

The Great Kantō Earthquake and Suehiro Izutarō's Shift from Institutional to Interventionist Reform Efforts in Taishō Japan

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Abstract: *Suehiro Izutarō (1888–1951) was a Tokyo Imperial University law professor and labor activist in late Taishō and early to mid Shōwa Japan. Initially opposed to the government's handling of tenant farmer labor disputes in the early 1920s, Suehiro eventually became a supporter of the Japanese Empire. There were two main influences upon Suehiro during his lengthy study-abroad tour of the United States and Europe: law-and-society scholars such as Roscoe Pound (1870–1964) and Eugen Ehrlich (1862–1922), on the one hand, and Suehiro's experiences as an observer at the Versailles peace talks following World War I, on the other hand. The first of these influences favored a more bottom-up, hands-off approach to social complexity, and allowed Suehiro, upon returning to Japan, to attempt to work within pre-existing institutional structures in order to ameliorate social disjunctures brought about by the adoption of Western political modes ill-suited to Japanese traditional realities. The second influence, however, tended towards a top-down, central-government-heavy response to pressing social unrest, as the labor turmoil in France during the early 1920s outstripped the capacity of institutional gradualism. In this paper, I argue that Suehiro hewed more closely to the first influence upon his immediate return to Japan from studying abroad, but that the Great Kantō Earthquake of September 1, 1923, prompted Suehiro, faced with the destruction of his research files and the throngs of refugees on the Tokyo University campus left homeless by the disaster, to begin moving towards the second influence. This eventually culminated in his support for the Japanese imperial project overall.*

Keywords: Suehiro Izutarō, Law-and-society movement, Eugen Ehrlich, Hozumi Shigetō, Tokyo University Settlement House, Great Kantō Earthquake, Empire

Interdisciplinary fields: Legal history, social history

Suehiro Izutarō (1888–1951) is widely known in Japan as the “father of Japanese labor law.” For example, early in his career as a law professor at the Tokyo Imperial University Suehiro was a vocal proponent of the tenant farmers engaged in protracted legal battles with landlords in the mid Taishō period.¹ The law journal Suehiro founded and edited, *Hōritsu Jihō*, frequently featured essays by Suehiro

and other scholars on labor law in Japan, Europe, and the United States. And after World War II Suehiro served as the second head of the Central Labor Relations Commission, during which time he helped mediate intense postwar labor disputes.² Suehiro is therefore rightly remembered as the doyen of labor law in twentieth-century Japan.

However, labor law represents only a fraction of the work that Suehiro did, and the research and activism in which he was engaged, over his long tenure as professor of law. Although nearly completely forgotten today, Suehiro's studies and activities ranged from sports (he was the coach of the men's swim team at the 1932 Olympics in Los Angeles and the 1936 Olympics in Berlin,³ and was also a supporter of Japanese martial arts⁴) to language (he was an outspoken champion of Esperanto and the move to write the Japanese language in Latin script⁵) to foreign cultures (he helped lead a delegation to north China in the early 1940s to study the legal customs and awareness of people in farming villages there⁶). In all of these endeavors, Suehiro was interested in the lives and ideas of people *outside* of the state-based positive law, including labor law.

These two strands of Suehiro's scholarly and public pursuits may at first seem unrelated, if not contradictory: labor law, on the one hand, and sports, language, and village customs, on the other. However, they are in fact inseparable. Indeed, it is impossible to understand Suehiro himself, or the Japan of the Taishō and early-to-mid-Shōwa periods in which he was active, without seeing all of these enterprises as an attempt to find an apolitical solution to the social problems facing interwar Japan.

1 See, e. g., "Violence and the Rule by Law" (*Hōchi to bōryoku*), in *Hōsōmanpitsu* (Nihon Hyōronsha, January 20th, 1933).

2 The Central Labor Relations Commission (ChūōRōdōInkai) was founded March 1st, 1946. Suehiro took over after Miyake Masatarō (1887-1949) resigned in October of 1947. See *ChūRō I I5nen no katsudō, shashinshū* (1961).

3 Tabata Masaji, "Mourning the death of Prof. Suehiro Izutarō, president of the Japan Swimming Federation" (*Nihon SuieiRenmeikaikachō, Suehiro Izutarō sensei no shi wo itamu*), in *Swimming: the magazine of the Japan Swimming Federation Foundation (Suiei: Nihon SuieiRenmeiKikanzasshi)*, no. 92, 1951, and GHQ/SCAP Records (RG 331, National Archives and Records Service), Box no. 5435, Folder title/number (12) War and Physical Culture—by SUEHIRO, Gentaro (*Senso To Taiiku*), Sept. 1944, Classification 750, 870, handwritten pages, pp. 1-4.

4 Esp. the Greater Japan Martial Virtue Society (*Dai Nippon Butokukai*), founded in Kyoto in 1895 and disbanded on October 31st, 1946.

5 *Nihongo no ikizumarimondai: bunkaundōtoshite no Ro-maji no undō*, appearing in "Pamphlet no. 5 of the Japan Latin Script Society, From kanji to Latin letters!!" (*Nihon Ro-maji Kai pamphlet, daigosatsu, kanji kara Ro-maji he!!*), npd, but dated "1934" with library stamp on inside cover.

6 See, e. g., Suehiro, "The need for surveys in China" (*Shina niokeruchōsa no hitsuyō*), in *Hōritsu Jihō*, vol. 10, no. 10, 1938, pp. 2-3, and "Rejoicing in the commencement of the surveys of Chinese customs" (*Shina kankōchōsa no kaishi wo yorokobu*), in *Hōritsu Jihō*, vol. 11, no. 1, 1939, p. 3. See also Ishida Makoto, "Colonial rule and Japanese law-and-society study: Suehiro Izutarō during the North China Farming Village Customs Surveys" (*Shokuminchishihai to Nihon no hōshakaigaku—Kahokunōsonkankōchōsa-niokeru.Suehiro Izutarō no baa*), in *Comparative Legal Studies (Hikakuhōgaku)*, vol. 36, no. 1, pp. 1 ff, and Fukushima Masao, "The Chinese farming village surveys and law-and-society study: focusing in particular on Prof. Suehiro's law-and-society-study arguments" (*Chūgokunōsonkankōchōsa to hōshakaigaku: tokuniSuehirohakase no hōshakaigakuriron wo chūshintoshite*), in *Fukushima Masao chosakushū*, Vol. 6, Hikakuhō (Comparative law) (KeisōShobō, Tokyo, 1995), pp. 351, ff.

Suehiro thought it necessary to find some remedy for workers' discontents by the skillful application of labor law for the same reasons that he saw sports, language, and surveys as indispensable: Japan, he understood, was beset by a crisis of social disjuncture, caused largely by the willy-nilly importation of voguish European "human rights" discourse alien to Japanese society. For Suehiro, the search for an apolitical solution to Japan's social problems transcended particular fields of modern life in pursuit of an all-embracing remedy to modernity's dislocations from native traditions, places, and histories.

These two main currents to Suehiro's thought and activism ran parallel to one another, but there was a sudden shift in emphasis from one to the other which can be pinpointed to a particular historical moment. During the first phase of his work after returning to Tokyo Imperial University following a more-than-two-year study abroad visit to Europe and the United States, Suehiro, influenced by the legal pragmatism of American jurist Roscoe Pound (1870–1964) and the sociological jurisprudence advocated by Austrian legal thinker Eugen Ehrlich (1862–1922),⁷ attempted to work within the existing legal institutions of Japan—namely, the courts and the budding legal profession—to effect the change he hoped would ameliorate Japan's social ills. However, it was the September 1, 1923 Great Kantō Earthquake which caused Suehiro to embrace the other major influence upon him from his studies abroad: his participation as an assistant to the Japanese delegation to the Versailles peace treaty negotiations following the close of World War I.⁸ Faced with the immediacy of post-earthquake suffering, Suehiro moved away from institutional case law-based gradualism and Ehrlichian legal custom research, and towards the hands-on interventionism of the Settlement House he founded at the Tokyo Imperial University to help the urban poor. This move, in turn, precipitated Suehiro's transformation from apolitical activist to proponent of the Japanese empire.

Suehiro's studies with Pound and Ehrlich had led him to believe that the law was capacious and elastic enough to accommodate social problems and provide a venue for solving them.⁹ But Versailles, where Suehiro saw firsthand the battles between French labor factions and the dangers that communist infiltration of labor unions posed, showed Suehiro that institutions were unable to rescue nations from themselves. More direct approaches would have to be considered. After September

7 Ehrlich's ideas are laid out in most detail in *Grundlegung der Soziologie des Rechts* (1913).

8 On January 10th, 1920, Suehiro was appointed by the Japanese Cabinet to work on the Commission on International Labour Legislation that was established on January 18th of 1919 following the armistice on November 11th, 1918. See Kudo Seiji, *Historical records on the birth of the ILO (Shiroku ILO tanjōki)* (Nihon RōdōKyōkai, 1988), cited in Rokumoto Kahei and Yoshida Isamu, eds., *Suehiro Izutarō to Nihon no hōshakaigaku* (Tokyo: University of Tokyo Press, 2007), p. 21, incl. fn. 54. See also Suehiro, "Furansurōdōrenmei no unyō" (French labor federation unrest), in *Usō no Kōyō* (Kaizōsha, 1923).

9 See, e. g., Suehiro Izutarō, "Law and custom: observations on research methods in Japanese jurisprudence" (*Hōritsu to kanshū: Nihon hōritankyū no hōhōnikansuru hitokōsatu*), in *Zoku Minpōzatsuhichō* (Nihon Hyōronsha, 1949), pp. 312–325, and "Custom as fact" (*Jijitsutarukanshū*), *ibid.*, pp. 42–54.

1, 1923, Suehiro largely abandoned his earlier, Poundian/Ehrlichian focus on laws and courts and individual cases in favor of a combined approach, sending the law-and-society heuristic out into the streets, as it were, to grapple with the problems which the Japanese legal system was incapable of adequately addressing. For Suehiro, the law-and-society movement, which he and his small band of law-and-society colleagues at the Tokyo Imperial University had brought to Japan from Europe and the United States (as well as rediscovered deep in the Tokugawa legal tradition¹⁰), would have to be modified, pushed into a more dynamic role and made to engage more directly with political realities.

At two minutes before noon on September 1st, 1923, the capital city of Japan was struck by the magnitude 7.9 Great Kantō Earthquake (*Kantōdaishinsai*), which wrought massive structural and personal devastation. To give just a few examples, the Asakusa Twelve-Storeys, which had become a popular symbol of Tokyo's ascendancy, was rent in two, its bricks "cascading" downwards as the supporting structure twisted and bent grotesquely in the whiplike convulsions, leaving behind just one uncollapsed wall, "like a thin sword," when all was over.¹¹ St. Nikolai's Eastern Orthodox Cathedral, a testament to the cosmopolitanism of new Edo, lost its dome to the temblor. Of the Yokohama Specie Bank, only the front door remained standing, the rest of the building a heap of pulverized stone studded with the large steel safes which had collapsed through the disintegrating edifice. Tokyo Bay stood choked with wooden beams and bridge railings; in many places, piles of bodies dwarfed the strewn debris.¹²

Even worse than this immediate earthquake damage was the devastation visited upon Tokyo by the fire that engulfed most of the city almost as soon as the first wave of tremors had passed. As the earthquake struck almost exactly at the beginning of the lunch hour, cooking fires throughout the city were readying the midday repast for the approximately four and a half million people¹³ living in the greater Tokyo area.¹⁴ Fires sweeping through Tokyo were nothing new, of course. The "flowers of Edo" that had charred the wood-and-paper city countless times in the past were so commonplace as to have become literary tropes by the end of the

10 Suehiro was a proponent of the equitable rulings of Ōoka Tadasuke (1677–1752), a Tokugawa-era jurist.

11 Kawabata Yasunari visited the site just two hours after the earthquake, and later wrote up his impressions for *Asakusa Kurenaidan* (1929–1935). Quoted in Edward Seidensticker, *Tokyo Rising: The City since the Great Earthquake* (Alfred A. Knopf: New York, 1990), pp. 9–10.

12 An album of photographs of the destruction in Tokyo is archived in the Dana and Vera Reynolds Collection at Brown University and available for online viewing at <http://library.brown.edu/cds/kanto/about.html>

13 Based on aggregates from both Tokyo and Yokohama, each computed retroactively within the past few years. Others put the population at half this number: see, e. g., Dahlmann, Joseph, S. J., *The Great Tokyo Earthquake September 1, 1923. Experiences and Impressions of an Eye-Witness* (The America Press, 1924).

14 See Ōnishi Shinji, *Seikyōundōgojūnen: seikyōundōhitosujini, ikitarekishino shōgentoshite* (Kanagawa ken SeikatsuKyōdō Kumiai Rengōkai, 1978), pp. 49 ff.

Tokugawa Period. But the population density of the industrializing capital, coupled with the gas lines, factories, and warehouses able to add fuel to a conflagration, all combined to turn, virtually overnight, the proudly modern symbol of Japan's new age into a hyper-modern realist portrait of previously unthinkable levels of destruction. So bad and widespread was the damage that the Imperial Household was forced to issue a proclamation on September 12th, less than two weeks after the disaster, that, contrary to rumors and anti-Kantō political intriguing, Tokyo would, in fact, remain the imperial capital.¹⁵

The figures expressing the extent of the devastation caused by the city-wide inferno are staggering.¹⁶ The fire burned for two full days, until September 3rd, and consumed 300,924 households out of a total of 483,000 in the entire city.¹⁷ Every structure in Nihonbashi Ward, at the heart of old Edo and also of the new Tokyo, was completely burned. Almost every structure in Kanda, Asakusa, and Honjo was consumed by the flames, too.¹⁸ In all, some forty-four percent of the city of Tokyo was lost to the raging fire. According to a report issued by the Social Bureau of the Ministry of Home Affairs (*NaimushōShakaikyoku*) in 1926, 91,344 people died,¹⁹ 52,084 people were wounded, and 13,275 people were still listed as missing three years after the disaster. Many of the dead, missing, and wounded were thought to have perished, disappeared, or been injured while attempting to swim into the Sumida River to escape the wall of flames.²⁰

Suehiro was with his family in Karuizawa when the earthquake struck. He took the train the next day for Tokyo, only to find his research room, his books, his classrooms, and his library in utter ruin.

[When Suehiro arrived at Teidai on September 2nd,] he found his Civil Code Research Room burned to the ground, and the university library also completely destroyed by fire. The Joseph Kohler collection, the sale of which Suehiro was in the process of arranging, was also reduced to ashes.²¹

One can only imagine the dejection with which Suehiro must have gazed upon his entire life's work up to that point turned overnight into a pile of ash and rubble. It is likely, though, that Suehiro had little time to think about it too deeply, because "several thousand refugees had gathered inside what had been the campus of the Tokyo Imperial University."²² Presented with this press of destitute humanity, the

15 See Seidensticker, *Tokyo Rising*, op. cit., pp. 7-8.

16 For example, the *Nihon Denpō* for Sep. 2, 1923, opens with "City of Tokyo Gone," and proceeds to describe the fires raging through the collapsed buildings in vivid detail. Other issues continue the descriptions. Archived online (in interesting hand-copied format) at: <http://dil.bosai.go.jp/disaster/1923kantoeq/denpo/>

17 Narita Ryūichi, *Taishō Demokurashii* (Iwanami Shinsho, 2007), p. 164

18 Ibid., 164.

19 75,953, or some 83%, of them in the post-earthquake inferno

20 Narita, op. cit., 164-165.

21 Hirano Yoshitarō, *Shakai kagakusha, Suehiro Izutarō*, in *HōritsuJihō*, 1951, p. 751

22 Hirano, *Shakai kagakusha*, op. cit., p. 751

university students had “taken the initiative [⋯ and] commandeered a delivery truck to fetch rice and other foodstuffs, which the students distributed [to the refugees].”²³ Suehiro sprang into action almost immediately, “spurred on by his students” and “astonishing” them in turn with his vigor in helping with the relief effort.²⁴ Suehiro also helped with the Tokyo Victims’ Information Station (*Tōkyō risaishajōhōkyoku*), an information relay station for connecting the droves of people left homeless by the earthquake with the friends and relatives searching for them.²⁵

On October first, the initial triage and relief operation²⁶ came to a halt as the new, much more involved work of caring for the refugees in the long-term began. Suehiro, reflecting wistfully in a speech that month,²⁷ said that, while he had read Natsume Sōseki’s *Gubijinsō*²⁸ as a high school student, he felt that he had never understood the basics of life [until his work with the earthquake relief effort].²⁹ The scion of a Daishin’in justice and the product of an elite education, which included a two-year sojourn at some of the finest universities in Europe and the United States and a stint at the negotiating table during the proceedings surrounding the drafting of the Treaty of Versailles, Suehiro stumbled onto the ruined campus of the Tokyo Imperial University in early September, 1923, to find that, for perhaps the first time in his life, he would have the opportunity actually to live and work among the proletariat.

It was partly due to the inspiration that students took from Suehiro’s speech that they decided to set up a Settlement House—a “student movement centered on the person of Prof. Suehiro”³⁰—in a slum in Fukagawa in Honjo. The students named their project the “University Settlement,” obtaining land in the Fukagawa Sarue-Uramachi area for the purpose.³¹ (This is the project that would later be known as the Yanagishima Settlement.³²) On June 10th, 1924, some nine months after the earthquake, the Settlement House in Honjo/Yanagishima was completed, and the first nine residents, known as “settlers,” moved in.³³

23 Hirano, p. 751

24 Hirano, p. 751. For a personal recollection, some 75 years after the fact, by a student involved with the Suehiro-led efforts, see Ōmachi Hiroshi, archived at http://www.t-shinpo.com/751/751_10.html

25 See *Teito daishinsaikeitōchizu, Tōkyō Teikoku Daigakurisaishajōhōkyokuchōsa (hen) Ono Kenjin, Tokyo NichiNichi, Osaka Mainichi* (Dec., 1923).

26 Regarding Suehiro’s “literally self-sacrificial” efforts to bring material and medical relief to the hardest-hit survivors, see *Seikyō undō*, op. cit., 53 ff.

27 This was later reprinted in part in the Teidai student newspaper, no. 57.

28 Soseki’s first novel, *Gubijinsō* (“The Poppy”), serialized in 1903 when he began working at the *Asahi Shimbun*, is partly about class conflict and societal discord. See, e. g., Angela Yiu, *Chaos and Order in the Works of Natsume Sōseki* (University of Hawai‘i Press, 1998).

29 Quoted in Hirano, op. cit., p. 751

30 Hirano, *Shakai kagakusha*, op. cit., 751

31 Ibid. The area remained a low-income tenement district through at least the 1980s. See, e. g., <http://furoyanoentotsu.com/dojyunkaisarueuramachi19860930.html> For information on the Dōjunkai project, see <http://ci.nii.ac.jp/naid/110004654805>

32 Hirano, *Shakai kagakusha*, op. cit., 751

33 Azuma Toshihisa, in Ishidō Kiyotomo and Tateyama Toshitada, *Tōkyō Teidai Shinjinkai no kiroku* (Keizai Ōraisha, 1976), p. 142

The Settlement residents worked in seven broad areas of social activism:³⁴

1. Survey Department (*chōsabu*)

This department was tasked with surveying the Yanagishima area to learn the conditions of the local population, and then preparing pamphlets reporting these findings.³⁵

2. Laborers' Education Department (*rōdōshakyōikubu*)

This department conducted classes and seminars for the education of workers on such topics as the system of labor law (an effort led by Suehiro himself). The leftist student group Shinjinkai³⁶ was instrumental in staffing the department, and also incorporated members of the Society for Social Thought (*shakaishisōsha*).³⁷

3. Citizens' Education Department (*shiminkyōikubu*)

The purpose of this department was to educate the general population, including child laborers working in factories who were unable to attend school with other children.³⁸

4. Medical Treatment Department (*iryōbu*)

This department provided, free of charge, medical services to the people in the neighborhood, a sector of the Settlement activities that also included carrying out censuses of hygienic conditions in Yanagishima. This task was made especially pressing by the fact that Yanagishima was situated in a low-lying area, with the pooled, stagnant water along roadways contributing to the occasional outbreak of diseases such as typhoid fever.³⁹

34 For a detailed consideration of the taxonomy of "Settlement," and the work that Settlement entails, see Shiga Shinato, "Settsurumentojigyō no keitai: keikeitainitsuite" (The conditions of Settlement work: on management conditions), in *Shakaijigyō* (Social work), June, 1930 (Settlement Issue), p. 46.

35 This list of seven departments largely paraphrased from Ishidō, *Shinjinkai*, op. cit., pp. 141–145.

36 See Henry DeWitt Smith, II, *Japan's First Student Radicals* (Harvard University Press, 1972).

37 Ishidō, *Shinjinkai*, op. cit., p. 142. It was the involvement of the Shinjinkai, in part, that later aroused suspicion among the Japanese authorities and led to the closing of the Settlement House project.

38 See, e. g., Kurotaki Chikara and Itō Tadahiko, eds., *Nihon kyōikuundōshi, dainikan, Shōwashoki no kyōikuundō* (San'ichiShobō, 1960).

39 Ishidō, *Shinjinkai*, op. cit., 142–143. See also Kawakami Takeshi, *Iryōshakaika no michishirube: 25nin no shōgen* (KeisōShobō, 1969).

5. Children's Department (*jidōbu*)

Separate from the Childcare Department (no. 7 below), the Children's Department was tasked strictly with educating children (using "democratic education" (*minshukyōiku*) methods⁴⁰) and providing them with space to play. Field trips such as picnics were also part of the activities coordinated by this department.

6. Legal Consultation Department (*hōritsusōdanbu*)

As the legal profession in Japan grew and the black-letter law (instead of custom or local tribunals) came to regulate increasingly fine-grained areas of daily life and interpersonal interactions, those without access to legal training or counsel were at a distinct disadvantage. This Department was therefore among the most crucial in the entire Settlement House project.

7. Childcare Department (*takujibu*)

Childcare for laborers was essential in allowing workers to go to their jobs, especially in an urban setting void of the traditional family structures that had provided built-in childcare in the past. This department provided free group childcare for the children of the neighborhood, which included playgrounds and reading rooms for children, and consultation offices where parents could inquire about children-related issues.

While all seven of these fields were integral to the Settlement House project and inseparable from the law-and-society movement during the mid to late Taishō period, it was in the context of the legal consultation department that Suehiro sought concretely to expand his former court-based search for equity out among the lived experiences of the urban, disenfranchised poor.

In the beginning, the legal consultation center was relatively unsuccessful, but in the fall of 1924 Hozumi Shigetō (1883–1951), Suehiro's partner in law-and-society studies and activism, instituted a reorganization of the center that was widely covered in the newspapers. Many people from the Yanagishima neighborhood and beyond made use of the free legal advice provided mainly by professors and students from the Tokyo Imperial University Faculty of Law.⁴¹ However, while the stated goal of the center was to "provide the poor with knowledge of the law,"⁴² societal conditions prevented those living in poverty from making much use of the legal knowledge they gained.

40 Ishidō, *Shinjin-kai*, op. cit., p. 144.

41 Azuma Toshihisa, in Ishidō, *Shinjin-kai*, op. cit., p. 144.

42 Ibid., p. 145.

The general confusion of post-earthquake Tokyo, already wracked by social upheavals caused largely by hastily adopted Western political paradigms, was reflected in the petitions of the consultees. When overseeing the staff of the legal consultation clinic, Hozumi would sit patiently and listen to the legal concerns of those who came for free consultation, struggling to understand their often “incoherent” (*shirimetsuretsu*) stories. Most cases were like “terminal patients,” for whom nothing could be done.⁴³ One consultee, for instance, had calmly loaned his seal out to a pawn shop for a high rate of interest.⁴⁴ Another consultee was presented with a compulsory execution, and came to the consultation center wondering how it could be “extended.”⁴⁵ As many Yanagishima residents started to move out and rent properties, they began having trouble with landlords, some of whom even maliciously came to the consultation center posing as tenants in order to gain an unfair advantage over the people renting from them.⁴⁶ Perhaps worst of all were the fathers who sold their daughters to geisha houses only to try to buy them back and then re-sell them elsewhere at a higher price.⁴⁷ The disenfranchised were flocking to the Settlement House legal clinic asking for relief to a whole range of problems engendered by the disconnection between law and society.

The contrast which emerged between Suehiro and Hozumi over the course of their Settlement House work helps explain why Suehiro's move towards interventionist activism after the earthquake led to his later conversion to the imperialist cause. Whereas Hozumi's method remained fundamentally personal, Suehiro had begun to include data collection among his goals in running the Settlement House—a move that opened his projects up to being co-opted and politicized under the expanding Japanese empire. Hozumi never abandoned the Ehrlichian emphasis on society as an organic and dynamic source, comprising individuals. Suehiro, however, began to see the poor and disenfranchised as data points which government initiative could improve en masse, and not one by one. Earlier, Suehiro had relied on caselaw to make incremental changes to Japanese institutions. But after the Great Kantō Earthquake, Suehiro grew impatient with the slow pace of change and began to view the gradualism of case law and legal consultation clinics as wholly inadequate to overcome the problems besetting Japan. As the international situation soured and the time for social experiments such as the Settlement House grew short, Suehiro increasingly advocated wide-scale top-down interventions in order to shore up Japanese society internally

43 Miyata Shinpei. *Daregakaze wo mitadeshō: boranteia no genten, TōdaiSeturumentomonogatari* (BungeiShunjū, 1995), pp. 91–92.

44 Miyata, *Kaze wo mita*, op. cit., p. 92. A seal gives the bearer complete access to all of the seal's owner's accounts, and even allows the bearer to obtain credit, buy and rent property, and notarize legal documents like wills and deeds in the owner's name.

45 Miyata, *Kaze wo mita*, op. cit., pp. 92–93.

46 Ibid.

47 See Jason Morgan, *Suehiro Izutarō and the Case Law Revolution in Taishō Japan: Domesticating Taishō Democracy* (MA thesis), University of Wisconsin, 2013.

against the threats Japan faced abroad.

This engagement in politics would prove to be fateful. Suehiro had initially hoped to keep politics at arm's length, seeing in the politicization of Japanese life the very source of the problems he was trying to solve. However, empire has a logic all its own. As all other imperialist-expansionist states in the twentieth century learned—the United States, the Soviet Union, Germany, Italy, and England, for example—empire as political paradigm soon outstrips and subsumes all other paradigms, political and otherwise, within a polity, while simultaneously totalizing that polity's conflicts with other states. Once Japan was embarked upon defensive expansionism in Manchuria, China, Southeast Asia, and beyond, the law-and-society movement was inevitably caught up in, and radically transformed by, the relentless logic of empire. The turning point was September 1, 1923, and the Settlement House project which Suehiro led in the aftermath of Tokyo's destruction. It was from that date that Suehiro began to abandon the Ehrlichian study of customs and traditional legal practices in favor of a Versailles-inspired direct confrontation with looming social chaos.

These future developments were all unknown to Suehiro, of course, when he had freshly returned to Tokyo after his study tour of Europe and the United States. But the two seeds of Suehiro's response to these developments—apolitical institutional incrementalism, on the one hand, and law-and-society thinking tightly enmeshed in the much messier surrounding social realities, on the other—were already planted and incubating in 1921, when Suehiro stepped back onto Japanese soil for the first time in more than two years. During 1921, 1922, and most of 1923, Suehiro tended most assiduously to the first strain, the bottom-up gradualism articulated by Eugen Ehrlich and other law-and-society thinkers. But after the ground shook and Japan's capital city collapsed and burned in early September, 1923, it was the second strain—direct governmental confrontation with the threat of widespread social unrest within (which Suehiro had first glimpsed during his observations of French labor turmoil during the negotiations at Versailles)—which came to dominate Suehiro's public life.

Author's Profile

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