

Civic Lawmaking: The Case of the Domestic Violence Movement in Japan

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Abstract

The domestic violence (DV) movement in Japan demonstrates one way civil society can influence national policy. The leadership of the DV movement built a large and diverse coalition representing more than 50 DV-related organizations all over Japan, which generated expertise on the ground, autonomy to focus on the issue, and an electoral opportunity for DV law reformers. DV leaders also developed an effective alliance with bipartisan female politicians. By turning their demands into 179 questions addressed to government bureaucrats, they generated responses that enabled women in politics to exercise effective pressure in favor of change. Analyzing this new type of activism, which I call “civic lawmaking,” offers a close look at a fresh form of legislative advocacy and deepens our understanding of the state-society relationship in Japan.¹

Key Words

DV: Domestic violence

DPJ: Democratic Party of Japan

JICHIRO: All-Japan Prefectural and Municipal Workers Union (*Zennihon Jichi Dantai Rodo Kumiai*)

LDP: Liberal Democratic Party

NWCA: National Women Counselors Association (*Zenkoku Fujin Sōdan-in Renraku Kyogikai*)

NSN: National Shelter Network (*Zenkoku Josei Sherutā Netto*)

The Coalition: Revise Domestic Violence Law National Network (*DV hō o kaisei shiyō Zenkoku Nettowāku*)

Introduction

Domestic violence against women in Japan has received little scholarly attention. Such violence may take the form of domestic violence (DV), rape, stalking, and other forms of gender-based violence. In 2015 the Cabinet Office of Japan surveyed 5,000 randomly selected women and men about gender-based violence.² Of 1,811 women who responded to the survey, 23.7 percent reported having experienced violence from a spouse, 19.1 percent from a dating partner, and 29.8 percent from a cohabiting partner.³ This suggests that DV is by no means a trivial problem in Japan.

In this paper I report on my investigation of the movement to curb DV in Japan. Specifically, I show how civil society organizers worked closely with female politicians to draft, pass, and update Japan’s laws to protect victims of DV. Given the limits of advocacy organizations,⁴ previous studies of advocacy in Japan have focused on the courts,⁵ bureaucracy,⁶ or local government.⁷ Using a literature review, data analysis, and interviews with six activists and scholars, I demonstrate how civil society organizations have been able to influence

domestic violence policy through a process of "civic lawmaking."

In this paper I examine the possibility of civic lawmaking for addressing domestic violence. Civic lawmaking is characterized by: (1) building a large and diverse civil society coalition, (2) forming an alliance with sympathetic politicians, (3) forcing a bureaucratic response by asking detailed questions at dialogue sessions organized by the civil society coalition in the Diet and passing appropriate legislation.

Civic organizations have the capacity to collaborate by forming national local, regional, national and international networks. These networks in turn build a politically consequential coalition linking activists, scholars, survivors, shelter operators, and service providers. Through this network, members of a coalition may build connections to major media outlets, which offer either a promise or a threat to politicians facing elections. This coalition further allies with a bipartisan group of politicians whose goals align with theirs and who strategize how to turn these goals into legislative proposals. Coalition members learn to translate these goals into questions to bureaucrats, the first step of a protocol that bureaucrats and politicians use in policy-making. This protocol requires bureaucrats to respond to these questions as confront pressure from coalition-allied politicians. In this way advocates learn to apply public pressure to secure the cooperation of lawmakers in the formation of new (or revised) legislation.

The Beginnings of the DV Movement in Japan

The DV movement in Japan can best be understood by situating it in its historical context. In some countries, including Canada, Australia, the United Kingdom, and the United

States, feminist movements made violence against women a priority issue starting in the late 1960s and early 1970s.⁸ In Japan, however, feminist activist groups did not take up the issue until the late 1980s.

Early activities addressing violence against women

The postwar Japanese women's movement emerged in the early 1970s out of the New Left, which broke from the Communist and Socialist Parties to pursue a radical, in some cases violent revolution. The women involved in the New Left initially romanticized militant men and contended with their own subordinate position to dominant male power holders by serving as receptionists for the cause or working in the hospitality industry to fund men's activism. Once they became aware of their own powerlessness and even exploitation, and building on earlier struggles for women's rights, they launched new movements criticizing Japan's patriarchal society.⁹ Christian churches opened shelters for abused Asian migrant women in the 1980s with the increase of female immigrants, mainly from the Philippines, many of whom came for jobs in the entertainment business and were especially vulnerable to domestic violence after entering intimate relationships with Japanese men.¹⁰ In 1988 a women's organization, the Santama Group on Gender Discrimination at Work (*Hataraku Koto to Seisabetsu o Kangaeru Santama no Kai*), published a Japanese translation of *Stopping Sexual Harassment: A Handbook*, which had come out in the United States six years earlier; it was the first time activists in Japan had addressed violence against women.¹¹ The following year the group conducted a "10,000-person survey on sexual harassment." That same year, the first sexual harassment lawsuit was filed in Fukuoka. In 1992 the Research Group on Violence from Husbands or Lovers (*Otto [Koibito] Kara no*

Boryoku Chosa Kenkyukai) turned its attention to DV.¹²

In 1995, at the Fourth Women's Conference in Beijing, women's groups from 180 countries signed an agreement stating that violence against women was a problem demanding top priority.¹³ Approximately 500 Japanese women participated in the Beijing conference. Inspired by the conference, female activists in Japan started private shelters where women in need of refuge from husbands or other abusers could stay temporarily, receive psychological counseling, and prepare to establish an independent life.¹⁴ The Beijing conference influenced not only civil society but also the Japanese government, which incorporated elimination of all forms of violence against women in its Gender Equality Plan 2000, issued in 1995, and launched the Task Force on Violence Against Women in 1996. In 1998 the Diet revised the Equal Employment Opportunity Law to stipulate responsibility on the part of employers for preventing sexual harassment. The following year it passed the Basic Act for Gender-Equal Society; a plan that included "prevention of violence from husbands and partners." In 2001 the government enacted the Stalker Control Law and the DV Law. The Japanese government in these ways began to address violence against women. It did so, however, without criminalizing or specifying penalties for sexual harassment.

Creation of the DV Law

In 1998 the organizers of shelters run by several civil society organizations (private shelters) launched the National Shelter Network (NSN, *Zenkoku Jose Sherutā Netto*) and hosted their first symposium in Sapporo, Hokkaido. The theme of the symposium was "Private Shelters and DV Law," and the NSN unveiled a draft proposal for DV legislation.¹⁵ At the same time, Kato Yoko, a Japanese-born DV

activist in the United States, organized multiple study tours for some 300 Japanese scholars, women counselors who assisted sex workers, DV victims, and members of the Japan Young Women's Christian Association. One objective was to show how the Massachusetts system to protect survivors worked. In 2000, organizers invited Kato and prosecutors from Massachusetts to Japan to share their experience with the National Police Agency and members of the Diet.¹⁶

In 1998 the Diet's Upper House Inclusive Society Research Group (*Sangiin Kyosei Shakai Chosakai*) called for a DV bill.¹⁷ This group included members of different political parties, many women among them. Leaders such as Domoto Akiko (New Party Sakigake), Komiyama Yoko (Democratic Party of Japan, or DPJ), Nōno Chieko (Liberal Democratic Party, or LDP), Omori Reiko (Komeito), and Fukushima Mizuho (Social Democratic Party) were deeply sympathetic towards the victims' situation. Their efforts to persuade bureaucrats and fellow politicians of the need for a DV law, however, faced considerable resistance.¹⁸ To shed light on the political climate of the time, Figure 1 shows the proportion of female Upper House members. During the revision of the DV Law, women made up only 14.9 percent of the Upper House and only 7.1 percent of the Lower House. The important role women lawmakers played in getting DV legislation passed is particularly striking considering how few of them were in the Diet.

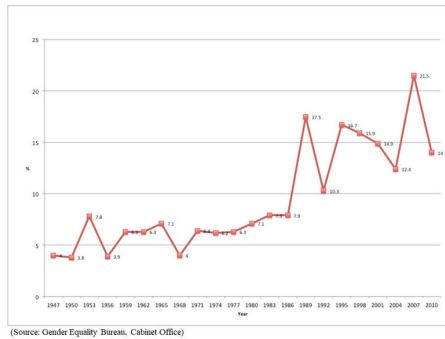


Figure 1. The Proportion of Female Upper House Members in Japan, 1947-2010

The female politicians who initially proposed a DV bill received strong pushback from their male counterparts, who insisted that “Japanese men are not violent,” and bureaucrats, who hesitated to intervene in family issues. In the end, they abandoned efforts to draft a bill.¹⁹ In February 2000, however, politicians and bureaucrats were shocked when the Research on Violence Between Men and Women by the Cabinet Office revealed that approximately 1 in 20 Japanese women reported that they had experienced life-threatening violence from a husband and 1 in 15 women reported having experienced nonconsensual sex with their husbands. Female politicians cited the report to justify the need for a DV law.²⁰

Once the report’s release set the legislative process in motion, though, progress was not easy. The Ministry of Justice strongly opposed a new DV law on the grounds that it opposed creating a crime that only men could commit. It also objected to the use of restraining orders, insisting that they would not work in the Japanese justice system, which does not commonly issue restraining orders.²¹ Domoto Akiko collaborated with other politicians, ministries, and experts to pressure the Ministry of Justice to change its position.²² Following

intensive discussions and negotiations, advocates managed to get only a very limited version of the law passed in 2001. While it did introduce restraining orders, the law covered only physical violence (e.g., assault) against a spouse or domestic partner and did not address the needs of survivors or provide support for shelter operators. Civil society activists and the DV movement did help raise awareness of the DV Law by educating politicians and bureaucrats around the issue, but they were not yet directly involved in the lawmaking process.²³ Just before the DV Law passed, Domoto, who led the effort, resigned from the Senate and was elected governor of Chiba Prefecture. As governor, she championed DV legislation and strengthened local support for it by implementing multiple measures to implement the newly enacted DV Law, such as assigning a woman manager of the gender equality section; building a network with local judges, local bureaucrats, doctors, police, and civic groups; and increasing public support to protect victims.²⁴

Revision of the DV Law as “civic lawmaking”

At the insistence of female politicians, the original DV Law included a clause that required a review after three years of enforcement,²⁵ allowing the movement to leverage that opportunity to press for a more comprehensive law. In contrast to its minimal involvement in the initial drafting, the DV movement was heavily involved in the revision of the law and successfully lobbied for many of its demands.²⁶

Two years after the initial law passed, in the summer of 2003, the Expert Research Panel on Violence Against Women of the government-organized Gender Equality Meeting published a report on DV. Usually, legislative revision is based on similar government reports, but the revision of the DV Law exceeded the report’s

recommendations.²⁷ The key revisions were threefold. First, the law expanded the definition of DV to include not only physical violence (e.g., hitting) but also psychological (e.g., shaming) and sexual (e.g., coerced sexual intercourse) violence. The scope of protective orders was also widened to include children. Second, the law broadened the responsibility of the national administration to support the independence of survivors, requiring the national government to establish a basic policy and local governments to make and implement plans for aid to survivors. Third, the law explicitly included foreigners and the disabled.²⁸

The politicians belonging to the Upper House Inclusive Society Research Group were proud to label their effort “civic lawmaking,” as civil society groups had been heavily involved in the lawmaking process.²⁹ In the following sections, I analyze why DV activists were so successful and why the process through which their efforts brought to fruition amounted to civic lawmaking.

The DV Movement in 2003-2004

As soon as the DV Law was enacted, private shelter operators all over Japan began to express dissatisfaction with it. Restraining orders did not cover children, and private shelters experienced escalating challenges in providing services to survivors due to the law’s limitations. While DV victims could now get legal protection from their abusers, local governments did not fund the private shelters. Furthermore, although local shelters had safe spaces and experts to help victims build independent lives, local governments and law enforcement did not send survivors there, seeking instead to keep women and children at home with their (violent) husbands.

Following the 2001 enactment of the DV Law, Kaino Tamie, a gender law scholar at

Ochanomizu University, and core members of the National Women Counselors³⁰ Association (NWCA, *Zenkoku Fujin Sōdan-in Renraku Kyogikai*), formed the National Group of DV Law for Survivors (*Higaisha no Tame no DV hō o Motomeru Zenkoku Renrakukai*) as a forum on the law’s shortcomings. At one of the group’s early meetings, Sasaki Ikuko, a leader of the NWCA, called for revision of the DV Law. Although the NWCA had more of a reputation and longer history than other organizations dating back to its aid to sex workers, Sasaki looked to the NSN, which at the time had a membership of 40 shelters all over Japan, to lead this effort. Endo Tomoko, a public official of Hachioji City in Tokyo and secretary-general of the Tokyo branch of the All-Japan Prefectural and Municipal Workers Union (JICHIRO), asked the NSN to join in promoting a substantial revision of the law. Kondo Keiko, a shelter operator in Hokkaido, had just become chair of NSN’s governing board and agreed to run the revision campaign under the condition that Hijikata Kiyoko, a leader of the DV Group in Tama, close to Tokyo, be named co-leader. With a pledge of support from Endo, Hijikata accepted the invitation. Kondo, Hijikata, and Endo played key roles in the early stages of building a civil society coalition that would support the civic lawmaking effort to revise the DV Law.³¹

In February 2003 the NSN launched the Revise DV Law National Network (*DV hō Kaisei Shiyō Zenkoku Nettowāku*, which I refer to simply as the Coalition). The National Group of DV Law for Survivors, JICHIRO’s Tokyo branch, the Japan Feminist Counseling Society (*Nihon Feminisuto Kaunseringu Gakkai*), and the Solidarity Network with Migrants Japan (*Ijuren, Ijusha to Rentaisuru Zenkoku Nettowāku*) joined the Coalition from the beginning.³² Thanks to Endo’s connections, the women’s department of JICHIRO and male executives supported the effort by printing materials, helping with communications, securing event venues, collecting survey data,

creating flyers, and so on.³³ Table 1 shows the profile of the initial Coalition members. The groups had little funding and few paid staff, but they had relatively large memberships and national geographic coverage. Endo noted that it was important for the Coalition to represent as many organizations related to DV as possible in order to legitimize them and pose an electoral threat to politicians.³⁴

	Membership	Funding source	Paid staff	Geographic coverage
National Shelter Network	40 shelters established by civic groups	Individual donors, grants	None	All over Japan
Japan Feminist Counseling Association	490 individual members, 33 org members	Dues	1	8 cities
Solidarity Network with Migrants Japan	350 individual members, 100 org members	Dues, grant, donations, sales of books etc.	1.5	Tokyo, but national network
National Group of DV Law For 900 Women Survivors	Scholars, approx. 900 Women Counselors	None	None	All over Japan
JICHIRO, Tokyo branch	850,000 members nationally, ~10 ppl involved	Dues	None for The Coalition	Tokyo

Table 1. Profile of Revised DV Law National Network Members

in the Diet to force bureaucrats to respond to their concerns. For activists, however, this was a new idea. The DV activists contacted politicians of the Upper House Inclusive Society Research Group's DV Project, which had spearheaded passage of the original DV Law, and asked if the DV Project could host dialogue sessions with bureaucrats to discuss concrete countermeasures.³⁵ Because Upper House elections were to be held in 2005, these politicians would be motivated to complete the revisions before the election.³⁶

The DV Project members declined to become the main organizers of the dialogue sessions but offered active support to the Coalition in its role as host. Kamimoto Mieko, Upper House member of the Democratic Party of Japan (DPJ), played a key role. A member of the Japan Teacher's Union, Kamimoto knew little about DV but had a good understanding of gender issues. She offered her office as the Coalition's base in the Diet, secured venues for dialogue sessions, and made connections with relevant ministries. Although Endo continued to work full time as a public official, she and a colleague visited Kamimoto's office every week on Endo's day off to deliver documents and letters of request and ask advice.³⁷

Lobbying

By early 2003 the Coalition began to collect complaints about the existing law from private shelters, women counselors, public gender equality centers, and doctors from all over Japan. The Coalition sorted the complaints into 179 specific issues, such as lack of response at local government offices and discrimination against foreign survivors. But it had no idea how to use these complaints. It also lacked political connections, so it turned to those who did to ask their advice. One female politician told them to "make each of the 179 issues into questions and submit them to the ministries. And ask questions publicly in 'dialogue sessions.'" Politicians regularly used the tactic

First dialogue session

Unlike public hearings conducted by committees of the Diet, dialogue sessions organized exclusively by activists were not institutionalized as civic participation mechanisms. The Coalition scheduled its first dialogue session for May 28, 2003. Kamimoto submitted the Coalition's questions to the ministries beforehand. She recalled that "the bureaucrats were confused when they received such a long list of questions from civil society groups, because such questions usually come only from politicians."³⁸ In general, politicians deliver their questions to bureaucrats a day or

two before the Diet session. In order to elicit more than a generic promise to “examine the issue”, politicians’ staffs usually meet bureaucrats ahead of the sessions. The Coalition followed this model and met with bureaucrats prior to the dialogue sessions.³⁹

Because an invitation from a politician carries greater weight than one from an activist, the Coalition coordinated with Kamimoto to invite all relevant ministries to come to the first session, held in the Upper House Members’ Building, making it easy for legislators and the press to attend.⁴⁰ Sixteen bureaucrats came.⁴¹ It was unusual to see such a large number of high-ranking officials from different ministries at an event hosted by a civil society organization in Japan, but they had come at the request of the DV Project’s politicians, all of whom also attended the event. To mount yet more pressure, the Coalition contacted the mass media through its network of acquaintances. Major newspapers including the *Asahi Shinbun*, *Nikkei Shinbun*, and *Yomiuri Shinbun* were also present at the dialogue session.⁴²

By 10 a.m., the session meeting room was filled with nearly 100 shelter operators, support group leaders, and staff as well as survivors from all over Japan (see Figure 2), the NSN having spread word of the session through its network and the Internet. The activists were surprised, as they had expected barely 30 members of the public. Endo speculated that women were attracted to the session because the Coalition, which was an informal, purely voluntary, women-centered organization, provided a space to talk about specific topics and the participants felt free to come and go.

The NSN chair, Kondo, kicked off the session. Politicians from the DV Project spoke, and a survivor told her story. A leader of First Step, a support group of survivors in Kanagawa, explained that initially she had not realized that she was a victim of DV because her husband

did not use physical force. With information from the Internet and help from a women counselor, she realized not only that she had been a victim of DV but that the DV Law could offer relief; she eventually divorced her husband. She urged politicians and bureaucrats to consider the survivors’ stories in revising the DV Law. Endo, who facilitated the dialogue session, then went through all of the presubmitted questions, one by one. Although the bureaucrats did not satisfactorily respond to every question and often evaded queries by saying the issues could be covered by other ministries, the session did produce some answers.⁴³

The intensive period of May to September 2003

From May to September, the Coalition hosted five dialogue sessions in all, as shown in Table 2. They scheduled the sessions before the DV Project meetings, where politicians and bureaucrats discussed revisions of the law. Around 100 survivors, activists, and scholars from across the country came to each session. They asked all of their 179 questions, among them whether restraining orders should be extended to cover children and whether the definition of DV should include not just abuse by spouses and domestic partners but also violence by ex-husbands.

The activists developed a “score sheet,” shown in Figure 3, to track which question was answered by which ministry, what the response was, and if the point addressed by a specific question would be covered by the revision. Especially in the first few dialogue sessions the responses were not at all productive: The bureaucrats would reply that a solution simply was not possible in the current legal system or give equivocal answers filled with legal jargon. Hori Takehiko, a journalist from the prominent economic newspaper *Nikkei Shinbun*, recalled the shift in atmosphere when Komiyama of the DPJ spoke up after listening to the bureaucrats’

ambiguous responses for a while: “You all have been saying, ‘We cannot. We cannot.’ With such a response, we cannot take a single step forward. Can’t you use your brain to solve these problems?” According to Hori, Komiyama’s strong words made a dent in the bureaucrats’ armor.⁴⁴

The sixth session, in January 2004, was intended to encourage DV Project politicians who were in the process of coordinating in their own parties and ministries to get approval for the outline of the revision. In February the Upper House Inclusive Society Research Group offered to publicize an outline of the revision. The Coalition hosted the last session and gave feedback on the outline.⁴⁵ On May 27, 2004, the revision of the DV Law was passed in the House of Representatives; approval followed in the Upper House.



Figure 2. Model of a Dialogue Session

○質問・要領内容									
	国政 答	国政 答		都道府県 答		市町村 答		要綱案 答	要綱案 答
		改正 答	通知 答	改正 答	通知 答	改正 答	通知 答		
○保護命令(対象範囲の拡大、暴力の定義)									
2	元配偶者のストーリーが子どもに伝わりたくないという点に、ストーリー法でどのように対応できるか?	警察庁	ストーリー法で対応可能						○DV法の条にまで広がった一機動隊の人・元配偶者にも適用すること、○で対応するは知ることに。
134	恋人関係であってももののおもろさは変わらない。法改正を行い恋人からの暴力の被害者も対象に含めるべきではないか?	法務省 内閣府	改正議 案に書明						恋人を対象と
135	同性愛者間でもDVは起きている。法改正を行い同性愛者も対象に含めるべきではないか?	法務省 内閣府	DVPT やDVPT 討議						同性愛者等と
136	○の範囲の中では身体的・精神的・経済的・性的暴力などが複合的に同時に発生している。被害者に地域感を持たせ、被害者を支援するのかわりの本質である。の修正は実行は、被害者は隠れどなく、隠れた部分を。また、手を上げるのがつらいなどの巧みな手段を講じる	内閣府	改正議 案に書明						身体以外の、力の定義を

Figure 3. Question Tracking Sheet

February 2003	Launch of Revise DV Law National Network. Collect opinions through National Shelter Network. Distillation into 179 issues.
Feb to April	Start of lobbying. Ask DV Project politicians for a cooperation on the Dialogue Sessions. Submit questions to ministries.
May 28	1 st Dialogue Session: Overall issues
July 4 th	2 nd Dialogue Session: Protective Order and immigrants, the secondary victimization
July 24 th	3 rd Dialogue Session: Support for survivor's independence
July 26 th	4 th Dialogue Session: Protective Order
Sept 4 th	5 th Dialogue Session: Survivors participation and support center
Dec 13 th	Public event on DV law revision "NO! Violence! BE! Ambitious!"
Jan 7 th 2004	6 th Dialogue Session: Support for survivor independence. National Shelter Network submitted budget demand.
Feb 16 th	7 th Dialogue Session: Draft outline of revision
May 27 th	The Domestic Violence Law revision passed in House of Representatives (Shugin)

Table 2. Chronology of Actions by Revise DV Law National Network

All dialogue sessions were held in the Diet. The Coalition also convened a public symposium in December called “NO Violence! BE Ambitious!” intended to apply pressure in favor of the revision. Although Endo and other leaders expected only 60 people, 250 came to the symposium.⁴⁶ No other public events were scheduled to organize survivors and service providers or to educate and mobilize the general public on DV issues, because Endo feared abusers would attend any open events. What is more, shelter operators needed to conceal their identities so abusers could not track down their victims.⁴⁷

Legislative success and network strengthening

For the first time, activists without initial connections to politicians or any lobbying experience succeeded in securing major legislative reform. In so doing, the Coalition achieved two major goals. First, it realized several of its legislative demands: The definition of DV was expanded to extend beyond physical violence to include psychological and sexual violence. Protective orders could now be used to safeguard children. The responsibilities of the national administration to support the independence of survivors were made explicit—the national government had to come up with a basic policy and local governments a basic plan. Last, the law stipulated the inclusion of foreigners and the disabled.⁴⁸ Needless to say, no movement can accomplish 100 percent of its demands. In the case of DV activism in Japan, it has so far failed to get psychological violence defined so that police intervene; the legal definition of police intervention is still concerned more with protecting perpetrators' than victims' rights; and no national government funding has yet been allocated to civic shelters.⁴⁹

But the Coalition did accomplish a second aim: strengthening its network. Because NSN core members organized and mobilized shelters all over Japan, they built a network of shelters and created new relationships with DV-related organizations. The membership of the NSN grew from 40 in 2003 to 67 in 2007—about 67 percent of all shelters in Japan—and has remained stable since.⁵⁰ Thus, while the total number of shelters is far below what is needed to serve DV victims, most of those currently in operation can now work together to pressure the government to increase support for DV victims. In 2007 the NSN held a 10-year anniversary symposium in Chiba with 1,500 participants.⁵¹ Unlike conventional organizations with sizable memberships, like labor unions, the NSN has developed significant mobilizing power; its influence

cannot be ignored.⁵² Upon the success of the symposium, the Create Sexual Violence Prohibition Law National Network (*Seibōryoku Kinshiho Tsukuro Zenkoku Nettowāku*) was launched with 50 organizational members. In 2006 Microsoft Japan offered support and installed computers in all member shelters, facilitating their email communication with each other.⁵³ The success empowered its members, too. According to Endo, core women leaders of the NSN became confident that they could influence policy-making.

Finally, Coalition activists believed that they could create a sisterhood of politicians, bureaucrats, survivors, supporters, and shelter operators.⁵⁴ They found that many people in the Diet cared about their cause. Some politicians had tears in their eyes as they listened to the survivors' stories and even held the survivors' hands afterwards. Although the bureaucrats did not show such emotion, some who went on to other positions later followed up on the revision. Endo reflected that she had thought the Diet was a very scary place, but during the period of the dialogue sessions it became more humane.⁵⁵

Why the Movement Succeeded: Civic Lawmaking

Why was the Coalition so successful in advancing its cause? For one, its leaders built a large and diverse coalition representing more than 50 DV-related organizations all over Japan. The Coalition generated expertise on the ground, autonomy to focus on the issue, and an electoral threat.

Expertise on the ground

Because these organizations represented survivors, service providers, and shelter operators, the Coalition could rightfully claim

to know what was actually happening. As Laurel Weldon, a scholar of violence-against-women movements around the world, has noted, an important role of effective women's movements is lobbying policymakers.⁵⁶ The movements' main tools, she says, are the provision of information and the mobilization of allied groups, so that they are able to present themselves as autonomous experts, as specialized providers of information, and that this explains their policy influence.

Autonomy to focus on the issue

Weldon also finds that autonomy is the single most important factor of success in violence-against-women movements.⁵⁷ Autonomy means that a movement is not a part of other movements or organizations, political parties, or unions, so its voice is not diluted by other claims. The Coalition formed an autonomous organization whose leadership was not influenced by third parties. Drawing on a quantitative analysis of a dataset of social movements and policies in 70 countries over four decades, Weldon and political scientist Mala Htun further assert that the effects of autonomous organizations are more important than women's descriptive representation inside the legislature or the impact of political parties.⁵⁸

Autonomy to focus on the issue

Finally, as Endo commented, the politicians perceived that the coalition member organizations had both a strong local network and connections to major media outlets, which could benefit them by attracting votes or impose a reputational risk if they didn't respond to the Coalition's demands.⁵⁹ As they pushed for DV legislation, activists didn't openly criticize politicians, but their capacity to disseminate negative publicity could leave

politicians vulnerable. Journalists from several major newspapers came to every dialogue session. The activists also had strong ties to local media, some of whose representatives even traveled to Tokyo for the sessions.⁶⁰ In addition, the political climate at the time was favorable, with the constituency backing candidates who demonstrated integrity and independence from the existing political parties; quite a few independent politicians won gubernatorial elections.⁶¹

The Coalition's success could also be attributed to its strong alliance with a bipartisan group of female politicians, including members of the dominant LDP. Because a few female politicians in the DV Project were involved in the enactment of the DV Law in 2001, they had experienced a huge pushback from the ministries and fellow male politicians.⁶² Frustrated by the weakness of the 2001 DV Law, they joined activists to press for a better law before the 2004 election. Weldon and Htun argue that the effects of autonomous women's movements can be to make policy-makers themselves more sympathetic to the movement's goals.⁶³ Social movement scholar Karen Beckwith points out that comparative research on women, gender, and politics demonstrates that women benefit most in bringing about positive change for women in the presence of three factors: (1) conducive political structures (the sets of rules, laws, and institutions that shape women's access to political power and facilitate women-friendly policy impact), (2) sympathetic political elites, and (3) activist feminists and their allies.⁶⁴

A third factor in its success was the Coalition leadership's incorporation of their demands into questions they could ask bureaucrats in semipublic dialogue sessions, where female politicians pressured bureaucrats to give complete answers. Usually, activists merely submit demands to bureaucrats and hope for a response; when civil society groups ask them questions, bureaucrats generally ignore them.

According to Endo, one bureaucrat remarked, “This NGO is tough because they make us respond to their questions.”⁶⁵ This questioning tactic is exactly what politicians use to reveal problems, set agendas, and make policy in the parliamentary system. Spotlighting survivors’ experiences was also a strong factor of success in cultivating support from sympathetic politicians and bureaucrats. These success factors and the dynamics among them are shown in Figure 4.

The female politicians called the approach the Coalition used “civic lawmaking,”⁶⁶ a phrase that underscores the close collaboration with civic organizations in the lawmaking process. What is remarkable about this civic lawmaking is that civil society groups made themselves key actors in the policy-making process. In Japan the policy-making relationship among politicians (especially the long-ruling LDP), the bureaucracy, and business is generally known as the “iron triangle.” Frequently, civil society is excluded from this power nexus. For the DV issue, however, the business sector was not involved. Instead, experts including academics, lawyers, and a limited number of service providers to victims were allowed into the triangle. These experts and bureaucrats proposed the revision of the DV Law in 2003. By building a coalition to represent victims, posing an electoral threat, creating an alliance with female politicians, and strategically co-opting normal legislative protocols by conducting multiple dialogue sessions in the Diet, the Coalition changed the discourse of the DV Law reform and became a fourth actor in the policy-making process (Figure 5). Its influence can be discerned from the fact that politicians and bureaucrats shared the draft bill with movement members to gather their opinions before passing it on to the Diet (Table 2). Thus, the lack of business participation created an opening for civil society to become an important policy-making actor. It is a significant accomplishment that the movement penetrated into the rigid and closed policy-

making process using an innovative civic-lawmaking strategy. Not only does civic-lawmaking differ from the standard lawmaking process, it also represents a very different political strategy for activists, one that bypasses such contentious strategies as protests or advocacy through the courts, bureaucracy, or local governments.

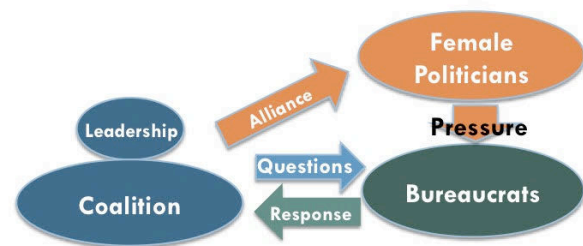


Figure 4. Success Factors and Dynamics Among Factors

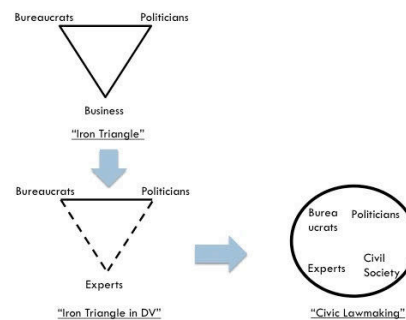


Figure 5. From the Iron Triangle to Civic Lawmaking

Conclusion

Japanese civil society is usually considered weak in advocacy and less contentious than its

counterparts in the West, even compared to civil society in Korea and Taiwan. Yet the case of the DV movement in 2003–2004 demonstrates that civil society in Japan can influence policy at the national level and shows the emergence of what I call civic lawmaking, which consists of three components and dynamics.

First, locally based civic organizations connected with one another to form a nationwide network. Organizers then used this network to build politically consequential coalitions, including activists, scholars, survivors, shelter operators, women's organizations and service providers from all over Japan with connections to major media outlets. With this capacity, the Coalition generated: (1) expertise on the ground, (2) autonomy to focus on their issue, and (3) a source of electoral threat or promise to politicians.

Second, the Coalition leadership built a strong alliance with bipartisan female politicians, who shared the challenges of their early legislative efforts with the Coalition and worked with the Coalition to overcome those challenges.

Third, leaders of this network devised innovative tactics based on presenting their demands in the form of questions to bureaucrats as part of a dialogue session. By emulating the question-and-answer approach bureaucrats and politicians use in their regular policy-making process in the Diet, the Coalition leveraged pressure from female politicians to force bureaucrats to respond to advocates' demands. In short, civic lawmaking in Japan is characterized by grassroots-based coalition building, alliance with politicians, and use of question-and-answer sessions to compel a bureaucratic and legislative response.

The Coalition made itself a key actor in a policy-making process that usually excludes civil society. This mode of activism, "civic lawmaking," both deepens our understanding

of the state-society relationship in Japan and offers a new, effective advocacy strategy. Following the success of the DV Coalition, other activists adopted similar civic-lawmaking strategies in other issue areas, such as suicide prevention policy in 2005 and 2006 and penal code reform related to sexual assault in 2016 and 2017. In 2017, more than 100,000 cases were reported nationally, more than twice the number in 2004.⁶⁷ The term DV has become known by many people. Not only DV, but violence against young women, sexual minorities and children has gained public attention as a result.⁶⁸ I hope that the case studies of the DV social movement presented here will be shared broadly not only among academics but also activists and the general public, to encourage people that their voices and actions matter in our collective effort to improve society.

[Kanoko Kamata's HP](#)

Bibliography

Arrington, Celeste L. *Accidental Activists: Victim Movements and Government Accountability in Japan and South Korea*. Studies of the Weatherhead East Asian Institute. Ithaca, NY: Cornell University Press, 2016.

Beckwith, Karen. *State, Academy, Discipline: Regendering Political Science*.

Cabinet Office. [Gender Violence Research in 2015](#).

Cabinet Office. The data on violence from spouse.

http://www.gender.go.jp/policy/no_violence/e-va/data/01.html

Domoto, Akiko. *Domoto Akiko no DV seisaku*

- saizensen [Akiko Domoto's DV policy on the front line]. Tokyo: Shinsuisha, 2003.
- Garon, Sheldon. *From Meiji to Heisei: The State and Civil Society in Japan*. In Frank Schwartz and Susan J. Pharr (eds.), *The State of Civil Society in Japan*. Cambridge: Cambridge University Press, 2003.
- Haddad, Mary Alice. *Politics and Volunteering in Japan: A Global Perspective*. Cambridge: Cambridge University Press, 2007.
- Hirata, Keiko. *Civil Society in Japan: The Growing Influence of NGOs in Tokyo's Aid and Development Policy*. New York: Palgrave Macmillan, 2002.
- Htun, Mala, and S. Laurel Weldon. "The Civic Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005." *American Political Science Review* 106, 3 (August 2012).
- . *The Logics of Gender Justice: State Action and Women's Rights around the World*. Cambridge Studies in Gender and Politics. New York: Cambridge University Press, 2018.
- Isono, Yayoi. *Status and Issues on Pollution Litigation in Japan*. 24.
- Kaino, Tamie. *DV Higaisha shien kara mietekitamono - shien no genjo to kadai* [What's Wrong with Women's Support Services: Current Issues of Domestic Violence Laws in Japan] Japanese journal of International Society for Gender Studies. Vol. 15. 10-30. (2017)
- Kaino, Tamie. *DV Law and Issues for Revision*. Tokyo: NHK, 2017.
- MacLachlan, Patricia L. *Consumer Politics in Postwar Japan: The Institutional Boundaries of Citizen Activism*. Studies of the East Asian Institute. New York: Columbia University Press, 2002.
- Matsumoto, Katsumi. *Kyanpasu Sekusharu Harasumento Sosho to Daigaku no Kyoiku Kenkyu Kankyo Hairyo Gimu* [Lawsuits on campus harassment and the operation to consider the education and research environment in universities] *Ritsumeikan Hogaku* 2, 3 (2005).
- Muneo Kaigo. *Social Media and Civil Society in Japan*. Singapore: Springer Singapore, 2017.
- NHK. *Nihonjin Ishiki Chosa* [Japanese consciousness survey].
- Ogawa, Mariko. *Domesutikku baiorensu to minkan sherutā: higai tōjisha shien no kōchiku to tenkai* [Domestic violence and women's shelters: for the support of victims]. Yokohama: Seori Shobō, 2015.
- Ōtake, Hideo. *Feminisutotachi no seijishi: sanseiken, ribu, byōdōhō* [Feminists' political history: suffrage, women's liberation and equality law]. Tokyo: Ippan Zaidan Hōjin Tōkyō Daigaku Shuppankai, 2017.
- Pekkanen, Robert. *Japan's Dual Civil Society: Members Without Advocates*. Contemporary Issues in Asia and the Pacific. Stanford, CA: Stanford University Press, 2006.
- Repeta, Lawrence. "Changing the Guard in the Provinces: A New Platform for Hard Times." In *Emerging Japanese Politics: New Tools for Citizen Participation*. Washington, DC: Japan Information Access Project, US-Japan Friendship Commission, 2001.
- Revise DV Law National Network, ed. *Josei Tachi ga Kaeta DV hō* [DV Law changed by women]. Tokyo: Shinsuisha, 2006.
- Schwartz, Frank, and Susan J. Pharr, eds. *The State of Civil Society in Japan*. Cambridge: Cambridge University Press, 2003.
- Shipper, Apichai W. *Fighting for Foreigners: Immigration and Its Impact on Japanese*

Democracy. Ithaca, NY: Cornell University Press, 2008.

Sudo, Yachiyo. “*Domestic Violence and the Research of Social Work: A Standpoint of Researching*.” *AFFILIA: Journal of Women and Social Work*. Shakai Fukushi Kenkyu, 4. P25-40. 2002.

Tsujinaka, Yutaka, and Robert Pekkanen. “Civil Society and Interest Groups in Contemporary

Japan.” *Pacific Affairs* 80, 3 (2007):

Weldon, S. Laurel. *Protest, Policy, and the Problem of Violence against Women: A Cross-National Comparison*. Pittsburgh: University of Pittsburgh Press, 2002.

———. *When Protest Makes Policy: How Social Movements Represent Disadvantaged Groups*. CAWP Series in Gender and American Politics. Ann Arbor: University of Michigan Press, 2011.

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Notes

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² Cabinet Office, [Gender Violence Research in 2015](#).

³ The survey participants responded to each question respectively, so there may be overlap, meaning a respondent may experience violence from both a spouse and a dating partner.

⁴ Robert Pekkanen, *Japan's Dual Civil Society: Members Without Advocates* (Stanford, CA: Stanford University Press, 2006), 85–130, 159–187; Sheldon Garon, “From Meiji to Heisei: The State and Civil Society in Japan,” in Frank Schwartz and Susan J. Pharr (eds.), *The State of Civil Society in Japan* (Cambridge: Cambridge University Press, 2003), 45–62; 325–327.

⁵ Celeste L. Arrington, *Accidental Activists: Victim Movements and Government Accountability in Japan and South Korea* (Ithaca, NY: Cornell University Press, 2016), 84–95; Yayoi Isono, *Status and Issues on Pollution Litigation in Japan*, 24.

⁶ Keiko Hirata, *Civil Society in Japan: The Growing Influence of NGOs in Tokyo's Aid and*

Development Policy (New York: Palgrave Macmillan, 2002), 152; Yutaka Tsujinaka and Robert Pekkanen, "Civil Society and Interest Groups in Contemporary Japan," *Pacific Affairs* 80, 3 (2007): 436; Apichai W. Shipper, *Fighting for Foreigners: Immigration and Its Impact on Japanese Democracy* (Ithaca, NY: Cornell University Press, 2008), 103.

⁷ Mary Alice Haddad, *Politics and Volunteering in Japan: A Global Perspective* (Cambridge: Cambridge University Press, 2007), 164; Patricia L. Maclachlan, *Consumer Politics in Postwar Japan: The Institutional Boundaries of Citizen Activism* (New York: Columbia University Press, 2002), 237.

⁸ Mala Htun and Laurel Weldon, *The Logics of Gender Justice: State Action and Women's Rights around the World* (New York: Cambridge University Press, 2018), 38.

⁹ Hideo Ōtake, *Feminisutotachi no seijishi: sanseiken, ribu, byōdōhō* [Feminists' political history: suffrage, women's liberation, and equality law] (Tokyo: Ippan Zaidan Hōjin Tōkyō Daigaku Shuppankai, 2017), 121–123.

¹⁰ Mariko Ogawa, *Domesutikku baiorensu to minkan sherutā: higai tōjisha shien no kōchiku to tenkai* [Domestic violence and women's shelters: for the support of victims] (Yokohama: Seori Shobō, 2015).

¹¹ Katsumi Matsumoto, *Kyanpasu Sekusharu Harasumento Sosho to Daigaku no Kyoiku Kenkyu Kankyo Hairyo Gimu* [Lawsuits on campus harassment and the operation to consider the education and research environment in universities], *Ritsumeikan Hogaku* 2, 3 (2005): 479.

¹² Yachiyo Sudo, "Domestic Violence and the Research of Social Work: A Standpoint of Researching," *AFFILIA: Journal of Women and Social Work*. Shakai Fukushi Kenkyu, 4. P25-40. 2002.

¹³ S. Laurel Weldon, *When Protest Makes Policy: How Social Movements Represent Disadvantaged Groups* (Ann Arbor: University of Michigan Press, 2011), 41.

¹⁴ Interview with Kondo and Yamazaki, March 2018.

¹⁵ Interview with Kondo and Yamazaki, March 2018.

¹⁶ Interview with Yoko Kato, March 2018.

¹⁷ Akiko Domoto, *Domoto Akiko no DV seisaku saizensen* [Domoto Akiko's DV Policy on the front line] (Shinsuisha, 2003), 102–103.

¹⁸ Domoto, 2003, 111–116.

¹⁹ Domoto, 2003, 111–116.

²⁰ Domoto, 2003, 118–119.

²¹ Domoto, 2003, 124–128.

²² Domoto, 2003, 145–185.

²³ Interview with Kondo and Yamazaki, March 2018.

²⁴ Domoto, 2003, 200.

²⁵ Domoto, 2003, 183.

²⁶ Ōtake, 2017, 227–230.

²⁷ Interview with Endo, November 2017.

²⁸ Revise DV Law National Network, ed., *Josei Tachi ga Kaeta DV hō* [DV Law changed by women] (Tokyo: Shinsuisha, 2006), 132–142.

²⁹ Revise DV Law National Network, 48.

³⁰ Women counselors are temporary staff members of the local government who in the past

advised sex workers on gaining their independence but now work largely with battered women and make decisions about providing them refuge. There were around 915 women counselors in 2006 according to the Ministry of Health, Labor, and Welfare.

³¹ Interview with Endo, November 2017.

³² Interview with Endo, November 2017; Revise DV Law National Network, 2006, 9–36.

³³ Interview with Endo, November 2017.

³⁴ Interview with Endo, April 2016.

³⁵ The DV Project membership changed slightly over the course of the revision but the main participants were Chieko Nōno, LDP; Mieko Kamimoto, DPJ; Kanae Yamamoto, Komeito; Haruko Yoshikawa, Communist Party (CP); and, Mizuho Fukushima, Socialist Democratic Party (SDP). Revise DV Law National Network, 2006, 9–36.

³⁶ Interview with Endo, November 2017.

³⁷ Revise DV Law National Network, 2006, 9–36.

³⁸ Revise DV Law National Network, 2006, 55–59.

³⁹ Revise DV Law National Network, 2006, 9–36.

⁴⁰ Revise DV Law National Network, 2006, 55–59.

⁴¹ The bureaucrats who participated were: From the Cabinet Office: the coordinator and the assistant of the Promotion Department of DV Response, Gender Equality Bureau; from the Ministry of Health, Labor, and Welfare: the section manager, the assistant, and the specialist from the Family Welfare Section of the Employment Equality and Child Family Bureau; the manager from the Nurturing Environment Section; a staff member of the Child Care Section; the manager of the Protection Section of Society and Support Bureau; a staff member from the Nursing Care Insurance Section of the Senior Health Bureau; a staff member from the Insurance Section of the Insurance Bureau; from the Ministry of Justice: the officer from the Legal Affairs Office, Minister's Secretariat Secretary Section, Immigration Bureau of Civil Affairs; from the National Police Agency: the major from the Life Safety Planning Section of the Life Safety Bureau; from the Ministry of Internal Affairs and Communication: an officer from the Municipality Section of the Municipality Government Bureau; from the Ministry of Education, Culture, Sports, Science, and Technology: the section manager from the Gender Equality Learning Section of the Lifelong Learning Policy Bureau; the section manager and the research staffperson from the Youth Section of the Sports and Youth Bureau (Revise DV Law National Network, 2006, 72).

⁴² Interview with Endo, November 2017.

⁴³ Revise DV Law National Network, 2006, 71–128.

⁴⁴ Revise DV Law National Network, 2006, 39–44.

⁴⁵ Revise DV Law National Network, 2006, 9–36.

⁴⁶ Revise DV Law National Network, 2006, 9–36.

⁴⁷ Interview with Endo, November 2017.

⁴⁸ Revise DV Law National Network, 2006, 136–137.

⁴⁹ Revise DV Law National Network, 2006, 136–142.

⁵⁰ [National Shelter Network](#).

⁵¹ Interview with Endo, November 2017.

⁵² Ogawa, 2015, 163.

⁵³ Interview with Endo, November 2017.

- ⁵⁴ Revise DV Law National Network, 2006, 32-35.
- ⁵⁵ Revise DV Law National Network, 2006, 9-36.
- ⁵⁶ S. Laurel Weldon, *Protest, Policy, and the Problem of Violence against Women: A Cross-National Comparison* (Pittsburgh: University of Pittsburgh Press, 2002), 66.
- ⁵⁷ Weldon, 2002, 79-86.
- ⁵⁸ Mala Htun and S. Laurel Weldon, "The Civic Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005," *American Political Science Review* 106, 03 (August 2012): 564.
- ⁵⁹ Interview with Endo, November 2017.
- ⁶⁰ Interview with Endo, November 2017.
- ⁶¹ Lawrence Repeta, "Changing the Guard in the Provinces: A New Platform for Hard Times," in *Emerging Japanese Politics: New Tools for Citizen Participation* (Washington, DC: Japan Information Access Project, US-Japan Friendship Commission, 2001).
- ⁶² Ōtake, 2017, 227-231.
- ⁶³ Htun and Weldon, August 2012, 564.
- ⁶⁴ Karen Beckwith, *State, Academy, Discipline: Regendering Political Science*.
- ⁶⁵ Revise DV Law National Network, 2006, 9-36.
- ⁶⁶ Revise DV Law National Network, 2006, 11.
- ⁶⁷ Cabinet Office. The data on violence from spouse.
http://www.gender.go.jp/policy/no_violence/e-vaw/data/01.html
- ⁶⁸ Tamie Kaino. *DV Higaisha shien kara mietekitamonno - shien no genjo to kadai* [What's Wrong with Women's Support Services: Current Issues of Domestic Violence Laws in Japan] Japanese journal of International Society for Gender Studies. Vol. 15. 10-30. (2017)