Gender and Law Scholarship in the Law in Japan Field: A Comprehensive Bibliographic Study

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I. INTRODUCTION

This bibliography, inspired by a 1990 journal article by Professor Veronica Taylor titled, *Teaching about Law and Society in Japan: Does Gender Matter?*, and Professor Vera Mackie's commanding body of work in this field of study, aims to offer a tool for students and researchers interested in issues relating to gender and law in Japan. We started this bibliography by compiling and snowballing from sources in Levin's office collection and a variety of title word searches in legal journal databases. We shared our findings first to a select list of scholars who kindly shared feedback and advised us of missing items, and secondly, on SSRN, which also allowed us to obtain additional input.

The bibliography contains more than 150 publications including monographs, book chapters, textbook materials, and journal articles from 1962 to 2019 ⁵

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¹ Veronica Taylor, *Teaching about Law and Society in Japan: Does Gender Matter?*, 10 Japanese Stud. 47 (1990); *see also* Veronica L. Taylor, *Law and Society in Japan: Does Gender Matter?*, *in* Gendering Japanese Studies: A Practical Guide to Teaching Resources 98 (Vera Mackie ed., 1992).

² See e.g. Vera Mackie, *Equal Opportunity in an Unequal Labour Market: The Japanese Situation*, 4 Austl. Feminist Stud. 97 (1989); Vera Mackie, *Equal Opportunity and Gender Identity: Feminist Encounters with Modernity and Postmodernity in Japan*, in Japanese Encounters with Postmodernity 95 (Jóhann Páll Árnason & Yoshio Sugimoto eds., 1995); Vera Mackie, Feminism in Modern Japan: Citizenship, Embodiment and Sexuality (2003).

³ Particular thanks are due here to Professors Daniel Foote, Kyoko Ishida, Mire Koikari, Vera Mackie, Eri Osaka, Veronica Taylor, and Leon Wolff for their insights.

⁴ Mark Levin & Kallista Hiraoka, *Gender and Law Scholarship in the Law in Japan Field: A Bibliographic Compilation* (Univ. of Haw. Richardson Sch. of Law, Research Paper No. 3104875, 2018), https://ssrn.com/abstract=3104875.

⁵ JILPT has published much research regarding women and labor. We have not listed all papers in this bibliography, because they are more focused on economics and

Our preliminary criteria for listings were: (1) existing Englishlanguage publications, (2) relating to the gendered operations and impact of the law in Japan, and (3) published in an academic journal or in a book as a chapter rather than a mass media source. We eliminated a number of sources that discuss gender and the law in Japan but were primarily directed towards economic, anthropological, political science, sociological, or other social science perspectives on the issue. We then categorized sources with best efforts to make assignments appropriately, but we acknowledge a degree of inevitable arbitrariness in this process more fully explained in the accompanying paper by Levin noted below.

A companion working paper authored solely by Levin analyzing the materials, and with additional exploration of gender and law issues in Japan, has also been posted to SSRN.⁶

We hope this compilation will inspire more scholars to look into and continue research into how gender has operated and continues to operate in the law in Japan.⁷

II. TAXONOMY OF TOPICS

1. General

- 1. Overview works multiple topics broadly themed, constitutional history, feminism and law theory in Japan
- 2. Roles in instrumentalities of legal authority and power legal education, legal professionals (lawyers, judges, prosecutors), quasi-legal professionals; governance roles in legislative politics and executive branch administration
- 3. Cultural norms with legal implications imperial succession, sumo, Shinto-based exclusions from places, education, sports (analog to U.S. Title IX), Japan Self-Defense Forces
- 4. CEDAW and other international human rights issues

policy, but recommend it as a good source for further research regarding these issues.

⁶ Mark Levin, Gender and Law Scholarship in the Law in Japan Field: Comments for Harvard Law School's East Asian Studies Conference on Japanese Law, Sept. 28-29, 2018 (Univ. of Haw. Richardson Sch. of Law, Research Paper No. 3044898, 2018), https://ssrn.com/abstract=3044898.

⁷ This bibliography is modeled after work by Adam Mackie and Mark Levin regarding social justice reform in Japan. Readers may find this resource valuable as well. Mark Levin & Adam Mackie, Truth or Consequences of the Justice System Reform Council: An English Language Bibliography from Japan's Millennial Legal Reforms, 14 ASIAN-PAC. L. & POL'Y J. 1 (2013), https://papers.ssrn.com/abstract=2237663.

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5. Intersectionality: overlaps and fault lines over race, ethnicity, class and locality (*e.g.* Okinawa), nationhood, masculinities, SOGIESC, dis/ability

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- 2. Employment: economic subordination of women (note, economics of the family writings are placed with family law) and other economic aspects of the law
 - 1. Workplace gender and sex discrimination and harassment explicit and implicit / disparate impacts (e.g. part-time labor)
 - 2. Prostitution, "JK" business, and sex trafficking; pornography & freedom of expression (commodified sexuality)
 - 3. Tort law inequities, tax law inequities, etc.
- 3. Nation and Family / Sexual autonomy (non-commodified sexuality) / Reproduction
 - 1. Nationality and citizenship laws, especially re. marriage and family
 - 2. Marriage, civil code, family registration laws *ie* system, post-war equality provisions, surnames, legitimacy in birth, same-sex relationship recognition (domestic violence issues have been set into crime)
 - 3. Divorce and separation, child custody (including Hague Convention); gender-unequal divorce time frames
 - 4. Inequities in property and inheritance laws
 - 5. Public subsidies for caretaking and other systems for child-rearing, welfare reform, work leave policies, issues relating to household labor and care giving
 - 6. Sexual autonomy (non-commodified) and Reproduction privacy, contraception, abortion, eugenics, surrogacy and artificial reproductive technologies
- 4. Crime and Criminality
 - 1. Crime victimization rape, sexual consent, domestic violence, stalking
 - 2. Crimes by women women in the criminal justice system as accused and convicted persons; patricide cases as gender-centered law
 - 3. Male criminality as it affects women (such as can be seen with mass incarceration in the U.S.)

III. MATERIALS FOUND

- 1.1 Overview works multiple topics broadly themed, constitutional history, feminism and law theory in Japan
- AI KUME, BEATE GORDON & COLUMBIA UNIVERSITY, THE REMINISCENCES OF AI KUME: JAPANESE OCCUPATION (1962), https://catalog.hathitrust.org/Record/100922187 (last visited Jul. 3, 2018).

Kazuko Kinno, Women and Private Life in Japan: In Practice, in 37 GUILD PRACTITIONER 27 (1980).

Masako Kamiya, Women in Japan, 20 U. Brit. Colum. L. Rev. 447 (1986).

Vera Mackie & Sandra Buckley, *Women in the New Japanese State*, *in* DEMOCRACY IN CONTEMPORARY JAPAN 173 (Gavan McCormack & Yoshio Sugimoto eds., 1986).

Vivien Ng, Sexuality, Gender and Social Scripting in Japan and China, 4 YALE J. L. & FEMINISM 65 (1991).

Veronica Taylor, *Teaching about Law and Society in Japan: Does Gender Matter?*, 10 Japanese Stud. 47 (1990).

Veronica L. Taylor, *Law and Society in Japan: Does Gender Matter?*, *in* GENDERING JAPANESE STUDIES: A PRACTICAL GUIDE TO TEACHING RESOURCES 98 (Vera Mackie ed., 1992).

Noriyo Hayakawa, *Sexuality and the State: The Early Meiji Debate on Concubinage and Prostitution*, *in* FEMINISM AND THE STATE IN MODERN JAPAN 31 (Vera Mackie ed., 1995).

Vera Mackie, Equal Opportunity and Gender Identity: Feminist Encounters with Modernity and Postmodernity in Japan, in Japan, in Japan Encounters with Postmodernity 95 (Jóhann Páll Árnason & Yoshio Sugimoto eds., 1995).

Vera Mackie, Feminism and the State in Modern Japan, in Feminism and the State in Modern Japan 1 (1995).

Martha Jean Baker, *The Different Voice: Japanese Norms of Consensus and Cultural Feminism*, 16 UCLA PAC. BASIN L.J. 133 (1997).

BEATE GORDON, THE ONLY WOMAN IN THE ROOM: A MEMOIR (1st ed. 1997).

Miyoko Tsujimura, *Women's Rights in Law and Praxis: The Significance of Three Statistics from Politics, the Household, and Labor, in* Five Decades of Constitutionalism in Japanese Society 155 (Yōichi Higuchi ed., 2001).

VERA MACKIE, FEMINISM IN MODERN JAPAN: CITIZENSHIP, EMBODIMENT AND SEXUALITY (2003).

&

Jennifer Chan-Tiberghien, *Policy, Institutional, and Legal Changes Concerning Women's and Children's Human Rights in Japan, in* GENDER AND HUMAN RIGHTS POLITICS IN JAPAN: GLOBAL NORMS AND DOMESTIC NETWORKS 39 (2004).

YOSHIE KOBAYASHI, A PATH TOWARD GENDER EQUALITY: STATE FEMINISM IN JAPAN (2004).

Darlene Budd, *Japan's Silent Revolution: Saying No to Marriage and the System?*, 5 J. INST. JUST. & INT'L STUD. 43 (2005).

Vera Mackie, *The Transformation of the Gendered Discourse of Rights in Postwar Japan*, *in* EMERGING CONCEPTS OF RIGHTS IN JAPANESE LAW 49 (Harry N. Scheiber & Laurent Mayali eds., 2007).

MARNIE S. ANDERSON, A PLACE IN PUBLIC: WOMEN'S RIGHTS IN MEIJI JAPAN (2010).

TAKAO TANASE, COMMUNITY AND THE LAW: A CRITICAL REASSESSMENT OF AMERICAN LIBERALISM AND JAPANESE MODERNITY (Luke Nottage & Leon Wolff eds., 1st ed. 2010).

Andrea Germer, Vera C. Mackie & Ulrike Wöhr, *Introduction: Gender, Nation and State in Modern Japan*, *in* GENDER, NATION AND STATE IN MODERN JAPAN 1 (2014).

Douglas Howland, *The Maria Luz Incident: Personal Rights and International Justice for Chinese Coolies and Japanese Prostitutes, in* GENDER AND LAW IN THE JAPANESE IMPERIUM 21 (Barbara J. Brooks ed., 2014).

EMMA DALTON, WOMEN AND POLITICS IN CONTEMPORARY JAPAN (2015).

CARL F. GOODMAN, THE RULE OF LAW IN JAPAN: A COMPARATIVE ANALYSIS (4th rev. ed. 2017).

LINDA E. WHITE, GENDER AND THE KOSEKI IN CONTEMPORARY JAPAN: SURNAME, POWER, AND PRIVILEGE (2018).

1.2 Roles in instrumentalities of legal authority and power - legal education, legal professionals (lawyers, judges, prosecutors), quasi-legal professionals; governance roles in legislative politics and executive branch administration

AI KUME, BEATE GORDON & COLUMBIA UNIVERSITY, THE REMINISCENCES OF AI KUME: JAPANESE OCCUPATION (1962), https://catalog.hathitrust.org/Record/100922187 (last visited Jul. 2, 2018).

Yoko Hayashi, *Women in the Legal Profession in Japan*, 2 U.S.-Japan Women's J. 16 (1992).

Vera Mackie, Feminism and the State in Modern Japan, in Feminism and the State in Modern Japan 1 (1995).

Darlene Budd, *Japan's Silent Revolution: Saying No to Marriage and the System?*, 5 J. INST. JUST. & INT'L STUD. 43 (2005).

Eri Osaka, *Women and the New Legal Training System in Japan*, 34 INT'L J. SOC. L. 239 (2006), https://papers.ssrn.com/abstract=2595935 (last visited Jul. 4, 2019).

J. Mark Ramseyer, *Sex Bias in the Japanese Courts?* (Harvard Law & Econ., Discussion Paper No. 599, 2007), https://papers.ssrn.com/abstract=1028080 (last visited Aug. 6, 2018).

Leon Wolff, Gender, Justice and the Japanese Judiciary, 5 TOHOKU ANN. REV. ON GENDER L. & POL'Y 205 (2007), https://works.bepress.com/leon_wolff/12/ (last visited Aug. 6, 2018).

EMMA DALTON, WOMEN AND POLITICS IN CONTEMPORARY JAPAN (2015).

Kyoko Ishida, Why Female Lawyers Get Less—Multiple Glass Ceilings for Japanese Female Lawyers, 39 HASTINGS INT'L & COMP. L. REV. 411 (2016).

1.3 Cultural norms with legal implications - imperial succession, sumo, Shinto place exclusion, education, sports (analog to U.S. Title IX), JSDF

Vera Mackie & Sandra Buckley, *Women in the New Japanese State*, *in* DEMOCRACY IN CONTEMPORARY JAPAN 173 (Gavan McCormack & Yoshio Sugimoto eds., 1986).

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Jody M. Prescott, Eiko Iwata & Becca H. Pincus, *Gender, Law and Policy: Japan's National Action Plan on Women, Peace and Security*, 17 ASIAN-PAC. L. & POL'Y J. 1 (2015).

Hiromi Sasamoto-Collins, *The Emperor's Sovereign Status and the Legal Construction of Gender in Early Meiji Japan*, 43 J. JAPANESE STUD. 257 (2017).

1.4 CEDAW and other international human rights issues

YŪJI IWASAWA, INTERNATIONAL LAW, HUMAN RIGHTS, AND JAPANESE LAW: THE IMPACT OF INTERNATIONAL LAW ON JAPANESE LAW (1998).

Yoko Hayashi, Implementation of the Convention on the Elimination of All Forms of Discrimination against Women in Japan, 6 J. E. Asia & Int'l L. 341 (2013).

Jennifer Chan-Tiberghien, *Policy, Institutional, and Legal Changes Concerning Women's and Children's Human Rights in Japan, in* GENDER AND HUMAN RIGHTS POLITICS IN JAPAN: GLOBAL NORMS AND DOMESTIC NETWORKS 39 (2004).

M. Christina Luera, No More Waiting for Revolution: Japan Should Take Positive Action to Implement the Convention on the Elimination of All Forms of Discrimination against Women, 13 PAC. RIM L. & POL'Y J. 611 (2004).

PETRICE R. FLOWERS, REFUGEES, WOMEN, AND WEAPONS: INTERNATIONAL NORM ADOPTION AND COMPLIANCE IN JAPAN (2009).

Ricky Tucker, *Implications of Abenomics on Gender Equality in Japan and Its Conformity with CEDAW*, 95 OR. L. REV. 543 (2017).

1.5 Intersectionality: Overlaps and fault lines over race, ethnicity, class and locality (e.g. Okinawa), nationhood, masculinities, SOGIESC, dis/ability

Taimie L. Bryant, *Sons and Lovers: Adoption in Japan*, 38 Am. J. COMP. L. 299 (1990).

Vivien Ng, Sexuality, Gender and Social Scripting in Japan and China, 4 YALE J. L. & FEMINISM 65 (1991).

Vera Mackie, Equal Opportunity and Gender Identity: Feminist Encounters with Modernity and Postmodernity in Japan, in JAPANESE ENCOUNTERS WITH POSTMODERNITY 95 (Jóhann Páll Árnason & Yoshio Sugimoto eds., 1995).

Sharon Chalmers, *Inside/Outside Circles of Silence: Creating Lesbian Space in Japanese Society, in* Feminism and the State in Modern Japan 88 (Vera Mackie ed., 1995).

Veronica L. Taylor, *Gender, Citizenship and Cultural Diversity in Contemporary Japan*, *in* FEMINISM AND THE STATE IN MODERN JAPAN 110 (Vera Mackie ed., 1995).

Jennifer Chan-Tiberghien, *Policy, Institutional, and Legal Changes Concerning Women's and Children's Human Rights in Japan, in* GENDER AND HUMAN RIGHTS POLITICS IN JAPAN: GLOBAL NORMS AND DOMESTIC NETWORKS 39 (2004).

Hiroyuki Taniguchi, *Japan's 2003 Gender Identity Disorder Act: The Sex Reassignment Surgery, No Marriage, and No Child Requirements as Perpetuations of Gender Norms in Japan*, 14 ASIAN-PAC. L. & POL'Y J. 108 (2013).

Patrick Jiang, Legislating for Transgender People: A Comparative Study of the Change of Legal Gender in Hong Kong, Singapore, Japan and the United Kingdom, 7 H.K. J. LEGAL STUD. 31 (2013).

Vera Mackie, Genders and Genetics: The Legal and Medical Regulation of Family Forms in Japan, 14 AUSTL. J. ASIAN L. 1 (2013).

CAROLYN S. STEVENS, DISABILITY IN JAPAN (2013).

Vera Mackie, Birth Registration and the Right to Have Rights: The Changing Family and the Unchanging Koseki, in Japan's Household Registration System and Citizenship: Koseki, Identification and Documentation 203 (David Chapman & Karl Jakob Krogness eds., 2014).

Claire Maree, Sexual Citizenship at the Intersection of Patriarchy and Heteronormativity: Same-Sex Partnerships and the Koseki, in Japan's Household Registration System and Citizenship: Koseki, Identification and Documentation 187 (David Chapman & Karl Jakob Krogness eds., 2014).

Shūhei Ninomiya, *The Koseki and Legal Gender Change, in* Japan's Household Registration System and Citizenship: Koseki, Identification and Documentation 169 (David Chapman & Karl

&

Jakob Krogness eds., 2014).

Linda E. White, *Challenging the Heteronormative Family in the Koseki: Surname, Legitimacy, and Unmarried Mothers, in* Japan's Household Registration System and Citizenship: Koseki, Identification and Documentation 239 (David Chapman & Karl Jakob Krogness eds., 2014).

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2.1 Workplace - gender and sex discrimination and harassment - explicit and implicit / disparate impacts (e.g., part-time labor)

Nobuko Takahashi, *Women's Wages in Japan and the Question of Equal Pay*, 111 INT'L LAB. REV. 51 (1975).

Catherine W. Brown, *Japanese Approaches to Equal Rights for Women: The Legal Framework*, 12 LAW JAPAN 29 (1979).

Howard Harris, Working Women in Japan: Discrimination, Resistance and Reform, 8 LAB. STUD. J. 61 (1983) (book review).

Tamako Nakanishi, *Equality or Protection? Protective Legislation for Women in Japan*, 122 INT'L LAB. REV. 609 (1983).

Robert Evans, Jr., *Pay Differentials: The Case of Japan*, 107 MONTHLY LAB. REV. 24 (1984).

Vera Mackie & Sandra Buckley, *Women in the New Japanese State*, *in* DEMOCRACY IN CONTEMPORARY JAPAN 173 (Gavan McCormack & Yoshio Sugimoto eds., 1986).

Linda N. Edwards, *Equal Employment Opportunity in Japan: A View from the West*, 41 INDUS. & LAB. REL. REV. 240 (1988).

Frank K. Upham, Civil Rights Litigation and the Search for Equal Employment Opportunity, in Law and Social Change in Postwar Japan 124 (1987).

Alice H. Cook & Hiroko Hayashi, *Working Women in Japan*, *in* INSIDE THE JAPANESE SYSTEM: READINGS ON CONTEMPORARY SOCIETY AND POLITICAL ECONOMY 135 (Daniel I. Okimoto & Thomas P. Rohlen eds., 1988).

Vera Mackie, Equal Opportunity in an Unequal Labour Market: The Japanese Situation, 4 Austl. Feminist Stud. 97 (1989).

Loraine Parkinson, *Japan's Equal Employment Opportunity Law: An Alternative Approach to Social Change*, 89 COLUM. L. REV. 604 (1989).

M. Diana Helweg, *Japan's Equal Employment Opportunity Act: A Five-Year Look at Its Effectiveness*, 9 B.U. INT'L L. J. 293 (1991).

KAZUO SUGENO, *Protection of Women*, in JAPANESE LABOR LAW 714 (1992).

Hiroko Hayashi, Sexual Harassment in the Workplace and Equal Employment Legislation, 69 St. John's L. Rev. 37 (1995).

Masako Kamiya, A Decade of the Equal Employment Opportunity Act in Japan: Has It Changed Society?, 25 LAW JAPAN 40 (1995).

Kiyoko Kamio Knapp, Still Office Flowers: Japanese Women Betrayed by the Equal Employment Opportunity Law, 18 HARV. WOMEN'S L.J. 83 (1995).

Vera Mackie, Equal Opportunity and Gender Identity: Feminist Encounters with Modernity and Postmodernity in Japan, in Japanese Encounters with Postmodernity 95 (Jóhann Páll Árnason & Yoshio Sugimoto eds., 1995).

Tomoko Nakamatsu, "Part-Timers" in the Public Sphere: Married Women, Part-Time Work and Activism, in Feminism and the State in Modern Japan 75 (Vera Mackie ed., 1995).

Leon Wolff, Eastern Twists on Western Concepts: Equality Jurisprudence and Sexual Harassment in Japan, 5 PAC. RIM L. & POL'Y J. 509 (1996).

YŪJI IWASAWA, INTERNATIONAL LAW, HUMAN RIGHTS, AND JAPANESE LAW: THE IMPACT OF INTERNATIONAL LAW ON JAPANESE LAW (1998).

Kiyoko Kamio Knapp, Don't Awaken the Sleeping Child: Japan's Gender Equality Law and the Rhetoric of Gradualism, 8 COLUM. J. GENDER & L. 143 (1998).

Robbi Louise Miller, Women's Job Hunting in the Ice Age: Frozen Opportunities in Japan, 13 WIS. WOMEN'S L.J. 223 (1998).

Takashi Araki, Equal Employment and Harmonization of Work and Family Life: Japan's Soft-Law Approach, 21 COMP. LAB. L. & POL'Y J. 451 (2000).

Hiraoka 11

Jacqueline M. Efron, *The Transnational Application of Sexual Harassment Laws: A Cultural Barrier in Japan*, 20 U. PA. J. INT'L ECON. L. 133 (1999).

&

Jennifer S. Fan, From Office Ladies to Women Warriors: The Effect of the EEOL on Japanese Women, 10 UCLA WOMEN'S L.J. 103 (1999).

Robert Larsen, Ryousai Kenbo Revisited: The Future of Gender Equality in Japan after the 1997 Equal Employment Opportunity Law, 24 HASTINGS INT'L & COMP. L. REV. 189 (2001).

Christine Parker & Leon Wolff, Sexual Harassment and the Corporation in Australia and Japan: The Potential for Corporate Governance of Human Rights, 28 FED. L. REV. 509 (2000).

Galen T. Shimoda, *Japan's New Equal Employment Opportunity Law: Combating Sexual Harassment in the Workplace*, 16 TRANSNAT'L L. 215 (2002).

VERA MACKIE, FEMINISM IN MODERN JAPAN: CITIZENSHIP, EMBODIMENT AND SEXUALITY (2003).

Robbi Louise Miller, *The Quiet Revolution: Japanese Women Working around the Law*, 26 HARV. WOMEN'S L.J. 163 (2003).

KENNETH L. PORT & GERALD PAUL MCALINN, Work Place Equality, in Comparative Law: Law and the Legal Process in Japan 580 (2003).

YOSHIE KOBAYASHI, A PATH TOWARD GENDER EQUALITY: STATE FEMINISM IN JAPAN (2004).

M. Christina Luera, No More Waiting for Revolution: Japan Should Take Positive Action to Implement the Convention on the Elimination of All Forms of Discrimination Against Women, 13 PAC. RIM L. & POL'Y J. 611 (2004).

Yukiko Tsunoda, *Sexual Harassment in Japan*, *in* Directions in Sexual Harassment Law 618 (2004).

Darlene Budd, *Japan's Silent Revolution: Saying No to Marriage and the System?*, 5 J. INST. JUST. & INT'L STUD. 43 (2005).

Hiroya Nakakubo, "Phase III" of the Japanese Equal Employment Opportunity Act, 4 Japan Lab. Rev. 9 (2007).

Megan L. Starich, *The 2006 Revisions to Japan's Equal Opportunity Employment Law: A Narrow Approach to a Pervasive Problem*, 16 PAC. RIM L. & POL'Y J. 551 (2007).

Leon Wolff, *The Corporate Regulation of Gender Harassment in Japan*, *in* EMPLOYMENT, SOCIAL SECURITY AND GENDER 71 (Sayaka Dake & Shigeto Tanaka eds., 2007), https://works.bepress.com/leon_wolff/8/ (last visited Aug. 8, 2018).

Kristina T. Geraghty, *Taming the Paper Tiger: A Comparative Approach to Reforming Japanese Gender Equality Laws*, 41 CORNELL INT'L L.J. 503 (2008).

PETRICE R. FLOWERS, REFUGEES, WOMEN, AND WEAPONS: INTERNATIONAL NORM ADOPTION AND COMPLIANCE IN JAPAN (2009).

Kyoko Ishida, *Promotion of Workplace Gender Equality and the Impact of Free-Market Principles in Japan*, *in* GENDER EQUALITY RIGHTS AND TRADE REGIMES: COORDINATING COMPLIANCE 103 (Pitman Potter & Heather Gibb eds., 2012), http://www.nsi-ins.ca/publications/gender-equality-rights-and-trade-regimes-coordinating-compliance/ (last visited Aug. 14, 2018).

Curtis J. Milhaupt, J. Mark Ramseyer & Mark D. West, *Employment Law, in* The Japanese Legal System: Cases, Codes, and Commentary 619 (2012).

Leon Wolff, A Narrative Analysis of Judicial Attitudes Towards Sexual Harassment in Japan, 1 INT'L J. LIBERAL ARTS & SOC. SCI. 39 (2013), https://works.bepress.com/leon_wolff/28/ (last visited Aug. 8, 2018).

KENNETH L. PORT, GERALD PAUL MCALINN & SALIL MEHRA, Workplace Equality, in Comparative Law: Law and the Process of Law in Japan 499 (3d ed. 2015).

Hiroko Goto, Will Prime Minister Abe's Womenomics Break Glass Ceilings in Japan?, 39 HASTINGS INT'L & COMP. L. REV. 441 (2016).

Vera Mackie, Kaori Okano & Kirsti Rawstron, *Japan: Progress towards Diversity and Equality in Employment*, *in* RESEARCH HANDBOOK OF INTERNATIONAL AND COMPARATIVE PERSPECTIVES ON DIVERSITY MANAGEMENT AT WORK 137 (Alain Klarsfeld et al. eds., 2014).

Setsuo Miyazawa, Glass Ceiling for Female Professionals, Executives, and Managerial Employees in Japan: 30th Anniversary of the EEAO and

Hiraoka 13

Prime Minister Abe's Womenomics, 39 Hastings Int'l & Comp. L. Rev. 389 (2016).

&

Hiroya Nakakubo, *Glass Ceiling or Iron Weight: Challenges for Female Employees on Their Path to Becoming Managers and Executives in Japan*, 39 HASTINGS INT'L & COMP. L. REV. 399 (2016).

Emiko Takeishi, An Analysis of Organizational Factors that Increase Women's Ambition for Promotion, 13 Japan Lab. Rev. 32 (2016).

Junya Tsutsui, Female Labor Participation and the Sexual Division of Labor: A Consideration on the Persistent Male-Breadwinner Model, 13 Japan Lab. Rev. 80 (2016).

Ricky Tucker, *Implications of Abenomics on Gender Equality in Japan and Its Conformity with CEDAW*, 95 OR. L. REV. 543 (2017).

Carl F. Goodman, The Rule of Law in Japan: A Comparative Analysis (4^{th} rev. ed. 2017).

Jeremy M. Tsuchitani-Watson, *Karōshi, Karō Jisatsu, and Gender Discrimination: Japan's Human Rights Violations*, 19 ASIAN-PAC. L. & POL'Y J. 141 (2018).

2.2. Prostitution, JK, and sex trafficking; pornography & freedom of expression (commodified sexuality)

Chizuko Kaji, The Post-War Wife—No Longer Incompetent: Civil Code Revisions and Equality for Women, 31 JAPAN Q. 11 (1984).

J. Mark Ramseyer, *Indentured Prostitution in Imperial Japan: Credible Commitments in the Commercial Sex Industry*, 7 J. L. ECON. & ORG. 89 (1991).

Noriyo Hayakawa, *Sexuality and the State: The Early Meiji Debate on Concubinage and Prostitution, in* FEMINISM AND THE STATE IN MODERN JAPAN 31 (Vera Mackie ed., 1995).

Sally A. Hastings, *Disputing Rights: The Debate over Anti-Prostitution Legislation in 1950s Japan*, *in* GENDER AND LAW IN THE JAPANESE IMPERIUM 48 (Barbara J. Brooks ed., 2014).

KENNETH L. PORT, GERALD PAUL MCALINN & SALIL MEHRA, *Women's Rights, in* Comparative Law: Law and the Process of Law in Japan 308 (3d ed. 2015).

Carl F. Goodman, The Rule of Law in Japan: A Comparative Analysis (4^{th} rev. ed. 2017).

2.3 Tort law inequities, tax law inequities, etc.

Darlene Budd, *Japan's Silent Revolution: Saying No to Marriage and the System?*, 5 J. INST. JUST. & INT'L STUD. 43 (2005).

3.1 Nationality and citizenship laws, esp. re. marriage and family

Vera Mackie, Women, Citizenship and the State in Modern Japan, 14 JAPANESE STUD. 34 (1994).

Vera Mackie, *The Dimensions of Citizenship in Modern Japan: Gender, Class, Ethnicity and Sexuality, in* CITIZENSHIP AND DEMOCRACY IN A GLOBAL ERA 245 (2000).

Vera Mackie, *Embodiment, Citizenship and Social Policy in Contemporary Japan*, in Family and Social Policy in Japan: Anthropological Approaches 200 (Roger Goodman ed., 2002).

Vera Mackie, *Birth Registration and the Right to Have Rights: The Changing Family and the Unchanging Koseki*, *in* Japan's Household Registration System and Citizenship: Koseki, Identification and Documentation 203 (David Chapman & Karl Jakob Krogness eds., 2014).

Shigenori Matsui, *Never Had a Choice and Have No Power to Alter: Illegitimate Children and the Supreme Court of Japan*, 44 GA. J. INT'L & COMP. L. 577 (2016).

Carl F. Goodman, The Rule of Law in Japan: A Comparative Analysis (4^{th} rev. ed. 2017).

Yuichiro Tsuji, *Decisions That Declared Laws Unconstitutional And Their Impact On Japanese Families*, 24 ILSA J. INT'L & COMP. L. 139 (2017), https://nsuworks.nova.edu/ilsajournal/vol24/iss1/2.

Colin P. A. Jones & Frank S. Ravitch, *The Civil Code, Family, Identity and the Civil Law Infrastructure*, *in* The Japanese Legal System 285 (1st ed. 2018).

&

3.2 Marriage, civil code, family registration laws – i.e., system, post-war equality provisions, surnames, legitimacy in birth (domestic violence set into crime?), same-sex relationship recognition

Yoko Watanabe, *The Family and the Law: The Individualistic Premise and Modern Japanese Family Law, in* LAW IN JAPAN: THE LEGAL ORDER IN A CHANGING SOCIETY 364 (Arthur Taylor Von Mehren ed., 1963).

Hideo Tanaka, Legal Equality among Family Members in Japan—The Impact of the Japanese Constitution of 1946 on the Traditional Family System, 53 S. CAL. L. REV. 611 (1980).

Taimie L. Bryant, *Sons and Lovers: Adoption in Japan*, 38 Am. J. COMP. L. 299 (1990).

Taimie L. Bryant, For the Sake of the Country, For the Sake of the Family: The Oppressive Impact of Family Registration on Women and Minorities in Japan, 39 UCLA L. REV. 109 (1991).

KYOKO INOUE, *Individual Dignity and Equality of the Sexes in Marriage*, *in* MacArthur's Japanese Constitution: A Linguistic and Cultural Study of Its Making 221 (1991).

Michael S. Bennett, Gender-Based Employment Discrimination in Japan and the United States, 15 Loy. L.A. Int'l & Comp. L.J. 149 (1992).

ALICE C. L. LAM, WOMEN AND JAPANESE MANAGEMENT: DISCRIMINATION AND REFORM (1992).

Tomoko Nakamatsu, "Part-Timers" in the Public Sphere: Married Women, Part-Time Work and Activism, in Feminism and the State in Modern Japan 75 (Vera Mackie ed., 1995).

Veronica L. Taylor, *Gender, Citizenship and Cultural Diversity in Contemporary Japan*, *in* FEMINISM AND THE STATE IN MODERN JAPAN 110 (Vera Mackie ed., 1995).

Takashi Araki, Equal Employment and Harmonization of Work and Family Life: Japan's Soft-Law Approach, 21 COMP. LAB. L. & POL'Y J. 451 (2000).

Hideo Tanaka, Legal Equality Among Family Members in Japan—The Impact of the Japanese Constitution of 1946 on the Traditional Family System, SOUTHERN CALIFORNIA LAW REVIEW 53 (1980) 634-638, also

published in: Meryll Dean (ed.), JAPANESE LEGAL SYSTEM (2nd ed., London 2002) 536-539.

KENNETH L. PORT & GERALD PAUL MCALINN, Family Law, in Comparative Law: Law and the Legal Process in Japan 965 (2003).

KENNETH L. PORT & GERALD PAUL MCALINN, Women's Rights, in Comparative Law: Law and the Legal Process in Japan 882 (2003).

Darlene Budd, *Japan's Silent Revolution: Saying No to Marriage and the System?*, 5 J. INST. JUST. & INT'L STUD. 43 (2005).

Rachel Brehm King, *Redefining Motherhood: Discrimination in Legal Parenthood in Japan*, 18 PAC. RIM L. & POL'Y J. 189 (2009).

Vera Mackie, Family Law and Its Others, in Japanese Family Law in Comparative Perspective 139 (Harry N. Scheiber & Laurent Mayali eds., 2009).

MARK D. WEST, LOVESICK JAPAN: SEX, MARRIAGE, ROMANCE, LAW (2011).

CURTIS J. MILHAUPT, J. MARK RAMSEYER & MARK D. WEST, *Family Law*, *in* The Japanese Legal System: Cases, Codes, and Commentary 560 (2012).

Hiroyuki Taniguchi, *Japan's 2003 Gender Identity Disorder Act: The Sex Reassignment Surgery, No Marriage, and No Child Requirements as Perpetuations of Gender Norms in Japan*, 14 ASIAN-PAC. L. & POL'Y J. 108 (2013).

Vera Mackie, Genders and Genetics: The Legal and Medical Regulation of Family Forms in Japan, 14 Austl. J. Asian L. 1 (2013).

Barbara J. Brooks, *Japanese Colonialism*, *Gender*, and Household Registration: Legal Reconstruction of Boundaries, in GENDER AND LAW IN THE JAPANESE IMPERIUM 219 (Barbara J. Brooks ed., 2014).

JAPAN'S HOUSEHOLD REGISTRATION SYSTEM AND CITIZENSHIP: KOSEKI, IDENTIFICATION AND DOCUMENTATION (David Chapman & Karl Jakob Krogness eds., 2014).

Harald Fuess, *Adultery and Gender Equality in Modern Japan, 1868-1948*, *in* GENDER AND LAW IN THE JAPANESE IMPERIUM 109 (Barbara J. Brooks ed., 2014).

Colin P. A. Jones, Legitimacy-Based Discrimination and the Development of the Judicial Power in Japan as Seen through Two Supreme Court Cases, 9 E. ASIA L. REV. 99 (2014).

Vera Mackie, Birth Registration and the Right to Have Rights: The Changing Family and the Unchanging Koseki, in Japan's Household Registration System and Citizenship: Koseki, Identification and Documentation 203 (David Chapman & Karl Jakob Krogness eds., 2014).

Claire Maree, Sexual Citizenship at the Intersection of Patriarchy and Heteronormativity: Same-Sex Partnerships and the Koseki, in Japan's Household Registration System and Citizenship: Koseki, Identification and Documentation 187 (David Chapman & Karl Jakob Krogness eds., 2014).

Shūhei Ninomiya, *The Koseki and Legal Gender Change*, *in* Japan's Household Registration System and Citizenship: Koseki, Identification and Documentation 169 (David Chapman & Karl Jakob Krogness eds., 2014).

Linda E. White, *Challenging the Heteronormative Family in the Koseki: Surname, Legitimacy, and Unmarried Mothers, in* Japan's Household Registration System and Citizenship: Koseki, Identification and Documentation 239 (David Chapman & Karl Jakob Krogness eds., 2014).

Colin P. A. Jones, *Nineteenth Century Rules Over Twenty-First Century Reality—Legal Parentage Under Japanese Law*, 49 FAM. L. Q. 149 (2015).

J. Mark Ramseyer, *The Sins of Their Fathers: Illegitimacy in Japan and Surrogate Punishment Across Generations* (Harvard Law Sch. John M. Olin Ctr., Discussion Paper No. 839, 2015), https://papers.ssrn.com/abstract=2673674 (last visited Aug. 6, 2018).

Sara De Vido, Women's Human Rights in Japan: Two Recent National Judgments Under the Lens of International Law, 2 FEDERALISMI.IT 2 (2016).

Shigenori Matsui, *Never Had a Choice and Have No Power to Alter: Illegitimate Children and the Supreme Court of Japan*, 44 GA. J. INT'L & COMP. L. 577 (2016).

CARL F. GOODMAN, THE RULE OF LAW IN JAPAN: A COMPARATIVE

ANALYSIS (4th rev. ed. 2017).

Yuichiro Tsuji, *Decisions That Declared Laws Unconstitutional and Their Impact on Japanese Families*, 24 ILSA J. INT'L & COMP. L. 139 (2017), https://nsuworks.nova.edu/ilsajournal/vol24/iss1/2.

LINDA E. WHITE, GENDER AND THE KOSEKI IN CONTEMPORARY JAPAN: SURNAME, POWER, AND PRIVILEGE (2018).

Colin P. A. Jones & Frank S. Ravitch, *The Civil Code, Family, Identity and the Civil Law Infrastructure*, *in* THE JAPANESE LEGAL SYSTEM 285 (1st ed. 2018).

3.3 Divorce and separation, child custody (incl. Hague Convention); unequal divorce time frames

Taimie L. Bryant, Marital Dissolution in Japan: Legal Obstacles and Their Impact, 17 LAW JAPAN 73 (1984).

KYOKO INOUE, *Individual Dignity and Equality of the Sexes in Marriage*, *in* MacArthur's Japanese Constitution: A Linguistic and Cultural Study of Its Making 221 (1991).

Taimie L. Bryant, Family Models, Family Dispute Resolution and Family Law in Japan, 14 UCLA PAC. BASIN L.J. 1 (1995).

KENNETH L. PORT & GERALD PAUL MCALINN, Family Law, in Comparative Law: Law and the Legal Process in Japan 965 (2003).

HARALD FUESS, DIVORCE IN JAPAN: FAMILY, GENDER, AND THE STATE, 1600-2000 (2004).

Colin P. A. Jones, *In the Best Interests of the Court: What American Lawyers Need to Know about Child Custody and Visitation in Japan*, 8 ASIAN-PAC. L. & POL'Y J. 166 (2007).

Vera Mackie, Family Law and Its Others, in Japanese Family Law in Comparative Perspective 139 (Harry N. Scheiber & Laurent Mayali eds., 2009).

TAKAO TANASE, POST-DIVORCE LAWS GOVERNING PARENT AND CHILD IN JAPAN (2010), https://travel.state.gov/content/dam/childabduction/tanase_on_visitations law in english.pdf.

Hiraoka

&

Takao Tanase, *Divorce and the Best Interest of the Child: Disputes Over Visitation and the Japanese Family Courts*, 20 PAC. RIM L. & POL'Y J. 563 (2011).

19

MARK D. WEST, LOVESICK JAPAN: SEX, MARRIAGE, ROMANCE, LAW (2011).

Curtis J. Milhaupt, J. Mark Ramseyer & Mark D. West, *Family Law*, *in* The Japanese Legal System: Cases, Codes, and Commentary 560 (2012).

Colin P. A. Jones, *Towards an "Asian" Child Abduction Treaty? Some Observations on Singapore and Japan Joining the Hague Convention* (Asian Law Inst., Working Paper No. 031, 2013), https://law.nus.edu.sg/asli/pdf/WPS031.pdf.

Colin P. A. Jones, *Will the Child Abduction Treaty Become More* "Asian"? A First Look at the Efforts of Singapore and Japan to Implement the Hague Convention, 42 DENV. J. INT'L L. & POL'Y 287 (2014), https://www.questia.com/library/journal/1G1-387826434/will-the-child-abduction-treaty-become-more-asian.

J. Mark Ramseyer, *Litigation and Social Capital: Divorces and Traffic Accidents in Japan*, 11 J. EMPIRICAL LEGAL STUD. 39 (2014).

Barbara Stark, Foreign Fathers, Japanese Mothers, and the Hague Abduction Convention: Spirited Away, 41 N.C. J. INT'L L. & COM. REG. 761 (2016).

Yuichiro Tsuji, *Decisions That Declared Laws Unconstitutional And Their Impact On Japanese Families*, 24 ILSA J. INT'L & COMP. L. 139 (2017), https://nsuworks.nova.edu/ilsajournal/vol24/iss1/2.

Colin P. A. Jones, *Father's Rights: Japan as a Different Paradigm, in* ROUTLEDGE HANDBOOK OF INTERNATIONAL FAMILY LAW 242 (Barbara Stark & Jacqueline Heaton eds., 1st ed. 2019).

3.4 Inequities in property and inheritance laws

Vera Mackie, *Family Law and Its Others*, *in* Japanese Family Law in Comparative Perspective 139 (Harry N. Scheiber & Laurent Mayali eds., 2009).

Colin P. A. Jones, Legitimacy-Based Discrimination and the Development of the Judicial Power in Japan as Seen through Two

Supreme Court Cases, 9 E. ASIA L. REV. 99 (2014).

Yuichiro Tsuji, Decisions That Declared Laws Unconstitutional And Their Impact On Japanese Families, 24 ILSA J. INT'L & COMP. L. 139 (2017), https://nsuworks.nova.edu/ilsajournal/vol24/iss1/2.

SATOSHI MINAMIKATA, FAMILY AND SUCCESSION LAW IN JAPAN (2d ed. 2017).

Colin P. A. Jones & Frank S. Ravitch, *The Civil Code, Family, Identity and the Civil Law Infrastructure*, in The Japanese Legal System 285 (1st ed. 2018).

3.5 Public subsidies for caretaking and other systems for childrearing, welfare reform, work leave policies, issues relating to household labor and care giving

Etsuko Yuhara, *Incidents of Homicides or Murder-Suicides by Family Caregivers in Japan and Challenges for Prevention*, *in* CRIME AND JUSTICE IN CONTEMPORARY JAPAN 51 (Jianhong Liu & Setsuo Miyazawa eds., 2018).

3.6 Sexual autonomy (non-commodified) and Reproduction - privacy, contraception, abortion, eugenics, surrogacy and artificial reproductive technologies

Vera Mackie & Sandra Buckley, *Women in the New Japanese State*, *in* DEMOCRACY IN CONTEMPORARY JAPAN 173 (Gavan McCormack & Yoshio Sugimoto eds., 1986).

Sandra Buckley, *Body Politics: Abortion Law Reform*, *in* THE JAPANESE TRAJECTORY: MODERNIZATION AND BEYOND 205 (Gavan McCormack & Yoshio Sugimoto eds., 1988).

Sharon Chalmers, *Inside/Outside Circles of Silence: Creating Lesbian Space in Japanese Society*, *in* FEMINISM AND THE STATE IN MODERN JAPAN 88 (Vera Mackie ed., 1995).

CHRISTIANA A. E. NORGREN, ABORTION BEFORE BIRTH CONTROL: THE POLITICS OF REPRODUCTION IN POSTWAR JAPAN (2001).

MARK D. WEST, SECRETS, SEX, AND SPECTACLE: THE RULES OF SCANDAL IN JAPAN AND THE UNITED STATES (2006).

Rachel Brehm King, Redefining Motherhood: Discrimination in Legal

21

Parenthood in Japan, 18 PAC. RIM L. & POL'Y J. 189 (2009).

CURTIS J. MILHAUPT, J. MARK RAMSEYER & MARK D. WEST, Family Law, in The Japanese Legal System: Cases, Codes, and COMMENTARY 560 (2012).

&

Vera Mackie, Genders and Genetics: The Legal and Medical Regulation of Family Forms in Japan, 14 Austl. J. Asian L. 1 (2013).

Tin Tin Htun, Reproductive Rights in Japan: Where do Women Stand?, in Critical Issues in Contemporary Japan 201 (Jeff Kingston ed., 2014).

Yuichiro Tsuji, Decisions That Declared Laws Unconstitutional And Their Impact On Japanese Families, 24 ILSA J. INT'L & COMP. L. 139 (2017), https://nsuworks.nova.edu/ilsajournal/vol24/iss1/2.

4.1 Crime victimization - rape, sexual consent, domestic violence, stalking

Catherine Burns, Sexual Violence and Criminal Justice in Japan, in FEMINISM AND THE STATE IN MODERN JAPAN 98 (Vera Mackie ed., 1995).

Juley A. Fulcher, Domestic Violence and the Rights of Women in Japan and the United States, 29 HUM. RTS. 16 (2002).

CATHERINE BURNS, SEXUAL VIOLENCE AND THE LAW IN JAPAN (2005).

Mari Hirayama, Lay Judge Decisions in Sex Crime Cases: The Most Controversial Area of Saiban-In Trials, 3 Yonsei L.J. 128 (2012), https://people.ucsc.edu/~hfukurai/documents/5-Hirayama.pdf (last visited Aug. 6, 2018).

Shigenori Matsui, The Criminalization of Revenge Porn in Japan, 24 WASH. INT'L L.J. 289 (2015).

Mari Kita, Kin, Crime, and Criminal Justice in Contemporary Japan, in CRIME AND JUSTICE IN CONTEMPORARY JAPAN 29 (Jianhong Liu & Setsuo Miyazawa eds., 2018).

Yukari Watanabe & Michiko Miyazaki, Sex-Related Violence and the Protection of Women's Health in Japan, 37 MED. & L. 353 (2018).

4.2 Crimes by women - women in the crim. justice system as accused and convicted persons; patricide cases as gender-centered law

Daniel Botsman, *Of Pity and Poison: Imprisoning Women in Modern Japan*, *in* GENDER AND LAW IN THE JAPANESE IMPERIUM 136 (Barbara J. Brooks ed., 2014).

Darryl Flaherty, *Burning Down the House: Gender and Jury in a Tokyo Courtroom*, 1928, in GENDER AND LAW IN THE JAPANESE IMPERIUM 159 (Barbara J. Brooks ed., 2014).

Mari Kita, *Kin, Crime, and Criminal Justice in Contemporary Japan, in* CRIME AND JUSTICE IN CONTEMPORARY JAPAN 29 (Jianhong Liu & Setsuo Miyazawa eds., 2018).

Etsuko Yuhara, *Incidents of Homicides or Murder-Suicides by Family Caregivers in Japan and Challenges for Prevention*, *in* CRIME AND JUSTICE IN CONTEMPORARY JAPAN 51 (Jianhong Liu & Setsuo Miyazawa eds., 2018).