Introduction

When Ayatollah Khomeini ordered a fatwa death curse against Salman Rushdie for writing the blasphemous *Satanic Verses*, V. S. Naipaul quipped, “Well, it’s an extreme form of literary criticism.” His statement provoked the anger of Rushdie’s supporters and the literary world. If he had made the more obvious analogy of the fatwa to an extreme form of censorship, he likely would have been celebrated for assigning it a place in this universally reviled category. Images of the evil, scissor-wielding censor lurk in most narratives of literary and film history worldwide, from Comstockery and Hays Code Hollywood to Nazi Germany’s Ministry of Propaganda. The censors’ malevolence and ignorance have merited their villainous characterization in such novels as *Fahrenheit 451* and *1984* but are perhaps best epitomized by the real-life example of the former chief film censor in Iran who was, ironically enough, blind.¹

Japan has had its own share of infamous cases of artists being persecuted by the official censors and their self-appointed minions. Perhaps, most notably, we think of the murder of proletariat writer Kobayashi Takiji (1900–1933) while in police custody for his treasonous writings; or the violent attack by a right-wing youth on the publisher of Fukazawa Shichirō’s 1959 story irreverently depicting the severed heads of imperial family members rolling down the Imperial Palace steps;² or the brutal murder and mutilation of Rushdie’s Japanese translator by a Muslim extremist in July 1991. Such incidents, and other, less-spectacular, acts of official censorship, are often cited to prove that art in Japan has been at the mercy of pervasive censorship throughout much of its modern history. According to this line of argument, the censor is imbued with the power to determine not just the fate of the artists’ works but also that of their bodies.

This conception of censorship and art, however persuasive, fails to account for the complexity of the interactions between censor and artist in modern Japan. It depicts the censor as having the power to exercise a political or legal judgment on a work of art, and the artist as being either admirably subversive or unscrupulously complicit. Art becomes reduced to the status of a mere political indicator used by scholars to gauge artists’ ideological
affiliations. In other words, the problem, as I see it, is that censorship is often used to write political, rather than artistic, history. Moreover, ascertaining an author’s politics based on whether or not he or she was censored proves to be a futile project, as demonstrated by the case of Ishikawa, and is also true for an author like Tanizaki Jun’ichirō, who could be both lauded for writing the apolitical novel *The Makioka Sisters* (1943–1948) because it was suppressed during the war and lambasted for self-censoring his modern translation of *The Tale of Genji* (1939–1941). Instead, I would suggest that we take seriously Naipaul’s flippant comment likening the fatwa to an extreme form of literary criticism. It suggests the complexity of artistic censorship by hinting at the often-overlooked connection between censor and critic, a link that is crucial to understanding the dynamic relationship of censor, artist, and text in modern Japan, and, implicitly, the nature of all artistic censorship.

In this study, I examine the practice of censorship in Japan by focusing on seven of the most celebrated obscenity trials of literature, film, and manga in the post–World War II period: the 1950s trial of the 1950 Japanese translation of D. H. Lawrence’s *Lady Chatterley’s Lover* (1928); the 1960s and 1970s film trials of *Black Snow* (*Kuroi yuki*, 1965; directed by Takechi Tetsuji) and of Nikkatsu Roman Porn, four soft-core pornographic films released in 1972–1973 by Japan’s oldest studio, Nikkatsu; the 1970s trials of republished erotic Japanese literary “classics,” the Edo-period *The Record of the Night Battles at Dannoura* (*Dannoura yagassenki*, ca. 1800), a pornographic adaptation of the canonical medieval text *The Tale of the Heike*, and Nagai Kafū’s short story “Underneath the Papering of the Four-and-a-Half-Mat Room” (*Yojōhan fusuma no shitabari*); and, last, the trials of hybrid works combining text and image, including the late-1970s trial of *In the Realm of the Senses* (*Ai no korīda*), the book version containing the screenplay and still photographs from Ōshima Nagisa’s infamous film of the same name, and the recent unprecedented trial of the manga (comic book) *Honey Room* (*Misshitsu*) from 2002 to 2007. I also more briefly consider the import of key successors or precursors to these, most notably the high-profile 1960s trial of the translation of Marquis de Sade’s *Histoire de Juliette ou les prospérités du vice* (1797). All these landmark trials made it to the level of appeal, either to the Tokyo High Court or to Japan’s highest court, the National Supreme Court. Each represents an influential judicial precedent, although not a binding one (as per Japan’s civil, rather than common, law system), that swayed the course of both future legal controls of art and artistic production itself.
For each case study, I interweave an analysis of the works themselves with the trial arguments of the defense and prosecution lawyers, the judges’ verdicts, and their coverage in both popular and academic presses in order to consider the relationship of modern Japanese art and the state from the second half of the twentieth century to the early twenty-first. For five of the trials, complete trial records from the lower court trials were available. For the others, I have relied on the verdicts and a combination of secondary sources including legal and artistic journals, mass media, memoirs and accounts of the trials written by participants, as well as interviews with the parties involved when possible.

Analyzing the lawyers’ and judges’ arguments demonstrates that censorship in modern Japan has rarely been simply a matter of the censor exercising an exclusively political or legal judgment on a work of art. Rather, the very nature of a literary or film censorship trial, or “artistic trial” (bungei saiban) as they are called in Japanese, required that the terms of debate be as much literary (or filmic) as they were legal. To argue that a text was subversive, censors had to rely equally on their interpretation of narrative (how a work of art signifies meaning) and on their predictions of reception (how a reader or spectator interprets that meaning). Censors thus acted not just as scissor-wielding book burners but also as narratologists, reception theorists, critics, editors, or even coauthors (or auteurs). Accordingly, the censor, like the critic, was obliged to work within the conventions of literary or film interpretation. That the censors in these trials engaged artistic theories demonstrates that just as art did not exist independently of legal institutions, censorship could not operate entirely outside the systems of art.

Thus, the title of this book is *The Art of Censorship*, rather than *The Censorship of Art*, which might suggest a disproportionate focus on censorship. This title is meant to suggest two possibilities. On the one hand, it is meant to be read as *The Art of Censorship* to stress the need to revive the art in question. Often, after being repressed by the historical censor, censored art is doubly repressed in subsequent accounts where the work’s infamy as the object of a censorship incident is all that remains. Here I mean to highlight the often-paradoxical survival of censored works and to insist on a consideration of what remains of art and artistic discourse in the wake of censorship.

To flip the emphasis, the title can alternatively be read as *The Art of Censorship* to suggest the need to consider censorship as both a concrete legal and bureaucratic operation as well as an art form of sorts—a sometimes crude, sometimes elegant intervention on an artistic text that cannot
operate entirely independent of that text, or even more broadly, outside the conventions of creating, consuming, and interpreting art. As Dominick LaCapra has suggested in his study of the 1857 *Madame Bovary* trial in France, censorship incidents offer a “particularly fruitful approach to the study of reception,” because they are based on “an index of conventions or norms of reading.” What I want to stress is that artist, audience, and censor alike must rely on these “norms” of interpretation.

In sum, this study attempts to avoid overgeneralizing either art and artist or the censor by closely reading the trials themselves and the objects on trial. What I have found is that although we may conceive abstractly of censorship as being a moment of the collision between law and culture that prohibits something, instead, it can equally be a moment of collusion that produces something.

Although in the majority of these postwar landmark trials (five out of eight) the final court judgment upheld banning the work and convicting the defendants, their overall effect was nonetheless productive in many senses. First, the specter of censorship spurred artistic production in many cases. The sheer existence of censorship preconditioned these works’ creation by encouraging censorship-dodging strategies, such as the use of exculpatory prefaces, opaque language, digital mosaics, creative mise-en-scène, and redemptive endings. In some cases, the very rhetoric of the censor (and the censor-dodging artist) has been incorporated into the work itself in an uncanny anticipation of its trial. Censorship, in other words, can offer fodder for the production, not just destruction, of art.

Second, censorship trials often influenced the subsequent critical reception of both the authors and the indicted works, as evidenced by the incorporation of interpretations offered at trial into critical scholarship. And the highly publicized trials invariably affected the trajectory of a prosecuted author’s career, often spurring a boom in both the artist’s creative production and sales. Finally, the spectacular nature of these trials alone refutes reading them as an example of the omnipotent, prohibitive nature of censorship. Contrary to the intents of the censors to consign a work to oblivion, the prosecution of a work paradoxically guaranteed its survival in both the literary and legal canons. In fact, these trials became mass media phenomena, with the help of flamboyant media-savvy defendants, and produced an amount of discourse far exceeding the original work.

Claiming that censorship, in general, is productive based on these cases alone might seem to risk overgeneralization, particularly since my study
includes only landmark trials that received sustained attention from scholars and the mass media. As I admitted above, the project attracted me from the very start because of the wealth of materials available, unlike other, more stubbornly silent censorship incidents. These trials do not, of course, typify all kinds of censorship: book burnings, bans, citizen-led boycotts, violent attacks on publishers and artists by the police or concerned citizens, self-censorship strategies like blurrings and maskings, and censorship trials in a democratic legal system cannot all be equated. Nor can these landmark censorship trials be said to encompass all types of judicial proceedings, which include many more obscure trials that were heard only in the lower courts and countless bans and summary fines quietly accepted without a fuss by other artists and publishers. Arguably only the most indefensible (or defensible, depending on your perspective) of works get charged and only the most irascible of defendants go to trial.

These trials offer instead an extreme limit case of one kind of censorship: a criminal judicial proceeding in a modern democratic society. They are public performances staged by both censor and artist alike—a purification ritual and object lesson of sorts conducted by the state censors and a platform for the sometimes earnest, sometimes carnivalesque pronouncements of the artist-defendants. Whereas the somber translator of *Chatterley*, Itō Sei, responded by publishing serious treatises on literary artists’ moral responsibilities to society, the more iconoclastic artist-defendants responded by staging overt challenges to the state’s attempt to silence them and to silence public discourse on sexuality. Director Ōshima Nagisa, for example, propagated the irreverent catchphrase “Why is obscenity bad?” (*Waisetsu naze warui?*); author Nosaka Akiyuki, the defendant who republished Kafū’s story “Yojōhan” in 1972, staged a demonstration that he called an Obscenity Recital in Hibiya Park; and Nikkatsu Roman Porn director Yamaguchi Sei’ichirō arranged “Nikkatsu Porn Trial Tours.”

Notwithstanding their status as limit cases, as highly public moments when art is censored, these trials can demonstrate also some generalizable truths about artistic censorship, its impetus, and its effects. Both inside and outside the courtroom, lawyers, witnesses, judges, as well as a wide array of commentators from legal and cultural spheres offered their competing conceptions about the proper role of art, artist, and audience in society. Contrary to what we might expect, the arguments made by the two sides were not always mutually incompatible but often inadvertently replicated one another, at least in their premises if not in their conclusions.
Considering how these censorship trials influenced and were influenced by artistic theories of authorship, reception, and medium specificity, as well as by notions of aesthetic value that define a canon, reveals the dynamic relationship between censor, artist, and text in modern Japanese history and, by implication, in any culture in which art meets the force of law.

Since the 1980s, there has been a debate among scholars in Japan and abroad over the nature and severity of censorship exercised at various points in Japan's history, especially comparisons of the prewar and wartime Japanese government with the Occupation officials. Works by literary and film scholars from both liberal and conservative camps have amply demonstrated that neither regime had a monopoly on repressing artistic expression, or, for that matter, on liberating it. An unfortunate result of this vigorous debate, however, has been to occlude censorship conducted after the Occupation. Indeed, there seems to exist the impression that censorship ended with the end of the Occupation in 1952 in accordance with the postwar Constitution that bids quite unambiguously: “No censorship shall be maintained” (Ken'etsu wa, kore o shite wa naranai).

In fact, censorship endures, as is evidenced by the protracted and repeated obscenity trials (waisetsu saiban) over the past fifty years. Although these are not of the same order as the overtly political or ideological censorship (ken'etsu) or bans on sales (hatsubai kinshi) of earlier periods, they are not devoid of larger political or societal meaning either. With censorship expressly forbidden by the postwar Constitution, it is not hard to imagine that police and prosecutors at times invoked the surviving obscenity laws that did allow for censorship in order to suppress undesirable politics. But, in these postwar obscenity trials, the indicted works often had no identifiable deep political or philosophical stance, notwithstanding the defense’s strategic arguments to the contrary. Sometimes, a cigar is just a cigar. On the other hand, nor were the indicted works always pornography masquerading as politics as the censors would charge. And even for the works that do not expressly embody any overt political ideology, by pushing the boundaries of the acceptable limits for sexual expression, they too participated in a struggle to expand rights of free expression.

The trials were not only concerned with determining the proper relationship between art and law but also ventured into far-ranging debates about sex and society; the staying power of the liberal postwar Constitution in the post-Occupation period; the place of the classics and classical Japanese language in the canon and in the modern education system; the relationship
among sex, politics, and art; the state of the disciplines of science, medicine, and literary and filmic criticism; the affective nature of reading and spectating; and the relationship between native Japanese and Western conceptions of morality and art, as well as the effects of internationalism on cultural production and its regulation.

In the end, the debates generated by these trials both inside and outside the courtroom are the stories that Japanese society tells itself, and the international community, about its conception of the relationship between law, society, and culture. How these stories got told in each case was influenced by the trial’s historical context, whether it was the early-1950s moment when Japan had just regained its sovereignty after defeat and the Occupation, the 1970s context of resurging interest in defining and preserving Japaneseness, or the twenty-first-century global society in which the soft power of Japanese popular culture reigns. Each trial was inflected not just by its present moment, however, but by the past as well, in large part because Japan’s obscenity laws date back to 1880 when the nation was consciously modernizing (and Westernizing) all areas of society. Early modern and premodern Japan too played a key role, characterized as an idyllic model of a “pure” Japan that existed prior to contact with the West by both sides: as a bastion of liberal sexual traditions for the defense, and as an uncorrupted fount of native chastity for the prosecution.

Outside observers often remark that contemporary Japanese society itself embodies these two poles as a nation that is somehow simultaneously sexually uninhibited and deeply repressed. My project here is not to resolve this seeming paradox but instead to show how the trials demonstrate an enduring concern with policing sexual morality in art and in society, and to suggest what this may portend for the future of cultural regulation. In the chapters that follow, although I organize them chronologically, I am less interested in attempting to define obscenity or to catalogue what censors found objectionable over the ages than in tracing how key legal, moral, and artistic debates get reiterated, revised, or rejected over the course of these trials. That these debates often reappear in uncanny repetition, stretching from the 1950s to the twenty-first century, suggests both evolution and stagnation in equal measure.

Even more crucially for my project, this chronological organization lends itself to ordering the chapters by the artistic medium that is being censored: translated literature in part 1 (Chatterley and Sade in the 1950s and 1960s), film in part 2 (Black Snow and Nikkatsu Roman Porn in the
1960s and 1970s), native literary “classics” in part 3 (Kafū’s “Yojōhan” and an Edo-period pornographic adaptation of a canonical premodern text in the 1970s), and finally hybrids of text and image (the book version of Ōshima’s film in the late 1970s and the manga in the early twenty-first century) in part 4. The specific artistic medium on trial swayed the courses of each trial, both the contours of the debates and the verdicts. It mattered deeply to the lawyers, judges, and commentators alike whether the work on trial was purely words, as with a literary text like *Chatterley* or “Yojōhan,” or a combination of word, image, and sound, as in the cases of the films, or just word and image, as with Ōshima’s book and the manga. It mattered, moreover, what specific kinds of words and images they were: if words, whether they were textual or aural, translated Western literature or Japanese classical literary prose, the pillow talk and groans in a pornographic film or the speech bubbles of manga; if images, whether they were photographed, filmed, or hand drawn, still or moving. Such questions of form were paramount in these trials, suggesting that content or context alone cannot adequately explain these censorship incidents. Instead, the censorship of art, at its most fundamental level, represents an attempt to control the production and reception of text, images, and sounds.

The ferocity and persistence with which these issues were debated suggest that all parties involved were aware that the verdicts portended the extent to which cultural production and reception could be regulated by the authorities in the future. Moreover, they suggest that both sides recognized the powers (and dangers) of artistic representations, particularly those revolving around the ostensibly private realm of sexuality, to affect citizens in a very public and fundamental way. The ways the trials facilitated, rather than forestalled, such public debates over the ostensibly taboo issue of obscenity is what led director Ōshima to conclude, “The moment it gets involved in porn, politics has already been defeated.” Although the guilty verdicts in the majority of Japan’s postwar censorship trials suggest this to be an overly optimistic assessment, the tenacity with which these works of art were defended and prosecuted are indeed a testament to the power of art.