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Title: “Embedded Racism: A Critical Analysis of the Structural Dynamics Behind Racial Discrimination in Japan.”

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Introduction

Japan has a curious legal contradiction: Article 14 of the Japanese Constitution guarantees protection against discrimination by race, but there is no law in Japan’s Civil or Criminal Code that explicitly forbids or punishes racial discrimination (jinshu sabetsu). The consequences of this legal situation may be seen in “Japanese Only” signs and rules in places like restaurants, bars, and public bathhouses (cf. the Otaru Onsens Case of 1993-2005), where people who look “foreign” have been refused entry and service. This differentiation and exclusion is also codified in Japan’s laws, such as the Fundamental Law of Education (Kyōiku Kihonhō), where certain rights and privileges are reserved for “citizens” (kokumin); and in the enforcement of its laws, where
certain statutes, such as the revised Hotel Management Law (*Ryokan Gyōhō*), specifically single out “foreigners” for additional scrutiny and background checks. The issue thus becomes, “How does one decide who is a ‘foreigner’ and who is a ‘Japanese’?”

This dissertation argues that this process of differentiation is not only a function of one’s legal status. It is also a function of how one “looks” phenotypically. In the case of “Japanese Only” establishments, if you “look Japanese,” you are treated as a “Japanese” and admitted for service; if you do not, you are refused service as a “foreigner,” regardless of legal status. This has repeatedly been seen in the author’s fieldwork conducted at “Japanese Only” establishments nationwide.

**Research Question and Method**

The research question is, “How does Japanese society reconcile constitutional guarantees of equal protection under the law with institutionalized practices that discriminate by physical appearance and nationality?” The answer given in this research involves an analysis of Japanese society at the micro and macro levels. The micro level refers to localized individual interpersonal reactions among people in everyday life, some of whom occupy positions of agency (e.g., as shopkeepers, business owners etc.) to permit or deny service to individuals as customers. These behaviors and decisions towards other
people have been justified and normalized by structures and narratives created at the macro level of society: laws; agencies that create, interpret, and enforce the laws; and the mass media.

Fieldwork generated micro-level surveys of managers of “Japanese Only” establishments to uncover the contours of their decision-making processes: how and why they chose “Japanese” customers on the basis of physical appearance alone, using racialized paradigms that assumed and treated anyone who looked “foreign” (gaijin) as not “Japanese.” Next, the author conducted a macro-level survey of Japan’s laws, government interpretation and enforcement of those laws, and media dissemination of a national discourse indicating how a “Japanese” must necessarily “look Japanese.” By doing so, the author sought to demonstrate how Japan’s racialized national narrative justified and normalized the racialized behavior of “Japanese Only” businesses.

**Research Methodology**

This research subscribes to Postmodernist/Postcolonialist theories that views race as culturally constructed rather than biologically given, and racism as a social ordering process found in every society, due to the mechanisms of nation-state formation and maintenance. Every nation has a legally-encoded membership structure (citizen vs. non-citizen), and creates national narratives
to foster a sense of community within its citizenry. However, in the process of (1) differentiating between “member” and “non-member,” every nation-state also (2) “others” those non-members (to show that they are not of the same community as their citizens), and (3) subordinates non-members (by denying them equal rights with citizens, by definition). To many Postmodernists, this three-step procedure is the process of racialization, and historical example indicates that the creation of a society’s social majorities and minorities are not always citizenship-based (hence the subordination of citizens within the same nation by region, class, historical and social origin, etc.), nor necessarily phenotypically-grounded (hence the subordination of the biologically-indistinct Irish minority in early 20-century Britain).

In this research, Japan is examined under three methodologies. One is Critical Race Theory, which analyzes legally-enfranchised dominant and subordinate relationships created by racialized allocations of social power; this dissertation applies CRT’s analyses of the power structures created by a dominant (White) social majority in the United States to Japan’s dominant social majority (called “Wajin” in this research), in order to uncover the universality of nation-state racialization processes. The second methodology is Grounded Theory, which takes a large number of disparate data points (in the case of this research, more than a decade of surveys), finds codes and themes within the data set, and creates testable hypotheses and research questions from the ground up, rather than imposing preset hypotheses on the data. Third,
these two methodologies are combined under Critical Race Grounded Methodology, which can reveal the structures behind social power, and give framework and context to demonstrate how the micro and macro levels of social order interact and reinforce each other.

**Structure of the Dissertation (abridged)**

Chapter One: Introduction

- Overview: Contextualizing the Research Problem and Research Questions
- Introducing “Visible Minorities” and a Theory of “Embedded Racism”
- Methodology

Chapter Two: Literature Review

- Overview of the Debate regarding Racism in General
- Deconstructing “Racism”: The merits and shortcomings of Postmodernism and Postcolonialism
- Japan’s racialization dynamic: Blind spots in the scholarly canon
- Prominent Japanese research on discrimination in Japan without reference to skin color

Chapter Three: Methodology and Methods of Data Collection
• The Insights of Critical Race Theory and Embedded Racism
• Data Collection and Analysis under Grounded Theory, Critical Race Theory, and Critical Race Grounded Methodology

Chapter Four: Findings at the “Micro Level”: Surveys of “Japanese Only” Exclusionary Businesses
• Case studies of private-sector "Japanese Only" signs and rules in Japan
• Case studies of civil court lawsuits against discriminatory businesses in Japan
• Summary of Findings for Chapter Four using Grounded Theory

Chapter Five: Findings at the “Macro Level”: Embedded Racism in Japan’s National Discourse
• “Macro-level” Findings Part One: The national discourse as created by laws and administrative regimes regarding treatment of “foreigners”
  o Japan’s Nationality Law and Japanese bloodline advantages
  o Japan’s official registry systems and the exclusion of non-citizens from family units
  o “Nationality Clauses” and the exclusion of non-citizens from employment and social security systems
  o Registry Systems, Policing, and Racial Profiling
• “Macro-level” Findings Part Two: The national discourse as created by official government policies through interpretation of and changes in laws
  o The Basic Act on Education and exclusion of non-citizens from Japanese education
  o Status of Residence (visa) regimes and Japanese bloodline advantages
  o Non-citizens as an official “public security” issue

• “Macro-level” Findings Part Three: The national discourse as created by media representation of “foreigners” in Japan
  o Effect of minority underrepresentation in Japan’s media: Misrepresentation
  o Government depictions of “foreigners” as criminals in the media
  o Legislators targeting and denigrating “foreigners” for political gain
  o The complicity of Japan’s media in generating racialized xenophobic propaganda
  o The long-term social damage from racialized propaganda: Dehumanization
  o Official administrative negligence towards non-citizens and Visible Minorities
• Part Five: Grassroots challenges to and official maintenance of the exclusionary status quo
  o Domestic challenges to the status quo
  o Official arguments defending the status quo, as expressed to the United Nations

Chapter Six: Discussion of the findings under Grounded Methodology, Critical Race Theory, and Critical Race Grounded Methodology

Chapter Seven: Concluding Thoughts, and Future Research

Research Conclusions

Although the research canon on Japan generally argues that there is no “color stigma” underpinning discrimination in Japan (tending for example to speak of 

*ethnic*, rather than *racial*, discrimination), this research finds that there is a color stigma, as witnessed in those “Japanese Only” establishments rejecting certified Japanese citizens who do not *look* Japanese. To analyze attitudes towards these visibly-different peoples in Japan, this dissertation introduces the concept of “Visible Minorities” (in addition to the other “Invisible Minorities” in Japan who may not be citizens, but who can “pass” as “Japanese” at an exclusionary establishment), to bring out a hitherto under-
researched aspect of discrimination in Japan. The reason why racialized "Japanese Only" refusals can happen even though they are unconstitutional is accounted for in this research under a theory of “Embedded Racism”: the concept of Japanese necessarily “looking Japanese” is so accepted and unproblematized that it has become embedded and codified as part of “normal” behavior in Japan’s social order.

The ramifications of Embedded Racism are profound. In light of an aging society with a declining population and low birthrate, Japan needs more young Japanese workers and taxpayers to remain financially solvent. However, if only people who “look Japanese” will be treated as “Japanese”, then neither immigration nor intermarriage will offer viable solutions; people will not feel encouraged to stay and prosper in Japan if their phenotype will cause them and their families to suffer subordinate social status and legal treatment. Thus the treatment of Japan’s “Visible Minorities” is the metaphorical “canary in the coal mine” regarding Japan’s future. This dissertation concludes that Japanese society is suffocating under racialized conceits of citizenship and national membership. Unless there is a revolution in self-perception and ideology, Japan will not be able to avert its impending demographic crisis.