

**GLOBAL FEMINISMS  
COMPARATIVE CASE STUDIES OF  
WOMEN'S ACTIVISM AND SCHOLARSHIP**

**SITE: Japan**

**Transcript of Yukiko Tsunoda  
Interviewer: Mieko Yoshihama**

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**Yukiko Tsunoda**, attorney at law; previously a professor at the Law School of Meiji University in Tokyo (2004-2013). Attorney Tsunoda is a pioneer in feminist jurisprudence, especially in the areas of human rights, gender discrimination, and gender-based violence in Japan. In addition to her long career of legal practice representing and defending women in both criminal and civil courts, she has written and lectured extensively, including *Sei no hōritsugaku* [Sexuality and jurisprudence] (1991) and *Seisabetsu to bōryoku* [Gender discrimination and violence] (2001) She has been actively involved in various women's organizations including the Tokyo Rape Crisis Center (legal advisor since 1986), the Domestic Violence Research & Action Group (Co-Founder, 1991), the Center for Education and Support for Women (Director since 2001), and the Lawyers Acting to Eliminate Discrimination Against Women in Entrance Examination for Medical Faculties (Co-Chair, <https://fairexam.net/>).

**Mieko Yoshihama**, Ph.D., LMSW, professor at the University of Michigan School of Social Work, Ann Arbor, MI, USA; a licensed clinical and community social worker. Her research focuses on the prevention of gender-based violence and discrimination and the promotion of women's safety. Her long history of feminist action research efforts in Japan include co-founding the Domestic Violence Research & Action Group (1991) and conducting the nation's first study of domestic violence; developing and co-facilitating support groups for survivors of domestic violence following a series of focus group research (1998~); and co-founding the Women's Network for East Japan Disaster (2011) and conducting the first study of gender-based violence in disasters (<http://risetogetherjp.org/?p=4879#more-4879>) and launching the PhotoVoice Project with disaster-affected women (<https://photovoice.home.blog/>).

*Keywords: Gender-Based Violence and Politics and the Law*

**Mieko Yoshihama: Today as part of the University of Michigan Global Feminisms Project, I am going to interview Ms. Yukiko Tsunoda, who is a feminist lawyer.**

Yukiko Tsunoda: Yes, pleased to be with you.

**MY: So, you and I have known each other for quite some time now.**

YT: That's right.

**MY: I was going over things in my head in preparation for this interview, and I suppose the first time we met was December 1991 I think it was when we were working on launching the Domestic Violence Action & Research Group – back then I think you were in Hirakawachō?<sup>1</sup>**

YT: Yes, at my office was in Hirakawachō.

**MY: I think my visit to your office was the beginning. Meaning it's already been 30 years that we've known each other.**

YT: That's right.

**MY: So that's where we are.**

YT: We've known each other for a long time.

**MY: Yes indeed. A lot has happened since. So today – you've certainly done much work as an attorney, but I know you've also been active in many other ways. So taking it all together, I'd like you to tell me in your own words about what kinds of work and what kinds of activities you've set foot in and then found yourself unable to leave behind – the various organizations, the series of events leading up – culminating in the present day. So with that said, I'll dive right in...hm, how shall we do this. I suppose we'll start at the beginning.**

YT: Sure.

**MY: How did you come to be involved in activities to support women, or activities to protect women's human rights, advocate for women's rights, or expand them?**

YT: Well first, I think it's necessary to talk about why I became an attorney. I, like you, Yoshihama-san, majored in Japanese Literature in college.

**MY: That's right.**

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<sup>1</sup> Hirakawachō is a district with a population of about 1,000. This district is located in Chiyoda City, which is in Tokyo, Japan. ("Hirakawachō." Wikipedia. <https://en.wikipedia.org/wiki/Hirakawach%C5%8D>. Accessed 12 January 2023.)

YT: Right? Although we each took different paths.

**MY: We got involved.**

YT: I came via the wrong path; but anyhow, since I was majoring Japanese Literature, I was planning to become a high school Japanese language teacher after graduating college. I obtained all the certifications needed to do that. Then it came time to go through the actual process of becoming a high school Japanese language teacher. I went and inquired with the Tokyo Board of Education. This was when I was in my fourth year of college.

**MY: I see.**

YT: Back then job hunting wasn't a cause for panic, so it was just fine to inquire in your fourth year. So I went around the time before summer break. But then, when I told the person at the Tokyo Board of Education that I wanted to become a high school Japanese language teacher, they said "No no, there are way too many women Japanese language teachers in Tokyo as it is. We don't need anymore." They said they wouldn't hire me. They said they'd think about hiring a woman who would teach science or math, but I was told point blank that they didn't want a woman if she wanted to teach Japanese. That was the first thing out of their mouth. I was speechless; I thought "well, telling me that puts me in a pretty rough spot," but there was nothing to be done about it.

**MY: Yeah, that is a rough spot to be in.**

YT: So I left dejectedly and went home. I was married at that time, and I told my husband what had happened and said I wasn't sure what to do, and he... Well I mean basically I said there was absolutely no hope of me becoming a Japanese language teacher in Tokyo.<sup>2</sup> And when I said I wasn't sure what to do going forward, he told me that it was a matter of changing fields, and insofar as next steps were concerned, since only jobs in the humanities would be an option, we started talking about whether I should take the bar exam. When I asked him how I should go about taking the bar exam, he said it wasn't that difficult. He said I'd pass so long as I listened in on a class at my university's law school and studied a normal amount. He'd passed the bar having done just that. . So I decided to go for it, and quietly snuck into the law school class. There were several hundreds of students in the law school classroom so nobody noticed if 1 or 2 slipped in. So it all began when I slipped into that crowd and started listening in on that law class.

**MY: So that's how it happened. Really, I mean, I suppose we should be grateful to the Tokyo Metropolitan Government Board of Education.**

YT: That's right; because if the Tokyo Metropolitan Government hadn't so clearly discriminated against women, I would not have become a lawyer or anything like that. I

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<sup>2</sup> Tokyo is one of the most populated cities in Japan. It is known for being the capital of the country. ("Tokyo." Wikipedia. <https://en.wikipedia.org/wiki/Tokyo>. Accessed 22 January 2022.)

probably would've simply been a high school Japanese language teacher and would've been long-since retired by now. But the Tokyo Metropolitan Government said they didn't want a woman, so I had no choice. But you know, there was no path into that line of work at the time. The hiring rate for women was incredibly low.

**There was no such thing as general career hiring (A regular full-time position with the prospect of promotion).**

YT: This was before that.

**MY: A long time before that. So, right. You didn't have the choice of joining a company and building a career from there. Just serving tea...right, even if you got to do that...right. That's why it's so ironic.**

YT: Yes exactly.

**MY: Because of blatant discrimination against women, you found yourself with no choice but to change your trajectory, but then also joined the movement to abolish discrimination against women.**

YT: Yes exactly. Thanks to them!

**MY: Indeed. But, I mean, after studying law and passing the bar, did you want to engage in women's rights work right away? Or did some kind of turning point while you were doing other legal work?**

YT: You know, I wasn't really thinking about fighting against discrimination against women. I didn't really have much consciousness about defending women's rights. But I myself wasn't able to get a job, and if I didn't get my hands on one then I wouldn't be able to eat and survive, so out of few available choices. I'd taken the bar and become an attorney? I'd become an (ordinary) attorney. The work requests that come to a female attorney are, for one, coming largely from women, and divorce and problems of that sort were central, and then others came from male attorneys who had been in my cohort when I was a legal apprentice. Taking divorce consultations from women was a bother for them, they didn't like it. Women's talk was bothersome, they'd say. And so, that work came my way. "Tsunoda-san, you handle this." Which is to say that I was doing that work as something undertaken from others. The male attorneys who were in my cohort back then, for them women's talk was confusing and long, and though not impossible to understand, so annoying that they couldn't bear it. They said, when a female client came their way, they'd tell them to bring their husband or father along. That's how it was back then.

**MY: Right.**

YT: And so, I simply started out as a local lawyer. My first year I began in Maebashi City<sup>3</sup> in Gunma Prefecture,<sup>4</sup> that was the first year.

**MY: Is that so? I've never heard about your time there.**

YT: That was when, well, my husband that year happened to have the chance to go to Harvard Law School,<sup>5</sup> and we had two kids. We figured we couldn't take them with us [to the U.S.] and I thought it would be too hard to handle them by myself in Tokyo, so it ended up being Maebashi. My husband's father and older brother ran a law firm there, and I joined as the most junior member, what's called an associate. I got my start staying with my two kids at my husband's parents' house while working at the firm of my husband's father and older brother.

**MY: I see.**

YT: So really, I was a very typical jack-of-all-trades attorney, of course criminal cases and civil cases as well – anything and everything. That's how I started out.

**MY: I see. From that starting point I imagine there was a turning point, or perhaps several, but anything you care to mention in particular?**

YT: I mean, after a year in Maebashi, when my second year came around I took a break from lawyering and took the kids with me to the U.S. To where my husband was. So I spent a year living in a place called Fort Lee<sup>6</sup> in New Jersey,<sup>7</sup> with the kids.

**MY: I see.**

YT: While we were there it really was like I was living as a housewife.

**MY: I can't imagine it. I can't imagine you, Tsunoda-san, as a housewife.**

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<sup>3</sup> Maebashi City is the highly populated capital of Gunma Prefecture. This city is known for its beautiful surrounding nature, which has been the birthplace of many poets. ("Maebashi." Wikipedia. <https://en.wikipedia.org/wiki/Maebashi>. Accessed 12 January 2023.)

<sup>4</sup> Gunma Prefecture is one of the 47 prefectures in Japan and has a population of almost 2 million. This Prefecture is known for being mostly made up of land. ("Gunma Prefecture." Wikipedia. [https://en.wikipedia.org/wiki/Gunma\\_Prefecture](https://en.wikipedia.org/wiki/Gunma_Prefecture). Accessed 12 January 2023.)

<sup>5</sup> Harvard Law School is the oldest law school in the United States and is a subdivision of Harvard University. This law school is known for being very prestigious and producing many accomplished individuals in the government and business fields. ("Harvard Law School." Wikipedia. [https://en.wikipedia.org/wiki/Harvard\\_Law\\_School](https://en.wikipedia.org/wiki/Harvard_Law_School). Accessed 12 January 2023.)

<sup>6</sup> Fort Lee is a municipality on the coast of the Hudson River in New Jersey. ("Living & Visiting." Fort Lee Borough, NJ. <https://www.fortleenj.org/31/Living-Visiting>. Accessed 12 January 2023.)

<sup>7</sup> New Jersey is a state located in the Northeastern United States. It is known for being a small, yet one of the most densely populated states. ("New Jersey." Wikipedia. [https://en.wikipedia.org/wiki/New\\_Jersey](https://en.wikipedia.org/wiki/New_Jersey). Accessed 12 January 2023.)

YT: I was for a year. And then there wasn't much exchange with Japan like there is now. Meaning, I was worried that I would lose the ability to do lawyering work, which would put me in a rough spot. Leaving and not doing anything for a year. So in order to avoid that, there's this periodical called the Hanrei Jihō<sup>8</sup> which compiles judicial decisions. I arranged for at least that to be delivered via airmail.

**MY: There was no internet back then after all.**

YT: I had the paper copies sent by airmail, so it came three times a month I suppose. Since it was published every ten days. While looking through it I often read up on judicial decisions in Japan, but therein one thing that caught my eye in particular were the stories about the latest cases, I was surprised that there were such cases. So then after one year I went back to Japan, and I was still jobless so to speak, so I was pondering what to do now that I was back in Japan. I didn't belong to any firm, since I had quit.

**MY: Around what year was that? 19..**

YT: 1977, I think. Just as I was pondering what to do, I happened to see in the newspaper something about the Tokushima Radio Shop Murder Case, and an individual named Shigeo Fuji-san.<sup>9</sup> There was an article about how the JFBA<sup>10</sup> had formed a case committee to take up a case in which a woman was appealing for a retrial. And so, this was about a retrial, so I wondered what I could do. I thought "how could I become a member of the committee?" but I didn't know how. I mean I just didn't know. I figured I could just try going to the JFBA, and so I went to the JFBA.

**MY: The Japan Federation of Bar Associations.**

YT: Right. I went to the Japan Federation of Bar Associations [JFBA], and when I said that I'd seen this newspaper article and that I'd like to become a member of this legal team, the staff person was astounded. They asked me to wait a little while. It turned out retrial cases were mostly handled by volunteers, and people hardly ever showed up wanting to help of their own volition. Typically those who were recruited were, you know, recruited by word-of-mouth, and there were many people who were doing the work because they'd had it imposed on them, so to speak. Little did I know... I was young at the time. I, a young female lawyer, had shown up wanting to become a member, and the staff person was surprised and asked me to wait a little while. So I waited, but I didn't hear from them at all. And then, after about half a year had gone by, the legal team got in touch, and in the end they let me

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<sup>8</sup> Hanrei Jihō is a Japanese journal that started in 1953. This legal journal was founded in 1953. ("Hanrei jihō." WorldCat. <https://www.worldcat.org/title/hanrei-jihō/oclc/800015670>. Accessed 26 January 2022.)

<sup>9</sup> Shigeo Fuji was in prison for 27 years for the murder of her husband in 1953. Fuji spent 27 years in prison and passed away from cancer. In 1980, the case was reopened, and Fuji was deemed not guilty. ("A judge acquitted Shigeo Fuji of murder charges today..." UPI. <https://www.upi.com/Archives/1985/07/09/A-judge-aquitted-Shigeo-Fuji-of-murder-charges-today/4918489729600/>. Accessed 26 January 2023.)

<sup>10</sup> JFBA stands for the Japan Federation of Bar Associations. It was founded in 1949 and determines the morals and rights that Japanese lawyers follow. ("About us." JFBA. <https://www.nichibenren.or.jp/en/about/us/profile.html>. Accessed 26 January 2022.)

join, but it turns out the reason I didn't hear from them was because I had showed up of my own volition. They said the JFBA thought I might be an enemy spy.

**MY: Right.**

YT: Right, and so, there happened to already be in the legal team a woman who had been in my cohort when I was a legal apprentice. The head of the legal team asked her whether she knew of a person named Tsunoda Yukiko, who wanted to join the team. She replied sure she knew her because she was my classmate. This proved that I wasn't suspicious, and so they let me join the legal team. The person caught up in the Tokushima Radio Shop Murder Case, Shigeko Fuji, was still alive then, so I got to meet her; and as you know, that trial was an extreme case of discrimination against women. And so given that element of discrimination against women...I mean, the discrimination against women was committed by that judicial system after all.

**MY: Yes indeed. Yes. Precisely.**

YT: That's why, the story was that she was a common-law wife and aspired to become a legal wife, and although the logic doesn't really add up, that's why she killed her common-law husband. When I read the verdict of the first trial, in which she was sentenced to ten and some odd years for murder, I came to understand well just how discriminatory Japan's judicial system is against women. That's how my eyes were opened.

**MY: Yes indeed. You published a book called *The Jurisprudence of Sex*, right?**

YT: Yes.

**MY: In that book you write a lot about that [incident], so I figured it had a big impact on you.**

YT: It was big. I might call it the first time I understood the real situation of discrimination against women. Of course I too had been discriminated against plenty, that is why I became a lawyer; but here I saw in action yet another more severe discrimination against women, as perpetrated by the legal system.

**MY: I see. But the impetus for your joining that legal team wasn't necessarily discrimination against women and so forth.**

YT: It was that retrial case. I had no idea what a retrial case would be like, but it seemed rather interesting. I basically liked criminal defense work. Not civil cases. I liked criminal defense and so in my first year as an attorney, I did lots of criminal cases as a public defender. And so retrial cases had that connection, and I wasn't sure what to expect but I thought it seemed interesting. And so it happened that the first one I encountered was Fujisan's case, and when I read the verdict, it turned out to be an incredible case. Incredible in the sense that it was a heaping pile of discrimination against women.



**MY: Truly, truly. To the point you feel like enough is enough.**

YT: What's more, it was clearly discrimination against women, no room for doubt. How shall I put it...I'd say I was astonished. It was an extraordinary lesson; in short, I think it was an experience which left me with no choice but to examine where is the roots of the problem of discrimination against women.

**MY: I see... After that you were involved in the Ikebukuro Case.**

YT: Yes, the Ikebukuro Case as well. And then, after that, after Maebashi and coming back from the U.S. I came to Tokyo, and in Tokyo I thought I'd join a regular law firm, but it turned out yet again that there was nowhere I could join. A middle aged woman with children wasn't welcomed in as a new hire. And so, in the end, there was this international law firm where my husband was working. It was a big firm called Nagashima Ohno,<sup>11</sup> and they were looking for someone who could handle domestic cases.

**MY: I see. That big-name firm.**

YT: That big-name international firm was where my husband was, and the attorneys at that firm generally didn't have much experience in Japanese courts because they handled international cases. However, they said they were looking for someone who could handle a domestic labor case, so they happened to let me join. That place, how to put it, it was run American-style, more-or-less in the style of gender equity, but on the inside, it was, of course, a competitive workplace among men. And the way I saw was that there was no future for me to stay in this competitive world of those men, there was nothing to be done about it.

While I saw it that way, you know, from the perspective of a typical attorney...the pay for working on international cases isn't low, so there were good aspects. That said, if you looked inside, there was nothing to be won trying to break into the competitions between those men. More and more I got the feeling that that wasn't something I ought to do. So, it was while I was at Nagashima Ohno that I worked on the Tokushima (Radio Shop) case. At the time that firm was extraordinarily progressive to allow me to work pro-bono on that case.

**MY: Huh, is that so?**

YT: There were no places in Japan doing pro-bono then. I first learned the word there.

**MY: Ah, is that so?**

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<sup>11</sup> Nagashima Ohno & Tsunematsu is one of the major law firms in Japan with its headquarters in Tokyo. Founded in 2000, Nagashima Ohno & Tsunematsu has a client list of many influential corporations. ("Nagashima Ohno & Tsunematsu." Wikipedia. [https://en.wikipedia.org/wiki/Nagashima\\_Ohno\\_%26\\_Tsunematsu](https://en.wikipedia.org/wiki/Nagashima_Ohno_%26_Tsunematsu). Accessed 26 January 2023.)

YT: You see, the firm covered my expenses [for the pro bono work]and such. There was that, and I had to take time off to go to Tokushima<sup>12</sup> right? They allowed all of that too. And there the really interesting thing was that, even though I was the lowest level associate at this firm doing cutting-edge international deals, the firm had a pro-bono system in an effort to imitate the U.S. [law firms]. But nobody was using it. Which meant I could use it to do pro-bono work on public defender cases.

**MY: I see why nobody used it. They could make so much more money on other cases.**

YT: Right, nobody was using it, so I said I'd use that system and do it. And so when I was at Nagashima Ohno I working on that Tokushima case.

**MY: Right. I don't mean to be rude, but there were all kinds of coincidences.**

YT: Right, they were coincidences. Yeah, and so looking back on it all now, I think all kinds of things were coincidences. And so, I was doing things like that, and then came 1986 when I quit Nagashima Ohno after about two years. In short, I quit because I disliked that competitive world among men. It has a nice ring to it to say that I quit and went independent by myself, but, well, I started a firm by myself. At the time there was an article in the Asahi Shimbun,<sup>13</sup> about how the Tokyo Rape Crisis Center (TRCC),<sup>14</sup> which was in its third year and had been running on donations. The article said it had run out of money and was in danger of shutting down. In the homemaker section of the paper.

**MY: In the homemaker section. Right right.**

MY: At the time, stories having to do with women were all put in the homemaker section. Not the society section. I happened to read the article, and though I didn't have a full understanding, I thought it would be terrible if an organization like this went under because it didn't have money, and they were seeking contributions. Donations. So to start, I sent a small amount of money to the rape crisis center. And then, someone there got in touch with me. Because I sent money. They asked if I'd become an advisor for their rape crisis center. And so there was an interview with the center's staff members, which I passed. And that's how I became the Tokyo Rape Crisis Center's legal advisor – which is a fancy sounding name. I think it was the spring of 1986 when I became the legal adviser.

**MY: I see.**

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<sup>12</sup> Tokushima is the capital of the Tokushima prefecture. The prefecture is located on Shikoku Island. ("Tokushima (city)." Wikipedia. [https://en.wikipedia.org/wiki/Tokushima\\_\(city\)](https://en.wikipedia.org/wiki/Tokushima_(city)). Accessed 26 January 2023.)

<sup>13</sup> The Asahi Shimbun is one of the largest newspapers in Japan. It was founded in 1879 owned by a family company. ("The Asahi Shimbun." Wikipedia. [https://en.wikipedia.org/wiki/The\\_Asahi\\_Shimbun](https://en.wikipedia.org/wiki/The_Asahi_Shimbun). Accessed 26 January 2023.)

<sup>14</sup> The Tokyo Rape Crisis Center is a telephone counseling service for women who are survivors of sexual assault. TRCC was founded in 1983. ("The founding of Tokyo Rape Crisis Center." Tokyo Rape Crisis Center. [http://www.tokyo-rcc.org/?page\\_id=67](http://www.tokyo-rcc.org/?page_id=67). Accessed 26 January 2023.)

YT: And so I got to know one more sphere in which women were being discriminated against. By getting involved with the people at the Rape Crisis Center. And then I began taking on cases from local municipalities involving victims of rape and going to court for damages and things like that.

**MY: That was pro bono too?**

YT: No, well, it was almost pro bono. Since the Tokyo Rape Crisis Center is a small organization.

**MY: I see.**

YT: Right. That said, when they requested civil case work, the center would lend money to the client, as an advance, and so I'd receive a small amount.

**MY: So that's it. I see.**

YT: ...(only) if we succeed to get compensation for damages... then I could receive a share of it, they said. So, the first case I took on was a suit for damages on behalf of a rape victim. It was extraordinarily, well, to call it interesting would be strange, but it taught me a lot about [how perpetrators construct] a logic of committing rape. In short, if you're wondering what the perpetrator's side said, at first they maintained that he hadn't committed rape. That they had sex at her house. And so, I asked the perpetrator, what words did you use to obtain the victim's consent? I told them to tell me specifically. But, because he [supposedly] hadn't obtain consent, he couldn't say. And so, they admitted that he had raped her. But it didn't end there. They began saying that, even so, the woman was at fault for what happened. That the woman was wrong to have let a stranger stay at her place. So they claimed that even though it is the case that I committed rape, the responsibility lies with the victim, so the amount in damages ought to be reduced in proportion to the victim's share of responsibility, per compensation for negligence. This shocked even me. But, this type of argument is what people use —a lot of people say it.

**MY: You're right. It hasn't changed, has it?**

YT: It hasn't changed. And so, at the time, what I asserted on our end was that their argument was the same as saying that all men are wolves.

**MY: Right, right.**

YT: I said, isn't it ridiculous for you to say that the victim had responsibility? Well doesn't that mean you are saying that, you, the perpetrator, are a man, so are a wolf? That's the argument I made. And so, though they didn't say that, we won that trial.

**MY: I see. So that's it.**

YT: The judge didn't fall for it. In short, the reasoning of the perpetrator's side was like this: all men are captive to sexual drive, to instinct, so women who arouse that instinct are in the wrong. Has there ever been a more idiotic story?

**MY: No there hasn't. After all, it's not our responsibility.**

YT: Right, and I mean, this was a male judge.

**MY: So he understood. That's rare.**

YT: He understood. Such idiotic reasoning... I said it in a way that was very easy to understand. That they were saying that all men are wolves. Including him. That he too was a wolf. It was because of how I made that argument. Not by resorting to any difficult legal reasoning.

**MY: I see. So that's it.**

YT: If the judge had said he agreed with them, that would mean the judge saying that he was also a wolf.

**MY: I see. So that's it.**

YT: So, we won that case.

**MY: Wow...**

YT: I mean every single one is something I'd never heard before. Well, I knew the song, men are wolves because I heard it sung around me when I was small. But that kind of reasoning, which nowadays we'd call a rape myth,<sup>15</sup> the term I didn't know then. Each case was full of stories that taught me things like that.

**MY: Indeed. It's the kind of thing we wouldn't even think about. Because it's so completely different from our frame of reference.**

YT: Just thinking about what it means to make the legal argument that all men are wolves. I suppose it was kind of intriguing come to think of it.

**MY: So, the perpetrator was saying this with a serious look on his face, and then his attorney was saying it alongside him. Fundamentally, that is ... [problematic]**

YT: Of course the lawyers were men.

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<sup>15</sup> Rape myths are defined as harmful biases that come from cultural stereotypes about sexual assault survivors. ("Rape myth." Wikipedia. [https://en.wikipedia.org/wiki/Rape\\_myth](https://en.wikipedia.org/wiki/Rape_myth). Accessed 26 January 2023.)

**MY: I see...**

YT: So, while working on each case one by one, I was made to learn, or rather, I encountered the reasoning on the other side of discrimination against women. And so I couldn't help but think about how to make a counterargument.

**MY: I see.**

YT: That's not something I learned at ....

**MY: That's true. After all, in college or in law school...**

YT: They won't teach you that.

**MY: Right. So, while continuing to be involved with actual cases like that, bit by bit, you began to develop some systematic [thoughts]inside of you...**

YT: Yes. Not sure about systematic ideas...I encountered the Ikebukuro case as I had been involved with the [Tokyo] Rape Crisis Center.

**MY: What year was that again?**

YT: I think it was about 1988. For the Ikebukuro case, right, it was after it went on to the appeal trial.

**MY: Sure, sure.**

YT: Right, right. I did not know the first trial, what kind of case it was. They lost the first trial and I think she was sentenced to prison. By the time of the appeal trial...

**MY: Right.**

YT: There were several women supporting her, and they knew me. They were people who were working with me on the issue of sexual harassment. The Santama...

**MY: The Santama Group.**

YT: One of them was a supporter of the defendant in the Ikebukuro case. And so, after they lost the first trial and were on to the appeal trial, they came to me, and asked me if I could help. But of course they already had lawyers who were working on it. To come in after the fact... I didn't know them. It was two men working on it. I said among various other things that I couldn't do something like come barging in on lawyers I didn't know, but they said, no, we want you to do it anyway, because without that, we'll lose again. So after all, I received a mountain of records. For the appeals trial, I knew a scholar of criminal psychology through another study group. the victimizer rather than the victim. Right, so I thought that maybe I could have them write up an expert opinion on a psychological

evaluation of a victim, an assailant rather [in this case], a woman who stood to be tried as a defendant [as she stabbed someone who assaulted her]. And I got them to write an effective opinion brief that would be really persuasive to the judge. And so at the high court, although the facts were what they were, although it was true that she had stabbed him, that was because of her mental state as she felt trapped at the time. Because her reaction was unavoidable, the sentence was suspended in the high court. And she was released. That's how the case was.

**MY: I see. That was in 1988.**

YT: I think it was around 1988.

**MY: And also, was it in 1989 when the Santama Group conducted a study and gathered 6,500 testimonials about sexual harassment? And the first sexual harassment trial in Japan? Was that in 1989?**

YT: We filed suit in 1989 and the verdict came in 1992.

**MY: Right, and you were involved in that sexual harassment case, right?**

YT: Yes, I was involved. As for why I was involved, that was because after I got to know members of the Santama Group, I advised them on putting out a report of their sexual harassment survey, and also because we had studied together and came to know about sexual harassment, and as I was gaining interest and concern regarding it, I came to know about the Vinson case<sup>16</sup> in the U.S.A.

**MY: I see.**

YT: As for why I got to know about the Vinson case, that was because at the time I was hoping to study in the U.S.A. So I was studying English conversation.

**MY: From that point in time.**

YT: I had no (English) ability at all. I thought I needed to study English, so I spent a lot of money on a private instructor. And so, aside from English conversation itself, when I was asked what I wanted to study, I said I wanted to study as curriculum materials things I was interested in at the time, such as domestic violence, sexual harassment, and rape/sexual assault. And so the instructors – he and other instructors who were working together as a team - brought in [video clips of] 60 Minutes<sup>17</sup> as materials.

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<sup>16</sup> The Vinson case refers to Meritor Savings Bank vs. Vinson. This was a case taken to the supreme court in which the court determined sexual harassment in a workplace defies the Civil Rights act of 1964. This act prohibited employers from discriminating on the basis of sex. ("Meritor Savings Bank v. Vinson." Britannica. <https://www.britannica.com/topic/Meritor-Savings-Bank-v-Vinson>. Accessed 26 January 2023.)

<sup>17</sup> 60 Minutes is a news show on the CBS channel. It was started in 1968 and is known for the way the investigation is set around the reporter. ("60 Minutes." Wikipedia. [https://en.wikipedia.org/wiki/60\\_Minutes](https://en.wikipedia.org/wiki/60_Minutes). Accessed 27 January 2023.)

**MY: I see.**

YT: I think it was that [60 Minutes] where the Vinson case came up. It was a video showing scenes of when they won the Vinson case at the Supreme Court<sup>18</sup> and things like that, as well as discussion of how American society would change going forward. That's how I came to know about the Vinson case in an English conversation lesson. And insofar as what the case was about, one couldn't glean that just with the television program, so I looked into it. Since it was a U.S. court decision, a paper copy was available at the library of the Japan Supreme Court.<sup>19</sup>

**MY: Oh, I see.**

YT: Yes. They had it. I looked it up and gave it a read. And I thought, ah ha, with this couldn't we take legal steps even in Japan? And so the scene of that retreat with the people of the Santama Group, ...we held a retreat to draw up a report...where was that in Saitama?

**MY: Ranzan,<sup>20</sup> in Ranzan right? The National Women's Education Center.<sup>21</sup>**

YT: When we had the retreat at the National Women's Education Center in Ranzan, we studied sexual harassment. At that time, we introduced that [60 Minutes] video. Also at that time... Are you familiar with a women's magazine from back then called *MORE*?<sup>22</sup>

**MY: I remember it.**

YT: There was an editor or writer at *MORE* named Sakurako Ogata. She was a friend of mine, and every several month, *MORE* would feature a social issue. She selected sexual harassment as the theme and did a report on our retreat. It was several pages as a featured article. I think it was the first of its kind, that sort of thing. And so Haruno-san, who became a plaintiff, read that in Fukuoka<sup>23</sup> the featured magazine article. And so she called me, and

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<sup>18</sup> The Supreme Court is the highest court of the country and has power over any cases of the country that involves federal or constitutional law. ("Supreme Court of the United States." Wikipedia.

[https://en.wikipedia.org/wiki/Supreme\\_Court\\_of\\_the\\_United\\_States](https://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States). Accessed 27 January 2023.) x

<sup>19</sup> The Japan Supreme Court is the highest court of Japan. This court has the power over any cases considering any Japanese law or Japanese constitutional law. ("Supreme Court of Japan." Wikipedia.

[https://en.wikipedia.org/wiki/Supreme\\_Court\\_of\\_Japan](https://en.wikipedia.org/wiki/Supreme_Court_of_Japan). Accessed 27 January 2023.)

<sup>20</sup> Ranzan is a small town in Japan. It is in the Saitama Prefecture. ("Ranza, Saitama." Wikipedia.

[https://en.wikipedia.org/wiki/Ranzan,\\_Saitama](https://en.wikipedia.org/wiki/Ranzan,_Saitama). Accessed 27 January 2023.)

<sup>21</sup> The National Women's Education Center is an organization dedicated to equal access to education for all genders. This is done through training for individuals involved in women's education and research. ("About NWECC." National Women's Education Center. <https://www.nwec.jp/en/about/information/mission.html>. Accessed 27 January 2023.)

<sup>22</sup> *More* is a magazine that was started in 1997 and ended in 2016. It is a lifestyle magazine for women that was published by the Meredith Cooperation. ("*More* (magazine)." Wikipedia.

[https://en.wikipedia.org/wiki/More\\_\(magazine\)](https://en.wikipedia.org/wiki/More_(magazine)). Accessed 28 January 2023.)

<sup>23</sup> Fukuoka is the capital of Fukuoka Prefecture in Japan. It is one of the largest cities in the country and is known as the center of international commerce. ("Fukuoka." Wikipedia.

<https://en.wikipedia.org/wiki/Fukuoka>. Accessed 3 February 2023.)

said she'd experienced the same type of thing. And then at that time, this is how everything connects together, as she was in Fukuoka. Fukuoka was where the first all-women law firm was launched. It started in April 1989, I think. A female reporter at Nishinippon Shimbun<sup>24</sup> named Fujii-san wrote a newspaper article announcing that an all-women law firm had launched. Haruno-san read that too, and went to that all-women law firm for consultation. And the lawyer who consulted with her, was a fellow committee member with me on the JFBA's Women's Rights Committee.<sup>25</sup> There was that connection too, so we talked about working together.

**MY: So that's what happened.**

YT: That's what's interesting here. Everyone's connected.

**MY: Everyone gets connected. Right, so, in 1990 I went to Japan. At that time, I talked about what was being done in the U.S.A. regarding sexual harassment.**

YT: You introduced that for us.

**MY: Right. And so in a kind of caravan I went to various places, including Fukuoka, and at that time I got to know members of the Santama Group, got to know Yumae-san. At that time I went to talk about sexual harassment, but [I noted that] in Japan there was no movement about domestic violence, violence perpetrated by husbands and partners. And so, I thought I wanted to do something about it. Though I went back to the USA after two weeks or one week I suppose, as this was also a huge problem and I thought that I wanted to do something. That was 1990. And then I got connected with you, Tsunoda-san.**

YT: Yes, that's right.

**MY: And so at that time, this was after the Santama Group's survey, and by doing that survey they changed [peoples'] consciousness, they really were doing something that became an driving force for changing society in this way, so I thought that, well, maybe we could do something about domestic violence using the same kind of approach.**

YT: Right, I think so. And that's how our feminist action research got started, the first of its kind in Japan.

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<sup>24</sup> Nishinippon Shimbun is a Japanese newspaper with headquarters in Fukuoka. It was founded in 1877. ("Nishinippon Shimbun." Wikipedia. [https://en.wikipedia.org/wiki/Nishinippon\\_Shimbun](https://en.wikipedia.org/wiki/Nishinippon_Shimbun). Accessed 3 February 2023.)

<sup>25</sup> The JFBA Women's Rights Committee is a part of the Human Rights Protection Committee. This committee has promoted gender equality by revising laws that unfairly harm women and has created 5 year plans since 2008 to promote gender equality in the JFBA. ("Activities." JFBA. <https://www.nichibenren.or.jp/en/about/activities/protection.html>. Accessed 3 February 2023.)



**MY: Yes right. At the time we didn't have any money at all, remember? You were the one, Tsunoda-san, who had the most money at that time. But anyway, we solicited contributions, and decided to go for it.**

YT: I think it brought in about 30 million yen. I went to solicit a contribution from male lawyers who had quite a bit of money. Told them we're going to do this, so please contribute some money.

**MY: That's right. We had some pretty big contributions. And also, those women who responded to the questionnaire, they'd give 1000 yen or something, saying that they did not want to let other women go through what they had gone through and please let [their donation] be of some use. We received a lot of small contributions like that too.**

YT: Also, we got 10 million from that one place. The Ichikawa Fusae Foundation.<sup>26</sup> We applied there.

**MY: That's right. You're right. And so we pooled them all and conducted the survey, and then we went there – to the United Nations World Conference on Human Rights.<sup>27</sup>**

YT: Did you all, did Kaino-san go with you? It was in 1992?

**MY: Yes. Kaino-san went too. Right. And we really didn't know right from left you know. We'd never been to a United Nation's conference before, a huge conference . But anyway, we told ourselves if our going there might lead to something, and so we translated the survey findings into English.**

YT: Right.

**MY: Right. And our survey findings made it into two or so publications from the UN.**

YT: That's right. And at the time in Japan, of course, the government wasn't doing anything. There was no survey. So, our study was the only study, and the government used it a lot.

**MY: Well, the government, probably, was of the feeling that legally they were addressing it [domestic violence], and that there was no problem. People would say that women in Japan got stronger, stockings and women got stronger. That was the argument they made. But no, that's not what it was. When we conducted the survey,**

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<sup>26</sup> The Fusae Ichikawa Center for Women and Governance was founded in 1962 and is dedicated to making sure that everyone has equal rights. ("Fusae Ichikawa Center for Women and Governance: Institution Main." NCC. <https://guides.nccjapan.org/researchaccess/ichikawa-fusae>. Accessed 3 February 2023.)

<sup>27</sup> The United Nations World Conference on Human Rights was conducted in June of 1993 in Austria. It was the first conference after the end of the Cold War. This was only the 2<sup>nd</sup> conference worldwide specifically for human rights. ("World Conference on Human Rights." Wikipedia. [https://en.wikipedia.org/wiki/World\\_Conference\\_on\\_Human\\_Rights](https://en.wikipedia.org/wiki/World_Conference_on_Human_Rights). Accessed 3 February 2023.)

**we uncovered that sort of things. That was in 1993, the UN World Conference on Human Rights. And then in 1995 there was the UN World Conference on Women in Beijing.<sup>28</sup>**

YT: Right.

**MY: That was pretty significant, I suppose.**

YT: Yes. Beijing is close so I think a lot of women from Japan attended. They attended seminars and workshops on the issue of violence and learned a bit.

**MY: That's right. There, it became clear that violence against women was one of the significant areas of policy regarding women, and every country's government [began realizing that they] ought to be taking steps to address it.**

YT: Yes, that's right.

**MY: That was 1995 right. But since 1995 or 1996, what has happened since? What developments lead up to now?**

YT: After that, I worked on that sexual harassment trial, and we won. So I became well-known, so one thing to note is that I started to work on lots of sexual harassment cases.

**MY: Yes, there is that.**

YT: I also work on DV (note: abbreviation for "domestic violence").

**MY: You do. Right, right.**

YT: I was working on all those sorts of things I'm doing now matters related to gender-based violence.

**MY: Right right. So, yes. With the sexual harassment trial, even though you won, what was it, damages?**

YT: Right, compensation for damages were extraordinarily small.

**MY: Indeed, very small. Compared to other countries, like the U.S.A. for example.**

YT: The level is completely different.

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<sup>28</sup> There have been a total of 4 UN World Conferences on women. The 4<sup>th</sup> one was located in Beijing in 1995, and this conference was especially important as it was where 189 countries adopted a declaration for the empowerment of women. ("World Conferences on Women." UN Women. <https://www.unwomen.org/en/how-we-work/intergovernmental-support/world-conferences-on-women>. Accessed 3 February 2023.)

**MY: So truly, well, the fight isn't about money. Really, I mean...**

YT: That's true although... In Japan we did that sexual harassment trial. However, in Japan there's nothing like Title VII of the Civil Rights Act.<sup>29</sup> There isn't, but as we explored some options, we turned to provisions in the Civil Code,<sup>30</sup> such as bringing a tort claim.<sup>31</sup> That's the frame within which we worked, but ultimately that isn't a legal structure capable of addressing issues of discrimination against women. Not with that framework. It was created in the Meiji Era,<sup>32</sup> as the Civil Code. At that time, discrimination, issues like discrimination against women, were unknown to the law itself, right? That's why it isn't set up in a way that can address them. And so we started working on sexual harassment issues using a framework of tort liability, and everybody is still using it now, but after about five years I felt it just wasn't working. The reason being that the framework is just completely different. Because the ideology is different, right? Basically, it's because within this framework, a person whose rights are infringed can sue for damages, that's true, but there is no concern about why the infringement of those rights happened within that framework. That's why it doesn't reach a point of being concerned with something being a case of discrimination against women – as long as one works within the framework.

**MY: Yes indeed. That's why it doesn't reach the point of saying that there's structural discrimination. That's why that structure doesn't change at all.**

YT: No attention is paid to structure. However, this tort-based framework in the Civil Code is the same law used to handle damages for car accidents. And the problem with this legal structure involves comparative negligence. One can assert comparative negligence with the victim. If such claim is recognized it means the negligence of the victim can be shaved down. The reason being that, in the case of a car accident, there is a single incident of damage, right? And there are two people who are the persons involved, the perpetrator and the victim, so to speak, right? It's necessary when deciding the share of burden for the monetary damages to figure out which of them, and to what degree, showed the most negligence. To do it fairly—the thinking behind torts is to have the damages incurred fairly. That's why the proportion of negligence comes up. Which side gets 20% and which gets 80%. This same way of thinking comes up in sexual harassment cases. Therefore, as was

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<sup>29</sup> Title VII of the Civil Rights Act does not allow discrimination of employees due to their race, skin color, religion, gender, or nationality. ("Title VII of the Civil Rights Act of 1964." U.S. Equal Employment Opportunity Commission. <https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964#:~:text=Title%20VII%20prohibits%20employment%20discrimination,several%20sections%20of%20Title%20VII>. Accessed 3 February 2023.)

<sup>30</sup> The Japanese Civil Code is a series of private laws that were enacted in 1896. The civil code underwent reforms after World War 2, and since has been used since then. ("Japanese Civil Code." Britannica. <https://www.britannica.com/topic/Japanese-Civil-Code>. Accessed 7 February 2023.)

<sup>31</sup> A tort claim is defined as a lawsuit that is filed for compensation as a result of any harm an individual might have received in an accident. ("What is a Tort Claim?." TR Law. <https://trlaw.com/blog/what-is-a-tort-claim/>. Accessed 7 February 2023.)

<sup>32</sup> The Meiji Era is referred to as the period in Japanese history where society moved to becoming a western industrialized state. Formally the era began in October 23, 1868 and ended on July 30, 1912. ("Meiji era." Wikipedia. [https://en.wikipedia.org/wiki/Meiji\\_era](https://en.wikipedia.org/wiki/Meiji_era). Accessed 7 February 2023.)

the case of “men are wolves” mentioned earlier, this issue of the victim’s negligence, gets taken up quite seriously in the ruling. Including in the Fukuoka case, even though we won. In the end basically it was that thinking. They consider various circumstances and decide you only get this much. Amidst various circumstances, for example, in the case of the plaintiff Haruno-san, they said she was quite provocative and so on – without saying “excessively so for a woman.” It gets taken into consideration that she said rather strong things and was defiant towards men. They’re thrown in with various circumstances. The reason being that taking the tort claim route then comparative negligence can be invoked. That’s why the method of assigning proportion of negligence in car accidents and a victim’s negligence in a sexual harassment case are treated the same way. That’s why the discussion becomes disconnected from discrimination, and why the notion that the victim was also negligent and has responsibility gets legal backing. And on top of that, you know, in Japanese courts, gender discrimination is given extremely little weight.

**MY: Right.**

YT: Extremely little. Because it’s not thought of as a serious problem. For example, with gender pay discrimination, there’s the Kanematsu case,<sup>33</sup> and in that the company was told to pay the wage difference, but the plaintiffs also demanded, on top of the gap in wages, compensation for the gender discrimination they had endured. The court accepted that but only required payments of 100,000 yen per year for gender wage discrimination. So it was a matter of course that they pay the gap in wages, which they did pay.

**MY: 100,000!**

YT: Per month. 100,000 per month is the thinking. Tort trials in Japan are, like I said, something from the Meiji Era, so discrimination, much less discrimination against women, doesn’t enter its perspective. That’s why I’ve been saying that we have to make another legal structure, but that hasn’t resonated with most lawyers. They get money the way things are so what’s the problem, is what the line seems to be.

**MY: Hmm I see.**

YT: Because they’re able to get damages awarded, these legal actions have not delved into challenging the structure [of discrimination]. So because it’s not in the system I’ve been doing the same thing for 30 years, from 1989 up to now. Doing the exact same thing.

**MY: Right right.**

YT: But because of that it hasn’t changed.

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<sup>33</sup> The Kanematsu case was an important legal case for gender wage discrimination. 6 women worked for Kanematsu Corporation but were getting paid less than their younger male counterparts. The women sued the company and won. This case took 14 years to resolve in court and the company ended up having to pay the women the wage difference. (“CEDAW.” Working women’s network. <http://wwn-net.org/english/category/cedaw>. Accessed 16 February 2023.)

**MY: It hasn't changed. The structure hasn't changed.**

YT: Because the structure hasn't changed there's been no decrease.

**MY: Right. Earlier in our discussion divorce came up right? In your own work, not divorce, but affairs I suppose...**

YT: Infidelity issues. *Furin* in Japanese.

**MY: Compensation claims about infidelity. You've said that you'll never work on such cases. But aren't those cases, among lawyers, a way to make money? Big cases, well numerous, rather, right? For the people watching this video, could you speak about why they're a problem?**

YT: Sure well, with that, if it's between a married couple and the wife is saying it's a violation of their marriage contract, I have no problem with a wife making a complaint against her husband when he's cheated. Because that's a breach of contract. So it's not that. Rather, what I say is a problem is when the wife demands damages from the woman who is the husband's partner, the so-called mistress because she had that kind of relationship with her husband. The reason I think that's wrong is that, in order for that reasoning to hold, the underlying logic must be that the wife owns her husband. That he is her property. Right, so because that third person, the woman, violated the wife's property rights to her husband, then she has a duty to pay damages. That's the logic. That though...at first glance, it seems fine because the unfortunate wife is able to get money from the other woman, but what's underlying that thinking is the notion that the husband, rather a married couple owns each other. I think that's wrong, so...

**MY: Indeed, it is wrong.**

YT: So I tell people that I don't take on cases like that. I actually get quite a few such requests. The requests come in, but I don't take them, so I have to say that I won't and explain, like I did just now, why I don't, but I can't get most people to understand. So in particular, when I'm working in Numazu,<sup>34</sup> most lawyers besides me all do those cases. When a client consults with me, I say that I think about it like this, this, and this, and that [what they're asking] goes against my thinking, so I can't do it. But other than me just about everyone else does those [cases]. Other people do these kinds of cases, so I say they should just go somewhere else. That said, it's just that. Even young lawyers who work on issues of discrimination against women aren't averse to demanding damages for this type of adultery.

**MY: Sure. The reasoning is scary, indeed. Treating the other person as property... If that ends up getting justified...**

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<sup>34</sup> Numazu is a city in Japan. It is in the Shizuoka Prefecture and has a population of about 189,000. ("Numazu." Wikipedia. <https://en.wikipedia.org/wiki/Numazu>. Accessed 10 February 2023.)

YT: Yes right. It means that a married couple owns each other. I mean look, even young women [lawyers] who are handling cases of discrimination against women rather progressively are doing these cases. Because they bring in money.. And so I figure “oh well,” and when I tell these young people the reasoning I just told you now, that I think such and such way, so even though they bring in money I don’t do these cases, I get told “wow, really?” I ask them “don’t you think it’s strange?” I say, don’t you think the core reasoning is strange? I say, don’t you think it’s strange to say that a married couple is in a relationship in which they own each other? It seems they don’t think of it that way.

**MY: Is that so? I see.**

YT: They say that they think of it like it’s the wife’s right or something.

**MY: But, if we recognize that, then it means recognizing the husband’s right, the husband’s right toward the wife...**

YT: It means the same thing occurs.

**MY: Right.**

YT: But you know, there are also people who think that’s equality. That a husband could file a lawsuit against his wife’s lover. I think that isn’t something to be called equality though.

**MY: No, no.**

YT: But, that’s how it is in Japan.

**MY: But I mean, holding strong to your beliefs is who you are Tsunoda-san, right? That’s something other lawyers can’t do.**

YT: I can’t... just because it benefits me monetarily, I mean, a kind of thinking that my own thinking tells me is really strange and which I criticize, I can’t bring myself to hop on board with that.

**MY: You can’t.**

YT: No. I wouldn’t want to even if it benefits me 10 million yen. That sort of thing.

**MY: Wouldn’t want to.**

YT: Won’t make any money anyway.

**MY: True. But you know, for you Tsunoda-san, the work of a lawyer isn’t about money right? [Being a lawyer] is a means to realize those beliefs of yours, or those things about society you want to change.**

YT: Sure. But, to a certain degree it's about money. Without money I'd be in trouble.

**MY: There is that. Without money, one can't be independent and enjoy equality and autonomy, that's true. But as long as one has the minimum necessary income, [it's ok]. Tsunoda-san, for example, you've supported other women, right? Through donations to NPOs<sup>35</sup> of course, but also, for example, women bound for medical school?**

YT: Someone planning to take a medical school entrance exam.

**MY: You supported them, you've done things like that as well.**

YT: Sure, that's true, with legal problems. Japan is a country with terrible discrimination against women. The case of gender discrimination at a medical schools, they were just getting away with it.

**MY: That's what it was, indeed. For such a long time, it wasn't just that medical school, really for such a long time they were doing it .**

YT: Besides, all of that, it came to light by accident. An elite bureaucrat at Ministry of Education [Culture, Sports, Science, and Technology] (MEXT)<sup>36</sup> wanted to get his son into Tokyo Medical University.<sup>37</sup> But he failed to get in. And so [the bureaucrat] went to a regent or some important person and asked them for help. Asked them to admit his son. That became a bribery scandal, a criminal case. They were exposed. And then it was in that investigation, when they went looking into how the tests were being administered, it came out that there'd been discrimination against women. And so if the MEXT bureaucrat hadn't done something he shouldn't have... the medical school would still be doing this.

**MY: True. Well, I guess we have to be grateful to him [the bureaucrat].**

YT: That's right. It's that kind of terrible story. It wasn't exposed by anybody. But you know, if you were to ask students, there are prep schools for medical schools right? At places like

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<sup>35</sup> NPO stands for a nonprofit organization. A nonprofit organization only uses money to keep the organization running and to help others, but does not keep any money for employees. ("nonprofit organization (NPO)." TechTarget. [https://www.techtarget.com/whatis/definition/non-profit-organization-NPO#:~:text=A%20nonprofit%20organization%20\(NPO\)%20is,have%20to%20pay%20income%20tax](https://www.techtarget.com/whatis/definition/non-profit-organization-NPO#:~:text=A%20nonprofit%20organization%20(NPO)%20is,have%20to%20pay%20income%20tax). Accessed 10 February 2023.)

<sup>36</sup> The Ministry of Education, Culture, Sports, Science, and Technology is a part of the executive branch in the Japanese Government. There are a total of 11 ministries. The objective of these ministries is to mainly improve Japan's international relations. ("Ministry of Education, Culture, Sports, Science and Technology." Wikipedia. [https://en.wikipedia.org/wiki/Ministry\\_of\\_Education,\\_Culture,\\_Sports,\\_Science\\_and\\_Technology](https://en.wikipedia.org/wiki/Ministry_of_Education,_Culture,_Sports,_Science_and_Technology). Accessed 11 February 2023.)

<sup>37</sup> Tokyo Medical University is a private university in Japan. It was established in 1916 and has a 6 year medical program. ("Tokyo Medical University." Wikipedia. [https://en.wikipedia.org/wiki/Tokyo\\_Medical\\_University](https://en.wikipedia.org/wiki/Tokyo_Medical_University). Accessed 11 February 2023.)

that, there had long been rumors that women were at a disadvantage. But there was no definitive proof.

**MY: That's right.**

YT: So, thanks to that criminal case, the whole story came to light. And because of that, it came to be that MEXT investigated all the other universities. I would think they're doing it too.

**MY: I see. Right.**

YT: It's a terrible story. Even now they'd be doing it if not for that.

**MY: They'd be doing it.**

YT: They'd definitely be doing it, yes.

**MY: Yes, yes. Did you support the woman bound for medical school because you thought there should be more female doctors?**

YT: No, rather than that, because it was simply such clear discrimination against women, and I couldn't overlook that. We filed a lawsuit against the university, and it'll be over soon.

**MY: Oh, I see, you were talking about the lawsuit. I was referring to the fact that a long time ago, you supported a woman going to medical school financially right?**

YT: Ah, I remember her. She became a great doctor.

**MY: Yes right. She's doing great things now, and every time I see her name, I think oh she's the person Tsunoda-san supported. So you've supported people on an individual level right?**

YT: Ah, well in that case, that person was someone who was supporting the Rape Crisis Center, doing work for it. At the time, meaning, well, that was before I went to the U.S.A., so it was in the 1980s, when I first got involved with the Rape Crisis Center. There was no research on what kind of mental damage is sustained by the victim of rape in Japan. They did not consider PTSD<sup>38</sup> or trauma. So while I was working on lawsuits for damages, I had the problem of how to demonstrate the damage done to the woman. And so I looked into various things and I asked around to some academics, but nobody was interested in the victimization of women. Nobody seemed to be paying attention to how women were

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<sup>38</sup> Post-traumatic stress disorder, also referred to as PTSD, is a mental illness in which a traumatic event can cause anxiety or nightmares. ("Post-traumatic stress disorder (PTSD)." Mayo Clinic. [https://www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/symptoms-causes/syc-20355967#:~:text=Post%2Dtraumatic%20stress%20disorder%20\(PTSD\)%20is%20a%20mental%20health%20uncontrollable%20thoughts%20about%20the%20event](https://www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/symptoms-causes/syc-20355967#:~:text=Post%2Dtraumatic%20stress%20disorder%20(PTSD)%20is%20a%20mental%20health%20uncontrollable%20thoughts%20about%20the%20event). Accessed 11 February 2023.)



experiencing special harm. I thought that I needed to be able to prove that sort of thing scientifically through a psychiatrist or an academic, but nobody was working on it. So, I said to the women who were supporting [the center], “won’t somebody study this?” And then, I mean they were all grown adults with jobs, but when I said if we don’t have research like this I’ll really be in trouble, it’s important. That’s when two of them decided to quit their jobs and go to medical school. For one of them, I had said if somebody goes [to medical school], I could support them to an extent. The women were working, and they had to quit their jobs to do this. And so, one of them raised her hand and said she’d give it a shot and do her best. So for that person, until she graduated from medical school, I lent her about 100,000 yen a month. I didn’t give it to her. I lent it.

**MY: Ah, I see.**

YT: And so I told her she could pay it back once she became a doctor. At that time, I had enough money to invest in people, about 200,000 yen. If a woman doesn’t have that kind of support, she can’t go back to being a student again after going to work.

**MY: No, she can’t. I see. Based on what you’ve told me, it seems like for you, Tsunodasan, your work – the work you do as a lawyer for a living – and your work in the women’s movement? –activities with NPOs NGOs,<sup>39</sup> and so on--are deeply linked.**

YT: Sure.

**MY: Right. But isn’t that rare? In Japan I mean. What do you think?**

YT: Sure, sure. That may be. But like I was saying earlier with the issue of infidelity, even people who have a sensitive sensibility about discrimination against women don’t quite go to the root of the [compensation for damages for] infidelity cases. So, for one, I feel that’s very unfortunate. And then the issue of examining?? women’s negligence in sexual harassment trials. People are slow in realizing that it is absurd to problematize victims’ negligence. And... there’s no aspiration to change the current [legal] framework.

**MY: That’s true. That’s the difference. What are we seeking by using the law? Is it to win, to take money or seize victory? People take all kinds of approaches. Isn’t it common for things like that to be the goal? But they are not [the goals], right? After all, if that’s all we’re doing, then the root causes won’t change.**

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<sup>39</sup> NGO stands for a non-governmental organization. Non-governmental organizations most commonly include non-profit organizations that work outside of the government. (“Non-Governmental Organization (NGO)? Definition, Example, and How it Works.” Investopedia. <https://www.investopedia.com/ask/answers/13/what-is-non-government-organization.asp#:~:text=The%20term%20NGO%20is%20generally,others%20support%20a%20paid%20staff>. Accessed 11 February 2023.)

YT: Well, that is what Catherine Mackinnon<sup>40</sup> has written about. She says that it is a tool for social change. A tool that can change society. She says she'd use [the law] as a tool. I thought so too, I think that's exactly right.

Because we have the law as a tool, with it we must change the societal structure that's causing these problems. That's what we really should be doing. Lawsuits are one way of doing that.

**MY: That's true. For me, speaking from the standpoint of a researcher, research and surveys are a tool.**

YT: Same thing right?

**MY: It's the same, it is. ut looking at my colleagues, it's the research that becomes the goal – it's enough to just do the research, do the surveys, and publish. That becomes the goal, but I don't think that's how it should be. Through research, we should be exposing social problems, and finding solutions, and then putting them into practice, and thereby changing society bit by bit. I think that's why we should be doing this, but there aren't all that many people who are doing that sort of thing.**

YT: There aren't many. After all, the more expert one becomes, perhaps one thinks less and less in terms of how one might use their skills to change the structure of society, conversely. They get consumed by their expertise.

**MY: And, then I think they get subsumed into the workings of a society that puts value on their expertise.**

YT: I think that's it.

**MY: I mean they're deified as experts. And because of that, they get to write things and give talks, and the money comes in. But that's how they end up getting subsumed, I guess you could say they get defanged.**

YT: Right. In the end, they get used by the side which wants to maintain the social structure as it is now.

**MThey get used. What's necessary in order for one not to do that? What should be done... I mean we're getting older and older. Moving forward, what is needed?**

YT: What should be done indeed? I don't know what should be done, but I think, when we see injustice in the world or something that doesn't make sense to us, then we shouldn't back down. If I see something, then I think I have to do something about it. I don't know why though...

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<sup>40</sup> Catherine Mackinnon is a professor at the University of Michigan Law School, activist, and author. Her works mainly discuss women's rights. ("Catharine A. MacKinnon." Wikipedia. [https://en.wikipedia.org/wiki/Catharine\\_A.\\_MacKinnon](https://en.wikipedia.org/wiki/Catharine_A._MacKinnon). Accessed 11 February 2023.)

**MY: If we see something, that's what we should do, indeed.**

YT: Can we just let it slide by saying "I guess things like that happen"? Or can we not let it slide?

**MY: We can't let it slide right?**

YT: Why can't I let something slide? Because I can't convince myself. I don't like it. I can't allow it.

**MY: Right? I mean if you overlook that, then all the other stuff becomes okay, too. You yourself end up permitting that structure, don't you? But, I mean...**

YT: Right, I think it's that I just don't like that.

**MY: Right. But then the path branches, between whether we put that into practice or not, right?. Tsunoda-san, you were teaching courses at a law school, right?**

YT: Ah, yes, yes.

**MY: In [those courses], I'd imagine you had hoped [to train] the next generation of attorneys and lawyers, who would challenge discrimination from the perspective of gender. How were the law school courses? How did you react to it?**

YT: Well you see, there were actually not many students who responded to my ideas. That said, several successors were born out of it, actually. They became lawyers. Female lawyers, women who became lawyers... They say they want to do work like I do, so they do things like ask to work with me on cases I'm doing, and then there are also some who are giving their all working on changing laws concerning sexual violence, who were born out of those courses [I taught]. I don't remember it well, but there are female lawyers who say they were in that class. I think several people were nurtured by it.

**MY: Are there not that many courses in law schools that address head-on gender or gender discrimination issues? Are they increasing?**

YT: You know, ultimately I don't think there are many. I don't think they're increasing. The number of law schools itself is decreasing, so [courses] are decreasing too. But Meiji [University] is extraordinarily unique, in that Meiji University<sup>41</sup> was the first university to produce a female attorney. It had a junior college, although before that it was a vocational

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<sup>41</sup> Meiji University is a private university in Japan. It is very selective and is known for being one of the most prestigious schools in the country. ("Meiji University." Wikipedia. [https://en.wikipedia.org/wiki/Meiji\\_University](https://en.wikipedia.org/wiki/Meiji_University). Accessed 11 February 2023.)

school.<sup>42</sup> It has a lot of pride about its history of having produced the first female attorney, so when they started the law school, they decided to take their time and properly address gender issues. And so, they gave me four classes. I forgot how many hours it was per class, but they gave me a ton of time. I could do gender, and one, two, three, four – 4 classes. So step-by-step I was able to build up various issues. So, I did discrimination against foreigners too, for example. And also criminal case issues, civil case issues, all kinds of issues, I mean they're all related, and I was able to cover a wide range. They gave me a lot of time, although it's decreasing now, I think that was really great. And so, I created the course syllabi using Catherine Mackinnon's textbook *Sex Equality*<sup>43</sup> as a reference, in deciding which areas to cover. That really did come in handy when I was figuring out how to put things together.

**MY: Right. You actually took part in Catherine Mackinnon's course didn't you. When you came to the University of Michigan<sup>44</sup> for a year right? Are you still in touch with her now?**

YT: Not recently. I mean especially with the Covid-19,<sup>45</sup> my contact with various people has been frozen. I was in touch with her until a few years ago though.

**MY: We're doing this interview as part of the Global Feminisms Project, and one of the questions is about connections between you, Tsunoda-san, and overseas women's movements, activism, and also research, and as we've discussed up to now, there's been mention of how, for example, judicial precedent on sexual harassment in the U.S.A. spread to you, and how Catherine Mackinnon's theories and your exchange with her influenced you. Are there overseas influences for you other than those?**

YT: Not any directly related to me. But the women's movement in Japan now has various types of overseas connections, and I have been influenced by those.

**MY: You did quite a lot of speaking overseas.**

YT: A long time ago.

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<sup>42</sup> A vocational school is defined as a school that only provides the skills necessary for a particular job. It is also referred to as a trade school. ("Vocational school." Wikipedia. [https://en.wikipedia.org/wiki/Vocational\\_school](https://en.wikipedia.org/wiki/Vocational_school). Accessed 11 February 2023.)

<sup>43</sup> *Sex Equality* is a legal textbook that looks at legal cases regarding topics such as racism and pregnancy in detail. ("Sex Equality." Google Books. [https://books.google.com/books?id=5FwOAQAAMAAJ&source=gbs\\_book\\_other\\_versions](https://books.google.com/books?id=5FwOAQAAMAAJ&source=gbs_book_other_versions). Accessed 11 February 2023.)

<sup>44</sup> University of Michigan is a public university in Michigan. It was established in 1812 and is known for being one of many highly regarded schools in the world. ("University of Michigan." Wikipedia. [https://en.wikipedia.org/wiki/University\\_of\\_Michigan](https://en.wikipedia.org/wiki/University_of_Michigan). Accessed 11 February 2023.)

<sup>45</sup> COVID-19, or Coronavirus, is a viral disease that mainly affects the respiratory system. It is especially dangerous as it can severely infect individuals with other medical conditions. ("Coronavirus disease (COVID-19)." World Health Organization. [https://www.who.int/health-topics/coronavirus#tab=tab\\_1](https://www.who.int/health-topics/coronavirus#tab=tab_1). Accessed 11 February 2023.)

**MY: I helped with your English...**

YT: Thank you very much – I appreciated your help

**MY: How about now? Don't you speak overseas about the situation in Japan? There's that image of Japan right? The image of Japan, and the huge gap that exists between it and the women's rights problems in Japan. Doesn't it shock people? What do you think?**

YT: I think it does shock them. I mean Japan, acts like a pretty advanced country, doesn't it?

**MY: Right, right.**

YT: I mean, it's clear in the GGI,<sup>46</sup> it ranks 120th or 121st out of 156 right?

**MY: The Gender Gap Index.**

YT: Yes, right right. GGI.

**MY: It's terrible isn't it, embarrassing. To put it plainly. It's at the bottom.**

YT: The bottom. And, even so, even when Japanese people are told that they're 120th, it doesn't really register, so I tell them which countries 119th and 121st are. You know, 119th is Angola. Last year it was. 121st was Sierra Leone.

**MY: Right it was.**

YT: Right. And so when I say Japan is between them, I mean, everyone thinks of Japan as an advanced country, but when you ask them to question that, they're sort of bewildered.

**MY: Being in 120th place, I mean, is [despite the fact that] in terms of health, Japanese women have the longest lifespan in the world. There's that, and also proportions of people advancing to college and high school [are high] So 120th [in gender equality] takes into account these. Without them, if we just look at political participation, [Japan is] 140th...**

YT: I think it's 144th?

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<sup>46</sup> The Gender Gap Index, also referred to as the GGI, provided data that shows the gender gap between men and women in health, education, economy, and politics. ("Gender Gap Index." Resource Watch. <https://resourcewatch.org/data/explore/Gender-Gap-Index-2?section=Discover&selectedCollection=&zoom=3&lat=0&lng=0&pitch=0&bearing=0&basemap=dark&labels=light&layers=%255B%257B%2522dataset%2522%253A%25220be2ce12-79b3-434b-b557-d6ea92d787fe%2522%252C%2522opacity%2522%253A1%252C%2522layer%2522%253A%25228f198af3-a9cc-4d22-b6ac-25a1d2baa7f3%2522%257D%255D&aoi=&page=1&sort=most-viewed&sortDirection=-1>. Accessed 12 February 2023.)

**MY: Yes. Really the bottom of the bottom.**

YT: Economic [participation and opportunity] is 117 or 115, right? So in these two ways Japan is really low. But these two are the root of society. It's a structural problem.

**MY: Yes indeed.**

YT: So for these to be so low means that we're creating a society which permits violence.

**MY: That is indeed the case.**

YT: We just can't quite get [people] to think of it that way.

**MY: Right right. Looking at the OECD<sup>47</sup> data and things like that, the only countries where women's educational attainment is not directly correlated with women's participation and advancement in society and the economy, among the OECD countries, are only Japan and Korea.**

YT: That may be. They resemble each other, those two.

**MY: They do. And so, women in Japan have high academic qualifications, but it's a country in which that doesn't lead to social participation.**

YT: I think that's the case.

**MY: This is the bottleneck.**

YT: Well you know. For a long time, women's advancement to college was basically a tool for getting married off, so to speak. It served as a way to obtain a good deal when "selling a woman." Graduating from a "good" university, you know. But if one graduates from the University of Tokyo<sup>48</sup> then it's no longer a tool for getting married.

**MY: It's not. That's too high so it's no good.**

YT: That's too high, but if it's just somewhat high then it has meaning as a tool for getting married. I think that kind of tradition is still around.

**MY: It's big.**

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<sup>47</sup> OECD stands for the Organization for Economic Cooperation and Development. It consists of 38 countries that work for more world trade and promote better economies. ("OECD." Wikipedia. <https://en.wikipedia.org/wiki/OECD>. Accessed 12 February 2023.)

<sup>48</sup> The University of Tokyo is a public university in Japan. It is known for being one of the most prestigious universities and produces many accomplished alumni. ("University of Tokyo." Wikipedia. [https://en.wikipedia.org/wiki/University\\_of\\_Tokyo](https://en.wikipedia.org/wiki/University_of_Tokyo). Accessed 12 February 2023.)

YT: Rather than a tradition, a way of thinking, one way of thinking, which has some impact.

**MY: Right. How can that change? That's the thing.**

YT: I think it's about how we educate the young generation. From the time they are middle schoolers, high schoolers, or elementary schoolers, I think we need to educate them about what kind of society they should aim for, and how they should live. But education in Japan really is becoming only about teaching to pass the entrance exams right? And so, the question isn't "what are they studying for?" Rather, it only gets as far as "what needs to be done in order to get into such and such university" – that's where it stops right?

**MY: That's right.**

YT: It was that way in the old days too. After I got into college, I didn't know what to do, either. Although I was glad I got in. I didn't know what to do going forward. Because I didn't have anything. I just wanted to get in.

**MY: Right. And, there weren't many role models right?**

YT: None, none.

**MY: One can't picture it, a vision of the future. One can't picture it as an individual, what it would mean for there to be gender equality; one doesn't know what would change or get better if that became a reality. Can't envision it.**

YT: Right. I don't think there were any clues to help think about it.

**MY: None, none. Right.**

YT: But now, even so, I think it's good that the number of women working at the center of society is increasing. Lawyers, for example.

**MY: That's right. It has increased.**

YT: So, young girls [nowadays] can see or hear that there are female lawyers. In my case,, until I became a lawyer I didn't know any female lawyers. The one and only female lawyer I knew was, do you know about that old NHK<sup>49</sup> TV drama "Judgment"?<sup>50</sup> No?

**MY: I remember, I remember.**

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<sup>49</sup> Nippon Hōsō Kyōkai, or NHK, is a broadcasting company in Japan. It was established in 1924 and was known for being the first broadcaster to use high-definition broadcasting. ("NHK." Wikipedia. <https://en.wikipedia.org/wiki/NHK>. Accessed 12 February 2023.)

<sup>50</sup> *Judgment*, also called *Hanketsu*, was a Japanese TV series that ran from 1962 to 1966. ("Momoko Kōchi." Wikipedia. [https://en.wikipedia.org/wiki/Momoko\\_K%C5%8Dchi#TV\\_Series](https://en.wikipedia.org/wiki/Momoko_K%C5%8Dchi#TV_Series). Accessed 17 February 2023.)

YT: Momoko Kōchi<sup>51</sup> was in it.

**MY: Right, right, right, right.**

YT: In the team of seven lawyers on the show there was one woman, and that was Momoko Kōchi. That was the only female lawyer I knew.

**MY: I see.**

YT: I didn't know any real female lawyers. Because I'd never met one.

**MY: I see.**

YT: That's how it was then. It wasn't just because I was in the Kyūshū<sup>52</sup> countryside, there just weren't any in society as a whole.

**MY: There were none.**

YT: They were absent right? The presence of female lawyers. I mean I had never seen a lawyer, not even a male one.

**MY: Is that so?**

YT: But setting aside whether it's better or worse compared to then, in various places on TV you'd see young and pretty women lawyers. That means they're recognizable as people who actually exist, right? I think it's important that the value of that has increased. With regard to lawyers.

**MY: Right. Having talked to you so far, it really comes across that you've been active in various areas, Tsunoda-san, but indeed the bottleneck is where Japan goes moving forward, and what we should do to head in the direction we desire.**

YT: Well, if I were to put it as a slogan, I think it's about expanding gender equality in various areas.

**MY: Gender equality.**

YT: To re-examine various things through the perspective of gender. I think what I've done within law is just that. If we say that the law in Japan is indeed discriminatory against

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<sup>51</sup> Momoko Kōchi was a Japanese actress that was known for her work in the *Godzilla* movies. "Momoko Kōchi." Wikipedia. [https://en.wikipedia.org/wiki/Momoko\\_K%C5%8Dchi](https://en.wikipedia.org/wiki/Momoko_K%C5%8Dchi). Accessed 12 February 2023.)

<sup>52</sup> Kyushu is one of the 5 islands of Japan. It is more southern compared to other islands and is known for being very mountainous and being home to the most active volcano in all of Japan. ("Kyushu." Wikipedia. <https://en.wikipedia.org/wiki/Kyushu>. Accessed 12 February 2023.)



women, who are not equal, then the root cause of the society being discriminatory is that the law was already like that. The law has been creating that inequality.

**MY: Right, right. Yes, that's it, isn't it.**

YT: Now, there's this issue in reproductive rights, where when one gets an induced abortion in Japan, a letter of consent from the husband is required.

**MY: Right. There's no other country like this, nowadays.**

YT: To think that the husband has the final say. I mean, [I believe]– the design of this law is one which gives the husband a right to choose, to disapprove, in advance. Because if he doesn't consent then it can't be done.

**MY: Right.**

YT: He [the husband] has the right to choose not to. Isn't it incredible that the law creates this? That isn't very well known. It's known that a letter of consent is required, but not what that means. The father's right to the fetus, it epitomizes patriarchy itself.

**MY: Yes indeed.**

YT: When I says to women that the letter of consent being a manifestation of that [patriarchy] is problematic, for the first time, they'll say ohhh is that so, it's not just a piece of paper. Then a discussion goes to [questions like]what does that demand to bring a letter of consent mean? what kinds of ideas is it rooted in?.

**MY: I mean, it connects to that discussion about property rights earlier.**

YT: It becomes about property rights toward children.

**MY: The law protects those right?**

YT: The law stipulates those.

**MY: Right. So little by little, one by one, we expose those mechanisms, and even once we've exposed them, to have people understand why they're problematic, and then bring that into a movement to change them [can be difficult...].**

YT: Well, I think we have to make the connections. As for how –when I have the opportunity to give talks, I try to talk as much as I can about the substantive issues, as I did just now. I mean, do we need the husband's letter of consent when getting an abortion? What kind of ideas bring something like that into being? And that the fetus is the husband's property, which is means the property of the "ie" [a patriarchal family]. People come to understand when I explain it in terms of this being patriarchy itself. Previously, without having to think much about why is the letter of consent is necessary, people don't go

further than “I was told to bring a letter of consent, so I have to get one.” But that shouldn’t be – I think that’s incredibly important to question what ideas are folded into this letter of consent thing.

**MY: Yes indeed.**

YT: I mean there’s still criminalization of abortion in Japan, right? There is in the criminal code. This too is about what the underlying ideas are, right?

**MY: And things like the period of prohibition on remarriage after divorce.<sup>53</sup>**

YT: It seems like that’s finally about to go away, but didn’t it take such a long time? It’s gone on ever since Meiji, for a hundred and some odd decades. People think that’s what it is.

**MY: Yes, right. But it’s changed little by little right? Like with rape laws in the criminal code.**

YT: It’s changed little by little.

**MY: There are still lots of problems though.**

YT: There are, but it’s the women who notice that something’s wrong. Because these are, what to call it, constraints on women. Up to now women didn’t think of themselves as constrained. We were made to think that this was just how the world was for some reason, and that it had always been this way. But it hasn’t always been this way. This isn’t natural, it’s a wrong system that was created by humans. In most cases women are the ones being made to suffer, so people are capable of chancing the systems created by people. This is what I said over and over [when I was teaching] at the law school. I say it even when I go to give talks now. Because when we talk about violence, for example, aren’t we talking about the structures of society? I talk about how this is something society created, so it’s something we can change. That’s incredibly important. To have people realize that.

**MY That’s it isn’t it.**

YT: Yes. When we wrote the book about domestic violence, we wrote about societal structure right? I think that was a first.

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<sup>53</sup> In Japan, women are not allowed to remarry after divorce within 100 days. This was updated in 2016 when before women were required to wait 6 months. Men, however, have no limit. (“Japan may finally abolish law that bans women only from remarrying soon after divorce.” Sora News 24. <https://soranews24.com/2022/10/15/japan-may-finally-abolish-law-that-bans-women-only-from-remarrying-soon-after-divorce/#:~:text=Under%20current%20Japanese%20law%2C%20women,hours%20of%20bachelorhood%20between%20marriages>. Accessed 12 February 2023.)

**MY: Yes. There wasn't any discussion from that point of view. Domestic violence had a long history, but there was no point of view that it was an issue of structural discrimination.**

YT: There wasn't. That's what we emphasized. Because you, Yoshihama-san, brought that in from the outside. It wasn't in Japan.

**MY: Yes. But there are movements to exclude things that come from the outside, so there was quite a lot of bashing directed at us, wasn't there?**

YT: But still, that's a fundamental point of view, isn't it? If we don't look at that, then violence won't diminish.

**MY: Yes indeed. This really isn't an individual-level problem, and it's not a problem for married couples, or a problem for unfortunate women, but a problem rooted in the social structure. Society is encouraging this, society is permitting this. If we don't dismantle that, nothing will change.**

YT: Right. About the issue of violence, one more thing. As you now, the war is going on in Ukraine<sup>54</sup> right now. It [violence against women] is connected to warfare, right? And law in Japan has changed to recognize right to collective self-defense.<sup>55</sup> And Japan has been increasing its military expenditures in the context of the Japan-U.S. Alliance.<sup>56</sup> Society has been becoming very violent.

**MY: Yes indeed.**

YT: I think that's increasing violence against women.

**MY: I think so. Empirically, research has established significant associations between war and violence against women.**

YT: There is a relationship.

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<sup>54</sup> The Ukrainian war is an ongoing war between Russia and Ukraine. There was first conflict between Russian and Ukraine in 2014, but in 2022 the war officially began. ("Russo-Ukrainian War." Wikipedia. [https://en.wikipedia.org/wiki/Russo-Ukrainian\\_War](https://en.wikipedia.org/wiki/Russo-Ukrainian_War). Accessed 12 February 2023.)

<sup>55</sup> For many years, the Japanese constitution forbid citizens from using self-defense in any circumstances. Now, this has changed to allow the use of minimum necessary force. ("Japan's Evolving Position on the Use of Force in Collective Self-Defense." Lawfare. <https://www.lawfareblog.com/japans-evolving-position-use-force-collective-self-defense>. Accessed 12 February 2023.)

<sup>56</sup> The Japan-U.S. Alliance is a military agreement between both countries that began in 1952. This alliance allows U.S. soldiers to be stationed in Japan and in return the U.S. must come to Japan's defense in the instance of an attack on Japan. ("U.S.-Japan Alliance." Wikipedia. [https://en.wikipedia.org/wiki/U.S.-Japan\\_Alliance](https://en.wikipedia.org/wiki/U.S.-Japan_Alliance). Accessed 13 February 2023.)

**MY: Yes, yes. Society is not just approving violence, but affirming and promoting violence – in that kind of society, it's impossible to eliminate violence against women. I mean...**

YT: That [focusing on violence against women] alone is not enough. I think there is the problem of war, which is inciting that.

**MY: Yes truly.**

YT: Looking at the war in Ukraine as a specific example, we see that right? We have no choice but see that war is truly violence itself.

**MY: Right. Using power to force another into submission, to push through one's own claims. If that's tolerated, the world, I mean, the society that tolerates that is the problem. If it doesn't change. What do you think?**

YT: Right. That's why we have no choice but to change it. In Japan in particular, we can use Article 9 of the constitution<sup>57</sup> [titled, *renunciation of war*] as an important framework; I think it's about how to change society without violence [non-violently].

**MY: Yes indeed.**

YT: So apart from that issue, I mean, separate from the issue of war and the issue of military affairs, I don't think we can talk about the issue of violence against women.

**MY: Yes indeed. Right, right.**

**Right, I feel like the conversation could go on forever, but it looks like we're almost at time. It was great talking about old times a lot, so the time escaped us. Many of the people who watch this video, I think, are probably connected to universities, such as researchers faculty members, or students with an interest in the issues of gender. If you have a message or something like that for those people...**

YT: As was the case with those people involved in the issues of sexual harassment, when it comes to women's movements, I think international connections are extremely important. Japan is opening up little by little, so I think that stimulation from the outside...it's very important. Nowadays the younger generation, unlike us, has less resistance to things from overseas.

**MY: Yes indeed.**

YT: Right. I think that's really big. I think Japan needs more of that kind of exchange. Often people in Japan shutting themselves off in our island country. There's faint interest in

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<sup>57</sup> Article 9 of the Japanese constitution forbids war as a way to resolve any disagreements involving Japan. This was put into effect after World War 2. ("Article 9 of the Japanese Constitution." Wikipedia. [https://en.wikipedia.org/wiki/Article\\_9\\_of\\_the\\_Japanese\\_Constitution](https://en.wikipedia.org/wiki/Article_9_of_the_Japanese_Constitution). Accessed 12 February 2023.)

what's going on outside, so there's a need to exchange actively and, I suppose, take down the walls around Japan. That's how I think about it.

**MY: Right. I mean, the language barrier is big, but now little by little people in Japan are sharing things out in English. And there's various apps, right? It all gets translated into English.**

YT: It sounds like those are fairly useful, nowadays. In the old days, they were horrible.

**MY: Yes right. And I mean that information from overseas has little by little– for example, listening to what you said Tsunoda-san, judicial precedents from overseas, how that legal reasoning was structured, even though the legal framework is different, there are parts you can use, right? I think that's why we could encourage that more.**

YT: Yes. With respect to the issues of domestic violence, the reason things have become the way they are now is because you, Yoshihama-san. You brought in “domestic violence.” Because in Japan, there wasn't the concept of “[domestic]violence” itself back then.

**MY: There wasn't.**

YT: No there wasn't. It was considered just a couple's fight. The word, domestic violence, made it clear that it is violence, a violation of human rights. I think Japanese society has undergone an extraordinarily big change.

**MY: That's right. To make the wording is to publicize the concept socially. It serves to create a space for discussing the problem [associated with the concept/word].**

YT: Yes. And it was true of sexual harassment too. Even when we didn't have the wording, there were incidents [of sexual harassment]. There was an incident, but it wasn't considered as important, so there wasn't wording to express it. It began from the U.S.A., and creating the wording served to clarify the problem. I often think that it's only when the wording is created that we begin to be able to talk about something.

**MY: Right.**

YT: Without the wording, it's like a stretchy amoeba.<sup>58</sup> Even if you see it, it doesn't turn into a thing to talk about.. It's only after there is a clear focus as “this” that the argument first takes shape.

**MY: Yes indeed. That's why when I write scholarly papers and give talks, I make a point of not saying “DV.” If I did, the word would become detached from its meaning, right?. People would say “that person is DV,” or “well that's DV.” But that is not right.**

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<sup>58</sup> An amoeba is a type of cell that has no uniform shape and can change its formation. (“Amoeba.” Wikipedia. <https://en.wikipedia.org/wiki/Amoeba>. Accessed 12 February 2023.)

**[DV] is violence committed by a husband or partner. I'd take pains to say what the problem is, although it does end up being long when you write it out. But I believe it is very important to express clearly in words what the problem is.**

YT: I think so too. As much as I can, I write out "sexual harassment" the long way.

**MY: Same here.**

YT: Although I write it as "SH" in my notes.

**MY: Right, right. But when speaking, we ought to say "this is the problem we are talking about."**

MY: I think so too. I think wording is really important. I think we first understood what the issues is when we acquired the wording to describe it. We became able to see properly.

**MY: In Japanese we say *kashika suru* (note: lit. "to make visible"), right? That's what it is. We went to all this trouble to make it visible, so we shouldn't bury it again by saying "DV" or "*seku hara*" (note: abbreviation for "sexual harassment"), which washes away what the issue is. So, let's keep saying that using abbreviations is not the way, and that this is a structural problem every chance we get and from now on too.**

YT: I really think that's the way to go.

**MY: Yes. Thank you very much.**

YT: Thank you very much.

**MY: I look forward to working with you for a long time to come. And let's keep at it. Thank you.**

YT: Eat something good in Japan.

**MY: Yes, let's do our best. Thank you very much.**

YT: Alright, be well.

**MY: Yes, pardon me for heading out.**