



ARTIGOS/ARTICLES

An advocacy coalition analysis of the game RapeLay: the regulation of sexual violence and virtual pornography in Japan

Uma análise do jogo RapeLay com base no modelo de coalizões de defesa: a viabilidade da regulamentação da pornografia virtual no Japão

Un análisis del juego RapeLay basado en el modelo de coaliciones de defensa: la viabilidad de la reglamentación de la pornografía virtual en Japón

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Abstract: The Advocacy Coalition Framework provides an efficient lens to analyze a complex subsystem concerning the controversial issue of fictitious depictions of children and rape fantasies in games, especially a game released in Japan called *RapeLay*. There are two opposing coalitions in Japan: the "children protection coalition" and the "pro status quo coalition". Each group seeks to influence people to either change or to maintain the current non-criminalization of these products. This article analyzes how these coalitions are bound together and whether they are efficient.

Keywords: Virtual pornography. *Lolicon*. Japan. Pop culture.

Resumo: Utilizando o modelo de coalizões de defesa busca-se analisar o complexo sistema relacionado a fantasias de estupro envolvendo imagens fictícias de menores em jogos de videogame e computador. O foco desse artigo é especialmente no jogo chamado "*RapeLay*". Há duas coalizões opostas sobre esse tema: a "coalizão de proteção infantil" e a "coalizão pro *status quo*". Cada grupo busca ou mudar políticas públicas ou a manutenção da atual modelo japonês. Esse artigo analisa como essas coalizões são formadas e se são eficazes.

Palavras-chave: Pornografia virtual. *Lolicon*. Japão. Cultura pop.

Resumen: Utilizando el modelo de coalición de defensa, se busca analizar ese complejo sistema relacionado con las fantasías de violación que involucran imágenes ficticias de menores en videojuegos y juegos de computadora. El enfoque de este artículo está especialmente en el juego llamado "*RapeLay*". Hay dos coaliciones opuestas sobre este tema: la "coalición de protección infantil" y la "coalición de *status quo*". Cada grupo busca o cambia de las políticas públicas o el mantenimiento del modelo japonés actual. Este artículo analiza cómo se forman estas coaliciones y si son efectivas.

Palabras clave: Pornografía virtual. *Lolicon*. Japón. Cultura pop.

Introduction²

Since the 1980s, Japanese popular culture has continued to grow as a relevant global commodity and an increasing aspect of Japan's soft power (Kawasaki 2007; Heng 2014). This world centered on fantasy and on cuteness has a wide variety of genres including pornography and violence. This pornographic subgenre of pop culture can be heavily focused on sexual violence and fictitious depictions of children in animation, comics



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² The views expressed herein are those of the author. Japanese names follow the Japanese standard naming starting with the family name followed by the given name. Non-East-Asian names follow the traditional Western standard of given name followed by the family name.

and video games. As Japanese pop culture can be centered on a notion of cuteness, these fictitious characters are often drawn in ways to look cute and young. Debates about the desirability and existence of these materials have been polarizing with individuals placing them as expressions of free speech and sexuality, while others call for their criminalization and prohibition³ (Takeuchi 2015).

The academic literature on these issues focuses on: analyzing cute culture (Kinsella 1998; Okano 2014), the relationship between cuteness and gender (Kinsella 1995; Allison 2006), media theory (Lamarre 2013); a psychological or anthropological analysis of *otaku* (Allison 2006; Hinton 2014), an economic analysis of *otaku* culture (Kam 2013), a philosophical study of *otaku* (Saito 2013; Azuma 2009), and legal and sociological issues concerning *otaku* and virtual pornography (Galbraith 2011; Shibata 2008; Kato 2008; Mathews 2011). This paper seeks to contribute to this literature with an analysis of the forces that drive or attempt to influence changes in the way Japan regulates animation, games and comics, especially concerning fictitious depictions of children. This research adds to the body of work by taking into account that individuals get together with others who share the same beliefs to influence local or global policies. In other words, individuals who appreciate Japan's pop culture can act together to maintain the current system and those who dislike such materials also join forces to change policies to prohibit certain behaviors. In order to understand how these forces act and whether their proposals are successful, this research is based on the advocacy coalition framework. This methodology seeks to understand the actors within this subsystem, whether they share core policy beliefs, how they act, which arguments they support and how effective they are in bringing about policy change. The advantage of this analysis is that it is possible to visualize whether and how actors seek to change or maintain policies and whether or the degree to which they are successful. However,

this article reflect the author's opinion but rather on how people seek to change certain policies.

This paper is divided in four parts. The first briefly comments on the advocacy coalition framework. The second section seeks to give some general background on Japanese pop culture. The third part focuses on the arguments put forward by both coalitions acting in this subsystem and whether they are successful. The conclusion is that there are two large and opposite coalitions: one seeking to change Japan's legislation and another one seeking to maintain the *status quo*. Both coalitions are stable and their members share deep policy core beliefs. Moreover, they have achieved different levels of success.

The advocacy coalition framework

This paper relies on the Advocacy Coalition Framework to analyze the prohibition or the acceptability of sexually violent games in Japan focusing on the game *RapeLay*. Developed by Paul Sabatier, the Advocacy Coalition Framework is grounded on the view that interest groups gather in policy communities that are a part of a policy domain (Birkland 2011). This coalition presupposes a variety of actors that forms groups and coalitions of groups based on shared beliefs (Birkland 2011). Although members of a group might diverge over small questions, these are limited in scope, as the shared beliefs are what keep the group together (Vicente 2015). The coalition groups then compete seeking to translate their beliefs into public policies mobilizing political resources and through policy-oriented learning (Vicente 2015).

The assumption part of the Advocacy Coalition Framework is that policy actors have three belief systems (Weible and Sabatier 2017). The first system, deep core beliefs, concerns "fundamental normative values and ontological axioms" (Weible and Sabatier 2017, 140). The second system, policy core belief, may, normatively, "reflect basic orientation and value priorities of the policy subsystem" and, empirically, "include overall assessments of the seriousness of the problem,

³ Galbraith, Patrick W. 2011. "Lolicon: the reality of 'virtual child pornography' in Japan". *Image & Narrative* 12 (1): 83-114. Accessed March 7, 2017. <http://www.imageandnarrative.be/index.php/imagenarrative/article/viewFile/127/98>.

basic causes of the problem, and preferred solutions" (Weible and Sabatier 2017, 140-141). Finally, secondary beliefs are "a subset of the policy subsystem or the specific instrumental means for achieving the desired outcomes outlined in the policy core beliefs" (Weible and Sabatier 2017, 141). Outside of the core beliefs classifications, but nevertheless important to this framework is the notion of "devil shift", which happens when "actors exaggerate the power and maliciousness of their opponents" (Weible and Sabatier 2017, 141).

In the words of Weible and Sabatier (2017, 148), advocacy coalitions "are defined by actors who share policy core beliefs and who coordinate their actions [...] to influence a policy subsystem". The policy subsystem "is a primary unit of analysis" and "defined by a policy topic, territorial scope, and the actors or indirectly influencing policy system affairs" (Weible and Sabatier 2017, 139). The game *RapeLay* is analyzed taking into account different actors sharing core policy beliefs seeking to influence the regulation of sexually oriented games featuring fictitious children. Accordingly, it is necessary to briefly explain some terms central to the world of Japanese pop culture related to this discussion.

Kawaii and otaku

Kawaii, or cute essentially means childlike. Kinsella (1995, 220) adds that *kawaii* culture celebrates "sweet, adorable, innocent, pure, simple, genuine, gentle, vulnerable, weak, and inexperienced social behaviour and physical appearances". It is a style that denies maturity replacing it for innocence sometimes coupled with an effort to act stupid, dependent and weak (Kinsella 1995). Although of old origin, *kawaii* remerged from the 1970s and paved the way to a nationwide cuteness phenomenon that encompassed clothes, a variety of accessories, television shows, animations, comics and music (Okano 2014; Cheok and Fernando 2012). The *kawaii* culture is fundamentally centered on consumerism (Lamarre 2013). The fervent consumers of *kawaii* products are usually labelled *otaku*.

Otaku became a worldwide term commonly used to refer to avid fans of Japanese animation (*anime*), Japanese comics (*manga*), games, idols and Japanese popular culture in general (Azuma 2009). Not coincidentally, the term surfaced concomitantly with the boom of *kawaii* culture in the late 1970s and 1980s (Kinsella 1998). The current meaning of this word can be traced back to when Nakamori, in his column entitled "*Otaku* Research" (*otaku no kenkyū*), criticizes people who he grouped under an invented category of "*otaku*"⁴ (Galbraith 2015). Although his general statement was gender neutral, according to Galbraith (2015, 26), however, Nakamori particularly criticized "men sexually attracted to fictional girl characters". Nakamori calls this sexual attraction a two-dimensional complex arguing that *otaku* cannot talk to women and focus on idol singers who do not display femininity.

Bishōjo or cute girl characters surfaced in late 1970s concomitantly with *kawaii* culture and soon became an increasing feature of many *anime* and *manga* (Galbraith 2015). The growth the number of people who produced works focusing on *bishōjo* characters and people buying these products led to writings on a "lolicon boom" (Galbraith 2015, 2011). *Lolicon* is a contraction for Lolita Complex, which can be used to refer to the desire for cute girls. In Japan, there is a word, *moé*, which relates specifically with the desire for such characters and works that might or intend to produce such effects and avoids imprecisions that the expression *lolicon* can encompass (Lamarre 2013).

Arguably, simulation games are an example of *moé*. These games can be explained as computer or video games focusing on romance or relationships, which might or not include erotic elements (Jones 2005). Although there are many subgenres of simulation games, it is possible to highlight three major subdivisions. First, BL ou *boys' love* refers to games targeted towards a female market and focuses on romantic or erotic relationships between male characters (Taylor 2007). *Otome* games are the ones that the player is a female and the purpose of the game is to interact

⁴ Morikawa, Kaichirō. 2012. *Otaku. Working words: new approaches to japanese studies*. Center for Japanese Studies: UC Berkley. Accessed November 9, 2017. <http://eprints.cdlib.org/uc/item/5zb9r8cr>.

with attractive male characters. The most popular are *bishōjo* games, that is, the ones that the player is a male who has to interact with different cute – *kawaii* – girl characters (Jones 2005).

Erotic and violent simulation games: RapeLay

Simulation games can also appeal to fans of *moé* characters using violence and sex. *RapeLay* (*reipurei*) provides an example of such games. *RapeLay* simulates rape, stalking and violence. The player incorporates an individual whose purpose in the game is to violate women. It was produced in 2006 and released only in the Japanese market. The title is formed with the amalgamation of the words "rape" and "play". In the game, the player controls a guy who gropes and rapes three women of the same family. The game starts with the player using the control of the mouse to grope and undress one of these three women on a crowded platform or train (Galbraith 2017). It follows with the player forcing sexual intercourse with any of these three women. The game includes an "internal ejaculation counter" that informs the player when one of his victims are about to get pregnant" (Galbraith 2017, 1).

The player, and consequently, the violator, is a man. All his three victims are women, members of the same family. The game's story seems to be equally straight forward and chilling. The story focuses on a male who decides to take revenge on a girl who had previously reported him for an attempted rape. The male-player then decides to sexually abuse this adolescent girl, her 12-year-old sister, and her mother (Gutiérrez 2014). In order to advance in the game, the male-player has assure the characters do not get pregnant or get abortions to then turn them into sex slaves (Gutiérrez 2014). If not, one of the characters might stab the protagonist to death and the game ends.

Sexually violent video games are not only produced and sold in Japan. Arguably, the first raped-themed video game, *Mystique Company*, was produced in the United States in 1982 (Gutiérrez, 2014). The game sold 80,000 copies. For comparative purposes, *RapeLay* sold around

1000 to 2000 copies (Kagami, 2010). The list of gender-based violent games produced in the West did not stop in 1982. A number of games such as *Custer's Revenge*, *Slaves of the Red Mansion*, *Slap the Whore*, *Slap the Booty*, and *Sim Girl* include scenes of rape and violence against women (Gutiérrez 2014). Perhaps, what is different and draws attention to games such as *RapeLay* is that the violence and sexuality is directed to virtual characters that look young and childlike. Gutiérrez (2014), for example, affirms that:

In most *bishōjo* video games, girls are represented by anime style cartoons rather than by pictures of real girls. This allows the game developers to circumvent Japanese child pornography laws, which do not prohibit the simulated representation of characters who appear to be under 18 years old [...] Nevertheless, it is common to find a disclaimer on the video game covers stating that all the characters are older than 18 (Gutiérrez 2014, 60).

As the current interpretation of Japanese laws does not prohibit depictions of fictitious children in sexual media, including video game, inside and outside of Japan two main coalitions concerning the representation of children in media took shape. One, which I call "children protection coalition", seeks to change Japan's legislation and impose a crime on the production, sell, distribution and possession of depictions of children in pornographic animation, comics and video games. The other opposite coalition, which I call the "*status quo* coalition", seeks to maintain the current legal framework excluding depictions of children as a crime. One of the main platforms of policy core beliefs happens in the academic and feminist contexts where advocates of both coalitions put forward arguments in favour or against any policy change in this subsystem.

Commenting on *RapeLay*, Nakasatomi (2009) affirms the game depicts misogynistic attitudes and naturalizes violence against women and girls. In his view, games like *RapeLay* strengthens rape myths and instils the notion that women and underage girls can be sexually violated without legal consequences from these actions (Nakasatomi, 2009). In other words, *RapeLay* and

similar games would not only push individuals with rape tendencies to commit this crime but also lead people who are not rape-prone to accept rape myths and view the degradation of women and underage girls as a normal activity of male dominance. On a legal standpoint, the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children is applicable to any image of a child depicting sexual intercourse or a conduct similar to sexual intercourse, or any image that the child is naked or partially naked, or any image that depicts a child touching another person genital organ.⁵ Nakasatomi (2009) thus argues that the lack of a criminalization of virtual depictions of child pornography leads to an endless availability of materials featuring the exploitation, abuse and torture of children in the virtual world. The reasoning is that if the virtual depictions look like children and portray them in a sexual way, the material – in this case a video game – should be under the regulation of child pornography. Concluding that although there are no real children, virtual pornography can distort the user's sexual desires, Nakasatomi calls for an amendment of Article 2.3 of the Child Prostitution and Child Pornography Act to include virtual depictions of children in pornography as part of child pornography. Connecting virtual child pornography with the abuse of women in general, Gutiérrez (2014) summarizes Nakasatomi view's concerning *RapeLay* when he affirms that:

It could thus be said that gender-based violence is represented at the core of the sexual relationships on which this type of video game

is focused. The model of control, dependence, submission and "adoration" that they reproduce is an explicit and "normalised" form of gender-based violence which tends to construct a deeply sexist and patriarchal stereotype in this type of video game (Gutiérrez 2014, 61).

The desire to change the current policy towards the virtual pornography in order to protect children is followed by other academics such as Shibata (2008), Takeuchi (2015), Matthews (2011).⁶ Moreover, some human rights organizations and certain media outlets share this policy core belief. The game *RapeLay* also draw attention the New York-based non-governmental organization Equality Now,⁷ which started a campaign called "Women's Action 33.1 Japan: Rape-simulator games and the normalisation of sexual violence".⁸ This human rights organization called the producer of *RapeLay* to "withdraw immediately from sale [...] all games, including *RapeLay*, which involve rape, stalking or other forms of sexual violence or which otherwise denigrate women".⁹ Moreover, the organization launched a letter writing campaign to the Japanese Government calling them to "ban the sale of computer games such as *RapeLay*, which normalize and promote sexual violence against women and girls".¹⁰ In a similar condemnation, the European Women's Lobby (EWL) affirmed *RapeLay* "promotes a hostile attitude towards women, girls and male sexuality, and enforces and promotes harmful and discriminatory gender stereotypes".¹¹ The media was also involved in this debate on the virtual depiction of children in adult games. Western media such as CNN¹², The Guardian,¹³ and the

⁵ Act on regulation and punishment of acts relating to child prostitution and child pornography, and the protection of children. Accessed March 23, 2018. <http://www.japaneselawtranslation.go.jp/law/detail/?ft=2&re=02&dn=1&yo=children&x=12&y=15&ia=03&ky=&page=4>.

⁶ Omori, Sawa. 2014. Manga and anime: Japan still treating children as sexual objects. *Al Jazeera*. August 11, 2014. Accessed October 14, 2017. <http://www.aljazeera.com/indepth/opinion/2014/08/manga-animejapan-still-treatin-201484145420634173.html>.

⁷ Equality Now. 2009. Women's action 33.1 Japan: rape-simulator games and the normalisation of sexual violence. Accessed November 9, 2017. http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/Equality_Now_June2009_Japan_CEDAW44.pdf.

⁸ Women's Action. 2009. Women's Action 33.1 Japan. Accessed October 23, 2019. http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/Equality_Now_June2009_Japan_CEDAW44.pdf.

⁹ Equality Now. 2009. Women's action 33.1 Japan: rape-simulator games and the normalisation of sexual violence. Accessed November 9, 2017. http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/Equality_Now_June2009_Japan_CEDAW44.pdf.

¹⁰ Equality Now. 2009. Women's action 33.1 Japan: rape-simulator games and the normalisation of sexual violence. Accessed November 9, 2017. http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/Equality_Now_June2009_Japan_CEDAW44.pdf.

¹¹ European Women's Lobby (EWL). Rape is not a game. Accessed October 23, 2019. <http://www.womenlobby.org/Rape-is-not-a-game>.

¹² Lah, Kyung. 2010. 'RapeLay' video game goes viral amid outrage. *CNN*, March 31, 2010. Accessed November 9, 2017. <http://edition.cnn.com/2010/WORLD/asiapcf/03/30/japan.video.game.rape/index.htm>.

¹³ Pidd, Helen. 2009. Amazon pulls 'rape' computer game. *The Guardian*, February 12, 2009. Accessed November 9, 2017. <https://www.theguardian.com/technology/2009/feb/13/amazon-pulls-rape-computer-game>.

Belfast Telegraph¹⁴ wrote pieces on the shocking nature of *RapeLay*, which stressed the game's issue with women's right and child pornography in tone with the "children protection coalition".

The United Nations, although not addressing *RapeLay* specifically, issued reports condemning Japan's policy on the virtual representation of children in adult media. The Report of the United Nations' Special Rapporteur on child trafficking and child prostitution from the United Nations¹⁵ states that virtual child abuse breaches international human rights norms, which prohibit any pornographic representation of a child, regardless of whether the child is real or virtual. This Report followed the reasoning that virtual depictions of children constitute harm and foster social tolerance towards exploitative acts and might contribute to the formation of a subculture of child abuse. The Rapporteur recommended Japan to further amend its legislation to be in tune with international human rights law.

This coalition has, however, one outlier: some members of the Komeito Party. Komeito is a relatively small social conservative and nationalist-leaning party that is part of the ruling governmental coalition.¹⁶ Toyama Kiyohiko is one of the proponents for criminalizing fictitious depictions of children in violent and sexual media.¹⁷ Accordingly, the coalition against virtual depictions of children in pornographic materials in Japan is formed by some academics, some human rights organizations, the United Nations, some politicians (especially of the Komeito Party) and, to some extent, the media. They share the policy core belief that these depictions are harmful to children and foster a culture of child abuse. As a policy outcome, they hope to amend Japan's legislation to criminalize virtual child pornography. On this specific case, the "children protection coalition" sought to remove the production and sell of *RapeLay* and to assure the

prohibition of the production of other rape-based games. Some members of the Komeito party, however, did not share the same core policy belief and joined the coalition as they sought the same policy outcome. These politicians, consequently, are not on a stable alliance as this is just a join of forces due to convenience.

Some of the actors opposite "status quo coalition" also advocate their policy core belief on academic and feminist perspectives. Patrick Galbraith (2017, 9), for example, argues that "the *RapeLay* controversy demonstrates a confluence of anti-pornography advocacy and conservative agendas in Japan in the 2000s". He stresses that a number of Japanese feminists support the production and commercialization of games such as *RapeLay* on the grounds of freedom of expression and the threat of government interference on people's private lives deciding on what would constitute "good sex", that is, heterosexual and reproductive sexual intercourse (Galbraith 2017, 9). Galbraith (2017) mentions feminists such as Fujimoto Yukari who asserts that manga and media in general are safe spaces to think about sex in an environment where girls are both producers and consumers of products containing depictions of sexual violence since the 1970s. In this view, rape fantasies do not reflect a desire to rape or be raped, as sexual fantasies in general are not always about representations of objects of desire in reality. There is a separation of desires for sexual violence and for fictional underage characters, that is, the image itself and desires for real children (Galbraith 2006).

Fujimoto's perspective is in tune with Saitō Tamaki's (2011) theory. For Saitō (2011) the distinction between reality and non-reality is blurred and *otaku's* love for fictional characters represents multilayers of forms of love that are different from one another. Although there's no intrinsic

¹⁴ Fennelly, Gary. 2009. Exclusive: Amazon selling rape simulation game Rapelay. *The Belfast Telegraph*. February 12, 2009. Accessed November 9, 2017. <https://www.belfasttelegraph.co.uk/business/technology/exclusive-amazon-selling-rape-simulation-game-rapelay-28533501.html>.

¹⁵ ONU. 2016. Report of the special rapporteur on the sale of children, child prostitution and child pornography on her visit to Japan – addendum – comments by the government of Japan on the report of the special rapporteur regarding her mission to Japan. Human Rights Council Thirty-first session A/HRC/31/58/Ass. 3, p. 2. March 7 2016. Accessed March 23, 2018. <http://www.ohchr.org/EN/Issues/Children/Pages/CountryVisits.aspx>.

¹⁶ Komeito. 2019. Accessed October 23, 2019. <https://www.komei.or.jp/>

¹⁷ Ando, Ritsuko. 2014. Japan bans child porn, but makes exceptions for manga comics. *The Huffington Post*, June 18, 2014. Accessed October 15, 2017. https://www.huffingtonpost.com/2014/06/18/japan-bans-child-porn_n_5506114.html.

difference between loving a fictional character and an actual human, the former represents a completely different being. Saitō (2011) asserts the test to know a real *otaku* is whether they genuinely feel sexually drawn to fictional images. Consequently, the sexual attraction for fictional characters and humans are different forms of sexuality. Fujimoto (Galbraith 2017) is analysing this issue in a similar lenses to assert that desires for fictional underage characters and sexual fantasies do not reflect on real life individuals and desires. Moreover, not only those are separate things but the regulation of these issues open a window to allow government interference in people's lives by determining what would constitute accepted forms of sexuality coupled with a disregard to freedom of expression. Shigematsu (1999, 138) affirms that fictional characters should not be "blamed as the cause of the sexualisation of actual young girls or their molestation." She adds that "[h]ow individuals consume, appropriate, and transform *rorikon manga* (or other media) and how they act thereafter cannot be controlled or determined in advance".

McLelland (2015, 15) shares the same view affirming that it is "the two-dimensionality of these characters, and lack of reference to any physically existing person that many manga fans find so attractive". Moreover, artists also lobbied against any amendment of Japan's legislation usually on the grounds of freedom of expression. The Japan Cartoonists Association¹⁸ argued that the criminalization of virtual depictions of children would impact the creative industry, would implement a fear of persecution leading to the destruction of artwork ("book burnings") and would hinder ideas and harm freedom of expression causing "unnecessary adverse effects"

(*jidō poruno kisei hōan ni mukete no iken-sho*, 2013;¹⁹ *hontōni mamorubeki mono*, 2013).²⁰ The current Government of Japan with its ruling Liberal Democratic Party is itself part of this "pro *status quo* coalition" for not taking any effective steps to criminalize virtual child pornography and prohibit sexual violent games such as *RapeLay*. Moreover, the Government submitted a response to the United Nations report on child trafficking and child prostitution asserting that this report is inaccurate, non-objective, contains insufficient information and lacks understanding of Japan and its culture.²¹ The document stressed that the Special Rapporteur's arguments regarding virtual child pornography represent her personal opinion on the issue and no domestic law and binding international law point to the understanding that that virtual child pornography is in fact child pornography. Consequently, instead of promising to amend its legislation, the Government took a clear position against criminalizing virtual child pornography.

Fans of pop culture are also part of the "pro *status quo* coalition". Among artists, Akamatsu Ken is one of the most vocal opponents online to the criminalization of virtual pornography.²² Moreover, a number of websites offer platforms to discuss and coordinate movements in support of the non-criminalization of virtual child pornography and others offer translations and download links of games such as *RapeLay*. Indeed, a simple *Google* search leads to a number of websites offering free downloads of *RapeLay*.

The Advocacy Coalition Framework and the *RapeLay* case

The *RapeLay* controversy concerns the broader policy subsystem regarding virtual depictions of minors in sexual and violent situations. There

¹⁸ Kōeki Shadanhōjin Nihon Mangakka Kyōkai. Hontōni mamorubekimono 2013. Accessed November 9, 2017. <https://www.nihonmangakakyokai.or.jp/?tbl=information&id=3260>.

¹⁹ Kōeki Shadanhōjin Nihon Mangakka Kyōkai. Jidō poruno kisei hōan ni mukete no iken-sho 2013. Accessed November 9, 2017. <https://www.nihonmangakakyokai.or.jp/?tbl=information&id=3136>.

²⁰ Kōeki Shadanhōjin Nihon Mangakka Kyōkai. Hontōni mamorubeki mono 2013. Accessed November 9, 2017. <https://www.nihonmangakakyokai.or.jp/?tbl=information&id=3260>.

²¹ ONU. 2016. Report of the special rapporteur on the sale of children, child prostitution and child pornography on her visit to Japan – addendum – comments by the government of Japan on the report of the special rapporteur regarding her mission to Japan. Human Rights Council thirty-first session A/HRC/31/58/Ass. 3, p. 2. Hereinafter Government Comments U.N.I. Accessed March 23, 2018. <http://www.ohchr.org/EN/Issues/Children/Pages/CountryVisits.aspx>.

²² Ken Akamatsu. n.d. *Twitter*. Accessed March 23, 2018. <https://twitter.com/KenAkamatsu>.

are two internationally based coalitions looking to achieve opposite objectives. As policy goals, one coalition seeks to prohibit games such as *RapeLay* and, more broadly, change Japan's legislation to criminalize virtual depictions of children in pornographic manga, animation and games. Academics such as Nakasatomi, Western media outlets such as CNN and The Guardian, non-governmental organizations such as Equality Now and Japan's Lighthouse Project,²³ and branches of the United Nations form this coalition. Moreover, social conservative politicians from the Liberal Democratic Party and especially from the Komeito Party also share these policy objectives. This coalition is a "children protection coalition" because their main policy core belief is that Japan needs to ban games such as *RapeLay* and virtual child pornography in order to protect children from exploitation and to avoid promoting a culture of child abuse.

Most actors of the "children protection coalition" place their arguments within a feminist framework of the protection of women against exploitation of an uneven society. However, social conservative politicians do not share feminist views. On the contrary, they usually sponsor "traditional" heterosexual forms of union leading to matrimony and procreation. Indeed, one of the leading politicians against games such as *RapeLay* and virtual child pornography is the anti-feminist and anti-sex education Yamatani Eriko (Nakasatomi, 2009). Due to this divergence, this coalition is more centered on the core belief that children must be protected and sexual violence has no place in media forms.

The opposite coalition seeks, as policy goals, to make sure Japan preserves its current content-free laws that do not criminalize virtual depictions of children in any situation. In a more specific analysis, they also sought to preserve the production and commercialization of games such as *RapeLay*. This opposition is, therefore, a "pro *status quo* coalition", that is, it seeks to preserve the *status quo*

in Japan concerning virtual child pornography. This coalition is formed by academics such as Galbraith, feminists such as Fujimoto and Shigematsu, the Japan Cartoonists Association, artists such as Akamatsu Ken and arguably most members of the current Government of Japan.

The "pro *status quo* coalition" based their views on the arguments that a number of sexual and violent manga, anime and games are produced by women themselves (agency) and reflect desires, which do not belong to the realm of reality. Accordingly, to this coalition, sexual desires towards virtual characters are different to and separate from any real human being. Moreover, they advocate freedom of speech arguing that change on the legislation would severely impact the media industry in Japan and would place restrictions on the creative drive of artists. However, this coalition arguably has one outlier, that is, one actor that does not necessarily share these core beliefs: the Government. The ruling political party does not justify its position on feminist views rooted on agency or on freedom of expression. It simply points out the lack of studies and proof that virtual child pornography is prejudicial to children and is inertial on amending Japan's criminal laws. Consequently, the core policy belief shared by all actors on this coalition is that there is no evidence proving that virtual child pornography is damaging and Japan should not ban virtual pornography.

There is thus the question of the effectiveness of these coalitions. The *pro status quo* coalition is stable and effective for three main reasons. First, this coalition does not need to get support to change policies. On the contrary, they mainly want the non-application of laws that, in their view, might hinder free expression. Secondly, artists and fans can be quite vocal in their support for manga, animation and games on the Internet and on real life. Third, the Government seems, at least up to now, to be supporting this coalition, which hinders any possibility of change through the Parliament. The only non-stable member

²³ Fujiwara, Shihoko. 2014. Japan outlaws possession of child porn, but anime and manga still legal. Interview by Carol Off. *CBC Radio*, June 06, 2014. Accessed November 9, 2017. <http://www.cbc.ca/radio/asithappens/friday-moncton-shooting-rcmp-friend-ireland-s-magdalen-laundries-squirrel-cpr-and-more-1.2903540/japan-outlaws-possession-of-child-porn-but-anime-and-manga-still-legal-1.2903543>.

of this coalition is the current Government. This is due to the fact that there is no evidence that most members of the ruling party supports agency-based feminism and the non-limitation of freedom of expression. Accordingly, although the "pro status quo coalition" is arguably stable and effective on its policy goals, they might face a starker opposition in case the majority of the Parliament decides to shift core beliefs and support a change in the current legislation.

However, this does not mean that the "children protection coalition" is not effective. This coalition is stable and managed to lobby for the amendment of the Child Prostitution and Child Pornography Act to criminalize the possession of child pornography. Moreover, after strong opposition from this coalition on the production and commercialization of games such as *RapeLay*, the self-regulatory agency Ethics Organization of Computer Software banned the production and commercialization of games such as *RapeLay* in Japan (Nakasatomi 2009). This is a surprising victory for the "children protection coalition" as they were able to accomplish one of their policy goals despite strong lobbying from the Japan Cartoonists Association and artists such as Akamatsu Ken. Moreover, the Ethics Organization of Computer Software, formed by game producers, moved past the interests of their member organizations and acquiesced with a policy goal from the "children protection coalition".

Conclusion

The Advocacy Coalition Framework provides efficient lenses to analyze the complex subsystem concerning rape fantasies and fictitious depictions of children in adult media. The production and commercialization of the game *RapePlay* provides an interesting frame of analysis to seek to understand which are the main actors in this subsystem, what are their core policy beliefs, how they act, which are they goals and whether they are efficient in achieving their policy goals.

The controversy around *RapePlay* is part of a larger debate of whether there is a limit to freedom of expression in art when dealing with abstract,

that is, non-real representations of individuals, especially children. In the context of Japanese pop-culture, there are two opposing coalitions: the "children protection coalition" and the "pro status quo coalition". They act in a complex set of arrangements that include academic papers, books, websites, social networks and political debates. Each group seeks to influence people to either change policies towards the production and commercialization of virtual child pornography, or to maintain the current non-criminalization of these products.

Most members of both groups arguably share the same core beliefs, as both groups have been stable for more than a decade. Moreover, they act and react to each other. *RapeLay* is an example of this action-reaction system. The game was produced and commercialized within its niche. After the game's sale reached the spotlight on the website "Amazon", there was a chain action from the "children protection coalition", which lead to a reaction from the "pro status quo coalition". In this case, both coalitions were, to some extent, victorious. The "children protection coalition" managed to remove the game from Japanese stores and the "pro status quo coalition" succeeded in keeping Japanese laws intact. However, even though the "children protection coalition" was victorious in its claims concerning the game, this is limited to a punctual aspect, as they remain unable to succeed in changing the legal framework that allows for the fictitious depictions of children. In other words, the "pro status quo coalition" has been, at least so far, more effective and successful.

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