

## Section 4 The so-called principle of restorative-revolutionary

### Chapter 13

Why the family line of the Emperor can be an unbroken line? If we overthrow the geocentric system that Japanese race had been very faithful to the Imperial Household and had helped an unbroken line of the Imperial Household and regard the interpretation that the great part of people were traitors historically and a few exceptions were loyalists toward the Imperial Household, it would enough be reasonable the question why the family line of the Imperial Household was an unbroken line.

This interpretation of an unbroken line is not only important for historical interpretation but also cannot be overlooked for the science of the constitution that studies present national politics and forms of government. Of course, we don't say that we can immediately interpret present Japanese constitution by understanding of Japanese history like British constitution cannot be understood until we understand British history of constitution. But although we contact with Western civilizations and present constitution was made adopting Western constitutions, even the framework of the state doesn't change by wearing the cloth of a literal-translation. Why those who advocate the theory of the sovereignty of the monarch regard the Emperor as the substance of the sovereignty and those who advocate the theory of the sovereignty of the state regard the Emperor as the only and supreme organ is because both of them have believed the superstition of the old geocentric system about Japanese history that forms the basis of interpretation of the constitution.

Why the family line of the Emperor can be an unbroken line? This explanation is still based on a principle of blood superiority, and loyalty and filial piety. The relationship between the Imperial Household and people got weak being different from other nobles in accordance with the times but the Imperial Household had been supported by the power based on *Shintonic* belief.

We must pay attention the fact that the content of the letter of 'the Emperor' has evolved as we have previously explained in the argument of the constitution. That is, in the primitive times when history had not been written yet, innumerable family groups

existed on the territory of Japan; the Imperial Household stood as the patriarch of family groups in the *Kinki* region by *Shintonic* belief. This age is the age we have previously explained in detail that is the legendary times of 1,000 years when people didn't have letters either their notion of a number was vague, and their lives were almost same with today's barbarians. During the legendary times of 1,000 until people got letters by exchange with Korea, Japan had a very small population; not only the Imperial families but also various families appointed as *Omi* or *Muraji* were not like what the posterity imagine (the writer<sup>1</sup> of *Twenty Five Thousand History* who is the greatest historian in Japanese history explained in his volume that particular great families among various great families gradually got powerful to express that they at that time were only signs of monarchs or nobles after ages. And he showed by plentiful facts that their lives of those days were entirely primitive. However, I regret that he named Japanese history as 'Twenty Five Thousand History'). Many of immigrants from Korea had been in the *Kyūshū* or *Chūgoku* region, or in independent villages, so they had not entered into the *Kinki* region either had been naturalized Japanese. The *Kyūshū*, *Tōhoku*, and even *Chūgoku* region where is legendary said that the Emperor *Jimmu* passed were entirely independent primitive villages, where families of brave ancestors of the Imperial Household had united by noble blood under a religion of ancestor worship and had stood as those in power above the ruled in the *Kinki* region.

From these facts, the meaning of 'the emperors' at that time was quite different from 'the emperors' who had been given posthumous titles after ages, or the today's emperor; it meant those who held a ritual as a patriarch of families when they worship their ancestors. –this was the first stage that the content of 'the emperors' had not evolved. You shall be able to understand a political and social position of the emperors at that time from a marriage of the Emperor *Jimmu* we have previously explained (if we regard all of legends as entirely meaningless). Seeing that the Emperor *Sujin* collected bears' hides or antlers of deer for expenses of rituals, we can infer that they were those who held *Shintonic* rituals who were quite different from the today's Emperor too much. The religion of ancestors worship that regarded that the soul of *Amaterasu Ōmikami* was immortal made loyalty and filial piety toward her agree with; it goes without saying that social consciousness awaken by a family line regarded only one family group as a society and people obeyed the Imperial Household of the head family (you must be careful because it meant that it was the head family in one family group.) as the substance of a supreme direction to unite as a family of the monarch and subjects

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<sup>1</sup> This writer was Takegoshi Yozaburō (1865-1950). He was a journalist, politician, and historian from the Meiji to Shōwa era.

simply to drive out other family groups.

That is, the conception such as a religion of ancestors worship, a family of the monarch and subjects, or agreement of loyalty and filial piety is seen in the first stage of social evolution in any race, so it was undoubted that Japanese race had also formed the social system in the primitive times. The position of the Imperial Household at that time could never be compare to the position of the today's emperor in evolved societies, none the less it was clearly fact that they had been worshiped by a primitive religion at that time (so, the *Shintonic* theory of the constitution of Dr. Hodumi can be realized when it shall make the law of evolution reverse, evolved emperors until today degenerate the emperors in the age of a primitive religion, block Japan, refuse naturalization or official registration as a family member of foreign people, and remove blood of an alien race that flows our blood vessel; it is nothing else but a principle of revolutionary).

But the law of evolution made the content of 'the emperors' that were those who held rituals in a primitive religion evolve and the stage (of evolution) entered into the second stage. Namely, the society entered into the stage that later emperors succeeded evolution of Japanese society itself and exchange with Korea meant those who commanded people as the strongest person in the ancient times when all rights were decided by strength of power. —We call the national polity from the ancient to medieval age after this as 'the patriarchal national polity'; we jurisprudentially regard that in the age of monarchy until Fujiwara Family ruined, 'the emperors' were the strongest as owner of the whole country and people.

Along with exchange with Korea, Japanese race achieved the first revolution. Of course, exchange with Korea that is said that it was done from a few hundred years ago when classics were written—since the times was legendary, it was groundless to imagine whether the revolution was rapidly or gradually achieved, but anyway they exchanged with foreign countries— mixed blood of innumerable naturalized people with blood of native people; an embankment of class differentials between conquered slaves and conquerors began to be undermined by the burrowing of an ant of loves.

Moreover, since a family line fell into confusion by increase of population, the social system based on the unit of families got not to be able to maintain purity like in the primitive times. What made this unrest bigger were far evolved Confucianism and Buddhism than a primitive religion. Especially, although we disregard whether the highest evolved Buddhism infiltrated was believed among people at that time sincerely or it was simply treated as a religion worshiping idols (of course, the latter would be

right because evolution could not be over an order, so it would be unreasonable that a too high-quality religion was understood by people at that time when they had been growing out of a primitive religion.), it drove out a barbarous *Shintonism* from upper classes at first. And ‘the Emperors’ had to change their own meanings as those who hosted *Shintonism* completely.

In this way, religious wars had been done under Soga and Mononobe Family. We believe: religious wars divided the Imperial Household itself into two forces. Not only those who were followed by Soga or Mononobe Family but also Soga Family who believed Buddhism assassinated the Emperor *Sushun* who believed *Shintonism* for the reason that he was different faith from them that had been respected by it before. Shoutoku Taishi<sup>2</sup> who believed Buddhism confined tears into the law of cause and effect, and he did not recognize the reason why he condemned the party of Buddhists. Seeing that *Koma* was the *Han* race not having been related by birth as a family of the monarch and subjects, see how the society had evolved to the extent that ‘the Emperors’ had not been able to stand as patriarchs under a religion of ancestor worship! And both factions decided each conflict of consciousness by strong powers.

Even if we say that a strong power itself is not virtue but only a ‘power’, what is not virtue does not have powers. *Shintonism* was virtue in the primitive age but the predecessors’ virtue is regarded as vice by present virtue and present virtue shall be also regarded as vice by future virtue. After all, virtue and vice are only productions in the process of evolution (see the part that we have explained and shall explain about class consciousness and class conflict in the Section 2, *Ethical ideal of socialism*, and the Section 5, *The enlightening movement of socialism*). So, why social democracy has not been strong today is because it has not been regarded as virtue by social consciousness yet. Like that, Buddhists Soga Family had been stronger than the Imperial Household at that time was because not only they were political powers based on economic powers of privately-owned lands and people but also belief of a religion of ancestors worship had declined as virtue of Buddhism had been able to overcome virtue of *Shintonism*.

However, determination by strong powers in the fields rising smoke from the explosion of gunpowder, in platforms in assemblies, in rostrums in universities, or by assassins’ short swords or anarchists’ bombs. The heroic Emperor *Tenji* chose the latter way, cut Soga no Iruka down of his own accord, and declared the theory of the sovereignty of the nation based on Confucianism at once.

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<sup>2</sup> He was the Prince *Umayado*, a son of the Emperor Youmei (574-622). It is said that he had internal and external knowledge and deeply believed Buddhism. When the Emperor *Suiko* ascended the Throne, he assisted her as a regent and carried out various reforms.

It is famous that he sent a Japanese envoy to *Sui* Dynasty China and intended to associate with *Sui* on equal terms.

Perhaps, he would be too noble idealist. He did not believe a primitive religion nor regard the emperors as those who hosted *Shintonic* rituals. His court was not like the future Court controlled by Fujiwara Family where they changed Buddhism into a religion of idol worship and they thought that they enough joined their hands in prayers to copper or gold statues of Buddha instead of them made of wood or clay. He regarded the state as the final goal and intended to realize ideals of Confucianism directly that regarded that the emperors existed as the supreme organ for interests of the state (it was another problem whether they existed for interests of people or not).

But of course, it was impossible, so after his death, Japan got the patriarchal country based on the theory of the sovereignty of the monarch where the state existed for interests of the emperors according to the law of social evolution. The Imperial Household who overthrew Soga Family declared by the right of the strong along with meritorious Fujiwara Family that 'the Emperor' was an owner of the whole people and territory. This was the second stage that the meaning of 'the Emperor' evolved and showed that Japan entered into the age of monarchal countries.

In this patriarchal country, the emperors had not been for interests of the state but the state had been treated as a tool to satisfy the purpose of the emperors (see the legal theory of the constitution we have explained.), dividing, inheriting, or giving the state was free dealing of possessions by the emperors of owners. The Queen Victoria could not treat the Throne an object of inheritance or donation as her own possessions even after she married but the Emperor *Kouken* intended to make *Dōkyō* inherit the possession of the state inherit. This fact directly proves the above-mentioned. If you criticize this by a viewpoint of today's sense, you would be able to understand both<sup>3</sup> behaviors but the action of the Emperor *Kouken* was not illegal as the right of the emperors at that time. And for *Dōkyō*, (if they fell in love each other as historians after ages say) her action was not as rash as we think. Especially, since the Emperor *Kouken* was a descendant of a younger brother<sup>4</sup> of the Emperor *Tenji* and *Dōkyō* was a descendant of the fourth child of the Emperor *Tenji*, we can infer that their love was never immoral in the age of blood superiority.

We have said that a principle of blood superiority attacked and persecuted the Imperial Household. *Dōkyō* awoke his view of equality that he belonged to the same family line and was the same branch by honor of a family line and a chain of loves for the first time (this is why he is blamed as an outrageous man by historians but the theory of a family of the monarch and subjects by Dr. Hodumi and so on is also

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<sup>3</sup> It is not clear why he expressed 'both'. Guessing the meaning from the context, it should be written 'the latter'.

<sup>4</sup> It points the Emperor *Temmu*.

outrageous). And as a view of equality of this principle of blood superiority got extremely, Masakado of the Heike Family declared, 'I'm a descendant of the Emperor *Kammu*', and Ashikaga Yoshimitsu of the Genji Family declared, 'I'm a descendant of the Emperor *Seiwa*'.

However, on the one hand, this principle of blood superiority brought a view of equality to those who were the same family line; on the other hand, needless to say, it was hierarchical to men being inferior or superior to them. –So, we believe this: a principle of blood superiority not only attacked and persecuted the Imperial Household but also maintained it. And like belief of *Shintonism* has remained among impervious men and women (among professors in universities if we say Dr. Hodumi and so on worship sexual organs) and has had influence by inertia even today, social evolution cannot distinguish clearly.

*Shintonic* influence the great revolution of the Emperor *Tenji*, Confucianism, or Buddhism had been weakened greatly, none the less it had been influential through from the ancient and medieval times without any doubt. For Japanese race who was isolated by the ocean for a long time, belief of *Shintonism* had been regarded as the creation theory of the state like Judaism in the point that it was especially chauvinistic belief. The belief that only our race is a special son of the God and others are barbarous races had been maintained in all races until quite recently; like that Japanese race had not been able to escape this belief until the last days of the Tokugawa Shogunate, either. It became the theory revering the Emperor and expelling the barbarians, refused the theory of evolution by the reason why foreign people evolved from apes but Japanese are the children of the Gods, and got the theory of the constitution of Dr. Hodumi; its aftereffects have remained today.

Like the theory expelling the barbarians from this belief of *Shintonism* united the theory of revering the Emperor by the Bible of belief, so long as there is the creation theory of the state like this, we can imagine that equalitarianism shall be limited to the Imperial Household that is believed that it has existed since the state began. In addition, a principle of blood superiority that determined social hierarchical system by high or low of family lines in the ancient or medieval times, so we can easily imagine that the elegant Imperial Household was in the position that was not infringed without reasons.

Members of Fujiwara Family who obeyed a principle of loyalty and filial piety under their patriarchs didn't hesitate to go on strike by all members of the cabinet if their patriarchs ordered, none the less their patriarchs didn't usurp the throne by the united strong power. This was why the great family of the Imperial Household was regarded as

descendants of the noblest family line. It was true that Fujiwara Family stood as the patriarch and the guardian on this noble family and behaved freely like traitors and it was natural from the chain of deep-rooted attachment based on blood. Even after Fujiwara Family prospered and got to compete over the position of a guardian among the branch families, the way that they adapted was that they sent those who were from their blood as empresses, took and brought up the future emperors who were born from their daughters to their home, and that they only had closer blood relation than other rivals. Though they made expression of the family line by The Sword of *Tsubokiri* the factor of the right of succession of the Throne and realized an action of *Dōkyō* to some extent, they thought the family line they were proud of and respected couldn't be infringed by anyone either mustn't be infringed in the age of class state based on a principle of blood superiority. So, on the one hand, they exercised their privileges to all other lower classes based on an honor of the family line of Fujiwara Family; on the other hand, when their privileges were not ignored or their requests for their privileges were not driven out, they didn't intend to replace the Imperial Household. But there is no limitation about privileges and requests appear repeatedly once they are satisfied. So, on the one hand, a principle of blood superiority got a moment that Fujiwara Family behaved like traitors; on the other hand, it prevented all members of Fujiwara Family becoming *Dōkyō* and protected the Imperial Household that compromised with them on everything.

After the age of Fujiwara Family, things were the same. Heike Family shut the Emperor up but didn't hurt him. Yoshinaka spoke very arrogantly but he couldn't be a Buddhist priest either a child. On the one hand, consciousness of a principle of blood superiority that considered a family line such as Heike or Genji as an honor made them pride themselves toward others; on the other hand, it made them hesitate to some extent toward the family line that was higher than their family lines.

The medieval thought that made their followers and other clans rush to the Emperor by a principle of loyalty and filial piety to them, and they gave their names lengthy and fought for an honor of their family lines before they fought by a bow and arrow made Yoritomo who conversely threatened the envoy of the retired Emperor to explain the Rescript of the retired Emperor that he could not help issuing since he was threatened by Yoshitsune<sup>5</sup> and drove them back received an order to appoint him to Shogun, although it was formal. In addition, once noble Buddhism was tied by the medieval

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<sup>5</sup> In the Japanese original text, this part is 'Yoshinaka' but 'Yoshitsune' is right.

The Emperor *Goshirakawa* was pressed by Yoshitsune to issue the Rescript that ordered to overthrow Yoritomo. Yoshitsune said, 'if you don't issue the Rescript, I will suicide here'. Yoshitsune pressed so strongly that the Emperor issued the Rescript that ordered to overthrow Yoritomo. But he wanted to avoid conflicting with Yoritomo, so he sent the envoy to explain why he issued the Rescript.

thought like national isolation and got to regard innumerable gods of the primitive religion as temporary figures of Buddha, it didn't get to dare to persecute the Imperial Household without reason except for Kou no Moronao who didn't believe any religion.

We think this: the emperors in the medieval age were not only patriarchal monarchs on lands and people they had but also were 'the Roman Pope in *Shintonism*' on other patriarchal monarchs in the whole country. It is the most necessary for historians to pay attention that we mustn't infer that the emperors have been the same from the ancient times to today from the form and pronunciations of the word of 'the Emperor'. Dr. Aruga infers as if the position of the emperors has been unchanging from the ancient times to today, so he interprets the letter of the Shogun as today's full general. But actually, Shogun at that time had the sovereignty above his owning lands and people; it was the same that the emperors and other feudal lords reigned as the patriarchs above each land and people. What he was different from them was that he was 'The Emperor of the Holy Roman Empire in Kamakura' who was given the Crown by the emperors as 'the Roman Pope in *Shintonism*'.

We don't use these metaphors as perfect ones; we don't mean that Japanese medieval history is not different from European one at all because history of each country does not fit perfectly in all aspects. For example, European Roman Pope purely stood by Christianity but the Roman Pope in *Shintonism* did not only stand by *Shintonism* but also exercised their sovereignty on their owning lands and people like other patriarchal monarchs. The fact that the emperors looked back the age of monarchal countries that they had had the whole land and people and struggled against other patriarchal monarchs shows these clearly. But anyway if we do not edit Japanese medieval history making these 'the Roman Pope in *Shintonism*', 'The Emperor of the Holy Roman Empire in Kamakura', and 'Each King' called other land lords as a framework, we cannot help understanding that the age of aristocratic countries is incomprehensive and hiding it into a cupboard of the theory of Japanese constitution.

However, all historians ancient and modern times have described history by a viewpoint of today's sense of the theory of Japanese constitution; they have placed Shogun as the subject of the emperors and land lords retainers of the vassal, and have been angry abused and that military families have acted as they have pleased and retainers of the vassal have had their own way. –Why have they thought that unreasonable things have lasted for a thousand years? They have remained such a barbarous idea like in barbarous villages that they have rashly regarded the medieval history of the age of aristocratic countries when any race have experienced as battles of subjugation and have not been able to understand modern Japan that have inherited it.



So long as Catholicism had been prosperous, the Roman Pope let the Emperor of the Holy Roman Empire stand in front of the Gate snowing and forced him to give in<sup>6</sup>; so long as pure primitive belief had been maintained, 'the Roman Pope in *Shintonism*' exercised secular powers from the sacred platform and controlled even Shogun such as Yoshiie of the ancestor of Genji Family<sup>7</sup> (you shall understand it because in the age when we named 'the age of monarchal countries', the emperors were the strongest so long as Fujiwara Family declined). However, once belief of Catholicism declined, the power of the Emperor of the Holy Roman Empire became strong along with other kings and he infringed the right that the Roman Pope gave the Crown to him by his political power; 'The Emperor of the Holy Roman Empire in Kamakura', when belief of *Shintonism* declined, got to alter 'The Roman Pope in *Shintonism*' freely.

Like the Emperor of the Holy Roman Empire could not impair the dignity unless he was given the Crown by the Roman Pope, it was true for 'The Emperor of the Holy Roman Empire in Kamakura' to have been laid the foundation by the Crown of *Shogun* from the 'The Roman Pope in *Shintonism*' as long as belief of *Shintonism* had had influence. Rather, like today's German Emperor has still hope the Crown of the Emperor of the Holy Roman Empire for his vanity, it was true for Shogun and Daimyōs to have been pleased to be conferred official ranks in the Court and titles of nobility from the Court after belief of *Shintonism* greatly declined. But the Court didn't become like *Gregrius* 7th but was greatly elegant; but it was poor in the Age of Civil Wars and had been constantly shut up in the era of Tokugawa Shogunate. So, it didn't attack the vanity of 'The Emperor of the Holy Roman Empire in Kamakura' and 'Each Kings' neither has touched their great authority. Why Ashikaga Yoshimitsu refused to be conferred *Daijō Daijin* was because 'The Emperor of the Holy Roman Empire in Kamakura' made a concession for himself. It didn't refuse to confer the Regent or *Kanpaku* to Hideyoshi who called himself as a descendant of *Ama no Koyane no Mikoto*<sup>8</sup> and based his family line on the age of the gods but was a person of low birth (so, those who advocate the theory that the monarch and subjects formed a family must approve his right that he said, 'I got my power by myself. I'm able to occupy not only the position of the king but of the emperor whenever I want', when he conquered the whole country).

If the emperors in the medieval times were the owners of the whole country as the same with them in the ancient times, his declaration 'I got my power by myself.' would have denied the Emperors themselves in the age that might was right and strength of

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<sup>6</sup> It points Humiliation in Canossa.

<sup>7</sup> This description is fault because he didn't attain the position of Shogun.

<sup>8</sup> At first, He called himself as a descendant of Genji Family but got to call as a descendant of Fujiwara Family later.

powers decided all rights. But historical facts were not so. The emperors at that time had not lost an honor of 'The Roman Pope in *Shintonism*', even if they lost their lands and people as even their clothes were in short supply, so they had made themselves exist in another world with they the strong.

Of course, it goes without saying that belief of the primitive religion gradually declines along with social evolution. It is groundless to conclude that the last resort of enthronement by turns from two Imperial Bloods by Houjou Family made reverence toward 'The Roman Pope in *Shintonism*' by scholarship of Zen Buddhism, or constant and extremely cruel confinement and compulsory abdication by Tokugawa Family were equally justified by Confucianism; but why their powers declined, none the less Ashikaga Family didn't established the North Court for themselves neither become 'The Roman Pope in *Shintonism*' for themselves, nor nobles in the Age of Civil Wars called themselves for themselves was because the content of 'the emperors' had become 'The Roman Pope in *Shintonism*' in the medieval times who was quite different from 'the emperors' who were the strong and had owned the whole country.

Like the Roman Pope of Christianity got to be altered by the emperors of the Holy Roman Empire in Europe, the Roman Popes in *Shintonism* got to be altered by the emperors of the Holy Roman Empire in Kamakura extremely freely through a thousand years in the medieval times. But the emperors of the Holy Roman Empire in Europe had not usurped the papal throne of the Roman Pope of Christianity of their own accord, and they had not needed that. Like that, why the Roman Popes in *Shintonism* had not been usurped the papal throne by the emperors of the Holy Roman Empire in Kamakura who had intended to be the strongest by conquering the whole country was because they were quite different from the significance of existence each other and they had not need that. Unless we decide the content of the letter of 'the emperors' in accordance with historical evolution, we cannot help understanding that the emperors in the sense of the owner of the whole country in the ancient times and Shogun who declared, 'I got my power by myself' and was respected as 'Tenka sama (the head of the whole country)' from people of the whole country coexisted, so we cannot understand history.

Of course, we don't say that the emperors had not made efforts to be the owner of the whole country like in the ancient times other than having been the Roman Pope in *Shintonism* as a hope of the emperors. But hopes and historical facts were another problem. Though Taira no Masakado intended to take place the Emperor by reason that he was a descendant of the Emperor but historical facts were not so. He couldn't take place the Emperor, and regarded as a traitor; he only played the same role of Chen

Sheng and Wu Guang<sup>9</sup> before the age of the aristocratic countries.

In the ancient and medieval times that strength of powers determined all rights, the great power was needed to acquire the great right. See the ancient emperors. The Emperor *Jimmu* conquered from *Kyūshū* region to the edge of *Kinki* region, Yamato Takeru no Mikoto ran between a tiger and a dragon only by a sword, and the Emperor *Tenji* outstripped the subject trembling with fear, fled out for himself, and cut the strongest man down; the age of monarchical countries by the great right could exist because these great powers based on it. –The thought of rights evolves in accordance with the progress of times. If like in the age of the French Revolution and the Meiji Restoration, we deny that plunder of noble class by the great power was not the right in the medieval times, we cannot help arguing the ancient history as the same and reaching the bloodcurdling conclusion to the emperors at that time.

Since historians only understand history by a viewpoint of today's sense, they ignore the natural rights the Emperor *Yūryaku* and criticized that he was tyrant and outrageous, and regard actions that the Emperor *Kouken* intended to exercise as if a woman's blind love. –We strongly insist that they were based on the absolute rights including in the strong powers of the absolute and infinite powers in the ancient emperors. And we strongly insist more than anyone else that the fact that the emperors in the medieval times had kept an unbroken line as the Roman Popes in *Shintonism* was proved that noble class were traitors.

Ah, those who advocate the theory of Japanese constitution. 'An unbroken line' in this sense is a great hammer that strikes faces of a shameless those who advocate the theory of Japanese constitution who arrogantly say that people have been faithful to the Imperial Household. The emperors required to be approved themselves as the rulers of the whole people and country by their deep virtue. They didn't forget to require it waking or sleeping even in any persecution, and in shortage of clothes and food. But it was the fact that people always refused by strong powers.

What is the theory of Japanese constitution? If you say that people like this have been faithful to and helped an unbroken line of the Imperial Household, even Yoshitoki and Takauji were great loyal retainers, so the parent and child of Kusunoki would not maintain their dignity. But someone may say this: they didn't point their swords toward an unbroken line of the Imperial Household. –We say again. What is the theory of Japanese constitution? All of people assisted traitors and made the emperors give up all

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<sup>9</sup> Chen Sheng and Wu Guang were leaders of traitors in the era of Qin Dynasty in China. The rebellion was suppressed but got a turning point to be ruined the Qin Dynasty. From this 'Chen Sheng and Wu Guang' means to be the first of things.

hope to realize those requests<sup>10</sup>. Nevertheless, if you say that people have been faithful to and helped the Imperial Household, we could say that Houjou and Tokugawa Family helped the Imperial Household by the enthronement by turns from two Imperial Bloods or constant compulsory abdication. If they secured by confinement, why did their family line cease to exist?

The problem is not the continuation of an unbroken line itself but why an unbroken line could continue. –An unbroken line continued by the above-mentioned reasons only expresses the fact that traitors have permanently and constantly existed. Those who insisted obstinately that people had been faithful to the Imperial Household, and advocate the theory of Japanese constitution, apologize in front of the Gate of the Imperial Palace and wait to be sentenced to death! Why can we say that people have helped the Imperial Household? It is said that the character of Japanese race is the same with French who cut Louis 16th down, isn't it? During the Imperial Household was the supreme ruler in Japan, except for a few emperors, many of them weren't like Louis 14th; they almost obeyed the theory of the sovereignty of the state of Confucianism as a political moral by a supreme directive of consciousness. When its rights were oppressed by rights of the other strong, they were out of scrambles for political power as elegant poets and were onlookers. An unbroken line clearly shows the noble moral of the Imperial Household but no one can consider it as an honor in Japan except for the Imperial Household itself; it clearly shows that people had been traitors.

Suppose that the Imperial Household confronted against Yoshitoki by a desire to political power like the King Charles<sup>11</sup>. Who could conclude that Yoshitoki didn't become Cromwell? The emperors invited the Eastern Army taking an attitude of surrender clearly, none the less no one guarded the Three Emperors from exile that caused them harder pain than death among the whole people. This was far crueler retaliation than French people who sentenced Louis 16th to death by a margin of only one vote, although it was an inevitable measure to remove a pretext from foreign countries (Whenever I visit the Imperial mausoleum of the Emperor *Juntoku* in my hometown, I imagine heartbreak of the poet<sup>12</sup> and shed tears).

In the age that the strength of power decided ownership, what is called robberies cutting people had been had a habit of samurais, so let us compare it to robberies from here. Why robbers swing their knives is because they want to rob wallets. They don't swing their knives after they got wallets without they were homicidal maniacs. No!

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<sup>10</sup> In short, Kita answers that the emperors were not hopeful to be rulers again entirely, and people didn't regard them dangerous, so they didn't point their swords toward the Imperial Household.

<sup>11</sup> It points Charles I (1600-1649) in Britain.

<sup>12</sup> The Emperor *Juntoku* was a master of *Waka* (Japanese Poems).

Descendants of robberies cutting people who have already made their wallets fat don't become homicidal maniacs against those who had lost their wallet. Yoritomo was a robber who skillfully threatened and Yoshitoki was a robber who had offensive weapons. Shoguns who tightly kept undertakings of the founders such as Houjou, Ashikaga, or Tokugawa Family<sup>13</sup> were millionaires who inherited fat wallets by robberies of ancestors. All of them were successful robbers. Nevertheless, why robberies become homicidal maniacs at the same time or millionaires become them?

Once robberies had got wallets, they were inherited by their descendants as hereditary properties and a few hundred years later, even stolen articles become (objects of) the sacrosanct rights by acquisitive prescription in today's law; for people at that time, they were regarded as rights that must not be infringed. Like owners of fields a few hundred years ago have been forgotten today, previous owners (of lands and people) of the emperors had not existed in people's memory at all. So, there was 'the Rebellion of the Emperor'. Hereditary wallets are robbed them by others, and they set their right on them at once by their strong powers. So, Hideyoshi said, 'I got my power by myself.'

In the society of robbers, robbers are recognized their rights from the night when they rob others of wallets; in the age when the strength of power decided the ownership, robbers of the whole country had recognized the rights based on the robbery except for those who were robbed of from the age. So, Ieyasu was respected as 'Tenka sama'. In this way, wallets always passed from robbers' hands to others' hands and they killed each other for wallets; the Imperial Household having lost their strong power had to be onlookers outside this bloodshed, so the emperors had not stuck their blood to an unbroken line.

When Shoguns always died a tragic death by performing *seppuku* was because they had had wallets firmly but fingers which wrote poems on square pieces of fancy paper had not been able to grasp even drawstrings of wallets. People of traitors committed robberies 1,000 years ago and had forgotten that the Imperial Household had been the first owner until history had gotten to be edited in the last days of Tokugawa Shogunate. The poor don't have to worry to be robbed. The Roman Pope in *Shintonism* who had been deprived the meaning as the owner of the whole country by people of traitors had not had his or her purse inviting robbers. The fact that the strong at that time could not be either don't have to be The Roman Pope in *Shintonism* was the same that German emperors could not be either don't have to be The Roman Pope.

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<sup>13</sup> Accurately speaking, Houjou Family didn't become Shogun.

It is not clear whether the arrogant remark of the King of apes in *Kiso* region<sup>14</sup>, ‘I have already defeated the abdicated Emperor. I will be the abdicated Emperor. It would be interesting to be a priest since the abdicated Emperor is a Buddhist priest’ was temporary or not. We can understand how exhaustive robbers threw the emperors out from wallets by strong power from the fact that they thought they didn’t have to stain their swords with blood and exiled even the Emperor *Godaigo* who appeared in the medieval times only once into a remote island called *Oki*. Genji Family did so. Houjou Family did so. And Ashikaga Family did so, too. All people in 100 years of the Age of Civil Wars and in 300 years of the Tokugawa Shogunate did so. –Only true the Neo-Confucianists in the last days of Tokugawa Shogunate denied these plunderers by modern theory of rights and advocated the theory of revolutionary! Why aren’t today’s those who inherit the theory and insist reverence and loyalty for the Emperor angry those plunders like the Revolutionary Party in the last days of Tokugawa Shogunate but rather defend traitors of plunderers and strain that an unbroken line is a consequence they had helped it by their favors? Those who advocated the theory of reverence for the Emperor in the last days of Tokugawa Shogunate were neither so contradictory nor mad that they advocate the theory of reverence for the Emperor to overthrow noble class who equally respected the Emperor. See *The Commentary on the Constitution* by Mr. Itō Hirobumi, who was an elder statesman who rendered a great service in the Meiji Restoration to the nation. He clearly argues that the Meiji Restoration recovered the sovereignty to the Emperor. Recovery presupposes loss.

By the above-mentioned, you will be able to understand what we said that the Imperial Household had unbrokenly lasted by a principle of blood superiority, loyalty, and filial piety and the belief of *Shintonism*. The Imperial Household had been respected by a principle of blood superiority, loyalty, and filial piety and the belief of *Shintonism* in the regions that its power had reached in the primitive times (it meant that what is called traitors historians who criticized history by a viewpoint of today’s sense said had been since prehistoric times because it showed that all other villages had respected each chieftain by these three points).

When the age had entered into the historic times, the Imperial Household reigned on the whole Japan by its pure strong power in the early days of monarchial countries. Particular great families had had their own way afterward, none the less an unbroken line had not been infringed thanks to consciousness of worship of a family line; the Imperial Household had jurisprudentially kept its position as the age of the monarchal country until the control of Fujiwara Family ended (but it was the age of a principle of

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<sup>14</sup> It means Minamoto no Yoshinaka.

blood superiority that people considered a family line of Fujiwara Family as an honor, so traitors oppressed it through almost all time of the age the monarchal country).

Once history entered into the age of aristocratic countries of the medieval times, it was regarded as ‘The Roman Pope in *Shintonism*’ who had no relation to the struggle among the strong and respected by a belief declining *Shintonism*. This age lasted for a long time of 1,000 years from Yoritomo to Tokugawa Family; 1,000 years are equal to the length of history of today’s developed countries that they reached modern civilization. Hence, in this long evolution of the society, the Imperial Household no longer got to be worshiped only by a family line and a view of equality such as ‘the age of vassals’ was widely expanded by strong powers. And the word in the revolution, ‘why are the positions of kings, feudal lords, generals, or ministers based on a family line<sup>15</sup>’, was realized by Hideyoshi who was a mere humble man at first. In this way, the Imperial Household lost the meaning of the monarchal country by equalitarianism only expanded to noble class until a view of equality expanded and overthrew noble class and only had an religious honor as ‘The Roman Pope in *Shintonism*’.

Of course, we don’t deny that the social system was formed by a principle of blood superiority, loyalty, and filial piety because the state before the Revolution was a class state. But rather, a principle of blood superiority expressed a view of equality or the right of the strong based on an honor of a family line that they were from the same branch with the emperors or their ancestors were masters of the whole country and showed a motive, ‘a Jie’s dog barks at even Yao’<sup>16</sup>, as conspirators of traitors of noble class against the Imperial Household. A principle of loyalty and filial piety was entirely meaningless for noble class whom had gotten political freedom by economic independent; it was a tool to require lower classes that had been subordinate to them to attack other nobles or the Imperial Household when they confronted other nobles or the Imperial Household. –Why an unbroken line had lasted after the medieval age was not because a family line of the Imperial Household was worshiped nor people were faithful to the emperors. It means that rebellions against the Imperial Household succeeded by blood worship to noble class and a principle of loyalty and filial piety based on economic subordination to ‘masters or fathers before they subjects’ nose’—that is, it was what is called a monument of traitors.

Continuation of a family line in this sense is seen today’s *Shinto* priest in *Izumo*. Though he is not regarded as the sovereign by people, he says that his family line has continuously lasted since the age of the Gods. The purest true family line in this sense is

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<sup>15</sup> This word is seen in *Shiji*.

<sup>16</sup> This is a Chinese proverb. Jie and Yao were the legendary monarchs in ancient China (it is said that Jie was a tyrant and Yao was a wise ruler). It is used as a metaphor that followers are faithful to their wicked masters.

seen *Marahāna*<sup>17</sup> in India. They say that it is not a political man of power but a man who was the incarnation of the God Quince<sup>18</sup>, made a collateral line bring up and inherit his family line only once during 3,000 years since he appeared this world; those who can marriage him are only Derubī Family<sup>19</sup> of the Great Imperial Household in India. This is no match for Japan where innumerable collateral lines inherited the Imperial Throne and many people's blood—especially Fujiwara Family's blood was mixed in the Imperial Household, isn't it?

An unbroken line itself is no related to it that people respect it. Though Hideyoshi thought himself as an unbroken line of a man that he had inherited blood of *Ama no Koyane no Mikoto* through many people and collateral lines, it goes without saying that his ancestor was a rural humble woman. Dr. Hodumi thinks that blood of the Imperial Household and of the people is the same and all of them are *Amaterasu Ōmikami*'s descendants (how inferior intelligent they have!), so it goes without saying that his family is an unbroken line in this sense although his ancestor had not been respected by Shoguns of Tokugawa Shogunate. No! We are simply enough to say that an unbroken line itself is no related to it that people respect it? An unbroken line was produced since too many people were traitors and the Imperial Household despaired of all. Those who get very angry against plunder and advocate the real theory of Japanese constitution of Meiji Restoration have inherited the humble theory that have defended plunderers and have regarded themselves as an unbroken line since *Amaterasu Ōmikami*! There is the Roman Pope who lies the truth and crucifies Christ after Christ was crucified since he protected the truth. Today when the theory of Japanese constitution has become the Roman Pope, we cannot help sympathizing crucified those who advocate the theory of Japanese constitution and crying for them. You would cry for dead man or the darkness of the night.

So, we shall conclude this: why an unbroken family line has lasted is because people had always been bold and cruel traitors for a very very long time and the emperors had despaired as 'the Roman Pope in *Shintonism*' since they had been plundered the great parts of their contents. An unbroken line surely commemorates that traitors had done exist.

Let us tell the Roman Pope in *Shintonism* who crucifies those who advocate the real theory of Japanese constitution more for crucified those who advocate the real theory of

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<sup>17</sup> This is not clear. Is this a Hindu sacred book, *The Mahābhārata*?

<sup>18</sup> This is not clear. The name of 'Quince' is not seen in Hindu gods. Is this the God Visnu?

<sup>19</sup> This is not clear.

In Hinduism, Kṛṣṇa who is a half-man-and-half-god hero in Hinduism is the incarnation of the God Visnu and is regarded as a son of Vasudeva. So, 'Derubī Family' may be 'Vasudeva'.



Japanese constitution.

Dr. Aruga says this in his *The science of the national law*: the function of the sovereignty had been entrusted to the Shogunate but its substance had been in an unbroken line of the emperors.

We don't read his *The general history of the Empire* which made his name famous as a distinguished historian in Japan either we shall not have the honor of reading it in the future. But seeing the part that Japanese political history is described in it, he only use legal terms such as 'the sovereignty' or 'the sovereign' instead of 'seem' or so and we are surprised at his way of history description by a viewpoint of today's sense. It is natural that historians in the national isolation didn't regard history as description of the trace of evolution because the society at that time had not evolved like today. Also, it is inevitable that the science of European history before Comte<sup>20</sup> or Darwin interpreted that history repeated itself and had not been able to escape the framework of the cosmology of circulation because the society had been in the halfway through evolution. However, he wrote *The theory of social evolution* earlier than anyone (we don't read this, either.) and declares to the public that he studies the present national law historically and makes it the foundation of the theory of the sovereignty of the Emperor. None the less, he doesn't understand that political history studies an order that people awoke to political power, and it developed and expanded. We have no choice but calling him a barbarous man.

Not only Dr. Aruga, I think that Japanese all historians have rarely seen Japanese history by thoughts after the theory of evolution. But this attitude is not suitable for historical study either it is dynamic. According to the creation myth of Christianity or *Shintonism*, every bird, beast, tree, or stone was created severally. If we follow it, we should imagine that human beings have been created severally from beginning—since the creation of the world that Christianity or *Shintonism* have told—the Occident of Adam and Eve have been created as republic countries and Japan of *Izanagi* and *Izanami* have been created as a monarchal country; we should forget classifying the national polities and forms of government in accordance with times. —On earth, does 'the peculiar national polity of we Japan' exist?

If anything, we shall praise lovely Dr. Hodumi's consistent attitude whose doesn't understand the theory of evolution, believes the creation myth of *Shintonism*, and lectures the constitution. Dr. Aruga makes the creation myth of *Shintonism* the center of his thoughts like Dr. Hodumi. Nevertheless, he laughs at the theory of the sovereignty of the monarch by Dr. Hodumi on the name of historical study and refutes,

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<sup>20</sup> He was a French philosopher in France (1798-1857). He is famous the founder of sociology.

‘it is a conventional opinion ignoring history that he puts the base of the sovereignty of the Emperor on the simple fact that the Emperor is an ancestor of *Amaterasu Ōmikami*’ It is too presumptuous. He doesn’t advocate the theory of the sovereignty of the Emperor based on history but plays with history by *Shintonic* belief like Dr. Hodumi. He spits at the Heaven and dirties his own face.

Unless a joke comes true, it is unreasonable that his argument of the delegation of authority comes from 18 articles of The Law to Daimyos<sup>21</sup> and 17 articles of The Law to the emperors and nobles<sup>22</sup>. We don’t tell measures of the Shogunate against the Imperial Household based on 18 articles of The Law to Daimyos and 17 articles of The Law to the emperors and nobles in detail again; neither we cite constant confinement and compulsory abdication being far superior to ones of Yoshitoki and Takauji. However, historians who have a little scientific attitude as historical scholars shouldn’t get mad to reverse the texts of the laws used to oppress the Imperial Household and to explain that the Imperial Household delegated the sovereignty to the Shogunate.

Dr. Aruga says this: The government of Tokugawa Family was the first instance that got the rights of rule without a victory in battles after the age of the Genji and Heike Family. So, they had to ground their rights to another one except for force of arms for maintaining their rights. Ieyasu knew a lot classics and the Japanese national polity. He returned the political power to the Emperor for the present, was delegated it by the Emperor, and organized the Shogunate. And he enacted The Law to Daimyos based on the Imperial order. What fanny logic! If Ieyasu ‘returned the political power to the Emperor for the present’ to be delegated it by the Emperor, it means that he returned the political power that he had had before *delegation*; this logic has a presupposition that Tokugawa Family had been a man of political power before *delegation*.

Furthermore, he says: Hideyoshi plundered the political power based on delegation by force of arms, returned it to the Emperor, and was delegated it. We shall not care why Tokugawa Family who was supposed not to have the right to appeal to arms since they had not been delegated the function of the sovereignty could plunder it that is said that the Emperor delegated. But if we understand that the government of Tokugawa Family who knew a lot classics and the Japanese national polity was ‘the first instance’ that got the rights of rule by delegation, we declare that men of political power ‘based on a victory in battles after the age of the Genji and Heike Family’ were not delegated the function of the sovereignty. The argument delegation of the sovereignty becomes a

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<sup>21</sup> The Law to Daimyos was enacted by Tokugawa Ieyasu to control Daimyos in 1615. Kita writes ‘18 articles’ but rightly speaking, it was constituted by 19 articles.

<sup>22</sup> The Law to the emperors and nobles was enacted by Tokugawa Ieyasu to control the emperors and nobles in 1615. It was constituted by 17 articles.

suicidal logic.

Repeatedly speaking, the argument of delegation of the sovereignty by Dr. Aruga goes as follows: since the government of Tokugawa Family was the first instance that they returned the political power to the Emperor for the present and got the rights of rule by delegation, all Shogunates based on a victory in battles after the age of the Genji and Heike Family had not been delegated the sovereignty. Also, although the first Shogunate had been delegated the function of the sovereignty, Tokugawa Family who had not been the function of the sovereignty—that is, they had not had the right to appeal to arms had not been delegated the function of the sovereignty that should return, although they returned the political power to the Emperor for the present.

But Dr. Aruga says this: the prerogative of arms had still theoretically belonged to the emperors because the emperor appointed Yoritomo *Sou tsuibu shi* (the general commander of a search-and-destroy unit)<sup>23</sup> and Shogun by the Imperial order, and subjugation against rebellions had always been practiced by the Rescript of the retired emperors. And the diplomatic rights had still theoretically belonged to the emperors because in 1272, when a note was sent from Korea that had subjected to the Yuan dynasty and she demanded friendship, Tokimune presented it to the Court. He denies the previous argument that ‘the government of Tokugawa Family was the first instance that organized the Shogunate by delegation of the Emperor and got the rights of rule, and insists that those who won in battles after the age of the Genji and Heike Family were also delegated the function of the sovereignty. –What an unparalleled argument of delegation of the sovereignty in the world! We don’t dare to deny that Yoritomo was appointed *Sou tsuibu shi* and Shogun, and received the Imperial order when he sent a punitive force against the enemy. But it didn’t mean as he imagines from the form and pronunciation of letters like that today’ Emperor appoints a general and issues the Imperial Rescript of a declaration of war. It meant that Yoritomo and the Emperor were the relationship between the Roman Pope of *Shintonism* and the Emperor of the Holy Roman Empire in Kamakura. He should naturally reflect on this: when Yoritomo had not been appointed *Sou tsuibu shi* either Shogun, who did delegate the right to appeal to arms to him that defeated the Heike Family in reverse who attacked Yoritomo by the Imperial order of the retired Emperor? Why could the Imperial order of the retired Emperor order to hunt down and kill the Heike Family who had had the Emperor as their leader<sup>24</sup>? The substance of the sovereignty belonged to the Imperial order of the

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<sup>23</sup> This name was made by Yoritomo.

<sup>24</sup> In this context, ‘the retired Emperor’ means the Emperor *Goshirakawa* and ‘the Emperor’ means the Emperor *Antoku*. After defeating by a force of Minamoto no Yoshinaka and Yoshitsune, the Heike Family left the capital with the Emperor *Antoku*.

retired Emperor or the Emperor? If he insists that the Imperial order of the retired Emperor or the Emperor were both valid observing historical facts at that time, it shall be an attitude of a historian who shall value historical facts and shall prove that Yoritomo had had the actual right to appeal to arms from old times. No! Yoritomo not only annihilated those who received the Imperial order by the Imperial order of the retired Emperor but also ignored it.

For example, he didn't permission of the Court, none the less he said, 'I conquer my subject. Why must the master wait to receive the Imperial order of the retired Emperor to conquer one's own subject?' and majestically attacked *Ōu* (today's Tōhoku region)<sup>25</sup> by an anger of a sovereign. Also, we don't dare to deny the fact that in 1272, when the Yuan dynasty demanded friendship, Tokimune presented it to the Court. But it doesn't mean as he imagines from the form and pronunciation of letters like that today's Emperor receives a report from the Minister for Foreign Affairs. He did so because the Emperor was the Roman Pope in *Shintonism*; the Emperor was based on such belief of Shintonism that *Kamikaze* (a Divine wind) swept out the Yuan Force because the retired Emperor Kameyama prayed the Ise Grand Shrine working himself to the bone. Dr. Aruga should naturally reflect on this: Tokimune broke the Imperial reply by his despotic power, a declaration of war was made by his thunder whose had been very bold, the whole country followed him, and fought against the Yuan Force. These actions prove that they approved his diplomatic power, don't they?

Did Ashikaga Yoshimitsu exercise the diplomatic power by the function of the sovereignty based on a delegation of the Emperor and was he admitted the position of Japanese King from China? Did Toyotomi Hideyoshi conquer Korea by the right to appeal to arms based on a delegation of the Emperor, break the document of peace negotiations by the diplomatic power based on a delegation of the Emperor, and say, 'I got my power by myself. I'm able to occupy not only the position of the king but of the emperor whenever I want'? Though Ieyasu made diplomacy a principle to the opening to the world and made Daimyos trade freely but Iemitsu closed the country by a strict policy of national isolation, did they exercise the diplomatic power based on a delegation of the Emperor? –What an unparalleled argument of delegation of the sovereignty in the world!

Mutual agreement is an essential element of a delegation and a contract of delegation cannot cancel freely except for by arranged clauses. We say that one deprived others' wallets by a fraud or a threat but don't say that one deprived others' wallets by a

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<sup>25</sup> Fujiwara Family in *Ōu* harbored a Minamoto no Yoshitsune. In 1189, Yoritomo attacked Fujiwara Family and ruined them.

delegation; it shall be a unique terminology of Dr. Aruga. Things robbed by swords are named as 'stolen goods of robbers', but 'property gotten by delegation' have not been accepted as a legal terminology in Japan. If we argue that Yoshitoki or Iemitsu made a contract of a delegation, it should be a quite strange contract; because when they were cancelled it or requested to return the sovereignty, Yoshitoki exiled those who delegated the sovereignty to a desert island in reverse and Iemitsu threatened the Court by 350,000 army. Dr. Aruga who argues that the substance and the function of the sovereignty can be separated and its function was delegated to Shogunate, the Emperor of the substance of the sovereignty had ordered national isolation and the exclusion of foreigners as the substance of the diplomatic power, none the less Shogunate that was delegated the function of the sovereignty concluded treaties to open ports. Was this contract of a delegation made a condition that the substance and the function had the right to deny each other? Did the emperors who had appeared to have the right to appeal to arms theoretically as the substance of the sovereignty delegated its function to Houjou Yoshitoki and admitted him to attack them? Can the function of the sovereignty overwhelm the substance? That is why we compared Japanese medieval history to European medieval history, and called the emperor as 'the Roman Pope in *Shintonism*' and Shogun as 'The Emperor of the Holy Roman Empire in Kamakura'.

What an unparalleled argument of delegation of the sovereignty in the world! If the Emperor of the Holy Roman Empire in Kamakura were delegated the function of the sovereignty appointed Shogun from the Roman Pope in *Shintonism*, had the Roman Pope who gave the Emperor of the Holy Roman Empire in Europe the crown had the substance of the sovereignty? Also, were feudal lords at that time delegated the function of the sovereignty from the Shogunate that had been delegated it from the Emperor as a natural logic? If so, we must conclude that today's European monarchs are delegated the function of the sovereignty from the Emperor of the Holy Roman Empire who had been delegated it from the Roman Pope; are today's European countries empty islands that don't have a substance of the sovereignty? –If we think as an unparalleled argument of delegation of the sovereignty, France or America shall have unparalleled national polities. Japanese professors shall regard the independent title of 'Japanese King' of Ashikaga Yoshimitsu as an independent one based that he was delegated the function of the diplomatic power. But American professors don't argue that American Revolutionary War was practiced based on the delegation of the right of independence by British King of the substance of the sovereignty. Japanese legal doctors shall regard that Yoshitoki was delegated the right to appeal to arms by the Court, none the less he revolted and exiled the Three Emperors. But French legal doctors don't argue that the

Revolutionary Party was delegated the function of the sovereignty that made the King Louis himself to rise up the guillotine by him of the substance of the sovereignty. There is an unparalleled argument in the world where there is an unparalleled example in the world.

Furthermore, let Dr. Hodumi avenge himself against abuse of Dr. Aruga.

We have no choice but to say that it is a really comedy in a barbarous village. Dr. Hodumi advocates the theory of the sovereignty of the monarch along with Dr. Aruga, and he is based on a belief of a primitive religion and Japanese history. Dr. Aruga abuses his primitive religion, none the less Dr. Aruga himself takes up Japanese history statically by the creation myth of a primitive religion. Especially, since Dr. Hodumi professes that he believes a primitive religion, he says that only Japanese race has sat in Zen meditation outside the law of evolution and the national polity has not changed from old times. In this point, both Dr. Aruga and Dr. Homudi have the same historical philosophy. They joyfully agree in this point, none the less Dr. Hodumi's view of the theory of the substance of the sovereignty fundamentally denies interpretation of Dr. Aruga like an argument of Dr. Aruga gets abuse against Dr. Hodumi by accident. When things become like these, we cannot help laughing. Of course, since they must not be enemy each other under a big umbrella of the theory of the sovereignty of the monarch, it goes without saying that an argument of Dr. Hodumi is not expressed to Dr. Aruga like an argument of Dr. Aruga is not expressed to Dr. Hodumi. –We don't lead these two men like the blind to collide with each other to do mischief either laugh them by the side. But we must thank them deeply. That is, Dr. Hodumi's argument about the substance of the sovereignty doesn't show a theory of the sovereignty to same those who advocate the theory of the sovereignty of the monarch but argues against the intention that democrats who support a party cabinet intend to establish an actual republic government by the customary constitution. He says:

Thiers'<sup>26</sup> word, 'the King reigns, but does not govern', is a trivial matter as a theory. All powers are worthy of the name since they are active. A conception of an inactive power goes against a conception of power. If the monarch is the sovereign, he must be able to execute his power. One who cannot execute one's power is not the sovereign.

According to his arguments, the emperors in 1,000 years of the medieval times who had not been able to execute their power were not the sovereigns. Moreover, he says:

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<sup>26</sup> Louis Adolphe Thiers was a politician and historian in France (1797-1877).

A conception of a man of power who cannot execute one's power falls into self-contradiction. A power is a function of a will, so it is in an action. A conception of the sovereign who doesn't have a power is theoretically meaningless neither have it worth to be attacked as a legal theory. Furthermore, it is impossible to divide the substance of the power and its function as an actual argument. They can be divided in a word but belong to the same man actually, so a distinction like that is meaningless. We call one who executes one's power a man of power.

According to his arguments, today's Emperor who executes his power is a man of power and the Shogunate was a man of power. Furthermore, he says:

The formation of the sovereignty of the society depends on the social influence. It is formed logically. So, when we read history, it is sometimes unclear who the sovereignty was. At one time, the monarch was the sovereign but when the monarch got to reign by noblemen or powerful clans, they held real power. At one time, the monarch and the Parliament were interpreted as the united sovereignty. It is often unclear which the real sovereignty<sup>27</sup> always resided in the monarch or in the Parliament. This is based on the character of the sovereignty. The sovereignty is the social influence. Formation of the society is determined by various causes. So, we have no choice but regarding where people are sure that the sovereignty resides in and voluntarily obey powers as a result of history as where the sovereignty resides in.

His argument only means that history has experienced three ages of monarchal, aristocratic, and democratic countries. But when we see his words such as 'the real sovereignty<sup>28</sup>' and so on, we clearly recognize that he interprets Japanese history that Japanese sovereignty had never been fixed to an unbroken line but always shaken.

He ratifies the power of traitors! He offers a title of the sovereign to the grave of Yoshitoki and the mausoleums of Tokugawa Family! Ah, a grave of a loyal retainer Hodumi!

The argument of the substance of the sovereignty like this would be valid in the age of Houjou Family when there was a word 'a Rebellion of the Emperor' and the Emperor willingly obeyed his power. And it would valid in the age of Tokugawa Family when Ieyasu was called 'Shin Kun (the monarch like the God)', all Shoguns were called 'Tenka

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<sup>27</sup> In Japanese original text, this word is 'history'. But an expression of 'the real history' is unfamiliar either fit this context. Perhaps, this word is a mistake and 'the sovereignty' is right.

<sup>28</sup> See the previous note.

sama', and the emperors willingly obeyed their powers. We have no choice but being amazed that a man of Hodumi Yatsuka who is widely known that he *practices* reverence for the Emperor and loyalty in the whole country puts into words of ratification of traitors. So, only I regard him as a restorative-revolutionary who intends to change the present constitution, the form of government, and to overthrow the Emperor of the important national organ. But the general public misinterprets his science of constitution and calls him a lawyer of a royalist. He hopes that he shall make himself small side by side Mr. Itō Hirobumi being modest, his bronze statue holding yellow materials shall be set up, and his honorable name shall remain so long as the Minatogawa Shrine<sup>29</sup> shall continue to exist after his death. Nevertheless, he says that a conception of the sovereign who doesn't have a power is theoretically meaningless or where people voluntarily obey is where the sovereignty resides in; what a great traitor! But, on the other hand, he says, 'the sovereignty of the state has resided in an unbroken line and hasn't transferred to others. In this way, it forms the national polity of Japan'. If his bronze statue was set up, it must be two-headed invariably and we put yellow feces on each head.

We don't insult neither fool with a person who has titles of a president of the Law Department, a professor of the Imperial University, and a legal doctor without reason. If he recognizes that traitors called 'noble class' had plundered the sovereignty of the emperors and insists that the Imperial Household had been deprived of the sovereignty like Neo-Confucianists in the last days of the Tokugawa Shogunate who struggled hard against noble class, we would deeply sympathize him without argument. And although Mr. Itō Hirobumi insists that the Restoration recovered the sovereignty of the Emperors because a man of merit of the Meiji Restoration, it is only a boast of their merits; the strong must have the theory to explain what they are based on their own rights. Of course, it goes without saying that *The Commentary on the Constitution* that he argues like this is wrong.

But when Dr. Hodumi goes up a rostrum in the university putting *The Commentary on the Constitution* on his bridge of the nose, he does not express an honor of the strong like him but that Dr. Hodumi is his slave. If he is the same with Neo-Confucianists in the last days of the Tokugawa Shogunate, he would be angry against plunders of the sovereignty and would not forgive them. He says, 'a conception of the sovereign who doesn't have a power is theoretically meaningless', or 'where people voluntarily obey is where the sovereignty resides in' as if he were a man who advocates the theory that the Shogunate had had the sovereignty; he insults and plays with the souls of loyalists!

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<sup>29</sup> It deifies Kusunoki Masashige as the god.



Neo-Confucianists in the last days of the Tokugawa Shogunate recognized that the Shogunate was those in power. But why they recognized like that is not because they intended to advocate it to prostrate it based on the theory of the substance of the sovereignty like him because they intended to overthrow it. We really doubt: he advocates the theory of the substance of the sovereignty like this, none the less, why can he interpret Japanese history, 'the sovereignty of the state has resided in an unbroken line and hasn't transferred to others. In this way, it forms the national polity of Japan'? See his argument more in detail.

The basis of modern Europe was built after they had divided and become independent from feudalism. In our country, feudal lords lost their power by decline of feudalism; the Central Court recovered power again and unified Japan. This is the Meiji Restoration. European feudalism brought the just opposite result. As feudalism declined, the Central Emperor entirely lost his power; large feudal lords in the regions annexed small ones and made their independent countries. Today's European countries had been feudal lords who had been subordinate to the Emperor of the Holy Roman Empire in the medieval age. Nevertheless, the Central government ruined and feudal lords became independent. If we apply it to Japan, it is as if feudal domains such as Satsuma or Chōshū became many independent countries after the Restoration.

This argument contradicts in all things. The argument, 'feudal lords lost their power' presupposes that feudal lords had had power; the argument, 'the Central Court recovered power again' presupposes that the Emperor had lost his or her power. If Japanese 'sovereignty of the state has resided in an unbroken line and hasn't transferred to others', 'the sovereignty' would not be able to be recovered by the Restoration because the sovereignty hasn't transferred to others; If not so, it cannot be expressed by human languages. Does he advocate the theory of the sovereignty of the Emperor or the theory of the sovereignty of the Shogunate? Let him have a nightmare that the Emperor of the Holy Roman Empire in the Center ruined and feudal lords in regions became independent like Europe. Once he wakes up, he would abandon the theory that the monarch and subjects constitute a family or loyalty agrees with filial piety and belief of *Shintonism*; he would insist that where people voluntarily obey is where the sovereignty resides in, would rush under monarchs of Satsuma or Chōshū, and deny the theory of the sovereignty of the Emperor by a argument of traitors. His theory of the sovereignty is based on pure power, so it has another foundation with religious morals such as the theory of the sovereignty by the *Shintonic* theory of the

constitution. When we see Dr. Hodumi, we have no choice but imagining two-headed monster.

Ah, two-headed monster Dr. Hodumi! His heads on his shoulder affirm and deny to each other. On the one hand, right head says that it believes *Shintonism* as a religion, on the other hand, left head says that it studies myth scientifically. On the one hand, left head says that it advocates the theory of the sovereignty of the Shogunate, on the other hand, right head says that it advocates the theory of the sovereignty of the Emperor. No! His head on the left shoulder advocates the theory of the sovereignty of the state and it on the right shoulder advocates the theory of the sovereignty of the Emperor. See his theory of the substance of the sovereignty we quoted only a moment ago and his explanation what the sovereignty is that he took up in his legal theory. A proposition only a moment ago, ‘The sovereignty is the social influence’ is based on the theory of the sovereignty of the state and denies a proposition by the theory of the sovereignty of the monarch that the sovereignty is a peculiar power of the monarch. If the sovereignty is the social influence, the society would be the subject of the sovereignty; if it is a peculiar power of the monarch, it would become extinct along with the death of the monarch. –We mustn’t think how we can steal these two thoughts in rivalry with each other in the legal world at the same time. We cannot understand this until we imagine that he is two-headed monster. A proverb, ‘the best sage is not replaced the worst fool however they improve themselves’ means that the best sage has knowledge that he knows that he is wise but the worst fool doesn’t have even knowledge that he knows that he is fool. Of course, we don’t know which Dr. Hodumi is because he does not have knowledge that he knows that he is fool but he has knowledge that he knows that he is wise.

But since this two-headed monster monopolizes a rostrum of the Imperial University (we want to laugh this because it insist on sanctity of the university in these days), graduates of the University make a laughingstock. And since it faces a gateway to success of the judicature and administration that are critical organs that express wills of the Great Japanese Empire, younger members of legal scholars who regard independence of thoughts as the highest authority have no choice but going through his crotch pocketing their pride like Han Xin<sup>30</sup>. Two-headed monster would not exist without a barbarous village.

We thank them again. We did never match Dr. Aruga against Dr. Hodumi to mischief like naughty boys who lead the blind to collide with each other and laugh them to scorn

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<sup>30</sup> He was a general in early days of Han Dynasty. Under Liu Bang, he succeeded a general, ruined powerful families in every place, made Xiang Yu be isolated, and conquered the whole world. When he was young, he is insulted from a blackguard and was forced to go through his crotch in front of the public but he put up with it.

from the side. How can they guess pains of Rai San'yō<sup>31</sup> in *Nihon Gaishi* (*The unofficial history of Japan*)?

By the way, if so, had the emperors in the medieval times in Japan only been 'the Roman Pope in *Shintonism*'? No, we believe: the emperors had had the sovereignty like the Shogunate and other feudal lords but they had been inferior to them in the point of the strength of power. Why the Shogunate and feudal lords exercised the sovereignty to lands and people they had was because they were delegated the function of the sovereignty by the emperors like the delegation theory of the sovereignty of Dr. Aruga but each had the sovereignty. But the emperors before the Restoration were not that they were taken all contents of the sovereignty by the Shogunate and only the Shogunate was the ruler of Japan, although they were oppressed by other strong powers by the theory of the substance of the sovereignty of Dr. Hodumi. Shogun, feudal lords, and the emperors were all sovereigns.

This is why we insist that the national polity should be classified in accordance with the stage of evolution. The state before the Restoration was another country of 'the patriarchal country' and there was not only one sovereign in the country. Because many rulers dealt with lands and people they had as private properties for their own profits and purposes. This subject of the rights of properties is called 'the sovereign' and exercise of the right of properties is called 'rule'. It was the national polity of the sovereignty of the monarch that was quite different from today's state that it is the subject of the sovereignty for its own profits and purpose. At first, only the emperors were owners on lands and people in the *Kinki* region and it was the age of the monarchal country. But branch families of the emperors got to invade the provinces and became local clans; they got to own lands and people, and, in this way, innumerable monarchs came into the whole country. This was the age of the aristocratic country after Yoritomo. That is, one thousand and a few hundred years until the Restoration from the age when historical records were written was the age of the patriarchal countries. At first, it had had only small areas but it gradually expanded its areas to large ones; at first, there was only a patriarchal monarch but gradually many patriarchal monarchs came into the country and they confronted with each other. Decision of rights through from the ancient to the medieval times was base on the strength of power.

So, the Imperial Household had been the first patriarchal monarch having strong power on lands and people in small regions but the Genji, Heike, Ashikaga, or

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<sup>31</sup> He was a Confucianist in the latter part of Edo era (1780-1832). He wrote *Nihon Gaishi* (*The unofficial history of Japan*) from a standpoint of the theory of reverence for the Emperor of Neo-Confucianism. It was widely read in Meiji era.

Tokugawa Family who belonged to the family line of the Imperial Household became patriarchal monarchs on lands and people in various regions; they based authority of the deceased on decision by strength of power. That is, noble people in the aristocratic country had various names such as Shogun or feudal lords, none the less all of them were same in the point that they were patriarchal monarchs having absolute and infinite rights to their lands and people. And it was undeniable that the emperors in the medieval times had absolute and infinite rights to their lands and people in addition to being ‘the Roman Pope in *Shintonism*’.

Of course, in the latter half of the medieval history—that is, from 100 years in the Age of Civil Wars to 300 years in the age of Tokugawa Family—, it seems that the emperors had not remained any right except for being ‘the Roman Pope in *Shintonism*’ but they had had pitiful court nobles as their subjects even during they were in great poverty and had had a few lands having been oppressed by Tokugawa Family. So, it was fact that they jurisprudentially had absolute and infinite rights to their lands and people as patriarchal monarchs (see the part in the Section 3, *The theory of biological evolution and social philosophy*, that we have explained evolution of the patriarchal, aristocratic, and democratic country by social philosophy). Noble people in the aristocratic country were never ‘people’ having the same privileges with today’s ‘*Kazoku* (a new name of noble people after the Meiji Restoration)’ but ‘monarchs’ having had absolute and infinite rights to their lands and people. In the age of the aristocratic country, many of these ‘monarchs’ had existed confronting and uniting with each other.

They expanded one that one element of the society had realized to other small number of persons by an honor of the family line of the Emperor and evolved the same level of the monarchs in the age of monarchal country. This reason denies the delegation theory of the sovereignty of Dr. Aruga but does not affirm the theory of the substance of the sovereignty of Dr. Hodumi who believes that the emperor was not the sovereign. It was historical fact that feudal lords and Shogun were monarchs, and the emperors were also monarchs. But when we understand ‘the sovereignty’ as the original meaning of the word—the meaning that ‘the supreme ruler’, ‘the sovereign on rulers’, or ‘the monarch on monarchs’—, there shall be a problem. This is why righteous and unrighteous government was argued.

Dr. Hodumi’s answer to this problem is zero. He says, ‘when the state shakes, where the sovereignty resides in gets unclear’. He forgets the original meaning of the sovereignty that the state power is the sovereignty that governs the state as he defines in his *The gist of the Constitution*; when he see the medieval history by contemporary framework of the state where there is only one sovereignty, he shall not be able to

understand not only Japanese medieval history but also European one. All medieval history that is only way to understand modern times shall put it out of the subject of the science of the state. And the state always evolves, so it shall shake. Dr. Hodumi shall have no choice but giving the science of the constitution up as hopeless.

The letter of 'the sovereignty' got to be used to express who 'the supreme ruler', 'the sovereign on rulers', or 'the monarch on monarchs' is since many monarchs appeared in the medieval times, so it meant 'the supreme power'. In today's state, whether one advocates the theory of the sovereignty of the monarch or the state, a conception of 'the supreme power' is meaningless because no one can be the subject of rights other than the monarch or the state. When a conception of 'the supreme power' has a meaning, it means that there is the subject of rights who is not the supreme; it is the medieval history of the patriarchal country. If so, were an unbroken line of the emperors the sovereign—that is, the sovereign on rulers who had the supreme power, or the monarch on monarchs in Japanese medieval history?

We must understand that a dispute of righteous and unrighteous government means the decision where the sovereignty resides in. It was a dispute that Shogun had the supreme power as the sovereign on rulers of Daimyos by virtue or had the supreme power as the monarch on monarchs of feudal lords by force and trickery. Although we advocate Ogyū Sorai's theory of the sovereignty of the Shogunate, we cannot say that the Shogunate had been the sovereign from beginning to end because in the age of Ashikaga Family, it was not the sovereign having exercised the supreme power on feudal lords from the first of Takauji; in the last days of Tokugawa Family, it could not exercise the supreme power on the rulers of Chōshū and Satsuma, and the Imperial Household became strong, so the Shogunate could not oppress it as usual.

But although we advocate the theory of the sovereignty of the Emperor like scholars of ancient Japanese thoughts and culture because the emperors was resource of honors and reserved the right to confer honors, we cannot consistently argue that the emperors were the sovereign in this sense because the right to confer honors was always blocked by the right to appeal to arms and even the emperors who were the subjects of the right to confer honors were freely made to dethrone or enthrone by those who had the right to appeal to arms. Besides, in the period that strong power decided all things as justice, there was a word of a rebellion by the Emperor. Even today, international relationship is decided by the rights of the strength of power in many aspects, so it is difficult to regard that the theory of the sovereignty of the Emperor had been proper for 1,000 years if we adapt the thought that the right to appeal to arms is the first factor to classify a sovereign state and a non-sovereign state. —We declare this: the sovereignty shows ups

and downs of influence by confliction of many patriarchal monarchs and the sovereign has been decided in accordance with times, so it has never been unchanging.

So, we want to declare that feudal lords and Shogun were monarchs who were sovereigns having no connection with the theory of the sovereignty in this sense and the emperors had never lost the character of the sovereign. That is, the emperors were monarchs as the sovereign. And social evolution expanded a view of equality, noble class imitated the emperors, and made efforts to reach the stage of the emperors; each feudal lord evolved and they got monarchs in an each extent.

So, we don't think that Shogun and feudal lords plundered the sovereignty of the emperors and the emperors were named 'vacancy' that did not have the substance like Neo-Confucianists in the last days of Tokugawa Shogunate. They insisted that all of people should reverence and be faithful to the Emperor. They were not cut down by the Shogunate because they advocated plunder of the Shogunate and feudal lords and praised their reverence for the Emperor and loyalty like today's those who advocate the theory of Japanese constitution. They requested people respecting an unbroken line. But they didn't grieve that an unbroken line fallen low became extremely miserable since it had been respected by people's reverence for the Emperor and loyalty. It is not clear whether they felt that an unbroken line was the monument of guilty because people had been constantly traitors or not when they saw continuation of down-and-out and miserable unbroken line on the land of the bridge. It is certain that an unbroken line is an honor of only the Imperial Household not a present of people's respect. Ah, the theory of Japanese constitution got the Roman Pope. And it conversely intends to make those who advocate the real theory of the constitution crucify!

We refuse the dogma of the Roman Pope in the name of the theory of Japanese constitution and clearly inform you an unbroken line: this is an honor of the Imperial Household that it had accumulated deep and thick virtue and a historical pyramid that people have constantly oppressed in close cooperation of the whole nation.