

Cultural Noise: Amplified Sound, Freedom of Expression and Privacy Rights in Japan

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Strong defense of freedom of expression rights by Japanese law, low awareness and appreciation among Japanese citizens and public officials for the importance of personal privacy rights in public places, lax or non-existing enforcement of local sound control ordinances restricting the use of amplified sound in public places, and a cultural inclination to tolerate potentially intrusive public noise privileges public free speech practice over the balancing right of personal privacy in Japan. First I outline constitutional and Supreme Court of Japan support for freedom of expression in Japan. I then describe the evolution of conceptions of privacy rights and Supreme Court constraints on freedom of expression in the United States. Next I offer audiovisual evidence of the use of amplified sound in public places in Japan. Finally I discuss the cultural dimensions of public sound production and reception in Japan, as well as possibilities for future soundscape management that might create a more democratic balance between freedom of expression and personal privacy.^o

Freedom of expression is a fundamental right afforded to citizens of democratic nations. In the United States, the [first amendment](#) to the U.S. Constitution clearly protects freedom of expression, as does the [United Nations Universal Declaration of Human Rights](#) (UNUDHR), adopted in 1948, and the European Convention on Human Rights and Fundamental Freedoms of 1950 (hereafter referred to as [European Convention](#)). In Japan, Article 21 of the [Constitution of Japan](#) states that freedom of all forms of expression is "guaranteed," and both the U.S. and Japanese Supreme Courts have consistently upheld freedom of expression.

However, the U.S. Supreme Court, the UNUDHR, the European Convention, the Constitution of Japan, and the [Supreme Court of Japan](#) also state or have ruled that certain restrictions on freedom of expression are permissible. Generally, these restrictions are attempts to protect against potential abuse of what the European Convention refers to as the "duties and responsibilities" of freedom of expression, as well as to safeguard the health and privacy of citizens. One important but infrequently studied application of freedom of expression restrictions is the regulation of amplified sound in public places. For example, in both the United States and Japan, most cities have specific ordinances regulating the use of

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loudspeakers or other sound amplification devices in public places during certain hours of the day, as well as restrictions on permissible decibel levels. The rationale most often cited in legal decisions and local ordinances in both countries for regulating amplified sound in public is that intrusive, annoying sound can cause physical, psychological or emotional distress among captive auditors. This contention is well-established by scientific research. But privacy issues related to amplified community sound also are important. This explains why the U.S. Supreme Court has ruled in numerous cases that "the right to be let alone" justifies time, place, and manner restrictions on amplified sound in public places.

Despite legal support for restrictions on amplified sound in public places in most democratic nations, recognition and enforcement of written laws in any country often is complicated by tangled and opaque cultural and political forces and tensions. For example, studies have found that what counts as annoying sound, or *noise*, depends significantly on social or psychological, non-acoustic influences on auditors, such as perceptions of fairness regarding the sound source. These findings suggest the possibility of cultural bases for community sound production norms and management practices. In Japan, the use of amplified sound in public places is much more a part of the soundscape of communities than in cities in the United States or in Western Europe. Also, in contrast to cities in the United States that vest enforcement of restrictions on amplified sound in public with police who vigorously pursue violations, most cities in Japan seldom enforce laws that restrict use of amplified sound in public places, and any monitoring or enforcement that does occur is assigned not to police but to understaffed city offices with unclear jurisdiction over vaguely specified public areas. The result is downtown shopping districts, city streets, and residential neighborhood environments punctuated daily and sometimes continuously by loudspeaker or other electronically amplified announcements by private businesses, political groups, or individuals with something to say.

In this essay I describe how strong defense of freedom of expression rights by Japanese law, lax or non-existent enforcement of local sound control ordinances restricting the use of amplified sound in public places in Japan, and an apparent cultural inclination to tolerate or even support the use of amplified sound in public privileges public free speech practice over the balancing right of personal privacy. First, I outline constitutional and Supreme Court of Japan support for freedom of expression laws in Japan. I then describe the evolution of conceptions of privacy rights and Supreme Court constraints on freedom of expression in the United States, both of which influenced development of noise restriction ordinances in Japan after 1945. Next, I offer audiovisual evidence of the use of amplified sound in public places in Japan, and finally I discuss the cultural dimensions of noise and possibilities for amplified sound management reforms in Japan.

This essay focuses on amplified sound, although urban landscapes in and outside Japan are impacted by a variety of potentially annoying sound sources perceived by citizens to be aesthetically unpleasant such as automobiles, trains, and construction machinery. Amplified sound differs from most urban sound in that (with the exception of emergency or public safety announcements by public officials) reduction or elimination of amplified sound in no way compromises or impedes activities in cities generally recognized as necessary for quality of life, sustainability or progress (e.g., transportation or construction.) Amplified sound also is potentially intrusive. For example, an individual walking through a shopping district in a city in Japan can elect to receive or not receive written material from political group members standing on a street corner, and citizens easily may choose to listen to or ignore television or radio advertisements for products. However, as several U.S. Supreme Court decisions have held, amplified sound broadcasts offer no such choice to citizens who wish to exercise their rights to travel freely (without noise diffusion protection) in public places, but who happen to be

within hearing range of these broadcasts. This lack of auditor control and attending privacy issues, together with the scientifically-established health impacts related to unwanted noise, create a need for attention to this problem. More generally, this essay serves as an exercise in what Bull and Back (2003) call *deep listening*. The authors argue that by understanding and perceiving sound as relational, "sound makes us re-think the meaning, nature and significance of our social experience . . . our relation to community . . . how we relate to others, ourselves and the spaces and places we inhabit . . . our relationship to power" (p. 4). A key goal of this project is to advance awareness and understanding of the cultural aspects of publicly amplified sound in Japan.

Most Japanese with whom I have discussed this issue have admitted to disliking loud amplified sound in public places, and these impressions are supported by research. For example, Namba et al., (1991) found that approximately 30% of survey respondents in Japan identified the sounds of vendors using loudspeakers as *annoying*. In a later study by Sasaki (1993), survey respondents in Japan rated loud public address as "very disagreeable," together with the sounds of [pachinko](#) parlors, car horn alarms and [bōsōzoku](#) — gangs of youths who ride recklessly on motorcycles modified to produce very loud engine sounds. Even so, these informants report that they resign themselves to the commonly expressed sentiment in Japan that "it cannot be helped," or suggest to me that I just "ignore it." These native responses to public noise in Japan point to important cultural dimensions, which I will discuss in a later section of this essay. They also indicate the possibility of negative health impacts on those citizens of Japan who find amplified sound in their communities annoying, a link supported by Niemann and Maschke's (2004) WHO-sponsored study of community noise in eight cities in Europe.

I turn now to a brief outline of freedom of expression history in Japan, including constitutional development and related Supreme Court of Japan decisions. This discussion will lead to detailed comparative examination of freedom of expression restrictions in the United States, and later in the essay to evidence of the lack of effective recognition and enforcement of such restrictions in Japan.

◆ Freedom of Expression in Japan ◆

Constitutional Development

A quick sketch of Japan's history of institutionalized freedom of expression will clarify the legal and social landscape that has given rise to the largely unrestricted use of amplified sound in public places in Japan. Although the 1947 Constitution of Japan and its guarantees of personal liberty was almost entirely the product of a 25-person constitutional assembly authorized by General MacArthur's Chief of Government Section General Whitney (Ward, 1956), the concept of personal liberty was known to Japanese scholars as early as 1855 (Howland, 2001). Study in Japan of the U.S. Declaration of Independence and the works of John Locke and John Stuart Mill created growing interest in democratic ideals during the Taisho era (1912-1926), but this experiment crashed along with the Japanese economy in the 1930s, followed by the devastation of World War II (Aruga, 1999).

The first official recognition of personal liberty as a fundamental feature of Japanese law appeared in a series of pre-constitution freedom orders issued in the fall of 1945 by the Supreme Commander for the Allied Powers (SCAP). These orders, formally known as the Supreme Commander for the Allied Powers Index (SCAPIN), had tremendous impact on Japan's modern freedom of expression laws, which came into force with enactment of the Constitution of Japan. SCAPIN 66 (Further Steps

toward Freedom of Press and Speech) and SCAPIN 93 (Removal of Restrictions on Political, Civil, and Religious Liberties) deal directly with freedom of expression, which before the war had been severely restricted more by repressive nationalistic education and administrative bureaucracy than by law (Beer, 1984). The first Article of SCAPIN 66 requires that "the Japanese government forthwith will render inoperative the procedures for enforcement of peace-time and war-time restrictions on freedom of the press and freedom of communications" (Beer, 1984, p. 95). The first Article of SCAPIN 93 orders the suspension of all laws and ordinances that "establish or maintain restrictions on freedom of thought, of religion, of assembly and of speech, including the unrestricted discussion of the Emperor, the Imperial Institution and the Imperial Japanese Government" (Beer, 1984, p. 95).

The 1945 SCAPIN freedom orders later were reflected in the drafting of the Constitution of Japan by SCAP-directed U.S. civilians and military officials, which amazingly was completed in only 10 days during February 1946. The Constitution of Japan, which gained legal force in 1947, very clearly guarantees freedom of expression. The first mention of ideals common to a functioning democracy comes in Article 13, which states that "all of the people shall be respected as individuals." Article 19 proclaims that "freedom of thought and conscience shall not be violated," but the most explicit protection of freedom of expression is found in Article 21: "freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed."

As a constitutional democracy, Japan's Supreme Court necessarily looks to the Constitution of Japan on questions of freedom of expression. In the next section I briefly describe this relationship.

Supreme Court of Japan and Freedom of Expression

The Supreme Court of Japan generally has been a consistent guardian of freedom of expression, naturally drawing on the Constitution of Japan, but also more broadly on U.S. and continental legal influences. As Krotoszynski (1998) points out, the Court "has exhibited a strong and abiding appreciation for the importance of free speech in a participatory democracy" (pp. 928-929). In fact, based on examination of a series of freedom of expression cases taken up by the Court, Krotoszynski concludes that "time and again, the Supreme Court has drawn the connection between democratic self-governance and freedom of expression; indeed, it is almost a reflexive gesture" (p. 986). Freedom of assembly decisions by the Supreme Court provide another important window on the strength of legal support for freedom of expression in Japan. Beer (1990) notes that parade and demonstration permits in Japan are almost never denied, and he describes the influential Tokyo ordinance case that led to a stipulation that any denial or conditional approval by police of public demonstration permit applications must be justified to the Tokyo Public Safety Commission. However, a recent Japan Supreme Court decision suggests a selective and possibly content-dependent position regarding freedom of expression that pokes holes in the Court's general support for the principle. In April 2008 the Court ruled that three Japanese peace activists were guilty of trespassing for placing anti-war leaflets in the apartment building mail boxes of Self Defense Force employees, upholding a December 2005 Tokyo High Court ruling and reversing a Tokyo District Court decision in 2004 that acquitted the individuals on grounds of freedom of expression protection (*Japan v. Obora, et al.*, 2008). The Supreme Court ruling recognized that "in a democratic society freedom of speech must be respected as an especially important right," but argued that such speech must not "improperly violate the rights of others." The activists claimed in a magazine interview that they did not violate the rights of others by distributing leaflets and did not make "a racket with loudspeakers," and point out that the same mail boxes are used daily by vendors advertising pizza or other services (McNeill, 2008). The

three activists were arrested in 2004 and detained for 75 days before being released on bail, and also were fined approximately \$1,000-2,000 dollars each.

Although Japan generally enjoys robust and functioning support for freedom of expression — with possibly content-specific exceptions such as the case described above — there is much less demonstrated recognition or appreciation among citizens, law enforcement officials or the legal system for the balancing constitutional concept of personal privacy in the home and in public places, specifically with regard to the use of amplified sound. National, prefectural and local restrictions on amplified sound in both residential and city areas do exist, apparently modeled after local sound control ordinances in the United States. For example, although the [Noise Regulation Law](#) set by the Ministry of the Environment focuses almost exclusively on noise from factories, construction work and motor vehicles, Chapter V: Miscellaneous Provisions, Article 28 (Regulations on Nighttime Noise, etc.) states:

For the regulation on noise caused by announcement through the use of loudspeakers and noise emitted during the nighttime operation of bars and restaurants, local government shall take measures necessary to protect the living environment, including restrictions on operating hours, in accordance with the local physical and social conditions.

However, audiovisual evidence presented later in this essay supports my contention that enforcement of noise control laws is largely ignored or otherwise not practiced in Japan. For comparative purposes, I describe below the broad strokes of evolution of restrictions on freedom of expression in the United States, including specific constraints on use of amplified sound in public.

◇ Freedom of Expression Restrictions in the United States ◇

Personal Privacy: The Right To Be Let Alone

The use of amplified sound in public places touches on one of the central tenets of John Stuart Mill's famous 1859 treatise, *On Liberty*, commonly referred to as the *harm principle*. Although Mill argues strongly for freedom of expression, he also allows that "the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others" (p. 22). Mill adds in a section titled "Of the Limits to the Authority of Society Over the Individual" that "as soon as any part of a person's conduct affects prejudicially the interests of others, society has jurisdiction over it, and the question whether the general welfare will or will not be promoted by interfering with it, becomes open to discussion" (p. 135).

Although Mill's harm principle is too vaguely conceptual to marshal as a specific legal constraint mechanism on amplified sound, Samuel Warren and William Brandeis applied the general notion of harm to other specific privacy issues in "The Right To Privacy" (1890), considered widely to be the most influential legal essay every published. Responding to gossip and unwanted photographic intrusion into the social affairs of the Warrens, the authors argue that common law that existed at the time should be extended from protection of personal property and the law of nuisance to explicit protection of personal privacy through recognition of human "thoughts, emotions and sensations" (p. 195). In 1928, as a Supreme Court justice, Brandeis articulated the details of an evolving recognition of privacy rights:

The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feeling and of his intellect [T]hey sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the government, the right to be let alone — the most comprehensive of rights and the right most valued by civilized men (*Olmstead v. U.S.*, 277 U.S. 438 [1928]).

Warren and Brandeis's (1890) attempt to position aggressive personal privacy protections in the form of an integrated single tort and as a natural response by common law to technological advances was challenged by Prosser's (1960) formulation of privacy law into four separate torts that focus on mental distress, a move that one scholar claims misses the central feature of intrusion — damage to human dignity:

A man whose home may be entered at the will of another, whose conversation may be overheard at the will of another, whose marital and familial intimacies may be overseen at the will of another, is less of a man, has less human dignity, on that account. He who may intrude upon another at will is the master of the other and, in fact, intrusion is a primary weapon of the tyrant (Bloustein, 1964, pp. 973-974).

Public Forum Doctrine

Shortly after the Warren and Brandeis appeal for a formal personal privacy tort, the Massachusetts Supreme Court established what later became known as the *public forum doctrine*. The public forum doctrine defines proper uses of government-owned property for expressive activities, and recognizes three distinct forums of public expression: traditional public forums (e.g., streets, sidewalks, and parks), limited public forums (e.g., public universities, state fairs and courthouses), and nonpublic forums (e.g., private residential property, airports, and military bases). Of the three types of public forums, courts generally subject restrictions on expression in traditional public forums to the most scrutiny. However, in a case in 1897 involving a public address made in Boston Common, Justice Edward Douglass White defended certain restrictions on expressive acts in traditional public forums, arguing that

for the Legislature absolutely or conditionally to forbid public speaking in a highway or public park is no more an infringement of the rights of a member of the public than for the owner of a private house to forbid it in his house. *Davis v. Massachusetts*, 167 U.S. 43 (1897).

Early Attempts to Regulate the Soundscape of U.S. Cities

The public forum doctrine arose at least in part as a response to the enormous technological transformations of early 20th century America. In *The Soundscape of Modernity*, Thompson (2002) describes the tensions at play between individuals and industries that produced noise and social reformists who hoped to dial back noise as American urban environments became increasingly loud, beginning as early as 1878 with the introduction of elevated trains. Perceived by some to be the inevitable outcome of progress, Thompson describes one newspaper editorialist's contrary opinion in 1893 that "the progress of a race in civilization may be marked by a steady reduction in the volume of sound which it produces" (p. 120). According to Thompson's account, by 1906 a prominent woman in

New York organized the first high profile attempt to combat city noise called "The Society for the Suppression of Unnecessary Noise." This campaign led to the Bennet Act of 1907, a federal law that banned ships from unnecessarily blowing their horns and whistles in U.S. ports and harbors. Thompson writes that interest in regulating noise quickly gained traction, and the same year in New York, Coney Island barkers were banned by the police commissioner from using megaphones to advertise amusement attractions. By 1912, records were being kept in New York of noise complaints and inspections, and Thompson reports that by 1914 many cities across the country had designated *quiet zones* around schools and hospitals.

But it was the commercial introduction of electronic loudspeakers in 1926 that permanently put unwanted noise on the agendas of increasing numbers of environmental activists in the United States. Thompson found that 12% of all noise complaints registered in New York in 1929 targeted loudspeakers (a total of more than 1,300 complaints). This number includes loudspeakers used in the home as radio and phonograph speakers and loudspeakers used outside radio shops, apparently to advertise evolving radio technologies. In 1930, loudspeakers were regulated by law in the United States for the first time. Thompson (2002) documents how a New York City official explained the rationale for the bill he introduced and which was passed after several months of delay:

In the last few years, a particular noise nuisance has sprung up, causing great disturbance to large numbers of people. They cannot escape from this tremendous din — the like of which was impossible until modern ingenuity produced the electrical magnification of sound (p. 151).

Also in 1930, the Noise Abatement Commission of New York City was formed in response to increasing concerns about the negative health impacts of noise. One New York doctor argued that "these noises are not merely an annoyance. They are a serious menace to the health of sick patients" (Thompson, 2002, p. 122).

Time, Place, and Manner Restrictions

Since at least before 1940, a key feature of the public forum doctrine has been potential restrictions on the time, place, or manner of constitutionally protected communication. Over time, the Supreme Court developed a three-prong test to scrutinize time, place, and manner restrictions, ruling that restrictions are "reasonable" and valid to the degree that they "are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information." *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 293 (1984). For example, several early Supreme Court decisions overturned city ordinances banning distribution of literature on public property, e.g., *Lovell v. City of Griffin, GA.*, 303 U.S. 444 (1938); *Hague v. CIO*, 307 U.S. 496 (1939) and use of loudspeakers in a public park, e.g., *Sala v. People of State of New York*, 334 U.S. 558 (1948). The Court ruled that the ordinances were enforced sweepingly and without specific restrictions based on time, place, or manner. However, the Court upheld conviction of a New Jersey man who violated a city ordinance restricting use of loudspeakers in public, arguing that

the unwilling listener is not like the passer-by who may be offered a pamphlet in the street but cannot be made to take it. In his home or on the street he is practically helpless to escape this interference with his privacy by loud speakers except through the protection of the municipality. *Kovacs v. Cooper*, 336 U.S. 77 (1949).

The Court's decision in *Kovacs* to affirm the constitutionality of restrictions on use of loudspeakers in public places was based on its perception of sufficient and reasonable alternatives to effective communication via non-amplified means. I quote the decision at length here because it is directly relevant to the thesis of this essay:

Opportunity to gain the public's ears by objectionably amplified sound on the streets is no more assured by the right of free speech than is the unlimited opportunity to address gatherings on the streets. The preferred position of freedom of speech in a society that cherishes liberty for all does not require legislators to be insensible to claims by citizens to comfort and convenience. To enforce freedom of speech in disregard of the rights of others would be harsh and arbitrary in itself. That more people may be more easily and cheaply reached by sound trucks, perhaps borrowed without cost from some zealous supporter, is not enough to call forth constitutional protection for what those charged with public welfare reasonably think is a nuisance when easy means of publicity are open. Section 4 of the ordinance bars sound trucks from broadcasting in a loud and raucous manner on the streets. There is no restriction upon the communication of ideas or discussion of issues by the human voice, by newspapers, by pamphlets, by dodgers. We think that the need for reasonable protection in the homes or business houses from the distracting noises of vehicles equipped with such sound amplifying devices justifies the ordinance.

Note two important points made explicit in the *Kovacs* decision. First, the Court recognized certain restrictions on amplified sound as necessary to preserve the "comfort and convenience" of citizens. Second, the Court argued that appeals to efficiency of message dissemination via amplified sound is insufficiently compelling to trump citizens' rights to privacy. Indeed, it is this very efficiency — the ability of a broadcaster to secure a wide hearing among potentially unwilling auditors at very low cost to the broadcaster — that has prompted courts to restrict loudspeaker use in public venues. For example, the Court cited both *Kovacs* and *Saia* when it explained in *Grayned v. City of Rockford*, 408 U.S. 104 (1972) that "if overamplified loudspeakers assault the citizenry, government may turn them down."

In addition to *Saia v. People of State of New York*, 334 U.S. 558 (1948) and *Kovacs v. Cooper*, 336 U.S. 77 (1949), a third influential Supreme Court case considered the constitutionality of restrictions on amplified sound in a public forum. *Ward v. Rock Against Racism*, 491 U.S. 781 (1989) involved a New York city ordinance that requires the sound equipment for music concerts held in Central Park to be operated by city sound technicians as a means of controlling the volume of sound perceptible to park visitors and residents near the park. The sponsor of the concert argued in Court that the requirement was unconstitutional, but the majority opinion upheld the ordinance. The decision carefully outlined how the three-prong test of time, place, and manner restrictions in the case showed that the restrictions were justified, and importantly argued that the restrictions

need not be the least restrictive or least intrusive means of doing so. Rather, the requirement of narrow tailoring is satisfied so long as the . . . regulation promotes a substantial government interest that would be achieved less effectively absent the regulation.

Several Supreme Court decisions in addition to *Kovacs* at least indirectly refer to the constitutional need for reasonable protection against unwanted amplified sound from intruding into homes. For example, in discussing its 1971 decision to reverse a Court of Appeal ruling against a man in Los Angeles who openly displayed a jacket with wording that expressed in obscene terms his opposition to the Vietnam War draft, the Court argued in favor of the man's constitutional rights to express himself, pointing to the ability of potential viewers of the jacket to avert their eyes to avoid offense. The Court explained that "in this regard, persons confronted with Cohen's jacket were in a quite different posture than, say, those subjected to the raucous emissions of sound trucks blaring outside their residences." *Cohen v. California*, 403 U.S. 15 (1971). Several Court decisions also argue for protection of the right of citizens to privacy from unwanted speech in the home in general. For example, in *Rowan v. United States Post Office Department*, 397 U.S. 728 (1970) the Court ruled that because "the ancient concept that 'a man's home is his castle' into which 'not even the king may enter' has lost none of its vitality," vendors have no constitutional right to send unsolicited material through the mail to homeowners.

I move now from discussion of the history of freedom of expression in Japan and the history of freedom of expression restrictions in the United States to examination of the use of amplified sound in public places in Japan.

◆ Evidence of Use of Amplified Sound in Public Places in Japan ◆

It is beyond the scope and resources of this paper to present a comprehensive representation of the use of amplified sound in public places in Japan. Instead I make available below seven video-recorded examples of commercial and political uses of amplified sound in public places taken from three Japanese cities of varying size and population, including when possible, identification of place, scenario and decibel level. Where no decibel level data is given I did not have access to a sound meter during videotaping, usually because I happened upon the scene with no planned intention to record it. In addition, I augment my own data with decibel level readings recorded from in front of specific entertainment businesses by the city of Sendai and made available to me during a personal interview with city officials. I do not claim that the video-recorded examples that follow accurately represent the soundscape of the Japanese cities in question every day or at all times of the day. Rather, these specific instances of use of amplified sound in public, together with accurate decibel level data for selected examples, hopefully will provide the reader with at least a general and representative multi-media experience of the phenomenon.

I recorded five of the seven audiovisual examples provided below from randomly selected instances of sound amplification in the city of Sendai, Miyagi prefecture. I measured decibel levels using a highly sensitive, hand-held [sound level meter](#) certified for industrial monitoring applications. Sendai is a medium-size metropolis with a population of approximately 1.2 million, located 300 kilometers (180 miles) north of Tokyo. Both the city of Sendai and Miyagi prefecture have noise control ordinances that specifically restrict public use of amplified sound, with Sendai following and in some aspects adding to

the restrictions set by Miyagi prefecture's regulations. However, these ordinances apply explicitly only to commercial and electoral campaign uses of amplified sound, with no mention of personal or non-electoral political uses. I will return to this important point in a later section of this essay.

Commercial Use Restrictions and Recorded Examples

The National Institute for Occupational Safety and Health in the United States publishes a "soundmeter" comprised of an interactive list of occupational noises and related hearing impacts on its Noise and Hearing Loss Prevention [webpage](#). *Normal conversation* is listed at 60 dB (decibels), *ringing telephone* is listed at 80 dB and *hair dryer/power lawn mower* is listed at 90 dB. According to the institute, exposure to sound equal to or greater than 85 dB "may cause hearing loss." Sendai's restrictions on public use of sound amplification for commercial purposes include:

1. *Not between 7:00 p.m. and 8:00 a.m.*
2. *Not greater than 70 decibels (dB).*
3. *Not closer than 100 meters (328 feet) from schools.*
4. *Not closer than 30 meters from residential areas.*
5. *For moving vehicles (with mounted loudspeakers), not between 7:00 p.m. and 8:00 a.m. and not greater than 75 dB measured at one meter height in front of the vehicle.*

Among the five examples of public sound amplification I video-recorded in Sendai, four involved commercial use, three of which employed stationary broadcasts and one that broadcasted from a moving vehicle. I also recorded decibel levels for three of these examples. All three of the stationary uses of amplified sound exceeded the 70 dB legal maximum, and the one moving vehicle example, which I present first, exceeded the 75 dB legal limit.

In *Figure 1* below, a video-recording I made shows a privately owned, consumer item recycling truck that slowly circled my university apartment complex of nine, five-story concrete buildings for approximately 30 minutes from approximately 10:00 a.m. on a Sunday morning in April. Such commercial, loudspeaker-mounted vehicles are frequent visitors to my residential area on both weekdays and weekends. A single loudspeaker mounted on the truck is playing a recorded message announcing the items that the business will accept for recycling (televisions, stereos, etc.). The driver, who likely is the business owner, is the sole occupant of the truck. Although it may be difficult to determine from watching the video, the narrow lane from which the truck is broadcasting and which is visible from my apartment window is designed primarily for apartment resident vehicle access or commercial deliveries rather than for routine non-resident traffic. The lane is located between resident storage structures and resident vehicle parking spaces, and is approximately two meters from the building. The loudspeaker-mounted truck therefore is positioned much less than the legally mandated 30 meters from a residential area, regardless of how *area* is defined in the law (see number 4 in the above list under the heading *Commercial use restrictions and recorded examples*, hereafter referred to as *the list*). I recorded the amplified sound from this truck at an average of 80 dB for approximately ten minutes from the open window of my fourth floor apartment. Note from number 5 in the list that the legal limit for moving vehicles is 75 dB measured at a height of only one meter directly above the vehicle. My apartment window and my sound monitoring position was at least 13 meters above the vehicle and approximately four meters to the side of the vehicle.

Figure 1. Amplified sound from recycling truck



QuickTime

Click [here](#) to view video clip in QuickTime (mp4) format.

Video of a privately owned vehicle broadcasting its small business services via a mounted loudspeaker. The vehicle's operator is violating city of Sendai laws regulating broadcasting distance requirements and broadcasting volume restrictions for residential areas.

The above example of use of amplified sound for commercial purposes in residential areas, particularly when the user is in violation of both broadcast proximity and broadcast volume regulations, presents a particularly clear case of potentially intrusive public address that most likely would be regulated in the United States under time, place, and manner restrictions repeatedly upheld by the U.S. Supreme Court. Why? Recall from my earlier explanation the three-prong test established by U.S. Supreme Court precedence to evaluate time, place, and manner restrictions. Such restrictions are reasonable and valid to the degree that they are not concerned with the content of the regulated speech, that they leave open sufficient alternative options for communication of the information and that they are narrowly tailored to serve a significant governmental interest. In the particular case of the recycling truck described here the content of communications is not at issue and the business is not in any way restricted to conducting its advertising activities via loudspeaker. Advertising alternatives within the financial resources of most or all commercial businesses in Japan include e-mail or Web site, door-to-door solicitation, brochures mailed or delivered by hand, telephone solicitation and word-of-mouth. In the particular instance described above, hundreds of residents in my apartment complex were subjected to the law-violating sound broadcast from a moving vehicle in the interest of a single commercial entity. I also observed very little response from residents to the attempts of this business to solicit customers via loudspeaker address. As I filmed the truck slowly passing my apartment building, I saw only one resident of my building enter the street with several items to recycle (for a fee per item). I observed no complaints or other activity from any other residents among the several buildings along the lane near my apartment (see *Figure 14* for a possible explanation).

Next, I introduce three examples of the stationary use of amplified sound for commercial purposes taken from Sendai's central shopping arcade, which runs for several blocks north from the train station and also includes a wing running in an east-to-west direction intersecting the main arcade. The arcade is permanently open to the public and is intended primarily for pedestrian access only, although there are vehicle crossing points (unregulated by traffic signals) where the arcade is bisected by narrow streets. The arcade is covered by a permanent roof structure and is lined with shops similar to what can be found in malls in the United States, with the exception that many shops in the Sendai arcade advertise their services or products via sound amplification.

Figure 2. Sendai arcade



Sendai arcade, a popular shopping mall in the city of Sendai, Miyagi prefecture, Japan

Businesses that use sound amplification in the Sendai arcade (or more generally in most Japanese cities) usually employ either fixed electronic speakers attached to the storefront, televisions with attached speakers that broadcast recorded material, or individuals using hand-held loudspeakers or microphones attached to electronic speakers. Among the loudest businesses are pachinko parlors. Pachinko is a very popular form of legalized, pinball-type gambling in Japan, with approximately 16,000 shops nationwide and reported revenues of \$277 billion in 2003. *Figure 3* below is a video example of amplified sound used to advertise a pachinko parlor via electronic speakers attached to the storefront. Electronic speakers placed to the right and left of the storefront are visible in the video frame when the camera zooms in. The female voice in the broadcast, which is an audio-recording in continuous playback mode, is informing pedestrians of a half-price discount for playing the pachinko machines. Notice that during the 33-second video many individuals pass by the storefront as they walk through the mall, and therefore must submit to the sound coming from this business. I recorded this video and monitored the sound volume from the center of the shopping arcade lane directly in front of the parlor at a distance of approximately three meters. Amplified communications from this shop were measured at an average of

79 dB for approximately five minutes. Note from number 2 in the list above that the legal limit in the city of Sendai for amplified sound for commercial purposes is 70 dB.

Figure 3. Amplified sound from pachinko parlor



Click **QuickTime** to view video clip in QuickTime (mp4) format.

Video of the main entrance of a pachinko parlor located in the Sendai arcade, Sendai, Miyagi prefecture, Japan

The average decibel reading of 79 that I recorded for this pachinko parlor is consistent with volume level data recorded from in front of seven pachinko parlors in Sendai by city officials. The decibel reading ranges for these seven businesses were presented to me by city officials during a personal interview as follows:

1. 66.0-78.8 dB
2. 63.0-72.8 dB
3. 65.0-67.0 dB
4. 67.0-73.4 dB
5. 72.2-82.9 dB
6. 74.5-85.9 dB
7. 72.1-81.2 dB

Note that, according to the city of Sendai data, six of the seven pachinko parlors monitored used amplified sound for commercial purposes at volumes in violation of the 70 dB limit.

Nearby in the same Sendai shopping arcade I came across a woman hired to inform arcade pedestrians of the newest products of a mobile phone service. The woman is standing in front of the mobile phone retail store, speaking into a hand-held microphone wired to two fixed electronic speakers that are visible at the top of the display structure situated next to the woman. Recall from number 2 in the above list titled *Commercial use restrictions and recorded examples* that the maximum allowable decibel level for commercial uses of amplified sound in the city of Sendai is 70 dB. I recorded the

example in *Figure 4* below at an average of 78 dB for approximately five minutes, a volume level that is eight decibels over the legal limit. The amplified sound in the background of this video is coming from a nearby home products store.

Figure 4. Amplified sound from mobile phone shop



Click **QuickTime** to view video clip in QuickTime (mp4) format.

Video of a woman employed by a mobile phone shop located in Sendai arcade, Sendai, Miyagi prefecture, Japan to broadcast the shop's products and services

Notice that although we can observe in this video many pedestrians walking up and down the arcade, no individuals stop in front of the mobile phone shop to listen to the amplified advertisement during the 16-second video-recording time.

In addition to human-operated and audio-recorded amplification of commercial messages via electronic speakers, televisions with attached speakers are also used by many retail stores in Japan to advertise products or services. *Figure 5* below consists of three separate examples of amplified commercial broadcasts via television. The first two examples show televisions located on both sides of the main entrance of a retail music store in the Sendai arcade. Although the specific content broadcast by the first television is unclear, I measured the sound at 79 dB (nine decibels above the legal limit of 70 dB). The second example shows a television broadcasting an advertisement for a recording of traditional Japanese three-string instrumental music apparently available for purchase inside the store. Because this second television is located very near the first television shown in the video, the recording environment did not allow me to conduct an accurate decibel measurement. I therefore have no decibel reading for the second example. The third example demonstrates that commercial use of amplified sound in Japan is not restricted to shopping malls. The huge television screen seen in the video is attached to the side of a large building directly across from the Sendai train station and is intrusively loud — even at a distance of hundreds of yards. The television, which apparently is owned by global music retail store HMV, is broadcasting advertisement images and sounds from a Japanese pop singer's music album. The cars visible at the bottom of the video screen are taxis lined up in front of the train station.

Figure 5. Amplified sound from televisions



QuickTime

Click [here](#) to view video clip in QuickTime (mp4) format.

Video of three television sets positioned outside of music stores located in Sendai arcade, Sendai, Miyagi prefecture, Japan, broadcasting product advertisements for the stores

Electoral Campaign Use Restrictions and Recorded Examples

Japanese election law differs considerably from election laws in most other democracies, especially with regard to campaign restrictions. Television, print, and online campaigning for particular candidates are forbidden, although there are allowances for political party-focused campaigning. Door-to-door campaigning for any purpose is prohibited. However, use of one motor vehicle with mounted loudspeakers per candidate, or use of stationary loudspeakers or other amplified sound equipment for candidate campaigning is allowed but regulated, and candidates even receive government subsidies for costs incurred for use of loudspeaker-mounted campaign vehicles (approximately \$2-\$4 thousand per vehicle). During national (Upper and Lower House) and local (prefectural) election campaigns, almost all candidates take advantage of this campaign strategy to communicate their names to the general population from moving vehicles, perhaps adding some key points from their campaign agendas from parked vehicles or when using stationary amplified sound devices. Use of loudspeakers or other sound amplification devices by candidates is restricted to the official campaign periods for each election — 9 days for prefectural elections, 12 days for Lower House elections, and 17 days for Upper House elections — and between 8:00 a.m. and 8:00 p.m. Sound amplification may not be used in close proximity to schools or hospitals, but for other locations there are no specified legal restrictions on decibel levels. Election campaign cars usually have between one and four loudspeakers mounted on top, used to broadcast either or both recorded candidate messages or real-time candidate messages. *Figure 6* below is a photo showing two election campaign vehicles broadcasting from loudspeakers as they pass on a street.

Figure 6. Amplified sound from campaign vehicles photo



Two election campaign motor vehicles broadcasting via loudspeakers as they pass on a city street in Japan

The writing on the sides of the two campaign vehicles shows the name of each candidate. Note that each vehicle has two loudspeakers mounted on top. Campaign vehicles typically hold the candidate, a driver, and young women wearing white gloves hired to wave to pedestrians. Most campaign vehicles are painted white, a color symbolizing purity in Japan.

Figure 7 below is a video showing candidates in campaign motor vehicles competing at high volume for the attention of citizens. The video consists of three separate examples of campaign vehicles driving on and broadcasting from the same main street in downtown Sendai, passing my fixed recording location within minutes. All three broadcasts feature the voices of female candidates for prefectural elections, which were held in July 2007. The key features of the content of all three broadcasts are similar and simple: *My name is x. Please vote for me.* Notice that in the second example the vehicle has two loudspeakers mounted on the top, one facing front and one facing rear. The voice audible in the background of the second video example is my own narration. The vehicle in the third example uses four loudspeakers, two facing front and two facing rear. The loudspeaker configuration of the first vehicle is not clear in the video. I did not record the decibel levels for any of the three examples. However, the reader can get a sense of the volume of the broadcasts from the video examples and from my personal experience of being able to hear the approach of the vehicles from several blocks away from my video-recording position. As the vehicles passed my position, the volume was so great that a normal conversation with individuals standing next to me would have been difficult.

Figure 7. Amplified sound from campaign vehicles video



QuickTime

Click [here](#) to view video clip in QuickTime (mp4) format.

Video of three election campaign vehicles broadcasting from mounted loudspeakers as they drive on a main street in the city of Sendai, Miyagi prefecture, Japan

Readers may question the effectiveness of campaign advertising from a moving vehicle, particularly when very little information regarding specific agendas can be communicated by candidates. One possible explanation for the practice is that during the voting process in Japan voters often have in front of them a long list of many candidates, and they must write in by hand the names of the candidates for whom they are voting. One native informant suggested to me that memory of hearing loudspeaker announcements may play some role in assisting voters to recall the names of their preferred candidates as voters make their selections.

Another rationale for candidate use of loudspeakers during election periods was explained to me by a Sendai city council member. According to this elected official, who also uses loudspeakers during campaigns, candidates feel compelled to demonstrate to supporters some form of public commitment to and energetic engagement in their campaigns. In Japan, use of loudspeakers from election campaign vehicles is one convenient, visible and audible form of public demonstration of candidate commitment.

In addition to using moving election campaign vehicles, candidates also are allowed to broadcast messages using stationary campaign vehicles with mounted loudspeakers, handheld loudspeakers or microphones attached to electronic speakers. The restrictions on moving campaign vehicles discussed above apply similarly to stationary broadcasts. *Figure 8* below is a photo of a stationary election campaign vehicle, a candidate and two supporters. The candidate is the man in the dark suit and white gloves wearing a white paper sash inscribed with his name and waving to pedestrians. The woman holding the microphone and wearing white gloves is a supporter, probably the candidate's wife, and her voice is being broadcast through the two vehicle loudspeakers. The individual visible at the rear of the vehicle wearing white gloves is holding a campaign sign that probably advertises the name of the candidate.

Figure 8. Amplified sound from stationary campaign vehicle photo



A Japanese election campaign supporter broadcasting via loudspeaker-mounted, stationary campaign vehicle. The candidate and another supporter stand nearby.

The final example of loudspeaker use in election campaigns is shown in *Figure 9* below, a video that consists of two examples of stationary broadcasting. Both examples show candidates and supporters positioned outside the train station in the small oceanside town of Chigasaski, which is one hour by train south of Tokyo. The first example shows a well-known female politician campaigning for another term in office. The candidate is wearing a light blue dress and is holding a microphone connected to a loudspeaker on a tripod visible to the left of the video frame. The women standing behind the candidate wearing white or pink jackets, as well as the male in the dark suit and white sash, are supporters. The pink banner is inscribed with the name of the candidate. The candidate is speaking about her opposition to then-Prime Minister Abe's policies. Approximately 20 individuals stopped to listen to the candidate during the five minutes of my recording time, probably because they recognized her from television and print appearances. From my video-recording position, the volume of the broadcast was loud enough to make conversation difficult.

The second example shows a candidate and supporters positioned outside the Chigasaki train station exit 200 meters opposite the candidate in the first example. City buses are parked or are moving nearby, and a small police station is located behind the buses but out of the video frame. The candidate is wearing a dark suit with white sash on which his name is inscribed, and is holding a microphone. He is broadcasting his political opinions via his campaign vehicle loudspeaker. The number of loudspeakers attached to the top of the vehicle is not clear from the video. Four supporters are visible in the video holding banner poles, and one female supporter is waving to passing cars. The three men standing nearby and visible as the camera swings to the left appear to be watching or listening to the broadcast and probably are waiting for a bus to arrive at the bus stop behind them. During my five-minute recording time I did not observe anybody stop to listen to the broadcast, with the possible exception of these three men.

Figure 9. Amplified sound from stationary campaign broadcast devices video



QuickTime

Click [QuickTime](#) to view video clip in QuickTime (mp4) format.

Video of two examples of election campaign candidates and supporters broadcasting via a stationary loudspeaker in the first example, and via a microphone and loudspeaker-mounted stationary campaign vehicle in the second example

Non-Electoral Political Use Restrictions and Recorded Examples

Perhaps the most intrusive and yet most leniently tolerated use of amplified sound in public places in Japan is by nationalist extremist groups known as *uyoku* (ooh-yoh-koo), which means right wing. On any day of the week, year-round, and especially on national holidays and weekends, nationalist vehicles drive the busiest streets or park illegally at crowded intersections of cities across the country to broadcast their political opinions over loudspeakers at extremely high volume. Sometimes the speaker remains in the vehicle when parked, but more often one or more individuals stand near or even on top of the vehicle with the speaker using a handheld microphone. *Figure 10* below is a photo of a nationalist standing on top of a vehicle, broadcasting via two large mounted loudspeakers. The location of the vehicle is unclear. Although not visible in this photo, there likely is a driver sitting at the wheel and several other support members sitting in the back section of the vehicle. The inscription in large characters on the top of the vehicle reads "[Yasukuni shrine](#) should be worshiped and protected by the country." The inscription directly below the larger characters reads, "It is basic justice for the country to publicly honor and praise the souls of our war dead." The inscription on the side of the vehicle is unclear because beginning characters are cut by the open vehicle door and final characters are cut by the camera frame.

Figure 10. Amplified sound from nationalist photo*Nationalist standing on top of a vehicle and broadcasting via mounted loudspeakers*

The final of this essay's seven audiovisual presentations is shown in *Figure 11* below. There are four brief examples. In the first example, several nationalist vehicles are stopped in traffic. The audio captures one member broadcasting from one vehicle, and other members in one or more other vehicles broadcasting responses of support. The main speaker says, using rough language, "The communist party should get out of Japan!" In the second example, at least five nationalist vehicles parade along a city street with multiple vehicles broadcasting messages simultaneously. The key message is addressed to other commuters informing them in polite language that "Cars are coming. Excuse us as we pass." The inscription on the side of the black vehicle reads, "Let's promote and celebrate national spirit among the Japanese people." The name of the nationalist organization is written below in smaller letters. In the third example, nationalists broadcast from at least one stationary vehicle, the microphone visible in the hand of the driver of one of the vehicles at the beginning of the example to the left of the screen. The speaker is screaming, "Smash them down!" in reference not to the police officers, but rather to the target individual or group. Meanwhile, nationalists on foot push aggressively against a line of police officers, apparently frustrated by their thwarted attempts to gain access to the unspecified target out of camera range in the foreground (behind the line of police officers). The white stick held by at least one police officer is a tool typically used for crowd control purposes, usually made of a hard plastic material.

The man wearing a blue uniform who comes into the frame with his back to the camera toward the end of the example is probably a police official assigned to surveillance duties. In the fourth example at least four nationalists on foot broadcast simultaneously from hand-held loudspeakers, addressing an individual or group apparently nearby but not visible in the video. The key statement, using rough language, is "You guys are using personal computers to avoid direct and clear expression because you lack confidence!" A line of police officers stands between the nationalists and the target of the address, possibly a communist party office or individuals.

Figure 11. Amplified sound from nationalists video



QuickTime

Click [here](#) to view video clip in QuickTime (mp4) format.

Video consisting of four examples of nationalist groups broadcasting via loudspeaker-mounted vehicles and via handheld loudspeakers. (Courtesy of documentarian Jamie Morris at figure8productions.com)

Amplified sound broadcasts by nationalist groups (and their high profile in public in general) presents non-Japanese observers with an enigma. The English language newspapers in Japan and Japan-related blog sites regularly carry letters to the editor or questions from non-Japanese asking why police and citizens in Japan tolerate such loud and often disruptive activities by nationalists. For example, nationalist group members routinely park and broadcast from their loudspeaker vehicles on busy city streets in Sendai or in Tokyo for as long as one hour, in areas clearly marked as prohibiting parking at any time. Whereas in most cities in the United States the local police would quickly persuade the offenders to move their vehicles or risk impounding, fines or eventually jail time — in addition to fines or other punishment related to broadcasting of sound in excess of legal limits — police in Japan routinely make no attempt to intervene in illegal nationalist group activities and, in fact, usually appear on the scene in civilian clothing to act as quiet monitors and escorts. The exception, as seen in two of the video examples above, is when nationalist group members attempt to gain access to a street or building deemed off-limits by law or by police for security reasons, such as an embassy. To illustrate this protocol of non-interference by police, I once witnessed three occupants of a large, loudspeaker-equipped nationalist vehicle in Tokyo badly beat a student of an international high school located in the city who had been riding his bicycle alongside the nationalist vehicle and allegedly flicked his lit cigarette in the direction of the vehicle. Several plainclothes police officers who apparently had been assigned to

shadow the nationalist vehicle immediately appeared on the scene to document the attack, and upon questioning by me admitted that they had witnessed the event but could take no action other than to call for an emergency aid car to assist the bleeding youth. Approximately 200 meters down the street stood a uniformed police officer who was looking in the direction of the incident but who made no move to investigate. Meanwhile, the nationalists had returned to their vehicle and watched the aid car arrive to attend to the youth as their vehicle idled in traffic, and then pulled away with loudspeakers blaring. Their vehicle was followed once again by the plain-clothes officers who had witnessed the event.

Native informants have suggested to me that at least three considerations are probably behind this permissive stance by police and citizens toward extremist political activities: freedom of political speech in Japan is perceived as inviolate; Japanese prefer to suffer annoying social behavior quietly rather than confront or complain about the violator (confirmed by at least one study and discussed in the next section of this essay); and nationalist groups are considered too dangerous to approach, both because of their extremist views and unpredictable actions but also because of the high possibility that such groups are in some way connected with Japanese organized crime groups known as [yakuza](#). A fourth possibility — unproven but widely suspected by knowledgeable Japanese observers — is that the police and certain factions of elected government officials in Japan have ideological or organizational ties to nationalist groups, such that excessive police intervention in nationalist activities would upset long-established understandings and protocols between police and nationalist groups. Although many Japan experts believe that nationalist groups are largely unrestricted by police with regard to public parking or broadcast regulations that apply to most other groups or individuals unless the nationalist groups become violent, the attack that I witnessed suggests that even violent acts by nationalists do not necessarily trigger police intervention. Finally, reticence by Japanese citizens and lawmakers to critically examine and debate the use of amplified sound in public by nationalists raises important questions regarding voice and power that are beyond the scope of this essay. In my view, such disruptive practices introduce alarmingly totalitarian strands into an otherwise democratic polity. Indeed, Attali (1985) points to the brute power of the loudspeaker to appropriate attention by force when he quotes Hitler writing that, “without the loudspeaker, we would never have conquered Germany” (p. 87).

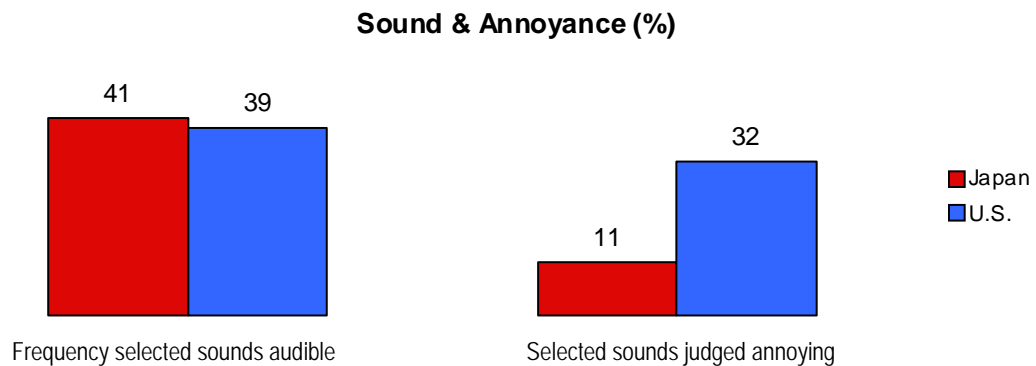
◆ Cultural Dimensions of Noise in Japan ◆

It is important to recognize that the use of amplified sound in public places in Japan probably is motivated and permitted by considerations that restrain or override public health or personal privacy concerns. Cultural preferences or normative forces may account at least partly for the practice. Beer (1984) introduces the concept of “individualistic groupism,” a tendency in Japan to accord comparatively more expressive rights to organized groups than to individuals acting alone (p. 115). This conceptualization might be extended to include a cultural tendency to value the rights of public expression — even when electronically amplified and particularly from organized groups such as nationalists in Japan — over the rights of individual citizens who may be captive auditors. In one example of noise as cultural, Maris, Stallen, Vermunt, and Steensma (2007) describe how noise annoyance is a “social experience” beyond mere acoustics, grounded in perceptions of intention and fairness. Numerous earlier research examples support the authors’ findings of noise annoyance as socially, psychologically or culturally interpreted (Borsky, 1979; Guski, 1999; King & Davis, 2003; Kuwana et al., 1991; Namba, 1987; Stallen, 1999; Staples, 1996, 1997). In the Maris study, experimenters manipulated decibel levels of recorded sounds to which participants were exposed in a laboratory setting, as well as the expectations of participants regarding the sounds they would hear. The

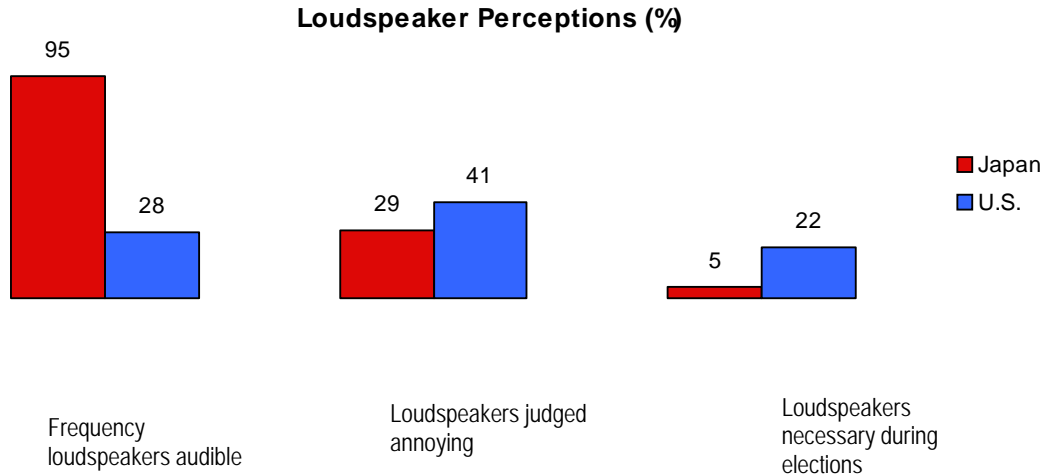
key finding was that both decibel level and auditor perceptions of fairness of sound management practices by the sound source impacted auditor evaluations of the degree to which sounds were considered annoying.

With regard to Japan, a comparatively high degree of tolerance for environmental noise among Japanese was revealed in results of a survey conducted in five countries: Japan, the United States, West Germany, China and Turkey (Namba et al., 1991). Given a list of 30 specific sounds potentially audible during daily activities in all five countries including television, loudspeakers and banging doors, respondents from Japan and the United States identified approximately the same percentage of these sound sources as being audible daily — an average of 41% in Japan and 39% in the United States. However, U.S. respondents judged three times as many audible sounds experienced daily to be *annoying* than did subjects from Japan (see *Figure 12*).

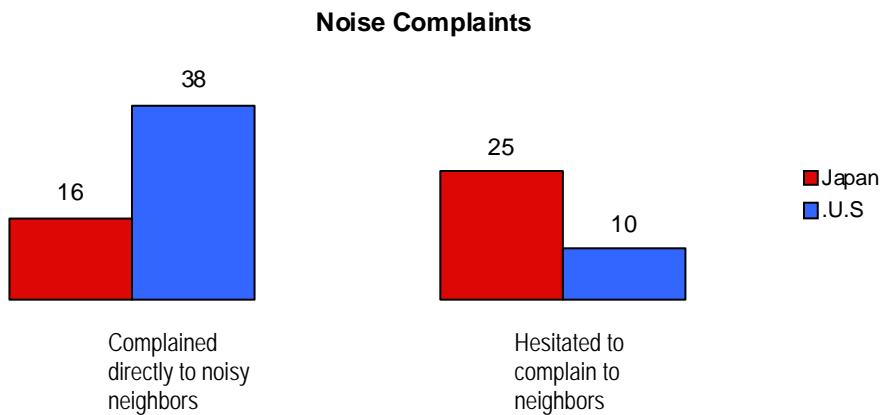
Figure 12. Sound and annoyance in Japan and the U.S.



Significantly for this essay, Japanese subjects reported that the two most annoying sounds from daily life were those from motorcycles and vendor loudspeakers, whereas U.S. respondents found the sounds of neighbors' automobiles and pets most annoying. On a set of questions regarding the use of loudspeakers in trains and during election campaigns, respondents from Japan and the United States differed greatly only with respect to the use of loudspeakers during election campaigns: only approximately 5% of Japanese subjects reported that loudspeaker use is necessary during election campaigns, compared with approximately 22% of respondents from the United States (see *Figure 13*).

Figure 13. Loudspeaker perceptions in Japan and U.S.

This finding is rather puzzling, given that loudspeaker use during election campaigns is largely prohibited or strictly regulated in most or all U.S. states but is actively supported in Japan. It may be that Japanese responses to this question reflect dissatisfaction with the status quo, at least at the time of the study in 1991. Perhaps the clearest indication from this study of the cultural features of noise is seen in responses to a survey question asking about noise complaints. When asked, "Have you ever appealed directly to your neighbors because they are noisy?" approximately 38% of U.S. subjects answered affirmatively compared with approximately 16% of Japanese respondents. In addition, approximately 10% of U.S. respondents reported that "So far I have hesitated to complain" directly to noisy neighbors, compared with approximately 25% of Japanese subjects.

Figure 14. Noise complaints: Japan & the U.S. (%)

Findings from this study suggest that Japanese are significantly less annoyed by sounds encountered daily than are Americans, are less than half as likely as Americans to complain directly to neighbors perceived to be noisy, and are the least likely among residents of the five countries studied to complain about noisy neighbors directly to neighbors, to police or to lawyers. But it is important to recognize that the reticence of Japanese study participants to complain about noise may have influenced their perceptions of the degree to which sounds were annoying. This relationship, as well as exploration of the concept of annoyance in Japan, might be interesting questions for future research.

◆ The Future of Amplified Sound Management in Japan ◆

A cornerstone of time, place, and manner restrictions on freedom of expression in the United States as established by the U.S. Supreme Court is that "the right of every person 'to be let alone' must be placed in the scales with the right of others to communicate" (*Rowan v. United States Post Office Department*, 397 U.S. 728, 1970). The central contention of this essay is that the constitutional guarantee of freedom of expression in Japan is privileged, in practice, over constitutionally permissible restrictions on freedom of expression exercised in most other democracies. In the language of the Court, and from an American perspective, the scales are out of balance. However, democracies can and do differ with regard to specific constitutional value emphases, so I am not arguing that it is required of Japan to strike the same balance as the United States. As Feld (2003) reminds us, soundscapes are the aural equivalent of landscapes, providing individuals and communities with markers and significance that helps make social life possible. But should Japan choose to re-examine the existing balance, it could begin by looking to its own constitution. The right of every person to be let alone as expressed by restrictions on freedom of expression necessary to safeguard the personal privacy rights and health of citizens is recognizable in [Article 12](#) of the Constitution of Japan:

[T]he freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

Drafting and enactment of enforceable regulations on use of amplified sound in public places in Japan would require a degree of bold civic activism unfamiliar to most Japanese, but there are signs of increased interest in the issue. In May 2007, 10 local politicians from across Japan formed a network pledging not to use loudspeaker-equipped campaign vehicles during their respective campaigns (although some of these candidates reserved the right to use amplified sound from stationary locations). At least one candidate reported that he would ride his bicycle through neighborhoods using only his natural voice to attract attention. *Figure 15* below is a photo showing members of this network campaigning.

Figure 15. No loudspeaker vehicles campaign photo



Candidate supporters and members of a network to ban broadcasting from moving vehicles during election campaigns

Revising soundscape management policies with a goal of creating a more democratic balance between freedom of expression and personal privacy — particularly with regard to publicly amplified sound — also would involve the very difficult task of opening a national dialogue about taboo subjects such as the existing stance of the government toward nationalist groups, as well as forging a national consensus on a constitutionally viable application of freedom of expression and privacy laws to such groups that employ amplified sound. As a starting point, Japanese citizens could take the opportunity provided by recent calls to revise specific features of the Constitution of Japan to recognize the use of amplified sound in public places as an important public policy issue rooted firmly in questions of competing constitutional guarantees, rather than as an apparently annoying yet stoically tolerated social practice somehow ordained by tradition.

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