1.2: The Tōdai Faculty of Law- Taboo and Disgrace

In which the author lambastes the Tōdai Faculty of Law for its failure to respond forcefully to the attacks from the outside on one of its most distinguished professors, Minobe Tatsukichi. Minobe had already retired, but the attacks intensified after 1934. In September 1935 he resigned from the House of Peers. The author focuses on Minobe’s disciple Miyazawa Toshiyoshi and his junior colleague Nambara Shigeru. This chapter is Chapter 51 in the Japanese original. Readers should remember that they are beginning the author’s account not in mid-stream but fully three-quarters of the way across.

Going along or acting out of conviction, most Tokyo Imperial University[1] professors cooperated actively with the military and the war. But some professors—albeit a minority—stood at the opposite pole. The two who deserve to stand at the top of this list are Kawai Eijirō and Yanaihara Tadao of the Faculty of Economics. Because of their fierce critical spirit, both lost their positions as professors. Kawai was forced out in 1939 and died during the war, in 1944. Yanaihara was ousted in 1937 but reinstated right after the war and after serving as dean of the Faculty of Economics and then head of the General Studies Division, became president of Tōdai (1951-57).

Japan’s sudden turn to the right and the establishment of political control by the military took place after the February 26 Incident, and Kawai Eijirō was the only person in the entire world of commentators to criticize the military head-on for the Incident. In the Imperial University News of March 9, right after the Incident, he wrote: “First of all, we feel a duty to express deep condolences on the deaths of Home Minister Saitō, Finance Minister Takahashi, and Chief of Military Training General Watanabe, slain by the cruel bayonets. Quite a few politicians have fallen victim to the violence of the last several years—Hamaguchi Osachi, Inoue Junnosuke, Inukai Tsuyoshi; but when these people were felled, it was still unclear what the ideology of the opposing side was.[2] So their deaths were literally unforeseen. But since the May 15 Incident, fascism—particularly fascism within the military—has become obvious and cannot be covered up. The men killed this time made opposition to this fascist trend their conscious goal and likely foresaw that the result might be their own deaths; yet they faced that prospect head-on and sought with their bodies to stem the tide of fascism.”
Who Is to Blame for Defying the Emperor’s Order?

Kawai was a militant liberal, and when he first made his debut in the media, he was known as a champion in the fight against Marxism; but after the May 15 Incident of 1932, fascism and statism (state socialism) bore the brunt of his criticism. Beginning in 1933 he published essays on current events from that perspective, one after the other, in various journals of opinion; in 1934 he collected them into the book *Critique of Fascism.*[5] This book sold well, one printing after another. The infamous Minoda Muneki, leader of the right-wing assault on “leftist” intellectuals, deluged him with criticism—Kawai was an “early proponent of the tactic of the Popular Front,” a “collaborator with social democratic revolution,” a “proponent of bald-faced intervention in the prerogative of supreme command,” an “anti-military, anti-war” thinker, a “proponent of Chinese-style dependence on England and the U.S.”[4]

The Home Ministry, too, told Kawai through intermediaries that it wouldn't ban his books but asked him to withdraw them voluntarily. Kawai refused to do so, saying, "If you want to ban them, be my guest!"

On the point of anti-fascism, the liberal Kawai was rock-solid. He was fierce, too, in his criticism of a military with links to fascism: "What's wrong with fascism is many times worse when it emerges from within the military. Hitherto Japan’s armed forces have had the duty of protecting our land against foreign enemies, and they’ve been entrusted with weapons so they can perform that duty; because they are Japan’s armed forces, the nation has voluntarily given up its weapons and felt comfortable entrusting the defense of the country to the armed forces. But lo and behold, the weapons that were to be used against foreign enemies are being turned on the nation, and taken unawares, the nation that trusted the armed forces and felt comfortable entrusting weapons to them has come under attack by them.”

Further, he blamed the upper echelons of the military for allowing this revolt to happen: “When it comes to turning twelve or thirteen hundred officers into a mutinous army that defies the emperor’s order, who is to blame, anyway? The Incident didn’t just spring from nowhere; it has roots in the past. The fascism that raised its head after the Manchurian Incident: such people in the military should have been suppressed promptly by drastic measures. X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X."

The censor’s deletion continued beyond this point.

The sense of the deleted part became clear later in the court proceedings concerning the charge that Kawai infringed the publications law. *Critique of Fascism* was banned in October 1938, together with three other Kawai books, and Kawai was prosecuted for infringing the publications law. But the trial wasn’t public, so the content of this deleted passage was not generally known. Still, according to the court transcript, the sense of this passage was as follows:

“Before the May 15 Incident, there were incidents of this type that were prevented before the fact; but military lawyers for the defendants in the May 15 Incident were made to state in open court that the assassins of General Nagata Tetsuzan were patriots of high ideals. If the military allows that to happen, how can it be said to have done enough to suppress fascism in its ranks?”

Kawai had already made his anti-fascist stance clear at the time of the May 15 Incident, in “Critique of the May 15 Incident.”[5] There he not only stated his own ideological position—“Along with being anti-Marxist, I also oppose right-wing renovation”—but also took sharp issue with “direct action using military force” as a method of social renovation. Kawai’s critique of the February 26 Incident developed his critique of the May 15 Incident, but its fundamental points are the same. When we read this essay today, Kawai’s assertions sound absolutely common-sensical, but at the time no one else was criticizing the military’s involvement in politics so openly, and Kawai was regarded as extremely brave for...
“The Tōdai Faculty of Law, Too, May Be Hit”

In Nambara Shigeru Remembered, Maruyama Masao, Nambara’s protégé who at the time of the Incident was an assistant professor in the Faculty of Law, speaks of these issues with Nambara, who compares the right-wing attack with an assault on a moated castle:

Nambara: At the time of the Takigawa Incident, the outer moat was filled in, and at the time of the Minobe Incident, the inner moat too was filled in. At the university, silence reigned. At the time of this incident only Kawai Eijirō criticized the military boldly. He really hung in there.

Maruyama: The students too were astonished that he hung in. And Japan plunged ahead into the fascist era...

Nambara: […]Kawai’s critique of Marxism, too, was amazing], not to mention that when he turned to fascism as target, the debate took on a different tone. In particular, right after the February 26 Incident, he attacked it in the Imperial University News and then elaborated in essays he published in various magazines.

Maruyama: His was a fierce critique of statism: if the army has a greater voice than the nation as a whole because it has weapons, you can’t say that speech has been publicly guaranteed unless you give weapons to the entire nation. Statism exists at the root of the evil that let this terror to go unchallenged....

Nambara: At the time, no one else was making that criticism. That’s how resolute he was. On that point you have to give him very high marks…. And as a result he incurred the displeasure of the military.

Why did so few critical voices arise from Tōdai? At the time, quite strong rumors had it that if something happened, Tōdai would be hit by right-wing terror. The Emperor-Organ Incident and the February 26 Incident were virtually simultaneous; in content, too, they had deep links. In a word, both issued from the idea that Japan was in essence a divine, emperor-centered state, so it should be reconstructed accordingly (the clarification of the kokutai). The emperor-organ issue rejected a legal scholar who distorted the kokutai in his emperor-organ theory, and the February 26 Incident marked the trend, via coup d'etat, to a state actually ruled directly by the emperor.

Throughout this period the attacks on the Tōdai Faculty of Law by Minoda Muneki, who touched off this issue, continued unabated. According to Minoda, the Tōdai Faculty of Law traditionally took an “academic tone antipathetic to the kokutai,” aroused China’s “anti-Japan, scorn-Japan, resist-Japan” ideas, spread anti-kokutai ideas that would turn Japan into a democracy (since emperor-centered politics was Japan’s original kokutai, democracy was anti-kokutai), and rejected and despised the national spirit of its own country. The Faculty of Economics had become the general headquarters of the Comintern’s Popular Front tactic, so Minoda called for the dissolution of Tōdai.

In virtually every issue, Minoda’s Genri Nihon named Tōdai’s famous professors—Takagi, Yokota, Kawai, Miyazawa, Rōyama, Suehiro, Yabe—and attacked them as enemies of the state. In fact, via such attacks, Minobe was consigned to oblivion as a scholar, and he was set upon by right-wing thugs riding that wave of agitation. The rumor that the Tōdai Faculty of Law would be attacked couldn’t be dismissed as crazy.

Maruyama: Just before the February 26 Incident, Minobe was assaulted by the right wing.
Nambara: Yes. February 21, 1936. Thugs stormed into his house, Minobe was shot, and he was taken to the Tokyo University Hospital.

Maruyama: For some time before then, there had been talk that if something happened, the Tōdai Faculty of Law too would be attacked; was there talk within the Faculty of Law about the February 26 Incident—consultation or talk about what came next?

Nambara: There was a big snowstorm before dawn. Right off, I went to the university: snow was falling, there were serious news reports, and there was almost no one at the university…. I too had encountered political incidents my whole life, but the morning of the February 26 Incident was in some sense graver than the later day, December 8, when war was declared. That’s my feeling.

Maruyama: Among the students, reports flew that Tōdai might be shut down. I also heard rumors that Police Headquarters had telephoned several Tōdai professors to tell them the police couldn’t guarantee their safety, so please hide somewhere….

Nambara: That sort of thing apparently did happen. Indeed, I went to my study, and it was still dark. Snow was falling; no one was around. By chance I met only Takagi; I don’t know about the younger faculty, but no other professors showed up. The two of us talked, then phoned former president Onozuka and asked him to seek refuge somewhere. And then we thought that Yasaka and Miyazawa—those two were always in the crosshairs of the right wing and the military—should do something. Gossip was flying, and reports came in that the *Asahi* newspaper and the Tōdai Faculty of Law were targets. In fact, they did hit the *Asahi*.

Even the police worried for the safety of the professors, so at this time people knew you couldn’t get away with spouting anti-rightist, anti-military words. The Incident happened, yet everyone kept silent.

At the end of the previous essay, Kawai shoots his critical arrows at the intellectual class that kept silent about February 26: “Today the nation stands at a crossroads and must pick one of two futures: the will of the nation or the violence of one group…. At this time one often hears the intellectual class whispering: how powerless we are in the face of this violence! But in this sense of powerlessness lurks a dangerous psychology that exalts violence. This is the hotbed that breeds fascism.”

When we look back on history, we can say that after the February 26 Incident the intellectual class became as Kawai described it. Engrossed in their sense of powerlessness, doing nothing at all, either they were pulled along by the trend of the time or perceiving the trend of the times early on, they chose to ingratiate themselves with that trend. No matter which route they took, they contributed to the rise of fascism.

**Minobe’s Prime Disciple Reflects**

I’ll talk later about those who curried favor, but I want to say something now about those who gave in to a sense of powerlessness and were swept along. There were two types of people who were swept along: a minority who long after the war reflected deeply on what they did and wrote about it, and the large majority who didn’t reflect at all (or merely reflected a bit and rationalized in their own heads what they did) and wrote nothing at all.

As representative of those who did reflect, I offer Miyazawa Toshiyoshi, constitutional scholar and Minobe Tatsukichi’s
prime disciple. Miyazawa started his career as instructor under Minobe, became assistant professor in 1925, and in 1934, after Minobe reached mandatory retirement age and retired, became professor and succeeded to Minobe’s chair. So long as Minobe was healthy, he was of course the leading advocate of the emperor-organ theory, so on the emperor-organ issue he continued to be attacked fiercely by Minoda Muneki and the anti-emperor-organ people. Hence, at the time of the February 26 Incident, both friends and officials warned him to hide.

And when Minobe’s books were banned and the emperor-organ theory disappeared simultaneously from courses on the constitution at every university, Miyazawa too jettisoned the emperor-organ theory. The Tōdai constitution course continued to exist but avoided virtually anything related to the emperor system, even the constitution’s basic stipulations about the emperor system. Minoda's *Genri Nihon* wondered whether Miyazawa deserved the title professor of constitutional law at Tōdai. Minoda wrote:

Miyazawa Toshiyoshi succeeded to Minobe Tatsukichi’s constitution chair at the Faculty of Law of Tokyo Imperial University, but in the last several years has published virtually no study—even in the Law Faculty’s own Law Association Journal—on the imperial constitution that is his specialty but publishes vacuous critiques of the day in low-brow magazines; worse than that, most recently he has written mainly film criticism and occasional pieces and published a collection of these essays. Especially in this day and age, can we say that Miyazawa is fulfilling his scholarly duties?

In the *Program of Lectures on the Constitution*[^10] that Miyazawa used for his university course in 1937, of a total of eight pages on the emperor, five concern succession, and one each concerns reign names and imperial landholdings. For Article 1, the fundamental principle of the imperial constitution, he simply posts its text and gives not one word of explanation. For Article 4, he doesn’t even post its text. By contrast, in dealing with the Imperial Diet, once past the introduction he divides the discussion into nine parts and devotes seventy pages to it, but not one word refers to the legal relation between emperor[^11] and Diet. *Despite this ignorance of the Imperial Constitution’s principles, he holds this chair and squanders his time on criticism of film prizes*. Inauspicious events continue to occur at home and abroad, from the Manchurian Incident down to today’s China Incident; does he have a scholarly conscience about Japan’s internal and foreign crises of the last several years? (Italics in original.)

In short, until the war ended, Miyazawa avoided the constitution and the emperor system completely. After the war ended, he was once again active as the holder of the chair of constitutional law at Tōdai, and until his retirement (in 1959—after retiring from Tōdai, he became professor at Rikkyō University), he was considered the chief interpreter of the new constitution.

For Miyazawa the issue of his own flight from the emperor-organ theory seems to have remained a lifelong trauma, and immediately after he retired from Rikkyō University in 1969, he published the huge two-volume *Emperor-Organ Theory Incident*[^12] that collected all the materials concerning the issue. In its final summation, Miyazawa writes: “People who look back on this incident now will surely be shocked at the crazed nature of the attack on the emperor-organ theory and at the spinelessness of the officials and party leaders in the face of it. Moreover, they’ll wonder why the resistance of the scholarly world and the journalistic world was so weak. On the one hand, the fascist forces propelled by leaders of ‘real power’—the military—were *so strong that they suppressed not only opposition argument, of course, but all criticism*; on the other hand, *love of ‘liberty’ had not sunk its roots very deeply into the Japanese society of the day.*

It wasn’t only in the conclusion; in the text, too, he says this of his own spinelessness at the time:

[^10]: https://human.libretexts.org/Bookshelves/History/Local_History/Tokyo_University_and_the_War/01%3A_Chapters/1.02%3A_…
[^11]: Updated: Sun, 10 May 2020 15:24:59 GMT
[^12]: Powered by
At just that time, I was asked to write a column "Comments on Current Events in Journalism" in the Tōkyō Asahi newspaper, and I skimmed the pages of various magazines. I happened on Sassa Hiroo's article "On Minobe Tatsukichi." I was struck by his view of Minobe—"standing tall like a towering tree, withstanding even the gale, not afraid of the blizzard…fearing nothing, believing in the right, expressing what he has decided is the truth—it certainly never comes from the superficiality of an intellect that seeks to parade its ideas." Irritated by events in the Upper House, I wrote the following: "In the Diet some members are criticizing Minobe’s theory as infringing the kokutai. I think they are simply buying into this slander by a group that has ulterior motives; but these were speeches in the Imperial Diet, so they had considerable impact. Probably for that reason, Professor Minobe attempted ‘A Personal Explanation’ from the dais of the House of Peers and tried at great length to enlighten some of the critics. As I listened to Minobe’s explanation, which he reduced to the simplest terms possible, I thought that if there were any who still thought Minobe’s explanation infringed our kokutai, they were either ignoramuses beyond redemption or people seeking to use the term kokutai to wreak personal harm. No matter which, there was no difference between them insofar as the grave poisoning they administered.”

This column in the Asahi was the only thing Miyazawa wrote in support of Minobe. After writing it, he became increasingly spineless. He remembers:

Right after I delivered this manuscript to the Asahi, I was summoned by Dean Suehiro. The dean warned me kindheartedly: this latest incident in the House of Peers is a political issue with very deep roots, so it’s best for you to be very careful what you say or do. When I mentioned this manuscript, he said, well, if you’ve already submitted it, there’s nothing to be done.

When the essay ran in the newspaper, I immediately received several letters calling it “disgraceful.” I thought, yes, indeed, this incident does go deep. When my essay ended, the Tokyo Asahi immediately ran an essay by Imaizumi Teinosuke. I don’t recall the details, but it was an attack on constitutional theory of the Minobe stripe. I heard they had to run something like it because of criticism my essay engendered.

Thereafter, spineless, I kept silent. Of course, under such conditions, no journals commissioned me to write. I wrote journalism only as requests came in, so since there were no requests, you might say it was natural that I stayed silent; but it’s also true I didn’t take the initiative myself to write.

What did Miyazawa do in this period in which, spineless, he maintained his silence? Believe it or not, he became an avid ballroom dancer and frequented dance halls: he confesses so in Testimony on Shōwa Intellectual History. (A commentator in the press found out about it and ridiculed him mercilessly.)

Here I’d like to note that Dean Suehiro of the Faculty of Law kept Miyazawa from further writing. For one thing, even before the Minobe issue, Minoda and his crowd had made fierce attacks on Suehiro, painting him as a Marxist who stressed “Communist-style expropriation of land without compensation,” who “taught the tactics of fierce dispute as a substitute for communist revolution,” who spoke of “the military as parasitic” and advocated “the acceptance of crimes committed by the property-less.” The issue had been taken up in the Diet by members of the Upper House affiliated with Minoda; so Suehiro probably didn’t want to exacerbate things. For another, it was likely related to another situation I’ll speak about later.

For Miyazawa, the trauma from the emperor organ incident seems to have been large, so before completing his book,
he spoke as follows in the Asahi Journal's "University Autonomy—Events and People:" “Professor Minobe was no longer at the university, so this incident didn’t involve the university directly. But for a university, myself included, not to do anything, to hunker down, and withdraw without saying what needed to be said…. In retrospect, the feeling that we had no self-respect is always with me. In that sense, I reflect as a university person, couldn’t there have been a bit more action? That’s what I thought after the fact. … We kept silent, well, we were without self-respect… As university people, we had no self-respect. It’s not an experience to be happy about, and I think it should make us reflect.”[15]

Disciples Who Jettisoned Minobe

Among those who, like Miyazawa, felt a strong sense of guilt and often talked of it is Nambara Shigeru, first postwar president of Tōdai. Here’s what he says in Nambara Shigeru Recollected:

Tsuji Kiyoaki: Next, the emperor-organ issue. This, too, we can call a showdown between the military and the university. The starting point was criticism of Minobe in the Army Ministry’s pamphlet, "On Strengthening the Fundamentals of National Defense."

Nambara: When I think of the trouble Minobe encountered for the emperor-organ theory, I confess, I have very great remorse. Why didn’t I defend his theory? Was there no way to do so? He was already then an emeritus professor and had left the university—but how could those of us who were direct disciples not defend him? We in the Tōdai Faculty of Law, colleagues, disciples of his, weren’t able to give him a bit of protection. To this day, it’s a source of absolutely unending regret.

After all, the only thing we did—I’m embarrassed to say this—was give a dinner party to console him. Sympathizers in the Faculty of Law, including also Ōuchi and others from the Faculty of Economics, invited Minobe to dinner at a Chinese restaurant in Ueno. There were about ten of us. We consoled him, trying in that inadequate way to make it okay. No, we consoled each other—that’s all it amounted to. Minobe said not a word about his own anguish and of course not one word of resentment; without asking our aid, he conversed with us lightly and calmly. I thought it was noble of him. That’s stuck in my memory to this day. Inside lay truly sorrowful feelings, feelings he couldn’t acknowledge himself. In a sense, that’s how grave the situation was. We didn’t make a formal issue of it; we could only offer him vague consolation.

Was this truly all they could have done? Nambara himself says he was “embarrassed,” and it’s the greatest disgrace of the Tōdai Faculty of Law that this was all they did.

The tale continues with deference for the anguish of Miyazawa Toshiyoshi:

Tsuji: When Professor Miyazawa reached retirement age and left Tōdai, at his final Faculty Meeting he recalled those days. It sounded as if he was speaking for the first time of the anguish he had been living with as the direct inheritor of Minobe’s constitutional theory. It was very poignant.

Nambara: I think he took just the right tone. It wasn’t just Professor Miyazawa; the rest of us bear the same guilt. It’s something unconscionable we’ve been living with. What was it that Miyazawa said?

Maruyama: He’d been called in by Hozumi Shigetō, then dean of the Faculty of Law, who said, “If you become an issue, please resign. Don’t involve the Faculty of Law.” What he meant was that earlier, Minister of Education Matsuda Genji
had responded to questions in the House of Peers as follows: “In the Imperial University there’s virtually no professor left who believes in the emperor-organ theory. If there is a problem, it’s only Miyazawa.” Probably, it was just after that that Hozumi spoke. Miyazawa replied, “Of course I’ve no intention of involving the Faculty of Law.”

Tsuji: In short, it may be strange to say he laid down his pen, but if he himself kept silent, the peace of the Tōdai Faculty of Law would be maintained, and if anyone asked him about this attitude, he’d resolved to keep silent. Since then, Miyazawa said, he’d always held to that resolve.

Nambara: So what happened between him and Minobe…?

Maruyama: Miyazawa said nothing explicitly….

Tsuji: As for the details, he didn’t want to cause trouble. About Minobe, nobody ever said anything to me. It was precisely as if it was a taboo at the Tōdai Faculty of Law, wasn’t it? Was it ever an issue at Faculty Meeting?

Nambara: Minobe was never an issue in Faculty Meeting. I don’t think there was ever even a report. He was called a “scholarly renegade,” chased from the Upper House, and accused of lèse majesté; truly isolated and without assistance, he fought the battle on his own.

Maruyama: In that day everyone who believed in the emperor-organ theory lost their jobs. The head of the Cabinet Legislation Bureau, quit, too.

Nambara: It was the year after February 26. Before and after, the atmosphere was inexpressibly stifling. To an extent unthinkable today, no voices were raised in protest—in academia, among commentators, in the press, in society at large. It’s absolutely unconscionable.

I must comment here that it’s not the case that both academy and commentariat immediately “fell silent and did not speak” about the emperor-organ theory. Even in the documents in Miyazawa’s Emperor-Organ Theory Incident, several distinguished commentators decried this trend of the times in roundabout or indirect fashion. Meriting particular mention here is the resounding criticism of Kawai Eijirō. It appeared in "Critique of the Minobe Issue," in the Imperial University News of April 15, 1935. Unlike today’s University News, the Imperial University News was recognized widely as a newspaper of the first order and drew broad public attention. Kawai begins with a general discussion of “How Legal-Theory Argument Should Be Treated” and then proceeds in order concretely, with “Has Minobe’s Theory Been Properly Understood and Studied?” He criticizes the critics sharply: “If we stigmatize his theory merely because its words and terms go against common usage, that would be truly hasty and unfair. … For the past thirty years this theory has reigned unchallenged; it’s not something you can erase and wipe off the earth overnight merely by stigmatizing it…. To think that with pressure and coercion one can eradicate a scholarly theory is a sacrilege against all learning.” Moreover, since this issue concerns the kokutai, a more serious treatment is necessary. In general, critics of the emperor-organ theory assert that Minobe’s theory infringes the kokutai, but Minobe himself asserts that it does not—why should the two parties make diametrically opposed assertions? “What is the source of this difference? Is it that, based on a common assumption about the kokutai, there’s a difference in judgment of whether it infringes the kokutai? Or are different assumptions at work? I hold that there’s no difference in belief in the kokutai but that there is a difference in the concept of what the kokutai is.”

Framing the issue in this way, he asserts: “Minobe’s theory has been accepted and gone unchallenged for thirty years.
because it was thought not to infringe the kokutai, and one concept of the kokutai figures in this judgment. But suddenly
this year, when it is claimed that the theory does infringe the kokutai, the premise is a different concept of kokutai. When
the prime minister and cabinet ministers say in the Diet that they oppose Minobe’s theory but that it does not infringe the
kokutai, they base themselves on the former concept of kokutai. Here there are two concepts, and the two are not
distinguished but conflated.” Thus, we should begin by ordering these conflated concepts, not by standing on one and
condemning the other: “The proper order is first to clarify the kokutai and only then judge whether the kokutai is
infringed. Declaring that a specific theory infringes the kokutai and using this to clarify the kokutai turns that order upside
down.”

Having pointed out the logically nonsensical nature of right-wing assertions that simply shout “clarification of the
kokutai,” he counter-attacks: “In commenting on this incident, the communists are said to smile with satisfaction that the
issue of the kokutai has at last come to the forefront of discussion. Hearing this, I break out in a cold sweat. I’d like to
believe the good intentions of some of the kokutai people, but if they cause people to feel even one drop of unreason or
unnaturalness about belief in the kokutai, that is not simply their responsibility; it is a loss for the nation as a whole. The
kokutai people think again.” Here for the first time the rhetoric of the anti-communist Kawai takes wing.

Along with “Critique of the February 26 Incident” and other essays, this essay of Kawai was collected in The Times and
Liberalism, published in 1937 and banned the following year. That not one essay of this sort emerged from the Faculty
of Law is the disgrace of the Faculty of Law; without Kawai’s essay, the disgrace of the Faculty of Law would have been
all the greater. (The Faculty of Economics originally was a part of the Faculty of Law, and people thought of the two as
one unit. Kawai was a graduate of the Faculty of Law.)

The Takigawa Incident: Behind the Scenes at Tōdai

Let me list one more disgrace of the Tōdai Faculty of Law: the Takigawa Incident. The Takigawa Incident (also known as
the Kyoto University Incident; 1932-33) involved conservative reaction against the teaching of Takigawa Yukitoki
(1891-1962) and led to his firing and the resignations of most of the Faculty of Law. It was the first great issue of
academic freedom, and the Tōdai Faculty of Law did virtually nothing. Indeed, that fact left a trail that led all the way to
the issue of the emperor-organ theory. In the Nambara Shigeru Recollected passage about the emperor-organ theory,
there is the following: “To be sure, we—especially the younger people—all worried, tacitly, whether there wasn’t
something we could do. But at the time we couldn’t even convene an informal faculty gathering. At the time of the
Takigawa Incident, we’d actually managed to convene an informal faculty gathering, but this incident happened after the
Takigawa Incident. In the less than two years after the Takigawa Incident, the times had suddenly gone straight
downhill. When I think what the result might have been had we issued a joint declaration, for example…but it was
nothing like the Takigawa Incident.”

What happened at the time of the Takigawa Incident? Tōdai was apathetic.

Tsuji: According to what I heard rumored, the Tōdai Faculty of Law was extremely apathetic.

Nambara: That’s right. Among the younger professors, Yokota and Miyazawa and I stirred. The issue arose of whether
for the sake of Kyoto University, we should make contact and try to help. Then in Faculty Meeting, consideration was
given to some formal step, but in the end we held an informal faculty gathering. The dean was Hozumi, and we younger
professors led by Yokota argued fervently that the Tokyo Faculty of Law should lend its support to Kyoto University, that
we couldn’t do nothing. But we were checked by our elders’ argument in favor of prudence: think of what may result if the Tokyo Faculty of Law acts; when all is said and done, we must be prudent. We lost overwhelmingly. There was nothing more we could do. … We younger men were a tiny minority. At the time Minobe as senior professor swung to the side of the senior professors against the younger professors who wanted to support Kyoto University. In addition to Minobe, Onozuka Kiheiji (political science), then president of the university, swung against the younger professors. In *Onozuka Kiheiji: The Man and the Accomplishments*, there’s this: “The issue was what Tōdai’s stance toward this incident was to be. In the Faculty of Law, an informal faculty gathering was convened, but in the end the senior professors’ argument for prudence held a large majority, and no action ensued. The words of Minobe, published later, that ‘Its main cause was concern lest Tōdai too be drawn into the whirlpool, that professors would resign en masse, that students would be led to jeopardize their futures,’ can be taken to represent the argument for prudence….”

When one compares this with events of years past[16], one senses in the attitude of the Tōdai Faculty of Law toward the Takigawa Incident a wholly different world. That’s how much it speaks of the gravity of the times, and on this point the previous opinion represented by Minobe probably matches reality; but the author and others today still doubt and rue the fact that the Faculty of Law was unable even to issue a declaration.

What was President Onozuka’s frame of mind and policy toward this incident? Popular opinion seems to have expected something of Tōdai, and especially of Onozuka; but he likely had his hands full defending Tōdai.

What did this “hands full defending Tōdai” mean? Already at this time the fierce assault on the Tōdai Faculty of Law by Minoda and his ilk had begun, it was taken up in the Diet and the Home Ministry, and a movement had begun to fire problematic professors. It would not have been strange had a second and third Takigawa Incident arisen at Tōdai, and Onozuka, operating behind the scenes, was attempting to prevent that from happening: “The next spring after the Incident, in the president’s speech to the university on University Commemoration Day, March 1, 1934, he said, ‘I don’t believe it appropriate to speak to you of the details, but I am doing everything I can.’ From this statement one can see his satisfaction and confidence that he was fulfilling his own duty in this Incident. Therefore in the same speech he could say also, ‘In order for the university to fulfill its destiny faithfully, I feel acutely the need to maintain a dauntless attitude that does not curry favor with the age, does not flatter power, does not bow to tangible or intangible violence, does not go astray in propaganda.’”

In concrete terms, what did Onozuka do? The same book introduces this episode: “…the Ministry of Education made an issue of a foreign-language economics textbook that then-Assistant Professor Arisawa of the Faculty of Economics was using and investigated it. At that time, fortunately, nothing came of it, but several years later, recalling that time, Onozuka said, ‘What caused me the greatest worry in my time as president was being able to keep the Takigawa Incident from spreading to Tōdai. It was good nothing happened to Arisawa at that time.’”

**President Onozuka Kiheiji’s Secret Pact**

But were Onozuka’s all-out, behind-the-scenes efforts to keep the Takigawa Incident from spreading to Tōdai so great? In order to beef up military training, the military had arbitrarily increased the trainers sent by the military, so Onozuka protested strongly, even threatening to resign as president, and got the army to back down. On that issue, when the talk of resigning or not resigning took place, he said in University Council (Tōdai’s highest decision-making body) that some things in the course of the Takigawa Incident still hadn’t become public. The record says:
On the Kyoto University issue, Onozuka said, “That issue isn’t wholly resolved yet, and there is some concern that in some form it will cause problems for university officials hereafter, so I’ll mention the secret steps I have taken,” and he mentioned especially the following two points:

1) At appropriate times I have advised the Minister of Education directly or indirectly via the chief secretary (honest counsel concerning the Ministry’s actions and proposed solution).

2) Via the chief cabinet secretary I have advised Prime Minister Saitō (arguing the universality and the importance of the Kyoto University issue, I said that it was not proper to use force to shut down the Kyoto University Faculty of Law and warned him in advance that even if it came to that eventuality, Tōdai was utterly unable for several reasons to admit the Kyoto Law students).

This account is not comprehensible by itself, but the unclear parts become clear in Nambara Shigeru Recollected.

Nambara is speaking: “At just that time—1933 to January 1936—I was elected to the University Council…. So I had a good many chances to speak with Onozuka. Onozuka was confident he had done what he had to do. What that was—the prime minister of the time was Saitō Makoto, and Onozuka had acted preemptively, meeting with Saitō and reaching an agreement. First, Tōdai would not allow such an incident to arise. The Office of Instruction in the Ministry of Education had a list of those to be fired after Takigawa. At Tōdai it was Minobe, Ōuchi, Yokota, Suehiro, in that order. He got them to withdraw that list. Second, even if because of this incident they shut down the Kyoto University Faculty of Law, Tōdai would not accept those students. The sense was, Don’t send the Kyoto students to study at Tōdai; so he supported Kyoto University indirectly. Professor Onozuka was close to both Prime Minister Saitō and Minister of Education Hatoyama, and he knew them well, so he made that preemptive move in good conscience.” In short, what Onozuka did was to conclude a secret pact between the government and Tōdai. Tōdai would not do what it had done in the earlier Sawayanagi Incident—join with Kyoto University and cause the Ministry of Education utterly to lose face. In return, the government wouldn’t start a second Takigawa Incident that would draw its victims from Tōdai.

How widely was this pact known? To judge from the record of the University Council meeting and from Nambara’s testimony, it was known at the level of the University Council. And this pact lay in the background of the action Miyazawa Toshiyoshi testified about earlier, Suehiro’s taking steps to prevent bad things from happening; Suehiro must have known of it.

Yanaihara Tadao's Critique of February 26

In the light of history, was entering into this secret pact really the right thing to do? After all, because of this pact (well, not merely because of it; chicken-heartedness and lack of courage probably factored in, too), even as the trend of the times turned more and more in a strange direction, the prominent professors who served on the University Council all kept their mouths shut and didn’t raise their voices in protest. And in the February 26 Incident, both Prime Minister Saitō Makoto and the former prime minister—the government officials who were party to the pact—were assassinated, so the pact too ceased to exist, and for a long time Tōdai continued to fear a second Takigawa Incident.

To mention one more thing here, it wasn’t the case at the time of the Takigawa Incident that there was no move at Tōdai to support Takigawa. Nothing happened on the side of the professors, but on the student side a great uproar arose. At Kyoto University the students of the Faculty of Law rose up in support of Takigawa, supported the professors who made bold to resign en masse, and there was a major commotion in which the mass withdrawal of students was threatened.
The students sent delegations to all the imperial universities in the country and called for joint struggle. At Tōdai, too, in response to this call, the students rose up, and the resulting commotion was said to be the largest in the prewar history of the student movement.

According to the report in the *Imperial University News*, this is what happened:

**FACULTY OF LAW STUDENTS TOO RISE UP**

**MASS MEETING OF STUDENT ALLIANCE CONVENED**

**ARRESTS CLIMB TO 38**

**POLICE FINALLY ENTER CLASSROOM**

21st (Wednesday): Professor Minobe’s lecture in front of about 700 first and second year Law students began as usual at 10 a.m., but suddenly at 10:20, at one student’s signal, a dozen or so students stood up around the hall, rushed up onto the dais, surrounded Minobe, and declared that the lecture was over; at the same time, with heavy rope produced from their bags, fifty to sixty students sealed all the exits, and with a rope ladder they’d prepared, a student climbed to the second story and hung ten-foot white banners from the north windows—"Reinstate Professor Takigawa Immediately!" "Don’t Disrupt Academic Freedom!"—and with a salutation by a student representative from the Faculty of Law, a student mass meeting was opened in the packed but quiet hall. As handbills were distributed— "Defend the Moderator!" "Toward an All-Japan Boycott!" "Student Mass Meeting, Banzai!"—representatives from Kyoto and Tōhoku Universities gave brief, ardent reports of what had happened and called for support; then came speeches by representatives of the higher schools, and to large applause the following resolutions of the Student Assembly of the Faculty of Law were read out:

—Defend to the death academic freedom and the freedom of research!

—Urge professors to rise up!

—Law Faculty Student Assembly, Banzai!

The Takigawa Incident was five whole years after the March 15 Incident, so at Tōdai, the *Shinjinkai* organization had been crushed, the Japan Communist Party organization too had been crushed, and the student movement was as good as extinct. Makise Kōji was the leader of the Communist Youth Alliance, the only organization remaining at the university; he writes of conditions at the university shortly before the Takigawa Incident: "I remember well the first demonstration at the university in which I took part. In a lavatory on the side of the Faculty of Economics arcade, I unfurled very fearfully the red banner that had been slipped to me. Indeed, it had written on it, 'We Oppose Imperialistic War Absolutely!' At the predetermined hour, one student began a speech in the arcade. It was a matter of only a minute, no more. More than a minute was dangerous. The students who were in the area, apparently nonchalantly—I too was one of them—gathered with a sudden cry, raised the red flag quickly; there wasn’t time to form up, and like a strong wind we raced toward the main gate. We crossed the road, and in front of the third or fourth building that was the student co-op came the cry, 'Run for it!' It was instantaneous. In the twinkling of an eye, a truckful of police from the Motofuji Station drove up. We fled, each man for himself, as fast and as far as possible, out of the jurisdiction of the Motofuji Station."[^17]
In a situation where normally it wasn’t possible to give even a one-minute speech, it was absolutely unheard of that seven hundred students gathered and held a mass assembly of this order. The background factors that made possible so large a mass meeting include of course the impact of the Takigawa Incident—it was big news in the press, but also an all-out organizing project of the entire Communist Youth. (In the previous two days, many small meetings had been held by students gathered according to the higher school from which they had graduated.) At that time in the Tōdai Communist Youth, an underground press printed the Tōdai cell organ—*Warriors of the Red Gate*[^18]—in mimeograph, handbill-like, and the normal run was eight hundred copies, but at the time of the Takigawa Incident, the run expanded to all of one thousand copies. This, the sole medium, was most effective in assembling the students.

Inside the lecture hall sealed from inside, student leaders made impassioned speeches one after the other, and the scene was one of wild excitement—several hundred students stamping their feet on the floor, applause, cheers; but after only about thirty minutes of this mass meeting sealed in the lecture hall, police squads and guards suddenly surrounded the hall, forced the doors, peeled off the students one by one, and arrested them. This was the end of the student movement before the war; afterwards, there were simply no comparable events.[^19]

To return to our story, as I stated earlier, Kawai was the only person to criticize the February 26 Incident head-on. Though not head-on, one other person did criticize it sharply: Yanaihara. In his privately-circulated newsletter *Dispatches*, Yanaihara wrote as follows of his own experience on the final day of the February 26 Incident:

Feb. 29, 1936: Morning—someone told me, “Today’s the day the government will put the revolt down.” The children had set out for school but returned right away—“The trolleys aren’t running.” It will be military force against the band of young army officers who on the 26th led their units to occupy the center of Tokyo after they attacked and killed or wounded important high officials and senior councilors …

They acted to clarify the *kokutai*. But they themselves resisted direct orders and showed that they were great *kokutai*-unclarifiers.

Out of hatred, they killed even Takahashi (Minister of Finance), who pushed for the reconciliation of national defense and finance but whom they considered a leader in estranging military and people. However, their conduct shows that they themselves were the greatest estrangers of military and people.

Hot-blooded daring they have, but not righteousness; faith, but not knowledge; relying on violence, they seek to steer state policy. It must be the responsibility of thinking people to declare firmly in the face of this trend that they go counter to justice. But since the May 15 Incident there have been several incidents of this type, and now the assassination of Chief of Military Education General Nagata: we cannot say it’s enough to proclaim justice, to say that evil acts will inevitably be punished, to point to the right path. There’s no authority above, there’s no order below, and now the situation is close to civil war. They simply cry at the top of their lungs, in a formulaic manner, “Clarify the *kokutai*!” But at a time when the conscience whereon the state rests has become empty, even the vastest military and state too must collapse from within, of their own weight and corruption. Thus those who chant ‘Clarify the *kokutai*!’ are in reality destroyers of the *kokutai*.

When I think of the country’s present and future, my heart breaks in anger. From unfathomable depths the tears well up, and it is as if the flame in my heart dies. As I stand alone in the great drifts of snow piled up in my yard, angry and grieving, the despairing cry “Perish!” that the young prophet among us left behind resounds like the incoming tide.[^20]

[^18]: https://human.libretexts.org/Bookshelves/History/Local_History/Tokyo_University_and_the_War/01%3A_Chapters/1.02%3A_…

[^19]: Updated: Sun, 10 May 2020 15:24:59 GMT

[^20]: Powered by
These are impassioned and fiery words. This was a private journal with a circulation of only several hundred, so officials didn’t learn immediately of its contents, and these words caused Yanaihara no problem. Yanaihara continued to write severe criticism afterwards in this private newsletter, but eventually, because of what he had written in this journal, he was forced to resign.

1. RHM: The formal title of the university before the war was Tokyo Imperial University (Tōkyō teikoku daigaku, Teidai for short). After the war it became Tokyo University (Tōkyō daigaku, Tōdai for short). To minimize confusion, I have used Tōdai throughout.

2. RHM: Hamaguchi (prime minister), shot 1930, died 1931; Inoue (former Finance Minister) and Inukai (prime minister), assassinated March 15, 1932.


4. RHM: Minoda’s phrase shinajinteki [literally, like Chinese people] has at least a tinge of condescension. Shina for China was common, usually derogatory, usage in the 1930s.

5. RHM: Prewar and wartime Japanese censorship involved deleting passages but noting the fact and extent of deletion by means of such measures as this string of Xs. What is striking here is that the censors let any of this stand.

6. “Go-ichigo jiken no hihan,” Bungei shunjū, November 1933.


8. RHM: In other words, first the outer defenses were dismantled, then the inner.

9. RHM: Kokutai (form of state; polity) was increasingly at issue in the 1930s, with right-wing nationalists arguing that Japan’s unique kokutai precluded democracy. The emperor-organ issue involved Minobe Tatsukichi’s argument that the emperor was an organ of the state; right-wing nationalists like Uesugi Shinkichi held that the emperor was the state and hence could not be considered an organ. The February 26 Incident of 1936 was an attempted coup d’état in which some 1,500 troops occupied central Tokyo, assassinated former prime ministers Takahashi Korekiyo and Saitō Makoto and General Watanabe Jōtarō. The revolt was put down on February 29.

10. Miyazawa Toshiyoshi, Kempō kōgian: Kōgiyō, 1 1938. RHM: Article 1: “The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal.” Article 4: “The Emperor is the head of the Empire, combining in Himself the rights of sovereignty, and exercises them, according to the provisions of the present Constitution.”

11. RHM: To indicate respect for the emperor, Minoda leaves the space immediately above the word ‘emperor’ blank.


14. These emphases were not in the original but were added by Miyazawa himself when I was putting this book together.


16. The Sawayanagi Incident: at that time the Tōdai faculty cooperated with the Kyoto University faculty and won out against the Ministry of Education.


18. RHM: Tōdai’s historic gate was the Red Gate.

19. TT: Many students took part in this mass meeting, and among the authors of the book Our Takigawa Incident, which contains the recollections of participants in a commemoration fifty years later, are many noteworthy names,
including Ōkōchi Kazuo (Tōdai president), Nakamura Akira (Hosei University president), Ōgiya Shōzō (commentator), Imai Tadashi (movie director), and others.

20. RHM: The young prophet was Fujii Takeshi, close disciple of Uchimura Kanzō; “Perish!” is a refrain in his poem “Perish!” See the discussion in Chapter 2, below.