Creating Voluntary Rules of, by, and for the Residents at the Earliest Stage of Preservation
—Case of Tsumago-juku in Japan—

Chiyo ISHIYAMA *, Aya KUBOTA *and Yukio NISHIMURA *

Abstract

This paper focuses on a voluntary rule—“the Residents’ Charter to protect Tsumago-juku” (hereinafter, the Tsumago-Charter)—established by Tsumago-juku residents in 1971. It is considered “the earliest Residents’ Charter in Japan” (Yukio, N, 2004) 1), and has been implemented for nearly half-a-century by the members of the Association of Tsumago Lovers comprising all households in Tsumago-juku, who pioneered historical village preservation in Japan.

In this paper, we describe why and how the Tsumago-Charter was established, based on a previous paper (Chiyo, I, 2016) 2) (Chapters 2, 3, and 4) and clarify how it was implemented (Chapter 5) and what types of other voluntary rules were created before and after the Tsumago-Charter (Chapter 6). Thus, we elucidate the significance of creating voluntary rules at the earliest stage of preservation.

We found out many portents for the Tsumago-Charter before and after a memorial project (1968–1971) for the 100th anniversary of the Meiji period. As the number of tourists and tourist-related residents increased, internal and external risks became more severe; therefore, a drafting committee was organized by residents, representing each of the 12 hamlets and offices. After repeated and intensive discussions and revisions, the Tsumago-Charter was finally announced in 1971. This process allowed the residents to realize and share what to preserve as their identities, what to compromise, and what to do by themselves through their lives and livelihoods in Tsumago-juku.

On the other hand, written voluntary rules have the limitation of writing. Therefore, constructing an implementation system that includes a control committee and unwritten rules, such as balancing principle and profit, could overcome the written rule limitation.

Although the Tsumago-Charter did not have any legal binding force at the beginning, most residents made efforts to uphold it, using various, more appropriated tools. Furthermore, they have created new voluntary rules, the Tsumago-Charter, that are partly legislated and thus far, all actions and tools in Tsumago-juku are monitored one by one and led to more appropriate direction for the Tsumago-juku by the Control Committee.

Keywords: preservation, tourism, voluntary rules, residents’ charter, drafting committee, control committee

*The University of Tokyo, Japan
E-Mail: chiyo@td.t.u-tokyo.ac.jp
1. Introduction

1.1 Background

As individuals belong to different backgrounds, situations, and thinking, it is difficult for all to live comfortably and in a livable environment. However, voluntary rules, to a great extent, might contribute to many people living comfortably in livable communities because many communities, particularly those in the historical towns of Japan, either have been following these rules since the past, such as Choshikimoku (町式目), or have recently restored or newly established such rules.

The importance of the preservation of historical townscape and surroundings has been gradually recognized and related legislative system has been enhanced. However, such a townscape is composed of many private properties and the preservation could require governing them and the residents’ lives and livelihoods. Thus, building residents’ consensus regarding concrete preservation is difficult and rules and regulations within the law are limited.

1.2 Study object

This paper focuses on a voluntary rule—“the Residents’ Charter to protect Tsumago-juku” (妻籠宿を守る住民憲章) (hereinafter, the Tsumago-Charter)—that was established by Tsumago-juku residents in 1971 and has been implemented for nearly half-a-century by the members of the Association of Tsumago Lovers (currently, the Public Interest Incorporated foundation Association of Tsumago Lovers). The Tsumago-Charter is considered “the earliest Residents’ Charter in Japan” and has greatly influenced the Residents’ Charters of Shirakawa-go (白川郷) and Taketomi Island (竹富島) (Yukio, N, 2004).

This paper defines voluntary rules as rules that residents create, adhere to through their activities, and are not legally bound to obey at first; Residents’ Charter is a type of such rules.

1.3 Study purpose

This paper describes why and how the Tsumago-Charter was established, based on a previous paper (Chiyo, I, 2016) (Chapters 2, 3, and 4), clarifies how it was implemented (Chapter 5), and what types of other voluntary rules were created before and after the Tsumago-Charter (Chapter 6) by analyzing materials submitted to the shareholders’ meeting of the local tourism bureau and the Preservation Council (since 1973). Thus, we elucidate the significance of creating voluntary rules at the earliest stage of preservation.

1.4 Introduction of Tsumago-juku in Japan

Tsumago-juku in the Kiso Valley, Nagano Prefecture, Japan, is 42nd among the 69 post towns on the Nakasendo way that connects Edo and Kyoto since Edo feudal times(Fig.1). After the Meiji restoration, the abolition of the postal station system and changing of traffic environments led to the decline and severe depopulation of Tsumago-juku. Therefore, Nagiso town, which includes Tsumago-juku, was formed through municipal mergers in 1961. Moreover, their geographical features—heavy rainfall and soft soil sediment—often cause severe sediment disasters, locally known as snake passing (蛇抜け).
Tsumago-juku became a pioneer of historical village preservation in Japan since around 1968; it helped in promoting the establishment of a national designation system of Preservation districts for Groups of Historic Buildings (hereinafter, the Denken policy) in 1975, and was initially designated as a cultural property of the Denken policy along with six other districts in 1976.

2. Why was the Tsumago-Charter established?

2.1 The origin of the first preservation projects

To counter the depopulation problem and revitalize using their unique resources in Nakasendo, which had a historical townscape and was surrounded by nature, Mr. Kobayashi (a town staff member) and others began considering preservation strategies in around 1964. They began with the opening of the Okuya folk museum at the center of Tsumago-juku in 1967. In 1968, a memorial project for the 100th anniversary of the Meiji period in Nagano Prefecture enabled them to initiate concrete preservation through restoration. The research and basic concept of the preservation plan of Tsumago-juku was developed by a group led by Prof. Oota (Univ. Tokyo).

Fig.2 Restoration area (dotted, encircled area within Tsumago-juku) of the memorial project for the 100th anniversary of the Meiji period, from 1968 to 1971.
Before the construction work began, all residents in the Tsumago district formed the Association of Tsumago Lovers to confirm that the project was not just for the center of the Tsumago-juku (Fig. 2) but for all residents, and that they prioritized preservation before anything else. They considered preservation as a means for their development. These initiatives could be considered a predecessor of the Tsumago-Charter.

2.2 Drastic changes caused by tourism explosion

As a result of the Meiji project, the number of tourists visiting Tsumago-juku drastically increased and the population of tourism-related residents suddenly increased (Fig. 3). This major development resulted in a sense of internal and external crisis among the residents. Prof. Oota advised residents “On the process of preservation, completion is not the end but the beginning. Preservation continues forever. Thus, residents should establish preservation rules for themselves with their will without depending on laws” (Toshihiko, K, 1972) Thus, they initiated a discussion on the Tsumago-Charter.

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**Fig.3** Transitive graph of the number of tourists and tourism-related suppliers, and primary matters concerning the earliest stage of the village preservation in Tsumago-juku
3. How was the Tsumago-Charter established?

3.1 Procedure

The first call (concerning the Tsumago-Charter’s establishment in March, 1971) for the residents was concluded with the following sentence: “It is right time to establish the Charter of the Residents, by the Residents, and for the Residents.” Thereafter, they established a drafting committee comprising 35 members, who represented each hamlet and office in Tsumago-juku and managers of the Association of Tsumago Lovers. The residents conducted repeated discussions at each hamlet and office and presented their opinions in the Drafting Committee meetings through the members. The Drafting Committee held eleven meetings and the draft was revised at least five times for nearly five months. Finally, the Residents’ Declaration Convention of the Tsumago-Charter was held on 25 July 1971 (Fig. 4).

3.2 Components’ modification

The components modification during the process (Table 1) suggests that the basic principles, such as “Principle of Preservation Priority” (which have been discussed from the Meiji project) were consistent. After every discussion and revision, more concrete issues were gradually added to the draft. However, certain issues, such as a concrete figure regarding the preservation district and vehicle regulations, were finally deleted.

**Table 1. Components’ modification during the establishment of the Tsumago-Charter**

|------------------------|------------|--------------------------------------|--------------------------|----------------------------------|-------------------------------|--------------------------------------|-------------------------------------------------|

(Source: the authors, based and translated on reference (1))
4. What is the Tsumago-Charter?

The Tsumago-Charter consists of the following 11 clauses (Table 2). The following is the background of some clauses on the basis of interviews with Mr. T.Kobayashi(1/23 and 3/31/2016) and Mr. S.Hayashi (3/30/2016) who participated in the establishment process.

【2】“Principle of Preservation Priority”

This is the most famous expression. More importantly, it does not imply “do not sell, rent, and destroy resources” but “we will not sell, rent, and destroy our resources”; in other words, not heteronomy but autonomy. The three verbs used were selected because of their ease of speaking and better sound in the Japanese language to ensure that the residents and the others were familiarized.

【5】and【11】“The Control Committee”

Since they could not include all unwritten laws in the Tsumago-Charter, they decided to establish the Control Committee and imposed most of the activities that apply to it in advance to judge comprehensively based on the Tsumago-Charter and unwritten law.

Table 2. Outline of the Tsumago-Charter established in1971 and now existing (translated and added () by the authors)

<table>
<thead>
<tr>
<th>【1】 The Purpose of the Residents’ Charter</th>
</tr>
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<tbody>
<tr>
<td>The need for preservation of precious cultural properties and natural environments has substantially increased (an omission). We have built on the epoch-making basics to protect our Tsumago-juku and the surrounding beautiful nature from destruction, although not quite satisfactorily.</td>
</tr>
<tr>
<td>We will refresh our heart and do our best to initiate preservation, connect cultural value and tourism resources of our post town and industrial development, and utilize them effectively. Therefore, we establish this Charter with all residents’ will.</td>
</tr>
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<tr>
<th>【2】 Principle of Preservation Priority</th>
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<tbody>
<tr>
<td>To prioritize preservation before anything else, we will not sell, rent and destroy (売らない, 貸さない, こわさない) our tourism resources—buildings, houses, croplands, and mountains and forests—in Tsumago-juku and along the Nakasendo area.</td>
</tr>
</tbody>
</table>

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<tr>
<th>【3】 Preservation District</th>
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<tr>
<td>We designate surroundings that we can view from Tsumago-juku and the roadsides of old Nakasendo as a preservation district (Fig. 5)</td>
</tr>
</tbody>
</table>
To protect Tsumago-juku from external capital
(1) Tsumago-juku and along the Nakasendo area are the specific existence and the important property of all residents.
(2) We protect our Tsumago-juku from the invasion of external capital. If external capital invades our area, profits from touristic utilization of natural environments and cultural properties will flow out without returning to our society.

Desk motto of Tsumago-juku: We should not forget our initial situation and resolution.
(妻籠宿座右銘: 初心忘るべからず) We must apply the following actions (the rest is omitted) to our Control Committee (統制委員会) in advance.

Scenery preservation
(1) Actions impairing the landscape within the post town and along the Nakasendo are prohibited
(2) Prohibition on advertisement and publicity (the rest is omitted)
(3) Using colors on reparation, construction and reconstruction of buildings should be black or dark brown.

Environmental improvements
(1) To keep silent inside post town, avoiding noises from sources such as street vendors, advertising, and vehicles.
(2) Business hours (the rest is omitted)
(3) Sanitation (the rest is omitted)

Attitudes toward fire protection (the rest is omitted)

Attitudes toward crime prevention (the rest is omitted)

Attitudes toward traffic safety
(1) On-street parking is prohibited within the post town.
(2) We must park vehicles in the garage to maintain the scenic beauty and prevent accidents.
(3) Vehicles within the post town must run at a speed 20km of an hour

We request corrective measures to not only conserve natural environments and scenic beauty but also prevent disasters within the town, prefecture, and nation.

We will establish the Control Committee within “the Association of Tsumago Lovers,” comprising all households in Tsumago-juku, to implement this Charter.

5. How was the Tsumago-Charter implemented?
In August 1971, they quickly established the Control Committee comprising members that represented each hamlet and managers of the Association of Tsumago Lovers, and began the appropriate implementation with the help of experts. They always tried to ensure a balance between principle (理) and profit (利) (this is an unwritten rule) in their activities and members’ assignments.

Though the Residents’ Charter did not have any legal binding force at the beginning, most residents made efforts to keep it. However, as the threat of external capitals became more serious, local governments legislated municipal ordinance for the preservation of Tsumago-juku
in 1973 and declared to officially acknowledge the Tsumago-Charter. Moreover, the Control Committee was positioned in the notification flow (Fig. 6).

Such advanced movements in Tsumago and other areas for preservation of historical buildings and surroundings helped in promoting the establishment of preservation districts for groups of historic buildings (hereinafter, the Denken policy) by revising the Act on Protection of Cultural Properties in 1975. Tsumago-juku was firstly designated as a cultural property under the Denken policy, along with the other six districts in 1976 (Fig. 7). Moreover, the Control Committee was positioned in the notification flow (Fig. 8).

6. Other voluntary rules

The residents developed more concrete rules, which could not be included the Tsumago-Charter, such as those related to traffic, souvenirs, and service quality of guest houses (Fig. 9). They were eager to pursue identities of Tsumago-juku. These reactions could be considered the results of the careful and attentive process of establishing the Tsumago-Charter. The Control Committee have monitored all actions and tools in Tsumago-juku one by one and led to more appropriate direction for the preservation of Tsumago-juku beyond the differences of the background, situations and thinking of persons concerned.
7. Conclusion

At the earliest stage of preservation, the process of creating voluntary rules allowed the residents to realize and share what to preserve as their identities, what to compromise, and what to do by themselves through their lives and livelihoods in Tsumago-juku.

On the other hand, written voluntary rules have the limitation of writing. Therefore, constructing an implementation system that includes a control committee and unwritten rules, such as balancing principle and profit, could overcome the written rule limitation.

Although the Tsumago-Charter did not have any legal binding force at the beginning, most residents made efforts to uphold it, using various, more appropriated tools. Furthermore, they have created new voluntary rules, the Tsumago-Charter, that are partly legislated and thus far, all actions and tools in Tsumago-juku are monitored one by one and led to more appropriate direction for the preservation of Tsumago-juku by the Control Committee.

The Control Committee has discussed nearly 4,000 applications in Tsumago-juku since 1971. The Tsumago-Charter and most of the related voluntary rules are now available after many twists and turns. Autonomy might help heteronomy. To verify it, above twists and turns need to be carefully clarified in detail in the future.

References: