

Beyond words: the "kokutai" and its background

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Abstract / Resum / Resumen

The author provides a short study about what the word *kokutai*, its background meaning and the possibilities of its translation and interpretation, considering the essential elements such as culture, language and religion.

L'autora elabora un petit estudi sobre què vol dir la paraula *kokutai*, i les possibilitats de la seva traducció i interpretació, tenint en compte elements essencials com ara la cultura, la llengua i la religió.

La autora elabora un pequeño estudio sobre qué quiere decir la palabra *kokutai*, y las posibilidades de su traducción e interpretación, teniendo en cuenta elementos esenciales como la cultura, la lengua y la religión.

Key Words / Paraules clau / Palabras clave

Kokutai, Tennou, Constitutional Law, translation, culture, symbol, myth, language, religion, identity, Family Estate.

Kokutai, Tennou, Dret Constitucional, traducció, cultura, símbol, mite, llenguatge, religió, identitat, Estat Família.

Kokutai, Tennou, Derecho Constitucional, traducción, cultura, símbolo, mito, lenguaje, religión, identidad, Estado Familia.

The comparison of two different legal constitutional systems seems to be very promising for modern research in order to understand different types of law systems, as well as of your own "juridical world". However, the comparableness between two legal systems might appear limited, as they are product of different societies founded on different historic development giving a different cultural background, entailing different ways of think. Though intercultural exchange due to shared interests has taken place throughout history, specific cultural characteristics which are unique in a society and are expected to be essential for the understanding of mechanisms established in this society, thus, they might remain. This gap in adaptability from mapping legal mechanisms from a legal system to another, may lead to misinterpretations.

When comparing two law systems, law scholars tend to "oversee" that law is culturally founded and has to be seen into a greater context. Beside, special characteristics of different languages which limit literally translations, it is necessary to be aware that legal words possess additional "hidden" meanings. Some terms, which are so unique, as they are founded so deeply in the characteristics of a society, and define a complex mechanism; lack an "equivalent" completely in other languages and legal systems. The term 国体 "kokutai" represents a famous example in Japanese Law.

How all began

In the Meiji Period (明治時代 , Meiji jidai; 1869~1912), Japan opened to the world again after more than two hundred years of isolation during the Edo Period (江戸時代 , Edo jidai; 1457~1868). A new age rose full of creativity and new ideas by foreign systems. A process of learning, translating and adapting foreign ideas for Japanese culture began. Scholars were sent



to Europe¹ and the United States with the main purpose to find new ideas to modernize Japan to the level of the leading foreign countries², to achieve the “Japanese spirit, with Occidental means”. Power was given back to the Emperor, a symbol since the Shogunate of the Tokuwaga, with the making of a “Constitutional government” in 1890, Japan achieved an equal status within the great “nations” of the 19th century, reinforcing the world position of Japan.

Lots of efforts in translating books from different areas³, French, German and English books were translated into Japanese. In the translations of these works, new terms appeared showing the necessity to create an equivalent in Japanese language. So, new words were created, while others were adapted directly from the Chinese⁴ (but reading them in a different way⁵). Beside problems in terminology itself, the meaning of this newly introduced words caused difficulties. It became necessary to do further investigations to understand the cultural background. This situation seems to be quite natural as languages are a tool for societies to communicate reflecting the special needs of a society. Cultural differences become visible in the languages used⁶. Each culture has its own and independent characteristics that make it unique versus other cultures. When one or more cultures interact one with another, they exchange different elements, and their terminology. But the usage of the shared elements, do not need to remain unchanged. Words and its meanings can mutate, or will be adapted through the translation. Adaptation occurs according to a certain type of interests (we can see that in the sentence “Japanese spirit and occidental means”⁷). Translation does not guarantee that the contents of a word or text will appear exactly the same as the original equivalent form. Therefore, a word can have multiple “similar” meanings, or some “different” contents depending on the culture in which we find it⁸. In other words, *the language is a society, and shows the limits* of different “worlds”⁹. To be able to translate and understand a concrete “word” and its correct meanings, we should not forget essential aspects into the word’s background: culture, religion and language.

Culture

According to Tylor¹⁰, “*culture is a mechanism that includes knowledge* (acquired and accumu-

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1. Like Hirobumi Itoh (伊藤博文) was sent to define a Constitution for Japan (日本帝国憲法, Nippon Teikoku Kenpou, the Constitution of the Great Empire of Japan). The Japanese Imperial Constitution was made with the help of Hermann Roesler, and Albert Mosse and is therefore strongly influenced by the Prussian Constitution.
 2. Japanese wanted the revision of the “Unequal Treaties” that were signed during the last weak Shogun Governance with the Occidental powers.
 3. Among law essential books, “On liberty” of John Stuart Mill in 1871, “De l’esprit des lois” of Montesquieu in 1878, or “Du contrat social” of Jean-Jacques Rousseau in 1882 which were translated into Japanese. (Fukase and Higuchi, *Le constitutionnalisme et ses problèmes au Japon: un approche comparative*, 15).
 4. 憲法 (Kenpou, Constitution), 自由 (Jiyuu, liberty), etc.
 5. Kanjis have two lectures in Japanese, the “onyomi” (Chinese lecture) and the “kun-yomi” (Japanese lecture).
 6. For example, we only use a word for snow, while the Inuit use six words for six different types of snow. Thus, for the Inuit snow has a very important role into their culture, which do not have in our own culture.
 7. 和魂洋才, wakon yousai, Japanese spirit and Western means.
 8. For example the word “liberty” was translated into Japanese as 自由. Both “liberty” and “jiyuu” had the same meaning, but in fact for the Europeans “liberty” was something positive, and for the Japanese 自由 had a negative one, in the sense of selfishness and whimsical. (Kitamura, *La cultura giuridica giapponese e I problemi della traduzione*).

lated knowledge), *believes* (cultural universalities), *art* (artistic creation), *morals* (general lines of behavior), *law* (rules which tell what is good and what is bad), *customs* (daily life behaviors that are made and transmitted from generation to generation) *and other types of habits and acquired faculties by humans as members of a society*". Moreover, culture is a mechanism which assures the life of the members of that culture. It also allows all the members of that culture to **identify** themselves as a group in front of others. It creates an "us" against the "others".

Before Japan opened to the World in the Meiji Period, a specific "identity" among Japanese did not exist. Japanese had no need to identify themselves as Japanese. During the Edo Period, Japan was organized into a system of Land Lords (大名 daimyou) and each of them owned a land and ruled its people. Due to this system in which people had to obey to a land lord, no specific "identity" existed in Japan before Meiji. Though all of them had to respect the Bakufu's (Government)¹¹ rules, this did not make a "Japanese identity" strong enough to be considered as so. Considering this "lack of Japanese identity", the Meiji restorers decided to create one like "other modern nations had"¹², using the existing elements in their culture to create an appropriate one: among others, they used the existing myths and religion to create a link among all the Japanese, in order to be able to create a shared identity. The strongest link was the "Tennou"¹³, and the system that supported it was the "kokutai"¹⁴. Creating an "identity" was very important for the Japanese. In a period where the Occidental powers were taking the lands of weak countries, like China, Philippines, and others through Asia, Oceania and the rest of the world, it was crucial to be as strong as those powers, thus a strong identity was needed. Not only to be able to be equal to those strong Nations, but also to be different from them.

Culture is **symbolic**. Into the culture itself we can find symbols, in verbal form (like the language, written or not), or non-verbal form (like a country's flag, the 11th February 1898¹⁵, etc). Non-verbal symbols do not change as fast as language does (which can change from generation to generation, or change the contents of a word from period to period through history, or while translating from culture to culture).

Culture is **shared**, and has its own "**standards**", and it makes a "**creative use**" of itself. In other words, humans *learn*, *interpret* and *manipulate* the culture. This means that **culture can be learned**. Learning a culture is a process through which the person turns to be a *cultural being* into the society. The person learns the language of that culture, its gestures, symbols, etc. The cultural process of education is made by several different actors: the family, the school, the mass media, the Estate, etc.

During the Meiji Period, one of the intentions of the Meiji oligarchs was to put the Emperor into a position similar to the European Christianity in certain European countries¹⁶. The primary goal was to integrate the Tennou politically and socially, in order to be able to control

9. Die Grenzen meiner Sprache, bedeuten die Grenzen meiner Welt. "The limits of my language are the limitations of my world" (Ludwig Wittgenstein, Tractatus Logico-philosophicus, 5.6).
10. Tylor, Edward B., "Anthropology: an introduction to the study of a man and civilization", London, N.Y. Macmillan, 1892; "Primitive Culture: researches into the development of mythology, philosophy, religion, language, art and custom", London, J. Murray, 4th edition rev., 1903.
11. The central government ruled by the Tokugawa.
12. Europe was conquering the world (not only Asia, but also Africa, Oceania, etc). European powers showed a strong identity and superiority (at least their technology was more advanced compared with other cultures ones). Occidental ideas were strongly based and exported with the colonization of other countries as well. Ideas also entered other countries through translations, economical exchanges, etc.



and mobilize the folk. (Seizelet, 1990, 45) To be able to achieve these ambitious goals, the Meiji oligarchs submitted the educative system under the principles of the Tennoism¹⁷, and they started a program of official teachings¹⁸, and organized the scholar life¹⁹. Putting the idea that “culture can be learned” into practice, Japanese created a new cultural system through education, and manipulating their own culture. They wanted to put into the hearts of the Japanese the “love and respect for the Tennou”, appearing in the society in a double meaning: while through different laws, including the Constitution, the *kokutai* was reinforced and well established, education had as a rule to reinforce people’s feelings. As a result, the *kokutai* acquired a juridical and extra-juridical meaning, thus the *kokutai* acquired a double power: the juridical one which could be easily changed, and an extra-juridical, which is difficult to change. In the extra-juridical sense Kokutai carries a deep cultural background which cannot be changed in a short period of time²⁰.

Religion

Among other cultural features, language, religion and myths are an essential part of the culture. While, *Language gives identity to the group*, bounding all members together, establishing limits to those who do not know it; religion tries to give an explanation to those phenomena that cannot be explained. *Culture creates religion, and into it we find the myths²¹, taboos²², etc.*

According to Lévi-Strauss²³, the way that humans think their own “cosmivision of the world” is different depending on the culture. Moreover, as long as the human nature is also *symbolic*, humans tend to organize and give explanation to those things that cannot be explained at first sight. To organize those un-explained things, humans use **myths** through cultural created symbols. The symbol gives a meaning to the phenomenon. Using this system of symbols, humans give **legitimation** to the basic principles of a society. That is why myths are needed (“the chosen ones”, “the origin of the world”, etc). Some myths generate social activities in which all (or the majority of) the community gathers together. These are the *rituals*. Both rituals

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13. 天皇 “Tennou” referring to the Japanese “Emperor”. At the beginning, the word “Tennou” was translated wrongly as “Emperor”. The correct word in the sense of “emperor”, for example Roman Emperor, or the Napoleon Emperor is 皇帝 “koutei”. If we pay attention to the kanjis which form the word Tennou, we will discover that 天 “ama/ame” means *heaven*, and “sumeragi/sumera” means *emperor* or *imperial*. This is directly related to Shintoism and manifestly, the idea that “*the emperor comes from the Heavens*” or, as defined, during the Meiji and Taisho and beginning of Showa Periods that *the Emperor was a God* (神 “kami”) {Note that also with the word “kami” we have problems in the translation, because what Japanese understand as “kami” is not exactly the same as Europeans understand as “god”. Kami is taken in the sense of “god among others”, while Christian understanding of god is taken in the sense of “unique god”. The Japanese sense of “kami” related to “Tennou” it’s closer to the idea of “pharaon” into the ancient Egypt.}

During the 3rd century the “culture of the rice” entered in Japan from China. Rice cultivating provokes a culture where the community has highest value (not like the “hunting societies”, where individuals counts). Queen Himiko had religious authority and pronounced the divine oracles, like a chaman, a human incarnation of a divinity. This might be the origins of the Tennou Dynasty. This ancient form of Shintoism comes from the cult to primitive gods (kamis) which protect the community. During the 7th and 8th centuries the Ritsuryou Empire was set, and a unified system of morals and laws was set, after the Chinese. In 604 ShotokuTaishi made the 17 article “constitution” taking over the ideals of the Confucianism in it. Here the position of the Tennou has been reinforced. In 712 with the Kojiki, and in 720 with the Nihon shoki, the Tennou assured his supremacy using the mythology to legitimate his eternal authority. (Fukase, 1984, pp. 49~56) Into this mythology the Tennou is a direct descendant of the **Goddess Amaterasu**, the Goddess of the Sun. The first Emperor was Jinmu Tennou.

and myths can be found into the group's religion. The **religion** is a system of ideas and believes. It organizes the relationships among the members of a certain group, from its cultural perspective of what they consider as unnatural.

According to Seizelet²⁴, just after the Meiji Restoration, the government decided to entitle the Shinto as the official religion and re-centrate it around the Tennou. One artifice was created: thought it was proclaimed that the Shinto of Estate, in reality all individuals had to honour the Tennou and their ancestors by appropriate rites. These rites were not an expression of religious believe, but of civic obligation and patriotism. The Shinto of Estate was placed under control of the Ministry of Interior who decided on the status of the monks, the type of public subventions to those sanctuaries which had links with the Imperial Family, etc. (Seizelet, 1990, 47~51)

The Government created the ideological formula of the "Family Estate" (家族国家 *kazoku kokka*), a mechanism through which the *kokutai* and the perfection of the Tennouism were explained: the Tennou is the basis of the social building. In other words, the Tennou had the sovereignty, thus, all powers. Moreover, the Japanese society lays on a "race unification" strengthened by the blood links and the ancestor cult. It is the Tennou who represent the spirits of the ancestors of the Japanese race and therefore, he is the sovereign of the Estate, like a "head of the family" incarnation of the authority of the ancestors of the clan with the patriarchal power on the family group. So the Japanese folk appears like a giant pyramid. While the Emperor is the "head of the family Estate", those on the lower level of hierarchy, the "heads of the small families" (for example, the heads of the clans), had to obey the Tennou, because he and no one else, was the successor of the Goddess of the Sun. The Crown is the symbolic representation of the Goddess of the Sun, Amaterasu²⁵, like the parents are of the alive continuation of the ancestor spirits. The obedience to the Tennou is a sacred obligation of reverence, which is no more than the prolongation of the chains of parent loyalty which link the individual to his ancestors, and the family to the nation. The *filial piety* and the *loyalty to the throne* were two different aspects founded in the cult to the ancestors, pillars of the Family-Estate. (Seizelet, 1990, 47~51)



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14. 国体 "Kokutai" in the sense of "basis of the sovereignty" into the Meiji Period, or "body of the country", or "sovereignty in the hands of the Tennou".
 15. On February 11th of 1898 the Imperial Japanese Constitution was enacted. This date coincides with the mythical date in which the first "human" "emperor" of the Japanese Dynasty was enthroned. The "emperor" was Jinmu Tennou and the date was February 11th of the 660.
 16. European Monarchies were legitimated using a formula called "invocation legis", *to be the King by the grace of God*. By God Kings were legitimated. In Japan. The Tennou was not "Tennou by the grace of God" but he was a "god" (神 *kami*) himself. Shintoism legitimated the Tennou.
 17. The Imperial Rescript of the Education of October 30th 1890 (教育勅語 *kyouiku chokugo*) had as a central goal the codification of the national morals: the moral formation by the *kokutai*, enumeration of 15 confucian-style moral obligations, etc.
 18. Creation of scholar books, programs of history and "national ethics". They wanted to create a national character with a great amount of patriotism and loyalty to the Tennou.
 19. Seizelet, Eric, "Monarchie et Democratie dans le Japon d'après-guerre. Preface de Jacques Robert", 1990, Paris, Éditions Maisonneuve & Larose, pp. 45-55.
 20. During the American occupation after WWII, a new Constitution was given to the Japanese. The cultural situation of 1946 was a difficult one (defeated and surrendered Japan). Though laws could be change in a short period of time, other things took more time. While the sense of the *kokutai* as "shape of the Estate", the "Tennou with all powers" had no more use with the new situation of the country, the extra-juridical sense of it, the one residing into the Japanese hearts, was harder to change.
 21. In all cultures exists the "creation myth", the "elected country by gods" one, etc. Japan is not an exception.

The subjects, people, create a racially unified community around the Tennou, considering the Imperial Dynasty as the pillar of the **national identity**. The identity of the Imperial Cult with the national cult, and the supremacy of the cult to the Imperial ancestors on the clan ones or family ones, explain the loyalty of the Japanese to its Emperor, and their patriotism. (Seizelet, 1990, 47~51)

Language

According to Chomsky²⁶, humans organize language according to a certain number of rules existing in the human mind. All humans have this capability, and also share similar ways of thinking. However, language and thinking processes are linked. *Different languages produce different types of thinking*.

Language, thinking and culture are deeply related to each other. Cultural exchanges might provoke changes into the language as well. What is more, it will also provoke changes into the way of thinking of that culture's members. Cultural changes also affect the vocabulary, affecting the historical meaning of some words. For example, what meant *kokutai* in the Meiji Period, Taisho Period or beginning of the Showa Period is different from its actual meaning.

Words are terms which are used to organize the experiences and perceptions of a closed group. This carries problems when translating from language to language. Therefore, words used in a language referring to the same thing might have not the same contents. (For example: "god" and "kami 神", "liberty" and "jiyuu 自由"²⁷)

According to a standard Japanese language dictionary the following definitions for *kokutai* can be found: "into the constitutionalism and nationalism it refers to the shape of the sovereign power, such as a Monarchy or a Republic. Separated from the idea of *seitai* ("form of the Estate"), thus the way in which the sovereign power is invested, such as the despotism or the democracy". Furthermore, "into the Imperial Japan and under the Japanese Meiji Constitution, it generally meant "National Character". Into it we found the obscure contents of the "entirely eternal Tennou system. The Tennou had the country's sovereignty". Also translated as "national character", "honor of the Estate", "the system of the Estate in which the sovereignty and the rule of government are separated", even "abbreviation for the national athletic meet"²⁸. Among all these definitions, which is the more correct one for *kokutai*? How can we translate this word (if it is possible) into a correct way? It is important to see the background first to be able to understand its cultural value. It is necessary to see in which way "kokutai" is interpreted and what is the intention and origin of this meaning.

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22. On the Japanese coins the face of the Tennou is not printed. Instead we find flowers. It is a cultural taboo. It is to prevent a bad manipulation of the same, such as paintings or using it for black magic, etc. In former times, even the publication of a photo of the Tennou in the media was followed with special rigorously because of the same reason.
23. Lévi-Strauss, C., "La estructura de los Mitos", en "Antropología Estructural", Buenos Aires, Eudeba, 1977; "Raza y cultura", en "Raza y Cultura", Madrid, Ctedra, 1996, 105-142
24. Eric Seizelet, "Monarchie et Democratie dans le Japon d'après-guerre" (1990), pp. 30~50.
25. View note number 13.
26. Chomsky, Noam, "The architecture of Language. Edited by Nirmaangshu Mukherji, Bidudhendra Narayan Patnaik, Rama Kant agnihoirri", Oxford, New Delhi, Oxford University Press, 2000.
27. Kitamura, Ichiro, "La cultura giuridica giapponese e i problemi della traduzione (trad. Andrea Ortolani)", 2003, Materiali per una storia della cultura giuridica, anno XXXIII, n. 2, pp. 359~405.

The word *kokutai* is formed by two kanjis. One, 国 *kuni* means country, and the other 体 *karada* means body. Apparently it just means “shape of the country”, but depending on the period of time, it is interpreted in a different way. Under the Constitution of the Empire of Japan it had an additional further meaning. The Government created a whole perfect new cultural system around the Tennou²⁹, and the *kokutai* was the expression of it. Moreover, **the kokutai was the basis of the sovereignty³⁰. According to Tatsukichi Minobe³¹, kokutai is understood as the “shape of the Estate” in the sense of “Tenno as the organ of the Estate”, while the authoritarians gave to the kokutai a mystical power. The Tennou was a “god”³²** among “humans”, the incarnation of the national morals. This notion of *kokutai* was extra-judicial, more something cultural than positive.

During the American occupation of the country, and while the elaboration of the Constitution of 1946, both Americans and Japanese argued about the *kokutai*. The Japanese government wanted to maintain the old spirit of the word (therefore its contents and all what it carried with: the Emperor’s sovereignty versus the people’s sovereignty). But the government ended accepting MacArthur’s proposals to keep the *kokutai* (while its meaning was totally changed into the new Constitution). That is to say, the idea of the *kokutai* itself (the Tennou is the heir of a millenary Dynasty and reigns having all the powers of the Estate, having in his hands the sovereignty) forming a strong contrast to the Constitution of 1946, where the sovereignty is to be found in the people and not in the person of the Tennou. While, after the declaration of humanity of the Showa Tennou, Hirohito, the *kokutai* was losing its old meaning, changing into a mere “shape of the Estate”, it lost its basics with the new Constitution. Sovereignty resides into the people³³.

Several discussions about the matter were set. Among other theories, the theory of the “revolution of August”³⁴ argued that through the article 73 of the Meiji Constitution, the same was reformed and the new Constitution was approved. Other theories, like the “nomos theory” argued that “sovereignty could be found into the nomos”³⁵. Discussions about the “sovereignty” were also about the *kokutai*. As we can see, the word *kokutai* had two contents, one juridical and the other moral (cultural, therefore, stronger). While juridical sense of the *kokutai* was totally



28. My translation from: 国体 Kokutai? 憲法学、国家学などでは、国の主権のあり方（君主制・共和制）をさし、主権の運用の仕方としての政体（専制政治、立憲政治）と区別される。Kenpougaku, kokkagaku nado dewa, kuni no shuken no arikata (kunshusei, kyouwasei) wo sashi, shuken no un-you no sikata toshite no seitai (sensei seiji, rikken seiji) to kubetsu sareru. 2. 明治憲法下の日本では一般に「国柄」という漠然とした内容で、もっぱら万世一系の天皇が統治する尊い国という意で用いられた。Meiji kenpouka no nihon dewa ippanni “kunigara” toiu bakuzen toshita naiyou de, moppara bansei ikkei no tennou ga touchi suru toutoi kuni toiu I de mochiirareta.// 国体 kokutai : 1. 国柄 Kunigara 2. 国家の体面 Kokka no seimen 3. 主権または統治権の所在により区別した国家体制。Shuken matawa touchiken no shozai ni yori kubetsu shita kokka taisei. 4. 国民体育大会の略称 Kokumin taiiku taikai no ryakushou. From Iwanami Dictionary, into the Digital Sony Viewer (DD-IC700S).
29. During the Meiji Period the Tennou had a “monist” power. During all the Japanese history the Tennou has had two different types of power: monist and dualist. In ancient times, from Himiko till the 10th century the Tennous had a monist power. From the 10th century (with the civil war periods and the Edo Period) the Tennou lost its power and, into a “dualist” system, he became a moral linking among Japanese. Shoguns used its moral authority to legitimate their governments. During the Meiji Period the Tennou recovers his power, while nowadays he has lost it again.
30. Despotism theory. Hoizumi, into Fukase (1984), pp. 69 note 41.
31. Professor of Compared History of Law, Administrative Law and Constitutional Law in the Imperial University of Tokyo. Into Tadakazu Fukase and Youichi Higuchi, “Le Constitutionnalisme et ses problèmes au Japon: un approche comparative” (1984) pp. 18~20.

changed with the Constitution of 1946, the moral sense of the word, its cultural contents, seemed to remain unchanged. Yet it did not changed at the same time as the law did, still it remains into the Japanese society that extra-juridical sense of the word, while it is disappearing quite quickly from the youth³⁶.

Conclusion

In view of this deep background of the word *kokutai*, how we can translate it correctly with our limitations? Language limits our way of expression, it shows our way of thinking, and it expresses our specific culture, our specific cosmos. Language creates barriers of mutual understanding when two different cultures lack of certain figures or certain ways of expressing themselves. In these cases, problems in translating a single word, without loosing its cultural background, appear as quick as blinking an eye. That is exactly the case of “kokutai”. *Kokutai* should be explained as its whole background. There is no other way to understand what it meant, and what it means. Among other reasons that makes it difficult to be translated just using a word, or a few of them, we shall be aware that our cultural background is different to the Japanese one; the *kokutai* is a unique characteristics of the Japanese system into a very special part of the Japanese history; and which is more, we lack of a good equivalent into other languages, for example in English. We have to realize that the word *kokutai* is deeply related with the word *Tennou*. The both of them express a cosmos, a specific and unique characteristics of the Japanese culture, not only historically talking, but also nowadays.

In the world of Constitutional Law each word counts. Each word must be understood deeply. Therefore the culture in which a Constitution works must be understood in its roots. To forget that words, language, show the elements of a certain culture, might be a terrible mistake. Comparing “equivalents” without understanding the true meaning of one of them, is a failure. That is exactly why, when even studying a different Constitutional Law system, we should pay more attention to (not only laws of course) language, culture, religion, and those other elements which makes a certain culture unique.

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Used Japanese words and its translation/ equivalents³⁷

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|----|---------|---------|
| 国体 | kokutai | Kokutai |
| 天皇 | tennou | Tennou |

32. “God” in the sense of “kami”. For Christians “god” is unique and only one, while “kami” 神 refers to one among lots. Into the Shintoism 神道 we find lots of “gods” not only one. Moreover, “god” like into the ancient times. With oriental deification characteristics: the monarch is a divinity incarnated into the human world. This type of mystification and behaviors of the people versus their Emperor is similar to those into the ancient times, like in Egyptian Pharaohs. Fukase (1984) pp. 50.

33. Seizelet, 1990, 29~51, Fukaze & Higuchi, 1984, 10~28, 49~89.

34. Yasuo Hasebe, The August Revolution Thesis and the Making of the Constitution of Japan, Rechts-theorie, Beiheft 17 (1997), pp. 335-42.

35. Tomoo Okata's theory. Hasebe (2002) pp. 55 and 56.

36. Nowadays, young Japanese do not care about politics, do not know or know very few about what kokutai means, even they do not care too much about the figure of the Tennou. In a way is like their have an “identity crisis”.

37. Ordered by appearance into the text.

| | | |
|--------|-----------------------|---|
| 明治時代 | Meiji jidai | Meiji Period |
| 江戸時代 | Edo jidai | Edo Period |
| 和魂洋才 | Wakon Yousai | Japanese Spirit and Occidental Means |
| 日本帝国憲法 | Nippon Teikoku Kenpou | The Constitution of the Great Empire of Japan |
| 憲法 | kenpou | Constitution |
| 自由 | jiyuu | Liberty |
| 大名 | daimyou | Land Lord |
| 幕府 | bakufu | “Government”, during the Edo Period |
| 神 | kami | “God” (among others) |
| 教育勅語 | kyouiku chokugo | Education (imperial) rescript |
| 家族国家 | kazoku kokka | Family Estate |
| 憲法学 | kenpougaku | Constitutionalism (studies of) |
| 国家学 | kokkagaku | Studies on the Estate |
| 国 | kuni | Country |
| 主権 | shuken | Sovereignty |
| 君主制 | kunshusei | Monarchic system, Monarchy |
| 共和制 | kyouwasei | Republic system, Republic |
| 運用する | un-you suru | Use, make use of, apply to |
| 政体 | seitai | System of government |
| 専制政治 | sensei seiji | Despotic government, autocracy |
| 立憲政治 | rikken seiji | Constitutional government, Constitutionalism |
| 区別する | kubetsu suru | To distinguish, to difference |
| 国柄 | kunigara | National character |
| 漠然 | bakuzen | Vague, obscure |
| 内容 | naiyou | Contents |
| 万世一系 | bansei ikkei | An unbroken line “of Emperors” |
| 統治する | touchi suru | To rule, to govern, to reign |
| 尊い | toutoi | Noble, holy, sacred |
| 用いる | mochiiru | Use, make use of, employ |
| 統治権 | touchiken | Sovereignty |
| 所在 | shozai | Whereabouts, place, position |
| 国家 | kokka | Estate |

| | | |
|-------|-------------------|----------------------------|
| 体制 | taisei system | Organization, structure |
| 国民体育会 | kokumin taiikukai | The National Athletic Meet |
| 略称 | ryakushou | Abbreviation |
| 神道 | shintou | Shintoism |

Bibliography

Ashibe, Nobuo, “Kenpou, dai san pan (Constitutional Law, 3rd edition)”, Tokyo, Iwanami Shoten, 2004.

Benedict, Ruth, “The Chrysanthemum and the sword: patterns of Japanese culture”, Tokyo, Charles E. Tuttle, 1974.

Bohannon, Paul, “Law, biology and Culture. The evolution of Law. Edited by Margaret Gruter and Paul Bohannon”, Santa Barbara, Ross-Erikson. Inc., 1983.

Bohannon, Paul, “Para raros nosotros. Introducción a la antropología cultural”, Akal Ediciones, 1992.

Chomsky, Noam, “The architecture of Language. Edited by Nirmaangshu Mukherji, Bidudhendra Narayan Patnaik, Rama Kant Agnihoirri”, Oxford, New Delhi, Oxford University Press, 2000.

Fukaze, Tadakazu; Higuchi, Yoichi, “Le Constitutionnalisme et ses problèmes au Japon: une approche comparative”, Paris, Presses Universitaires de France, 1984 (pp. 12~28, 49~89).

Gluck, Carol, “Japan’s Mother Myths: ideology in the late Meiji Period”, Princeton, N.J., Princeton University Press, c.1985.

Hall, Edward T. ; Reed Hall, Mildred, “Comprendre les japonais. Traduit et adapté de l’américain par Edmond Jacquemot”, Paris, Éditions du Seuil, c.1994.

Hall, Edward T., “Au-delà de la culture”, Paris, Éditions du Seuil, 1979.

Hasebe, Yasuo, “Kenpou, dai ni pan (Constitutional Law, 2nd edition)”, Tokyo, Shinseisha, 2002.

Yasuo Hasebe, “The August Revolution Thesis and the Making of the Constitution of Japan”, *Rechtstheorie*, Beiheft 17 (1997), pp. 335-42.

Inoue, Kiyoko, “MacArthur’s Japanese Constitution: a linguistic and cultural study of its making”, Chicago, University of Chicago Press, 1991.

Kitamura, Ichiro, “La cultura giuridica giapponese e i problemi della traduzione (trad. Andrea Ortolani)”, 2003, *Materiali per una storia della cultura giuridica*, anno XXXIII, n.2, pp. 359~405.

Lévi-Strauss, C., “La estructura de los Mitos”. En “Antropología Estructural”, Buenos Aires, Eudeba, 1977.

Lévi-Strauss, C., “Raza y cultura”. En “Raza y Cultura”, Madrid, Cátedra, 1996, pp. 105-142.

Lewellen, Ted C., “Political Anthropology: an introduction”, South Hadley, Mass: Bergin & Garvey , 1983.

Seizelet, Eric, “Monarchie et Democratie dans le Japon d’après-guerre. Preface de Jacques Robert”, Paris, Éditions Maisonneuve & Larose, 1990.

Tylor, Edward B, “Anthropology: an introduction to the study of man and civilization”, London, N.Y., Macmillan, 1892.

Tylor, Edward B, “Primitive Culture: researches into the development of mythology, philosophy, religion, language, art and custom”, London, J. Murray, 4rth edition rev., 1903.



