

Section 2 Ethical ideal of Socialism

Chapter 4

Above mentioned, we have explained that poverty shall cease to exist in society realized socialism by economic evolution involving realization of socialism. In this section, we shall explain that crimes shall cease to exist in society realized socialism by moral evolution of society.

We must drive out the view of crimes based on individualism. Of course, there is a reason to some extent for criminal jurisprudence of individualism that thinks individuals as subjects of responsibility about crimes because crimes named constitutional criminals by scholars of criminal law which are based on many kinds of physiological morbid factors, crimes which are caused by weakened wills to immorality because of alcoholism, crimes which are caused by genetic tendency from parents and so on are caused by immanent factors of criminals¹. But the period of criminal jurisprudence that regards all criminals as ones who have inborn characters from these some people and focuses its efforts to useless aspects has passed away and now criminal jurisprudence deals with crimes as inevitable phenomena of society. And it got to understand that even in constitutional criminals, criminals who have criminal characters by nature are based on the facts that criminal tendencies which their parents or ancestors fallen into because they put under the special circumstances or social oppression are inherited.

Of course we don't perfectly ignore individuals' responsibility as subjects of consciousness because crimes are inevitable phenomena of society but think that no one cannot be called to account of the facts that crimes have increased from the beginning of 19 century unless social system itself is changed by revolution as a process of social evolution. Among the scholars who regard their vocation as advocating, some of them interpret that they are results of increase of population or wealth, the other of them interpret because administrations of justice got to discover crimes fully. But those who argue that crimes have gotten skillful in proportion to development of administrations

¹ Kita regarded these crimes as criminal theory of individualism but these types of crimes tended to be seen in the theory of new school of criminal jurisprudence (new school of criminal jurisprudence thinks that people are determined by their circumstances and crimes are caused by social factors). So, strictly speaking, his arguments didn't perfectly fit to criticism to criminal jurisprudence of individualism.

of justice or crimes have increased in proportion to increase of population or wealth don't understand because modern society has pursued one way of evolution. In fact, increased wealth is monopolized particular class protected by administrations of justice and increased people commit shrewd crimes to avoid cold and starving. Human beings are the living things. Living things have desires to live. We cannot understand the question that what we have desires to live unless the question what we became living things is answered, but it is a fact that human beings have desires to live as living things. We cannot be in starving or naked bodies for desires to live. Since first desires as living things which have desires to live oppress second or third desires to live as higher creatures, poor people are obliged to commit crimes. The argument 'starving produces crimes' cannot explain all phenomena of crimes as some socialists who have superficial views believe, but almost all criminals appearing from lower class of society result from these economic shortages.

No! They become criminals of society to be moralists in their families. Like only one creature is not a unite of the struggle for existence in the world of every other animal (See the next Section 3, *The theory of biological evolution and social philosophy*), a unite in today's violent economic struggle for existence is the very family. When grows are robbed of their babies by mischievous children, how mad they are like eagles. When cute pheasants are robbed of their eggs by weasels, how violently they fight against weasels like cook-fight. Though human beings are originally the gentlest animals because we had been as plant-eating animals, we can transform pure flesh-eating animals like wolves for our wives and children. —Many of criminals of society intend to be moralists in their families. Of course, ethical ideal of socialism doesn't admit this. In today that Machiavellianism² which regards nations ignoring human happiness and world peace, deceiving other countries by diplomacy, invading other countries by forces, and plundering on the pretext of trades for their interests as morals of nations is advocated under the name of imperialism, if some criminals say, 'we have the honor praised as small imperialists', what should we do with these?

Today, we don't struggle with each other over the air. But when a hundred British were arrested by a cruel Indian king in Calcutta at one time and put in prison which only had a slight aperture to breathe narrowly, it is said that they struggled and killed with each other to breathe from a slight aperture nevertheless they were only very well-mannered. Why is this tale an old tale in India? The same exists under your very nose! On the one hand the cities expand, capitalists make fences like castle walls along their houses and occupy the air made fresh by trees and flowers like forest, on the other

² Strictly speaking, this Machiavellianism is not a real Machiavellianism but a Machiavellianism of people belief.

hand innumerable children of workers suffocate in nine shaku and two ken sheds like pigsty because they are filled with rotten smell and heat and aren't come in the air. Statistics which summed up the number of children's death in the cities reveal these facts clearly. If you don't insist on putting above British jailed in prison of Calcutta to death by hanging because they killed with each other when the air in that prison ran short in spite of individualists, we ask you to explain why you intend to round up all small thieves jailed in prison of present Calcutta in the wealth filled with like the air. Do today's criminal law and criminal jurisprudence admit emergency evacuation, don't they? There is an example in Greece quoted for explanation of emergency evacuation. One person who takes a wooden block which other person holds on by force and makes the other person die by drowning when one ship is about to sink is not charged with homicide because his action is an emergency evacuation. If its crime³ is forgave and its emergency evacuation is expanded other aspects—when people commit crimes for saving their wives, children, and parents from die by drowning, why can we call wrecked people who steal a piece of wooden block from a battleship and writhe to avoid drowning criminals like individualists, nevertheless our society forces lower class into situations being able to exercise their emergency evacuation by system of society. Thus, they cannot maintain their families, so they get pieces of breakers to order, they get desperate and commit crimes again and again. Little pieces born from them shall be horrible evil children in the future and criminals in the next generation.

Crimes of upper class are almost the same of above-mentioned. Human beings have desires to live as creatures. However, as Plato said, human beings are not only satisfied with being enough food and clothing but have the tendency to want to live noble lives. Though the word 'noble' had no content originally, now it is only filled with gold. If doctors don't have gold watches, they would lose patients' credit, and if scholars don't have gold glasses, they would not be able to persuade people by their theories. Once even a mere rotten man who only excretes receives a gold aureole, he is respected as a 'Master'. Gold rings make even a woman who is the first-class beautiful woman only in the villages of Hottentots a noble woman and she can take along with procession of men who love her behind her big hip. The content of Platonic philosophy included in the word of 'noble' is entirely driven out and is entirely occupied. In today like these, like lower class become criminals to get enough gold to live, does it go without saying that upper class become criminals to live nobles lives, doesn't it? Criminals are the very victims even though they become criminals because of poverty or temptation, so society need to

³ From a view of criminal jurisprudence, crimes themselves are formed, although we are forgave by emergency evacuation.

think self responsibility to crimes of inevitable phenomena of society. Even the people of lower class shall not be thieves or robbers, if they grow up in good circumstances. Crimes of deception, acceptance of bribes, or compromising one's principles shall disappear from upper class. Do scholars twist and sell the truth highly before gold to live higher lives because they must sell the truth and live, don't they? Do bureaucrats sell their posts with high gold and covet bribery to live higher lives because they must live by little gold gained from their positions, don't they? Even judges who are secured their present positions by constitutions and don't need to worry about their lives have difficulty avoiding temptations to injustice to live higher lives than present. Like children who were brought up in the red-light districts don't understand chastity, bank clerks who are surrounded gold don't have means of repressing temptations to fraud or embezzlement to live noble lives. Today's politicians cannot get positions of members of Diet men by scholarship, general talent, having a literary talent, or eloquence, so they get their positions by gold to buy voters and they must decorate their positions with horses and vehicles which can be bought by gold and magnificent mansions; otherwise the value of their positions shall downfall by the prices principle of competition of capitalists' economics. Though we cannot somewhat help bursting out laughing that the market prices of them are very high, Greek philosopher who say that human beings have the tendency to want to live noble lives would turn a blind eye as 'it is inevitable'. –Criminal jurisprudence of individualism have an dogmatic assumption of the theory of free will and dwell individuals' responsibility to lower class who are surrounded by poverty and upper class who are surrounded by temptations recklessly.

In today, we don't need to explain again that theory of free will of individualism is not equal to scientific criticism. However, it is incomprehensive that Rostrum Socialists who know the theory of free will as groundless well don't understand ethical effects of socialism. Here we shall point Mr. Higuchi Kanjiro⁴ who concentrates his energy on study ethical aspects as a Rostrum Socialist and gains a reputation as a scholar of pedagogy. In his *Pedagogy and National Socialism, New Pedagogies of National Socialism, The main Pedagogic issue of National Socialism*, he argues from a solemn theoretical view that it is an entire empty theory that socialism wishes to exterminate crimes. But we believe *from a solemn theoretical view* that we can certainly wish the extermination of crimes by realizing socialism. Let me quote his arguments in his *New Pedagogies of National Socialism*.

⁴ Higuchi Kanjiro was a scholar of pedagogy in 19-20th century of Japan (1871-1917). He advocated pedagogic theory of National Socialism.

It is unreasonable to judge rashly with the easy deductive method that knowing whether social facts are diseased or not is so this complicated and difficult. Because of this, some people regard one fact as diseased; the others regard it as normal. In many cases, it is difficult which valuations are right and so that discuss often happens.

For example, the crimes seem to be diseased phenomena clearly and many scholars of criminal law do think. But Professor Durkheim argues that crimes are normal phenomena in society (unless those numbers go beyond certain ranges) and says; Crimes do not only appear particular kinds of societies but appear in every society to some extent. Forms of crimes are various but actions which are regarded as crimes and put under the punishments exist in every society. If, as society precedes the higher stage, the proportional relation between population and crimes gets reduction, it can be said that the characters of those shall gradually change like religious believes, though present states of crimes are normal. But we don't have enough reason that above suppositions are sure. No, rather we have many oppositional facts of those. Though we can observe progress of crimes from the beginning of 19th century by statistics, every society has increased the number of crimes. In France, crimes had increased 300 per cent. Are there universal phenomena any other than crimes in the world? Not being only universal but increasing the number is an inevitable consequence from relation to other phenomena in social system? Regarding crimes as social diseases is not admitting those as accidental diseases but that those sometimes generate from fundamental system of daily lives. This is regarding daily lives in the same light as disease phenomena. Of course, some crimes may be different appearances; for example when the number of crimes is very many. It goes without saying that society which has too much criminals is not healthy one. But it can be normal that there are the certain number of criminals and the degree of not exceeding this. This ratio is determined the situation of each society. We aren't permitted to regard crimes as different appearances from diseases psychologically and physiologically since we state like above-mentioned. It is true that each criminal is diseased if you see individual criminals but appearing the certain number of crimes as a result of social phenomena is not diseased.

This conclusion may be strange apparently. But if you consider a little bit, you can know that it is not only unavoidable that crimes generate from defects of lives but it is indispensable phenomena for public hygiene and the requirement of healthy society. At first, since every society cannot avoid happening crimes, we cannot help regarding those as normal. As stated above sections, I explained that sins are formed from committing public consciences of society. Why cannot this argument apply to only sins? Crimes have

the same mechanism with sins. Criminal law is the protector of moral consciences. So, if we want to extinguish these kinds of crimes from every society, all members must have the same conscience and tendencies to obey this conscience. But if present social consciences open and enter into people's minds which don't have those consciences now, or people who are insensible to social consciences get to be sensible to those, people would be more sensible to those consciences. If you want to extinguish murderers, the sense of hating to see blood must soak into social stratum that had committed murder. For this, it is obvious to need to strengthen moral feelings of the whole society. Furthermore, the fewer murderers diminish, the severer people's conscience to murderers would be. If so, what is not regarded as so bad in present days would be regarded as crimes or sins sharply and people would have the same feelings like to murderers. Both robbers and thieves are those who commit feelings which respect others' properties. Some people who think robbers as injustice seem not to feel a sense of guilt to thieves very much. But it is reasonable that the keener the feeling which thinks committing others' properties as injustice gets to be and the fewer robbers get to be, the more those who think thieves as injustice increase. Thieves would be punished as serious crimes naturally than before they had been punished as minor ones. See barbarous societies; in their societies, what are accused as serious crimes in our societies are done usually and they are escaped from becoming the focus of criticism and being punished. Even in the same society, minor crimes can be regarded as serious ones according to changing the times. Even in the same times, all sort of classes and small societies have their various consciences and what are not regarded as sins in political world are often sins in educational world. Because of this, crimes don't become extinct in every society.

On earth, since all people have different genes, constitutions, trends, and circumstances they grew up, we cannot imagine that all people have the same feelings. If differences from such points have existed, it would be necessarily inevitable that some people don't obey the order of universal consciences. And it is said that even criminals of minor crimes would not become extinct even if people get to have strong feelings to ones gradually.

Considering from these reason, we can know that crimes are inevitable for society and have the inseparable relationship with all conditions of social lives. Hence, we cannot help regarding appearing crimes moderately as profitable to social like women's menstruation is profitable to their body.

Moral of human society evolves little by little and it is indispensable to evolution of the whole society. For this moral evolution, it is necessary that social consciences laid the

basis of moral are not extremely strong. Because if social consciences are always strict and they oppress those who go away from any at all, change would be denied and evolution would become extinct. As mentioned above, all organizations have conservatives and are disturbed by them. Rather extreme cruel social consciences cannot avoid making society be stagnant. We shall prove this: society which doesn't permit to appear even one criminal has powerful power of social consciences but no one would agree to touch societies like these. Hence, the road of social progress shall break off. For progress of one society, it needs individual sacrifices. Social knowledge must have some 'relaxations' for appearing Socrates in moral world, Galileo in physical world, Rousseau in philosophical world, and Luther in religious world. This 'relaxation' needs to make pioneers of advance who are crimes beyond the average appear, on the other hand, it is inevitable consequence to include appearing crimes below the average who are the rear troopers of advance.

We admit that Durkheim's arguments that crimes aren't accidental and social diseases but ones generating from fundamental system of daily lives are entirely truth. –Hence, we regard crimes as inevitable phenomena including the system of modern society and intend to change that fundamental system of daily lives by socialistic revolution. However, we entirely deny Mr. Higuchi's argument which inferred deducing from Durkheim's argument that crimes wouldn't become extinct forever. We advocate it like Durkheim that if, as society precedes the higher stage, the proportional relation between population and crimes gets reduction, it can be said that the characters of those shall gradually change like religious believes, though present states of crimes are normal. –So, we expect socialism that crimes based on today's economic competitions like crimes concerned with religious belief shall become extinct. But we perfectly deny Mr. Higuchi's argument that universal consciences gotten to be keen would punish thieves as the same of robbery.

It is proper inferring from a viewpoint of social evolution that Mr. Higuchi argues that if you want to extinguish murderers, the sense of hating to see blood must soak into social stratum that had committed murder. But it is a groundless conjecture that general consciences would punish even crimes which are not punished by capital punishment by capital punishment because they get to be keen the degree of hating to see blood.

Of course, it is true that Mr. Higuchi argues that what are regarded as serious crimes in our societies are done usually in barbarous societies and they are not punished. But we must notice that what are not regarded as crimes in our societies are punished

severely in barbarous societies. It is only a worthless metaphor that Mr. Higuchi argues that crimes need for social hygiene⁵ like women need menstruation for their body. But we sufficiently admit that excellent individuality which are dealt with wicked person from general consciences would make and do make society evolve.

However, why Socrates, Galileo, Luther and so on that are referred by him had been oppressed by the reason of going against religious belief is because universal consciences in those times are ones of one-side socialism which had permitted to oppress individuality. In today and in the future that social consciences receive the awareness of individualism and respect transformation of individuality, we have to think like Durkheim said that 'it can be said that the characters of those (crimes) shall gradually change like religious believes, though present states of crimes are normal'. He ignores the number and quality of crimes, moral, laws, and evolution of general consciences.

I shall not be able to escape criticism that it is very disrespectful that I criticize for a scholar like Mr. Higuchi who have knowledge of plentiful theories ignoring these serious points. But it is not because he is fault but because he was tempted by Rostrum Socialism carelessly. The banner of Rostrum Socialism against real socialism can be expressed the word 'socialism is a utopia which expects too much things for the future'. –Ah, utopia! It is a more stubborn enemy for us socialists than any oppression of government or slanders of scholars that stereotype which socialism is a utopia spread with the whole society. Rostrum Socialism were because of directed to the fault way by this stereotype and it undertakes the responsibility of adding fuel to flame of this stereotype. –Why we regard Rostrum Socialism as a present enemy of real socialism and intend to drive out it from the world of thought firmly is because it holds up the banner 'socialism is a utopia'. Why do we hesitate? –Like the law of universal gravitation is admitted in the world of physics, if you believe that socialism can be admitted in society, why do you forget that an advance of past one century is superior to one thousand years of the Dark Ages in mediaeval? During the nine month, unborn children repeat evolutionary history of living things over one billion years and children in civilized countries absorb the result of civilization over six thousand years for twenty years. Socialism doesn't leave all social evolution to unconscious peristalses of evolution. We shall say clearly; socialism obeys the law of social evolution in amazing many points and expects the future. And in the nearest future, it only expects to extinguish 'poverty' and 'crimes' at first. Economists who follow Rostrum Socialism are directed to a fault way by it and believe poverty as an immortal one which exists with human beings. Like

⁵ Strictly speaking, Higuchi didn't say 'social hygiene' but 'public hygiene'.

that, ethics of Mr. Higuchi who follow Rostrum Socialism is directed to a fault way by it and understands crimes as an immortal one which exists until the earth gets cool. –Considering from this point, Rostrum Socialism superficially decorates its cuticle with the name of scientific studies but its fundamental content is the thought before the theory of evolution has appeared.

See the trace of social evolution with the thought of theory of evolution. Though crimes still remain in an aspect of quantity, many of them have become extinct in an aspect of quality. Laws are giving up their roles to morals gradually and general consciences are evolving with social evolution. For example, in the times that societies were organized by religious faith, religious crimes often occurred like Durkheim says; barbarous societies have cruelly punished those who went against ridiculous idols or rituals, which are not regarded as crimes in our societies. And Socrates, Galileo, Luther and the like Mr. Higuchi listed were regarded as criminals from social consciences at that time. But since today's society is not organized by religion, it can be said that religious crimes become extinct which generate from fundamental system of daily lives. Social consciences to religious faith have evolved greatly and got not to regard heathens or those who don't have no religious faith as crimes (legally and morally) at once except for heresies or shrines which are built by those who believe heresies who are punished by detentions or fines. In the times that societies were organized strong people's powers as resources of all morals and laws, going against the will of strong people was a crime. In the times of class states such as before the Revolution and before the Meiji Restoration (see the Section 4, *The so-called principle of restorative-revolutionaries*, about the meaning of class states), going against the will of the emperor or nobles was regarded as crimes from social consciences at once and it was punished cruel penalties such as exposing at a prison gate, beheading, hanging, or crucifixion. However, past noble classes and lord classes have only remained as ones that have been entirely different significance of existence today and the emperor of each country who had been the owner of the territory and people has been only a national organ which has been entirely different existence from the past in today's nation-state (see the following chapters). In these times, crimes to punish what goes against the will of nobles and lords have become extinct. Even lese majesty in criminal law has never existed to maintain authority of the powerful emperor but existed as the institution that a state has protected a national organ for its interests and the significance has entirely changed. Though that German emperor⁶ bends its institution for his vanity and yields innumerable crimes of lese majesty every year, taking advantage of not distinguished

⁶ This emperor was Wilhelm Second.

modern emperor and medieval emperor clearly like France which had experienced the Revolution, in America, France and the like which had evolved than Germany, these crimes based on the power of powerful people have not existed, have these? And social consciences have evolved greatly and even if someone goes against the will of powerful people, they got never to regard as (legal and moral) crimes except for certain case. –Whenever fundamental system of daily phenomena is overthrown, crimes of inevitable phenomena included particular system have changed their characters like these. If so, why shall today's crimes mainly based on economic causes only remain after today's economic class states are overthrown their fundamental system by socialism? That Mr. Kawakami Hajime who wrote *criticism of socialism* regards present socialists as those who jump to a conclusion that human economic desires have limits and criticizes socialism which expects present economic crimes to become extinct. But this is a shallow view that spearhead of organs which have a desire to improve them have only appeared in economic aspect for present economic competitions.

There is room to be maintained inference of Mr. Higuchi in this point; since crimes are changed by revolution of social system in an aspect of quality, today's economic crimes might become extinct after today's economic system shall be overthrown. But since human beings have different genes, physical constitutions, trends, or circumstances, we don't have the same consciences. Hence, since crimes who don't obey our consciences shall not become extinct forever, they shall exist in an aspect of quantity. However, this argument forgets that social consciences evolve.

Some one-side socialists in scientific socialists who don't inherit results of revolution of individualism or know that authority of individuality ought to be respected shall regard those who have different genes, physical constitutions, trends, or circumstances as crimes at once. It is almost the same that all great philosophers before they were admitted their authority as individuals on the name of Reformation had been oppressed. If you know that social consciences to religious faith got to admit individuals freedom of religion on the whole in today, why can you imagine that social consciences shall degenerate in the future world of socialism and go back like the world of controlled by Roman Pope. Especially, it is an extremely contradictory as a theory that Mr. Higuchi misunderstands from inference that social consciences shall get keen and says 'crimes which are punished lightly in today shall be punished heavily than today by social consciences' or explains that social consciences which get to be keen shall take revenges to those who make light of less keen social consciences in today (in this argument, the retaliatory theory of criminal law is mixed). And he ignores the fact that since social consciences got keen, they do not have the heart to punish and criminal laws only get to

make criminals isolate from societies. Considering capital punishment as an example, like scholars of criminal law say, it had been executed by all way that can kill human beings at one time. There were what made fierce animals eat people, what made people battle with crocodiles to kill them, or what made elephants step on people to kill. In ancient Rome, some kinds of tigers and wolves had been reared and people had made them battle with criminals. And it had been the best entertainment among the citizens.

Also in Japan, there were executions of hanging, beheading, gibbeted heads, or sawing. The other, there were executions of torture by fire, by water, splitting by vehicles, by cows, boiling alive in a cauldron, crucifixion, or stake. In executions of crucifixion, some of them were tying ones' hands and legs, making them stand upright and killing, the others were putting up ones upside down and killing little by little for a few days. And some of them made criminals put down on a board, nailed them on the board, skinned their face and kill little by little. Some of executions of stake were putting down criminals on two green bamboos like fish and killed by fire, the others were putting criminals in flame, making them dancing and killing, which Oda Nobunaga⁷ named 'Azuma Odori' and was pleased. And some of executions of stake were made wives and children of criminals build a fire cruelly. Though direct punishments to the body become extinct in every country today except for China and Turkey, cruel executions such as scooping up eyes, cutting ears, chipping noses, and cutting the private parts had been usual punishments until only these days. In the period of Tokugawa Shogunate only a hundred years ago, those who had been in arrears with taxes, which is only settled by making an attachment today, had been tortured to put in water, to push into bamboo baskets, or to sit on wooden horses and so on, and had been punished cruelly that they had been put in water prisons with all their families such as their old parents and infants in the coldest season and made keep standing in the knee-deep water. Though these are only one of examples of cruel punishments, if you see societies abolish direct punishments to body and make many efforts to decrease pain of capital punishments through using ways of hanging or electricity when capital punishments are executed, you would understand that inference of Mr. Higuchi entirely reverses causes and results.

In France, there were one hundred fifty kinds of crimes to be able to sentence capital punishment in 1810 but there are twenty two kinds of them today. In Britain, there

⁷ Oda Nobunaga was a daimyo in the period of civil wars in 16-17th century of Japan. He is known to having planed to rule over the whole Japan and destroyed the Muromachi Shogunate. He was endowed with excellent subjects such as Shibata Katsuie, Toyotomi Hideyoshi, Maeda Toshiie, Akechi Mitsuhide, but, on the other hand, a person with a violent temper, so he had many enemies. Finally, he was betrayed by one of his subjects, Akechi Mitsuhide and died in Honnoji Temple.

The meaning of 'Azuma Odori' is not clear.

were two hundred seventy kinds of crimes to be able to sentence capital punishment in 1870 but today there are only most important three kinds of them. And notice that almost all countries got not to execute capital punishment by special pardons. Since social consciences have greatly evolved, they got to understand that punishments of depriving freedom or of imposing labors without external pain inflicted to bodies like above-mentioned are not imposed to inflict them to criminals but inevitably imposed to make them isolate from societies⁸. It is an evidence that our times are gradually evolving from the times which were encouraged morals by external forces of laws (that is, the times of heteronomous morals) to the times which put maintaining morals into interior forces—sanctions of consciences— (that is, the times of autonomous morals). We enough recognize as Mr. Higuchi that social consciences can evolve and be keen but we should infer that keen social consciences get not to have the heart to punish criminals. We cannot imagine that society shall counterattack criminals with cruel punishments being inverse proportion to being keen based on the retaliatory theory of criminal law which has refused today. If you admit that societies and morals can evolve, admit that normal consciences—they respect transformation of individualities— can also evolve. Why does he offer one-side socialism of a thought of social despotism which regarded states as almighty ones in past Medieval Dark Age before real socialism which shall be realized in 20th century and fit arrows of criticism to real socialism? Since he seemed to be a representative in an ethical aspect of Rostrum Socialism, we only pointed as an opponent in argument. This thought doesn't belong to one of post-Darwin but philosophy in the times of Ishikawa Goemon who said, 'I will never disappear like sand of beach!'⁹ (Further, see the paragraph in the Section 3, *The theory of biological evolution and social philosophy*, which argues about theory of criminal law which advocates to weed out criminals by capital punishment and meaning of the struggle for existence).

We believe; today's many crimes are the results of collision with class consciences which are different among each class and consciences which entertain nationalism and socialism as an ideal.

Because of this, socialism intends to realize fundamental revolution against class

⁸ This argument was seen in the theory of new school of criminal jurisprudence such as Franz von Liszt in Germany of 19th century. But, on the other hand, old school of criminal jurisprudence, which inherited the Hegelian school, was still alive and influential (these scholars such as Binding regarded punishments as retaliation to injustice). So, strictly speaking, all scholars didn't regard punishments as means to defense society from crimes.

⁹ Ishikawa Goemon was a great thief in 16-17th century Japan. In 1594, he was arrested and punished boiling alive in a cauldron (but many of his life are not clear). Afterward, his life dramatized in kabuki. The word in the text is in kabuki's words.

society. Observing from a jurisprudential view, states after the French Revolution or the Meiji restoration are not class states like ones in the medieval times. Even the Japanese emperor has the same prosperous patriotism of the people in the point of being one of members of Japan and it is not classified hierarchical grades in the point of 'patriotism'. However, observing these from an economic aspect, contents of their states are hierarchical and their hierarchy is divided the class of economic lords, economic warriors, and economic serfdoms. Hence, each class confronts with each other by different class consciences in our society. –So, today's crimes are what states or societies name consciences or actions which hurt the interests of states or societies. Observing from each class, it is that class consciences confront with nationalistic or socialistic consciences. That is to say, today's all crimes of upper or lower class being caused by economic factors generate because present nations are economic class states. And because economic classes are divided, different class conscience of each different class is dealt with crimes from laws and morals of states or societies. For example, though national laws punish robbers or thieves of the poor class as crimes, class consciences of the poor class, just those who engage in educations to the poor say, 'we discovered children who don't understand robbers as crimes', don't regard them as crimes contrary to their consciences. Although social morals criticize arrogance, luxury, and greed of class of landlords or capitalists as what run counter to virtue, class consciences of class of landlords or capitalists don't regard them as atrocity feeling the pangs of consciences.

On earth, consciences are only substances which feel moral judgments and their contents are entirely vacant except for slight genetic trends. That is, consciousness to judge things are inborn but framework of how to judge things are perfectly acquired. And their contents are reflected by moral lessons from society postnatally—living attitudes of parents and formed by imitated social customs and social knowledge which are acquired through families, neighbors, schools, friendship, or books. All consciences are formed by not only transformations of individualities but social consciences which exist in social circumstances which can influence individuals. Present societies or states are admitted as societies or states from a legal standpoint, but because they are divided innumerable hierarchies in economic real terms, individuals only exist as a member of each class and we cannot help regarding a class conscience of each class as a 'conscience'. Hence, though there is a reason that they are punished from viewpoints of laws which rule ideals of nationalism and socialism on the actions, they cannot be charged of moral responsibility from viewpoints of morals which only regard what are contrary to consciences as vices except that those classes go against consciences.

From viewpoints of ethical ideals of nationalism and socialism, laughable arrogant

and tyrannical oppression in the extreme which that German emperor practices is a rebellion to the state and a vice which hurts social interests. But if he has inherited class consciences of the past times of class states from force of habit, his conscience cannot be charged of moral responsibility, whatever his actions are. Because his conscience which were born as an empty one didn't have a patriotism of 'the emperor exists for interests of the state' but the theory of states of 'a state exists as a mean of satisfying the emperor's self-centered' in medieval times and the theory of monarchs of 'the emperor is sacrosanct existence given excellent subjects from the God and is a one beyond the people who excrete'. And those consciousnesses are encouraged by customs of the Court which people flatter and cester to the emperor's wishes, the voices of 'Long live the Emperor!' gushed out from social consciences of slavish customs, and legal scholars approaching to the emperor like eunuchs. For example, because he is taught by Seydel,¹⁰ 'A state is composed by territory and the people, and a monarch is outside of it—that is, he hangs in the air', and by Bornhak,¹¹ 'A state is another name of a monarch, so a territory and the people don't exist on the earth', and his conscience is entirely formed by rule of thoughts in the medieval period, he regards actions which are not contrary to consciences seeing from modern social states as crimes. Consciences of economic nobles of capitalists and landlords are the same. Like nobles in the medieval period had thought all lands and the people as existence for their purpose and done exaction of harsh and unjust taxes just as they had liked, capitalists and landlords think workers and peasants as existence below the human beings who are born to construct prosperity of gold Daimyos. Because of that, they never look back lying people who died of hunger but practice plunders freely. And like once nobles had thought serfdoms as inferior races, politicians and office workers¹² who can be said class of economic warriors stand on the class of the general public being extremely full of arrogance as nobles to pledge their loyalty to their master seriously.

Their actions may be cruel from a standpoint of states or societies but you must know that they are never virtue from a viewpoint of moral responsibility which criticizes by consciences. —Like human beings are born with naked physically and are wore many kinds of clothes of social class, each conscience is born with naked but is wore different clothes according to difference of class. Like the body of German emperor who was born with naked is decorated with a stupid crown which is size of one feet and a metal toy of decoration like children's playing, his conscience which was born with naked is tattooed

¹⁰ He was Max von Seydel, who was a scholar of public laws in 19th century of Germany.

¹¹ He was Konrad Bornhak, who was a scholar of public laws in 19th century of Germany.

¹² It seems to point bureaucrats.

a privilege in medieval times as barbarians; My picture should be worshiped and an Imperial rescript of claiming a buildup of the navy should not be argued about this and that in the Imperial Parliament. Like bodies of economic nobles who were born with naked are decorated with beautiful clothes weaved sweat and blood of workers, their consciences which were born with naked are starved blood and bones of workers like hearts of fierce animals. And see general lower class! Like fifty or sixty million workers and peasants are in rags, their consciences are formed by many kinds of ugly and dirty customs, domestic conditions of cruel parents, circumstances of neighborhood like starving dogs, invitations of prostitution and crimes, lewd cruel violent thoughts—surely every rag of the world. Happy people are born in the circumstances which developed sufficiently, are educated by sweet-tempered mothers and dignified fathers, and their conscience are formed by knowledge of all times and the spirits of the world, on the other hand, general class are born like pigs in the crowds of people who are like dirty and boorish animals. When they cry because of diseases, they are forced to stop crying by slapping of their mothers who are busy with housework. Their fathers who haven't been seen except for evening become desperate because of working all day long and despair of their future, drink unrefined liquor, and get back roaring in anger. They have no knowledge or no world. —We advocate that it is perfectly true that poverty is the resource of crimes in this sense. Those who are placed in economically happy circumstances or have developed consciences approaching developed ones don't naturally become criminals, although they suffer from being economic shortages. So, of course it is unscientific that the argument that hunger is the resource of crimes fits even these cases like socialists who have shallow views. But why cannot you judge actions of the poor class who were born in the class of suffering from economically shortages and don't have the opportunity of developing consciences or of approaching developed ones based on the conscience of their classes but the ideals of nationalism or socialism and conclude them as 'crimes'. Jurisprudentially speaking, since today's states are honorable states or societies, criminal laws shall be able to require the members of them the same actions based on consciences of nationalism or socialism. But thinking from moral standpoints, since the member of them act according to each different class conscience, it is impossible to criticize based on the same consciences of nationalism or socialism. If you know that abandonments of babies are not immoral in communities of black people, if you know that eating people's flesh is not immoral in communities of cannibals, if you know that slavish obedience in the period of aristocracy was not immoral at that time, if you know that independent actions in today's democratic countries got not to be immoral, and if you know that morals are different

with regions (that is, in the vertical lines) and times (that is, in the horizontal lines)¹³, it goes without saying that it is unreasonable that the same moral criticisms fit everything in modern societies which are extremely confused because of upcoming revolution. Some people of the poor class have consciences like black people; the others of landlords and capitalists class have ones like cannibals. Some consciences have regard slavish obedience in the aristocratic times as moral duties yet; the others have intend to act being conscious of modern times of democratic times strongly. It is that as if one state or society made several races who were different from regions and times and ancestors before several centuries in it at the same time. Today's crimes are not rebellions of consciences in the original meaning of the word but ones which extremely different class consciences are stroke by consciences which regard interests of states or societies as an ideal. Though some criminals may commit crimes against orders of their consciences, actions which their consciences judge slightly immoral are regarded as serious evils by other ones and actions which they believe that they did good obeying their consciences are regarded as crimes by other ones. –Therefore, socialism becomes the principle of revolutions. It intends to overthrow present economic class states, make present imperfect states or societies be honorable ones economically, and sweep present class consciences away under the consciences which regard interests of states or societies as moral ideals. Unified general consciences by sweeping away class are not one-sided ones which can oppress development of individuality like in the period of one-side socialism but shall evolve as general ones which respect interests of state or societies and freedom and independence of individuals most. Thus, when class consciences are swept away, become unified general consciences, and the general consciences evolve as ones which respect development of individuality in the world of socialism, is it a really utopia to believe that crimes shall become extinct? (Explaining class consciences is important for explaining the class conflict. Because class conflict is not caused by only class interests or feelings but caused by collision among the class consciences).

Bergemann¹⁴ says this: Human beings can be human beings only if human beings have existed in *our* societies. This word is the same one which socialism expects revolution of social system to realize ethical ideals. Like Bergemann's social pedagogy has three kinds of translation in our country and his pedagogy is laid the foundation of

¹³ These concepts of 'vertical lines' and 'horizontal lines' are not clear. Perhaps he understood morals as interrelation between regions and times.

¹⁴ He was Paul Bergemann, who was a scholar of pedagogy in Germany of 19th century. He advocated social pedagogy.

Mr. Higuchi's one, today's scientific ethics and pedagogy are based on his saying; Human beings can be human beings only if our society has existed. Like lotuses bloom grown by marshes, roses smell sweet basking in the sun, butterflies flit in the fields, or lions roar in the desert, every living thing is put each circumstance and needs ethical circumstances which suit existence as ethical living things by the principle of evolution which makes species come into existence. Mr. Higuchi who was led to wrong way by Rostrum Socialism, nevertheless he seems not to understand ethical effects of socialism nearly, cited amazing facts in his *New Pedagogies of National Socialism*, and he demonstrated how individuals are formed by their societies:

In the annual of *Natural History*, Mr. Murchison (?) reported five facts from colonel Shuremen (?) that he discovered children in a pack of wolves the Oude (?) district of Fordelinden (?). According to him, there are many wild dogs and wolves in the Kabul (?) and Lucknow (?) district and they often used to take infants by force. Of course, though many of them were eaten, they have been sometimes given milk and brought up. When military policemen marched from Oude to the bank of Gumpche (?), three animals came to the bank to drink water. Though they rushed to the watering place and caught them, why could they understand at once that they were two babies and an infant? They¹⁵ were naked and walked on their hands and knees, so their elbows and knees were hard like bones. When they were about to be caught by military policemen, they got very angry and bitted or scratched them. And they could not understand languages, so their intelligences were similar to infant dogs.

This is not only an example of Germany. Tennyson recited in the poem of the king Arthur; Wolves sometimes eat human children, but when their young have disappeared or died, they lent their horrible teats to human children. The children who lived in the caves growled when they ate. They imitated four-footed walk of their mothers, and finally, they grew up human beings like wolves being superior to real wolves. As this poem reveals, these examples are never rare from old times.

This fact that we human beings degenerate like beasts in only one generation, if we are put in the circumstances of beasts don't immediately bring the inference that we human beings can evolve the degree of being close to the God, though it can never realize in one generation, if we are put in the circumstances like the God. Of course, facts of inheritance should not be neglected, so if you can say that some people commit

¹⁵ In Japanese original text, the third person singular is used, but it shall be right to use the third person plural from the context.

murders because customs of cannibals of ancient times had appeared taking the form of atavism, it is not impossible to think that innumerable crimes which we commit now appear taking the form of inheritance by special circumstances. But these ones are not clearly regarded as crimes in present criminal laws because these are diseased phenomena. And since inheritance is only demonstrated under the circumstances which genetic trends can be demonstrated, it is unthinkable that under the circumstances of socialism, today's criminal inheritance in the period of individualism have many opportunity (further, see the passages dealing with getting instinct of morals in the following Section, *The theory of biological evolution and social philosophy*).

As human children brought up in the society of wolves imitated beasts' walking and got monsters of half-beast and half-men, we can live as human beings since we are brought up in the human society and imitate walking of parents. From ancient times, it is said that human beings have ideals and are living things which cope with tendencies and today's scientific studies surely reveal that human beings have characters of imitation, too. Because of this character, we move our lips like buds, when we were hold in our mother's knees, watch and imitate movements of their lips how we can pronounce as mothers do. When we got to be able to pronounce with difficulty, we don't think what meanings are included in the pronunciations but imitate pronunciations and thoughts themselves including in the pronunciations not knowing good from evil. Although we grew up gradually and got to play with neighbor children, we imitate talking and actions of companions with seniors as the same without sorting out. When we entrance into schools, we imitate wording of teachers, friends and ancient and modern people written in books. During our knowledge develop, we get discernments to choose the objects of imitations and, as a choices and result of choices, we reach the high stages. Also we imitate the higher actions, reach the higher stages, and when we reach those stages, we intend to imitate the higher actions and reach the higher stages. Thus, at first, we imitate mothers, families, and neighbor children as the objects of imitations, but we make the objects of imitations expand schools, societies, books, ancient and modern people, and thoughts of the world.

When we are not satisfied with past ideals and got to want the higher objects, we get to formulate the higher ones by each individual character using past materials which had already gotten as foundations, and make efforts to reach the stage by imitating formulated ideals. If these characters and formulated ones are noble and great, a person who has these can become a hero. Hence, though some heroes who had left their footprints in history had had great and noble characters, we must say that they had been in the good social circumstances which had supplied materials of foundations to

make their characters show. All legends of ancient and modern heroes have proofed these. For example, those heroes in the battle fields have slept in bloodstained cradles and heroes of revolutions had given their first cry in the dark situations before whirlwinds of revolutions had raged. A poet Saigyo¹⁶ came into the world by travelling mountains and rivers leisurely and *The Tale of Genji* was written by watching the moon in the Ishiyamadera Temple¹⁷. From Detached cabinets¹⁸ from Parliaments and Parliaments which follow them blindly, eloquent speakers like Gladstone cannot be born. The Jefferson's Declaration of Independence was not written by the same materials of the theory of Japanese constitution. Human beings can be human beings only if human beings have existed in *our* societies. Clear barbarians like us remain as these barbarians because we cannot escape from barbarous social system like today's barbarous villages. Why don't you notice that most of people have been brought up by beasts in the center of big cities which have steam and electricity like children who were discovered in the German forests? See the societies of the class of landlords and capitalists. Those who appear before babies' eyes who are born as human beings that have the possibility of development like the God as the objects of imitation are their fathers who are cruel like wolves and lead lives of debauchery like baboons, and their mothers who are just pigs dressed in silk clothes because of neighbor's flattery. When they play, they only imitate nannies who pretend to flatter to their masters, lewd and vulgar servants, and children who go in and out their houses but obey them dreading. It is natural that those who got human beings in these unhappy circumstances have consciences like cannibals, in spite of being called 'human beings'. Lower the poor classes are still more brought up as wolves by wolves perfectly. Even though they are not taught to walk on their hands and knees like wolves, all their actions are like animal ones. It is true that their parents like wolves often welcome their children's scuffles, though they don't teach their children to scratch by their *claws* or to bite by their *fangs*. When these figures of 'moms' are reflected as ideals of imitations in the heart of *tabula rasa* of infants who look at them like hungry ghosts, and when their fathers who rage using rough languages and have alcoholic breath hit their sons' brains

¹⁶ Saigyo was a Buddhist and a poet in the 12th century of Japan (1118-1190). His real name was Sato Norikiyo ('Saigyo' was a Buddhist name) and was a samurai served the retired Emperor Toba. He wandered the whole Japan and composed poems. He composed many poems which got materials from nature or lives and his poems had great influences on the posterity.

¹⁷ *The Tale of Genji* is a novel written by Murasakishikibu (a literary woman in 10-11th century of Japan) in 9-10th century of Japan. This novel described the various lives of the Court at that time and had great influences on the posterior literature world.

Ishiyamadera Temple is a temple in Ohtsu city of Shiga Prefecture. It is said that Murasakishikibu wrote *The Tale of Genji* there.

¹⁸ 'Detached cabinets' were advocated by Kuroda Kiyotaka (the second prime minister) and Ito Hirobumi (the first prime minister) in Japan. This was a argument that cabinets should be organized without supporting of parties.

which don't develop enough with their fists like newts¹⁹, we have no doubt that these children shall have consciences like black people. Both consciences of today's upper class and lower class are not organized as ones which aim at pursuing interests of states or societies required by laws and morals from the beginning. In this sense, starving is the resource of crimes and a satiation is resource of crimes, too.

Human beings can be human beings only if human beings have existed in *our* societies. Socialism had discovered that ethical living things can be ethical living things only if ones have existed under the ethical systems and it is overthrowing present social system by revolution.

But don't misunderstand. Socialism doesn't intend to make individuals bury in the society. We need to have responsibility to make efforts for further evolution of ethical system by being ethical living things by ethical system and ethical living things being tolerated by social consciences which respect equal material protection and freedom of individuals. Socialistic theory of freedom and equality are understood in this sense (meaning of socialistic theory of freedom and equality have already argued in the previous Section, *Economic Justice of socialism*). Since social consciences in the period of one-side socialism had only had very shortsighted contents and had not permitted free development of individuality, individuals had been entirely absorbed by powers of strong people of society and Socrates, Galileo, and Luther had been regarded as criminals. So, in this society, there is nothing for it but to be delayed social evolution. But present socialism doesn't regard atomic individuals who can only be thought ideologically as final goals or doesn't dogmatically judge that society is one which is organized mechanically for freedom and equality of individuals like one-side socialism before being realized the French Revolution. Even thoughts or religious faith are never free to individuals. Since social consciences respect freedom of individuals in aspects of thoughts and religious faith, we can receive those freedoms. Hence, in the period that social consciences had not permitted freedom of thoughts and faith, Socrates, Galileo, and Luther had been all criminals. Sciences which reached a conclusion that consciences were made by social circumstances reached a conclusion that thoughts and faith entirely succeeded to existing ones in society, except for the case of special development of individuality, and new ones of individuals were organized from these

¹⁹ In Japanese original text, this part can read as 'turbans' or 'newts' because of his misused character. Some texts read as 'turbans' (for example, see Dr. Hashikawa Bunzo, 'The way of thinking of National Socialists', in *Japanese socialism* (edited by the Politics Society of Japan), Yuhikaku, 1968. Strictly speaking, he didn't quote this part, but he read the same word as 'turbans'.), but I cannot agree this reading because we can say that newts have fists but turbans not. Also, the reading of 'turbans' cannot express his intention to describe grotesque circumstances of lower class.

ones. Thoughts and religious faith are never free from the beginning like one-side individualists judge dogmatically. Social consciences which had thoughts and religious faith of one-side socialism in the period of social despotism which regards states as almighty existence had organized individuals' consciences but hadn't recognized independence of thoughts and freedom of faith. Social consciences which regarded societies as like machines in the period of one-side individualism had organized individuals' consciences by thoughts and faith which independence of thoughts and freedom of faith should not be trespassed on, even if they block social interests. –Hence, Our real socialism advocates respecting freedom of individuals for social evolution, but still, it doesn't mean that thoughts and faith have already existed being independent and free before birth of atomic individuals. We advocate permitting independence of thoughts and freedom of religious faith by social consciences which respect freedom of individuals for social evolution. For social evolution, social consciences should not be on-side. And they should set social evolution the final goals and should not block free development of individuality to reach their goals. Real socialism clearly succeeds to pure aspects of individualism in this point.

Individualism! One-side individualism is one of two pillars constructing real socialism with one-side socialism until the medieval times. Like individualism denied occupation of lands (all economic resources at that time) of noble class in the medieval times and cried freedom and equality, real socialism intends to transfer economic resources (that is, lands and capitals) which are monopolized by modern noble class into public owned for freedom and equality of individuality. If we are not free or equal economically, we cannot get freedom and equality in all other points. As we stated that equal distributions were required to make individualities develop freely by equal material protections, French Revolution by individualism denied economic resources of noble class and established the system of private ownership to get economic freedom as presuppositions of getting freedom of individuals. –In this point, real socialism clearly succeeds to evolution of the system of private ownership, too. Those who can be independent economically can be also independent politically and morally, and those who are dependent on economically cannot help being subordinate to politically and morally. In the period that monarchs had occupied lands and the people (as economic objects), people had not been the subjects of properties but subordinated to monarchs economically, so people had subordinated with them politically and morally. Only monarchs had been independent economically, so they had been independent politically and morally (to take instances of Japan, times until before organizing Kamakura Shogunate (-1192)). After that, when noble classes had gotten to plunder lands and be

independent economically, they had also gotten to be independent to monarchs politically and morally and refuse their rights of rule and the duties to be devoted to them (to take instances of Japan, times of aristocracy until before the Meiji Restoration). Since the general public had been regarded as nobles' possessions as serf with lands and not been admitted as personalities as the subjects of properties, from those economic relationship, they had been infinitely subordinated to monarchs or nobles politically and morally. Though Samurais had had great authority over the lower classes, they had never been independent from noble classes politically and morally because of economic relationship (See the following Section 4, *The so-called principle of restorative-revolutionaries*). Thoughts of individualism has made lands monopolized by nobles' classes put under the system of private ownership which has admitted the whole nation to own lands by their labors on the name of French Revolution. The big wave of it has spread to the Orient, realized democracy based on the Restoration and established the land system of private owning in Japan.

But what became of those reformations? The world has become times of economic aristocracy again as if history has reversed. No, thinking calmly, our history shall be passing economic aristocracy on the way to economic nation-state as progress of economic history. Lands and capitals which are the economic resources have formed feudal castle walls. Only economic nobles have infinite freedom politically and morally, while people have lost all independences and been subordinated to them like slaves. Like a Rostrum Socialist Dr. Tajima compares the relationship between capitalists and workers to the relationship between the sovereigns and subjects and admires that, spiritual workers who are subordinated to capitalists by annual or monthly salaries and physical workers who are subordinated to them by wages have approved the rights of rule by despotic powers perfectly like samurais or serf at that time, and been devoted to them obediently. Samurai classes in the period of aristocracy had prostrated before stupid Daimyos, nevertheless they had had great authority over the lower classes like tigers, regarded themselves as possessions of Daimyos because of economic subjects, and never suspected why they had had to obey their masters' orders, when they had been ordered *seppuku* (ritual suicide) or been slain by their masters. Like that, bureaucrats and politicians and so on who are subordinated to today's gold Daimyos and form classes of economic samurais have never been independent from Daimyos politically and morally because of the economic relationship receiving annual or monthly salaries, though they oppress and insult to lower classes wholly. So, however arrogant they are attended by stupid Daimyos when they were granted audiences with them, they show them obedient attitudes like cats kneeling on the ground, don't think

that Daimyos' seats are preserved by their controls to lower classes, rather believe that they can live by favors of them, and carry out their duties of slavish obedience without suspecting to pay cuts or dismissals. Much more, the general public such as workers and peasants are pure slaves or serf. They have no political freedom or moral independence. –Now, for most of people in society, the system of private ownership which forms the basis of individualism has only had the meaning that they can live to use private properties of economic nobles like lower classes in the period of aristocracy. Why do we need to suspect that there is no political freedom or moral independence like situations in times before the Revolution which people had been subordinated to nobles classes that revolution of individualism must repeat again? Why we argued in previous Section²⁰ that those who intend to advocate present society by individualism are traitors against individualism is because most of people in society have lost their private properties.

Of course, Socialism thinks social evolution as a final goal, so it doesn't deal with society as a mean of individuals based on view of regarding society as machines like on-side individualism. But in the point that it regards freedom and independence of individuals as an only mean for purpose of social evolution, it has the basis of individualism. Individuals don't have the economic subordinate relationship among the individuals. One person is not oppressed his (or her) political freedom by other people or insulted his (or her) moral independence. Since society doesn't form hierarchy and individuals don't have the economic subordinate relationship to individuals of upper class, they don't need to obey powers of upper class blindly or devote them to happiness of upper class. Individuals have no economic subordinate relationship with anyone and are put under the equal economic protections by society. Hence, individuals cannot infringe freedom of others and wide social consciences which respect freedom of individuals got to regard political and moral duties which aim at social happiness and evolution as individuals' responsibility. That is, before the Meiji Restoration—times that the general public had been subordinated to noble class—, people had had political and moral duties that should obey the rule by nobles for interests and happiness of them. –On contrary that 'loyalty' had been regarded as individuals' responsibility, today's people have political duties to obey the rule of states for interests of states and moral duties to make efforts for happiness of states, since people have been subordinated to lands and capitals of states jurisprudentially (because states have the highest ownership to absorb all individuals' properties for interests of states). –That is, 'patriotism' has been regarded as individuals' responsibility. No, socialism doesn't

²⁰ See the Chapter 1 in the Section 1.

remain them as simple ideals like today's laws, and it intends to realize to be conscious of interests of states or societies as individuals' responsibility. Socialism doesn't advocate that individuals have responsibility to themselves for individuals themselves like individualism, but requires them individuals' responsibility to societies or states for societies or states. And why we argued in previous section that states and societies must get real orders and peaceful happiness by socialism is based on this reason; states and societies use their highest ownership which are had as legal ideals and face to all members as the core of economic resources and by that they expect their members to be conscious of their responsibility to states or societies politically and morally. In today, when some people criticize our socialism, they counter us by arguments of individuals' responsibility, but their arguments identify one-side socialism before individualism which had not regarded individuals as the subjects of responsibility because of having been subordinated to upper class with present socialism.

There is another reason that socialism drives out Rostrum Socialism which intends to maintain trade relationship among the individuals by way of labors like enlisted forces. Of course, though it can be thought as simple arguments of economy, but since it is a folly which should be abandoned naturally that innumerable shops, merchants, clerks, brokers, and exchanges break with each other using useless capitals and labors, waste vastly, don't transfer from production to consuming at once, are broken many of their productions passing battlefields of exchanges, are born the war expenditure, and demand consumers to buy prices twice as much as the costs of production, it should not be thought simply. But why real socialism advocates productive way by labor system like enlisted forces especially is to connect societies with individuals in subordinate relationship directly. If we realize the system that all productions produced by labors like enlisted forces are belonged to societies for a while and paper which are indicated equal purchasing powers to societies are distributed from societies, we individuals shall get to be conscious in our clear responsibility that we exist for societies. (See the parts of arguing about economic activities of public spirits in the previous Section 1, *Economic Justice of Socialism*). The reason why samurai class and *Bushido* (like Chivalry) have become extinct and morals of merchants being at the core of dirty self-centered have acted important is because this; *Bushido* was a noble moral which devoted themselves to ones' masters being economic subordinate relationship, nevertheless it had included an element of despising slavish obedience to noble classes. But since merchants had maintained themselves by their economic efforts, morals of them were selfish and humble one. In today, since all people don't have an economic relationship being subordinated to societies or states, and they believe that they maintain themselves by

their economic efforts, they inherit individualism of morals of merchants thinking them to fit them. Individualism is respected under the socialism. Individuals are respected because they have consciences and actions making efforts for happiness and evolution of societies themselves. It is worthless to be freedom and independence of individuals for freedom and independence of individuals themselves. It is respectful to be freedom and independence of individuals for happiness and evolution of societies. Hence, like *Bushido* and Chivalry in the period of aristocracy had had devoted morals to nobles who had put them with economic subordinated relationship, when economic aristocratic countries are overthrown and united one state or society economically, all members shall realize ethical ideals of nationalism and socialism by devoted morals to state or societies which put them with economic subordinated relationship. Real socialism is not a principle of individualistic revolution that requires freedom of individuals for individuals themselves and ignores happiness and evolution of societies or states. It intends to overthrow individualistic system which ignores happiness and evolution of societies or states, realize economic facts that societies become the core of economic resources under the ideals of today's laws which provide states as the highest owner, and make individuals be the subjects of responsibility having moral duties to act freely for societies and states (About the relationship economy with morals and laws, I have explained in detail in the following Section 4, *The so-called principle of restorative-revolutionaries*. See the part).

Therefore, when some people who are called 'socialists' advocate freedom of individuals, they say this: since each member of society hope for free development, it needs that political freedom of individuals is large as possible and social powers are small as possible. That is, social powers must not exceed the needed limits for existence and development of societies or protecting freedom of each member. The others say this: what thoughts and religious faith are entirely free and others or societies cannot be helped them is what expressing or practicing them artistically, religiously, scientifically, or politically must be put outside of every rule. It is an undoubtedly fundamental principle.

If they suppose these, these only resemble to socialism in a conclusion, so it goes without saying that they are what inherit dogmatism of individualism. You must not criticize socialism because of this. For example, what Mr. Higuchi Kanjiro who flatters himself to criticize socialism highly attacks to the theory of freedom and equality of socialism in his *The main Pedagogic issue of National Socialism*, is attacks to ones of individualism, so it is unreasonable that socialism is received those criticism. When he criticizes an ideal of social evolution, he points scholars of individualism as socialists.

He says this: although life and property of each member is protected by common powers²¹ of Rousseau, it is a kind of utopia to suppose a society that each member obeys these powers in unison by obeying themselves. It goes without saying that though Spenser thought a society of individualism which is operated peacefully without oppression from outside except for wills of themselves, I cannot help putting an adverb of ‘infinitely’ on his adjective—that is, regarding his ideal as unrealizable one. And though Mr. Yano imagined a new society which has little lawsuits—extremely speaking, has no lawsuit— and crimes, it is an only dream. Though his *New Society* was written as a unfinished dream, it is clear that it is a book of his socialism on the pretext of his dream, reading the parts that he told in *complete works of socialism*. If so, as his words reveal, he has a utopian socialism, doesn’t he? From these arguments, we can see strange sights that socialism and individualism which are entirely conflict with each other are entirely confused by not only socialists but non-socialists.

Anyway, real socialism doesn’t seek paradise or heaven to the world after death to come like once philosophy or religious but to the future evolved society. Human societies evolve like living things. Hence, we must argue social philosophy as theory of social evolution, a section of theory of biological evolution.

(Section 2 Ethical ideal of socialism End)

²¹ Perhaps it points a ‘general will’.