Resistance and Co-optation: the Japanese Federation of the Deaf and its Relations with State Power*

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The main organization of the deaf in Japan has not only been able to work within a civil law environment designed largely to promote the interests of the state and quell social protest, but has been able to succeed in manipulating the system to its own benefit. It has shown remarkable organizational flexibility by subdividing in an amoeba-like fashion to avoid political control. This paper engages questions of power and resistance in the civil society framework of Japan.

1. Introduction

Modern bureaucratic states attempt to channel and confine acts of resistance into forms amenable to governmental control, for example by opening possibilities for mediation, lawsuits, and lobbying activities.¹ In the case of Japan, Frank Upham (1987a, 1987b, 1993) and others (e.g. Lee and Devos 1981; Tsurushima 1984; Goodman and Neary 1996; Ryang 1997; Weiner 1997; Tsuda 1998; and others) have written about the government’s particular efficacy in engineering bureaucratic ‘solutions’ to social unrest while grinding more obdurate citizens into a mercilessly lethargic court system, where suits can take more than a decade to reach completion.

This paper engages the question of civil society and social change in Japan from an anthropological perspective. However, unlike Susan Pharr’s groundbreaking (1981) study of the factors that lead Japanese women to become politicized, I shift my focus from individuals and individual life histories to groups and associations.² How are minority groups able to mobilize, and what strategies can they use to gain a voice in Japanese politics? Civil society and political struggle has taken a very different form in Japan from that in Europe and America, where there has been substantial social and intellectual discourse on the subject (Hall 1995; Hann and Dunn 1996; McAdam et al. 1996; Tilly 1978). Although civil society groups in Japan mediate between the state and individual as in the Western tradition, the nature of the relationship between the three parties can be characterized as symbiotic rather than hostile—the role of civil society is to co-ordinate rather than to challenge.

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* I am greatly indebted to Patricia Steinhoff, Robert Pekkanen, William Kelly and the anonymous referees of this journal for their critical feedback on drafts of this paper. An earlier version was presented at the ‘Conference on Change, Continuity, and Context: Japanese Law in the Twenty-First Century’ at the University of Michigan Law School, 7 April 2000.

1. Riots, acts of terrorism, and other violence being the most unstructured and thus most threatening to the state and state power.

2. Other chapters of my doctoral dissertation (Nakamura 2001) explored the connections between individual identity and life history and structuring institutional and cultural dynamics.
However, this framework is based on the premise that the state, civil society organizations and individuals share common goals; thus it can dampen the ability for innovative social change. Has then, the state in Japan successfully bureaucratized and deputized civil society towards its own goals?

I explore the political mobilization opportunities available to minority groups in Japan using a grounded ethnographic approach. Of particular note, the organizations under study have apparently been able to reap the benefits of co-operating with the government with few of the negative side-effects of losing their independence. They have accomplished this through an amoeba-like splitting of their organizational structure, leaving the national organization politically independent but financially constrained; while the prefectural associations are allowed to incorporate under structures that give them access to government funds necessary to benefit their constituents, but tie their hands politically.

This strategy has not been entirely without its own shortcomings. The prefectural associations have often been forced to include and serve other minority populations who do not necessarily share the same interests and political goals as those within the main organization, but whose problems the state also wants delegated at the same time. The negotiations and compromises made in order to placate the state have also served to alienate a younger generation who do not share the same interest in welfare politics as the ones currently in power.

2. The State Strategy: Embrace and Envelope

Central to the Japanese model of law generally and of litigation in particular is the elite’s attempt to retain some measure of control over the processes of social change and conflict. … [One] of its major instruments for such control is the manipulation of the legal framework within which social change and its harbinger, social conflict occur. (Upham 1987a: 17)

As mentioned in the introduction, rather than overt oppression, one of the most effective tactics for modern state control of subversive elements has been the incorporation and co-optation of movements. That is, the state formalizes the relationship between itself and protest groups by creating bureaucratic solutions to target social change (cf. Upham 1987a: 56–59). In the case of disability and other social welfare groups in Japan, the state has mainly used two positive incentive mechanisms: hōjin-ka or incorporated status (similar to NPO status); and the allocation of funds for itaku or contract projects.

Articles 33–35 of the Uniform Civil Code promulgated in 1896 empower the state to create special public-interest legal persons (tokutei kōeki zōshin hōjin) under the direct supervision of government ministries (Pekkanen n.d.). The idealized scenario is that the state realizes a particular need (often at the prodding of a citizens’ group). The state creates a nominally independent public-interest legal person (tokutei kōeki hōjin) to service the issue. The state then issues an itaku jigyō or contract project to the newly created hōjin which provides it with the majority of its funding and its raison d’être. The hōjin remains under the supervision and administrative guidance of the ministry.

That is what happens front stage. Back stage, the hōjin’s board of directors is stacked with amakudari, ex-bureaucrats from the ministry responsible for overseeing it. This is the famous revolving door that takes retired bureaucrats and gives them relatively simple, long-term, stable jobs for the rest of their retirement years. The positive aspect of amakudari is that as old boys of the ministry responsible for the group, they know their way around the system and can help secure funds for it. Hence amakudari is one way to ensure an organization remains funded. The negative aspect is that these bureaucrats are not usually familiar with how to run a non-profit, service organization or with the special needs of disabled persons. Ultimately, members of the community lose the ability to control how the organization is run: they become mere consumers.
One *hōjin* staff member described *itaku* as a way for the government to offload or outsource its own responsibilities onto other organizations. The beauty of *itaku* from the government perspective is that the state does not have to deal with messy details of implementation, but even more attractive is that it is easier to shut off an *itaku* contract than it is to cease a government operation. While maintaining oversight and control, the government also has less responsibility as it can plausibly deny any wrong-doing or mistakes in the execution of one of its *itaku* contracts. These organizations also do not create precedents in terms of policy that the government might find itself otherwise bound to in the future.

However, the goals of the state and the goals of the individuals in question are not always the same. Ultimately, when the state takes over operations, their goal is less to solve a problem than to make it look as if a problem is being addressed. Like improperly placed low-visibility bump-strips for the blind in shopping malls, the goal is not to address the needs of the disabled, but to make it look as if those needs are being met. ³ This disparity occurs when the consumer of services has neither choice nor control over the quality of service provided.

### 3. Case Study: The Japanese Federation of the Deaf

The Japanese Federation of the Deaf (JFD) occupies the eighth floor of a small, nondescript office building in the Shinjuku ward of Tokyo, just down the road from Waseda University. The 30-year-old building, despite having once been painted a rather startling orange, is impossible to find even by Tokyo standards. Nestled tightly between a three-storey house and a grocery store, the building has no visible facade, just a shabby dark doorway and a driveway to the first-floor garage facing the street.

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³ Most blind people have at least partial vision and use their limited visual acuity to navigate. High contrast is important but in the bump-strip campaign in Japan, yellow and a sickly pink have been designated as the only colours for bump-strips. On white subway tile floors, yellow bump-strips are very difficult to see, but the PR value of having them overrides proper consideration of the needs of the consumers they are intended for. A similar example would be the raised bumps on current Japanese currency bills. Again, they are nominally for the blind to read by finger contact, but they are not raised sufficiently to serve that purpose. I argue that the main intent is instead to allow the government and non-disabled Japanese to feel as though they are being inclusive. The US equivalent example would be sign interpreters at Presidential campaign stump speeches, even when no one in the audience is deaf, or those that are deaf use a variant form of signing that the interpreter is not addressing.
This is the main office of the JFD, an organization with close to 27,000 members, all deaf, and one of the most powerful disability groups in Japan. The understatement of the building it occupies belies the strength of the JFD in delegating responsibility and utilizing the local nature of Japanese civil society politics. This paper details the structure of the JFD and its relationship with its affiliate member groups and the state.

The official name of the JFD is the Zaidan Hōjin Zen-Nihon Rōa Renmei, which can be literally translated as the: Incorporated Foundation, Japanese Deaf-Mute Federation. The JFD, conscious of the current American bias against the term ‘deaf-mute’, translates its name in English as the Japanese Federation of the Deaf.

The JFD was officially incorporated in 1948, although it can trace its roots to a pre-war organization called the Japanese Association of the Deaf, which was founded in 1915 as an offshoot of an alumni organization for the Tokyo School for the Deaf. In 1950, the Ministry of Health and Social Welfare officially recognized the JFD as a Registered Social Welfare Organization. In the early post-war history of the JFD, there was not much political activity. This changed in the early 1960s, when a new group of young leaders emerged within the JFD. Strongly influenced by the turbulent political milieu of the times, these very well-educated young leftist leaders brought the JFD into a new era of social activism.

Although the main intent of this paper is to focus on recent political activity, one incident that occurred in the 1960s is noteworthy.

Starting in about 1955, the JFD’s chief publication, the Japanese Deaf News (JDN), started reporting on the consolidation of the JFD into a much more structured organization as well as the emerging push for a Welfare Centre for the Deaf. It took nearly a decade of continuous lobbying and fundraising to secure enough funds for the project, through private contributions from deaf members of the JFD as well as from the government. Named the Bell Centre, the new building had its groundbreaking ceremony in 1963. In early 1964, halfway into construction, the project came to a screeching halt because of cost overruns and delays. The JDN fretfully reported the budget deficit (JDN, 1 May 1964: 1):

Income secured:

- Ministry of Welfare Supporting Funds ¥30m
- Ministry of Welfare Project Loan ¥50m
- Private donations ¥4.5m
- Bicycle Promotion League Grant ¥17m
- Total income ¥101.5m

Expenditures

- Land purchase ¥46.5m
- Construction ¥180m
- Total expenditures ¥226.5m

Deficit ¥125m

4. As the research presented here was primarily conducted between 1997 and 2000, I will use the names of the government ministries prior to the 6 January 2001 reorganization and consolidation. The incorporation of the former Ministry of Labour into the new Ministry of Health, Labour, and Welfare (Kōsei rōdōshō) may yet have interesting repercussions for deaf politics, as social welfare and equal labour opportunities are two of three primary barriers (education being the third).

5. The name of the Bell Centre is ironic since Alexander Graham Bell (inventor of the telephone) hated deafness. One of his goals in life was the eradication of all forms of deafness through eugenics. His proposal was to demolish all schools for the deaf and legally prevent deaf people from marrying one another (cf. Bell 1883).
The JFD scrambled to secure the ¥100m within the year, saving the project. The centre finally opened its doors in March of 1965. Unfortunately, the project was doomed from the start. Cost overruns meant the Bell Centre was carrying a huge loan. Furthermore, the project was hamstrung by government officials who, trying to turn it into a for-profit venture, designed the building so that the third floors and above were condominium flats. The management board of the building was heavily stacked with amakudari bureaucrats with no experience in either deafness or building management. The deaf community did not feel it had proper oversight over either the construction process or the day-to-day management; their dream had been taken away from them.

Within a few years, without the ability to manage the building properly and suffering under its loan terms, the Bell Centre went bankrupt. This was a sharp lesson for the young JFD in the hazards of co-operation with the government. In exchange for funds to build the centre, they paid heavily by giving up their independence, which ultimately led to the project’s ruin. It was particularly painful, as much of the funding for building the centre had come from the pockets of deaf people all across Japan. For over ten years, it had stood as the dream of the community, and there was a strong perception that hearing people had maliciously ruined it.

**Figure 2.** Two images from a JFD brochure (translated into English) depicting the feeling of betrayal felt after the Bell Centre fiasco Source: JFD (1997: 18). Used with permission.

### 4. The JFD as a Corporate Entity

The JFD is incorporated as a *zaidan hôjin* or incorporated foundation under the Welfare Law (cf. JFD 1996). A *zaidan hôjin* is a recognized legal person (corporation), which means that it is able to sign contracts, rent property, engage in leases, borrow money, and so forth in its own name. This is significant as, prior to the NPO law of 1998, it was very difficult for non-profit organizations (NPOs) to incorporate in Japan, meaning they could do none of the important business activities detailed above (see Pekkanen 2000a, 2000b, for detailed analyses of the effects of this law). The previous legal framework only allowed for a small number of NPOs in Japan, the majority being welfare-related organizations such as the JFD, which more often than not acted as semi-official branches of the Ministry of Welfare. The JFD is perhaps no different in this regard, although it has been better than most in avoiding entanglement with the state bureaucracy by manipulating the very laws that attempt to control it.
The JFD’s status as a *zaidan hôjin* has several aspects. First, it operates under the auspices and supervision of the Ministry of Welfare. A *zaidan hôjin*, as a general rule, has its own budget and income. In the case of the JFD, its basic operating expenses come from membership dues, sales of books and sign instructional materials, conferences and other sources. Unlike the lesser welfare-related NPO forms (such as the *shakai fukushi hôjin* or *shadan hôjin*), the JFD has direct control over its own budget, income and expenditures and can engage in projects on its own volition without involving the state. Nonetheless, it is limited in scope to activities that relate to its central mission of welfare towards those with hearing impairment in Japan. Furthermore, NPO status under the Ministry of Welfare entails an onerous bookkeeping burden with numerous reports due on its projects and accounting.

5. JFD *Itaku* Contracts at the National Level

As mentioned earlier, *itaku* contracts are a way for the government to outsource work that it does not want to do internally. For example, the Ministry of Social Welfare would normally be responsible for coming up with guidelines and implementing a proper institutional structure for sign interpreters, as interpreters for the deaf in Japan are almost all volunteers or semi-volunteers under the co-ordination of prefectural welfare offices. Since the Ministry does not want to spend the time creating such a programme, it allocates money and subcontracts the task to the JFD. The same types of *itaku* projects also occur at the prefectural and local levels, filling the coffers of the prefectural deaf associations.

At the national level, the JFD’s major *itaku* projects are the ‘Research on Standardizing Signing’ (*byōjun shūwa kenkyū jigyō*) and ‘Popularizing and Increasing the Use of Signing’ (*shūwa fukyū teichaku jigyō*) projects, both under contract from the Ministry of Health and Social Welfare. Under the first project, the JFD works to standardize and develop new sign words as well as editing and publishing dictionaries and textbooks. Under the second project, the JFD teaches its member groups how to organize sign circles (informal groups that teach how to sign) as well as more formal sign classes, introduce new sign words, and do PR work to encourage the use of sign by hearing people.

All of the national *itaku* projects the JFD receives are relatively small. Because the JFD does not have any *amakudari* Board members (since the by-laws state that all Board members must be deaf) and is a *zaidan hôjin*, they receive fewer *itaku* projects than they might normally. This fiscal independence results in a greater degree of political independence, and the decision not to have *amakudari* was deliberate. But it means that the national JFD runs on a very lean budget with very low overheads and little expenditure.

The JFD has nine full-time employees at the Tokyo main office, which handles all of the administrative tasks of the JFD as well as sales of their books and other publications. Added to the full-time workers, the Tokyo office has about fifteen part-time employees. There are another five full-time employees at the Kyoto branch office, which handles the editing and printing of JFD publications (including textbooks, research books, journals and the JFD newspaper), as well as housing the JFD sign language research centre and interpreter study group.

6. In the US, the guidelines for interpreting training programmes and interpreter tests are created by the Registry of Interpreters for the Deaf (RID), a non-profit organization. The quasi-governmental aspect of the *itaku* projects can be compared to professional organizations in the US such as the Bar Association for lawyers. That is, the Bar is not a part of the state apparatus, but the state has authorized it with certain powers to act on its behalf.

7. The JFD incorporated in 1950, two years after it was founded. This was before social welfare was a central element of government policy. If a similar organization incorporated now, it would most probably find it harder to avoid *amakudari* influence if it wanted any measure of power and funding. This may have changed owing to the impact of the new 1998 NPO law, which makes it easier for NPOs to incorporate, but the real effect of which has yet to be seen.
Thus at any one time, approximately 40 people work at the JFD, including about 16 full-time employees. The small number of employees relative to members \(\frac{40}{27,000} = 1.675\) is made possible by the fact that the JFD rarely deals with individual members or directly with the public. Rather, the JFD acts more like an umbrella organization or holding entity for its member organizations, the 47 prefectural associations of the deaf. Just as holding companies do not engage in direct manufacturing or sales, the JFD as the umbrella organization of associations of the deaf serves mostly in an administrative/facilitative capacity, with the prefectural associations doing the bulk of the work.

6. Prefectural Associations of the Deaf

Deaf individuals cannot join the JFD directly; rather they must become members of prefectural affiliates, such as the Tokyo Association of the Deaf or Hokkaido Association of the Deaf. Membership dues are paid to the local affiliates; these channel back up to the JFD. When the JFD claims a membership of almost 27,000 (in 2001),\(^8\) this is really the aggregate membership of its 47 prefectural affiliate groups. Further, only people with hearing impairments are allowed to join the JFD member groups.\(^9\) This is unlike the US, where one can directly join the National Association of the Deaf, which any person can join regardless of hearing ability.\(^10\)

The 47 prefectural associations of the deaf are nominally separate from the JFD, although in reality they are part of the same umbrella network, and the JFD claims all of their members as its own. The prefectural associations are much more deeply entangled with the government than the JFD, receiving a significant portion of their operating expenses from \(\text{itaku}\) funds. Most of the prefectural association offices are located within social welfare buildings owned by the state and in many cases, their support staff are prefectural employees as well.

Prefectural deaf associations can take one of the three legal structures provided by the Civil Code. The three corporate forms available are the aforementioned ‘incorporated-foundation’ \((\text{zaidan hoji})\); ‘incorporated social welfare organization’ \((\text{shakai fukushi hojin})\); or ‘incorporated association’ \((\text{shadan hojin})\).\(^11\)

6.1 Unincorporated Associations

Eighteen of the 47 prefectural associations in the JFD remain unincorporated (JFD 2001). This has led to some difficulties for these groups in the past. For example, in 1997 the Yamanashi Association of the Deaf had still not incorporated. This meant that renting its small office, office equipment, and so forth had to be done in the name of one of its Board members. In addition, it meant that the Yamanashi Association was ineligible for most \(\text{itaku}\) funds from the state. This became an issue when the Yamanashi prefectural government decided in 1997 to build a new welfare building and include a Deaf Information Centre (Ogura 1997). Unfortunately, the prefectural government would only

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8. In comparison, the Buraku Liberation League has a membership of 190,000 dues-paying members (Reber 1999: 326).

9. I did not see a system where people were tested in any way to make sure they were ‘really’ deaf when they joined. Many people who would be considered only hard-of-hearing in the US (i.e. they can hear with a hearing aid) are members of the JFD.

10. In further contrast, the NAD has a membership of about 20,000, approximately half of whom are hearing, whereas the entirety of the JFD’s 27,000 are deaf. Most people join the NAD directly, although some members join through the more organized state associations, such as the California Association of the Deaf.

11. According to government data, in 1997 there were 13,476 \(\text{zaidan hojin}\), 12,451 \(\text{shadan hojin}\), and 13,000 \(\text{shakai fukushi hojin}\) in total (Tsujinaka 1998: 17). There was no further breakdown to see why the numbers are roughly equal as a whole.
Figure 3. Organizations must balance issues of independence and funding when incorporating.
award the *itaku* project to run the facility to an incorporated body for legal and administrative purposes, and the Yamanashi deaf association membership had already decided not to incorporate (fearing, according to one of the Board members, that they would lose their independence and that their membership fees would rise). The award went to a *shakai fukushi hōjin* incorporated entity created by the government to run the centre and staffed by hearing personnel, with the result that the community lost control over the centre’s operations.

It is clearly not in the best interests of prefectural associations to remain unincorporated, since they are left out of many of the *itaku* projects that directly affect their members. Indeed, a few years after the fiasco, the Yamanashi Association incorporated as a *shadan hōjin*. Most of the unincorporated prefectural associations have very small numbers of deaf members or are socio-economically or socio-politically depressed. Each year, the number of unincorporated associations gets smaller as they realize that they must incorporate if they are to survive at all.

### 6.2 Shakai Fukushi Hōjin

The first and smallest category of incorporation, *shakai fukushi hōjin*, contains organizations that are closely involved with the state in social welfare activities. Of all of the organizational structures, this has the least financial and political independence from the state. Five prefectural deaf associations are organized at this level. Because *shakai fukushi hōjin* basically receive all their operating funds from their *itaku* projects (for example, a sign interpreter dispatch programme or sign interpreter training course), the state implication works both ways—the state cannot easily cut off funding to a *shakai fukushi hōjin*, once started. On the positive side, it allows associations to move into the prefectural welfare services building, saving a considerable amount of rent, as well as having prefectural employees as support staff. On the significant minus side, a *shakai fukushi hōjin*’s activities are effectively limited to the scope of its *itaku* projects. Because of these significant limitations on independence, the few prefectural associations at this level tend to be smaller and weaker than their other hōjin brethren.

### 6.3 Shadan Hōjin

The greatest number (23) of prefectural deaf associations are the middle type of *shadan hōjin*. This type of incorporated body is in between *shakai fukushi hōjin* and *zaidan hōjin* in terms of both funding sources and governmental independence. They have enough resources to rent their own office space and staff workers. They are able to engage in their own activities without having to justify them as being directly ‘social-welfare’ related or part of their *itaku* projects but are still greatly reliant on *itaku* income for a large part of their operating costs. Nonetheless, the *shadan hōjin* status allows for a balance between independence and fiscal support that is pragmatic at the prefectural level.

### 6.4 Zaidan Hōjin

Only one prefectural association is at the top level of *zaidan hōjin*, the Kumamoto Association of the Deaf, on the southern island of Kyushu. This has been a traditional powerhouse of activism and is unique among all of the associations in having enough financial resources to own its own building and more or less dictate its own politics in the region.

### 6.5 Manipulating Organizational Structure to Get Itaku Contracts

One downside to achieving *shadan hōjin* or *zaidan hōjin* status is that organizations then become ineligible for some of the more lucrative *itaku* projects. The state obviously wants to maintain close
control of the projects, so it prefers to give them to *shakai fukushi hōjin* organizations. The way the associations usually work around this is to split off a smaller, focused group that only works on that particular *itaku* project. For example, the Fukuoka Association of the Deaf is a *shadan hōjin*, but the state wanted to grant the Deaf Information Centre grant to a *shakai fukushi hōjin*, so the Association created a new *shakai fukushi hōjin* entity specifically for the purpose of running the centre. In that way, the Association was able to keep closer control of the centre than if the state had decided to run it itself. The ability to act in this amoeba-like fashion greatly depends on the political strength of the organization. For example, in the Yamanashi example above, the Yamanashi Association just was not organized or strong enough to create its own branch entity; thus it lost the contract and the ability to provide direct input in the operation of its centre.

As of July 2001, of the 47 prefectural associations, 18 were unincorporated, five were *shakai-fukushi-hōjin*, 23 were *shadan hōjin*, and only one (Kumamoto, as above) was a *zaidan hōjin*. There is a gradual escalation where the remaining unincorporated organizations move up to *shakai fukushi hōjin* or *shadan hōjin* once they mobilize and build stronger financial resources. However, it is unlikely that any of these groups will become powerful enough to become *zaidan hōjin*, like the Kumamoto Association, in the near future.

When an association incorporates, apart from the usual legal strictures of incorporation (the necessity to organize a Board of Directors, by-laws, etc.), one other significant change occurs: *a legal name change*. Although most of the prefectural associations were named the XYZ Prefectural Association of the Deaf (*XYZ-ken Rōsha Renmei*) before incorporation, the state usually places strong pressure on them to include the hard-of-hearing as part of their population group as part of their corporate by-laws. Thus, most of the incorporated associations are renamed the XYZ Prefectural Federation of Hearing-Impaired Persons (*XYZ-ken Chōkaku-shōgaisha Renmei*). In many prefectures, deaf and hard-of-hearing groups have traditionally had bad blood between the two (partly due to the deaf groups’ success at winning many contracts and benefits that the hard-of-hearing groups felt they were also entitled to). The two groups are forced together under the auspices of a single prefectural organization by the state, which wants to reduce its administrative overheads, despite the fact that the groups may have little in common other than a hearing problem.

For example, the deaf groups need sign interpreters and sign training workshops, while the hard-of-hearing groups (which consist of individuals who do not sign but lip-read/speak orally) want open text captioning of public events using overhead projectors or computer video captioning. Deaf groups want to maintain schools for the deaf and use signing in the classroom, while the hard-of-hearing want to improve the situation for students who are mainstreamed. Although there are indeed points on which they agree, the larger *itaku* projects have mostly been sign related and do not aid the plight of the hard-of-hearing.

One prefectural association head gave an example of the bad blood in his community. The association received some *itaku* money to increase the use of signing among doctors and nurses. Part of this campaign was the distribution of buttons that read ‘I can sign!’ and a little cartoon of someone

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12. Between 2000 and 2001, two unincorporated associations incorporated. One (Yamanashi) as a *shadan hōjin* and the other, Fukuoka, as a *shakai-fukushi-hōjin*.

13. Robert Pekkanen (n.d.) notes, ‘citing the Civil Code’s call for a “sound financial base”, bureaucrats have frequently insisted on an aspiring PIP’s [*tokutei kōeki hōjin*] possessing at least ¥300m (S$3m) in capital’. This is clearly out of the reach of most non-profit organizations in Japan, especially at the prefectural level. For example, the largest prefectural deaf association has barely over 2,000 members. The national JFD and prefectural Kumamoto Deaf Association both incorporated as *zaidan hōjin* when the financial standards were somewhat looser.
signing, that doctors and nurses could pin on their jackets. The hard-of-hearing association, learning of this project at the last moment, challenged it, claiming it did not help the hard-of-hearing who could not sign.

The state’s rationale for contracting welfare projects to a single organization is similar to the madoguchi-ippo (One Window Policy) followed with the Buraku situation. The state does not want to handle the situation directly itself, and having a single organization to deal with greatly simplifies matters. Forcing two competing organizations to share the same umbrella in order to receive contracts greatly weakens them. This may have been a lesson learned from the disastrous policy of giving Buraku itaku contracts to the strongest organization in each prefecture (either the BLL or the Zenkairen), which only functioned to make that organization stronger and less easily controllable (Reber 1999).

7. The Importance of the Itaku Projects

The importance of the itaku projects should not be underestimated. It is to run these projects that the state gives the organizations NPO status. The itaku projects at the prefectural level usually fall within several categories: sign promulgation and teaching grants; interpreter dispatch service grants; OHP dispatch service grants; job counselling grants; and Deaf Information Centre grants. By running the projects, the deaf associations centre themselves within the deaf community by becoming the provider of essential services.

In the majority of prefectures, the association has control over the interpreter dispatch service (contracted from the prefectural association welfare services department). This means that all deaf people who want to have an interpreter present at their school PTA meeting, job interview, doctor’s appointment or so forth, must contact their local association. The dispatch service looks at their roster of registered interpreters and dispatches one, if available. The interpreters, who are generally housewives who are freelancing, are paid a nominal fee (around ¥800 an hour, or $5) and travel expenses. These funds come from the prefectural government. The association runs the interpreter training programme and also administers the interpreter-licensing exam for the prefecture.14

Another important service is sign training. The prefectural government wants to encourage (hearing) citizens to learn basic signing and also increase the number of registered sign interpreters. The itaku contract to the prefectural associations is usually for informal signing circles as well as more formal sign interpreter training courses. The signing circles, which usually meet once a week in a welfare building or cultural centre, are now common in most towns in Japan. One or two deaf people run the circle (they are paid a nominal fee, although some are volunteers) and teach basic signing, but the main purpose is social. Most of the students are housewives who take the course once and never return. But a good number do go on to take the sign interpreter training courses, which are run by deaf teachers who have more training in teaching skills and are paid accordingly. A savvy prefectural association head will make strategic choices in choosing the teachers for the signing courses, since teaching these can be both lucrative as well as high in social rank.

14. In contrast, in the US, interpreter services are the responsibility of the public facility that the deaf client is visiting. If a deaf person goes to a hospital or school, for example, the Americans with Disability Acts stipulates that the hospital or school must make a reasonable accommodation to providing appropriate services (‘reasonable accommodation’ does not necessarily mean an interpreter, which causes a great deal of grief and ADA lawsuits) to accommodate that individual. Any public facility (including private enterprises such as cinemas, aeroplanes, hotels) must meet the ADA requirements. However, the government is not involved in the dispatching of interpreters. Many states do have an interpreter licensing programme, but others delegate that responsibility to a non-profit organization, the Registry of Interpreters for the Deaf. Professional sign language interpreters in the US charge between $12 and $40 an hour, depending on their skill level.
Finally, if a prefectural association can achieve control over a Deaf Information Centre, this can be quite a boon to its own organizational efforts. This often means that it will gain its own office space, classrooms, a theatre hall where it can show captioned videos and movies, video lending library, and so forth. The centre, and the itaku money it brings to hire staff, can provide a secure and bounded physical space for deaf people to come and benefit from the association’s work.

8. Counter-Strategy: Divide and Conquer

The strategy adopted by the JFD to retain control of its activities from the government is multi-leveled. At the national level, the JFD operates as a *zaidan hōjin* under the Ministry of Health and Social Welfare. This means that most of its basic operating expenses come from member dues and the JFD insists that it is self-sufficient in this regard. There are also no *amakudari* bureaucrats on the JFD Board of Directors: there is a strict policy that only members of the JFD can be Board Members, and only deaf persons can be members. This lack of *amakudari* means that the JFD is poorer than one might expect for a national organization. The offices in Tokyo and Kyoto are cramped and dirty. The staff are overworked and underpaid. One staff member admits that they are *binbō-kusai* (‘smelling of poverty’) because they derive no direct operating expenses from itaku.15

Normally, this would be the kiss of death for a large organization like the JFD, which has a membership of over 27,000 deaf persons. They would not have enough project funds to take care of their members. This is where the JFD has proved to be flexible in manipulating the system. The JFD is a federation of independent prefectural associations of the deaf. The prefectural associations of the deaf are a mixture of non-incorporated and incorporated organizations, but the important thing is that their legal status is independent of the national organization, the JFD.

At the prefectural level, the stronger prefectural deaf associations have been able to manipulate their legal status to achieve a balance between control over itaku projects and their own independence. The JFD delegates member services (including interpreter dispatch/training, etc.) to the prefectural associations, who are better able to utilize itaku contracts to provide these services. But the close working relationship with the government makes social protest more difficult, especially when itaku contracts are on the line. This is where the nominal independence of the national JFD from its prefectural associations, as well as the JFD’s independence from major itaku contracts, is beneficial. The JFD has more leeway to interact with the government on an adversarial (by Japanese standards) basis, something which a *shakai fukushi hōjin* could not contemplate. The JFD at the national level is outside the system, whereas its prefectural associations are within the system: the best of both worlds.

However, there are times when even the JFD is too closely associated with the government to act independently. One of these was in 1999 when the JFD decided to protest laws that prevent deaf persons from occupying a number of professions (medical doctors, pharmacists, police officers, etc.). In this case, the JFD created a new group solely for the purpose of challenging the laws. Even though the co-ordinating committee and staff members of the group were all drawn from the JFD, on paper it was a separate entity with ‘support’ from the JFD. Members of this group held a demonstration, marched to the Ministry of Social Welfare, and lodged a formal protest.

15. The JFD does have a few itaku projects at the national level. The largest is the Sign Standardization and Promulgation contract under the Ministry of Health and Social Welfare. This mandates the JFD to create new signs, standardize current signs, produce JSL textbooks, and undertake teacher/interpreter training. The second large contract is the International Deaf Leader Training Program, under JICA. But in both of these cases, the itaku contract funds only pay for expenses directly related to those projects, not towards the general operating budget of the JFD.
Multi-level organizational structure allows for receipt of itaku funds as well as political independence.
The impossibly long name of this ephemeral group was the 'Headquarters for Focused Planning to Revise Laws that Discriminate against the Hearing Impaired' (Chōkaku-shōgaisha o Sabetsu-suru Hörei o Kaisei suru Chūō Taisaku Honbu). It was composed of nine organizations, the JFD (zaidan bōjin), the Japanese Federation of Hard of Hearing and Late Deafened Persons (shadan bōjin), the National Federation of Schoolteachers of the Deaf, the Schools for the Deaf Alumni Association, the Research Group for Sign Interpreter Issues, the Research Group for Real Time Transcriber Issues, the National Organization of Parents of Hard of Hearing Children, the National Federation of Parents of Children with Hearing Impairments, and the National Federation of PTA Groups at Schools for the Deaf (see Figure 5). Of these, only the first two are officially recognized bōjin associations, both under the Ministry of Health and Social Welfare.

The seven unincorporated groups would in the US be considered subcommittees, working groups, or sections within the two parent organizations. They share office space and staff with the larger organizations and receive direction from them. But as both the JFD and the Federation of Hard of Hearing have strict rules that only deaf/hard-of-hearing people may be members (this is in part related to their itaku funding), the parents and teachers of deaf children are nominally separate. Normally, it would be hard for these unincorporated groups to meet with the Ministry, and normally it would be difficult for the JFD to make such a forceful protest statement. But through creating a separate, temporary group, they manage to create and squeeze through a loophole in the system.

9. Participatory Welfare

This amoeba-like ability to spawn off subgroups that engage the government at different levels is what one JFD leader termed ‘participatory welfare’ (sanka fukushi). That is, rather than viewing welfare as manna from heaven, the suckling teat depicted in the ASL sign for ‘welfare’, this leader felt that the Japanese deaf community must engage directly in welfare and participate in its creation and execution. A JFD staff member recently described to me the JFD’s practice of allocating responsibility for particular projects to nominally separate organizations as a form of ‘out-sourcing (autošō-shingu).’

Ideally, I would have liked to be able to say that the JFD was making the best of both worlds and that its strategy of multilevel flexibility is a resounding success. In many ways, it is. But just as corporate diversification can be described as a response to unpredictable market conditions, JFD outsourcing is a mechanism to protect the central organization from overt control by the bureaucracy: a defensive strategy. There have been failures as well, such as the case of the Yamanashi Association discussed above. It is interesting to note other places where the system has failed. The acceptance of itaku contracts at ground level has forced complications on the prefectural associations. The Welfare Ministry would like to solve all its deaf and hearing-impaired problems in one fell swoop, and has put pressure on deaf organizations to represent not only the deaf, but all persons with hearing impairments. This has led to a number of organizations changing the key term in their titles from ‘deaf’ (rō) to ‘hearing impaired’ (chōkaku shōgaisha). Unlike the move in the US away from biological terms to cultural ones (homosexual to gay; negro to Black), the trend has been the opposite in Japan due to this need for what could be called ‘represent-ability’—the ability to represent the entire spectrum, a somewhat different concept from those prevalent in the US—‘inclusion’ or ‘diversity’—although the end result is similar.

Unfortunately, this has had an ironic impact on the deaf youth, many of whom have grown up mainstreamed in hearing schools and do not identify as deaf or hard-of-hearing at all. They do not find themselves attracted to either the welfare or discrimination aspects of the JFD’s political mobilization. Although often pressured to join the prefectural association by their local city office,
Figure 5. The nominally independent protest group was created from nine other organizations.
they do not find much appealing in the JFD. At the opposite end of the spectrum, the ennui felt by some deaf youth has also led to a cultural backlash with the emergence of a radical Deaf Culture organization that strongly advocates a US-style identity politics. The JFD has found it extremely difficult to recruit youth, since they are usually on either extreme of the political ground on which the JFD has so carefully staked out its central-leftist position.

10. Welfare Backlash
Unlike in the US, there is little stigmatization of the term for ‘welfare’, fukushi, in Japan. As Japan becomes a rapidly ageing society, the question of social welfare services for the elderly and handicapped have dominated politics for the past half-decade. Although there are shifts away from total governmental control towards a consumer-payer system (driven mostly by the fact that with Japan’s dropping birth rate, previous systems were rapidly becoming unaffordable), as well as grave concerns about the long-term viability of the social welfare system, there is almost no debate about whether the system should be abolished. No tropes of ‘welfare mothers’ giving birth to inner-city children merely to live off state-aid have sullied the socio-political imaginations of the Japanese.

Ironically, the backlash against welfare has come from within the deaf community. Iwabuchi Norio (1991), himself deaf, criticizes the attitude of Japanese deaf citizens, who, he says, always clamour for handouts, ranging from half-price train tickets to free rolls of fax paper. This is what has prevented Japanese deaf people from gaining true independence, in his view. For his inspiration of what is needed for true independence, he looks towards the Americans with Disabilities Act of 1990, which seeks to outlaw discrimination based on disability and to equalize access, but does not in itself provide proactive welfare benefits.

11. Changes in the Legal Framework and the Future
In the past five years, there have been three significant changes to the legal framework in which social welfare NPOs exist in Japan: (1) the introduction of the 1998 NPO Law; (2) the introduction of the Long Term Care Insurance Programme (kaigo hoken) in April 2000; and (3) the January 2001 reorganization of government ministries.

11.1 New NPO Law
As of July 2001, none of the non-incorporated prefectural associations have tried to incorporate under the 1998 Law for the Promotion of Specified Nonprofit Activities (‘NPO Law’; for background, see Pekkanen 2000a, 2000b). The primary benefit of NPO incorporation under the 1998 law would be that the organizations could sign leases and employee insurance policies in the corporate name, but it would not necessarily lead to the greater number of itaku contracts that social welfare hōjin status would bring. In April 2001, the JFD national organization did incorporate a small subsidiary under the new NPO law to co-ordinate and lobby for greater access to Communication Satellite (CS) services. While the splinter organization receives money from the Bicycle Promotion League, it does not receive itaku funds from the central government.

11.2 Kaigo Hoken
The new Long Term Care Insurance (kaigo hoken) programme introduced in 2000 portends great changes in the relationship between individuals, civil society organizations and the state by commercializing various aspects of the social welfare system (cf. Campbell and Ikegami 1999). That is, rather than
giving *itaku* contracts to hōjin, the state wants to move towards a market-based, consumer-payer system. This frees individuals from having to go to the *itaku*-contracted hōjin for services, thus liberating them from any type of madoguchi-ippō restrictions. This has the effect, however, of greatly weakening the ability of organizations to offer services that benefit their members and thereby bring in new ones. For this reason, the JFD has been spending a great amount of time preparing for the changes as social welfare services can no longer be their main forte. According to one JFD leader I spoke to in July of 2000, the shift will be made towards information and resource gathering and dissemination.

### 11.3 Reorganization of Government Ministries

The January 2001 reorganization of government ministries has had a particular effect on the JFD. The Ministry of Social Welfare was merged with the Ministry of Labour. Previously, the JFD had to co-ordinate with both ministries in order to work on social welfare and work practices, respectively. The rationalization (*gorika*) of the two ministries works to the JFD’s benefit. If social welfare *itaku* decline because of the Long Term Care Insurance plan, then perhaps they can be made up through labour-related *itaku* grants to promote the hiring of deaf and disabled persons.

### 12. Summary and Significance

The intention of this paper was to describe how the JFD and its affiliate prefectural associations use the *itaku* contract system and non-profit corporate structures (the various hōjin entities) to their benefit by borrowing the corporate model of diversification and outsourcing to outmanoeuvre the system. Most prior research on NPOs in Japan has approached the issue from a top-down legal perspective which more or less assumes that the laws create the categorical boundaries and discourse in which the NPOs exist. However, the relationship between power and resistance is complex and intertwined. As Foucault noted (1979, 1990), people use the very categories of oppression to form the kernels of resistance and identity.

James Scott argued in *Weapons of the Weak* (1985) that peasants were able to manipulate oppressive social structures to engage in everyday forms of resistance. What I have tried to show in this paper is that such ‘weapons of the weak’ can be engaged by minority civil society organizations as well. In the case of the JFD, a savvy approach to bureaucratic laws created opportunities for manoeuvring and manipulation, shaping the structures used for protest and social change.\(^\text{16}\) Just as the state outsourced their problems to other groups, the deaf associations in this situation exhibited an amazing ability to split amoeba-like into smaller, more regulated entities in order to reap the benefits of the *itaku* projects, thus having their cake (project funding) and eating it too (avoiding strict government control of their operations).

### References


\(^{16}\) In the social movements literature, Charles Tilly (1978) has commented on how social protest in the US and Europe has been similarly shaped over time by the types of opportunities and forms of repression placed by the state.


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