Intimate Partner Violence and the Social Justice - making sense of “intersectionality” in East Asia

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This paper aims to assess the conflicts and transformation that have appeared on the level of ideology by focusing on the location of intimacy in social policy discourse and on relations between gender and sexualities. Even the new social risk discourse that underlines the significance of balancing work and family does not straightforwardly refers to risks in the private sphere, leaving intimate violence risks unquestioned. The discussion will be started by examining the limits of mainstream approaches such as economic approach in considering social policy response to domestic violence. It will be explored why any policy response and prevention should (or should not) be made to the violence in private life sphere, how the intersectionality can be applied to policy debates concerning domestic violence in Japanese and other societies in East Asia. Whereas it is significant to mainstream gender perspectives in social policy, sexuality and ethnicity tend to be left outside the scope of gender-focused policy against domestic violence. As a consequence, anti-DV social policy may fail to be help and remedies for DV problems in minority communities. It will be argued that by incorporating the concept of intersectionality into policy debates the current anti-DV social policy will become more inclusive and useful for citizens with diverse variety of identities.

Defining the domestic violence

It is only in the recent decades when violence in private human relationships began to be identified as part of the social problems to be targeted by social policy in Japan and other East Asian societies. While domestic violence has been a family problem for generations, it did not become a recognized social problem in the USA until the 1970s and a decade later in South Korea (Postmus and Hahn 2007: 771). In these societies feminist movements contributed to the discovery of domestic violence as social
problem (ibid.). In Japan in the mid 1970s women’s movement took initiatives for establishing emergency shelters for battered women, and in the late 1980s grass-roots women’s organizations were influential in addressing sexual harassment in the workplace: in 1989 the first sexual harassment lawsuit was started (see Yoshihama 2002: 347).

As to the legal sanctions against intimate partner violence in Japan, the Law for the Prevention of Spousal Violence and the Protection of Victims came into force in 2001 and was amended in 2004 and 2008. The main points of the second amendment are: to require municipalities to make a plan for DV prevention and victims protection and to properly function with a local DV center for helping victims, including function as temporary shelter in case of emergency; to add concrete threats and misbehaviors such as phone-calling or emailing to victim within the scope of protection order; to extend the protection order to relatives of victims. Despite substantial improvement this law has much been criticized by experts and scholars from the very beginning because of its narrow definition of domestic violence: literally the law refers to nothing but the violence between spouses, excluding other intimate partner violence. There is very little attention to broader risks of violence in family and intimate relationships.

Prior to this legislation, on the other hand, in 2000 the Council on Gender Equality under supervision of Japanese Cabinet Office regarded the violence against women to be a structural problem rooted in attitudes of discrimination against women (Yoshihama op.cit.: 356). This viewpoint was in accordance with the definition of 1993 by United Nations. There are different positions on defining the domestic violence between different divisions of the Japanese Government. Although the political pressure from international community such as the United Nations has been to some extent meaningful to influence Japanese decisions makers, the law-making process is often affected by domestic political climate and by gender-biased attitude of legislative officialdom.

In contrast, interestingly, in China domestic violence has tended to include violence and abuse of other family members than women, specifically children and the elderly, whereas in the United Kingdom the term domestic violence is generally used but has also been questioned because the words themselves do not adequately reflect the gendered nature or intimate relations involved (Hester 2004: 1435).
The ideological background of policy response to violence

It is taken for granted that natural disasters and political violence receive broad attention as issues of humanitarian aid (see e.g. Beristain 1999). By contrast, violence occurring in family and intimate human relationships does not necessarily gain social attention and remedies too easily. It seems rather mysterious to divide political violence and the intimate partner violence, even though both of these consist of similar components of dehumanization, degradation of dignity, aggression, terror, and so on. Another distinctive border is often drawn between family problems and social problems, and once a problem is identified to belong to the category of family problems it tends to be left outside the scope of social problems. This represents the idea of families in that a family matter is to be coped with by the family but does not deserve social attention.

One of the recent mainstream trend of social policy focuses on “reconciling work and family life”, and this can be regarded as attempt to bridge the divided two worlds of work and family life. This approach has much been discussed in connection with the new social risks discourse. According to Giuliano Bonoli, the “new social risks” are related to the socioeconomic transformations that have brought post-industrial societies into existence: the tertiarization of employment and the massive entry of women into the labour force. The new social risks occur in “reconciling work and family life”, “single parenthood”, “having a frail relative”, “possessing low or obsolete skills” and “insufficient social security coverage.” (Bonoli 2006 [2005]: 389-391) However, this approach does not provide analytical tools for exploring the risks of domestic violence in family life, although risks of divorce and separation leading to single parenthood are taken into consideration. Potential reasons behind single parenthood seem to be skipped without detailed investigation. Moreover, the family in this mainstream approach is thought to be heterosexual, at least special attention is not paid to variety of sexualities in relation to families.

Why then should we have policy interventions and prevention against domestic violence, and how can policies and strategies be developed for better securing a safe life free from fear or threat of domestic/interpersonal violence? In many societies the domestic violence is already regarded as social problem. However, social policy tends to have reactions to aftermath of domestic
violence, whereas general focus in social policy has been shifting to preventive strategies such as those seen in the field of child welfare and child protection. In Japan the governmental policy response to domestic violence is based mainly on some survey studies conducted by the Japanese Government on the situation of domestic violence that endorse the existence of violence between men and women (see Sôrifu Danjo kyôdô sankaku-shitsu 1999, Naikakufu Danjo kyôdô sankaku-shitsu 2002, 2006). These surveys usually demonstrate there are a good number of cases of intimate partner violence, implying the needs of social and legal remedies for the harms and damages caused by the violence because of its prevalence. In fact, some recent studies report adverse health effects by intimate partner violence (see Miller et al. 2007; Thomas et al. 2008).

On the other hand, does the awareness of prevalence of intimate partner violence itself provide a sufficiently firm ground for policy response to intimate partner violence? The intimate partner violence can be identified as such a phenomenon that has broadly been experienced in the society, and this universality of the violence in intimate human relationships helps increase the public attention to this problem. It is important to improve the social supports for victims, their families and friends, as in social context like Japanese it is the victims rather than batterers who are very likely to leave home in order to escape from threat to life. Often the victims who left home live in shelter temporarily and try to look for a new place to live and a new job for earning livelihood. It is essential to secure material resources for supporting victims to have a new life started safely and to provide necessary health care services for victims’ sound resilience. However, these supports concentrate to treat symptoms - after someone is damaged - rather than attempt to elevate the intolerance to intimate partner violence. The latter challenge requires not only the information on damages by intimate partner violence but also the deeper understanding on the social making of the violence, that is to say, on the question about what makes someone violent to others.

The restorative social policy response to victims of spousal violence has been developed only at a slow pace, and not a few victims face dual hardships in being abused and battered and in seeking other’s help and support. Victim blaming is still rather a common phenomenon in Japan on the levels of peers, neighbours, local residents, care staff, police stations, legal professionals. For instance, Kana Takamatsu points to that in the Japanese criminal justice
system the fundamental ideology of considering women as legally disabled has not changed, and that women are still considered as people without agency and objects to be sympathized with by the criminal justice system (Takamatsu 2004: 274). This fact unveils prevalence of strong ideological biases of gender stereotypes and the absence of basic understanding on the intimate partner violence in which gender inequality is deeply rooted.

**Mainstreaming strategies**

On the one hand, prevalence of social risks can be identified in the term of the “social-risks-mainstreaming” that refers to universalist approach to social risks: social problems concern not only marginal groups in socially disadvantaged positions but also ordinary citizens who have been filled with anxiety about losing what they have. Under influence of global economy increasing attention is being drawn to the question about how to pursue balance between family life and work. In reality, it is no longer self-evident for anyone to get a full-time permanent job even in Japan where lifetime employment has often been regarded as established social practice for decades.

Moreover, individualization advances in private life sphere too. It is no easy to withdraw from expectations for modern ordinary life with full employment and stable family life, while facing in daily life many diverse sources for uncertainty and insecurity simultaneously life (see e.g. Beck and Beck-Gernsheim 2002; Bauman 2002). Such ambivalent phases of modernity, i.e., the first phase of modernity and the second phase co-existing, is a generator of risk society. Risk society discourse has developed among sociologists in the West, and often the focus has been placed on the sociological concern about consequences of late modernity or the second modernity (Beck 2000: 73).

The universalist approach to social risks contributes to increasing public attention to prevalence of social risks and to enlargement of the scope of welfare policy as social risks are freed from stigma nor any more such matters with small part of population as social minorities and marginal groups used to exclusively be clients with typical profiles of deviance to be targeted by traditional social welfare policy. It could be noted that social welfare policy has become a well-being policy as such enlargement has advanced. Still, this transformation accompanies problems with shifting focus from marginal groups to mainstream. In such settings where economic and social resources
face strict limits either due to economic and financial crisis or to political preference, that is, ideological reason, the increasing public attention to needs of mainstream groups can end up with relative reduction of resources for and attention to marginal groups.

In this connection it is useful to remember the development of American domestic violence policies. As Diane W. Purvin aptly summarizes, in the 1970s feminist activists placed domestic violence as the national agenda, and domestic violence was presented as a universal problem potentially affecting all women. This countered the notions on domestic violence that prevailed earlier as a pathological condition afflicting socially marginalized groups. (Purvin 2007: 190) The universalist approach that strived to win the support of mainstream society and secure government resources did not however meet the experiences and needs of especially vulnerable abused women, those marginalized by their race, ethnicity, and/or social class (ibid.). The “third way” is to enhance the understanding on intersectionality, as soon discussed, as more adequate theoretical framework for not dismissing the marginal groups while simultaneously maintaining the public support for reinforcing political and socioeconomic resources. Currently Japan seems to be in ambivalence between the classic notions of domestic violence and the universalist strategy of gender-equality policy towards mainstreaming.

Possibilities of intersectionality approach
The power relations in political economy of welfare state frame the scope of public debates on social risks. The vulnerable groups often remain vulnerable and even invisible, and substantial change for improving their living conditions does not promptly occur due to their societal distance to the mainstream groups who hold the most influence over decision-making and formation of public discourses on social problems. Different discourses are competing in gaining the hegemony in order to become dominant over other discourses (see e.g. Campbell and Pedersen 2001: 8-9).

In competitions of different inequalities the voices of those who belong to more or less marginal groups rather than the mainstream are heard only limitedly. As economic depressions cause different degrees of damages to different groups of citizens, the socioeconomic transformations have different impacts on different groups of citizens in a society. It is just like great earthquakes damage and harm citizen’s life largely but differently: personal
recourses for recovering from damages are different. Therefore, it is meaningful to account for the concept of intersectionality for taking a closer look at challenges to proper social policy implementations.

Kimberlé William Crenshaw analyzed the concept of intersectionality in detail in exploring the boundaries of social identities and the interaction of the multiple axes of inequalities marked by race/ethnicity, gender, sexuality and class in American society. Crenshaw critically examined the identity politics that generated feminist and racial liberation movements by pointing to the limitations with fixed categories of identity in the term of political intersectionality. Also, she discusses structural intersectionality by studying how the experiences of many women of color as victims of domestic violence are shaped in a close link to poverty and under/unemployment. (Crenshaw 1994) Crenshaw’s discussion is regarded to represent the meaningful critique against mainstream feminist approaches to domestic violence. It is stated, “particularly women of color and lesbians increasingly challenge the feminist view that gender inequality is the only or primary factor determining domestic violence” (Sokoloff and Dupont 2005: 2). On the basis of critical reviews on various social movements and also of clinical experiences it is insightfully pointed out that “the triple jeopardy they [lesbians of color, added by the author] face as women living in a sexist society, as lesbians living in a homophobic society, and as people of color living in a racist society forms a complex web of silence and vulnerability with very little protection” (Kanuha 2005 [1990]: 76-77).

As Nira Yuval-Davis reminds us, the discussions on the issues of diversity of intersectionality arrived in European equal policies from the USA, whereas European feminist scholars have had debates on these issues since the end of the 1970s without noticeable effect on policy makers (Yuval-Davis 2006: 194). Mieke Verloo (2006) applies the concept of intersectionality for problematizing the monolith understanding on inequalities manifested in the anti-discrimination policy of the European Union. The complexity of multiple inequalities is examined with focus on four social categories of gender, race/ethnicity, sexual orientation and class. According to Verloo, “Compared to gender and sexual orientation class and race/ethnicity are represented more as firmly located in the public sphere, in the spheres of citizenship and employment” (Verloo 2006: 218). Here is an important insight for explaining the hierarchy between the public and private spheres, that is, the superiority
and priority of the public spheres over private as a basis of different representation of these inequalities. Verloo also concludes that a “one side fits all” approach to multiple discrimination is based on an incorrect assumption of sameness or equivalence of the social inequalities, since these categories of inequalities hold difference in the mechanisms and processes that constitute them (ibid.: 223).

According to Alice Ludwig, the strengths of this approach are clearly that it reflects on ‘otherness’ and strives to avoid essentialized, fixed and homogenized assumptions of identities, whereas the endless and infinite list of differences is a weak point of the intersectionality: it starts to get blurred when examined concretely (Ludwig 2006). In a sense, the new social risk discourse holds a similar dilemma of getting blurred, as the list of social risks is endless and infinite too. However, is such infiniteness really methodological weakness? More important is to identify how the length and composition of the list is selected and who defines the contents and meanings of the selected sections or divisions within the list. The universal validity of conceptual categories is itself not self-evident (cf. McCall 2005).

It is noteworthy that diversity among social groups gained more space in social discourses. Earlier, the problems – and risks – were not made explicit in mainstream discourses. For decades such terms like “equality” (byōdō) and “inequality” (fubyōdō) have been excluded from official documents published by the Japanese Government who preferred to regard Japan as a highly equal society. However, social perception on political and economic change has become more receptive to critical reviews about social inequalities. To refer to inequalities and disparity is no longer regarded as politically incorrect, even though these words have not yet been printed in official documents. It can be interpreted that the rise of discourse on unequal society in Japan manifests social perception of political and economic changes, making up the lack of response to “new social risks” from the Japanese Government and party politics.

The intersectionality has different implications in different social settings. Special attention should be paid to the point that the majority population in contemporary Japan has little orientation of social class, which is striking difference for instance from Britain. Still, the low income can be marked as a cross-cutting point for several groups across generations from youth to elderly and in some difficult situations of life such as unemployed, disabled, homeless,
victims of spousal violence and immigrant workers. Yet, the economic
difficulty in terms of low income is not called social class in Japan. Here is the
reason why I would argue that terminology does not matter insofar as the
analysis does not miss the detail of multiple damages or inequalities. In brief,
to illuminate differences and inequalities in the term of intersectionality is
useful for 1) understanding the nature of violence in the term of different
experiences of violence among different women and 2) specifying in concrete
the different needs of victims for flexible policy response. In Japan the
discussion and studies on domestic violence are under strong influence of
genderism with only a few exceptions, mainly because the Western white
feminism ranging from liberalist, radical, and to ecologist has been introduced
to Japanese academia. Too little has been discussed in regard to differences as
well as inequalities in Japan, which manifests the significant difference in the
course of societal developments at the levels of activism, movements, public
debates and academic discourses between American and Japanese societies.

Domestic violence occurs in the private life sphere, typically involving
family and couple relationships with high intimacy. Distinctive features of DV
are characterized by the diverse ways of manifestation of violence, all of them
being very harmful in terms of physical, economic and/or mental damage to
victims. Grave consequences of DV have already been reported globally as
well as locally. However, ideological grounds, policies and strategies for
coping with DV problems have not been fully explored in any society. The
social makings of domestic violence are deeply rooted in the gender
imbalance of power and control, and therefore the essence of domestic
violence is not to be reduced into psychological or addiction problems of
individual citizens. Instead, better understanding is to be broadly shared on
the hierarchical values that shape patterns to one’s ways of thinking and
behaving in intimate relationships with others.

Insights available about the concept of intersectionality can be
meaningful for critically reviewing the social risk discourse in which the
intimate risks deriving from the private domain have not substantially been
taken into account. Some may feel uncomfortable with intersectionality,
because it questions a belief in harmonious state of more or less implicit
solidarity such as a popular view on Japanese homogeneity or feminist
sisterhood. Still, the boundaries between the public and private domains are
to be re-examined so as to make it possible for the welfare state to more flexibly respond to social risks in post-industrial societies.

References
Hester, Marianne 2004 “Future Trends and Developments: Violence Against


Yoshihama Mieko 2002 “Definitional Processes of Domestic Violence in Japan: