 155 nations surveyed by the UNODC (2009) 66 percent of the victims of trafficking in persons are women, 12 percent are men, 13 percent female children and 9 percent male children. As we can see from the pie chart below showing the results of this UNODC survey on trafficking in persons, the majority of victims are female (figure 2).

![Figure 1. The “boomerang effect” and norm diffusion in international politics](image)


![Figure 2. The ratio of trafficking in persons victim groups (by age/gender distinction)](image)

It is estimated that every year about 500,000 victims of trafficking in persons are brought into the EU territory (Locher, 2007:22). To address this serious problem the protocol was widely ratified in Europe, including eastern European countries outside of the EU, and domestic laws were amended accordingly. As a result the number of trafficking-related crime detections increased and brought to trial. Between 2003-2004 and 2006-2007 guilty verdicts increased by 30 percent. As of 2010, 23 of the 27 EU member states ratified the protocol (see Appendix).

As part of the background to the developments mentioned above, we find the diffusion of global anti-trafficking norms and their enactment in law since the second half of the 1990s onward. This was the stage of “norm cascade” as described in the famous norm life cycle model provided by Finnemore and Sikkink (1998). That is to say, this process describes the movement of central actors (norm entrepreneurs, i.e. the EU) toward the general promulgation and acceptance of norms. The EU has set the protection of human rights as a central pillar of its values and required anti-trafficking in persons policies from its new members and prospective members. As such the norm dynamics within the EU territory can be described as a process of ‘Europeanization’ understood as a process of policy harmonization and the movement towards practices of good governance for the protection of human rights. This becomes clear when we consider the following two examples provided by the UNODC (2009).

Firstly, in Bulgaria there were 3 trafficking in persons related guilty verdicts in 2004 and 85 in 2007. In 2007 Bulgaria became a member state of the EU. Although the presence of a causal relationship between the increase in guilty verdicts and EU membership is unclear, it would seem likely that some influence of EU good practice regarding the protection of human rights has been in effect. Data on trafficking in persons in Germany states that 14% of victims are from Bulgaria. Victims from countries outside of Germany other than Bulgaria account for 62% of the total. Secondly, the second new EU member state in Eastern Europe, Romania, reported 49 trafficking-related guilty verdicts in 2003, rising sharply to 188 in 2007. Romania also became a member state of the EU in 2007. Perhaps we may consider Romania’s case similar to that of Bulgaria.

Furthermore, another side to the issue of trafficking in persons in the EU can be seen in the following case relating to the Netherlands in which many victims are from countries outside the EU. Together with countries like Germany, the Netherlands is a host country and endpoint for many of the victims trafficked into Western Europe. Precisely, statistics provided by the UNODC (2009) state that in the Netherlands domestic nationals make up 40 percent of victims. The largest proportion of victims from other nations is that of China with 11 percent, while trafficking in persons victims from countries outside of the Netherlands other than China account for 49 percent of the total.

The main area of origin of victims of trafficking in persons within the EU territory is Central Europe and the Balkans. This fact points to a problem which extends beyond Europe to various other countries in different parts of the world. Therefore we must treat trafficking in persons as a regional expression of a truly global problem. That is to say, despite the existence of the protocol and the norms and rules it represents, trafficking in persons continues to be a serious problem both on the global and European levels of human rights governance and crime prevention. For this reason, in the latter half of the 1990s and here especially from 1995 when the World Conference on Women
was held in Beijing, transnational advocacy networks for the fight against trafficking in persons spread throughout the world and made forceful demands for the adoption of anti-trafficking measures. We can locate the starting point for the EU’s anti-trafficking measures during this same period.

Based on this broad overview of human trafficking as a global and European human rights issue, two important conclusions need to be drawn. First, human trafficking, especially for the purpose of sexual exploitation, is a gendered problem mostly affecting females. Second, human trafficking as a transnational crime mainly involves foreigners, trafficked from economically less developed regions towards economically highly developed regions/countries, or one which affects members of lower social classes in all kinds of societies across the affluence-poverty spectrum. As such, human trafficking, particularly for the purpose of sexual exploitation, represents a problem structure that is multi-faceted and which includes material (i.e. economic causes) as well as non-material, i.e. cognitive causes (discrimination against foreigners, and the exploitation of women) (Nakamura, 2008).

IV. EU-Sponsored anti-Trafficking Networks and the Regionalization of Global Norms

As a complex supranational governance structure the EU has attracted broad academic attention in the fields of IR, comparative politics, and policy-related studies. Inhabited by a broad set of transnational actors, state and non-state alike and of governmental, civil society and corporate sector origins, explanations of EU policy-making procedures require a comprehensive analytical focus. In general, as the Finnish political scientist Johanna Kantola (2010) points out, policy-making and decision-making in the EU can be divided into three broad mechanisms, each of which appears in different policy fields. Such a distinction takes account of the alternating arrangements of political actors in the many arenas of policy-making at the European level. These mechanisms are: community method, the intergovernmental method, and the co-ordination method (Kantola, 2010, Chp.4). While the latter two describe largely bureaucratic mechanisms of policy-making (see also Moravcsik, 1998), the community method describes a broadly democratic process of policy-making and decision-making based on the role of the European Parliament and the Commission allowing for greater potential in the promotion of gender policies.

Political achievements in the field of gender policies at the EU level can be assigned to what Kantola (2010, pp. 76-77) refers to as a “women’s policy agency”, i.e. “any state-based agency, at all levels of government or in any type of organ, that has been officially assigned the responsibility for promoting the advancement of women and gender equality” (Kantola, 2010, p. 76). While the notion of “women’s policy agency” often finds its expression in the activities of “state feminists” operating at the level of state policymaking, recent initiatives in the area of trafficking in persons initiated by the Commission indicate that European “femocrats” are now inhabiting the spheres of EU policy-making and decision-making. These “femocrats” have launched new gender policies in interaction with state feminists, NGOs, and scholars forming a broad advocacy coalition today known as the “velvet triangle” of gender activists operating within the EU advocating gender and
human rights policies in accordance with global norms. The policy efforts described below must be considered the result of such developments.

1. EU Efforts to Tackle Trafficking in Persons

Trafficking in persons, especially in women for the purpose of sexual exploitation, represents the dominant form of trafficking in Europe. It is reported that the number of women in prostitution in Europe has grown to more than half a million. For example, recent data for the 2000s show that 70 percent of prostituted women in Vienna come from Eastern Europe, while 15,000 Russian and Eastern European women are employed in Germany’s red-light districts (de Troy and Kovaliv, n.d.). According to the European Parliament, prostitution accounts for 43 percent of trafficking in Europe. Against this background, the starting point of EU efforts to tackle trafficking in persons is, as mentioned above, the World Conference on Women held in Beijing in 1995. The following year various NGOs, having been influenced by the conference, became extremely active in their campaigning. Taking the EU’s Vienna Conference held in June 1996 as an opportunity, the anti-trafficking activities of NGOs and the EU became yet more engaged. The result of these efforts was the first concrete EU measure against trafficking in persons: “Stop”.

“Stop” was established in November 1995 with the purpose of strengthening information exchange, cooperation, surveys and research among EU member state judiciaries, prosecutors, police officers, immigration officials and NGO activists. During its first four years of operation it received 6.5 million Euros in financial support from the EU. In 2003 it merged with the EU “Aegis” program with the purpose of supporting the establishment of a Europe-wide network of information exchange and cooperation between member states and prospective members. Its budget in 2004 was 15 million Euros.

As the German IR scholar Birgit Locher (2007) has pointed out, the above anti-trafficking in persons programs moved ahead successfully and significantly from 1995 when Anita Gradin became the EU’s Commissioner of Justice and Home Affairs. Drawing on the central notion of norm entrepreneur in the norm-literature in IR (Finnemore and Sikkink, 1998; Keck and Sikkink, 1998), it is clear that, as a former long-serving member in the Swedish Parliament, Gradin must be considered a critical norm entrepreneur and facilitator in the EU’s process of tackling the problem of trafficking in persons. As a “femocrat” at the EU’s apex of policy- and decision-making the new commissioner constituted a crucial element of what appeared to be Europe’s “velvet triangle”, advocating gender policy issues. As other functioning parts of this triangle, NGOs, researchers and intellectuals are integrated as “gendered agents” to create advocacy networks and to promote and diffuse gender-related norms, such as the anti-trafficking norm.

This advocacy coalition of human rights activists has generated significant problem consciousness regarding the problem of human trafficking. As a result, the EU introduced the so called “Daphne Programme”, which may be considered as the movement’s most important achievement. The concrete objective of the “Daphne Programme” is to strengthen transnational networks for the extirpation of violence against children, women and youths. This violence is defined broadly to include domestic violence at one end of the spectrum and sexual exploitation at the other. Accordingly, victims of trafficking in persons are included in this definition. In general, the “Daphne Programme” comprises the following four stages, stretching from 1997 until 2013:

Domestic organizations made up of actors including local government bodies, universities and NGOs became the target recipients of EU support, with 56.7 million Euros being distributed to 460 projects during stages 1-3 of the Daphne Programme. Furthermore, the budget for Daphne III in 2007 was 14.2 million Euros (not including 1.9 million Euros granted to specific actions of NGOs). In 2008 the program received about 14.74 million Euros, about 17.79 million Euros in 2009, and about 17.63 million Euros in 2010; representing a very large funding commitment from the EU. However, each year the funding application guidelines have been different. The actors who may apply for funding through this program include the 27 EU member states and EFTA/EEA member states along with Turkey and the West Balkans. Projects which may receive support from the EU committee must either fit strategic requirements, be a transnational project which will benefit at least 2 EU member states or represent the activities of a domestic NGO which meet with the purposes of the program. The EU will evaluate supported projects at every stage. The most important aspect of the “Daphne Project” is the positive and productive support and encouragement of the formation of transnational advocacy networks. That is to say, in the form of the provision of funds and information in this regard, the EU is supporting civil society actors more than states.

These activities show a new aspect of involvement in the processes of norm diffusion and norm internalization. A concrete example of a transnationally operating NGO network against trafficking in persons in Europe whose activities are largely financed by the European Commission’s Daphne III framework is La Strada International. Against the background of the growing number of trafficked persons from Eastern Europe into Western Europe after the fall of the Berlin Wall, this network was launched in 1995 and is primarily active at the grass-roots level in Central and Eastern European countries. The initial momentum for this network goes back to the cooperation of the Dutch Foundation Against Trafficking in Women (STV), the Polish Feminist Association (PSF), the Polish Young Women’s Christian Association (YWCA) and the Central European Consulting Centre for Women’s Projects in the Czech Republic (PROFEM), and the Dutch Foundation Church and World, who took the initiative to organize a joint training seminar in 1994 for the purpose of exchanging information and knowledge on how to support victims of trafficking. The first activities of this network were financed by the European Commission’s Phare program. According to its own statement the underlying philosophy of this network is the idea that strengthening non-governmental organisations is crucial to tackling a controversial and sensitive issue like trafficking in women. Because of their independent status, organisations at the grass-roots level can win the confidence of women who consider migration and provide them with reliable information on the risks involved and how to protect themselves against those risks. (International La Strada Association, 2005, p.21)

Furthermore, grass-roots activities on the part of NGOs enables the provision of counseling services to trafficking victims, and the encouragement of victims to report their cases to the police. In carrying out these activities, NGO networks like La Strada see one of their major tasks as being the collection of information and the stimulation of public debate. For example, recognizing the
achievement of this network La Strada received the European MTV “Free Your Mind Award” enabling the network to raise awareness on trafficking in persons among young people in order to prevent new cases of trafficking. As of 2005, the La Strada network consisted of nine independent NGOs who operated in Poland, the Czech Republic, Ukraine, Bulgaria, Belarus, Bosnia Herzegovina, Moldova, Macedonia, and the Netherlands—thus in the countries of origin of many trafficking victims as well as one of largest host countries of trafficking in women for sexual exploitation. As such, the activities of this network at the grass-roots level is based on three main pillars, i.e. (1) the assistance and support of victims, (2) the provision of information and lobbying, and (3) prevention and education. Here, the network deliberately emphasizes the importance of advocating the rights of the female trafficking victims through cooperation with other NGOs and government agencies, as well as through the build-up of “strong and independent NGOs in Central and Eastern Europe” (International La Strada Association, 2005, p.23). As such, capacity building represents a central part of the network illustrated through the provision of resources as well as training programs. With the support of the European Commission, La Strada has become one of the most important transnationally operating networks in Europe against trafficking in persons.

2. EU-Supported Capacity Building

Regional organizations including the EU are, as the “Daphne Project” has shown, important for the internalization of global norms, as important media for the campaign against trafficking in persons and in strengthening the process of norm diffusion. Established literature on norm diffusion, such as Keck and Sikkink’s “boomerang effect” or “the spiral model of human rights change” as put forward by Risse and Sikkink (1999) has shown that international organizations such as those which are part of broad advocacy coalitions can function to support domestic organizations where civil society actors do not exist or where the social environment does not provide for the active participation of civil society. Nevertheless, as I have mentioned above, the formation of the EU as a supranational governance entity and thus polity in its own right has shown that regional organizations can facilitate the norm internalization process by shortening the distance between the global and the local levels of governance. IR scholarship on norm diffusion has consistently pointed to the potential difficulties the process of norm internalization faces when exposed to societies with a different structure in their value and belief systems or/and a lack of governance capabilities when it comes to the institutionalization and enforcement of human rights norms (Acharya, 2004; Nakamura and Yamamoto, 2009). For this reason, I argue, regional organizations function not only as norm entrepreneurs in advocacy coalitions but also as norm interpreters in the process of norm diffusion. This function has been largely overlooked in the established IR literature on norm diffusion, but must be taken into consideration when we wish to account for the role of regional organizations as credible actors in global governance. In practical terms, as the American IR scholar Celeste Montoya (2008, 2009) has pointed out in her leading research on the EU’s Daphne Programme, regional organizations such as the EU exercise specific capacity-building functions. Those of the EU have attracted great attention in the advocacy activism of recent years and research on the internalization of norms.

The capacity-building achievements of the EU can be seen in the field of human trafficking by focusing on the “Daphne Project”. A theoretical
framework to explain these achievements may also be provided. Against the background of the aforementioned policy initiatives launched by the EU in its attempt to tackle human trafficking in and around its sphere of governance, let me describe in more detail the role of regional governance in the form of institutionalized supranational polities by highlighting the following five functions:

1. Regional organizations can gather and apply precise and appropriate resources, funding and information to deal effectively with problems which arise within their own territories.
2. Regional organizations can monitor cooperation on policy formation and the implementation of policy.
3. Regional organizations can work with transnational advocacy networks to diffuse global norms, and raise public awareness regarding issues relating to the norms.
4. The complicated governance structures of the EU provide a great number of actors with a forum for discussion which is not at the state level.
5. In providing a new forum for discourse and through the distribution of resources and information regional organizations can empower NGOs and other non-state actors.

We will now move on to integrate these ideas concerning the role of regional governance structures with the current set of theoretical literature on the process of norm formation and diffusion, as was briefly touched upon previously.

3. Reconsidering Explanations of Norm Formation, Diffusion, and Internalization

As Celeste Montoya (2009, pp. 330-331) has pointed out, the key premise for the effectiveness of the “boomerang model” is the presence of vital grassroots campaigns which demand state action on human rights abuses. For example, organizations such as NGOs, in international cooperation with other actors, can bring about sufficient external pressure on a target state to cause it to take account of the issue being raised. Especially in developing states the influence of civil society may not be taken for granted. Furthermore, target states must have sufficient and applicable capabilities to deal with the issues.

However, from the 1990s onward the importance of formation of frameworks at the “regional” level, and, with the development of regional integration, regional organizations as actors have become ever more significant as the foci of analysis in the supra-national context. The EU, for example, developed from an economic community into a political community. That is to say, it became a powerful and important governance actor influencing nation states in a range of policy areas. To illustrate this we may give the example of monetary union as a significant financial policy, and also draw on developments in EU social policy, labor market liberalization and trade policies. And so, in the same way the EU human-rights policy has had a significant effect in the field of trafficking in persons.

Although the anti-trafficking policies of the EU have been developed and promoted energetically, we must ask: “what is of fundamental significance to this aspect of regional organizations?” Though I have previously given an overview of the EU policies and programs relating to violence against women, it would be useful to consider the conceptualization of the EU’s capacity-building efforts in this regard provided by Montoya (2008, 2009). The purpose of this capacity building is, firstly, to provide the necessary ability to achieve international goals relating to the “protection of
human rights”. According to Montoya the EU’s capacity building is of the following two general types, i.e. firstly, coercive enforcement strategies such as monitoring and sanctions, and secondly, management strategies such as capacity building, rule interpretation and transparency (Montoya, 2008, p. 360).

Precisely, when (“target”) states concerned fail to take appropriate measures to address an issue a coercive enforcement strategy should be employed to facilitate policy change in accordance with a global norm. In contrast, management strategies should be employed when the (“target”) states concerned have committed themselves to action which they have as yet failed to successfully implement. However, in the case of the protocol described above, as most EU member states have ratified it, a coercive enforcement strategy is not necessary, since implementation appears to be more a question of a lack of governance capacity. Therefore, in this case capacity building is extremely important. In order for EU member states to implement new projects the EU provides resources in the form of funding and information. It is possible for international organizations, via the formation of transnational networks, to contribute to the capacity building of domestic organizations, for example through the support of civil-society actors, universities or local government agencies. In essence, Montoya’s notion of management strategies is an especially beneficial and effective approach in cases where there is no grass-roots activity in a given state. As such, critical reconsideration of the conventional “boomerang effect” as model for explaining norm diffusion is required in the light of the EU example. In doing so, Montoya has put forward a model she refers to as the “umbrella pattern” as a means to describe the activities of the EU in the policy area of human rights. This pattern of norm diffusion in the existence of ROs is illustrated in figure 3 below.

**Figure 3. The umbrella pattern as a process of norm diffusion through regional organizations**

As we can see from the figure above, in the “boomerang” model NGOs at the bottom of the figure put pressure on states and carry out monitoring tasks as well as engaging in the creation of issue-specific problem consciousness. In so doing, they frame particular issues, and when being blocked from direct access to the government, engage in the formation of transnational coalitions. Integration into such coalitions enables domestic civil-society actors to make their voices heard at the international level and to put international pressure on national
governments accused of human rights violations. As the result of such “naming and shaming” campaigns and international pressure, governments may be forced to change their policies. Yet, as examples from Southeast Asia and here most noticeably the case of Burma illustrate, pressure mobilization and policy change is a direct function of the existence of civil societies able to engage in transnational networking.

However, in the “umbrella” model, weak organizations provide information to the international organization at the top of the figure (including regional organizations) and also receive aid from organizations at the top. The EU causes NGOs to form links with NGOs from other states and applies pressure, moving from a situation located in one state to one involving all its member states. Thus, strong ROs with a sufficient level of concentration of governance authority at the supranational level are able to translate single-case pressure into dynamics of broad and coordinated policy promotion. However, although this model enables us to sufficiently account for the constructive role of ROs in norm diffusion, the preconditions for norm diffusion here are high: supranational governance structures willing to promote access to civil-society actors, while at the same time being independent and critical of their member states’ actions and thus able to enforce change of political practice vis-à-vis the nation state. Thus, in very much the same way as is presented via this model the EU has developed and promulgated its trafficking in persons related transnational advocacy network centering on the “Daphne Project”. This type of regional advocacy network is defined by the American political science scholars Melinda Adams and Alice Kang (2007, p. 455) as “a regional movement involving a shared purpose of individuals and organizations”. We may see the operations of this kind of mechanism in the case of the “Daphne Project”.

With an eye on Southeast Asia, it seems necessary to note that despite the fact that the Association of Southeast Asian Nations (ASEAN) represents a credible regional organization next to the EU regional governance in this world region it remains a long distance away from European-style supranational governance. A meaningful comparison of regional organizations is commonly considered difficult to conduct, and critics further point out that comparative study of the constitutive norms of ASEAN’s modus operandi concerning the norm of non-intervention in domestic affairs will simply result in the conclusion that different organizations produce different policy outcomes with regard to the diffusion of global human-rights norms. This is a justified viewpoint. And yet, if we accept the posture that the protection of human rights based on particular global norms in itself represents a commonly accepted international objective, the empowerment of civil society and the participation of NGOs in policy-making will be essential parts in the evolution of human rights in Asia as they were in Europe. The evolution of civil society-state relations for the enhancement of human rights protection in Southeast Asia will be an essential aspect of the region’s trajectory towards democratic governance. Arguing that a comparison of the world regions of Europe and East Asia is unlikely to produce important insights given the different character of the norms that determine operation of regional organizations might risk reducing the notion of democratic governance to Europe alone. Comparative research on regional organizations in the field of norm diffusion—a virtually untapped research area (De Lombaerde et al., 2010)—must not engage in the comparison of two regions at a same point of time, but should compare same stages of development. Anything else will only result in conclusions emphasizing the uniqueness of European governance.
Meanwhile, the state of civil society in many ASEAN member states is in a sorrow condition, excluding NGOs from direct political participation. Thus, taking account of the positive experience of the EU in facilitating civil-society growth at the national and eventually the transnational level should be seen as a valuable lesson to those scholars and policymakers seriously interested in combating trafficking in persons as a transnational crime. Trafficking in persons takes place in corners of the society where the state appears to be a far-off existence, thus the need for the involvement of civil-society actors operating at the local and remote areas of national-government policy-making. As a result of this, we must recognize the causality involved in combating human-rights violations and transnational crimes by acknowledging that attempts to engage in fighting such problems require democratization of society through the support and establishment of civil-society actors.

V. Conclusion: Norm Diffusion as ‘Europeanization’ and the Formation of a Transnational Civil Society

Considering the arguments and information discussed in this paper, we may conclude that the EU itself as a governance actor has played a leading role in the diffusion of anti-trafficking norms in the EU territory. It has also played an important role in the development of global anti-trafficking norms from the stage of political rhetoric to that of policy implementation. Of course, this relates not only to the EU as a governance arena but also to its role as an actor in the protection and promotion of human rights. As the “umbrella” model shows, the EU strengthens the formation of regional advocacy networks and through this activity contributes to the formation of civil society within the EU.

Furthermore, with regard to the issues discussed above, as Jeffrey Checkel (2001) has pointed out, we can understand “Europeanization” as a norm-diffusion mechanism. And as Thomas Risse-Kappen (1994) also argues, norms are not diffused automatically, but are brought to the stage of internalization through the activities of non-governmental actors and policy networks. The EU makes use of a pressure mechanism involving transnational networks in its anti-trafficking campaigns through the strengthening of civil-society actors. The “Europeanization” discussed here, if we follow Risse et al.’s (2001) definition implies EU-based formation of governance measures, policy networks and the institutionalization of relationships between actors focused on EU policy directions with regard to the solution of certain political problems at the EU level. This form of governance, such as has been seen with the “Daphne Project” can be achieved through the formation of regional advocacy networks.

Needless to say, analyzing the EU’s measures against trafficking in persons merely by referring to advocacy networks and the power of norms would simplify the problem. New and promising IR scholarship has emphasized the attempt to achieve the “securitization” of the trafficking in persons problem (cf. Aradau, 2008). EU policies against trafficking observed from this standpoint include stricter border-controls conducted by the EU’s border control agency Frontex, stricter immigration legislation, or simply the building of new fences as proposed most recently by Greece pointing to its border with Turkey and...
the stream of human trafficking into its territory from Africa and the Middle East. In fact, as recently as December 2010 the EU adopted new legislation against human trafficking, extending the punishments for aiding smuggling groups, while appointing Myria Vassiliadou as the new anti-trafficking coordinator and introducing a new website. However, the UK and Denmark opted out of the new law, fearing the EU’s judicial power. This circumstance alone does not only emphasize the limits of EU governance but also the importance of local civil-society groups that advocate future policy change in order to fight trafficking in persons.

At the same time, while the EU represents a case of active human-rights leadership and good governance, the requirements for achieving similar results in other regions are high. Thus, even in the presence of weak civil-society organizations or the complete absence thereof, as is often the case in regions such as Southeast Asia, strong supranational governance structures can facilitate policy change through empowering civil society at the domestic and transnational levels. Creating policy and civil-society networks at these levels seems an inevitable initiative if we consider the transnational nature inherited in the problem of trafficking in persons. Thus, any approach to combating trafficking in persons needs to be comprehensive in scope, encompassing all levels of governance. As such, this paper has argued that measures taken to combat and prevent human trafficking will necessarily require democratization of society, given the importance of civil-society actors as vehicles for the protection and enforcement of human-rights norms at corners of society in which governments often lack governance capacities. In essence, the prevention and protection of human rights does necessarily require democratization if this means the toleration of and cooperation with civil-society actors at the domestic and transnational levels. This lesson should be taken into consideration by policymakers in regions such as Southeast Asia when seeking sustainable solutions for trafficking in persons in their regional neighborhood.

In building on what little exists in terms of research on the processes by which the anti-trafficking norm has been implemented in Europe and promoted by the EU in addition to an analysis of new policy initiatives by the EU, this paper has provided the basis for a broader comparative study investigating the role of regional organizations in the fight against trafficking in persons. Thus, while the United Nations has called for concrete measures against trafficking in persons in its 2009 International Framework for Action: To Implement the Trafficking in Persons Protocol this paper identifies the need for future research that employs the conclusions drawn from the case of the EU to provide a comparison of the EU’s efforts with recent initiatives introduced by ASEAN. With comparative research on the differences of regional institutions having emerged only recently (Acharya and Johnston ed., 2007), research of this nature will likely provide new insights in the role of regional institutions and the effects of institutional differences on the promotion and enforcement of norm-implementation. Thus, in accordance with the growing amount of constructivist research and work on international organizations, the central focus of such studies remains with the questions of what the limits and potentials for regional organizations in the promotion and implementation of global norms may be, and how, when and under which conditions norms matter.

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Official Documents


Notes

1 Earlier versions of this manuscript have been presented at the 11th Annual Meeting of the Japanese Society for Public Interest and Common Good Studies held at Seijō University, Tokyo (September 12, 2010), and the 29th Annual Meeting of the Japan Association for Social and Economic Systems Studies held Dōshisha University, Kyoto (October 30, 2010). The author wishes to thank all participants for their stimulating questions and comments. Particularly, the author wishes to express her gratitude to Professor Hiroshi Shiratori, Professor Hiroshi Yoda, as well as Professor Hiraku Yamamoto, as well as the anonymous reviewer of this journal for their valuable comments.


3 It should be noted that earlier reports of the US government until 2008 have referred to the number of 800,000 victims trafficked across borders annually (US State Department, 2008, p. 7). With the arrival of the Obama administration, the 2009 report as adopted the larger number of the International Labor Organization which estimates that “there are at least 12.3 million adults and children in forced labor, bonded labor, and commercial sexual servitude at any given time”, p. 8. The use of ILO data represents in the area of the US’s policy regard the issue of trafficking in persons a shift away from the G.W. Bush administration’s unilateralism towards multilateralism. This seems reasonable, given the “naming and shaming” strategy that is employed in the Annual Reports. For such, any appeal of this data to be legitimate, data generated and provided by external multilateral international organizations appear to be of more effect.


5 For a detailed discussion of the role of feminist politicians and bureaucrats in the EU and the function of the “velvet triangle” in EU gender policymaking see Locher (2007), pp. 212-224.


10 For the specific requirements for application to EU funding granted within the Daphne framework see official Call for Papers of for the period of 2007-2010, available at http://ec.europa.eu/justice/funding/daphne3/funding_daphne3_en.htm (retrieved November 8, 2010).


**EU Member State Participation to the Global Anti-Trafficking Regime***

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<th>Participant</th>
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<td>United Kingdom of Great Britain and Northern Ireland</td>
<td>14 Dec 2000</td>
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* *The “Global Anti-Trafficking Regime” is the “Protocol to Prevent and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Crime”.*

Source: Compiled by the author.
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</tbody>
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Guidelines for Submission to the GEMC journal

“GEMC journal” is a scholarly journal published as part of the activities of Tohoku University's Global COE Program, “Gender Equality and Multicultural Conviviality in the Age of Globalization” (for further details please visit our homepage at http://www.law.tohoku.ac.jp/gcoe/). The journal consists of two parts, “invitational papers” and “submitted papers”. Invitational papers are requested by Editorial Committee for publication and subject to a review process and are either based on presentations given at occasions either sponsored or co-hosted by the GCOE which the Editorial Committee considers as appropriate for publishing in the GEMC journal, or articles which correspond with the aims of the Journal designated by the Editorial Committee in accordance with the purpose of the GCOE program. The contents of submitted papers should be related to the GCOE’s theme and purpose. Papers are welcomed from scholars of all disciplines. All submitted papers will be subject to an anonymous review procedure and will be evaluated based on their academic quality and value. The following are the instructions to authors who wish to submit their manuscripts to our journal:

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1. The journal welcomes individual submissions of unsolicited manuscripts. All submissions should be accompanied by a letter of recommendation from at least one professor or one associate professor of the institution which the author belongs and at least one professor or one associate professor of an outside institution(s). As an exception, the journal accepts submissions accompanied by a letter of recommendation provided by a GCOE program member.

2. The journal only publishes articles that will contribute to scholarly study in accordance with the GCOE’s mission.

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9. Authors are requested to pay particular attention to the accuracy and correct presentation of references cited in the articles. References cited in the text should provide the author’s name and year of publication (Bull, 1977), as well as specific page numbers after a direct quotation. In-text references should be in chronological order with a reference list included at the end of the text. Examples:


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