

Article

## **CEDAW's efficacy and gender regime (im)mutability in Japanese university institutions**

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### **Abstract**

Employment discrimination against women in Japan has been legislatively prohibited since the 1947 constitution and re-affirmed with the signing of CEDAW in 1985. This paper explores the gaps between international law (CEDAW) and formal and informal principles and praxis in Japanese universities. A constructivist institutionalist analytic was used to illuminate mechanisms of constraint on institutional change toward gender equality. Using a relational approach, in-depth interviews of female and male faculty at all levels of the hierarchies of universities were undertaken. It was found that institutional myths of gender-neutrality positioned women's proclivities as the cause of gender inequality and that institutional change was primarily discursive, not substantive.

### **1. Introduction <sup>1)</sup>**

Using a constructivist institutionalist analytic, this research aims to elucidate institutional mechanisms that constrain change toward gender equality in the Japanese university context. Domestic employment laws such as the Equal Employment Opportunity Laws (EEOL) have, in many respects, undermined the transformation envisioned in the Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW's efficacy as a rubric is able to make direct links between Japan's employment realities and its international commitments. The theoretical approach utilized in this research emphasizes the fact that societal elements that produce inequality are not only reflected in institutions, they are also produced within institutions. Since institutions are the site of political, economic, and cultural transactions, examining institutions can shed light on the creation and reproduction of inequalities. This research elucidates egalitarian norm diffusion and the gendering of institutional processes, such as recruitment and hiring in Japanese private universities, through an interpretivist, relational approach, in order to illuminate praxis that constrains change. CEDAW requires, sooner rather than later, broad diffusion of egalitarian norms and changes to stereotyping processes that disadvantage women. Making a direct, proximate link regarding this legislation with institutional praxis

can shed light on areas where Japan has yet to meet its international obligations regarding women's human rights.

In this section of the paper, I first describe the background regarding women's education and employment in Japanese universities. CEDAW's relevance to the Japanese context will then be examined, followed by methods for promoting equality and the ways in which norm diffusion are conceptualized and assessed. Next, the theoretical underpinnings and then the research methods are explained. This is ensued by the results and analysis, focusing on egalitarian norm diffusion and the discriminatory praxis that contributes to the gendering of recruitment and hiring. Finally, some concluding comments are offered.

### 1.1 Background

Japan ranks low on global indices regarding gender equality in education. It is 100<sup>th</sup> out of 135 countries in tertiary attainment according to the World Economic Forum's (WEF) Global Gender Gap Report (2012: 216). A low ranking in this category is particularly problematic in terms of gender inequality in university employment since educational attainment is a formal requirement for faculty and senior management positions in academia. The percentage of female university faculty in Japan is one of the lowest in the world at 11.9%, and only 10.6% of these women are full professors, while the majority are in part-time and contract positions as assistant professors and lecturers (Ministry of Internal Affairs and Communications 2006).

There is equal educational opportunity for primary and secondary school, but in 2008, only 43% of girls compared to 55% of boys continued to 4-year colleges (Mombukagakusho 2009 cited in Hara and Fujimura-Fanselow 2011: 85), and women's enrollment continues to be lower than most highly developed countries. Women's entry into graduate school has been half that of males in Japan (8% versus 16%) (Hara and Fujimura-Fanselow 2011: 85). Similar to other advanced industrial countries women are concentrated in traditionally 'female' fields of study, such as humanities, education, domestic science and art, while they comprise only 25% in science and 10% in engineering (Charles and Bradley 2009; Osawa 2007).

However, these gendered differences do not account for the overall disparities and the extreme underrepresentation of women as university faculty (Hara and Fujimura-Fanselow 2011: 85). All fields of expertise have generally been found, not only to be gender segregated, but to be further segmented into subfields that are male (technical) and female (caring) (Barone 2011). Furthermore, since women are 'Othered'—positioned as secondary citizens within the male dominated society in Japan (Tsujiyama 2004)—male norms are generally given more weight, which likely contributes to judging women's expertise more severely. Since female professors possibly place greater emphasis on teaching as central to their profession (Poole, Bornholt and Summers 1997), this also potentially has an impact on women's choices within their career development. Teaching, as a craft, often only receives cursory recognition and is afforded less value than other factors, such as administrative contributions.

Discrimination has been found to be partly responsible for gender inequalities in employment (Tachibanaki 2010). Discrimination and stereotyping in the professoriate

emanate from male-normative expectations. In employment this includes, but is not limited to, age-normative career trajectories that demand non-interrupted careers, which most women typically have been unable to meet.<sup>2)</sup> Highly-educated women, denied access to positions as professors when they do not conform to male-normative hiring praxis have to accept precarious employment, which provides a cheap, flexible labour segment that is demand-side (employer) driven (Osawa 2006: 178). Women academics in Japan have not been afforded the same respect as men (Ueno 1999), have been judged more severely, and since academic expertise is defined in male-normative terms, have been disproportionately excluded (Tachi 2004; Ueno 1999). These above-mentioned facts and factors indicate that the entrenched power nexus that is found around the world within the male-dominated institution of academia is at a much more extreme level in Japan.

While little research has been done in Japan to identify the mechanisms of discrimination within institutions that reproduce male-centred workplaces (Yuasa 2005), recently Nemoto (2013a, 2013b) found that male norms positioned women as men's assistants, and the 'misogynistic perceptions of female managers' (2013a: 163) marked women as deviant. The lack of objective assessment and general bias in Japanese organizations disadvantages women (Benson, Yuasa and Debroux 2007) and women either have to conform to male standards or opt out (Nemoto 2013a).

Given the levels of gender inequality and discrimination, it may seem paradoxical that Japan was one of the earliest adopters of laws that guaranteed the equality of the sexes through the 1947 Japanese Constitution, and this formal commitment was re-affirmed through the ratification and signing of CEDAW in 1985. Some Asian states have rejected international human rights on the grounds that they are not compatible with Asian values, as outlined in the 1993 Bangkok Declaration. This Declaration stressed 'community over individuals, social harmony, individual duties and respect of hierarchy' (Bloise 2010). Since international norms guarantee *individual* rights, women would be guaranteed rights as independent individuals under CEDAW, while women's roles as family members were emphasized in the Asian values declaration. Bloise argued that it was, therefore, not possible for Japan to take part in the Declaration since Japanese legislation unambiguously included human individual rights, both civil and political (22). Notably, unlike dualist countries such as the United States that require domestic processes to be fulfilled before transnational treaties become law, these treaties, in a monist state like Japan, have the force of law upon ratification and signing. Thus CEDAW, which Japan ratified with no reservations, became immediately applicable as domestic law and overrides any domestic laws that are in conflict with it (Iwasawa 1998).

## 1.2 CEDAW

CEDAW requires equality of *outcome*, not just equality of *opportunity*, and it requires the state, through initiatives such as affirmative action, benchmarks, targets, and incentives, to reach actual equality 'sooner rather than later'. Article 5(a)<sup>3)</sup> of CEDAW obliges states to remove social, cultural and traditional patterns that perpetuate gender-role stereotypes so as to promote the realization of women's full rights—even if the said patterns are considered to be convenient, 'reasonable' or culturally justified. CEDAW's strength is that

it addresses cultural relativist rationales that perpetuate women's subordination due to cultural practices and traditions that contribute to inequality and discrimination.<sup>4)</sup> CEDAW's requirements have been resisted by some states due to concerns that CEDAW undermines (national) cultures, but state autonomy is not challenged by CEDAW. Rather, in dialogue between the state representatives and the CEDAW committee, which acts in consultation with civil society (such as NGOs and feminists), the aspects of culture to be addressed are solely those that lead to discrimination against women and are therefore justifiably under scrutiny on the grounds of women's human rights. The dynamics of how the norms embodied in CEDAW are diffused, implemented, and assessed continue to be examined so as to provide insight regarding the efficacy of instruments that aim to promote sexual non-discrimination. Cusack (2013) posited that resistance to CEDAW generally is on cultural, national, or religious grounds. In Japan, this has taken the form of nationalism, and attention to gender inequality has also been partially undermined by ahistorical, intellectually flawed theories<sup>5)</sup> (Molony and Uno 2005).

Rather than challenging gender stereotypes, Japanese domestic labour laws continue to protect corporatist aims at the expense of women. In this research I have directly employed CEDAW, particularly Article 5(a), as a rubric to assess norm diffusion in relation to institutional employment principles and practices. This is in order to illuminate the role of institutions in contributing to discriminatory practices that persist due to the state's failure to protect against harmful gender stereotyping that occurs strategically or through omission. CEDAW provides a solid framework to examine harmful stereotyping, such as processes that privilege men as core employees and women mainly as caregivers (Cusack 2013: 130-31), the male heroic work ethic, expectations of uninterrupted careers, and age normative hiring. Addressing gender stereotyping is imperative, since it has been shown to invariably result in women's subordination. The conscious and unconscious institutional expectations of the 'logic of gender appropriateness' (Chappell and Waylen 2013) result in pernicious and hard-to-identify disadvantages for women.

### **1.3 Promoting equality**

The uneven diffusion of the norms of sexual non-discrimination that are viewed as acceptable according to international standards and promulgated by CEDAW have been examined using varied approaches that have resulted in an array of causal explanations (Squires 2007; Zwingel 2005). For example, feminist legal scholars have attributed weaknesses in CEDAW due to the inconsequentiality found in all the international human rights laws that emanate from weak enforcement.<sup>6)</sup> Resistance by patriarchal gender regimes that solidify male entitlement and overpower attempts to change the gender order are another cause. However, legal scholars cannot explain the broad diffusion of domestic norms where legislation does not (yet) exist. Utilitarian conceptualizations that underpin neoliberalism and liberal intergovernmentalism explain the lack of diffusion using economic and materially based rationales. Compliance has been assumed to be high for fear of retaliation or in order to bolster reputation and legitimacy (Keohane 1992); however, this approach cannot explain preferences of states or individuals that are not economic or materially based. For example, economic and resources allocation are not particularly

pertinent in the adoption of international norms that have been due to activism and litigation regarding civil rights and eradicating violence against women. Sociological institutionalism, such as world polity theories (Boli and Thomas 1999; Finnemore 1996; Meyer and Jepperson 2000) assume that isomorphism acts to diffuse norms due to the intersubjective understandings of what a legitimate state is in the international system. However, this cannot account for heterogeneity across states and ignores the tensions between the international and the domestic. While constructivism may focus on the role of the state, it conceives of norm diffusion as a negotiated dialogue between states in relation to international laws through a shared educational process of exchanging ideas, yet the impact of national-level dynamics are understated. Zwingel (2012) suggests a transnational perspective that acknowledges how CEDAW is 'translated' across contexts, as an alternative conceptualization.

#### **1.4 Diffusing norms**

Mainstreaming, quotas, and policy agencies are key to promoting ideational change (Squires 2007). However, their efficacy is uneven and dependent on contextual factors that vary across states. While these strategies can complement each other, it has also been shown that they can work against each other and may even have a negative impact on gender equality (Squires 2007). Furthermore, it is generally acknowledged that there are tensions between transformation and both assimilation and essentialization.

Engaging with mainstreaming involves complexities such as the way the concept is conceived, operationalized, and evaluated. The move toward considering 'gender issues', as opposed to 'the women's problem', provided an opening for conceptualizing the role of gender relations (versus static gender identities) (Squires 2007: 67). Additionally, there are considerations of how to conceive of equality (*sameness* versus *difference*) and whether to focus on opportunities versus outcomes. For example, while gender mainstreaming has been adopted by EU member states in terms of formal policies, the uneven effectiveness has been argued to be a sign of lack of commitment (Rubery 2002: 511-16). Solely rhetorical change in nations and organizations has resulted in 'business as usual' (Squires 2007: 71). This claim has been leveled at Japan as well (Ochiai and Joshita 2014).

Quotas, such as reducing occupational segregation or providing support for mothers returning to employment, have been useful in promoting a more rapid increase in women's representation compared to attempts to change socio-economic factors. While gender quotas centre on women's formal inclusion in the gender regime through focusing on (numerical) representation, the transformation of existing principles and practices is not a central aim. Descriptive representation may be a necessary, but not sufficient, condition for substantive, transformative change.

Policy agencies have been found to push forward goals of women's movements, as well as increase women's representation, but are generally not effective if there is not a cohesive women's movement whose aims are consistent with government goals. Indeed, it can be seen that gender policies that are cohesive with Japanese government frames, such as those that are pro-maternal or focus on eldercare, have received more traction than transformative policies that would decrease women's precarious employment or aid

mothers in returning to work. These would ostensibly challenge state aims that are consonant with corporate goals. Savery (2007), in examining the dynamics of the state in relation to international legislation, outlined state resistance (and compliance) in policy formation and levels of enforcement. While there have been dedicated politicians as well as feminists and other activists working on gender employment issues, Japan's contested, non-cohesive women's movement (Mackie 2003; Shigematsu 2012), along with the lack of a numerically strong, multi-pronged civil society (Pekkanen 2006), prohibits effective challenges to the gender order.

The Japanese state is complicit in the continuing gender discrimination and it lacks in commitment to change. Ochiai and Joshita (2014) argue that the slow rate of change in Japanese gender regimes is the result of the mistaken assumption that 'culture' undergirded Japan's early economic successes, and the resultant solidifying of the Japanese family system into laws and policies has left a legacy that is resistant to change. The systems of taxation, employment policy, pensions and social security have been underpinned by the patrilineal *ie seido* (household system) that formalizes male domination, which remains despite domestic pressures (Savery 2007: 156). Gurowitz (1999: 422) has argued that Japan's weak links with international society are relevant regarding Japan's minimal concern for its international standing. Savery (2007) suggested the corporatist state has been the driving impediment in Japan's reluctance to honour women's human rights. The state's refusal to make substantive changes has also been attributed to the over-emphasis on economic development that relies on a state welfare system that is buttressed by the family being responsible for child- and elder- care (Ochiai and Joshita 2014; Peng 2001, 2012).

Stalling has been the government strategy employed to avoid compliance. Zwingel argued the government was initially reluctant to ratify CEDAW, as it was apparent 'wide-ranging legal changes were necessary' (2005: 231). Indeed, the general emphasis on gender *difference* (versus *sameness*) in policies and in society generally, would contribute to gender segregation, including educational and employment choices. In fact, Gelb (2003) posited that the EEOL actually has been instrumental in the deterioration of women's employment (53). The government argued it needed to study how international conventions could 'give consideration to the harmony between domestic law and the convention', which resulted in thirty years without conclusions (Savery 2007: 155). Courmadias *et al.* suggested that at issue for CEDAW was the judiciary's (not to mention public officials' and corporate citizens') need for equality training (2010: 115).

Gender stereotypes disadvantage women's recruitment (Fiske *et al.* 2002) due to, for example, the (un)conscious assumptions that domestic responsibilities will diminish returns to their labour (Becker 1971, 2009)—that women will be less productive. Since women are assumed to be family-oriented, they generally exchange their labour in the labour market under different terms than men due to the public/private divide, which results in their employment disadvantage. Ideals of masculinity and femininity align with gender segregation (Grusky 2008), and stereotyping also disadvantages women who chose to enter into male-dominated arenas, such as the context of this present research—Japanese academia. Men are assumed to be free of any domestic ties since the marriage

contract relieves them of identities tied to the domestic realm (Pateman 1988), and provides them with a partner who shadows their careers—the corporate wife (Kanter 1977). Organizations and husbands benefit directly from wives' unpaid social and domestic work (104). Wajcman argues that for women to be successful in top-earning positions of management, they must do so on men's terms, which means obtaining the support that wives normally provide (1998: 40)—often an unrealistic scenario. One result of this in Japan is women choosing to delay or refrain from marriage and having children.<sup>7)</sup>

## 2. Institutional and relational analytics

Gender inequalities in institutions/organizations were initially seen as reflecting societal gender inequalities. However, a key insight into institutional/organizational gender inequalities reconceptualizes the institutional role in producing and reproducing discrimination. Since institutions/organizations are where much employment discrimination occurs, examining the proximate role the various institutions play in discriminatory processes has the potential to reveal what change is necessary for gender regimes.

In this research, I chose a feminist constructivist institutional analytic due to its efficacy in illuminating change and stasis of institutional gender regimes (Krook and Mackay 2011; Vickers 2011). Utilizing interactionism attends to the meaning-making of gendered institutional 'praxis'. Structures, as they are 'instantiated'—brought to life—within relations, can be illuminated using insights from structuration theory (Giddens 1984). The interactionist approach, due to its contextualized situatedness within institutions, provides for what Robert Merton has called middle-range theories (Sica 1998) that illuminate specificities and do not aim at universal understandings, thus acknowledging the complexities of intersectionality, standpoints and the particular lenses utilized in data generation and interpretation.

Rather than gender *in* institutions, the *gendering of* institutions opens a space to consider gender as relational. Praxis in institutions is better able to explain the persistence of inequality (Calás, Smircich, and Holvino, 2014) than less proximate approaches, such as those focused on gender socialization. Conceiving of gender as an essential attribute or as a role has not been able to sufficiently explain variations, diversity, and persistence of inequalities. A constructivist approach conceives of gender as a 'routine, methodical, and recurring accomplishment' (West and Zimmerman 2002: 4). Conceptualizing gender as a process—as an emergent feature of social (and institutional) contexts—provides a link between the interactional and the institutional, since gender is contextually 'produced'. Interactionist conceptualizations of 'doing gender' (Fenstermaker and West 2002; West and Zimmerman 1987, 2009) have been instrumental in sociological examinations of gender inequality. Relational approaches reveal power, resource allocation, and 'structures' (Acker 1992a, 1992b; Connell 2006a, 2006b).

Conceiving of gender as relational, versus gender as a static identity, opens a conceptual space for understanding gender inequality's persistence, since it is produced through relations. The relational, 'doing gender' approach extended Goffman's (1977)

dramaturgical gender ‘displays’ (Sandstrom, Martin and Fine, 2010). West and Zimmerman’s (1987) ‘doing gender’ approach diverged from Goffman’s views of gender as optional, ritualized, scheduled *displays* that were peripheral to what was socially at hand. Rather, the ‘doing gender’ approach positions gender as central and often *the* business at hand, since establishing status, and therefore maintaining power and access to material resources—the establishment of male entitlement that results in gender inequalities—is dependent on gender bifurcation. ‘Doing gender’ involves a ‘complex of socially guided perceptual, interactional, and micro-political activities that cast particular pursuits as expressions of masculine and feminine “natures”’ (West and Zimmerman 2002: 4) with consequences regarding power and material resources.

The norm of gender-neutrality of institutions obfuscates the fact that male normativity bolsters institutional principles and practices. Male embodiment is evidenced in the form of the sexualized nature of work rewards, male homophily as an organizing principle, and gendered expectations that are male-normative. Yet men’s gender is made invisible (Lewis and Simpson 2010). The ubiquitous denial that men have a gender<sup>8)</sup>—that gender is solely equated with women, female issues or women’s problems—indicates how women’s embodiment is viewed as the problematic feature of institutions, while men’s embodiment remains invisible in organizations, despite the sexualized nature of many work interactions and sexualized (after-work) socializing. Women’s embodiment is evidenced, for example, in the corporate problematizing of birthing and child rearing as well as the overemphasis on female sexuality.

The institutional micro-advantages that accrue to men and the micro-disadvantages that accrue to women are co-constitutive of societal and institutional gender regimes that are buttressed by, in Meyer and Rowan’s (1977) terms, organizational ‘ceremonies’ and ‘myths’ of supposed gender neutrality. In actuality, these practices and beliefs position men as ideal workers and women as assistants and supporters of men’s careers. Heroic characteristics such as being tough, hard working, and unencumbered are attributed to men and consonant with leadership. Caring characteristics such as warmth, emotionality, and being supportive are attributed to women as support (not core) workers. The symbolic and material aspects of organizational culture are so taken-for-granted that they are ‘seen as ungendered’ (Wajcman 1998: 49).

Elucidating the processes that contribute to gender inequality can potentially explicate the ways in which institutions are not complying with the international laws of CEDAW that are directly related to women’s employment equality. Cusack (2013) has shown the value-added utility of using CEDAW in assessing domestic discrimination, and Japanese legislators have already turned to CEDAW in court cases, hence exposing the role of institutional segregative and discriminatory mechanisms that contravene international law. For example, Japanese feminists in the Working Women’s Network (WWN) appealed directly to the International Labor Organization (ILO) and the CEDAW Committee in order to expose the reality of discrimination due to employment segregation that was happening in Japan in an attempt to embarrass the Japanese government (Hicks 1997; Working Women’s Network 2000, 2008). They filed lawsuits against the Sumitomo group and these were the first cases in which the Japanese judiciary was required to interpret

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CEDAW in its judgment.

### 3. Methods

In this research I used an interpretivist approach in order to identify *processes* (Heugens and Lander 2009) or mechanisms (Campbell 2004) of constraint to change. Research participants were located in different sections of the universities' hierarchies and structures, and therefore, holistic data generation (Mason 2006: 165) was seen as appropriate, as each part of the whole contributed different understandings. In-depth interviews, which lasted between 30-120 minutes, of 65 female and male faculty at thirteen private Japanese universities were undertaken. Snowball sampling was used and while 38 interviews were taped and transcribed, 27 participants preferred not to be taped, and therefore notes made during the interview process were reviewed and supplemented afterwards with comments. Participants were guaranteed anonymity through the use of pseudonyms and any information that might reveal identity has been changed due to the sensitive nature of some of the data. Thus a least-harm approach was taken (Bryman 2004).

### 4. Results and analysis

This section presents the analysis of the empirical data and examines egalitarian norm diffusion as well as the gendering of recruitment and hiring in the male-dominated university institutions.

#### 4.1 Egalitarian norm diffusion

*Gender issues? How would I know? You would have to speak to the girls.* (Professor Ishihara: male faculty administrator referring to female professors)

*Why should I be doing something, be thinking about gender discrimination? Just because I'm a woman? ... It's men who are discriminating. They are the problem, you know, so they should fix things.* (Professor Tomioka: female faculty administrator referring to male professors)

There were basically three views on egalitarianism, with liberal egalitarianism's equality of *opportunity* predominating, though most female participants strongly supported equality of *outcome* (which is consistent with CEDAW's mandate). These two standpoints contrasted with a third view, that of the 'old guard's' generally non-egalitarian position. An illustrative example was Professor Oka, who argued female faculty were inferior to male faculty:

Japanese women are timid. They aren't ambitious about their careers. ... They like to have babies. We don't discriminate in Japan because it is against the law. But they like their freedom, to do, you know, hobbies, travel, go shopping. So, once they get hired as professors, they don't take their careers seriously. They don't have the same energy as

men, you know, they get tired so easily.

It is worth noting his construction of women as Other using terms such as 'timid', 'hobbies' and easily getting tired. Othering positions women as inferior, resulting in discrimination, and is a strategy to maintain power and access to material resources in the institution. Professor Oka's language reinforced the 'male' attributes of men as being serious about their work, energetic, and *not* timid. These were presented in opposition to women's attributes, thereby legitimizing men as better qualified than women, whom he described in frivolous terms. Furthermore, mention of women's anatomy and general weakness (lack of energy) reinforced stereotypes of male strength, insinuating its importance in male-dominated arenas.

Professor Ito, who was in a position to enforce guidelines for gender equality due to his senior administrative position, admitted to never thinking about gender inequality. When pressed, he argued the best tactic to achieving gender equality was waiting:

I think the only strategy, like most of the men who are supportive of gender issues, is to wait. We need to wait for the older guys to leave (this university), which will be in about 5–7 years, maybe more, because some of the younger profs are also very conservative about gender issues. We have to wait for them to leave, because they have too much seniority, power to be overridden by the faculty.

He seemed to be indicating that there were men supportive of gender equality, but that those with power due to seniority would not be supportive of initiatives and therefore change would not happen as long as there were any top administrators with recalcitrant views. Of note, when asked how he knew that other men supported equality, he said that he had never actually talked about gender issues with them though he just 'got the feeling' that they would be supportive.<sup>9)</sup>

He reflects the views of numerous male participants who said waiting for those in power to leave and for newcomers to be appointed who would hold egalitarian views was how change would occur. Yet they also acknowledged that younger, incoming professors also held traditional views about gender relations. Waiting for change directly contravenes CEDAW (Luera 2004: 635), and Japanese gender equality laws are consistent with CEDAW in recommending positive action as well. The data revealed there was an unevenness of change in attitudes at different levels of the institution. For example, some norm diffusion was exhibited at the level of the individual, indicating changes in cognitive-cultural institutions. Broad norm diffusion at the organizational level was not evident and corporate principles and processes were found to be constraining the changes being promoted by policies such as the 30% by 2020.

Most of the men, when asked about improvements in gender equality, said they had not given it any thought at all. When pressed, their responses indicated that gender equality was something only women thought about, as Professor Shima, a senior administrator asserted:

I know nothing about ladies' empowerment.

His body language—a puffing-up of the chest and a dismissive wave of the hand—illustrated that this was not his concern, it was a 'ladies' thing. Collinson and Hearn (1994) argued that gender power relations are obscured through universalizing male normativity, which results in gender being associated with women; men are not seen as gendered, rather they are the standard, the norm, and women have or are the problem.

Professor Sekiguchi, when asked about changes in gender inequality, said:

It should not be up to women to fix things. Men benefit every step of the way and feign ignorance that there is discrimination. And then I, as a woman, I am supposed to work harder, while they float to the top because of their anatomy? And on top of that, I have to also work on gender equality? Seriously? Why aren't they doing gender research? Why aren't they, up there in administration, trying to help us? There are two genders, are there not? Their heads are in the sand and they need to get them out; they have no more right to jobs than equally qualified women, but now that they have them—and biases, which are rampant, helped them—they should be helping women, don't you think?

She thought it unfair that women were expected to change gender discrimination while men were the cause of the inequalities, yet not involved in finding solutions. Broadbridge and Simpson (2011: 477) also found this gendered assumption. Professor Sekiguchi had thought a lot about this, as indicated by her articulate, streamlined narrative. CEDAW's requirement of broad diffusion of egalitarian norms had clearly not been satisfied, especially in the upper administration. Even those who identified with egalitarian principles were aware they were contributing to and rationalizing gender biases. Not only were egalitarian views sparsely scattered throughout the hierarchies, but there had yet to be a broad acknowledgement that discrimination continued and thus little was being done to ameliorate it.

The data in this section reflects the disparate views of how change in gender inequality was envisioned, as well as where responsibility for taking action rested. The differences were generally along gender lines, as indicated in the first two quotes that began this section. There was an impasse, with the administrators in the universities uninterested in change, and female faculty—predominantly being unconnected to the upper administrative processes—acknowledging their lack of power to instigate change. Norm diffusion had not occurred for those in the upper administrative positions at the universities. They almost invariably said they never thought of gender and intimated that it would be crossing gender lines (being feminine) to do so. Gender had not been mainstreamed within the universities, except in solely discursive manners, such as mission statements on institutional webpages. Even with government quota demands, as outlined in the '30% by 2020' initiative, administrators were not aware of this requirement or were dismissive and expressed antagonism regarding gender as an issue. For those who saw themselves as supportive of gender equality, they expressed an awareness that

discrimination was occurring but argued they could do nothing about processes that were legitimized through precedence or cultural rationales, which included academic decision-making autonomy and *wa* (harmony). The ubiquitous statement that 'there was no discrimination in Japan because it was against the law' illuminated the lack of diffusion of understanding regarding discriminatory mechanisms. Finally, women's general lack of power in universities was instrumental in their belief that, at some point, university administrators would attend to gender discrimination.

#### **4.2 Gender recruitment and hiring processes**

There was generally little confidence in the institutional commitment to gender equality. Some interviewees were aware that their universities were required to increase the number of female faculty to 30% by 2020, in line with the current government initiatives (Cabinet Office 2011). For some interviewees, equal opportunity in recruitment was limited to the equal opportunity to *apply* for positions and to subsequently be considered based on merit. However, monitoring departmental processes in order to ensure meritocracy was seen as overly cumbersome by some of those in senior management. One member of a Board of Directors argued that he thought the responsibility of the university was simply to have the *expectation* of equal opportunity and that nothing further was required.

It was found that there were also narrow conceptions of equality. For example, Professor Moto emphasized that in his department there was reluctance to utilize *koubo* (open recruitment) and the faculty did not want to be forced to change their hiring practices, saying:

We can do whatever we want, as we damn well please.

This statement illuminated the strong reluctance to change and interference from outside. There was an assertion amongst some male participants across universities that women would be appointed over men. This organizational myth (Meyer and Rowan 1977) legitimized the (unfounded) belief that equality of opportunity had been achieved in their institutions. The unsubstantiated view that women were being given some preference was felt by some to be having negative consequences, such as inviting complacency and pardoning any breaches in fairness since these were viewed as anomalies. Professor Hayashi expressed this in describing the over-confidence of faculty members regarding their own gender-neutral attitudes:

They never end up hiring women, but they can feel like 'good guys', so progressive, by doing nothing. So, in a way, the university just makes things worse because there is no follow up, no commitment at all.

Generally, interviewees remained very skeptical that hiring was unbiased, as shown by Professor Hara:

Before, their attitude was 'Women please don't apply'. Now it's 'Women apply, but your

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résumé will go in another pile'. So, women are allowed to apply, kind of. But they won't seriously consider women as candidates because they'll always go for those with men's specializations, even though women's specializations fit departmental needs, they'll be passed over for the guy who researches guy things or occasionally women who do guy things. They think they are being rational, but they just rationalize why a man gets hired, and use what they think are rational reasons, and a guy always seems to fit the bill. So it all looks kosher, you know, but it's smoke and mirrors and business as usual.

She alluded to desk rejections for women in the hiring process as well as biases in choosing certain types of expertise that are typically viewed as male normative. Similar to other interviewees, she saw the hiring process as ritualized to emphasize rationality while in reality decisions were based on gender, though the non-overt nature of the process made substantiation of bias difficult. Interviewees thought gendered assessments of women's expertise were a mixture of conscious and non-conscious discrimination.

Perceptions of candidate's potential were extremely gendered. For example, Professor Rai said that female candidates were generally viewed as lacking potential, while male candidates were assumed to have unbounded expertise and potential:

*Professor Rai:* They say, 'Her area of expertise is too broad', 'It's too narrow', 'It's not interesting to students', 'It's not relevant to our department', 'She may not be able to do research' or 'teach our classes' (use of ersatz quotes) etc. etc. This kind of stuff. But for a man, it's always, 'He may not have the experience, the right PhD, but we expect he can do anything we ask, because, hey, he's a man!'

*BH:* Do you think they know they are assessing women and men differently?

*Professor Rai:* Sometimes I think, yeah, they know exactly what they are doing. Other times I think it is not conscious, they are just so used to thinking that way. We expect the committee members will do these sorts of manipulation... Normal females, even if they have a lot of confidence they, unlike men, they never say they can do more than they can do. Men will just say they can do anything, even if they have no idea whether they are able to be successful or not. Then, also, the committees can use this to justify why they chose him over her, you know?

*BH:* Has it always been like this?

*Professor Rai:* Ha! Yes! I am sure it has. When I first came here I thought, hey, they have a hiring system in place that seems fair. Bit by bit, over time, though, I just kept hearing the same excuses. He can, she can't, he can, he can, you know what I mean? So it's clear there is discrimination, but it's hard to nail them, especially if you are not on the committee.

Professor Rai's comments were comprehensive in listing a number of points mentioned by many other interviewees. First, the flexibility in assessing qualifications that, conscious or not, invariably privileged men. Their potential was assumed, while women's was invariably doubted. There was the belief in men's unbounded confidence that may not have actually reflected reality yet put them in good standing. This differed from women's more

understated portrayal of their expertise. These gendered ways of self-presentation disadvantaged women in hiring situations. It is well documented that women in male-dominated fields are more severely scrutinized than men and thus women must be more concise and concrete when under evaluation (Jeanes *et al.* 2011; Savita *et al.* 2014). Professor Rai contrasted how women versus men portray their real or 'imagined' skills. Other research, such as Bagihole and Goode (2001), has documented how self-promotion was both a necessary part of academia and gendered to advantage men. Also Ely and Padavic (2007: 1129) found, in the non-Japanese context, that male attributes such as authority and confidence were synonymous with those required to be effective administrators, thereby reinforcing the gender differences and the legitimacy of men's position in the corporate hierarchy. Professor Rai argued that self-promotion would help men to acquire employment since capabilities would be judged on their self-assessments as superior to women's actual accomplishments and this could then be used to rationalize choosing them as the successful candidate. Professor Rai articulated what many of the interviewees had said about perceptions of women's confidence and competence as being presented and judged differently in the recruitment process.

It was found that there was a well-utilized (un)conscious 'escape route' when decisions required assessment of academic, teaching and administrative expertise. For instance, when hiring choices were between equally qualified men and women, several interviewees reported the male-normative skills usually received more weight. Even when applicants' research fields were consonant with fields of expertise in the faculty, the sub-areas of expertise or career emphasis were generally gendered and it was found that this disadvantaged women. Also, published articles (including university journals) were invariably given more weight than teaching expertise. Male industry expertise was favoured over women who had more formal academic qualifications. Charles and Grusky's (2004) supposition, in their research in the Japanese context, that men were viewed as more status-worthy, was also found in this research context regarding recruitment and hiring. Attitudes that positioned women as Other, combined with forceful mechanisms that worked continuously and doggedly at the relational micro-level of the organisation, negatively impacted women's recruitment and hiring.

## 5. Conclusion

While organizations are acknowledged to both enable and constrain change (Giddens 1984, 1987), and both female and male faculty who participated in this research offered some positive views on their professions and their universities, the focus of this paper has been limited to institutional mechanisms that constrain change toward the gender equality norms embodied in CEDAW. It was confirmed by the data that the disadvantages women face in the male-dominated universities were somewhat similar in kind to other highly industrialized countries, though they were different in their overt and extreme nature.

Gender egalitarian ideals were found to be unevenly scattered throughout the university hierarchies. Women generally supported egalitarianism and situated responsibility on the university to make changes. Some men also supported egalitarian

ideals but several others believed in traditional and stereotypical gender roles. Egalitarian ideals and discrimination coexisted, and the institutional praxis that (re)produced gender discrimination and inequality was not challenged at the level of full time faculty positions. The overall sentiment that emerged in the data was that improvements would happen eventually through the inevitable changes in the broader society. Those in upper administrative positions, almost exclusively men, gave gender little or no consideration. The research participants expressed strong doubt that any of their universities would make substantive changes regarding core faculty positions in order to reach the goals of recent policies, such as the 30% by 2020 initiative.

Formal instruments regarding norm diffusion are in place in Japan. There is formal commitment at the international level with CEDAW's ratification as well as a constitutional guarantee of gender equality. Domestic laws such as the EEOL, while guaranteeing non-discrimination in employment, are also underpinned by a gender *difference* ideology that is embraced in the broader society. Japan's traditionally male breadwinner paradigm is increasingly buttressed by women in predominantly precarious employment, including many highly-educated women who are underrepresented, for example, in the professoriate. Some government policies aim to challenge this trend in women's precarious employment. However, institutional and cultural praxis pose resistance to compliance with sexual non-discrimination laws. Gaps between legislative institutions and formal and informal institutions are to be expected (Scott 2014; Campbell 2004; Thelen 2007, 2009), yet Savery (2007) brings attention to the thirty-year 'paralysis by analysis' lag in substantive change since CEDAW's ratification and the EEOL's implementation. This paper illuminates the institutional mechanisms that contribute to constraint in women's substantive equality in employment in some universities.

There is a fundamental expectation of the CEDAW convention that the norms of non-discrimination must be broadly disseminated across a populace. While there were limitations to this research due to the restricted sample size, it was apparent from the research participants that norm diffusion was scattered. This was evidenced in the ubiquitous gender stereotyping that was found to affect recruitment and hiring. Furthermore, policies and other discursive attention to gender equality (such as university wide dissemination of pamphlets and webpage statements) were found to have somewhat created an illusion that gender equality had been achieved or that women were already being given special treatment in recruitment, resulting in a complacency that left male-normativity uninterrogated. This was believed despite the strikingly low percentages of female faculty. The low numbers of women administrators also seemed to contribute to stasis. Castilla and Benard (2010) posited organizational culture that gives the appearance of non-bias discourages reflection on discrimination. These factors acted as mechanisms that constrained the eradication of stereotyping, indicating that universities were not substantively adhering to CEDAW's requirements.

Each organizational culture has some unique elements, and methods of amelioration are ultimately best *assessed* within each university. The data revealed striking similarities in how gender inequality was perpetuated, making it clear that the strategies and positive action promoted by CEDAW and endorsed by domestic employment law need to be

seriously considered and implemented. This paper has examined some of the mechanisms in the university institutional context that constrain changes toward gender equality. Stereotyping and male-normativity disadvantage highly-educated women who desire careers as faculty in Japanese universities. However, the ubiquity of an ideology of gender *difference* was found to exacerbate inequality as it buoyed stereotyping. Since modification of harmful stereotyping is required by CEDAW, it is imperative that institutional responsibility, along with corporate citizenship responsibility, be addressed.

## NOTES

- 1) This article presents some insights from a broader research project and presents preliminary findings for the Japanese context, from a multi-region Grants-in-Aid for Scientific Research project that has been funded by the Japanese Kaken-hi (grant). I would like to thank, not only MEXT, but also Ritsumeikan University for providing indirect funds. Additionally, and most importantly, I would like to thank all those from the various Japanese universities who participated in this research project. Thank you for sharing your expertise and experiences.
- 2) Uninterrupted careers and age-normative hiring criteria generally are consistent with societal expectations of men. Male normativity refers to societal expectations of male roles. Other male-normative criteria for professors include the higher status usually given to male research interests or the valuing of administration over teaching.
- 3) 'States' Parties shall take all appropriate measures ... to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women' (Luera 2004: 634).
- 4) CEDAW's definition of discrimination is broad, and specifically mandates economic, cultural, political and social equality. CEDAW's definition has the goal of promoting substantive equality and eradicating all discrimination against women: 'Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women (irrespective of their marital status), on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field' (Sepper 2008: 599).
- 5) For example, Karatani's reverse Orientalism, takes an anti-Western stance and erroneously positions feminism as non-Japanese and aligned with fascism by connecting it to the Emperor system, which proponents mistakenly argued to be matrilineal (Ueno 1997). Using Asian values and the paradigm of Orientalism to constitute national identity, Japan was described as 'indigenously feminized' (as opposed to a masculinized West), and hence not in need of feminism. Feminism was mistakenly viewed as alien, unnecessary, and consonant with anti-Western sentiments that 'Othered' Japan in a reverse Orientalism 'to produce a highly masculinist and antifeminist argument' (Kano 2005: 527-528).
- 6) Lack of enforcement of domestic legislation that addresses gender discrimination in employment, such as the EEOL, continues to be a problem in Japan. Failed mediation is followed up by public naming and shaming of employers that do not comply with the Mediation Commission's requests. However, 'since the public announcement sanction was introduced over 10 years ago, not a single EEOL public announcement has been made', and by 2008, according to the Ministry, there had yet to be any sanctions (Courmadias *et al.* 2010: 110).

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- 7) An economic utility approach would argue that when women are able to acquire stable employment this trend is somewhat reversed. A feminist, transformative approach would also argue that the domestic burden would need to shift so that men contribute equally. The move away from the male breadwinner/female caregiver paradigm has been most successful in Northern Europe where there has been a focus on both support for motherhood and for returning to employment commensurate with one's qualifications.
- 8) Masculinity studies have exposed this assumption (see, for example, Connell 1987, 2002, 2006a, 2006b; Connell and Messerschmidt 2005).
- 9) Cross-referencing research participants Professor Ito mentioned during the interview revealed that they were not generally as supportive of equality as he presumed. Due to the institutionalized lack of formal and informal attention to gender inequality, this incongruity was not surprising, nor isolated.

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## 日本の大学機関における CEDAW の有効性及び ジェンダー制度の（非）可変性

日本における女性の雇用差別の平等化については 1947 年の日本国憲法により原則が制定され、1985 年の CEDAW 批准後に再度確立された。本稿は日本の大学の国際法（CEDAW）の公式・非公式の場でのその原理と実践における差異について考察し明らかにすることを目的としている。調査では構成主義的・制度主義的分析を用いた男女平等に対する組織変化における制約メカニズムの解明及びリレーショナルアプローチによる大学の全階層における女性、男性教職員への徹底したインタビューを行った。以上から男女中立の組織神話は自己満足感を生み出す女性の傾向を作り出し、更なる男女不平等を引き起こしていることが分かった。

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