

A Comparative Research of Library Law in Korea and Japan: Focusing on the Enactment and Revision Processes*

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ABSTRACT

Korea and Japan have been influenced by one another through various points in their respective histories. During ancient times and throughout the Middle Ages, many aspects of culture and modern civilisation were conveyed from China to Japan via Korea. This trend changed in the second half of the 19th century, as Japan opened its ports to foreign trade, completely reforming its own society before Korea followed suit. The aspects of modern civilisation and culture were thus subsequently conveyed to Korea from Japan. Not unlike Western cultures of the time, Japan also engaged in a pursuit of imperialism that resulted in its subjugation of Korea during the Japanese occupation. After Korea regained its independence following the Second World War, Koreans rebuilt their country largely on the basis of the social system Japan had left behind. 70 years later, differences from the Japanese model may nevertheless be observed in various areas. Library legislation is no exception. This paper provides a comparison of Korean and Japanese library laws. The comparison and consideration of the enactment and revision processes of library legislation of both countries reveals how differences in legislation developed and provides an analysis of the implementation of these differences.

Keywords: Comparative Research, Library Law, Library History, Japan, Korea

* The denomination Korea, as used in this paper, applies to the whole Korean Peninsula when the context mentioned happened before 1945 and to South Korea when the context mentioned happened after 1945.

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1. Introduction

Korea and Japan have a close historical relationship, having influenced one another through various points in history. From ancient times to around the 16th century, many aspects of Chinese culture and civilization were conveyed to Japan through Korea. Script, paper and printing technology, for example, were all transferred from China through Korea to Japan.

Japan, however, adopted Western culture before it was introduced in Korea. During the Meiji Restoration,¹⁾ Japan replaced its political and social systems with Western-style systems and actively carried out many kinds of reforms under Western influence. Japan's first modern library opened its doors in 1872²⁾ - the same year it began to implement its modern education system. Yet, Japan not only accepted Western concepts, it also adopted the imperialist ideology that was prevalent in Europe at the time, turning its attention to becoming a dominant force on the Asian continent, particularly in China. For its advancement into China, Japan demanded a constant presence in Korea.

From the second half of the 19th century onwards, Korea adopted various features of Western culture and systems from Japan, the education system and library field being no exception. In 1895, the modern education system began being implemented in Korea. Korea's first modern library was established by Japan and opened its doors in 1901.³⁾ Libraries were subsequently established all over the country during the period of the Japanese occupation of Korea, 1910-1945.⁴⁾

With the conclusion of the Second World War, Korea gained its independence from Japan but came under the governance of the United States of America. Following the War, Japan was under the governance of the Allied Powers, among which the influence of the United States was strongest. As a result, the systems of both Japan and Korea were redeveloped under a strong American influence.

1) Various theories exist on the exact period of the Meiji Restoration but it is commonly accepted that the period of vast social reforms executed after 1868 brought about the modernization of Japan.

2) Predecessor of National Diet Library the *Shojakukan* (also known as *Shosekikan*), was a national institution. Hibiya Library, established in Tokyo in 1908, was the first public library established by a local government (the present Hibiya Library & Museum is a ward library).

3) This library was established by the region of Japanese Settlements in Busan with Japanese capital for the Japanese. Daedongseogwan (大同書觀), established in Pyongyang in 1906, was the first library established for Koreans with Korean capital (Paik 1969, 147; Kim 1978, 7).

4) When observing the statistical data on public library, in 1910, there existed 3 private public libraries and in 1932, 2 national, 17 public and 33 private, making 1932 the year with the highest total number of 52 libraries. Later, this number from 1933 started to decrease and in 1942, there were 2 national, 26 public and 15 private, bringing the total number of libraries in that year to 43 (Kim 1978, 34-35).

Despite this common starting point, the library legislation of Japan and Korea continued to develop in their own directions so that the current library legislation of the two countries differ significantly from one another.

By clarifying the characteristics of these library laws, this research shall examine the social backgrounds that influenced the enactment and revision processes of library legislation in Japan and Korea.

This paper does not examine libraries and the structural elements of libraries that represented the grounds for revision of both countries' legislation and it likewise does not examine how the environment surrounding libraries has changed. Furthermore, analysis and comparison of the contents of the articles of library laws have not been undertaken. This remains a topic to be dealt with in a subsequent research.

2. Previous Research

To date, relatively little comparative research has been conducted in the field of librarianship between Korea and Japan. Yet, it would be inaccurate to claim that the academics of one country have not devoted their attention to researching the libraries and associated legislation of the other. Numerous articles present the activities and/or functions of libraries as lively exchanges undertaken between and among members of national libraries, library associations, twin towns and other libraries. Plentiful research of this field has also been conducted by researchers and professionals.

Conversely, in the field of library legislation, there have been no changes in the fundamental structure of the Japanese Library Law, which is a public libraries act in substance, the legislation undergoing only minor revisions. For this reason, studies of Japanese library law have not been carried out on as large a scale as was done in Korea. By contrast, Korean library law underwent frequent and substantial revisions, and each of these revisions were introduced in Japan.

Only one piece of comparative research examining Korean and Japanese library law has been carried out in Japan,⁵⁾ namely, Shinji's *Library Legislation: Comparison between Korea and Japan* (図書館法: 韓国と日本の比較), published in 2004. This study is a comparison of the Korean

5) The CiNii database provides only this single search result pertaining to comparative research of Korean and Japanese library legislation. CiNii is a database of Japanese academic publications, including theses, books, journal articles and dissertations and is supported by the 国立情報学研究所. <http://ci.nii.ac.jp>. Accessed 15 August 2016.

Libraries and Reading Promotion Act enacted in 1994, the Japanese Library Law and a part of the Japan's School Library Act. The contents compared in this research include the purpose, definition, founders, obligations, library staff, users and attitude towards reading that appears in these laws. The author examines the library laws of Korea and Japan and concludes that the Japanese Library Law is unsuitable for the current situation given that it contains no provisions or articles on users' rights and obligations, thereby serving to exclude users (六道勉 2004).

In the same manner, only one comparative research concerning Japanese library law in Korea has been conducted.⁶⁾ Because this study compares the development processes and structures of American, British, Japanese and Korean public library law, it is not confined to a comparison between Korea and Japan. During the movement for the complete revision of the Korean Libraries Act in 1987, Choe stated that the revised contents do not adequately reflect the opinions of the library field and pointed to what he perceived as the inclusion of numerous issues occurring within the Korean Libraries Act, given that it simultaneously regulated libraries of different character. Additionally, and with the purpose of encouraging the development of public libraries, it was necessary to include contents related to public libraries, while affording the utmost importance to the enactment of public library law (Choe 1987).

3. From Introducing the Idea of Public Library to the Enactment of Relevant Legislation

3.1 Japan

As a result of the modernization processes implemented during the Meiji Restoration, Japan turned into a modern country in the second half of the 19th century. The modern library was first introduced to Japan in 1866 by Fukuzawa Yukichi (福沢諭吉, 1835-1901), who penned an account of his travels through America and Europe in his book *Things Western* (西洋事情). Fukuzawa introduced the idea of the national library by describing the deposit libraries of London, Saint Petersburg and Paris (Fukuzawa 1866). In 1872, Japan established its first modern library - Shojakukan

6) The RISS database provides only this single search result pertaining to comparative research of Korean and Japanese library legislation. RISS is a database of academic publications including master theses, dissertations, academic journal articles, books, research reports and public lectures and is supported by the Korea Education & Research Information Service. <http://www.riss.kr/index.do>. Accessed 15 August 2016.

(書籍館). Shojakukan was a national library with the characteristics of a research library whose establishment was influenced by the descriptions in Fukuzawa's monumental work.

The introduction of the modern education system in 1872 witnessed the commencement of compulsory education, with a corresponding growth in the literacy rate. Various publications, translated works, newspapers and similar were being published during this time. However, since printing technology and the transportation system were not yet developed, there was no other option but to apply the system of shared usage (裏田武夫, 小川剛 1965, 155). For this reason, the period of modernization saw the establishment of numerous small-scale reading facilities in various forms. In 1892, the Japan Library Association (JLA) was founded. In 1921, the Ministry of Education set up the first Librarian's Training Institute, which represented the beginning of training for the librarian profession. Together with the modernisation of society, the library continued to be developed as a social educational institution until the mid 1930s.

“/.../ nevertheless, the essence of these libraries was different from its social educational sense of fulfilling the intellectual demands of the working class and citizens undergoing gentrification, as seen in the United Kingdom and the United States. It was manifested as indoctrination of public by the state power, which was trying to lead the public's senses through the logic of the system of that time. /.../ it absorbed the social educational idea that had started among the public and later organised and developed based on the logic of the (ruling) system.” (裏田武夫, 小川剛 1965, 173)

The phenomenon of libraries being used as a part of the indoctrination system could also be observed during the Second World War in Germany. Steig describes the system of library censorship under Nazism during the Second World War as follows:

“To German public librarianship, the war brought new lists of books to be removed from libraries. As in other areas of governance, it intensified the specifically Nazi direction of policy. The war was an excuse to ignore normal restraints, which enabled the government to become more authoritarian. At the same time, however, it placed insuperable obstacles in the way of accomplishing Nazi goals, as resources disappeared and disorganization increased.” (Stieg 1992, 24)

This provides evidence that Japanese wartime libraries were not very different from those of Nazi Germany. It may be deemed that the library provided an institution for propagating totalitarian ideology for the purpose of large-scale control of people's thoughts and knowledge experience.

Deriving from the National Mobilization Law,⁷⁾ human and material resources also became subject to controlled use by the Japanese government.

After the conclusion of the Second World War, Japan came under the governance of General Headquarters, the Supreme Commander for the Allied Powers (GHQ). GHQ stationed in Japan was under the command of an American General and primarily comprised US Army officers so that American influence prevailed. The fundamental course of the occupied forces policy implemented by the GHQ as defined by the Potsdam Declaration was to eliminate militarism and introduce democratisation. This led to the rebuilding of the Japanese social system and its institutions, of which the academic field was not exempt. The Constitution of Japan was enacted in 1946, followed by the enactments of the Basic Act of Education and the School Education Act in 1947. The enactment of the Social Education Act followed in 1949. The American style 6 (primary school) -3 (middle school) -3 (high school) -4 (university) single ladder education system was also adopted.

Up to this point in time, the library had been redeveloped as a social educational institution with a different character. The GHQ had invited the US Education Mission to Japan (USEMJ) to participate in the rebuilding process. USEMJ made a proposal for the education system, which included the library system and its contents, thus attempting to reform the Japanese educational system. In its Report to the United States Education Mission to Japan, the USEMJ stressed the significance and role of libraries and museums. Additionally, GHQ placed a Libraries Officer⁸⁾ in its Civil Information and Education Section (CIE), a position that became strongly related to library policy and administration while the basic concept of 'library' was formed in Japan. The CIE actively pursued the reconstruction of the library in Japan, working together with Japanese library professionals and the Ministry of Education to achieve this end. While attempting to equip the library with suitable facilities, the necessity for library legislation naturally arose. Amidst the social instability of the post war era, the Library Law, founded on the Basic Act on Education and the Social Education Act, was enacted under the rule of the GHQ in 1950.

3.2 Korea

Korea persisted in its isolationist policy despite recurring demands from great powers such as the USA, UK, Russia and others to open up the country for trade. In 1876, Japan eventually

7) Law No. 55, enacted in 1938, abolished in 1946.

8) Unified Library Service for Japan by Philip O. Keeney (Library Officer at that time).

succeeded in opening Korean ports so that it was Japan which conveyed the features of Western culture to Korea. Yoo Gil-jun (유길준, 1856-1914) was the first to introduce the idea of the modern library in Korea. Yoo studied in Japan and the USA, travelled through Europe and introduced Western culture in his work *Overview of Western Countries* (서유견문), published in 1895.

Japan annexed Korea in 1910. Japan, which had already succeeded in state modernization, transplanted its social system to Korea. This is the main reason for the similarities in the fundamental characteristics of modern day Korean and Japanese social systems. However, Japan at the same time used Korea as a springboard for its invasion of the continent. This was the main reason that policy contents, including the educational policy in the colony of Korea, differed considerably from that of Japan. During the Second World War, the Japanese people were under severe mind control. On the other hand, the policies in Korea emphasised the so-called Japanization (皇國臣民化政策), a policy of assimilation that aimed to eradicate the Korean ethnical identity. Due to the application of such methods, schools and libraries also underwent a process of 'edification'.

Korea regained its independence upon the conclusion of the Second World War. As a result of the Moscow Conference of Foreign Ministers, the area north of the 38th parallel was ruled by the Soviet Union whereas the area south of the parallel was ruled by the United States of America, which subsequently established the United States Army Military Government in Korea (USAMGIK) in this newly formed state of Korea. Because USAMGIK faced the Soviet Union on the 38th parallel boundary line, its basic policies were oriented towards anti-communism and pro-centralisation. To avoid social chaos, USAMGIK also preserved all governmental institutions from the period of the Japanese occupation. Moreover, in most cases, the staff that had been employed during the period of the Japanese occupation continued to retain their positions under USAMGIK because few Koreans had enjoyed formal education prior to and during the Second World War. In the field of education, activities directed towards the transformation of school education from a Japanese to an American style system were promoted with the active participation and cooperation of Koreans who had already studied in the United States. USAMGIK sent the Korean Educational Commission to the US, thus providing members with direct experience and also concentrated on adult and social education. However, since the illiteracy rate among Koreans was very high during that period,⁹⁾ the library had not functioned as an institution within the adult and social education systems.

9) According to the illiteracy rate in Korea after the Second World War was at 78%.
<http://theme.archives.go.kr/next/hangeulPolicy/business.do>, Accessed 15 August 2016.

The National Assembly was established following the enactment of the Constitution in 1948 and the government of Korea was formed. Afterwards, the state's legislation and other systems were developed. The Act on Education that was enacted in 1949 indicated that compulsory education was set to be implemented but was subsequently thwarted in the following year with the start of the Korean War (1950-53). Given that well-functioning political, economic and social systems were still far from being established, the war served to exacerbate the difficulties faces by an already impoverished Korean society.

The Korean Library Association (KLA) reunited in 1955, immediately following the conclusion of the Korean War. At its inaugural General Meeting, the member librarians opted to enact library legislation and prepared a draft of the (public) library law but the draft was discarded without any public debate. It may be speculated that this was due to there being a low awareness of the public library among the general population of Korea and the fact only 26 public libraries existed across the country¹⁰⁾ - too few for the enactment of a library law that dealt only with public libraries as had been done in Japan. The KLA later decided on library law that integrated all types of libraries as opposed to focusing only on public libraries. Nevertheless, the enactment of library law amidst such political, economic and social instability was far from an easy task. The enactment of library law thus remained adrift for a substantial period time until in 1963, a law defining the formation of public libraries without the inclusion of financial support requirement clauses toward the local self-governing bodies and the state, was finally enacted under the military government.

4. Characteristics of the Enacted Library Law

4.1 Japan

The Japanese Library Law was created with GHQ's library reform strategy at its core, while taking into account the reform ideas of the affiliates of the library field and the actual adjustments made by the Ministry of Education (小川剛 1972, 66). It consisted of 3 chapters and 29 articles.

From an institutional aspect, the Library Law of 1950 was (1) not an imperial edict, but it did represent a law that resulted from discussions among affiliates of the library field, the Ministry

10) According to the Korea Library Statistics, 26 public libraries existed in 1966.

of Education and the CIE and (2) in the past, library administration had been assigned to the cultural section, therefore the library was understood as being a 'cultural institution'. However, this Act transferred administrative jurisdiction over the library from the cultural section to the social educational section, thereby positioning the library as a social educational institution. A summary of this Library Law's content characteristics leads to the following conclusions: (1) It regulated only the matters of public library; (2) The library was not defined as a national institution or as an institution aiming at indoctrinating the nation, but as an institution assuring the people's 'right to know' (Article 2); (3) It set the regulations for the positioning and qualification of professional librarians (Article 4, 5); (4) The system of library governance was not centralised but was instead defined based on the principle of local self-governance (Article 10); (5) It considered the possibilities for the establishment of a library committee and afforded each library its own autonomy (Article 14-16); (6) It determined the principle of free of charge services (Article 17) (竹内慤 1995; 塩見昇 2000; 塩見昇, 山口源治郎 2001).

The enacted Library Law did not, however, reflect most of the suggestions submitted by affiliates of the library field. This law therefore became known as the Library Law that was rich with ideas but lacked actual substance (Urata and Ogawa 1968, 20).

At the time, members of the library field had submitted a joint proposition concerning the following items: (1) the compulsory establishment of libraries up to the village level, (2) (regional) central library system, (3) the foundation of a strong system of government subsidies, (4) the expansion of facilities at institutions intended for the training of library staff, (5) an improvement of the library staff's working conditions, (6) an improvement of the library administration. All of these points were evaluated as representing a large burden for the national and regional budgets and were thus considered impossible for realisation (Ogawa 1972, 66). As for the central library system - it is believed that the idea of a central library system was deemed unacceptable to the CIE due to the pre-war practice of using the centralized library system as an institution for the indoctrination of the public.

4.2 Korea

The Korean Libraries Act of 1963 represents a joint effort of the fundamental idea drafted by the KLA that was further adjusted by the Ministry of Education. In form, it is a comprehensive law regulating all types of libraries with the exception of special library. Despite this being a comprehensive law, it is a simple piece of legislation consisting of only 4 chapters and

29 articles.

The following can be observed regarding its content characteristics: (1) the National Library of Korea is considered to be a public library (Chapter 2), university library is deemed to be school library (Chapter 3), (2) despite librarianship not being recognised as a profession, the positioning of librarians is obligatory in public and school library (Article 6), (3) the founder of a library may organize a library association through which funding aid may also be received from the national budget or from a self-governing body (Article 13).

That the National Library of Korea is deemed to be a public library derives from the attempt to unite the National Library of Korea with the National Assembly Library within the legislation enactment process. Yet, the Libraries Act was established without this issue of unification being resolved and remains under continued dispute today (Ryu 2014). The fact that university library is considered to be school library derives from the fact that university education was uncommon in Korea during that time so that very few universities even existed.

Provision related to library association are not common in the laws of other countries. The special history of the KLA is hidden within this provision (Article 13). Following the conclusion of the Second World War, librarians immediately initiated activities to prevent an outflow of library material, thus forming and organising the KLA. During the Korean War 1950-1953, librarians actively protected library resources from disappearing and reorganised within the KLA as soon as the armistice was declared, immediately engaging in activities for the drafting of the library law that was deemed to be the social foundation of the library. In Korea, the Libraries Act was established as a direct result of the efforts invested by the KLA. In certain aspects, the provisions regarding the library association represent a logical outcome. The enactment of obligatory positioning of librarians also passed under the guidance of the KLA. Given that very few academic institutions were engaged in teaching library science, resources were scarce, and awareness about the librarian profession was extremely low, the fact that such provisions were included in the Libraries Act was in effect quite innovative.

The establishment of the library and its support bases were not mandatory for the state and the local self-governing communities but were among non-mandatory provisions, such as the collection of a usage fee, a provision that failed to avoid criticism from the library field following enactment of the Libraries Act.

5. The Library Law Revision Process

5.1 Japan

From its enactment in 1950, the Japanese Library Law was partially amended over 20 times. These partial amendments mostly occurred due to amendments of other laws and regulations, therefore the system and structure of the Act remained consistent throughout with no considerable changes. On the other hand, many lively revision discussions took place, despite ultimately failing to produce actual revisions.

Despite the enactment of the Library Act in 1950, the library field immediately continued with a movement for its revision (塩見昇, 山口源治郎 2001, 6). Topics under discussion included the revival of the central library system, the obligatory establishment of public libraries by self-governing bodies, solid government subsidies, the design of the national library, the system of charging library fees, the foundation of an advisory Library Council under the Ministry of Education and the control (authorisation system) of privately owned public libraries. In 1957, the JLA created the Library Act Revision Draft but its ideas of a centralised, chargeable system with the supervision of private libraries encountered strong opposition, which did not, however, lead to a revision of the law.

In the 1950s and 1960s the Library Law underwent about 10 partial amendments. Those bringing about changes to its contents were the amendment of 1952, with Article 6 stipulating the expansion of the university being in charge of librarian training and the amendment of 1956, with Article 25 adding the prefectural boards of education may guidance terms for private libraries. In 1959, Article 20 stipulating aid recipients was revised from “expenses required for establishment and management” to “expenses required for facilities and equipment”. The 1967 amendment abolished regulation on reports and notifications to the prefectural and metropolitan Boards of Education with regard to the establishment and disestablishment of libraries. These amendments did not represent considerable revisions to the contents of the Library Law.

The movement for the revision of the Library Law subsequently reappeared in 1970. The Ministry of Education presented the “Issues Needing Consideration for Nation-Wide Social Education Act Revision” and proposed a tentative “Bill for the Complete Amendment of Social Education Act” in the following year - this being a general law regulating the field of social education, including libraries. This proposal was strongly criticized by those involved within social education on the basis that “it considerably undermined the citizens’ right to receive education”. Above and beyond

this, a sense of crisis arose in the library field, whose members feared that the Social Education Act would absorb the Library Law (山口源次郎 1998, 18). For this reason, the library field stood up in favour of the Library Law. Their argument received support so that the Library Law maintained its position as an independent law.

In 1980, the enactment concept of the Libraries Promotion Act was announced at the annual library conference of the JLA. In 1981, the Library Service Promotion Act (tentative name) Review Committee was formed and the Library Service Basic Act Proposal, published. This proposal differed from the system of Library Law up to this point given that it was a general law encompassing all types of libraries. Contents included the state's obligatory decision to create long-term as well as short-term library policy. Alongside the Committee on Library Policy, established under the jurisdiction of the Cabinet, the policy framework included the compulsory establishment of public libraries, the formation of a network surpassing library types and the creation of the Library Advancement Foundation, an institution for the development of research (山口源次郎 1998). On the other hand, in being governed by such a powerful law, the Committee on Library Policy, attached to the Cabinet, would receive unitary administrative authority. An opposition movement against the advances made by the promotion of the library thus evolved, bringing about the discontinuation of the law enactment movement on account of fearing the feasibility of government meddling and control of the library, similar to the experience of the 1950s (山口源次郎 1998).

Revision made in the 1980s, concerned only the abolishment of a stipulation on reporting the establishment and disestablishment of public libraries to the Minister of Culture of the relevant prefectural or metropolitan government (Article 12) in 1985.

Alongside decentralisation and deregulation in the latter half of the 1990s, the Comprehensive Decentralization Law (地方分権一括法)¹¹⁾ was enacted in 1999. This law aimed at raising regional autonomy and discretion by eliminating administrative functions imposed upon local governments and diminishing supervision by the central government. The revision of the Library Law took place along with this broader law.

The 1990s saw three revisions of the Library Law. In the revision of July 1999, the stipulation on granting government support was eliminated on the basis of deregulation and minimum standards and the conditions for librarian qualifications of the Head of the Library were likewise eliminated (Article 13). Regulations on the composition of the Library Council were loosened (Article 15). The budget for subsidizing facilities and the minimum standards for receiving grants were eliminated

11) Official denomination: the Law Concerning Preparations of Related Laws for Promoting Decentralization (地方分権の推進を図るための関係法律の整備等に関する法律).

(Article 19, 20). Instead of legally securing the library budget, the state entrusted authority over the library to the local public authorities.

From 2000 to July 2016, the Library Law underwent seven revisions. After remaining unchanged for nearly 60 years, the Basic Act on Education was revised in 2006. As a direct result of this revision, the Social Education Act, the Library Act and the Museum Act were all simultaneously revised in 2008. The amendments made were partial but nonetheless represented a scope of revision unseen up to this point in time. Education in the family received significant attention (Article 3), librarian and assistant librarian qualification conditions were readjusted (Article 5) and training was promoted (Article 7). New regulations stipulating a public announcement of desirable standards for the establishment and management (Article 7.2) were included and the necessity of providing information on evaluating the state of library management was added (Articles 7.3 and 7.4). Provisions regulating the Library Council were revised (Article 16) in the revision of 2011.

Upon evaluating the general flow of the Library Law revisions, it is apparent that many revisions were influenced by the revisions of other related legislation. Aside from the first revision of 1952, none of these revisions were induced by suggestions of members of the library field. The disappearance of assistance and support from the state under the pretext of loosening regulations and decentralisation may also be observed.

Laws that are related with library include the National Diet Library Act (enacted in 1948), the School Library Act (enacted in 1953), the Copyright Act (enacted in 1957), the Lifelong Learning Promotion Act¹²⁾ (enacted in 1990), the Act on the Promotion of Children's Reading (enacted in 2001) and the Act on the Promotion of Character-and Type-culture (enacted in 2005).

5.2 Korea

The Korean Libraries Act was enacted in 1963 and underwent four complete revisions and enactment processes in 1987, 1991, 1994 and 2006. Based on the amendments of other laws and regulations, the Korean Libraries Act was partially amended over 20 times.

The Libraries Act of 1963 was a superficial law that lay down the legal basis for libraries but that contained very limited contents pertaining to the establishment of libraries and their support. Among other policies, the Act imposed the collection of a usage fee and the non-provision of financial support for the establishment of public libraries from national and local authorities. Despite

12) The official denomination of the Lifelong Learning Act is the Act for Improvement of Systems, etc. to Implement Measures for the Promotion of Lifelong Learning.

the legally binding obligation to employ professional librarians, a revision was also proposed with regard to the incompatibility of personnel qualifications when compared to the provisions of other laws and regulations. On this point, the KLA consequently created revision drafts on various occasions and negotiated with the Ministry of Education. Since the economic development of the country represented the highest priority of that time, their suggestions raised the interest of neither the government nor the National Assembly.

In the midst of the 1987 democratisation movement, a complete revision of the Libraries Act was undertaken following the proposal of a ruling party member. This Act (hereinafter, the ‘Act of 1987’) consists of 8 chapters and 47 articles. It comprehensively defines the library as an institution that executes its pluralistic function by contributing to lifelong learning and the development of culture. As derivative of their specific purpose, the Act of 1987 also divided libraries into the National Central Library, public library, university library, specialized library¹³⁾ and special library.¹⁴⁾ The National Central Library was deemed to be a central library with regional representative libraries placed in cities and provinces to form the library information cooperation network - hence effectively organising all libraries into one organism. It became mandatory for local authorities to provide operating funds for public libraries. It also became possible for professional librarians to take on the post of the Head of Library. Aiming at balanced development and effective library administration, the Act of 1987 re-established the Libraries Development Committee as attached to the Minister of Education. It also set up the library promotion fund for the establishment of libraries, their operation and other library promotion activities.

In 1991, the primary legislation covering the field of libraries in Korea changed due to the Libraries Promotion Act (hereinafter, the ‘Act of 1991’). The Act of 1991 comprises 9 Chapters and 46 Articles. This law was enacted based on a proposal made by the newly founded Ministry of Culture that took over the administration of libraries from the Ministry of Education. ‘Promotion’ was added to the name of the law, but an examination of its contents indicates that the provisions on ‘promotion’ were actually not inserted. Content-wise, the Act of 1991 abolished the entrance fee, excluded administrative officials from the post of the Head of Public Library, instead appointing professional librarians to take up this appointment in what was deemed as ‘progress’. These two

13) The term “specialized library” refers to a library, the principal purpose of which is to furnish specialized library services in specific fields to members of the institution or organization which has established it, or the public (Article 2, Item 6).

14) The term “special library” refers to a library, the principal purpose of which is to furnish library services for study, refinement, investigation, research and cultural activities to the handicapped and the persons on duty at the military facilities (Article 2, Item 7).

clauses may seem like insignificant details but represent an outcome members of the library field had been trying to achieve for a long period of time. It was the joint effort of members of the library field that resulted in the revision of these clauses. Yet such significant and powerful results did not remain under the Ministry of Education, being delegated instead to the authority of the newly established Ministry of Culture. Libraries attached to local authorities received operating funds from the general budgets of the relevant local authorities, while the operating funds of libraries attached to the Office of Education were allocated from the special account for education - thus instigating the divisions caused by sectionalism.

In 1994, the law was changed to the Libraries and Reading Promotion Act (hereinafter, the 'Act of 1994') and consisted of 10 Chapters and 54 Articles. The Reading Promotion Act (a legislative bill) drafted by members in the field of publication and reading was opposed by the library field due to its considerable overlap with the Library Act and was eventually presented only as an arbitrary solution. The Act did outline provisions dealing with Mungo (문고, Micro Library) reading facilities that contributed to reading promotion, which were added to existing library legislation. Mungo offered general library functions but did not fulfil the standards required for library facilities, therefore these institutions were regulated as small-scale reading facilities which operated under the guidance and support of the public libraries of their respective regions.

The Act of 2006 consists of 9 Chapters and 48 Articles. The Act was again renamed as the Libraries Act in order to clearly define its character as the basic piece of legislation dealing with the library, separating contents pertaining to reading and to library (hereinafter, the 'Act of 2006'). The Act of 2006 stipulates the formation of the Library Information Policy Committee attached to a Presidential Advisory Body. Every five years, the Committee creates a Comprehensive Library Development Plan for the purpose of developing the library. Deriving from this Comprehensive Plan, the Head of a Central Administrative Agency, Mayors and Governors shall formulate and promote their annual execution plan. The Act of 2006 specifies National Library of Korea as a library representing the State. According to this Act, all citizens should have access to knowledge information services, irrespective of their physical, regional, economic and social status. Utmost efforts were made to improve convenience and access for users with disabilities that were included in the 'knowledge and information poor' category.

As regards the general flow of library legislation revisions, it may be concluded that support from the State was being emphasised and that the social position of the library and librarians was improving. Provisions on support from national and local authorities had originally been

non-mandatory but later became compulsory. Only individuals with librarian qualifications became eligible for librarian positions and the occupation of 'librarian' itself gained the status of a specialised profession.

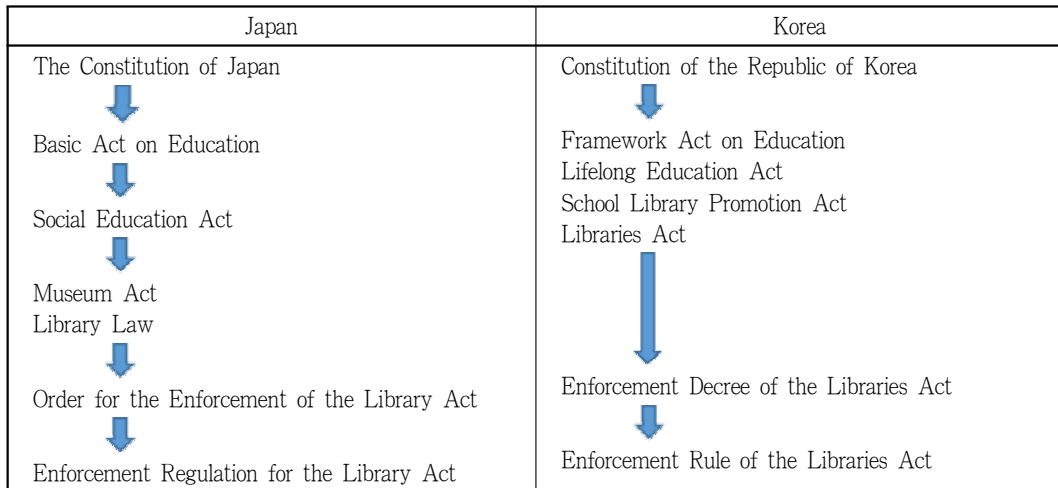
Laws that are related with library include the Copyright Act (enacted in 1957), the National Assembly Library Act (enacted in 1963) and the Social Education Act (enacted in 1982) - currently the Lifelong Education Act. Libraries and the Reading Promotion Act were completely revised and split into the Libraries Act (enacted in 2006) and the Reading Culture Promotion Act (enacted in 2013). A movement for the enactment of individual laws for each library type later became active and resulted in the enactments of the School Library Promotion Act (enacted in 2007), the Promotion of Small Libraries Act (enacted in 2012) and the Academic Libraries Promotion Act (enacted in 2015).

6. Characteristics of the Revision Process

6.1 Relation with Other Laws

The system of Japanese library legislation is structured as follows: the Constitution represents the most authoritative piece of legislation and is followed by the Basic Act on Education, the Social Education Act and the Library Law. This means that the Library Law is based on the Social Education Act and the Social Education Act is, in turn, based on the Basic Act on Education. For this reason, each time the Social Education Act and/or the Basic Act on Education were revised, their respective revision campaigns also served to considerably shake the Library Law. Nevertheless, nothing has changed within the system and the position of the Library Law has remained the basic legislation governing public libraries throughout.

In Korea, the only legislation superior to the Libraries Act is the Constitution. For this reason, the effect of other laws on the Libraries Act is seldom seen. The Libraries Law did, however, recently undergo a decomposition, with specific regulations drafted for the school library, the university library, the small library and other. This has resulted in there being an uncertain character of the current Libraries Act, since it deemed to be neither the framework act on libraries nor the public library act.



<Figure 1> The relationship of Japanese and Korean library laws with some other related laws

6.2 Revision Movement

If excluding the revision of 2008, legislative revisions in Japan were not directly related to any movements or campaigns. If excluding the revision of 1952, legislative revisions were mostly partial and were made due to the amendments of other laws and regulations. Other laws and regulations primarily influenced the insertion/revision of certain wording and phrasing although the deletion of Articles may also frequently be observed. An insertion of clauses may be observed in the revision process of 2008. Despite these clauses not resulting in a revision, most movements in favour of Library Law revision were triggered by the policies and laws launched by the government. These included the 1970s governmental movement for the revision of the Social Education Act and the government policy of decentralisation and deregulation of the 1990s, which triggered the government's proposal for the revision of the Basic Act on Education in the 2000s.

In the case of Korea, revisions of library law were the product of suggestions made by members of the library field. 柳玟淑, 藥袋秀樹 (2012) classified the periods of Korean library legislation and ascertained that the laws of 1963, 1987 and 2006 were those that saw significant changes. These three laws have been created through long revision preparations within the library field.

6.3 Revision Subject

In Japan, great importance is traditionally placed on the viewpoints of government officials

during the policymaking process. Table 1 displays the quantity of Japanese legislative bill proposals and approvals. The number of legislative bills proposed by the Cabinet is almost double that of the number of legislative bills proposed by lawmakers.

The proportion of proposals approved in relation to proposals made by both sides indicates that proposals made by the Cabinet were approved in 85% of the cases, while proposals made by lawmakers were approved in only 28% of the cases. Total figures also indicate that proposals made by the Cabinet were approved in 85% of the cases, while proposals made by lawmakers were approved in only 15% of the cases. It may thus be concluded that the approval rate for proposals made by the Cabinet is considerably higher than the approval rate for proposals made by lawmakers.

〈Table 1〉 Legislative Bill Proposal / Approval Number for Japan

| | Legislative Bills Proposed by the Cabinet | | Lawmaker Initiated Legislation | | Total | |
|-----------------------------------|---|----------------|--------------------------------|----------------|-----------|----------------|
| | Proposals | Approvals | Proposals | Approvals | Proposals | Approvals |
| 1947 to 2009* + 2012 to 2016** | 9,568 | 8,165 (85%) | 5,184 | 1,457 (28%) | 14,752 | 9,622 (65%) |
| Total % | 65% | 85% | 35% | 15% | 100% | 100% |

* Data is abstracted from the Imperial Diet and Diet Legislation Statistics (古賀豪, 桐原康榮, 奥村牧人 2010).

** Edited data from the 内閣法制局 publication, <http://www.clb.go.jp/contents/all.html>, accessed 8 September 2016.

During the policymaking process in Korea, great importance is likewise placed on the viewpoints of government officials. Data compiled in Table 2 indicates that the approval rate for proposals submitted by the government is also high in Korea. Legislative bills proposed by the government were approved in 82% of the cases, while those proposed by lawmakers were approved in only 46% of the cases. However, the number of overall proposals made by lawmakers are four times higher than the number of proposals made by the government. Therefore, the overall ratio of approved legislative proposals is higher for lawmaker-initiated legislation, encompassing 69%, while the approvals of government proposals amounts to 31% of all cases.

This same tendency may also be observed when examining the library law revision movements. In Japan, all revisions of library law were based on government proposals. In Korea, the laws of 1963 and 1991 were enacted based on proposals made by the government, while the partial amendments of 1987, 1994 and 2006 were primarily the result of lawmaker-initiated legislative procedures.

〈Table 2〉 Legislative Bill Proposal / Approval Number for Korea

| | Legislative Bills Proposed by the Cabinet | | Lawmaker Initiated Legislation | | Total | |
|--------------|---|----------------|--------------------------------|-----------------|-----------|-----------------|
| | Proposals | Approvals | Proposals | Approvals | Proposals | Approvals |
| 1953 to 2015 | 9,529 | 7,824 (82%) | 41,318 | 17,913 (46%) | 50,847 | 25,737 (51%) |
| Total % | 19% | 31% | 81% | 69% | 100% | 100% |

Edited data from the Bill Information, National Assembly publication,
<http://likms.assembly.go.kr/bill/stat/statFinishBillSearch.do>, accessed 8 September 2016.

6.4 Revision Level

In Japan, the core is well depicted by the words: “/…/ (Library Law was) created through a great deal of enthusiasm, /…/ slightly revised and it is far from being something that would need to be abolished (清水正三 1972, 52)”. In addition, the revision debates of the 1950s highlight an emphasis placed on practice rather than on the progress of library development by relying on the compelling power of state legislation. More than the consideration of the content of library law, the issues debated in the 1970s predominantly dealt with the pros and cons of the Library Law being absorbed by the Social Education Act. To rephrase, the debates resulted in the fixed idea that Library Law needed to gain independence from the Social Education Act (西野一夫 2009, 86).

Due to the negative effects of the Japanese centralisation of power, a regional self-governing system was introduced by basic GHQ post-war policy and also began to take root. The same observance can be made for the library system. Because they had functioned as agencies used to indoctrinate during the war, the levels of the Centralised System (such as Advisory Committees within the Central Library System and the central political power) were discontinued and replaced by the ‘local autonomy system’ for the same reason. Libraries likewise developed on the basis of regional characteristics. However, since libraries in rural areas did not receive any governmental support, national library development policy failed to reach them.

Korea is a country with a firmly rooted and centralized system of governance. The history of local autonomy is short¹⁵⁾ and even in the present time, policies are primarily influenced by

15) The local self-government system was in practice from 1952 until 1961, when it was abolished by the military coup d'état. The local self-government system was revived as a result of the democratization movement in the 1980s. The Local Assembly System was established with the General Election of 1991 and the Heads of Local Communities were elected with the election of 1995.

the central government and the President. As a result, regional decentralisation is progressing but since its foundation remains weak and given that libraries require support provided by the central government, the centralised system is tightening up.

The reasons for the Japanese Library Law not having been considerably revised until now can be found in the recurring opposition of arguments for and against revision each time there arose a revision movement. Nevertheless, discussions on the parts needing revision including the contents of clauses definitely did take place. Yet, unfortunately, no compromises were presented. The Library Law has remained the same up to this day, with not even the slightest revision, resulting in the strengthening of its basic idea with no progress in sight.

Considerable changes of the Korean Libraries Act were the direct result of KLA-centred proposals for legislative revision. In view of the inexistence of internal discrepancies within the Association, the opinions of the library field have been collected and therefore, it was also easy to make proposals that appealed to both the government and the National Assembly. In addition, the background and process of Korean Libraries Act revisions were different each time. In 1987 and 2006, the revision proposals came from within the library field, while the revision proposals of 1991 and 1994 came from outside the field. The creation of the draft proposal in 1987 was KLA-centred, while the creation of a draft proposal in 2006 was backed by the Ministry of Culture. With the newly established Ministry of Culture in 1991, the Libraries Act revision was demanded in a natural way and in 1994, it was approved while making compromises with the field of publishing and reading. Upon examining the contents of these laws, it is evident that revisions made on the basis of issues presented by members of the library field (1987; 2006) significantly reflected other changes occurring in society and may be labelled as progressive in comparison to laws that were revised based on influence from the outside (1991; 1994).

7. Conclusion

In Japan, modernization progressed during the Meiji Restoration due to the introduction of Western culture, which was later transferred to Korea. Accordingly, during the Japanese occupation of Korea, the Korean social system was not much different from that of Japan. After the Second World War, Japan was governed by a coalition of Allied powers that were centred on the US military, while Korea was under the governance of the US military. During this period, the social systems of both countries were being re-developed. On the one hand, the Japanese system was

developing in the direction of removing centralisation, while on the other, Korea was developing into a centralised state. Due to this, the library legislation system of Japan developed in the direction of reduced state support and the assignment of jurisdiction to local areas, while in Korea, localisation took place with state support and aid remaining stronger than the role and power of local autonomous bodies.

Due to the immense power of the Japanese government over legislative enactment and revision, there exist narrow possibilities for legislative revision with the result that the structure and characteristics of library legislation within Japan are nearly the same today as they were at the time of their enactment. Since relevant library law is placed in a hierarchical relationship under the Basic Act on Education and the Lifelong Learning Act, it is also easily influenced by them. Yet, regulations are loosening and decentralisation is progressing, so that state control (as well as support) are likewise diminishing. The purpose of the Library Law was to enable the library to prosper. Currently, the law remains only a shell that supports the legal basis of the library.

In Korea, where the National Assembly has vast powers over the enactment and revision of legislation, revisions have been carried out on a large scale, resulting in numerous changes of structure and characteristics of library law. Korean Libraries Act was enacted as an all-encompassing law, but since the School Library Promotion Act, University Library Promotion Act and other laws, based on the type of library, gained independence from the Libraries Act, the current situation cannot be regarded as stable. It is difficult to define the basic character of the current Libraries Act, since it remains unclear whether this piece of legislation is the fundamental law on libraries, the law on public libraries a general libraries act that excludes school and university libraries.

In light of these discrepancies, fundamental revisions to library legislation are being demanded in both Japan and Korea.

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