



An Inside View from the Advisory Council on Easing the Burden of the Official Duties and Public Activities of His Majesty the Emperor — Looking back at seven months that decided the Emperor's future

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In April 2017, the Advisory Council on Easing the Burden of the Official Duties and Public Activities of His Majesty the Emperor (hereafter, Advisory Council) put together its final report and concluded its work. In my role as acting chairman of the Advisory Council I was also its spokesman, so some readers may have seen me at post-meeting press conferences and other events.



Prof. Mikuriya Takashi

There was absolutely no precedent for these discussions on Imperial abdication, so it was inevitable that there would be some trial and error involved in seven months of deliberation. Nevertheless, right now I feel that we produced the best report we could. But just what was this Advisory Council that captured the interest of the Japanese people? As our deliberations have now achieved their initial aim, I'd like to explain as much as I can.

On 21 April 2017 the Advisory Council delivered its final report to Prime Minister Abe Shinzo. The report proposed permitting the Emperor to abdicate, and also the establishment of a special law on abdication instead of revising the Imperial Family Law. The report also suggested that the Emperor and Empress be referred to as Retired Emperor and Retired Empress following abdication, and that Prince Akishino be referred to as Imperial Heir.

In August 2016, the Emperor himself used a video message to announce his strong wish to retire on account of his advanced age. Hearing his words, I was first struck by the thought that this is a “delicate” issue. I have spent my career studying politics, and it goes without saying that any political action by the Emperor would be a violation of the constitution. From

my perspective as an academic, I certainly don't think it desirable for the Emperor to influence Japanese politics by expressing his thoughts.

In his message, the Emperor expressed his wish to abdicate, and also negative feelings towards appointing a regent. On top of that, he said it was "impossible" for him to reduce his role as a symbolic emperor. By saying so, I feel that he was pushing the limits of his status as a symbolic emperor. If one was comparing this to a sumo bout, a wrestler's foot would have slipped slightly out of the sumo ring.

My personal connections to Imai Takashi and Sugita Kazuhiro

Basically, to date I have been critical of the Abe administration. So, I must admit that when I was approached about being a member of the Advisory Council that was due to start in October 2016, all sorts of worries cropped up. To begin with, the issue of abdication was unprecedented and difficult, so it was conceivable that the Advisory Council would become divided or dissolve without reaching a conclusion. I thought it would be bad if that happened.

Nevertheless, I accepted on account of how the Emperor had entreated the people to deal with his own aging. I felt this issue of human compassion should be dealt with swiftly. I also had close personal connections to two other members of the Advisory Council: Imai Takashi and Kazuhiro Sugita, who was representing the Cabinet Office.

Eighty-six-year old Imai Takashi is the manager of the venerable Nippon Steel Corporation. In order to understand the perspective of the Emperor, it was important for the chairman to be older. Having someone of the same generation and with such gravitas helped give the Advisory Council authority.

Above all, I trusted Imai's steady character. Fifty years ago, during the Koizumi administration, I worked with Imai on the Round Table on Establishing a Memorial for Mourning and Prayers for Peace. So, when I received the offer and heard that Imai would be the chair, I intuitively felt that it would go well.

My other personal connection was with the person who approached me, Deputy Chief Cabinet Secretary Sugita Kazuhiro. Sugita is about ten years older than me, went to the same university, and was a member of the same tea ceremony club. Although I did not know him when I was at university, we became friends through our alumni association and sometimes socialized together. At the time I was working on an oral history by Kasai Yoshiyuki of JR Tokai, Sugita was an advisor to the same company and we often bumped into each other at

meetings and other occasions. The present Cabinet Office is very strict about controlling information, and even the Advisory Council might not hear about some critical discussions. But I thought that if Sugita was a member, one way or another it would be OK.

On accepting the invitation to join the Advisory Council, as expected, the Cabinet Office's information control was thorough. When Cabinet Office staff turned up to give us an "explanation" before meetings, they took most of their materials back with them, leaving only a document titled "media warnings" which they said was OK to use. Nevertheless, apart from the official press conferences, having assigned me to my role as acting chair, which included media relations, the Cabinet Office gave me complete freedom.

The Advisory Council convened in the largest meeting room in the Prime Minister's Official Residence. It was the same room that was used for meetings of the Reconstruction Design Council following the Great East Japan Earthquake in 2011. The Reconstruction Design Council included ten to twenty staff from the Ministry of Finance, the Ministry of Economy, Trade and Industry, and other places, quickly becoming a big group of over fifty. This time the Advisory Council was led by the Cabinet Office and was a small group of around ten people from beginning to end. The only staff from other departments were from the Imperial Household Agency, and we weren't relying on force of numbers to get things done.

Also, the limited number of members was an important factor in the Advisory Council's smooth operation. The Reconstruction Design Council had over fifty members. With that kind of council, when there are more than ten people, the members start to feel less responsibility. Conversely, when they have too much zeal, a council can become divided.

This time, as well as myself and our chair Imai, the six-member Advisory Council included: Professor Obata Junko of Sophia University; Keio University President Seike Atsushi; Professor Miyazaki Midori of Chiba University of Commerce; and Yamauchi Masayuki, Professor Emeritus at the University of Tokyo. Our meetings took two hours and involved much discussion. I lost count how many times, when the discussion became very heated, our chair Imai reminded members of the limited time available and the need to soon move on.

Another important point was that none of our six was a specialist on the Imperial House system. As a rule of thumb, specialists often get too attached to their own ideas, and the discussion does not move forward. When one person disagrees, others get dragged into debate and the meeting doesn't progress at all. It was wonderful how no-one was late or absent to any of the fourteen meetings, and how we were able to hold frank discussions.

We wouldn't do anything that wasn't supported by the public

When addressing the abdication issue, our most important consideration was the feelings of the Emperor himself. Yet, if our discussions had directly reflected the opinions that the Emperor had expressed, there would be a risk of unconstitutionality. Therefore, the premise behind the Advisory Council's creation was to go along with the feelings of the 90% of the Japanese people who heard the Emperor's words and agreed with them.

At the first press conference I stressed that: "You journalists are also participants. Please conduct polls and ascertain the direction of public opinion. We will reflect that." I believed that we could not discuss the issue while ignoring public opinion. The reporters seemed taken aback but I wanted to explain that we would not do anything that was not supported by the public. Rather than being secretive, the idea was to disclose as much information as possible, thus giving the Advisory Council more viability and public support. In fact, when we look at the opinion polls that followed, the 90% public support for the Emperor's feelings did not change. Although no member of the Advisory Council put this into words, I think we aimed for a result to suit a public mood that in itself reflected the Emperor's feelings.

Although the Advisory Council was criticized by some as "directing the discussion according to instruction from the government," in actual fact we had no such instruction from the Cabinet Office.

One unexpected development occurred in early November when we began interviewing specialists. The Cabinet Office had started the interviews partly to avoid the media and public thinking we'd decided on a particular direction for the discussions. But events took an unexpected turn for us.

The selection was made by Cabinet Office staff and we members were only told of the result. When we looked at the final list, we found that it wasn't just researchers with expert knowledge of the Imperial Household, but that the majority were journalists, commentators, and academics who had expressed opinions about the Emperor's abdication, mainly in newspapers. Glancing at the list, we noticed that the number of commentators with what you might call right-wing views was relatively large, but no-one expressed any objection to that.

There were sixteen interviews in total, with each person allocated 20 minutes. Beforehand, we gave the interviewees a list of ten questions such as "What are your thoughts on the role of the Emperor within the Japanese constitution?" We also said that they were welcome to

submit a statement of their opinions or resume. Then, when we actually started the interviews, we found that opinions against abdication of the Emperor were more numerous than we had expected, and more diverse.

For example, Hirakawa Sukehiro, a Professor Emeritus of Tokyo University, said that “the Emperor is tired because he does unnecessary things” and that the Emperor should perform rituals and the official duties specified in the constitution. When we tried to question him, he was not an easy-going interviewee, replying: “I wonder if you can refute me?” Eventually, we ended getting a scolding, with Hirakawa saying, “there was no need for this Advisory Council in the first place.”

Watanabe Shoichi [critic], who passed away recently, was another memorable interviewee, repeatedly saying, “It is OK to do nothing.” As we were wondering how to handle the situation, he finally said: “As soon as I sat down here, I suddenly became deaf and I haven’t heard anything you said. If you will excuse me....” and then left.

Imai, who was sitting next to me, asked: “Was he ill?” and I had to laugh. I replied that it was “political deafness,” a disease specific to Watanabe Shoichi. Yet, as soon as he left the meeting room he spoke to journalists, fluently laying out his thoughts on why the Emperor should not abdicate, so I think he must have heard our questions very clearly.

In the statement of opinion she had submitted beforehand, Sakurai Yoshiko [critic] had written that she was in favor of abdication being limited to the current Emperor. But on the day of her interview she had a sudden conversion and changed her statement. In her new statement, she wrote: “I would like to grant the wishes of the Emperor and Empress,” and that as a citizen of Japan she would like abdication to be made possible. Up to this point, the new statement matched the first, but following that she turned 180 degrees, writing: “Of course we must pay consideration to the advanced age of the Emperor, but this is a different matter to thinking about the nature of the nation.” She changed her mind right at the end of the statement, and I was quite struck by this deft shift in logic. I was also struck by how these right-wingers included “actors” who brought an array of “dramatic effects” to our interviews.

These opponents to abdication had an unexpectedly large impact; and the media seemed to assume that the Advisory Council might conclude not to accept abdication in accord with the Emperor’s expressed wishes. The newspapers wrote such things as “Eight in favor of abdication, six against, expressing caution two,” and that if it came to a majority decision there would be deadlock.

Just as I started to worry about how the Emperor must be reacting to these reports, one of

his old school friends, Akashi Mototsugu, appeared in the media. He revealed that the Emperor had expressed his feelings during a telephone call, saying, “I would like a system where abdication is possible, including in the future.”

Akashi’s remarks came exactly as the third specialist interview occurred, and around the time the trend was becoming clear. Given the timing, it’s easy to imagine that the Emperor felt a sense of crisis. As it happens, around that time Akashi approached me through an intermediary, saying he wanted to talk, but I politely declined, fearing that I might invite unwanted suspicions of a backroom deal. All the same, similar activities were going on behind the scenes.

These activities prompted a sense of crisis among both Advisory Council members and the Cabinet Office. The Emperor’s birthday was on December 23, and should he once again express his desire to abdicate, it would be impossible to deny that political intervention had occurred. Even more worryingly, some of the media had begun to speculate that the final report would simply set out both sides of the argument. If we sat on the fence, the Advisory Council would mean nothing. But luckily, right until the end all our members agreed on aiming for some kind of conclusion.

We considered a “system of mandatory retirement”

In December, after all the interviews were finished, we reviewed the arguments. We started with the most important issue, permitting abdication or not permitting abdication, then examined one-by-one the issues and problems associated with those outcomes.

If abdication is not permitted, then the regency system stated in the Law should be adopted. However, the 16th article of the Imperial Household Law states that such a system would be adopted when the Emperor cannot carry out official duties due to being “affected with a serious disease, mentally or physically, or there is a serious hindrance.” At present the Emperor is healthy, so this situation does not apply. In other words, the Imperial Household Law would have to be revised to add a new condition.

On the other hand, if abdication was permitted what would the issues be? The fourth clause of the Imperial Household Law states, “Upon the demise of the Emperor, the Imperial Heir shall immediately accede to the Throne.” It is written that Imperial succession shall occur on the “demise” of the Emperor, and does not allow for the abdication of a living emperor. To make abdication part of the system, a new clause would have to be added here, too. In short,

whether or not abdication is permitted, revision of the Imperial Household Law would be necessary.

We also considered a system of mandatory retirement. But even though some emperors might express a wish to abdicate soon, other future emperors might want to keep going. It would be difficult to ask an energetic Emperor to withdraw soon, and such a system would ignore each Emperor's individual personality. What's more, if an administration of the time interpreted the clause according to the rules and encouraged abdication, that really would become an arbitrary intervention. Quite possibly, that could eventually destabilize the Imperial Throne.

Having thus reviewed the arguments, we stated our approval for a special exemption law, as laid out in the draft produced by the Advisory Council's secretariat. It read: "Although in principle, we should aim to revise the Imperial Household Law, considering the current situation of the Imperial Throne, a debate on the issues of female houses and female succession would be unavoidable. Revision of the whole law would become unnecessary. If we are to avoid heading straight into a debate on Imperial Household Law revision, and only revise the law to allow abdication of the current Emperor, we believe that a special exemption law is more appropriate."

Some in the public sphere have suggested that a one-off special exemption law is not the kind of solution the Emperor desired, and the completely wrong course of action. But on this occasion, we faced a humanitarian issue, namely helping the aging Emperor, so it was imperative to implement a solution quickly. Precisely because it is a special exemption law, it is possible for the bill to detail the special situation of our current Emperor and those reasons for his abdication of which most people in Japan are aware. Once it has become law, it will be followed as a precedent, and then after several occurrences will come to resemble something like a common law. In other words, I don't believe there is a conflict between a one-off special exemption law and making the change part of the system. And in the end, the course of action authorized by the Advisory Council was a one-off special exemption law.

It was December when the Advisory Council proposed abdication via a special exemption law, and around the same time new things started to happen in the Diet. Speaker of the House of Representatives Oshima Tadamori and others stepped up to say that both houses should show independence and deal with the abdication issue.

We had been tasked by the government to discuss the issue based on a government proposal, so we thought it would be OK to continue our discussions, even in parallel with the

Diet. But matters weren't that simple.

I am the host of a current affairs program on TV called "Jiji-Hodan," and all the politicians who appeared on the program around that time (either ruling party or opposition) made references to the Advisory Council. Most of them gave me a warning. "It is great that you are doing your best, but your members are not representatives of the people," they said. "It is we who have been chosen by the people, so don't get the wrong idea."

What's more, that December I gave a newspaper interview in which I said something along the lines of: "The special exemption law course of action is pretty much decided." In response, Speaker Oshima said, "The Diet is not an organization that works for the Advisory Council." Probably, he believed that the Diet should not simply convert the Advisory Council proposal into a draft bill. Rather, it should independently decide on the contents of the proposal itself. And I think that was a sound argument.

The Cabinet Office passed on our review of the issues to the Diet, and staff from the Advisory Council office also were summoned by the various factions to explain the situation. No further meetings of the Advisory Council were held until the bill was ready, and we entered a period of what you might call "hibernation."

We then waited for a summing up from speakers and deputy-speakers of the two houses before issuing the Advisory Council's final report on April 21. There was some criticism of the report as "having no depth" and "being too pragmatic," but I think this was partly due to not having put down the discussion process in writing. We feared, that if we started to include the unused plans and the reasons why we didn't use them, the debate would be reignited. That's how we made a deliberate and pragmatic decision to only put our conclusions in the report.

It is important to expand the Imperial Family

One element of the final report that particularly captured the public's interest was that of titles: that post-abdication the Emperor and Empress should be called Retired Emperor and Retired Empress, and Prince Akishino be called Imperial Heir. Prince Akishino has undertaken his official duties under his current title for almost thirty years, and is still considerably attached to it, I have heard. So, it was difficult to simply suggest he abandon his Prince Akishino title and become the Crown Prince (East Palace). Therefore, we came up with the suggestion of retaining the title Prince Akishino, but giving him the completely new title Imperial Heir,

which exists in the Imperial Household Law but has no historic precedent. I believe we settled the issue in an appropriate manner.

As Representative-Chair of the Advisory Council, I tried to address the abdication of the Emperor not as an academic studying politics, but as a Japanese citizen. If I were to view the issue as an academic, inevitably I would interpret it as an academic. A special exemption law is not an elegantly worded law, so I might have argued for amending the Imperial House Law. Compromises of different kinds were made regarding various other aspects of the issue too. But if I'd brought those up, the matter would never have ended. I made the pragmatic decision that, in order to resolve the issue, it would not be a good idea for me to get involved in situations which invited strong differences of opinion. Probably, the other members of the Advisory Council also acted according to their common sense and experience of the world. The final report of the Advisory Council contained decisions made by adults who had considered the issues as best they could, normally and with common sense.

As we were producing the final report however, we all came to wonder whether it really was OK to let it end at this. Although this goes beyond our current remit, when we considered the Imperial house so intensively we couldn't help but think about the Imperial succession issue, and more specifically whether the shrinking size of the Imperial family was an acceptable situation.

When a new Emperor is enthroned, that means there is one less heir. Just because we have Prince Akishino and Prince Hisahito, that doesn't mean we can rest easy. That's because Prince Hisahito is the only child from his generation in line to the throne. Increasing the size of the Imperial family is one of the key issues relevant to removing this source of worry. During a dinner meeting that took place around the time we finished the first part of our work, the Advisory Council's chair Imai Takashi clearly conveyed this fact to Prime Minister Abe.

We felt that it was necessary to properly include these future issues in the final report, so we concluded the document with the following passage.

"In order for the Imperial household to be able to continue its activities, we must quickly investigate measures to address the shrinking size of the Imperial household. In the future, we hope that not only the government, but also all sections and levels of society will discuss this issue in more detail."

Regarding the possibility of an Empress, there are many opponents to the idea and it's not difficult to imagine a fierce debate. Advisory Council members were constantly mindful of the discussions about the shrinking size of the Imperial family that will probably occur in the

not too distant future.

We very much hope that Prime Minister Abe will proceed with revision for the Imperial House Law, including discussions such as these.

It is possible that it is easier for conservative politicians to bring reform to the Imperial household issue than for liberal ones. I expect that our conservative Prime Minister was not in favor of the current abdication from the first. Yet he considered both the support of the public and the feelings of the Emperor and agreed with the current direction. A politician who can make that kind of decision should push the debate forward while he is still Prime Minister.

This issue is just as important as constitutional revision. It has been reported that Princess Mako, the daughter of Prince Akishino, is planning to get married. There has been no better time than now to consider how to deal with the female members of the Imperial family. I hope that we will make use of this fortuitous opportunity to start a debate on the future nature of the Imperial family.

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Born in 1951. He graduated from the faculty of Law, University of Tokyo in 1975. Served as professor of the Tokyo Metropolitan University, the National Graduate Institute for Policy Studies (GRIPS) and the University of Tokyo. His publications include *Miyazawa Kiichi to Takeshita Noboru no Seiji-kan* (Political view of Takeshita Noboru and Miyazawa Kiichi information and knowledge), *Oraru Hisutori – Gendaishi no tameno Kojutsu Kiroku* (Oral History – dictation recording for contemporary history), *Gotoda Masaharu to Yaguchi Koichi no Tosotsuryoku* (Leadership of Yaguchi Koichi and Gotoda Masaharu).
