

Eighteenth-and Nineteenth-Century Debates on Female and Female-Lineage Emperors

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Introduction

The Advisory Council on the Imperial House Law, a private advisory body established by then Prime Minister Koizumi Junichiro 小泉純一郎 in December 2004, published its conclusions November 2005 that “it is essential to open the way to a female emperor or an Emperor of female lineage¹⁾ in order to ensure the stability of succession to the Throne.” Afterward, a raucous debate began on the issue of female and female-lineage emperors. The current emperor acceded to the throne in May 2019, and national interest in the succession has remained extremely high. However, a lack of basic knowledge about imperial succession has led the general public to believe that the regulations of the old and new Imperial Household Laws were determined based on a linear reflection of the historical and cultural backgrounds of previous eras. In particular, it is not uncommon to encounter discourse claiming that the confinement of the Imperial Throne to the imperial family’s male lineage and the disavowal of its female lineage have continued from the premodern eras. The opinion that this so-called agnatic primogeniture system represents

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- 1) “Female-lineage emperors” refers to the succession of imperial descendants, either male or female, born to princesses. Note that female and female-lineage emperors are entirely different concepts.

the traditional Japanese imperial succession is found not only in gossip weeklies and far-right magazines but also, from early on, among scholarly authorities. Araki Toshio 荒木敏夫 points out that the shared attitude of those opposed to female or female-lineage emperors is that male or male-lineage emperors represent Japanese “tradition” and “common sense.” As Araki notes, this “common sense” must be carefully examined for pitfalls.²⁾ To escape the morass of unscholarly personal opinions, which the debate on Imperial succession has become, this study aims to clarify details regarding the continuity of and changes in the debate on female and female-lineage emperors before and after the establishment of the old Imperial House Law (1889).

1. The “tradition” of men’s dominance over women (Danson Johi 男尊女卑)

Incidentally, one point to consider when addressing this problem is the statement of Inoue Kowashi 井上毅 (“*Kingu Iken*” 謹具意見), who played a major role in establishing the practice of male-lineage male succession in Article 1 of the old Imperial House Law (1889) and was also the major influence on the debate within the Omeisha 嚶鳴社 society.³⁾ The Omeisha, established in 1878 by Morikazu Numa 沼間守一, the grand secretary of the Chamber of Elders (Genroin 元老院), was a leading society for the

2) Araki Toshio, *Kanosei to shite no jotei: Jotei to oken/kokka* 可能性としての女帝—女帝と王権・国家 (*Female emperors as possibility: Female emperors and royal authority/the nation*), Aoki Shoten, 1999, p. 17.

3) There is considerable research regarding this debate, notably the works of Kojima Kazushi 小嶋和司, Kobayashi Hiroshi 小林宏, and Tokoro Isao 所功, : Kojima, “‘Jotei’ rongi 「女帝」論議 (‘Female emperor’ debate)” in *Kojima Kazushi kenpo ronshu* 小嶋和司憲法論集2 (*Collection of Kojima Kazushi’s essays on the Constitution 2*), Bokutakusha, 1998; Kobayashi, “Inoue Kowashi no jotei haishiron: Koshitsu tenpan daiichijo no seiritsu ni kanshite 井上毅の女帝廃止論—皇室典範第一条の成立に関して— (Inoue Kowashi’s argument against female emperors: On the establishment of Article 1 of the Imperial House Law)” in *Meiji kokka keisei to Inoue Kowashi* 明治国家形成と井上毅 (*Establishment of the Meiji nation-state and Inoue Kowashi*), ed. Goin Bunko Research Association 梧陰文庫研究会, Bokutakusha, 1992; Tokoro, *Kingendai no “josei tenno” ron* 近現代の「女性天皇」論 (*Modern “female emperor” theories*), Tendensha, 2001.

pursuit of democratic rights, whose membership included journalists, lawyers, and progressive bureaucrats. Its major activities included hosting debates and orations, publishing the *Tokyo Yokohama Mainichi Shimbun* 東京横浜毎日新聞 newspaper and the *Oumei Zasshi* 嚶鳴雜誌 magazine, and providing lecture tours in the provinces. Their independent draft of the new constitution was highly influential in the Movement for Civic Rights and Freedom, making great contributions to the formation of the Rikken Kaishin 立憲改進黨 (Constitutional Reform) Party in 1882. The Omeisha held a debate on “Jotei wo tatsuru no kahi 女帝を立つるの可否 (Whether to Establish a Female Emperor)” on January 14, 1882, reporting its contents in the *Tokyo Yokohama Mainichi Shimbun* over nine issues from March 14 to April 4. The issue of being for or against a female emperor had been raised to a great extent because of the Edict on the Establishment of the National Diet issued on October 12, 1881. This imperial mandate also stated that a constitution would be established; thus, among the intelligentsia, the regulation of the imperial succession became a matter of concern.

In the “Whether or not to accept the accession of the female emperor” debate, the proposer, Shimada Saburo 島田三郎,⁴⁾ stated at the outset that he was in favor of male-lineage male succession and would refute two stances for the approval of female emperors. The opinions of Shimada et al. below have been interpreted into modern Japanese by the author.

The first supporter argues that the “custom” of the accession of female emperors in Japan goes back to ancient times, and that it would be going against custom to permit only male-lineage male emperors now; this opinion is often found among “those well versed in Japanese literature.” The second argues that as society progresses, men and women have finally attained equal rights. Other countries which once confined their monarchs and emperors to male-lineage men have

4) 1852–1923. Editor-in-chief, *Yokohama Mainichi Shimbun*; later a civil servant and then among the founders of the Rikken Kaishin Party in 1882. Thereafter a House of Representatives member. Baptized in 1886, involved in the anti-prostitution movement and the Ashio Copper Mine pollution issue from a Christian humanitarian perspective. Known as an orator and famous for his accusatory speech in the Siemens scandal.

established constitutions to permit men and women to inherit equally. For Japan alone thus to confine itself to male-lineage men would be to oppose the global trends of the 19th century, in particular as Japanese ways have permitted the accession of female emperors from ancient times. These arguments are often found among “those lettered in Western books.”⁵⁾

There are two notable points here. First is the approval of female emperors not only by “those lettered in Western books,” that is, scholars of the West who understand Western-style human rights, but also by “those well versed in Japanese literature,” that is, scholars of Japan with no connection to Western-style arguments on gender equality. Second is the conceptualization within the approval of female emperors, beyond the division of Western or Japanese scholarly foci, of the fact of past female emperors⁶⁾ as a “custom” or “Japanese way.” This indicates a significant distinction from the idea prevalent in Japan today that male-lineage male emperors permitted by the Imperial House Law alone constitute Japanese tradition. Given the condition of the imperial family at the time, it is comprehensible that early Meiji theorists accorded a degree of support to

5) “Jotei wo tatsuru no kahi (Whether to establish a female emperor),” *Tokyo Yokohama Mainichi Shimbun*, March 14, 1882 (in *Nihon kindai shiso taikai* 日本近代思想大系: *Tenno to kazoku* 天皇と華族, 1988, pp. 276–277).

6) Eight female emperors have presided over ten eras in Japanese history.

(1) 33rd Empress Suiko 推古 (ruling 592–628)

(2) 35th Empress Kogyoku 皇極 (ruling 642–645)

(3) 37th Empress Saimei 斉明 (ruling 655–661) (second accession of Empress Kogyoku)

(4) 41st Empress Jito 持統 (ruling 690–697)

(5) 43rd Empress Genmei 元明 (ruling 707–715)

(6) 44th Empress Gensho 元正 (ruling 715–724)

(7) 46th Empress Koken 孝謙 (ruling 749–758)

(8) 48th Empress Shotoku 称徳 (ruling 764–770) (second accession of Empress Koken)

(9) 109th Empress Meisho 明正 (ruling 1629–1643)

(10) 117th Empress Go-Sakuramachi 後桜町 (ruling 1762–1770)

Female emperors and queens have also included Wu Zetian 武則天 (690–705) in China and Seondeok 善徳 (ruling 632–647), Jindeok 真徳 (647–654), and Jinseong 真聖 (887–897) in the Silla kingdom of Korea.

the approval of female emperors. Of the five sons and ten daughters born to the Meiji Emperor's five concubines, only one son and four daughters survived to adulthood. When Prince Yoshihito, later the emperor in the Taisho era, was born in 1879, his siblings had already been lost to stillbirth or early death; he himself was sickly, raising extreme concern over whether the imperial line would continue. This context is also thought to have led to some support for the approval of female and female-lineage emperors.

With regard to the Omeisha "female emperor" debate, a discussion from both perspectives occurred based on Shimada's proposal above with 16 participants (eight of whom had their opinions recorded). This debate focused on the issues of the prince consort and of consistency with the custom of men's dominance over women. The discussion of the prince consort featured heated debate, including opinions from Koizuka Ryu 肥塚竜,⁷⁾ who held that it should be acceptable given that even the United Kingdom, where the Salic law⁸⁾ applied, had accepted a prince consort to maintain the royal family; Kusama Tokiyoshi 草間時福⁹⁾ et al., who

7) 1848–1920. Studied free thought at Nakamura Masanao 中村正直's Koishikawa Dojinsha school. Omeisha member, then Rikken Kaishin Party member from its establishment in 1915, active as a party politician. Entered the House of Representatives in 1894 and served as director of the Ministry of Agriculture and Commerce Bureau of Mines in the Matsukata 松方 and Okuma 大隈 cabinets and governor of Tokyo under Okuma and Itagaki. 板垣 Industry posts included Shueisha auditor, Aikoku Life Insurance executive, and Nippon Kinetophone president.

8) Lex Salica. Originally in reference to the law of Francia, it was used particularly in Japan at the time to refer to the Francian law of royal succession forbidding the accession of ruling queens or female-lineage kings.

9) 1853–1932. Studied with Yasui Sokken 安井息軒 and Nakamura Masanao. Became principal of Ehime Prefectural Matsuyama English School (predecessor of Matsuyama Junior High School) in 1975, putting Western educational methods into practice and spreading democratic thought through the *Ehime Shimbun* newspaper; he thus made major contributions to the acceptance and improvement of liberal education and the development of the civil rights movement in Ehime. After concluding Omeisha activities, he became a civil servant, working as chief of the Osaka Postal and Telegraph Bureau, the Navigational Aid Management Office, the Ministry of Communications and Transportation Navigational Aid Management Office, and

rejected the idea out of fear that a prince consort would take political control; and Shimada Saburo, who pointed out that none of the female emperors in history had taken consorts, having all been interim emperors (Setsui 摂位). This presentation will address the latter point of debate: consistency with the custom of men's dominance over women. Shimada, who supported male-lineage male succession, spoke as follows:

Some may hold opinions like this as well: "Thinking rationally, there should be no disparity between men and women. If a princess is selected from among the vassals to be married to the emperor, there is no reason a prince consort should not be selected likewise." However, I cannot agree with this stance. Politics must be based on timely trends and popular sentiments 時勢人情. Currently, Japan honors men with a position above women. If, let us say, we were to establish a prince consort with a female emperor constitutionally placed in the position of greatest honor, because the feelings of the country as a whole cannot be transformed overnight through systemic change, the Japanese populace would find themselves inevitably feeling that there was someone [the prince consort] placed in a position of yet higher honor than the female emperor. Therefore, the end result would be to damage the dignity of the emperor.¹⁰⁾

Worth noting in Shimada's argument is his fundamental prioritization of the embedded Japanese custom of men's dominance over women over the "rationality 道理" of equal rights (human rights) or the legal system. A detailed reading of the "female emperor" debate reveals that its focal point was not so much the systemic issues concerning the accession of female or female-lineage emperors, but rather, essentially, the approach to the custom of men's dominance over women. It can even be said that the focus was on the debaters' attitudes toward the relations among customs, human rights, and the law.

others.

10) "Jotei wo tatsuru no kahi (Whether to establish a female emperor)", *Tokyo Yokohama Mainichi Shimbun*, March 14, 1882 (in *Nihon kindai shiso taikai: Tenno to kazoku (Modern ideology in Japan: Emperors and New nobilities)*, 1988, p. 279.

It was Koizuka Ryu who took Shimada head-on with fierce criticism:

Mr. Shimada argues that “honoring men is a custom passed on in Japan from our ancestors, and we may not abolish our customs.” This argument is a failure to distinguish between customs to be preserved and those to be abolished. Think a little. England is the country with the strongest customs of all. And yet even in England, no one argues that all customs must be retained as such, whether they are good or evil, positive or negative. As one scholar has said, “customs ought to be retained when possible, but bad customs must be abolished.” They think this way based on a criterion for honoring customs which is not whether they are old or new but what benefits they convey. Leave honoring the old for its own sake to the antiquarians. Debaters must not follow their path.¹¹⁾

Responding to Shimada’s argument that men’s dominance over women should be taken seriously as a Japanese custom, Koizuka points out the injustice of clinging to men’s dominance over women given that, despite the importance of customs, whether or not they should be retained is worth examining. His tone is reminiscent of that of British conservative thinker Edmund Burke, who argued that customs must be both honored and consciously winnowed. The point of departure between Koizuka, in favor of the approval of female emperors, and Shimada, against it, was in fact their attitudes toward the custom of men’s dominance over women. However, as the above statements indicate, Koizuka was not the kind of intellectual who would call for the abolition of the custom itself in favor of a one-sided focus on human rights and the law:

The law is not always built on level ground. Look here. Of all countries, the United States was the least hampered by custom when establishing its legal system. However, even in America custom has sometimes presented obstacles to the enactment of laws. Japan and

11) “Jotei wo tatsuru no kahi (Whether to establish a female emperor)”, *Tokyo Yokohama Mainichi Shimbun*, March 23, 1882 (in *Nihon kindai shiso taikai: Tenno to kazoku (Modern ideology in Japan: Emperors and New nobilities)*, 1988, p. 287.

Britain suffer from their customs most of all. When legislators create a law, they must observe the actual state of customs and adapt the law to the climate and realities of the country. It was not to establish equal rights for men and women that we argued against the abolition of the system establishing female emperors in Japan. Because the Japanese custom is to honor men, if asked whether men or women should come first in the line of succession, I would place men first and women second. However, I stand firmly against the opinion that women should never be placed on the throne, be there three female candidates or five. That is because, along with its custom of men's dominance over women, Japan has likewise a custom of establishing female emperors.¹²⁾

Known as a steadfast liberalist and the first to translate “democracy” into Japanese as *minshushugi* 民主主義,¹³⁾ Koizuka felt that since legislation was not independent of national customs, the influence of men's dominance over women on the line of succession was inevitable. He also stated that approval for female emperors is based not on a human rights sensibility calling for gender equality but rather on the ancient Japanese custom of the accession of female emperors-albeit in small numbers. The Shimada-Koizuka debate over female emperors was by no means a conflict between premodernity and modernity or conservatism and reformism. With the understanding that equal rights for men and women

12) “Jotei wo tatsu no kahi (Whether to establish a female emperor)”, *Tokyo Yokohama Mainichi Shimbun*, March 29, 1882 (in *Nihon kindai shiso taikai: Tenno to kazoku (Modern ideology in Japan: Emperors and New nobilities)*, 1988, p. 294).

13) Noguchi Tadahiko 野口忠彦's research is illuminating in terms of the acceptance of *minshushugi* as the translation of “democracy” and its suitability to begin with: “‘Minshushugi’ ha tekiyaku ka: ‘democracy’ yakugo ko josetsu 「民主主義」は適訳か—「デモクラシー」訳語考序説 (Is *minshushugi* the right translation? An introduction to translations of ‘democracy’)” (1) to (4) in *Seiji/keizai/horitsu kenkyu (The Journal of Politics, Economics and Law)* 拓殖大学政治経済研究所編『政治・経済・法律研究』12 (1) (2), 13 (1) (2), ed. Takushoku University Institute of Political Science and Economics, 2009–2011; “Yakugo ‘minshushugi’ shiyo no ippanka 訳語「民主主義」使用の一般化 (The general adoption of the translation *minshushugi*)”, *ibid.* 16 (1), 2013.

were becoming a global trend, both focused on the extant Japanese custom of men's dominance over women; likewise, they both prioritized custom over rationality. Where they differed was in their interpretation of the reign of 10 female emperors among the 122 emperors from Jimmu to Meiji. One felt that these 10 out of 122 were only exceptions, interim rulers or relays until the accession of male emperors; the other considered them part of a custom, a high number in comparison to the culturally similar China and Korea. Simply put, the core of the debate was the question of whether to consider female emperors' accession a *tradition*, no less than the prevalent tradition of men's dominance over women.

2. Opinions from Japanese classical scholars

As noted in section 1, the reference to male-lineage male succession in Article 1 of the old Imperial House Law, promulgated in 1889, was significantly influenced by Inoue Kowashi's statement, which in turn acquired its theoretical basis from the arguments of Shimada et al. and the Omeisha. However, different possibilities converged in the process leading to the law's establishment. The Genroin's drafts were created in 1876, 1878, and 1880, with the third regulating imperial succession as follows (the original text of the relevant articles is in Meiji-era classical Japanese):

Article 1 The descendants of the current Emperor shall constitute the legitimate line of Imperial succession.

Article 2 The Imperial succession shall begin with the eldest legitimate son. If there is no Crown Prince, his younger brother or their male-lineage sons shall succeed. If there are no legitimate male-lineage sons, the succession shall pass to illegitimate offspring and their male-lineage sons based on their proximity to the current Imperial bloodline.

Article 3 If there is no successor to the Imperial Throne based on the Articles above, a male of the Imperial Family shall succeed based on proximity to the current Imperial bloodline. If there is no other option, a male of female lineage shall succeed to the Imperial Throne.

While it is clear that the regulations are based on male-lineage male

succession, the important point here is the recognition of female-lineage imperial succession when male-lineage candidates are lacking. Also, the “Imperial Household Regulations 皇室制規,” drafted by the Bureau of Institutional Investigation established in 1884 under Ito Hirobumi 伊藤博文’s leadership, adopted male-lineage male succession as the standard but still recognized female-lineage emperors (see Article 1 below) and even included the accession of female emperors (see Article 6; the original text of the relevant articles is in Meiji-era classical Japanese):

Article 1 Male-lineage descendants shall succeed to the Imperial Throne. If there are no male-lineage descendants in the Imperial Family, Imperial female-lineage descendants shall succeed. In both male and female lineages, legitimate offspring shall take precedence, followed by illegitimate offspring.

Article 3 In the case of the demise of the son of the emperor who is to succeed, the succession shall pass to the grandson of the emperor.

Article 4 If there is no direct-line offspring to succeed, the succession shall pass to the emperor’s brothers and their offspring.

Article 5 If the emperor has no brothers or the emperor’s brothers have no offspring, the succession shall pass to the emperor’s father’s brothers and the offspring of the emperor’s uncles. If the emperor’s father had no brothers or the brothers have no offspring, the succession shall pass to the emperor’s grandfather’s brothers and their offspring.

Article 6 If the Imperial Family has become entirely devoid of male-lineage sons, the daughter of the emperor shall succeed. If the emperor has no daughters, the succession shall pass in the order indicated by Articles 3, 4, and 5 above.

Article 7 When a daughter of the emperor or a female-lineage offspring has succeeded, the subsequent successor shall be their son. If there is no son, their daughter shall succeed. If there is no daughter, the succession shall pass through the female lineage in the order indicated by Articles 3, 4, and 5

above.

Article 13 The husband of a female emperor ought to be selected from those closest to the Imperial bloodline among vassal Imperial Family members.

Based on the above, the governmental drafts leading to the establishment of the old Imperial House Law, although based on male-lineage male succession, can be said to include an approval of the accession of female lineage and female emperors. In the creation of these drafts, a major role was played by the Constitution Editorial Board, particularly the work of the group of Japanese classical scholars led by Yokoyama Yoshikiyo 横山由清 (1826–1879). The discussion below draws largely on the painstaking work of Fujita Hiromasa 藤田大誠¹⁴ on Yokoyama, with some additional views added by the author.

Yokoyama Yoshikiyo studied Japanese classics with Honma Yusei 本間游清 and Ino Hidenori 伊能穎則 and *waka* poetry with his stepmother, the poet Yokoyama Katsurako 横山桂子, and Inoue Fumio 井上文雄. An instructor at the Institute of Lectures on Japanese Classics, he was invited to join the new Meiji government after the Restoration and served as an editor of the Shohei School history and an intermediate assistant university professor; he also helped organize the legal system as a text editor for the Bureau of Imperial Institutions. Based on Fujita's research, Yokoyama's legal editing career included his work as editor for the Genroin as of May 24, 1875, a month after its establishment; an "additional appointment as editor for classics" as of June 17; and the role of "head of editorial section" as of July 24. The "Research Section" was composed of two streams: editors from the "internal section," mainly Japanese classics scholars investigating Japanese classical texts, and researchers/translators from the "foreign section," mainly urban civil rights activists who translated Western constitutions. Many of the latter would subsequently become Omeisha members, including Shimada Saburo, who was a senior translation secretary. It is to be noted that the backbone of one branch was Japanese classical scholarship and traditional Japanese academia through

14) Fujita Hiromasa, *Kindai kokugaku no kenkyu* 近代国学の研究 (*Research on modern Japanese classical studies*), Kobundo, 2007.

the premodern era, while that of the other was modern Western academia.

As noted above, the extant drafts, although based on male-lineage male succession, also included approval for female lineage and female emperors. It is thought that the “foreign section,” a group of Western scholars, was involved in creating these drafts given their familiarity with examples such as Britain and Spain, where Salic inheritance law did not prevent the accession of ruling queens. However, as Shimada Saburo said, we must not forget that among the partisans of approval for female emperors were “those well read in Japanese literature,” that is, Japanese classical scholars, and we may surmise that Yokoyama Yoshikiyo of the “internal section” was among their leaders. A document titled “Keishiko 継嗣考” (Thoughts on succession),¹⁵⁾ thought to have been written while Yokoyama was a member of the Constitutional Editorial Board, has been discovered and its full transcription published by Fujita.¹⁶⁾ Despite adopting male-lineage male succession as its basis, it also expresses approval for the accession of female lineage and female emperors: “The male lineage takes precedence in succession, followed by the female lineage,” “If the line of male-lineage male successors to the Imperial Throne has died out, a daughter of the emperor shall succeed. In that case, the female emperor must take a spouse to maintain the imperial lineage.” When Shimada criticized the Japanese classical scholars who accepted female lineage and female emperors, he may well have been thinking of Yokoyama. Giving rein to speculation, one may even conjecture that for Shimada, who supported male-lineage male succession alone, Yokoyama—the leader of a different group within the same Research Section—was a nuisance in his support for female lineage and female acceptance based on an investigation of the classics.

3. Discontinuities with the early modern period

Although Inoue Kowashi played a central role in the establishment of the old Imperial House Law, which stipulated the male-lineage male

15) At the beginning of Hagino Yoshiyuki 萩野由之's *Wa'an Zappen* 和葬雜編 I (held by the University of Tokyo General Library). Not in Yokoyama's own hand, it is thought to have been copied by Hagino. Most of the material on Yokoyama was lost in the Great Kanto Earthquake, including the original.

16) Fujita, *op. cit.*, pp. 330–331.

imperial succession still in force today, he based his argument not only on the opinions of Shimada Saburo and Numa Morikazu of the Omeisha but also on that of the Japanese classical scholar Konakamura Kiyonori 小中村清矩.¹⁷⁾ Regarding the issue of female lineage and female emperors, the Japanese classical group was as divided as the Western studies group. Kobayashi Hiroshi¹⁸⁾ pointed out that Inoue carefully read Konakamura's 1885 "Joteiko 女帝考" (Thoughts on female emperors), adding the marginalia below to his copy (held by the Goin Bunko; the original text of the material below is in Meiji-era classical Japanese).

Chapter 3 Imperial Lineage

Article 9 Only male-lineage male descendants may succeed to the Imperial Throne.

The basis for this article is most suitably found in Konakamura Kiyonori's *Joteiko*.

This may suggest that "Joteiko" was in favor of male-lineage male succession; however, rather than directly supporting any such thing, it is simply a historical account and evaluation of the eight female emperors and ten reigns from Suiko to Go-Sakuramachi, as well as the two empresses, Jingu and Iitoyo 飯豊 (Iitoyo Aonohime Miko 飯豊青皇女), who preceded Suiko without actually acceding to the throne. However, Konakamura's analysis concludes that the accessions of these historical female emperors were exceptions based on political circumstances or temporary positions until the next emperor was ready to succeed; this served as the basis for Inoue's theory that the accessions of historical female emperors should be considered interim reigns and not custom.

Kobayashi states that Inoue explored the commonalities between

17) 1821–1895. Studied Japanese classics with Motoori Uchitoo 本居内遠 et al. and taught at the Kogakukan in the Wakayama domain. Attended the Grand Council of State after the Restoration, holding posts such as senior assistant university lecturer, staff of the Ministry of the Interior Bureau of Shrines and Temples, and professor at the University of Tokyo, as well as editor of the *Kojiruien* 古事類苑 encyclopedia. Became a member of the House of Peers in 1893.

18) *Op. cit.*, p.374.

traditional Japanese law and European law, combined them logically, and created legislation under the guise of passing down Japanese traditional law.¹⁹⁾ Naturally, Inoue is unlikely to have discovered these commonalities inductively out of nowhere. For Inoue, the principle of male-lineage male succession was essential in the creation of imperial family legislation from the start; on this premise, he presumably sought out a basis for it amid the history and laws of Japan's imperial family as well as overseas dynasties. In other words, when considering male-lineage male succession to the Imperial Throne as "tradition," the diverse old "traditions" existing so far were reorganized and modified. The author feels that this was done not only by Inoue, a legislative bureaucrat, but also by the Japanese classical scholar Konakamura, whose work provided the foundation for Inoue's argument. In sum, Konakamura's "Joteiko" quotes the Mito-group scholar Asaka Tanpaku 安積澹泊's *Dai Nihon-shi Sanso* 大日本史賛藪, cherry-picking its content so that Konakamura's text diverges substantially from Tanpaku's original points. This has not been addressed at all in conventional research. Besides the specific discussion below, the author has also examined Tanpaku's text in detail elsewhere²⁰⁾ and will only deal with its links to "Joteiko" here.

The Mito-edited *Dai Nihon-shi* 大日本史 is famous for including Empress Jingu not in its main text 本紀 (emperors' biographies) but in its history of empress consorts 后妃伝, conventionally considered to be due to the tendency to belittle female emperors. This idea, however, is seriously inaccurate. According to Tanpaku, Jingu was removed from the main text because "after the death of Emperor Chuai 仲哀, during the period from when Emperor Ojin 応神 became Crown Prince at age four until his accession at age seventy, even if Empress Jingu held the de facto role of governance as emperor, Ojin should in fact be considered to have succeeded immediately, making it accurate to record Jingu as a vassal princess with the title of regent 摂政."²¹⁾ In other words, the problem of

19) *Op. cit.*, p. 391.

20) Okawa Makoto 大川真, "Asaka Tanpaku *Dai Nihon shi sanso* ni tsuite 安積澹泊『大日本史賛藪』について," *Kikan Nihon shisoshi* 季刊日本思想史 (*Seasonal Journal of Japanese Intellectual History*) Vol. 81, Perikansha, 2014.

21) *Nihon shiso taikai* 日本思想大系, early modern historical theory collection 近世史論集, Iwanami Shoten, 1974, p. 74.

Empress Jingu's title involved criticism of her determination to cling to power despite the existence of a Crown Prince who ought to succeed to the Imperial Throne, not necessarily the consignment of an empress's reign to regency based on misogyny.

By what criteria, then, is the "Seito (正統 legitimacy)" in imperial lineage to be determined?

Based on an excerpt from the *Gongyang Commentary on the Spring and Autumn Annals* 春秋公羊伝 in 722 BCE 隱元元年, "among legitimate children, age before wisdom; among other children, value before age, (立適以長不以賢, 立子以貴不以長)" Tanpaku held that the order of wives' children should be decided according to their age regardless of their intelligence, whereas that of concubines' children, as well as that of nephews and nieces, should be determined based on their intelligence rather than age, and that illegitimate children, no matter how gifted, were not qualified to inherit as long as the children of wives existed.²²⁾ It should be noted that his argument on lineage was based on the global standard system of legitimate male offspring inheritance and succession. However, Tanpaku did not adopt the stance of the old and current Imperial House Laws that only male-lineage males could succeed, instead taking the view that the succession of a female emperor would also be justified if she held an excellent political record. He lavished the highest praise on Empresses Genmei 元明 and Gensho 元正, stating that "they were of impeccable rectitude, with great integrity and compassion, overlooking nothing in their consideration. Both reverential and modest, their depth of caring was heaven-sent. The people flourished in their eras, living in plenitude and peace. These two emperors were indeed the female versions of Yao 堯 and Shun 舜. If later rulers adopt these emperors' approach to governance, the face of Amaterasu 天照 shall shine upon them and their world, and the wonders of their reigns shall be eternal."²³⁾

Konakamura also quoted *Sanso's* praise for Empress Genmei nearly

22) *Ibid.*, pp. 95–96. The interpretation of "child" in the quotation is based on He Xiu 何休's *Interpretation of the Gongyang Commentary of the Annals* 春秋公羊經伝解詁. See the modern translation of He Xiu 春秋公羊伝何休解詁 by Iwamoto Kenji 岩本賢司, Kyuko Shoin, 1993.

23) *Ibid.*, pp. 33–34.

in its entirety, with agreement. *Sanso* discusses Empress Genmei²⁴⁾ as follows. It states that she acceded to the throne because, while it was the duty of the ruler to care for and govern the populace, Crown Prince Obito 首 (later Emperor Shomu 聖武) was still a child, and Genmei felt that he could not yet fulfill his duties. Entirely free of any desire to seize power for herself, her accession was based on the law of heaven. Given this point, Konakamura's "Joteiko" clearly owes certain points to previous generations' theories on female emperors. However, Tanpaku's extremely high evaluation of Empresses Genmei and Gensho ("If later rulers adopt these emperors' approach to governance. . ."), based on their governing record alone (particularly their excellence in civil administration), was not passed on. In other words, the line from Konakamura to Inoue emphasized the role of female emperors as no more than "interim rulers 摂位" until the next male emperor could succeed, cutting off the ideological current of previous generations that also evaluated their political records.

Conclusion

With regard to the accession of female emperors in particular, misogynistic viewpoints are not uncommon. When classifying arguments that reject the accession of female emperors, the legal scholar Yokota Koichi 横田耕一 once stated that along with theories that male-lineage male succession is "traditional," other discriminatory perspectives suggest that women are less able than men to handle public affairs.²⁵⁾ Right-wing intellectuals have also overemphasized Empress Koken's (Shotoku) adoration of the monk Dokyo 道鏡 in their raucous rejection of female emperors. As pointed out by Hara Takeshi 原武史,²⁶⁾ East Asian history has delighted in (unfounded) sex scandals involving female heads of state, such as China's Wu Zetian and Xue Huaiyi 薛懷義 as well as Empress Koken and Dokyo,

24) *Ibid.*, pp. 32–33.

25) Yokota Koichi, "Koshitsu tenpan 皇室典範 (The Imperial House Law), in *Horitsu jihu* 法律時報 (*Legal Journal*) 48-4, Nippon Hyoronsha, 1976. While supporting the views of Kiyomiya Shiro 清宮四郎, Wada Tsuruzo 和田鶴藏 et al., Yokota states that this kind of misogyny is "pure prejudice, not rational reasoning."

26) Hara Takeshi "*Jotei*" no *Nihonshi* 〈女帝〉の日本史 (*A Japanese History of Female Rulers*), NHK Shuppan Shinsho, 2017.

negatively affecting the perception of women's participation in society and politics. However, we see in the *Book of Han* 漢書 (Emperor Wu's Lady Li 孝武李夫人), that "the northern maiden's beauty stands alone; cities fall with one look at her, and empires with another"; it is historical fact that far more men than women have cast aside their duties when distracted by beauty. We ought not to pass on negative inheritances such as the *Book of Documents* 尚書' declaration that "when a hen calls, the house falls," but rather, now that gender equality and diversity have become natural social norms, set ourselves decisively free from the persistent negative "tradition" (vice) of men's dominance over women and, with reference to current social norms, establish rules for imperial succession that may be applied in the future as well.

Additional note

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