

'Human Rights' in the Discourse of Buraku Liberation: From the 1920s to the 1990s, an Initial Survey

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The paper argues that ideas about human rights, rather than being a relatively new arrival within political and social discourse, have been present in both the mainstream and the dissenting streams of Japan's political system since the start of the twentieth century. In the years immediately after the war human rights were explicitly promoted by the US occupation and adopted enthusiastically by the Japan Socialist Party and those involved in the Buraku liberation movement such as Matsumoto Jiichiro. During the 1950s, however, this enthusiasm dissipated in the face of the cold war intolerance of government and a focus on policies that could address the relative and absolute poverty experienced by the discriminated Buraku. Only in the post cold war 1990s did the state and the liberation movement once more start to take human rights seriously. Human rights have been present in Japan for well over a century but their impact on political and social practice has varied greatly depending on the complex interplay between domestic social and political factors and the international environment – just as in most other countries around the world.

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There is an often-expressed idea that the notion of human rights is alien to non-western societies and hardly present until the post-war period. Then there is an equally unchallenged idea that at some point in the late 1940s or early 1950s the concept arrived or was introduced and became somehow embedded even in East Asia or Japan from which point there was a slow but sure development of its understanding to a point where at the start of the twenty first century it was well established. The story I want to tell differs from this narrative in some significant ways and I will return to this theme in my conclusion. This of course for the moment ignores the problem that the way 'human rights' are conceived by state and citizen in East Asia may be different from that in Europe and that this may result in differences in implementation. Has there, I wonder, been any attempt to trace the history of the term 'human rights' over the last 150 years in Japan or elsewhere in East Asia? There is an important research project there that for the moment needs to be set aside.

Here I want to consider some of these assumptions by taking a broad historical view of the human rights related developments in Japan over the twentieth century through the prism of activities related to the Burakumin campaigns against prejudice and discrimination. In brief, what I want to suggest is that we can trace the ideas of rights as a source of inspiration to activists from at least the 1920s and they remain powerful well into the late 1930s. They are then embraced with enthusiasm in the later 1940s and early 1950s but then, rather than becoming ever deeply embedded, as Japan industrialises and emerges as a advanced industrial democracy they disappear from view both within the discourse of the state and of its critics. It is only in the post Cold War world of the 1990s, and arguably only because of the concerns expressed within international organisations supported by the United Nations that human rights once more start to play a prominent part in domestic and international policy making.

This is only a very partial account, vulnerable to criticism on a number of counts notably that my material from the period 1920-50 depends heavily on my knowledge of one, albeit indisputably influential, figure and that what I say about the period 1960-2000 relies on my current understanding of a movement and policy process that I have not yet studied too carefully. It is an outline of a research agenda rather than a report on research completed but it will I hope address some of the themes in the relationship between the promotion and implementation of human rights ideas and the political environment.

Before I start, some brief words about my context. The Burakumin are a

status group minority who are inheritors of discriminatory attitudes held by at least some of the mainstream Japanese population. As a status group they have no distinct ethnic identity or markers and no separate legal status so that it is difficult to estimate the size of the population liable to this discrimination but the figure used by movement activists is three million (out of a total population of around 126 million). Burakumin formed a social movement called the Suiheisha in 1922 to fight prejudice and discrimination and it remained active until the late 1930s. It soon revived after the war and became the Buraku Liberation League in 1955. Partly due to the political pressure applied by this social movement which had the backing of the JSP and JCP, policies were devised in the 1960s to address and attempt to eliminate discrimination: the Dowa policy. The policy formally came to an end in 2003.

I will say no more about the movement itself or Dowa policies. What I want to do is to pick up references to 'human rights' as they appear in the records left by Matsumoto Jiichiro, the movement's leader 1926-1966, and as they seem to guide the activities of movement and government in the 1950s and beyond (Neary, 2010).

Pre-war

Ideas of the rights of citizens were not completely alien to Japan in the first half of the twentieth century. The Meiji constitution of 1889 contains a list of the rights and duties of the subject, which at the very least introduced the words to a wider audience. Several writers have pointed out that this section of the constitution promised much more than it delivered (See, for example, Woodiwiss, 2005: 8-9). Only two of the rights listed are granted without qualification; all of those most central to democratic practice — rights of privacy, property, religious belief, speech and association — are listed as possibly subject to limitation by later law. This meant that the constitutionally granted rights did little to protect Japanese citizens from the state but what I want to suggest is that did not prevent them from being taken seriously by some of them. Moreover during the democratic interlude from the mid 1910s to the late 1920s, all kinds of rights ideas did seep into Japan amid discussion, for example, by liberal educationalists of the rights of the child (Neary, 2002: 210-211).

However the founding documents of the Suiheisha, the first autonomous national movement created for and by Burakumin, written in 1921/2 make no reference to rights. They talk rather of the need to create solidarity among

Burakumin to resist discrimination in everyday life, they demand 'liberation' and 'freedom of occupation', all to be achieved 'by our own efforts.' A key tenet of the Buraku liberation movement across the twentieth century has been stress the need to organise their communities to resist discrimination and defend and improve their living standards without relying either on liberal sympathisers or class cooperation.

Given that, it was a surprise to come across a letter from Matsumoto Jiichiro, by that time the Suiheisha's leader, written in March 1927 in which he urges his comrades in Nagano, 'we must fight hard to secure our human rights' (*wareware wa jinken kakutoku no tame ni oi ni tatanakereba narimasen*). The word *jinken* — human rights — was not common in Japan at the time and is not thought to have entered popular discourse until after 1945. And yet here Matsumoto was using it apparently casually in a way that suggests he and fellow members of the movement were familiar with the word — though of course it is not possible to know exactly what they meant by it.

Within the Suiheisha at this time, 1927, a debate was underway about the nature of discrimination against Burakumin and the strategy most likely to 'liberate' them from it. Although it was a complex discussion it was actually not all that sophisticated, as it was not based on either careful research or much theoretical material. Nevertheless among the radicals within the movement there were two dimensions to the discussion. On the one hand there were those who saw the issue as linked to the development of class and capitalism in Japan and for them the only permanent solution was fundamental change, i.e., socialist revolution. Others meanwhile considered it to be an issue that could be resolved within the existing social structure however desirable revolution might be. There was also a further, third point of view suggested by the conservatives/nationalists who argued that the problem was simply one of inadequate understanding of the imperial will: the Meiji emperor had endorsed an edict in 1871 which formally liberated the outcaste population from status restrictions and was notionally the author of the constitution which granted all his subjects basic rights. Marxists, the first group, did not talk about rights (*kenri* or *jinken*). However social democrats, liberals and nationalists who made up the second and third groups sometimes did. For them 'liberation' within the existing society would be possible if Burakumin rights were respected either because the Emperor had said it should be so or because of an appeal to abstract notions of human dignity and human rights.

In 1933 a local court in Takamatsu city, Shikoku, imprisoned two

Burakumin for deception. Their deceit lay in the fact that they had not revealed their Buraku status when one of them had proposed marriage to a young woman, this became known as the *Takamatsu sabetsu saiban kyudan jiken* (*The Takamatsu Discriminatory Court Protest Campaign*). It was feared that if this were allowed to set a precedent it would place a legal obligation on Burakumin to reveal their background at key points in their lives — in job applications and marriage — or be liable to be accused of fraudulent behaviour. The subsequent campaign of protest revived the Suiheisha movement at a point when it had lost momentum. The energy regained would keep it going until the end of the 1930s.

Leading the Takamatsu campaign at the national level was Matsumoto Jiichiro whose arguments expressed in his speeches were based on an appeal to the Meiji constitution in particular the section on the rights and duties of the subjects. He demanded that the courts set aside the guilty verdicts against the two men. His core argument was that although the 1889 constitution apparently gave citizens some limited guarantees of rights in exchange for the obligation to pay taxes, perform military service and attend school, this only applied to the majority population. Burakumin, he argued, had no such guarantees, no rights, and when they protested about this fact they would find themselves in prison. Matsumoto had spent three spells in prison during the 1920s each connected to activities protesting against discrimination. (Takayama, 2005: 351) The next stage in the campaign was to have been that if the state did not protect their rights maybe Burakumin should stop registering for conscription, take their children out of school and stop paying taxes. In the end the campaign did not develop this far. Nevertheless his appeal to the constitution was a safe option — not even the Japanese police could use it as an excuse for arrest but at the same time it had a very modern aspect and seems to suggest a kind of social contract between state and citizen. Indeed as we shall see in a moment Matsumoto would adopt a similar strategy in the 1950s.

Four years later in 1937 the Suiheisha changed its core document, its 'mission statement,' to explicitly include reference to human rights:

We will protect and extend our human rights (*jinminteki kenri*) and freedoms in all their political and economic and cultural aspects by group struggle and advance the total liberation of the oppressed Burakumin masses (Neary, 1989: 197).

At the same conference, while moving away from an overt class struggle

approach, the organisation re-asserted its commitment to the ant-fascist struggle, the abolition of remnants of the feudal status system and called for the protection of political freedom. However it did not maintain this radical position for long. Following the Marco Polo Bridge incident in August that year Japan became committed to increasingly open warfare in China and there was a decreasing tolerance for political dissidence domestically. Rights assertive activity became difficult and many, including former Marxists, were won over by the nationalist state propaganda. Matsumoto was not one of these but his main focus after this time moved away from human rights to defending the living standards of Buraku communities under the wartime regime.

So, the first point then is that there is evidence of some conceptions of 'rights' and 'human rights' being present in the discourse of social movements before 1945.

Post war

The occupying US forces considered they had a mandate to revise the constitution of Japan given by the terms of the Potsdam Declaration that speaks of

...the revival and strengthening of democratic tendencies among the Japanese people. Freedom of speech, of religion and of thought as well as respect for the fundamental human rights shall be established.

As the new constitution was being drafted in early 1946 a great deal of care was spent on Chapter III, The Rights and Duties of the People which went much further in enumerating political, social and economic rights than would have been acceptable even in the USA at the time. Some Japanese scholars and politicians still regard these aspects of the constitution as a most egregious example of the imposition of alien values but it is clear that most Japanese were enthusiastic supporters of these ideas. Indeed in a speech made at one of the final sessions of the Imperial Diet in November 1945, well before the post-war constitution was finalised, Matsumoto urged the Japanese government and the Americans to ensure protection for fundamental human rights as an essential precondition for the establishment of democracy. Moreover there is evidence that he and several other Japanese were able to make inputs into the process that resulted in the final version of the

constitution. The idea that it was imposed by the USA on a resisting and uncomprehending Japanese population seems to me well wide of the mark. In the end the constitution contained not only an extensive Chapter III but also two further references to the importance of human rights in both the pre-amble and article 97,

The fundamental human rights by this Constitution guaranteed to the people of Japan are fruits of the age-old struggle of man to be free; they have survived the many exacting tests for durability and are conferred upon this and future generations in trust, to be held for all time inviolate.

From the late 1940s well into the 1950s Matsumoto would make frequent reference to the constitution in his speeches. He is said to have carried a copy with him and memorised large sections of it. This was of course very similar to what he had done in the 1930s although the new version gave him much more support. Matsumoto had been eager to ensure that the government section of the Occupation administration was aware of Buraku discrimination and he argued the case with members of it for providing constitutional support for the idea that marriage should be 'based only on the mutual consent on both sexes.' As a founder member of the Japan Socialist Party in 1945 he was an influential politician who was elected to the upper house in 1947 and served as its deputy speaker until 1949. At the same time he was central to the process that led to the re-creation of a post war movement to combat Buraku discrimination in February 1946. Moreover he was also one of the four founding vice-chairmen of the Japan Civil Liberties Union (JCLU) formed in 1947 encouraged and inspired by Roger Baldwin of the ACLU. At this time the American occupation was also encouraging the Ministry of Justice to establish a Civil Liberties Bureau that in turn devised a Civil Liberties Commissioner system. This was intended to create a network of 20,000 volunteers who would stimulate an awareness of human rights ideas, act as advocates for those who felt their rights had been infringed and serve as critics of government action. Matsumoto took part in the activities promoting the development of this movement too.

During the early 1950s this human rights promoting system seemed to be developing. A journal on human rights — *Jinken Minpo* — was set up in 1951 with financial support from Matsumoto. He was one of several who demanded the Ministry of Justice reform and invigorate the Civil Liberties Commissioner system through a new law that would have created a human rights committee independent of central government. However the bill was

not passed and the journal did not survive.

Overall the embryonic human rights movement seems to have succumbed to Cold War pressures. On one hand representing the dissident left, Matsumoto began to take less interest in human rights promotion as he became increasingly concerned by the threat posed by nuclear war. He devoted more of his time and energy to improving relations with China and supporting the international peace movement by, for example, attending conferences in Australia and Sweden. Meanwhile, on the other hand, the Japanese state became less interested in rights promotion and protection as it embarked domestically on policies to promote industrial growth and social welfare reform and overseas on policies that placed it still more firmly in an alliance with the United States as the tensions of the Cold War increased. To many on the left, like Matsumoto, the threat to the planet posed by the potential of nuclear war was a more important priority than campaigning for an international human rights regime.

This had a widespread impact. Matsumoto had less time for domestic human rights issues. For example, in 1953 and then again in 1959 sufferers from Hansen's disease (leprosy) wrote to him to protest about the restrictive legal regime that was being imposed on them at precisely the time when medical treatment was undermining the justification for this isolation from the rest of society. They lobbied Matsumoto for his support as a senior member of the JCLU and JSP but if he did take an interest his efforts came to nothing. So, after a brief period in which human rights had become part of mainstream political thinking, by the middle of the 1950s they had receded from view. Matsumoto began to direct his energies toward the international peace movement and advocacy of improved relations with China when not taking part in the Buraku liberation movement's activities within Japan.

When that movement reconstituted itself as the Buraku Liberation League in 1955 its main statement of purpose made no mention of human rights and among its twenty detailed demands only one – 'abolish all semi-feudal relations and establish basic human rights' – even mentions them. The main enemy is defined as American imperialism. The over-riding political task is to oppose that and Japan's subordination to it. The main aims of the movement are to demand improvements to their living conditions so as to eliminate the poverty and discrimination to which they were still victim. (Morooka, 1981: 99-101) To this end the JSP from the mid 1950s began to demand government action first to investigate the problem and then to fund improvement programmes. Meanwhile the BLL was using campaigns connected to instances of discrimination to protest against the activities and

attitudes of the mainstream Japanese involved and to demonstrate how the incident reflected social conditions that government could and should do something to improve.

The results of the campaigns both inside parliament and within the wider social movement was to persuade the ruling LDP to establish a committee of enquiry — *Dowa Taisaku Shingikai* — in 1961 which produced a report in 1965 on the basis of which legislation was introduced in 1969. This began to upgrade Buraku housing stock, build new schools and community centres and provide financial support to promote educational achievement. Over the next 33 years an estimated \$150 billion would be spent funding 'Special Measures' that aimed to raise living standards and educational achievement within the discriminated communities such that differences between them and the mainstream Japanese would be eliminated. Once this had been done, once the material basis for prejudice was removed, discrimination would, it was thought, disappear. This view was central to the Dowa policy but was also largely endorsed by the liberation movement. There was little emphasis placed on human rights.

However the 1965 report had addressed the issue of human rights in its final section. It noted the inadequacy of constitutional protection in restricting the actions of private individuals. It recommended the creation of legal restriction on discrimination and judicial remedies for those discriminated against. It suggested the complete revision of the Civil Liberties Commissioner system to make it more efficient. However no effective action was taken to implement the recommendations on improving human rights protection.

Post Cold War

Human rights only started to come back into Japanese political discourse generally and the Burakumin movement in particular in the 1990s. The JCLU had continued to exist across the decades although its came to be increasingly composed of lawyers. It was one of the few groups apart from the Buraku Liberation League to have taken rights at all seriously during the period 1955-1993.

The JCLU had campaigned for many years demanding that the Japanese government ratify the United Nations Convention on the Elimination of all forms of Racial Discrimination (CERD) that had been open for ratification since 1965. Government response had been to cite technical, constitutional

reasons why this could not be done. As late as 1993 the government announced that it was no longer considering this or the Convention Against Torture (CAT) leading the JCLU to reluctantly conclude that 'there is ... no future prospect for the ratification of these treaties.' However within three years Japan had ratified CERD albeit with reservations about the clauses dealing with 'incitement to racial hatred', which it argued, were incompatible with constitutional commitments to freedom of expression. Moreover in 1999 it also ratified CAT.

Meanwhile a committee was formed at the heart of government, in the Prime Minister's Office, to consider how Japan should respond to the proposed UN Decade of Human Rights Education, 1995-2004. This led to a succession of measures to promote human rights awareness both in schools and across the wider society and, in parallel to this, measures were introduced that clarified the duty of the state to protect the victims of human rights violations. There were even proposals to reform the Civil Liberties Commissioner system in order to establish a new National Human Rights Committee. There was fierce debate about whether the proposed structure would have sufficient independence from government to enable it to work effectively and be accepted as legitimate but people were confident that the requisite legislation would be introduced by the end of 2005. As things turned out the snap election called that summer by Prime Minister Koizumi meant the legislation was lost and no subsequent government has taken it up. The DPJ has committed itself to human rights promotion in its election manifestoes but there has been no sign so far of how it will translate these promises into legislative proposals.

The renewed enthusiasm for human rights was one consequence of the post Cold War changes that permitted greater attention to be paid to the standards that had been set out in UN documents over the previous forty years. We saw in Japan greater activity by pressure groups, great and small, that were justifying their demands on government by reference to international human rights standards. Meanwhile post-Cold War the Marxists within the Buraku liberation movement who had placed little trust in the efficacy of appeals to abstract ideas such as human rights ceased to be so influential. After more than twenty years of the Special Measures Law most of the major re-building work had been completed. With fundamental improvements having been made to the material conditions of life within the Buraku communities it was perhaps natural that, finding prejudice and discrimination were not disappearing as fast as some had anticipated, they should turn to human rights advocacy.

It is in this context that we see an apparent re-discovery of human rights ideas among Burakumin activists and a commitment to international cooperation. In 1988 a coalition of organisations and labour unions led by the BLL formed the International Movement Against All Forms of Discrimination (IMADR) with the aim of supporting groups in Japan and across the world that campaign for equality and against discrimination. It developed organising committees in the USA, France and Argentina and established an office in Geneva. In 1993 it was granted consultative status by the UN that enabled it to play a more positive role within the UN human rights community. During the 1990s the organisation focused on developing a network within East and South East Asia that could coordinate activities opposed to the trafficking of women. It has also sought to ensure that various UN conferences did not ignore the plight of groups such as Dalits in India, Roma in Europe and Burakumin in the Japan who suffer status discrimination that is sometimes ignored by the international community which is more concerned with problems linked to race or ethnicity.

The Buraku Liberation Research Institute in Osaka changed its name to the Buraku Liberation and Human Rights Research Institute in 1999, a move said not so much to indicate it was moving in a new direction but rather to acknowledge the fact that for some years it had actually been involved in campaigns that addressed issues broader than just those concerning the Buraku communities. It was not until 2006 that the other major research centre on Buraku issues based in Fukuoka changed its name from *Buraku Kaihoshi Fukuoka* (Buraku Liberation History, Fukuoka) to Human Rights Research Fukuoka. Since then it too has broadened its focus to cover a wide range of social problems domestically and to include consideration of overseas issues particularly in East Asia.

In any case as the Dowa projects and the legal framework that supported them came to an end in 2002 it was perhaps inevitable that activists should change their focus from the single issue of Buraku discrimination to broader human rights concerns that would, of course continue to embrace issues faced by Burakumin. This linked with the greater attention being paid to human rights issues at the level of national government — ratification of UN covenants on discrimination and torture and the production of reports made under the terms of the covenants previously ratified. Local government too became more active in this area; both Osaka and Kyoto local authorities established centres to promote research and teaching on rights issues: the Kyoto based *Human Rights Research Institute* was established in 1994 and the Osaka *Asian Pacific Human Rights Information Centre* was opened in

December the same year. (Neary, 2002: 65) So at the start of the twenty first century we saw human rights emerge, once more, as central to the Buraku liberation movement's concerns.

Conclusion

What are we to make of this brief overview?

Firstly I have suggested that there was an appreciation and discussion of 'human rights' among social movement activists and not just liberal intellectuals from the 1920s and that these ideas continue to have influence until as late as 1937. Secondly, that although an interest in human rights blossomed at a number of levels in the immediate post-war period this faded quite rapidly in the early 1950s. However this is not much, if at all, because the ideas were alien and disappeared once support from the liberals in the US occupation force disappeared. Rather it is because of the way the menace of the cold war increased which on the one hand persuaded individuals like Matsumoto to direct his energy to the peace movement rather than human rights, and on the other made the Japanese state less sympathetic or even interested in demands based on human rights standards. Within the Buraku Liberation League Marxist activists and intellectuals urged less focus on abstract 'liberal' ideas and gave more emphasis to making changes to the material circumstances in which Burakumin lived. The Japanese government too was more inclined to fund practical improvements than legislate for equality. It was only in the 1990s that the power of the Marxists' case disappeared at the same time that the Japanese government felt obliged to begin to take human rights seriously and so there was a convergence of sorts as both the ministries and the BLL start to talk rights language. At the start of the twenty first century we saw Japan once more beginning to address issues first discussed in the 1950s — for example treatment of and compensation for patients with Hansen's disease and the need to reform and improve the effectiveness and independence of the domestic human rights system — Civil Liberties Commissioners — an issue still unresolved.

All of this describes some of what has been happening while leaving a large number of questions unanswered and indeed unasked. For example, did the Dowa programme contribute to or hinder the development of human rights ideas and awareness in Japan? And outside the specific sector of Buraku issues: What, more generally, is the role of 'human rights' discourse in Japan since the mid 1990s? If there has been some kind of convergence

between government and social movement groups, why is it that an independent human rights commission of the kind that Matsumoto among others was advocating in the early 1950s has still not been established? Why is Japan, which could have established itself as the most liberal human rights supporting state in East Asia, starting to look backward in comparison to, say, South Korea?

While it is no longer plausible to regard human rights ideas as alien to Japan they continue to be contested there (as elsewhere) and there is no reason to assume that they will be implemented in ways identical to other states whether in Asia or elsewhere in the world. Conservatives within the LDP controlled administrations resisted demands for legislation that might have embedded human rights standards while the DPJ in opposition was sympathetic to both an independent human rights committee and the more thorough implementation of the standards implicit international covenants. One year after taking power little obvious progress has been made in implementing this agenda. What difference the DPJ in government will make in the foreseeable future will depend, as in the past, on a complex interplay between domestic social and political factors and the international environment.

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