

Nightclubs, dancing, and reforms to Japan's sex-industry laws (*fueihō*): lessons in shifting global politico-economic trends from the 'no dancing' country

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Abstract: In December 2010, nightclubs in Osaka were raided by Japan's police. Such raids quickly spread to Tokyo, and sparked a nationwide crackdown on nightclubs that drew global media attention to the fact that – unbeknownst to many Japanese – it was illegal during Japan's post-Second World War period to dance due to the arcane sex-business related legislation of *fueihō*. This was remedied in June 2016 through reforms to *fueihō* brought about by a vociferous civil society campaign. This article evaluates both the crackdown and the ensuing reforms, to reveal the global politico-economic structures underlying them. Through this conceptual lens, rather than the prevailing media driven tendency to paint Japan as 'weird' and as the 'no dancing' country, Japan's 2010 crackdown and the 2016 reforms can actually be viewed as conforming to various global level power shifts; shifts that also help to evaluate how significant the latest reforms have been. The real issue therefore, and which this article attempts to explore, is the use of the Japanese case as the entry point into rather more worrying global power shifts that seek to control night-spaces, regulate civil society, and modulate the human body through, for instance, dancing. Nightclubs are a sociological 'canary in the coalmine' portent of wider trends, as is Japan's relationship with them.

Keywords: nightclubs, clubbing, *fueihō*, dancing, Japan

Introduction

Every weekend, we DJs are breaking the law

(DJ Emma, prior to the 2016 legal change).¹

The 2010 crackdown on nightclubs ... stop dancing

Since 2010, events in Japan's nightlife industry have emerged as a local manifestation of a worrying global phenomenon. That is, the attempt by globally oriented politico-economic elites who draw more of their inspiration from shifting transnational trends of power and capitalism than from their local civil society's freedoms and rights, to reconstruct social spaces within cityscapes represented by – but not finishing with – nightclubs.

In December of 2010, in Osaka's 'amerika-mura' or 'ame-mura' for short (America Village) district – a popular expat locale and the central location for many of the city's nightclubs – something occurred that grabbed global headlines. Two clubs were raided and the owners arrested for allowing people to dance. Subsequently, all twenty of the area's clubs were raided and the owners arrested. This soon spread to Tokyo and some of the capital city's major clubs found themselves raided or otherwise hassled on multiple occasions, making business operations difficult to impossible.

Headlines such as 'Japan: the footloose country' (referencing the popular Kevin Bacon film) or 'Japan: the no dancing country' abounded (see [Figure 1](#)). Not only was this foreign audience surprised but so were the Japanese. Most Japanese people had been unaware that until 2016 and for sixty-seven years, it had in fact been illegal to dance at night in their country.

The crackdown had been conducted under the legal cover of the 1948 (Showa 23) 'Businesses Affecting Public Morals Regulation Law' – *fūzoku eigyō to no kisoku oyobi gyomu no tekisei ka to ni kan suru hōritsu* [風俗 営業等の規制

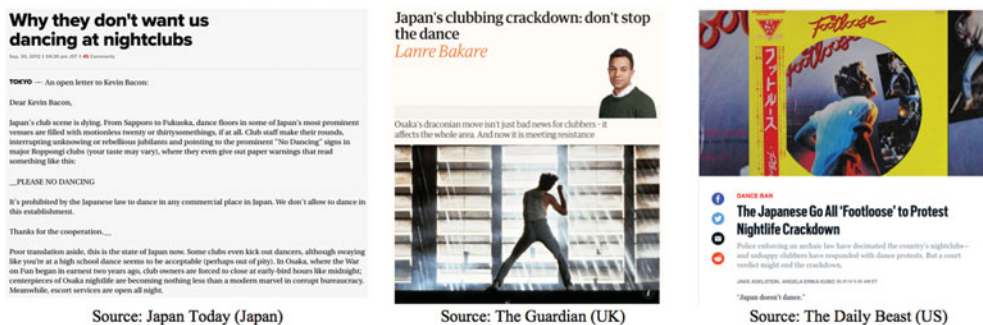


Figure 1 Headlines after Japan's 2010 clubbing crackdown

及び業務の適正化等に関する法律, transliteration: Sex Industry Trade etc's Regulation and Business's Suitability etc's Related Law]. It is also known by its shorter form as *fuzoku eigyō torishimari hō* [風俗 営業 取締法, literal translation: Sex Industry Business Control Law], or its even shorter form and the one in common parlance in Japan – *fueihō* (pron: 'fu:' 'ei' 'hou').² The key word/character in the 1948 law is '*fūzoku*', which means 'manners' or 'customs', but euphemistically, sex-industry or sex-service. Nightclubs were then considered to be in the same legal category as brothels, hence the restrictions. Clubs that wished to exist and allow dancing needed to apply for a licence, and clubs with a floor space less than 66m² would not be issued one (66 metres is large in densely populated Japanese cities), and those that were permitted a licence were required to stop their customers dancing after 12pm (the law was amended in 1984 to prevent movement after the close of the day). The law had, subsequent to 1948, been amended four times (1959, 1984, 1998, 2005) demonstrating a persistent interest by lawmakers in managing public morality through Japan's night/entertainment space.

Resistance and legal reforms ... start dancing

However the 2010 crackdown inspired an unusually strong civil society response and, during 2013–2015, negotiations began to amend the *fueihō* law and to remove the no-dancing provision; prompted by political pressure from civil society in the form of the 'Let's Dance Campaign' and their subsidiary legal group's legal expertise with the 'Let's Dance lawyers'. What appeared as though a rejection would result in early 2015, by June of that same year had emerged as an acceptance of the need for change. On 28 December 2015 an ordinance was issued to change the law to take effect no later than 23 June 2016. Success? Democracy in action? Not quite. Despite headlines of a similar sort to those shown above, for example this from the UK's *Independent* newspaper: 'Japan *finally* lifts its 67-year-old ban on dancing' (emphasis added),³ such an outcome has not strictly speaking emerged.

To clarify, *fueihō* is one bundle of legislation within a three-fold grouping of legislative categories that attempt to cover all forms of business operating in the night-time economy. These three categories are:

1. *fueihō* – sex industry businesses (although barely any this grouping's eight sub-categories have much to do with sex),
2. sex-related businesses (these categories of activity *are* directly sex related, and were separated from *fueihō* in 1998; potentially due to the international popularity of the dance-hall located activities of the *Shall We Dance* film),

3. ‘midnight alcohol restaurants’, largely referring to Japan’s extensive range of late-night mama-bar/flirting establishments known as ‘snack bars’.

The tortured relationship between the wording of the categories and their potential real-world relation to actual businesses or the actual sexual activities they are meant to police, is evident in the categorisation/re-categorisation process. Nightclubs – along with many other non-sex-related businesses – have been caught up in the tangle.

The approach the Japanese government took in 2015/2016 to cutting this Gordian knot, which was hailed as a breakthrough, was to splinter the existing law rather than abolish it altogether; creating any number of new problems that will be detailed in the subsequent section. The reforms were achieved through a range of technical wranglings, ranging from adding new categories, dividing existing ones, and deleting others. The result unfortunately, despite the headlines, is that the *fueihō* legislation still exists, and nightclubs can still be shutdown using it.

The ‘success’ has been that nightclubs have the *potential*, and it is only the potential for many if they are large enough, to apply for a licence within a newly created non-*fueihō* category. This means acquiring a ‘Specific Entertainment Restaurant Business’ licence – *tokutei yūkyō inshokuten eigyō* [特定遊興税飲食店営 {transliteration: specific entertainment restaurant business}]. Four key criteria exist to define whether this new licence is needed rather than *fueihō*:

1. Is this business dance oriented, i.e. a nightclub, live house, etc.?
2. Is the lighting level equivalent to a pre-performance cinema theatre or twilight (10 lux)?
3. Is the business open during the period of 12pm–6am?
4. Is there an alcohol menu available during that time?

If the answer to all of these is yes, then a Specific Entertainment Restaurant Business license can be applied for. If the answer is no, then *fueihō* will still apply, or the parameters of other regular business licences such as a restaurant licence will apply.

The problems

However perhaps at this point, it would seem the story should end. There was an archaic old law being used for less than credible purposes, there was a significant and multi-pronged democratic response pushing for change, politicians heard it, and responded by amending the law (partially) in-line with the popular will. Problem solved ... except that it is not.

First, on the hinted at above technicalities and jurisprudence, to be explored in more detail in the following section, why was the law partitioned rather than abolished? *Fueihō* still exists. It has simply been circumscribed and in fact, in January 2018, was used again by police to intervene in a Tokyo nightclub's affairs (more below). Why was the stipulation on lighting necessary? Why are there lingering concerns over the vagueness of some of the terminology of the law? Why does the juridical proclivity still exist for maintaining archaic laws on the books for law enforcement to use at a whim, rather than drawing rules and lines more clearly for all members of society to understand?

Second, why now? The mobilisation of civil society to the 2010 crackdowns was indeed uniquely coordinated but why have elites been so willing to listen at this particular time? *Fueihō* and its attendant problems are very old and reforms have tended to occur at one or two decade intervals. The last reform was only 2005, so what was it about the 2010 crackdowns and the reaction that stimulated a need to reform? Could the reference point for the reforms not in fact be nightclubs but something else, casinos for example, instead? A clear interest already exists among Japanese elites in Tokyo and Osaka in attempting to catch a regional trend towards the development of casinos. Reforming the rules for nightclubs could provide a backdoor legislative category that casinos could use.

Finally, emerging from the global (largely Western) reaction to the 2010 crackdown is the representation of Japan garnered by these events with headlines depicting a 'strange' and 'outlier' Japan. This representation is indicative less of a meaningful understanding of events in Japan and more of a desire by certain (largely Western) observers to misrepresent for the purpose of obfuscating and ignoring what is occurring in their own backyard. What has thus been less appreciated, and which this paper will demonstrate, is that Japan's actions in 2010 were *not* unique in global terms. Indeed, the evidence shows that Japan was not only not singularly unique in being engaged in such crackdowns on nightclubs, it was neither the first nor the most draconian – that dubious honour goes to certain activities in various Western countries.

The proposed answer to all of these points is, rather than regard these as unique Japanese phenomena, instead situate these events in Japan within a global context of shifting politico-economic trends that have the potential to directly affect nightclubs in any locale. It is proposed that nightclubs around the world are currently under an increasing threat from a rising conservative/neoliberal form of global integration and transformation that multiple developed states' elites are connected to and replicating. These elites and their shared ideas coalesce around common notions not only of the 'proper' place that nightclubs should occupy in society – especially in a country's cities, and even more so in cities such as Tokyo which is dually a Japan-city and 'global' city – but also a sharing of common political, economic, and legal strategies that can

effect such agendas into their domestic constituencies. It is further proposed that Japan and its elites are particularly susceptible to a desire for validation from these global trends and global elites, particularly from the US. As such, through the case study of Japan, it is possible to arrive at broader and multi-case conclusions of crackdowns on nightclubs occurring worldwide in the post-2000 period.

The 2010 nightclub crackdown, civil society resistance, and legislative reform

This section moves to interrogate in detail these local-to-Japan events (the 2010 crackdown and responses to it) and evaluate whether the solutions reached are a possible example of a civil society challenge to current state–society hegemonic power structures governing Japan’s night-spaces.

Civil society responses

Civil society in Japan demonstrated a significant legal and political resistance to the 2010 crackdown, at both the societal/local and the political/national levels. Did this represent a challenge to state-society hegemony and the forces of downward drifting world orders?

At a societal level, a band of lawyers – the ‘Dance Lawyers’ – attempted to challenge each crackdown case in the courts, in addition to advising campaigners the ‘Let’s Dance Campaign’ on legal strategy. The Dance Lawyers have an ally in the Diet with Liberal Democratic Party politician Kosaka Kenji, who helped with legislative momentum in political circles. In addition, they helped challenge individual cases of police closure. The most significant of these was the case of Kanemitsu Masatoshi, the owner of Club Noon in Osaka and one of the first to be challenged by police in 2010. Unlike other club owners who were challenged, Kanemitsu since 2010 has fought the closure of his club (and his imprisonment and fine), in addition to becoming a founding member of the ‘Let’s Dance’ campaign. The documentary film *Save the Club Noon* was produced, focusing on the arrest of Kanemitsu and Club Noon. A four-day festival, also called ‘Save the Club Noon’ ran alongside the documentary, was made to raise awareness and money for the Club Noon owner.

On 25 April 2014, Kanemitsu won his trial at the Osaka District Court against his charges of breaking the *fueihō* law and ‘corrupting sexual morals’. However, presiding Judge Masato Saito’s concluding comments at the Osaka District Court in Kanemitsu’s Club Noon case were revealing of elite attitudes on the subject, demonstrative of a continuing desire to regulate society in Japan. Saito may have found in Kanemitsu’s favour however he judged the

basic *fueihō* law to remain valuable, rejecting the defence's claim of infringing the Japanese constitutions' guarantee of free of expression:

[There is] reasonable doubt that the club allowed customers to dance in an obscene manner that can disturb sexual morals. The regulation has an important aim of promoting the healthy fostering of young people.⁴

Prosecutors later mounted an objection that rose all the way to the Supreme Court of Japan, but on 9 June 2016 Kanemitsu's original not-guilty sentence was upheld.

Political resistance also emerged with the 'Let's Dance' campaign, a collection of some of Japan's biggest musicians, music journalists and DJs. The campaign opted for an elite focused democratic strategy, attempting to change Japanese lawmaker's minds, requesting that they remove dancing and nightclubs from the *fueihō* legislation. In May 2013 a petition of 150,000 signatures was submitted to the Japanese diet. Leader of the 'Let's Dance Lawyers', Saito Takahiro, worked to create for the first time, political linkages between the political establishment and the nightclub industry, by working with Japan's Ministry of Tourism, and the Cabinet Office (MLIT) and the Cabinet Office, to create a 'Night-time Economic Parliamentary League' (Saito 2018). In addition to connectivity, the lawyers took the decision to promote the *economic* benefits of nightclubs, and sought to introduce concepts such as 'night-time economy' to elites in addition to the launching of a committee to investigate the creation of new socio-political roles such as a 'Tokyo Night Mayor' (Saito 2018).

On 13 May 2014, the government announced the intention to potentially loosen the *fueihō* law to exclude nightclubs and reform the *fueihō* law, to take effect in June 2016. It is worth interrogating these national legal reforms to evaluate the degree to which civil society succeeded in extending its influence into the Japanese state, or whether the kinds of global level trends assumed herein were the true rallying influence for Japan's elites. The following section is thus inevitably going to involve some technicality and bureaucracy. However the changes are important as these categories and their internal rules are the benchmarks that the Japanese police use to enforce, catalogue, limit and mould, Japan's night spaces.

Reforming fueihō

Prior to the 2016 enacted legislative alteration that resulted from political protest from the 'Let's Dance' campaign, Japan's night-space was dissected legally into three broad tier-1 categories, of which *fueihō* is, and remains, one. These three groupings then comprise multiple tier-2 sub-categories that attempt,

often unsuccessfully, to throw a legal net over the social relations occurring in Japan's public night-spaces.

These categories were (and still are)

1. *fuzoku eigyō* [風俗営業 – sex business, aka. *fueihō*]

Eight classifications of establishment: No. 1 Cabaret etc.; No. 2 Restaurant (sub-divided into (i) Japanese style equipment, (ii) Western-style equipment); No. 3 Night club etc.; No. 4 Dance hall; No. 5 Low light restaurant; No. 6 Compartment/booth style eating and drinking establishment; Pachinko store etc. and mahjong; No. 8 Game Centre etc.
2. *seifu zoku kanren tokushu eigyō* [性風俗関連特殊営業 – special vulgar customs related business]

Six classifications of store-based establishment: No. 1 Private Bathroom; No. 2 Fashion health etc.; No. 3 Strip Theatre etc.; No. 4 Love Hotel etc.; No. 5 Adult shop etc.; No. 6 Dating cafe etc.

Two classifications of non-store-based establishment: No. 1 Dispatch type fashion health etc. (aka. ‘*deli health*’ or home delivery prostitution); No. 2 Mail order etc. for adult videos etc.
3. *shinya shurui teikyō inshoku-ten eigyō* [深夜酒類提供飲食店営業 – mid-night alcohol restaurant business]

An amorphous single category that seems to largely be focused simply on Japan's copious late-night ‘snack bars’ (euphemism for small late-night bars with staff for ‘flirting’).

The reforms that the ‘Let's Dance’ campaign prompted have been (a) the creation of a new tier-1 category and (b) the chopping up of *fueihō*'s tier-2 categories.

First, a fourth tier-1 category has been created, mentioned at the outset of this piece, into which it seems the government of Japan would like nightclubs to fall into – *tokutei yūkyō inshoku-ten eigyō* [特定遊興飲食店営業 – specific entertainment restaurant business].

Second, a focus on tier-1 *fueihō*'s tier-2 sub-categories led to the bureaucrats and politicians engaging in a tortuous process of legal amalgamation, re-categorisation, qualification, elimination, and renumbering (summarised in Appendix A).⁵ Eight sub-categories of *fueihō* have now become five. The ‘simple’ revisions were:

- a. ‘cabaret’ (No. 1) and ‘eating establishments’ (No. 2) were amalgamated into one category
- b. ‘dance halls’ (no. 4) was eliminated as a business type
- c. ‘low-light restaurants’ (No. 5), ‘compartment/booth-style restaurants’ (No. 6), ‘Pachinko/Mahjong’ (No. 7), and ‘Game Centres’ (No. 8) were simply renumbered.

Next comes the ‘hard’, or rather, ‘technical’ revisions to tier-2 sub-category No. 3 – Nightclubs. The outcome of the following will determine which licence can be applied for.

Step 1 has been a distinction based on light levels, with a light level of 10-lux becoming a defining cut-off point. Why lighting levels became a major factor is difficult to reason, in addition to why the lighting level of a pre-film cinema screening became the benchmark definition is equally difficult to reason. Under 10-lux seems to be understood as the defining feature of pre-revision categories No. 5 to No. 8, meaning that if a former nightclub is under 10-lux then it can now potentially be classified as a pachinko parlour or game centre (although this author has never seen a pachinko parlour that is under 10-lux). The problem of course is that a nightclub’s lighting will of course always be over 10-lux, meaning step-2 of the reformed categories.

Step 2 is a decision over whether 10-lux + lighting level establishments serve alcohol or not. If not, then they can become ‘Restaurants’ (No. 2). If yes – and nightclubs will inevitably be yes – then the process moves to step-3.

Step-3 is the final test and is based on opening hours. If operating between 6pm to midnight then the pre-reform nightclub can now be classified as a ‘Restaurant’ (No. 2) – good news for Tokyo’s many excellent nightclub-based but day events. However if the establishment operates between midnight and 6am – and most nightclubs will of course be doing so – then the newly created tier-1 grouping category of *tokutei yūkyō inshoku-ten eigyō* [specific entertainment restaurant business] will be applied.

In summary, what the ‘Let’s Dance’ campaign achieved was a set of legal reforms designed to whittle the wheat from the chaff from one category – *fueihō* – and funnel it into a new category *tokutei yūkyō inshoku-ten eigyō* [specific entertainment restaurant business]. That process of funnelling however, is not a tide that raises all boats and not all establishments will be affected equally.

Problems with the 2016 reforms

There are any number of problems with the general approach to reform taken, and the specific reforms made.

In general terms, why has it been, and post-reforms continue to be, important to keep *fueihō* on the books when none of the businesses that comprise it have anything to do with the *fuzoku* (sex) part of the legislation’s title? The actual sex-related businesses were removed in 1998, so it is not clear why the 2015/2016 reforms did not abolish *fueihō* altogether. Second, this general approach taken of evolving existing laws rather than replacing them entirely is a strange one that likely is rooted in lessons learnt from the New York–Tokyo connection over the twentieth century (see below). There are now so many categories attempting to deal with essentially three activities – eating, drinking,

and being entertained – that there is a lot of scope, possibly even more now, for authorities to cry a violation and shut a venue down. Third, it is unclear why it was not possible to simply remove the category of nightclubs altogether. The reforms made resulted in an elimination of category ‘No. 4 Dancehall’, so it is unclear why this could not also have been done with category ‘No. 3 Nightclubs’.

This odd legislative approach can be partly explained by Frank Upham’s case for seeing social conflict/control and social change in Japan as a result, not only of commonly assumed culturalist factors, but also as a result of legal rules and institutions (Upham 1987). Japan is not as much of a socially harmonious country as is often assumed, and it is the nature of the law and changes to it that affect the course of that social conflict. The *fueihō*/nightclub/no-dancing issue perhaps demonstrates how individual laws and cases are used as a mechanism for broader social manipulation. Upham’s case is important for Japan, but could equally be made elsewhere however, and complimenting his argument with a world order perspective reveals just as much legalistic rooted social control occurring in New York as there is in Tokyo.

There are also problems with the specific reforms made. The new tier-1 category created, that it seems had nightclubs in mind, seems to rather have hotels and ryokans in mind instead. Hotels and ryokans are specifically mentioned in police materials as examples of businesses in this category, and stipulations are given in language such as *kyakushitsu* or ‘guest rooms’, rather than more appropriate language such as ‘venue’, ‘dance-floor’ or ‘bar area’. Given that hotels and ryokans already exist and do not need a business-type category, it seems reasonable to assume that the new category is designed for something akin to a hotel space but a business type that as yet does *not* exist... a casino perhaps.

This seems doubly reasonable given the qualifications that have been created for this new business form; qualifications that legislators must know that most nightclubs would have difficulty satisfying. This new Specific Entertainment Restaurant Business category has the following six requirements:

1. The guest room must be 33 square metres or more.
2. Nothing obstructs the view of the ‘guest room’ (meaning in the context of nightclubs, anywhere there are guests, i.e. the bar, the dance-floor, etc.).
3. There exists nothing such as photographs, decorations etc. that may offend good manners (referring to sex-related materials).
4. There should not be any mechanism for locking the entrance.
5. Lighting levels must be 10 lux or more.
6. The numerical value of noise and vibration must be less than or equal to the numerical value specified in the ordinance.

It is unclear why Japanese legislators remain so keen on minimum space requirements. Admittedly 33 m² is better for nightclubs than the previous 66 m². However, these minimum space requirements still provide to authorities the arbitrary power to intervene based on spatial considerations. Indeed, recently, on Saturday 27 January 2018, police raided the nightclub Aoyama Hachi using *fueihō*. Hence, the first case since the 2016 reforms came into effect. Tokyo-based music writer and journalist James Hadfield believes that what this will result in is a divided class of clubs between the established and big versus the new and small, with the former now being able to be legitimated by the post-2016 reforms, but with the latter coming under the greater glare of a targets-hungry Japanese police force (Hadfield 2012).⁶

This observation falls in line with related developments since 2010 towards bifurcation in the nightclubbing scene in Japan. On the one side there has been the problem-free development of the big and commercial (musically expressed with EDM, top 40, greatest hits, or retro decades nights), while on the other side the musical ‘underground’ has come under increasing pressure.

Next, the second stipulation of not having any blockages of the ‘guest room’, i.e. the nightclub space, creates an open door for police to classify anything from disco-balls to support pillars as a blockage. Nightclubs specifically are going to usually need the ‘blockage’ that is a disco-ball for example, and therefore even the new tier-1 category is very hard to satisfy for most nightclubs. This creates another new grey area for nightclubs to navigate. Unless of course this stipulation is not designed for nightclubs, where there will always be blockages. Rather, could it instead be designed for a place that is more open-plan such as the open plan gambling floor of a casino?

Finally, it is bemusing why light-levels are so significant, and these are easily open to abuse by authorities. Nightclubs will invariably be a closed space and so any amount of light is not going to be a disturbance to the surrounding society. However, the use of this metric is conceivably open to abuse by the police officer on the ground doing the measuring. For example, if a police officer measures the lux-level on a dance-floor with roaming strobe lights operating, then the lux-level will likely be higher than ten. However if the dark corner of a bar is measured the level may likely be under ten – the on-the-scene officer has the discretionary power to decide the measuring spot (this technical point is one that the ‘Let’s Dance’ layers are attempting to clarify and standardise).

The 2010 crackdown: a watershed moment?

In summary, was the 2010 crackdown and the prompted reforms a watershed moment? Likely, no. The cracking down on nightclubs that started in Osaka and spread nationwide from 2010, and the reforms prompted, were certainly important events. Nightclubs in most countries including Japan often exist in a

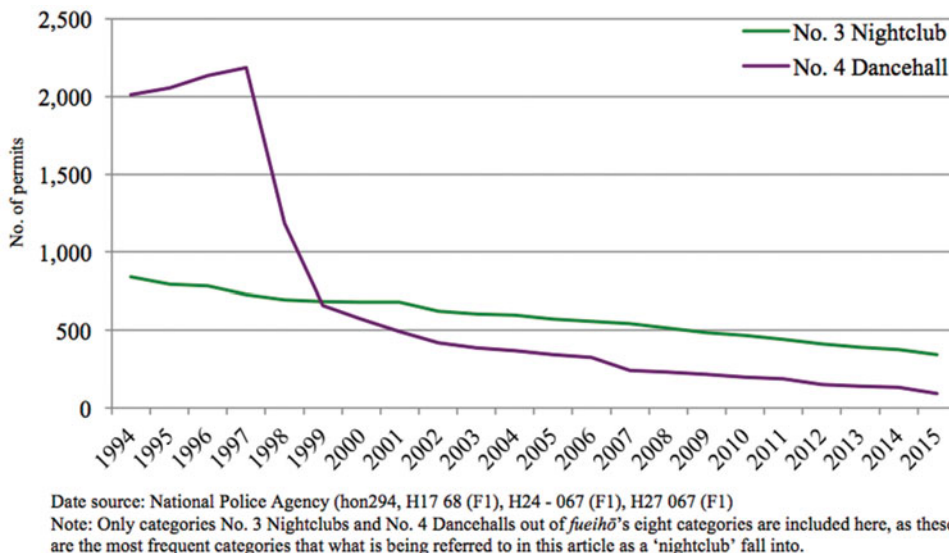


Figure 2 Number of *fueihō* issued permits (No. 3 Nightclubs and No. 4 Dancehalls) by business type [fūzoku eigyō-tō no gyōtai betsu kyoku oyobi todokede-sū] (National Police Agency (various online))

legal grey-zone where most authorities look the other way unless extraneous factors cause a provocation to that status quo, and such has been the case in Japan for decades. A pre/post-2010 comparison reveals a doubling of the number of clubs nationwide targeted for not having the proper licence: 2007 – three clubs, 2008 – five clubs, 2009 – eight clubs, 2010 – ten clubs, but 21 clubs in 2011 (*Japan Times* 2012). Manabe Noriko tallies that between 2008 and 2013, the number of clubs in Amerika-Mura fell from 134 to 102 and the number of customers from 8.1 million to 5.9 million; with forty-six clubs shut-down forty-six clubs nationwide between 2010 and 2013 (Manabe 2015).

However for various possible reasons these incidents do not seem to appear in the overall statistics. As can be noted in Figure 2, aside from the dramatic dip in dancehall venues in 1998 as a result of the *fueihō* change that separated *actual* sex businesses from *fueihō*'s *assumed* sex businesses, the number of both nightclubs and dancehalls in Japan has been on a steady decline for the past near quarter century. The 2010 crackdown will likely have caused club owners to be creative (for example closing and then re-opening with a different name, thereby not affecting the overall annual numbers) and/or to take a large financial cost but not close. At the time of writing it is too early to tell if the 2016 reforms have had any effect as the data have yet to be released. However given this overall trend it is reasonable to assume that this will also not affect the trend.

Thus questions are raised. Why did the singular events of 2010 create such a strong response from civil society in Japan, and, if the number of nightclubs (and dancehalls) was in slow decline anyway, why did Japan's elites concern themselves with the 'problem' – why at that time? Why did Japanese elites take the particular approach to reforms that they did, as outlined above? Why did 'weird Japan' as the 'no-dancing country' rise to such prominence amongst international reactions, and to what extent did this impact on the government of Japan's willingness to consider reforms?

The answers, it is proposed here, lie more with global, rather than local-to-Japan, forces. Were Japan's 2010 crackdown on nightclubs, and the use of the vague *fueihō* law to do so, unique? No. Are there pre-existing global trends that help explain what might be occurring in Japan? Yes.

Global trends and nightclubs in Japan

This section considers the above events in Japan within the global power structures that this article argues are of a greater significance than considering Japan as an isolated case.

World Orders and the New York–Tokyo connection

Throughout the course of Japan's turbulent twentieth century, its elites have consistently sought validation through the replication of many aspects of perceived global-order power. First came the moral panic of clampdowns on Japan's fairly permissive attitude to sex, alcohol and public inebriation, and drugs in the nineteenth century (Umesao 2003). This was to, as Mirium Kingsberg argues, prove Japan's equal moral and civilisational status with Western nations and to build an 'abstinent nation' that was: '[...] fundamentally different from, and superior to, the "addicted" polities of Asia' (Kingsberg 2011, 89).

The lineage of the modern nightclub can be regarded as institutionally fluid and has developed in multiple stages of over the twentieth century (see Appendix B). Then came the gestation of the nightclub, of which Japan has replicated each of its' forms (the evolution of which is summarised in Appendix B). First came the creation of Rokumeikan, completed in 1883; a replication of the European dancehall that became notorious for its bawdy goings on and became a problem when a member of the Taisho-period elite, a superintendent general's son, eloped with a town girl he had met at a dancehall, leading to pressure being exerted to close down the venue and anything like it (Sugunuma 2012). Then came in New York the 1926 'New York City Cabaret Law'. The law focused on Harlem jazz clubs and attempted to prevent more than three (black) people dancing together. This coincidentally occurred at

the same time that Taisho elites were turning sceptical with regards to dance-halls. The transmission to Japan of this social development would have to wait until the world order power shifted from the UK to the US after the Second World War, but shift it did. Occupation authorities in Japan, partly driven by a Christian idealist reformist ethos, attempted to introduce not only 'superior' Western democratic institutions but also specific social values (Shibata 2008). Thus, in 1948, *fueihō* (a replica of that New York cabaret law, minus the racial imperative) was introduced, and nightclubs – the grandchild of dancehalls and the child of cabaret clubs – have been attempting to navigate it ever since.

Up to the 1990s, New York's 1926 cabaret law, widely regarded as racist, was nonetheless kept on the legislative books as a useful tool for police to use as an arbitrary excuse to pressure the New York nightlife scene. Similarly, in Japan, and for similar reasons, *fueihō* was kept on the books despite its vague relation to contemporary night-spaces in quickly modernising (and Westernising) Japan and Tokyo. This helps to explain in part why Japan's approach to reforming *fueihō*, including the 2015/2016 reforms, has always tended towards tortured evolution rather than re-writing the law altogether – because the world order power has to shift before Japanese elites feel able to make their own changes.

From the 1990s however, a major shift did occur in New York in 1993 with the election of conservative Rudy Giuliani who attempted to 'clean up' and 'globalise' New York. New York began a new phase of re-structuring that was then matched by the fortuitous election in Tokyo of the similarly conservative and reform minded Ishihara Shintaro. In the 1970s and 1980s, a then dilapidated New York was the centre of the early dance music scene. Reforms made to New York's 1920s cabaret law in the 1970s represented a 'spatial fix' that encouraged the development of nightlife in New York's then de-industrialised areas, but also consistently problematically, introduced the forces of gentrification. Indeed, the reform was too successful that revellers began to clash with those gentrifying elements. Mayor Giuliani from the 1990s desired to 'clean up' the poorer parts of town now that they had been made 'cool'. This meant a targeting of nightclubs. First came attempts to change the physical space by attempting to reform the downtown areas of New York with 'quality of life crimes'. This was followed by the stiffening up of police responses to what were then perceived to be the prevalent cocaine and heroin trades. Initially, ecstasy, the 'club drug', was not regarded as significant enough. However, when it affected a member of Giuliani's team, ecstasy was then added to the list, and pioneering New York nightclubs such as 'Limelight' became the target of police attention and closed. The policy was continued by Giuliani's successor, Michael Bloomberg (Steinhauer 2002). The result has been an increasingly regulated and gentrified New York, as residents' rights to their city's spaces become ever further restricted – New York's 1970s/1980s golden age had ended (Hae 2012).

What is the nature of this relationship between the nightlife and gentrification? Nightclubs are what Sarah Thornton terms ‘taste cultures’, that is, clubs are often the wellsprings of new ideas that challenge the mainstream (Thornton 1996). However, this ironically makes them key gentrification-sparking agents. Challenging the mainstream is inevitably attractive to many of the ‘left out’: the poor, minorities, the non-conformist, and/or counter-culturalists. These groups – the working classes, immigrants, the artists and musicians, etc. – create ‘cool cultures’, often occupying illegally spaces that were once no-go or dangerous, that then become seen as desirable by second- and third-generation yuppie gentrification agents. Landlords in New York now understand this very well, and intentionally invite DJs and musicians into empty spaces for warehouse parties, hoping that they sprinkle their ‘cool dust’ on the site, then wait for the developers and yuppies to arrive (Pearl 2016). The result is the scene shifting further and further towards the periphery, from Manhattan to Brooklyn to Queens (Wei 2015). This linkage between economic capital and cultural capital in the process of gentrification was identified clearly by Sharon Zukin (although Zukin was not speaking of nightclubs per se). Zukin posits four processes that could indeed be applied well to the role of nightclubs in this gentrifying process: *historic preservation* (as existing elites justify their actions and position through historic preservation), *displacement* (of the people already living in the locale), *economic rationality* (intentionally seeking housing investments in ‘gentrifiable’, i.e. cheap, areas), and *economic restructuring* (by the accumulation of centralised corporate power) (Zukin 1987). With this in mind, nightclubs would seem to unfortunately but inevitably be victims of their own success, by helping to create the ‘cool’ conditions of their own destruction.

In Tokyo, between 1999 and 2012, with Ishihara as mayor, parallel attempts to tidy-up and sculpture a ‘global city’ began. Immediately upon assuming office, Ishihara launched the *Strategic Plan to Overcome Crisis* in 1999, and later *The Tokyo Plan 2000: Toward a Global City That Attracts a Great Number of Residents and Visitors* (Machimura 2003). These were wholesale plans to gentrify Tokyo and transform it into a global city, justified by a linking of Japan’s general economic recovery with Tokyo’s transformation into a ‘world city’ (Hirayama 2009). Ironically, at this time *fueihō* had been reformed in 1998 (with actual sex-related businesses removed, perhaps due again to the international connection and the, at that time, popularity of the film *Shall We Dance*). It was at this turn of the millennium time that the growth of globally relevant nightclubs began in Tokyo (Braun 2003). Womb opened in 2000, Air in 2001, Ageha in 2003, and Unit in 2004 – all nightclub examples of exactly the kind of ‘global city’ that Ishihara was attempting to generate. And all riding the wave of the burgeoning 1990s/2000s US and European club scenes with venues such as Twilo (New York), Warehouse (Manchester), Fabric and Ministry of Sound (London), and

Berghain (Berlin). A cat-and-mouse, look-the-other-way, status-quo developed with nightclubs having ‘police watchers’ stationed outside along with other measures that seemed to hamper authorities.

At this point we are able to trace the global orientation and international gaze of Japan/Tokyo elites in relation to night-spaces and nightclubs. However, we are not yet ready to understand why the crackdowns seem to have occurred in 2010, in addition to why reforms were so readily taken up. For that, various newer globally relevant developments occurred that arguably spurred on these opportunistic elites.

The 2010 nightclub crackdown in context: creating ‘global cities’ has gone ... global

Something telling seems currently to be occurring in relation to nightclubs around the world from the turn of the millennium, of which the crackdowns in Japan must correctly be regarded as a part (summarised in timeline form in [Figure 3](#)). This timeline is illustrative of the fact that claims of Japan as the ‘weird, no dancing country’ are themselves weird and potentially demonstrative of a certain peculiar gaze towards Japan. Each country case study will have idiosyncratic details – as the *fueihō* is for Japan. However, they must correctly be interpreted from a global, rather than idiosyncratic, perspective. The driving force of these crackdowns across multiple country sites appears to be similarly structured and motivated – the rise to prominence of a neo-conservative/neo-liberal political elite, driven by desires to gentrify their local cities in line with the needs of local business interests, and within the homogenised vision that results from a ‘global cities’ (driven by ‘global elites’) agenda.

The centre of this shift originated in 2001 in Australia. In that year, crackdowns began in Sydney that ostensibly involved tackling drugs but actually involved heavy-handed storm-trooper like tactics, including shutting down the street that the nightclub is on, guarding the entrance, then individually processing all revellers inside (Philips 2001). This strategy was then replicated in multiple Australian cities. Sydney’s approach sparked similar lockout/raid crackdowns in Melbourne in 2008 (it was later rescinded), Perth from 2009, and Brisbane from 2016. In 2014, the Government of New South Wales introduced so-called ‘lockout laws’ (1.30am last admission and 3am last drinks) that caused serious damage to Sydney’s nightlife and prompted street protests attracting thousands. Observers in Australia believe that the stated reasons for the lockout strategies – drugs/violence (the over-dramatised so-called ‘king hit’ to the back lower jaw that causes instantaneous coma) and financial irregularities, are excuses designed to stir up a moral panic (Barrie 2016). The real reason would appear to be the desire of Australia’s richest man, James Packer, to remove competition from his burgeoning casino empire (which is not being

CITY	APPROXIMATE CRACKDOWN START DATE
New York (US)	1993 (November), 2000 (November)
Sydney (Australia)	2001 (October)
London (UK)	2005 (January)
Bali (Indonesia)	2005 (August)
Toronto (Canada)	2005 (December)
Bangalore (India)	2005 (November)
Amsterdam (Denmark)	2008 (January)
Melbourne (Australia)	2008 (June) (later rescinded)
San Francisco (US)	2009 (early in the year)
Perth (Australia)	2009 (October)
OSAKA AND TOKYO (JAPAN)	2010 (DECEMBER)
Glasgow (UK)	2015 (June)
Shenzhen (China)	2016 (February)
Ibiza (Spain)	2016 (February)
Brisbane (Australia)	2016 (July)
Yangon (Myanmar)	2016 (May)
Shanghai (China)	2016 (December)

Source: author

Figure 3 A chronology of the global crackdown on nightclubs

raided despite operating under the same alcohol/late night licensing conditions as nightclubs) (Webb 2015). This link between nightclub crackdowns and the operation of casinos can also readily be applied to Tokyo and Osaka's activities.

From Australia to the UK. In London, nightclubs have been under equal if not more pressure since around 2005. According to the Association of Licensed Multiple Retailers, between 2005 and 2015 the number of nightclubs fell by over 1400 (Draper 2015). Rather than in Berlin where nightclubs and dance music are treated as cultural institutions and a valid art form, in the UK and its capital, the scene is constantly under pressure. Scene icons Ministry of Sound and Fabric have faced increasing pressures since around 2005 as the police find easy targets – what are referred to as ‘crime generators’ – that are conveniently where developers also hungrily look – prime London real estate to be ‘freed up’. In 2007 in London, three of the capital's major nightclubs – The Cross, The Key, and Canvas – had to shut due to the major Kings Cross regeneration project. Formerly a rough-and-tumble prostitute-populated area, once it had become ‘normalised’ enough, it could be wiped clean for office blocks – the vicious cycle of nightclub cool and gentrification had struck again. This is damaging to a night-time economy in the UK worth £66 billion, an employer of 10 to 16 per cent of a city's employed population, and representative of 6 per cent of the UK's GDP (Night Time Industries Association 2015). In September 2016, even the mighty Fabric was forced to close down after two people lost their lives due to drugs, sparking a large international campaign to

save the club (fortunately, the civil society campaign, in addition to a powerful speech by the owner to the local council, meant that Fabric re-opened in January 2017). In Glasgow, the shutdown of electronic music institution The Arches has also punched a big hole in the electronic music scene of Scotland and the UK as a whole.

In Europe, the nightlife scenes in Germany and France have also been dramatically altered. Berlin's Friedrichshain district, where now super-clubs such as Berghain and many more reside, is one of the trendiest areas of Berlin. However, it was previously the site of the post-Cold War counter-culture squatter movement that had attracted the original nightclub scene founders. On 10 July 2016, Friedrichshain was the site of huge protests against the gentrification of the area, with 123 police officers being injured and 86 people arrested. Scene-founding club Tresor rose from 20 per cent foreigners/tourists in the 1990s to 70–80 per cent by the 2000s, raising the interest of the government. The creativity and cool created by the scene was used to attract investors, raising prices and pushing out the original inhabitants. The efforts by local club actors to associate in 2001 into the Berlin Club Commission, the aim of which was to represent and promote club culture as an economic and cultural asset, was a novel civil society response that finds echoes in the later efforts of Tokyo's 'Let's Dance' Lawyers and 'Let's Dance' Campaign. In Paris, despite world-famous French musicians such as Daft Punk, the electronic party scene has been displaced outside the Paris Périphérique (the circular road around the city). In Amsterdam, bars have been fined because drinkers on a terrace were standing rather than sitting, as the law stipulates (Kist 2010).

The one place where it would be expected that the crackdown would not reach is the island that represents the global mecca of clubbing – Ibiza. Yet even here, where a substantial sector of the entire island's economy is based on its situatedness within a global nightclubbing industry, there have been attempts to regulate the space. From July 2016, both Ibiza's and Majorca's authorities imposed a 'Sustainable Tourism Tax' that, it is claimed, will be used for sustaining the natural environment (Hawthorn 2016a). The Balearic island's nightclub icon, Amnesia, was raided on 6 July 2016 and the owner arrested, with the police repeating the exercise the next day (Ryce 2016). Only a few days later, other nightclub icons on the island – Space and Privilege – were also raided (Hawthorn 2016b).

This global trend is not an Anglophone/Western phenomenon either, and Japan is not unique even in Asia. From 2005 in Indonesia, nightclubs favoured by foreigners were targeted by Indonesia's drugs police; this is especially hypocritical given the volumes of ecstasy produced in Indonesia (O'Riordan 2005). Also in 2005, in Bangalore, India, the Western influence represented by nightclubs were targeted by police for people inside doing what they are meant to be doing... dancing (Bellman 2005). Nightclubs in

China have frequently been placed under pressure, especially in the Special Administrative Regions of Shanghai, Hong Kong and Macau. However, as mainland China modernises, so too does the apparent threat from foreign influences posed by nightclubs. In February 2016 the foreigner-frequented party called The Real Deal, was raided by police and drugs tests employed (Unicomb 2016). And in December 2016, Shanghai's famed local club The Shelter closed after having issues with its licence renewal. Surprisingly, even recently democratising Myanmar has joined the crackdown. An 'on the books but rarely acted upon' curfew of 11pm is now being acted upon by Aung San Suu Kyi's NLD party, with the police closing popular foreigner friendly music locations (Vogt 2016).

Gentrification and spatial re-configuration in Japan's 'global cities': 'cleaning up', Olympics, casinos

At this point then we are closer to contextualising Japan's 2010 crackdown and in a better position to evaluate the 2016 reforms to *fueihō*. To recap, first, Japan and its elites have historically sought validation for civilising endeavours from the world order powers currently in authority. Second, there is a particularly strong channel of inter-city learning that occurs between New York and Tokyo, based on legislative replication towards the goal of gentrifying areas made 'cool' by nightclubs. Third, there has been a widening of this phenomena of political crackdowns with the goal of gentrifying, by multiple countries since around the turn of the millennium, fuelling a comfort among those same Japanese elites to opportunistically strengthen their own pre-existing plans towards gentrification and the sculpturing of 'global cities'. This was aided by the bolstering of neo-conservative/neo-liberal forces within Japan, in Tokyo and Osaka, when Hashimoto Toru was elected as Mayor of Osaka in 2008. A joint desire to gentrify Tokyo and Osaka into global cities also incentivised 'catching' global opportunities, such as the Olympics and the trend towards the development of casinos. To all of these developments, nightclubs represent both a direct and indirect challenge. Attacking them requires an appreciation of the operation of Susan Strange's relational and structural power, combined with Henri Lefebvre's notion of physical and social space, whereby not only are direct interventions upon nightclubs made but also the structures or 'rules of the space' are manipulated (see theoretical section above).

In 2005, Ishihara Shintaro launched a bid for that grand gentrifying project – the Olympics. While he lost to Rio de Janeiro, Ishihara clearly desired to get the city ready for another attempt, and in May 2009 revised the Public Safety and Security Ordinance to allow for the crackdown upon 'nuisances' in the city centre (e.g. protests). In 2010 he refused requests by homeless campaigners to stop attempts at cleaning up Tokyo's homeless populations by forcing them to

move. The 2010 nightclub crackdowns in Roppongi correlated well with the city's next unsuccessful bid for the 2016 Summer Olympics bid (Debito 2009). It is reasonable to assume a linkage between the 2015/2016 reforms to *fueihō* and this Olympics-driven excuse for gentrification. The difficulty is that the Olympics are a temporary and moving feast. They come, and they go, possibly just like the strength of feeling among Japanese elites for further reforming the still problematic *fueihō*.

With the election of Hashimoto Toru to Osaka in 2008, the forces within Japan seeking to sculpture global cities strengthened further, especially given Hashimoto and Ishihara's naturally close political proclivities. Hashimoto endeavoured to create the 'Osaka Metropolis Plan', which would have subsumed surrounding municipalities into a newly enlarged Osaka-*to* – a metropolis (rather than the, at present, Osaka-*fu* – urban prefecture). To go global after all, means being going big.

Both Hashimoto and Ishihara were also aligned in their desire to develop casinos, a major developing economic trend in East Asia (including in Australia where the 2001 nightclub crackdowns began). The race to develop casinos is an Asia-Pacific phenomenon attempting to catch the floating Chinese gambler who is prohibited from gambling in his or her homeland. Local Osaka residents believe the nightclub crackdown was a ruse by (then) mayor Hashimoto Toru to build Japan's first casino in Osaka (Matthews 2012). The original location of this was announced in April 2014 to be on the artificial island of *yumeshima*, with Las Vegas's Caesars Corp. interested in investing US\$4.8 billion. Ishihara too had been interested in attempting to skirt legislation by building on Tokyo's Odaiba area and to create family friendly 'casino complexes' (rather than simply a 'casino'). The newly created category that reforms *fueihō*, the Specific Entertainment Restaurant Business licence (*tokutei yūkyō inshokuten eigyō*) will likely be the legal category that can be applied to these complexes.

In a country with (a) an organised crime problem (only likely to be helped by casinos as Japan's casinos will not be able to lend to customers, incentivising third-party actors to do so); (b) 12 per cent public approval for the legalisation; and (c) intra-political disagreement on the issue as Komeito disagrees strongly with their coalition partner the Liberal Democratic Party, the political reasoning and timing are strange.

Except they are not, when the global world order perspective is applied, because the opportunity afforded by current global politico-economic trends coupled with an alignment of domestic Japanese political elites is an opportunity worth pushing for. The desire to reform *fueihō* at *this* particular time and in *this* particular way (outlined above), would suggest that the interest among elites is not in liberalising the environment for nightclubs but rather enabling an environment for the development of casinos. The strangely complex and

overly specific rules that remain laden in the new nightclub legislation and that continue to create problems for many nightclubs, seems to be explicable only if they are meant to apply to something else.

These grand visions and gentrifying plans are not only economic processes however. They are also socio-cultural processes designed to ‘clean up’ the city-scapes. Japan’s nightclubs often find themselves in areas where foreigners tend to congregate – Roppongi (and to a lesser extent its peripheries around Nishi Azabu, Azabu Juban, Daikan-yama and Shibuya) in Tokyo, and *ame-mura* in Osaka. Roppongi as it is known today, developed in proximity to a US army base post-Second World War and is currently proximal to many embassies and corporations. From this history it has developed to be a town of two halves. One side, the older side, centring on Roppongi Crossing, is populated by bars, clubs and many foreigners, in addition to some of the sleazier elements of the city’s nightlife. The other, and more recently developed side, centres on Roppongi Hills – a large and upmarket shopping and business mall, where high fashion, expensive restaurants and large corporations reside. Roman Cybriwsky argues that Tokyo authorities increasingly desire to clear away the older infrastructure and unwelcome foreign influences, and to reclaim prime central Tokyo real estate for the benefit of large construction companies such as the Mori Building Company (Cybriwsky 2011). Cybriwsky further contends that these efforts are about more than just reclaiming real estate. The politicians are presenting a social framework of two halves – one developed and Japanese, the other dangerous and foreign – and possess a desire to make the second more preferable than the first.

Ishihara, during his tenure in office, made no secret of his distaste for Roppongi Crossing, appearing in election campaigns with a broomstick, to symbolize the clean-up of the area, along with Shinjuku’s Kabukichō and the down at heel side of Ueno; making it a special cause to ‘clean-up’ Tokyo’s ‘seedy’ Kabukichō and Roppongi districts – where many of Tokyo’s nightclubs are located. These areas are also the place where many new immigrants to Japan live and/or work. By referring to Korean, Chinese and Taiwanese residents by the offensive monikers *sangokujin* (third country people), and believing that all drug dealers in Japan are either Chinese, Pakistani, or Iranian, Ishihara was representative of not only the economic but also the social understanding of ‘clean up’ that many conservative Japanese elites had or continue to have in mind and to which Cybriwsky was referring.

The above direct interventions into physical and social spaces can also be matched by indirect structural interventions that seek to alter the rules or otherwise stumble shifting archaic rules, many forms of which have not been reformed, along with *fueihō*.

Even with the newly reformed *fueihō*, the police in Japan still have another weapon in their arsenal, a similarly archaic 1960s regulatory instrument –

zoning. The 1960s drafted *tokutei yūkyō inshoku-ten eigyō no eigyōjo setchi kyōyō chiiki no kokuji chiiki* [特定遊興飲食店営業の営業所設置許容地域の告示地域 – permitted designated areas for eating and drinking establishments, permitted sales office areas] is a list of permitted areas for ‘eating and drinking establishments’,⁷ which the newly created business-type category for nightclubs of *tokutei yūkyō inshokuten eigyō* [special entertainment restaurant business] would still be constrained by. Meaning that just because (some) nightclubs can disentangle themselves from *fueihō* and become legitimate with the Specific Entertainment Restaurant Business licence (*tokutei yūkyō inshokuten eigyō*), this does not mean that a nightclub can be opened anywhere. And the list of zones is quite heavily prescribed. Most locations in central Shibuya are excluded from the list, despite it being popular with young people and hence where many nightclubs are located. James Hadfield compared the current Resident Advisor list of Tokyo clubs against the zones, and found many long-time running nightclubs in Tokyo – Aoyama Hachi (recently intervened against), Vent, Fai, Solfa, Bar Bonobo, and the second largest nightclub in Asia, Ageha – are not safely within the zones.⁸ Reforms to this half-century-old vestige of power are yet to materialise and it represents a lingering tool of authority for police in Japan as they seek to ‘protect’ residential areas from ‘noisy’ nightclubs. Indeed, noise is another of the police’s weapons.

The Japanese police will sometimes claim that the cause of their raids on nightclubs is noise complaints from local residents (Fields 2012). Music writer Isobe Ryo contacted the Osaka police at the time of the original crackdown and asked for the reason. In his book, *Japan: the Country Where You Must Not Dance*, the normally tight-lipped Japanese police force said that it was due to complaints from local residents about noise (Isobe 2012). This reason is likely spurious. Anyone who has visited Japan’s bustling and excessively noisy city’s central areas (where many of the nightclubs are) will know that noise is not something these areas are generally concerned about. Large open door shops and entertainment establishments blast music into the street all night. In the areas where nightclubs exist, there are often no local residents to speak of, or as is always the case, the club will be deep within a basement and protected by a six-inch thick soundproof door, guarded by polite club staff lining the street ‘shhning’ revellers as they enter and exit.

Conclusion

This analysis has evaluated the 2010 crackdown on nightclubs in Japan based on the sex-related business regulation *fueihō*, and the ensuing reforms to that regulation in 2015/2016. It has done so by theoretically grounding the analysis not from the idiosyncratic perspective of ‘unique to Japan’ events, but instead from a world order perspective that highlights how these events in Japan were

not unique but instead reflective of broader global power trends. The ‘Let’s Dance’ campaign that generated a reaction to the crackdown on nightclubs and dancing in Japan achieved a welcome victory for civil society generally, by demonstrating the ability for democratic mobilisation to work to produce political change in Japan, and for nightclubs specifically, by creating categories of legitimation that they did not possess before. However, the campaign could have gone a lot further in the reforms it pushed for, both in terms of *fueihō* and nightclubs, but also more broadly in terms of the sentiment underlying all of the categories in the law. That is, the ever-present obsession by Japanese authorities to monitor and police sexual activities, public morality, and the night-space. It could be considered, perhaps admitted, that it is conceivable that the reason that the civil society movement succeeded in the albeit compromised way that it did, is because of the global factor of the 2020 Olympics and the desire by the government of Japan not to be embarrassed by anything making Japan look ‘weird’, such as not allowing dancing. Once the cloud of the Olympics moves on, it is questionable whether the 2016 ‘baby-step’ reforms will lead to further reforms. It must also be considered that Japanese elites may have casinos in mind with their reforms, and not just nightclubs. The ‘Let’s Dance’ campaign may have inadvertently helped open the door to greater gambling in Japan. Finally, the openness to these reforms and the legal changes made, present lingering issues for nightclubs, especially small- to medium-sized ones. It is difficult to tell without new empirical data and events, but the coming few post-reform 2016 years could be an intriguing test-case period. In conclusion, just as the post-2010 critical headlines decrying Japan as the ‘weird no-dance country’ were hyperbolic, the equally hyperbolically praising reactions to the post-2016 reforms headlines are just as unhelpful. Japan’s crackdowns on nightclubs were not unique but part of a global trend. Notions of ‘Japan as the no-dance country’ need to be reversed to become ‘the globe as an increasingly no-dance world’. *Fueihō* still exists, the reforms made remain highly problematic, and if it is global trends that are driving such events in Japan then changes made can easily be reversed if global trends change again. Caution rather than excitement, and sustained civil society pressure – hopefully more internationalised – is needed, rather than screaming headlines. Nightclubs and Japan’s night-spaces remain, as ever, in a difficult position.

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Notes

1. Quoted in Godfrey (2012)

2. The pre-2016 reformed *fueihō* law can be found at <https://tinyurl.com/y74rzwhu>
3. The *Independent*, 23 June 2015
4. Quoted in Asahi Shimbun (2014).
5. For a tabulated before/after comparison of the legal changes, see <https://tinyurl.com/ya5bsd6q>
6. Personal communication between the author and Mr Hadfield.
7. The text and full list of zones of the *tokutei yūkyō inshoku-ten eigyō no eigyōjo setchi kyoyō chūiki no kokuji chūiki* can be found at <https://tinyurl.com/y9zqj474>
8. Personal correspondence, James Hadfield

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References

- Asahi, S. 2014. "Court Clears Osaka Nightclub Owner of Violating Anti-dancing Law." Accessed April 30 2014. <https://tinyurl.com/phxrf33>.
- Barrie, M. 2016. "Sydney's Fun Police Have Put Out the Light of the Nightlife. The City's a Global Laughing Stock." *The Guardian*, February 5. Accessed 11 June 2016. <https://tinyurl.com/z2dmhtg>.
- Bellman, E. 2005. "Once Footloose, Bangalore Clubs Are Now Dancing-Free." *Wall Street Journal*, November 7. Accessed 10 June 2016. <https://tinyurl.com/y8fmapf8>.
- Braun, S. 2003. "The Night is Still Young." Japan. Inc, May 2003. Accessed 03 March 2018. <https://tinyurl.com/y7nbeehy>.
- Cybriwsky, R. A. 2011. *Roppongi Crossing: The Demise of a Tokyo Nightclub District and the Reshaping of a Global City*. Athens, Georgia: University of Georgia Press.
- Debito, A. 2009. "Police Crackdowns in Roppongi and Elsewhere, olympic Bid Cleanup?" *Debito.org*, May 21. Accessed 29 July 2013. <https://tinyurl.com/y9hs8nhy>.
- Draper, L. 2015. "Murder on the Dancefloor: The Strange Death Of Britain's Nightclubs." *Newsweek*, November 8. Accessed 11 June 2015. <https://tinyurl.com/owcstz2>.
- Fields, T. 2012. "The Fight for Osaka." *Resident Adviser*, January 18. Accessed 29 July 2013. <https://tinyurl.com/d3gkhqx>.
- Godfrey, A. 2012. "Dancing all Night is a Crime in Japan." *News.com.au*, May 29. Accessed 26 July 2013. <https://tinyurl.com/kxeaf29>.
- Hadfield, J. 2012. "Japan: No Dancing Please. Police Are Raiding Clubs Nationwide for the 'Crime' of Dancing. What's Going On?" *Timeout*, December 10. Accessed 26 July 2013. <https://tinyurl.com/9p53sxf>.
- Hae, L. 2012. *The Gentrification of Nightlife and the Right to the City: Regulating Spaces of Social Dancing in New York*. New York: Routledge.
- Hawthorn, C. 2016a. "Ibiza to Impose Tax on Tourists from July 2016." *Resident Advisor*, April 28th. Accessed 11 June 2016. <https://tinyurl.com/y8evm8e6>.
- Hawthorn, C. 2016b. "Space and Privilege Searched as Spanish Police Continue Ibiza Crackdown." *Resident Advisor News*, July 8th. Accessed 08 July 2016. <https://tinyurl.com/ya8ma3zw>.
- Hirayama, Y. 2009. The Governance of Urban Renaissance in Tokyo: Post-Urbanisation and Enhanced Competitiveness. In *Changing Governance and Public Policy in East Asia*, edited by Mok Ka Ho and Ray Forrest. Oxon, New York: Routledge.

- Isobe, R. 2012. *Japan: The Country Where You Must Not Dance: The Fueihō Problem and the Over-Regulated Society* [Odotte Wa Ikenai Kumi, Nippon: Fueihō Mondai to Kajō Kiseisareru Shakai; 踊ってはいけない国, 日本: 風営法問題と過剰規制される社会]. Tokyo: Kawade Shobō Shinsha.
- Kanagawa Police. 2016. *fuzoku eigyō-tō no kisei gaiyō to eigyō shinsei (todokede) tetsudzuki* (notification and summary of sex-related business application procedures). Kanagawa Police, Life Safety, General Affairs, Division 1. Accessed 02 March 2018. <https://tinyurl.com/yd9akvqa>.
- Kingsberg, M. 2011. “Abstinent Nation, Addicted Empire: Opium and Japan in the Meiji Period.” *Social History of Alcohol and Drugs*, 25: 88–106.
- Kist, R. 2010. “Europe’s Dying Nightlife: Fighting for the Right to Party in Amsterdam.” *Spiegel*, February 5. Accessed 10 June 2016. <https://tinyurl.com/y6wo4hvl>.
- Machimura, Takashi. 2003. “Narrating a ‘Global City’ for ‘New Tokyoites’: Economic Crisis and Urban ‘Boosterism’ in Tokyo”. In *Japan and Britain in the Contemporary World: Responses to Common Issues*, edited by Dobson H. D. & Hook, G. D. London and New York: Routledge Curzon.
- Manabe, N. 2015. “Japanese Hip-Hop: Alternative Stories.” In *Cambridge Companion to Hip Hop*, edited by J. A. Williams. Cambridge: Cambridge University Press.
- Matthews, J. 2012. “Why They Don’t Want Us Dancing at Nightclubs.” *Japan Today*, September 30. Accessed 28 April 2014. <https://tinyurl.com/ortnurx>.
- National Police Agency (various, online). Number of fueihō permits and notifications by business type [fuhyō 1: fuzoku eigyō-tō no gyōtai betsu kyōka oyobi todokede-sū; 付表 1: 風俗営業等の業態別許可及び届出数]: (a) 1994–1998, hon294, available at <https://tinyurl.com/yb4mvey4>. (b) 1999–2002, H17 68 (F1), available at <https://tinyurl.com/ycevu5p2>. (c) 2003–2012, H24 - 067 (F1), available at <https://tinyurl.com/yc4dp8st>. (d) 2013–2015, H27 067 (F1), available at <https://tinyurl.com/y9a6mdcf>, Accessed 28.01.2018.
- National Police Agency. (various, online). Number of fueihō permits and notifications by business type [fuhyō 1: fuzoku eigyō-tō no gyōtai betsu kyōka oyobi todokede-sū; 付表 1: 風俗営業等の業態別許可及び届出数].
- National Police Agency. 1994–1998. hon294. Accessed 28 January 2018. <https://tinyurl.com/yb4mvey4>.
- National Police Agency. 1999–2002. H17 68 (F1). Accessed 28 January 2018. <https://tinyurl.com/ycevu5p2>.
- National Police Agency. 2003–2012. H24 - 067 (F1). Accessed 28 January 2018. <https://tinyurl.com/yc4dp8st>.
- National Police Agency. 2013–2015. H27 067 (F1). Accessed 28 January 2018. <https://tinyurl.com/y9a6mdcf>.
- Night Time Industries Association. 2015. “Forward into the Night Report.” June 19. Accessed 12 June 2016. <https://tinyurl.com/ycaz7ca2>.
- O’Riordan, B. 2005. “Tourists Visiting Bali Nightclubs Face Random Police Drug Tests.” *The Guardian*, August 29. Accessed 11 June 2016. <https://tinyurl.com/y8bxfpcw>.
- Pearl, M. 2016. “Real Estate, Gentrification and Nightlife in New York.” *Resident Advisor*, June 6. Accessed 11 July 2016. <https://tinyurl.com/j5uxpyj>.
- Philips, R. 2001. “Unprecedented Police Raid on Nightclubs in Australia’s Largest City.” *World Socialist Web Site*, 25th October. Accessed 11 June 2016. <https://tinyurl.com/y99qbcem>.
- Ryce, A. 2016. “Amnesia Ibiza Raided by Police.” *Resident Advisor News*, July 6th. Accessed 06 July 2016. <https://tinyurl.com/zbxfprj>.
- Saito, T. 2018. “The Night-Time Economy Beyond the Reforms of the fueihō Law: The Possibilities and Challenges of Rule Making That Can Lead to Better Company Competitiveness” [fueihō kaisei Mno saki ni hirogaru naitotaimuekonomi: kigyō no kyōsōryoku ni tsunagaru rūrumeiku no kanōsei to kadai; 風営法改正の先に広がるナイトタイムエコノミー

- : 企業の競争力につながるルールメイクの可能性と課題], *Business Lawyers*, January 15. Accessed 04 March 2018. <https://tinyurl.com/yaak4ycu>.
- Shibata, M. 2008. *Japan and Germany under the U.S. Occupation: A Comparative Analysis of Post-War Education Reform*. New York: Lexington Books.
- Steinhauer, J. 2002. "City Cracks Down on Nightclubs and May Revise Its Policies." *New York Times*, November 10. Accessed 29 July 2013. <https://tinyurl.com/ycn3c6tm>.
- Sugunuma, M. 2012. "Dancing Ban in Japanese Nightclubs, Netizen Reactions." *Japan Crush*, November 3. Accessed 26 July 2013. <https://tinyurl.com/cpu7awp>.
- Thornton, S. 1996. *Club Cultures: Music, Media and Subcultural Capital*. Middletown, CT: Wesleyan University Press.
- The Daily Beast*. 2014. "The Japanese Go All 'Footloose' to Protest Nightlife Crackdown." January 5. Accessed 27 January 2018. <https://tinyurl.com/yct375kb>.
- The Guardian*. 2003. "Japan's Clubbing Crackdown: Don't Stop the Dance." May 18. Accessed 27 January 2018. <https://tinyurl.com/y93myo8k>.
- The Independent*. 2015. "Japan Finally Lifts Its 67-Year-Old Ban on Dancing." June 23. Accessed 07 March 2018. <https://tinyurl.com/y8q7cbxn>.
- The Japan Times*. 2012. "Police Crackdown Has the Club Set Up in Arms." August 1. Accessed 07 March 2018. <https://tinyurl.com/ya54o7do>.
- The Japan Today*. 2012. "Why They Don't Want Us Dancing at Nightclubs?" September 30. Accessed 27 January 2018. <https://tinyurl.com/y9v57hrn>.
- Umesao, T., 2003. "Keynote Address: Alcoholic Beverages and Civilization." *Senri Ethnological Studies*, no. 64 (National Museum of Ethnography, Osaka). Accessed 22 November 2017. <https://tinyurl.com/ybxxnspg>.
- Unicomb, M. 2016. "Chinese Police Detain Partygoers in Raid on Rave." *Resident Advisor*, February 24. Accessed 12 June 2016. <https://tinyurl.com/y7s9f6x6>.
- Upham, F. K., 1987. *Law and Social Change in Postwar Japan*. Cambridge, MA & London, UK: Harvard University Press.
- Vogt, R. J. 2016. "NLD Cracks Down on Yangon Nightlife." *Myanmar Times*, May 12. Accessed 12 June 2016. <https://tinyurl.com/y7lujpyw>.
- Webb, A. 2015. "Sydney: Locked Out." *Resident Advisor Feature*, September 28. Accessed 07 July 2016. <https://tinyurl.com/ycp4514w>.
- Wei, W. 2015. "Partying by JFK: How Far Out Can New York's Club Scene Move Before It Dies?" *The Guardian*, October 21. Accessed 11 July 2015. <https://tinyurl.com/y983dsax>.
- Zukin, S. 1987. "Gentrification: Culture and Capital in the Urban Core." *Annual Review of Sociology*, 13, 129–147.

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Appendix A. Pre- and post-2016 changes to the *fueihō* legislation

<u>BUSINESS CATEGORY</u>	<u>REGULATIONS</u>		<u>CHANGE MADE</u>
	<u>改正前 (Before revision)</u>	<u>改正後 (After revision)</u>	
第1号営業 (キャバレー等) (No. 1 Sales (Cabaret etc.))	2条1項1号規制 キャバレー等 (ダンス+飲食 +接待) Regulation Article 2, Section 1, Item 1 Cabaret etc (dance + food + entertainment)	2条1項1号規制 社交飲食店・料理店等 (接 待+遊興又は飲食) Regulation Article 2, Section 1, Item 1 Social Food Restaurant / Restaurant (Entertainment + entertainment or eating and drinking)	Amalgamation
第2号営業	2条1項2号規制 社交飲食店・料理店等 (接 待+遊興又は飲食) Regulation Article 2, Section 1, Item 2 Social Food & Beverage (Entertainment + Entertainment or Food and Drink)		
第3号営業 (ナイトクラブ等) (No. 3 Sales (Night club etc.))	2条1項3号規制 ダンス飲食店 (ダンス+飲食) Regulation Article 2, Section 1, Item 3 Dance restaurant (dance + food and drink)		
10ルクス以下 Under 10 lux		2条1項2号規制; 2条1 項3号規制; 2条1項4号 規制; 2条1項5号規制 The pre-existing but renamed articles 2, 1, 2-5 become applied	Re-categorisation
10ルクス超 Over 10 lux			
酒類提供あり Alcoholic beverages served			
深夜に営業 Sales after midnight		2条11項規制特定遊興飲 食店営業 (遊興+飲食+深夜) Article 2, Section 11 Special Entertainment Restaurant Sales (Entertainment + Food/drink + Midnight)	Qualification
6時~24時のみ営業 Open only from 6 PM to 24 PM		飲食店営業 Restaurant sales	
酒類提供なし Alcoholic beverages NOT served		飲食店営業 Restaurant sales	
第4号営業 (ダンスホール等) No. 4 Sales (Dance hall etc.)	2条1項4号規制 ダンスホール (ダンス) Regulation 2, Item 1, Item 4 Dance Hall (Dance)	規制対象外 Not regulated	Elimination
第5号営業 (低照度飲食店) No. 5 Sales (Low light restaurant)	2条1項5号規制 低照度飲食店 (10ルクス以 下) Regulation Article 2, Section 1, Item 5	2条1項2号規制 低照度飲食店 (10ルクス 以下) Regulation Article 2, Section 1, Item 2	Renumbered

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	Low-lightness restaurant (10 lux or less)	Low-lightness restaurant (10 lux or less)	
第6号営業 (区画席飲食店) No. 6 Sales (Compartment seat eating and drinking establishment)	2条1項6号規制 区画席飲食店(ブース席等) Regulation Article 2, Section 1, Item 6 Partition seat eating and drinking establishment (booth seat etc.)	2条1項3号規制 区画席飲食店(ブース席等) Regulation Article 2, 1, 3 Partition seat eating and drinking establishment (booth seat etc.)	
第7号営業 (ぱちんこ屋等, まあじゃん屋) No. 7 Sales (Pachinko store, mahjong, etc.)	2条1項7号規制 ぱちんこ・マーじゃん等 Regulation Article 2, Section 1, Item 7 Pachinko; Mahjong	2条1項4号規制 ぱちんこ・マーじゃん等 Regulation 2, Item 1, Item 4 Pachinko; Mahjong	
第8号営業 (ゲームセンター等) No. 8 Sales (Game Center etc.)	2条1項8号規制 ゲームセンター等 Regulation Article 2, Section 1, Item 8 Game center etc.	2条1項5号規制 ゲームセンター等 Regulation Article 2, Section 1, Item 5 Game center etc.	

Adapted from: Kanagawa Police, Life Safety, General Affairs, Division 1 [online]

Appendix B. A social historical timeline of the evolution of the nightclub

Period (approx.)	Venue type	Details
Nineteenth century (Europe)	Balls	Epitomised by chapter eighteen of Jane Austen's <i>Pride and Prejudice</i> , the ball was a musical social occasion with mass scripted dancing, observed by all attending looking from outside to inside, and with forms recognisable in European capitals from London to St Petersburg. These required a learning of the 'rules', i.e. having dance lessons.
1910–1920s (UK)	Dance Halls	Imported US styles of ragtime and jazz re-shaped UK popular culture towards a US rather than historically European style. Music was designed for couples freely chosen, to move, even gyrate to. The formalism of balls was replaced by the individualism of dance halls, at which dancers needed minimal, if any, dance training.
1900–1920s (US)	Honky-tonk or Juke Joints	Working class venues for dancing to pianos or jukeboxes.
1930s (US)	Speakeasies	Illegal prohibition bars during prohibition.
1933 onwards (US)	Dancehalls	For example, 21 Club, Copacabana, El Morocco, and the Stork Club in New York.
1933–1945 (Germany)	Discothèque	Underground basements for anti-Nazi counter-culture German youth called 'swing kids' or 'swing youth'.

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Period (approx.)	Venue type	Details
1940-1944 (France)	Discothèque	Hidden basements playing jazz and swing in defiance of the Nazi banning of 'decadent' and 'American' jazz, bebop music, and the jitterbug dance.
1953 (France)	Discothèque-nightclub	The post-Second World War nightclub model is born. The club Whisky à Gogo in Paris installed a dance-floor, coloured lights and swapped the jukebox with two turntables which the female owner Reginie operated herself to leave no breaks between songs.
1960 > (UK)	Basement/Café clubs	Soho, London becomes a centre for European youth with afternoon dancing at sites such as Les Enfants Terribles. Sites were unlicensed and hence unstable, and youth oriented.
1962 (US)	Discothèque (mainstream)	The Peppermint Lounge in New York City opens and popularises the style of dancing called the Twist, go-go dancing, and becomes popular with celebrities and other elites.
1963 (UK)	Members only nightclubs	Mark Birley founds Annabel's in Mayfair, London that catered to an exclusive clientele.
1970 (US)	Loft parties/invite only events	David Mancuso rejects the notion of popular nightclubs in favour of house party underground events that are invitation only. Opening the club called The Loft, the events were underground but legal, and their invitation only nature allowed minority groups such as the gay community to go there without harassment. It would also be the basis for guest lists and door selection that were used at Studio 54 (New York).
1973	Block parties	DJ Kool Herc plays his sister's birthday party and is credited with creating a new genre at 1520 Sedgwick Avenue, Bronx (New York) – Hip Hop. Block parties may have roots as early as around the First World War however.
1970s (US)	Discos	Nightclubs begin to generate their own musical genres, beginning with disco. Often associated with Steve Rubell's Studio 54, their private nature led to activities that could be hidden from the outside world – drug-taking, open homosexuality and public sex.
1973	Warehouse parties	In Chicago 'The Warehouse' opens in response to racial segregation in other mainstream nightclubs. From here, and New York's Paradise Garage, warehouses were used that could stay open later due to not having an alcohol licence. Importing European electronica sounds, the sites became popular with black, gay, and other minority groups and gave birth to the musical genre of 'house music'.
1980s (mid-late)	The overseas nightclub – Ibiza	Coinciding economically with the cheap package tour business model, the notion of the overseas nightclub or the clubbing holiday arose and created its own Mecca – Ibiza; with replicants of different sorts – trance in Goa (India) or garage in Aya Napa (Cyprus). A pre-existing 'balearic sound' pioneered by Jose Padilla and DJ Alfredo that was an eclectic mix of largely imported US records became commercialised and unified into what it is today – uniform house and techno.

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Period (approx.)	Venue type	Details
1980s (late)–1990s (early) (UK)	Raves (illegal aka. ‘free parties’, and legal festivals)	A movement that sprang up in the UK and the ‘M25 orbital’, born out of the Chicago acid house genre that became more adopted in the UK than in its homeland.
1990s (late) (UK)	Super-clubs	Large, heavily branded, often franchised sites that required big names, big exposure, and big crowds.
1990s (late)	Boutique parties	Less strict than membership, more strict than open-access, boutique clubs offer the opportunity for elites to mix with their peers by including the ‘VIP’ feature into the nightclub.
2008 (UK)	Live streaming club events and festivals	In 2008 the site Be At TV (UK) was started. The nightclub and festival has its physical borders removed, as the audio becomes the visual, and the far away moved into the immediate. The attempt is to make inaccessible events accessible.
2010 (UK)	Live streaming boutique parties	With the advent of Boiler Room (UK) in 2010, the boutique event + internet event was born. Invite only to the event itself but, with the advent of internet streaming, these small events are broadcast to potentially anyone on the internet. The attempt is to make the exclusive open to everyone.

Source: Author.