CHAPTER 1

Introduction: Income Security and the "Right to Subsistence" in Japan*

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A basic income (BI) "is an income paid by a political community to all its members on an individual basis, without means test or work requirement" (Van Parijs 2006: 4). This idea was first proposed in Europe at the end of the eighteenth century and gained increasing visibility during the next two centuries. In the course of the twentieth century, some British Labourites, Dutch socialists, French liberals, Catalan nationalists, Canadian greens, and many others advocated it. It was also explored by a significant number of academics, including several Nobel laureates in economics.

In Japan, BI has only started to attract more attention in the late 2000s.[1] In 2007, the Basic Income Japan Network (BIJN) was founded and was soon officially recognized by the international Basic Income Earth Network (BIEN) as its Japanese affiliate. In 2009, the book *Introduction to Basic Income* by Toru Yamamori (2009) sold more than 20,000 copies. BI also gained significant media attention and triggered a series of publications by prominent researchers in sociology, economics, political science, and ethics.

The main aim of this volume is to provide the international audience with the very first general overview of the various aspects of this debate, which is hardly accessible because of the language barrier. Most publications are indeed available in Japanese only, and to date very few conferences were organized in English. And yet, we believe that the Japanese BI discussion is of great importance for at least three different reasons.

First, as it clearly appears throughout the volume, this discussion is relevant for those interested in welfare issues, if only because Japan is still an economic superpower—the economic turmoil of the two last decades notwithstanding. The Japanese welfare state currently faces many challenges, and the BI discussion offers great opportunities to examine these challenges in some detail. Second, this discussion also offers interesting insights into

even broader social issues, as it deals with anthropological and cultural aspects of the Japanese society, regarding various norms related to work, money, individual autonomy, gender, and so on. Third, the Japanese BI discussion is relevant for those interested in the history of ideas and the sociology of knowledge. Amartya Sen famously rewrote a history of ideas on reason, liberalism, and similar concepts in political philosophy, which have usually been depicted as being originated in "the West" (see for instance Sen 2005, among many of his writings). Similarly, readers will find that the crude assumption according to which the idea of an unconditional income guarantee was simply imported from "the West" does not make much historical sense either.

This book is thus the first collective volume in English entirely devoted to the discussion of BI and related programs in Japan. It does not only gather BI supporters, but provides readers with a balanced picture of the Japanese debate about welfare reform, including pros and cons of BI, and empirical data on a cautious public opinion. From the outset, it is important to stress the fact that our purpose as editors did not consist in collecting papers in Japanese studies, or to focus on the peculiarities of Oriental societies in general. Quite the contrary, we intend to provide the international audience with food for thought about the problems faced by many other welfare states across the Organisation for Economic Co-operation and Development (OECD), including growing economic insecurity, income and gender inequality, poverty, aging, and the future of universal programs. In doing so, all contributors obviously and rightly stress some specificities of the Japanese context, which needs to be taken into account. But they also show the relevance of the Japanese BI discussion for all industrialized nations.

This introductory chapter briefly focuses on some of the background conditions of the Japanese debate about the "transforming welfare state." We insist, in particular, on the tensions between the ideal of a "right to subsistence" and the policies aimed at implementing an "obligation to work"—which obviously tend to affect the feasibility of an unconditional BI. At the end of this introduction, we also give a brief overview of the contents of this volume.

The Right to Subsistence and the Right to Work

Since the 1950s, the Article 25 of the Japanese Constitution has been the core of an intense discussion about "the right to subsistence" (生存権). According to Section 1 of Article 25, "All people shall have the right to maintain the minimum standards of wholesome and cultured living." Section 2 states: "In all spheres of life, the State shall use its endeavors for the promotion and extension of social welfare and security, and of public health." The latter section was included in the so-called MacArthur draft, made by the the General Headquarters of the Supreme Commander for the Allied Powers (GHQ) under the leadership of General Douglas MacArthur, in 1946. Section 1,

however, originates in the "Outline of the Draft of the Constitution," also called "the Draft of the Constitution made by the Japanese Public," written by the Japanese Constitution Study Group. Tatsuo Morito is said to be the main driver behind this social welfare section in the "Outline of the Draft." He sought the theoretical foundations of this section in the writings of the Austrian socialist thinker Anton Menger (Endo 2002:109). Menger's works had been translated and published in Japan, some by Morito himself, and had already influenced the discussions about the right to subsistence before the Second World War.

Anton Menger distinguished between the right to the whole produce of labor, the right to Subsistence, and the right to labor. The first is the right for the workers to obtain the whole surplus, by dividing the surplus among themselves according to their contribution. The right to subsistence is the entitlement to money and goods that are necessary to sustain an individual's living, the distribution being done according to need. The right to labor, finally, is a right to guaranteed work. Menger argued that "the right to subsistence extends to minors and to the infirm, whereas the right to labour applies only to able-bodied citizens" (Menger 1899:16). He also argued that "such social systems…[that] strive for the recognition of the right to existence [or subsistence] must depend on neighbourly love and a sense of brotherhood" (Menger 1899:28). Menger acknowledged that the right to labor and the right to subsistence might be conflicting ideals.

These seemingly conflicting ideals were at the core of the discussion of the right to subsistence in postwar Japan. Sakae Wagatsuma, author of *The New Constitution and the Basic Human Rights* (Wagatsuma 1948), who significantly influenced this discussion, considered the right to subsistence and the right to work as almost equal norms. Indeed, according to Wagatsuma, the right to work was to be put at the center of the right to subsistence.

The key question, then, consisted in asking whether the right to subsistence should or should not be a legally enforceable right (Ogata 2010: 251). Wagatsuma argued that although the state has the moral obligation to proactively enforce the right to subsistence, there are no direct legal means to sanction its failure to do so (Ogata 2010:242). In fact, until now the Case Law remains unclear as to how exactly a legislation that follows the aims of Article 25 should be designed. In other words, this issue is left to the wide judgment of the legislative body (Ogata 2011: 6).

More concretely, when welfare benefits are discussed within the framework of the right to subsistence in today's Japan, two main issues have to be raised. First, there is the issue of whether the standard level of social assistance can ensure the "minimum standards of wholesome and cultured living," as provided for in Article 25. Second, one should pay specific attention to the people who have to live below that standard. Japan's take-up rate of social assistance is significantly low compared with other welfare states, but this is hardly taken into account in the public discourse.

According to a 2010 official estimate, the take-up rate for social assistance was 15.3 percent in 2007 (Ministry of Health Labor and Welfare, Social Welfare and War Victims' Relief Bureau, 2010). This estimate is consistent

with the previous estimates made by researchers. Tachibanaki and Urakawa (2006), for instance, showed a downward trend in take-up rates, estimating it at 19.7 percent for 1995 and 16.3 percent for 2001. This low take-up rate forces us to be skeptical about the fact that a "the right to maintain the minimum standards of wholesome and cultured living" is effectively guaranteed in Japan.

From the Right to Work to the Obligation to Work

As is made clear by the case of social assistance, despite the provisions of Article 25 of the Constitution the right to subsistence is not really guaranteed by the Japanese welfare state. In fact, until now the right to work model has taken precedence over the right to subsistence model. Hiroshi Sasanuma, a scholar in constitutional law who is known for his support for homeless people, even argues that in Japan the very idea of a right to subsistence is actually limited by the prominence of a strict interpretation of the right to work, which translates into an obligation to work (Sasanuma 2008). This point refers to Article 27 of the Constitution, which states that "All people shall have the right and the obligation to work." Sasanuma paid specific attention to a commentary of this article by Miyazawa and Ashibe (1978):

> The Constitution states that the nation has the obligation to work. That means, "He who does not work, neither shall he eat."
>
> The life with unearned income, the choice to live without working, is not prohibited because the private ownership system is approved and the right to choose one's own occupation is guaranteed. Still, those who neglect to take full advantage of their property, capability, and every other means to sustain the minimum level of their lives are those who neglected their Obligation to Work. Thus, the state has no responsibility to guarantee their Right to Subsistence. (Miyazawa and Ashibe: 278–279)

However, if one assumes that the vast majority of people in poverty are not lazy, namely that their situation is not due to their own choices but to unfortunate circumstances, this obligation to work and the related denial of a right to subsistence is highly disputable. Miyazawa and Ashibe, in their comment of Article 27 of the Japanese Constitution, acknowledge this fact as they write that "[t]his article does not apply to those who cannot work because of the lack of opportunity or old age or illness" (Miyazawa and Ashibe 1978: 279).

In the real world of Japanese welfare, however, the obligation to work model has far-reaching consequences on the least well off. The case of homeless people, who are often denied access to social protection, is particularly illustrative.[2] In Japan, many homeless people used to work in industries such as the construction industry, but became unable to work because of injuries or illness during work. At least until the late 1990s, when they visited welfare

offices or recovery consultation offices they were often turned down social assistance. In fact, they were considered as able to work.

Since the end of the 1990s, there have been several court decisions on this issue. In many cases, the plaintiffs could not work on the labor market due to injuries incurred in the past while working, a lack of skills, or a weakness caused by homeless life itself. However, the fact that they were denied the right to social protection was justified by the idea that they were not "activating their ability to work." In some of the cases, doctors were even asked to diagnose their ability to work. In sum, these homeless people were considered as able to work, but blamed for not trying hard enough to find an occupation.

Thus in postwar Japan the idea that welfare policies can be justified by a true right to subsistence has very often been connected to the related idea that there must also be some obligation to work. Social rights are highly conditional upon willingness to be active on the labor market. Being active, in Japan, often means that one has to work for very long hours, which sometimes leads to the infamous *karoshi*, that is, death from overwork. This is in sharp contrast with another conception, more widespread in the European context, which states that social rights are a core component of modern citizenship. As famously argued by T. H. Marshall (1950), the institutionalization of citizenship in the history of the West began with the civil rights in the eighteenth century, followed by the development of political rights in the nineteenth century, and eventually social rights in the twentieth century.

Marshall regarded citizenship as "the concept of full membership of a community" (Marshall 1964:70). Considering social rights within the framework of such theory of citizenship sheds light on a crucial point, which is hardly present in the Japanese discussion since the Second World War. Depending on their policy design, welfare states can actually contribute to the *exclusion* of individuals from the "community." This is what happens in today's Japan, in the case of homeless people that was discussed above, but also in the case of women, disabled people, or migrants.

In Japan, where the welfare state is not often examined from a citizenship perspective,[3] the concrete arrangement of citizenship became hierarchical and exclusionary. Almost only male, able-bodied, "full-time" employed, and ethnic Japanese residents are guaranteed full citizenship.[4]

The "Medical Model of Work Capability"

The cover of Michael Oliver's book, *The Politics of Disablement* (1990), shows a wheelchair user at the bottom of the steps to the polling station, a symbol for the fact that the disabled are deprived of elementary forms of citizenship. In this book and other works, Oliver criticized the "medical model" of disability according to which the cause of the difficulties of disabled people is the "impairment"—that is "lacking part of or all of a limb, or having a defective limb, organism or mechanism of the body" (1990: 11), which means that treating these impairments might actually solve their

problems. Oliver suggests an alternative model called the "social model" of disability, which rather aims at solving these problems by reforming the excluding structure of society. In this model, the disabilities are not mainly due to physical impairments, but essentially to "the disadvantage or restriction of activity caused by a contemporary social organization which takes no or little account of people who have physical impairments and thus excludes them from the mainstream of social activities" (Oliver 1990: 11).

Although the "social model" of disability has become dominant (or politically correct) in the so-called developed world, as a result of social movements of the disabled, how it has been able to change both the conception of the majority of population and concrete social policies varies from country to country. In terms of numbers of people eligible for disability benefits, for instance, we see a significant and sharp contrast between the Western welfare states and Japan. For example, the rate of disabled recipients of a pension scheme in proportion to the working-age population (age 15–64, in 2002) is 100 people per 1,000 in Norway, 83 in the Netherlands, 73 in Sweden, 38 in the United Kingdom, and only 4 in Japan.[5]

These striking differences are due to differences in the administrative identification of the disabled. Indeed, the concepts of a "medical" and a "social" model, as discussed in Oliver (1990) and several other disability studies, has not been so much applied to such identification of the disabled people. This is because of the fact that the British (and other West European) framework for the administrative identification of the disabled focuses on their "work capability," and that "work capability" is usually assessed in connection with its *social* dimensions (and this social creation of the category gave a theoretical room to Oliver and others to develop their idea of a "social model"). By contrast, in Japan the administrative identification of the disabled is solely based on a *medical* diagnosis: hence, a much lower recognition of the number of disabled people.

Keeping this discussion in mind, if we focus on how the notion of "work capability" is defined there is thus a clear and sharp contrast between the Western welfare states and Japan. In the Western welfare states, the "work capability" is conceived in *social* terms, and this allows for a broad definition of who is disabled. In Japan, by contrast, a strictly *medical* definition of "impairment" defines the "work capability." Yamamori (2012b) characterized this Japanese way of dealing with this question as the "medical model of work capability." The way of treating homeless people, which was briefly mentioned above, is a good example of this "medical model." The low take-up rate of social assistance, which is carefully discussed in several chapters in this volume, can also be partially interpreted as a consequence of the very same "medical model."[6] This "medical model of work capability" drifts a huge number of people away from either social services or income protection schemes. This exclusion is naturalized, as this model is pervasive not only in administration, but also in everyday perceptions.

From the point of view of citizenship, currently the Japanese welfare state tends to be dysfunctional. It provides social rights to those who are already included into a particular kind of employment, guaranteeing plain access to

full citizenship to "full-time" workers only.[7] At the same time, as we have seen, it tends to leave aside a significant proportion of the population, who for various reasons did not manage to access the labor market. In this context, and given the fact that the "right to subsistence" still remains a topical ideal, it is necessary to think about the possibility to separate citizenship from employment entirely, in order to achieve a more inclusive welfare state. The idea of an unconditional BI is precisely discussed as one of the policies aimed at achieving this separation.

A Brief Overview of the Contents

There are, however, significant obstacles to the implementation of such a BI scheme in Japan, as is made clear in several chapters throughout this volume. Neoliberal reforms implemented during the 1990s and early 2000s (Lechevalier 2014), especially under the impulse of Prime Minister J. Koizumi, have moved Japan further into the direction of an American-style welfare state—even if in the field of health care and pensions it still achieves universal coverage. In 2009, after decades of almost uninterrupted power by the Liberal Democratic Party of Japan (LDP), the Democratic Party of Japan (DPJ) won the general elections with a platform that included proposals for new welfare programs, such as the universal child benefit. But their reign was short-lived, and in December 2012 the LDP took power again after a landslide victory.

Social rights remain massively linked to permanent employment and long-term labor contracts in large corporations, still leaving out part-time and unskilled workers, the poor, as well as a great proportion of women. A significant minority might see BI as one way forward for Japan, but in many respects it has to face the full force of path dependency.

In Japan, even if books on social dividend and social credit were published in the 1920s and 1930s, the contemporary academic debate on BI only started in the 1990s, as the discussion was already quite intense in several European countries and in North America (Caputo 2012). In 2002, a book published by Shuji Ozawa, a Marxist economist, had a large impact due to its rough calculation of how to finance a BI in Japan (Ozawa 2002). Several papers and books followed. BI first appeared in the media in the beginning of 2007 and was subsequently discussed on TV, radio, and through the electronic media. As was already mentioned, in 2007 the BI Japan Network (BIJN) was founded and contributed to stimulate the public discussion.

Interestingly, these recent developments have forced many scholars and policymakers to clarify their own position about social rights and the reform of welfare programs in the field of social insurance and social assistance. In other words, the BI discussion, which was first triggered by a minority of activists, has provided more mainstream researchers with opportunities to clarify their views about the future of the Japanese welfare state. Many of them remain skeptical about the desirability and feasibility of BI, but have engaged in a fruitful and open discussion. The purpose of this book is

precisely to provide the international audience with a general overview of this discussion.

Section I of this volume, which includes chapters 2 to 7, is devoted to a careful exploration of key dimensions of the Japanese welfare state, past and future. Chapter 2, by Yannick Vanderborght and Yuki Sekine, offers a description of the main branches of social insurance in Japan, as well as of social assistance programs. Against this background, the authors discuss the feasibility of BI in institutional, strategic, and psychological terms. BI, they argue, faces big hurdles but can perfectly inspire more feasible welfare reforms. One of these reforms is explored in chapter 3 by Takashi Suganuma. While Suganuma insists on the importance of the Bismarckian tradition in Japan, he also argues that the social insurance system is currently corroding, due to a polarization of the labor market and new problems in accessibility to social insurance. Hence, he argues for a more "inclusive social insurance," to be seen not as an *alternative* to Bismarckian insurance, but as its improved form. In chapter 4, Aya K. Abe carefully discusses another reform, which has now been partly implemented in Japan: the Universal Child Benefit. Promoted and designed by the DPJ since 2009, it has generated intense debates about the desirability of a universal cash benefit. Abe shows what lessons can be learned from this reform and argues that it illustrates how BI would have a hard time being accepted by the Japanese public opinion. Chapters 5 and 6 are also focused on the problem of income security within Japan's current welfare system. In chapter 5, Toru Yamamori deals with the social consequences of the Great East Japan Earthquake of March 11, 2011. He insists on the necessity of an income guarantee for the victims, especially in the absence of a transparent and efficient public assistance system. The latter is thoroughly examined in chapter 6 by Hayato Kobayashi, who shows how recent reforms have pushed Japanese social assistance into the direction of workfare-style policies, sometimes directly inspired by similar moves in the United States. Kobayashi specifically focuses on an intriguing BI proposal by the incumbent mayor of Osaka City, Toru Hashimoto, who advocates a neoliberal version of BI that could be compatible with a workfare-oriented welfare system. Finally, in chapter 7 Kaori Katada enlightens three "selection principles" within Japanese social policy, by which the welfare state handles, intervenes, and orders human lives. Katada devotes specific attention to the situation of women under the *Fujin hogo jigyo* (Women's Protection Project), which includes some women into the category of "women in need of protection" and "in need of rehabilitation" and tends to exclude them as they are seen as having failed to form a "standard family." A BI, Katada argues, offers the opportunity to design a more inclusive income security scheme.

Next, the various chapters in Section II (chapters 8 to 11) explore the relationship between BI and the Japanese labor market. Chapters 8 and 9 both deal with the issue of care work, still mostly performed by women. In chapter 8, Junko Yamashita examines the process through which care work has become partly commodified in Japan with the introduction of the Long Term Care Insurance Act in 2000, and how BI would impact on the stratified and

gendered care labor market. This echoes the discussion in chapter 9, in which Sakura Furukubo focuses on the potential impact of BI on *unpaid* work and care activities. According to Furukubo, a BI might be beneficial for the autonomy of caregivers, for people who receive care, and would promote gender equality. Autonomy is also at the core of chapter 10, in which Julia Obinger analyzes how participants to small activist networks in large cities question the centrality of paid labor in today's Japan. Through a fascinating field study, Obinger shows how such social alternatives prefigure—or not—a "new" society as envisioned by French social theorist André Gorz and other BI advocates. Finally, in chapter 11, Fumio Iida tackles a much-underestimated challenge to BI: its potential impact on migrants and foreign residents. Multiculturalism, Iida argues, has drawn less attention in Japan compared to most other developed countries. But the fact that in the future a majority of the migrant population will be short-term workers, not permanent residents, needs to be taken into consideration in the BI discussion, as it raises specific problems and tensions in the labor market.

The volume ends with Section III (chapters 12 to 15), which is mainly devoted to an empirical exploration of the potential of BI in today's Japan. Chapters 12 and 13 both deals with the results of a large opinion survey on BI and related proposals conducted in 2009. This is of particular interest as such surveys on BI are extremely rare in the literature. In chapter 12, Yoshio Itaba focuses on how the respondents' basic attributes (such as age, sex, marital status, and educational background) affect their opinion on BI and the Japanese society. Chapter 13, by Rie Takamatsu and Toshiaki Tachibanaki, uses the same survey in order to study the effect of political attitudes on the support for BI. Takamatsu and Tachibanaki also explore the possibility of introducing a more modest BI proposal, under the form of an earned income tax credit paid to the working poor. In chapter 14, Shinji Murakami deals in detail with another aspect of BI's potential in Japan: its financial feasibility, a key issue in terms of practical realization. Funding BI through a progressive income tax, Murakami argues, deserves serious consideration. He also shows that the idea of a refundable tax credit, to be considered as partial BI, is worth exploring. Finally, although it is not based on a set of quantitative data, Chapter 15 also tackles the potential of BI in today's Japan. By doing so, Hiroya Hirano deals with some of the core topics discussed throughout this volume: the Japanese welfare model, the issues of time and individual autonomy, the transformation of work and the labor market. In a cautiously optimistic conclusion to the volume, he shows how the development of the "new public" since the mid-1990s might offer new windows of opportunities for Japanese BI advocates.

Notes

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1. Both editors agree on this point, but Yamamori has developed a slightly different view about the whole picture of the Japanese discussion of the subject of BI (See Yamamori 2012a).
2. The most striking illustration of this is the fact that some homeless people are recruited to clean up the Fukushima nuclear facility, as shown by Saito and Slodkowski (2013). Tabuchi (2014) also insists on this point, stating that the Tokyo Electric Power Company (TEPCO) has been "leaving the complex cleanup to an often badly managed, poorly trained, demoralized and sometimes unskilled work force that has made some dangerous missteps."
3. Endo (2002) is a good exception to this tendency.
4. In Japan, the notions of "full time" and "part time" employment have a specific meaning. "Full time" means employment with some job security and access to fringe benefits, while "part time" means unsecure employment. For example, job advertisements may refer to "full time part time worker" (フルタイムパートタイマー), which literally means a "worker who works (more than) 40 hours a week, without the benefits and security legally guaranteed to full time workers." See Yamamori (2012b) for more details about this notion and its relevance to debates about the welfare state and BI.
5. Dean (2005: 79–80). For further details see Yamamori (2012b). The argument in this introduction partially overlaps with Yamamori (2012b).
6. As is shown in Yamamori (2010), almost the same logic observed in European social movements that demanded an unconditional BI in the 1970s (especially in Italy and Britain) could be seen in the radical activism by the disabled in the 1970s in Japan. It is not just a coincidence but can been seen a consequence of the negative importance of the medical model of work capability to the BI debate.
7. See the discussion of the Japanese notion of "full time" in endnote 4.

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