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The Role of the 1886 Kazoku Hereditary Property Law in the Protection of Cultural Property

This study is the first attempt at examining the role of Japan's 1886 Kazoku Hereditary Property Law on the preservation and protection of cultural property.

Previous studies on cultural property protection have primarily focused on the temple and shrine treasures that were destroyed and/or in danger of flowing out of the country in the immediate post-Meiji Restoration period, and the government's measures in response, along with focusing on the activities of the imperial household treasures and the imperial museums. Conversely, we can say that there has been no similar research conducted on the collections of the *kazoku*, the Japanese term for former aristocratic and *daimyô* families, which harbored large numbers of superb artworks.

Given this situation, this article then works from the basis of the historical documents that remain in the Owari-Tokugawa family, the most powerful of the *kazoku* families, to clarify the active role in cultural properties protection, including those in *kazoku* families, played by the appurtenance regulations of the Kazoku Hereditary Property Law.

Originally the Kazoku Hereditary Property Law was established with the aim of preserving the dignity of the *kazoku* families, as well as their real estate and financial investments that would raise a certain amount of profit. The *kazoku* families who were on the receiving end of this law expanded its range and were able to petition that their hereditary homes, gardens, libraries and treasures were hereditary asset appurtenances. Once those items were recognized as such, their sale or transfer was forbidden. However, this author first did a detailed reading of the documents produced during the creation of this law and discerned that the appurtenance designation may have been intended to prevent the scattering of relevant cultural properties.

Next, the author worked from the basis of the Owari-Tokugawa family example and indicated how the temporary national treasures survey office, which was the cultural properties preservation administration established in the Imperial Household Agency in 1888, contributed greatly to decisions whether to accept/reject a family's hereditary assets appurtenance designations. Its work was then continued by the Imperial Museum in 1897. While at first the Owari-Tokugawa family had only intended to apply for recognition of the higher ranking items in line with the family's own categories, those in charge of the bureau advised changing the application contents to be in line with the aims of the nationwide treasures survey. They also concurrently planned the unification of the cultural properties information and records created for each object in this process beyond individual family collection groupings, realizing that this information would thus form an important unified cultural properties catalogue.

Cultural properties preservation administration was in general made into law by the 1897 Ancient Temples and Shrines Preservation Law. That law applied only to the buildings and treasures owned by ancient temples and shrines, and the legislated preservation of cultural properties owned by public organizations or private individuals had to wait until the establishment of the National Treasure Preservation Law of 1929. The examples in this article of the application of the Kazoku Hereditary Property Law that clarified one aspect of this situation indicate that this law's definition of appurtenances played a set role in preventing the scattering of important cultural properties owned by those other than ancient temples and shrines prior to the promulgation of the National Treasure Preservation Law.

Of course, the example of the Owari-Tokugawa family used in this article must be considered also applicable to other former aristocratic and former *daimyô* families. This article can be seen as priming the pump, and if individual studies of other *kazoku* family collections advance, we could gain an overall sense of the role played by the Kazoku Hereditary Property Law on the preservation of cultural properties. In that sense this article is an extremely meaningful, pioneering study. Further, as the author has indicated, the 1916 revision of the law meant that *kazoku* family hereditary assets could be de-listed, and it is a noteworthy fact that there was a sudden increase in auctions of *kazoku* family collections as soon as that revision came into effect. If we consider the fact that many of the works that form the history of Japanese art today appeared in public in the Taishô period and later auctions, then we must also reconsider the art historical importance of the Kazoku Hereditary Property Law which temporarily protected them from dispersal.

For these reasons we acknowledge Kôyama-Hayashi Rie's achievements by awarding her the Bijutsushi Article Prize.