

DOING THE DEFENDANT'S LAUNDRY: SUPPORT GROUPS AS SOCIAL MOVEMENT ORGANIZATIONS IN CONTEMPORARY JAPAN¹

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1. INTRODUCTION

A line forms in a covered area outside Tōkyō District Court, behind a sign that lists the name of the person on trial today in courtroom 426 and the number of seats available for observers. Aside from a few college students fulfilling an assignment and a couple of journalists who do not have official passes for the designated press seats, most of the people in line know each other and chat quietly as they wait. Men and women, from college age to retirees, they are remarkable only for their relatively casual dress. As the line lengthens, someone counts the number of people to see if they will all get in today.

Promptly at 1 p.m. two court employees appear at the head of the line. One hands out a small slip of paper to each person, while the other collects any extra bags they wish to check and puts them into a handcart that will follow the observers upstairs. Room 426 is a security courtroom; observers are allowed only one bag and must turn over any cameras, tape recorders, or cellular phones. Outside the side corridor leading to courtroom 426, a small cluster of armed court guards waits to conduct a bag inspection and brief body search of each entering trial observer.

Once they have passed the security check, small clusters of observers gather by the window at the end of the corridor to smoke and talk, sometimes joined by the defense lawyers. Soon the courtroom door opens and they file in silently, handing over their slips of paper to a guard at the door. The defendant, seated between two uniformed guards, eagerly watches the observers come in, smiling and bowing to those she recognizes. The observers fill up their assigned seats, but about 20 seats marked for the press remain vacant. During the trial session the observers watch silently and a few take notes. They risk being thrown out if they laugh, speak out,

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clap, or even chew gum. At the end of the session there are more smiles and nods across the railing that separates the trial participants from the observers.

Afterwards, a group of the trial observers meets with one of the defense lawyers. The lawyer gives his assessment of the current status of the trial, answers some specific questions about the day's proceedings, and reports that he will need help developing the evidence for a particular point. The group discusses the matter briefly and makes arrangements to do the necessary work. The lawyer leaves and the rest of the group stays on to discuss preparations for the next newsletter and a public fundraising event. As the meeting breaks up, two people check with a third person to arrange to visit the defendant in jail on specific days.

In about two weeks the trial observers, the defendant in jail, and perhaps another 200 people will receive the next issue of the newsletter put out by the defendant's trial support group. The desktop-published newsletter will contain a summary of what happened at the last trial session, plus a reprint of any important documents, such as the defendant's statement to the court. It will also contain a long letter from the defendant and perhaps some letters or short articles from members of the support group. Near the back of the newsletter there will be a calendar of forthcoming trial dates and other events, a careful accounting of the support group's income and expenditures for the previous month, and a request for donations.

This vignette illustrates a common form of small-scale social movement activity in Japan: a support group (*shienkai* or *kyūenkai*)² that assists the individuals engaged in a particular legal case. The focus of attention may be the defendants in a high profile criminal case with strong political overtones as in this example, the plaintiffs in a civil suit, or persons seeking redress through an administrative procedure. Whatever the legal venue, the case represents an individual instance of a broader political or social issue and attracts supporters as a form of social movement activity to further that cause. UPHAM (1987) has demonstrated that the law is a significant vehicle for social change in Japan, and his case studies have revealed that social movement organizations often play a key role in promoting the legal cases that eventually produce such change. We know little, however, about how social movement organizations, especially smaller ones, actually participate in legal cases.

² Various Japanese terms used to identify these groups will be discussed below. We will use the English term "support group" to refer to such organizations, despite the risk of confusion with the widespread western phenomenon of organizations for recovering substance abusers and persons undergoing life crises, which are often referred to in English as "support groups".

While there are many different types of social movement organizations, scholars in the United States (MCCARTHY, BRITT and WOLFSON 1991; MCCARTHY and ZALD 1973; OLIVER and MARWELL 1992) and Europe (RUCHT 1996) have noted a shift toward national organizations with a professional staff and a mass base of members and supporters whose only form of participation is to send monetary contributions in response to mail or telephone solicitations. Such large-scale, professionalized social movement organizations have made less headway in Japan, in part because of a restrictive regulatory environment (PEKKANEN 2000 forthcoming). In sharp contrast to this model, the Japanese support group is a relatively small, unincorporated group whose core members participate regularly in a wide range of support activities on a volunteer basis. Since these organizations have no legal status, they do not appear in official directories of organizations and cannot be enumerated in quantitative measures of civil society, but they can be found across a broad range of social movements in contemporary Japan.

The prevalence of such groups raises three questions: What is distinctive about the support group as a form of social movement organization and activity? How and why did support groups with these characteristics develop in Japan? How and why has this form spread to new social movements in contemporary Japan? The answers offered here are based on extensive field research with support groups for persons involved in criminal cases that arose from New Left political activity during the late 1960s and early 1970s, documentary research in the “mini-media” publications of New Left political organizations and support groups, and historical research on the Japanese Left.

2. WHAT IS DISTINCTIVE ABOUT JAPANESE SUPPORT GROUPS?

The concept of mobilizing outside support for political prisoners and politically significant legal cases is certainly not unique to Japan. The French Dreyfuss Affair of the 1890s is a classic case, and there are many other historical examples. Since the 1970s, Amnesty International has been mobilizing letter-writing campaigns on a global scale in an effort to protect political prisoners in many countries. Amnesty International’s efforts, in turn, may be linked to a local or national movement supporting a single legal case. In these examples, however, the social movement operates at some remove from the principals in the case. Its aim is to bring external pressure to bear on the government and agencies responsible for the case, thereby warning the state that it will be held accountable to a larger public for its actions. Most of the activity involves publicizing the case widely in

order to mobilize some visible level of public protest about it. The closest such campaigns usually get to the case is to provide monetary donations that may be used to cover expensive legal fees.

In contrast, the hallmark of the Japanese support groups of interest here is their intimate involvement with the legal case and its principals. They may also conduct some of the same kinds of publicity and fund-raising activities as other social movements concerned with the status of political prisoners, and they may also have a substantial number of passive supporters who only send monetary contributions. But their activities go well beyond this kind of arm's-length support. The core support group members work directly with the lawyers handling the case to provide paralegal assistance and monitor the progress of the legal case closely. They also meet and communicate regularly with the criminal defendants or civil plaintiffs involved and provide a wide range of personal support services to those individuals and their families. They care for, protect, and help the principals in unusually intimate ways.

The names typically adopted by support groups convey this orientation. In fact, the first clue that a social movement organization is a support group may be its name, which usually incorporates certain terms plus the name of the person or the incident whose legal case the group supports. The University of Hawaii's Takazawa Collection of Japanese Social Movement Materials contains about sixty different newsletters produced by support groups involved with New Left political trials of the late 1960s, 1970s and 1980s, such as *Ōji Tōsō Kyūenkai* [Relief Association for the Ōji Struggle], *Konishi Hangun Saiban Shien Inkaï* [Aid Committee for Konishi's Anti-military Trial], *Nichidai Tōsō Kyūenkai* [Relief Association for the Nihon University Struggle], and *Mujitsu no "Tsuchida, Nisseki, Pīsukan Jiken" Hikoku o Shien suru Kai* [Society to Aid the Innocent Defendants in the Tsuchida, Nisseki, Peace Can Incident]. The terms *kyūenkai* [relief or aid society], *shienkai* [support or assistance society], or phrases such as "*XX o shien suru kai*" [society to assist XX], "*XX o sukuu kai*" [society to save XX], "*XX o mamoru kai*" [society to protect XX], or "*XX o sasaeru kai*" [society to sustain XX] typically indicate a trial support group. These words all have something to do with providing aid, relief, support, rescue, or help to someone (*kyūen*, *shien*, *sukuu*, *sasaeru*), or with protecting and defending someone from harm (*mamoru*). These transitive verbs have an implied subject (the organization's members) and an explicit object (the principal in the legal case).

Some support groups either do not have these terms in their titles or do not identify by name the person whose case is being supported. *Kikokusha no Saiban o Kangaeru Kai* [Society to Consider the Trials of the Returnees], which has recently adopted the English name "The Supporting Associa-

tion for Trials of the Returnees (JRA concerned),” supports an expanding group of cases involving members of the Japanese Red Army who were formerly based in Lebanon. *Sakaguchi Kikue o Sasaeru Kai* [Society to Assist Sakaguchi Kikue] is formally dedicated to assisting the elderly mother of a man who is awaiting a death sentence for his part in two sensational political incidents of the early 1970s, but it also provides support for the son.

2.1. Legal Support

Support groups generally have quite modest budgets based on monthly dues paid by members, individual donations, and revenues from publications and fund-raising events. Some are sustained by indefinite personal loans from a few members, while others may have periods of greater financial stability. The lawyers who handle the cases are either court-appointed or have agreed to work for a standard minimum fee. In the absence of legal staff resources or ample funds to pay the expenses of mounting a strong legal defense, the support group provides paralegal and secretarial services on a volunteer basis.

Since the defendant is in jail, support group members do the legwork necessary to document an alibi or locate relevant witnesses. Before the advent of word processors, support group members copied out documents by hand for submission to the court. Now they prepare the same kinds of materials on their own Japanese word-processors or computers. Even now, since photocopying of many court records is prohibited, support group members often spend weeks at a time in court archives hand-copying essential documents from earlier cases to assist in an appeal. During the late 1960s and early 1970s, when there were a great many student protest cases being handled by a very small number of lawyers, volunteers working under the supervision of the lawyers prepared many of the basic legal documents needed to request bail or appeal bail denial.

Support group members and the defendants also continue to assist the lawyers during the trial, spending long hours poring over depositions and other evidence submitted by the prosecution to look for weak points and suggest issues the lawyers might pursue in cross-examination. The volunteers who do this are not all rank amateurs. Many in fact have college degrees in law but have given up trying to pass the notoriously difficult competition for a place in the national legal training institute, which is the only access route to becoming a lawyer. While they see themselves as amateurs and scrupulously defer to the lawyers’ judgment, they often make substantive contributions to the case. Unlike student legal interns in other societies, who may do a lot of the tedious research on legal precedents to con-

tribute to the lawyer's brief, these volunteers leave the legal arguments to the lawyers but contribute through their careful attention to the details of the evidence in the case.

Some support group members, by virtue of their proximity to the defendants or to the activities in which they have participated, have a wealth of practical knowledge to contribute to the case. They may be able to spot inconsistencies and improbabilities in the prosecution's case or think of new evidence to counter a particular claim. At one support group meeting I observed, someone brought out a large bag of letters written by the defendant years earlier. They were parceled out around the table, and everyone began looking through them for English alphabet letters that might be used to determine whether a document entered into evidence by the prosecution actually matched the way the defendant wrote in English (Field Notes 21.6.1996).

In the transition from the initial trial to an appeal, when the lawyers typically change, it is the support group members who know all the details of the case and the evidence. They can brief new lawyers, summarize aspects of the case, and locate specific documents in the voluminous case files. They are active participants, with the defendant and the lawyers, in identifying grounds for appeal and issues to be elaborated. Under Japanese law, appeals may deal with factual as well as procedural matters, so the scope of a first appeal can be quite broad. Moreover, the prosecution can appeal if they believe the sentence was too light, which opens up more of the original case for review.

Since the late 1970s when the Japanese Supreme Court relaxed the rules for winning a new trial, a number of support groups have been working to obtain new trials for the prisoners they support. The current standard focuses on the presentation of new evidence that, together with the earlier materials of the case, might change the outcome (FOOTE 1993). Support groups may research details of the case for several years before they come up with appropriate evidence to petition for a new trial. These requests are generally, but not always, based on evidence of a serious miscarriage of justice that has resulted in the conviction of an innocent person. While such requests do not have a high success rate, the stakes in some cases are high enough that the support groups persevere through multiple attempts.

Trial support groups always publish a newsletter, which is distributed to support group members and lawyers, to the defendants involved in the case, to other prisoners in unconvicted detention who want to keep up with the case, and by subscription to anyone else who is interested. In group trials, the support group newsletter provides an important vehicle for communication among the defendants, who are not permitted to meet

with each other to prepare their joint defense. By publishing important trial documents such as the defendant's formal statements to the court, the defense lawyer's formal arguments, and both prosecution and defense arguments on specific sub-issues in the case, the newsletter becomes a relatively inexpensive way to reproduce and distribute these materials. It also provides a means for the imprisoned defendant to continue to express political ideas and thoughts about the progress of the trial and thereby maintain a sense of personal connection to the world outside. Thus, support group newsletters combine elements of both legal and personal support.

2.2. Personal Support

In addition to the assistance that these groups provide to the lawyers, they offer a remarkable level of personal support to the principals in the case and their families. Within the Japanese New Left, this support begins the moment that movement supporters are notified of an arrest through a hotline. The hotline is maintained by *Kyūen Renraku Sentā* [Relief Contact Center], a coordinating agency for arrested New Left students that was founded in 1969 and is still in operation thirty years later. Since that time the hotline number has been memorized by tens of thousands of student activists, who use it to request a lawyer through the Center.

The Japanese criminal justice system is heavily oriented to confession, although the confession must be corroborated with other evidence in order to obtain a conviction (FOOTE 1995). MIYAZAWA (1992) describes the system as "enabling" for police since they may hold a suspect in a police station "substitute jail" (*daiyo kangoku*) for up to three weeks of interrogation, with no lawyer present, in order to induce the suspect to confess. Most suspects confess within the first three days, so only a small proportion of suspects even need to be taken to court for formal permission to hold them for 10 days, renewable for a second ten-day period. When suspects do not cooperate, the police may extend the interrogation indefinitely by re-arresting them on additional charges.

The first element of the Center's support strategy is thus to try to keep the arrested person from succumbing to police pressure to confess, primarily by exercising the right to remain silent during the interrogation. Unfortunately, this strategy also virtually guarantees that the suspect will be held for further interrogation. The Center meets the arrestee's initial needs for clean clothing, personal supplies, and supplemental food. An undicted suspect is entitled to receive all of these items, but they can be manipulated by the police during the interrogation period if the person does not have strong outside support. Through the lawyer it sends to represent

the suspect, the Center manages all necessary communication with the arrestee's family and friends so that they, or even information about them, cannot be used to pressure the suspect into talking.

Once the person has been indicted, with or without a confession, a trial support group is formed to assist in the case and provide personal support to the defendant. Political cases often involve multiple defendants, and a single support group normally supports all or most of the defendants in one case. New Left defendants who do not confess and/or do not accept the prosecution's statement of the case as presented in the indictment are invariably held in unconvicted detention (*miketsu shobun*). In the late 1960s and early 1970s such defendants were usually released as soon as the trial began. Nowadays, even for minor charges, they are usually held until the prosecution has completed its case and, more often than not, until the trial is completed and the sentence determined. Japanese trials are not continuous; they usually meet for one or two half-day sessions a month. A trial in which the defendant contests the prosecution's case is likely to last from several months to several years, and even longer if the initial decision is appealed.

A finding of not guilty is extremely rare and in any event would probably be appealed by the prosecution. The most favorable outcome for political offenders is likely to be a finding of guilty with a suspended sentence, which also may be appealed by the prosecution. Political offenders who have mounted a strong defense routinely appeal any decision that includes a prison sentence, since they will continue to be held in unconvicted detention during the appeal and that time counts as part of the sentence. Hence, these individuals spend extended periods of time—often years or even decades—in unconvicted detention. The personal attention provided by support group members is essential to the prisoner's survival during this long period of isolation.

Persons in unconvicted detention are held in a special prison for this purpose, but since they have not yet been convicted of any crime, they enjoy some privileges that convicted felons serving sentences in regular prisons do not have. They are held in isolation cells (ostensibly to keep first time offenders from being contaminated by hardened criminals) but wear their own clothing and are permitted to receive *sashi-ire* [items sent in from outside]. *Sashi-ire* may include books, magazines, and other reading matter, as well as food and flowers purchased from special stores in or near the prison. If they have money, the prisoners may purchase items from these stores themselves.

Particularly if they remain in unconvicted detention for a long time, prisoners are dependent on outside assistance through the *sashi-ire* system. These services are provided by support groups, which may include

the prisoner's friends and family members. In some cases family members either live far away or reject the prisoner, so the burden falls entirely on the support group. There is a strict limit on how many items of clothing and bedding a prisoner may keep in the cell, and there is no facility for doing laundry inside the prison other than washing small items by hand in the cell's washbasin. Support group members help with the seasonal exchange of clothing and frequently take out the prisoner's dirty laundry and return it clean. They purchase and send in any books the prisoner asks for or that they think the person might enjoy reading. Since persons in unconvicted detention do not perform prison work and thus have no regular source of income, they are also dependent on the support group's donations in order to purchase small items, such as stamps and postcards, as well as food from the prison store.

Under normal circumstances, prisoners held in unconvicted detention are permitted one 20-minute visit per day from up to three persons in a group, who talk across a glass barrier in the presence of a note-taking guard. They may send and receive letters through the regular postal service, although both incoming and outgoing mail passes through a censor. Support groups try to maintain as much communication as possible with the prisoner to keep up the defendant's spirits during the trial and to prevent or alleviate *kōkin-byō* [detention disease], a recognized syndrome of mental and physical symptoms brought on by the prolonged and severe isolation of unconvicted detention. For some prisoners, however, the isolation is even more severe.

While it is fairly routine for police and prosecutors to obtain a court order restricting a suspect's communications (*sekken kinshi*) during the initial phase of the interrogation prior to indictment, since the late 1980s political defendants have routinely been held incommunicado until half-way through their trial when the prosecution has completed the presentation of its case. The ostensible rationale for such prolonged communications restrictions is to prevent the defendant from interfering with witnesses or destroying evidence. In addition to restricting the defendant's legitimate efforts to assist in his own defense, it serves to put additional pressure on anyone who resists the prosecution's version of the case. And since the prison fears that the severe isolation increases the risk that the prisoner will commit suicide, persons being held incommunicado in unconvicted detention are placed in special suicide-watch cells that are smaller than ordinary isolation cells and are monitored 24 hours a day by a security camera.

During the period of communications restrictions, the support group members cannot visit the prisoner in unconvicted detention or communicate by mail but can usually send in *sashi-ire* items, such as flowers and

food to let the prisoner know that people outside are still paying attention. In severe cases the prisoner may also be denied books and reading matter from the outside to increase the isolation. During this period all communications with the prisoner must take place through the lawyers, which is another reason for support group members to maintain close contact with the legal team. Lawyers' visits to prisoners in unconvicted detention cannot be proscribed even when other communications, even with family members, are barred. Lawyers' visits take place across a glass divider but without the presence of a guard. Legitimate trial materials may be sent in and out of the prison between lawyer and client without censorship, and on occasion lawyers can include materials from the support group that relate to the trial. They can also hold up letters in front of the glass divider for the prisoner to read, but both prison time limits on lawyers' visits and the lawyers' own time constraints limit this practice considerably.

When a prisoner is held incommunicado after the trial begins, the only face-to-face contact with the support group occurs when support group members attend the trial sessions. Defendants eagerly watch as the trial observers enter the courtroom and soon recognize and acknowledge even strangers who attend regularly. Since participating in a support group is a social movement activity, there are often people in the support group who were not previously acquainted with the defendant but have chosen to support the case. The defendant cannot meet these people until the communications restrictions have been lifted but may occasionally receive *sashi-ire* from them. If the supporter sends it in as a personal gift rather than in the name of the support group, the prisoner may learn the person's name, address, and occupation from the accompanying slip of paper.

Persons whose death sentence has been confirmed by the Supreme Court also continue to be held in the special prisons for persons in unconvicted detention. Until the mid-1980s they were treated essentially as persons in unconvicted detention, but since then, under a 1963 administrative order that was not initially enforced, they have been kept under severe communications restrictions. The current restrictions amount to permanent and total incommunicado status, except for certain family members who are permitted to visit, write, and send in *sashi-ire*. The formal rationale for the restrictions, as set forth in the 1963 administrative order, is that prisoners on death row are supposed to be "calming their spirits" in preparation for death³. However, the death penalty cannot be carried out while

³ Since this severe isolation tends to produce emotional and behavioral disturbances rather than "calming the spirit," the prison also routinely puts death penalty prisoners in special suicide cells where they are watched 24 hours a day by a security camera.

any legal proceedings are pending, and a variety of civil suits and petitions for a new trial may still be filed, so they may remain in this status for many years.

The new restrictions on prisoners awaiting the death penalty were instituted shortly after several persons who had received death penalty sentences for ordinary criminal offenses won new trials and were subsequently declared innocent. These persons had been convicted of non-political criminal offenses but had attracted support groups through their tireless insistence on their innocence and the presence of serious questions regarding the evidence used to convict them (FOOTE 1992). Perhaps coincidentally, the new restrictions also were put in place shortly before the death sentences were confirmed for four prominent political defendants who already had active support groups. Under the new restrictions, persons with confirmed death sentences could only communicate with immediate family members who had been approved in advance by the prison authorities, so these four prisoners and their supporters began making preparations for the impending draconian isolation. These four cases demonstrate the astonishing degree to which support group members are willing to sacrifice their own lives to provide personal support to the principals in the case in which they are involved.

In Case #1, the prisoner had a large extended family, although most of its members had never visited him since his arrest or attended the trial. A list of all these eligible persons was submitted to the prison, but when the prison demanded detailed information from their family records and their employers, they all withdrew their names, leaving the prisoner's elderly mother as his only authorized visitor. The support group then reconstituted itself as a support group for the prisoner's mother. The central member of the support group accompanies her to the prison regularly so that she can visit him, handles the prisoner's financial and legal affairs, and runs all his errands.

The prisoner had achieved a certain amount of celebrity as a poet by regularly entering and winning the weekly poetry contest run by a major newspaper and had attracted the support of a wide range of intellectuals and literary figures. Since the prisoner's death sentence was confirmed, the support group has edited and published a volume of his poetry and his three-volume autobiography. It has also put out a beautifully produced periodical containing the prisoner's poetry and letters, plus interviews with various people who discuss aspects of the case, in lieu of the traditional newsletter. Acting on the prisoner's behalf, the support group has won a civil defamation suit against a prominent police official who wrote incorrectly about the prisoner in his memoirs. In a second instance, it has won an apology and settlement in a plagiarism case against a novelist who

copied whole segments of the prisoner's autobiography in a serialized novel. In both cases the support group and the lawyer managed the claim, which was directed at the author and the publisher. This support group acts through and on behalf of the prisoner's mother, and there are serious questions about what will happen when the mother is no longer able to visit him.

In Case #2, a female prisoner, who suffers from a serious brain disease, had an elderly parent who did not visit her. A male support group member arranged to marry her and be put into her family register as an adopted son-in-law. The prison recognized the marriage and has permitted the supporter to visit her daily. Although he is a long-time support group activist and originally began his activity as the personal friend of another prisoner, he scrupulously avoids taking a political stance in dealing with the prison. He and the woman's lawyers continue to file appeals to obtain better medical care for her.

In Case #3, a male prisoner married a woman supporter. He had elderly parents who were unable to visit him, so with the cooperation of his parents, another older woman supporter adopted the prisoner into her family. The adoption was carried out with the full support of her own daughter, who was also an active member of his support group, and her grandson. After his death sentence was confirmed, all four (the wife, the adoptive mother and her daughter and grandson) applied for visitation rights as family members. The prison, well aware that all of them were highly political supporters, forced the prisoner to choose only one of them. He chose the wife, but after some years the relationship weakened and she divorced him. The prison continues to reject the petition of the adoptive mother and her family to visit him but allows him to correspond with his natural parents. With their cooperation the adoptive family puts out a newsletter based on letters he sends to his parents. The adoptive mother continues to be an active support group member and is always introduced as his mother at public functions. In support group circles and publications the prisoner is known by his adoptive family's name, although the court and prison continue to use his original name.

In Case #4, the prisoner has a frail, elderly mother and a wife. The wife, who was originally one of his co-defendants, was released from prison by the Japanese government in 1977 and turned over to the Japanese Red Army outside the country in exchange for hostages in an international airplane hijacking. Since she remains in exile, he cannot marry another supporter, so with his widowed mother's cooperation, three female supporters were adopted into his family as his sisters during the 1980s. By the time his death sentence was confirmed, one was visiting him less regularly and a second was living in a distant prefecture, but the third had just quit her

job and moved to Tōkyō in order to be able to visit him regularly. Initially, the prison certified the man's mother but refused to recognize any of the three legally adopted sisters. The one who had moved to Tōkyō appealed vigorously through a variety of channels and eventually the prison felt pressured to respond. In order to treat co-defendants equally, they asked both prisoner #3 and this prisoner to choose only one of their supporters to be certified as a family visitor. Prisoner #4 chose the woman who had pursued the case the most vigorously, but the prison only permits her to write letters and to visit him twice a month, rather than the daily visits that family members are normally allowed. She has legally taken his family name and is known by it in the Tōkyō support group, where she is an active member. She puts out a newsletter based on the letters he sends to his mother, which are written with that public purpose in mind. However, other members of his wide support network handle his legal and financial affairs and are pursuing the possibility of a new trial.

There are, of course, many cases in Japan and elsewhere in which an outside supporter becomes romantically involved with a prisoner and marries him. The cases presented here differ in that they manifest a political commitment rather than a romantic, emotional bond. They utilize the traditional Japanese practice of adult adoption, which likewise is based on objective considerations of benefit rather than personal emotion. The adoptions are possible because legal records of births, marriages, adoptions, and deaths in Japan are all combined in family records, and the legal status of individuals is transferred into and out of specific family records maintained by local governments. Thus, the primary requirement for a legal adoption is the cooperation of the head of the family into which the individual's record is to be transferred, rather than the approval of a court. It is also noteworthy that, while all four of these cases involve to some extent the presence of elderly parents who cannot, or will not, provide sufficient support to an imprisoned child, none of the adopted supporters has any obligation to provide family care for those elderly parents. The adoption arrangement is strictly for the purpose of enabling a social movement activist to provide support to the person in prison.

3. HOW DID THE SUPPORT GROUP SYSTEM DEVELOP?

Support groups have developed and evolved in Japan out of a particular constellation of political, legal, and social conditions. We have already reviewed one essential element of the context, the heavy emphasis on confession and submission to state authority in the Japanese criminal justice system. While confession demands are quite universal, for persons en-

gaged in political activity the coercive techniques used to induce confession are inextricably associated with the 1925 Peace Preservation Law (which outlawed groups advocating particular political ideas) and the subsequent pressure on persons arrested under that law to renounce their political beliefs through a practice known as *tenkō* [change of ideological direction] (MITCHELL 1976, MITCHELL 1992, STEINHOFF 1991). The Peace Preservation Law was struck down in 1945 by the Allied Occupation of Japan. As a consequence of this historical legacy, the Japanese Left is highly sensitive to the practices of the criminal justice system and has developed a repertoire of specific techniques for resisting them. Support groups form an essential element of that resistance, and their role has expanded in postwar Japan.

3.1. Support Groups in Prewar Japan

Trial support groups have been a staple feature of “political” trials involving the Japanese Left since the early 20th century, but the first ones were largely intellectual cheering sections that publicized the cases in the mass media and attended the rare open-court sessions. The prewar precursor of the postwar support system was an organization that began in the mid-1920s in response to the increasing number of criminal prosecutions of political activists. By 1928 it had become the Japanese branch of the Communist International’s support organization, known by the Russian acronym MOPR, and had taken the Japanese name of *Sekishoku Kyūenkai* [Red Relief]. Although the prewar Japanese criminal justice system was heavily tilted against the defendant, Red Relief was able to provide some legal and social support to persons arrested under the Peace Preservation Law until it and the lawyers who defended Peace Preservation Law cases fell victim to the same law themselves (TAKIZAWA 1993). Since the Peace Preservation Law made it illegal to provide any kind of assistance to groups that advocated changing Japan’s economic system or national polity (*kokutai*), prosecutorial logic soon extended its provisions to the support groups and lawyers assisting the defendants.

3.2. Old Left Support Groups Under the Postwar Constitution

The postwar Japanese constitution gave new rights and protections to all citizens in general and specifically to those accused of a crime, making it somewhat easier, at least in theory, to mount a vigorous defense or to challenge the state in court. These changes enabled the major political parties

of the Left to institutionalize the provision of legal assistance for individual cases whose cause they supported on ideological grounds. Despite the constitutional changes, both the continuing practices of the justice system and ordinary social expectations of compliance with authority and maintaining group harmony have discouraged individuals from claiming their new rights or making direct challenges to authority. Hence, the cases taken up by the organized Left have often required not only legal assistance but also a broad range of social support to keep the challengers from giving up the fight.

The newly-legal political parties of the Left had the experience and the resources to provide legal support for their own party members and members of affiliated unions and issue organizations; furthermore, they could mobilize members of these same groups to provide the non-legal aspects of support. The Japan Communist Party in particular developed a model of trial support groups working with socially conscious lawyers as an integral function of a comprehensive, adversarial, political organization. As part of the Party's mass political activity and social advocacy, they also provided institutional legal support for cases involving non-Party members that were deemed to be politically and socially significant, through an organization called *Kokumin Kyūenkai* [The People's Support Group]. This system was established early in the postwar era and continues to operate today. However, circumstances in the late 1960s revealed its limitations and led to a further expansion and re-orientation of support groups under a new set of political and social conditions.

3.3. The New Left Reinvents Support Groups

Although in the early postwar years student organizations were closely allied with the Japan Communist Party, by the 1960s a number of student organizations had broken with the parties of the Old Left to form a more radical and independent New Left, which was very active in the large, multi-faceted protest wave of the late 1960s and early 1970s (STEINHOFF 1999, TAKAZAWA and TAKAGI 1981). By 1967, New Left student protests had begun escalating into violent clashes with the riot police both on and off campus, leading to injuries and arrests. In 1968 the state moved to control the rapidly escalating violence by criminalizing previously tolerated protest activities with mass arrests and indictments on felony charges. Over 6,000 students were arrested for protest activities in 1968 and 2,000 more in early 1969. Late in 1968 the state also began holding arrested students in jail indefinitely, rather than releasing them after a day or two. Since the New Left student organizations encouraged non-affiliated students to

participate in their public protest activities, and on-campus protests in particular involved large numbers of students who were not formally affiliated with New Left organizations, both formal members of New Left organizations and unaffiliated students were caught in the crackdown and arrested indiscriminately.

Although the New Left's rhetoric was revolutionary, they also believed (along with a substantial minority of other Japanese) that both the causes they were fighting for and the means they were using were constitutional and that it was the Japanese government that was violating the constitution by its policies. They viewed the mass arrests and indefinite holding of students as analogous to the prewar arrests under the Peace Preservation Law in that they aimed to suppress ideas and social movements that in postwar Japan were supposed to be constitutionally protected. If they were arrested for protest in the streets, they would take their resistance into the courts. To do so, however, they needed lawyers.

The major New Left student organizations, or "sects," operated under a formal structure adopted from that of the JCP. They had already established their own internal support organizations on the JCP model to provide support for their own members who had been arrested and usually had their own affiliated lawyers. However, "non-sect" students, who did not officially belong to these organizations, did not have access to lawyers or organized support groups. The JCP itself strongly disapproved of the violent New Left students and refused to provide its lawyers and support system to them when they were arrested. Most other lawyers also refused to take on the student cases, which promised to be very time-consuming and unrewarding financially, as well as being politically and morally distasteful.

A small group of university professors and others who sympathized with the New Left students stepped into the breach and adapted the basic idea of the support group to address the emergency situation. Drawing upon the expertise of a small number of sympathetic lawyers and activists with prior experience in support groups from a few earlier political cases, they created a new support system under the rubric of *Kyūen Renraku Sentā* (hereafter the Relief Contact Center, or *Kyūen*). The support system was initially intended for unaffiliated, "non-sect" students who were arrested at demonstrations and in campus conflicts, but they also worked closely with the New Left sects and ended up including them fully.

In explicit reaction to the closed doors of the Old Left's support system, they declared themselves willing to support anyone who was being "oppressed by the state," without regard to ideology or affiliation. A second key organizational principle was to create only a loose central coordinating body for a broad array of independent cooperating organizations rather

than a centralized, hierarchical institution in the Old Left (and New Left sect) style. This enabled the new system to surmount deadly sectarian rivalries and mobilize volunteers from a wide range of existing organizations with sharply differing political philosophies, and at the same time facilitated the formation of many new, small-scale, grass-roots organizations.

In the immediate crisis of the mass arrests of students in 1968–1970, the organizers of the Relief Contact Center confronted three formidable realities. First, up to a thousand students, sect and non-sect alike, were being arrested on a single occasion and then held in small police jails scattered all over the Tōkyō metropolitan area; providing support was an instant logistical nightmare. Second, without strong resistance to the mass arrests, the whole student protest movement would soon collapse. That resistance required not only trial lawyers to take their cases to court but personal anonymity and immediate social support so that the arrestees could resist the formidable pressures to confess and renounce their political activity. Third, only a small number of lawyers were available to meet thousands of students' legal needs and fight their cases in court; however, a vast number of sympathetic volunteers from the fringes of the massive national protest movement could be mobilized to help if they were organized and taught what to do. Out of these difficult exigencies, the organizers fashioned a two-part system of support.

The first element was an emergency support system to cope with mass arrests. It involved teaching students to deal with arrest through a particular strategy for resisting confession, based on their constitutional rights, by maintaining complete silence and requesting legal support via the *Kyūen* hotline. The Center then supported that post-arrest strategy by dispensing limited immediate legal aid along with practical social support from an army of volunteers. To help maintain the anonymity of both the arrestees and the volunteers, as well as to deploy the limited legal professionals efficiently, the Center developed a geographically based system for supplying support, in which lawyers and groups of volunteers were assigned to serve all the students being held at a particular police station without regard to personal ties or organizational affiliations. This system protected the anonymity of the arrested students, who, in keeping with the strategy of “maintaining complete silence”, identified themselves only by their police station booking number. It also offered some protection from reprisal to the volunteers; they could not be identified by their attachment to particular arrestees and could identify themselves as Center volunteers rather than revealing their own names to the police.

The second element of the support system was the formation of legal teams and trial support groups to assist each group of defendants through their trials. Unlike most earlier forms of trial support, which had been or-

ganized as a centralized institutional activity under Party direction, the Relief Contact Center promoted the formation of independent trial support groups by friends, family, and associates of the defendants. Its own role was to help provide legal teams from its list of cooperating lawyers, to teach the supporters what to do, and to provide a reliable, anonymous clearinghouse for donations and communications. The Center guided and supported the fledgling independent trial support groups by producing widely distributed how-to handbooks, by making the Center's semi-volunteer staffers available for consultation, and by encouraging experienced trial support group participants to bring their expertise to newly formed support groups. The Center's cooperating lawyers also provided guidance to the support groups they worked with, but unlike the support groups formed by lawyers described by MIYAZAWA (1999) and NORTH (1999), these New Left support groups were formed from the available pool of movement activists and then brought together with the lawyers assigned to their case.

Some participants joined a support group because of their personal affiliations with a defendant, while others were ready to participate wherever they were needed as an expression of their commitment to the movement. Over time, a substantial number of these volunteers developed support group "careers" in which they brought experience and specific skills to a succession of different support organizations. This kind of professionalization of the volunteers had also occurred in the earlier support group movement, but it was largely confined to people who were institutionally affiliated with the parent political organization and who participated sequentially in the cases it sponsored. In the New Left version, a much wider range of people participated in support group activities without such central coordination; thus, the long-term impact of their experiences on grass-roots social movement organizations was potentially much broader.

4. HOW DID SUPPORT GROUPS PROLIFERATE INTO OTHER SOCIAL MOVEMENTS?

Both the scale of the crisis and the New Left support system designed to address it were significant, and help to explain why the support group as a form of social movement organization has expanded beyond the New Left political trials of the early 1970s. While precise numbers are not always available, it is possible to estimate the scale of the original system from the numbers we do have. The firmest numbers are those from official government sources which reporting the number of students arrested for

what was termed “student group violence” during the peak years of the protest wave from 1968 to 1971. During that time a total of 31,852 students were arrested, over 13,000 of them in 1969 alone (HÖMU SÖGÖ KENKYÜSHO 1972: 83). Aside from the 6,171 whose arrest in 1968 precipitated the formation of the new support system, this figure provides a good upper estimate of the overall demand for immediate legal and personal support for arrested students.

About half of those students (16,123) were held under court order for questioning beyond the initial three-day limit. These were students against whom the police wanted to press charges but who were refusing to cooperate, an inference based on the fact that well over 90 percent of all persons arrested in Japan confess within the first three days. Of those held, about 40 percent (6,549) were indicted on criminal charges. The statistics indicate that an additional 160 students were indicted before a court order to hold them was required. Most of those indicted would have been held in unconvicted detention at least until the beginning of their trial. By the end of 1971 only half of these trials had been completed, indicating that a fairly high percentage of students were contesting the prosecution’s case and undergoing a full, rather than a summary, trial.

Unfortunately, we do not have equally precise figures for participation in support group activities, but some inferences are possible. Mass arrests of students at major demonstrations in Tōkyō frequently topped 500 in a single day and occasionally reached 1,000 or more, but the Center prepared for up to 3,000 arrests at some major protest events. Police distributed the arrested students to jail cells at 57 local police stations in an attempt to keep them separated as much as possible. Many small police stations could only handle a few students at a time, so the overflow had to be sent to police stations in neighboring cities and even to prisons in the area. Assuming a rough overall average of 10–11 students per police jail, during major protest events emergency support had to be provided more or less simultaneously at about 60 and 90 locations in the Tōkyō metropolitan area, plus smaller numbers in other demonstration sites.

This estimate corresponds well with my finding that, in the first 15 months of its publication, the Relief Contact Center’s newspaper *Kyūen* [Relief] reported the formation or existence of 97 different support organizations, the overwhelming majority of which in this early period were local groups providing emergency support to students held in nearby jails (KYŪEN SHUKUSATSUBAN KANKŌ IINKAI 1977). These groups varied considerably in size, but assuming a modest average of ten members per organization, about 1,000 persons were probably involved in the direct provision of emergency support to arrested students at police station jails. In addition, the Center mobilized at least that number for other aspects of the

emergency support system, including preparing personal care kits for the arrestees, providing first aid and medical support for the injured, and managing all the communications and hand-written and hand-filed paperwork to keep track of all the arrestees and meet their needs. These numbers are quite surprising in light of the fact that emergency support was explicitly organized so that the volunteers would not be helping their own friends and associates but instead were assigned to provide anonymous help to strangers. With some notable exceptions, Japanese society does not have a strong cultural tradition of volunteerism beyond one's own circle of family, friends, and neighbors, nor an ethical imperative analogous to the Christian obligation to help the weak and unfortunate.

Many of those who provided emergency support went on to become involved in trial support groups where, along with many others, they provided support over a sustained period to the defendants in a specific trial. Most of the student trials arising from the peak protest years were by definition group trials for some form of "student group violence". Even though several hundred students might have been arrested for participation in essentially the same protest event on the same day and even in the same location, the court arbitrarily divided up and re-organized the defendants into relatively small groups for its own convenience. The lawyers and defendants fought hard for large groups to be tried together both to use the limited pool of lawyers more efficiently and to facilitate the presentation of an ideological defense based on the purpose of the protests. The prosecutors and judges, who had the final say, preferred smaller groups that would fit into available courtrooms and packaged groups of defendants on the basis of the evidence they had developed tying defendants to specific material acts related to the charges in the indictment. This meant that there might be ten or twelve different trials going on simultaneously, all involving students who had participated in the same protest event.

With 6,709 students indicted and an average of ten students per trial, this would mean there were about 670 trials for student group violence going on during the same two-year time period. Even if some of these trials were relatively brief affairs for students who did not put up a political defense, this still produced a major disruption of court routines and diverted an enormous amount of state personnel. It is no wonder that the judges tried, albeit unsuccessfully, to limit trials arbitrarily in advance to a fixed number of court sessions. On the movement's side, despite some overlap of personnel, this meant that a different support group, or at least a different segment of a larger support group, was needed to handle each trial. While some functions could be combined and the legal teams could overlap to some extent, each trial had its own court calendar, its own defendants, witnesses, and evidence, and proceeded at its own pace.

There was, of course, great variability in the visibility of different trials and the size of the support group they attracted. Considering that the defendants were students with family, personal friends, and a very active student movement behind them, a ratio of five to ten supporters per student defendant during the peak trial years of 1970 and 1971 seems quite modest. Even if we allow for considerable overlap in membership between groups, this suggests that perhaps 25,000 to 50,000 people had some experience of participating in trial support groups at the peak of court activity. The estimate is surprising but not unreasonable in the context of a broad protest movement that could easily mobilize 50,000 to 100,000 participants for a single demonstration. Many of the participants in trial support groups were not active protest participants at all but individuals drawn in by either personal ties or a general sympathy with the students' plight.

In a modal trial support group of 50–100 members supporting ten defendants, the prisoners could be visited five days a week, the newsletter could be produced regularly, the lawyers could get the support they needed, and the courtroom could be filled for the monthly trial session without anyone having to put in more than a few hours a week. Moreover, with trial support groups of this scale there was considerable variability in the level of activity within a group. Two or three close friends might be visiting those in jail nearly every day and meeting their personal support needs, with others going only once or twice a month. A small committee would put out the newsletter, while another group worked closely with the lawyers.

These estimates suggest that a fairly large number of people had some experience with support groups during the late 1960s and early 1970s. A much smaller number remained active in trial support groups through the 1980s and even into the 1990s, supporting New Left defendants who were still in the criminal justice system. In these complex, long-running cases, the trial support group frequently became involved in civil lawsuits related to the same defendants, including suits over living conditions in unconvicted detention and support group members' access to the defendants.

Overall, the state's policy of controlling violent protest through mass arrests and prosecution of students divided the mass protest movement and reduced the scale of street demonstrations but pushed a small segment of the New Left underground, producing more extreme and less predictable violence through the 1970s (ZWERMAN, STEINHOFF and DELLA PORTA: 2000 forthcoming). Still, by the mid-1970s protest had all but disappeared from college campuses, and street protests had reverted to the mild, symbolic demonstrations traditionally staged by unions and single issue protest

groups. The great, multi-issue protest wave of the late 1960s to early 1970s was over.

As the violent protest wave receded in the early 1970s, New Left activists moved into a wide range of new and less violent social movements, including the women's movement, anti-pollution movements, the anti-nuclear movement, minority rights movements, and consumer movements. KURITA (1993) has shown that the generation who were students in Japan during the protest wave of the late 1960s and early 1970s still has a distinctive attitude toward politics and society and that those who protested as students have subsequently remained much more involved in social and political movements.

A significant subset of that activist generation had personal experience not only of participating in protest activities but also of involvement in trial support groups for arrested students. In addition to the more general organizational, publishing, and fundraising skills they learned through participation in an active student protest movement, support group participants acquired specific skills and attitudes that reflect the intertwined components of legal support and personal support. They have specific know-how that can be applied to many different situations, but they also have attitudes that lead them to contribute their skills by bringing support group methods to new social movements.

New Left support group participants acquired a detailed understanding of how the Japanese legal system and the criminal justice bureaucracies work in practice. One aspect of this is an understanding of legal procedures and how to deal with them to achieve small gains through patience and persistence. Another is an acute awareness of the difficulties faced by any individual in Japan who wants to insist on his or her rights or reverse arbitrary bureaucratic decisions. In addition, people with this experience are not afraid of using the legal system and confronting the bureaucracy to right an injustice, even as they understand the pressures in Japanese society that prevent others from doing so easily. Their expertise, their tenacity, and their fearlessness are all resources they can contribute to various social movements by providing the direct personal and legal support that enables the victim of an injustice to pursue some form of redress.

These understandings exist at a fundamentally different level from the fiery, revolutionary rhetoric and direct-action tactics of the New Left during the peak of the protest wave, although both stem from the same frustration with the daily realities of life in a bureaucratic, state-centered, socially conformist society. They may not have changed their fundamental ideas about the necessity of revolution, but they have added to it an "injustice frame" (GAMSON, FIREMAN, and RYTINA 1982) that opens up a different range of tactics for the pursuit of social movement goals. They can see

the possibility of addressing many social issues, and indeed changing the system, by working through the legal and bureaucratic system to resolve some tangible individual grievance that represents the human embodiment of a larger structural problem. In short, they view support of the individual legal case as a meaningful way to pursue larger social movement goals, in an environment that is not very conducive to pursuing social change by other means.

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