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## A State-in-Society Approach to the Nonprofit Sector: Welfare Services in Japan

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**Abstract** This article uses the case of Japan to advocate for a new theoretical approach to the study of the nonprofit sector. In particular, it examines how theoretical models based on the European and North American experiences have difficulty explaining the relationship between the nonprofit sector and the state in Japan, and argues that a state-in-society approach is better suited to explaining complex state–society relations in diverse cultural contexts. It does this by examining the evolution of social welfare service provision in Japan. This article is motivated to explain an apparent paradox: Japan's recent efforts toward greater government decentralization and privatization of services have empowered and enlarged the nonprofit sector even as they have also expanded the scope of state authority and enhanced its legitimacy.

**Résumé** le présent article prend l'exemple du Japon pour préconiser une nouvelle approche théorique dans l'étude du secteur sans but lucratif. Il examine, notamment, comment les modèles théoriques qui reposent sur les expériences en Europe et en Amérique du Nord ont des difficultés à expliquer le lien entre le secteur non lucratif et l'État du Japon; en outre, il fait valoir que l'approche de l'«État dans la société» est mieux adaptée pour expliquer les relations complexes entre l'État et la société dans des contextes culturels différents. Son argumentation repose sur l'étude de l'évolution des services sociaux au Japon. Cet article s'efforce d'expliquer un paradoxe apparent: les efforts récents du Japon en faveur d'une décentralisation plus poussée de l'État, ainsi que la privatisation des services, ont développé et accru l'influence du secteur non lucratif, comme ils ont également étendu les limites de l'autorité de l'État et renforcé sa légitimité.

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**Zusammenfassung** Dieser Artikel führt Japan als Beispiel an, um sich für einen neuen theoretischen Ansatz zur Studie des Nonprofit-Sektors auszusprechen. Im Einzelnen untersucht der Beitrag die Schwierigkeit der auf europäische und nordamerikanische Erfahrungen basierenden Theoriemodelle, die Beziehung zwischen dem Nonprofit-Sektor und dem Staatsapparat in Japan zu erklären. Es wird die Ansicht vertreten, dass ein Ansatz, der die Stellung des Staates innerhalb der Gesellschaft berücksichtigt, besser geeignet ist, die komplexen Beziehungen zwischen Staat und Gesellschaft in diversen kulturellen Kontexten zu erklären. Hierzu wird die Entwicklung der Bereitstellung sozialer Leistungen in Japan untersucht. Der Beitrag versucht, ein offensichtliches Paradox zu erklären: Die jüngsten Bemühungen Japans, die Regierung weiter zu dezentralisieren und den Dienstleistungsbereich zu privatisieren, haben dazu geführt, dass sich der Nonprofit-Sektor trotz gleichzeitiger Erhöhung und Legitimierung der staatlichen Autorität ausgeweitet hat und einen größeren Einfluss ausübt.

**Resumen** Este artículo se vale del caso de Japón para defender un nuevo enfoque teórico en el estudio del sector sin ánimo de lucro. En concreto, analiza los problemas que tienen los modelos teóricos basados en las experiencias europeas y norteamericanas para explicar la relación entre el sector sin ánimo de lucro y el estado japonés, y defiende que un enfoque del tipo «estado dentro de la sociedad» es más adecuado para explicar las complejas relaciones entre el estado y la sociedad en los distintos contextos culturales. Para ello, examina la evolución de la normativa sobre servicios de bienestar social en Japón. El artículo pretende explicar una clara paradoja: los recientes esfuerzos del país nipón por lograr una descentralización mayor del gobierno y la privatización de los servicios han reforzado y ampliado el sector sin ánimo de lucro, pese a haber ampliado también el alcance de la autoridad estatal y mejorado su legitimidad.

**Keywords** Civil society · Japan · Nonprofit organizations · Public policy · Social services · Volunteering

Through an examination of social welfare service provision in Japan, this article advocates for a new theoretical approach, the state-in-society approach, for the study of the nonprofit sector. The first section will offer a brief review of work on nonprofit provision of social welfare services, and demonstrate that the Japanese case challenges traditional theoretical models that conceptualize the state and society as separate and distinct entities. It will then outline the benefits of adopting a state-in-society approach (Migdal 2001) for studying the nonprofit sector.

The second section will offer an historical overview of the development of the nonstate provision of social welfare services in Japan, highlighting how the provision of social welfare services in Japan, while often modeled after European and American models, has embodied a very different conceptualization of the state–society relationship. This overview will be followed by a more detailed discussion of the how the 1998 Law to Promote Specified Nonprofit Activities (hereafter the NPO Law) has transformed the nonprofit delivery of social welfare

services in Japan in ways that have simultaneously empowered both the nonprofit sector and the state.

In order to offer a closer look at the aspects of nonprofit service delivery that are difficult to explain and understand using European and American-based models, but can be understood using a state-in-society approach, this article will take a examine two nonprofit organizations: a volunteer group that serves the handicapped, and Silver Network Kashihara. These two groups will be used to highlight some of the paradoxical ways that decentralization and privatization efforts have led to the expansion of state authority and the enhancement of its legitimacy, even as nonprofit organizations have become more numerous and more assertive in their relationships with the state. This article will conclude by arguing that contemporary developments in the non-state provision of social services in Japan have led to the development of stronger, more active citizen organizations as well as a stronger, more active state.

### Explaining Social Welfare Service Provision

Scholars of the nonprofit sector have long debated what the relationship between the state and the nonprofit sector actually is, and what it should be. Most scholarship accepts the three sector framework presented by Burton Weisbrod in his *The Nonprofit Economy* (1988) where government, for-profit industry, and nonprofit organizations are three distinct types of service providers. While some economists and many business and management scholars are concerned with the boundary and overlap between the for-profit and nonprofit sectors, political scientists have concentrated on the government and nonprofit interaction. This article fits into the latter group of scholarship.

During the 1990s scholars engaged in a heated debate about whether private provision of social welfare services was enhanced or diminished by government provision. On one side of the debate scholars, such as Roger Kemp and his colleagues in their edited volume *Privatization* (1991), argued that increased government involvement and professionalized staff can “crowd out” private organizations and volunteers from providing public and social services. On the other side, Lester Salamon’s *Partners in Public Service* (1995) found that the nonprofit sector has historically been heavily reliant on government funding, therefore increased government involvement and funding increases rather than decreases the private provision of social welfare services.

Many scholars have puzzled and worried about the changing power relations between state and society as governments around the world have increased their reliance on the nonprofit sector for the delivery of social welfare services (Shalev, 1997; Smith and Lipsky 1993; Ware 1989; Wolch 1990; Wuthnow 1991). These scholars are particularly concerned by institutional arrangements in which governmental authority and nonprofit authority are unclear and/or interpenetrating (e.g., when a nonprofit organization gets most or all of its funding from the government). Their basic fear is well-articulated by Jennifer Wolch, who argues that such arrangements “could ultimately shackle its [the voluntary sector’s] potential to

create progressive social change” (Wolch 1990, p. 15). At the root of these scholars’ concern is that state penetration of the nonprofit sector would constitute a state penetration of civil society, which would ultimately undermine the public–private distinction that is perceived to be so critical for liberal democracy.<sup>1</sup>

All of the above scholars have developed their theories based on the experience of the nonprofit sectors in North America and Western Europe. In order to the extent that scholars examine the nonprofit sector in Latin America, Africa, and Asia, their efforts are usually empirically based and largely descriptive rather than theoretical (e.g., the extraordinary and very helpful efforts of the Comparative Nonprofit Sector Project<sup>2</sup>). Often the scholarship analyzes the nonprofit sectors of “non-Western” countries are highly critical of unclear boundaries between state authority and the nonprofit sector (Amemiya 1998; Blaney and Pasha 1993; Chazan 1997; Goodman et al. 1998; Norton 1995; Ogawa 2009; Whiting 1991; Wiktorowicz 2000).

There are a few notable exceptions to this general trend. Cohen and Arato (1992) offer a rich and theoretically oriented examination of civil society (of which the nonprofit sector is usually considered to be a part) in Latin America and Eastern Europe. They find, consistent with my argument, that “the slogan, ‘society against the state,’ is often based on a model in which civil society is equivalent to market or bourgeois society” and is, therefore, much less appropriate or useful in contexts outside of North America and Western Europe (Cohen and Arato 1992, p. 23). Although, he focuses more on economic development and the private sector rather than the nonprofit sector and social services, Evans (1997) argues that state–society synergy is often the key to successful development outcomes. This synergy is not just created using institutional arrangements that link the state and the nonprofit sector, such as those suggested by Kramer (1981),<sup>3</sup> but rather through “embedding” the relationship through close connections that cross the state–society divide. Evans writes, “Despite the difficulties it creates for conventional wisdom, the evidence that has been presented in these articles suggests that the permeability of public–private boundaries must be acknowledged as an inescapable part of many developmentally successful programs.”<sup>4</sup>

Indeed, Lily Tsai (2007) has demonstrated that it is precisely the porous boundary between state and society that can account for better public services provided in poor, rural, Chinese villages. Controlling for a host of potentially confounding factors including income, geography, population, and level of democracy, the presence of inclusive temple associations were the best predictor

<sup>1</sup> I argue elsewhere (Haddad forthcoming; Haddad, Making democracy real: Power to the people in Japan, unpublished manuscript) that theoretical frameworks requiring a strict public–private distinction for democracy are problematic for our understanding of democratic development outside of North America and Western Europe. This article focuses more narrowly on why theoretical frameworks that require this distinction are problematic for our understanding of the nonprofit sector.

<sup>2</sup> This project is particularly valuable because it publishes its data online for others to use. See their website: <http://www.ccss.jhu.edu/index.php?section=content&view=9&sub=3> (accessed 3/10/2010).

<sup>3</sup> Kramer examined the voluntary sector in the Netherlands, the United States, England, and Israel and argues that social services delivered by the nonprofit sector can usually be characterized as having supplementary (UK), complementary (US, Israel), or subsidiary (Netherlands) relations with the state (Kramer 1981).

<sup>4</sup> Evans (1997, p. 180).

of higher levels of public services (paved roads, good schools, and running water). These groups, which created social connections that crossed state–society (and society–society) boundaries, facilitated channels of moral suasion that proved critical to the provision of public services. Due to the social and status ties that these groups created, villagers were able to use moral suasion to pressure government officials to offer higher levels of public goods, and officials were able, in turn, to use the same method to persuade local villagers pay for and support government policies. Thus, many of the services were provided through a combination of “public” and “private” means and efforts.

Most of the world is not located in North America and Western Europe. We need better theoretical models to accommodate the ways that social services are provided outside this small set of countries. I argue here for the adoption of a state-in-society approach to this subject as a way to accommodate the different arrangements of state–society relations found around the world.

The state-in-society approach was first developed by Joel Migdal (1994, 2001) to help explain politics in the developing world. His expertise was grounded in the Middle East, where political parties regularly provide social welfare services (Deeb 2007; White 2002), therefore, it was clear that theoretical models that require clear state–society distinctions would ignore or obscure important relationships and political phenomena. Frustrated by a discipline that often assumes a unitary and coherent state actor and focuses almost exclusively on formal institutional relationships, all of which are problematic assumptions when examining developing countries, Migdal developed the state-in-society approach to the study of politics. The key assumption of this approach is that states emerge from and are part of the societies in which they are situated. Thus, while states include “the image of a coherent, controlling organization in a territory, which is a representation of the people bounded by that territory,” the “actual practice of its multiple parts,” may or may not be consistent with that image (Migdal 2001, p. 16).

There are three aspects of the state-in-society approach that are particularly helpful for the study of the nonprofit sector. First, it does not assume that the state is a single, coherent entity. Therefore, it recognizes that any given state is actually a conglomeration of multiple organizations, which often have their own interests and behaviors that are distinct from one another and may have distinct and sometimes competing relationships with societal actors. Second, while the approach recognizes that formal institutions are important for shaping behavior, the researcher is directed to pay particular attention to the practices of state and societal actors. In other words, scholars should study not only the rules but also especially examine how people are carrying out (and/or modifying, ignoring, challenging, and violating) those rules.

Finally, while Migdal’s empirical interest lies in regions where evidence of state oppression and domination are plentiful, he acknowledges that state authority is largely a function of popular compliance to state rules, and societal compliance is most easily obtained when the state is viewed as legitimate. Thus, a third important component of the state-in-society approach is an examination of legitimacy, who (state, citizen, and other actor) is expected to do what, and how those expectations are created, passed on, and transformed.

The remainder of this article will apply the state-in-society approach to the study of the nonprofit sector in Japan. Before moving on I want to offer a few comments about my methodology. This article is drawing on information collected from two large research projects.<sup>5</sup> For those projects, I spent approximately 3 years doing fieldwork in Japan, conducted more than 200 interviews with government officials, nonprofit leaders, and volunteers, and collected many reams of paper and electronic gigabytes worth of official documents as well as formal and informal publications put out by the nonprofit groups. Out of approximately 30 organizations whose leaders and/or members I interviewed, I have selected two groups to highlight here. I selected these groups because their experiences illustrate the inadequacies of traditional theoretical approaches and the benefits of the state-in-society approach for the study of the nonprofit sector.

The first group, which I call Sunshine, is a fully volunteer group that has not been incorporated and is largely funded through membership fees paid by volunteer participants and clients. According to traditional theoretical models, this group would be about as “private” and as independent from the government as you can get, but their experience highlights multiple ways that the state can influence even an ostensibly private organization. The second group, Silver Network Kashiwara, is an example of one of the most innovative ways that the Japanese are using to enhance social welfare services: through the creation of networks that connect volunteers, nonprofit organizations, and state agencies together to enhance and expand services. Old theoretical models that require clear state–society or public–private demarcation have a difficult time finding these kinds of networks because most of them are rooted around informal practices rather than the formal institutional structures that are the primary subject of research. Furthermore, civic and government leaders seeking to enhance service delivery using policy tools developed with traditional theoretical models would find themselves biased against these kinds of network arrangements, since policymakers would be highly suspicious of the porous and sometimes ambiguous authority structures that the networks create.

## History of Non-State Provision of Welfare Services in Japan

Non-state social welfare organizations have a very long history in Japan. One of the earliest documented types of organizations were the family groups introduced from China as part of the Taika reforms in 645 AD.<sup>6</sup> These groups remained relatively informal and scattered until they were formalized into the Five Family Unit System (*go-nin gumi*) during the Tokugawa period (1600–1868). While also involved in a number of mutual aid tasks, these groups’ primary responsibility to the feudal Tokugawan governments was revenue collection.<sup>7</sup>

<sup>5</sup> Haddad (2007a) and Haddad (Making democracy real: Power to the people in Japan, unpublished manuscript).

<sup>6</sup> Braibanti (1948, p. 140).

<sup>7</sup> Kurusawa and Akimoto (1990), Takayose (1979), and Yamaoka (1998).

Initially, the national government of Japan did not offer many social services or even funding for welfare provisions. The Meiji government (1868–1912) invoked both Confucian ideals of filial piety as well as liberal values of limited government to justify offering only small public expenditures related to social welfare services.<sup>8</sup> The Poor Law of 1874 left the majority of the responsibility for social welfare on families. Soon afterwards Christian missionaries (both Japanese and foreign) became active in social service provision. The Tokyo Young Men's Christian Association (YMCA) was formed in 1880. They established populist programs, such as free educational programs, consumers unions, free maternity clinics, and free legal services.<sup>9</sup> The Red Cross was established in 1887, providing a wide array of medical and disaster relief services.<sup>10</sup>

The turn of the century was marked by continued military expansion abroad and rapid industrialization at home. Government social welfare programs at this time were oriented almost exclusively toward the military and their families while other forms of social welfare were delivered by families, community organizations, or religious groups.<sup>11</sup> However, the social ills that often accompany rapid urban industrialization—poor sanitation, urban poverty, rising food prices, and fires—were all becoming more urgent. These pressures came to a head in 1918 with rice riots that began in Osaka and then spread across the country. During the riots more than 700,000 people participated in violent action across the country, protesting the rising price of their staple food.<sup>12</sup> Thus, by the end of the first decade of the twentieth century, a general consensus had emerged that the government needed to do more to provide social welfare for people, especially those living in urban areas. While it had been distributing funds to private organizations to support their services (22,000 yen in 1908 rising to a peak of 65,722 yen in 1911), the rice riots and other disputes indicated that the government should take action to increase social welfare services.<sup>13</sup>

One of its responses to the riots was the creation of the Volunteer Welfare Commissioner system. Modeled after a similar program in Germany, the Welfare Ministry appointed elite members of society who had contact with the poor (e.g., rice dealers, policemen, and teachers) and charged them with determining and distributing public assistance. These Welfare Commissioners were thus private citizens who had official governmental authority through their appointment by the Welfare Ministry. They were paid a very small stipend intended more to defray the costs incurred by their service than as any kind of remuneration.<sup>14</sup>

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<sup>8</sup> Hastings (1995, p. 18).

<sup>9</sup> Saito et al. (2006, p. 19).

<sup>10</sup> See Hastings (1995, pp. 18–23) and also the Japan Red Cross homepage <http://www.jrc.or.jp/english/about/history.html> (accessed 1/12/09).

<sup>11</sup> Goodman (1998, pp. 140–141) and Deguchi (2000).

<sup>12</sup> Duus (1968, p. 110).

<sup>13</sup> Hastings (1995, pp. 41, 33).

<sup>14</sup> For more on the early days of the Voluntary Welfare Commissioner system see Anderson (1993, p. 91), Shoumura (1993), and Takahashi and Hashimoto (1997, pp. 304–307).

The Home Ministry and Welfare Ministry also relied heavily on local organizations, such as neighborhood associations, young men's associations, women's associations, volunteer fire departments, and the like to provide community-based services. The government's reliance on such groups grew in the 1930s as such groups became increasingly useful for war efforts. While they had originally been largely voluntary, mutual aid, and/or social organizations, through a series of laws in the early 1930s, membership in many groups was made mandatory and the organizations' obligations toward the state were formalized. These groups became responsible for any number of war efforts including mobilization of soldiers, distributing rations, protecting the home front, offering temporary relief services to injured individuals, and dislocated or dispossessed families, and promoting government campaigns of various kinds (e.g., frugality, health, and moral behavior).<sup>15</sup>

Many welfare services were also distributed by non-governmental organizations and companies through what Margarita Estevez-Abe calls "functional equivalent" services. This was a way for government funding, such as farm subsidies provided to farm collectives and co-ops to act as a form of poor relief. Similarly, the government continued pro-industry policies that favored corporations. The companies, in turn, were expected to offer health and welfare services not only to their individual employees but also to their extended families. Thus, "just as Sweden uses social policy as a form of industrial policy, Japan uses industrial policy as a form of social policy."<sup>16</sup>

This pattern of occupation-based social welfare, where most social welfare benefits were distributed indirectly through non-state intermediaries, such as companies or community-based organizations, did not change appreciably after the war ended in 1945.<sup>17</sup> While some social welfare functions became obsolete, such as recruiting soldiers, or even a source of shame, such as the YMCAs' support for military "comfort stations," other social welfare functions expanded, especially in the areas of poor relief, sanitation, and mutual aid assistance. In the immediate postwar years, most Japanese were experiencing desperate privation; many were unemployed, many were hungry, and public health was a constant problem. The government—both the Japanese government and the Allied occupying forces—relied heavily on non-state organizations to provide relief.

Under pressure from Occupation officials, the Japanese government passed a series of laws that eliminated mandatory membership requirements from all of the traditional volunteer groups, more clearly demarcated government responsibilities, and largely removed national government oversight over non-governmental groups.<sup>18</sup> However, the government continued to offer financial support and policy

<sup>15</sup> Anderson (1993), Garon (1997), Goodman (1998), Hastings (1995), Iokibe (1999), Kurusawa and Akimoto (1990), Matsuyama (1998), Nakagawa (1980), Takahashi and Hashimoto (1997), and Takayose (1979). Also see Berman (1997).

<sup>16</sup> Estevez-Abe (2008, p. 1).

<sup>17</sup> See Shinkawa and Pempel (1996) for more about the occupational welfare system.

<sup>18</sup> See, in particular, the 1947 Local Autonomy Law, the 1948 National Government Organization Law, 1947 Fire Defense Organization Law; 1948 Fire Service Law Enforcement Law, 1948 Volunteer Welfare Commissioner Law, 1950 Daily Life Protection Law. One exception to this is the Voluntary Welfare Commissioners, who are still technically directed by the Ministry of Health, Labor, and Welfare. However, even in that case, the national structure has little influence over the volunteers, since the

guidance to these groups throughout the postwar period. Local governments (via tax-transfers from the national government) remained primarily responsible for funding several service-providing groups, such as the volunteer fire departments and volunteer welfare commissioners, and they continued to provide money as well as administrative support for neighborhood associations and age- and gender-based groups. For all of these traditional, community-based organizations, local governments remained in close contact with civic leaders to coordinate relief and cooperate in policy creation and execution.<sup>19</sup> Other service-providing organizations, such as the YMCA, continued as they had before the war, funding their activities primarily through fee-based services with little or no help from the government.

As Japan's high growth strategy began to pay off, the government dramatically increased its funding for social welfare, with more than a 10-fold increase in spending between 1960 and 1970 and again between 1970 and 1980 before tapering off to more modest rate increases (albeit significant nominal increases) for each of the next two decades. Increases in nominal spending were accompanied by share increases as well (Table 1).<sup>20</sup>

In 1960s and 1970s saw a decline in some traditional, community-based organizations (such as women's associations, young men's associations, and volunteer fire departments), other organizations were able to retain very high participation levels (more than 90% of contemporary Japanese are members of their neighborhood associations),<sup>21</sup> and others, such as the volunteer welfare commissioners, increased their numbers. These shifts in membership can largely be attributed to a group's ability to adapt to demographic changes (e.g., fewer self-employed men and more working women), cultural shifts (e.g., lower tolerance for strict social hierarchy among younger members), and competition with newer groups that offered greater flexibility (Table 2).<sup>22</sup>

From the late 1960s onward, there was a gradual increase in what have come to be known as citizens' movement organizations (*shimin undō*). These groups were usually locally based, focused primarily on local issues, and were relatively informal volunteer organizations with no legal entity. Those groups concerned with overtly political issues, such as environmental protection, have received considerable journalistic and scholarly attention, but many more groups offered a wide array of social services to fellow community members.

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Footnote 18 continued

number of commissioners is decided locally, they are selected by local residents' nomination committees, and they determine their activities and priorities themselves, in consultation with local government officials.

<sup>19</sup> For a fantastic overview of the ways that state–society cooperation in social welfare remained largely continuous from the prewar to the postwar period, see Garon (1997).

<sup>20</sup> Note that there has been a significant drop in social welfare spending in the last few years. Spending peaked in 1999—5,957 billion yen and 6.69 of total government spending and had dropped to 1,978 billion yen and 2.4% of government spending by 2003.

<sup>21</sup> Keizai Kikakusho (2000), chart 3-1-7: [http://www5.cao.go.jp/seikatsu/whitepaper/h16/01\\_zu/zu301070.html](http://www5.cao.go.jp/seikatsu/whitepaper/h16/01_zu/zu301070.html) (Japanese, 1/14/09).

<sup>22</sup> See Haddad (2004, 2007b, 2010) for explanations for shifting trends in volunteer participation.

**Table 1** Japanese GDP, total government expenditure, and social welfare expenditure (in billions of yen)

Year	GDP	Total government expenditure	Social welfare expenditure	Social welfare as a percent of total government expenditure
1955	8,370	1,018	7	0.71
1960	16,010	1,743	12	0.67
1970	73,345	8,188	139	1.69
1980	240,601	43,405	1,420	3.27
1990	430,040	69,269	2,512	3.63
2000	502,990	89,321	4,118	4.61

Statistics from official Japanese government statistics: GDP 1955–1990 from <http://www.stat.go.jp/data/chouki/zuhyou/03-07.xls> (accessed 1/14/09) and 2000 from <http://www.stat.go.jp/data/nenkan/zuhyou/y0301a00.xls> (accessed 1/14/09); total government and social welfare expenditure, <http://www.stat.go.jp/data/chouki/zuhyou/05-02-c.xls> (accessed 1/14/09)

In the 1970s, local communities across Japan created Social Welfare Councils (*Shakai Fukushi Kyōgikai*). These were established as quasi-governmental associations that brought city officials together with community leaders concerned with social welfare issues. Most of the councils are now incorporated as Social Welfare Corporations, and members include representatives from the government, volunteer welfare commissioners, neighborhood associations, and registered (although usually not legally incorporated) volunteer groups.<sup>23</sup> Member organizations engaged in a wide array of activities from cultural development, such as an ikebana club that meets weekly to learn and practice flower arrangement techniques, to environmental cleanup where groups might take overt political action against a polluter and/or sponsor regular “clean up” events to beautify community streams, parks, etc.), to direct service provision, such as providing care for elderly, activities for disabled children, etc. Typically, these groups have between five and 40 dues-paying members, meet weekly, and make use of the Social Welfare Council’s community facility for meetings and activities.<sup>24</sup>

Until 1998 with the establishment of the NPO Law, most of these organizations could not become legal entities. The legal structure for Japanese nonprofit organizations was very constrained, requiring organizations to have large operating budgets, fulltime, paid staff, a physical address, and a documented “public interest.” The organizations that fell into these official categories generally consisted of three types: private hospitals or clinics, private schools, and private foundations.<sup>25</sup> Local groups such women’s associations that offered food services to home-bound elderly or Social Welfare Council affiliated groups that organized activities for disabled

<sup>23</sup> For more about the Zenkoku Shakai Fukushi Kyōgikai (Japanese Council of Social Welfare) see the home page of the national organization: <http://www.shakyo.or.jp/> (Japanese) (1/05/06).

<sup>24</sup> General information and links to particular organizations can be found on national or local Social Welfare Council Websites. This description and these specific examples come from interviews I conducted in 2001–2002 and 2006 with Social Welfare Council leaders in four small and medium-sized cities in Japan.

<sup>25</sup> For excellent overviews of the legal structure governing Japanese nonprofits see Amemiya (1998), Pekkanen and Simon (2003).

**Table 2** Participation in traditional organizations

Year	Welfare commissioners	Women's association	Volunteer fire departments
1941		10,000,000	
1955	124,000		1,944,233
1960	124,383		
1965	129,793		1,330,995
1970	131,519		
1975	160,000		1,118,036
1980	174,065		1,069,140
1985		8,690,000	1,033,376
1990		7,150,000 <sup>a</sup>	996,743
1995	208,595		975,512
2000	215,444		951,069
2005	226,582		908,043

Seniors clubs from Cabinet Whitepaper [http://www8.cao.go.jp/kourei/whitepaper/w-2000/zu\\_339.htm](http://www8.cao.go.jp/kourei/whitepaper/w-2000/zu_339.htm) (Japanese, 3/26/08); Welfare Commissioners from various MHLW statistics, e.g., <http://www.mhlw.go.jp/toukei/saikin/hw/gyousei/01/kekka6.html> (Japanese, 3/26/08); Volunteer Firefighters from Fire-fighting Bureau <http://www.fdma.go.jp/syobodan/whats/data.html> (1/30/08)

<sup>a</sup> Data from 1989

children continued their work, but they were left out of any formal legal category. Although they usually kept careful financial records, their lack of a legal status meant that they could not open up a bank account in the group's name, could not rent or own property, and could not hire any employees.

The following is a smattering of examples of services that non-state organizations typically offer in Japanese communities to offer the reader a feel for the diversity of services provided by nonprofit groups. Most municipalities, even very large ones, offer extensive recycling services coordinated and run in large part by neighborhood associations (garbage collection is usually provided by the municipal government). Home-bound elderly have networks of volunteers that help make sure that they receive visits, food, and household assistance, such as keeping a walkway shoveled in the winter on a regular basis. Social and care giving activities for mobile and semi-mobile elderly are widely offered in every community across Japan. Information workshops for parents and caregivers, sports days, and play groups for disabled children are organized and staffed by volunteer organizations. Different types of groups often coordinate regular clean up days to beautify community spaces, such as rivers, beaches, parks, and roads.

These types of local activities and services expanded in numbers and diversity in the 1980s and especially in the 1990s and through the beginning of the twenty-first century. With the promulgation of the 1998 NPO law and the establishment of the national long-term care insurance program in 2000, the pattern of Japan's non-state provision of welfare services changed dramatically. The resulting pattern, described in greater detail in the next section, is one of a continuation and expansion of previous, largely informal, organizations and activities, and the rapid development

of a more formalized (and professional) nonprofit sector dedicated to the delivery of social welfare services.

This section has been intended to offer a sweeping overview of the history of social welfare service provision in Japan. While there has been an ebb and flow in the volume and variety of social welfare services provided by the state, the overall pattern has been one of expansion of service provision through the 1980s, with a retrenchment during the recession of the 1990s. However, non-state provision of social welfare services has expanded almost continuously. Throughout this history, non-state providers have had very close relationships with the state, sometimes, such as during the 1930s, being completely overtaken by the state. The next section will demonstrate how the 1998 NPO law created a legal framework that encouraged the expansion and strengthening of the nonprofit sector even as it broadened state authority and enhanced its legitimacy.

### **The NPO Law: Expansion and Reconfiguration of Japan's Nonprofit Sector**

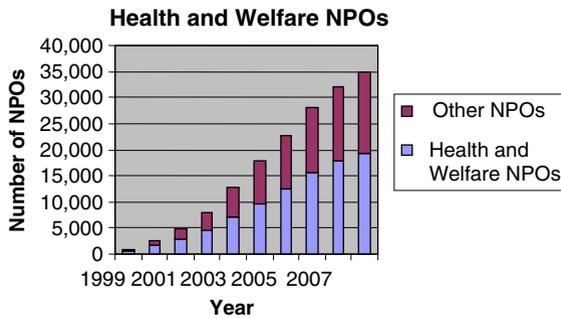
Starting in the 1990s and accelerating after 2000, the Japanese government has transformed the pattern of social welfare service delivery through privatization and decentralization policies. Although the terms privatization and decentralization suggest that a withdrawing of the state from the field of social welfare, the ways in which the policies have been carried out have, perhaps counter intuitively, strengthened and expanded the state's role in the provision of social welfare services.

The Great Hanshin Earthquake of 1995 is often discussed as a catalyzing event in the reconfiguration of Japan's nonprofit sector. An estimated 6,000 people lost their lives as a result of the earthquake that hit the Awaji-Kobe area on the morning of January 17, 1995. An unprecedented 1.2 million people poured into the area to volunteer their time, energy, and expertise to assist in the rescue and reconstruction effort. Universally, the government response to the crisis was viewed as slow, inefficient, and ineffective while, in contrast, numerous volunteer organizations from local volunteer fire departments to large international NGOs were perceived as being much more effective.<sup>26</sup>

Activists seized the opportunity to promote a political goal that they had long pursued—a new legal structure that would ease restrictions on the incorporation of nonprofit groups. After several years of political bargaining and battles, the NPO Law passed the House of Representatives by unanimous vote on March 19, 1998.<sup>27</sup> Political negotiations between the Liberal Democratic Party (LDP) and opposition parties explicitly linked the NPO Law to the planned establishment of a national long-term care insurance program, which would come into force 2 years later. “The LDP was accustomed to viewing Welfare Legal Persons in this manner as cheap subcontractors for welfare services.... [They] saw that the new NPO Law might

<sup>26</sup> Iokibe (1999), Nakata (1996), and Osborne (2003).

<sup>27</sup> For a detailed account of the political rankling that occurred, see Pekkanen (2000).



**Fig. 1** Health and welfare NPOs 1999–2008. Number of NPOs showing total NPOs and the proportion of them that claim “Promoting health, medical, and/or welfare” as a purpose category on their application. Calculated from government’s online database of NPOs found: <http://www.npo-homepage.go.jp/portalsite.html> (Japanese, accessed 1/20/09)

usefully increase the number of welfare volunteers.”<sup>28</sup> Indeed, as the graph below indicates, the number of new NPOs rose dramatically after the 2000 enactment of the eldercare insurance system, and a large proportion of the new organizations were dedicated to social welfare (of 17 purpose categories to choose from more than half and in some years nearly two-thirds of NPOs selected social welfare as at least one of their organization’s main purposes; Fig. 1).

Although, the 1998 NPO Law significantly eased restrictions on organizations seeking to incorporate, it retained, and expanded, reporting requirements. Organizations seeking incorporation are required to file their application to the national ministry most closely aligned with their purpose. For example, a nonprofit interested in tutoring youth after school would apply to the Ministry of Education, Culture, Sports, Science, and Technology; one that aimed to provide day services to disabled adults would apply to the Ministry of Health, Labor, and Welfare. After they obtain legal incorporation, NPOs are required to report their activities to the ministry in whose jurisdiction they now belong and are therefore subject to “bureaucratic guidance” by that ministry as well.<sup>29</sup>

Many of the traditional and small community volunteer groups have resisted formal incorporation due to concerns about the added administrative hassle as well as worries about increased governmental interference. There is often a sense that the organizations will have to sacrifice some of their autonomy if they incorporate and become subject to reporting requirements and the target of bureaucratic guidance.<sup>30</sup> However, many of the unincorporated organizations that are providing social welfare are already receiving aid from the government, and they have found that receiving that aid has already led to restrictions on their activities. Thus, perhaps counter intuitively, some organizations view incorporation and greater official

<sup>28</sup> Pekkanen (2000, p. 132).

<sup>29</sup> Deguchi (2000), Kokushou et al. (1998), and Pekkanen and Simon (2003). In some instances, the organizations can apply directly to the cabinet office rather than ministry, but such groups represent <10% of all NPOs.

<sup>30</sup> Osborne (2003); for a detailed descriptive account of these deliberations see Ogawa (2009, Chap. 5).

government oversight as a way of gaining greater autonomy, especially in terms of decision making and operational scope.

### **Private Labor for Public Interest: Sunshine’s Debate**

The experience of one small group, which I will call Sunshine, highlights the issues that Japan’s civic leaders have been grappling with when deciding whether or not to pursue legal incorporation as a nonprofit organization. In 2002, when I visited with them, this group’s mission was to serve the disabled in their medium-sized city, which I will call Yama-shi. The all-volunteer organization had a membership of 22 people and a budget of about \$2,000, of which 40% came from the city government and the remainder was raised by member fees paid by both users and volunteers as well as a small amount of fundraising.

The main purpose for the organization was to offer transportation to the 2,500 disabled people in Yama-shi. Using vehicles maintained by the city, volunteers would transport disabled clients when they needed to leave their houses or were otherwise unable to find transportation. These trips could be regular, such as periodic visits to the doctor, or irregular, such as a visit to a friend’s house or to a community activity. Members and clients paid a 500 yen (about \$5) fee annually to participate, and these funds went toward covering the cost of car and volunteer insurance, gas, vehicle maintenance, etc. When the clients needed a ride, they would call Yama-shi’s volunteer coordinator, a paid staff member of the Social Welfare Council, who would then pass the request onto Sunshine. Sunshine members who were available would meet every week to discuss and set the schedule for the following week; other members would just call in for their assignments.

Sunshine’s volunteers were men and women from every age category, although the largest demographic group was retired men. Many of the volunteers were active or retired professional drivers—taxi, bus, and truck—who wanted to find a way to use their skills to contribute to their communities. Others joined because they had a friend in the group, or had a special interest in the disabled. One enterprising woman, currently employed as a taxi driver, was thinking about opening up a small business that would offer the same kind of services and sought to learn more before making the investment.

When I spoke with this group in 2002, they were actively deliberating whether or not to seek incorporation as an NPO. Although it was an all-volunteer group, the Yama-shi government was the initiative behind the formation of the group, and many of the group’s leaders had been invited by city officials to join.<sup>31</sup> As a result of this close connection with the city government the group enjoyed financial and logistical support that would have been difficult to gain otherwise. Although, the city government did not put much restriction on the group’s activities, the members were beginning to feel that they had reached some kind of ceiling in the kinds of services that they could provide. In order to do more such as serving the

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<sup>31</sup> For an extensive discussion of another instance of government-initiated formation of a volunteer group and the phenomena of government “invited” volunteers, see Ogawa (2009).

neighborhoods outside the city boundaries, they would need to incorporate, but such a move would be quite transformative, requiring the hiring of professional staff, more training for volunteers and a much more intense investment of time and energy. They did not want to be hasty about making the decision. The following is an excerpt from an interview I conducted with a small group of Sunshine volunteers in 2002 that highlights their dilemmas as well as their complex relationship with the government. I have used pseudonyms to protect the identities of the volunteers.

Mr. Tanaka: One thing that is different about Sunshine from other volunteer groups is that the government made it. It was necessary volunteer service, but there wasn't a group, so the government started it. It wasn't like the government said you must do this, it was more that we saw the need and wanted to help out, and they provided the impetus. So, the government is trying to use the volunteer power to meet this need. So, our group isn't really independent.

Mr. Saito: We think about being more independent, but don't want to be too hasty. It isn't like the government is telling us to go do this and go do that, and if we were to become more independent, it would be much more difficult. We are just thinking about doing more, serving more people, having more cars, etc., but we have to think about this some more before doing it. ...

Mr. Tanaka: There are times when the government asks us to change our meeting times or attend a meeting.

Mr. Matsushita: But there are times when we say, we can't, too bad. So, we do what we can, but if we can't, we just say we can't. ...

Mr. Tanaka: Everyone has this same thought. This kind of volunteer organizations isn't really independent of the government—none of them are. If you really want to be an independent volunteer, NPO is the only choice. For example, Sunshine can only serve people in Yama-shi. In terms of time etc., the government has decided the time, so we can't serve people outside Yama-shi, even if we wanted to.

Mr. Ito: But there is really nothing to be done about this in the beginning. In terms of time and resources, in the beginning, we need help. There is only one car, so we have to figure out availability, etc. If we had more cars and people, then we could do more, but we are still new, but we don't have that many people, and we have a lot who cannot work during the weekdays, so it is just in the beginning. So, we start small, and then get bigger.

These Sunshine volunteers exemplify many of Japan's small nonprofit providers of social welfare. They are unpaid volunteers offering important services to members of their community with the assistance of the government. Even before the NPO law the Japanese government had found that citizens were often willing to donate their labor to help their fellow citizens, and the government found ways to motivate and support the volunteer provision of social welfare services through the careful application of financial and administrative support. With the enactment of the NPO law, the size of

the nonprofit sector in Japan has expanded dramatically. Because incorporated organizations are required to adhere to higher transparency and reporting requirements than their unincorporated counterparts, the government has increased the scope of service-providing activities over which it has authority. This expanded scope has come at the cost of direct involvement in particular, local organizations. Therefore, while some organizations feel that their freedom is curtailed by becoming an NPO due to the greater reporting requirements; other groups, such as Sunshine think that incorporation would grant them greater freedom.

One might expect that expanding the government's authority would have a detrimental affect on the relative power of nonprofit organizations, but, in fact, the opposite appears to be true. As the diversity and value of services provided by nonprofit groups increases and the relative economic power of the government wanes, the latter become more dependent on the former for the delivery of basic social services needed by the community. The resulting relationship is mutually dependent: the nonprofit organizations need the funds from the government to deliver the services, but the government needs the nonprofit to ensure that the services get delivered. When managed well, this mutually dependent relationship can be a mutually empowering one that leads to better services delivery for the community.

### **Social Service Networks: Crossing the Public–Private Divide**

One of the greatest areas of innovation in the delivery of social welfare services in Japan has been the expansion of networking among social welfare service providers. One of the largest lessons that the nonprofit sector took away from their experience in the post-1995 earthquake relief effort was the importance of networks to ensure smooth and efficient service delivery.<sup>32</sup> In the words of one enterprising leader, Dr. Yashima:

I'm a doctor, so during the Kobe earthquake I went down with medicine to help. But, there was no network, so we didn't know how to find the people in need. There were lots of doctors, food, supplies, and there were lots of people who needed doctors, food, supplies, but they couldn't find each other. The government couldn't match one to the other. So, I thought that we could make a network for the elderly people in Kashihara. In this way we could help build a safety net. [And be ready if/when another disaster strikes.]

With this idea in mind Dr. Yashima founded an extraordinary organization, Silver Network Kashihara. Using his medical expertise as a doctor, his philanthropic background as a longstanding Lions Club member, and his connections to the broader community, he created an organization that linked together a wide range of different groups around the central purpose of caring for the elderly in Kashihara. With an initial investment of approximately \$70,000 from the two Lions Clubs in Kashihara, Dr. Yashima began to build his network. He started with the establishment of a senior center that offered a range of day services and social

<sup>32</sup> Imada (2003), Nakata (1996), and Takayori (1996).

opportunities for Kashihara's elderly. After the initial year went well, the Lions Club was able to reduce its support and the city began to contribute small amounts of funding (\$500). As the Network expanded its membership and its services, its ability to fund raise increased, and the city also increased its funding. By 1999, the Lions Clubs had reduced their annual support to \$10,000, the city had greatly increased its support to \$25,000, and the group had raised an additional \$800 from a charity golf tournament.<sup>33</sup>

By the time I talked with Dr. Yashima in 2002, the organization had expanded to include a network of more than 11 volunteer organizations, both traditional groups such as volunteer welfare commissioners and senior clubs as well as newer groups that were targeting specific needs related to the elderly, for a combined total of 13,459 volunteers. One of the group's first efforts was to streamline the way that elderly interacted with the government to obtain the services to which they were entitled. Frustrated with a system that required elderly residents run around to as many as five different city officials to get basic services, Dr. Yashima advocated for the development of a "One Door Policy," which would designate a single contact person in the government to whom the elderly could address all of their problems. The government responded by following Dr. Yashima's proposal and enacting the proposed policy.

In addition to streamlining government processes, by coordinating a number of different organizations, the Silver Network has initiated and carried out a wide range of activities for the elderly in Kashihara. Their efforts have ranged from neighborhood "Friendship Salons" that bring elderly in a particular neighborhood together for activities, to a helpline that seniors can call if they needed a bit of help (e.g., plumbing, moving furniture), to fieldtrips for caretakers to give them a chance to take a break from care giving and have some fun.

The Silver Network Kashihara represents the newest successful innovation in the delivery of social welfare services in Japan. The organization formed as a result of the individual initiative of a successful community leader. In the words of the Social Welfare Council liaison who had been working with Dr. Yashima in Kashihara, "You need leadership. Without a leader, you can't do anything. ... The government people can talk and talk and encourage and encourage, but you just can't do anything unless you have [civic] leadership."

While individual leadership was essential to the formation of the network, Dr. Yashima's efforts have been successful due to the network that he has created more than due to any particular policy recommendation or service that his group has provided. The network of organizations—traditional and new-style, volunteer and professional, state and non-state—has dramatically diversified the types of services that can be delivered, has multiplied the number of volunteers who can participate, and has created an environment that brings together the best ideas from all sectors—public, nonprofit, and corporate—in a forum that is highly conducive to innovation. Furthermore, since representatives from all types of groups participate in forming the new initiatives, the implementation process is relatively seamless.

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<sup>33</sup> Silver Network Kashihara (1999).

Because member groups are participating in multiple activities and multiple groups are participating in any given activity, there are diverse channels of communication from which to gather feedback from organizers, volunteers, and “clients”. Rather than contributing to finger-pointing and responsibility-ducking when things go poorly, these overlapping authority structures have enhanced accountability and led to a shared sense of responsibility. The result is an innovative and relatively efficient network of service providers that has been able to expand services and direct those services to the areas and people most in need.

### **Conclusion: Stronger, More Active Citizens, and a Stronger, More Active State**

Although, Japan’s social welfare spending has risen dramatically over the postwar period, comparatively it is still among the lowest of OECD countries.<sup>34</sup> One of the main reasons Japan has been able to keep its public spending on social welfare low even as its need for social services, especially those directly toward the elderly, has risen, is its heavy reliance on non-state organizations for the provision of services. While Japan’s overall level of spending has remained relatively consistent compared to other advanced capitalist democracies, the last decade has seen a remarkable reconfiguration in the way that non-state organizations have been providing services and the ideas that Japanese citizens have of their role in service provision.

The creation in 1998 of a new legal structure for nonprofit organizations coupled with the introduction in 2000 of a new national insurance program for long-term care have resulted in a transformation in the non-state provision of social welfare (and health) services in Japan. While the number of nonprofit organizations had already started to grow in the period before 1998, these two legal changes have contributed to an explosion in the number of nonprofit organizations, both professional and volunteer, that are offering health and welfare services to their communities. The large influx of these new types of organizations has resulted in a dramatic pluralization of Japan’s nonprofit sector, diversifying the types of organizations, their activities, and their participants.

In Japan, as has been the case in other post-industrial societies, governments can no longer (if they ever really could) address the increasingly diverse array of citizen needs. The sources of policy innovation in the area of social welfare provision have had to shift from public to private. This change does not mean that government steps out of the picture, however. Although Japan’s nonprofit providers of social welfare have always worked with the government, what it means to work with the government has shifted. Citizens now perceive a greater responsibility both to provide what they can—a recognition of the limitation of government’s abilities—and to push the government in areas where needs are not being met—a recognition of their obligation to participate. As one local government official expressed it when I spoke with him in 2006, “The government can’t be first. The people living there must be first. Of course, there are things that the government must do, but it shouldn’t initiate.” As a result,

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<sup>34</sup> See OECD data available online at <http://www.oecd.org/dataoecd/62/1/34928519.pdf> (accessed 1/14/09).

nonprofit organizations have become more active in their relationship with the government; they are identifying community problems, crafting policy solutions to those problems, and participating actively in implementing solutions to the problems that often involve considerable public private cooperation.

Governments still provide important financial and coordinating functions, but they no longer are the source of the best new ideas on how to address citizen social welfare needs. In Japan, one of the greatest areas of policy innovation in the realm of social welfare has been in the area of networking among service providers, both state and non-state. The Silver Network Kashihara offers a wonderful example of how one energetic community leader with a vision was able to build a network of diverse organizations has been able to provide a wide array of services to elderly in his city. Since Kashihara's local government served an instrumental role in funding and promoting the network's development, it has been able to take some credit for the subsequent success of the many programs. In addition, since the government is also involved in the network itself, it now has new sources of information, greater access to citizens, and a richer policymaking community than it had before the network's creation.

The resulting, albeit still evolving, political situation has become one in which the Japanese government has expanded its authority and enhanced its legitimacy in the area of social welfare provision even as private citizens and their organizations have enhanced their own legitimacy and have become more assertive with respect to their relationship with their government as they seek to improve the social welfare services available in their communities. These new practices are promoting better local governance and a higher quality of life for Japanese citizens—for those in need of care as well as for those who are offering care to others.

This transformation would be very difficult to capture using traditional theoretical models that focus on a unitary state actor, clear public–private distinctions, and an examination of institutional structures to the exclusion of every day practices. Utilizing a state-in-society approach enables an examination of the diverse and dynamic public–private relationships, reveals the importance of informal practices, and helps to explain the apparent paradox that motivated this research.

Japan's recent efforts toward greater government decentralization and privatization of services have empowered and enlarged the nonprofit sector by enabling the formation of new nonprofit organizations through the NPO Law and by funding and supporting the ability of these groups to provide social welfare services to the public. Simultaneously, the state has expanded its authority by being intimately involved in the ways that new services are developed and provided. Because these efforts have led (in many, but certainly not all) cases to more diverse and higher quality services, the state's legitimacy has also been enhanced, even when it has not necessarily been providing those services directly to the public.<sup>35</sup>

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<sup>35</sup> Please note that this article has focused very narrowly on the provision of social welfare services and the ways that decentralization and privatization efforts have, in some ways, been beneficial to both the state and to the nonprofit sector and have, in many cases, enhanced service provision to the public. It is neither the intent of the author to suggest that all aspects of the Japanese social welfare system are normatively good, nor to suggest that there have not been significant negative consequences of the decentralization and privatization efforts (e.g., increased income gap, greater unemployment, and higher poverty rates in rural areas).

The state-in-society approach is a valuable addition to the increasingly diverse and rich set of theoretical tools available to scholars of the nonprofit sector. It is particularly helpful when studying the nonprofit sector of countries outside North America and Western Europe, but it can also be useful when studying those areas as well, since it directs researchers toward new questions and forces them to reexamine long-held assumptions. As the nonprofit sector expands its share of national and international economies and becomes increasingly responsible for delivering social welfare services, scholars will need more flexible theoretical tools with which to explain current conditions, evaluate effectiveness, and, hopefully, recommend better policy and organizational strategies for political leaders, community activists, and service professionals seeking better ways to serve their publics.

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