

## The Abdication Issue and the Future of the Japanese Imperial House

Ken Ruoff

In October 2016, it was made public on national television that the emperor of Japan was actively considering abdication. The choice by the eighty-two-year-old *tennō* (emperor), to step down has created a succession crisis for the rule-bound imperial family, raising questions about the need to revise the Imperial House Law because it does not permit abdication. The Imperial House Law also outlines succession to the throne and, according to Articles 1 and 2, solely allows for male heirs.<sup>1</sup> In spite of the emperor's constitutional position as a symbolic rather than political figure, most everything related to the *tennō* nonetheless can have political overtones. I would suggest, however, that the abdication issue in isolation is about as close to a non-political issue as possible; it is more in the realm of common sense and basic human rights. At the emperor's urging, the Diet will likely pass either a narrow revision of the Imperial House Law or a one-time legal provision for Emperor Akihito's abdication. Subsequently, the Abe administration could continue to push for further reform of the emperor's status, reestablishing him as Japan's legal head of state. However, without strong public pressure, the Diet is unlikely to pursue further proactive revisions of imperial inheritance laws.

### The Imperial House Law

The fact that Emperor Akihito himself has had to provoke action on this front speaks more to decades of stagnation by lawmakers to address an obvious abdication defect in the Imperial House Law than to any desire by the present emperor to involve himself in the political process. There is something undeniably moving about an elderly emperor, with the empress by his side, resolutely carrying out his official duties on behalf of the nation. It is a poignant reminder that whatever privileges the imperial couple enjoys, the life of an emperor and empress is one of fulfilling the role of national symbol through the performance of seemingly endless public duties.

Due to the emperor's increasing age, there are multiple scenarios whereby the *tennō* could still be alive but in no shape to perform any public duties, not to mention carry

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<sup>1</sup> The Imperial Household Agency, *The Imperial House Law*, <http://www.kunaicho.go.jp/e-kunaicho/hourei-01.html> (date accessed: 18 January 2017).

out a demanding public schedule. Establishing a regency to address this problem seems to be a weak solution, especially if the situation drags on at length. Frankly, this succession defect in the Imperial House Law should have already been fixed. But democracies are no better—and sometimes worse—than other forms of governments at proactively fixing flawed laws before a remedy becomes necessary. The situation now appears to be urgent, at least if the wishes of Emperor Akihito are to be respected.

Strictly speaking, revising the Imperial House Law in this area should be a straightforward matter, and hopefully the law will be revised to provide for abdication. However, I doubt the matter will be that simple. We are told that a government committee is secretly studying the issue and that the next step will include the establishment of a panel of experts to examine options. However, the Diet will have to address the issue openly at some point if the law is to be revised. That is how democracies work. One can easily imagine additional scenarios playing out once revision of the Imperial House Law is open for discussion, including allowing for a female heir or reestablishing the emperor as the official head of state.

### **The Legacy of Emperor Akihito and Empress Michiko**

Whatever comes of this abdication issue, the legacy of the present Emperor and of Empress Michiko is secure in several areas: The imperial couple has acted as a source of hope for the Japanese people and as a diplomatic liaison abroad. The emperor and empress have worked diligently to bring attention to the struggles, and to improve the lives of some of the most marginalized people in Japan, such as the tsunami victims in 2011. They have endeavored to bring closure to the postwar era. Finally, Empress Michiko has embraced a dynamic public role, including a solo trip abroad. Her efforts have arguably laid the groundwork for a woman to serve as the national symbol someday in the future.

Commentators argued that because the emperor has had to force the issue of revising the Imperial House Law, he has already overstepped his constitutional position as a symbol that exists outside of politics. There may be a tiny element of truth to this claim, although Emperor Akihito spoke extremely carefully in his address to the nation to avoid trespassing beyond his constitutional position. He framed his concerns around his own life and desires, stating, “While, being in the position of the emperor, I must refrain from making any specific comments on the existing imperial system, I would like to tell you what I, as an individual, have been thinking about.” Exhibiting the traits of a true “people’s emperor,” the emperor talked in very specific detail about his desire to minimize the inconvenience caused by his aging and eventual death to everyone around him.

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<sup>2</sup>“Japan Emperor Visits Port Devastated by Tsunami,” *BBC News*, 27 April 2011, <http://www.bbc.com/news/world-asia-pacific-13207107> (date accessed: 7 February 2017).

<sup>3</sup> Emperor Akihito, “Message from His Majesty the Emperor,” 8 August 2016, <http://www.kunaicho.go.jp/page/okotoba/detailEn/12> (date accessed: 7 February 2017).

## The Future of the Imperial Family

At present, the future of the imperial line is far more tenuous than is typically acknowledged in Japanese society, making an amendment to the Imperial House Law necessary in order to secure the sustainability of the imperial family. The current structure of the Japanese imperial family includes Emperor Akihito and Empress Michiko, their sons Crown Prince Naruhito and Prince Akishino, Crown Prince Naruhito's daughter Princess Aiko, and Prince Fumihito's son Prince Hisahito.<sup>4</sup> The fact that the imperial line will likely eventually pass from Crown Prince Naruhito to his nephew, Prince Hisahito, highlights the awkwardness of Naruhito having to tutor his brother's son Hisahito in the art of becoming the *tennō* even though Naruhito has his own child, Princess Aiko. Also of note is that Aiko will lose her imperial status if she marries. The awkwardness of this situation will become a daily reminder that women are not permitted to serve as the national symbol. This succession issue, more than the perceived flaws of Crown Prince Naruhito, lies behind the surprisingly blunt public criticism of the crown prince and suggestions that his younger brother, Prince Akishino, might make a more suitable emperor. Of course, the far right's dislike of Crown Princess Masako and of Crown Prince Naruhito's resolute support for her is no secret, and this also lies behind the "replace Naruhito with Akishino" rhetoric. But there are more pressing issues related to the fact that there is only one boy among the current generation of imperial children, and below is where I write with unrestrained frankness.

Down the road it will fall solely to Prince Hisahito to provide a male heir. What if Prince Hisahito should die in an accident, or by some disease, before he produces an heir? What if Prince Hisahito is not inclined to marry a woman? What if Prince Hisahito does marry a woman but they are not able to have children, or not a boy in any case? The situation is more precarious than most Japanese will discuss publicly due to societal constraints regarding commentary on the Imperial Family, but maybe open discussion of the reality would provoke action on the part of lawmakers. Besides, even if Prince Hisahito produces an heir, this again only postpones the day of reckoning when sooner or later there will not be a male heir. So why not fix the situation now?

One might assume that in the twenty-first century the simple argument that a society dedicated to gender equality should also allow for women to serve as the national symbol would be enough lead to a change in the Imperial House Law to allow for a female *tennō*. However, even putting aside lofty justifications along those lines, the fact is that Japan's imperial system as presently structured is a ticking time bomb: sooner or later there will not be a requisite male heir. Intense far right opposition to any change in this area—an opposition that is shared by some in the ruling coalition—prevents a solution to the imminent succession crisis.

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<sup>4</sup> The Imperial Household Agency, which handles matters related to the imperial family, further details the imperial family's structure and members on their website: <http://www.kunaicho.go.jp/e-about/genealogy/koseizu.html>.

## Female Emperor

While the political right in Japan generally objects to the possibility of a female *tennō*, some scholars find it outdated that the Imperial House Law does not stipulate that the first-born child, whether a boy or a girl, would be designated the heir. Other scholars think that at the very least there should be a provision to permit a female emperor if no eligible male heirs were available. This change seems necessary for the continuation of the imperial line considering that Japan lacks both of the mechanisms necessary to continue an all-male line over time, namely a concubine system and a large pool of collateral families eligible to provide an imperial heir. There is a next-to-zero chance that the concubine system will be reestablished, and increasing the number of collateral families eligible to provide an heir seems a tricky task indeed in a society enamored with equality, so sooner or later the imperial house will likely find itself without an heir unless the law is changed.

One of the leading initiatives of the Abe administration is to create “a society in which women can shine (*subete no josei ga kagayaku shakai zukuri*).” But does this broad policy extend to revising the Imperial House Law to allow women to serve as the national symbol, as female *tennō*? Furthermore, does this extend to allowing a woman to serve not just as a caretaker emperor, as Japan has had in the past, but as a female emperor whose children would continue the imperial line? This change would break the supposedly unbroken imperial bloodline (*bansai ikkei*) that nationalists glorify but scholars refute.<sup>5</sup> If there are times to honor traditions, manipulated though they might be, there are also times to put to rest contrived traditions.

There is not enough space here for me to examine each and every pertinent issue related to the imperial house, but I want to stress that one must be very careful when analyzing the concept of popular support. I personally do not agree with Japan's far right on issues ranging from how one should interpret national history to whether or not Japan should permit female emperors. Nonetheless, one must recognize that at times the far right *does* rally popular opinion behind its proposals. Thus, when the government takes action regarding these proposals, the situation is not one of the ruling coalition ramming policies down the throats of the people whether they like them or not. The above is sometimes the case in matters relating to the imperial house. Often when one examines the fine details of laws that were passed by the government in comparison to what the far right really wanted, one learns that the far right got less than it hoped for. Popular support for various proposals have overlapped with the far right but did not rubber-stamp them, something that the ruling coalition calibrated carefully before writing details into measures. But we shall simply have to wait and see how the many agents and constituencies that comprise Japanese society line up in this particular political contest, and also pay close attention to how public opinion evolves on this and other issues.

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<sup>5</sup> Kenneth James Ruoff, *Imperial Japan at Its Zenith: The Wartime Celebration of the Empire's 2,600th Anniversary* (New York: Cornell University Press, 2010), 188.

## Looking Forward

Once the issue of reforming the Imperial House Law to provide for abdication is opened for discussion in the Diet, I suspect that additional topics broached will go beyond that of allowing a female *tennō*. Presumably there will be questions—although this is a constitutional issue rather than one related to the Imperial House Law—about the LDP’s puzzling proposal to revise the emperor’s constitutional position to that of the official head of state (*genshu*), a needlessly provocative move. Every foreign country interprets the *tennō* as Japan’s head of state—albeit as a symbolic head of state. So why is this change necessary, especially when one considers how much historical baggage “*genshu*,” the term employed in the Meiji Constitution to designate the sovereign and constitutionally all-powerful emperor, carries? It only leads to suspicion about exactly what the Abe administration has in mind in reference to the emperor’s position and to other areas of the constitution. However, as much as the very notion of constitutional revision is loathsome to some in Japan, it is also true that reasonable people can argue that the 1947 Constitution is in need of updating to better address the social and political conditions of the early twenty-first century.

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*Ken Ruoff is a professor in the modern history of East Asia and director of the Center for Japanese Studies at Portland State University. He is considered one of the foremost experts on Japan’s monarchy in the world. The Japanese translation of his *The People’s Emperor: Democracy and the Japanese Monarchy, 1945-1995* (Harvard University Asia Center, 2003) was awarded Japan’s equivalent of the Pulitzer Prize, and remains in print on both sides of the Pacific. His more recent *Imperial Japan at Its Zenith: The Wartime Celebration of the Empire’s 2600th Anniversary* (Cornell University Press, 2010) has also appeared in Japanese translation.*

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