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### **KŌYAMA-HAYASHI, Rie. The Role of the 1886 Kazoku Hereditary Property Law in the Protection of Cultural Property**

The Kazoku Hereditary Property Law, promulgated on April 28, 1886, protected the property of the *kazoku* (family), the hereditary peerage of the time. However, the existence of “items connected to hereditary property” set out in the law, are unknown, as is the intent behind this inclusion. During a meeting of the Senate (Genroin) before passing the Kazoku Hereditary Property Law, Bureau of Legislation Councilor Kojiro Iwasaki stated that the aim of the law was to protect the property of the *kazoku* in order to preserve their dignity and avoid moral corruption. He also specifically designated inheritable assets, such as houses, gardens, books, valuable items, etc., as “items connected to hereditary property,” and ensured that the buildings and ancestral treasures belonging to well-known and established families were protected and would not be dispersed or lost.

According to this law, only those buildings, gardens, books, and family heirlooms owned by families with approved hereditary property, that is, real estate and public bonds, could be designated as “items connected to hereditary property.” The criteria set for these items were “rare items,” “historical items of this family,” and/or “valuable items that may be used as references to the past,” and once approved, these items could not be sold, transferred, or have their approval revoked.

After the promulgation of this law, approval for “items connected to hereditary property” was granted to Viscounts Tadaatsu Honda and Akitomo Akimoto on March 24, 1887. It was granted on 129 counts to the Honda family for items such as the *Tonbokiri* (Dragonfly Cutter Spear) and helmets adorned with deer antlers, and on 672 counts to the Akimoto family for items including the *Nezame Monogatari* illustrated hand-scroll and the *Murasaki Shikibu Nikki* illustrated hand-scroll. How were these pieces, which shaped current Japanese art history, chosen? How were they judged to be “rare” or to be “references for the past,” irrespective of their status as historical items? On April 19, 1893, documents of the Owari-Tokugawa family were approved as “items connected to hereditary property.” From 1891, when “items connected to hereditary property” were selected, guidance was provided by the Provisional Inspection of National Treasures Section of the Imperial Household Ministry. It was advised that “historical items,” that is, writings in the emperor’s own hand, items connected to the royal household and their ancestors, and works designated as first to third class by the Provisional Inspection of National Treasures should all be considered “items connected to hereditary property.” It is clear that when the Owari-Tokugawa family documents were approved, selection took place using those criteria. The Provisional Inspection of National Treasures Section simultaneously provided guidance for both the content and the classification of these items, even going so far as to establish rules for the management of these treasures.

In light of the above explanation at the time the law’s enactment, the selection process of the items, and the guidance of the Inspection Section, it is clear that the “items connected to hereditary property” detailed in the Kazoku Hereditary Property Law were not protected property as a result of a one-sided wish made by a single noble family, but that the intention was the inheritance of these selected items by the Imperial Household Ministry. This was surely one facet of the Imperial Household Ministry-led policy for the protection of cultural properties that continued through the Provisional Inspection of National Treasures and the Imperial Museum.

However, the appellation “items connected to hereditary property” disappeared in an amendment passed in 1916, and the scope of the designation of items never became apparent. Under the changed law, there were many examples of approved hereditary property released from previous restrictions, and delisted works were sold off. The Council for Kazoku Hereditary Property, who made the decision to delist hereditary property, was composed of two imperial appointees from the Imperial Household and five peers. Museum staff and experts on cultural property were excluded, despite their involvement in the decision-making process during the 1887–1896 period. It is thought that this dispersal of art works refutes the role of the 1886 Kazoku Hereditary Property Law in the protection of cultural property.

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