

Section 4 The so-called principle of restorative-revolutionary

Chapter 14

We previously interpreted that the theory of Japanese constitution was advocated fretting the fact that noble class didn't discharge their duty of loyalty toward the emperors. But seeing from a historical philosophy, it pointed out that noble class themselves refused the duty of loyalty to refuse the duty of loyalty toward noble class. That is, to make a view of equality received historical evolution expanded toward noble class expand toward general class—to realize democracy of the Meiji Restoration!

It was only the theory of revolution having searched for its basis to Confucianism and classics: nobles have requested us a slavish moral of loyalty. But they were traitors who ignored their duty of loyalty at first, weren't they? We attack that they are traitors to be traitors against them. It only meant a denial of 'loyalty' itself. In this way, aristocrats persecuted those who advocated the theory of Japanese constitution to remain their position gotten as traitors, and democrats of those who advocated the theory of Japanese constitution rebelled against their direct masters or fathers as traitors to evolve the same position with noble class and were killed by traitors in the pretext of 'traitors'. –Democracy is the original substance of the Restoration.

But they haven't studied Japanese history philosophically, amuse themselves with sentences under such persecution of speech that revolutionaries of the Restoration are surprised; past people were forced to distort the facts and to write them, none the less they conversely interpret that all Japanese people were loyal retainers of the Imperial Household. And they don't think class conflict between noble class and those who advocated the theory of Japanese constitution who were both loyal retainers as strange and only turn the pages of history endlessly.

They are proud that Japanese people have a natural aptitude to absorb foreign civilization thanks to our history. But declaration in the Meiji Restoration that political things in the whole country shall be decided by public opinion¹ and movement of enacting constitution happened before ten years passed from the Restoration were perfectly practiced in the shape of literal translation. They think as if these rapid

¹ The Meiji Emperor proclaimed the Five Fundamental Policies in a new government in March 14th in 1868.

changes happened in the last several years and don't doubt strange racial psychology at all. What a pitiful barbarous village in the Orient. When they regard the Meiji Revolution as the Restoration of Imperial Rule, they have already shown that they have been barbarians.

Without barbarians, why do we think that history has evolved for 1,300 years, none the less we can go history back and restore ancient times of 1,300 years ago? History is a trace of social evolution. History does not circulate. Either does restore. We cannot imagine that the Meiji Restoration is the Restoration of Imperial Rule in *Taika* era unless we go and degenerate everything of the society—lives, human feelings, customs, thoughts, literature, or language—back the legendary times without records. —The Meiji Restoration did not restore Japanese history to the Imperial Rule in *Taika* era. Confucian 'nation-state' that was regarded in the Revolution in *Taika* era was finally realized after long evolution of 1,300 years. Nation-state cannot be constructed cutting off the stream of the patriarchal country. It is a new national polity that cannot be realized until the patriarchal country enough developed and evolved. That is, in a new national polity, a patriarch (in the age of monarchy, a patriarch, in the age of aristocracy, patriarchs) doesn't deal with lands and people for his or her own profits as his or her properties like patriarchy. Either, he or she doesn't stand out of the state or deal with the state for his or her own purpose as his or her property. The state is a quite different kind from past one that gives its elements each privilege for its own purpose and profits and makes them constitute national organs.

Repeatedly speaking, in the age of the patriarchal country, the society itself had had its own purpose and profits and the state had not known that it had been eternal existence because the society had not enough evolved. And one element or a few elements of the society could act based on their selfishness (not as a part of the society) as individuals. Other lower elements were dealt as sacrifice under selfishness of upper class. In this way, the society was maintained (see the part in the Section 3, *The theory of biological evolution and social philosophy* that we have explained the way of existence that an individual maintain its life cutting its part).

In modern nation-state, things are not so. The society has greatly evolved, has understood that the society itself has had the purpose of existence and evolution, and its all elements are conscious of the purpose and profits of the state. And elements constituting organs that express the will of the state have social selfishness as parts of the society (not individual selfishness when organs feel themselves as individuals) and act. That is, when elements of the society are sacrificed, they are sacrificed to be satisfied with other individual selfishness like in the patriarchal country; they become

individuals that shall be cut for other parts or future parts of the society base on social selfishness that they are conscious that they are parts of the society.

Seeing from social philosophy, results are the same as the way of social existence. However, from viewpoint of jurisprudence that argues not the result but the will, it is clear that the latter is evolved result although the way of social existence is the same way of sacrifice. In the age of the patriarchal country, morals and laws was 'loyalty to the monarch' that requests people to be sacrifice for individual selfishness of the monarch. In the age of nation-state, morals and laws is 'patriotism' that requests people to be sacrifice for social selfishness of the society. Morals and laws that consider the will must classify this national polity in accordance with evolution.

The *Taika* Revolution was a dream that intended to realize this Confucian noble ideal theory of the state in the ancient times whether people had barely gotten out of the primitive life or not. But it had only been dreamed by the Great Emperor *Tenji*, so what was realized was the patriarchal country of the theory of the sovereignty of the monarch. It goes without saying that the Emperor *Tenji* didn't think that lands and people were private properties of the Emperor for profits of the Emperor. Seeing realized system of nationalization of lands, it was undoubted that he had held the Confucian theory of the sovereignty of the state in strict political morals. The *Taika* Revolution that dreamed to realize Confucian socialism had held the theory of socialism in a political field as a political moral of the Emperor and carried out the system of nationalization of lands called 'the Method of Jingtian' that formed the economic foundation²; so he preserved his honor as the Great Emperor.

When we regard that the economic foundation of the state—lands that had been only foundation at that time— belongs to noble class like in the patriarchal system until Soga Family was overthrown, each element of the state don't directly conflict with it but it forms hierarchy. Hence, elements of lower class being subordinate to upper class regard it as purpose but act under profits of elements that they are subordinate to. So, when selfishness conflicts between elements of upper class, the state splits like in the age of Civil Wars posterity. Although the state escapes a split under one union or oppression, it loses its own purpose and is only treated as the object under selfishness of the monarchs of upper class.

The *Taika* Revolution was near realization of an ideal in this economic field. But the Confucian science of the state itself was too noble ideal even for Han Chinese in the age

² It is said that it was practiced in three dynasties of Xia, Shang, and Zhou.

In this system, reclaimed rice fields were divided nine sections (since this division was resemble to the shape of 'Jing' in Chinese, it was called as 'the Method of Jingtian'), center field reserved in the state, and rest fields were distributed people.

of Confucius and Mencius, so ‘the Method of Jingtian’ was not the system of nationalization of lands in the sense that the present socialism advocates; it was what went against historical progress of the private-owned system of lands in the patriarchal country at that time and restoratively looked back on the age of Yao or Shun when communism in the unit of villages was adapted when people settled after the age of in the age of nomadic lives or agriculture. Hence, as a natural result of historical progress, the private-owned system of lands had no choice but expanding as it was. It was the same with today’s government that has only knowledge translated literally, drafts laws in English, and proclaims them; it goes without saying that his plan could not practiced because *Ritsuryō* (the legal codes of the Nara and Heian periods) written in Chinese literature which was less understand than today’s English in the age when the letter didn’t spread.

The situation was like this, so an idealist in the Imperial Household overthrew Soga Family, made efforts to spread the system of nationalization of lands and to nip noble class in the bud for some time. But in regions that laws like written in English, the private-owned system of lands rapidly spread; some *Kokushis* or local clans broke or evaded laws, and cultivated the bud of the aristocratic country in the medieval history. In the third of *Enryaku* era (784)³, the Emperor *Kammu* issued an Imperial order: people are the foundation of the state. When the foundation is firm, the state becomes peace⁴. People depend on agriculture. In these days, many *Kokushis* unjustly govern in various countries. They are not ashamed of going against reason but fear not to be able to steal others’ properties skillfully. Some of them occupy forests and fields widely and rob people of benefit, the other manage many fields and prevent agriculture of people. Therefore, *Kokushis* are prohibited to manage paddy fields except *Kugeden*⁵ after this. And they are prohibited to cultivate them secretly and to infringe on people’s agricultural lands.

And in the third of *Kounin* era (813)⁶, the Empero *Saga* issued an Imperial order: cultivation of the fields except for *Kugeden* by *Kokushis* in various countries has been especially prohibited. Nevertheless, *Kokushis* in various hasn’t obeyed the law of the Court. They wholly look to their own interests, lay various plots, and do not repent it at all. Some of them buy many cultivated fields using others’ names, the other compete with others in occupying fertile fields under the disguise of names of upper nobles. No

³ In Japanese original text, this part is ‘the second of *Enryaku*’ but ‘the third’ is right.

The Emperor *Kammu* prohibited cultivation of lands by *Kokushi* except for public lands in this Imperial order. This Imperial order is recorded in *Shoku Nihongi* (The Sequel of *Nihon Shoki*).

⁴ This expression is in *Shujing* (The history and lesson from Yao Shun to Mu Family in Chin Dynasty)

⁵ *Kugeden* was a field to scrap up various expenses in public office.

⁶ This Imperial order is recorded in *Nihon Kouki* (The Sequel of *Shoku Nihongi*).

people lose their works not being based on these. See these examples. In this way, *Kokushis* gradually got to have large private lands and economic resource that nation-state depended on had dried up; it is said when prominent emperors in *Engi* and *Tenryaku* era⁷ looked down on the earth from the ideal dream and asked the state of affairs of people, taxes had no longer nothing and the front of the Minister of Finance overran with grass.

In this way, the Imperial Household failed to realize a dream of the ideal state and inevitably sold a post of *Kokushi* to local clans who had been rich by gold, silver, or rice, or reappointed them because of economic demands—or because many monarchs who didn't understand his noble ideal after his death had been puzzled by Buddhism. The Imperial Household denied the ideal of nation-state by itself. The emperor who acts for profits and purpose of the state became extinct after the death of the Emperor *Tenji*, lands and people got to be dealt as properties for selfishness of the emperors, and the state became the patriarchal country existing as a mean for the emperors.

At first, the emperors reigned over lands and people where they had been as the strongest patriarch and only the emperor was an owner of the state. However, *Kokushis* settled in the countries as the above-mentioned and local clans been strong got more and more strong in accordance with social evolution; they became the Genji, the Heike Family, Daimyōs in the age of rival warlords, and feudal lords in the future. The stream of the patriarchal country vigorously flowed and formed the age of aristocratic country until the Revolution. In the middle of that age of the monarchal country, it is said that Fujiwara Family privately owned the greater part of the whole country, more than one prince were starve, and were given rice by the emperors; we can know how the Imperial Household had lost economic foundation to struggle against future patriarchal monarchs. Hence, it was natural as a result of social evolution that the Emperor who dreamed to reign over the ideal state as the only supreme organ was very scanty and was always oppressed, so there was nothing except that its was an ideal.

No! Nation-state in the *Taika* Revolution was not only a temporary and fancy plan in economic foundation; the political system was pure class state. The Emperor *Temmu* established the system of *Yakusa no Kabane* (Eight Titles)⁸ mixing many *Kanabe*; he gave the patriarch of the large Family large sword and the small Family small sword. This was clearly inherited the system of patriarchy. The system that distinguished

⁷ It means the Emperor *Daigo* and *Murakami*.

⁸ In ancient Japan, the ruling class made groups been resemble to blood relationship called '*Uji*'. *Uji* had a title of honor called '*Kabane*' in accordance with political positions or hereditary offices. In 684, the Emperor *Temmu* rearranged and reorganized many *Kabane* to eight titles. The eight titles were Mahito, Asomi, Sukune, Imiki, Michinoshi, Omi, Muraji, and Inagi.

Families in accordance with the degree of a rank was still based on a principle of blood superiority in the age of class state. When the Court appointed government officers in *Taihou Ritsuryo*, limitation was laid down in accordance with the family line and birth; we can know how its principle went against the plan of nation-state. Every post of the national organ was decided by the family line and birth as the private-owned system and important posts were all occupied by Fujiwara Family. Posts of legal matters were privately owned by Ōe or Nakahara Family, and posts of Chinese studies were occupied by Sugawara or Miyoshi Family. These undoubtedly show that the state at that time was rather the patriarchal country than nation-state. That is, nation-state of the *Taika* Revolution was an ideal of only the clear emperor *Tenji*, so in the ancient society 1,300 years ago, it goes without saying that other people had not been aware that the state had had its own purpose and the ideal of existence and evolution. Like the Plato's Republic, it was only an experimentation tried by the monarch of a philosopher who Plato put his hope as human political ideal in the ancient times. What was realized by the *Taika* Revolution was overthrowing theocracy based on a primitive religion, and all other ideals were not realized until the Meiji Restoration after 1,300 years.

To be the national polity of nation-state, the society has had to evolve to the degree that elements of the state have been aware that the state itself have had its own purpose and ideals. That is, it is such moral and legal evolution that elements of the state think themselves as its parts, and neither regard their own interests as the final goal nor treat with other elements as a means. –Jurisprudentially speaking, it is the present stage of nationalism based on the sovereignty of the state after long evolution from the sovereignty of the monarch. The latter is individualism in the point that all other elements existed for sacrifice by selfishness of monarchs and nobles (that is, many monarchs). The former is socialism in the point that all national organs make themselves act for purpose of social existence as parts of the society. Nationalism is local socialism to reach the worldwide great nationalism (so, we don't adapt an argument of individualists who call themselves socialists who declare a denial of the state itself because it is a suicidal logic that denies the society itself).

And to reach nationalism from this monarchism, the national consciousness needs to be expanded to not only one or a few elements of the society but also all elements. Seeing from today when the national consciousness has been expanded to all elements of the society, we are surprised that a Louis the 14th's word of '*L'état c'est moi*' is a very barbarous. But it goes without saying that it had evolved more than a word of '*moi c'est moi*'. He of the monarch was conscious that he was a part of the society at first; since lower class of others were not conscious of nothing, only he was jurisprudentially all of

the society. In this age, loyalty agreed with patriotism. That is, the state was himself for Louis, so his own selfishness was patriotism that the state loved itself; loyalty of lower class who didn't form parts of the state to selfishness of the monarch who was conscious of the national consciousness meant patriotism because it was equally action to all of the state. The age when loyalty agrees with patriotism is the age when elements of the state except for the monarch don't form its parts (the relationship between the monarch and people in the age of the patriarchal country can be explained as the previous legal theory. In this case, the monarch was outside the state and lands and people were named as the state; patriotism of the monarch meant that he or she loved it as his or her own property. There was people's loyalty but were not people's patriotism).

The Great Emperor *Tenji* was not like Louis the 14th who said '*L'état c'est moi*' but was conscious that the emperor was parts of the state by the Confucian theory of an ideal state and the state itself had purpose of existence and evolution. But all people were not like him. Social evolution made distinguished individuals appear from the old far-off days; it bore the Emperor *Tenji* in the ancient times as the same with Christ and Buddha who told an ideal in the remote future as if it taught people to make efforts but the emperors after him didn't understand that they were parts of the state as a natural result of social evolution. And many of them thought that they were all of the state and their individual selfishness meant the national will. This was the age of monarchy in the patriarchal country.

And the stream of the patriarchal country entered into the age of the aristocratic country where many patriarchs who regarded individuals like this as the final goal and acted confronted with each other, and the national consciousness expanded to a small number of a noble class. Of course, in the Age of Civil Wars when they attacked with each other, the situation of '*L'état c'est moi*' was formed in their own regions. But once the times entered into the feudalism and noble class got to unite with each other, they didn't interpret themselves as all of the state; a view of equality was expanded among a noble class and they got to have the national consciousness that regarded themselves as parts of the state along with other nobles.

Evolution of the state is based on development of a view of equality. By conflicts, shaking, confusion, or approaches in the society, people gradually expand the consciousness that they were compatriots with others. In this way, slaves became followers of *samurais* and followers of *samurais* became *samurais*; descendants of those who were looked down on as *Ise Heiji*⁹ became the highest minister *Daijō Daijin* and

⁹ *Ise Heiji* means an earthenware bottle in *Ise*. Since the Heishi Family made *Ise* their base and its pronunciation was similar to '*Ise Heiji*', *Heike Monogatari* (The Tale of Heike Family) expressed Heike Family by this phrase. *Ise Heiji* was poor-quality, so this play on words meant scorn to Heike Family.

the son of a man¹⁰ who went to the Imperial Palace as once-in-a-lifetime memory became Shogun. The subjects of Houjou Family and a commoner Toyotomi became the master of the whole country, and bandits not being in government service wandered from place to place by only a sword and became feudal lords—in this way, a view of equality was expanded to noble class and nobles got to be conscious that they were parts of the state. Like that, the same view of equality was expanded to samurais and commoners in accordance with social evolution and it reached the evolutionary stage of the theory of the sovereignty of the state or nationalism that recognized that all people formed the state. That is, like Plato said, ‘the society is the whole of individuals and individuals form parts of the society’, the age has entered into the world of social democracy that regards all elements of the state form the state.

The Meiji Restoration meant that democracy formed by the national consciousness developed and expanded to all of the state overthrew aristocrats in the old society. And Perry’s fleet brought a voice of exclusionism; it made lower all elements awake the national consciousness that recognized that Japanese race has lived in one society and one state. Seeing black smoke off the coast with frightened and barbarous eyes, they received socialism that was conscious of Japanese Empire as a stimulus like electricity from the tympanum. The state has purpose of existence. The state has an ideal of evolution. And we are elements of the state irrespective of rank or standing. It is us who form the parts of the state who make efforts to realize purpose and an ideal of existence and evolution of the state as its elements.

Really, the Restoration meant socialism in the point that made purpose and an ideal of the state clear legally and morally. And it meant democracy in the point that the national consciousness clearly expanded to all elements of the state as a moral and legal ideal. This is why lower *samurais* wandered the whole country having a sword in their hand. Serfs threw the meaning as commoners and held up authority like monarchs by bamboo spears or flags made by mats. They were killed in the name of ‘traitors’. All of them were suppressed in the name of ‘peasant uprisings’. It was never simple counterattacks against severe collection of taxes. If we take up severe collection, we cannot help understanding that it was no crueller than slavery in the ancient times when human beings were treated as properties. But since consciousness has been socially, they regarded themselves as lower organisms than their owners and had never cried loudly and resisted although they were buried alive in the ground. Peasants and townspeople since the age of Tokugawa Family were no longer slaves; neither serfs nor commoners. They were democratic people who prepared to shout to enact the

¹⁰ Perhaps it means Minamoto no Yoshitomo.

constitution that they requested in the moment after the Restoration.

Development of commerce led citizens who were regarded as lowly townspeople to their economic independence at first. 300 years' peace only gave people permanent-tenancy rights under feudal lords, none the less it made large farmers called *Shōya* or *Nanushi* give economic foundation. At first, a torch of the revolution was lighted up by lower samurais. –Why do we need a particular lineage or family line to be the king, nobles, generals, or ministers? Nobles became traitors against the emperors, none the less is it reasonable for us to be faithful to them? But when the torch lighted up, it needed a theory. Unfortunately, they pursued their theory of the revolution to classics and Confucianism.

'The theory of Japanese constitution' was what democracy was covered with the clothes of classics and Confucianism. Although the clothes were eaten and torn, a magnificent man of democracy loosely began to walk a main street exposing his hair on the chest. Loyalty to the Emperor was not advocated to fall loyalists into a difficulty but to deny loyalty to noble class. Noble class had denied loyalty and been independent. General class had to deny loyalty to them and to be free. History doesn't repeat but evolves itself. Aristotle's three classification of the form of government is an order in accordance with evolution in three ages; it doesn't explain that the age circulates from democracy to monarchy like contemporary people with him thought. Still less, can king's reign like the ancient times revive after aristocracy? 300 years' peace and culture have entirely changed the thought of rights. *Samurais* who had the habit of what is called robberies cutting people could not resort to violence toward townspeople who lent them money; either did barbarous things such as making townspeople their properties. Evolution of the theory of rights that strong power got not to be regarded as rights became big wave or flowing water against the foundation of patriarchal monarchs in the medieval times gotten by strong power and began to collapse it. 300 years' peace brought enormous economic evolution and all ownerships got to be decided by physical or mental works. Nevertheless, nobles or upper *samurais* did no work and amused themselves with authority as they were. What was this? 300 years' culture made people have simple historical self-knowledge.

They didn't go into a labyrinth of *Takamagahara* either think how Japan was established and why the Imperial Household has been existed today. But whispers heard from classical documents clearly showed that Shogun and feudal lords who they had respected as masters were robberies cutting people. Ah, robberies cutting people! They were not aware that denying rights by strong power of noble class led to denying strong power in the ancient history. They were put the situation that they had to have a

lighted torch in their left hand and had to explain the theory in their right hand. A torch flamed up but went out in a short time. Nameless Yui Shousetsu appeared but became extinct repeatedly. The theory of the revolution was required more hurriedly than flame.—Although a belief of the primitive religion had been entirely lost, did they have a time to accumulate useless learning even in the primitive times?

A barbarous black ship of a different race covered with the sea and gave out smoke but the Emperor had not depended on the primitive religion for Japanese peace like the retired Emperor *Kameyama*. He didn't regard red-hair or blue-eye people as compatriots but either believed a faith to *Shintonic* Adam and Eve firmly; he didn't believe that *Kamikaze* (a Divine wind) would swept out them. But the situation was serious. Historical description of revolutionaries almost left the ancient times as it was on a high shelf and concentrated on arguing after the medieval times. Rai San'yō's *Nihon Gaishi* was such influential that it makes today's those who advocate the theory of Japanese constitution misunderstand that feudal lords and Shogun respected the emperors and were faithful to them, but since it amazingly played with words, twisted and wrote the facts, it was oppressed. *Dai Nihon Shi* in *Mito* described plunders of nobles who practiced by the rights of the strong most in detail like Marx described traces of plundering by capitalists in his *Capital*. 300 years in the medieval history achieved rapid social evolution being equal to 3,000 years in the ancient history. Rights that ancestors got in *Sekigahara*¹¹ 300 years ago where arrows and stones flied were criticized by historian as a crime 300 years later. The tide of the revolution hurriedly devoted itself solely to deny them. They intended to overthrow noble class in the name of loyalty to the Imperial Household like they attacked and oppressed it in the name of loyalty to noble class. Their loyalty to noble class in the ancient and medieval times was a real thing.

Today's loyalty is a disguise of democracy that intends to retaliate for the violence with more violence. They found every theory of the revolution not from the theory but Confucian argument of righteous and unrighteous government or an assumption of *Takamagahara* like spinning cotton into yarn. They said: the Shogunate or feudal lords became rulers on lands and people only by strong power as a conqueror. On the contrary, they assumed that the Imperial Household had virtue and was a dignified ruler. People didn't have the duty to be faithful to the Shogunate or feudal lords who were only robberies cutting people. On the contrary, they assumed that the Imperial Household

¹¹ It is an area in Southern-east of today's Gifu Prefecture. It is surrounded by hills on three sides, so it was an important place in the ancient times.

In 1600, Tokugawa Ieyasu battled there with Ishida Mistunari who was a influential subject of Toyotomi Hideyoshi and won him.

was a ruler of the whole Japan by a command of *Takamagahara*.

The Meiji Restoration was the result that the national consciousness awoken by a contact with another country and a view of equality based on social evolution for 1,300 years exploded before an argument of nationalism (that is, social democracy) occurred. It was not a miracle that reversed the society to the ancient society 1,300 years ago.

Understand the primary meaning of the Meiji Restoration clearly.

Since Japanese race doesn't understand that fundamental meaning of the Revolution is democracy, they aren't conscious of their own history and infer just as they like that it was the Restoration of Imperial Rule or political power and lands of feudal fiefs were returned to the Emperor. So, we are not conscious of the meaning of our existence. If noble class returned political power and lands motivated by loyalty to the Emperor, why did they plunder them that were forced to return by gunfire, and strangled or cut down those who advocated the theory of Japanese constitution intended to return them what they plundered? Blood stained snow outside the *Sakuradamon* Gate¹² meant an internal squabble with each other who intended to respect and to be faithful to the Imperial Household? Did the Civil War in 1868-69¹³ occurred because people of the whole Japan intended to respect and to be faithful to the Imperial Household? Was the flight of the seven court nobles from *Kyoto*¹⁴ the result of reverence and loyalty of Tokugawa Family, and did arrows and bullets which flied against the Imperial standard mean the purpose of reverence and loyalty to the Imperial Household?

Understand the primary meaning of the Meiji Restoration clearly. Since people don't pay attention that this historical evolution is based on development of a view of equality, even *Twenty Five Thousand History* which partially gave full play to its beauty interprets aristocrats' Yoshitoki and Takauji as democrats; hence it thinks little of and overlooks democracy of the theory of Japanese constitution. Yoshisada and Takauji were clearly egalitarians against monarchs but were undeniably aristocrats who behaved as monarchs to lower samurais and peasantry. The theory of Japanese constitution in the Restoration was resemble to monarchism because it shook hands with the Emperor and overthrew noble class but it was magnificent democracy because it insisted on an absolute egalitarianism that regarded that both the Emperor and people acted as

¹² *Sakuradamon* Gate was one of the gates of the Edo Castle. In third March of 1860, Ii Naosuke, the supreme Roujū (Tairō) was assassinated by samurais who seceded from *Mito Han*. Why they attacked him was because he ordered Tokugawa Nariaki and his son Yoshinobu to stay in the house for the reason that they came the Edo Castle without receiving orders.

¹³ It means a movement to overthrow the Tokugawa Shogunate.

¹⁴ In 1863, the group of nobles who intended to compromise with the Shogunate caused a coup d'état in the Imperial court and exiled seven nobles who strongly insisted on exclusionism such as Sanjō Sanetomi.

element of the state. Although nobles in Chōshū and Satsuma were motivated by revenge against humiliation received in *Sekigahara* and one ambitious samurai made a contract to be a noble after overthrowing the Shogunate, a scene of *Sekigahara* didn't repeat before the audience of history again. An individual jump of an ambitious person was only an inevitable phenomenon following disturbance of the Revolution.

Although the theory of Japanese constitution in the Restoration had a *Shintonic* tinge and a by-product of the theory of loyalty to the Emperor, the original tinge of samurais was democracy that intended to overthrow noble class. Lower people such as Takayama Hikokurō¹⁵ were useless, harmful, and political maniacs like those who shot at the late German Emperor as soon as the Social Democratic Party was established. Like the Social Democratic Party doesn't aim at overthrowing the Emperor, the theory of Japanese constitution aimed at overthrowing aristocracy. The age of the patriarchal country 1,000 and a few hundred years ago was the barbarous age when no one was conscious of purpose and an ideal of the state itself except for the monarch of a philosophy. The Revolution didn't make Japan reverse the ancient age of the patriarchal country but inherited long evolution of the patriarchal country and developed Japan into the new national polity of nation-state. History evolves itself, although it can be said as the Restoration of the Imperial Rule in the barbarous village in the Orient.

Really, history evolves itself. Social evolution means expansion of social consciousness. Hence political history means expansion of consciousness to political power. The Latin races experienced the age of the patriarchal and aristocratic country until republican democracy in Greece and Rome in the ancient times. Like that, the German races had experienced evolution of the patriarchal and aristocratic country until Britain and Germany reached today's democracy. Japanese race evolved from the patriarchal country in the ancient times to the aristocratic country in the medieval times, and reached the democratic country after the Restoration. –The present Emperor acts like a hero as a leader of democracy of the Restoration. ‘The theory of Japanese constitution’ shook hands with the Emperor to overthrow noble class but the Emperor didn't mean the patriarch owning the state like in the ancient times; he was a privileged element of the state— what Dr. Minobe calls a nation in the broad sense. That is, the Emperor realized an ideal of the Emperor *Tenji* as one of people democratic country being equal to other people and became the national organ in the ideal state for the first time. –After the Restoration the content of ‘the Emperor’ changed this meaning.

But it was clear fact that democracy of the Restoration was an unplanned explosion.

¹⁵ He was a loyalist in the latter half of Edo era (1747-1793). He is called ‘Three strange men in the *Kansei* period’ along with Hayashi Shihei and Gmō Kumpei.

They awoke to egalitarianism why the positions of kings, feudal lords, generals, or ministers were based on a family line. Like nobles were traitors against the emperors, they were conscious of liberalism that insisted that they didn't have to carry out their duty to be faithful to nobles. However, they had almost no plan about constructive aspects after overthrowing the aristocratic country by this liberalism and egalitarianism.

Because of this, nobles in Chōshū and Satsuma dreamed to replace Tokugawa Family. Ambitious samurais hoped to be counts at a jump. Although the declaration of 'things in the whole country shall be decided by public opinion' declared, some people dreamed to argue things in the whole country choosing prominent people from a union of feudal lords. But the basis of the disturbance was put development of a view of equality, request of freedom, and democracy. –The Revolution had finished destruction without a plan of construction. This was greatly different from European Revolutions.

In Europe, an ideal of a new society was described after long arguments and an ideal of democracy that was realized by the Latin races in the ancient times was pointed as the Restoration in history. European Revolutions were calculated. So, we think: the Revolution succeeded only an aspect of destruction against aristocracy. A constructive characteristic of democracy was put on the Constitution of the Great Japanese Empire in 1889 gotten by a series of the great movement from the declaration of 'things in the whole country shall be decided by public opinion' through the Rebellion in *Saga*¹⁶ and the Southwestern War to request of enactment of the constitution. That is, the Revolution only practiced destruction aristocracy in the Civil War in 1868-69, and construction of democracy had continued for 23 years and completed the first stage by enactment of the Constitution of the Empire. Understand the primary meaning of the Meiji Restoration clearly. Aristocracy and democracy struggled with each other to influence on the construction in the name of 'cliques of particular fiefs' and 'the party'. Elder statesmen of cliques of particular fiefs were bold and magnificent democrats when they were young samurais who wore a sword and wandered the whole country: government of the whole country must be decided by public opinion. What is Daimyōs or feudal lords? We are not their subjects, so we don't have to be faithful to them. However a principle of social evolution that all advanced people become conservatives at the same time they got power showed that they replaced kings, generals, or feudal lords, generals, or ministers as soon as they overthrew noble class.

Of course, today's *Kazoku* (a new name of noble people after the Meiji Restoration) is

¹⁶ In 1874, discontented samurais put Etō Shimpei who engaged in government as a judicial minister and so on as their leaders and rebelled in *Saga*. But the rebellion was suppressed by government and Etō was executed.

only a postoperative scar. It is only a person who had entirely lost a former meaning as monarchs and has been a holder of a public loan as if we imagined that entrepreneurs and landlords should share a special economic happiness by a public loan for some time after economic realization of socialism (so, it is unreasonable for today's socialists to identify these people who don't have power with today's economic nobles in the sense of the age of the patriarchal country and to attack them with economic nobles). But when beautiful faces of men of merit in the Revolution are covered with silver beards and their adventurous eyes which had been light and intelligent, and intended to overcome everything got to think deeply and to be filled with arrogance, they have become quite different personality with former them. We don't believe public estimation that they got to live in idleness after distinguishing themselves. They have been filled with ambitions. They didn't surrender nobles class who had been enemy with them but have fought being in the vanguard. The declaration of 'things in the whole country shall be decided by public opinion' has been forgotten as upstarts have not been sneered. –In this way, successors of the Revolution became what are called a nongovernment party. Those who belong to cliques of particular fiefs were elder statesmen who rendered a great service in a destructive aspect of the Revolution. However, in its constructive aspect, they are the ringleaders of oppression against democrats.

Elder statesmen who rendered a great service divided two factions and decisive and wise aristocrats won¹⁷. The Democratic Parties in Southern West of *Kagoshima* and *Saga* had a showdown against absolute despotism by Ōkubo Toshimichi but defeated and was forced to commit *seppuku* or was exposed their heads at a prison gate. The regulations for the preservation of public peace and security¹⁸ by Yamagata Aritomo¹⁹ made excited Danton or Robespierre a wholesale arrest and exiled from Tōkyō out of 3 *ri*. The Constitution of the Empire by Itō Hirobumi added a degree what translated German despotism and won a triumph on defeated and confused remnants of the Democratic Party like roaring above the clouds. –Ah, what do we feel looking back the

¹⁷ In 1873, Japan required Korea to establish diplomatic relations but was refused by her because she adapted a policy of national isolation, so Saigō Takamori, Itagaki Taisuke, or Etō Shimpei who occupied the center of government decided to conquer her to turn discontent of samurais to an outer war.

But Iwakura Tomomi, Ōkubo Toshimichi who returned to Japan from inspections of European countries opposed it because they thought Japan should concentrate on domestic administration for some time. So, Saigō and so on resigned from their public posts.

¹⁸ It was enacted in 1887 to oppress the Movement of a demand for democratic rights. Its article 4 prescribed, 'when government recognizes that it is in danger that those who live places in 3 *ri* (today's 12 kilometers) from the Imperial Palace or the temporary palace plot or incite a civil war, or disturb the public peace,it can forbid them to live places in the same distance from the Imperial Palace or the temporary palace within 3 years. Nakae Chōmin or Ozaki Yukio and so on who were positions of leadership were exiled from Tōkyō by it.

¹⁹ He was an army general and a politician (1838-1922). He established a modern army and led Sino-Japanese and Russo-Japanese War as a supreme commander.

He was inaugurated as the Prime Minister and formed a huge faction in an army and the official world and was full influential in the Meiji and Taishō era

Democratic Party? They only name themselves as ‘*Rikken Seiyūkai* (The Party of Political Comrades)’ or ‘*Rikken Shimpotō* (the Progressive Party)’²⁰ rashly under a threat of breaking up and a temptation of gold.

We shall repeat: understand the primary meaning of the Meiji Restoration clearly. Understand strictly that the cliques of particular fiefs were men of merit in a destructive aspect of the Revolution and are clearly the ringleaders of oppression in a constructive aspect. And understand our history by strict historical philosophy.

Social democracy inherits what the Revolution inherited historically and makes efforts to realize the ideal perfectly.

We must deny a word of ‘traitors’ we have used. This word doesn’t exist except for in the barbarous village in the Orient. Why we used this word was because we unavoidably needed to use it to overthrow the Ptolemaic system of ‘the theory of Japanese constitution’. It goes without saying that it is barbarous to criticize political actions and ethical wills a few thousand years from the ancient to the modern times by a particular measure or compass. Since some people don’t understand that political and ethical history evolve, and criticize ancient and modern times and name people ‘traitors’ by a particular standard, they interpret that slaughter of people by the Emperor *Yūryaku* and *Buretsu* that they did based on the right to deal with their properties as the owner of the state was immoral and atrocious based on an image of today’s Emperor. It goes without saying even if someone said, ‘if a bush warbler asks me where its accommodation is, what should I answer to it?’²¹, the emperors at that time had had freedom to deprive properties of all people. People were properties of the emperors, so capturing wives or concubines of subjects was not regarded as political illegal either a moral sin like today. Virtue and evil are in accordance with evolution (see the part that we shall explain class conflict in the Section 5, *The enlightening movement of socialism*). So, although members of the Revolutionary Party were executed by monarchs who they served in the pretext of punishing traitors, they have cleared their names today. Like that, the name of nobles (not today’s *Kazoku*) who named the Revolutionary Party

²⁰ In 1896, *Rikken Kaishintō* (the Constitutional and Progressive Party) combined with other parties and established a new party of *Rikken Shimpō* (the Progressive Party). Besides, in 1898, it combined with *Jiyūtō* (the Liberal Party) and established a new party of *Kenseitō* (the Party of the Constitutional Government).

²¹ This remark is based on an episode in the volume 6 of *Ōkagami* (*Large Mirror*) which describes the age of the Emperor *Montoku* to the age of the Emperor *Goichijō*

In the age of the Emperor *Murakami*, an *ume* (Japanese apricot) tree in the Palace withered, so the Emperor ordered to search for a proper *ume* tree. His subject found a good tree in one house and intended to dig out and take out that tree. Then, the master of that house said, ‘please tie this letter up’. In that letter, a poem was printed:

Chokunareba Itomokashikomo Uguisuno Yadowatotowaba Ikagakotaen

(I present this tree as the Imperial order but if a bush warbler which gets used to this tree asks me where its accommodation is, what should I answer to it?)

After the Emperor read this poem, he felt sorry to the master of this house.

traitors must be entirely denied now when the Revolution succeeded, too. That is, speaking from viewpoint of scientific ethics, like succeeded democrats removed the disgrace that they had been called traitors by noble class today, noble class had never been named traitors from the society at that time in the age when they had beaten the emperors and succeeded. Not only in a theory but also the facts prove this. Virtue and evil are in accordance with evolution. Social evolution gradually proceeds to the higher stage practicing class conflict. So, virtue and evil are decided social influence. A traitor is regarded as the most outrageous in humanity, none the less why can they be put the Shogun or feudal lords on social influence? Some people shall conveniently quote the Imperial Rescript on Education for self-defense. –It expresses clearly that this has not been fault through in all ages and it is reasonable to apply to in and out widely.

But, as we have previously argued, the Imperial Rescript doesn't have authority to decide official ethics or theories, so it doesn't have authority to decide an official historical philosophy, either. The Emperor can form the legislature along with the Imperial Diet, can order laws, and can promulgate Imperial orders independently but it is not the national organ to decide an official theory. So, the Emperor praises all people that they have been cordially faithful to us, none the less those who advocate the theory of Japanese constitution are not disrespect people even if they abuse Yoshitoki and Takauji as traitors. Like that, since we criticize ancestors' actions from viewpoint of a scientific ethics in accordance with a moral standard at that time and evolution, we can transcend all interference. On earth, today's scholars—especially, Mr. Inoue Testsujirō of a literature being in the academic world making the Imperial Rescript the only shield— calmly shift the responsibility to the Emperor shelving their own inferior brains. It is proper to name these people 'disrespect people', thought we don't intend to name positively.

Calmly speaking as scientific scholars (because we tell a historical science and we are not scholars like flatterers who fawn on men of power without reasons, either those who have an unfounded hatred and sigh rashly.), it goes without saying that the present Emperor is the great and excellent emperor who can be equaled with the Emperor *Tenji* among an unbroken line of successive emperors of a. They were always pure poets but made excellent and wise nature inherit descendants to remove oppression of Tokugawa Family when they troubled and fretted. The thorny history which said, 'it makes you a jewel' polished the Emperor from his childhood in the turmoil of a disturbance of the Revolution. As Mengzi saw the Qi's prince from far away and admired that human beings were influenced by places and circumstances they lived²², the grand Oriental

²² This episode is written in the Chapter 36 of the 13 volume of *Mengzi*. See the Chapter 16 of the Section 5.

model who was made by heroes of the Revolution made the Oriental excellent monarch appear before us (we think that today's voice of reverence and loyalty for the Emperor means worship of a hero to individual excellence of the present Emperor).

But it is extremely violence to draw the Emperor into the academic field from this reason and to require him to be omnipotent as a scientific scholar of ethics. In a world of childish thoughts in about 23rd (of the Meiji era), no one shall understand criticism in accordance with evolution of virtue and evil that makes consciousness socially however there was an excellent person. But those who shall write history of the Meiji era in the future must not hurt wisdom of the Emperor from this reason for anything. The Emperor has on a great mission to the state more than academia. Even though the Imperial Rescript on Education accepts theories of old ethics, if scholars who are in a world of greatly evolved thoughts cannot escape old knowledge, it is their negligence, not because of the Imperial Rescript. Minutely speaking, why Mr. Inoue Tetsujirō has followed a dogmatic and old ethics even today is because he is *wise* as a doctor of literature, not because the Imperial Rescript is responsible to Dr. Inoue's stupidity. Furthermore minutely speaking, the Imperial Rescript has no relation to the fact that Japanese people have not overcome static ethics even today.

Understand the meaning of the Emperor to the state clearly. We mustn't do rough actions such as convenient using the Imperial Rescript on disputes among scholars, either whisper in somebody's ear that the Imperial Rescript has a bad influence on the academic world because we have a different opinion with the Imperial Rescript. All of these are our people's crimes. These are our crimes whose don't understand the meaning of people and the Emperor. As we have explained, the emperors had entirely broken 'the theory of Japanese constitution' in old times, hadn't they? The clay figure can be install on a portable shrine of monk soldiers and can be a guardian deity of the theory of Japanese constitution. But Japanese emperors are nothing except for 'Japanese emperors'. The Japanese emperor doesn't give the Imperial Rescript as a problem of scholars to confirm ethics of Mr. Inoue Tetsujirō and so on.

But don't misunderstand. Our view that doesn't regard noble class in the medieval times as a traitor according to a moral standard at that time has no relation to a dogmatic view of others whose regard them as moralists who drove out the Imperial Household for national interest and people's happiness. Houjou Yoshitoki did not realize theories that he shall be called 'democrat' but only represented interest of noble class at that time; even if we lose our hearts to plentiful adjectives, it goes without saying that Ashikaga Takauji behaved himself as the patriarchal monarch on innumerable patriarchal monarchs, and he cannot be compare to Oliver Cromwell. In the ancient and

medieval times of the patriarchal countries that had not been conscious of purpose and an ideal of the state, many emperors as patriarchal monarchs had no choice but acting based on their individual selfishness. Like that, it is out of the question to say that Yoshitoki and Takauji fought against the Imperial Household for purpose of interests of the state or people's happiness. Still less, it is far inferior to the dogmatic theory of loyalists to argue that they devoted to people putting up with disgrace of 'traitors'.

Why we say in accordance with a moral standard at that time that they were not traitors is because we can say that they were approved their liberty and independence by their subjects, people and other nobles. Of course, the royalist faction didn't approve that they exercised their strong power outside the range of their ownership and conflicted the request of the emperors' supreme power, and regarded them as traitors. But in the struggle that lower class intended to evolve the same level with upper class, it was not limited to the time when the patriarchal country evolved to the aristocratic country to refuse the supreme power of upper class in the style of 'traitors'. It was given them by feudal lords of the Revolutionary Party in the time of the Revolution when the aristocratic country evolved to the democratic country.

Though the Revolutionary Party skillfully and logically counterattacked against nobles who refused the duty of loyalty when they refused the duty of loyalty to nobles, nobles had no assertion except for the strong power when they got political and moral independence. They plundered lands and secured economic independence by the strong power, and were released from all political and moral duties. Besides, the age was the uncivilized medieval times. Like Kou no Moronao, they had no choice but exercising their freedom as they liked. It is fact through the medieval history that they were called traitors by the Party of the Imperial Household, but most of the society approved their absolute freedom as the monarch in each region and never regarded them as traitors even though they conflicted with freedom of other monarchs as the result that they exercised their freedom. And they also conflicted with Imperial Household because it was one of monarchs.

So, we shall declare: all actions of monarchs who had absolute and infinite rights were put on the place beyond virtue and evil, and they could absolutely have freedom without morals (not immoral) because they were monarchs in each sphere. Why the emperors had a showdown against Yoshitoki and Takauji but were defeated was because the emperors didn't have the strong power; it is another question whether they harmed civil administration or not. Why Yoshitoki and Takauji defeated the emperors was because they were superior to the emperors in an aspect of power; it is unrelated whether they had noble democracy or not. Democracy was produced in on the eve of the

Revolution covered with an old formation of ‘the theory of Japanese constitution’.

We must deny the letter of ‘traitors’ we have used, which means our conclusion that all Japanese were traitors who attacked the Imperial Household as aiders and accomplices of traitors. As we have explained, it became clear that samurai class were loyal and dutiful moralists who followed where their ‘direct masters or fathers’ they served and rounded like a satellite. Since they didn’t become like 300 people who died in *Minatogawa* following Masashige but 700 people who died in *Kamakura* following Takatoki through the medieval history, Bushido was regarded as a bold doctrine of traitors against the Imperial Household but its noble and autonomous moral meant the loyalty to their ‘direct masters or fathers’ they served. We certainly deny a previous remark that all Japanese were traitors.

The Revolutionary Party, the Democratic Party that inherited it in a constructive aspect, and we social democrats were called traitors and have been called by upper class. But economic independence is the resource of all independence. As the ancient monarchs realized political and moral freedom by economic independence, the medieval nobles realized the same freedom by economic independence. Like that, evolution of economic history followed with political and ethical history, released samurais and the common people from nobles, and expanded realization of political and moral freedom by economic independence to all elements of the state. This became the Revolution, Movement of the Democratic Party, and the great request of social democracy.

No, social democracy doesn’t intend to change the state for individual profits like the revolution in the age of individualism. Individual independence exists subjecting to a condition under economic subordinate relationship of ‘the supreme ownership of the state’. And consciousness of the society or state doesn’t mean the struggle for existence before the Revolution but a socialistic ideal in the sphere of morals and laws. It regards that it is an ideal that all people (in the broad sense) have the political power. The belief that every person forms parts of the state and must not be sacrificed for the purpose of the state spread. That is, this is democracy. –So, we never understand like one social democrat that if the present national polity and the form of government are overthrown, social democracy shall be realized. We are infinitely delighted that the Revolution itself was strict social democracy (giving an example, Katsu Kaishū (Yoshikuni)²³ put himself outside those who imposed him on the duty of loyalty such as the Emperor or Shogun,

²³ He was a politician in the last days of Tokugawa Shogunate and the Meiji era (1823-1899).

He visited America as a captain of Kairinmaru, the ship of Tokugawa Shogunate. After return to Japan, he established the Training School of the Navy in Kōbe and was appointed Gunkan Bugyō (a magistrare of warships).

In the Civil War against the Court in 1868, he insisted on surrender to Shogun Tokugawa Yoshinobu. He conferred with Saigō Takamori and realized bloodless surrender of Edo Castle.

He is famous that Sakamoto Ryōma (Naonari) studied under him.

and didn't act against his will but practiced an action in the unit of the state²⁴).

But today's social democracy intended to realize ideal independence of the small society by union of this small society, to make the large society evolve, and to realize a legal ideal of democracy by the revolution of economic contents; this is the very special feature.

Really, in a legal ideal and moral belief, present Japanese morals and laws express magnificent social democracy. Let us return problems of interpretation in the science of the constitution from the above-view.

We can put off the letter of 'an unbroken line' in the Article 1 of the constitution, 'the Great Japanese Empire shall be ruled by an unbroken line of the Emperor' to the way of succession of the Imperial Throne in the Imperial Household Law and ignore. Because the Great Japanese Empire clearly secures the right of the Emperors after the present Emperor to inaugurate as the most important organ in the state even if it is a historical fact that an unbroken line has not been a direct line but the blood has been succeeded from innumerable collateral lines to innumerable collateral lines, or it is a historical fact that an unbroken line of all the emperors had not reigned over the whole Japan. And 'a line' doesn't mean a direct line because the Imperial Household Law prescribes that distant collateral lines shall be expanded the right to succeed the Imperial Throne in accordance with an order the law provides when unavoidable circumstances shall happen. And the content of 'the Emperor' has changed in accordance with evolution of the times, so the Emperor in the sense of the present Emperor had not existed. Hence, the first 'unbroken line of the Emperor' in the constitution is the present Emperor and it prescribes that we must make a direct line or a collateral line of the present Emperor succeed to the Throne forever. The letters of the constitution cannot decide the truth of history. If we interpret the letter of 'an unbroken line' that the Throne had not succeeded to a collateral line after historic times and understand that all emperors had expressed authority of the state like the present Emperor, it is a serious mistake. So, we have no choice but ignoring the letter of 'an unbroken line' like many constitutionalists insist on ignoring the letter 'sacrosanct' or don't add the historical meaning to the text of the law by the spirits of the constitution but interpret that the article prescribes our future duty to maintain the Throne forever. If we adopt the latter view, we shall reach the interpretation that the meaning of 'a line' is expanded by the Imperial Household Law.

²⁴ Though his suggestion is not clear, perhaps it means that Katsu didn't choose an action for protection of the Shogunate but for protection of Edo from the fires of war, and as a result he acted for the interest of the whole Japan

We said in a previous argument of the constitution that the present Japan is the national polity of the sovereignty of the state and the relationship between the Emperor and people is not based on a contract like the age of class state (in the European constitutions in the class state of the medieval times, contract constitutions prescribed relationship of rights and duties between monarchs and people directly but in Japan, monarchs in the age of class state became the traces of *Kazoku* by the Revolution.), hence the present Japanese constitution doesn't prescribe the relationship of rights and duties between the Emperor and people but prescribes relationship of people in the broad sense to the state.

Of course, even in European countries that experienced contract constitutions, monarchs or nobles don't form hierarchy jurisprudentially but form the national organs that exercise the sovereignty of the state, so it goes without saying that they have evolved quite different from at the time when contracts were made. But in Japan, the constitution was enacted by an arbitrary decision of the Emperor, so no one regards the present constitution as a contract constitution. Instead (of course, actually, as we have explained, many scholars interpret the constitution as relationship of confrontation between the monarch and people like contract by individual jurisprudence.), those who advocate the theory of the sovereignty of the monarch spread a terrible mistake in the name of the Imperial Constitution.

You would have overcome this mistake by the above-mentioned historical interpretation. Japanese national polity after the Revolution adopts the sovereignty of the state in the point that she is based on nationalism that discovered that Japanese race is a social existence. And her national polity belongs to democracy in the point that she is based on nationalism that makes all people form parts of the state, makes all parts elect their representatives, and makes them form the supreme organ along with a privileged part (that is, the Emperor). During 23 years after the Revolution, the state was the national polity of the sovereignty of the state and the form of government was monarchy that the supreme organ was formed by only a privileged person (see the three types of nations about a form of government we have insisted in the legal theory).

Although we refer to monarchy in a shape and a pronunciation of a letter, you mustn't identify this with a form of government in the patriarchy that the monarch owns the whole country as a patriarch. Because 'the monarch' or 'the Emperor' after the Revolution means a person who acts as a part of the state for interest of the whole country, not for individual selfishness in the age of the patriarchal country, and expresses social will as a part of the society by noble social selfishness, not an individual. This monarchy was based on pure political morals. So, once personality of the monarch

of the only supreme organ thinks how he ignores purpose and interest of the whole state for his individual selfishness, and regards that other parts except for him don't form parts of the state, or thinks that he is outside the state and it is his property, the state become de facto the patriarchal country. But since the struggle for existence by the unit of the society, heroes of the Revolution were fascinated by purpose and interest of the state and inferior selfishness became extinct. –That is, during 23 years after the Revolution, the will of the Japanese Emperor was the will of the Great Japanese Empire (this is why it goes without saying that you mustn't identify the Emperor with the state. Although monarchy like this the Emperor of a part of the state has a will to act for interest and purpose of the whole state, we cannot identify a part with the whole; it is the same that the national assembly in a republican nation that forms parts of the state cannot be identified with the whole of a republic). As all laws made for interest and purpose of the monarch became effective in the patriarchal monarchy of the sovereignty of the monarch, the state has liberty to reform, abolish, or establish the national organs as the substance of the sovereignty in the national polity of the sovereignty of the state.

That is, in the Imperial constitution in the 23rd years of the Meiji era, the state exercised her perfect sovereignty and reformed her supreme organ for her purpose and interest. And alterations of the national organs were practiced by the supreme organ of a person who expressed the national will. The Imperial constitution in the 23rd years of the Meiji era showed that the state announced the sovereignty from a mouse of the supreme organ of a person, and the meaning of the present Emperor after the Revolution is jurisprudentially quite different from him or her before the Revolution. Before the Revolution, they were equal to feudal lords or Shogun, so they were jurisprudentially patriarchal monarchs within the limit; from after the Revolution until the 23rd years of the Meiji era, the Emperor became the person who expresses the national will as the only and supreme organ for purpose and interest of the whole Japan. So, the state has absolute liberty to reform, abolish, or establish the national organs as the substance of the sovereignty but the Emperor who was the only and supreme organ in an aspect of expression of the sovereignty became extinct passing the 23rd years of the Meiji era.

After enacting the constitution, no national organ that reforms, abolishes, or establishes the national organs in the name of the sovereignty of the state exists except for the supreme organ organized by the Emperor and the Imperial Diet because the present constitution clearly prescribes the way of revision of the constitution. Dr. Hodumi insists in the name of the Constitution granted by the Emperor that the

Emperor has absolute liberty to amend or abolish the constitution but his argument shall correspond to a crime of a rebellion that intends to change of form of government. We shall ask him.

Dr. Hodumi's brain is worst worthless and it is unnecessary for us to bring up, none the less we treated him cruelly in our writing because he occupies a important position of a president of the Law Department and a professor of the Imperial University. We deeply thank him but require him to persevere for some time. If he argues based on a dogma that regards the person who expresses the will as the subject of rights that the present constitution is given by rights of the Emperor and is the Constitution granted by the Emperor that can be deprived by rights of the Emperor, we shall ask him: were the Emperor *Keitai* who had hidden himself in the country and was taken the Throne by the will of Ōtomo no Kanemura, and the emperor *Koukou*²⁵ who had left from the Imperial Family to *Genji* Family and was taken the Throne by the will of Fujiwara no Mototsune the Emperors granted by them?

Between his two heads, the one head which advocates reverence for the Emperor and loyalty shall greatly be surprised and deny it: No! They only expressed the will as an organ of the monarch for interest and purpose of the monarch since they were in the age of the patriarchal country. But two heads cannot spend the time peacefully. The other head which is a traitor shall beat and silence the one head which advocates reverence for the Emperor and loyalty, and shout loudly: If the present constitution is the Constitution granted by the Emperor who can freely reform and abolish by the will of the Emperor that is expressed as the national organ for purpose and interest of the state, we must say that the Emperor *Keitai* and the emperor *Koukou*²⁶ were the Emperors granted by Kanemura and Mototsune who could freely dethrone or change by their wills. Of course, the Constitution of the Great Japanese Empire is the Constitution granted by the Emperor. However, the word of 'granted by the Emperor' does not mean this but the fact that the sovereignty of the state expressed to change the supreme organ through the only supreme organ and to organize it by one privileged person and equal majority.

Dr. Hodumi shall be in the limitation of perseverance now. We must apologize to him for making him too worthless and bury the halberd against him. But we shall say a word one more time. His argument that the right of interpretation of the constitution is in the Emperor got meaningless for the explanation mentioned above. In the ancient law that regarded the emperor as the substance of the sovereignty, the argument would

²⁵ See the note 38 in the Section 4, Chapter 9.

²⁶ See the previous note.

have held water and in the age when only the emperor is the supreme organ, the argument would hold water. And in one country²⁷ that authorizes administration of justice which is independent from the legislature the right of interpretation of the constitution, the argument would not hold water at all. The supreme organ is organized by the Emperor and the Imperial Diet but the constitution doesn't have rules about decision-making when each will conflicts with; the legal loophole makes it impossible to solve. It is the same when the House of Representatives has a different opinion from the House of Peers and they hold their grounds²⁸. Matters that don't have legal rules don't fall under the heading of legal arguments as legal students.

Things are like the above-mentioned. Future historians, be conscious of purpose and an ideal of existence and evolution of the state strictly. Don't hide the great leader of democracy that makes all people act from abuses of Dr. Hodumi and so on, either misleadingly report historical heroes in the Meiji era.

Finally, we shall explain the relationship between the Emperor and people.

Morals control laws from the outside and are inside laws at the same time. So, since laws realized nationalism that was the national polity of the sovereignty of the state and was the form of government that all of people (in the broad sense) became political men of power, it goes without saying that they got social democracy that regarded existence and evolution of the society along with morals of inner laws as the purpose and regarded making efforts of all elements of the society for the purpose as the ideal. It is pity that a voice of 'patriotism' has a bloody sound and sign of a greatly barbarous custom in the medieval times but it is fact that people gradually got to be conscious that they were social existence and the society took a step forward to socialism. It is extremely shameful that even a voice of 'the people's rights' could not make people escape from slavish consciousness in the days of serfs and samurais but all of them were conscious that they were parts of the state, so it is fact that they could understand the foundation of democracy. If so, should we understand how the relationship between the Emperor and people is like?

From what we went into details, it is clear that the relationship is based on the theory that the monarch and subjects constitute a family either the theory that loyalty agrees with filial piety. If, like 'the theory of Japanese constitution', the present Emperor is 'the Emperor' not because he forms the national organ but there is belief of a primitive

²⁷ This country means America. Since a judgment by Marshall in *Marbury v. Madison*, 5 U.S. 137 (1803), judicial authority to determine the constitutionality of laws was established as a constitutional custom.

²⁸ In the age of the constitution of the Empire, authority of the House of Representatives was equal to the House of Peers. So, when their opinions didn't agree with, bills could not be approved.

religion, we shall give today's scientists who don't believe Buddhism, Christianity, or any other old religion the right to be Soga no Umako. And we shall leave all foreign people naturalize Japan by Opening the interior to themselves to the situation that they can be *Koma* of Ayauji family. The theory that loyalty agrees with filial piety can only apply to one time of the primitive times when the society had had a small population and had been formed by family groups. If we understand that it is impossible to apply the theory to the times of the age of race groups when consciousness of blood relation that we form a family entirely became extinct like today, the understanding make us reach the conclusion that we don't have any duty to advocate blood relation 3,000 years ago that we don't know at all today. And the head family and branch families are treated equally, and the patriarch doesn't have the power of life and death either other members have the slavish duty, the theory that regards the Emperor as a patriarch does not understand the true meaning of the Emperor and shall make us deny the Emperor himself. Also, loyalty is only required in the slavery of the ancient times when people's bodies had been properties of monarchs and in the Bushidō in the medieval times when people had succeeded slavish morals by economic subordinate relationship. If we advocate it knowing the above-mentioned, we shall equally doubt the existence of the Emperor by economic independence based on establishment of the system of private ownership and hurt the national interest. –The Great Japanese Empire shall never accept the presupposition that lead us to these conclusions. The Emperor is noble because he forms the system that the state maintains for its own interest. It is a crime the Great Japanese Empire never forgives for any foreign people, branch family, member of a family, or a large number of people who don't have a blood relation to ignore the important national organ. Some people shall explain the moral relationship between the Emperor and people by worship of a family line that they think that the Imperial family line of an unbroken line has constantly continued. Of course, historical process cannot be divided clearly, so it is the usual state of things of social evolution that one lower class who has had inferior knowledge has inherit the medieval thoughts after general class of the society has entered into modern evolution. Like the German Emperor has still had the medieval thoughts, it goes without saying that many of Japanese people who have lower knowledge have not understood the true meaning of the Japanese Emperor and have respected him a viewpoint of the medieval times. But if we compare barbarous consciousness like in India in the age of Maharana (?) we have previously quoted with modern Japanese people, we don't only insult Japanese people but also the Imperial Household because we make people infer that the Imperial Household is based on a house of cards. No! Since the medieval consciousness by

worship of a family line had been dominated, Shogun or feudal lords who divided from a family line of the Imperial Household became traitors, Dr. Hodumi and the like who advocate those traitors today that they respected and were faithful to the Emperor advocate the theory that the monarch and subjects constitute a family, and a mental patient insists that a lower family of Hodumi Family is a relation and a branch family of the Imperial Household. If we clearly know that Hodumi Family is a branch family divided from of *Amaterasu Ōmikami* and the family line of the Imperial Household has lasted innumerable collateral lines—blood of the emperors flows in people’s blood vessel and people’s beats hear from blood vessel of the Emperor—like Dr. Hodumi insists on, perhaps he shall raise his head as a traitor, shall say, ‘I am sacrosanct, too’, and shall require arrogance to a rickshaw man toward the whole people (his brain is not superior to a rickshaw man, none the less he insists that talking with a rickshaw man brings his honor. We express our hatred and scorn to him in addition to denouncing him as students). Even if we are not traitors like him, as long as human beings were not born from roots of *Ume* trees or fruits of peaches, nor from the God, we human beings should have a constant family line lasted for 100,000 years from anthropoid apes, so reliable Dr. Oka and so on shall be tempted Dr. Hodumi’s rebellious argument by the theory of biological evolution. –This conclusion and the assumption that reaches this conclusion is never permitted by the Great Japanese Empire, and the Emperor transcends those who lost clam judgment and express interest of the state. People’s blood entered into the emperors and the emperors’ blood entered into people, so the emperors and people entirely mixed their blood each other and we cannot divide them from this point. But it is a simple fact, so we cannot approve of or deny the Emperor from this reason. The Emperor is approved by the sovereignty of the state and it is a rebellion to the sovereignty of the state to deny him.

However, a principle of a restorative-revolutionary widely spread the whole country, drove out the Emperor, and made an amazing clay figure of a barbarous village. Barbarians fix a horn, a fang, a big mouth, or a huge nose being beyond description on this clay figure, paint red or white powder on the face, stitch and dress rags of falsehood, perplexity, or confusion. And they hang out and cry, ‘our 45 million compatriots, bow and worship to this great God’. All of 45 million barbarians bow and join their hands in prayer in front of this idol of the barbarous God, and entirely forget the Japanese Emperor. In front of this barbarous God, even Buddha is abused that he hurts the Japanese constitution, Christ is slandered that he was only a son of a carpenter, the true meaning of *Shintonism* is entirely trampled, and scientific study of a myth was threatened once. And priests of the barbarous God always praise God’s benevolence by

laughing a pseudo classical style and hold a festival. They don't think at all how Japanese Empire and the Japanese Emperor are maintained strictly. Especially, like the Emperor gives play to his talent as a poet, his all opinions expressed not by a standpoint of the national organ are always stolen by barbarians; they dirty those stolen articles and decorate the barbarous God by them. Anger of the barbarous God makes any scholar, politician, or journalist fear and makes obey its order. Disrespect man! This word means a sentence of the social death penalty in the Oriental barbarous village (even in despotic present Germany, there is only an arrogant Emperor. Why is the barbarous God in only Japan except for the Emperor?). –It says, 'you are a disrespect man as you act against the Imperial Rescript on Education that orders you people displaying virtues of loyalty'.

We must refuse the sentence of the barbarous God in the name of the Japanese constitution and the Emperor. The national polity of 'the theory of Japanese constitution' is the national polity in the barbarous village, not the present Japanese one. 'The Emperor' of 'the theory of Japanese constitution' is a clay figure in the barbarous village, not the present Japanese Emperor. –We must take the Imperial Rescript back to hands of the Emperor by thieves of barbarians.

We have often explained the Imperial Rescript. Like it is said that even those who act against belief are slaughtered at once in a barbarous village, a clay figure of the barbarous God has absolute and infinite rights on the world of thought, too. But in the state that rules outer lives, the Emperor cannot act to transcend the rule. A clay figure of the barbarous God shall have the right to force a barbarous and primitive religion and the primitive morals to barbarians by departed souls, snakes, or birds. But in modern countries, most parts of the state or parts of upper class cannot trample on individual thoughts and belief that form parts of the state as a rule of modern countries. Today, even if the Emperor believes Buddhism, or holds Christian morals, he cannot force it to other most parts of the state. Like the Emperor cannot force a particular medical theory or an astronomical principle, he cannot promote a particular school of ethics or a particular historical philosophy. –The state cannot interfere in an inner life of consciousness. Hence, the Emperor who forms the national organ cannot force a particular moral. When morals are forced, they become laws. The Imperial Rescript on Education, like the name of 'Education' shows, belongs to the extent of morals, and doesn't have legal force. Contrast enough trust to the present Emperor's wisdom with historical effect of the present Emperor! We shall declare: the meaning of the word 'displaying virtues of loyalty' is never like those who interpret the Imperial Rescript such as Inoue Tetsujirō explain one after another. When we interpret it as they insist on,

we shall express malice to the great Emperor who realized an ideal of nation-state as the second Emperor *Tenji*. Also, consider moral belief of the general public. They didn't regard that the Russo-Japanese War was done for interest of the Emperor. They recognized 'for the state' of socialism based on the theory of the sovereignty of the state and wiped tears from their eyes to wish their sons going to the front, didn't they? If they were like samurais who were slavishly subordinate to many monarchs in the age of class state before the Revolution, needless to say, they would not say, 'for the state', but would say, 'for the monarch' who would serve. Saying, 'for the state' means that the fact that the state is personality having purpose of existence and evolution is not only recognized by the general public on the text of laws but also on moral belief, and people fully display virtue of loyalty to the state and fight against the enemy for purpose of the limited society of the state; the loyalty is not treated for any other individual selfishness. We can distinguish nation-state of socialism that people act 'for the state' with the patriarchal country of monarchism that people act 'for their monarchs' by classification in accordance with evolution of the national polity. Like that, we should make moral ideals evolve from the present one by the unit of individuals to eternal one by the unit of societies. Unless we say, 'I form all of the state. Other people don't form it' (even Dr. Hodumi doesn't say this), unless we say that only people form all of the state, so the monarch is in its outside (even Japanese all those who advocate the theory of the sovereignty of the monarch don't say this), we say that the medieval history agrees with the contemporary period and stops (even Japanese scholars know that history evolves), and unless we say that the theory of the sovereignty of the monarch is same with the theory of the sovereignty of the state (Japanese them conflict with each other since they don't so), we can discover no reason that loyalty agrees with patriotism. If we regard that the state aims at its own existence and evolution and all parts of the state—the whole people organize the state, people's loyalty making efforts for purpose and an ideal of the state is directed to the state. A delight of the Emperor who forms a part of the state is same with people's one who form most parts of the state; it is satisfaction of the great individual as a part of the great individual, and it is no relation with purpose of the state. So, as people were slavishly subordinate to monarchs such as feudal lords and Shogun and an object of loyalty was their individual interest in the age of class state of the patriarchal country, if the Emperor is the patriarchal monarch and loyalty means to satisfy the Emperor's selfish desires, the logical conclusion shall be that: for example, when the individuality of the Emperor shall act on oppressing his sociality (that is, the national will as the national organ) like feudal lords and Shogun, people shall not protect oppressed sociality of the Emperor but must become traitors against the state

along with him as an individual who shall project over the position of the national organ. When we assume this case, it goes without saying that the Emperor is not legal responsible to the state except for political morals, but the state has laws punishing people through the mouth of the strict administration of justice. The theory that loyalty agrees with patriotism contradicts in this time, doesn't it? If someone regards that the Emperor doesn't have this contradiction since he is *the Emperor*, and a clay figure of the barbarous God drives out the Emperor and orders people to be faithful to individual interest of the barbarous God, the Emperor and people who form all of the state must invariably break this clay figure into fragments for purpose that the state exists and evolves. Dr. Inoue who doesn't study the state scientifically may advocate the contradicted theory as stated above. But when Dr. Hodumi and so on who specially study legal principles of the state advocate the theory that loyalty agrees with patriotism, how should we criticize them? Though they strongly denounce the theory of the sovereignty of the state, it is equal that their theory of the sovereignty of the monarch agrees with the former theory. The two-headed monster stops striking with each other and hugs each other. But when the two heads hugs each other, they break the skull and kill their body. Ah, a tomb of a loyal retainer Hodumi (we set up his tombstone but opened his dead body. But a re-set up tombstone is strong. We hope his vengeful ghost not to appear at our bedside) !

The content of the letter 'loyalty' in the expression 'you people have fully displayed virtues of loyalty' is quite different from loyalty in the sense in the ancient and medieval times and means that people must respect the Emperor's political privilege for interest of the state²⁹. It is insult for us to be dealt with on the same basis as today's doctors. Heroes in the democratic revolution were too great to be criticized by many blind people.

We shall summarize the above-mentioned.

A historical philosophy observing evolution of Japanese race has a character of a different kind with a biography about the Imperial Household, so the Imperial Household is not backbone of Japanese history. All races have bred from one person have a common historical philosophy of the social evolution to all races.

If we regard today's Japan as the patriarchal country, we shall make heathens and alien races escape from duties of nations; this is a suicidal logic that we insist that fathers and mothers of people are babies from equal relationship in the civil law about families.

²⁹ In Japanese original text, one more sentence closes on the heels of this sentence, but that sentence has only meaning in Japanese words. So, I deleted it.

An unbroken line is result that the Imperial Household was battered by perfect despair since Japanese had been faithful to noble class, and had severely attacked and oppressed it. So, an unbroken line is a historical pyramid of traitors.

We should exclude the legendary 1,000³⁰ years of the primitive times or 1,400 -1,500 years before *Kojiki* and *Nihon Shoki* were written when the times entered into historic age that records were required from Japanese history. The ancient times can be called the age of the monarchy since one patriarchal monarch was jurisprudentially ruler of the whole Japan; the medieval times can be called the age of aristocracy since many patriarchal monarchs ruled each region. Since purpose of existence and evolution of the state had not been conscious in these long times, the times were another national polity of the patriarchal country.

The contemporary Japan is nation-state based on the sovereignty of the state and democracy because all parts of the state become the national organ acting under purpose of existence and evolution of the state. Hence, today's conflict of the theory of the sovereignty of the monarch and the state is a battle in the dark based on worthless supposition. Japan after the Revolution got social democracy jurisprudentially.

So, the content of the letter 'the Emperor' evolves historically; 'the emperors' in the primitive times who had been given posthumous titles after ages were patriarchs on small regions and a small number of people based on the primitive religion, and struggled with other small family groups. The emperors until the age of Fujiwara Family were the strongest owning lands and people of the whole Japan. In the age of aristocratic country since Kamakura era, they were patriarchal monarchs in their sphere of influence like other patriarchal monarchs, and constantly struggled with 'the Emperor of the Holy Roman Pope in Kamakura' as 'the Roman Pope in *Shintonism*'. After the Revolution, the Emperor became the supreme organ expressing the sovereignty of the state as a democratic person acting under the final goal of the state. Besides, after 23 years from the Revolution, the content of the Emperor greatly evolved and got a factor organizing the supreme organ along with the Imperial Diet.

That is, 'the Emperor' of the so-called theory of Japanese constitution is a clay figure of a barbarous village, so it has the present Emperor for an enemy.

(Section 4 The so-called principle of restorative-revolutionary End)

³⁰ In Japanese original text, this word is 'one' but it is clearly fault. '1,000' is right.