

Logics of Strategic Racism in the Anti-Hate Speech Law Era: Analyzing the Discourse Against Zainichi Koreans in Japanese Right-Wing TV Programs*

Naoto HIGUCHI

This study analyzes implicit racist rhetoric in Japan after the Hate Speech Elimination Act was enacted in 2016. While the law brought about the deradicalization and decline of hate groups, it has been ineffective in regulating covert hate speech. Zainichi Koreans, the primary victims of such speech, have struggled to have the illegality of racial discrimination recognized in litigation. By analyzing the case of Shin Sugok versus DHC TV, this article addresses the question of how racists use hateful rhetoric against Zainichi Koreans in the post-HSEA era. Shin filed a lawsuit in 2018 claiming defamation by DHC TV and won substantial compensation; however, the initial court decision in 2021 did not find racial discrimination against her, and the discrimination was only recognized by the Appeals Court in 2022. This blurring of judicial decisions was due to the expressions of racial discourse being subtle, which is referred to as strategic racism. The TV program did not use discriminatory language but stimulated the interest of racist viewers by persistently referring to the ethnic origin of the plaintiff. In this sense, Japan has entered an era in which it is necessary to analyze implicit racial codes, similarly to the situation with racist discourse in the United States.

Keywords: Hate speech, racism, Zainichi Koreans, litigation, far right

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Naoto Higuchi (higuchinaoto@waseda.jp) is a professor of sociology at Waseda University's School of Human Sciences

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