

CHAPTER II

JAPANESE PEOPLE'S CULTURES TOWARD MAN-WOMAN RELATIONSHIP

The alarming news that has occurred over the past few decades about the dangers of the Japanese popular culture's sexual traditions has often been featured in the English-language press. It has been stated that Japan has been 'overrun' by all kinds of pornography, including child pornography²¹ and the actual effort has not been adequately done by the government to really regulate the expression of sexual matters. The main concern of such a report has been referred to as the 'dark side' of the ubiquitous *manga* (comics) in Japan and, since the 1980s, has become popular with young people around the world. International child protection bodies, including bodies such as UNICEF, argue that the Japanese classification system, which tends to be self-regulated by various cultural industries and not enforced by government-appointed bodies, is ineffective in screening sexual and violent representations and 'harmful for the young'.²²

Problems face by media discourse is the assumption that there's a universal standard or agreement on the meaning of controversial terms such as 'pornography' or 'obscenity'. As Anne Allison points out, pornographic discussions by westerners have ignored standards and practices regarding the regulation of sexual expression in non-Western countries, or when they are noticed as in the case of Japan, practices

²¹ Larimer, Tim. (1999). Japan's Shame. *Time*.

²² McLelland, Mark. (2011). Thought Policing or Protection of Youth? Debate in Japan over the "Non Existent Youth" Bill'. *International Journal of Comic Art*.

and texts involving representation, change and aesthetic bodies have been assessed by western standards or universalists. Allison requested the need to 'focus on the local context' when analyzing available pornography genres, as well as responding to users.²³ One of the problems with media discourse of this sort is the point of view which based on the Japanese people culture that rooted on their ideology and religion.

A. Porn Industry in Cultural Point of View

1. Based on the Ideology

In Japan, the law of obscenity and its current application also creates a problem of social confusion. Traditionally, Japan has held a very liberal view of sex, which is a subject that appears to be a manifestation of obscenity. While Japan had a short period of more western conservative views during the Meiji era, the people again leaned towards a more liberal view of the pre-Meiji era. This inconsistency caused more confusion among the public as to why the government and the legal system demanded artists for alleged obscenity. Any arrest of an artist raises public condemnation can be seen in the coverage of each trial in the media. In addition, each year generates more sales in various artistic genres for sexually explicit material. Since the notion of obscenity is a purely abstract and socially defined term, it does not make sense that the law should be the opposite of what society as a whole desires.

It is not just the samurai rulers who encourage this cultural innovation but also the inhabitants of the city, especially the merchant classes in the big cities like

²³ Allison, Anne. (1996). *Permitted and Prohibited Desires: Mothers, Comics, and Censorship in Japan*. Berkeley: University of California Press.

Edo and Osaka. Merchants have an ambiguous status: rich, but technically the lowest class system (because they themselves do nothing except benefit from the work of others). This happened in the Edo period that is a period of great cultural achievement in art, especially in the fields of theater, literature and wood sculpture.

Some merchant houses greatly benefit from the stability of today's economy and become sponsors for artists and cultural events. The house and lifestyle of a large merchant family are the most fashionable but the show-off is not approved by samurai hard-liner rulers, who seek to control the emergence of wealth through the law of flattery.

One area strongly disapproved by the samurai bureaucrats is the erotic culture in cities that finds expression in designated entertainment venues and is widely reflected in the art culture of the day. The pleasure house, where female prostitutes and male entertainers can be employed for various purposes, including sex, is the most fashionable and expensive place in town. The popular literature of the time, especially the novel *Ihara Saikaku* (1642-1693), shows the city hero as a sophisticated taste-seeker (*iki*) and style (*tsu*) required to be accepted in various places.²⁴ And also, even though they have low positions as prostitutes and entertainers, the most famous prostitutes are idolized as a symbol of beauty and trend setter. Those who cannot afford to attend an entertainment venue or who want to keep a souvenir while they are there can buy wooden prints from famous prostitutes and *kabuki* actors. However, worried about the effect of these beautiful illustrations on ordinary people, the authorities periodically place restrictions on the colors that can be used and even on who can be described.

²⁴ Matsunosuke, Nishiyama. (1997). *Edo Culture: Daily Life and Diversions in Urban Japan 1600-1868*. Honolulu: University of Hawai'i Press.

Indeed, it has been estimated that almost half of the wood molds produced in the seventeenth century display erotica. Many other prints that are produced illustrate the events in this 'floating world' place in more detail, including precise portrayal of sexual acts. This is called *Shunga*, known as the 'spring picture', also used to describe the sex manual and can include illustrations of autoeroticism, male-female, male, female and couples in groups. From the 1720s, a number of orders were issued to curb erotic prints and 'other dubious materials'.²⁵ The frequency of the notice re-issued indicates that they have never been very successful in eradicating erotic image trading, in part because the feudal political structure of Japan means that no single national authority can enforce censorship across the country. The final set of anti-erotic fatwas announced by the *shogun* was part of Tenpo's reform of the 1840s, just before Japan's opening to the West.

2. Based on the Religion

Moral state in Japan is considered strange and in some cases interesting when compared with the Western world. The Japanese think that Sex, which likes any other "human feelings," is really good in a small place in life. There is nothing evil about human feelings and therefore need not be moralistic about sex pleasure.²⁶ It is also of interest that Japan's attitude has changed from this acceptance to one of the more Western attitudes toward public sex display, and because of Western criticism, laws have been passed to allow this suitability to come into being.

The two traditional Japanese religions, Shinto and Buddhism, are a reference to better understand the moral or lack of morale of the Japanese and the religious practices in this country play a major role in village life. However, Buddhism as a

²⁵ Thompson, Sarah. (2012). Patterns of Censorship in Ukiyo-e Prints. In *Censorship, Media and Literary Culture in Japan: From Edo to Postwar*. Tokyo: Shinyosha.

²⁶ Benedict, Ruth. (1946). *The Chrysanthemum and the Sword*. Boston: Houghton Mifflin Co. (p. 183)

theological teaching and Shinto system as a formal religion, while valued to some extent by local Buddhist clergy and Shinto, are not much understood by the peasants. They looked to Buddhism as a means of salvation and to the ranks of the Shinto gods for protection in this life. The only religious system - and that is important in the lives of local people - is the festival calendar, marking like the phases of the moon and season of the year.²⁷

It needs to be understood that the Japanese are not people of one religion. In recent decades, officially-inspired spokesmen have praised Shinto as a traditional Japanese sect who was blessed with paradise, tolerating Buddhism as a dignified foreign belief due to their ancestral relations. Before the tenth century AD, Buddhism served to exalt the Emperor in the face of Shinto opposition, while in modern Japan, the Shinto emperor who was called the patriot of the throne and Buddhism was rejected as a subversive patriotism.²⁸

It is not only the existence of two traditional religions that needs to be seen, but also the shift in popularity and power of religions. The impression of what is left to people in many cases is rather difficult to say, but there are some examples that show themselves because of this change. For street men or peasants, this makes the religious difference somewhat vague. For some purposes, he will call a Shinto priest and for others he will call a Buddhist monk. For the sake of an agreement, he may appeal the authority of Confucius.²⁹

²⁷ Embree, John F. (1939). *Suije Mura A Japanese Village*. Chicago: University of Chicago Press. (p. 221)

²⁸ Harding, Douglas. (1946). *Japans Prospect*. Cambridge: Harvard University Press. (p. 212)

²⁹ Harding, Douglas. (1946). *Japans Prospect*. Cambridge: Harvard University Press. (p. 212)

The reality that exists in the two following Shinto and Buddhist parallels follows one satisfying one aspect of life and the other on another. Shinto is dominated at home and everyday life. This is not hypocritical in the eyes of the Japanese. Because that, although the Japanese who are Christians or Buddhists must take sin into account, they still have a way out. Religion in Japan is not strict. A person may be a Buddhist or a Christian and remains a Shinto, and if at any time when the teachings of one of the more strictly oppressive faiths are too severe, one may request the simpler teaching of Shinto and do as he pleases.³⁰

This two-religious system in Japan is a fact which makes it easier for moral awakening to be flexible, but it must be determined further how much emphasis is placed on Shinto which means "The Way of the Gods."³¹ To realize that everything the Japanese people do not go wrong, especially because it is contrary to our moral convictions, let's see how much influence you have in the daily life of Japanese people about the Shinto religion - how much emphasis is placed on the gods in the religion. The Japanese have gods of luck, fire, water, needles, electricity and plants - to name some of these gods.³² Inari, for example, is the god of the harvest, more particularly rice, and, thus, many farmers have him in their homes. He is also the god of prostitutes and geisha, and, as such, it is enshrined in every home of geisha and brothel which proved that Japan's moral attitude toward sex was as diverse as it used to be. The Japanese realized this was here to stay.³³

³⁰ Price, Willard. (1945). *Japan and the Son of Heaven*. New York: Duell, Sloan and Peace. (p. 57-58)

³¹ Embree, John F. (1939). *Suije Mura A Japanese Village*. Chicago: University of Chicago Press. (p. 223)

³² Price, Willard. (1945). *Japan and the Son of Heaven*. New York: Duell, Sloan and Peace. (p. 59)

³³ Embree, John F. (1939). *Suije Mura A Japanese Village*. Chicago: University of Chicago Press. (p. 254)

The sex proof in Shinto religion is the main driver, because according to Shinto belief it is the first pair, Men-Who-Invites and Women-Who-Invites, which unite to spread in some islands of Japan. Until Western influence is dominated, the phallus (penis) is a symbol of Shinto and until 1860; phallic worship runs undisturbed in the Islands. In remote areas of Japan, these symbols can still be seen on the side of the road and near rice fields that read "for the sake of fertility". The phallic festival used to be held where freedom between men and women in attendance is undifferentiated is still permitted and expected. Couples want their children to travel to the small island of Onogoro; the entire island is a giant stone shaped phallus. According to one legend, this is a "heavenly pillar" where celestial couples run to meet each other to establish the island and the Japanese. Sterile women worship it.³⁴

Japan has embraced this belief firmly, not allowing the influence of modern science and knowledge to interfere. This may be illustrated by their reluctance to let the Western world enter their country, but again, they are able to receive and use many western technologies without any doubt what ever existed and in many cases, perfect the objects they work with. Nevertheless, Shinto remains the same except changes before the Second World War and after the War; though in that context it remains the same. It has been shown how religion affects sex in the lives of Japanese people, now let's consider some ideas and ways that are proven and practiced at home - how it affects the daily lives of adults and children.

In the life of the Japanese in dealing with the growth of their child and has become a habit is the pattern of education of children in the household, during the first year a child is treated as a child who is liked in the family. He was hugged,

³⁴ Price, Willard. (1945). *Japan and the Son of Heaven*. New York: Duell, Sloan and Peace. (p. 62-64)

stroked and rocked to sleep. If the child wants something he cannot get, all he has to do is cry long enough and he will accept it. He learns about sex earlier by his sibling because older children often do sex games, also from his mother. His mother often attracts his genitals while playing with him, and he sleeps in the same room with his parents. "While sex is very personal, the jokes about it and the replica in the dance are free and often. Children, especially boys, often play in sex games, jokingly chasing girls and exposing themselves."³⁵ The Japanese do not punish infantile sexuality, except when indulging in the wrong places at the wrong time and with the wrong partner. Masturbation is not considered dangerous.³⁶

Likewise for adult, it is perfectly legitimate for married men to deviate from their wives' beds without encountering repentance. "The public is a place where a girl has no opinion on her marriage and must accept whatever her husband can give for her sexual satisfaction. A man may have many affairs as she wishes, and his wife cannot resist. A man can visit the geisha restaurant and do not go home until late at night, and the wife has no other way but to surrender, and furthermore she has no equal rights."³⁷

The cause is the subject of sexual customs in different families for girls. "When a man so poor cannot afford to make sufficient returns for the help he receives, he usually does one of two things, sells the girl into prostitution or leaves the village and goes to work at the mine." In selling his daughter, a man rarely heals his illness and often leaves to go mine. A man is not despised to sell his daughter,

³⁵ Embree, John F. (1939). *Suije Mura A Japanese Village*. Chicago: University of Chicago Press. (p. 195)

³⁶ Benedict, Ruth. (1946). *The Chrysanthemum and the Sword*. Boston: Houghton Mifflin Co. (p. 270)

³⁷ Embree, John F. (1939). *Suije Mura A Japanese Village*. Chicago: University of Chicago Press. (p. 175-176)

only a very low social status, ever selling his daughter.³⁸ In Japan, prostitution is recognized and respected as a career, and is even adopted at the instance of parents. It is often a not uncommon method of earning a marriage dowry. Thus, the career of a prostitute in Japan does not have a more assertive morality.³⁹

Some obscenity practices in Japan are unforgivable by the Western world, therefore Japan has tried to adapt to the West in this matter. "Every civilized nation in the world today has some laws that prohibit prostitution," shouted one member of an angry Japanese women's club since 1955.⁴⁰ The Japanese has been fighting harder than ever to compare themselves to Western standards. All information that has been communicated is true about morals, sex practices, prostitution but especially since the end of World War I that Japan has changed its attitude toward sex to the outside world.

B. The Change of Viewpoint on the Value of Sex

The viewpoint on the value of sex in Japan has received serious attention by the international world, but the question is, where does the strict view of sex come from when Japan has traditionally changed the liberal view on this issue? Some have theorized that this more rigorous idea emerged so that Japan was in line with its counterparts in the West during the Meiji era.⁴¹ It should be noted that the Meiji Era roughly coincided with Victorian times in the West. The Victorian Age is famous for its overly rigorous views of human sexual conditions and has been the

³⁸ Embree, John F. (1939). *Suije Mura A Japanese Village*. Chicago: University of Chicago Press. (p. 157-177)

³⁹ Russell, Bertrand. (1929). *Marriage and Morals*. New York: Horace Liveright Co. (p. 151)

⁴⁰ (1955, August 1). Green Light for Red Light. *Time Magazine*, 66(25).

⁴¹ Allison, Anne. (1996). *Permitted and Prohibited Desires: Mothers, Comics, and Censorship in Japan*. Berkeley: University of California Press.

subject of discussion, research, and debate. The Meiji Era is a time when Japan openly seeks to connect with the Western world.⁴² This is done by encouraging trade, adopting aspects of Western dress, and using Western governments and constitutions, namely Germany, as a model for the Constitution itself. Therefore, it is plausible that Japan also changed its moral values to fit Christian Victoria's view not to look primitive or abusive toward its primary business partner.⁴³

1. From the Meiji Era to the End of World War II

Indeed, until the late 1980s, the collection of Japanese erotic print books from the Edo Period still alludes to the details that were hidden before publication. The Tokugawa rulers did not object to sex portrayals but rather cared more about extravagant lifestyles and blurring class distinctions. The Meiji restoration that took place in 1868 left the emperor restored to an authority position at the head of the constitutional monarchy and Edo was renamed Tokyo (the eastern capital). The new Meiji regime established a much more comprehensive and rigorous censorship system which meant that Edo's classical erotic literature was only allowed to be reissued in a new format in censored versions.⁴⁴

However, the Meiji regime, partly due to influence from the West, began to regard sex as a problem domain, especially in the context of public representation. Starting a nation-building project aimed at creating a balance with Western powers, Japanese new leaders emphasize family values, especially the role of women as 'good wives, wise mothers' in raising future generations. Although men can still

⁴² Allison, Anne. (1996). *Permitted and Prohibited Desires: Mothers, Comics, and Censorship in Japan*. Berkeley: University of California Press.

⁴³ Allison, Anne. (1996). *Permitted and Prohibited Desires: Mothers, Comics, and Censorship in Japan*. Berkeley: University of California Press.

⁴⁴ Suzuki, Tomi. (2012). Introduction: History and Issues in Censorship in Japan. In T. Suzuki, H. Toeda, H. Hori, & K. Munakata (Eds), *Censorship, Media and Literary Culture in Japan: From Edo to Postwar*. Tokyo: Shinyosha.

access the place of entertainment, discussion about sexuality in the media has begun to be limited. The term *waisetsu* (obscenity) and punishment for 'public display or sale' first appeared in Article 259 of the Criminal Code of 1880.⁴⁵ This was carried over into Paragraph 175 of the 1907 revised Criminal Code and remains in force today. It reads:

"A person who distributes, sells or displays in public an obscene document, drawing or other objects shall be punished by Imprisonment with work for not more than two years, a fine of not more than 2,500,000 yen or a petty fine. The same shall apply to a person who possesses the same for the purpose of sale."

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

The Meiji government began to tighten up on freedom of sex. The constitution built by Meiji does offer some freedom of speech but only within the scope of law set by the government, in particular the need for 'public order'. The Ministry of Internal Affairs may also request the removal of certain parts or words from any text before it is published or confiscate any infringing publications already in circulation. Until 1927, when the volume of printed materials made the system untenable, publishers could send potentially problematic texts to the Ministry of Internal Affairs' censorship for pre-publication checks. Because in the final publication, censored words or sections marked by various *fuseji* or 'closing characters' - such as Xs, Os or ellipse marks - the fact that the text has undergone censorship is clearly visible.⁴⁶ The use of *fuseji* continued after 1927, this time by authors and publishers who hoped to avoid their publications being deprived by

⁴⁵ Beer, Lawrence. (1985). *Freedom of Expression in Japan: A Study in Comparative Law, Politics and Society*. Tokyo: Kodansha.

⁴⁶ Abel, Jonathan. (2012). *Redacted: the Archives of Censorship in Transwar Japan*. Berkeley: University of California Press.

preceeding censorship and removing potentially problematic topics, words, phrases and references by themselves.

Before the rise of militarism took over and Japan was placed in a position of war that led to the rise of 'frivolous' topic restrictions, it was important not to overstate the extent of censorship of sexual problems, at least during the 1920s and early 1930s. In the early 1910s the first generation of Japanese feminist writers challenged sexual dual standards in the feminist journal *Seito* (Blue stocking) but their discussion of topics such as free love, birth control and adultery resulted in some publications banned. Driscoll pointed out that 'the censorship code at the time mentioned a little about sexuality, only that represents sexual intercourse between a banned married people'.⁴⁷ This may seem a strange limitation given that in the context of Western culture, marriage is one of the few contexts in which sexuality can be discussed, especially in popular family planning and marriage planning in the 1920s and 1930s. This restriction in Japan is due to 'persistent Confucianism' which 'leads to an exclusive focus on a sacred patriarchal home'. Kissing scenes, for example, even between married couples, are routinely cut from imported movies and the term 'kiss' is prohibited in the movie title. Given that sex in marriage is prohibited in public discussion, this causes an emphasis on strange and unusual things in sexual matters, or the Japanese term is *ero-guro* (erotic weird). Indeed, Umehara's translation of Decameron became 'text for weird erotic authors and editors' and his *Gurotesuku* (Grotesque) journals contained 'impressive features of fetishism and sex crime'.⁴⁸

⁴⁷ Driscoll, Mark. (2012). *Absolute Erotic Absolute Grotesque: The Living, Dead and Undead in Japan's Imperialism, 1895–1945*. Durham: Duke University Press.

⁴⁸ Driscoll, Mark. (2012). *Absolute Erotic Absolute Grotesque: The Living, Dead and Undead in Japan's Imperialism, 1895–1945*. Durham: Duke University Press.

New laws aimed at 'keeping social movements under surveillance and preventing social moral disorder' came into effect when the notion of militarism advanced in the 1930s, so the spread of sexual knowledge became more difficult. In 1937, the fifty-four largest publishing places gathered to form a consortium aimed at ensuring that published material mobilized public support for the war. Since then, the dissemination of views contrary to his time has become impossible, and it is in this year that the last remaining sex journals have ceased publication.⁴⁹ Only in 1946, after the defeat and occupation of Japan by the Allied forces, the sexual culture that lived like the *ero-guro* era of the late twenties and early thirties will reappear in Japanese print media.

2. After the World War II

The Supreme Command for the Allied Powers (SCAP) after the August 1945 deployment required the dismantling of the Japanese censorship system as the first edict.⁵⁰ The Press Code for Japan, announced in September 1945, provides a long list of guidelines for prohibited material - primarily focusing on militaristic propaganda, political issues and criticism from the Allies. The code does not mention erotic or pornographic content, as it is considered the duty of the Japanese police to conduct a survey of such material.

The SCAP maintains strict censorship of all media and other forms of expression in Japan, even though this democratizing mission is just a beginning. Unlike the Japanese imperial censorship system that is at least open about the fact that censorship occurs, information about the censorship system created by SCAP

⁴⁹ Driscoll, Mark. (2012). *Absolute Erotic Absolute Grotesque: The Living, Dead and Undead in Japan's Imperialism, 1895–1945*. Durham: Duke University Press.

⁵⁰ Rubin, Jay. (1988). The Impact of the Occupation on Literature or Lady Chatterley and Lt. Col. Verness. In Thomas W. Burkman (Ed.), *The Occupation of Japan: Arts and Culture*, Norfolk. Virginia: General Douglas MacArthur Foundation

itself is also censored. Two agencies are specifically required to monitor Japanese media. The Civil Censorship Detachment (CCD) is entrusted to eradicate ideologies associated with the military regime through pre-publication screening of all Japanese print media. Its job also includes checking some letters and telecommunication messages. The Civil Information and Education Section (CIE), on the other hand, have a duty to encourage democratic thinking through interventions in the education system and the pre-production stage of the media so as to ensure that the ideas approved by SCAP had been properly embedded. In contrast to the previous regime, SCAP really encouraged the incorporation of romantic symbols in popular culture as a tool to challenge feudal ideas about family relationships. Even CIE sometimes intervened to perform kissing scenes in Japanese films.⁵¹

The activities performed by SCAP seem to be successful; one result of the SCAP focus on politics over erotic content in the media is that six months after the Japanese defeat, a vibrant print culture known as *kasutori* or dregs, emerged as a prominent forum for discussion venues about sex and eroticism. Christine Marran argues that instead of opposing this development, the Japanese cabinet really 'works with the new government to create a '3-S' strategy, which enables, even promotes the so-called three S 'Sport, Screen and Sex' as a means to distract the population.⁵² Between 1946 and the end of the decade, hundreds of titles and thousands of magazine and newspaper editions were produced, discussing things like sex-hungry widows, cross-dressing male prostitutes, and striptease performances. In addition to these titles there are academic discussions, including marital sex guides, dedicated

⁵¹ Kyōko, Hirano. (1992). *Mr Smith Goes to Tokyo: Japanese Cinema under the American Occupation 1945-52*. Washington: Smithsonian Institution Press.

⁵² Marran, Christine. (2007). *Poison Woman: Figuring Female Transgression in Modern Japanese Culture*. Minneapolis: University of Minnesota Press.

to the teaching of romantic love art. The latter genre including *Fūfu seikatsu* or the couples lifestyle magazine is the first to offer a detailed explanation of the sexual function of men and women to the masses and offers advice on birth control. Discussions on previously taboo marital sexuality can be overcome during the occupation due to SCAP encouragement of the new rhetorical environment that places Japanese women freedom, family law reform, and sex education in the context of a broader discussion of democratization and freedom. The comparative openness to sex talks in the media, including so-called ‘abnormal’ sexuality, is increasing with the release of the 1948 inquiry encyclopedia Alfred Kinsey and co-workers on the life of American male sex, entitled *Sexual Behavior in Men*. Kinsey's findings, including discussions on premarital sexual behavior, commercial sex and homosexuality, were widely reported in the Japanese press and his Japanese translation of 1950 became a best-seller.⁵³

The regulation of erotic expressions to the Japanese police was largely abandoned by the SCAP, a task it has done since the police were not involved in the position other than just as public security maintenance, but also the maintenance of the country's honor. Furthermore, as mentioned by Ann Sherif,

“For Japanese government officials and police, the relatively loose SCAP policy on sexually explicit material means that local governments can stand as ‘author of discourse’ at least for one aspect of society—the regulation of sexual expression”.⁵⁴

In January 1947, for the first time in the post-war era, the police placed allegations against an obscene and publisher writer violating verse 175 of the Criminal Code.

⁵³ Kinsey, Alfred, W. Pomeroy, & Clyde Martin. (1948). *Sexual Behavior in the Human Male*. Philadelphia: W.B. Saunders.

⁵⁴ Sherif, Ann. (2009). *Japan's Cold War: Media, Literature and the Law*. New York: Columbia University Press.

The accusation was caused by two articles in the December 1946 issue of magazine *Ryōki* (hunting curiosity). One, a story titled *Mrs. Captain H*, dealing with an affair between a student and the wife of a soldier, and another story about the humor of the lust of the dynasty, which concerned about the incident among the Emperor's concubines in the past. Given the hundreds of other indecent stories in circulation, it is not entirely clear why this story is specifically chosen.

Weak law enforcement is the cause of some cases that were not handled professionally, because as usual in this case, the publisher agreed to pay a fine and filed an apology, the above matter was not proceeded to court, so we did not have access to police arguments detailing why the narrative of this specific is considered obscene. However, commentators then suspect that it is not the details of the erotic description in question but rather the status of the main character. *Mrs. Captain H* is a story of adultery involving the wife of a military commander, while the other is stories of misery among emperor's queen that touch the topic of the imperial family. Hasegawa Takuya points out that the story of *Mrs. Captain H* '(whose name is homophone with the Japanese term *ecchi* meaning depraved) raises concerns as those accused of dealing with obscenity in the Metropolitan Police Department in 1947 are still under the influence of wartime ideologies that require respect for the emperor's army and condemn 'moral decline'. Furthermore, the adultery of a married wife or woman is still a sensitive topic because it has long been considered a criminal offense and was not excluded from the Criminal Code until October 1947. Because neither concubine nor adultery has any ideological interest in the CCD, Japanese commentators have argued that the prosecution of this topic is an

indication of independence by the Japanese police in connection with censorship of sexual customs.⁵⁵

During that period, adultery became a major concern, only three years later when in 1950 Japanese translator and publisher of *Lady Chatterley's Lover* from DH Lawrence was indicted for taking advantage of an obscene article under paragraph 175. In contrast to the author and publisher of *Mrs. Captain H* who acknowledged their mistake and paid a fine to avoid full-scale prosecution, both defendants rejected the suit and therefore *Lady Chatterley's* case went to trial. The book was finally declared obscene in the original 1952 ruling and appeal of 1957. There are some interesting similarities between the two texts concerned, both involving adultery from wives of war veterans, committed for their own pleasure, to the socially inferior. It seems to be the story of the affair of the veteran wife of this war that seems to have been deemed sassy, as Kirsten Cather points out,

"the prosecutor seems equally concerned with condemning *Lady Chatterley's* character for committing adultery as he did by indicting the defendants. The judges seem to agree, noting that texts such as *Lady Chatterley* has the danger of neglecting sexual morality and sexual order and therefore, they feel they are in court to 'protect society from moral corruption'".⁵⁶

The development of law enforcement against the execution of sexual aberrations began to be felt when the process of alienating *Mrs. Captain H* and *Lady Chatterley* for prosecution suggested that in the early post-war period censorship objectives, as understood by police and the court system, are still bound to protect the state from socially disruptive forms of sexual expression. This can be seen

⁵⁵ Takuya, Hasegawa. (1978). *Waisetsu shuppan no rekishi*[*History of obscene publications*]. Tokyo: Sanichi shobō.

⁵⁶ Cather, Kirsten. (2012). *The Art of Censorship in Postwar Japan*. Honolulu: University of Hawai'i Press.

clearly in the process of one of the longest obscenity courts in Japanese history: the prosecution of popular sexologist Takahashi Tetsu.

The long process of the court shows the progress in the process of handling obscenity in Japan. Takahashi Tetsu (1907-1970) was the most prominent sex figure who took advantage of a more open rhetorical climate during the occupation to discuss previously taboo sexual topics, especially concerning sexual relationships in marriage in the print media. Takahashi was a well-known intellectual and public commentator on sexual matters from the late 1940s to his death. Therefore, when he was accused by the police in 1954 of profiting from the distribution of obscene publications, the case got a lot of media attention. Unlike most publishers subject to police surveillance, Takahashi is tried for not spreading erotic fiction, but to publish a real-life sexual history of members of a private study society dedicated to Freudian analysis. His case, he lost, and jailed for 15 years because of his appeal against the original decision.⁵⁷

In development over the course of Takahashi's existence, though he has written a number of academic articles on the analysis of Freudian sexuality during the war period, until the censorship restrictions on sexual expression became soft during the occupation so Takahashi could fully explore his interest in sexual matters by establishing Magazine *Aka to kuro* (Red and Black), later renamed *Ningen fukkō* (human resurrection) in 1946⁵⁸. In the magazine, Takahashi argued that the category of obscenity was not an original Japanese idea but had been imported into Japan

⁵⁷ Naohide, Yamamoto. (1994). *Sei no tabūni idonda otokotachi: Yamamoto Senji, Kinzei, Takahashi Tetsu kara manabu* [Learning from the men who challenged the taboo on sex: Yamamoto Senji, Kinsey and Takahashi Tetsu]. In *Kamogawa Booklet 72*. Tokyo: Kamogawa Shuppan. (p. 34-37)

⁵⁸ Naohide, Yamamoto. (1994). *Sei no tabūni idonda otokotachi: Yamamoto Senji, Kinzei, Takahashi Tetsu kara manabu* [Learning from the men who challenged the taboo on sex: Yamamoto Senji, Kinsey and Takahashi Tetsu]. In *Kamogawa Booklet 72*. Tokyo: Kamogawa Shuppan. (p. 31)

along with other ideas lifted from the Prussian Constitution at the beginning of the Meiji period. He was criticized, especially by right-wing thinkers, for bringing to mind his own diverse Japanese sexual histories in his publications. He is a collector of sex manuals and erotic prints of the Edo period and through a series of articles and even a full dictionary of *fūzoku* (sexual habits), Takahashi seeks to bring back contemporary discourse of a lost vocabulary about making love from previous generations. Inspired by the pioneering work of Yamamoto Senji and the recent release of Kinsey's report, in the early 1950s Takahashi argued that disseminating knowledge about people's sexual behavior was actually more important than the moralistic statements about ideal behavior by state officials.

Based on the information obtained, it is not Takahashi's popular journalism or commercially published books and magazines that got him into trouble with the police, but only the magazine's special membership (*kaiinsei*) magazine *Seishin repōto* (Life and Maintenance), which began in 1953. This is a periodical research and early contributions by members of the *Nihon seikatsu shinri gakkai* or Study Group for Japanese lifestyle psychology founded by Takahashi in 1950. The early 1950s was an important period involving many club members who were established for 'studies' on sexuality, especially non sexuality normative. Many of these clubs produce their own magazines. These magazines are largely uncensored by their editors, allowing contributors to explicitly discuss sexuality that is not possible in commercial publications. Takahashi is not alone in his efforts to make the full spectrum of sexuality visible, but he is among the most prominent and successful.⁵⁹

⁵⁹ Naohide, Yamamoto. (1994). *Sei no tabūni idonda otokotachi: Yamamoto Senji, Kinzei, Takahashi Tetsu kara manabu* [Learning from the men who challenged the taboo on sex: Yamamoto Senji, Kinsey and Takahashi Tetsu]. In *Kamogawa Booklet 72*. Tokyo: Kamogawa Shuppan. (p. 34-37)

Perhaps it is his superiority and the fact that he speaks to both the general and the special audiences that make him the target of police investigations.

As a publisher and distributor, in 1954 Takahashi began to be prosecuted for obscenity, based on material that appeared in *Seishin repōto*. Police are also investigating a number of club members, requesting their personal data as part of the operation. Found guilty and fined at the end of the first court case in 1963, Takahashi stopped publishing the magazine in 1964. He appealed to the High Court, which sentenced a guilty verdict in 1970, just one year before his death⁶⁰. What is interesting about this prosecution is that most of the magazines are dedicated to the analysis of *taiken kiroku*. It is a 'recording' of actual (sexual) experiences that are voluntarily submitted or collected by members. Some of these experiences are quite disturbing, as they detail the sexual activity of former Japanese soldiers. Indeed in 1992 many narrations of *Seishin repōto* were collected together by human rights academic Yamamoto Naohide and published as a book titled *Senjō de no heishi no 'sekushuariti'* ('sexuality' of warriors on the battlefield)⁶¹. The sex acts described have taken place abroad and are outside the scope of Japanese law, but their narration and dissemination through the word print becomes a criminal act in accordance with paragraph 175 which governs obscene publications.

Takahashi believes that the membership fee is only to cover the cost of printing and distribution of magazines and since it is clear that research-related efforts are intended for small number of members, it is disclosed in their defense

⁶⁰ Naohide, Yamamoto. (1994). *Sei no tabūni idonda otokotachi: Yamamoto Senji, Kinzei, Takahashi Tetsu kara manabu* [Learning from the men who challenged the taboo on sex: Yamamoto Senji, Kinsey and Takahashi Tetsu]. In *Kamogawa Booklet 72*. Tokyo: Kamogawa Shuppan. (p. 34-37)

⁶¹ Naohide, Yamamoto. (1993). *Senjōde no heishi no 'sekushuariti' Takahashi Tetsu no Seishin Repōto yori* [Soldiers 'sexuality' on the battlefield: from Takahashi Tetsu's Seishin report]. Tokyo: Nihon no sensōsekinin shiryōsentaa.

and otherwise it should not constitute a violation of the distribution of obscene material for profit as defined in law. More importantly, however, he opposes allegations of obscenity on the grounds that the material in question is circulated for 'scientific' purposes and thus his production and dissemination cannot be an act of obscenity. He argues that the police attempt to disrupt its scientific inquiry is a violation of human rights that goes against the right to freedom of expression as guaranteed by Article 21 of the postwar constitution. Takahashi has several reasons to make this claim because membership is checked and only applicants who provide their resume, family background details, reasons for joining clubs and proof of age are allowed to join. More controversially, applicants must also provide their own sexual history and quotes that can be published in magazines and used for analysis purposes.⁶²

The fundamental nature of sexual history supplied and reprinted in magazines that make such publications obscene and that psychoanalytic commentaries on these narratives by Takahashi did not alter the fact of the nature of obscenity, according to the prosecutor's denial. It also shows that organizational membership is available to 'people in general' and the investigation shows that, in addition to educated people such as 'school teachers, union officials and museum curators', there are 'office workers and even a farmer and tofu seller'. Therefore, the old concern over the class of people accessing this material is once again at the forefront of the prosecution case.

⁶² Naohide, Yamamoto. (1994). *Sei no tabūni idonda otokotachi: Yamamoto Senji, Kinzei, Takahashi Tetsu kara manabu* [Learning from the men who challenged the taboo on sex: Yamamoto Senji, Kinsey and Takahashi Tetsu]. In *Kamogawa Booklet 72*. Tokyo: Kamogawa Shuppan. (p. 34-37)

The difficulty of discussing pornography is exacerbated by the fact that the term itself is offensive, often paired with crime, violence, greed, and other bad acts or desires. Not surprisingly, pornography, in film or in general, is almost impossible to define objectively.⁶³ The status of pornography film is increasingly confusing when filmmakers 'seriously' use elements of pornography, such as Nagisa Oshima's film *In the Realm of Senses*. Critics almost always treat such films as not representing the genre of pornography but as deviations, exceptions, or justifiable variations in the usual approach. Porn is a genre that is in critical decline. Western genre studies usually exclude it. Other theoretical or critical approaches are often overshadowed by the need to adapt to feminist criticism of sexual acts that are filmed as the degradation of women for the enjoyment of male audiences.

Japan since World War II may seem superficial to follow a similar pattern to the United States, Japan has never had a dominant religion that views sexual pleasure as immoral, and although Japanese society can be called sexist by Western standards, it is generally assumed that women can enjoy sex just like men. The portrayal of sex on a commercial screen, with mainstream movies featured in regular cinema and soft-core porn (i.e., excluding scenes featuring genital or real sex scenes) featured in special theaters, until the development of hardcore videos in the late 1980s pushing the business to lag. However, in Japan, the boundary between common film and porn film is much more porous. Many Japanese filmmakers started off with pornographic films and then moved on to common films, while some film directors made films with content similar to pornographic

⁶³ Williams, Linda. (1989). *Hard Core: Power, Pleasure and "the Frenzy of the Visible"*. CA: University of California Press.

films, such as Kon Ichikawa with *Kagi* (The Key [Odd Obsession, 1959]), and Shohei Imamura with *The Pornographers* (1966).⁶⁴

Pink Film is an independent soft-core film in Japan. It started half a century ago with the film *Market of Flesh* (*Nikutai ichiba*, 1962). The pink film undergoes several iterations because it deals with competition from soft-core porn film studios and hardcore porn videos (known as AV). But Pink Film remains independent. It is a parallel industry, with production companies, a number of theaters, actors and their own staff. The sex scene is not done in real terms, as Tsuda Ichiro's photographs show carefully, the actors using the *maebari* base to cover their genitals. The films are very narrative and, perhaps most interestingly, they were recorded and exhibited on a 35mm camera to date. Devotion to large format celluloid roll film requires sacrifice. The original budget of 3 million yen has not increased for decades, while the filming schedule has been shortened to three or four days. Sounds are fully recorded, and genital censorship is done when shooting to save money - for example, a cinematographer will hold a small lens on a stick in a strategic place in front of the camera to avoid costly mosaics or blurring. Finally, Pink Films is made for cinema, not home video; some are now available on video, but once entered into a common video store with large back room it will usually only store the AV.⁶⁵

A typical Japanese soft-core porn film of the 1960s and 1970s, known as *pinku eiga* ("pink film"), is a movie made with a minimum budget with a minimal (and usually inexperienced) crew. They are often filmed in one location, with little

⁶⁴ Nornes, A. M. (Ed.). (2014). *The Pink Book The Japanese Eroducton and its Contexts*.

⁶⁵ Nornes, A. M. (Ed.). (2014). *The Pink Book The Japanese Eroducton and its Contexts*.

use of color even after a color film becomes standard, and rarely longer than an hour.⁶⁶

It is rare to find popular local films reaching out to foreign audiences. Each national cinema context is filled with a variety of genres and production modes. This is especially true for Asian cinemas, where foreign programmers and distributors generally concentrate on art films with the exclusion of documentaries, overly sentimental films, amateur films, paperbacks, experimental works, musicals, or especially pornography. Japan has historically owned one of the largest and most complex film cultures since the 1920s. The Japanese Pink movie is on the radar of the film world from the beginning, mainly thanks to Wakamatsu's programming of films by European festivals in the early 1960s.⁶⁷ This helped a film like the Secret Story Behind the Wall (*Kabe no naka no heregoto*, 1965) to be scandalous even by European standards.

Wakamatsu was the first known when the world watched the director of the 'New Wave' stream and the creative film blast that took place after they emerged. Throughout the 1960s and 1970s, Japanese cinema is known for its 'New Wave' flow, widely interpreted to include some of the Pink film directors, and later referred as the Golden Age. When Noël Burch wrote to The Distant Observer in 1971, a strong critique of the "Golden Era", he celebrated an abandoned pre-war era by connecting it with the remains of Oshima, Wakamatsu and others. Burch exemplifies the Pink film approach that highlights the political allocations left by Pink filmmaker. At the same time, he is skeptical of the Pink Film itself, offering the following definition in his notes, "Eroduction is an 'independent' distribution

⁶⁶ Nornes, A. M. (Ed.). (2014). *The Pink Book The Japanese Eroduction and its Contexts*.

⁶⁷ Nornes, A. M. (Ed.). (2014). *The Pink Book The Japanese Eroduction and its Contexts*.

system supplied by specialized independent companies that have monetized the ‘sexual liberation’ strategy employed by the ruling class in most Capitalist state.” For Burch, Pink is the same as “The relatively profitable gutter” from which Wakamatsu was saved by Oshima.⁶⁸

The Japanese film studio system reached its peak in 1960. In that year there were 548 feature films aired in cinemas, which at the time made Japan the country with the highest film output in the world. Japanese film cashed up 79.7% of box-office profits and produced a record low 20.3% for imported films. Ninety-nine percent of Japanese films are produced and / or distributed by major studios such as Shochiku, Toho, Toei, Nikkatsu, Daiei and Shintoho. Only six independent Japanese productions were released in 1960.⁶⁹ While the number of films increased, the number of viewers declined sharply. The peak of its presence was achieved in 1958 with 1.13 billion visitors. With the rising of TV and entertainment booms along with high economic growth, viewers no longer watch movies.

The number of cinema goers in Japan has fallen so low in 1971, so Nikkatsu, one of the Japanese filmmakers, is almost bankrupt. Therefore, the head of the studio decided that from now on they do not produce anything other than soft-core porn film (and also some movies for kids). But their pornographic films are better quality than pink films: the budget will be much larger (though small by mainstream standards), done by experienced crew, ten-day filming schedules, with 70 to 80 minute movie durations, and colored with widescreen quality. The only requirement of a porn movie is a sex scene every ten minutes, other than that filmmakers are free

⁶⁸ Nornes, A. M. (Ed.). (2014). *The Pink Book The Japanese Eroducton and its Contexts*.

⁶⁹ Nornes, A. M. (Ed.). (2014). *The Pink Book The Japanese Eroducton and its Contexts*.

to make whatever type of movie they like. To distinguish these films from the pink type, Nikkatsu calls them *roman poruno* or romantic porn.⁷⁰

C. Conclusion of the Chapter

Based on observations, in this chapter we have seen an omission in the regulatory system of sex in Japanese culture because of the religion and the development of the times. Until now the Japanese has made stories about sex in public, mainly because they are trying to win approval from the Western World by adjusting some of their laws on sex. Evidence regarding the effect of this law on the Japanese is not yet available. Japan has been trying to get this law passed six times since World War II and it has finally happened.

Similarly, the state of Japanese films as well as foreign film imports are overseen by *Eiga Rinri Kanri Iinkai*, the professional body that manages the ethics code in the field of cinema. Each television station also has its own program review pane comprising representatives of companies and ‘educated and experienced people’ that determine the appropriate scheduling. A similar industry-appointed body oversees other media such as book publishing, newspapers, magazines, computer entertainment (such as video games) and *manga*. However, although these committees often include retired police officers as advisers, given their unofficial status, the fact that they have given the go-ahead to media products does not free the people involved from potential demands if the police then decide that the limits have been violated.

⁷⁰ Nornes, A. M. (Ed.). (2014). *The Pink Book The Japanese Eroducton and its Contexts*.