

The Birth of Childhood as a “Complex” and “Lines of Flight”

—An Analysis of the Enactment Process of the Factory Act
in Japan—

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1 Introduction — How to Look at Modern Childhoods

Since Ariès' (1962) *Centuries of Childhood*, the perspective that childhood is a historical and social construction has become commonly accepted. However, how it is constructed and how researchers should conceptualize it are not clearly indicated.

Ariès himself showed a long, ambiguous trend in which the sentiment of coddling by upper- and middle-class families and the sentiment of exasperation by moralists appeared in Western society, in line with the establishment of the modern educational system and the modern family. In the history of childhood, whether there was a clear-cut gap between the Middle Ages and the modern era became an issue. Later, two answers were provided: one, that there has been a combination of plural constructions of modern childhood in many fields (e.g., Hendrick 1997, 2015), and the other, that historians should examine ideals of childhood and the realities of actual children separately (e.g., Cunningham 2005).

However, this paper treats the metaphors of Donzelot (1979) as its basis. He focused on many fields such as the law, social work, public health,

hygiene, and medicine as Hendrick (1997) did, while Ariès (1962) merely mentioned family and education. Donzelot likened a network of discourses, practices, and institutions regarding childhood in each domain to a “line.” For sociologists of childhood, this metaphor of a line can be replaced by Prout’s (2005) conception of childhoods as networks of the biological, the technological, and the social. In contrast to Prout, who stressed only the plurality of childhood, Donzelot coined the phrase “tutelary complex” to describe how several “lines” became intertwined in the twentieth-century Europe and surrounded families and children. Moreover, and most importantly, Donzelot used the Deleuzean metaphor of “lines of flight” to consider the discourses, practices, and actors, including adults and children, that could escape from the complex.

With these metaphors, we can describe both the plural constructions of childhood and the strength of certain conceptions; how strongly the modern official networks of knowledge, institutions, and practices for adults to protect and socialize children have been constructed, sometimes to a level that can be called a complex or a system, sometimes with conflicts and discrepancies within; and what has escaped from these strong networks.⁽¹⁾

Inspired by these metaphors, this paper attempts to (re)describe the establishment of modern childhood in Japan by analyzing the enactment process of the Factory Act. Japanese school education was originally institutionalized in 1872, but the early system was not free, and officially exempted many poor children from enrollment. In 1900, the government finally established four-year free compulsory education, and an enrollment rate as high as 90% was achieved. In the early twentieth century, six-year free compulsory primary education was finally established and the

graduation rate among males reached 95% in the late 1920s (Kiyokawa 1992). Here, the typical modern conception of childhood that held that every child should be a pupil protected and socialized by family and school to become a future citizen was actualized.

This actualization was supported not only by the establishment of the school education system, but also by the enactment of laws prohibiting child labor. The first such law in Japan was the 1911 Factory Act (enforced in 1916). The law prohibited children under twelve years of age from engaging in factory work, children under ten years of age from minor factory work, and children under fifteen years of age from long working hours and the night shift. The law covered only factories with fifteen or more employees. In the 1922 amendment, the target was expanded to include all factories and the minimum age limit for all types of factory work was raised to fourteen years, but the exemption clause allowed children over twelve years old who had completed their six-year compulsory education to work.

There is a temptation to describe the process as the establishment of a single modern conception of childhood by several related laws and institutions. However, there were a variety of conceptions and realities pertaining to childhood that were presented in the long discussions on the Factory Act and the outcome should be considered as an intertwining of plural “lines.” Furthermore, there were “lines of flight” at several levels. Thus, by analyzing the minutes of the thirty-year enactment process,⁽²⁾ this paper tries to describe this intertwining and the “lines of flight” that were present.

2 Prehistory — 1881~1886

The history of the enactment of the Factory Act normally begins with the establishment of the Ministry of Agriculture and Commerce in 1881. The Ministry began to examine Western examples of laws regarding factory labor and industrial relations and then attempted to draw up a bill.

Oka (1913), who was a director of engineering of the Ministry in the last phase of the 1911 enactment, believed that the goal of the legislation was to protect laborers, especially children and women, from the very beginning, and the first draft was proposed with great passion by progressive bureaucrats and scholars.⁽³⁾ Researchers followed this view until the new view that the discussion began in order to explore new regulatory laws for laborers when the pre-modern employer-employee relationship began to collapse with the rise of capitalism became the new standard in the 1970s (Shimodaira 1972; Sumiya 1977). However, it should be noted that we can find arguments that Japan needed to protect poor children from long hours of labor through regulatory laws in the discussion. The first phase, at least, can be characterized as including diversity or diffusion in the discourse.

The 1886 draft was the first that referred to age limits. It prohibited the employment of children under eight years old and those under sixteen years old who had not graduated from the compulsory education. It also restricted the hours of labor for children between eight and twelve years old to fewer than six hours a day and those for children between twelve and sixteen years old to fewer than eight hours. There was an opinion that restrictions on children under eight years old were useless in practice, but the restrictions on older children were mostly seen as unrealistic (Nōshōmushō

Kōmukyoku ed. 1886: 213-242).

3 The Logic of Socialization Versus the Logic of Capitalism —1887~1897

(1) Objections from Capitalists

The 1887 draft of the Factory Worker Bill prohibited the employment of children under ten years old, restricted the labor hours of children under fourteen years old to six hours a day, and those of children under seventeen years old to ten hours. It also prohibited all children under seventeen years old from working the night shift. Above all, the draft mandated that the schooling of children who had not completed compulsory education was the responsibility of factory owners (Oka 1913: 4-9). This was the first draft that defined the relationship between the law and the education system. This clause went far beyond the prohibition of child labor, allocating the responsibility of schooling not to families, but to employers.

As a result, capitalists who had been in favor of regulatory legislation turned to the opposition to the draft, which was then discarded. When the Ministry consulted seven chambers of commerce in 1891, six disapproved. In the first stage of modernization, the government began to send children to school, but the new world of industrialization simultaneously began to require them to provide cheap labor separately from pre-modern feudal agriculture or apprenticeship.

(2) Two Different Worlds, Two Different Types of Logic

The Ministry of Agriculture and Commerce investigated the realities of

factory work in 1893 and 1894 to convince capitalists of the necessity for the enactment of child labor laws. At the same time, Japanese industrialization showed the first signs of development along with the First Sino-Japanese War (1894-1895), and the rise of the labor movement made capitalists take such legislation into consideration.

The First High Committee of Agriculture, Commerce, and Industry discussed the legislation aimed at protecting factory workers. The discussion focused on the minimum age limit for employment and the restriction of labor hours and the night shift in relation to women and older boys.

In the beginning, an officer of the Ministry of Agriculture, and Commerce explained the necessity for such legislation as follows:

The negative effects that would be caused by using children in factories are 1) preventing their physical development and making it impossible for them to become healthy people, 2) depriving them of the time needed for popular education, 3) depriving them of the time to cultivate engineering knowledge, 4) making it impossible for them to perceive the morals and cultivate the virtues learned through family upbringing, and 5), as a result of all these, making the labor force of our nation weak and increasing the uneducated, immoral underclasses, corrupting society increasingly more in the end. (Meiji Bunka Shiryō Sōsho Kankōkai ed 1961: 21-22)

Among the necessities mentioned, preserving children’s physical development was stressed first, and the need for popular, engineering, and family education was stressed as the next three points. Furthermore, the officer added, as the last point, that these laws were not for the good of the

children alone but also for the good of the country and society. Throughout the minutes, the officers repeated that the protection of children’s bodies was necessary to develop the economy; the short-sighted pursuit of profit ruined the bodies of the workforce in the future; thus, the cooperation of capitalists and laborers was necessary to establish the national industry on a long-term basis (ibid: 9-54).

The necessity of protecting and educating children was connected not only to the welfare of the children themselves but also to that of the nation. This logic of connecting children’s development with social development was akin to the concept of socialization. Considering the speakers, it can be called the logic of social policy that had come to be dominant in that period. At least, the typical modern logic regarding children appeared in convincing arguments.⁽⁴⁾

However, it is important to note that this logic was not accepted by the capitalist members of this committee. They showed strong opposition and believed that regulations on the employment of children at that time were rash and would inhibit the development of the industry. A statement by Eiichi Shibusawa, the father of Japanese capitalism, on the night shift, indicates their logic:

The night shift might be harmful (···) from an academic point of view, but, on the other hand, using machines without interruption is profitable. The night shift is economically correct for the continuous usage of machines. (ibid: 44-45)

The logic of capitalism is based on considerations such as gain and

loss and whether something is profitable and economical. Children were a profitable source of manpower to facilitate the nation’s move toward capitalism, and restrictions on their employment were thought of as unprofitable.

While the typical modern logic of socialization began to be established as an official discourse in the discussion, the logic of capitalism, which was also modern, required children as economical manpower. Thus, the two types of logic fought over the children’s small bodies.

4 Concession by Capitalists — 1897~1898

(1) The Discovery of Realities

After the First High Committee, the Ministry published a nine-page booklet called “Common Harms concerning Factories and Factory Workers” (Nōshōmushō Shōkōkyoku ed. 1897). Among the many harms were “No. 18: There is no restriction on the age of apprentices and young workers,” “No. 19: There is no restriction on the labor hours of young apprentices and workers,” and “No. 20: There is no system to provide young apprentices and workers with time for schooling.” The details of child employment were also reported. Spinning factories often used poor children even though their official minimum recruitment age was over twelve years. Match factories often employed children aged around six years old to put matches into small packages. The average work hours were twelve hours, including an early shift and a night shift, which made it difficult for the children to pursue education.

It is important to note that this was the first report of the realities faced

by child factory workers. In other words, the discussions so far had not required any evidence. In the same period, reports of the working conditions of the underclasses proliferated. “Realities” began to be used as evidence for the establishment of social policies.

It should be added that this report was not a faithful reproduction of reality but was a picture drawn or constructed from the perspective of the proponents of the logic of socialization. There was a tautology that held that deviation from their logic was considered a problem that should be solved, and the existence of such problems became evidence to enhance the legitimacy of legislation.

The Ministry completed the first Factory Bill and consulted the Third High Committee of Agriculture, Commerce, and Industry to discuss the legislation in 1898. The bill prohibited the employment of children under ten years of age and restricted the labor hours of children under fourteen years of age to ten hours a day with an exemption for children who had “special reasons.” It also mandated that factory owners establish school facilities at their own expense for factory workers under fourteen years old.

(2) The Division of Children by the Two Worlds

The proponents of the legislation enforced the logic of socialization. In addition to the argument that the protection of young laborers by the law would serve the future development of capitalism, there was an argument that held that restrictions on the employment of children would reduce the number of youth disqualified from conscription and even prevent “social problems.”

Capitalists were strongly opposed to the initiative, saying, “I believe this

is a law to ruin our nation’s industry” and “[Its enactment] never serves our country” when the spinning industry had to compete with factories in newly developing countries such as India and China (Meiji Bunka Shiryō Sōsho Kankōkai ed. 1961: 113, 183), though it seems that they could not reject the logic of socialization openly anymore. Several opponents at once accepted the proponents’ logic and rejected it as impractical:

The present Japanese underclasses managed to live by working long hours. It is true that we would really like to keep even the poor away from harmful things and make them educated, but necessity has no law. (ibid: 128)

The poor could eat after the spinning factories were built. (···) Education and health are important. But well-fed, well-bred. Continuous income, continuous mind. That is the truth of human beings. (ibid: 135)

Here, the logic of socialization had achieved a certain legitimacy even among its opponents. Instead of agreeing with the logic, they criticized it as idealism that would cause the poor to suffer by depriving them of precious income.

A few capitalists even created an argument that held that factories were saving poor children from corruption: “While there are few poor residents in factory areas, there are always many prisoners in areas with no chimneys” (ibid: 113-114). Even if a regulatory law was enacted, the underclass would never seek education and “they would certainly do harm in their idle time”; poor children would “have nothing to do [other than working in factories].

and end up wandering in the streets and being arrested” (ibid: 130). One member even mentioned the educational effect of factory labor; children who started working in match factories as young as five years old could look forward to their wages, even if they were very low, which would “cultivate their industrial minds” (ibid: 113).

The capitalists no longer openly insisted that children were cheap manpower. Instead, they used the realities of the poor, such as school non-attendance, to legitimize their employment of children. Factories could contain underclass children, while schools could not, and this fact may have served as a social defense and even aid socialization. Most children should go to school, but poor children should work in factories instead of doing nothing. This appropriation of the logic of socialization by the logic of manpower divided children into two distinct categories.

Interestingly, not only Ministry officials and scholars but also capitalists used the reported “realities” of the underclasses as evidence to legitimize their opinions. During the discussion, both sides required more research on factories and scientific knowledge and statistics on child development. New technologies such as social research and statistics could serve any logic.

However, when an officer proposed as a compromise that the government would require factory owners to offer low-level education outside the government school system in return for allowing a workday of under ten hours for children, the move was strongly criticized by both sides. Opponents said that it was unfair that only factory owners would bear the responsibility of education when even the government could not offer education to the poor, while proponents never wanted to allow non-formal education outside the national education system (ibid: 121).

Schools operated under the logic of socialization that held that children should be protected and socialized as future subjects and laborers of the nation, and factories were under the influence of the logic of capitalism, which prioritized economic efficiency and profitability. The former wanted as many children as possible to attend school. The latter viewed children as economical manpower. Even when it became difficult to articulate the latter logic, the capitalists wanted to separate poor children from the majority to use them as manpower. The mixture of the two worlds was mostly rejected.

5 The Matter of Age Limits — 1898~1911

(1) Connecting the Prohibition of Child Labor with the Establishment of School Education

The 1897 bill was passed in the committee with major revisions but was not submitted to the Imperial Diet because of the upheaval during the change of government. The Ministry began to launch more research and began gathering statistics and asking specialists in child development for advice. Famous reports, such as *Points from Factory Research* (Nōshōmushō Shōkōkyoku ed. 1902) and *Circumstances of Factory Workers* (Nōshōmushō Shōkōkyoku ed. 1903), were published. In due course, the balance of power between the two types of logic mentioned so far changed further.

First, these reports began to frame the fact that most factory workers were unschooled as a “problem.” The Ministry rejected the arguments of capitalists that factories had a positive educational effect and served to prevent crime. Instead, the reports described factories as immoral places that were not suitable for children, saying, “It would be most regrettable if

a great number of children of school age never received national education but received harmful influences [in factories] from early on” (Nōshōmushō Shōkōkyoku ed. 1902: 30).

The reasons for such arguments are shown below:

Uneducated factory workers would cause enormous disadvantages in our industry. All in all, machines require astute intellectual development to operate, and factory-based industry necessitates disciplined behavior and nature to follow orders the most. Insightful factory owners always lament that the uneducated are far behind the educated in these areas, and that causes huge disadvantages in the industrial economy. (ibid: 9)

The argument held that factory labor required intellectual development and discipline, and this led to the view that popular and moral education at school were necessary even for one to become a factory worker. In addition to these socialization issues, education was thought of as serving a corrective measure against the harmful habits of the uneducated:

We should be worried about the fact that factory workers and apprentices nowadays are totally uneducated and, in particular, youth and children are developing without receiving national education. Various problems are caused by this fact and, at the same time, most of these problems cannot be corrected without expanding the education system. (ibid: 59)

In this phase, the division of children into the majority who should go to school and the minority poor who could not attend school and thus should

be employed in factories was clearly denied by the Ministry. It was declared that all children should go to school and later engage in factory labor. Here, the aim of the Factory Act was clearly defined by the Ministry as serving the education system by restricting child labor (ibid: 60-61).⁽⁵⁾

(2) Changes in the Industry and the Obsolescence of Child Labor

Capitalists changed their attitudes as if they had responded to the logic of the Ministry. Their objection to prohibiting the employment of children under ten years old faded gradually. However, this change in their attitude did not take place because they were convinced by the logic of socialization. Reports from this period indicate that the number of children under ten years old who were employed in factories had declined. The 1902 report mentioned above showed that child workers under fourteen years old constituted only 10% of the factory workforce (82% of whom were girls), and among them, there were a few children under twelve years old. It also reported that spinning and textile factories that were key industries in Japan in this period and had been against the legislation in the early phase of the discussion employed a few children aged nine and ten, but the number was quite small. Tobacco and printing factories that employed many youths rarely employed children under ten years old. The report found a significant number of babies and toddlers brought along by mothers who worked in match factories (Nōshōmushō Shōkōkyoku ed. 1902: 9-16, 29-30).

These numbers suggested that children under ten years old were no longer crucial to developing the nation's capitalist economy, even though the reported numbers may have been lowered to serve as evidence that such restrictions would be possible in practice. The progress of industrialization

had made factories bigger and machines more complex, and this made very small children useless to employers.⁽⁶⁾

Therefore, both sides agreed to the logic that children under ten years should not be employed in factories and should instead go to school. However, it was not because capitalists fully accepted the logic of socialization, but rather because very small children did not constitute economical manpower anymore.

(3) The Matter of Age Limits

The opposition to prohibiting child factory labor itself was no longer an issue. Instead, the discussion focused on the age that would be the best cut-off point. The Ministry drew up a new Factory Bill in 1902, and this version raised the cut-off for employment to eleven years of age.

The reasons provided to the Tokyo Chamber of Commerce by the Ministry were that there would be little influence on industry if factories could not employ children under eleven years old and that, because the 1900 Primary School Order had established four-year compulsory education, which normally occupied children between six and ten years old, this meant that children could finish school before beginning to work in factories. The officer also added that it was desirable to raise the cut-off to twelve years old because the 1882 Penal Act had set the age of responsibility at twelve years old, but “the modest cut-off of eleven years old would be better, in order to avoid rapid change in industry and to consider the circumstances of workers’ families” (Tōkyō Shōgyō Kaigisho ed. 1903: 45).

However, capitalists stuck to the cut-off of ten years of age. They insisted that it was too early to raise it to eleven years old, which would

certainly inhibit industrialization under the circumstances at the time. Some even said that workers could not become skilled unless they started working at around eleven years old (ibid: 26-27).

The discussion became more complicated after it stopped during the Russo-Japanese War (1904-1905) because compulsory education was extended to six years in 1907. The new bill was finally submitted to the 26th Imperial Diet in 1910. It set the cut-off for employment at twelve years of age. The Ministry explained that it was set at this age “in order to train future factory workers who have healthy bodies and have finished enough national education” (Nōshōmushō Shōkōkyoku ed. 1909: 15). The early argument that it would also be beneficial to factory owners was repeated (ibid: 1-2).

However, the reason for choosing the age of twelve, and not eleven or thirteen, was not clearly explained as shown below:

Children under twelve years of age are incomplete in terms of physical and psychological development. Thus, they not only lose their health easily but are also negatively emotionally affected by working in factories. (ibid: 15)

Instead, the relationship with compulsory education was mentioned clearly. Under the system prevailing in this period, children normally turned twelve years old when they were in the sixth grade. Thus, a cut-off of twelve years old virtually ensured that children could complete their education before entering factory employment. The Ministry added that it was undesirable to employ children aged over twelve who were still in school as sixth-graders (ibid: 15). That is, the cut-off was determined in relation to the education system, but the Ministry mentioned development

theory arbitrarily to support its decision.

The bill was rejected once in the Diet and the Ministry made a final adjustment in cooperation with capitalists in the Second Investigation Committees of Production. The modified bill, which became the enacted law in the next Imperial Diet, included an exception to the prohibition of child labor, which allowed factories to employ children aged ten and above for light work in consideration of employers, such as match factories, that still relied on young children.

Article 2

Factory owners shall not employ those who are under twelve years of age at their factories. This will not apply if they employ those who are ten years of age or older and they are already employees when this law comes into force.

In the case of light work, administrative authorities may permit those who are over and equal to ten years of age to work under certain terms. (1911 Factory Act)

In the committee, the Ministry Officer, Mr. Oka, tendered an apology:

Considering the original aim of this law, we still admit that children under the age of twelve should not be allowed to enter factories for both establishing compulsory education and protecting their own bodies. (Takeda ed. 1987: 115)

The main employers of the period, such as spinning factories, rarely

complained about the cut-off of twelve years of age. However, considering the conditions of light industries, the parties reached the above-mentioned double standard as a final compromise.⁽⁷⁾

(4) Discussions on Child Development

It should be noted that those who doubted the legitimacy of the cut-off of twelve years of age in the discussion in the Imperial Diet were not capitalists but were radical proponents of the Factory Act. They stuck to the pure logic of hygiene and education. In the medical sciences, Western theories of biological development began to be imported. The Ministry of Education had mandated that all schools collect data on body measurements and children’s physical development. With these theories and data, the radical proponents insisted that the cut-off of twelve years of age was too young for factory labor and that it had to be raised. A representative who was a medical doctor strongly insisted on setting the cut-off at no younger than thirteen years old in accordance with such theories and to make sure that children could finish their six-year compulsory education:

I have heard that the difference between a twelve-year-old and a thirteen-year-old body is crucial in hygienics. So, how about making them complete compulsory education and permitting them to enter factories one year later? (Third Committee of the Factory Bill, 26th Imperial Diet: 11)⁽⁸⁾

Mr. Oka, the Ministry Officer, tried to persuade the radical proponents otherwise by explaining that the existing Primary School Order had a clause that prohibited the employment of children who had not finished compulsory

education and that the clause would resolve the matter of transitioning from education to labor. At the same time, he honestly confessed that twelve years of age was the Western standard and that Japan had to follow the same cut-off so as not to hinder the nation’s industrialization (Fourth Committee of the Factory Bill, 26th Imperial Diet: 16). The logic of the other officer as shown below indicates how arbitrary the cut-off was:

Even European people set the cut-off at the age of twelve. So, since the Japanese people’s development is far more advanced than that of Western people, the cut-off of twelve years of age would be favorable, even considering the ages of children in school. (Third Committee of the Factory Bill, 26th Imperial Diet: 12)

The age of transition from school to labor thus became the standard as a result of pragmatic but arbitrary reasoning. The logic of socialization that held that all children had to be protected and educated at school to become future, not present, laborers and citizens, began to be actualized by the Primary School Order and the Factory Act, which forced children to finish school and forced factories to wait until children finished their compulsory education to employ them. The decision referenced new knowledge on children’s physical development and new technologies such as social research and body measurement. However, the connection or the network of knowledge, technology, and discourses was often mediated by arbitrary yet pragmatic decisions made using unscientific arguments, such as those regarding the advanced development of the Japanese people and the like.⁽⁹⁾

(5) The Persistence of the Logic of Capitalism and a Few “Lines of Flight”

Although this paper has focused on the minimum age of employment, another important issue, especially in the last phase, was the restriction of labor hours and the night shift for women and older children. Here, the logic of capitalism still saw teenagers as useful and profitable manpower.

Spinning factories, which relied heavily on the night shift employing female workers in their teens and twenties, were ardently opposed to the clause. Spinning machines required long consecutive operation to maximize productivity, and teenage girls were intelligent enough to operate the technology and were cheap enough to constitute economical manpower. The restriction of their working hours was never acceptable to capitalists. In other words, the controversy over teenagers and the night shift can be considered evidence that the logic of capitalism had not disappeared. The level of technology required teenagers, not small children, to operate it.

The bill set the cut-off for restricting labor hours at sixteen years of age following a developmental theory, but this decision was not accepted by capitalists. An argument that the traditional Japanese coming-of-age was fifteen years old was made at the last discussion of the Second Investigation Committees of Production (Yoshizaka 1925: 61). The final bill that was passed in 1911 set the cut-off at fifteen years of age with a rider that allowed a fifteen-year moratorium after the law entered into force.

Furthermore, the enforcement of the Factory Act did not result in the enrollment of all children of school age in school. The act applied only to factories with fifteen or more employees, and this covered only half the factories in the nation’s industrial sector, which meant that many small

children who lost their jobs because of the law simply wound up doing worse ones.

In 1911, the number of children of school age was 4,570,000, and 115,000 among them were exempted from enrollment in school mainly because of poverty. The number of child workers under twelve years old who were working in factories that were subject to the law was reported as 981 boys and 4,503 girls (Second Committee of the Factory Bill, 27th Imperial Diet: 8). Another calculation showed that nearly 250,000 children of school age had dropped out of compulsory education in 1914, and the number did not change even after the enforcement of the act in 1916 (Tanaka 1967).

6 Seamless Transition as a Social Norm

—The 1923 Amendment

A further move to protect more and older children from factory labor began as a result of international criticism. The first International Labor Conference in 1919 adopted the Convention Fixing the Minimum Age for Admission of Children to Industrial Employment, which prohibited the employment of children under fourteen years of age in principle. In Japan in 1921, the number of “poor child workers” reported under fourteen years old was approximately 244,000, of which “factory workers” accounted for more than 100,000 and “apprentices” 27,000 (Naimushō ed. 1921: 109). The convention allowed Japan to apply an exceptional clause that allowed the employment of children aged twelve and older who had completed their six-year primary education on the condition that Japan abolish the existing Factory Act that allowed light work for children as young as ten years of

age.

The government wanted to accept the offer, hoping to position Japan as one of the Imperialist Great Powers after World War I. As a result, the Factory Act was amended and the Minimum Age for Factory Workers Act was enacted in 1923, which prohibited the employment of children under fourteen years of age in all factories with an exceptional clause that allowed the employment of children aged twelve and older on the condition that they had completed their compulsory education. These acts also prohibited children under sixteen years of age from working the night shift and restricted their labor hours to fewer than eleven per day. They were enforced in 1926 after the turmoil of the Great Kanto earthquake.

During the discussion at the Imperial Diet, officers from the Division of Social Affairs of the Home Ministry, which was in charge of the amendment on behalf of the Ministry of Agriculture and Commerce, insisted that Japan should comply with the international standard unless doing so would damage the nation’s economy. Most capitalists agreed with raising the minimum age of employment. However, regarding the prohibition of night shifts and restriction of labor hours, many capitalists were opposed to raising the minimum age from fifteen to sixteen. The familiar opinion that restrictions would lead Japan to be defeated by India and China that did not have factory acts were repeated in both houses. However, the officers strongly pushed the legislation, saying that it was an international requirement.

Interestingly, stronger opposition came from representatives who promoted the protection and education of children. They insisted that none of the age limits were high enough. Specifically, they were opposed to the exceptional clause that, in practice, allowed children to enter employment

when they finished primary school at the age of twelve, while the international standard was fourteen years old. The answer from the officers was not the familiar one made to convince capitalists that it was necessary in order not to damage the industry. Instead, they repeated that sticking to a strict cut-off of fourteen years of age would leave children idle in the years between graduation from primary school and their fourteenth birthdays.

Under the present situation, those who graduated from school would have no other choice than to laze around, if they are prohibited from working for one or one-and-a-half years. (···) A higher age limit might be better, in terms of health and hygiene, but this exception is unavoidable considering social problems and children’s labor problems as well as industrial problems. (Second Committee on the Amendment of the Employment Placement Act and the Other Two Acts, 46th Imperial Diet: 6)

If children are not employed after graduating from primary school, they are susceptible to many temptations. From these points of view, we think it better for them to be hired. (ibid: 9)

The view that employment was better than leaving children in a poor environment was not new, but here, we can see that the seamless transition from school to labor became a social norm and that it was important not for the children themselves, but for social stability.

There were still 40,000 children who were exempted from school enrollment because of poverty at the time, and many of them were working. The prohibition of light work for those between ten and twelve years old

that was introduced by the amendment had the potential to lead to 3,000 children to lose their jobs. In the Imperial Diet, representatives of diverse interests required the government to establish institutions or facilities that allowed those children to be admitted and educated.

Here, the ideal of the logic of socialization, that all children should be protected and educated at school first and then transition seamlessly to the workforce, in order not only to reproduce society, but also to avoid social instability, became established as a norm. The realization of this ideal followed in the late 1920s, when the graduation rate reached 95% and an official report declared the disappearance of child labor in factories in 1927 (Shakaikyoku Rōdōbu ed. 1929: 66).⁽¹⁰⁾

However, it should be noted that postwar interviews revealed that young factory girls tried to escape from the local officials who forced them to go to school and complete their education (Kiyokawa 2007: 380-384). Real children did exist, sometimes happily and sometimes unhappily, behind the discourse and research.

The modern institutions of schools and factories, in other words, the systems of education and capitalism, established the tutelary complex that defined people under a certain age as children who should be enclosed in the former realm until they could be transferred to the latter. However, the complex consisted of many types of logic, and there were many other discourses and realities that escaped from the complex.

7 Conclusion

—The Arbitrary Networks That Construct Modern Childhoods

At the turn of the twentieth century, the logic that children with

developing bodies should be protected and educated and that this concept of childhood would serve the nation’s future arose along with the development of the modern school system. Modern childhood as a social category was constructed as a network of “lines” in Donzelot’s reasoning, of biological bodies, discourses on the categories of humans, and institutions and laws. The enactment of the Factory Act can be considered another line that reinforced this official line at a level that can be called a “complex.”

However, this paper has shown that the enactment of the Factory Act was not always such a supportive initiative. During the phase of national industrialization, the logic of capitalism required children to provide economical manpower. Capitalists later accepted laws against the employment of children of school age not because the logic of socialization had won out against the logic of capitalism, but because the development of capitalism and new, complex technologies had rendered young children useless. While proponents of the legislation such as doctors, scholars, and government officers insisted on the importance of protecting children’s developing bodies from hard work and immoral circumstances as well as providing them with popular, technical, and moral education, opponents from the industrial sector never required factory workers to have discipline, knowledge, or academic qualifications.

Therefore, the complex network of lines that constructed the typical modern childhood included lines that did not exhibit concern for children, and even the most supportive line itself was sometimes constructed as a result of arbitrary decisions. There were also many lines of flight from the complex, such as discourses that constructed small children differently and real children who tried to escape from it.

In addition, some new technologies such as statistics concerning biological development and social research were used arbitrarily by each contradictory type of logic and other new technologies such as spinning machines, allowed employers to disconnect children from the logic of capitalism. Discourses, technologies, and biological bodies became intertwined. In other words, our notion of the “miserable reality of child labor,” “small vulnerable bodies” that should be protected from a poor environment, and the “developing bodies of future citizens” were all constructed by this intertwining, or the complex of diverse lines and lines of flight.⁽¹¹⁾

It is true that the complex became tight and strong in the postwar period when most children began to enjoy longer childhoods and education. Most Japanese people have forgotten the diversity of discourses and realities that existed even in the postwar period. However, we should keep in mind that once the constellation of children, technology, discourse, and the like loosens, small children may be freed from the complex, for better or worse.

Notes

- (1) This paper is also based on Hacking (1999). Though Prout depended on Latour’s Actor Network Theory among many other theoretical resources, this paper considers that Hacking’s dynamic nominalism is theoretically consistent with a historical analysis of social categories, and not natural existence, while describing networks or “lines” (or “loops” in Hacking’s terminology).
- (2) The sites of the discussion were not only the Imperial Diet, which was institutionalized in 1889, but also several committees on commerce and industry. The sources will be shown in each citation.
- (3) Oka (1913) was the first anthology of the enactment process and contains important (extracts of) the minutes from 1881 to 1911, but Oka’s evaluations of each discussion should be considered historical discourses that reflected a specific viewpoint during his time.

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- (4) DeMause (1974), in his psychohistory, indicated that the socializing mode of childrearing appeared along with compulsory schooling.
- (5) The Ministry of Education required factories to provide education, at least in a statement from the Minister of Education concerning the 1900 Primary School Order (Monbushōnai Kyōikushi Hensankai ed. 1938: 119).
- (6) Saitō (1995) analyzed the 1903 report and showed that only the cardboard, glass, and match industries could be considered dependent on child labor and the spinning industry could not. He concluded that the Japanese introduction of the Factory Act was not intended to regulate child labor. Ushijima (1995) showed how the Ring Spinning Mill raised the productivity and wages of female workers, which resulted in a rise in workers' ages.
- (7) In 1909, the percentage of child workers under twelve years old was 1.9%, and that of those under fourteen years old was 11.5% (Takamura 1971: 211).
- (8) The minutes of the Imperial Diet are available on the Japanese National Diet Library website (<http://teikokugikai-i.ndl.go.jp/>), and this paper shows the names of the minutes and their pages. The committees belong to the House of Representatives, unless specified that they belong to the House of Peers.
- (9) In the House of Peers, one representative insisted that children could split their days between school and work, which would result in them completing their compulsory education in eight years (Second Special Committee on the Factory Bill, House of Peers, 27th Imperial Diet: 11). However, in this last phase, this opinion was not supported. The transition from school to labor had already become accepted as a norm and nobody agreed with the idea of combining the two.
- (10) The use of child labor outside the industrial sectors persisted until the postwar period. The 1933 Prevention of Cruelty to Children Act and the 1938 Shop Act were part of the effort to prohibit the use of child labor. However, complete prohibition of child labor was not realized until the 1947 Labor Standard Act and the 1948 Child Welfare Act were passed.
- (11) This issue of the construction of children's bodies and realities should be considered more in the realm of the sociology of childhood. One example is Prout ed. (2000).

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