

## Adam Smith's theory of sympathy and contemporary culturally diverse society.

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### Abstract

In this paper, I approach the question of how we can realise social cement in a contemporary culturally diverse society, with reference to Adam Smith's theory of sympathy depicted in his "A theory of moral sentiment." (First edition 1759, Sixth edition 1790) Smith thought that sympathy as fellow-feeling was a foundation of social relations and justice in society and this idea is still valid when thinking of relating to people of different cultural backgrounds in contemporary culturally diverse society. First, I outline Smith's theory of sympathy by focusing on its relevance to social relations. Second, I analyse the significance of Smith's idea of sympathy in a contemporary culturally diverse society and relate it to the concepts of recognition and toleration that have frequently appeared in the course of discussion of culturally diverse society. My idea is that sympathy with others is considered an authentic form of recognition at a sentimental level, and therefore sympathy as fellow-feeling in society should be more actively supported as a necessary element in a contemporary culturally diverse society than tolerance, although the latter is still another necessary element in a pluralist society. Based on these arguments, I analyse the conditions for realising sympathy as fellow-feeling in a culturally diverse society. I stress that negative images of "others" depicted in the mass media and more explicit expressions in public speech are hindrances to fellow-feeling in a culturally diverse society. I suggest resolving these problems by means of legal controls and media literacy education. Promoting communication among different groups of people in society is also recommended as another solution to moderate relations between them. The paper concludes with two case studies set in a contemporary culturally diverse society – Japan – from the perspective of sympathy. The first concerns the Japanese government's multicultural coexistence policy and Hamamatsu city's local vision, which is introduced as a positive case. The second is a recent chauvinistic hate speech movement against Korean and North Korean residents, which is critically examined from the perspective of a need for sympathy in society. I will also introduce counter legal measures against it that have been adopted in Japan. Active countermeasures in the light of the need for fellow-feeling in society are suggested.

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#### Chapter 4: The Japanese culturally diverse situation from the perspective of sympathy

The significances of a perspective of sympathy in the reality of a culturally diverse society.

It is hard to actively suggest a specific and universal social policy to a culturally diverse society because the situation of society depends on each particular historical context and peoples’ understanding or status of cultural/ethnic groups. However, the perspective of sympathy will open up a possibility of examining and thinking about the issues concerning this point of view and solutions for these problems in reality.

With regard to the need for and the possibility of sympathy in a culturally diverse society, social conditions of promoting understanding different cultural groups has to be improved, as well as other legal or institutional frameworks of entitlement, such as equal citizenship or residency in relation to their status. In this point of view, policies such as restricting extreme cases of depicting negative images or expressing hostile attitudes against minority groups can be discussed and supported. Also, media literacy education in the public and private spheres can be supported as a countermeasure against proliferation and imprinting of the negative view of “others” versus “we” in society through the education of learning to see through techniques that produce cognitive patterns of seeing some group of people as enemy

through specious images. From the point of valuing fellow-feeling in society, co-activity or participation of the residents of a host society or foreign nationals with the local community must be recognised as favourable as it will promote their communications.

In this chapter, in the first part, I will introduce "Hamamatsu Intercultural Vision" drawn up in 2013 and its specific plans of Hamamatsu city in Japan as an example of Japanese local policy in the face of culturally diverse reality and will discuss it from the perspective of fellow-feeling. Hamamatsu city is a Japanese metropolis that holds a large number of South American immigrants, especially from Brazil. In the second part, I will introduce recent hate speech activities of a Japanese chauvinistic group against Korean permanent residents in Japan and examine necessary counter measures against such activity as another case study for possibility of the perspective of sympathy in society.

#### Ethnic/cultural minorities in Japan

Japan tends to be described as a homogeneous country. In terms of the ratio of registered foreigners, it seems to be around 2% of the whole population. However, there are ethnic minorities in Japan and the following groups seem to be representatives of ethnic minorities of Japanese society.

#### **Ainu people**

Ainu people are aborigines of northern Hokkaido area. They have a population of about 27,000 in the Hokkaido area according to a local survey from 2006. (The Ainu association of Hokkaido 2014) Ainu people have been supposed as the speakers of their own distinctive language. However, according to a recent survey, the number of Ainu language speakers is fewer than 10 because of the decrease of the native older generation. Ainu language is nominated as a "critically endangered language" by UNESCO.

#### **(South/North) Korean permanent residents**

Korean permanent residents are, in their first generation, immigrants to Japan before World War II, mainly for economic reasons. There have been a number of Koreans naturalised as Japanese citizens, yet the majority of them maintain their Korean nationality and live in Japan with the status of special permanent resident. This status of special permanent resident is provided for immigrants from North/South Korea and Taiwan who until 1945, held Japanese nationality during the Japanese colonial period. Due to the effect of the "Special Exemption Law concerning the Immigration Control of Those Who Have Renounced Japanese Citizenship and Others under the Peace Treaty with Japan (Immigration Control Law) " in 1991, those immigrants were provided with the qualification

of Special permanent resident characterised with some advantages such as terms of validity of the re-entry permit or the permitted range of activities. Also, this special permanent resident status can be obtained through application by their descendants who are born in Japan. Although, the number of special permanent resident holders has been decreasing because of aging and death.

### **Immigrants from South America**

There has been a South American immigrant influx, especially from Brazil and Peru, into Japan since the 1990's because of a Japanese visa facilitation program for the descendants of Japanese immigrants to South America. Those immigrants of South American nationals such as Brazilians or Peruvians started to live in Japan in the 1990's because of the amendment of the Immigration Control and Refugee Recognition Act that enabled descendants of Japanese immigrants in South America to live in Japan with the permission of permanent residency that allowed them to seek work and change of occupation. Brazilian or Peruvian immigrants can be described as "new comers" compared with the Korean permanent residents in Japan as the Koreans started to settle in Japan before World War II. The population of those Brazilian or Peruvian immigrants tend to be concentrated in industrial areas. The immigrants from South America tend to engage with labour in subcontract factories especially car manufacturing companies. According to census data, the number of unemployed and returnees has been increasing correlated with a slump of Japanese manufacturing industries after the financial crisis of 2008.

According to the Statistics Bureau of Ministry of Internal Affairs and Communications of Japan, in 2013 the total population of registered foreign inhabitants in Japan was about 2.33 million and this comprised of 1.8% of the total Japanese population of 127.30 million the same year. (Statistics bureau, Ministry of Internal Affairs and Communications of Japan) Nationalities of foreign inhabitants in Japan are, in the order of highest to lowest, Chinese (0.7 million: 30%) , Korean (0.55 million: 24%) , Filipino (0.22 million: 9%) , Brazilian (0.18 million: 8%) and the total population of these 4 countries nationals is 71% of all registered foreigners in Japan.

The number of foreign inhabitants in Japan decreased in 2008 right after the global financial crisis, compared with the previous year. However, it increased in 2013. The ratio of Chinese and Pilipino showed a significant increase compared to 20 years ago. The peak of influx of Brazilians was in 2007 and it showed a decrease after this year.

#### **1. The multicultural policy of Hamamatsu city.**

(1) The idea of promoting "Multicultural coexistence" in Japan.

In March 2006, the Japanese Ministry of Internal Affairs and Communications (MIC) had a meeting of the Council for the Promotion of Multicultural Coexistence, and the published a

report (Ministry of Internal Affairs and Communications of Japan 2014) that examined and suggested specific policy proposals of promoting "Multicultural Coexistence" in Japan at a regional level. This meeting is considered to be the first step of cross-cutting engagement of improving the environment of foreign inhabitants in Japan among ministries and government offices. The Local Administration Bureau (LAB) of the MIC has been promoting internationalisation at a regional level. The LAB states in its web site "The level of communication with foreign countries has been shifted from the state to region and grass route level. Today, the international communication at regional and grass route levels has come to be of significance. This means that international communication is becoming to be a familiar matter for Japanese nationals. International communication at regional levels will promote intercultural understanding with foreign countries and will contribute to clarify regional identities in its process." (Ministry of Internal Affairs and Communications of Japan, translated by author of this paper) With the initiative of the MIC, local governments of Japanese metropolis have been examining, developing, and implementing specific policies to develop a favourable life environment for foreign residents. The Council of Local Authorities for International Relations (CLARE) , a Japanese governmental agency established in 1988 as a body to promote internationalisation of local governments, has been functioning as an implementation body to support international activities of local governments through providing relative information and grants for the development of "multicultural co-existence". In the face of the recent trend of the increase of foreign residents in Japan, CLARE has been implementing "development program of multicultural co-existence community" that "provides subsidies for multicultural coexistence measures held by local governments and recognised local international exchange associations. These have been conducted for the purpose of building a society where people from different cultural backgrounds live and work together". (The Council of Local Authorities for International Relations, translated by author of this paper)

## (2) Hamamatsu as the city that hosts the most Brazilian residents in Japan.

Hamamatsu city of Shizuoka prefecture is a large Japanese industrial city and famous for the location of head offices of Yamaha, a musical instrument maker, and Suzuki, a motorbike maker. However, many companies in this city are child factories of these large companies. Hamamatsu city holds the largest Brazilian population in Japan and 21,000 out of its whole population of 0.81 million (2.5%) are foreign nationals. Also, about 50% of the foreign residents are from South America, in fact, most of them are Brazilian (9,000) Japanese descents and their families. Apart from these South American nationals, there are other foreign resident nationalities such as Filipino (ca.3000) , Chinese (ca.2700) , and Peruvian (ca.1700) . (Hamamatsu International Communications and Exchange) According to the status of residency, those who hold permanent resident status, are long term residents, spouses of Japanese, or special permanent resident holders consist of about 80% of the foreign resident population of Hamamatsu. Hence, most of these foreign residents are settled down for the long term. (Hamamatsu City 2013, 6) According to a survey on the actual life situation of foreign residents of South American nationalities conducted by Hamamatsu city in 2010, in the labour field, those who engage with manufacturing industries such as

motorbike or car account for the largest ratio of 45%. With respect to the type of employment, about 46% are employed indirectly which is much higher than that of direct employment (permanent employee) . (Hamamatsu City 2013, 8) In regard to welfare, there are findings that about 20% of them do not have health insurance. Also, their ratio of local tax and national health insurance contribution payments was much lower than that of Japanese residents. With respect to everyday life, participation rate of South American nationals in local neighbourhood councils was lower (36.1%) than Japanese residents. There were also cases of troubles with Japanese local residents over the rules of garbage disposal methods, noise, and manners in using parking spaces. Also, 42.9% of South American nationals were not aware of common emergency evacuation points and 57.9% of them were not prepared for disastrous events. The results of this survey show that in many fields of understanding welfare, disaster measures, and local rules, there were gaps of information and knowledge between Japanese residents and those foreign residents due to the different cultural customs and language.

(3) Hamamatsu city's vision and plan for improving the environment of foreign inhabitants in the city.

The local government of Hamamatsu city has been striving to improve the environment of foreign inhabitants with measures such as promoting international understanding, multilingual consultation services of daily life problems for foreign residents, mental health support, Japanese language classes for adults and children, multicultural experiences classes and Portuguese language courses for those who support foreign residents in the city. In 2013, Hamamatsu city promoted the "Hamamatsu Intercultural City Vision" that is comprised of three pillars: Collaboration, Creation, and Comfort. This vision stipulates that for the purpose of collaboration of Japanese and foreign residents in vitalising the city, developing plurality of people and improving environment of the city is needed. Followings are the contents of the three pillars of the vision,

(1) The first pillar "Collaboration", Hamamatsu city aims at creating a local community where "exchange and dialogue takes place between citizens of diverse cultural backgrounds" through cooperation. (Hamamatsu City 2013, 21) For realising this, the following activities have been planned: intercultural communications education and events for promoting intercultural communications, human rights awareness education, enhancing connection with communities of foreign residents in cooperation with citizen groups, volunteers, local university and local corporations.

(2) The second pillar "Creation", it is aimed at the city where "any Japanese or foreign residents can demonstrate his/her abilities and new values will be created". (Hamamatsu City 2013, 24) The following specific methods are planned for this: education of children for their understanding of different cultures and improving their intercultural communication skills, a learning support program for young foreign residents, encouraging foreign residents to join local cultural and art activities, advocacy of employing foreign nationals and taking

advantage of local foreign culture to develop ethnic businesses in the local community, such as restaurants or variety shops.. Further ideas including opening up sales markets of local industrial products in the countries of local foreign residents, and advertising the city and attracting foreign tourists by utilising their nationality network. Outputting and sharing knowledge with other foreign multicultural cities that is gained through these local multicultural activities is also planned.

(3) the third pillar “Comfort”, planning is underway to improve the city to be “a place where anyone can enjoy a safe, secure and comfortable life, regardless of nationality”. (Hamamatsu City 2013, 28) For this purpose, following are planned: As disaster preparation measures, establishing a support centre for foreign residents for their care, creating a multilingual emergency information system using SNS and Email, collaborated emergency drills for both Japanese and foreign residents, and training support staff of foreign residents through the mobilisation of a volunteer network. In support of sharing information in the local community between Japanese and foreign residents, multilingual staff is involved in the local council office translating materials for rules and tips of daily life of the community into different foreign languages. In the field of medical care and welfare, holding free medical examinations for those who have not joined the national health insurance service, information services for assisting accommodation and promotion of building a network of foreign residents in childcare are also outlined.

According to above “Hamamatsu Intercultural City Vision”, implementation schedules between 2013 and 2017 are set out and the specific plans are to be conducted with project management skills.

(4) Hamamatsu city's policies from the perspective of sympathy.

In contemporary culturally diverse societies including European countries, education of language of host country to foreign residents is one of the important pillars of integration of a culturally diverse society. A plausible logic of the need of host community's language for foreign residents is that language is necessary because it is necessary for those foreign workers to be employed. Even from the point of welfare and security costs, the necessity of language education to new comers is sound. Nevertheless, a pitfall of such a view is that with respect to cost and benefit, those foreign residents or immigrants are recognised as “human resources for national and economic development”, and such a view may result in neglecting social or existential respect of life. On one hand, it is true that language education is necessary for integration into society, however, as long as this view is dominant, their needs as residents of the same society will not be respected. Even at an official level, if their status or given rights are not exactly the same as the local residents of host society, at the day-to-day life level, it is possible to recognise them as equal habitants in sharing the life in the same local community. In terms of the necessity of fellow-feeling in society, it is preferable to focus on commonly shared dimensions with people from different cultural backgrounds whilst understanding those differences, rather than holding an exclusive view of emphasising

unequal legal status of residency.

From an overall point of view, the “Hamamatsu Intercultural City Vision” and their related implementation plans seem to be in accordance with the idea of the need of fellow-feeling in society. First of all, with the respect of dissolving negative prejudice and promoting communication between local residents of the host community and foreign residents, Hamamatsu’s vision and plans include life support programs for foreign residents, education programs of foreign cultures and intercultural communications, and communication programs between local Japanese and foreign residents. These are to be implemented not only by the local government body, but by citizen groups, volunteers, universities and corporations depending on its scales and character with flexibly. With regard to the Japanese language education program as well as other supporting programs such as welfare or medical care, it is to be implemented in the context of supporting local foreign residents to assist their daily needs. Another point in accepting the reality of large number of foreign residents in the city and utilising this reality to be the city’s character model and “strength” compared to others is it may have the potential to give a positive image of the city that holds many foreign residents. This Hamamatsu’s vision was published in 2013 and it is necessary to observe the implementation process of these specific plans in order to judge whether it is successful or not. Nevertheless, even only as a vision, the point that those foreign residents are viewed as equal inhabitants to be collaborated with is to be valued. Instead of viewing foreign residents in the same community as a human resource, merely as contributors to the local industry, the local government recognises them as equal inhabitants who live in the same community and has outlined its mission to provide necessary support and services for those foreign residents. With these points, the vision of Hamamatsu can be viewed affirmatively in the perspective of the need of fellow-feeling in society.

## **2. Hate speech against Korean permanent residents in Japan and the necessity of countermeasures against it.**

(1) Recent hate speech movements in Japan.

In the Japanese Human rights reports of U.S. State Department published in February 2014, a concern was shown in the section of discrimination with regard to an ultra right-wing group’s series of demonstrations using hate speech against Korean residents in Tokyo. (US. Department of State 2013) In recent years, in Japanese metropolises such as Tokyo or Osaka, an ultra right-wing group called “Zaitoku-kai” (Citizens against Special Privileges for Korean residents in Japan) has been conducting chauvinistic demonstrations with hate speech especially against (South/North) Korean permanent residents in Japan.<sup>1)</sup> For

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1) This group insists that Korean permanent residents in Japan are privileged in their resident status compared to other foreign residents in Japan and they hold up abolition of their special privileges of permanent residence as the purpose of their activity.

instance, in the Shin-Okubo area in Tokyo where a number of Korean souvenir shops are located, their demonstration entitled as "Deport lawless Koreans! Banishing Korean boom demonstration in Shin-Okubo" was held in February 2013 and about 200 people participated. The participants shouted into megaphones, "Strangle South Koreans", "Throw away scum South Koreans from Japan!", "Parasite, cockroach, criminal. Koreans are enemy of Japan", "You are descendants of criminals. Killers, rapists. That is Koreans". Also, they held up placards, with writing such as "Kill both good and bad South Koreans", "Kill illegal immigrants", "Let yourself hang Koreans", "Control pest". (Morooka 2013, 2-3) Also, in February 2013, there was another similar demonstration around Tsuruhashi station, organised by the same group with around 100 participants, an area where many North Korean permanent residents live, and they shouted abusive words against South/North Korean permanent residents in Japan. These scenes were recorded and uploaded to the internet by that group.<sup>2)</sup>

According to a group of researchers, these sort of chauvinistic demonstrations were held in Japan at least 161 times between March and August 2013. (Morooka 2013, 11)

On the other hand, activities of groups that are against chauvinistic demonstrations have also increased in 2013.<sup>3)</sup> In July 2013, about 600 people participated in a demonstration that claimed anti-racism and another march was held in Tokyo in September for demanding implementation of the Convention on the Elimination of All Forms of Racial Discrimination and had 3000 participants. (Morooka 2013, 17) As a result, there have been conflicts between the chauvinistic groups and their counter groups. Japanese members of parliament and press showed interest in this phenomenon and a meeting against chauvinistic demonstrations was held in the parliament in March 2013. Japanese Cabinet ministers also reacted to this movement and gave comments of concerns and regret.

Shinzo Abe, Prime-minister,

It is truly regrettable that there are words and actions that target certain countries and races. I believe that the Japanese respect harmony and should not be people who exclude others. The Japanese way of thinking is to behave politely and to be generous and modest at any time.

(At an Upper House Budget Committee session. 7th May, 2013) (The Asahi shinbun, May 8, 2013)

Sadakazu Tanigaki, Minister of Justice,

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2) For instance, <https://www.youtube.com/watch?v=eZmQGRJff0o>, <https://www.youtube.com/watch?v=ttTylLWHHqM>, <https://www.youtube.com/watch?v=gjCbotZ-B38>

3) For instance, <https://www.youtube.com/watch?v=pYhK-7Lclqw>

I am very concerned about it. It goes completely against the nation's dignity (In response to a question by Yoshifu Arita, an Upper House member of the opposition Democratic Party of Japan. 9th May, 2013) (The Asahi shinbun, May 10, 2013)

Yoshihide Suga, Chief Cabinet Secretary

Not only disgusting people, it may give a sense of discrimination. For Japan, human rights are to be respected in society and it is extremely regrettable behaviour (At a Lower House Cabinet Committee session. 22nd May, 2013) (Jiji Press, May 23, 2013, translated by author of this paper)

(2) The definition of hate speech and legal control of it.

According to the "General Recommendation No. 35- Combating racist hate speech" adapted in August 2013 by the Committee on the Elimination of Racial Discrimination of the Office of the United Nations High Commissioner for Human Rights (OHCHR) , hate speech stands for a form of discriminative expression that is directed against "indigenous peoples, descent-based groups, and immigrants or non-citizens, including migrant domestic workers, refugees and asylum seekers" and criminal penalty is called for its worst cases and non-legal control is requested for other less serious cases. (Morooka 2013, 48) In International human rights law, The Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG) , and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) , International Covenant on Civil and Political Rights (ICCPR) regulate the hate speech of racism. (Morooka 2013, 47) This is according to a delegated investigation of the OHCHR to local specialists from 2011 to 2012, of all 28 EU states (at that time) and most of other countries out of 53 European countries. In Africa, more than 10 out of 54 countries, and more than 22 out of 54 countries and more than 100 countries of the member states of the United Nations had regulations against hate speech. (Morooka 2013, 82) For instance, hate speech is legally forbidden by the Hate Crime Statistics Act (1990) in the US, Public Order Act (1986) in the UK, Loi Gayssot (1990) in France, and Volksverhetzung in Germany.

However, in Japan, as there is no general law that prohibits hate speech itself and therefore, abusive language or chauvinistic acts against ethnic or cultural groups in the public space cannot be legally banned despite the act of damaging person or property (such as contempt or property damage) is recognised as a criminal act. In 1995, Japan joined the United Nations International Convention on the Elimination of All Forms of Racial Discrimination. However, Japanese government has been withholding the Article 4 of the convention that criminalises the incitement of racial discrimination under the excuse of that this part may infringe the principle of "no punishment without law" (nulla poena sine lege) since the discrepancy between punishable cases and non-punishable cases is not always clear. (Morooka 2013, 71-72)

(3) The negative impact of hate speech from the perspective of sympathy in society.

Hate speech is considered to be violation of human rights as it shows contempt for dignity. At the same time, however, hate speech is to be considered as a cause to disturb or destroy the possibility of realising fellow-feeling in society because it may foster discrimination of people in society through the spreading and enhancing of negative prejudice. Also, in the case that hate speech is not legally prohibited and allowed under the excuse of "freedom of expression", expression and agitation of hostility against others may come to be recognised as normal in social life. Such an over-tolerance and normalisation of this hostile view against others may lead to unconcerned attitudes towards violent activity against people in society.<sup>4)</sup>

The paragraph 3 of the "General Recommendation No. 35- Combating racist hate speech" clearly states the point that hate speech may take the role of leading "mass violations of human rights and genocide".

The Committee has also underlined the role of racist hate speech in processes leading to mass violations of human rights and genocide, and in conflict situations. (OHCHR "General Recommendation No. 35- Combating racist hate speech", the paragraph 3)

Moreover, due to such chauvinistic activities of some groups, and the possibility of hostile views being created, trust between neighbouring Japanese and South/North Korean permanent residents may be damaged and distrust or suspicious moods among different ethnic groups may develop. It is expected that a non-interference policy against hate speech and other sorts of chauvinistic behaviour against people in society under the name of freedom of expression will damage trust between Japanese and foreign residents and will give negative effect to the possibility of fellow-feeling in society.

(4) The necessity of countermeasures against hate speech: legal restrictions, education and media.

(A) Necessity of legal restriction and its significance.

(a) Necessity and significance of legal restriction

In the paragraph 35 of the "General Recommendation No. 35- Combating racist hate speech", the decisive attitude to be taken with regard to hate speech is stated as follows,

The prevalence of racist hate speech in all regions of the world continues to represent a significant contemporary challenge for human rights. The faithful implementation of the Convention as a whole, integrated into wider global efforts to counter hate speech phenomena, represents the best hope of translating the vision of a society free from

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4) Nomura points out in her work "Jews and Latvians in Riga in 1941" (2009) ,that unconcerned attitudes of local Latvians against Jews was taken as a signal of tolerating violent activities against Jews and that attitude contributed to the acceleration of violence. Nomura, Mari. (2009) "Jews and Latvians in Riga in 1941"

intolerance and hatred into a living reality and promoting a culture of respect for universal human rights. (OHCHR “General Recommendation No. 35- Combating racist hate speech”, the paragraph 46)

As a member of international society, this international framework of understanding hate speech is also related to the Japanese government and society. In fact, at the meeting of ICERD in Geneva in February 2010, the committee pointed out that Japan did not secure laws that cover anti-discrimination regulations of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and improvement of the situation of hate speech and revising related legal conditions were recommended. (Morooka 2013, 18-19) In this case, public regulations against chauvinistic attitudes in society is not stipulated, therefore, such an official attitude may function as a signal that chauvinism is allowed or even supported at the official level in Japan. Such an equivocal attitude will also lead to distrust of the country at an international level. Either “anti-crime” or “zero tolerance” has been argued as the direction against hate speech or more comprehensive hate crime. It must be true that if all forms of direct and indirect expressions of discrimination are labelled as criminal offences and strictly prohibited, fears of purging freedom will be also raised. Hence, this extreme is to be avoided as well. The statements of the Japanese Cabinet ministers against the recent hate speech movement in Japan are valued. However, in light of the vision of the state, if Japan really has the will to realise a “multicultural coexistence” society, it would seem plausible to stipulate a stable legal norm that clearly prohibits extreme discriminative activities, including hate speech, against groups of people. Even though such legislation may not eliminate chauvinistic activities completely, it will contribute to regaining the trust of people in society where foreign residents reside.

(b) Recent development of anti-hate speech policy in Japan

In this regard, the Japanese upper chamber of parliament voted in favour of the Hate Speech Act in May, 2016, and was enacted in June, 2016. This law defines (1) Chauvinistic acts against particular ethnic groups and/or nationalities without rational reason (2) Attempting to harm those who belong to particular ethnic groups or nationalities (3) Discriminative words and/or actions against persons from a particular country or region causing those who experience these behaviours to “bear sadness, fear, and/or feelings of despair”. In order to enlighten the public of this new Act, the government is now required to utilize opportunities such as newspaper advertisements, posters, booklets, internet advertisements, and seminars on human rights, whilst sharing awareness tasks with local government<sup>5)</sup>. (Ministry of Justice, 2018)

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5) Even before the national anti-hate speech act, Osaka, Japan’s second largest city, enacted the Osaka City Ordinance Against Hate Speech in January 2016, thereby applying local-level determent to public expressions of discrimination and racist propaganda. In addition to the national Hate Speech Act of 2016, Osaka City’s ordinance includes “enlightenment for a better understanding” in its Article 3, and even further, in Articles 4 to 6, it stipulates prevention measures against hate speech such as prohibition of

However, this hate speech act is considered a “law in principle” i.e. lacking penal regulation, and therefore does not (seem to) possess power to enforce its statutes. Nevertheless, this “law in principle” must be recognized as progress compared to Japan's previous (non) status regarding: a) identifying and defining chauvinistic behaviours as discriminatory, and b) governmental plans of action to dissolve harmful expression in multicultural Japan.

After the enactment of the Hate Speech Act of 2016, the number of extreme right wing public demonstrations reduced to half of that in previous years. This is considered an effect of the Hate Speech Act as local governments have begun refusing groups deemed discriminatory use of their facilities.<sup>6)</sup> Nonetheless, it has also been reported that some groups have contrived ways to avoid being spotted as hate speech. (Nikkei-Shinbun, May 22, 2017)

As the development of the Japanese anti-hate speech movement unfolds, risks and weakness of the “law in principle” should be resolved, whilst its fundamental idea of anti-discriminatory consciousness is to be attained by today's multicultural society that is Japan.

In fact, after enactment of Hate Speech Act 2016, the number of extreme right wing related demonstrations in public space was reduced even to the half compared to previous years. This is considered to be an effect of the Hate Speech Act as local governments started to refuse discriminative groups for the use of their facilities.<sup>7)</sup> Nonetheless, it has also been reported that some groups intentionally contrive the way of expressing their discriminatory claims in order to avoid being spotted as hate speech. (Nikkei-Shinbun, May 22, 2017)

In the development of Japanese anti hate speech movement, risks and weakness of the philosophy law should be avoided whilst its basic idea of enlightenment is to be attained in Japanese society.

(B) Education and report.

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harmful expression in mass media and publicizing of names of persons who engage in hate-related acts. (Osaka City, 2017)

6) After the enactment of the Osaka City Ordinance Against Hate Speech, some local governments have started their own approaches against discriminatory expressions and behaviours. Kawasaki City in Kanagawa Prefecture holds a number of foreign residents, and in November 2017 announced guidelines for the prevention of the use of public facilities for hate-related gatherings. These guidelines came into effect in 2018: if a public facility is seen likely to be used for a gathering which promotes discrimination, Kawasaki City shall disallow permission of its use. (Kawasaki City, 2017)

7) After the enactment of hate Speech Law, some local governments have started own approaches against discriminatory expressions and behaviours. Kawasaki-city in Kanagawa Prefecture that holds a number of foreign residents announced a guideline that includes rather preventative measure against potential use of public facilities for the hate related gatherings in November 2017 and this guideline were enacted in 2018. According to this, in case public facilities are likely to be used for discriminatory gathering, Kawasaki city shall disallow or cancel a permission of its use. (Kawasaki City, 2017)

(a) Necessity to distinguish foreign residents in society and their state of origin.

Even before the remarkable activities of hate speech, poor relations between Japan and South or North Korea have been the cause of attack against those South/North Korean permanent residents in Japan. (Morooka 2013, 4) For instance, in August 2012, the ex-president of South Korea, Lee Myung Bak landed on Takeshima, a Japanese island, and claimed it as South Korean territory, which resulted in an anti-South Korean demonstration held in Shin-Okubo, a Korean area in Tokyo. In the same token, there were cases of attacks against students of the school for North Koreans in Japan on the occasion when the North Korean government recognised and apologised for their abduction of Japanese citizens in 2002, and when they attempted to launch ballistic missiles in 2006 and 2009. (Morooka 2013, 28) It is true that the government holds the right to deal with bilateral relation issues with other states at a diplomatic level, however, such issues should remain separate from the views of those foreign residents from those countries. Many of the South/North Korean permanent residents in Japan, have been living in Japan throughout their entire life. To link foreign residents to their states of origin will create unnecessary hostile relations towards them. In order to avoid this sort of improper linkage or confusion, media literacy education and multicultural education should be immune to information or propaganda that fosters negative views of others and segregates people as it will foster different analytical and critical perspectives.

(b) Necessity of responsibility of reporting precise information.

The aforementioned chauvinistic group “Zaitoku-kai” has been insisting that the “Special Privileges for Korean permanent residents” has to be abolished. As the base of the “Special Privileges”, their legal status is “special permanent residents” and the number of welfare recipients is relatively higher than Japanese welfare recipients. However, the issues that the group is insisting upon are not based on truth, but caused by their prejudice and imagination. The Special Exemption Law concerning the Immigration Control of Those Who Have Renounced Japanese Citizenship and Others under the Peace Treaty with Japan (Immigration Control Law) stipulated in 1991 gave the status of Special permanent citizens to those Koreans and Taiwanese who immigrated from those countries during the Japanese colonial period. Even with the facilitation of re-entry procedures, that status is not “permanent residency”. Those Korean permanent residents also bear legal obligations to pay taxes, whereas they do not have rights to vote in elections or to become government officials. (Morooka 2013, 52) Also, aged foreign nationals in Japan are exempted from the qualification of receiving a national pension. This explains the reason why their welfare recipients rate is relatively higher than Japanese. Due to the fact that this information is not commonly known, it is likely to be misunderstood that the Japanese government provides excessive protection to those special permanent residents using taxes paid by Japanese. Precise reporting by mass-media in regard to these issues is required to counteract such false propaganda from the chauvinistic group. The reporting by mass-media has to be responsible for the

information that is significant to foreign residents who live in the same society.

### (C) Media

Recent hate speech activities are not a mere bolt out of the blue. There has been a history of discrimination against Korean permanent residents that have tended to be experienced in employment and marriage. According to the survey of local governments of large cities such as Osaka or Kyoto, about 80-90% of children in Japanese elementary school bear Japanese names whilst holding their Korean name in their family. (Morooka 2013, 54) In most cases, it is difficult to tell the difference between Japanese and second or third generation Korean permanent residents unless they confess they are Korean permanent residents. However, it is doubtful that such a double-face life hiding their nationality or lineage and pretending to be authentic Japanese is a happy experience. If expression of difference in their ethnic or cultural background is difficult in their daily life and they experience a feeling of oppression, it must mean that Japanese society is mono-culturally oriented instead of multicultural. Without adaptation to a host culture of society, fellow-feeling can be realised in society of understanding differences. It does not exclude different cultural or ethnic backgrounds. Since our recognition of others is mediated by circulating images of contemporary society, mass-media takes important roles in fostering the views of multicultural coexisting societies whilst avoiding negative ravelling of others.

The perspective of fellow-feeling is significant in justifying the direction of a harmonised culturally diverse society and can function as a foundation to promote related activities. In the above cases of culturally diverse situations of Japanese society, promotion of the policy of "multicultural coexistence" at the local and national level on one hand and taking an unequivocal attitude against hate speech on the other seems to be contradictory. If a multicultural coexistence is truly an aim in Japanese society, the governments are required to take a decisive attitude against chauvinistic activities against foreign residents or different cultural backgrounds. Otherwise, that vision will end as a superficial political slogan that will not be attained in reality.

### Conclusion

Following his view that our daily life is full of emotion and the emotion can become our motive to live or even to commit suicide, Jon Elster states, "Emotions matter because they move and disturb us, and because, through their links with social norms, they stabilize social life". (Elster 1989, 69-70) Elster also says that the studies on emotion have not been progressed well in spite of it being crucial for our life. (Elster 1989, 61) It is interesting to recognise the fact that much research on sympathy has been done in the studies of sociology, social psychology or ethnology, but not so apparent in the studies of political theory. However, in my view, sympathy is meaningful scope in thinking of the vision of our society by deepening our insight into our nature. Sympathy is important in our social life, but it does

not necessarily mean that society filled with sympathy is full of peace and consideration among people. We human are sympathetic being, but at the same time, we are a jealous or aggressive being. Whilst approving such an ambivalence of our nature, De Waal thinks the problem is the balance of those different elements of our nature.

Like other primates, humans can be described either as highly cooperative animals that need to work hard to keep selfish or aggressive urges under control or as highly competitive animals that nevertheless have the ability to get along and engage in give-and-take....I rate humans among the most aggressive of primates but also believe that we're masters at connecting and that social ties constrain competition. In other words, we are by no means obligatory aggressive. It's all a matter of balance. (De Waal 2010, Locaton.745-749)

Even if other coexisting cultural groups in the same society are accepted at the sentimental level as equal fellow citizens, that does not exclude a possibility of like and dislike of some members of society at the individual level. Realisation of sympathy does not guarantee ultimate peace and harmony of society, but it is a concept that is significant enough for further examination to improve life in a culturally diverse society. As well as sympathy, justice, freedom, equality, recognition, toleration are also important ideas to be examined. Yet, it is also true that sympathy is significantly important for our life in both our social life and cultivation or maturity of our character. The character that is matured or cultivated indicates that he/she is capable of seeing him/herself from broad and comprehensive point of view as a result of internalised various perspectives, and does not regard him/herself as the absolute being that is superior to all others. In the same manner, being a cosmopolitan citizen means the person who acts in an appropriate manner by putting him/herself in another's shoes in light of various senses of values of different cultures in the world. Today, almost all of the states hold ethnic minorities through various social and historical backgrounds. The idea of sympathy will contribute to the argument of necessity and possibility of the cement of a culturally diverse society.

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