New media, censorship and gender: using obscenity law to restrict online self-expression in Japan and China

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Abstract
The widespread take-up of Internet technologies from the mid-1990s has proven challenging to nation states that seek to limit access to ideas, information or images that the political class considers dangerous or inappropriate for the general population. As a largely deterritorialized technology, the Internet allows access to material that circumvents national legislatures and ignores local ratings systems and in so doing facilitates all kinds of inter-cultural and transnational flows of communication. Different countries have different sensitivities regarding the kinds of material that should not be freely available to their citizens and although the entry of such material is closely scrutinized at land borders, maintaining virtual barriers is much more difficult.

Keywords
obscenity, gender, self, expression, online, japan, china, restrict, censorship, media, law

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New media, censorship and gender: using obscenity law to restrict online self-expression in Japan and China

Mark McLelland

The widespread take-up of Internet technologies from the mid-1990s has proven challenging to policymakers, as the political class considers the Internet an important tool for the general population. As a democratized and popularly used medium, the Internet allows access to material that can be downloaded or transmitted from any source. Different countries have different perceptions of what constitutes obscenity, and the issue is complex. In many Asian societies, forms of political speech are subject to regulation, but what kinds of speech are deemed problematic varies from country to country. These perceptions are shaped by cultural, political, and historical factors. The challenge is to balance the freedom of expression with the need to protect public order and maintain social harmony.

In Japan, where the monarchy is respected, the courts have been cautious in defining what constitutes obscenity. The Supreme Court of Japan has ruled that obscenity is not a matter of personal opinion, but rather a matter of public order and morals. The courts have also taken into account the principle of freedom of expression, and have ruled that certain forms of speech, such as criticism of government officials, are protected under the Constitution. However, the courts have also ruled that certain forms of speech, such as those that incite violence or discrimination, are not protected.

In China, the government has a strong interest in maintaining social stability and preserving national unity. The country has a long tradition of cultural censorship, and the authorities are keen to ensure that the Internet does not challenge this tradition. The Chinese government has a robust system of Internet censorship, which includes filtering, surveillance, and monitoring. This system is designed to prevent the spread of ideas that are deemed subversive or threatening to national security.

Legislating against obscenity in Japan

As noted above, Japan constitutionally guarantees freedom of expression (Banerjee and Logan 2008, 247). The main limitation to this freedom is the prohibition of "obscenity" dating back to the Criminal Code of 1880 and maintained today in paragraph 175 of the current code which sanctions a person who distributes or sells "an obscene writing, picture or other object or who publicly displays the same." Since the 1970s, the obscenity legislation has been applied very specifically to prohibit representations of genitalia and pubic hair. Overall sexual scenarios that can include violence, group sex and even rape are not captured by the legislation, so long as public hair is clearly visible (McLelland 2015, 247; Allison 2000, 160). These restrictions apply equally to depictions of real people or imaginary manga-style characterizations.

In China, on the other hand, a much wider swathe of materials is likely to be deemed obscene and regulated by the police. Unlike Japan, specific kinds of actions are highlighted as potentially obscene, including depictions of "abnormal" activities involving homosexuality, incest, minors, or any kind of violence or sadomasochism (Yan 2015, 389). Also, unlike Japan which has not recently prosecuted any text-based articles for obscenity, the Chinese authorities are vigilant against written as well as visual depictions of material that gives "too much detail" (Yan 2015, 389).

In this chapter, I look at recent developments in obscenity prosecution in Japan and China from a gendered perspective. Although much anti-pornography discourse operates from the standpoint that pornography is a male enterprise that demeans and degrades women and is thereby dangerous to youth, in recent years both in Japan and China, women, specifically young women, have been caught up in pornography debates and anti-obscenity prosecutions that have led to censorship and even the deprivation of liberty. Although the conditions under which these women's actions have been condemned are different, it is worth considering why women's media have been targeted and whose interests are served by criticizing them. This chapter will examine the role of the state in the regulation of pornography and the way in which obscenity is defined and applied in different cultural contexts.
as the offending organs are blurred or blanked out and an appropriate age rating is published on the cover. Both real and fictional representations are covered by the legislation. In Japan all officially marketed pornographic representations whether online or in stores and whether involving actual models or purely fictional *manga* or *anime* characters must have genitalia pixelated or be otherwise masked.

The age of consent for sex mentioned in the Criminal Code is 13 in Japan but the Child Welfare Law prohibits persons under the age of 18 from appearing in pornographic material or engaging in sex work (Lusung 2004, 59). In addition a series of local ordinances further regulate the sexual behaviors of those under 18 as well as the manner in which fictional representations of such behavior may be depicted (McLelland 2015; 247; Nagaoka 2009). However, unlike many Western jurisdictions, there is no outright prohibition of fictional characters who may “appear to be” under the age of 18 in sexual scenarios. This means many Japanese *manga* and *anime* that deal in sexual themes can fail the criteria of “child-abuse publications” legislation when imported or downloaded in some Western countries including of Canada, the UK and Australia, which have all seen successful prosecutions for possession of such material in recent years.

In Japan although the production and distribution of child pornography depicting real people was outlawed in 1999, until recently “simple possession” of these materials remained a grey area, largely so to do with ambiguity about what, exactly, constitutes “child pornography” (Nagaoka 2009). Japan, for instance, supports a large “junior idol” industry consisting of print and digital reproductions of Japanese and Caucasian child models in skimpy swimsuits in poses that could be deemed erotic. This material is not covered by obscenity legislation since there are no sex acts or visible genitalia.

In June 2014 the upper house of the Diet, Japan’s parliament, finally voted to outlaw the possession of child pornography. Much was made in the anglophone press about the lateness of this move by Japan and these reports also expressed consternation over the fact that fictional *manga* and *anime* representations of under-age sex in sexual scenarios had been excluded from the new regulations (Fletcher 2015; Fackler 2014). However, nowhere in these overseas’ commentaries was it mentioned that Japan’s constitution guarantees freedom of expression and that any kind of blanket censorship is therefore difficult to introduce. This is in fact a similar situation as pertains in the United States and is unsurprising given that the current Japanese constitution was drafted by the US authorities during their occupation of the country from 1945 to 1952. Unlike in many countries, including Canada, the UK and Australia, where legislation bans outright all purely fictional representations of under-age sex, including in cartoon form, that is considered “offensive” (Byberg 2012; Eliend 2009), there is no such blanket halt in the US where “not all VCP [virtual child porn] is technically prohibited” (Byberg 2012, 13; emphasis in the original). Hence, Japan is in no sense unusual or a pariah in its failure to legislate against representations of under-age sexual activity in fictional formats. Like in the US, there are constitutional reasons why such a blanket prohibition would be unlikely to succeed.

Despite the fact that definitions of child pornography and penalties for its production, circulation and possession differ widely across jurisdictions, English-language reporting on the recent legal developments in Japan, including an article in the New York Times (Fackler 2014), have assumed a unified developed world that Japan was somehow lagging behind. The decision of legislators to exclude fictional images in *manga* and *anime* was explained as simply “a concession to the nation’s powerful publishing and entertainment industries” (Fackler 2014). In addition the Japanese nation as a whole was pictured as somewhat blase about the legislative reform, it being reported that “the passage of the law barely merited a mention on the nightly news” (Fackler 2014), the reason for this being, in the opinion of the journalist, “Japan’s more casual social attitudes when it comes to the sexual objectification of women of all ages” (Fackler 2014).

Although the Western press posits Japan’s reluctance to prohibit fictional depictions of underage sex as a symptom of male bias against women and children, there has been no mention of the role that Japanese women play in producing, consuming and disseminating erotic materials, as artists, authors and fans. Two well-known genres are the highly erotic “ladies comics” (Jones 2005), authored by and targeted at adult women, and the more youth-oriented “Boys Love manga” (see also Chapter 32 by Katrien Jacobs in this volume). “Under-age” representations mostly occur in “Boys Love” (BL) *manga* novels, games and online fiction which feature romantic and sexual liaisons between “beautiful boys” and adult men. BL was originally pioneered in the early 1970s by a group of female *manga* artists known as the “Year 24 Group,” due to all members being born in or around the twenty-fourth year of Emperor Showa’s reign, that is, 1949 (McLelland and Welker 2015, 9). Although early examples of the genre in the 1970s were fairly demure, as Nagaoka notes, BL has developed into “an example of narrative pornography directed at female readers” and “BL narratives include all kinds of sexual acts, such as hand jobs, fellatio, digital penetration of the anus and S/M” (2003, 80). Indeed because most BL narratives are structured around a dominant “seme” (attacker) and “uke” (receiver) in a variety of “pairings,” it is not unusual to see coercive sex and even rape depicted (McLelland and Welker 2015, 10).

As Allison argues, *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, which many *manga* fans find so attractive (Galbraith 2015a, 215). With this in mind, it is significant that a number of feminist academics and female writers, including Keiko Tikemiya (a member of the Year 24 group), whose 1976 *manga* Song of the Wind and the Trees was a foundational text for what was later to develop into the BL genre, have spoken out in opposition to introduce censorship of *manga*. In 2011, Tikemiya published an article 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 *manga* which many of today’s mothers have grown up reading, was now in danger of being removed from general circulation because it could be deemed “harmful” to their children.

BL is popular with girls and women of all ages in Japan (McLelland and Welker 2015, 3). Since the 1990s the genre has diversified and includes not only officially produced *manga* but a large market of amateur *manga* (dōjinshi or self-published zines) (Thorn 2004), as well as animations, art work, computer games and “light novels” (Welker 2015). These items are for sale online as well as specialist book stores, at fan conventions, and are held by some libraries. In Japan BL is a considerable market for hard-copy BL media, whether in official or amateur form, there are also a variety of online forums for the discussion and dissemination of BL materials, including cell phone novels, online games and fan fiction sites. In this regard it is similar in many ways to Western women’s “slash fiction” which also pairs “beautiful boys” with other boys and adult men, as in the Harry Potter slash fandom (Toseneberger 2008). Although BL is barely acknowledged by Western journalists who focus instead on criticizing the sexualized depictions of girls enjoyed by male *manga* and *anime* fans, “Boys Love” is frequently discussed in the Japanese press and is the subject of academic inquiry by Japanese and Western feminist and queer studies academicians (Nagaoka and Aoyama 2015).

Given that fans of the genre realize that their interest in male-male fantasy sex is looked down upon by others in society, many self-identify with the term fujoshi, a Sino-Japanese compound, the original characters of which signify “women and girls” (Hester 2015, 169). However, by switching out the character "fu" meaning “woman” with the homophonous character “ji”
meaning “fermented” or “rotten,” the fans identify themselves as “rotten girls.” As Galbraith’s ethnography of a group of female fujoshi shows, many fans are happy to differentiate themselves from “normals”—persons whose fantasy lives are preoccupied with conventional relationships. BL fans on the contrary identify themselves as having an “abundant imagination” that allows them to “fantasize about anything” (2015b, 155). These rotten girls have been the subject of light-hearted treatment in a series of novels, TV shows and manga (Hester 2015) but more recently have been subject to negative media scrutiny and Internet attacks by those who see their interests as pathological and liable to harm the wider society, especially young people.

Scrutinizing Japan’s “rotten girls”

Japan’s rotten girls first gained mainstream media attention around 2004–2005 when a series of journalistic exposés of their consumption practices was published in the general media. In 2008 a new controversy erupted when a genre of “light novels” dedicated to the theme of “boys love” was the target of an Internet campaign calling for their removal from the shelves of libraries in Sakai City, part of the Osaka metropolitan district. In August 2008 in response to these complaints, the Sakai library had made the unilateral decision 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. The national press picked up the dispute and began running articles about this “troubling” genre, remarking on the sheer volume of BL titles in library collections. The total number of BL novels in Sakai public libraries was reported to be 5,800. Other media reports also made much of the fact that these sexual stories featuring male–male romance were requested by women known as “rotten girls” (fujoshi), thus drawing attention to the self-consciously submissive nature of the works’ readership.

The library’s actions generated considerable debate on Japan’s social networking website mixi and on BBS sites set up to “scrutinize” so-called “FumiNazi” attacks on traditional gender roles, with BL detractors launching a range of critiques. The main points reiterated by BL opponents were that BL is a pornographic genre and as such should be treated akin to male-oriented pornography and kept away from minors because of its “bad effects.” Furthermore, having defined the genre as pornographic, the use of tax-payers’ money to acquire BL was “inappropriate.” Also, the fact that the genre dealt in male–male sexual relations could be construed as a form of “sexual harassment” toward heterosexual readers. However, the argument of most interest was that the popularity of BL among female youth was a sign that young women were confused about appropriate gender roles, thus highlighting the difference between the fujoshi and so-called “normals.”

After an Internet campaign in support of returning the BL items to the shelves, the intervention of a number of women councilors, and the involvement of high-profile feminist academic Chizuko Ueno, the sequestered items were eventually returned to general circulation. However, the lack of transparency over how the decision to remove the BL books was made and the lack of explanation as to why only BL titles were targeted caused concern among feminist critics of the library. Feminist commentators such as Ueno were quick to identify the anti-BL campaign as part of a more general “backlash” by conservative groups against feminist measures critiquing traditional gender roles with which BL’s supposed “promotion of homosexuality seems to have become confused (Atsuta 2012; Ueno 2009).

Japan’s obscenity legislation is often criticized by overseas journalists who believe that its specific emphasis on the visibility of the acts depicted (as opposed to their nature) allows depiction of scenes of underage sex, bestiality, and violence which tacitly support male exploitation of women and children. However, the Sakai library incident shows that the narrow manner in which the legislation is interpreted actually allows a great deal of freedom of expression, a freedom which is fiercely defended by feminist artists and academics in Japan. Attempts to have BL titles removed from libraries could not be based on the “obscenity” of their contents but instead relied on arguments over the appropriateness of the use of public money to make available this kind of material.

The particularity of Japanese obscenity law has, however, recently been successfully deployed to prosecute and detain at least one female artist in Japan. Although not herself a fujoshi, artist Megumi Igarashi exhibits under the name “Rokudenashiko,” which translates along the lines of “Good-for-nothing-girl” and clearly positions her as opposed to accepted notions of feminine propriety. In March 2014 the artist made a digital scan of her vagina and then used a 3D printer to manufacture various objects in its guise.

The various vagina objects included a kayak which the artist financed via a crowdfunding venture on her website and then paddled up and down the Tama River between Tokyo and Kanagawa. The artist’s purpose was to de-stigmatize talking about female parts. As she pointed out there are many affective diminutive ways of referencing the penis in Japanese, but relatively few words referring to the vagina, all of which can be considered obscene. The bright yellow kayak itself was later exhibited in a Tokyo gallery and it was not the production of the boat itself that led to the artist’s prosecution. Rather she was originally arrested in July 2014 for sending the scan from the original scan of her vagina to her supporters via the Internet. Although the code itself was just a series of zeros and ones, had her supporters had access to a 3D printer then they could have produced an anatomically correct representation of her vagina. In October 2014, Rokudenashiko was arrested once more, this time along with Minoru Watanabe, the owner of feminist sex store Love Piece Club, for the display of miniature figurines modeled on the artist’s vagina. However, as Watanabe pointed out, the police seemed to have no problem with the penis-shaped dildos also on display in the store (items that could actually be used for sexual acts unlike the artist’s decorative figurines). At the time of writing, Igarashi has been indicted on charges of obscenity, and it remains to be seen how this prosecution will play out in the courts (Atushi Shunbun 2014).

The above cases, both featuring sexualized media by female fans and artists, show how the particularity of Japan’s obscenity legislation has both benefits and pitfalls for female sexual expression. While the BL fan network is largely unhindered by censorship so long as the technical limits on depiction of genitalia are respected, depictions of actual genitalia, even when represented in an “artistic” context, are liable to be surveilled and prosecuted by the police. Rather than being “victims” of Japan’s somewhat nebulous obscenity legislation as Western journalistic accounts suggest, the limited framing of obscenity in Japan means that Japanese women are often able to express themselves with considerable freedom, especially in comparison with their Chinese neighbors.

Legislating against obscenity in China

Like Japan, the People’s Republic of China has constitutional guarantees to freedom of expression but these guarantees are largely ineffective in the face of government censorship which covers all kinds of political speech as well as representations of obscenity. Provisions against obscenity, on paper at least, focus on “profiteering acts” as designated in Article 36(1) of the constitution, prohibiting “providing, duplicating, publishing, selling or disseminating obscene articles” (Yan 2015, 388). Unlike Japan, the Chinese authorities have exerted a great deal of effort aimed at limiting the general population’s exposure to pornographic content on the Internet. Overseas pornography websites are of course banned but this has not limited the spread of what Jacobs (2012) terms “people’s pornography,” that is, user-generated sexual content outside of the commercial media (see also Chapter 32 in this volume).
Although Japan has been criticized for the taudiness of its legislation to prevent the production and dissemination of child pornography, which was not enacted until 1999, little has been written concerning Chinese legislation on this matter. Child pornography is not specifically mentioned as a prohibited item in Chinese legislation but since 2004 the production, dissemination or display of sexual conduct by those under the age of 18 has been stipulated as unlawful in a Judicial Interpretation. This is significant because “never before had the dissemination of child pornography been specifically dealt with and punished” (Yan 2015, 397). However, as Yan notes, the Interpretation is focused on production and dissemination, “implying that the mere possession of online child pornography is not a crime”—a situation that persisted also in Japan until 2014. A further Judicial Interpretation in 2010 increased the criminal liabilities for those dealing in child pornography material but did not clearly specify whether such materials are those derived “from real minors or are only computer-generated” (Yan 2015, 398). Hence it is not clear whether child pornography measures can be used to capture BL materials as they can be in some Western jurisdictions.

Since April 2014 authorities in China have been conducting a “Cleaning the Web” campaign aimed at removing “pornographic and vulgar information” that “seriously harms the physical and mental health of minors and seriously corrupts social ethics” (NI 2014: 4). The 2014 campaign is but the latest phase of ongoing attempts by the authorities to restrict access to sexually explicit material. This includes new regulations in 2013 that placed enhanced limitations on Western and Japanese movies and TV dramas that could be legally streamed. Programs featuring “one-night stands, adultery, supernatural occurrences and gambling” were signaled out in a circular released by the State Administration of Press, Publication, Radio, Film and Television (Shanghaiist 2014). The Chinese authorities are not simply anxious about the negative impact that foreign sexual mores may have upon the population but have also been pursuing a crackdown on local content. For instance, since 2007, rewards have been offered to those who report persons who circulate pornographic images via mobile phones. It is also since 2007 that Chinese BL fans have come under increased state and media scrutiny, accused of “selling pornography, promoting incest and ‘poisoning’ young minds” (Feng 2009, 4).

Scrutinizing China’s “rotten girls”

In recent years female producers of user-generated sexual content similar to and inspired by Japanese “otaku” culture have become targets of state surveillance and suppression. The BL subculture is a lively part of the “offensive and anime fandom throughout the Chinese-speaking world including mainland China (Liu 2009), Hong Kong (Jacobs 2011) and Taiwan (Martin 2012). As Jacobs points out, “Most BL fans in China and Hong Kong are happy to adopt the identity of a ‘rotten girl’ based on the Japanese label of fujoshi” (2011, 161). Although the term BL is widely known and used throughout the fandom in China, danmei is a more frequently used Chinese term. Danmei is the Mandarin pronunciation of the Japanese word tambi (McLelland and Welker 2015, 11; Feng 2009, 4), which refers to decadent, highly aestheticized literary forms and often applied to literature dealing with male homosexuality. Chinese danmei stories celebrate explicit homoerotic relationships between boys or men—fictional characters taken from mainstream media, real-life celebrities, and male personifications of day-to-day objects and animals, as well as original characters” (Yi 2013). Like online versions of BL, danmei is a form of user-generated pornography that is created and disseminated by “relatively young women” who “appear receptive to unconventional sexual relationships and graphic sex in danmei novels, as compared to more strictly censored heterosexual romance fiction” (Feng 2009, 4).

Drawing on typical BL tropes, danmei stories often feature a power differential between older and younger males, exploring the dynamic between “active” and “passive” partners that can include coerced sex and even rape. These fictions are particularly prone to being labelled obscene, since, as mentioned, Chinese legislation specifically signals out homosexuality, incest and sadomasochism as problem categories. As Xu and Yang point out, incest is a common narrative trope in danmei and represents “a feminine attempt to reorder the power structure within the family,” but since the family is conflated with the state in Chinese social organization, these narrative attempts at displacement have significant political implications (2013, 31). Danmei can also include real-life characters such as the members of the boy band TF Boys (all of whom were under age 14 when they first debuted in 2013). These fictional stories (even when dealing with real individuals) attest to the popularity of stories about romantic interactions between the very young which is by no means limited to Japan. In the Chinese context, Yang and Xu (2014) suggest that the romantic and sexual scenarios imagined as taking place among youthful characters is related to the literary trope of qingmei zhuma or “green plum and bamboo horse” first recorded by the Tang poet Li Bai (701–762) who described how the innocent friendship of childhood can later turn into romance. As Yang and Xu note “for a thousand years, green plum and bamboo horse [has] been considered the most romantic and valuable human relationship, more romantic than love at first sight” (2014).

However, unlike in the West, where condemnation of depictions of youthful-looking characters in imaginary sexual scenarios is becoming hegemonic, it is not the age of the characters depicted in danmei fiction which causes the most concern in China but rather their homosexual content. Women’s danmei sites have been discussed negatively in the Chinese media since 2007 when they first came under state scrutiny and began to be closed down. Liu notes how the “scribbly wall” at a 2007 government-sponsored animation convention in Shanghaim was used by danmei fans to criticize the government’s actions in taking down one of their favorite sites. She argues that fans used the board “to counteract the compulsively-moralistic government propaganda concerning ‘the harmonious family’ and its concurrent need to repress deviance and uphold virtue” (2009).

During another crackdown on Internet pornography in 2010 danmei fans were again subjected to critique in the mainstream media. An August 2010 article in the Guangzhou Daily suggested that these fan girls needed “psychiatric help” whereas other editors surmised that the fans “might cause societal harm because of the anti-mainstream, rebellious nature of their practice” (Yi 2013). The websites that hosted this kind of fan fiction were not simply closed with take-down orders for the offensive content, but in 2011 the police arrested a number of fan authors. According to Yi (2013), in March 2011, police in Zhengzhou Province arrested 32 fan writers, all of them women, for posting stories with homoerotic content to a website. This resulted in the posting of satirical comics to the microblogging site Sina Weibo, joking that there was insufficient space in all China’s prisons to house all the women who participated in the exchange of these kinds of stories.

The material effect of this sustained scrutiny has been a heightened self-censorship on many of the China-based websites on which danmei fiction is made available. In response to the 2010 Internet crackdown Shanda Literature, for instance, which supports a number of websites on which all kinds of user-generated fiction is hosted, established a comprehensive self-censorship system for all of its subsidiary websites, “including a bank of sensitive words to automatically filter and block harmful content” (Yang and Xu 2014). During the 2014 campaign, one of its subsidiaries Jiqingyuan, “activated specifically on BL and closed its BL and fanfic site for a whole week” (Yang and Xu 2014). These sites have also acted to remove search terms such as BL and danmei from users’ contents descriptions as so to lessen the risk of illicit material being brought
to the authorities' attention. Chinese fan fiction websites hosted overseas, however, have largely ignored the cleaning the net campaigns, since the mainland authorities can only block access to the site but cannot compel material to be taken down or altered (Yang and Xu 2014). Danneme writers resident in China, however, are still vulnerable to police action.

Conclusion

As can be seen from the preceding discussion, the context surrounding the controversies generated by BL and danneme are rather different in Japan and China from that in many Western societies, where depictions of characters who may “appear to be” under age in sexual scenarios are potentially caught up in child pornography legislation. The widespread credulity and disbelief expressed in the Western press over Japan’s supposed “refusal” to include fantasy representations of under-age sex in the legislation is indicative of the widespread ignorance of the different purposes to which sexual fantasy might be deployed in the Internet age.

Most journalistic commentaries have focused on how violent and sexist representations of women and girls are symptomatic of Japan’s patriarchal culture, without any consideration that women themselves are speaking back to this sexist system via their own fantasy narratives—narratives in which the bodies of boys and young men are deployed as vehicles for female self-expression and gender critique. This movement is by no means limited to Japan and China, or even to East Asia. Similar arguments have been made for the popularity of BL among young women in the Philippines (Santos Ferrnin 2013), Indonesia (Abraham 2010) and throughout Western countries (Pagliasotti 2010). As Thorn notes, these kinds of narratives find favor among a certain demographic of women in many industrialized nations since “what these fans share in common is discontent with the standards of femininity to which they are expected to adhere and a social environment and historical moment that does not validate or sympathize with that discontent” (2004, 180).

In Japan, where fantasy material is concerned, the fact that current interpretations of obscenity legislation attend only to the degree of visibility of sexual organs and not to the nature of the sexual acts, nor the ages or genders of the participants, has enabled the widespread growth of the BL phenomenon. The media may well criticize the “rotten girls” who make up the BL fandom, but legislators have very little control over the rotten girls’ imaginations and the police are unable to become involved in their online or offline self-expression.

However, the fact that the Japanese police are willing to move against female sexual self-expression is illustrated by the arrest and detention of vagina-artist Rokudanashiko. Although her transmission via the Internet of digital data (not even an actual image) of her vagina was not in itself a sexual act, the fact that the data could, on the receiver’s end, be reassembled into a realistic depiction of the actual thing was sufficient for the police to act against her. As far as works of the imagination are concerned, however, so long as the rather technical limits of the obscenity legislation are respected, there are no limits on content. This has enabled BL to develop into a vibrant commercial genre as well as support a range of fan activities that take place online. If Japan were to extend its child pornography laws to capture purely fictional representations of under-age sex, then this would have a negative impact on women’s BL fandom and endanger many female artists and readers who could potentially be subject to police harassment and arrest, as has happened to Rokudanashiko.

In China, however, obscenity legislation is being interpreted much more broadly. Although so far BL and danneme fiction is not being classed as a type of child pornography as is potentially a problem in the West, the fact that it deals with homosexual content and incestuous relations is highlighted as reason for its suppression. It is, however, precisely the homosexual, “taboo” nature of the love stories that makes them so popular with fans since these same-sex romances are the perfect vehicle to launch critiques of the normative, familial rhetoric purveyed by the authorities—a characteristic that typifies the BL fandom internationally. It is the fact the danneme fiction focuses on “anti-social” sex that has caused danneme fandom to be signaled out by the authorities as a form of unwholesome and deshabilitating activity—and the scrutiny has even eventuated in a number of arrests.

The activities of Japan’s and China’s “rotten girls,” although the source of some concern and consternation in their respective societies, have largely been unmentioned in recent Western debates around the dangers of Internet pornography, particularly child pornography. However, the spread of BL from Japan to China and the manner in which BL’s protest against the prevalent sex and gender system have been indigenized in China to reflect local gendered and political concerns, is a fascinating case study of how the Internet enables transnational forms of community building among women. It also encourages us to rethink the various forms of political action engendered by new media technologies and the important role that “obscure” depictions can play as a form of cultural critique as well as the ways in which obscenity legislation is constantly reapplied for different ends across the digital domain.

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