

Involvement of the NGO Networks in the Process of Establishment and Revision of the Domestic Violence Prevention Law: A Comparative Study between Japan and South Korea

Tomoko Tsuchida

I. Subject Matter and Analytical Perspectives

This paper attempts to compare the processes by which Domestic Violence Prevention Laws (DV Prevention Laws, for short) were legislated in Japan and South Korea, with the focus here on the roles played by policy networks in the two countries. The DV Prevention Law of South Korea was established in 1997, that of Japan in 2001. The processes that led to the enactment of these laws in the two countries had one fresh feature in common. Unlike the existing policy-formulation process in each country, the legislative process for the new law was characterized by active involvement of citizen groups.

It has been the conventional wisdom that policy formation in Japan is often carried out behind the scenes either on bureaucratic initiative or under tripartite leadership of bureaucrats, interest groups, and Diet members lobbying for special interest groups¹. This was, however, not the case with the process of enacting the DV Prevention Law, in which concerned citizens and committed experts were involved to such an extent that it appears as if the enactment of the DV Prevention Law itself would have been impossible in the absence of their involvement. In the case of South Korea, too, which enacted its own DV Prevention Law in advance of Japan, citizen groups took the lead in the policy-formation process. In South Korea, the process of democratization and regime shift that unfolded in the late 1980s exerted far-reaching effects on both popular movements and the government, and this fact made possible the emergence of citizen-led policy networks. One factor that made enactment of the DV Prevention Law

¹ According to Michio Muramatsu, Mitsutoshi Itô, and Yutaka Tsujinaka, *Nihon no Seiji* (Politics in Japan; Yûhikaku, 1992), politics in Japan is usually analyzed with the use of one of the following models: one that emphasizes bureaucratic control; one that attaches importance to a combination of power elites, such as a triangle consisting of the Liberal Democratic Party, the bureaucracy, and business leaders; and one emphasizing the importance of pluralistic tendency that has grown prominent since the end of the 1960s. However, such a pluralistic model is often characterized by “patterned pluralism” (M. Muramatsu, et al., 1992; and M. Muramatsu and E. Kraus, “The Conservative Policy Line and the Development of Patterned Pluralism,” in K. Yamamura and Y. Yasuba, eds., *The Political Economy of Japan, vol. 1: The Domestic Transformation* [Stanford: Stanford University Press, 1987]), or by “bureaucratically encompassing pluralism” (Takashi Inoguchi, *Gendai Nihon Seijikeizai no Kôzu: Seifu to Shijô* [Contemporary Japanese Political Economy: Government and Market; Tôyôkeizai Shinpô-sha, 1983]), and thus fails to capture citizens as autonomous and important actors.

in Japan in 2001 possible was the government's perception of the need to pay heed to the trend of globalization, which prompted it to tap into citizen groups' talents and resources for use in policy formulation.

Among these investigation a book edited by Yôko Shôji, Aiko Hada, and Hiroko Hara titled *Domesutikku Baiorensu: Nihon Kankoku no Hikaku Kenkyû* (Domestic Violence: A Comparative Study on Japan and South Korea; Akashi Shoten 2003) is important as a comparison between the laws in Japan and South Korea. The book is a multifaceted study jointly undertaken by a team of binational authors of Japan and South Korea, including researchers, NGO leaders, and lawyers directly involved in outreach activities. Nonetheless, the book's analyses do not necessarily fully do justice to citizens' participation in the policy-formulation processes, which were a very salient feature common to the entire legislative processes for the DV Prevention Laws in the two countries. This paper, therefore, tries to compare the legislative processes in the two countries, looking into the similarities and/or differences in the ways in which citizen-encompassing policy networks of the two countries were involved in the processes, while also trying to lay bare the factors underlying such similarities and differences. This paper also tries to look into differences, if any, in the ways in which citizen groups in the two countries organize themselves and seek participation in the policy-formation processes and to take a fresh look at any such differences in reference to the two countries' social and political experiences in recent decades. What makes this paper different from existing studies is that, through the foregoing procedure, it tries to look into how it will be possible to formulate policies in such a way as to properly address the ever-diversifying political needs. Since this paper focuses its attention primarily on the policy-formulation process, its descriptions of the contents of the DV Prevention Law and the realities of DV in the two countries will be limited to the minimum extent necessary for maintaining the thread of discourse.

What is the significance of comparing between Japan and South Korea? The two countries are similar to each other in the sense that while ranking high in terms of the United Nations Development Program's HDI (Human Development Index, which is a measure of comparative development, calculated on the basis of life expectancy, education, and standard of living), they rank very low in terms of GEM (Gender Empowerment Measure, which measures the extent of women's advancement to positions of responsibility, calculated on the basis of the ratio of parliamentary seats held by women, the ratios of the posts of senior officials and managers and professional positions held by women, and estimated earned income). Even though the two countries are performing rather similarly on these counts, there is a subtle difference between the

two. While South Korea's standing in the GEM league table has been rapidly on the rise lately, reflecting the government's eagerness to improve the country's performance on this score, Japan's standing in the GEM league table has remained virtually unchanged². A second contrast between the two countries is that while South Korea had traditionally been closely watching the effects of Japan's efforts at implementing policies for women, while drawing lessons from advantages and shortcomings of institutional changes adopted by Japan, it was South Korea that took the lead in establishing the DV Prevention Law, with Japan drawing lessons from South Korea's experience. It should also be pointed out that Korean citizens took part in the process for enactment of the DV Prevention Law more actively and exerted greater influence on the process than their Japanese counterparts. Through comparing the legislative processes in these two countries, this paper attempts to look into what the legislative processes should be like in order to respond adequately to increasingly diversifying policy needs and what requirements they should satisfy in order to do so, thereby trying to identify prerequisites that must be satisfied before citizen-participation-type policy formation and implementation processes can begin to thrive in Japan in the years to come.

In the background of two phenomena that were seen in this case — the fact that women's human rights became part of the agenda, leading to a policy response, and the participation of citizens in the policy-making process — lied the initiatives of the United Nations, a change in the policy-making process, and a change in social movements.

II. The Process of Establishment of the DV Prevention Law in Japan and South Korea

First, let us trace chronologically the process leading to the establishment of the law in the two countries and clarify the features of each country.

1. Japan's DV Prevention Law

(1) The process of legislation

(a) The Working Group on Violence against Women in the Council for Gender Equality

² The UNDP's report for 2005 put Japan in 11th and South Korea in 28th place on the HDI list, while putting Japan in 43rd and South Korea in 59th place on the GEM list. South Korea's GEM score for 2005 represents a sharp improvement from the 90th place it occupied in 1995, whereas Japan's GEM score has been stagnant at around 40th place.

Japan's policies for gender equality have been promoted mainly under the national machinery set up in the Prime Minister's Office since 1975 (International Women's Year), with the involvement of networks of women NGOs and specialists. In 1997 a Council for Gender Equality (hereinafter referred to as the "Council") was established by law and was consulted with regard to the establishment of a Basic Law for a Gender-Equal Society. At the same time, the Working Group on Violence against Women (hereinafter, the "Working Group") was consulted on "the basic policy for preventing violence against women."

A first report, titled "Aiming for a society free of violence against women" was submitted to then-Prime Minister Keizo Obuchi in 1999. This report targeted violence across the board, and DV was dealt with as one form of violence, along with prostitution. It did not recommend specific policies but discussed the social context that allowed violence to occur and the social consciousness that was tolerant of violence, and it listed, as major "countermeasures," the need to grasp the real state of violence, to raise public awareness, and to identify organizations and specialists concerned, etc. The report merely encouraged appropriate management and further improvement of existing institutions and facilities but did not make specific recommendations. It concluded that "the promotion of comprehensive measures is expected," without referring to the need for new legislation for DV prevention.³

In response to this report, the government conducted its first nationwide survey on the reality of violence.⁴ The survey revealed that far more women were suffering from spousal violence than the government itself had suspected.⁵ Issues that had been hidden as family problems suddenly came to light.

Based on the survey results and a rapid change in public awareness, the Working Group continued its discussions. In 2000 the Council submitted a second report titled "Basic Measures Pertaining to Violence against Women" to then-Prime Minister Yoshiro Mori. This report included the wording "legislative preparations" in its

³ The first report of the Working Group on Violence against Women, the Council for Gender Equality, to the Prime Minister, "Josei ni taisuru Bōryoku no nai Shakai o Mezashite" (Aiming for a Society Free of Violence against Women), 1999.

⁴ Among private circles, the Research Study Group on "Violence from Spouses (Lovers)" led by Tamie Kaino conducted the first survey on the state of domestic violence in Japan in 1992.

⁵ A Survey on Violence between Men and Women conducted by the Prime Minister's Office in 1999. According to the survey, 4.6% of the respondents had "sustained life threatening violence," 4.0% had "sustained violence severe enough to warrant medical treatment," and 14.1% "sustained violence not severe enough to warrant medical treatment." In total, 22.7% of the female respondents had suffered from spousal violence. Over 90% of those who had "sustained life threatening violence" and over 80% of those who had "sustained violence severe enough to warrant medical treatment" said, "the police and public authorities should intervene." In fact, however, only 4.5% of the victims had consulted public authorities, and 40.9% (both men and women) "did not consult anybody."

conclusion, and issues such as sexual harassment and stalking, which the first report had hardly mentioned, were given much space.

During the process of establishing the law, there was strong opposition. The Ministry of Justice, the courts and some members of the Working Group displayed strong resistance during their discussions on the new legislation. During this time, women's organizations and women researchers exchanged information and worked together, making continued efforts to get discussion of new legislation incorporated into the report.⁶ Meanwhile, the U.N. Women's Conference 2000 in New York adopted its Outcome Document in June, requesting governments of the member states to prepare legislation on the prevention of violence against women. In addition to this movement, and influenced by this 2000 Conference, the final report submitted in July finally included a proposal for new legislation.

A close exchange of information and linkages were constantly held between the Working Group and the project team consisting of Diet members of different parties, which had been discussing this issue all along.

Next we shall provide a chronological outline of the activities of the project team of Diet members.

(b) The Project Team of Diet members⁷

In 1997 a research body on "coexistent society" was set up within the Upper House. It laid out as the agenda for its three-year research "Towards Creation of a Coexistence Society for Both Men and Women" and decided to address the DV problem in particular.

In April 2000 the Project Team on Violence against Women (hereinafter referred to as the Diet's Project Team), consisting of one representative from each party and parliamentary group, was established. It was confirmed at that time that DV was a cross-party issue related to women's human rights, which was also in the international spotlight and therefore an issue worthwhile for female members of the Upper House to tackle across party lines. The fact, however, was that little knowledge about DV had been accumulated among the Diet members. The project team held 30 sessions of

⁶ For instance, the Japan Accountability Caucus for the Beijing Conference, members of the caucus on violence, researchers, and Council members exchanged information by holding a meeting to report surveys from Taiwan and South Korea, and intensive discussions were made on the issues such as where the critical points were in the talks with the Ministry of Justice and courts, and how to break such impasses.

⁷ With regard to the activities of the project team of Diet members, see Chieko Nohno, Yoko Komiyama, Reiko Omori, Noriko Hayashi, *Shokai DV Boshiho* (Minute Explanation of the DV Prevention Law), 2001; Akiko Domoto, *Domoto Akiko no DV Shisaku Saizensen* (Forefront of Measures against DV by Akiko Domoto), 2003, Shinsuisha.

hearings and discussions in 2000 and 2001. They heard from relevant persons in various fields, including female counselors, women's consulting office directors, managers of private shelters, legal scholars, lawyers, ministries and agencies concerned, and victims. Much information was obtained in particular from specialists who were actually helping victims and from the victims themselves.

Regarding the above-mentioned opposition from the Ministry of Justice and the courts, the critical point of controversy was whether or not a restraining-order system should be introduced.⁸ It was in late February 2001 that the project team and ministries reached agreement on the outline of a bill, including restraining orders. In March 2001 the Diet members' team drafted the bill, which, after gaining approval of the political parties, was unanimously passed by the both Houses of the Diet and enacted in April of that year.

In the initial stages of drafting a bill for the DV Prevention Law, not only did bureaucrats, members of the Diet, and researchers other than those specialized in the field not know much about DV, but they also had little understanding of how the state of affairs regarding DV actually stood in Japan. In contrast, people directly involved in outreach activities in support of victims of DV, such as lawyers, NGO members, shelter operators, and counselors for DV victims, who had accumulated knowledge and first-hand experience about the issue, were keenly aware of the drawbacks of the existing institutional arrangements. Both the Working Group and the Diet Members' Project Team were flooded with requests, proposals, and draft laws submitted by NGOs and lawyers' groups, such as the National Network of Shelters for Women, the Japan Information Center for DV Prevention, the National Association of Crime Victims and Surviving Families, the National Liaison Council of Officers at Women's Counseling Centers, and the Japan Civil Liberties Union. The Working Group and the Diet Members' Project Team, for their part, were also eager to garner information from these groups and build their discussions based on such information. It is possible to conclude that it was primarily thanks to the infusions of information fed by the networks of NGOs and lawyers that the DV Prevention Law was brought into being⁹.

⁸ The restraining orders means measures to protect victims of domestic violence from offenders, such as an expulsion order for a violence-wielding husband, violation of which invokes criminal charges. The Justice Ministry's official position holds that this is a matter that extends over civil and criminal fields, and for that reason, does not fit well with the Japanese legal system, which differs from the English and American legal system. (Kaino, *Domesutikku Baiorensu*, p 171-172, Shinzansha, 2002; Domoto, *op.cit* p149-150).

⁹ Dômoto, *op. cit.*; and Kainô, *op. cit.*

The process of establishment of the DV prevention law in Japan was marked by coordination between the Working Group on Violence against Women in the Council for Gender Equality and the Diet members' project team in the Upper House on the basis of close exchange of information. One of the members of the Working Group routinely participated in discussions with the project team, providing expert information and facilitating coordination between the two bodies. Akiko Domoto, as a member of the project team, opened her own private study sessions with officers of women's counseling centers, lawyers, Hiroko Hara, who was a member of the Working Group, and researchers, such as Tamie Kaino, a specialist on the DV prevention law. The horizontal networks of these actors made information sharing and cooperation possible, adding to the momentum toward legislation. In discussions in the Working Group, agreement was reached that they would entrust lawmakers with drafting the legislation so that it might be promoted more promptly. They also agreed to identify key points to be considered for legislation and list them in the report, to support the project team indirectly. Although 80% of laws are drafted and introduced in the Diet by the cabinet in Japan, the DV prevention law is legislated by house members.¹⁰

This process, the indirect support of the Diet members' project team by Working Group was a rather unusual case.

(2) The Process of Revision

What were the salient features of the process by which the law was revised? Immediately following enactment of the original law organizations submitted written requests calling for its revision, and the first Revised DV Prevention Law was enacted in 2005. As the revised law was dubbed a piece of legislation born of "citizens' initiative" or "direct involvement of the parties concerned," citizens' involvement in getting the bill passed was far more intensive than in the process leading to enactment of the original law¹¹. The "National Network of Shelters for Women," which had been actively involved in enactment of the original law by organizing symposia and preparing a draft bill, took the initiative once again by launching in February 2003 a new network called the "Let's Revise the DV Prevention Law!—Women's National Network" (hereinafter "National Network") with the participation of several friendly organizations, groups of victims, and a large number of individuals. In the period from

¹⁰ Interview with Mari Osawa (who attended the Working Group on violence as a member of the Council for Gender Equality)

¹¹ Tamie Kaino, *DV Boshi-ho to korekarano Higaitojisha Shien* (DV Prevention Law and New Way of DV Victim Relief); Minelva Shobo, 2006

May 2003 to February 2004 it held a total of seven meetings for exchange of opinions with pertinent government ministries. Having no solidly defined structure, the National Network hardly deserved to be called an organization. It launched these meetings with government officials by issuing an announcement stating, “As a very loosely knit network, our purpose is to stage peaceful joint action, in which anybody is invited to join,” and “Why don’t you take part in a ‘meeting to exchange opinions’ with government ministries?” Each meeting that was announced through the Internet drew approximately 100 woman participants. The National Network’s lobbying activities, which were accompanied by presentation of materials explaining the problems that were not being properly addressed by the existing law plus a written request outlining a concrete proposal for an alternative law, moved government bureaucrats and members of the Diet Members’ Project Team to take action. In its self-assessment of this campaign for the revision of the law, the National Network ascribes the campaign’s success to two factors: For one thing, the network’s loosely defined structure made any participants feel free to express concrete opinions and, for another, the written request, which was compiled on the basis of experience in providing support for DV victims, was very specific and convincing with regard to reasons that they believed the existing law had to be revised¹².

As this network-based campaign had its effects felt around the country, it opened the way for revising the law in such a way as to considerably mitigate the difficulties faced by the parties concerned.

2. South Korea’s DV Prevention Law

(1) Development of the Korean women’s movement and policies regarding women¹³

Under the authoritarian regime that continued under Presidents Park Chung-hee, Chun Doo-hwan and Noh Tae-woo, only pro-government civic-movement organizations, called “peripheral official organs,” which were organized from the top level of government, were given favorable treatment and protection.¹⁴ Other organizations were placed under a registration system, with the aim of controlling them. Many of the

¹² DV Bôshihô o Kaiseishiyô Zenkoku Nettowâku (Let’s Revise the DV Prevention Law!—Women’s National Network), ed., *Joseitachi ga Kaeta DV-hô: Kokkai ga Tôjisha ni Mon o Hiraita 365-nichi* (The DV Prevention Law Revised by Women: A Record of the 365 Days When the Diet Opened Its Gate to the Parties Concerned; Shinshuisha, 2006).

¹³ Policies regarding women’s human rights are broadly imbedded in social policies in general. (Mari Osawa, *AjiaTaiheiyo no Josei Seisaku to Josei Gaku* (Gender Equal Policy and Gender Studies in the Asia-Pacific); Shinyo Sha, 1997. But here, policies directly targeted at women’s issues are simply called policies for women in view of the uniqueness of the status in which women have been placed.

¹⁴ Noriyo Isozaki, “South Korea.” Shinichi Shigetomi, ‘Asian States and NGO’, Akashi Shoten, 2001, Chapter 14.

organizations that maintained some degree of independence from the government were unregistered. Even under the military government, some measures for women were implemented, such as ratification of the Convention on the Elimination of All Forms of Discrimination against Women (1984) and enactment of the Equal Employment Act (1988), presumably because policies for the advancement of women's status were most appropriate and easiest to advertise the government's legitimacy, on top of the U.N actions and the impact of the international trend on the issue.¹⁵ It was in line with this move that the Women Policy Deliberation Committee and the Korean Women's Development Institute were established in 1983. In 1988 the Ministry of Political Affairs (II), responsible for the supervision of policy regarding women, was inaugurated.

Movements of unregistered organizations protesting the authoritarian regime and demanding democracy gradually grew. Giving in to the pressure of waves of pro-democracy campaigns, which were becoming more and more militant, President Chun Doo-hwan accepted a direct popular election system for the presidency and a constitutional amendment, after which ruling-party presidential candidate Noh Tae-woo was elected with his "Declaration of Democratization" in 1987. Active movements in this period were mostly united in campaigns against dictatorship in quest of democracy, with women's movements contained within them. It was primarily after the democratization that movements specializing in women's human rights emerged. Around the time of the Democratization Declaration, citizens' movements with alternative policy proposals seeking active intervention in policymaking and reform grew out of militant, confrontational movements demanding regime change. As for women's organizations, Josei Heiyukai and Alternative Culture was established in the 1980s, with female intellectuals playing a central role, and they shifted to a movement aimed at the advancement of women's status in the 1990s.¹⁶ Korea Women's Hotline (KWHL), which came to play a central role in the establishment of the DV prevention law, was launched in 1983 as an organization for counseling and support for victims.

A civilian government was inaugurated in 1993, following the election of Kim Young-sam to the presidency, and reform and the buildup of a democratic system started. In the hopes of showing a stance of reform, the Kim Young-sam government tried to make differences from the preceding governments and brought fresh personnel from the outside into the bureaucracy. Personnel from NGOs were chosen, as they were considered to have been outside the influence of the preceding government of Noh

¹⁵ Interview with the director of South Korean women's human rights center.

¹⁶ Interview with Fan Jonmi, Jung Chun-sook, and Kim Eun-kyoung.

Tae-woo. For example, opinion leaders from the Citizen's Coalition for Economic Justice were appointed to the Presidential Office.¹⁷

Kim Dae-jung, who was elected president from the opposition camp in 1998, had placed the advancement of women's status on his platform since his opposition days and made women-related policies an important pillar of his agenda, partly for the sake of showing the "freshness" of his democratic government. He replaced the Ministry of Political Affairs (II) with the Presidential Commission on Women's Affairs and assigned officers in charge of women's affairs to each of the major six ministries. In continuation from the predecessor government, the Kim Dae-jung government employed an open-style personnel policy and recruited personnel from the private sector as bureaucrats. NGO staff and scholars associated with relevant NGOs were appointed as some of six women's affairs officers, and at the rank of bureau directors and section chiefs.¹⁸ This was partly due to the fact that the Kim Young-sam and Kim Dae-jung administrations, which were commanding minority support in the Parliament, chose to ally with NGOs. Furthermore, it is pointed out by Hong Kyong-zun that as citizen groups became incorporated into important decision-making groups during the reigns of these two administrations, they began to develop closer ties with each other, and that, more importantly, during the period of the Kim Dae-jung administration, the Ministry of Finance & Economy, which had been functioning as the decisive veto point in the entire chain of decision-making, lost much of its influence, becoming peripheral. Taking advantage of these developments, citizen groups at the time managed to significantly improve their capabilities for drawing up policies and getting them implemented¹⁹.

After the democratization, a series of laws related to gender equality were established, such as the Framework Act on Women's Development (1995), the DV Prevention Acts (1997), the Act on the Punishment of Sexual Crimes and Protection of Victims Thereof (1994), and the Gender Discrimination Prevention and Relief Act (1999). In addition, the Presidential Commission on Women's Affairs was transformed into the Ministry of Gender Equality in 2001.²⁰ These events were precipitated by the

¹⁷ This open-style personnel system for bureaucrats is continuing to date, with posts in which reform of consciousness is considered difficult to be achieved by bureaucrats being made open to this system, such as those in the Ministry of Gender Equality and the director-general of the Employment Equality Bureau in the Ministry of Labor. The term of service is three years and not a few people from NGOs entered the government since the Kim Young-sam government. Interview with Kim Eun-kyoung.

¹⁸ Interview with Kim Eun-kyoung.

¹⁹ Hong Kyong-zun and Seong Ho-gung, "Policy-network Analysis of the Decision-making Structure for Social Welfare Policies: A Comparison between the Civilian Government and the People's Government" (in Korean), *The Journal for the Study of Social Welfare*, vol. 57, no. 4, 2005

²⁰ About the Ministry of Gender Equality: The Ministry of Gender Equality was enlarged and reorganized as the Ministry of Gender Equality and Family in 2005. Yet it still is a small agency in terms of budget and staff. The first and second minister at the Ministry of Gender Equality were female NGO

government's intention to publicize both at home and abroad its policies in response to new international trends and the successful campaigns of women's organizations that strategically capitalized on those trends.²¹

(2) Process for establishing the DV prevention Law²²

It was "Korea Women's Hot Line (KWHL)," an NGO aimed at providing relief to victims of DV, that took the leadership role in pressing for legislation for South Korea's DV prevention law.

KWHL was founded in 1983 as a national organization with the objective of relieving victims of DV. At the time of its establishment, prodemocracy movements were gaining momentum under the military regime, and this organization not only aided victims of DV but also was devoted to the democratization movement.

Around the time of the Democratization Declaration, it turned into a campaign exclusively for women, conducting South Korea's first ever fact-finding research that brought to public attention the realities of DV inflicted by husbands. In 1990 KWHL launched its campaign for enactment of a new law for the prevention of DV, in recognition of the need for such a law. A law specifically targeted at DV was needed, because the 1993 Act on the Punishment of Sexual Crimes and Protection of Victims was void of stipulations regarding DV. Although the drafters of the legislation had DV in mind when the law on sexual crimes was enacted, the persistent public perception that prevailed still held that such stipulations meant interference in issues within a family. Therefore, they had to be excluded in order to get this law passed. In 1994 the National Solidarity for Establishing the DV Prevention Law was formed to expand the movement. In the meantime, recognition gradually spread that DV was an issue to be treated as a social issue rather than a personal issue within the family, in the light of

leaders and the current (third) secretary is a female researcher. An interview with the second minister brought to light the merits and demerits of her having been an NGO leader before assuming office. While it was possible to realize an intended policy (the abolition of the patriarchal family registry system in 2005) on the strength of an unofficial network with NGOs, her ties with the NGOs were criticized for giving an appearance of "backroom deal." The NGO side is also expected to play a double role of cooperation and criticism, prompting both NGOs and the government to weigh the distance from each other in the present stage. (An interview with former minister, Ji Unhi).

²¹ Fan Jonmi, *Process of Development of Policies for Women in Korea*, p.115.

²² Regarding the process of legislation of this law, refer to Jung Chun-sook, "Katei Boryoku Higai Josei no tameno NGO Katsudou to Josei Undo"; Shôji Yôko, Hada Aiko and Hara Hiroko, *Domesutikku Baiorensu: Nihon Kankoku no Hikaku Kenkyû* (Domestic Violence: A Comparative Study on Japan and South Korea); Akashi Shoten 2003; KimKi Seon-mi, op.cit.; Kim • Songon, "Kateibouryoku Tokubetuho no Seisaku Kettei Katei ni Kansuru Kenkyu (*A Study on the Policy Decision on the Special Law on Family Violence*)"; Fan Jonmi, op. cit. Also interviews with Jung Chun-sook, Lee Chan-jin, Fan Jonmi, and Shin Hae-soo.

increasingly serious cases of DV highlighted to the public.

In 1996 KWHL set up a joint committee for drafting a bill. The committee, in which many scholars and activists in addition to lawyers and other legal experts were involved, drew up draft provisions and held public hearings to get opinions from people in a broad range of fields. Several public hearings were held, the draft was revised on the basis of these opinions, and requests were made to legislators to introduce the bill in the parliament. The KWHL drummed up public support for the law, making use of court battles and mass media, and pushed its campaign through multifaceted strategies. Moreover, timed to coincide with the National Assembly elections, it appealed to legislators. Amid the rising public mood for the legislation, all parties put enactment of the law for the prevention of DV on their platforms in the hopes of capturing votes.²³

Korea Women's Associations United (KWAU)²⁴, after having been active in building and sustaining nationwide solidarity to support KWHL for some time, established within itself in 1996 the Ad Hoc Committee for Legislation of a DV Prevention Law, as a means of further stepping up this solidarity effort. In the same year, the Ad Hoc Committee made overtures to citizen groups across the country and took the initiative in launching the "Headquarters of a National Movement for Enactment of the DV Prevention Law" (hereinafter referred to as the "National Movement Headquarters"). Almost all the citizen groups with progressive orientations, such as environmental organizations, religious organizations, and economic organizations, subscribed memberships in the National Movement Headquarters. The National Movement Headquarters established a subcommittee which, succeeding KWHL's efforts at drafting a bill, intensively carried out drafting work in cooperation with KWHL²⁵. The National Movement Headquarters also energetically carried out other forms of action to make possible early enactment of the law. For example, it launched various campaigns to arouse public opinion in support of passage of the proposed law, collected petitions for its enactment by staging an extensive nationwide petition campaign, and submitted the signed petitions to the Parliament through representatives elected from its own membership²⁶.

November 1997 saw the enactment of the DV Prevention Acts: the Special

²³ Interviews with Jung Chun-sook, and Lee Chan-jin.

²⁴ KWAU was established in 1987, with KWHL as one of its core member organizations.

²⁵ The secretariat of the National Movement Headquarters was placed within KWAU and staffed by members of KWHL. Nam Yung Insung, "A Study on the Influence Exerted by Women's Organizations in the Course of the Legislation of the Family Violence Prevention Law" (in Korean), an M.A. thesis submitted to Sung Kong Hoe University, 2002.

²⁶ The author's interviews with Kim Young, Jung Chun-sook, and Nam Yung Insung.

Act for the Punishment of DV and the Prevention of Domestic Violence and Victim Protection Act.

III. Comparison of the Processes of the Establishment of the DV Prevention Law in Japan and South Korea.

1. Common features

There are common features on important points in the processes of the legislation of the DV prevention laws in the two countries.

The first thing to be pointed out is the fact that in both cases the law got passed on the strength of influence exerted by NGOs and citizens of various types linked to NGOs through networks, as well as through the use of accumulated resources. It was not a closed process of policy formulation by limited actors, nor was it bureaucrat-led, nor was it a creation resulting from the government giving in to pressures of organizational actions of confrontation- and accusation-oriented movements. A new form of governance was produced, where various actors moderately cooperate in response to diverse problems.

In Japan, there was no knowledge about DV among bureaucrats, legislators, and researchers outside the field. Nor were the realities of DV grasped. In the field, on the other hand, knowledge and experience were broadly accumulated, and problems in the existing system were perceived by lawyers engaged in the relief of victims, NGOs, operators of shelters, and counselors for victims of DV. A large number of requests and proposals were sent in from NGOs and lawyers' groups to the Working Group and the project team. Information thus made available and the network of movements had a significant influence on the enactment of the DV prevention law.

As noted already, citizens became even more actively involved in the processes that led to the law's revisions.

In South Korea, leadership was consistently taken by KWHL, an NGO dedicated to victim relief, in the whole process from recognition of the issue, dissemination of information to the public, the forming of public opinion, to the drafting of the bill and its submission to the National Assembly. In the process of the establishment of this law, the role of the administration was small, limited to the formulation of the detailed regulations on enforcement of the law and other tasks. Political parties played a bridging role, as it were, for the passage of the bill by the National Assembly.

The second point in common was the two countries' stances in relation to the

international trend. In the Declaration on the Elimination of Violence against Women at the U.N. General Assembly in 1993 and the action guideline for the fourth World Conference on Women in 1995, it was stipulated that violence against women was a violation of human rights and a deterrent to the advancement of women's status and achievement of gender equality. The U.N. called on each government to work on measures to eliminate it. Such an international trend had an impact on the government and guaranteed the legitimacy of the movement. In the process of the movements in both countries, exchange of information between NGOs across national borders pushed the movements forward.

Thirdly, until surveys brought to citizens' eyes the realities of DV in both countries, DV was regarded as a private issue within the family, resulting in delays in formulating measures to cope with it and in inappropriate response by the police and courts. NGOs carried out advanced research, and the national and local governments followed through only at the prodding of NGOs. The publication of the results of the research, the media's reporting of cases of DV, and the international trend combined to bring about the recognition of DV as a crime and a human-rights issue that warranted a social response.²⁷

2. Differences between Japan and South Korea

Despite many points in common, differences between the two countries' processes of legislation were distinct, too.

(a) NGOs' characters and forms of activity.

In Japan, a national federation with strong leadership or unified movements are absent. The Japan Accountability Caucus for the Beijing Conference and the National Women Shelter Network are moderate network-typed organizations. Their activity is a new advocacy movement, including making full use of expertise for drafting a bill.

South Korean NGOs also focus on advocacy activity. NGO's structures and decision-making systems are sometimes solid and hierarchical.²⁸ Therefore it was possible to form a national federation for joint action and to promote an influential

²⁷ The first fact-finding survey in Japan in 1992 by the Kanagawa Women Center, a survey focusing on users of shelters. A fact-finding survey (conducted in 1992) by the 1995 Research Study Association on Violence by Husband (Lover), a summary. A 1997 fact-finding survey by the Tokyo Metropolitan government. Published by the media on a major scale in 1998. Publication in 2000 of the results of the 1999 nation-wide survey by the Prime Minister's Office. The establishment of the Working Group on violence in the advisory council and request for deliberations and recommendations were under the international impact and in line with a message handed over from the Anti-Prostitution Advisory Council which was rescinded on the inauguration of the Council of Gender Equality having a legal base. Shoji and others op.cit, Haniwa Natori interview).

²⁸ The system of the KWHL. Interview with Jung Chun-sook. Action policy of KWAU (Joren)

movement.

(b) International impact

The influence of the international impact on enactment of laws was relatively stronger in Japan than in South Korea. Difference existed also in the government's response. The Japanese government's posture can be described as one of reluctant acceptance, passively responding to the U.N.'s urging for legislation, partly prodded by NGOs' work. At the government level in South Korea, a proactive attitude was notable, as demonstrated in its becoming a cosponsor with Canada of the proposal for elimination of violence against women at the World Conference on Human Rights in Vienna.

(c) Formation of public opinion.

In Japan, the disclosure of the results of fact-finding surveys in the media changed the social concept of the issue, but there was no formation of forcible public opinion that placed pressure on the government. In South Korea, NGOs' use of the media is active and strategic. There are networks with NGOs in the media, and a relatively large number of people who aspire to realize social reform through speech respond to the movements. Such a strategy turned out to be successful in formulating powerful public opinion that pushed for the enactment of the law for the prevention of DV.

(d) Contents of law

Reflecting the strength of the Korean movement that worked for its enactment, the Korean DV Prevention Law takes a harsher attitude toward the assailants than does the Japanese law, by making it obligatory for a police officer, upon encountering a case of DV, to report on it and conduct a criminal investigation on the scene of the offense²⁹. Under the Japanese DV Prevention Law, police officers are only required to make sincere efforts to report on cases of DV. Moreover, the Japanese law in its original form was made applicable only to cases of physical violence between spouses that threatened the victim's life or bodily harm, but it was not made applicable to cases of mental or spiritual violence, despite the strong demand raised by women's groups. In contrast, the Korean law is applicable to cases of mental or spiritual violence. Moreover, its definition of family violence, namely, violence inflicted on relatives sharing the same house, is broad enough to include abuse or assault inflicted on children and persons of advanced age, while the Japanese law in its original form perceived DV narrowly as

²⁹ Even so, the Korean law still fails to meet the needs in the field. NGOs have been continuously asking for revisions of the law on the grounds that a considerable number of suspected offenders end up not being indicted, because the law's provisions on the penalties to be imposed on offenders are less effective than they should be and that the law also fails to provide for adequate preventive measures against repeat offenses. author's interviews with Park Dong-heuk, Lee Ho-jong, and Jung Chun-sook.

violence between spouses. The Japanese law was not applicable to cases of violence inflicted by one's former spouse or lover, either, despite strong demand raised from the field. Nor did it make victims of child abuse eligible for protection on their own, despite strong urging by knowledgeable people. The very fact that the Japanese law had a supplementary provision that called for a reappraisal of its efficacy three years after its enactment suggests that the law made its debut on a trial-and-error basis³⁰.

It was not until after two revisions were made to the Japanese DV Prevention Law, in 2005 and 2007, that most of the demands made by the victims of violence and NGOs active in the field were met. Some of the important revisions were as follows:

- Former spouses were made eligible to seek restraining orders.
- The definition of violence was expanded by the first revision to include spiritual violence, and the second revision made victims of spiritual violence eligible to seek restraining orders.
- Assaulted victims' families, including children, were made eligible to seek restraining orders.
- The national and local governments were held responsible for supporting victims to become financially independent, although falling somewhat short in the area of concrete support programs.

In Korea, Major changes made under the revised law include a revision on the penalties to be imposed on offenders and a new provision on emergency restraining orders. The law's stated objective of "nurturing healthy families," which the victims and their support groups found most problematic, because this had been regarded as one of the factors explaining why many suspected offenders were not indicted, was deleted and replaced by a new objective of "protection of and support for victims."

It seems possible to conclude that in both countries strong demands raised from the field were met to some extent.

3. Background to differences

In the background of the above-stated differences between the two countries are situations as follows.

(a) "Compressed Economic Development"

Both Japan and South Korea are countries that have achieved economic development in a shorter period than Western countries. But South Korea experienced even shorter, "compressed economic development." This fact seems to be important in understanding

³⁰ The discussion about the law's revision actually began to take place two years after the law went into force

the dual features of South Korean NGOs. In terms of their behavior patterns, with their strong leaning toward making policy proposals, they are characterized as part of a “new social movement,”³¹ but in terms of their solid organizational structure and their tendency to stage national campaigns with like-minded organizations, they retain the characteristics of a “traditional social movement.”³²

According to research by Tsujinaka and others, the number of organizations in South Korea increased sharply during 1981-2001, with the percentage of economic organizations plummeting to 13% from 70%, while that of “other” organizations, including miscellaneous ones, shot up tenfold. After the democratization, economic organizations and labor organizations failed to grow enough. Instead, NGOs and other advocacy groups gained major positions.³³ The reason citizens’ groups grew robust, while economic and labor organizations failed to grow into strong pressure groups, can be considered to be a jump to a value-oriented, public-benefit-type demand skipping the materialistic demand (“goods-snatching ideology” struggle) usually seen in the former type of organizations.³⁴

In Japan, economic organizations and labor organizations continue to dominate, leaving the growth of citizens’ groups stunted. NGOs of policy-proposal type came to be seen in large numbers around 1990, as they were organized with international conferences working as a catalyst. Organizations centered on specialists and organizations with strong association with specialists are prominent in their activity and high policy-formulating capability, drawing a line with past movements with behavioral pattern based on accusations and petitions.

(b) Policy, bureaucracy and political parties.

Japan has a parliamentary Cabinet system. Also, as it was said in the past that

³¹ The concept “new social movement” was coined and used by Alain Touraine, Claus Offe and other political sociologists to mean those social movements that have emerged since the late 1960s, attach importance to civic life instead of class struggle, and strive to expand the public sphere through networking. Refer to Hasegawa Kôichi, *Kankyô Undô to Atarashii Kôkyôken: Kankyô Shakaigaku no Pâsupekutibu* (Environmental Movements and a New Public Sphere: The Perspectives of Environmental Sociology); Yûhikaku, 2003.

³² Lim Heon-jin and Kong Seok-ki, “South Korean Society and the New Social Movement: An Organizational Analysis of the Movement” (in Korean), Institute of Social Sciences, Seoul National University, *Korean Social Sciences*, vol. 19, no. 2; and Kim Yeongho, *Gendai Kankoku no Shakai Undô: Minshuka-go Reisen-go no Tenkai* (Social Movements in Present-day South Korea: Their Development in the Post-Democratization and Post-Cold-War Era; Shakai Hyôronsha, 2001).

³³ Yutaka Tsujinaka and Yoem Jaeho, eds., *Gendai Kankoku no Shimin Shakai Rieki Dantai* (Civic Society and Interest Groups in Contemporary South Korea; Bokutaku-sha, 2004).

³⁴ Public interest groups with idealistic and value-oriented purposes, not materialistic purposes, characterize the “new social movement” (Hasegawa, op. cit) or “public interest movement” (Kubo, Fumiaki; *Gendai Amerika Seiji to Kôkyô Rieki: Kankôhogo o Meguru Seiji Katei (Public Interest in Contemporary American Politics: The Political Process of Environmental Protection)*; University of Tokyo Press, 1997).

policymaking has been led by bureaucrats, the power of bureaucrats is strong. In Japan, 80% of the laws are drafted and introduced in the Diet by the cabinet and lawmaker-initiated legislation is few. In recent years, however, the number of lawmaker-initiated legislation is increasing, as exemplified by the stalker law, the law for the prevention of child abuse and the law for the prevention of DV.

As for political parties, at least until recently, it was hard to make these issues effective material for policy debates at the time of elections. The reasons appear to be that the time period from the announcement of elections to balloting is short,³⁵ political reporting is focused on the political situation rather than policies, there was one-party rule by the LDP before 1990, and that opposition parties seemed to “oppose anything for the moment,” while the ruling party seemed to never fail to win the election. In that context, policy debate had not been attractive for years, and citizens did not have much confidence in policy debate among political parties.³⁶

In contrast, South Korea has a presidential system. Bureaucrats’ influence over legislation is usually weak, but those in the upper echelon are political appointees with a short tenure, and they exert influence over policymaking and implementation in some cases. Policy debates among political parties at the time of general elections have a major impact on election results. For citizens’ groups at such a time, therefore, it represents an opportunity to most effectively achieve objectives of the movements by approaching candidates.³⁷

(c) Political culture

In Japan, the participant political culture is weak,³⁸ and the political efficacy in

³⁵ Japan, 15 days for the House of Representatives and 17 days for the House of Councilors; South Korea, 23 days for president and 17 days for members of the parliament.

³⁶ In recent years, however, political parties have come to post their concrete platforms as election pledges in what they call “Manifesto”, with public office election law revised to make distribution in documents possible. Also, important issues such as the amendment of the constitution and the Yasukuni Shrine visits that concern diplomacy in a significant way have burst out, tending to evolve into points of contention in elections from the side of people’s interest and political parties’ positions and policies.

³⁷ Lee Chan-jin Interviews.

³⁸ Making use of the cultural typology proposed by Almond and Verba (Gabriel A. Almond and Sidney Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations*, Princeton, N.J.: Princeton University Press, 1963), Kubo explains a “The Participant Political Culture” as one in which citizens are willing to actively engage in politics, many of them like-minded advocacy organizations and become their active members, and they frequently stage protest actions when dissatisfied with politics. Refer to Kubo, op. cit. Yoshitaka Nishizawa noted a political attitude of Japanese people. High percentages of citizen’s “unwilling” to involve themselves in these political action (with 45.1% wanting no part in volunteer activities, 71.9% wishing to stay away from rallies and demonstrations, 61.1% not willing to consult with public offices, and 71.5% having aversions to writing to or calling elected officials). Refer to Nishizawa, “Seiji Sanka no Nijūkōzō to ‘Kakawaritakunai’ Ishiki” (The Dual Structure of Political Participation and the Willingness to Stay away from Political Actions), *Dōshisha Hōgaku* (Doshisha University Law Review), no. 296, 2004.

the broad meaning that one's own action could change society is feeble. Therefore, it cannot be said that citizens' movements to positively intervene in policies are generally activated. With regard to policies concerning women's human rights, including the law for the prevention of DV, however, women's involvement was sought from the beginning in the absence of resources on the administrative side. These women gradually strengthened their political efficacy, presumably helped by the push of international information networks and international trends.³⁹ However, compared with their South Korean counterparts, Japanese citizens have not so strong ability to arouse public opinion and mobilize the media in support of their own cause⁴⁰. This explains why in the processing of enactment of the DV Prevention Law of 2001, citizens groups failed to push some of their important contentions, including the demand that former spouses and lovers be made eligible to seek restraining orders, into law⁴¹.

As pointed out already, the law had to be revised twice before former spouses suffering from DV were made eligible to seek restraining orders and children and other family members were made eligible to seek no-contact orders.

South Korea has political culture of strong participatory type and has self-confidence of having won democratization by people's own action under severe circumstances. For this reason, citizens have a sharp political efficacy in various fields.

(c) Strength of human ties in various sectors

Personal connections based on territorial affinities, blood ties, and schooling are not strong in Japan. Moreover, some observers note that the channels for lobbying of politicians have grown diffuse and blurred, especially during the "era of turbulent changes of governments" of the 1990s, when monopoly control by the Liberal Democratic Party (LDP) collapsed, followed by frequent changes of governments, including the formation of coalition governments⁴².

Compared with Japan, South Korea is strong in personal connections based on region, blood, and school,⁴³ and such bonds show their power in making petitions to the

³⁹ Interviews with members of the Council of Gender Equality that are collected in Naita, op. cit. reveal how they became confident in their ability to influence political processes.

⁴⁰ Aiko Hada and Hara Hiroko, in Shôji et al., eds., op. cit.

⁴¹ Kainô, op. cit.

⁴² Nobuhiro Hiwatari, "Joshô" (Introductory Chapter), in the Institute of Social Science, University of Tokyo, ed., *"Ushinawareta Jûnen" wo Koete*, 2 (Beyond the Lost Decade, vol. 2; University of Tokyo Press, 2006) and the author's interview with Hiwatari.

⁴³ Tamio Hattori, in describing the strong personal connections in South Korea, referred to the strength of human bonding in South Korea in forming extensive "networks of human relationships" as an indispensable basis supporting the country's economic growth. Refer to Tamio Hattori, *Kaihatsu no Keizai Shakaigaku: Kankoku no Keizai Hatten to Shakai Hen'yô* (Economic Sociology of Development: Economic Development and Social Transformation in South Korea; Bunshindô, 2005); and the author's interview with Hiroko Hara .

government. In addition to having been a society with such strong ties, the group of people who fought together for democracy are widespread and forming a network on the movement side, elites such as members of the parliament and industrial circles, and the media. This makes it easy to approach members of the parliament, for instance, in hopes of pushing demands from the movement side and getting them accepted.⁴⁴

Most important among the foregoing differences between the two countries' DV Prevention Laws and between factors underlying these laws is the difference between the characters of NGOs in the two countries, summarized in the first row of Table 1, or the differences in influence wielded by the social movements in the two countries, summarized in the first row of Table 2. And the South Korean social movement's strong influence is underpinned by the fact that, as summed up in the third row of Table 2, the citizens, having successfully accomplished the country's democratization, are confident in their own capabilities and deeply conscious of the political efficacy of people's direct action. On top that, the South Korean social movement's dual feature of a combination of the characteristics of a traditional movement with its capability to launch united national campaigns, on the one hand, and the characteristics of a new movement capable of proposing alternative policies by working jointly with experts on the other, proved effective in attaining the objective of establishing the DV Prevention Law. The two countries' policy-formulation processes were basically similar in the sense that both had the participation of citizens. Nonetheless, the different levels of influence at the disposal of the two countries' citizen movements, which derived from the different historical experiences of the two countries, brought about a significant difference between the two countries' policy-formulation processes, as well as between the laws that were produced through these processes. It is worth noting, however, that citizen groups in Japan managed to intervene in the process for revision of the DV Prevention Law by organizing a national movement, even if on the basis of a very loosely knit network, and by systematically carrying out lobbying activities. And this effort, as pointed out earlier, proved successful in turning many of the citizen groups' demands into reality.

IV. Conclusion

The two countries' characteristics as analyzed above can be put into perspective of the times as follows.

⁴⁴ Interviews with Jung Chun-sook and Fan Jonmi

1. South Korea

South Korea's characteristics observed in the process of the legislation of the law for the prevention of DV emerged where two backgrounds merged—international trends and the way South Korea's regime transformation took place.

In the background where NGOs with public interest purposes formed a network in taking policy initiatives was an era in which new issues such as environment and human rights for women emerged across national borders and many countries, particularly industrialized countries, moved in response. Also the process of the legislation of the law for the prevention of DV in South Korea was development in line with the international current of a pronounced tendency of increased influence of citizens' networks, in place of limited actors in closed circles.

Internally, the fact that citizens took the lead in achieving the country's democratization has been of vital importance, as pointed out several times in the foregoing discussion. It is also important to keep in mind that during the reign of the military government, political parties had remained unreceptive to people's needs, while the bureaucracies remained powerless⁴⁵. In the course of the regime change, those organizations that served as the mainstay for the democratization movement and were free from the influence of the military regime became highly respected as a new driving force for democratic reform. As pointed out earlier, the willingness on the part of the Kim Young-sam government and the successive civilian governments to highlight the difference between themselves and the military governments was an important factor explaining why many NGO staff members were recruited to fill bureaucratic posts⁴⁶. Also important to note is that the new civilian governments, having been not necessarily successful in organizing stable bases of support within the Parliament and the bureaucracies, turned to citizen groups as their new allies, encouraging them to participate in the policymaking processes. And this had the effect of energizing the citizen groups⁴⁷.

Apparently it was synergies between a set of factors endogenous to the South Korean political situation and a new trend of Western origin, which called for greater citizen participation in the policy-formulation process that made the citizen movement in South Korea far more energetic and influential than that in Japan. Consequently, the DV Prevention Law in South Korea was enacted mostly in line with the principles held by the movement. In succession to the enactment of the DV Prevention Law, a series of

⁴⁵ Isozaki, *op. cit.*

⁴⁶ The author's interview with Kim Eun-kyoung.

⁴⁷ The author's interview with Lee Ho-jong; and Isozaki, *op. cit.*

effective legal and institutional arrangements for greater gender equality were adopted or implemented: In 1999 the Equal Employment Opportunity Law was revised in such a manner that even indirect forms of employment discrimination against women were declared illegal. In 2000 a quota system was introduced for membership in the National Assembly. In 2003 the Law for Educational Civil Servants was revised to introduce a quota system designed to increase the percentage of female university faculty members. It must be tempting for the government to trot out its women's policies as a convenient means of establishing its own legitimacy in the eyes of the international community. But there is more to women's policies than this. It looks as if both the government and women of South Korea are working hand in hand in a strategic and forward-looking manner, determined to figure out what should be their places in the world in the years to come, when the process of globalization will have unfolded still further.

2. Japan

The environment surrounding policy formation is changing in much the same way in Japan and South Korea. Japan has not experienced any regime change similar to the one that occurred in South Korea. It must be pointed out, however, that as the LDP's pork-barrel politics and its one-party domination were shaken in the wake of the "turbulent years of changes of governments" in the 1990s, several laws were enacted in a manner conducive to the betterment of the framework for civil society⁴⁸. Furthermore, as already pointed out, several citizen groups armed with expertise and an international perspective made their appearance during this same period.

However, Japan had a long history of catch-up modernization, with bureaucrats dictating the process from the top down by maintaining control over information, expertise, and skills. Given the deep-seated political climate characterized by the monopolization of the *kô* (the public) by the *kan* (the government or the authorities)⁴⁹, it was not until the 1990s that the government began to look at citizens' movements as repositories of resourceful people with talent to be tapped for use in policy formulation. When the government was faced with an unprecedented combination of serious problems during the 1990s, including the onset of harsh global competition, a relentless

⁴⁸ Kôichi Nakano asserts that the administrative reforms during this period were supplied with an additional objective, which might be called the "objective of democratically controlling the governance system." Refer to Nakano, "Gyôsei Kaikaku" (Administrative Reforms), Nobuhiro Hiwatari and Mari Miura, eds., *Ryûdôki no Nihon Seiji* (Japanese Politics in a Transitional Era.; University of Tokyo Press, 2002).

⁴⁹ Taturô Hanada, "Paburikkunarumono" (What is Public), in the Institute of Socio-Information and Communication Studies, University of Tokyo, ed., *Shakai Jôhôgaku, II: Media* (University of Tokyo Press, 1999).

economic recession, and the aging of the population accompanied by a declining birth rate, it began to pay attention to NGOs as a possible source of talented people who could help it through such difficult times. It was against the backdrop of these developments that the government began to emphasize the importance of tapping the abilities of women. And yet, having grown so accustomed to the practice of placing importance on “public policy implemented from the top down” over the years, Japanese society still remains captive to the inertia of this practice, notwithstanding the insistent call for doing away such old habits. Given this state of affairs, it seems rather difficult to expect that social movements similar to those in South Korea will emerge in Japan in the near future and start wielding strong influence in organizing nationwide united campaigns. It is still possible, however, to start challenging the authorities’ monopoly control over the public sphere, in much the same way as the campaigns for the enactment of the DV Prevention Law essentially transformed the closed arena of policy formulation into an open system readily accessible through networking⁵⁰. The process of the DV Prevention Law’s enactment also demonstrated that carrying out lobbying activities on the basis of very loose cooperation among different groups is likely to be an effective means of addressing some issues in Japan.

Citizen-led policy networks similar to those that emerged in both Japan and South Korea during the processes of the enactment of their respective DV prevention laws are likely to become far more important in the future. This seems inevitable not only because new policy agendas adapted to these networks are likely to increase as a percentage of all policy agendas, but even in the existing policy areas there are a growing number of instances in which several different policy agendas are implemented in close combination with one another, with the result that new agendas which recognize no boundaries are on the increase. There seems no denying that closer cooperation between networks participated in by diverse citizens and other actors, on the one hand, and government offices of various levels, on the other, is likely to develop into an important and viable means of facilitating the policymaking processes in a

⁵⁰ Citizen-led policy networks have been also active in the enactment of a number of other laws, including the Basic Law for a Gender-Equal Society, the Law for the Promotion of Renewable Energy, and the Law for Humane Treatment and Management of Animals. Refer to Tomoko Tsuchida, “Nihon no Jendâ Byôdô Seisaku to Seisaku Nettowâku” (Policies for Gender Equality and Policy Networks in Japan), *Kuni, Jichitai no Jendâ Byôdô Seisaku* (The National and Local Governments’ Policies for Gender Equality), the 21st Century Center of Excellence Program at Ochanomizu University, F-GES Publication Series 3, 2004.; and Yoshikuni Ono, “NPO to Seisaku Katei: Kôkyô Rieki Shûdan to Isshû Nettowâku” (NPO and Policy Processes: Public Interest Groups and Issue Networks), *Kokka Gakkai Zasshi* (Journal of the Association of Political and Social Sciences), no. 115, 2002. Moreover, through their involvement in the process for the two revisions of the DV Prevention Law, citizens’ networks have grown much more influential. Refer to DV-hô o Kaiseishiyô Zenkoku Nettowâku, ed., op. cit.

considerably wide range of areas.