I. INTRODUCTION
The chaotic state of Japan's cities, especially of those in the Pacific belt between Tokyo and Osaka/Kobe, seems almost unexplainable to foreigners. How is it possible that the Japanese who are so famous for their planning abilities have created such a mess or at least tolerated it? The usual answers to these questions point out that Japan has experienced a sudden period of unprecedented growth and was overwhelmed by it to the extent that city-planning and land use planning remained neglected. The period which is mostly pointed to is the postwar era when reconstruction and economic growth at any price was the motto. Others refer to the early Meiji period when Japan was pushed into the international arena and had to survive within a hostile and greedy world of imperialism. Industrialization and rearmament left no time for other considerations.

While these ideas certainly have a point, it should not be overlooked that there were historical developments which preceded and facilitated those later trends.

It is also incorrect to say that city-planning or land use planning as such were unknown to the Japanese or were imported from the West only in the late 19th century. A closer look at the history of Japan reveals that these activities were by no means new to the Japanese.

The basic aim of this paper is thus to outline the historical development that led to the present congestion of the population along the Pacific belt and to the unsound state of land use planning and to come up with some meaningful insights for the present time as well as some, however shaky, predictions about future developments.

II THE HISTORY OF JAPANESE LAND USE PLANNING
A. The Jomon-Period (5,000 - 150 B.C.)
During the early and middle Jomon-period, when people were largely dependent on simple methods of food-gathering, there were hardly any permanent settlements. People mainly engaged in hunting and fishing. When food became less available, they had to move.

In sum, the early Jomon man depended completely on what the natural environment had to offer; he was not yet able to shape it. In the later Jomon period some rudimentary techniques of land cultivation were developed. Hunting and fishing were, however, still the main economic activities.

B. The Yayoi-Period (150 B.C. - 250 A.D.)
In the Yayoi period, the technique of wet-field rice cultivation was introduced to Japan from the Chinese Han dynasty. The irrigation technique of rice cultivation required prolonged residence in small settlements and gradually led to their expansion into larger villages consisting of up to 600 houses.

C. The Yamato-Period (250 - 710 A.D.)
During the Yamato period a gradual division of labor as well as technological innovations introduced from China and Korea resulted in a greater extent of cooperation and trade among different villages; eventually a primitive village state (Yamato) emerged.
People learned how to use land-reclamation techniques. Therefore they were gradually able to extend their use of the lowlands. This land reclamation was not done on a grand scale according to some elaborate master plan, but was effected as a sporadic nibbling to increase the available wetland.

There evolved, however, around the time of the Taika-reform (645 A. D.) along Chinese lines a new system of land use, which is referred as "Jöri-system". The name jöri is derived from a system of land survey which was used to distribute government-owned newly reclaimed rice-paddies (handen) by first cutting out long strips of land (jö) and then dividing them into equal rectangular plots through horizontal lines (Ri). This system of rural planning spread over all the original three main islands (Kyushu, Shikoku and Honshu); it still was in use in some areas as late as the Tokugawa period. The checkered diversion of agrarian land is said to be represented in the very ideogramm which symbolizes rice-paddy (ta in Japanese and tien in Chinese).

The Taika reform also brought major changes in the area of city building. Before there had been some larger market places as well as a city in the Asuka district which was the seat of the Yamato government. These were, however, mere agglomerations of administrative buildings, temples, shrines and other houses. With the whole-sale importation of the ritsu-ryö system from T'ang China, the Chinese capital Ch'ang-An became the model of the day. The Emperor Kôtoku thus laid out the new capital in present-day Osaka exactly according to the Chinese checkerboard fashion. This new capital was abandoned after only seven years, because the opposing clan authority firmly based in the Asuka region proved to be too difficult to overcome. After another fruitless attempt to move the capital in 694 A. D. the Imperial family gave in and built the Fujiwara capital in that area.

The Fujiwara capital was also structured after the Ch'ang-An model. It is important to note that everything – official buildings and temples as well as market-places – was given a distinct and carefully planned location emulating Chinese institutions while taking into account the elaborate stratification of the nobility and the commoners.

When the Fujiwara city entrenched within mountains at the south end of the Yamato region became inadequate due to population growth, the capital was moved to Heijö (present-day Nara) in 710.

D. The Nara-Period (710-794)

Nara was also modelled after Ch'ang-An, but on a much larger scale than the Fujiwara capital. In Nara, too, housing sites were allotted according to the respective rank within the nobility or among the commoners. When the population increased further, the government responded by decreasing the size of the lots. This was accomplished mainly by eliminating warehouses and work-rooms. Thus, we can witness an early process towards a more condensed or urbanized pattern of city-life. Unknown in the west at that time and still widely unrecognized today, Nara possessed a population of over 200,000 people at the beginning of the 8th century making it one of the largest cities in the world during that era.

At the same time, the principal three islands were divided into over 60 administrative units, called kuni; in each such kuni a provincial capital, called kokufu, was established. The kokufu sites were selected according to farm productivity of the adjacent areas, defense necessities, their centrality within the province and the convenient access.
to the national capital24. The provincial capitals were also modelled after Ch'ang-An and were surrounded by moats and walls25.

As early as the beginning of the 8th century, we can thus find an extremely well organized over-all planning of the nation and its three levels: capital, provincial capitals and rural areas. Its ideological background came mainly from the Chinese ritsu-ryō system of law and government and from Buddhism as far as auspicious locations of official buildings and temples or cities in general were concerned26.

In the middle of the 8th century, land scarcity due to population growth led to the collapse of the ritsu-ryō system of equal distribution of land27. At the same time, power struggles between different clans resulted in frequent, though abortive, attempts to move the capital in order to achieve more political strength through greater proximity to the respective center of clan power28.

E. The Heian-Period (794-1185)

Finally in 794, the seat of the Imperial government was transferred to a completely new site in Kuzuno, where Heian-kyō (present-day Kyōto) was to be developed.

As can still be witnessed today, this site was far better suited for military needs than Nara, since it was surrounded by rather easily defensible mountains. The official reason for the selection of the site, which is deeply rooted in the Shintō sense of esthetics, was stated in an Imperial edict at the time of the transferral:

"The rivers and mountains of the Imperial site in Kuzuno are beautiful to behold: may our subjects from all over the country come and see them29.

Just like Nara, but on a much larger scale, Kyōto was planned in a completely systematic fashion after the Ch'ang-An model30. A large government agency with 150 officials was responsible for the construction of the city31. The distribution of land to noblemen and commoners followed a meticulous plan that regulated the size of the houses and even provided that the operation of shops was not allowed in commoners' living quarters32.

As the years went by, the grand design turned out to be too difficult and expensive to be completed. The fighting against the Ezo (the present-day Ainu minority) in northern Honshū swallowed up too many public funds. In 805, only eleven years after the transferral of the capital to Heian-kyō, the government had to suspend the plans for its completion33. Official city-planning regulations could not be enforced against the wealthy temples and powerful clan people who erected their buildings whereever they pleased34.

The better suitability of the land in the left (eastern) half of the city as well as the quasi-religious notion that "left" as such was preferable over "right" led to a different degree of density between the eastern and the western half of the city. These factors brought about the eventual overcrowding of the eastern half and a gradual vacating of the west end35. During the 9th century, attempts to equalize the widening gap between the different market structures of the two city halves failed completely and the economical imbalance continued to grow. The city government was unable to effectively combat the strong economic interests of the merchants36.

During the late Heian period, the loosely controlled provinces witnessed the rise of a completely new economical and political power. Wealthy landowners were taking over more and more agricultural land from an impoverished peasantry and turned it into large estates called shō-en. This process resulted in the collapse of the ritsu-ryō sys-
The idealistic Jörisystem gave way to the manorial system of a new feudal era. This manorial system enabled the development of a host of new power centers in the provinces, especially in the fertile and relatively far-away Kantö plain.

F. The Kamakura-Period (1186-1336)

By the end of the 12th century, the Minamoto clan which had its stronghold in Kamakura right in the middle of the Kantö plain, had achieved a position of military supremacy through a series of wars. Kamakura became the effective capital of the country, even though Kyōto continued to be the seat of the Imperial court. Unlike Kyōto and its predecessors, Kamakura was not built according to a plan, but rather developed in a natural way along with the growth of its population. Having once been a mere military center of clan power, Kamakura soon became the spiritual center of the nation through its accumulation of a large number of temples belonging to Zen, the new brand of Buddhism most suited to the world-view of the new warrior class. The cluster of military, administrative and religious buildings soon developed into a thriving commercial center. City planning was restricted to basic practical needs such as transportation, reflecting the pragmatic views of the new ruling class. No efforts were made to estimate population growth within narrow confines. Thus, the city of Kamakura was not only allowed to become congested but also to expand.

In the rural areas, kokufu cities were disappearing, while the consolidated manorial system spurred the development of new market centers which often turned into new cities. These cities usually clustered around a manorial master's building erected on a hill and fortified by walls and moats. These fortifications formed the nuclei of the later jōka-machi (castle-towns) which came to be the predominant feature of the later middle age and well into most part of the ensuing Tokugawa period.

The manorial system with its centralization of wealth and power in the hands of a few landlords also made possible reclamation of land on a large scale. Particularly noteworthy are efforts at polder-colonization (wajū) at the mouth of rivers, such as in Kojima bay in the Okayama plain.

The steady expansion of arable land over the centuries resulted in a gradual growth of the Japanese population which was only interrupted by periodic famines, plagues and wars.

G. The Muromachi-Period (1337-1477)

When the Kamakura regime's authority dwindled and was replaced by the Ashikaga clan in 1336/37, the center of power shifted again to Kyōto. Kamakura rapidly lost its importance and turned into a mere historical site. Kyōto's Muromachi district in the north became the seat of the Ashikaga government. The combined effect of this headquarter and the Imperial palace made the upper or northern half of Kyōto the leading part of the town, while the southern or lower part became the living-quarters of the common people.

Kyōto had suffered badly from the long period of civil wars. As a result, former restrictions were no longer adhered to. Paddy-fields sprang up next to city streets and even backyards were used for cultivation. The once exclusively urban city degenerated into a semi-rural area. In addition to established shops, peddlers were allowed to roam the streets.
During the entire Muromachi period, new castle-towns continued to emerge as centers of feudal domains all over the main three islands. Another noteworthy phenomenon was the appearance of temple-towns (jinai-machi) which clustered around important temples and shrines; they produced goods and services for the religious institutions as well as their numerous visitors. Some of the temple-towns were completely surrounded by moats and subject to direct rule by the chief abbot of the temple. Often these jinai-machi developed into real castle-towns.

H. The Sengoku-Period (1477-1600)

In the following Sengoku period, which was a time of prolonged civil wars, Kyōto was burnt and destroyed several times and lost its predominant position for ever. At a time, when survival in military terms was the foremost goal of society, defense needs became paramount. Therefore, it was this period, that experienced the ultimate rise of the castle-towns.

The typical castle-town was laid out as a number of concentric circles with the Honmaru, the primary fortification, in the middle. The less important a social group was the closer to the periphery it had to dwell. Accordingly the least important groups were most endangered by enemy attacks. The castle-towns sometimes simply developed from former settlements as described above, and sometimes were built from scratch at strategically crucial places in order to control the surrounding area or important traffic lines. The latter function was also served by fortified port-towns (minato-machi) and highway stations (shukuba-machi).

At the end of the Sengoku period, Tokugawa Ieyasu, one of Japan's most important leaders of that time, undertook the building of a new residence for his clan in Edo (present-day Tōkyō) in 1592. Edo was already a medieval town of medium proportions. Tokugawa Ieyasu's city-building deserves special attention: He had not only chosen Edo for its strategically unique position in the Kantō plain and its close linkage to the networks of land and water ways, but also adopted a carefully laid-out plan and only started the actual construction work after having taken care of the water supply and the intra-city traffic situation. By showing concern for the infrastructure of his clan capital before actually building the defense facilities, Ieyasu displayed a keen sense of city-planning priorities.

I. The Edo-Period (1600-1868)

After Ieyasu had achieved almost full control over all of Japan in the battle of Sekigahara in 1600, he had to reconsider his city-planning. If Edo was just going to be the center of his clan while the old Imperial town Kyōto or the thriving commercial center in Osaka would became the seat of the national government, then he would obviously have to scale down his plans. If Edo were to be the national center, he would have to adopt a greater design. He decided to choose the second option mainly because of strategical considerations and bad historical precedents. Another reason can be found in his policy of controlling his former enemies who had lost the battle of Sekigahara, through the elaboration of the sankin-kōtai system. This system required that all feudal lords resided every other year in Edo and had to station hostages in Edo in the year of their residence in their domain.

This meant for the city of Edo, that there had to be enough space to permanently house this constantly changing body of nobility and their retainers. Edo also had to be
large enough to provide room for all the commoners needed to provide the daily necessities of the nobility. In short, Edo had to be planned on an unprecedented scale to fulfill this double function of a national service center and of a national capital. Moreover, Edo had to remain the well fortified center of shogunate power to assure the continuance of the Tokugawa reign. The embodiment of all these functions was achieved by transforming Edo into the largest castle-town in Japanese history. As the natural environment proved to be inadequate, large areas of marshes, ponds and bogs were filled, some shallow shore areas such as that at Shinbashi were reclaimed and hills were levelled. The network of city streets was closely connected with the national highway Tōkaidō. Troups were carefully distributed and stationed around the town according to their supposed loyalty at strategically important places. Residential areas were strictly divided according to status and further subdivided according to professions. This concern for defense and the preservation of social status quo indeed facilitated a long-lasting Tokugawa rule over the entire nation. On the other hand, there were some severe social costs.

In the area of city life, the fire hazards were enhanced enormously, if not created by the very structure of Edo. These inherent dangers went largely unrecognized until the year of 1657, when a huge fire destroyed the better part of Edo including all of the innermost castle buildings. The government’s response was threefold: First, a map of the whole territory of Edo was drawn and city sections were decided upon and entered into this map. Second, road widths were standardized to facilitate repair and reconstruction. The third and most important measure was of a preventive nature. Walls were erected and moats were dug and streets between city sections were enlarged to prevent the spreading of fire. Nevertheless, fires continued to break out quite frequently, and even became proverbial for life in Edo. One of the main causes was the prohibition of using tiled roofs for commoners’ houses. Ordinary citizens were, however, permitted to plaster their straw-thatched houses with mud. The government thus tried to strike a balance between security and the preservation of the status-quo through suppression of extravagance. When the thatched houses still became ablaze year after year, the government in 1720 finally gave in and allowed townspeople to use fire-proof tiles just like the retainers of the feudal lords. Security had finally won a higher priority over maintenance of the status-quo which could be preserved by other means anyway.

The ever-increasing prosperity of Edo brought about the rise of Osaka which was located very conveniently between Kyūshū, Shikoku and southern Honshū on the one hand and the main traffic artery, the Tōkaidō with Kyōto and Edo as its main stations, as well as all of northern Honshū on the other hand. It also possessed a very efficient seaport linking it which all the other major Japanese ports and with the rest of the world through the international trading port of Nagasaki. Osaka was thus able to become the commercial center of the entire nation. Being a city of merchants, Osaka was not as tightly divided into districts according to social position as Edo.

During the entire Edo period, most feudal lords had extreme difficulties meeting the financial demands inflicted upon them by the Shogunate through the sankin-kōtai system and other means of social control. They reacted by imposing increasingly harsh measures on the peasants. Their major objective was to increase farm production. They achieved this by reclaiming more and more land and by restricting the sale and division of arable land in the rural areas.
The oppressive living conditions in the rural areas resulted in an increased influx of the population to the larger towns, especially Edo. The 20th century phenomenon of deserted villages and crowded towns already emerged in the 18th century. It is, however, important to note that the development of new cities was severely hampered since only one castle-town per domain was allowed. The Tokugawa government as well as the provincial governments restricted the number of out-of-town employees that could be hired and sent back all the peasants that they could catch. Nevertheless, the exodus to the cities continued, while peasant revolts broke out in the country intermittently.

In the second half of the Edo period the castle-towns experienced a blurring of social distinctions as more and more warriors' fortunes declined and as large numbers of commoners acquired wealth. This resulted in an increasing crossing of ward lines in the cities. Merchants also dared to display their wealth more openly and their houses became even extravagant. The former rigid emphasis on maintaining the social status-quo mellowed considerably.

It was during this period that the contact with Europe through the Dutch trading post in Nagasaki increased and many new ideas including those concerning city-planning were picked up. Rimei Honda (1744-1821) for example proposed erecting fire-proof stone and brick buildings and Banri Hoashi (1778-1852) even suggested building brick skyscrapers and utilizing free space between them for parks to get rid of the unsafe and unhealthy conditions which resulted from the overcrowding. However, these proposals went unaccepted and the same conditions continued to prevail.

At the end of the Edo period the industrial age began in many cities with technical advancements in the weaving industry. Many new industrial towns came into being which had not been castle-towns before.

Another new development was the emergence of port towns that were opened for foreign trade. Kanagawa (present-day Yokohama) and Hyōgo (present-day Kobe) emerged into the international arena from total obscurity.

The Meiji-Period (1868-1911) and the early Taishō-Period (1912-1918)

After the victory of the Anti-Tokugawa forces, there was some discussion whether Edo should remain the capital or should be replaced by the economical center of Osaka. It was finally decided that Edo should become the seat of the new government and also of the Imperial palace and should be renamed Tōkyō (Eastern Capital). The most important reasons for this decisions were related to the strategically superior location of Edo, the fact that the adjacent areas provided more room for expansion than Osaka and the further consideration that most of its main buildings had remained undestroyed during the civil war in the late 1860's.

After Edo had become Tōkyō, its ecological pattern had to be transformed to be in line with its new functions. The seat of the Shogunate became the new Imperial palace, the surrounding residences of the feudal lords were changed into government buildings, and the Marunouchi section in front of the palace came to be filled with western-style company buildings. The Kanda section became an academic quarter. When another huge fire broke out and destroyed the center of the city in 1872, the government decided to devote an entire section near the palace to its security. An army garrison, police, prison and fire department buildings were erected in the destroyed area. Thereafter, the entire Ginza section was reconstructed by using brick buildings for fire-prevention with the aid of English architects. Next, the government constructed
an entire quarter for their new bureaucracy, the Kasumigaseki section, in the late 1880's.

At the same time there was a movement to approach city-building on a more comprehensive scale. This movement culminated in the issuance of an Imperial order on the Reconstruction of the urban region of Tōkyō in 188878. This order had as its object to "ensure permanent benefits in the area of commerce, public health, fire prevention and transportation within the region of Tōkyō city." (Art. 1)

Its Art. 2 created a Committee for the Reconstruction of Tōkyō which was to be placed under the control of the Minister of the Interior. It was this committee's task to "determine plans for the reconstruction of the urban regions of Tōkyō and to decide about each year's projects to carry them out." (Art. 3)80 In the following year of 1889, another Imperial order was issued under the name of "Regulation concerning measures with regard to land and buildings for the reconstruction of the urban region of Tōkyō81. This regulation contained certain provisions on the government's (forceful) purchase of land (kaiage - a kind of eminent domain) and building restrictions82.

These two Imperial ordinances were, however, quite insufficient in that they only concerned Tōkyō and only contained provisions on the reconstruction of existing city sections with no overall planning of new wards83.

Meanwhile great changes were taking place in all Japanese cities. The new rulers had done away with the feudal system and transformed the former domains into prefectures. Many, but not all the former castle-towns became the seat of the new prefectural governments. Those which did not and had not developed other sources of income for their citizens rapidly dwindled into poor local towns84. Only castle-towns and foreign trade ports were able to become large prosperous cities during the early Meiji period85.

The introduction of factories with large-scale production facilities, especially those designed for textiles, arms and ammunition contributed to the growth of the major cities. The introduction of the railway was another growth factor. When the three big cities Osaka, Kyōto and Tōkyō were connected in the 1880s, the growth of Nagoya which was situated right in the middle and had always been a prosperous town was facilitated enormously86. Its population doubled within a decade making it the fourth largest city of Japan.

The tendency of Japanese cities to develop along the main traffic line Tōkaidō between Osaka and Kyōto on one end and Edo/Tōkyō on the other end was intensified through the opening of the foreign ports Kobe and Yokohama and the development of the railway system which gave a boost to Nagoya.

When these "big six", as Tōkyō, Osaka, Kyōto, Kobe, Yokohama and Nagoya came to be called, had all exceeded by far the half-million population mark, and all six, especially Tōkyō were swallowing up more and more suburban areas87, the Diet finally reacted by extending the application of the two Imperial ordinances to include Tōkyō's adjacent areas as well as Kyōto, Osaka and other cities to be designated by the Minister of Interior88. The Minister of Interior subsequently designated Yokohama, Kobe, Nagoya and other large cities89.

While the center of Japan along the Pacific coast between Kobe and Tōkyō underwent rapid changes and gradually turned into a "Pacific Belt", the northern part of the country, especially Hokkaidō, was lagging far behind80. Hokkaidō which had been the last refuge of the aborigine population of Japan, the Ainu, presented and still presents to the rest of Japan the image of a cold and rough frontier country comparable to the
former wild west or present-day Alaska. At the time of the Meiji Restoration only 0.5% of the Japanese people lived there and had only colonized a tiny part of the island. The Meiji government made efforts to promote a further colonization of the island in order to prevent a Russian take-over from Sakhalin. A network of militia settlements was created and came to cover the entire island. These settlements were established along the strategically important main roads and were laid out according to military needs. The families of 220 soldiers had equally large plots of land carved out on both sides of the road. This enabled the soldiers to do some farming besides their military duties. But these settlements did not have a permanent character. As most families disliked the cold and harsh winters (by Japanese, not by American standards) and felt completely forlorn in a strange and rough country, there was little incentive to stay once the time of their military service was up. Another, more successful attempt at colonization was started in the late 1880's through incentives, subsidies and other officially created benefits. The government relied on American experts to distribute agrarian land after in-depth land surveys. The new system of settlement can be characterized as a mixture of the ancient Jōri-system and the American Range and Township system. The first entirely planned settlement of this kind was Shin-Tozugawa. It was to become the new home for the 567 families in Nara prefecture whose village Tozugawa had been completely destroyed by a flood. When by 1897 more and more settlements had grown roots, new townships such as Asahigawa, Obihiro and Naoro were created to fulfill the functions of regional centers. The planned character of Hokkaidō can also be witnessed in Sapporo which follows a checkerboard pattern and thus bears a striking similarity to ancient Nara and Kyoto.

Whereas the population at the beginning of the Meiji era was almost exclusively engaged in fishery, the economical pattern changed dramatically by the end of the Meiji period. By then, the agrarian sector covered almost half of the entire production and the share of mining and industry had reached 30%. Nevertheless, Hokkaidō's economy was still primarily resource-oriented and thus underdeveloped when compared with the rest of the country.

In 1910, a "Plan for the first period of Hokkaidō's colonization" was adopted. This plan aimed at settling almost 1.3 million additional people in Hokkaidō within the following 15 years. With the adoption of this plan, the Government did not intend to promote a comprehensive economical development of this backward region, but rather treated Hokkaidō as an underdeveloped colony. The measures taken by the Government represented the bare minimum necessary to facilitate its rapid exploitation. The status of Hokkaidō's infrastructure was only advanced to the absolutely smallest degree. Thus, the geographical distance between the island and Japan's central regions continued to play a negative role. By 1925, only a little more than half of the estimated people had permanently settled in Hokkaidō and only about one million hectar of arable land had been reclaimed.

K. The late Taishō-Period (1919-1924) and the early Shōwa-Period (1925-1945)

The modern era of city planning began with the enactment of the City Planning Act in 1919, which superseded the previous primarily Tōkyō-oriented legislation. Following German models, this law described the "permanent maintenance of public welfare with regard to traffic, hygiene, security, the economy and other [purposes] or the advancement of prosperity" as the object of city planning. This law represents a
major legislative step from the former primary concern with security towards a more positive and active outlook\textsuperscript{108}.

From then on, there was a distinction between (abstract) city plans, (concrete) city planning projects and the city planning projects of the current year, which were all to be determined by the competent Minister with the Cabinet's approval after a discussion with the city planning committee\textsuperscript{109}. Other novelties included:

(1) the system of "city planning sections"\textsuperscript{110} which was regulated in more detail by the concurrently enacted "Law concerning the construction of buildings within cities"\textsuperscript{111};

(2) the rearrangement and adjustment of city planning sections to facilitate their use as living quarters. The method of the rearrangement in general followed the procedure described in the "Arable Land Adjustment Law"\textsuperscript{112} of 1899\textsuperscript{113};

(3) the expropriation of buildings for the purpose of readjustment of city planning sections, hygiene and public security\textsuperscript{114};

(4) the right of citizens to petition the competent Minister, if they were subject to measures in accordance with the city planning and felt aggrieved\textsuperscript{115}, or to sue for repeal of such administrative acts in the administrative court, if they believed that their rights were violated by illegal acts\textsuperscript{116}. There was, however, a catch-22-type provision stating that citizens could not petition the competent Minister in cases where they could sue in the administrative court\textsuperscript{117}. The decision whether the administrative act in question was (a) violating a right and (b) illegal was therefore to be made by the aggrieved citizen himself with the possible consequence of losing both remedies.

The above mentioned Law concerning the construction of buildings within cities\textsuperscript{118} deserves special attention since it is an embodiment of the city-building priorities of that time. According to this law, the competent Minister could designate areas as residential zones, commercial zones and industrial zones within those cities where the law was to be applied\textsuperscript{119}. The scope of application was determined by an Imperial ordinance\textsuperscript{120} which was amended over twenty times until the early thirties until it covered 105 cities all over Japan and was thus expanded to include all Japanese cities of any importance at all\textsuperscript{121}. The construction of buildings which might result in the disturbance of public order within residential zones\textsuperscript{122} or of the conduct of business within commercial zones\textsuperscript{123} could be prohibited\textsuperscript{124}. Factories, warehouses and similar buildings could be confined to industrial zones, if their size was large or if they were potentially disruptive to public hygiene or public security\textsuperscript{125}. Moreover, especially unhealthy or dangerous factories could be located in special areas within the general industrial zone, if so designated by the competent Minister\textsuperscript{126}. In 1923, an ordinance of the Home Ministry\textsuperscript{127} was subsequently promulgated publishing a detailed list of all such dangerous and unhealthy factories.

Other noteworthy provisions concerned the buildings lines\textsuperscript{128} which included much room for exceptions and the authority to promulgate an Imperial ordinance to establish more detailed building standards\textsuperscript{129}. This ordinance could establish detailed provisions concerning the height and the scope of buildings, the space between buildings, while taking into consideration a host of factors such as conditions in the region, area and section concerned, the quality of the land, the structure of the building and the width of the adjacent roads. Unfortunately, this Imperial ordinance was never promulgated. Thus, except for obviously unhealthy, unsafe or otherwise disruptive buildings, there was almost total liberty to build according to one's desires\textsuperscript{130}. This resulted in an incredibly disorderly array of all kinds of buildings in most Japanese cities\textsuperscript{131}. Shortly after the enact-
ment of the City Planning Act and before any readjustment of land-plots had been carried out, the Great Kantō Earthquake occurred in September 1923\textsuperscript{132}. Half of Tôkyô and Yokohama were destroyed. In the centers, nothing was left but a few modern buildings\textsuperscript{133}. Nevertheless, only twelve days later, an Imperial decree was issued stating that "Tôkyô would be rebuilt according to entirely new plans that will make it in every sense a seat of Government worthy of a great nation\textsuperscript{134}." Soon afterwards, another Imperial decree was promulgated to stop rebuilding in the afflicted areas. This decree was based on Art. 11 of the City Planning Act which permitted the imposition of building restrictions by Imperial decree, if this is deemed to be necessary for the fulfilment of city planning. The decree prohibited the construction of permanent structures in the burnt districts until plans for Reconstruction could be worked out\textsuperscript{135}. On December 24 of the same year, a Special City Planning Act was promulgated\textsuperscript{136}. Nine of its eleven articles alone concerned only readjustment of city sections for the purpose of Reconstruction of the afflicted areas\textsuperscript{137}.

In March 1924, plans for the Reconstruction of Tôkyô and Yokohama were advanced by a Special City Planning Committee with the assistance of the British expert Charles A. Beard\textsuperscript{138} and were approved by the Cabinet\textsuperscript{139}. Huge public funds were appropriated for the Reconstruction of the two cities\textsuperscript{140}. A reconstruction boom began, but led to a banking crisis in 1927\textsuperscript{141}. Nevertheless, many public works, especially roads and sewage works, were completed by 1930\textsuperscript{142}. Special efforts had been made in the area of a new road system to prevent the occurrence of another big desaster in the wake of the next earthquake\textsuperscript{143}. However, even though "Reconstruction, not rebuilding" had been the basic principle\textsuperscript{144}, the ensuing lack of funds and genuine interest in city planning as such prevented any drastic changes in the lay-out from being achieved\textsuperscript{145}. A unique opportunity was lost.

It was basically the same lack of enthusiasm that brought about the failure of the "Plan for the Second Period of Hokkaidô’s Development" which was adopted in 1925. This plan aimed at pushing the population up to the six-million mark by 1945, but there were only 3.5 million settlers in Hokkaidô at that time\textsuperscript{146}. The rough climate, the underdeveloped economy and the insufficient traffic link between Hokkaidô and the mainland still played an important role. The superior living conditions and the better climate in the still expanding colonial empire provided yet another reason\textsuperscript{147}. The imperialistic expansion was extending in all directions, but its main thrust was clearly directed to the west and the south, definitely not towards the north. Japan had acquired the southern half of Sakhalin from Russia under the conditions of the treaty of Portsmouth in 1905\textsuperscript{148}, but did not have much use for it, except for military purposes. The mainstream of the Japanese settlers went to Korea, Taiwan and later to Manchuria\textsuperscript{149}. When Japan was defeated, 6.5 million people returned from the colonies— a figure twice as big as Hokkaidô’s population at that time\textsuperscript{150}. In other words, the Japanese clearly preferred to live in a foreign and potentially hostile, but warm climate over settling in the cold climate of their own northern islands. This attitude still exists to this day. Many Japanese who have lived abroad in much colder areas, such as Northern Europe or the American East Coast, will solemnly swear that Hokkaidô is not worth going to because "it’s cold" and admit only moments later that they never even travelled there\textsuperscript{151}. The Government could have promoted a different attitude, but it did not care to do so\textsuperscript{152}.

In 1937 a comprehensive Plan for the Promotion of Tôhoku’s Development during the following two five-year-periods was adopted\textsuperscript{153}. Since the Meiji period, the Gov-
government had always tried to further economic growth in this somewhat underdeveloped region. Unlike Hokkaidō, Tōhoku has, however, always been an integral part of Japan—also in the emotional sense. In 1880, 5% of the total Japanese population lived in that area. Former Government measures were continually aiming at some projects, such as the regulation of rivers rather than originally colonizing that region. The year 1937 marked the beginning of a more serious effort. The Tōhoku Industry Society was to promote the development of a fertilizer industry and land reclamation along coast. But this plan suffered from insufficient funding due to the lack of sincere interest and completely collapsed by the beginning of the Pacific War. Overseas expansion clearly enjoyed a higher priority.

At the beginning of the forties there gradually evolved a new concept of overall national land use planning. This concept was shaped in line with the idea of the Greater East Asian Co-prosperity Sphere and was thus aiming at the integration of the recently occupied areas, the colonies and the mainland. The model for this comprehensive imperialistic planning was provided by similar German conceptions in the thirties. With the beginning of the Pacific War, military goals received top priority and comprehensive land use planning was no longer just concerned with securing the necessary supplies, but also with spreading the industrial centers to minimize the impact of enemy air raids.

In the area of city planning, similar considerations took over: In 1940 air defense came to be one of the objectives in city planning and other special wartime measures were announced in 1943 by Imperial ordinance.

L. The Postwar Period (1945–1967)

When the war was over, most of Japan’s larger cities were destroyed. Apart from the well-known cases of Hiroshima and Nagasaki, it should not be forgotten, that Osaka, Nagoya and Tōkyō had been subjected to systematic carpet bombing by the American air force.

At the beginning of the occupation, the immediate aim was reconstruction. As early as November 5, 1945 a War Damage Reconstruction Council (Sensai Fukkō In) was established and in 1946 a Special City Planning Act was promulgated. This law provided the framework for the reconstruction of the war-torn cities. Immediately after this, 115 cities were designated as war-damaged pursuant to its provisions. Among other things, this law aimed at restricting the sprawling phenomenon in outer areas of cities and tried to create some green-belts. This was, of course, the big chance to fundamentally reconstruct and redesign the Japanese cities and also the over-all traffic network between them. The growing concentration of the population along the Pacific coast which had been dispersed into the rural areas during the war could have been settled there for good. The population, on the other hand, was near starvation. Some people actually did starve such as the famous judge who had refused to shop on the black market. A huge percentage of the population was endangered by tuberculosis and other epidemic diseases. Moreover, 6.5 million settlers were returning from the former colonies. This resulted in further over-crowding the main islands which constituted only 55% of the former Imperial territories. The political situation was also unclear and upsetting. The sphere of competence between the new agencies that were created out of the former Home Ministry on the one hand and the different groups
within the American occupation bureaucracy on the other hand were widely undetermined and frequently overlapping.

The most sensible consensus to be reached was, of course, that the people had to be fed, clad and sheltered, and that they should have jobs and houses, in short that the economy had to pick up again. And it had to pick up again where the conditions were the most favorable, i.e. in the cities along the Pacific coastline which had ports or were close to them and were well integrated into an established network of roads, railways, institutions and organizations. It is thus difficult to understand why the planners and experts in the immediate postwar years assumed that Tōkyō would never to grow to have a population in excess of 3.5 million inhabitants.173

This resulted in very poor overall city-planning and an almost insolvable problem of congestion in the following years. Ōsaka did not fare much better. Nagoya which had almost completely been wiped out was luckier. In fact, it seems to be the best planned city in postwar Japan because of its broad roads and its well structured zones.174 It is, of course, very easy to blame the city-planners of Tōkyō with the benefit of hindsight. To be fair, one should keep in mind, that the unique opportunity was not just lost because of lack of understanding, but because of the tremendous concern of the whole bureaucracy with sheer national survival.175 It should thus be considered as a great accomplishment, that by 1947 41% of all the wartorn cities had become able to house their prewar population again.176

In 1950, Ōsaka and Tōkyō had not yet fully reached their prewar population figures, but it was already too late by then to fundamentally change the two general trends towards

(a) disorderly city-building and
(b) a concentration of ever-growing parts of the population along the Pacific coast.

The many laws and ordinances that were enacted in the ensuing years were all well intended but could effect but little.

Wars, earth-quotas, famines and even bold political plans seem to be unable to change those conditions that were molded in the course of Japanese history.

NOTES

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6 Yazaki, op. cit., p. 12.
7 Eyre, op. cit., p. 60.
10 Boesch, op. cit., p. 23.
11 Ibid., p. 27.
12 Ibid., p. 27.
13 Yazaki, op. cit., p. 32.
14 Ibid., p. 32.
15 Rozman, op. cit., p. 21.
16 Yazaki, op. cit., p. 32.
17 Ibid., p. 32.
18 Ibid., p. 32/33.
19 Ibid., p. 33.

21 Yazaki, op. cit., p. 36.
23 Rozman, op. cit., p. 26; Yazaki, op. cit., p. 41.
24 Yazaki, op. cit., p. 41.
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35 Yazaki, op. cit., p. 53.
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46 Yazaki, op. cit., p. 90.
47 Ibid., p. 91.

49 Yazaki, op. cit., p. 95, 98/99.
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53 Yazaki, op. cit., p. 106; Kurazawa, op. cit., p. 527; Scheidl, op. cit., p. 112.
54 Yazaki, op. cit., p. 174.
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60 Ibid., p. 185.
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62 Yazaki, op. cit., p. 198.
63 Rozman, op. cit., p. 298.
64 Yazaki, op. cit., p. 235.
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68 Yazaki, op. cit., p. 271.
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70 Ibid., p. 284.
72 Yazaki, op. cit., p. 272.
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76 Ibid., p. 337.
78 Chokurei No. 62 *Tokyo Shiku Kaisei Jorei*.
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81 Chokurei No. 5, *Tokyo Shiku Kaisei Tochi Tatemono Shobun Kisoku*.
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87 Yazaki, op. cit., p. 391, 421, 423, 450.
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94 Boesch, op. cit., p. 29.
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97 Ibid., p. 31.
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99 Baron, op. cit., p. 43.
101 Baron, op. cit., p. 52.
102 Ibid., p. 53.
103 Ibid., p. 53; Morishima, op. cit., p. 1.
104 Baron, op. cit., p. 53.
105 *Toshi Keikaku Hō* of April 5, 1919 Law No. 36, see Narita, op. cit., p. 81; Nagakura, op. cit., p. 86.
106 see Art. 28 City Planning Act and Narita, op. cit., p. 81.
107 Art. 1 City Planning Act.
108 Nagakura, op. cit., p. 86.
109 Art. 3 City Planning Act.
110 Art. 10 City Planning Act.
111 *Shigaichi Kenchikubutsu Hō* of April 4, 1919 Law No. 37 (hereinafter referred to as Building Law).
112 Kōchi Seirei Hō of April 13, 1899 No. 30.
113 Art. 12 City Planning Act.
114 Art. 17 City Planning Act.
115 Art. 25 I City Planning Act.
116 Art. 26 City Planning Act.
117 Art. 25 II City Planning Act.
118 supra note 111.
119 Art. 1 Building Law.
120 Imperial ordinance No. 540 of November 1920 on the districts where the Law concerning the construction of buildings within cities is to be applied (*Shigaichi Kenchikubutsu Hō* Tekiyō *Kuiki no Ken*) as amended through March 1933 by Imperial ordinance No. 25.
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Art. 4 II Building Law.

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170 Nagakura, op. cit., p. 17.

171 Baron, op. cit., p. 56.


174 My own impression.

175 Tōkyo Municipal Government, Administrative Perspective of Tokyo 19 TMG, 1976, p. 74.