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Assistant Editor: Percival Santos, Ph.D.

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Publisher's Preface

NAKAJIMA Mineo, Ph.D.
President, Akita International University

The *AIU Global Review*, like its host institution Akita International University (AIU), is a work in progress. Both endeavors are pioneering efforts designed to promote the “globalization” of university education and scholarship in Japan. The *Review's* primary goal is to provide an English language forum for the publication of papers that present the results of original academic research. Being a “global” review, scholars regardless of nationality and academic discipline are invited to submit manuscripts for consideration for publication in the *Review*. Their research may be conducted in any language, but the results of the research must be presented in English, now considered the leading global language.

The process of globalization includes the continuing process of establishing universal standards for education and scholarship. As a truly international university, AIU's academic standards must conform to the norms and values as defined by the international academic community. An additional goal of the *Review* is to demonstrate that the AIU faculty is in fact accomplishing scholarship of the highest international standard.

This is only the third issue of the *AIU Global Review* since its inception in 2009. But in this issue, one will find contributions from scholars in Japan, the United Kingdom, the United States and Korea. Similarly their topics range from examining topics in history, law, political science to the teaching of the Japanese and English languages.

To ensure conformity with international academic standards, each article has undergone careful scrutiny by at least two highly qualified academic reviewers. Approximately half of the manuscripts submitted for consideration were accepted for publication. Those accepted were then revised per peer reviewer comments.

It is my earnest hope that you will find this and future issues of the *AIU Global Review* rewarding reading. I encourage you to join this work in progress by submitting your own manuscript for publication.

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List of Contributors

(Alphabetical Order by Surname)

AKIBA Takeshi

Assistant Professor of Global Studies, AIU. Ph.D. University of California (Berkeley, USA), American political science. His academic interests focus on the “equal protection of law” and the meaning of citizenship under the U.S. and Japanese constitutions. A future publication will examine the role of judges and constitutional interpretations of Japan’s Nationality Act Case of 2008.

Darren-Jon ASHMORE

Coordinator for Japan Studies and Associate Professor of Basic Education, AIU. Ph.D. University of Sheffield (UK), East Asian Studies. His main area of research is the survival and revival of Japanese theatre arts with a special interest in puppet theatre history.

CHUNG Kyung-soo

Professor of Mathematics, University of Hawaii, Ph.D. Seoul National University (Korea). Born in Hiroshima to Korean residents of Japan, he survived the World War II atomic bombing. His family then returned to Korea. Drafted into the South Korean army, he survived the Korean War, completed his education and taught mathematics as the (South) Korean Military Academy until immigrating to the United States.

KURASHINA Itsuki

Associate Professor of Global Studies (AIU), Ph.D. Rutgers, the State University of New Jersey – New Brunswick (USA), in US History. He is the author of a book and several articles on US-West German relations, nuclear issues in NATO, and the “German Problem” during the Cold War period.

C. Kenneth QUINONES

Dean for Research and Professor of Global Studies, AIU. Ph.D. Harvard University. After teaching East Asian history for several years in the United States, he became a US diplomat, was the first US diplomat to visit North Korea (1992) and the first to serve in both South Korea (1981 to 1987) and North Korea (between 1994 and 1997). He retired from the Foreign Service, worked with humanitarian organizations and as a consultant to the mass media before joining AIU in 2006. He is the author of books published in the United States, Japan and South Korea, and of more than 30 academic papers, mostly about North Korea.

Percival SANTOS

Assistant Professor of Basic Education, AIU. Ph.D. London School of Economics (UK), Anthropology. He currently teaches anthropology, social research methods, and social policy at AIU. His research interests include the pedagogy of the social sciences and the use of ethnography to teach foreign languages

Stephen TURNBULL

Lecturer of Japanese Religion, University of Leeds (UK). Ph.D. University of Leeds. He has authored some fifty works about the religion and values of Japan’s feudal period and its elite *samurai* class, including *Samurai – The World of the Warrior* and *The Samurai and the Sacred*. His work has won him the Canon Prize of the British Association for Japanese Studies and a Japan Festival Literary Award.

He conducted the research for his paper in the *AIU Global Review* while a visiting scholar at Akita International University.

WATANABE Seiji

Assistant Professor of Japanese Language, AIU. Ph.D. University of Arizona. A graduate of Saitama University (Japan), he worked as a civil servant in his home prefecture for seven years before teaching Japanese at the University of Oklahoma (USA) and then pursuing graduate study in Japanese phonology and phonetics.

Submission of Manuscripts

Authors wishing to submit articles for consideration must send them to either the editor or assistant editor as an attachment to an email.

Editor: C. Kenneth QUINONES – ckquinones@msn.com

Assistant Editor: Percival SANTOS – santos@aiu.ac.jp

Manuscripts must be submitted no later than November 15 for consideration in the next issue of the *AIU Global Review*. The *Review* is published at the end of the Japanese fiscal year ending March 31.

All manuscripts undergo peer review by at least two or three qualified scholars. Authors whose manuscripts are accepted for publication will be notified along with reviewer comments. All revisions must be completed by the end of January and the revised manuscript returned via email attachment to the editor.

Manuscripts MUST conform to the following guidelines:

1. All articles must be the result of original academic research.
2. Manuscripts are to be submitted in Microsoft Word format, single spaced, Times New Roman font, size 10.5 or 11.
3. Include a concise abstract at the beginning of the manuscript with a brief, one paragraph biography on the final page.
4. Capitalize each major word in the manuscript's title, section heading and illustration titles.
5. Embolden section headings.
6. *Italicize* all foreign words (including Japanese words) and titles of books.

7. No paragraph indentation but a single space between paragraphs.
8. Each header should contain the page number in the upper left corner and the article's title opposite the page number.
9. Sources must be cited in a consistent, internationally approved format, with citations as footnotes, endnotes or included within the text.
10. All charts, maps or other illustrations will be reproduced only black in the journal. No color reproductions will appear.
11. Questions should be directed to either the editor or assistant editor.

Once We Were Warriors:
The Re-awakening of the Samurai Tradition in the
1868 Boshin War's Akita-Shonai Campaign

Stephen TURNBULL

Abstract

The Boshin War ('The War of the Year of the Dragon'), which was fought between the new imperial army of the restored Meiji Emperor and the supporters of the former Tokugawa Shogun, began with the battle of Toba-Fushimi in January 1868 and ended with the fall of Hakodate on 29 June 1869. The operations of the war that took place within the area of modern Akita prefecture illustrate in microcosm the huge changes that took place in the military life of Japan at the time. This is presented through the experiences of four domain leaders in Akita whose responses to the new situation varied considerably but had in common a personal interpretation of the ancient but long-dormant tradition of the samurai. Even though they were fighting for the imperialist cause their motivation was not that of the undying loyalty to the Emperor that was to become a hallmark of the new Japan but a blend of nostalgia and self-interest that owed more to their samurai past.

Introduction

The Boshin War ('The War of the Year of the Dragon'), which was fought between the new imperial army of the restored Meiji Emperor and the supporters of the former Tokugawa Shogun, began with the battle of Toba-Fushimi in January 1868 and ended with the fall of

Hakodate on 29 June 1869.¹ Following the surrender of Edo and the battle of Ueno in May 1868 the final year of the fighting was confined to the Tōhoku region (the northeast of Japan), and it is partly for this reason that the Boshin War is commonly regarded as having been a minor hindrance to the otherwise bloodless achievement of the Meiji polity. This may be true of Japan and its destiny as a whole, but it is an attitude that fails to acknowledge the wide-ranging human suffering and destruction of property that this highly localised conflict brought about.

In this article I shall concentrate on one brief but intense phase of the Boshin War that took place in the area of modern Akita prefecture to show how the coming of war suddenly and violently re-awakened the ancient but long-dormant tradition of the samurai. The painful process whereby the descendants of warriors became warriors themselves will be demonstrated in particular through its effects on the four local *han* (the rulers of *han* or domains,²), whose lives had hitherto been luxurious, bureaucratic and very peaceful. During the late summer of 1868 war burst into their tranquil territories for the first time in two and a half centuries and forced from them a reaction that was initially amateurish, sometimes heroic, often tragic and occasionally comical, as the shock of the new provided by the arrival of modern warfare took its toll on the cherished ideals they had inherited from their ancestors.

The Samurai Tradition

The samurai were the hereditary warrior class of Japan, and centuries of civil wars between samurai families had shaped an unwritten code of behaviour and belief that would later be called *bushidō* (the way of the warrior).³ Until the early seventeenth century the samurai

¹ W.G. Beasley *The Meiji Restoration* (Stanford University Press, 1973) pp. 296-298; W.G. Beasley *The Modern History of Japan* (Weidenfeld and Nicholson, 1993) p. 97.

² The usual expression is *daimyo*, but technically the rank of *daimyo* required an income of 10,000 *koku* and above, and one of the four Akita *han*, Ikoma of Yashima, ruled a domain valued at only 8,000 *koku*.

³ The notion of the existence of a binding samurai code of behaviour called *bushidō* is essentially a modern invention created by Inazu Nitobe in his famous book *Bushidō: the Soul of Japan* (New York, 1905), where he

tradition operated at a simpler and very practical level as an expression of the relationship between leader and led so that the samurai on the battlefield would fight loyally and fight well, and in 1600 the Tokugawa family triumphed over their enemies through the application of these principles in a more complete way than any had done before. The result was 250 years of peace through the re-establishment of the *bakufu* or government by the Shogun (the hereditary military dictator of Japan) on behalf of the emperor, where battle-centred values gradually gave way to a 'structured ideology centred around a preoccupation with moral behaviour.'⁴ The locus of loyalty was transferred from battlefields to offices where daimyo who had once ruled their own domains as petty princes now administered similar territories that had been allocated to them by the Shogun.

The *hanshu* were also required to maintain armies in a permanent state of battle-readiness on the Shogun's behalf, a situation that involved two key elements of the samurai tradition. The first involved aristocratic ideals of duty and loyalty with strong links to Confucianism. The second was prowess in the martial arts: the means whereby those values would be expressed should the Shogun, who sat at the top of the Confucian hierarchy, ever require the samurai's services. In reality, the ordinary samurai, weighed down by debt and boredom occasioned by a fixed stipend in an expensive and undemanding world, often needed a little help in appreciating his calling,⁵ and one of the greatest means of enhancing a samurai's morale was through exhortations to respect and emulate the deeds of his ancestors, a powerful tradition based on precedent that grew rosier with every century that passed. Its accumulated 'case law' presented a picture of unquestioned social superiority, superlative military skills (particularly with the legendary samurai sword), the enduring exercise of unswerving loyalty and the final avoidance of dishonour by the readiness to take one's own life. In 1868, for the first time in over two centuries, the opportunity arose to put into practice these familiar, cherished yet dormant ideals.

defined the elements of *bushidō* as courage, benevolence, politeness, sincerity, honour, loyalty and self-control.

⁴ Ikegami, Eiko *The Taming of the Samurai: Honorific Individualism and the Making of Modern Japan* (Harvard, 1995) p. 278.

⁵ Yamamura Kozo *A Study of Samurai Income and Entrepreneurship: Quantitative Analysis of Economic and Social Aspects of the Samurai in Tokugawa and Meiji Japan* (Harvard, 1974) p. 26.

The Meiji Restoration

The situation of enforced harmony that existed between the *bakufu* and the local government of the daimyo, a system expressed by blending the names of the two as *bakuhan*, ended in January 1868 with the overthrow of the last Tokugawa Shogun and the restoration of imperial power. When this revolution, later to be known as the Meiji Restoration, came about it looked at first that there would be no lasting military opposition to the new regime, because the political *coup d'état* of January 1868 was reinforced within a short space of time by the defeat at Toba-Fushimi of a 10,000 strong *bakufu* army at the hands of the pro-imperialist domains of Satsuma and Chōshū. With an imperial prince at its head the victorious forces advanced on Edo castle, which was surrendered to them on 3 May. From that time onwards most of Japan accepted the *status quo*; the exception being a newly-created alliance of domains in the Tōhoku region led by Sendai. The coalition began in May 1868 and became known as the Ōuetsu Reppan Dōmei, a title loosely but meaningfully translated as the 'Northern Alliance'. An oath of allegiance was formally signed on 5m 3d (22 June).⁶ The alliance's headquarters was Shiroishi castle (in modern Shiroishi City, Miyagi prefecture), and its armed strength consisted of about 50,000 troops. Their argument was that the Emperor was being misled by 'evil advisers' from the distant and distrusted southern domains of Satsuma and Chōshū.⁷ Alliance members also stressed that the northern domains were no less loyal to the Emperor than these 'selfish and self-seeking' opportunists who sought to dominate the court.⁸

The Northern Alliance never acted as a single cohesive unit. After some early defections its members came and went according to personal considerations determined by the individual *hanshu* regarding matters that differed from domain to domain. For a few their chosen allegiance harked back as far as the land-transfer policy of the first Tokugawa Shogun Ieyasu (1542-1616). At that time the

⁶ Keene, Donald *Emperor of Japan: Meiji and His World 1852-1912* (Columbia University, 2002) p. 154.

⁷ W.G.Beasley *The Meiji Restoration* (Stanford University Press, 1973) pp. 296-298.

⁸ Jansen, Marius B *The Emergence of Modern Japan* (Cambridge, 1995) p. 194.

tozama ('outer lords') who had either opposed the Tokugawa or had been tardy in acknowledging their triumph had been relocated to distant areas of Japan where their activities could be monitored by domains related to the Tokugawa family or those ruled by the *fudai*, who were either hereditary retainers of the Tokugawa or very close allies. For the majority of daimyo, however, the initial classification as *fudai* or *tozama* had become meaningless within a century because every daimyo, regardless of his family's history, was now the Shogun's man. There was one other factor in operation too, because land transfers continued after the initial relocations when successive Shoguns used them as a punishment for offences such as making unauthorised repairs to one's castle, for arranging unauthorised marriage contracts or failing to produce a natural heir. Every one of the four families with which this paper is chiefly concerned had been affected at some time in their history by land transfer, and very few daimyo had remained untouched by it.

Notwithstanding the above remarks, when political dissatisfaction grew during the nineteenth century the main focus of opposition to the Tokugawa emerged within the historic *tozama* ranks, notably the domains of Satsuma (modern Kagoshima prefecture) and Chōshū (Yamaguchi). Having taken up the imperial cause, their soldiers took part in the battles of Toba-Fushimi and Ueno under the newly-created chrysanthemum banner: a public-relations coup that proclaimed a legitimacy to which any supporters of the ousted Tokugawa Shogun, who were now labelled as rebels against the throne, could not possibly aspire.⁹

The Akita-Shōnai Campaign

The Akita-Shōnai Campaign (from the names of the two rival domains that were the main contenders) has been little studied by comparison with better-known actions of the Boshin War such as those at Aizu-Wakamatsu and on Hokkaidō. Short accounts of the fighting in Akita appear in Hirao's *Boshin Sensō-shi*¹⁰ and Hōya's *Boshin Sensō*,¹¹ while a popular illustrated book *Bakumatsu Ishin Dai*

⁹ Keene, Donald *Emperor of Japan: Meiji and His World 1852-1912* (Columbia University, 2002) pp. 126-7.

¹⁰ Hirao Michio *Boshin Sensō-shi* (Tokyo, 1971) pp. 169-175.

¹¹ Hōya Tōru *Boshin Sensō* (Tokyo, 2007) pp. 240-243.

Senshi, to give only one example of the genre, ignores it almost completely.¹² By contrast, almost one-third of Volume II of Ōyama Kashiwa's comprehensive *Boshin no Eki senshi* is concerned with the war in and around Akita and presents a high level of detail similar to the other campaigns of the war that he describes so well.¹³ The book includes no less than 54 highly detailed maps of the campaign but is somewhat lacking in the human dimension among its meticulous presentation of troop movements, a deficit that can only be made up by consulting more locally-focussed historical works. Among these the most detailed overall study of the campaign is Kōri's book of 2001 entitled *Akita Shōnai Boshin Sensō*, which makes good use of contemporary diaries, together with two shorter works by Katō Teijin. His *Boshin Sensō Tōhoku kikō* (1999) is an illustrated guide to the Boshin War in Tōhoku that makes the sites easy to locate, while his *Boshin Sensō to Akita* (2004) is a handy and readable account of the fighting in Akita. Other locally produced works such as *Iwaki Machi shi* and *Kameda han Boshin shi* provide valuable details about the campaign as it affected their areas, including its effects on the civilian population.¹⁴

The Akita-Shōnai Campaign arose within the situation created by the advance northwards against the Northern Alliance by the imperial forces marching under the chrysanthemum flag. It was a daunting task, but the Imperialists took heart from that fact that certain northern daimyo were on their side. The strongest among them was Satake Yoshitaka (1825-84) who held the 200,000 *koku* domain of Akita and was based at the castle of Kubota (the alternative title for the domain) that now lies within modern Akita City. Originally from the sub-domain of Iwasaki (modern Yuwa City, Akita prefecture) Yoshitaka had become daimyo of Kubota in 1857 and his lands took in almost all of modern Akita prefecture. One other sub-domain, that of Akita Shinden (20,000 *koku*), lay immediately to the south of Kubota.

¹² Various Authors *Bakumatsu Isshin Dai Senshi* (Bessatsu Rekishi Tokuhon No. 75) (Tokyo, 2004)

¹³ Ōyama Kashiwa *Boshin no Eki senshi* Volume II (Tokyo, 1988) pp. 351-673.

¹⁴ Iwaki Machi Shi Henshū I-inkai *Iwaki Machi shi* (Akita, 1996); Nasu Shunbi *Kameda han Boshin shi* (Iwaki, 1999).

The value of the Akita domain was however only a quarter of the wealth of the rich territory in Hitachi province (modern Ibaraki prefecture) that had been taken from Yoshitaka's ancestor the *tozama* daimyo Satake Yoshinobu (1570-1633) in 1603 as part of Tokugawa Ieyasu's land transfer programme. Yoshinobu's support for the Tokugawa had been less than enthusiastic at the time of Sekigahara and the move was his punishment, but he later redeemed himself by providing valiant service at the battle of Imafuku during the Winter Campaign of Osaka in 1614. Out of twelve *kanjō* (letters of commendation) issued by the Shogun Tokugawa Hidetada after the battle, five went to retainers of the Satake.¹⁵

In 1868, after finally rejecting overtures from Sendai, Satake Yoshitaka's Akita domain decided to stand by its own impeccable pro-imperial credentials, the foundations of which had been laid by the *kokugaku* (National Learning) scholar Hirata Atsutane (1776-1843), who was a man of Akita. Long before the Boshin War began the leaders of Akita had imbibed the ideas that Buddhism and Confucianism were alien traditions, and that Japan was the land of the gods, concepts that had been embraced by the imperialist cause.¹⁶ Akita therefore became the focus for pro-imperialist views in Tōhoku, where the overall direction of the imperialist effort was placed nominally in the hands of the former court noble Kujō Michitaka (1839-1906), just one example of the faith vested in men like him who had little or no training in military matters but who were regarded as suitable for command because of their social position and expertise in the Confucian classics.¹⁷ Another such grandee was Prince Yoshiaki (later Akihito 1846-1903), who returned to lay life from the Ninnaji in Kyoto to become nominally overall commander of the imperial forces and led the advance on Edo. At that time he had no military experience, but was invested with the sword of command on 1m 4d (28 January).¹⁸

¹⁵ Doi Teruo *Ōgawa-Yūkyū no Satake ke* (Tokyo, 2002) pp. 343-346.

¹⁶ Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita, 1999) pp. 106-7; Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) pp.37-38.

¹⁷ Keene, Donald *Emperor of Japan: Meiji and His World 1852-1912* (Columbia University, 2002) p. 148.

¹⁸ Keene, Donald *Emperor of Japan: Meiji and His World 1852-1912* (Columbia University, 2002) pp. 126-127.

As the harbours of Akita could provide the means for a rear attack to be launched against the Northern Alliance, considerable military pressure was brought against the area by the pro-Tokugawa forces. The domains of Sendai, Ichinoseki and Morioka carried out several hostile operations during the ensuing months, but the brunt of the effort throughout the campaign was to be taken by Akita's near neighbour to the south: the staunchly pro-Tokugawa domain of Shōnai (120,000 *koku*) that was based around Tsurugaoka castle (modern Tsuruoka City, Yamagata prefecture). This was the territory of the senior branch of the Sakai family who had resided in Tsuruoka since 1622 and were descended from the *fudai* Sakai Tadatsugu (1527-96) and his son Ietsugu (1564-1619), two of Tokugawa Ieyasu's closest associates. The incumbent *hanshu*, Sakai Tadazumi (1853-1915), was the eleventh daimyo of Shōnai. Troops from loyal Shōnai had the task of policing Edo, and in December 1867 shots exchanged in Edo between Shōnai and Satsuma, an incident that culminated in the destruction of the Satsuma residence, had provided a curtain raiser for the war of 1868.¹⁹

The 'Spring Offensive'

Satake Yoshitaka's isolated imperialist enclave of Akita enjoyed a strongly defensible position. On its western edge lay the Sea of Japan. High mountains crossed by difficult passes lay to the east, but the most important defensive feature was the great river called the Omonogawa, which rises high in the mountains just inside the modern border between Yamagata and Akita prefectures and flows initially in a northerly direction, swollen by several tributaries. To the north of the town of Omagari, where the river is joined by the Tamakawa to make a 'T' shape, its flow proceeds in a westerly direction with many deeply looping bends to empty into the Sea of Japan to the south of modern Akita City. The upper section of the 'T', anchored on Kubota to the west and Kakunodate to the east, therefore provided a formidable natural moat should the domain's southern outposts be lost to an enemy.

¹⁹ Keene, Donald *Emperor of Japan: Meiji and His World 1852-1912* (Columbia University, 2002) p. 125

With this topography, when Shōnai began hostile moves along the simplest approach of the coast road in early June 1868, a defensive stance for the Akita domain may well have been advisable. But Satake Yoshitaka decided otherwise and ordered his army to stop the advance in the narrow Misaki Pass, the border between modern Akita and Yamagata Prefectures. Nowadays the modern highway and railway lines traverse with ease this narrow neck of land between the mountains and the sea, but in 1868 this was a rough and narrow road.²⁰

The brief action of Keiō 4, Intercalary 4m 18d (8 June 1868), the opening shots of the Akita –Shōnai Campaign, was to be referred to in Akita as the ‘Haru no Gojin’ or ‘Spring Offensive’, a grandiose title for a minor and premature engagement that could have proved disastrous for the domain.²¹ In the manner of his ancestors, Satake Yoshitaka fought the war by delegation and never left Kubota Castle during the entire campaign, instead sending subordinates to halt the advance northwards of the Shōnai army who had been crushing local opposition within the area of modern Yamagata prefecture.²² His generals were all trusted hereditary retainers, and it is no coincidence to find the same surnames as those who had served his ancestor Satake Yoshinobu in 1614. The overall command of the Akita army was in the hands of Shibue Naizen, who had an impeccable samurai pedigree, being descended from a retainer of the same name who had served Satake Yoshinobu as *karō* (senior retainer) and was killed at Imafuku in 1614.²³ The Shibue family had supplied seven *karō* over the centuries and had been active in the encouragement and training of the Akita samurai in the traditional martial arts,²⁴ but the amateurish attack that followed demonstrated dramatically how the domain had failed to keep up to date in military matters. This deficiency included the supply of arms and equipment, and nothing

²⁰ The road through the Misaki Pass forms part of the actual ‘Narrow Road to the Deep North’ traversed by the poet Matsuo Basho on his famous journey. For this reason a short section of the old road has been preserved, and here one may also find monuments to the Boshin War.

²¹ Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) pp. 38-39; Yoshida, Shōji *Akita no Boshin Sensō yozu – sono toki minshū* (Akita, 2004) pp. 15-20.

²² Described with maps in Ōyama Kashiwa *Boshin no Eki senshi* Volume II (Tokyo, 1988) pp. 304-330.

²³ Izawa Keiichi *Yokote no rekishi* (Tokyo, 1980) p. 81.

²⁴ Yoshida, Shōji *Akita no Boshin Sensō yozu – sono toki minshū* (Akita, 2004) p. 15.

better illustrates the prevailing ignorance of modern warfare within Akita than their appearance. Unlike the well-equipped Shōnai troops the men of Akita were dressed in full samurai armour at least 300 years old complete with *jinbaori* (surcoats) and *hata sashimono* (flags worn on the back)²⁵ brought out from numerous family storerooms.²⁶ Their firearms were matchlock muskets,²⁷ and some even carried bows.²⁸ At the battle of Toba-Fushimi a few months earlier Prince Yoshiaki of the Ninnaji had worn full samurai armour as a gesture to tradition when he commanded his modern army,²⁹ but the Akita action was to be the last time in Japanese history that a complete army was to be dressed this way.

The quaint appearance of the Akita army was paralleled by their leader's equally amateurish and anachronistic behaviour. Shibue Daizen's vanguard was led by Arakawa Kyūtarō Hidetane (1827-82), the leader of the domain's Yūgekitai or 'surprise attack corps', but the Shōnai men, who had been shadowing their movements, were not going to allow themselves to be surprised. Little suspecting that the Shōnai army was waiting for him in the Misaki Pass, Arakawa Kyūtarō confidently headed south with his army. As they passed through the village of Kisakata he stopped to do homage at the local Kumano Shrine, where he cut off his pigtail like a samurai general of old and presented it to the shrine as an offering for victory. When the forces engaged their brilliantly lacquered breastplates and helmets bearing the golden fan-in-a-circle *mon* (crest) of the Satake family shone in the sunlight of dawn, making them the perfect target for the waiting rifles of the Shōnai force. There was such confusion that the Akita men began attacking each other by mistake and this disastrous first attempt at warfare on the part of the Akita domain for two and a half centuries came to an abrupt end.³⁰ At this stage the Shōnai domain was not inclined to take the war further into Akita without

²⁵ Yoshida, Shōji *Akita no Boshin Sensō yozu – sono toki minshū* (Akita, 2004) p. 16.

²⁶ Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita, 1999) p. 95.

²⁷ Asakawa Michio et. al. *Buki to Bōgu Bakumatsu hen* (Tokyo, 2008) p.281.

²⁸ Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita, 1999) p. 95; Yoshida, Shōji *Akita no Boshin Sensō yozu – sono toki minshū* (Akita, 2004) p. 17.

²⁹ Nakanishi Riita *Japanese Military Uniforms (1841-1929)* (Tokyo, 2006) p. 18.

³⁰ Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita, 1999) p. 95; Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 38.

outside help, and other members of the Northern Alliance were now heavily engaged with the imperialists elsewhere in Tōhoku, so the forces disengaged. Matters quietened down somewhat after this debacle until August, by which time the Northern Alliance acquired an alternative imperial legitimacy of its own and the use of a chrysanthemum flag through the nominal leadership of Prince Yoshihisa the Abbot of the Rinnōji in Edo. In March he had been sent as a reluctant envoy for the Shogun to the court in Kyoto. Following his return to Edo he had become caught up in the fighting there and made the surprising decision to escape to the north rather than give himself over to the advancing imperial forces. He stayed in Tōhoku under the protection of the Northern Alliance, who asked him to become their leader, a position he formally accepted on 6m 18d (5 August). By the end of that month he had made some senior appointments, in effect setting up a rival imperial court, and there is some indication that he may have been enthroned as emperor, taking the name of Tōbu.³¹ Whatever his exact status, the mere presence of an imperial prince as the leader of the Northern Alliance strengthens the impression that any restoration of the Shogun (who was 'clearly doomed' in Jansen's words) had been ruled out.³²

As far as the Alliance's relations with Akita were concerned there was still some hope that their differences could be healed by negotiation, a hope that was to be dashed on the night of 7m 4d (21 August) when a group of envoys from Sendai were attacked and murdered in their lodgings within Akita city. The attack was carried out by hot-headed young samurai from Akita in a sickening echo of the pattern of assassination and counter-assassination that had marred the last few years of the Tokugawa regime.³³ Yet far from condemning the young assassins, the incident was officially regarded as a 'trifling mistake' brought about by commendable pro-imperial enthusiasm, and in fact it served to strengthen Akita's hand in opposing the Northern Alliance. Over the next few days certain neighbouring domains that up to that point had wavered over where their allegiance lay, took the opportunity to make a formal declaration

³¹ Keene, Donald *Emperor of Japan: Meiji and His World 1852-1912* (Columbia University, 2002) pp. 148-155.

³² Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p.36; Jansen, Marius B *The Emergence of Modern Japan* (Cambridge, 1995) p. 194.

³³ Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita, 1999) p. 109.

of support for the imperialist cause. They included Hirosaki to the north and Akita's immediate neighbours to the south: the smaller domains of Kameda, Honjō and Yashima.³⁴

The Shōnai Army Returns

Shōnai resumed the offensive against Akita on 7m 6d (23 August). On that day Sakai Kichinojō Noritsune (1842-76), Commander of the Shōnai II Corps, set out from the main gate of Tsurugaoka Castle beneath a blue banner on which appeared in gold a device of the constellation of the plough.³⁵ Kichinojō was a gifted soldier whose exploits against Akita were to earn him the sobriquet of 'Devil Gemba'.³⁶ His army included 7th Section Captain Mizuno Kyōemon and Artillery Captain Kanda Rokuemon, whose diaries provide valuable records of the subsequent two months' fighting.³⁷

The Shōnai army proceeded by means of two distinct lines of advance before joining forces below the Omonogawa late in October. The inland route, by Shōnai's I and II Corps, went upstream along the Mogamigawa and then headed north along the general course of the Omonogawa and the modern Ōu railway line from Shinjō via Yokote and Omagari. The coastal route trod by III and IV Corps followed the Japan Sea coast via Sakata and the Misaki Pass. Yet even though the Akita army was soon to be engaged by Shōnai I and II Corps, Akita had not been his original objective when Sakai Gemba departed from Tsurugaoka on 23 August. The Shōnai army, some 2,000 strong, were actually heading for Fukushima to provide reinforcements for the Aizu domain, only to be recalled and re-directed when the Akita army, now strongly reinforced by soldiers from the distant domains of Satsuma, Chōshū, Kokura and Saga, went on to the offensive on 7m 11d (28 August).

The sending of reinforcements to Akita demonstrated clearly the importance the imperialists attached to their northern ally, but the way in which it was done also showed that Akita would have to fall in line with the overall strategy as determined by Satsuma and

³⁴ Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) pp. 39-40.

³⁵ Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita, 2001) pp. 9-10.

³⁶ Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita, 2001) p. 41.

³⁷ Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita, 2001) p. 11.

Chōshū. The Akita army's ancient armour had now been abandoned in favour of modern equipment including Enfield rifles,³⁸ but as subsequent events described below were to illustrate, these were to be used for supporting the overall imperialist goals, not for defending isolated and expendable Akita outposts.

The allied forces entered present-day Yamagata prefecture over the Ogashi Pass, and the Northern Alliance were heavily defeated when the daimyo of Shinjō (modern Shinjō City, Yamagata prefecture) changed sides.³⁹ The capture by the imperialist side of Shinjō, a territory within the area of Northern Alliance influence, caused a furious reaction among its members. Diverted from his original objective of Aizu, Sakai Gemba headed north, and after some skirmishing with advanced units of the imperialist army, bore down upon Shinjō.⁴⁰ The Shōnai I and II Corps advanced against the town by two different roads, while other troops from Yamagata advanced from the west. The defenders were driven back from their advance positions to Shinjō castle, which Sakai Gemba assaulted at about 16.00 on 7m 14d (1 September).⁴¹ The castle was burned down and the *hanshu* Tozawa Masazane fled to the safety of Akita.⁴² Over the next two weeks the Shōnai army began a steady and successful advance beyond Shinjō, of which the high point both geographically and in terms of morale was the crossing of the domain border into Akita, where the securing of the Ogashi Pass on 7m 28d (14 September)⁴³ was marked by fierce fighting and a 'death defying charge' by I Corps, according to their commander.⁴⁴ From this moment on the army of Akita never left its own territory and the

³⁸ Asakawa Michio et. al. *Buki to Bōgu Bakumatsu hen* (Tokyo, 2008) p.281.

³⁹ Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 41.

⁴⁰ Ōyama Kashiwa *Boshin no Eki senshi* Volume II (Tokyo, 1988) pp. 370-371.

⁴¹ Ōyama Kashiwa *Boshin no Eki senshi* Volume II (Tokyo, 1988) p. 372.

⁴² Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita, 1999) p. 90; Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 42; Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita, 2001) pp. 48-50;

⁴³ Ōyama Kashiwa *Boshin no Eki senshi* Volume II (Tokyo, 1988) pp. 402-405.

⁴⁴ Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita, 2001) p. 80.

Akita-Shōnai Campaign became for them a matter of desperate defence.⁴⁵

The Coastal Route Advance

While the Shōnai I and II Corps were crossing the Ogashi Pass their comrades in III and IV Corps had been carrying out an equally eventful advance into Akita along the coast of the Sea of Japan. Their first objective on 7m 13d (30 August) was the Misaki Pass. In spite of a scornful comment by Hoshikawa Yoemon, a veteran warrior in the Shōnai army, that there was no honour to be gained by destroying a position defended by bows,⁴⁶ this time there were no warriors in shining armour waiting for them. Instead they were faced with a modernised force drawn from Akita with more reinforcements from Kyūshū who had arrived on 7m 9d (26 August).⁴⁷ The initial pressure by the Imperialists drove the Shōnai army back, but they rallied and were eventually victorious,⁴⁸ having inflicted 42 casualties (dead or wounded) on the imperial army.⁴⁹ During this action Toyoma Gennoshin from the Akita force, one of the men who had murdered the Sendai envoys, demonstrated very clearly his continued adherence to samurai tradition when he committed suicide after receiving a bullet wound in the small of his back.⁵⁰

Two weeks after forcing the Misaki Pass the Shōnai III and IV Corps divided for the most remarkable strategic advance in the whole of the campaign: the capture of the domain of Yashima. Yashima lay under the control of Ikoma Chikayuki (1849-80), the first *hanshu* in the Akita area to face a hostile attack in 250 years. He was nineteen years old and was descended from *fudai* stock in the person of Ikoma Kazumasa (1555-1610) of the 170,000 *koku* domain of Takamatsu in Sanuki province (modern Kagawa prefecture on Shikoku Island) who had fought at Sekigahara. Kazumasa's grandson Takatoshi (1611-59), however, proved to be a poor administrator and as a punishment was

⁴⁵ Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita, 1999) p. 91; Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 42.

⁴⁶ Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita, 2001) p. 119.

⁴⁷ Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita, 2001) p. 118.

⁴⁸ Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 48.

⁴⁹ Izumi Ryūichi *Ōū Boshin senshi* (Yokote, 1987) p. 99.

⁵⁰ Izumi Ryūichi *Ōū Boshin senshi* (Yokote, 1987) p. 99; Akita Kai Shimpōsha Chihōbu *Kosenjō: Akita no kassen shi* (Akita, 1981) p. 222.

moved to the minor 10,000 *koku* domain (later reduced to 8,000) of Yashima in 1640.⁵¹

When the Boshin War began tiny Yashima was a place where any *hanshu* might feel secure because, although not far from the border with the hostile Shōnai domain, the only practical access to the isolated fiefdom was from Honjō in the north. Nowadays a branch line from Honjō takes skiers up to the mountain resort that Yashima has become, where it nestles beneath the mighty bulk of Mount Chōkai (2,236 m.), the second highest mountain in Tōhoku. So secure was Ikoma Chikayuki, in fact, that he did not dwell in a castle as such but instead ruled his domain from a modest unfortified mansion called the Yashima Jinya, but the Shōnai army was advancing against him during the month of September, a time that provided a brief window of opportunity for a daring assault over the summit of Mount Chōkai.⁵² So on 7m 27d (13 September) while a detached unit circled round Mount Chōkai to the east via the Nabekura Pass (840 m.), the mountain's southern face was scaled by the Shōnai IV Corps. The army spent the night in the Ōmonoimi Shrine just below the summit, and as dawn broke on 7m 28d (14 September) they descended by rough paths of scree and old snow down the northern side. At the Kizakai Shrine the assault force divided, and coordinated their movements with perfect timing to the advance of the eastern detachment for a three-pronged assault on Yashima. Ikoma Chikayuki was taken completely by surprise, and as temples, houses and his own mansion burned around him, he fled to the safety of the Akita domain.⁵³

A few days later a second young Akita daimyo was to experience an attack by the Shōnai army. This was Rokugō Masaakira (1848-1907), then twenty years old, who ruled the domain of Honjō from his castle

⁵¹ Papinot, E. *Historical and Geographical Dictionary of Japan* (London, 1910) p. 202.

⁵² Ōyama Kashiwa *Boshin no Eki senshi* Volume II (Tokyo, 1988) pp. 440-441.

⁵³ Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita, 1999) pp. 95-96; Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 48-49. For a map see Ōyama Kashiwa *Boshin no Eki senshi* Volume II (Tokyo, 1988) p. 440.

in modern Ugo-Honjō City.⁵⁴ Like Ikoma, Rokugō was the descendant of warriors. His ancestor Rokugō Masanori (1567-1634) had been a retainer of the Onodera, the rulers of Akita before the Satake, but at the time of Sekigahara Masanori took the side of Tokugawa Ieyasu and attacked his own lord, an act of disloyalty for which he was richly rewarded, because when the Onodera were exiled Masanori was raised to the rank of daimyo and given the 10,000 *koku* domain of Fuchū in Hitachi province. He was then promoted and moved back to Dewa province and the 20,000 *koku* domain of Honjō in 1623, where he took possession of the fine castle that dated from 1612 when it had been built for the Mogami family.⁵⁵ Samurai ancestry, however, was all that the young Rokugō Masaakira possessed in abundance, but he prepared as best he could for an assault by the newly recombined Shōnai III and IV Corps, the former having proceeded from the Misaki Pass along the sea coast via Kusakata and Nikoya. The Akita Commander Shibue Naizen wrote in his report, 'When Arakawa Kyūtarō's Corps withdrew from Sekimura there was furious cannon fire from the mountain top. The Hizen Corps and my own Shibue Corps set out as reinforcements and forced the enemy to retreat, but I then ordered a withdrawal to Kanaura and subsequently to Honjō.' He also notes that on that day (7m 29d: 15 September) the Arakawa Corps fought furiously.⁵⁶

Whatever bravery may have been shown by the Akita army it had clearly demonstrated that it was incapable of holding back the Shōnai advance alone, so, following a despatch from Kujō Michitaka, Shibue Naizen was relieved of overall command and placed instead under Yamamoto Tomonosuke, a samurai of Chōshū.⁵⁷ Also, in accordance with the overall strategy, Honjō was to be abandoned and the army had to withdraw north of the Omonogawa, where reinforcements were steadily arriving.⁵⁸ On 8m 1d (16 September)

⁵⁴ Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita, 1999) p. 96; Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 49-50; Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita, 2001) p. 124;

⁵⁵ Papinot, E. *Historical and Geographical Dictionary of Japan* (London, 1910) p. 517; Akita Kai Shimpōsha Chihōbu *Kosenjō: Akita no kassen shi* (Akita, 1981) p. 227-228.

⁵⁶ Akita Kai Shimpōsha Chihōbu *Kosenjō: Akita no kassen shi* (Akita, 1981) p. 227.

⁵⁷ Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 49.

⁵⁸ Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita, 1999) p. 96.

the Akita force was augmented by soldiers from Hirosaki followed by a sizeable contingent on 8m 5d (20 September) from the Saga domain under the command of Nabeshima Shigeharu that included 839 men, four Armstrong cannon, 450 Spencer rifles and 100 Remington guns.⁵⁹ None of these was intended for use either in relieving or defending Honjō, and when Rokugō Masaakira bravely requested permission to launch a surprise attack on the advancing Shōnai army he was ordered instead to withdraw in compliance with the new strategy. When Rokugō Masaakira left Honjō on 8m 6d (21 September) he was horrified to see his magnificent castle (an extensive edifice with many houses, barracks and a harbour for cargo ships) being completely burned down by the retreating imperial forces so that it would not fall into the hands of their enemies.⁶⁰

Only one domain now lay between the Shōnai III and IV Corps and the natural moat of the Omonogawa. This was Kameda, a fief ruled by Iwaki Takakuni (1844-1911), who had close family links to the Satake. The first daimyo of Kameda had been Satake Yoshinobu's younger brother Sadataka (1584-1621) who was adopted by Iwaki Tsunetaka, daimyo of Iwakidaira in Mutsu province. Sadataka inherited that rich 180,000 *koku* fief, but, like his brother, he failed to support the Tokugawa with sufficient enthusiasm and was moved along with rest of the Satake family to Dewa, where he had to be content with 20,000 *koku* at Kameda. There he prospered, benefitting greatly from his brother Yoshinobu's position as the most influential daimyo in the surrounding area, so in 1868 his descendant Iwaki akakuni lived in lavish style in a castle called Amasaki that was far grander than would be expected for a daimyo of a mere 20,000 *koku*.⁶¹

The Kameda army had been fully involved in the fighting ever since joining Akita in the imperial fold, but their leader now expressed horror at the reports reaching him from Yashima and Honjō. Would his own beautiful castle now suffer the fate of those domains that had

⁵⁹ Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita, 2001) p. 125.

⁶⁰ Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 50; Akita Kai Shimpōsha Chihōbu *Kosenjō: Akita no kassen shi* (Akita, 1981) p. 228; Ōyama Kashiwa *Boshin no Eki senshi* Volume II (Tokyo, 1988) pp. 456.

⁶¹ Yoshida, Shōji *Akita no Boshin Sensō yozu – sono toki minshū* (Akita, 2004) p. 147; Papinot, E. *Historical and Geographical Dictionary of Japan* (London, 1910) p. 219.

been abandoned to the enemy? He called a meeting of his family and senior retainers within Amasaki castle on 8m 3d (18 September) to discuss the crisis.⁶² Three days later came the news that Honjō castle had been destroyed by its own allies as part of a scorched earth policy, so to safeguard his ancestral property Iwaki decided not to flee. Instead he made a unique and fateful decision, and on the same day that Honjō was burned to the ground, he changed sides.⁶³

The size of the defecting army may have done little to alter the balance of troop numbers between the two sides, but Iwaki's treachery was of great benefit to the Northern Alliance. The crossing of the barrier of the Omonogawa was always going to be a major exercise in the campaign, and to have as an ally the man whose domain straddled the river was a great asset. Iwaki's troops knew their area, so (somewhat cynically, one assumes) the Shōnai commanders placed them in the vanguard of their army in the operation to secure the crossing places.⁶⁴

Iwaki Takakuni could also provide a useful supply of subservient civilian labour for the northern cause, and it was this factor that was to result in the most acute suffering among any civilian population during the whole of the Akita-Shōnai Campaign. With a contempt for the lower orders that was itself part of the samurai tradition Iwaki Takakuni placed his domain and its inhabitants at the service of his new allies. A document preserved by Ōuchi Town records the items that were supplied to the army on an almost daily basis such as straw sandals, bedding, *daikon* radishes and lumber,⁶⁵ but these requisitions were not carried out in an atmosphere of safety. Villagers elsewhere may have seen their homes destroyed and their crops looted, but they had usually been able to flee. The farmers who lived near the Omonogawa were trapped by the river on one side and a hungry advancing army - once an enemy but now apparently their friends - on the other. To make matters worse imperialist troops - once their friends but now enemies that included troops from distant Kyūshū - were still stationed in the villages that guarded crossing points while

⁶² Nasu Shunbi *Kameda han Boshin shi* (Iwaki, 1999) p. 70.

⁶³ Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 50.

⁶⁴ Nasu Shunbi *Kameda han Boshin shi* (Iwaki, 1999) p. 63.

⁶⁵ *Boshin Sensō Jōnō Busshi Ichiran* original manuscript in Ōuchi Town Archives

others came across the river on scouting missions. Over a period of a month the local people were literally caught in the crossfire as the Shōnai army attacked these positions and rifle fire was exchanged between the river's banks. Many civilians from the southern bank tried to escape across the river, but being unable to do so many fled to the hills and marshes, building shelters where their women, children, elders and household goods could be hidden.⁶⁶ Meanwhile their men folk were impressed into the Kameda domain army or made to forage, a cruel and painful exercise for which we have a unique written account to set beside the reports of generals and the diaries of soldiers. It is found in the diary of Ōtomo Sadanosuke, who held the position of *kimoiri* ('overseer') for the village of Takao in modern Ouchi Town where the manuscript is preserved.⁶⁷

The context of the section of Ōtomo's diary relating to the Akita-Shōnai Campaign is the month between the fall of Honjō on 8m 6d (21 September) and the successful river crossing by the Shōnai army on 9m 8d (23 October). The Shōnai army set up base at Jinga village that lay at a safe distance from the southern bank. Four days of rain began on 8m 9d (24 September)⁶⁸ and curbed most activities until 8m 12d (27 September) when attacks to secure the strategic villages of Memeki, Tsunagi and Suzuki began, followed by a stalemate until 8m 18d (3 October).⁶⁹ On that day a unit from Shōnai IV Corps carried out a surprise night attack on Memeki, setting fire to buildings. The 300 Akita soldiers who were occupying the village were driven out and fled across the river to the village of Sadeko, abandoning

⁶⁶ Yoshida, Shōji *Akita no Boshin Sensō yozu – sono toki minshū ha* (Akita, 2004) p. 153.

⁶⁷ For a biography of Ōtomo see Ōuchi Machi Shi Hensan I-inkai *Ōuchi Machi shi* (Akita, 1990) pp. 452-453. The text of his diary for October 1868 appears in Akita Bunka Shuppan Kabushiki-gaisha *Boshin Sensō 130 Shūnen Kinen Shi* (Akita, 1999) pp. 108-109.

⁶⁸ Yoshida, Shōji *Akita no Boshin Sensō yozu – sono toki minshū* (Akita, 2004) p. 148.

⁶⁹ Yoshida, Shōji *Akita no Boshin Sensō yozu – sono toki minshū* (Akita, 2004) p. 154.

provisions and even swords,⁷⁰ for a loss of two wounded among the Kameda force.⁷¹

Hostilities then became limited to the exchange of rifle fire across the river until 9m 8d (23 October), an important day in Japanese history, because on that day the era name was changed, so what had been the Fourth Year of Keiō now became the First Year of Meiji. But that momentous event in distant Tokyo escaped the attention of Ōtomo Sadanosuke, who wrote in his diary about the culmination that night of the suffering of the local villagers who were sent in search of food and boats:

Very great was the suffering of the labourers made to go foraging from the villages in the dead of the night of 9m 8d. They walked carrying on their backs provisions from unfamiliar mountains and fields, not even carrying pine torches and without any guides. Heads, bodies and limbs collapsed on to the ground here and there amidst the cold wind and the thunder. They were unable to distinguish friend from foe, and to make matters worse the untold suffering experienced during the crossing of the swollen Omonogawa as the wind blew is a thing of such desolation that I will never forget it to the end of my days. It is impossible to express it with my brush.⁷²

That same night the Shōnai army crossed the river for what they hoped would be the final assault on Kubota castle. Ōtomo Sadanosuke describes it as ‘the battle for the Akita domain’.⁷³ By this time, however, their ranks had been swollen by soldiers from the other divisions who had fought their way along the course of the Omonogawa from the south, so it will be first necessary to set out the details of that operation.

⁷⁰ Yoshida, Shōji *Akita no Boshin Sensō yozu – sono toki minshū ha* (Akita, 2004) p. 155.

⁷¹ Nasu Shunbi *Kameda han Boshin shi* (Iwaki, 1999) p. 95; Iwaki Machi Shi Henshū I-inkai *Iwaki Machi shi* (Akita, 1996) pp. 151 & 154.

⁷² Akita Bunka Shuppan Kabushiki-gaisha *Boshin Sensō 130 Shūnen Kinen Shi* (Akita, 1999) p. 108; usefully summarised in modern Japanese in the simple local history book by Iwami Seifu *Yuwa Machi no rekishi* (Akita, 1992) p. 103.

⁷³ Akita Bunka Shuppan Kabushiki-gaisha *Boshin Sensō 130 Shūnen Kinen Shi* (Akita, 1999) p. 108.

The Siege of Yokote

We left I and II Corps just inside the Akita border on 7m 28d (14 September), the same day as the fall of Yashima to IV Corps, and from that point onwards each step forward along the central route was marked by the crossing of successive tributaries of the Omonogawa. The first town to fall was Innai, which was captured on 7m 29d (15 September). The Shōnai Artillery Captain Kanda Rokuemon noted in his diary how they advanced into the town and had breakfast in a teahouse as their surroundings gradually came into view to reveal the solid defences erected by the Akita army, who were nevertheless overcome.⁷⁴ Yuzawa, where no castle had existed since 1620, then fell on 8m 5d (20 September) followed by Jūmonji on 8m 8d (23 September). Akita was now also being attacked from two other directions, because as the 8th lunar month began the Onikōbe Pass between modern Akita and Miyagi prefectures was crossed by the Sendai army, and in the Oyasu Onsen area the Ichinoseki domain (in modern Iwate prefecture), also invaded Akita. Both these moves were resisted.⁷⁵

After Jūmonji all military activity by the Shōnai I and II Corps became concentrated on the castle of Yokote, the strongest point in the southern part of Akita and the only castle to have survived the 'one province – one castle' policy of the early Tokugawa Shoguns. It had been the headquarters of the domain of the Onodera whom the Satake had displaced in 1603 but had been burned down at that time, so Satake Yoshinobu had made Kubota his provincial castle town. When Yokote was rebuilt he installed as its keeper the grandson of Tomura Yoshikuni, one of his most loyal retainers, who had been commended by the Shogun for his valiant service at Imafuku.⁷⁶ Responsibility for Yokote had stayed within the Tomura family over the next two centuries, so that when Sakai Gemba of Shōnai advanced on Yokote in 1868 a nineteen-year old descendant of Yoshikuni called Tomura Daigaku was waiting for him. Just like Ikoma Chikayuki and Rokugō Masaakira, young Daigaku could not muster a great force, because when Jūmonji fell the main Akita army

⁷⁴ Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita, 2001) p. 81.

⁷⁵ Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 42.

⁷⁶ Doi Teruo *Ōgawa-Yūkyū no Satake ke* (Tokyo, 2002) p. 344; Izawa Keiichi *Yokote no rekishi* (Tokyo, 1980) pp. 81-83 .

abandoned Yokote to make a stand 15 km to the north at Kakumagawa. Tomura Daigaku was ordered to follow them, but the proud commander of Yokote castle refused to obey orders. Unlike Rokugō, Ikoma and Iwaki, Tomura Daigaku was not a daimyo but the retainer of a daimyo to whom he had pledged loyalty and who had entrusted him with the defence of Yokote castle. With a garrison of only 280 men, Tomura Daigaku decided to withstand the entire Shōnai army of 3,000 men on his own.⁷⁷

No greater example of stubborn yet ultimately doomed samurai heroism (the 'nobility of failure' celebrated in the classic book by Ivan Morris⁷⁸) was to be displayed in the whole of the Akita-Shōnai Campaign. It was a gesture perfectly in accordance with the samurai tradition as exemplified by a celebrated incident at the siege of Fushimi in 1600, when a retainer of the Tokugawa called Torii Mototada had held out to the last, thereby buying time for Tokugawa Ieyasu to secure the strategic position that he was to exploit at the decisive victory of Sekigahara.⁷⁹ Tomura's gesture could have been easily justified by a similar appreciation of the local military situation, but that was not how he explained it to the two officers who brought him the order to withdraw. His words, which may well have been recorded at the time or related by him at a later date, appear with some variation in two separate accounts. In both he states that although his orders were issued by Sawa Tamekazu (1812-89) the Second-in-Command to Kujō Michitaka, they were not in accordance with his duty to his master Satake Yoshitaka. Daigaku's family of Tomura had been the keepers of Yokote since the time of his ancestors. To abandon that solemn responsibility and flee would be to dishonour their spirits. How could he ever show his face in the presence of his lord again? Instead he stated, 'I shall fight until my strength runs out, and then die in action with the castle as my pillow.'⁸⁰

⁷⁷ Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) pp. 42-43.

⁷⁸ Morris, Ivan *The Nobility of Failure: Tragic Heroes in the History of Japan* (London, 1975).

⁷⁹ Sadler, A.L. *The Maker of Modern Japan: The Life of Tokugawa Ieyasu* (London, 1937) p. 143-146.

⁸⁰ Izawa Keiichi *Yokote no rekishi* (Tokyo, 1980) pp. 163-164; Izumi Ryūichi *Ōu Boshin senshi* (Yokote, 1987) p. 126.

The Akita forces may by then have embraced modernity in their costume and weapons, but with those words Tomura Daigaku demonstrated that he was the equal of his illustrious ancestor Tomura Yoshikuni, whose lacquered wooden statue with glaring glass eyes still sits defiantly within the funerary chapel of the Ryōshō- In, the Tomura *bōdaiji* (family temple) that lies just below Yokote castle. Yet even though Daigaku's samurai spirit was still vibrant, he had little in the way of food supplies and his armaments demonstrated the overall imperialist strategy of not wasting modern weapons in the defence of an expendable position. Of hand-held firearms there were only two modern Minie rifles but 38 old matchlock muskets, together with 30 and 100 shot respectively for twelve small and medium cannon, which were probably just large-caliber matchlocks. Besides these he had bows and spears.⁸¹ Apart from that he had bravery, determination, and a great respect for the traditions of his ancestors. A similarly nostalgic respect for ancient martial traditions was also revealed among the attacking army at the same time, because as the Shōnai force approached Yokote twelve cranes appeared in the sky and fluttered around the castle roof. 'Everyone rejoiced at this good omen', writes Artillery Captain Kanda Rokuemon, presumably from the inclusion of the word 'crane' in the name of the castle town of the Shōnai domain.⁸²

When the advance began Shōnai II Corps crossed the river below Yokote castle, giving fire and burning buildings. Artillery was also used against the castle itself, destroying much of the superstructure and adding to the noise from the war drums.⁸³ The climax of the battle for Yokote came on the afternoon of 8m 11d (26 September)⁸⁴ with two hours of fierce hand-to-hand fighting during which Tomura Daigaku killed two men with his own sword.⁸⁵ Seeing the cause was now hopeless, he prepared himself for an act of *seppuku*,⁸⁶ but being

⁸¹ Akita Kai Shimpōsha Chihōbu *Kosenjō: Akita no kassen shi* (Akita, 1981) p.239.

⁸² Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita, 2001) p. 110.

⁸³ Akita Kai Shimpōsha Chihōbu *Kosenjō: Akita no kassen shi* (Akita, 1981) p.241.

⁸⁴ Izumi Ryūichi *Ōū Boshin senshi* (Yokote, 1987) p. 130.

⁸⁵ Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 43.

⁸⁶ Akita Kai Shimpōsha Chihōbu *Kosenjō: Akita no kassen shi* (Akita, 1981)

urged against it by one of his officers Daigaku led a fighting retreat out of the castle to the north, leaving behind a burning castle and twenty-one dead from the garrison, whom the Shōnai army buried in the cemetery of the Ryōshō-In before continuing their advance north to Omagari.⁸⁷ Tomura Daigaku in fact survived the Boshin War and went on to become an honoured Mayor of Yokote.⁸⁸

After Yokote only the towns of Kakumagawa and Omagari lay between the Shōnai I and II Corps and the 'T' of the Omonogawa, and on 8m 13d (28 September) an advance was made against Kakumagawa, which was then an important river port. Fierce street-fighting took place among the rice storehouses and homes by the harbour during which the Akita side lost thirty dead, the greatest loss on any day so far in the campaign. Some soldiers fled to the western bank of the Omonogawa, thus denying boats to the civilian population, among whom were several casualties. Artillery Captain Kanda Rokuemon notes the firing of cannon at the 'advancing but scattered enemy'⁸⁹ and certain old houses in Kakumagawa still have bullet holes in them.⁹⁰

The town of Omagari, a few kilometres to the north, lies at the eastern angle of the 'T' where the Tamakawa joined the Omonogawa. Believing that to hold Omagari was now neither desirable nor possible, the retreating Akita force crossed the river and took up a position on the northern bank at Jingūji.⁹¹ In response the Shōnai force cautiously approached Omagari and set up headquarters just outside the town at a Buddhist temple called the Daisenji that lay on the southern bank of the Marukogawa, which would afford some

p.241; Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita, 2001) p. 113; Yoshida, Shōji *Zoku - Akita no Boshin Sensō yozu – sono toki minshū ha* (Akita, 2007) p. 215.

⁸⁷ Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita, 1999) p. 91; Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 43.

⁸⁸ Izawa Keiichi *Yokote no rekishi* (Tokyo, 1980) p. 170 has a photograph of him in later life, and there is an oil painting of him inside the main hall of the Ryōshō -In.

⁸⁹ Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita, 2001) p. 134.

⁹⁰ From personal observation and Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 44.

⁹¹ A map of the immediate area appears in Jinguji Jun *Akita han to Boshin no eki* (Tokyo, 1983) p. 116.

protection should the Imperialists launch a counter-attack.⁹² Captain Mizuno Kyōemon describes his men dragging cannon and carrying their personal firearms through a cold, snow-bearing wind.⁹³ To further strengthen their position Sakai Gemba crossed to the western side of the Omonogawa and took possession of the conical Jingūjidake (281 m.) that dominated the southern bank, from where communication was maintained by the ancient method of signal fires.⁹⁴ Their caution was well-founded, because a unit of troops from Satsuma crossed the Tamakawa on 8m 23d (8 October) and established themselves at Hanadate about 1 kilometre north of Omagari. The Shōnai army were aware of their arrival and also discovered that the Satsuma men were lodging in poorly guarded billets, so during the night a surprise raid was launched on Hanadate. The Satsuma commander Shimazu Shinhachirō and 24 of his men were killed. Their graves lie in the Chōfukuji at Hanadate.⁹⁵

The Hanadate raid was the last fighting that the imperialist army was to carry out south of the Omonogawa/Tamakawa line. By this time Shōnai IV Corps had occupied the Kameda domain and was preparing to cross the Omonogawa as described earlier. So I and II Corps divided again, with I Corps heading upstream along the Tamakawa to capture Kakunodate, while II Corps proceeded a short distance to the west to link up with IV Corps for the armed river crossing.

Meanwhile a serious situation was developing out on the coast of the Sea of Japan. While the Shōnai IV Corps were securing positions within the bends of the Omonogawa, III Corps had been advancing along the coast beyond Honjō with the aim of crossing the estuary to provide a third direction of attack against Kubota. Just as at Kakunodate, this advance was stopped by the Imperialist army. II Corps took up a strong position at a place called Nagahama on the hill of Takayasuyama (102 m.) on 8m 18d (3 October), only to be pinned down there by the defenders of Akita. Later that same day a devastating and unexpected variety of the 'shock of the new' hit them from the sky. The Satsuma domain had not only sent men and

⁹² Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 44.

⁹³ Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita, 2001) p. 174.

⁹⁴ Jinguji Jun *Akita han to Boshin no eki* (Tokyo, 1983) p. 115.

⁹⁵ Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 45.

weapons to aid Akita. It had sent a battleship, the *Kasuga maru*, and its shells rained out of the sky on to the Shōnai army's position at Nagahama in the first ship-to-shore bombardment in Japanese history. During a lull in the shelling the Shōnai army withdrew to Katte where they again made a stand, but on 8m 29d (14 October) the *Kasuga maru* followed them and began a second bombardment that drove them back to the harbour of Michikawa.⁹⁶ The western flank of the Shōnai advance had been completely neutralised.

A similar obstacle then appeared out in the east, because the day before, 8m 28d (13 October), the Northern Alliance had launched an attack on Kakunodate. To capture it would have allowed progress along the northern bank via a good road through Kariwano and Sakai. The Akita army located there were almost broken in spirit and made no attempt to cross the Tamakawa to engage the enemy; instead the battle consisted largely of rifle exchanges and artillery fire across the river from the summit of Daitokusan. Shōnai I Corps and the Sendai domain army led the attack, which was met over two days of fierce fighting by soldiers from the domains of Akita, Hirado, Kokura and Ōmura. On average 150 rounds were fired for every soldier, with some discharging 300 rounds over the two days. In spite of the firing only seven dead and nine wounded were recorded on the imperialist side and, most importantly, the line held.⁹⁷ On that same day Akita was also invaded from the Morioka domain in modern Iwate prefecture. About 220 men of the Nambu daimyo under their *karō* (senior retainer) Narayama Sado (1830-69), crossed the Kunimi Pass (836 m.) in an attempt to turn the left flank of the imperialist army by crossing the Tamakawa a short distance below its exit from Lake Tazawa. They were met by 80 Akita soldiers who drove them back.⁹⁸

The Final Reckoning

With Kakunodate held, the sea coast advance destroyed by a battleship and the attack by their Morioka allies driven off, the Northern Alliance now had only one route whereby Kubota could be taken: an armed assault across the river within the Kameda domain,

⁹⁶ Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 52.

⁹⁷ Akita Kai Shimpōsha Chihōbu *Kosenjō: Akita no kassen shi* (Akita, 1981) p. 248-249.

⁹⁸ Katō Teijin *Boshin Sensō to Akita* (Akita, 2004) p. 46.

where they had been preparing for the move for the past month. The first crossing of the Omonogawa took place at 08.00 on the morning of 9m 8d (23 October) at the end of the same night for which Ōtomo Sadanosuke recorded so vividly the suffering of the local villagers impressed into foraging and locating a supply of boats for the invading army.⁹⁹ While artillery set up at Tsunagi village shelled Shibue Daizen's position across the river at Sadeko the Shōnai IV Corps crossed from Suzuki using seven boats and landed at Kotane. There they engaged a major concentration of imperialist forces within a fortified position on the high ground at Fukubera on the small peninsula where the river makes a dramatic tongue-shaped curve. The following morning another Shōnai unit crossed at Arawa to drive Shibue Daizen into a retreat, while further troops crossed to Fukubera at the 'tip of the tongue' of the peninsula to support their comrades in the fierce battle that had developed there. Fukubera was defended by local forces who had been withdrawn from Honjō and Yokote under three commanders. One was killed; he was Umezu Chiyokichi (1841-68) who was descended from Umezu Noritada (1571-1630), the 'Yellow Devil' of the Satake family who became their *karō* when the first to bear the name of Shibue Daizen was killed at Imafuku in 1614.¹⁰⁰ Another was the redoubtable Tomura Daigaku, as ready to make a stand at Fukubera as he had been at Yokote. The third commander was called Shida Kuranosuke. Their stand failed and the survivors withdrew to join Shibue's men. The names of all the 58 dead on the imperialist side are recorded on the memorial that stands on the site of the Battle of Fukubera. Judging from the simple given names and the number who share the same surnames, most were just local men recruited into the Akita army.¹⁰¹ Ōtomo Sadanosuke's diary describes his visit to the site of the 'battle for the Akita domain' where the bodies of men and horses lay strewn about.¹⁰²

The imperialist army was soon in full retreat and heading for the only place where a stand could be made outside Kubota castle itself. This was a prominent ridge on which stood Tsubakidai castle, built as

⁹⁹ Akita Bunka Shuppan Kabushiki-gaisha *Boshin Sensō 130 Shūnen Kinen Shi* (Akita, 1999) p. 108.

¹⁰⁰ Izawa Keiichi *Yokote no rekishi* (Tokyo, 1980) p. 81.

¹⁰¹ From a personal observation and Katō Teijin *Boshin Sensō to Akita* (Akita 2004) p. 54.

¹⁰² Akita Bunka Shuppan Kabushiki-gaisha *Boshin Sensō 130 Shūnen Kinen Shi* (Akita, 1999) p. 108.

recently as April 1868 when Satake Yoshitaka's younger brother Yoshizuma (1837-70) was forced to leave Edo following the Meiji Restoration. Tsubakidai lay within the sub-domain of Akita Shinden, created in 1701 by dividing off 10,000 *koku* of rice fields and now worth 20,000 *koku*. By October Yoshizuma had still to make his formal entry to the place, an event that was beginning to look very unlikely to happen. The castle town of Akita, a mere 16 kilometres away, was now in a state of panic, and little Tsubakidai castle was all that stood between it and the advancing Shōnai army. Fully appreciating this point, Kujō Michitaka and Sasaki Yoshitaka gave orders that Tsubakidai would not be abandoned like Honjō and Yokote. Instead it should be held at all costs.¹⁰³

As Tsubakidai castle was only to last a further two years before being demolished and abandoned to the fields in Meiji 3 (1870) it is very difficult to envisage its appearance. It was built to house 80 men but it unlikely to have been strongly fortified,¹⁰⁴ a conclusion strengthened by the fact that artillery positions were set up in front of the castle rather than inside it, because the surrounding topography was the area's strongest defensive feature. Tsubakidai ('camellia plateau') is an extensive area of high ground in front of which, at the bottom of a steep slope, the small river of Anjōjigawa flows westwards through the Anjōji valley to join the Omonogawa at Tsubakigawa. This small river, then the boundary between the Akita Shinden domain and Kameda, was now to play the part of Akita's outer moat, the role in which the mighty Omonogawa had failed.

Heavily reinforced, the imperialist army took up its positions along the plateau from a position overlooking the Omonogawa in the west as far as the present-day site of Akita International University in the east, presenting a frontage of about 2 kilometers. Strong breastworks, earthworks, trenches and timber parapets were erected with Tsubakidai castle as their command post just to the rear.¹⁰⁵ The Shōnai army faced them from similar high ground across the

¹⁰³ Iwami Seifu *Yuwa Machi no rekishi* (Akita, 1992) p. 106.

¹⁰⁴ In situ; from information supplied by the Akita city Board of Education that appears on the notice board on the site of the castle.

¹⁰⁵ Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita 2001) p. 200; excellent maps appear in Ōyama Kashiwa *Boshin no Eki senshi* Volume II (Tokyo, 1988) pp. 566 & 570.

Anjōjigawa to the south, again anchored towards the Omonogawa to the west and with a hill called Nukazukayama (102 m.) on their east. Behind their front lay Taiheizan (153 m.) a hill that has since disappeared with the building of Akita Airport.¹⁰⁶

The battle of Tsubakidai took place in front of the field defences on the plateau and within the valley of the Anjōji, and the fighting was intense.¹⁰⁷ The Shōnai IV Corps launched their first attack on 9m 10d (25 October), but the Imperialist line held. The following day the Imperialists went on to the attack supported by cannon fire from forward positions and drove the Shōnai army back against Nukazukayama, inflicting casualties on them of 100 dead and 80 wounded, the greatest single loss by the Shōnai army since the campaign had begun. Realizing that their advance had been halted, and with no support on their flanks, the Shōnai army began to withdraw to the south as evening came. They pulled back across the Omonogawa to their base at Jinga village at the point where they had crossed it in such triumph only two days earlier.¹⁰⁸ Captain Ishihara Kakuemon of Shōnai defended Nukazukayama to the last. He later wrote of the first day of the battle, 'Before dawn that night the enemy had built fortified breastworks at various places and the enemy attacks increased still further'. The attacks 'destroyed the wooden palisades set up by our side... As we pulled back III Corps came up in support under Miyoshi Shinbei with a view to a second day of hard fighting'. Artillery Captain Kanda Rokuemon also writes of the artillery duels that took place.¹⁰⁹ According to the words on the memorial in Anjōji thirty percent of the houses in the area were burned down and, just as at Fukubera, many local villagers, who were impressed into service by both sides to make up for the deficit in numbers, lost their lives.¹¹⁰

The decisive Battle of Tsubakidai was the turning point in the Akita-Shōnai Campaign, but there was one more battle left to fight, because not all the Shōnai army had crossed the river back to Jinga. I and II Corps had retreated along the old road north of the river to Kariwano

¹⁰⁶ Katō Teijin *Boshin Sensō to Akita* (Akita 2004) p. 54; Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita 1999) pp. 104-105.

¹⁰⁷ Ōyama Kashiwa *Boshin no Eki senshi* Volume II (Tokyo, 1988) pp. 568-573.

¹⁰⁸ Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita 2001) pp. 199-200.

¹⁰⁹ Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita 2001) p. 201.

¹¹⁰ *In situ*: Akita City Board of Education (2005)

and combined there to make a stand. The 13th and 14th days saw violent rainstorms, so the Akita army who had been victorious at Tsubakidai pursued them there on 9m 15d (30 October).¹¹¹ By all accounts this final battle of the Akita-Shōnai Campaign was a fierce and desperate one. Captain Mizuno Kyōemon describes his men using the ridges between rice fields at Kariwano as makeshift trenches for protection ‘with their heads lowered and their bodies partly concealed’.¹¹² The Shōnai army clearly hoped to reverse the result of Tsubakidai and the fight went on all night. At dawn of 9m 16d (31 October), with their bullets almost used up and their bodies exhausted, the Shōnai army finished their long campaign against Akita in a consummate illustration of the samurai tradition by making a final desperate charge against the Akita positions with their samurai swords.¹¹³ The brunt of the fighting on the Akita side at Kariwano was carried by soldiers of the Ōmura and Hirado domains from Hizen province (modern Nagasaki prefecture), while the bulk of the casualties on the Northern Alliance side were taken by soldiers from the Ichinoseki domain, whose graves now lie within the Honnenji in Kariwano.¹¹⁴ Both sides were now exhausted, and because of Tsubakidai the slaughter at Kariwano was now meaningless.¹¹⁵

One poignant loss on the imperialist side was a boy aged 15 whose death was to become a symbolic event. He was one of the last soldiers to die during the campaign and was certainly the youngest, because Japanese armies, copying European ones, had introduced drummer boys into their forces. His name was Hamada Kingyō and he was from Ōmura in Nagasaki. When he died a letter was found on his body from his parents; it included a poem written by his mother urging him to be brave. The Ōmura and Hirado soldiers are buried in the Jōkō-In at Kakunodate, and on a hill nearby stands a statue of the little drummer boy who died so far away from home. Even more moving than the statue however, is the direction sign next to it that

¹¹¹ Akita Kai Shimpōsha Chihōbu *Kosenjō: Akita no kassen shi* (Akita, 1981) p. 256.

¹¹² Kōri Yoshitake *Akita Shōnai Boshin Sensō* (Akita 2001) p. 186.

¹¹³ Katō Teijin *Boshin Sensō to Akita* (Akita 2004) p. 46.

¹¹⁴ Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita 1999) p. 103.

¹¹⁵ Ōyama Kashiwa *Boshin no Eki senshi* Volume II (Tokyo, 1988) pp.513-515.

states that the youth died 2240 km from home, where an identical statue now stands in the grounds of the restored Ōmura castle.¹¹⁶

As they pursued the retreating Shōnai army the Akita force took terrible revenge on the traitor Iwaki Takakuni. At Arawa on the southern bank of the Omonogawa they burned down the temple of Fumon-In,¹¹⁷ and on 9m 20d (4 November) they completed their revenge by burning down the castle that Iwaki had tried to save by defecting.¹¹⁸ Seven days later Iwaki Takakuni entered Tsurugaoka Castle as a defeated fugitive.¹¹⁹ The rest of the Shōnai army made good their escape apart from one possible incident of retaliation. According to a local tradition, the area around Tsubakidai is haunted by the ghosts of Shōnai prisoners executed in the forest. There are no contemporary records relating to the execution of prisoners, so this is probably an exaggeration of a common tradition found elsewhere in Japan that battlefields are haunted by the distressed spirits of the dead, and the forested area on the eastern side of the plateau was indeed the site of fierce fighting in this terrible battle where the Akita-Shōnai Campaign was flung so dramatically into reverse.

Over the next few days the Imperialist victory at Akita was to be followed by other important gains elsewhere in Tōhoku. Aizu-Wakamatsu surrendered on 9m 22d (6 November). The Ichinoseki domain surrendered on 9m 25d (9 November); then, on 9m 27d (11 November) the Shōnai domain opened the gates of Tsurugaoka castle to the advancing imperial army. In a final gesture towards ancient tradition, in the 6th lunar month of 1869, rewards were bestowed upon the loyal and victorious servants of the Meiji Emperor, among whom Satake Yoshitaka of Kubota received 20,000 *koku*, Rokugō Masaakira of Honjō 10,000 *koku*, Ikoma Chikayuki of Yashima 1000 *koku* and Satake Yoshisato of Tsubakidai (the heir of Yoshizuma who had just retired) 200 *koku*.¹²⁰

¹¹⁶ Akita Kai Shimpōsha Chihōbu *Kosenjō: Akita no kassen shi* (Akita, 1981) p. 258; Katō Teijin *Boshin Sensō to Akita* (Akita 2004) p. 47.

¹¹⁷ Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita 1999) p. 104.

¹¹⁸ Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita 1999) p. 96; Iwaki Machi Shi Henshū I-inkai *Iwaki Machi shi* (Akita, 1996) p. 151.

¹¹⁹ Iwaki Machi Shi Henshū I-inkai *Iwaki Machi shi* (Akita, 1996) p. 151.

¹²⁰ Niino Naoyoshi *Ronten Akita shi* (Akita 1999) p. 288.

The Rediscovery of the Samurai Tradition

The old samurai tradition had always consisted of two elements: the code of conduct that valued hierarchical Confucian ideals of loyalty above all other things and the courageous military skills through which that code could be both expressed and defended. Isolated in Tōhoku during the peaceful Edo Period the young leaders of Akita had maintained the former as an ideological concept but had lost the latter through a failure to modernise, a paradoxical situation for samurai that had been satisfactorily rationalised by the progressive (in military terms at least) domains of Shōnai, Satsuma and Chōshū. When war broke through into the cosy domains of Akita these young men began a steep learning curve whereby both the ideological and the practical aspects of the samurai tradition were violently re-awakened, and their subsequent experience represented a microcosm of the military situation in Japan as a whole. Here was a nation with the two faces of Janus: one looking back to its samurai past, the other one looking forward to what we now call Meiji Japan where, as future events were to show, the desire for glory, the feeling of superiority, the exercise of courage and loyalty and the acceptance of death that were so characteristic of the samurai tradition lived on to find expression during the wars against China and Russia.

There was, however, a fundamental difference in the way these ideals were to be expressed a decade later from the way they were demonstrated in 1868, and this came about as a direct result of the imperialist victory described above. The desire of the Meiji government to establish itself as the equal of the supposedly hostile Western powers required the mobilisation of the nation in a common patriotic purpose. The result was the introduction of several measures designed to create an emperor-centred nationalism. The reforms were constitutional, educational and militaristic, and included the introduction of universal conscription in 1872, when old myths and ancient traditions were mobilised along with the soldiers to support the new regime. When conscription was enforced in 1873 the monopoly of the right to bear arms enjoyed by the samurai class ended forever, and 'the feudal samurai ethic of dying honorably for the sake of one's lord was transformed into a universal ethic for the entire population of Japan, through the requirement of honorable

death for the sake of the Emperor.’¹²¹ As the *Gunjin Kunkai* (Admonition to Soldiers) of 1878 stressed, the ethos of the new army was derived from the ideals of the samurai and passed on to the conscripts:

Today's soldiers are undoubtedly *bushi*, even if their status is not hereditary. It is therefore beyond question that they should exhibit loyalty and courage as their prime virtues, according to the best tradition of the *bushi* of bygone days.¹²²

It was a process of socialisation that covered a wider field than just the army, and in its early stages at least, was welcomed by common people who had envied the samurai's position in society and now 'rushed to imitate the lifestyle of the samurai'.¹²³ It was only later when the effects of conscription were felt by farming families deprived of workers that resentment grew towards this revolutionary measure.¹²⁴

In 1868 all this lay in the future, and (apart from some use of impressed soldiers from the domains) the Boshin War was a civil war fought between the members of the samurai class, opponents who subscribed to common values and shared the same concept of self-identification. The myths of the samurai tradition that were to be re-awakened were at that time more powerful than the developing imperial myth, even though that was already acquiring some strength as shown by the impact of the first use of the chrysanthemum flag and the alacrity by which the Northern Alliance embraced its own imperial respectability in the person of Prince Yoshihisa. It would, however, be many years before any Japanese soldier felt obliged to fight to the death because of the debt he owed to the Emperor merely

¹²¹Tsurumi Kazuko *Social Change and the Individual: Japan before and after defeat in World War II* (Princeton, 1970) p. 82.

¹²² Quoted in Tsurumi Kazuko *Social Change and the Individual: Japan before and after defeat in World War II* (Princeton, 1970) p. 86.

¹²³ Tsurumi Kazuko *Social Change and the Individual: Japan before and after defeat in World War II* (Princeton, 1970) p. 86.

¹²⁴ Shimazu Naoko 'The Myth of the "Patriotic Soldier": Japanese Attitudes Towards Death in the Russo-Japanese War' *War and Society* (2001) p. 73.

by being born as his subject.¹²⁵ Instead they followed the samurai tradition in its simplest form, a code that embraced 'honorific individualism', as Ikegami terms it, and crossed the divide between the rival factions:

Having become deeply embedded in their self-definition, this synthesis of honor and dignity provided a common source of passion for individual samurai in different ideological camps, whose social and political patterns of behaviour otherwise varied wildly.¹²⁶

Wilson puts it slightly differently when he writes of 'a variety of motives that nonetheless coalesce into a situationally transcendent impulse. Some samurai turned old grudges into the stuff of new power relations. Some sought simple self-gratification'.¹²⁷ Both these points are illustrated by the behaviour of combatants during the Akita-Shōnai Campaign, where respect for the samurai tradition runs through many of the decisions that were made. Striking by their absence, however, are any references to the emperor as a focus of samurai loyalty on the imperial side. Akita may have been inculcated into pro-imperialist values by Hirata Atsutane, but when the campaign starts, apart from the acceptance of Kujō Michitaka as nominal commander, loyalty is given to the Satake family through the ancient *karō* families of Shibue and Umezu, and the loyal retainer Tomura Daigaku. Satake Yoshitaka is their nucleus of loyalty, so we look in vain in accounts of Tomura Daigaku's defence of Yokote for any reference to dying for the emperor or any exploration of the abstract *kokugaku* ideas of Hirata Atsutane. Noticeably absent, too, is any reference to any principles similar to Nitobe's later formulation of *bushidō* as a guide for the warrior.

Instead Daigaku simply believes that loyalty to Satake Yoshitaka coupled with his personal honour and respect for the spirits of his ancestors compels him to disobey the orders of the second-in-

¹²⁵ Tsurumi Kazuko *Social Change and the Individual: Japan before and after defeat in World War II* (Princeton, 1970). p. 94.

¹²⁶ Ikegami p. 329

¹²⁷ Wilson, G.M. 'Plots and motives in Japan's Meiji Restoration' in Kornicki, Peter (ed.) *Meiji Japan: political, economic and social history 1868-1912* (London, 1998) p. 47.

command to the man appointed by the emperor to control the imperialist campaign in Tōhoku. Instead he is prepared to defend to the death a position that was doomed and, in military terms at least, not worth saving. In the Akita-Shōnai Campaign we see such myths and traditions in operation in Japan for the last time in the service of anyone other than the emperor. The old samurai tradition, where the focus of loyalty is vested in the daimyo, had been re-awakened for its final expression.

Unlike Tomura Daigaku the other three young castle commanders were daimyo with personal property to defend. Ikoma Chikayuki in Yashima, apparently safe in his unfortified fastness, was simply swept away by overwhelming force. Rokugō Masaakira's determination to defend his castle was overruled by his own allies so that he was forced to abandon his post, while Iwaki Takakuni, desperate to retain his domain in some form, gambled everything on a change of allegiance. Through their different responses all three reflected a blend of honour and self-interest that was so much part of the aristocratic samurai tradition.

The campaign in Akita also shows the military technology of the samurai age in use for the last time. The first Akita army to see action uses 300 year-old weapons and armour brought out from family storerooms. When their imperialist allies consider it fitting these ancient armaments are replaced by modern equipment, but the 300-year-old attitudes that accompanied them from the storerooms were more difficult to replace. The most noticeable feature in this is the presence in positions of command in 1868 of men who were descended from ancestors like Shibue, Umezu and Tomura, to whom the responsibility of command had been delegated by earlier daimyo. With such a family tradition behind them, their military decisions were initially controlled by as much by precedent and principle as by strategy, with the demands of samurai tradition influencing the behaviour of the individuals whom they led, from the offering of prayers at a shrine to the acceptance of suicide. The recognition of omens and the final charge at Kariwano using swords are further examples that the samurai spirit was still alive and was being communicated to the lower ranks in spite of their modern uniforms and European rifles.

Certain other aspects of the samurai tradition that the experiences of the campaign reveal are much less attractive, and one is driven to the conclusion that for Iwaki Takakuni the samurai tradition consisted of little more than Wilson's 'self-gratification'¹²⁸ expressed through a feeling of innate superiority over his non-samurai population coupled with extreme self-interest. Similarly, the desire for revenge that was part of the samurai tradition explains the willingness to inflict injury to property and persons on a neighbour now considered an enemy, as shown by the wanton destruction of Iwaki's castle by the victorious Akita army.

A further illustration of the how the newly re-awakened samurai tradition was applied in Akita is provided by events on the domains northern and eastern border, where sporadic distractions from the main theatre of operations against Shōnai were provided by the army of the Morioka domain. On 8m 22d (7 October), while the Shōnai army were securing Omagari, their Northern Alliance allies succeeding in capturing Akita's northernmost outpost of Odate. With friendly Hirosaki lying to the north the defence of Odate had been completely neglected both in terms of men and equipment, and when the Morioka army approached its keeper Sasaki Yamato Yoshishige (1838-1901) hastily mobilised an army from among the townspeople and local farmers. The Hirosaki castle commander Tsushima Kanzaemon is said to have been so moved by the sight of this militia 'wielding only bamboo spears' that he sent 100 obsolete matchlock muskets, which singularly failed to prevent the castle's fall.¹²⁹ A few days later on 8m 29d (14 October), reinforcements from the Saga and Ogi domains of Kyūshū succeeded in recapturing Odate using modern weapons, but the continued reliance by Akita on out-dated military technology was to be illustrated when a Morioka samurai called Kumagaya Sakuemon was run through by a spear.¹³⁰

The Morioka domain was also to provide a unique instance of suicide in recompense for failure during the war in Akita. Tomura Daigaku had been ready to commit *seppuku* when Yokote fell and at least one

¹²⁸ Wilson, G.M. 'Plots and motives in Japan's Meiji Restoration' in Kornicki, Peter (ed.) *Meiji Japan: political, economic and social history 1868-1912* (London, 1998) p. 47.

¹²⁹ Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita 1999) p. 111

¹³⁰ Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita 1999) p. 112.

Akita samurai committed suicide at the second battle of Misaki Pass, but on Meiji 2, 6m 23d (31 July, 1869) a more sensational and stage-managed act of samurai farewell occurred in Morioka when Narayama Sado, the *karō* of the ruling Nambu family of Morioka, committed ritual suicide in the grounds of the Hōonji. He had suffered defeat at the hands of the Akita defenders of the Kunimi Pass on 8m 29d (14 October), and when the triumphant imperialists set up cannon in the pass on 9m 28d (12 November) Narayama recklessly marched out to meet them. By this time even Shōnai had surrendered, leaving Morioka dangerously exposed as an enemy of the throne. Condemned by the imperialist victors as the leader of a treasonable conspiracy against the emperor, Narayama Sado became the scapegoat for the Morioka domain and, in accordance with the most solemn of all samurai traditions, committed *seppuku*, an act that was for him both a punishment and expiation for personal guilt.¹³¹ He was the final and most dramatic victim of the Boshin War.

In a thoughtful essay Jansen has commented that ‘if the definition of the Meiji Restoration is limited to the events of 1867 and 1868, it constituted little more than a coup that shifted rule from one sector of the ruling class to another.’¹³² I would go further, and say that the events of the Boshin War resemble very closely the experience of earlier centuries where one group controlled one imperial candidate and fought another group who controlled his rival, each denouncing the other as enemies of the throne, a situation that was also uncomfortably part of the samurai tradition. The victorious southern imperialists were to experience many changes before they became the Meiji government, a process the Boshin War did little to delay. Instead the Northern Alliance was thoroughly beaten, and the Akita-Shōnai Campaign played an important role in that outcome because had Akita not espoused the imperialist cause a strong and united Northern Alliance army could possibly have driven back the imperialist advance and conceivably even retaken Edo. However, when an imperialist domain emerged in their rear where reinforcements could disembark and which could not easily or rapidly be crushed the situation changed completely. It is highly unlikely

¹³¹ Katō Teijin *Boshin Sensō Tōhoku kikō* (Akita 1999) p. 124.

¹³² Jansen, Marius B ‘The Meiji Restoration’ in Kornicki, Peter (ed.) *Meiji Japan: political, economic and social history 1868-1912* (London, 1998) p. 97

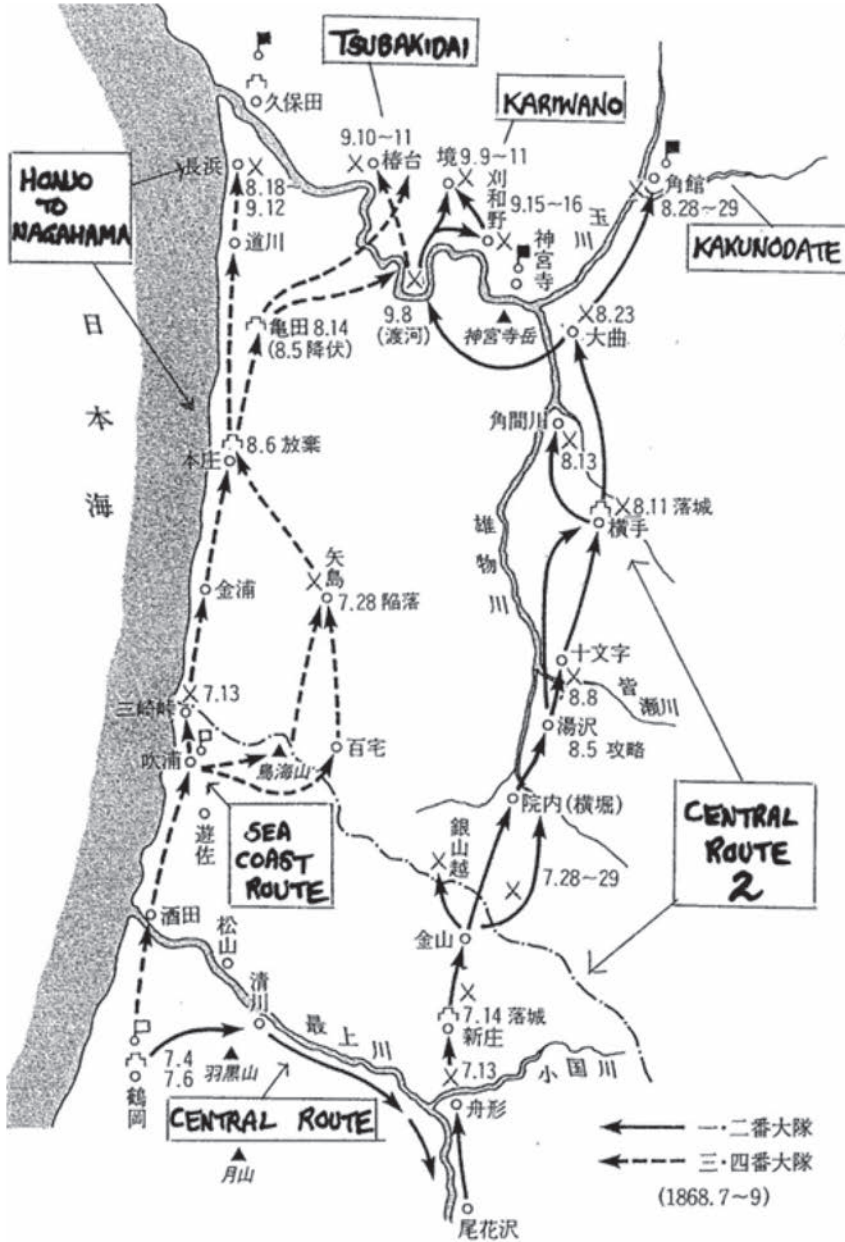
that a victorious Northern Alliance could have reversed the Meiji Restoration even if they had wanted to, but a victory would have altered the balance of power within the government, so if it had not been for the bravery of the young leaders of Akita who rediscovered their samurai heritage the course of modern Japanese history could just possibly have been very different.

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Map of Akita-Shonai Campaign



The Japanese Nationality Act Case of 2008: Its Social and Political Context

AKIBA Takeshi

Abstract

In the Nationality Act Case of 2008, Japan's Supreme Court held that a provision in the Japanese Nationality Law denying Japanese nationality to Japanese-Filipino children born out of wedlock was a violation of the Equal Protection Clause of the Japanese Constitution. This paper puts this case in its political and social context and assesses its significance in terms of constitutional politics (the role of the Constitution and the judiciary in Japan) and the cultural norms behind Japanese nationality (the meaning of being Japanese).

Introduction

In the Nationality Act Case of 2008, the Japanese Supreme Court held that a provision in the Japanese Nationality Law denying Japanese nationality to Japanese-Filipino children born out-of-wedlock was a violation of the Equal Protection Clause of the Japanese Constitution¹. This assessment places the case in its political and social context, and examines its significance in terms of constitutional politics (the role of the Constitution and the judiciary in Japan) and the cultural norms behind Japanese nationality (the meaning of being Japanese). The article is an explanatory note, rather than a full-fledged research on a specific item. It will provide a "big picture" of this case and its effects, so that further details can be studied with the understanding of the case in its entirety.

Background: Japanese Filipino Children

The plaintiffs in this case were children born out of wedlock of Japanese fathers and Filipino mothers. The Filipino women in most of these cases were brought to Japan under “entertainer” visas under the Japanese Immigration Control Act. This visa was meant to be for artists, dancers, and others who were to engage in artistic pursuits. But in reality, many of these “dancers” went to work at night clubs and other venues where they met Japanese men. Children were born out of these relationships, and some, like the plaintiffs in this case, were abandoned by their fathers who refused to marry their mothers or to acknowledge paternity².

The Japanese nationality law, in principle, grants Japanese nationality to children born of married parents, if at least one of the parents is a Japanese national (Article 2). But for children born out of wedlock, the law at the time of this lawsuit allowed for nationality by birth only if the Japanese father acknowledged paternity *prior to* the baby’s birth (Article 3). In the plaintiffs’ cases, the parents were unmarried, and the fathers had refused to acknowledge paternity until *after* the child’s birth (often only after lawsuits). In such cases the nationality law did not allow for Japanese nationality by birth. The Ministry of Justice had estimated at the time of the lawsuit that there were 40,000-50,000 children who fit this category (Yamaguchi & Miyaji 2011, 179). Thus, the case has much wider implications for a lot of people aside from the plaintiffs in question.

Social and Political Context: Judicial Review and the Role of Judges

This case touches on several deeply held beliefs about the role of the judiciary and the accountability of judges in Japan. Under Article 81 of the Japanese Constitution of 1947, the Supreme Court, as well as the lower courts, have the power of judicial review, or the ability to review the actions of other governmental branches and nullify them if they are deemed in violation of the Constitution. However, in practice, the Supreme Court has rarely exercised this power the way it is meant to be used (as a check on abuse of governmental power). Courts in Japan, especially the Supreme Court, have been reluctant to exercise the power of judicial review in a meaningful way.

In the limited cases in which the Court has used this power and reviewed the constitutionality of government action, it has tended to *uphold* government action. By doing so, the Court *legitimizes* what the government is doing by giving it a stamp of approval, rather than functioning to check government power (Higuchi et al. 2011, 6). Scholars have attributed the weak role of the judiciary in Japan to the long-standing preference of governing elites for “bureaucratic informality” as opposed to “judge-centered law” (Upham 1987, 17) as well as to the dominance in government of a single party (the Liberal Democratic Party) from 1955-1993 (Marshall 2007, 138).

From the promulgation of the current Constitution in 1946 up to the time of the decision in this case in 2008, the Supreme Court had only struck down 7 laws or government actions. Two of these held past elections unconstitutional as a violation of the “one-person, one-vote” principle, but chose to uphold their validity nonetheless due to the serious impact it would have if it nullified them. None of these cases used the Equal Protection Clause in a manner that pits political minorities against the legislative majority. This point is worthy of mentioning because it is in such cases, where minorities could not expect to be represented in the democratic process, that the case for judicial review becomes stronger (Ely 1980, 73-104).

Because of the discrete and non-assertive role the Supreme Court has had in Japanese politics and in society, the selection of judges has not been a matter of interest to the Japanese public. An exception to this fact appeared in the 1960s, when District Court judges began to issue decisions with significant impact, such as those pertaining to the Japanese Self-Defense Force or the decision that deemed the presence of U.S. military bases in Japan a violation of Article 9 (the pacifism clause). The Supreme Court has overturned such controversial decisions made by the lower courts. Moreover, it has tried to prevent the selection of judges from being subject to political deliberation or public scrutiny by weeding them out through an internal process. It has reined in outspoken judges through personnel policies (Miyazawa 1994, 192-219) such as eliminating outspoken judges through its secretariat (which has the power to promote, demote, or deny extension of employment of lower court judges).

The Nationality Act Case of 2008 speaks to this context because it is a decision in which the Court was asked to reverse government policy on a politically significant subject: eligibility for Japanese nationality.

Further, the case was one which could have an impact on tens of thousands of similarly-situated children. Thus, it is a case that tests the role of the judiciary and the accountability of judges.

Japanese Nationality and Cultural Identity

The second important context relates to the subject of the case. Simply put, the case tested who should be eligible, as a matter of birthright, to Japanese nationality. Nationality in postwar Japan³ has tended to be associated with cultural aspects of “being Japanese”. In this perspective, there is little distinction between Japanese nationality (legal status), race or ethnicity, Japanese language and Japanese culture (Sasaki 2006, 38-52). If a person is to be “*nihonjin* (Japanese)”, this person has to be Japanese in all of these aspects. Thus, a “Japanese who could not speak the Japanese language”, a “Japanese who is of a different race or ethnicity”, or a “Japanese who does not act like a Japanese”, would each be an anomaly.

Nations around the world have followed either the principle of *jus soli*, in which nationality is acquired by having been born within the territory, or the principle of *jus sanguinis*, in which nationality is acquired by having a parent of that nationality. Japan has abided by the latter principle, that is, children of parents who are Japanese nationals acquire Japanese nationality by birth. The Japanese Constitution does not define nationality. Instead, in Article 10 it delegates the authority to determine who shall be eligible for it to the Diet (the national legislature). This was so under the first comprehensive nationality law enacted in 1899, and it has continued that way under the 1950 Nationality Act, enacted under the current Constitution.

Due to a combination of this principle and resistance on the part of descendants of some immigrants to the assimilationist implications of naturalization, there are even third and fourth generation immigrants (mainly residential Koreans) who do not have Japanese nationality. This is because their parents, grandparents, or great-grandparents never naturalized. At the same time, children of Japanese parents can acquire Japanese nationality by birth no matter where they are born, and regardless of where they grow up. So a strong adherence to the blood line has been the norm of Japanese nationality.

In recent decades, the presence of “Japanese Brazilians” who were admitted to Japan as *nikkeijin* (persons of Japanese ancestry) have caused friction in certain local communities where they concentrate. The Japanese government has issued *teijyusya* (settlement) visas to *nikkeijin* who are third generation Japanese (in other words, foreign nationals whose grandparents are Japanese) under the 1990 amendments to the Nationality Act. These people were granted such preferential visas on the basis of their presumed cultural affinity with Japan. Yet, many Japanese Brazilians saw this visa as a *de facto* labor opportunity and came to work in Japanese factories. The dissonance between their “Japanese” features and their Brazilian cultural traits have compounded misunderstandings between the local population and these immigrants (Kajita, Tanno and Higuchi 2005; Linger 2001).

In this context, the Nationality Act Case of 2008 further challenges the notions of Japanese nationality and cultural identity. The plaintiffs in this case were children born of Japanese fathers and Filipino mothers. If this was a result of marriage, the children would have been eligible for Japanese nationality. But the parents in these cases were unmarried, and the Japanese father was non-cooperative. This meant that the children would likely be living only with the Filipino mother, having little contact with the Japanese father. The government had justified the denial of birthright nationality in such cases reasoning that even though one of the parents was Japanese, it could not be presumed that the children would have a strong attachment to Japan⁴. The case, then, asks whether “a strong attachment to Japan” is a prerequisite for Japanese nationality, and whether this could be defined by the fact of parents’ marriage.

Thus far, the only major change in the principles that define who is eligible for Japanese nationality by birth has been regarding gender distinctions. Although the Japanese Constitution had provisions guaranteeing the equal protection of the law (Art.14) as well as guaranteeing gender equality specifically within the family structure (Art.24), this distinction in the Japanese nationality law was not eliminated until 1984, when the law was amended to allow children from either a Japanese father or Japanese mother to acquire nationality by birth. This amendment, then, had the effect of allowing Japanese nationality to be conveyed to more children of mixed Japanese and foreign ancestry than before.

Until relatively recently, Japanese nationality could only be conveyed to children of Japanese fathers, and not Japanese mothers. Under this regime, if a Japanese man married a foreign woman and had a child, the child would be considered Japanese. However, if a Japanese woman married a foreign man and had a child, the child would not be considered Japanese. This had the effect of disadvantaging Japanese women who married foreign men.

Family Structure and Illegitimacy

The third context to which this case speaks is the treatment of illegitimate children, or children born out of wedlock. Children born out of wedlock have long suffered discriminated in Japan. The government has eliminated some distinctions, for example, in how these children are identified in the family registry (records kept by local government offices in Japan, which include information on birth, marriage, divorce, ancestry, and so on, regarding each family member). No longer does the registry make explicit distinctions for illegitimate children, although that information may still be gained from examining the records in detail.

The most significant legal discrimination against illegitimate children still survives. This is Article 900 of the Civil Code, in which the inheritance of illegitimate children is provided as being half of that of legitimate children (unless it is willed otherwise). This distinction has been justified in the name of preserving the traditional family structure consisting of a married couple and their children. It is meant to discourage men and women from having children out of wedlock, and to encourage them to marry if they were to have children. In recent decades, many nations have begun to alter this idea, especially from the standpoint of children's rights. It is unjust, the argument goes, to punish a child for their parents' choice and actions, over which they had no control.

The Supreme Court issued a strongly divided opinion regarding the constitutionality of this distinction in 1995, and has continued to be divided since. Last year, the Osaka High Court issued an opinion declaring that it was unconstitutional, and commentators speculated that the Supreme Court may finally rule it unconstitutional (Higuchi et.al. 2011, 67-70). But the case was settled out of court, depriving it of the opportunity to test its constitutionality.

Since the Nationality Act Case involved distinctions between legitimate and illegitimate children, it could serve as a measure of the Court's attitude towards traditional family norms and to discrimination based on illegitimacy. In other words, this case tests whether the Court is ready to focus on the rights of the child as an individual rather than seeing them as the offspring of a deviant relationship. The plaintiffs in this case challenged the denial of Japanese nationality based on illegitimacy on the grounds that this violated the Equal Protection Clause (Art.14) of the Japanese Constitution. It shall be useful to compare the decision of the Tokyo High Court, which was typical of the Japanese judiciary, and that of the Supreme Court, which was based on the Tokyo District Court decision and thoroughly proactive in its protection of the rights of the affected children.

Traditional Attitude: The Tokyo High Court Decision

The Tokyo High Court decision was a typical response by the Japanese judiciary—deference to the legislative branch, deference to administrative discretion, and unwillingness to enforce constitutional rights through the judiciary⁵. The decision had two main components. The first was that the law was reasonable, and the other was that it would be meaningless to hold it unconstitutional. On the first component, the Court upheld the government rationale for making the distinction based on a child's legitimacy at birth. The court reasoned that the law granted Japanese nationality to children of married couples because in such cases “the child would be within the father's family, leading to stronger attachments to our country (*waga-kuni to no musubi-tsuki*).” It implied then, that the same could not be presumed with the plaintiffs, and held that the categorical denial in their cases was reasonable. The court also accepted the government's argument that the law helps to prevent false claims of nationality and that legitimate children could naturalize and acquire Japanese nationality if they wished to.

The second component of this decision was that it would be meaningless to hold it unconstitutional. The view of the High Court was that, as striking down the decision would not lead to the acquisition of Japanese nationality by the plaintiffs, so the suit itself was meaningless. The plaintiffs challenged the provision of the Nationality Act which provided Japanese nationality as an *exception* for 1) children whose parents married after their birth and 2) for

illegitimate children whose father recognized paternity prior to birth. Thus, striking down this provision meant *eliminating the exception altogether*—so that only children whose parents were married at the time of the child’s birth would be eligible for nationality. Otherwise, the Court reasoned, the Court will be creating eligibility for Japanese nationality for those whom the Diet had not intended. It held that it could not engage in such legislative acts, and that the matter should be left to the Diet. If this interpretation of the law is correct, the plaintiffs will not gain anything even if the Court ruled the law unconstitutional.

Recognizing Social Change: The Supreme Court Decision

The Supreme Court, by a 12-3 decision, reversed the Tokyo High Court decision and deemed the law unconstitutional. The majority opinion was in stark contrast to both components of the High Court decision: the reasonableness of the distinction based on a child’s legitimacy and the effects of overturning the law. On the first component, the Court held that the categorical distinction made by the government was unreasonable, especially in light of *contemporary developments*.

The Court held that the distinction was unreasonable mainly on two grounds. The first was that the government argument *no longer was reasonable*. It found that a child’s attachment to a parent’s culture, or to Japanese culture, cannot simply be determined by the fact of parent’s marriage. There may be cases in which the parents are married, but are separated, and there may be cases in which the entire family resides abroad with little attachment to Japan, even though their parents are married Japanese nationals. On the other hand, there may be instances in which the parents are unmarried, but they, along with their illegitimate children, reside together in Japan. This may occur, for example, if the parents could not marry because they could not gain official divorce from previous relationships. Thus, the Court held that under the “contemporary diversity of family structure”, it could not be categorically held that the fact of marriage of one’s parents would determine a child’s attachments to a country or a culture.

Further, the Court held that attachment to culture had not been a formal requirement for Japanese nationality to begin with, as the mere act of being born in wedlock of a Japanese parent, regardless of

location of birth or any other qualification, has been sufficient for acquiring Japanese nationality by birth. To give an example, a child born in the United States, growing up speaking English and never visiting Japan is still a Japanese national. Then, according to the Supreme Court majority, it was unreasonable to attach cultural requirements only in the case of illegitimate children.

On the second component, the Court held that under the proper reading of the nationality law, striking down the distinction (which provided exceptions for certain children but not for the plaintiffs in question) meant that all children born of a Japanese parent, including the plaintiffs, should be eligible for Japanese nationality by birth. The principle of Japanese nationality law is nationality by virtue of Japanese blood. Thus, an interpretation of the law consistent with that principle should be reasonable, according to the Court. Plaintiffs were born of Japanese fathers, and on this count alone they should be held eligible for Japanese nationality.

However, two of the ten judges holding the law unconstitutional diverged on whether this meant that the children were immediately eligible for Japanese nationality. They held that although denying Japanese nationality to *these children alone* on the basis offered by the government was unreasonable, it should still be left to legislative consideration regarding the ultimate outcome. The Diet could consider whether all children should be required to prove an “attachment” to Japan (as the traditional notion of nationality may dictate), or to make all children eligible for Japanese nationality regardless of any such attachment (as the plaintiffs demanded and the majority opinion granted).

The Impact of the Supreme Court Decision

The Ministry of Justice, which was in charge of administering the nationality law, complied with the Supreme Court decision and submitted to the Diet an amendment to the law in accordance with the decision. Owing to concerns about false claims of nationality, both houses of the Diet passed committee resolutions asking the government to implement processes to prevent false claims, such as using DNA evidence to determine paternity (Akiyama 2009, 3-4). But other than this, the Court’s decision was accepted by the political branches of government.

Beginning in fall of that year, Japanese Filipino children who were in situations similar to the plaintiffs were allowed to claim Japanese nationality by applying to Ministry of Justice branch offices and overseas consulates. As of October 31, 2011, 3,271 applications have been submitted, and 2,929 people were granted Japanese nationality (45 were denied, and others were pending)⁶. Thus, a case that was originally brought on by 10 plaintiffs has already resulted in nearly 3,000 Japanese Filipino children acquiring Japanese nationality.

Impact on the Role of the Judiciary and the Constitution

This case displayed a new willingness on the part of the Supreme Court to exercise the power of judicial review and critically review government legislation on a significant constitutional issue. It is not yet clear whether this will be a sustained trend, or whether this was an exception in light of the ongoing division over the interrelated issue of distinctions based on illegitimacy. But even taking this case as an exception, it was a landmark decision.

The outcome could have gone either way, given the traditional approach exemplified by the Tokyo High Court, and given the opinions within the Supreme Court itself. Within the Supreme Court, three judges dissented from the opinion of the Court, upholding the distinction as within the reasonable discretion of the government. Even among the majority opinion, two judges would have let the Diet decide whether these children were ultimately eligible for Japanese nationality. In the context of these viable alternatives, the majority opinion took a clear-cut approach in favor of the plaintiffs: that the legitimacy-based distinction was unconstitutional, and that the children were eligible for Japanese nationality by judicial declaration.

Similar circumstances suggest that the Court today is more confident in its ability to exercise the power of judicial review. First, judicial reform has been a major agenda in Japan since the late 1990s, and major changes have been implemented across the judicial process. For example, in criminal procedure, the *saibanin* (lay judge) system has been introduced, allowing for participation of citizens in certain criminal trials. Also, a retrial in a prominent kidnapping-and-murder case, resulting in the acquittal of a person who had been previously found guilty and had by then spent over 17 years in prison, has led to a change of attitude regarding the infallibility of prosecutors⁷. As a result, the courts are more willing to review and exclude evidence,

including the traditionally valued confession, when it is deemed questionable. In administrative procedure, the revised administrative procedure law has allowed a broader range of cause of action, opening doors to legal challenges against government decisions, where administrative discretion has long held wide sway (Takii 2009, 83-102). In sum, a trend has emerged within the Japanese judicial system that enhances the role of the judiciary and the availability of legal recourse for ordinary citizens.

Second, the Supreme Court has shown its recent willingness to exercise its power of judicial review in another politically significant case. This was the *Overseas Japanese Voting Case* of 2005⁸. Japanese nationals residing abroad had been granted voting rights in certain national elections, but not in the case of district elections (involving localized interests) for both houses of the Diet. The Supreme Court held that this was a violation of the right of Japanese nationals to elect public officials under Article 15 of the Constitution, among other provisions. Here too, the Court ruled on an issue that is fundamental to the Japanese polity—the eligibility to vote, and sided with the plaintiffs and countless others who were disadvantaged in terms of political power by upholding their right to vote on equal terms.

Thus, the Court, in a span of a few years, came out with two decisions that had repercussions on significant political and constitutional issues. In the *voting rights case*, it concluded that the plaintiffs should be allowed to vote while overseas; and in the *nationality case*, it concluded that the plaintiffs should be granted Japanese nationality. These two issues-- the right to citizenship and the right to vote—are fundamental to any nation, and the Court could have avoided deciding on them by arguing that it was a highly political issue best left to the other branches, as it has done in past disputes (for example, in cases challenging the constitutionality of the Self Defense Force). But the Court this time chose to review such politically significant cases from the standpoint of fundamental rights, and ruled that the government violated the Constitution.

The nationality case was also significant in the way that it interpreted the Constitution. In contrast to constitutional interpretation focusing on original intent, the Court adopted a “living constitution” approach which takes into consideration contemporary changes in society⁹. The majority opinion emphasized changes in today’s family structure,

finding that it can no longer be assumed that a family consisted of a married couple with children that lived together. The fact of marriage alone could *no longer* determine the attachment of a child to its parents or to its parents' country. Thus, the Court concluded that the provision in the Nationality Law was *no longer* reasonable, and therefore unconstitutional, even if it was reasonable and constitutional at the time it was enacted.

Even the dissenting opinions (by Judges Yoko-o, Tsuno and Furuta) did not deny this approach altogether. Instead of arguing that the nationality law had always included such a provision and that its constitutionality had never been in question, the dissenting opinion took up statistics regarding the number of illegitimate children or children born between Japanese fathers and foreign mothers. They argued that the numbers had not increased significantly-- for example, the number of illegitimate children born in Japan was 14,168 in 1985 (when the amended nationality law took effect) and 21,634 in 2003, and saw this as evidence that family values in Japan had not changed significantly. In doing so, it tacitly admitted the majority approach to constitutional interpretation: that changed circumstances might justify a different interpretation.

Thus, in the context of the difficulty of amending the Constitution itself¹⁰, the Court has demonstrated its ability to change how the Constitution can be used in practice by allowing for flexibility in its *interpretation*. While this could mean an expanded opportunity for the people to make constitutional claims in the Court, it could also raise concerns about the nature of the Court or the accountability of its judges in the context of the first principle of the Japanese Constitution: popular sovereignty (Article 1, Japanese Constitution).

As this article pointed out earlier, the selection of judges in Japan has rarely been an issue because the Court has more or less followed the majority sentiment in politics in its decisions. But if the Court is willing to accept novel constitutional claims and rule against the government in significant constitutional cases, the people, with whom sovereignty resides, may also begin to take an interest in judges and how they are selected (ABA 2005).

Impact on Cultural Norms of Japanese Nationality and Family Structure

What about its effects on cultural assumptions behind Japanese nationality and the Japanese family structure? In certain instances, the outcome of this decision may go against the instincts of many Japanese people regarding who they consider as Japanese. While the plaintiffs in this case were Japanese Filipino children who grew up in Japan, spoke Japanese, were intent on remaining in Japan permanently and wished to become Japanese in the legal sense (nationality) as well, the Supreme Court decision made no distinctions as to their actual cultural attachments. As explained earlier, the Court held that being a descendant of a Japanese parent was sufficient to establish Japanese nationality by birth, regardless of whether the parents were married or not.

Other Japanese Filipino children who would become eligible for Japanese nationality in the aftermath of this decision are those residing in the Philippines, growing up in that country and speaking only its language without speaking Japanese. The Japanese embassy in Manila accepts application for nationality from children there, and NGOs have provided assistance to parents of these children so that they can submit their applications¹¹. Children in these cases may have no plans to come to Japan, but may wish to acquire Japanese nationality just in case it will become handy in the future. Should these children be truly considered “Japanese”?

But, as the Supreme Court pointed out, cultural “Japanese-ness” has never been explicitly required by law: in the case of children of married Japanese parent(s), the existence of shared blood has been sufficient to establish nationality. Children born abroad to married Japanese couples may or may not have attachments to Japan, and may or may not speak Japanese. But they have been deemed eligible, without question, for Japanese nationality. Thus the nationality law *categorically presumed* that these children would have ties to Japan, while children of unmarried parents would not. It was this categorical legitimacy-based distinction that the Court ruled unreasonable, especially in light of the importance of Japanese nationality to the future of these children and the view that these children could not be held responsible for their parents’ failure to marry.

Yet to take a critical view, because part of the Court's reasoning is based on its finding of the strong negative impact that denial of Japanese nationality would have on the plaintiffs, there is room to consider whether the same concerns should apply to children who have been living in the Philippines and have established their lives there. This is why two of the judges in the majority opinion left room open for consideration by the Diet about what should be demanded of Japanese nationals. It may perhaps still be reasonable to have language and/or residence requirements, so long as it is *equally applicable* to children of both married and unmarried parents.

Also, the Court took a simplified approach to Japanese nationality, which is that having either a Japanese father or mother should make the children eligible for nationality by birth. In a sense, it adheres closely to the traditional idea of Japanese nationality, which has emphasized the blood line. But in a sense, it diverges from the *substantive assumption* behind that tradition, which is that cultural Japanese-ness is demanded of Japanese nationals, and that cultural Japanese-ness could be presumed in the case of children of Japanese fathers married to their mothers.

Thus, the Court, by simplifying the principles of Japanese nationality to the surface factor of blood, may have missed a more important point, that blood had been equated with cultural Japanese-ness, and that the latter was the *real* prerequisite for Japanese nationality. If this is so, it will make sense to reassess whether *blood alone* should determine cultural Japanese-ness, rather than to allow nationality simply by having Japanese blood as the Court did. Again, this calls for a consideration of language and/or residence requirements, regardless of the parents' status.

Eligibility for citizenship has been an area in which Japanese courts in the past have emphasized the prerogative of the state over the rights of the individual (Hagino 1982, 399-413). In light of the above analysis, the case is significant in how, through it, human rights norms took precedence in an issue where arguments for the right of the individual (as nationality is a foundation for various other rights) and the prerogative of the state (as it involves the very definition of the people) are both strong.

Japanese judicial reticence notwithstanding, the active consideration of human rights norms with regards to the nationality law is not

without precedent. For example, the 1984 amendments to Japanese nationality law, which granted Japanese nationality to children born of Japanese *mothers* (not just Japanese fathers), was a result of trends in international human rights. The amendment was an offspring of domestic social movements as well as the ratification by the Japanese government of the *Convention on the Elimination of All Forms of Discrimination against Women*¹².

Significant in the Japanese Filipino children's case is that the *courts* took the initiative in the absence of government attention to this issue. In this case, the Court emphasized the rights of the child, pointing out the unreasonableness of categorically denying these children Japanese nationality because of their parents' marriage status. The courts did not find any international conventions applicable to this case, but it did cite international trends. The Tokyo District Court opinion which first held the law unconstitutional (before it was overturned by the Tokyo High Court) reviewed the laws of 16 developed countries to show that illegitimacy had become a questionable basis for deciding one's eligibility for nationality.

Conclusion

It remains to be seen whether nationality as a matter of political rights will continue to prevail over the idea of nationality as a matter of cultural traditions and state prerogatives. But the Japanese Supreme Court decision in the Nationality Act Case of 2008 serves as a model for the pursuit of the first idea within the purviews of the equality principle enshrined in the Constitution. It was an outspoken decision coming from a Court that has been long viewed as inactive in the enforcement of constitutional rights. It reached a decision on an important issue, and showed that cultural assumptions behind the idea of Japanese nationality face increasing pressure from international movements of people that do not neatly fit into categories established by earlier laws.

The emergence of tens of thousands of children born of unwed Japanese fathers and Filipino mothers was probably not something that the people who drafted the Japanese Constitution and the Nationality Act could have foreseen. The rights of children born of these relationships were trampled on. The Court, in assessing this situation, chose to save these children from further disadvantage (even if in some cases, there may be room to consider whether they

truly deserve Japanese nationality), rather than passively waiting for the nation to recognize social change and deal with its impact on families and children who cross national boundaries.

End Notes

¹ Japanese Supreme Court decision, June 4, 2008. Decisions were announced in two similar cases, one brought by an individual plaintiff and the other on behalf of 9 plaintiffs. This article is based on the latter, though the decisions are substantially the same.

² In response to criticisms by the international community that this visa has been used for what amounted to human trafficking, the Japanese government tightened its requirements in 2005. This resulted in a dramatic drop in the number of people immigrating under this visa (Satake and Da-anoy 2006, 14-19).

³ The *postwar regime* refers to the Japanese political and legal system since the end of World War II, when it underwent a fundamental revision of its principles and institutions under the influence of the occupying forces (especially the United States). The Constitution of 1947 serves as a bedrock of this regime.

⁴ Government explanation provided at a hearing in the Judicial Committee of the House of Representatives on April 3, 1984, as cited in the Tokyo District Court decision of Mar. 29, 2006.

⁵ Tokyo High Court decision, Feb.27, 2009.

⁶ <http://www.moj.go.jp/MINJI/MINJI41/minji174.html>

Japan Ministry of Justice data (accessed Dec.6, 2011 and on file with the author).

⁷ In the “Ashikaga case” the defendant was charged with kidnapping and murdering a girl, and had been under police custody or in prison since Dec.1991. Renewed DNA testing in June 2009 found that the evidence did not match the defendant’s DNA, and the defendant was released pending retrial. In March 2010 the defendant was acquitted after retrial.

⁸ Japanese Supreme Court decision, Sep.14, 2005.

⁹ In the jurisprudence of the United States, this approach is frequently associated with Justice Oliver Wendell Holmes. But this strand of interpretation has consistently existed through U.S. history to allow for the adaptation of the U.S. Constitution (which was enacted in 1787) to the modern era (Ackerman 2007).

¹⁰ The current Japanese Constitution has not been amended since its enactment in 1946 (in effect since 1947), due to concerns that opening up the Constitution to amendments would lead to backtracking of constitutional ideals such as pacifism and protection of fundamental rights. Article 96 of the Constitution provides an

amendment process that requires a national referendum following a proposal by both houses of the Diet. Only recently, in 2010, the Diet enacted a law that provides details for such national referendum to take place.

¹¹ For example, *The Citizens' Network for Japanese-Filipino Children*, an NGO that is based in Tokyo and has an office in Manila, provides legal assistance to these children and their mothers. See "Support network backs Japanese-Filipino kids abandoned by father." *Japan Times*, June 14, 2011. This organization supported the plaintiffs in the litigation that led to the Supreme Court decision in 2008.

¹² Japan signed the treaty on July 17, 1980 and ratified it on June 25, 1985. The Japanese nationality law was amended in 1984 to eliminate gender distinctions in its provisions.

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Meiji Law and the Suppression of Folk Theatre

Darren-Jon ASHMORE

Abstract

This paper is part of a series which explores the revival of Japanese non-elite puppet theatre in Japan – with particular regard to the processes of negotiation that underpin the day-to-day running of such theatres. The first in the series was on the subject of the regional puppet theatre at North Tonda, and can be found in the *AIU Global Review, Volume II*. Readers might find it be useful to consult that paper since this paper refers to issues and data from the earlier work. Here I examine what occurred at the beginning of the Meiji period when powerful, authoritarian social negotiators attempted to legally define, and even suppress the very folk identity itself. Until recently, the study of this period in the history of Japanese folk art has been rather overshadowed by the work of Yanagita Kunio's generation of dedicated revivalists. However, in those years of transformation, a great many potent social developments which would come to define attitudes towards folk art in later decades were negotiated and set in place. It is this process which this paper explores; questioning the motives of the parties involved, and the consequences of their actions.

Introduction

In 1871, the recently established Meiji government was attempting to do the seemingly impossible; transform a socially undeveloped

agrarian society into a modern industrial state, in the face of great pressure from a number of potential Western colonial powers. In a leap of social development which remains as remarkable now as it was at the time, Japan was being brought into the industrial age at a speed which can barely be appreciated today. Most aspects of the country – from Imperial Court to the common household – were being dragged into line using Meiji perceptions of what a modern country must be to stand with her peers at the end of the 19th Century. The pace of change was indeed rapid, and despite many successes, it proved to be far too rapid for some of Japan's more traditional social aspects. Some of these aspects not only felt the natural growth pains of the age, but also came under the very harsh spotlight of a government which occasionally considered almost anything which smacked of the feudal past as something to be actively suppressed. Yet though this movement was relatively short lived, the reasoning behind it, and the damage done to a wider range of traditional cultural properties is certainly intriguing.

This is often seen as being born out of a desire on the part of the Meiji government to avoid the colonial fate of her neighbours in Asia. Japan would divest itself of all seemingly backward social conventions and adopt 'modern' ways which would be recognized as a potential ally rather than a potential prize. Short-sighted? Certainly, but the conditions of the period have to be recognized for what they were. China was chained, India under foot, much of Southeast Asia in ruins, as European governments squabbled over natural resources. It is perfectly understandable that the young Meiji Emperor might look out at those British, French, Russian and American armoured ships, the well disciplined troops and their imperious commanders with a mixture of dread and perverse understanding, as Yoshii Sadatoshi (Head of the *Nishinomiya Ebisu Shrine*) suggests:

I will not judge our forbears too harshly in this, for they saw the tiger approaching and recognized that by becoming the tiger they might avoid those teeth. So Japan become England and France and America and Russia. [...] We made the mistake of looking at these cultures and taking what we saw as representing the 'whole'; forgetting about what these 'modern' states sat upon socially, religiously and culturally. We attempted to become modern by

ruining much of our past, and nothing was immune.
Not even our puppet dances.¹

Many traditional arts were specifically targeted in this period for revision or suppression in years from 1869 to 1880. This will be the focus of our paper, specifically with regard to the case of the non-traditional puppet theatres which, at one time had been regarded as the most popular form of drama in Edo period Japan. Indeed, during the *Genroku* period,² the arts of *Ningyou Joururi* (puppet theatre) were so highly regarded that Kabuki troupes began adopting not only puppet plays, such as those written by Chikamatsu Monzaemon,³ but also emulating the very appearance of the puppets themselves.⁴

By the end of the Edo period however, this *ningyou joururi* – increasingly known as *Bunraku* by this time, thanks to the influence of Uemura Bunrakuken III⁵ – was itself beginning to wane in some fashion. This was also true of much traditional culture in the face of the general decline of the economy and social order as the isolationist policies of the Tokugawa government started to unravel at last. No successful plays had been added to the official canon since “*Ehon Taikoki*” in 1799 and the few theatres that were still open relied more and more on a handful of nostalgia-bound wealthy sponsors such as the famous ‘Eighteen Connoisseurs of Edo. They were the heads of the city’s wealthiest merchant families and who effectively owned both the Edo and Osaka theatre districts.⁶

By 1873, *Bunrakuken*’s theatre had however, not only managed to remain vital, but had also won the sponsorship of the new Osaka city government which had granted the theatre a tax exempt plot of land in 1868. The Ministry of Education also acknowledged Uemura Bunrakuken III as the nation’s premiere *ningyō jōruri* master in 1872. With such support, the theatre soon became a popular attraction with both the foreign residents of one of Japan’s most important cities and its own elite population. *Bunraku* theatres had been selected as the one important example of such art to be preserved, controlled and presented – museum-like – to Japan’s foreign visitors, as a memorial to the glories of a, now defunct past. Yet, while the Osaka authorities feted and promoted the *Bunraku* Theatre, almost identical puppet theatres, which existed both on the fringes of urban society and in the rural environment, appear to have been labouring under a different

kind of official attention, seemingly designed to suppress their very existence.

For example, in September of 1869, a small regional puppet theatre in the village of North *Tonda*⁷ was visited by a number of government agents from the regional capital of Otsu as part of a tour of towns on and around Lake Biwa. It seems that the purpose of this trip was to inform the local authorities and the populace about a ban on amateur theatrics or unlicensed festivals which had recently come into force. In the address, the officers apparently made many direct references to the closure of local theatres, Buddhist temples which used drama as a teaching tool and Shinto shrines which employed sacred rituals as entertainment.

Much the same thing seems to have happened in over two hundred such theatres up and down Japan over the course of the next decade with officers from the Ministry of Civil Affairs visiting village theatres and threatening their leaders with both public ridicule and censure.⁸ These events clearly indicate that parties within some divisions of the Meiji government found something objectionable within folk performing arts. No matter that in many cases there was little difference beyond scale between these simple presentations and certain grand urban theatres which were not only officially supported but considered necessary (as icons of a glorious, but deceased) past to the cultural redevelopment of the nation.

Yet, if these arts were so similar, what made urban theatres like the *Bunraku* Theatre necessary to Meiji society, and what made the likes of the *Tonda* theatre unnecessary? Both, after all, represented the 'absurd' customs of the past and both were irrevocably attached to the culture of the Edo period. However, each represented a different approach to the place of art in a modern society and it is this difference which immediately made one a part of the Meiji establishment and one ultimately a victim of it. In almost every sense of the word, Japanese urban puppet theatre was a dead art which would have quickly faded into obscurity had not the course of the Meiji restoration required that the Osaka government secure the services of a number of theatres to stand as models of traditional city culture, according to Komiya Toyotaka. This was an attempt to secure both foreign and native elite interest in the city by restructuring several areas of the old town to make them appealing to

the well-to-do of Meiji society. Chief of these was the relocated theatre district of Matsushima where an example of the best traditional theatre types, many of which Osaka claimed to have given birth to, could be visited at leisure.⁹

In brief, one might say that the Meiji authorities lauded traditional theatres such as the *Bunraku* Theatre because they provided a source of cultural validation for the state, while at the same time did not possess any contemporary elements which might have been subject to unacceptable artistic re-signification in the plebeian areas of society. For folk puppet troupes such as the *Tonda* theatre however, the case was totally different. These companies generally had no sponsors beyond local shrines or temples, no regular venues outside religious precincts or outcaste community holdings and, as such, were generally not professional concerns. This is our focus in this paper; exploring and understanding the official cultural perceptions of this period, and considering what consequences these – ultimately futile – actions had on the properties being affected.

Cultural Legislation: Office of Religious Affairs

The Office of Religious Affairs was a branch of the Ministry of the Imperial Household which existed to reform the religious practices of the country and re-enforce the perceived position of the emperor as the supreme arbiter of both temporal and spiritual matters. At first glance, one might wonder why such an office would be necessary for the native faith of the country had, for over a thousand years held that the occupants of the throne were the scions of the descended god-emperor Jinmu and thus deified themselves.

However, as Joseph Pittau points out, during that time, while the general view of the emperor-as-*kami* persisted, most people's daily worship was actually dedicated towards branches of the faith which paid little direct heed to the father of the nation. For example, the average person tended to believe that the most important figures in their daily prayers were the local *kami* and *hotoke* [the ancestors], the worship of which tended to automatically invalidate the notion that the moral power of the faith resided in the central authority of the emperor.¹⁰

Moreover, for many centuries various Buddhist sects had been working hand in hand with the larger native faith, with temples and shrines often sharing resources to the point that one could nearly always find one or more small temples in any important shrine, and vice versa. Initially this was a way for Yamato period rulers to ensure that the authority of their government was not subverted by the incoming foreign religion, i.e. Buddhism. By the end of the Edo period, long after the removal of the emperor from the daily lives of the people, the connection between Buddhism and Shinto began to appear more negative.

The autobiography of the Meiji oligarch Fukuzawa Yukichi suggests that the authorities had come to view Buddhist sects as populist movements which did nothing but stir up trouble among the peasant communities and strangle the native religion of the land by placing mankind, morally, above the *kami*.¹¹ However, by the Meiji period, most sects were actually very poorly supported by an increasingly impoverished population. Yet, his argument does reflect one of the most important thoughts prevalent among the governors of the time; that Buddhism had come to represent an unacceptable external influence on the faith of the nation by subverting the place of the emperor and encouraging the common population to view the gods as directly accessible.¹² Anyone who could not accept the emperor's moral authority might not be able to accept the emperor's temporal authority, which was certainly not something to be encouraged by a people who seemed to draw much of their own power from appearing to support the newly restored throne. Thus, the breaking of this relationship, called *shinbutsu bunri* [separating *kami* and Buddha], would certainly have sent a powerful message to the whole religious community about who actually controlled access to the gods of Meiji Japan – the emperor, or more accurately, his appointed ministers.

However, simply separating native faith from foreign was not enough to reverse the changes which many hundreds of years of joint development had created in the religious community. With the emperor so removed from the daily observances of most people, the native faith had largely fallen back on ancestor and spirit worship, with relatively little regard to the spiritual aspects of the emperor in many ways. What was required was a way to divert people from the rituals or *kami* they had come to directly rely on over the centuries and bring them to an acceptance of the emperor as the gatekeeper to

the spiritual realm. Thus, *shinbutsu bunri* provided not only for the persecution of Buddhism but also for the suppression of many aspects of native religion, as the authorities strove to re-structure the emperor's spiritual authority.¹³

The Shinto cult of the emperor attempted to remove those aspects of the old faith which could not directly be appropriated by the authorities as a vehicle for this new notion of a national religion. Ritual entertainments such as *kagura*, *sekkyo-bushi*, and *ningyō jōruri* were very profoundly affected by this as the government decreed that such activities were largely irreligious and to be licensed or even banned where circumstances required. Surviving temples and shrines had to submit their rituals to the Office of Religious Affairs as well as to defend their right to employ 'entertainments' in their work. This hit the performance of folk puppet arts particularly badly, as a large number of *kaki* and troupes were actually based in temples and shrines, funded by the organizations involved in return for assisting in the rituals of the places concerned. Moreover, according to Umazume Masaru, in order to limit the ability of unlicensed faiths to proselytise effectively, the 1868 law also provided for the outlawing of the work of itinerant priests¹⁴ such as *yamabushi*, *biwa hoshi*, *ebisu kaki* and other peddlers of now unacceptable religious views.

This was probably the part of the law which ultimately did most damage to the oldest aspects of puppet theatre. While some *kaki* rites were actually preserved more or less intact at those theatres which withstood the age – either legitimately like the *Bunraku-za*, or surreptitiously as with the *Tonda* Puppets – there was no way that the wandering ways of the *kaki* could be easily preserved without coming to the attention of the authorities. The *Jingikan* might or might not have been intentionally attempting to destroy the folk arts it ultimately affected with the 1868 Control of Religions Act. Yet it is possible to view the effects of the code as the unfortunate consequences of a country trying to establish a figurehead ruler for the purpose of nation building. Yet, no matter how one looks at the situation, the fact remains that this law dealt a damaging blow to the survival prospects of many aspects of native folk culture in general. Also it is a law which the country is still attempting to recover from since its repeal in 1947, under the freedom of religious expression clause of the current constitution. However, when the Ministry of Civil affairs themselves inadvertently joined this campaign in 1871,

as Iwasaki Toshio reminds us, many considered that the days of Japanese folk culture as a concept were over, not because the ministry attempted to outlaw aspects of the art as the *Jingikan* had done, but because they legislated against the core practitioners themselves.¹⁵

Cultural Legislation: Ministry of Civil Affairs

In 1870 minister Oe Taku proposed that the Ministry of Civil affairs be permitted to draft legislation that would do more than any single act before it to bring Japan the respect of the Western powers which the Meiji government so admired: the abolition of outcaste status and the repealing of all Edo period laws which had supported the suppression of these people.¹⁶ By the end of 1871,¹⁷ terms of address such as *eta* and *hinin* had been removed from official sources of information and their use made illegal. Sumptuary laws, which had forced outcaste people to adopt prescribed dress codes, were repealed. Residential laws, designed to close down the ghetto-like *sanjō* districts and other outcaste communities were put onto the statutes. The degrading professions of these people, such as night-soil clearers and *kaki*, were either opened up to all or legally suppressed. Further, the bar on people descended from outcaste families applying for work normally reserved for Japanese citizens were lifted. However, as Yoshii Sadatoshi informs us, while this act might have been largely successful in ending many hundreds of years of state sponsored social suppression, it also had some very unfortunate repercussions for the native folk cultural properties which were, as was explored above, already under severe pressure.¹⁸

Before the rise of the Tokugawa, outcaste people had not been universally regarded as the pariahs that they became under Edo law. A large number different positions existed in the outcaste community and a good many of these – especially those relating to religious specialists – were actually highly prized by their respective communities. Sometimes feared, because of their associations with the *kami*, and sometimes isolated because of perceptions of the pollution which went with their work, the fact remains that in pre-Edo Japan specialists such as *kaki*, *yamabushi* and *onmyōji* were not the criminal outcastes which Tokugawa law made them in the following three centuries. Some among the contemporary *burakumin* rights community, such as Hirasawa Yasumasa of the *Buraku* Liberation League view the change which came about in the Meiji period as a

calculated attempt on the part of the Meiji government to retain a useful outcaste community – a replacement for the *eta* and *hinin* who had been the base of the Japanese population.¹⁹

Specifically, some argue that the Meiji government felt that it was important to superficially remove the near slave-like issue of outcaste status from consideration, but it was also impossible to completely remove the popular associations to which the *eta* and *hinin* had been stuck in the Edo period. Essentially, to dispense with outcaste people completely would have been, under this argument, to sweep away an entire social class and effectively lower the common man to the position of pariah within the national structure, which could not be allowed. It may be a prosaic way to frame the issue, but as Kiritake Masako tells us:

[K]nowing that the *burakumin* had things worse than we did made a real difference to our lives. [...] Knowing we were not on the bottom of society made us feel a little better, especially if we could express that by being cruel to [*burakumin*] in the street, knowing that no-one would care.²⁰

This view is a popular one among the more modern, political *burakumin* groups, such as the *Buraku* Liberation Association, and this might be explained by the fact that *buraku* communities still face very real discrimination at the hands of ‘normal’ citizens. However, leaving aside contentious modern social/political grievances concerning *burakumin* rights, is it fair, or even correct, to suggest that the Meiji government deliberately set out to re-create outcaste status in this way? Certainly, from the point of view of this article, this ‘abuse’ can be seen in the way in which the emancipation edict effectively destroyed the legal base for outcaste arts, including those of the *ebisu kaki*.

With Buddhist temples and Shinto shrines effectively closed to wandering outcaste artists by the 1868 act on religions, the number of itinerant ritual entertainers had already begun to drop by the time that the emancipation edict was being drafted in late 1870. Those who remained tended to limit their work to the lands around old *sanjō* districts, and from the few shrines within outcaste areas to which the authorities were as yet indifferent; doing their best to preserve the

rites of their *ekibyōgami* masters. However, when the emancipation edict was promulgated in 1871, abolishing outcaste status in general, it also abolished what was left of the *kaki*'s limited professional protection. *Sanjō* districts, and the shrines within, were quickly closed, denying the *kaki* access to their most important performance spaces. Moreover, the law made a powerful statement concerning the ritual power of the *kaki*, in that, the return of the emperor to the position of supreme spiritual authority had rendered their ritual activities unnecessary, with the restored father of the nation assuming all responsibilities for the spiritual defence of the realm. Indeed, as Yoshii Sadatoshi, master of the Nishinomiya Ebisu Shrine, tells us:

My master told me that when he was a boy in training, the [*Nishi-no-miya*] *sanjō* district was closed up and, shortly before, there had been some trouble about the shrine itself being dedicated to a *kami* like *Ebisu*. It seems that the government was concerned about rituals which allowed *eta* to effectively intercede with the *kami* to protect people, which, as the authorities said, only the emperor could license. My master told me that the shrine had to petition the emperor himself, sending the imperial charter we had as proof of our heritage, and only through [the Meiji emperor's] goodwill was the shrine and the *Ebisu* [dance] saved here.²¹

The *kaki*, along with all outcaste people, had seemingly become individuals without purpose, having lost their livelihoods to a law which was put in place to guarantee their rights as citizens.

Pity the former *kaki* that could only stand and listen at the doors of the *Bunraku-za* whilst master *Bungoro* delighted crowds with dances which would, if performed by the same *burakumin* puppeteer, result in a term in jail. Here are the two faces of the *kaki*. One faithful to his calling; suppressed and denigrated by people whose opinions of truth and beauty found his ancient ways wanting. The other faithful only to himself and the conception of art he created in the minds of his patrons. [...] The latter might even be called the dark mirror of the former, for while the

true *kami* allowed mankind to approach and appease the *kami* for the benefit of all, the false *kami* forced the *kami* to approach and appease mankind to the glorification of the puppeteer.²²

Conclusion

The folk arts of Meiji Japan may not have accorded with the leadership's notions of what was appropriate for an enlightened nation stepping into the world at large. However, it is hard to imagine that even Fukuzawa Yukichi, one of the most ardent of the Meiji reformers, could have believed it possible to attempt such an extremely contentious plan. Thus, if we accept that the idea of the Meiji elite intentionally attempting to set up a modern underclass – disguising the *eta* under another guise – as propagandist fiction, what then was the purpose of this law which certainly had a massively negative impact on already weakened outcaste arts in the Meiji period? The most likely solution is that the authorities simply did not care enough about outcaste culture issues to worry about all the long term changes which the emancipation edict would have on things such as *ningyō jōruri*. Suggesting a planned political re-definition of folklore might be grossly unfair, but it is clear that many officers of the Meiji government had little love for common culture and gave not a single thought to protecting it from the sweeping nature of their emancipation edicts, which critically undermined many cultural properties by very effectively isolating their practitioners from them.

It is one thing to accuse the elite Meiji leadership of indifference to aspects of Japanese folk culture which they probably did not understand, but quite another thing to think of them as the architects of a cruel process such as this – and in this regard you have certainly fallen foul of a degree of modern [...] propaganda. You have to accept that this was an accident of history and one that had some serious long term consequences, but that does not mean you should be looking for someone to blame.²³

Accident of history or not, as Howard Becker reminds us, just as culture tends to define the individual, it is also true that as long as the individual persists so does the culture, and despite everything, it

should not be thought that the arts of the *kaki*, or the monkey trainer, or the *yamabushi*, died out completely in this turbulent period.²⁴ It is impossible to think of erasing a culture without destroying the people who hold to it, a thing which the oligarchs of the early Meiji period seemingly could not grasp. Whether one believes that these codes came into being for altruistic reasons, or as another level of control, the fact remains that they did not stay effective for very long and they were openly being flouted in places around Japan almost before they had come into effect. Indeed, as the nineteenth century ran into the twentieth, it began to appear as if the policy makers of the land, perhaps confident in the Anglo-Japanese alliance of 1902, had completely let the issue of common culture go, if only beyond the confines of the urban environment which still retained the position of showcase for official culture and the face which the oligarchs of Japan preferred to present to the world.

Japan may well have been looking for a way to present a modern face to the world in the 1870s, and simply wanted to bring her people out of what the nation's leadership saw as a benighted, feudal past into the glories of the industrial age. The response to these national pressures were, however based on a very skewed assessment not only of Japanese traditional culture, but also a warped view of what foreign observers would accept as culture representing a modern state.

The debate as to whether it was proper for a government agent to legally suppress the development of cultural history is still raging in the Japanese folklore community, even after more than a century of formal debate on the subject. These arguments are of very serious character for their proponents. Indeed, there appears to be a very real fear in some artistic and academic circles that any external impositions on traditional folk culture risk so compromising the properties involved that they will lose all relevance as historical, as well as contemporary, social records. It was certainly simple enough for the Meiji authorities to enter into the debates which surrounded any given property and attempt to bring their legislative power to bear. However, ease of access does not automatically imply ease of control or suppression.

The key issue here seems to boil down to whether or not one can view early Meiji cultural properties, such as the *Bunraku* Theatre Troupe or the *Tonda* Puppets as historical or contemporary

expressions of ‘Japan’. Those in power, who considered folk cultural properties to be essentially historical in nature clearly felt that it was right to preserve some whilst discarding others. The reasons for this approach – that each such property has a very definable purpose, which had faded in the eyes of the government at the beginning of the Meiji period – seems logical enough. Yet, the notion was completely anathema to many of those who worked within the folk culture movement itself. Indeed, many in the opposite camp saw this process as being unfair and completely arbitrary, in that it effectively allowed people who did not operate within the community of a property to say that everything after a given moment in its history had no real value. This is why the suppression failed; because those people who cleaved to such practices could not be legislated away along with their arts. They sang their songs, performed their plays and dared the authorities to damn them for it.

This will be the focus of the next paper in this series: the resistance of the common folk and the process of negotiated revival which followed.

End Notes

¹ Yoshii Sadatoshi: Chief Priest, Nishi-no-miya Ebisu Shrine. Interview with Darren-Jon Ashmore, April 16 2001.

² The high-point of Japanese urban cultural development – from 1688 to 1704, during which many of the Edo period's greatest cultural properties were developed.

³ Chikamatsu Monzaemon (近松門左衛門- 1653 to 1725) was the Edo period's most famous dramatist, and today is often compared with William Shakespeare due to the popularity and universal appeal of his works for both the puppet and kabuki stage.

⁴ The classical Sangyo (three man) puppets of the genroku period are unique to the Japanese puppet theatre. Three performers – one manipulating the legs, one working the left arm and one controlling the head and right arm together) work as a synchronised unit to bring life to huge, one-half scale puppets. It is the appearance of these puppets, and their very motion which kabuki masters such as Ichikawa Danjuro I emulated as a way of winning audiences to their theatres.

⁵ The owner and operator of the largest traditional ningyou joururi theatre in Osaka in the 1860s

⁶ Gunji, Masakatsu. (1956). *Kabuki to Yoshiwara*. (歌舞伎と吉原) [Kabuki and Yoshiwara]. Tokyo: Awaji Shobo. (page 96).

⁷ One of the Biwa region's most important folk puppet theatres – the history and development of which was covered in a recent issue of the AIU Global Review.

⁸ Honda, Yasuji. (1983). *Minzoku Geino Kenkyū* (民俗芸能研究) [Researching Folk Art]. Tokyo: Meiji Shoten. (PP 23-24)

⁹ Komiya, Toyotaka. Ed., with, Seidensticker, Edward. G. Tr., and Keene, Donald. Tr. (1956). *Japanese Music and Drama in the Meiji Period*. Tokyo: Obunsha. (PP 102-103).

¹⁰ Pittau, Joseph. (1967). *Political Thought in Early Meiji Japan*. Cambridge: Harvard University Press (page 33).

¹¹ Fukuzawa, Yukichi. (1996). *Fukuo Jiden* (福翁自伝) [The Autobiography of a Grand Old Man]. Tokyo. Hokuseido Shoten. (PP 144-45).

¹² Fukuzawa, Yukichi. (1996). *Fukuo Jiden* (福翁自伝) [The Autobiography of a Grand Old Man]. Tokyo. Hokuseido Shoten. (PP 146).

¹³ 118. Yamaguchi, Hiro. (2001). *Geijutsu to Hou* (芸術と法) [Art and the Law]. Tokyo: Shogakusha. (page 57)

¹⁴ Under the law, such individuals were to be treated as beggars and, thus, criminals, as vagrancy and begging had also been outlawed by the Meiji government in 1868.

¹⁵ Iwasaki, Toshio. (1995). *Yanagita Kunio no Mizokugaku* (柳田国男の民俗学) [Yanagita Kunio's Folklore Studies]. Tokyo: Tanta Shoin. (page 33).

¹⁶ Including Britain's first ambassador to Japan, Sir Harry Parkes (1828-1885).

¹⁷ The law was instituted on the August 28 1871.

¹⁸ Yoshii Sadatoshi: Chief Priest, Nishi-no-miya Ebisu Shrine. Interview with Darren-Jon Ashmore, April 16 2001.

¹⁹ 118. Yamaguchi, Hiro. (2001). *Geijutsu to Hou* (芸術と法) [Art and the Law]. Tokyo: Shogakusha. (page 102)

²⁰ Kiritake Masako: Puppeteer, Shingi-za/Master, Kiritake Masako Otome Bunraku. Interview with Darren-Jon Ashmore, 9th December 2001

²¹ Yoshii Sadatoshi: Chief Priest, Nishi-no-miya Ebisu Shrine. Interview with Darren-Jon Ashmore, April 16 2001.

²² Ikehara Yukio: Director, Takenoko/Dekojuku Saibata Puppet Theatre. Interview with Darren-Jon Ashmore, 15th January 2002.

²³ Ikehara Yukio: Director, Takenoko/Dekojuku Saibata Puppet Theatre. Interview with Darren-Jon Ashmore, 13th January 2002.

²⁴ Becker, Howard. S., with McCall, Michal, M. Eds. (1990). *Symbolic Interaction and Cultural Studies*. Chicago: Chicago University Press. (page 5).

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Surviving Hiroshima

CHUNG Kyung-soo

Editor's Note: The following essay is the author's autobiographical account of his youth in Japan prior to and during the Great Pacific War or World War II. He told his story to students at Akita International University while visiting the campus in 2009. What gives special significance to his story is the fact that he was born to Korean parents who had come to Hiroshima prior to the war and survived the atomic bombing of the city in August 1945. Professor Chung's candor and vivid insights make the manuscript an important historical document for those interested in the study of Koreans in Japan and recollections of the bombing. His insights also collide with some of the more prominent stereotypes recent historical studies have created about Japanese perceptions of Koreans and Korean perceptions of the Japanese.

I was born on April 25, 1932 in Gion, Asagun, Hiroshima Japan. Back then, Gion, Asagun was a suburb of Hiroshima City, but today it has been incorporated into Hiroshima City.

I started my life from very humble beginnings. My parents were originally from the southeastern part of Korea, Gyeongsan Namdo, Hapchun-gun Kaya-myun, where the famous Buddhist Haeinsa Temple is located. For those of you not familiar with this temple, Haeinsa is the place wherein 80,000 Buddhist hand carved wood block texts have been designated by the UNESCO in 1995 as one of the world's greatest cultural assets, and they have rested there since 1398. These texts were initially inscribed on Kwanghwa Island, located northwest of Seoul, in 1236 as a way to ask for Buddha's help to protect the country from Mongol invaders.

In Korea, my parents were farmers. They owned a small piece of land for cultivating rice and other vegetables. My father was the eldest son. Unfortunately, his parents spoiled him and so he started drinking and gambling, and ended up an alcoholic. He married my mother in 1925.

My mother was from a neighboring village whose family had a similar family background to my father's. In those days, most of the people had arranged marriages. There was no way for my mother to find out what kind of a man she was arranged to marry prior to her wedding day.

My father must have squandered his inheritance. After losing what little he had and becoming nearly penniless, he left Korea for Hiroshima, Japan. He left his wife and two-year old son behind. It was a common practice in those days for Korean men to go to Japan to seek opportunities. The closest thing we have nowadays to this is the practice of some men who leave Mexico and go to the United States in search of a job. I am not sure if he explained where he was going or if he just left. It is possible that he may have just left since I got accustomed to him suddenly disappearing when we were still living together, and not returning till days or even months later.

My mother, having a child to raise without a husband and without financial resources, had to work in a garment manufacturing factory in Daegu City area to support the two of them. Her elder brother was a well to do businessman there and my mother stayed with him. Her brother eventually found out where my father was living in Japan and persuaded my mother to go find him. In those days, a married woman who lived by herself wasn't seen as respectable.

My mother went alone to Hiroshima, Japan to join her husband and left her son, my older brother, with her mother-in-law back in Korea. Unfortunately, my father's habit of drinking and gambling had continued in Japan and so it was up to my mother to provide for the family. Eventually my parents had five children: three sons and two daughters. I was the first son born in Japan.

I have fond memories of my childhood in Japan, but my most vivid memories are rather sad. I recall that when I was about three years old, I was left at my mother's friend's house and she did not return

until very late that same day. I cried all day. It still hurts me whenever I remember that incident. Perhaps a child does not like being left alone by his mother. Many years later, I was told that when my sister left her own son at my house, he cried all day. And later still, when my grandson was left to spend the day with me, he too cried all day. I am not sure if this is peculiar to my family or whether it is universal. But it brings back sad memories of my elder brother, the one that was left in Korea with my grandmother. And not just for just a day but for many years. I wonder how long he cried for? I was finally reunited with my brother but I will tell you more about that a bit later.

For many years, I thought I was my mother's favorite and that she loved me more than her other children. However, as grownups, my brother told me that he believed that he was our mother's favorite and that she loved him the most. I am glad to know that both of us grew up thinking that we each were mum's favorites. It made us feel special. A mother's love can be so great and so cherished.

Another harsh memory I cannot forget started pleasantly enough. I had spent the day with my friends in the village and had a great time. It was a beautiful day. I was in a really good mood. As I returned home, my father suddenly grabbed me and began to yell at me. He screamed and accused me of hitting my brother in the head and causing him to bleed. As he was yelling, he began to hit me. I cried and pleaded that I did not do it but he would not listen and he kept hitting me. Through pain and tears I continued to protest my innocence. I finally managed to free myself and I fled. Later my mother came to the rescue saying that there must be some mistake as I usually told the truth.

Years later, when we were both in our sixties, I asked my younger brother about this incident. He said that he still believed that I was the head of a gang of children in the village and it was me who suddenly appeared and attacked him from behind the building in dim light and caused him to bleed from the head.

I was very fond of reading when I was young. I read everything I could get my hands on, but books were difficult to get hold of then. One day, I was in the school library reading. I kept on reading even though the school day was over. A teacher who was in charge of the

library approached me. Her name was Miss Ishida and she was kind, beautiful and wore glasses. She let me take the book home. In those days, books were not supposed to be taken out of the library. I felt privileged that she trusted me. I was given a gift. But because I did not return the book I betrayed all of that. Even now, I still feel guilty whenever I think about this incident. I stole the book from school. I betrayed Miss Ishida.

I was told that I had good reading and writing skills. When I was in the 5th grade, one of my teachers assigned us to write a diary entry talking about what we did the day before. After he had collected and graded our work, he asked me to read mine in front of the class. He told the class that I wrote a fascinating entry in my diary. As you can see I liked to read and I liked to write. I also had some talent for drama.

At the end of each school year, I was always selected to play the major role (protagonist) at the school drama performance recital (*gakugeikai*). One year, probably at the end of 5th year grade, I was selected to perform the part of Uyesugi Kenshin's failed attack on *Takeda Shingen*. The story is well known in Japan to this day. For this part, I needed a toy sword and warrior's costume. I remember asking my mother to buy the toy sword even though she could not afford luxuries. Somehow she managed to find one, but I don't remember how. I was dressed up as a Japanese warrior with a fancy sword and I played the part. I still remember the poem; *Bensaei shuku shuku yoru kawao wataru...* So, I thought that I had some talent in the performing arts.

When I was a student in America, my English was so poor that I had a hard time in all subjects except for mathematics. As you all know, mathematical symbols and numerals are universal so I was able to keep up and reach my full potential in that subject. I came to the realization that I could only achieve so much intellectually in mathematics and had to give up any hopes of becoming a great mathematician. I think everyone at some point in their life hits their own intellectual wall. This is a wall that is not easily overcome—as this is a matter of genetics. I am happy though. Even though my genes did not allow me to become one of the top mathematical intellectuals, I possess traits that allowed me to survive in life. You

may find this hard to believe, but I teach mathematics at the University of Hawaii and I have been teaching there for several years.

One day about the time when I was in the fourth grade, my father went to Korea and came back to Japan accompanied by my older brother. This was a complete surprise to me. First, I do not recall being told that I had an older brother. Second, I was not accustomed to having someone five years older than me telling me what to do. I had always been the eldest son and had become used to bossing my brothers and sisters around. Now I was no longer the boss.

The fact that I was no longer the eldest child was totally confusing and disappointing. Eventually, I got over it. And the fact that I was not the eldest was a good thing because he was soon sent off to be an apprentice in an automobile maintenance business to help support the family. My older brother is no longer with us. He passed away a few years ago and whenever I think of him, I feel a sense of guilt because I did not treat him with the respect he deserved when we were younger.

During that time, Japan had compulsory elementary school education through to the 8th grade and it was mandatory for anyone living in Japan to go to school regardless of nationality. As a result I got a very good education. My brother, on the other hand, was unfortunate. He was left behind in Korea and had to live with his grandmother and did not get the educational opportunities I had. Korea at the time did not have compulsory primary education so my brother did not get the education that he deserved. When he got to Japan, he was too old to attend school and our family did not have the money to send him to a private school. As a matter of fact, my parents were so poor that he had to work as an apprentice in an automobile maintenance business from an early age. I am really sorry that he had such a difficult start in life.

Throughout my six years of elementary school education, I was never selected to be in the elite group of excellent students (*utosei*). Many years later I learned that I would never have been chosen because I was a Korean. Naturally, there was some discrimination against Koreans in those days. I was just too naive to see it as a young child. However, my brother recognized this and tried to persuade our family to return to Korea in 1946.

I did not like the idea of going back. I was born and raised in Hiroshima, Japan. Going to Korea was like visiting a foreign country. I asked my parents many times whether Korea had beautiful clear and clean streams. I loved to play in the water, to go fishing and go swimming. Japan had abundant green woods and lush bushes where we could catch birds. However, for him, Japan was not his country.

I strongly believe that if a person is born in a country and raised there, then that person should automatically become a citizen. Some of my friends tell me I am more Japanese than Korean. In the end, we stayed.

I proceeded to 7th grade in 1945. As I told you, in those days, Japan had compulsory education through to the 8th grade. But I was not able to proceed to middle school because my parents could not afford to send me to one in Hiroshima City. This turned out to be a good thing. The majority of my classmates attending middle schools in the city perished because the atomic bomb exploded above it on Monday, August 6 of 1945. One of my wealthy classmates attending middle school in the city was sick that day so he did not go to school. He is still alive and lives in Gion, Hiroshima. It was all luck or fate. Who could have known that if you had gone to school that day, you would not live to see tomorrow? I am alive today because I couldn't afford to attend middle school there. The fact that we were poor saved my life.

Let me tell you about that day—the day the bomb fell on Hiroshima. Early Monday morning, August 6, 1945, we heard the air raid alert siren warning us of an attack from the sky. As children, we were glad every time it went off because it meant we did not have to go to school. Despite the siren warning, I remember I was sent to downtown Hiroshima City from the suburbs where we lived on some kind of errand. Then the air raid alert was called off and we had to go to school. We played in the school playground waiting for the morning initiation ceremony to begin. It had been delayed due to the air raid warning. Then we heard the sound of a plane overhead. We could make out the shape of a plane in the sky. I think it was approaching from the east.

All of a sudden, there was a blinding flash, and few seconds later there came a very loud explosion followed by strong blast of wind.

We fell to the ground as we had been trained to do. After everything went quiet, we found that the sonic boom had shattered every window in our area. We all thought that the bomb had fallen in a very close area. We fled to the nearby bamboo forest as we had been instructed to do. It was considered a safe place in case of a catastrophic earthquake. On the way there, we saw a huge mushroom cloud in the sky in the direction of downtown Hiroshima. We could tell that the city was engulfed in fire. About noon we saw a parade of exhausted people weak and weary walking toward the outskirts of the city. Some were practically naked; some had severe burns on their faces, arms and backs. Many of them were taken to the school building, which had been set up as an emergency treatment center.

I still recall that every morning after that fateful event I could smell decaying human flesh hovering over the town. Truck after truck filled with human corpses drove away from the school. All day long the smoke of burned corpses hovered in the air. I remember the newspaper reporting a few days later that we were attacked with a special highly efficient fire-making bomb.

Most of my elementary school classmates who went on study at various middle schools in Hiroshima City were killed instantly. One of my elementary school classmates who went to the city middle school luckily survived but only for a short while. I remember us playing together after that event. We swam in the nearby Otagawa River and we noticed that there were many large fish with burn marks on them. I am sure those fish perished as well. My friend died soon thereafter from radiation poisoning. His hair gradually fell out and blood oozed out between his teeth. He died about a month after the bomb was dropped.

Back then I did not know why I had so many small calluses in my whole body. Now I know why. I had seen the display of severe calluses and huge colloid of some of the victims after visiting the Atomic Bomb Memorial Park in Hiroshima City. We did not know about the danger of radiation exposure at the time. Ignorant of the risks involved, I visited the city many times to witness its devastation and total destruction. It was not just the bomb but the fires. There was no one to extinguish them after the explosion. No one was around to put them out. People in the city either died or fled frantically. They say that by the end of 1945, because of the lingering

effects of radioactive fallout and other effects, the death toll was probably over 100,000.

Even though I was very young then, it had dawned on me that this terrible weapon should never be used in future wars. I reached this conclusion because I knew poison gas was not to be used again as a weapon in any future wars because it was so harmful during World War I.

World War II ended in August 15, 1945 and because of it I was able to witness an interesting phenomenon; a social system that is inconsistent with human nature will eventually disappear. After the war ordinary people manage to change their mindset and the social milieu also changed rapidly. Before the end of the war, we were indoctrinated to the effect that the emperor was a living god and we were willing to die for him to save the country. I remember that I was willing to sacrifice my life to kill the enemy armed only with a bamboo spear. However, this nationalistic fervor instantly disappeared with the announcement of the end of the war.

Some Koreans nowadays worry that North Koreans have been indoctrinated to be communist for so long that should North and South Korea unite, there will be trouble. I do not share this view because of what I witnessed in August of 1945. The indoctrination that existed in that era quickly vanished and I am hopeful that this will be the same with the North Koreans today.

As I mentioned earlier, my life started from very humble beginnings. I came to realize that the survival of the fittest is the norm in life after I started thinking about the expression that 'some are born to humble beginnings and some are born to aristocratic nobility'. Needless to say, the winners of the struggle dominates everyone else, gets all the wealth, power, and whatever number of sexual partners they desire. The weaker ones are dominated, and they will have to obey their oppressors' every whim. Anyone who takes action against them will be eliminated. Only those who obey and serve them can survive.

Most people who are not descended from an elite lineage are conditioned to respect and to be subservient to the latter group for the sake of survival. An example of this is that we tend to admire and respect the people who are of aristocratic birth and we despise the

poor or powerless. I have lived in Japan first, then in Korea and now have been residing in the United States. By comparing the social customs and atmosphere of these three countries, it is my opinion that Japanese people have retained much of the tendency to admire and respect the elite aristocratic group and they tend to be subservient to them without much inner emotional resistance. I think Koreans come next and the Americans last. Even now, some of my old Korean friends tend to treat me with pity and condescension because of my humble beginnings while they look up to those of noble birth.

It is interesting that South Korea recently democratized and North Korea is still under a ruthless leader.

I was lucky that I was born in the 20th century and, coming from very humble beginnings, was able to get to where I am today. I wonder about the strange twist of fate that I was not able to attend middle school in Hiroshima City. When I was an immature 13 year-old child, I resented my poor parents for not sending me to middle school. Now, I am grateful to them. I am blessed because I survived – I survived the bombing out of luck or fate. And even though I have visited the city many times since, my genes still keep me in good health even up to today.

The Two Koreas - Is War Inevitable?

C. Kenneth QUINONES

Abstract

Two incidents in 2010, brought South and North Korea close to war. In April North Korea's navy allegedly sank a South Korean naval vessel, killing more than forty sailors. Then in November the North Korean army bombarded a small South Korean occupied island, killing a small number of civilians and military personnel. This paper examines, as best as can be done given North Korea's preference for secrecy, the possible motives behind Pyongyang's provocative actions and whether South Korea's policy toward the North contributed to the situation. The author conjectures that North Korea's leader condoned these actions to ensure the North Korean military's support for his son's succession. The author presents evidence that demonstrates the military's increasing influence on policy in Pyongyang. He points out that both incidents' genesis can be traced to long standing disputes between the two Koreas. Unfortunately, the author concludes, South Korean President Lee Myung-bak's discarding of North-South agreements achieved by his predecessors to resolve these issues intensified tensions that contributed to the two incidents.

This paper is an expanded and revised version of a similar study first published in Japanese in the Japanese monthly journal, *Gaiko*. After revision, the paper was presented at an international conference held at the University of British Columbia in August 2011. There scholars from

North and South Korea reviewed and discussed this version of the paper. Predictably, they could only agree to disagree, for very different reasons, regarding the causes for the incidents. They did, however, express optimism that the resumption of North-South Korea dialogue could prevent the eruption of a second Korean War.

Introduction

The possibility of a second Korean War persists sixty years after the first Korean War erupted in June 1950. The Korean War Armistice, signed in July 1953, only stopped the fighting and established the Demilitarized zone (DMZ), a truce line that still divides Korea. The year 2010 brought the peninsula to the brink of war. On March 26, 2010 the Democratic People's Republic of Korea (DPRK or North Korea) Korean People's Army (KPA) sank, according to an international investigation, the Republic of Korea (ROK or South Korea) naval vessel the *Cheonan* in the West Sea not far from Incheon International Airport. Forty six ROK sailors died. The incident surprised many and excited international concern. Then on November 23, 2010 the KPA bombarded ROK occupied Yeonpyeong Island in the West Sea not far from Incheon International Airport. Two ROK Marines and two civilians were killed and numerous civilian homes and businesses destroyed.

The DPRK has rejected allegations that it was responsible for the *Cheonan's* sinking, but compelling evidence suggests otherwise. The Yeonpyeong incident was unprecedented since the Korean War because the KPA bombarded a civilian area. International diplomacy after the *Cheonan* incident condemned the DPRK, but China and Russia blocked passage of an UN Security Council resolution. Indeed, the possibility of a second Korean War persists.¹

Today the nations of Northeast Asia – China, Japan, the two Koreas, Russia and the United States – face a choice. They can either pursue diplomacy to reduce tensions on the Korean Peninsula, or persist in their current confrontational stances. Diplomacy would greatly

¹ Thomas J. Eccles, RADM, USN, *On the Attack Against the ROK Ship Cheonan*. Seoul: Ministry of National Defense, 2010.

improve prospects for sustaining peace and prosperity in the region while confrontation would only increase the risk of another war.

Usually flare ups of tension on the Korean Peninsula are a consequence of more deeply rooted causes than the apparent causes. Here we look behind the headlines to decipher the more fundamental political and economic factors that may have contributed to making 2010 one of the more dangerous years in recent memory.

History's Long Tail

Events on the Korean Peninsula have a long historical tail. The *Cheonan* and Yeonpyeong Island incidents are connected to North-South disputes over the so-called "Northern Limit Line" (NLL) that dates from at least 1973, if not earlier. The NLL is the invention of the United Nations Command (UNC), the umbrella military organization established at the beginning of the Korean War and headed by United States military officers.²

On January 14, 1965, the commander of the UNC's naval component, which also at that time had operational control over the ROK navy, issued a directive that established the NLL. The NLL was defined as a line extending from the DMZ's end on the Korean Peninsula's west coast westward into the Yellow Sea. The line was drawn between the DPRK's southern coast line and five ROK occupied islands that included Yeonpyeong Island. A similar line had been drawn by the same authority in 1961 but under a different name. According to the US Central Intelligence Agency study entitled, "The West Coast Korean Islands," "The sole purpose of the NLL was to avoid incidents by forbidding UNC naval units to sail north of it without special permission; ..." According to the same study, "The NLL, ..., has no legal basis in international law, nor does it conform along some of its length to even minimal provisions regarding the division of territorial waters. It is binding only those military forces under the command or operational control of COMNAVFORKOREA." (UN Commander Naval Forces Korea).

² U.S. Central Intelligence Agency, directorate of Intelligence, "The West Coast Korean Islands." Washington, D.C., January 1974. This declassified CIA assessment provides valuable insight into the NLL's history and the US government's view regarding the NLL's legitimacy.

The NLL created three problems. First, the ROK government has “regarded the NLL as a seaward extension of the DMZ,” a *de facto* boundary between South and North Korea.” The DPRK, however, has consistently rejected this view. The second problem is that the NLL ignores the DPRK’s internationally recognized claim of its territorial waters extending to 12 miles (about 19 kilometers) from its coast line (*ibid.* p. 4). All five ROK occupied islands, including Yeonpyeong, lie within the DPRK’s territorial waters. Actually Yeonpyeong Island is less than 3 miles from the DPRK coast. This makes access to Haeju, a major DRPK port and naval base just north of Yeonpyeong Island, difficult particularly during bad weather.

Since its establishment, the NLL has been the source of frequent clashes between the two Koreas. Annually both sides seize fishing vessels from the other side that stray across the NLL, which also cuts through an area with abundant fish. Tensions over the NLL were eased considerably when ROK President Kim Dae-jung met his DPRK counterpart Kim Jong Il in the first ever North-South Summit which produced the Joint Statement of June 15, 2000. This initiated a period of peaceful co-existence, economic cooperation and social exchange. Kim Dae-jung’s successor President Roh Moo-hyun forged a second similar accord with DPRK leader Kim Jong Il in October 4, 2007 which extended the period of cooperation. The 2007 accord also placed the NLL on the agenda for resolution through South-North talks. It also called for the establishment of a special zone of peace and cooperation in the West Sea which included a joint fishing zone.³

Tensions Rekindled

But two key developments in 2008 rekindled North-South tensions along the NLL. The first was ROK President Lee Myug-bak election to succeed Roh Moo-hyun, and the second was DPRK leader Kim Jong Il’s apparent suffering of a stroke in September 2008.

³ C. Kenneth Quinones, “South Korea’s Approaches to North Korea: A glacial Process,” in: Kyung-ae Park and Dalchoong Kim (editors), *Korean Security Dynamics in Transition*. New York: Palgrave, 2001.

President Lee adopted a more assertive approach to the DPRK than had been the case during the previous decade. At the beginning of his term, Lee angered the DPRK's leadership by offering a "grand bargain," that is to give each inhabitant of the DPRK \$3,000 if the DPRK dismantled its nuclear weapons program. The offer suggested to the DPRK leadership that their allegiance was for sale. Soon afterward, a DPRK sentry shot dead a wandering ROK tourist at the Mt. Kumgang tourist resort located just north of the DMZ. Understandably the people of South Korea were shocked. Lee rejected the north's apology, demanded a joint investigation of the incident, and halted tours to the area which had earned the DPRK hard currency for its impoverished economy. The DPRK retaliated by closing road and rail links between the two Koreas and restricted access from the south to the Kaesong Industrial Park, a joint South-North commercial venture that enabled some 250 small and medium ROK industries to manufacture goods in the DPRK using North Korean workers. Eventually, the DPRK blocked ROK access to Pyongyang and elsewhere in the north. Lee scrapped his predecessor's October 2007 accord with the DPRK. Ever since, North-South tensions have intensified to the brink of war.

Then in September 2008, DPRK leader Kim Jong Il suffered a stroke. By then the DPRK had alienated the international community by disengaging from the Six Party Talks aimed at achieving a peaceful diplomatic end to its nuclear weapons program. The DPRK's military leadership declared United Nations Security Council (UNSC) resolutions aimed at deterring Pyongyang's further development of ballistic missiles and nuclear weapons to be "acts of war," disregarded them and continued efforts to build what it called a "nuclear deterrent capability."

Succession and the KPA's Belligerence

Kim Jong Il's stroke compelled the DPRK to adjust its priorities. Although Kim was eventually able to resume his official duties, his failing health appears to have convinced him to quicken preparations for his succession. As we learned on October 10, 2010, his third son Kim Jong-eun became the heir apparent and is expected to formally assume that role in 2012, the year that Kim Jong Il plans to celebrate the 100th anniversary of his father Kim Il Sung's birth.

But Kim Jong-eun's successful succession will require that he win the KPA's political support. Kim, like his father, is inheriting the DPRK monarchy without any significant accomplishments. Kim Il Sung, the DPRK's founder and Kim Jong-eun's grandfather, rose to power by commanding anti-Japanese patriots and then commanded the KPA during the Korean War. His military record in the face of "imperialist aggression" legitimized Kim Il Sung's power in the KPA's eyes. Kim Jong Il inherited power in 1994 as his father's only son and after having only managed domestic policy for a decade. Although lacking military experience he was designated the KPA's Supreme Commander in 1991. Once he had become the DPRK's leader, Kim Jong Il in 1998 sought to cement the KPA's allegiance by naming himself chairman of the National Defense Council, elevating it to the highest office in government, and declaring the era of "Military First Politics" (*Songunjeongchi*).

These political moves greatly enhanced Kim Jong Il's political authority, but in exchange of the KPA's allegiance, Kim Jong Il had to promise the KPA priority access to the nation's scarce resources. Thus in 2001, when President Bush listed the DPRK as a member of the "axis of evil" which he threatened to attack, the KPA apparently convinced Kim Jong Il to pull out of the Treaty on the Non-proliferation of Nuclear Weapons (NPT) and resume development of a "nuclear deterrent capability." Testing of nuclear devices followed in 2006 and 2009 as well as several ballistic missiles tests.

The KPA's Growing Influence on Policy

Kim Jong Il's political dependence on the KPA appears to have intensified after his September 2008 stroke. Ever since the KPA General Staff and other KPA commands have issued increasingly assertive and belligerent policy statements as suggested in the chart below. Foreign Ministry statements, traditionally the primary means for announcing Pyongyang's official policy, have also become more blunt and belligerent in tone. The chart below clearly indicates the KPA's increasingly audible role in Pyongyang's policy formulation, particularly after Kim Jong Il's stroke. In 2007, the KPA General Staff delivered four reports about the situation on the Korean Peninsula. This included the annual New Year's Editorial which is jointly composed and published annually by the Korean Workers' Party (KWP), KPA and Youth League. Of these four statements, the

KPA navy issued one which warned the ROK not to venture north of the NLL.

But beginning in 2009 and continuing into 2010, the NDC and the KPA General Staff (KPA GS) issued far more policy statements than previously. While the NDC is the DPRK's highest policy organ, the KPA General Staff is the highest military command. Traditionally neither had issued formal policy statements except for the annual Joint Editorial, but beginning in early 2009 DPRK policy statements have become more assertive, even belligerent.

DPRK Policy Statements 2005 – 2010⁴

	2005	2006	2007	2008	2009	2010	Total
NDC	0	2	0	2	2	9	15
KPA GS	1	2	5	2	11	6	26
KPA							
Panmunjom	2	1	2	2	2	3	12
N-S	0	0	0	3	2	7	12
Military Talks							
KPA-US	0	0	0	0	1	8	9
Military Talks							
KPA Other	0	0	0	0	1	3	4
Military sub-total	3	5	7	9	19	36	79
Foreign Ministry	23	18	18	21	26	20	126

⁴ The data for this chart was collected from all DPRK official statements published by the Korea Central News Agency (KCNA) Daily Reports, 2005-10, www.kcna.co.jp

NDC – National Defense Commission

KPA GS – Korean People’s Army General Staff

KPA Panmunjom Mission – formerly the KPA delegation to the Military Armistice Commission (MAC) of the Armistice Agreement

N-S Military Talks – North-South Military General and Working Level Talks

KPA-US Military Talks – Talks between KPA and US Army representatives

KPA Other – KPA naval and field commanders, and “military commentators.”

This is apparent even in the usually tempered Foreign Ministry statements. For example, on January 13, 2009 the Foreign Ministry statement asserted that the DPRK had “consented to the September 19 (2005) Joint Statement” of the Six Party Talks to achieve the:⁵

denuclearize not only the northern half of the Korean Peninsula but the whole of it, and to this end, the United States committed itself to terminate its hostile relations with the DPRK, assure it of non-use of nuclear weapons and clear south Korea of nukes, etc.”

In other words, the price for Pyongyang’s cooperation in the Six Party Talks had risen to the “simultaneous nuclear disarmament” of both halves of the Korean Peninsula.

Shortly afterward, on February 2 the KPA General Staff shattered its usual silence.⁶

It is the unshakable stand already clarified by the DPRK that it will never show its nuclear weapons unless the U.S. rolls back its hostile policy toward the DPRK and the latter is completely free from the former’s (*sic*) nuclear threat.

⁵“DPRK Foreign Ministry’s Spokesman Dismisses U.S. Wrong Assertion,” January 13, 2009, www.kcna.co.jp.

⁶KPA General Staff, “DPRK’s Principled Stand on Denuclearization of the Korean Peninsula Reiterated.” (February 2, 2009, www.kcna.co.jp).

The statement concluded that, “The DPRK will never ‘dismantle its nuclear weapons’ unless nukes in south Korea are dismantled to remove the nuclear threat from the U.S.” These statements suggest that the KPA General Staff’s views had a significant impact on redefining the price Pyongyang now demands for denuclearization.

The KPA and the NLL

Arguably the most amazing aspect about the *Cheonan*’s sinking and the bombardment of Yeonpyeong Island is that the KPA, beginning on March 28, 2008, repeatedly warned the ROK that KPA military action along the NLL was a probability. Equally amazing is that the ROK government apparently dismissed these warnings’ significance.

The KPA Navy Command on March 28, 2008 called the Northern Limit Line (NLL),⁷

... a bogus line as it was unilaterally drawn by the U.S. imperialists ... the NLL defends five islands in the West Sea and *Yonphyong Islet is like a dagger to be thrust into one’s throat* while Paekryong Islet the one to be thrust into one’s side. ... A situation in which an armed conflict may break out any moment is prevailing in the frontline waters in the West Sea. ... Any attempt (by the ROK) to protect the NLL at any cost would only spark off a clash in the said waters.

Two days later, the ROK Armed Forces Joint Chief of Staff, at his confirmation hearing before the ROK National Assembly, declared that the ROK might launch a “preemptive strike” against the DPRK’s nuclear facilities. A KPA “commentator” countered in the DPRK media that all North-South dialogue should be suspended pending ROK clarification of the “preemptive strike” comment. Then came the July 11, 2008 KPA sentry’s shooting of a South Korea tourist at Mt. Kumgang. Subsequently on December 1, the KPA representative to the North-South General Level Military Talks informed his ROK counterpart that all overland passages through the DMZ would be closed.

⁷ KPA Navy Command, March 28, 2008, www.KCNA.co.jp.

The KPA's belligerency intensified in 2009. On January 17, 2009, the KPA General Staff repeated the KPA Navy's earlier warning regarding the NLL and reiterated that the NLL is "illegal." Responding to ROK President Lee's decision for the ROK to become a full participant in the Proliferation Security Initiative (PSI), the KPA General Staff declared on April 18 that the decision is a "declaration of war against the DPRK" The statement concluded that the KPA "... has never pinned any hope on the six-party talks from their outset ..."⁸ The KPA also reacted very negatively to the UN Security Council's April 14 presidential statement that urged the DPRK to stop launching range ballistic missiles.

The DPRK's second nuclear test followed on May 25, 2009. Again largely unnoticed in the test's wake was another KPA policy statement, this time issued by its Panmunjom Mission on May 27.⁹ It repeated the General Staff's allegation that the ROK's participation in PSI was a "declaration of war," and declared that the KPA "*will not be bound to the Armistice Agreement any longer ...*" Also ignored was the warning that, "*For the present, we will not guarantee the legal status of the five islands under the south's (ROK) control "Paekryong, Taechong, Sohong, **Yonpyong**, and U islands in our side's territorial waters northwest of the extension of the Military Demarcation Line in the West Sea of Korea ...*"

A May 29 Foreign Ministry Statement confirmed the KPA's earlier declarations about the armistice, stating that, "Any hostile act by the UN Security Council immediately means the abrogation of the Armistice Agreement." On June 13, the UN Security Council passed Resolution 1874 that imposed additional economic sanctions on the DPRK for having performed its second nuclear test. The Foreign Ministry responded, "It has become an absolutely impossible option for the DPRK to even think about giving up its nuclear weapons."

Later in 2009 the KPA repeated its challenge to the NLL's legitimacy and warned on November 10 and 13, and December 21 about possible military action along the NLL. The December 21 warning was specific. The KPA Navy Command declared its intention to conduct artillery practice in the vicinity of the NLL, warned civilian

⁸ KPA General Staff, April 18, 2009. www.kcna.co.jp.

⁹ KPA Panmunjom Mission, May 27, 2009. www.kcna.co.jp.

and military ships to take appropriate precautions and reiterated that the NLL is “illegal.” The KPA converted its bellicose rhetoric into deadly military action in 2010 by sinking the ROK navy’s ship *Cheonan* and bombarding Yeonpyeong Island.

The DPRK’s Korea Central News Agency (KCNA) on February 23, 2011 published a lengthy statement that drew extensively on the report of the DPRK National Defense Commission’s (NDC) review of events prior to the *Cheonan*’s sinking and Yeonpyeong Island bombardment. Predictably, the rambling statement repeatedly faults the ROK for having created an atmosphere of mutual hostility and suspicion that set the stage for both incidents. It labels President Lee Myung-bak’s administration the “south Korean group of traitors” and “puppet forces.” The United States is deemed the head of the “imperialist forces.” Yet the statement sets forth a detailed proposal for pursuing a diplomatic resolution as quoted below:¹⁰

The historic (Joint DPRK-ROK) October 4 (2007) declaration on which the north and the south agreed reflected this will. This declaration stipulated the principled matters for putting an end to the relations of military hostility, defusing tension and ensuring peace on the Korean Peninsula. In particular, it provided the best way for setting up the special zone for peace and cooperation in the West Sea and fixing a joint fishing zone and peace waters. Both sides held the second defence (sic) ministerial talks and general level military talks for the implementation of the October 4 (2007) declaration, at which they agreed to take practical measures to prevent conflicts and security peace in the West Sea.

The army and people of the DPRK put forward the realistic and principled proposals to implement this agreement. They included landmark proposals calling on both sides to give up all their assertions from broad mind, handle the West Sea conflict on the basis of the already existing north-south agreements,

¹⁰ National Defence (sic) Commission, “NDC Inspection Group reveals Truth behind Yonpyong Shelling, February 23, 2011. www.kcna.co.jp.

(Korean War) Armistice Agreement and demand of internationally accepted laws, until a new military demarcation line is set in the West Sea of Korea, and fix the peace waters and joint fishing zone.

However, the south Korea group of traitors scrapped valuable agreements of the Korean nation. As a result, the seed of conflicts and disputes still remains in the waters, becoming a potential flash point of an all-out war.

Briefly summarized, the above proposal urges a resumption of South-North dialogue with the Joint South-North Declaration of October 4, 2007 as its starting point. Also of note are the DPRK references to respecting the Korean War Armistice and “internationally accepted laws,” i.e. the International Law of the Sea which governs territorial waters.

The KPA’s “Nuclear Deterrence Capability”

Possibly intensifying the DPRK’s confidence to match President Lee Myung-bak with its own assertive posture toward South Korea is Pyongyang’s growing confidence in its “nuclear deterrent capability. Two successful tests of nuclear explosive devices in 2006 and 2009 plus a series of ballistic missile tests suggest persistent determination and success, despite international criticism, to enhance its ability to deter the United States and/or South Korea to attack it.¹¹

DPRK official policy statements over the past decade support this assumption. On July 7, 2006, DPRK Foreign Ministry (MFA) explained Pyongyang’s launching of several ballistic missiles as “... part of the routine military exercises staged by the KPA to increase the nation’s military capacity for self-defence.” In the same statement, the MFA continued that the same missile tests “... serve as a key to keeping the balance of force and preserving peace and stability in Northeast Asia.” The statement concluded, “The KPA

¹¹ Mary Beth Nikitin, *et.al. North Korea’s Second Nuclear Test: Implications of U.N. Security Council Resolution 1874*. Washington, D.C.: Congressional Research Service, July 1, 2009.

will go on with missile launch exercises as part of its efforts to bolster deterrent for self-defence in the future, too (sic).”¹²

On October 4, 2006, the DPRK MFA declared that, “... the DPRK will in the future conduct a nuclear test ...” which it then did. The statement explained that the DPRK “will never use nuclear weapons first The DPRK’s nuclear weapons will serve as a reliable war deterrent ...”

By 2008, the KPA had become more assertive in issuing its own statements. On March 2, 2008, the KPA’s Panmunjom Mission, in a lengthy statement, warned,¹³

If the U.S. and south Korean bellicose forces persistently work to realize their scenario to stifle the DPRK by force of arms at any cost, the KPA will not stand passively on the defensive but counter it with positive retaliatory strikes by mobilizing all means long built up by the DPRK at a high price.

After conducting a second successful test of a nuclear device, the KPA General Staff’s spokesman declared on March 26, 2010, the day that the ROK vessel *Cheonan* was sunk, that the DPRK “is like an impregnable fortress firmly guarded by the invincible army of *Songun* (Military First policy).” He then warned that the “DPRK will bolster up its nuclear deterrent for self-defence capable of frustrating any plot and provocation at a single strike and keep all the power striking means fully read to go into action at all times.”¹⁴

Obviously by March 2010 the KPA had become both more influential in the formulation of DPRK policy and more confident in its “nuclear deterrent capability.”

¹² “DPRK Foreign Ministry Spokesman on Its Missile Launches,” July 7, 2006, www.kcna.co.jp.

¹³ KPA Panmunjom Mission, “KPA to Counter with Its Positive Retaliatory Blows Any attempt to Stifle DPRK by Force of Arms,” March 2, 2008. www.kcna.co.jp.

¹⁴ KPA General Staff, “US-S. Korean Moves to Bring Down system in DPRK Warned,” March 26, 2010. www.kcna.co.jp.

China's Altered Approach to the Korean Peninsula

Another significant factor contributing to the DPRK's confidence and assertive posture is the improvement of its relations with the People's Republic of China, China. Until June 2009, just after Pyongyang's second test of a nuclear device on May 25, China supported UN resolutions 1718 and 1874 that criticized the DPRK for its two nuclear tests. But then Beijing's posture toward Pyongyang shifted from a willingness to rely on coercive diplomacy to a more conciliatory approach. In October 2009, Chinese Premier Wen Jiabao visited Pyongyang, the first such visit in eighteen years by a Chinese premier. Unconfirmed reports claim that Wen offer the DPRK a \$50 million economic assistance package plus an agreement was signed in which China would fund the \$150 million cost of building a new bridge across the Yalu River from China to the DPRK side. A month later, China announced plans to development the Tonghua-Dandong Economic Zone on the two nations' northwest border.¹⁵

A month later China's Minster of National Defense Col. General Liang Guanglie visited the DPRK, the first visit since 2006. Shortly afterward, DPRK first vice director of the General Political Bureau General Kim Jong-gak visited Beijing. These visits confirmed that bilateral civilian and military relations had recovered fully from earlier tensions when China supported UN resolutions critical of the DPRK's nuclear and ballistic missile tests.

Further confirming this has been the very significant increase in bilateral trade and Chinese investment in the DPRK. In 2008, DPRK imports from China rose 46% in a single year. Of Chinese exports to the DPRK, about 30% consisted of processed oil products, but the DPRK did have to pay for these imports unlike two decades earlier when it received Chinese oil on a "concessionary" basis. Chinese direct investment, especially from China's provinces which border the DPRK, has grown to significant sums. For example, a Chinese firm has invested about \$874 in the DPRK's Musan Iron Mine, the largest open pit iron ore mine in Asia. Chinese firms in Jilin Province

¹⁵ For excellent discussions of China's policy toward the DPRK, see: Dick K. Nanto, *et.al. China-North Korea Relations*. Washington, D.C., January 22, 2010; and, International Crisis Group, *China and Inter-Korean Clashes in the Yellow Sea*. Brussels: International Crisis Group, 2011.

have invested in modernizing the DPRK's copper, zinc, lead and gold mines.

On the other hand, China's export of small arms (weapons) to the DPRK remains very small – about 1% of the value of such exports in 1996. During my an extensive tour of the DPRK in September 2010, China's investment in the DPRK was particularly evident in Pyongyang. Colleagues who visited industrial cities on the DPRK's northeast coast confirm the same is evident elsewhere.

It appears that Beijing reordered its bilateral priorities with the DPRK in 2009. Topping the list now is stability on the Korean Peninsula. De-nuclearization of the entire peninsula remains a priority but has slipped from its previous top ranking. Stability is also Pyongyang's top priority. For it, stability requires a successful father-to-son succession, a resolute deterrence capability and economic recovery. China seems willing to assist Pyongyang with priorities one and three in the hope that it can better restrain the DPRK's development of nuclear weapons and ballistic missiles. Consequently, Beijing has avoided agreeing with international allegations that the DPRK was responsible for the sinking of the *Cheonan* and believes that it had justifiable cause for bombarding Yeongpyeong Island.

Conclusion

Given the secretive nature of policy formulation in the DPRK and its relationship with China, the best that we can do is conjecture about what factors convinced the DPRK to adopt a much more belligerent attitude toward the ROK since 2008, and to go so far as to launch military attacks against it. With relative confidence we can say that Kim Jong Il's "Military First Policy" has assured the KPA over the past 12 years that he would fully support efforts to modernize the KPA and to develop a "nuclear deterrent capability." Supreme Commander Kim's eagerness to have the KPA support his designated successor and son Kim Jong-eun may have reinforced Kim Jong Il's reluctance to restrain the KPA.

Also clear, particularly since early 2009, the KPA's role in policy formulation is becoming increasingly influential. The KPA exploited former US President Bush's tough talk to justify the DPRK's pursuit

of an arsenal of weapons of mass destruction. It now appears that the KPA is similarly exploiting Lee Myung-bak's rhetoric.

The KPA may have convinced itself that neither the United States nor China would punish the DPRK for armed action against the ROK. This conviction might rest on the belief that the KPA's "nuclear deterrent capability" and the United States' preoccupation in Afghanistan and elsewhere in the Middle East will prevent the U.S. from taking military action. China's shift to inducements to influence the DPRK's conduct could further strengthen the KPA conviction that attacking the ROK would not cause harm to the DPRK.

Nevertheless, prospects for a second Korean War remain fairly slight. The nations of Northeast Asia, at least China, Japan, South Korea, Russia and the United States, prefer peace to sustain prosperity. The resolute armed deterrence of the US, ROK and Japan as recently demonstrated in joint military exercises will certainly temper the KPA's belligerence. China's diplomatic intervention with the DPRK and Pyongyang's dependence on Beijing's economic inducements could further restrain the DPRK. After all, Kim Jong Il's foremost priority is regime survival and his heir's successful succession. But war can never be ruled out entirely so long as the two Koreas remain hostile rivals and the KPA remains assertively confident of both its military and political prowess.

But if it were to erupt again, the fighting and devastation would not be limited to the Korean Peninsula. War in the midst of the world's economically most dynamic region, Northeast Asia, would thoroughly disrupt the world economy. Tragically, not only would Koreans, both north and south, along with Americans and possibly Chinese would die in the fighting. The DPRK's possession of ballistic missiles means that Japanese could also become victims of the war. Ultimately, a second Korean War might even escalate to the brink of a nuclear war.

A New System for Teaching Japanese Pitch Patterns

WATANABE Seiji

Abstract

This paper reviews traditional pitch notation systems used in Japanese language education. It also introduces a new system that overcomes most of the drawbacks experienced in the use of the traditional systems. Traditional systems have two major problems when used to teach Japanese as a Foreign Language. One is that learners often misinterpret the markings used in these systems. For example, they tend to over-pronounce such marked syllables. Another is that the markings used in the traditional systems are difficult to apply when using ordinary computer programs. The proposed pitch notation system attempts to solve these problems by underlining those words pronounced with a descending pitch.

Introduction

This paper is a contribution to the growing body of work dedicated to the teaching of Japanese as a Foreign Language. Concretely, it is a proposal for the adoption of a new method for studying Japanese pronunciation. I will argue that traditionally used pitch notation systems are not effective for teaching Japanese pitch patterns. The traditional ways use several different kinds of markings to indicate pitch patterns, but unfortunately, learners often pronounce the marked syllables with an extra emphasis because they misinterpret these markings as a stress accent (Hasegawa 1995, Ohno 2010). Moreover, these systems are not practical for teachers who wish to create their own teaching materials because the markings are not easily illustrated when one uses conventional computer programs (Uwano 2002, 2003).

I propose a pitch notation method that will effectively and accurately transcribe the pitch pattern of Japanese words and phrases by underlining the low-pitched portions of words or phrases.

Pitch patterns are used in all spoken languages to a greater or lesser degree. Speakers of certain languages have overt knowledge of pitch, while others are aware of their knowledge of pitch only subconsciously. Some of my students have even claimed that their own native languages are entirely lacking in pitch patterns when they were first exposed to the Japanese pitch pattern system. If they study Japanese without any knowledge of the pitch patterns inherent to Japanese, they may simply (and incorrectly) apply their own languages' pitch patterns.

Pitch patterns must be explicitly taught because native speakers' knowledge of them is mostly subconscious and automatic. The fact that this knowledge is subconscious is evident from the fact that native speakers can read aloud in grammatically correct pitch patterns even though many writing systems, including Japanese, do not have a method of pitch notation. Native speakers have no problem reading aloud because they already know what the pitch patterns should be. They know which pitch pattern should be applied to any given word, phrase, and sentence. By contrast, foreign language learners do not have such knowledge and they have no choice but to apply the pitch patterns of their own native languages. In order to avoid this situation, the role and the system of pitch patterns should be taught explicitly.

One thing I would like to stress in this paper is that the purview of the effect of teaching pitch patterns is not limited to pronunciation alone. Japanese pitch patterns affect syntax, pragmatics, as well as semantics. Learning the correct pitch patterns is vital in order to communicate accurately in Japanese. The primary purpose of teaching these patterns is not to make learners sound like native Japanese, but rather, to reduce any misunderstanding which may arise through their incorrect or inappropriate use. Nevertheless, students with correct pitch patterns tend to sound indistinguishable from native Japanese. Although it may be very desirable for some teachers that their students speak like natives, this is not this paper's the main purpose. The focus on pitch patterns will be considered effective and worthwhile to the extent that learners can communicate accurately, even if they do not sound like native Japanese.

The Japanese Pitch Pattern

Pitch patterns in language convey various types of information, such as emphasis and speakers' emotion. In this paper, however, I concentrate on syntactic and lexical functions of pitch patterns in Japanese. The default pitch pattern of Japanese phrases and words in declarative sentences is high. There are two factors that significantly lower the pitch in Japanese sentences and words. One is the phrase initial lowering and the other is the pitch accent. The phrase initial lowering indicates phrase boundaries and word boundaries in a sentence. The pitch accent noticeably lowers a pitch in the middle of a word. The pitch accent occurs on a word-by-word basis (Tsujimura 1996). Unlike English, which does not utilize unaccented content words, many Japanese words do not have a pitch accent. In summary, the phrase initial lowering determines the syntax of Japanese sentences, while the pitch accent allows for lexical distinction.

The Japanese Pitch Accent

Japanese is often referred to as a 'pitch accent' language, which differentiates it from a stress accent language. For example, in English, a stress accent language, accented syllables are generally pronounced louder, higher in pitch, and longer. In a Japanese accented word, in contrast, there is a drop from a relatively high pitch to a relatively low pitch (Vance 2008), and loudness and duration are usually not associated with the pitch accent.

The Accent Kernel

Traditionally, a mora (a rhythmic unit of Japanese) followed by a drop in pitch due to a pitch accent is called an 'accent kernel' (Uwano 2002, 2003). The location of the accent kernel is lexically indicated; thus, learners must learn it word by word (Tsujimura 1996). In standard Japanese, a pitch rises at the beginning of a word and a pitch within a word does not rise again once it falls. Thus, the whole pitch pattern of a word is predictable if the location of the accent kernel is known. Since the location of an accent kernel in a word can determine the pitch pattern of the whole word, the accent kernel is considered highly important in describing Japanese pitch patterns. Some examples of the relationship between the locations of accent kernels and pitch patterns are illustrated as follows (See Figure 1):

**Figure 1. Examples of Pitch Patterns and Accent Kernels
(Examples are taken from Vance 2008.)**

↓	↓	↓
まくら	たまご	さかな たから
HLL	LHL	LHH LHH
<i>makura</i>	<i>tamago</i>	<i>sakana</i> ‘fish’ <i>takara</i> ‘treasure’
Locations of accent kernels are indicated by “↓”.		
(H = high pitch; L = low pitch)		

Notice that *sakana* ‘fish’ and *takara* ‘treasure’ share the same pitch pattern, namely LHH, but the former does not have an accent kernel while the latter has one on the mora *ra*. The difference between these two words is that if a particle is added to the accented word *takara*, the pitch of the particle drops, but not so in the case of the unaccented word *sakana* ‘fish’ (See Figure 2):

Figure 2. Difference Between *Sakana* and *Takara*

no accent	kernel	accent kernel
さかなが		↓ たからが
L H H H		L H H L
<i>sakana</i> ‘fish’ + subject marker	<i>takara</i> ‘treasure’ + subject marker	

Descriptions of Traditional Pitch Notation Systems

In this section, I will briefly describe the advantages and disadvantages of traditional pitch notation systems commonly used in Japanese textbooks and dictionaries. The Japanese pitch accent can be adequately transcribed if high pitches and low pitches are distinguished. That is to say, phonologically, Japanese speakers perceive a pitch in speech as either high or low. As discussed earlier, high pitches act as a default pronunciation, and low pitches are produced due to either the phrase initial lowering or the pitch accent. Among these three pitch characteristics, most traditional pitch notation systems focus on transcribing the accent kernel, which is followed by a pitch drop due to the pitch accent. There are many different pitch notation systems, but I will discuss only the four that are most widely used in textbooks and dictionaries. I am interested in pitch notation systems that can be used by all Japanese teachers and

learners. Consequently, I do not discuss those that require extensive graphic skills, such as *prosody graphs* (Matsuzaki, et. al. 1999).

Pitch Notation System 1: The Hook Over the Accent Kernel

Pitch Notation System 1 indicates an accent kernel, a mora followed by a pitch drop, by providing the symbol “ \uparrow ” over the letter that represents the accent kernel. Below are examples of the usage of the symbol (See Figure 3):

Figure 3. Pitch Notation System 1

まくら	たまご	さかな	たから
H L L	L H L	L H H	L H H
<i>makura</i> ‘pillow’	<i>tamago</i> ‘egg’	<i>sakana</i> ‘fish’	<i>takara</i> ‘treasure’
(H = high pitch; L = low pitch)			

Compared with other pitch notation systems, this requires the smallest amount of marking. As discussed above, theoretically, when one indicates the accent kernel adequately, one determines the pitch pattern of the whole word. However, in order to decipher this system correctly, one must know the default pitch pattern of Japanese and the function of the phrase initial pitch drop. If one knows the default pitch pattern, the phrase initial pitch drop and pitch accent, the pitch pattern of the word *なまたまご* *namatamago* ‘raw egg’ can be deciphered as LHHLL (See Figure 4):¹

Figure 4. The pitch pattern of *namatamago*

な	ま	た	ま	ご
L	H	H	L	L
<i>na</i>	<i>ma</i>	<i>ta</i>	<i>ma</i>	<i>go</i>
<i>na ma ta ma go</i> ‘raw egg’				

For fluent speakers of standard Japanese, the pitch pattern described in Figure 4 is the only possible interpretation. But, if one does not know the default pitch pattern of Japanese and the function of the phrase initial pitch drop, one may mispronounce the word as below

¹ Akinaga (2010) lists two possible patterns: *namatamago* and *namatamago*.

(See Figure 5):

**Figure 5. Anticipated Incorrect Pitch Patterns
Of *namatamago***

な また¹まご
*L L H L L
na ma ta ma go ‘raw egg’

な また¹まご
*H H H L H
na ma ta ma go ‘raw egg’
(* = ungrammatical)

These pitch patterns found in Figure 5 do not violate the effect of the pitch accent, since these pitches drop right after the accent kernels. Nonetheless, these pitch patterns are incorrect. As we have seen, when using this system, they must already know the Japanese pitch pattern in order to pronounce Japanese words correctly. In other words, this one is valid only for those who already know the default pitch pattern of Japanese and the function of the phrase initial pitch drop in Japanese. Although this is effective for contrasting phonemic differences in pitch, it is not suitable for illustrating pitch patterns of Japanese to non-native learners of Japanese.

Pitch Notation System 2: Hooks Over the Accent Kernel and the Pitch Rise

Pitch Notation System 2 indicates the mora where the pitch rises, along with the accent kernel. The mora where the pitch rises is indicated by providing the symbol ‘¹’. This system solves the problem of the first one. For example, the pitch pattern of なまたま¹ご *namatamago* ‘raw egg’ can be transcribed as below (See Figure 6):

Figure 6. Pitch Notation System 2

な^{「」}またまご
 L H H L L
na ma ta ma go ‘raw egg’

This system adequately represents the pitch pattern of the word なまたまご *namatamago* ‘raw egg’, but it raises another issue. Consider transcribing the word たまご *tamago* ‘egg’ (See Figure 7):

Figure 7. Transcription of *Tamago* Using Pitch Notation System 2

た^{「」}まご
 L H L
ta ma go ‘raw egg’

As illustrated above, if the accent kernel happens to be the mora where the pitch rises, that mora will have two hooks over it. Providing two marks over one mora visually overemphasizes the pitch and the volume of the mora “*ma*”.

Pitch Notation System 3: The Over-line and the Hook

Pitch Notation System 3 uses a line over high-pitched moras along with the symbol “[「]” which indicates the accent kernel. The words なまたまご *namatamago* ‘raw egg’ and たまご *tamago* ‘egg’ are transcribed as below (See Figure 8):

Figure 8. Pitch Notation System 3

な[「]またまご
 L H H L L
na ma ta ma go ‘raw egg’
 た[「]まご
 L H L
ta ma go ‘raw egg’

This system can indicate the pitch pattern of the word *tamago* ‘egg’ without overemphasizing the mora “*ma*”. Nevertheless, this one creates another problem. That problem is that the learners might mispronounce the high-pitched moras with a high-flat pitch. The high-pitched moras in Japanese are pronounced with a relatively steep pitch rise followed by a gradual decline in pitch. Ohno (2010) suspects that some learners frequently pronounce high-pitched moras flatly in pitch because they simply try to reproduce the pitch as flatly as possible, as illustrated in the flat lines over the high-pitched moras.

Pitch Notation System 4: The Over-lines and the Underlines

Pitch Notation System 4 uses over-lines and underlines to indicate high-pitched and low-pitched moras respectively. More precisely, this one uses vertical lines to connect over-lines and underlines. Below are some examples (See Figure 9):

Figure 9. Pitch Notation System 4

な	また	ま	ご
└─	└─	└─	└─
┌─	┌─	┌─	┌─
L	H	H	L L
na	ma	ta	ma go ‘raw egg’
	た	ま	ご
	└─	└─	└─
	┌─	┌─	┌─
	L	H	L
	ta	ma	gō ‘raw egg’

This system successfully represents both high-pitched and low-pitched moras. However, for the same reason I discussed in the previous section, the learners might pronounce the over-lined moras with a flat pitch. In addition, the vertical lines might induce excessively steep falls in pitch right after the accent kernel.

Problems of Traditional Pitch Notation Systems

I have described four major traditional pitch notation systems used in Japanese language education. In this section, I will discuss overall problems inherent in them. There are two major problems in the traditional pitch notation systems; one is the decipherment problem and the other is the technical problem concerning transcribing the notation using conventional computer software.

The Decipherment Problem

Ohno (2010) reports that typical student errors resulting from traditional notational methods include high-flat pitches and excessively-sudden pitch drops. Ohno speculates that the students made these mistakes due to attempts to realize the pitch patterns faithfully to the pitch markings. He further states that it is a “tragedy” that the students “successfully” realized the pitch patterns as they were marked (Ohno 2010, 5). Ohno claims that, from the learners’ viewpoint, the vertical line suggests a sudden pitch drop, and the overline or the symbol “ \uparrow ” indicates a high-flat pitch. Hasegawa states that using accent markers to teach Japanese “creates pronunciations that are worse than a crude synthesizer” (1995, 102). She also argues that it is important to mention explicitly to learners whose first language is English that accented syllables should not be pronounced louder and longer. The traditional pitch notation systems may function properly for those who already know the basics of the Japanese pitch pattern. But for learners who do not have such knowledge, these may provide misleading information.

The Technical Problem

All traditional pitch notation systems discussed so far use at least one of two markings that are difficult to input using popular word processing programs. Such difficult markings are the symbol “ \uparrow ” and the over-line. Despite its difficulty, the symbol “ \uparrow ” is used frequently in textbooks and linguistic articles. Some linguists express their concerns over the impracticality of using the symbol “ \uparrow ”. For example, Uwano (2002, 2003) repeatedly claims that using the symbol “ \uparrow ” is technically challenging.² Applying over-lines is possible, but extremely burdensome, because they require the use of special tools such as the Equation Editor or the field functions. Since these markings are difficult to apply, most Japanese teachers cannot easily use these markings when creating their own teaching materials.

² Uwano suggests using the bracket “ \lceil ” instead.

Prerequisites for a Practical Pitch Notation System

We have reviewed the common problems with the traditional pitch notation systems. In this section, I will propose the required conditions for building a practical pitch notation system for teaching pitch patterns. Having discussed the problems of the traditional ones, I propose that any practical pitch notation system for Japanese language education must satisfy the following conditions:

- (1) It must indicate whether a pitch is high or low.
- (2) It must not over-emphasize the accent kernel.
- (3) It must not lead learners to associate its symbols with high-flat pitches.
- (4) It must be easy-to-use with conventional computer word processing programs.

The Underlining Pitch Notation System

The underlining pitch notation system that I will present below satisfies all four of these aforementioned conditions. It involves having underlined low-pitched moras. Below are some examples (See Figure 10):

Figure 10. The Underlining Pitch Notation System

な	ま	た	ま	ご
L	H	H	L	L
na	ma	ta	ma	go
‘raw egg’				
た	ま	ご		
L	H	L		
ta	ma	go		
‘egg’				

As illustrated above, it can successfully indicate where a pitch rises and falls without emphasizing accent kernels or inducing high-flat pitches. Moreover, it is practical for Japanese language teachers because it is easily accomplished with any word processing program. It overcomes all of the drawbacks of the traditional pitch notation systems.

Criticisms against the Underlining Pitch Notation System

Criticism 1: The Underlining System Does Not Indicate the Accent Kernel Directly: Those who subscribe to formal approaches in the teaching of Japanese linguistics may express concerns over the fact that the proposed system does not mark the accent kernel. I have two answers to this. The first is simple; it adequately indicates the location of the accent kernel, not explicitly but implicitly. It therefore renders redundant any act of directly indicating the location of the accent kernel. The location of an accent kernel is, by definition, a mora that precedes the point where there is a sudden fall in pitch. It is designed to directly indicate where a pitch falls. Therefore, by deciphering the system, learners can correctly locate the accent kernel.

The second answer may be controversial, but I would argue that knowing the location of the accent kernel does not help learners to improve their pronunciation. Moreover, it may worsen the learners' pronunciation. Accent marks make students pronounce the accented syllables louder or longer, or both (Hasegawa 1995). Ohno (2010) suspects that traditional accent marks suggest that the accented syllables are high and flat in pitch, rather than that pitches would fall after the accented syllables. I conclude that at least in the field of Teaching Japanese as a Foreign Language, indicating the location of the accent kernel is unnecessary.

Criticism 2: The Underlining System Does Not Indicate the Pitch Accent if an Accent Kernel is at the Word Final Position. As we have seen earlier, some Japanese words are pronounced with the same pitch pattern when they are pronounced by themselves, but differently when they are followed by a particle, such as が[˥] *ga*, 'the subject marker'. For example, 花 *hana* 'flower' and 鼻 *hana* 'nose' are pronounced the same, but 花が[˥] *hana-ga* 'flower + subject marker' and 鼻が[˥] *hana-ga* 'nose + subject marker' are pronounced differently, as illustrated below (See Figure 11):

Figure 11. Pitch Patterns of *hana-ga* ‘flower + subject marker’ and *hana-ga* ‘nose + subject marker’

花 <u>は</u> な flower	花が <u>は</u> なが ‘flower + subject marker’
Hana	hana-ga
L H	L H L
鼻 <u>は</u> な nose	鼻が <u>は</u> なが ‘nose + subject marker’
<i>hana</i>	<i>hana-ga</i>
L H	L H H

As seen in the illustration, the proposed method indicates where a pitch falls, but not the positions of the accent kernel; therefore, when words are not followed by a particle, the system fails to note whether there will be a pitch fall after a word. By contrast, traditional ones are capable of differentiating these pitch patterns (See Figure 12):

Figure 12. Transcriptions of Pitch Patterns of *hana* ‘flower’ and *hana* ‘nose’

The underlining system	Traditional system (Pitch Notation System 1)
花 <u>は</u> な	はな ¹ ‘flower’
Hana	hana
L H	L H L
鼻 <u>は</u> な	はな ‘nose’
hana	hana
L H	L H H

The fact that it cannot indicate word final accent kernels appears to be its “Achilles heel”. In order to overcome this apparent shortcoming, one can simply add an extra underline to the right of the word (See Figure 13):

Figure 13. Modified Transcriptions of Pitch Patterns of *hana* ‘flower’ and *hana* ‘nose’

Underlining system	Traditional system (Pitch Notation System 1)
花 <u>はな</u> L H L	はな ¹ ‘flower’ L H L
鼻 <u>はな</u> L H H	はな ‘nose’ L H H

Since both 花 *hana* ‘flower’ and 鼻 *hana* ‘nose’ are pronounced the same when they are pronounced alone, I would argue that it depicts the pitch patterns of these words better than the traditional systems.

Criticism 3: If the underlined portion is very long, learners may drop the pitch radically at the beginning of the underlined portion and keep the low pitch flat until the end of the underline. Ohno (2010) claims that the traditional system with over-lines and underlines makes the learners drop the pitch too drastically and the pitch stays low until the end. The proposed system uses underlines as well. Consequently, one may claim that a similar effect may be observed in it as with the traditional one. For example, the phrase ありがとうございます *arigatō gozaimasu* ‘thank you’ is transcribed as follows (See Figure 14):

Figure 14. Transcriptions of pitch patterns of *arigatō gozaimasu* ‘thank you’

Pitch Notation System 4	The Underlining System
あ ¹ りがとうございます	<u>ありがとうございます</u>

These two transcriptions in Figure 14 appear to be similar. However, there are two major differences between them. The first is that the underlining system does not have vertical lines, which might suggest excessively sudden pitch movements in between moras. In fact, the proposed intervention is the only one that does not have any vertical lines. The second is that the new technique does not have the over-line that suggests that the height of the pitch at the right edge of the over-line is remarkably higher than the pitch at the left edge of the underline. These two edges should occur at the same time; therefore,

the pitches must be the same. One may still argue that a long underline may imply there is a long low flat pitch. In order to avoid such problems, it is necessary to explicitly instruct learners that the pitch falls relatively gradually when the underline is long. But once the learners know that the length of the underline affects the pattern of pitch fall, they might be able to control the pitch better when looking at the new method than when looking at the traditional pitch notation systems because learners can visually confirm how long a pitch drop will continue.

Conclusion

I reviewed four major traditional pitch notation systems, I discussed their advantages and disadvantages, and finally, I introduced a novel solution; the underlining system. As we have seen, it sufficiently and accurately indicates where the pitch falls without risk of overemphasizing the pitch, length, and loudness of the accent kernel. Unlike other pitch notation systems, this one can be easily applied by using any ordinary word processing software programs. I propose that Japanese language textbooks and dictionaries, as well as Japanese language teachers adopt it in order to more practically and effectively teach Japanese prosody.

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Anthropology in an EFL Context: Can it Improve Students' Linguistic Competence?

Percival SANTOS

Abstract

Content-based instruction (CBI) has been offered as a solution to some perceived shortcomings of the traditional approaches to teaching foreign languages. This paper will first describe the theory of CBI and then it will argue that both language and content need to be part of the assessment procedure of a CBI course. This study will evaluate the linguistic (and not content) component of an anthropology course taught in an EFL setting wherein the linguistic dimension is to be broadly understood to mean intercultural competence. The study has two conclusions. First, the study of anthropology in an EFL setting leads to an improvement in learners' linguistic competence if by that term we mean intercultural competence. Second, intercultural competence is intricately related to the practice and performance of anthropology. Although doing anthropology requires a certain notion of intercultural competence, the practice and performance of anthropology in turn helps facilitate the latter.

Introduction

Content-based instruction (CBI) has been offered as a solution to some perceived shortcomings of the traditional approaches to teaching foreign languages. These traditional approaches are ones where form is the primary focus of the syllabus and of classroom

teaching (Richards & Rodgers, 2001: 209), and where language development is seen as separate from general cognitive development (Lyster, 2011: 611). However, research has shown that optimal second language learning in a formal setting happens when learners focus on content and not on language (Grandin, 1993; Wesche, 1993). Moreover, language development and cognitive development are intertwined (Snow et al., 1989).

This paper will first describe the theory of CBI and then it will argue that both language and content need to be part of the assessment procedure of a CBI course. This study will evaluate the linguistic (and not content) component of an anthropology course taught in an EFL (English as a Foreign Language) setting wherein the linguistic dimension is to be broadly understood to mean intercultural competence. The study has two conclusions. First, the study of anthropology in an EFL setting leads to an improvement in learners' linguistic competence if by that term we mean intercultural competence. Second, intercultural competence is intricately related to the practice and performance of anthropology. Although doing anthropology requires a certain notion of intercultural competence, the practice and performance of anthropology in turn helps facilitate the latter.

Content-Based Instruction

CBI comes in many shapes and at university level several approaches have been identified. There exist, to name a few (Richards & Rodgers, 2001: 217):

- Theme-based language instruction- courses in which the syllabus is organized around themes or topics.
- Sheltered- content courses- courses taught in a simplified and comprehensible form to ESL students by a content specialist.
- Adjunct language instruction- courses are team-taught by a language and content instructor.

Lyster (2011: 611) views CBI as an approach:

in which non-linguistic content, including subject matter such as social studies or mathematics, is taught to students through the medium of a language that is not their first, so that while

they are learning curricular content they are also learning an additional language.

CBI's central principles are (Richards & Rodgers, 2001: 207):

1. People learn a second language more successfully when they use the language as a means of acquiring information, rather than as an end in itself.
2. Content-Based Instruction better reflects learners' needs of learning a second language.

Because students learn a subject matter and a target language simultaneously, people often refer to CBI as the 'two for one' approach. Lightbrown & Spada (2006: 159) list its many advantages over traditional approaches:

...it increases the amount of time for learners to be exposed to the new language. It creates a genuine need to communicate...there is the advantage of content that is challenging and interesting in a way that is often missing in foreign language instruction.

Rationale for the Study

Its considerable attractions and advantages notwithstanding, how can we assess the effectiveness of CBI? Given its dual purpose, can we test one component to the exclusion of the other? In other words, can we assess only content mastery to the exclusion of language achievement? Brinton et al. (1989: 182-3) argue that we cannot, because many tools for assessing content mastery (such as research papers and essays) assume intermediate to advanced language skills. Can we assess language achievement exclusively? These authors also argue against it, because first, 'learning the subject matter itself is an objective of this type of approach', and second, 'language-learning objectives of content-based courses are performance-based: Students aim not only to improve their knowledge of the language but to learn how to use this knowledge to perform tasks in an academic setting. Evaluating their ability to do so will necessarily involve tasks requiring comprehension or expression of relatively complex content' (Brinton et al., 1989: 182).

It is evident that we need to evaluate both content and language. But how do we go about it? Brinton suggests that assessment of content mastery in sheltered courses should be via instruments such as essays and research papers because these are 'similar to what is done with native speakers in similar courses' but with the important caveat that these written assignments should be 'more frequent, briefer, and less verbally demanding'. In addition, these sheltered courses should be supplemented with 'related practice exercises, guided library research, and the preparation of early drafts' (1989: 184).

As regards language improvement, Brinton recommends that evaluators start by determining what aspects of that vast area they wish to evaluate and then choose appropriate tests for them. This study has chosen to focus on a specific form of linguistic competence, that is, intercultural competence. It will evaluate whether students' intercultural competence has improved, and the role the anthropology course has played in this improvement.

Characteristics of Intercultural Competence

The communicative method has been the dominant approach in foreign language teaching for the last few decades. Many current 'communicative' methods have traditionally assumed a transactional view of language, treating communication between speakers as a kind of 'information gap' to be bridged (Corbett, 2003: 1-2). This approach marginalised the culture component in second language teaching as it assumed that language study and performance automatically lead to an understanding of another culture and that learners will develop positive attitudes towards target language speakers and their cultures. Robinson (1978) calls this mistaken view the 'magic-carpet-ride-to-another-culture-syndrome'. Nevertheless this view of second language learners is not supported by research (Robinson-Stuart & Nocon, 1996: 432-3; Bateman, 2002: 318-9).

Successful face-to-face communication cannot be reduced to the mere 'exchange of information'. Conversations between speakers from the same cultural background can assume many shared referential meanings for words and phrases. However, this is not the case in an interaction in which the language is foreign to at least one of the speakers. The implicit, shared meanings, values and practices of a target culture are difficult for learners to discern precisely because

they are implicit. Learners need to discover these meanings and practices if they are to access a new world of interaction and experience (Byram & Fleming, 1998: 2-3).

Jin and Cortazzi (1998: 98) argue that 'learning a foreign language implies a degree of intercultural learning: students may be led to become more aware of their own culture in the process of learning about another'. We agree and would add that intercultural learning should also occur when students learn *in* a foreign language, as is the case with CBI.

Byram (2000) lists five elements of intercultural competence:

- Attitudes: curiosity and openness, readiness to suspend disbelief about other cultures and belief about one's own.
- Knowledge: of social groups and their products and practices in one's own and in one's interlocutor's country, and of the general processes of societal and individual interaction.
- Skills of interpreting and relating: ability to interpret a document or event from another culture, to explain it and relate it to documents from one's own.
- Skills of discovery and interaction: ability to acquire new knowledge of a culture and cultural practices and the ability to operate knowledge, attitudes and skills under the constraints of real-time communication and interaction.
- Critical cultural awareness/political education: an ability to evaluate critically and on the basis of explicit criteria perspectives, practices and products in one's own and other cultures and countries.

Mason (2010: 205) envisages a much narrower view, defining it as inquisitiveness, open-mindedness and diplomatic skills:

Being inquisitive about another culture shows a desire to discover new things, and puts value on the other culture. Being open-minded to new perspectives shows a willingness to suspend judgment towards others and move towards an ethno-relative rather than ethnocentric view, and towards Kramsch's 'third space'. In terms of having diplomatic skills, I am using the term similarly to the way in which Corbett

does (2003), meaning that students are developing skills of being able to interpret and relate between cultures.

Linguistic Competence and Intercultural Competence

What is the case for interpreting language ability or linguistic competence in terms of intercultural competence? The goal of foreign language education in many countries has traditionally meant that students would aspire to a 'native-like proficiency' in the target language. A given country's language and culture are 'targets' (as in 'target language' and 'target culture') to be held up as models to be imitated. Students' success in learning hinged on how much they approximated the 'native' speaker's way of speaking and on how well they could reproduce his culture.

However, this goal is a distant and unattainable one for most language learners. Besides, in a world where English is the *lingua franca*, it is increasingly becoming more important for students to 'communicate effectively in a range of more or less familiar contexts, than to be able to mimic the linguistic conventions found in, say, the USA, Australia or Great Britain' (Corbett, 2010: 1).

Corbett (2003: 2) proposes that language courses concerned with 'culture' have to do much more than teach the 'four skills' of reading, writing, listening and speaking. For this author, language students should 'reflect on the ways in which their own language and community functions' and the goals of language teaching should be for the intercultural learner to serve as a 'mediator between different social groups that use different languages and language varieties'.

Thus, intercultural competence (not native-speaker proficiency) is a much more desirable and attainable goal for most learners of a foreign language. For Roberts et al. (2001: 12), the path towards developing intercultural competence implies treating 'language learners as ethnographers'. For this author, language learners need to 'immerse themselves in the culture of another group in order to become better communicators and mediators in intercultural encounters'.

Anthropology, Ethnography and Intercultural Competence

Anthropology is the study of humans and their cultures. What anthropologists have in common is a 'burning curiosity to understand how the world works and why people act in the ways that they do...engaging in a non-judgemental way with ideas and beliefs that may be very different from their own' (Strang, 2009: 162). Ethnography, a qualitative method pioneered in the field of social and cultural anthropology, aims to understand cultural phenomena which reflect the knowledge and system of meanings of a group (Geertz, 1973).

Culture and cultural knowledge are implicit; they are a shared value system, a code that is often unintelligible to outsiders. Anthropology focuses on making explicit what is implicit. The process of unveiling other people's lived worlds lies at the core of intercultural competence and it is not a coincidence that anthropology implies and even requires this kind of competence. Anthropologists are inquisitive, open-minded and diplomatic. Doing anthropology implies being inquisitive about another culture, being open-minded to new perspectives, moving towards an ethno-relative rather than ethnocentric view, and interpreting and relating between cultures. The discipline's basic tenets; 'the concept of culture as the shared value system of members of a society', the 'idea of cultural relativity' (Mcleod, 1976: 211-2), and the comparison of two cultures, are extremely useful to the EFL/ESL classroom. Indeed, Mcleod (1976: 213) argues that not only should language teachers become anthropologists, but they should train students to be anthropologists as well.

Method

This study examined thirty-four students enrolled in an introductory anthropology course taught in English in an EFL setting in a Japanese liberal arts college. The students learned four basic data collection techniques; collecting family trees, creating life histories, writing auto-ethnographies, and interviewing informants. They learned various methods of analysing data and they were asked to read at least three pieces of anthropological writing and to reflect on and discuss them in class.

For Byram (1997), assessing intercultural competence, or ascertaining whether one's attitudes and outlook towards cultural difference have changed, is not a straightforward task. It is not without problems, particularly, when one attempts to use quantitative methods to quantify 'openness', 'inquisitiveness', 'tolerance', etc. It is with these difficulties in mind that he recommends a portfolio approach (including self-assessment) in the process of exploring any improvement in intercultural competence.

The course was evaluated using a portfolio assessment approach consisting of both content and linguistic components. The course aims to instill all of Byram's (1997) five elements of intercultural competence in students. It presumes that his second, third and fourth elements; knowledge, skills of interpreting and relating, and skills of discovery and interaction, are best seen as belonging to the content component of the course and these were assessed through five written assignments as well as a 2,500 to 3,000-word research paper on a topic of their choice. The expectation was that students would choose a topic, gather data, analyze it, and submit a well-argued written work with a clear thesis towards the end of the course. However, an exploration of their grasp of content is beyond the scope of this study.

On the other hand, students' language improvement, meaning the extent to which their intercultural competence has improved as a result of the course, was presumed to embody Byram's first and fifth elements; attitudes and critical and cultural awareness/political education, and these were assessed through a self-assessed, non-graded reflective essay. The reflective essay is a genre that is 'a vehicle for reflection upon the state of the candidate's intercultural awareness, and so constitute valuable evidence of the learning process so far' (Corbett, 2003: 198). It invited students to write about any changes in the three areas mentioned by Mason (2010: 202); inquisitiveness, open-mindedness and diplomatic skills, and the extent to which the course played a part in this change.

Thirty one students (out of a total thirty four) submitted these self-assessed essays. Firstly, their content was scanned for evidence or any indication by students that they had experienced an improvement in any of the three indicated areas. For example, explicit statements such as 'I have become more inquisitive' were counted as proof that a student improved in the area of inquisitiveness. But if after having

said they were more inquisitive, they also stated that they were already inquisitive before the course, this case shall not be counted as evidence of improvement. In the event students made no explicit statements of change or improvement, but where said improvement is implicit or can be inferred from the text, then it was treated as one. Last, the essays were subjected to content analysis to tease out any recurrent themes, patterns or ideas and to explore any possible connections these three 'attitudes' may have with any teaching technique or intervention used in the course.

Findings and Discussion

The study has two findings. The first is that most of the students reported changes in attitude as a result of the course. Specifically, they talked about improvements in at least one of the three areas indicative of intercultural competence; inquisitiveness, open-mindedness and diplomatic skills. Out of the thirty one self-assessed reflective essays submitted, twenty three reported an improvement in at least one area of intercultural competence. There were those who reported improvements in all three areas (3), those who reported improvements in two areas (11) and those who experienced only one area of improvement (9). Eight reported no improvement at all. The breakdown for those who reported improvements in two areas is as follows: inquisitiveness and open-mindedness (7), open-mindedness and diplomatic skills (3), and inquisitiveness and diplomatic skills (1).

The second finding has turned out to be unexpected, but ultimately more interesting and consequential than the first. It is the fact that the acquisition of these three attitudes is intricately related to the practice and performance of the course itself. It seems that the acquisition of said attitudes is embedded in the very craft of anthropology, and these were the product of the activities and skills that were taught in the course.

The repeated practice and performance of various techniques of data collection, analysis and interpretation, the process of reading and discussing different articles on the topic of anthropology, and lastly the process of authoring an anthropology research paper on their chosen topic, is somehow correlated to a change in students' internal attitudes and predispositions toward cultural difference.

Several of the essays made reference to the four basic techniques for data collection; creating a genealogy, doing a life-history, writing an auto-ethnography, and interviewing informants. Students' comments revealed the special sense of excitement and personal satisfaction that comes from having established significant human relationships with others whose lifeways are different from their own, as well as having perceptively and carefully gleaned insights into their cultural perspectives. One respondent feels:

Since I learned about the different anthropological methods, I came to think, feel, observe, and see things in a world through various perspectives. I actually have done some interviews and analysis, and I found out that I really could not judge a book by its cover. Meanings or definitions are always not only one but they are different from people who interpret them. How people think or feel is always changing and different. So observing people is really interesting and that can help me draw some tendencies or perspectives towards them.

Anthropologists believe that we are being ethnocentric when we impose our own categories on others, forcing them then into a conceptual straitjacket not of their own making. Ethnoscience analysis, one of the many analytical techniques taught in the course, offered students two ways of classifying and organizing their data; the objective, scientific, or *etic* framework, and the subjective, local, folk framework which privileges native, insider or *emic* views and ways of seeing. Various respondents described a sensation of elation as a result of seeing things in a new way when they started organizing data based on the views of native informants themselves. A student reports:

Finding out about another culture from both *emic* and *etic* points of view made me think about how I used to think about culture or how little I know about the world. People tend to see other cultures according to stereotypes, however, getting to know a culture deeply, knowing about the background, about why the culture is that way is a very important way of getting rid of prejudice. It has helped me become more inquisitive and open-minded.

One particular lesson focused on Jewish food laws and taboos- why do Jews have a very particular set of dos and donts regarding food consumption? Students were made to compare and contrast objective, 'scientific' explanations with insider or folk views that the Jews themselves had of their eating habits. The following quote shows a transformation in one particular student's attitude:

As for being open-minded, this literally puts emphasis on showing a willingness to suspend judgment towards others and to move towards an ethno-relative rather than an ethnocentric view. The course has helped me become more aware of the subjectivity that intrinsically exists in me. One good example of this is the Jewish food laws. If I had just focused on the peculiarity and inefficiency caused by the laws, I would have simply labelled their customs as nonsense; nevertheless I come to the conclusion that in order to fully appreciate another culture, especially from an anthropological point of view, I must not judge or put a value on that culture by looking at one facet but I must be open to various facets that have connections to certain customs practised in that culture.

Students also reflected on the impact of the readings they were asked to read and discuss in class. They highlighted the article 'What does it mean to be alone?' (Allerton, 2007) from the edited volume *Questions of Anthropology* (Astuti et al., 2007), a book 'addressed in a comparative frame and in as non-technical and accessible a manner as possible' and which visualizes anthropological research as starting from a general question, 'but one that also has wide human resonance' (2007: vii-viii). Here a respondent comments:

There were two instances where I felt the course did help improve my understanding of diplomacy and open-mindedness...the second instance was when the class was sharing opinions on their perception of single women. The revelation that the word 'independent' can be a negative one was very important to me- that even though this particular woman's actions were lauded, the word the English language would use to describe them was frowned upon. This was also important for reasons of diplomacy- it is obvious that before entering a culture, it may be important to learn the local

context of words and phrases, in case they imply more than they seem- and for me as a future translator. Understanding the nuances of a language can, it seems, be instrumental in understanding a culture.

Anthropologists' 'burning curiosity to understand how the world works and why people act in the ways that they do...engaging in a non-judgemental way with ideas and beliefs that may be very different from their own' (Strang 2009: 162) is embedded in their particular ways of asking questions, collecting and analysing data, and of creating knowledge. Intercultural competence may be both a precondition and an end product in the process of unveiling other peoples' lived worlds. Anthropology requires a certain amount of intercultural competence, and in turn, the practice and performance of the former helps to improve the latter.

Conclusion

This paper described the theory of CBI and then it argued that both language and content need to be part of the assessment procedure of a CBI course. This study evaluated the linguistic (and not content) component of an anthropology course taught in an EFL setting wherein the linguistic dimension was broadly understood to mean intercultural competence. The study has two conclusions. First, the study of anthropology in an EFL setting leads to an improvement in learners' linguistic competence if by that term we mean intercultural competence. Second, intercultural competence is intricately related to the practice and performance of anthropology. Although doing anthropology requires a certain notion of intercultural competence, the practice and performance of anthropology in turn helps facilitate the latter.

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A Critical Review
by
KURASHINA Itsuki

TOYODA Tetsuya, *Theory and Politics of the Law of Nations: Political Bias in International Law – Discourses of Seven German Court Councilors in the 17th and 18th Century*. Leiden: Martinus Nijhoff Publishers, 2011.

Based on extensive research and thorough consideration of numerous theories, this study presents an original interpretation of the historical development of international law (*jus gentium*, law of nations). The study examines seven German contributors to international law between the Peace of Westphalia and the French Revolution. The author argues that their academic contributions to international law cannot be separated from the actual conduct of diplomacy by various German states. This connection emerges clearly by focusing on the “individual contexts” of the contributors (p. xi), and enables the author to present an original interpretation of the early debates about international law (pp. 5-11).

Samuel Pufendorf led the dominant school of thought on early international law in late-17th and early-18th century. (see Chapter II, “The Pufendorfan Doctrine as the Standard”) He defined “the law of nations as the application of the law of nature to nations” and denied Hugo Grotius’s argument that the “agreement of nations” could be the basis for the voluntary law of nations (pp. 33, 36). Subsequent chapters review critics of the Pufendorfer school as revealed in various legal studies presented in the German states. These begin with the views of Holsteiner Court Councilor Samuel Rachel’s criticism of Samuel Pufendorf,” who rejected Pufendorf’s denial of the existence of the voluntary law of nations. Yet, Rachel’s theoretical understanding of the basis of the law of nations was not very different from Pufendorf’s (pp. 64-67). Thus “[t]heoretical necessity cannot be the reason for Rachel’s vehement criticism of Pufendorf using weak or even trivial arguments” (pp. 69-70). Instead, protecting the interests of the Duchy of Schleswig-Holstein-Gottorp, which supported Rachel’s academic career and appointed him to the court councilor, was an important

motivation (p. 76).

Examined next is Hannoverian Court Councilor Gottfried Leibniz and his concept of the “international legal person.” Leibniz presented “an idiosyncratic theory of sovereignty,” developed a “very modern concept of international legal person,” and was recognized as “one of the early defenders of the concept of voluntary law of nations.” (p. 81) Specifically, he claimed powerful states should be recognized for their equal legal position of sovereignty and that “only sovereigns have rights and obligations under international law and no one else.” (p. 94) These arguments supported the Duke of Hannover’s political claims, to whom Leibniz served as a court councilor. Yet his concept of sovereign power was “completely ignored” by his contemporaries, even by his followers. (p. 99)

Saxon Court Councilor Adam Friedrich Glafey pleaded for rules of conduct in war. Even though he was a famous supporter of the voluntary law of nations, the author accents a different aspect of Glafey’s studies. A comparison of Glafey’s major works with those of his youth clarifies inconsistencies (p. 113) in his views. We are also made aware of anti-Swedish sentiment at the Saxon court and the Duke’s demands, as a Polish king, of equality with other stronger kings like those of France and England. This highlights and explains aspects of Glafey’s legal arguments (pp. 117-119).

Next the author assesses the Catholic doctrine of the law of nations as explained by Johann Adam Ickstatt, a professor at the University of Würzburg and an adviser to the bishop of Würzburg-Bamberg. Ickstatt’s case is worth studying because of his peculiar position regarding sovereignty. Generally speaking, the Catholic scholar tended not to treat German states as sovereign in order to support the Catholic emperor. Yet Ickstatt exceptionally recognized the sovereignty of German states (pp. 126-127). This could be rooted in Ickstatt’s pure academic consideration. The possibility cannot be excluded, however, that Ickstatt tried to support his superior who endeavored to protect the independence of small states like the bishopric of Würzburg-Bamberg (p. 129-130). For the reviewer, this chapter does not seem as convincing as the previous ones because of weak evidence, in spite of the author’s exceptionally passionate praise for Ickstatt as “a Catholic version of the Enlightenment” (p. 131).

This sentiment becomes more evident at the beginning of Chapter VII, “Prussian Court Councilor Samuel Cocceji’s Denial of the Voluntary Law of Nations.” Here the author claims to present his hypothesis (p. 135). Actually this chapter is a tightly constructed comparison between Cocceji’s works and changes in Prussian foreign policy under Friedrich Wilhelm I and Friedrich II (known as Friedrich the Great). Reflecting the mainstream argument in Prussia, Cocceji was critical of Grotius’s concepts of voluntary law of nations which as expressed as early as at the age of 20 (p. 142). But Cocceji was reluctant to develop his argument, possibly to avoid conflict with Johann Peter von Ludwig, a supporter of Grotius and a favorite of Wilhelm Friedrich I (pp. 140-143). Only after the king’s son, Friedrich II, succeeded to the throne, did Cocceji publish a book which openly criticized Grotius. So it is difficult to believe that Cocceji’s academic views were apolitical. In Chapter VIII, “Johann Jacob Moser as Defender of Rights of German States”, poses a challenge to the author. Moser did not compromise with political necessities and, as a result, failed to sustain not only a position at the court but an academic one. Interestingly Moser was a private citizen who wanted to study practical methods and disdained the philosophical and “unrealistic” nature of science and the law of nations (p. 153). Thus his interests were not very different from other scholars examined in this book. Yet because he neglected the political context surrounding him, it is difficult to clarify Moser’s political motivations to promote a mixture of natural law and custom (p. 154-156). This chapter stresses Moser’s disdain for the major threats to small states such as Prussia (pp. 158-159). But it is not clear whether his sympathy for small German states fired his disdain, or his personal anger due to his expulsion from the University of Frankfurt an der Oder.

The final chapter, “Vattel’s Doctrine of National Sovereignty in the Context of Saxony-Poland and Neuchâtel” examines Vattel, another founder of modern international law, who laid “the foundation for the modern doctrine of international law” (p. 168). one of the founders of modern international law Behind Vattel’s contribution to science of international law, this chapter explores his political motivations. A comparison his Vattel’s famous work with Wolff’s reveals Vattel’s efforts to protect the interests of his home state Neuchâtel and his lord the Duke of Saxony (p. 174). Vattel recognized the right of rebellion against an unbearable tyrant, which suggests that he was a defender of popular democracy. Actually his position can be attributed to his

encouragement of Neuchâtel's resistance against the brutal rule of the Prussian king. In this way, the author succeeds in showing Vattel's realism.

This study makes two important contributions. First is its focus on the worldly aspects of seven scholars of the law of nations. As the summary above shows, many of them were not only scholars but also diplomats or politicians. Also, even a professional university professor was "not free of political constraints" (p. 16). Examining these political and personal circumstances, this study provides new interpretations to problems which cannot be fully solved by the texts. The author notes that his conclusions might be considered "blasphemy" against the conventional scholarly works of international law (p. 13). But it does not reduce the necessity for candor. It is well known that Niccolò Machiavelli wrote *The Prince* to approach the dominant Medici family in his home state, the Republic of Florence. The book's candor initially offended but over time has come to be accepted as an essential critic of political power and how it is exercised. Similarly, this author's candid critic of the "founders of the science of international law" collides with conventional wisdom, but at the same time enhances our understanding of their works.

This study also reveals these early writers' impact on "inter-stateness" in the law of nations (p. 195). The establishment of sovereignty is often considered to have taken place in the late-17th and early-18th century, but this process remains unclear. This study reveals an important development in this process. These early founders of international law made the "state" the focus of their writing by taking into consideration the political and diplomatic necessity of states. Thus their views focused on the state as *the* actor in international relations. The author convincingly argues that these scholars thus pointed the future direction of international law on the "state" and enhanced the concept of "inter-stateness" or what we now understand as international relations.

Recognition of the merits of this study's approach suggests the necessity for further research. This book echoes the studies of international law's founders. Nevertheless, their contributions to diplomacy and politics are rarely examined, in spite of repeated references to their functions in the courts. This reviewer wonders whether it was impossible for this study to use these scholars' political

and diplomatic materials to clarify connections between their scholarly essays and their contributions to daily politics and diplomacy at court. The reviewer fully appreciates the limited availability of such historical materials. Also, expanding research to such political/diplomatic materials would require much more space than this thin (only 220+xiv pages) book. In this sense, this book indicates a need for new research not only by scholars of international law but by historians of international relations. The reviewer expects that Professor Toyoda's book is destined to become a widely read volume in the legal history library, particularly regarding international law.

