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Negotiating "cool Japan" in research and teaching

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Abstract

In June 2014 when the Diet, Japan's parliament, moved finally to criminalize the simple possession of child pornography images, expanding an earlier 1999 law that had already outlawed the production and dissemination of such images, there was consternation in the Anglophone¹ (that is, English-language) press. Numerous reports argued that Japan had not gone far enough- since the legislation was not extended to the creation or possession of fantasy images of characters who might "appear to be" children such as can be found in manga or anime. A plethora of sensationalist articles appeared over the course of a few weeks, condemning Japan as, among other things, "the Empire of Child Pornography" (Adelstein and Kubo 2014; see also Fackler 2014). Among them, an "undercover" CNN video report showed a scandalized journalist holding up a blurry image of a supposedly abusive manga cover (Ripley and Whiteman 2014). The reporter, however, chose a poor example for condemnation- the title blurred-out because it was "too graphic" to show was *Dolls Fall 2*, which is, in fact, a popular title in the mystery/ horror genres (see Vincent 2014),² and is available for purchase in the United States on Amazon (where the cover can be easily viewed). It can also be read for free in an unauthorized English translation on sites such as Mangafox, where it received a 4.5 star viewer rating.³ Any manga or anime fan familiar with Japan would have been able to see through the CNN report as the beatup it was, just another episode in the Anglophone press tradition of "Japan bashing." Indeed, the Comic Book Legal Defense Fund (CBLDF) accused the CNN report of peddling misconceptions and "deliberate hyperbole" (Williams 2015).

Keywords

negotiating, teaching, research, japan", "cool

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Introduction: Negotiating “Cool Japan” in Research and Teaching

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Mark McLelland

The End of “Cool Japan”

In June 2014 when the Diet, Japan’s parliament, moved to finally criminalize the simple possession of child pornography images, expanding an earlier 1999 law that had already outlawed the production and dissemination of such images, there was consternation in the Anglophone¹ (that is, English-language) press. Numerous reports argued that Japan had not gone far enough – since the legislation was not extended to the creation or possession of fantasy images of characters who might “appear to be” children such as can be found in manga or anime. A plethora of sensationalist articles appeared over the course of a few weeks, condemning Japan as, among other things, “the Empire of Child Pornography” (Adelstein and Kubo 2014; see also Fackler 2014). Among them, an “undercover” CNN video report showed a scandalized journalist holding up a blurry image of a supposedly abusive manga cover (Ripley and Whiteman 2014). The reporter, however, chose a poor example for condemnation – the title blurred-out because it was “too graphic” to show was *Dolls Fall 2*, which is, in fact, a popular title in the mystery/horror genres (see Vincent 2014)² and is available for purchase in the United States on Amazon (where the cover can be easily viewed). It can also be read for free in an unauthorized English translation on sites such as Mangafox where it received a 4.5 star viewer rating.³ Any manga or anime fan familiar with Japan would have been able to see through the CNN report as the beat-up it was, just another episode in the Anglophone press tradition of “Japan bashing.” Indeed the Comic Book Legal

Defense Fund (CBLDF) accused the CNN report of pandering misconceptions and “deliberate hyperbole” (Williams 2015).

I ended up being pulled into this controversy due to my perceived expertise in Japanese popular culture and sexuality in Japan. If you do a Google Scholar search for the terms “manga” and “pornography,” then several articles I have authored appear on the first page – alongside a good number by academic friends, colleagues and acquaintances. Since several of these scholars are also Facebook friends, I know that it is not unusual for us to be contacted, at short notice, by members of the press requesting information about some aspect or other of Japanese popular culture – often regarding sexual content. These encounters rarely end well. This is largely to do with a mismatch of expectations – academics want to take time to define terms, introduce historical and cultural comparisons, and avoid generalizations – whereas journalists are often looking for a short soundbite – something that can be dropped into an already prefigured opinion piece about the behavior or psychology of “Japanese people.” As *Atlantic* journalist James Fallows portentously observed in 1986 “the Japanese are different from you and me,” designating Japan’s “underlying social motif” as a “half-conscious, low grade pedophilia” (1986: 35). Indeed, as I have discussed elsewhere (McLelland 2003), this journalistic interest in the sex lives of the Japanese is longstanding and seldom affirming.

It is because of perceptions like the above that I am not enthusiastic about engaging with journalists seeking out an academic opinion aimed at explaining supposed “Japanese” attitudes or behaviors. This happened most recently when I was contacted by a reporter from the Australian Broadcasting Corporation (one of the country’s more reputable news sources) asking me to explain why the Japanese Diet had “failed to include” manga and anime images of sexualized characters appearing to be minors among the items prohibited in its newly drafted legislation. I tried to explain that there have been ongoing media panics about sex and violence in comic books since Frederic Wertham’s now discredited study *Seduction of the Innocent: The Influence of Comic Books on Today’s Youth* was first published in 1954 (Tilley 2012). In response to the misleading but oft-repeated charge that the failure to include manga and anime images was “a concession to the nation’s powerful publishing and entertainment industries” (Fackler 2014) I pointed out that legislators could not simply introduce a blanket ban on fictitious images for constitutional reasons, and in this respect Japan was in a similar position to the United States where attempts to regulate “virtual” (that is fictional/unreal) child-pornography images have proven controversial (Akdeniz 2008: 15). It is significant that, in their efforts to brand Japan as a pariah in failing to abide by “international standards,” not

one report mentioned the challenge by The Free Speech Coalition to the 1996 US Child Pornography Prevention Act that had sought to include fictitious images in its purview. In 1999 this court challenge was successful in overturning prohibitions on “images of *fictitious* children engaged in imaginary but explicit sexual conduct” in the United States (Akdeniz, 2008: 102; my emphasis).

It became clear after a few minutes into the conversation that the journalist was fixated on a story about Japanese exceptionalism and uniqueness. He was uninterested in the fact that even in the context of comparable societies such as the United States and Canada, “there has been competition between legislative and judicial decision-makers regarding the appropriate limits of freedom of expression, with differences of opinion amongst the judges and between courts and legislatures” around the issue of what constitutes child pornography and that it is a “myth” that any jurisdiction has “the right answers” (Johnson 2006: 378; see also Orbaugh in this volume). It became obvious that the journalist had stopped listening to my attempts to add nuance to his rather reductionist assumptions about the situation in Japan. The account I offered was simply too long and complicated, too full of historical and inter-cultural comparisons and would have proven impossible to summarize in the word limit he had available for the article. As soon as he could politely do so, he exited the conversation.

The chapters in this collection challenge the kinds of attention grabbing, pearl-clutching perspectives on Japan that are so common in today’s media reports. All the authors in this collection – as students, researchers and teachers – have been caught up to varying degrees in debates around these contentious issues – aspects of Japanese popular culture that are judged “not cool.” Because of persistent press beat-ups of Japan, these issues cannot be sidelined or ignored as they now constitute part of a growing public consensus that there is a “dark side” to Japanese popular culture that is evidence of a distinctly Japanese pathology (see for example, McGinty 2000; McLelland 2003). The purpose of the collection is not to offer exculpatory readings of these less attractive aspects of Japanese popular culture but to place these issues and themes in an academic – not a journalistic – frame and in so doing add the nuance and context so often lacking in the latter.

From Salarymen to *Sailor Moon*: Changing Representations of Japan

In keeping with the personal tone of many of the contributions to this volume, I'd like to start by explaining how the idea for a volume on the pleasures and perils of teaching and researching about popular culture in Japan first arose. The original idea came about at the "Teaching Japanese Popular Culture" conference convened at the University of Singapore in November 2012, where I was asked to reflect on my experience teaching undergraduates in Australia. This necessarily led me to reflect on my own experience as a student of Japanese and the ways in which my subsequent teaching and research have changed over time. As part of these reflections I engaged some of my senior colleagues in conversations about how they first encountered Japan, how they came to study Japanese language and culture, and how they thought the role of teacher or researcher had changed over the course of their careers.

It became apparent during these conversations that there were a number of similarities in our experience, largely due to the ways in which the image and appeal of "Japan" has changed drastically since the 1970s, at least for students in Europe, North America and Australia. During the 1970s and 80s, it was Japan's economic performance that was attracting interest – as well as some anxiety. It was during this time that the term "Japan bashing" gained currency, referring to a range of representations across film, news and other media that represented Japanese salarymen, in particular, as fanatical workers whose selfless devotion to the company and the nation gave them an unfair edge in global exports (see Freedman, this volume; also Morris 2011). At this time if you had expressed an interest in "manga" or "anime," people would have looked at you blankly. In fact, in 1983 manga translator and scholar Frederick Schodt wondered "Will Japanese comics now follow Toyotas and Sony overseas?" finding it unlikely, since their style and content was so alien to the American comics' tradition (1983: 153; see also McLelland 2016a).

As far as university teaching on Japan went, courses were heavily weighted toward history, political economy and literature (of the Canonical kind). If you were lucky and studying at a major hub for Japan Studies, you might have got to do a course on film (also of the Canonical kind), but none of the offerings could really be described as involving anything "popular." Discussion of the popular, including Japanese TV, manga and music, tended to happen in the Japanese language classes with the native-speaking instructors – but the information shared there was not the kind of knowledge tested in examinations and the use of the colloquial expressions picked up from these sources was actively discouraged.

My experience as a student of the Japanese language and later a researcher and teacher about Japan dates from the peak of Japan's "bubble economy" in the late 1980s when perceptions of Japan revolved around business acumen and gadget fetishism – spurred on by the recent success of Japanese car exports and the miniaturization boom in mobile electronics symbolized by the Sony Walkman. I first went to study in Japan in 1988 as a graduate student and my reason for going was to research Japanese religion (I had been a Religious Studies major). For the eighteen months of the fellowship I dutifully travelled around Japan interviewing rural Buddhist priests about their changing roles, identities and job requirements at a time of rapid industrialization and urbanization when the role of the local temple seemed to be reduced to a place that family members only thought of in terms of funerals. The son of one of my informants, destined to inherit his father's job as local priest in an out-of-the-way village in Oita, confided that he really had no interest in following the priestly profession – but would rather become a travel agent. Another young man, the nephew of a priest who had only daughters, let me know with some relief that he had managed to avoid being forced into taking over his uncle's position by landing a good job in one of Japan's top film production companies. Not finding my orientalist enthusiasm for "traditional" Japan mirrored by my informants, suddenly Japanese religion didn't seem all that interesting any more.

Upon returning to undertake a postgraduate degree in Japanese Studies at a UK university in the early 1990s, there was no mention of anything vaguely "popular" in the curriculum (one reason I dropped the course to return to Japan). I had become interested in pursuing research into sexual minority history and identity in Japan but had been discouraged from doing so by professors in the UK due to a supposed lack of original source material in Japanese. I knew, however, from experience of watching Japanese television (including anime) and reading manga, in particular, that there were multiple representations of gender and sexual nonconformity in popular culture – it just seemed that academics weren't talking about these issues. Yet, such representations were unavoidable – as brought home powerfully in 1988 when watching, for the first time, at my host family's home in Oita, the annual New Year's Eve show, the Red and White Song Contest (*Kōhaku uta gassen*). The show featured as the highlight of the men's team the cross-dressing *enka* singer, comedian and actor, Mikawa Ken'ichi.

Back in the late 1980s, there were few scholars in Japanese universities, either, who were able to comment on issues of sexual and gender nonconformity in the media. For instance, my native Japanese speaking teachers were not able to help me with my question about how

to talk about sexual minorities in Japanese in a non-discriminatory way. Their advice was simply not to discuss the topic at all. My understanding of the role and place of sexual and gender diversity in Japanese media and society more generally was almost entirely picked up from watching TV, reading manga and interacting with gay men in Shinjuku's ni-chōme area that is chock full of specialty bars, cafes and bookshops. Although I did subsequently learn a great deal from two early pioneers of media representations of homosexuality in Japan, James Valentine (1997) and Wim Lunsing (1997), the historical material I later uncovered (McLelland 2005) was largely based on my own archival research.

Not finding the aspects of Japan that had most intrigued me included in any course offerings available in the UK, I returned to Japan in 1991, a period that saw the beginning of a “gay boom” in media coverage when interest in male homosexuality escalated across various media including film, magazines and literature. From this point on it became impossible to argue that there was insufficient material to support PhD research on the topic. I went on to document the gay boom in my first book *Male Homosexuality in Modern Japan: Cultural Myths and Social Realities* (McLelland 2000). In my subsequent more historical works *Queer Japan from the Pacific War to the Internet Age* (McLelland 2005) and *Love, Sex and Democracy in Japan during the American Occupation* (McLelland 2012a), I went on to show how this interest in sex and gender non-conformity was hardly a contemporary trend but had been evident across a range of Japanese media since content restrictions (excepting politically sensitive issues) were lifted in the Occupation period in 1945. A close engagement with and study of the “popular” has been central to my academic career from the very beginning.

Today, driven by student demand and new media networks that make Japanese culture so much more accessible, Japan Studies must necessarily engage with the popular in a manner that simply was not on the horizon back in the 1980s. Although niche interest in aspects of Japanese popular culture had existed among some people since the initial export of Japanese animations to Western countries in the 1960s, from the 1990s onward Japanese anime, in particular, has gained a mainstream audience. Anime and associated merchandise (games, manga, figurines, cards, cosplay) linked to globally successful franchises such as *Sailor Moon*, *Naruto*, *Power Rangers* and *Pokemon* (Napier 2010; Allison 2006; Tobin 2004) have become part of the childhood experience of many children in Australia, the United States and elsewhere and the animated feature films of Studio Ghibli have also attracted a widespread adult audience.

As a result, across the last two decades, no matter what their original discipline, due to student and institutional demands, many of my colleagues with Japan Studies expertise have ended up teaching into or devising courses built around Japan's "popular" culture, most usually involving manga, anime, gaming, music, food and fashion. Institutions in Japan are also offering such courses, serving both study abroad students as well as local Japanese students. Such courses include a very different kind of content than the curricula predominant in the 1970s and 80s that my colleagues and myself first encountered.

From the early 2000s, emphasizing "Japan cool" (McGray 2002) has also become a common marketing strategy on the part of Japanese businesses and government agencies (McLelland 2009). Drawing on Joseph Nye's (1990) notion of "soft power," referring to the ways in which a positive interest in and appreciation for a nation's culture can also support that nation's broader political agenda, the Japanese government has increasingly been investing in "cool Japan" strategies and programs, especially in Asia where there still exist tensions between Japan and neighboring countries as a consequence of Japanese imperialism in the last century. Koichi Iwabuchi (2010) argues that Japanese government investment in cool Japan, which he terms "brand nationalism," is an attempt to deploy this soft power as a kind of cultural imperialism. He points out how the aim is to promote an image of Japan, in Asia in particular, that is more "'liberated' and 'humane'" (2010: 72). This strategy has been met with suspicion in some contexts in Asia (see Santos and Sihombing in this volume).

Yet despite the embrace of "cool Japan" marketing tactics on the part of universities attempting to attract increased student numbers, and by Japanese agencies looking to capitalize on the positive ambience generated by young people's interest in and affection for Japan's popular culture, there are a number of factors complicating this strategy. These are to do with the manner in which students and fans access Japanese material (seldom through official channels), the kinds of material that they choose to access (often involving controversial imagery and scenarios) and how audiences *use* these materials. As outlined below, neither the Japanese content industries nor the Japanese government (nor indeed classroom instructors) have any control over how, in today's "remix" world, cultural content is accessed, (re)interpreted and (re)distributed among networks of fans and consumers (McLelland 2009).

What is "cool" about Japan for young people often includes aspects of the culture that are different and disapproved of by authority figures. Ian Condry, pointing to the subcultural

manner in which these texts circulate, argues that “cool” is not really the best moniker to capture the range of fan interests, suggesting instead “geek Japan,” a far less upbeat label (2013: 205). As is pointed out by several of the contributors to this volume, it is the “virtual” (deliberately non-realist) manner in which manga and anime worlds are presented that allows characters to go beyond conventional depictions of gender, sexuality, and embodiment. The fact that these texts are usually consumed in the context of vibrant fan communities also captures young people’s imagination and engages them in a process of mutual exploration and self-fashioning. As well as the edgy characters and plots that fans find exciting, the “disjunctive imaginaries” on offer also appeal to young people precisely because they are “in sync with lived experiences of fragmentation, mobility and flux” (Allison 2006: 11) in our increasingly globalized world.

It is this instability of both the image and the content of “cool Japan” that has seen the development in recent years of a new kind of “Japan bashing,” this time it being certain content that is supposedly alien or “other,” particularly in manga and anime (Hinton 2014: 93-94), that is judged harmful for youth audiences (McLelland 2009). These anxieties are, of course, not particular to material from Japan but have been a recurring feature in journalistic reports about the “effects” of popular culture more generally for over a century. As Kristine Santos and Febriani Sihombing point out in their chapter, popular culture is “formed always in reaction to, and never as part of, the forces of domination” (Fiske 2010: 43). There has been a long history of pundits happy to point out the supposedly deleterious effects of such things as the novel, the movies, radio, comic books, television, rock music, video games, the Internet (the list goes on) on “the masses” and on “juveniles” in particular. Yet, as Williams and Zenger argue, these days “popular culture” has become a crucial resource that “young people are appropriating and reusing . . . to perform identities and make meaning in their own lives” (2012: 3) and as such pop culture materials are an appropriate and important resource in the humanities classroom. Although each author in this collection engages with these ongoing debates in order to frame their analysis, their chapters all adopt a personal tone. These are chapters by (and for) scholars and students who have a deep investment in and enthusiasm not only for Japanese culture but for “popular” culture more broadly defined.

Teaching Japan Studies in the Convergent Classroom

In recent decades interest in “cool Japan,” particularly young people’s engagement with animation, comics and gaming, is widely acknowledged to be a driving factor in recruitment to undergraduate Japanese language and studies courses at universities around the world. Unlike the 1980s when obtaining original Japanese-language materials outside Japan was time consuming and expensive, contemporary students now live in a convergent media environment where they occupy multiple roles as fans, students and “producers” (producers + users; Bruns 2008) of Japanese cultural content that is available via the Internet. The field of Japan Studies has seen not only a transformation in the kinds of students attracted to the discipline, but also in the modes of engagement that these students have with Japanese popular culture more generally.

In comparison with the large number of manga and anime produced and made available in Japan, only a very small proportion of titles are ever commercially released in English. Furthermore there can be a long time lag between the original Japanese release date and the licensing of an English translation which makes fans impatient. Also important is the fact that many Japanese anime are altered in the localization process – most often sexual references are edited out and any violence is toned down so as to fit with local notions of what is acceptable for a young audience (see for example, Fujimoto 2015: 38; Hinton 2014: 99-100; Parini 2012; Allison 2006: 150-51). This frustrates many die-hard fans who are eager to view the original unadulterated series (Daniels 2008: 710). As a result, as well as the mainstream products which have been officially licensed to overseas companies, translated into English, given appropriate viewer ratings and conventionally distributed, an enormous amount of unofficially translated and transmitted material also exists on the Internet driven by fan demands. Original Japanese anime titles are dubbed or subtitled (so-called “fandubs” and “fansubs”) and manga scanned and translated (so-called “scanlations”) into English and other languages by circles of fans and distributed via fan sites and peer-to-peer networks (see Freedman, in this volume; Lee 2012; Condry 2010; Hatcher 2005).

New technologies not only enable the spread of these unofficial versions of Japanese media products to a wider audience but they break “the link between media content and delivery platforms” (Flew 2012: 7). Accordingly, fans themselves have taken on “active roles as mediators and distributors” and facilitated the “bottom-up spread of culture across geographical and linguistic borders” (Lee 2011: 113) in a manner that evades industry, government and censorship board regulation. The ease of manipulating digital content in today’s “remix culture” (Lessig 2008) has also resulted in an equally voluminous amount of

fan-generated content based on Japanese originals. Known in Japanese as *dōjin* (coterie) products, these “transformative works” are also widely available online and popular among fans (Lam 2010; Hatcher 2005).

New circuits of distribution enabled by social media including sites like Tumblr, Facebook and Reddit as well as video sharing sites such as YouTube and the Japanese site Niconico have made this remixed material widely available. Despite the fact that fansubbers evince a “strong desire to support the local animation industry by promoting anime culture and widening anime’s accessibility” (Lee 2011: 1138; see also Hatcher 2005) their activities can impact negatively on sales. Also, given that these circuits of production and redistribution are illegal in terms of international copyright law, they have at times resulted in the Japanese manga, anime, and gaming industries taking legal action (Lee 2012). Hence, students’ easy access to and manipulation of Japanese cultural content through sites that offer scanlation and fansubbing hosting services, as well as sites that enable the production and dissemination of derivative *dōjin* works, raises a number of ethical and legal issues, not least infringement of copyright. As a student pointed out to Alisa Freedman (see her chapter in this volume), drawing on unlicensed and unregulated material in the classroom can result in activities that are “all kinds of illegal” and this challenge requires that academics help students think about source materials in new ways, including a range of ethical positions regarding fansubs (Condry 2013: 174-76).

In addition to concerns over copyright, there are problems to do with the increased flow of Japanese cultural materials that are treated differently by various viewer-ratings systems. A clear example of these inconsistencies is the treatment of the parody anime *Puni Puni Poemy* (2001), directed by Watanabe Shin’ichi (who also made the popular *Excel Saga*). This title has received an MA15+ rating in Australia, a TV-MA rating in the United States, an R18+ rating in the United Kingdom, but was banned in New Zealand in 2004⁴ in what has been described as a “standard-setting case” over concerns about “gateway scenes” depicting rape (ECPAT International 2012: 35). This example illustrates Murray Eiland’s point that “obscenity is based upon cultural norms” (2009: 406) which can differ even among societies as closely related as those mentioned.

In fact, in recent years, the violent and sexualized content of some Japanese media, particularly in regard to representations of characters who may “appear to be” minors, has caused considerable concern in some countries, notably the United States, the United

Kingdom, Canada, Sweden, New Zealand and Australia, where fictional depictions of child characters have been included in the definition of “child-abuse publications” (McLelland 2012b; Eiland 2009; Zanghellini 2008). The ever-expanding scope of this legislation has led to serious charges being laid against some manga and anime collectors in these and other jurisdictions. In 2010 in Sweden, a professional manga translator was prosecuted over cartoon images stored on his computer that appeared to depict minors in sexual contexts (Orange 2012). Although this conviction was later overturned in Sweden’s Supreme Court, it demonstrates how fans, academics and students alike should exercise extreme caution over which images they choose to archive since it is not uncommon for the media to contain sweeping judgements about the connection between anime and actual child-abuse material. As one judge observed in a recent Australian case, “those who view anime will go on to view images of actual children being sexually abused” (Marcus 2015). Hence Eiland advises that “No one with comic images in their possession – which can include viewing them on a computer – can afford not to know the law” (2009: 396).

Furthermore, while anime such as *Puni Puni Poemy* that have been licensed and distributed through official channels at least have ratings attached, *dōjin* works, which might have received a PG rating for their official versions, are often “sexed up” in fan creations to an extent that they would receive adult-only ratings or be banned altogether in some jurisdictions. Take for example the *Harry Potter* franchise, the movie versions of which are variously rated PG (parental guidance) or M (mature) in Australia. M for “mature” is the highest unrestricted rating, meaning that children under 15 may legally access it, although parents are advised that it contains scenes of “moderate impact” (Australian Classification Board n.d.). Young people, who may initially consume the official *Harry Potter* texts in books purchased from the store or by viewing the movies on DVD, if they were to follow their interest online, would encounter thousands of fan creations specializing in *Harry Potter* “slash” (sexualized fan-authored stories and artwork). Indeed highly sexualized *Harry Potter* manga are a major *dōjin* genre in Japan and internationally (Orbaugh 2010). Concerns about children accessing this material while searching for official *Harry Potter* stories on the Internet have prompted the author J.K. Rowling to send a cease and desist letter via her publisher to at least one *Harry Potter* fan site hosting such “sexually explicit content.”⁵

Hence, although official ratings systems may be useful for gauging what material is suitable to use in class or as the basis for student research projects, students do not only access officially distributed merchandise, but also download other material directly from the Internet.

The irony of the New Zealand ban on *Puni Puni Poemy*, for instance, is that the DVD set can be ordered via Amazon and episodes from the series can be viewed for free on YouTube. The ban is only likely to increase the series' notoriety and therefore people's interest in the title. Working out what is and is not legal to view in different locations is an unreasonable expectation for most viewers (who bothers to check ratings before viewing or clicking on embedded links?) and yet the consequences for having "refused classification" or "objectionable" materials on one's devices can be serious when crossing borders, as detailed below.

What Are the Legal Concerns?

Inconsistencies in the ratings of Japanese pop culture content across jurisdictions, as mentioned above, is a problem that can arise as students and academics move across borders. This problem is enhanced these days since travelers move around with all their "stuff," including image and music files, as well as work and study related materials, on devices such as phones, laptops and iPads. People are increasingly reliant on an Internet environment that enables "multi-tasking and mobility" (Han 2011: 73) and yet the archiving of all users' media on convergent devices exposes them to increased surveillance. Carolyn Guertin has noted how since 2008 in the United States, border guards have been given increased oversight of copyright infringement and "have the right to seize any digital devices or files without suspicion of wrongdoing" (2012:13). Guertin queries whether these "copyright cops" are able to distinguish between academic fair use and piracy. The intellectual property provisions in the recently negotiated Trans-Pacific Partnership (TPP) are also of concern for fan activities such as scanlation given that "significant willful copyright or related rights infringements that have no direct or indirect motivation of financial gain" are also targeted (TechnoLlama 2013; see also the discussion in Phro 2015).

One more contentious issue regarding the kinds of material that students use in their assignments and show in class concerns sexual explicitness. As Joseph Tobin points out, "there is much less concern in Japan than in the West about the presence of sexual themes in media texts enjoyed by children" (2004: 284; see also Fujimoto 2015: 38; Daniels 2008: 721-22; and Orbaugh this volume). In addition, unlike most Anglophone jurisdictions, Japanese

child pornography legislation does not target purely fictional images of characters that may “appear to be” underage. In a situation similar to the United States, such images can only be captured by the law if they are first judged to be “obscene” and thus outside of constitutional protection. There is a growing discrepancy between the treatment of fictional child-like characters in Japan and some Western countries in relation to scenes involving sex or violence (see Orbaugh, Galbraith and Stapleton in this volume). While early child pornography legislation in Anglophone nations dating from the 1970s aimed to stop the production and circulation of images of harm and abuse of *actual* children, since the digital revolution of the 1990s, this definition has been expanded to include “virtual” (that is, unreal, fictitious, manufactured) images including manga and anime representations (McLelland 2012b; Johnson 2010; Eiland 2009; Akdeniz 2008: 15). Just some of the various legislation and case law that captures these purely fictitious representations includes:

- Canada: In *R. v. Sharpe* (2001) the presiding judge found that “‘person’ includes both actual and imaginary human beings.”⁶
- United States: The PROTECT Act Section 1466A (2003) criminalizes possession of “a visual depiction of any kind including . . . a cartoon” that depicts “a minor engaging in sexually explicit conduct” that is also “obscene.”⁷
- Australia: In the case *McEwan vs Simmons & Anor* (2008) the presiding judge found that “the word ‘person’ includes fictional or imaginary characters.”⁸
- United Kingdom: The Coroners and Justice Act Chapter 2 (2009) “requires that a person in an image is to be treated as a child...despite the fact that some of the physical characteristics shown are not of a child;” subsection (8) “makes it clear that references to an image of a child include references to an imaginary child.”⁹

As the case of *Puni Puni Poemy* discussed above shows, even material that most anime fans would consider fairly uncontroversial (it currently has a 7.4 rating on popular online movie database IMDb and 3.7 stars on Amazon) can fall foul of country-based legislation on child pornography. Specifically sexual genres within Japanese manga and anime, including *lolilrori* (Lolita), *hentai* (perverse sex) and *yaoi* (slash) and the “Boys Love” (BL) genre are thus clearly at risk, as are regular manga titles that may include only a few pages of risqué “fan service” (Russell 2008).

Even in the United States convictions have occurred in relation to the import of manga from Japan. In February 2010, Christopher Handley, an avid manga collector living in Iowa, was sentenced to six months in prison, after pleading guilty to possessing manga supposedly featuring “obscene visual representations of minors engaged in sexual conduct.” I insert “supposedly” here since Handley accepted a plea bargain and the case was never tried in court, so the obscenity of the material in question was based on a presupposition of the arresting officers, not a finding by a jury or magistrate.

Handley was prosecuted under provisions of the 2003 PROTECT Act, which widened the list of crimes related to the sexual exploitation of minors to include possession and distribution of “obscene” fictional images. The emphasis on obscenity here is significant because in 1999 the Ninth Circuit US Court of Appeals had found provisions in the 1996 Child Pornography Prevention Act that prohibited depictions that only “appear to be a minor” (thus potentially capturing fictional material) to be “overbroad.” The Ninth Circuit “held that the First Amendment prohibits the US Congress from enacting a statute that makes criminal the generation of images of fictitious children engaged in imaginary but explicit sexual conduct” (Akdeniz 2008: 102). This ruling was later endorsed by the Supreme Court in 2002 (Akdeniz 2008: 106). The addition of a section entitled “Obscene visual representations of the sexual abuse of children” to the PROTECT Act which, among other things specifically identified obscene cartoons as a prohibited item, was an attempt to capture fictional images – since obscenity is not covered by First Amendment protection (Akdeniz 2008: 129). Hence the situation in Japan concerning fictitious minors is similar to the United States, given that American advisors authored the Japanese constitution during the 1945-52 Occupation of the country at the close of the Pacific War and included in it a robust defense of freedom of expression in Article 21. In a manner similar to the United States, in order for fictitious images of minors to be prohibited they must first be found to be *obscene*.

Handley’s prosecution was the first time in the United States that a comic book collector was sent to prison for owning comic books when there was no further evidence that he also collected or accessed real child pornography (see the summary of the case in CBLDF n.d.). This case was paralleled recently by the well-publicized prosecution in the United Kingdom of Robul Hoque on child pornography offences. Hoque was, apparently, “the first British man to have been convicted on the basis of cartoon images alone” (Edmunds 2014; see also Gomez 2014; Lightfoot 2014). His defense lawyer argued that Hoque had obtained the

images from a “legitimate website” where there was “no indication at all” that certain images could “fall foul of legislation in any country.” However, ignorance of the law is not a defense and Hoque was sentenced to a nine month prison term (suspended for two years). His lawyer concluded that “This case should serve as a warning to every Manga and Anime fan to be careful” (cited in Edmunds 2014). As the CBLDF has pointed out, the problem with provisions that ban sexualized depictions of minors in cartoons, paintings, sculpture and other art forms is that they do not protect victims of actual crimes, but instead criminalize speech (CBLDF n.d.).

The Handley case has serious implications for students, researchers and fans of Japanese popular culture. As one colleague working at an institution in Japan pointed out to me when discussing Handley’s prosecution:

We have items on the open/public shelves here like the ones that were described in the Handley case. I have a lot of Japanese students going abroad, and tell them to not take anything explicit, and to make sure they have none on their computers either (personal email communication from an academic at a Japanese university that offers courses in Japanese popular culture for overseas students).

My colleague is right to recommend caution as the CBLDF website lists a number of cases where US-citizens crossing the border into Canada with print copies of Japanese pop culture content or digital copies on their electronic devices have been detained and questioned on child-pornography charges relating to purely fictional materials. As Sharalyn Orbaugh points out in this volume, Canadian legislation was among the earliest to specifically target fictional representations of minors and this legislation has been referred to in legal cases elsewhere, including Australia. Details of the arrest of one US citizen at the Canadian border, Ryan Mattheson, including reproductions of the contentious material in his possession, are available on the CBLDF website which contains a link to an audio account by Mattheson recounting his ordeal for a New York comic convention.¹⁰ Indeed confiscation of comics at the Canadian border is becoming so common that there are online articles advising travelers on the kinds of material most likely to be targeted and their citizen’s rights if challenged (Schwartz 2014; Gomez 2013; Gomez 2012).

Despite the severity with which Customs, law enforcement officers, and the courts can treat these kinds of fictional cartoon images, I have never encountered an undergraduate student in Australia who has been morally outraged by fictional scenes of sex or violence in manga or anime. On the whole, my Australian students do not attribute moral seriousness to deliberately non-realist cartoon depictions. Students feel that since they do not depict *real* people, they are not *really* pornographic and not that shocking. Indeed, as also observed by Orbaugh in her chapter in this collection, many students specifically mention “(age-appropriate) sexuality and frequent queering of normative assumptions as reasons for their appreciation of Japanese popular culture.”

I usually frame the contemporary panic about Japanese manga in the context of earlier concerns about the deleterious effects of comic books generally – concerns that seem hyperbolic, even absurd today (Tilley 2012). After all, in the 1950s Australian journalists were already criticizing the excessive sex and violence in comic books but at that time the dire influence on Australian youth was feared to be coming from *American* culture (Osborne 1999). It has always been my experience that each year, when I outline the breadth of child pornography legislation and make clear the limitations on the kinds of images they can discuss or show in class, my students express incredulity. Yet the penalties for not being aware of and compliant with the law are severe. As legal studies scholar Maureen Johnson points out regarding the situation in the United Kingdom, “[Cartoon] images widely available on the Internet and often passed between friends, particularly young men as ‘a bit of a laugh’ are now capable of giving those individuals a criminal record for possession of child pornography” (2009: 15).

The situation in Australia is particularly fraught since Australians have no Bill of Rights and there are no constitutional protections concerning speech. The chill effect of child-abuse publications legislation targeting fictional characters is discussed by Adam Stapleton in his chapter in this volume. Stapleton, one of my PhD students, had art books relevant to his thesis that he had ordered online from a supplier in Japan refused entry by Australian Customs. The legal procedure he then had to go through to gain access to the material can only be described as fraught (as well as expensive and time consuming). The contentious images in question involved the “baby art” of a British artist resident in Japan, Trevor Brown. Again it is ironic that the material deemed too dangerous to enter Australia in printed book

form by Customs can be viewed on the artist's website or on the sites of galleries that exhibit his work in Japan (Liddell 2009).

To get a sense of the widespread confusion over what is or is not permissible to view in terms of manga or anime across different jurisdictions, one only needs to Google a question such as “Is *yaoi* [an erotic genre of Boys Love manga] illegal?” This search turns up multiple discussions across a range of fan spaces and it becomes clear after just a few minutes of browsing that few fans have any real sense of the issues involved. Some of the misconceptions expressed in just one such discussion¹¹ include:

- *Yaoi is legal but shōta* [BL featuring prepubescent characters] *is not*. In fact the relevant legislation refers to characters who are or “appear to be” *under the age of 18*, thus capturing a lot of *yaoi*/BL content.
- *The Canadian and United States legislation is the same and yaoi is not considered illegal in either jurisdiction*. In fact the Canadian legislation is much more inclusive than that in the United States which is tempered by constitutional protections on freedom of expression – see Orbaugh's chapter in this volume for a discussion of the very real differences. *Yaoi* is potentially illegal in both countries depending on a range of factors (including artistic merit) that are treated differently across these jurisdictions.
- *Yaoi is only illegal if the viewer is below the age of 16*. In fact the age of a person viewing an image designated as child pornography does not affect the designation of the image as such, although the viewer's age may affect the likelihood of prosecution as well as the severity of sentencing.
- *In Japan all manga and anime are legal*. This is not the case, as detailed by Kirsten Cather's analysis of the successful prosecution of the manga *Misshitsu* (Honey Room) in this volume.

Such misconceptions are understandable given the complexity of the issues involved. These include the relevant law which differs in many details across jurisdictions and may capture contentious images under legislation relating to child abuse materials or that relating to obscenity (see Gomez 2013). There is also the importance that even minor emphases in wording in different laws can make (whether the legislation uses terms such as “describes” [hence potentially capturing text] or “depicts” [implying an image], for instance). The “context” in which a contentious image appears (whether the work as a whole has “merit”)

can also be given more or less importance across different legal interpretations. Added to these factors are codes governing mode of access – whether the image appears online or in print, is considered to have been “published” or is solely for private use, and whether it has previously been rated by a government approved agency. Also of significance is the supposed “purpose” of the image – whether it has been created predominantly for the sake of sexual arousal – or if it can be considered to have some artistic or other value. The main obstacle to understanding the legislation is, perhaps, the fact that it is difficult to know in advance whether a particular image or text will fall foul of the law. This is due to the fact that most legislation rests upon notions of “obscenity” or “offense” that relies on the fiction of the “reasonable” or “ordinary” person as arbiter. In situations where a case proceeds to court, it is a jury, judge or magistrate who determines an item’s offensiveness, based on their particular interpretation of reasonableness. Although it is possible to make inferences from previous prosecutions about what material may be caught, as Adam Stapleton makes clear in this volume, it is hard to be definitive. This makes the collecting and viewing of manga, anime and other fictional images a risky business given that it is not possible to know in advance if specific scenes or depictions may cause offense. As Eiland points out, “There are many collectors of Japanese manga who may unwittingly have material that would be considered illegal” (2009: 406).

Although the chapters in this volume (outlined below) can give no definitive guidance on what is or is not considered objectionable in specific jurisdictions (legislation is constantly being revised and expanded and subject to contrasting judicial interpretations), they do serve to bring awareness to the complex legal and ethical concerns that come with sourcing and using Japanese popular culture materials in a classroom or research setting. They are offered here as part of an ongoing discussion I have been having with academic colleagues, students and fans in a wider international context as to how to deal with these concerns in research and teaching environments.

Outline of the chapters

The collection opens with Alisa Freedman reflecting on how today’s convergent media environment has made all aspects of Japanese culture much more open and available to a

variety of audiences, both popular and scholarly alike. Taking a single case study – students’ multimodal engagement with the manga and anime series *Death Note* – she discusses the various affordances as well as ethical and legal issues that arise from unhindered access to media texts. Freedman notes that an issue with a lot of manga and anime series from Japan, as I discussed earlier, is the ambivalent moral universe of these texts and the inclusion of themes and actions that can be considered unsuitable for children. As she points out *Death Note* contains “characters that can be read as either heroes or villains” and advocates for the power of youth over conventional adult authorities – no doubt part of its attraction for a youth audience and a source of anxiety for those who would like to see the title banned from school libraries.

Not only is the world of the original text dark, complex and nuanced, but as Freedman observes, *Death Note* is an excellent example of how texts are constantly reworked and recirculated in today’s “remix” culture. A ban on the title in school libraries would achieve little given that unlicensed versions of the series are available online. Indeed research indicates that fans are much more likely to access manga and anime content online and for free than they are through official distribution systems. But not only are young people breaking copyright through accessing this material online and unsupervised, they are actively reworking the texts and re-circulating their own derivative fan works. *Death Note* has been a particularly fertile source text for what Freedman refers to as “slash” or the reimagining of original characters in male-male romantic pairings. It is through this kind of slash fiction that *Death Note*, originally marketed to boys, has picked up a significant female following.

Freedman’s case study of *Death Note* makes the important point that popular culture is inherently unstable, given that these texts are available for multiple readings and purposes. Although undoubtedly a key example of a media series that has played into the image of “cool Japan” internationally, *Death Note* has been put to uses that are unlikely to be endorsed by those lobbying to have the title removed from schools, nor, one might suppose, by some in Japan who would prefer to have Japanese culture represented through a less controversial text.

The next chapter, by Laura Miller, also affirms how this new media environment makes learning and teaching about Japan, including the language, much easier since students have more direct access to original Japanese sources and are able to follow their interests. This is a welcome development and a very different situation from those of us first encountering Japan as students in the 1970s and 80s. However, as Miller points out, this situation also brings its

own challenges and these include negotiating the different types of “knowledge” about Japan that students bring to a classroom or that circulate in a local community. One issue that often comes up in the classroom is conflict between students’ (the “manga maniacs” Miller speaks of) very detailed knowledge about specific manga or anime series, including their characters and plot lines, and the standard academic requirement to develop advanced analytical skills in relation to texts. These days many students come to Japan Studies out of their love for these pop culture texts and may show some resistance to subjecting them to analytic inquiry, particularly if this involves exposing aspects of the text that are problematic, including their treatment of gender, sexuality or race.

Other problems can arise when the kinds of topics studied in class, or made available to students and the wider community through extra-curricular activities such as public talks or workshops, are deemed unsuitable by native Japanese speakers, who perhaps feel uncomfortable about less “cool” aspects of their society being widely discussed. Anyone who has lived in Japan for a time will have a list of topics that are best avoided. These kinds of sensitivity are not, of course, limited to Japan. Every nation faces uncomfortable issues from its past or in relation to its current social structure, from the fall-out of colonialism to issues of classism, sexism, racism and homophobia.

Miller mentions a number of incidents when her research topics were disapproved of by native Japanese speakers, a situation I am all too familiar with. (I remember being told that it was inappropriate to research homosexuality in Japan since there were no Japanese gay people). For instance, Miller’s recent research into the Japanese divination industry (worth more than a trillion yen annually) was dismissed as insufficiently serious by a group of business studies professors from Japan. Clearly, basing a Japan Studies curriculum on safe topics that “normal Japanese people” would approve of would serve our students very poorly – given that the idea of “normal Japanese” is a contested cultural construct that has been criticized by native-speaking (Befu 2009: 21) and overseas scholars (Lunsing 2001: 7) of Japan alike. Since Japan is a country that has been at the receiving end of a great deal of orientalist projections, including no small amount of self-orientalization in the context of *Nihonjin-ron* (Japanese uniqueness) debates, the scrutiny of any homogenizing claims about what “normal Japanese people think or feel” is important.

In addition, another important point about cultural gatekeeping touched on by Miller is the way in which students themselves can resist new ideas or new analytical approaches because

these conflict with their own closely defended (often religious) world-view. The situation in Missouri, where Miller teaches, is particularly fraught given that state legislation exists that allows students to opt out of assignments that conflict with their religious faith. Arguably a student with such an attitude to education should not be in an anthropology class where the entire point of the course is to examine how *all* beliefs are historically and culturally constructed. However, the growing sensitivity, particularly in the United States, around students being “exposed” to unwelcome arguments or information, does point to the need identified by several of our authors, to provide clear statements regarding content in course outlines, as indeed Miller does. This does not, however, preempt the possibility of student complaints, and may lead to self-censorship in the treatment of certain topics. The fact that some people may find some material confronting is not a reason to avoid discussion in the classroom – indeed the sense of discomfort around certain areas can itself become a productive issue for collective inquiry – as discussed by our next chapter.

Kirsten Cather’s chapter on *eromanga* (erotic manga) brings into sharp focus issues already raised by Freedman and Miller. The topic of her discussion is the manga *Misshitsu* (Honey Room), by the artist Beauty Hair that in 2004 was the first manga in Japan to be successfully prosecuted on obscenity charges. The sexualized violence that Cather describes in the manga makes challenging reading (without even being exposed to the visuals) but she is adamant about the value of studying the text, not so much for its contents, but rather for the way in which its prosecution tells us about how the limits of representation are debated in Japan and the kinds of arguments that are used to endorse certain representations of sex while disallowing others. There is nothing plebeian in Cather’s analysis. She is not interested in arguing whether the text in question is “art” or whether its prosecution is an infringement on freedom of expression. Rather she is interested in the various reading strategies that an audience brings to a pornographic text – not *what* it means so much as *how* it means – and how these different interpretations play out in a court of law, in the media and in the classroom.

As Cather points out, she introduces the analysis of pornographic materials into her classes because she is interested in how deconstruction of these texts can become “a pedagogical not an ideological exercise.” Cather argues that we must be open to looking at all texts, not just “ones that might suit our own particular agendas” – and we should look at how texts work for different audiences. Hence, although *Misshitsu* is unlikely to fit the official agenda of “cool Japan,” the debate and commentary its prosecution occasioned in Japanese society is an

extremely interesting entry to understanding how the concept of “obscenity” works in a Japanese legal and social context. This is a pressing issue given the ongoing case that Cather mentions, of the female artist “Rokudenashiko” (Good-for-nothing kid), who is currently on trial for obscenity in Japan for making available the data from a digital scan of her vagina, that she had used to fashion various items, including a kayak and some decorative figurines (see also McLelland 2016b).

It would be easy to imagine a polarization in classroom debate whereby the harmful effects of the circulation of a violent pornographic text authored by a male seemed self-evident whereas sexual self-expression by a female artist is something to defend and celebrate. However, Cather is interested in opening the text of *Misshitsu* to a range of interpretations, including positive readings by feminist manga scholars stressing how scenes of sexual abandon can be liberating to some women since they challenge ideologies of feminine modesty and restraint. Her point here is not so much to argue that sexuality is a complex and contested realm of human experience where pain and pleasure can be co-present (it clearly is), but to draw attention to a rhetorical strategy that, through disavowing any pleasure expressed by female characters in *Misshitsu*, posits them as victims of a “false consciousness.” This of course raises questions about the relationship between fantasy texts and real life and the politics of that relationship where sexualized violence is involved – all important issues that require nuanced debate, a debate that would not be possible were such texts not made available for classroom use. In her class Kirsten is not teaching pornography but modes of literacy.

In her chapter, Sharalyn Orbaugh points to how very different legal and cultural differences between the United States and Canada make the use of manga and anime to open the kind of nuanced classroom debates about gender and sexuality called for by Cather a fraught and difficult process in the latter country. As she notes, Canada has detailed restrictions on pornographic material, including the prohibition of depictions that involve the “undue exploitation of sex” in a manner that is “degrading and dehumanizing.” Although there is also a requirement to consider the “author’s artistic purpose” in depicting the sexual activity, it is unlikely that *Misshitsu*, a text that Cather has found so fruitful for classroom analysis in the United States, could be viewed in Canada. The legislation in Canada is also much more comprehensive than that in the United States in its treatment of fictional minors (remember that in 2002 the US Supreme Court confirmed that a blanket ban on depictions of fictional minors engaged in sexual acts would be “overbroad”). As Orbaugh points out, in a 2001 ruling that was to go on to be influential in the interpretations of similar Australian legislation,

in the case of *R. v Sharpe* the term “person” was found to include “both actual and imaginary human beings.” This judicial interpretation was one of the first in the world to bring manga and anime representations of young characters under the purview of the law.

In an engaging and highly personal account, Orbaugh shows how the breadth of Canadian legislation seriously diminishes the kinds of representations of sexuality available for public scrutiny and discussion. As she notes it is precisely the complex and at times confusing nature of the depictions of sexuality in manga and anime aimed at a youth audience that captures the interest of young people – not just as consumers – but also as active agents in their own *dōjinshi* (fan works). Echoing points also made in an Australian context by Maria Pallotta-Ciarolli (2010: 89), Orbaugh argues how these at times “queer” representations of sexuality can help young people navigate their teenage years, pointing out that “sampling and consuming a wide range of complex manga narratives allows [young people] to make *informed and independent choices about their own sexualities* in a safe space” (emphasis in the original). The Canadian laws governing representation of sexuality tend to posit young people only as potential victims of adult exploitation and not as active agents in their own self-fashioning. Orbaugh finds this positioning problematic – viewing it as a paternalistic attempt to protect young people and women – despite the fact that young people and women are key demographics in the reception and promulgation of the complex sexual narratives contained in many manga and anime worlds.

Patrick W. Galbraith’s chapter also opens with very personal reflections on what it means to teach and research on “unpopular topics” in a university context. Galbraith notes how the term “lolicon” in particular “has become a keyword in global criticism of ‘Japan’s child porn problem’” and expresses frustration at the manner in which media reports (usually written by those with scant knowledge about Japan) routinely conflate fans’ attraction for highly stylized two-dimensional manga and anime characters with a pathological desire for actual children. The meaning of any representation, is, of course, multiple and always contested and it is the job of academic analysis to provide historical and cultural contexts to explain not so much *what* things mean but *how* certain representations become meaningful. As well as having a close understanding of the development of lolicon imagery across Japanese popular culture from the 1980s onward, Galbraith has also interviewed and presented the viewpoints of numerous key Japanese figures who work as artists, editors and critics in the manga and anime industries. However, as he points out in his chapter, these attempts to provide nuance to the discussion of the role and place of lolicon imagery in Japan are frequently understood

as an apologia for child abuse and any scholar working on this topic is liable to be personally compromised by association with an “unpopular topic.” Indeed even publishing an interview with one of the originators of the lolicon style was considered too controversial by the editor of a previous collection (see Appendix 1). Yet, as Patrick points out “Refusing to look at lolicon material and listen to people involved not only closes down the space for discussion and debate, but also actually prevents understanding the issues at hand.” As a consequence his chapter puts forward a compelling argument for the inclusion of controversial topics in both teaching and research because as academics we have a responsibility to challenge the naïve and reductionist views of Japan circulated in the media and promote debate based upon understanding, not ignorance.

The next chapter is by Adam Stapleton, a Media Studies graduate and the only non-Japan Studies contributor to the collection. Stapleton carries on this theme of *how* texts are given meaning when subject to different types of gaze (including those of a fan, a researcher, a Classification Board official, a magistrate, a Custom’s officer). Stapleton discusses some of the legal issues he has faced in pursuing his PhD studies into “contentious images of minors,” which he describes as freely circulating depictions of child-like characters whose appearance has generated controversy due to the manner of their depiction – sometimes in ways that are arguably sexualized. He argues that the recent widespread denouncement in the Anglophone press of Japan as an “Empire of Child Pornography” serves to disavow and obfuscate the manner in which Euro-American depictions of children might also be erotically invested. As he points out, the much discussed prevalence of “lolicon” imagery in Japanese popular culture is not a Japanese innovation – indeed the term “Lolita Complex” was coined in 1966 by an American author with reference to the 1955 novel *Lolita* by Russian émigré to the United States, Vladimir Nabokov. The Lolita figure is not an artefact of Japan but the result of “transnational bricolage.”

Stapleton notes how the Japanese authorities have come under increasing criticism in recent years for failing to legislate against purely fictional representations of apparently under-age characters in manga and anime. Complaints have also been made concerning the failure to extend existing child-pornography laws that target explicit nudity and actual sex acts, to also include “sexual contexts,” thus potentially capturing many examples from Japan’s “junior idol” industry depicting child models. However, as Stapleton notes, not only does the ever-expanding scope of child-abuse publications legislation, that now includes purely fictional images that might only “appear to be” minors, take the focus off the very real and necessary

requirement to prevent the abuse of actual children, it also closes down public scrutiny and debate. Stapleton argues that an understanding of the Japanese idol industry can inform our perspectives on contentious images closer to home, such as the child modelling pageants made popular through series such as *Toddlers & Tiaras* (originally from the United States). He questions how it is possible to examine the different ways that the image of the child is constructed and offered up for the appreciation of an adult gaze in a transnational framework, if certain representations are excised from the public sphere.

So far in our discussion, contentious issues in the reception of Japanese popular culture outside of Japan have been looked at from an implicitly Anglophone perspective. This is to be expected given that the above authors have been writing about their experiences as students, researchers and teachers in the United States, Canada, the United Kingdom and Australia. However, significant though the impact of Japanese popular culture has been on fans throughout these Western countries, it is in East Asia that Japanese culture has had the greatest impact, influencing not just local manga and anime styles but popular music, fashion and lifestyles more generally. Despite the popularity of originally Japanese styles, themes and images in the countries of East Asia, due to lingering memories of Japan's colonial incursions during the last century, there exists an uneasy tension between "political Japan" and "cultural Japan." The ability of some fans to hold these two visions of Japan apart was severely tested recently when protests broke out in South Korea over the manner in which their country had been anthropomorphized in the web manga *Axis Powers Hetalia*. Questions were even raised about the manga in the National Assembly with one Congresswoman labeling the depiction "insulting to the Korean people" and a "criminal act" (Miyake 2013).

Lin Yang and Yanrui Xu's chapter on the reception and transformation of Japanese BL or "Boys Love" manga in mainland China highlights how "Japan" is differently received in a Chinese context due to the contested history between the two nations. As Yang and Xu point out, some Japanese media were welcomed into mainland China after the end of the Cultural Revolution when relations between China and its former enemy Japan began to thaw. This included many Japanese anime series that were imported at low cost. In the 1990s this receptivity to Japanese media continued with trendy dramas based in Japan that portrayed beautiful people and lifestyles that were popular among the aspiring Chinese middle classes. However, in addition to these officially imported products, from the 1990s a huge underground market for Japanese anime began to develop, originally circulating via counterfeit VCDs and DVDs and from the late 1990s via digital files on the Internet. The new

availability of Japanese pop culture content enabled by digital technologies came at a time when Sino-Japanese relations began to deteriorate and the Chinese government began to place quotas on the kinds and amount of Japanese media that could be officially imported and screened. This made little difference to the availability of material, however, given that most of the titles circulating on the Internet bypass these official circuits (as they do elsewhere – see Freedman’s chapter in this volume). Indeed there exists today very little content in Japan that is not also available in China, often with almost no time lag due to the practice of “Oday” fansubbing, meaning that episodes of the latest anime aired in Japan are made available on the Internet in a matter of hours with subtitles provided by fans. Hence the quarantining of titles or themes disapproved of by the Chinese authorities is mostly impossible.

There is however another layer of anxiety about media emanating from Japan. China was, of course, subject to Japanese colonial incursions before and during the Second World War, and millions of Chinese people died and suffered in other ways as a result of Japanese military action. As Yang and Xu point out, Japan’s ambivalence around issues of war guilt and ongoing territorial disputes with China have meant that for many young Chinese there is a split between “cool” cultural Japan and “bad” political Japan. This adds a different layer of identification with and resistance to Japanese culture not apparent in responses from students with a Euro-American heritage, although it may be a complicating factor for North American or Australian students of Asian descent.

As the authors point out there has been a recent media panic about problematic media content originating in Japan across the Chinese-speaking world, but the anxieties raised have been rather different from the child-pornography scare reported in Anglophone media. While the audience for sexual and violent manga and animation is usually imagined to be male in a Western context, and so far it is only men who have been charged with import and possession of obscene manga images, in China the supposed negative impact of manga and anime on Chinese girls and women has also been highlighted. A number of Chinese women have even been charged and imprisoned for participating in fan activities involving the circulation of sexualized texts and images related to the Japanese “Boys Love” genre, known locally as *danmei*. Of interest are the charges on which the women have been arrested. Unlike the context in Anglophone nations where the age of the characters depicted in these kinds of fantasy narratives would be a point of particular scrutiny, in China there are no specific laws targeting child pornography, although there are provisions against making pornographic material available to minors. What has given *danmei* such a high profile is, as the authors

point out, “it breaks two social taboos at one shot: pornography and homosexuality.” The case study provided by Yang and Xu is significant in that it provides further evidence that there are no accepted “international” standards governing the activities of fictional minors and it also points to how obscenity legislation can be used to prosecute women for the exercise of their sexual imagination (see also McLelland 2016b).

The legacy of Japanese imperialist ambitions during the Second World War is also a conditioning factor in the reception of the “cool Japan” image in contemporary South-East Asia, as argued by Kristine Santos and Febriani Sihombing in their chapter. The authors point out how the recent success of *Anime Festival Asia* in a range of venues across the region is a clear indication of the enthusiasm with which Japanese popular culture, particularly manga and anime, is received by young fans. However, both authors point out that the widespread introduction of manga and anime into the Philippines and Indonesia in the 1990s, partly as a result of counterfeit and bootleg copies facilitated by the advent of digital technologies, was contested by older comics fans who saw the popularity of “cool Japan” with young people as an affront to existing indigenous comics traditions. The development of a *mangaesque* genre that melded local and Japanese influences in the Philippines was not welcomed by some existing fans and critics who saw this as a corruption of comic art. As the authors point out, it was specifically the *Japanese* influence that was criticized since local comics were already a hybrid genre that had earlier been influenced by comic styles originating in the United States. There has been a perception in these countries that the Japanese government’s various cool Japan initiatives, conceived as a form of soft power in the region, was a form of cultural imperialism. These criticisms have been particularly severe in Indonesia where specific styles associated with manga – big eyes and lanky bodies – have been accused of stripping “Indonesian identity” from local comics. In both countries, *mangaesque* works have been denied exhibition space and overlooked or treated negatively in comics criticism and theory because they are seen to threaten local identities.

The way in which certain aspects of Japanese popular culture, rather than appearing as seductively cool, can be seen as threatening, is also discussed by the final chapter in the volume. Jessica Bauwens-Sugimoto looks at the intersections of religious belief and fans’ participation in contentious Japanese fandoms such as that surrounding *yaoi* (a genre of “Boys Love” manga and anime). As already discussed by Laura Miller in her chapter, Japanese popular culture contains many themes that challenge established worldviews,

especially conservative religious ones. However this is not a topic that has been much discussed in the literature surrounding Japanese language and studies pedagogy.

Bauwens-Sugimoto points out that there is a considerable amount of fan activity around BL across South-East Asia which involves negotiating at times conservative religious influences such as that of Catholicism in the Philippines and Islam in Indonesia and Malaysia. Given that these religions tend to have a very critical stance toward homosexuality and to sexual expression outside marriage generally, women fans who engage with this genre are confronted with a certain amount of guilt – guilt about hiding their activities from friends and family and guilt about enjoying stories about forbidden relationships. Unlike some students in the United States discussed by Laura Miller who use their religious beliefs as a reason for not engaging with challenging ideas or relationships, Bauwens-Sugimoto found that BL fans who were religious were able to hold both their identities as fans and as religious believers in a state of creative tension. Some negotiate this tension by seeking guidance in prayer (but not receiving any clear answers about the ethics of BL) whereas others, interpreting religion more liberally, see the common BL themes of the pursuit of love and non-discrimination as being compatible with their religious beliefs.

Bauwens-Sugimoto makes the interesting point that women’s participation in BL fandom does not seem to correlate directly with the strength of antipathy toward same-sex attraction apparent in a particular locale, but is more to do with availability of Internet access. Ironically, as she also points out, conservative ideas about women’s sexuality and interests in some societies form a kind of protection for these fans, allowing their activities to fall under the radar, given that few would suspect them of having an interest in “gay porn.” The secretive and underground nature of some women’s participation in the fandom has enabled the development of BL communities in unexpected places including Iran and Qatar. However, as discussed by Yang and Xu earlier, when women’s participation is exposed, they can be met with harsh judgements and even criminal penalties under some regimes.

The final entry in the collection, included here as an appendix, reproduces Patrick W. Galbraith’s interview with pioneering manga artist Uchiyama Aki who was instrumental in developing stylized *shōjo* (girl) figures in what became known as the *lolilrori* (Lolita) style in the 1980s. The interview appears here since it was excised from a previous collection of interviews with manga artists and professionals published by Galbraith. The editor of that volume felt that publishing an account by an artist so closely associated with lolicon manga

could potentially alienate readers and reviewers of the volume – despite the fact that Uchiyama makes it clear that the development of his artistic style was more the result of editorial intervention than an expression of his personal tastes.

This decision points to the chill effect noted by several authors in this volume who argue that the ever expanding parameters of child-pornography and child-abuse publication legislation are feeding into a generalized panic about childhood in the modern age. As James Kincaid points out narratives of child abuse are like a “Gothic story” that appeals because it requires us to “look no further” (1998: 12) – one has simply to adopt a position of condemnation and outrage. Any more nuanced position that tries to situate the implications of legislative creep in an historical or socio-cultural context runs the danger of being interpreted as providing an apologia for actual child abuse. As both Galbraith and Stapleton point out, the personal consequences of pursuing this line of enquiry can be confronting.

What is the Future for Cool Japan?

This introduction opened with a discussion of the ways in which “Japan” has been viewed by students, fans and researchers as well as the general population over the past half-century. The 1970s and 80s were decades when Japan was associated with a certain “techno-cool” given the innovative design of music and gaming hardware, but this was also a time of “Japan bashing” due to widespread anxieties about the strength of the Japanese economy (particularly its exports) and the threat this represented to local industries. The 90s and early 2000s saw the advent of “Japan cool” where the original enthusiasm for Japanese hardware gave way to an even greater enthusiasm for cultural content, particularly manga, animation and games. The spread of Japan cool was quite different from the earlier success of Japanese manufacturing, given that alongside officially licensed and distributed cool Japan merchandise, a far greater amount has circulated via fan-driven distribution networks on the Internet. It is through these unofficial channels that Japanese popular culture has had a massive influence on youth culture generally, across Anglophone societies as well as in East and South-East Asia. As several authors have pointed out above, the widespread disregard for copyrighted material, the uncertain legal status of derivative or fan-created works, and the

edgy and sometimes contentious nature of the content that drives fan engagement with Japan raise ethical issues, especially when it comes to the use of such material in the classroom.

Despite attempts by various Japanese agencies and programs to harness the interest generated in Japan by the attraction exerted by its cool content, it has proven impossible to restrict the kinds of material in circulation. The sheer range of pop culture content – and the very different kinds of themes, esthetics and storylines available in manga and animation – have raised concerns about the suitability of some content for youth audiences. Moreover, the treatment of child-like figures in some manga and anime has been widely criticized by overseas governments, international aid organizations, members of the judiciary and moral entrepreneurs as promoting or at least normalizing child abuse. In addition, in some countries in Asia, the memory of Japan's past colonial aggression has meant that "cool Japan" initiatives are received warily, with some cultural commentators fearing that the popularity of some Japanese themes and styles with young people will lead to the loss of authentic local content. In a way former imaginings of Japan as the politically suspect "Empire of the Sun" have morphed into images of Japan as the morally dubious "Empire of Child Pornography."

As I hope is clear, the authors of the chapters presented in this volume, several of whom have engaged with Japanese language and culture over the course of three decades or more, offer a much more complicated picture of Japanese culture than we can ever hope to discover in a newspaper report or a CNN soundbite. Learning Japanese is difficult and time consuming, as is gathering a variety of evidence before making any kind of conclusion or generalization. The classroom environment is where different kinds of knowledge claims about Japanese culture – those made by the media, by Japanese native-speakers, by manga and anime fans, by area studies and topic experts, by members of the judiciary (the list goes on and on) – is aired and brought under scrutiny. The classroom is not a place where we should try to close down conversation or limit expression to safe topics. As persuasively argued by Laura Miller, Kirsten Cather, Sharalyn Orbaugh and Patrick W. Galbraith in this volume, academics are employed to examine the nature of all knowledge claims – and this they must do no matter how unpopular some of the evidence and viewpoints they bring to the table might be. What academics can and must bring to "cool Japan" is a set of enhanced literacy skills that can help students understand how and why texts become meaningful for different audiences and critique the all-too-simple attention-grabbing slogans prevalent in media discussions.

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Notes

¹ I use the term "Anglophone" here as there is a commonality among press reports on Japan across most English-speaking nations (primarily the United Kingdom, United States, Canada, Australia and New Zealand and these countries also have comparable legislation prohibiting certain kinds of fictitious representations of minors. I largely avoid the term "Western" as that would include European and South American nations whose media do not repeat this pattern of reporting to the same extent and many of these nations have not so far included fictional images in their child pornography legislation.

² I would like to thank Patrick W. Galbraith for alerting me to this error on the part of CNN.

³ A synopsis and readers' comments can be viewed here:

http://mangafox.me/manga/dolls_fall/. Accessed January 25, 2016.

⁴ See detailed report of an applicant who contested the ban on this website:

<http://www.hikari.org.nz/stuff/otaku/ppp/>. Accessed February 4, 2015.

⁵ See a copy of the letter at: <https://www.chillingeffects.org/fanfic/notice.cgi?NoticeID=522>
Accessed January 12, 2016.

⁶ See paragraph 38 in “R v. Sharpe.” Available at: <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1837/index.do>. Accessed January 27, 2016.

⁷ See “Obscene visual representations of the sexual abuse of children.” Available at: <https://www.law.cornell.edu/uscode/text/18/1466A> . Accessed January 27, 2016.

⁸ See paragraph 38 in McEWEN v SIMMONS & ANOR [2008] NSWSC 1292. Available at: <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/nsw/NWSC/2008/1292.html> . Accessed January 27, 2016.

⁹ See “Coroners and Justice Bill.” Available at: <http://www.publications.parliament.uk/pa/ld200809/ldbills/033/en/09033x-f.htm>. Accessed [January 27](#), 2016; also this website makes clear that manga are a target of the UK legislation, “Dangerous Cartoons Act.” Available at: http://www.backlash-uk.org.uk/wp/?page_id=547 . Accessed February 14, 2015.

¹⁰ See: “Ryan Matheson’s True Story of Defending Manga.” Available at: <http://cbldf.org/ryan-mathesons-true-story-of-defending-manga-in-his-own-words/>. Accessed February 4, 2015.

¹¹ See for example “Is yaoi illegal?????????!” Available at: <https://ca.answers.yahoo.com/question/index?qid=20120228141514AAC7XIH> . Accessed January 12, 2016.