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# DOMESTIC VIOLENCE :

## Causes and Consequences in Japanese Society

Fathima Azmiah MARIKKAR

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### Introduction

Domestic violence is a complex pattern of behavior that may include in addition to physical acts of violence, sexual abuse and emotional abuse. Women experience domestic violence at far greater rates than men. Domestic violence is “a leading cause of female injury in almost every country in the world and is typically ignored by the state or only erratically punished” concluded The Global Report on Women's Rights released by the Human Rights Watch.<sup>1</sup> The term domestic violence was first used in the 1970s to name men's violence and abuse towards a female adult partner.

In 1993, the United Nations approved a declaration calling for the elimination of violence against women in all its forms, from violence within marriage and sexual harassment in the workplace to female genital mutilation and forced prostitution. These issues were further discussed at the UN Fourth World Conference on Women held in Beijing in 1995.

Violence against women is prevalent in every country, across national and cultural boundaries. Even though most societies proscribe violence against women, the reality is that violence against women's human rights are often sanctioned under the garb of cultural practices and norms, or through misinterpretations of religious tenets.

In Japan, in the past, domestic violence was hidden by the Japanese culture of shame, and people hardly talked about a husband's violence against his wife. Most victims of domestic violence remained silent on the assumption that the way a husband treats his wife behind the *shoji* screen was his business. It was always considered a delicate matter in Japanese society. Culturally specific aspects of such male violence against wives in Japan include showing contempt by overturning the dinner table, a central symbol of the women's domestic role, throwing water or salt at their wives with the symbolic meaning of marking the women as unclean, or husbands refusing to use condoms in a society where oral contraceptives are not easily available and women have little direct control of contraception.<sup>2</sup> The results demonstrated what Japanese women had known for years as domestic violence is a serious problem in Japan.

Japan's rapid step towards recognizing and treating domestic violence abuse decades after its western counterparts are part of a sea change. “Many people still view women as property of their husbands, said Kazuhito Shinka, deputy director with the Central Government Gender Equality Bureau. A survey conducted by a Domestic Violence Research Group reported that roughly 59% of women surveyed reported physical or sexual violence by a partner.<sup>3</sup>

Japan's first nationwide survey on the topic done by the government Cabinet office in 1999 revealed that 1 in 20 Japanese wives had suffered life-threatening violence at some point during marriage while 4 times as many had endured some sort of physical abuse.<sup>4</sup> According to a survey conducted in February 2000 by the Prime Minister's Office, 4.6% of

women, or 1 out of 20, are “subjected to life-threatening violence.” The only recourse left is to “run away” from their partner's violence.

The purpose of his paper is to review the prevalence of domestic violence and analyze the causes and consequences of domestic violence in modern Japanese society. The conclusion will also highlight some of the shortcomings in the revised Domestic Violence law and suggest some of the factors that should be taken into consideration if and when the present law is to be revised..

## Causes of Violence

There is no single factor to account for violence perpetrated against women. There are several complex and interconnected social and cultural factors that have kept women particularly vulnerable to the violence directed at them, all of them manifestations of historically unequal power relations between men and women. Factors contributing to these unequal power include socio-economic forces, the family institution where power relations are enforced, fear of and control over female sexuality, belief in the inherent superiority of male, legislation and cultural sanctions that have traditionally denied women and children an independent legal and social status.<sup>5</sup>

Domestic violence victims always strive to hide something they see as they consider it a disgrace to the family and Japanese society has always constructed countless ways for husbands to justify their actions. Japan found itself rather embarrassing on this account in 1999 when Shuji Shimokochi, then a 51year old Consul General was charged with punching his wife in the face during a fight at their residence in Vancouver. When questioned by Canadian police, he reportedly dismissed the incident as “a Japanese cultural issue.”<sup>6</sup> In fact, this is an assumption dating back to *samurai* days that the way a husband treats his wife behind the *shoji* screen is his business.

There was another instance when Hiroko Sato once told reporters that she had been beaten repeatedly by her husband, former Prime Minister Eisaku Sato who in 1974 received Japan's only Nobel Peace Prize.<sup>7</sup> Thus domestic violence appears to be higher in Japanese society where traditional ideas of masculinity and femininity and of gender roles are upheld.

Women's increasing economic activity and independence is viewed as a threat which lead to increased male violence. This is particularly true when the male partner is unemployed or earns less than the wife and feels his power undermined in the household. As Japan is traditionally a male dominated society, and when the woman earns or has a better position in society, the man feels that he has not been respected or not given a due place in the family.

On the other hand, there are cases in which a battered wife is reluctant to leave her home in Japan's recession battered economy, when women often have few skills employers want. Every woman thinking of leaving worries about finances, and as a result they are forced back into abusive marriage because they cannot earn a living. Beyond that, most landlords are not willing to rent a house or apartment to a single mother. This forces the victims to tolerate and live with their battered partners. Furthermore, as there are not enough shelters to accommodate such battered victims, they are forced to put up with their abusive husbands.

In a developed country like Japan, cultural ideologies provide “legitimacy” for violence against women in certain circumstances as already discussed in the introduction to this paper. The physical punishment of wives has been particularly sanctioned under the notion of entitlement and ownership of women. Male control of family wealth inevitably places decision-making authority in male hands, leading to male dominance and proprietary rights over women.

Research shows that batterers in many societies seem to share some common personality traits. They tend to blame wives versus themselves for things that go wrong. They tend not to see their wives as independent persons, and they expect their wives will tolerate their violent behavior because they believe their wives love them even though they are violent. They tend to have traditional views of gender roles.

According to a Cabinet Office's Survey on Domestic Violence (2002) 15.5 percent of women have suffered physical assault from their spouse or boyfriend, 5.6 percent have suffered frightening threats from their spouse or boyfriend and 9 percent have suffered sexual coercion from their spouse or boyfriend in their lifetime. In total, almost one out of five (19.1 percent) of women have experienced one or more of these types of violence. According to the survey, 4.4 percent of female respondents "felt their lives were in danger" due to violence from their spouses or boyfriend. This means one out of every twenty women suffers severe domestic violence.<sup>8</sup>

The isolation of women in their families and communities is known to contribute to increased violence particularly if those women have little access to family or local organizations. Lack of legal protection, particularly within the sanctity of the home, is a strong factor in perpetuating violence against women.

It is also clear that Japan's troubled economy and relatively high unemployment rates play their part in sending some men into a spiral of drinking and violence. "When an overwhelming disparity in power exists between two people in isolated space, domination through violence may occur and turn chronic" The imbalanced male-female division of labor in Japan with its longstanding assumption that the man will be the main breadwinner makes that situation more stark.<sup>9</sup>

Excessive consumption of alcohol and often use of drugs have also been noted as a factor in provoking aggressive and violent male behavior towards women and children. Some children had violent fathers from whom they "learned" to be violent. They are unable to express their feelings in a positive manner, lack self control and they may become violent after trivial events.

## **Consequences on Japanese Society**

A total of 54.7 percent are living apart from their spouse after suffering physical or sexual abuse, a government survey on domestic violence reported in January 2007. Of those harassed, 62.3 percent said they had received unwanted phone calls, e-mail messages and letters, 54.3 percent said their spouses came to their parents' or friends' houses, and 36.5 percent said their spouse came to visit them at a shelter or workplace, or waited for them there. The number of reported cases of domestic violence in Japan has been increasing which means that victims are overcoming cultural taboos that once forced them to stay silent. Police received 16,888 complaints of incidents of abuse, a 17 percent increase on 2005. The national policy agency said this included 87 murders and attempted murders, an increase of 16 percent.<sup>10</sup>

In 2005, Japan's Ministry of Health, Labor and Welfare reported that domestic violence in Japan occurred in nearly 40 percent of homes. Among married couples, 26.7 percent of women reported they had been beaten by their spouse.<sup>11</sup> While the Cabinet Office conducted the survey between October and November 2006 and 799 people responded, of which 98.2 percent were women. These women mentioned that it was difficult for them to live apart from their spouses, and 54.9 percent cited financial difficulty, 52.9 percent cited physical and mental health problems and 52.6 percent mentioned having problems with the resident registry system. Some said they did not want to change their registration because their spouses would then know where they live. Victims of violence living with their children

totaled 80.2 percent. Nearly two-thirds said they earn less than 150,000 yen, including welfare benefits per month.<sup>12</sup>

Experiences during childhoods, such as witnessing domestic violence have been identified as factors that put children at risk. Violence may be learnt as a means of resolving conflict and asserting manhood by children who have witnessed such patterns of conflict resolution. Furthermore, children who have witnessed domestic violence or have themselves been abused exhibit health and behavior problems, including problems with their weight, their eating and their sleep. They may have difficulty at school and find it hard to develop close and positive friendship. They may try to run away or even display suicidal tendencies.<sup>13</sup>

There are other characteristics of men, where they want to show they are powerful and aggressive and tend to hide or suppress their feelings and act tough in order to appear “manly” to others in some societies. In most cases, this tendency takes place when men hold responsible decision making positions.

The batterers undergo training to change their thinking and behavior. In the training workshops, the men try to learn how to recognize and understand their feelings. They try to learn to replace negative feelings with positive thinking and to develop understanding for their wives and family. But in most cases it lasts only for a short time, and they resort to violence again.

Sometimes the victims hope the problems will go away, or wrongly blame themselves for the violence. Often the victims are financially and emotionally dependent on the batterer. Being victims lowers the self-esteem of the victim. The victim may feel powerless and by feeling powerless does not know what to do. Sometimes the victim fears what will happen to them if the batterer finds them after they try to escape.

## **Conclusion**

Japan became the last major industrialized nation to formally recognize the problem of domestic violence and enacted legislation called “Law for the Prevention of Spousal Violence and the Protection of Victims.”- Law No. 31 of 2001, as amended by Law No. 64 of 2004. The law is intended to assist not only wives and husbands, but also common law marriage partners and ex-wives and ex-husbands. The revised law of 2004 aimed at expanding the list of people protected under the law to include the children and former wives of abusive men. Under the revised law, people who have been attacked by their spouses will be able to obtain restraining orders against offenders. These may require the perpetrators to leave accommodation shared with the victims.

The revised law also goes a step further by banning violent spouses from approaching their children or former spouses for six months. Children are covered by the law since they are often approached by offenders trying to locate their spouses. The law further extended the period of two weeks for which offenders were required to stay away from their homes to two months. But it is necessary to review the law again to include unmarried couples, including those who live together and those who are dating but live apart. There have been instances where the husband after unsuccessfully trying to track down his wife after she left him, had killed her acquaintance. To prevent such incidents, the list should also cover people whom abusive men could harm, including the parents, relatives and friends of domestic violence victims.

Aggressive behavior by men in the form of telephone calls, e-mail and fax messages can terrify domestic violence victims. There should also be provision for protection to include threats by phone, fax and e-mail as a survey conducted by the Cabinet office in 2006 revealed that some of the victims had been harassed by phone, fax and e-mail messages.

.Although there is legislation with regard to domestic violence, special laws should be

drafted to have special remedies and procedures. The first is to prosecute men who beat their spouses even if the latter, under pressure want to withdraw their claims. In many cases of domestic violence, immediate release of the offender on bail may be dangerous for the woman, and certainly, release without prior warning may have serious consequences for her. For years, Japan failed to confront domestic violence, the crime is referred to in the media as "DV" because no satisfactory word exists in the Japanese language. Awareness that domestic violence is a crime should be made known especially by the media. For example, if a child dies after being neglected at home, the media would call it child abuse. But if a woman is killed by an abusive husband in self-defense, his behavior towards her would never be termed domestic violence. Although an abusive husband can be arrested for assault, including that of causing injury resulting in death, the Japanese legal system does not outline specific penalties for perpetrators of domestic violence. Abusive men need to be legally bound so that that will learn to mend their ways and take responsibility for their actions.

Children's training programs on non-violence should be developed and conducted to prevent domestic violence. Any relief given to domestic violence victims should also include counseling for both the battered and the batterers.

Domestic violence is a particularly devastating event for a child, who in the presence of danger typically turns to a parent for protection for whom there is no comfort or security if one parent is a perpetrator of violence and the other is a terrified victim.

It is necessary to train law enforcers and medical and legal professionals who come in contact with those experiencing violence to understand the issues relating to domestic violence to appreciate the trauma of those suffering and to take proper evidence for criminal proceedings.

It is also necessary to allow the community to form organizations within the community to intervene to assist and support victims and their immediate families affected by such violence. Community workers could be trained to give them information on the law and law enforcement, make available financial support offered by the State, and the procedures for obtaining such assistance. Community workers can also play an important role in identifying violence, raising awareness about such issues and directing survivors in the correct procedure for seeking redress.

Although the law protects abused women and their children, Japan has a shortage of shelters and counseling services for those seeking refuge. It is necessary to increase such facilities and also provide financial assistance to victims.

Although the rights and status of women may vary according to cultures and traditions, certainly a civilized global society must insist that barbaric practice in respect of women must cease. Domestic violence is a form of torture as it involves four critical elements, it causes severe physical and or mental pain, intentionally inflicted, for specified purposes and with some form of official involvement whether active or passive.

Investigations by Human Rights Watch have found that in cases of domestic violence, law enforcement officials frequently enforce the batterers' attempts to control and demean their victims. Even though several countries have laws that condemn domestic violence, "when committed against a woman in an intimate relationship, these attacks are more often tolerated as the norm than prosecuted as laws." In many places, those who commit domestic violence are prosecuted less vigorously and punished more leniently than perpetrators of similarly violent crimes against strangers.<sup>14</sup>

In Japan, domestic violence is construed as a crime between those who are linked by bonds of intimacy. The question then arises whether wife battering should be treated as a ordinary crime or whether there should be emphasis on counseling and mediation. In defining domestic violence, it is also necessary to take into consideration the mental cruelty caused by batterers. Protection and help for battered persons in the form of shelters, police protection

and financial assistance is necessary. Batterers need to be given an intensive training program so that they will not repeat similar incidents and thereby reduce violence. They will also learn to replace negative feelings with positive thinking and to develop empathy for their wives and family. They will tend to learn that their problem is not only personal, but also a social problem related to how society expects men to act. This would in turn help them to create new images of themselves as men, and new images of their partners and their families.

At the time of writing this paper (February 2007), the Japanese government had decided on giving benefit to women seeking relief in the form of divorce or those mulling over the possibility of separating from their husbands. The law which will take effect in April 2007 will permit them to obtain up to half their husband's pensions in a divorce settlement. Experts predict that an increased number of breakups will come in spring. According to the Internal Affairs and Communications Ministry, the number of divorces peaked in 2002, with approximately 290,000 couples calling it quits.<sup>15</sup> The divorce rate grew steadily for a decade until 2002 but declined sharply over the next two years. According to Hiromi Ikeuchi, author of "Jukunen Rikon no Son to Toku" (The Costs and Benefits of Divorce in Middle Age) is convinced that the decline does not mean married couples have become more content.<sup>16</sup> She believes many unhappy spouses have been biding their time since 2001, when discussions on changes to the pension scheme began. Takahiro Kuwahara, a social insurance labor consultant for Chuo C.S Accounting Co. in Tokyo said that lack of financial resources has been a major deterrent to women divorcing, but with the new rules, they may start thinking twice about putting up with unhappy marriages. After the new pension system came into effect, a total of 23,355 couples divorced in April 2007, up 5.1% or 1,349 from a year earlier according to a preliminary health ministry report. It was the first increase in 13 months.<sup>17</sup> It has been reported by the National Police Agency that there were 18,236 cases of domestic violence for 2006, an 8 percent increase from 2005. The agency attributed that the increase had been due to the growing public attention to the problem since recent counter-domestic violence legislation has encouraged women to complain or to take the advice of police or report cases to them.<sup>18</sup>

However, after conducting this research and writing this paper, I observed that domestic violence is a social problem, and not a personal one. It is necessary for society and social institutions to take action in order to maintain a peaceful society. Even if appropriate laws and regulations are introduced, other dynamics based on culture and custom are in play at the home and workplace.

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