

RELATIONS BETWEEN THE SCHOOL DISTRICT SYSTEM AND THE FEUDALISTIC VILLAGE COMMUNITY IN NINETEENTH-CENTURY JAPAN

A Study of the Effect of Law Upon Society

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I.

IT HAS BEEN SAID THAT Japan's modernization was the most rapid and striking in Asia and that it was one of the best examples of this process

AUTHOR'S NOTE: *This paper is a summary of my book written in Japanese, GAKKU-SEIDO NO KENKYU: KOKKA-KENRYOKU TO SONRAKU-KYODOTAI [A STUDY OF THE SCHOOL DISTRICT SYSTEM: STATE POWER VS. VILLAGE COMMUNITY] (Tokyo: Keiso Shobo, 1962). I wish to acknowledge the encouragement to publish this paper from Professor E. Adamson Hoebel and the late Professor Arnold M. Rose.*

The materials and references used in the original study include both governmental and private sources as listed in the Japanese edition. They are omitted here because they are all written in Japanese. Instead, some references in English are given below which discuss the particular events in greater detail. Among them two books are recommended for general background: H. PASSIN, SOCIETY AND EDUCATION IN JAPAN (1965) and K. STEINER, LOCAL GOVERNMENT IN JAPAN (1965).

in the world. Although there is considerable truth in this assertion, the modernization process was not completely successful. The defeat of Japan in World War II disclosed many aspects of social, economic, and political life that were not successfully modernized; examples are the patriarchal family system with its patrimonial inheritance patterns,¹ the closed village community structure with a peculiar land-tenure system,² the underdeveloped state of labor relations,³ the rule of the *zaibatsu* (financial combines based on family ties) in industry and commerce,⁴ and the insufficient protection of human rights under the absolutistic *Tenno* regime.⁵

It is natural that the structure, function, and modernization of the village community have attracted the attention of social scientists at home and abroad. There are two reasons for this. First, the village community was the most fundamental social, economic, and political unit in feudal and even prewar Japan. Its disorganization reflects the modernization of society, economics, and politics in Japan. Second, the feudal closed community principle is generally considered to have permeated not only village life but also most other social groups in Japan, as in the case of both nuclear and extended families, neighborhood groups, *chonaikai* (town-block association), landlord and tenant relations, industrial groups, and so on. Thus, the study of the village community has been one of the most popular and remarkable features of postwar social science endeavor in Japan. Nevertheless, there have been few studies which analyzed the village community with sufficient conceptual rigor, and which, in particular, investigated the process of its disorganization in relation to the legal policy of the state. The aim of my study is to show how a legal institution was established by state power to open up

1. J. F. EMBREE, *THE JAPANESE NATION: A SOCIAL SURVEY* (1945); K. YANAGIDA, *JAPANESE MANNERS AND CUSTOMS IN THE MEIJI ERA* ch. IV (C. S. Terry transl. 1957); B. J. George, Jr., *Law in Modern Japan* in *TWELVE DOORS TO JAPAN* 509-16 (J. W. Hall and R. K. Beardsley eds. 1965).

2. R. P. DORE, *LAND REFORM IN JAPAN* pt. IV (1959); T. USHIOMI, *LA COMMUNAUTE RURALE AU JAPON* (P. Anouilh transl., Paris, 1962).

3. J. BENNETT & I. ISHINO, *PATERNALISM IN THE JAPANESE ECONOMY: ANTHROPOLOGICAL STUDIES OF Oyabun-Kobun PATTERNS* (1963).

4. A. W. BURKS, *THE GOVERNMENT OF JAPAN* 45-48 (1964); H. S. QUIGLEY & J. E. TURNER, *THE NEW JAPAN: GOVERNMENT AND POLITICS* 29-33 (1956).

5. M. MAKI, *GOVERNMENT AND POLITICS IN JAPAN: THE ROAD TO DEMOCRACY* 18-23 (1962).

RELATIONS BETWEEN SYSTEMS IN NINETEENTH-CENTURY JAPAN

the closed village community and how the village community in turn reacted against the actions of the state.⁶

The closed community is defined here as that type of social structure where the members are more or less unavoidably dependent upon and limited by the communal bases of production and/or the status system peculiar to their group in their social behavior. Essentially, the members of a group are bound by the common restraint which originates from their communal life and are not as independent as the members of more modernized groups. This restraint is not considered as approved or achieved a posteriori by individual free will but rather as imposed or ascribed a priori by the group authority, tradition, or custom. A contiguous group which is founded on the closed community structure is called a village community. Since most of the people in feudal Japan lived in such village communities, they could not act independently of the restraint imposed by the group norms and sanctions. They were economically and socially supported by the group, *i.e.*, the village community, and they, in turn, supported and endeavored to maintain the community. It goes without saying that the historical impact of modernization upon such a social structure was very powerful.

The above characterization applies to nineteenth-century Japan. The political modernization of Japan began with *Meiji Ishin* (the Meiji Restoration) in 1868, through which the *Tokugawa* Shogunate transferred much of their power to the *Tenno*. This did not mean, however, that political modernization was complete, as areas and people which the *Tenno* could rule directly, due to the Restoration, were limited to those same areas which the *Shogun* had controlled directly, while the rest of Japan remained under the control of feudal fiefs as before. In fact, the new central government under the *Tenno* was an alliance of four feudal fiefs—*Stasuma*, *Choshu*, *Tosa*, and *Hizen*—together with some other smaller fiefs against the large number of other fiefs remaining outside the new government. Furthermore, the modernization effected by the Restoration was only nominal. The population, generally speaking, was governed by a feudal social, economic, and political system based mainly on the closed village community. The new government worked most energetically to impose the centralized state power in an effective manner

6. Efforts are made especially to disclose the latent function of law. As to latent function, see R. K. MERTON, *SOCIAL THEORY AND SOCIAL STRUCTURE* 50-72 (2d ed. 1957) and *cf.* L. Nader, *The Anthropological Study of Law* in *ETHNOGRAPHY OF LAW* 18-19 (*Am. Anthropologist* Vol. 67, No. 6, pt. 2).

and to promote further modernization of all aspects of Japan; this work was undertaken through legal measures.

Therefore, *Haihan-Chiken* (the Abolition of Fiefs and Establishment of Prefectures) and the establishment of *Dajokun-sei* (the old Cabinet System) in 1871 were epoch-making affairs because they made the central government the only legitimate and supreme political power for the whole of Japan. The first and most fundamental law of economic policy was *Chiso-kaisei Jorei* (the Land Tax Revision Law) in 1873, which established a new national tax system based on modern private ownership and payment in money in place of the old system based on feudal dominium and payment in kind. *Koseki-ho* (the Census Registration Law) in 1871, which set up a new type of administrative district called *ku*, and a local administrator for the district called *kocho* under the central government, had a decisive significance because it provided the central government with a mechanism for direct rule, excluding the interference and resistance of the feudal village community and the *mura-yakunin* (officials of the feudal village). Indeed, these laws and others mentioned elsewhere were indispensable measures for the new government; they contributed to the establishment of the central state power and to the promotion of the modernization of Japan, but they did not completely eliminate the feudal system. Aspects of feudalism appear, for example, in the absolutistic character of the *Tenno* regime, the creation of the peculiar patriarchal family system, the reorganization and utilization of the feudalistic village community as the subsystem of *ku*, and the actual appointment of many old village officials to the position of *kocho*.⁷

II.

Educational policy reflected the same principle. *Gaku-sei* (the School System Law) in 1872, which established a new system of education and schools, was the principal law of the new educational policy. Its main purpose was to give young boys and girls a new type of knowledge, morality, and new ideas as to the nature of society. In other words, the social ideas, knowledge, and morality which had governed the feudal school system established by feudal fiefs or people were to be replaced by new capitalistic ones. This law had a secondary purpose or function on which my interest has been focused. It was to have established, as a legal institution for educational administration, a new *gakku-seido* (the school district system), the smallest unit of which was *shogakku* (the primary school districts), and it is this system that is investigated here.

7. Cf. K. STEINER, LOCAL GOVERNMENT IN JAPAN 24-25 (1965).

RELATIONS BETWEEN SYSTEMS IN NINETEENTH-CENTURY JAPAN

The primary school district system provided for in the School System Law was characterized, in its legal aspects, by the following features:

1. The *gaku* (the school district) system was a centralized hierarchical administrative mechanism of education. The Minister of Education had the highest supervisory powers over education and the school system. Under him there were eight *daigaku* (the universities), and the power over the schools lower in the hierarchy was entrusted to them. Every university exercised power over thirty-two *chugaku* (the middle school districts), each of which had a *chugaku* (the middle school).⁸ The *chugaku* were again divided into 210 *shogaku* (the primary school districts) each with a *shogaku* or *shogakko* (the primary school). Thus, a total of 53,760 primary school districts and primary schools, some of them consolidated, were to be set up to cover about 80,000 *mura* (the old villages and towns), that is, feudal village communities. Under this system the primary school district was the smallest unit in area of the centralized educational administration.

2. The primary school district constituted not only a regional area but was also a kind of local public organization. The law imposed on every primary school district the responsibility for establishing and supporting a primary school. Thus, it was a kind of public organization having a legal personality, with its own rights and duties, although its structure and function were prescribed in law only in a most general way, as neither the idea nor the reality of the modern public organization had come to maturity.

3. It can be seen from the above that the school district was independent of other local public organizations. The typical local public organizations in those days were old *mura* and the new *ku*, which had been established in 1871 in a larger area than *mura* for the purpose of national census registration but were broadening their functions and were developing into new local public organizations with increasingly general administrative powers. It is clear that this independence of the primary school district from other public organizations was a remarkable characteristic when compared with the system which succeeded it several years later. Because the latter imposed the responsibility for establishing the primary school on every village and town, individually or in combination, it thus negated the organizational independence of the primary school district.

8. This system is said to have been founded after the French model.

4. A primary school district as a public organization had a *gakku-torishimari* (school district director) as its officer. This position was originally prescribed by law to be filled for the middle school district by a joint committee of from ten to thirteen school district directors. But at the same time each member was to govern individually twenty or thirty primary school districts with a monopoly of the business of each primary school district. There was no officer of the primary school district other than the school district director. Thus, the school district director was, in reality, the only decision-making, executive officer of the primary school district. This means that he was independent of the officials of the village which had kept feudal forms. In this respect, the school district system was like the *ku* system, under which quite new administrative local districts with their own officers were set up in disregard of the powers of the feudal villages and their officials.

The above-mentioned features of the primary school system show, without doubt, that it was created by the central government in order to promote the modernization of Japan, and in my view, bring about the disorganization of the feudal community, thus establishing firmer political bases for itself. There remains the problem of determining whether or not these purposes were accomplished, *i.e.*, of estimating the effect upon the feudal village community of the enforcement of this law.

III.

Conditions relating to the enforcement of the School System Law were complicated, as the law had both positive and negative effects for the village community. From one point of view, it resulted in the disorganization of the traditional village communities. Under the new primary school district system, each of the 80,000 old village communities hoped to become a primary school district maintaining its traditional property and solidarity. Actually, however, the law ordered 53,760 primary school districts to be set up, necessitating the breaking of traditional village boundaries. As seen in Table 1, the number of primary school districts actually established was less than that expected when the law was enacted. In general terms one primary school district was formed from two feudal village communities. Thus, the traditional self-sufficiency or social independence of the village community must have been challenged despite the resistance of the village communities to the new organization. Similar results occurred in the case of the school district directors. Table 1 shows that, in the first year for which figures exist, each school district director governed an average of twenty-seven village

RELATIONS BETWEEN SYSTEMS IN NINETEENTH-CENTURY JAPAN

communities, the administration of which had previously been in the hands of their own agents, the *mura-yakunin*, who had had more or less independent power in their communities. The agent of each village community accordingly became dependent upon and subordinate to the administration of the new officer of the school district to some degree. In any case, the feudal village community was forced to contend with the pressure toward disorganization and modernization.

TABLE 1
Number of Primary Districts and Directors
Japan, 1873-1878

YEAR	DISTRICTS IN EXISTENCE	DIRECTORS IN OFFICE	AVERAGE DISTRICTS PER DIRECTOR
1873	42,451	?	
1874	46,115	1,722	26.8
1875	45,778	2,567	17.8
1876	43,483	2,551	17.1
1877	42,922	3,146	13.6
1878	42,839	2,966	14.4

Nevertheless, from another point of view, the disorganization of the village community was not so extensive. As stated above, the number of primary school districts were less than originally expected. This was caused primarily by the resistance of the feudalistic village community toward the enforcement of the School System Law, which was expected to result in the disorganization of the traditional basis of the closed community. The difference between the actual numbers and those presupposed by the law is remarkable evidence that the purposes of the law were realized in an unsatisfactory manner. Furthermore, according to the Report of the Education Ministry, which has been published every year since 1873 and which comprises the reports of both the local and central governments, the Diary of the Home Affairs Ministry, and other governmental materials of an historical nature, the following effects can be seen:

1. In most cases, primary schools were set up throughout the country with one or several *shoku* (another term for the census registration district) rather than with the plan provided by the law as an independent local public organization. The exceptions were usually allied villages. There were very few cases where an individual village community was

a primary school district. But even in the former two cases, the movement for the independence of village communities was so enduring that many of them succeeded in establishing their own schools or branch schools or otherwise continued to compete with other communities in the same school districts. Curiously enough, the central and local governments and each of the primary school districts welcomed, though passively, this tendency of village communities toward independence, because it lessened the excessive financial burden on the primary school district and the central government, which was responsible for assistance to the primary school districts. Thus, there were many feudalistic village communities independent as official primary school districts or as social organizations supporting primary schools or branch primary schools with their own traditional properties and solidarity.⁹

2. Every feudal village community had traditionally one or more men of high social status as its agents or governors. According to the new primary school district system, they were mostly disregarded, since very few of them were appointed as school district directors. Their social status and power were, to that extent, lost. But in reality, most of them acquired a position as informal assistants of the new primary school district. This resulted from the fact that the school district director could not satisfactorily perform his duties, especially those of persuading people under his jurisdiction to establish a primary school and to enroll their children in it, as there were usually too many for personal face-to-face interaction. An assistant was needed to the school district director in each of the communities. Two or three years after the enactment of the School System Law such assistants began to function almost all over the country. It was generally the traditional agents of the feudalistic village community who occupied that position. The village community itself, to this extent, was maintained as a necessary social foundation.

3. The number of school district directors steadily rose, relative to the number of districts. This suggests that the centrifugal pull of the villages away from the central government may have operated to require that district directors pay ever more attention to a more limited set of villages within the district.

9. The average number of the households in a village community at that time is estimated at not more than seventy. The number is usually too small to meet the financial burden of establishing and supporting a school. Only those communities which had substantial common properties, such as forestries, pastures, or waters, or those which succeeded in raising the necessary revenues through community activities, could endure this burden without having to join with other communities.

RELATIONS BETWEEN SYSTEMS IN NINETEENTH-CENTURY JAPAN

The School System Law, being far less effective than had been expected, was finally abolished in 1879. The new law was called *Kyoiku-rei* (the Education Law). It abolished school district boundaries which differed from local boundaries. It entrusted the villages and towns with the responsibility for establishing and supporting the primary school and charged newly constituted local officials, called *gakumu-iin* (the education director), with the management of the primary school. This was a remarkable revision in the school system. At a glance, this revision of the system seems to have worked against the original intention of the former law to do away with the feudalistic village community. In reality, it proved to be a development of the former.

At first, villages and towns in the late 1870s were not as they had been in the previous periods. The new institution of the people's assembly, called *minkai*, had been approved legally as the only legislative organ of the villages and towns by the government and the *kocho* had become the only executive organ of several villages and towns. In these ways, the structure and function of the villages and towns were being transformed from the feudalistic to state control. The technique for doing so involved intensive government intrusion at the local level. Under the new approach more local education directors were appointed than under the former system. The *kocho*, who had held a position independent of, and separate from, that of the education director in the original system set up by the original law, was ordered to hold the position of the latter and his function became more and more powerful and influential year by year.¹⁰

In the following decade, the central government adopted a new policy toward the local government system, amalgamating several villages and towns into one unit under the full control of the *kocho* and shifting the responsibility to establish and support the primary school within the new and broadened unit. In 1885 the position of the education director, a special officer for the educational business of the village and town, was abolished and the business was entrusted to the *kocho* as one of its duties. In 1886 the Education Law was replaced by *Shogakko-rei* (the Primary School Ordinance), through which the government made preparations for the new school system. In 1889 the new local government system was enforced by *Shi-sei* (the City Law), *Chosen-sei* (the Town and Village Law), and *Fuken-sei* (the Prefecture Law).¹¹ The Primary School Ordi-

10. For the historical background of these years, see K. Steiner, *supra* note 7, at 25-32.

11. *Id.* at ch. 3.

nance was revised in full in 1890, thus establishing the new school system. Under this Ordinance, all power and responsibility, which had been more or less entrusted to special organizations and officers for education, passed to the local governments, *i.e.*, the new village, town, or city, and their officers. This system continued through and beyond World War II supported by the prewar local government system and the special educational ideal as expressed in *Kyoiku-chokugo* (the Imperial Rescript on Education).¹²

IV.

Under the new local government system enacted in 1889, the feudalistic village community lost, in general, its official position and power as a local organization and became only a part of the area amalgamated into a broader village, town, or city. But its feudalistic structure and function did not completely disappear. It occupied, at first, a formal legal position in some extraordinary cases. The so-called *zaisan-ku* (the financial ward) was approved as a kind of extraordinary public organization in a village, town, or city with the responsibility of managing property which the people living in a part of a village, town, or city owned and utilized. It was in reality nothing but the feudalistic village community with its traditional common land and solidarity based upon its social closure to outsiders. And then, the area of the traditional feudalistic village community became, in general, the administrative district, called *ku* (this was different from *ku* that had been established by the Census Registration Law), within the new amalgamated village, town, or city. *Kucho* (the *ku* head) and *kucho-dairi* (the vice *ku* head) were executive assistants of the head of the village, town, or city, and were chosen from amongst the people of each *ku*. Secondly, the social solidarity of the feudalistic village community was maintained through the traditional institutions of common property, enforced participation of the members in public works within the community, and competition with other communities in the same village, town, or city. As a matter of fact, the new village, town, or city was not a consolidated one, but rather a balance of these competing communities. For these reasons the feudalistic village community was one of the indispensable administrative and social foundations of prewar Japan being called *mura*, *son*, *kyuson*, *ku*, *buraku*, etc.¹³

12. H. PASSIN, *SOCIETY AND EDUCATION IN JAPAN* ch. 7 (1965).

13. The solidarity of the village community is analyzed in two intensive studies: J. F. EMBREE, *A JAPANESE VILLAGE: SUYE MURA* (1946) and R. K. BEARDSLEY, J. W. HALL & R. E. WARD (eds.), *VILLAGE JAPAN* (1959). Note that the community treated in the latter book is one of the more highly developed.

Although each feudalistic village community wanted to have its own primary school, it was not feasible either legally or financially. However, a practice soon arose under which a community established and supported a small branch school at its own expense. Such a practice was legally approved, because the community followed a formal procedure for contributing the expense to the village, town, or city which was legally responsible for having a primary school. And the village, town, or city could not help depending upon the financial aid of the communities for lack of sufficient financial resources of its own. Furthermore, *gakumu-iin* (the education adviser to the *kocho*), who replaced the former education director was chosen from amongst traditional agents or rulers of feudalistic village communities. These facts show that the advent of the new village, town, or city did not succeed in completely disorganizing the feudalistic village community, but rather enabled it to survive and utilized it by either formally or informally reorganizing it into the new system.

Another very significant example of such a reorganization of the feudalistic village community was *gakku* (the school district), a new extraordinary local organization. *Gakku* in this meaning is not the general term used in this paper, but the name of a special local organization similar to *zaisan-ku* approved under the new local government system since 1889. *Gakku* had the legal power to establish and support one or more primary schools within a village, town, or city. The reason why such an extraordinary organization was approved was, just as in the case of *zaisan-ku*, due to the compromise of the central government with the feudalistic village community. The former was able to decrease the financial burden of assisting the village, town, or city in establishing and maintaining the primary school by acceding to the desire of the latter to preserve a social and legal independence characteristic of the feudalistic village community. The number of *gakku* actually set up is not precisely known. But it is certain that *gakku* functioned in many parts of the country, even in big cities like Tokyo, Osaka, Kyoto, etc. This function of *gakku* was, without doubt, an obstacle in the way of the central government's exercise of a unified general and educational administration over the whole country through the village, town, or city. The government naturally tried to abolish this extraordinary organization. The resistance of *gakku*, however, was so strong that the government's policy was not realized until 1940, when war aims became of primary importance in national affairs. After the legal abolition of *gakku*, nevertheless, the sociological structure and function of the feudalistic village community did not disappear as evidenced by the presence of the

buraku.¹⁴ Even today we can find many cases where feudalistic village communities give material support to their own primary schools, especially in the countryside.

In conclusion, after the Meiji Restoration, the new central government attempted to destroy the feudalistic village community. But its social foundation was extremely firm and the government wavered from its original intention of doing away with all the feudalistic social institutions and customs. Reorganized, the feudalistic village community survived socially as well as legally in the school district system. More concretely, the feudalistic village community and its agents were more or less disorganized at first and, to that extent, lost their social and political significance in both the school district system and the new local government system. They later revived, however, and were reorganized as informal (and even, in exceptional cases, formal) subsystems, in both the school and local government systems. From a sociological point of view, the traditional structure of a village community must have been strengthened where the village became a single school district and shaken by its loss of independence where it was amalgamated into a larger school district. On the other hand, such new area groups more or less took on the character of closed communities due to their co-existence with old communities. In any case, the traditional community structure was complicated through disorganization and simultaneous reorganization. A similar process overtook the agent of the feudalistic village community as well. The agent, who had been the independent governor or school district director of a community, became the dependent assistant of the head of the new village, town, or city. This change in the status of the community agent from independence to dependence contributed to the formation of a dual status system in a village, town, or city with, as its two elements, the higher status of the head of the village, town, or city and the lower status of the agent of the traditional community. Of course, the above mentioned disorganization and reorganization upon the feudalistic village community was caused not only by legal or political factors but also by many economic, social, and cultural factors. Through their joint operation, the elements of feudalism—though subordinated to the power of the central government—demonstrated their capacity to survive.

14. T. Fukutake, *Village Community (Buraku) in Japan and Its Democratization in JAPANESE CULTURE: ITS DEVELOPMENT AND CHARACTERISTICS* 86-90 (R. J. Smith & R. K. Beardsley eds. 1962).