

Molding the legislative framework for local governance in Meiji Japan: The ideas of Matsuda Michiyuki

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The aim of this article is to clarify the purpose and enactment process of the three pieces of legislation (Sanshinpo 三新法) passed in 1878, which comprised the first attempt in modern Japan to institutionally integrate local governance, focusing on the ideas of Matsuda Michiyuki, the policymaker of the Ministry of Interior, who was deeply involved in the enactment of the legislation. The research done to date on this legislation has focused attention on its simultaneous respect for tradition and introduction of innovative institutions, while attempting to link it to the civil unrest threatening the government since 1876 in the form of local peasant uprisings. However, due to a serious dearth of source materials, the purpose of enacting the legislation has yet to be clarified.

Here the author turns to the papers of Matsuda Michiyuki in an attempt to shed light on Matsuda's career as a local administrator, during which he formed the ideas that became the basis of the 1878 legislation, and to clarify exactly how those ideas influenced the enactment of the legislation after Matsuda entered the Ministry of Interior.

The author's findings are as follows.

- 1) During his career as a local administrator Matsuda aimed at the establishment of a constitutional government in which the bureaucracy and the people held rights and responsibilities autonomously, in accordance with the vision contained in the founding documents (*seitaisho* 政体書) of the Meiji Government. Then during his governorship of Shiga Prefecture, Matsuda attempted to articulate the idea of local governance consisting of two proposals for institutional reform—one suited to the status quo and one purely idealistic—based on the organizational principle of national interest and the Western idea of public and private law.
- 2) After entering the Ministry of Interior, it became clear that such an idea of

local governance clashed with that of the Legislative Bureau, forcing Matsuda to bring his idea in line with the Bureau with the help of British legal institutions.

3) While this revised concept did become the government's legislative proposal, its definition of "administration" was seen to suffer from ambiguity. However, since the Bureau wanted the broadest discretion possible regarding "administrative" affairs, such ambiguity could not be resolved, resulting in the new legislation becoming complicated with characteristics of both Matsuda's and the Bureau's ideas.