

Book review:
Press Freedom in Contemporary Japan

Tim Cross *

Press Freedom in Contemporary Japan

Jeff Kingston (ed.)

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Living through the emergence of an age of alternative facts, post-truth politics and the excesses of only-in-Trumpland, this volume is an important perspective on how Japanese news reporting is constrained by pressures of self-censorship, intimidation, media harassment and censorship. Attention to these pressures is sustained across five sections, which examine the politics of press freedom, the Japanese legal landscape of media, the issues which structure the history and culture wars of Japan, the marginalization and vilification of minorities by Japanese media, and how PR and public diplomacy are implicated in the manipulation of opinion. One of the strengths of this book is the evidence it provides: referenced examples of these pressures appear in the main body of the chapter or in the chapter footnotes. The twenty-one papers in this edited collection have been written by a range of media professionals and academics, including those who have been employed in one or more

* Professor, Faculty of Humanities, Fukuoka University

of the following capacities: journalist, political scientist, legal scholar, editor, and translator. This volume does not assert that the erosion of the rights of the press is something that is uniquely monopolized by Japan. This collection of papers does, however, document how press freedoms have declined significantly since 2012 under the leadership of Prime Minister Abe.¹

¹ For an overtly critical review of this Kingston volume, see Earl Kinmonth 'Press Freedom in Contemporary Japan': A Lazy Look At the State of Japanese Media

<https://japan-forward.com/author/rui-abiru/>

What is initially curious about this review is the negative tone of its first paragraph:

This book is not about the real state of press freedom in Japan but about the imagined lack of freedom to gather and report news, based on the allegation that these have been limited by the Abe regime. It is not a comprehensive treatment of the press, let alone the news media, in Japan.

Kinmonth only endorses one chapter, the Cucek chapter that assigns pigheadedness to Prime Minister Abe but does not find him guilty of press oppression, as worthy of his 'unequivocal "must read" recommendation.' Kinmonth generally criticizes the three articles of Part V: PR, Public Diplomacy and Manipulating Opinion by remarking that 'Kingston appears to be using this book to give himself and like-minded contributors a venue for the anti-Abe opinion pieces of the type he regularly publishes in the *Japan Times* and elsewhere.' The Kinmonth criticism of the Kingston volume could conceivably be motivated by a certain political preference. Kinmonth appears to be using his review of this Kingston book to introduce the pro-Abe opinion pieces of the type that are published on the japan-forward.com site. To give a sense of the orientation of the japan-forward.com site, the following articles appear as Related Posts and have been written editorial writer and political section editorial staff member, rui-abiru. (Given that the URL doesn't list Kinmonth as the author, but instead attributes the critical review of the Kingston volume to rui abiru, it might appear that rui abiru is an online alias for Kinmonth: <https://japan-forward.com/author/rui-abiru/>) The pro-Abe sentiments and LDP support of the rui abiru articles is obvious:

Are Opposition, Media Proud of Themselves Subjecting Abe Gov't to Witch Trial? 2018.03.28 10:40 pm

The hubbub over school operators Moritomo Gakuen and Kake Educational Institution seems to be boiling down to nothing

Thank You, Seiji Maehara, for Revealing Democratic Party Discord
2017.10.10 11:07 am

Using a book review to characterize the scholarship of the Kingston volume as a 'lazy look' is a curious move, given that Kingston was working on his own book project at the time his review was uploaded (July 10, 2017).

As the following selections from each chapter show, one of the strengths of this volume is the careful linking of wider claims about the nature of political influence over the Japanese press with specific examples of the types of media-muzzling that have occurred between 2012 and 2016. While the quotations do give some sense of the distinctive flavour of those chapters in Section I, they are also intended to help flesh out the brief summaries that outline the content of those chapters.² The quotations will also hopefully be useful to Japanese undergraduate students of communication who are curious about how the Japanese media is represented in English language scholarship but who might feel overwhelmed by having to read entire chapters.³

This edited volume will be an important source document for historians of Japanese media. Although it is easy to criticize such collections for failing to comprehensively capture the complex breadths and depths of Japanese media, the five sections do present one view of how Japanese media has been constrained and also continues to exercise self-restraint in the interests of self-preservation of individual and corporate interests.

Introduction: *Press Freedom in Contemporary Japan*, Jeff Kingston (political scientist), pp. 1-13

Kingston frames the volume by beginning with two international assessments which suggest that the Japanese administration could do more to improve press

² The quotations occasionally contain the references cited in the original text. Although this information can be initially confusing, the provision of even the abbreviated references will hopefully be useful for some readers. More importantly, the references also work as strong retorts to the assertion that the claims of media suppression during the time of Prime Minister Abe are exaggerated overstatements. Expressions such as 'kisha club' are not italicized in the original text.

³ Classroom applications for Japanese undergraduate students might include: after assigning groups to translate the quotations into Japanese without the assistance of Google Sensei, comparing the sorts of variations in translation that occur between groups; direct groups to find work by Japanese researchers that contradicts the claims advanced in this volume and compare the different sorts of evidence referenced by research published in Japanese and English.

integrity here: the 2012-2016 assessment of Reporters without Borders ranked Japan 72 out of 180 nations in terms of media freedom; allegations that during the April 12-19 2016 fact-finding visit of David Kaye, the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, which identified concerns with media intimidation, he and his lawyer were kept under surveillance by the Cabinet Intelligence and Research Office because of orders from the Abe administration.⁴ Domestically, in April 2016, the Japanese Minister of Internal Affairs

⁴ The following page 3 extract from the *Report of the Special Rapporteur to the General Assembly on the contemporary challenges to freedom of expression* (2016 A/71/373) addresses the question of surveillance:

Shortly after the mission the Special Rapporteur became aware of allegations that Government officials ordered intelligence community members to monitor at least one member of civil society who helped coordinate civil society meetings during the visit. Allegedly, information collected on civil society involvement in the visit planning was shared with officials in an internal memo. The Special Rapporteur conveyed his “grave concern at the allegations of surveillance” in an official communication to the Government, adding that “the order to monitor, and the act of monitoring, human rights defenders and their interactions with UN special procedures, if confirmed, would amount to an act of intimidation and reprisal for their cooperation with the United Nations, its representatives and mechanisms in the field of human rights” (UA JPN 4/2016). The Government has repeatedly denied the allegations (TK/UN/325).

Available online: <https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Annual.aspx>

In the Response to Recommendations section of the document entitled *Report of the Special Rapporteur the promotion and protection of the right to freedom of opinion and expression on his mission to Japan: comments by the State*, the following denial appears on page 3:

The suspicion that the Japanese government ordered intelligence community members to monitor a member of civil society who helped coordinate civil society meetings during the visit

[Paragraph 5]

The Japanese government did not attempt to surveil the activities of the person who helped coordinate civil society meetings during the Special Rapporteur's visit to Japan.

Available online: <https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Annual.aspx>

In Section IV of the Special Rapporteur Report, the main findings of ‘Situation of the right to freedom of opinion and expression in Japan’ addressed two issues. First, media independence: the broadcast media; print media; professional organization and

and Communications, Takaishi Sanae, announced that television stations who broadcast biased content could have their licenses revoked.

Against this background, Kingston introduces the theme of press intimidation by citing how the ruling Liberal Democratic Party called for balanced and fair reporting prior to the 2014 Diet elections. The cozy relationship between journalists, politicians and the ministries that is enabled by the *kisha kurabu* (press club system) is shown to be a form of access journalism that implicates journalists in preventing citizens from discovering what the government of the day would prefer to hide. The price paid by press club members for the privilege of access to official sources is the living with the threat of membership exclusion, should any critical content be published or broadcast. If such exclusion is applied to one journalist, it would have a negative impact on their individual career trajectory but that exclusionary treatment could also be extended to the entire company that employs that one journalist. This possibility of collective punishment amounts to a powerful disincentive to conduct

the *kisha* club system. Second, interference in the communication/expression of history: access to information; discrimination and hate speech; restrictions on election campaigns; public demonstrations.

The following page 9 extract from the *Report of the Special Rapporteur to the General Assembly on the contemporary challenges to freedom of expression* (2016 A/71/373) is critical of the Japanese use of security legislation to reduce transparency:

Undermining the right to information

24. National security is also used to justify excluding information in the public interest from disclosure, with many Governments overclassifying vast amounts of information and documents and others providing limited transparency in the process and substance of classification. In the case of Japan, for instance, the Government adopted the Act on the Protection of Specially Designated Secrets, which raised concerns about transparency, third-party oversight, the protection of journalists and their sources, and whistle-blowers. The United States enforces its Espionage Act in ways that ensure that national security whistle-blowers lack the ability to defend themselves on the merits of grounds of public interest.

Available online: <https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Annual.aspx>

Part II of the Kingston volume addresses the legal environment that shapes how the Japanese media operates, and the chapters by Arthur Stockwin and Kenta Yamada specifically address the state secrets legislation.

investigative research.⁵

The Kingston Introduction continues by highlighting the alliances that exist between the Abe administration, politicized media organizations and right-wing organizations. When the liberal *Asahi* newspaper gave prominence to the issue of Korean comfort women, and thereby impugning both the national honour and unleashing the emotionally charged issue of the reputation of Japanese soldiers (Japanese military deaths have been estimated to be at least 22,000,000), conservative newspapers including the *Yomiuri* and *Sankei* newspapers unleashed a media counter-offensive that supported the revisionist narrative of 'Japan was not an invading power' advocated by Prime Minister Abe.

Attention is also given to the *Asahi* coverage of the Fukushima Daiichi plant, the retaliation delivered to the TBS television station for criticizing the energy deregulation policy of Abe, and the suggestion of Hyakuta Naoki made at a meeting of junior LDP lawmakers that the Okinawa media be punished for their reluctance to endorse the collective security legislation as three clearly documented examples of how the Abe administration prefers to maintain an environment of favourable coverage.

⁵ For an overview of wider concerns with the political influence being exercised over journalism, see the address given by David Kaye in Tokyo on 19 April 2016, available online as 'Preliminary observations by the United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. David Kaye at the end of his visit to Japan (12-19 April 2016)' <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19842&LangID=E>

Yet the independence of the press is facing serious threats: a weak system of legal protection, persistent Government exploitation of a media lacking in professional solidarity, and the recent adoption of the Specially Designated Secrets Act are all combining to impose what I perceive to be significant challenges especially to the mainstream media, where the vast majority of Japanese citizens get their news. Numerous journalists, many agreeing to meet with me only on condition of anonymity to protect their livelihoods, highlighted the pressure to avoid sensitive areas of public interest. Many claimed to have been sidelined or silenced following indirect pressure from leading politicians. A country with such strong democratic foundations should resist and protect against such interference.

The next section of the Introduction addresses the thorny question of contesting national identity, both domestically and internationally.⁶ At the frontline of the culture wars were representations of history (diplomatic efforts to lobby in America to adjust the content of high school textbooks and similar actions in Europe aimed at obtaining more favourable accounts of Japanese wartime activities), the tension between commemorative statements delivered by the Emperor and Prime Minister Abe marking the seventieth anniversary of the Japanese defeat, and questions of constitutional revision, security policy and pacifist sentiments.

Quotations

The press club system (kisha clubs) embeds journalists at ministries, agencies and other organizations they are assigned to cover, enabling them to develop close ties and gain privileged access to official sources, but handicaps them from divulging much of they know in order to maintain that access. (p. 3)

In 2009, newly elected Prime Minister Hatoyama Yukio announced his intention to disband press clubs, but this infuriated mainstream journalists, who enjoy the exclusive access press clubs provide, and subsequently disappointed freelancers and other non-kisha club journalists when he failed to deliver. (p. 4)

What does Japan have to fear from this nationalist resurgence? (p. 10)

... the Japanese press kowtows too readily to government media minders and caves in to intimidation, while the public seems overly tolerant of a co-

⁶ For a comparative perspective on the question of WWII in terms of the tensions between progressive and reactionary historians and 'masochistic history', see Julia Yonetani, 'The "History Wars" in Comparative Perspective: Australia and Japan', *Cultural Studies Review*, vol. 10, no. 2 (2004), pp. 33-50.

opted press. (p. 12)

Part I: The Politics of Press Freedom

1. Media Muzzling under the Abe Administration

Aurelia George Mulgan (academic), pp. 17-29

Uses a 'carrot' and the stick' analogy to list the different types of media-muzzling. Coercive methods include: automatically labelling critical reporting of government policies as biased and unfair; expressing displeasure with television content directly to broadcasters; using the threat of reducing advertising revenue to intimidate media companies; summoning media executives and cross-examining them about the details of their broadcast; rejecting curb-side interviews from companies critical of the government; agreeing to appear on television programmes only after the company critical of the government has apologized and given a written undertaking to broadcast coverage that is fair and just; threatening companies critical of the government with their license being revoked under the Broadcast Law; publicly suggesting that newspapers opposing the government should be sanctioned.

Methods for encouraging compliant coverage include: allocating scoops and exclusive interviews to companies with favourable coverage of government policies; meals and golfing with Prime Minister Abe as rewards for executives and journalists; exercising some indirect influence over the personnel decisions of commercial broadcasting companies and public broadcasting companies.

Identifies the targets of media-muzzling (left-wing media, including *Asahi*-bashing of the television and print outlets of that company, Foreign Ministry staff targetting foreign reporters who reject the war history denials of Prime Minister Abe).

Surveys the political goals and impacts of media-muzzling (creating a submissive media that provides coverage palatable to the government because the media practices self-censorship), the political causes and outcomes of media-muzzling (the long-term political dominance of Abe within the LDP, the absence of a strong opposition party, the absence of any substantial opposition within the LDP party, the top-down rule of the Prime Minister's Office created a compliant bureaucracy by

exercising the Kantei power of appointment once it established the Cabinet Bureau of Personnel Affairs in May 2014).

Quotations

Dislike of media criticism has led to a crackdown on freedom of the media in both electronic and paper formats under the Abe administration. (p. 17)

Even the BPO [Broadcasting Ethics and Program Improvement Organization] may not be immune from government interference, however, given a suggestion from the LDP for the government to intervene in the organization by having government-related personnel and former bureaucrats join the body for the purpose of “solving problems” that may arise in the future (*Jiji Press* 2015). (p. 22)

Momii [Katsuto, NHK Chairman appointed by Prime Minister Abe] is widely quoted to have once said “The NHK is the branch office of the Kantei [Office of the Prime Minister].” (p. 26)

2. The Right-Wing Media and the Rise of Illiberal Politics in Japan

Koichi Nakano (academic), pp. 30-39

Historical development of print media from the Meiji period onward as being shaped by government sponsorship, framing how personnel and money structured the press-state relationship (providing up to 30% of newspaper revenue through regular government purchases of some newspapers; designating certain newspapers as the vehicle for news releases until the 1883 establishment of the *Kanpō*; some newspapers were subsidized by secret government funds). Control of media critics exercised by appeals to state-centred norms of impartiality, neutrality, and fairness.

Early modern Japanese newspapers: big papers (partisan accounts of political issues); medium papers (apparently ‘neutral’ reporting); small papers (gossip, entertainment).

National daily newspapers were left intact by the U.S. Occupation: with postwar repentance by the formerly collaborative press, some newspaper become more liberal and critical of government policies. Rise of the *kisha kurabu* system: persistence of wartime style of official announcement journalism.

Broadcast Law, Article 1 enshrines impartiality: after the government threatens to ban *Osaka Asahi Shimbun* because of its critical coverage of the rice riots of the 1918 Hakkō Incident, Osaka and Tokyo editions of the *Asahi Shimbun* include 'impartiality' in their mission statement. After being the subject of a police investigation, this public pledge to refrain from biased reporting of the government, and the resignation of the board of directors and most of the editorial board, ensures the survival of the *Asahi Shimbun* which had a history of receiving subsidies from secret government funds.

Right wing alliances and the revisionist view of history that opposed 'bias' (anti-Japanese, incorrect, masochistic interpretations of the interwar years): Sankei group (publisher of *Seiron*), Bungei Shunjū group (publisher of *Shokun!*). Formation of history textbook revisionist association Atarashii Rekishi Kyōkasho wo Tsukurukai (1996), Nippon Kaigi (1997). Abe Shinzo and Nakagawa Shōichi establish Young Parliamentarians' Group that Considers Japan's Future and the History Education (1997).⁷

⁷ Disputes about the parameters of Japanese identity are a continuing feature of Japanese public life, and international concerns tend to focus on issues ranging from broad questions of historical interpretation and responsibility down to the details of the content of Japanese high school textbooks. Christopher Barnard, *Language, Ideology and Japanese History Textbooks* (New York: Routledge, 2003).

For an analysis of the impact of the history textbook crisis of 2001, driven by the Society for History Textbook Reform, on Japan-Korea relations, see Samuel Guex, 'The History Textbook Controversy in Japan and South Korea', *Cipango*, vol. 4 (2015), unpaginated.

Available online: <https://journals.openedition.org/cjs/968>

For an analysis of how tenuous the right-wing control of the media might actually be, see Michael Lewis, 'Japanese Textbooks in the Asian History Wars: The Waning Importance of Weapons of Mass Instruction', in Michael Lewis (ed), *'History Wars' and Reconciliation in Japan and Korea* (New York: Palgrave Macmillan, 2017), pp. 83-106.

Seiron and *Shokun!* manufacture dissent with anti-Japanese sentiment: 1969-1989 (2 articles used the word *hannichi*), 1990-1994 (6 articles used the word *hannichi*), 1995-1999 (26 articles used the word *hannichi*), 2000-2004 (24 articles used the word *hannichi*), 2005-2009 (52 articles used the word *hannichi*).

Sustained attacks on *Asahi Shimbun* and NHK: around the time the Diet approves the annual budget for NHK, Deputy Chief Cabinet Secretary Abe and Nakagawa meet NHK management to discuss the content of the 2001 NHK documentary of the December 2000 Women's International War Crimes Tribunal held in the vicinity of Yasukuni Shrine that listed the late Emperor Hirohito as one of the defendants responsible for the 'comfort women' sexual slavery.⁸ The documentary is re-edited before broadcast. In January 2005, *Asahi Shimbun* publishes an article documenting the political interference with programme content. NHK, Abe and Nakagawa contest the allegations. After the third-party commission of *Asahi Shimbun* concludes that the reporting is accurate, the LDP makes two threats: denial of access to any *Asahi Shimbun* journalists; establish an investigative team to scrutinize the

⁸ The Women's International War Crimes Tribunal 2000 was organized to highlight the gendered framing of the International Military Tribunal for the Far East (IMTFE) in Tokyo: in 1946 crimes against women were not considered as actionable areas of redress. For a legal analysis of the collective amnesia about crimes against women, see Caroline Joan (Kay) S. Picart, 'Attempting to Go Beyond Forgetting: the Legacy of the Tokyo IMT and Crimes of Violence Against Women', *University of Pennsylvania East Asia Law Review*, vol. 7 (2011), pp. 2-49.

For a background history of events commencing in Korea in 1988 that led to the formation of the Tribunal, see Christine M. Chinkin, 'Women's International Tribunal on Japanese Military Sexual Slavery', *The American Journal of International Law*, vol. 95, no. 2 (2001), pp. 335-341.

For an account of how the tensions between Korean and Japanese accounts were resolved in American public spaces, and for an analysis of the postwar persistence of comfort women stations under American patronage in Korea and Japan, see Thomas J. Ward and William D. Lay, *Park Statue Politics: World War II Comfort Women Memorials in the United States* (Bristol: E-International Relations, 2019).

For an account of the *Asahi Shimbun* retraction and the discovery of historical evidence by Yoshimi Yoshiaki that confirmed Japanese government involvement in recruiting and managing the women, see Maki Kimura, *Unfolding the 'Comfort Women' Debates: Modernity, Violence, Women's Voices* (New York: Palgrave Macmillan, 2016).

past and present problems and scandals of *Asahi Shimbun*. The president of *Asahi Shimbun* apologizes for the article.

How NHK news came to resemble government propaganda: December 2012 electoral defeat of Democratic Party of Japan (absence of any effective opposition forces) means LDP can define what is 'neutral' coverage. Abe nominates Momii Katsuto as Chairman, appoints Hasegawa Michiko and Hyakuta Naoki to NHK board of management. *Yomiuri Shimbun* aligns itself with *Sankei Shimbun* on the need to revise the Constitution. Although *Yomiuri Shimbun* and *Sankei Shimbun* also initially relied on the soon-to-be discredited testimony of Yoshida Seiji from the early nineteen nineties as the basis for their comfort women articles, *Asahi Shimbun* is attacked by the government and right-wing media organizations. After *Asahi Shimbun* retracted the articles based on the Yoshida testimony in August 2014, Prime Minister Abe uses the *Asahi Shimbun* apology on the international stage to reject 'misunderstandings' that characterized these women as sex slaves. Deputy Foreign Minister Sugiyama Shunsuke at the February 2016 Committee on the Elimination of Discrimination against Women (CEDAW) rejected the representation of the comfort women as 'military sex slaves' in the UN Coomaraswamy Report by criticising *Asahi Shimbun*.

Quotations

Once *Asahi Shimbun*, the last national paper to remain critical of militarism, shifted its position and began contributing to the war effort after the 1931 Manchurian Incident, press freedom and truthful reporting of news disappeared from Japan. (p. 31)

Most mainstream news organizations in Japan have not adopted a sweeping ban on journalists' participation in government councils. It boggles the mind to think how journalists can critically examine the government policies they actively take part in formulating in the first place. (p. 32)

Even though news organizations today are not as dependent on the state for

or money or personnel as in the wartime period, the prevailing mindset is still very much one of dependency and subordination to the state. So much of what passes as “news” in Japanese newspaper and television programs amount to mindless, uncritical announcement of government initiatives and policies. (pp. 32-33)

With NHK and, to a degree, the *Asahi* muzzled, and the unequivocal support of the right-wing media, the Abe government successfully pushed through the controversial security legislation in summer 2015. An overwhelming majority of law scholars and a clear majority of public viewed Abe’s gambit enabling Japan to exercise the right of collective self-defense as unconstitutional, but only a couple of news programs were bold enough to carefully cover the widespread civil society protest against his legislation, and those that did soon faced the LDP and right-wing media’s ire as the next targets. Hōdō Station of TV Asahi and News 23 of TBS, both evening news programs aired by private broadcasters, were noted for their temerity in offending the government by criticizing Abe’s security agenda. Both Furutachi Ichirō, who hosts Hōdō Station, and Kishii Shigetada, an anchor of News 23, had their contracts terminated as of March 2016, and many in Japan find it hard to believe that that was a sheer coincidence. (pp. 37-38)

3. A Pooch After All? The *Asahi Shimbun*’s Foiled Foray into Watchdog Journalism
Martin Fackler (journalist), pp. 40-55

Yorimitsu Takaaki, head of Investigative Reporting Section, “Datsu Pochi Senden” (No more pooches proclamation, an absolute rejection of *kisha kurabu* access journalism): *Asahi Shimbun* wins The Japan Newspaper Publishers and Editor Association Prize (2012, 2013) for coverage commencing in 2011 of the Fukushima nuclear disaster that exposed official disinformation which attempted to conceal Tokyo Electric Power Co. (Tepco) mismanagement.

Detailed account of *Asahi Shimbun* efforts to push back against digital media

with investigative journalism. Summaries of the trajectory of *Asahi Shimbun* as the comfort women stories and the March 11 2011 Fukushima disaster coverage unfolded, and the parallels in the right-wing media attacks they received before printing retractions. The impact of the flawed testimony of Yoshida Seiji about comfort women on *Asahi Shimbun* as the complications arising from the account of Yoshida Masao were affecting morale inside the company.

Includes mention of a transcript of the 28 hours of testimony given by Yoshida Masao, Tepco manager, to government investigators, and the transcripts of another 771 people that were withheld by the government from the public. *Yomiuri Shimbun* and *Sankei Shimbun* conveniently gained access to transcripts in late August 2011 and published page one articles that questioned the credibility of the *Asahi Shimbun* articles. Subsequent articles continued the attack on the *Asahi Shimbun*: *Sankei* (August 18 2011), *Yomiuri* (August 30 2011), *Mainichi* (August 31 2011). Includes details of the pay cuts and demotions of journalists and editors responsible for the Yoshida Masao-Fukushima story.

Attention is given to the criticism made in the Diet by Prime Minister Abe on October 2 2014. Surveys the opinions of journalists and other specialists about the possible future of investigative journalism in Japan.

The taming of the *Asahi* reverberated across Japan's media landscape, setting off a domino-like series of similar capitulations by other major news organizations that removed outspoken newscasters and commentators in a veritable purge of critical voices from the public discourse. (p. 41)

The *Asahi's* retreat attests to the power of a strong and determined administration to shape opinion, at least at the elite level, and enforce conformity within Japan's public sphere. It also bears testimony to the financial decline of Japan's newspaper, the world's largest by circulation, due to the Internet; rival dailies actually led the attacks on the *Asahi* not only to curry favor with the Abe government but also to make blatant attempts to

steal the Asahi's readers. (p. 41)

The new Investigative Section placed its heaviest emphasis on the Fukushima disaster. The section's crowning achievement was an investigative series called *Purometeusu no wana*, or "Promethean Trap," a play on the atomic industry's early promise of becoming a second fire from heaven, like the one stolen from the gods by Prometheus in Greek mythology. Since the series began appearing daily in October 2011, it has published some of the most path-breaking and ambitious reporting on the Fukushima disaster to appear in Japanese. Some of the *Promethean* series' more provocative topics have included a gag-order placed on radiation experts and other scientists not to discuss the nuclear accident with the press, the first detailed reporting in Japanese on the failure of the government to release computer-generated radiation dispersal forecasts to help evacuating residents avoid fallout, and the still politically explosive question of whether or not Tepco had asked the government for permission to evacuate the plant. (Tepco say no, the prime minister at the time, Kan Naoto, says it did.) The *Promethean* series also spawned some larger investigative articles, including an exposé of shoddy practices and corner-cutting in Japan's multi-billion dollar radiation cleanup that won the 2013 Newspaper Association award. (p. 46)⁹

⁹ *Asahi* re-wrote the 'Who is there to halt nuclear reactors?' section of Chapter 1, Reality of 'Fukushima 50', of The Yoshida Testimony:

In our coverage titled "The Yoshida Testimony," reporting to the effect that workers withdrew from the Fukushima No.1 nuclear power plant against the general manager's order was erroneous. We deeply apologize to our readers and those at Tokyo Electric Power Co. Based on the views presented by the Press and Human Rights Committee, we have made revisions to the relevant parts in Chapter 1's first section, titled "Reality of the 'Fukushima 50'." (Dec. 3, 2014)

http://www.asahi.com/special/yoshida_report/en/1-1.html

An example of how the original reporting was modified can be found online at http://www.asahi.com/special/yoshida_report/en/1-1.html

4. The Hatoyama Administration and the Outing of the Establishment Media

Michael Penn (journalist), pp. 56-63

Administration of Democrat Obama cautious and suspicious of Democratic Party of Japan September 2009 victory because of the Hatoyama vision of a Japan led by politicians, not bureaucrats. Obama administration was reluctant to accept any major shifts in the US-Japan military alliance: the intense concentration of US forces in Okinawa. Hatoyama administration opposed by a resistant bureaucracy intent on retaining its control, attacked by conservative politicians, and the hostile mainstream media of Japan. Foreign Ministry and Defense Ministry bureaucrats leaked details of Hatoyama efforts to resolve the question of Futenma relocation. Senior Foreign Ministry officials fabricate a document that thwarts the intention of Prime Minister Hatoyama.

Major Japanese news outlets may profess to be liberal or conservative but their true orientation is towards supporting bureaucrats and maintain the status quo.

Quotations

US-Japan policy was shaped by a small band of “alliance managers,” who had established personalities and preferences. Dissenters were kept at a safe distance from policymaking. These cozy arrangements transcended the Republican-Democrat divide, and in fact, senior positions in the Obama administration went to individuals who represented, in effect, the “Democrat wing” of the more-or-less united “alliance manager” community. Moreover, the Pentagon — which had come to play a leading role in the US foreign policy in general — was still under the same leadership as previously. Robert Gates was reappointed as defense secretary, symbolizing the triumph of continuity over change. The shift from Bush to Obama did not entail even a

~~It is embarrassing that t~~The government investigation panel, namely the government, which interviewed Yoshida over more than 28 hours, ~~knew but never mentioned~~ **did not mention** in its report that evacuations ~~by many staff workers~~ were taking place ~~against an order~~ during those critical moments.

modest rethinking of American policy towards Japan. It was business as usual. (p. 56)

The Japanese senior bureaucracy was actively sabotaging the prime minister on the Futenma relocation issue in collusion with the major media outlets. It was perfectly appropriate for the newspapers to report what was being leaked to them by senior bureaucrats. But, at the same time, the Japanese mainstream media was utterly failing to explain to the people the true nature of the power struggle that was going on or to treat the leakers with a due degree of skepticism. The leaks from the bureaucracy were not being set within the broader context, whether it be Hatoyama administration's stated desire for a foreign policy process more independent of the United States, the bureaucrats' hostility to policy leadership by elected politicians, or the views of the overwhelming majority of Okinawans who territories had disproportionately hosted the US military forces in Japan for sixty-five years and had supported local DPJ candidates for that reason. (pp. 60-61)

Rather than give the Japanese public a balanced account of the fierce power struggle that was going on within the halls of government, the media simply used their cozy contacts with senior bureaucrats to publish leak after damaging leak about the Hatoyama administration, never stopping to question the political agenda or the self-interested motives of the leakers. It would now appear that some senior Foreign Ministry bureaucrats became so confident about their channels to the media that they fabricated a document purporting to explain a non-existent US military policy in the full expectation that both the prime minister as well as the mainstream press would simply accept their authority without double-checking the veracity of this critical and perhaps decisive information. (p. 63)

5. NHK: The Changing and Unchanged Politics of Semi-Independence

S. Ellis Krauss (academic), pp. 64-75

LDP influence on NHK as two-way street: formal budget approval procedures, informal influence on personnel matters, structuring of personal relationships with NHK executives, institution-to-institution networks, and government oversight of technological innovations.

1970s-late 1980s: news coverage dominated by NHK television. The institution of NHK was trusted more than newspapers, the court system, and perceived as being much more reliable than private broadcasters, the Diet and the government. Although NHK collects subscriber fees directly, NHK is subject to political pressure because the Diet votes on the whole NHK budget without seeking any modifications.

1979 broadcast revealed how the LDP pressured NHK: the LDP's Policy Affairs Research Council (PARC) receives a fee increase request before it is submitted to the NHK Board of Governors; LDP members oppose the fee increase and express dissatisfaction with NHK programming and then insist that the budget bill be modified to specify that NHK programming will be unbiased and non-partisan; when, in an unrelated matter, NHK refused to follow a court order directing the broadcaster to hand over one particular videotape, the LDP slowed down their approval of the fee increase and then threatened to form a committee to investigate NHK. LDP: covert and overt intimidation of NHK.

LDP appoints directors who then select the CEO of NHK. LDP and the Prime Minister approve or reject the Board selection in the consultation stage of the process.

NHK is subject to the *kisha kurabu* conventions of access journalism. The advisory councils of government agencies recruit NHK personnel.

NHK scandals provoke subscribers to withhold payment: several criminal complaints filed against producers, a former local bureau chief and other employees for various forms of embezzlement; allegations of politically motivated changes to the content of Comfort Women programming.

Quotations

Pre-WWI radio broadcasting in Japan began with a few private companies, but realizing the importance of the medium to the state, in 1926 the government merged these companies into a public interest national monopoly, and NHK was born. With the rise of the military's influence in government and the Pacific War, NHK increasingly became a propaganda arm of the state. The American Occupation (1945-1952) were determined to change this and to "democratize" broadcasting in general and NHK in particular. It reestablished NHK as an independent public broadcaster on the people's behalf. After internal debate, the Occupation authorities were also determined to set up commercial broadcasters in competition, thus making Japan one of the earliest democracies to have both a public service broadcasting agency as well as a full range of commercial competition. (Krauss 2000: 89-94) (pp. 64-65)

Even after leaving the reporters' club [*kisha kurabu*], NHK political reporters often continue their close relationship with key politicians and officials, becoming something like lobbyists for NHK within the LDP later in their careers. This may give NHK some access to and influence over these powerful government leaders, but of course it also gives the LDP another "pipe" into NHK to discover what is going on within the organization and exercise influence on it. (Krauss 2000: 161-164) (p. 68)

For most of the postwar period, NHK covered politics, government, and public affairs as a relatively tame, non-interpretative but balanced broadcaster. In the industrialized democratic world, it stood out for its unusually staid, non-visual and non-dramatic, factual coverage of the national bureaucracy and limited coverage of elected politicians. This results from the covert, multiple, and behind-the-scenes ways in which the long-running LDP-led governments quietly manipulated the institutional framework in

which NHK operated and pressured the broadcaster, sometimes in direct but secret violation of the injunction against interference with program content. (p. 72)

6. Abe and Press Oppression: Guilty, Not Guilty or Not Proven?

Michael Thomas Cucek (academic), pp. 76-90

Considers the question of whether the Abe administration has made unprecedented attacks on media freedom in Japan (the answer is no: page 78 headings tell us “It sure looks awful” and “We have seen all this before”), and the extent to which relevant evidence is irrefutable. By framing an evidentiary standard of the clarity of black and white, Cucek is able to minimize many claims made by other chapters because the nature of political influence means it operates in the ambiguous zone of grey.

Cucek refutes the Fackler Chapter 3 assertion that Abe is the most lethal enemy of the *Asahi Shimbun* by blaming *Asahi Shimbun* for its own problems and attributing more power to rivals news media groups than Abe. Determines that there is no evidence of self-censorship arising from Abe threats or intimidation. Rejects the claims of Stockwin Chapter 8 and the Yamada Chapter 9 that the Specially Designated Secrets Act constricts the activities of journalists because the definition of secrets has not been broadened nor have prosecutors been assigned extended powers to arraign journalists. Offers a methodological critique of the volatility of the ranking of Japan by the RSF Index of Freedom.

On the question of is there irrefutable evidence of Prime Minister Abe committing oppression of the media, Cucek concludes that such claims are not proven. There is an acknowledgement that reading the *Report of the Special Rapporteur to the General Assembly on the contemporary challenges to freedom of expression* (2016 A/71/373) left Cucek with an impression of the ‘pigheadedness of the Abe administration’, but this one personal response to a close analysis of the shortcomings of the Abe administration is a far less weighty charge for the

administration to receive.¹⁰

¹⁰ It is puzzling why Cucek cherry-picks from the Kaye reports and minimalizes any acknowledgement of those specific concerns with media independence. Instead of citing material from the written official reports, namely 'Preliminary observations by the United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. David Kaye at the end of his visit to Japan (12-19 April 2016)', and *Report of the Special Rapporteur to the General Assembly on the contemporary challenges to freedom of expression* (2016 A/71/373), reports that contain the substantial critique of 'pressure on broadcast media, which often serves as a bellwether for treatment of the media more generally; the organization of media access to government; and media solidarity' (*Report of the Special Rapporteur*, p. 6), on page 84 Cucek cites the YouTube footage of the press conference held at the Foreign Correspondents' Press Club of Japan on April 19 2016. Under the heading 'Keeping it all in perspective', the conversational tone of an introductory remark of that press conference is presented as standing for the entirety of the Report. The intended reading of that transcribed comment selected by Cucek is that there is a strong Japanese commitment to freedom of expression, and Cucek adds the italics of author's emphasis to strengthen that impression. That Kaye remark refers specifically to the Article 21 of the Constitution and the status of Japan as a signatory to the International Covenant on Civil and Political Rights, and does not refer to contents of Section III of the Report, entitled Challenges to the foundations for freedom of expression in Japan. Cucek does not address the details of the Special Rapporteur Report on the question of the legal independence of the media:

In short, media regulation in Japan is not legally independent of government, in particular not from the political party in power at any given moment. It is in the interests of the Government, the parties, and most importantly the people of Japan that this system be remedied and independent regulation replace the current system. (p. 6)

Cucek does not, for example, address the details of the Special Rapporteur Report on the question of the extent to which the media could independently define the news:

The Special Rapporteur received first-hand reports of newspapers delaying or cancelling the publication of articles, or demoting or transferring reporters after writing articles critical of the government. Several journalists told the Special Rapporteur that media outlets avoid covering topics that may lead to criticism by the government, such as the Fukushima disaster and historical issues such as "comfort women." (pp. 8-9)

If Cucek wanted to present a global assessment under the heading 'Keeping it all in perspective', perhaps a more appropriate quotation would have been from the Conclusions and Recommendations for Media Independence of the Report:

65. The Special Rapporteur suggests a review of the current legal framework governing the broadcast media and, in particular, recommends the Government to review and repeal Article 4 of the Broadcast Act in order to strengthen media independence by removing the legal basis for government

Quotations

After reading the Kaye report, one cannot help but be struck by the pig-headedness of the Abe administration and Abe himself, aggravating journalists without justifiable reason. It is this impunity, perhaps, which gives the Abe administration's relations with press freedom an aura of historical significance. The actions of Abe and his associates are not appreciably different from what LBP politicians have done in the past. As UN rapporteur Kaye found out in his tour, evidence of a dramatic change in press freedom is meager and impressionistic: no one had been charged with a crime, no publication has ceased publication due to government action. Nevertheless, an attitude of "What we are doing smells bad and we don't care" permeates interactions between the Abe administration and the press. It poisons the atmosphere to the point where the resumption of innocence becomes the presumption of guilt. (pp. 86-87)

interference. In tandem with such a step, the Special Rapporteur strongly urges the Government to develop the framework for an independent regulator of the broadcast media.

66. The Special Rapporteur further calls authorities and media groups to publicly express their rejection of any form of threat and intimidation against journalists or other professionals carrying out investigative reporting work.

67. Public and private broadcast media as well as print media groups must remain vigilant against any form of direct and indirect pressure on their editorial activities, in particular guaranteeing full support and protection to journalists investigating and commenting on controversial topics. Particular attention must be paid to the support of journalists investigating issues of great sensitivity, such as protests against military activity in Okinawa, the impact of nuclear activities and disasters, and Japan's role in the Second World War.

68. Media freedom and independence cannot be secured without greater solidarity among journalists. The Special Rapporteurs calls upon journalists associations to discuss the impact of the current kisha system and for all in a position of responsibility to, at the least, broaden the membership to allow the widest possible range of journalists to participate. The Special Rapporteur also calls for journalists to assess how the promotion of independent reporting could be furthered by the promotion of associations among professionals working in multiple media. (p. 17)

Part II: Legal Landscape

7. Chilling Effects on News Reporting in Japan's "Anonymous Society"

Lawrence Repeta (academic) and Sawa Yasuomi (investigative reporter), pp. 93-109

The courts have placed a heavy burden of proof on news organizations and other defendants in defamation cases — and they often lose. In order to succeed, defendants must show that (1) the allegation was of public concern, (2) the statement was made solely for the benefit of the public *and* (3) the allegation was true or the defendants had reason to believe that the statement was true (Okamoto 2012). Courts can rule against defendants who fail to prove any of these elements. Thus, defendants can be held liable even for true statements that do not satisfy the other elements. (pp. 96-97)

Creative application of the unintended use rule has even affected law schools. In 2006, Tokyo prosecutors blocked a Japanese equivalent of the "Innocence Project," in which criminal justice experts and law students at Waseda University inspected court records together. The prosecutors said that allowing students to examine records serves an educational purpose separate from trial preparation and therefore violates the rule. (*Kyodo News* 2008) (p. 102)

8. Japan's Designated Secrets Law

Arthur Stockwin (academic), pp. 110-118

Quite apart from such high profile issues, there is a risk that the law gives *carte blanche* to government ministries and agencies in concealing corruption or other kinds of malfeasance or abuses of power, or indeed of maladministration and incompetence. This is because the oversight mechanism is inadequate, lacking autonomy in the review and potential rejection of classification of documents as "special secrets," leaving this important process entirely in the hands of bureaucrats disinclined to clip the wings of their colleagues. Moreover, the judiciary is very sensitive to political

pressures due to the vetting process for promotions and thus has been co-opted by the government, rarely ruling against the state in cases that involve exercise of power or constitutional challenges. For these reasons the new secrecy legislation generates considerable disquiet concerning the possibility of “mission creep” in a context where insufficient checks and balances could facilitate broader application beyond the letter of the law in ways that might obstruct the public’s right to know. (p. 117)

9. State Secrets and Freedom of the Press in Japan

Kenta Yamada (academic), pp. 119-132

It is also worrying that the 2014 Specially Designated Secrets Law stipulates that merely trying to acquire classified information is a punishable crime. This criminalization of intention invites invidious comparisons with the ‘thought police’ in wartime Japan, especially since in this Kafkaesque labyrinth the journalist might not even know he or she is requesting something designated secret since such classification is itself secret, but are liable to prosecution for soliciting such information. (pp. 128-129)

Part III: History and Culture wars

10. Press Freedom Under Fire: “Comfort Women”, the Asahi Affair and Uemura Takashi, Yamaguchi Tomomi (academic), pp. 135-151

Attacking the *Asahi* by disparaging Uemura as a fabricator is a tactic to handcuff the liberal media and dismiss all the “comfort women” as fabulists. This is one of the most prominent examples in postwar Japan of the suppression of press freedom and the resulting self-censorship on the part of the media. Most of the media were already reluctant to report on the “comfort women” issue subsequent to the pressure applied against NHK in 2001 by LDP politicians, including Abe Shinzo, concerning its coverage of the 2000 International Women’s War Crimes Tribunal. (p. 147)

11. Letter Campaigns, the Japanese Media, and the Effort to Censor History

Alexis Dudden (academic), pp. 152-159

In late November 2014, a Kyodo wire service piece reported that the office of the Japanese Consul General in New York would demand the American Publishing House McGraw-Hill change and delete passages in one of its world history textbooks. ... The sections of the textbook in the crosshairs involved the history of Japanese state-sponsored military sexual slavery in the 1930s and 40s. ... In late September [2015], LDP parliamentarian Inoguchi Kuniko sent additional copies of the books *History Wars* and *Getting Over It!* to the same several hundred scholars [those signatories to the May 5 2015 “Open Letter in Support of Historians in Japan”, researchers throughout the United States, Canada and France who included four Pulitzer Prize winners and several recipients of the emperor’s medals of honor] together with a personally signed letter on her official government stationery explaining that we — the recipients — needed to learn from them. ... On this note, it is important to remember that until recently one of Inoguchi’s roles in the Abe administration included promoting the value of women in society as acting chair of the LDP’s Headquarters for the Promotion of Women in Society. Also, she directed the “project team on the role of women in diplomacy and international contributions” (女性活躍・外交と国際貢献PT). How might historians of the future understand a parliamentarian charged with promoting greater gender equality who herself disseminates falsehoods about a gendered crime about humanity? (pp. 152, 156, 157, 158)

Simply put, what is taking place now in the name of so-called Japanese public diplomacy is at once a grotesque policy failure supported by Japanese taxes, which at times include open acts of hate that are seen by the rest of the world as emblematic of Japan. (p. 159)

12. Remanufacturing Consent: History, Nationalism and Popular Culture in Japan

David McNeill (academic), pp. 160-171

One of the few things that Abe accomplished in his first, inglorious term as prime minister from 2006 to 2007 was a reform to the education laws making it compulsory to teach children patriotism. In 2015 the Education Ministry mandated that school textbooks must reflect the government position on history and territorial issues. All but one history textbook dropped references to “comfort women” and most have toned down criticism of the Japanese military’s involvement in mass suicides among Okinawans in 1945—another historical raw nerve. (CEDAW 2016) Textbooks that passed the latest (2016) government screenings contain even less about the history of World War II and hew far more closely to the official government position on Japan’s territorial disputes with South Korea, China and Russia (Japan News 2016). (pp. 161-162)

Abe’s other appointments [to the 12-member board of NHK] included Hasegawa Michiko, author of an essay eulogizing an ultra-rightist who committed ritual suicide in protest outside the hated *Asahi* newspaper. “There could be no better offering,” gushed Hasegawa, who said the suicide made the emperor “a living god again.” (p. 163)

13. NHK, War-related Television, and the Politics of Fairness

Philip Seaton (academic), pp. 172-185

The Broadcast Act stipulates ‘as many angles as possible’ for controversial topics. However, the more wide-ranging the angles, the closer the reportage gets to ‘progressive fair.’ The idea of respecting diverse views is itself liberal, and the more opponents of Yasukuni Shrine visits are asked to comment, the more likely that critical statements regarding Japanese aggression, war responsibility and the feelings of war victims in other countries will feature. Conversely, the narrower the angles (particularly if critical foreign voices are ignored) and the more that ‘factually incorrect’ statements about

Japanese 'aggression' are excised, the closer reportage gets to 'nationalistic fair'. 'Pro-government fair' is when oppositional angles to the prime minister's visit are presented in a way that makes them numerically or evidentially weak. 'Anti-government weak' is when oppositional angles constitute a potent critique of the prime minister. (pp. 173-174)

The content analysis of war-related programming in 2015 and comparative analysis with 2010 and 2005 clearly indicates that changes occurred within NHK. While maintaining its journalistic procedures for ensuring 'fairness', there was an unmistakable shift from 'progressive fair' towards 'nationalistic fair' in the aggregate content of war-related programming in 2015. (pp. 184)

14. Pointing the Bone: A Personal Account of Media Repression in Japan

Gregory Clark (academic), pp. 186-194

Tokyo is claiming that political neutrality is a condition for an airwave license. But no such condition is imposed on the biased commentators at conservative TV channels. And when it comes to print media the bias is unconstrained. (pp. 186-187)

15. Tabloid nationalism and racialism in Japan

Mark Schreiber (translator) and William Wetherall (independent researcher), pp. 195-209

And another writer, also commenting on *Yukan Fuji*, asserted that "racism (reishizumu) has become entertainment" (Kato Naoki, in *No hate!*, Tokyo: Korocolor, November 2014). (pp. 196-197)

The anti-"special rights" protests [including activities of the Association of Citizens Who Will Not Tolerate Zainichi Special Rights (Zainichi Tokken o Yurusanai Shimin no Kai) against Special Permanent Residents (Tokubetsu Eijusha)] began shortly after Zaitoku's birth in 2006 and escalated. They

stimulated widespread anti-hate vigilantism and inspired numerous anti-hate publications and Internet initiatives. A Supreme Court decision against Zaitoku and some of its members in 2014, and a warning issued by the Ministry of Justice in 2015 directly to Sakarai [Makoto, b. 1972, founder of Zaitokukai], by then no longer a member of Zaitokukai, have also been effective in keeping intolerance in Japan within the tolerable limits of what I call “normal pathology” — the price of freedom in a democratic society. (p. 207)

Part IV: Marginalization

16. Media Marginalization and Vilification of Minorities in Japan

Debito Arudou (academic), pp. 213-228

As the 2000s proceeded, the NPA [National Police Agency] normalized statistical manipulation, creating perpetual “foreign crime increases” for the media to disseminate. (p. 216)

17. Media Side-lines the sit-in protest in Takae, Okinawa

Akihiro Ogawa (academic), pp. 229-241

In fact, how many Tokyo-based staff reporters of major news media have visited Takae? None, I assume. I know they cannot do it technically, as only Okinawa-based reporters are allowed to cover Okinawa. They cannot stray beyond prefectural borders, and I was even scolded by the bureau chief when I chased my informant to Yamanashi Prefecture from Gunma Prefecture without his permission. (p. 239)

18. A Historical Perspective on Press Freedom in Okinawa

Yoshimoto Hideko (academic), pp. 242-251

This awkward arc of history stretching from the pre-surrender Japanese military's transgressions as overlord in Okinawa to the postwar U. S. military's arrogance of power as the occupying power makes locals acutely

sensitive to Tokyo's casual disregard of their voices and being treated yet again as a pawn, now in the Tokyo-Washington alliance. (p. 249)

Part V: PR, Public Diplomacy and Manipulating Opinion

19. Spin over Substance? The PR Strategies of Vladimir Putin and Abe Shinzo

Tina Burrett (academic), pp. 255-273

To create the illusion of progress, Abe's advisors have mapped out a steady stream of economic policy announcements. Womenomics — the prime minister's plan to improve Japan's poor record on female appointments in politics and the boardroom — is perhaps the best example of why Abe's economic politics are more PR than reality. (p. 265)

20. Japan's Global Information War: Propaganda, Free Speech and Opinion Control Since 3/11

Nancy Snow (academic), pp. 274-284

University curriculum in Japan should include study of media and democracy, and media literacy courses, which advocate for media in service to society; for the creation of media in the public interest and not for profit; and for a media system that can integrate alternative and independent voices into its opinion shaping. (p. 281)

21. The Japan Lobby, Press Freedom and Public Diplomacy

Jeff Kingston (academic), pp. 285-308

The growing intolerance in Japan towards crisis in media and academia handicaps Japan's public diplomacy, while revisionist rewriting of history makes it look like it's shirking responsibility. In short, hardball history initiatives represent a dead-end, and Japan would be better served in its PR battle with China by focusing on contemporary security and territorial issues and championing the rule of law where its case is far more compelling. (p. 306)