

Governmentality and fan resistance in the Japan pop culture sphere

Mark McLelland,
University of Wollongong, Australia

Abstract:

This essay looks at the mismatch between how ratings authorities and other ‘juridical’ bodies have authority to fix the meaning of a text in a manner that often opposes the understandings that circulate among a text’s intended community of use. I look at a specific case – the banning in New Zealand of the popular anime *Puni Puni Poemy* due to the perception that it was liable to promote child abuse. I look at how the perception that manga, anime and other genres of Japanese popular culture are rated negatively by these juridical bodies as well as the press and note how resistant these readings are to being challenged by fans or indeed by academic experts. I conclude that the resistance to accepting fan readings can be explained in terms of Foucault’s notion of governmentality – in particular the manner in which audiences are not conceived of as individual, discerning viewers, but as unruly subjects in need of regulation and guidance by approved bodies.

Keywords: anime, Japan, popular culture, regulation, child pornography

Introduction

In 2014, due to my perceived expertise in Japanese popular culture, I was reluctantly pulled into a media controversy concerning Japan’s treatment of gender and sexuality. I know from networking among my Japan Studies peers that it is not uncommon for us to be contacted, at short notice, by members of the press requesting information for yet another ‘weird Japan’ story (Clements 2010; Hinton 2014). These encounters can be frustrating for both sides due to mismatching expectations. Academics, who have often spent decades engaged in the detailed study of a topic, want to take time to define terms, introduce historical and cultural comparisons, and avoid generalizations. However, deadline pressures mean that journalists are often looking for a short soundbite – something that can be dropped into an already prefigured opinion piece about the ‘Japanese psyche,’ the purpose of which is

usually to show that ‘the Japanese are different from you and me’ (see for example, Fallows 1986). I am therefore reluctant to engage with what Cumberbatch has referred to as ‘the proselytising fancies of journalism’ (2011: 15) where issues concerning the ‘media effects’ of Japanese popular culture are concerned.

The topic I was asked to comment on was the move by Japan’s parliament in June of 2014 to finally criminalize the possession of child pornography images (an earlier 1999 law already outlaws the production and dissemination of such images). What caused confusion for many were reports in the English-language press that Japan had not gone far enough since the legislation was not extended to the creation or possession of fantasy images of characters who might ‘appear to be’ children, as can be found in some manga or anime. Following a long tradition of reporting on ‘weird Japan’ (Hinton 2014) the tone of many press reports was sensationalist, condemning Japan as aberrant, and, among other things, the ‘Empire of Child Pornography’ (see for example, Adelstein and Kubo 2014; Fackler 2014; Ripley and Whiteman 2014) despite fans pointing out the inaccuracies in these reports (see for example Vincent 2014).

One conversation in particular sticks in my mind. A reporter from the Australian Broadcasting Corporation asked me to explain why the Japanese Diet had ‘failed to include’ manga and anime images of sexualized characters appearing to be minors among the items prohibited. I tried to explain that there have been ongoing media panics about young people, sex and violence in comic books since Frederic Wertham’s now discredited study *Seduction of the Innocent: The Influence of Comic Books on Today’s Youth* was first published in 1954 (Tilley 2012; Osborne 2009). Furthermore, in response to the misleading charge that the ‘failure’ to include manga and anime images was ‘a concession to the nation’s powerful publishing and entertainment industries’ (Fackler 2014), I pointed out that legislators could not introduce a blanket ban on fictitious images because of Japan’s constitutional protection of freedom of expression. In this respect Japan is in a similar position to the United States. Moreover the inclusion of fictional characters in child pornography laws has proven controversial in other countries too, notably Canada (Johnson 2006) and the UK (Johnson 2010). In their efforts to brand Japan as a pariah failing to abide by ‘international standards,’ not one media report mentioned the successful challenge by The Free Speech Coalition to the 1996 US *Child Pornography Prevention Act* that had sought to include fictitious images in its purview (Akdeniz, 2008: 102).

It gave me pause for thought that as I spoke to the journalist he seemed unable to hear or process what I related to him. He already had a clear script in mind for his article concerning the obvious need to protect children, that there is a direct causal effect between fantasy images and actual behaviours, that Western nations’ legislation is clearly superior, and that a recalcitrant Japan is failing morally. Nothing I could say seemed able to dislodge this already pre-existing script. In my experience, this is not a problem with this particular journalist – but rather a more fundamental and structural issue to do with how certain attitudes toward the representation of children have become part of common-sense logic, a

kind of hegemony that is unconsciously shared by many people in English-speaking nations (see McLelland 2012).

It also occurred to me that the reluctance of the journalist to hear what I was saying wasn't just about a difference in viewpoints but was really a more fundamental difference in modes of subjectivity. In failing to reinforce the feelings of consternation, confusion and disgust that he experienced in relation to the Japanese Diet's 'failure' to include fictional representations, I was myself positioned as a failure in his eyes – as a supporter of or at least an apologist for Japanese pathology. My own subjectivity was spoiled in his eyes and thus my counter-arguments could (should) be discounted. The spoiling of identity that comes with questioning the terms of the discussion set up by journalists and others in relation to contentious representations of childhood has been noted by other researchers, including James Kincaid (2004), Adam Stapleton (2017) and Patrick Galbraith (2017). Kincaid was criticised for being a 'champion of pedophilia' (2004: 14) in daring to proffer an analysis of the forms of eroticism surrounding children in Victorian literature and art. Stapleton was referred to as a 'sick puppy' by a Customs officer when he challenged an importation ban on art books containing contentious images of children that he had ordered from overseas for his PhD project. In turn, Galbraith, who has published ground-breaking historical and ethnographic work on manga genres and audiences, has written about the negative responses he had to negotiate in relation to his work tracing the development of *rori* (that is, Lolita) themes in Japanese manga and animation. He notes how some readers, even publishers, objected to the airing of this topic of inquiry, arguing that in stating its importance to the history of manga he was 'standing with perverts, pedophiles and predators' (2017: 116).

We can see a similar discrediting manoeuvre in a 2006 report from a child-protection NGO which uncritically conflates actual child pornography with fictional images of manga and anime characters (ECPAT 2006) and then criticises those who question this conflation. The report links 'some academics' (presumably including persons such as Galbraith and myself) with 'producers and consumers of child pornography' claiming that both are 'desensitised' and 'accepting' of child-abuse material (ECPAT 2006: 11). So in a way, my 'expert' status means nothing in this debate – or, rather, my expertise is only called upon to confirm or explain Japanese pathology – if I try to question the assumptions of the debate, suggesting they may be ill-informed, ahistorical or culturally biased, I cannot be heard. In this way so-called expert academic knowledge and modes of inquiry are invalidated in a manner very similar to the ways in which fan knowledge is overlooked or invalidated since fans are also understood to be over-invested in and thereby biased toward the objects of their interest.

In this essay I want to point to this discrediting manoeuvre in operation in relation to a fan submission challenging the banning of an anime series in New Zealand – another instance of alternative readings concerning the meaning of contentious images of minors failing to be heard. In 2004 the New Zealand Office of Film and Literature Classification (henceforth NZ OFLC) banned the anime series *Puni Puni Poemy* (henceforth *PPP*) on the

basis that it had the 'tendency to promote or support the abuse of actual children,' despite the fact that the Australian equivalent of this body had already rated the anime MA15+. I am interested in the confusion and disagreements generated by the New Zealand decision since they illustrate a point made by anthropologist of law, Rosemary Coombe, who argues that 'multiple, overlapping, and conflicting "juridiscapes" exist simultaneously in places characterized by transnational flows of information, representation and imagery' (1998: 43). The widely conflicting and inconsistent reception of Japanese pop culture among various audiences across the globe is a good example of the 'invasions of textuality' discussed by Coombe (1998: 39) that are increasingly difficult for nation states to manage and control in the digital era. Yet despite the contested nature of these judgements, having titles in one's manga or anime collection fall on the wrong side of a ruling can have disastrous consequences for fans that get caught up in legal proceedings (see Eiland 2009).

The internet has massively multiplied spaces and networks for the development and communication of 'fan' readings of texts and images, leading to enhanced literacy around how manga and anime function as texts. As Susan Napier notes, anime is a distinct genre, one which emphasises an 'alternative form of representation, a representation that privileges very different properties and conventions from that of live action,' properties that express 'the irrational, the exotic, the hyperreal' (2005: 292). However, fan perspectives have little influence in the context of the 'juridical' interpretations handed down by ratings agencies or law courts. This is because the designation of a text as 'objectionable' by a government body does not simply describe the text's content but also supposes a particular relation between the content, real world actions and the text's audience, a set of relations that are productive of certain modes of subjectivity.

The process of designating a work of the imagination as 'objectionable' and its possessor as 'desensitised' or at worst a '(sex) offender' is an aspect of what Foucault (1991) terms 'governmentality.' Fans and academics alike, because they are too close to the texts they are explicating, have spoiled identities and consequently no role to play in the 'juridical resolution of meaning' (Coombe 1998:45) that is enforced by government-appointed bodies. Yet, despite the fact that it is fan discourses that proliferate on the internet, the consequences of remaining ignorant of or openly defying these juridical interpretations can be dire. With this in mind I agree with other scholars working on contentious topics in the field of media studies who argue that '[a]cademics cannot remain indifferent to issues of prohibition' (Jones and Mowlabocus 2009: 618) and suggest that the reading practices involved in designating a text as 'objectionable' themselves require academic scrutiny and debate.

Puni Puni Poemy: 'She doesn't get angry, she gets even'

The 2001 two-episode anime *Puni Puni Poemy* is a spin-off from the highly successful *Excel Saga* series that aired on TV Tokyo in 1999 and 2000. Both series were directed by Shinichi Watanabe, a flamboyant afro-sporting personality who is known for breaking the fourth wall between performer and audience and directly inserting himself into his work. *Excel Saga*

was already a parody of many anime conventions, including the sexualisation of female characters and the provision of ‘fan service’ (random erotic interpolations that serve no plot purpose, see Russell 2008). Indeed the final episode of the series, entitled ‘Going too Far,’ contained scenes that were deliberately too violent and sexual for broadcast on television and was instead included as a bonus with the DVD release. *PPP* takes the parody elements of the *Excel Saga* to the max, developing a storyline around Poemy, a 10-year-old aspiring voice actress, who appeared as a minor character in the earlier series. Watanabe himself appears as a character, and the voice actress who plays Poemy is sometimes heard commenting negatively on the scenarios in the anime.

The plot, involving the attempt by Poemy and a gang of ‘magic girl’ sisters to thwart an alien invasion of Earth, is fast-paced and frenetic, full of random asides, direct addresses to the audience, and references to previous manga and anime series. It also directly addresses and criticizes the viewer (imagined as a stereotypical ‘otaku’ or obsessive) for his perceived voyeuristic enjoyment of the female characters. In so doing the text itself parodies the very kind of viewing habits that the NZ OFLC was probably anticipating when it handed down its decision banning the title. *PPP* is highly intertextual and relies heavily on references to an extensive database (Azuma 2009) of real world and anime events, in a manner similar to the US series *South Park*. This makes *PPP* a highly enjoyable viewing experience for the in-crowd of anime aficionados who can appreciate the texts’ many in-jokes, but renders it largely unintelligible (and probably quite boring) to an audience unfamiliar with this background.

In November of 2004 the company Gamewizz Interactive, New Zealand’s oldest gaming distributor, submitted *PPP* for classification to the NZ OFLC. Given that the title had recently been given the classification MA15+ (that is, viewable by those over 16) by Australia’s Classification Board, the Australian equivalent of the OFLC, this appeared to be a mere formality. However in December of 2004 the NZ OFLC released its decision, designating the anime as ‘objectionable’ according to two sections of the *Films, Videos, and Publications Classification Act 1993* that prohibit the importation and possession of material that ‘tends to promote or support – the exploitation of children or young persons . . . for sexual purposes’ 3(2a) and ‘the use of violence or coercion to compel any person to participate in, or submit to, sexual conduct’ 3(2b). This decision was reported on the New Zealand online forum of Madman Entertainment (a manga and anime distribution company servicing Australia and New Zealand) where it was greeted with much consternation by fans. Supported by the widespread fan opposition to this decision, Simon Brady, one of the forum’s members, took it upon himself to challenge the decision through an appeal to the Film and Literature Board of Review (Brady 2005). This entailed a significant effort on Brady’s part since he had to prepare a substantial written document countering the points made in the NZ OFLC’s decision as well as attend the meeting of the Board in Auckland where he also made an oral submission.

A considerable amount of intellectual work went into Brady’s submissions, not least the effort it took to become familiar with the relevant legislation and previous precedents

regarding material designated ‘harmful’ by the NZ OFLC. In bringing his arguments together Brady was assisted by the ‘hive mind’ of other users on the board who helped locate resources and information and refine and substantiate the arguments made. In sum, Brady argued that although *PPP* may well be judged ‘trashy and tasteless’ the director’s use of exaggerated parody meant that it would not pose harm to an adult audience, especially when the likely audience would view it in the ‘interpretive tradition’ familiar to any anime fan (cited in FLBR 2005: 10).

That there can be no fixed interpretations of any text, since individuals respond with a range of meanings based on their own cultural context and background, is a long established position argued in media studies analysis (Hall 1973). *PPP* is an example of this point since although it was judged ‘objectionable’ and hence banned by the NZ OFLC, the Australian equivalent of this body gave the very same DVD release an MA15+ rating, meaning that it can be legally viewed by anyone over 16 in Australia, whereas the UK rated the same release R18 restricting it to adult audiences. It is significant, too, that three of the NZ Board of Review’s eight members dissented from the majority decision to uphold the ban on the title – two suggesting an R18 rating and one other an MA15+ (FLBR 2005: 120, 125). Upon reading their reasons for dissenting, these board members were essentially agreeing with points made in Brady’s submission – that a text needs to be read with awareness of the contexts in which it was produced and circulated. These members agreed with Brady that the anime was an ‘ironic, multi-leveled parody of clichés in Japanese animation’ – and that no-one would understand the text as providing a handbook for actual sex crimes. However the majority of the Board clarified that their responsibility was *not* to read a text in accordance with the conventions of its point of origin (Japan) or its intended audience (anime fans), but in terms of a more nebulous audience – that of ‘all New Zealanders’ who needed to be protected from the ‘scenes of sex crime and violence’ in the anime.

As the Board concluded ‘all viewers [in NZ] are restricted in their right to view *Puni Puni Poemy*’ [FLBR 2005: 112] – although quite how this restriction can be policed is a moot question given that both episodes are available in a variety of language dubs on YouTube.

Manga and anime as promoting child-abuse

Before going on to look at the *PPP* appeal case in more detail, it is necessary to outline the cultural and legal context in which a widely available parody anime by a well-known director could be constructed by an official ratings body as promoting sex crimes against children. In recent years, the violent and sexualized content of some Japanese media, particularly in regard to representations of characters who may ‘appear to be’ minors, has caused considerable concern in countries such as the United Kingdom, Canada, Sweden, New Zealand and Australia, where fictional depictions of characters under the age of 18 have been included under the definition of child pornography (McLelland 2017; McLelland 2012; Orange 2012; Johnson 2010; Eiland 2009; Zanghellini 2008; Johnson 2006). The expanding scope of this legislation has led to serious charges being laid against some manga and anime

collectors in these and other jurisdictions. That these fictional depictions are a danger seems to have become a common-sense assumption, made across both the media and the judiciary, one judge in a recent Australian case commenting that, 'those who view anime will go on to view images of actual children being sexually abused' (Marcus 2015).

How to explain this? Amy Adler has argued that the broadening of child pornography laws 'has changed the way we look at children.' She points to legislation 'that requires us to study pictures of children to uncover their potential sexual meanings, and in doing so, it explicitly exhorts us to take on the perspective of the paedophile' (2001: 65). A range of social institutions including ratings boards, customs officers, the judiciary, and the police have now adopted the gaze of the paedophile in order to identify, exclude and prosecute images that they deem capable of inciting incipient paedophilic desires. As Anna Madill notes in her discussion of an erotic genre of manga and anime popular among young women, this kind of expanded child pornography legislation 'alerts hegemonically empowered or hegemonically representational groups to a *paedophile reading*, and disavows other possible readings as irrelevant if *these* groups can find *that* reading' (2015: 277; emphasis in the original). This 'paedophile reading,' when applied to Japanese pop culture, is of course very different from that of the anime fan – but it is increasingly the interpretive framework that is encoded in legislation and enacted by government agencies, as can be seen in the NZ OFLC decision.

In recent decades we have seen a new way in which the supposed vulnerability of children has been used to frame legislation regarding objectionable content. Ratings are no longer simply about restricting children's *access to* content that they may be unable to process, but *depictions of* children (or even adolescent characters appearing to be below age 18) have themselves been brought under regulation (Madill 2015; McLelland 2012). These regulations specify that young looking characters, whether real or fictional, cannot appear in certain contexts or scenarios – most usually those involving sexual activity or violence. This legislation is not aimed at protecting the children depicted, since in the case of fictional images no such child exists. Instead the legislation aims to prevent the normalization of images of child abuse, despite the fact there is no evidence demonstrating the connection between viewing fantasy images of child abuse and the perpetration of abuse against existing children (Antoniou 2013:9). As Ost points out, given that there is no causal connection between the viewing of these images and actual offending, where drawings, cartoons or written materials in which child sexual abuse features are concerned, 'behaviour is criminalised purely on the grounds of legal moralism rather than real risk of harm' (2009: 131; see also Antoniou 2013: 11).

What kinds of anime images potentially constitute abuse remains unclear, as demonstrated by inconsistencies in the ratings of Japanese pop culture content across jurisdictions (McLelland 2017). The lack of a standardized interpretive framework is a growing problem as fans, students and academics move across borders or download material that is legal in one jurisdiction but illegal in another. As Ethyl Quayle notes 'As [child pornography] legislation changes ... We are likely to see many more people defined as

sexual offenders, even though the content of material obtained within that jurisdiction may have been produced in a country which deems it to be legal' (2009: 249). As the case against *PPP* shows, even material that most anime fans would consider uncontroversial (the series currently has a 7.4 rating on popular online movie database IMDb and 3.7 stars on Amazon) can fall foul of country-based legislation on child pornography.

The perils in seeking out and downloading manga and anime without being cognizant of local restrictions is illustrated by the prosecution, in the UK, of Robul Hoque on child pornography offences. Hoque was, apparently, 'the first British man to have been convicted on the basis of cartoon images alone' (Edmunds 2014; see also Gomez 2014; Lightfoot 2014). His defense lawyer argued that Hoque had obtained the images from a 'legitimate website' where there was 'no indication at all' that certain images could 'fall foul of legislation in any country.' However, ignorance of the law is not a defense and Hoque was sentenced to a nine month prison term (suspended for two years). His lawyer concluded that 'This case should serve as a warning to every Manga and Anime fan to be careful' (cited in Edmunds 2014).

Canada is another jurisdiction that is particularly vigilant about investigating and prosecuting those who possess 'abusive' manga art. Details of the arrest of US citizen Ryan Mattheson at the Canadian border, including reproductions of the contentious material in his possession, are available on the Comic Book Legal Defense Force website which contains a link to an audio account by Mattheson recounting his ordeal at a New York comic convention. Indeed confiscation of manga and anime at the Canadian border is becoming so common that there are online articles advising travelers on the kinds of material most likely to be targeted and their citizen's rights if challenged (Schwartz 2014; Gomez 2013; Gomez 2012).

Working out what is and is not acceptable according to any given code is difficult, given the complexity of the issues involved. These include the relevant laws, which differ in many details across jurisdictions and may capture contentious images under legislation relating to child pornography or that relating to obscenity. There is also the importance that even minor emphases in wording in different laws can make (whether the legislation uses terms such as 'describes' [hence potentially capturing text] or 'depicts' [implying an image], for instance). The 'context' in which a contentious image appears (whether the work as a whole has 'merit') can also be given more or less importance across different legal codes. Added to these factors are regulations governing modes of access – whether the image appears online or in print, is considered to have been 'published' or is solely for private use, and whether it has previously been rated by a government approved agency. Also of significance is the supposed 'purpose' of the image – whether it has been created predominantly for the sake of sexual arousal – or if it can be considered to have some artistic or other value. A major obstacle to interpreting the legislation is the fact that it is difficult to know in advance whether a particular image or text will fall foul of the law. This lack of precision is due to the fact that most legislation rests upon notions of 'offense' or 'harm' that relies on the fiction of the 'reasonable' or 'ordinary' person as arbiter. Yet, as

Braman points out, what is considered reasonable can be highly variable depending on who is asked, with people making designations ‘consistent with their worldviews’ (2010: 1474). In situations where a case proceeds to court, it is a jury, judge or magistrate who determines an item’s offensiveness, based on their particular interpretation of reasonableness (Madill 2015: 282). In the case of the NZ OFLC’s designation of *PPP* as ‘objectionable’, it was five board members who made the majority decision to ban the title – although the fact that three board members dissented from the decision underlines that we are not dealing with factual designations so much as subjective interpretations. It is entirely possible that had a different set of Board members been selected to view *PPP* that day then the verdict could have gone the other way – as indeed it did in the case of the Australian body that gave an alternative classification to the same DVD release.

The NZ OFLC case against *Puni Puni Poemy*

If we look at the tone deployed on the website of the NZ OFLC, we are struck by its reasonableness and the manner in which the Board’s activity is framed as a response to community concerns. The act of classification functions as a kind of ‘moral technology’ in Foucault’s terms in which the power relations (to permit or prohibit the flow of certain representations in culture) are disguised as acts on behalf of the public good – like vaccination or speed cameras – based on risk assessment and aimed at preventing a future harm. Within this moral technology there is of course a hierarchy of the vulnerable with ‘children’ designated as those most at risk, and hence the most closely shielded from potentially harmful content. Various content ratings are graded according to age on the assumption that as a person matures they become increasingly adept at interpreting media content and better able to negotiate troubling themes that may appear.

Unlike Australia’s ‘Refused Classification’ (RC) rating which manages to sidestep emotive terms such as ‘censored’ or ‘banned’ by simply refusing to give a classification to an objectionable film – without which it cannot be imported or screened (Beattie 2009: 3) – the NZ OFLC makes it plain that a film judged to be objectionable is banned since the website says that it is the body responsible for ‘classifying publications that may need to be restricted or banned.’

PPP was initially submitted for classification in 2004 on behalf of the distributor Gamewizz Digital Entertainment who had planned to release the title in NZ through their Madman entertainment NZ brand. The designation of *PPP* as ‘objectionable’ was initially entered into the Register of Classification Decisions on December 17, 2004. In the summary of the finding it was stated that:

The publication ... attributes adult sexual characteristics and behaviours to characters who are children and young persons. These characters are engaged in sexual activity, including coercive activity, for the purposes of entertainment and titillation. This serves to reinforce the notion that sexual

activity involving children and young persons is both legitimate and socially acceptable (FLBR 2005: 68).

In his submission contesting the original decision, Brady pooled together fan expertise in explaining how *PPP* would be appreciated by fans, according to the ‘interpretive tradition’ of the genre. As he pointed out, *PPP* is a parody of the magic girl genre of anime and specifically of the kind of ‘fan service’ designed to titillate the fan-base. In particular *PPP* is a parody of the *Excel Saga* by the same director – a series that already pushed the boundaries of the permissible for an anime show on television. As Brady argued, ‘[*PPP*] is a blatant parody whose satirical nature will be obvious to any viewer, even those without prior knowledge of anime’ (FLBR 2005: 48).

However, the Board was explicit in dismissing out of hand the fan-based interpretation offered by Brady. As it stated in its decision, ‘The Board finds that the Applicant is a devotee of, and expert in Japanese anime, but prefers the Classification Office view of how the general population of New Zealand may view the publication’ [FLBR 2005: 99]. The reference to Brady as a ‘devotee’ subtly undermines the expertise that is later conferred upon him since it suggests an emotive response imagined in contrast to the more objective gaze of the censor who is always constructed as ‘a person in whom enthusiasm is exquisitely attuned to judgment’ (Mazzarella 2013: 77). In its conclusion the Board defends the ‘objectionable’ designation, pointing out that *PPP* ‘shows acts of torture or the infliction of extreme violence or extreme cruelty without showing consequences for the perpetrators’ and as a result the depictions “*tend to promote or support*” the activities even if in anime form’ (FLBR 2005: 115; italics in the original). Yet even on the basis of a simple plot analysis this conclusion makes little sense. Two of the depictions of violence cited as ‘injurious to the public good’ – ‘when the alien queen is kicked in the head and when Poemy destroys a large robot spaceship’ (FLBR 2005: 87) – are ‘payback’ for the violent acts perpetrated by the aliens themselves on Poemy. As the promotional blurb for the Australian DVD of this anime points out, ‘Poemy doesn’t get angry, she gets even.’ The spectacular destruction of evil forces by the good guys is, of course, a standard trope of superhero comic book narratives, and it is odd the Board should want to see Poemy (the heroine) punished for her actions. More bizarre still is the Board’s concern that ‘some of the aliens use their testicles as weapons’ (FLBR 2005: 82) – this is unlikely to encourage the general population of men to follow suit, for obvious physiological reasons.

The discrepancy between fan readings of *PPP* as a parody of anime conventions and anime viewers and the official designation of *PPP* as an objectionable text injurious to the public good by the NZ OFLC may seem of little real concern, given how easily available the anime is for download via fansub sites on the internet, or for purchase via amazon. Yet where material has been judged ‘objectionable’ it is an offense to ‘possess’ it and, as in the case of Robel Hoque in the UK, the consequences of possession can be severe. These consequences are not only legal but social. After his prosecution was reported in the press, for instance, Hoque was ‘subjected to physical attacks in the streets’ (Edmunds 2014).

While the emphasis in the relevant New Zealand *Films, Videos, and Publications Classification Act 1993* is on ‘making, supplying or distributing’ an offensive publication, especially for profit, the term ‘possession’ is interpreted very broadly and includes ‘viewing an objectionable computer file, even if someone does not intentionally save/download a copy of the file’ and thus also extends to casual viewers. So, a viewer could be enjoying watching YouTube clips of *PPP* while in Sydney waiting for a flight to Auckland – but having arrived in Auckland were they to continue to watch the clips, they would be committing an offense. Lack of knowledge of the local classification is not an excuse. According to the legislation, if the viewer were unaware that *PPP* had been classified as objectionable in New Zealand they would be liable to a \$2000 fine. However if they knowingly disregarded the classification and chose to view the content anyway (as I suspect many fans would do), they would be liable to up to 10 years imprisonment or a \$50,000 fine. Furthermore where the possession of *PPP* is concerned the sentencing may be on the harsher side, since the *Publications Classification Act* in section 132(A) stipulates as an ‘aggravating factor’ – ‘whether and to what extent the objectionable publications deal with sexual material involving children or young people.’ Hence, although the list of content deemed objectionable by the NZ OFLC referenced a number of themes – only sexual material involving children or young people is identified as an aggravating factor ‘that may increase a sentence.’

The NZ OFLC decision as a form of governmentality

Above I have indicated how an unfortunate fan, either resident in or visiting New Zealand could, like Robel Hoque in the UK, find him or herself caught up in serious legal proceedings were they to import or otherwise be discovered to be in ‘possession’ of a copy of *PPP*. The designation of *PPP* as objectionable on the ground that it promotes child abuse has the effect of rendering the person in possession of the anime a sex offender. That is, the possession of such an objectionable text results in a spoiled identity, rendering the offender a particular kind of person, one requiring a specific mode of intervention and treatment. It is with this in mind that I refer to the mission creep in child-abuse legislation that now extends to ‘non-existent youth’ (McLelland 2011) not as a form of enhanced regulation but more as a mode of governmentality. Foucault reminds us how power works in these circumstances, arguing that

What makes power hold good, what makes it accepted, is simply the fact that it doesn't only weigh on us as a force that says no, but that it traverses and produces things ... It needs to be considered as a productive network which runs through the whole social body, much more than as a negative instance whose function is repression (1980: 119).

Governmentality is different from simple regulation which we can think of a set of rules or codes that designate prescribed or forbidden behaviours such as the kind of clothing one

must wear at an upmarket venue, or spaces where smoking or drinking are forbidden. Governmentality of course involves regulation but its effects are much more encompassing – governmentality, through its many vectors, both assumes and produces certain modes of subjectivity. For instance rules and regulations governing what can and cannot be viewed by different kinds of audiences assume that individuals are somehow ‘vulnerable’ and will be adversely affected by certain kinds of content. This assumption overrules an individual’s own integrity and agency in the act of interpretation, instead transferring the power to interpret and establish meaning to ‘privileged’ groups ‘in positions of social authority’ (Mahill 2015: 282) – in the case of *PPP*, a classification board.

The irony of this maneuver is that the members of the classification board are not themselves designated vulnerable – they are assumed capable of viewing and occasionally banning ‘objectionable’ content all day long without ill-effect, an irony that Mazzarella refers to as ‘the enunciator’s exception’ (2013: 18). Their job is to anticipate the ill effects of specific content on an abstract audience member who, unlike themselves, is presumed unable to dissociate a media representation from actual behavior. A classification board member, through exercising discretion on behalf of a generalized audience, is curiously outside the circuit of ‘media effects’ that their own power to designate content as acceptable or objectionable establishes. Despite having viewed that morning scenes of sadomasochistic excess among the characters in *PPP*, the censor does not return home at night to assault their own family, although their designation of this content as objectionable is founded on the belief that other viewers, if exposed to the same material, might be encouraged to do so. In this instance governmentality has established two different kinds of gaze in relation to media content, that of the censor – which is always objective, dispassionate and detached – and that of the general audience member ‘who cannot control himself in the presence of a provocative image’ (Mazzarella 2013: 77).

Classification systems such as those in New Zealand and Australia thus establish a ‘mentality’ in Foucault’s sense which presupposes that a government-appointed body both can and should be the ultimate arbiter of meaning, even in the face of fan and ‘expert’ witness to the contrary. The state empowers the censor to permit and prohibit representations not only in the public sphere *but also in private*. (It is still an offense for me to watch *PPP* in my hotel bedroom in New Zealand even if no-one else is present). Yet, unlike in totalitarian regimes, the state hands down these prohibitions on behalf of the vulnerable through deploying a discourse of risk prevention. In its review of the original decision to ban *PPP*, the Board of Review commented that ‘the expertise of the classifying body lies at least in part in its ability to predict how a publication will be interpreted, which in turn allows conclusions to be drawn about its likely effect on society’ (FLBR 2005: 32). But this claim makes little sense given that the equivalent regulatory body in Australia gave *PPP* an MA15+ rating – unless we are to suppose that New Zealanders have a greater susceptibility to ‘media effects’? Furthermore, Cumberbatch (2011), for instance, a psychologist contracted by the British Board of Film Classification to review the academic and clinical literature on the effects of ‘sexual, sexualized and sadistic violence in the media’,

has evinced skepticism that any study was able to illustrate clear cause and effect between viewing habits and real-life actions. Instead he argued that most results were ‘associative’ only, and they homogenized audiences and failed to screen for individual difference (2011).

The discrepancies among the classifications assigned to *PPP* by different regulatory boards, even among closely aligned countries in the Anglophone world, is a good example of Burri-Nenova’s point that ‘[t]he state is faced with sweeping societal shifts in a globalised world, making modern society increasingly homogeneous across cultures and heterogeneous within them’ (2010: 105). Indeed, as the divided opinion within the NZ OFLC itself shows, it is hardly possible to speak for ‘all New Zealanders’ in regard to the reception of a media text, making the banning of a specific title seem arbitrary and, in the case of *PPP*, unjustifiable.

Conclusion

In this paper I have argued that the manner in which a particular interpretive framework is imposed by official bodies on otherwise polysemic media texts, even in the face of audience opposition, is a form of governmentality. I am interested in the power relations and the violent outcomes of these relations when media texts are forcibly read in a particular manner – a manner that can be radically different from the interpretive framework of the hapless viewer who – like Robel Hoque – or potentially any anime fan – gets caught up in legal proceedings. Where Japanese pop culture content is concerned we are increasingly witnessing the rise of a discourse positioning the production of manga and anime as child-abuse materials, manga fans as potential sex offenders, Japan Studies academics as desensitised apologists, and ‘Japan’ as the Empire of Child Pornography.

As noted in my opening comments about my interaction with the ABC journalist, the way in which this discourse operates is to discredit the specialist knowledge that academics and fans alike bring to the interpretation of manga and anime texts. Being ‘devoted’ to these genres we have become ‘desensitised’ and our identities spoiled. The impossibility of fan knowledge speaking back to the authorities in this discursive regime is nicely illustrated in the New Zealand Board of Review case concerning *PPP* where the Board was explicit in its decision to dismiss out of hand the fan-based interpretation offered by Brady. As it stated in its decision ‘The Board ... prefers the Classification Office view of how the general population of New Zealand may view the publication’ (FLBR 2005: 99). The Board’s upholding of the OFLC’s original designation of *PPP* as ‘objectionable’ in the face of fan testimony to the contrary, is an example of what Coombe describes as ‘juridical resolution[s] of meaning’ (1998: 45). Yet this is hardly any resolution at all since it flounders in the face of online communities that come together precisely for the purpose of contesting these interpretations. Remember that the designation of *PPP* as ‘objectionable’ by the NZ OFLC was contested by a community of fans who had *already viewed* the anime and the fact that it was ‘banned in New Zealand’ has been used to promote the title in other jurisdictions, including Australia, where its licensing and distribution are legal.

Despite the fact that the complex intertextuality of many anime means only a fan is in the position of being able to decode their multi-leveled meanings, a fan's own reading practices are discounted in the juridical framework that establishes a text's significations as 'objectionable.' An unlucky fan such as Robel Hoque isn't just guilty of accessing an illegal text – but the 'possession' of that text renders him a sex offender and social pariah – this is despite the fact that, unlike actual child pornography, the kinds of anime that can be captured by the legislation are freely available on both fan and commercial websites and even viewable on YouTube. We are not talking about underground or hidden items here but products of Japan's popular culture that are freely circulated and enjoyed by 'communities of interest' (Appadurai 1996) around the world. While on one level the banning of a particular title may no longer be an effective way of restricting its circulation – it may indeed only serve to advertise it to a curious audience – the designation of a text as 'objectionable' in this juridical framework still takes place in the context of extremely uneven power relations. These are relations that every anime fan needs to bear in mind each time she or he clicks on a download button or uploads anime on their iPad before boarding an international flight.

Biographical note:

Mark McLelland is Professor of Gender and Sexuality Studies at the University of Wollongong. He is author or editor of over 10 books concerning Japanese popular culture, the history of sexuality and new media, including *The End of Cool Japan: Legal, Ethical and Cultural Challenges to Japanese Popular Culture* (Routledge, 2017). His latest project looks at the impact of Western sexology on popular notions of love and romance in the early postwar period in Japan. Contact: markmc@uow.edu.au.

References:

- Adelstein, Jake, and Angela Erika Kubo (2014) 'Japan's Kiddie Porn Empire: Bye-Bye?' *The Daily Beast*, June 3. Available at: <http://www.thedailybeast.com/articles/2014/06/03/japan-s-kiddie-porn-empire-bye-bye.html>. Accessed November 23, 2015.
- Akdeniz, Yaman (2008) *Internet Child Pornography and the Law: National and International Responses*. Aldershot: Ashgate.
- Azuma, Hiroki (2009) *Otaku: Japan's Database Animals*, translated by Jonathan E. Abel and Shion Kono, Minneapolis: University of Minnesota Press.
- Antoniou, Alex (2013) 'Possession of Prohibited Images of Children: Three Years on,' *The Journal of Criminal Law* 77(4): 337-53.
- Appadurai, Arjun (1996) *Modernity at Large: Cultural Dimensions of Globalization*, Minneapolis: University of Minnesota Press.
- Beattie, Scott (2009) *Community, Space and Online Censorship*, Farnham: Ashgate.
- Brady, Simon (2005) 'Puni Puni Poemy: Banned in New Zealand.' Available at: <https://www.hikari.org.nz/stuff/otaku/ppp/>.
- Braman, Donald (2010) 'Cultural Cognition and the Reasonable Person,' *Lewis & Clark Law Review*, 14: 1455-1480.

- Burri-Nenova, Mira (2010) 'User Created Content in Virtual Worlds and Cultural Diversity,' in Mira Burri-Nenova and Christoph Beat Graber (eds.), *Governance of Digital Game Environments and Cultural Diversity*, Cheltenham: Edward Elgar Ltd., pp. 74-112.
- Clements, Jonathan (2010) 'Radio Days' blog entry. Available at: <https://schoolgirlmilkycrisis.com/2010/02/09/radio-days/>
- Coombe, Rosemary (1998) 'Contingent Articulations: A Critical Cultural Studies of Law,' in A. Sarat and T. Kearns (eds.), *Law in the Domains of Culture*, Ann Arbor: University of Michigan Press, pp. 21-64.
- Cumberbatch, Guy (2011) 'The Effects of Sexual, Sexualised and Sadistic Violence in the Media: A Review of the Research Literature,' A report for the British Board of Film Classification. Available at: studylib.net/doc/18847014/review.
- ECPAT International (2006) *Global Monitoring Report on the Status of Action against Commercial Exploitation of Children: Japan*. Bangkok: ECPAT International.
- Edmunds, Donna Rachel (2014) 'British Court Convicts Man of Possessing Child Pornography on Basis of Manga Cartoon Collection.' *Breitbart*, October 21. Available at: <http://www.breitbart.com/london/2014/10/21/british-court-convicts-man-of-possessing-child-pornography-on-basis-of-stash-of-manga-cartoons/>. Accessed January 25, 2016.
- Eiland, Murray Lee (2009) 'From Cartoon Art to Child Pornography,' *International Journal of Comic Art* 11(2): 396-409.
- Fackler, Martin (2014) 'Japan Outlaws Possession of Child Pornography but Comic Book Depictions Survive,' *The New York Times*, 18 June. Available at: http://www.nytimes.com/2014/06/19/world/asia/japan-bans-possession-of-child-pornography-after-years-of-pressure.html?_r=0. Accessed February 8, 2016.
- Fallows, James (1986) 'The Japanese Are Different from You and Me,' *Atlantic Monthly*, September, pp. 35-41.
- Films, Videos, and Publications Classification Act 1993*. Available at: <http://www.legislation.govt.nz/act/public/1993/0094/latest/DLM312895.html>
- FLBR (Film and Literature Board of Review) (2005) *Decision of the Film and Literature Board of Review Decision Number One*. Available at: <https://www.hikari.org.nz/stuff/otaku/ppp/>
- Foucault, Michel (1991) 'Governmentality,' trans. Rosi Braidotti and revised by Colin Gordon, in Graham Burchell, Colin Gordon and Peter Miller (eds.) *The Foucault Effect: Studies in Governmentality*. Chicago, IL: University of Chicago Press, pp. 87-104.
- Foucault, Michel (1980) *Power/Knowledge*, Brighton: Harvester Press
- Galbraith, Patrick (2017) 'The Lolicon Guy': Some Observations on Researching Inpopular Topics in Japan,' in Mark McLelland (ed.), *The End of Cool Japan: Ethical, Legal, and Cultural Challenges to Japanese Popular Culture*. London: Routledge, pp. 109-33.
- Gomez, Betsy (2014) 'UK Prosecution Spotlights Dangers for Manga Readers,' October 29. Available at: <http://cbldf.org/2014/10/uk-prosecution-spotlights-dangers-for-manga-readers/> Accessed January 27, 2016.
- Gomez, Betsy (2013) 'Understanding your rights FAQ – What Do Obscenity and Related Laws Mean?' Available at: <http://cbldf.org/2013/10/faq-graphic-sex-comics-controversial-content-and-crossing-the-border/>. Accessed January 27, 2016.

- Gomez, Betsy (2012) 'Protect Yourself at International Borders' May 3. Available at: <http://cblfd.org/2012/05/protect-yourself-at-international-borders/>. Accessed January 25, 2016.
- Hall, Stuart (1973) 'Encoding/Decoding,' in Meenakshi Durham and Douglas Kellner (eds.), *Media and Cultural Studies: Keywords*. Oxford: Blackwell, pp. 163-73.
- Hinton, Perry (2014) 'Representation or Misrepresentation? British Media and Japanese Popular Culture,' *European Journal of Media Studies*, 3(1): 89-108.
- Johnson, Maureen (2010) 'Freedom of Expression in Cyberspace and the Coroner's and
- Johnson, Travis (2006) 'Child Pornography in Canada and the United States: the Myth of Right Answers,' *Dalhousie Law Journal*, 375: 376-411.
- Jones, Steve and Sharif Mowlabocus (2009) 'Hard Times and Rough Rides: The Legal and Ethical Impossibilities of Researching 'Shock' Pornographies,' *Sexualities* 12(5): 613-28.
- Justice Act 2009,' in: *3rd International Seminar on Information Law*. Available at: [http://researchprofiles.herts.ac.uk/portal/en/publications/freedom-of-expression-in-19cyberspace-and-the-coroners-and-justice-act-2009\(f62ec992-d9c8-4a26-8e60-ccc5b28430d8\).html](http://researchprofiles.herts.ac.uk/portal/en/publications/freedom-of-expression-in-19cyberspace-and-the-coroners-and-justice-act-2009(f62ec992-d9c8-4a26-8e60-ccc5b28430d8).html) . Accessed January 27, 2016.
- Kincaid, James (2004) 'Producing Erotic Children' in Steven Bruhm and Natasha Hurley (eds.), *Curiouser: On the Queerness of Children*. Minneapolis: University of Minnesota Press, pp. 3-16
- Lightfoot, Gareth (2014) *Daily Mirror*, 'Fan of Japanese Anime Makes British Legal History after Conviction for Having Pictures of Cartoon Children,' 20 October. Available at: <http://www.mirror.co.uk/news/uk-news/fan-japanese-anime-makes-british-4470102> Accessed January 27, 2016.
- Madill, Anna (2015) 'Boys' Love Manga for Girls: Paedophilic, Satirical, Queer Readings and English Law,' in Emma Renold, Jessica Ringrose and Danielle Egan (eds.), *Children, Sexuality and Sexualization*, New York: Palgrave Macmillan, pp. 273-88.
- Marcus, Candice (2015) 'Anime Images Not a Big Leap to Viewing Child Pornography: SA Judge,' *ABC News*, 12 August. Available at: <http://www.abc.net.au/news/2015-08-12/anime-not-a-big-leap-to-child-pornography-sa-judge-says/6691372>. Accessed January 27, 2016.
- Mazzarella, William (2013) *Censorium: Cinema and the Open Edge of Mass Publicity*, Durham: Duke University Press.
- McLelland, Mark (2017) 'Negotiating 'Cool Japan' in Research and Teaching,' in Mark McLelland (ed.), *The End of Cool Japan: Ethical, Legal and Cultural Challenges to Japanese Popular Culture*, Oxon: Routledge, pp. 1-30.
- McLelland, Mark (2012) 'Australia's Child-Abuse Materials Legislation, Internet Regulation, and the Juridification of the Imagination,' *International Journal of Cultural Studies*, 15(5): 467-83.
- McLelland, Mark (2011) 'Thought Policing or Protection of Youth? Debate in Japan over the 'Non-Existent Youth' Bill', *International Journal of Comic Art*, vol. 13, no. 1, Spring, pp. 348-67.
- Napier, Susan (2005) *Anime from Akira to Howl's Moving Castle: Experiencing Contemporary Japanese Animation*, New York: St Martin's Press.
- Orange, Richard (2012) 'Comic Translator Convicted of Possessing Child Pornography after Police Seize his Collection of Japanese Manga Cartoons', *Mail Online*, 18 May. Available at: <http://www.dailymail.co.uk/news/article-2145359/Comic-translator-convicted-possessing-child-pornography.html#ixzz2KeRVZuwG> . Accessed January 27, 2016.

- Osborne, Graeme (1999) 'Comics Discourse in Australia and Frederic Wertham's *Seduction of the Innocent*,' in John Lent (ed.), *Pulp Demons: International Dimensions of the Postwar Anti-Comics Campaign*. London: Associated University Presses.
- Ost, Suzanne (2009) *Child Pornography and Sexual Grooming: Legal and Societal Responses*. Cambridge: Cambridge University Press.
- Quayle, Ethel (2009) 'Assessment of Internet Sexual Abuse,' in M. Calder (ed.) *Sexual Abuse Assessments*, Lyme Regis: Russell House Publishing
- Ripley, Will and Hilary Whiteman (2014) 'Sexually Explicit Japan Manga Evades New Laws on Child Pornography,' *CNN*, June 18. Available at: <http://edition.cnn.com/2014/06/18/world/asia/japan-manga-anime-pornography/> Accessed January 25, 2016.
- Russell, Keith (2008) 'The Glimpse and Fan Service: New Media, New Aesthetics,' *International Journal of the Humanities*, 6(5): 105-110.
- Stapleton, Adam (2017) 'All Seizures Great and Small: Reading Contentious Images of Minors in Japan and Australia' in Mark McLelland (ed.), *The End of Cool Japan: Ethical, Legal, and Cultural Challenges to Japanese Popular Culture*. London: Routledge: 134-162
- Tilley, Carol (2012) 'Seducing the Innocent: Fredric Wertham and the Falsifications that Helped Condemn Comics,' *Information & Culture* 47(4): 383-413.
- Vincent, Michael (2014) 'Love Hina Creator Is the Villain in this CNN Report about Child Porn in Japan,' *The Sun Rising Blog*, June 21. Available at: <https://sunrisingblog.wordpress.com/2014/06/21/love-hina-ken-akamatsu-child-porn-japan-cnn/>. Accessed January 27, 2016.
- Williams, Maren (2015) 'Censorship 2014: Manga and Anime Blamed for Crime,' CBLDF website, January 2. Available at: <http://cbldf.org/2015/01/censorship-2014-manga-and-anime-blamed-for-crime/>. Accessed January 27, 2016.
- Zanghellini, Aleardo (2009) 'Underage Sex and Romance in Japanese Homoerotic Manga and Anime,' *Social and Legal Studies*, 18(2): 159-77.