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The Post-1968 Consumer Protection Policymaking System and the Consumer Movement's Response

Nineteen sixty-eight was a year of symbolic anniversaries and new beginnings for the Japanese consumer movement. First, it marked the twentieth anniversary of the founding of Shufuren and the enactment of the Co-op Law, two events that have come to represent the early postwar upsurge of consumer activism and the laws and political institutions that have simultaneously constrained and provoked that activism.

Nineteen sixty-eight was also the 100th anniversary of the Meiji Restoration and Japan's entry into the "modern" world. In the parlance of the organized consumer movement, it had been a century of public support for economic growth, producer supremacy in the political economy, and, in many cases, economic progress achieved at the expense of consumers. It was, many activists believed, a century that needed to end.

Even more important to those activists, 1968 witnessed the enactment of the Consumer Protection Basic Law (*Shōhisha hōgō kihon hō*), an event that marked the culmination of more than two decades of market-oriented activism and the beginning of a new phase of consumer advocacy based on consumer participation in policymaking processes. As such, the Basic Law came to represent both change and continuity for the organized movement: change, insofar as it represented an important governmental concession to pressures from below and laid the groundwork for an institutionalized system of consumer protection policymaking and administration, and continuity, in that it left more or less intact many of the basic political alliances that had governed national consumer policymaking in the past. It was, in short, an-

other potent symbol of both the challenges and opportunities of postwar Japanese consumer politics.

This chapter examines the politics leading up to the enactment of the Basic Law, the law's impact on the institutions of consumer protection policymaking and administration, and the resulting opportunities—or lack thereof—for consumer advocacy both nationally and locally. The analysis is based on the theoretical observation made in chapter 1 that new laws or policies can create new institutional configurations that in turn can either empower or restrain societal interests. I conclude the chapter with an overview of the menu of strategic choices available to consumer advocates since 1968. In chapters 6 through 8, I look at how advocates have used those strategies to influence the direction of consumer protection policymaking.

The 1968 Consumer Protection Basic Law

The Political Backdrop

The Consumer Protection Basic Law was enacted in part because it made good political sense. The law was, after all, a long-overdue policy response to the myriad distortions of rapid economic growth that had been plaguing consumers for well over a decade (Kimoto 1993:10). More specifically, it was a much-needed antidote to a consumer bureaucratic system that was far too informal and fragmented to keep up with contemporary consumer problems (Sunada 1968:6), as well as a concession to consumers who had grown weary of the government's unspoken policy of "growth at all costs."

The ruling Liberal Democratic Party (LDP) had some compelling reasons of its own to support the law. By the mid- to late 1960s, a confluence of problems had created a political situation in which the pro-business party could no longer afford to ignore the issue of consumer protection: the product-related disasters of the late 1950s and 1960s; mounting citizen activism at the grassroots level directed at both environmental and consumer issues; and the threat to conservative party rule posed by the rise of progressive local governments, many of which were taking innovative steps in the consumer policy realm. Not coincidentally, the party had just seen the Basic Law on Environmental Pollution through the Diet. A similar statute dealing with consumer protection, many in the party now believed, could be just what the LDP needed to appease Japan's increasingly disgruntled voters be-

fore they took their frustrations to the polls. For all intents and purposes, the LDP was acting in anticipation of a political “crisis” in the consuming electorate in a manner comparable to the “crisis and compensation” dynamic explored by Calder (1988).

The politics behind the enactment of the Basic Law were a rare example of conservative party initiatives in consumer policy formulation, initiatives that heretofore had been taken by the bureaucracy or, less frequently, by the opposition parties. Originally, the bill was to be drafted by the Economic Planning Agency¹ with the cooperation of the pertinent ministries and then introduced to the Diet with the backing of the cabinet (Sunada 1968:17). Two developments, however, catapulted the policy process outside regular decision-making channels. The first was the specter of endless interministerial squabbling among the eighteen ministries and agencies that were to have a hand in the bill’s drafting. The second was the tabling of alternative bills by a number of progressive opposition parties at a time when the LDP’s position at the polls was very uncertain (KSS 1997:108). The LDP’s answer to these challenges was to seek multiparty sponsorship of a private member’s bill.

Accordingly, a bill was drafted in the LDP’s Policy Affairs Research Council (PARC) and then submitted to a subcommittee in the Lower House’s Special Committee on Price Problems. During the ensuing interparty negotiations, Sunada Jūmin,² a second-generation LDP Diet member from Hyōgo Prefecture and the head of the subcommittee, played a key role in allaying fears in the LDP rank-and-file that a comprehensive consumer statute would be detrimental to business progress (Shōdanren 1987b:109) and in gathering support from the opposition parties, most of which had criticized the LDP bill for not doing *enough* for consumers. Thanks largely to Sunada’s efforts, an interparty alliance was eventually forged among the LDP, the Japan Socialist Party, the Kōmeitō, and the Democratic Socialist Party, an alliance that looked very much like the ones identified by Calder during the formulation of welfare, environmental, and small-business legislation (Calder 1988:444).

The bill passed unanimously on May 24, 1968, and went into effect six days later (Oikawa 1993:6). Consumer organizations, which had been completely excluded from the decision-making process, had no say over the law’s contents. The legislative process was significant, however, for at least three reasons. First, and most important to our purposes, the law ushered in a new phase of consumer politics characterized by enhanced opportunities for rou-

tinized consumer participation in policymaking. However disappointing those opportunities may have been, they marked the end of a long period of consumer advocacy based primarily on market-oriented protest. Second, and as noted earlier, it was a rare example of LDP initiative in the consumer sphere, not to mention a concession to citizen demands after years of prioritizing producer interests. Finally, it was one of few private member's bills ever enacted into law in the history of the Diet, as well as an extraordinary example of interparty cooperation. As such, the Consumer Protection Basic Law can be viewed as an early manifestation of the willingness of a politically besieged LDP to cooperate more closely with the opposition parties in the Diet.³

The Consumer "Constitution"

The price paid for bipartisan support was a piece of legislation that many critics summarily dismissed as a mere "propaganda law" (*senden rippō*) (Oikawa 1993:7). Indeed, on the surface of things at least, the law resembles most other basic laws⁴ in both its tacit declaration that "there ought to be more laws!" and its omission of measures that might give concrete meaning to that declaration. That said, the Basic Law does have value insofar as it lays out the principles, objectives, and institutions of consumer protection policymaking and administration in Japan. As such, the law fulfills its reputation as the country's "consumer constitution."

The purpose of the Consumer Protection Basic Law is to "secure the stability and improvement of consumer lifestyles" by defining the responsibilities of the state, localities, business enterprises, and consumers themselves toward the interests of consumers (Keizaikikakuchō 1999:154). What is significant about this phrase is the implicit recognition that consumers have unique problems of their own. As Japanese legal scholars have often noted, the Civil Code and supporting statutes, which had guided consumer-related transactions in the past, overlooked the fact that consumers were weak relative to big business in terms of economic power and access to product-related information (Japan Consumer Information Center 1989:2; Miyasaka et al. 1990b:31). The Basic Law helps level the playing field by acknowledging the inherent inequality of the consumer-producer relationship and by providing in principle for the kinds of legal measures that would protect consumers from abuse. The law also addresses the problems of consumers

head-on (Sunada 1968:15–16), unlike most other consumer-related laws which, like comparable American statutes before the 1960s, did so only indirectly.

The law consists of four sections. The first outlines the responsibilities of the state and the localities toward the interests of consumers. It also calls on firms to cooperate with both entities in executing consumer-related policies and ensuring the provision of safe and reliable products and product-related information to their customers. The section ends with an appeal to individual consumers to take the initiative in acquiring consumption-related information and to behave “self-reliantly and rationally.”

Section 2 authorizes the state to set national standards for product safety, correct weights and measures, proper labeling, and free and fair competition;⁵ states the roles of all levels of government in soliciting and reflecting the views of consumers in policy formulation and implementation; and calls on the state to establish product-testing facilities and to provide citizens with consumer-related information and educational opportunities. It also authorizes the state, localities, and private companies to establish institutions to deal with consumer complaints.

Section 3 provides for the establishment of state and local institutions to facilitate the execution of consumer policies and stipulates the role of the state in taking “necessary [steps] for the encouragement of sound and self-reliant organizational activities in which the consumer may endeavor to stabilize and improve his consumer life.” The final section establishes the Consumer Protection Council (Shōhisha hogo kaigi) under the Prime Minister’s Office. Headed by the prime minister, the council consists of eighteen ministers and agency directors (Keizaikikakuchō 1993a:16) and is responsible for annually formulating broad consumer protection policies.

The Institutional Configurations of Consumer Protection Policymaking and Administration

“New policies,” proclaimed E. E. Schattschneider during the 1930s, “create new politics” (Schattschneider 1935:288). And so it was in Japan following the enactment of the Consumer Protection Basic Law. Within seven years of its promulgation, seventeen preexisting consumer-related laws were strengthened, and fourteen new ones—most of which carried out the stipulations of the Basic Law—were enacted (NHK 1980:116). It was a histori-

cally unprecedented flurry of legislative activity in the consumer realm. And although many of the statutes were subsequently attacked by consumer representatives and legal scholars for being “deboned” (*honenuki*), or soft on business, even the most stalwart critics had to admit that they improved the lot of consumers by strengthening product safety standards, increasing access to information and redress mechanisms, and enhancing consumer representation in governmental decision-making processes. As such, they were a victory for consumer organizations, many of which had campaigned long and hard for such measures.

The Basic Law also had a major impact on the consumer-related institutions of the national and local bureaucracies. By outlining governmental responsibilities toward the consumer and sanctioning and promoting the expansion of a consumer-oriented bureaucratic space, for example, the statute increased the odds that ideas pertaining to consumer protection would mature into concrete laws and policies. For bureaucrats entrusted with protecting consumers, the law had an immediate impact on morale, particularly at the local level where consumer protection, together with environmental administration, was becoming a respected local governmental function. These developments in turn help explain the upsurge in consumer protection legislative activity both nationally and locally during the late 1960s and early 1970s (Sahara 1979:216).

The law also legitimized the preexisting role played by the localities in consumer protection by broadly stipulating their responsibilities in executing state policies and formulating local policies, functions that were formally incorporated into the 1947 Local Autonomy Law by an amendment introduced in 1969. The immediate effect of these provisions was the acceleration of earlier efforts by local governments to take a leading role in the day-to-day implementation of consumer protection policy, the formulation of a number of new policies oriented toward local consumer problems, and the development of consumer-related services and education programs. Accordingly, during the late 1960s and 1970s, prefectural, city, and town governments expanded their facilities to deal with consumer issues and frequently took the initiative in directing the public’s attention to problems affecting consumers.

Last but not least, by highlighting the need for consumer legislative action in the future, the Basic Law led to both the introduction of new policy-making and administrative organs and the expansion of old ones. Together, these institutions quickly evolved into a comprehensive system of consumer

protection policymaking and administration spanning both levels of government. The main political and institutional features of that process before the downfall of Liberal Democratic Party rule in 1993 were as follows.

The Consumer Protection Policymaking and Administrative System

As the highest-ranking decision-making body in the consumer protection policy process, the Consumer Protection Council functioned as a horizontal bureaucratic forum for identifying consumer issues, setting policy targets, and coordinating consumer policy in the national bureaucracy. In practice, however, the council was weakened as a policymaking organ by the fact that it met only once a year. Moreover, given the large number of bureaucratic voices that had to be coordinated by the council, its recommendations often reflected little more than the lowest common denominator of official thinking on consumer issues.

The Consumer Protection Council was further hampered by the fact that it was run by top-ranking politicians who had little experience—or interest—in consumer affairs. On that note, one of the curious features of consumer politics that set Japan apart from the United States was the failure of the political parties—both conservative and progressive—to elevate consumer issues as priority items in their policy platforms (Kitazawa 1979:261–63). As we noted in the case of Britain, this can be partly explained by the tendency of parliamentary systems to weaken incentives for prime ministers to champion broad public-interest issues and for individual backbenchers to become “political entrepreneurs” in the consumer realm. Also to blame was the former “single nontransferable vote multimember district system” that encouraged politicians to cultivate votes by promising the distribution of particularistic favors to their potential constituents rather than promoting broad quality-of-life issues.

Although the opposition parties occasionally helped shape the terms of the debate on some of the more politicized consumer issues by fielding private members’ bills and stoking public opinion, consumer advocates who allied with the opposition parties behind consumer policy initiatives often expressed disappointment that those parties did not do more to advance the consumer cause. The parliamentary and electoral constraints faced by all political parties notwithstanding, opposition inertia on the consumer front is certainly intriguing, particularly given the potential for consumer issues to set those parties

apart from the LDP in the minds of the voters. The reliance of both the Socialist and Democratic Socialist Parties on labor union support may be one reason for this, if we can assume that emphasis on the affairs of workers deflected party attention away from the broader concerns of consumers. The opposition's status as the Diet's "permanent opposition" before 1993 and the policy-related inertia that consequently set in is certainly another.

Given the Diet's relative weakness as a forum for the articulation of consumer-related concerns, the business of consumer protection formulation fell primarily to the ministries in a manner comparable to that of Britain. This is not to say that LDP politicians played no role in this process; to the contrary, they could and would jump in when interministerial conflict or intense business opposition was involved. Even when consumer policymaking was routine and uneventful, ruling politicians influenced the process indirectly through their veto power. Since the cabinet did not normally adopt policies that were unpalatable to the party in power, in other words, bureaucrats constantly tried to determine—or at least anticipate—the prerequisites for cabinet approval. Finally, the LDP became more directly involved in consumer policymaking on those few occasions when consumer issues threatened to affect the party at the polls. Consider, for example, the LDP's active involvement in the enactment of the Consumer Protection Basic Law and, two decades later, in the introduction of the controversial consumption tax.

While the ministries were responsible for drafting and implementing consumer-related laws pertaining to their respective jurisdictions, the Economic Planning Agency served as the coordinator of interministerial consumer policymaking. The agency was in charge, for example, of a monthly meeting of section chiefs (*katchō*) from the eighteen ministries and agencies that deliberated on overall consumer policymaking and administration, and a smaller meeting of pertinent officials from the agency, the Ministries of Health and Welfare and Agriculture, Forestry and Fisheries, and the Fair Trade Commission to discuss food-related policies (Keizaikikakuchō 1993a: 17). As horizontal mechanisms for interministerial cooperation, however, these meetings were often the venue of decision-making inertia and turf battles caused by the institutional phenomenon of "vertical administration" (*tatewari gyōsei*).⁶ Moreover, the role of the Economic Planning Agency as chief conductor of the consumer policymaking process was weakened by the agency's lack of ministerial status in the cabinet. In keeping with pre-1968 bureaucratic trends, the post-1968 consumer protection policy and administrative processes remained fragmented and laden with conflict.

According to the Basic Law and several supporting statutes, business and labor representatives, consumer advocates, academics, and other nongovernmental interests could participate in ministerial consumer policymaking in one of two ways. The first was membership on *shingikai*: bureaucratic “consultative bodies” (*shimon kikan*) that function as advisory organs to ministerial and agency heads during the early stages of policymaking (Schwartz 1998:52). Most of the *shingikai* that had played a role in consumer policymaking in the past had mandates that extended far beyond the consumer realm—MITI’s Industrial Structure Council (*Sangyō kōzō shingikai*) being one of the better-known cases in point. For policies that touched on the jurisdictions of several ministries, the Social Policy Council (*Kokumin seikatsu shingikai*) usually stepped in. Since the final reports released by *shingikai* often formed the basis of a ministry’s official position on a particular issue, the councils performed an important legitimizing function for the ministry concerned. Like other deliberative councils, however, consumer-related *shingikai* often functioned as mere rubber stamps for bureaucratic policies or fronts for behind-the-scenes bureaucratic networking (see Schwartz 1993:217–41).

The second, more indirect avenue for the articulation of citizen interests was the Japan Consumer Information Center (*Kokumin seikatsu sentaa*,⁷ or JCIC) and its affiliated network of local consumer centers.⁸ The JCIC is a public organization established under the jurisdiction of the Economic Planning Agency by the 1970 Japan Consumer Information Center Law (*Kokumin seikatsu sentaa hō*). It carries out product testing, consumer-related research and public opinion surveys, public education on consumer issues, advice for aggrieved consumers, and mediation (*assen*) and conciliation (*chōtei*) in disputes between businesses and consumers. Comparable functions are performed at the local level by “consumer centers” (*shōhisha sentaa*, also known as *shōhi seikatsu sentaa*, or “consumer lifestyle centers”). These are semigovernmental organizations established by local ordinances and affiliated with the JCIC. Between the early 1970s and 1993, the centers and the JCIC together functioned as an institutional network for the public dissemination of consumer-related information and as an administrative feedback mechanism in which the results of local consumer administration were funneled into the national bureaucracy through the Economic Planning Agency.

The role of the localities in these policymaking and administrative processes was an important one. On one level, the localities served as financially

subsidized executors of national policies and of consumer-related programs centered in the ministries. The localities were also authorized by the Basic Law to enact consumer protection ordinances to address problems specific to the jurisdictions of the localities in question, a feature that was lacking in the Basic Law on Environmental Pollution before the 1970 amendments (McKean 1981:243). Finally, and as we shall see shortly, the localities occasionally functioned as receptacles of local public opinion which, in some circumstances, could have a significant impact on policymaking at the center.

Consumer Organs and the Post-1968 Policymaking System

After 1968, consumer representatives were presented with new inroads into the national consumer protection policymaking and administrative processes. But just how effective were those inroads? The Basic Law may have expanded the scope and significance of the consumer protection policymaking system, but can the same be said for the influence of consumer organizations within that system?

If the underlying principles of the Basic Law are any indication, the answer to the second question is a resounding no. Consider, for example, article 2, the Basic Law's own version of the "harmony clause" of the 1967 Basic Law on Environmental Pollution: "The state has the responsibility of establishing and executing overall policy concerning consumer protection *in accordance with the development of economic society* (emphasis added)." In one short sentence, consumer protection is ranked second to economic growth and producer interests as a domestic policy goal. Although the Basic Law on Environmental Pollution was eventually freed of this provision (Broadbent 1998: 120–22), the consumer version remains intact.

Another feature of the law that weakened consumers as political players before 1993 is the omission of any mention of individual consumer rights. Although the concepts of product safety, information, choice, consumer representation, and redress are addressed to varying degrees by the statute, they are approached not as rights vested in the individual but as privileges bestowed on the people by business and government with an eye to the "development of economic society." This feature, which conforms closely with long-standing Japanese approaches to state-consumer relations, has been roundly criticized by consumer organizations, academics, and legal specialists for elevating the interests of producers over those of consumers

and for encouraging consumers to depend heavily on those in political and economic authority for solutions to consumer-related problems (see, e.g., Kimoto 1986:86–88; Oikawa 1993:6–7).

A third feature of the Basic Law that warrants attention here is the stipulation in article 17 that “the state and local governments shall take necessary measures for the encouragement of sound and self-reliant organizational activities with which the consumer may endeavor to stabilize and improve his consumer life.” This is not a validation of consumer protest or a green light for the organizational expansion of the consumer movement. To the contrary, when viewed in tandem with the rest of the law and the absence of any discussion of consumer rights, the article suggests governmental support for apolitical consumer organs that support “rational” consumption, that provide for the education of “wise” (*kashikoi*) consumers—as opposed to “active” (*kōdōsuru*) ones—and that cooperate with state and local authorities in the “development of economic society.” The law, in other words, seeks to depoliticize the organized consumer movement while protecting the supremacy of producer and bureaucratic interests in the policy process. In this way, the law mimics the underlying intentions of the Basic Law on Environmental Pollution (see Upham 1987:58).

Clause for clause, the Consumer Protection Basic Law gives us little reason to expect an expansion of consumer leverage over the policy process. How, then, were the principles of that law actually carried out? In the environmental realm, as Upham has shown, the objectives of the Basic Law on Environmental Pollution and its supporting legislation were duplicated on the ground by local dispute resolution mechanisms that effectively prevented the politicization of environmental conflicts (Upham 1987:56–58). The spirit of the Consumer Protection Basic Law, on the other hand, was implemented almost to the letter at the national level, but not in the localities. The results of this discrepancy have been far-reaching not only for local consumer policymaking, but also for decision making at the center.

Consumer Representation at the National Level

By all accounts, opportunities for direct access to the national policy process were extremely disappointing for consumer advocates before 1993. The opinions of consumer leaders who served on consumer-related *shingikai*, for example, were frequently overpowered by business representatives

who benefited directly from the rules and informal customs governing committee deliberations. Advocates often spoke bitterly of their experiences as *shingikai* members, complaining about the exclusion of consumer representatives whose opinions did not mesh with those of the ministries (interview, Shimizu, February 1993), bureaucratic control over agenda setting and the report compilation process, the haphazard distribution of pertinent documents to council members just hours before meetings were to convene (interview, Y. Itō, April 1994), the fact that many documents were written in English or other foreign languages, and the lack of public access to *shingikai* meetings. In disputes between consumer and business representatives, moreover, they claimed that business often won out, whereas the dissenting opinions of consumer leaders went unrecorded in the final *shingikai* reports.⁹ These consumer-related *shingikai* resembled *shingikai* more generally insofar as they functioned “in ways downright inimical to their intentions” (Schwartz 1998:52).

Consumer representatives also lacked informal access to bureaucrats in the policy process. In most ministries dealing with consumer issues, requests by consumer representatives for meetings with pertinent officials were often turned down or granted by low-ranking bureaucrats with little more than ten minutes or so to spare. Advocates fared somewhat better in the more sympathetic Economic Planning Agency, the center for consumer policy coordination in the bureaucracy, but their ties to individual bureaucrats in the agency were relatively weak and at times even inconsequential, given the agency’s lack of clout in the bureaucracy as a whole.

Symbolic representation in the consumer policy process by consumer organizations was mirrored by close, institutionalized relationships between business interests and officials. Since most consumer-related policies involve the regulation of business practices, business was heavily represented in the national decision-making process to ensure the smooth implementation of policy. Business input into that process was both formal and informal. The opinions of industry leaders who served as members on ministerial *shingikai* that deliberated on consumer issues, for example, were given careful consideration when reports were compiled. Business leaders also cultivated long-term, private relationships with key bureaucrats that were frequently tapped as informal channels of interest articulation and mutual consultation throughout the policy process. Consumer organizations, meanwhile, lacked such avenues into the ranks of officialdom.

Consumer Representation at the Local Level

The Consumer Protection Basic Law produced a set of corporatist institutions that, for all intents and purposes, excluded representatives of the consumer interest from the post-1968 consumer protection policymaking system. “Turned away at the gate” (*monzenbarai*) of the national corridors of power, consumer advocates looked to the localities as alternative channels of interest articulation. Their efforts proved to be surprisingly successful.

For starters, advocates managed to form useful ties with politicians at both the city and prefectural levels, where, as we noted in an earlier chapter, electoral incentives and historical precedent encouraged politicians to embrace public-interest issues. Advocates also had direct and effective access to bureaucratic decision-making processes. Consumer leaders were regularly consulted on the composition of local *shingikai* memberships (interview, Andō, February 1994), and their representatives on the councils were closely involved in the compilation of council reports, which reflected more or less accurately the various opinions both for and against particular policy proposals. *Shingikai* meetings were also open to the public, thereby giving non-council members from consumer organizations an opportunity—which they did not have at the national level—to keep abreast of consumer-related debates in local governments. Consumer movement advocates who served on local *shingikai* generally expressed moderate to high degrees of efficacy and were considerably more satisfied with local deliberative organs than with those at the national level (interview, Andō, February 1994; NHK 1993).

The local consumer centers constituted another avenue for consumer organizations into the local policy process. While the dispute resolution mechanisms of these centers sometimes worked against the interests of consumer representatives by preventing individual consumer disputes from becoming politicized—just as local dispute resolution procedures do in the environmental realm¹⁰—the centers served the political interests of consumer movement advocates in several ways. For example, consumer representatives often worked with center officials to carry out consumer education programs and product testing, projects that brought them into close contact with local policymakers. In addition, many of these centers had at least one staff member on hand who was responsible for implementing local governmental policies pertaining to these groups and serving as liaisons between the center and consumer representatives (interview, Kudō, December 1997).

Although the individuals who occupied these positions were rotated every three years or so in accordance with Japanese bureaucratic custom, some of them developed close and informal relationships with consumer representatives that were coveted by the latter as both sources of information and opportunities for the articulation of movement preferences. In this sense, the centers developed into the kinds of *kakekomidera* (“temple for seeking refuge”) that advocates longed for at the national level.

The extent of consumer input into local policymaking procedures was particularly apparent during the formulation and implementation of consumer ordinances. The drafting of Tōkyō’s highly regarded Consumer Ordinance (Shōhisha jōrei, 1975),¹¹ for example, was the responsibility of a prominent local *shingikai* in which consumer representatives played a major role (Suzuki 1979:261). Consumer leaders had additional opportunities to influence the policy process by participating in the Residents’ Council to Protect Livelihoods (Seikatsu wo mamoru tōmin kaigi), a citizen’s forum established by the Tōkyō metropolitan government during the 1960s that has since played a leading role in monitoring the implementation of consumer and other ordinances (Suzuki 1979:263).

The significance of consumer-related ordinances should not be underestimated. For one thing, those ordinances have tended to be far more pro-consumer than comparable statutes are at the national level. In a striking divergence from the Consumer Protection Basic Law, for example, the Tōkyō Consumer Ordinance posits a number of basic consumer rights. As a measure of the government’s sincerity in recognizing the existence of those rights, moreover, the ordinance empowers consumers to directly request their executive heads of government to investigate consumer problems (Suzuki 1979:261–63). In some instances, local ordinances have even improved the lot of consumers nationwide by setting new standards for consumer policy at the center—a trend that has been particularly noticeable in product labeling (Kitazawa 1979:42). This feedback relationship among consumer advocates, local government, and the national policymaking system resembles that of the United States following the national anticonsumer movement backlash of the 1980s.

The Basic Law was the initial impetus behind the expansion of local responsibilities regarding the consumer, but the extent to which the localities carried out those responsibilities went well beyond the spirit of the law. This was largely due to the legacy of progressive local governments that came to power in the 1960s and early 1970s and actively fostered direct contact be-

tween local decision makers and residents in accordance with the democratic principles embodied in the Local Autonomy Law.¹² Local governmental activism in the consumer realm was further encouraged by heightened citizen demands for more comprehensive local consumer policies, particularly after the 1973 oil shock. Over time, Japan's local consumer *kakekomidera* became even more active and influential than those of a comparable unitary state: Britain.

The expansion of institutional opportunities for movement participation in local policymaking and policy implementation was not without drawbacks for the organized consumer movement. As we noted in earlier chapters, close cooperation between local governments and consumer advocates during the early postwar period was often purchased at the price of the latter's independence. The post-1968 period was certainly no exception, for as the number of local consumer organs grew during the early and mid-1970s, so, too, did the number of groups that had been "captured" by government. Even for organs that managed to preserve their political independence, the expansion of local governmental facilities led to the co-optation of important movement functions. The fact that local governments now played a major role in the education of "wise" (*kashikoi*) consumers and the provision of consultation services to aggrieved consumers, for example, rendered more or less redundant comparable functions in less well endowed consumer organizations. These developments not only weakened organs that were struggling to redefine their organizational *raison d'être*, but they also increased the incentives for consumer advocates to depend heavily on local administrations for resources, advice, and information. At the same time, however, and as the next section illustrates, relations between movement organs and the localities often developed into political alliances that had a significant impact on consumer policy both locally and nationally.

Post-1968 Consumer Movement Strategies

Throughout their early postwar history, consumer organizations had relied on a mixture of protest, boycotts, and other market-oriented strategies as they worked to improve the economic and political lot of consumers. Oku Mumeo's position as an Upper House Diet member, occasional membership by consumer representatives on national *shingikai*, and examples of government-movement cooperation on specific consumer issues notwith-

standing, the politics of consumer protection were fought mainly from the periphery of the Japanese political system.

As a result of the post-1968 institutionalization of a comprehensive system of consumer protection policymaking and administration, “the periphery” took on new meaning for consumer representatives. Now, as before, consumers were often excluded from the national policymaking processes that were controlled by bureaucrats, conservative politicians, and business interests. Unlike those earlier years of consumer activism, however, advocates enjoyed access to local channels of interest articulation that at times proved invaluable to movement campaigns. Local government—or the “periphery,” if we can refer to it as such—had become an integral part of Japanese consumer protection politics.

The importance of the localities during consumer campaigns is rooted in the kinds of resources that were channeled into the organized movement. In accordance with the Basic Law’s provisions for governmental support of consumer organizational activities promoting the “stabilization” and “improvement” of consumer livelihoods in harmony with economic development, for example, the localities supplied consumer groups with start-up fees and project grants, resources that in turn spurred the rapid growth of the grassroots movement after 1973. National consumer organizations also benefited from local largesse. Local consumer-related bureaus and consumer centers supplied consumer organizations like Shufuren and Shōdanren with product-testing equipment, space for consumer-related exhibitions, sponsorship for consumer lectures and symposia, and spacious and well-equipped rooms for interorganizational meetings of movement leaders. The main branch of the Tōkyō Consumer Center, for instance, often provided meeting places for advocates and advertising support for issue-specific study groups that were held during Shōdanren’s annual National Consumer Rally (*Zen nihon shōhisha taikai*). In addition, as the next three chapters reveal, the center supplied both national and local advocates with rooms for leadership meetings and organizational support for lectures by prominent lawyers and academics during national political campaigns. Last but not least, advocates occasionally found important allies in their benefactors, a few of whom supported movement goals as private citizens.

Over time, consumer advocates learned through trial and error how to use these local resources to influence policymaking at the national level. By 1993, when the era of one-party dominance drew to a close, those advocates had developed a repertoire that combined traditional social movement strat-

egies like lobbying, litigation, and, to a lesser extent, protest, with more innovative ones reflecting the particular institutional opportunities of the local level. Those strategies can be summarized as follows.

Issue Definition

“Issue definition” (*mondai teigi*), as advocates themselves refer to it, marked the start of consumer advocacy on a particular issue. The strategy, which involved nothing more than identifying consumer problems from the point of view of consumer rights, was implemented by consumer representatives with two policy-related goals in mind: (1) defining the terms of the debate in the policymaking sphere and (2) activating public opinion.

It is important to note that issue definition had only a minimal impact on the agenda-setting stage of the policy process. In keeping with the corporatist features of national consumer policymaking, the government would elevate a consumer issue onto the agenda not so much in response to public pressure as to the appearance of a “focusing event” (Kingdon 1984:104): a crisis, symbol, or related issue that highlighted the political importance of a particular consumer problem to powerful economic and political actors. As the antitrust, anti-deregulation, and product liability case studies attest, focusing events in the consumer realm included foreign legislative trends, foreign trade pressure, the introduction of nonconsumer policies requiring commensurate adjustments in the consumer realm, or, more rarely, the specter of political crisis.

It was only once the agenda had been set and the early policy formulation stage begun that advocates mobilized scarce resources for issue definition and other strategies designed to influence the policy process. Issues were defined in part through the distribution of movement pamphlets, organ newspapers, flyers, and even full-length books to rank-and-file members and other concerned citizens. Normally, this literature consisted of simple descriptions of the problem at hand, definitions of basic terminology, explanations of the connection between the problem and consumer rights, and the alleged role of business and/or government in both contributing to and solving the problem. In some cases, these messages were conveyed through simple cartoon dialogues between disgruntled consumers (many of them portrayed with their fists clenched in anger or with tears running down their faces) and their business and government adversaries.

Consumer advocates were also quite adept at organizing public lectures and study groups on important issues, many of which were held at consumer centers. Organizers used those occasions to promote movement positions, distribute literature, and, in some cases, solicit signatures for petitions. Depending on the issue, those events often attracted audiences of a hundred or more. Needless to say, media cooperation in publicizing such events and covering the consumer message could have a profound effect on issue definition's ultimate impact on public opinion.

Although they did not refer to it as such, American and British consumer organizations also engaged in "issue definition" whenever they publicly defined a consumer-related problem and demanded a solution from business and/or government. Japanese advocates differed from their foreign counterparts in both the length and the intensity of this activity. Whereas U.S. and British advocates tended to pursue this strategy mainly during the early stages of movement campaigns, the Japanese engaged in issue definition with surprising alacrity throughout the policy process and, as I discovered after attending numerous movement meetings, at the expense of public discussions on how to take political action on a particular issue.¹³ This was because issue definition doubled as an important consciousness-raising and movement-building device in a country where public awareness of consumer rights was still quite weak.

Although one might expect issue definition to be fairly straightforward, it was a daunting task for many Japanese advocates. As we noted in earlier chapters, consumer organizations are staffed not by politically savvy public-interest lawyers or, as in the case of the NCC in Britain, governmental insiders, but by housewives—many of whom joined the organized movement during the early postwar period and never acquired the legal, economic, and political training that would have enabled them to tackle single-handedly the complex issues that affect modern consumers. In the words of one academic observer, the movement lacked its own "fountain of wisdom" (*chiebukuro*) (interview, Shōda, December 1993). Furthermore, forced by personnel shortages to embrace several issues simultaneously, advocates were often left with little time to devote to one particular issue area and to cover that area well. Thus, they came to rely not only on local government for infrastructural and PR support but also on members of the academic and legal communities to help them define pertinent consumer issues. Issue definition was by necessity a team effort.

The Dissemination of Information

The generation of scientifically derived information to both consumers and policymakers in support of consumer movement positions was an important prerequisite for issue definition in particular and for the activation or manipulation of public opinion more generally. Unfortunately for many consumer organizations, the successful implementation of this strategy was hampered by both the aforementioned resource deficiencies and local governmental co-optation of consumer movement functions since the early 1970s. Unlike the United States's Consumers Union or Britain's Consumers' Association, contemporary consumer organizations simply did not have the money, expertise, or research facilities to carry out extensive scientific research and large-scale public opinion surveys on their own.

Accordingly, many consumer organizations came to rely heavily on the research of lawyers, scholars, foreign sources, the JCIC, local consumer centers, and, to a lesser extent, the Economic Planning Agency and the Fair Trade Commission. Unlike many American and British consumers organizations that have been known to generate their own information, the contribution of Japanese organizations to the public discourse on consumer issues lay in the dissemination of information generated by other organizations to sectors of society that might not otherwise have access to it: housewives who participated in consumer organizations, members of the consumer cooperatives, and citizens with connections to local governments and consumer centers.

Litigation

Since the early 1970s, a number of consumer organizations, including Shufuren, the consumer cooperatives, and Consumers Union, occasionally sued business and government in their efforts to extract concessions for consumers.¹⁴ Although few movement litigants and their supporters expected to win those suits, their courtroom battles often took on the dimensions of a crusade. At the crux of the consumer mission was a determination to instill a sense of injustice, knowledge of consumer issues, and an awareness of consumer rights in the public at large.¹⁵ Litigation, in other words, was largely fought for purposes that lay outside the courtroom.

Consumer advocates were able to accomplish their nonlegal objectives in many instances because consumer lawsuits were closely watched by the media and hence the general public. Media attention can be attributed to the fact that before the early 1990s, lawsuits were an infrequent phenomenon, and for good reason: lawsuits were very difficult to launch and sustain in Japan, as they have been in Britain and many other European countries. Japanese consumer organizations, with their narrow financial base and lack of legal expertise, were barred from easy access to the courts by high filing fees, complicated and time-consuming legal procedures, overloaded court schedules, weak discovery provisions, a shortage of lawyers willing to volunteer their time to consumer movement causes, and, in many cases, a narrow standing to sue.¹⁶ Clearly, the institutional features of the Japanese court system were much less “consumer friendly” than those of the United States, where Ralph Nader and other consumer advocates have frequently used the courts as an alternative—and often highly effective—channel of interest articulation.

During the 1970s, Tōkyō and several other prefectural governments began compensating consumers for the absence of a small-claims court system by subsidizing citizens involved in consumer lawsuits. In Tōkyō, these subsidies have been granted in suits involving small claims and large numbers of plaintiffs (Tōkyōtō seikatsu bunkakyoku 1994:15)—suits in which the value of court-related fees by far exceeds that of damages claimed.¹⁷ In at least one instance, consumer advocacy organizations were also the recipients of this kind of local government largesse.¹⁸ Even with these subsidies, however, litigation was a very costly and time-consuming strategy used only in exceptional circumstances.

Lobbying

Although consumer advocates lobbied policymakers at key points in the policy process, resource constraints, political institutional features, and attitudes in the movement itself weakened the overall effectiveness of this strategy. Unlike business organizations, with their full-time staffs of lobbyists and researchers, consumer organizations lacked the personnel and political shrewdness to carry out sustained onslaughts on conservative politicians and bureaucrats. When given the choice between contacting Diet members or bureaucrats, moreover, consumer leaders normally focused on bureaucrats

(interview, Shimizu, July 1999), given their close, day-to-day involvement in the consumer policy process and their access to pertinent information. As a result of staff shortages, by contrast, individual Diet members often failed to follow up on the demands of consumer lobbyists.

Consumer advocates were also deterred by a weak sense of political efficacy under LDP rule. Because they usually associated the party with business interests, why should they waste precious resources on lobbying politicians who would only turn a deaf ear to their demands—assuming, of course, that they would even agree to meet with advocates in the first place? In some instances, advocates felt so powerless over LDP politicians that they failed to take advantage of good lobbying opportunities when they did arise. The LDP's Machimura Nobutaka, for example, noted that four months after taking over as chair of the Policy Affairs Research Council's subcommittee on product liability, he still had not heard from a single consumer representative, even though the organized movement was by that point campaigning full throttle for the law. Antiproduct liability lobbyists from the business community, on the other hand, had showed up on his doorstep within a matter of days (interview, Machimura, June 1993).

Depending on the issue, consumer advocates usually put most of their lobbying eggs into one or more of the following institutional baskets: the Economic Planning Agency, the Fair Trade Commission, and the opposition parties. Once a particular policy process was in full swing and it was deemed strategically feasible to do so, advocates would selectively lobby the economic ministries and the LDP as well.

Since private hearings with powerful bureaucrats and politicians were relatively hard to come by, consumer advocates would often take full advantage of those opportunities by visiting those policymakers in groups, armed with petitions or other indicators of public opinion. Meetings tended to be short and, in some instances, very spur-of-the-moment. During the final stages of the movement to enact a product liability law, for instance, a group of four movement leaders accosted Prime Minister Hosokawa Morihiro in the halls of a governmental office after weeks of frustrated attempts to obtain a formally scheduled meeting with him, thrust a list of policy-related demands into his hands, and asked for his support. After the prime minister acknowledged the advocates with a brief nod and a promise to read over the materials, the meeting ended. Although the encounter had lasted only a few moments, the advocates considered themselves fortunate (interviews, consumer advocates, March and April 1994).

Local Mobilization Activities

Since meetings with high-ranking policymakers were often futile, consumer organizations found innovative ways to pressure those individuals from afar by mobilizing public opinion at the local level—where opportunities for political activism were most abundant—and then channeling the indicators of that opinion to the center. For major campaigns, advocates first set up *renrakukai* (liaison committees) linking advocates at the national level to regional organizations and regional organizations to local groups. Frequently organized under the auspices of both the national and regional chapters of Shōdanren, these committees served as both channels of communication between various levels of the organized movement and mechanisms through which to coordinate the mobilization of grassroots public opinion. Some of those *renrakukai*, moreover, were important conduits of information between members of national *shingikai* and others in the organized movement. As we shall see in the case of product liability reform, advocates used the *renrakukai* to disseminate *shingikai* information to other advocates and, in some cases, to channel local public demands to the *shingikai*. Much of the organizational business of these *renrakukai* was conducted in consumer center facilities.

Local public opinion was targeted in a number of ways through these liaison committees. Advocates, for example, occasionally organized postcard campaigns among local groups affiliated with the co-ops and housewives' organizations, small consumer groups connected to the localities, and individual consumers. The campaigns involved postcard-size *ikensho*, or "opinion statements," written demands for specific policy-related initiatives signed by individuals or consumer groups that were mailed directly to both local and national policymakers.

Petitions were another popular method for channeling local opinion to the center and, like the opinion statements, could include detailed policy recommendations in addition to demands for a policy response to a particular issue. Some of those petitions were sent directly to national policymakers, others to local assemblies for formal resolutions either for or against a particular policy position. Organizers then tallied up the number of local resolutions passed across the country and bombarded national policymakers with the resulting figures. In some cases, as we shall see, these resolutions served as powerful indicators of local public opinion, not to mention an innovative way for the localities, in partnership with citizen activists, to influence national policymaking.

Lectures, seminars, and symposia—many of which were held at the Japan Consumer Information Center and local consumer centers—were another way for *renrakukai* to get the word out to the general public. The audiences at these events, however, normally consisted of individuals who were members of either the co-ops or consumer advocacy organizations. From what I could tell, few of these events attracted unaffiliated consumers. Nevertheless, since many of these movement members then took what they had learned to their local group, *han* or co-op store, or neighborhood, lectures and seminars played an important indirect role in the mobilization of public opinion.

Most of the strategies designed to mobilize local public opinion were extremely labor intensive and not always effective. According to some of my contacts in the organized movement, for instance, opinion statements, petition campaigns, and public lectures were somewhat less successful in rural areas, where consumers tended to be more conservative and less politicized. These challenges notwithstanding, the strategies of mobilizing public opinion through local institutions helped compensate the organized movement for its lack of direct influence in the national policymaking process and of the mass followings that gave many other types of social movement organizations their political clout.

Protest

Although consumer organizations increasingly pursued “assimilative” strategies after 1968—strategies that worked with and through political institutions rather than against and outside them—many advocates still resorted to traditional protest activities at key points in the policymaking process in order to underscore their policy positions and their opposition to governmental practices. Once a consumer-related issue reached the governmental agenda, for example, consumer advocates occasionally demonstrated in the streets of Nagatachō, chanting slogans and, in the case of Shufuren, brandishing placards in the shape of a rice paddle (*oshamoji*). Advocates also made impassioned speeches on crowded street corners, decrying business and governmental recalcitrance on particular policy issues in a manner reminiscent of the confrontational strategies of the early postwar period. Speakers used those occasions to urge passers-by to convey their consumer-related preferences to their elected representatives, sign petitions, read up on movement literature, and the like.

Unfortunately for those who participated in these events, consumer protest did not attract much attention. Although opposition politicians were occasionally on hand to greet and encourage street demonstrations, for example, the media were often conspicuous in their absence. Few Japanese, moreover, stopped to listen as advocates trumpeted their cause through microphones on busy sidewalks. That protest strategies were ignored by most Japanese was symptomatic of the fact that they had become common occurrences in Japanese politics—indeed, it was a rare day that Nagatachō did not bear witness to protest in one form or another.

That said, protest strategies with long historical precedents helped foster a sense of purpose, consumer solidarity, and historical continuity among advocates as they pursued more mainstream (and mundane) forms of pressure politics.¹⁹ Like any other ritual, protest strategies had a greater impact on those who carried them out than on the witnesses to those activities. For these reasons, protest remains even today a small but significant part of the organized movement's strategic arsenal.²⁰

This fact was underscored for me in November 1993, when I participated as an “observer” in a Nagatachō demonstration for product liability legislation. More than 2,000 activists, decked out in colorful cotton *happi* jackets adorned with the names of their co-ops or consumer organizations, marched from Hibiya Park to the Diet waving placards and shouting pro-product liability slogans. As we approached the Diet, I asked one of the organizers why there were no journalists from the mainstream press in attendance.

“They never come anymore,” he responded, “but that’s OK. We don’t expect them to show up.”

It was a demonstration, in other words, for the demonstrators.

Forming Alliances

The resource deficiencies of consumer organizations made the formation of alliances with other actors in the polity a crucial task, one that supplemented each of the strategies just listed. As sources of information, local scholars and lawyers were particularly important to consumer advocates. But advocates did not always get along with their legal and academic partners, nor were the three camps always capable of maintaining a united front in the political sphere. The relationship between advocates and scholars, for example, tended to be cohesive during the agenda-setting stage of the policy

process and in regard to the more straightforward question of whether or not a particular policy should be adopted. But once the process progressed to deliberations on policy-related details, legal scholars, with their far more nuanced view of consumer policy and jurisprudence, would sometimes part company from their consumer allies.

Lawyers, by contrast, would stick with consumer advocates until the bitter end. Increasingly since 1968, the National Bar Association of Japan (*Nichibenren*), which has a special division devoted exclusively to consumer law, joined forces with consumers on issues that advanced the interests of both parties. All of the twenty or so lawyers who worked with the organized consumer movement on an issue-by-issue basis did so for free. Most, moreover, were exemplary individuals with a passion for advancing the public interest. All in all, lawyers were key allies for the organized movement, so much so, in fact, that many consumer organizations were criticized by both members and outsiders for relying too heavily on their legal allies.

As resource mobilization theorists have pointed out, the presence of allies in the mainstream political system is an important ingredient for social movement success in the policy realm. As the case studies in the second half of this book illustrate, consumer organizations occasionally had fairly influential allies in the Fair Trade Commission, the Economic Planning Agency, and in the persons of Sunada Jūmin and Prime Ministers Miki Takeo and Hosokawa Morihiro, to mention a few. Since links between consumer organizations and these agencies and individuals were not nearly as strong as those between, say, business representatives and MITI, governmental allies might be more accurately referred to as movement “sympathizers.” No matter what their title, however, the mere presence of actors in the mainstream policymaking system who were willing to speak out occasionally on behalf of consumer interests lent an air of credibility to the consumer movement stance. When those actors were lacking, as we shall see, exercising leverage over the national policy process became all the more difficult.

Consumer organizations also forged alliances on an issue-by-issue basis with members of the opposition parties. Since the opposition parties did not play a large role in the bureaucracy-centered consumer policymaking process, they were not as valuable to consumer advocates as the Economic Planning Agency, the Fair Trade Commission, or even the odd maverick politician in the LDP, let alone legal scholars and lawyers. Although consumer advocates would cooperate with key individuals in the opposition parties during movement campaigns, it was not until after a bill had been

submitted to the Diet for passage that the parties become truly important allies for those advocates.

There was far more cooperation between consumer advocates and local and prefectural politicians. Although subnational legislative assemblies certainly did not have the authority to enact sweeping consumer protection laws, they were able to put pressure on the center by passing resolutions favoring particular policy options. Many of these resolutions, as we noted earlier, were issued in response to petitions assembled by advocates at the local level. Advocates also cooperated with both prefectural and local bureaucrats and assembly members as they deliberated on local consumer-related regulations and ordinances in the fora introduced earlier in this chapter. As illustrated by the movement to enact an information disclosure law,²¹ local initiatives could have an impact on policymaking at the center in a manner similar to that of the United States in recent years.

Although labor unions were important allies for consumer advocates in the past, this was no longer the case after the early to mid-1980s. During the late 1940s and 1950s, when the labor movement was reaching its postwar peak in terms of militancy and political influence, consumer advocates and labor unions often worked together to oppose the black market, inflation, and the development of monopoly capitalism. Sōhyō, as we saw in chapter 4, was a founding member of Shōdanren and an important financial donor to that organization until shortly before the labor federation's demise. But as the rise of enterprise unionism encouraged workers to equate their own welfare with that of their companies and the political impact of labor decreased, the alliance between workers and consumers declined commensurately. By the early 1990s, the unions did not often see eye to eye with consumer advocates on consumer goals, many of which threatened to raise corporate costs, nor did they participate in Shōdanren or serve as sources of financial support for consumer organizations.

Consumer advocates also allied with farmers, particularly in regard to food-related issues. In keeping with their common experiences during the immediate postwar period and the nature of the early *seikatsusha* identity, both consumer advocates and members of the farming cooperatives linked arms in defense of food safety and national self-sufficiency in food production. This long-standing alliance had a conservative influence on the positions of many consumer organizations, particularly those like Chifuren whose members are drawn disproportionately from rural and semirural areas (interview, Shōda, December 1993).

Last but not least, one of the most important allies of the organized movement was, of course, the media. In contrast to the United States, where the working relationship between many consumer advocates and journalists has often been very close and mutually beneficial, the relationship was much less fruitful in Japan, particularly toward the last years of the twentieth century. During the heady days of early postwar democratization, consumer campaigns, like most forms of political protest, were eagerly covered by newspapers that had just emerged from the fetters of authoritarian censorship. During the major consumer legislative campaigns of the 1980s and 1990s, however, the media often picked up on consumer issues only after they had reached key positions on the government agenda, ignoring, in the process, earlier movement efforts to draw attention to those issues. There are several reasons for this. First, as we observed earlier, many of the strategies employed by consumer organizations to publicize consumer issues were no longer considered newsworthy. Second, consumer organizations, like other social movement organizations, suffered from a relatively poor reputation in Japan. As a result of the violent student uprisings of the late 1960s and early 1970s, the arguments, data, and activities of social movement organizations were often viewed with suspicion by reporters and editors alike (interview, *Asahi shimbun* reporter, March 1994). Consumer organizations fared somewhat better than many other social movement organizations, primarily because of the conservative image of their most prominent leaders and their reliance on relatively reliable sources of information. Third, few consumer issues were as headline grabbing as, say, environmental pollution, a topic covered much more extensively by the media (Groth 1996:220).

Finally, the media's internal structure contributed to a relatively weak relationship between their members and consumer advocates. The organization of top newspaper journalists into "reporters' clubs" (*kisha kurabu*)²² connected to individual ministries and parties, for instance, gave newspapers an incentive to rely on official sources, rather than consumer advocates, for information about consumer protection. Those who did cover consumer issues, moreover, normally worked for the less prestigious lifestyle sections of their newspapers and were rotated out of those positions every few years (interview, Hosokawa, July 1999). As a result, there were virtually no journalists in Japan who carved long-term career niches for themselves out of the consumer beat, as many have done in the United States. Consumer organizations in the past thus faced the time-consuming task of cultivating relationships with the media on an issue-by-issue basis.

The Impact of Consumer Organizations on National Policymaking

With the exception of lobbying, the common denominator of all these strategies was the importance of public opinion as a consumer movement resource. As we noted in chapter 2, public opinion has been a significant resource for the U.S. and British movements as well. As a result of their lack of meaningful access to the formal policymaking process, however, the activation or manipulation of public opinion as a movement weapon against the prevailing powers that be has proved to be far more important in the Japanese case.

The question that then arises is, to what extent did national policymakers in Japan actually pay attention to the demands of public opinion? An anecdote from my fieldwork may offer some insight into this question. A few months before the enactment of the Product Liability Law, I met with a mid-level bureaucrat from the Ministry of Health and Welfare who was involved in the “PL” policy process. When I asked whether his division had received any opinion statements (*ikensho*) from consumers on this issue, he pointed to two fairly large cardboard boxes in a distant corner of his noisy, crowded office, both of which were filled to the brim with postcards. Surprised, I asked if anyone in his office had read them all.

“Well, no,” he replied, “We glance at most of them to get a rough idea about what the public wants, but we certainly don’t read them for details” (interview, Ministry of Health and Welfare official, February 1994).

His answer, as I later discovered during my interviews with movement advocates, was just what those advocates would expect from a bureaucrat in a major economic ministry. Opinion statements and petitions were valued by bureaucrats and conservative politicians as measures of the public’s support for, say, tighter regulatory control over the use of synthetic additives, product liability reform, or stricter antitrust policy. In most cases, however, the actual details of those policy initiatives were decided by bureaucratic experts in cooperation with the ruling party and members of the business community and with virtually no input from consumer representatives.

This is not to suggest that bureaucrats and politicians always paid attention to the wishes of consumers. Indeed, sometimes even the largest public opinion campaigns yielded nothing in the way of policy change. Only when there was dissension in the alliance of bureaucrats, politicians, and business

interests did public opinion affect the direction of policymaking. In instances like these, public opinion functioned like a swing vote in the decision-making process, propelling policy debate toward a conclusion when it might otherwise have ended in stalemate. But when the alliance between business and government was close and based on consensus, public opinion had little effect on the policy process. In short, and as the next three chapters show, the impact of consumer advocacy on post-1968 consumer protection policy was ultimately determined by a single variable: the level of cohesiveness among the pro-business interests that controlled the policy process.

