

## Mother who starved her Baby to Death: Is she Culpable of Murder or of Another Crime?

Nambu S\*

Department of Medicine, Yokohama City University, Japan

### Abstract

In the new criminal justice system in Japan, citizens serve as jurors, and media has predicted that citizens may take a severe attitude toward a child abuse. In a recent fatal neglect case, the panel including citizens found the defendant to be murder and imposed apparently severe punishment than in prior procedure. This paper looks at similar two neglect cases tried in the prior system and considered how the neglect cases had been evaluated and charged in the prior system and will be in the new system in Japan. We obtained and reviewed the complete trial record of these cases by lawful means. The marked difference between two cases was whether the offenders had concretely foreseen the result of "the death of a child". In spite of the same results caused by the mothers' omission, their foresight of the occurrence of the results made differences in the charges and sentences for the offenders. Unlike the prior one, the panel of the new criminal procedure did not give greater importance to the offender's foresight but to the severity and duration of the negligent situation when they convicted the defendant of murders.

**Keywords:** Child Neglect; Abandonment; Starve to death; Criminal procedure

### Introduction

In modern Japanese society, nuclear families comprise the most prevalent living arrangement and those living in cooperative housing often do not even know their neighbors. Additionally, as child abuse became commonly recognized as a social problem, young parent who lack confidence or have doubts about child rearing develop sensitivity to and sometimes avoidance of familial and neighborly attention<sup>1</sup>. Such isolation of the family is associated with a recent incident of helpless neglect. On March 26, 2012, the Osaka District Court sentenced 24-year-old mother -who had confined and abandoned her 1-year-old son and 3-year-old daughter in the house where they starved to death- to imprisonment with forced labor for 30 years, the maximum definite term of imprisonment in Japan<sup>2</sup> (hereinafter referred to as the "Osaka Case"). In 2009, the Japanese criminal justice systems began to adopt a new criminal procedure, termed the *Saiban-in* system. In the *Saiban-in* system, a panel of lay judges-composed of six citizens-participate in trials of serious criminal offenses with three professional judges<sup>3</sup>. Japanese media predicted that *Saiban-in* courts might impose a severe punishment on defendants in fatal child abuse cases [1].

<sup>1</sup>The number of child abuse cases handled by the nation's child consultation centers in fiscal 2010 totaled 55,152, up more than 10,000 from the previous year, nearly a 25 percent increase from a year earlier in Japan. According to the welfare ministry, there was also a sharp increase in the number of reports of possible abuse based on children being heard crying or screaming [5].

<sup>2</sup>The Japanese Criminal Law §14 (Limit of Aggravation and Mitigation): (1) In cases where the death penalty, or imprisonment with or without work for life shall be reduced to imprisonment with or without work for a definite term, its maximum term shall be 30 years. (2) In cases where imprisonment with or without work for a definite term shall be aggravated, the term may be extended to 30 years, and in cases where it shall be reduced, the term may be reduced to less than one month.

<sup>3</sup>The Japanese Justice Ministry will officially start the lay judge system, in which members of the public participate in trials for serious crimes, on May 21, 2009. The lay judge system is designed to get the public more involved in the judiciary system. Together with professional judges, lay judges will determine whether a defendant is guilty and the penalty the defendant should face if he or she is found guilty.

Defendants found guilty of sex-related offenses or robbery resulting in murder generally receive heavier sentences in trials involving lay judges than trials in which only professional judges are present, according to a recent Supreme Court survey (released March 14, 2012).

According to a survey prepared by the Ministry of Health, Labor and Welfare, neglect accounts for 40% of all 55,152 child abuse cases reported to the National Child Guidance Center [2]. However, in the statistics released by the National Police Agency, the number of neglect cases is 17 -very small compared with 270 physical abuse cases [3]. Because most neglect cases are accompanied by physical abuses and because attending physicians and/or child welfare officer tend to pay attention to conspicuous injuries, the crime of child neglect is underestimated [4].

At present, this article aims to discuss two neglect cases (2007 and 2008 respectively) that resemble the Osaka Case. Although the cases are similar, the criminal charges and sentences are quite different. Thus, this article compares how neglect cases were evaluated and charged through the prior professional judge system and how they will be treated in the new *Saiban-in* criminal procedure in Japan.

For that purpose, following justification (to conform to the Act on Final Criminal Case Records), this researcher obtained and reviewed the complete trial record of these cases.

### Materials and Methods

By the database retrieval of three Japanese main newspapers (Asahi-shinbun, Yomiuri-shinbun and Mainichi-shinbun), I extracted fatal child neglect cases similar to Osaka Case. As a result, this article paid attention to two neglect cases (2007 and 2008 respectively). Although the cases are similar, the criminal charges and sentences are quite different. Thus, this article compares how neglect cases were evaluated

\*Corresponding author: Nambu S, Assistant Professor in Legal Medicine, Department of Medicine, Yokohama City University, Japan, Tel: + 81-45-787-2619; E-mail: [nambu3@med.yokohama-cu.ac.jp](mailto:nambu3@med.yokohama-cu.ac.jp)

Received September 09, 2013; Accepted December 30, 2013; Published January 02, 2014

Citation: Nambu S (2014) Mother who starved her Baby to Death: Is she Culpable of Murder or of Another Crime? Social Criminol 2: 106. doi: 10.4172/2375-4435.1000106

Copyright: © 2014 Nambu S. This is an open-access article distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

and charged through the prior professional judge system and how they will be treated in the new *Saiban-in* criminal procedure in Japan. For that purpose, following justification (to conform to the Act on Final Criminal Case Records), this researcher obtained and reviewed the complete trial record of these cases.

## Cases

### Case 1

A mother (hereinafter referred to as “Mother A”) divorced her husband who had been abusing their newborn son. Subsequently, Mother A left her son with her mother and proceeded to “go out on the town” night after night. Although she remained unemployed, she received sufficient financial support from her mother and her rich grandmother to care for herself and her children. When she was 26, she left her 3-year-old son with her 77-year-old grandmother’s mansion<sup>4</sup> and followed her boyfriend to a distant location for his job. After a while Mother A became pregnant. She went back to her grandmother’s mansion to have the new baby-who turned out to be opposite sex twins. She then remained at her grandmother’s, occupying part of the mansion with her three children. The mansion was a specially designed housing structure; several households could live separately under the same roof. Because Mother A wanted to avoid interference, she placed an additional padlock on the entrance to rooms where she and her children lived in order to keep her grandmother, the homeowner, from entering and contacting her children.

When the twins were 1 year old, the boy was carried to the emergency room for repeated vomiting and diarrhea; he was diagnosed with gastric pyloric outlet obstruction, a condition that needs special attention for proper nutrition. On this occasion, the attending physician found him with a very heavy diaper rash, giving off foul stench, and showing obvious retardation in growth. Additionally, the baby acted in ways that did not match his age: for instance, he heaved a sigh without expression and looked around in a timorous and frightened manner. Although the attending physician directly notified the local Child Guidance Center on the suspicion of his suffering neglect<sup>5</sup>, Mother A refused to see any of the Center officers.

At around 27 years old, Mother A began to confine and abandon her children in her rooms and again began staying out late. She told her elder son to call her cell phone when he felt hungry; he called her over 30 times a day whenever she left. She brought them some food, such as hamburgers or breads once or twice a day depending on her mood. Even then, she handed the food to her elder son just in front of the door and would not step into their living area, much less change the twins’ diapers or bathe them.

One day when she was 29, her elder son 6, and the twins 2 years old, she left a message for the elder son: “Mom will not come back home. After this it’s up to you. See that your sister and brother are all right”. She went to an apartment with her boyfriend, leaving the three children behind. Ten days after she left, the twin boy died of hunger. Mother A received a call from her elder son and went back to her mansion rooms. On confirming that the baby was dead, she slapped her elder son’s face,

<sup>4</sup>Site area was 1,000 m<sup>2</sup> and the residence was three stories and had more than 20 rooms.

<sup>5</sup>The Japanese Child Abuse Prevention Law, which was implemented in November 2000, stipulates that teachers and doctors are required to report child abuse at an early stage. The law also says the confidentiality of those who report possible abuse cases will be protected and they will not suffer losses even if their reports turn out to be incorrect.

blaming him for failing to take care of his brother. She told him, “You’re fired”. Subsequently, she took her elder son and daughter away from the mansion, and finding the daughter greatly debilitated, she took her to the hospital.

Mother A told a doctor that her daughter had “spasm”. According to the doctor, the girl had a diaper rash from her genital region to her thighs; looked ghastly pale, lifeless, and expressionless; and gave off a foul odor. She was found to have a height of 84 cm, weight of 10.4 kg, body temperature of 36.8°C, systolic blood pressure of 82 mm Hg, 130 of HR and 30 of RR per minute. Her stomach was dented. Her diagnosable medical conditions were dehydration, herpes simplex, hyperglycemia (excess glucose in the bloodstream), and hyperamylasemia (abnormally high levels of amylase-a group of proteins that help convert starch to sugar-in the blood serum). The doctor suspected child abuse immediately and reported the case to the authorities [5].

When the authorities arrested and questioned Mother A about the twin boy’s death, she repeatedly gave uncertain accounts of what had happened, such as “I didn’t expect he might die” and “I can’t explain”. She demonstrated a lack of any sense of responsibility and a tendency to try to escape from reality throughout the whole legal process, from the investigation to the trial.

In the court decision, the now 30-year-old Mother A did not intend to injure her children. She was sentenced to 6 years’ imprisonment with forced labor, on the charge of abandonment by a person responsible for protection, thus causing the death of her son and injury to her daughter.

### Case 2

A mother (hereinafter “Mother B”) was pregnant, married, and delivered her first son when she was 16; She had a second son the following year but he died from unexplained suffocation soon after he was born. Shortly after she divorced her husband because he did not work. When the couple divorced, Mother B was 19 years old, pregnant for a third time by her now ex-husband, and had sole parental authority over their first son. She could obtain no financial support from her ex-husband. Four months after the divorce, she moved into a city-housing apartment with her two sons, aged 2 and a newborn. Immediately, Mother B became employed in a nightclub. While she worked, her children were left in the apartment. Soon, she began to feel it troublesome to take care of her children, and after taking up with a boyfriend, she increasingly felt her sons to be obstacles and came to desire them to die.

On October 30, Mother B, at 20 years old, left her then 3-year-old and 15 month-old sons in the apartment, locked the entrance from the outside with a key, and did not return for over a month. When she left the house, she left no food. There were only some seasonings, some cup-noodles, and 6 kg of uncooked rice in the apartment. Due to her long periods of neglect, the elder son had mental and physical retardation; he could not reach a tap to obtain a drink of water, prepare any food, nor unlock the door to leave the house. While Mother B continued her work based in the residences of her companions, her apartment began to plague the neighbors with a terrible smell after early November. By the 26th of that month, her apartment was found to be infested with maggots. The city authority notified Mother B goes out of her apartment by December 4th. There was nothing else to do, she returned to the apartment, carrying garbage bags and two cardboard boxes in order to “dispose of two bodies” on a day before the deadline. As she expected, her younger son had died. He was lying on the kitchen floor, and his body was decaying. But contrary to her expectations, although her elder

son was reduced to skin and bones, he still lived. The moment he caught sight of her, he staggered and clung to her, saying, "You are home late". Although she was very much appalled, she wrapped her younger son's body in a garbage bag and packed it into a cardboard box. She then carried it away, in company with her elder son, only to abandon the cardboard box in the garden shed at her boyfriend's home.

Although Mother B had earlier taken her elder son either to her boyfriend or her mother's residence, she took the opportunity of a new pregnancy to entrust him to a child welfare facility. Before long the case was revealed because the child welfare officer, who had harbored suspicions about the absence of the boy's brother, notified the police.

After being taken into custody, Mother B delivered a new baby during her criminal trial. At 21 years old, she was sentenced to 15 years' imprisonment with forced labor, on three charges: abandonment (of the elder son) by person responsible for protection, murder of the younger son, and abandonment of a corpse<sup>6</sup>.

## Discussion

### Common Points of Mother A and B

Neither Mother A nor B carried out the parental duty of protecting her offspring, but instead devoted themselves exclusively to the pursuit of pleasure. They both confined and abandoned their children, and as a result, starved their younger sons to death. Knight and Collins [6] mentioned that chronically depriving an infant or very young child of food and drink result in malnutrition, dehydration and/or starvation. A slightly older child could find something to eat and drink alone. In the Case 2, the elder son stated that he had eaten raw garbage remaining in the kitchen. After he was taken out of the apartment, Mother B found grains of uncooked rice in his stools. Generally, child neglect is considered difficult to define, but in these cases, the mothers who were bound to provide for their children gave no necessary care to the point of committing fatal neglect [7]. As mentioned previously, however, neither of the mothers was punitive nor actively abusive of the children. None of the children in these two cases demonstrated any sign of suffering any other type of physical abuse as well as in many other cases of serious neglect [6]. None of the mothers had any mental disorder, but of course they showed a lack of experience and personality problems. Additionally, Mothers A and B, despite material differences in their upbringing, had much in common, as explained in the following sections. In the following sections, I quote most descriptions from mothers' testimonies in the police stations or the courtrooms unless I decline it in particular.

**Backgrounds:** A mother's stance on child rearing is greatly influenced both by her own rearing and by her present difficulties [8]. Mother A and B did not feel that their own mothers "had it in them" to be a parent; neither did Mother A and B learn parenting from their mothers nor rely on them for help with their child rearing.

Both Mother A and B's parents divorced when their children were young. Their mothers severed all ties with their fathers. Additionally, both Mother A and B had an image of their mothers as "loose and undependable parent". Mother A and B were brought up by their grandparents on behalf of their dysfunctional mothers.

Mother A's mother had reared her daughter in an exceedingly

overprotective manner. She permitted her daughter whatever she wanted even when it was wrong and then provided no corrective guidance. So that her grandmother said, Mother A was spoiled in a luxurious home, and grew to be a person who could not restrain herself, leading a loose life. Worse, when Mother A was in the third grade of junior high school, aged 15, her parents divorced because her alcoholic father physically abused her mother everyday and sometimes also abused her. Mother A recalled that her mother made no effort to stop his violence against her in those days. This situation likely contributed to the mother's indulgence and to her inability to be strict with her daughter, as well as Mother A's distrust of her mother. Because Mother A's mother remarried, she felt increasingly that she could not depend on her mother for anything. After the case was discovered, Mother A's mother stated, "I was afraid she would get mad if I intruded with her child rearing, so I did not dare have any contact with my grandchildren". She made this statement even though she recognized that Mother A could not have been providing enough care for her children.

On the other hand, Mother B had once lived in a child welfare facility because her mother had been abusing her from an early age. Additionally, Mother B's mother was addicted to alcohol and committed excesses, such as asking Mother B for money and leaving her grandchildren even when she was trusted to take care of them.

**Personalities:** Both Mothers A and B tended not to consider matters seriously and to drown their cares in alcohol. Although they did feel, "This situation isn't good...it can't stay like this" or "I must provide care for my children," they still neglected their duty toward their children, continued drinking, going out with boyfriends, and leaving their children alone. They did not try to improve their attitudes of avoidance and immediate gratification. At the same time, they stubbornly resisted the "interference" of others in their child rearing and made through efforts "not to bother anyone," in other words, "to solve all problems of child rearing within their own mother-child relationship". In spite of the expectation of a long imprisonment, when the twins' biological father requested custody of their daughter, Mother A still asserted that she would never trust her children to others and said, "I will be sure to do it myself".

Their testimonies clarified another notable characteristic in both mothers is a lack of verbal skills to describe their emotions. This is a characteristic of offenders who neglect [8]. For example, when the mothers were asked during trial, "How do you feel about your dead child?" they replied briefly with just a few words: Mother A said words to the effect, "I'm sorry. I want to apologize to him". Mother B said, "All I can say is I'm sorry". Neither mother had any more words of regret or remorse.

**Careers:** Mother A dropped out of vocational school, and Mother B graduated from a junior high school. But both of them had neglected their studies and repeatedly played truant. Neither saw the value of high educational standards. Because Mother A lived in a wealthy home, and because Mother B married and became pregnant soon after finishing junior high school, they both lacked occupational skills or experience. They divorced when their children were very young. Additionally, neither had close friends among their peers; they spent their daily lives in the moment, pursuing pleasure based on loose human relationships.

Although both Mothers A and B well knew how to attend a child because during their youth, they took care of children in the neighborhood, they neglected duties toward their own children, feeling, "It is a hassle" or "It is a distraction".

**Lifestyles:** After divorcing, both Mothers A and B gave priority

<sup>6</sup>Japanese Criminal Law, Article 190 (Destruction of Corpses: A person who damages, abandons or unlawfully possesses a corpse, the ashes or hair of a dead person, or an object placed in a coffin shall be punished by imprisonment with work for not more than 3 years.

to male companionship rather than childcare. They lacked a sense of responsibility or self-restraint. They felt that the persons to be loved by others were not their children, but themselves; this too is characteristic of mothers with a tendency to commit neglect [9,10]. Although an unwanted pregnancy is usually considered a high-risk factor for child abuse<sup>7</sup>, in these cases, the mothers seem to have had no sense of “wanted” or “unwanted” in relation to their pregnancies [11]. There seemed to be a lack of feelings, nothing more than the bare fact “got pregnant, bore a child”. At the time Mother A became pregnant and even afterward, she and her child’s father did not register their marriage because he had just moved out of her residential district and could not provide for a wife and children. Thereupon she went to live with her rich grandmother, but shut her children up where they could not be seen and shifted the responsibility for the baby’s care onto her elder son, aged 6.

On the other hand, Mother B divorced during her pregnancy and received no financial support from her ex-husband. When she was arrested, she was pregnant by a boyfriend. Initially, she intended to have an abortion, but then decided to have the baby. She explained that she hoped the baby and the elder brother, who survived neglect to near starvation, would stand by each other. At the same time, she said, “I’m not sure I can take care of them myself. But that doesn’t mean I want to trust my mother with the baby. So it’s desirable that the baby is brought up in a child welfare facility”.

Obviously, both mothers lacked the affection that normal parents feel toward their children, lacked any ability to empathize with their children, and perhaps worst of all, lacked even the sensibility necessary to grasp the enormity of their crimes.

**Psychological effects on elder sons:** In both cases 1 and 2, the elder sons who survived without marked health problems, absolutely devoured food when they were rescued. At the beginning of police questioning in Case 1, the elder son lied, saying that his mother and his brother were in a remote place where his father lived. But soon after, he modified the explanation, “In fact, my brother is already dead...I’m the only one to blame...I didn’t give any food or juice to my brother day and night...My sister could eat for herself, but he couldn’t [because of gastric pyloric outlet obstruction]... I was useless”. In Case 2, when Mother B returned home after over a month’s absence, her elder son still believed in her and had continued waiting for her, all the while witnessing his brother dying and the body decaying. After being rescued, he gave his grandmother a minute account of his mother’s activity of trying to conceal his brother’s body: “I’m afraid of Mom... My brother would not move...Lots of bugs bred in his mouth and Mom took them out...Mom covered my brother with vinyl and sealed it up with packing tape”.

Since both mothers had cared for them to some extent, the elder sons seemed to be strongly attached to their mothers. But needless to say, how seriously such unspeakably dreadful events affect sound development is beyond our imagination. The survivors’ guilt from being unable to help their siblings will linger for a lifetime. Restoration of their parent-child relationships will be extremely difficult, if not impossible and inadvisable. For the long term, enormous resources must be invested in mental health care for these surviving children [8,12].

<sup>7</sup>“The Research of The Child Death Review in Japan” (research representative: Michiko Kobayashi, Osaka Medical Center and Research Institute for Maternal and Child Health) funded by Health and Labor Sciences Research Grant 2010 adduces “unwanted and/or unplanned birth” as the principal causation of fatal child abuse.

Because the extent of damage these children suffered was too overwhelming to be estimated, especially since they appeared healthy, evaluating the damage to determine the criminal penalty was difficult. For this reason, in the end, the mothers were not directly punished for this psychological abuse [13].

### Differences between Mothers A and B

**Childhood environments:** Mother A’s family had been in the business of industrial waste management since her great-grandfather’s time. They possessed a vast extent of land in the central city and the site of the grandmother’s house was very large. They were a prominent well-known local family. Since her childhood, Mother A had received a large allowance every month, been allowed to buy anything she wanted, and was irretrievably spoiled. Mother A had been brought up to be extremely self-centered, and she hated the grandmother who routinely complained about her lifestyle and thoroughly avoided her. Because her mother was afraid of Mother A’s hot temper, she could not scold her. Although Mother A received financial help from her grandmother and mother, she prevented them from “meddling” in her daily life and avoided contact between them and her children. After being arrested, however, she told investigators, “Besides me, there were other people who could take care of my children. I’m not the only to blame for it”.

On the other hand, the mother of Mother B had financial difficulties and lived on public assistance after her divorce. Mother B had hated her mother, who was addicted to alcohol and had physically abused her since childhood. When Mother B was around thirteen, she was taken into a public assistance facility to remove her from her mother’s abusive behavior. Then at 16, she married a man of 20, who did not have the capacity to support them.

Although the wealthy environment of Mother A and the deprived environment of Mother B were opposites, they were very similar in that neither environment created a normal mother-child relationship nor positive parental care to serve as a role model. Nambu has asserted that, although individuals vary, children who are abused early in their lives and grown-ups whose childish, egoistic sense of power has not been moderated tend to have in common the following features: they cannot trust, respect and/or empathize with others, especially authorities [14]. When parents have not guided their children in how to deal with perceptions, emotions, thoughts and expectations in relationships with others, the children have a high risk of difficulty in having a healthy sense of security and attachment with others even in adulthood [15]. Such adults tend to isolate themselves from others because they extremely dislike being hurt and/or interfered with by others at any time; thus, they avoid any such situation. Therefore, a person who has been brought up in an extremely harsh environment of abuse and neglect and/or a person who has been spoiled by a caretaker’s overprotection may find it equally hard to accept help when they face the many difficult problems of raising children.

**Penalties:** The marked difference between these two cases was whether the offenders had concretely foreseen the result of “the death of a child”. In spite of the same result (the younger sons’ deaths) from the mother’s actions, this made a difference in the charges and sentences for the offenders.

Mother A sometimes took food to her children, though it was not enough, and she enabled her elder son to contact her by cell phone. In contrast, Mother B simply did not return home for a month. Mother A admitted that her elder son had not had the ability to take care of the second son, especially with his difficulty in eating. However, when

asked by the public prosecutor why she had entrusted her twins to the elder boy's care, she could only answer, "Something tells me... No reason in particular".

Mothers A and B responded differently when they recognized the deaths of their younger sons.

Mother A first scolded her elder son, then retreated from their home with the other children, and let her mother deal with the dead boy's body. After that, she took her emaciated daughter to a hospital and said to an attending physician, "As I have suffered neurosis of child-rearing, I can't care for my children. Her twin brother died because my grandmother didn't take care of them". Mother A expressed no word and committed no deed for the purpose of concealment. To put it simply, she did not appear to think that the death of her younger son was at all her fault.

Mother B had spent her days as usual for more than two months, with the body of her son packed in a cardboard box and hidden in her boyfriend's garden shed. As the elder son had no severe health problems, Mother B made him stay with her with reluctance. But she realized her new pregnant, and came to think as "I can't care for elder son. He's a distraction for me. I don't feel like living with him". Eventually she took him to the child welfare facility without any hesitation.

### Japanese criminal law and the child abuse resulting in death

It is obvious to the dullest understanding that children waste away and die if we abandon them without care. In Japanese Criminal Law, however, in order to accuse a person of murder, prosecutors are required to demonstrate the following both of the two points: the accused has "predicted the death as a result specifically" and "expected or hoped it actively". Those two points are judged based on various situations, not only on the confession of the accused, but also on the manner of the crime and whether the accused made any effort to prevent deterioration.

In the conventional Japanese criminal justice system, the court assumed a negative attitude in applying murder charges for child abuse resulting in death even if when death resulted from intracranial injury due to battering or by neglect resulting in starvation and/or dehydration [16]. Even if parents recognize that their neglect made their infant waste away to death, when they claim, "I didn't expect he/she would die" or "I didn't want him/her to die" and present some evidence that they provided some extent of care for the child, the prosecutor foregoes verifying the parents' murderous intent. Therefore, the prosecutor charges them with abandonment causing death by a person responsible for protection (imprisonment for not less than 3 years but not more than 20 years), instead of murder (not less than 5 years, imprisonment for life, or the death penalty).

Both Mother A and B must have sufficiently understood what was necessary to sustain the lives of children from their early community experiences of child care. But the crucial difference between them is that while Mother A had the unrealistic expectation that "elder son would manage somehow," Mother B was convinced that "the children would die". Additionally, upon recognizing the deaths, the former sharply scold her elder son, but the latter was shocked to see her other son still alive. Differences in the children's ages mattered also: Mother A's elder son was 6 years old, the younger 2; Mother B's elder son was 3, and the baby only 15 months old. These circumstances generated significant differences in accounts and sentences for the mothers.

On the other hand, Knight and Collins suggest that even if the

<sup>8</sup>It's a Japanese version of social network site like Myspace or Facebook.

caretaker has no intention of harming the child, such actions actually do threaten the child's life, and so these cases may be classified as homicides [6]. In fact, the severity and duration of the negligent situation were taken into account to convict the Osaka Case mother of murder.

### Conclusion

Although the mother in the Osaka Case stated, "Never have I wished my children hadn't been born... Never have I thought they should die... I had no sense that death would result," jurors and judges convicted her for on two counts of murder. Because she repeatedly abandoned her children, feeding them every few days and leaving again almost immediately, she was sentenced to the severe punishment of imprisonment with forced labor for 30 years. The Osaka Case mother and Mother B in Case 2 show a similar state of mind and committed similar cases of neglect, but Mother B was not convicted of murder and was sentenced to imprisonment with forced labor for only six years.

On the sentence of 30 years imprisonment with forced labor for Osaka case, the appeal was dismissed in December, 2012 05 (Osaka High Court), then the final appeal was dismissed on March 28, 2013 (The Supreme Court) and it was fixed. The sleeve notes about the legal judgment for Osaka case was conducted in other articles in detail [17]. As for this case, even a non-fiction novel was published after a judgment decision [18]. The mother of the case posted several photographs in which she made merry many times with her friend on her weblog and Mixi<sup>8</sup> pages while she had been leaving children unattended. When the case was discovered, the media coverage including those photographs of the mother which were uploaded her page overheated. Both the photographs of jolly-looking mother and of the children who had starved to death were shown to citizen judges. Receiving the request of those mother bashing, the prosecutor demanded exceeding sentence of life imprisonment. It seems that extremely strict assessment of the case was brought about a gap between "the children in the miserable situation" and a mother who behaved happily abandoning her children unguarded from the visual evidences.

It may be said that rapid growth of cyber situation formed extreme bad impression of mother in the case.

### References

1. Nambu S, Nasu A, Nishimura S, Nishimura A, Fujiwara S (2011) Fatal child abuse in Japan: does a trend exist toward tougher sentencing? *J Inj Violence Res* 3: 74-79.
2. <http://www.mhlw.go.jp/stf/houdou/2r9852000001jij1.html>
3. National Police Agency (2010) Outline of guidance and assistance to the youth in the year 2010, available at [http://www.npa.go.jp/safety/life/syonen/hodouhogo\\_gaiyou\\_H22.pdf](http://www.npa.go.jp/safety/life/syonen/hodouhogo_gaiyou_H22.pdf): The statistics released by 68-69.
4. Hendrika B (1997) The neglect of Child Neglect. In Helfer M. E., Kempe R. S., Krugman R. D (Eds.), *The Battered Child*. (5th Edn), (pp. 347-373). Illinois: University of Chicago Press.
5. Yomiuri Shimbun (2011) EDITORIAL/Child abuse awareness must lead to action. *The Daily Yomiuri*, National 1.
6. Knight LD, Collins KA (2005) A 25-year retrospective review of deaths due to pediatric neglect. *Am J Forensic Med Pathol* 26: 221-228.
7. Barron CE, Jenny C (2011) Definition and Categorization of Child Neglect. In Jenny C. (Eds.), *Child Abuse and Neglect* (pp. 539-543). Missouri: Elsevier Saunders.
8. Iwaniec D (2006) *The Emotionally Abused and Neglected Child: Identification, Assessment and Intervention*. (2nd Edn), NJ: John Wiley & Sons Inc.
9. Polansky NA, Gaudin JM., Kilpatrick AC (1992) Family radicals. *Children and Youth Services Review* 14: 19-26.

10. Oliver JE, Buchanan AH (1979) Generations of maltreated children and multiagency care in one kindred. *Br J Psychiatry* 135: 289-303.
11. Steele BF (1997) Psychodynamic and biological factors in child maltreatment. In Helfer ME, Kempe RS, Krugman RD (Eds.): *The Battered Child*. (5th Edn), Illinois: University of Chicago.
12. Black MM, Oberlander SE (2011) Psychological Impact and Treatment of Neglect of Children. *Child Abuse and Neglect*. In Jenny C. (Eds.), Missouri: Elsevier Saunders.
13. National Center for Prosecution of Child Abuse (2004) *Investigation and Prosecution of Child Abuse*. (3rd Edn), California: Sage Publications, Inc.
14. Nambu S (2012) Child abuse and Neglect; misfortunate or afflictive relationship between parents and children. *Jido-Shinri (Child Study)* 66: 34-38.
15. Bretherton I, Munholland KA (1999) Internal Working Models in Attachment Relationships: A Construct Revisited. In Cassidy J, Shaver PR. *Handbook of Attachment: Theory, Research and Clinical Applications* (pp. 89–114). Guilford Press, New York.
16. Nambu S (2001) The Child Abuse Cases as Criminal Offense; Murderous intent in the perpetrators who killed their child by torrential abuses. *Meiji University HogakuRonshu* 15: 77-96.
17. Nambu S (2013) A study of the judicial decision of the lay judge trial for a neglect case. *The Bulletin of Yokohama City University: Humanities*. 65: 253-284.
18. Sugiyama H (2013) Reportage Child Abuse; A case of abandoned two children in Osaka. Chikumashobo, Tokyo, Japan.