VIEWING KORE-EDA’S NOBODY KNOWS AND SHOPLIFTERS THROUGH LEGAL-SOCIAL LENSES

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I. INTRODUCTION

With a string of well-reviewed movies since his directorial debut in 1995, Hirokazu Kore-eda ranks among Japan’s most celebrated cinema directors today. His 2018 film, Shoplifters, won the 2018 Palme d’Or prize as the top film at the 71st Cannes Film Festival.

Shoplifters follows the story of a family that seems at first glance conventional when measuring their closeness, commitment, and cooperation. However, as the film unfolds, the viewer learns more about

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the family, the ties that bind it, and the tensions that ultimately splinter the unit. Embedded in the story is an abused and neglected five-year-old, who becomes a part of the family and finds nurturing, acceptance, and maybe even love.

*Shoplifters* is one of two Kore-eda films thematically centered around the problem of child maltreatment. Almost fifteen years before *Shoplifters*, Kore-eda wrote, edited, and directed *Nobody Knows*, another highly acclaimed film based on a well-publicized incident of criminal child abandonment in Sugamo, a Tokyo neighborhood. While other Kore-eda films touch on children who suffer a form of grievous loss and wounding, *Shoplifters* and *Nobody Knows* portray stories of child abuse and neglect in Japan, raising the ire and concern of audiences.

Both films treat the topic with restraint typical of Kore-eda. 1 Showing the skills and vision developed as a documentary maker early in his career, each film veers toward being observational rather than judgmental. The films have a rawness to them and expose Japan as a society that is not nearly as “pat” as a casual western viewer might think. At one level, the stories of child mistreatment in *Shoplifters* and *Nobody Knows* happen every day, and we understand them. But when placed in Japan—where efficiency, orderliness, and proper responses are the apparent norm—the messiness of the subjects’ lives and the suffering of the children puzzle those whose contact with Japanese society is limited.

This article attempts to describe the social and legal context surrounding the stories told in these films. The narratives portray either a looking askance at an obvious incident of child maltreatment, or an inadequate response when child mistreatment is identified. Kore-eda has denied using *Shoplifters* and *Nobody Knows* as a vehicle for social agitation and reform.2 Yet, the stories in these films agitate perceived social norms and beg for an explanation. This article attempts to provide a part of that explanation.

II. KORE-EDA AND HIS MOVIES

Born in 1962 and a graduate of Japan’s Waseda University, Hirokazu Kore-eda began his professional career in 1987 at TV Man Union, a Japanese media production company, where he made documentaries for television audiences.3 In 1995, he directed his first commercial feature film,

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1 Cf. infra notes 14-16 and accompanying text.
2 See infra note 16 and accompanying text.
4 See DONALD RICHIE, A HUNDRED YEARS OF JAPANESE FILMS 243 (2001) (describing Kore-eda’s desire to get behind a camera” to explain his decision to join a television production company where he made documentaries); Cleo Cacoulidis, Talking to Hirokazu Kore-eda: On Maborisi, Nobody Knows, and Other Pleasures, BRIGHT LIGHTS
Maborisi, which garnered international acclaim, winning him the Golden Ozella Prize at the Venice Film Festival and gaining recognition at several festivals as “the first feature length film of a promising talent and tendency.” Dealing with a woman saddled with the death of her beloved grandmother and first husband, the latter by an unexpected suicide, Maborisi launched Kore-eda’s cinematic exploration of the human struggle to equilibrate, move, and even heal in the wake of upheaval and loss, often in the milieu of a family group.

In 2014, Kore-eda founded his own production company, Bun-Buku, which has continued Kore-eda’s string of commercially and critically successful movies: Our Little Sister in 2015; I Wish in 2016; The Third Murder in 2017; and Shoplifters in 2018. With Bun-Buku as a co-production company, Kore-eda opened the 2019 Venice Film Festival with his newest movie, The Truth, which was his first movie filmed outside Japan. Like many of his earlier works, this one focuses on familial relations, this time between a mother and daughter played by renowned French actresses Catherine Deneuve and Juliette Binoche. Of his latest film, Kore-eda stated, “[t]he cast is prestigious, but the film itself recounts a small family story that takes place primarily inside a house.”

His family-based themes draw comparisons between him and legendary Japanese directors Yasujiro Ozu and Mikio Naruse, whose

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MCDONALD, supra note 3, at 198-99. The Golden Ozella Prize is awarded to the third best film featured at the Venice Film Festival. Id. at 199.

Profile: KORE-EDA Hirokazu, supra note 3.


Id.

10 Even in films that ostensibly lack a family theme, a thread can be found. For example, in The Third Murder, a film about a criminal defendant facing the death penalty if convicted of a third murder, Kore-eda lingers on exchanges between the defense attorney and his teen age daughter, as well as the relationship between the victim, the victim’s daughter, and the defendant. See Manohla Dargas, Review: In “The Third Murder,” Guilty as Charged Isn’t the Whole Story, N.Y. TIMES (July 18, 2018), https://www.nytimes.com/2018/07/18/movies/review-third-murder-koreeda.html [https://perma.cc/4U4E-LXUZ] (noting that as the plot unfolds, “[f]acts and faces begin piling up along with additional coincidences as daughters start to multiply”).

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films told stories of families in an evolving Japan before and after World War II. While waving off his placement among these important Japanese directors, Kore-eda has acknowledged some similarities with Naruse, whose stories are bleaker and darker than Ozu’s. As if to affirm this, some film critics have described Kore-eda’s films as melancholic. Some of this arises from the patient, even languid pace of his movies, with the camera often lingering. Reflecting his documentary roots, Kore-eda uses his camera to observe his subjects, capturing their moments seemingly without judgment or even direction.


See generally RICHIE, supra note 4, at 54-64, 119-29 (describing the works of Ozu and Naruse, who gave similar attention to families but offered differing approaches to their subjects).

Alexander Jacoby, Koreeda Hirokazu, 29 SIGHT & SOUND 46, 49 (May 2019); Bradshaw, supra note 9; Daniel Eagen, Family Matter: Kore-eda Views Domestic Dynamics in “Still Walking,” FILM J. INT’L (July 17, 2009), fj.webedia.us/family-matter-kore-eda-views-domestic-dynamics-still-walking [https://perma.cc/KVA6-A72U]; see Mark Schilling, Kore-eda Hirokazu Interview, 35 FILM CRITICISM J. 11, at 12, 18 (Winter 2010/Spring 2011) (explaining how Kore-eda did not initially review the works of Ozu and Naruse, but later found in Naruse’s work a similar “darker view of humanity”).


Cf. Jacoby, supra note 11, at 70 (comparing the “darker tones” of Kore-eda’s Nobody Knows to Ozu’s works where “potential for hope” is suggested); Schilling, supra note 13, at 12; Tara Judah, Taking Time: Family Forgiveness in Hirokazu Koreeda’s “Our Little Sister,” 186 METRO MAG. 76, 81 (Winter 2016) (noting how Kore-eda uses a repeated musical swell to nudge the viewer when it is time to feel melancholy). But see Arthur Nolletti, Jr., Kore-eda’s Children: An Analysis of “Lessons from a Calf,” Nobody Knows, and “Still Walking,” 35 FILM CRITICISM J. 147, 157 (2010/2011) (pointing to criticism that Kore-eda presents “an idyllic world view” that romanticizes the children and ‘reimagines people and occurrences through rose-colored glasses’).


See RICHIE supra note 4, at 242 (noting how Kore-eda waits, sometimes “for a long time,” for people to leave the room before moving to the next scene); Lars-Martin Sørensen, Reality’s Poetry: Kore-eda Hirokazu Between Fact and Fiction, 35 FILM CRITICISM J. 21, 23 (Winter 2010/Spring 2011) (describing how Kore-eda’s camera “dwells” on children at play and their everyday pastimes), 32 (describing Kore-eda’s suspending a shot “to a point where time appears to come to a standstill”); Judah, supra note 15, at 81 (describing how the film “lingers when moving between scenes and advancing time”); cf. Jacoby, supra note 11, at 69 (noting Kore-eda’s use of “cutaway still-lifes” of inanimate objects, surroundings, or the environment).

See Schilling supra note 13, at 13-14; see generally Sørensen supra note 17 (describing the connection between Kore-eda’s documentary roots and their extension into three of his earlier feature movies); cf. Blair, supra note 16 (explaining that it is not Kore-
While Kore-eda’s films pack neither flash nor sharp dramatic arc, their sentiment is “loud,” often addressing the extraordinary while gazing at the ordinary and portraying their very human subjects in “subtle yet stirring” ways. “Currents of warmth, humour and melancholy” run through his works, making them “incredibly affecting and relatable.” His films marry “beauty and pain as inseparable parts of life,” and depict “loss, tragedy, resentment, regret and loneliness alongside the more light-hearted and comforting portrayals of family gatherings, workplace camaraderie, idleness, and celebration and play.”

Compassionate and perceptive in developing stories about family groups and their members, Kore-eda’s portrayals sometimes draw on his own life, veering toward the autobiographical, and adding intimacy to his subjects and stories. Memories of his childhood emerge in film details. For example, in Shoplifters a son realizes “there’s something about his father that’s not respectful—something he didn’t want to know.” This recalls Kore-eda’s confusion and embarrassment when he observed his much-admired father being disrespected at work. In Still Walking, Kore-eda admitted that it was about his mother, and “my love towards her, about the sore of losing her.” In that film, he presented the perspective of a child looking at a parent. In later films after becoming a father, Kore-eda began crafting films “from the standpoint of a parent.” These films include After...
the Storm, which follows a once promising novelist who attempts a meaningful relationship with his son after a failed marriage; and Like Father Like Son, which studied the reactions of two fathers, especially the white-collar Ryota, after learning that the sons they raised were not biologically related to them due to a switch of the boys at the birth hospital.

While not ostensibly drawn from Kore-eda’s life, the two films that are the subject of this article—Nobody Knows and Shoplifters—are deeply affecting portraits of families and their members arising from actual events that caught Kore-eda’s attention and seeded his stories. They fit neatly in Kore-eda’s “catalogue of stories” on the brokenness that can occur in families and the noble, but at times futile efforts of its members to heal and cultivate new growth. A short description of each film follows.

how Kore-eda was not the father he wanted to be and how he demonstrated that in After the Storm).

27 Cf. Jacoby, supra note 13, at 48 (noting Kore-eda’s return to a son’s perspective in Shoplifters after an interviewer noted Kore-eda taking the father’s perspective in After the Storm).

28 Cf. Martonova, supra note 9, at 58 (noting the hard decisions of the two mismatched families must make while Ryota, a successful architect, “confronts his own issues of responsibility and what it means to be a father”).

29 Nobody Knows drew upon a well-publicized tragedy, which occurred in 1988 in Sugamo, a Tokyo neighborhood. In the Sugamo incident, four children, ages 2 through 14, lived hidden in their apartment for half a year, without the presence and support of their 40-year-old unmarried mother. Their existence emerged only after the youngest child died at the hands of the oldest sibling’s friends. Makiko Yabe, et al., Sugamo no Okizari 4 Kyodai Shimai Katei [Sugamo’s Abandonment 4 siblings “Siblings’ Family”], ASAHI SHINBUN KIKUZOU II (Japan), May 25, 2013 (retrieved from http://database.asahi.com.eres.library.manoa.hawaii.edu/library2e/main/top.php) (on file with co-author Makoto Kurokawa).

Kore-eda’s motivation for his fictional adaptation was to explore the oldest brother’s emotions during the period of the mother’s abandonment. He became interested in the Sugamo story after learning of a sister’s statement that “the oldest brother was kind” even in the face of his complicity in his youngest sibling’s death. Makiko Oniwa, NIPPON Eiga no Tabibito: Dare mo Shiranai [Japanese Movie Traveler: Nobody Knows], ASAHI SHINBUN KIKUZOU II (Japan), May 25, 2013 (retrieved from http://database.asahi.com.eres.library.manoa.hawaii.edu/library2e/main/top.php) (on file with co-author Makoto Kurokawa).

Shoplifters sprung, in part, from a 2010 pension fraud case in which authorities discovered the body of a man, who had died thirty-two years before, but whose death was never reported by surviving family members. They hid the death and fraudulently collected $90,000 from the deceased man’s pension. After reading the family’s statement that they did not want to think that the man had died, Kore-eda tried to imagine the family’s background. Köichi Irikura, Kore-eda Hirokazu, Shinsaku Shidou! Lily Franky, Ando Sakura, Matsuoka Mayu, Kiki Kirin Enjiru Kazoku no Monogatari [New Movie Premiered! Lily Franky, Ando Sakura, Matsuoka Mayu, Kiki Kirin Acting in a Family’s Story], CINEMA TODAY (Japan) (Jan. 5, 2018), https://www.cinematoday.jp/news/N0097408[https://perma.cc/HX53-3GAX].

30 Judah, supra note 15, at 77 (using this phrase to describe Kore-eda’s Our Little Sister as the “latest in Koreeda’s catalogue of stories about broken families, absent fathers and neglected children”).
A. Nobody Knows

Nobody Knows begins with Keiko Fukushima and her twelve-year-old son Akira moving into a small apartment in Tokyo. Keiko introduces herself and her “sixth grade” son to their landlord and explains that her husband is working abroad. She says nothing about her three other children, all younger than Akira. Based on experience, Keiko fears that the landlord would not rent to a single mother with four children.\footnote{Not many academic studies have been conducted regarding the situation of residences surrounding single mother families in Japan. Lisa Kuzunishi, Yoshimitzu Shiosaki & Yumiko Horita, Fundamental Study of Housing Situation of Single Mother Households, 71 J. ARCHITECTURE PLAN. 127, 127-34 (Feb. 2006), (https://www.jstage.jst.go.jp/article/aija/71/599/71_KJ00004390440/_article/-char/en). But one study showed that after a divorce, many single mothers left the houses where they lived during their marriages and moved to a rented apartment. Id. However, the study did not reveal the issues or typical situations that a single mother’s household faces when it seeks housing after a divorce. Presumably, most landlords would not overtly discriminate against a family of young children and their unmarried mother. However, the income of a single mother supporting several children is likely limited, thus constricting the availability of affordable units to her. See Lisa Kuzunishi & Yoshimitzu Shiosaki, Difference of Housing Situation between General Households and Single Mother Households, 69 J. ARCHITECTURE PLAN. 119, 119-26 (July 2004). For a general account of the plight of single mothers in Japan, refer to Alana Semeul’s on-line piece in The Atlantic. Alana Semuels, Japan is No Place for Single Mothers, ATLANTIC (Sept. 7, 2017) https://www.theatlantic.com/business/archive/2017/09/japan-is-no-place-for-single-mothers/538743/ [https://perma.cc/J52Y-R6Y8].} The two youngest children, Shigeru and Yuki, actually arrive with Keiko and Akira, but are hidden in large suitcases, emerging only after the landlord and movers leave. Later, Akira goes to the train station to meet an additional sibling, Kyoko, who arrives on her own. While slightly taller than Akira, she is apparently younger than he is. Like Shigeru and Yuki, Kyoko furtively enters the apartment.

Each child has a different father; apparently none have taken their parental responsibility seriously. Keiko works at a department store and relies on her older children to maintain the household and supervise the younger siblings. Despite the absence of a father, Keiko and her children appear to live happily. However, the increasingly pointed challenges of the older children convey an unmet hunger for essentials, such as reliable parenting and formal education.

For Keiko, happiness hinges on finding a man who loves her. One day, she asks Akira, “Isn’t it wrong that I become happy?” This yearning leads her to leave the children for a time to meet her current suitor, though Akira explains to his siblings that she left because of work. For Akira, she writes a note stating, “I am going to leave the house for a while so please take care of Kyoko, Shigeru, and Yuki.” With the note is 200,000 yen (about $2000.00). After a month, the money runs low, and Akira seeks help from two men, each a possible biological father for little Yuki. In time, Keiko returns with gifts, and the household hums happily again, but not without

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some fraying at the edges. This affects Akira in particular, who bore the brunt of Keiko's prolonged absence.

Soon, Keiko leaves again with a promise to be back by Christmas, but never returns. In time, her abandonment becomes clear, at least to the older Akira and Kyoko, and the four siblings fend for themselves heroically but ineffectively.\(^{32}\) Keiko occasionally sends money by mail\(^ {33}\) but it is not enough to support the children. Over time, water, electricity, and gas no longer run to the apartment, and food becomes scarce. The children grow increasingly unkempt, and the apartment, once a space with fresh-scented tatami mats, turns smelly and heaped with rubbish. After losing their apartment's water supply, the children go to a park to collect water, launder their clothes, clean themselves, and use the restroom. Despite the deprivation, the children miss their mother.

Their world is small. A nearby convenience store on a typical shopping street (\textit{Shotengai}, 商店街) provides them with goods to buy when the children have money. Noticing the children’s condition, a sympathetic store clerk asks Akira, “Do you have parents?” When she recommended that Akira seek help at a child guidance center, Akira replied, “I did before, but it caused many troubles.”\(^ {34}\)

One night while returning home with a discounted Christmas present purchased for the family, Akira happens upon a teenage girl tossing items from a bridge. In the dark, they regard each other without a word. Later, Akira again encounters the girl as she stars at a small, makeshift grave marker, created by schoolmates to demean her; the girl is the target of junior high school cruelty. Her name is Saki.

During one of their visits to the park, the children see the well-groomed Saki in her freshly laundered school uniform. The effervescent Shigeru approaches her and asks if she goes to school. She says “no,” ostensibly skipping classes to escape the bullying. Brought to the children's

\(^{32}\) In one scene, Akira calls a telephone operator for a phone number matching the mailing information on an envelope that Keiko used to send money for the children. Akira dials it and a woman answers “Yamamoto residence.” The voice appears to be Keiko’s, suggesting that she has married but neither informed the children nor sent for them. Akira does not respond to the voice on the other side of the line. The scene is somber and visually dark, with Akira standing in a shadow. \textit{Nobody Knows} [DAREMO SHIRANAI] (TV Man Union, et al. 2004) at 0:58:23-0:59:06. It captures his confusion, disappointment, and resignation. \textit{Id.}

\(^{33}\) Envelopes with green borders appear both early in the movie and at the end. The later one, which arrives after Yuki’s death, contains money and a note from Keiko. \textit{Id.} at 2:04:02-2:04:26. The one that appeared earlier in the film shows an address, which Akira gives to the telephone operator to obtain Keiko’s phone number. \textit{Id.} at 0:58:23-0:58:33. Because these green-bordered envelopes, used for certified mailings, may contain important or valuable items, like money, one may assume that Keiko used them on more than one occasion to deliver funds to the children.

\(^{34}\) Akira explains that he and his siblings were separated after he requested help from the child guidance center, the government office on the front line of securing the welfare of vulnerable children. \textit{Id.} at 1:24:21-1:24:40.
apartment, Saki sees their deprivation and isolation, recognizing some part of herself in them. She also sees their unity and continuing hopefulness. This begins her friendship with the siblings, and she becomes like an older sister especially for Kyoko and Yuki.35 Although she has far more material resources than Akira and his siblings, Saki seems as abandoned and adrift as they are, bereft of any parental supervision or concern.

Besieged by his responsibilities, Akira occasionally escapes to be the twelve-year-old he is. For a while, he hangs out with several boys his age, bringing them to the apartment to the dismay of his siblings, especially his sisters. Bowing to peer acceptance, he fails to defend Shigeru after one of the boys brusquely pushes the younger brother. In time, the relationship ends. Akira later waits for the boys at their school and invites them to the apartment to play a new video game. They decline, and while walking away, make fun of the odor and filth in Akira's apartment.

One day, Akira sits outside a baseball field to watch a youth game. Short a player, a coach invites Akira to put on a uniform and play, which Akira accepts. During the game, the camera returns to the apartment where the littlest child, Yuki, is standing on a chair, apparently straining for a look beyond the balcony wall. She falls onto the floor, where she injures herself, loses consciousness, and dies. Facing his greatest crisis, Akira seeks Saki’s help, and together they place Yuki in a suitcase and take it onto a train to the airport. There, they bury the suitcase under the cover of darkness with arriving and departing planes overhead. This fulfills Akira’s earlier promise to take Yuki to watch the planes at the airport.

The movie ends with the remaining siblings, now joined by Saki, descending a hill from the convenience store to the children’s apartment. They continue to eke out an existence, with the vulnerable and only slightly older Saki their sole confidant and ally. On an endnote, Shigeru, who checks vending machines and pay phones for change, happily finds a coin.

Despite their deprivation, the children appeared invisible to those around them. This includes the landlord’s wife, who visits the apartment to ask for the mounting unpaid rent. While witnessing firsthand the squalid condition of the apartment, she neither questions what she sees nor seriously probes the children's comment about their mother being away because of work. Likewise, apartment neighbors see nothing. At one point, Kore-eda’s camera follows the irrepressible Shigeru as he walks past women gossiping in front of the apartment. The women never stop to react to this unattended

35 Arthur Nolletti suggests a developing puppy love relationship between Saki and Akira, who washes his hair and looks for a clean t-shirt before a visit with Saki. Nolletti, supra note 15, at 159 (citing Martin Tsai, Review of Nobody Knows, 30 CINEASTE, Summer 2005, at 63-64). The relationship may also explain Akira becoming upset when Saki presents him with money following a “karaoke” session with a man she apparently solicited. Rebuffing her help, Akira and, in turn, his siblings grow estranged from Saki until the end of the film when Akira badly needs her assistance following Yuki’s death. NOBODY KNOWS, supra note 32, at 1:44:40 - 1:46:08, 2:02:40 - 2:03:12.
young child exiting from their building towards the street. Surely, they had seen him with his siblings, hauling water containers from the park to the apartment. This alone would have been fodder for community gossip. Yet, no one reacted, and certainly, no one intervened. Even sympathetic adults, such as the convenience store staff, who observed the children’s deprivation and supplied them with unsold sushi, did not contact the authorities.

B. Shoplifters

The Palme d’Or winning Shoplifters follows the Shibata family, who live in an older, compact home, apparently owned by the family’s matriarch, Grandmother Hatsue Shibata. Crowded together, they scrape by on Hatsue’s pension and the earnings of Osamu, a construction day laborer, and his spouse, Nobuyo, who works in a laundry factory. The rest of the family consists of a school-aged son named Shota, and a young woman named Aki, who appears to be Nobuyo’s sister. They affectionately banter and bicker, as families do, and pool their resources, sometimes begrudgingly.

Although he reads, the pre-teen Shota does not attend classes, having been told that school is only for children who cannot be taught at home. Instead, he teams with Osamu to shoplift from local stores, sometimes taking items, like fishing rods, to sell later. This helps the family make ends meet.

One cold night, while returning from shoplifting at a grocery store, Osamu and Shota walk past a first-floor patio where they find a shivering young girl outside, alone and unsupervised. They have seen her there before, but this time, they take her home ostensibly to protect her from the cold. Although resistant to returning the girl after a warm meal at the Shibatas, Osamu relents when he realizes that keeping her could draw the unwanted attention of authorities. However, when he and Nobuyo attempt to return the now-sleeping girl, they hear the girl’s parents blaming each other for the girl’s absence and implying that neither wanted the girl in the first place. Cradling the girl closer to her, Nobuyo drops into a tight crouch, communicating her resolve not to return the girl to an uncaring, possibly abusive home. Earlier, Grandmother Hatsue noticed scars on the girl’s thin arm, which the girl blamed on a fall.

The family soon learns that the girl’s name is Yuri, who is five-years-old and in preschool. They quickly integrate her into the household, showing her familial attention lacking in her own home. Soon, Osamu introduces her to shoplifting, giving her the job of unplugging a theft prevention device just before Shota runs past it with stolen goods. Afterwards, in response to Shota’s sulking about the attention being diverted from him to Yuri, Osamu refers to Yuri as Shota’s sister, who would feel better about being in the family if she could contribute to it.

One day, while watching the news on TV, the family sees a “missing child” report on Yuri. It reveals her real name to be “Jyuri” and states that
Yuri’s parents did not file a missing person report for a long time, if ever.\textsuperscript{36} The child guidance center, the government office handling child protection, learned that the girl was missing and reported it to the police. In response, the Shibatas cut Yuri’s hair and rename her “Lin” to avoid detection.

Over time, misfortune besets the family. First, Osamu injures his leg at work, and learns later that his status as a day laborer does not qualify him for workmen’s compensation. Then, Nobuyo loses her job after her company releases some of its staff to meet its budget. Finally, Grandmother Hatsue dies in her sleep, but not before she accompanies her family to a beach outing and watches the five of them—Osamu, Nobuyo, Aki, Shota, and Yuri—frolicking happily together. She silently mouths a word of thanks. When Hatsue’s death is mournfully discovered by Aki, who shared not only the sleeping area but an affectionate relationship with Hatsue, Nobuyo directs the family to bury Hatsue in the house and not to report Hatsue’s death. She then withdraws Hatsue’s pension from a neighborhood ATM.

The family’s fortune and appearance of normalcy collapse when young Shota injures his leg trying to escape two grocery clerks. This occurs after Shota created a diversion to protect Yuri, who had attempted to shoplift despite Shota’s admonition against it. Following Shota’s hospitalization, authorities begin asking questions. Soon they arrive at the Shibata home just as the family is attempting an escape—without Shota.

An investigation ensues. Interviews between investigators and the different family members reveal that neither Osamu nor Nobuyo are related to Grandmother Hatsue. They came to live with her after Nobuyo “found” Hatsue, who earlier in the film cryptically referred to having obtained an insurance policy against dying alone.\textsuperscript{37} Osamu’s real name is Shota Enoki, while Nobuyo’s name is revealed to be Yuko Tanabe. The differing surnames raise questions about whether they were even married. Nonetheless, the two deeply intertwine; they killed Nobuyo’s husband in self-defense after he attacked them, apparently for having an extramarital affair.

The investigation also clarifies several revelations made earlier in the film. First, the investigation affirms that Shota is not the son of either Osamu or Nobuyo, and that Osamu had “rescued” the boy who had been left alone in a car parked at a pachinko parlor. Second, it clarifies that Aki is tangentially related to Grandmother Hatsue, whose divorced husband remarried and had a son, who is Aki’s father. Third, the investigation

\textsuperscript{36} It is unclear who reported the missing girl. One conjecture is that her preschool, already suspecting parental mistreatment, raised questions about Jyuri’s prolonged absence. \textit{Cf. SHIPLIFTERS [MANBIKI KAZOKU] (AOI Pro et al. 2018) at 0:05:22 - 0:05:27 (In the initial exchanges between Yuri and the Shibata family, Yuri quietly says her name and age to which someone states “Preschool.”), 0:40:06 – 0:40:15 (Yuri appearing on television participating in an organized physical education activity for younger children).}

\textsuperscript{37} Id. at 0:32:58 - 0:33:10; see infra note 40 (explaining Hatsue’s reference to obtaining insurance against dying alone).
uncovers that Aki, apparently without her parents’ knowledge, came to live with the Shibatas at Hatsue’s request. This may explain the “deal” that exempted Aki from contributing her earnings as a sex trade employee to the Shibata household.

Following the investigation, the government charges and convicts Nobuyo for the improper disposal of Grandmother Hatsue’s body. While unclear, the government likely levied another charge and gained a conviction relating to Yuri’s abduction. During the investigations, Nobuyo admits her guilt, assuming full responsibility. When the investigator questions Osamu, he states his innocence both for the decision to take and keep Yuri, and for Hatsue’s improper burial. Later, during a prison visit between the incarcerated Nobuyo and visiting Osamu, Osamu apologizes to Nobuyo for serving his sentence too. She responds that with his past criminal record, he would have suffered a far more severe sentence than she received.

The film closes initially with a visit between Shota, who now attends school and lives in a boys group home, and Osamu, who lives alone. The warmth and connection between the two quickly returns, but that night as they drift to sleep, Shota asks Osamu if the family deserted him as the inspectors had said. Osamu admits it. The next morning, they stand stiffly as a bus arrives. As the bus pulls away, Osamu sprints after it calling to the boy. Shota stares ahead, not responding until Osamu disappears in the distance. Only then does the boy look back, silently mouthing, “Dad.” The camera then returns to the old neighborhood where the family lived. Now alone, Aki enters the Shibata compound and opens the unlocked door. She gapes at the emptiness and abandonment of a space once warm and vibrant. Not far from the compound is young Yuri, once again alone outside her home, gazing beyond her first-floor patio railing.

C. Common Threads of These Films

To begin with the obvious, both films deal with maltreated children. The siblings in Nobody Knows are the victims of gross

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38 A viewer might extend the child maltreatment in both films to the commercial activities of Saki, the young teen-aged girl who befriends the children in Nobody Knows, and Aki, who appears to be Nobuyo’s younger sister in Shoplifters. In Saki’s case, she solicits an older man to earn money for Akira and his siblings. She explains to Akira that she only sang karaoke with her “client.” NOBODY KNOWS, supra note 32, at 1:44:40 - 1:46:08. While Aki is older, apparently a high school graduate, she dresses in a schoolgirl uniform as a “hostess” in an establishment peddling in live soft porn. She explains to Grandmother Hatsue that she is a “Male Virgin Killer.” SHOPLIFTERS, supra note 36, at 0:23:21 – 0:23:52.

abandonment and neglect. Even their teenaged friend Saki suffers a degree of this, floating aimlessly without any apparent parental or institutional attention despite her enrollment in school, supply of clean clothes, a leather school bag, and an upscale apartment. In *Shoplifters*, the Shibatas, informed by their own broken pasts, recognize Shota and Yuri as children stewing in vulnerability, unprotected by those legally and socially expected to shield these children from harm. Thus, Osamu and Nobuyo, aided by the other adults in the home, engage in vigilante child protection.

Both films portray kinship units far from the norm: one a twelve-year-old led quartet of abandoned siblings, each with a different father; the other, a group of unrelated individuals who find and ultimately choose each other to simulate, if not create, a bona fide family. In *Shoplifters*, while chatting with Aki on what binds him to Nobuyo, Osamu jokes that the couple is “not normal”; by implication, he extends this description to the Shibata household. Because the kinship units in these movies are unusual, customer. *Id.* But they could extend to more sexualized encounters, even prostitution. See *id.* (a JK industry worker since age 16 admitted that her outings with older men sometimes led to sex); Kuroki & Iwahashi, *Tokyo’s New “JK” Ordinance Takes Aim at Schoolgirl Exploitation*, JAPAN TIMES (July 6, 2017), http://www.japantimes.co.jp/2017/07/06/national/crime-legal/tokyojs-new-ordinance-takes-aim-schoolgirl-exploitation/#.XY0qgkZKg2w [https://perma.cc/5D8R-YU54] (a JK worker earning over $880/day reported that many girls at her shop provided sexual services).

The U.S. State Department recently issued its 2019 Trafficking in Persons Report, which ranked Japan in the best of a four-tier scale measuring a country’s efforts to meet the minimum standards set by the Trafficking Victims Protection Act for the elimination of human trafficking. U.S. Dep’t of State, Bureau of Democracy, H.R. and Lab., Trafficking in Persons Report 35, 48 (2019). However, the report noted that “variants of the ‘JK’ business continue to facilitate the sex trafficking of Japanese children.” *Id.* at 266. As part of its effort to combat school-girl exploitation, Tokyo adopted a “JK” ordinance in 2017 banning girls 17 and younger from working in the JK business. Kuroki & Iwahashi, *supra*. 39 Nobuyo’s history of abuse is first suggested by her facial reaction as she hears Grandmother Hatsue’s remarks about the scars on Yuri’s arm and Yuri’s all-too-pat explanation that the scars resulted from a fall. *SHOPLIFTERS, supra* note 36, at 0:06:13 - 0:06:16. Nobuyo later reveals that she has burn scars on her forearm similar to Yuri’s and mentions how she and Yuri are alike. *Id.* at 0:47:54 - 0:48:32. Near the film’s end, during an interview with an official, Nobuyo ruminates about what makes a mother, then states that “maybe” she hated her own mother, suggesting maternal mistreatment like that suffered by the young Yuri. *Id.* at 1:42:28 - 1:43:28.

Osamu also suggests a deprived past through his inability to effectively answer Shota’s question about a child’s tale, *id.* at 0:37:30 - 0:38:12, his admission of being unable to teach anything to his “children” beyond petty thievery, *id.* at 1:38:18 - 1:38:30, his menial employment status, *id.* at 0:16:14 - 0:16:30, 0:21:15, his almost pitiable need to be called “Dad,” *id.* at 0:36:33, 0:36:58, and his tendency to quickly evade and self-protect once trouble occurs, even at the expense of those closest to him. *Id.* at 0:40:27 - 0:40:40, 1:34:10 - 1:34:42.

Of note is a comment Nobuyo makes to Osamu, which ties both to the abused Yuri: “For a child whose mother never wanted [her] - she should turn out more like us.” *Id.* at 0:34:42 - 0:35:20. Each has suffered brokenness.
the dynamics for belonging and “dis-belonging” are underscored as viewers consider how people obtain and sustain, as well as corrode and lose membership and status within a kinship unit.

Both films also show how vulnerabilities compound quickly when poverty, age, gender-based disadvantages, lack of education, and the absence of social safety nets swirl together. They form a whirlpool that makes escape difficult. Those caught in this swirl typically lack the political and social capital to demand or expect communal rescue. Not surprisingly, they remain denizens of a subterranean class.

In both movies, Kore-eda provides glimpses of the Japanese child protection system. While officials do not appear in Nobody Knows, the children experienced unhappy brushes with child protection authorities, evidenced by Akira’s response to an inquiring store clerk about how “troubles,” including sibling separation, followed government intervention. In Shoplifters, child protection appears to be a therapeutic force, providing Shota with better grooming, a supervised group home, and a school where the boy appears to thrive. Yet, these child protection efforts also fumble: Shota overstays his visit with Osamu, but his failure to timely return to his group home alarms no one, including the government authorities who now have custody of him. More distressingly, the vulnerable Yuri is returned to abusive and neglectful parents even when evidence would require a different decision.

Stealth is also an important aspect in both Shoplifters and Nobody Knows. It hides unauthorized tenants, petty thieves, perpetrators of family violence, and children who should be in school. The characters engage in stealth to dodge authorities, avoid social criticism, and keep some control over their lives. Interestingly, parents in both films not only engage in stealth, but also actively teach the behavior to the children. In Shoplifters, 

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41 In both films, we catch suggestions of female disadvantage: in Nobody Knows, Keiko hinges her fortune and happiness upon the love of a man, NOBODY KNOWS, supra note 32, at 0:22:58 - 0:23:54, while her daughters, including the older Kyoko, never glimpse the benefits of formal education and are trapped in their apartment; in Shoplifters, viewers perceive the domestic violence against Yuri’s mother, SHOPLIFTERS, supra note 36, at 0:07:25 - 0:07:54, 1:41:12 - 1:41:26, the low economic ceiling and lack of security for female factory workers like Nobuyo and her co-workers, id. at 0:53:49 - 0:55:20, and the resorting to “JK” employment by Aki, id. at 0:27:30 - 0:29:30, who lacks less debasing opportunities.

42 See supra note 32 and accompanying text.
Kore-eda tangibly depicts the deception through the pseudonyms that different members assume. Thus, we learn that Osamu’s real name is Shota—the one he gives to his “son”; that Nobuyo’s is Yuko; that young Yuri’s (or Lin’s) is Jyuri; and that at her sex-trade job, Aki becomes “Sayaka,” the name of her biological younger sister. In Nobody Knows, the siblings keep their names but fluidly identify each other as visiting “cousins” when convenient or necessary for survival.

Stealth is not the only thing that shields people and their activities from public view. Complicit too are the community or individual eyes that are obligated to look, monitor, regulate, and protect, but instead turn askance or fail to really see. Thus, in Nobody Knows, the audience must consider whether the siblings’ increasingly desperate plight went unrecognized or if the surrounding community simply failed to respond to a visible tragedy unfolding before it. Likewise, Shoplifters calls into question the failure of community actors—storekeepers, government authorities, neighbors, and co-workers—to discern or challenge the gross deception perpetrated by the Shibata family.

Kore-eda also leaves the viewer to ponder his characters’ self-deception. In Nobody Knows, Keiko, the mother of the siblings, holds false hope that her twelve-year-old son could adequately protect his younger siblings over the long term. In a rare written note near the movie’s end, she tells him, “I’m counting on you.” Cloaked as maternal instruction and encouragement, the comment is falsely self-absolving. Keiko might have comforted herself to have Akira, whom she groomed, taught rudimentary skills to, and brought to a budding maturity, serve as her parental substitute. But the heroic Akira was also a pre-teen, ill-equipped to navigate the always immense challenges of child rearing and family management. Either Keiko did not know this, or more likely, turned away from this inconvenient truth. Similarly, the adults in Shoplifters also engaged in a level of self-deception when they forged familial connections untethered to blood,

43 For example, throughout the film, Osamu probes Shota’s readiness to call him “Dad,” knowing that the boy has neither a legal nor biological link to him, id. at 0:36:33 - 0:36:58, 1:23:08 - 1:23:24, and that Shota came to the Shibatas when Osamu “rescued” the boy from a car parked in a pachinko parlor lot. Id. at 1:26:18 - 1:26:41. Osamu yearns to be called “Dad” and imagines kicking a soccer ball with Shota after watching a father playing with his son. Id. at 43:53-44:40. Earlier, he peers into an unfinished room at his construction work site and pretends it is the Shibata home where Osamu greets his awaiting “son.” Id. at 0:16:35 - 0:16:58. Notably, the boy carries Osamu’s real name - Shota - presumably given to him after being taken into the Shibata household. Id. at 1:38:40 - 1:38:55.

Even the more cynical and pragmatic Nobuyo, perhaps seeking to assuage her wounds as an abused child, shows a protective attachment to Yuri, changing the child’s name and appearance to avoid detection. Id. at 0:40:56 - 0:41:35. She also grins happily when a vendor calls to her while on an errand with Shota: “Young Mother - buy a croquette for your son?” Id. at 1:22:53 - 1:23:00. She smiles wistfully when Shota then asks whether Yuri has started addressing Nobuyo as “Mom.” Id. at 1:23:00 - 1:23:08. Later, when she is convicted and imprisoned, she tells Osamu that her sentence is tolerable, the price for the
legal status, or acceptable community norms. They deceived themselves because, in forging these relationships, they ignored the fragility of those connections. Without state or cultural imprimaturs, could the Shibatas have reasonably expected their bonds to hold fast when challenged by authorities and assaulted by a culture that looks poorly upon non-normative choices, even when buttressed by higher values like commitment, affection, and love? 44

Kore-eda does not provide an answer but hints at one in the film’s most iconic scene: the family’s joyful visit to a beach. Before joining Osamu and the kids in the fun, Nobuyo spends a moment with Hatsue, who watches the family frolic happily in the waves. Wistfully and prophetically, Hatsue observes, “It won't last long.” Partly to agree with the observation and partly to comfort the older woman, Nobuyo replies, “Sometimes, it’s better to choose your own family. It lets you lower your expectations.” In this scene, Kore-eda conveys pessimism, but suggests that persons like Hatsue, Osamu, and Nobuyo might willingly pay the price when a better alternative is not within reach.45

As with the use of assumed names to reformulate their identities in the outside world, the Shibatas’ self-deception emerges in the easy, familiar way they use family labels—Grandma, Father, Mother, Sister, Brother, and

44 While on a walk, Grandmother Hatsue mentions her surprise that little Yuri has not asked to return to her parents. In response, Nobuyo ponders whether a child who chooses her own parents enjoys a stronger bond with them. Id. at 0:43:19 - 0:43:38. To this, Hatsue remarks, “I chose you too,” which brings a smile to both women. Id. at 0:43:40 - 0:43:52.

45 In this beach scene, David Neary offered a metaphor for the self-deceit that occurs within the family and its members. After Nobuyo joins the Osamu and the children in the surf, Hatsue watches the family she has “manufactured.” While in her reverie, Grandmother Hatsue notices the liver spots on her legs. In response, she covers them with sand. David Neary, Shoplifters, 44 CINEASTE, Spring 2019, at 51-52.
Auntie—in conversations among themselves and about each other. In one scene, Osamu and Nobuyo discuss the spot where “Grandfather’s” pond once existed on the Shibata property. Although neither likely knows nor ever met the man, they still speak in the affectionate, knowing tones used for reminiscing or recounting family folklore. Kore-eda leaves it to the children, especially Shota, who stubbornly but thoughtfully resists calling Osamu “Dad,” to remind the viewer that a level of wishful thinking or submerged reality exists within the Shibata household's cocoon, especially its adults.

Finally, both films make us think about the “complex mutual affection between parent and child,” and how such a relationship nuances the problem of child maltreatment and our human response to it. Even after the relationship ends, heavy emotions linger in the characters, whether the estrangement occurs by intention, compelling personal circumstances, or government intervention. Thus, in Nobody Knows, the children never fully surrender to their mother’s disappearance nor condemn her for her abandonment. They soldier on, loyally, hopefully, and missing her the whole time. In Shoplifters, it is only after Shota disappointedly learns how his “family” deserted him that Shota finally mouths “Dad” as his bus quickly distances him from Osamu. Kore-eda lets the viewer decide the scene’s meaning, but one interpretation is that Shota has finally acknowledged a father-son relationship, choosing this despite the pain of parental betrayal and knowing he might never see Osamu again. For his part, Osamu’s final scene has him sprinting after the departing bus, calling desperately to Shota, hoping for one more glimpse of that connection. It comes just moments after Osamu informed the boy that their relationship had ended and that they would not see each other again.

Cleaving significant familial relationships is rarely clean, easy, or complete.

III. FINDING PIECES OF THE PUZZLE - UNDERSTANDING CONTEXT

The previous subsection identifies commonalities between both Nobody Knows and Shoplifters: mistreated children; non-traditional family groups; an underclass that stays hidden partly by its members’ efforts and partly by societal preference; a well-intentioned but sputtering child welfare system; and emotional affiliations and wounds that linger when significant

46 Nobuyo later reveals that neither Yuri nor Shota called her “Mother.” SHOPLIFTERS, supra note 36, at 1:43:22 - 1:44:00.

47 Although Shota withholds the term “Dad,” he accepts Osamu’s encouragement to think of Yuri as his sister. It helps Shota overcome the resentment he felt when Osamu diverted some of his attention and energy from Shota to the newly arrived Yuri. Id. at 0:35:48 - 0:36:32.

human bonds, especially those considered “familial,” are severed. None are unique to Japan, yet for a highly advanced country that maintains a reputation for efficiency, communal orderliness, good manners, and operational success, the messy human stories of both films might leave the casual non-Japanese viewer wondering. Indeed, some Japanese officials have openly worried about the way Japan is portrayed in these films. For example, Jyunko Ito, an Isesaki city congress officer, tweeted, “[T]his movie gives a wrong message and impression to the world. Japan is not that bad country.”49

It is not just the messiness. It is, as the title Nobody Knows suggests, a cultural shutting of the blinds. When interviewed following his Cannes Film Festival award for Shoplifters, Kore-eda remarked, “We as a society don't want to see these people, don't want to hear what they have to say . . . I wanted to see that side, the people we tend to ignore and shut our eyes to.”50 Although Kore-eda sheds light on what Japanese society might avert its gaze to, he does not explain why it does so.

What follows are three interrelated pieces that help provide the legal and social contexts for Kore-eda’s stories of child mistreatment, as well as the cultural “shutting of the eyes” that he speaks of. These include descriptions of: (1) the evolving child welfare system in Japan, (2) the changing views of “family” in Japan, and (3) normative behavioral traits that explain a tendency to be less aggressive about confronting child mistreatment. Together they suggest part of the explanation for why individuals and community institutions might have known about the child maltreatment in these films but did little to secure the children's well-being.

A. The Child Welfare System in Japan

1. A Nutshell Description

Long before Kore-eda began his work, Shochiku Studio released The Demon (Kichiku), a Yoshitaru Nomura-directed film, in 1978.51 The movie concerns a childless couple who assumes the care of three young children, each resulting from the husband’s longstanding philandering with


50 Abraham, supra note 49.

51 THE DEMON (Shochiku 1978).
a mistress. The wife does not welcome the responsibility, and this comes through in her cruelty toward the children. The husband fails to protect them despite their biological link to him. Instead, he becomes complicit in his wife’s abuse of the children. The result is tragic and predictable: the youngest, a toddler, is killed; the middle child, a preschooler, is purposefully abandoned in the middle of a crowd; and the oldest is pushed from a cliff. Nomura reportedly developed this film in the wake of increasing reports of Japanese child abandonment in the 1970s. Like Kore-eda, Nomura used his film as a mirror.

Child abuse in contemporary Japanese history occurred well before Kore-eda’s Nobody Knows in the early 2000s, and even Nomura’s Demon three decades earlier. The country’s state-administered child protection system began before World War II when parental exploitation of children for financial gain necessitated a government response. Thus, in 1933, Japan adopted an Anti-Child Abuse Law to combat parental misconduct such as the selling of children or requiring them to beg or enter prostitution. Following Japan’s devastation during World War II, the plight of many children continued as their families either perished or were otherwise unable to sufficiently provide care. As a result, Japan enacted its Child Welfare Law in 1947, which remained largely unchanged for fifty years even as the country emerged from its post-war doldrums to become strong, prosperous, and industrially advanced. As described below, the quickly burgeoning incidence of reported child abuse over the past few

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54 While his film reportedly emerged from events in the 1970s, its story drew from a 1958 novel authored by the director’s long-time collaborator, Seicho Matsumoto. McGrath, supra note 53, at 334; Hoad, supra note 52.


56 Matsushima, supra note 48, at 232.

57 Id. Although the 1933 Anti-Child Abuse Law has long been in disuse and no longer found on the Japanese Government’s website of laws, a photo of the law may be found at the following link: https://perma.cc/U7LD-PB7W

58 Id. ROGER GOODMAN, CHILDREN OF THE JAPANESE STATE: THE CHANGING ROLE OF CHILD PROTECTION IN CONTEMPORARY JAPAN 49 (2000).

59 Matsushima, supra note 48, at 232. The post-war Child Welfare Law absorbed the earlier Anti-Child Abuse Law. Id. However, in 2000, the Child Abuse Prevention Act emerged to directly respond to the surge of child abuse cases. Ichiro Wada & Ataru Igarashi, The Social Cost of Child Abuse in Japan, 46 CHILD. & YOUTH SERV. REV. 72, 72 (2014).
years, highlighted by well-publicized accounts of severe child mistreatment and death, have prompted legislative reforms and promises of increased resources. However, the effects of these efforts remain to be seen.

Unlike the United States, where child protection falls principally under the auspices of state and local authorities, Japan’s child protection system is a centralized one, supervised and controlled by the country’s Ministry of Health, Labor, and Welfare and its Child Welfare Bureau. However, the on-the-ground services principally occur at child guidance or consultation centers (jidōsōdanjo) established in each prefecture and in designated big cities. These centers provide advice and consultation to families and others with problems involving children, assess and make recommendations for children and families brought to a center’s attention, and intervene with “temporary protection,” where warranted. The center’s approach is interdisciplinary, employing a professional staff composed of medical personnel, mental health professionals, nursery teachers, and social workers. Reports of suspected child abuse ultimately go to these centers for assessment and action by center staff, particularly its child welfare officers (jidōfukushishi), who are the front-line service-providers.

Japanese law defines “child abuse” as the following acts committed by a custodian: (1) an assault on the child in a manner that will cause or is likely to cause external injury on the body of the child; (2) engaging in indecency against the child or causing the child to engage in indecency; (3) substantially reducing the amount of food for the child, or abandoning and neglecting the child for a long time period in a manner that may interfere with normal development of the child, mentally or physically, or otherwise materially failing to perform the duty of custody as a custodian; and (4) using significantly violent language or taking an extreme attitude of rejection against the child, using violence upon one’s spouse in a family in which the child is living, or otherwise speaking or behaving in a manner that would be significantly traumatic to the child.

Japan imposes a broad duty to report a suspected child victim of abuse. The duty extends to “any person” who discovers a child requiring aid. Subsumed under this duty is the requirement that “a person who has...
detected a child who appears to have suffered child abuse shall promptly give notice to the municipality or the welfare office or child guidance center established by the prefecture.” After one of the listed offices receives the notification, it must take measures to confirm the safety of the relevant child, which includes interviewing the child, referring the child to a child guidance center, and, if appropriate, taking the child into temporary custody.

When the office suspects ongoing child abuse, the prefectural governor can cause a commissioned child welfare volunteer or an official engaged in the affairs concerning the welfare of children to enter the domicile or residence of the child and conduct necessary investigations or questioning. For a parent or other guardian who has committed child abuse, the prefectural government shall undertake any of the following measures: provide an admonition to the child’s guardian or cause him or her to submit a written pledge; cause the guardian to be guided by a government office engaged in Consultation Support Services; entrust the child to a foster parent or admit the child into an infant home, a foster home, an institution for mentally retarded children, a daycare institution for mentally retarded children, etc.; or refer the child to the family court if it is found appropriate to submit him or her to the family court’s authority and inquiry.

As the name of the child “guidance or consultation” centers suggest, many cases end with advice and counsel for the parent or custodian who has engaged in questionable behavior with a child. Sometimes this entails a long-term relationship between the parent and the child guidance center. However, where more dramatic intervention involving the removal of the child from the home is appropriate, the child guidance center begins by persuading the parent or custodian to place the child in a foster home, or more frequently, into a child care facility. Referring the case to the family court

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68 Gyakutai Bōshi Hō, supra note 66, at art. 6; see Matsushima, supra note 48, at 248 (In her 2000 book chapter on Child Abuse in Japan, Yukiko Matsushima noted that there were no penalties for failing to meet one’s duty to report child mistreatment.).

69 Id. at art. 8.

70 Japan has long used high-status community volunteers called welfare officers or commissioners (minsei jidōiin) to provide a variety of direct face-to-face social services. They form a cornerstone of “Japanese-style welfare society” (Nihongata shakai fukushi shakai). GOODMAN, supra note 58, at 24. Unlike the U.S. model in which the government provides a financial safety net and other resources to assist the vulnerable, the Japanese model begins with three social institutions - family, community, and company - supplemented with a more modest contribution from the government. Id. at 25-27. The welfare commissioner draws upon the traditional premium placed upon family and community as the source of societal strength and character. Id. at 27. In child welfare cases, they may intervene as sources of guidance and information to families identified for a variety of needs ranging from child rearing to stopping abusive behavior.

71 Gyakutai Bōshi Hō, supra note 66, at art. 9(2).

72 Id. at art. 27(1).

73 GOODMAN, supra note 58, at 37.

74 Id.

75 Id. at 39.
court for an order curtailing or terminating parental rights is available, but remains uncommon.\textsuperscript{76}

As mentioned earlier, the child mistreatment provisions of the 1947 Child Welfare Law remained largely the same through the 1990s.\textsuperscript{77} Indeed, prior to 1990, many government officials and professionals denied that abuse existed in Japan, eager to project a harmonious image of people living without poverty or class distinctions.\textsuperscript{78} In fact, this explained why Japan did not maintain statistics on child abuse until 1990.\textsuperscript{79} But with the collection of data over time came a realization that the incidence of child abuse was growing quickly and consistently. In the first year of recordation, Japan reported only 1,101 cases.\textsuperscript{80} By the turn of the century, this shot to 17,725 and has increased each year since.\textsuperscript{81} The most recent count in 2018 recorded 159,850 cases, an increase of 26,072 from the year before.\textsuperscript{82} This explosion has several reasons, including: (1) increased education and media coverage of child abuse, and in turn, greater awareness and understanding of what had been a largely private, hidden problem;\textsuperscript{83} (2) the enactment of laws that turned the reporting of child abuse from voluntary to mandatory;\textsuperscript{84} (3) the unpreparedness of young persons to become parents coupled with fewer social supports within families;\textsuperscript{85} (4) better coordination and

\begin{itemize}
  \item \textsuperscript{76} Id.
  \item \textsuperscript{77} Matsushima, \textit{supra} note 48, at 232; GOODMAN, \textit{supra} note 58, at 11, 35. There were reportedly thirty “minor modifications” during these fifty years. GOODMAN, \textit{supra} note 58, at 59.
  \item \textsuperscript{78} Hiroko Hanada et al., \textit{Current State and Issues Surrounding Construction of an Independent Support Network for Child Abuse Victims Over 18 Years Old in Japan}, 29 CHILD. & SOC’Y 26, 27 (2015); see GOODMAN, \textit{supra} note 58, at 160 (stating that in the 1990s, Japan finally “discovered” the existence of child abuse).
  \item \textsuperscript{80} Hanada et al., \textit{supra} note 78, at 27 fig.1.
  \item \textsuperscript{82} \textit{New Record for Annual Child Abuse Reports in Japan}, supra note 81.
  \item \textsuperscript{83} Id. GOODMAN, \textit{supra} note 58, at 168-72; see Matsushima, \textit{supra} note 48, at 233 (noting that because abuse occurs behind closed doors and to young children, underreporting is likely).
  \item \textsuperscript{84} Hanada et al., \textit{supra} note 78, at 27; see Koji Tanoue, et al, \textit{National Survey of Hospital Child Protection Teams in Japan}, 79 CHILD ABUSE & NEGLECT 11, 12 (2018) (stating the legal requirement in 2000 for professionals to report suspected child abuse).
  \item \textsuperscript{85} Hanada et al., \textit{supra} note 78, at 27; Sugiyama, \textit{supra} note 79 (describing three sets of parents who were either young, separated from traditional social supports, or both, and whose circumstances contributed to the abuse of their children).}

\end{itemize}
communication between child protection offices, law enforcement, and other professionals on suspected child abuse cases, resulting in increased reporting; and (5) the ascendency of an individual child’s best interest as a societal value, serving as a ballast against more traditional values, such as family harmony and parental deference.

The early increases prompted calls for reforms and by 1998, several significant measures were enacted. These included establishing interdisciplinary teams to provide oversight of recommendations from the local child guidance center to place or remove a child from a child welfare institution; creating Urban Child and Family Support Centers (toshib jidō katei shien centres) to supplement and support the work of the child guidance centers; and revisiting the functions of child welfare institutions to emphasize their protective role of children and to develop a focus on “self-reliance” through education and training in order to enable older children in the system to have a smoother transition into adulthood.

Highly publicized stories of child mistreatment have generated additional discussion and reforms in recent years. For example, in 2016,

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86 See Takuya Murata, Suspected Child Abuse Cases in Japan Hit Record High of About 160,000 in FY 18: Ministry, MAINICHI (Aug. 1, 2019), mainichi.jp/english/articles/20190801/p2a/00m/0na/003000c [https://perma.cc/F6MZ-R2WJ] (attributing the increase in child abuse cases to the many police reports filed over suspected psychological child abuse, which includes children witnessing domestic violence in the home); cf. Danielle Demetriou, Child Abuse Soars to Record High in Japan Amid Fury at 10-Year-Old Girl’s Death at Home, TELEGRAPH, (Feb. 8, 2019), http://www.telegraph.co.uk/news/2019/02/08/ [https://perma.cc/2VDB-5LQA] (describing the sharp uptick - an thirteen-fold increase over ten years - in police agency referrals of abuse and neglect cases to child welfare authorities, as well as further discussions on new rules to improve communications between authorities when handling information on suspected child abuse). But cf. Editorial, Find New Ways to End Child Abuse, JAPAN TIMES, (Oct. 19, 2019), https://www.japantimes.co.jp/opinion/2019/10/19/editorials/find-new-ways-end-child-abuse/#.Xbnuv1VKiM8 [https://perma.cc/3QLK-ZYGZ] [hereinafter Find New Ways] (opining that recent, highly publicized cases of child abuse requires “attempts to revamp the functions of child welfare centers and beef up cooperation between them and other authorities, including the police”).

87 Cf. GOODMAN, supra note 58, at 165-66, 173-74 (describing oyako shinjū, a “family suicide,” where a parent kills oneself as well as the children, and explaining that sympathetic Japanese attitudes reflect a favoring of family best-interests and a parent’s choice to achieve this even at the expense of the children).

88 Id. at 59-61.

the Japanese Diet amended the Child Welfare Law to direct child welfare agencies to migrate toward family-like environments, like foster care, when children are removed from their homes for their protection. This represented a shift from the longstanding bias toward institutionalizing vulnerable children. At the time of the 2016 amendment, 90% of children needing “alternative care” lived in a variety of institutions, including infant care institutions, child care institutions, short-term therapeutic institutions, and group homes for independent living. Then in 2019, the Diet enacted measures to curtail corporal punishment of children; strengthen the ability of child guidance centers to intervene by separating staff members charged with placing children in protective custody from colleagues who are responsible for working with the parents; mandating that welfare workers be authorized to gain home access to a possibly abused child within 48 hours after the receipt of a report of abuse or neglect; and requiring schools and child welfare officials to protect the confidentiality of information from a child reporting abuse. Some of these measures, like banning corporal punishment, will challenge longstanding notions about child rearing and the

abuse-in-japan-why-japan-keeps-returning-abused-kids-to-their-parents-until-they-are-killed/ [https://perma.cc/2WHA-HDS8]. Her mother also received a sentence of eight years; the mother’s one mitigating factor might have been that she too apparently suffered violence at her husband’s hand. Find New Ways, supra note 86. Most heart-rending about Yua’s story was the discovery of a notebook in which the young girl recorded pleas for her parents to stop hurting her and that she would try to be better. Sugiyama, supra note 79.

The second concerned ten-year-old Mia Kurihara, whose death near Tokyo followed a history of abuse from her father. Like Yua, Mia left a written record of her despair and injury. At school, she completed a confidential questionnaire in which she wrote, “My father is violent towards me . . . . He wakes me up in the middle of the night and kicks and beats me.” She ended, “Teacher, is there anything you can do about this?” Danielle Demetriou, Child Abuse Soars to Record High in Japan Amid Fury at 10-Year-Old Girl’s Death at Home, THE TELEGRAPH (Feb. 8, 2019), http://www.telegraph.co.uk/news/2019/02/08/ [https://perma.cc/2VDB-5LQA]. Her answer was shown to her parents. Id. Mia might have also suffered sexual abuse based on her accounts to child welfare workers about her father’s removal of his pants in front of her after having her check for possible onlookers. Jidou Gyakutai Higai Kako Saita 1,394 nin Nakunatta Kodomo 36 nin [Child Abuse Numbers Highest Ever 1394 Persons, 36 Deaths] FNN PRIME, (Mar. 15, 2019), https://www.fnn.jp/posts/00414154CX.


Find New Ways, supra note 86.
privilege Japanese parents have long enjoyed in deciding how to raise their children.

2. Critiques of the System and The Problem of “Nobody Knows”

As mentioned earlier, the families in *Shoplifters* and *Nobody Knows* hid in the shadows to maintain the lives that they chose or that were chosen for them. A mix of stealth and deceit kept child protection authorities, social workers, law enforcement officers, and others at bay.

Yet their invisibility did not occur simply because they intended it. The blindness or looking away of others also contributed. With the Fukushima siblings in *Nobody Knows*, their efforts to remain unseen ebbed over time, and the precariousness of their situation should have been obvious to all. Yet, they remained adrift, seemingly without hope for rescue. For the Shibatas in *Shoplifters*, Shota, Yuri, and even the young adult Aki, belonged to existing biological (and probably legal) families before they were absorbed into the Shibata home, without apparent alarm or claim from the children’s parents or government authorities. That they could peel away so easily was surprising and dismaying. Yuri’s disappearance ultimately attracted public attention, but only after a significant period of parental and government inaction. Then, once retrieved by authorities, she found herself returned to the adults who had abused her and whose gross indifference to her disappearance had drawn public scorn.94 In short, the plight of the Fukushima and Shibata children might be better understood as a failed community response, and less so as the result of the families’ sleights of hand.

Here, we describe some of the criticisms of the child protection system, which may explain the ineffective government response portrayed in the two films. To begin, Japan continues as a nation seeking a child protection system that works. Since 1999, Japan has subjected its child welfare and anti-abuse statutes to regular review and adjustments in order to reflect changing realities and better understanding of child mistreatment.95 Yet, the churn of amendments that began at the turn of the century, and continues to the present, reminds us that child protection remains a work-in-progress in Japan.

One challenge has been having enough trained, expert personnel on the ground; as the incidence of child abuse grows, so too must the number and quality of case workers who serve as the vanguard of the child protection system. In 2016, a cry for more workers brought a promise to

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94 During a media event at the home Yuri shared with her parents, the press was relieved to learn from her father that Yuri had adjusted nicely to her return and slept well. Then, the press fawned over the mother’s remarks about the meal - Yuri’s favorite, omelet over rice - she had prepared for Yuri. Apparently, the public outrage about the parents’ long failure to act on Yuri’s disappearance had faded into forgiveness and sympathy. *SHOPLIFTERS*, supra note 36, at 1:34:44 - 1:35:10. This clip signaled how quickly the government and community were willing to pave over parental misconduct.

95 Hanada et al., *supra* note 78, at 27.
increase the number of case workers from 2,000 to 3,250 by the year 2020.⁹⁶ After the recent spate of media-covered child abuse deaths, the government pledged an additional 3,000 by the year 2022.⁹⁷ This projected reducing each worker's load to an average of 40 cases.⁹⁸ However, this assumes that the incidence of maltreatment cases will remain somewhat static, which is an unlikely event with the series of consistent annual increases since official records began in 1990.¹⁰⁰ In fact, one Japanese newspaper reported that when Japan boasted 3,235 workers, an increase of 20% from 2012 to 2017, it also saw a 500% increase in suspected child abuse, dwarfing the infusion of new workers.¹⁰¹

Even if the numbers are sufficient, some raise concerns about recruiting and training so many workers who will be called to perform difficult, stressful work requiring spades of good judgment, courage, and sensitivity. Child guidance centers already lose front-line case workers at a rate that not only slows the growth of available workers, but deprives these centers of needed expertise and experience. The non-profit Daijyoubu,¹⁰² which advocates against child abuse, pointed out that only 16% of caseworkers work at the child guidance center more than ten years.¹⁰³ It explained that workers frequently transfer even before developing enough

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⁹⁷ See supra note 89 for two examples of highly publicized child abuse deaths.


⁹⁹ Itakura, supra note 98. This would drop the average caseload from 50 to 40, as reported by the Health, Labor, and Welfare Ministry. Id. However, another source listed the average case load at 100 cases per worker. Hirotetsu Ohashi et al., Cumulative Risk Effect of Household Dysfunction for Child Maltreatment After Intensive Intervention of the Child Protection System in Japan: A Longitudinal Analysis, 23 ENVTL. HEALTH & PREVENTIVE MED. 14, 14 (2018). This discrepancy might be explained partly by the nature of the cases carried by each worker and what is being counted. For example, one source noted that Japanese child welfare workers carried caseloads of 143 of which only 25 dealt with child abuse. Wada & Igarashi, supra note 59, at 72.

¹⁰⁰See generally supra notes 79-81 and the accompanying text for a description of the consistent rise in child abuse from 1990 to the present.


¹⁰² The Tochigi-based organization works for prohibiting child abuse since 2005. “Daijyoubu” means “it’s alright.” Id.

¹⁰³ Bouryoku Uke, supra note 101.
experiences to expertly handle the child abuse cases assigned to them.\textsuperscript{104} This may explain some of the miscues exposed by the media. One response has been to require a certification program for case workers.\textsuperscript{105} However, the stringency of certification requirements might deter potential recruits for work that is already considered daunting and not particularly well compensated.\textsuperscript{106}

While the need to strengthen the quantity and capability of front-line workers is obvious, observers recognize that efforts to augment child protection services can neither be insular nor entirely internal.\textsuperscript{107} The work is too difficult and multi-faceted to rest solely upon the child guidance centers. Thus, better coordination and communication between child guidance centers and their partners—law enforcement, teachers, health professionals, shelter managers, etc.—is essential to better detect mistreated children, support and enhance each other’s work in assisting struggling, dysfunctional families, and when needed, enforce remedial measures. For example, an effective network of partners might have detected and assisted the immaculately uniformed, well-groomed, but badly isolated Saki in \textit{Nobody Knows}. Dressed daily for middle school classes but never attending any, Saki attracted no apparent response from teachers, truancy officers, child welfare authorities, or her parents.\textsuperscript{108} She slipped off the tracks without registering a blip. Better trained educators and school officials, supported by child welfare officers, to recognize and address the signs of mistreatment would have reacted not only to Saki’s extended, unexplained absences, but to the schoolyard bullying she suffered. Moreover, an effective communication chain would have connected the school to appropriate partners of an extended child welfare network to assess Saki’s enigmatic existence—and help her. Indeed, Japan has considered the hiring

\textsuperscript{104} \textit{Id.} See Kim, supra note 96 (noting that government workers rotate every several years, many arriving “with no social welfare experience or skill in proper assessments”).

\textsuperscript{105} Itakura, supra note 98.

\textsuperscript{106} \textit{Id.}

\textsuperscript{107} See id (asking whether any coordination or information exchange had occurred between child protection officials and an infant monitoring program for a family with a newborn child and a history of abuse with the older sibling); \textit{Find New Ways, supra} note 86 (noting shortcomings of the system to include poor communications and coordination among relevant offices); Editorials, \textit{What is Lacking in the Fight Against Child Abuse?}, \textit{JAPAN TIMES}, (June 8, 2018), https://www.japantimes.co.jp/opinion/2018/06/08/editorials/lacking-fight-child-abuse/#.XcNQxIVKiM8 [https://perma.cc/G9TX-DK8P] (listing “poor coordination between relevant authorities” as one reason why the system fails reportedly abused children); cf. Kim, supra note 96 (questioning the failure of child guidance center workers to heed the concerns of a doctor who had twice reported clear signs of child abuse).

\textsuperscript{108} Professor Kiyoshi Miyajima suggested that without better training, school staffs may be ill-equipped to monitor for child mistreatment. He explained that “[s]chools have a tendency to assume that everything is fine at home as long as the child is polite and active and gets good grades.” Itakura, supra note 98.
of full-time liaison officers attached to comprehensive child and family support centers in each municipality to ensure collaboration and information sharing.  

Japan has also recognized the need of child protection officials to streamline communications and coordination among themselves. This would enable the child guidance center in one locale to track a family under supervision or with a child abuse record, and to share information with its counterparts in another locale if the family moves. This received attention when five-year-old Yua Funato, whose stepfather was recently sentenced for her death following serious, repeated abuse, moved from Kagawa Prefecture to the Meguro Ward in Tokyo. Without a solid transfer of information, the child guidance center officials in Meguro knew little of the extreme danger under which Yua lived. This lack of “continuous attention” is exacerbated by the inadequate child welfare work force, which has enough to do addressing cases immediately in front of it.

This may have been a factor in Nobody Knows when the family arrives at their new apartment. While we do not know where the family traveled from, we know the move was significant. Movers are employed, one child, Kyoko, arrives by train, and many suitcases are visible. We also learn that Keiko, the mother, has a penchant for traveling. The government apparently knew of the Fukushima, having at least once removed the children from their mother. The viewer knows this because of the oldest son’s mention of a past intervention in which the siblings were removed and then separated from each other. He described the episode as causing “many troubles.” Assuming the family relocated, no one from any child guidance center seemed to notice. There was no attention, much less “continuous attention.”

The mix of large caseloads, inexperience, inadequate training and support, and an under-developed system of communication and collaboration exacerbates a challenge, which has a cultural undertone: the tendency toward parental deference. In Nobody Knows, this could explain why no one challenged the mother’s surface explanations or the children’s perfunctory reciting of their mother’s instructions. In Shoplifters, this also explains the return of Yuri to her parents despite clear warning signs against it. Well before the surge of child abuse reform laws, Japan codified the expectation that parents not only had the duty to care for, raise, and support their children, but would also have the freedom to decide how they would do so. Before the turn of the century, authorities were slow to visit homes

109 Id.  
110 Id.  
111 See generally supra note 89 for a summary of the Yua Funato case.  
112 Itakura, supra note 98; Find New Ways, supra note 86.  
113 Itakura, supra note 98.  
114 Matsushima supra note 48, at 233, 243-44 (citing Minpō [Minpō] [Civ. C] arts. 820-24 (Japan)).
because of privacy concerns and a respect for parental decision-making.115 Even after a child was removed from the home, the government often released the child to the parents if the child did not resist the release.116 This too reinforced the notion that parental rights were “virtually unassailable.”117 Parental deference also muddied the definition of child abuse by giving parents wide berth to defend against a charge of abuse by stating that they were disciplining the child.118 And even in the worst instance, where a conviction for domestic child homicide was obtained, a nod toward the parent, especially a mother, resulted in lenient sentences.119

Recent accounts of interactions between child welfare authorities and parents reflect the longstanding sensitivity about intruding on parental turf. For example, in the well-publicized death of Yua Funato, workers explained that they did not insist on seeing the highly vulnerable child after the mother turned them away because they wanted to build an amicable relationship with the parents.120 As in other countries, an inquiry by child welfare officers often provokes parental trepidation, indignation, and even hostility. By their nature, these are difficult encounters.121 To manage them, already overextended workers either back away or seek the safer path of appeasing parents in the hope of building a relationship.122 This reluctance to confront extends to others, like doctors, teachers, and neighbors, who might have an obligation to report; they prefer to avoid the personal business of others, even fearing a defamation claim.123

115 Hanada et al., supra note 78, at 27.
116 Id. at 27-28.
117 Id. at 28.
118 Japan’s recently enacted a ban against corporal punishment responds to the longstanding mandate to parents, codified in the nation’s Civil Code, to discipline their children “to the extent necessary.” Japan Revises Law, supra note 93; Find New Ways, supra note 86. The stepfather of Yua Funato, the five-year-old girl who died following repeated, serious abuse, argued for his acquittal using “discipline” as his defense. His case helped turn the tide toward enacting a ban against using violence to discipline. Find New Ways, supra note 86.
119 Cf. Saori Namba, et al., Fatal Child Abuse in Japan: Does a Trend Exist Toward Tougher Sentencing?, 3 J. INJ. & VIOLENCE RES. 74, 75, 77 (July 2011) (assuming that the leniency in sentencing could be explained by so many offenders being mothers). The article also pointed out that leniency toward mothers occurred in other countries. Id. at 78.
120 Kim, supra note 96.
121 Kota Takaoka et al., How Parents Suspected of Child Maltreatment Change Their Cognition and Behavior: A Process Model of Outreach and Child Protection, Generated Via Grounded Theory, 71 CHILD. & YOUTH SERV. REV. 257, 257 (2016). The authors noted how professionals historically understand that child protection is perceived by families as “intrusive, paternalistic, and traumatic.” Id.
122 Cf. id. at 258 (mentioning the approach that workers should prioritize a child’s best interest, and not relationship building with parents); Tanoue et al. supra note 84 (observing that medical personnel worry about reporting child abuse might wrongfully damage parents).
123 GOODMAN, supra note 58, at 162. This included not only doctors and teachers, but neighbors too. Id.
As already mentioned, the deference to parents in private matters like raising and disciplining children may have contributed to the lack of an effective community response to the abandonment of the Fukushima siblings and the puzzling return of young Yuri by child guidance authorities to her parents. Regarding the latter, just as surprising was the public’s response that followed Yuri’s return. In a scene where Yuri’s parents emerged from their home to meet with the media, the crowd fawned over the father’s comment that Yuri had adjusted nicely and was napping, and the mother’s mention of a homemade egg and rice lunch, the child’s favorite meal. This response contrasted the earlier, angry speculation that the parents had failed to notify authorities of their daughter’s extended disappearance because they had something, like infanticide, to hide. The easy explanation is that the public had turned its vilification to the kidnapping Shibatas. Still, two facts remained: Yuri’s parents had failed to respond appropriately to their daughter’s disappearance, and the burn scars on Yuri’s arm oozed suspicion. The quickness to forgive and embrace the parents despite these facts may have had as much to do with misguided parental deference as it did with sympathy for the parents after a kidnapping.

To underscore this papering-over of parental wrongdoing, Kore-eda concluded the scene with a shot of Yuri on the other side of the door. Far from napping, she is up, seeming to listen to her parents’ exchange with the media. The camera angle reinforces the sense that far from being found and returned to safety, she is trapped, her dread now unknown and ignored by community members just on the other side of the door.

On a final and somewhat divergent note, many have discussed the need to heighten awareness about the relationship between intimate partner violence and child mistreatment. Extending the definition of child mistreatment to include the psychological trauma of a child witnessing violence in the home is part of this. In the aforementioned Yua Funato case, the child's mother was also the victim of persistent violence in the home. This aspect of the case has led to a harder look at the connections between intimate partner violence and child abuse in Japan.


125 Conner, supra note 124, at 216-17; Stark et al., supra note 124, at 15-16, 22-26; see also Ann Haralambie et al., Collateral Proceedings, in DONALD N. DUQUETTE ET AL., CHILD WELFARE L. AND PRAC. § 21.6 (3d ed. 2016) (describing a tension between addressing an intimate violence victim’s well-being with that of the witnessing child).

126 Find New Ways, supra note 86.
The Kore-eda films suggested the presence of intimate partner violence, which may have had a role in the child mistreatment. The most obvious is in *Shoplifters*, where the abused Yuri lived in a home where her father hit and injured her mother. As viewers, we not only see the mother’s bruising late in the movie but hear the angry commotion between Yuri’s parents, which led Nobuyo to bundle the child back to the safety of the Shibata home. In *Nobody Knows*, we get a hint of the sorrow of the children’s mother, Keiko, in a scene where a single tear trickles down her cheek while she sleeps. Although we know little of Keiko’s past or its effects, we witness the depth of her neediness; her quest for male companionship and love ultimately separates her from the children, despite her promises of a big house, schooling, and music lessons, if her latest romantic pursuit succeeds.

Her failure to retrieve her children after apparently settling into a new relationship, possibly a marriage, may be nothing more than gross maternal failure. This is how the Japanese co-author of this article interpreted the film after observing the characters and their interaction, noting the lack of evidence for another explanation, and recalling the actual incident on which the film was based. But her American co-author offers this speculation: that when Keiko failed to return, she had little choice, trapped in a relationship and power dynamic that silenced her on the existence of her children. This could explain what happened when Akira called the number where Keiko appeared to be. After asking for Keiko, Akira was told to wait by the man who answered. A moment later, the call is disconnected. The purposeful isolation of the victim partner is a common marker of intimate partner violence. If it happened here, Keiko’s isolation under the thumb of another further brutalized the children. Near the end of the movie, she sent an envelope with money and a short note to Akira: “Take care of them. I am counting on you.” She might have done this at great risk, unable to do more than furtively send money to her children, hoping for their continuing endurance. In Japan, the effort to understand and connect intimate partner violence to child abuse, and in turn, assist its victims is a hopeful development, and Kore-eda’s two films hint at this growing connection.

B. The Changing Family in Japan and the "Outliers" in Kore-eda’s Films

In *Nobody Knows* and *Shoplifters*, Kore-eda presents two families that the viewers embrace and care about. These families exude normalcy in the way they watch out for each other and exhibit commitment to the needs

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127 Interparental violence was among the factors studied in stratifying risk for child mistreatment. Ohashi et al., supra note 62, at 22. The researchers noted the conclusion of previous studies that showed how resolving interparental violence improved child welfare outcomes. *Id.* They also bemoaned the lack of coordination between child guidance centers and agencies that address intimate partner violence. *Id.*
of the individual members, as well as the family good. Their affection and generosity warm us; their familiar daily banter reminds us of conversations in our own homes. Thus, we feel revulsion when betrayals occur: Keiko’s abandonment of her four children; the Shibata family’s desertion of the hospitalized Shota; and Osamu’s inculpating of Nobuyo to the police.

In both films, Kore-eda gently presents us with familial units that earn our sympathy and affection, yet neither the Fukushimas nor the Shibatas are typical in Japan. Indeed, in Shoplifters, Kore-eda makes us ponder whether the Shibatas were a family at all, entitled to its rights, privileges, and heightened expectations.

In this subsection, we summarize the development of the contemporary family in Japan and place the Fukushimas and Shibatas within it. At minimum, they remain “statistical” outliers, and this marginal status may help explain their invisibility, desired by them or not.

Professor Emiko Ochiai, who has analyzed family change in post-World War II Japan, described watching Japanese television programs with her daughter.128 Among their favorites were Sazae-san and Chibi Maruko-chan.126 Started as a comic strip published immediately after World War II, Sazae-san is the name of a housewife, who shares her three-generation home with her husband, son, aging parents, and younger siblings.130 Chibi Maruko-chan (“Little Maruko”) is named after a girl who lives with her parents, sister, and paternal grandparents. Theirs is also a three-generation household.131

Professor Ochiai described her family’s and college-age students’ enchantment with these programs. The programs evoked nostalgia for her, recalling a time in the 1960s and the early 1970s, when three-generation families were the norm.132 Surprisingly, her students also felt a sense of nostalgia for a time that preceded their births. They perceived the shows as portraying “real families” that do not often exist anymore.133

Professor Ochiai’s nostalgia for the families that commonly existed just a few decades ago, and the “historic” understanding of her younger college students underscore how quickly the Japanese family has evolved in recent times. Prior to World War II, Japan’s family system had two

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129 Id.
130 Id. In the original strip and later in the TV program, Sazae-san was described as “an ordinary young woman with a . . . big heart and a quirky sense of humor . . . [who coped] with the trials and tribulations of postwar life.” Akiko Hashimoto, Blondie, Sazae, and Their Storied Successors, in IMAGINED FAMILIES, LIVED FAMILIES: CULTURE AND KINSHIP IN CONTEMP. JAPAN 15, 21. (2008) (quoting Frederik Schodt. F.L. Schodt, Foreword to 1 THE WONDERFUL WORLD OF SAZAE-SAN 7, 9 (1997)).
131 OCHIAI, supra note 128, at 57-58.
132 Id.
133 Id.
administrative pillars: The Meiji Civil Code of 1898 and the Family Registry System (koseki seido) adopted in 1871.\textsuperscript{134} The Meiji Civil Code codified a “stem family” system in which “only one of the children continues to live with the parents after marriage; this child was the eldest son.”\textsuperscript{135} With the birth of children to the eldest son and his wife, this stem family grew into the three-generation households depicted in Sazae-san and Chibi Maruko-chan.\textsuperscript{136} Girding this system was the Japanese rhetorical concept ie, which in legal measure “defined obligations of household members to the male head, who held title to family property and had rights over, and responsibilities for, other family members.”\textsuperscript{137} Under this system, inheritance rights passed from eldest son to his eldest son, and the main role of a daughter-in-law was to give birth, especially to a son who could continue the family lineage.\textsuperscript{138} This system organized families in a vertical hierarchy, with women subordinate to the male household head.\textsuperscript{139} Wives assumed the lead in maintaining the home and imparting morals to the children.\textsuperscript{140} This family order and ethic had a parallel in the national government, where the emperor, as patriarch of the national “household,” commanded the loyalty and obligations of the citizenry.\textsuperscript{141}

\textsuperscript{134} Richard Ronald & Allison Alexy, Continuity and Change in Japanese Homes and Families, in HOME AND FAMILY IN JAPAN 1, 3 (Richard Ronald & Allison Alexy ed., 2011); Karl Jacob Krogness, The Ideal, the Deficient, and the Illogical Family, in HOME AND FAMILY IN JAPAN 65, 66 (Richard Ronald & Allison Alexy ed., 2011).

\textsuperscript{135} OCHIAI, supra note 128, at 59, 61.

\textsuperscript{136} The mother of the eldest son (shutome is the title for the mother-in-law) bore the responsibility of “educating” her daughter-in-law (yome). FUMIE KUMAGAI, FAMILIES IN JAPAN: CHANGES, CONTINUITIES, AND REGIONAL VARIATIONS 10 (2008). Professor Emiko Ochiai wryly speculated that because “the thorniest aspect of the ie’s traditional relationships [was] . . . the rivalry between the wife and her mother-in-law,” the producers of Sazae-san might have decided to avoid this by having Sazae-san and her family live with her parents. Ochiai noted that this was statistically uncommon until the 1980s. OCHIAI, supra note 128, at 62-63.

\textsuperscript{137} Ronald & Alexy, supra note 134, at 1. More specifically, under the ie concept, as codified in the Meiji Civil Code of 1898, “[d]ecisions over marriage and domicile of household members were determined by the father, often discounting individual wishes.” Id. at 3. This enable “the father to fulfill the family’s obligations to the state, as well as to maintain the assets and status of the family for future generations.” Id. This framework deprived women of rights and responsibilities, such as family inheritance, which they had held de facto, if not de jure. Id.

\textsuperscript{138} KUMAGAI, supra note 136, at 10; Akiko Hashimoto & John W. Traphagen, Changing Japanese Families, in IMAGINED FAMILIES, LIVED FAMILIES: CULTURE AND KINSHIP IN CONTEMP. JAPAN, 1, 3-4 (2008).

\textsuperscript{139} KUMAGAI, supra note 136, at 10; Hashimoto & Traphagen, supra note 138, at 3-4.

\textsuperscript{140} Ronald & Alexy, supra note 134, at 4.

\textsuperscript{141} See id. (describing the notion that the emperor became the “ultimate head” of all Japanese families, “situating him in an equivalent regard to ‘his people’ as that between a father and his children.”); Hashimoto & Traphagen, supra note 138, at 4 (referring to the
The second administrative pillar, the koseki, required families to register their members as a condition for members to receive legal rights. Under Imperial Edict 170, Japan implemented a nationwide compilation of registers starting in early 1872, becoming not only a vehicle for recording civil status, but for uniting the country and maintaining a new social order. Now codified under Japan’s Koseki Law, the koseki system provides Japanese citizens with “a sense of identification with their administrative household unit, a sense that this unit can be shaped, and a sense that that it is potentially subject to judgment of others.” Although ostensibly existing as a civil status registry, “the koseki system creates a strong ‘koseki consciousness’ that pre-consciously guides the registrant’s life choices and thereby how they structure their family, administratively as well as socially.” The system remains to this day, providing a recordation of leadership and membership within a family unit, as well as important “vital statistics” events such as births, marriages, adoptions, death, and divorces. It also creates new registers, most commonly when a child marries, thereby forming a new family unit and administratively separating from his or her parents’ register. The structure and content of the koseki, as with other civil status registries, reflects a consensus on normative standards; as a family registry, a koseki administratively legitimizes normative family forms.

While the koseki system remains, the ie concept formally dissolved after the end of World War II with the adoption of Japan’s post-war constitution and Civil Code. These replaced the male dominance and primogeniture under ie with a vision of gender equality and shared rights to inheritance among the offspring, not just the first-born son. This change gave rise to a “nuclearization” of the family, favoring an “indivisible unit,” living apart from other kin and traditionally consisting of parents and their unmarried child(ren). Yet, ie did not disappear completely, continuing to

emperor as “supreme patriarch of the nation,” with the emperor’s family being the “main family” from which others were offshoots).

Ronald & Alexy, supra note 134, at 3.

See Krogness, supra note 134, at 66.

Id. at 67.

Id. at 65.

Id. at 68-69.

Id. at 69-70.

Cf. id. at 66-67 (describing how the Koseki Law outlined an administrative model of the family, which served as a basis for ie, then for the two-generation nuclear family after the abolition of the institutional ie).

KUMAGAI, supra note 136, at 10; Ronald & Alexy, supra note 134, at 5.

Ronald & Alexy, supra note 134, at 5; see Hashimoto & Traphagen, supra note 138, at 4-5.

See OCHIAI, supra note 128, at 59. The Census Bureau of Japan now defines a “nuclear family” to include (1) a couple only, (2) a couple with their unmarried children, (3) a single parent (either gender) with unmarried children. FUMIE KUMAGAI, FAMILY ISSUES ON FAMILY, MARRIAGE, AND OLDER ADULTS IN JAPAN 12 (2015).
influence family decisions and formation. What emerged were the families enshrined in *Sazae-san* and *Chibi Maruko-chan*: three generation families with grandparents, parents (usually the eldest son and his spouse), and children, providing mutual affection and assistance; in form, they resembled families under the *ie* system. The aforementioned Professor Ochiai described it this way: “[N]uclear families liked their newfound freedom from the confines of the *ie* system. But in fact, they had never been forced to make a clean break.” In short, these were nuclearized families with the stem-family networks of the *ie* system.

Ochiai posited that Japan’s post-war family system rested on three pillars: (1) that women generally retreated from the labor market to become housewives after they married or gave birth; (2) that married couples settled on a “standard” of having two children per family; and (3) that certain demographics had occurred, thus altering family formation. These pillars shaped families where women remained at home to care for a manageable number of children, while their breadwinner husbands secured stable employment from companies that took care of both employees and their families. And demographically, the number of adult siblings within a family during the post-war period remained sufficient to provide “readymade social networks,” which brought additional resources for tasks like child or elderly care. However, with time, each of these characteristics shifted, altering both family formation and shape.

To show these changes, we start with the stem family—the post-war three-generation households mentioned earlier in this subsection. In 1955, a decade after the war, 33.2% or one in every three family households had three generations under the same roof. By 2010, this dropped to 7% or

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152 *See Ochiai, supra* note 128, at 61-63 (mentioning the import of American nuclear family TV programs like *Father Knows Best*, which were later replaced with homegrown Japanese programs featuring large three-generation families).
153 *Id.* at 63.
154 *Id.* at 75.
155 Ochiai used the term “reproductive egalitarianism.” *Id.* Barbara Holthus and Hiromi Tanaka described the term to mean “the standardization of life courses.” Reading Ochiai’s work, they noted that one of the major characteristics of reproductive egalitarianism, as identified by Ochiai, was a “two-child revolution” (*futarikko kakumei*), meaning that it became a standard for married couples to have two children. Barbara Holthus & Hiromi Tanaka, *Parental Well-Being and Sexual Division of Household Labor: A New Look at Gendered Families in Japan*, 67 ASIATISCHE STUDIEN 401, 403 (2013).
156 Ochiai used the term the “effects of demographic transition.” *Ochiai, supra* note 128, at 75.
157 *See Hashimoto & Traphagen, supra* note 138, at 8; *Ronald & Alexy, supra* note 134, at 8.
158 *See Ochiai, supra* note 128, at 68-71. Professor Ochiai observed that this sibling network had the intriguing effect of diminishing contacts with and reliance upon neighbors. *Id.* at 68-69.
159 *Kumagai, supra* note 151, at 14.
one in every fourteen. Several factors come together to explain this and other significant changes in family composition.

One pair of authors lumped many of the factors under the heading, “Trouble at Home and Work.” At home, families became increasingly fragmented. Between 1975 and 2005, the number of households with a single male breadwinner, a full-time housewife, and unmarried children dropped by a third. Moreover, marriage, a major pathway to family formation dropped precipitously. One measure for this is the age cohort and number of individuals within the cohort who have never married. In 2005, the percentage of Japanese men who never married between the ages of 25-29, 30-34, and 35-39, were 71.4%, 47.1%, and 30% respectively, increasing by as much as 25% since 1972. For women who never married between the ages of 20-24 and 24-29, the percentages were 88.7% and 59%; these represented increases of 17% and 41% respectively between 1972 and 2005. Correspondingly, people who married for the first time were older than their counterparts from earlier years: in 1970, men married at age 26.9, while women married at age 24.2; by 2008, this ticked up to age 30.2 for men, and 28.5 for women. Because the connection between childbirth and marriage remains significant in Japan, later marriages meant a shorter window for fertility and childbirth; predictably, total fertility rates have fallen dramatically, from an average of 4.27 children born per woman in 1940 to 1.43 in 2013. And as childbirth drops, the average age of the Japanese population has grown without the corps of younger persons, whether kin or not, to provide care to the elderly.

Divorce rates continue to climb, adding to the fragmenting of families. In the years between 1991 to 2013, the number of dissolved marriages increased from 1.37 to 1.84 per 1,000 population. Another telling indication of family fragmentation is the number of single-person households in Japan. In 1960, only 16% of all households consisted of a

160 Id.
161 Ronald & Alexy, supra note 134, at 8.
162 Id. Kumagai pointed out that using the Census Bureau’s broader definition of a “nuclear family,” the decline of such families has been flatter. KUMAGAI, supra note 151, at 12.
163 See Holthus & Tanaka, supra note 155, at 405 (noting both the delay in marriage for younger age cohorts and the increasing “absence” of marriage as a life event for all age cohorts).
164 KUMAGAI, supra note 151, at 16.
165 Id.
167 KUMAGAI, supra note 136, at 15; KUMAGAI, supra note 151, at 20; OCHIAI, supra note 128, at 38. The total fertility rate figure for 1940 was for married women only. Because the incidence of childbirth for unmarried women was so low in 1940 and remains so today, the figure for married women is reasonably representative.
168 KUMAGAI, supra note 151, at 18-20.
169 Id. at 93.
single person. This doubled to 32.4% by 2010 and is projected to reach 37.4% by 2030.

Changes in the workplace also come into play, in some cases, explaining the changes within the home. As Japan launched into a period of prosperity in the years after World War II, employers and employees, overwhelmingly male, struck a social contract: in exchange for hard work, company devotion, and long hours, the employee could expect long term, if not lifetime, employment security. Companies took care of not only the workers but the workers’ family members. But as the Japanese economy, and in turn, the financial health of companies grew less robust, this social contract faded, replaced by a different kind of contract: short-term employment contracts, which allowed companies to skimp on labor costs and release employees with greater ease. With this loss of employment security, many men lost the status and means of a reliable breadwinner. In turn, women, who might have been willing to work with less status and security, began entering the work force, and in so doing, developed sufficient financial independence to shuck marriage as a primary source of material wealth. With the availability of independence and a modicum of affluence, many women could afford to either delay marriage or avoid it altogether.

The fragmenting of the Japanese family does not suggest that the nuclear family or even the extended stem family has disappeared. Indeed, nuclear families, while in gradual decline, stood at 56.4% of all households in 2010 and are projected to decline only to 51.5% in 2030. And as indicated earlier, extended stem families constitute 7% of all households. However, in several prefectures, the percentage doubles, and in one instance, Yamagata Prefecture, it triples. Maybe it should not surprise anyone that

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170 Id. at 12.
171 Id. at 13.
173 Id.
175 See Ronald & Alexy, supra note 134, at 15-16 (noting that for career-focused women, the necessity of marriage has decreased).
177 Kumagai, supra note 151, at 12.
178 See supra n. 156.
179 Kumagai, supra note 151, at 14-15.
the Shibatas in *Shoplifters* formed a three-generation stem family, with all of its support and security, when they amalgamated into a family unit. As one of Professor Ochiai's students said, “I miss families like that - they seem like real families.” And being a “real family” is what the Shibatas—whatever their actual names were—wanted to be.

In the protective cocoon of their little house, the Shibatas lived as the idealized three generation household, with a grandmother, a father, a mother, an unmarried aunt, and two children. As in the stem families of old, the “unmarried aunt” Aki, provided an extra hand in looking after the children, as well as Grandmother Hatsue. In the film, Kore-eda made them worth caring for, if not beloved, despite their penchant for minor crimes and other questionable pursuits.

But outside their cocoon, the Shibatas were outliers. Viewed objectively, they were a ragtag of financially disadvantaged individuals with no formal connection or legal obligation to each other. They lacked the imprimatur of government and probably chose deliberately to avoid it. A *koseki* for this group was unlikely, if not impossible. This was not a group deemed worthy of administrative recognition. At best, they might be accorded the status of unrelated cohabiting housemates. Among households in Japan, unmarried unrelated cohabitants constitute a small percentage: only 0.2%, making them a small, unseen minority. Maybe closer to the truth, they were collectively no better than the *yoseba* laborers—day laborers standing on the street waiting to be picked by a work placement agent. In the movie, Osamu belonged to this group, part of a grimy, poor, and urban underclass. They are ignored, and worse, unwanted.

To secure greater acceptance, and even sympathy, individual members might have maintained that they were part of the burgeoning percentage of single-person households. Thus, when Osamu returns home with a work injury, accompanied by a co-worker, the co-worker is surprised to stumble onto Osamu’s “family.” He thought Osamu was an unattached single. Likewise, when a welfare commissioner, Yoneyama-san, visits with Grandmother Hatsue, Shota knows to quickly usher Yuri out of the house to preserve the illusion of Grandmother Hatsue living alone, a spouse-less

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180 Earlier in this article, we guessed that Osamu and Nobuyo were not married by dint of their different surnames, and despite their entangled past. Also, during questioning by law enforcement, Osamu never asserted spousal privilege, instead inculpating Nobuyo. *SHOPLIFTERS*, supra note 36, at 1:34:10 - 1:34:42. The only familial tie within the family is a marginal one: the “step” relationship between Grandmother Hatsue and Aki, the child of the adult son of Hatsue’s ex-husband and his second wife. *Id.* at 0:55:30 - 0:57:45.

181 KUMAGAI, supra note 151, at 57.

182 See generally Akihiko Nishizawa, *The Changing Face of Homelessness in Tokyo*, in HOME AND FAMILY IN JAPAN 200, 206-10 (Richard Ronald & Alison Alexy eds. 2011). Nishizawa pointed out that due to a shrinking need for day labor, the gathering of single men vying for temporary lower-tiered work at the *yoseba* has given way to the *hanba*, “a form of residence for laborers, managed by an agent, the boss, from where laborers are dispatched to work sites.” *Id.* at 210.
pensioner. Even in their invisibility, the Shibatas yearned for acceptability from the world outside their cocoon. Witness Nobuyo’s happy blush when a croquette vendor calls out to her “Young Mother,” while she strolls down the street with Shota, or Osamu's mimicked soccer practice with his treasured “son.”

Already eclipsed from view, the Shibatas' presence and legitimacy further recede because the family they cobbled is an outlier, statistically and otherwise. So too, are the Fukushimas from Nobody Knows. Mother Keiko constructed a sheen of respectability for her landlord: that she is married (her husband is away working) with one son, Akira, whom Keiko describes as a good performer in school. Not surprisingly, her lie describes a small nuclear family—a wife, her working husband, and their studious male child—a respectable prototype in Japan. But it is an illusion, one that the now-motherless siblings only perfunctorily try to maintain.

Stepping back from the illusion, one sees the Fukushimas as another statistical outlier: the unmarried mother and her children born out of wedlock. Statistically, unmarried mothers rarely give birth. In 2012, 40.7% of all births were to single mothers in the U.S.; in the same year, Japan recorded only 2.23%. Although Japan, as in the West, has untied sex from marriage, childbirth without marriage remains disfavored. Even with the availability of a koseki to unmarried mothers, thereby giving them and their children the sheen of administrative

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183 This occurs in a scene following Grandmother Hatsue’s death when Nobuyo, accompanied by Shota, withdraws Hatsue’s pension and possibly more from the deceased Hatsue’s account.
184 This scene follows one in which Osamu watches a father playing soccer with his child. Osamu proceeds to blow up a plastic bag and begins to enthusiastically mimic the father-son play, except without Shota. SHOPLIFTERS, supra note 36, at 0:43:53 - 0:44:40. One wonders why he only pretends to play soccer with Shota; it would have been simple to do it. This suggests the tension between aspiring to be and acting like a real family - and knowing that the world would never give them its imprimatur in any case. Beyond the earshot and sightlines of the world, they can be and fantasize anything they want. But in the world outside their door, their pretensions would wither if their existence were known.
185 When the landlord’s wife enters the unlocked apartment, she stumbles upon Saki and the younger siblings. The one missing is Akira, the only child who legitimately lives in the apartment. Interestingly, the landlord’s wife inquires about the children’s mother, presumably Keiko, whom the children explain is working in distant Osaka. She never mentions Keiko’s “husband,” the man who would have been their father. Then she asks if Saki is a cousin. The children nod. Without prodding further, the landlord’s wife, leaves without further threat or action. The scene suggests that the landlord knows about Keiko’s other children, but is willing to indulge the illusion of respectability created by Keiko. NOBODY KNOWS, supra note 32, at 1:43:37 - 1:44:16.
186 KUMAGAI, supra note 136, at 55-56.
187 See generally Ekaterina Hertog, “I Did Not Know How to Tell My Parents, So I Thought I Would Have to Have an Abortion”: Experiences of Unmarried Mothers in Japan, in HOME AND FAMILY IN JAPAN 91-111 (2011) (describing the ground-level stigma faced by unmarried mothers and pregnant women without spouses).
legitimacy, the social reality is less supportive. A lawyer who analyzed the Sugamo child abandonment incident on which *Nobody Knows* was based said, “If you marry and have a legitimate child you can walk proudly under the sun in Japanese society, but women who do not [have children while legally married] are treated severely as shadowy creatures (*higagemono*).” The term *higagemono* refers to “reviled existences such as social outcasts, ex-convicts, fugitives, kept women, and illegitimate children.” Women like Keiko, who seek escape from the stigma they or their children might bear, could consider an abortion, or far less likely, adoption, placement, or abandonment. While most viewers would attribute abandonment to Keiko, they might consider another possibility: that Keiko sought to avoid treatment as a *higagemono* when she sequestered her unregistered three younger children with strict instructions to stay concealed. By keeping them unseen and off any registry, Keiko effectively hid the children and everything about them, including their illegitimate births. For Keiko, a woman with few resources, this would be a viable option.

The earlier sections already discussed the invisibility of the families in *Nobody Knows* and *Shoplifters* and how this contributed to the lack of response to the desperation of the children in these films. The evolution of family forms in Japan, both favored and not, provides another puzzle piece. As outliers, statistically and in other ways, neither the Fukushimas nor the Shibatas could “walk proudly under the sun in Japanese society.”

C. *Group Consciousness, Belonging, and Lebra's Four Situational Domains*

We have alluded to the invisibility of the children and families portrayed in the subject films. As noted, some of this was self-imposed. But the inability or unwillingness of others to perceive or to care about them also contributed significantly. In an interview after the release of *Shoplifters*,

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188 Japan’s *konseki* system provides for a post-parental registry, available to both married and unmarried persons. Using a procedure called the *bunseki*, a parent may declare a birth, creating a *koseki* for that parent’s new familial unit. This may be used by unmarried persons too. See generally Krogness, *supra* note 134, at 69-85.

189 *Id.* at 84.

190 *Id.*


192 Krogness, *supra* note 134, at 84.

193 The movie does not clearly tell us whether Keiko registered any of her children, but we can assume that for at least the three youngest, she had not. This would reflect the actual Sugamo case in which the three youngest children were never registered in a *koseki*. The only child who enjoyed the possibility of registration was the eldest. But that too was ultimately botched by the parents. Krogness, *supra* note 134, at 83.

194 *Id.*

195 We offer this final subsection with humility and nervousness because it delves into an area outside our expertise and may veer toward unwanted stereotypes. Still we modestly decided to include it for the light it might shed.
Kore-eda asked “What makes these people invisible?” To this, he answered, “It is our society as a whole, every one of us.”

If Kore-eda attributed this “invisibility” to Japanese society, it might help to consider a few aspects of Japan’s cultural system that inform the shaping of individual ideas, beliefs, and behaviors. Thus, this final subsection modestly draws on the work of the late Japan scholar Takie Sugiyama Lebra, who long taught at the Center for Japanese Studies at the University of Hawai‘i, the authors' home institution. Lebra provided insight to Japanese behaviors through the lens of a sociologist and a cultural anthropologist. Here, we will look at three related aspects: Japan’s tendency to promote group over individual interests; the phenomenon and power of what Lebra calls “belongingness”; and Lebra’s juxtaposing of several “situational domains”: inside, outside, front, and back, or as the Japanese would label them, “uchi,” “soto,” “omote,” and “ura,” as a way of understanding why certain groups or individuals might experience invisibility and be so treated.

To begin, many have identified Japanese society as group-oriented or “collective.” Collective cultures like Japan, emphasize the needs of the group and heed the importance of group goals. Social interaction and relationships are very important, and the “sense of self is based on the fundamental interconnectedness among people.” This cultural tendency contrasts the more individualistic emphasis of western countries like the United States.

This group orientation raises the importance of membership within a group. Lebra referred to this as “belongingness” within a variety of “reference groups.” Such groups can be small or large, formal or informal, intimate or impersonal; examples include one’s family, residential

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197 See LEIBRA, SELF IN CULTURAL LOGIC, infra note 205, at ix (describing her formal academic training as a sociologist and her teaching as a cultural anthropologist at the University of Hawai‘i).
199 LEIBRA, supra note 198, at 25-28; MATSUMOTO supra note 198, at 132.
200 LEIBRA, supra note 198, at 2 (noting that “the overwhelming impression from the literature” is that the Japanese are “extremely sensitive to concerned with social interaction and relationships.”).
201 MATSUMOTO, supra note 198, at 133-34 (noting that the U.S. ranked first in a study of individualistic and collective cultural tendencies, with the higher numbers referring to more individualistic cultures; Japan ranked 22nd in the study).
202 LEIBRA, supra note 198, at 23.
area, or place of employment.\textsuperscript{203} With belongingness comes obligations to the group, including conformity with group norms and interests.\textsuperscript{204} For example, in the interest of preserving group harmony, or at least the majority opinion, a member who disagrees might refrain from registering dissent, exercising a form of self-restraint, \textit{enryo}, and allowing the prevailing group decision to advance.\textsuperscript{205}

The importance of membership within reference groups raises questions about what happens when one does not belong to an “in-group,” and in fact, belongs to a less favored “out-group.” Social psychologist David Matsumoto wrote, “It is not uncommon for the Japanese to display outright \textit{indifference} or even anger, contempt, and disgust toward members of other groups, even solely on the basis of group membership.”\textsuperscript{206} However, Matsumoto also noted that this response may be muted when one recognizes the "possibility of future, harmonious relations with someone else.”\textsuperscript{207}

Lebra applied an analytical framework that may explain Matsumoto’s observations. She described a map of four “domains” or “zones,” which interactively and relationally help to construct the Japanese social self,\textsuperscript{208} as well categorize situations where a Japanese person's behavior may change.\textsuperscript{209} This may explain both the invisibility of the families in the subject films, and the inaction of those who saw but failed to effectively react to obvious child distress. Lebra’s map splits into two regions, each with two components. In the “northern” or “upper” region, Lebra placed \textit{uchi} (inside) and \textit{omote} (front); in the “southern” or “lower” region, she placed \textit{soto} (outside) and \textit{ura} (back).\textsuperscript{210} She cautioned against thinking of these as purely dichotomous and opposing, proposing instead a contingency logic that enables the Japanese to view as “contiguous and intersecting” two apparently opposing features.\textsuperscript{211}

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{203} \textit{Id.}
\item \textsuperscript{204} \textit{See id.} at 28 (describing the “pressures for conformity to group norms” to help achieve group harmony and consensus).
\item \textsuperscript{205} \textit{Id.} at 29. Silence is a form of communication, and its use in Japan occurs in many ways, expressing different messages depending on the context. Quoting Deborah Tannen, Professor Lebra noted that “silence can be a matter of saying nothing and meaning something.” \textit{Takie Sugiyama Lebra, The Japanese Self in Cultural Logic} 179 (2004) [hereinafter \textit{SELF IN CULTURAL LOGIC}]. For example, silence may convey a “positive message of courtesy - respectfulness, unobtrusiveness, and modesty . . . .” \textit{Id.} at 181. Silence may also carry a strong negative message that is aggressive and defiant. “Angry or resolute refusal to talk is often described as \textit{ha o kuishibatte} (biting my teeth). \textit{Id.} at 182-83; \textit{see generally} Takie Lebra, \textit{The Cultural Significance of Silence in Japanese Communication, in 2 Identity, Gender, and Status in Japan} 115 (2007).
\item \textsuperscript{206} \textit{Matsumoto, supra} note 198, at 54 (emphasis added).
\item \textsuperscript{207} \textit{Id.} at 55.
\item \textsuperscript{208} \textit{See generally} \textit{Lebra, supra} note 198, at 37-176.
\item \textsuperscript{209} \textit{Lebra, supra} note 198, at 112.
\item \textsuperscript{210} \textit{Lebra, SELF IN CULTURAL LOGIC, supra} note 205, at 40.
\item \textsuperscript{211} \textit{Id.} at 8-9.
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Yet, for foundational purposes, separate definitions of each domain would help. Within the “northern” region, the first zone *uchi* (inside) and its related compound nouns, like *miuchi* and *uchiwa*, “refer to family and close kin, and can be extended to family-like groups and institutions.”

The term connotes intimacy and familiarity. This is the zone where one’s “belongingness” and its concomitant benefits strongly attach. The other zone in the “northern” region is *omote* (front). Here “propriety and distance” are the hallmarks, directing a person to view another person “who, though not familiar, deserves respect.” Although the “other” person does not enjoy “in-group” status and is therefore “distant,” he nonetheless receives a “civil attitude” from the group to which he does not belong.

Think of the foreign guest or tourist who experiences the courtesy, hospitality, and formality for which Japan is known. As the “front” dimension, *omote* presents the proper face, even to a member of a foreign group.

The “southern” region poses a different, darker dynamic. Lebra attributed to this region “a form of asociality and offense reflective of an actor's indifference to, ignorance of, or violation of conventional rules of sociability or propriety.” *Soto* (outside) opposes the intimate and familiar in *uchi*. *Soto* implicates hostility and disorderly behavior directed to the outsider. The other southern zone, *ura* (back), “grants anomic license in close relations hidden from public view, as in a private room or home.”

As already mentioned, Lebra observed that the northern and southern regions do not act independently nor entirely in opposition. In some ways, she viewed them “as shifts and complements of one another.” In Japanese Patterns of Behavior, Lebra combined zones, including *uchi-ura* (inside-back), *soto-omote* (outside-front), and *ura-soto* (back-outside) to explain “situational domains in which behavior is likely to change.” For this paper, the last tandem, *ura* and *soto*, draws attention because of the behavior it produces. Lebra wrote, “the dark side of sociality, characterized by *ura* and *soto*, is the necessary cost for maintaining the brighter (normative) side of civility.”

Underscoring its importance, while

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212 *Id.* at 66-67.
213 *Id.*
214 *Id.* at 40.
215 *Id.* at 42-43.
216 *Id.* at 40.
217 See *id.* at 43 (explaining that one meaning of *omote* is “face”).
218 *Id.* at 40.
219 *Id.*
220 *Id.*
221 *Id.* at 100.
222 LEbra, *supra* note 198, at 111-12.
223 LEbra, *Self in Cultural Logic*, *supra* note 205, at 100.
illustrating its base nature, Lebra added, “[t]he lower region is like the organs that process body waste.”

Whereas *uchi* and *ura* “combine into an intimate situation,” and *soto* and *omote* “combine into a ritual situation,” *ura* and *soto* form what Lebra called an “anomic” situation. In an anomic situation, a person finds another to be an outsider, perhaps “a stranger or enemy, who does not share [the person’s] norms and whose approval is irrelevant” to the person. Combining “in the back” concealment with the unfiltered apprehensions toward the outsider, the tandem of *ura* and *soto* predictably sets the stage for untoward behavior. Lebra wrote, “the lower region, in which anomie, apathy, hostility, frenzy, aggression, aberration, or violence may predominate, represents a relaxation or deterioration of the discipline that controls the upper region.”

As seen in the previous subsections, the Fukushimas and the Shibatas were outsiders. In the case of the Fukushima siblings, they were increasingly desperate, unkempt, and unsupervised children ostensibly belonging to no one. With their mother gone and their absence from any family registry, school roll, or other marker of identity and legitimacy, they were adrift, unable to anchor anywhere. For them, *uchi* (inside) did not exist, apart from what they fiercely maintained among themselves, and later extended to the similarly adrift Saki. Likewise, the Shibatas existed on the outskirts, constructing their clan outside the standards of family formation and willfully keeping a low profile to remain undetected and, in turn, secure. They belonged to no one except to each other, but only as long as they agreed to remain a unit. Bringing the abused Yuri into their deeply recessed fold enabled her to remain even further out of sight. For both

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224 *Id.*

225 *LEBRA, supra* note 198, at 113, 114-20. By this, Lebra appeared to mean that the intimacy and familiarity in *uchi* allowed the letting down of one’s guard - *ura* - and that the imperfections in behavior would be protected by confidentiality among *uchi* confidants.

226 *Id.* at 113, 120-31. By “ritual,” Lebra appeared to mean that one was performing a role in front of a perceived outsider; while the confidentiality of *uchi-ura* does not exist here, the propriety of the performance or the proper face put forth to the outside are sufficient to protect the actor and avoid the loss of “face.”

227 *Id.* at 113.

228 *Id.*

229 To illustrate how *ura* may work in tandem with other zones, such as *uchi*, Lebra discussed domestic abuse, including intimate partner violence, child abuse, and even abuse of parents by their children. In each case, the bad behavior occurs within the sanctuary of the home, the ultimate setting for *uchi*. Yet, the privacy of the *uchi* shields the abusive behavior from view, thus implicating *ura*. See *LEBRA, SELF IN CULTURAL LOGIC, supra* note 205, at 126-39. Absent the discipline and decorum of *omote*, the abusive family member unleashes the unfortunate acts under the cover of *ura*.

230 *Id.* at 100.

231 In many ways, the Shibatas and the Fukushimas behaved under the *uchi-ura* domain. Each created their own sanctum within their respective enclosures and were free to operate under the concealment of their own making, abetted by the uncaring and inattentive community around them.
families, *soto* (outside), with its potential for alienation and worse, aggression from an uninviting society, looms large.

Not only were these families outsiders; they were outliers, inhabiting a social underbelly that is ignored, if not scorned. For them, the protective ritual codes of decorum and civility under *omote* (front) do not apply. Instead, they faced the prospect of “anomie, apathy, hostility, frenzy, aggression, aberration, or violence.”232 In *Nobody Knows* and *Shoplifters*, Kore-eda spared his characters from the more aggressive and violent forms of anomic behavior. But in their marginalization, they were barely noticed. Even when seen with their needs exposed, they barely drew a murmur.

As Lebra wrote:

Anomic behavior is characterized as action toward [the other person] who is defined as an outsider and yet with whom [the actor] feels no need to maintain “a front.” It is different from intimate behavior in that [the other person] belongs to the outside world, but it is also different from ritual behavior in that there is no consideration of ritual code. Anomic refers to normless, where there is no definite norms to control behavior. On the one hand, [the actor] is not bound by face and thus can afford to be “shameless” or “thick-skinned.” On the other, [the actor] does not have to consider [the other person’s] face and is allowed to be “heartless” and “offensive.” *Omoiyari* (“empathy”) is irrelevant.233

With characters in the *soto-ura* domain, one can understand the shameless, “thick-skinned” response, especially toward the unfortunate Fukushima siblings. For young Yuri and the piddling reaction to her disappearance and abuse, another tandem, *uchi* and *ura*, offers additional light. Earlier in this paper, we mentioned how child welfare workers tend to defer to parents, respecting their privacy and their presumed power to shape the affairs of the family, including the raising of children. This may have had a role in explaining how quickly Yuri was returned to her parents following her recovery, as well as how public opinion turned on a dime from suspecting the parents of infanticide to a fawning sympathy toward them.

Lebra might explain it this way. As with intimate partner violence and elder abuse, the bad behavior often occurs within the sanctuary of the home, the ultimate setting for *uchi*. Yet, the privacy of the *uchi* shields the abusive behavior from view, thus implicating *ura*.234 Absent the discipline and decorum of *omote*, the abusive family member unleashes the unfortunate acts under the cover of *ura*. *Omote* may also influence the response of the child welfare workers. Hoping to incrementally change the undesirable parental behavior, workers yearn to cultivate rapport with the parents, hoping to effectuate changes in parental attitudes and actions. With this in mind, a worker might put forth an encouraging front—*omote*—rather than summarily exercising some form of government police power.

232 See Lebra, Self in Cultural Logic, supra note 205, at 100..
233 Lebra, supra note 198, at 131 (citations omitted).
IV. CONCLUSION

Kore-eda’s films *Nobody Knows* and *Shoplifters* tell stories about people who are hidden, partly by their own design and partly because others in their world failed to rescue them even as their presence and plight became increasingly visible. And so, the Fukushima siblings were left to survive on handouts from a convenience store and water collected at the neighborhood park, and little Yuri returned to her parents despite the evidence of recent neglect and abuse. These movies indicated not only impaired vision, but also the impaired action of those—the government, the community, and others—who could have intervened.

The impairment comes from different sources, coalescing into a barrier against an effective response: a child welfare system that continues to struggle to obtain sufficient resources, coordinate and communicate effectively with itself and its partners, develop and keep an expert and experienced staff, encourage an enduring political will to keep appropriate reforms coming, and find the right balance between parental deference and a child's best interest; evolving understandings about family formation, the accompanying loss of support networks, and the stratification of family forms that keeps some groups disfavored, unseen, and thus underserved; and aspects of the Japanese character that may slow the process of problem identification and intervention.

This paper does not propose a fix. This was not its intent. Instead, it explored different aspects of the legal-social landscape underlying *Nobody Knows* and *Shoplifters* to bridge the pathos of experiencing these films with a better understanding of the contexts from which these stories emerge. In a way, it serves as the popcorn-munching seat mate whispering possible explanations for what just happened on the screen.