



Time to Think About the Emperor System

How to Apply the Traditions of the Imperial Household to Modern Japan — Analyzing the Implications of the “Emperor as Symbol” Statement

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On August 8 last year, the Imperial Household Agency published a video and text on its website titled (in Japanese) “A message from His Majesty the Emperor on the Serving as a Symbol.”

In his message, the Emperor implicitly expressed a desire to abdicate and, judging by polls conducted by various media afterwards, he already has the strong support of the majority of the Japanese people to do so. In response to this statement, the Cabinet Office set up a panel of experts to discuss how to reduce the burden of duties on the Emperor and other issues. Its members were decided on September 23 and it commenced work.



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The origin of calls to pass a one-off special law

This current panel of experts has been tasked with freely discussing how the system might deal with a future abdication. At the time of writing, it is not clear what direction they will take, but it seems likely that some kind of change to some sort of system which allows abdication will be proposed and that they will decide. This would be a huge change to the current system which, ever since the former Imperial Household Law (established in 1889 during the Meiji period), has forbidden the Emperor to choose abdication.

Article 2 of the Japanese Constitution states that, “The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.” There are only a few cases like this where an article of the Constitution indicates a separate law and specifies that it must be followed. Also, that the Imperial House Law might be revised to permit abdication and that such action would not conflict with the present Constitution, is an interpretation that has been consistently held by Japanese governments to date (such as a reply on 10 March 1971 by Takatsuji Masumi, director-general of the Cabinet Legislation Bureau to a Cabinet Committee of House of Representatives.)

Taking these factors into account, revision of the Imperial House Law seems like a good route to enabling abdication. Looking at the results of public opinion polls too, there is considerable support for changing the system permanently to enable any future emperor to abdicate, rather than limiting the rule change to just the current Emperor.

Yet strangely, before the setting up of the expert panel, leaks from anonymous government officials already suggested that abdication of the current Emperor should be enabled through a one-off special law, rather than through revision of the Imperial House Law (for example, as in the

morning edition of the September 14 *Mainichi shimbun* newspaper). It seems that the justification for this is that revision of the Imperial House Law would take too much time but, if as expected additions and alterations were limited to the article relating to abdication, they wouldn't take that long. The various issues relating to the Imperial House Law have already been repeatedly considered by the government since the 2000s and there must be a considerable amount of expert opinion and research material collected already.

Of course, it might also be the judgment of government officials who have had direct experience of the complex paperwork involved in changing laws. But more than that, those anonymous officials sense reluctance to meddle with the current Imperial House Law that was promulgated and enforced in 1947. Originally, when the draft version of the new Imperial House Law was created (as a Diet statute law) its contents were understood to mean that abdication could be enabled by passing a one-off law. A draft of the postwar Imperial House Law was discussed by the Temporary Investigation Council of Laws of the Cabinet, then the agreed draft bill was sent for deliberation in the Diet before being passed. The person mainly responsible for creating the "Imperial House Law Outline," which was used as the basis of the Committee's deliberations, was Takao Ryoichi, the director of the general affairs division at the Minister's Secretariat, the Ministry of the Imperial Household. Later on in 1962, Takao issued a document to a Research Commission on the Constitution titled *The Process of Establishing the Imperial House Law*, and discussed in general terms how the outline had been created (Annual Report of the Institute for Japanese Culture and Classics; 73rd Volume, republished by the Institute for Japanese Culture and Classics, Kokugakuin University in March 1994).

According to that account, just like the final Imperial House Law that resulted from it, the outline did not allow for abdication. But according to an explanation added by Takao, "If due to unforeseen circumstances an occasion should arise in which abdication is necessary, a single special law should be passed that addresses the specific situation, and the issue dealt with through this." The decision not to add a provision allowing for abdication to the law was based on an intention to prevent "abuse that ignores the free will of the Emperor."

Admittedly, there were historical facts in the era when powerful nobles such as regents and chief advisors may have had influence in the Imperial Court, but is it hard to imagine a situation today when the Emperor would be forced to abdicate. Nevertheless, the same sort of justification can be seen here and there in comments by anonymous government officials in media reports on the recent abdication issue. The issue is not the authority and strength of the prewar Imperial House Law, or the postwar law that succeeded it. Rather, it is bureaucrats who seek to avoid significant changes to the system during their tenure, and prefer the status quo.

Ito Hirobumi's reasons for forbidding abdication

Hiraizumi Kiyoshi was a historian who advocated unquestioning obedience to the Emperor, and promoted understanding and application of the "Japanese Spirit" as a basis for that loyalty. He argued that it was not appropriate for the Emperor's subjects to seek to criticize his policies; rather they must faithfully obey his words. Even when the Pacific War ended in 1945, Hiraizumi restrained soldiers who sought to rise up against the decision to surrender to the allied forces, arguing that they should submit to the wishes of the Emperor.

Yet, in response to the current message from the Emperor, those who advocate protecting tradition have frequently argued that the current Imperial House Law should be maintained, and that the issue should be resolved by installing a regent rather than the Emperor abdicating. They say that "artificial change" to the "traditional Imperial Household" is bad, and that there are grounds for this argument (for example, an interview with Kobori Keiichiro, published July 16 on

the *Sankei shimbun* News website).

Of course, as has been remarked on by various media, since the first abdication there have been eighty-five abdications from Empress Kogyoku, to Emperor Kokaku towards the end of the Edo period. Looking at these, we see that almost 70% abdicated. What made such abdications impossible later was the stance of Ito Hirobumi, prime minister when the prewar Imperial House Law was passed.

On 20 March 1887, Ito made the following comment in a negative response to a draft bill that included an abdication provision. "Once the Emperor ascends to the throne, he cannot leave that throne of his own volition." He also referred to past abdications, saying: "They came from old and bad Buddhist traditions." (Corpus of Reference Materials on Legislation in Japan No.16. Meiji Imperial Household Law (1889) Volume 1. Written and edited by Hiroshi Kobayashi et al. Shinzansha Publisher Co., Ltd., 1996, Page 453.)

Ito's explanation that abdication was due to the influence of Buddhism on Japan's Emperors may be another way of saying that there was no custom of abdication before Buddhism entered Japan. The most important thing for Ito was the first of the two reasons above, i.e. the stance that the Emperor should not leave the throne of his own volition. As Sakamoto Kazuto points out in "Hirofumi Ito and the Establishment of the Meiji State" (Kodansha Gakujutsu Bunko) Hirobumi's main aim in using this tactic was to separate the Imperial House and the government and ensure they had no power to influence each other.

Probably, memories were still fresh of how, at the end of the Edo period, Emperor Komei had caused political confusion by pressing the Shogunate to expel foreigners from Japan. An emperor might interfere with politics by hinting at abdication, and this was probably the situation that Ito feared. As a result, the Emperor was forbidden to abdicate of his own volition; in other words, a new Meiji period "tradition." It is highly doubtful whether we need to maintain this tradition in the twenty-first century or use it as grounds for discussion on an abdication provision.

The relationship between the 1946 imperial rescript and the Emperor's message

The system is one in which the Emperor cannot exercise free will over abdication. During deliberations on the current Imperial House Law, one intellectual who criticized that as being a major problem was the political philosopher Nambara Shigeru. On 16 December 1946 Namabara stood up to ask a question during the first reading of the Imperial House Law in the House of Peers. He argued in favor of including a provision that would allow the Emperor to abdicate "of his own will," because Emperor Hirohito taking "moral" responsibility for Japan's defeat in the war and abdicating would be an appropriate stance in view of his "central role of the moral lives of the Japanese people."

In addition, he argued that such a provision was necessary to "respect the Emperor's basic human rights." He said that under the former Imperial House Law the Emperor "had been under severe medieval feudal restrictions." He said that the Emperor's basic human rights must be acknowledged, "because the Emperor was a human being equal to others and a symbol of the united Japanese people, and because it follows from the general basic democratic principle that all people are free and equal before the law." Namabara explained himself in this way, saying that "since a new democratically constructed Imperial Household Council could be set up" under the future Imperial House Law, it would be possible to check and eliminate any danger of political use of abdication by evil politicians.

Namabara's arguments here about the Emperor expressing "free will" only concern the option of abdication, so perhaps it would be too much to describe this as a general human rights issue. Respect for basic human rights *is* a key pillar of the Japanese Constitution, however. The Emperor

is set up as a symbol of the unity of the Japanese nation and the Japanese people, so there is a fundamental contradiction if the Emperor is unable to remove himself from that role of his own volition. Amid such criticism, the Emperor was given the role of “symbol” in the new Japanese Constitution. Meanwhile, in an imperial rescript issued as part of his 1946 New Year’s address, the Emperor stated that he was not divine (the Humanity Declaration). This laid the foundation for the Emperor’s new postwar role. Nambara may well have had these things in mind.

Mitani Taichiro, an authority on the history of Japanese politics and foreign relations, has pointed out a strong link between the Emperor’s message of August 8 and the 1946 New Year’s address (*Asahi shimbun* morning edition, 18 August 2016). In this message, the Emperor emphasizes his own and the Empress’s experiences enthusiastically touring the whole of Japan, meeting above all those who have suffered in disasters and the less fortunate in society, and sympathizing with their suffering. The Emperor expresses this in the following words.

“In my travels throughout the country, which I have made together with the Empress, including the time when I was Crown Prince, I was made aware that wherever I went there were thousands of citizens who love their local community and with quiet dedication continue to support their community. With this awareness I was able to carry out the most important duties of the Emperor, to always think of the people and pray for the people, with deep respect and love for the people. That, I feel, has been a great blessing.”

Mitani argues a parallel between the words “deep respect and love for the people” and words from the 1946 New Year’s address: “The ties between Us and Our people have always stood upon mutual trust and affection. They do not depend upon mere legends and myths.”

The words “mutual trust and affection” in the latter part of this quote, which explain the ties between the Emperor and the people, also signal a departure from the system of the old Constitution in which the Emperor’s legitimacy was based on the Japanese myth. Instead, they hold an important significance for the Emperor’s new role as a “symbol.”

Having said this, there is a considerable difference between the context of the “deep respect and love for the people” in the Emperor’s message of August 8 and the “mutual trust and affection” of Emperor Hirohito’s 1946 New Year’s address. Emperor Hirohito was referring to a situation in which the trust and affection between the Emperor and the people is mutual. In contrast, in his message the present Emperor spoke of “deep respect and love for the people”; in other words, it is clearly one-sided.

From his message it is very clear that the Emperor has thought long and deeply; and not so much about Emperor Hirohito (or the person who drafted the New Year’s address), but about his position as a symbol under a Constitution based on the sovereignty of the people. According to the internal logic of the Japanese Constitution, it is made according to the will of the sovereign Japanese people, and it is that which permits the Emperor’s role as a symbol. Accordingly, whether or not the people hold deep respect and love for the “symbolic” Emperor and maintain the Imperial system is for the people themselves to choose; the Emperor cannot seek it from his side. The words “deep respect and love” are probably founded on this harsh self-awareness. Perhaps too, there is a special significance in the use of the emphatic word “deep.”

The word “abdication” was not used in the message of August 8. Of course, the Emperor did so because under the current Constitution he is not allowed to do anything that resembles a request to the government for change to the Imperial House Law. Instead, the message offers something similar to a conclusion: “[It is my hope] that the duties of the Emperor as the symbol of the State can continue steadily without a break.”

The Japanese characters in the Emperor’s message that have been translated as “Emperor as the

symbol of the State” were slightly different and more concise than those used in the past. The Emperor’s message expresses a strict reaffirmation of the role of the emperor; not as a myth, but as supported by the will of the Japanese people, as well as the Emperor’s desire to “stand alongside the people, listen to them, and share in their thoughts.” We might call it a “Declaration of the Emperor as the symbol of the State.”

Putting into practice the “virtue” that has sustained the imperial line

The message also refers to the “the duties of the Emperor as the symbol of the State”; and it is clearly apparent on reading the message that this word is interpreted not as a postwar concept, but as following the traditions of the Imperial Family. The message also contains the following words.

“As one who has inherited a long tradition, I have always felt a deep sense of responsibility to protect this tradition. At the same time, in a nation and in a world which are constantly changing, I have continued to think to this day about how the Japanese Imperial Family can put its traditions to good use in the present age and be an active and inherent part of society, responding to the expectations of the people.”

It is precisely by responding to the expectations of the people through its work that the Imperial Family can find a secure place in society. It is this idea that the message expresses, I believe.

This recognition of the common nature of the postwar Imperial House and prewar traditions can be found in other statements by the Emperor, such as a press conference on 6 June 2006. Regarding the stipulations in the constitution that the Emperor be a “symbol” and that he “shall not have powers related to government,” he stated that he “considers them founded on the traditional nature of the Imperial House.” The Emperor’s recent “Emperor as symbol declaration” does not stop at the negative aspect of his role, i.e. that the Emperor “shall not have powers related to government.” Rather, it suggests that as a “symbol” the Emperor should actively work to “share in the thoughts” of the people, and appeals for an understanding that this continues the traditions of the Imperial House.

There exist many opinions concerning the issue. The Emperor holds his position on account of being part of a sacred blood line. In making abdication possible, it would not be appropriate that an Emperor is forced to give up his role based on a judgement of whether he is able to properly perform his duties or not. This is a notable objection of those who oppose a system of abdication. There is some strong logic to this position, yet it is only half right.

The set form of imperial edict for the abdication of an emperor was as follows: “Many years have passed since I, who have but little virtue, have inherited the throne. I am filled with grief and fear at the thought of such a foolish and commonplace one as I continuing in the position of Emperor” (Imperial edict on the abdication of Emperor Go-Shirakawa in 1158). It is not enough just to inherit the Three Sacred Treasures based on the blood line; rather the Emperor must carefully consider the lives of people from the bottom of his heart, and that it is precisely the act of demonstrating this “virtue” that makes a true Emperor.

In the tradition of the Imperial House there lives a consistent awareness that it is through such performance of virtue that the imperial line continues. In his 1952 work *History of Japanese Ethical Thinking*, Watsuji Tetsuro indicates that these concepts of “benevolent rule” and “affection to the people” have been passed down as an ideal image of an Emperor.

The recent message by the Emperor may be a declaration that attempts to reaffirm that the work of an “Emperor as symbol” continues the traditions of the Imperial House. I don’t know whether or not we can create a system that ensures “the duties of the Emperor as the symbol of the State can continue steadily without a break” as the Emperor has asked. But I would like to have strong hopes for the future as I continue observing moves to reform the system.

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