

# Japanese government pushes “anti-conspiracy” laws through lower house

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Despite protests by thousands of people outside the Diet (parliament) building, the Japanese government last week pushed through the lower house legislation that enables a vast expansion in police powers and suppression of political opposition.

Prime Minister Shinzo Abe, whose government holds a two-thirds majority in the Diet, plans to see the “anti-conspiracy bill” passed in the upper house before June 18, when the legislative body will break for summer.

Aimed supposedly at disrupting “terrorist conspiracies” and “organised crime,” the bill defines 277 types of crimes to which criminal conspiracy can apply, making entire groups of people liable for surveillance and prosecution based on unsubstantiated suspicion of planning or preparing criminal activity.

While the government claims that the bill would primarily be utilised to prevent terrorism, the vague wording of “planning” and “preparing” crimes and the large range of offences covered could see people jailed for actions completely unrelated to terrorism.

“Planning” petty theft, copyright infringement, or unlicensed bike racing will now be defined as conspiracy crimes, along with theft of forestry products and exporting designated cultural properties.

In particular, the broad definition of criminal conspiracy would criminalise most forms of civil dissent, including peaceful protests and strikes. Among the list of crimes is organised obstruction of business by force, which could see a wide range of people being under police surveillance, since an action aimed at halting the construction of unwanted facilities, including a military base, could constitute a crime.

Additionally, as the bill allows for the surveillance of anyone suspected of participating in a listed criminal activity, the state would have the ability to spy legally on the slimmest of pretexts, stripping people of basic

civil and legal rights.

Lawyers opposing the legislation cited the following example: Two citizens talk about a plan to carry out a sit-in at the gate of a US military base construction site. One of them buys a mat for the sit-in. Even if the sit-in is cancelled, they could be arrested on suspicion that they planned and prepared for the act.

The definition of an “organised criminal group” is vague. The police could launch operations against workers’ organisations, labour unions, citizens’ groups and political parties, if the police allege that the purpose of their activities has become criminal. Even to make a judgment on the nature of such groups’ activities, the police will claim the need to keep them under constant surveillance.

There is a significant level of popular opposition to the bill. Media polls indicate that a majority of respondents is concerned that the measures would be exploited to spy on the general population. More than three-quarters of those polled said the government had failed to explain what was contained in the bill.

Several legal scholars have rejected the government’s argument that the bill is necessary to stop terrorist attacks. Japan has not had a terrorist attack since the 1995 Subway Sarin incident, perpetrated by the Aum Shinrikyo cult, and laws already exist with regard to conspiracy for most major crimes, including murder and arson.

A professor of criminal law at Kyoto University, Kanako Takayama, quoted by the *New York Times*, commented: “[If] you buy a pair of scissors that may be viewed as a crime.” Another law professor, Lawrence Repata at Meiji University noted: “It is very clear that the Japanese public security sector—police and prosecutors—employ an extremely expansive interpretation of any aspect of criminal law so ...

regardless of the limited list of potential crimes, they will interpret it in an extremely elastic way.”

Others have branded to the bill as Orwellian in nature, referring to author George Orwell’s dystopian novel *1984*, which describes a population under constant police-state surveillance. Such fears were validated by comments from Justice Minister Katsushi Kaneda, who speculated that an individual visiting a park with binoculars and a map could reasonably be suspected of plotting terrorist activity.

Many comparisons have been made between the anti-conspiracy bill and the notorious Public Security Preservation Laws of 1925 and 1941, through which the authorities criminalised all forms of political dissent and outlawed the socialist and communist parties, jailing over 70,000 people between 1925 and 1945.

Masa Ota, a 102-year-old woman arrested at age 18 for possession of communist literature, declared: “We must not allow ourselves to revert to that era ... If only I could walk on my own legs, I’d be out on the streets, protesting.”

There is also deep opposition in Japan to other anti-democratic steps taken by the government, including its “reinterpretation” of the constitution to permit the deployment of the military to join allies in so-called collective self-defence actions.

The Abe government has pressed ahead, demonstrating its contempt for public opinion and democratic rights. Abe has declared his intent that the conspiracy bill come into full effect in time for the 2020 Tokyo Olympics.

Concerned by the potential for a public backlash, a number of corporate media outlets have expressed reservations about the bill. UN special rapporteur for human rights Joseph Cannataci published an open letter on May 19 criticising the bill’s measures and how it was being rushed through the Diet. Chief Cabinet Secretary Yoshihide Suga immediately denounced Cannataci’s intervention, saying it was “clearly inappropriate and we strongly protested.”

Parliamentary opposition parties, particularly the Democratic Party of Japan (DPJ), have voiced similar differences, limiting their criticisms to requesting more “debate and public input.” One DPJ member, Shiori Yamao, declared that the Japanese public should “decide for themselves where they want their freedoms restricted in order to protect their security.” This

effectively endorsed the government’s claim that stronger police powers are needed.

The DPJ’s stance is entirely hypocritical. In office from 2009 to 2012, it attempted to pass similar anti-democratic measures, a contributing factor in its defeat and the return of Abe and the LDP.

The bill has nothing to do with protecting the public. The comparisons made to the Public Security Laws are accurate. Then, as now, the Japanese capitalist class sought to stifle opposition within the working class to its reactionary measures, which included austerity and domestic repression at home combined with imperialist war abroad. Those laws were first enacted as the Japanese ruling class prepared its campaign of conquest and subjugation of the Asian mainland.

Today, confronted by a long economic stagnation, the belligerent “America First” program of the Trump administration, and the rising economic power of China, Japan’s rulers are again seeking a way out of their quagmire through militarism. Recognising that this will engender enormous public opposition, they want to pre-empt the threat of revolution by constructing a police state. That is the true aim of the “anti-conspiracy bill.”



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