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The Japanese Sense of Information Privacy

Andrew A. Adams Kiyoshi Murata
Yohko Orito

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Abstract We analyse the contention that privacy is an alien concept within Japanese society, put forward in various presentations of Japanese cultural norms at least as far back as Benedict (1946). In this paper we distinguish between *information privacy* and *physical privacy*. As we show, there is good evidence for social norms of limits on the sharing and use of personal information (i.e. *information privacy*) from traditional interactions in Japanese society, as well as constitutional evidence from the late 19th century (in the Meiji Constitution of 1889). In this context the growing awareness of the Japanese public about problems with networked information processing by public sector and commercial organisations from the 1980s (when a law governing public sector use of personal information was first passed) to recent years (when that law was updated and a first law governing commercial use of personal information was adopted) are not the imposition or adoption of foreign practices nor solely an attempt to lead Japanese society into coherence with the rest of the OECD. Instead they are drawing on the experience of the rest of the developed world in developing legal responses to the breakdown of social norms governing interchange and use of personal information, stressed by the architectural changes wrought by networked information processing capabilities. This claim is supported by consid-

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Andrew A. Adams
School of Systems Engineering, University of Reading, Whiteknights, Reading RG6 6AY, UK.
Tel: +44-118-378-6997. Fax: +44-118-975-1994.
E-mail: A.A.Adams@Rdg.ac.uk

Kiyoshi Murata
Centre for Business Information Ethics, School of Commerce, Meiji University, 1-1, Kanda Surugadai, Chiyoda, Tokyo 101-8301 Japan.
E-mail: KMurata@kisc.Meiji.ac.jp

Yohko Orito
Faculty of Law and Letters, Ehime University, 3, Bunkyo-cho, Matsuyama, Ehime 790-8577 Japan
E-mail: orito@ll.ehime-u.ac.jp

eration of standard models of Japanese social interactions as well as of Supreme Court judgements declaring reasonable expectations of protection of privacy to hold in Japan.

CR Subject Classification Legal Aspects, Human Factors, Privacy, Regulation, Use/abuse of power

1 Introduction

There appears to be an academic myth that the Japanese lack, or at least used to lack, a sense of privacy. This myth can be traced back at least as far as Benedict (1946, p. 288):

> Because there is little privacy in a Japanese community, too, it is no fantasy that 'the world' knows practically everything he does and can reject him if it disapproves. Even the construction of the Japanese house – the thin walls that permit the passage of sounds and which are pushed open during the day – makes private life extremely public for those who cannot afford a wall and garden.

continuing with Itoh (1964)

> …in our country [Japan], where a sense of respect for the private life of the individual is lacking, …

and up to recent books and papers, for example Murakami Wood *et al.* (2007, p. 552) interpreting Ogura (2001, 2003, 2005) (emphasis added):

> Most important of all in the context of surveillance has been Ogura Toshimaru who, in three edited collections from 2001 to 2005, has provided a sustained Marxist-influenced critique of contemporary urban surveillance, as well outlining a strong normative conception of *'privacy', a relatively recent development in Japanese culture*…

Many recent papers that discuss privacy, surveillance and related issues as they effect Japan, begin with a statement such as the following (Murakami 2004):

> It is generally said that…Japanese privacy consciousness is comparatively low. However Japanese has anxiety to privacy infringement too.

In keeping with this recent trend to demonstrate that the Japanese do have concerns about privacy, we claim that there is a strong sense of *information privacy* in Japan which has long been a part of the culture, and in this paper we will draw on the sociological and psychological literature to provide an analysis of the mechanisms contributing to the origins of the Japanese sense of information privacy, and in particular the social pressures leading to the recent adoption of laws on the protection of personal information. It is our contention that this legal development is not indicative of a new emergence of privacy concerns within Japanese society, but a response to the failures of social norms that previously guaranteed such privacy. These failures have been brought about by economic and technological shifts which are also explained.

The myth of a lack of Japanese conceptions of privacy seems to be, at least partly, grounded in the Japanese tradition of importing external concepts into law and social

appearances while either using them as a mask for continued traditional practices or misunderstanding their original conception and producing a new Japanese custom with the same name as the external concept but a different meaning (Masuhara 1984). The importing of the English word `privacy' as the Japanese paronym プライバシー/*puraibashii* seems to follow this pattern of importing a mask. In this case, however, the importation of the linguistic mask seems to have hidden the existing social constructs somewhat (Aoyagi 2006). As Hoffman (1989) puts it: `In order to transport a single word without distortion, one would have to transport the entire language around it.'

The necessity of bringing the transitive closure of language and culture in order to precisely translate a single word from one language into another does not mean that the adoption of a paronym proves the non-existence of the original concept in the importing culture. Living languages develop new words where they are useful, and indeed drop old ones. Sometimes these new words are imported from other languages. Japanese, like English, has a very long history of such imports. The addition of *puraibashii* to the Japanese lexicon does not therefore mean that there were no conceptions of privacy in Japanese culture. As we show below, Japanese contains not just one word or phrase for the concept of information privacy, but a variety of subtle and nuanced words describing concepts and situations regarding the acceptability or not of using/disseminating information, particularly personal information. Thus while *puraibashii* as a recently imported word may represent a relatively new categorical concept in Japan, the concept of information privacy has been in the culture for a considerable time and is still evolving to take account of changes in the world such as networked computer processing and globalisation.

Our discussion here focusses on the attitude of the Japanese to information privacy as opposed to privacy of physical spaces or privacy of the personal body. Previous authors claiming that *privacy* is not a Japanese concept, nor part of Japanese social norms, have often conflated these various concepts. Indeed, the lack of overt bodily and physical space privacy seems to have been generalised by authors such as Benedict (1946) to include information privacy.

So, for example, Mizutani *et al.* (2004) identify the habit of mixed gender use of nude multiple-person bathing arrangements (to puritanical Western eyes a shameful practice in itself, and therefore so shocking as to require an explanation of deep cultural importance) as indicating a lack of the concept of (bodily) privacy. This links perhaps with the Western Christian conception of the innocence of Adam and Eve, nude in the garden of Eden before gaining an awareness of good and evil. To Western eyes a lack of overt modesty about one's physical form implies a state of innocence, but that innocence is often also equated with a lack of the conceptions of civilisation, including a sense of privacy whether that be bodily privacy, physical privacy or information privacy.

Murakami Wood *et al.* (2007) suggested, as part of an overview of surveillance in Japan, that physical aspects of the concept of `private' in Japan (in its sense of being in opposition to `public') would be better characterized by conceptions of intimacy. While finding their arguments compelling in terms of the apparatus of physical surveillance, our focus in this paper is on the concept of *information* privacy (which includes the results of physical surveillance as electronic data but also includes many other types of information). While conceptions of intimacy are relevant here, as shown by our common use with Murakami Wood *et al.* (2007) of the *uchi/soto* model (see Fig. 2), we believe that in terms of information usage and transfer, the concept

of privacy as it exists in the West is still close enough to provide a model for the related social rules and expectations in Japan. Unlike the physical conceptions they describe where, for example, the puritan influence on most Western societies strongly militates against nudity, and where a different word in English may be better aligned with the social reality of Japanese expectations than `physical privacy' or `bodily privacy', our contention is that the same structures are present in information privacy in Japan and the West, but that for certain people and certain types of information the barriers to information flow are placed at different distances from the subject. The English word `intimacy' itself is a highly embodied expression and thus may mislead when considering information privacy, even where that information is *about* the body.

In developing our concept of the Japanese sense of information privacy, we present new variants on two standard ideas: the *uchi/soto* model of Japanese relationships (Doi 1978); and the individualist/collectivist social and psychological norms (Triandis *et al.* 1998; Oyserman *et al.* 2002). We do not claim that other's models are wrong or incomplete. We believe that there are many valid models of individual attitudes and social interactions, some of which may appear to be incompatible, but where those models are valid in some circumstances and for some individuals or groups. Haitani (1990) analyses the concept of *groupism* (as it refers to the Japanese version of collectivism) with economic impact in mind. We present similar ideas with the title *insular collectivism*, to highlight the similarities with and differences from both the individualist cultures of the European traditions and the collectivism of Chinese-influenced cultures.

Our variant models are grounded in the sociological (Nakane 1970; Kuwayama 1992) and psychological (Doi 1978, 1985) literature, abstracting the elements of those models which are relevant to our hypothesis regarding the Japanese sense of information privacy.

2 Traditions of Information Sharing

Traditionally (pre-Meiji restoration in 1868 with significant continuation even through to recent times) the construction of Japanese houses used paper and light wooden (often sliding) sections for internal non-load bearing walls. This provided little restriction on the access to spoken information among those residing on the premises. Just as with the British Upper Class whose servants long had access to a great deal of information on the personal habits, issues and relationships, this lack of an *architectural* (Lessig 1999) limit on the sharing of information was solved by the development of social norms requiring at least the illusion of privacy and also a restriction on the spread of information beyond the household. This is reflected particularly in the *as-if* tradition(Mizutani *et al.* 2004), which still has a strong influence on social practices of information sharing in Japan today, particularly within the business organisations that until recently replaced the older household as the focus of loyalty within male Japanese society.

The *as-if* tradition requires that information overheard but not explicitly given, is treated as if one did not have it. This allowed, for example, spouses to have arguments without the rest of the household treating them as though their marriage was in trouble, unless one or both partners approached a third party for help or advice in the matter,

These traditions provide a necessary psychological support mechanism to enable the individual to exist in a social setting. Although the details of who can/will know certain types of information differs between Japan and the West, the basic structure of the existence of limits on the transitive spread of personal information is common. Indeed, the differences between Western societies and the differences between individuals in those societies are as significant as the differences with the Japanese on these matters. While Japan may be at or near an extreme of information revelation, the concept of information privacy does exist, and is a key part of Japanese psychology and social structures.

3 Psychology and Linguistics

A sense of information privacy requires that there be an individual or group about whom the flow of information is expected to be restricted. One of the sources of the myth of a lack of a Japanese sense of information privacy is the mistake made by some Western researchers that there is not such thing as a sense of self-hood in collective-oriented societies. Japan is fairly obviously a collective-oriented society, but differs from other such societies (for example China[1] (Stockman, N. 2000) and India [2] (Sinha *et al.* 2004)) in the structure of that collectivism, which we discuss in the next section. Despite being a collective-oriented society, however, the Japanese do develop a significant sense of self-hood, albeit one which is tempered by awareness of the position of that self within a group dynamic more so than at the other end of the spectrum in the individual-oriented society of, for example, the USA.

3.1 A Sense of Self

In fact, research demonstrates that a sense of self depends upon both the individual and their surroundings in both Japanese and Western settings. Jenkins (2004) presented a clear exposition of the accepted model of self-formation in the West, where individual identity is formed in the interaction between the internal neurological processes of the brain and the feedback provided by the senses during interaction with others. We see exactly the same interaction process described by Kuwayama (1992).

[1] Collectivism in China, while valuing those closer in the collective over those further away, does not regard those further away as in opposition or competition, so long as they are culturally connected. Harmony is even more strongly valued than in Japan, but this extends to more of a reality of harmony between groups with necessarily competitive interests (such as, for example, those amongst whom a limited common resource must be distributed) than the Japanese focus on only the appearance of harmony between competing groups (see the later description of the role of social lies in Japan).

[2] Collectivism in India has blood relatives as the focus. As such, even one's spouse may be of less importance in one's collective group than one's siblings. Obviously, off-spring provide significant points of common interest between two bloodlines, but the interests of a non-blood-related parent will only be advanced where this (potentially) aids the blood-related child (now or in the future). Arranged marriages can often reinforce this notion, with the purpose of an arranged marriage being the production of children, not the joining of two individuals or of their respective families.

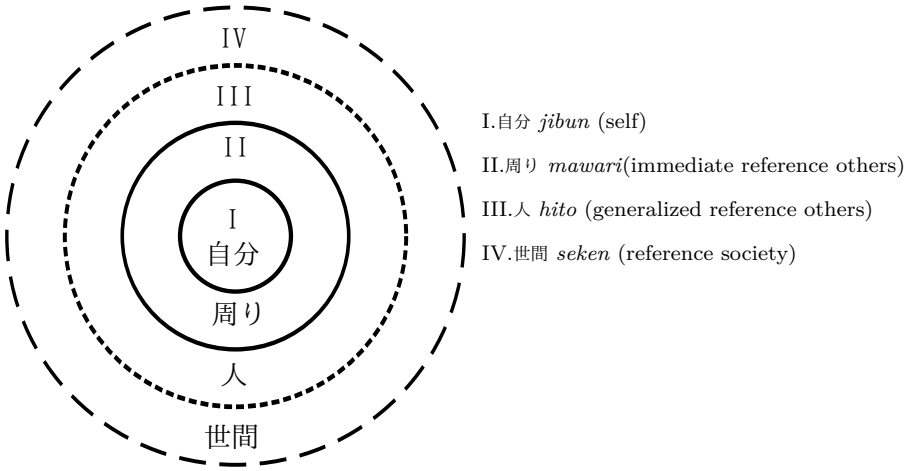

Fig. 1 Kuwayama's Reference Other model

Kuwayama (1992, Figure 7.1) reproduced here as Fig. 1 presents a model of Japanese awareness of the self and others, created from interviews with agricultural workers.

In this conception, the idea of the self is defined with respect to others (this is a common element of psychological thought — in order to have an identity, there must be a clear distinction between the *I* and the *not-I*). Kuwayama's research, however, shows that not only are the differences between one's circumstances and other's circumstances a significant element of self-formation, so too is the drive to be like others, to remove or reduce the difference. In the case of the agricultural workers studied by Kuwayama, this is shown most strongly in the `keeping up with the Joneses' element of small agricultural operations purchasing large expensive equipment which, although not necessarily financially optimal for the (family) business, is nevertheless necessary in order to be part of the modern Japanese technological agricultural society. Advertising by manufacturing companies of course, always plays on such concepts, appealing at the same time to consumers to be individual and stand out from the pack but also not to be `left behind', attempting to create a `race for the top' among consumers.

Japanese cultural expressions confirm the apparently dichotomous respect for the `rugged individual' and desire for personal success in opposition to a respect for social harmony and desire for uniformity (Hendry 2003). We shall return to these concepts of harmony and uniformity below in section 3.3. Privacy, as conceived in the West, is usually presented as dependent on a strong individualist core of self-hood, where the self is defined within a clearly defined shell. Information from within that shell is `private', as is information which implies the structure within the shell. In this paper we present a broader definition of information privacy which includes but is not limited to this concept, allowing a fuzzy boundary to the self and the definition of `private' information (and thus of privacy), but nevertheless allowing consistent social guidelines for the availability of and `right to process' private information common between Japan and other societies.

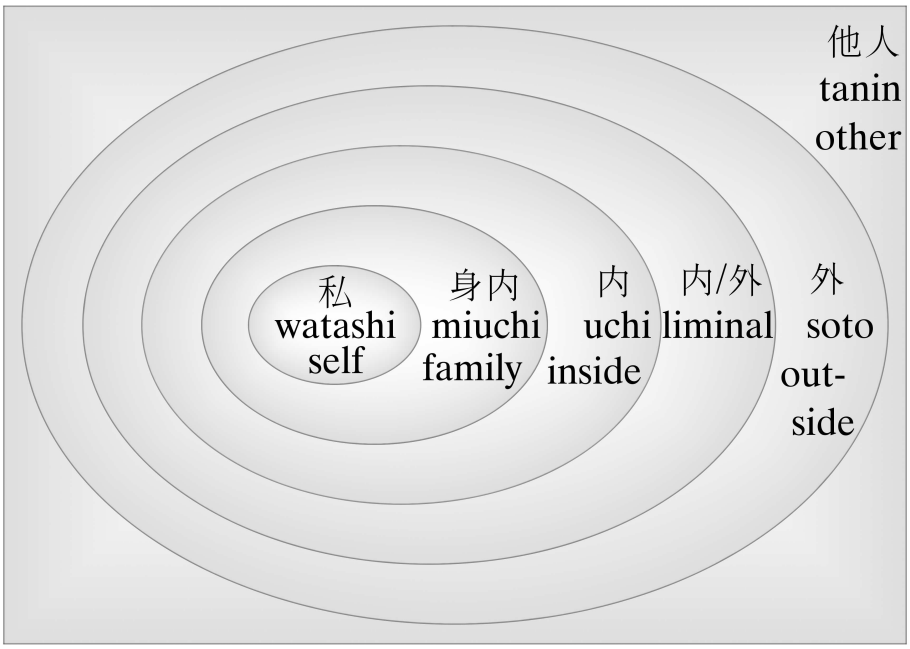

Fig. 2 Variant of the *Uchi/Soto* Model

In fact, rather than being the poor cousin of the Western sense of information privacy, Japanese social interactions and linguistics demonstrate a nuanced awareness of flexing boundaries of information flow (see also Yuki (2003)).

3.2 Variant on the *Uchi/Soto* Model

The strong Japanese awareness of contexts of 内/*uchi* (inside) and 外/*soto* (outside), often also described as in-group/out-group awareness, has been studied and presented many times (Rosenberger 1992; Hendry 2003). Commentators sometimes stress the strict division within a specific circumstance between places, people and situations into either the inside or the outside class. Others, such as Doi (1978); Hendry (2003) stress the fluid nature of these boundaries, with Hendry particularly stressing the development of such awareness as a significant factor in parental and teacher interaction with children in Japan. The connection between concepts of physical privacy and informational privacy is clearly signified by the Japanese social use of terms denoting places (inside and outside) to refer to social order (us and them).

We present in Fig. 2 a more detailed model than many do, to stress the existence of self *watashi* within, but not wholly synonymous with, family (*miuchi*) and the existence of the *uchi* group beyond the family, which is one of the distinctive factors of Japanese collective concepts compared to the family-defined Indian collective (Sinha *et al.* 2004). The existence of a liminal zone between *uchi* and *soto* is almost universally described but rarely included in diagrammatic representations. Since our argument relies expressly on the relative nature of the *uchi/soto* border, we explicitly

include the liminal zone. Finally, many descriptions of the *uchi*/*soto* model ignore the distinction between *soto* (regularly encountered external people) and *tanin* (the outsider rarely or never directly encountered). Again, our conceptions depend significantly on the difference in attitudes towards *soto* and *tanin*, and the blurring of the difference between them created by networked information processing in recent years.

In terms of information privacy, however, the clear division of *uchi* and *soto* in specific circumstances is less of interest than the shifting of the boundaries depending on changing circumstances. The separation between *uchi* and *soto* is not a fixed measure but a sense of the relative psychological distance between people. In addition, there are two closer inner cores and a wider `outer darkness' relevant to considerations of information privacy. The inner cores are the individual self 私/*watashi* (I) and the close family 身内/*miuchi* (which may include those who are not blood relatives such as spouses but also close personal friends without formal/legal relationships but who may be closer than those with legal or blood ties). The outer darkness consists of those who can never be inside. Such people are dangerous and to be treated with courtesy and respect (see *tatemae* communication below in Fig. 3 and elsewhere). These people are 他人/*tanin* (The Other), also referred to as 無縁の人/*muen no hito*. Unlike other societies where such concepts of the other exists, to the Japanese such *tanin* may receive significant private information, due to the lack of continuing contact depriving such revelations of their danger. As we present below in section 7, the advent of networked information processing has caused a re-evaluation by Japanese people of the safety of such revelations to *tanin*.

When we consider the Japanese attitudes to information privacy, we see that the inner core of self has different, but equally strong, needs to keep certain information private from even those closest to it, compared to those in the West. While the exact nature of the information kept `close to the chest' may differ, the desire, indeed the social and psychological necessity, for information privacy, is just as strong. Similarly, the further away we move from the self, the less information is revealed. To those in the *uchi*/*soto* liminal zone, i.e. those who are sometimes *uchi* and sometimes *soto*, less information is revealed than to those always within the *uchi* zone. Of course this static two dimensional representation does not include the dimension of the types of information. Some information is only given to people in a particular circumstance and never to others, even those within the *miuchi* group. This may include privileged groups such as doctors and lawyers, who regularly receive confidences and whose relations with clients/patients are strictly governed by professional ethics, in Japan no less than elsewhere.

Linguistically, the border between the *uchi* and *soto* zones in terms of information flow is demonstrated in that *uchi* (内) is the first kanji character and sound in words such as 内輪話/*uchiwabanashi* (insider's discussion). The same kanji character (though using the Chinese-derived pronunciation *nai* rather than the Japanese-derived *uchi*) is also the first part of words such as 内緒/*naisho* (secret) and 内密/*naimitsu* (privacy; secrecy).

3.3 Doi on The Anatomy of Self

Doi (1978, 1985) produced two seminal books on Japanese psychology. In the second of these, he presents another two highly relevant dual pairs of concepts. Intertwined

with the layers of *uchi*/*soto*, Japanese social interactions depend on: 本音/*honne* and 立前/*tatemae* (*tatemae* can also be written 建前) meaning true speech and sales talk respectively; 裏/*ura* and 表/*omote*, meaning rear and front respectively. Doi (1985) focussed primarily on *ura*/*omote* (the Japanese title of Doi (1985) is simply 裏と表 — *ura* and *omote*). *Omote* is the identity or personality presented by *tatemae* speech to *soto* individuals, while *ura* is the identity or personality presented by *honne* speech to *uchi* individuals.

Doi's analysis includes a reinforcement of the idea that the Japanese have always had a strong, though different to the West, concept of the role of the individual in society (Doi 1985, p. 56):

> Just as *honne* exists behind *tatemae*, the individual, in principle, exists in and under the shelter of the group. It is undeniable, of course, that the Japanese consciousness of the individual has been greatly strengthened under the influence of postwar American individualism. But even the most casual reading of Japanese literature will reveal that there was an acute consciousness of the self as individual long before the postwar period — even before the age of Westernisation that began with the Meiji Restoration in 1868.

Further on, Doi links ideas of *tatemae* and *honne* directly to the concept of information privacy (Doi 1985, p. 81):

> personal privacy is privacy only when it is protected by public institutions. Without institutions, privacy, no matter how much it expands, is actually being exposed to the outside and, ultimately, invaded.

3.4 Three Pairs: *uchi-soto*; *honne-tatemae*; *ura-omote*

So, in understanding the revelation of information, and the consequent use of information, by the Japanese, we have three pairs of concepts which are strongly linked in their expression in social situations.

family; co-workers; in-group; inside	*uchi*	*soto*	known others; out-group; outside
reality; truth; honesty	*honne*	*tatemae*	sales talk; mask; dissembling
behind the mask; inner; real rear	*ura*	*omote*	mask; outer; falsity front

Thus, while in the presence of only those in one's *uchi* group the *ura* situation will be discussed using *honne* speech, while in the presence of those in a *soto* group only the *omote* situation can be discussed using *tatemae* speech.

4 The Insular Collective Society

Japan is a collectivist society, where the needs and interests of the group are generally more important than the needs and interests of the individuals which comprise that group (Hendry 2003; Benedict 1946). The particular form of Japanese collectivism is sometimes referred to as groupism (Haitani 1990), referring to the limited nature

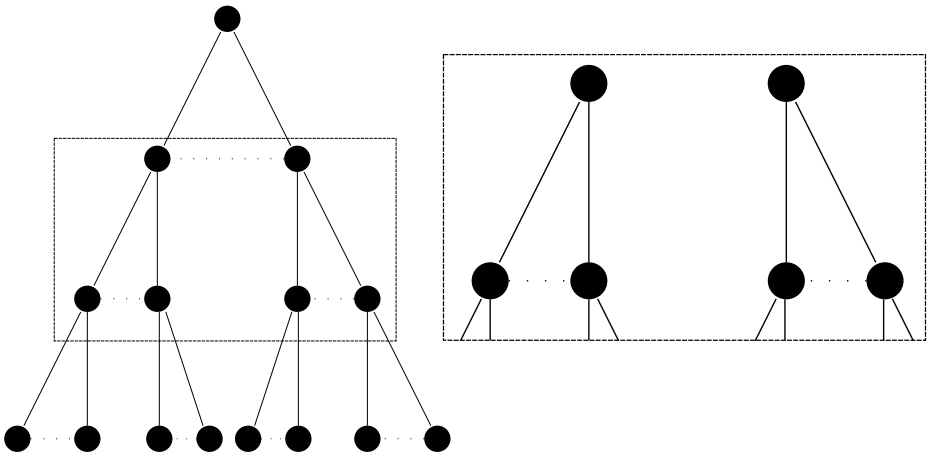

Fig. 3 Insular Collectivism

of the collective whose benefits override those of individuals, as opposed to universal collectivism where it is the whole society's good which is paramount. Groupism can take a number of forms, such as the family-oriented collectivism seen in Indian society, where blood relations are the principally decider of group affiliation (Sinha *et al.* 2004). The Japanese form of groupism forms hierarchies based on strong vertical personal relations with superiors and subordinates, weak horizontal relationships with fellow subordinates of a common superior, and very weak ties to other members of the organisation. Our term for this is *insular collectivism* in order to stress the divisions within the society as well as the linkages.

Following the *Verticality Principle* of Nakane (1970), we can see in Fig. 3 that in a hierarchical organisation with very weak horizontal links, that when one discounts (by removal from the hierarchy or simply by absence) the pinnacle of the hierarchy, that the remaining segments split into unconnected islands (Hendry 2003, p. 118). The strong identification of the individual with the group in Japanese society, expressed principally in terms of vertical relationships up and down, suppressing horizontal links (at least partly by how much information about the self is revealed, as we discuss below) leads to a fragmentation of society into competing islands. This effects individual enterprizes as much as society as a whole, with the strength of an organisation decided by the strength of the weakest vertical links. Thus, although in the abstract the Japanese think of themselves as one people under the pinnacle of the emperor, the weak vertical links between emperor and government, and between government and companies, leads to a highly competitive marketplace between the organisational islands. Only where the choice is between external (*tanin*) relationships and Japanese relationships does the sense of `being Japanese' reduce the competitive element, and lead to a closing of ranks.

4.1 Insular Collectivism in Politics

An example of the insular collective organising principle of Japanese society can be seen in the activities of Japanese political parties. As with the UK and the US, for

much of the post-war period Japan's elected legislature was dominated by a small number of parties each of which comprised broader coalitions. The fragile nature of these coalitions, built up of a number of vertical islands and held together by links between the apex of each island and a current leader, is demonstrated when such a leader is removed from the scene. As Hendry (2003, p. 219--222) describes, the traditional left/right coalitions in Japanese politics were disrupted by the economic turmoil of the 1990s and during this time the breakdown of relations between a Prime Minister and senior figures in the same party led to a number of party segmentations rather than the emergence of new coalition leaders within the existing party. This pattern is demonstrated by the formation in the early nineties of multiple new parties, principally as fragments of the formerly electorally dominant LDP, where financial and sexual scandals causing the resignation of successive prime ministers and LDP party leaders caused successive breaks in the party structure (Hendry 2003). A similar breakdown in relations between the head of the Shisuikai/Kamei faction of the LDP and the then-prime minister Junichiro Koizumi in 2005 was instrumental in bringing down his administration and causing a snap election which the separated faction contested as a new party, the 国民新党/*Kokumin Shintō* (People's New Party), as did two other new parties splintering from the LDP (新党日本/*Shintō Nippon* [New Party Nippon]; 新党大地/*Shintō Daichi* [New Party Daichi]), none of whom have enjoyed more than minimal electoral success since. The vertical relationships that characterise a Japanese organisation make such splits more likely since the subordinates in an organisation have a transitive vertical connection only to the apex of their pyramid, and very weak horizontal or diagonal links.

4.2 Insular Collective Language

The strength of the insular collective awareness in Japanese society is reflected in the care with which language forms are used. Humble forms are used about oneself and one's *uchi* group when talking to a person from a *soto* group. Honorific forms are used to refer to the members of the *soto* group when talking to them. Finely honed communication standards dictate the levels of formal/plain and honorific/humble terminology depending on to whom one is speaking, about whom one is speaking, and the relative status (both within hierarchies and in respect of position in the *uchi*/*soto* embedded sets shown in Fig. 2).

It is not only the form of the speech that changes with respect to group membership, however, but its content as well. As described above, in speaking to members of one's *uchi* group one uses *honne* (true) speech, but when speaking to members of a *soto* group one uses *tatemae* (sales, courteous, false) speech. Particularly in business settings, these differences are expected and `allowed for' in understanding the meaning of another's speech. Part of the well-known Japanese habit of starting small and building a business relationships up over time (developing confidence to overcome the lack of trust and trustworthiness in Japanese business as described in Yamagishi & Yamagishi (1994)) is in developing a sufficient horizontal relationship between members of different collective islands. This allows *honne* speech, or at least a suitable level of understanding of the other's *tatemae* speech such that *honne* communication happens even where only *tatemae* speech is actually spoken. This element of communication is illustrated in Fig. 4.

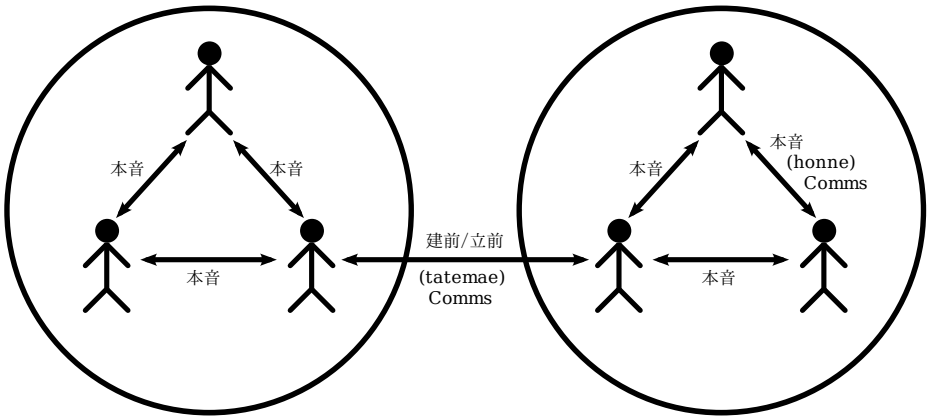

Fig. 4 Insular Collective Communication

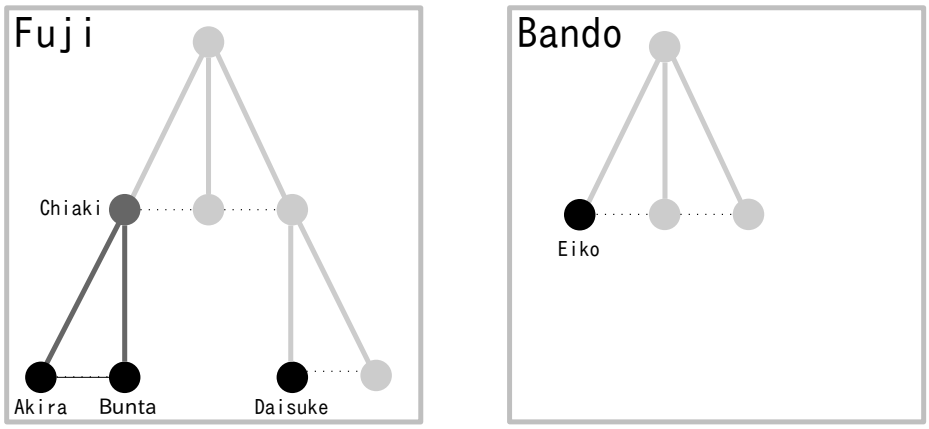

Fig. 5 Sales Meeting Attendees

4.3 Example of Insular Collective Communication

To illustrate how both the *uchi-soto* liminal zone operates and when and on what subjects the changes between *honne* and *tatemae* speech occur in practice, consider the example of a sales meeting between staff of Company Fuji and Company Bando (see Fig. 5). Akira and Bunta are members of Company Fuji's technical department reporting to Chiaki. Daisuke is a member of Company Fuji's finance department. Eiko is a member of Company Bando's sales team. Akira, Bunta, Daisuke and Eiko will attend the meeting.

Akira and Bunta arrive first in the meeting room. As they are both members of a single department they are within an *uchi* group and their discussion is *honne* (honest) and includes discussion about their technical departments problems and the need for the software offered by Company Bando. They use informal language and refer to each other and their teammates without either humble or honorific words. They refer to Chiaki, their mutual manager, using honorific terms.

Next, Daisuke arrives at the meeting. Although still a member of Company Fuji, Daisuke is from a different section of the company. Hence at the point where only Akira, Bunta and Daisuke are present, Akira and Bunta are one *uchi* group and Daisuke is, to them, *soto*, and the content and style of the conversation shifts. Instead of being honest about their internal department's issues, Akira and Bunta use *tatemae* speech regarding matters internal to the technical department although more general matters regarding Company Fuji may be discussed in *honne* terms. The speech level becomes more formal, and when Akira and Bunta refer to Chiaki they now use humble forms (as they do of themselves and the rest of the technical department). Akira and Bunta refer to Daisuke and his superiors using honorific terms. Daisuke reciprocates by using humble forms for himself and his department, including his boss, and honorific forms for Akira, Bunta and Chiaki. If referring to the president of Company Fuji they all use honorific terms since the president is an indirect superior of everyone present.

Finally, Eiko arrives in the meeting. Since Eiko is from a separate organisation, Akira, Bunta and Daisuke now form an *uchi* group with Eiko in the *soto* zone. Everyone uses formal language. Akira, Bunta and Daisuke refer to all members of Company Fuji using humble forms, even their company president, due to the presence of the *soto* member Eiko. Akira, Bunta and Daisuke use honorific terms to refer to Eiko and all members of Company Bando. Eiko mirrors this, using formal language forms, referring to members of Company Fuji with honorifics and Company Bando with humble forms.

So, we see that Akira and Bunta form an *uchi* group. Daisuke is within their *uchi-soto* liminal zone: in some ways and at some times *uchi* and in other ways and at other times *soto*. Eiko is clearly *soto* to the *uchi* grouping of Akira, Bunta and Daisuke.

4.4 Acceptable Lies

This allowance for, indeed acceptance of the necessity of, a lack of total openness in communication is reflected in the social meaning of the Japanese word 嘘/*uso* (lie) which lacks the significant negative connotation of the word in English (and in Anglophone societies), e.g. (Kodansha International Ltd 1999):

うそ 嘘　　lie, falsehood (Japanese is not as insulting as English lie.)

4.5 Medical Conditions and Shame

Although medical conditions are shared with superiors and in a limited way with subordinates, this is only for physical health issues that are subject to solution. Conditions producing permanent physical disabilities such as deterioration of eyesight beyond what is relatively easily corrected with spectacles, have typically been considered highly private and even possibly shameful. Similarly, mental health conditions are treated as a significant source of shame in Japan (Munakata 1986). So, while temporary physical conditions may be discussed with a broader circle than in other cultures, permanent physical disability and mental health problems are mostly taboo subjects, and hence one of those pieces of information which is strongly held by the Japanese to be private.

5 Networked Processing of Personal Data

As in the West, the mass of the population of Japan has only begun to operate on a national scale within living memory. Before the advent of networked computer systems able to process personal details, including names and address, most people's interactions with organisations was on an anonymous level. As discussed in Adams *et al.* (2009, section 2), the difficulties of processing kanji characters in Japan inhibited the processing of personal data in interoperable systems until the 1990s. Even so, a law governing government agency use of personal data was passed in 1988. The lack of a similar law covering non-governmental bodies until 2003 was not because the Japanese do not have a sense of information privacy, but simply because the use of data by non-governmental organisations did not appear to be sufficient to enter the public consciousness until the late nineties.

There is a clear public concern about information privacy in Japan, as shown by the regular reports of `data leakages' in the newspapers.

-- Mainichi Daily News July 20, 2007
MPD to sack police officer over leak of files through file-sharing program Winny
-- Daily Yomiuri July 13, 2007
Govt eyes punishment for data leaks
-- Asahi Shimbun July 15, 2007
Data leaks included sex crime details
-- The Japan Times February 24, 2006
Confidential MSDF info leaked on Internet via Winny

Until there was evidence that organisations with whom Japanese people did not have regular direct personal contact were misusing or being careless with data which could present them with difficulties, Japanese people tended to regard the data collected as `just data' and not actually connected to the individual. This is re-inforced by the belief that the activities of *tanin* do not concern one — they are by definition unconnected. There has always been, however, a suspicion of the knowledge of those within *soto* groups. Before the information age, this was dealt with by using *tatemae* speech. In the modern world, however, even the Japanese have been forced to become more individual and yet more connected (with broader but weaker connections). Each individual now has data links with a huge variety of organisations. Since the individual has connections with these organisations (local government, tax offices, banks, insurance companies, online stores, telecoms providers…) they move in from the realm of *tanin* to the realm of *soto* and the individual becomes worried about the lack of trust they have in such organisations. Historically, when individuals gained knowledge about others through overhearing it, they were expected to follow the *as-if* tradition defined above. Urbanisation in Japan did not undermine the original *as-if* expectations, upheld by the strong social norms insisting on *honne-tatemae* distinctions. The creation of data doubles, and the ease with which information may now be transmitted between *soto* entities (and the requirement to deal with such entities) has led to a rapid awakening amongst the Japanese that social norms are no longer sufficient to regulate the protection of information privacy.

5.1 Surveillance-Oriented Society

Ogura (2006) presents the concepts of information privacy and data protection as assuming new meanings with the advent of a surveillance-oriented society, enabled by the technologies of the information age:

> As a precondition, the traditional term of `privacy rights' means that something one does not want anybody to know about is completely separate from something one does not care to be known. But surveillance in a computer network is not able to separate these from each other. Rather, the creation of avoidance technology in ICT enables the government and private corporations to undermine the detachment between the former and the latter. Therefore, the social consensus of privacy rights as commonsense among ordinary people has been degraded.

This degradation of the consensus is more pronounced in Japan than elsewhere because the culture and particularly the language reflected such a strong awareness of the social norms involved. Thus we have seen a swift emergence of pressure to find a new way of enforcing an updated version of the old social norms, following the equally swift degradation of the utility of these social norms as an enforcement mechanism. The speed with which Japanese society has moved from reliance on social norms to the development of legal protection for information privacy demonstrates just how strong the Japanese sense of information privacy is, despite an acceptance of a broader, but still limited, distribution of some personal information.

6 The Japanese Constitutional Right to Privacy

Neither the Meiji constitution and its militaristic adjustments, nor the constitution adopted under US occupation, contains an explicit right to privacy in general. However, the Meiji constitution does embody a right to communication privacy, an important element of information privacy.

These two seminal rights to physical and communication privacy were embodied in the 1889 Meiji constitution of Japan, as articles 25 and 26, part of Chapter II. Rights and Duties of Subjects:

> Article 25. Except in the cases provided for in the law, the house of no Japanese subject shall be entered or searched without his consent.
> Article 26. Except in the cases mentioned in the law, the secrecy of the letters of every Japanese subject shall remain inviolate.

Some translations use the word privacy instead of secrecy in Article 26. The original Japanese word is 秘密/*himitsu* meaning secret or secrecy.

Most other declarations of rights such as the US Constitution/Bill of Rights or the UN's Universal Declaration of Human Rights do not contain explicit rights of general privacy. The right to privacy has been derived from the general tenets of the US constitution, and from various elements in the US Bill of Rights. The UN declaration (and similar documents since, such as the European Convention on Human Rights and the EU's Charter of Fundamental Rights) include an individual's right to private and family life, but a restrictive reading of this produces only the right to an unsurveilled home space, not to informational privacy in general.

Similarly, although the current Japanese constitution, originally adopted in 1946 under US occupation, does not include an explicit general right to privacy, it does

include a balance of respect for individual freedom with the needs of society in Article 13, (Hata & Nakagawa 1997, pp. 118--119)

> All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.

as well as a guarantee of secrecy of all types of communication, linked in this case to an article banning censorship and guaranteeing freedom of expression:

> Article 21. Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed. 2) No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

Starting in 1964, various elements of the information privacy rights recognised elsewhere have been adjudicated as deriving from Article 13 of the Japanese Constitution. We give here some of the seminal cases.

In 1961 a book called 宴のあと (*Utage no ato*/ After the Banquet) by Yukio Mishima was published. The book's story of the relationship between a restaurateur and a politician was clearly based upon the relationship between Hachiro Arita and his then-ex-wife. His ex-wife had been approached for permission for the book, but he had not been consulted. Arita sued the publishers on the grounds of invasion of privacy. In the 1964 final decision, the District Court of Tokyo reified a right to privacy based on an interpretation of Article 13. The judgement states that disclosure of private information to the public constitute an actionable invasion of privacy, and that even public figures such as politicians retain a right to a `family and private life' free from mass revelation of matters outside those things for which it is in the public interest (not just the interest of the public) to be known. (東京地方　昭三六(ワ)第一八八二号; Tokyo District Court, 1961 (Showa 36), (Wa) No. 1882.)

In 1965, students of Ritsumeikan University in Kyoto staged a protest march without adequate permits. During the demonstration a policeman took photographs of students involved directly in the demonstration or gathered around it. In such circumstances it can be difficult to distinguish between protesters and onlookers. Despite protests by one of the students about the pictures being taken, explicitly establishing the lack of consent of at least one of those photographed, the policeman continued. In the 1969 final judgement on the case, the Grand Bench of the Supreme Court ruled against the claims of the protesters to an invasion of privacy because of the lack of a warrant or permission. However, although the court ruled that the lack of adequate permits for the demonstration provided sufficient cause for the taking of photographs of possible offenders, the court made clear that this was an exception to a more general rule of photographic privacy (sometimes referred to in Japan as the `portrait right' of photography) providing a requirement for permission, a warrant or sufficient probable cause for photographs which specifically focus on an individual. (昭和四〇年(ア)第一一八七号 同四四年一二月二四日大法廷判決: 1965 (Showa 40), (A) No. 1187. 24th December 1969 (Showa 44), Grand Bench of the Supreme Court Adjudication.) This has interesting parallels with both the original trigger for Warren and Brandeis' initial article on the right to privacy (Warren & Brandeis 1890), and with the UK ICO's interpretation of the limits of personal data subsisting in CCTV footage following the ruling of the UK's Court of Appeal ruling [Durant v FSA (2003) EWCA Civ 1746].

In 1981, the office of the Kyoto city government released the criminal record of a local citizen in response to an enquiry from an attorney. Itoh (who as an academic had commented extensively on the *After the Banquet* case) was one of the Supreme Court judges by this point and commented that `personal information which the subject does not wish to be known to others should receive the protection of the courts for the sake of their privacy' Thus the principle of spent convictions and the private nature of criminal records were added to Japanese jurisprudence. (昭和五二年(オ)第三二三号 同五六年四月一四日最高裁第三小法廷判決; 1977 (Showa 52), (O) No. 323 14th April 1981 (Showa 56), Third Petty Bench of the Supreme Court Adjudication.)

The final 1984 judgement of a case initially brought in 1976 embodied the principle of correction into Japanese data protection jurisprudence. A Japanese citizen of Taiwanese origin petitioned the court in 1976 to force the relevant ministry to amend their war record on him from `deserter' to `honourably discharged'. The plaintiff was born in Taiwan under Japanese rule and worked for the Japanese during World War II as a translator of intercepted Chinese communications. As China approached occupation of Taiwan, he requested and received permission of his commanding officer to leave his military base and travel to mainland Japan via the Taiwanese capital, due to his fear of being executed as a spy by the Chinese. The officer gave such permission, but all personnel not recorded as present at their posts on occupation were listed as deserters. In 東京地裁　昭和五七年(ワ)第三号; Tokyo District Court, 1982 (Showa 57), (Wa) No. 3, the judgement went against the plaintiff on the legal interpretation that the relevant officer did not have authority to grant permission for the plaintiff to leave their post. The court ruled that the plaintiff had the right to amendment of the record if that record was incorrect. Thus, although ruling against the plaintiff on the grounds that the record was correct, the court introduced to Japan the principle that erroneous data held by the government that causes significant damage to the data subject should be amended.

In 2002, another `faction' (fictionalisation of factual events) case provided further strength to the right to privacy in Japan. A court ordered the prohibition of publication of the novel 石に泳ぐ魚 (*Ishi ni Oyogu Sakana*/The Fish Swimming in the Stone) by Miri Yu because of the unflattering representation of the fictionalised version of an acquaintance of the author which the courts decided would produce significant mental anguish and irrevocable damage on distribution of the book. (最高裁判所第三小法廷 平成一三年(オ)第八五一号; Third Petty Bench of the Supreme Court, 2001 (Heisei 13), (O) No. 851.) These guidelines on irrevocable damage being a requirement for prohibition of publication were reinforced by the final decision in the 2004 case of Tachibana Tanaka, the daughter of the politician Makiko Tanaka. An initial judgement stopped distribution of a magazine including an article about the divorce of Tachibana, ignoring claims from the publisher (Bungei Shunju) that the possible political ambitions of Tachibana (many of whose family have been politicians) removed her right to privacy in this regard. The injunction was eventually lifted on the grounds that the article would not produce irrevocable damage.

6.1 *Jukinet* and Japanese Awareness of Networked Processing

The awareness of the average Japanese person of the ease with which networked computer systems distribute and combine personal data was significantly broadened during the public debate surrounding the introduction of a new national registration

scheme. This system is a distributed network of local authority maintained databases, officially called 住民基本台帳ネットワーク/*jumin kihon daichō* network, meaning Basic Residents' Registration Network. The unwieldy name was quickly shortened to 住基ネット/*jukinet*. We cover the development of *jukinet* and its strong influence on the development of the recent Japanese data protection legislation in detail in Adams *et al.* (2009).

During a campaign against the launch of the pilot *jukinet* systems in 2002 the Japanese newspaper Asahi Shimbun sponsored an opinion poll which showed that three quarters of the population appeared to have doubts about the introduction of the system, citing concerns over the privacy implications and lack of assurances about the security of the system (住基ネット「延期を」 76% 朝日新聞世論調査/76% desire `postponement' of operation of the Juki Net — Asahi Shimbun Opinion Poll; Asahi Shimbun, morning edition, 22 July 2002). Public opinion had been informed by the debate in the press lasting for more than three years (the legislation to create *jukinet* was passed in 1999), raising public awareness of the security risks of a single national database system containing the names, address and various other details of all 120 million citizens and long term residents of Japan.

The enactment of new data protection laws, covering for the first time not only governmental use of data but also use by private corporations, in 2003, was a direct result of debate around the deployment of *jukinet* (Adams *et al.* 2009). The move to a regime at least apparently and on paper within the requirements of the `European Union Arena' as defined by Bennett & Raab (2006, p. 93) demonstrates a strong awareness of the importance of information privacy in the information society, while our analysis of the sociological and psychological literature on Japanese social information exchange demonstrates a rich set of social norms comprising the Japanese sense of information privacy, of which these new laws are simply the latest expression.

In 2008 various challenges to the constitutionality of the Juki-net with conflicting initial and appeal decisions were decided by the Supreme Court of Japan (最高裁判所第一小法廷 平成一九(オ)第四〇三; First Petty Bench of the Supreme Court, 2007 (Heisei 19), (O) No. 403 www.courts.go.jp/hanrei/pdf/20080306142412.pdf), with the judgement that the proposed registration system was legal despite claims that its significantly flawed security systems and legal requirement to register violated the constitutional right to privacy.

7 The Japanese Sense of Information Privacy

According to Yamagishi (2003); Yamagishi & Yamagishi (1994) the insular collective model of Japanese society reduces trusting behaviour because the privileging of the interests of the insular mean that in a prisoner's dilemma type of situation, expectations of betrayal by members of the *soto* group ensure mutual defection. Only by regular contact requiring a low level of trust, but sufficient to generate enough understanding to allow confidence, do the Japanese come to regard others as members of some level of *uchi* group (very close contact and probably some form of institutional bond is necessary for inclusion in the central *uchi* group or the *miuchi* group) within the *uchi*/*soto* liminal zone (Fig. 2).

The general Japanese focus on harmony (shared in common with a number of other oriental nations) is expressed in both *tatemae*/surface and *honne*/honest inter-

actions. *Tatemae* speech itself is also a means of maintaining the illusion of harmony by avoiding open disagreement while at the same time not actually agreeing about disputed subjects. *Uchi* group interactions are more complex, but still provide evidence of a strong sense of information privacy in the Japanese social structure.

The pressure not to disrupt the harmony of the *uchi* group by revealing opinions contrary to agreed policy is very strong in Japanese society, though not unique to it. The UK's political concept of collective cabinet responsibility,[3] whereby members of the executive branch of the UK government (drawn almost exclusively from members of the legislature) are constrained not to disagree (by statement or vote in the legislature) with stated policy, is an example of similar social constructs in operation elsewhere. The details of collective cabinet responsibility are defined in the UK's Ministerial Code (www.cabinetoffice.gov.uk/media/cabinetoffice/propriety_and_ethics/assets/ministerial_code_current.pdf) in sections 2.3--2.5 which includes the statement:

> Decisions reached by the Cabinet or Ministerial Committees are binding on all members of the Government. They are, however, normally announced and explained as the decision of the minister concerned.

This idea of the maintenance of harmony ties in closely with the concept of *stigma* defined by Goffman (1968), as adapted by Jenkins (2004, emphasis added) explicitly linking it to the idea of information privacy:

> We are all disreputable in some respects, and the *information management skills required to control who knows* about them, and to what degree, are routine items in our interactional repertoires.

The psychological pressure of containing frustration, disagreement and other individual emotional and intellectual deviations from the norm of a group require outlet somehow. In Western cultures expression of such individual opinions is accepted within the group. In Japan, once a consensus has been reached, however, or where frustration is with policy of a large group such as a company, such frustrations are rarely allowed expression in formal settings. Even allowing for the early and continuing socialisation of Japanese children into sacrificing individual desires for those of the group (Hendry 2003, Ch. 3,5), these pressures require an outlet. Such an outlet is provided for permanent employees in the `after five' drinks sessions (still called `after five' although the long hours culture has penetrated Japanese offices as much as, if not more than, elsewhere). Although somewhat reduced by a greater emphasis on fathers' involvement with their children on a day to day basis (Hendry 2003, p. 169), the after hours socialising, involving significant alcohol consumption, is still a significant part of the regular work pattern in most office jobs in Japan. During these sessions, the strict order of precedence between superior and subordinate is broken, allowing subordinates greater freedom of speech than within the office (Nakane 1970, p. 125). There are three ways in which information revealed during such sessions in *liminal zones* may be treated by the rest of the group:

The *As-if* Tradition. Expressions of dissatisfaction or individual disagreement can be treated as `blowing off steam' and everyone acts *as if* it was never said.

[3] See www.cabinetoffice.gov.uk/secretariats/cabinet_committee_business/general_guide/cabinet_committees/collective_responsibility.aspx for the UK Cabinet Office's own basic definition of the principle.

As mentioned above, this as-if tradition is thought to derive from traditional Japanese architecture where internal walls were precisely paper thin and translucent not transparent so that one never knew who might be listening and to preserve harmony many acted as though they did not have information they had overheard as opposed to having been given directly.

Information from Nowhere. Information may be `taken on board' although the origin and/or manner of transmission from the liminal zone may be ignored back in the formal environment. This enables unreasonable or unworkable deadlines or working practices to be revised by a manager as though on their own initiative, although all members of the team may be aware that the concerns were raised by one or more team members at the after five session.

The Impossible Expression. Things may be said which would be impossible in a formal setting because of specific protocol, such as criticism of the manager, and acknowledged and acted upon as though they had been raised formally, even though this was technically impossible.

The expectation that organisations would honour the *as-if* tradition of discounting known information (such as that necessarily collected in dealing with customers) was suggested by two of the authors in Orito & Murata (2005) as a significant psychological cause of the lack of demand for data protection laws in Japan before 2000.

The dependence of interpersonal relations (especially the highly important vertical relationships) in Japanese society on the exchange of personal information not only does not detract from the Japanese sense of information privacy it defines it as a strong one. Personal information is revealed on the basis of trust that it will be filtered and some of it passed on to known others within a short transitive span of relationships, but then disseminated no further.

8 Conclusion

Despite claims from Benedict (1946), Itoh (1964) and others, the Japanese sense of information privacy is a solid part of traditional Japanese culture, gradually updating itself, as do all parts of culture, due to the pressures of technological change and other factors. Although the exact boundaries of what information may be passed to whom under which circumstances differ from other cultures, the Japanese are not uniquely possessed of a lack of a sense of information privacy. This sense depends, as it does in other cultures, on the conception of self and one's place in society. Social norms exist to provide sufficient privacy, real or perceived, for individual sanity and social cohesion. In Japan, these social norms included a lack of concern over information held by those outside regular contact (the *tanin*) and the *as-if* tradition which is part of the wider *honne/tatemae* communication approach. The development of networked information processing combined with commercial turmoil in the 1990s produced a seismic shift demonstrating that social norms were no longer sufficient to regulate commercial use of personal data, and forcing the adoption of increased regulation of government handling of personal data and the first legal regulation of non-governmental handling. These were not sudden moves, however, as the jurisprudential and constitutional records demonstrate a slowly growing awareness of the need for legal protection for information privacy. The full ramifications of the adoption of data protection laws have yet to be played out, and the regulatory apparatus

is still in its infancy. It is clear that the Japanese have had and retain as strong a sense of information privacy as citizens in other industrialized nations, while its expression in social norms and laws remain similar in scope but significantly different in detail, to those elsewhere, as shown by the cases involving factional novels such as *After the Banquet* and *The Fish Swimming in the Stone*.

References

Adams, A. A., Murata, K. & Orito, Y. 2009. *The Development of Japanese Data Protection.* In Preparation.

Aoyagi, T. 2006. サイバー監視社会*/Saibā Kanshi Shakai/Cyber-Surveillance Society.* Tokyo: 電気通信振興会/Denkitsushin Shinko-Kai. In Japanese.

Benedict, R 1946. *The Chrysanthemum and the Sword: Patterns of Japanese Culture.* Boston, MA: Houghton Mifflin.

Bennett, C.J. & Raab, C. D. 2006. *The Governance of Privacy.* Cambridge, MA: MIT Press.

Bradshaw, C.J. 1967. Issues in the `After the Banquet' Decision. *Law in Japan* **1**, 141. Translation of Itoh (1964).

Doi, T. 1978. *The Anatomy of Dependence.* Tokyo: Kodansha International.

Doi, T. 1985. *The Anatomy of Self.* Tokyo: Kodansha International.

Goffman, E. 1968. *Stigma: Notes on the Management of Spoiled Identity.* Harmondsworth: Pelican.

Haitani, K. 1990. The Paradox of Japan's Groupism: Threat to Future Competitiveness? *Asian survey*, **30**(3), 237--250.

Hata, H. & Nakagawa, G. 1997. *Constitutional Law of Japan.* The Hague: Kluwer Law International.

Hendry, J. 2003. *Understanding Japanese Society.* Oxford: Routledge.

Hoffman, E. 1989. *Lost in Translation.* New York, NY: E P Dutton.

Itoh, M. 1964. Issues in the `After the Banquet' Decision. *Jurist* **309**, 47--51. Translated as Bradshaw (1967).

Jenkins, R. 2004. *Social Identity.* London: Routledge.

Kodansha International Ltd (ed) 1999. *Kodansha's Furigana Japanese Dictionary.* Tokyo: Kodansha.

Kuwayama, T. 1992. The Reference Other Orientation. *In: Rosenberger (1992).* Chap. 7.

Lebra, T. S. & Lebra, W. P. (ed) 1986. *Japanese culture and behavior.* Honolulu, HI: University of Hawaii Press.

Lessig, L. 1999. *Code and Other Laws of Cyberspace.* New York, NY: Basic Books.

Lyon, D. (ed) 2006. *Theorizing Surveillance: The Panopticon and Beyond.* Cullompton: Willan.

Masuhara, Y. 1984. タテマエとホンネ*/Tatemae to Honne (Superficiality and Truth).* Tokyo: Kodansha. In Japanese.

Mizutani, M., Dorsey, J. & Moor, J. H. 2004. The internet and Japanese conception of privacy. *Ethics and Information Technology*, **6**, 121--128.

Munakata, T. 1986. Japanese attitudes toward mental illness and mental health care. *In: Lebra and Lebra (1986).* p. 369--378.

Murakami, Y. 2004. Privacy Issues in the Ubiquitous Information Society and Law in Japan. *Pages 5645--5650 of: Proceedings of the IEEE International Conference on Systems, Man and Cybernetics.* IEEE.

Murakami Wood, D., Lyon, D. & Abe, K. 2007. Surveillance in Urban Japan: A Critical Introduction. *Urban studies*, **44**(3), 551--568.

Nakane, C. 1970. *Japanese Society.* London: Penguin.

Ogura, T. 2001. 監視社会とプライバシー*/Kanshi Shakai to Puraibashi/Surveillance Society and Privacy.* Tokyo: インパクト出版会/Impact Shuppankai. In Japanese.

Ogura, T. 2003. 路上に自由を*/Rojō ni Jiyu wo/Freedom in the Streets!* Tokyo: インパクト出版会/Impact Shuppankai. In Japanese.

Ogura, T. 2005. グローバル化と監視警察国家への抵抗*/Gurōbaruka to Kanshi Keisatsu Kokka eno Teiko/Resistance against Globalisation and the Surveillance/Police state.* Tokyo: 樹花舎/Kinohanasha. In Japanese.

Ogura, T. 2006. Electronic Government and Surveillance-Oriented Society. *In: Lyon (2006)*. Chap. 13, pages 270--295.
Orito, Y. & Murata, K. 2005. *Privacy Protection in Japan: Cultural Influence on the Universal Value*. Electronic Proceedings of Ethicomp 2005.
Oyserman, D., Coon, H.M. & Kemmelmeier, M. 2002. Rethinking Individualism and Collectivism: Evaluation of Theoretical Assumptions and Meta-Analyses. *Psychological Bulletin*, **128**(1), 3--72.
Rosenberger, N. R. (ed) 1992. *Japanese Sense of Self*. Cambridge: Cambridge University Press.
Schwartz, F. J. & Pharr, S. J. (eds). 2003. *The State of Civil Society in Japan*. Cambridge: Cambridge University Press.
Sinha, J. B. P. and Sinha, T. N. and Verma, J. and Sinha, R. B. N. 2004. Collectivism coexisting with individualism: an Indian scenario. *Asian Journal of Social Psychology* **4**(2), 133--145.
Stockman, N. 2000. *Understanding Chinese Society*. Hoboken, NJ: Wiley.
Triandis, H. C., Bontempo, R., Villareal, M. J., Asai, M. & Lucca, N. 1998. Individualism and Collectivism: Cross-Cultural Perspectives on Self-Ingroup Relationships. *Journal of Personality and Social Psychology*, **54**(2), 323--338.
Warren, S. D., & Brandeis, L. D. 1890. The right to privacy. *Harvard Law Review*, **IV**(5), 193--220.
Yamagishi, T. 2003. Trust and Social Intelligence in Japan. *In: Schwartz & Pharr (2003)*. Chap. 13.
Yamagishi, T. & Yamagishi, M. 1994. Trust and Commitment in the United States and Japan. *Motivation and emotion*, **18**(2), 129--166.
Yuki, M. 2003. Intergroup Comparison versus Intragroup Relationships: A Cross-Cultural Examination of Social Identity Theory in North American and East Asian Cultural Contexts. *Social Psychology Quarterly*, **66**(2), 166--183.

A Glossary of Japanese

The Japanese words used in the text are given more formal definition here. Note that the definitions here are limited to their use in the paper, while their full linguistic usage may be broader. Order is alphabetic by phonetic spelling in roman letters.

秘密/*himitsu*: Secret; secrecy.
人/*hito*: Person; another person; someone else. Generalized reference others per Kuwayama (1992).
本音/*honne*: True feelings; real motivation. Opposite to 立前/建前/*tatemae* q.v.
自分/*jibun*: Self; oneself. The individual.
じゅうきネット/*jukinet*: Abbreviation for *jumin kihon daichō* q.v.
住民基本台帳ネットワーク/*jumin kihon daichō*: The Basic Residents' Registration Network. The network of databases supporting the Japanese ID Card, National ID Database and e-government system.
周り/*mawari*: Surroundings; vicinity. Immediate reference others per Kuwayama (1992).
身内/*miuchi*: Family or close social grouping.
無縁の人/*muen no hito*: See 他人/*tanin*.
内密/*naimitsu*: Secrecy; privacy.
内緒/*naisho*: A secret.
表/*omote*: Front; face; outdoors. External (figuratively). Opposite to 裏/*ura* q.v.
プライバシー/*puraibashii*: A `loan word' from the English `privacy'.
世間/*seken*: The world; society; the way the world is. Reference society per Kuwayama (1992).
外/*soto*: The outside, literally and figuratively. Opposite to 内/*uchi* q.v.
他人/*tanin*: The other. Outsider. People with whom one has no direct contact, or at least no recurring direct contact. `Passing strangers.' Equivalent to 無縁の人/*muen no hito*.
立前/建前/*tatemae*: Outwardly expressed feelings; stated motivation. See also 嘘/*uso*. Opposite to 本音/*honne* q.v.
内/*uchi*: The inside, literally and figuratively. Opposite to 外/*soto* q.v.
内輪話/*uchiwabanashi*: Private discussion; insider's discussion.
裏/*ura*: Back; rear. Internal (figuratively). Opposite to 表/*omote* q.v.
嘘/*uso*: Lie; falsehood. In Japanese, this is not as insulting as the English word `lie'.

私/*watashi*: (Also, and more formally, *watakushi*). One of multiple Japanese words/characters for `I'. Used by both men and women in formal but not humble circumstances. May also be used as an implicit plural `we', also referring to the speaker's family or close social group, but only where this is unambiguous.