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Editorial: Shaken Turns Fifty

THIS month the Institute of Social Science (*Shakai Kagaku Kenkûjo*, or *Shaken* for short) celebrates its fiftieth birthday. A special commemorative issue of the Institute's Japanese journal *Shakai kagaku kenkyû* has been published, and a day of lectures on social science research in Japan is to be held on February 6th. After discussing how to mark this anniversary in *Social Science Japan*, we decided take advantage of the excellent articles in the special issue of *Shakai kagaku kenkyû*. The articles, by *Shaken* faculty members HIRASHIMA Kenji, KASE Kazutoshi, MORITA Osamu, and SUEHIRO Akira, offer a historical perspective on social science research in the postwar era.

Although each article covers fifty years of Japanese social science research in a given field, the approaches used differ substantially from one another. In his article, Kase examines the life and work of agricultural economist OUCHI Tsutomu, a University of Tokyo professor whose unique contributions continue to influence the field, and whose career symbolizes many of the conflicts and dilemmas facing Japanese scholars in the era. Hirashima's article, in contrast, traces the development of postwar studies of European politics by Japanese scholars, and offers a comprehensive analysis that shows how these scholars were affected not only by academic findings abroad but also — and less consciously — by political conditions in Japan. In his study of postwar "area studies," Suehiro shows clearly how the unique research style of Japan's *chiiki kenkyû* experts owes more to the institutional constraints and opportunities afforded by Japanese thinktanks than to disciplinary developments. Finally, Morita's challenging study of property law not only elucidates changes in housing and leasing laws in Japan in the postwar era but also explains a fundamental change in Marxist legal studies in Japan. Morita uses a form of discourse analysis to demonstrate how historical examples are constructed and mobilized to provide legitimacy to normative claims.

As an introduction, BANNO Junji, who served for two years as *Shaken*'s Director — and was one of the driving forces behind the establishment of the Information Center for Social Science Research on Japan and the launching of *Social Science Japan* — offers a candid glimpse into the history of the Institute.

We hope that our readers will find these articles useful and rewarding. Although each of these has been prepared specially for *Social Science Japan*, the longer, Japanese-language articles that served as the basis for each are available in the January 1997 issue of *Shakai kagaku kenkyû*.

Note: Editorial and distribution information for this issue can be found on page 34.

Shaken Stirred:

The 50-Year History of the Institute of Social Science

WITH YANAIHARA Tadao as its first director, *Shakai Kagaku Kenkyûjo* (the Institute of Social Science, or *Shaken* as it is more commonly known) was established at the University of Tokyo in August 1946. At the time of its founding, Shaken's work was divided into studies of the US, the UK, Japanese Public Law, Japanese Domestic Politics, and the Japanese Industrial Economy. In his address at its first anniversary ceremony in February 1947 (to this day, Shaken's annual anniversary is marked in February), however, University of Tokyo President NAMBARA Shigeru emphasized that Shaken's comparative research should examine not only the UK and the US, but also the countries of Central Europe, the Soviet Union, and Japan's huge neighbor China. In accordance with Nambara's plans, in February 1949, an additional field for the study of the Soviet Union and Eastern bloc countries was added, followed in April 1951 by Chinese and French studies. At the same time, Shaken also beefed up its studies of Japan with the establishment of new fields for Japanese finance, social inquiry, and private law. After the creation of these areas, Shaken's research covered 11 fields, with 22 faculty members at the professor or associate professor level.

As the Dean of the Faculty of Law, Nambara had been a supporter of the idea of establishing a special research institute for the social sciences. After becoming university president, he was able to promote this idea to the university as a whole. He argued that prewar Japanese social science inquiry had suffered from three flaws. First, social scientists had glorified Nazi Germany and had neglected the genuine power of the US in establishing the idea of a "model country"; to counteract this failure, Japan would need real comparative studies of a variety of countries and systems. Second, fields had become too specialized and there was no longer any sense of comprehensive research. Finally, scholars had overemphasized theory and neglected actual empirical research, which left them unable to criticize the military, which controlled most of the collection of empirical information. Nambara's ideas set the tone for the next 50 years of research at Shaken, where "comprehensive comparative research" and "empirical analysis" were together to be the institute's *raison d'être*.

Despite the brave slogans, Nambara's plan was not easily realized. Shaken's scholars of law, political scientists, and economics were certainly faithful to the notion of "empirical research," but there was real resistance to the Institute's becoming an "Investigation Department." Although there were no "pure theorists" at Shaken, the idea of "research on actual conditions" never produced much in the way of results, with the exception of Professor Ujihara's "Labor Group." Additionally, the "Comprehensive Comparative Research" idea was achieved only gradually.

The slow pace of progress was not for lack of effort. In 1963, to celebrate Shaken's 15th anniversary, the scholars decided to work together on a broad research project in which they could each contribute something from their specific fields. This cooperative research project ultimately yielded, in 1969, the study *Kihonteki jinken* (Basic Human Rights). After that time, it formally shifted to the idea of

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“institute-wide” research, a conception it has held to this day. The first product of this new strategy was *Sengo kaikaku* (Postwar Reforms). This shift occurred at roughly the same time that Shaken grew to an institute with 17 fields and 34 professors and associate professors. Leaving aside the affiliated Information Center for Social Science Research on Japan (which publishes *Social Science Japan*), this faculty number has remained unchanged through the present day.

The truth, however, is that getting together 34 professors from the fields of law, political science, economics, and studying regions as disparate as North America, the UK, France, Germany, Russia, China, and Japan, to do a joint project is far easier said than done. A “typical” Institute-wide research project involves getting together all 34 faculty members to work on one chapter apiece, putting the ones from each discipline together into a single volume, and then slapping a title onto the collection of volumes and calling it a joint academic effort. As an associate professor at Shaken in 1975, I was part of one of these stereotyped efforts. There were very good individual pieces, but the overall collection — *Fashizumuki no Kokka to Shakai* (State and Society in the Era of Fascism) — was, I believe it fair to say, not a successful one.

Perhaps this is natural for any organization. Just as the typical joint research project was in fact far from a collective effort, there was also a complete lack of organizational development at Shaken. Although the number of professors and fields grew until 1973, there were neither further increases nor organizational reforms in the next decade. Like many other institutions, academic organizations too go through boom-and-bust cycles. And if individual professors had generated much good work, the simple fact was that in this era, from 1973, and lasting for about a decade, Shaken hit a “recession” of sorts. Technological change can help to end a recession, and the efforts of Shaken professors to pull out of this slump may in fact be regarded as efforts at their own “technological reformation.” I myself published three academic books during this 10-year period.

The beginning of Shaken’s reemergence almost certainly began in 1985, when the number of fields was reduced in order to put Shaken’s 34 scholars together into four larger fields of study. When you have 17 small fields of study, the retirement of one person means that the replacement has to be recruited specifically from that previous scholar’s field. As a result, there was virtually no possibility of scholars from new fields being appointed by Shaken. In contrast, under the new system, any scholar who can be added in any one of these broad fields becomes a candidate. At least in theory, therefore, this new system increased the flexibility of Shaken’s recruitment measures.

This organizational change made a big difference to Shaken. The joint research project begun in 1985, *Gendai Nihon Shakai* (Contemporary Japanese Society), managed to maintain its coherence and its basic academic direction in spite of including contributions from virtually all of Shaken’s disparate elements. Each volume features articles on law, economics, and political

science, meaning that the earlier division of volumes by discipline was not a factor. I think the success of *Gendai Nihon Shakai* reflects the accomplishments of the Shaken faculty members who had met with each other in the Institute's overall research association. This series, which was published in 1991 and 1992, has been edited and translated into English for a special two-volume collection to be published by Oxford University Press.

These reforms in both organization and research projects were followed by the creation of a special personnel committee. A 1987 get-together of associate professors discussed the possibility of creating a new body to improve personnel flow for the purposes of the institute-wide research projects, and petitioned the director to create a special personnel committee. That became our current Research Organization Committee.

Having finished these internal reforms, Shaken soon came up against a new problem, the University of Tokyo's efforts to place more emphasis on its graduate programs. Earlier reforms had made more substantial the university's programs to train undergraduates, but at about this time, academic departments like the Faculty of Law and the Faculty of Economics were shifting toward the training of graduate students. As a result, the university's officials began to question the need for institutes devoted purely to research, like Shaken.

Shaken had two responses. First, independent graduate courses are attached to some universities. This would have meant establishing Shaken as something like — to use one example I know of — the School of Advanced Studies at Australian National University. Our second possibility was to emphasize the importance of Shaken in the area of international academic exchange programs, meaning that the institute would have a special function in the university. The first strategy has not yet been achieved, but the second strategy has been far more productive. It was largely to improve our international exchange efforts that we created, in April 1996, the Information Center for Social Science Research on Japan. Three research associates are currently working for the Center, and we also have added new faculty members, bringing our total number to 23 full professors, 15 associate professors, and two visiting faculty members from overseas. In addition to the 40 people on permanent and visiting staff, we have a research associate as the editor of *Social Science Japan*, as well as faculty working on the SSJ-Forum email list to take advantage of advances in computer technology for the pooling of information on Japan-related social science research. Other faculty members at the Center are currently constructing a substantial database, building on Shaken's considerable stock of information. Between the database, the international publications, the email discussions, personnel exchanges, and the scheduled 1997 publication of our newest institute-wide research project, *20 Seiki Shisutemu* (The 20th Century System), Shaken will likely be introduced to a broader audience than ever before. In our fiftieth year, Shaken is trying to fly higher than ever.



A Mirror onto the Japanese Social Sciences:

Ouchi Tsutomu and Postwar Agricultural Economics

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TRYING to detail the characteristics of an academic discipline through the work of one author is always a risky venture, but in the case of OUCHI Tsutomu (b. 1918), I think that one can make a good case for the approach. Ouchi was one of the most important and prolific economists in the field of agricultural studies in the postwar era, and his work typifies many of the characteristics of Japanese scholarship of the era.

Before turning to Ouchi and his work, we need to address two features of the social sciences in postwar Japan. First is the research stance of social scientists. After Japan's defeat in the war, the majority of them dedicated themselves to providing a total critique of the structure of the social, economic, and political system that had led Japan into the reckless and devastating war. Whether using the western capitalist model or examining the possibility of establishing a socialist model, these social scientists were largely united in their determination to articulate a realistic and critical analysis of Japanese society, one that would lead to substantive reformation.

Japan's road of high-speed economic development, however, made it difficult for these scholars to maintain the same stance with complete confidence or fidelity. The increase of living standards under Japan's capitalist system along with the concomitant reduction of appeal of the alternative socialist model helped to shift them away from total critiques and toward more narrow or technical studies. This shift was further strengthened by the participation of many of these social scientists in various governmental committees for policy planning.

A second important feature is that the changes in the postwar social sciences have been if anything more pronounced in the field of agricultural economics than elsewhere. Rapid transformation of the agricultural environment as well the development of new methods and insights in both current and historical research have meant that recent agricultural economics studies look quite different than their immediate postwar ancestors.

In the early postwar years, the agricultural sector was seen as the cornerstone of the national economy, and many scholars considered the analysis of agricultural economics to be vital to a proper understanding of the Japanese economy as a whole. The era of high speed growth, however, reduced the importance of agriculture in the economy and also drew economists away from the study of the relationship between the agricultural economy and the overall structure of Japanese capitalism. Parallel to this change has been the narrowing of discussions of agricultural economics. By this I mean that those scholars who deal with agricultural studies currently tend to focus more on the agricultural sector itself, without considering its relationship to the national economy.

These changes have not been the result of conscious decisions by the analysts, but rather the product of an unconscious revision of their understanding of the subject matter in the face of dramatic changes. They have not, therefore,

carefully reconsidered how such shifts in empirical subject matter demand new methodological approaches.

I have chosen to look at the work of Professor Ouchi Tsutomu in this paper for two reasons. First, his work has always attempted to link the study of agricultural economics to the structure of the Japanese economy as a whole. Second, his understanding and perception of the Japanese agricultural economy has changed over time in ways that reflect the broader transformation of the social sciences, and he has been conscious of the shifts in his own approach.

Early Works

In 1948, Ouchi published his first book, *Nihon shihonshugi no nôgyô mondai* (The Agricultural Problem in Japanese Capitalism), which concluded that the poverty of Japanese farmers was the result of the features of Japanese capitalism. The book distinguished him from other Marxist economists in terms of his approach to the relationship between Japanese agriculture and capitalism in two ways. On the one hand, whereas the *Rôno-ha* school of Marxists argued that the poverty of peasants was the result of its slow and meager development, Ouchi argued that this poverty resulted from features of Japan's capitalist system. This meant that he disagreed with the general understanding that as Japanese capitalism developed, the enlargement of the labor market would give peasants more opportunities to work in wage-earning capacities, and to raise their wages. Ouchi stressed that Japanese capitalism had developed rapidly and was already robust enough to form monopolistic capital and to allow the country to fight a long war of invasions. Because Japanese capitalism developed with the use of more advanced machinery imported from European countries, it was not necessary for Japanese industry to employ many workers, and he continued to argue that Japanese workers could not gain sufficient wages to reproduce the labor force because it was too easy for managers to recruit supplementary workers from the peasantry and their children, even when wages were far below subsistence level.

On the other hand, Ouchi criticized the *Kôza-ha* school of Marxists, who had argued that the poverty of peasants resulted from exploitation by landowners. Reversing the conventional cause-effect arrow, he argued that the high level of tenant fees had been the result of peasant poverty. Because peasant poverty derived from the underdevelopment of the Japanese labor market, peasants had to struggle with one another for tenant land, because they had no option other than to cultivate more land in order to improve their meager standard of living.

As a result, he concluded that the Agricultural Land Reform executed under the leadership of the US Occupation would not resolve Japan's agricultural problems because while it would abolish the landlord system, it would not substantively alter the relationship between the peasants and Japanese-style



capitalism. He predicted that the decrease of agricultural prices would replace the abolished tenant fees in keeping the peasants in poverty. In other words, land reform was simply a measure for Japanese capitalism to exploit peasants more directly than before. This prediction seemed correct in the early postwar years. With food shortages, economic stagnation, and high inflation, the Japanese government imposed heavy taxes on the peasants and also introduced strict measures for the collection of agricultural products.

In the following ten years, Ouchi refined his approach to the relationship between the agricultural problem and capitalism. Whereas his first book stressed the particularistic aspects of Japanese capitalism, he began to consider the problem to be inherent to the imperialist stage of capitalist development in the industrialized countries. Briefly put, Ouchi argued that industrial growth under the liberal stage of capitalist development allowed for free competition between owners as well as the development of a labor market in which many peasants could have become workers, but that in the imperialist stage, heavy and chemical industries and the like generated monopoly control over business, reduced competition, and allowed the labor market to stagnate. As a result, he continued, in the imperialist stage, peasants could not undergo any substantial transformation toward different kinds of labor, and had to remain peasants. This constituted the "agricultural problem," as he defined it, and was common to all the developed countries, not simply a result of the unique aspects of Japanese capitalism.

His understanding of the "agricultural problem" also fed into Marxist eschatology. Believing that capitalism would not alleviate the conditions of the peasants on its own, he expected food prices to continue to drop and that their income would decrease. In other words, the ultimate success of the peasants in achieving a more prosperous life rested on their release in the course of the socialist revolution.

Changing Perceptions from the High-Speed Growth Era to the mid-1980s

In the 1960s, Ouchi shifted from the study of agricultural economics to the analysis of Japanese capitalism and to the development of new theories of modern capitalism, or "state monopoly capitalism," as it was conventionally understood. Perhaps this was because he felt that agriculture was no longer the base of Japanese capitalism, and that agricultural economics would not constitute the mainstream of work that endeavored to explain and to understand the structure of Japanese capitalism. In any case, to the extent that he still worked on agricultural issues, Ouchi continued to analyze the agricultural problem by linking it to overall economic structure.

Acknowledging in 1957 that prices of agricultural products had sufficiently grown to increase the income of farmers since the beginning of the 1950s, Ouchi revised his former argument about the likely trajectory of Japanese agricultural prices. It also meant that he had to reconsider his claims about

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how the stage of monopoly capitalism would necessarily keep farmers impoverished.

Indeed, the high-speed growth era forced Ouchi to alter a number of his former views on capitalism. For example, he had argued in his 1950 work *Nihon nôgyô no zaiseigaku* (Japanese Agricultural Finance) that the abandonment of the gold standard in the 1930s was emblematic of the collapse of capitalism; by the 1960s, however, he began to claim that it was a basic measure for the fortification of the capitalist system. This kind of shift in his thinking about capitalism meant that he was able to reconsider the effect of capitalist development on agricultural development, arguing that indeed growth under modern capitalism could alleviate the agricultural problem.

After a research stint in the US in 1958, Ouchi coined a new term for agriculture under modern capitalism. Using US agriculture as a frame of reference, he developed the somewhat anomalous concept of "large-scale small farmers." This essentially was meant to capture the fact that although the basic agricultural enterprise unit continued to be one household with a work force consisting primarily of family members, the increase of living expenses meant that farmers hoping to subsist on agriculture-based income had to increase the size of their farms. Although he acknowledged that the size of Japanese farms was far smaller than that of their American counterparts, Ouchi pointed out that even in Japan the increasing scale of family farms gave some weight to the term "large-scale small farmers." Significantly, he believed that Japanese farms were generally moving in a direction that would make them more similar to US farms, and he argued that the government should take steps to accelerate this change.

This conviction led him to participate in the governmental committee for new agricultural policy in 1959, essentially promoting modernization and rationalization of the sector. Armed with an analysis that only those whose farms were larger than 1.5 hectares could attain an income equal to the average obtaining for wage workers, he recommended that the government accelerate the development of larger farms and also encourage smaller-scale farmers to find new jobs in other sectors. He also argued that the price of rice ought to be prevented from increasing in order to check the tendency toward overproduction.

It is therefore clear that Ouchi had grown to attach special importance to the rationalization and consistency of agricultural policies themselves. This stance was in contrast to most other researchers in the field, who suggested that as many farmers as possible ought to keep their jobs in agriculture because they would not be able to find appropriate work elsewhere. Ouchi's position made him a serious supporter of government policy and the state role in the sector, meaning that he no longer believed that a farmers' movement alone could solve the agricultural problem. The 1960s, therefore, witnessed Ouchi's conversion to a belief in the basic power of capitalism as



Selected Works by Ouchi Tsutomu

- 1948 — *Nihon shihonshugi no nôgyô mondai* (The Agricultural Problem in Japanese Capitalism). Tokyo: Nihon Hyôronsha.
- 1950 — *Nihon nôgyô no zaiseigaku* (Japanese Agricultural Finance). Tokyo: University of Tokyo Press.
- 1954 — *Nôgyô kôkyô* (Agricultural Panics). Tokyo: Yûhikaku.
- 1962 — *Nihon keizairon* (Theory of the Japanese Economy, in two volumes). Tokyo: University of Tokyo Press.
- 1965 — *Amerika nôgyôron* (Theory of American Agriculture). Tokyo: University of Tokyo Press.
- 1969 — *Nihon ni okeru nôminsô no bunkai* (Dissolution of the Peasant Class in Japan). Tokyo: University of Tokyo Press.
- 1990 — *Nôgyô no kihonteki kachi* (The Fundamental Value of Agriculture). Tokyo: Ie no Hikari Kyôkai.
- 1991 — *Ouchi Tsutomu keizaigaku taikai dai-rokkan — sekai keizairon* (The Economic Work of Ouchi Tsutomu, Vol. 6: The World Economy). Tokyo: University of Tokyo Press.

well as his altered stance on the relationship between the agricultural sector and the overall structure in the economy.

When the high-speed growth era ended, however, Ouchi emphasized the role of stagflation as a sign of the decline of modern capitalism. Because state economic policy based on Keynesianism no longer seemed viable, Ouchi argued that capitalism had reached a dead end.

In his noteworthy papers on the history of Japanese agriculture, he made a number of important points. The first was a rethinking of the 1930s, in which he suggested that the decade had actually been a starting point for agricultural stability and the development of the large-scale small farmers under modern capitalism, in contrast to his earlier opinion that the era had been one typified by the collapse of Japan's agricultural sector. This new claim was derived from his opinion that modern capitalism (or state monopoly capitalism) enabled the state to resolve social crises like the agricultural problem, and that the agricultural problem in capitalist societies was common to all industrial economies, even if its characteristics differed somewhat from place to place.

Second, Ouchi reanalyzed the significance of the Land Reform Law executed immediately after the end of the war. Comparing the transition of the agricultural sectors of developed countries after the war, he argued that Japanese Land Reform had not influenced the course of transition for the structure of agriculture, which was common to all developed countries. The implication was that Japan's agricultural system would have ended up looking much the same even had the Land Reform Law not been enacted. In other words, Ouchi had begun to reconsider the history of Japanese capitalism from the perspective that modern capitalism had the same basic structure in all the developed countries, even if some of the empirical phenomena looked somewhat different on the surface.

The Later Work

After the mid-1980s, Ouchi's criticism of Japanese agricultural policy became increasingly severe, especially because under the Uruguay Round of the GATT, the Japanese government had not done much to take special measures to preserve Japanese agriculture. The implication of this criticism was that Japan is indeed a special country. While in the 1960s and 1970s, he had become convinced of the similarity between the development of Japanese agriculture and that of its counterparts in other industrialized countries, he now emphasized characteristics peculiar to Japan. Among these were Japan's difficulty in being self-sufficient in food production, which largely devolved from the tendency of Japanese capitalism to strive toward export markets for major products created by large industries.

Ouchi had previously argued that small farmers could survive on pure income (without profit), and that therefore agricultural prices did not include an add-on for profit when small farmers were dominant; he had reasoned that this was why capitalistic enterprises could not exist in agriculture. But in the 1980s, he revised this argument by suggesting that the features of agricultural labor were convenient to household enterprises, because labor could not be organized as mechanically as in other industries, and could not be performed in fixed hours by hired workers. This was of course a flawed argument; many scholars had referred to this kind of logic when explaining why large cooperative farms in socialist countries had failed to stabilize production. But it was important for Ouchi, because he believed that small farmers with an entrepreneurial spirit could and would be the main players in the agriculture of the future.

To shore up this convoluted view, Ouchi began to argue in 1990 that agriculture had to be preserved not only for economic purposes (to supply foodstuffs and other products at a rational or equilibrium price), but also for ecological and social purposes. He began to criticize other economists, who were proposing ways of making agriculture more efficient by reducing the number of family farmers. Having previously been one of the chief spokesmen for the modernization of agriculture, Ouchi surprised a number of people with his new recommendations.

Among these were the concentration of agricultural policy on unfavorable (or not economically viable) areas, because without protective policies people would no longer be able to cultivate the land and live there; their departure would lead to widespread ecological devastation. In contrast to his earlier support for policies that encouraged larger farms, Ouchi began to affirm that old farmers working small plots were precious to Japan because they were key to the preservation of social and ecological values, meaning that they should be encouraged to continue their lifestyles. This stance — which Ouchi still maintains — reflects not a submission to prevailing “green” attitudes, but rather a fundamental rethinking of the role of agriculture.

Even if Ouchi is correct, he needs to distance himself from his former work. Perhaps it will be necessary for him to reconsider his previous academic opinions, in which he had argued that the role of agriculture was purely economic, and that their behavior simply conformed to prevailing economic conditions. He currently seems to place special emphasis on the social or non-economic side of agriculture and of the behavior of farmers. And while it is not clear whether he speaks of this sociocultural role of agriculture for purely propagandistic reasons or because he now really believes that farmers have always lived under these social and ecological values, it is more evident that Ouchi must reconsider his current comments in order to



rebuild some consistency between his earlier work and his current suggestions.

Ouchi as a Representative of Japanese Social Sciences

Ouchi Tsutomu is one of the most eminent and prolific researchers in the postwar social sciences, and his work contains a number of important features. In contrast to many other Marxist economists, Ouchi is less dogmatic, willing to rethink the relationship between the agricultural sector and capitalism in the face of new empirical developments. And he argues that policies are effective only when they encourage change in a direction that is already favored by prevailing economic or social conditions.

Although he has always proposed the fortification of agricultural policy, he is no ordinary protectionist. Instead of demanding policies to protect the farmers themselves (in contrast to other agricultural economists), Ouchi focused more on the rationalization of agricultural policy to serve the national economy as well as the survival of Japanese agriculture in a broader, more systemic sense.

In evaluating Ouchi's contributions to agricultural economics and the postwar social sciences, I think we have to bear in mind the ways in which Japanese social scientists since the war have had to cope with radically different problems in each decade. As conditions have changed, so too have the popular scholars and opinion leaders among researchers. The leading researchers who brilliantly analyzed problems and influenced others in one era were often ignored in the next period. Major scholars who considered the problems of democratic reformation and the reconstruction of the national economy after the war were frequently ignored in the period of high-speed growth.

As influential researchers are replaced, we are apt to think about the arguments particular to each researcher without thinking about the social context in which Japanese social science changed. Ouchi's case shows the value of a more positive reassessment of the ways in which scholars can revise their own understanding of fundamental issues in the face of rapid and momentous transformations.

□



Recasting Europe, Old and New:

Postwar Japanese Scholarship on Political Modernization in Europe

THE Industrial Revolution that began in England in the latter half of the 18th century soon spread to other countries in Europe, with the mutually reinforcing trends of technological innovation and greater productivity beginning to change traditional European society into industrial society. Similarly, the French Revolution was a turning point in the creation of human rights and democratic rights and the stripping away of privileges for royalty. And when Napoleon's campaigns against France's neighbors helped to spread ideals of the modernized society, Europe was clearly on the road politically as well as economically toward modernization.

This does not mean that countries have somehow moved in a straight line toward something neatly labelled "modernity." As indicated by its efforts to become a wealthy nation with a powerful army, Germany's response to France's modernization, for example, suggests that policy-led modernization was capable of provoking reactionary politics. Similarly, Japan's emulation of Europe's "modernization" occurred even as its army swept across its Asian neighbors; indeed, Japan's understanding of modernity had as much to do with the dynamics of the era of imperialism as it did with political development.

And yet we can discern patterns of political development in terms of the relationship of the state and civil society, or trajectories toward democracy or political modernization. Many Japanese scholars have worked on this issue as well, and in this piece I focus on the activities of Japanese political scientists in explaining and learning from Europe's democratization.

German historiographers have left us with the genealogical method as the mainstream of historical inquiry. Since the end of World War II, however, most Japanese political scientists have adopted American methods of inquiry, namely the use of conceptual frameworks for explaining social or political action. Not only was Japan's version of democracy deeply influenced by American democracy — by design of the Occupation — but the social sciences in Japan were also shaped by trends at US universities.

Because I will discuss democracy by pointing out how it is affected by different contexts, I provide here a tentative definition of democracy, which owes quite a bit to Philippe SCHMITTER's conceptualization: democracy is a system of representative and responsive governance which relies not only on elections and political parties, but also on intermediating channels like interest groups, citizens' movements and the like. In other words, alongside this "associational structure" or civil society, one encounters a variety of intermediary structures between the state and society. Perhaps most important is that the state must guarantee the fundamental rights of its citizens, particularly against arbitrary state action.

Within the European context this definition has been anything but uncontested and unproblematic. For example, in order to protect citizens' rights, one needs a more powerful state capable of actively enforcing such

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Japanese Views of European Political Development *continued*

protection across its territory. Similarly, it is important that democracy not lead to a tyranny by the majority or to domination of the minority. Finally, citizens should not be limited to voting in their efforts to affect policy; they can form interest groups and the like to put additional pressure on politicians to take steps favorable to their interests.

In this article I want to further problematize the issue of how we see democracy by arguing that in the early days of the postwar period, the influential American political science discipline focused primarily on the Anglo-Saxon, or British/American, version of democracy. Since then, however, scholars have begun to pay attention to the diversity of types of democracy, particularly among the smaller European countries, as evidenced by such forms as consociational democracies and the like. If the definition provided above has any meaning, it would have to be that there are a variety of ways to protect procedures for the civil society to control the state, and that we have to be sensitive to different tools apparent in democratic societies.

I want to evaluate how different scholars have attempted to explain and to capture democracy within specific contexts in European history, in part by thinking about the time ranges scholars use to isolate the phenomena at hand. For example, an analysis that uses a long-range historical framework is likely to focus on the structure of democratic governance itself. Conversely, a short-range framework is more likely to call attention to the dynamics of political change. In other words, the way that scholars contextualize democracy and political development is a key to understanding how they see it.

European History as a General History

The important prewar Japanese historian OKA Yoshitake has received a new look from readers because of the publication of two recent compilations, *Kindai yôroppa seiji shi* (Modern European Political History) and *Kokusai seiji shi* (History of International Politics), both of them based in large part on his major work published in 1945, *Kindai ôshû seiji shi* (Modern European Political History). This early work is a good reference point because it was not affected by American-style political science, which would become the postwar trend soon thereafter. Furthermore, even today the book merits attention because of its usefulness as a bird's-eye view of the political structure of European modernity.

Oka's central contribution was his attention not only to how modern political structures were in part generated by social and economic change, but also to the linkages between domestic and international politics and to the development of strategies of modern politicians. Oka essentially argued that the "bourgeois political regime" (*shiminteki seiji taisei*) that typified political modernization was the result of industrialization, which led to the development of a bourgeois class that ultimately demanded political representation. In doing so, however, he avoided an overly narrow understanding of national history by considering the relationship between international affairs and domestic politics, particularly in terms of the spread

...Oka's work is a good reference point because it was not affected by American-style political science, which would become the postwar trend soon thereafter...

of industrialization across Europe, as well as the redefinition of “national interest” in an era of broader political participation by “citizens.”

More recent research, however, indicates that Oka was mistaken in his linear approach to the development of modern politics in Europe. There are two principal problems in Oka's conceptualization of modernization. First, the concept of “civil society” actually preceded the development of an economic bourgeoisie in 19th-century Europe, calling into question the assumption that development of that class was a necessary prerequisite to the notion of citizens' rights. Second and relatedly, in 19th-century Europe, the group demanding these rights was essentially an “educated middle class” (*Bildungsbürgertum*), which suggests that it is more appropriate to consider different kinds of middle classes, rather than assuming that the bourgeoisie was the central reason for political development. Furthermore, the beginning of social policies in the era indicates that there must have been anti-bourgeoisie labor movements that cannot be adequately explained or understood using Oka's traditional approach.¹

Oka's perspective clearly held that there was a “fundamental developmental trend” at work in Europe, but it would probably be impossible to discern a single, neat dynamic in European political development. For example, under the Concert of Vienna, we find the five great powers of Europe — England, France, Prussia, Austria, and Russia — all with radically different domestic political systems. Similarly, Italy and Germany, both of which achieved national unity later than their European neighbors, were so consumed with the project of nation-building that neither was able to compete internationally for colonies with England and France, leading to different strategies for mobilizing national effort for state goals. Because Oka used a narrow kind of macroanalysis on a few of the largest European states, he missed important differences between states and also ignored the smaller European countries entirely. This led to an excessively simple and functionalist approach to political change.

As noted above, however, Oka did make a special contribution in terms of theoretical perspectives on the importance of political leadership. Indeed, between the 1945 publication of his early work and the more recent publication of new volumes drawing from it, he published his only theoretical work, “*Kindai seijika no sutoratejii*” (Strategies of Modern Politicians). Noting that politicians frequently work to prolong and to expand their authority, Oka points out that civil society provides new opportunities for politicians to exploit mass society. The history of the 20th century is rife with examples — Hitler, Stalin, Mussolini — of how this can work, and it is of critical importance that we remember how fragile democracy can actually be.

History Meets Political Science

Japanese historians, particularly those influenced by Marxism, tended to view the development of fascism as an outcome of modern capitalism. In the early postwar years, critiques of fascism generally attempted to lay the blame for its

Note

¹See, for example, Jürgen Kocka/Ute Frevert (Hg.), *Bürgertum im 19. Jahrhundert* 3 Bde., München 1988; Jürgen Kocka (Hg.), *Bürger und Bürgerlichkeit im 19. Jahrhundert*, Göttingen 1987.



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appearance at the door of capitalism, arguing that it had resulted from economic structure. In contrast, SHINOHARA Hajime turned to the rapidly changing discipline of political science, using the works of American scholars in the field, to argue that the fragility of democracy and the turn to fascism owed more to short-run dynamics between political leaders and followers and political processes than to a simple structural dynamic.

In 1956, Shinohara published his *Doitsu Kakumeishi Josetsu* (Introduction to the German Revolution), the same year as his article in *Sekai* entitled "Gendaishi no Fukasa to Omosa" (The Weight and Depth of Modern History). The book focused on how a country's political elite mobilized the mass public, using the example of postwar efforts by the social democratic party. Not only did it succeed in depicting the importance of political leadership in the establishing democratic institutions, but it also helped to point to the deepening but tense relationship between mass publics and political elites. In so doing, he examined how political dynamics, defined in the short-term, were often important in institutional or structural transformation, and he distinctively avoided the overly deterministic view of Marxists and other long-term theoreticians. Influenced by American political scientists like David EASTON, Shinohara examined the German case in the short-term, thinking about how elites affected mass publics, and about how institutions shaped strategies and outcomes.

He did, however, turn to long-range studies too, particularly after reading innovations in democratic theory in the US, particularly those of Robert DAHL, whose book *Polyarchy* remains one of the most influential of all works of political science because of its insights into citizens' rights of political participation, the development of organized political opposition, and how electoral systems guarantee contestation for gains. Shinohara was himself instrumental in the introduction of Dahl's work and the very notion of polyarchy to a new generation of Japanese scholars. Thinking about how the modernization of politics proceeded in the west, Shinohara pointed to distinctive trajectories toward polyarchy among the countries of Western Europe. Among other issues, he addressed the question of how Britain had started with the freedom to declare publicly one's objections, whereas Germany's route had been through the expansion of political participation. What is important here is that Shinohara, as opposed to prewar historians like Oka, began to use new methodological tools to argue two things: first, that political change often owed a great deal to short-term political influences; and second, that even if one can find some broad long-term similarities, it was important to think about the different paths taken by individual countries.

The Diversification of Political Development Analyses

The 1970s witnessed a breakdown of this relatively neat way of doing political science, particularly as student and citizen movements from the late 1960s onward had created a pervasive sense of crisis in industrial democracies. Revolting against the dominance of structural-functionalism in

long-term studies of political development, such scholars as Charles TILLY and Stein ROKKAN (one of the founding fathers of the European Consortium of Political Research, or ECPR) produced volumes on long-term processes of state formation as well as different kinds of crisis for states. Arguing that collective action issues fundamentally affected how polities developed and that crises often figure into political change, these scholars emphasized that the road to political development is beset with any number of choices and problems capable of knocking it off the track that the modernization theorists had suggested. In other words, Tilly, Rokkan, and others of the generation used the opportunity generated by the crises that shook the faith of the western world in a neat trend of democratization to undermine the model that they viewed as too static, structural-functionalist, misleadingly unilinear, and hopelessly ethnocentric. In essence, they offered enriched conceptual frameworks to those hoping to study important developments without resorting to overly simplified answers.

The sense of crisis and urgency also affected Japanese scholars. INDÔ Kazuo and TAKAHASHI Naoko, for example, looked at the crisis in British politics in 1931 to examine the establishment of the "National Unity Cabinet" and the alternation of different types of politicians. Similarly, BABA Yasuo addressed the issue of the democratic regime in formation in his study of the turn-of-the-century Giolitti regime in Italy, and also considered the category of "semi-polyarchy." TAKAHASHI Susumu offered an extremely detailed analysis of the reparations problem in the interwar years in order to make an argument about linkages between international and domestic politics in the changes in Germany in this troubled era.

Essentially, this meant that these scholars used conceptual frameworks as heuristic tools for more complex analyses, rather than as deterministic models of modernization. Their studies thus became political histories based on more solid reasoning and examination of cause-effect relationships than imputations of what must have occurred in order to have generated an observed outcome. In so doing, they depicted the early 20th century as a time of conflicting ideologies and an inherently unstable era.

The use of conceptual frameworks as heuristic tools helped to support important research outside of Japan as well. For example, German historians established a new method of *Sozialgeschichte* (social history) designed, in part, to show how Germany had taken its *Sonderweg* (peculiar way) to Nazism as a pathological form of modernization, one that combined politics, bureaucraticization, industrial capitalism, and the rationalization of culture into a terrifying whole. In essence, under organized capitalism, the autonomous state as an actor (similar to the approach taken by Tilly and Rokkan) played a determining role in modernization and the development of a certain kind of politics.

One further example of the academic current of the 1970s is Charles MAIER's *Recasting Bourgeois Europe*, which essentially uses the conceptual frameworks developed at that time to create a work of comparative history

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that devotes individual chapters to separate countries in order to highlight the distinctive trajectory of each.

But They Forgot About Political Economy

The innovations that Japanese political scientists used in the 1970s, however, continued to direct their attention more to the roles of leaders and political elites than to broader aspects of the political systems they addressed in the next decade. Shinohara, for example, edited a volume entitled *Rengô seiji — demokurashî no anteï o motomete* (Coalition Politics: In Search of Stable Democracy) which emphasized the role of party leaders. Like-minded scholars around Shinohara published *Sengô demokurashî no seiritsu* (The Establishment of Postwar Democracy), *Sengô demokurashî no anteï* (The Stabilization of Postwar Democracy), and *Sengô demokurashî no hen'yô* (The Transformation of Postwar Democracy) in 1988, 1989, and 1991 respectively. In these works, they focused on the consolidation and transitions of postwar democracy from a domestic tripolar perspective, focusing on the state apparatus, the political society, and the civil society, and considered the conditions and effects of political innovation, but avoided the issue of political economy. Why did Japanese scholars — in contrast to their counterparts overseas — avoid the question of political economy in studies of democratic governance?

Scholars in Europe and the US had turned to the question of corporatism in political governance throughout the decade, and had made important contributions to our understanding of the structure of the welfare state. But the differences in analysis probably owed a great deal to the prevailing conditions that characterized Japan in the era, and separated it from the experiences of its industrialized counterparts. Japan, as is well known, continued a long period of economic growth (having been interrupted by oil and exchange-rate crises in the 1970s), still governed by the symbiotic dominance of the bureaucracy and the Liberal Democratic Party. The durability of the one-party regime and continued economic growth stood in marked contrast to the changes that had swept through the industrialized West.

Particularly in northern and western Europe, the breakdown of the social-democratic consensus and the rise of neoconservatives had led to serious questions among scholars about the kinds of bargains obtaining in corporatist or liberal regimes, and provoked such scholars as Gerhard Lehmbruch to reconsider the relationship between the state and the market under democratic regimes. Indeed, in spite of its economic success, Japan was generally viewed to be politically stagnant, with most of the political “action” taking place at the level of industrial policy — the level described by Chalmers JOHNSON in his study of MITI and the “developmental state.” But where Johnson saw praiseworthy industrial policy, the Japanese scholars focused on political stagnation, and tended to frame their analyses in narrowly political, not political-economic, terms. As a result, their work on Europe turned to political transitions in Southern Europe, not the breakdown of social democracy in northern and western Europe.

It is important to remember here that just as political experiences differed between Japan and the countries of Europe, so did they differ among European countries. In particular, the democratic transitions in southern Europe — which were virtually the opposite of the breakdowns of democracy in the interwar period — generated scholarship by such scholars as Juan LINZ and Alfred STEPAN, who maintained an explicitly political focus to deal with the elite bargains that characterized these changes.

Agenda for Future Research

I have argued here that Japan's different experience has produced scholarship that diverges from scholarship in the industrialized West even as Japanese scholars owe much of their methodological approach to innovations abroad. One of the key questions is how the collapse of the LDP government in 1993 and its resurgence in 1995-1996 and the unaddressed political reform agenda will affect Japanese scholars' understanding of political development. Although these topics are clearly important in grasping Japanese politics, they have yet to receive much theoretical attention; comment on them has been mostly limited to the popular media and quick analyses of electoral results and the like. Significantly, many observers seem to sense that these events have been linked to broader changes that seem to inhere to the international political economy and to all of the developed countries. Among these broader factors, one might include globalization, deregulation, the drive toward transparency of public efforts, and the generation of a rule-oriented market.

This means that Japanese scholars are likely to consider differently the modernization experiences of the European cases they will examine; the relevance of the broad, systemic factors mentioned above to political change in Japan will probably force a rethinking of political systems elsewhere as well. For example, economic globalization clearly has ramifications for civil societies, even if it is less clear precisely what these ramifications are and will be. Similarly, the establishment of private standards for industrial production and the public deregulation (and "reregulation") of the economy will almost certainly create new pressures and conflicts that will ultimately be pushed to and contested within the public sphere. In other words, the sensitivity of the state and of political systems to broad economic and social change will ultimately force scholars to reconsider the role of the state in a democratic society.

Although it is by no means clear how Japanese scholarship on the subject will evolve, the works mentioned above suggest that these authors have reacted not only to theoretical and academic developments taking place elsewhere, but also — and perhaps less consciously — to changes in their political and social context. This new era will likely bring us rich new insights into how democratic societies have evolved and why they look the way they do.



Bodies of Knowledge:

How Thinktanks Have Affected Japan's Postwar Research on Asia

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IT would be difficult to produce any history of the postwar social sciences in Japan without taking into account the development of “area studies,” which have been important in both academic and professional circles. Since the early days of Japan’s reconstruction, political leaders and scholars have engaged in genuine efforts — for a variety of obvious reasons — to understand the world outside of Japan. In this essay, I want to focus on two related issues in “area studies” in postwar Japan. The first is the fact that “area studies” has almost invariably meant studies of the developing countries in general, and “Asian studies” in particular. Indeed, a large number of scholars pursued “European studies” or “American studies,” but whenever the term “area studies” has been used, the bias toward Asia has been pronounced. Second, “area studies” in Japan is substantively different from its counterpart, area studies, in the US and Europe. Whereas European and American scholars have largely approached the region from within their special disciplines, coming together on occasion to engage in multidisciplinary or interdisciplinary work, Japanese scholarship has been characterized by “nondisciplinary” work, in which individual scholars immerse themselves in local languages, cultures, and the like, but do not tie themselves to any particular discipline. For Japanese scholars engaged in area studies, the unique discipline is the *chiiki kenkyū* (explained below) approach itself. This practice has both good and bad consequences.

In order to make the difference more clear, in this piece I will refer to Japanese “area studies” in the original Japanese term, *chiiki kenkyū*, in order to highlight the differences between the Japanese form and its western analogues. I intend not to show that there is something irreducibly or timelessly “Japanese” about the research, but rather to keep the research here analytically separate from what foreign scholars normally get a chance to see. I furthermore am not trying to provide here a survey of the countries of Asia. I myself have studied the Thai economy for the past 20 years, and have also engaged in broader studies of economics in the countries of Southeast Asia. But I will not pass myself off as an expert on every country of the region or to summarize what other scholars have written. Rather, I want simply to explain why *chiiki kenkyū* so often looks the way it does.

In examining why *chiiki kenkyū* is typified by a bias toward Asia as well as by an purposeful evasion of academic discipline, I examine below how the research has been established, organized, and implemented by three different research organs, *Ajia Mondai Chōsakai* (The Research Society for Asian Affairs, which was renamed *Ajia Kyōkai*, or The Society for Economic Cooperation in Asia, in 1954), *Ajia Keizai Kenkyūjo* (currently the Institute for Developing Economies [IDE], but formerly the Institute for Asian Economic Affairs; a.k.a. Ajiken), and Kyoto University’s *Tōnan Ajia Kenkyū Sentō* (Center for Southeast Asian Studies). I want to emphasize especially that the organization of knowledge for public purposes has actually started to dovetail with a growing anti-theoretical or anti-establishment slant on the part of academics, and is leading us further down the road of — to borrow Clifford GEERTZ’s famous phrase — “thick description” rather than narrowly disciplined or theoretically productive work. We have many genuine experts on Asia in Japan, scholars so knowledgeable that I think

that they exceed even, say, Geertz in his understanding of Bali. What concerns me is that the evasion of theory or discipline has left them without a vocabulary for passing on or sharing this knowledge, which means that it is virtually impossible to generate comprehensive understandings of the regions involved or to ensure the transmission of knowledge from one generation to the next.

Ajia Kyôkai

The *Ajia Kyôkai* was founded in December 1951 by FUJIZAKI Nobuyuki. Fujizaki himself was born in Taiwan in 1910, and joined the Japanese colonial administration in the northern part of China after being educated at Keio University in Tokyo and Daitô Colonial University in Manchukuo. During the war, he worked in Korea on the interception and summarization of foreign broadcasts and, after returning to Japan, suggested to Keio University's president Koizumi Shinzô to create an organization for "substantive research on Asia that would be useful for the newly emerging (*shinsei*) Asia." With the help of three famous scholars, Tokyo University's KAWANO Shigetô, Hitotsubashi University's ITAGAKI Yoichi, and Keio University's YAMAMOTO Noboru, Fujizaki and his team became the brains behind the new Asia research organization. Fujizaki also began to collect data and materials about Asia in cooperation with such governmental institutions as the Economic Stabilization Bureau (which later became the Economic Planning Agency) and Japan's branch of the Economic Commission for Asia and the Far East, or ECAFE.

Fortunately for Fujizaki, at about the same time that he was planning the research organization, the leader of the prewar Ministry of Commerce and Industry (the precursor to MITI), KISHI Nobusuke, was released from prison, where he had been sent as a Class A War Criminal. Fujizaki had first met Kishi after hearing Kishi lecture at Daitô University in 1937, and he had respected Kishi's leadership in formulating industrial development plans in Manchukuo. After returning to Japan, Fujizaki decided to seek political patronage from Kishi, who had begun to become active with the Yoshida government. With the help of Kishi and his political contacts, Fujizaki was able to create an informal research group, the *Ajia Mondai Chôsakai* in 1951, and it was upgraded to the status of a public association two years later. One of their main activities was to publish their monthly journal *Ajia Mondai* (English title: Journal of Asia Kyôkai: The Society for Economic Cooperation in Asia) as well as books. According to Fujizaki's memoirs, the group was funded mostly by pocket money from Kishi and his associates, the cabinet's Research Bureau's special budget, and capital assistance from the financial world. In 1954, the association was renamed the *Ajia Kyôkai*.

Under the Yoshida Doctrine — which stated that Japan, as a peaceful nation, would work for economic growth in East Asia under general partnership between Japan and the US — *Ajia Kyôkai* began to work toward three general goals espoused by the government: first, diplomatic normalization with the countries of East Asia as well as the speedy solution of Japan's reparations



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burdens; second, the establishment of specific organizations to promote economic cooperation (*keizai kyōryoku*); and third, economic cooperation would be started in South Asia, where there were no reparations burdens. Nongovernmental research institutions like the Ajia Kyōkai were expected to work especially in category two, or the effort to generate economic cooperation initiatives.

In practice, this meant that the Ajia Kyōkai worked to generate research on economic conditions in Asia as well as to provide useful information to the government on practical, or technical and ostensibly non-ideological, issues in the region. It ought to be noted here that Fujizaki and his associates — as evidenced by his close ties to former war criminal Kishi — were somewhat anti-western in their political orientation. Kishi, for example, stood against what he viewed as the west's desire for "democracy based on self-interest" and instead supported what he referred to as a "nation-based" political system. These feelings were echoed by Itagaki, who was attempting to figure out ways to get the energy of post-colonial nationalism fed into "modern" (or ostensibly productive) nationalism. Building off theories of national development of such economists as Friedrich LIST, Itagaki and Fujizaki favored "practical" research, which was also of course consistent with the orientation of Ajia Kyōkai's members from the financial world and the bureaucracy. In fact, a quick survey of authors as well as special themes of *Ajia Mondai* indicates detailed research on nation-building efforts, economic development planning, and the interaction between communism and nationalism in the region and in specific countries comprised virtually all of the content, and that the authors came from the financial world, the bureaucracy, the thinktanks, the universities, the media, and other disparate sources.

In other words, although theories of national development were important to the Ajia Kyōkai, its basic purposes were the collection, analysis, and distribution of useful political and economic information for policy-specific needs, including the development of trade and investment ties and the solution of the reparations issue, both of them ultimately related to the nebulous category of *keizai kyōryoku*. In practice this meant that scholars were expected to go into the field or to get primary information resources and to distribute them; it further meant that researchers became experts on the regions under their purview, but that they were not ultimately tied to a specific academic discipline. And the organization provided researchers from far-flung fields the chance to build personal networks that would facilitate further research. In this sense, Ajia Kyōkai became the mother of *chiiki kenkyū*, or Asian studies in Japan.

Ajiken and "Tōhata-ism"

In August 1957, Fujizaki and other editorial members of Ajia Kyōkai met at a ryokan in Hakone for a send-off party for Itagaki, who was to go to the US and Europe for research. Because Ajia Kyōkai's budget had just been cut, they used the opportunity to consider the possibility of creating a new organization for economic research on Asia, and Fujizaki took advantage of the location by

staying for a few nights with Prime Minister Kishi, who happened to be staying at his villa in the area. With Fujizaki receiving encouragement and maintaining contact through Kishi's secretary, Itagaki proposed the establishment of a "new institute for substantive research on Asia, to be managed by the government." The emphasis on Asia was furthered by Kishi's two regional trips in 1957, first to Burma, India, Thailand, Sri Lanka, and Taiwan and then to South Vietnam, Cambodia, Laos, Malaya, Singapore, Indonesia, New Zealand, and the Philippines later in the year. In planning the trips, Kishi and his cabinet decided to propose the establishment of this new research institute for the Asian economies, a conception which became the genesis of *Ajia Keizai Kenkyûjo* (Institute for Asian Economic Affairs, but later the Institute for Developing Economies, a.k.a. *Ajiken*).

With the new center proposed, both the Ministry of Foreign Affairs (MOFA) and the Ministry of International Trade and Industry (MITI) fought over its role, though MITI was to win control of this institute, and MOFA governed the new *Nihon Kokusai Mondai Kenkyûjo*. *Ajiken* was formally established as a *shadan hôjin* (public association) in 1957, but its status was upgraded to that of *tokushu hôjin* (special legislative body) in 1960. Although the *Ajiken*'s first chairman, KOBAYASHI Ataru, had been a business leader, its core officials were familiar to anyone involved in the *Ajia Kyôkai*, as Kawano was named Director, Fujizaki became head of the Publications Department, and the *Kyôkai*'s HARA Kakuten who had been an influential economist on Asian affairs at the Economic Planning Agency and had served as editorial committee member for *Ajia Mondai* from the beginning) became head of the Research Department. Itagaki, upon his return from the US, became a vaguely defined "special advisor." The personal networks forged in the *Ajia Kyôkai* days thus decisively shaped *Ajiken*'s formation.

Perhaps the greatest influence on the development of *Ajiken*'s research style, however, came from its first president, TÔHATA Seiichi. Formerly a professor emeritus at the University of Tokyo and an expert on agricultural economics, he managed to affect the core members of *Ajiken* by virtue of his prominent academic career. Tôhata argued forcefully that Japan needed a new concept of *chiiki kenkyû* that would allow for country-by-country studies; prewar research, he argued, had been done when opportune for national policy, and Japanese universities lacked any real system for *chiiki kenkyû*, except for research on China. His desire for comprehensive studies — involving, among others, "legal, political, religious natural, technical, ethnological, and ethnographic" aspects — was so persuasive that it shaped the research style of *Ajiken* staff researchers, as evidenced by the large number of *Ajiken* experts dispatched to Asian countries to live for two or three years in the field, absorbing everything they could about a given country. If we can label Fujizaki's vision of the importance of policy-oriented research "Fujizaki-ism," perhaps we can think of the conception of comprehensive field research shaped more by absorption in a local culture than in a Western theoretical tradition, and the distinct effort to come to grips with the actual conditions currently obtaining in any of these countries, as "Tôhata-ism." The May 1960 issue of *Ajiken*'s journal, *Ajia Kenkyû*, gives further evidence of the power of Tôhata-ism. Throughout the 1960s and 1970s, many of the journal's



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special issues were collections of articles on one country — designed, in other words, to provide the comprehensive understanding of individual countries in Asia that Tôhata considered so central to *chiiki kenkyû*. Because of Ajiken's ties to MITI, its research budget and materials, Ajiken's research program affected not only its direct employees but also those scholars asked to contribute to research projects. For example, when a number of important scholars came together for a research association on economic development planning, they emphasized the economic cooperation and investment environments of each individual country.

After 1965, however, Ajiken-based researchers began to shift their interests more to specific problems facing Asian countries, like the structure of village society and land ownership. Even in these new projects, Tôhata urged his colleagues to use the *chiiki kenkyû* methods and at the same time suggested that they work from Japan's experience as a late-industrializing country in order to grasp the special characteristics of Asian villages. When publications from this association began to appear, it was obvious that the scholars involved had heeded this advice, and the volumes tended to feature articles on the current conditions facing individual countries. Furthermore, researchers at Ajiken had themselves been working in this framework since they were in their 20s or 30s, leading to a clear disposition toward this kind of deep immersion in current conditions and facts rather than to any sort of disciplinary orthodoxy.

Ultimately, this means that the impact of Tôhata-ism has spread far beyond the walls of the Ajiken building in Yotsuya, Tokyo. Not only do scholars who worked with Ajiken use the research methods favored by the organization in their own work, but a great number of Ajiken researchers have moved on to jobs at universities. As of 1996, there were 130 former Ajiken researchers currently employed by the nation's universities, teaching *chiiki kenkyû* to a new generation of scholars.

The Center for Southeast Asian Studies and "Comprehensive *Chîki Kenkyû*"

In 1959, just after the establishment of Ajiken in Tokyo, Kyoto University established the "Asian Studies Group," an intramural research organization that met monthly. When scholars heard in 1960 about the possibility of a Ford Foundation grant from the Foundation's John Scott EVERTON, who was visiting Kyoto at the time, they decided to formalize the group. After receiving the grant, they established the *Tônan Ajia Kenkyû Sentô* (The Center for Southeast Asian Studies) in 1963. Although a group of students opposed the acceptance of the grant, which they considered to be a manifestation of America's neocolonial aspirations in Asia, ultimately the group was created with Ford Foundation assistance.

Four key characteristics distinguish the Center from its MITI-led counterpart, Ajiken. First, its membership, smaller than Ajiken's, was composed virtually entirely of scholars, rather than bureaucrats, politicians, and members of the financial world. Second, and relatedly, its research was directed not at policy but rather at issues better described as academic in orientation. Third, members

Ultimately, this means that the impact of Tōhata-ism has spread far beyond the walls of the Ajiken building in Yotsuya, Tokyo.

came from both the natural as well as human and social sciences, as demonstrated by the fact that affiliated researchers were scholars in departments as far-flung as medicine, literature, law, education, pharmaceuticals, and geography. Fourth, unlike Ajiken, where most of the researchers had been trained in the Marxist tradition popular among Japanese economists and political scientists, the core members of the Center for Southeast Asian Studies, and natural scientists in particular, were scholars who had demonstrated little interest in the Marxist approach.

The group's original conception of *chiiki kenkyū* differed somewhat from the Tōhata-ism at Ajiken. According to the Center's version, which was formulated partially on the basis of American-style area studies, *chiiki kenkyū* had to be based around: (1) the unification of research and training organizations; (2) comprehensive research based on interdepartmental cooperation; (3) an emphasis on current issues more than on history; (4) learning the language of the country one aspired to study; (5) the development of discipline-based training; (6) field surveys; and (7) the organization of relevant source materials and bibliographies. In particular, factors 1, 2, and 5 stand out as different from the Ajiken perspective, in the emphasis on comprehensive research based on discipline-led knowledge and studies. In other words, in the Center's version, the researcher was not supposed to be a *tabula rasa* before setting foot in the field, which is certainly the impression one received from Tōhata's exhortations.

The Center's method, however, itself changed over time. For example, in the early years of field research in the 1960s, the Center's *chiiki kenkyū* group projects generally revolved around multidisciplinary studies of the complex elements of, for example, village life in Malaysia. Individual scholars from fields as far-flung as physical geography, medicine, sociology, and anthropology would work together to generate comprehensive surveys in what became known as the "core project method." Similarly, the Center would also sponsor individual researchers who hoped to focus on a given country like Thailand by completing a study within their own discipline, or the "individual project method." Both of these meant that information was shared between scholars from different disciplines.

During the 1970s, however, an increasing number of scholars, having developed new theoretical interests because of the productivity of the multidisciplinary methods, began to adopt arguments from different fields in order to supplement their work, or to work more closely together to write joint papers that effectively merged disciplines into more comprehensive studies of particular aspects of life in Asia. For example, ISHII Yoneo, an expert on Thai history and religious traditions, worked closely with TAKAYA Yoshikazu, a physical geographer, to produce fascinating studies of the Chao Phraya Delta in Thailand. In other words, in contrast to its earlier "multidisciplinary" approach, the Center's method in the 1970s could better be described as "interdisciplinary."

This trend would accelerate in the 1980s, when YANO Toru, who had been the head of the Joint Research Planning Committee, argued that *chiiki kenkyū* ought to consider the fact that the areas under observation were generally developing countries, and that studies on them would likely be expected to yield useful advice and knowledge; in other words, mere academic pursuits might be

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sublimated to the need for practical knowledge. In order to forestall the collapse of broad academic pursuits, he argued that the Center's research ought to be designed to allow experts to grasp all aspects of life in their area of study, meaning that they ought to focus on "comprehensive *chiiki kenkyû*" or "general ecological studies" rather than on specific disciplines.

Perhaps the most interesting example of this transition is that of TSUCHIYA Kenji, a political scientist who did his graduate studies in international relations at the University of Tokyo. In his field work on Indonesia, Tsuchiya found that he was unable to grasp political science in the country without addressing the history of Dutch colonialism, ethnic reactions and ethnic movements, the Indonesian language, traditional music, art, and the like. He termed this comprehensive approach "culturism," and his work *Karutini no Fûkei* (Kartini's Scenery) is a vivid symbol of his research style, in its description of the period of Dutch colonialism in Indonesia from the imagined perspective of an Indonesian woman. In a subsequent article in the journal *Shisô*, Tsuchiya argued that in *chîki kenkyû*, the researcher must be aware of and resigned to the need to ask unceasingly what *chiiki kenkyû* is and what is the basis of this existence, and that the only way that one could demonstrate this awareness was "to come face to face with the aporia of one's own *chîki kenkyû*, to draw it to oneself, to make oneself [rather than an academic article — author] the 'work' (*sakuhin*) of one's research." In other words, for Tsuchiya, this was work as sociology, and the work produced was to transcend simple time/space categories by de-centering the researcher as an objective, external observer.

Ultimately this means that research at the Center has begun to resemble — in form if not always in content — the kind of *chiiki kenkyû* favored at Ajiken, the bastion of Tôhata-ism. To the extent that *chiiki kenkyû* has started to emerge as total immersion in a foreign culture rather than the accomplishment of discipline-driven research, the research at the Center has moved further away from "area studies" as defined in the US and Europe than it was in its early days, and it suggests that Japanese *chiiki kenkyû* will continue down the somewhat iconoclastic road it has been paving for the past decades.

Area Studies and *Chiiki Kenkyû*

I do not want to suggest here that the Japanese style is either superior or inferior to its analogue in the US and Europe. But I do think that it is important to recognize that the institutional background of *chiiki kenkyû* — based as it is not only on public thinktanks aiming at policy-relevant research but also on the outcome of "group research" that has moved scholars toward more comprehensive approaches that eschew strict disciplinary or theoretical formulae — has ultimately meant that what Japanese scholars are doing is fundamentally different from what foreign "area studies" researchers probably expect when they meet their Japanese counterparts. As noted above, I believe that the Japanese scholars are just as knowledgeable, and perhaps more so, than western scholars on Asia. Tsuchiya, for example, simply knows a tremendous amount about Indonesia, and his expertise is well-respected.

The situation for *chiiki kenkyû* on Asia, however, seems to have fundamentally changed in line with industrialization, economic globalization, and the development of more rapid telecommunications and information-sharing. The problem for Japanese scholars of *chiiki kenkyû* exists in the fact that empirical knowledge, even an amazing grasp on local conditions, cannot be a substitute for more easily transmitted theoretical understanding or for a willingness to study things outside of their regions as well. For example, a scholar who knows everything there is to know about life in a particular village in Vietnam may be unable to explain or to understand why life is changing if such change is the result of the village's assimilation into a growing international market that leaves no localities untouched. Similarly, industrial development taking place far outside of a village or a region is eminently capable of reshifting social relations that the region's *chiiki kenkyû* expert could probably describe, but not explain. In other words, while it is by now both trite and misleading to speak of "globalization" and the creation of a "borderless world," *chiiki kenkyû* scholars simply cannot focus on life in one region and expert to understand it thoroughly if their gaze is so narrow that they cannot take into account broader systemic shifts from agrarian to industrial/corporate societies that quite clearly affect village life in significant and potentially tragic ways.

Additionally, if we accept *chiiki kenkyû* as the absorption of specific knowledge about the present conditions of a given area, it makes it almost impossible to transmit knowledge to other scholars and to the next generation of researchers. In other words, current understandings suggest, as Tsuchiya has done explicitly, that there is no way for one to become a *chiiki kenkyû* expert without thoroughly immersing oneself in one's subject, learning the language, living with the people, and getting to understand the society so thoroughly as a participant that it problematizes one's own place as an objective observer. While there are no doubt benefits to this approach, it leaves us in a quandary in teaching students. What can we say besides, "Go there and learn"? It means that we have experts who thoroughly understand the region but who, in principle, are unable to do much more than to provide some specific information on given issues for use in articles, policy papers, and the like, rather than to pass on genuine understanding to other scholars or students. So rather than generating a large body of knowledge, we are generating a large number of individual bodies of knowledge about Asia.

I believe that the dedication and sincerity with which *chiiki kenkyû* experts devote themselves to their studies should be an inspiration to other scholars, but that we need to break free of the institutional shackles that have emphasized a thorough, comprehensive knowledge of current conditions, rather than theory- or discipline-driven understanding that can be more easily transmitted as well as tied to potentially related work by other scholars. By definition, institutions socially reproduce themselves and related practices, and I do not expect *chiiki kenkyû* to change fundamentally anytime soon. But I do believe that there is much that area studies scholars in North America and Europe and *chiiki kenkyû* scholars in Japan can learn from one another, and I hope that studies of Asia will eventually demonstrate shared strength from revisions of both approaches.

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Reading Modernities:

A Discourse Analysis of Civil Law Theory in Postwar Japan

MORITA Osamu

SOON after WWII, Japanese professors began to strengthen the conception of tenantry, which had previously been seen as a mere contractual claim, and some of them have taken up the issue as one in the development of "Modern Land Ownership" theory. In contributing to this academic celebration of Shaken's 50th Anniversary, I would like to address the question of how five professors have invoked conceptions of "modernity" in order to justify their positions and critiques as to tenantry. In essence, I argue below that a key to understanding how these legal scholars framed and investigated tenantry pertaining to postwar society lies in the typology of the linkages between historical and normative argumentations which comprise their positions within the discourse. In other words, the issue here is how each of them actually uses certain chunks of historical knowledge in order to underscore and to legitimize his own normative position on the interpretation of tenantry, and how the concept of "modernity" is used as a tool in this process of legitimation.

This paper proceeds in three parts. First, I outline my theoretical position of structural analysis of *linkage*, as well as its key features. Second, I briefly cover the major elements of the opinions of professors KAWASHIMA Takeyoshi, WATANABE Yozo, MIZUMOTO Hiroshi, INAMOTO Yonosuke, and HARADA Sumitaka, each of whom brought a distinctive approach to the study of how the contractual claim of lessee has been beefed up as an element of "property rights" over the years, as well as to what a modern land-use system is supposed to be. This analysis will illustrate what I mean by the invocation of historical facts and understandings of modernity, which are critical to each of these (more or less) Marxist interpretations of tenant law. Finally, I direct attention to an important feature: how the change from the active use of historical knowledge toward its passive use to legitimize one's interpretation has effected a switch from an "abundance of history" to the "absence of history" in Marxist legal studies.

The Structural Analysis of *Linkage*

Due to limitations of space, this paper provides only a very general introduction to this kind of analysis, and I direct the attention of interested readers to my two-part article "Shihogaku ni okeru rekishi ninshiki to kihan ninshiki" (Historical Knowledge and Normative Knowledge in Private Law), in *Shakai Kagaku Kenkyû* 47:4 (December 1995) and 47:6 (March 1996).

The structural analysis of *linkage* is a form of discourse analysis that examines how a legal scholar links an argument based on history to his or her normative position in the interpretation which is formed as a legal text. This approach presupposes that a scholar's discussion of the law is itself the creation of a text that interprets a prior text and invokes an intervening text (or external referent) that provides legitimacy to the scholar's work. In other words, there are three texts: the text (in this paper, laws) under investigation,



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the scholar's interpretation (article, book, etc.), and, in the middle, an external referent used as a text to provide legitimacy to the author's contentions about the legal problem in question. This intervening text is critical to the analysis, because no interpretation of a law can have any claim of validity unless the interpreter accepts a set of intervening texts that were also the results of preceding interpretations, and which are together regarded as the rule supporting an epistemological community of legal scholars. The scholar must choose the intervening text in order to buttress or to legitimize his or her own normative claims about the law, which the interpretation of legal texts invariably involves. This choice of the intervening text is nothing if not the choice of the epistemological community to which the legal scholar would belong.

It goes without saying that the intervening texts do not always contain historical arguments. They may be economic or sociological justifications of their legal opinions. Or they can be purely logical deductions from the law. The structural analysis of *linkage*, however, deals only with the legal texts which contain historical statements to justify their normative statements. The scope of this method is strictly limited to analyze the linkage between these two types of arguments.

The debates over "Modern Land Ownership" and tenantry are a good sample for this analysis. When authors talk about "modern" land-use systems, they are implicitly or explicitly making historical claims. They cannot say something is "modern" without first assuming that there is a legal system which is typically "modern" or that historical events are leading in the direction of "modernity," and then presuming that a system can be defined as being more modern or less modern. For example, the scholars are likely to discuss what constitutes an understanding of "Modern Land Ownership" and where the lessees fit into a "modern" system of land use. I am not, however, trying to define what is and what is not modern; I focus instead on the question of how "modernity" is discussed by those scholars who invoke it to support their doctrines about landlord and tenant law.

The structural analysis of the *linkage* relies on three instrumental concepts. The first is *rhetoric*, or the way that scholars explicitly use historical claims to buttress their normative positions. This can be done in one of two ways: affirmatively or negatively. There are two subcategories in the affirmative type of rhetoric. When the author refers to a historical fact in order to justify his or her position, s/he may contend that the position is consistent with a notion of modernity represented by this fact. In this linkage, the author uses the *rhetoric of universalism*. Similarly, when the author assumes that there is one normal kind of historical development, and that legal norms and rules ought to be judged by that standard, s/he uses the *rhetoric of development* which is also affirmative. Conversely, the scholar can cite a historical fact in order to rebut an opposing view. In doing so, the author will likely use certain historical facts to show that there can be different kinds of laws in different modern societies, meaning that a



legal condition can be legitimate without necessarily being the neat result of an imputed universal modernity. Here the author uses the *rhetoric of particularism*.

The second concept is *topos*. This is an intersubjectively defined arena in which scholars can search for historical facts to support their arguments or to rebut others. In the legal debates of “Modern Land Ownership” and the tenantry, this essentially means the *topos of historical stages* (more precisely, the *topos of modernity*) or an area of inquiry where historical facts are interpreted by a teleological view of history as a series of stages of development.

As legal debates develop over time, one can often find that certain combinations between rhetoric and *topos* appear recurrently. These repeated combinations become a kind of mold which automatically provides the interpreter with a kind of *rhetoric* to use and a *topos* in which to search. This combination or textual mold, so to speak, is the third instrumental concept, the *figure*. In the discussion of modernity, for example, there will be the figure of modernism, the *figure of English-model modernity*, the *figure of historicism* (these are the combinations of the *rhetoric of development* and the *topos of modernity*), and the *figure of England-specific modernity* (a combination of the *rhetoric of particularism* and the *topos of modernity*).

In the remaining pages of this article, I focus on how these concepts provide a useful lens with which to look at how Japanese scholars have approached the issue of tenantry, as well as to generate new insights into important changes in the analysis of law in the postwar era.

A Case Study: Debates on “Modern Land Ownership” and Tenantry

During WWII, tenantry was already legally protected so well that it was not a simple contractual claim. The problem for a professor in early postwar era, KAWASHIMA Takeyoshi, was the creation of a theoretical justification for these protections from a historical perspective. In his 1949 work *Shoyuken hô no riron* (The Theory of Ownership Law), Kawashima argued that Japan’s economic and social relations were “premodern,” and, depicting Japan’s lags in developing law of ownership, he invoked historical processes as efforts to legitimize his claims about the need for a “modern” legal system. On the one hand, inspired by Marx’s theory on processes of exchange, he established a new body of theory on “Modern Ownership,” which he held to be freely alienable (or exchangeable) and not limited by other land charges. But on the other hand, he had already admitted that the issue of whether land ownership should be constructed as unlimited legally in a “modern” system of land use would itself depend on the degree of capitalization of tenantry. Here we see precursor of his theory on “Modern Land Ownership.”

In attempting to support his normative positions on how tenantry had to be protected he invoked a claim about a “normal” path of historical development, one that was universally shared by all countries. In other

When authors talk about “modern” land-use systems, they are implicitly or explicitly making historical claims.

words, because there was one typical path to modernity — and because Japan was arguably different than its counterparts in Europe and US in its land use laws — the problem was that it was “lagging” on the same road of development, and that new laws would be needed to get Japan further along down the path. In the language of the structural analysis of *linkage*, he used the *rhetoric of development* at the *topos of modernity* and thus founded the *figure of modernism* in Japanese studies of property law.

One of his disciples, professor WATANABE Yozo, more fully developed the theory of “modern” land ownership, which he illustrated with the relationship between landlords and farmers in late 19th-century England, where agriculture had been capitalized in a manner taken to be typical of industrialized countries. Based on Marx’s theory of rent, he argued in his 1949 article “Kindaiteki tochi shoyûken no hôteki kôzô” (The Legal Structure of Modern Land Ownership) in *Shakai Kagaku Kenkyû*, that rights accruing to modern land ownership had to be qualified by the protection of tenantry, which was to be regarded as invested capital. It was for this reason that he regarded it as “appropriate” to construct tenantry not as a mere contractual claim but as an element of property rights in a modern land use-system. And so although Watanabe’s historical image of the role of tenantry in a modern land use system differed from Kawashima’s to some degree, we find the same *figure of modernism* as that invoked in Kawashima’s theory on “Modern Ownership.”

If Kawashima and Watanabe had left room for strategic considerations in connecting their normative positions with their historical arguments, MIZUMOTO Hiroshi’s two books on the subject effectively linked the view of a universal road toward modernity with the normative necessity of certain kinds of legal developments in a more inflexible way. *Shakuchi shakuya hô no kiso riron* (Basic Theory on Land Lease and Housing Law) and *Shakuchi shakuya hô no gendaiteki mondai* (Contemporary Problems in Land Lease and Housing Law), first published in 1955 and 1961 respectively, fixed logically the linkage between the historical knowledge on “Modern Land Ownership” and the normative position that regards tenantry within a broader system of property rights. These works show most clearly how statically the *figure of modernism* had conceptualized the connection between a legal understanding of “modern” tenantry and an economic relationship developed in English farms under agricultural capitalism. In other words, this work took the connection between historical knowledge based on the English case and the understanding of history as a universal series of stages a step further, creating the *figure of English-model modernity*.



Further Reading

HARADA Sumitaka. "Fudôsan riyô ni okeru shoyûken to riyôken" (Ownership and Tenantship in Land-use System). *Jurist* 875 (1987)

_____. *Kindai tochi chintaishaku hô no kenkyû* (Research on the Law of Modern Land Leasing. University of Tokyo Press, 1980.

HIRAI Yoshio. *Hôritsugaku kisoron oboegaki* (Notes on the Foundations of Legal Studies) Yûhikaku, 1989, 1991.

_____. *Hôseisakugaku* (A Theory of Legal Policy Making). Yûhikaku, 1995 (2nd ed.).

INAMOTO Yonosuke. "Shihonshugi hô no rekishiteki bunseki ni kansuru oboegaki" (Memorandum on the Historical Analysis of Capitalist Law), *Hôritsu Jihô* 38:12 (1966).

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MIZUMOTO Hiroshi. *Shakuchi shakuya hô no kiso riron* (Basic Theory on Land Lease and Housing Law). Nihon Hyôronsha, 1966.

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_____. "Sengo Minpôgaku ni okeru kindai" (Modernity and Civil Law Theory in Modern Japan). *Shakai Kagaku Kenkyû* 48:4 (1997).

WATANABE Yozo. *Tochi tatemono no hôritsu seido* (Legal Institutions of Land and Housing, 1st volume). University of Tokyo Press, 1960.

In the approach of these three scholars, the law was regarded as only a formal reflection of economic "substructure," and the dynamism of the reaction of the "superstructure," especially that of the state, was ignored. But in the mid-1960s, other Shaken scholars began to question this static approach of Marxist legal thought not by arguing that there is no rule whatsoever to historical development, but rather by claiming that laws could not be grasped as being simple markers of a social change toward a general "modernity." Instead, these laws were the expressions of a state — captured by class interests — that was attempting to interfere in the society, and which was trying to reestablish and reorganize economic relationships at every stage of capitalist development.

INAMOTO Yonosuke contributed to this debate in his claim that legal scholars had to grasp "modernity as process." In his 1966 article "Shihonshugi ho no rekishiteki bunseki ni kansuru oboegaki" (Memorandum on the Historical Analysis of Capitalist Law), in *Hôritsu Jihô*, Inamoto argued, contrary to Kawashima, Watanabe, and Mizumoto, that modernity was not the attainment of a certain kind of legal structure which corresponded naturally to a "typical modern capitalist economy," but that it had to be understood as the continual revisions of legal structures by the state within given political and economic contexts. In other words, legal "modernization" had to be seen not as automatically accruing to a certain stage of "industrial capitalism," but rather as the result of specific efforts by the state to insert itself into the market under changing historical conditions.

Although Inamoto was himself to make a contribution to the interpretation specifically of tenantship in his 1971 article "Chinshakuken no bukkenka" (Tenantship as Property Right) in *Shakai Kagaku no Hôhō*, the implications of the methodological shift that he had helped to effect for the *linkage* of normative argumentation and historical example are better examined with reference to HARADA Sumitaka. Harada's 1980 book *Kindai tochi chintaishaku hô no kenkyû* (Research on the Law of Modern Land Leasing) used this methodological breach to argue that there is no typical form of "modern law." In other words, if we accept Inamoto's claim that "modernity" in law is not simply the static reflection of economic relations at a certain stage of historical development, but rather a process by which a state organizes the market society, the issue is not one of what is a "modern" formation of law in the general, but rather how different states deal concretely with their societies.

Focusing on French law in the 18th century, Harada noted that the economic change in agriculture toward capitalization was encouraged in France by the construction of tenantry as a contractual claim; this differed significantly from the British case, where tenantry was interpreted within the framework of property rights under a capitalist agricultural system. He concluded that land ownership conditions in England — which had been the benchmark for many earlier studies, especially under Mizumoto's *figure of English-model modernity* — ought not to be accepted as “typically modern,” and tenantry in a “modern” land use system need not be constructed as an element of property rights. Thus Harada replaced the *rhetoric of development* in the *linkage* found in the “Modern Land Ownership” theories with his *rhetoric of particularism*, based on his scrupulous study of France. In creating this difference-minded critique, Harada managed to establish a new type of *figure* as well, replacing the *figure of English-model modernity* with the *figure of English-specific modernity*.

From an “Abundance of History” to the “Absence of History”

The structural analysis of *linkage* discussed above thereby provides us a new windows on how discursive structure has changed in Marxist legal thought.

Kawashima, Watanabe, and Mizumoto, who offered slightly different interpretations of the legal development of the land-use system, were united in one important regard: their assumption of modernity as the culmination of a kind of historical development. These three authors sought to legitimize their views by using the *figure of modernism* or the *figure of English-model modernity*, essentially by arguing that there was one track of development along which legal norms could be measured and interpreted. In contrast, Inamoto and Harada argued that in fact modernity has to be seen as a process, and that different tracks of development could be marked as being “modern” not with direct reference to an ideal of modern law, but with reference to how law was a tool of political entry into market relations. This meant that different sets of laws could be claimed to be modern and that therefore their interpretations of law could be legitimate even if they did not correspond to a universal form of “modernity” imputed from the British case and a teleological theory of history.

But it is clear that these new theories based on the *rhetoric of particularism* provide only a negative justification for their own position and that they, in turn, must search for some sort of referent that can legitimize their normative positions. At this juncture, they are unable to cite a historical period that would provide some



Reading Modernities in Japanese Property Law *continued*

normative power to their recommendations in anything resembling the active efforts of Kawashima, Watanabe, and Mizumoto.

This shift in thinking toward an understanding of “modernity as process” means not only the breakdown of the earlier kind of linkage, in which a certain understanding of modernity — based on universalistic readings of development — provides justification for a normative position, but also the collapse of *linkage* itself. If historical experiences can be relativized and particularized, they lose their normative power in legal analyses. This was one of the reasons, if one lurking in the background, why Marxist legal scholars differed widely in their views of the 1991 revision of the Land Lease and Housing Law.

Other scholars have already examined the history of the debates over “Modern Land Ownership” and tenantry. The virtue of the structural analysis of *linkage*, however, is that it affords us the opportunity to think about how the issue is not simply of the laws that are being interpreted; it is also a question of how the authors themselves think about history, and how they use historical references to provide legitimacy to their interpretations.

We are still waiting for clear statement of what is legitimate — in the Marxist sense of the word — in legal matters, but I think that to the extent that we can start to consider how Marxist scholars linked understandings of history to their normative positions, we get a better sense of how discursive structures have changed for legal scholars in postwar Japan.



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Due to software limitations circumflexes are used in place of macrons, and omitted in most personal and place names. In addition, we have temporarily omitted the use of kanji, hiragana, and katakana, in order to facilitate electronic publication from our website.

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