JAPAN

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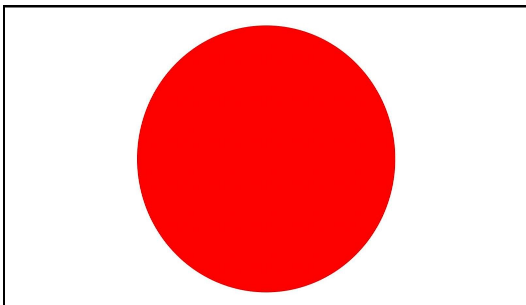
Profile

- **Area:** 377.972 square kilometers
- **Population:** approx. 127 million (2016).
- **Capital:** Tokyo
- **State form:** Parliamentary constitutional monarchy
- **Official language:** Japanese
- **Religions:** Shintoism (79.2 per cent)



Analysis

Abstract

Though press freedom is constitutionally guaranteed and widely respected in Japan, there are some concerns regarding the implications of a newly passed anti-whistle-blower-law as well as rare cases of direct governmental influence on the media. Besides, journalists' autonomy is extensively shaped by the press club system, which poses cosy relations of government or industry officials with journalists, and which divides the media market into inside (participating) and outside (non-participating) media. Inside or mainstream media outlets benefit from exclusive press club information, which is shared in exchange for uncritical reporting against authorities. This relieves reporters from investigative research, journalistic competition and the risk of being scooped, encouraging unchecked parroting of prewritten information instead. Smaller outside media outlets lack access to press club information but are released from its specific self-censorship mechanisms as well. Furthermore, Japanese media enterprises manage to voluntarily drive journalists into a life-long dependency, easing their willingness to write about issues contradicting editorial policy. Generally, many Japanese journalists often refrain from critical reporting due to principles of neutrality (*fuhen futo*) and harmony (*Confucianism*). As a result of the press club system and the influence of Confucianism, Japanese "media can be understood as collaborators with the state in the management of society" (Freeman, 200o: 162).

Communication policy and regulations

Following article 21 of the constitution, "speech, press, and all other forms of expression are guaranteed. No censorship shall be maintained, nor shall the secrecy of any means of communication be violated". Hence, despite press freedom being constitutionally guaranteed and widely respected in general, there are some regulations and developments that have the potential to restrain journalist's autonomy and that cause concerns among media freedom advocates:

- First, the Protection of Specially Designated Secrets Act (SDS), which became effective in December 2014. Widely criticised from press freedom advocates and the Japanese public, it severely constrains legal protection for whistle-blowers trying to reveal drawbacks. Law professor Repeta from Meiji University even calls SDS "a severe threat to news reporting and press freedom in Japan (...). [It] fulfils a longstanding government objective to gain additional leverage over the news media" (Repeta, 2014: 1) in two ways. First, it impedes the investigation of inside information since whistle-blowers leaking vaguely defined state secrets can either face up to ten years in prison for intentional, up to two years for unintentional leaks or fines of up to ten million yen (85.000 USD). Second, it threatens news reporters who will face up to five years in prison for publishing leaked information (ibid: 2). Furthermore, it gives officials permission to indefinitely restrict public information regarding national security or state secrets comprising issues like defence, foreign affairs, counter-intelligence and anti-terrorism (Prime Minister of Japan, 2013). In addition, "the law also grants ministers the power to designate certain information as state secrets for up to 60 years" (Freedom of the Press, 2015: 1). The SDS was heavily criticised by the UN Human Rights Committee for its "vague and broad definition of the matters that can be classified as secret (...). [It further] sets high criminal penalties that could generate a chilling effect on the activities of journalists and human rights defenders" (2014: 8).
- Second, defamation can be prosecuted either as a civil or a criminal offense and is punishable with imprisonment of up to three years or fines of up to one million yen (Freedom of the Press, 2015: 1). In 2014, the nongovernmental organization ETHOS sued journalist and blogger Mari Takenouchi over defamation after she had criticised the group's efforts to encourage habitation of radioactively contaminated areas near Fukushima in a tweet, calling it an "experiment on human beings" (Reporters without Borders, 2016a). Though criminal proceedings were suspended in 2015, the case still hadn't been dropped at the time of this report. However, only few cases are known where journalists have actually been convicted for defamation, since in most cases, the charges were dropped later. The possibility of high fines or even a three year prison term for defamation nevertheless might have a chilling effect on investigative reporting.
- Third, though journalists can mainly operate free from governmental restrains, they occasionally face forms of direct government pressure. In November 2014, ahead of elections, the governing Liberal Democratic Party (LDP) issued written instructions to TV stations on how to best select news topics and interviewees, requesting that the TV stations should avoid one-sided news coverage (Freedom of the Press, 2015: 2). According to Jochen Legewie, a German communications consultant with over 20 years of experience in Japanese media, the question is "to what extent are journalists and the media themselves encouraged enough to deal with such guidance requests? Are they very tame, listen to official announcements and report them without reflecting, or are they encouraged enough to do their own research and have sufficient time and freedom to do so? Then they could still write something without being pushed out of the job tomorrow". However, another case where journalist have in fact been pushed out of the job due to their critical reporting against the Abe-administration happened in January 2016, when three respected news anchors known for asking critical questions resigned due to alleged pressure from the government (McCurry, 2016). On February 9th 2016, in response to these suspensions, minister of internal affairs and communication Sanae Takaichi sent another threat to broadcasting media declaring that broadcasters that failed to show fairness in their coverage of political issues, despite official warnings, could be taken off the air (IFJ, 2016). With reference to article 174 of Japan's Broadcasting Law, internal affairs minister Takaichi would be authorized to suspend broadcasting operators that violate the law or fail to remain

politically neutral (Soumu, 2016: 82). Despite the fact that the number of incidents of direct government pressure is low, some media advocates regard these cases of tortious interference and subliminal threats from government officials as "alarming signs of deteriorating media freedoms in Japan" (Fackler, 2016).

While the print media sector is mostly uncontrolled by communication policies, telecommunications, the internet and the broadcasting sector are regulated by the Ministry of Internal Affairs and Communications (MIC), which was established in 2001. With reference to two distinctive laws passed in 1950, the MIC controls both licensing and content of broadcasting, while maintaining a "hands-off approach to online content, which is generally self-regulated by industry players" (Freedom on the Net, 2016: 2):

- First, the Law of Electric Shafts (Denpa-ho) states that every broadcasting corporation must own a licence issued by the MIC which needs to be renewed every five years. Operating more than one terrestrial transmitter broadcasting is prohibited to prevent concentration. Foreigners are not allowed to be license holders and may only possess one fifth shares of broadcasting companies. In addition, the private broadcasting sector is subject to a special frequency plan which is also controlled by the MIC.
- Second, based on the Broadcasting Law (Hoso-ho), the MIC regulates form, organisation and content of broadcasting outlets regarding political impartiality, violation of public security or morality, realistic presentation of facts and diversity of portrayed opinions (Löhr, 2009: 954-956). MIC's content regulations are based on reports from the Telecommunications Council, the Radio Regulatory Council and the Information and Communications Council which comprise experts in law, economics and technologies who serve the ministry as consultants regarding media related issues (CESifo, 2006).

Reporters without Borders rank the Japanese media system 72 in 2016, which is eleven ranks higher than in 2015 and 61 ranks higher than in 2010 (Reporters without Borders, 2016b). One reason for this degradation was the passing of SDS. Though Freedom House rates Japans press as "free" (Freedom of the Press, 2015: 1), the reason for this assessment might be the government only seldom taking direct actions against the media or journalists. However, "in Japan, there is hardly such need, as the press polices itself rather diligently" (Yin, 2008: 10).

− Media offers

To fully grasp the Japanese media system and its market structure, it is important to understand the unique and distinctive *press club system (kisha kurabu or kisha clubs)*, which Legewie et al. describe as "the most decisive single factor of how media works in this country" (2010: 5). Press clubs are the main source of information for mainstream media and provide corresponding journalists essential access to officials and insider knowledge. It is important to stress that these press clubs have been formed by the media itself in 1890 to gain access to the newly established parliament *Diet* (Freeman, 2000: 46). Today, there are "about 800 clubs countrywide attached to all major institutional news sources in Japan including the *Diet*, ministries, national and local government departments, public agencies, political parties but also industrial associations [and] the Tokyo Stock Exchange" (Legewie et al., 2010: 5). They channel exclusive information from government or industry officials to participating media outlets, discouraging journalists from independent or investigative reporting and encouraging them to rely on official sources instead. The results are "uniformity of content" and a "pro-establishment style of journalism" (Saito, 2000: 569).

While proponents claim that the press club system efficiently facilitates the news gathering process and enables fast and accurate reporting to the public (Legewie et al., 2010: 7), opponents regard it as cosy relationships between journalists and bureaucrats or politicians, where access is granted only in exchange for uncritical reporting about authorities (Freedom of the Press, 2015: 2). Further criticism arises from the fact that foreign and non-mainstream media are largely barred from press club membership and thus lack access to exclusive briefings and official press releases from authorities. In 2002, the European Union even issued a formal request to the Japanese government to abolish the press club system and grant access to press conferences for all accredited foreign journalists (Shih, 2003). "By denying foreign correspondents first-hand access to briefings, the system acts as a de facto competitive hindrance to foreign media organizations. (...) In effect, the system works as a restraint on free trade in information" (ibid.).

Whatever the positive or negative implications, the press club system divides the Japanese media market into two parts. On the one hand, *outside media*, which are not members of the press clubs and, consequently, not bound to self-censorship mechanisms either. Outside media outlets are highly diverse and comprise low-quality tabloid newspapers, weekly and monthly news magazines that cover general interest or highly specialised topics, low-quality scandal-sheets to high-quality opinion papers, foreign press and independent media outlets (Legewie et al., 2010: 14). Its function and standing within the Japanese media system is ambivalent: "At its best the outside press produces well-executed investigative reporting; at its worst it is mere sensationalistic irresponsible rumour mongering" (ibid.).

On the other hand, the much larger group of *inside media* outlets are members of the press clubs and benefit from its relations to government or industry officials. It is estimated that up to 90 per cent of the news that is reported by inside media is based on or directly adopted from official sources via press clubs (Freeman, 2000: 63). This has resulted in extensive forms of self-censorship: "The country's mainstream media is docile in the best of times, putting societal harmony and steady access to politicians and executives over the public's right to know. Press organizations, or kisha clubs, are stealth censorship devices" (Pesek, 2014). Due to that, many regard Japans mainstream media as a "lapdog" (ibid.) instead of a watchdog. However, the inside media itself can be divided into five leading media groups that are regarded by some researchers as "monoliths of Japanese journalism" (Oi et al., 2012: 63). Cross ownership regulations that prohibit newspapers from controlling more than one broadcasting station have contributed to the development of Japan's big five media groups. Each of them assembles around one of the five major national newspapers: *Yomiuri Shimbun,*

Asahi Shimbun, Mainchi Shimbun, Nihon Keizai Shimbun and Sankei Shimbun (Legewie et al., 2010: 20-21).

Taken together, these newspapers comprise one of the largest and mostly saturated *newspaper markets* in the world, with more than half of the market being controlled by the three major papers *Yomiuri Shimbun, Asahi Shimbun and Mainchi Shimbun* (Freedom of the Press, 2015: 2). Each of these big five sells more copies daily than any Western counterpart, with the *Yomiuri Shimbun* being the highest-circulating newspaper in the world (more than 12 million copies). Just like around one third of the roughly 120 newspapers in Japan, *Yomiuri Shimbun* carries a morning edition (roughly 9 million copies) and an evening edition (roughly 3 million copies) that is published as a complementary product (Yomiuri, 2016). The total daily newspaper circulation in Japan was 44.246.688 copies in 2015, which makes around 0.8 subscriptions per household (Pressnet, 2016a). Fujitake and Yamamoto (1994) list several characteristics of the Japanese newspaper industry. The three most distinctive are:

- First, a well-established direct home delivery system, which is crucial for sustaining the high circulation. As a result, newspapers do not compete via content but via accreditation of new subscribers through awards.
- Second a no-discount resale system that protects the price of newspapers.
- Third, newspaper stocks are traded only among people related to the newspaper company, which protects them from takeovers by outsiders or foreigners (Minami, 2011: 38-39).

The *broadcasting market* is diversified and was formerly dominated by public broadcasting service *Nippon Hoso Kyokai* (NHK), which is part of the inside media as well. NHK's purposes and goals are defined in article 15 of the *Broadcast Act* of 1952: "NHK aims to transmit domestic basic broadcasting through good, rich broadcast programs, which may be received far and wide throughout Japan [and internationally] (...) for the purpose of public welfare" (Soumu, 2016: 10). Since there are no commercial breaks in NHK's program, it is almost entirely funded with fees. In 2016, 96.3 per cent of the total operating income of 701.6 billion yen (roughly 6 billion U.S. dollars) was received via fees, which are paid equally by every household with a TV set (NHK Overview, 2016). Each of the twelve members of the NHK directorate is appointed by the Japanese Prime Minister and requires the parliament's approval, as does the NHK's annual proposals for budget and financing plans. This dependency has resulted in scarce cases of self-censorship, following direct or indirect influence by the governing party LDP (Kraus, 2000: 150). For instance, in 2006, internal affairs and communications minister Suga ordered NHK to focus on abductions of Japanese citizens by North Korea. While previous ministers had issued subliminal requests to focus on specific policies, this was the first time ever that a minister made a concrete and direct attempt to interfere with NHK's program (Legewie et al., 2010: 17). Despite rare incidents, NHK's program is generally viewed as neutral and independent: "I personally think that NHK is working very neutral and puts great emphasis on not favouring any company in their coverage (...). Simply because they value neutrality and non-influence. With regard to this, I have respect to NHK for their good, independent, neutral coverage" (Jochen Legewie).

After World War II, the big five newspapers led the establishment of a nationwide *commercial broadcasting system* (Oi et al., 2012, following Yada, 2007). While the NHK is autonomous in creating content, the major commercial broadcasters are geared to the news coverage of their affiliated media groups, respectively their major newspapers: Nippon Television Network (Yomiuri), TV Asahi (Asahi), Tokyo Broadcasting System (Mainichi), TV Tokyo (Nihon Keizai) and Fuji Television Network (Sankai). However, Jochen Legewie doesn't see a direct, dispositive influence: "The newspapers don't exert a direct influence on whether issues like nuclear policy or the Fukushima meltdown are covered in their affiliated TV channels or not."

Overly conformist and uniform reporting is a major concern among inside media outlets in Japan. As a result of the press club system and an over reliance on official press releases, both mainstream newspapers and broadcasting stations tend to avoid commentary reporting. What follows is uncontroversial, dull news coverage that neither offends readers nor advertisers. "It is monolithic, since the five large daily newspapers [respectively their affiliated broadcasting stations] speak with one voice – their commentary on the issues of the day is almost indistinguishable, and their selection of what to report and what to ignore is virtually identical" (van Wolferen, 1993: 61). Outside media, however, which is not bound to the press club provisions, can offer commentary, critical reporting which, however, often eludes the facts. According to Legewie, "taken together, that results in a system of checks and balances, a bipolar news coverage in a positive sense. On the one hand the very boring, facts-oriented, objective, but also very correct and thus high-quality news coverage of the inside media, with relatively little autonomy for both the single reporter and the media outlet. (...) And on the other side there are the [outside] media outlets from which one expects that they are acting freely, that they are critical, that they are exposing scandals, etc."

Summing up the market structure, Legewie et al. believe that this "inside-outside media system eventually benefits all players within the system. The information cartels among the inside media stabilize their information advantage over competitors outside of the press-clubs. At the same time the outside press does not want to become member of the described information cartels. One reason is because they believe that operating the way they currently do so is a more *pure* form of journalism, and free of the influence that comes with press-club membership" (2010: 16).

− Journalists' autonomy

In 2014, there were 42.282 persons employed in the media sector, with 21.596 being part of the editorial field (Pressnet, 2016b). Surveys about journalist in Japan are rare and seldom open to the public (Minami, 2011: 43). This might be another indication for the

predominant influence of the press club system on media workers not to take part in journalism studies. In a survey conducted by Oi et al. in 2007 as part of Weaver and Willnat's *The Global Journalist* project, 1011 journalists participated, with 97.6 per cent of interviewees being male and only 2.1 per cent being female. With an average age of 53 years, the average job experience was around 20 years and 33.4 per cent had been employed between 30 and 39 years (Oi et al., 2012: 56). Following these results, journalism in Japan is truly a profession for middle-aged man with several decades of experience in the journalistic field. Summarizing their findings, Oi et al. state that "generally speaking, Japanese journalists are elite, well-educated, and high income earners compared with ordinary citizens (...). While Journalists viewed themselves as professionals (47.7 per cent) and opinion leaders (37.0 per cent) with a strong sense of justice (60.4 per cent), they also felt that the public sees them as arrogant (60.6 per cent), impudent (58.2 per cent), and elitist (39.9 per cent). In sum, Japanese journalists perceive themselves positively, but do not necessarily think the public sees them in such terms" (ibid.: 60).

Complementary to their long average employment as journalists, Japanese reporters are highly unlikely to move from one media outlet to another. In fact, if one gets hired as a *seishan*, a regular employee at a Japanese media outlet, that usually means employment for life. Takashi Uesugi, a former NHK and *New York Times* reporter, explains that Japanese journalists' working mentality prevents them from changing companies or even disagreeing with their supervisors. Instead, they try to quietly put up with disagreements until either they or their supervisor is transferred to a different department. Shigemichi names two reasons for Japanese journalists shying away from quitting their job: first, a weak employment situation for journalists in Japan and second, most media companies refrain from hiring experienced journalists. Instead, they prefer college educated, unacquainted beginners who are more easily shaped into manageable employees than experienced journalists (Minami, 2011: 44; following Uesugi, 2008 and Shiegmichi, 2010). Following Jochen Legewie, this "lifetime employment system" certainly has a restraining effect on journalists' autonomy in Japan, meaning that "of those who are working at a big newspaper, a majority of them is going to retire from there. Thus, one won't write against the editorial policy, whether represented by the editor in chief or the CEO of the firm. (...) So the autonomy of the individual journalist is certainly restricted due to having his/her future career at this employer". Furthermore, there are no inter-professional journalists' unions in Japan but only company focussed unions, which prevents an inter-professional coordination between journalists on a horizontal scale (ibid.).

According to Legewie, "for instance, if a 22 year old starts working for the *Yomiuri* newspaper after college, he will be trained on-the-job. However, he will get a training that is very much focussed on the specific concerns, needs, interest but also the political thinking of the *Yomiuri* newspaper. Thus it is no professional, long-term, extensive professional training of journalists who will also get along with other research methods in other media outlets. Thus I would say it is not a training of an all-encompassing specialist but an on-the-job-training heavily focussed on the particular media house". With the help of company specific on-the-job training and the promise of lifetime-employment, Japanese media enterprises mange to drive their journalist into a life-long dependency from their employer, easing their willingness to write about issues contradicting editorial policy and, consequently, bringing them to heel.

Regarding the journalists' self-perception, Oi et al. found three roles a majority of Japanese journalists is striving to live up to:

- providing accurate information,
- acting as a watchdog of the government and
- questing for social justice (2012: 57).

However, being asked about the actual performance in fulfilling these roles, most interviewees believed that Japanese journalists are generally not living up to this ideal. While 90.8 percent "strongly or somewhat agree" that reporters succeed in concentrating on accurate, interesting news and on getting information to the public quickly, 70.6 per cent "strongly or somewhat disagree" that they are successful at investigating and monitoring the activities of the government. Though being a watchdog is considered an important function of journalists, only about one-third of participants believed that most Japanese journalists are actually fulfilling that role (Oi et al., 2012: 57). One possible reason for this perceived outage is the fact that many journalists follow the principle of *fuhen futo*, which can be translated as *principle of neutrality* and which has been adopted by most major newspapers as editorial policy. It demands that, in addition to being impartial observers or bystanders of events, journalists should not take sides in analytical or editorial stories but rather take conciliatory position (Takeshita & Ida, 2009: 159). In the best cases, fuhen futo leads to an editorial policy that is, as the term indicates, *objective and fair*. In too many cases, however, it was used to justify solely criticising the safest targets, such as issues that met with government disapproval or issues that had already been criticised by other papers without serious repercussions (Gamble & Watanabe, 2004: 42). According to Yin (2008), the desire for harmony, which roots in the widespread tradition of *Confucianism*, is a major influencing factor among many Asian cultures and societies and affects media workers. Therefore, it hinders Japanese journalists in being critical, aggravating and against authorities.

Most journalists, however, are highly aware of these drawbacks in their profession: 75.4 per cent state that there is "too much uniform, conformist news reporting" while 53.3 per cent believe that there is "less in-depth media coverage" (Oi et al., 2012: 59-61). Historically, the overall trust of Japanese citizens into the media used to be generally high, with over 70 per cent believing into the overall reporting of newspapers and the NHK in 2007, clearly exceeding trust into all other social institutions like the government, the parliament and even courts (Legewie et al., 2010: 8). However, that trust was severely damaged as a result of the events of the triple disaster of earthquake, tsunami and nuclear meltdown in 2011, when confidence into media organisations dropped about 12 per cent in 2012 (WorldOne Research, 2012), finally reaching 31 per cent in 2015 (WorldOne Research, 2015). Following the coverage of the Fukushima incident, accusations had been made by media advocates and the public that due to pressure from authorities,

many newspapers and TV stations had refrained from providing critical, in-depth news about the dangers of nuclear exposure and were parroting information previously issued by government officials or by the *Tokyo Electric Power Company* (TEPCO) instead. In fact, TEPCO's influence on the media industry remains strong, especially due to its average annual advertising spending of around 190 million USD, which some critics have linked to the media's pro-industry coverage during the nuclear crisis. Besides pressure from authorities, another reason for this self-censorship regarding the Fukushima incident might be the fact that many journalists in Japan have economic links to the nuclear industry, with a considerable number of reporters, especially from Nikkei and Mainichi media group, going to work for pro-nuclear organizations and publications after their journalistic career (Freedom of the Press, 2015: 2).

Finally, as mentioned earlier, the press club system is widely criticised especially by foreign media freedom advocates for mitigating or even restraining journalists' autonomy. However, both authorities and inside media workers mutually benefit from it. They receive a large amount of latest, accurate and classified information, which relieves them from investigative research and competing with or being scooped from other reporters, respectively media outlets (Legewie et al., 2010: 9). In a personal interview, Jochen Legewie confirmed that "it is a very convenient system for participating journalists, since this press club system heavily channelizes and sort of pre-arranges information. In other words: Many journalists don't even have the education, the background, the intention, the understanding to be investigative". Oi et al. found that 65.4 per cent of interviewed Japanese journalists believed their relationship to government sources to be "very" or "somewhat" cooperative. Therefore, it is likely that the press system will persist in the near future. Despite general criticism, a majority of 56.8 per cent of journalists believe that social pressure against press clubs is "not very influential" or "not influential at all" (2012: 58-59). However, Legewie thinks that "this old system of information bundling and coordinated information flow (...) is crumbling. (...) This mix of internationalisation of subjects on the one hand and the emergence of online- / freelance journalism and other information channels is ultimately a disruptive factor for the press club system (...) since, regarding autonomy, it allows the individual, be it a journalist or a blogger, to break out of this ingrained system or to get other working opportunities. And here we have truly potential for change".

– Sources

Interviewed experts (via Telephone, December 2016)

- Dr. Jochen Legewie, a communications consultant and former head of communications at Mitsubishi Motors Corporation, with over 20 years of experience in the Japanese media system (interviewed on December 23, 2016)

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