“Joint-Gender Participation,” “Gender Equality,” and Domestic Violence

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1. Introduction

After the enactment of the Basic Law for a Gender-Equal Society (this can be translated literally as “the Basic Law for the Joint-Participation in Society of Men and Women”) in 1999, the phrase “gender equality” has been treated as old-fashioned in Japan. Many say that it is not “gender equality” anymore, but “joint-gender participation” which should now be the goal. It has been said that “joint-gender participation” aims at a more preferable situation than “gender equality.” However, I believe that the phrase, “joint-gender participation,” merely provides an illusion that we have achieved “gender equality” and that it is no longer our issue.

The movement for eradicating violence against women, such as domestic violence, aims for a society where women and men can live equally. In the context of this aim, I would like to discuss how the mission of equality was maintained in policies for domestic violence prevention, such as the formulation of the “Law for the Prevention of Spousal Violence and the Protection of Victims” (the Domestic Violence Law), and other related issues under “joint-gender participation” policies.

2. Recognition of Inequality in Power between Women and Men

The reality of gender inequality is the root of domestic violence; that is to say, to eliminate domestic violence means to eliminate this inequality between women and men.

It is pointed out in the report on basic policies concerning violence against women by the Governmental Council for Gender Equality in 2000 that violence against women is a social structural problem which was constructed historically. To eradicate violence against women, it is crucial to reform the current social structure producing violence. Without doing so, such superficial measures and policies will lack any profound effect on eliminating violence against women.

We must also examine how the Domestic Violence Law in 2001 was concerned with the elimination of gender inequality. This has to be taken into account because the purpose for which the law was formulated greatly affects how the law will be implemented. In this case, due to the difficulties nature of passing laws, the Domestic Violence Law was stripped down to an admissible level in order to pass the Diet. However, even in this condition, there were concerns that it may not be accepted.

Thus, it is important to find out what kind of philosophy made the Domestic Violence Law. From the situation of the Diet session when the law was enacted, it seems undeniably insufficient, even though it would have been the best at that time. If it is recognized for certain that a great disparity in power between women and men and gender inequality in society are manifested as violence
against women, then the Domestic Violence Law should be effective in overcoming inequality.

In reality, however, it does not seem to work that way. To be free from violence, which is a product of inequality, women first need a temporary and safe environment. However, protection order applications are structured in a way that does not trust women’s claims. It clearly contradicts the aim of the law, which is to establish gender equality. In order to apply for a protection order, the abused women must have a history of consulting with police or the Prefectural Spousal Violence Counseling and Support Centers. This has the same philosophical foundation as what happened when the common laws treated rape, which had no faith in the claims of rape victims but required “evidence” as supportive proof for women’s testimonies. Is it biased to say that the legal system is based upon the assumption that “women are liars”? Judges must make their conclusions in a short period of time, but even provided there is a medical certificate, an assaulted woman would still need an official third person “testimony” in addition to her claim. One can only deduce that the system itself is based on a distrust of women, at best. However, this is rarely criticized openly and this point remains unchanged in the recent revision of the law in 2004.

3. “Equality” Produces Further “Inequality”

The root cause of violence against women is a disparity in power between women and men; that is to say, a result of sex discrimination, which in turn causes sex discrimination. This is repeatedly confirmed in international documents such as the Declaration on the Elimination of Violence against Women by the United Nations, and its Beijing Platform for Action.

Historically, it is apparent that violence has been the most effective means to force women into a lower status and to maintain it. Even now, violence is a means by which men control women, and it plays a role in entrenching actual inequality.

In Japan, however, laws concerning violence against women ignore this point. Within the penal code articles concerning sexual assaults such as rape are classic examples. The Domestic Violence Law, which was enacted over 90 years after the penal code was established, is a product of the women’s movement, but it is inadequate regarding this point. It raises anew the question of whether these inadequate points can be compensated for in the implementation of the law.

Of course, compared to the era before the Domestic Violence Law was made, women’s lives have improved as a result and it has become relatively easy for society to tackle this issue; this fact is undeniable. After the enactment of the law in October 2001, until December 2004, there were 68,287 cases consulted by the various Spousal Violence Counseling and Support Centers across the country; 3,422 protection orders were applied and 2,719 of them were granted. It is obvious that few women could have even this minimum level of protection without this law.

However, sometimes it is doubtful how well judges, who handle applications for protection orders, understand the fact that violence is produced by a disparity in power between wife and husband; for example, when a judge hesitates to grant a protection order expelling the offender (husband) from the couple’s house.

One judge was worried about inconveniencing a husband who had a vacating order from his house, and was moreover worried about the risk of the husband committing crimes such as theft without the assurance of a place to go after a vacating order. On the other hand, it has been
forgotten that the wives in these situations can rarely get jobs even though they are the ones who were exposed to the violence and required the protection order. This is reversing blame and placing it on the wife, who supposedly caused “hardship” for her husband who was to be vacated from his house, if only for two weeks. In this case, wives are given an “equal” position to their husbands. The Domestic Violence Law does not address where the husbands may go after the vacating order, but it seems that the judges forget who created this situation in the first place.

This is similar to the structure where sexual assaults due to unequal power relationship are overlooked. When criminals are to be accused, suddenly women are given “equal” status to the sex offenders and are told that they could have resisted with self-defense and prevented the assault, which seemingly places the “victims” on trial. Somehow, when women try to fight against disadvantages caused by gender inequality, they are suddenly pulled into an “equal” position as men. Moreover, if women obtain such “equality,” they might have to face an even harsher reality, which damages women’s dignity. This is not what it means for women to become equal to men.


From the beginning, the Domestic Violence Law could provide only a part of what victims of domestic violence need in order to reconstruct their lives with safety and security. Even if a woman has a protection order, what she acquires is immediate physical safety, but the reconstruction of her life itself is not a direct interest of this law. In the revised law, it is declared that the central and local governments hold the responsibility of preventing violence and in supporting the victims’ financial independence, and the central and local governments are obligated to establish basic plans for this. Self-reliance support for survivors will be improved from now on, but it is necessary to take adequate budgetary measures to implement such plans effectively. The budget should be considered as a necessity for recognition as a “top-priority issue” in the Japan of the twenty-first century. Above all, without improving of the overall status of women on this basis, there can be no improvement in the situation of “victims.” Recently, some considerations have been taken, such as giving victims priority to public housing, but there is no assurance of a means of income.

The difficulties that survivors of domestic violence face are, as a matter of fact, similar to the challenges of many women, especially divorced women. It is an issue of financial independence, which was invisible as long as a husband supports his wife, that must be addressed. It is only possible for women to survive under this system of rigid gender roles. In this society, if women choose to escape from violence for their self-dignity rather than stay with abusive husbands for the sake of financial security, they will have to take on this harsh reality. Many women are compelled by the reality that they cannot financially survive, and so many battered women feel they have to stay with their husbands; even those who may
escape once have to choose to go back to their abusive husbands. This reality allows violent husbands to continue abusing their wives.

Meanwhile, for about ten years, it has remained unchanged that a female part-time worker earns about 44% of what a male full-time worker earns. Considering the fact that about 70% of women who start their new job are part-time workers, it is likely that survivors of domestic violence will become part-time workers when they leave their abusive husband and find jobs; this is to say that many survivors of abusive husbands can only earn about 40 percent that of a man’s income. Even if women are full-time workers, their income is only about 67% compared to that of a man’s. From the very onset, a woman’s livelihood is assumed to be the responsibility of her husband, and a society where women cannot earn a full income allows the financial domination by men, and domestic violence results.

Where women earn significantly less than men do, corporations obviously exploit women’s labor. In such a society where this exploitation is “normal,” people are more likely to internalize the thought that men and women do not have to be treated as equal members of society. By paying about 44%, or at most about 67%, of what men earn, is to virtually declare that a woman is half a man or less than that in this society. In addition to the low income, many women must face unpaid work. This system is firmly and pervasively built into society and therefore blocks women from having equivalent financial strength as men. This society keeps women from having confidence and prevents them from fulfilling their potential ability. In such a society, how would “joint-gender participation” be achieved? Even though 30% of the members were women, in decision-making positions such as the government or municipal council, the problem of financial inequality has been ignored and it is still impossible for most women to achieve higher status and survive without depending on men. When issues concerning violence against women are discussed, people rarely make a connection with the poor working conditions of women, which clearly indicates inequality. The issues around equitable employment for women and violence against women are indeed inextricably linked.

As argued above, what is lacking in handling most problems of domestic violence in Japan is a concrete measure that reveals the roots of violence and reforms this gender unequal society. This is like a social revolution to reconstruct a social system that relies on gender roles. This revolution demands that men, who receive privileges and benefits from the current system based on the rigid gender roles, give up their benefits (including the enormous amount of money that women have been deprived of), and their advantageous position in society. This is also to deny the framework controlling women through financial power and granting violence. The recent obstinate attacks on gender-equal education and policies show the desperate resistance by men who will lose privilege and benefits after gender equality is attained.

5. Relations between Domestic Violence and Sexual Exploitation

Related to issues of violence against women, the policies of Joint-Gender Participation in Society ignore the important issues of prostitution and pornography.

In the 2004 White Paper on Gender Equality, there is no reference to pornography at all, and for the issue of prostitution there are only a few descriptions of the numbers, such as figures about violation of the Prostitution Prevention Law (which penalizes women). Prostitution is an issue caused by a society where women can only earn 44% of a man’s income, and where women are treated
as objects, or half a man. Discussed above is how this system produces domestic violence. It is a big obstacle in attempting to achieve gender equality while neglecting the actual situation in which women’s bodies and sexuality become commodities involved in financial transactions.

Considering that all of these issues - domestic violence, prostitution, and widespread pornography - are the result of unequal societal treatment of women, it is the time for women themselves to recognize the underlying facts and reconstruct comprehensive strategies to eradicate sex discrimination. It is time for us to reevaluate the concept of “gender equality” and reconsider where we are heading.

Yukiko Tsunoda (Lawyer)


Recitation Play

“Sunflower - Overcoming Domestic Violence”

Reiko Aoki

From today, I will begin the walk of my life on my feet, for myself
Even if a thunderstorm suddenly hits, even if the cold autumn winds wither it up
When summer rolls around again, it grows again rapidly, and blooms huge flowers
Like such a sunflower, I want to live

(“Overcoming domestic violence – reading recitation play, ‘sunflower’”
Yokohama Women’s Association for Communication and Networking, 2004)

A recitation play, based on the experiences of women who have suffered from domestic violence (DV) from their husbands or partners, are being performed in twelve women’s centers in Japan by a women’s theatrical company called “Only One.”

This recitation play was planned by the Yokohama Women’s Association for Communication and Networking, an organization that has long been involved with self-support services such as counseling on DV and self-help groups. It was composed and directed by Ms. Ai Serikawa, a member of Theatre Aoitori. “Only One” - named thus because oneself is the one and only precious being - is a women’s group consisting of 25 women who had participated in a recitation workshop, with diverse age and theatre