



Spousal Violence as a Cause of Divorce in Japan

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Introduction

1. Divorce under the present Family Law
2. History of marriage and divorce in Japan
 - 2.1 *History of marriage*
 - 2.2 *History of divorce*
 - 2.3 *Run-in and Divorce Temples*
 - 2.4 *Twentieth Century trends in marriage and divorce*
3. Divorce caused by spousal violence
 - 3.1 *Recent trends in spousal violence*
 - 3.2 *Spousal violence in Family Court mediation cases*
 - 3.3 *Divorce by legal suit*
4. Conclusions
 - 4.1 *Weaknesses of the original Act and amended Act*
 - 4.2 *Recommendations*

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Introduction

Article 770 (1)-(5) of the present Civil Law, which was amended in 1947¹⁾, states the following five reasons for a divorce through the courts:

- spouse commits bigamy
- intentional abandonment by spouse
- spouse declared missing for more than three years
- serious mental disease
- where there is serious reason not to continue the marriage.

The serious reasons acceptable in the final catch-all category are left rather vague, but include spousal violence, spouse convicted of or imprisoned for a criminal act, irreconcilable differences of value or character, lack of affection and failure of spousal relationship. The final interpretation of 'serious reasons' is entrusted to the court. However, physical violence by the husband is cited by 30% of wives applying for divorce arbitration; of total reasons given by wives, physical and/or mental violence is cited in 56% of cases. This makes violence by the husband by far the biggest single reason given by women.

This paper will examine the causes of divorce under the following headings:

1. Divorce under the present Family Law
2. History of marriage and divorce
3. Divorce caused by spousal violence
4. Conclusions

1. Divorce under the present Family Law

There are four ways to divorce under the present Family Law (Civil Law Part 5 and Part 6): divorce by consent, divorce through mediation by the Family Court, divorce by a Family Court judgement after mediation, and divorce by legal suit through the local court. Chart 1 shows the number of divorces by each method in 2002.

Chart 1 Number of Divorces (2002)

	<i>Number</i>	<i>%</i>
(i) Divorce by consent	264,430	91.23
(ii) Divorce through mediation	22,846	7.88
(iii) Divorce by Family Court judgement	74	0.02

(iv) Divorce suit	2,486	0.85
Total	289,836	99.98*

Source: Annual Report of Vital Statistics, Dept. of Health, Welfare and Labour, 2003.

*Error due to rounding.

(i) Divorce by consent

Where there is mutual consent to divorce, the couple simply lodges the agreement (official form) with the municipal government office, at which point the divorce becomes legal. Just over 90 % of divorces fall into this category.

(ii) Divorce through mediation by the Family Court

If the couple cannot reach agreement to divorce, they must resort to third party mediation by the Family Court. At a Family Court, two mediators and a judge listen to each party's case separately and then mediate a settlement. About 8 % of divorces are concluded in this way.

(iii) Divorce by a Family Court judgement after mediation

Where the couple agrees to divorce in principle but the details of the divorce are contested, the Family Court can pass judgement, although this rarely happens.

In the cases of both (ii) and (iii), once settlement is reached the parties lodge the agreement with the municipal government office, in the same way as case (i), and the divorce becomes legal.

(iv) Divorce by legal suit through the local court

If neither side can agree to the divorce in spite of the mediation, or if meditation is considered impossible, the parties can bring a legal suit, although this occurs in less than 1 % of divorces. In this case, divorce results from the final judgement in the suit, which may be appealed to two higher courts. In the case of (iv), the court's decision is based on Article 770 (1)-(5) of the Civil Law, which states the five reasons for divorce listed above in the Introduction.

2. History of marriage and divorce in Japan

Although Japan has been rather slow to establish modern women's shelters compared with other industrialized countries, it is interesting to note that historically Japan may have been among the first to provide a measure of protection for women, at least on a small scale. There are two temples, which were famous as women's refuges. From the early 14th Century, Tokei-ji Temple (in Kamakura), and

from the early 17th Century, Mantoku-ji Temple (in Gunma Prefecture) were authorized as refuges for women who were victims of violent marriages or wanted a divorce. Thus they were called divorce or run-in temples, since any woman running into the temple would be protected.

These are the more remarkable since the history of marriage and divorce in Japan shows a strong male bias and, among the upper classes in the feudal system, a definite bias towards protecting the male-dominated household. To set these early refuges in context, first, I'll outline the historical development of marriage in Japan, and then the concept of divorce.

2.1 History of marriage

In ancient Japan, according to the 8th Century census registers and tax records, a wife's name was generally entered into her husband's census or family register on marriage. However, academic theories are divided on whether this was widespread among the whole population or applied only to the upper class, since family names only came into general use in the Meiji era (19th Century).

From the 8th Century onwards, where the social status of the husband was upper class, there is evidence that couples lived in the husband's family house. However, among the general populace, originally 'living-out marriage' was practiced, where the wife continued to live with her parents and the husband visited. This gradually changed to the husband living in the wife's family house, and finally to the couple living independently in their own house.

During the 13th Century, as living-out marriage gradually fell out of favor, the upper class warrior (*samurai or bushi*) custom of living in the husband's family house started to spread. Under the influence of the developing militaristic feudal society, aristocratic brides, as well as samurai brides, moved in to live with their husband's families. During this period, the household system was established and men became very powerful. By the end of the 17th Century, this marriage arrangement was finally becoming the norm among commoners²⁾.

2.2 History of divorce

While it is very difficult to sum up fifteen hundred years of history, the following outline gives a brief history of divorce in Japan, divided into five periods from the legal point of view. Overall, it has been an extremely slow development towards the gradual recognition of sexual equality before the law.

From ancient times to the end of the Heian Era (1192)

In AD 701, the Taihoritsurei, the Code of Law introduced in the Taiho period, was finalized. This

Code, legalized divorce practices which had previously been merely customary. Records of the Code were apparently scattered and it is only now being reconstructed through historical research. In 718, the Yororei (the Code of Law in the Yoro period) was introduced and came into force in 757. It supplemented and amended the Taihoritsurei, and listed seven reasons (failures on the part of the wife) for which a man could divorce his wife. If a wife was guilty of any one of the seven following faults or failures, she could be divorced:

- failure to bear children
- lack of modesty
- failure to care for parents-in-law
- non-stop talking
- larceny
- jealousy
- serious disease ³⁾.

In these cases, if the husband merely handed his wife a letter of divorce or *mikudarihan* (which means a letter of three and a half lines) this constituted divorce. However, there were three mitigating circumstances: firstly, if a wife had completed the mourning period for her parents-in-law; secondly, if a wife had already endured poverty with her husband in the early days of the marriage; thirdly, if a wife's parents had already died and she had no family to return to. In these three cases, even if the wife had failed in one of the seven ways listed above, the husband could not divorce her.

On the other hand, the wife could divorce only in the following two cases:

- if her husband was captured abroad
- if her husband was deemed missing.

During the period under the Yoro Code, commoners, both men and women, often divorced under less strict circumstances than those laid down in the Code; but among the aristocracy, women rarely divorced their husbands. During the 10th Century, there are no examples of a peeress divorcing her husband.

From the Kamakura to the Azuchimomoyama Eras (1192-1603)

During this period, political power moved from the aristocrats to the samurai warrior class, with the establishment of the shogunate or military government. By this time, in practice, only the husband exercised the right to divorce; divorce instigated by the wife was no longer an accepted custom. When there was sufficient reason to sue for divorce, the wife could take some action, which

was sometimes recognized at the discretion of the governor of that area. Nevertheless, a letter of divorce from the husband was still necessary, if the wife wished to remarry ⁴⁾.

The Edo Era (1603–1868)

In Edo feudal society, among the samurai class, when a couple divorced, both sets of parents-in-law discussed the problem. If the parents-in-law agreed, the husband could then apply to his overlord for permission to divorce; and if the application was accepted, the couple could divorce formally.

In the case of commoners, the husband still only needed to hand his wife the traditional letter of divorce. Divorce was the husband's exclusive right; the only way for a wife to initiate a divorce was to:

- go to one of the two temples or convents mentioned above
- request mediation by relatives or *go-ningumi* (literally a group of 5 people or the smallest community in the village)
- take shelter in the home of a samurai or influential person and request a divorce ⁵⁾.

From the Meiji Revolution to the amendment of the Civil Law (1868–1947)

The Meiji Revolution in 1868 restored political power to the Meiji Emperor and saw the end of the shogunate system of rule. It also ushered in attempts to move towards a more democratic system of parliamentary government with the establishment of the Diet, or Japanese parliament, based on European models. At this time, Japan was heavily influenced by European ideas.

As a result of these changes, women's rights in the area of divorce began to get more recognition. For example, if a husband did not agree to a divorce, Cabinet Decree No.162 (1873) stated that the wife, accompanied by her father or brother, could bring a suit for divorce ⁶⁾. However, as a husband could still divorce his wife, simply through a letter of divorce, Cabinet Decree No.162 hardly achieved equality between men and women ⁷⁾.

In 1896, the Civil Law was enacted. This Law provided for divorce by agreement (Articles 808-812) or by trial (Articles 813-819). The reasons accepted for divorce under Article 813 were ⁸⁾:

- spouse commits bigamy
- wife or husband commits adultery
- spouse is sentenced by either a fine or more than three years penal servitude for committing certain crimes

- unbearable spousal violence or serious insult
- desertion
- violence or serious insult by the lineal ascendant of the spouse
- spousal violence or serious insult to own lineal ascendant
- spouse declared missing for more than three years
- the dissolution of the adoption of a daughter's husband.

It is interesting to note that spousal violence or serious insult was already accepted as a cause for divorce, as early as 1898. Parts 4 (Family) and 5 (Inheritance) of the Civil Law were amended in 1947.

2.3 Run-in and Divorce Temples

Originally, many temples gained immunity from certain laws. The Tokugawa feudal government (1603-1868) gradually rescinded these immunities; however, two temples remained immune from the divorce laws and were thus able to offer protection to women until the end of the Tokugawa era, in the mid-19th Century.

The Run-in Temple: Tokei-ji in Kamakura

Tokei-ji, or Tokei Temple, in Kamakura, not far from Tokyo, was famous as the Run-in or Divorce Temple. Established in 1285 by the wife of Tokimune, the sixth Hojo regent, Tokei-ji was a nunnery. It gained its nickname from its peculiar feature of affording sanctuary to any woman who might wish to escape the "thrall of connubial woes" ⁹⁾. This prerogative was conferred by imperial sanction to its aristocratic abbess, in order to help unfortunate wives, in cases where conditions were so unbearable that they might be driven to desperation and suicide.

Tokei-ji was not just a 'divorce' temple but also an asylum for women when they met with other difficulties. It is said that, if a woman was pursued to the temple, if even part of her body entered the gate or, failing that, her shoe was thrown over the gate, she was under the temple's protection. If she wanted divorce, and this could not be settled by arbitration between the husband and the temple, then she had to serve in the temple for three years. However, after this, she became legally entitled to a divorce from the undesirable spouse.

After the Meiji Revolution, Tokei-ji applied to the Meiji government to be allowed to continue the practice. However the application was rejected and the practice ceased. Tokei-ji remained a nunnery until 1902, but is now a temple for monks .

The Divorce Temple: Mantoku-ji in Gunma Prefecture

Mantoku-ji differed from Tokei-ji in that it was a shelter only for women seeking divorce. Mantoku-ji is also said to have been established in the 13th century as a nunnery. However, it became known as the Divorce Temple much later, in the early sixteen hundreds, following an incident involving the Princess Sen, of the Tokugawa family who controlled the feudal government.

After the death of her husband, Princess Sen came to Mantoku-ji and served the temple three years. Interestingly, at that time, even the death of a husband did not necessarily absolve the wife of her obligations to her husband's family. However, Princess Sen's sojourn at Mantoku-ji was regarded as sufficient to dissolve these obligations. She was then granted the legal divorce which she needed, in order to remarry. It is said that, as a result of this precedent, the divorce temple law was established in Mantoku-ji. If a divorce could not be settled through arbitration between the husband and the temple, a wife had to serve in the temple for three years. However, if, while she was serving her term in this temple, her husband wrote a letter of divorce, the divorce was regarded as settled. (This was not the case in Tokei-ji.) Mantoku-ji was abolished after the Meiji Revolution because it had been under the protection of Tokugawa feudal government ¹⁰⁾.

While the principles of support, protection and the right to divorce established by these temples were important, statistically they would have had little impact. Since there were only two temples performing this function, and both were in the Tokyo region, very few women would have been able to take advantage of this form of refuge.

2.4 Twentieth Century trends in marriage and divorce

After the Meiji Revolution, the Japanese government promoted modernization in various fields: the enactment of legislation, administration, the judicature, industry, education etc. Although the Family Law parts of the Civil Law were enacted in 1898, they still dealt with divorce under a strong male bias. Chart 2 gives the marriage and divorce statistics every five years from 1902, showing the trend in divorce during the Twentieth Century; the right-hand column shows some major events impacting on the statistics.

In 1902, the divorce rate was high, since divorce was still an easy option for men in the militaristic, male-dominated society of the time. Various events during the first three-quarters of the 20th Century form the background to a lower rate. In 1947, when the Family Law was amended, men and women became technically equal under the law, but not until the economic security of the late seventies does the divorce rate start to rise again. As Chart 2 shows, the number of divorces has been gradually increasing since 1977; however, in the last 10 years, the divorce rate has risen steeply.

Chart 2 Trends in marriage and divorce (1902-2002)

<i>Year</i>	<i>Marriages</i>	<i>Divorces</i>	<i>Divorce rate(%)</i>	<i>Contemporary events</i>
1902	394,165	64,139	16.3	1898 Civil Law enacted but men & women not yet equal in law
1907	432,949	61,058	14.1	
1912	430,422	59,143	13.7	
1917	447,970	55,812	12.5	1900 Police Act for Public Peace
1922	515,916	53,053	10.3	1923 Kanto Earthquake
1927	487,850	50,626	10.4	1925 Public Peace and Order Act
1932	515,270	51,437	10.0	1929 World economic depression
1937	674,500	46,500	6.9	1939 World War II
1942	679,044	46,268	6.8	1945 U.S. occupation of Japan
1947	934,170	79,551	8.5	Women get right to vote
1952	676,995	79,021	11.7	1947 New Family Law enacted
1957	773,362	71,651	9.3	
1962	928,341	71,394	7.7	
1967	953,096	83,478	8.8	
1972	1,099,984	108,382	9.9	1972 Equal Employment Opportunity Act
1977	821,029	129,485	15.8	1977 World Action Plan adopted
1982	781,252	163,980	20.9	
1987	696,173	158,227	22.7	
1992	754,441	179,191	23.7	1994 Gender Equality Bureau set up
1997	775,651	222,635	28.7	
2002	757,331	289,836	38.3	2001 Spousal Violence Act enacted

Source of statistics: Department of Health, Welfare and Labor
<http://www.mhlw.go.jp/toukei/saikin/hw/jinkou/geppo/nengai02/divo.html>

Genuine sexual equality has yet to be realized in Japanese society, particularly in such cases as employment opportunities and domestic violence. However, in 1977, the Japanese government decided on an Action Plan, in line with the World Action Plan, adopted at the World Women's Conference in 1975. Moves towards this goal include the Gender Equality Bureau established within the Japanese Cabinet Office in 1994, the 1994 Basic Law for a Gender-equal Society and, most recently, the 2001 Spousal Violence Act (see Section 3.1). These moves since 1994 help to explain the dramatic increase in divorce in the last 10 years, since today, it is just as easy (legally) for women to divorce men as it is for men to divorce women. While the divorce rate generally is rising, due to a range of other social and economic changes, it seems clear that spousal violence (which is also on the rise) is a major contributor to the higher divorce rate. Section 3 looks at this development in more detail.

3. Divorce caused by spousal violence

3.1 Recent trends in spousal violence

Over a hundred wives are killed by their husband's violence every year in Japan (see Chart 3). This figure, which peaked at 134 in 2000, represents about 10% of total murders in Japan. Cases of assault and injury by husbands have risen steeply in recent years, reaching a peak in the latest figures for 2002. Chart 3 shows that husbands are the overwhelming offenders in cases of assault and injury, although wives commit about a third of spousal murders.

Chart 3 Number of arrests for spousal violence (1997-2002)
(Total Japanese population = 127, 291,000 as at 2001)

Type of violence	1997	1998	1999	2000	2001	2002
Total murders	1,282	1,388	1,265	1,391	1,340	1,338
by spouse	155	189	170	197	191	197
by husband	101	129	105	134	116	120
% by husband	65.2	68.3	61.8	68.0	60.7	60.9
Total injuries	19,288	19,476	20,233	30,184	33,965	23,453
by spouse	365	295	403	888	1,097	1,250
by husband	340	273	375	838	1,065	1,197
% by husband	93.2	93.5	93.1	94.4	97.1	95.8
Total assaults	7,254	7,367	7,792	13,225	16,928	8,348
by spouse	32	35	36	127	156	219
by husband	31	33	36	124	152	211
% by husband	96.9	83.8	100.0	90.4	92.3	96.8

Sources: Cabinet office, <http://www.gender.go.jp/danjokaigi/bouryoku/houkoku/dv3/03.html>
National Police Agency, <http://www.npa.go.jp/hakusho/index.htm>

The Prevention of Spousal Violence and Protection of Victims Act (SV Act) was enacted in April 2001; the basic provisions came into force in October of that year, with the remainder in April 2002. Schedule Section 3 of the Act provided for its effectiveness to be reassessed after 3 years. As a result, the Act was partially amended on 2 June 2004.

The aim of the legislation, as stated in its introduction, is to prevent spousal violence and to protect victims. The SV act obliges the State and local governments to take responsibility for both these objectives (Article 2). Under the new national support system for victims of spousal violence introduced under the Act, if spousal violence occurs, victims can consult a Spousal Violence Consultation Support Center. If the violence is physical, victims can contact the police; and if the

victims want arbitrated separation, they can apply for a Protection Order for 2 months Vacation of Domicile (2 weeks, prior to the amendment) or a Prohibition Order against approaching the victim(s), or both orders. Thus the amended Act protects both the former spouse and the children.

The increase in arrests up to 2002 (see Chart 3) suggests an increased awareness of spousal violence; people are more willing to report it and the police are more likely to make an arrest. Thus, even before the SV Act, there was a growing general acceptance that spousal violence is a criminal act. Ideally, one hoped-for result of the criminalization of spousal violence in the SV Act is a deterrent effect, which would lower these figures. It is still early to assess whether the SV Act, which only came fully into force in April 2002, has had a direct impact on the incidence of spousal violence to date. However, the most recent figures in Chart 3 show that, although injuries and assaults in general have dramatically decreased, injuries and assaults by husbands have significantly risen each year since 2000. Murders by husbands are also slightly up on 2001. It is possible these increases might have been higher still without the Act. However, there is as yet no concrete evidence that the SV Act is deterring assailants.

A Report of the Special Investigative Committee on Spousal Violence ¹¹⁾, released on 7 June 2003, assessed the results of the Act thus far, based on the figures for people receiving counseling and the number of protection orders issued by the courts. It seems the Act has proved successful up to a point. Up to March 2003 (the first 18 months), 35,943 people used the provisions of the Act to obtain counseling at Spousal Violence Counseling and Support Centers, and during the rest of 2002 (from April through December), 17,748 people consulted at police stations. As a result, 1,571 protection orders were granted, almost all to women. (Only three orders were granted to men.)

3.2 Spousal violence in Family Court mediation cases

As described in Section 1, under the present law, a couple can request mediation by two mediators and a judge in the Family Court. Chart 4 shows the causes of marital discord in cases brought before the Family Court. Percentages total more than 100% because, in each case, up to three causes may be cited.

Chart 4 Causes of marital discord in cases brought for Family Court mediation (2002)

<i>Causes given (up to 3 per applicant)</i>	<i>Wife No. (% wives)</i>	<i>Husband No. (% husbands)</i>	<i>Total applicants No. (% applicants)</i>
Irreconcilable differences	20,571 (44%)	11,264 (61%)	31,835 (48%)
Sexual infidelity	12,844 (27%)	3,592 (19%)	16,436 (25%)
Physical violence	14,148 (30%)	1,010 (5%)	15,158 (23%)
Mental violence	12,360 (26%)	2,519 (14%)	14,879 (23%)

Economic abuse	11,237 (24%)	356 (2%)	11,593 (18%)
Profligate spending	7,875 (17%)	2,491 (13%)	10,366 (16%)
Unable to co-exist with relatives-in-law	5,099 (11%)	3,327 (18%)	8,426 (13%)
Abandonment	6,717 (14%)	1,461 (8%)	8,178 (12%)
Mental abnormality	4,016 (8%)	2,554 (14%)	6,559 (10%)
Sexual incompatibility	4,113 (9%)	2,319 (13%)	6,432 (10%)
Excessive alcohol consumption	4,617 (10%)	383 (2%)	5,000 (8%)
Separation	1,445 (3%)	1,992 (11%)	3,437 (5%)
Serious illness	829 (2%)	644 (3%)	1,473 (2%)
Other	3,685 (8%)	2,781 (15%)	6,466 (10%)
Total	47,205 (100%)	18,453 (100%)	65,658 (100%)

Source: Annual Report of Judicial Statistics (Supreme Court), Family Affairs No.3, 2003.

As stated in the Introduction, physical and/or mental violence is by far the most commonly cited reason for divorce cited by women. Of the total reasons given by wives, physical and/or mental violence was mentioned in 56% of instances. Economic abuse (withholding of money) can also be regarded as a form of violence against the victim; the figure rises even higher if this is included. The total number of citations by women for physical violence, mental violence and economic abuse is 37,745, or 80% of the total number of reasons given by wives. By contrast, these three reasons are cited only 3,885 times by husbands, only 21% of the total number of reasons given by men, who are far more likely to cite irreconcilable differences.

3.3 Divorce by legal suit

To recap Section 1, there are four ways to divorce, (i) Divorce by consent, (ii) Divorce through mediation by the family court, (iii) Divorce by a family court judgment after mediation, and (iv) Divorce by legal suit through the local court. In most cases, mediation achieves the required result. However, as a last resort, in case (iv), when one party wants to divorce in spite of the other's refusal to agree, the one wishing to divorce will have to bring an action before the local court, providing that one of the 5 reasons in Article 770 applies: (1) spouse commits bigamy, (2) intentional abandonment by a spouse, (3) spouse has been declared missing for more than three years (4) serious mental disease, (5) where there is serious reason not to continue the marriage. Under the former Civil Law, Article 813 (5) ruled that unbearable spousal violence was a reason for divorce; however, as previously stated in the Introduction, spousal violence is now dealt with under Article 770 (5), the 'serious reasons' clause, in the current Civil Law. It is not singled out as a separate issue. As stated in the Introduction, the final interpretation is entrusted to the court; The Supreme Court has defined it as "a case in which the marital relationship has been destroyed to the point where they can no longer be compelled to continue as a couple, in terms of the commonly accepted idea of a couple" ¹²⁾.

4. Conclusions

In order to achieve the protection of human (and specifically women's) rights and the realization of genuine equality between women and men, we have to establish measures to prevent spousal violence and protect victims. In Japan, historically, a marital assailant's violence was not considered a criminal act or infringement of rights. As a result, it was deemed unwise to interfere in a couple's marital affairs. The SV Act reverses this stance, making spousal violence a criminal offence, for which victims can request help from the police and local courts. As stated earlier, the Act also obliges local governments to establish Spousal Violence Counseling and Support Centers, as part of a new national support system.

In Japan, the primary unit of social organization used to be the extended household (*i-e*, in Japanese), as fairly rigidly defined in the census (family) register. The head of the household was generally a man and male members of the family (unless adopted) took precedence over female members. In 1947, after World War II, the new constitution gave equality to all family members but, despite the decline of the household system, the basic concept has survived in the fundamental structure of modern Japanese society. Even now, male predominance lingers on in society. However, the new support system described above both recognizes that victims need help specifically from outside the family and also recognizes the right of women to be protected from domestic violence.

4.1 Weaknesses of the original Act and amended Act

There were numerous weak points in the original 2001 provisions of the Act, some of which have been addressed by the 2004 amendments:

<i>Before amendment</i>	<i>After amendment</i>
● Children were not protected.	Assailant's children are now protected.
● The Act did not protect victims after divorce.	Former spouses are now protected.
● The 2-week Vacation of Domicile Order was too short to protect victims adequately.	The term has been extended to two months.

However, the following weak points in the Act's provisions still need to be addressed.

- There is a lack of adequate preparation, training and counseling to enable victims to live independently after the temporary protection.
- There is no provision of counseling for assailants.

4.2 Recommendations

In conclusion, I would like to summarize and comment on some proposed recommendations, which would address these weaknesses of the Act.

The following amendments to the Act should be considered.

- An amendment to the SV Act to protect a former victim after divorce has already been passed and I support this. However, I would also suggest that a provision is included to help assailants by obliging them to accept counseling. Today, we need a legal framework to provide such counseling, and enable assailants to come to terms with their own feelings and actions. Indeed, there is an argument that the abusive spouse should be compelled to undergo this. A trial system of voluntary assailant counseling and rehabilitation is already underway in Osaka Prefecture ¹³⁾, and seminars and telephone consultation are carried out in Chiba Prefecture. It is to be hoped that the rate of re-offending in Japan can be reduced through counseling and rehabilitation programs as successfully as in some areas in the USA, for example Sonoma County ¹⁴⁾.
- The periods of temporary protection need to be further extended. Since the Anti-Prostitution Act 1956, the Women's Counseling Office has offered temporary protection of two weeks for rehabilitation. Advantage should definitely be taken of the possibility in the SV Act to extend this period for more than two weeks at the counselor's discretion.

In the coming year, I'll be continuing to research developments in Japan, comparing them with the recent USA Federal Domestic Violence Laws and the new domestic violence courts in the UK. I hope that Japan will be able to protect victims of spousal violence more effectively and reduce recidivism among spousal violence offenders in the future. As I have pointed out, violence (physical and mental) is the most common single reason given for divorce but economic oppression and abandonment are also forms of abuse, often resulting in or related to the more direct forms of violence. Therefore any reduction in spousal violence should have a strong impact on controlling Japan's rising divorce rate.

Notes

- 1) Civil Law, Law 89, 1896, amended 1947.
- 2) *Encyclopedia Vol.5*, Shimonaka, K. ed., Heibonsha, 1984, pp.1196-1197.
- 3) *Ibid*, p 43, and
Tozaki,H., *Changes in Divorce Law and Women's Status in Modern Japan (Kindainihon niokeru rikonhou no henshen to jyosei no chii)*, Association for women's history: *Marriage and women (Konin to jyosei)*, Yoshikawakobunkan, 1999, pp.341-342.
- 4) *Id* at 2 pp.506-507.
- 5) *Id* at 2 pp.507
- 6) Cabinet Decree No.162, 1873, *Statute Book 1973*
- 7) *Ibid* and Tozaki,H., *Changes in Divorce Law and Women's Status in Modern Japan (Kindainihon niokeru rikonhou no henshen to jyosei no chii)*, Association for women's history: *Marriage and women (Konin to jyosei)*, Yoshikawakobunkan, 1999, 365.
- 8) Agatsuma, S. and Arizumi, T.: *Civil Law III, Family Law and Succession Law*.
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