Sex and Silence: Ochiai Keiko's *The Rape* in a historical context

By

Aun-Drey Reynaldo Brown

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Chairperson Dr. Elaine Gerbert

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Dr. Maggie Childs

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Dr. Hui Xiao

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The Thesis Committee for Aun-Drey Reynaldo Brown

certifies that this is the approved version of the following thesis:

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Abstract

This thesis examines Ochiai Keiko's *The Rape* within the context of the development of feminism and activism for women's issues in Japan. Since Japan began modernizing in 1868CE, women have struggled with their social and political positions as either reproductive mothers or sexual laborers, narrowly defined roles that served as the basis for the construction of femininity and contributed to the division between classes. Rape was listed as a crime in Japan's 1907 Penal Code, but the history of modernization, imperialism, and militarism, followed by the U.S. Occupation, overshadowed the seriousness of rape as a woman's issue. As lawmakers and law enforcers, men exploited legalized prostitution and social conventions to gain access to women's bodies. They were therefore able to disguise rape as a paid service in the case of comfort women, a category of prostitute designed during the interwar period 1931-1945, or as a right of the husband in the case of spousal rape. During the Occupation, comfort women in Japan experienced rape at the hands of U.S. troops similar to the experiences of those who served Japanese troops abroad. After the Occupation, rape was not often talked about publicly and was relegated to being a sexual fetish in pornography, two conditions that contributed to the spread of false, gender-biased rape myths that shifted blame away from men and onto women, which further discouraged women from speaking out on the subject. Ochiai's novel challenges the common attitudes regarding rape, rapists, and rape victims during the 1980s, exposes how these attitudes influenced court proceedings, and illustrates how these factors contributed to the trauma rape victims experienced from the initial incident up until a verdict was reached.

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Introduction

When I began this project, I had an interest in the history of Japanese women. During my undergraduate career, most of my studies focused on Japan's path to modernity from the Meiji Period (1868-1912CE) to the present. In the discussions about Japan's war history, the newly ratified Constitution following World War II – particularly the significance of Article IX and the legacy of the atomic bombs – Japan's economic miracle, and the subsequent plunge into the Lost Decade, I noticed the stark absence of the subject of women. In these discussions, it was enough to mention in passing such concepts as *moga* (modern girls), *ryōsai kenbo* (良妻賢母 good wife, wise mother), and the voting rights afforded women under Article XV of the new Constitution, but only cursorily.

As a feminist, I was unsatisfied because the history of Japan, taught in this way, omitted a serious inspection of women's contributions to society. Intrigued when I learned that women's suffrage was included in the Constitution of Japan, which was drafted by the Occupation Forces, I wondered what measures women had taken prior to the Occupation to gain suffrage on their own, and why they had not succeeded. This curiosity prompted me further to wonder about women's roles in Japanese society, and how, if at all, feminism had manifested and developed in the country. Beyond the present and recent decades, I also questioned women's roles in pre-modern Japan, as I only had glimpses into the lives of geisha, courtesans, and little else. Through my research at the time, I learned of such feminists as Ichikawa Fusae, Hiratsuka Raicho, and Yosano Akiko and their contributions to women's suffrage, women's liberation, and women's literature. I was relieved to discover that a women's suffrage movement did exist in the Meiji Period, and that the women involved were actively engaged in political conflict with the Diet, which at the time was an all-male governing body. As the issue of women's voting gained

popularity and attention, members of the Diet began to sympathize with women's efforts, but Japan's military engagement with China following the Manchuria Incident of 1931 brought universal suffrage efforts to an abrupt end. Women would not have the chance to openly or actively campaign for voting rights again until after World War II. Shortly after the arrival of SCAP[1] the new Constitution of Japan - which included universal suffrage - was drafted and ratified. However, this did not mark the end of the struggle for gender equality, which still evaded the nation.

As I continued my research, I turned to classic texts, hoping to find some broader context for the development or awareness of women's issues. Through such works as *The Tale of Genji*, *The Kagero Diary,* and *The Changelings*, I learned about aristocratic life in Japan, but I was disturbed by the practices of courtship portrayed in the texts. While persistence was a common theme in the case of men who were rebuffed by would-be lovers, there came a point at which I perceived scenes of sexual intimacy as scenes of sexual violence. In *Genji,* the most memorable example of this follows the death of Genji's wife, Aoi. After mourning her loss, he eventually returns to his home where he is raising Murasaki in secret[2]. The author notes that as they pass time together,

> such were her wit and grace, so enthralling in quality her every gesture, that after those years of forbearance while her charm had offered nothing more, he could endure it no longer; and so despite his compunction it came to pass one morning, when there was nothing otherwise about their ways with each other to betray the

1 Supreme Commander for the Allied Powers. This title was held by General Douglas MacArthur, who headed the Occupation of Japan, but it was sometimes used as a general reference to the American occupation.

2 Genji had abducted Murasaki four years earlier, in chapter five, because of her resemblance to his step-mother, with whom he had fallen in love. Since then, he had been raising her in secret.

change, that he rose early while she rose not at all.[3]

On its own, this passage may not be particularly disturbing, but immediately following this scene, as Murasaki is reading the knotted letter Genji left behind, the author continues: "She had never suspected him of such intentions, and she could only wonder bitterly why in her innocence she had ever trusted anyone with such horrid ideas."[4]

I took from the above passage that Genji did not seek Murasaki's consent before having sex with her, and that she furthermore had no inclinations for such a relationship with him. Though she later becomes the heroine of the novel, I could not accept that their romantic relationship began with rape. Worse still, Genji behaves later that day as though her outrage is unwarranted, thus suggesting that his behavior was normalized. I believed it went to reason that early Japan possessed a rape culture that obligated women's bodies to the sexual desires of men in such a way that objections were ignored and refusal was almost impossible.

I later consulted Dr. Maggie Childs, who corrected my interpretation of this scene in *Genji*. In her article, "The Value of Vulnerability," she addresses three factors that I should have considered more critically during Genji and Murasaki's first sexual encounter; Murasaki's age, the lack of information regarding their evening together, and Murasaki's feelings the morning after. First, on the night that Murasaki loses her virginity, she is 14 years old, which was a marriageable age in Heian Japan. Since Genji abducted Murasaki when she was ten, it makes little sense that he would wait four years just to rape her, especially since the two have had a pleasantly platonic relationship up until this point. It is more likely that Genji saw fit to properly court Murasaki once she reached adulthood, but the details of the initial seduction are omitted.

Since there was nothing specifically written about Genji's attempts to seduce Murasaki, I

3 Royall Tyler, trans., *The Tale of Genji*, (2001): 186
4 Ibid., 187

relied solely on the feelings she expressed the morning after as evidence that she was a victim of rape. However, my mistake was to connect Murasaki's reaction to what was unwritten rather than to what was actually mentioned. Before leaving that morning, Genji leaves Murasaki a letter, which she later opens and reads when no one is around:

'Ah, what distances kept us so strangely apart when, night after night we two yet lay side by side in our overlapping clothes.'[5]

Everything from their night together, Genji's behavior in rising early, and his leaving behind a letter indicates that he was courting Murasaki according to Heian convention. However, his poem implies that, in the four years that they have been together, Genji has been waiting for Murasaki to reach adulthood expressly so that he could have her as a lover. So, "what fits the context is…that [Genji] enticed [Murasaki] to participate in sexual intimacy on grounds that the poem then revealed to have been a lie."[6] This revelation and the fact that "he seemed to have dashed [the poem] off with the greatest of ease"[7] are responsible for Murasaki's subsequent outrage. Therefore, she is angry with Genji not because he raped her, but because he betrayed her trust in his efforts to seduce her.

Dr. Childs further explained to me that, even in the cases of rape in classic literature, it would be premature to assume it was a normal function of court society. However, I was still curious about rape in Japanese literature, and so returned to modern texts to discover its depiction and treatment in more recent texts. After finding and reading Yamada Amy's *Trash*, Hayashi Fumiko's *Floating Clouds*, Yū Miri's *Gold Rush*, and Kirino Natsuo's *Out*, I was initially discouraged. Each of these novels did contain incidents of sexual assault, and yet I could

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[5] Ibid.

[6] Maggie Childs, "The Value of Vulnerability: Sexual Coercion and the Nature of Love in Japanese Court Literature," *The Journal of Asian Studies* 58, no. 4 (1999): 1072

[7] Royall Tyler, 187

conclude very little from them. Neither the authors nor the female protagonists seemed to project a solid attitude regarding the rapes; the victims seemed to remain largely unfazed by the incidents. In *Trash*, the protagonist Coco is raped by her ex-boyfriend, who ties her to his bed and leaves her to go out drinking. Nevertheless, she accepts a level of responsibility for the incident and only casually mentions it once. The main character of *Floating Clouds*, Yukiko, recounts being raped by her uncle on several occasions, which she uses to validate stealing several items and money from him later in the novel. Kirino Natsuo's *Out* follows Masako, whose cooperation in the disposal of a coworker's murdered husband culminates in her being raped twice by Satake, an ex-con who is falsely accused of the crime. Masako manages to kill Satake before he can murder her, but this scene immediately precedes the end of the novel, leaving unanswered the impact that rape had on Masako.

The exception among these women was a victim in *Gold Rush* who was assaulted by friends of Kazuki, the protagonist. Despite not participating in the gang-rape, Kazuki remained present from start to finish. The incident is mentioned time and again throughout the rest of the novel, but the victim is never given a name, voice, or personality, and the incident is used more as a backdrop to reinforce the criminal atmosphere in Yokohama and as a means to justify Kazuki's father's poor treatment of him. In the end, Kazuki and his father avoid public scandal through an out-of-court settlement, rendering the incident inconsequential.

Eventually I came upon Sandra Buckley's 1997 book *Broken Silence*, a collection of interviews with some of Japan's leading feminists, each of whom addresses separate but ultimately interconnected women's issues. Among the women Buckley interviews is Ochiai Keiko, the author of the novel *Za Reipu* (1985, The Rape). Convinced that this might be the novel I was looking for, I began searching for it, only to discover that there was not, and had

never been, an English translation of the book. Nevertheless, it was considered a controversial book for the time in which it was written, and was popular enough to be converted to film. Interestingly, unlike the victims in *Trash*, *Floating Clouds*, *Gold Rush*, and *Out*, the victim and protagonist of *The Rape*, Yahagi Michiko, pressed charges against her rapist.[8] This was important because in doing so, Ochiai not only gave Michiko a voice and platform for talking about her experience, but used the court trial as a catalyst to discuss rape as a social issue. I therefore determined to analyze Ochiai's novel in the broader context of Japanese women's history, my initial interest. To that end, I have also included a partial translation of *The Rape* in the appendix, providing the first five chapters which begin with the rape and end with Michiko's cross-examination by defense attorney Kurose.

Ochiai Keiko

Ochiai Keiko was born in 1945 in Utsunomiya City, Tochigi prefecture. She graduated from Meiji University in American and British literature in 1967, and after serving as a broadcast announcer, she began life as an author. Besides being a writer, she is president of Crayon House, a bookstore in Tokyo – with another branch in Osaka – dedicated to reinventing and supporting the family, improving the status of mothers, and cultivating culture in a positive way. As president of Crayon House, she is involved in book writing, lectures, magazine publications, and film festivals. She describes her busy schedule as vital to ensure the viability of Crayon House, whose "store's sales alone are not enough to support a project of this size."[9] The bookstore contains a wide range of reading material and appeals largely to "middle and junior high school girls," and mothers, but the number of fathers has been rising.

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8 *Gold Rush* actually has two rape victims, one girl in the beginning and a different girl at the end. Although the first girl, presumably with her father, initially decided to sue, they eventually settle out of court. Furthermore, Kazuki never encounters the girl again. The second victim, a girl Kazuki actually rapes, decides not to press charges as well.

9 Sandra Buckley, 229

With the intention of encouraging and stimulating children's creativity, Ochiai always intended Crayon House to be a multimedia resource. As such, she realized very quickly that a bookstore alone would not be sufficient. Her dedication to supporting parents inspired her to also work on magazine publications such as *Kodomo* (子供) and *Ongaku Hiroba* (音楽広場) "to help parents explore ways of playing with their children and alternative approaches to educational play."[10] Despite not being a large-staffed major chain retailer, Crayon House has established a strong reputation for itself and Ochiai recognizes that many women will sooner visit her bookstore "than go through the inconvenience of trying to track down feminist materials in major bookstores."[11] In addition to multimedia education tools, Ochiai became increasingly concerned about healthy eating. This culminated in her opening natural food and organic produce stores called Vegetable Market, and the organic food restaurants Home and Plaza at both the Tokyo and Osaka Crayon Houses in 1992.

More recently, Ochiai has been involved in anti-war and anti-nuclear campaigns. In January 2007, she became a supporting member of the Global Article 9 Conference to Abolish War. The conference holds Article 9 of the Japanese Constitution as a model for future international peace in light of the fact that Japan has experienced over 60 years of peace since the end of World War II. Members believe that it is critical to rethink international relations and the use of military force in the wake of unrest in the Middle East and the arms race on the Korean peninsula. In September 2011, she was among over 60,000 people in downtown Tokyo protesting nuclear power in Japan.

When she was writing *The Rape*, Ochiai's goal was to subvert the common discourse on rape, including rape myths, attitudes regarding rape as a sex act, attitudes regarding rape victims,

10 Ibid., 231
11 Ibid., 235

and their impact on legal proceedings. Setsu Shigematsu, in her article, "'The Law of the Same' and Other (Non)-Perversions," indicates that the commodification of sex largely caters to a male clientele. However, she also acknowledges that women do consume, and are targeted to consume, sex. This is problematic because the increasing acceptance of female sexual activity has been accompanied by increasing mainstream depictions of violence against women.[12] Such violence excuses, normalizes, and fetishizes the perversions of male sexuality through publications such as magazines and comics that are bought and sold openly in convenience stores and then read publicly on trains and buses. One such perversion is rape, and Ochiai commented on the issue with regard to her book title:

> Most of the people in the industry are men, and they are interested in publishing my work only if they think it will sell. They do everything they can in the way they package and market my novels to guarantee sales. A good example is *The Rape*. I had initially written it with the title *Gōkan*, the Japanese word for rape, but they rejected this. I had deliberately chosen not to use the Japanese version of the English word, *rēpu*. This word often comes up in romance fiction and television dramas, but the girl usually falls in love with the rapist, discovers her sexual desire through the experience, or some other equally outrageous thing. I wanted to use the Japanese word *gōkan* because it carries all the weight of the reality of rape.[13]

Unlike the Japanese word for rape, *gōkan*, the English loanword *rēpu* lacks any real connotation of criminal behavior in Japan. Consequently, it can replace *gōkan* to soften or

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12 Setsu Shigematsu, "'The Law of the Same'and Other (Non)-Perversions: Woman's Body as a 'Use-Me/Rape-Me' Signifier," *US-Japan Women's Journal,* no 12 (1997): 160

13 Sandra Buckley, *Broken Silence: Voices of Japanese Feminism,* (1997): 232

obscure the harsh reality of a serious women's issue. Although she has initially titled the novel *Gōkan* to underline the criminal nature of the act, Ochiai came under pressure from the publishing industry to use the more titillating title of *Rēpu* in order to better sell the novel, and she acceded to retitling her novel because she thought it more important "to get it published and strike some sort of blow at the taboo against any public mention of rape."[14]

It should be noted though that the concession may have worked in her favor because, while *rēpu* (レイプ) appears on the book cover, the word is not used once anywhere else in the novel. Each mention of rape makes use of the word *gōkan* (強姦) instead, thus causing the connotations of both words to blend. As Ochiai's intention was to challenge the notion of rape as a fetish, this incidental compromise may have strengthened rather than weakened the central message of her novel.

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In the next chapter, I provide a political history of Japanese women from 1868 until 1980. This history focuses primarily on constructions of femininity in the Japan, women's conditions in the home, at school, and in the work place, and the activities of Japanese feminists and their struggles with the Japanese government and American occupation. From there, I will move into my analysis of *The Rape*, examining the detrimental effects rape has on the victim as well as the social and legal obstacles women face in seeking justice. Then I will examine developments in Japanese society from the 1980s into the present day with attention to advances in gender equality for women. My partial translation of *The Rape* appears in the appendix along with the 1907 Penal Code's provisions for rape and sexual assault.

14 Ibid., 233

Women and Politics 1868-1980

Meiji Reforms

Politically, feminists in Japan have struggled hard against prevalent attitudes regarding femininity and the effects those attitudes have had on their socio-economic status. A woman's class determined the conditions of her education, labor, and marriage. Although the feminist struggle is reported to have begun in the Meiji Period (1868-1912CE), it is necessary first to understand the situation of women in the preceding Tokugawa Period (1600-1868CE). During this period, women of the ruling samurai class faced several restrictions regarding their daily lives. They were often trained in domestic duties and basic literacy, were married in their early-to-mid teens, and as wives were confined to the home. Marriages were formed predominantly by the families of spouses rather than through mutual consent and divorce was the one-sided right of the husband. Adultery was not a crime men could be guilty of, but one for which women could be executed. Conversely, polygamy in the form of concubinage "was regarded as a necessity for the production of a male heir."[15]

Women's virtue was idealized in Kaibara Ekken's *Onna Daigaku*, (女大学)[16] a text written in 1729 as a moral guide for women's education and behavior in the household. According to Kaibara, women should be measured according to the values of "gentle obedience, chastity, mercy, and quietness,"[17] and they were considered inferior to men on the basis of the five infirmities: "indocility, discontent, slander, jealousy, and silliness."[18] Women's behavior was heavily restricted by Kaibara's tenets and seven valid causes for divorce at the time were disobeying her in-laws, barrenness, lewdness, jealousy, serious disease or illness, gossiping, and

15 Joanna Liddle and Sachiko Nakajima, *Rising Suns, Rising Daughters.* (2000): 101
16 I referenced *Women and Wisdom of Japan*, edited by L. Cranmer-Byng, whose central text is *Onna Daigaku.*
17 Liddle and Nakajima, 102
18 L. Cranmer-Byng, *Women and Wisdom of Japan*, (1905): 44

stealing.[19] The logic of *Onna Daigaku* had far-reaching, damaging effects on women's lives by advising them to always be wary of rousing the displeasure of their husbands or in-laws and by denying their social autonomy by claiming "that a woman must form no friendship and no intimacy except when ordered to do so by her parents or by middlemen."[20] Comparatively, women gained only two securities as a result of this policy of forced seclusion: a woman's husband could not kill her or sell her into prostitution unless she was guilty of adultery, and she could not be divorced if her husband had a child with a concubine and if she (the wife) was otherwise a model spouse. However, considering the costs, such minor benefits are best viewed as rewards for good behavior rather than as protections because the system provided samurai women with little recourse to exercise their autonomy in speech, travel, and personal relationships.

In contrast to samurai women, women of the lower classes faced far fewer restrictions. "They traveled, attended school, undertook paid work, chose their own marriage partners, engaged in matrilocal marriages, committed adultery and divorced without too much shame, remarried and served as household heads."[21] While most paid work was tied to textiles, the intensive demands of agriculture made women's farm labor vital to successful planting and harvesting. This need for women's labor in the lower classes granted them more social rights and more power in the community. However, the more wealth a peasant household had, the less work a wife performed outside the home.[22] Thus, a clear connection between material wealth and female seclusion can be seen among the peasantry, for whom exclusion from outside labor was truly a luxury.

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19 Ibid., 36-37
20 Ibid., 35
21 Liddle and Nakajima, 104
22 Ibid., 105

Rather than measure the advantages and disadvantages of gender relations among the lower-class, Kaibara immediately dismissed the lifestyles of such women, claiming that they "[contaminated] their reputations, [brought] down reproach upon the head of their parents and brothers, and [spent] their whole lives in an unprofitable manner."[23] As a result, gender equality was depicted as a threat to domestic and social stability, and the liberties exercised by lower-class women were therefore to be avoided by their social superiors in the samurai caste.

After Japan was forced out of isolation and began to modernize, Western critics began to analyze the state of its society and determined Japan to be backwards due in part to its gender relations. In response, to prove itself as civilized as any Western power, Japan approached the issue of women's status, but because the state was primarily concerned with international relations, women's issues became a political rather than social problem. Concern for women's rights was less focused on solving actual women's issues than impressing the West and avoiding the unfair treaties and subjugation China had suffered after the Opium Wars. Consequently, open dialogue between women and the state was minimal, and most women's issues remained ignored as the government promoted a uniform construction of gender roles.

Transforming Japanese womanhood during the Meiji period was the result of the samurisation of the state by which the government used the former model of the Tokugawa samurai caste to reconstruct gendered identities and apply it uniformly to the entire populace.[24] The intent was to establish parity between classes by exalting and spreading the values and practices of the former ruling class. In this regard, the position and legal status of all women changed without consideration for class differences, which had not been eliminated. As such, their altered status was not wholly satisfactory and three issues became serious topics for women

23 Ibid., 35
24 Ibid., 41

following the samurisation of the state. First, in 1872, while elementary education was made available to all classes and both sexes without discrimination,[25] girls were "discouraged from becoming critically minded and confident"[26], and their curricula aimed to prepare them to serve as "good wives, wise mothers" (*ryosai kenbo*) in their future husbands' homes. Then, women were expressly denied political rights as per the 1890 Meiji Constitution. Although the issue continually arose until the conflict with China following the 1931 Manchurian Incident, women were legally prohibited from attending political assemblies, voting for elected officials, and joining political parties. Last came the changes to women's status in the family through the 1898 civil code, which made universal a revised family system, the *ie* system, in which women served only in domestic roles.

The construction of womanhood, with regard to education, politics, and the family reflects the state's attempts to satisfy the moral demands of a critical West. While the state established a clearer middle class and a more representative governing body as a result of legal reforms, there were still few benefits and heavy costs for women. Marital laws, which now required mutual consent between partners and not agreements between families, still permitted polygamy for men[27] and did not recognize as valid a woman's right to divorce as a result of adultery.[28] Education did not empower women to become subjects who could contribute to state building alongside men in the workplace, but instead reinforced the patriarchal ideals of *ryōsai kenbo*. Legally, the denial of political rights helped maintain the imbalances of education, marriage, and labor laws as women experienced great difficulty expressing their dissent, much less persuading state officials to sympathize with their position. It is clear from

25 As per the Education Ordinace. Ibid., 45
26 Kumiko Fujimura-Fanselow, *Transforming Japan*, (2011): 74
27 Through licensed prostitution, which was still legal despite the abolition of concubinage in 1880. Ibid., 5
28 The exception being that a woman can divorce her husband if he has an affair with another married woman, whose husband then sues him. Ibid.

this that instituting gender equality was not on the state's agenda as much as establishing a male-dominated society that met with approval from Western critics. To this end, the samurisation of society was successful, but women's conditions, for which the nation was criticized, remained largely unimproved.

Early Feminism and Politics

Feminist activism in Japan began as an extension of the Popular Rights Movement (PRM), which some women were involved in, which arose in 1874 to campaign for a national assembly. In 1878, forty-five year old Kusunose Kita, who inherited the position of household head after her husband's death in 1872, "complained that, unlike male household heads, she had no right as a woman to vote for district assembly representatives, nor to act as legal guarantor for property."[29] The only trait she shared with male heads of household was the obligation to pay taxes, which made her house a financial asset to the state that had no political power. Her situation influenced Ueki Emori - a member of the PRM and later a member of the House of Representatives of the first Diet - to actively endorse equal rights, support women's rights, and seek the abolition of the *ie* system.[30]

Despite Ueki's endorsement of women's equality, he did not reflect the common ideologies of the PRM, which was primarily concerned with universal men's rights across class lines. Nevertheless, the popular rights movement served as a launch pad for feminists, beginning in 1882 with Kishida Toshiko, who spoke out against the *ie* system and the traditional seclusion of middle- and upper-class women. Later, in 1897, working-class feminists began mobilizing through socialist groups for improved working conditions, equality in education and employment, economic independence for women, the abolition of licensed prostitution, and

29 Joanna Liddle and Sachiko Nakajima, *Rising Suns, Rising Daughters.* (2000): 12
30 Ibid., 13

women's right to attend political assemblies. While they had some modest success in mobilizing and networking, these groups faced a hostile government that suppressed their activities, including the active dissolution of sympathetic organizations.

At the end of the Meiji Period and the beginning of the Taishō Period (1912-1926), Japanese feminism spread as organizations arose, though they lacked political power, and advocated for political and social reform. In 1911 Hiratsuka Raicho formed the women's group and literary journal *Seito* (Bluestockings). The *Seito* staff actively opposed Japan's *ie* system through literary expression and displayed dissent further by engaging in extra-marital sexual relationships and having children out of wedlock. Considered a threat to Japan's traditional values, *Seito* had several issues banned by the government, culminating in the cessation of the journal's publications in 1916. Three years later, Hiratsuka joined with Ichikawa Fusae and formed Japan's first national feminist organization, the New Woman's Association (*Shin fujin kyōkai*), which dedicated itself primarily to gaining voting rights for women. Japan's first socialist feminist group, the Red Wave Society (*Sekirankai)*, formed in 1921, sought to end the structures of capitalism that forced women into prostitution or virtual slavery. During this period, the feminist movement was largely divided along class lines with the Red Wave Society representing the proletariat and *Seito* and the New Woman's Association representing the bourgeoisie. The former sought financial independence in order to escape the tradition of economic reliance on men (their fathers, husbands, and sons). Conversely, the latter was primarily concerned with women's ability to contribute to political and legislative processes in order to improve the domestic and public status of women. Occasionally, ideological differences between the two movements caused tension, but there were general consensus and cooperation among the groups since many of their agendas overlapped. As such, the women's

movement did not suffer greatly from divisions among their ranks, but rather faced great opposition from Japan's patriarchal government.

Compared to the nationally reconstructed form of femininity that maintained samurai family values and gender norms and expanded the middle class under *ryosai kenbo* and the *ie* system, the various forms of feminist resistance were perceived as a threat to the social order. As the nation's leaders began to notice, it became "increasingly difficult to hold down change amongst those sections of the population who were excluded from the benefits of Japan's rise in the global hierarchy."[31] By the Taishō Period, in an atmosphere of political dissent, middle-class women protested and resisted the limitations that confined them to their homes and reduced them to objects of value for men.

The Modern Girl

By the 1920s, the term "Modern Girl"[32] emerged to identify women engaged in social resistance. The term referenced not only the appearance of such women during Japan's modern era, but also the fact that they behaved counter to society's idea of traditional, or samurized, gender roles. The Modern Girl was actually a media construct designed to explain the appearance of women in urban society as autonomous consumers. Miriam Silverberg notes that "first and foremost, the Modern Girl was defined by her body, specifically her short hair and long, straight legs."[33] Male critics believed the Modern Girl drew attention to her body through her conspicuous consumption of Western fashions and intentional misuse of the traditional kimono.[34] They argued that she did this in pursuit of physical pleasure, namely sex with men, thus implying that the Modern Girl was predominantly sexually promiscuous.

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31 Ibid., 113

32 Commonly shortened to *moga* in Japanese media.

33 Miriam Silverberg, *Erotic Grotesque Nonsense.* (2006): 53

34 "[Kiyosawa Kiyoshi] noted that the traditional function of the sash or obi ("to hide the behind") had been abandoned by the Modern Girl." Ibid., 53

The Modern Girl was able to consume freely due to having gained economic independence, which was afforded to her by the expanded middle-class sought after by the Meiji government through its efforts at universalized samurization. Liddle and Nakajima point out that between 1908 and 1922, the middle-class more than tripled from 6 percent of the workforce to 22 percent. This was due in part to Japan gaining colonies in China after the Russo-Japanese War, which required more bureaucracies, and therefore more clerical workers. When "employers realized that they could replace male by female labor at half the cost," the middle-class labor market was officially opened up to women.[35] Income gained from this work enabled middle-class women to escape financial dependence on men, which in turn liberated them from the domestic responsibilities of middle-class wives and allowed them to indulge in personal pleasure-seeking.

The focus on the Modern Girl as promiscuous and a selfish consumer signified to critics "a ruling class in decline."[36] However, the presence of the Modern Girl in the social imagination highlighted the contradictions of the Japanese patriarchy. Silverberg indicates that the primary focus on the Modern Girl concerned her body, clothing, and sexuality. She was considered to be culturally ambiguous with her short hair and Western clothes but Japanese features. However, no one questioned the cultural identity of modern Japanese men who had given up their robes for Western slacks and suits. Additionally, the fashions attributed to Modern Girls were advertised in magazines that targeted women, particularly housewives who then risked being jeered at if they purchased or designed Western clothing. In the end, only 1 percent of women in Japan wore Western clothing, some of whom where housewives and mothers. Modern Girls, then, were identified more commonly by their short haircuts and their

[35] Liddle and Nakajima, 117
[36] Silverberg, 59

faces which "had been harmonized to become, in a most natural fashion, a Western-style face."[37] Whether they were criticized for their dress or makeup, the implication of this seems to be that women were encouraged, through fashion, to participate in modernizing the state, but unlike men, they were not allowed to maintain their cultural identity if they did so.

Modern Girls' sexuality was another topic of discussion that, when examined, exposed the hypocrisy of men's sexual behavior. Those who condemned the Modern Girl believed she sought men strictly on physical terms and flirted and slept with them with no intention of starting a long-term relationship. Worse, she flirted and teased men publicly, which made her sexual desires known to all. Due to Tokugawa and Meiji attitudes regarding prostitution, by the 1920s Japan's sex industry was an obvious facet of society enjoyed by middle- and upper-class men. The women who served as geisha or prostitutes were from the lower-class, their work was performed in semi-private spaces, and they accommodated men's wants and needs. It must be noted that in this regard, sex was a service male clients paid for and thus, their gratification was the agenda.

By contrast, the Modern Girl transgressed class and gender roles by seeking personal sexual satisfaction rather than the satisfaction of her lover (or lovers). Unlike the middle- and upper-class housewife, she was not sexually subservient to any man, nor did she live in isolation. Rather, she was a public figure, like lower-class women, who was financially independent and sought sex when she wanted it, like middle- and upper-class men. Unlike lower-class women, the Modern Girl was not paid for sex, nor did she necessarily seek to satisfy the sexual demands of her partner. This went hand in hand with observations that "the licentious Modern Girl went

[37] Ibid., 55

after men's physical rather than spiritual beauty."[38] What seems to have bothered critics most about the Modern Girl, then, is that she objectified men in a way similar to, or perhaps worse than, men's treatment of women. Social mores normalized the exploitation of wives and prostitutes as sexual objects, excusing this behavior as either the right of the husband or a service paid for by the client. With no monetary exchange or marital commitment, there was no way of controlling the Modern Girl's sexuality, and by extension her body. According to critics, this lack of control made the Modern Girl promiscuous, and it was her promiscuity that encouraged all other behaviors. The logic went that without her sexual appetite, the Modern Girl would not cut her hair, wear Western clothing or alter her kimono, shop publicly, or seek employment.

Compared to male critics, feminists regarded the Modern Girl far more kindly. Hiratsuka Raicho, for example, "portrayed the Modern Girl as the daughter of the New Woman," the latter being a figure who emerged out of the fissures of the *ie* system.[39] Women who lost their husbands in Japan's military conflicts revealed that provisions were not made to ensure a sustained livelihood for single mothers and female heads of households. These women entered the labor market and attempted to balance the roles of breadwinner and homemaker. In fact, according to Liddle and Nakajima, the majority of middle-class working women were not Modern Girls, but "heads of households or sole breadwinners, for whom white-collar jobs provided more respectable employment and better salaries than textile mills."[40] However, like Kusunose Kita, these women were frustrated by the *ie* system that expected them to remain at home and the legal system that gave them no political power to seek labor reform and economic relief.

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[38] Ibid., 54
[39] Ibid., 57
[40] Liddle and Nakajima, 117

Feminists believed the Modern Girl, unlike the New Woman, had the power not only to resist patriarchal customs, but to provide an alternative lifestyle for women. She could achieve this largely because of her desire for work and her aversion to motherhood. Whereas male critics argued that the Modern Girl was motivated by her libido, some feminists contended that in truth, she wanted to work. Without work, the Modern Girl would no longer have been capable of supporting herself, maintaining her wardrobe, or going out to cafes, clubs, and bars to flirt with men. She may have enjoyed life as a consumer and a flirt, but if she did not work, her lifestyle could not be sustained. In a similar manner, having children, even out of wedlock, hindered the social and economic mobility of the Modern Girl, whose disposable income existed precisely because she had no financial or domestic obligations to anyone other than herself.

In the end, discussions about the Modern Girl, whether by critics or feminists, was more about imagining a new Japanese woman than identifying one. The concept expressed patriarchal fears and feminist aspirations for modern womanhood and signified a gendered conflict over the future of female gender construction. As Japan's middle-class and military expanded, so did women's mobility. The effects of capitalism and the nation's economic success domestically and abroad necessitated women's labor, thus enabling the rise of the Modern Girl. Critics condemned her for not living up to the Meiji ideals of womanhood, which required that she remain at home as a symbol of cultural tradition while men engaged in practices of cultural change. To this end, they denied her both Japanese and Western cultural identities, condemned her as promiscuous, and labeled her as apolitical and militant in their attempt to discourage other women from following her example.

Feminists on the other hand used the Modern Girl to draw further attention to women's issues, including labor, education, and politics. To them, the Modern Girl was a political figure

whose interests and activities transcended materialism and sex. She offered lifestyle alternatives in terms of occupation, consumer practices, and family structure at a time when the *ie* system was faltering. Feminists recognized these alternatives and promoted them alongside their campaigns for gender equality in the work place, in the home, and in government. Unfortunately, feminist activities came to an end in 1931, when the Sino-Japanese War caused a government-sanctioned suppression of "unpatriotic" groups and individuals in order to promote nationalism. As such, while feminists were still actively engaged in political discourse, their activities were largely silenced until 1945, during which time the Modern Girl faded into obscurity.

The Pacific War Period

With the start of Japan's war with China in 1931, the political environment on the mainland shifted. National strength was redefined to include – along with industrial, economic, and social modernity – military strength. The samurized society already expected and demanded of men loyalty to the state and the emperor, ensuring a ready supply of soldiers, but for women, the customary role defined by *ryōsai kenbo* "changed its emphasis from the role of household manager under the authority of the husband or father-in-law to that of reproducer of military manpower and motherhood."[41] Women's roles did not change greatly, but motherhood became a patriotic duty and women's reproduction became a national issue. In this vein, the government encouraged women to have many children in the name of military success. To reinforce the significance of motherhood, the state passed the Mother and Child Protection Act of 1937 to ensure that lone mothers and their young children were provided for, the National Eugenics Law of 1940 to "improve the quality of the population," and the Population Growth

41 Ibid., 54

Policy Outline of 1941 which aimed for a birthrate of five children per woman.[42] Although the state needed women's labor in order to supplement the labor of absent fathers and husbands, the integrity of the family-state system and the need for a growing population to provide future soldiers made motherhood a top priority, effectively removing women from war work even as they were encouraged to engage in patriotic activities.

Japan's war participation brought with it complications concerning female subjects. On one hand, *ryōsai kenbo* actively encouraged middle- and upper-class women to serve the nation through their reproductive functions, the supervision of their children's educations as future subjects of the state, and the practice of conservative economics. However, women of the impoverished lower classes were increasingly being sold into indentured, contractual, state-regulated prostitution. Legally, a woman was required to give her consent despite the head of the household's right to sell her, but a combination of self-sacrifice for the family and manipulation by deceitful recruiters and agencies coerced many women into the lifestyle reluctantly or unexpectedly. Under contract, a woman received a loan in exchange for her labor, so she was obligated to pay off her debt before she could escape servitude. However, "because of agents' fees, and the brothel owners' charges for accommodation, food, clothing, cosmetics, bedding, furnishings, heating, medical expenses, and interest payments on the advance loans," the accumulating debt was nearly impossible to repay.[43] Additionally, the fact that the courts would not release women who still had debts made it extremely difficult for women to escape the brothels, even if their terms of service were over.[44]

Although prostitution had a problematic history before Japan became a warring nation, a

42 Ibid., 55
43 Ibid., 66
44 Ibid., 67

much more troubling incarnation developed along with military imperialism. In order to provide soldiers with legal and allegedly safe sexual services, the government managed military prostitution rings known as 'comfort stations'(*ianjo*) where the women were referred to as 'comfort women.' Much like licensed prostitutes in Japan, comfort women were coerced into brothels where they were forced to service soldiers in Japan and in the annexed colonies. However, the actual Japanese population of comfort women was relatively small because most of the women were recruited or abducted from Japanese territories and the majority of recruits from the mainland were of Korean descent. Japanese comfort women almost exclusively served military officers while foreign women were employed for enlisted soldiers. The military saw comfort stations as a means of rewarding soldiers and maintaining or boosting their morale and strongly encouraged troops to make use of them. As for recruited Japanese women, they were often already considered sexually deviant as they were recruited from among geisha houses, brothels and the like, and encouraged to offer their sexual services as a national service to satisfy the soldiers and protect the nation's wives and mothers, who might otherwise face harassment. However, these recruits most often served officers, which spared them from some of the worst trauma and humiliation that non-Japanese comfort women faced.

The construction of *ryosai kenbo* and the institution of comfort stations illustrate the class divide that still existed at the time of Japan's entry into war in 1931. Middle- and upper-class women embodied the ideal principles of the good wife, wise mother who was sexually loyal only to her husband and displayed the competence to maintain the *ie* and oversee her children's development as national subjects. However, lower-class women entrenched in poverty were still regarded as material resources who could provide their families with money and soldiers with sex. They transitioned from a lifestyle of poverty to a lifestyle of debt, were regarded as

property to be bought and sold publicly, and gained none of the protections offered by the state for mothers. Prostitution had remained legal after the Meiji reforms, and despite greater marital equality, men could not be divorced on the grounds of adultery. This was in part due to the fact that the state argued that prostitutes served as a barrier that assisted in "protecting" middle- and upper-class wives and mothers from the sexual desires of other men. In this manner, a woman who conformed to the family-state ideal exhibited the luxury of being "protected within the family from the sexual desires of men other than her husband," but it came at the cost of domestic confinement and seclusion.[45] As a result, women of all classes were still reduced to the status of male-owned objects: those preserved in the home and those consumed publicly.

The state's reluctance to accept a remodeled femininity for the middle-class woman prior to 1931 only added additional problems that Japan had to bear in the wake of the increasing demands of war. Although the need for additional female labor was undeniable, lower-class women were already members of the work force, leaving only middle-class women to fill vacancies. Despite this, the government attempted to curb the need for middle-class women's labor by teaching them to be more thrifty in the wake of diminished wages and economic inflation. This was meant to serve the additional purpose of keeping women at home so that they could reproduce in greater numbers. However, the impact of the war absolutely required these women's contributions to the work force, and thus the customary *ie* remained fragmented. Ultimately, the state held out until 1944 before allowing women to participate in war work, and "even then it was only for unmarried and widowed women...who could not legitimately reproduce."[46]

Japan's period of war resulted in many issues for a state trying to maintain stability while

45 Ibid., 69
46 Ibid., 118-119

also campaigning for military and imperial expansion. While initially its economic progress suggested successful modernity, the exclusion of the lower-classes, the disregard of feminist issues by either the middle or working classes, and the demands of extended war into the Pacific theater eventually produced more problems than it could handle. With regard to women, the phenomena of the New Woman and Modern Girl generated political and social unrest as the middle-class family-state ideal began to dissolve. The increased presence of middle-class women in the work place blurred the lines between lower-class (female) burdens and middle-class (male) privileges. In response to *moga* and the increased demand for women in the labor market, the government conducted a campaign to return women of child-bearing age to the household while allowing unmarried and older women to work outside. However, there seems to have been no suggestion as to how some of these women – particularly military wives – were supposed to accomplish conception without their husbands. Furthermore, the need to provide for their children and any other relatives with whom they shared a home, in the wake of economic decline as the war persisted, required women to leave their homes to find work. These women with families presented a contrast with *moga*, who were single and self-indulgent. To this end, the government proved impotent in maintaining the traditional *ie* system, and Japan's eventual defeat in 1945 saw it completely destroyed and replaced under a new constitution.

Western Intervention and Indifference

Japan's military defeat opened up permanent vacancies in social spaces due to the deaths of many men who never returned to fill former occupation posts and the symbolic loss of power to the U.S-led Occupation forces (henceforth SCAP[47]). The loss of these men resulted in the inability of widows and single women of the middle-class to regain economic and sexual

47 Supreme Commander of Allied Powers, led by General Douglas MacArthur

protection under the *ie* system. Voluntarily or otherwise, these women had to assume the traditional male roles of "protecting others, having others depend on them, making family decisions, providing a livelihood and articulating a sense of authority."[48] As a result, the state, the military, and the emperor all lost authority in the eyes of the public for failing to provide the victory for which all their efforts and sacrifices had been made. This, in combination with the rights afforded women under the new Japanese Constitution, led some to believe that "there should be less and less difference in the treatment of men and women in the future."[49] In other words, the system of gender discrimination that feminists had fought against for decades lost what validity it had once had when the state had been supreme. Unfortunately, women in Japan were about to realize that SCAP held little more regard for women's issues than Japan's right-leaning Diet.

The issue of women's rights resurfaced with the end of the war and the anticipation of a new constitution. Initially the Diet, under the supervision of SCAP, was charged with drafting a new constitution, but each submission was so similar to the Meiji Constitution that it was rejected outright. Frustrated with the lack of progress, SCAP formed its own Constitutional Assembly, in which Beate Sirota Gordon was the only female member.

Gordon recounted years later in 1997 her own awareness of women's issues during the interwar period. She had spent her childhood in Japan before World War II until she returned to the United States for college. During that time, she noticed "the [Japanese] mother being quite strong *within* the home...but when guests came she would cook and serve and hardly ever talk to the guests, and out of doors she would walk behind her husband."[50] She also recalls her

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48 Ibid., 142
49 Ibid., 145
50 Beate Sirota Gordon, "Celebrating Women's Rights in the Japanese Constitution," *US-Japan Women's Journal,*

"friends preparing for marriage...not knowing whom they were going to marry, having had no part in the choice of a mate."[51] When she returned to Japan after the surrender, she assessed her duty to Japanese women as follows:

> I felt that I must put in as many rights as possible into the Constitution itself, because I thought that the bureaucratic men who would be writing the civil code later on would never interpret the Constitution in a liberal way. But if the rights were enumerated in the Constitution itself, they wouldn't have any choice, they would have to do whatever it said in the Constitution.[52]

Gordon understood that Japan's conservative political body had to be forced to accept the legitimacy of certain women's rights, and wrote in as many concessions as she could with this in mind. Unfortunately, her superiors removed many of them, claiming that social welfare rights were "not fitting for a constitution," but "that they would see to it that it would be in the civil code."[53] This promise was not kept, and as a result, the feminist movement has been struggling for the rights Gordon tried to secure for them. The fact that Gordon's superiors and fellow committee members saw no reason to include women's rights in the constitution illustrates that not even the U.S. forces were concerned with women's liberation, despite their interests in democratizing Japan.

While women gained legal equality with men under the supervision of SCAP – including suffrage, marriage and divorce equality, rights to property ownership, and equal employment opportunities – they still experienced degrees of sexual subservience through the comfort station system, now aimed at providing services to Western occupying troops. Under a mutual

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no. 14 (1998): 66

51 Ibid.

52 Ibid., 71

53 Ibid.

understanding "that men, especially soldiers, had the right to sex with women of the occupied nation," the Japanese government reorganized its prostitution system, and U.S. forces readily took advantage.[54] Again, the majority of the women being recruited for such work came from "geisha, barmaids, waitresses, prostitutes and sexual offenders,"[55] so at work here was the continued attempt to protect middle-class Japanese women from sexual aggressors, this time Occupation soldiers. Thus, even the established premise of gender equality did not guarantee all Japanese women sexual autonomy.

Despite their new rights, one concern for women after the war that was not immediately realized was the establishment of a women's bureau in the government. Such sentiments arose as early as 1905 when women advocated to amend Article V of the Peace and Police Law.[56] The express purpose of a women's bureau was to establish a branch of the government with express authority over women's issues, whether it related to home, work, or society. However, Manako Ogawa indicates that women's issues were not a priority for SCAP, and summarizes the sentiments of Theodore Cohen, Chief of the Labor Division of the Economic and Science Section of GHQ[57], who believed "that the liberation of Japanese women was a domestic problem and that GHQ should not have any responsibility for it."[58] By this time, thirty-nine Japanese women had been elected into the Diet as a result of women gaining suffrage in April, 1946, and these women argued across party lines for the establishment of a women's bureau. However, men like Cohen opposed women's efforts with the belief that the women's bloc complicated

54 Liddle and Nakajima, 154
55 Ibid., 155
56 This law grouped women together with minors in prohibiting both from joining political parties and participating in political assembly.
57 SCAP General Headquarters
58 Ogawa, Manako. "The Establishment of the Women's and Minors' Bureau in Japan." *US-Japan Women's Journal*, no. 13 (1997): 59

matters.[59] Even General MacArthur, who seemed to support Japanese women's liberation, "contradicted himself by deeming women's grievances peripheral and by actually discouraging women's activities."[60]

While there was male opposition in GHQ, female members of SCAP showed more support and consideration for Japanese women's issues. Among them were Ethel B. Weed, whose activities promoted democracy and gender equality education; Helen Mears, the only female member of SCAP's Labor Advisory Committee, who strongly recommended and endorsed a women's affairs bureau; and the aforementioned Beate Sirota Gordon. These women served on various occasions as liaisons between Japanese women and SCAP, which made them an asset for feminist concerns, but their lack of knowledge of Japanese history and culture also made them a liability. For example, among the members of GHQ in charge of women's issues, "some of them did not recognize the fact that there had been a women's movement in Japan before the war."[61] Being oblivious, they occasionally made patronizing remarks regarding the plight of Japanese women and the assistance SCAP could offer. Ogawa quotes a report by Helen Mears in which she compares the "accustomed equality" between American men and women with the "special attention" that the situation in Japan called for.[62] Such thinking sometimes kept American supporters of Japanese women out of touch with those they were trying to help. In Mears's case, she proposed establishing a bureau to handle issues regarding Japanese women and children, whereas Japanese women specifically wanted a women's bureau, finding the grouping of women and children outdated.

As a result of demands and reports provided by Mears and Japanese women, GHQ's

59 Ibid., 62
60 Ibid.
61 Ibid., 64
62 Ibid., 65

attitudes regarding a women's bureau shifted, reflecting a strongly perceived need for such an institution within the Labor Ministry. However, despite its clear support, the Diet resisted the inclusion of a women's bureau, and did not include a single clause for the bureau in its first draft for the Labor Ministry. The cause for the opposition was a continuous disregard of the importance of such issues and the claim that Cabinet members would be strongly against the bureau. SCAP insisted that the Diet "include the Women's and Children's Bureau, which would administer areas related to the new Labor Standard Law promulgated on April 7 to promote the welfare of workers and improve their working conditions."[63] As such, by August 28, 1947, the bill establishing the Ministry of Labor, and the Women's and Minors' Bureau within it was passed.

The establishment of the Women's and Minors' Bureau was bittersweet for Japanese women as its original purpose was lost through the manipulations of SCAP and the Diet. Women had fought initially, and exclusively, for the establishment of a women's bureau, and Katō Shizue, a Diet member of the Social Democratic Party, argued that the final product "was not authorized to have jurisdiction over general women's issues," which was the intended point of the bureau.[64] Instead, the new bureau's primary responsibility was to manage women and children's labor problems, with the secondary task under the Division of Women to "deal with research on women's issues, perform liaison functions, and consider other general issues concerning women, such as workers' families."[65] While the bureau did serve a great function in improving conditions for female workers, it was unable to make employers allow time off for mothers to take care of their children, resulting in many women resigning from the workplace.

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63 Ibid., 69
64 Ibid., 72
65 Ibid.

Abortion

During Japan's period of rebuilding, women faced frustrations in their attempts to establish a stronger political presence, but they managed to protect their reproductive rights, which was an incidental advantage. Abortion was first banned in 1868 - with the establishment of the Meiji government - became a crime in 1880, and the penal code of 1907 declared that "a woman having an abortion of her own volition, regardless of the reason, was to be imprisoned for a maximum of one year."[66] However, the motivation behind these legal moves was not moral, religious, or even social in nature, but rather political. The Meiji Period (1868-1912) was Japan's early period of modernization and industrialization, and the government believed that population growth was necessary to support growing industries. As a result, Japanese feminists began a birth control movement, and later campaigned for abortion as a woman's right, but their efforts were silenced in 1937 when the second Sino-Japanese War encouraged the government to set policies that would again increase the Japanese population. In 1941, abortion and contraception were both made illegal as the cabinet's "Guidelines for Population Policy" aimed to increase the nation's population to 100 million people by 1961.[67] The decision was partially reversed in 1946 when the government lifted the ban on contraception in the wake of a surplus population it could no longer sustain after its defeat in World War II. Abortion became a legal avenue in 1948, with the Eugenic Protection Law, which allowed for abortion in the case of hereditary mental diseases or handicaps possessed by either spouse and again in order to protect the health of the mother. Finally, the law was changed in 1949 to extend access to abortion to women whose physical or economic situations would endanger their health should

66 Yasuko Tama, "The Logic of Abortion: Japanese Debates on the Legitimacy of Abortion as Seen in Post-World War II Newspapers," *US-Japan Women's Journal*, no. 7 (1994): 7

67 Ibid., 10

they continue their pregnancies[68] and again in 1952, when only a doctor's recommendation was required.

Throughout the 60s and 70s, opponents to abortion adopted a new stance on the issue. Through international censure[69] and labor shortages due to high economic growth, abortion opponents tried to redefine personhood, with the implication that an embryo and fetus were people, and therefore abortion was murder. Despite the fact that contraception was helping to reduce the number of abortions performed, a trend that began in the mid 1950s, it was not as developed or successful a practice in Japan as it was in the U.S., leading many women to still seek out abortions to rectify the failings of their contraceptives. Furthermore, at the same time, the Japanese government refused to approve safer, more effective contraceptives, arguing that they were hazardous to women's health. Consequently, many women argued for the continued need for legal access to abortion, and in response to renewed efforts to outlaw it, pro-choice arguments resurfaced and exhibited the popular support legal abortion had among the people. Therefore, "by the 1980s people had come to respect the position that regarded abortion as a woman's right."[70]

Although the penal code technically labeled abortion as a crime, the Eugenics Protection Law and its amendments effectively invalidated the prohibition. Thus, since the 1950s, abortion was not only legal, but was received with general approval by society. Opponents to abortion were marginal, albeit politically powerful, and refused to address the more complex issues women who may have received or may consider receiving an abortion faced during pregnancy. As a result of refusing to compromise and provide legitimate alternatives to

68 Ibid., 13
69 Japan was becoming known as an "abortion heaven" in the U.S. and Europe, which perceived Japan as committing crimes against (Christian) God. Ibid., 18
70 Ibid., 24

abortion, opponents failed to reinstate its prohibition.

The Novel and Society

The Rape was first published in 1982 by Kodansha and was the first novel by Ochiai Keiko to gain wide attention. According to Sandra Buckley, "the public controversy created by this book constituted a major step toward breaking the silence surrounding the topic of sexual violence against women."[71] While the book deals with the psychological trauma of rape and the gendered power struggles women face when deciding to report rape, following its publication there were still attempts to reduce serious attention to the issue of women's sexuality and sexual trauma. For example, when the film adaptation of *The Rape* was released later that year by the Toei group, the head of the company described the film as "pornography for women office workers"[72] and the film's focus moves away from rape as a social problem that harms women to explore the "emotions of a man and a woman who experience rape."[73]

The film production upset Ochiai so much that she refused to associate with it. Miya Yoshiko explains that "a central theme of the novel is the 'logic of the powerful,' which causes rape victims, who cannot begin to verbalize the depth of their wounds, to be raped over and over again within the legal system, to be repeatedly assaulted by words, looks, and thoughts."[74] In contrast, the film contained little of this aspect and went so far as to romanticize or fetishize the actual rape. In so doing, the "logic of the powerful" continued to disregard the damage that rape has on its victims, and the additional stress such disregard provokes. As a result, Ochiai was not particularly enthused by the thought of having any of her other novels converted to a film medium.[75]

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71 Sandra Buckley, *Broken Silence*, (1997): 227
72 Ibid., 180
73 Ibid., 179
74 Ibid.
75 Ibid., 237

In her interview with Sandra Buckley, Ochiai said she felt that most women still felt somehow insulated from rape and that most men only believed certain women would ever be raped. “Part of the problem,” she explained, “is that once you extend the concept of sexual harassment beyond overt physical harassment to include psychological harassment on the basis of gender, and even innuendo, then you are dealing with the very fabric of Japanese society.”[76] Because men's sexual misbehavior has been normalized in Japan through a history of oppressive politics meant to construct women's sexuality as dependent on men's sexual desire, opening discourse on sexual harassment necessitates acknowledging and redefining men's normalized sexual behavior as problematic. However, since Japanese society is still largely regulated by men, this is a difficult task to undertake.

Summary

Yahagi Michiko smokes a cigarette in her apartment as she relives the events of her rape. The trauma of the event notwithstanding, she is particularly haunted by the question her rapist asked her before he left; “Did you like it?” Reluctantly, Michiko accepts that she was raped and, in a fit of rage, shreds the outfit she wore during the incident. The next day, she goes to visit Karasawa Kyoko, a prosecuting attorney whose ad Michiko saw in a women's magazine. After hearing Michiko's account of the incident, Kyoko begins asking invasive, seemingly irrelevant questions about Michiko's dating and sex life. She then goes on to explain the general trend with regard to rape cases, and warns Michiko of the consequences of pressing charges.

Leaving matters unresolved, Michiko leaves Kyoko's office and goes to a cafe. There, she contemplates her options, and resolves that she must take her rapist to court as a matter of

76 Ibid., 233

personal integrity and pride, if nothing else. Having done nothing to provoke her rapist, and not knowing him, she feels especially resolute that the incident was the result of an inconsiderate and exploitative opportunist. After she informs Kyoko of this, the investigation begins and Michiko is returned to the scene of the crime. Her faith in the police has faded by this point; her irritation flares as officers repeatedly ask her the same questions. After the investigation, she is approached by her rapist's mother and children, who beg her to drop the charges and settle out of court for the sake of the family. Michiko shuts herself inside a police car and is escorted away.

During the court trial, Michiko's boyfriend Ueda Shogo is cross-examined by the defense attorney Kurose Yuichi. Kurose asks him extensively about his relationship with Michiko, including how they met, how long they have been dating, when they started having sex, and whether or not the two planned to marry. Initially, Shogo endures Kurose's insinuations about Michiko as a person, but the stress of the interrogation wears on him before he steps down from the witness stand.

When Michiko is presented for cross-examination, Kurose begins in a similar manner, but goes on to ask Michiko more invasive questions than he had asked Shogo. Michiko is asked about her work history, education history, romantic and sexual past, thoughts about marriage, values regarding virginity, and opinion of abortion. Before the end of the interrogation, Michiko is frustrated by what she perceives as Kurose's willful ignorance, which forced her to repeat and reiterate several points only for him to misconstrue them. She points out, before stepping down, that his behavior toward her was unique as a result of the crime in question and her position in society.

Later, after having quit her job as a result of the case, Michiko meets Shogo at a restaurant where he breaks up with her. When asked for an explanation for his decision, he

declares that he cannot remain with a woman who has slept with two men other than himself. The two men he is referring two are an ex-boyfriend of Michiko's named Takaki and her rapist. Shaken and distraught, Michiko approaches Kyoko in an attempt to throw the case out and drop the charges. However, Kyoko will not allow her to do this and reminds her that she must see the case out until the very end. The narrative ends just moments after the closing arguments of Kurose and Kyoko, before the judge makes his ruling, and Michiko is left suspended in time awaiting a verdict.

Moralistic Essentialism

As a whole, the novel presents a sex and gender-based battleground with Michiko, Kyoko, and the rapist's mother representing women and femininity, and the rapist, the investigating detective, defense attorney Kurose, Shogo, and the judge representing men and masculinity. On this battleground, Michiko is forced to further endure psychological rape based on what Setsu Shigematsu refers to as "moralistic essentialism," which defines, measures, and regulates a woman's sexuality on a scale that will render her "pure" or "impure" based on her "age, ethnicity, racialized attributes, and body type."[77] Under this system, the most desirable woman would be a heterosexual virgin, in contrast to the sexually active woman, and the more sexual partners a woman has had, the more impure and the less desirable she becomes. Therefore a woman's sexual history also factors into the discourse of moralistic essentialism, which "authorizes violence against women on the lower end of the purity scale, such as sex-workers/prostitutes" on the premise that such women are inherently morally corrupt and deserving of whatever violence they suffer.[78]

Many of the people involved with the investigation and trial apply internalized moralistic

77 Setsu Shigematsu, 156
78 Ibid. 157

essentialism in their dealings with Michiko and exacerbate the psychological trauma she experiences as a rape victim. Before she enters the courtroom, the topic of Michiko's daily life and sexual past comes up during police interrogations. Then, while collecting evidence at the scene of the crime - a patch of grass in a vacant lot - a detective makes no effort to hide his disdain for her. He casually and condescendingly implies that she was complicit in the assault, and that if she were trying to resist, she should have resisted with her entire body, including her legs.[79]

As a social device, moralistic essentialism is an androcentric practice meant to bind female sexuality to male sexual desire. When a woman deviates from "appropriate" sexual practice, she becomes vulnerable to violent or sexual assault for which she is solely responsible. The only way for a woman to avoid violence, or at least the responsibility for the violence she is subject to, is to remain celibate until marriage and faithfully monogamous afterward. Female sexual autonomy has no place in this system, so when Michiko goes to trial in *The Rape*, defense attorney Kurose attempts to negate her accusation of sexual assault on the basis that she is an unmarried woman with a sexual history. He does this not only by acknowledging her relationship to Shogo, but by introducing her past lover Takaki. Kurose wishes to establish that before Shogo, Michiko dated, had sex with, and virtually lived with another man, but ultimately rejected him when he proposed to her. This information is detrimental to Michiko not only because she becomes less pure, but because Shogo was unaware of the fact that Michiko's ex-boyfriend lived with her.[80] Kurose insinuates that her secrecy must be born out of a selfish desire to indulge herself sexually while still enjoying the benefits of her relationship with Shogo.

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79 While being questioned, Michiko explains that she pushed and slapped at her rapist with her hands, but that she eventually went limp for fear of being killed. The officer questioning her then asks if she used her feet as well. Ochiai Keiko, *The Rape* (1982): 33.

80 Michiko explains to Kyoko that they alternated spending time at each other's apartments. Ibid., 20

His gambit is relatively successful because Takaki is never presented as a witness to refute Kurose's implications and reinforce Michiko's assertions that she no longer has any relationship with him.

Kurose insinuates through his questioning that Michiko's accusation of rape is likely false because she is untrustworthy, as may be seen by the fact that her current lover knew nothing of her situation in regard to her former lover. Worse still, she refused both sexual partners' proposals for marriage prior to the rape, which the defense attorney interprets as a preoccupation with sex and a lack of genuine sentiment for Shogo or Takaki. This interpretation is not applied to either of the men, who are not faulted for having premarital sex, because moralistic essentialism does not attempt to regulate, quantify, or qualify male sexual behavior or desirability, as can be seen in the fact that little attention is given to the rapist for admitting to a (false) extramarital affair.[81]

The novel exposes the gender-bias and complications of moralistic essentialism as Kurose tries to further tarnish Michiko's name and reputation by adding another variable by which to assess her: the topic of abortion. Near the end of the interrogation, Kurose asks whether or not Michiko has ever had an abortion, presumably under the assumption that a woman who has been sexually active for at least two years has experienced an unwanted pregnancy. Like many of his previous inquiries, this question is irrelevant in determining whether or not she was raped, but Michiko addresses the question and explains that while she has not had an abortion, she understands a woman's decision to do so. Unlike the other topics presented by Kurose, abortion was an issue of social, legal, and political interest at the time.

81 After Michiko decides to prosecute and they locate the suspect, he admits to sex, but claims there was mutual consent. Ibid., 29

On one hand, abortion had been a crime in Japan since 1880,[82] but on the other hand, by 1952, the Eugenic Protection Law effectively invalidated the prohibition by permitting women legal abortions so long as they had a doctor's recommendation.[83] Despite recurring oppositions in the 50s and 60s, women and feminist groups successfully blocked efforts to revise or eliminate the Eugenic Protection Law, so "by the 1980s people had come to respect the position that regarded abortion as a woman's right."[84]

Kurose's decision to bring up abortion was underhanded in that he declares that an anonymous source was spreading rumors about Michiko. In the courtroom, he portrays abortion as a social issue involving women who rejected the "natural" tenets of motherhood, by which they should happily carry a pregnancy to term. Thus, abortion is presented as a variable of moralistic essentialism, regardless of legality, by which women who opposed or refused to have abortions were of greater purity and value than women who approved of them and women who had had the procedure. Therefore, even though Michiko had not had an abortion, she still endorsed it as an appropriate measure for birth-control, which reduced her value on the purity-impurity scale.

Systems of moralistic essentialism operate predominantly to subject female sex, sexuality, and reproduction to male control, and Ochiai indicates and ridicules this in *The Rape*. Michiko is a woman whom men have virtually no control over: she lives alone in an apartment, has a job that covers all her living expenses, enjoys a premarital sex life, and has no immediate desire to marry despite her boyfriend's proposal. Consequently, violence against her, including the possibility of rape, though not guaranteed, becomes more acceptable. However, since the

82 Yasuko Tama, "The Logic of Abortion: Japanese Debates on the Legitimacy of Abortion as Seen in Post-World War II Newspapers," *US-Japan Women's Journal*, no. 7 (1994): 7
83 Ibid., 13
84 Ibid., 24

system is extralegal and generally socially ingrained, it further harms Michiko in two ways. First, it threatens to have her rapist acquitted, not because of insufficient evidence, but rather because of her own insubordination. Second, because it places women on a sliding purity scale, it isolates her from men and other women in society, effectively closing off avenues for emotional support. Thus, Michiko becomes complicit to the rape in the eyes of the police because she did not resist with her legs, menacing in the eyes of the rapist's mother because she refuses to settle out of court, and dishonest in the eyes of Kurose who does not understand how a woman with such morals can also believe in, let alone become a victim of, rape. Although the system does not generally draw attention to itself, it is the source of many women's issues that Michiko must deal with throughout the novel.

Conflict in the Courtroom

The gender bias regarding rapists and rape victims is born out of the logic that the male perspective is objective and universal whereas the female perspective – when it disagrees – is subjective and irrational.[85] From this logic, rape myths are constructed which explain and justify male aggression, commonly reinforcing a "she was asking for it" mentality. Rape myths normalize rape on one hand, but also obscure it so that certain cases are easier to produce a conviction from than others. In Japan, there are two different types of rape: *tsūjō* (通常) rape, the commonly understood notion of rape in which a woman is attacked, unprovoked, by a stranger at night, and *fushizen* (不自然) rape, in which something differs from the standard definition of rape.[86] With regard to prosecution, *tsūjō* cases are easier to get a conviction from, so women involved in *fushizen* cases are more at risk to have their rapists acquitted.

85 Harriet Gray, "Rape and Sexual Assault in Japan: Potential Bias in Pre-Trial Procedures," *Reinvention: a Journal of Undergraduate Research* 1, no. 1 (2008)

86 Catherine Burns,

In the novel, Ochiai illustrates the damage of rape myths through several episodes involving Michiko, her rapist, the police, and defense attorney Kurose. To begin with, Michiko's rape is relatively standard. She does not know her assailant before the incident, does not provoke him in any way, and he attacks her at night and uses physical force – which she resists – to both harm and restrain her. However, as her case draws on, other men involved with the case begin to skew the details of the encounter to make it seem more like *fushizen* rape. After the incident, while getting dressed, Michiko's rapist asks her without a hint of irony, "Did you like it?" The question makes her entire body shake and proceeds to haunt her throughout the novel. Whenever the question resurfaces in her mind, it sends her into a spiral of denial and self-doubt. Even though she had no desire for contact with the man, the rapist leads her to think that she gave some indication of sexual interest or pleasure during the scene. Michiko cannot believe herself to have been complicit, nor can she understand why he would think she was, but he is only the first person to complicate the issue with insinuations of her consent.

In combination with the officer's interest in the amount of resistance Michiko offered with her feet, Kurose's decisive move to exaggerate her seemingly unorthodox lifestyle, and Shogo's accusation of her infidelity, the rapist's question makes Michiko's *tsūjō* case begin to look more like *fushizen* rape. These men rewrite the incident as a scene of consensual sex that at worst involved fetishized violence, which implies a familiarity with her rapist. The suggestion that she does in fact know her rapist, in tandem with her impurity according to the social conventions of femininity are the most difficult factors working against her in convincing the judge[87] that hers is a genuine case of rape because rape myths also determine who is capable of being a victim; predominantly young women, virgins, and housewives.

87 Juries were not used in court cases during this period.

Regardless of a woman's sexual status or the circumstances surrounding her rape, another painful threat presents itself to victims who choose to prosecute their rapists. Prior to accepting Michiko's case, Kyoko asks her several questions that are seemingly irrelevant to the incident. These questions revolve around her relationship and sexual history, and while they make Michiko feel uncomfortable, Kyoko explains that the questions are vital information that she needs to know. Later, Michiko is asked similar questions at the police station and in court, but Kurose goes even further with his examination. During Michiko's questioning, she is compelled to answer questions regarding her work history since graduating college, her relationship history from the same period onward, and all decisions pertaining to both. He is particularly judgmental of these two facets of her life, which do not conform to conventional notions of femininity, and his behavior is presented not only as common, but acceptable, as the judge overrules all but one of Kyoko's objections on Michiko's behalf.[88] Rape victims therefore must endure the psychological damage of having their entire lives, including personal or intimate secrets, exposed before the court, regardless of its relevance to the case in question.

During his interrogation, Kurose paints Michiko's decisions and opinions as negatively as possible. For example, his treatment of her relationships with ex-boyfriend Takaki[89] and her present boyfriend Shogo shows how a woman's mental state and logic are attacked and ignored in court. Both Takaki and Shogo proposed to her at one point, and she turned both of them down. Michiko explains that she broke up with Takaki because a personnel transfer required him to move to Fukuoka and at the time she was more concerned with her new job than with marriage. When pressed to explain why she then declined Shogo's proposal, she explains that,

88 In all, Kyoko objects five times on Michiko's behalf: twice with regard to Takaki, once with respect to homosexuality, once in reference to suicide among rape victims, and once concerning abortion. All but the last are overruled.

89 His surname

from her perspective, their relationship was perfect as was. She saw no point in rushing into marriage, nor did she understand why she was obligated to marry a man just because she loved and had sex with him. While Michiko tries to deliver this point, Kurose suggests that her behavior signifies her priority for sex over marriage. Frustrated with his narrow view of love, sex, and marriage, and the insinuations he makes regarding her motivations, Michiko finally shouts at him when asked for a third time why she rejected Shogo's proposal. At this point, Kurose asks her to calm down and dismisses the issue, and Michiko's logic, as something that he cannot understand.

Scenes similar to that mentioned above recur throughout the cross-examination, and periodically Michiko reaches an emotional breaking point born out of the stress of Kurose's constant insinuations about her character, his repetitive questions, and his willful ignorance regarding her perspective on sex, gender, love, and marriage. Exacerbating the issue further is the fact that Kurose's interrogation is rather quick paced, which does not allow Michiko much time to collect her thoughts or maintain her composure. When she expresses her frustration with Kurose's behavior, he cruelly reminds her that she chose to press charges, implying that his behavior as defense attorney is justified.

Through the legal proceedings, *The Rape* addresses the additional damages women must endure if they choose to prosecute, and incidentally, why many women refuse to press charges. As a rape victim, Michiko is afforded little consideration from anyone around her. Instead, she is paraded through a string of pre-trial questions that force her, unnecessarily, to relive the rape over and over. The details of the event are scrutinized to the point that Michiko feels as though she is being toyed with by the police. Begging to settle out of court, the rapist's mother makes Michiko responsible for any collateral damage that results from prosecution. In court, she

confronts Kurose and is forced to divulge irrelevant and personal details involving her work history, sex life, and past relationships. When asked to explain her behavior, Kurose treats her explanations as incomprehensible, and her resultant distress as feminine irrationality.

Michiko's experience delivers the message that reporting rape exposes women to further psychological harm. Not only is she stripped of her right to privacy, she is blamed for the discomfort it causes her. It is not, nor is it ever, the rapist's fault that Michiko suffers abuse from the police and Kurose, but rather her fault for wanting to prosecute. This experience is so damaging that Michiko begs Kyoko before the final hearing to drop the charges. Kurose, during the cross-examination, makes very clear with his behavior toward Michiko that if she had wanted to avoid further abuse, she should not have reported the rape. Ochiai's depiction of Kurose, the judge, and Michiko's heightened distress clarify the complications rape victims must encounter in their pursuit of justice. Despite the alleged objectivity of the law, the novel indicates male bias, male-defined gender roles, and rape myths as contributing factors to discriminatory legal practices that attempt to discredit women rather than disprove their rape claims. Thus the legal system aids androcentric social structures in silencing victims and strengthening Japan's rape culture.

Traditional vs. Contemporary

Though set in the early 1980s,[90] *The Rape* demonstrates the entrenched nature of sexist discrimination in Japan. The reforms of the Meiji period established clear divisions between class and sex with middle-class men at the top and lower-class women at the bottom. Traditionally, middle-class women were to manage household affairs under the tenets of *ryōsai*

90 Kurose mentions that Michiko graduated from college in 1975, which would mean she was somewhere between 21 and 23. As she is 28 years old in the novel, the year is between 1980 and 1982, the year the book was first published.

kenbo, their livelihoods sustained by the single incomes of their husbands. Conversely, women of the impoverished lower-class were generally expected to work. At best, they could work in factories and contribute to the prosperity of industry, but at worst they were sold into sexual servitude, from which escape was difficult. The sexual labor of lower-class women created a commodified dichotomy wherein lower-class women's services were bought and sold in order to preserve the middle-class woman's sexual service for her husband.

Despite the reforms in Japan since the Meiji period, beginning with the increased presence of women in the work place as a result of the nation's imperial expansion, the growing numbers of *moga*, the political activities of feminists, and the newly drafted constitution during the Occupation, the sentiments that restricted the rights and mobility of middle-class women persisted. By the 1980s, despite women having equal voting rights, equal marriage rights, equal rights to property, and equal opportunities to employment, traditional gender norms continued to influence the social expectations of women and in some instances restrict their liberties. Thus, in *The Rape*, Michiko is still struggling with several women's issues that have been debated, in some instances, for over 60 years.

Japanese attitudes regarding love, sex, and gender empower Kurose's attack against Michiko during the rape trial. As she is a middle-class woman, she is expected to have only one sexual partner, who either will be or is her husband. Furthermore, a woman's love is presumed to lie in self-sacrifice, which suggests that Michiko would willingly quit her job in order to accompany Takaki to Fukuoka, or give up her independence and marry Shogo. Society views love, sex, and marriage as inseparable for women, which is why Kurose refuses to understand how Michiko could claim that she loves Shogo, and loved Takaki, despite not marrying either of them. He does not acknowledge the double-standard between men and

women, wherein a man is able at his leisure to marry, maintain his job, and indulge in extramarital sexual activities, while a woman is expected to remain secluded at home. Furthermore, Kurose ignores the common practice in companies to pressure newlywed women to quit or retire from work.

Ochiai's novel outlines the truth of rape versus rape myths, but also indicates the difference between normalized views of women and the lived realities of women as well as the intersections of these issues in rape cases. Rape can have extensive, lasting impacts on women outside of the initial damage to their minds and bodies. As Kyoko indicates during her initial conversation with Michiko, prosecution can cost a woman her job, her mental health, and even relationships. Because of the stigma of rape, Michiko quits her job, breaks down inside and outside the courtroom, and is dumped by Shogo as a result of coming forward. The trial calls into question her right as a woman to work, have sex, use contraception, and have abortions in spite of the legal precedents that guarantee her those rights. As she lacks the conventional right to bodily, sexual, and financial autonomy, Michiko's right to demand justice is also called into question.

As Michiko tells Kurose clearly, she is vulnerable to the psychological abuse he afflicts on her in the trial only because of her unique circumstances. Were she a child, an elderly woman, a virgin, or a married woman, her conformity to sexist gender constructs would be irrelevant. Were she a murder victim instead of rape victim, her marital and sexual status would not come into question. However, because the crime committed against her involves rape, a complex crime that is physical, sexual, and psychological, she is not afforded the respect and dignity of other crime victims. Michiko is representative of the unseen and unspoken reality of the diversity of women's experiences in Japan, which inherently refute the myth that rape only

happens to certain women in a certain way. She is proof that there is no such thing as fetishized *rēpu* and criminal *gōkan*. Rape is rape; *rēpu* is *gōkan* and Ochiai actively called attention to this reality, which challenged the otherwise undisputed depictions of rape in Japanese media and forced readers to seriously regard the topic not as a normalized sexual fetish, but as a criminal violation of a woman's body and mind.

Since the 1980s: complications with gender equality

Since 1975, women's organizations have sought international pressure to further policy changes for the improvement of women in society. The UN Decade for Women (1975-185) served as a catalyst for rallying around *kansetsu gaiatsu* (間接外圧), or indirect, external pressure, which was utilized to urge the Japanese government to sign the Convention on Elimination of Discrimination Against Women (CEDAW) and to ratify the Equal Employment Opportunity Law (EEOL). The idea behind *kansetsu gaiatsu* is to threaten international embarrassment should the Japanese government refuse to agree to enact policy change to generate greater equality between the sexes. This would be done predominantly by filing reports to the UN and speaking out at international assemblies to expose forms of discrimination women faced as a result of Japanese laws that were not in accordance with international human rights policies, and it proved useful in 2001 for fighting domestic violence.[91]

In April 2001, Japan released the Law for Prevention of Spousal Violence and the Protection of Victims, commonly referred to as the DV Law.[92] The law came into practice after almost a decade of activism and legislation following the 1992 founding of the Japanese Domestic Violence and Research Group, whose research indicated a high domestic violence rate involving husbands. This research led to the conduction of several surveys throughout Japan, culminating in a national survey in 2000 which found that 15 percent of wives experienced spousal abuse. Combined with the 1999 case in which consul general Shimokiji Shuji was found guilty for beating his wife in Canada, the data reinforced the sentiment that Japan needed legislative reform to address the issue.

In response to the uproar caused by the Shimokiji case, the Diet expanded the services of

91 Joyce Gelb, *Gender Policies in Japan and the United States*, 29
92 Joyce Gelb, 71

shelters, originally intended for prostitutes, to also provide care for battered women and children, where they could also seek counseling. This example shows the effectiveness of *kansetsu gaiatsu* in helping women achieve legislative reform in Japan, but it also overshadows women's activism because the focus again shifts away from women's issues and focuses instead on international opinion and the Diet's compliance. This implies that feminists and women's groups in Japan rely on attention beyond Japan's borders to achieve reform, but *kansetsu gaiatsu* is not always effective or turned to as a tool for establishing gender equality. To this end, I provide as examples the reforms in the workplace as a consequence of the EEOL and women's reactions to the issue of human trafficking in Japan's sex industry. I will end with an assessment of rape trends in recent years and women's strategies to combat rape in Japan.

Equal Employment Opportunity Law

Gelb recognizes that many women's organizations in Japan are "localized, single-issue oriented, and fragmented"[93] but goes on to acknowledge that these smaller groups are better able to evade assimilation or appropriation by the government. However, these qualities result in women's groups being, on their own, politically weak, which is why *kansetsu gaiatsu* is a powerful tool for forwarding their agendas. The EEOL was one of the earliest examples of the effectiveness of *kansetsu gaiatsu*, but it was also largely an empty gesture on the part of the Diet as the law had no sufficient provisions for enforcement and left the issue of sex-based discrimination up to employers. The result was a policy that divided full-time labor into a two-track system: *sōgō shoku* (総合職), or managerial work, and *ippan shoku* (一般職), clerical work.[94] This system enabled corporations to maintain conventional labor practices without violating the EEOL. While all employees technically had the right to choose their track, men

93 Ibid., 28
94 Ibid., 52

were automatically assigned *sōgō shoku* while women commonly chose *ippan shoku* because it required fewer hours, less pressure and responsibility, and there was no risk of transfer to a different branch or department in another town.[95] As a result, men still largely dominate managerial and executive positions while women continue to fill nearly all clerical roles.

Dissatisfied with the two-track system and the weak EEOL, which allowed for continued sex-based discrimination in the workplace, women resorted again to *kansetsu gaiatsu.* They relied largely on UN human rights standards and international conferences to issue complaints that countered the Diet's claim that the EEOL led to improved labor conditions. The attention of the UN, the reports to CEDAW, and the efforts of such women's groups as the Osaka-based Working Women's International Network (WWIN) eventually put enough pressure on the government to amend the EEOL in 1997. Amendments to the law included a prohibition of gender-based discrimination in recruitment and hiring[96], a permit allowing for mediation between employers and their companies so long as one side requests it[97], and the publication of names of employers who refused to comply.[98] However, the amendments did not empower enforcement, did not address the technically legal two-track system, nor did they take into account indirect discrimination. Thus, though mediation was more accessible, it was not particularly satisfying as mediators tended to avoid the promotion policies of the two-track system. However, sexual harassment cases were more positively influenced as can be seen by the increased awareness of sexual harassment, the broadened interpretations of what constitutes

95 Ibid.
96 Megan L. Starich, "The 2006 Revisions to Japan's Equal Employment Opportunity Law," *Pacific Rim Law & Policy Journal* (2007): 559
97 The 1985 EEOL required both parties in a dispute to agree to mediation, enabling employers to ignore complaints at their discretion.
98 Joyce Gelb, 59

harassment, and rulings favoring complainants since 1992.[99]

Revisions were made to the EEOL once more in 2006, again with pressure from the UN and CEDAW. According to Megan Starich, the 2006 revisions expanded the language of the EEOL, in order to apply to both men and women, and prohibited employer practices that resulted in women being pressured out of companies or being forced to accept demotions if they remained. It also recognized and prohibited the use of indirect discrimination, such as "using height and weight requirements in recruitment and hiring."[100] These practices, while seemingly gender-neutral, were in fact disproportionately disadvantageous for women. Additionally, the 2006 revisions sought to provide protection for pregnant women and mothers, who were most commonly pressured to leave work upon becoming pregnant, or discovered they no longer had a job after returning from maternity leave.[101]

Symbolically, the 2006 revisions to the EEOL marked a large step toward gender-equality in the work place, but Starich points out that these revisions still fail to establish constitutional equality between the sexes. While men and women were now given protection under the EEOL, the provisions did not fully address indirect discrimination and discrimination against pregnant women and mothers. The 2006 revisions provide examples of indirect discrimination, but do not define indirect discrimination. As a result, forms of indirect discrimination that are not explicitly included, such as requiring specific academic backgrounds for certain positions, are not immediately prohibited and continue to block women's access to *sogo shoku* positions. Meanwhile, pregnant women and mothers are protected from discrimination from employers, but

99 1992 was the year of the first lawsuit that was ruled in favor of the plaintiff and awarded her monetary compensation. Ibid., 60

100 Megan Starich, 563

101 Ibid., 564

they still receive hostility from coworkers, often other women,[102] as a result of having their work divided among remaining employees. Consequently, many women still quit their jobs upon becoming pregnant in order to avoid placing this burden on their colleagues and facing resentment upon their return. Finally, the EEOL and its reforms exclude part-time and dispatch workers, leaving millions of women unprotected, uninsured, and without benefits, and leaving the goal of true employment equality unrealized.

Sex trafficking

Although prostitution was made illegal in 1956 with the Prostitution Prevention Law, the trafficking of migrants into Japan to work in the sex industry became an issue in the mid-1980s.[103] Typically, the women trafficked into Japan were from East or Southeast Asian nations, and they were recruited in ways similar to the loan contracts used to recruit comfort women. However, Aoyama Kaoru – in Fujimura-Fanselow's T*ransforming Japan* – indicates that after the 1990s, trafficking did not often involve deceiving or kidnapping women. Instead, migrant women were usually aware of the sex work they would be expected to perform, and agreed to sell these services. Aoyama therefore defines trafficking as "the movement of people across national borders outside state regulations, mediated by collectively organized others motivated by their own gain."[104]

Women trafficked into Japan found themselves in various situations upon arrival. Some did find themselves being treated like sexual slaves. These women were often isolated from society, physically abused if they refused to perform solicited sex acts, stripped of their visas and passports, and trapped in a system of spiraling debt. Other women made a decent income as

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102 Ibid., 568
[103] Kumiko Fujimura-Fanselow, 284
[104] Ibid., 286

prostitutes, but could be vulnerable to physical dangers if they performed "delivery health," which left them alone "with an unknown customer in a closed space under unknown conditions, from which it was difficult to escape once dispatched."[105] Some women were not involved in illegal sex work at all – meaning their work did not require direct intercourse[106] – but if their place of employment were raided, they could still be detained as undocumented workers and deported. Lastly, there were migrant women who married Japanese men and therefore, should they also choose to enter the sex industry, gained protection from deportation, but also ran the risk of entering abusive relationships. Divorce in these instances could be difficult as either the wife could not afford to leave her husband, or risked losing her spousal visa if she left him. Thus some women risked being trapped in Japan through debt-bonds and economic dependence, being forced out of Japan via deportation, and being vulnerable to physical abuse by angry supervisors or clients. Nevertheless, they chose to migrate anyway, and in the end, there were those who gained or maintained the ability to return home, but refused to do so because they could make more money in Japan.

In her interview with Matsui Yayori, Sandra Buckley suggests that the proliferation of prostitution in Japan continues largely due to the persistent denial of the married woman's sexual identity. Matsui agrees that sex and gender in the family play a critical role in the sex industry, but she holds husbands and wives both responsible for the sexual exploitation of migrant women. While husbands directly buy and consume sex from trafficked women, wives remain complicit or silent, which therefore enables the sex trade to continue. Beyond this, she also addresses the intersecting causes of "racism, colonialism, commercialism, and sexism" in Japan, which permit

[105] Delivery health was an appealing way to solicit and offer sexual services because workers went to the customers. Police were therefore unable to satisfactorily locate or raid dispatchers, who were not confined to a public building. Ibid., 293

[106] Examplea of this type of work are bar hostesses and strippers.

the trafficking of women into the country as well as men's sex tours out of the country.[107]

Regardless of how or where their sex work is consumed, women in East and Southeast Asia choose to enter the sex industry because their home countries are economically weak compared to Japan. The money they could generate through sex work exceeded what they would make with a local job, if they could find one, and enabled them to support their families. In this manner, Matsui sees the women as victims who need to be rescued, as opposed to the Japanese government, which legally classifies these women, especially if they are prostitutes, as criminals in violation of Japan's immigration and anti-prostitution laws. Conversely, Aoyama argues that the victim-criminal dichotomy ignores the agency of a migrant woman, the intersecting factors that led her to her decision to enter Japan and work in the sex industry, and her changing circumstances while in the sex industry which may give her more or less autonomy over time. Thus decisions regarding her legal or illegal status should consider her desire to work in Japan, which, if nothing else, will reduce the likelihood of her returning once more through illegal channels.

[107] Sandra Buckley, 152

Conclusion

Since the Meiji Period, Japanese women have found themselves in conflict with political structures, legal codes, and societal customs that favor men. Initially denied any political power, women were bound to certain behaviors under the *ie* system and the values of *ryōsai kenbo*. Their resistance to these ideals reflected an unrealistic assessment of women's lives and experiences by the state, but they were afforded little sympathy and were trapped in a dichotomy by which they could be chaste, secluded, pure housewives, or sexual, public, impure laborers.

The sexual segregation of women became most apparent during the interwar period of 1931-1945 and the Occupation period following Japan's defeat in World War II, when the state called on the sexual service of lower-class and non-Japanese women to protect the chastity of upper-class women by satisfying the sexual needs of soldiers. After prostitution was illegalized in 1956, one might have presumed a decrease in the sexual objectification of women, but instead new ways of commodifying women's bodies emerged, particularly in the 1970s and 1980s. Japan's sex industry continues to thrive through hostess clubs, soap lands, human trafficking of undocumented sex workers, sex tours, and pornography, which is easily accessible and shamelessly consumed in public spaces. This contributes to social and psychological violence against women by continuing to depict their bodies as available for casual consumption by men, and this is intensified now as the public provision of sexual services by women has been accompanied by corresponding increase in violence used against women in pornography.

The Rape protests the violence that women experience in Japan and the notion that violence towards a woman is more acceptable the less "feminine" she is. In the 1980s, women's chastity and purity were still largely measured by the same Meiji ideals that designed the *ie* system, chastised *moga*, and formed Japan's rape myths. The legal system was still

largely androcentric and continued to promote patriarchal controls over a woman's behavior, and similar attitudes can still be seen in the workplace, where discrimination limits a woman's opportunities for advancement before she has even been hired. *The Rape* criticizes the message inherent in Japan's sex industry, labor market, and legal systems that women have two sexual roles from which to choose; the role of the genitals or the role of the womb. Women may either be used to satisfy men's sexual needs, or they may be used to maintain a man's home as his wife and as a mother to his children. In the case of the former, they have little, if any, right to complain about sexual assault. In the case of the latter, domestic seclusion would not only ensure proper child development and prevent resentment in the workplace; it would also protect women from men's sexual aggression.

In recent years, rape trends in Japan have been improving with regard to court trials ending in conviction. Between 2003 and 2010, the *White Paper on Crime* has shown that there has been a decline in reported rapes[108] and a decline in per capita rapes[109], but an increase in the number of arrests made relative to rape cases.[110] The data suggests that rape is occurring less often in Japan while arrests for rape are occurring more frequently. However, as Catherine Burns points out, the data may be misleading. Issues regarding rape statistics include: the definition of rape, which Japan limits to vaginal penetration with a penis; the age classification of juvenile offenders, as a significant number of reported rapes were committed by juveniles;[111] and the fact that the data only represents cases reported by the rape victim, which excludes unreported rapes and rapes discovered by a third party, even in cases of child victims.

Factors that contribute to unreported rape incidents, such as threats of additional violence

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[108] From 2,472 in 2003 to 1,289 in 2010. Japan's *White Paper on Crime* (2004-2011)
[109] From 1.9 cases per 100,000 people to 1.0 cases. Ibid.
[110] From 63.5% to 82.% Ibid.
[111] The proportion of rapes committed by juveniles rose from one-third to almost one-half between 1994 and 2002. Of those arrested in 2002, 71% were between the ages of 17 and 19. Catherine Burns, 46-47

should the victim file a report, the exclusion of rape as a crime in marriage, and rape myths which presuppose that sexual assault is consensual sex prior to a report, are not reflected in the *White Paper on Crime*, which therefore does not fully express changing trends in rape in Japan. Thus, it is not clear if the shrinking number of reported rapes is proportional to a decline in rape incidents or disproportional to a rise in rape incidents in recent years.

Regardless of the implications in recent statistics, women have been achieving greater success in the courtroom. This is, in part, a consequence of new tactics women and their lawyers have employed during trials, such as refusing to conform a woman's personal rape experience to the *tsujo* rape narrative. Rape victims, their attorneys, and their supporters combine this tactic with testimony from expert witnesses, such as rape crisis counselors, in order to subvert the common misinformation popularized in *tsujo* rape narratives and rape myths. This strategy is problematic, however, because current victims risk their rapists getting acquitted in the name of establishing a less gender-biased legal system in the future.

Ochiai saw the need to rectify attitudes regarding rape thirty years ago, but despite changes in courtroom strategies and better resources for victims, many of the androcentric practices Michiko experienced in the novel are still obstacles for women today. However, women have been making some progress in achieving a higher percentage of rape convictions since 2003. If the EEOL is any indication, women will continue to make advances in court, but those advances may come too slowly and prove largely ineffectual. Therefore, recent developments notwithstanding, additional strategies may be required in order to realize societal changes that more accurately, more positively, and more quickly respond to women's issues.

The Rape

Chapter 1

Yahagi Michiko remembered the severe pain in her right hand. The cigarette, which had shrunk down to the filter, was burning the first digits of her index and middle fingers. When she noticed, the pillar of ash that had grown from the tip fell and dissolved into a powder on her knee. As though she were putting it out, Michiko pressed the cigarette into the ashtray, and continued rubbing it after it went out.

“Aah, no.” The words escaped Michiko's lips unintentionally. “No, no.” She tilted her head up to the ceiling and ground her molars together so hard that they started producing sound. She ground them to try to erase the memory and thought to herself that she was just having a bizarre dream.

A man with a crazed expression stood over Michiko and looked down on her body. For a moment it looked as if his eyes were laughing from behind the black-rimmed spectacles. He put his hands on his belt and struggled with it either because he was anxious or because he was shaking. He removed it noisily, the buckle rattling, pulled his pants down to his knees, and got on top of her. It was at that moment that Michiko finally understood what was happening. It wasn't a dream.

On her way back home, the man had followed Michiko in his car, stood in her way, and hit her. Now, that man had fallen over her.

“Don't come any closer!” she wanted to scream, but her voice caught in her throat and didn't come out. His hand reached for her face, but she knocked it away back into his own, sending his glasses flying. In his narrow eyes, she could see a bloodshot gleam, and in a fit of

violence he started slapping her in the face.

“I'll be killed....If I fight back, I'll be killed.” For a moment, Michiko flinched and was frozen with fear. In the same moment, the man displayed surprising speed and strength and used his belt to bind Michiko's wrists and held them above her head. Then he pulled his underwear down and his penis, which looked like a weapon, came into view.

“Stop, stop, please stop,” she tried to scream, but her voice failed her.

Michiko swung her bound wrists over the man's head and kicked her feet frantically. The man didn't try to stop her as he forced himself into her, which caused her to feel a violent, cramping pain. Having penetrated Michiko, the man laughed voicelessly, and began moving busily on top of her. She knew it was happening to her own body, but she had become numb. She was aware of the reality of what was happening to her. However, as though she were going senile, she opened her eyes and looked past the man's head into the sky. There, she could see tall bushes, and there she thought of herself as a corpse as the lower half of her body remained exposed. “This isn't me. It's someone else. It shouldn't be me here,” she thought in a futile attempt to convince herself. She wanted it to be a dream, but the incessantly rising urge to vomit proved to Michiko that everything that was happening was real.

Unmistakably, this man was thrusting a weapon into Michiko, breathing violently, and she thought she heard him curse several times. How long did it continue; it felt like it lasted five minutes or maybe an hour. Soon, the man groaned strangely above her and finished. In that moment, still lying under him, Michiko spat the bitter liquid collecting in her stomach into the air.

The first time she heard his voice clearly, all he said was, “It's over.” It sounded hoarse, but still had a childlike quality to it. His penis could be seen, now wet and shining, its vitality

gone as he looked down on Michiko and slowly got dressed.

“Did you like it?” he asked and her entire body was seized by violent shaking. His words became another horrifying weapon and pierced Michiko. Again, liquid spilled out of her mouth, wet her jaw, and ran down her neck. The man picked up his glasses from the grass, put them on, unbound the belt from Michiko's wrists, and then got up to leave.

After a while, Michiko got up too and noticed her torn underwear and skirt which lay white and clean at her feet. Absently, she noticed that everything had happened on a vacant plot of land near an apartment. A stray dog that emerged from the grass was startled by Michiko and fled the scene.

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The dull pain from where she had been struck earlier remained in the pit of her stomach. Things she didn't want to remember assailed her repeatedly like an endless tape. When she got to the part where she heard her rapist ask, “Did you like it?” Michiko thought she would go crazy.

“No, no!”

The memory always began as though the incident were a dream, but as a fact, it would push Michiko into an abyss. It was way too appalling to be a bad dream, but way too atrocious to be the truth.

She lit a new cigarette and stared at the underside of her left wrist, where she could see more clearly the lines of her veins. If she ran a knife over it, she could bury it all away. Together with her trampled body, she could erase her fractured psyche. Instead of a knife though, Michiko took her cigarette and pressed the lit end of it into her wrist. A stinging heat ran through her arm from that one point on her soft skin, which soon became a sharp pain that

shot through her entire body. She didn't stop until the area around the burn swelled into a dark red blister. The wound marked Michiko's dark state of mind.

When she came to, the shaking and the urge to vomit had subsided. Sitting in the middle of the room, she looked about slowly. It was her room. For five years, this had been her room where she had grown accustomed to a care-fee lifestyle and was offered, at 28 years of age, the proper amount of personal space. Nothing had changed. It looked the same way it had when she went to work the day before. Michiko was the only one who was disturbed.

"I was raped!" She thought, as each letter burned into her mind. Like a wave that arose from offshore, humiliation rose from some place inside her and approached her consciousness, swallowed her, and unhinged her. To Michiko, it was as though a wave of unending humiliation had crashed into and shattered the past 28 years of her life. She could hear several voices coming from within, and each one represented a different part of her.

"It was bad luck. Just accept it."

"You are lucky you weren't killed."

"Just forget about it."

"One day you'll forget about it."

"You should be able to act like you forgot about it."

She brought her temples, pulsing with a feverish heat, to her knees, and looked around for the source of the voices.

"Even if you can't forget it, you can probably pretend that you've forgotten..."

"Did you like it?" Suddenly, once again, that nasally voice resurfaced and unforgivably broke into her thoughts. Michiko tried to shut the man's voice out by covering her ears, and she had the feeling that she should re-examine the situation and what she wanted. Strangely, in her

heart, there were no sad shadows and the fear was fading away. Only humiliation and hatred hung in her heart. Presently, Michiko faced the humiliation inside herself and saw another feeling begin to emerge, but she could not see it clearly, as it had not taken form yet. She continued staring into the mist, unmoving, save for biting her lower lip. The mist pushed her humiliation away and began to take form.

Anger. It was anger.

The searing, bitter humiliation that was calling for cold and unforgiving rage was releasing a cold fire in Michiko's heart. In an instant, it had spread throughout her body. As though urged by that fire, Michiko tore off everything she wore: the unnaturally wrinkled blazer stained with dirt and torn grasses; the skirt with the broken side zipper; the blouse with two missing buttons; the bra with one torn shoulder strap; the stockings that were snagged and torn at the knees; the horribly frayed panties. Michiko gathered them all together, standing naked, and trampled them. Then she grabbed her scissors, squatted in the middle of the room, and cut them into several indistinguishable fragments. In so doing, Michiko was aware of her own madness, but if she was going insane, so be it. As she shouted in her mind how easy it would be to go insane, she cut away with the scissors.

The fragments of cloth lay scattered on the floor and Michiko stared at them momentarily. Then, in the bathroom, she poured several gallons of cool water over herself. Afterward, she washed herself, but the humiliation remained. Nevertheless, she continued washing herself. When she wrapped her numb body in a fresh towel, the sobbing began.

It wasn't out of sadness, but rather anger that Michiko allowed herself to cry.

Chapter 2

The next day, in one of the rooms at the prosecutor's office in Hibiya, in a room surrounded by cream-colored walls, Michiko was meeting with prosecuting attorney Karasawa Kyoko.

“And then?” After listening to Michiko's story, Kyoko pushed up her fox-shaped glasses and stared at Michiko.

“Naturally, I intend to prosecute,” Michiko replied, thinking she was working herself up.

“You're prepared to fight all the way to the end, huh?” When she said such a strange thing, Michiko looked over Kyoko, who didn't have much make-up on save for a thin application of lipstick.

“Isn't that the reason I came to visit you?” Michiko thought as she fixed her gaze on the area around Kyoko's forehead.

“Please tell me one more time, in as much detail as you can, everything that happened the night of the incident,” Kyoko said in a flat, businesslike tone as she pressed the switch of a small cassette tape, took out a notepad, and clicked button of her pen.

“I went over it just now...” Michiko retorted, slightly irritated. She felt it was too much to tell the story again.

“I understand, but I have to get your account one more time...” Kyoko answered, looking over her glasses at Michiko. Michiko's low voice, the low hum of the air-conditioner, and the mechanical sound of Kyoko's pen gliding over the paper echoed throughout the room. Occasionally, Kyoko would ask for minor details.

“Why don't you seem to understand that I am the one who was raped and that I'm a woman just like you?” Michiko thought to herself as she continued recounting the incident. *“She probably doesn't believe me a hundred percent. That's why she's making me repeat the*

same story." As soon as Michiko came to this conclusion, disappointment and remorse crossed her mind as if she had been betrayed. At the same time, she suddenly noticed something similar to hatred in Kyoko's sharp expression as she eagerly took notes. Michiko fixed her eyes on Kyoko's slender waist, in her well-tailored navy-blue hemp slacks.

"She must live a life free of grief or sorrow," Michiko thought. *"Even though we are the same sex, her judicial occupation is undoubtedly elite. While she may have presented at many trials, she likely doesn't have much experience being an underdog in real life. She's always looked at the situation from the perspective of the top dog,"* she told herself abrasively.

Several months ago, Michiko remembered first hearing about the incumbent prosecuting attorney through an article in a women's magazine. In that article, Kyoko was quoted as frequently commenting, *"One woman going to bed crying prevents the progress of many other women."* Michiko was determined to press charges, and her memory of that article brought her to the prosecutor's office to meet Kyoko. Initially, Kyoko refused to see Michiko on the grounds that she was busy and it was not the public prosecutor's responsibility to accept complaints, but ultimately, she heard Michiko's reason for coming to see her specifically. For the second time, Michiko recounted the detestable things that had happened to her during the incident. While reporting the facts, she was struck by a fear that she would be further raped. Karasawa Kyoko, whose eyes met Michiko's as she finished talking, spoke after she took a sip of cold barley tea.

"There are a few things I need to verify. Last night, you met a friend in Shibuya. Was this friend male or female?"

"Male."

"What's his name?"

“I'm sorry, but what does this have to do with...”

“It is relevant to the case. They'll ask the same things at the police station and in court. What is this man's name?”

“Ueda Shogo.”

“You say he's a friend, and there are many kinds of friends, so what kind of relationship do you have? Did you meet at work?”

“That's how we met, yes.”

“But now you have a more personal relationship, correct?”

“Yes.”

“In other words, it's okay to assume he's your boyfriend, right?”

“Mm,” Michiko assented.

“Is your relationship sexual?”

“What? Yes...”

“How long did it take for you two to have an intimate relationship?”

“I met him a year and a half ago. Two weeks after that...”

“Before him, did you have any other lovers?” Kyoko asked in spite of Michiko's hesitation.

“Is it necessary to talk about that too?”

“Yes. It is vital that I know as much as I can.”

“There was a man I have known since college.”

“Why did you break up with that man?”

“No reason...he proposed to me. It was two years after I graduated, but at the time I wasn't thinking about getting married, I had just started my present job with the ad agency, and I

was eager to work."

"Your boyfriend now is Ueda Shogo, right? Have you talked with him about marriage?"

"Not really. I think that things are fine just as they are now. I enjoy my job, and as far as my boyfriend goes, I think that it would be best if things continued on in this way."

A tiny grin quivered in Kyoko's cheeks, but it quickly faded and she continued in a manner more similar to a cross-examination than a questioning.

"Up until now, you have you lived together with a man?"

"No, but..."

"But?"

"My ex-boyfriend and I would stay over at each other's apartment about twice a week and..." Michiko periodically trailed off at the end of her words. *"Why do I have to talk about this?"* Michiko wondered, the thought never leaving her. She felt like a human interest piece from a T.V. show or a tabloid. She was seized by discomfort, as though her mind and body were separating.

"I think you already know this, but rape victims often remain silent and convince themselves that it's okay not to say anything. Among the victims, a handful report to the police. However, those who fight to the very end, to say nothing of those who actually take it all the way to court, are very rare cases. In most circumstances, it ends up getting settled out of court. The circumstances vary among people, but ultimately, they lose. They get crushed under the pressure from their parents, society, and the trial, feel trapped from all sides, eventually settle out of court, and that's the end. Victims who were burning with rage and insisted they'd stick with it and asked for help would come in later explaining they had accepted a cash settlement out of court. There have been many cases up until now. Moreover, once prosecution begins, you

cannot drop the charges. If you take this to court, chances are you're going to lose a lot." When she finished, Kyoko looked to Michiko to gauge her response.

"I don't have anything to lose..."

"How's your job? You may not want to stay at the company anymore. And what about your boyfriend, or your parents? Unless it is a brutal case, rape victims are sometimes subject to greater scrutiny than rapists. Could you stand that? Are you ready for that? It isn't too late to reconsider. Maybe talk about it with your boyfriend."

"I'm the one who was raped. Not my boyfriend....besides, as my boyfriend he should offer me support."

"Support?" Kyoko mumbled, showing a faint smile on her lips. It was meant to be a friendly smile, but Michiko thought it expressed ridicule, but it did have the effect of calming her.

"Will Shogo really be there for me through all of this?" Michiko wondered, her confidence wavering a little. Before she came to a decision, Michiko left the prosecutor's office. As she bore her miserable thoughts, she wandered in the heat of the day around the theater district of Hibiya. She called the company and told them that her stomach hurt and she was going in for a full examination. The late summer sun was harsh and she felt like fleeing.

Chapter 3

Michiko got thirsty and went into a cafe near an intersection. Although it was not yet noon, the place was almost full with couples and groups of young people. There was also a girl who wore a tank top that left her shoulders bare and another wearing a long-sleeved summer sweater. The boys wore casual clothes: bright colored T-shirts, jeans, and cotton pants. Most

of them had nice suntans, so they had probably come back from the beaches and mountains. Michiko ordered an iced tea from a waitress sporting a tan similar to the other customers, and looked over a movie pamphlet that had been left on a chair by her table. It was probably left there by an earlier customer.

One week before the incident, Michiko had gone to see a romantic film with Ueda. To Michiko, the ordinary life she had before the incident now felt like a dream. Suddenly, she remembered a scene from that movie.

...on screen, a man and a woman were having a trivial argument. At the time, Michiko thought French was better for arguments than for love. The woman was the one arguing vehemently, while the man pompously shrugged his shoulders and didn't take her seriously. The woman got angrier and angrier, while the man calmly stared at her. Finally, the woman slapped him across the cheek with her right hand. One moment, the man seemed stupefied, but the next his palm flew at her cheek. The woman moved to leave the room, but the man grabbed her by the arms. The woman resisted. The man's lips obstinately moved along the nape of the woman's neck as she kept her face turned away. Finally, the woman wrapped her arm around the man's back and began to respond to the touch of his lips...that was the scene.

The man chases, the woman flees. First she resists, but then she submits. It was a familiar pattern in both books and movies; men were hunters, and women were prey; men were conquerors and women were conquests. That was the way people understand courtship.

“Unquestioningly...” Michiko mumbled absently. The next minute, she was dropping the straw that was in her hand on the floor. “It's like rape, isn't it?” The thought crushed Michiko. “So that's why.” As a crime, rape was difficult to prove and the victim very often cried herself to sleep, but didn't it resemble a courtship scene being played out by the man and

woman? The woman flees, the man pursues. The woman struggles while the man holds her. Finally, the woman submits and willingly receives the man.

Suddenly, Michiko was assaulted again by that voice that asked, *"Did you like it?"*

No! When she tried to shake the voice off, she probably let out a cry, because the waitress was standing there staring at her along with many other customers. As she felt their gazes piercing her, Michiko bit the back of her hand roughly. At that moment, she understood why women who shared the same disgusting experience didn't go public, choosing instead to hide it and remain invisible. A woman does so in the name of decency. A woman doesn't want to have to think about it again because of the aversion she feels toward the incident. A woman is afraid of being ostracized by those around her. A woman tries to avoid unwanted attention. A woman keeps her mouth shut to escape the label of "raped woman." More than likely, all of these reasons had factored into it...

Michiko thought that even though they don't think there will ever be a day the memory goes away, those women still choose to act as if they've forgotten. However, Michiko didn't think she could forget. It was impossible to forget.

"Then, do I have to live a life of shame?" Michiko asked herself. After all, she would never forget. "So then how can I pretend I've forgotten?" She further tormented herself by asking herself such questions. She felt as if there was nothing but hell all around her.

That night, Michiko whispered to herself, *"One day you'll be able to forget. You should be able to forget."* Michiko understood. No doubt other women who chose to remain silent made themselves believe they could forget. In the end, as though they were the perpetrator, they would probably pray for the incident not to come to light. Michiko understood the way it worked. Between exposing what had happened to them and leaving it buried in the dark,

victims would weigh out which option would be least harmful to them. Those women likely knew. Even assuming the rapist were punished under the law, the stigma of being a raped woman would still follow them the rest of their lives. Of all crime victims, only rape victims were more likely than rapists to occasionally be targeted with negative attention. At any moment, wherever they were, these women would remember the almost ridiculing articles and irresponsible common beliefs regarding rape.

The victim provided an opening.

There's no way it could have happened if she had closed her legs.

Wasn't it consensual?

She probably just wants to settle out of court for some money.

They say that women have an inherent desire to be raped. She wanted it to happen.

It would be better if hard-headed women were restrained.

"In this way, women make forgetfulness their accomplice and bury the memories as if none of it ever happened. Is it possible that I'll end up like all those other women? No, I can't," Michiko thought as she chewed her lips. *"It's a never-ending cycle. It repeats itself over and over. Remaining silent meant absolving the criminal and becoming an accomplice. Even though I can't forget about it, taking him to court could at least revitalize my injured body and mind,"* she concluded.

That man was trampling on my body and soul with his filthy feet.

That man split the upper and lower halves of my body, cutting into me.

That man tore at my body, humiliating women like me, and insulting my very dignity as a person.

"How is this at all my fault? If I did anything wrong, I was walking down a public street

at 11:45 at night. I wasn't at home. I'm a woman. But for those reasons alone, why do I have to be subjected to such a humiliating crime? I am not tainted. I was raped, but I am not unclean. But if I just excuse what that man did and don't talk about what happened, then I could become tarnished." Michiko stared at the flame in her heart and stood up, and turned to the cashier. The waitress thought Michiko was going to pay her bill, and dragging her red mule sandals, headed toward the cashier. When she saw Michiko reach for the public phone, the waitress shrugged listlessly. Her fingertips shaking, Michiko called the prosecutor's office. The female staffer's voice was replaced by the low but clear tone of Karasawa Kyoko. Speaking slowly and clearly, Michiko formally reported the charges to Kyoko.

"This may seem mean," Kyoko voice prompted through the receiver, "but may I ask you why you have decided to press charges?"

Michiko was at a loss for words for a moment, but took a deep breath and continued. "I'm...doing it as a matter of pride." Through the receiver, all she could hear for a moment was silence, and then Kyoko responded.

"I understand. Let's begin the investigation right away."

Michiko hung up, and from behind her rose the cheers of the young people entertaining themselves with a T.V. game. After paying her bill, Michiko left the tea room. When she looked up, the deep blue sky hung expansively overhead.

Chapter 4

Michiko finished the legal procedure for pressing charges with Karasawa Kyoko. The suspect was identified by the license plate number on the car that Michiko remembered.. He was thirty-three years old and worked in the sales department of a major car maker. However,

he insisted that they had had a consensual affair. Michiko heard from Kyoko that he had a wife three years younger than him, two children, and a fifty-eight year old mother.

Through the several days of the initial investigation, Michiko learned that victimization by rape was just the beginning of the suffering. The investigators moved from asking about her daily life to mercilessly inquiring about her past and present sexual experiences. For Michiko, it was like walking on needles. The way the detectives inquired coolly sounded abusive and made Michiko feel as if she were being raped further, but on the other hand a detective's sympathetic attitude made her feel as though she were just a curiosity to them. Although the police were doing their job, to Michiko it felt as though something was not right.

During the initial investigation, Michiko raised her voice and cried. When that happened, the investigator said, “Just forget about it,” as he must have thought that she was crying because she was remembering the rape, but it was actually because of the tormenting sense of humiliation that she could not stop tearing up. She suddenly thought of the suspect.

She wondered where the rapist was, and what he was doing right at that time. He underwent the same investigation but was not humiliated as much as she was. The thought made her tremble with rage. The cruelty of the investigation shook Michiko more violently than the violence of the rape.

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After the interrogation, they conducted an investigation at the scene of the crime.

When the police car carrying Michiko arrived on the spot, a handcuffed man was riding in a different car. Looking down, the man, who didn't look around even once, was surprisingly small. He looked to be about the same height as Michiko. She stared, befuddled, wondering if this was the man who had assaulted her the night of the rape, but the patrol car holding him

sped off.

Prosecutor Karasawa, who wearing a white blouse, was already waiting. When Michiko noticed her, she began to feel distressed. Kyoko was always behind the detectives, who seemed to be enjoying themselves as though it were a game. As she was of the same sex, Michiko held the expectation that Kyoko should be able to empathize better and communicate wordlessly, but an investigation was an investigation.

At the moment they were confirming the facts through a walkthrough of what had happened during the incident. The tall summer grass was giving off a sweaty odor. In one corner of the neighborhood, the large vacant field was neglected, which let the thick weeds grow. Following behind prosecutor Karasawa, a detective she recognized was already taking pictures. At the spot where the grass was bent, Michiko answered questions from both the detectives and Kyoko. She was able to answer clearly in some places, but there were some parts where her memory was entirely gone. When she was asked how many times she screamed, she explained that it as though like she tried once, but her voice failed. She was asked about what happened between being hit in the stomach and being thrown on the grass, but she couldn't remember at all. The detectives seemed eager to ask Michiko questions about when she came to and what she did afterward. These were questions they had already asked her several times in the interrogation room at the police station, but under the direct heat of the sun, the detectives asked the same thing.

“When you came to, the man had straddled you and was taking off his belt, correct?”

“I think so.”

“At that time, what did you do?” asked a detective who was small, but rugged. He stood above the bent grasses with his legs spread widely, imitating the rapist as he questioned her.

“I resisted.”

“And how did you do that?”

“I think I tried pushing him away.”

“With both hands?”

“I think so.”

“Can you be any more specific?”

“....I'm sorry... When I pushed him, his glasses flew off.” As she said that, the rapist's bloodshot eyes flew through her mind.

“Where did the glasses go?”

“I don't know....and then -”

“Then?”

“He slapped me. Very hard. I thought I was going to be killed.” The detective was writing everything down, and Kyoko was also scribbling something down in a notebook.

“Soon after, he tied your wrists with the belt, right?”

“Yes.”

“What about your feet?”

“My feet?”

“Yes, your feet. Weren't you also able to fight back with your feet? They weren't tied up at the time, right?”

“At the time, he...he was on top of me...” The detective merely looked at Michiko as he wiped sweat off with the back of his hand.

“Yes, but your feet weren't bound were they,” asked the detective, who was persistently asking things she had already answered.

“Without fighting back, your wrists were tied up. And you didn't kick or offer any resistance with your feet...”

“I thought I was going to be killed,” Michiko reminded the detective, but she wondered if it was possible to get free under those conditions that night. It sounded as if the detective was implying that Michiko should have been more concerned with escaping and fighting back than with dying. He echoed a suggestion that she had given up too quickly because she hadn't exhausted herself fully. At least, that's what it sounded like to her.

The crime-scene inspection continued throughout the heat of the day and eventually ended. Everyone was sweating profusely. Away from the strong smell of hot grass, Michiko and the others returned to the cars. There, they found an elderly woman with a little girl about two years old. The old woman dodged the young officer who meant to intercept her and stood before Michiko.

“My son could not do such a shameful thing. He's a timid, gentle boy!” She was the suspect's mother, Michiko realized. “This is some kind of mistake. He has this child and another baby not even a year old yet,” she claimed, pointing at the young wife, standing there as though she were ashamed of something, while the baby she held was crying.

“We will compensate you! Please speak with our attorney. I'm begging you! If you don't...” just then, her eyes began to fill with tears and streamed down her face as she clung to Michiko. “If you don't...we'll be ruined. The children are still so small!” The old woman tried to make her granddaughter hold Michiko's hand, but Michiko stepped back, avoided the mother and child, and got into the patrol car.

When the car began to move, she heard the wife scream, “You are the one who started this!” She leaned back in the seat and closed her eyes. While fighting to reclaim her stolen

honor, Michiko was realizing that much more would be taken from her. Kyoko told Michiko, “Now the trial will begin.” The look in Kyoko's eyes when she said it implied that they were reaching the point of no return.

Before long, the suspect was prosecuted.

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On a certain day in July, in the third courtroom of the Tokyo District Courthouse, Michiko's boyfriend, Ueda Shogo, is questioned by defense counsel Kurose Yūichi.

“How long has it been since you started dating Yahagi Michiko?” Kurose asked.

“About a year and a half,” Shogo answered

“Please explain how you met.”

“A bar that she frequented with a friend was also one of my favorite bars. When we started talking, she was working for the advertising agency doing the same kind of work as I.”

“What kind of work is that?”

“We are a company that produces ads for various businesses.”

“So you met a year and a half ago, but from the time you first spoke at the bar until the time that you went on a date, how much time had passed?”

“I can't remember exactly, but it was about two weeks later.”

“Two weeks from the first time you spoke. In other words, two weeks from the very first time you met, you two started dating...”

“Before that, we would bump into each other at the bar and exchange nods.”

“However, it was two weeks prior to dating that you started talking, correct?”

“Yes, but...”

“Until now, have you asked any other women from any other bar out on a date two weeks

after meeting them?”

“No, just Michiko. If I may say so, she works in the same industry as I and it was easy to find things to talk about.”

“I see. When you asked her out, did she agree right away?”

“Yes. At work she is also an easy-going woman.”

“So you felt like she would be open to that kind of approach because of her work. Am I understanding that correctly?”

“No, it's not the case that she just accepts any invitation, but at our advertising job, we would eat and drink at meals together as part of our work,” Shogo explained.

“You could say she has a certain aura, right? So she really enjoys her job now because of this aura of hers, wouldn't you say?”

“I don't understand the aura you are talking about, but she definitely likes her job and she knows how to do it.”

“So you're saying she's an outgoing type of woman? By the way, when you started dating exclusively, how much time had passed before you proceeded to have a more intimate, that is to say sexual, relationship?”

“Do I really have to answer that question?” Shogo asked uncertainly.

“I would like you to.”

At that moment, Kyoko rose from her seat. She was wearing a mustard blazer suit with a white, wing-collared blouse. Usually, the attorney leading the investigation would not also represent at court, but Kyoko willingly volunteered to be the prosecutor.

“Objection your honor. The defense's question has no relevance to the incident.”

“The question is vital in order to understand the plaintiff's, Yahagi Michiko's, private

life," Kurose explained in returned, and the judge ruled in his favor.

"Objection overruled."

"I'll repeat the question," Kurose resumed. "How much time, since you started dating, passed before you two began a sexual relationship?"

Shogo looked at Michiko, who was sitting with her back straight, her face fairly pale. Nevertheless, when she met Shogo's gaze, she nodded and offered a faint smile.

"The witness will please answer the question," the judge said, urging Shogo.

"After the first date, I think it was two weeks later," Shogo answered.

"Oh? Which of you initiated it?"

"You're asking who...it was just that the mood was right."

"So, to borrow an expression, it was just because. Ueda-san, was there any anxiety that you might be rejected by the plaintiff?"

"Well no, because at the time I thought our feelings were mutual. In other words, the sparks flew."

"I see. So if you initiated, you were certain that Yahagi Michiko would follow along."

"No!" Shogo exclaimed. "Isn't it rude to Michiko and me that you use the phrase 'following along'? She is not the type of woman who 'follows along' with a man *just because* he solicits her!"

"Do you mean she's a more aggressive type of woman? Personally and professionally?"

"With regard to her work, yes."

"With regard to love and sex she was by no means passive, but rather an assertive and aggressive woman?"

"That is not what I...Anyway, we didn't become intimate just because we wanted a one

night stand.”

“Of course, of course. It was not my intention to imply such a thing. By the way, are the two of you planning to marry?”

“At the moment...not especially.”

“Were your plans postponed as a result of this incident?”

“No, that isn't the case.”

“But if you aren't playing around and are seriously involved with one another, why won't you two get married? Is that not your intention? Are there any reasons on your end, Ueda-san, that you can't get married?”

“That's rude! No there isn't.” Seeing his sullen expression, Michiko thought that Shogo was starting to fall into line with Kurose's pace.

“Well then, is there any reason that Yahagi-san would be unwilling?”

“Again, no. I don't think so. But...”

“But?”

“Uhm, nothing.”

“Ueda-san, weren't you thinking about marrying Yahagi-san? Considering your age, it isn't odd to get married, but rather it's more unnatural to remain single, isn't it? Ueda-san, you were the one who said that you were not merely fooling around with Yahagi Michiko.” Shogo pursed his lips and his face reddened. It was clear from his expression that he could not bear much more. Michiko shot Shogo an apologetic look, but he avoided her gaze.

“How many times are you going to make me say the same thing?” Shogo asked as though vomiting the words out.

“But if I'm stating common knowledge, then in a situation where a man is in a sexual

relationship with a woman, and both partners are single, but they don't get married, then he is probably treating her poorly." Having spoken, Kurose stared at Shogo on the witness stand, with his fat double-chin.

Physically, Kurose was a tall, fat man with a large head. His nose, cheeks, and jaw were thick-cut, but his lips were thin, so he looked somewhat cruel. When Shogo looked at Kurose, whose eyes held a sarcastic smile behind his metal-framed glasses, he cheeks twitched briefly and he licked his lips. Clearly, in terms of age and social experience, Shogo was intimidated by him. When he was speaking, Shogo tried to interrupt him. He leaned forward from the witness stand, and finally found a gap in Kurose's speech where he could talk.

"I do not think of us as playmates. I love her, and I mean it!" Saying so enthusiastically, he glared at Kurose, and with the back of his hand, balled into a fist, he wiped the sweat off his brow.

"If that is the case, why haven't you thought about proposing? If you really love Yahagi-san, then it would be perfectly natural to propose to her wouldn't it?"

"I have!" Shogo declared angrily, almost interrupting Kurose. Kurose however bore an expression that implied, "Gotcha!"

"You have...what?" Kurose asked calmly.

"As I said...I proposed."

"Oh...you've already proposed. Is that so? In that case, I apologize," he said, bowing while looking half at Michiko, half at Shogo. It felt as though a curse had been uttered from somewhere, but Shogo seemed to take Kurose's apology at face value. Kurose's face seemed to soften with relief as he loosened the knot of his necktie.

"So, what was Yahagi-san's reply? With regard to your proposal that is. Naturally, the

plaintiff must have accepted happily, yes?”

“No. Now isn't...” Shogo stammered while his hands opened and closed on the stand in front of him.

“What do you mean by 'now isn't'?”

“Well...well she said that for the time being, she doesn't want to get married yet...”

“So what you are saying is that you proposed to Yahagi-san, but you were rejected? She has no intention of marrying you, then.” There was a hint of contempt in Kurose's summary that Shogo proposed and had been rejected, and again Shogo's face reddened.

“No, that isn't that case. What she said was that even if we don't get married, things are fine the way they are now. In other words, if we felt like getting married, we could do so tomorrow. Therefore, presumably, it is neither important nor necessary to rush into marriage. Getting married isn't the only proof of love. We are quite satisfied with our relationship right now, and I think it's fine. We're both busy with our jobs, and visiting each other whenever we want to is the best...” As he answered, Shogo looked toward Kyoko out of concern that what he said might be unfavorable for Michiko. Kyoko noticed the look he gave her, stopped writing in her notepad, and smiled at him reassuringly. Alternately looking at Kyoko and Shogo during this exchange, Kurose nodded generously as he opened his mouth to speak.

“So in other words, Yahagi-san said that the free, unrestrained relationship you enjoy now is better than getting married. As you just said, you see each other when you want to see each other, and when you don't want to see each other, you don't...”

“No, we always want to see each other. There aren't times that we do not want to be around each other,” Shogo said seriously.

“I understand that sentimental feeling of always wanting to be together. Never wanting

to be apart. Always wanting to be with each other and of living together, as serious lovers, is without a doubt quite natural. However, Yahagi-san refused your proposal. You always want to be with her, but it doesn't seem that she feels the same way." Shogo shook his head broadly left-to-right with his mouth hung open, but his lips were sealed by Kurose's next question.

"Do you know of a man named Takaki?" When he realized that Shogo's answer was "No," Kurose quickly ended his witness examination.

Chapter 5

That same day, in the same courtroom, Kurose's questioning turned to Michiko.

"Earlier," Kurose began, "according to Ueda Shogo's testimony, on the night in question, you turned down his proposal. Do you agree with that?" Michiko confirmed the information more calmly than expected. "During that night, you arrived at the Sakurajousui station in your neighborhood at 11:45 p.m. Do you consider 11:45 to be an early hour?"

"It's not really early," Michiko responded.

"Well in that case, why did you refuse Ueda-san's offer to accompany you?"

"Since, Ueda-san was also tired because of work, I didn't want to make him see me home...Besides, there are plenty of times when I go home late as a result of working on advertisements." Michiko, who wore a pale yellow blouse and a light brown, semi-tight skirt, maintained a low, firm voice as she answered. She drew in her chin and stared straight at Kurose.

"Plenty of times when you go home late... about when would you consider a late hour? That is, for a career woman such as yourself?" he asked, embedding a hint of sarcasm in the term 'career woman.' Michiko slightly knit her eyebrows.

“It isn't different for other women, but if you're worried about what time it is, you can't do your job.”

“Sounds like tough work. You also have work that keeps you at the office all night, don't you?”

“Yes,” she answered flatly.

“In the office you work at, how many women are there?”

“I'm the only one.”

“Oh,” Kurose drawled. “You're the only female in the group then? Do you not feel uncomfortable being surrounded by men while working late at night?”

“No,” she answered flatly.

“You don't feel any sense of physical danger?”

“Well...why would I feel that way just because I work late? While I'm working, I am not conscious of being a woman.”

“But have you worked alone with a man behind closed doors at midnight, for example?”

“Yes. I have, but I don't think that's particularly unusual.”

“Has this been the way things were since you graduated college?”

“I haven't thought about it so distinctly, but I think it's pretty customary.”

“By the way,” Kurose said, switching topics, “you graduated in 1975, but it wasn't until a year later, in 1976, that you started your present job in 'office planning,' correct?”

“Yes. Since I was a student, I've thought about working in advertising, and a year before I graduated I took entrance exams for many companies, but I failed them. So for a year after graduating, I was attending a school for copy writing.”

“A training course at a business college in Shibuya, correct? Was it a day class or night

class?”

“It was a day class.”

“How did you pay for that year's tuition and your living expenses? Did you receive an allowance from your parents?”

“No...I had a part-time job.”

“What sort of work did you do? For a woman to rent an apartment alone in Tokyo while also commuting to school costs quite a bit of money. In this depression, there was an opening for a good job?” Michiko's lips suddenly twisted and a wry smile, resembling resignation, appeared and faded away.

“Are you investigating everything about me? In that year I was working at a club. For my livelihood, I did work that earned me a high income. For normal bar work, the average pay was 550 yen. Therefore, I couldn't pay my monthly fees.”

“I see, but as a amateurish young woman, and considering you just finished college, were you not at all hesitant to keep drunk men company?”

“Of course I was,” Michiko explained. “However, for that year I had to be practical. The next year, if I failed the employment exams again, I intended to work without being particularly picky. Since anywhere would be okay, I planned to work.”

“But there were some obstinate customers, were there not?”

“So long as I was okay, I had no problems with it.” As far as she could tell, Kuroe was only asking her irrelevant questions. Still, he must have had some plan in this, so Michiko was wary and chose her words carefully as she answered.

“Okay then,” Kurose said. “So since then, it seems like you've become accustomed to going home late at night, as well as being alone with a man in one room until late at night.”

“When I was working that job, I never went anywhere with a customer alone late at night. Never!”

“Is that so? But in that time, weren't there pushy customers who were hard to turn down?” As though unable to gauge the meaning behind Kurose's questions, Michiko shifted her gaze to Shogo and Kyoko. “For a young, beautiful woman like you, I think you would have plenty of temptation, but you rejected all advances it seems. You never gave in to temptation even once?”

“No, I didn't. First of all, at that time, I...” Michiko began, but stopped and bit her lip as an embarrassed look surfaced on her face.

“At that time, you what,” Kurose prompted. “Please continue.”

“At that time, I...”

“For some reason, it seems hard to say, so I will say it instead. Around that time, you were involved with a man. His initials were Y.T., and his surname, if I may be so obliged, was Takagi. He was one year your senior in your college club, am I right?”

“Yes.”

“Ueda-san doesn't know anything about Takaki-san. When I asked him a short while ago, he said he didn't know.”

“Okay.”

“Now are the resident from your previous apartment, the resident at your current condo, and the man who would stay at your apartment in the past all Takaki-san?”

“Objection!” Kyoko cut in. “Your honor, the question has no relevance to this case.”

“It involves Yahagi-san’s character and I would like to pursue it,” Kurose countered. “If necessary, we're prepared to call him as a witness.”

“Objection overruled.”

“The man who was staying at your apartment,” Kurose repeated, “is Takaki-san, isn't it?”

“That's right,” Michiko answered with a tone of disgust. “It was before I met Ueda-san. It isn't exactly unnatural for a 28 year-old woman to have had a romance or two in her past, is it?” Kyoko tried to send Michiko an eye-signal to calm her down, but it didn't work.

“I'm not specifically asking about details of a 28 year-old woman's past. Nor am I saying that anyone's life is unnatural. However, did you ever talk to Ueda-san about your relationship with Takaki-san?”

“No.”

“Why did you keep it a secret?”

“It wasn't my intention to keep it a secret. Besides, there wasn't anything worth hiding.”

“But the fact is that you didn't tell Ueda-san.”

“There wasn't anything worth telling him and he never asked. What comes of confessing about the past? First off, in my opinion, it's such a thing of the past that the exaggerated word 'confession' doesn't even come to mind. What's more, I have no interest in learning about Ueda-san's past romantic life either. But that is not the same as 'hiding the past.' In my opinion, what's important is the present, not the past, and the same applies to romance. Hiding or confessing things results in dwelling on the past, right? I prefer living in the present, not the past.”

“So you're saying you live in the moment?” Kurose asked. Suddenly, Michiko looked over at the defense chair where the man who had already been questioned several times by Kyoko and Kurose sat. He looked like a small lump. She no longer felt the revulsion and fear she had during the first police line-up after the incident. He had been reduced to a wet, filthy

cloth, and the only thing that remained was an unclean feeling. Instead, her hatred was now focused upon Kurose, and after a long pause, Michiko answered him.

“That isn't what I mean. I don't know if I can make you understand, but talking unnecessarily about past loves is unfair isn't it? You indulge yourself and feel a sense of self-satisfaction because of the things you talked about. I think that telling your partner about your past separates you from it and makes them an accomplice to it. So I feel that confessing unnecessarily, just like hiding the past, is a cowardly, cunning course of action...

“Regarding Ueda-san, if I had no intention of confessing, I didn't have any intention of covering up my past either. But, if there had been an occasion to talk about it, I would have. That's why I think of my history with Takaki as a thing of the past that has completely come to an end.” As though she caught fire, Michiko finished her speech.

“Well, boorish people like me don't really understand the delicate way of putting things used by copy writers such as yourself,” Kurose said dismissively, “but the relationship you had with Takaki-san was sexual.”

Michiko threw a look at Ueda, who was furiously wiping sweat off his brow, and at the same time, Kyoko's voice rose in objection. She asserted that Takaki had no connection to the present case, but the objection was overruled. Since she expected to be overruled, it was probably a demonstration and she likely intended to calm Michiko down by pausing the examination. Therefore, she quietly took her seat and picked her pen back up.

“If we include your time together during college,” Kurose continued, “you were with him for almost four years. For what reason did you break up with Takaki-san, with whom you had a sexual relationship?”

“There was no special reason for it,” Michiko said hesitantly.

“So even though there wasn't really a reason, you one day suddenly broke up with a man you were with for four years and with whom you had a sexual relationship?”

“That spring, as part of a personnel transfer, Takaki-san was sent to Fukuoka,” she explained.

“You say he was transferred, but this isn't overseas. It's Fukuoka. By jet it's only an hour fifteen minutes isn't it? So there wasn't any real need to break up with him was there? Furthermore, if you got married, you could have gone to Fukuoka together, couldn't you? Had you never thought of marrying Takaki-san?”

“I had not.”

“You were sexually intimate, but you weren't in love with him?”

“At that point, I did love him.”

“You were in love but you didn't think about marriage...why is that?”

“At work, since I was new to everything I saw and heard, I had no choice but to go in every day and I enjoyed it. At that time, work was more appealing to me that marriage.”

“At that time, you say?”

“Yes, at that time...”

“But right now, at *this* moment,” Kurose emphasized, “you are rejecting Ueda-san's proposal. You said rather than dwelling on the past, the present is what is important, so how do you explain refusing to marry your present boyfriend? It seems you always want to keep a man for yourself, but you can't stand a man wanting to keep *you* to *himself*. Is that what's going on here?”

“That...that's not...” Michiko stammered as words failed her, her face paled, and the corners of her mouth convulsed. Seeing her appearance in the corner of his eye, he took the

opportunity to harass her further and slowly continued to speak.

“Well then, please explain why you turned down Ueda-san's proposal.”

“I didn't turn him down.”

“But didn't you just say you don't want to get married?”

“I said that it isn't necessary to rush into marriage...the relationship is perfectly fine now....”

“So you thought it bothersome to be bound by marriage, right?”

“I don't know how I can explain this in a way you that will satisfy you. What can I say that will please you?”

“Like I said, why did you reject the proposal...”

“I just explained everything! I love Ueda-san, but does that mean I'm obligated to get married?” Michiko shouted, the words breaking.

“Please calm down,” Kurose told her. “I get uncomfortable around women who cry hysterically...” he said making an exaggerated show of shrugging his shoulders. He let slip an intentionally wry smile, shrugged his shoulders again, and continued. “However, with regard to your relationships to Takaki and Ueda, you are ultimately refusing to marry. On the other hand, have no objection to a sexual relationship. It's this point that I just do not understand.”

“If nothing else, Ueda-san and I...we...” she said, and as though entranced by the word 'we,' she lifted her head and seized Shogo. Their eyes connected and, for an instant, they stared deeply at one another, but Shogo shyly broke his gaze. He didn't look back on Michiko.

As though she couldn't believe it, Michiko kept her eyes forward and waited for Shogo to look back at her. Until that moment, her pursed lips loosened and her two front teeth peeked out. Kyoko followed the direction of Michiko's frozen stare, recognized Shogo's rigid,

downcast expression and wondered if he now thought Michiko's behavior was suspicious. Looking back to Michiko, Kyoko discovered that she was still staring at Shogo. In order to break Michiko's gaze, Kyoko dropped the pen she was holding on the table. In the stagnant silence of the courtroom, the unnatural sound echoed and Michiko returned her gaze to Kurose.

"Please continue," Kurose requested. "At the very least, you and Ueda-san..." Again, Michiko fixed her eyes on Shogo, who wasn't lifting his head, and spoke.

"I'm satisfied with my relationship. At the very least, I..."

"You went out to dinner with Ueda-san," Kurose interrupted. "In other words, two weeks after your first date, you got caught up in sex. Oh, this is Ueda-san's testimony. Are you saying there's an error in his statement?"

"Yes."

"Two weeks after the first date, was there no hesitancy or anxiety about having sex? If after having sex, he dumped you, what would you do?"

"I don't think he would have done that. First of all, we are in love, and I was not worried about breaking up or being dumped. It's unpleasant to think of mutual lovers breaking up, dumping one another, or being dumped. Love is 50-50, right? Well, my view on sex is also..."

"Could you explain that concept a little more clearly please?" Kurose interrupted again, referring to the 50-50 relationship.

"I think it's completely natural. It means that love is situated between two mutual partners. Put another way, I am a healthy woman. Therefore, it's both natural and normal for me to want and have sex with the man I love, isn't it?"

"Even if you don't get married," Kurose asserted.

“In my opinion, yes. However, I just said 'normal,' but if homosexuals and lesbians consider their behavior normal, then I don't think I have a right to assume those people are abnormal,” she added unasked, prompted by the overwhelming excitement of the courtroom. When he heard the words 'homosexual' and 'lesbian,' Kurose's gave off a shocked expression.

“Please explain more about how gay and lesbian behavior is normal.” Once again, Kyoko rose from her seat to object, but she was overruled again as well.

“I'm not interested in it myself,” Michiko clarified, “but...”

“But what,” Kurose urged.

“Since sex is a completely personal thing, I don't think outsiders should comment on it."

“Do you reserve the same opinion for sadists and masochists?”

“I've no interest,” Michiko replied.

“But since that's also a personal thing, you probably don't think that outsiders should comment on that as well. I understand. Now then, until your relationship with Takaki-san, you were a virgin were you not? You lost your virginity to him, right?”

“Yes, but feeling like I lost something....that is, even though I think that virginity is important...” she trailed.

“You think it's important, but what? Please continue from where you left off.”

“I feel that fussing over it as though it were the most important thing in the world is both humorous and disgusting.”

“So are you saying that virginity isn't important?” When Kurose uttered the word 'virginity,' Michiko sensed a strange hesitation in his voice.

“That isn't quite what I mean,” she began. “I don't know how to say this clearly, but in any case, I think that fussing over whether or not someone is a virgin is foolish. It's grotesque!”

“You aren't a virgin, right?” Kurose asked derisively.

“Didn't I say so earlier,” Michiko snapped in answer. “I am not a virgin. Are you implying I should regret that fact?”

“No. I have no right to say you should be regretful. However, many women want to give their virginity to the man they love, don't they? Did you not think the same thing when you began having sex with Ueda-san?”

“But I met Ueda-san after breaking up with Takagi-san. Even if I did regret it, there was nothing I could do, and besides, I don't feel any regret. Furthermore,” Michiko added, “I hate that expression, 'giving one's virginity.'”

“Why is that?”

“It's patronizing,” Michiko exclaimed, to which the secretary and stenographer both lifted raised their heads.

“Could you please say that again,” Kurose asked dumbfounded. “It sounded like you said it was patronizing but...I must have misheard you.”

“There was no mistake; that's what I said,” Michiko shouted internally. “I mean that it's patronizing to the other person. Treating it like some valuable tribute...”

“Is virginity not a valuable thing?”

“Not in the way that you say it is.”

“But isn't sex a serious matter for women? If it's not, then doesn't that contradict the reason you're here? Aren't we here because you pressed charges on the basis that you were bodily violated?”

“Those are two different things! Why are you putting so much emphasis on virgins and non-virgins? Why do so many men do that? It's so spiritually impure-” she said, but she was

cut off by Kurose.

“You just said men who put emphasis on virginity are impure. Marriage partners say that virgins are good. I think that many men find it distasteful if you're not a virgin, so how is that impure? Please explain this.”

“Men who think that are vulgar in my opinion.”

“Vulgar? What do you mean by that?”

“Those men only see women's bodies. They only see us as sexual objects. Virginity is only a bodily state, right? There is no direct relationship with the mind.”

“But, according to what you're saying, men who only see women as sexual objects do not dwell on women's virginity, correct?”

“The idea of either being concerned with virginity or saying that experienced women make more interesting playmates are the same to me. Both only portray women as things. If they looked at women as physical and spiritual beings, there wouldn't be so much emphasis on the hymen, would there? So of course I perceive a difference between virgins and virginity. However, I am opposed to the word 'virginity'.” Kyoko knew that Kurose was just trying to contrast Michiko's sense of sexual morality against social norms. However, despite knowing this, Kyoko was relying on Michiko to disprove him.

“How are virgins and virginity different?” Kurose inquired. “How are you opposed to it?” Michiko wasn't sure how to respond, so he continued. “You said that women have a spiritual side. Is virginity not a spiritual state of being?”

“It's precisely because you put so much emphasis on virgins that a word like virginity came into being, is it not? And what about 'childlike chastity'?” At Michiko's defiant words, Kurose's voice rose in laughter. Only Shogo continued to sit without changing his attitude or

softening his expression. The man in the defendant's chair also sat still. In the courtroom, the accused was being forgotten, and instead, the attention was on Michiko, who was being cross-examined.

“Please tell me a little more about what you think about virginity. Why do you hate that word?”

“Because I noticed that when you are not a virgin, virginity is used as a pretext against women, but words of relief for men. You would understand if you called it 'spiritual purity.' Perhaps one's character as a person...”

“So then if a man asks a woman if she's a virgin, then to borrow your words, isn't he insisting on her 'spiritual purity'?"

“Are you saying that virgins are clean whereas non-virgins are unclean? Are you saying that since virgins are more favorable when it comes time to marry, then no matter how in love she is, a woman who makes her partner wait until her wedding night, by which I mean making a transaction with her hymen, is the most pure?” The air shook in the courtroom and Kyoko feared how the atmosphere and the message might be reaching the judge.

“By the way, do you think that virginity is endowed with purity?” Kurose asked?

“Yes I do.”

“For example?” Michiko didn't answer, so Kurose continued. “Please answer in detail.”

“That...there is nothing concrete that I can show you. Are you telling me to draw it out, take it in my hand, and present it to you? Don't make such unreasonable requests. Why do I have to prove and present my virginity here? However...if I may, I would say that the earnest feeling I have for the person I love is my virginity.” Again the air in the room trembled and Kurose turned first to Michiko, then to Shogo.

“Let's change the topic,” Kurose said. “Among women who have been violated, some choose to take their own lives. What do you think about those women?” Kyoko rose and objected on the grounds of irrelevance to the current incident. However, it was Michiko herself who ignored Kyoko's objection. Michiko was unable to control herself.

“Women who have been raped chose death... It's true that I know what it feels like to be that humiliated, but I think it's stupid! Or is it that you think it would have been better had I chosen to kill myself?”

“No, I'm not saying that, but in what way is it stupid?”

“Flesh is just flesh,” she said. “By killing yourself, eventually, don't you just become an accomplice to your rapist?”

“What do you mean by accomplice?”

“By not pressing charges, and through death, you keep the crime hidden. In this case as well, if I didn't issue a formal complaint, I think I would be committing the same crime as the man who raped me. Isn't it the fact that women who were raped were in an environment that made them feel as though they must kill themselves in the past proof that we should be asking about how they were treated by society and how their humanity was ignored?” That said, Michiko looked at the defendant, who sat still with his head lowered.

“Let's go over this again,” Kurose directed. “You said earlier that you did not think it was important to be a virgin.”

“Is that what you want me to say?” Michiko returned quickly, and again her eyes fixed straight on Shogo. In her eyes, her supplication and despair surfaced alternately and before long, her despair pushed out the supplication. Joy, anger, nervous excitement, and dismay registered sharply and the sparkle was disappearing from the pupils of her glistening black eyes.

“You haven't yet given an answer,” Kurose prompted, and from his voice, Michiko was able to glean the state of affairs. “For some reason, it seems that you're not all here with us. Please answer the question. You started this trial of your own volition,” he reminded her cruelly.

“Why,” Michiko began. “Why are you putting so much stress on this? Virgins...” Out of anger and irritation, the brightness in her eyes returned and in that same moment, the tip of her nose burned a faint red. “Is the fact that I'm not a virgin an obstacle in proving I was raped? If I were a virgin until that night, would I get by without being asked these humiliating questions?” she demanded. “Depending on whether or not the victim is a virgin, even if the none of the details about the crime changed, does the gravity of the crime change? If I were a twelve year old girl, a fifteen year old girl, a twenty-one year old woman with no experience, would you treat me much differently?” she shouted and looked up at the bare, light-green lacquered cement ceiling. She was staring at it as best she could, and lowered her gaze just a few millimeters. The tears she was barely holding back looked as if they were about to start pouring, but she felt that to cry while on the witness stand would be to admit defeat. So she told herself not to cry while fixing her eyes on a point on the ceiling.

“No matter who she is, a woman is a virgin at birth. It was not something she endeavored to attain, but something that she was simply born with. I think that randomly consecrating this one bodily condition is a meaningless gesture. Or are you saying that because I'm not a virgin, *not a virgin*, I was raped,” she demanded. “Are you saying that for virgins, rapists would restrain themselves? Are you saying that rapists only attack women after discerning whether or not they are virgins? Even though fourteen year old girls and seventy-seven year old women are also rape victims... I was raped! It was unconditionally rape! I, the

woman who was raped, am telling you that's what happened! Why won't you believe me?"

"Please don't get so excited," Kurose said. "You said that the regard for virgins is unnecessarily effusive, nonsensical, and grotesque. You said that men who concentrate on virgins are vulgar. In other words, venerating women's bodies, particularly the hymen, is-"

"Yes," Michiko cut him off, "it's stupid sentimentalism."

"Then why are you pressing charges on this suspect?"

"Because I was raped! Because my body was violated!"

"So then isn't the reason we are attending this trial that you venerate your own body so much," he countered. "While you assert that that focus on virgins and the veneration of the vagina and hymen is sentimental, you've ventured to press charges on the grounds that your body has been violated. Setting aside whether or not your accusations are valid, isn't your claim contradictory? Are you not venerating your own body?"

Michiko, who had been staring at Kurose's face, closed her eyes and took a deep breath at his words, and when she let that breath out, her eyes opened wide. Her chest rose and fell heavily under her blouse as she she breathed through her partially opened mouth.

"No, you're wrong!" she shouted, and in that instant the tears she was barely holding back behind her eyes ran down the bridge of her nose and dampened her dry, whitish lips. When Shogo's questioning began, Michiko's lips had a thin application of lipstick on them, but that had peeled off, and now they were drying out. In tandem with her shaken mind, she was licking and chewing on her lips. Her lips were chapped and cracking near the middle, where a thin trail of blood was running.

When Michiko shouted, Kurose tilted his neck. Every single gesture he made looked like it came from some play. "What am I mistaken about," he asked, "and how?"

“You're wrong about everything.”

“Without getting emotional, could you explain to us in words we can understand then? Older people like me have a hard time following what you're saying. It seems to be causing my blood pressure to rise.” Again, Kurose's words caused the air in the room to go buzzing.

“You're wrong. You don't understand. Why won't you understand?” When Kurose made an expression as though to say 'oh well,' spread his arms like a foreigner, and made a show of shrugging his shoulders, Michiko shouted, “Wait a minute!”

“Let me gather my thoughts,” she told him. “You keep asking me one question after another so now I don't even know what I'm trying to say. Even things I can explain have become impossible.” To this Kurose reminded her, yet again, that it was her who wanted to go to court. Michiko buried her head between her elbows.

One, two, three seconds passed quietly. Eventually, as though to bear the strain of the silence, the clerk coughed. Meanwhile, the stenographer pulled out a handkerchief and wiped the sweat from her brow and the secretary touched up her appearance and crossed her legs in the opposite direction. However, that wave of noise quickly settled and everyone present had their eyes and ears frozen on the witness stand and the woman with the paling lips.

With her head cradled in her arms, Michiko was mumbling something. Michiko, with dark shadows under her downcast eyes, was moving her cracked lips slightly, and mumbling something so quietly no one could hear it. Her appearance was ghastly. Being the only one unaware of the change in environment, she continued moving her lips. The heavy stillness returned to the courtroom.

“Well,” Kurose broke in, “have you collected your thoughts? May we have your explanation from earlier? You said that it is nonsensical and grotesque to obsess over virgins

because it objectifies women. You also said that it's odd to place such high value on the hymen. I asked if it was not then contradictory to charge that your body had been violated, to which you said it was not. Please explain what is wrong and how."

"You only think of rape as a bodily crime, don't you," Michiko answered. "Rape is not just a physical issue."

"Which means...?"

"It is definitely true that it's a physical crime, but not that's not all. Rape is so violent that it damages a woman's body and mind. It's a violence that treads over her being, her life, and her personality. You won't pay attention to that part, and only want to present a close-up of the body, you obsess over insignificant things like whether or not the victim is a virgin. That's what I wanted to say. Are victims of indiscriminate murderers asked whether or not they are virgins?"

"So whether or not a woman is a virgin is insignificant, is it? Well I guess you could just say that's a difference in values between us, couldn't you?"

"Why is *that* the only thing you put emphasis on? I said that what I mean is that the issue of virginity has no relevance to the crime of rape itself."

"By the way," Kurose said changing the subject abruptly, "have you ever been pregnant?"

"What," Michiko said surprised. "No."

"Really? Someone I spoke with said that you had an abortion a few years ago. Well, this was the only thing the person knew, so it's fine I suppose."

"Well it isn't true. Who said that I had an abortion? I repeat, it's not true. Absolutely not true. Please be clear and tell me who has been spreading such a lie. What's their name?"

"Well out of respect for this kind person's privacy, I cannot say their name," Kurose

explained.

“Kind? You mean cruel, right? The privacy of a liar gets protected, but my own privacy has to be completely exposed?”

“Are you saying you have a secret that would be problematic if exposed? Is it true that you never had an abortion?”

“I have not,” Michiko repeated. “But if I had had an abortion, how would that be related to this case? Are you going to say that women who've had abortions are sexually loose and therefore it can't be helped if they get raped?”

“You just run from one extreme to another, don't you,” Kurose said dismissively. “Besides, since you haven't had an abortion, it's fine right? Why are you dwelling on this?”

“You're the one with the obsession. Regret if the rape victim is a virgin, but rejoice if she's not, right?”

“Who said those things? Well, we got on the topic incidentally, but how do you feel about abortion?”

“Objection your honor,” called Kyoko, who had been quiet until that point. “The question is about an opinion, not a fact. If this is about my client's alleged abortion, the defense should present more compelling evidence.”

“Objection sustained,” ruled the judge. “Please your question in a way that will either prove or disprove the plaintiff's alleged abortion.”

“Yes, your honor,” Kurose said.

Kyoko hadn't heard anything about Michiko having an abortion. Maybe it wasn't true, but Kurose's previous questions were enough for the old judge.

“I know that my attorney said it's not necessary for me to answer, but I have something I

want to say about that last question. I recognize abortion as an emergency escape for women deciding whether or not to have a child."

"Are you saying that just like whether or not a woman is a virgin is insignificant, abortion is also not a big deal?"

"No, that's not what I mean. I haven't had an abortion, and because I don't *want* to have one that I am attentive to birth control to the point of nervousness. But that only answers the question about what I feel about abortion. There is nothing more violent than telling a woman that she must give birth even under circumstances that she cannot. On that point, I think it's just as bad as rape."

Michiko didn't notice that repeating that she hadn't had an abortion was causing Kurose to think she in fact actually had. Kyoko thought Kurose's tactic was to do exactly that.

"But don't women want to have babies?" he asked.

"Aren't there women that want to have babies as well as women that don't?" Michiko countered. "Women who think they want children may decide they don't if their circumstances change, and the reverse might happen for those who initially think they don't want children. Although you say women, there are various types of women."

"In other words, women who proclaim 'the freedom to give birth, or the freedom not to give birth.' Female liberators were saying it quite actively. Anyway, you say you acknowledge abortion-"

"I am repeating myself, but I have not had an abortion. However I have no criticism for women who must have an abortion as a last resort, or women who simply choose to have them. In fact, I think it is irresponsible to welcome a new life into this world if you are not fully prepared for everything."

“So you don't think it's irresponsible to end that life,” Kurose inquired.

“I do,” Michiko corrected. “If you don't want a child, you should use contraception. However, isn't this something that is only asked to women? And besides, there is no perfect contraception method.”

“That's quite specific.”

“Not only that, women are forced to be attentive every day. Men and women conceive children together, but with regard to contraception, it's always women getting nervous. If you make abortion a crime, it will only be a crime for women.”

“So you're saying men are at fault as well. Let's permit that. Earlier you said that men and women in love were completely equal, fifty-fifty. It's strange that when it's convenient there is sexual equality, but when it's not men have to take responsibility.”

“That way of thinking is mistaken.”

“How is it mistaken?”

“We...I am saying that everything is fifty-fifty. The same holds for contraceptive responsibility. I am not saying *take* the responsibility.”

“So in other words,” Kurose surmised, “you're saying that in love, the relationship does not consist of one side being the victim and the other side being the villain. However, women frequently come to be victims.”

“Yes,” Michiko answered simply.

“But right now, you are alleging that you're a victim,” he stated.

Michiko tilted her neck in disbelief at Kurose's words, and then drew a deep breath and shouted as she exhaled.

“Do not confuse rape with love,” she cried. “In a relationship, there isn't a victim and

everything is fifty-fifty, but in crime there is naturally a victim and a criminal! Do you think I was raped willingly?"

"If that were the case, it wouldn't be rape, but consensual sex or free love."

"It's exactly because you have the freedom to choose that they call it 'free love,' right? The word 和姦 is an unnatural, arbitrary word. There is no such thing as 和姦. Sex in which both partners consent and choose each other, and rape in which one person's choice is tread upon and ignored: is there anything beyond these two categories?" During the investigation, Michiko heard the rapist insist that they had consensual sex and he did not change his stance during his testimonial.

"Once more, let's wrap up everything you said here today. Dwelling on virginity is nonsensical and grotesque. You do not want to get married. It is natural for healthy women to have a sex life. Abortion is a woman's right... Do you disagree with any of this?"

"If you're only drawing from the things that I've said, then no," she answered and bit her lips. Afterward, she shouted out, as though urged by an overwhelming violence. "If I were a fifteen year old girl, if I were a virgin, if at that time I stabbed myself, sustained an injury, died... If that were the case, I would not have had to undergo such an humiliating questioning. But I'm a twenty-eight year old non-virgin with no chest wounds who didn't die. But why? If I were a woman who was stabbed by a random killer, no one would ask about my past love life, or whether or not I was a virgin. I am not the villain! I am the victim! Why did I, as the victim, have to undergo such an interrogation? Why?! Please tell me! I..." but she trailed off. At the end, Michiko did burst into tears. Everyone in the courtroom was concentrating on her. Among them, only Shogo kept his case rigidly downcast.

Penal Code: Act No. 45 of April 24, 1907
Chapter XXII Crimes of Obscenity, Rape, and Bigamy

（強制わいせつ）
(Forcible Indecency)
第百七十六条　十三歳以上の男女に対し、暴行又は脅迫を用いてわいせつな行為をした者は、六月以上十年以下の懲役に処する。十三歳未満の男女に対し、わいせつな行為をした者も、同様とする。
Article 176　A person who, through assault or intimidation, forcibly commits an indecent act upon a male or female of not less than thirteen years of age shall be punished by imprisonment with work for not less than 6 months but not more than 10 years. The same shall apply to a person who commits an indecent act upon a male or female under thirteen years of age.

（強姦）
(Rape)
第百七十七条　暴行又は脅迫を用いて十三歳以上の女子を姦淫した者は、強姦の罪とし、三年以上の有期懲役に処する。十三歳未満の女子を姦淫した者も、同様とする。
Article 177　A person who, through assault or intimidation, forcibly commits sexual intercourse with a female of not less than thirteen years of age commits the crime of rape and shall be punished by imprisonment with work for a definite term of not less than 3 years. The same shall apply to a person who commits sexual intercourse with a female under thirteen years of age.

（準強制わいせつ及び準強姦）
(Quasi Forcible Indecency; Quasi Rape)
第百七十八条　人の心神喪失若しくは抗拒不能に乗じ、又は心神を喪失させ、若しくは抗拒不能にさせて、わいせつな行為をした者は、第百七十六条の例による。
Article 178　(1)　A person who commits an indecent act upon a male or female by taking advantage of loss of consciousness or inability to resist, or by causing a loss of consciousness or inability to resist, shall be punished in the same manner as prescribed for in Article 176.
２　女子の心神喪失若しくは抗拒不能に乗じ、又は心神を喪失させ、若しくは抗拒不能にさせて、姦淫した者は、前条の例による。
(2)　A person who commits sexual intercourse with a female by taking advantage of a loss of consciousness or inability to resist, or by causing a loss of consciousness or inability to resist, shall be punished in the same matter as prescribed in the preceding Article.

（集団強姦等）
(Gang Rape)
第百七十八条の二　二人以上の者が現場において共同して第百七十七条又は前条第二項の罪を犯したときは、四年以上の有期懲役に処する。
Article 178-2　When two or more persons jointly commit the crimes prescribed under Article 177 or paragraph (2) of Article 178, they shall be punished by imprisonment with work for a definite term of not less than 4 years.

（未遂罪）
(Attempts)
第百七十九条　第百七十六条から前条までの罪の未遂は、罰する。
Article 179　An attempt of the crimes prescribed for in Articles 176 through the preceding Article shall be punished.

（親告罪）
(Complaints)
第百八十条　第百七十六条から第百七十八条までの罪及びこれらの罪の未遂罪は、告訴がなければ公訴を提起することができない。
Article 180　(1)　The crimes prescribed for in Articles 176 through Article 178 and attempts of the above-mentioned crimes shall be prosecuted only upon complaint.
２　前項の規定は、二人以上の者が現場において共同して犯した第百七十六条若しくは第百七十八条第一項の罪又はこれらの罪の未遂罪については、適用しない。
(2)　The provision of the preceding paragraph shall not apply when the crimes prescribed under Article 176, paragraph (1) of Article 178 or attempts of the above-mentioned crimes are committed jointly by two or more persons who are at the scene of crime.

（強制わいせつ等致死傷）
(Forcible Indecency Causing Death or Injury)
第百八十一条　第百七十六条若しくは第百七十八条第一項の罪又はこれらの罪の未遂罪を犯し、よって人を死傷させた者は、無期又は三年以上の懲役に処する。
Article 181　(1)　A person who commits a crime prescribed under Article 176, paragraph (1) of Article 178 or an attempt of the above-mentioned crimes and thereby causes the death or injury of another shall be punished by imprisonment with work for life or for a definite term of not less than 3 years.
２　第百七十七条若しくは第百七十八条第二項の罪又はこれらの罪の未遂罪を犯し、よって女子を死傷させた者は、無期又は五年以上の懲役に処する。
(2)　A person who commits a crime prescribed under Article 177, paragraph (2) of Article 178 or an attempt of the above-mentioned crimes and thereby causes the death or injury of another shall be punished by imprisonment with work for life or for a definite term of not less than 5 years.
３　第百七十八条の二の罪又はその未遂罪を犯し、よって女子を死傷させた者は、無期又は六年以上の懲役に処する。
(3)　A person who commits a crime prescribed for in Article 178-2 or an attempt of the above-mentioned crimes and thereby causes the death or injury of another shall be punished by imprisonment with work for life or for a definite term of not less than 6 years.

Bibliography

Aguilar, Delia D. "Lost in Translation: Western Feminism and Asian Women." *Dragon Ladies: Asian American Feminists Breathe Fire.* edited by Sonia Shah. Boston: South End Press. 1997

Ariga, Chieko M. "Literature and the Institution: Erasure of Women's Literature in Schools' *Kokugo.*" *US-Japan Women's Journal,* no. 9 (1995): 7-28

Boling, Patricia. "State Feminism in Japan?" *US-Japan Women's Journal*, no. 34 (2008): 68-89

Buckley, Sandra. *Broken Silence: Voices of Japanese Feminism.* California: University of California Press, 1997

Burns, Catherine. *Sexual Violence and the Law in Japan*. New York: Routledge-Curzon, 2005.

Chan, John. "Mass Protest in Tokyo against Nuclear Power." *World Socialist Website* (2011): http://www.wsws.org/articles/2011/sep2011/toyo-s21.shtml Date accessed 23 August 2012

Copeland, Rhonda. "Gender Crimes as War Crimes: Integrating Crimes against Women into International Criminal Law." *McGill Law Journal* 46, no. 1 (2000): 217-240

"Crime Trends in 2000." *White Paper on Crime 2001.* hakusyo1.moj.go.jp/en/46/nfm/n_46_2_1_1_1_1.html Date accessed 27 August 2012

"Crime Trends in 2001." *White Paper on Crime 2002.* hakusyo1.moj.go.jp/en/47/nfm/n_47_2_1_1_1_1.html Date accessed 27 August 2012

"Crime Trends in 2002." *White Paper on Crime 2003.* hakusyo1.moj.go.jp/en/49/nfm/n_49_2_1_1_1_1.html Date accessed 27 August 2012

"Crime Trends in 2003." *White Paper on Crime 2004.* hakusyo1.moj.go.jp/en/50/nfm/n_50_2_1_1_1_1.html Date accessed 27 August 2012

"Crime Trends in 2004." *White Paper on Crime 2005.* hakusyo1.moj.go.jp/en/53/nfm/n_53_2_1_1_1_1.html Date accessed 27 August 2012

"Crime Trends in 2005." *White Paper on Crime 2006.* hakusyo1.moj.go.jp/en/55/nfm/n_55_2_1_1_1_1.html Date accessed 27 August 2012

"Crime Trends in 2006." *White Paper on Crime 2007.* hakusyo1.moj.go.jp/en/56/nfm/n_56_2_1_1_1_1.html Date accessed 27 August 2012

"Crime Trends in 2007." *White Paper on Crime 2008.* hakusyo1.moj.go.jp/en/57/nfm/n_57_2_1_1_1_1.html Date accessed 27 August 2012

"Crime Trends in 2008." *White Paper on Crime 2009.* hakusyo1.moj.go.jp/en/58/nfm/n_58_2_1_1_1_1.html Date accessed 27 August 2012

"Crime Trends in 2009." *White Paper on Crime 2010.* hakusyo1.moj.go.jp/jp/57nfm/n_57_2_1_1_1_1.html Date accessed 27 August 2012

"Crime Trends in 2010." *White Paper on Crime 2011.* hakusyo1.moj.go.jp/jp/58/nfm/n_58_2_1_1_1_1.html Date accessed 27 August 2012

Diamond, Milton and Ayako Uchiyama. "Pornography, Rape, and Sex Crimes in Japan." *International Journal of Law and Psychiatry* 22, no. 1 (1999): 1-22

Ehara, Yumiko. "Japanese Feminism in the 1970s and 1980s." *US-Japan Women's Journal,* no. 4 (1993): 49-69

Feifer, George. "The Rape of Okinawa." *World Policy Journal* 17, no. 3 (2000): 33-40

Fujimura-Fanselow, Kumiko, ed. *Transforming Japan: How Feminism and Diversity are Making a Difference.* New York: The Feminist Press, 2011

Garon, Sheldon. "Women's Groups and the Japanese State: Contending Approaches to Political Integration 1890-1945." *Journal of Japanese Studies* 19, no. 1 (1993): 5-41

Gelb, Joyce. *Gender Policies in Japan and the United States: Comparing Women's Movements, Rights and Politics.* New York: Palgrave MacMillan, 2003

Gelb, Joyce. "Tradition and Change in Japan: The Case of Equal Employment Opportunity Law." *US-Japan Women's Journal,* no. 1 (1991): 51-77

Gordon, Beate Sirota. "Celebrating Women's Rights in the Japanese Constitution." *US-Japan Women's Journal,* no 14 (1998): 64-83

Gray, Harriet. "Rape and Sexual Assault in Japan: Potential Gender Bias in Pre-Trial Procedures." *Reinvention: a Journal of Undergraduate Research* 1, no. 1 (2008): http://www2.warwick.ac.uk/go/reinventionjournal/volume1issue1/gray Date accessed 28 November 2011

Gulliver, Katrina. *Modern Women in China and Japan: Gender, Feminism, and Global Modernity between the Wars.*New York: I.B. Tauris, 2012

Hayashi, Fumiko. *Floating Clouds.* translated by Lane Dunlop. New York: Columbia University Press, 2006.

Hayashi, Yoko. "Women in the Legal Profession in Japan." *US-Japan Women's Journal,* no. 2 (1992): 16-27

Horvit, Beverly. "Okinawans' Voices Heard in Rape Crisis Coverage." *Newspaper Research Journal* 29, no. 1 (2008): 36-49

Iida, Keisuke. "Human Rights and Sexual Abuse: the Impact of International Human Rights Law on Japan." *Human Rights Quarterly* 26, no. 2 (2004): 428-453

Iuchi, Chiho. "Children's Voices Soothe Iwate Survivors." *The Japan Times.* (2011): http://www.japantimes.co.jp/text/fm20110422a1.html Date accessed 23 August 2012

Kaibara, Ekken. *Women and Wisdom of Japan.* edited by L. Cranmer-Byng. London: Hazell, Watson & Viney, Ld., 1905: http://books.google.com/books?id=QZE-obdFjGwC&pg=PA33&source=gbs_toc_r&cad=4#v=onepage&q&f=false

Kirino, Natsuo. *Out*. translated by Stephen Snyder. New York: Kodansha America, 2003

Kitamura, Aya. "Subverting from Within: Images and Identities of Japanese Women." *US-Japan Women's Journal*, no. 29 (2005): 37-59

Koyama, Shizuko. "The 'Good Wife and Wise Mother' Ideology in Post-World War I Japan." *US-Japan Women's Journal*, no. 7 (1994): 31-97

Liddle, Joanna and Sachiko Nakajima. *Rising Suns, Rising Daughters*. New York: Zed Books Ltd, 2000

"Launching Statement of the Global Article 9 Conference to Abolish War." *International Association of Democratic Lawyers* (2008): http://www.iadllaw.org/en/node/173 Date accessed 23 August 2012

Mackie, Vera. *Feminism in Modern Japan.* New York: Cambridge University Press, 2003

Martin, Sherry L. *Popular Democracy in Japan: How Gender and Community are Changing Modern Electoral Politics.* Ithaca: Cornell University Press, 2011

Minamoto, Junko. "Buddhism and the Historical Construction of Sexuality in Japan." *US-Japan Women's Journal,* no. 5 (1993): 87-115

Niwa, Akiko. "The Formation of the Myth of Motherhood in Japan." *US-Japan Women's Journal*, no. 4 (1993): 70-82

Ochiai, Emiko. "The Postwar Japanese Family System in Global Perspective: Familism, Low Fertility, and Gender Roles." *US-Japan Women's Journal*, no. 29 (2005): 3-36

Ochiai, Keiko. *Za Reipu*. Tokyo: Kodansha, 1985

Ogawa, Manako. "The Establishment of the Women's and Minors' Bureau in Japan." *US-Japan Women's Journal,* no. 13 (1997): 56-86

Reich, Pauline C. and Atsuko Fukuda. "Japan's Literary Feminist: The 'Seito' Group." *Signs* 2, no. 1 (1976): 280-291

Silverberg, Miriam. *Erotic Grotesque Nonsense: the mass culture of Japanese modern times.* Berkeley and Los Angeles: University of California Press, 2006

Shigematsu, Setsu. "'The Law of the Same' and Other (Non)-Perversions: Woman's Body as a 'Use-Me/Rape-Me' Signifier." *US-Japan Women's Journal,* no. 12 (1997): 154-177

Starich, Megan L. "The 2006 Revisions to Japan's Equal Opportunity Employment Law: A Narrow Approach to a Pervasive Problem." *Pacific Rim Law and Policy Journal* 16, no. 2 (2007): 551-578

Takenaka, Emiko. "The Restructuring of the Female Labor Force in Japan in the 1980s" *US-Japan Women's Journal,* no.2 (1992): 3-15

Tama, Yasuko. "The Logic of Abortion: Japanese Debates on the Legitimacy of Abortion as Seen in Post-World War II Newspapers." *US-Japan Women's Journal,* no. 7 (1994): 3-30

Tanaka, Yuki. *Japan's Comfort Women: Sexual slavery and prostitution during World War II and the US Occupation.* New York: Routledge, 2002

Tsunoda, Yukiko. "Sexual Harassment in Japan: Recent Legal Decisions." *US-Japan Women's Journal,* no. 5 (1993): 52-68

Vitale, Analia. "The Unpopular Contraceptive Pill: Birth Control and Gender in the Japanese Press." *US-Japan Women's Journal,* no. 29 (2005): 60-76

Yamada, Amy. *Trash.* translated by Sonya L. Johnson. New York: Penguin Books, 1996

Yamashita, Yasuko. "The International Movement Toward Gender Equality and Its Impact on Japan." *US-Japan Women's Journal,* no. 5 (1993): 69-86

Yamawaki, Niwako and Brian T. Tschanz. "Rape Perception Differences Between Japanese and American College Students: On the Mediating Influence of Gender Role Traditionality." *Sex Roles* 52, nos. 5/6 (2005): 379-391

Yū, Miri. *Gold Rush.* translated by Stephen Snyder. New York: Welcome Rain Publishers, 1998