

Restrictions on the Use of Public Libraries in Japan: Developments from Recent Cases

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I. Introduction

This case paper examines the use of public libraries in Japan, the instances in which they could impose restrictions on users, and the measures they must take to do so. Because public libraries are important facilities that help guarantee citizens' right to know, careful consideration must be ensured when imposing restrictions on specific users. Meanwhile, recent years have seen several cases of strong restrictions in response to disruptive behavior in libraries, such as the indefinite suspension of use. For example, on August 20, 2019, the Chiyoda Public Library in Tokyo ordered an indefinite suspension of use for members who repeatedly violated the library's rules and clearly refused to follow instructions from staff.¹⁾ In addition, on November 18, 2019, the Toki City Library in Gifu Prefecture ordered a person to stop using the library for repeatedly behaving in a way that disturbed other users and staff after being reminded to improve their conduct.²⁾ Furthermore, on August 16, 2021, the Shunan Municipal Tokuyama-ekimae Library in Yamaguchi Prefecture imposed the same restrictions to a person who had verbally abused other library users and staff and who had not stopped doing so despite requests.³⁾ Public libraries continue to increase in number despite the declining population in Japan,⁴⁾ and library users' purposes are also changing beyond just reading books.⁵⁾ Hence, cases of violations and trouble in libraries as well as responses to such cases are expected to continue. This paper aims to provide suggestions for library practice based on recent court cases and administrative complaint

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1) Judgment of the Tokyo District Court, June 12, 2020.

2) Judgment of the Gifu District Court, July 21, 2021, Hanrei Chihō Jichi no. 492, p. 69; Judgment of the Nagoya High Court, January 27, 2022, Hanrei Chihō Jichi no. 492, p. 65.

3) As a review request from a library user to the mayor of Shunan City, *see* "ooyake no shisetsu wo riyō suru kenri ni kansuru shobun ni tsuite no shinsa seikyū ni taisuru saiketsu ni tsuite" <<https://www.city.shunan.lg.jp/uploaded/attachment/76656.pdf>> (last visited March 17, 2025).

4) According to the Social Education Survey by the Ministry of Education, Culture, Sports, Science and Technology, Japan had 742 libraries in 1955, 1,437 in 1981, 1,950 in 1990, 2,979 in 2005, and 3,394 in 2021 <https://www.mext.go.jp/b_menu/toukei/chousa02/shakai> (last visited March 17, 2025).

5) *See, e.g.*, Nihon no toshokan no ayumi: 1993–2017 (Trail on the Development of Japanese Libraries from 1993 through 2017), pp. 20–26 (Japan Library Association, 2021).

reviews related to restrictions on library use due to past behavior.

II. Recent Cases

There have only been a few cases of legal disputes over library use restrictions, but since around 2020, an increase has been observed in the number of cases where use restrictions have been challenged in lawsuits and administrative complaint reviews. The following section overviews several cases where restrictions on library use have developed into legal disputes and introduces the factual background and legal issues involved.

1. Court case: Chiyoda public library

In the case of the Chiyoda Public Library, user A repeatedly used audiovisual booths and Internet seats without permission and moved computer chairs for several months from June 22, 2019. The library often asked A to leave on the grounds that his actions had been causing trouble for other users and that he did not follow the instructions of staff members even after being warned. The library therefore issued a stern warning to A to follow the rules of use and warned that if he did not comply in the future, he would be banned from the library. User A made it clear that he did not intend to comply. Therefore, on August 20, 2019, the library staff informed A that “because you are unable to follow the instructions of the staff or the library’s usage rules, you are unable to maintain order in the library and are causing a nuisance to other users” and that “in accordance with the library usage rules, etc., you are banned from using the library indefinitely.” This ban was lifted on August 28, but because of A’s continuous violations of the same rules, library staff repeatedly asked him to leave or ordered him to do so. User A filed a lawsuit for state reparations, claiming that these measures by the library were illegal.

In this case, the library’s ordinance enforcement regulations clearly stipulate prohibited acts and restrictions on library use. Specifically, Article 8, paragraph 1, of the ordinance states that the library’s designated manager⁶⁾ may restrict or prohibit library use “when it is recognized as causing a nuisance to other users” (item 1). Article 12 of the ordinance enforcement regulations also requires library users to follow instructions of staff regarding library use and states that any other necessary matters for the library’s management and operation shall be stipulated separately. Therefore, the Chiyoda Public Library Regulations for Use forbid users from engaging in “actions that cause discomfort or inconvenience to others” within the library (Article 3, paragraph 1, item 8) and authorize the library director to restrict or prohibit the use of the library by violators. The regulations for use also state that users of audiovisual booths and Internet seats must apply in advance at the main

6) The Chiyoda Public Library adopted the designated manager system, with the library director serving as an employee of the designated manager.

counter, but A repeatedly used these seats without permission and was warned.

User A argued that the rule requiring users to apply before using the audiovisual booths and Internet seats in the library was invalid because it imposed obligations or restrictions on residents under Article 14, paragraph 2, of the Local Autonomy Act and therefore had to be stipulated in an ordinance or the regulations of the board of education that had been delegated to do so and that the regulations for use stipulated by the library director, who was the designated manager, were invalid. However, the Tokyo District Court ruled that the rules for using the audiovisual booths and Internet seats only set out the regulations for using the library and do not restrict residents' rights or impose obligations on them. Furthermore, the court ruled that the library's decision to ban A from using the library was not illegal under the State Redress Act as A had clearly demonstrated no intention to change his behavior despite repeated warnings from library staff and would continue to cause trouble for other users by repeating the same violations and that "it could be specifically and clearly predicted"⁷⁾ that administrative problems would arise at the library.⁸⁾

2. Court case: Toki city library

In the case of the Toki City Library, user B, a Toki City resident who used the library daily, was asked to stop behaving inappropriately in the library, which included borrowing items from the counter without permission and asking for references to test the abilities of library staff (notice 1).⁹⁾ However, because B did not improve his behavior even after receiving the notice, the library director and others notified him that if he did not stop his violations within two weeks of receiving the notice, or if he did not accept the staff's warnings, or if he repeated these behaviors two weeks after receiving the notice, he would be banned from using the library (notice 2).¹⁰⁾ Afterward, the library director and others informed B that he was prohibited from using the library on the grounds that he had not followed the instructions and directions in notices 1 and 2 and that he had started to engage

7) This expression is from the Judgment of the Supreme Court, March 15, 1996, Minshū vol. 50 no. 3, p. 549.

8) Judgment of the Tokyo District Court, June 12, 2020.

9) Notice 1 listed the following as problematic behaviors by user B: (1) borrowing items from the counter without permission; (2) asking for references to test the abilities of staff; (3) complaining about staff's response when B did not show his user card; (4) suddenly pulling on staff name tags; (5) filling out reservation cards on library books, which damages the books; (6) telling staff, "You only have to do what you're told," and (7) leaving reservation cards and other items on the counter without saying anything.

10) Notice 2 listed the following as problematic behaviors by user B: (1) interfering with or giving instructions on the library's collection management method, (2) requesting the release of a large number of items from the closed stacks, (3) issuing many release slips from the search machine, (4) securing a substantial number of items, (5) staying in the children's book section, (6) riding a library cart for a long time, (7) occupying counter space for long periods, (8) cutting in line at the counter, (9) making excessive demands of specific librarians or following them around, (10) ignoring staff warnings, (11) leaving materials or book storage slips without saying anything, not answering staff's questions, and displaying a high-handed attitude toward staff.

in new problematic behavior. User B filed a lawsuit seeking the revocation of the library ban and state reparations, claiming that the library ban and the library staff's response were illegal.

In contrast to the Chiyoda Public Library case, the ordinance in this case had no provisions regarding restrictions on library use. While the Toki City Library was established based on the Toki City Library Establishment Ordinance, it did not stipulate any usage restrictions for library users and stated that the necessary matters for the enforcement of the ordinance would be stipulated by the regulations of the board of education (Article 6 of the ordinance). Therefore, the board of education established the Toki City Library Management Regulations, in which Article 6 stipulates that if a user violates these regulations or does not follow the instructions of the library director, they may be prohibited from using the library's materials and facilities. It was on this article that the library based its prohibition of B from library use.

The Gifu District Court ruled that banning user B was illegal and partially accepted his claim for state compensation. According to the court's decision, the issue in this case was whether the board of education was allowed to impose a library use ban in the first place. On such basis, the court ruled that under the Local Autonomy Act, the library in question falls under the category of "public facility," which residents have the right to use unless a justifiable reason exists for denying them access (Local Autonomy Act Article 244, paragraph 2). If this is the case, to restrict the rights of local public body residents, a provision in the ordinance must be created in accordance with Article 14, paragraph 2, of the Local Autonomy Act; however, the Toki City Library Establishment Ordinance has no such provision and only delegates to board of education regulations. Nevertheless, since the ordinance only states that the necessary matters for its enforcement must be stipulated in board of education regulations, the wording of the ordinance in question does not clearly define the scope of delegation. Therefore, when interpreting the purpose of this ordinance, it clearly only delegates to the regulations of the board of education regarding basic matters of library management and administration. This also involves the board of education, which is responsible for managing the library and temporarily restricting the use of library materials or facilities based on individual circumstances for those who interfere with other people's use of the library or cause serious problems for library management and administration. However, since this library is a "public facility" and given that, in principle, anyone can use them free of charge (Local Autonomy Act Article 244, paragraph 2; Library Act Article 17) and that, unless the law contains a special provision, local public bodies must use ordinances to restrict such rights (Local Autonomy Act Article 14, paragraph 2), Article 6 of the regulations in question cannot be interpreted as a mandate that "allows for a total and indefinite ban on the use of library materials and facilities." Furthermore, because the freedom of users to use public libraries has constitutional significance, it is not possible to interpret user B's nuisance behavior as "justifiable reason" under Article 244, paragraph 2,

of the Local Autonomy Act and, from that, justify a total and indefinite ban on use.¹¹⁾

Meanwhile, the Nagoya High Court ruled that the library ban was legal and rejected user B's claim. Article 6 of the regulations that form the basis for the library ban was established under a mandate from the ordinance, and the library in question clearly falls under the category of "public facilities" (Local Autonomy Act Article 244, paragraph 2), and since the library cannot refuse use without "just cause," Article 6 is understood to embody such rules. In addition, the library in question is a public library established under the Library Act, and in light of the act's purpose, among others, the right to use public libraries is important for individual residents, so it is not permissible to restrict it unnecessarily. However, if patrons use the public library in a way that causes serious problems for its management and operation, the library may clearly need to restrict their use to a necessary and reasonable extent to achieve its purpose, and it is difficult to believe that the Library Act, among others, do not envisage such restrictions at all. Therefore, Article 6 of the regulations means that (1) the person in question "fails to comply with these regulations or the instructions of the library director," (2) there is a significant risk of serious disruption to the library's management and operation if that person is allowed to continue to use its facilities, and (3) that person's use may be prohibited to the extent necessary and reasonable to prevent the occurrence of such disruption. This way, Article 6 does not violate the Library Act, Local Autonomy Act, or other related laws and does not exceed the scope of delegation in Article 6 of the ordinance. Furthermore, although there is no specified period of prohibition of use (i.e., indefinite) in this case, this is not a sanction for a person's past actions but is rather carried out to prevent serious hindrances to the library's management and operation now and in future, so if the relevant situation is resolved, the prohibition of use must be lifted immediately, and one cannot say that the fact that there is no such prohibition period exceeds the necessary and reasonable range.¹²⁾

3. Administrative complaint review cases

In several cases, requests for administrative complaint reviews have been made regarding library use restrictions although these cases did not develop into lawsuits.¹³⁾ In the case of the Shunan Municipal Tokuyama-ekimae Library, user C, who lives outside Shunan City, was verbally abusive to other users and staff, and despite the staff's attempts

11) Judgment of the Gifu District Court, July 21, 2021, Hanrei Chihō Jichi no. 492, p. 69.

12) Judgment of the Nagoya High Court, January 27, 2022, Hanrei Chihō Jichi no. 492, p. 65.

13) Article 244-4, paragraph 1, of the Local Autonomy Act states that requests for reviews of "dispositions concerning the right to use public facilities" should be made to the head of the local public entity. Because libraries fall under the category of "public facilities," requests for reviews of library use restrictions must be made to such authority, and when such a request is made, the head of the local public entity must decide on the request after consulting with the local assembly. For the cases mentioned below, *see supra* note 3 and the administrative complaint review database <<https://fufukudb.search.soumu.go.jp/koukai/Main>>.

to stop him, he continued his abusive behavior. As a result, on August 16, 2021, the library's deputy director ordered him to stop using the library from that point on. User C argued that the library ban was illegal, claiming that the deputy director had no authority to make the decision¹⁴⁾ and that the ban violated Article 14, paragraph 2, of the Local Autonomy Act because the basis for the restriction on use was not in the ordinance but in the ordinance enforcement regulations. In response, the mayor of Shunan City rejected the request for review, stating that the decision was legal because it was based on Article 244, paragraph 2, of the Local Autonomy Act and was made in accordance with regulations that stipulate basic matters regarding management and operation.

In the case of the Sano City Library in Tochigi Prefecture, user D's repeated acts of nuisance violated the provisions of library ordinance, so the library requested him to submit a written pledge to use the library appropriately in the future, but because his library use did not improve, he was banned from using the library for 30 days from January 17, 2018. After the 30-day ban was lifted, he continued to cause trouble and was consequently banned from using the library for 90 days from November 18, 2018. User D requested a review of this ban, but because the period of the ban had already expired, the mayor of Sano City rejected his request, arguing that he had no interest in being reinstated through a review request. As a result, no judgment was made here regarding the legality of the library's usage ban. Furthermore, the Sano City Library Ordinance contained provisions on library use restrictions.

III. Legal Basis for Usage Restrictions

As can be observed from the above cases, the question of whether a library has a legal basis for restricting an individual's use of it has been an issue. In some cases, the regulations of the public library itself set out the basis for restricting use, while in others, it is the regulations of the board of education (enforcement regulations for the ordinances). In the case of the Chiyoda Public Library and the Sano City Library, the ordinances directly state the rationale for restricting use, but in the case of the Toki City Library and the Shunan Municipal Tokuyama-ekimae Library, the ordinances did not directly convey the basis for restricting use. Public libraries are considered "public facilities," and unless there is a "justifiable reason," residents must be allowed to use them (Article 244, paragraph 2, of the Local Autonomy Act). Therefore, to restrict these rights of residents, ordinances must be used (Article 14, paragraph 2, of the Local Autonomy Act). Accordingly, when an ordinance stipulates use restrictions, there is no problem with the legal basis for such

14) The Shunan Municipal Tokuyama-ekimae Library adopted the designated manager system, and the library director works as an employee of the designated manager. In this case, the deputy library director was legally delegated authority by the designated manager, and there were no issues surrounding authority in the deputy library director's implementation of the suspension of use.

restrictions, but if a local public body were to issue a use restriction based on a board of education regulation rather than an ordinance, its acceptability could be questionable.

From an administrative practice perspective, some have argued that ordinances and rules made by boards of education can be used as the basis for restricting library use.¹⁵⁾ The roles of “establishing” public libraries and “managing” them had been divided, with the former being defined by ordinances and the latter by board of education rules (Article 33 of the Act on the Organization and Operation of Local Educational Administration), and because restrictions on library use had been understood as part of “management,”¹⁶⁾ such an understanding had probably been carried over. Meanwhile, even if we accept the idea that the basis for library use restrictions should be the rules of the board of education, the question of whether the rules should be delegated by ordinance remains an issue. In this respect, it is problematic to directly set restrictions on library use by the rules of the board of education without delegation by ordinance, and we should at least interpret that delegation by ordinance is necessary.¹⁷⁾ In addition, as in the case of Toki City Library, the question of whether comprehensive delegation is acceptable, such as “matters necessary for the enforcement of the ordinance shall be stipulated in the rules” (Article 6 of the ordinance), is an issue. In this regard, the Gifu District Court ruled that Article 6 of the ordinance only delegates to the regulations of the board of education “basic matters concerning the management and operation of the library” and that, specifically, the temporary restriction of library use is included within the scope of delegation but that it is impossible to interpret the intent as being to delegate the restriction of use in its entirety and indefinitely and that there is a distinction between temporary and indefinite restrictions on use.¹⁸⁾ However, the Nagoya High Court did not directly address this point, but it is thought that the court would consider indefinite use restrictions as within the scope of the ordinance’s delegation. Nevertheless, the Nagoya High Court interpreted indefinite use restrictions as being intended to prevent serious hindrances to library management and operation in the present and future rather than as a sanction for past actions; therefore, it is

15) Michio Yarimizu, *Toshokan to hō* (Library and Law) [revised and enlarged ed.], pp. 27–28 (Japan Library Association, 2021). Yarimizu also pointed out that the basis for the expulsion of troublesome users was the “library’s regulations for use,” which stipulate the prohibition of use and expulsion, and even if no such rules are in effect, the library director can exercise similar authority based on the right to manage the facility (pp. 285–286). It is unclear whether the description was intended to include the imposition of a ban on use, but it is at least doubtful whether the right to manage the facility can be used to justify the imposition of an indefinite blanket restriction on use beyond ordering people to leave the premises.

16) Genjiro Yamaguchi, *Toshokan no jōrei, kisoku* (Library Ordinances and Regulations), in Noboru Shiomi & Genjiro Yamaguchi (ed.), *Shin toshokan hō to gendai no toshokan* (Japan Library Law: its interpretations and current issues) [new ed.], pp. 305–307 (Japan Library Association, 2009).

17) Hiroshi Iwamoto, *Kōritsu toshokan no mukigen no riyō kinshi shobun ga tekihō to saretā jirei* (Case: The legality of the indefinite suspension of use of public libraries), *Shin Hanrei Kaisetsu Watch* no. 31, pp. 63–64 (2022).

18) Iwamoto, *supra* note 17, p. 64.

understood that if such a situation is resolved, the use restrictions must be lifted immediately and will be lifted even if there is no specified period. In reality, there may be many cases where use restrictions are stipulated in board of education regulations on the assumption that comprehensive delegation from the ordinance to board of education regulations is permitted. However, it is preferable that specific grounds for the ordinance be stipulated or that the ordinance makes more specific delegation at least for indefinite restrictions on use.¹⁹⁾

Furthermore, Article 244, paragraph 2, of the Local Autonomy Act states that use can be refused if there is a “justifiable reason,” so if such a reason exists,²⁰⁾ one may argue that Article 244, paragraph 2, of the Local Autonomy Act is the legal basis for the prohibition of use. However, the question of whether a “justifiable reason” exists for a local public body to refuse residents’ use of “public facilities” is a separate issue from the question of whether the same paragraph can be used as a legal basis for a restriction against a specific user. It should be understood that making a decision to restrict usage of a public library based directly on such a provision is not acceptable.²¹⁾

IV. Implications for Public Libraries

1. Restrictions based on ordinance

From the perspective of public libraries, the risk of legal disputes is involved in the imposition of library use restrictions based on library users’ disruptive behaviors. In past lawsuits and administrative complaint reviews, the main point of contention has been that local public bodies’ ordinances contain no provisions that directly provide a basis for restricting usage. One perspective suggests that library use restrictions require detailed responses based on the actual situation at the library,²²⁾ and if such point of view is respected, there would be merit in regulations for use rather than ordinances. Meanwhile, besides avoiding the risk of future legal disputes, from the perspective of control by the legislature and democratic legitimacy,²³⁾ clarifying the authority to restrict use, at least through ordinances, should be preferable.

19) Kenichiro Okada, Iwayuru “mondai kōdō” wo riyū toshita kōritsu toshokan no riyō seigen ni kansuru kōhō jō no mondai (Public law issues regarding restrictions on the use of public libraries on the grounds of “problem behavior”), Kochi Ronso no. 124, pp. 97–98 (2023), states that ordinances and regulations are acceptable but that the content of the delegation in Article 6 of the Toki City Library Establishment Ordinance was extremely comprehensive and that it needed to be more specific. Furthermore, in 2021, the Toki City Library Establishment Ordinance was changed to the Toki City Library Ordinance, and the provisions concerning use restrictions were directly added to the new ordinance.

20) The “justifiable reason” recognized as an exception to the library’s right to refuse use includes cases in which the probability of causing serious inconvenience to other users is high. *See, e.g.*, Katsuya Uga, Chihō jichi hō gaisetsu (Local Autonomy Law Text) [11th ed.], p. 451 (Yuhikaku, 2025).

21) Iwamoto, *supra* note 17, p. 63.

22) *See* Yamaguchi, *supra* note 16, p. 307.

23) Iwamoto, *supra* note 17, p. 63; Okada, *supra* note 19, pp. 97–98.

2. Period of use restrictions

However, because restricting access to public libraries is associated with limiting the constitutional value of the right to know, it must be carried out with care. A ban on use imposed without due consideration, even if there is a basis in ordinances or regulations and it can be judged that the requirements have been met, would be problematic. When imposing use restrictions, one must take appropriate steps, such as providing guidance and warnings each time the behavior that causes the restriction is displayed as well as giving advance notice that if the behavior is not improved, use will be prohibited after such behavior is identified. Additionally, to the extent possible, the library should first consider imposing a temporary ban on entry or a time-limited restriction on use because an indefinite suspension, while seemingly convenient for libraries as it allows them to set the time for lifting the suspension at their discretion, is extremely detrimental to users as it greatly reduces predictability. In the case of Chiyoda Public Library, because the indefinite suspension of use was lifted after only eight days, it is doubtful whether the suspension was a well-considered and necessary decision. As in the case of the Sano City Library, the first consideration should be to impose restrictions on use for a specific period, and it is difficult to say that it is desirable for the imposition of use restrictions for an indefinite period to become commonplace. A careful judgment should be made while considering the rights of other users to use library facilities and the safety of library staff. In addition, when actually imposing restrictions on use, one must consider that this is a disadvantageous disposition.²⁴⁾ Moreover, if an ordinance or regulations allow for an indefinite restriction on use, establishing certain rules for lifting the restriction is desirable to avoid arbitrary or unequal application.²⁵⁾

3. Measures other than usage restrictions

Because disruptive behavior in libraries can sometimes involve verbal abuse or physical assault against other users or staff, prohibiting the use of the facility may not always be the only option. In some cases, the situation may develop to the point where criminal punishment is sought, and taking action that involves the police may be necessary.²⁶⁾ In reality, however, there are probably not many cases where the police intervenes in a library and the situation escalates to a point where criminal punishment is needed, such as when a person ignores an order to leave the premises or when they are highly likely to cause harm to other users or staff. In addition, if a user causes damage to books and other

24) In Susumu Mitani, *Toki-shi toshokan riyō kinshi shobun no torikeshi soshō ni tsuite* (Lawsuit to reverse the ban on using the Toki City Library), *Jichi-ken Gifu no. 132*, pp. 10–12 (2022), questions whether the reasons for the decision to restrict the use of the Toki City Library were properly presented.

25) Okada, *supra* note 19, pp. 112–113.

26) Shigenori Matsui, *Toshokan to hyōgen no jiyū* (Library and Freedom of Expression), p. 94 (Iwanami Shoten, 2013); Mitani, *supra* note 24, pp. 12–13.

items, it may be possible to make a claim for compensation for the damage to the user,²⁷⁾ but it is unclear whether taking such action against violators of library rules will directly lead to the prevention of nuisance behavior. After all, it seems beneficial to clarify the legal basis for restricting use, establish advance procedures, and implement them in a modest manner.

V. Conclusion

This paper examined the issue of library use restrictions focusing on several cases around 2020. While not many cases have developed into lawsuits, in reality there may be many cases where use restrictions have been imposed or requests for review have been made. There is also an understanding that such restrictions are possible based on the right to manage facilities. However, in the modern era, where the designated manager system has been introduced, the perspective of democratic control and discipline through ordinances should be emphasized. Moreover, restraint must be exercised when imposing use restrictions, and the current situation in which such restrictions are imposed for an indefinite period is hardly desirable. The content of restrictions on use must be considered as necessary and reasonable based on the premise that there are limits to the discretion allowed for libraries.

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27) Yarimizu, *supra* note 15, pp. 263–267; Mitani, *supra* note 24, p. 13.