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## **“This Dormitory is not a toy!”: How Kyoto University’s Yoshida Dormitory unifies activism with civic service provision**

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# **“This Dormitory is not a toy!”**

*How Kyoto University's Yoshida Dormitory unifies activism with civic service provision*

MA Thesis

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## Introduction

If you, after enjoying tourist landmarks such as Kyoto University's historic clock tower and the red-bricked "Nobel Prize House," decide to stray a little bit further to the south, you are greeted by a scene that is not entirely congruent with the scenery so far. White, modern university buildings give way to an overgrown garden, replete with Japanese vegetables and medicinal herbs, chickens and cats are running around, and a collection of signs in all the colors of the rainbow with messages ranging from the date of the next piano recital to "out with the death penalty/in with euthanasia." In the background of this is a dilapidated wooden building with small, leaning balconies and windows with holes that provide an unimpeded view into the hallways and shared rooms within.

This is Yoshida Dormitory (*Yoshida ryō* 吉田寮), the oldest extant autonomous dormitory in Japan.

Upon entering, the visitor may be greeted by a wide variety of scenarios: a cookout with free food, a lecture on Ainu culture, a techno club, a heated mahjong battle, or a group of students preparing supporting documents for the next hearing by the Kyoto District Court because the residents are currently engulfed in a legal battle against the same university on whose grounds the building stands.

This Dormitory has a long history of activism, going back to its inception in 1913. Throughout the years, students have protested in the streets, fought with riot police, and barricaded school rooms, but now the fight is taking place in the courtroom. At the same time, the residents continue to pursue their social obligations, providing a safe and welcoming environment for everyone in need – no mean feat for a group of roughly 120 students.

I will use the case study of Yoshida Dormitory to highlight a gap in the discourse on Japanese civil society organizations (CSOs). Specifically, I answer the following research question:

What is the relationship between political activism and civic service provision in Kyoto University's Yoshida Dormitory?

This thesis connects with recent research into social and political movements and research into developments in civil society and social capital generation in Japan.

On the one hand, research into Japan's civil society by Pekkanen and Ogawa notes that it is

characterized by many small, apolitical, service-oriented groups with close ties to the state.<sup>1</sup> On the other hand, recent research by Steinhoff and Shibuichi, among others, has shown that Japan has a non-institutionalized “invisible civil society,” a remnant of radical activism in the 1960s and 1970s, that produces social capital and advocacy.<sup>2</sup>

Yoshida Dormitory was one of these invisible groups, but it gradually morphed into an organization that juggles the features of both: a so-called “straddler.” The civil lawsuit threw this development into the limelight.

To this end, I investigate the Dormitory as both a welfare institution and a member of the invisible civil society. Next, I discuss the background and intricacies of the lawsuit. Lastly, I show how the lawsuit has caused Yoshida Dormitory to deal with its straddler nature.

I have spent a year living in the dormitory from fall 2022 to fall 2023. During this time, I experienced the dormitory’s role as a welfare facility as well as its political activities. The arguments are based on this experience, as well as archival material, court documents, and miscellaneous pamphlets and papers. I argue that the familiar refrain of a clear-cut distinction between political activism and apolitical service-oriented civil society does not apply to Yoshida Dormitory. Instead, the identity of the “Yoshida Dormitory resident” engaging in large- or small-scale activism, is a quintessential part of its welfare function.

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<sup>1</sup> Robert Pekkanen, *Japan’s Dual Civil Society: Members Without Advocates*, (Stanford: Stanford University Press, 2000), and Akihiro Ogawa, *The Failure of Civil Society?: The Third Sector and the State in Contemporary Japan*, (Albany: State University Press, 2009).

<sup>2</sup> Daiki Shibuichi, “The Struggle Against Hate Groups in Japan: The Invisible Civil Society, Leftist Elites and Anti-Racism Groups,” *Social Science Japan Journal* Vol. 19, No. 1 (2016): 4, and Patricia G. Steinhoff, “Finding Happiness in Japan’s Invisible Civil Society,” *Voluntas* (2015), and Polina Ivanova, *Civil Society and International Students in Japan: The Making of Social Capital*, New York, Oxon: Routledge, 2024.

## Literature Review

Notably, there is little to no research that focuses on the Yoshida Dormitory either as a welfare facility or as a remnant of the radical left. However, its history, especially during the student protests, is well documented in the archival documents of Kyoto University and the Dormitory.<sup>3</sup> Therefore, I will start with a brief overview of Yoshida Dormitory's turbulent history, followed by research on the decline of left-wing radical activism and the rise of apolitical civil society, and, lastly, research on the current state of civil society in Japan.

Yoshida Dormitory was conceived as an affordable place to live for Kyoto University's elite students in their scholarly pursuits. The Dormitory lacked a formal code of conduct because Kinoshita Hiroji, the first president of Kyoto University, believed in the inherent "virtuous character" of the student body. He expected self-respect and independence from these students and thus did not want to interfere in their lives, thereby unwittingly entrenching the concept of self-governance in their minds.<sup>4</sup>

However, factors such as the political instability that followed the Russo-Japanese and the Second World War, the burgeoning popularity of socialist ideologies, a surge in student enrollment, unionizing university employees, and an economic recession created a student body increasingly at odds with Kinoshita's idealized vision and top-down university governance in general. Yoshida Dormitory, originally a dormitory for the crème-de-la-crème of students to pursue their studies in a calm environment, became a welfare facility for the post-war impoverished student generation, many of whom were open to radical left-wing ideals.<sup>5</sup> The following years would see increasing clashes between residents of the Dormitory and the university leadership that resulted in the Dormitory becoming one of the focal points of the student movement at Kyoto University. In the winter of 1969, this culminated in the "Three Days of Madness," in which 300 students, many of which were residents of Yoshida Dormitory who identified as anarchic anti-communists, occupied the Student Affairs Building for a week

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<sup>3</sup> In particular, Kyoto University Archive Committee 京都大学大学文書館, "Yoshida ryō kankei shiryō: kaisetsu mokuroku" 『吉田寮関係資料』解説・目録 [Documents related to Yoshida Dormitory: explanation and catalogue], Kyoto: Yoshida Printing Press, 2009, and the work by the Kyoto University Press.

<sup>4</sup> Kyoto University Press, "Rensai dai ikkai Yoshida ryō hyakunen monogatari 【連載第一回】吉田寮百年物語" [Yoshida Dormitory's Hundred Year Tale: Part 1], last modified July 16, 2019, <https://www.kyoto-up.org/archives/2903>, (accessed April 30, 2024).

<sup>5</sup> Kanta Nomura 野村幹太, "Yoshida ryō gakusei kishukusha shi" 吉田寮寄宿舍史 History of the Yoshida Dormitory Student Boarding House, (Italy: Cesura Publish, 2022).

while repeatedly rebuffing attempts from protesters (supported by the university) to break through the barricades.<sup>6</sup>

While the university capitulated to the students' demands in the end, increasingly stringent regulations and the decline of public support caused the militant student movement to peter out nationwide. After two decades of increasingly severe clashes between the state and the students, the Ministry of Education, Culture, Sports, Science and Technology (MEXT) designated autonomous student dormitories a “hotbed of strife” and, in 1972, enacted legislation to forcibly “normalize” existing dormitories across Japan. This legislation can be seen as the start of the struggle between Yoshida Dormitory and the university authorities that continues to this day, fought not with weapons but with words.<sup>7</sup>

Yoshida Dormitory's history mirrors Japanese civil society after the Second World War: the fall of left-wing radical activism and the subsequent rise of apolitical civil society nurtured by the state. These topics have garnered considerable academic interest.

In *Japan at the Crossroads: Conflict and Compromise after Anpo*, Nick Kapur discusses the “revolutionless revolution” of the 1960s.<sup>8</sup> He argues that the protests leading up to and culminating in resistance against the United States-Japan Security Treaty, colloquially known as *Anpo* 安保, were a landmark moment for the whole generation.<sup>9</sup>

The protests were a culmination of years of political dissatisfaction across the whole spectrum of political participation, with the socialist or communist “Peace Constitution” movement on one side, and the conservative “Reverse Course” movement on the other. At the forefront of this clash between civil society and the entrenched liberal businesses and politicians were the students at the major elite universities in Japan, roughly united under the banner of the *Zengakuren* 全学連, (the “All-Japan Federation of Student Self-Government Associations”).

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<sup>6</sup> Kyoto University Press, “Rensai dai gokai Yoshida ryō hyakunen monogatari 【連載第五回】 吉田寮百年物語” [Yoshida Dormitory's Hundred Year Tale: Part 5], last modified January 16, 2020, <https://www.kyoto-up.org/archives/3095> (accessed April 18, 2024), Stuart Dowsey, *Zengakuren: Japan's Revolutionary Students*, (Berkeley: Ishi Press, 1970), 170, and Kyoto University 100 Year Editorial Committee 京都大学百年史編集委員会, “Kyōto daigaku no saihen to hatten” 京都大学の再編と発展 [Kyoto University's Reorganization and Growth], in 京都大学百年史 “Kyōto daigaku hyakunen shi” [100 Year History of Kyoto University], (Tokyo, Dai Ichi Hoki, 1998), 649 – 651, 667 – 671.

<sup>7</sup> Kyoto University Press, “Yoshida Dormitory's Hundred Year Tale: Part 5”.

<sup>8</sup> Nick Kapur, *Japan at the Crossroads: Conflict and Compromise after Anpo*, (Cambridge: Harvard University Press, 2018), 7.

<sup>9</sup> Kapur, *Japan at Crossroads*, 4.



All over the country, students took to the streets, barricades, and media to express their dissatisfaction with a wide variety of political and social struggles. Their actions quickly grew in scale and garnered widespread public support.<sup>10</sup>

Bolstered, the students became increasingly militant, but the tides of public opinion turned against them after a bloody confrontation between a faction of the *Zengakuren* and right-wing ultranationalists resulted in the death of a female undergraduate, Kanba Michiko, at Tokyo University.<sup>11</sup>

Kapur argues that her death, combined with the ultimate failure of the movement to stop the ratification of the Security Treaty, heralded the end of the militant left-wing political movement. This negative image was amplified by intersect violence among student groups as well as two heavily televised violent incidents, the hijacking of Japan Air Lines Flight 351 in 1966 and the 1972 Asama-Sansō hostage incident.

Chelsea Szendi Schieder in *Coed Revolution: The Female Student in the Japanese New Left* notes that afterwards the police successfully embarked on a campaign to convince the public that the students were dangerous elements from whom the public must be protected.<sup>12</sup> They used the above-mentioned violent clashes, as well as instances of intersect violence and female students' participation, to portray the movement in general as immature and dangerous.<sup>13</sup> In addition, in a rare show of unity, the media on both sides of the political spectrum condemned the militant protests and called for demonstrators to lay down their arms.

The changing public opinion was codified in government legislation aimed at limiting protesting and increasing the budget and privileges of the (military) police.<sup>14</sup>

Kapur argues that as a result of these measures the left was actively depoliticized and delegitimized after *Anpo*, and conversely, the right was politicized and energized, giving them a foothold in politics that grew into the fortress it is today.<sup>15</sup> However, while the radical left disappeared from view in parliamentary politics and the streets, the loosening regulations on free speech, the new genres of artistic expression and the fragmentation of the New Left gave rise to new social movements such as feminist and environmental.<sup>16</sup>

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<sup>10</sup> Kapur, *Japan at Crossroads*, 18 – 20.

<sup>11</sup> *Ibid.*, 28 – 32.

<sup>12</sup> Chelsea Szendi Schieder, *Coed Revolution: The Female Student in the Japanese New Left*, (Durham and London: Duke University Press, 2021), 129.

<sup>13</sup> Schieder, *Coed Revolution*, 129, 144.

<sup>14</sup> Kapur, *Japan at Crossroads*, 261.

<sup>15</sup> *Ibid.*, 250 - 252.

<sup>16</sup> *Ibid.*, 272.

We find the first traces of modern CSOs in these movements. Japan is marked by an active civil society consisting of many small organizations, unlike the United States, in which a few organizations with many members comprise most of civil society.<sup>17</sup>

Robert Pekkanen analyzes this phenomenon in *Japan's Dual Civil Society: Members Without Advocates* from the perspective of the regulatory framework that enables or hinders the creation of CSOs. He argues that large-scale CSOs failed to materialize within Japan due to the regulatory framework put in place after the *Anpo* protests.

In the two decades following the protests, civil society bifurcated: some groups, focusing on individual citizens, turned local and took an activist stance, while others turned apolitical and sought support from national government actors, becoming increasingly dependent on government initiatives.<sup>18</sup> After the bloody clashes of the preceding decades, pragmatic collaboration and consensus were now valued over conflict, and any ties with the New Left were quickly disavowed.

Noteworthy in this context are neighborhood associations. In Pekkanen's definition, these groups are "voluntary groups whose membership is drawn from a small, geographically delimited, and exclusive residential area (a neighborhood) and whose activities are multiple and are centered on that same area."<sup>19</sup> While these neighborhood associations initially developed organically, government regulation stimulated their proliferation before and after the war. This historical fact illuminates one of their key characteristics: they straddle the boundary between state and society by liaising with the government while simultaneously pursuing their own local goals that followed the localized memberships' wishes. As voluntary, autonomous organizations, they are "true" civil society organizations, but their limited scope and reliance on government support limit their ability for advocacy.<sup>20</sup>

In conclusion, civil society in Japan is different, not because of the nature of the movements or inherent differences in national culture but because the state incentivizes another kind of institutionalization. This institutionalization, in turn, shapes notions of the role of citizen activism and advocacy, creating a reinforcing spiral.<sup>21</sup>

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<sup>17</sup> Pekkanen, *Japan's Dual Civil Society*, 1 – 3.

<sup>18</sup> *Ibid.*, 168.

<sup>19</sup> *Ibid.*, 68.

<sup>20</sup> *Ibid.*, 95 – 102, 122 – 128.

<sup>21</sup> *Ibid.*, 168, 169.

The uncertain and fragmented status of CSOs in Japanese society was brought to the forefront of public consciousness in the wake of the 1995 Great Hanshin Earthquake. While the relief effort coordinated by the government was paralyzed because of jurisdictional disputes, the CSOs quickly mobilized. However, the legal framework at the time meant that most groups had no official legal status, precluding them, for example, from insurance coverage.<sup>22</sup> Moreover, the scale of the disaster was such that many ordinary citizens who had seldom participated in volunteerism before joined the relief efforts, creating a new-found awareness of the importance of volunteer activities.<sup>23</sup> Public outcry was swift and decisive, and, even in the face of government resistance, culminated in the ratification of the “Act on Promotion of Specified Non-profit Activities” – commonly called “NPO law” – in 1998. The NPO law is, by most measures, a success: a combination of flexible requirements, active administrative guidance, and several tax exemptions resulted in an onslaught of applications in just a few years.<sup>24</sup>

For the government too, the law turned out to be a winner: a maze of regulations and benefits has made it so that “independent civil groups have found it hard to grow large, and large groups have found it hard to remain independent.”<sup>25</sup> The benefit is two-sided: the lack of large (national) groups means that citizen interest groups have hardly any lobbying power, and the large number of small groups, exemplified by neighborhood associations, cultivate social capital and deliver welfare services to their members while requiring minimal government expenditure.<sup>26</sup> Pekkanen does not categorically dismiss civil society as powerless to influence policymaking but notes that it is under-professionalized, passive, and less politically influential than the third sector in many other nation-states.<sup>27</sup>

In *The Failure of Civil Society?: The Third Sector and the State in Contemporary Japan* (2009), anthropologist Akihiro Ogawa takes Pekkanen’s conclusion one step further. He utilizes a recent case study of a volunteer-group-turned-NPO to highlight the direct impact of this new law on volunteers, as well as how the government uses a top-down approach to force groups to institutionalize and subsequently take advantage of these new NPOs.<sup>28</sup>

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<sup>22</sup> Pekkanen, *Japan’s Dual Civil Society*, 135.

<sup>23</sup> “How the NPO Law came about and why it was important”, About NPO Law, 日本 NPO センター Japan NPO Center, <https://www.jnpoc.ne.jp/en/nonprofits-in-japan/about-npo-law/> (accessed April 18, 2024).

<sup>24</sup> Pekkanen, *Japan’s Dual Civil Society*, 56.

<sup>25</sup> *Ibid.*, 160.

<sup>26</sup> *Ibid.*, 160, 161.

<sup>27</sup> *Ibid.*, 24.

<sup>28</sup> Ogawa, *The Failure of Civil Society?*, 184.

Ogawa paints the conservative government's recent efforts as part of a larger neoliberal goal of "establishing small government in the post-Keynesian welfare state."<sup>29</sup> In this context, the Cabinet Office's documents mention that social capital generation through volunteering is possible and should be enacted through various policies.<sup>30</sup> The NPO law is entirely beneficial to this neoliberal state: it limits dynamic social and political participation while mobilizing volunteers to provide welfare services that the state does not provide. It achieves this by forcing NPOs to become apolitical through legal frameworks and by using state-supervised education and national projects to create an ideal subject.<sup>31</sup>

This theory is supported by Tsujinaka and Yamamoto in *A Comparative Approach to Civil Society and Urban Governance in Modern Japan*. They use statistical analysis of the Japan Interest Group Study survey data to analyze the changes in civil society and urban governance from 1997 to 2017. They show that over this period, CSOs have fewer resources in the form of personnel and budget and are growing gradually apolitical, while national political parties are increasingly involved with these groups.<sup>32</sup>

In *Civil Society and International Students in Japan: The Making of Social Capital*, Polina Ivanova demonstrates that social capital can be generated in the short term by examining international students and CSOs in the Kansai region. In addition to identifying the different factors that promote or hinder social capital generation, she also showed that CSOs not affiliated with (local) governments are more efficient at producing social capital.<sup>33</sup> Furthermore, she highlights the importance of international students in social capital generation as well as the outdated model of internationalization that higher education institutions tend to pursue to fulfill MEXT's wish for global competitiveness.<sup>34</sup> Lastly, like Ogawa, she notes that almost all the groups that she researched were apolitical and non-activist, taking a pragmatic approach to civic service provision.<sup>35</sup>

However, it is not all doom and gloom for a democratic civil society. Ogawa also experienced strong grassroots resistance against heavy-handed interference at the site of his fieldwork and

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<sup>29</sup> Ogawa, *The Failure of Civil Society?*, 21.

<sup>30</sup> *Ibid.*, 49.

<sup>31</sup> *Ibid.*, 160.

<sup>32</sup> Yutaka Tsujinaka 辻中豊 and Hidehiro Yamamoto 山本英弘, "Gendai Nihon no hikaku toshi gabanansu shimin shakai" 現代日本の比較都市ガバナンス・市民社会 [A Comparative Approach to Civil Society and Urban Governance in Modern Japan], Tokyo: Bokutakusha, 2021, 13 – 16, 251 – 253, 272 – 276.

<sup>33</sup> Ivanova, *Civil Society and International Students in Japan*, 127.

<sup>34</sup> Ivanova, *Civil Society and International Students in Japan*, 130.

<sup>35</sup> *Ibid.*, 107.

in discussions with volunteers affiliated with non-incorporated NPOs. Moreover, the pragmatic approach is also a strength of these CSOs: Tsujinaka and Yamamoto state that liberal reforms at the local level and proactive participation by CSOs in activities for public welfare demonstrate the CSOs' ability to influence local policy and create social capital.<sup>36</sup>

This concurs with the research conducted by Patricia Steinhoff in *Finding Happiness in Japan's Invisible Civil Society*. She notes that mainstream CSOs in Japan tend to focus on non-contentious issues and social capital generation, as opposed to a wide variety of non-registered CSOs with historic ties to the New Left that are “engaged in political and social causes through information dissemination and standard protest tactics.”<sup>37</sup> These “invisible” groups keep a low profile because of the stigma associated with the New Left, creating an alternative public sphere that is loosely organized, non-hierarchical, and without institutional presence.<sup>38</sup>

## **Methodology**

At first glance, Yoshida Dormitory fits the above characterization of a member of the invisible civil society. It has historical ties to the New Left and engages with political and social causes. In addition, the dormitory's activism happens away from the public mainstream, and the residents pride themselves on their egalitarian mode of organization. However, the Dormitory identifies first and foremost as a welfare facility, filling a gap left by the university administration by providing affordable living and other social services.

Nevertheless, as a welfare facility, it does not fully adhere to the conceptualization that we can draw from Pekkanen, Ogawa, and Ivanova of civil society in Japan as passive, apolitical, service-oriented, and small-scale. Yoshida Dormitory is the latter two, but it is also active and political, characteristics associated with Japan's invisible side of civil society. For years, the Dormitory managed to walk a tightrope, silently staying true to its radical past while liaising with the university administration to provide social capital to its members. This “straddler” role will be further analyzed in Chapter 1.

This dual nature changed with the eviction lawsuit filed by Kyoto University. Not only did this lawsuit throw Yoshida Dormitory straight into the public eye, but a legal verdict by its very nature also removes the ambiguity of the Dormitory's existence. By cutting off any form of

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<sup>36</sup> Ogawa, *The Failure of Civil Society?*, 21 22 and Tsujinaka and Yamamoto, *A Comparative Approach to Civil Society*, 276.

<sup>37</sup> Steinhoff, “Finding Happiness in Japan's Invisible Civil Society,” 98 – 103.

<sup>38</sup> Shibuichi, “The Struggle Against Hate Groups in Japan,” 71, 72 and Steinhoff, “Finding Happiness in Japan's Invisible Civil Society,” 117.

dialogue, the university also forced the residents to reckon with the complex nature of their relationship with the institute. In Chapter 2 I will provide an overview of the lawsuit, using it as a stepping stone to analyze the impact of this watershed moment on Yoshida Dormitory's residents and its identity as "straddler" in Chapter 3.

## Chapter 1: An Overview of Yoshida Dormitory

In this chapter, I provide an overview of Yoshida Dormitory, primarily focusing on its inner workings and the origins of its nature as a “straddler.”

### The Physical Space

Yoshida Dormitory comprises three principal structures: the “old building” (現棟), situated adjacent to the “cafeteria” (食堂), and the “new building” (新棟), attached to the main complex. Officially, the old building can accommodate 147 students, whereas the new building can house 97 residents. Neither structure was originally designed to accommodate private rooms. As of 2024, the Dormitory is home to roughly a hundred students, who together compose the *jichikai* 自治会, or student council.

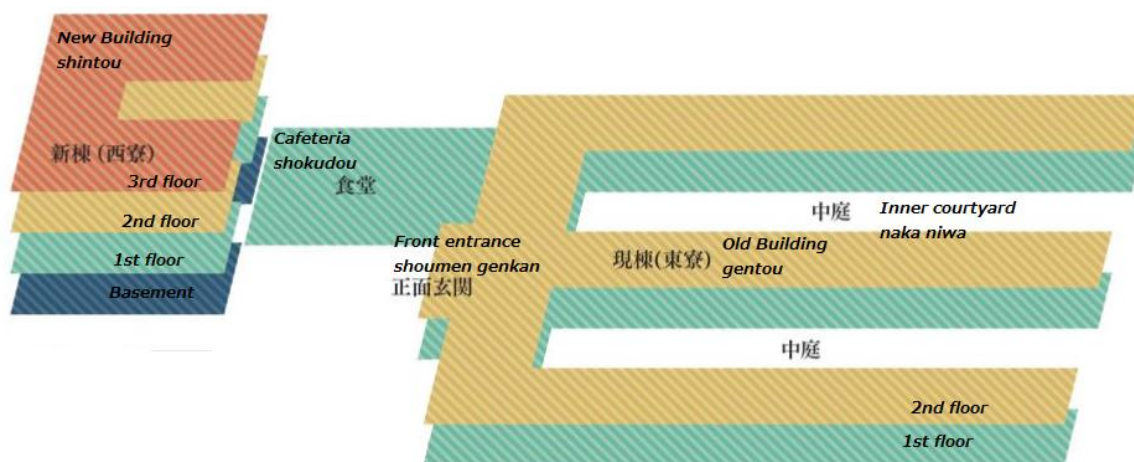


Figure 1: A house plan of Yoshida Dormitory (image by 吉田寮自治会, edited by author)

Kyoto University was established in 1897, together with the Kyoto Imperial University Dormitory. The institution inherited the boarding house and cafeteria, constructed in 1889, from the Third High School, and repurposed it as student dormitories with dining facilities. In 1913, the university dismantled the original boarding house and repurposed its lumber to erect the current old building, giving the whole structure a new name: Yoshida Dormitory.<sup>39</sup>

<sup>39</sup> Kanta Nomura, *History of the Yoshida Dormitory Student Boarding House*, and “吉田寮小史,” *Yoshida ryō shōshi* A Short History of Yoshida Dormitory, 吉田寮公式サイト, Yoshida Dormitory *jichikai*, accessed 30/04/2024, <https://yoshidaryo.org/brief-history/>

Simultaneously, they dismantled and rebuilt the cafeteria, retaining its original form to the present day.

The cafeteria fulfilled its titular function until 1968 when the university ceased providing meals as part of their eviction plans and coerced the students to vacate the Dormitory. Subsequently, the kitchen section of the cafeteria was divided into two. One part was repurposed as a communal kitchen for residents, while the other part, confusingly called the “kitchen” in Japanese, is now a space for band practice. Instruments are stored behind a locked door, and everyone (including non-residents) who has been to the introductory meeting can freely use these instruments and other musical facilities.

The cafeteria’s seating area has been repurposed as a multifunctional event space. This space, open to everyone, hosts a diverse array of events, including lectures by human interest groups, theatrical performances, and live music concerts.

The new building is a three-story building with a basement composed of reinforced concrete and wood. It was initially proposed in 2006 as a replacement for the aging old building and cafeteria. However, protracted negotiations between the student council and Kyoto University culminated in the decision to proceed with both the renovation of the existing old buildings and the construction of the new dormitory to accommodate the excess student population previously housed in the deteriorating old building.<sup>40</sup>

### **Admissions and Governance**

The Dormitory has admission procedures twice a year: once in the spring and once in the fall semesters. Everyone who is a student at Kyoto University or those with a pressing need to live in the Dormitory can apply. Applications involve two steps: sending the required documents proving the applicant’s financial need, and an interview. The interview is held by two members of the enrollment committee, and all the information shared during this interview is confidential. Provisions are in place for those who feel they cannot communicate fluently in Japanese. After these two steps, applicants are notified via either mail or phone about the decision on one of two fixed dates, communicated in advance. The process is rigorous, but applicants are seldom rejected. The fall semester attracts, on average, between five and ten new residents, while the spring semester (the official start of Japanese universities’ school year) attracts between 20 and 30 residents.

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<sup>40</sup> Yoshida Dormitory *jichikai*, “吉田寮小史”.



These new residents will spend the period until the next room allocation together in three rooms, one for female-identifying new residents and the other two mixed. This means that most residents spend at least a few months living in close contact with up to nine other residents. This is a formative experience for many new residents, exposing them to new ideas and differing lifestyles.

Every new resident must also attend the Dormitory orientation, during which the new residents are introduced to both the practical side of the Dormitory (living spaces, layout, toilets, bathrooms, etc.) and the ideological side of living in Yoshida Dormitory (its history, etiquette for communal living, the meaning of self-governance, etc.). A central role during the orientation is given to the “conversation as guiding principle”: everything in the Dormitory, from personal matters between residents to matters involving every single resident is always decided based on communal consent, not power or other dynamics.

Lastly, every new resident must join one or more of the specialist departments that together run the Dormitory’s day-to-day operations.

The three main departments – general affairs, cultural affairs, and welfare affairs – are further divided into smaller departments, making a total of 20 (Appendix A). Some of these, such as the Register of Names Department or the Printing Department, have only one or two members, while others, such as the Design Department or the Hygiene Department, need up to 20 or 30 active members for smooth operations.

In addition, there are five additional committees for the overall governing of the Dormitory (Appendix B). The members of these committees are elected every half-year. These committees require a large investment in time, with members regularly having to decreasing their study load to fulfill their obligations.<sup>41</sup>

### **Yoshida Dormitory as a Welfare Facility**

Yoshida Dormitory tackles a variety of social issues that the residents face, which is why it calls itself “Kyoto University’s welfare facility.”<sup>42</sup>

Admissions are based on only two criteria: the applicant’s financial status and “other circumstances.” In practice, the Dormitory’s welfare role extends beyond providing an

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<sup>41</sup> 執行委員会 The Executive Committee, *2022 Nyūryō orientēshon no oshiori 2022 入寮オリエンテーションのおしおり 2022 Guidebook for Dormitory Admissions*, (Kyoto, The Executive Committee, 2022), 5 – 10.

<sup>42</sup> The Executive Committee, *2022 Guidebook for Dormitory Admissions*, 1, and 吉田寮広報室 Yoshida Dormitory Public Relations Department, *Yoshidaryō no koto wo shitte kudasai 吉田寮のことを知ってください! I want You To Know About Yoshida Dormitory!*, (吉田寮広報室, 2018).

affordable living space: it also provides social capital. Social capital in this context follows Putnam’s definition: “connections among individuals – social networks and the norms of reciprocity and trustworthiness that arise among them.”<sup>43</sup> It, in turn, gives access to resources, both material and immaterial.<sup>44</sup>

The social or welfare role can roughly be divided into four different aspects: financial, socio-communicative, cultural, and safety. However, these functions cannot always be cleanly separated from each other: providing free food can be construed as financial (providing students with limited means their meals) and socio-communicative (cooking and eating together reinforces networks). Growing your own vegetables – mostly sweet potatoes, pumpkins, lettuce, and different herbs – can be construed as financial (affordable food), cultural (“potato digging” is a popular cultural practice in autumn), and socio-communicative (everything from plot allocation to the actual growing and harvesting is done with other people). In Appendix C, I have separated the social practices by their presumed primary function.

### **Yoshida Dormitory as Invisible Civil Society**

As a welfare facility, Yoshida Dormitory’s actions are focused inwards, towards making the Dormitory a safe and inclusive space for anyone regardless of gender, age, or nationality.<sup>45</sup> However, its activism is focused outwards as they strive to improve the world. The manifestation of activism consists mainly of *tatekan* (protest signs) as well as demonstrations and rallies. These two forms of confrontational activism have taken on an almost ritualized aspect, a remnant of the Dormitory’s association with the New Left in which residents tend to support radical left stances instead of more conservative ones as described in Appendix D. This historical aspect is essential to dormitory life: new residents are taught the activist history of the dormitory, and the historical awareness is further strengthened by the fact that several of the active supporters and donors are former Dormitory residents who themselves have seen or participated in the turbulent protests of yesteryear.

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<sup>43</sup> Robert D. Putnam, *Bowling alone: The collapse and revival of American community*, (New York: Simon & Schuster, 2000), 19.

<sup>44</sup> Polina Ivanova, *Civil Society and International Students in Japan*, 24.

<sup>45</sup> 吉田寮広報室 Yoshida Dormitory Public Relations Department, *Yoshidaryō 2024 shōkai panfuretto* 吉田寮 2024 紹介パンフレット 2024 *Yoshida Dormitory Introductory Pamphlet* (吉田寮広報室, 2024).

The *tatekan* (タテカン), short for *tatekanban* 立て看板 (literally “standing signboard”), are signs, usually painted on waste wood or old *tatami* (traditional straw mats used as flooring).



Figure 2: Three *tatekan* at the campus gate, respectively saying: “do not concede freedom to the enemies of freedom”, the date of the Yoshida Dormitory festival, and a jocular sign critiquing the neo-liberalization of Kyoto University

While they were prevalent across the country during the student protests, they have become increasingly associated with Kyoto University – particularly the colorful row of signs that used to decorate the campus’ stone wall next to a well-trodden main street. The signs have both political as well as practical messages and were used by the whole spectrum of student groups. Regardless of this popular support, Kyoto University has been clamping down on the *tatekan* since May 2018, when they removed and destroyed all the signs on campus in a bid to “protect the cultural landscape of the city.”<sup>46</sup> This has not deterred residents, however, and they continue to use *tatekan* to make their voices heard as an effective, easy, and eye-catching way of getting a message across.

These signs also play an important role during demonstrations and rallies, which also harkens back to the student protests of the previous century. These demonstrations tend to be held in the plaza opposite Kyoto University’s old clock tower which is visible from the main entrance gate. Residents and other interested parties (Kumano Dormitory is a frequent ally) spend a few

<sup>46</sup> Saigō Minako, “Tatekan no kūkanron” タテカンの空間論 *Discussion on the Emptiness of Tatekan*, *Sekai*, 2019 May: 920.

days painting the *tatekan*, which are then brought to the required location in the early morning to draw less attention. Frequently, scaffolding and an improvised podium are also erected. The demonstrations tend to follow the same playbook: one or more primary speakers, using a megaphone, share their views on the matter while other protesters hand out flyers to people in the audience. Sometimes this is followed or preceded by a protest march on campus and the surrounding main streets. Almost all the active participants cover their face because the teaching staff is known to record the students participating in these unauthorized demonstrations so they can take disciplinary action later. Authorized – or at least announced – demonstrations, such as the anti-war demonstration on the 21<sup>st</sup> of December 2022, face another challenge: the looming presence of the military police called in by the university.

### **Yoshida Dormitory as a Straddler**

Notably, Yoshida Dormitory exhibits attributes that can be ascribed to both mainstream apolitical civil society as well as to activist invisible civil society. As mentioned before, mainstream smaller NPOs in Japan, such as neighborhood associations, are similarly characterized by their role as “straddlers.” In their functions, they straddle the edge of state and society, providing important civic services through close contact with relevant authorities without having far-reaching political power.

The Dormitory evolved to assume a similar role after the days of violent student protests. It was a clear member of the invisible civil society immediately after the student protests. However, the mutual commitment to dialogue between them and the university authorities allowed it to increasingly supplement university tasks. In this way, it currently straddles the line between pragmatic service-oriented CSO and activist group. Moreover, it did this with the tacit consent of the lower university authorities because these authorities recognize that the Dormitory fills a vital niche left by the university.

Since its inception, the Dormitory and Kyoto University have had a mutually beneficial and antagonistic relationship. Kyoto University is famous for its unique student culture – appropriate for a university whose slogan has always been “freedom of academic culture” 自由の学風 – and Yoshida Dormitory functioned as a proud gathering place and safe haven for everyone.

The authorities and the residents clashed repeatedly, but grouping these students also had its merits: round-tables with representatives of Yoshida Dormitory ensured an open line of

communication, which also enabled the university to keep the students in check. In return, the university administration listened and even sided with the Dormitory against the wishes of MEXT on several occasions.<sup>47</sup> As their relationship became increasingly entangled, the residents tended to prefer a pragmatic approach, generally keeping a low profile in matters related to the university.

Both the university and the Dormitory have acknowledged the Dormitory's crucial role as a welfare facility. For example, even though the university provides for students with disadvantaged backgrounds, the tuition and admission fee exemptions are decided based on the financial situation of the applicant's parents.<sup>48</sup> However, not every student has access to their parents' resources. The Dormitory Enrollment Committee, through its one-on-one interviews, also provides the necessary resources for these students – an example of a valuable social service provided as part of its straddler role.

The bureaucratic side of the university exemplifies this. Everyone who enrolls with Kyoto University must register a valid living address in Japan for insurance and contact purposes. Even after the start of the lawsuit and the university's claims that the students were unlawfully occupying the building, new students could register Yoshida Dormitory as a valid address with both the municipality and the Kyoto University administration. Contrary to expectations, the University takes a blind eye when registering the Dormitory as the domicile for a student, and considering the volume of university mail that arrives at the Dormitory every day, it is clear that a large contingent of the resident body has Yoshida Dormitory registered as their address with the University.

The *kōseikahōmon* 厚生課訪問, the visit to the welfare division of Kyoto University to hand in the register of residents and the lodging fee, is another example of the dual aspects of the university's stance on the Dormitory: dismissive yet accepting. The head of the welfare division gives residents the curt shoulder when they come to hand in the register of residents and the lodging fee, not accepting it even after repeated attempts, since they do not officially acknowledge the Dormitory as an institution. Afterwards, however, the head and their subordinates listen to the Dormitory's residents' requests for essential repairs, such as fire-

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<sup>47</sup> For example, the “Kyoto University Style” reforms in 1967 and the compromise on “old-style dormitories” in 1982.

<sup>48</sup> 京都大学教育推進・学生支援部学生課奨学金係 Kyoto University Student Affairs Division, *Nyūgakuryōmenjō jugyōryōmenjō shutsugan no shiori* 入学料免除・授業料免状 出願のしおり *Admission Fee Exemption and Tuition Fee Exemption Guidebook How To Apply*, (京都大学, 2024).

fighting equipment or leakages in the new dormitory, as well as an overview of events at the Dormitory that might be relevant for the university to know, such as scheduled fire-fighting drills. Further, the welfare division briefs the residents on developments relevant to the Dormitory, such as noise pollution from construction work or expected power outages. By keeping this line of communication open while disavowing official talks, the university manages the continuing provision of civic services by the Dormitory without legitimizing it in a public forum.

### **Illegitimacy as an Identity**

However, far from being a hindrance, this illegitimacy is fundamental to Yoshida Dormitory. An essential social service that the Dormitory offers is providing the identity of “Yoshida Dormitory resident,” and the core of this identity is being a rebel. This identity is provided and reinforced through its activism, and it links the activist side to the social side of the Dormitory.

Having an identity provides a feeling of belonging, which is an integral part of the relational aspect of social capital.<sup>49</sup> This is doubly so considering that Yoshida Dormitory is open to everyone, creating a naturally heterogeneous group. Giving this group a shared identity unifies them. This shared identity can be used to rally residents under a political goal. Engaging in activism then creates social capital for participants. Thus, within this identity, the political is an essential part of the social, and vice-versa.

This rebellious identity comprises a historical element and a contemporary one. The historical element depends on a shared heritage and ritualized forms of activism, while the contemporary element reveals itself through subversive action in the form of social practices.

#### **1) Political Activism as Central to the Identity of “Yoshida Dormitory Resident”**

There is the pressing question of why the residents so actively pursue political activism, even though they know it brings them into direct opposition with the university. Considering the university’s response to the demonstrations (temporary expulsion, physical altercations, and calling the military police), it is reasonable to assume that if the Dormitory was not as vocal on political issues, the university authorities might be more lenient. However, this course of action is pursued precisely because it brings residents into confrontation with the university, as residents have been for the last hundred years. It is an echo from the past, creating social

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<sup>49</sup> Tristan Claridge, “Identity and belonging: An aspect of the relational dimension of social capital,” *Social Capital Research* (October 2020): 1, 2.

cohesion with both contemporary residents and those who came before. The practice of making and placing *tatekan* illustrates this point.

*Tatekan* are a relic in an increasingly online world. Their attraction and continued adoption by Dormitory residents must therefore have another reason than only advertising. The fact that they are an outdated mode of communication is the reason they are in use. There is something nostalgic about walking around the Dormitory and seeing scraps of old *tatekan* made by previous generations, and thus producing them adds to the feeling of belonging: a socio-communicative welfare role.

This is amplified by the actual implementation of the *tatekan*: the signs mostly accumulate around the campus gate that leads to Yoshida Dormitory, and these signs are placed openly, with no regard for the university authorities. However, when the *tatekan* are placed on or around the campus it becomes a covert operation. The signs are placed in the middle of the night, with students covering their faces. Signs removed by the university are also occasionally put back by the students by taking them from the “*tatekan* graveyard,” a fenced-off area on campus. This is one of the few ways the residents – whose activism is peaceful compared to the previous generations – can still participate in something that skirts the boundaries of legality, enhancing the feeling of rebelliousness inherent to the identity of “Yoshida Dormitory resident.”

## **2) Welfare Practices as Subversive Action**

The activist side of the Dormitory has a social side, but the converse is also the case. Yoshida Dormitory is illegitimate and thus vulnerable, not protected by the laws that govern NPOs or NGOs. The Dormitory has played along in its straddler role by identifying as a welfare facility first and foremost, as opposed to Kumano Dormitory which prides itself on being one of the last vestiges of the Japan Revolutionary Communist League. Yoshida Dormitory has kept a low profile and offered the university concessions in order to continue in its welfare role. For example, they offered to move all residents to the new Dormitory if the university abandoned its lawsuit and resumed the round-tables.

However, contrary to Ivanova’s characterization of pragmatic social services provided by student organizations, the Dormitory’s social services are neither passive nor apolitical. Residents have embraced their illegitimacy, and their social services manifest their political activism from the margins.

Thus, these social services are a type of subversive action, actively challenging the university,

the municipality, and MEXT. Here, I adopt the definition of subversive action by Yu and Mandell: “extralegal social action by social work professionals and citizens in response to challenges to social justice and human rights.”<sup>50</sup> Extralegal is a keyword here: the residents do not break the law but operate within the gaps left by the university framework.

Some of the social undertakings within the Dormitory have an evident political undertone, such as gender-neutral toilets and the Sexual Harassment Action Group. When discussing the facilities in the new dormitory, gender-neutral toilets were one of the demands of the Dormitory. However, the university vetoed it, citing concerns for gendered violence and noting that sex-segregated bathrooms were “normal.”<sup>51</sup> After the new dormitory was completed, the residents immediately removed the male-female signs on the doors, creating gender-neutral bathrooms. As the only gender-neutral toilets on campus, they fill a social niche left by the university, exemplifying the Dormitory’s straddler role. However, the residents’ demands also show an underlying awareness of the nuances of gender and sex, and a willingness to stand up for what they believe is right.<sup>52</sup> This political aspect of the toilets is also pronounced during the Dormitory orientation for new residents when the toilets are used as a bridge to talk about LGBTQ+ and the difference between sex and gender. In the same vein, the Sexual Harassment Action Group was not only established to create a safe space to discuss gender and sexuality (the social aspect) but also to intervene and educate (political).<sup>53</sup>

Other social practices also fit a broader political framework. The practice of growing produce, keeping chickens for meat and eggs, and tending to the flowers and trees of the Dormitory’s inner garden are manifestations of environmental consciousness. Two of the Dormitory’s core doctrines, conversation to solve disputes and the abolishment of polite language, not only promote a safe environment by limiting inherent class and power structures but they are also framed by the residents as a form of resistance against the strong hierarchical relationships encountered in Japanese society.<sup>54</sup>

Unanimous voting, favored over majority votes to not marginalize any voices, demonstrates an awareness of the limitations of representative democracy, in which minorities could fall by the wayside due to a lack of representation at higher echelons. The Dormitory experiences this

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<sup>50</sup> Nilan Yu and Deena Mandell, *Subversive action: extralegal practices for social justice*, (Waterloo: Wilfrid Laurier University Press, 2015), 1.

<sup>51</sup> The Executive Committee, *2022 Guidebook for Dormitory Admissions*, 46.

<sup>52</sup> *Ibid.*, 45.

<sup>53</sup> *Ibid.*, 10.

<sup>54</sup> *Ibid.*, 3.



directly through the interference of MEXT policies with Dormitory life, as well as the wrought relationship between the Dormitory and the university since the passing of the National University Corporation Act (NUCA), which hampered the degree to which students can influence decision-making.

However, the lawsuit has endangered Yoshida Dormitory's pragmatic role as an inconspicuous straddler. In the next chapter, I provide the background and the particulars of this lawsuit.

## Chapter 2: The Lawsuit

In this chapter, I outline the events that prompted the university to take legal action, the contrasting positions held by both sides regarding these circumstances, and an overview of the legal arguments and the verdict. Understanding the intricacies of the lawsuit is crucial to analyzing its impact on the Dormitory in Chapter 3.

### Lead-up to the Lawsuit

Various confrontations have marked the history between university officials and residents of Yoshida Dormitory, with the residents continuously resisting interference in their day-to-day affairs. These clashes were always solved through mutual agreement, but the lawsuit breaks with this long legacy. In hindsight, two developments were instrumental in the decision to file the suit: the National University Corporation Act and the appointment of Kawazoe Shinsuke as vice president.

NUCA turned designated universities into corporate bodies instead of government bodies. Supporters of NUCA posited that it would allow universities to capitalize on their strengths, have more freedom in their expenses, and cut down on the bureaucracy involved with funding and personnel change.<sup>55</sup>

Yoshida Dormitory agitated strongly against this act, claiming that “free market principles” have no place in an environment that promotes learning. They noted that the systems of observation and evaluation that were introduced to streamline budget decisions encroach on the academic environment of free speech. Furthermore, they disagreed from an ideological perspective with the new top-down approach to governance. Concretely, the university president and seven trustees would now form the board of directors and become the sole decision-making body, with the other department heads in the university delegated to an advisory role.<sup>56</sup>

Until 2014, Vice President Sugiman Toshio became a counterweight on this new board of directors to the president and the other trustees who insisted on a strong top-down approach to

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<sup>55</sup> “Q1 Naze kokuritsudaigaku wo hōjinka suru koto ni shita no desuka Q1 なぜ国立大学を法人化することとしたのですか。”, [Q1: Why did you decide to incorporate the national universities?], Ministry of Education, Culture, Sports, Science and Technology Japan, accessed April 30, 2024, [https://www.mext.go.jp/a\\_menu/koutou/houjin/03052702/001.htm](https://www.mext.go.jp/a_menu/koutou/houjin/03052702/001.htm)

<sup>56</sup> Kyoto University Press, “Rensai dai hakkai Yoshida ryō hyakunen monogatari 【連載第八回】吉田寮百年物語” [Yoshida Dormitory’s Hundred Year Tale: Part 8], last modified December 16, 2020, <https://www.kyoto-up.org/archives/3104> (accessed April 18, 2024).

Yoshida Dormitory. Sugiman instead decided to continue with the tradition of round-table discussions to decide on matters related to the self-governing dormitories on campus.<sup>57</sup> However, he had to retire suddenly due to illness and was succeeded by Kawazoe Shinsuke, who held a radically different position on self-governance and communication. He immediately stopped the round-tables and instead decided to have negotiations through a small subcommittee with selected representatives of the Dormitory. Later that year, Kawazoe unilaterally demanded a stop to the Dormitory's autumn 2016 and spring 2017 admissions. When the students did not heed this request, he took the first step in the process that would result in the eviction lawsuit.<sup>58</sup>

### **Preliminary Stages**

Before the lawsuit, three distinct stages unfolded: the release of the university's "fundamental policy on the continued safety of the Yoshida Dormitory residents" (hereafter "fundamental policy"), the subsequent non-compliance by many students with this policy, and the implementation of two temporary injunctions by the district court.

The fundamental policy was published on December 19, 2017, on the university's homepage, and directly emailed to individual residents and their legal guardians. Emphasizing concerns about the deteriorating condition of the old building, earthquake risks, and over-occupancy in both the old and new buildings, the university outlined the four key points within the policy: 1) halting new admissions starting January 2018, 2) the departure of all residents of both buildings by the end of September 2018, 3) offering replacement housing at the same cost as Yoshida Dormitory for students until their scheduled graduation date, and 4) reaffirming a "commitment to exploring additional measures to address the buildings' deterioration while prioritizing student welfare and increasing the occupation capacity."<sup>59</sup>

Additionally, the email sent to individual students included an addendum: failure to comply with the deadline would be considered "unlawful occupation."

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<sup>57</sup> Kyoto University Press, "Rensai dai jukkai Yoshida ryō hyakunen monogatari 【連載第十回】 吉田寮百年物語" [Yoshida Dormitory's Hundred Year Tale: Part 10], last modified April 1, 2021, <https://www.kyoto-up.org/archives/3154> (accessed April 18, 2024).

<sup>58</sup> Yoshida Dormitory *jichikai*, "吉田寮小史".

<sup>59</sup> Kyoto University, "Yoshidaryōsei no anzenkakuho nitsuite no kihonhōshin 吉田寮生の安全確保についての基本方針" [On The Fundamental Policy Regarding The Safety of Yoshida Dormitory Residents], last modified April 10, 2018, <https://www.kyoto-u.ac.jp/ja/news/2017-12-19-0> (accessed April 29, 2024).

Students largely did not comply. As a result, the university asserted that it perceived no alternative but to pursue legal action. The first step was “temporary injunctions to prohibit the transfer of occupation.”<sup>60</sup> These injunctions, executed on January 17 and March 4, 2019, effectively bar unauthorized occupancy of rooms and buildings by individuals not explicitly named by the legal landlord (“debtors”).<sup>61</sup> They are often regarded as a precursor to eviction proceedings: once this injunction has been issued, it becomes simpler to issue eviction notices to other individuals staying on the premises.

Following the second injunction, residents of Yoshida Dormitory issued a public response on the front page of their website, outlining perceived flaws in the legal reasoning behind the university’s actions. This statement foreshadowed the legal defense subsequently mounted in the Kyoto District Court.

Firstly, residents contested the university’s assertion in the injunction that legal action was prompted by the presence of individuals not registered as debtors. According to Yoshida Dormitory, this discrepancy arose because the university had consistently refused to accept an updated register of residents since March 2018, following the enactment of the fundamental policy. Accordingly, some of the residents who were found living on the property were not recorded on the university’s register or were presently living in a different building.<sup>62</sup>

Secondly, residents argued that individuals deemed to be illegally occupying the building had undergone screening and selection by the Dormitory Enrollment Committee, thereby possessing a legal right to reside in the Dormitory. They quoted multiple contracts signed between the parties over the years as the legal basis for this assertion.<sup>63</sup>

These points underscored a key issue during the subsequent trial: the extent of sovereignty afforded to Yoshida Dormitory due to past practices and oral and written agreements.

Throughout this process, residents urged the university to abandon legal proceedings in favor of restarting round-tables. However, the university ultimately chose to proceed with the lawsuit. Somewhat ironically, because the NUCA turned universities into legal (non-state)

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<sup>60</sup> In this chapter, the translation of legal terms will be given between quotes. Footnotes will give the original Japanese since not all legal concepts have a one-to-one English equivalent. Translations are the author’s. Temporary injunctions to prohibit the transfer of occupation: 占有移転禁止の仮処分.

<sup>61</sup> Debtors: 債務.

<sup>62</sup> Yoshida Dormitory *jichikai*, “吉田寮小史”.

<sup>63</sup> 京都大学 Kyoto University, “2019/3/5, Nidome no senyūitenkinshi no karishobun ni taisuru kōgi seimei” 2019年3月5日：二度目の占有移転禁止の仮処分に対する抗議声明” [March 5, 2019, Objections Against The Second Temporary Injunction Banning Transfer of Occupation], last modified June 15, 2020, <https://yoshidaryo.org/archives/seimei/503/>, (accessed April 30, 2024).

entities, lawsuits involving them are not considered criminal cases (the state vs. a private entity) but civil cases (a dispute between private entities). This meant that the precedent established by similar cases – all of them decided in favor of the suing university – did not necessarily apply.

### **The Lawsuit: Challenges and Arguments**

The lawsuit was filed by the university authorities on April 26, 2019, in the Kyoto District Court, as a “demand of eviction lawsuit.”<sup>64</sup> The defendants comprised 20 residents of Yoshida Dormitory, all of whom were also students at Kyoto University. Subsequently, an additional 25 students were formally charged a year later, following a university investigation revealing their failure to comply with the eviction notice – this even though the administration was at the time aware that some of these students had already graduated, and thus, left the Dormitory.<sup>65</sup>

After nearly five years of oral proceedings, the Kyoto District Court delivered its verdict on February 16, 2024. Among the 45 defendants, five had already fully complied with the university’s demands and were no longer part of the trial proceedings. The defendants were further categorized into two groups in the legal proceedings: 17 current residents and 23 former residents. Given that the former residents had already vacated the Dormitory, the eviction case against them was largely a formality.

The 23 former residents lost their case and were ordered to vacate the premises – which, since they had already graduated and left the Dormitory, was a moot point. Of the 17 current residents, all but three were successful in their defense, allowing them to remain in the Dormitory until they complete their studies. The three unsuccessful students had moved in after the university’s fundamental policy was published on December 19, 2017. Nevertheless, the court did not issue a provisional execution order for these three residents, granting them the opportunity to appeal the decision. The day after these three residents announced their intent

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<sup>64</sup> 京都大学 Kyoto University, “Yoshidaryō gentō ni kakawaru akewatashi seikyū soshō no teiki nitsuite 吉田寮現棟に係る明渡請求訴訟の提起について” [On Filing the Lawsuit Regarding The Eviction From Yoshida Dormitory Old Building ], last modified April 26, 2019, <https://www.kyoto-u.ac.jp/ja/news/2019-04-26-0>, (accessed April 30, 2024).

Demand of eviction lawsuit: 明渡請求訴訟.

<sup>65</sup> 京都大学 Kyoto University, “Yoshidaryō gentō ni kakawaru akewatashi seikyū soshō no teiki nitsuite 吉田寮現棟に係る明渡請求訴訟の提起について” [On Filing the Lawsuit Regarding The Eviction From Yoshida Dormitory Old Building ], last modified March 31, 2020, <https://www.kyoto-u.ac.jp/ja/news/2020-03-31-0>, (accessed April 30, 2024), and 吉田寮広報室 Yoshida Dormitory Public Relations Department, *Yoshida ryō saiban ni tsuite 吉田寮裁判について On The Yoshida Dormitory Trial*, (吉田寮広報室, 2022).

to appeal, a variety of news outlets announced the university's intent to appeal to the Osaka High Court, which it confirmed on its website on March 1st, 2024.<sup>66</sup>

The heart of the plaintiff's and defendants' arguments revolved around five key points of contention, three of which were raised by the plaintiffs and two by the defendants.

The three points raised by the defendants are 1) the existence of an "understanding of non-prosecution," 2) the existence of a legal contract between the plaintiff and the plaintiffs and 3) the filing of a lawsuit by the university constitutes an "abuse of power."<sup>67</sup> On the other hand, the plaintiff's case focused on 1) whether the former residents unlawfully occupied the premises, 2) if a contract did exist, whether it had already expired.

### 1) Understanding of Non-Prosecution

The defendants contend that an "understanding of non-prosecution" exists, rendering the lawsuit invalid and warranting its dismissal by the court.<sup>68</sup> They argue that a history of dialogue, as well as written documentation, proves that the two parties agreed not to use legal measures to solve disputes. This assertion is grounded in a series of written and signed agreements stemming from discussions between Dormitory representatives and university officials, notably the dean of students and vice president, dating back to at least 1988.<sup>69</sup> Given that the student council is not a legal entity, the agreements reached between the association and university representatives are understood to extend to the individuals comprising the student council: the defendants.

The court confirmed the existence of the contract and determined it to apply to both the university and the Dormitory. Notably, the court recognized the student council as an unincorporated association, thereby attributing legal rights to the entire organization.<sup>70</sup> In turn, this means that the terms of the contracts apply to all the residents. However, the court rejected the defendants' interpretation of the contents of the documents, stating that there is no

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<sup>66</sup> 京都大学 Kyoto University, "Yoshida ryō gentō ni kakawaru akewatashi seikyū kishō no kōso ni tsuite 吉田寮現棟に係る明渡請求訴訟の控訴について" [On The Appeal Regarding The Eviction From Yoshida Dormitory Old Building], last modified March 1, 2024, <https://www.kyoto-u.ac.jp/ja/news/2024-03-01>, (accessed April 30, 2024).

<sup>67</sup> Abuse of power: 権利の濫用.

<sup>68</sup> Understanding of non-prosecution: 不起訴合意.

<sup>69</sup> Kyoto University v. Yoshida Dormitory Defendants, Kyoto District Court, 2019, *eviction claim* 1264 and 2020, *eviction claim* 969, verdict from February 16, 2024, [https://www.courts.go.jp/app/hanrei\\_jp/detail4?id=92765](https://www.courts.go.jp/app/hanrei_jp/detail4?id=92765), page 4. (Hereafter: "Yoshida Dormitory Verdict").

<sup>70</sup> Unincorporated association: 法人格なき社団.

documentation to prove that legal measures were not up for consideration, ultimately dismissing this claim.<sup>71</sup>

## 2) Existence of a Legal Contract between the Two Parties

This, together with point 5, is one of the two major points of discussion. The defendants assert the existence of a legal contract between the parties regarding residence at the Dormitory.<sup>72</sup> This argument is rooted in documents dating back to 1971 and 1972, wherein the university acknowledged the Dormitory's authority to conduct its selection process for admitting residents. The latest ratification of this document by the university was in 2015, bolstering the argument. According to the defendants, this implies that the university has conferred upon the Dormitory Enrollment Committee the authority to admit suitable individuals. Consequently, since all current defendants successfully underwent this selection process, they maintain the "right to reside in the dormitory."<sup>73</sup>

In contrast, the plaintiff disputes the existence of a contract, citing the Dormitory's legal nature. Before the enactment of the National University Corporation Law in 2016, Kyoto University was considered national property. Consequently, private rights were not recognized, and the university administration merely permitted, but did not officially ratify, the residents' usage and governance of the building. Even after incorporation, although custodial rights were transferred to the university, they only *allowed* the continued usage of the building as a welfare facility.

Additionally, while acknowledging the university's awareness of the enrollment committee's screening process, the plaintiff contends that the committee was never granted the legal authority to *permit* individuals to take residence in the Dormitory – they only performed the screening process. Therefore, the defendants do not possess the right to occupy the Dormitory based on this process.<sup>74</sup>

As previously noted, the court acknowledged that a contract exists between the defendant and the plaintiff, largely refuting the plaintiff's arguments, except for one crucial point: since the university and its executives possessed the authority to ratify the contract, they consequently also have the power to annul the contract, as they did through the publication of the

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<sup>71</sup> Yoshida Dormitory Verdict, 5.

<sup>72</sup> Legal contract regarding residence at the Dormitory: 在寮契約.

<sup>73</sup> Yoshida Dormitory Verdict, 5 – 20.

Right to reside in the Dormitory: 占有権限.

<sup>74</sup> Yoshida Dormitory Verdict, 5 - 20

fundamental policy in 2017. This is why the 17 current residents were divided into two categories: those who moved in before this date are protected under the contract, while those who arrived afterward were not afforded such protection.

### **3) The Lawsuit as an Abuse of Power**

The defendants' final point of contention is another attempt that seeks to dismiss the entire case, contending that the contract described in point 1 signifies a longstanding culture of mutual understanding developed over several years. They argue that the plaintiff unilaterally nullified this contract and breached this trust through litigation, which they view as an abuse of power. Additionally, they question the rationale behind the plaintiff's inclusion of the 23 students who had already graduated and vacated the premises by the trial's commencement, asserting that the trial's purported purpose—to evict current residents—does not justify this action. They argue that this is an abuse of power.<sup>75</sup>

The judges were succinct on this matter. They referenced discussion point 1 to demonstrate that the contract did not limit conflict resolution to only discussion or round-tables. Additionally, following the plaintiff's argument presented in the following point, they concluded that there were sufficient legal grounds to pursue a case against the former residents. Therefore, the lawsuit itself could not be deemed an abuse of power.

### **4) Occupation of the Premises by the Former Residents**

The plaintiff contends that none of the 23 former residents sufficiently complied with the requirement of submitting a complete “departure notice” to prove their departure from the premises after the first stage of the lawsuit. This failure suggests an intent to return to the building, thereby indicating that they have “not relinquished their intent to occupy.” Consequently, they may still be regarded as occupants of the building.<sup>76</sup>

Based on the evidence presented by both parties, the court determined that while there was an official allocation of rooms, this allocation was not clearly communicated to the relevant authorities of Kyoto University. In addition, the presence of documents and daily necessities belonging to former residents in both shared spaces and private rooms indicated that residents

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<sup>75</sup> Yoshida Dormitory Verdict, 12

<sup>76</sup> Yoshida Dormitory Verdict, 6, 7.

Departure notice: 退去報告書.

Relinquished their intent to occupy: 占有の喪失.



practice “collaborative occupation.”<sup>77</sup> Since the former residents did not properly submit their moving-out forms, the court concluded that they were still participating in collaborative occupation.

Furthermore, the court ruled that the former residents could not claim to have relinquished their right to occupy the building after the temporary injunctions, because documentation collected by the court executive following the two injunctions demonstrated that all former residents were registered as part of the Dormitory, either based on the register of names or the official allocation of rooms.<sup>78</sup>

### **5) Contract Fulfilment**

This, along with point 2, is one of the major points of discussion in the trial. The university contends that even if the defendants are judged to be correct in asserting the existence of a legal contract between the parties, that contract has been fulfilled, thereby negating the current residents’ right of occupancy.

Firstly, the university argues that the contract, based on the nominal monthly rent of a mere 400 yen, falls under the category of an innominate contract resembling the “loan for use contract.”<sup>79</sup> This distinction is pertinent because innominate contracts possess legal validity without a defined legal framework, thereby allowing for broader interpretation compared to nominate contracts, which have delineated legal parameters and consequences.

Additionally, the university asserts that it terminated this contract on September 30, 2018, coinciding with the move-out date published in the fundamental policy. While acknowledging the Dormitory’s role as a welfare facility, the university contends that its decision is justified based on two legal grounds for contract termination.

One reason for termination is that the university’s offer of replacement housing fulfills the Dormitory’s purpose, which, according to the plaintiff, is “fulfilling one’s academic goals in an affordable way in the vicinity of the university.”<sup>80</sup> This offer satisfies one condition for contract dissolution, namely, demonstrating the lack of necessity for continued property usage.

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<sup>77</sup> Collaborative occupation: 共同占有.

<sup>78</sup> Yoshida Dormitory Verdict, 7.

<sup>79</sup> Innominate contract: 無名契約.

Loan for use contract: 使用貸借契約.

<sup>80</sup> Yoshida Dormitory Verdict, 9.

The university's other argument is the concept of "compelling reason."<sup>81</sup> Demonstrating that the relationship between the two parties has irreparably deteriorated to a degree where reasonable reconciliation is no longer feasible serves as a legal basis for contract annulment.<sup>82</sup>

The defendants contest the characterization of the contract as a "loan for use contract" and instead assert it to be a "lease contract."<sup>83</sup> The distinction between these two contracts lies in the absence of compensation in the former, while the latter resembles a conventional rental agreement. By referencing the statutes that set Yoshida Dormitory's rent alongside the monthly rent established for Kyoto University Women's Dormitory at 25,000 yen, the students argue that there exists an element of "equivalent compensation."

Furthermore, they contend that the university's ability to maintain the rent at a low level was facilitated by the residents themselves undertaking necessary repairs. Additionally, they argue that the language in the statutes, used by the university as precedent, concerning the sharing of financial responsibilities between universities and students mirrors the wording governing the responsibilities of landlords and tenants in "lease contracts."<sup>84</sup>

Moreover, the students assert that even if the contract is construed as a "loan for use contract," its intended purpose has yet to be fulfilled. They argue that while the primary aim is indeed to offer affordable accommodation in proximity to the university, the Dormitory also serves to foster personal growth through communal living. According to the students, the replacement studio apartments provided by the university fail to fulfill this secondary purpose.

Lastly, regarding the argument against "compelling reason," the defendants contend that there is no legal provision within civil law permitting the annulment of a contract based on such grounds. Even if, due to differing legal interpretations of the civil code, "compelling reason" is accepted as a possible basis for annulment, they dispute its applicability.

In a setback for the plaintiffs, the court agreed with the university's argument that the Dormitory's low rent indicates a "loan for use contract" rather than a "lease contract."<sup>85</sup> However, the court also agreed that the Dormitory's intended purpose had not been fulfilled by the university's alternative accommodation. This conclusion was based on the fact that both

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<sup>81</sup> Compelling reason: やむを得ない事情.

<sup>82</sup> Yoshida Dormitory Verdict, 9, 10.

<sup>83</sup> Lease contract: 賃貸借契約.

<sup>84</sup> Yoshida Dormitory Verdict, 11.

<sup>85</sup> As explained in the notes in the verdict, the lowest rent the court could find for a building built between 1948 ~ 1984 with shared bathroom facilities was roughly 10,000 yen, 25 times the rent of Yoshida Dormitory.

the residents and the university had long emphasized and praised the importance of self-governance in Yoshida Dormitory, indicating that there is more to living there than just having an affordable place to stay.

Regarding annulment due to compelling reasons, the court pointed out that the statutes did not mention deterioration as a valid reason for eviction. Furthermore, they emphasized that compelling reason is generally not accepted as a valid ground for annulment under civil law, except in the limited case of “extreme difficulty in continuing the contract after the break-down of the relationship of mutual trust.”<sup>86</sup>

Since the university had previously acknowledged that renovation is a reasonable way to increase the building’s earthquake resistance, the court found that this was not sufficient to claim a breakdown in the relationship. Additionally, the court dismissed all the other reasons presented by the university as either insufficient or unproven.

As a result, the university could not terminate the current contract between the two parties.

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<sup>86</sup> Yoshida Dormitory Verdict, 28.

## Chapter 3: The Impact of the Lawsuit

As shown in Chapter 1, Yoshida Dormitory's existence as a straddler is irrevocably intertwined with its illegitimacy, producing the identity of "Yoshida Dormitory resident." This existence is threatened by the lawsuit. Ogawa noted that the NPO law is used to make groups apolitical and limit dynamic social and political participation; likewise, Kyoto University has taken legal recourse to achieve the same goal. The resulting lawsuit shines a spotlight on the Dormitory, forcing the residents to reckon with their dichotomous nature. Instead of backing down, they doubled down, using the lawsuit to further strengthen their identity as rebel and garner public support. In addition, the verdict formalized the transformation of Yoshida Dormitory from a member of the invisible civil society to a visible – but no less politically active – civil society organization.

### Open Activism

While the Dormitory's activism mainly dealt with broad political issues, the lawsuit caused the Dormitory to come out into the open, employing tried-and-true protest tactics to criticize the university and appeal its own relevance.

Initially, the students responded passively, repeatedly calling on the university to retract the lawsuit and restart the dialogue. However, they soon went on the offensive. In the January 25, 2019 edition of the *Yoshida Dormitory Times*, the residents criticized the university's actions as power harassment and labeled the lawsuit a SLAPP ("strategic lawsuit against public participation") tactic, intended to intimidate or silence critics by imposing financial burdens associated with legal proceedings.<sup>87</sup> Additionally, they denounced Vice President Kawazoe's inflammatory remarks and the decision to pursue legal action instead of continuing discussions. Lastly, they condemned the use of taxpayer and student funds to finance legal action against students.<sup>88</sup>

Moreover, with their continued existence on the line, the scale of their activism increased proportionally. Whereas a speaker would usually advocate their cause in the Dormitory's cafeteria, the residents have taken to organizing symposiums and press conferences to make their case against the university. These symposiums and press conferences are held on campus in the Dormitory or empty classrooms, or in front of the Kyoto District Court. Since their main

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<sup>87</sup> 吉田寮自治会 *Yoshida Dormitory Jichikai*, *Yoshidaryō taimuzu 6* 吉田寮タイムズタイムズ 6 *Yoshida Dormitory Times 6*, (吉田寮自治会, 2019).

<sup>88</sup> *Yoshida Dormitory Jichikai*, *Yoshida Dormitory Times 6*.

purpose is garnering public support and funds for the legal activities of the Dormitory, they are announced through the usual means of *tatekan*, posters, and flyers, but also, far in advance of the actions, on the Dormitory's social media channels. They are characterized by appearances of the defendants and their legal team, (former) students making a case for the relevance of the Dormitory's legacy and other interested parties. The number of attendants hovers between fifty and the low two hundreds (not including online participants), depending on the visibility of the Dormitory in recent news.

Another form of open activism is the ritualized practice of the monthly *kōseikahōmon* to the welfare division of Kyoto University. This has been a practice since 1988 when the university demanded it as a show of good faith by the residents.<sup>89</sup> This compromise averted further clashes between the Dormitory and the university at the time. Ever since, the practice has continued, and is one of the few regular meetings between residents and university officials where they literally see eye-to-eye. At least, until the university unilaterally decided to stop accepting the register of residents and the dues in April 2018 as part of its fundamental policy.

However, the visits continued. This has a practical reason: the residents anticipate that neglecting to do so would be used by the university as ammunition in court to prove that the Dormitory does not adhere to its contractual obligations. However, it has a social and political aspect as well. As a political statement, the visit is a physical manifestation of the Dormitory's continuing resistance against university measures that they deem unjust or oppressive. New residents are encouraged to participate because it demonstrates how the university authorities treat residents. This embodies the social aspect: involving new residents strengthens the identity of "resident" by enhancing the us-vs-them mentality.

### **"Yoshida Dormitory Resident" as a Badge of Honor**

This open activism means that it is unimaginable that someone would end up living at the Dormitory after 2017 who is not aware of the tense situation between the university and the Dormitory. Thus, moving into the Dormitory *is* a political statement, born from a social need.

Kyoto University does not fail to post a notice on its website at the start of each semester warning that the current residents are the target of a lawsuit, new admissions are currently not recognized, and that they have not entrusted the right to decide on new admissions to the "organization calling itself Yoshida Dormitory Student Council." If this was not clear enough,

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<sup>89</sup> Yoshida Dormitory *jichikai*, "吉田寮小史".

amongst the variety of flyers and goodies in the freshmen’s tote bag from the university there is also a flyer explicitly forbidding moving into the Dormitory.<sup>90</sup> In addition, the Dormitory itself does not hide the facts either. *Tatekan* with “Kyoto University stop the lawsuit!” are a common sight, and the whole legal case is laid out on the front page of the Dormitory’s website. Also, in addition to the stigma associated with being a remnant of the New Left, the lawsuit has further marginalized residents, leading to an overwhelmingly negative impression among students. And yet, the Dormitory welcomes new residents every semester. This has two possible explanations: firstly, the new residents’ needs exceed the social and academic risks associated with moving into the Dormitory. This only further highlights the lack of accessible welfare facilities provided by Kyoto University, a lacuna filled by the Dormitory.



Figure 3: A *tatekan* next to the main entrance to the Dormitory. A giant, capricious cat, representing Kyoto University, toys with Yoshida Dormitory

Or, secondly, the marginalized state of the Dormitory is one of the attractions for new residents. This would make moving into the Dormitory a political statement against the university in support of what Yoshida Dormitory provides. As such, joining the Dormitory also means adopting the identity of Yoshida Dormitory resident and the social capital this identity brings.

<sup>90</sup> Interestingly, this is still the case as of April 2024 – *after* the university lost their lawsuit.

This narrative is further strengthened by the Dormitory's public relations department, which has painted a David-and-Goliath type of struggle by emphasizing the Dormitory's values, history, and welfare functions.

They easily cast the university as the villain in this narrative by highlighting the vulnerable nature of the resident population that it is trying to evict. In addition, they use an open letter from the Architectural Institute of Japan praising the old dormitory and the cafeteria for their cultural and architectural significance, to appeal to the value of keeping the old building and its function.<sup>91</sup> This rhetoric is further strengthened by the fact that Yoshida Dormitory prides itself on its alumni, who include people such as the first Japanese mountaineer to summit Mt. Everest Matsukata Saburō, Nobel-prize-winning physicist Akasaki Isamu, and former Supreme Court Justice Izumi Takuji. Altogether, this provides a recognizable narrative and, thus, an identity for both residents and the public to rally behind.

For many, this identity does not end when graduating and leaving the Dormitory: former residents have formed an active group in support of the Dormitory, not only donating money and goods but even providing legal support: the lawyer heading the Dormitory's legal defense is himself a former resident.

### **Legitimization by the Lawsuit**

Contrary to expectations, and presumably Kyoto University's intentions, the verdict directly legitimized the Dormitory in multiple ways. It formalized functions that had already been indirectly accepted by the university and the municipality through their treatment of Yoshida Dormitory in its straddler role.

First, the judges acknowledged the Dormitory's welfare function by agreeing with the argument that the replacement accommodation offered by the university was not equivalent since the Dormitory also serves to foster personal growth through communal living. Furthermore, the judges explicitly noted that self-governance was an important reason part of this communal living for the defendants and that both the Dormitory and the university had long praised this self-governance.

Secondly, the verdict also legitimized Yoshida Dormitory's mode of governance. In one of its scant public comments defending its decision to pursue legal action, Kyoto University focused

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<sup>91</sup> Letter by 日本建築学会近畿支部 Japan Architecture Society Kinki Branch to University President 山極壽 — Yamagiwa Juichi, 29<sup>th</sup> of May, 2015, <http://kinki.ajj.or.jp/main/activity/modern/kyoutodaigakuyoshidaryo%2020150529.pdf>

on the lack of “responsible self-governance” by the residents. Specifically, the university said that “given the changing times and current social demands, [Yoshida Dormitory’s management can be called] far from responsible.”<sup>92</sup> When Vice President Kawazoe Shinsuke was pressed about what “responsible self-governance” entails he failed to answer, only noting that what the Dormitory was doing was “absolutely not it.”<sup>93</sup> In this way, the university paradoxically legitimizes self-governance by implying that there is a right and a wrong way of doing it, with the right way taking into consideration “changing times and current social demands.”<sup>94</sup> The university tried to convince the judges of this with its “compelling reason” argument. However, the judges dismissed it, effectively saying that the Dormitory’s management is neither far from responsible nor unfit for the times.

In addition, by certifying the Dormitory as an unincorporated association, the judges have given the Dormitory a basic legal status, not only providing it with certain legal defenses but also with legitimacy. Yoshida Dormitory is a remnant of the New Left, stigmatized after the student protests, and acknowledging the student council as a legal body speaking for a large group of students goes a long way in removing the negative connotations with self-governing dormitories and the radical student Left. This is further reinforced by the judges’ ruling that acts such as writing on the walls of the building and physically preventing university employees from entering the premises, both commonly associated with the radical Left student, can be construed as the assertion of custodial right and are not necessarily grounds for litigation or eviction.

The unexpected outcome of the trial attracted widespread media attention. The full venue of the students’ press conference stood in stark contrast to the reaction of the University, which remained largely silent, with only a brief statement of four lines posted on its front page the following day.<sup>95</sup> In the aftermath of the trial, both students and independent groups such as the Asahi Shinbun and an association of teachers at Kyoto University independently called for the

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<sup>92</sup> 京都大学 Kyoto University, “Yoshida ryō no kongo no arikata ni tsuite 吉田寮の今後のあり方について” [Regarding The Future of Yoshida Dormitory], last modified February 12, 2019, <https://www.kyoto-u.ac.jp/ja/news/2019-02-12-0>, (accessed May 10, 2024).

<sup>93</sup> Kawazoe Shinsuke, public email called “「責任ある自治」とは”, June 10, 2019. See: <https://www.kyoto-u.ac.jp/sites/default/files/embed/jaeducation-campusclimaildocuments2019a0342.pdf>

<sup>94</sup> Ibid.

<sup>95</sup> 京都大学 Kyoto University, “Yoshida ryō gentō ni kakawaru akewatashi seikyū kishō no hanketsugen watashi ni tsuite 吉田寮現棟に係る明渡請求訴訟の判決言渡しについて” [On The Verdict Regarding The Eviction From Yoshida Dormitory Old Building], last modified February 2, 2024, <https://www.kyoto-u.ac.jp/ja/news/2024-02-21-0>, (accessed April 30, 2024).



university to accept the verdict and reopen dialogue to resolve the ongoing issues, further showing the adoption of a remnant of the New Left by the mainstream.<sup>96</sup>

### **The New Nature of the Dormitory after the Lawsuit**

These three points highlight a reinterpretation of the Dormitory's straddler nature, both intrinsically and in relation to authorities. Intrinsically, the Dormitory is presently open about its advocacy *and* its welfare-oriented mission. Concerning the authorities, the unspoken entente between the two parties ended with the filing of the lawsuit, creating an openly adversarial relationship between the Dormitory and the upper echelons of university governance (as shown in Chapter 1, the lower authorities did not eschew contact with the Dormitory).

During the proceedings, the Dormitory increasingly doubled down on this new status quo, embracing the identity of rebel in conjunction with the identity of welfare facility. Winning the lawsuit and the ensuing public support has further invigorated the Dormitory. This is exemplified by a poster made after the verdict. This poster condemns the university's decision to appeal as a "violent act" and questions whether the "freedom" in "freedom of academic culture" only applies to "freely trampling students and staff underfoot," while at the same time specifying the Dormitory's mission as "welfare facility for students facing a variety of hardships."<sup>97</sup> In addition, their open activism now extends to topics associated with the New Left. For example, as of June 23, 2024, the front page of the Dormitory's website shows a message concerning the political situation in the Gaze Strip side-by-side with an announcement calling on the university authorities to accept the verdict.

In contrast, because of the lawsuit, the university's hands are tied in their deals with the Dormitory. They have lost in a court of law and in the court of public opinion. Universities have in the past cut off gas and water lines to autonomous dormitories to forcibly evict students,

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<sup>96</sup> Kitamura Yukiko 北村有樹子, "Kyōdai no Yoshidaryō mondai taiwa wo saikai shite taishinka wo kyōin yūshi ga seimei 京大の吉田寮問題「対話を再開して耐震化を」 教員有志が声明" [The Yoshida Dormitory Problem: Restart Talks and Focus On Earthquake Safety say Interested Teaching Staff], <https://www.asahi.com/articles/ASS2Q7F0FS2QPLZB006.html>, last modified February 23, 2024, and Asahi Shinbun, "Shassetsu Kyōdai Yoshidaryō jichimamori taiwa saikai wo (社説) 京大吉田寮 自治守り、対話再開を" [Editorial: Protect Self-Governance, Restart The Talks With Yoshida Dormitory], last modified February 19, 2024, <https://www.asahi.com/articles/DA3S15866498.html>, (accessed April 30, 2024), and 吉田寮自治会 Yoshida Dormitory *Jichikai*, "Yoshida ryō gentō shokudō akewatashi seikyū kishō daiichiban hanketsu wo ukete 吉田寮現棟・食堂明渡請求訴訟 第一審・判決を受けて" [Accept The Verdict On The Eviction of Yoshida Dormitory], last modified February 21, 2024, <https://yoshidaryo.org/archives/seimei/3175/>, (accessed April 30, 2024).

<sup>97</sup> Yoshida Dormitory Public Relations Department 吉田寮広報. "裁判はもうやめよう." *Saiban ha mō yameyō* 「End the lawsuit already」. <https://i0.wp.com/yoshidaryo.org/wp-content/uploads/2024/04/58b1751d4823970896c2d27c60906eda-scaled.jpg?resize=724%2C1024&ssl=1>

and Kyoto University did cut off the landline on the day of the eviction deadline. However, such heavy-handed measures do not seem feasible in the current climate, leaving the university with no other recourse than to wait on the result of the appeal.<sup>98</sup>

This course of action, appealing the verdict and ignoring public opinion, has also reinforced the David-and-Goliath narrative, strengthening the identity of the “Yoshida Dormitory resident.” Emphasizing its commitment to student safety, the university stated in its press release its intention to “strive to have the Osaka High Court understand our point of view” through the appeal process. In response, the students reiterated their desire for a renewed dialogue with the university and expressed disappointment that, despite five years of challenges, the university still did not realize that they should strive *for the students* to understand their point of view, not a higher court.<sup>99</sup>

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<sup>98</sup> Yoshida Dormitory *jichikai*, “吉田寮小史”.

<sup>99</sup> 吉田寮自治会 Yoshida Dormitory *Jichikai*, “Yoshida ryō gentō ni kakawaru akewatashi seikyū kishō no kōso ni tsuite ni tai suru hanbaku 「吉田寮現棟に係る明渡請求訴訟の控訴について」に対する反駁” A refutation of [On The Appeal Regarding The Eviction From Yoshida Dormitory Old Building], last modified March 3, 2024, <https://yoshidaryo.org/archives/seimei/3229/>, (accessed May 7, 2024).

## Conclusion, discussion, and further research

This research started with the question about the relationship between political activism and civic service provision for Kyoto University's Yoshida Dormitory. The Dormitory shows that we can no longer maintain the black-and-white distinction between the underground left-wing activist and the passive, non-political CSOs. Instead, the Dormitory is both: dynamic in pursuing multiple goals simultaneously and effective as a welfare-oriented group *because* it engages in advocacy. This is not a contradiction: the Dormitory's inherent illegitimacy, the rebelliousness as a relic of the radical past, is vital to the welfare functions.

Presently, it does not seem that this positive illegitimacy has diminished after the Dormitory's victory in the eviction lawsuit. The verdict legitimated the Dormitory's existence in the eyes of the public, removed the fear of legal repercussions for potential new applicants, and increased the Dormitory's reach. The university's dismissive response and decision to appeal in the face of multiple public demands to reopen the round-tables compounded the rebellious aspect of being a resident, and thus also the social capital it embodies. The support after the lawsuit reveals that contrary to the prevalent view in recent research, radical, grassroots (non-NPO) organizations are not only openly active in Japan but can even thrive in the public eye.

As such, due to the lawsuit, the term "straddler" no longer applies to Yoshida Dormitory. Instead, I propose calling it, and others like it, an "amalgam": an entity more than the sum of its parts, all of which are clearly distinguishable from the outside.

My research does have limitations. One is my positionality. I could not have studied at Kyoto University if not for the Yoshida Dormitory, and I have made ample use of its welfare facilities in addition to participating in the activism. I experienced first-hand the stress of the trial on the defendants and have witnessed the stereotyping that the residents face by students and teaching staff alike. Nevertheless, they persisted in their defense for seven years, and most likely have another four years ahead of them. As such, I would be amiss not to mention my respect and appreciation for the Dormitory and their hard work.

Further research on autonomous dormitories can provide a comparative assessment of the state of autonomous dormitories in Japan. The last few years have seen increasing efforts by universities to close self-governing dormitories, but there are still almost a hundred in operation at public universities. Even limiting it to Kyoto University, there are four other dormitories that the institute is affiliated with. One of them, the Women's Dormitory, yielded to Kyoto

University's renovation plans and lost its autonomous functionality in the process – something the others are well aware of. The victory by Yoshida Dormitory set a precedent for the first autonomous dormitory resisting closure by a university since the passing of the NUCA. The incorporation of Kyoto University allowed Yoshida Dormitory to claim that the relationship with the university was one of private individuals, and the judges agreed with this line of reasoning. Tenancy law, in particular, affords a wide breadth of protection to tenants in Japan, and the burden of proof for eviction in civil cases is high, as has been made abundantly clear during the lawsuit. Not only is it reasonable to expect that the same arguments the Dormitory made in the lower court will hold up in the higher court, but it possibly also strengthens the case of autonomous dormitories across Japan when they face legal trouble.

Kumano Dormitory, Yoshida Dormitory's perpetual ally and rival, is a valuable candidate for analysis because of its parallels with Yoshida Dormitory in terms of location and governance. It is infamous for its repeated clashes with the military police and allegedly harboring communist conspirators, but curiously Kyoto University has so far not demonstrated any ambition to close it down. Investigating the reasoning behind this could provide insight pertinent to the limits of self-governance by students in Japan. In the same vein, Hokkaido University's Keiteki Dormitory is a possibility. While the current building stems from 1983, it has a history going back to 1907 and has consistently managed to keep an open dialogue with the university during this period: a possible example of a mutually beneficial relationship.

Lastly, based on the conclusions of this paper, additional research on the role and effects of dormitory life in Japan is necessary. The judges and the residents acknowledged that self-governance is invaluable to their social development, and the Dormitory's welfare work is essential to the students' mental and physical security. The residents also state that they become more aware of Japanese society's issues through the Dormitory's activism. Promoting this environment has thus conceivable value to the university and society as a whole. Further research is needed to examine the degree to which the students' welfare is maintained through these autonomous dormitories, especially now that a court has legitimized these autonomous dormitories.

However, self-governance is at the mercy of its members' active participation, and Yoshida Dormitory has its fair share of residents who are not actively participating in the activities necessary to operate the Dormitory. In addition to analyzing why this "free rider effect" happens, the overall effect of the volume of active participation on these dormitories' welfare

function, and how the active core of residents deals with this problem, an action-research-oriented approach can be utilized to encourage more active participation and thus further improve the students' welfare.

## Appendix A.

### List of specialist departments of Yoshida Dormitory (専門部)

#### General Affairs (庶務部)

*General Accounting Department* (大会計): oversees accounting, creates budgets and settles accounts

*Fee Collection Department* (集金係) : collects rent and utility fees

*Rent Affairs Department* (宿泊料・負担区別係) : pays rent and utility fees to Student Affairs Bureau of Kyoto University

*Register of Names Department* (名簿係) : oversees the register of names of residents, and submits it to the Student Affairs Bureau of Kyoto University

*Printing Department* (印刷機係) : oversees the printers and collects the printing fees

*Car Department* (自動車) : maintains the car park

*Overnight Lodgers' Registry Department* (宿泊係) : updates the register of overnight lodgers

*Mail Department* (郵便・荷物局) : accepts and separates incoming mail

#### Cultural Affairs (文化部)

*Design Department* (意匠局) : designs folder and *tatekan* etc., collects documents handed out during general assemblies, oversees the storage of sensitive documents

*Special Event Department* (催事局) : sponsors and supports events organized by residents

*Cafeteria Department* (食堂局) : oversees the cafeteria event space, convenes the cafeteria general assembly

*Yoshida Dormitory Newspaper Department* (新聞局) : publishes the Yoshida Dormitory Newspaper

*Language Support Department* (言語支援局) : translates documents for internal and external use

*Computer Department* (電算局) : oversees the Dormitory's Wi-Fi and shared computers

#### Welfare Affairs (厚生部)

*Hygiene Department* (厚生局) : cleans and oversees the showers and washing machines

*Fire Fighting Department* (消防局) : oversees firefighting equipment and organizes fire drills

*Cleaning Department* (清掃局) : organizes the spring cleaning and disposal of personal belongings

*Repairs Department* (補修局) : takes care of small repairs in and around the dormitory, contacts Student Affairs with repair requests

*Recycling Department* (リサイクル局) : prepares the trash bags for shared use in the dormitory, collects old paper

*Shared Goods Department* (備品物品管理局) : oversees the other shared goods (sponges, shelves, soap, etc.)

## Appendix B.

### List of Special Committees (委員会)

*The Council* (評議会) : 10 members. Organizes and oversees the general assembly and the Grand Meeting. Also formulates the Dormitory's stance on matters based on the consensus achieved during meetings.

*The Executive Committee* (執行委員会) : 10 members. Oversees external contacts (e.g., with the media or university). Decides on the agenda when discussing with the university. This committee's members are the most active and what people tend to refer to when they talk about the *jichikai*.

*The Dormitory Enrollment Committee* (入寮選考委員会) : 20 members (the Executive Committee plus 10 others.) Oversees all the steps of admissions and room allocation and handles temporary or indefinite dormitory leaves of absence.

*The Election Committee* (選挙管理委員会) : 3 members. Runs the election for the Executive Committee.

*The Supervision Committee* (観察委員会) : Audits the Dormitory's finances. Also oversees the other committees. Can also mete out punishments such as expulsion.



## Appendix C.

### List of social practices by residents of Yoshida Dormitory.

Table 1: Social practices by residents of Yoshida Dormitory

Financial	Socio-communicative	Cultural	Safety and Accessibility
Low rent	Acquaintances can stay over for 100¥ (€0,80) a night	Theater plays	Gender-neutral toilets
“Guerilla dinner” ゲリラ飯	No <i>keigo</i> (polite language)	Club Yoshida	Sexual Harassment Action Group
Free ingredients	Conversation as a guiding principle	Music rehearsal space	Accessibility facilities (lift, barrier-free toilets)
Cheap facilities (washing machine etc.)	Unanimous voting favored over majority vote to not marginalize any voices	Cultural departments	Guidebook on dealing with questions regarding the whereabouts of residents
Free Wi-Fi and access to computers	Shared living	Yoshida Dormitory festival	Language support
“Picking up” food thrown out by the local convenience store	Growing own (root) vegetables, keeping chickens for eggs and meat	Summer camp	COVID-19 regulations (quarantine rooms, designated showers, etc.)
Campaign to support international students in financial need due to the COVID-19 pandemic		Dormitory’s inner garden	Admissions are not based on gender, age, or nationality

## Appendix D.

### List of some political causes championed by Yoshida Dormitory.

- “Remembering Minamata disease”
- A4 protests in support of Hong Kong
- Anti-neo-liberalization of the university
- Anti-war
- Increased welfare facilities for students and employees
- Increasing salaries for university teachers while decreasing tuition for students
- Keeping the culture of *tatekan* (protest signs) alive
- LGBTQ+ rights
- Nuclear non-proliferation
- Pro-Palestine (calls for Israel to stop genocide in the Gaza Strip)
- Returning the remains of Ainu (original inhabitants of Hokkaido), exhibited in the Kyoto University Museum to their descendants
- Sexual Harassment Awareness
- Support for labor unions
- Support for other self-governing dormitories (amongst others Komaba Dormitory of Tokyo University, Maruichi Dormitory of Yamagata University, both closed now)

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