

# The Logic of Broadcast Content Regulation under LDP Administrations since the 2000s and Controversy over NHK's Rightward Shift

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**Abstract** | Since the commencement of the second Abe Shinzō administration, concerns have been raised regarding the rapid move to the right of NHK, Japan's public broadcasting network. Although ideally a public broadcasting company should adhere to a neutral political stance, NHK has always been inextricably linked to the positions of the government and the ruling party. The institutions allowing for this arrangement have existed throughout the postwar period, established under US military rule and perpetuated under the prolonged rule of the Liberal Democratic Party (LDP). Keeping this continuity in mind, this paper analyzes the logic and features of NHK broadcasting content regulation under the LDP since the 2000s. Overall, the LDP's regulatory stance has been colored by the domination of neo-nationalist politicians campaigning to "shed the postwar regime." Without altering broadcast legislation per se, LDP administrations have actively reinterpreted existing laws (particularly the Program Editorial Rules [*Hōsō Henshū Junsoku*]) as a basis for intervening in broadcast content, advancing the logic of neo-conservative regulatory expansion.

**Keywords** | Japan, NHK, broadcast content regulation, LDP administration, neo-nationalism, neo-conservatism

## Is NHK Moving to the Right?

Owing to the ongoing attempts of the Liberal Democratic Party (LDP) to dominate the media since the establishment of the second Abe Shinzō cabinet in December 2012, there have been growing concerns with regard to the marked "rightward shift" of NHK, Japan's public broadcasting network. The most symbolic event representing such concerns was the passing of the Act on the Protection of Specially Designated Secrets (*Tokutei Himitsu no Hogo ni Kansuru Hōritsu*) by the Japanese Diet in 2013. Meanwhile, the issue of NHK's political

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independence has also been of growing concern. In November 2013, four new members were appointed to the Board of Governors who were either supporters or close associates of Abe and who shared his political orientation and historical views.<sup>1</sup> The NHK president subsequently appointed by the board, Momii Katsuto, also did little to conceal his pro-government stance. Regarding controversial issues such as territorial conflicts, Momii stated on national television at his inaugural press conference on January 25, 2014, “NHK cannot call ‘left’ what the government calls ‘right,’” propagating the government’s stance regarding such issues. He also asserted that “comfort women” were “an issue for any nation” and thus Japan alone should not be an object of reproach, expressing a poorly informed historical view.<sup>2</sup> Therefore, despite the conventional practice of NHK to exercise editorial discretion, it is also difficult to ignore the pressures from NHK president and Board of Governors, NHK’s final decision-making body, in this regard.

Concerns have thus begun to surface questioning whether NHK is abandoning its social responsibility as a public broadcasting network to observe and criticize state power and turning into a public relations apparatus for the Abe administration. In fact, some have gone as far as to claim that NHK is becoming a “tool of state propaganda” (*kokusaku hōsō*) (Ikeda, Tosaki, and Nagata 2014; Matsuda 2014; Daigo 2015). On the other hand, some evaluated the appointment of Ueda Ryōichi as NHK president in January 2017 as evidence to the contrary. But the embers of controversy remain with members loyal to Abe, reappointed in late 2016—Ishihara Susumu, Hasegawa Michiko, and Nakajima Naomasa—still on the Board of Governors.

Nonetheless, in reality, legislation related to the appointments and authority of the Board of Governors and the NHK president remains unchanged since the commencement of the second Abe administration. As will be explained in greater detail below, in addition to legislative measures, the government and the ruling party possess a number of means to justify intervention into NHK programming that were generally established under US military rule or under the LDP in the postwar years. Even while these laws conflict with the freedom

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1. Writer Hyakuta Naoki and critic and philosopher Hasegawa Michiko were members of the pro-Abe group, “Citizen Volunteers Appealing to Prime Minister Abe.” Businessman Honda Katsuhiko, who was a private tutor to Abe during his student days, is a member of the “Four Seasons Association (*Shiki no Kai*),” a conservative financial organization. Engineer and middle school Principal Nakajima Naomasa became acquainted with Abe through JR Tōkai Kasai Yoshiyuki, vice-chairman of the board at the same school, a company president, and close friend of Abe. For more on the political orientation and historical views of these men, see Daigo (2015, 138-39).

2. For excerpts of the press conference, see Tosaki (2014), 18-20, 26.

of expression and freedom of broadcast editing guaranteed in the constitution and the Broadcast Law in a number of ways, they have coexisted with one another until now. Consequently, the ability of the government and the ruling party to politically interfere with NHK operations has become a recurring issue (for example, see Matsuda 1980, 1981). But as far as actual program content is concerned, resistant discourses have actually managed to keep the government and the ruling party in check to a certain degree; they emphasize the rights to broadcasting freedom and producing programming according to broadcasters' conscience, as well as the idea that a public broadcasting company should pursue political neutrality. The high level of trust that viewers continue to confer on NHK programming, especially with respect to its news programs, testifies to this fact.

If such is indeed the case, has LDP intervention in broadcast content displayed any discernable new logic or character substantiating the claim that NHK has become the Abe administration's public relations tool? Is this intervention related to the domination of the LDP by "postwar-generation politicians" led by Abe, disposed to neo-nationalist tendencies, and widely referred to as engendering the prevailing "rightward shift" in Japanese politics and society? Such questions require judicious analysis.

With this critical framework in mind, this paper endeavors to uncover the logic and features of the LDP's political intervention in NHK programming since the rise to power of neo-nationalist politicians, led by Abe, in the 2000s. Belonging to the postwar generation and possessing an intense pride in Japan, these politicians have pursued the transformation of Japan into a "normal country" via revision of the constitution in terms of foreign security policy. With regard to historical understanding, they have adopted a revisionist stance, denying the need for introspection and apology for imperialism and colonial rule (Park Young-June 2013, 99-104). Altogether, they have advocated for "shedding the postwar regime."<sup>3</sup>

Along with neo-nationalism, moreover, these politicians also display a propensity for neo-conservatism. Based on a sense of crisis owing to the dissolution of the "traditional order" in the wake of reforms related to economic growth, the welfare state, globalization, and neoliberalism, such politicians portray the nation as a community and embrace authoritarianism as a reaction against "loosening public mores" (Watanabe 2008, 116-18). Accordingly, there is

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3. According to Abe and his followers, the "postwar regime" is one based on legislation passed under the "democratization" program of US occupation forces following the Asia-Pacific War. In particular, it refers to the Japanese Constitution and any legislation passed in the spirit of its guiding principles.

a need to investigate whether intervention and/or regulation with respect to broadcasting content has intensified since the rise of such neo-nationalist politicians.

In order to do so, this paper begins by examining the legal and broadcasting supervision systems established during the US occupation period (1945-52) and directly after, as NHK was reinitiated as a public broadcasting network. It proceeds to determine what laws the government and the ruling party have exploited to justify intervention in broadcasting content. Around the establishment of the first Abe administration (September 27, 2006–August 27, 2007), neo-nationalist politicians reinterpreted such laws, employing them to actively expand the scope of government intervention and control while attempting to establish supplementary measures for augmenting this control. This paper analyzes how the government's regulatory logic has become more pronounced by focusing on the infamous 2005 incident in which Abe and neo-nationalist politicians within the LDP pressed for revisions to ETV program content, as well as the series of events in 2007 in which the LDP attempted to revise the existing Broadcast Law. It also investigates a series of other occurrences that demonstrate how this regulatory logic resurfaced and strengthened with the LDP's return to power in 2012.

## **Broadcasting Laws Related to NHK and the Potential for Government and Ruling Party Intervention**

Following defeat in the Asia-Pacific War, NHK was reestablished as a public corporation under the Broadcast Law (No. 132), proclaimed on May 2, and enacted on June 1, 1950 (hereafter 1950 Broadcast Law). In the effort to reconcile newly created legislation with the impending constitution, the Civil Communication Section of the General Headquarters of the Supreme Commander for the Allied Powers (hereafter GHQ) submitted an amendment related to communication laws, leading to debates within the Japanese government regarding the existence and character of NHK in the postwar era. The essential plan of the GHQ was to reestablish NHK, formerly a private, public-benefit corporation, as a public corporation independent from the government and grounded in democratic principles serving the Japanese people. Article 21 of the new constitution guaranteed freedom of expression as well as freedom of the press. Meanwhile, in Article 3 of the 1950 Broadcast Law, it was written, "Broadcast programming shall be subject to no interference or control excluding that prescribed by law," thus guaranteeing the "freedom of program

editing” (“Hōsōhō Shōwa 25-nen,” 1950, 91-92).

However, the 1950 Broadcast Law included a number of measures, which yet exist, allowing the government and the ruling party to justifiably intervene in the production of NHK programming. Some particularly controversial features of the law pertain to the appointment of members to the Board of Governors, approval of the NHK budget in the Diet, and regulation of NHK program editing.

Regarding controversies related to the appointment of members to the Board of Governors, alluded to in the paper’s introduction, as is written in Article 31 (appointment of members) of the current Broadcast Law (“Hōsōhō [Kaisei Heisei 26.6.27],” 2014) “Members are appointed by the prime minister following sanction by both houses of the Diet from among candidates able to exercise impartial judgment in consideration of public welfare and endowed with extensive experience and knowledge.” Appointments reflect the desire for impartial representation of various professional fields—including education, culture, science, and industry—and the various regions of Japan. Provisions ensure that the appointment of members be agreed upon in the Diet, the political body representing the people, and authorized not by the minister of Internal Affairs and Communications, but by the prime minister. These were based on the GHQ’s intention to establish NHK as independent from the government (1950 Broadcast Law, Article 16, Section 1). Unlike countries such as the US or the UK, however, where two-party political systems are well established and the balance of political tension and power has been maintained to a certain degree, the LDP’s longstanding hold on political power in the postwar period has turned the deliberative process needed for reaching consensus within the Diet into a mere formality. The purpose of legislation has not been achieved (Suzuki 2015, 55). Excluding extremely rare situations, such as when the Democratic Party of Japan (DPJ) occupied the majority of seats in the House of Councilors in 2008 and three out of four NHK governor nominees put forward by the LDP were rejected, NHK governor nominations have generally been approved. Thus, instances in which appointees to the Board of Governors are LDP supporters have been common. But during the second Abe administration, the list of nominees largely consisted of close friends or individuals belonging to organizations overtly supportive of the prime minister (the four members referenced above). This was unprecedented. Needless to say, the law stipulates that NHK governors not infringe upon editorial freedom with respect to individual programs (current Broadcast Law, Article 32, Section 2). As referenced in the introduction to this paper, however, since the NHK Board of Governors is vested with the authority to appoint the NHK president, it is

difficult to completely eliminate the possibility that a governor might intervene in programming via the president.

The provision in the Broadcast Law stipulating Diet approval of the NHK budget, contradictory to its intended purpose, also threatens NHK's neutrality with respect to the government and the ruling party. NHK annually submits a budget plan to the Ministry of Internal Affairs and Communications that undergoes approval in the Diet, determining "reception fees" (*jushinryō*). Budget approval by the Diet, a democratically representative body, signifies the symbolic oversight necessary to ensure the proper management of NHK financial affairs and other duties. It is a provision established in the original 1950 law that has persisted into the present. However, as made clear in June 2005 when a report ("NHK 'ianfu' bangumi," 2005) surfaced alleging program content revision (ETV 2001 scandal, discussed further below), the government and the ruling party may in fact employ budgetary approval as a means of pressuring NHK. An NHK production director's statement in the report corroborates this fact: "We cannot fight with political power at this time [in which the NHK budget is being deliberated in the Diet]."

The two aspects of Broadcast Law in Japan discussed thus far, originally meant to guarantee NHK's political neutrality, can be applied so as to render the network vulnerable to the intervention of the government and the ruling party. Program content regulations, on the other hand, clearly demonstrate how the LDP overtly endeavored to allow for government intervention in NHK broadcasting in the early postwar period. Below are Points 1 to 4 of Article 4 of the current Broadcast Law, also known as the "Program Editorial Rules" (*Hōsō Henshū Junsoku*, hereafter "Editorial Rules"):

Article 4. When editing domestic and foreign programming, broadcasting business operators must adhere to the following stipulations.

1. Avoiding harm to public peace and good customs
2. Maintaining political impartiality
3. Avoiding the distortion of facts
4. Regarding the issue of conflicting opinions, providing equitable coverage to all sides

("Hōsōhō [Kaisei Heisei 26.6.27], 2014)

The Editorial Rules were included in Chapter 2 of the contents pertaining to the NHK in the 1950 Broadcast Law (Article 44, Section 3, Points 1-4). At the time, the first point read "Avoiding harm to public peace." It was changed to "Avoiding harm to public peace and good customs" in the 1959 revisions to the

law (“Hōsōhō no ichibu o kaiseisuru hōritsu,” 1959, 126).<sup>4</sup> The stipulations concerning political impartiality (Point 2) and equitable coverage of differing points of view (Point 4) were based on the principles of the Fairness Doctrine of the US Federal Communications Commission (FCC). Considering the limited number of existing broadcast frequencies, the principle of impartiality was also based on the intent to maintain diversity by ensuring that broadcasters would extend equitable coverage to differing opinions and groups (Lefevre-Gonzales 2013). These provisions were originally devised by the GHQ. Yet even within the GHQ, some argued for doing away with them, on the grounds that they were not technically laws but articles composing a code of ethics. Amid the lawmaking deliberative process, the GHQ requested that the principle of public peace (Point 1) and the principle of factual reporting (Point 3) be removed. Revisions were made by the cabinet in October 1949 and the Diet in April 1950 (Murakami 2008, 55-65).

The Editorial Rules were not without criticism. Infringement upon freedom of expression, for example, was a potential violation of the constitution. Furthermore, they allowed for the possibility of arbitrary interpretation or a pretext for government intervention (Murakami 2008, 65). But none of the rules were ever purged from the law. Following the war, it was standard practice for broadcasters to autonomously interpret them as a “code of ethics.” Since the late 1980s, however, the Ministry of Posts and Telecommunications and the Ministry of Internal Affairs and Communications have increasingly applied the Editorial Rules as regulatory standards with respect to broadcast content (Shimizu 2007, 5).

Those cases in which the Editorial Rules are referenced as a regulatory basis for central administrative agencies make it difficult for the Editorial Rules to coexist with constitutional principles such as freedom of expression and freedom of broadcast program editing. In particular, the potential for administrative action related to the Radio Law (*Denpahō*) on the basis of Editorial Rules violations is problematic. This is because, according to Article 76 of the Radio Law, when orders or measures come into conflict with the law, the minister of Internal Affairs and Communications can suspend the operations (Section 1) or cancel the licenses (Section 4) of a broadcasting station within three months (“Denpahō [Kaisei Heisei 27.5.20],” 2015). Not once did the Ministry of Posts and Telecommunications indicate it might apply Article 76 of the Radio Law during the long period of LDP rule. But following an incident occurring directly

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4. The Editorial Rules were moved to Article 3, Section 2 of the General Rules during the revisions of 1988. They were separated from Article 3 on the freedom of broadcast editing and made an independent section, Article 4, in the 2010 revisions.

after the establishment of Hosokawa's non-LDP coalition government in 1993, deliberation commenced over a broadcast license cancellation on the grounds of an Editorial Rules violation. This so-called *Tsubaki* incident involved a report by the private broadcasting network Asahi Television Station (*Terebi Asahi*) expressing suspicions of a biased election against the LDP in favor of Hosokawa (Suzuki 2015, 51-52). As will be discussed in greater detail below, over the course of the 2000s, neo-nationalist politicians like Abe and Suga Yoshihide employed the Editorial Rules as a basis for charging progressive programs and media companies with being "biased" or "distorting the facts." These politicians also cited the rules as a justification for revising the Broadcast Law, which would entail the establishment of administrative measures expanding broadcast regulation. These developments must be understood in relation to ideological changes occurring in the 2000s.

The provisions of the Broadcasting Law referenced thus far can be seen as problematic, insofar as their inability to ensure the independence of Japanese broadcasting from the government. As opposed to the majority of Western and East Asian countries adopting democratically representative and administratively independent institutions, the Japanese "single-authority" central (*dokuninsei*) administrative institutions (Ministry of Communications, Ministry of Posts and Telecommunications, and Ministry of Internal Affairs and Communications) are uniquely structured, having jurisdiction over broadcast administration, which encompasses regulation (Shimizu 2007, 8-9; Inaba 2010, 392-93). Japanese broadcast supervision's lack of independence from the state is a structural characteristic rendering broadcast companies, including NHK, vulnerable to the intervention and influence of the government and the ruling party.

The Radio Regulatory Commission (*Denpa Kanri Iinkai*) was established as an independent administrative committee with jurisdiction over the administration of radio communications, including broadcasting, on June 1, 1950. The commission oversaw the regulation of the broadcast and communications industry as an extra-ministerial bureau of the General Administrative Agency of the Cabinet (*Sōrifu*). It exercised authority under the jurisdiction of the prime minister and was independent from the cabinet. However, the Japanese government has been skeptical of the role of this committee, modeled as it was on a typical independent administrative committee vested with semi-authority over lawmaking and the judiciary, as with the FCC. In Japan, the notion that broadcasting must be placed under state control was dominant since the inception of the broadcasting industry. Particularly, the scarcity of broadcast frequencies and the considerable reach of broadcasting compared to other mediums were often cited as reasons for state



control and regulation. Immediately following the end of the US occupation, the Yoshida cabinet thus abolished the Radio Regulatory Commission Law on July 31, 1952, transferring the supervision of broadcast administration back under the jurisdiction of the Ministry of Posts and Telecommunications. The abolishment of the Radio Regulatory Commission ensured that the Ministry of Posts and Telecommunications (now the Ministry of Internal Affairs and Communications) would be endowed with a wide scope of administrative and financial authority. Ultimately, the issue of the independence and neutrality of Japanese broadcasting vis-à-vis the state has been controversial ever since (Krauss 2000).<sup>5</sup>

As reflected in the legislation discussed above, on the one hand, a progressive intellectual and discursive space existed following the war conducive to the idea that a public broadcasting company should adhere to political neutrality under the principles of freedom of expression and freedom of broadcast editing. On the other hand, an organizational structure existed under which NHK could not but be vulnerable to political intervention by the government and the ruling party.

## Suspicion of Program Revision Pressure and the Logic of Program Content Regulation

Considering these traditional legal weak points, has LDP intervention and regulation with respect to NHK displayed a new or distinct logic since the rise of Abe and other neo-nationalist politicians calling on Japan to “shed the postwar regime”? In this section, the paper turns to a discussion of the ETV 2001 incident in which suspicions were raised with respect to broadcast program revision. This event is related to the government’s current movement to intervene in NHK programming, as well as discourse pertaining to the “rightward shift” in Japanese politics.

The ETV 2001 incident was made public in an *Asahi Newspaper* report in

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5. Naturally, demands to establish Japanese broadcasting as an administrative institution independent of the government arise from time to time. Most recently, the DPJ submitted bills to the Diet in 2003 and 2004 proposing the transfer of broadcasting and communication supervisory organizations from the Ministry of Internal Affairs and Communications to the Communications and Broadcasting Commission (*Tsūshin Hōsō Inkai*), an independent administrative organ, but they failed to pass. In December 2009, a forum was convened for the deliberation of a plan to transfer broadcast administration to an independent administrative committee. Owing to concerns that this would rather lead to the strengthening of existing regulation, however, the deliberation was discontinued.

January 2005 articulating suspicions that revisionist politicians, such as Abe, pressured NHK to revise the content of a historical documentary. “Questioning Sexual Violence in War,” aired on NHK’s educational channel on January 30, 2001. It was the second of a four-part documentary series entitled *How Is War to Be Judged?* (broadcast January 29 to February 1, 2001), the airing of which was timed to coincide with the Women’s International War Crimes Tribunal on Japan’s Military Sexual Slavery (Hereafter “Women’s International Crimes Tribunal”) held in December 2000 in Tokyo. Anthropologist Lisa Yoneyama, who participated in the program as a commentator, expressed in *Sekai Magazine* her suspicion that the program had been censored (Yoneyama 2001). The specific decision-making processes, however, remained unknown. On January 12, 2005, *Asahi Newspaper* reported that Deputy Cabinet Secretary Abe and Minister of Economy, Trade, and Industry Nagakawa Shōichi had pressured the NHK Executive Board the day before the broadcast, resulting in decisive revisions during the final stages of production (“NHK ‘ianfu’ bangumi,” 2005). Abe and Nakagawa were members of the Young Diet Members’ Group for Japan’s Future and History Education (*Nihon no Zento to Rekishi Kyōiku o Kangaeru Wakate Giin no Kai*; established in 1997), an organization composed of LDP politicians espousing revisionist historical views.

The program had, in fact, been revised. Content was removed concerning the culpability of the Japanese military and emperor, Chinese victims and “comfort women” in East Timor, visits to the sites of the former “comfort stations” frequented by Japanese soldiers, and part of the studio interview with Yoneyama, who was a supporter of the Women’s International Crimes Tribunal. Meanwhile, an interview with Hata Ikihiko, a professor of history at Nihon University and well-known denier of Japanese war crimes, was added (“Bangumi shinkōhyō,” 2014, 4-23). Despite the addition of Hata’s interview, the documentary was four minutes shorter than normal, suggesting that the amount of content removed was by no means insignificant.

As the program’s producer levied accusations within NHK, a critical public discussion ensued regarding the last-minute program revision citing “political intervention” and violations of “editorial freedom.” Nagai Satoru, the program’s chief producer, disclosed in a press interview that the NHK Executive Board ordered revisions rendering the program “completely different” from originally planned, following discussions with Abe and Nakagawa. At a meeting of the NHK Compliance Committee in December 2004, Nagai declared that the “intended plan of the program was greatly harmed by political pressure.” He demanded an investigation into the matter, but finding little progress being made, decided to publicize his claims (“NHK bangumi kaihen,” 2005).

As *Mainichi Newspaper* mockingly declared, “It is taken for granted in Nagatachō that [political] intervention [at NHK] is going on publicly and privately” (Maki 2005), suspicion over political intervention at NHK was nothing new. What was new, however, was the fact that conservative politicians like Abe were reinterpreting the “fairness” and “impartiality” stipulated in the Editorial Rules as justification for state intervention into the content of an individual program. Furthermore, the rules were being used as an ideological tool against so-called “progressive” media and programs.

Following the ETV 2001 issue, Abe and Nakagawa appeared intent on expanding neo-conservative regulation with regard to broadcast content, using rules pertaining to political impartiality and factual reporting as weapons. Questioning the credibility and integrity of the *Asahi Newspaper* report, based on word of mouth, they shifted the contours of the debate to focus on the time and purpose of the alleged meeting. Meanwhile, they continued to argue that “Questioning Sexual Violence in War” was biased. On January 13, Abe repudiated the *Asahi Newspaper* report, claiming that NHK had first sought him out with the intention of discussing budgetary issues, wherein talk of the program had naturally come up over the course of the meeting. Stating that he “definitely knew the program to be biased” and that he had merely “requested a fair and impartial report,” Abe demanded an apology from the newspaper. On the same day, Nakagawa asserted that the meeting with the Executive Board had occurred subsequent to the broadcast, where he had simply made clear that “content violating [the] unfairness [rule] cannot be broadcast.” On January 19, Director of General Broadcasting Administration (*hōsō sōkyokuchō*) Matsuo Takeshi, who had been named in the *Asahi Newspaper* report, claimed at a press conference that the *Asahi Newspaper* had inverted his statement that “there was no pressure,” damaging the credibility of the original report (Uozumi 2005; Han Yōng-hak 2005, 5-6).

Following the program revision controversy, Tessa Morris-Suzuki (2005) argued that Abe’s one-sided demands for “fairness and balance” in the progressive media were in effect pushing Japanese media as a whole “further to the right.” Citing the fact that Japanese media companies had been less than forthcoming in publicizing problems with regard to the media’s political independence, she concluded that the Japanese media was undergoing a rightward shift. If one considers the coverage of the program revision issue immediately after it came to light by major newspapers and broadcasting networks, this analysis appears quite persuasive.

Considering the plethora of articles pertaining to NHK appearing in scholarly journals and intellectual magazines between 2005 and 2006, however,

it would be difficult to reach the same conclusion. Indeed, the program-revision issue became the subject of fierce criticism and debate, leading to demands for more clearly delineated policy with respect to NHK's independence and neutrality and for NHK to play its proper role as a public broadcasting company.<sup>6</sup> Regarding this issue, media scholars Hanada Tatsurō and Hayashi Kaori state the following:

There have been few instances in which NHK has become a subject of social discussion to such a degree. There has been much intellectual commentary and plenty of materials to consider. This is a great opportunity to debate the ideal and reality of a public broadcasting institution in contemporary society. We believe the NHK issue is approaching a critical point. (Hanada and Hayashi 2005, 187)

Therefore, one may infer that a resistant discourse was also in operation up to a point, though admittedly broadcasting companies, and particularly NHK, are more susceptible to government pressure than publishing companies.

In any case, it is important to note that Abe and other neo-nationalist politicians responded to the ETV 2001 issue by appropriating the principle of political impartiality, meant as a means of guaranteeing respect for diverse opinions and ensuring the freedom of the media from external influences, in justifying active state intervention in broadcast content.<sup>7</sup> While there had been instances of administrative guidance in the past for violating the Editorial Rules, an intelligible change in this pattern occurred in the 2000s. At this time, Abe and other neo-nationalist politicians rose to prominence within the LDP and began to directly challenge the idea that the Editorial Rules constituted ethical principles to be autonomously interpreted. They actively expressed their intention to reestablish them as the basis of regulatory and punitive measures.

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6. For representative special issue articles published in academic journals and intellectual magazines that demand that the public broadcasting company play its proper role or describing how it would need to change, see “Tokushū kōkyō hōsō no jōken” (2005); “Kinkyū tokushū” (2005); “Tokushū kōkyō hōsō saisei” (2005); “Tokushū media wa” (2006); “Tokushū kono kōkyō hōsō” (2006). Also see Han Yōng-hak (2005), which analyzes legislation at the time dealing with the ETV scandal and the fallout; Matsuda (2005), Yoshimi (2005), Tajima (2005), Torigoe (2005), Monna (2005), and Yamaguchi (2005), which examine the NHK program revision issue in terms of media freedom and its encroachment; and semi-scholarly articles like Tahara (2006) adopting the critical perspective of broadcasting professionals (as well as former broadcasting professionals) and putting forward plans of reform with respect to a number of specific events related to the issue. Finally, it should also be mentioned that, in addition to the program-revision issue, corruption scandals also played a major role in fueling discussion of NHK's proper role.

7. The Fairness Doctrine of the US, a model for the principles of impartiality and equitable coverage, was abolished in 1987 when challenged as unconstitutional on the grounds that it was used as a basis for arbitrary broadcasting regulation, in conflict with its original intention.

The fact that the frequency of issuing administrative guidance (*gyōsei shidō*) with respect to program content increased conspicuously after 2004 is related to this point. The number of instances in which major administrative guidance was issued by the Ministry of Posts and Telecommunications and the Ministry of Internal Affairs and Communications, was, according to Shimizu (2007, 5; statistics span 1985 to April 2007), ten between 1985 and 1999, four in 2004, four in 2005, seven in 2006, and five up until April 2007, indicating a drastic increase since 2004.

As powerful politicians such as Abe led the discourse declaring political impartiality a perfectly natural rationale for program regulation, conservative journalists and commentators began to follow suit. Accordingly, the actions of Abe and his associates, denounced as “political pressure” on the one hand, were also openly described as “politicians representing the people providing counsel with respect to NHK programming suspected of conflicting with the spirit of broadcasting,” as well as “proper conduct befitting of a democracy” (Kikuchi 2005). Accusations of “bias” against NHK can also be understood in the context of this movement, revolving around conservative magazines and commentators like Sakurai Yoshiko (“Tokushū Aasahi ‘kyokusa kisha’ to NHK,” 2005, 32-35; Sakurai 2007). Demands to cancel or defer “reception fees” to NHK, which had “abandoned its duty as a public broadcasting network” and “broadcast anti-Japanese programs,” also appeared on Internet blogs, chat rooms, and YouTube.

As had been the case with private broadcasting companies, recurring scandals beginning in the 1990s and fueled by accusations of fake or fabricated broadcast content fortified calls for more stringent government regulation based on the rationale that NHK could not prevent such occurrences on its own. The most infamous episodes include “NHK Special: The Miracle Poet” (*NHK supesharu: kiseki no shijin*), which involved accusations of content fabrication, and “Project X Challengers” (*Purojekuto X chōsenshatachi*) and “The Light and Shadow of Indian Growth” (*Kyūseichō Indo no hikari to kage*), each of which was accused of presenting falsified information.<sup>8</sup>

Naturally, scandals require sensible, sober measures to prevent a reoccurrence. But they do not require resolutions via regulation and punishment administered by the state. In fact, some claim that recurring scandals should be regarded as a structural problem caused by changes in the production system and the intensification of competition in the “age of multimedia and outsourcing” (Hōsō Rinri-Bangumi Kōjō Kikō Hōsō Bangumi Iinkai 2007a). Meanwhile, regulatory

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8. “NHK Special: The Miracle Poet” aired on April 28, 2002. “Project X Challengers” aired on May 10, 2005. “The Light and Shadow of Indian Growth” was a feature aired by the “NHK World Network” program on September 16, 2007.

organizations independent of the government already exist. NHK and Japan Commercial Broadcasting Association (*Nihon Minkan Hōsō Renmei*) established the Broadcast Ethics and Program Improvement Organization (*Hōsō Rinri-Bangumi Kōjō Kikō*, hereafter BPO), for example, in 2003. The BPO is a third-party organization ensuring the autonomy and improvement of the broadcasting industry that monitors and investigates problems related to content, coverage, and production reported by viewers.<sup>9</sup> In reality, however, scandals have functioned as the basis for the strengthening of broadcasting regulation under the LDP. The following section examines the increase in supervisory authority of the Board of Governors in the wake of a series of scandals during the first Abe administration<sup>10</sup> as well as the movement to establish new administrative measures with respect to broadcasting content and its limitations, referencing the debate over amendments to the Broadcast Law proposed in 2007.

## 2007 Proposed Amendment to the Broadcast Law

Media scandals became a major social issue once again following the establishment of the first Abe administration. Revelations emerged that data regarding the effectiveness of the *nattō* diet was fabricated for the Kansai Television Station (*Kansai Terebi*) variety program “Excavation! Great Dictionary of Living Information II” (*Hakkutsu! Aru aru dai-jiten II*), which was aired on January 7, 2007. “Self-examination” and “self-purification” efforts followed the program’s cancellation, resignation of the broadcasting company president, and Kansai TV’s expulsion from the Japan Commercial Broadcasting Association. Meanwhile, the government and the ruling party submitted the “Proposed Amendment to the Broadcast Law” (hereafter, “Proposed Amendment”) to the 166th Diet on April 6. The 2007 Proposed Amendment emphasized the strengthening of regulation, intending to intensify NHK governance through clearer delineation of the supervisory authority of the

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9. The BPO is composed of the Broadcast Programming Committee (changed to Broadcast Ethics Review Committee in 2007), Broadcasting Human Rights Committee, and Youth Committee.

10. However, the strengthening of the supervision of the Board of Governors was a response to scandals pertaining to program content and corruption within NHK itself. Beginning with an article in the conservative weekly magazine *Shūkan Bunshun* (*Bunshun Weekly*) exposing embezzlement by the producer of a program entitled “Red and White Song Contest” (*Kōhaku uta gassen*), airing in July 2007, a five-month long period began in which as many as nine scandals came to light with regard to NHK conduct, which became a major social issue (Tahara 2006, 27-39).

Board of Governors. It also established measures enabling the minister of Internal Affairs and Communications to call on broadcasting companies to submit “scandal recurrence prevention plans” (“[Sōmu linkai] Hōsōhō tō no ichibu o kaiseisuru hōritsuan,” 2007).<sup>11</sup>

Keeping in step with the changing media environment, technological development, and the ongoing amalgamation of communications and broadcasting, the government and the ruling party publicly announced on June 20, 2006, “[The government] shall begin review as soon as possible and submit a conclusion by 2010 ... regarding a comprehensive legal system pertaining to communications and broadcasting” (“Tsūshin-hōsō no arikata ni kansuru seifu yotō gōi,” 2006). Nonetheless, it is difficult to define the 2007 Proposed Amendment as a piece of legislation aimed at comprehensive reform of the communications and broadcasting industries. In fact, no concrete plans existed at the time to reorganize the broadcasting industry in terms of the amalgamation of communications and broadcasting, nor did the legal consolidation of communications and broadcasting occur until an amendment was passed in 2010 (Arai 2010). At a regular session of the House of Representatives on May 22, 2007, immediately after Minister of Internal Affairs and Communications Suga explained the reasoning behind the 2007 Proposed Amendment, Diet member Tajima Kaname responded as a representative of the DJP and independent parties. He referred to the “series of NHK scandals” and claimed that the law “was no more than a symptomatic treatment of the ‘Great Dictionary of Living Information II’ issue” (“Dai 166-kai Kokkai Shūgiin Honkaigi kaigiroku [Dai 33-gō],” 2007, 3). This response can be understood in the same context.

The new provisions, which appeared colored by the intention to expand regulation on the basis of recurring scandals, stated, “In order to strengthen NHK governance, the Board of Governors’ supervisory authority shall be explicitly defined ... [and] a number of full-time members shall be appointed to an Audit Committee composed of existing board members.” Prevention of scandal recurrence was specified in Article 53, Section 8, Point 2 of the 2007 Proposed Amendment: “In the event that the minister of Internal Affairs and Communications finds that a broadcasting company has misreported facts or offered programs, either directly or by proxy, that do harm or potential harm to

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11. In addition, the bill also included content pertaining to the differentiation between international broadcasting programs for foreigners and overseas Japanese, renaming the “Command Broadcasting System” (*Meirei Hōsō Seido*) the “Request (*Yōsei*) Broadcasting System,” introducing the Certified Broadcast Holding Company System, establishing a procedure for speeding up and making more flexible the use of radio waves, enabling orders for the improvements in the duties of telecommunications carriers, and so on.

the national economy and the livelihood of the people, then the minister may call upon the broadcasting company to submit a plan or policy delineating the means by which such incidents shall be prevented in the future.” If the minister of Internal Affairs and Communications accepted the submitted plan, he or she would “examine, affix an opinion to, and publicize it” (“[Sōmu Iinkai] Hōsōhō tō no ichibu o kaiseisuru hōritsuan,” 2007).

Scholars and journalists soon began to criticize and petition against the 2007 Proposed Amendment. The BPO, for example, declared it an attempt “by the state to revise the Broadcast Law to restrict the media and expression bit by bit... under the banner of ‘punishing falsehood and fabrication’” (Hōsō Rinri-Bangumi Kōjō Kikō Hōsō Bangumi Iinkai 2007b). Furthermore, the demand for scandal recurrence prevention plans amounted to “acknowledging close to unlimited administrative discretion regarding issues both sensitive and difficult to verify,” such as what is “harmful” or “factual.” It was also argued that the attachment of an opinion to the scandal recurrence prevention plan by the minister of Internal Affairs and Communications was tantamount to censorship and unconstitutional. Regarding the strengthening of the Board of Governors’ power, criticism referenced the great deal of added content “specified by the Ministry of Internal Affairs and Communications Ordinances,” which had the effect of reducing the Board of Governors’ independence while “strengthening the Ministry of Internal Affairs and Communications’ governing power over NHK” (Media Sōgō Kenkyūjo 2007). In order to hear and deliberate issues with respect to falsified broadcasting and other broadcasting ethics issues, the BPO established a “Broadcast Ethics Review Committee,” which ultimately ensured that the administrative measures allowing the minister of Internal Affairs and Communications to demand scandal recurrence prevention plans from broadcasting companies would fail to come to fruition.<sup>12</sup>

Amid the debate over strengthening NHK governance and submitting scandal recurrence prevention plans, it was repeatedly emphasized how such measures engendered the possibility for increased state intervention into broadcasting. With regard to strengthening the Board of Governors’ functions, there was “concern that intervention by the official residence [of the prime minister] would occur or intensify via the Board of Governors (comments of DJP Diet member Tajima Kaname, “Dai 166-kai Kokkai Shūgiin Honkaigi

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12. The previous Broadcast Programming Committee was dissolved and replaced by the Broadcast Ethics Review Committee. There are ten members on the Broadcast Ethics Review Committee consisting of lawyers and other non-broadcasting professionals. They submit “recommendations,” “opinions,” and “viewpoints” to broadcasting stations in response to ethical problems or falsehoods. Depending on the case, recurrence prevention plans are also required.



kaigiroku [Dai 33-gō],” 2007, 3).” Some also maintained that full-time members on the Audit Committee might overwhelm the Board of Governors due to a difference in information volume, thus hindering the function of the Board of Governors as a consensual body. This could be particularly problematic due to the possibility that the government could appoint friendly members to the Audit Committee (comments of Communist Party Diet member Shiokawa Tetsuya, “Dai 168-kai Kokkai Shūgiin Sōmūiinkai giroku [Dai 8-gō],” 2007, 1). Finally, regarding recurrence prevention plans, critics charged that a “penal code” eroding broadcast freedom had been added to the Editorial Rules, which had been traditionally understood as a “code of ethics” (comments of Social Democratic Party Diet member Shigeno Yasumasa, “Dai 168-kai Kokkai Shūgiin Sōmūiinkai giroku [Dai 7-gō],” 2007, 31).

The government and the ruling party responded to such criticism, emphasizing that the recurrence of scandals attested to the fact that “broadcast companies cannot be relied upon to rectify the situation on their own.” They advanced the rationale that the state must establish measures to protect viewers and ensure the public benefit of broadcasting (comments of Minister of Internal Affairs and Communications Masuda Hiroya, “Dai 168-kai Kokkai Shūgiin Sōmūiinkai giroku [Dai 7-gō],” 2007, 27). As Minister of Internal Affairs and Communications Suga explained, “In consideration of the series of scandals involving NHK in recent years, the strengthening of NHK governance will be carried out in order to safeguard the social mission of a public broadcasting network.” Suga also stated, “The demand for recurrence prevention plans has been devised as a minimal measure meant to protect viewers from fabricated programs, which have been an extremely serious issue of late” (comments of Minister of Internal Affairs and Communications Suga Yoshihide, “Dai 166-kai Kokkai Shūgiin Honkaigi kaigiroku [Dai 33-gō],” 2007, 4-5). A number of other reasons were also cited as justification for the Proposed Amendment. Granted “sole use of a limited number of precious broadcast frequencies,” for example, broadcasting companies were said to be endowed with a great responsibility. It was also argued that broadcasts possessed an “enormous social influence,” being “directly and immediately communicated” to audiences across the country (inquiry of DPJ Diet member Morimoto Tetsuo and reply of Minister of Internal Affairs and Communications Masuda Hiroya, “Dai 168-kai Kokkai Shūgiin Sōmūiinkai giroku [Dai 7-gō],” 2007, 28). Amid discussion of the issue, critics emphasized the difficulty of finding a centralized government agency, as opposed to an independent administrative one, charged with oversight and regulation of broadcasting anywhere else in the world. However, the government and the ruling party responded by arguing that broadcasting and

communications constituted “a field demanding great and strategic state response,” which “appropriately” necessitated “a single-authority-ministry system making possible functional, integrated, and comprehensive responses to issues... in which the minister takes full responsibility for taking swift administrative action” (comments of Minister of Internal Affairs and Communications Masuda Hiroya, “Dai 168-kai Kokkai Shūgiin Sōmūinkai giroku [Dai 7-gō],” 2007, 27).

In sum, responding to criticism pertaining to media neutrality and freedom of expression, the government sought to legitimize state intervention, arguing that the state was charged with the duty to realize the public good. In this respect, one can observe that the contours of the debate regarding freedom of broadcasting were hardly different from those which were manifested when establishing the broadcast industry following the war. What is notable about the latter debates, however, is the logic by which the government pursued administrative monopoly and neo-conservative regulation, referencing the recurring scandals contributing to structural problems in the broadcasting industry and the importance of broadcasting and communications with respect to economic competitiveness.

Consequently, the government and the ruling party’s original plan for reform was not unconditionally accepted. When the DJP captured the majority of the seats in the House of Councilors in the 2007 election, the government and the ruling party could not but conform to the position of the opposition to a certain degree, resulting in great revisions to the originally proposed bill. The revised bill thus reflected the cooperation of the LDP and the Independents, the DJP and the Independent Club, and the Komeito (*Kōmeitō*, Clean Government Party). Regarding the issue of strengthening the authority of the Board of Governors, NHK governors were accordingly prohibited from intervening in the content of individual programs and from engaging in any activity contravening provisions pertaining to editorial freedom as prescribed in Article 3 of the Broadcast Law. As well, the articles pertaining to scandal recurrence prevention plans were removed (“Shūgiin Sōmū Inkaï no shūseian,” 2007). The newly revised amendment passed in both the House of Councilors and the House of Representatives in December 2007 and came into effect in April 2008.

The ideological offensive of the government and the ruling party to strengthen broadcast regulation intensified under the first Abe administration, which advanced the idea of “shedding the postwar regime.” But as far as broadcast administration was concerned, the general framework of the postwar regime established under a conservative administration subsisted. Indeed, nothing so striking as an entirely novel legal foundation was established

commensurate to the concern raised over the government leading a “rightward shift.” However, considering the fact that the implementation of administrative guidance has been possible to the extent it has without amending the law, it is likely that the proposed scandal recurrence prevention measure was more important as a symbolic gesture, rather than a practical mechanism, signifying the justification of state regulation in evaluating broadcast content.

## The LDP’s Return to Power and Elaboration of the Logic of Broadcast Content Regulation

Of course even with an exchange of power, legislation such as the Editorial Rules still may function as a pretext for the government and the ruling party to intervene in NHK program content. While the Broadcasting Law underwent a round of reforms under the DPJ administration in 2010, the problematic regulations discussed thus far did not fundamentally change. Unlike what occurred under LDP rule, however, there was not a single implementation of administrative guidance with regard to program content under the DPJ (Hōsō Rinri-Bangumi Kōjō Kikō Hōsō Rinri Kenshō Inkaï 2015, 25). This point suggests that the escalating tendency of LDP administrations to actively intervene in broadcast program content is not necessarily only due to a decline in program quality or simple issues of content.

This would also help to explain why the implementation of administrative guidance by the Ministry of Internal Affairs and Communications regarding program content recommenced after the LDP resumed power. This section of the paper thus examines an incident representative of this dynamic, discussing the conflict between the LDP government and the BPO over suspicion of fabrication with respect to the program “Today’s Close-up” (*Kurōzuappu gendai*). The first sign of controversy emerged in a *Bunshun Weekly* (*Shūkan Bunshun*) article written on March 18, 2015, which cited suspicion that a program, “Today’s Close-up,” which aired on May 14, 2014 on NHK, had been fabricated. On April 28, 2015, when NHK published its own investigation concerning the matter, Minister of Internal Affairs and Communications Takaichi Sanae implemented administrative guidance by issuing a “strict warning” (*genjū chūi*) to NHK on the grounds that it had violated the factual reporting clause of the Editorial Rules. She stated, “Considering the social mission of a public broadcasting company financed by citizens and viewers and having fully digested the recurrence prevention plan featured in the investigative report, I implemented administrative guidance in order to deal with the issue as

rapidly as possible” (“Dai 189-kai Kokkai Shūgiin Sōmuisinkai giroku [Dai 16-gō],” 2015, 6). However, being the first implementation of administrative guidance since 2009, which occurred even before deliberation on the matter had finished within the BPO Broadcast Ethics Review Committee, it was accompanied by controversy. The issue of whether the Editorial Rules constituted a code of ethics or regulations grounded in sanctions and punishment was thus reignited, setting off debates between the government and the media and intellectuals. The situation was only exacerbated when it was revealed that the LDP Information and Communication Strategic Investigation Council (*Jōhō Tsūshin Senryaku Chōsakai*) had called in the NHK Executive Board to party headquarters to discuss the matter.

On November 6, the BPO Broadcast Ethics Review Committee announced the resolution of its deliberations, declaring that NHK had committed a “serious broadcasting ethics violation.” However, the committee also emphasized that the Editorial Rules functioned as a “code of ethics” to be autonomously applied by broadcasting companies. The implementation of administrative guidance or investigation by the LDP, justified on the grounds of the violation of these rules, therefore, amounted to “pressure by the ruling party.” This infringed upon broadcasting freedom and autonomy, which should be “severely criticized” (Hōsō Rinri-Bangumi Kōjō Kikō Hōsō Rinri Kenshō Iinkai 2015, 26).

Abe responded to the BPO Broadcast Ethics Review Committee within the House of Representatives Budget Committee on November 10, asserting, “[The Editorial Rules] are not simply a code of ethics but regulations. It is perfectly natural for the responsible government office to respond when such regulations are violated.” Furthermore, regarding the meeting between the Board of Governors and the LDP Information and Communication Strategic Investigation Council in April, he stated, “It is perfectly natural for Diet members, who are responsible for approving NHK budget plans, to question whether [broadcast] facts are distorted or not” (“Irei no seiji hihan,” 2015).

Accordingly, it appears that Abe and his cabinet continued to adhere to and propagate such a contrary interpretation of the Editorial Rules, demonstrating the belief that the state could intervene in broadcasting content and had the intention to do so when necessary. In 2007, as the proposed amendment to the Broadcast Law was being debated, Minister of Internal Affairs and Communications Suga adopted a defensive position, granting that the scandal recurrence prevention plans would not be implemented as long as the BPO measures fulfilled their regulatory function (“Dai 166-kai Kokkai Shūgiin Honkaigi kaigiroku [Dai 33-gō],” 2007, 2). However, on April 17, 2015, less than a month after the revelation of the “Today’s Close-up” fabrication suspicions, LDP

Information and Communication Strategic Investigation Council President Kawasaki Jirō reversed this position, expressing that the BPO could not possibly function as a proper overseer because it was funded by broadcasting networks; an institution independent of broadcast networks was required. Meanwhile, it was well known that some within the LDP called for ministers or former bureaucrats friendly to the government to join the BPO (“Jimintō BPO ni,” 2015). Minister of Internal Affairs and Communications Dakaichi took the issue a step further, expressing the opinion that such violations of the Editorial Rules were grounds for suspending the operations or cancelling the licenses of broadcasting companies. On February 8, 2016, the House of Representatives Budget Committee stated that special broadcasting companies “repeatedly found to be lacking in political impartiality” could be ordered to cease operations according to Article 76 of the Radio Law concerning violation of the Editorial Rules (“Takaichi Sōmushō,” 2016). This interpretation of the Editorial Rules, as referenced above, was difficult to reconcile with the constitutional principle of freedom of expression and risked restricting the broadcast industry altogether. Particularly, the LDP regards the Editorial Rules as a set of regulations rather than a code of ethics, leading to increasing implementation of administrative guidelines for violations of the Editorial Rules. Thus, the invocation of Article 76 of the Radio Law is also likely to become an issue in the future.

## **Freedom of Expression under Scrutiny**

This paper has questioned whether there is anything decidedly new about NHK’s “rightward shift” in terms of government and ruling party efforts to intervene in NHK via broadcast legislation passed in the early postwar period, referencing cases of LDP intervention since the 2000s. In particular, it has attempted to discern the logic or character of state intervention and strengthening of broadcast legislation under the LDP since the rise of neo-nationalist/neo-conservative politicians. In this manner, the tendency toward strengthening regulation that reinterpreted legal provisions, while not completely abandoning the confines of existing broadcast law, was uncovered. When applying pressure to revise the content of programs like “Questioning Sexual Violence in War,” campaigning to strengthen the supervisory authority of the Board of Governors, and advocating for regulatory measures to prevent recurring broadcast scandals, Abe and other like-minded neo-nationalist LDP politicians essentially argue that the Editorial Rules are not a “code of ethics” to be autonomously interpreted by broadcasting companies but regulations entailing administrative guidance by

the government. This interpretation has been sustained and reinforced under the second Abe administration.

Of course, there is a need for more detailed empirical study as to whether such administrative actions over Editorial Rules violations actually constitute a rightward shift with respect to broadcast content. In any case, should the government continue to apply the Editorial Rules in a manner contradicting the freedoms of expression and broadcast editing guaranteed in the constitution and the Broadcast Law, the danger of nominalizing constitutional freedoms will continue to be a pressing issue, as will the pressure to revise the content itself. Along with the “party mission” to “shed the postwar regime,” declared as Japan marked sixty years since the signing of the San Francisco Treaty, the LDP’s Constitutional Draft Amendment submitted in April 2012 also alludes to the logic behind expanding broadcasting content regulation. Within Article 21, Section 1 of the current constitution, it is written, “Freedom of expression, including the freedom of assembly, association, the press, and publication, is guaranteed”; and in Section 2, “No censorship shall be applied. The confidentiality of communication shall not be violated.” Ahead of Article 21, Section 2 of the Constitutional Draft Amendment, on the other hand, it is written, “Regardless of the provisions in the prior clause (Article 21, Section 1), any conduct or association carried out with the intent to harm the public good (*kōeki*) or the public order (*ooyake no chitsujo*) is not acknowledged” (Jiyū Minshutō 2012, 7-8).<sup>13</sup> Following the House of Councilors election on July 10, 2016 establishing the two-thirds majority needed for the motion to revise the constitution in the House of Councilors and House of Representatives, the discussion over constitutional reform appears poised to proceed in earnest. It is thus not inconceivable that the freedom of expression guaranteed in the constitution, which has functioned as a check against broadcast content regulation by the government and the ruling party, may now become an object of scrutiny. While the LDP maintained that it would seal the 2012 Constitutional Draft Amendment in order to reopen the Diet Constitutional Commission (*Kenpō Shinsakai*), it has never withdrawn the draft. Toward the end of November 2016, Chief of the House of Representatives Diet Constitutional Commission Nakatani Gen described the restrictions on freedom of expression as “quite a natural matter” (“Hyōgen no jiyū,” 2016). The dangerous consequences of this manner of

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13. The LDP would remove the term “public welfare” included in the current constitution and replace it with the term “public good and public order,” asserting that public order connotes “social order” (Jiyū Minshutō 2013, 14). There is fierce criticism, however, that the logic of equating the “public” and the “state” may lead to crackdowns with regard to conduct arbitrarily interpreted as “anti-state.”

thinking, which surfaced in relation to the 2005 program revision pressure case, are clear. As controversy continues over the role of public broadcasting in postwar Japan, now is the time to explicitly delineate and form a social consensus regarding the concepts of the “public” and the “public good,” which have always been ambiguous.

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