

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

### Chapter 10

As we have mentioned above, we have made ‘the present national polity’ clear by the science of nations and the theory of the constitution and argued that the so-called theory of Japanese constitution has been ‘the principle of the restorative-revolutionary’ that has intended to overthrow the present national polity. But it doesn’t come from studies of science of nations and the theory of the constitution to make today’s all scholars who treat with the essence of states and legal principles of the constitution fall into these thoughts of the restorative-revolutionary; the so-called theory of Japanese constitution has already existed and then it tempts the science of nations and the theory of the constitution. If so, as stated above, although we explain the essence of states and legal principles of the constitution and that the sovereignty resides in states, we would be able to give no impulse in the barbarous villages in the Orient. Because the theory of Japanese constitution is what barbarians join their hands and deify kneeling on the ground and reign on every science of states and theory of the constitution like the barbarous Gods. And if so, we must think what we should argue is not the science of nations and the theory of the constitution but the theory of Japanese constitution itself that tempts them. What is the theory of Japanese constitution?

First, the theory that today’s nation is a patriarchal state is based on a force of habit of *Shintonic* superstition. For example, some people say that in our unparalleled national polity in the world, nations are babies of a Family and the Emperor is their patriarch as parents, and argue that sovereign and subjects form a Family together, loyalty agrees with filial piety, or loyalty to our emperor agrees with patriotism. And these arguments actually form the basis of moral judgment of nations and are resources of thoughts that Dr. Hodumi and many other people who advocate the theory of the sovereignty of monarchs form their views of states and legal theories.

Second, there is the theory of Japanese constitution that regards the Emperor as the substance of the sovereignty or one supreme organ and interprets our history inverting entirely. For example, some people argue that all Japanese have been cordially faithful to the emperors and have helped an unbroken line of the Imperial blood and it is also a

basis that the thought of an unparalleled national polity in the world. And it is what all forty million people have not been able to doubt during 2,500 years at all; every ethical and moral theory is distorted its theory and argument by this and it has become the authority that has made Dr. Aruga and all people who have advocated the theory of the sovereignty of the monarch argue that the basis of the sovereignty has been determined by history.

A clay figure of the theory of Japanese constitution is what is forged by this wild fancy. We enough pull the clay figure out from the portable shrine and break it into fragments.

First of all, we must drive away the first one— a force of habit of *Shintonic* superstition that Dr. Hodumi and the like rely on and regard that present Japan is a patriarchal state.

If possible, we hope not to concern in a trivial matter like this and not to do silly arguments. How should we talk to a superstition-ridden person who has statuses such as a president of the Law Department, a professor of the Imperial University, or a legal doctor? If we can wake the elderly who worship foxes or *tanukis* up from the superstition by common sense and sciences, we would be able to convert him from the *Shintonism* that believe in millions of Gods. In religious faith, foxes or *tanukis* of the elderly and the *Real* God of Dr. Hodumi are what are affiliated with another world that is different from the boundary to the range theories enter into like Christianity and Buddhism. So, we enough respect his religion—and at the same time, we and those who have independent consciousness must be free from his religion. For real Buddhists who abandoned the theory which regards that Buddhas and *Shintonic* gods are the same<sup>1</sup>, his belief is meaningless, and Christians who believe the mono-god would regard his religion as polytheism in the barbarous period. And for us whom regard *Shintonic* records as what are ancient religion and deal with them as myth scientifically when we see them today, his idle talks are not different from formal headwear and cloth of Shinto priests. Does he earnestly believe millions of Gods as actual historical characters, not regard them as religious existence? If so, we have the great freedom to discuss them as the arguments of history. Freedom of belief and independence of thoughts cannot be threatened even by authority of the Great Japanese Empire except a particular case needless to say when they remain internal lives and even when they appear in actions; A particular case means running counter to the duty as nations.

We have previously said that duties of nations are not born by contract confronting

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<sup>1</sup> Buddhists until the Meiji era thought that Japanese god was rebirth of Buddha. In reverse, *Shintonists* thought that Buddha was rebirth of Japanese god.

the Emperor directly but as an element of the state to the state. We have said that needless to say, people are not slaves who are forced to obey infinitely under the ownership of the Emperor either confront with the relationship rights and duties to the Emperor like contracts, so nations are people. Hence, the provision of the constitution that freedom of faith is guaranteed to all unless people go against the duty as subjects has the meaning that people could believe any religion freely in spite of the faith of the monarch by contract with the monarch like the contract constitution in the period of the class state. Today's emperor is not the emperor who has the state and is outside the state. As Dr. Minobe included the emperor in the nations in the broad sense, the emperor is a man of power who exists as an element having spaces among the middle in the organism of Japan, that is, who has the privilege as a member of Japanese Empire.

This privileged element never confronts with other elements like contracts. So, like all other relationship rights and duties are not required or imposed burdens, the duty about freedom of faith made an introductory remark that unless people go against the duty as subjects is never what elements of the state shoulder to other privileged element of the state. Namely, the limit that unless people go against the duty as subjects shows to exclude particular religions such as a Quaker that refuses military service of one of duties to the state. If so, even though a person who believes the superstition of *Shintonism* being equal to Dr. Hodumi came to the throne, interpreted people of the state as ones who were properties of the monarch like him, and said that they went against the duties as subjects because they did not believe *Shintonism*, of course, the national polity and form of government of the Great Japanese Empire would not require these (actually, the present Emperor seems to include even the Christianity).

Also, although a person who ardently believes the Buddhism like the Emperor Shōmu appears and requires people to believe Buddhism, Dr. Hodumi would not have to abandon his sacred faith of *Shintonism* thanks to the right of freedom of faith that people have before the Great Japanese Empire. Even though the future emperors shall believe Christianity, it would not be reasonable for Buddhist priests in the whole country obeying strict religious precepts to be attacked that Buddhists would be rebels like they do against Christians. We don't know what the Imperial Household believes. But why can those who advocate the theory of Japanese constitution who believe an unidentifiable clay figure call other people outrageous fellows because they don't believe their superstition? It is our duty to defend the sovereignty of the state against the theory of the restorative-revolutionary and calling outrageous fellows by them monk soldiers cannot shake our strict arguments at all, although it happens like a big wave.

—The Great Japanese Empire and organs of the Empire are not constructed on the religious foundation. The period that the patriarchal national polity had been made by faith of *Shintonism* and people had regarded the Emperors as chives of rituals base on faith has been buried into the old far-off days.

Monk soldiers of *Kokutaiji*<sup>2</sup> temple cannot see today's national polity and form of government because of their superstition. We have no choice but to say that they depend that people sleep in superstition, run counter to laws, trample the constitution, and overbearingly appeal to the Emperor and the whole nations to worship the portable shrine like former monk soldiers. In the period that people had feared superstition, their portable shrines had made samurais who had guarded the Court take of their helmets. But in today, we only draw a sharp sword of science on the name of defenders of the Japanese national polity. Let us to make people awaken speedy and to burn the *Kokutaiji* temple at any cost.

We can say that Mr. Hodumi Yatsuka is the very arch-priest of the *Kokutaiji* temple and general who leads monk soldiers. He says this: our race has the same ancestor. Some people say it is fault to worship the Imperial Household as the head family, but this argument does not have the power to refute my argument. See, Christians unite by believing the God. Also, the argument whether the God exists or not cannot deny this solidarity. Faith is the first and knowledge is secondary. A man does not investigate all causes and take every action but move by faith. This can be applied to nations. People always unite by faith.

Though I quoted this from his correspondence of the University, it goes without saying that it is never what we hold our noses for him to express his original theory of faith based on his dignity as the arch-priest of the *Kokutaiji* temple. His all theories of the constitution are constructed on this faith. He says this: the Emperor ascending the Throne at present reigns our race based on the Throne of Amaterasu Ōmikami who is our ancestor. He receives her authority on behalf of her and protects her descendents. Also, he says this: our national polity has developed from a peculiar clan system of our race. So, inferring and thinking from this, The Imperial Throne is a conception that connects with our ancestor Amaterasu Ōmikami who had ascended the throne, the present Emperor, and the future Emperor. Like the position of a patriarch in a family is the position of the ancestor of the Emperors, the Imperial Throne is the position of the Emperors and their descendents ascend this position, represent her authority, and face

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<sup>2</sup> Kita compared those who advocated the theory of Japanese constitution to monk soldiers who had been affiliated with *Enryakuji* temple or *Kōfukuji* temple. Also he expressed where they were affiliated with as *Kokutaiji* temple (temples of the same name or the place name of *Kokutaiji* exists in Toyama, Hokkaido or Hiroshima city but they are different from what I refer to in this place).

on nations.

However, like Amaterasu Ōmikami or the ancestor of the Emperors what he calls are not only used as the God in his faith but also treated as historical people, it is a normal style for him to use a same word to express seesaw meanings. So, when we argue to him about 'Amaterasu Ōmikami', we do not know whether we should think it from a viewpoint of faith or as the subject of scientific consideration.

So, when Dr. Hodumi studies the ancient times of Japanese people, he looks a very scientific scholar among those who believe superstition of *Shintonism* which regards *Kojiki* or *Nihon Shoki* as the Bible but when we see him as a scientific scholar, he undoubtedly looks one who believes superstition because he obstinately persists in arguing about the Takamagahara. Certainly, we can say that he takes the rostrum in the University wearing a formal headwear, cloth of Shinto priests, and a high collar. If he is a believer of *Shintonism*, he can believe *Shintonism* as a religion. However, it is not only fault as a jurisprudential theory but also going against Shintonic faith to interpret ancestor worship as worship to power; it is the attitude of scholars. Seeing Amaterasu Ōmikami from a viewpoint of faith, we find out her in the sun and must worship it in the morning and evening.

Today's sociology<sup>3</sup> interprets a maternal family line that not all are perfect promiscuity but not knowing who fathers are because matrimonial relationship is not decided, and argues it what is a result in barbarous period that people are conscious of their own family lines by their mother. To point out Amaterasu Ōmikami as a maternal family line is what a two-headed monster which have a head of a scientist other than a head that believe Shintonism does. Of course, as he fears the penalty to those who to intend to plot form of government to change and does not publish his correspondence in the University, he only points out it tacitly because he is apparently cautious about something, but see following his words which he contributed to the number 60 of the Journal of the National Science Society.

He says: some people argue that development of a male line is seen after societies have developed and a maternal family line is a universal and ancient form in the world. Perhaps a maternal family line seems to be seen in every country, though I cannot firmly declare that. I don't dare to declare about Japanese or Chinese history. Though Japanese national polity is determined by the male family line, if someone wonders if it had been the maternal family line in prehistoric times, it would be a great problem.

Of course, some people would express opposite opinions if this inference is proper or not. But if he has this conviction, he need not amuse himself with his extremely

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<sup>3</sup> Perhaps it points the theory of Morgan (John Pierpont Morgan, 1837-1913).

cautious words. Although he clearly declares that, laws of the state shall protect his independence of thoughts to calling disrespect from stupid people. But it is strange that two heads on his shoulder don't fight with each other but harmonize.

So, we don't know which head we should ask. However, if one head speaks that scientific consideration is based on the attitude of jurists, we would have an opponent to talk to. –Namely, the origin of states is never what one family has expanded. Of course, it is fact that old theories in one time had pursued the origin of states into families. But it is based on evolution after far ages that human beings have been conscious of family lines and gotten to make family, and a maternal family line which he knows had not existed before. Though a maternal family line is very barbarous, seeing from today, it would not have come out unless our consciousness had not evolved the extent to be connected with mothers and children by awaken consciousness. And a paternal family line has come out after this consciousness had been expanded to fathers, had formed eternal couples, and had been connected with fathers and children. That is, societies or states have existed before the family system which he believes. Societies had existed as social organisms by instinctive sociality without contract or fathers' authority which he insists on.

Also, it is never the truth, as he believes, that public laws did not generated until people had formed the family system and feared the authority of patriarchs. It is natural to infer that the origin of public laws is moral sanctions or customs by villages having existed in long past primitive times because high social animals not having the family system or patriarchs have already had simple sanctions to maintain their societies. If Dr. Hodumi has still strongly attacked a view of mechanical states of one-side individualism, whipped the dead body of the theory of social contract, and regarded the basis of states or societies as the sociality named patriotic or public spirits—but this contradicts his other argument that people unite because of fearing the authority of patriarchs—, he would not infer that human beings had existed as the situation that 'man by nature often deceives other man' like Hobbes in the period that societies or states had been the primitive.

Namely, if he clearly knows the theory of biological evolution and that human beings have been social animals since they had differentiated from anthropoid apes, he would understand that it would be a jump of biological evolution to believe that a maternal or paternal family line had existed in the shape of family consciousness since the primitive times. The conclusion of science that hominids having differentiated social animals of anthropoid apes would have maintained their social existence in the shape of instinctive union drove out the theory of social origin based on the hypothesis that human beings

had been forced to unite under the authority of fathers (this is what the hypothesis of individualism that regards that human beings had existed individually in the period without authority was plagiarized). –Those who don't know the beginning don't know the present and the end. It is after societies had greatly evolved that we human beings had entered into class societies formed the family system or social class by the same family line; that is, this appeared after social consciousness had evolved the degree that it had awoken between the parental family line. It is never primitive, current, nor, of course, forever in societies (See the Section 3, *The theory of biological evolution and social philosophy*).

If he can argue roots of public laws and study the origin of societies, see all things according to evolution. Even though we can conclude that a family system had developed in the primitive societies and the root of public laws had been in the authority of patriarchs, on earth, why can we judge today and the future that societies and laws evolved and shall evolve by the conception of the patriarchal power or the patriarchal state? If we obey his logic, we would have to argue that because human beings had been anthropoid apes in the primitive times, human beings in the world have been anthropoid apes today and shall remain anthropoid apes, and because a sort of animals that anthropoid apes had belonged to had differentiated from reptiles along with birds, he and we have been reptiles.

No! Dr. Hodumi doesn't infer or study the origin of Japanese society by *Shintonism* but forge it doing as he likes by the hypothesis of sociology abandoned in old times that cannot be maintained. Does it laughable, doesn't it? We are enough to hold our noses to his theory of faith that he believes *Shintonism* and puts knowledge secondary. If he believes old knowledge<sup>4</sup> of the theory of the origin of societies that argues knowledge, while he breaks his *Shintonic* faith that regards it as the first, even the elderly who believe the *Tenri* sect (the sect of *Shintoism*) would laugh. Look! Why does *Shintonism* say that Japan has been what it had expanded from one existence of *Amaterasu Ōmikami*? *Shintonism* only says that *Izanagi* and *Izanami*<sup>5</sup> had been progenitors of human beings. This is only a general theory of the origin of human beings in the degree of ancient thoughts, as the Jews say that Adam and Eve are progenitors of human beings.

So, if he believes the theory of the origin of human beings like this, as Christ preached cosmopolitanism that regard human beings as compatriots by it, shall he make

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<sup>4</sup> It points *Shintonism*.

<sup>5</sup> *Izanagi* and *Izanami* are gods in Japanese myth (*Izanagi* is male and *Izanami* is female). They say that they are received an order from other gods in the heaven and made Japanese territory and gods. And *Izanagi* is father of *Amaterasu Ōmikami*.

*Shintonism* the worldwide religion like Christianity? Or, as the Jews say that only they are offspring of the God who are descendant of Adam and Eve, shall he regard that only Japanese are offspring of gods who are descendant of *Izanagi* and *Izanami* and want to develop *Shintonism* one like Judaism that has chauvinistic thoughts? He would have to select which way.

As long as we imagine *Amaterasu Ōmikami* from the letter after 14 century, we can say that she was a direct ancestor of conqueror<sup>6</sup> of *Jimmu* family. Japanese people who had immigrated before and after the Emperor *Jimmu* immigrated, many native people who had been already called ‘innumerable gods’ by *Amaterasu Ōmikami*, and today’s Japanese people who have been descendants of other races bred by historical naturalization and conquest do not connect with her. Also, when we see a race in *Takamagahara*, they are only a same race; no record describes that those who differentiated from one existence *Amaterasu Ōmikami* form the big worldwide family of *Takamagahara*.

If Dr. Hodumi regards *Amaterasu Ōmikami* as an actual person—if not, his theory that the sovereignty resides in monarchs that the God’s life made ideologically has been extended and the sovereignty has been succeeded to actual emperors themselves would be groundless—, how could she breed innumerable people by herself? Was not *Susanoh no Mikoto*<sup>7</sup> appearing in classics a collateral line with her but a child who she had born by the parthenogenesis? Though when *Susanoh* entered into *Izumo*, there were many people to be eaten by *Yamata no Orochi*<sup>8</sup>, were grandfathers or grandmothers of girls who had been eaten by it born from *Amaterasu Ōmikami* who would have been younger than them? If he believes *Shintonism*, he must advocate the argument that the world is formed by one family that *Izanagi* and *Izanami* saw a copulation of wagtails, knew the way of reproduction<sup>9</sup>, and born human beings base on it. If so, his argument would be noble like a noble ideal of human compatriots Christianity created than Jewish myth that the God created Adam and Eve copying his figure. *Amaterasu Ōmikami* who appears to have born other innumerable gods is not ‘an ancestor’ he calls for most Japanese people who appear to be their descendants. However, it goes without saying

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<sup>6</sup> *Kojiki* and *Nihon Shoki* tell that the Emperor Jimmu entered into Kumano (the district of present Mie and Wakayama Prefecture) from Hyuga (the district of present Miyazaki Prefecture) through the Inland Sea of Japan and conquered the Kinki district.

<sup>7</sup> *Susanoh* was a son of *Izanagi* and a brother of *Amaterasu Ōmikami* in Japanese myth (‘Mikoto’ means a title of honor to gods). He was brutal and behaved violently in *Takamagahara*. Finally, since he aroused anger of *Amaterasu Ōmikami*, he was exiled from *Takamagahara* to the ground. After that, he went to *Izumo* (for *Izumo*, see the note 18 in the Section 3.) and exterminated *Yamata no Orochi* (the eight-headed dragon) which threatened people there.

<sup>8</sup> See the note 7.

<sup>9</sup> This episode is written in *Nihon Shoki*.

that this *noble* cosmopolitanism is too noble for those who advocate the theory of Japanese constitution to look up at. Hence, he must argue that only Japanese are special descendants of gods who were born from *Izanagi* and *Izanami* as Jews say that only Jews are descendants of Adam and Eve who were special children of the God. But if he argues like this, his previous argument that *Amaterasu Ōmikami* is our ancestor and Japanese people have bred by her parthenogenesis would be cancelled and his argument would be a quite new argument. However, even it would be benefit for him whom insists on the theory that the monarch and subjects constitute a family or that Japanese race has been what a family had expanded and developed. We must take one's argument in a favorable sense as much as possible.

So, we shall make well-meant efforts fully and show words of a doctor of literature, Kurokawa Mayori<sup>10</sup>, who has been the deceased to Dr. Hodumi. If he cannot finish reading the following words and bursts out laughing by mistake, our goodwill would be refused. But then he must be Christ in *Shintonism* advocating cosmopolitanism of human compatriots or must quit the theory of *Shintonism* like Judaism.

Dr. Kurokawa said: clothes are made with ones' bodies. Gowns are putting on the upper half and skirts are putting on the lower half and we have lived wearing these. But, these days, some people think this; people in ancient times had not been able to wear clothes. Primarily, human beings had been animals and they had been apes if we are asked what they had been. During they had lived, their body hairs had come out and they had been human beings. This is called evolution. They had gradually had intelligence and since they had felt cold because of decreasing body hairs, they had gotten to scrape off plants' barks and made their clothes. This is the theory that is advocated in foreign countries. Some people say that foreign theory is certainly worth believing, but this is an argument that those who don't investigate classics in our country say just following foreign theories.

Though foreign people have evolved from apes, our people have not. In our country, human beings are human beings and apes are apes. We have not evolved from apes. In *Kojiki*, *Izanami* said this; 'my love, if you do like this, I will strangle a thousand people on your ground hang in a day'. To that *Izanagi* said this; 'my love, if you do that, I will bear a thousand and five hundred buildings for childbirth in a day'.<sup>11</sup> Only seeing this,

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<sup>10</sup> He was a Japanese classical scholar in 19-20th century Japan (1829-1906).

<sup>11</sup> This conversation is seen in the situation when *Izanagi* went to the land of the dead to see *Izanami*.

*Izanami* was badly injured when she bore the god of fire and died because of that injury. Since she went to the land of the dead after her death, *Izanagi* went there to take her home with him. She said to his call that she consulted gods in the land of the dead to be able to return but didn't look at her figure during she did. However, since she didn't return after she went to consult, he could not wait and went into the inside of the land of the dead. When he snapped the teeth of a comb, turned on a light, and went there, her figure was thrown light, but her body was very pitiful being infested with maggots and flowing out pus in her body. He ran away in a fluster fearing that

you shall be able to understand that we have not evolved from apes. If she meant apes, this expression of ‘people on your ground’ would have been ‘apes on your ground’. Also, if apes have their children, buildings for childbirth are not needed to build. Seeing like this, it is clear that the origin of Japanese race is not an ape.

We didn’t quote his argument as laughing off materials to scoff at the deceased. We only quoted from good intention for giving benefits to Dr. Hodumi when he adopts Adam and Eve of *Shintonism* from a viewpoint of Christian cosmopolitanism or a viewpoint of Judaist chauvinistic thought.

Dr. Hodumi has not understood the theory of biological evolution because he has still interpreted the origin of societies as a family group following the old hypothesis. In this point, he is equal to Dr. Kurokawa who had opposed to the theory of biological evolution by quotation of classics. Now, if so, we can say that it is far consistent than Dr. Hodumi that Dr. Kurokawa concluded that foreign people have evolved from apes but our people have not and that it was clear the origin of Japanese race was not an ape confidently like pulling very heavy objects by a hair. If his faith of *Shintonism* like Judaism was firm like this, he sincerely made the theory that the monarch and subjects constitute a family or the theory that loyalty agreed with filial piety articles of faith as he required others to believe *Shintonism*, he would not be contrary to the honor as an arch-priest of the *Kokutaiji* temple.

But what we should pay attention to is that the *Kokutaiji* temple has not had more believers than corrupt the *Honganji* temple<sup>12</sup>. If not, we must see that the elderly stop praying to Amida Buddha and the voice, ‘gods are enshrined in Takamagahara’<sup>13</sup>, hears in the whole Japan like mosquitoes sing, mustn’t we? And it would be an incomprehensive phenomenon that among people who are called new Intellectuals, those who make a deep bow in shrines get fewer but those who go to churches increase. In today that faith of *Shintonism* gets nothing like this, what a revolutionary to change the Great Japanese Empire and the Emperor constituting its important organ by *Shintonic* foundations! No, I think that perhaps even the arch-priest himself of the *Kokutaiji* temple would just advocate his argument for convenience’ sake of the revolutionary theories and would not have faith at the bottom of his heart at all as he

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figure, but she got very angry being seen her ugly figure and ordered goddesses in the land of the dead to chase him. He shaken off chasing of goddesses, ran back the border with the ground, and closed the entrance by a huge rock. Since she failed the chase by goddesses, she chased him for herself and came to the border. He said to her to cancel a vow, but she got angry it and spoke like quoted in the text.

<sup>12</sup> The *Honganji* temple is the head temple of the Jodo-Shin Shū (the True Pure Land sect) of Buddhism in Kyoto. In the Medieval times, *Honganji* had been very powerful; so many daimyos such as Oda Nobunaga had feared it. But since Tokugawa Ieyasu maneuvered to make it split and construct another temple (this is called ‘*Higashi* (East) *Honganji*’). The original *Honganji* is called ‘*Nishi* (West) *Honganji*’, the power of *Honganji* weakened.

<sup>13</sup> This phrase is seen in a ritual prayer offered to a *Shinto* god.

has hurt *Shintonic* dogmas by scientific studies.

We understand that we should restrain ourselves from prying into other's bottom of faith without reasons and give full scope to our imagination. But seeing from today's Japanese constitution of nationalism, we have no choice but to conclude that his argument is clear revolutionary theory; this intends to put nation-state that has been finally realized in the Meiji Restoration having regarded as an ideal from an ancient times of *Taika* Revolution and the Emperor as its national organ on the foundation of the state, on the faith of *Shintonism* that even he doesn't believe, doesn't this? The faith that neither he nor the public believe is dead faith that no one believes and putting the Emperor on the foundation means putting the Emperor on the empty one.

Namely, this means that he does not put the Emperor on anything and overturns the Emperor. –The truth exists in history. Why the Imperial Household intended to realize the Confucian ideal state by *Taika* Revolution<sup>14</sup> was because it had fallen into crisis that it had not been able to maintain the emperors by a religion of ancestor worship. For the Buddhist Soga family, the Imperial Household that had believed another religion<sup>15</sup> was not sacred existence! For *Koma* of Ayauji family<sup>16</sup> of foreign people, the Emperor *Sushun* was not a 'parents of people' in a family that the monarch and subjects constitutes! Since things were like these, a bold idealist<sup>17</sup> in the Imperial Household dreaded nation-state although it was only a fantasy. And since Dr. Hodumi overturned the Japanese national polity that was narrowly realized the ideal and gets to make today's Soga family and *Koma* insist on rights, why cannot we call him restorative revolutionary?

States have the independent purpose as states and the Emperor has been the national organ that the state has maintained as its profit, so the Emperor mustn't be infringed as the duty to the state. If we say that the Emperor is sacred because people acquiring Japanese nationality are 'children of the Emperor' and the Emperor is 'parents of people' as their patriarch, an Italian anarchist acquiring Japanese nationality who does not form a family of the monarch and subjects would insist on the right to use bombs based on his science of the constitution. His argument that Christians' solidarity isn't affected whether the God exists or not and people always

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<sup>14</sup> For *Taika* Revolution, see the Section 5.

<sup>15</sup> It points that the Imperial Household had believed *Shintonism*. But actually, the Imperial Household had also believed Buddhism.

<sup>16</sup> It is said that Ayauji family was a descendant of Achi no omi, who came from the Korean Peninsula in the period of the Emperor *Ōjin*. *Koma* was called Yamatonoayatai *Koma*. According to the 21 volume of *Nihon Shoki*, it is said that Soga no Umako, a head of big powerful family, made *Koma* assassinate the Emperor *Sushun*.

<sup>17</sup> It points the Emperor Tenji.

unite by faith shall make followers of *Nikolai*<sup>18</sup> unite in Russia and shall permit the revolt against the state. –Even he shall deny these revolutionary theories. If so, he would have to kill heathens, strangle and crucify foreign people. But this would be also revolution.

If Dr. Hodumi has obstinately regarded today's Japanese national polity as a patriarchal state and constructed every jurisprudence and ethical theory based on the arguments that the monarch and subjects have constituted a family or loyalty has agreed with filial piety, we shall quest: when your rickshaw man asks to you, 'who is your relation, sir?', do you reply, 'My relation is our honored Emperor.'? If he replies so, his rickshaw man would say that he would be disrespect, and we would admire his bold egalitarianism. Also, if he says, 'I and our honored Emperor are brothers being related by blood', a policeman would always take out his pocketbook and roughly question. If he says, 'since my child has been born, inform my relation, our honored Emperor about it', his confined wife in a bed would be very surprised; if he says standing a main street, 'the Hodumi family is a branch family of the Imperial Household', naughty schoolboys would always shout, 'You are fool! You are fool!' and run after him. –You mustn't interpret that we make a fool of pitiful stupid man. See that egalitarianism had been expanded and developed following up a family line through subsequent historical interpretation—now, if so, even he who most advocates the theory that the monarch and subjects constitute a family doesn't think that the Imperial Household and Hodumi family are equal relations. If he understands that his family only has so thin blood relation with the Imperial Household that if he says that his family has a relation with the Imperial Household, he would be regarded that he would go mad, why does he intend to regard it a chain that links the state and make it the foundation of the Emperor? What a mental retardation!

If Dr. Hodumi is not a jurist but a missionary of *Shintonism*, nothing can be done, but there is no reason not to interpret that the present civil law has not entirely been able to remove old traditions and customs of patriarchal system yet, none the less the rights of patriarchs have been held a few privileges<sup>19</sup> and provisions of relation in it has set limits of the extent of relations certain degree of kinship. On a funeral of rich people, even those who were presented with a kitten gather saying, 'I am relation with him (or

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<sup>18</sup> This points the Nikolai second (1868-1918).

<sup>19</sup> It is said that parts about relations in the civil law in the middle of Meiji era has remained pre-modern traditions and customs but comparing with the patriarchal system in the early years of Meiji era, even it restricted the rights of patriarchs. For its details, see Fukushima Masao, *Development of Japanese Capitalism and the Private Law* (Tokyo University Press, 1988).

This part is notable point that Kita mentioned about the civil law.

her)'. If people of the Imperial Household are not generous, they would say this: Yatsuka and 45 million slaves who curry favor with us with sweet words, do you say that from a humble Hodumi family to a beggar are our branch families? We are not relations having branched off the same ancestor of humble races like you. When our ancestors had fallen low, you lived being indifferent to our ancestors as if you saw roadside people or you threw stones with others, whereas when we prospered like today, you have flattered us<sup>20</sup>. And you have the cheek to call very old people three thousand years ago who have not known a family line relations or the head family and act to realize your secret intentions. What a flattering cat! Our Imperial Household has not branched off the same ancestor with you. We are magnificent conquerors who had oppressed people by strong power.

We shall conclude: Dr. Hodumi doesn't only believe the patriarchal state that is formed by a family that the monarch and subjects constitute but also there is no faith of *Shintonism* in his heart spying into the bottom of his heart. If he has a word and deed believing *Shintonism*, it would be only an apparent ornament just as a evil mother-in-law prays to *Amida* Buddha or a lazy student goes to see a church and prays to Amen. –We shall cancel all what we have said that his theory of the constitution is put on the *Shintonic* faith. Because he doesn't believe *Shintonism* and his faith is an old theory of the origin of societies. The spinal cord of the theory of Japanese constitution they call is in the superstition of sociology that religion of ancestor worship that any race has always experienced as the first step of evolution and the patriarchal system following with it are origins of states and they shall last until human beings become extinct.

Why are the patriarchal system and religion of ancestor worship specialties for only Japanese? Why can we say that only the Japanese national polity is an unparalleled one in the world? Today's all European countries have experienced these steps and this has been clearly known as a fact. Because any developed country has not evolved jumping steps. So, in once Europe, there was a period that the theory that the origin of the royal authority or public laws was based on the patriarchal system or patriarchal rights had had influenced. Perhaps because Dr. Hodumi was not excellent by nature, he would only be a revolutionary by mistake to explain Japan imitating them. Nevertheless, if he forcibly insists that my faith of *Shintonism* is the first and knowledge about the theory of the origin of societies is the second, we mustn't be generous to take this falsehood off.

We shall ask him—though a religion of ancestor worship means polytheism, do you believe polytheism? Perhaps he shall reply arrogantly, 'yes, I only believe innumerable gods'. Of course, it is possible to reply so. But polytheism of a religion of ancestor

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<sup>20</sup> See the Chapter 13.

worship has very many gods to worship. In India that freedom of faith are the most extreme, there has been the polytheism that has deified ancestors' souls<sup>21</sup> and it has worshiped big snakes, trees, stones, birds, animals, and sexual organs in an extreme instance. Like that, European people before Christianity had spread had deified many kinds of animals, strange stones, or trees along with their ancestors' souls. Japanese religion of ancestor worship believing innumerable gods is the same with these and had deified innumerable laughing matters in a point of polytheism.

Does Dr. Hodumi refuse the explanation that fire generates the combination of oxygen and carbon, and believe *Kagutsuchi no Kami* (the God of Fire) <sup>22</sup>? Does he fear storms that is said that a change of atmospheric pressure bring about because *Shinagatobe no Kami* (the God of the Wind) angrily blows big trees down? Does he fear waves because *Ōwatatsumi no Kami* (the God of the Sea) bring about it? Do the God controlling grains make locusts generate and is the science of agriculture a heresy of Shintonism that hurts the Japanese national polity? Are there offerings in a kitchen range and a lavatory of his house and does he deifies the god of the kitchen range and the lavatory? Does he insist that big snakes in zoos should be deified in shrines or join his hands in prayer before the wooden sexual organ and worship it? –Since there are shrines deifying these evil gods and heresies, the constitution of the Empire has made an introductory remark, ‘so long as faith doesn’t prevent peace and order of the Empire’.

A religion of ancestor worship and polytheism are signs of religions and philosophies having come from the same root. Of course, they had had many laughing matters seeing from today; in barbarous countries and among civilized countries, stupid couples in the country parting from a city have had these superstitions and have been made a laughingstock containing pity. But this is the first sate that any race cannot avoid in the process of human evolution. That is, human beings had developed their miraculous knowledge by polytheism (needless to say, it does not mean pantheism.) that everything in the universe had been a god and had known philosophy. And they had made their mind peaceful by a religion of ancestor worship that all human beings had not died but remained on housetops, in tombs, or in the heaven as souls (needless to say, it does not mean ‘immortal’ in the sense of ‘extension of individuals’ of scientific religions that we have argued.) and had gotten a religion that they put themselves into the God’s will.

Without this religion, this philosophy would not be and without this philosophy, this religion would not be. If so, if Dr. Hodumi prepares his escape that he believes *Amaterasu Ōmikami* and innumerable gods but doesn’t worship snakes, lavatories, or

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<sup>21</sup> It means Hinduism.

<sup>22</sup> It is said that *Kagutsuchi no Kami* was born as a child of *Izanagi* and *Izanami* but since he killed *Izanami* by his flames, he was put *Izanagi* to the sword.

sexual organs, he would have the tongue that can pronounce directly-opposed words, 'yes' and 'no', at the same time. So, we have no choice but to think him following three ways and he must choose one in those three ways; is he a philosopher comparing with Aristotle or Bacon who invents a new logic that affirm one thing and deny it at the same time? Is he a president of the law department, a professor of the Imperial University, and a legal doctor who affirms polytheism and worship the wooden sexual organ? Or does he deny religion of ancestor worship, his own theory of the constitution, his theory that the monarch and subjects constitute a family and the so-called theory of Japanese constitution finally?

The so-called theory of Japanese constitution reaches a conclusion the theory that loyalty agrees with filial piety from this theory that the monarch and subjects constitute a family. Though, of course, it is disgusting to put these outrageous ones on the subject of our arguments, since simple and reliable educators have not grown accustomed to have doubts, they have been deceived by the clay figure of monk soldiers and have given infant brains it as the foundation of moral judgments; it is very horrible. Needless to say, for people who have been struck their brains by a hammer of an unbroken line, these agitations are usually seen.

Even if today's the whole Japanese people have constituted the so-called family of the monarch and subjects having bred from one emperor who Dr. Hodumi and so on say, what does it connect with the theory that loyalty agree with filial piety? If he separates the theory that loyalty agree with filial piety from the theory that the monarch and subjects constitute a family and simply says that if we are faithful to the monarch, loyalty agrees with filial piety since it raises the name of our parents and makes our family prosperous, this would be very logical. But if we follow this logic, since Cromwell raised his name by a revolution and made his family prosperous, filial piety would have agreed with killing his monarch; for Washington, filial piety would have agreed with independence, and for Watt or Johnson, filial piety would have agreed with steam and electricity. Taira no Shigemori<sup>23</sup> who worried that if he was faithful to the Emperor, he could not be dutiful to his father and if he was dutiful to his father, he could not be faithful to the Emperor would have been a stupid man who could not understand the theory that loyalty agreed with filial piety. And it would be a quite solid logic that Houjou Yasutoki<sup>24</sup> who exiled three Emperors<sup>25</sup> for filial piety to his father, Yoshitoki

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<sup>23</sup> He was a child of Taira no Kiyomori. It is said that he was gentle and had a deep feeling of loyalty and filial piety.

<sup>24</sup> He was a general and the third regent in Kamakura Shogunate (1183-1242). In 1221, when the retired emperor Gotoba the Rebellion of Jōkyū, he marched toward the capital as a general of Kamakura Shogunate. In 1224, he

was a great loyal retainer to the three Emperor because his filial piety agreed with loyalty and he was a man of virtue who had both loyalty and filial piety since he was respected as the sovereignty from ancestors of people and made Houjou Family prosperous during the nine ages.

However, those who advocate the theory that the monarch and subjects constitute a family argue that loyalty agrees with filial piety because the monarch and subjects constitute a family. It is the very suitable for a barbarous village in the Orient! Even though we all 45 million people have bred by the parthenogenesis of *Amaterasu Ōmikami*, the theory that loyalty agrees with filial piety has only applied to her. Why does rights and duties relationship spring up among the same descendants? If we were barbarians, we would be able to set ranks among the same descendants and to sacrifice other children for one child by slavish morals. If you believe *Amaterasu Ōmikami* and call her ‘mother’ or ‘ancestor’, you must see all people equal and practice benevolence. Or, he may say that we are not equal because we are branch families, so we must be faithful to the Head Family. If so, we must be faithful to the head family branched off in a parental generation and must be more faithful to the branch family branched off in a brother’s generation before we help the fate of the Imperial Household, the far Head Family having branched off 3,000 years ago, lasting forever when a case of national emergency shall occur; because the Imperial Rescript on Education<sup>26</sup> teaches us the order of fulfillment of moral duties to people being related by birth<sup>27</sup>.

But Dr. Hodumi who knows laws shall insist that we are not relations with the Imperial Household since the degree of relationship has been limited, so we don’t have to be faithful to the Head Family. If he was called disrespect or disloyal, a strict judge shouldering the sovereignty of the state would protect a lovely man who obeyed the Imperial Rescript. –If we see this theory that loyalty agrees with filial piety based on the Imperial Rescript on Education, we shall find equalitarianism to the last. We require those who advocate the theory that loyalty agrees with filial piety by the theory that the monarch and subjects constitute a family to explain it. –Do old fathers of branch families spill their blood for children of the Head Family? Do adults of branch

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took office as the first regent and enacted Goseibai Shikimoku (the fundamental law of Kamakura Shogunate). He was and has been famous for a wise ruler. Even Kitabatake Chikahusa (1293-1354), who was a nobleman in the NambokuChō era (the Period of North and South Dynasty) and hated *samurais* most, described Yasutoki as a wise monarch in his *Jinnou Shoutouki* (The record of Legitimate Succession to the Imperial Throne).

<sup>25</sup> It points the Emperor Gotoba, Juntoku, and Tsuchimikado.

<sup>26</sup> The Imperial Rescript on Education was promulgated in 1890 and shown the root of national moral and the principle of national education in the period of Japanese Empire. It mentioned, ‘you must help the fate of the Imperial Household lasting forever when a case of national emergency shall occur’ and he wrote a parody of the Rescript.

<sup>27</sup> The Rescript mentioned that you people must be dutiful to your parents and must be on good terms with your brothers.

families die for children of the Head Family<sup>28</sup>? Do branch families split their thighs and set beautiful meals? Do eldest brothers of branch families make way, run away to fear roars of policemen, make a deep bow, and sing ‘*Kimigayo*’<sup>29</sup> for the younger brother<sup>30</sup> of the Head Family? –If so-called those who advocate the theory of Japanese constitution have not shouldered these duties to the Head Family, it would be a radical revolutionary that today’s state has not permitted to strain the relationship the Imperial Household with people by the distinction of the head family and branch family that are equal.

Japanese constitution is not a family that the monarch and subjects constitute but a magnificent state. The Emperor is the head family to people of branch families but the Emperor as the national organ. The expense of the Imperial Household is not paid by the shape of a plunder to branch families by the Head Family but by the right of the Imperial Household to the state. The military service does not mean that people of branch families are killed for profits of the Head Family but people’s duty to the state. Why the Emperor has the unparalleled grave honor and people cannot request equality is because the Emperor is the system the state has maintained for its profits and ignoring the privilege of the Imperial Household is what the state has not permitted. Namely, the Great Japanese Empire is not formed by a wild fancy that the monarch and subjects constitute a family but an actual state. The Emperor is not the Head Family being equal relation to people but a member of the state having the grave privilege to the state for its profits. Hence, we can say that those who advocate the theory that loyalty agrees with filial piety based on the theory that the monarch and subjects constitute a family has revolted to the state (for the patriarchal system and a principle of loyalty and filial piety, see the following parts of Japanese ethical history we shall explain).

These theories of Japanese constitution arguing that Japan is a patriarchal country having expanded from a family, and people are babies of the Emperor and the Emperor is ‘parents of people’ have fallen into a dilemma by Opening the interior<sup>31</sup>. Today’s laws have not set a rank to duties as people of the state to any foreign person when he or she acquires Japanese nationality. –For European people having a red beard or blue eyes, acquiring Japanese nationality only means entry into Japanese nationality, so they don’t approve that they are babies of the Emperor; but they are undoubted people of Japan. Although Black people are permitted to naturalize Japan and get Japanese

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<sup>28</sup> These point the military service.

<sup>29</sup> *Kimigayo* was and is a national anthem in Japan..

<sup>30</sup> Perhaps it points the Meiji Emperor.

<sup>31</sup> In Japan, the interior had not been opened by foreign people until 1899.

people, the Emperor would not be pleasant, if we regard the Emperor as ‘parents of Black people’. What reason do those who advocate the theory of Japanese constitution that regard the Emperor as a patriarch and require people to be faithful to the Emperor by the theory that the monarch and subjects constitute a family such as Dr. Hodumi demand people who were naturalized Japan duties? They would be able to select two ways; one way is that they argue that naturalized Italian anarchists should have the right to assassinate and heathens should have the right to revolt, and foreign naturalized people evade their duties as Japanese people as we have said. The other is driving out Opening the interior.

Since even barbarous those who advocate the theory of Japanese constitution knew that Opening the interior was a serious matter of life or death and drove out the argument that Japan was a patriarchal state, it was a fact that they did their best to oppose it. However, for them, does it a problem what they should treat with today and the future that the restorative-revolutionary by the theory of Japanese constitution did not only success but also Opening the interior was approved overcome by the evolution of history? No! Threats to so-called those who advocate the theory of Japanese constitution have existed since history had begun. Does Dr. Hodumi say that the Empress consort *Jingū*<sup>32</sup> told as a heroine in Japanese history was a destroyer of the Japanese constitution since she was a descendant of one who had been naturalized from Korean Peninsula? Does he say that Sakanoue no Tamuramaro<sup>33</sup> who has pleased with schoolboys was a traitor hurt the Japanese constitution since he was a child of mixed race? Does he say that descendants of *Achi no Omi*<sup>34</sup> who had been naturalized from Korea Peninsula leading people of 17 regions in the period of the Emperor *Ōjin* and all other descendants of those who had been naturalized who imported Chinese civilization at that time were not people of the emperors for him nor the emperors were not their masters? Are those who were mixed blood with an amazingly number of slaves who were taken from Korean Peninsula as prisoners for the purpose of increasing population whenever they conquered Korea, naturalized *Emishi* or humble people of conquered regions classified the relationship of rights and duties and morals between the emperors and people by the density of blood? –No! We shall show the horrible destroyer of the theory of Japanese constitution.

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<sup>32</sup> She was a legendary empress of the Emperor *Chūai* and a mother of the Emperor *Ōjin*. It is said that she went to Kyūshū to conquer its native people (they were called ‘*Kumaso*’) along with the Emperor and after that she captured Silla (it was one of kingdoms in ancient Korea).

<sup>33</sup> He was a descendant of Yamato no Ayauji Family and a general in the early days of Heian era. He fought with *Emishi* (native people lived in the *Tōhoku* area) as a *Sei I Taishōgun* (the Great general to conquer barbarians). This post got to be regarded as the honor of military families and to mean the Head of the *samurai* class.

<sup>34</sup> See the note 16.

Who is he? He is the present Emperor! But, those who advocate the theory of Japanese constitution don't have to fear that. We don't request to shoot an arrow to our theory of Japanese constitution as we hold the real Emperor in the portable shrine and do against your clay figure now. However, if they abuse us 'disrespect!' as monk soldiers in the old capital threatened the emperors at one time, 'we will make you fall into hell', with portable shrines, since the present Emperor makes contradictory actions with the theory of Japanese constitution of a clay figure, we would look on but the state has a strict criminal law. That is, the Emperor can annex foreign territories into Japanese by his power. Having included Chinese into Japanese by the Sino-Japanese War<sup>35</sup> took the first to overthrow the theory that the monarch and subjects constituted a family or loyalty agreed with filial piety. And having admitted Russian people into Japanese nationality by the Russo-Japanese War<sup>36</sup> would crush the portable shrine of monk soldiers to pieces! It is his Majesty the Emperor of the Great Japanese Empire that drove out barbarians who obstinately advocate the theory of Japanese constitution and concluded treaties to admit Opening the interior.

No! It goes without saying that Japan has not been a family that has been constituted by the monarch and subjects today and people have never been 'babies of the Emperor' nor the Emperor has never been 'parents of people' since the dawn of history. Also, needless to say, Japanese race has not been one who has expanded from a family since the founding of a country. In the first place, what do they deal with the established theory that Japanese race had already existed as people of mixed blood before the dawn of history? Since we are extremely not specialists about these problems, though we cannot discuss the propriety of theories of Japanese race presented innumerable, Takamagahara where is said that Japanese race had originated is considering on a map, not on the heavens. At least, it is certain that no one insist that Japanese race have specially bred from *Izanagi* and *Izanami* and only foreign people have evolved from apes today. —This fact shows that it is certainly fault that the fundamental thought of the theory of Japanese constitution that argue that Japanese race has been one who had expanded from a family, isn't it? Since we don't dare to despise black people nor to worship white people, we are not always pleased with the interpretation of ancestors of Japanese that Phoenicians went to the South Pacific via India, landed *Hyūga* following a stream of the tide from the South Pacific, and were mixed blood with immigrated Chinese<sup>37</sup>. But it is certain that those who interpret like this don't explain it to explain

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<sup>35</sup> It points that Japan colonized Taiwan by Shimonoseki Treaty in 1895.

<sup>36</sup> It points that Japan colonized Sakhalin by Portsmouth Treaty in 1905.

<sup>37</sup> This argument that Japanese originate in Phoenicians was insisted in *Twenty Five Thousand History* by Takegoshi Yozaburō.

the theory that the monarch and subjects constitute a family. And, we don't think that it is worth believing that one view that all our ancestors had immigrated from China or Korea Peninsula and Japanese race has come under pure Chinese race from a word that Taibo disappeared in the barbarous district Chu<sup>38</sup>—and the fact after the dawn of history that all civilization had come from China and Korean Peninsula like an argument of Hayashi Razan.

But it is certain that the fact that these arguments had had influenced from old times before what we call the theory of classical school has appeared doesn't supply the theory that loyalty agrees with filial piety materials. It goes without saying that although general scientific scholars conclude that Japanese race is mixed blood with Malays, Ainus, and Chinese from viewpoint of linguistics, anatomy, and ethnology, we don't have the right to discuss the propriety of it. However, in today that everything is studied scientifically, it would be natural that we would not have no choice but to follow conclusions of studies of scientists who would generally do trustworthy explanations rather than we listen to empty arguments who Confucians or Japanese classical scholars. And since no scholar has insisted that Japanese race has been a special race having lived in this country from the beginning, anyway we can say that a view that Japanese race had come from certain place and had been mixed with certain race would be immovable. If so, however people would have brains organized inferior materials—as people in general have paid attention to the theory of constitution of Dr. Hodumi, even though today's level of Japanese ethnology is very primitive—, they would be able to understand that they should seek expert advice in the line. For a professor of the Imperial University, legal doctor, of all people, to form fundamental thoughts of his theory of constitution by a primitive religion in the primitive age that he does not believe either the public do when he lectures the constitution that is the fundamental law in the state! For a standpoint of the restorative-revolutionary, are studies of Japanese race disadvantage to construct the patriarchal country of theocracy? It is not worthy of today's national polity; they should say it when restorative revolution of the theory of Japanese constitution shall succeed, the present nation-state shall be destroyed, the Emperor of the national organ shall be overthrown, and a clay figure

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<sup>38</sup> Taibo (Ji Taibo) was a Chinese in B. C. 12-11 century and an uncle of Ji Chang who was the founder of Zhou dynasty. It is said that he realized his brother wanted to make Ji Chang succeed as the head of the family and ran away to Chu to realize it. Zhou's people went there to take him back, but he cut his hair, tattooed on his whole body, and refused it since he was not worthy of returning the capital.

In ancient times, it is said that customs of cutting hair and tattooing were seen among people who did skin diving and caught fish, and these customs were also seen in Japan. Because of this, the theory that Japanese have been descendants of Tai Bo has come out.

A Japanese Confusian, Hayashi Razan (he was in the early days of Edo era (1583-1657). He worked under the Tokugawa Shogunate and lectured four Shoguns, from Tokugawa Ieyasu to Tokugawa Ietsuna) supported this theory in his *Hontyō Tsugan* (a *Comprehensive history of Japan*).

shall reign. Here, we shall quote words of the late Mr. Naitō Chisō<sup>39</sup> to point out a course that Dr. Hodumi should select. He was the very ideal man who advocated the theory of Japanese constitution because he took such a consistent attitude being no match for Dr. Hodumi at all that he intended to make those who have powers to inflict a penalty in the Court suppress race studies. He said: people in our country of Gods have primarily been race specially born in this country of Gods, so our ancestors had never migrated from other countries. We have been some kind of special descendants of Gods who had perfectly been born in this country since the beginning of the world. These days, some worthless men think that other race had immigrated into this country and after that our people like Gods had been born. They flatter Western scholars by these interpretations. Though it goes without saying that their motives are humble, some people are in danger of believing these humble people. We can say that those who guess like these and disgrace our sacred Court are traitors being inconsistent with the world. So, we must punish these men. Once, in the period of the Emperor *Kammu*<sup>40</sup>, the clear Imperial Rescript was declared and warned these humble people. Nevertheless, why doesn't the Court punish them?

It is a *Shintonic* superstition and groundless to say that today's Japanese national polity is a patriarchal country. If you advocate the theory that the monarch and subjects constitute a family or that loyalty agrees with filial piety in the period that a patriarch or the head family had had absolute and infinite powers to members of the family and branch families, your argument would be justifiable, though it would be irrelevant whether it would be true or not. But if you advocate it today that kinship is equal in principle, it would clearly prove your undoing. The word 'parents of people' or 'babies of the Emperor' are what were only followed historically and are meaningless like 'sacrosanct' in the constitution.

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<sup>39</sup> He was a samurai of the Mito clan and historian in the last days of the Tokugawa Shogunate and Meiji era.

<sup>40</sup> He was the emperor in the last days of Nara era and the early days of Heian era (737-806). He transferred the capital from Nara to Kyōto and reformed the political system based on the *Ritsuryō* codes ('Ritsu' meant 'criminal laws' and 'Ryō' meant 'administrative laws').