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Supreme Court Finds Relatives Responsible in Burakumin Marriage Discrimination Case

"Discrimination by my brother-in-law and other relatives of my husband brought about a rupture in our marriage, leading to my husband's disappearance and the eventual breakdown of our marriage", maintained a wife of Burakumin origin in a civil suit demanding a divorce and compensation.

On 30 November 1989, Presiding Judge Seiichi Obori of the First Petty Bench of the Supreme Court said in the court's decision, "the husband's brother and his wife dishonored the plaintiff, implanting in the husband discrimination against the Burakumin wife", and turned down the appeal of the defendants. The defendants were asking to dismiss the Higher Court's earlier decision which held them jointly responsible for the discrimination and payment of 7 million yen compensation to the wife.

In marriage discrimination incidents against Burakumin spouses, the relatives' discriminatory attitudes are more often the cause of marriage failures than the attitudes of the spouses themselves. The Supreme Court concluded in its decision that the relatives were responsible.

The wife, 42, an office clerk living in the Chugoku region, sued her husband, also 42, her husband's brother and his wife, as well as her husband's sisters for their discriminatory actions. According to the earlier decisions made in the District Court and the Higher Court, the man and his wife went to the same high school and started going steady after they finished high school. The girl told him of her Burakumin origin and asked him to leave her, but after a while the man told her to "trust him and walk the same path

with him". They resumed seeing each other and started preparing for their wedding. Just before their wedding, the man's sister-in-law wrote to the man saying, "your deceased mother would be in great sorrow in the other world if she knew about this marriage. Besides, my mother told me before my wedding to be sure that I didn't marry a man from a Burakumin family" The bridegroom-to-be never appeared at the wedding ceremony and it took place without him.

In 1970 the wife filed a complaint of marriage discrimination at the Regional Legal Affairs Bureau. In 1971, with the Bureau's guidance, the husband took the legal procedure of marriage registration. However, the husband never wanted his own child, saying that his nephews would hold a grudge against him if he had a child with Burakumin blood, etc. Thus their married life had never been happy. Eventually the husband left the home in 1979 and has never been heard from since then.

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The earliest judgment of the District Court only acknowledged the wrong doings of the husband and granted a divorce with a compensation of 7 million yen to the plaintiff. However, the court exempted

the other defendants (the relatives of the husband) from joint responsibility because of a lack of clear and direct evidence.

Committee set for UN Literacy Year

Word "Letter Blind" to be Purged

1990 is UN International Literacy Year, aiming to eliminate illiteracy in the world.

On January 17, 1990, 16 organizations formed "The Central Executive Committee for the Promotion of International Literacy Year." Among the participating organizations to the Committee were the Buraku Liberation League, the National Council of Dowo Education Studies, the National Liaison Conference to Combat National Discrimination and various other organizations currently engaged in literacy promotion activities in Buraku areas and night junior high school classes.

In this assembly to form the Committee an Appeal was adopted. It demands that the government, in response to the relevant UN resolution, 1) draw up a Ten Year Action Plan to eliminate illiteracy in Japan; 2) disseminate the understanding of literacy as a fundamental human right; and, 3) undertake a survey on illiteracy in Japan with the purpose of arousing concern for literacy promotion activities. (The Japanese word "mon-mou" or "illiteracy" can be translated literally as "letter-blind"; it is an obstacle to the promotion of literacy awareness in Japan. It is also a cause of discrimination against the visually impaired.) The assembly sent this Appeal to the Prime Minister's Office, the Ministry of Education and to the Ministry of Foreign Affairs.

According to UNESCO statistics for 1989, there are 926 million illiterate people in the world and 666 million in Asia. The UN General Assembly of 1987 adopted a resolution to designate the year 1990 as "The International Year for Literacy" and called for UN member states to overcome illiteracy. In Japan the government reports to the world that "with a 99%

compulsory education rate, no illiteracy problems exist here". However, according to the Buraku Liberation League and other organizations currently engaged in the literacy promotion movement, there are about 3 million who are illiterate. In addition, new illiteracy problems are arising here: provisions are urgently needed to meet the increasing needs of Japanese returnees from China and their families, resident refugees and foreign workers who want to learn Japanese.

Illiteracy is closely linked with poverty and social discrimination. Without any public support now being given and with the help of volunteer groups, about 600 literacy classes in Buraku areas, the literacy movement among the resident Koreans and other night junior high school classes are trying very hard to overcome the problem.

The Committee plans to undertake a nationwide survey on illiteracy before the designated "Literacy Day" of September 8. And as for the Japanese expression "Letter Blind", the Committee will strongly appeal to the public in general to replace it with the expression "Hi-shikiji", a direct and literal translation of the word "illiteracy".

The Committee considers the former expression as doubly insulting and reproaching; it uses the character "mou" (blind) which in this context has a rather derogatory implication and ignores the actual circumstances of people who were not assured of proper educational opportunities. It also overlooks the historical and social background where this term was (and still is) used with contempt toward the visually impaired, leading to discrimination against these people.

"Apartheid Non !" International Art Exhibition Opened in Osaka

From November 8 to December 9, 1989 the "Apartheid Non!" International Art Exhibition was held at nine locations in the Osaka area (in the cities of Osaka, Kaizuka, Sakai, Tondabayashi, Neyagawa, Higashi-Osaka, Ibaraki and Toyonaka and also at the Osaka City University). The Exhibition was promoted by the Osaka Liaison Conference for the Universal Declaration of Human Rights.

The total number of visitors in the Osaka area was over 30,000. This figure was surprising for this kind of modern art exhibition. The promoters had three objectives before the opening :

1) people should take this opportunity to think about the problem of apartheid which is a symbol of discrimination in the world; they should also think about Buraku discrimination in Japan, and human rights issues in general.

2) through the modern art people would turn their eyes toward human rights problems, in particular the apartheid system in South Africa. The promoters hoped that children, who are especially sensitive, would be impressed by the exhibition.



3) Local liaison conferences who played an important role in the exhibition, would, as network members of the promoter, help to strengthen and develop the Osaka Liaison Conference for the Universal Declaration of Human Rights.

Looking back after all the exhibitions, the pro-



motors are confident that these three goals have been achieved. They consider the exhibition to have been

a step toward the anti-apartheid movement and human rights activities.

Anti-Discrimination Struggles of the United Nations and Japan

"Homogeneous Society" Generates Discrimination

Kinhide Mushakoji

Two hundred years ago the French Declaration of Human Rights proclaimed that "Men are born free and equal in rights" and asserted that the elimination of discrimination and the assurance of human equality would constitute the foundation of human rights.

The Universal Declaration of Human Rights, adopted 160 years later at the United Nations, confirmed that the elimination of discrimination and the establishment of peace would constitute the foundation of peace when it stipulated that the "Inherent dignity and equality of all members of human society make the foundation of justice and peace".

Now that 41 years have passed since the Declaration, I argue emphatically that the elimination of discrimination means struggling against war, environmental destruction, the disabling impacts of advancing information, machinery and technology. It is truly a fight against the crisis facing humanity.

The founding of IMADR (the International Movement Against All Forms of Discrimination and Racism) is happy news for international movements against discrimination. From the perspective of the UN, actions to protect human rights mean struggling against discriminatory forces in the world.

States are not necessarily guarantors of human rights; in reality, states often violate human rights.

The United Nations was founded as an anti-fascist organization by the allied nations and their peoples who had defeated the forces of fascism, in order to create a world of peace and democracy. The proclamation of the Universal Declaration was meant to advance this initiative. Put differently, the UN does not belong only to states, but is inherently an organization to serve peoples fighting fascism.

The United Nations has treated the issues of human rights in this general context and has created legal frameworks against discrimination at both the UN and regional levels. The formation of systems and rules against discrimination is certainly in progress in the world.

However, in the Asia-Pacific region, including Japan, comparable progress is slow, as is indicated by the non-existence of a regional human rights charter, a human rights committee or a documentation center.

Examined in this light, the fact that movements are actively engaged in Japan for the legislation of the Fundamental Law for Buraku Liberation and the New Law for Ainu People is to be highly regarded. I earnestly hope that these movements will catalyze the process to create mechanisms against discrimination in the Asia-Pacific region.

Human Rights Activities Indispensable

Regional human rights committees have been formed in Africa and Arab regions. Such organizations and mechanisms are not yet effective enough, however, to solve actual human rights problems. The continued practice of Apartheid in South Africa is a testimony to this view.

A large number of people, eminent individuals and ordinary people included, have joined the struggle against Apartheid. This tells us that not only the creation of mechanisms but also courageous non-violent movements of people are necessary in the fight for freedom and human rights protection.

Some people argue that human rights are protect-



ed in the advanced industrialized nations while they are not in the Third World. This is clearly a misguided perception.

I recall that a student from the Philippines under the Marcos government once said, "Philippine society is more democratic than Japanese society." I agree. The student also said, "In the Philippines many young people are ready to die in their struggle for democracy, freedom and rights. But in Japan it is not the case."

The Human rights movement is growing in the Third World. This situation is not much known because discriminatory forces supported by foreign aid and the military appear stronger.

In the US and Europe anti-discrimination mechanisms and systems are effectively used in movements against discrimination; this is a different situation from the Third World. In the West equality and anti-discrimination principles are stipulated in the constitution and other laws. They are honored at least in words. Norms of social values are also constructed on these principles. Court struggles and public campaigns are engaged in this general context. We may see this as an attribute of an advanced society.

This does not indicate, however, that discriminatory forces are declining in the US and Europe. In the US, for example, there are racist organizations like KKK that attack black people.

What kind of systems and laws need to be created in Japan? The demand for the legislation of the Fundamental Law for Buraku Liberation is one example. At the same time we must determine if the creation of laws provides a cornerstone for the movement against discrimination that is powerful enough to have an impact on public opinion. The nature of Japanese society, politics and economy is such that it may not allow the effective utilization of legal systems in the process to eliminate discrimination.

Representatives of the Japanese government have repeatedly maintained in the UN Human Rights Committee the strange logic that there is no discrimination in Japan because there is no distinction. This statement asserts 'Japanese society is so homogeneous that there is no discrimination.'

However, the other side of this statement indicates that everyone has to be like everyone else in the 'homogeneous society' and that even a slight difference is made a reason for discrimination. Moreover, a certain heterogeneous entity was artificially created in the status quo of premodern Japan in order to

sustain the alleged homogeneity. 'Homogeneity' was enforced by discriminating against the 'different' entities. The discrimination against Buraku was created in this way in Japanese society and it has persisted to this day.

We may argue also that this 'homogeneity' supported the high economic growth of Japan. I wonder if it wasn't the case that high productivity was achieved in a context where people believed 'Nobody should act differently. There should be no strikes, no complaints, and no quarrels.'

This thinking may have stimulated an increase in productivity but it did not cultivate humanity. When I refer to the 'backwardness of Japanese society', I mean the living mechanism where people are led to believe that one is not subject to discrimination if he or she discriminates against someone else.

Breaking Barriers

Japan's style of anti-discrimination engagements is neither the repeated court struggles experienced in the US and Europe, nor the blatant confrontations with ruling political forces seen in the Third World. When discrimination is covertly practiced in various forms it is vital to work politically on the beneficiaries of discrimination and to implement anti-discrimination education, as well as enforce laws against discrimination. These observations lead me to a discussion of the strategy for anti-discrimination struggles.

In fighting the discrimination against Buraku and Burakumin we must create concrete circumstances where we establish solidarity with anti-discrimination groups and people in other countries, and win support for our movements by appealing against discrimination at the United Nations, for example. Solidarity with similarly committed people should be the key driving force for us to surmount discrimination in today's society. The anti-discrimination movement is necessary for our survival as well as for our overcoming discrimination. I submit that it is solidarity that we need the most. Fighting discrimination is also an act of salvation for those who discriminate.

At the UN we find an increasing advocacy for addressing, simultaneously, environmental concerns and human rights issues. In a report of the Human Rights Committee, for example, we find, in reference to the protection of their rights, that "Indigenous peoples love the land and the earth". Indigenous people are fighting to get back their land once taken



from them by white people. The same applies to the Ainu people in Japan.

The Amazonian Indians are defending their culture; if the tropical rain forests along the Amazon are lost, the consequences will be felt globally. South Pacific islanders are opposing nuclear waste disposal. This struggle may possibly result in the suspension of nuclear power generation in Japan and in non-nuclearization. These are some indications that the victims of discrimination are raising the issues of peace, nuclear power and the environment as they fight against discrimination.

Those who discriminate, however, are indifferent about peace, nuclear power and the environment and remain privileged by the existing social systems. In comparing Japan and the Philippines, for example, one gets the impression that, while Japan has more democratic institutional frameworks and systems, Japan cannot take pride in them as long as Recruit-type scandals and other deceptions are accommodated. Some people naively believe that infringements on human rights cannot occur under the democratic systems in Japan. They will probably be incapable of bringing solutions to nuclear threats, human alienation and other contemporary problems since they cannot be motivated to overcome such problems.

Unless the victims of discrimination and those fighting against discrimination conceive of an alternative society, the barrier that confronts us will not be broken. We need to realize that, compared to people in other regions, we are too indifferent about these problems.

Discrimination in Japan is covertly practiced. I urge all the participants in this convention to discuss ways to build up solidarity in fighting against discrimination. We expect that foreign students and workers will increasingly flow into Japan. We may not be able to free ourselves from the illusion of a "homogeneous Japan" unless we join hands with them.

Joint Struggles in Japan and the World

This summer the Utari Association (the Ainu people call themselves Utari) took the initiative of holding an international conference of indigenous peoples in Hokkaido. Participants agreed to join efforts, to exert pressure on their respective governments and to appeal to the UN Human Rights Commission. The network of IMADR (International Movement Against All Forms of Discrimination and

Racism) should be exploited in order to discuss and implement strategies and tactics for international joint struggles.

I urge all the participants here to come up with ideas so as to formulate and carry out international joint struggles. I also urge you to find ways to strengthen solidarity with the Ainu and other victims of discrimination as well as with those concerned with the issues of peace, ecology and the environment.

I believe that there should be different views and conflicting interests and ideologies in political movements of all kinds. But the differences themselves provide the basis for solidarity and concerted engagements. If every party is the same, there is no need for joint struggles. It is most vital today to build up a broadbased front of solidarity both internationally and domestically.

Global issues are deeply related to the structure and systems of discrimination. I hope you will share this view in developing your collaboration. I also expect that you will best utilize the UN in expanding such collaboration.

Note:

Under the responsibility of "BL News" editorial staff, the above speech by Prof. Kinhide Mushakoji, has been summarized. This was addressed at 23rd General Meeting of Buraku Liberation Research held in October 1989.

