脅威を脅威として存在する文化における暴力の再構成——日本における妻暴力の文化戦争
Re-representing Violence as Violence:  
Cultural Struggle against Wife Battering in Japan Today¹

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Introduction

This paper examines how battered women movement has struggled to "represent" various forms of wife abuse as “violence” at multiple levels of discourse such as everyday conversation, media talks, academic (“scientific”) explanations, and legal texts in Japan today.

As a concerned academic and activist, I personally have engaged in this representational struggle through my advocacy work for the past ten years. I have worked closely with activists in the battered women movement. I have met and talked with a number of victims and survivors of wife abuse. I have translated pro-feminist literature on batterers and batterer intervention programs. I have given numerous public lectures, written articles for scholarly and professional journals as well as for magazines and newspapers, and published a short booklet on the issue for lay audience. I have submitted expert analyses as affidavits to court

¹ Earlier versions of this paper were presented at 2004 Society for East Asian Anthropology mini conference in Berkeley and in 2005 American Anthropological Association’s annual meeting in Washington, D.C. Various Japanese versions were given at various meetings and workshops since then.
several times on behalf of battered women and children charged for murder or attempted murder of their abusers. I once testified in court as an expert and explained to judges how a woman was manipulated to cooperate with her partner in his killing of her two children. I failed to convince the judges in this case but my testimony helped change the woman’s parents attitude toward her; they said they understood that their daughter was a victim not a killer.

In doing all this, I have become keenly aware of the difficulty of representing violence as violence. Violence is often represented as anything but violence. Wife abuse is no exception. In order to advance their cause, “we,” the activists and advocates in the battered women movement, therefore had to re-represent wife abuse as violence. This paper then is an anthropological reflection by a partisan observer on the on-going cultural politics of re-representing violence as violence in the everyday.

**Giving It a Name**

Conventionally, abusive behavior of husband has been represented as anything but violence. In fact, it was not represented at all. There was no genuine Japanese expression for wife beating or wife battering. The problem had no name.

Certainly, violent father is not unnoticed. As a popular saying goes, *oyaji* (father or patriarch) is among the four most
fearsome things that can “hit” you—with the remaining three being *jishin* (earthquake), *kaminari* (thunder) and *kaji* (fire).

The saying suggests that *oyaji* belongs to a category of “natural calamities” which can cause you sudden and unexpected havoc, and that as such it is neither predictable nor preventable. Paternal violence thus is represented as a rare but inevitable “natural disaster.” Wives and children can just hope and pray that it does not come. But when it comes, it comes. There is nothing you can do about it. Just lay low and minimize the damage.

An expression like *Kaminari oyaji* (thundering father), a patriarch who frequently “thunders” his family members by yelling and scolding, also indicates that paternal violence is more like natural mishaps than human wrongdoing.

Everyday Japanese usages suggest therefore that violence committed by a male head of the family was recognized and feared but it was considered natural and unpreventable.

Moreover, the term like *teishu kanpaku* (husband, the regent) indicates that father/husband, as the head of a family, was entitled to authority over family members. *Kanpaku* was the highest ranked office in the Imperial Court held by such powerful figures like *Fujiwara Kamatari* and *Toyotomi Hideyoshi*. Formally an advisor to the Emperor, *kanpaku* held de facto political power. *Teishu kanpaku* therefore means he who commands and demands total submission from his wife and children.

While the quartet of earthquake, thunder, fire and father
“naturalized” violent rule of a male family head, such an expression as *teishu kanpaku* “legitimized” it. Together, they “represented” the problem of wife abuse not as violence but as something else—natural disaster or legitimate rule.

Battered women movement therefore first had to “name” the problem. They had to re-represent it not as natural disaster or legitimate rule but as violence. To do so, they adopted a foreign word “domestic violence” and transliterated it into Japanese as *domesutikku baiorensu* or *dii bui* (DV) for short. As in the case of sexual harassment (Numazaki 2003), an imported signifier named the unnamed and captured the hitherto elusive problem of wife abuse.

As a result, previously unproblematic term like *teishu kanpaku* now faces a new challenger, *dii bui otto* (DV husband or husband who commits domestic violence). Is he an authoritarian but benign patriarch? Or, is he a violent and abusive husband? Representation of controlling husband is thus contested.

**Explaining It Away**

By "re-representing" abusive behavior of husbands as “domestic violence”—that is, physical, psychological, verbal, sexual and economic abuse—battered women movement struggled to shed light on the suffering of victims and the wrongness of abusive behavior itself.
But old cultural metaphors die hard. If earthquake is seen as an “outburst” of pent-up seismic energy and thunder a “discharge” of overcharged meteorological electricity, then abusive behavior of husband seems like an “outburst” of pent-up psychological stress or a “discharge” of overloaded frustration and anger.

Violence “erupts.” Husband “explodes.” He is like a volcano. Deep inside his heart lava-like something accumulates slowly but steadily and when it is no longer containable, it bursts out. There he goes again, boom!

I call this “volcano model” of violence. You try to contain your anger, frustration, fear, etc. but at some point you reach your limit and you just snap. It is a folk theory of violence. It is not unique to Japanese culture. Many Americans, I believe, share a similar view of violence. I do not know how widely this folk model is held across cultures. I do not know if Japanese imported this model from abroad. These questions remain to be addressed in future research.

The point is: such expressions as "outburst," "explosion," "eruption," or "ventilation" of pent-up emotion/stress imply that abusive behavior of husband is not represented as an intentional and purposive act but as an uncontrollable "natural" reaction or a “symptom” of deeper “natural” causes. Feminist representation of wife abuse as violence, then, is “re-naturalized.”

Such re-naturalization has two effects. It excuses the
perpetrator of violence and conceals the consequences of his violence.

First, re-naturalization of violence exempts the perpetrator of violence from taking responsibility for his action. It was impossible for him to control and contain his inner psycho-dynamism, which was operating on its own. He cannot be held responsible for the “eruption” of violence which was naturally caused and unpreventable. Blame is shifted from a man himself to something inside his psyche.

Second, re-naturalization of violence thus leads us to see violence as an effect of some deeper cause, which is the real problem. The violence committed then seems secondary. It is only a symptom or almost a by-product of primary cause deep inside the perpetrator. It seems more important to find this primary cause and treat it than to attend to the suffering of the abused. The harm done to victims is thus deemphasized if not ignored.

The “volcano model” of violence is further scientized and medicalized. For example, one of the first theory of domestic violence to be imported from abroad was, quite understandably, the cycle theory of violence advanced by Lenore E. Walker, best known as the discoverer of “battered women syndrome.” Her classic, The Battered Woman, Harper & Row 1979, was translated into Japanese in 1997. Even before its publication in Japan, vulgarized version of her cycle theory of violence from the “tension building” phase to the “eruption of violence” phase to the
“honeymoon” phase and back to the “tension building” phase was widely adopted and graphically depicted in many pamphlets and guidebooks about domestic violence published by local governments as well as NGOs. Then came the translation of Donald Dutton and Susan Golant’s *The Batterer: A Psychological Profile* (Basic Books, 1995) which accepts Walker’s cycle theory of violence and argues that the reason why batterers falls into this cycle is that they suffer from “abusive personality disorder.” The Japanese translation was published in 2001 and it was titled *Naze otto wa aisuru tsuma wo naguru no ka?* (Why does husband hit his wife whom he loves?) Why can he hit you if he loves you? Well, he’s sick. He suffers from “personality disorder.”

Many other “scientific” explanations, mostly psychological and psychiatric, have been sold to the public. Most tended to psychologize and pathologize domestic violence. Because these explanations resonate well with the folk belief in the “volcano model,” the more scientistic and thus authoritative “violence-is-a-disease” theory acquired wide currency in the discourse on domestic violence in Japan.

**Getting It Right**

Battered women movement along with its feminist and pro-feminist allies countered the “volcano model” of violence with the “power and control” model and the “violence-is-a-disease”
theory with the “violence-is-a-choice” theory.

The “power and control” model holds that abusive husbands uses violence “to gain control over their partners’ actions, thoughts, and feelings” (Pence and Paymar 1993: 2). The model is a product of battered women themselves who participated in educational sessions sponsored by the Duluth battered women’s shelter in 1984 (Pence and Paymar 1993:2). The women criticized both the cycle theory of violence and the psychopathological explanation of abusive behavior. Based on their own experience, they developed the famous “power and control wheel” which “depicts the primary abusive behavior experienced by women living with men who batter” and “illustrates that violence is part of a pattern of behaviors rather than isolated incidents of abuse or cyclical explosion of pent-up anger, frustration, or painful feelings” (Pence and Paymar 1993: 2).

The Duluth model of “power and control” made slow entrance to Japan. A handful of feminists knew it, studied it and translated the above cited book by Pence and Paymar. The Japanese translation was finally issued as a book sold on commercial basis in late 2003. A few guidebooks on domestic violence introduced the “power and control wheel” before the translation was published, but the model did not make headway into the mainstream discourse.

The Duluth program along with other famous batterer intervention programs such as Emerge in Cambridge, Massachusetts, emphasize the intentionality and purposefulness of
wife abuse. They all reiterate the fact that those men choose violence in order to control their partners. I call this the “violence-is-a-choice” theory.

I played a role in introducing and promoting this theory into Japanese discourse on domestic violence. In 2001, just as the new domestic violence prevention law was coming into effect in Japan, I contributed an article titled “Can you identify batterers (perpetrators of domestic violence) without being fooled by them?: Lessons from USA” to the journal, *Addiction and Family* (Numazaki 2001).

My article was the first to articulate the “violence-is-a-choice” theory in Japanese. Following the study by David Adams, a co-founder of Emerge, men's Counseling Service on Domestic Violence, my article enumerated the eight most salient characteristics of batterers such as (1) discrepancy in public and private behavior, (2) minimization and denial, (3) blaming victims and avoiding responsibility, (4) variety of controlling behavior, (5) jealousy and possessiveness, (6) manipulation and abuse of children, (7) citing substance abuse as an excuse for violence, and (8) resistance to change. My article warned that proper understanding of these characteristics was necessary for identifying the batterers without being fooled by their excuses and manipulation.

My article was welcomed by battered women and their supporters even before its publication. Copies of its galley proofs
were quickly circulated among activists. Feminist lawyers submitted it to divorce courts involving domestic violence as evidence in support of battered women’s claims.

I wrote this article in plain Japanese without using jargons at all. Yet, I wrote it primarily for academics, physicians, lawyers and judges—the more “sophisticated” folks. The next task was to write a more popular explication of the “violence-is-a-choice” theory. Thus I wrote *Naze otoko wa boryoku wo erabu no ka (Why Men Choose Violence)* (Numazaki 2002). It was a hundred-page “booklet”—“the cheapest, shortest, and easiest to read book on domestic violence,” as one advertiser put it. The publisher sold more than 13000 copies in just about ten years. Many activists running shelters for battered women say they keep copies of my booklet and hand them to incoming women. My booklet is short and they can read it overnight. One activist told me, “They all say ‘it was about my story’ after they read your booklet.”

In this booklet, I did not quote the “power and control” model and changed the expression to “kowagarase ayatsuru (scare and manipulate).” Batterers “scare” you with actual use or threat of use of violence as a means to “manipulate” you into accepting his demands against your will.

When giving public lectures, I use an illustration of a “volcano with a cap” to counter the widely held “volcano model” of violence. Abusive husband is not just a volcano that erupts from time to time. He is more like a volcano with a cap. When he goes
out to work, he wares that cap and keeps the crater covered. He
never erupts in front of his boss or a police or a judge. When at
home, however, he takes off the cap and opens the crater and
“errupts” in front of his wife. So, he can and does choose when to
put on the cap and when to take it off.

I have given more than a dozen public lectures on battering
men each year for the past ten years or so. I get invited by
feminist groups, shelters for battered women, local governments
and so on. Giving one lecture often triggers a series of invitation.
A few in the audience are from distant cities and they want me to
visit and give talks at their place. So I end up traveling from
Hokkaido to Okinawa.

In short, two representations of violence are in contestation
today. The “violence-is-a-disease” theory represents abusive
behavior as naturally caused disorder that is rare and peculiar and
therefore must be treated professionally. The “violence-is-a-choice”
theory represents abusive behavior as intentional and patterned
behavior that forces partners into submission against their will.
Is he really an uncontrollable volcano, or a volcano with a
removable cap? That is the question.

Advocating in Court

Recently, I have been called upon by defense lawyers in two
court cases to submit expert analyses of the mechanism of domestic
violence to court on behalf of women and children charged for murder or attempted murder of their abusive husband. These murder cases, taken independently and out of context of spousal abuse, seem typical examples of premeditated homicide. Women and children “plan” to kill the abusers in advance; attack the abusers when they are drunk or while they are asleep; sometimes they even dope the abuser before attempting to kill them.

But, in reality, the women and children are forced into preemptive strike because they sense imminent danger to their lives. Even though the danger is not “imminent” in a narrow legal sense, it is urgent and life threatening not only in their mind but also in the objective context of their lives.

Relying on western research on abused women who attempt to kill their abusers (Jones 1980; Browne 1987; Ewing 1987; Gillespie 1989; Walker 1990; Downs 1996; Ogle and Jacobs 2002) as well as on Japanese collections of personal stories of abused women (Naikakufu 2002; Harada and Shibata 2003), and basing my analysis on the theory of “coercive control” (Stark 2007), I tried to explain in my affidavits the social and psychological mechanism that force the abused to take preemptive action in defense of their—and often their children’s—lives. I argued that there are certain conditions that trigger defensive homicide. I did not advance any legal argument. That was outside my expertise. My job as a social scientist was to offer social scientific explanation for why abusive women sometimes attempt and commit murder.
Legal argument for self-defense in one case was presented by Yasutaka Morikawa, law professor of Ryukyu University\(^2\).

Professor Morikawa’s and my arguments were not convincing enough for the judges in their verdicts. Nevertheless, our analyses and arguments did help the abused women put their situation into context of domestic violence. In one case in which I submitted an affidavit, a defense lawyer asked the defendant, “You read Dr. Numazaki’s affidavit. What did you think?” She told the district court, “I felt as if he was watching everything over my shoulder.” At least my analysis helped her make sense of the turn of event. Later, when I visited her for interview for the appeal court trial, I asked her, “Haven’t you heard of domestic violence before?” She replied, “I knew the word but I never thought I was in that situation. I always thought domestic violence was something more terrible than my case.” And, she was a victim of serious physical, psychological, economic, and sexual abuse.

It will be a long way toward changing Japanese judges’ attitude and understanding of domestic violence. It will be a longer way to have them accept the self-defense argument for the abused women who kill or try to kill their abusers. Japanese court is no different from the counterparts in the US and Western Europe in that it is dominated by male judges who rely on male-centered legal theories and issue male-biased verdicts. The myth of

\(^2\) Professor Morikawa submitted separate affidavit. His basic argument is published in Morikawa (2008).
domestic violence that “You could have escaped from abuser if you so wished” die hard. Especially in the case of the abused women killing their abusers, judges continue to ask “Why didn’t you call police?” or “Why not run to a shelter?” downplaying the abusers’ act of surveillance, threat, and control.

And yet, advocacy in court can help abused women and their families better understand the situation of domestic violence, educate lawyers involved in litigation, and influence journalists who report on court cases.

Litigation can also have impact on society at large. For one thing, the trial itself attracts media attention. TV camera shows the litigation team marching into the court. They broadcast interviews with defense lawyers and supporters of abused women and tell their side of the story. Newspapers print analyses by activists and experts. Many people will see the news, read the articles, and discuss and think about the case.

Court therefore is a contested terrain on which competing discourses on domestic violence clash. Court is an arena in which representational struggle is waged. Especially important is the fact that popular discourses, social scientific discourses, and legal discourses all intersect here. Court hearings are conducted in both ordinary words, in social scientific terms, and in legal jargon. Verdicts may be written in highly legalistic language but they depend on the gut-feeling and personal understanding of judges about domestic violence in particular and human conduct in
general. Then, social scientific and legal representations of domestic violence are translated back into plain Japanese in TV news and newspaper articles.

As the Japanese court started to adopt “lay judge” system for serious criminal cases\(^3\), such as murder and rape, it is all the more important that activists and advocates represent violence of the abusers as violence and counter-violence of the abused as self-defense.

**Making It a Crime**

The Law Relating to the Prevention of Spousal Violence and Protection of Victims [hereafter the “Law”] became effective on October 13, 2001. It was a culmination of the combined efforts of battered women, activists, and women law makers. The Law was sponsored by all women members of the Upper House across party line—a truly historic achievement in Japanese politics (Domoto 2003). The Law was amended in 2004, and a coalition of activists, shelter movements and scholars played a significant role in demanding and securing several key aspects of the amendment (DV ho wo kaisei shiyo zenkoku nettowaku 2006). The Law was amended again in 2007 mainly to expand the scope of protection order.

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\(^{3}\) Six lay judges chosen from the public and three professional judges preside over court and jointly issue verdict.
When it was enacted in 2001, the Law had a tremendous impact on Japanese society. Media reported for instance that “hitting your wife is now a crime!” The number of victims who seek protection orders increased slowly but steadily. Yet, the careful textual analysis of the Law reveals conflicting representations of domestic violence. In short, feminist challenge to criminalize violence against intimate partners was muted by the legal establishment.

The first sentence of the second paragraph of the Preamble of 2001 version of the Law reads: “…even though spousal violence corresponds to criminal acts, efforts to relieve victims have not always been adequate in all instances.” What does it mean that spousal violence “corresponds to” criminal acts? The original Japanese phrase is “hanzai to naru koi.” If it were just “hanzai koi” then the meaning would be clear and simple: criminal act. But, the particle “to” and the verb “naru” in between makes it ambiguous, for “to naru” connotes “become” or “change into.” The impression you get from the Japanese sentence therefore is “spousal violence is an act that can become (change into) a crime.” It sounds like an act of spousal violence itself is not yet a crime. It has to “become” or “change into” a crime. But how?

What makes an act a crime? The answer is: arrest, prosecution, trial and a guilty verdict. It takes a series of actions by police, prosecutors, lawyers and judges for an act to “become” or “change into” a crime. The Preamble does function as a warning to
potential perpetrator of violence. You can be arrested, charged and tried for an act of violence to your spouse. Yet, the preamble does not make a definite statement that spousal violence is a crime.

Furthermore, the above quoted sentence is a very strange statement. Why mention “the efforts to relieve victims” in response to a crime? If spousal violence is a criminal act (or any kind of wrongdoing), the logical response I think should be to catch and punish the perpetrator. When dealing with a theft, you do not ask victims to request a protection order or to escape from their homes into shelters. You go after the thief. That is the standard response to any crime.

The real problem is that the offenders were not arrested, not charged and not punished “even though spousal violence constitutes criminal act.” What really has “not been adequate in all instances” is the response of police, prosecutor’s office and the court.

In the amended 2004 version of the Law, the above quoted sentence is changed as follows: “…even though spousal violence is human rights violation that includes those acts corresponding to criminal acts, efforts to relieve victims have not always been adequate in all instances.

The amended version still does not explicitly declare domestic violence a crime. The strange phrase “hanzai to naru koi (acts corresponding to criminal acts)” is retained in the amendment. The new version added even more strange expression “human
rights violation *that includes* those acts corresponding to criminal acts (italics added).” Does this mean that some human rights violations are not criminal? What kind of non-criminal act constitutes human rights violation? I wonder if the crafter of this sentence thought that an act like hitting your wife is not criminal but violates her human rights? Furthermore, this sentence implies that it is the perpetrator of violence who violated human rights of the victim. Is human rights violation a misconduct in private human relationships? Is it not a failure on the part of the state to provide equal protection to all women and men? If not, such a conception of human rights violation is unique to say the least.\(^4\)

All this leads to yet another strange statement in Article 8 of the Law (same in both 2001, 2004 and 2007 versions) in which police duties are stipulated:

> When, through notification or other means, police consider that there are cases of spousal violence, they shall endeavor to take necessary measures in accordance with provisions of the Police Law (1954, Law No. 162), the Police Official Duties Execution Law (1948, Law No. 136), and other laws,

\(^{4}\) I have discussed elsewhere that in contrast to the Western emphasis on “classic” set of political and civil rights of a citizen vis-à-vis the state the Japanese has developed more “personalized” notion of human rights that focused on recognizing and respecting human dignity in interpersonal relationship in the private sphere (Numazaki 2004).
in order to prevent the victim from suffering harm from spousal violence, especially by stopping the violence, providing protection to the victim, etc.

Again, it is strange that the article never explicitly mentions arrest. If spousal violence is a criminal act, and if somebody notifies police that such an act is being committed, then police should engage in hot pursuit and make an arrest at the scene of the crime. If spousal violence is a criminal act, then police must be mandated to make an arrest.

To a skeptic like me, Article 8 sounds as if the drafters of the Law meticulously tried to avoid mandating police from catching the criminals. Certainly, arrest is not excluded from “necessary measures” that police “shall endeavor to take.” But, what else police can do “to prevent the victim from suffering harm from spousal violence” on the spot?

Then, there is a problem with the word “endeavor.” In English, “shall endeavor” is a quite strong expression. If the law stipulates that you “shall” do something, you will be held responsible for failing to do what the law says you “shall” do. But in Japanese, “tsutomenakereba naranai” usually means, especially in laws, that you will not be held responsible for failing to actually do what you “shall endeavor” to do. The so-called “endeavor stipulation (doryoku kitei)” in Japanese law has very weak power of enforcement. Police officers who failed to rescue battered women
can just say “Yes, I tried.”

Article 8 therefore reads like a regulation for traffic control. As a traffic officer standing at a crossroad to prevent accidents from happening, a policeman is asked to stand in between spouses and “endeavor…to prevent the victim from suffering harm from spousal violence.”

It is my reading that the text of the Law therefore represents domestic violence not as criminal act but as “marital hazard.” Like occupational hazard, it is a danger that goes with marriage life. Just as companies must endeavor to take measures to prevent the workers from suffering harm from occupational hazard, the government must take measures to “prevent the victim from suffering harm from spousal violence.”

The last sentence in the second paragraph of the Preamble corroborates my interpretation that spousal violence is represented in the Law not as a crime but as a kind of hazard. The sentence reads:

In addition, the majority of victims of spousal violence are women. When women, who find it difficult to achieve economic self-reliance, are subject to violence and other words or deeds that have hazardous influence on body and mind from their spouses, it adversely affects dignity of individuals and impedes the realization of genuine equality between women and men.
Like substance abuse, domestic violence has “hazardous influence on body and mind.” The Japanese phrase reminds me of the warning on a cigarette pack: “Too much smoking may have hazardous effect on your health.”

If spousal violence is a hazard rather than a crime, then the first sentence in the second paragraph of the Preamble makes more sense. As in the case of natural disaster, evacuation and rescue operation are the logical response. Domestic violence prevention in the Law is conceived more as hazard prevention than crime prevention.

So, in the legal text domestic violence is represented as a kind of hazard. Despite the lip service that “spousal violence corresponds to criminal act,” the Law does not represent domestic violence as a criminal act.

The Japanese approach to domestic violence then can be labeled “hazard prevention approach.” The Japanese hazard prevention approach as outlined in the Law focuses primarily on temporarily evacuating victims from a hazardous situation within a home. In other words, the Japanese approach does not treat domestic violence as a threat to society but only as a threat to spouse alone.

It is too early to tell if the Japanese hazard prevention approach can have significant effect. The police statistics on spousal violence shows that the number of spousal homicides
remains virtually unchanged despite the increases in police investigation of spousal violence in the past ten years. We continue to see incidents of domestic violence related homicides on newspapers and TVs.

The feminist activists strongly demand that the Law be amended to formally criminalize domestic violence and to mandate police to arrest offenders. It is my personal belief that we ought to introduce crime prevention approach and adopt proactive arrest policy in Japan.

**Concluding Remarks**

This paper examined the Japanese discourse on domestic violence at multiple levels. My analysis shows that at all levels representations of violence are plural not singular and they are in contestation. As an active participant in this representational struggle, I have tried to re-represent domestic violence as violence in opposition to the conventional and more recent representations of domestic violence as something else than violence.

To acknowledge the contestation therefore is somewhat disappointing and discouraging for an activist like me. Yet, victory cannot be achieved without an accurate analysis of the battlefield. “Know thy enemy and you shall not lose in hundred battles.” The struggle continues.
References


Conn.: Praeger.

