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Sex, censorship and media regulation in Japan: a historical overview

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Abstract

Over the past several decades alarmist reports about the supposed dangers of the sexualised nature of much Japanese popular culture have regularly featured in the English-language press. It has been claimed that Japan is 'awash' in all kinds of pornography, including child pornography (Larimer 1999; Fallows 1986: 38) and that insufficient attempts are made by the authorities to properly regulate the expression of sexual matters. A major concern of such reporting has been the supposed 'dark side' (McGinty 2002) of the manga (comics) which are ubiquitous in Japan and, since the 1980s, have become popular with young people worldwide. International childprotection agencies, including such bodies as UNICEF, have argued that Japan's classification systems, which tend to be self-regulated by various culture industries as opposed to enforced by government-appointed bodies, are ineffective in screening out representations of sex and violence that are 'harmful to youth' (McLelland 2011).

One problem with this kind of media discourse is that it assumes there are universal standards or agreement over the meaning of contentious terms such as 'pornography' or 'obscenity'. As Anne Allison has pointed out, Anglophone discussions of pornography have largely overlooked standards and practices concerning the regulation of sexual expression in non-Western countries; or, when they are attended to, as in the case of Japan, 'practices and texts involving the representation, alteration and aestheticisation of bodies have been judged by western (or universalist) standards' (2000: 54). Allison calls for the need to 'foreground the local context' when analysing the genres of pornography available, as well as attending to their users. In this chapter I offer a historical overview of the regulation of sexual content primarily in relation to the Japanese print media. Through attending to a few specific case studies that have not been discussed in English, I show that a range of Japanese authorities, particularly the police, have exercised a great deal of scrutiny over sexual expression. I will demonstrate that the contours of what is considered problematic or dangerous are not always agreed on and are constantly shifting according to local as well as international influences.

Keywords

historical, japan, regulation, overview, media, sex, censorship

Disciplines

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Sex, censorship and media regulation in Japan: an historical overview

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Mark McLelland

Introduction

Over the past several decades alarmist reports about the supposed dangers of the sexualised nature of much Japanese popular culture have regularly featured in the English-language press. It has been claimed that Japan is ‘awash’ in all kinds of pornography, including child pornography (Larimer 1999; Fallows 1986: 38) and that insufficient attempts are made by the authorities to properly regulate the expression of sexual matters. A major concern of such reporting has been the supposed ‘dark side’ (McGinty 2002) of the manga (comics) which are ubiquitous in Japan and, since the 1980s, have become popular with young people worldwide. International child-protection agencies, including such bodies as UNICEF, have argued that Japan’s classification systems, which tend to be self-regulated by various culture industries as opposed to enforced by government-appointed bodies, are ineffective in screening out representations of sex and violence that are ‘harmful to youth’ (McLelland 2011).

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particularly the police, have exercised a great deal of scrutiny over sexual expression. I will demonstrate that the contours of what is considered problematic or dangerous are not always agreed on and are constantly shifting according to local as well as international influences.

Sex and censorship during the Edo period

The Edo period, sometimes referred to as Japan's early modern period, lasted from 1603 to 1868. During this time Japan was ruled from Edo (present-day Tokyo) by the Tokugawa clan of samurai whose leaders styled themselves as shogun or military commanders. The samurai class were the effective rulers of all Japan, with the country being divided into feudal domains each headed by a clan chief (*daimyō*).

The Edo period was a time of great cultural achievement in the arts, especially in the theatre, literature and woodblock printing. It was not the samurai rulers, however, who drove these cultural innovations but the townsfolk, particularly the merchant class of great cities such as Edo and Osaka. The merchants were of ambiguous status: wealthy, but technically the lowest rank of the class system (since they did not themselves produce anything but profited from the labour of others). Some merchant houses benefitted greatly from the economic stability of the times and became the sponsors of artists and cultural events. The homes and lifestyles of the great merchant families were the most fashionable but ostentation was disapproved of by the more austere samurai rulers, who attempted to rein in displays of wealth via sumptuary laws.

One area which the samurai bureaucrats particularly disapproved of was the erotic culture of the cities which found expression in designated pleasure quarters and was widely reflected in the arts of the time. The pleasure quarters, where both female courtesans and male entertainers could be hired for a wide variety of purposes, including sex, were the most fashionable and expensive venues in town. Popular literature of the time, particularly the illustrated novels of Ihara Saikaku (1642–1693), features townsmen heroes who were connoisseurs of the sophisticated taste (*iki*) and style (*tsū*) necessary to be accepted in various venues (Nishiyama 1997: 58-60). Also, despite their lowly position as prostitutes and entertainers, the most famous courtesans were idolised as great beauties and trend setters. Those unable to afford to attend the pleasure quarters or who wanted to preserve a memento of their time there were able to purchase woodblock prints of famous courtesans and kabuki

actors. However, wary of the influence that these colourful illustrations might have on ordinary townspeople, the authorities periodically placed restrictions on the colours that could be used and even on who could be depicted (Screech 2000: 118).

Many other prints were produced depicting the goings-on at these 'floating world' venues in more detail, including precise depictions of sexual acts. These *shunga*, so-called 'spring pictures', were also used to illustrate sex manuals (Walthall 2009) and could include illustrations of autoeroticism, male-female, male-male, female-female and group couplings. Indeed, it has been estimated that almost half of the woodblock prints produced in the seventeenth century featured erotica. From the 1720s on, numerous injunctions were issued aimed at reining in erotic prints and other 'dubious materials' (Thompson 2012: 56). The frequency with which these edicts were reissued suggests that they were never very successful in stamping out the erotic picture trade, in part because Japan's feudal political structure meant that there was no single national authority which could enforce censorship across the entire country. The final set of anti-erotica edicts promulgated by the shogunate was part of the Tempo reforms of the 1840s, just prior to Japan's opening to the West.

The Meiji period to the Second World War

The 1868 Meiji Restoration saw the emperor restored to a position of authority at the head of a constitutional monarchy and Edo was renamed Tokyo (Eastern capital). The new Meiji regime established a much more comprehensive and rigorous censorship system which meant that Edo-period erotic classics were only allowed to be reissued in new book format in bowdlerised versions (Suzuki 2012). Indeed, as late as the 1980s, Japanese collections of erotic prints from the Edo period were still having offending details masked over before publication. The Tokugawa rulers had not objected to depictions of sex *per se* but were rather more concerned about profligacy and the blurring of class distinctions. The Meiji regime, however, in part due to influence from the West, began to see sex as a problematic domain, particularly in the context of public representation (Yokota-Murakami 1999: 128).

Embarking on a nation-building project aimed at establishing parity with the Western powers, Japan's new leaders emphasised family values, particularly the role of women as 'good wives, wise mothers' in raising future generations. Although men continued to be able to access pleasure quarters, discussion of sexuality in the media was constrained. The term *waisetsu* (obscenity) and punishment for its 'public display or sale' first appeared in Article 259 of the

Criminal code of 1880 (Beer 1984: 336). This was carried over into Paragraph 175 of the 1907 revised Criminal Code and remains in force today. It reads:

A person who distributes or sells an obscene writing, picture or other object or who publicly displays the same, shall be punished with imprisonment at forced labor for not more than two years or a fine of not more than 5,000 yen or a minor fine. The same applies to a person who possesses the same for the purpose of sale.

This legislation was augmented in 1910 by the Customs Standards Law (Kanzei Teiritsu Hō) which governed material entering the country from overseas.

The Meiji constitution did offer some guarantees to freedom of speech but only within the scope of the law defined by the government, in particular the need for ‘public order’. The Home Ministry could also require the deletion of specific passages or words from any text prior to publication or seize any offending publication already in circulation. Until 1927, when the sheer volume of material being printed made the system untenable, publishers were able to submit potentially problematic texts to the Home Ministry censors for pre-publication vetting. Since in the final publication censored words or passages were designated by a range of *fuseji* or ‘covering characters’ – such as Xs, Os or elliptical marks – the fact that the text had undergone censorship was clearly evident (Abel 2012: 146–49). The use of *fuseji* continued after 1927, this time by authors and publishers who hoped to avoid having their publication seized by pre-empting the censors and themselves omitting potentially problematic topics, words, phrases and references.

Neither authors nor publishers were entirely passive in relation to a censorship system that they felt to be both illiberal and philistine. In 1925, for example, Umehara Hokumei (1901–46), an innovative publisher, author and editor, was able to get the first volume of his translation of Boccaccio’s classic medieval erotic story collection, *The Decameron*, published due to support from the Italian embassy. The second volume, however, which was to have been released some months later, was banned (Driscoll 2010: 181). As Mark Driscoll points out, Umehara and others interested in pushing at the censorship boundaries were sometimes successful in disseminating erotic titles through the *kaiinsei* or ‘members-only subscription system’ which was ostensibly founded to facilitate the circulation of scientific and scholarly publications. Since these publications were not available to the public at large, the censorship exercised over them was not as stringent. Umehara was able to use advertisements in mainstream publications to attract subscribers to his various coterie magazines which

included *Hentai shiryō* (Perverse documents), an important vehicle for discussions of ‘abnormal sexuality’ (Driscoll 2010: 182). As will be seen later, this strategy was also deployed by the first generation of postwar sexology writers, but with mixed results.

It is important not to overestimate the degree of censorship of sexual matters, at least during the 1920s and early 1930s, before increasing militarism took hold and Japan was placed on a war footing leading to increased restrictions on ‘frivolous’ topics. As early as the 1910s Japan’s first generation of feminist writers were challenging the sexual double standard in the feminist journal *Seitō* (Blue stocking) but their discussion of such topics as free love, birth control and adultery resulted in several issues being banned. Driscoll points out ‘the censorship codes of the time say very little about sexuality, only that representing sexual relations between married people was forbidden’ (2010: 183). This may seem an odd restriction given that in the Western context marriage was one of the few contexts in which sexuality could be discussed, especially in popular family-planning and marital sex guides of the 1920s and 1930s (Bullough 1994: 136–47). This restriction in Japan was due to ‘lingering Confucianism’ which ‘led to an exclusive focus on the sacrosanct patriarchal home’ (Driscoll 2010: 183). Kissing scenes, for example, even between married couples, were routinely cut from imported movies and the term ‘kiss’ was banned in movie titles (McLelland 2012: 97–98). Given that marital sex was off limits in public discussion, this led to an emphasis on the strange and unusual in sexual matters, or in Japanese terms the *ero-guro* (erotic grotesque). Indeed, Umehara’s translation of the *Decameron* became an ‘Ur-text for the erotic grotesque writers and editors’ (Driscoll 2010: 181) and his journal *Gurotesuku* (Grotesque) contained ‘eye-popping features on fetishism and sex crimes’ (Driscoll 2010: 183).

More mainstream sexology writers, who were often medical professionals with socialist tendencies, also did their utmost to thwart the government censors and deliver accurate information about sexual hygiene and contraception to the public, especially those less educated and living in rural areas. Pioneer sexologists such as Yamamoto Senji (1889–1929), for instance, saw it as their mission to ‘educate the masses’ (Frühstück 2003: 159). Yet speaking out about sexual topics could be dangerous since, as Frühstück points out, the authorities tended to lump sexologists in with other ‘problem thinkers’ such as communists and pacifists (2003: 13). Hence, sexologists who attempted to reach audiences beyond a narrow band of academics faced threats to ‘the security of their academic careers, their freedom and their lives’ (2003: 157). Indeed Yamamoto was assassinated by a right-wing fanatic in 1929 due to his anti-militarism stance.

As militarism advanced in the 1930s, new laws aimed at ‘keeping social movements in check and preventing the disruption of social morals’ (Kushner 2006: 61) were put in place, making the dissemination of sexual knowledge even more difficult. By 1937 fifty-four of the largest publishing outlets had come together to form a consortium aimed at ensuring that published material mobilized public support for the war. From this point on, the promulgation of views that ‘went against the times’ became all but impossible, and it was in this year that the last surviving sex-related journal ceased publication. It was not until 1946, following Japan’s defeat and occupation by Allied forces, that a lively sexual culture similar to that of the *ero-guro* era of the late twenties and early thirties was to re-emerge in the Japanese print media.

The Occupation period 1945–52

One of the first edicts delivered by the Supreme Command for the Allied Powers (SCAP) after the surrender of August 1945 required the dismantling of the Japanese censorship system (Rubin 1988: 169). The Press Code for Japan, announced in September 1945, provided an extensive list of guidelines for prohibited material – mainly focusing on militarist propaganda, political issues and criticism of the Allies. The Code made no mention of erotic or pornographic content, as it was considered the job of the Japanese police to survey such materials.

Despite embarking on a supposedly democratising mission, SCAP maintained strict censorship over all media and other forms of expression in Japan. Unlike the Japanese imperial censorship system which was at least open about the fact that censorship took place, information about the censorship system set up by SCAP was itself censored. Two agencies in particular were charged with carrying out surveillance of Japanese media. The Civil Censorship Detachment (CCD) was entrusted with rooting out ideologies associated with the militarist regime through pre-publication screening of all Japanese print media. Its remit also included the screening of some mail and telecommunications. The Civil Information and Education Section (CIE), on the other hand, had the task of encouraging democratic thought through intervening in the education system and pre-production stages of the media so as to ensure that ideas approved of by SCAP were properly embedded (McLelland 2012: 59–65). In direct contrast to the previous regime, SCAP actually encouraged the incorporation of images of romance in popular culture as a means of challenging feudal ideas about family

relations. In fact the CIE sometimes intervened to request the ‘democratic’ display of kissing in Japanese movies (Hirano 1992: 155).

One result of SCAP’s focus on political over erotic content in the media was that six months after Japan’s defeat, a vivacious print culture known as *kasutori* or ‘the dregs’, emerged as a conspicuous forum for the discussion of sex and eroticism. Christine Marran argues that rather than oppose this development, the Japanese cabinet actually ‘cooperated with the new government to create the ‘3-S’ strategy, that allowed, even promoted what were called ‘the three S’s of sports, screen and sex’ as a means of distracting the population (Marran 2007: 138). Between 1946 and the end of the decade hundreds of titles and thousands of editions of pulp magazines and newspapers were produced, discussing such things as sex-starved war widows, cross-dressing male prostitutes, and striptease shows. Alongside these pulp titles were more academic treatments, including marital sex guides, dedicated to instruction in the arts of romantic love (McLelland 2012: 136-45). This latter genre included *fūfu seikatsu* or ‘conjugal couple’ lifestyle magazines which were the first to offer detailed explanations of male and female sexual functioning for a popular audience as well as offering advice on birth control. The previous taboo on discussions of marital sexuality was able to be overcome during the Occupation period because of SCAP’s encouragement of a new rhetorical environment which positioned the ‘liberation’ of Japanese women, reform of family law, and sex education in the context of wider discussions about democratisation and freedom (McLelland 2012: 74-85). The comparative openness of sex talk in the media, including so-called ‘abnormal’ sexuality, was further enhanced by the release in 1948 of Alfred Kinsey and associates’ encyclopaedic investigation of American men’s sex lives, entitled *Sexual Behavior in the Human Male* (Kinsey et al. 1948). Kinsey’s findings, including discussions of premarital sexual behaviour, commercial sex and homosexuality, were widely reported in the Japanese press and the 1950 Japanese translation of the volume (Kinzei 1950) became a best seller (McLelland 2012: 89–93).

As noted above, SCAP largely left the regulation of erotic expression to the Japanese police, a duty that they had been used to performing since the police did not see their role as simply that of preserving public safety, but also the preservation of the country’s honour (Kushner 2006: 67). Furthermore, as Ann Sherif notes, ‘For the Japanese government officials and the police, SCAP’s relatively loose policy on sexually explicit materials meant that the local authorities could stand as the “authorizer of discourse” for at least one facet of society—the regulation of sexual expression’ (2009: 74). It was in January 1947 that, for the first time in

the postwar period, the police laid charges of obscenity against an author and publisher for contravening paragraph 175 of the Criminal Code. The charges were prompted by two articles in the December 1946 edition of the magazine *Ryōki* (Curiosity hunting). One, a story entitled 'Mrs. Captain H', dealt with an adulterous affair between a student and a soldier's wife, and the other 'Humorous tales of dynastic lust', concerned the goings on among past Emperors' concubines. Given that there were many hundreds of other equally scurrilous stories in circulation, it is not entirely evident why these specific stories were singled out. Since, as was usual in these cases, the publisher agreed to pay a fine and publish an apology, the matter did not proceed to court, so we do not have access to the police argument detailing why these specific narratives were considered obscene. Later commentators, however, have surmised that it was not the detail of the erotic descriptions so much as the status of the protagonists that was at issue. 'Mrs Captain H' was a tale of adultery involving the wife of a military commander while the tales of misadventure among the Emperor's consorts 'touched on the topic of the imperial family' (Hasegawa 1978: 34). Hasegawa Takuya suggests that the story about 'Mrs Captain H' (whose name is a homophone of the Japanese term *ecchi* meaning 'lecherous') caused concern because those charged with dealing with obscenity in the Metropolitan Police Department in 1947 were still under the sway of wartime ideologies mandating respect for imperial soldiers and decrying 'moral decline'. Furthermore, adultery on the part of wives or with a married woman was still a touchy subject since these had long been considered criminal acts and were not removed from the Criminal Code until October 1947 (Hasegawa 1978: 34). Since neither adultery nor imperial concubines were of ideological concern to the CCD, Japanese commentators have argued that the prosecution of these topics was a gesture of independence by the Japanese police in respect to the censorship of sexual mores.

Adultery once again emerged as a core concern just three years later when in 1950 both the Japanese translator and the publisher of D.H. Lawrence's *Lady Chatterley's Lover* were charged with profiting from an obscene work under paragraph 175. Unlike the author and publisher of 'Mrs Captain H' who admitted their guilt and payed a fine in order to avoid a full-scale prosecution, the two defendants rejected the charge and so the *Lady Chatterley* case proceeded to court. The book was eventually found to be obscene in both the original 1952 verdict and the subsequent 1957 appeal. There are some interesting similarities between the two texts in question – both involved adultery on the part of the wives of war veterans, undertaken for their own pleasure, with social inferiors. It was this infidelity of war veterans'

wives that seems to have touched a nerve, as Kirsten Cather points out, ‘the prosecutor seemed equally concerned with condemning the character Lady Chatterley for committing adultery as he did with indicting the defendants’ (2012: 29). The judges seemed to concur, noting that texts such as *Lady Chatterley* ‘possess the danger of inducing a disregard for sexual morality and sexual order’ and it was therefore beholden to the courts to ‘protect society from moral corruption’ (cited in Cather 2012: 63, 65).

The singling out of ‘Mrs Captain H’ and *Lady Chatterley* for prosecution indicates that in the early postwar period the purpose of censorship, as conceived by both the police and the court system, was still tied up with protecting the nation from socially disruptive forms of sexual expression. This can clearly be seen again in what was to become one of the longest obscenity trials in Japanese history: the prosecution of popular sexologist Takahashi Tetsu.

The early postwar period (1952–70)

Takahashi Tetsu (1907–1970) was the most prominent of a number of popular sex writers who took advantage of the new more open rhetorical climate during the Occupation to discuss previously taboo sexual topics, particularly marital sexuality, in the press. Takahashi was a well-known public intellectual and commentator on sexual issues from the late 1940s right up to his death. Hence, when he was accused by police in 1954 of profiting from the distribution of obscene publications, the case received widespread media interest. Unlike most publishers who were subject to police surveillance, Takahashi was prosecuted not for disseminating erotic fiction, but for publishing the ostensibly true sexual life histories of members of a private study society dedicated to Freudian analysis. The case, which he lost, dragged on for 15 years due to his appeal against the original verdict (Yamamoto 1994: 35-37).

Although he had penned a number of academic articles on the Freudian analysis of sexuality during the wartime period, it was not until censorship restrictions on sexual expression were relaxed during the Occupation that Takahashi was able to fully explore his interest in sexual issues with the founding of the magazine *Aka to kuro* (Red and black), later renamed *Ningen fukkō* (Human renaissance) in 1946 (Yamamoto 1994: 31). In the magazine, Takahashi argued that the category of obscenity was not an indigenous Japanese idea but had been imported into Japan alongside other ideas lifted from the Prussian constitution at the

beginning of the Meiji period. He was criticized, especially by right-wing thinkers, for bringing to light Japan's own diverse sexual history in his publications. He was an avid collector of Edo-period sex manuals and erotic prints and through a series of articles and even full length dictionaries concerning *fūzoku* (sexual customs), Takahashi sought to bring back into contemporary discourse a lost vocabulary of love-making from previous generations. Inspired by the pioneering work of Yamamoto Senji and the recent release of the Kinsey report, in the early 1950s Takahashi argued that disseminating knowledge about people's actual sexual behavior was more important than moralistic pronouncements about ideal behavior by state officials.

It was not, however. Takahashi's popular journalism or his commercially published books and magazines that got him into trouble with the police but rather the members' only (*kaiinsei*) magazine *Seishin repōto* (Life and mind report), which he began in 1953. This was a periodical made up of original research and contributions by members of the Nihon seikatsu shinri gakkai or 'Study group for the psychology of Japanese lifestyles' founded by Takahashi in 1950. The early 1950s was an important period which saw a wide range of members' clubs founded for the 'study' of sexuality, particularly non-normative sexualities. Many of these clubs produced their own members-only magazines. These magazines were largely uncensored by their editors, allowing contributors to discuss sexuality in explicit terms that would have been impossible in commercial publications. Takahashi was by no means alone in his attempts to render the full spectrum of sexuality visible, but he was among the most prominent and successful. It was probably his prominence and the fact that he addressed mainstream as well as niche audiences that made him a target for police investigation.

In 1954 an obscenity prosecution was commenced against Takahashi, as publisher and distributor, based on material that appeared in *Seishin repōto*. The police also investigated a number of club members, requisitioning their personal details as part of the operation. Found guilty and fined at the conclusion of the first court case in 1963, Takahashi ceased publication of the magazine in 1964. He took his appeal to the High Court, which upheld the guilty verdict in 1970, just one year before his death (Yamamoto 1994: 35-37). What is interesting about this prosecution is that the bulk of the magazine was dedicated to an analysis of *taiken kiroku*. These were 'records of actual [sexual] experiences' volunteered or collected by members. Some of these experiences are quite disturbing, such as those detailing the sexual

activities of former Japanese soldiers. Indeed in 1992 many of these narratives from *Seishin repōto* were gathered together by human rights academic Yamamoto Naohide and published as a book entitled *Senjō de no heishi no 'sekushuariti'* (Soldiers' 'sexuality' on the battlefield; Yamamoto 1993). The sex acts described had occurred overseas and remained outside the purview of the Japanese law, but their narration and dissemination through the printed word became a criminal act according to paragraph 175 governing obscene publications.

In his defense Takahashi argued that the membership fee was only to cover the cost of printing and distribution of the magazine and that since it was clearly a research-related venture meant for a small audience, it should not constitute the offence of distributing obscene materials for profit as defined in the legislation. More importantly, however, he contested the obscenity charge on the grounds that the material in question was circulated for 'scientific' purposes and thus its production and dissemination could not constitute obscenity. He argued that attempts by the police to interfere with his scientific inquiries were a human rights violation in conflict with the right to freedom of expression as guaranteed by Article 21 of the postwar constitution. Takahashi had some justification for making this claim since membership was vetted and only those applicants who provided their resume, details of family background, reasons for wanting to join the society and proof of age were permitted to join. More controversially, however, applicants also had to supply an account of their own sexual histories – excerpts from which could be published in the magazine and used for purposes of analysis.

The prosecution countered that it was the very raw nature of the sexual histories supplied and reprinted in the magazine that rendered the publication obscene and that the psychoanalytic commentary on these narratives by Takahashi did not change the fact of their basic obscenity. It was also pointed out that membership of the organisation was available to 'people in general' and that investigation showed that, as well as educated persons such as 'school teachers, union officials and museum curators', there were 'salary men and even a farmer and a tofu seller'. Hence the long-standing concern over the class of person accessing this material was once again at the forefront of the prosecution's case.

The 1970s to the present

The number of obscenity cases brought before the courts since the 1970s has been relatively small due to a range of self-regulatory mechanisms in place across all Japanese media industries that advise members on permissible limits. Japanese movies as well as overseas film imports are overseen by Eiga Rinri Kanri Inkai, a professional body that administers the motion-picture code of ethics. Each television station, too, has its own program review panel made up of company representatives and ‘persons of learning and experience’ that decide on appropriate scheduling. Similar industry appointed bodies oversee other media such as book publishing, newspapers, magazines, computer entertainment (such as video games) and manga. However, although these committees often include retired police officials as advisers, given their unofficial status, the fact that they have given the go-ahead to a media product does not exempt those involved from potential prosecution should the police later decide that limits have been transgressed.

Since the 1970s, police concern over the deleterious impact of obscene material on the ‘lower’ social orders has been largely replaced in official rhetoric with concern over the ‘healthy development of youth’. In particular, calls for restrictions on sex and violence depicted in manga directed at young people, often led by Parents and Teachers Associations (PTA), have gathered pace since 1968 when Japan’s most popular boys’ manga *Shōnen janpu* (Boys’ jump) began to serialize the story ‘Harenchi gakuen’ (Shameless school). This wildly successful series (later made into several movies and a TV show) made explicit reference to the repressed sexuality of a co-educational school environment and scandalised many parents and educators. The most sustained call for reform of manga content, however, followed from the tragic murder of four infant girls between 1988 and 1989 by serial killer Miyazaki Tsutomu. An investigation of Miyazaki’s background and lifestyle revealed that he was an isolated youth who had been an avid collector of ‘Lolita’-style manga and anime featuring sexualised schoolgirl heroines, as well as adult pornography. In press reports, popular psychologists drew a clear connection between his private fantasy life and real-life actions, generalizing beyond Miyazaki to an entire generation of alienated young men (Kinsella 1999: 127). Following on from the Miyazaki scare, a coalition of PTA committees, feminist groups and women’s organizations lobbied local and national politicians for increased surveillance and regulation of violent and sexualized imagery in manga and anime, particularly those marketed to young people.

The Japanese police take it upon themselves to offer ‘guidance’ to the wider society, particularly in relation to juveniles (Leheny 2006: 96-102). The police support a number of

crime-prevention associations which lobby for measures to support a healthy environment for young people and make recommendations concerning a range of media including books, movies, games and advertisements deemed unsuitable for children. They have also pressured small bookstores to remove pornography vending machines so as to prevent purchase by under-age readers (Bayley: 1991: 185). As Beer points out ‘warnings may in fact be the principal method of obscenity regulation in Japan’ (1984: 356). Local government ordinances allow the police to instruct outlets selling books, manga and videos to remove adult-oriented materials to less conspicuous areas in the store. Police committees regularly review material targeted at youth and can refer titles with objectionable content to the local legislatures who may designate the title ‘harmful to youth’, requiring it to be marketed with an adults-only warning on the cover or removed from general sale altogether. Although such a designation does not constitute censorship as the title is not technically banned, publishers are wary about having their publications designated ‘adult only’ since this eats into the profits gained from the youth market.

Until the 2000s most of the public debate around manga content was focused on boys’ (*shōnen*) manga. However in 2008, a genre of ‘light novels’ popular with girls and young women dedicated to the theme of ‘boys love’ or BL (that is romantic and sexual relations among beautiful youths), was specifically targeted for removal from the shelves of libraries in Sakai City, part of the Osaka metropolitan district. In August 2008 in response to several complaints from concerned citizens, the Sakai library made the unilateral decisions to remove all BL novels from the shelves and place them in a storage facility, to only lend them out on request to mature-age readers and to refrain from purchasing any further BL titles. After the intervention of a number of women councillors supported by high-profile feminist academic Ueno Chizuko, the titles were eventually returned to the shelves.

It was the lack of transparency over how this decision was made and the lack of explanation as to why only BL titles were targeted that caused most concern among feminist critics of the decision. Indeed, the discussion of homosexual sex per se seems not to have been the problem, as the library’s ‘gay literature’ titles written by gay men were not on the restricted list, nor were titles dealing with heterosexual sex. Feminist commentators were quick to identify the Sakai library incident as part of a more general ‘backlash’ against anti-discrimination measures critiquing traditional gender roles with which BL’s supposed ‘promotion’ of homosexuality seems to have become confused (Atsuta 2012).

The year 2008 also saw the twenty-eighth occasion of the Tokyo Youth Affairs Conference, which is convened by the Tokyo governor to review policies relating to youth resident within the Tokyo metropolitan area. The aim of this conference was to ‘address the wholesome development of youth in an era where mass media are increasing their spread within society’. The conference made a number of recommendations concerning revision of the regulations for the protection of young people, in particular that the sale and distribution of manga, anime and games depicting ‘non-existent youth’ (that is, fictional characters) in ‘anti-social sexual situations’ be restricted. Unlike in many Western jurisdictions, Japan’s child-pornography laws have not as yet been expanded to include purely fictional depictions of under-age sex. So long as the depictions are not considered ‘obscene’ (thus falling within the purview of paragraph 175), they are legal to publish and distribute (McLelland 2011). However the recommendation of the conference was that these fictional depictions be restricted to an adult audience through the use of zoning regulations restricting where designated titles might be sold.

These recommendations became the basis for Bill 156, introduced to the Tokyo Metropolitan Authority in 2010 by then conservative Tokyo governor Ishihara Shintarō. The bill was a local ordinance, aimed at extending the powers of the police to identify and require the removal from sale of material deemed ‘harmful to youth’ in the Tokyo area. Referred to derisively in the press as the ‘Non-Existent Youth Bill’ because of its targeting the depiction of purely fictional characters, it was widely denounced by industry representatives, writers, artists and academics for its vague language and the (re)positioning of the police as moral guardians of the nation’s youth (McLelland 2011; Nagaoka 2010). Defeated at the first vote, a revised bill was submitted which targeted any character (irrespective of age) engaged in ‘sexual or pseudo sexual acts that would be illegal in real life’ or ‘sexual or pseudo sexual acts between close relatives whose marriage would be illegal’ if presented in a manner that ‘glorifies or exaggerates’ the acts in question. This revision led feminist academic Fujimoto Yukari to refer to it as the ‘Non-Existent Sex Crimes Bill’.

Despite continued opposition from industry and others, the bill was passed in December 2012. What many Japanese commentators found peculiar was that the bill specifically targeted *fictional* manga and animation characters (neither photography nor literature were included). Yet, as Allison notes, manga have deliberately developed a visual style ‘intended not to mimic reality but tweak it’ so as to create ‘a space that distances the reader from her or his

everyday world' (2000: 57). Indeed it is precisely the two-dimensionality of these characters, and lack of reference to any physically existing persons that many manga fans find so attractive (see Galbraith, this volume). With this in mind, it is significant that a number of feminist academics and female writers, including Takemiya Keiko, whose 1976 manga *Song of the Wind and the Trees* was a foundational text for what was later to develop into the BL genre, spoke out in opposition to the bill. Takemiya later published an article (2011) where she expressed fears that her own iconic work would be targeted by police who might deem the exploration of themes such as sexual abuse within the family and homosexual love to be 'harmful to youth'. She pointed out that it was ironic that *Song of the Wind and the Trees*, a very popular text which many of today's mothers had grown up reading, was now in danger of being removed from general circulation because it could be deemed 'harmful' to their children.

Conclusion

As can be seen from the above discussion, rather than being an unrestricted 'pornucopia', as suggested by some alarmist reports in the English-language press, the Japanese media have always been the site of surveillance and intervention by agents of the Japanese state, most usually the police. Even today, the police are seen as having a role in the moral guidance of the nation and are frequently the first to act in cases of suspected obscenity.

Another continuity that is evident across the history of censorship discussed here is the manner in which the authorities justify their interventions on behalf of specific segments of the community that are seen to be most 'at risk' of harm from exposure to sexual material. For much of the last century it was 'lower' social orders who were seen to be at risk, but today calls for broader censorship of sexual material are increasingly made on behalf of children and young people. Japan is not alone in this. As Taiwanese academic Josephine Ho (who was herself taken to court over links she included on a sex-education website) has argued "'Children's welfare" has now become an aggressive concept that proactively purifies social space for the sake of children' (2007: 134). Both the Sakai library incident and the Tokyo Metropolitan Authority's 'Non-Existent Youth Bill' demonstrate that Japan is increasingly being drawn into global debates over children and young people's access to sexual representation and information. In Japan, as elsewhere, 'protection of children' is

likely to remain the main front on which future battles over sexual representation in the media are fought.

Further reading

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