

**Article: “The Mother's Body Protection Act and the Contraceptive Pill:
Reproductive Rights and Policy Making in Japan”**

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the Republican Party removed the ERA from its party platform. In spite of the extension, no additional states ratified the ERA, and it died in 1982. Beginning in the mid 1970s, the politics associated with a number of gender-based issues became increasingly partisan and ideological (see Wolbrecht 2000).

Based on data drawn from the National Election Studies from 1952 to 2000, we find that party identification among the mass public with regards to gender follows the pattern of issue evolution. Between 1952 and 1964, women were more likely to call themselves Republicans. The period from 1966–1978 is one of fluctuation. In 1980, “separation” occurs, with women more likely to call themselves Democrats. This trend continues through the late 1980s and early 1990s. By the mid-1990s, there is a 10-point gender gap for the Democratic Party.

There are similar patterns evident among party activists. The pattern here, also based on NES data, is similar to the changes among the mass public.³ Again, three periods are evident. Prior to 1968, Republicans have a greater proportion of female activists than Democrats. The second period, from 1968–1978, is one of fluctuation. Finally, there is a separation in 1980–1982 that persists through the end of the time series. From 1982 forward, women comprised at least half of the Democrat activists and marks the last time that women comprised at least half of the Republican activists.

The same pattern can also be seen in the partisan distribution of women elected to the U.S. House of Representatives from 1956–2000. There are relatively equal numbers of Republican and Democratic female House members in the elections from 1956 until 1968. In the early 1970s, there is more fluctuation, especially among the Democrats. Separation occurs in 1988 and increases through the elections of the 1990s and 2000. In 1968, the last election prior to the “critical moment,” eight women were elected to the House of Representatives, five Democrats and three Republicans. After the election of 2002, there were 59 women, 38 Democrats and 21 Republicans. Of the 14 women in the Senate today, nine are Democrats. Similar patterns can also be seen among women in state Houses of Representatives and state Senates (Simon and Palmer 2003).

While very preliminary, all of this suggests that gender triggered an issue evolution that fundamentally changed the electoral landscape in the United

States. A deeper historical and more rigorous statistical analysis is needed to determine whether the dynamics of change conform to the top-down, elite-to-mass evolution found in the issue evolution of race. Ultimately, we hope to contribute to our understanding of the slow integration of women into the political system. One of the theories that attempts to explain why, 82 years after women were granted the right to vote, only 15% of Congress is female is the “pipeline theory.” The basic premise underlying this theory is a “bottom-up” approach, in that there is a sequential lag structure in the American political hierarchy. We argue, however, that parties, political elites, and policy goals play a fundamental role in this process. Although there has been a slow, relatively steady, increase in the number of women in public office, women are no longer evenly distributed across the two parties. Thus, we may have to account for more of a “top-down” explanation, in which political elites at the national level foster changes in lower levels of the political system and eventually in the mass public.

The Mother’s Body Protection Act and the Contraceptive Pill: Reproductive Rights and Policy Making in Japan

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The development of reproductive policy in Japan has followed an unusual path compared to other industrialized nations. Specifically, women gained access to legal abortion in 1948, yet the low-dose contraceptive pill only became available in 1999. This paper argues that controversy over reproductive policy in Japan stems from the male-centered, patriarchal character of the political administration. Women’s low representation in the national government is directly related to the slow development of policies protecting women’s reproductive rights, because legislative acts of specific concern to women tend to be introduced through private members’ initiatives.

Prior to the Meiji Restoration in 1868, abortion and infanticide were relatively common; however, abortion was designated a crime when it was

added to the penal code in 1880. In 1940, people with disabilities became subject to forced sterilization under the provisions of the National Eugenic Act. In 1941, the government increased restrictions on abortion and birth control and issued the Program on Population Policy to increase the size of the “healthy” Japanese population.

In 1946, the adoption of a new constitution established legal equality between men and women. Two years later, the National Eugenic Act was amended to the Eugenic Protection Act, which granted women the legal right to abortion in certain circumstances, such as genetic problems. The following year, women were granted the right to have an abortion for economic reasons. Although abortion still appeared in the Japanese penal code in 1948, it had essentially been decriminalized.

Women’s groups and medical doctors successfully defeated the ruling conservative political party’s multiple attempts to impose new restrictions on abortion in the 1970s. Another factor that protected women’s reproductive rights was the government’s decision to sign the “Treaty to Abolish All Discrimination Against Women” in 1980 in order to maintain Japan’s status as an “advanced country.” When the demand for reproductive rights grew among disability rights groups in the late 1970s and early 1980s, some feminist groups collaborated with them in a joint attempt to have abortion removed from the penal code as a crime. In 1996, clauses restricting the rights of people with disabilities were removed when the Mother’s Body Protection Act amended the Eugenic Protection Act.

After the United States approved the use of the contraceptive pill in 1960, the Central Board of Medicine considered distributing it in Japan. The Board’s deliberations were interrupted due to political concerns about the pill’s effect on sexual morality. In 1966, certain middle-to-high-dose contraceptive pills were approved for use in the treatment of painful menses. Ironically, the male potency drug, Viagra, was legalized in just six months, whereas deliberations over the low-dose contraceptive pill lasted nine years. This notable situation stimulated public discussion about the sexual double standard in Japan, enabling women to finally secure government approval for the low-dose contraceptive pill in 1999.