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# Administrative Measures Against Far-Right Protesters: An Example of Japan's Social Control

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Japan's pre-emptive approach to far-right demonstrations has had a significant impact. Far-right street protests accompanied by hate speech have been rapidly decreasing, although Japan has not introduced penalties. Why did the Japanese approach have such an effect? While the regulation of hate speech in Japan has been discussed mainly in legal studies, Japan's use of administrative measures against hate speech has not been emphasized. Focusing on the implementation of the 2016 Hate Speech Law, this article examines administrative measures against far-right protesters as an example of Japan's 'soft' approach to social control: not directly banning but discouraging social activities that are deemed harmful to social harmony. These measures have a pre-emptive character and are implemented based on a prior consensus between local officials and far-right activists about appropriate ways to use public spaces and possible expressions. This article also shows that Japan's treatment of both far-right protesters and counterdemonstrators is guided by the harmony-related concept of *kenka ryōseibai*, which imposes punishment on both parties in a private quarrel, whether right or wrong. Japan's approach to far-right protests thereby differs from the conventional American and European approaches in terms of both forms of regulation and central values.

**Keywords:** *far-right protesters; hate speech; administrative guidance; social harmony*

## 1. Introduction

While far-right street protests have seen something of a revival around the world, there has been no escalation in Japan. Japan was troubled greatly by far-right protesters against Korean ethnic minorities between 2009 and 2016. The Civil Association against Privileges for Resident Koreans (*Zainichi tokken o yurusanai shimin no kai*, hereafter Zaitokukai) held a series of protests throughout Japan, mainly in towns with Korean residents. The Zaitokukai's demonstrations escalated so drastically that the leading four members were arrested for a series of physical and non-physical attacks against a Korean primary school in Kyoto between 2009 and 2010. Only such extreme cases against specified people can be criminalized under the Japanese legal system, not hate speech towards specific people and incorporated bodies. How to regulate far-right protesters who engage in such hate speech has therefore been intensively discussed. Following strong civil society advocacy and external pressure from the UN Committee on the Elimination of Racial

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**Table 1.** Number of Hate Speech Demonstrations in Japan.

Period		Total	Annual Average
April 2012–September 2015	42 months	1,152	329
July 2016–June 2018	24 months	86	43

Discrimination (CERD 2014: 3), Japan passed the Hate Speech Law in 2016 (Shibuichi 2016; Kanagawa Shinbun 2016a).<sup>1</sup>

The Japanese approach to far-right demonstrators has had a considerable impact. Yet the Hate Speech Law introduced no specific penalty. Moreover, it has been classified as a ‘principle law’ (*rinēnbō*). Principle laws tend to consist of few articles and explain only basic principles in relatively abstract terms, therefore making only a marginal impact. Scholar-activists against hate speech have pointed out shortcomings in the Hate Speech Law (e.g. Akedo and Taki 2019: 7; Akedo et al. 2019: 24, 27). Nevertheless, there has been no further escalation in far-right street protests. The number of far-right demonstrations held between July 2016 and June 2018 that included hate speech decreased to 13% of the number held between April 2012 and September 2015 (from 329 to 43), as Table 1 shows.<sup>2</sup> Far-right protest events used to recruit hundreds of participants at their peak, but the number of participants has dropped to dozens (Noma 2018: 123, 166). The participants generally no longer use violent, vulgar, threatening expressions like ‘You die!’ and ‘Kill them!’ (Noma 2018: 56; Akedo et al. 2019: 9).<sup>3</sup> Sometimes they decide voluntarily to refrain from holding protest events (Noma 2018: 167; Akedo et al. 2019: 13). Why did the Japanese approach to far-right protesters have such a significant impact?

The Japanese approach owes its success in part to court fights, which Hatano (2018) investigated, but also to administrative measures, which have not been sufficiently studied. In the civil court case that was filed by the Kyoto Korean primary school, eight Zaitokukai members were ordered to pay around 12 million yen (about 123,500 US dollars). It is undisputed that this amount of compensation weighed heavily on the Zaitokukai. However, most defendants who were found guilty at the criminal trial continued to commit hate speech towards unspecified Korean residents. One defendant even continued committing criminal acts against the Korean school and was fined half a million yen (about 4,700 US dollars) in December 2019 (Jiji Tsūshin 2019). This suggests that the considerable impact of the Japanese approach to hate speech is not merely due to a deterrent effect of the Kyoto cases.

Previous studies have not emphasized administrative measures or their impact as characteristics of the Japanese approach. To fill this research gap, this article focuses on informal administrative measures to restrain far-right protestors from hate speech voluntarily. These measures have a pre-emptive<sup>4</sup>

<sup>1</sup> The full name of the law is *Honpōgai shushin-sha ni taisuru futō na sabetsu-teki gendō no kaishō ni muketa torikumi no suishin ni kansuru hōritsu* (The Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behaviour against Persons Originating from Outside Japan) (MOJ 2016a).

<sup>2</sup> Information published by the Ministry of Justice (MOJ 2016b: 33–38) and Kyodo News Agency (2018) is compiled in Table 1.

<sup>3</sup> Akedo and Taki (2019: 5) pointed out that the most aggressive expressions like ‘[I/We will] kill/execute/extinguish [you/them]’ are still on the increase. However, their argument is not based on any quantitative analysis and is a mere impression. Therefore, it seems not entirely reliable. It is also notable that Akedo conducted his observation up to the end of May 2017.

<sup>4</sup> My use of the term ‘pre-emptive’ must be distinguished from the legal term ‘pre-emption’, which is related to conflict between federal and state legislation in the US. I thank an anonymous reviewer for helping me to avoid a possible misunderstanding that might stem from my use of the term ‘pre-emptive’.

character: local officers, including police, use basically no legally binding force and rely rather on a prior consensus between themselves and far-right protestors that emerges in a peaceful atmosphere. This article regards such an approach as originating from Japan's method of social control. Social control refers to 'the form of patterns of pressure, through which society maintains social order and cohesion' (Carmichael 2014). Its mechanism has been studied in a wide range of fields. Studies of Japanese society have investigated Japan's methods of social control, in particular its 'soft' method, which relies heavily on non-binding, informal measures (e.g. Haley 1991; Tashiro 2010; Löschke 2020).

Using the implementation process of the Japanese Hate Speech Law as a case study, this article analyses the Japanese approach to far-right protestors from the perspectives of forms of regulation and moral values. The literature on Japanese far-right protestors and their hate speech has been rapidly growing. Within this debate, scholars' discussions of the regulation of hate speech in far-right protests mostly fall into a dichotomy between two conventional approaches, each oriented toward one of two conflicting values, namely free speech and human dignity (e.g. Sakuraba 2014; Higaki 2017; Kim 2017; Kotani 2018). However, this article argues that this dichotomy does not adequately capture what is specific about the Japanese approach to far-right protestors. To show that the Japanese approach is distinct from these conventional approaches, this article will consider both forms of regulation and central values from a political scientific perspective.

My analysis is based mainly on 52 qualitative interviews with 18 national and local officials, including 10 police officers; 1 Diet member (Arita Yoshifu); 17 leading activists, including scholars and lawyers who were involved in the policymaking and implementation of the Hate Speech Law and local ordinances against hate speech; 16 counterdemonstrators; and two leading far-rightists who have much experience in organizing protest events.<sup>5</sup> These interviews were conducted mainly in four important municipalities (Kawasaki, Kyoto, Osaka, and Shinjuku), which have been the most frequent sites of far-right protests against Korean residents.

To examine which moral values have guided the Japanese approach to far-right demonstrations, I also conducted a 'political discourse analysis' (Fairclough and Fairclough 2012; Bacchi and Goodwin 2016), focusing on how to problematize hate speech as a social subject, especially regarding central values to motivate political actions. The analysis draws on a range of data: legal texts, Diet proceedings, literature, and online content (websites and blogs) published by politicians and activists who supported or opposed the Hate Speech Law. After contextualizing the case study in the second section, this article provides an overview of the legal system against far-right protestors in Japan in the third section and analyses administrative measures against far-right demonstrations in the fourth section.

## 2. Beyond the Dichotomy: The Japanese Approach as a New Approach?

Approaches to the regulation of far-right protests involving hate speech but no physical violence have been classified into the American and German (European) approaches. This dichotomy focuses primarily on the dominant values and forms of regulation—more specifically, on how two conflicting values, free speech and human dignity, are balanced (Bleich 2011; Heinze 2016). Placing great importance on the right to free speech, proponents of the American approach argue that far-right protests accompanied by hate speech should be regulated only if the danger of escalation into violence

<sup>5</sup> I conducted the semi-structured interviews, which focussed on the implementation process of administrative measures against hate speech in protest events, mainly in May and June 2017, in June and July 2018, and in March and April 2020.

is ‘clear and present’ and if the right to freedom of expression is not harmed (Baker 2019; Lee 2010; Post 2011). Supporters of the German approach focus on the duty to preserve human dignity and advocate the imposition of penalties on far-right protests accompanied by hate speech, especially if the hate speech can be regarded as Holocaust denial or incitement to racial or religious hatred (Tsesis 2002; Heyman 2008; Waldron 2012).

Many scholars have categorized the Japanese approach as a version of the American approach because it imposes no penalties on hate speech in far-right protest events, in contrast to the German approach (Morooka 2013: 136; Sakuraba 2014: 114; Kondo 2017: 7). However, this dichotomy seems to be unhelpful in understanding the Japanese approach, especially after enforcement of the Hate Speech Law in June 2016.

In what follows, I will argue that the Japanese approach to far-right protests should be understood in light of the research on Japan’s ‘soft’ method of social control. Japan has historically implemented administrative measures to pre-emptively discourage, rather than directly ban, social activities that are deemed to be harmful to social harmony (Upham 1987; Pharr 1990; Garon 1997). More specifically, administrative guidance (*gyōsei shidō*) has been offered by national and local officials, often in informal meetings without binding legal force, on the assumption that citizens will cooperate voluntarily. Bondy (2020) has argued that Japan’s approach to discrimination against outcasts (*burakumin*) by means of a ‘principle law’ and administrative guidance remains weak and symbolic. In contrast, this research shows the real power of such administrative guidance.

Japan’s ‘soft’ method of social control by means of informal administrative measures goes back to the pre-modern (Edo) period and has been regarded as being guided by the cultural value of social harmony (*wa*) (Bellah 1957; Nakane 1970; Befu 2001). In Japan, *wa* sets up ‘the creation and maintenance of peaceful unity and conformity within a social group, with a commitment to cohesive community taking precedence over personal interests’ as its ideal (Hirata and Warschauer 2014: 7). Japan scholars, especially those who have been involved in *nihonjinron* (discussions about the Japanese and their identity) since the 1970s, have often argued that Japan’s pursuit of social harmony has serious downsides, like strong peer pressure, high demand for tacit agreement, and hidden perseverance. Parts of the *nihonjinron* arguments concerning group orientation have been criticized and revised, especially because of the lack of empirical evidence and the disregard of minorities’ issues and class competition in Japan (Sugimoto 2014: 3–16). However, it seems inappropriate to exclude the use of social harmony and its related concepts from a framework for the analysis of Japanese society completely, because Japan’s ideal of social harmony has been constantly re-examined (e.g. Sato and Ohbuchi 2013; Hirata and Warschauer 2014; Zhai 2017).

This article argues that the concept of social harmony distinguishes the Japanese approach from the German and American approaches. As Matsui (2014, 2018) pointed out, Japan’s cultural value of harmony hindered the Japanese people from having great respect for human dignity and autonomy. Autonomy is closely linked to free speech and is valued by supporters of the American approach (Waldron 2012: 144–172). Therefore, social harmony can be regarded as the key value distinguishing the Japanese approach from the German and American approaches. The relationship between Japan’s regulation of far-right protesters and Japan’s model of social control might not be surprising to Japanese people. However, it might surprise communities researching far-right protests and the regulation of hate speech to learn that even far-right protesters have been guided and controlled by the value of social harmony.

Another important harmony-related concept is the Japanese principle of *kenka ryōseibai* (‘In a quarrel, both parties are to blame, whatever the rights or wrongs’) (Kim and Lawson 1979: 511). Japan’s administration has regulated social conflicts, especially riots, pre-emptively since medieval

times according to this principle (Tsujiimoto 1968). The *kenka ryōseibai* principle has often been interpreted in relation to the ideal of social harmony, especially because it regards disputes as disturbances of social harmony and prioritizes the preservation of social harmony without making it clear who is right and who is wrong (Kim and Lawson 1979: 502; Ueda et al. 2005: 451; Shimizu 2006: 202). Since Japan's modernization, the principle has never been clearly written in legal texts. Nevertheless, it has been applied to various aspects of postwar social control, including street policing and court decisions (Murayama 1990: 363–374; Kawashima 2010 [1967]: 143–153). The principle is applied even to cases of school bullying, wherein teachers accuse assailants and victims of causing quarrels equally and the idea that assailants are in the wrong is not clear (Shinpo 2008: 71; Mochikawa 2011: 67). This article also reveals that the *kenka ryōseibai* principle has placed counter-demonstrators in a difficult situation in which they are also blamed for disturbing social harmony, and their efforts cannot be applauded by the state and public even if they contribute to the regulation of hate speech.

In these research contexts, the following sections examine the Japanese approach to far-right protesters in terms of both forms of regulation and central values. After wavering between the German and American approaches in the policymaking process, distinctive characteristics of the Japanese approach started to appear in the implementation process.

### 3. The Legal Texts Against Hate Speech in Protest Events in Japan

After briefly explaining a constraint for criminalizing hate speech in Japan, this section explores the text and policymaking of the Hate Speech Law, focussing on forms of regulation and dominant values. To regulate hate speech in far-right demonstrations, Japan did not revise its criminal code. Instead, it introduced the Hate Speech Law. Although the policymaking process was guided partially by the central values of the two conventional approaches, the legal structure conforms to Japan's model of social control by introducing no specific penalty and explaining only basic principles in relatively abstract terms.

#### 3.1. Japanese Criminal Law

Japanese criminal law differs from German (European) criminal law in that it does not impose any ban on hate speech in protest events, as mentioned above. The Japanese approach has therefore traditionally been categorized alongside the American approach. This aspect has not changed since the Hate Speech Law was passed. The relevant articles of the Japanese criminal law (Article 230 and 231) concerning insult and defamation are applicable only to specified individuals or groups, such as corporate bodies. Far-right protesters who engage in hate speech cannot be prosecuted for insult and defamation if they target unspecified people, such as 'the Korean people', rather than identifiable individuals. Far-right protesters who also committed hate speech have been punished mainly for criminal acts like intimidation, obstruction of business or damage to property.

The Japanese legal system does not emphasize human dignity as a central value. The Japanese system of law 'still lags behind the modern understanding of human dignity' and its articulation of human dignity is 'far from complete, clear or straightforward' (Matsui 2014: 422). For this reason, only a few domestic laws refer to the concept (Yamazaki 2011: 28). Unlike German criminal law,

Japanese criminal law does not refer to the concept of human dignity.<sup>6</sup> The Japanese constitution mentions the concept of free speech, but not human dignity.<sup>7</sup> This also explains Japan's decision not to introduce the concept into the text of the Hate Speech Law (Kim 2018a).

### 3.2. The Hate Speech Law of 2016

Instead of revising the criminal law, Japan introduced the Hate Speech Law in 2016. Initially, the opposition submitted a bill on 22 May 2015 to prohibit hate speech,<sup>8</sup> which came to a vote and was rejected on 13 May 2016 (Sangiin 2016a, 2016b). One year later, on 8 April 2016, the ruling coalition submitted another bill to regulate but not prohibit hate speech. Neither bill imposed penalties for hate speech. The law that was passed on 24 May 2016 has been called a 'principle law' (*rinennō*) because its articles are formulated in relatively abstract terms and explain only the basic principles of regulating hate speech. For example, Articles 1 and 3 read as follows.

Article 1 [Purpose]:

The purpose of this Law, in view of the current situation that it is a pressing issue to eliminate unjust discriminatory words and actions against People from Outside Japan (*honpōgai shusslin-sha*),<sup>9</sup> is to establish the basic principles of national commitments to eliminate them, and to establish and promote the basic measures [against hate speech] as well as to clarify the responsibility of the State, etc.

Article 3 [Basic Principles]:

The People must endeavour to deeply understand the necessity of the elimination of unjust discriminatory words and actions against People from Outside Japan and to contribute towards the realization of a society without such words and action.

In view of the patterns of social control in Japan, these articles, which are formulated in relatively abstract terms, can be interpreted as a necessary arrangement. Under such an arrangement, the administration could take informal legal measures to implement the Hate Speech Law.

The preference for 'enlightening activities' (*keihatsu katsudō*) is also characteristic of the regulation form adopted by the Hate Speech Law (Article 7 (1), MOJ 2016a: 3). During deliberation, the policymakers of the ruling coalition insisted that the prohibition of hate speech should not be imposed in Japan because enlightening activities are sufficient (NDL 2016a, 2016b). The policymakers' dislike of a complete prohibition of hate speech and their preference for enlightening activities can be interpreted as conflict avoidance, a typical attitude that follows Japan's method of social control.

Concerning the central values behind the Hate Speech Law, the Diet deliberated on balancing the two conflicting values of free speech and human dignity. The ruling coalition emphasized the concept of free speech and thereby rejected the 'prohibition' of hate speech that the opposition's bill

<sup>6</sup> Articles 130 (Incitement to hatred), 130a (Attempting to cause the commission of offences by means of publication) and 131 (Dissemination of depictions of violence) of the German criminal law mention the concept of human dignity.

<sup>7</sup> Article 13 of the Japanese constitution that was introduced to abolish the feudal system and to value individuality has been interpreted as mentioning human dignity or individual dignity (Doi 2017: 67–68). The article states: 'All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with public welfare, be the supreme consideration in legislation and in other governmental affairs'. However, this article does not refer to the value clearly.

<sup>8</sup> The opposition's bill did not introduce any penalty for hate speech. Nevertheless, it did prohibit hate speech, as Article 3 explains basic principles which 'prohibit racial discrimination'.

<sup>9</sup> Article 2 of the Hate Speech Law defines 'People from Outside Japan' as 'people who are from a country or a region outside Japan or their descendants who live in Japan legally'. This excludes people who entered Japan illegally and do not have a residence permit. However, the supplementary resolution of the House of Councillors emphasizes that it is a misreading of the law to interpret Article 2 in the sense that discriminatory words and actions towards people other than People from Outside Japan are allowed (Uozumi et al. 2016: 22–24).



proposed, setting a more moderate goal—the ‘elimination of hate speech’ (NDL 2016a, 2016b). Opposition politicians, especially the key sponsor of the opposition’s bill, Arita Yoshifu, emphasized human dignity to explain the importance of regulating hate speech.<sup>10</sup> When two experts on the American approach and two victims of hate speech were summoned as unsworn witnesses to the Diet on 22 March 2016, the main issue was how to balance these two values (NDL 2016c). One of the victims was Kim Sangyun, a scholar who specialized in the German approach and was engaged in lobbying for the Hate Speech Law (Kim 2018b). Despite deliberation on the issue, neither the Hate Speech Law nor the opposition’s proposal uses the terms ‘human dignity’ and ‘free speech’ (Sangiin 2016a, 2016b). According to Kim (2018a), one reason for this was that ‘the concept of human dignity is not provided for in the Japanese constitution’. However, this article suggests another reason.

Carefully examining the text of the Hate Speech Law and the policymakers’ remarks during the deliberations, some concepts rooted in the value of social harmony stand out. The preamble of the Hate Speech Law states that hate speech led to ‘serious splits [*kiretsu*] in the local community’ (MOJ 2016a: 1). During deliberation, to explain the harm caused by hate speech, the policymakers also emphasized the avoidance of splits (*bundan*) within local communities and the importance of a peaceful or harmonious life within local communities (Uozumi et al. 2016: 20–28). This frame was not arbitrarily created by the politicians. The policymakers contacted the victims of hate speech through the summoning of witnesses to the Diet, an on-site inspection in Kawasaki city, and meetings concerning the Hate Speech Law. When Choi Kang-Ija, a victim of hate speech, was summoned to the Diet on 22 March 2016, she used the term ‘local community’ (*chiiki*) 13 times (NDL 2016c). Not only the policymakers’ intention of resolving conflict, but also the victims’ wish for a ‘peaceful life’ (*annei*) within local communities, seems to have guided the policymaking process (Kanagawa *Shinbun* 2016a: 56; Kawasaki Citizens’ Network against Hate Speech 2017: 94).

The articles and the process of deliberation of the Hate Speech Law therefore conform to Japan’s model of social control, even though the policymaking process was partially guided by the dichotomy between the German and American approaches.

#### 4. Administrative Measures to Implement the Hate Speech Law

This section examines the forms of regulation and dominant values in the implementation process of the Hate Speech Law. It focuses on the following three decisive administrative measures to preserve social harmony among far-right protesters: (a) a list of concrete examples of hate speech; (b) police measures to discourage far-right protesters; and (c) restrictions on far-right protesters’ use of public spaces. All these measures can be interpreted as being in accordance with Japan’s model of social control.

A focus on prior consensus, which emerges between local officials, including police officers and far-right activists, is the very reason why administrative measures against hate speech are pre-emptive and unique to Japan. The Japanese approach avoids taking formal legal measures to punish hate speech. Instead, it makes use of informal administrative measures in a peaceful atmosphere, leading to a consensus about the possible range of expressions prior to demonstrations. It is consensus- and

<sup>10</sup> Using the search site for Diet proceedings, I confirmed that Arita made 11 remarks on hate speech with reference to ‘human dignity’ or ‘dignity’ between October 2014 and March 2018. He referred to ‘dignity’ mainly in the discussion of a series of attacks against a Korean school in Kyoto around 2009. Because the lawsuits filed by the victims emphasized their ‘dignity’ (Hatano 2018), the frame of lawsuits seems to have especially influenced the opposition’s policymaking.

harmony-based, and differs significantly from the German approach, which punishes hate speech ex-post facto according to the criminal code.

#### 4.1. MOJ Actions

In December 2016, six months after the Hate Speech Law was passed, the Ministry of Justice (MOJ) took the most decisive action to implement the law. The MOJ—more specifically, the Human Rights Bureau—was primarily responsible for implementing the Hate Speech Law. The MOJ drew up the following list of concrete examples of hate speech (Table 2).<sup>11</sup>

The list was not initially open to the public, as it was released only to inform the 68 municipalities, and thus it had no legally binding force. However, media coverage circulated it widely. Since then, the list has contributed to compelling far-right activists to refrain from hate speech voluntarily.

The list is relatively strict and can even be interpreted as restricting freedom of speech. For example, the expression ‘Go back to your home country!’ is listed as hate speech. In my interviews, almost all local government officials and police officers in the four target cities stated that far-right protesters started to choose their words more carefully and stopped making statements that could obviously be categorized as hate speech according to the list. This list established criteria prior to demonstrations for judging whether a statement could be characterized as hate speech.

**Table 2.** List of Hate Speech Examples Published by the MOJ.

What the MOJ Circulated		More Concrete Examples
Threatening expressions	‘Kill the X People!’ ‘Throw the X People into the sea!’	‘Kill the Korean People!’ ‘Throw the Korean People into the sea!’
Insulting remarks	Remarks which compare certain groups of people to bugs, like cockroaches, and animals Other slang, abbreviation, remarks whose letters are blanked out	‘Cockroach Korean!’ ‘Chon’ (derogatory term for the Korean people); ‘Cho-X-Jin’ (blanked out one kanji in the place for X, originally ‘Chō-Sen-Jin’)
Language with the clear intention to exclude specific groups of people is also deemed hate speech	‘Leave this town!’ ‘Go back to your home country!’ ‘Deport the Korean People from Japan!’	

<sup>11</sup> I translated the list published by [Mainichi Shinbun \(2017\)](#) from Japanese into English.



This list also helped the administration and far-right activists to reach a prior consensus about the range of possible expressions. It pressured far-right protesters not to break the consensus, especially because they dislike being labelled as hate speakers and racists (Seto 2018); they often have strong convictions that their expressions are legitimate and that they are oppressed. Insofar as the list acts as a deterrent for far-right protesters and pre-emptively regulates hate speech at protest events, this measure restricts free speech to some extent.<sup>12</sup>

In addition to the list, the MOJ's enlightening activities also constitute part of Japan's 'soft' approach to far-right protestors. As Article 7 of the Hate Speech Law stipulates, the MOJ has conducted enlightening activities to inform people of the issue of hate speech and the Hate Speech Law. At the national level, the MOJ distributed 'Stop! Hate Speech' videos, leaflets and posters to municipalities all over Japan to announce the law and to 'enlighten' (*keihatsu*) the people (MOJ 2017).<sup>13</sup> All four cities that were targets for my fieldwork also distributed these leaflets and posters and even showed the video on screens on streets and trains.

Human dignity was a key concept only at the very beginning of the implementation. The MOJ's enlightening activities were framed by the value of human dignity, as the material announcing the Hate Speech Law referred to the concept (MOJ 2017). There are plausible reasons why human dignity became less central to the process. The core policymakers who referred to human dignity during deliberations in the parliamentary session were in close contact with bureaucrats from the MOJ—for example, through an on-site inspection tour in Kawasaki (Uozumi et al. 2016: 6). This seems to have caused a shared frame for the hate speech regulation, including the concept of human dignity. However, after the personnel transfer of the chief of the Human Rights Bureau (Okamura Kazumi) in April 2017, the MOJ became less helpful to policymakers and activists (Morooka 2018). The emphasis on human dignity also stopped.

Central values are apparent in the MOJ's exclusive reliance on administrative measures such as informal circulation of the list of hate speech examples and enlightening activities. Although the MOJ did not emphasize the concept by name, its stance is in accordance with the value of social harmony that guides Japan's method of social control.

#### 4.2. Local Police

The local police—more specifically, the security department of the prefectural police who are exclusively responsible for policing all kinds of demonstration—have pre-emptively regulated far-right demonstrations that could involve hate speech. Because the local police are subordinate to the National Police Agency, the basic strategies for regulating demonstrations examined here do not differ much from region to region. This analysis is based mainly on the results of 14 interviews with local police officers.<sup>14</sup>

In response to a notification issued by the National Police Agency on the day of enactment of the Hate Speech Law (NPA 2016), the local police started to take action to deal with hate speech and other related illegal acts by means of a leading car. Through loudspeakers on the leading car, the local

<sup>12</sup> The list does not control all kinds of hate speech. For example, Akedo and Taki (2019: 7) point out that the list does not include expressions which incite people to regard a minority group as a danger and threat.

<sup>13</sup> The MOJ spent 16 million yen on these activities in 2016 (MOJ 2016c: 6).

<sup>14</sup> Interviews were conducted by telephone with the prefectural police of Kanagawa, Tokyo, Kyoto, and Osaka—even scholars cannot easily get permission to conduct face-to-face interviews with active police officers in Japan. Each interview lasted between 20 and 60 minutes. All informants, who were chiefly responsible for policing demonstrations in each prefecture, granted interviews on the condition that I do not mention their name, section, rank, or other identifying aspects.

police advised far-right protesters not to engage in hate speech during demonstrations. They also read the preamble and articles of the Hate Speech Law. The MOJ gave the local police no instructions or recommendations (MOJ Human Rights Promotion Office 2018). This suggests that the police took this action independently of other ministries and agencies. This also had a deterrent effect on far-right protesters: a leading far-right protestor, Seto Hiroyuki, commented in his books and on his blog that this measure makes it difficult to conduct demonstrations in the future (Akedo et al. 2019: 8). One reason why this measure had such an impact is that far-right protesters in Japan also value social harmony and dislike being labelled as hate speakers. Furthermore, the measure was important to appease victims of hate speech and activists who had requested more effective implementation of the Hate Speech Law. Because the victims expressed high expectations for this tactic and hoped that the local police would use it more frequently, they responded to the demands of the victims.<sup>15</sup>

The permission system for demonstrations has also discouraged far-right protesters from holding demonstrations that are likely to include hate speech. Local police are responsible for granting permission for all kinds of demonstrations. There are a series of national and local laws to examine applications for demonstrations—public security ordinances, police laws, road traffic laws, and laws to regulate noise. Formally, no application is rejected on the grounds of these laws; however, the local police can regulate demonstrations by informal measures as is typical of Japan's method of social control.

Prior to the demonstrations, local police officers and far-right activists usually seek a consensus, which again makes this part of the Japanese approach to hate speech pre-emptive and unique. The local police hold meetings with the organizers of demonstrations in a peaceful atmosphere to examine whether demonstrations can be held in safety. The organizers have no obligation to attend such informal meetings, but almost all of them do respond to the local police's request. The organizers and police officers try to determine to what extent their respective demands can be met. Far-right activists often take a wait-and-see attitude. Police officers avoid talking in an arrogant manner and try to create a peaceful atmosphere in such meetings.

There are various ways to make modifications to applications for demonstrations. The local police often informally recommend changes to the planned routes of the demonstration, mostly because of construction sites and transport conditions in big cities. The local police also recommend that far-right protesters cancel an event, even with no legal grounds, if too many counterdemonstrators gather or are likely to gather and the event might cause confusion.<sup>16</sup> Of course, the local police never assume a coercive attitude towards the organizers and mostly use honorific language.<sup>17</sup> The organizers have no legal obligation to follow such recommendations, but far-right activists are often obedient because even they do not want to offend the local police (Seto 2018). Formally and officially, it is reported and recorded that the organizers stopped or cancelled an event voluntarily. As with other cases of Japan's social control, such informal interactions between the administration and citizens are decisive.

There are other important police measures in place to regulate or even weaken far-right demonstrations involving hate speech. In Japan, local police usually do not keep far-right protesters and

<sup>15</sup> This is based on my participant observation of the study group to mark the second anniversary of the Hate Speech Law in Kawasaki on 6 July 2018. Morooka Yasuko also showed such expectations in her lecture.

<sup>16</sup> One interviewee stated that the local police 'often' take measures to cancel events. Counterdemonstrators and other activists who supported implementation of the Hate Speech Law also reported a series of cancelled or stopped far-right protest events (Noma 2018: 167; Akedo et al. 2019: 13; Akedo and Taki 2019: 9–10).

<sup>17</sup> One interviewee reproduced dialogue verbatim—for example, 'Could you avoid marching in this place, because there is a construction site nearby?'

counterdemonstrators separate from one another, and they often try to satisfy counterdemonstrators' requests to protest as close to far-right activists as possible. Following the enactment of the Hate Speech Law, local police removed some of the restrictions for counterdemonstrators. As they physically removed considerably fewer counterdemonstrators, local police became more tolerant towards counterdemonstrators (Choi 2018; Akedo and Taki 2019: 10). This enabled counterdemonstrators to insult and verbally abuse far-right activists at very close range, even using electric megaphones. The local police also do not prevent counterdemonstrators from drowning out the speakers with their own voices and electronic sounds. Passersby can hardly hear what far-right activists say. The local police have occasionally used portable safety railing systems to keep far-right protesters and counterdemonstrators separate from one another. Despite being a short distance from far-right protesters, counterdemonstrators can easily drown out the far-right protesters, especially with electronic sounds. As a result, far-right activists feel discouraged and even humiliated during demonstrations and street oratories (Noma 2018: 123). In my interviews, two leading far-right protesters expressed not only anger about counterdemonstrators but also dissatisfaction with the local police (Seto 2018; Takahashi 2018).

Among the value concepts which frame police measures against hate speech, human dignity obviously plays no important role. No interviewee stated that the goal of policing or regulating hate speech demonstration is to preserve human dignity. Rather, the value of social harmony seems to be at the root of local police's pre-emptive measures to deal with far-right protesters. Two police officers emphasized that the local police created a peaceful atmosphere in informal meetings with far-right protesters. To preserve social harmony, the local police have interacted with far-right protesters and placed far-rightists under peer pressure to respond voluntarily to local police persuasion. One local police officer emphasized two key concepts to justify the informal measures to deal with far-right protests: 'preservation of public order' and 'prevention of trouble' (preventing residents from getting into trouble) in accordance with laws related to police issues. These concepts can also be regarded as being derived from the value of social harmony. Three interviewees even showed their belief in the ideal of harmony, as they stated that noisy or aggressive street protests are unacceptable to the Japanese public because of the 'national characteristics of the Japanese', regardless of what demonstrators claim, even if they try to drown out hate speakers with their own voices and electronic sounds.

The local police's negative view of counterdemonstrators and their absence of judgement as to who is right or wrong is also guided by a harmony-related principle which has historically been used to prevent social conflict. No police officer showed the slightest sign of sympathy for counterdemonstrators.<sup>18</sup> The local police seem to regard far-right protesters and counterdemonstrators as equally unpleasant, because both disturb social order and social harmony. One police officer described a group of counterdemonstrators as 'special' (*tokushu*) in a negative sense, with a sneer. He compared policing hate speakers to acting as referees in boxing matches. Another officer compared policing hate speakers and counterdemonstrators to policing fans and hooligans of two rival football teams (also with a sneer). For these two interviewees, far-right protesters and counterdemonstrators appeared to be two parties competing meaninglessly in the same ring. These results also correspond to a prevailing opinion among counterdemonstrators that the local police's attitude expresses the

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<sup>18</sup> Why have the local police often allowed counterdemonstrators to protest as close to far-right activists as possible, when they have little sympathy towards counterdemonstrators? Although police officers in my interviews stated that they did so because of free speech, it seems that the local police adopted a strategy of 'fighting evil with evil' (*doku o motte doku o seisu*).

aforementioned *kenka ryōseibai* principle towards them (Akedo 2016: 81; Noma 2018: 134–152; Kanagawa Shinbun 2016a: 81).

It is characteristic of the Japanese approach that hate speakers and counterdemonstrators are regarded as equally unpleasant on the grounds that both groups disturb social harmony. The Japanese public administration, including police officers, regards both far-right protestors who engage in hate speech (Zaitokukai members) and counterdemonstrators, including victims of hate speech (Korean residents), as ‘heretical’ (*itan*) or ‘a cause of trouble’ (Kim 2018b; Akedo and Taki 2019: 11). One counterdemonstration leader, Noma Yoshimichi, even pointed out that the *kenka ryōseibai* principle has guided both the local police’s attitude towards counterdemonstrators and Japan’s media coverage as well as public discourse about victims of hate speech (Noma 2018: 134–152). According to Noma, many people think that the people who are discriminated against may be to blame as well as far-right protestors in Japan (Noma 2018: 146).

### 4.3. Municipalities’ Measures Against Hate Speech

Aside from the MOJ and local police, certain municipalities that constitute the most frequent sites of hate speech demonstrations, too, are linked to implementation of the Hate Speech Law. To exchange information about measures against hate speech during far-right protest events, the MOJ held two special meetings with four other government offices that were tackling the issue of hate speech and a total of 14 municipalities in 2016 and 2018. Under these arrangements, these local governments introduced new measures against hate speech during demonstrations and other events held in public spaces, being careful not to deviate from the general practices of other municipalities. A further distinctive characteristic of the Japanese approach to far-right protestors is that municipalities have been actively involved in the implementation of the national Hate Speech Law. This subsection examines two models of municipal measures against hate speech in public facilities based on the results of interviews with seven local officials in four cities.

#### 4.3.1. The Kawasaki Model

Kawasaki’s administrative measures to pre-emptively regulate far-right protestors’ use of public facilities for hate speech has been a model case at the national level. Kawasaki, a municipality that has promoted the participation of foreigners in communal politics (Day 2018), was also a pioneer in regulating far-right protests that engaged in hate speech. Other municipalities such as Kyoto city, Shinjuku Ward, and Kyoto and Tokyo prefectures followed Kawasaki. In response to the national Hate Speech Law, Kawasaki issued guidelines in November 2017 to prevent far-right protestors from conducting hate speech in public facilities and enacted these guidelines in March 2018 (Kawasaki City 2017). If the use of public facilities can obviously cause trouble (*meiwaku*) and danger, local governments can turn down a problematic application after a hearing with a third-party expert committee.<sup>19</sup>

The regulatory model adopted by Kawasaki has also been generally guided by Japan’s method of social control. Only once, a week after the Hate Speech Law was passed, did Kawasaki impose ‘administrative sanctions’ (*gyōsei shobun*) with binding force to deny far-right protestors permission

<sup>19</sup> Several municipalities like Kyoto prefecture and Kyoto city developed different guidelines. Within the guidelines, municipalities can refuse to permit the use of public facilities if the applicants may cause a violation of human rights, even if they seem not to be causing trouble. These guidelines seem not to have aroused public opinion at the national level and not to have worked as a model.

to use a park (Kawasaki City 2017: 1).<sup>20</sup> This was Kawasaki city's response to intensive lobbying by counterdemonstrators, including victims of hate speech (Choi 2018). However, since the guidelines were enacted, Kawasaki has never rejected any applications for the use of public facilities and has only given warnings twice based on the guidelines, in 2018 and 2019. These warnings were issued as administrative guidance without binding force, which is typical of Japan's method of social control. Local administrations that chose such informal legal measures hesitate to reject any applications for the use of public facilities, because they worry about losing a lawsuit if an applicant sues them over it (Kyoto City International Relations Office 2018; Shinjuku Ward General Affairs Department 2018). They keep in mind a precedent: The Supreme Court has judged several cases in which a local administration rejected the use of public facilities to preserve public order as being in conflict with Article 21 of the constitution, which guarantees freedom of assembly.

Despite the absence of any binding force, the Kawasaki guidelines had more than a marginal impact. They were unfavourable enough to far-right protestors that they became furious about the guidelines and directed their attacks more clearly against Kawasaki by means of online campaigns and offline protest events. The mayor's official statements and critical comments against hate speakers have also put pressure on far-right protestors to cancel their demonstrations against Korean residents. Due to such a critical attitude to hate speech, Kawasaki and the surrounding area have become targets for far-right protestors. Far-right protestors became extremely persistent in holding events in the area, all the more because residents were involved in the policymaking of the Hate Speech Law and counterdemonstrations. Meanwhile, Kawasaki became the most important battlefield for both far-right activists and counterdemonstrators.

The tendency of local police to deal with far-right activists and counterdemonstrators according to the *kenka ryōseibai* principle has not declined in the current situation. Local police have arrested far-right activists for bodily injury to counterdemonstrators in Kawasaki (Kanagawa Shinbun 2016b; Sankei 2019). However, the local police have also occasionally cracked down on counterdemonstrators. A male pensioner was arrested for damage to property and was imprisoned for three days for accidentally breaking a placard held up by a far-right activist as he tried to brush it away.<sup>21</sup> Another counterdemonstrator had to respond to a prosecutors' questioning in December 2019 for a similar action on 3 June 2018 (Miura 2020).

Nevertheless, since the Kawasaki model was issued, the tide has turned against far-right protestors engaging in hate speech. Far-right activists who have been labelled as hate speakers have almost given up on holding demonstrations in Kawasaki. Instead, they have adopted a new strategy to reduce the risk of being labelled hate speakers and racists in public spaces and have started to hold more closed events, such as lectures and study groups, in public facilities in Kawasaki and the surrounding area. But they have often been forced to cancel these events as well, as Table 3 shows.<sup>22</sup> More than half of the events were cancelled in 2018. No hate speech demonstrations were held in 2018, whereas 12 hate speech demonstrations were held in Kawasaki between 2013 and 2017. As the last section explained, the local police are mainly responsible for personally persuading the organizers to cancel these events. However, Kawasaki's high pressure on far-right protestors has also contributed to the decline of hate speech demonstrations, as far-right protestors were forced to cancel many events despite their all-out attack on Korean residents, the administration, and mayors in Kawasaki.

<sup>20</sup> To stop the far-right protestors from using the park, the local court also took measures and issued an order of provisional disposition three days after Kawasaki city imposed the administrative sanction. In this way, the judicial branch also contributes to the Japanese approach to far-right protestors if necessary.

<sup>21</sup> This is also based on my participant observation of the Kawasaki Citizens' Network against Hate Speech on 6 July 2018.

<sup>22</sup> I compiled information provided by *Kawasaki Shinbun's* coverage of far-right protest events into Table 3.

**Table 3.** Cancelled Events in Kawasaki and Neighbouring Areas in 2018

Types of Activities	Planned date	Held/Cancelled	Location (Public Spaces)	Organizers
Study group	02/12	Held	Civic Auditorium for Culture and Education, Kawasaki	The Society to Think about Hate Speech (STHS), Hiroyuki Seto
Lecture	18/11	Cancelled	Soleil Sagami Gender Equality Promotion Centre, Sagamihara	Japan First Party (JFP), Makoto Sakurai
Lecture	03/11	Cancelled	Hodogaya Civic Auditorium, Yokohama	JFP, Makoto Sakurai
Street oratory	14/10	Held	Japan Railway (JR) Tsurumi Station, Yokohama	JFP
Street oratory	07/10	Held	JR Kawasaki Station	JFP
Lecture	26/06	Cancelled	Muza Kawasaki Symphony Hall	Hiroyuki Seto
Lecture	03/06	Cancelled	Civic Auditorium for Culture and Education, Kawasaki	STHS, Hiroyuki Seto
Lecture	31/03	Held	Uni-Com Plaza Sagamihara	JFP, Makoto Sakurai
Street oratory	21/01	Cancelled	JR Kawasaki Station	JFP

Concerning central values, there has been an occasional glimpse of the human dignity value in the developing process of the Kawasaki method. Kawasaki has used the concept of human dignity to take measures against hate speakers and to inform residents of the social problem of hate speech. For example, when Kawasaki imposed the administrative sanction for far-right protesters just once, as an exception, the mayor stated that he made the judgement for the protection of citizens' security and dignity. This seems to reflect the influence of the Kawasaki Citizens' Network against Hate Speech, which repeatedly requested at the time that the municipal administration protect human dignity and impose sanctions against the far-right protestors. It does not seem that the value of free speech was invoked in the implementation process of the Kawasaki guidelines. Other municipalities have hesitated to reject far-right protesters' applications for the use of public facilities because the court might regard the rejection as in conflict with freedom of assembly. Nevertheless, Kawasaki dared to use administrative sanctions to reject such an application once, in a symbolic way. Insofar as the Kawasaki method is designed to keep citizens out of trouble and relies basically on administrative measures, the value of harmony is plausibly seen as its dominant value.

#### 4.3.2. The Osaka Model

Osaka city's administrative measures to support the Hate Speech Law represent another model case at the national level. Osaka city does not issue bans on hate speech, reflecting the national law (Hate



**Table 4.** Number of Far-Right Activities in Osaka

Year	2013	2014	2015	2016	2017	2018	2019
Number of times	69	139	35	42	34	23	10

Speech Law). The Osaka model is designed to deter far-right protesters from hate speech by means of the examination and official recognition of their individual remarks as hate speech. No other municipalities have followed the exact same method. Tokyo prefecture adopted mixed methods to regulate far-right protesters pre-emptively, taking the Kawasaki and Osaka models into account (Tokyo Prefecture 2018).

The regulatory form adopted by Osaka is also in line with Japan's 'soft' method of social control. One month after the Hate Speech Law was passed, Osaka enacted a local ordinance adopting a new system to 'deter hate speech' (Article 1) (Osaka City 2016). Referring to the examination results of a complaint by an expert committee, Osaka can send requests to internet service providers (hereafter ISPs) to delete user accounts and content containing hate speech, and makes the names of the accounts or real names public. The expert committee is responsible for examining complaints regarding videos of far-right protests that involve hate speech in or targeting residents of Osaka (Article 5). After such an examination, the mayor can publicize the real or online names of persons who have engaged in hate speech during far-right protests or have uploaded videos or other content with hate speech on the internet. The publication of real or online names is done not as a punishment or administrative sanction, but as administrative guidance to 'support victims of hate speech' (Osaka City Diversity Promotion Office 2018).

Even without binding force, the Osaka local ordinance has had a powerful impact on far-right protesters' use of hate speech. Far-right protest events in Osaka have decreased in number, as Table 4 shows.<sup>23</sup> This decline started in 2015, around the time the assembly started to discuss the proposal of the local ordinance. In 2016, the number of far-right protest events (demonstrations, street oratories, lectures, and study groups) increased slightly, from 35 to 42, due to far-right activists' apparent sense of crisis that not only the local ordinance but also the Hate Speech Law would be passed. To protest against the Osaka local ordinance, activists conducted street rallies in front of the municipal office 11 times between 2015 and 2016. However, since the national Hate Speech Law was enacted in June 2016 and the Osaka local ordinance was enacted in July 2016, there has been a steady decrease. It should be added that Osaka's administrative measures are not the only reason for this decline: Osaka has taken strong action on far-right protesters at the request of the counterdemonstrators, including the victims of hate speech (Osaka City 2018). Both the Kawasaki model and the Osaka model are the fruit of interaction between citizens and local administration.

Osaka's rigid attitude seems to have produced a deterrent effect that might increase in the future. Since June 2017, Osaka has made the names of accounts (online names) public, because revealing real names with the help of ISPs may violate the Telecommunications Business Law, which states that the secrecy of communication should not be violated. This has therefore kept the government from making policies that reveal the offline identities of far-right activists. Without violating the law,

<sup>23</sup> This is based on information provided by the website *Reishizumu kanshi jōhō hokan-ko* (Racism Monitoring Information Storage), <http://odd-hatch.hatenablog.com/>.

Osaka then took the next step. Without the help of ISPs, in December 2019 Osaka publicized the real names of two persons who engaged in hate speech and its spread: a well-known far-right protestor and the administrator of the internet bulletin board *hoshu sokubō* (conservative report) (*Nikkei Shinbun* 2019). The deterrent effect seems to be more than marginal and increasing. The far-right protestor cancelled an event scheduled to be held within two days after Osaka city made his name public. He wrote on his blog as follows:

I make no excuse. I am shaken and scared. It is all right with me if you despise me [...] because my name was publicized as the name of a hate speaker, I thought that there was a possibility that a terror incident would be targeted at me (Kawahigashi 2019).<sup>24</sup>

Regarding its central values, the Osaka model seems also to have been guided by social harmony, although Osaka city has attempted to carefully balance human dignity and free speech. The results of my content analysis of the expert committee's proceedings suggest that the value of free speech has been dominant.<sup>25</sup> However, the Osaka approach has not been framed entirely by free speech, as Osaka has shown a positive attitude towards a real name policy which is incompatible with the ideal of free speech on the internet.

It is also important to understand the central value of the Osaka method – that it exerts a more powerful deterrent effect with the help of news reporting the real full names of hate speakers. The two real names which Osaka city publicized in December 2019 were quickly spread all over Japan through national and local newspaper articles. The two persons might have been stigmatized as well if they were arrested or prosecuted, as even those accused of minor offences can be stigmatized in Japan if mass media release their real names. The Osaka method uses such non-official sanctions in an informal legal way. If Osaka intentionally takes such an officially ‘soft’ but actually ‘hard’ method, it seems appropriate to characterize the Osaka model as a social harmony approach because Japan's social harmony has often been maintained by social pressure and fear of being stigmatized.

## 5. Conclusion

This article has examined the Japanese pre-emptive approach to far-right protestors from the perspectives of both forms of regulation and central values. In contrast to the German approach, the Japanese approach does not impose any ban on hate speech at protest events. Nevertheless, the Japanese approach has made a considerable impact. However, we cannot be optimistic about the future situation; online harassment against leading female activists from the Korean ethnic minority continues, reinforcing tendencies to discriminate against women and obsessive cyber-stalking (Lee and Kōtaki 2018; Sakuraba 2019). Kawasaki city, which has attracted the most attention as a model for other municipalities to regulate hate speech, has been continuously harassed by phone calls (*Kanagawa Shinbun* 2020). However, there has been no further escalation in far-right street protests.

<sup>24</sup> Some readers might question whether well-known far-right activists like Kawahigashi could be afraid of being stigmatized by Osaka city as a hate speaker. As I conducted fieldwork in March 2020, a leading counterdemonstrator in Osaka stated that the publication of Kawahigashi's name seems to have made an impact on him, ‘because four big newspapers’ coverage using his real name caused trouble for his family and relatives, as well as their family business in which he also worked.

<sup>25</sup> Osaka published either short or long proceedings of 56 meetings held between July 2016 and December 2019 on its own website, <https://www.city.osaka.lg.jp/shimin/page/0000366957.html#giji>. I examined all the proceedings and counted how many times the words ‘dignity’ and ‘free speech’ were used. While ‘free speech’ was used 56 times, the word ‘dignity’ (mostly as part of the phrase ‘dignity of the individual’) was used only nine times.

This article has emphasized that the Japanese approach has developed in accordance with Japan's model of social control, which has discouraged rather than directly banning social activities that are deemed to be harmful to the value of social harmony. Insofar as Japan has restricted free speech to prevent far-right protestors from engaging in hate speech during demonstrations and in public facilities, the Japanese approach stands in contrast with the American approach. This article has also emphasized that the Japanese approach has treated far-right protestors and counterdemonstrators, including the victims of hate speech, equally as groups of people who are deemed to be harmful to social harmony, in accordance with the principle of *kenka ryōseibai*. It is also important that the principle is applied to both far-rightists and counterdemonstrators, without judging who is right and who is wrong.

In considering the future of the Japanese approach, two incidents that occurred between December 2019 and January 2020 are important. Firstly, Kawasaki enacted a local ordinance and introduced a new model which regulates hate speech in the following three steps: (a) recommendation (administrative guidance); (b) order (administrative sanction); and (c) filing a criminal complaint (with a maximum 500,000 yen fine) (Kawasaki City 2019; *Mainichi Shinbun* 2019). In conducting a follow-up survey on the Japanese approach, it will be important to examine whether Kawasaki uses stricter measures than administrative guidance when a hate speaker does not follow such recommendations.

Secondly, a counterdemonstrator was arrested by the Tokyo prefectural police in January 2020 for driving a diesel car on a daily basis where diesel cars were prohibited, although he had registered the car in his parents' hometown where diesel cars were not prohibited. Despite the minor offence, his name and photographs of his face were quickly spread identifying him as a leading counterdemonstrator all over Japan through national and local newspaper articles. He was interrogated by the public security bureau of the Tokyo Metropolitan Police and questioned mainly not about his car but about the inner workings of a counterdemonstrator group (Litera 2020). Because leftist demonstrators have been intimidated by public security police in postwar Japan, Japanese people are generally afraid of police surveillance. This incident might discourage some counterdemonstrators from taking part in protests against far-right activists. I hope that future research follows the treatment of counterdemonstrators in relation to the *kenka ryōseibai* principle.

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