The Asia-Pacific Journal: Japan Focus
In-depth critical analysis of the forces shaping the Asia-Pacific...and the world.

JAPANESE ONLY: The Otaru Hotspring Case and Discrimination Against "Foreigners" in Japan

Arudou Debito

JAPANESE ONLY:
The Otaru Hotspring Case and Discrimination Against "Foreigners" in Japan

by Arudou Debito

In 1993, an onsen (hotspring) in the city of Otaru, Hokkaido, decided it had had enough of Russian sailors not following bathhouse rules. The managers put up signs saying "JAPANESE ONLY," and refused entry to all foreigners.

Excluded people complained about this situation for years, but the Otaru city government ignored the situation. Although they admitted that this activity was discrimination, they maintained that they had no power to stop it. This was, after all, not specifically illegal in Japan, and they considered it "too early" to legislate against it.

Emboldened, other local onsens around town put up their own "Japanese Only" signs. Then other businesses, including bars, restaurants, ramen shacks, even a barber and a sports shop, in other towns began copycatting. (See a photo archive at http://www.debito.org/roguesgallery.html)

In September 1999, we came on the scene. Several multinational families (German, American, and Chinese, all with Japanese spouses) and I dropped by as customers at the original exclusionary Otaru onsens. The managers only refused entry to the Caucasians in our contingent. Reason given? "Russian sailors disobey our bathing rules. They drive away our Japanese customers."

"But we are not Russian sailors," we replied. "Also, we have lived here for more than a decade each. We have Japanese families. We know how to take a bath."

"Doesn't matter," they retorted. "Refusing only Russians would be blatant discrimination. So we refuse all foreigners equally."

"Including our Chinese friend you just unwittingly let in?" we asked. Quick to admit their "mistake", they tossed her out too.

So, as they were judging "foreign" by appearance, we asked what would happen to our children. Born and raised here, they are full Japanese citizens.

Answer: "Asian-looking kids can come in. But we will have to refuse foreign-looking ones."

Thus racial discrimination -- accept no substitute -- was afoot. Managers would permit foreigners who look Japanese, but bar Japanese who look foreign. We decided from that moment on to fight this policy. Over the next year and a bit, we appealed to every possible avenue for its abolition (read all about it in my book, JAPANESE ONLY). However, press coverage from the case, as well as a concurrent police campaign against an alleged rise in foreign crime, prompted businesses nationwide to adopt their own exclusionary policies.

In October 2000 (for reasons unrelated to the onsen case), I received Japanese citizenship. Proof of naturalization in hand, I returned to Otaru for a bathhouse baptism. Guess what? One exclusionary onsen named Yunohana still refused me. Their reason this time? "Even if you have citizenship, you still don't look Japanese. Our customers will misunderstand. Goodbye."

That made the evidence incontrovertible. There was nothing left but for my friends and me to sue the proprietor for racial discrimination. We also sued the Otaru City Government, the epicenter of signposted discrimination in Japan, for turning a blind eye to it for nearly a decade.

Fast-forward a few years. The Sapporo lower and high courts handed down the following decisions in 2002 and 2004: Yunohana Onsen was to pay each plaintiff ¥1 million (close to $10,000), as its actions not only constituted racial discrimination, but also "transcended the boundaries of socially-acceptable rational discrimination," whatever that means. Anyway, we won.

However, we lost against Otaru. Even though the United Nations Convention on Racial Discrimination (a treaty Japan signed in 1995) requires "immediate and effective measures" (including legislation) by all levels of government to eliminate racial discrimination, the courts ruled otherwise: "The treaty says nothing concrete about how legislation is to be created. We interpret this to mean that there is no absolute duty to establish anti-discrimination laws in specific, and the government cannot be held culpable for neglecting to do so."

No other developed country has made as ludicrous an argument to escape these treaty obligations, and thus Japan remains the only developed country with no laws whatsoever against racial discrimination.

The case against the Otaru City government is now in the Supreme Court, so while we're waiting, let's ruminate: Why did the Otaru Onsens Case blow up so big?

As I discuss in my book, there are three cultural canards in Japan that evoke public sympathy and give license to the xenophobe:

1. "Japan is unique," people often say. Of course, this gets applied to Japanese baths too. After all, no other country has a bathing culture.

That is, if you leave out Italy, Turkey, Germany, Bulgaria, Russia, Britain, and most of Scandinavia, to name a few.

Um, okay, so maybe not "unique," but Japan is always different, the logic runs, as things foreign by definition are things not Japanese. Therefore, you see, foreigners will naturally be ignorant of Japanese customs, and will inevitably cause trouble when they walk into a bathhouse.

Never mind that ill-mannered Japanese also exist, and that foreigners could be taught how to bathe. That's covered by the second canard:

2. "Nihongo wa muzukashii." (Japanese is a difficult language.) How many times have we heard, despite copious counter-evidence, that Japanese is impossible for the non-native to learn? After all, Japanese is allegedly one of the world's toughest tongues. So, since foreigners axiomatically will not know the rules, the monolingual onsen manager cannot possibly communicate with them.

Never mind that free multilingual bathing rules exist on bathhouses around the country. Foreigners shouldn't be in here anyway, you see, if there's the possibility of trouble. That leads us to the third canard, where arguments veer from comical to sinister:

3. "You can tell a foreigner on sight." Wrong. Especially nowadays, with record numbers of international marriages, multicultural children, and Asian and nikkei extra-nationals making up the majority of registered foreigners in Japan. But given the average image of a "foreigner" as a Caucasian English conversation teacher, many people, ignoring Japan's diversity of foreign workers, not to mention Japan's ethnic citizenry, continue to conflate nationality with race. This, in practice, inexorably leads to racial discrimination.

This is a situation my friends and I are trying to rectify by promoting the passage of anti-discrimination laws and challenging blatantly discriminatory actions in the courts. Like it or not, laws are the only way to stop the bigots (who exist in every society) from having their way.

We have pushed for more than five years now, and will continue for as long it takes. If not, a lot of innocent international children, including Japanese, are going to get hurt. We hope you will support us.

For more information about the Otaru Onsens Case, see Arudou Debito's website at http://www.debito.org/otarulawsuit.html

Arudou Debito is a sixteen-year resident of Japan and a Japanese citizen. He is the author of "JAPANESE ONLY": The Otaru Hot Springs Case and Racial Discrimination in Japan, 432 pages, Akashi Shoten Inc. 2004, ISBN 4-7503-2005-6. Book summary, reviews and ordering details at http://www.debito.org/japaneseonly.html. More on Debito and what's he's doing at http://www.debito.org.

Created by Datamomentum