

PROTECTION OF CELEBRITIES IN JAPAN:
CASE ANALYSIS OF DEFAMATION AND INVASION OF PRIVACY

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ABSTRACT

Media, celebrities and audience form a complicated relationship in Japan. Celebrities, famous and familiar persons, emerged because of the media and gained popularity through media exposure. However, there is a need to protect their reputations and privacy from prying media.

One way to protect their reputations and privacy is civil defamation and invasion of privacy litigation in Japan. With regard to defamation rules, there seems to be no distinction regardless of the status of celebrity plaintiffs such as politicians, managers, professionals and entertainers. Moreover, according to the rules, defendants are easily held to be liable. However, courts grant low amount of damages. A question arises why Japanese courts show ambivalent attitude. This paper offers a quantitative and qualitative analysis of courts' attitudes toward celebrities—whether courts consider their status and try to protect certain celebrities or not.

This paper analyzed ninety-two cases concerning defamation or invasion of privacy concerning celebrities in Japan decided from 1968 to 2008. The data were mainly gathered from an online legal database, Legal Base.

This research suggests that in defamation cases (seventy-eight cases), courts take into account the status of politicians when articles concern the suspicions of crime or their competence and not their private affairs. Courts are likely to hold that the defendants were not liable in cases of politicians. In cases brought by managers of big corporations, courts also tend to dismiss the claim, but the correlation is not so clear as politicians. In cases brought by famous professionals and entertainers, courts focus more on the content of defamatory statements.

This research also suggests how the invasion of privacy tort was used. Invasion of privacy overlapped with defamation claims so that the plaintiffs favor filing defamation claims. However, plaintiffs still use the invasion of privacy scheme in cases of intrusion and public disclosure of private facts that do not harm one's reputation. The invasion of privacy tort cases (twenty-two cases) were less frequently used than defamation cases.

In summary, this paper suggests that courts tend to deny the defamation liability of defendants when the articles concern the public affairs of politicians in order to enhance free debate. Also, courts tend to admit the defamation liability of defendants when the articles concern professionals and entertainers in order to protect their economic interests and reputations.