
9 The Right to Be Heard: The Past, Present, and Future of the Japanese Consumer Movement

In June 1999, in preparation for the final chapter of this book, I traveled to Tōkyō for a round of follow-up interviews. Although I had arrived with an inkling that the organized consumer movement was once again in flux, I was unprepared for the actual extent of those changes. Japanese consumer organizations, I think it fair to say, are in the midst of yet another “formative moment” in their postwar history, a moment that may be no less significant than the ones experienced during the immediate postwar period and following the 1968 enactment of the Consumer Protection Basic Law.

An interview with one of the country’s leading consumer advocates brought the magnitude of these changes home to me. Shimizu Hatoko, a niece of Oku Mumeo, now in her mid-seventies, participated in the founding of Shufuren, served as one of its presidents, and continues to work full time for the organization. A woman of boundless energy and undying commitment to the consumer cause, Mrs. Shimizu was a leading consumer advocate in each of the three consumer campaigns chronicled in this volume. The last time I spoke with her was in February 1993, when the uncertain future of the proposed Product Liability Law was hanging heavily over the organized movement. As might be expected in such circumstances, our conversation revolved around the power of business interests in the consumer protection policymaking system and the concomitant barriers confronted by consumer activists seeking to influence the direction of public policy. What I remember most about that meeting was the profound sense of frustration with the

political system that lurked behind Mrs. Shimizu's remarks, frustration that bubbled to the surface toward the end of our discussion when she suddenly paused, raised her hands in a gesture of helplessness, and asked rhetorically, "Just whose side is the government on, anyway?"

After six years, the contrast in Mrs. Shimizu's outlook on "the system" could not have been more pronounced. As soon as we sat down in the reception area of Shufuren's brand new headquarters in the Chiyoda ward of Tōkyō, an elated Mrs. Shimizu directed my attention to the many changes that had taken place in the consumer protection realm since our last meeting. "The setup (*shikumi*) of consumer policymaking is changing," she announced. "There are now more opportunities for consumers to voice their concerns to the government; the policy process is more open; several consumer-related laws have been strengthened; and more legislative changes are pending." She spent the next two and a half hours recounting the details of those changes to her all too willing student.

Although other activists in the movement may be less sanguine about the state of Japanese consumer politics, most agree that because of the political, policy, and institutional changes that resulted from the LDP's temporary fall from power in 1993, the likelihood of being "turned away at the gate" (*mon-zenbarai*) of the national policymaking system has declined. My purpose in this chapter is to explore these recent developments and to assess their significance for consumer organizations and their professed right to be heard and for the representation of diffuse societal interests more broadly. Before doing so, however, I shall briefly recapitulate the findings of this study, for in order to determine where Japanese consumer organizations are heading, we need to be certain of where they have been.

The Past: Consumer Activism from a Comparative Perspective

The story of consumer participation in the national consumer policy process between 1968 and the enactment of the 1994 Product Liability Law is in many ways one of governmental control over the nature and extent of that participation. Although the Consumer Protection Basic Law and supporting statutes and policies provided for consumer representation in decision-making institutions, many of the pro-producer customs that infused the day-to-day workings of those institutions weakened the political impact of consumer voices. It was, quite simply, a classic example of the elite ma-

nipulation of formal and informal institutions designed to channel and manage societal participation, comparable to what Frank Upham found in his pathbreaking study of Japanese environmental, gender, and minority politics (Upham 1987:29).

As previous chapters have shown, however, advocates managed to partially circumvent the institutional barriers to consumer activism at the national level by turning to the localities. Local and prefectural governments were key to consumer activism in that they provided advocates with the political and economic resources that enabled movement strategizing vis-à-vis the center. Many of those strategies, as we have seen, focused on the activation or manipulation of local public opinion. When pro-business alliances were characterized by consensus, pressure from below had little impact on policy outputs. But when those alliances were fraught with conflict and indecision, public pressure could prevent the policy process from succumbing to stalemate and function as a swing vote in favor of consumer-oriented reform.

The distinctive qualities of postwar Japanese consumerism become particularly apparent when measured against the experiences of the environmental movement. Although the two movements have overlapped in regard to personnel and the nature of their respective policy priorities, institutionally they differ in at least two important respects. First, consumer organizations have enjoyed more routinized access to the national policy process than their environmental counterparts have, particularly during the 1960s and 1970s when the two movements were at their political peak. As McKean (1981), Upham (1987), and Broadbent (1998) all have shown, the organizational expressions of the environmental movement were confined mainly to the local level, a phenomenon, as we noted in an earlier chapter, that can be at least partially explained by the institutional opportunities of the eras in which those organs were first established. For consumer representatives, access to the national policy process—no matter how symbolic it may have been—served as an incentive to participate in national legislative and policy-related movements and to build sophisticated organizational networks designed to facilitate that participation. Environmental groups, on the other hand, remained largely focused on politics at the grassroots level, although this has been changing in recent years.

Second, the relationship of consumer organizations with the localities has differed from that of their environmental counterparts. Whereas past studies suggest that environmental groups focused mainly on the courts,

local assemblies, and local elections during the 1960s and early 1970s as the primary targets of their political activism, the representation of consumer interests occurred mainly between local elections and in the context of long-term relationships between activists (both national and local) and local officials. Institutional factors largely explain this discrepancy. Specifically, the local bureaucracy has been more extensive in the consumer realm, embracing, as we have seen, a sophisticated network of semigovernmental consumer centers that have had no counterpart in environmental politics. These centers have served as fora for close relationships between consumer advocates and local governmental officials. Although the functional *raison d'être* and/or political independence of many representative organs eroded after these centers were established, there remained a strong and independent core of local and national advocates who continued to exercise some influence over local policymaking.

As a result of these institutional discrepancies, consumer organizations pursued tactics different from those of citizen groups during the heyday of environmental activism. Environmental groups, for example, which were almost completely marginalized in the national decision-making system, relied regularly on protest and, in some cases, the selective use of violence (Upham 1987:55) to get their political points across. Most consumer organizations, by contrast, downplayed protest in their determination to either obtain or maintain a hearing in the policy process and completely avoided the use of violence.

Consumer representatives were also more reluctant than environmental groups were to engage in litigation. One reason for this has been the nature of the rules governing consumer lawsuits. While environmental litigant groups were usually composed of persons who themselves had suffered the effects of environmental degradation, for instance, their consumer counterparts often consisted of advocates who sued on behalf of a broader constituency. As the evidence presented in this volume attests, Japanese judges did not normally recognize the standing of such groups to sue. We should also note that consumer issues rarely stirred up the kind of political ferment that encouraged judges in large environmental suits to suspend many of the judicial rules and regulations that might have prevented litigants from achieving their court-related goals.

The strategic choices of Japanese consumer organizations differed not only from those of environmental activists but also from those of their counterparts in the United States. Again, institutional factors contributed to many of these discrepancies. The presidential system, party competition, separa-

tion of powers, decentralization of Congress, and an accessible judicial system, for example, opened up multiple access points for consumer advocates into the American political process during the 1960s and 1970s. The presence of multiple access points in turn explains why advocates implemented a much wider range of tactics than did British or Japanese advocates, tactics that included litigation and alliances with politicians, presidential advisers, and regulatory bureaucrats.

The strategic similarities between the British and Japanese advocacy movements, by contrast, are striking. For example, although party competition encouraged British advocates to ally with politicians from time to time, both British and Japanese advocates tended to focus on bureaucracies as the main targets of their political activism, a custom that is to be expected in parliamentary systems. The Japanese parted company from the British, however, in their actual influence on bureaucratic decision making at the national level. For while British consumer representatives had meaningful influence over policy as a result of their relatively secure position in a semicorporatist system of consumer protection policymaking, advocates were effectively sidelined in the Japanese case by the pro-business norms and customs governing bureaucratic deliberative procedures. The exclusionary nature of the Japanese corporatist policymaking system at the national level encouraged advocates to look to the localities as alternative fora of interest articulation.

These differences notwithstanding, consumer organizations in Japan, the United States, and Britain all emphasized the activation or manipulation of public opinion as a key component of their strategic arsenals. Public opinion is important to consumer advocates for at least two reasons, not the least of which is the simple fact that consumer movements, like their environmental counterparts, are in the business of extracting public goods from governments—public goods that appear more legitimate to policymakers the more the public supports them. Resource deficiencies within the organized movement have enhanced the importance of public opinion for consumer advocates even further. Since consumer representatives in all advanced industrial democracies often lack the money, personnel, or strategically placed allies to overcome business opposition and to influence policymakers directly, they must do so indirectly by appealing for support to the ultimate beneficiaries of public goods.

The extent to which consumer representatives focused on mobilizing public opinion, however, differed according to the institutional context of movement activism. In the United States, where the level of consumer ac-

cess to policymaking usually fluctuates, the movement's emphasis on mobilizing public opinion varied according to the level of mobilization of business organizations. When business was weakly organized during the 1960s and early 1970s, for example, consumer organizations behaved more like interest groups than social movement organizations in that they concentrated more on lobbying than on manipulating public opinion. Following the business backlash of the late 1970s and 1980s and the concomitant narrowing of entry points into the policy process, however, consumer representatives turned increasingly to the grassroots public for support. In Britain, meanwhile, the institutional positioning of consumer representatives at the heart of the governmental decision-making process enabled those representatives to influence policy from within, thereby diminishing the need to appeal to public opinion. In Japan, by contrast, consumer activists stressed the activation and manipulation of public opinion more than in the United States or Britain, because of their weak presence in national decision-making circles and their concomitant reluctance to use protest tactics that might weaken that position even more.

How, then, did the strategies of consumer organizations in their respective institutional contexts influence the consumer protection policymaking process? In the United States during the 1960s and early 1970s, the relatively open institutional context of consumer protection policymaking and the consumer movement resource configurations that were conditioned by that context enabled consumer representatives to perform a wide range of functions, including agenda setting, policy formulation, and watchdog duties. With the mobilization of business interests during the late 1970s and 1980s, however, the influence of consumer organizations waned in all respects. Britain's larger consumer organizations also influenced agenda setting and policy formulation, although not quite as effectively as American advocates did. This was largely due to the more entrenched position of business interests in the British policy process. We should note, however, that because of their institutionalized presence in that process, British consumer organizations were also better positioned than their American counterparts to perform both consultative functions for other policymakers and watchdog functions during the implementation stage of the policy process.

Compared with Anglo-Saxon organizations, Japanese consumer organizations before the early 1990s had less influence over agenda setting and policy formulation and performed only limited consultative and watchdog functions. This can be explained with reference to their relatively weak pres-

ence in the national policy process, their consequently narrower resource base, and the power of business representatives in the Japanese political system. But even though consumer representatives had little direct influence over agenda setting, the evidence presented in this volume suggests that consumer activism orchestrated from the local level contributed to a climate of public opinion in favor of governmental action on pro-consumer issues. Without that broad climate of opinion, governmental authorities would have had fewer incentives to address those issues, particularly given their long-standing bias toward business interests.

Though significant, the impact of Japanese consumer activism on policy formulation should not be exaggerated. First, it is important to keep in mind one of the central arguments of this study, namely, that consumer advocates in Japan can influence the general direction of policy formulation only when pro-business alliances are disorganized. When that alliance is tightly knit and based on common objectives, consumers have much less impact on that process.

Second, a word about the influence of Japanese activists over the actual *content* of specific policies. For relatively straightforward issues like the establishment of quality and safety standards for specific product lines, consumer organizations occasionally helped establish some of the specific details of those standards. The fact that business groups themselves often supported stricter standards as a mechanism for curbing “excessive” competition in the marketplace and were relatively supportive of movement initiatives is, of course, a major source of movement “influence” in this regard. As exemplified by the juice-bottling industry’s reluctance to accept stricter labeling guidelines, however, consumer advocates had little impact on product standards in the face of business opposition unless relevant government authorities broke with the producer camp and sided with consumers.

For legally complicated and politically contentious issues like antitrust and product liability—issues that pitted consumer interests and their producer and government adversaries against one another—policy specifics were normally decided by bureaucrats in alliance with conservative politicians and business representatives. That said, even in relatively hostile political environments, consumer organizations were important in that they helped keep policy proposals on the government agenda during periods of political stalemate, when the likelihood of their being abandoned by governmental and business actors was particularly high. Consider, for example, the role played by consumer organizations between 1973 and 1977 in hold-

ing a succession of LDP cabinets to their professed commitment to antitrust reform, and during the early 1990s, when business groups tried hard to stall product liability policymaking. As Japanese observers have often remarked, for all their flaws, the antitrust reforms and the PL law might never have been introduced had it not been for the relentless pressure of the organized consumer movement.

These findings point to several conclusions about the representation of diffuse societal interests in Japan. First, and most obviously, they reinforce what we have always known about Japan, namely, that it is a country in which business interests have far more say over public policy than they do in many other advanced industrial democracies. Before we jump to the simplistic conclusion that these actors are omnipotent, however, we must remember that even though consumer leaders have felt perennially handicapped in relation to business interests and have suffered numerous defeats in the policy process, the fact remains that they, together with their allies elsewhere in the political system, have managed to wrest noteworthy concessions from their adversaries. Consumer voices *do* get a hearing in the mainstream policy process in Japan, although not in the manner intended by the national powers that be.

On that note, the history of consumer participation in the Japanese policy process speaks volumes about alternative avenues of interest articulation that are often overlooked by Japan scholars. The localities are certainly the most conspicuous example. Through the 1968 Consumer Protection Basic Law, the central government entrusted the localities with administering national consumer protection policies and gave them the authority to enact ordinances dealing with consumer issues specific to their jurisdictions. A subsequent law provided for the expansion of the local consumer centers. It is unlikely, however, that the government intended that these local institutions be used for alternative political purposes, but that is precisely what happened. Both national consumer organizations and local consumer groups, as we have seen, used their expanding linkages to the localities to influence policies at both the local level and the center.

The localities themselves, moreover, used their authority to innovate in the consumer policy realm and, in the process, to flex their political muscles by enacting progressive consumer ordinances in alliance with consumer representatives or issuing resolutions for or against policy proposals at the center. These findings complement those of Muramatsu (1997) and Steiner, Krauss, and Flanagan (1980a) on the relationship between the politicization

of local government and the expansion of local autonomy; Reed's discussion (1986) of local policy innovation in the environmental realm; and patterns of center-local competition described by Samuels (1983). My study goes one step beyond these analyses of the relationship among citizen activism, the localities, and national policy, however, in that it emphasizes the role of local bureaucracies, in addition to legislative assemblies, as important and effective targets of citizen activism in the national, as well as the local, policy process.

In sum, this study shows that the demands of diffuse societal interests can be reasonably well articulated in Japan's public policy process not only through the ballot box or traditional modes of protest but also through local institutions intended to carry out administrative functions. This in turn has implications for our understanding of how public-interest policies are hammered out. As noted in the introduction, the story of postwar consumerism indicates that the public-interest policy process is not always controlled by bureaucrats, although bureaucrats are certainly important; nor is it simply the product of crisis and compensation dynamics in the ruling conservative party (see Calder 1988), although the LDP is more likely to grant concessions to consumers during periods of scandal and relative political decline. The evidence presented in this volume also parts company from Margaret McKean's model of public-interest policymaking in which bureaucrats, conservative politicians, and business representatives are motivated by a long-term time horizon and a number of other incentives to respond to societal pressure for policy-related benefits. According to McKean, those benefits are usually bestowed in anticipation of citizen mobilization (1981:97). By contrast, my findings underscore a higher level of organization and sophistication among diffuse society interests than McKean acknowledges, as well as more protracted conflict between those interests and political authorities. Clearly, Japan's corporatist and "exclusionary" national policymaking system is more vulnerable to pluralist pressures from below than conventional wisdom or many academic models would lead us to believe.

Ironically, many of Japan's seasoned consumer activists would take issue with this conclusion. After the 1994 enactment of the Product Liability Law, for example, movement leaders could barely muster the energy to celebrate. The fact that the law had been "deboned" (*honenuki*) by the institutions designed to implement its provisions was certainly one source of their discontent. More important, however, was their disappointment with the policy process itself. To them, the years preceding enactment had been filled with

instances of bureaucratic control over *shingikai* deliberations, of the refusal of business representatives to even meet with consumer advocates, and of a dearth of consumer sympathizers in the LDP. As far as consumer advocates were concerned, they had been turned away at the gates (*monzenbarai*) of national power, a state of affairs, they believed, that did not speak well for the consumer's right to be heard or, more broadly, for democracy.

The Present: A New Era of Consumer Politics?

As Mrs. Shimizu so eloquently noted, however, signs of change are in the air, so much so, in fact, that the era of "post-1968 consumer politics" may be drawing to a close. What follows is an overview of some of the changes that have taken place in both the institutional context of Japanese consumer protection policymaking and the nature and impact of consumer movement activism. Taken together, these changes represent further expansions in the institutional boundaries of consumer politics, which may render the Japanese consumer protection policymaking system even more vulnerable to pluralist pressures from below than before.

Political and Institutional Change

As with past turning points in the Japanese consumer movement's development, contemporary trends in the institutional context of consumer politics are taking place against a backdrop of broad economic change. The most conspicuous economic development for consumers has been, of course, the lingering recession of the 1990s and its negative impact on spending. In marked contrast to the spending boom of the mid- to late 1980s, consumers have grown much less willing to pay exorbitant prices for high-status goods and services and have developed a fondness for bargains and discount shops. In 1997, these trends contributed to a growing public intolerance of price fixing that eventually culminated in the removal of cosmetics and general pharmaceutical products from the Japan Fair Trade Commission's list of products approved for resale price maintenance (*saihanbai kakaku iji*).¹

Superimposed on these short-term Japanese buying habits have been dramatic changes in broad consumption patterns resulting from the diversification of product lines and the development of smaller niche markets, the

proliferation of luxury goods, the exponential growth of the financial services industry, the introduction of new businesses offering care for the elderly, the development of electronic commerce (“e-commerce”), and so on. As illustrated by public inquiries to local consumer centers, the problems now confronting consumers have shifted accordingly. In 1971, the majority of complaints pertained to the safety and quality of consumer products, whereas in 1997, most of them had to do with problems resulting from unfair business practices and consumer contracts (Ikemoto 1999:29). These developments have influenced the kinds of issues espoused by consumer advocates. Put simply, *what* consumers purchase has become far less problematic for the organized movement than *how* those purchases are made.

Broad political developments have also had an impact on consumer politics during the 1990s. With the end of one-party dominance in 1993² and the ascension to power of a series of coalition governments, Japanese politics have grown increasingly fragmented and fluid (Pempel 1998:167). In the political-economy realm, political instability has contributed to a degree of policymaking inertia regarding many of the issues that are foremost in the minds of decision makers, with banking reform being the most conspicuous case in point. For the organized consumer movement, however, instability has had some positive side effects.

For example, the strong government-business relationship that stifled consumer voices in the past has weakened. As a result, post-1993 governments—starting with Hosokawa Morihiro’s seven-party coalition government and including the LDP cabinets of the late 1990s—have paid more attention to broad consumer needs than ever before. For the Hosokawa and Hata governments, sympathy for the consumer appeared to reflect a genuine policy preference. But for subsequent LDP governments, this kind of behavior can be attributed to electoral uncertainty, the party’s tenuous hold on Diet proceedings, and the concomitant need to cooperate more closely with the more “pro-citizen” opposition parties.

Recent political changes have also affected the role of politicians in consumer protection policymaking. Specifically, increases—albeit small—in party competition levels have motivated politicians to listen more closely to nonbusiness lobbyists, a trend, as we saw in the chapter on product liability reform, that became evident as early as late 1993 and early 1994. Although none of the parties has made consumer policies an integral part of its party platform, more and more politicians—particularly from the nonconservative parties—have made a name for themselves by standing up for such quality-of-life concerns as consumer protection, human rights, environmentalism,

and good governance. In the past, most such politicians were members of the House of Councillors,³ whereas today, many of them are elected to the more powerful House of Representatives on proportional representation (PR) tickets. The partisan backgrounds of these pro-citizen politicians have also changed. Until recently, those politicians hailed primarily from the Japan Social Democratic Party, the Japan Communist Party, and the Kōmeitō or ran on independent tickets. Today, nearly all the parties, with the notable exception of the LDP, have at least a few budding consumer specialists in their midst. According to consumer activists, the Democratic Party has been leading the pack in this regard (interviews, June and July 1999). Although the party still lacks a comprehensive consumer platform, the number of Democratic Party politicians who have taken up the consumer banner surpasses that of any other party.

Ishige Eiko and Haraguchi Kazuhiro, Lower House Diet members from the Democratic Party, embody many of the characteristics of this new breed of "citizen politician." Mrs. Ishige was elected to the Diet for the first time in 1996 as the second-ranking candidate on the Democratic Party list in a proportional representation district.⁴ Her ranking highlights the potential of the new PR system to magnify the importance of consumer and other public-interest issues in national electoral politics. A former housewife, Mrs. Ishige speaks out for rights for the handicapped as well as consumer issues and was a leading proponent of the recently enacted nonprofit organization and information disclosure laws (interview, Ishige, July 1999). Mr. Haraguchi, a psychologist by training who was also elected on a PR ticket, is equally devoted to citizen issues. Both he and Mrs. Ishige are actively involved in the recently established Diet members' Roundtable on Citizen Policies (Shimin seisaku giin kondankai), a nonpartisan coalition of legislators that serves as an important access point for citizen groups to the policy process. Mr. Haraguchi relayed his political motivations to me in a recent interview:

I'm very interested in citizen groups—consumer, environmental, human rights, et cetera. Even today, Japanese citizens depend far too heavily on government to get things done. I'd like to use my position to change that old penchant for leaning on the government and to encourage citizens to function more independently in the political system. For these reasons, I work closely with citizen groups and was a strong supporter of the Nonprofit Organization Law.

(interview, Haraguchi, July 1999)

Another political development that has had an impact on the institutional context of consumer politics is progress—albeit limited—in the sphere of regulatory reform⁵ and the opening up of the bureaucracy to greater outside input. Generally, regulatory reform has been accompanied by a shift in the government's basic consumer policy from a focus on consumer protection as a responsibility of government to the encouragement of the “self-responsibility” (*jiko sekinin*) of consumers in a freer market setting. In the past, consumer advocates opposed the very idea of deregulation without better legal protections for consumers. Today, they are softening their opposition to regulatory reform as shifts in government policy toward the consumer contribute to legislative and institutional changes designed to give the consuming public the means to survive in a more competitive market.

Starting in 1995, for instance, the veil of secrecy shrouding *shingikai* proceedings has gradually been lifted. In keeping with the long-standing demands of Shufuren and other consumer organizations, bureaucrats have opened council meetings to outside observers who apply for admission and have made *shingikai* documentation more readily available to the public. Although consumer representatives complain that *shingikai* reports are still poor reflections of prevailing patterns of opinion among council memberships, these changes have been welcomed by those who equate greater *shingikai* openness with more opportunities for consumers to express their interests to the bureaucracy (interviews, consumer advocates, June and July 1999).

Consumers will be further empowered when the May 1999 Information Disclosure Law goes into effect in 2001. Under the new law, all government documents, with a few notable exceptions,⁶ will be subject to disclosure, thereby giving citizens greater access to information pertaining to the goods and services they consume. A number of consumer activists have revealed to me that they will use information obtained under national and local disclosure rules to pressure governmental officials on such topics as product safety and governmental corruption.

Another bureaucratic change that will partially empower consumers is the establishment of the so-called public comment system. The system, which was introduced by most national ministries and agencies in 1999, enables ordinary citizens to comment on policy proposals over the Internet. It is not without flaws. Critics complain, for instance, that only a small number of policy areas have been declared open to commentary and that there is no guarantee that citizen input will be incorporated into the formal policy process. Nevertheless, advocates praise the procedure as an epoch-

making change in bureaucratic attitudes toward the opinions of private citizens (Hiwasa 1999:35; *Shufuren dayori*, July 15, 2000).

Finally, changes are also taking place at the local level. Many consumer centers, for instance, are being reorganized in response to the changing needs of consumers in the context of the government's emphasis on regulatory reform and the "self-responsibility" (*jiko sekinin*) of consumers. In order to give consumers the resources they need to navigate the country's increasingly free markets, both consumer centers and the Japan Consumer Information Center (Kokumin seikatsu sentaa) are expanding their consultative and educational services and taking steps to make consumer-related information more accessible to consumers both in bookstores and over the Internet.

Local consumer centers are also collaborating with citizen groups on consumer self-help projects and are encouraging the formation of consumer group networks (interview, Tōkyō Consumer Center official, December 1997). In 1996, Tōkyō consumer centers helped organize the "Green Consumers Tōkyō Network," an alliance of consumer and environmental groups, businesses, local governmental officials, and other concerned citizens promoting environmentally friendly consumption patterns among residents in the Tōkyō metropolitan area (Shimada 1999:20). It is a project highly reminiscent of the kind of collaboration among business, government, and consumer activists that took place during the early postwar period, but with an important difference. Whereas early cooperation was pursued by activists as part of a broader effort to build comprehensive consumer protection programs at the governmental level, it is now designed to facilitate the movement from "consumer protection" as a regulatory responsibility of government to a more free-market system based on consumer self-responsibility.

The Consumer Movement's Response

Consumer centers in Tōkyō and elsewhere did not invent the notion of consumer networking; instead, they are complementing an accelerated trend in the organized consumer movement that in turn can be viewed as a strategic response to many of the broad socioeconomic, policy, and institutional changes just described. As the act of consumption grows more complicated and the role of government as the ultimate overseer of consumer protection diminishes, consumer organs emphasize the importance of "the

dissemination of information” not only as a tactic during legislative campaigns but also as a means to help “self-responsible” consumers make wise choices in the marketplace. Given the resource constraints that plague consumer organs—constraints that have only intensified as a result of the recession—activists have become more willing to ally with a broader range of citizen and professional groups, to pool resources during consumer campaigns, and to divide the task of generating information according to group expertise.

Many consumer organs are establishing new organizations to facilitate consumer networking. Shōdanren, for example, recently launched the Research Committee on Laws Relating to Consumers (Shōhisha kanren hō kentō iinkai), a committee consisting of both Shōdanren members and non-members that serves as both a communication and networking forum for activists and, since several members sit concurrently on *shingikai*, a pipeline to the bureaucratic deliberative process (Hiwasa 1999:35). As such, the committee performs organizational and informational functions similar to those of the issue-specific consumer liaison committees (*renrakukai*) mentioned in earlier chapters, but on a broader and more permanent basis.

Consumer advocates are adopting state-of-the-art technology to facilitate their networking efforts. The fax machine, for example, has become a technological staple for many consumer organizations that heretofore had relied on newsletters and pamphlets to get their messages across. Shōdanren, for one, has a comprehensive fax service to send consumer-related information to citizens around the country (Hiwasa 1999:37). Some consumer organizations also use the Internet. Shufuren was one of the first consumer organizations to set up its own web page, which it uses to pass on information about its various activities to a broad readership. For financial and personnel reasons, however, many other organizations have been reluctant to computerize.

In addition to enhanced consumer networking and in response to changes in the political party system, consumer organizations are devoting more time to lobbying politicians. Activists sense that politicians are more willing to at least listen to the consumer point of view, now that they are less beholden to special interests than they were during the era of one-party dominance.

While attention to lobbying as a movement tactic has increased somewhat, litigation rates have remained more or less unchanged. In 1996, the Diet passed a series of amendments to the 1890 Code of Civil Procedure

(Minjisoshōhō) that were designed to make the country's civil court system less time-consuming and expensive, particularly for small-claims cases.⁷ One of the more noteworthy amendments introduced at the insistence of the opposition parties was the stipulation that bureaucrats would no longer have the authority to refuse to comply with court orders demanding the release of bureaucratic documents for trial purposes (Tsuruoka 1996:44–47). In theory, this provision is important to product liability cases, many of which depend on access to product-related information held by governmental agencies. In practice, however, the structure of the PL regime, as we saw in the last chapter, prevents most product liability cases from ever reaching the courts. It is unlikely, moreover, that the amendments will lead to an upsurge in consumer litigation as a political tactic because they do not include changes in the standing to sue. Generally, consumer organizations will continue to use litigation only in exceptional political circumstances.

What do the strategic responses of consumer representatives to these policy and institutional changes say about the movement's current participation in the national policymaking process? First, enhanced emphasis on lobbying may be indicative of both small increases in legislative influence over the direction of consumer policy and a partial reorientation of consumer activism away from the localities and toward national politics. Whether or not these trends continue, however, depends greatly on future alignments in the political party system and further openings in the national bureaucracy.

Second, I think it fair to conclude that the leverage of consumer organizations and citizen groups more generally has increased in both the agenda-setting and policy-formulation stages of the policy process. Activists, for example, played a major role in the recent strengthening of laws regulating payment plans based on installments (Wappu hanbaihō) and door-to-door sales practices (Hōmon hanbaihō). The legislative process surrounding the enactment of the Information Disclosure Law is an even more telling illustration of the impact of "citizen power" in the 1990s.⁸ Since 1993, networks of consumer and citizen groups helped elevate the issue onto the national political agenda by filing for the disclosure of information pertaining to corrupt local bureaucratic practices, testing the redress mechanisms of local governments when their requests were refused, and even resorting to the courts. Over time, their campaign heightened the public's awareness of governmental corruption, problems inherent in local and prefectural disclosure ordinances, and the need for a comprehensive national disclosure law. In response to intense media and public pressure, the LDP finally presided over the enactment of the disclosure law in the spring of 1999. Widely

hailed as a rare piece of “citizen legislation,” the disclosure law meets many of the demands of consumer and citizen advocates⁹ and, in an interesting and surprising twist, actually surpasses many of the disclosure standards set by the prefectural and city ordinances (see MacLachlan 2000).

Finally, and in part as a response to the gradual deregulation of the country’s consumer administrative apparatus, there are clear signs that Japanese consumer organizations are taking on more watchdog functions toward both business and the bureaucracy. Leaders in many of the nation’s large consumer organizations, for example, are paying close attention to the myriad ADR facilities that help resolve product liability disputes, and a number of advocates sit on the ADR panels of industry-specific “PL centers.” Second, networks of consumer organs are being formed to facilitate the activation of the country’s new information disclosure statute. Third, consumer organizations, most of which were dormant during the legislative phase of the 1997 law designed to provide long-term care insurance for the elderly (*kaigo hoken*),¹⁰ are now taking steps to ensure that consumers are treated fairly by private businesses that provide home-care services. To that end, they have been working informally with the Japan Consumer Information Center and local consumer centers.

Lingering Signs of Uncertainty

These positive changes notwithstanding, Japan’s system of consumer protection policymaking and administration has also suffered a few setbacks over the past decade. In response to the ongoing recession and regulatory and administrative reform, for instance, national budgetary outlays for consumer centers have been slashed and several centers—including the Kanagawa Consumer Center, one of the oldest and most respected of such institutions—have been shut down (*Tōkyō shimbun*, September 22, 1998). Critics argue that these cutbacks could not have come at a more inopportune time, now that the centers’ consumer consultation and alternative dispute resolution functions are expanding (Ikemoto 1999:29–31; Oikawa 1999:10) and demands for more consumer-related information in the context of regulatory reform are increasing. Accordingly, many consumer advocates and officials in the Japan Consumer Information Center are pushing for the establishment of more centers in the future (*Asahi shimbun*, November 22, 1999).

A cloud of uncertainty has gathered over the national consumer bureaucracy as well, now that the number of ministries and agencies has been

reduced. With the abolition of the Economic Planning Agency and the absorption of many of its functions—including consumer-related ones—by the newly instituted cabinet office, the level of governmental involvement in consumer affairs is expected to decline. Although the erosion of bureaucratic functions regarding consumer protection is to be expected in an atmosphere of regulatory reform, consumer activists would like to see a concomitant increase in the government's watchdog role over business-consumer relations. To that end, activists argue, Japan is in more need than ever before of an independent consumer agency—or, at the very least, an expansion in the number of local consumer centers.

Last but not least, consumers must also contend with the lingering power of business in the policy process, as the recent movement to enact a consumer contract bill showed. Widely supported as a crucial legal protection for consumers in the context of deregulation, the law was an important focus of consumer activism after the enactment of the Product Liability Law in 1994. Although finally passed in April 2000, the bill's future was very uncertain for much of 1998 and 1999 as business representatives criticized the provisions for putting too much power in the hands of consumers. Consequently, the law contains several stipulations that advocates and their allies in the legal profession find unacceptable. Critics contend, for instance, that the law does not do enough to protect consumers who have been subjected to aggressive door-to-door canvassing and phone sales. They also complain that it does not force sellers to provide their customers with complete information pertaining to particular contracts.¹¹ Although activists welcome the law as an important step forward for consumers—particularly since it gives them the legal means to terminate contracts under specified conditions—they have branded it as sorely in need of amendment.

The consumer contract case should serve as a cautionary tale for those who paint too rosy a future for Japanese consumers. In many ways, the Consumer Contract Law, the Product Liability Law, and the Information Disclosure Law are important milestones in the history of consumer protection insofar as they provide significant civil law protections for consumers in an age of regulatory reform. The policymaking process preceding the contract law's enactment, however, strongly suggests that despite all the positive changes noted earlier in this chapter, Japan's system of consumer policymaking is still subject to the whims of the business community. One casualty of this carryover from the post-1968 system of consumer protection policymaking is the failure of any of the above-mentioned laws to acknowledge

specific consumer rights. This is a crucial precondition, many believe, for achieving equality between consumer and business interests. In short, although trends are certainly heading in the right direction, much remains to be done before Japan can be rightfully deemed a consumer-oriented society.

The Future: The Changing Nature of Consumerism in Japan

As we observed in chapter 1, the organizational expressions of a social movement may not always conform to the “opinions and beliefs” that define that movement for a particular population. The more that social movement organizations diverge from those opinions and beliefs, moreover, the lower their chances will be of long-term survival. Some contend that Britain’s Consumers’ Association may be jeopardizing its future as it clings to old recipes for consumer activism, neglects some of the issues that are of concern to contemporary consumers, and fails to attract new followers. In the United States, by contrast, consumer organizations appear to be more adept at responding to the changing nature of consumerism as they search for new political opportunities at the local level, adopt new objectives, and struggle to expand their bases of support.

Japan’s leading consumer organizations stand at a similar crossroads as they celebrate more than half a century of political activism. And it has been half a century of achievement: Japanese products are now much safer than they were thirty years ago; consumers have access to far more information about the products they consume than they did in the past; consumer access to a range of product choice at reasonable prices—while far from perfect—has certainly expanded; and the country’s consumer redress mechanisms have improved. Their myriad disappointments notwithstanding, Japanese consumer organizations have presided over far-reaching change. Whether or not these organizations survive well into the twenty-first century depends on how well they adapt to changing perceptions about consumerism in Japanese society.

Although some of the larger consumer organizations are struggling with financial problems¹² and declining memberships,¹³ the organized movement as a whole appears to be following its American counterpart in adapting its strategies to new institutional contingencies and redefining the relationships and objectives that make up its organizational *raison d’être*. The task of organizational redefinition has in turn meant a reassessment of movement

conceptualizations of what it means to be a consumer. In the 1940s and 1950s, the juxtaposition of consumer and producer identities under a common conceptual aegis was a creative response to both parties' interest in economic recovery in the wake of wartime destruction, as well as to the eventual predominance of producers in Japanese politics in the context of rapid economic growth. Against that broad political and economic backdrop, consumer activists cooperated with small producers toward common goals while encouraging consumers-as-citizens-of-Japan (*kokumin*) to "buy Japanese" and, as members of civil society (*shimin*), to oppose big-business transgressions of basic consumer interests.

Today, the balance among the various dimensions of the postwar consumer identity has shifted in response to a changing political and economic context. Selective cooperation with producers, for example, is now driven by the need to find alternative approaches to consumer protection as the state slowly retreats from the internal affairs of business. Meanwhile, the *shimin* dimension of the consumer identity has been strengthened as consumers confront issues that go beyond the mere consumption of goods and services, issues like good governance, citizen rights, political participation, and environmentalism.

This emphasis on the *shimin* dimension reflects the priorities championed by the country's leading consumer advocates at the end of the century. Advocates are quick to point out, for example, that the country has not done enough to recognize consumer rights and to expand civil law provisions for greater access to the information and legal protections required by consumers in a deregulated and increasingly complex economy (see, e.g., Ochiai 1999). The campaigns to enact product liability, information disclosure, and consumer contract laws were certainly manifestations of these priorities. Other objectives that activists are now pushing include measures to protect individual consumer privacy, to protect consumers in the financial services industry,¹⁴ and to reform the judicial system.¹⁵

This interest in citizenship has also spurred movement organizations to expand their bases of support. Shōdanren, for example, has increased its membership from about a dozen to forty or so organizations,¹⁶ many of which look more like civil rights or environmental groups than consumer organs. Shufuren, meanwhile, is cooperating with a much wider spectrum of citizen groups as it strives to achieve its political objectives (*Asahi shinbun*, January 11, 1998) and is working to create a more effective division of labor between itself and those groups (interview, Shimizu, July 1999). Shu-

furen is also trying to shed its image as a “housewives” organization, by admitting men into its ranks.¹⁷ In 1997, it held a contest to name its new headquarters¹⁸ which were due to open in time for the association’s fiftieth anniversary the following year. The winner: a fifty-year-old businessman! The new name: “Plaza F,” the F standing for such concepts as friend, faith, free, female, and future (Shufurengōkai 1998:89).

As Japan’s aging consumer organizations redefine themselves, a new breed of consumer groups—and I am using the term very loosely here—is appearing in cities around the country. Small and grassroots in orientation, many of these groups are led by relatively young, well-educated men and women who mix consumer-related issues with environmentalism, human rights concerns, and good governance. They were active in the movement to enact and monitor the product liability law (see Madge 1999) and in the information disclosure and nonprofit organization campaigns. Their numbers, moreover, are slowly increasing under the new NPO Law (Pekkanen 2000), which has made it easier for citizen groups to obtain nonprofit status from the government. In many ways, these groups have acquired the trappings of new social movements, particularly with respect to their concern for quality-of-life issues and adherence to democratic decision-making norms.

As Mrs. Shimizu pointed out to me in our interview in the summer of 1999, this new grassroots phenomenon may be the harbinger of the end of advocacy politics led by housewives in large national and regional consumer organizations and the beginning of a more mass-based, grassroots approach to consumerism. Mrs. Shimizu seemed pleased with this development, as she noted the strong sense of political efficacy among many of these grassroots leaders and the fact that they were men as well as women and young instead of middle aged and elderly. I, on the other hand, was taken aback by her attitude, since these new grassroots groups could very well reduce the role of her own organization in Japanese consumer politics. But after pondering this point for a moment, I soon recognized the error in my thinking. Whether or not organizations like Shufuren survive intact over the long term, I realized, was beside the point; what mattered was the fact that more and more Japanese consumers have been standing up for their professed right to be heard. Japan’s postwar consumer organizations, it seems, are finally succeeding in fulfilling one of their most important objectives: fashioning a strong consumer-as-citizen consciousness in the public at large. It is a development that bodes well not only for the future of consumer protection but also for Japanese democracy.

