TO: Research and Development Committee  
Indiana University South Bend  

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Report on Faculty Research Grant: “An Examination of the Pre-1945 Japanese Supreme Court Obscenity Decisions and their Legacy in Postwar Sexual Ideologies  

Term funded by the grant: Summer 2009  
Report date: September 29, 2009  

Overview of the project  

The overall focus of this research project is to explore the national values and beliefs that facilitated the governance of sexual morality in Japan’s modernization. Such an analysis of the values and beliefs that contributed to the construction of the concept of public morality in Japan has been researched by scholars in Japanese studies through the application of historical and anthropological research methods. Yet, the research that applies law and court decisions as a context for an analysis of sexual morality is a rather new approach to the topic. Through the examination of the law and past court decisions, I have been aiming to grasp something similar to what a British Cultural Studies scholar, Raymond Williams described as structure of feeling, the “history of the idea of culture that is a record of our reactions, in thought and feeling, to the changed condition of our common life.” 

The present research project stems from my Ph.D. dissertation (2005), for which I have gathered all the obscenity decisions made by the Supreme Court of Japan since 1900 using traditional legal research methods. The theoretical foundation of this project is to acknowledge law as a part of our everyday experience while law may also play a role in the construction of the ideological apparatus during the period of nation building, for instance, in the late 19th century Japan. Within this framework, I treat court decisions as texts that require in-depth interpretation with contextual, cultural and historical knowledge.  

Accomplishment over the summer 2009  

Although the present research is based on my Ph.D. dissertation, it needed a drastic makeover in order to be publishable as a book. My original dissertation focused on the comparison of Supreme Court obscenity decisions between the United States and Japan, in which I have analyzed the differences of their approaches to the establishment of local sexual morality. The comparative method can introduce diverse approaches that monitor sexual morality and social order in different cultural contexts; yet, it prevented the in-depth analysis of cultural contexts of each society. As a result, the present research focuses on the comprehensive analysis 


of Japanese Supreme Court decisions regarding obscenity, Additionally, the research utilizes the knowledge and information regarding the historical development of cultural values and beliefs that supported the establishment of a national sexual morality during modernization.

I spent most of May and June in Indiana, gathering information, and rewriting Chapters 2, 3 and 5. At the end of May, I travelled to Ann Arbor, Michigan to acquire additional research materials at the Asia Library at the University of Michigan. I spent a week at the library, archiving newspaper and magazine articles from 1874 to 1945. The purpose of archiving these newspaper and magazine articles from the pre-World War II era was to obtain information that reflected the construction of sexual morality that contributed to the process of nation building under the new social order during modernization. Japanese society’s *structure of feeling* towards sexual morality was not only mirrored in mere news reports and magazine articles but also in letters to editors, editorials and even within the advertisements that appeared in these publications. Especially advertisements are useful since they were aimed at the consumption of sexual knowledge and products. Advertisements are often carefully crafted in order to reflect the trends in culture specific to the era, and also provide us with information regarding what types of products and/or knowledge are sold to mirror the desires and needs of society.

Overall, the research at Asia Library was very productive. Since their collection for Japanese studies is so vast, I am planning to visit there again in near future for further research.

In the month of July, I visited Japan. This was not a research trip, but I spent time examining the research results from the Asia Library, and spent some time exploring books related to the present research. I also modified the existing chapters, and reconstructed the project outline as below:

**Chapter 1: Introduction to the research**
1. The purpose of research
2. An explanation of methodology
3. Literature review

**Chapter 2: Explanation of law concerning obscenity**
1. Two Constitutions (Meiji and Showa) and the free speech clause
2. Newspaper law
3. Publication law
4. Penal Code
5. Maintenance of Public Order Act
6. Other regulations
7. Summary

**Chapter 3: Historical analysis of pre-WWII obscenity decisions in Japan**
1. Description of cases involving Newspaper Law
2. Description of cases involving Publication Law
3. Description of cases involving Penal Code
4. Description of cases involving Maintenance of Public Order Act
5. Description of cases involving other regulations
6. Summary

**Chapter 4: Analysis of cultural contexts of pre-WWII obscenity decisions**
1. Notable sociopolitical events and discourses
2. Popular culture and mass media of the period
3. Sexual culture of the period
4. Analysis of cultural trend, values and beliefs regarding sexual morality
5. Summary

**Chapter 5: Historical analysis of post-WWII obscenity decisions in Japan**
1. Description of cases immediately after the WWII
2. Description of *Lady Chatterley’s Lover* case – the establishment of precedent
3. Description of *Marquis de Sade* case
4. Description of *Yojohan Fusuma no Shitabari* case
5. Description of *the Realm of the Senses* case
6. Description of *Robert Mapplethorpe I* case
7. Description of *Robert Mapplethorpe II* case
8. Other cases
9. Summary

**Chapter 6: Analysis of cultural contexts of post-WWII obscenity decisions**
1. Notable sociopolitical events and discourses
2. Popular culture and mass media of the period
3. Sexual culture of the period
4. Analysis of cultural trends, values and beliefs regarding sexual morality
5. Summary

**Chapter 7: Analysis of sexual morality in Japan**
1. Prewar sexual morality in modernization
2. Prewar sexual morality and Imperialism
3. Prewar sexual morality as an ideological apparatus for the purpose of nation building
4. Sexual morality immediately after WWII
5. Sexual morality during the time of economic growth
6. Sexual morality after the post-war period
7. Contemporary sexual morality

**Chapter 8: Conclusion**

In August, I spent most of the time organizing the acquired information, allocating it to the revised chapter outline, and rewriting the sections in Chapter 7. The chapters and sections rewritten by the end of summer 2009 have been noted above as bold letters. Other sections need to be expanded, and the materials acquired at Asia Library will contribute to add more details to these sections. I hope that by the end of May 2010, I will have the first draft of the manuscript ready to be sent to a publisher for review. I assume that in the course of developing and building the details, it may be needed to modify the outline.

The faculty research grant awarded to me for the summer 2009 was most useful and helpful by all means. I appreciated the consideration by the grant committee, and would like to continue this project in a satisfactory manner.