

Decisions not to Report Sexual Assault in Japan

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Before World War II the roles of women were restricted to the traditional roles of home makers and mothers; however, that changed after 1945. The new constitution of 1947 gave them equal rights (Article 14) and opened a new way of life. However, in spite of their new roles, when compared to Western women, most Japanese women are still more reserved and conservative in their attitudes, behaviours and contacts with men.

Japan is a mostly male dominated society where remnants of the feudal attitudes of *bushido* (the way of the samurai) are still in use. The deference women give to their male counterparts includes a significant degree of making allowances for men's misbehaviours. Sexual assaults are among these misbehaviours. Sexual assault is not always taken seriously by the establishment. In most of the official publications on crime, sexual assault behaviours receive scant mention. Even in most popular books that document sexual attitudes in Japan, sexual assault is usually relegated to only token mention, if at all. In the major English tome on sex behaviour in Japan, Nicholas Bornoff's *Pink Samurai* does not mention rape in its index, and almost entirely avoids reference to any form of sexual assault. However, there is a brief mention made of gang rape as a frequent comic book theme openly viewed by male train commuters; and, a mention made that rape victims 'prefer to keep silent' (1991, pp. 108-9). In a more recent book, *The Japanese Woman*, Sumiko Iwao (1993) also excludes the word rape in her index although other topics such as incest, prostitution, spouse abuse, domestic violence, pornography, sex crimes, are listed. Rape is often portrayed in the media as the unfortunate fate of those who stray from the role of the traditional model women. The notion that rape is an extension of sexual gratification is still a dominant theme. The notion that rape is an act of aggression rarely appears in the scant literature on sexual assault (feminists and victimologists included). Oda (1990) writes that many Japanese males rape women for pleasure seeking sexual gratification. According to Asai Kiwamu

(personal interview, 3 August 1994), young Japanese men will sometimes refer to their chasing young women as looking for an opportunity to 'reipu' (a Japanese version of the English word rape). In 1985, one of the directors general of the cultural affairs bureau of the Ministry of Education, Miura Shumon, wrote in more than one magazine, that 'rape, although not gentlemanly conduct, was not so bad if practiced on modern young women whose moral standards has slipped anyhow' (Wolferen 1993, p. 228).

Accepting one's condition in life is a value highly regarded in most Asian cultures; it is also true in Japan. Some suggest this tendency not to complain and to endure with resignation in silence comes from the meditative Buddhist teachings (Yamagami 1994). In *The Teaching of Buddha*, a book found in many Japanese hotel rooms alongside the Christian Bible, the section called 'The Way of Practice' states people 'should learn to be patient when receiving abuse and scorn' (1966, p. 230)¹. Whatever the origins, the sense of shame (*haji*), the risk of being shunned (*mura hachibu*) by the neighbours and protecting one's family, friends and superiors serve as strong inhibitors to reporting the entire range of sexual assaults. This includes forcible rape (*gokan*), gang rape (*rinkan*), acquaintance rape (*chijin ni yoru gokan*), sexual molestation (*kyosei waisetsu*), indecent assault (*kyosei waisetsu kouji*), sexual touching by a stranger (*chikan*), marital rape (*fuufu kan gokan*), and sexual harassment (*sekuhara*). It is important to note that not all women accept these conditions. Japanese feminists have written and spoken about and against sexual assault for at least twenty years. Writers and lawyers like Keiko Ochiai (1981) Jun Hozumi (1994) and Yukiko Tsunoda (1991) have done much to encourage victims of sexual assault to break the silence. A 16-year-old Japanese girl wrote a poignant article about her rape experience and ended it by appealing to others who have been raped to express themselves, '... please keep this in your mind, a lot of women are in pain and cannot speak to anybody. More than men imagine' (Asahi Shinbun 1985, anonymous victim).

The sounds of silent suffering are elusive and difficult to measure. Burgess and Holstrom (1974) identified the 'silent rape reaction' where a victim not only does not report the rape to the police but also does not tell anyone else. In Japan, the dark figure of victimisation (*kakusareta higaisha*) has never been measured by a government agency; thus, the true extent of rape (and other victimisations) is open to conjecture. In a country with such a long history of victimological study, it is ironic that an official national victimisation survey is yet to be conducted. The bulk of victimisation studies that do exist have come from case studies (Nakata & Oda 1966) and officially reported crimes (White Paper 1993). Many, if not most, of these have been more criminological than victimological (Morosawa 1991, p. 225). In those countries where the dark figure has been measured, it is confirmed that rape is one of the most under-reported of the serious crimes (Hyde 1991, p. 336). The only English language summary of sexual crimes in Japan was done by Koichi Miyazawa (1976) covering 20 years of Japanese research. While this analysis was a notable contribution in its time,

¹ Buddhism makes up 44.6 per cent of all religious people in Japan and the other major group is the more primitive animistic Shintoism at 49.7 per cent (Asahi Shinbun 1993).

especially the introduction of the Japanese sexual victimisation literature to an international audience, its conservative views, especially concerning the issue of culpability, are no longer valid today in the face of more than 15 years of extensive international research findings to the contrary (*see* Hilberman 1976; Johnson & Jackson 1988; Weir & Wrightsman 1990).

In 1992, the official number of reported rapes in Japan (using the narrow definition of forced sexual intercourse) was 1504 (White Paper on Crime 1993, p. 50). Using this figure, the reported rape rate for that year would be 2.4 per 100 000 females. For the same year in the United States the number of reported rapes was 109 062 and the rate per 100 000 females was 84 (FBI 1993). Based solely on reported rape figures, Vaughn and Tomita (1990, p. 151) reported that the Japanese rate per 100 000 people (men and women) has been declining. This conclusion distorts the reality of rape, as it ignores the dark unrecorded figure of rape and includes men in the rate calculation as though they were at equal risk to women.

It is likely that the decisions not to report rape in Japan are similar to conditions also identified in other countries but in different degrees. In pre-study interviews with Japanese rape counsellors, college students (male and female), housewives, and social scientists it was learned that the cultural pressures to defer to family, friends, acquaintances, neighbours, supervisors, and persons of greater status, males and older persons, are stronger than in most Western cultures and may significantly influence rape reporting and non reporting. It is interesting that the book written about rape and its myths by members of the Tokyo Rape Crisis Centre (1990) avoids mention of reporting phenomena entirely. The pressure for women to act with deference and altruism (Koss 1990) weakens the likelihood of victims reporting. In other cultures the majority of rapes are perpetrated by acquaintances: thus, it is reasonable to assume that a large number of unreported acquaintance rapes also exist in Japan. The majority are date rapes, rapes by colleagues, supervisors, family and friends. Also included should be marital rapes and child sexual abuses; however, in Japan these types of victimisations have not received much recognition as yet (Morosawa 1991).

Another unique category of sexual assault is acquaintance rape of Chinese students by their Japanese sponsors. The total number of mainland Chinese students in Japan in 1991 was 19 625. Approximately 9000 were females who came to Japan as students. Their visa conditions require sponsorship and most are sponsored by Japanese men. Some of these men take advantage of this condition of dependency by raping those they sponsor. In 1994, in a personal interview with Li Ya Xie, psychiatrist researcher, it was revealed that fearing retaliation by withdrawal of sponsorship, most of these students opt to preserve their relationship, protect their student status and do not report their victimisation.

Researchers in other countries have been concerned with measuring the extent of victimisation not officially known. They have learned that those victimisations that are very sensitive (usually of a sexual or family nature) are the ones most unlikely to be reported. One of the common myths that may affect the incidence of rape reporting is that rape is only committed by strangers. This

notion implies that acquaintances cannot be true rapists. In Japan, this idea is reinforced by the way police handle rape. They tend to accept only rape reports that resemble 'classic rapes', sexual intercourse with physical force, committed by a stranger in a secluded public place at night. In the United States the police frequently rule these type cases as 'unfounded'. This type of police policy has become community knowledge and consequently women become reluctant to report rape unless it resembles the 'classic rape' (Williams 1984, p. 460). In an important study of attitudes about what constitutes rape, Hubert Feild (1978) found that the attitudes of rapists and police were almost identical; and, that the attitudes of the general public were more similar to those of the rapists than of rape counsellors.

In the United States, it is common for both police and lawyers to dissuade rape victims from filing charges when the rape did not involve visible signs of physical violence (bruises, torn clothing). As a result, rape has the lowest conviction rate of all violent crimes. A similar trend occurs in Japan for prosecution: for the years 1990, 1991 and 1992 the rates of prosecution were lower than for the crimes of robbery, bodily injury (aggravated assault), and violent acts (White Paper 1993, p. 67). In an earlier study, Shigemori (1970) reported that in the cities he sampled (Tokyo, Utsunomiya, Kumamoto, and Yamagata) a significant percentage (18.1 to 32.5 per cent) of victims decided to withdraw their charges due to their misfeasance/negligence. This explanation used a bias frequently found in the legal profession that some women share responsibility for their victimisation. Thus, their withdrawal of the charge was due to being told or convinced they were not totally innocent (1970, p.145). In a United States study of women college students, Koss et al. (1988) found that about 21 per cent of stranger rapes were reported and only 2 per cent of acquaintance rapes were reported.

Our three major concerns with unreported sexual assault are that since the offenders are not caught and many are recidivistic (Cohen et al. 1971), there is a high likelihood that these offenders will victimise again. Second, non reporting causes a distortion in the statistics (informal indicators point to a dark figure of at least four times the reported figure) that in turn results in a false perception of both its size and character. Studies of reported sexual assault victims are biased in favour of stranger offences and ignore the more common acquaintance offences. The consequences of a false perception are that no official programs exist to deal with this social crisis. There are only two formal rape/sexual assault programs for the entire country and these are volunteer run, non-profit organisations, which operate only telephone hot-lines for up to only six hours per week, one in Tokyo and one in Osaka. Finally, by not officially recognising and validating a victim's trauma, tertiary victimisation develops (Morosawa 1993). Burgess and Holmstrom refer to this, the emotional aftermath pattern of rape, as the rape trauma syndrome (1974). This can mean nightmares, depression, anorexia, bulimia, insomnia, neurosis, psychosis, sexual dysfunction, post traumatic stress disorder, fear and anxiety even after one year (Resnick et al. 1981), and even suicides. Most of these problems, especially for the unreported rapes are untreated. Research has shown that women who do not report rape or tell anyone have more problems with coping (Crooks & Baur 1993).

It is expected that a larger study will confirm that the size of the sexual assault problem in Japan is much larger than most officials realise. The key to accurately measuring the dark figure is to conduct an official nationwide victimisation survey for all victimisations. Once the true size of the problem is officially accepted, at a minimum, changes would be needed in the sexual assault laws, in the training of police personnel, and in the establishment of victim counselling programs for all major population centres.

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