The Asia-Pacific Journal: Japan Focus
n-depth critical analysis of the forces shaping the Asia-Pacific...and the world.

Tokyo's Mean Streets

David McNeill

Tokyo's Mean Streets

David McNeill

Is a new safety ordinance designed to save shoppers from transvestites, flashers and mass killers, or an Orwellian attempt to crush public protests?

Last month a group of activists called Dystopia Tokyo called a protest against what they described as a "draconian" new city ordinance by conservative governor Ishihara Shintaro.

Cosplay protesters

Ishihara was revising an existing public safety law to allow city-center crackdowns on street demos, public performances and the homeless, warned the group, which called the move "Orwellian."

"Even foreigners walking in commercial districts can be categorized as 'nuisances.'"

Few Tokyoites seem terribly concerned: The March 22 demonstration in Shinjuku's Kabukicho district drew just a smattering of seasoned activists, including some non-Japanese and a lone cross-dresser who claimed even he wasn't safe from the cops.

"Anybody the government doesn't like can be banned from the streets."

Tokyo, however, insists that the revision, which was passed by the city assembly on March 27, is toothless and simply an attempt to improve the "safety and security of shopping areas."

Adding to the mystery over the widely different interpretations of the revision is its unusual origins. Reports say the government was forced to respond to complaints from retailers in Akihabara after female street performers exposed their knickers.

So are the authorities simply protecting Tokyo's shoppers from transvestites, flashers and marauding foreigners? No, say campaigners against the revision, who warn that it is a Trojan horse for something far more sinister.

"I see it as political," says Tokyo lawyer Hagio Kanta. He scoffs at the metropolitan government's explanation of why it has been introduced now and says the move is part of a long-planned bid to forcibly restrain public protests.

“The revision of the Public Safety and Security Ordinance reflects the will of the security authorities to…control social movements. From the beginning, it has been backed up by the Tokyo Government and the police."

Behind the revision is a recent and unexpected upsurge in street demos, says Hagio, citing a small march by anti-poverty campaigners in October 2008 on the 6.2-billion yen Shibuya home of Prime Minister Aso Taro.

Called to draw attention to Japan’s growing wealth gap, the march was broken up by police, who arrested three men for violating the public safety ordinance and obstructing official duties. The arrests, and aggressive police tactics were captured on an activist’s camera and posted on YouTube, where the footage attracted over 180,000 hits.

Although the men were released after the customary cooling off period, the police were subsequently criticized in Diet questioning, an embarrassment to the Tokyo authorities, say campaigners. They believe a surge of anti-poverty movements on the streets and the growing annual “rights for foreigners” marches have also pushed alarm bells in City Hall.

Hagio, Dystopia Tokyo and a group of activist lawyers called Jiyu Hosodan (The Japan Lawyers Association for Freedom) argue that the true purpose of the ordinance is betrayed by the right-wing composition of the group behind it, and the Safety and Security Promotion Council (suishin kyogikai) that oversees it.

Besides Ishihara, former deputy governor Takehana Yutaka is an ex-police bureaucrat and a staunch educational conservative who has aggressively pushed the flag and anthem issue in Tokyo schools.

Ishihara Shintaro

Oda Keiji founded the Japan Guardian Angels, a controversial volunteer group of anti-crime vigilantes; Maeda Masahide, a law professor at Tokyo Metropolitan University is a security professional who is pushing for an expansion of CCTV surveillance cameras in the city, and so on.

Japan Guardian Angels

Such men are worried about threats to public order far more widely defined than street jugglers and hawkers, says Jiyu Hosodan, which warns: “Freedom will disappear from Tokyo’s commercial districts.”

But Tokyo denies accusations of political motives. The “guideline” does not “force” people to do anything, argues Goto Satoru, head of the city’s Office of Youth Affairs and Public Safety, who says its purpose is to encourage downtown Tokyo (hankagai) businesses and residents to stop acts of “public nuisance” in the interests of safety and security.

Although lawyers are still digesting these claims, what that seems to mean in practice is that the Security Council issues an “alert” when it believes such activities are imminent. In addition, city-center dwellers who feel threatened or alarmed by something they’ve witnessed on Tokyo streets are encouraged to tell the authorities.

Retailers are already being urged to educate employees on crime prevention and install more CCTV cameras in shopping districts. Tokyo still has far fewer surveillance cameras than comparable big cities such as London, but despite much lower levels of street crime, the cameras are a growing feature of life here.

Police in some areas of the city, including the up-market district of Seijo, have begun asking residents and businesses to set up private security cameras at their own expense.

Activists fear the cameras could be used to monitor the faces of peaceful demonstrators, in effect enlisting private citizens into doing unpaid work for the police. They are also disturbed by the vagueness of the ordinance’s wording, particularly over the definition of public “nuisance,” a criticism partially accepted by Tokyo.

“We do not define what a nuisance performance is,” says Goto. He insists that the alert carries no legal weight and is entirely voluntary. “We have no right to say ‘stop.’ There is no enforcement so no violation of rights will occur.”

An image comes irresistibly to mind of a hypersensitive Akihabara shopkeeper reaching for the phone after an attack of the vapors, brought on by a mini-skirted cosplay performer. But Goto insists that the guideline is in the public interest.

“The [original] ordinance of 2003 was introduced to enhance safety and security in the downtown area. It aimed at voluntary security activities of business owners and residences. The backdrop to the current revision is increasing incidents in which downtown visitors have become victims of crimes by yakuza, scam-artists and other unlawful acts.”

He says last summer’s mass killing in Akihabara by disturbed temp worker Kato Tomohiro was another factor behind the 2009 revisions.

How, exactly, the guidelines could have prevented Kato from going on his murderous rampage is unclear, and in any case is beside the point, says Hagio, who believes that existing laws are perfectly adequate to deal with problems on the street. He is concerned that the weak definition of “nuisance” and “public disorder” is deliberately wide open to arbitrary interpretation.

“Performance on the street is guaranteed under the principle of freedom of expression (enshrined in Articles 21 and 28 of the Japanese Constitution) which, by its nature, includes some degree of nuisance.”

“The Ordinance does not understand this nature of freedom of expression and is ready to mobilize the police to intervene or control it. Downtown is a public space, very different from hospitals and such places where nuisances are not tolerated.”

The constitutional guarantee of free expression provides cold comfort to lawyers like Hagio who know that in more than six decades of litigation Japan’s Supreme Court has never found a single instance of government action in violation of that guarantee.

A planned government campaign of public awareness in posters and over the web could push already mild moral panic about the safety of Tokyo’s streets into something uglier, warn opponents.

Eventually, they say, the ordinance could be used to ban any action by unions or anti-poverty campaigners at a time when unemployment and opposition to neo-liberal policies in Japan is growing.

“The targets will not be limited to performers or activists,” says Dystopia Tokyo. “This is a cynical attempt to raise distrust and anxiety and create an environment where everyone monitors each other.”

That's why at last month's demonstration, several protestors wore banners saying: "Am I a suspicious person too?" "Literally anyone can be treated as suspicious," said one. "Even someone like you."

David McNeill writes for The Independent and other publications, including The Irish Times and The Chronicle of Higher Education. He is an Asia-Pacific Journal coordinator.

He wrote this article for The Asia-Pacific Journal.

Recommended citation: David McNeill, "Tokyo's Mean Streets," The Asia-Pacific Journal, Vol. 18-3-09, May 1st, 2009.

Created by Datamomentum