

KARŌSHI ACTIVISM AND RECENT TRENDS IN JAPANESE CIVIL SOCIETY: CREATING CREDIBLE KNOWLEDGE AND CULTURE¹

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Karōshi is one concrete manifestation of the many paradoxes born in the course of Japan's abnormal economic growth. Your movement has great meaning, for in considering those paradoxes, it aims to rectify the course of Japanese society.

(*Mainichi Shinbun* reporter Fujita Satoru, in a letter to Hiraoka Chieko, plaintiff in a *karōshi* suit. 16 November 1993)².

1. ORIGINS AND OVERVIEW OF THE *KARŌSHI* MOVEMENT

*Karōshi*³, directly rendered into English as death from overwork, is a term coined by UEHATA Tetsunojō in 1978 (250). It describes the relationship he observed between work environments, stress, and the sudden deaths of Japanese workers.⁴ By coining the term *karōshi* and publishing widely on

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² Japanese names are given in Japanese order, surname first. Unless stated otherwise, translations of Japanese language sources are mine.

³ Movement activists do not elongate the "ro" of *karōshi* when using the term in English language documents. It is their stated intent to do what they can to have the term become part of the international lexicon. See: KARŌSHI BENGODAN ZENKOKU RENRAKU KAI (1990): *Karoshi: When the Corporate Warrior Dies*. (International Edition) Tōkyō: Mado-sha.

⁴ UEHATA (1990: 98) defines *karōshi* as a socio-medical phenomenon characterized by, "... a permanent disability or death brought on by worsening high blood pressure or arteriosclerosis resulting in diseases of the blood vessels in the brain such as cerebral hemorrhage, subarachnoid hemorrhage and cerebral infarction and acute heart failure and myocardial infarction induced by conditions such as ischemic heart disease".

the links between work, stress, and death, Dr. Uehata, who is a specialist in occupational medicine and cardio-vascular diseases, as well as head of the Adult Disease Department at the National Institute of Public Health, became one of the founding figures of the anti-*karōshi* movement.

Similar in organization to the health-related activism of *Minamata byō*, *Itai itai byō*, and *Kanemi Yushō*, the anti-*karōshi* movement originated from the combined efforts of members of the professions of medicine, law, and academia. To a greater extent than in these famous environmental pollution cases, labor unions sometimes play prominent roles in *karōshi* cases. However, as in the environmental cases, no *karōshi* movement is possible without victims and their families. In the words of economist Morioka Koji (15.11.1993), Professor at Kansai University and an authority on Japanese working hours and *karōshi*, "To create a social problem in Japan, it is necessary to have a death and a trial with lawyers. This functions as a refuge (*kakekomidera*) for other sufferers".

Guided by the lawyers of the National Defense Counsel for Victims of *Karōshi* (NDCVK) and supported by medical and other professionals, fellow sufferers, sympathetic individuals, and labor activists, the *karōshi* movement has made some progress in winning relief for victims' families. More than twice as many cases are recognized now as in 1994. Civil litigation has proven to be a powerful tool for persuading the Ministry of Labor to revise its standards for recognizing and compensating work-related illness and death. Nevertheless, the 76 compensated cases of 1995, for example, are only about 15% of the just over 500 applications for *karōshi* compensation filed in that year, and 500 applications represents only 5% of the estimated 10 000 annual cases of *karōshi* in Japan (KAWAHITO 1991: 150). In an insurance company poll of 500 Tōkyō office workers, 46% said they think *karōshi* is a possibility for them, with 9% saying the possibility is high (KEIZAI KIKAKU CHŌ 1994: 8). Clearly, the movement has a long way to go to reach its two goals: relief for all victims' families and the elimination of working conditions that cause *karōshi*.

2. *KARŌSHI* ACTIVISM AND JAPANESE CIVIL SOCIETY

The movement's limited progress toward these distant goals notwithstanding, this paper argues that anti-*karōshi* protest is an example of two emergent trends representative of contemporary civil society. The first is common to most, if not all industrialized democracies. The second may have functional equivalents abroad; however, this paper will be concerned with a specific Japanese variant.

Elaborated by sociologist Steven EPSTEIN (1995) and other theorists of “new” social movements, the first trend is the development of health-related social movements, or disease constituencies, in which diverse lay activists amass varied forms of credibility. With this credibility, they are able to take increasingly visible roles in fact making and the construction of scientific knowledge. Epstein’s study of American AIDS activism argues that credibility is a system of political and cultural authority. This authority endows those who exercise it with power “transform[ing] the very definition of what *counts* as credibility” and, consequently, provides new moral ground for the organization of group identities (EPSTEIN 1995: 409–410; italics in original).

Epstein’s notion of credibility as authority is useful for understanding how collective action by lawyers, housewives, unionists, educators, reporters, doctors, and union members in *karōshi* cases has the power to compel Ministry of Labor bureaucrats and corporations to accommodate the perspectives of *karōshi* victims as credible knowledge. The central tenet of this knowledge is the necessity of seeing the work-stress relationship from the point of view of each worker and his/her individual abilities. From this follows new medical knowledge of the relationship between work, stress, and disease; new legal doctrines regarding the burden of responsibility for employee health; and moral claims with far-reaching implications for how a *ningen rashii* [humane] society should be organized.

The second trend, identified by Patricia G. STEINHOFF (1999), is a pattern of voluntary participation in Japanese civil society with direct antecedents in the student movement of the 1960s and other earlier criminal trials of people on the Japanese Left. According to Steinhoff, this form of social movement organization has fairly standardized practices and activities. It has been carried into the post-1970s by veterans of those student protests and has become institutionalized as the vehicle for a variety of social movements that provide support for individuals and groups fighting extended legal battles amid the terrific pressures of Japan’s conformist cultural system.

Clearly a descendant of the same lineage, *karōshi* activism has inherited most of these same organizational characteristics. These include the use of hotlines, provision of free legal assistance, creation of volunteer support groups to help central figures weather lengthy trials, and reliance on litigation to bring about changes in social policy. It also displays some of the factionalism and conflicts particular to the contest for control of limited resources on the Japanese Left.

The *karōshi* case of Mr. Hiraoka Satoru, which is described in detail below, illustrates the ways in which *karōshi* protest is a manifestation of the two trends sketched above. It is a landmark in *karōshi* litigation, the first

case in the nation recruited through the NDCVK's *karōshi* "110 ban" [emergency] hotline, the first to be explicitly recognized as a case of death due to overwork, and the first to pursue corporate responsibility via a civil trial. It adds to our understanding of new institutions of Japanese civil society by illuminating the central role of lawyers and other professionals in directing the activities of the lay participants in citizens' movements. Finally, the Hiraoka case serves as an example of how the epidemiology of disease is socially constructed. It gives insights into the politics of scientific knowledge construction in the contentious arena of labor law and occupational health and reminds us that even constitutional "guarantees" of human rights are living things that require constant care.

3. THE BUREAUCRATIC-LEGAL CONTEXT OF *KARŌSHI* STRUGGLES

A brief outline of Japan's labor and social welfare laws is a necessary prelude to understanding why *karōshi* cases require the support of a social movement. The following account is not a comprehensive overview of these laws and deals only with those aspects relevant to *karōshi*. Since brevity carries with it the risk of oversimplification, interested readers may wish to consult additional sources for more detailed and nuanced information about these very complex matters. In English, the most authoritative may be UPHAM (1987), UEYANAGI (1990), HANAMI (1985), and SUGENO (1992). NORTH (1994, chapters 3 and 4) summarizes much of this material.

The Constitution of Japan (Articles 13, 25, and 27) establishes state responsibility for workers' well-being. Through the Constitution, the state is charged with establishing laws to promote social welfare and public health, individual rights, and standards for wages and working hours. The most important of these laws are the Labor Standards Act (LSA) of 1947 (*Rōdō kijunhō*), which includes the Workers' Compensation Insurance System (*Rōsai hoken seidō*), and the Industrial Safety and Health Act (ISHA) of 1972 (*Rōdō anzen eiseihō*).

The substance and enforcement provisions of both of these laws are weak. Capital and labor are to reach agreements regarding working hours, overtime, and work rules in each enterprise. These are then reported to the Labor Standards Office (LSO) which holds jurisdiction over that particular geographic area. There are also regional Labor Standards Bureaus (LSB) with even wider jurisdictions. The Ministry of Labor in Tōkyō has ultimate jurisdiction. Both the LSO and the LSB are understaffed. Due to heavy case loads, only relatively serious and intentional violations can be investigated. Compliance with the standards established by the LSA and ISHA is

thus, in effect, voluntary. Furthermore, since these standards only apply to firms with ten or more workers, the 42% of the private sector work force that works in small enterprises is not protected by these laws (CHALMERS 1989: 102), although the Workers' Compensation System applies to all workers. Even if a worker reports a violation of the LSA or ISHA to the LSO, the LSO cannot issue an injunction to stop illegal labor practices, but must refer the case to the overburdened public prosecutor. In those rare cases where a conviction is obtained, punishment seldom exceeds exhortations to make greater efforts or small fines.

In sum, the LSA and ISHA are inadequate to protect workers from abusive employers or dangerous working conditions. The workers themselves have to know the law and see that its provisions are carried out. However, in many companies, corporate culture or the pressure of hierarchical relations with supervisors thwart employee initiatives. Unions seldom make safety or working hours their top priorities, preferring to concentrate instead on job security and wages. The protections of the labor laws are most effective for workers in large firms.

When a worker is injured or killed on the job, the worker or his or her family is eligible for Workers' Compensation Insurance payments. The compensation system is administered by the Ministry of Labor through the LSO and LSB, which oversee the first two levels of the application process. The Ministry itself sets the standards for compensation. The basic standard is a demonstrable cause and effect relationship between work and the death or injury of the worker. When this relationship is easily established, the system moves quickly to compensate the victim's family, who must file the claim themselves. Unions and other groups may support such claims, but they may not file them without the participation of next of kin. Compensation is based on the severity of the injury. When a worker dies, compensation is based on the salary at the time of the incident, the number of dependents, and the ages of any children. The average daily wage, excluding bonuses, for the ninety days prior to death is multiplied by a number of days between 175 and 245 to get the basic compensation. This is paid monthly to the survivors and replaces the Survivor's Pension (only about ¥ 120 000 per month) awarded by the Welfare Insurance System. To this is added a bonus, calculated in similar fashion (about 20% of the basic compensation). A one-time special payment to survivors of ¥ 3 million and funeral expenses of ¥ 600 000 complete the compensation package.

When a cause and effect relationship is more difficult to establish, as in *karōshi* cases, the process of applying for compensation may take years. Lawyers for *karōshi* victims say this is due to Ministerial reluctance to recognize *karōshi* and its implied relationship between work stress and ill-

ness. The Ministry has acknowledged that it has issued two sets of guidelines, one of them secret, for determining compensation in *karōshi* cases. Courts have taken a harsh view of the Ministry's duplicity, but there are many obstacles to reaching the courts. The claimant must first apply for compensation at the LSO having jurisdiction over the employer. Decisions at this level are based only on documentary evidence, which the plaintiff is not allowed to view. If compensation is denied, the plaintiff has sixty days to file an appeal for a review of the judgment with the LSB having jurisdiction. At this stage, a Workers' Compensation Insurance Investigator carries out an investigation based on the evidence submitted by both the claimant and the firm, sometimes including examination of the job site. No time limit is stipulated for reaching a decision, although the Ministry has recently tried to speed up the process in response to charges that it purposely stalls these cases as a way of discouraging victims' families from filing *karōshi* claims. If the judgment at the LSB level is against the plaintiff, an appeal may be filed with the Central Workers' Compensation Insurance Board (CWCIB) in Tōkyō. At this third stage plaintiffs can at last see the evidence presented by the firm, as well as having a right to be heard.

In 1996, the Japanese Supreme Court ruled that plaintiffs can file a civil suit to have the judgment against compensation removed without first having to appeal to the CWCIB. Although this ruling allows plaintiffs access to the judicial system sooner, claimants must still anticipate a struggle of several years' duration, as civil trials meet infrequently. In addition, involvement in public disputes such as lawsuits carries a significant stigma in Japan. Many families refrain from filing claims for compensation because they fear for their reputations, because they do not know that compensation is possible in *karōshi* cases, or because companies handle *karōshi* deaths as if the victim had merely retired. With this brief introduction to the administrative and legal difficulties of filing a claim, we can now turn to the story of Mr. Hiraoka to see how, in one specific case, they were overcome.

4. THE WORK AND DEATH OF HIRAOKA SATORU⁵

A native of Kagoshima-ken, Hiraoka Satoru first came to Ōsaka in 1959 at the age of 19. Fresh out of high school he became a lineman for an electric company; however, he quit after six months because of what he viewed as

⁵ From August 1993 through June 1994, I participated in several *karōshi*-related groups in the Kansai area. During this time, and in subsequent visits to Japan in June 1996 and again in 1998, I gathered documentary information on Tsu-

bad working conditions. These he attributed to the firm's lack of a union. He then joined Tsubakimoto Seiko, remaining there for 28 years. At the time of his death, at age 48, Mr. Hiraoka was a *hanchō* [section chief] in charge of approximately 30 workers at Tsubakimoto's S-2 factory in Nara. This plant, through a secret process produces very small, precision ball bearings used in devices ranging from ball-point pens to Soviet rockets and automobiles.

The S-2 factory came on line in 1985. It quickly became the most profitable section of the firm, and with its debut, the company's stock began to rise. Throughout 1986 and 1987, the company stepped up production in preparation for entry into the first section of the Tōkyō Stock Exchange. For workers in the S-2 plant, this meant an increased workload. Saturday holidays were abolished and the plant was operated around the clock. However, to keep costs down, it was done with only two shifts of workers, each putting in large amounts of overtime and holiday work. Meeting production quotas was difficult because of labor shortages and mechanical breakdowns. Section chiefs like Mr. Hiraoka bore especially heavy burdens. Seven of them performed the work of nine by each working a double shift once a week. In addition, *hanchō* trained new workers, supervised and evaluated their sections, oversaw quality control, made frequent repairs to the production line, and worked on the line themselves.

When he collapsed due to heart failure in the toilet of his home on February 23, 1988, his family was devastated. Mrs. Hiraoka was convinced that he had "been killed by the company" (IKEDA 1997: 164). Several top company officials attended the funeral. They brought ritual sympathy and a small sum of cash. Afterward, Mrs. Hiraoka pressed the firm's personnel manager about why her husband had been putting in more than 3 500 hours of work a year. In a rare moment of candor, he confirmed her suspicions, saying, "Well, in truth, he was doing more than one job" (IKEDA 1997:

bakimoto Seiko and the Hiraoka case. I attended sessions of the trial, observed meetings of the legal team, the *Ōsaka Karōshi o Kangaeru Kazoku no Kai* [Ōsaka Association of Families Concerned with *Karōshi*], and the *Zenkoku Karōshi o Kangaeru Kazoku no Kai* [National Association of Families Concerned with *Karōshi*], including negotiations at the Ministry of Labor in Tōkyō. I had one formal, three-hour interview with Mrs. Hiraoka at her home on 23 October 1993 and many subsequent informal conversations and correspondence with her, her children, her lawyers, and other supporters. These conversations I recorded in my fieldnotes. Movement participants sent me newspaper clippings, newsletters, magazines, and copies of books in which the case is reported when I was out of the country. In constructing this account of the case, I have drawn from my collection of both formally and informally published sources as well as my fieldnotes. Sources of direct quotes are identified in the text and References.

164). However, later, after Mrs. Hiraoka had filled an occupational death claim with the local Labor Standards Office (LSO), relations with the firm deteriorated. Tsubakimoto Seiko refused to support her application with time cards or the other records she requested. They claimed his death was due to “personal infirmity” (*shibyō*) and handled it as if Mr. Hiraoka had simply retired. After paying the family his accumulated ¥ 7 million retirement bonus, the company severed ties. His daughter, Tomoko (HIRAOKA 1991: 4) recall, “At the funeral, they called him ‘Hira-san, Hira-san’⁶, but afterward they never even called to see how we were getting along”.

Reconstructing the Facts

Faced with corporate indifference, Mrs. Hiraoka and her children felt betrayed and frustrated. Then fate took a hand. In April 1988, they happened upon a small newspaper article announcing the advent of “*karōshi 110 ban*”. This was a free dial-in legal consultation service offered by the *Ōsaka Karōshi Mondai Renraku Kai* [Ōsaka Defense Counsel for Victims of *Karōshi*]. The organizers were Kansai (Ōsaka and Kōbe) area labor lawyers. Lawyer Matsumaru Tadashi took Mrs. Hiraoka’s call. As he hung up the phone and looked at the notes he had made regarding her case, he mused incredulously, “Are there really still companies with working conditions like these?” (IKEDA 1997: 164). Soon thereafter, Mrs. Hiraoka participated in a seminar about *karōshi* compensation and met Mr. Matsumaru and the other lawyers in the Ōsaka group. Her application was the first one recruited via the hotline. The *Renraku Kai* agreed to take her case *pro bono*.

The first step in applying for workers’ compensation insurance was to compose a portrait of Mr. Hiraoka’s work environment. Her lawyers would help her put this information into chart and graph form to demonstrate to the LSO that a cause and effect relationship existed between her husband’s work and his death. However, since the company would not provide her with the documents she requested, only Mrs. Hiraoka and her children, Tomoko (then 21) and Shōgō (17), could record the facts necessary to support that interpretation of Mr. Hiraoka’s death. The company union, Mr. Hiraoka’s original reason for changing jobs, was no help. Parroting the dominant discourse of Tsubakimoto’s corporate culture, the union head answered Mrs. Hiraoka’s request for support by saying, “If the firm doesn’t profit, our salaries won’t go up ... Workers who can’t accept

⁶ Use of this diminutive form was probably meant to indicate familiarity and close relations with the deceased, but, ironically, it can also be taken as a reference to “Mr. Ordinary”, as in *hirashain*, ordinary worker.

that idea aren't needed. If the company won't support your application for workers' compensation, then we can't either" (Hiraoka 23.9.1993).

Sitting together around a calendar, the remaining three members of the family reconstructed Mr. Hiraoka's work schedule from 4 January 1988 to 23 February 1988, the day of his death. Although they had been living with him, the process of recreating his schedule made the family acutely aware of how little time had been spent with them. With his pay receipts, his personal notebook, and other documents found in his desk at home, as well as their memories of when he left for work and returned, mother and children established the number of days he worked, how many hours of overtime he put in, and how many hours of night work were involved. As directed by her lawyers, Mrs. Hiraoka visited or called each of his co-workers and asked for their assistance. Although unwilling to testify or be identified, one former employee provided details about the nature of the work in the plant and Mr. Hiraoka's duties. When the schedule was done, it was discovered that Mr. Hiraoka had not had a single full day of rest in the 51 days prior to his collapse. In addition, nearly half of his working hours had been on the night shift, including two weeks of continuous night work just prior to his death.

Effects of Overwork on Family Life

The family had long been aware that Mr. Hiraoka's work was keeping him apart from family life. They recalled him coming home late, eating alone, and then falling asleep in his chair at the dinner table, too exhausted to make it to bed. They also recall the many times he was called in to work on his days off and how he refused when they urged him to take time off, saying, "They will just call me in anyway" or "I have to be there because there aren't enough workers" (IKEDA 1997: 165). Tomoko was angry at him for working so much that he did not even have enough energy to give *aisatsu* [greetings] when he returned home. Growing up, there were weeks when she did not see his face. Once she even complained to him that the house was devoid of signs of his presence. She was upset about his slovenly (*darashinai*) appearance. Shōgō, too, has few memories of his father, but he remembers offering to walk with him to the train station "to eat ice cream" when he had to work the night shift and when arguments with Tomoko about this grew heated. Mrs. Hiraoka thinks her son was trying, in his own way, to protect her husband from becoming isolated in the family. After reconstructing his father's working life, Shōgō had a political epiphany: "Little by little I came to see how society gives rise to *karōshi*. Ironically, I feel that it was only with his death that we came together to do something as a family for the first time. But now, as then, he isn't here" (IKEDA 1997: 165).

Calculating the Cause

Extending the reconstruction back to February 1987, a full year before his death, Mrs. Hiraoka and her children found that Mr. Hiraoka had been required to spend more than 4 000 hours at the factory, of which only 3 550 were paid. The first two years at the S-2 plant had actually been worse; his *paid overtime* in 1986 was 1 650 hours and in 1985 1 715 hours (MORIOKA 1995: 5–6). Such a workload would have been taxing for a healthy, young man, but Mr. Hiraoka was neither. In 1984 his annual company physical examination revealed that he had ischemic heart disease, a narrowing of the arteries that feed the heart muscle. He began taking medication and regularly saw a doctor in his neighborhood. He was still being treated when he died.

According to his wife, he complained of fatigue in these years. Especially after night work, his legs felt heavy:

He would be so tired that he could not climb the stairs to the second floor or change his clothes. In the last two days he was having trouble talking. The company should have taken steps to protect him, knowing that he had heart trouble. His overtime should have been restricted, but they just kept calling him in to work. If he had complained, they would have told him he could leave. He didn't want to aggravate his condition by arguing. Besides, where would he have gone? He would have been like a sumo wrestler [without a stable]. So they could force him to work murderously long hours (Hiraoka 23.9.1993).

4.1. Applying for Workers' Compensation

Flanked by her lawyers, children, and the media, Mrs. Hiraoka filed her application for *Rōsai hoshō* [Workers' Compensation] on 7 July 1988. In addition to the reconstructed schedule, she submitted *ikensho* [depositions] from Mr. Hiraoka's doctor and a specialist in occupational medicine, both of which made a clear, strong case for overwork as the reason for his heart problems and his death. During the next ten months, she went to the LSO every other month to ask questions about the progress of the investigation. At the urging of her lawyers, she talked about her case with labor unions, students, and other victims' families. This helped her expand her network of supporters, garner publicity, and demonstrate the credibility of her interpretation and the sincerity of her intent.

Signing Up Support

On February 13, 1989, Mrs. Hiraoka, her lawyers, and about 50 other people gathered to hold the inaugural meeting of the *Hatarakisugi Shakai o Kangae Hiraoka-san no Rōsai Nintei o Shien Suru Kai* [Committee to Consider Overwork Society and Support Recognition of Mr. Hiraoka's Workers' Compensation Claim]. After being abandoned by her husband's union and shunned by his employers, this was a great encouragement to Mrs. Hiraoka. Aided by this group, by March of 1989, she had collected more than 2 000 signatures from individuals and another 200 from groups, including labor unions and associations of victims of other occupational injuries. These petitions she delivered to the LSO officer in charge of her case. Henceforth, when she visited the LSO, members of the support group came along to demonstrate that she and her children did not stand alone. A Socialist Party Member of Parliament, sympathetic newspaper and magazine articles, and coverage of her case by NHK, the quasi-public broadcasting network, all supported her version of the events.

Mrs. Hiraoka was unable to see copies of her husband's time cards until after her application had been filed. However, once this step had been taken, her lawyers finally succeeded in obtaining time cards and other documents from Tsubakimoto Seiko. Comparing them with the calendar that the Hiraokas had put together showed that the family's reconstruction of Mr. Hiraoka's last year of work was essentially accurate: hours of required attendance at the plant: 4 038; hours of actual work compensated: 3 663; hours of overtime worked: 1 399; hours of overtime compensated: 1 015. Work taken home (*furoshiki zangyō*) is not included in these totals. The difference between paid and unpaid hours of both regular work and overtime adds up to roughly 2 hours per day of uncompensated "service overtime", a widespread and legal practice in Japan. In addition to Mr. Hiraoka's time cards, the LSO considered his pay receipts, his physical examinations, the company's work rules, and its Article 36 overtime agreement with the union⁷.

Obstacles on the Road to Compensation

Mrs. Hiraoka worried that the LSO would not take her seriously. She learned from her lawyers that she had to insist that her husband's death was *karōshi*. However, despite her conviction that his company had killed him, it was hard to take such a determined stand. She received unsigned

⁷ Article 36 of the Labor Standards Act, generally known as the *saburoku kyōtei*, provides for agreements between capital and representatives of labor in firms of 10 or more full-time employees. Filed with the local LSO, these agreements

letters in which Tsubakimoto employees or their wives criticized her campaign as self-serving and potentially damaging to the other workers. One told her she should be grateful for having been supported by the firm for 28 years. Neither her parents nor Mr. Hiraoka's backed her efforts. The former did not wish to be associated with a public complaint. The latter claimed her desire to send Tomoko to a private music college contributed to their son's need to work overtime.

When Mrs. Hiraoka first began to inquire about the progress of the investigation, the LSO officer in charge of the case made vague statements that seemed to indicate that her application would be rejected: "Hiraokasan did not have the longest working hours at the plant ... Tsubakimoto's work environment is not the worst in Nara Prefecture ..." (IKEDA 1997: 166). The Ministry of Labor had, in October 1987, just revised the standards for recognizing death due to work-related circulatory diseases to include the week, rather than the day, before the onset of symptoms. However, the tone of the officer's statements gave Mrs. Hiraoka the impression that her case was being judged by the old standards in which it was necessary to prove that some calamity or accident (*saigai*) immediately presaged the onset of symptoms.⁸

The Result: Rōsai Recognized

It was with some surprise, then, that Mrs. Hiraoka and her children received a call from the LSO in May 1989 asking them to come and receive the decision in person. Normally the result is sent by mail. In a decision that the lawyers felt was "epoch-making", the LSO ruled that, in comparison with official working hours, Mr. Hiraoka's workload had been heavy

permit companies to exceed the maximum working hours established in Article 32 of the Labor Standards Act without penalty or sanctions. Workers sometimes refer to these agreements as "blue sky" agreements, the inference being that there is no limit on the amount of overtime a firm can demand. SUGENO (1992: 233–238) provides a full discussion of these agreements. At Tsubakimoto Seiko, the agreement stipulated a daily maximum of five hours of overtime for male workers and a monthly maximum of 110 hours. In practice, however, the firm ignored even these limits and a workday in excess of 24-hours was possible when, in the firm's judgment, it was necessary to "maintain the integrity of the production process".

⁸ A complete description of both the old and new standards can be found in ŌSAKA KARŌSHI MONDAI RENRAKU KAI (1989): 44–55. The standards continue to be challenged as too strict and not in keeping with either the medical understanding of the relationship between work, accumulated stress, and health, or the public sense of what the standards for compensation ought to be. Further revisions were made in 1994.

enough to cause his collapse. The decision cited three points: 1) three days before the onset of symptoms, he had worked 16 hours despite it being a holiday; 2) Mr. Hiraoka had worked almost twice normal hours in the week prior to death; and 3) he had worked 19 and 12 hours respectively on a holiday and a scheduled day off 11 and 12 days prior to dying. In addition, the LSO decision noted that Mr. Hiraoka was being treated for a mild (*karui*) heart ailment prior to his death and that his excessive workload could be seen to have caused the condition to worsen rapidly. Mrs. Hiraoka (23.9.1993) recalls, “When I heard the decision, I thought, ‘At last he is free of that place. He is mine again and doesn’t belong to them anymore’”. The practical result was that the Workers’ Compensation Insurance System would pay her and her children a package of compensation consisting of a pension, funeral expenses, and a special, one-time, lump sum payment of ¥ 3 000 000. The pension would replace the much smaller Welfare Insurance Survivor’s Pension she had been receiving.⁹

Despite the favorable outcome, the lawyers were dismayed that the LSO decision did not mention the effects of night work and irregular shift rotation, which Mrs. Hiraoka felt, had as much impact on her husband as his excessive hours. Even more dismaying were Tsubakimoto’s public comments, which betrayed the firm’s unrepentant attitude. In response, Mrs. Hiraoka and her children filed a civil suit.

4.2. Creating Credibility through Litigation: Interpreting Karōshi in Court

Tsubakimoto Seiko rejected the LSO decision’s implied criticism of the firm’s work practices. “Seven others do the same work as Mr. Hiraoka”, said the Personnel Manager in a statement to the press. “Mr. Hiraoka’s devotion to his work was an extreme example and was not forced by the company. Our interpretation is that he overworked of his own volition” (HIRAOKA 1991: 3).

Mrs. Hiraoka was angry that Tsubakimoto could ignore even the judgment of the Ministry of Labor. The company’s attitude was an insult to her husband’s years of unstinting hard work, and she determined they should be made to apologize and pay for their callous disregard for his health, his memory, and her feelings and those of her children. She declared herself committed to the goal of a *karōshi*-free society for the next generation.

Mrs. Hiraoka and her children together filed suit in Ōsaka District Court in May 1990. In her opening statement, she made it clear that she was also

⁹ Details of how such pensions are calculated can be found in ŌSAKA KARŌSHI MONDAI RENRAKU KAI (1989): 64–65 and SUGENO (1992): 328–332.

taking this action on behalf of her husband's co-workers at Tsubakimoto. The suit alleged negligence on the part of Tsubakimoto Seiko with regard to its legal obligations to abide by its own work rules and agreements with workers regarding overtime work and rest days. Furthermore, the plaintiffs alleged that Tsubakimoto should have been able to foresee that its work practices would be harmful to a 48 year-old man with heart problems. They argued that the firm was negligent in its duty to show concern for Mr. Hiraoka's well-being, that it ordered him to work beyond all reasonable limits, and that this made his death their responsibility. The plaintiffs demanded that Tsubakimoto Seiko publicly acknowledge responsibility in the Hiraoka case and pay a total of ¥ 55 million to Mrs. Hiraoka and her children, as well as funeral expenses of ¥ 1 million, the costs of the trial, and lost wages estimated at over ¥ 66 million (HIRAOKA 1990).

Shortly after she filed the suit, Mrs. Hiraoka was visited by lawyers for the firm who offered her ¥ 12 million to settle out of court. She explained to them that her prime objectives were contrition and an apology. No amount of money would entice her to give up these goals. Unwilling to admit responsibility, the firm's representatives departed.

For their part, Tsubakimoto expressed regret that its sincere efforts to gain the understanding of the family had failed. (*"Seii o motte, izoku gawa to hanaschiai o shitekite, rikai shite itadakeru mono to kagaeteita node, saiban ni natte zannen da."*) However, they also said they welcomed the trial as an opportunity to make the facts of the case clear (UCHIBASHI 1990: 20).

The defense strategy was based on the notion of *sossen rōdō* [labor performed at the worker's initiative]. Tsubakimoto's attorneys insisted that Mr. Hiraoka needed extra money to meet his living expenses. He therefore elected to work many hours of overtime on his own. Furthermore, they said his work was supervisory and did not entail physical hardship.

Making the Legal Case: Why Had Mr. Hiraoka Worked so Much?

Since the case was without precedent, Mrs. Hiraoka's lawyers had doubts about being able to prove corporate responsibility for Mr. Hiraoka's *karōshi*. The key point would be demonstrating that Tsubakimoto should have been able to foresee that its illegal labor practices would have adverse consequences for Mr. Hiraoka. In 24 trial sessions over the course of the next four years, the lawyers worked to expose the coercion hidden within the organizational structure of Tsubakimoto Seiko. Although no rank and file worker from within the factory testified for either side, skillful use of documentary evidence and questioning of hostile management witnesses established that there were good reasons

to doubt the defense notion that Mr. Hiraoka had worked so much at his own initiative.

Using time cards and pay receipts, it was established that Mr. Hiraoka's working hours were abnormally long and violated the company's work rules. Operating the factory 24-hours a day, 365 days a year, and with only two shifts was illegal. Tsubakimoto had previously been warned about this by the LSO, but had done nothing to rectify it. According to the firm's work rules, the day shift should have been from 8 a.m. to 5 p.m. with an hour for lunch. Similarly, the night shift was to have started at 8 p.m. and gone to 5 a.m. with a 90-minute break for food and rest. In reality, to meet quality and quantity quotas set by management, four hours of overtime was automatically added to the end of each shift. This filled the gap between shifts and enabled the plant to run without interruption. But it also meant that workers seldom got the rest to which they were entitled. Mrs. Hiraoka testified that her husband had told her that the factory manager had roamed the plant and used his rank and threatening glare either to force workers to stay beyond quitting time to work unpaid overtime or to prevent them from taking full lunch breaks or sleeping during the 90-minute break on the night shift.¹⁰ Motivation at Tsubakimoto was by intimidation rather than rewards.

Combined with frequent mechanical breakdowns and other difficulties with the production process, as well as a shortage of trained manpower, management's unreasonable production targets made long hours necessary. In theory, workers were to alternate between the day and the night shifts on a weekly basis, and all Sundays and 13 Saturdays each year were to be designated by the firm as days off. Public holidays and, in Mr. Hiraoka's case, 20 days each year of paid leave rounded out the vacation schedule.

Nevertheless, Mr. Hiraoka did not have a single 24-hour period off between 4 January 1989 and 23 February when he collapsed. According to his pay receipts, paid overtime in the last three months of his life averaged 150 hours a month, exceeding the 110 hour limit imposed by the firm's Article 36 agreement with the company union. If money was his aim, why was he working two hours of *unpaid* overtime daily?

¹⁰ To avoid having to shut down the line during meals and other breaks, the company also insisted that half the workers take over the whole line for half the break, changing places with the other half during the second half of the break. Although the workers were compensated for this work at the overtime rate of 125% of base pay, this practice, known as *maruten zangyō*, is illegal. The LSO cited Tsubakimoto for this violation and cautioned it to make improvements at the time that it recognized Mrs. Hiraoka's workers' compensation claim.

In a notebook begun nine months before his death and entered into evidence at the trial, Mr. Hiraoka recorded his own view. As he saw it, it was impossible to keep enough good workers in the factory when the working conditions were so severe: "The real problem is to get 48 hours a week down to 40. But right now 60 or more is the norm. No one is able to take any of their paid holidays. I want the union to negotiate with management for a reduction to 48 hours in 1988" (HIRAOKA 1994: 6-7). In addition, his diary expressed personal disappointment when workers he had trained quit because of the harsh working conditions.

Mrs. Hiraoka testified that her husband as a man who was proud of his abilities and the role he had played in Tsubakimoto's success. From a firm of 120 employees when he joined, it had grown to have more than 900 and, at the time of his death, was the second largest manufacturer of ball bearings in Japan. She said that his sense of responsibility for his subordinates and his professional pride were strong, but the real reason for his overwork was not any abstract loyalty to the company but his manager's cruel exploitation of his uncomplaining nature.

Ignorance Is No Defense

Mr. Hiraoka's immediate supervisor provided the key testimony. Under intense questioning, he had to admit that foremen at Tsubakimoto were forced by quotas, understaffing, and rigged employee evaluations to both work on the production line and supervise their workers. When a copy of the firm's secret overtime plan, bearing the supervisor's personal seal (the Japanese equivalent of a signature) and found by Mrs. Hiraoka on Mr. Hiraoka's desk at home, was thrust in his face, he had to concede that even leaving out work done on holidays, the firm's schedule called for 322 hours more overtime work than authorized in the Article 36 agreement with the union: "We couldn't meet the targets", he sighed. In addition he tried to deny knowledge of Mr. Hiraoka's heart problem, although his seal was also on the copy of the results of the physical examination he personally gave to Mr. Hiraoka.

Testifying earlier in the trial, other company officials also claimed ignorance of Mr. Hiraoka's continuing heart problem. They claimed that his health was his responsibility. Since he had not mentioned it to them, they had assumed he had no problems. They also asserted darkly that he had smoked and drunk to excess, although the executives who testified had to admit that they had seldom socialized with him. Their protestations of ignorance in regard to other matters, such as their own firm's work rules, labor laws, the legal requirement to have a physician trained in occupational medicine conduct regular inspections of the plant, and even the date of Mr.

Hiraoka's death, caused the judge to wonder aloud from the bench how a firm with such managers could stay in business.

Credible Legal Doctrine

Attorneys for the plaintiffs in the case argued that a proper legal notion of employee responsibility for health maintenance must be based on the worker's right to considerate treatment by the firm as established by various provisions of the Labor Standards Act of 1947 and the Industrial Safety and Health Act of 1972. They reasoned that, if a company has no system for reassigning workers to jobs commensurate with their individual physical abilities, the employer rather than the worker bears the legal obligation to protect the worker's health. Forcing workers to announce their infirmities under such circumstances would give management carte blanche to dismiss older or handicapped employees.

This interpretation impressed the court. Moreover, Tsubakimoto's refusal to allow inspection of the S-2 factory and failure to put any rank and file workers on the stand to support their case created a strong suspicion that they were hiding something. However, rather than allow the case to come to a verdict, the court proposed a compromise settlement, which the parties accepted. Tsubakimoto would make a public apology and pay Mrs. Hiraoka and her children ¥ 50 million. In return, the Hiraokas would drop their other demands. Each side would bear its own share of the costs of the trial. The plaintiffs regarded this outcome as a *shōri wakai* [victorious resolution].

4.3. Social Movement Actors, Activities, and Motives

As a pioneer case, the *Hiraoka Karōshi Saiban* became a rallying point for a variety of groups and individuals concerned with labor and the quality of working life in the Kansai area. Mr. Hiraoka's death and the subsequent trial with lawyers proved to be the key ingredients in the founding of the anti-*karōshi* movement in Ōsaka.

Professionals

Mrs. Hiraoka's earliest and most important supporters were the lawyers who recruited her case through the *karōshi* hotline. All seven of her lawyers were members of the *Nihon Rōdō Bengōdan* [Japan Labor Lawyers Association]. The leader of her legal team, Matsumaru Tadashi, is the *de facto* head of the *Ōsaka Karōshi Mondai Renraku Kai* [Ōsaka Defense Counsel for Victims of *Karōshi*], which holds its monthly meetings at the office of the

Ōsaka Minshū Hōritsu Kyōkai [Democratic Law Association]. Mr. Matsumaru is a college classmate of Kawahito Hiroshi, head of the National Defense Counsel for Victims of *Karōshi*, and both men graduated from the Faculty of Economics at Tōkyō University before becoming lawyers. Mr. Matsumaru says “widow’s tears” are behind his *pro bono karōshi* work, but he is also a central figure in the *Kabunushi Omubutsuman* [Stockholder’s Ombudsman], a watchdog group which has been filing suits to make corporations accountable to their stockholders. Other lawyers on the team share Mr. Matsumaru’s zeal for using litigation to reconfigure the institutions of society and produce a more level playing field. Above all, the lawyers’ concern is the protection of the human rights guaranteed by the Constitution of Japan.

Frequent attendees at the monthly *Renraku Kai* meetings also included Professor Morioka Koji and doctors specializing in occupational medicine. One of them, Tajiri Jun’ichirō, was the specialist whose deposition helped win LSO recognition for Mrs. Hiraoka. This group was the central nervous system of the movement, directing overall strategy and planning events. The lawyers examined potential cases carefully and took only those that they felt would enhance the movement’s success.

Organized Labor

The *Renraku Kai* members, according to their individual political and philosophical inclinations, have diverse connections to other groups such as *Shokugyōbyō Taisaku Renraku Kai* [Occupational Disease Countermeasures Council], *Zenrōren*, the labor union federation affiliated to the Communist Party, the *Kansai Kinrōsha Kyōiku Kyōkai* [Kansai Laborers’ Education Cooperative], and others.

Although Mrs. Hiraoka had Socialist Party support for her workers’ compensation application, they backed away when she decided to sue for negligence. Only Communist Party supporters seemed willing to join her confrontation with Tsubakimoto management in the civil trial. Chief among these were members of the dock, chemical, and metal workers unions. Owing to the inherent dangers of working in these industries, members of these unions had both a heightened interest in workplace safety issues and great physical courage. Since they often risk serious injury in the course of their jobs, confrontations with management do not frighten them. As the Hiraoka case went on, these union members and other radical elements came to play a larger supporting role. However, the agenda of these radicals was broader and more universal than that of either Mrs. Hiraoka or her lawyers, and, at times, they seemed intent on making the Hiraoka case a vehicle for their own purposes.

Working-Class Outrage

Early in the trial, the Factory Manager testified that he was unable to recall the date Mr. Hiraoka had died. More than anything else, this symbolized for Mrs. Hiraoka Tsubakimoto's lack of care and concern for their employees. She and her supporters chose to use the twenty-third of each month to hand out leaflets in front of the factory as a way to remind the factory manager of the date when Mr. Hiraoka died. The leaflets described in detail the progress of the trial, including some of the highlights of the testimony of company officials. The Hiraokas and their lawyers hoped that workers inside the plant might be encouraged to come forward and tell what they knew. They passed out the leaflets to workers as they walked from the nearby train station to the gates of the factory for the morning shift. Other supporters with bullhorns explained why the trial was being held and appealed to the workers for support.

Tsubakimoto's management at first tolerated the leaflets, and the workers were cordial. However, some months later and after thirty or so of Mrs. Hiraoka's more militant union supporters had forced an acrimonious meeting with top management, workers were ordered by the firm not to take the leaflets. For the remainder of the trial, the firm photographed the leafleting. Telephoto lenses could be seen peeking between the blinds of the factory office, and the number of workers who accepted the handbills fell to near zero.

For the unions, who subsequently sent members to accompany Mrs. Hiraoka, the trial provided an opportunity to attack Tsubakimoto's poor reputation and score points for unionism. They became progressively more aggressive, thrusting leaflets onto the workers and urging them to get a union that would fight for their rights and not let the company tell them who they could talk to or what they could read.

Union members also attended the trial sessions and could be counted on to mutter and grunt in response to statements from defense witnesses. When the judge asked why the court could not examine the S-2 factory, the defense attorney's explanation was followed by cries of "What are you hiding?" Mrs. Hiraoka's lawyers thought that this peanut gallery behavior had a beneficial effect on the judges as long as it was kept within reason.

Other Victims

Many of Mrs. Hiraoka's personal supporters became associated with other *karōshi* plaintiffs through mutual friends in the *Renraku Kai*, or through the *Ōsaka Karōshi o Kangaeru Kazoku no Kai* [Association of Families Concerned with *Karōshi*]. As the attorneys recruited additional cases from around the Kansai area, they enrolled the plaintiffs in this mutual aid association.

Here, Mrs. Hiraoka played the role of guide. Each new recruit had to be educated about how to file for compensation, how to approach doctors for depositions and expert testimony, how to gather signatures for petitions, and how to cope with the stress of both bereavement and the long ordeal of being a plaintiff awaiting a bureaucratic decision. Mrs. Hiraoka symbolized the possibility of eventual success for this group.

Karōshi as Moral Culture and the Struggle Over the Movement's Identity

In June of 1991, Mrs. Hiraoka's case became even more central to the *karōshi* movement. A Nagoya labor drama group called *Kikyūza* [Aspiration Theater] had learned of the trial through the media and approached Mrs. Hiraoka to ask if they could base a play on her family's experiences. The group's leader and playwright, Koguma Hitoshi, thought her case the perfect way to take up the *karōshi* problem and wanted to make it the first in a series of new productions dealing with the impact of corporate society on the lives of workers and their families. He sent Mrs. Hiraoka a draft of the script and a tape of the proposed theme song. Mrs. Hiraoka was deeply moved to find her family's plight rendered with such sensitivity.

The following year, the play was performed four times in Nagoya to packed houses. Called *Totsuzen no Ashita* [The Sudden Tomorrow], it is the story of the causes and consequences of a *karōshi* death. A factory *hanchō* is overworked, despite having a heart condition known to the company. A snarling factory manager pushes the workers unmercifully to meet ever-increasing quotas, but refuses to take on extra staff. One worker is forced out when he considers filing a complaint. The company's feckless union, afraid to make working conditions an issue, refuses to come to his aid. After the unfortunate *hanchō* dies, his wife, an unsophisticated woman of gentle character, and her two children find the courage and the evidence to pursue a workers' compensation claim. Their claim is eventually recognized, thanks to evidence provided by an older worker who decides that gaining a clear conscience is worth sacrificing his retirement pension. He comes forward to tell the truth about the firm's illegal and heartless methods. His testimony results in the widow and her children filing a civil suit against the firm and the dismissal of the greedy factory manager.

Totsuzen no Ashita is a powerful symbol of the *karōshi* movement's central themes. It mobilizes images of protection, mutual care, and love and insists that compassion and familial relations are the essential foundation of both a good society and a good business. With the aid of jurisprudence, rendered in the play as a booming voice from above, the dead worker's family is reconstructed as a site of courageous resistance and source of moral value.

Conflict over Symbolic Resources

The play represented a cultural resource for the movement and there was a small struggle over who would perform it in Ōsaka. A representative from the communist-affiliated Ōsaka labor drama group *Kizugawa* (named after the Kizu River, which runs through Ōsaka) asked that his group be given permission to perform the play in Ōsaka in December. Other movement participants wanted *Kikyūza* to bring the production to Ōsaka. Both groups worried about saturating the market. It was the same problem that plaintiffs who followed Mrs. Hiraoka faced; the limited number of people willing and able to support *karōshi* cases meant competition between plaintiffs that could fragment the movement. Iwaki Yutaka, one of Mrs. Hiraoka's lawyers with close ties to the communist group, brokered a win-win compromise. *Kikyūza* would perform the play in August and *Kizugawa* would perform in December. The two groups would work together and form the "*Totsuzen no Ashita*" Ōsaka *Kōen o Miru Kai* [*Totsuzen no Ashita* Ōsaka Performances Promotion Association]. *Kizugawa* would help stage the August performances, and a joint committee to carry out both sets of performances was formed. This committee gathered staff members and established the *Miru Kai*, printed a news letter, publicized the play, handled ticket sales and distribution, and arranged liaison between the two drama groups. The two key organizers were volunteers with strong Communist Party ties. In the end, both sets of performances played to full houses, over ¥ 200 000 in donations was raised, and the funds were given to the *Kazoku no Kai*. The two *Miru Kai* organizers subsequently became the *jimukyoku* [secretariat] of that organization. Building on its success, the following year the *Miru Kai* published a volume of reflections and opinions about the play and the *karōshi* movement entitled *Nō Moa Karōshi* [No More *Karōshi*].

As with the play, these two skilled organizers tried to use the *Kazoku no Kai* and its members to create additional cultural resources and political meaning for the movement. Their success was, however, limited. Over 200 people turned out for a November 1993 evening of music, education, and fellowship, which featured several plaintiffs in performing roles. However, the members of the *Kazoku no Kai* were reluctant to be used as mascots for the broad array of social causes implied by some of the speakers that evening. Their interest was not in social change but in gathering support for their individual cases, and they resented being used as propaganda tools. After failing to generate cultural credibility in a subsequent concert with professional singers, the secretariat has since concentrated on returning the *Kazoku no Kai* to its original mission of mutual self-help for its members. Mrs. Hiraoka, who didn't appreciate the way her communist sup-

porters sometimes hijacked her case for their own ends, withdrew from the *Kazoku no Kai* in 1996. However, she remains grateful to them as individuals for the assistance they rendered, and she continues to work for a *karōshi*-free future.

5. CONCLUDING REMARKS

While the Hiraoka case typifies the social movement strategies and practices generally employed by *karōshi* activists, it is atypical in the ease and speed with which workers' compensation insurance payments were granted. It is also atypical in pursuing corporate responsibility in a civil suit. *Karōshi* activists base the credibility of their claims on facts uncovered by their own research into the work environment and its relationship to workers' health. This is exactly what the investigators from the Labor Standards Office do. However, where once the opinions of victims' families took a back seat to documentary evidence supplied (or not supplied) by firms, facts discovered by the plaintiff nowadays can acquire a most potent credibility. In this, Mrs. Hiraoka was exceptionally fortunate. Her husband's overtime schedules, medical records, and other documents were found on his desk at home. Since these became the key evidence in the civil trial, she and her children were, in this sense, lucky that Mr. Hiraoka had been so overworked that he had had to bring work home. The documents corroborated his family's recollections of his working hours and demonstrated that the firm was willfully negligent in its failure to care for Mr. Hiraoka and provide him with a safe working environment.

Since her success, many other families have followed Mrs. Hiraoka's example. In Ōsaka, they are often led by the same lawyers who worked on the Hiraoka case. In Tōkyō and other cities, her case is known through its portrayal in books written by her lawyers. Subsequent successful cases have received similar treatment. In addition to creating a growing body of legal doctrine, the approximately 300 NDCVK lawyers across Japan have been instrumental in the creation of a national *karōshi* discourse. They have tried to publicize the concept of *karōshi*, how *karōshi* occurs, what can be done to prevent it, and how to gain compensation when it happens. In cooperation with colleagues in the medical profession, they are primarily responsible for making *karōshi* a social problem. Their guidance and suggestions teach plaintiffs the accepted conventions of credible fact making, give rise to support groups, and help plaintiffs construct their own personal discourses for use in public appearances, in petitions, or in visits to the LSO. They also try to engineer a balanced distribution of resources among the various plaintiffs who are fighting *karōshi* cases at any given time.

Over time, the volume of critical judicial opinions generated by NDCVK activities has influenced the Ministry of Labor, and since 1987, the standards for recognizing *karōshi* have been relaxed three times. Recently compensation has even been extended to victims of *karōjisatsu* [suicide due to work-induced stress]. As the insurance company poll cited at the beginning of this paper shows, the notion of *karōshi* and the understanding of its epidemiology has become widespread in Japan. Many, though by no means all, Japanese can now identify with victims such as Mr. Hiraoka, and there is a growing consensus that Japan has focused too much on work at the expense of family life and personal growth.

Changes in Japanese workplaces and employment policies resulting from the collapse of the economy and ensuing recession, however, are likely to intensify, rather than relax, the competition for survival. So-called lifetime employment and seniority wages are being phased out rapidly, and merit-based compensation schemes and flexible hiring practices are taking their place. In April 1999, revisions to the Labor Standards Act will make women subject to the same overtime provisions as men. In the absence of strong unions, it is widely believed that these revisions, although carried out in the name of gender equality, will put women in the same unprotected position as men. Mrs. Hiraoka says that while the gains of the past are not insignificant, there is little reason to be optimistic about eliminating *karōshi* in the near future.

Although it is unlikely that the Japanese government will soon move to fully enforce the provisions of the LSA and ISHA, the success of *karōshi* plaintiffs such as Mrs. Hiraoka points to the impact that ordinary Japanese citizens can have when their energies and knowledge are mobilized within the organizational framework and practices of a social movement led by dedicated professionals. With this guidance and expertise, victims and their families can generate credibility sufficient to activate the potential for protection and redress inherent in the law and thus, in some measure, confront and successfully battle both the manifest power differences between capital and labor and bureaucratic inertia and indifference. The tactics and strategies of the anti-*karōshi* movement, while perhaps distasteful to many Japanese, are a viable alternative to capitulation and quietism. They contain the potential for individuals to exercise the power of the law in a way that calls attention to the common interests of workers, using litigation and the threat of litigation as a means to the enactment of policies which ultimately benefit them all.

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