

# The Advisory Council on the Imperial House Law Report

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24th November, 2005

This English version of the Report is a provisional translation prepared by the Secretariat for reference purposes.

## Definitions of Basic Terminology

### Kōtō (皇統) “Imperial line”

- The bloodline of the Emperors.

### Kōzoku (皇族) “Imperial Family”

- Relatives within a certain degree of family relationship to an Emperor (with the exception of other Emperors), whose separate status from the ordinary citizenry has been institutionalized in order to preserve the hereditary line of Imperial succession.

Membership in the Imperial Family is restricted to (1) individuals sired by an Emperor or a member of the Imperial Family, and (2) females who were previously non-members of the Imperial Family and have married an Emperor or a member of the Imperial Family.

### Kōseki ridatsu (皇籍離脱) “secession from the Imperial Family”

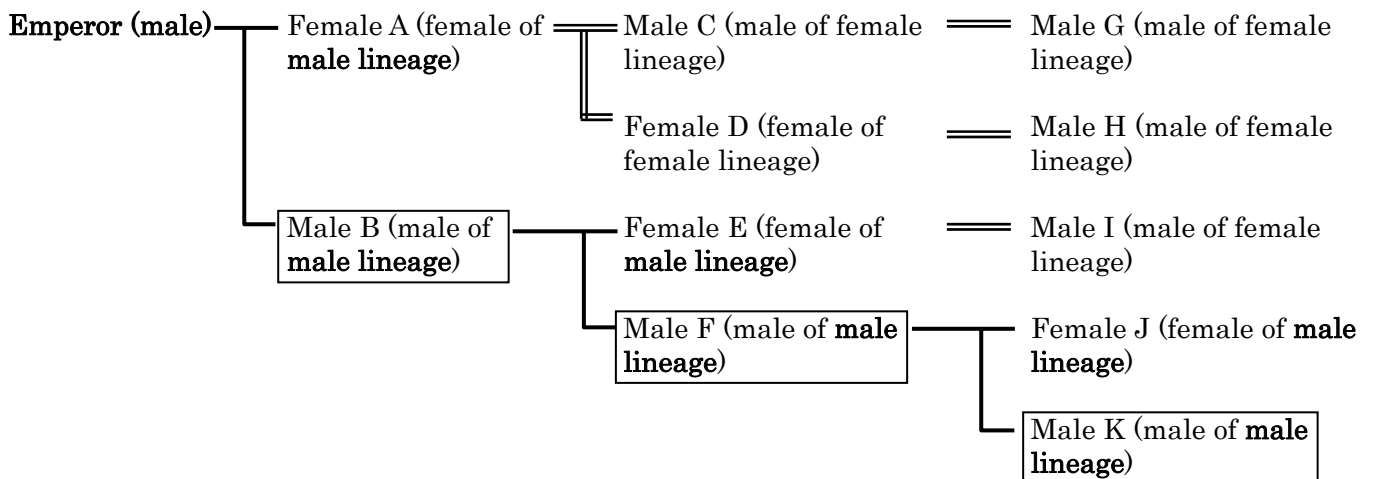
- The act of an Imperial Family member’s relinquishing membership in the Imperial Family, either of his or her own free will or as the result of marriage with a male other than the Emperor or a member of the Imperial Family. Though of Imperial descent, that individual thereby ceases to be a member of the Imperial Family.

### Dankei (男系) “male lineage”

### Jokei (女系) “female lineage”

- Male lineage here refers to a pedigree that runs from Emperor exclusively through males, as shown by the single solid line (—).
- Female lineage here refers to any other form of pedigree, as shown by the double line (=).
- Descendants of females are considered to be of female lineage, regardless of whether they (the females themselves) are descended from a male or female line.

Examples of male and female lineage



## Introduction

The Advisory Council on the Imperial House Law was charged by the Prime Minister with the task of discussing what form the system of Imperial succession and the institutions that relate to it should take in order to ensure the stability of that succession into the future. In the course of its deliberations since January of this year, the Council has convened a total of seventeen official meetings as well as other, informal meetings as needed.

Japan's Imperial institution has a long history that extends back to ancient times, and views on it differ from individual to individual depending on their interpretation of history and beliefs about the character of the State. Deeply conscious of the gravity of the task with which we have been entrusted, we have analyzed the problem soberly and identified key points for discussion from a wide range of perspectives; these we have endeavored to share with the public at large and, while gauging trends in public opinion, to examine with due care.

In specific terms, we have predicated our discussions on the present Constitution of Japan, and we began by making every effort to obtain a sufficient understanding of the ideas behind the current system of Imperial succession and the historical facts that form its background.

In May and June we invited eight distinguished individuals with an expert knowledge of such wide-ranging fields as the Imperial institution, constitutional law, religion, and history to express their views in order to provide a basis for our subsequent discussions. In July we released a *Summary of Points for Future Discussion*, which identified the basic perspectives to be adopted in our deliberations and was designed to aid the Japanese public at large in deepening its understanding of and interest in the issue. Since then we have, while adopting a medium- to long-term perspective, advanced our discussions further in the quest for a conclusion that will win broad acceptance in Japanese society today.

This report presents the conclusion that has emerged from this process.

Note: The documentation used at each meeting, summaries of the discussion that took place, the *Summary of Points for Future Discussion* released in July, and the text of this report are all available on the official Web site of the Prime Minister of Japan and His Cabinet.

## **I. The Problem**

For Japan with its system enshrining the Emperor as symbol of the State and the unity of the people, stability of the Imperial succession is an issue that affects the country's very foundations.

Under the current Imperial House Law, it is possible that, given the present composition of the Imperial House, a situation may sooner or later arise in which there is no eligible candidate for the Imperial Throne; in which case the maintenance of the system recognizing the Emperor as symbol of the unity of the people, as prescribed by the Constitution of Japan (hereinafter "the Constitution"), will be plunged into uncertainty, and along with it the line of Imperial succession with its long history. (Reference 1)

The prompt establishment of a system that will ensure the stability of the Imperial succession into the future is therefore a crucial task that Japan cannot avoid.

## **II. Basic Perspectives**

In light of Japanese history and tradition, the Constitution defines the Emperor as the symbol of the State and the unity of the people, who derives his position from the will of the people. It also prescribes that the position of Emperor shall be inherited by virtue of blood. (Reference 2)

The significance of the Emperor as symbol of the state is manifest in the very existence of the Emperor and in the Emperor's acts in matters of state as prescribed in the Constitution. The bonds between the Emperor and the people have been further strengthened by, among other activities, his prayers for the spirits of the war dead, his tours of disaster-struck areas, his visits to welfare facilities, and his activities to foster international goodwill, as well as his traditional and cultural functions. The innate significance of the Imperial institution, in combination with the various functions that the Emperor performs, has ensured that the system of Emperor as symbol of the state has continued to enjoy the support of most of the citizenry down to the present day. (References 3, 4, 5)

The system of the Emperor as symbol of the state is closely bound up with the history of Japan and underpinned by the support of the Japanese public. Here we offer some general observations about what system of Imperial succession may be best suited to those characteristics, adopting the following three basic perspectives.

### **1. The system must be capable of winning public understanding and support.**

The system of Imperial succession is one of the cornerstones of the Imperial institution; as such, it must be capable of winning the broad support of the public rooted in a deep understanding of

Japanese history and institutions.

Differing views exist among the general public on the question of what form the system of Imperial succession should take. That reflects the diversity of opinion on the Imperial institution, and on history and the State, that is to be found among citizens at large. All these various points of view must be accorded due respect. For that reason it will be necessary, while acknowledging such diversity, to seek out a system that is capable of winning the stable support of the vast majority of the public into the future, as society evolves.

## **2. The system must be rooted in tradition.**

Behind the definition of the Emperor that appears in the Constitution lies the Imperial institution of history and tradition; the system of Imperial succession must therefore be one suitable to the history and tradition of the institution.

Tradition assumes many forms. Many traditions relating to the Imperial succession go back centuries, but then there are also the traditions of the Imperial institution that have evolved in the context of the system of the Emperor as symbol of the state that emerged after the War. Traditions may also vary greatly in character depending on, say, whether they allow for exceptions or how binding are the norms they impose.

Nor are traditions necessarily immutable. The choices made by the people of each age remain behind in the form of tradition, and new traditions are born as such choices accumulate.

It is therefore important to consider, in light of society's evolution and present state, which of the manifold traditions relating to the system of Imperial succession to pass on to the next generation, and in what form.

## **3. The system must be stable.**

The succession of the Emperor, the symbol of the state, to the Throne is an act that affects the country's very foundations, and ensuring the stability of the system whereby that succession takes place is of vital importance.

Here, stability includes the senses that:

- there exists a necessary and sufficient number of eligible candidates for the Throne;
- no obstacles exist to their performance of the Emperor's functions as the symbol of the state ;
- the successor to the Throne is decided unequivocally, and no room exists for discretionary considerations or arbitrary judgments to intervene.

The above requirements need to be considered together as a whole.

### III. Policies for Ensuring a Stable, Appropriate Imperial Succession

#### 1. Eligibility for the Imperial Throne

##### History and the Current System

Until the enactment of the old Imperial House Law (hereinafter “the Meiji Imperial House Law”) during the Meiji period in 1889, no written provisions existed governing the Imperial succession. Amidst the varying value systems and social conditions of different eras, the Throne was always inherited by individuals of male lineage who were of Imperial blood and belonged to the Imperial family. Almost half were of illegitimate descent. There have also been eight female Emperors (of male lineage), accounting for ten separate reigns among them, but it is not possible to generalize about their positions. (References 6, 7, 8)

The Meiji Imperial House Law, which for the first time set out clear provisions on the Imperial succession in an attempt to ensure the stability of the Imperial institution by avoiding succession disputes, restricted eligibility for the Throne to males of male lineage (including those of illegitimate descent).

The current Imperial House Law, which was enacted in 1947, added the provision that candidates for the Throne must be of legitimate birth.

As a result, the present system of Imperial succession is the most stringent in history. (Reference 9)

The current Imperial House Law requires that candidates for the Throne be of imperial descent, that they be of legitimate birth, that they be males of male lineage, and that they belong to the Imperial Family. The rationale behind this system is as follows:

##### (1) The requirement to be of Imperial descent

Candidates for the Throne must be descended from an Emperor, which since the Throne is hereditary is a natural enough requirement.

##### (2) The requirement to be of legitimate birth

Under the Meiji Imperial House Law individuals of illegitimate birth were also eligible for the Throne, but when the current Imperial House Law was enacted after the War it was decided to restrict eligibility to those of legitimate birth in the interests of public morals. (Reference 10)

##### (3) The requirement to be a male of male lineage

This provision was enshrined in both the Meiji Imperial House Law and the current one in light of the fact that, historically, the Imperial Throne has consistently passed down the male lineage. (Reference 11, 12)

##### (4) The requirement to belong to the Imperial Family

This too is a natural enough requirement, since the Imperial Family system is designed to maintain the hereditary succession of the Imperial line.

Of the above conditions for eligibility for the Throne, (1) the requirement to be of Imperial descent and (4) the requirement to belong to the Imperial Family are perfectly natural in light

of the nature of the institution; it would likewise be appropriate to maintain (2) the requirement to be of legitimate birth in deference to public attitudes; the search for policies to ensure a stable supply of eligible candidates for the Throne, therefore, must focus on (3) the requirement to be a male of male lineage.

**(a) The Significance of Succession through male lineage**

The Imperial Throne has consistently been passed down the male line, a practice that was institutionalized in the Meiji period and has continued down to the present day.

**(i) Grounds for the Imperial House Law's Restriction of the Throne to Males of Male Lineage**

When the Meiji Imperial House Law and again the current Imperial House Law were enacted, various grounds were cited for institutionalizing the principle of male succession through male lineage, these being rooted in the circumstances of the day.

Specifically, at the time of the enactment of the Meiji Imperial House Law, such arguments were made as the following:

- A female Emperor's dignity would be diminished by the presence of a consort, for Japanese popular sentiment and social norms gave precedence to the male.
- The Japanese system of inheritance favored males. If the eldest child was a daughter but she had a younger brother, the estate went to the latter.
- In the minds of the Japanese people, female Emperors had throughout history always served a provisional, interregal role, and Imperial succession was still perceived as passing through the male line. Moreover, these female Emperors had been without consorts during their reigns; but a system that compelled a female Emperor to remain unwed today would be at odds with both reason and popular sentiment.
- A child born of a female Emperor would inherit her husband's surname; the Imperial line would thus be diverted into a different course in violation of tradition.
- The consort of a female Emperor might interfere through her in affairs of State.
- A woman's assumption of the highest position of political authority would be inconsistent with the absence of female suffrage in Japan.

Similarly, when the current Imperial House Law was enacted, such arguments were made as these:

- The Imperial succession had, in so far as past precedents were concerned, always run through the male line, and that was consistent with popular sentiment.
- Historically speaking, female Emperors had always served a provisional, interregal role.

(References 11, 12)

## **(ii) Views on the Significance of Male Succession through male lineage**

A host of views continues to be espoused today on the significance of male succession through male lineage, such as the following:

- It is the established principle of Imperial succession in Japan, and seeking further significance in it than that is a meaningless enterprise.
- If the succession went to a the person coming from female lineage the Imperial line would be perceived as having passed to the family of the Emperor's consort, an eventuality that the principle of male succession has been effective in preventing. (Reference 13)
- The principle of male succession was molded under the influence of Chinese ideas embodied in the ancient *ritsuryō* (律令) penal and administrative codes and Confucianism, and it is not necessarily in agreement with the original belief system of Japanese society. The fact is, moreover, that female lineage has played a considerable role in determining the Imperial succession.
- The practice of male succession emerged from traditional notions about male superiority rooted in the use of military force and so forth; it does not constitute a distinct principle in its own right.

These views are linked to personal interpretations of history and notions about the State, and judging their relative appropriateness would not be the proper place to start a discussion of what constitutes eligibility for the Imperial Throne. Here, therefore, accepting the fact that the succession has until now consistently run through the male line, we consider the conditions under which that practice has been maintained in the past, and whether those conditions can still be preserved in future.

## **(b) Conditions for Maintaining Male Succession through male lineage, and How Japanese Society Has Changed**

The principle of male succession through male lineage is basically predicated on the assumption that Emperors and male members of the Imperial Family are always going to father sons.

Among the reasons why this practice has been maintained for so long in the past can be cited the fact that succession to the Throne by illegitimate offspring was once widely accepted. The large role that this has played in the maintenance of male succession through male lineage is evident from the fact that nearly half of Japan's Emperors have been of illegitimate birth. Another important factor has been that people once generally married young, and bearing large numbers of children was the norm in the Imperial Family as well.

These conditions obtained down until the era when the Meiji Imperial House Law was in force. Illegitimate sons were considered eligible for the Throne, and before the War the Imperial Family tended to have many children in accordance with trends in society at large.



But upon enactment of the current Imperial House Law in 1947, the system became more stringent as eligibility for the Throne was restricted to legitimate children for reasons of public morality. Indeed, when the Law was being framed in the Imperial Diet, the case was made for allowing a female to become Emperor on the grounds that maintenance of the Imperial line might otherwise be imperiled once greater scope existed for members of the Imperial Family to secede from it and illegitimate children were excluded from the Throne.

Japanese birthrates have been falling rapidly in recent years. The country's total fertility rate (the number of children that a woman bears in her lifetime), over four when the current Imperial House Law was enacted in the late 1940s, had by 2004 dropped to 1.29. Fertility trends in society at large do not necessarily apply unmodified to the Imperial Family. Nor, however, can they help but affect it as long as it seeks marriage partners from society at large, for the trend toward later marriages, a primary cause of Japan's dwindling birthrates, reflects the higher levels of education obtained by women today, their higher level of employment, and their changing attitudes to marriage (Reference 14). The situation is starkly different from that before the War: the Emperor Taishō (then still Crown Prince) married at age twenty, and his consort was fifteen; the Emperor Shōwa married at twenty-two (likewise when Crown Prince), and his consort was twenty. Since the Emperor Meiji, the number of children, including illegitimate children, fathered by Emperors and male members of the Imperial Family directly descended from Emperors born in the Taisho era or earlier averaged 3.3 (counting only those who reached adulthood); the number fathered by those born in the Showa era at present averages 1.6.

Let us assume that male and female children are born in equal numbers; if the average number of children born by each couple falls below two, the number of male descendants of male lineage will decrease with each generation.\* In reality, descendants of male lineage may disappear more quickly than in the average scenario, or, conversely, more males than females may be born; at any rate, an institution at the mercy of such vagaries can hardly be described as stable.

An honest assessment of this state of affairs forces one to conclude that it will be extraordinarily difficult for every generation to produce an eligible successor to the Imperial Throne of male lineage such that a stable succession can be maintained. That fact suggests that the conditions that historically underpinned the principle of male succession through male lineage have disappeared in the face of changing public attitudes about morality and changing social trends in the area of childbearing. It is in light of these social changes that we must examine the question of what form the Imperial succession should take.

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\* Hypothesizing, for argument's sake, that the present generation includes five male descendants of male lineage, let us stochastically calculate the number of such descendants in subsequent generations using Japan's current average birthrate (1.29, the total fertility rate for 2004), and assuming that the probability of the birth of a son or a daughter is equal. The number dwindles rapidly: 3.23 in the second generation, 2.08 in the third generation, and 1.34 in the fourth generation. (Even at a birthrate of 1.5, the number falls to 2.11 by the fourth generation.) (Reference 15)

**Appendix: The Proposal to Restore Imperial Status to Former Imperial Family Members**  
(Reference 16)

One idea that has been espoused as an immediate measure for maintaining the principle of male succession is to restore membership in the Imperial Family to the so-called former Imperial Family members who seceded from the Family in 1947, as well as to their male descendants of male lineage. There are, however, formidable obstacles to the adoption of such a policy. Besides the aforementioned difficulty of ensuring a stable Imperial succession through the male line alone, the idea also faces the following problems in terms of public understanding and support, stability and tradition:

- These former Imperial Family members have already spent almost sixty years as ordinary citizens; furthermore, they are only distantly related to the present Emperor, the common ancestry that they share with him going back some six hundred years to the Muromachi period. There is thus concern as to whether they would be widely accepted among the public as genuine members of the Imperial Family. This policy would find it difficult to obtain public understanding and support under the present system in which the Emperor serves as symbol of the state; and that system requires, more than in any previous age, that members of the Imperial Family be beloved as such.
- When individuals are restored to or enrolled in the ranks of the Imperial Family, their personal wishes will need to be respected. It will therefore ultimately depend on their decision whether the policy actually produces any eligible successors to the Throne and, if so, how many. The policy is thus inherently unstable. One implication is that — to look at the problem from a different angle — individuals could well end up being in effect forced to join the Imperial Family, depending on how the system is administered, and third parties other than the individuals directly concerned could end up swaying the process.
- Historically speaking, it would be highly irregular for someone who has seceded from the Imperial Family to rejoin it, or for a non-member of the Imperial Family to be enrolled in it. And in only two cases have such individuals ascended the Throne, both during the Heian period. (Both individuals differ from the so-called former Imperial Family members presently under consideration in that they seceded only briefly from the Imperial Family and were close blood relatives — sons — of Emperors.) This tradition has a substantial purpose, being designed to prevent any confusion about the status of Imperial Family members by drawing a clear distinction between their standing and that of the ordinary Japanese. This point deserves due consideration still today. (Reference 17)

**(c) Expanding Eligibility for the Throne to Imperial Family Members Who Are Female or of**

## **Female Lineage**

The constitutional principle that the Imperial Throne shall be dynastic prescribes that the successor to the Throne must be of Imperial blood; but it is interpreted not to require that that individual be either male or of male lineage. And thus to allow for the ascension to the Throne of a member of the Imperial Family who is female or of female lineage. (Reference 18)

Consider the question of the system of Imperial succession once more in terms the fundamental objective of stably maintaining that succession on a hereditary basis: the idea then arises of expanding eligibility for the Throne to Imperial Family members who are female or of female lineage. Specifically, that would make Naishinnō (the daughter or granddaughter of an Emperor), Joō (the female descendant of an Emperor in the third or later generation), and their descendants eligible to succeed to the throne.

During the formulation of both the Meiji Imperial House Law and the current one, some contended that provision should be made for a woman to ascend the Throne (References 11, 12). When the Imperial Diet was framing the current Imperial House Law, members rose to make that argument on the grounds that there had been female Emperors in the past; that it was in harmony with natural human sentiment for a female closely related to the Emperor to take precedence over a distantly related male member of the Imperial Family; and that such a measure was necessary to ensure the stability of the Imperial line. At the time it was given an answer that the conclusion should be postponed until further studies had been conducted on the significance of male succession through male lineage and on the order of succession and other provisions that should obtain if women were allowed to ascend the Throne; for no concerns then existed about the Imperial succession, there still being a substantial number of male Imperial Family members of male lineage. Today, however, amidst fears that there may be no male of male lineage to succeed to the Throne, serious debate is needed on the possibility of a female Emperor or an Emperor of female lineage.

In this conviction, we next examine the possibility of expanding eligibility for the Throne to Imperial Family members who are female or of female lineage in light of the three basic perspectives enumerated earlier.

### **(i) Stability**

In terms of ensuring a steady supply of eligible successors to the Throne, expanding eligibility for the Throne to Imperial Family members who are female or of female lineage would result in a vastly more stable system of succession than the present one restricting eligibility to male descendants of male lineage; for all descendants of Emperors and of members of the Imperial Family would then be qualified to succeed to the Throne, regardless of sex.\*

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\* When calculated on the same assumptions as employed in the footnote to Section (b), the number of descendants from the

As for ensuring the stability of the Imperial institution, it is important that there be no obstacle to the performance of the Emperor's functions as symbol of the state; but it is inconceivable that any function, including acts in matter of state, performed by the Emperor as symbol of the state lies beyond the capabilities of a woman or an Imperial Family member of female lineage. Pregnancy and childbirth will not disrupt the Emperor's functions as symbol of the state, since at such times use can be made, for example, of the system for the delegation of the performance of the Emperor's acts in matters of state. (Reference 19)

It should also be noted that in the past, according to records, the Court rituals handed down within the Imperial Family were performed by female Emperors as well. (Reference 20)

### **(ii) Public Understanding and Support**

In addition to a natural bloodline, what the Japanese public expects of the Emperor as symbol of the state is a sense of commitment worthy of a member of the Imperial Family, and the ability to act as a reliable heir to the cultural heritage of the Imperial House — including both the ancient traditions that have been handed down with the Imperial Throne, and the role that has been established for the Emperor as symbol of the state over the almost sixty years during which the present Constitution has been in force. When considered in this light, what is today important in a potential successor to the Imperial throne is not whether the individual is male or female or stems from a male or female line, but that he or she was born into the Imperial Family and brought up in the Imperial House.

The notion that the Emperor should as a matter of course be male, it is true, long existed in the minds of the Japanese, for the historical reason that the Throne has been passed down the male line. That notion was also connected to the institutions enshrined in the Meiji Civil Code, which emphasized the right of males to succeed to the family estate, and to the concepts of family and of male superiority current in society at large. But one also needs to keep in mind that since 1947, when the current Imperial House Law was enacted, Japan has undergone a host of changes in public attitudes about and institutions relating to the family and the roles of men and women in society.

For example, the practice of women marrying “into” their husband's family and the system that made the eldest son successor to the family headship and sole heir to the family estate were abolished when the Civil Code was overhauled after the War; in practice, too, the concept of marriage as being based on the consent of the two sexes has achieved widespread currency, as has the idea that the eldest son should not get special treatment when it comes to matters of inheritance. There have thus been fundamental changes in the traditionally male-centered view

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five members of the current generation would, if those of both sexes and of both male and female lineage are counted, total 6.45 in the second generation, 8.32 in the third generation, and 10.73 in the fourth generation. (Reference 15)

of the family. Indeed, the notion of the family itself has changed: instead of being seen as something to be passed down the male line from generation to generation, it has come to be seen as a familial unit that shares life together. (Reference 21)

As women advance into society, moreover, fixed notions about gender roles are breaking down, as can be seen from various opinion surveys. (Reference 21)

Views of the family and attitudes about gender roles current in society at large do not immediately apply to the Imperial institution with its long history and tradition. Nonetheless, such changes in attitudes and institutions are among the reasons that, as various recent opinion surveys show, a majority of the public supports the notion of a female Emperor. It goes without saying that the Imperial institution's unique traditions and customs possess great significance; but nor should it be forgotten that a key condition for the proper functioning of the system of Emperor as symbol of the state is that it accord with the public's values. (Reference 22)

The preceding considerations suggest that the public will be receptive to and support the idea of expanding eligibility for the Throne to Imperial Family members who are female or of female lineage.

### **(iii) Tradition**

In Japan, successors to the Throne have traditionally always been of male lineage. If a woman ascends to the Throne and if someone of female lineage then ascends to the throne, the traditional method of succession will thus have been altered.

The most basic tradition with respect to the Imperial succession is that of heredity, meaning that the successor to the Throne must be a member of the Imperial Family who is of Imperial blood. That is evident from the fact that the Constitution stipulates only the principle that the Throne shall be dynastic; and it is a tradition that appears to enjoy the consent of most of the populace.

Today there are concerns that there could be no qualified male of male lineage to succeed to the Throne, and the principle of male succession through male lineage itself has been plunged into uncertainty as the conditions that have historically underpinned it have changed. In light of those circumstances, to insist on the principle of male succession through male lineage can only be regarded as to endanger the very principle of heredity itself, the most basic tradition of all.

To put it another way, extending eligibility for the Throne to members of the Imperial Family who are female or of female lineage would be a meaningful way to maintain the most basic tradition of the Imperial institution — its hereditary nature — into the future while adapting it to changes in society.

#### **(d) Desirable Conditions of Eligibility for the Throne**

The changes in public attitudes about and the social climate pertaining to the system of Imperial succession that we have surveyed so far have occurred in step with long-term changes in Japanese society as a whole. Opening the way to a female Emperor or an Emperor of female lineage would be highly significant in ensuring the stable continuation of the system of Emperor as symbol of the unity of the people, which enjoys the support of many of Japanese, while adapting it to changes in society.

In light of that fact, it would seem appropriate to extend eligibility for the Throne to members of the Imperial Family who are female or of female lineage.

It is argued in some quarters that doubts could arise about the legitimacy of such an Emperor; but under the current system of Emperor as symbol of the state, the Emperor's legitimacy will remain unassailable as long as the system of succession to the Throne continues to be based on Imperial blood and enjoys the active support of a broad cross section of the public.

If eligibility for the Throne is extended to women, female members of the Imperial Family will need to be able to remain in the Family even after marriage, with their consorts too being granted the status of Imperial Family members. We do not believe that there will exist any particular difficulties due to sex with respect to the taking of a consort by a female Emperor or member of the Imperial Family; but because it will be a first, the appropriate groundwork will need to be laid, due consideration being given, for example, to the consort's role and functions.

## 2. The Order of Imperial Succession

History and the Current System (Reference 23)

No written provisions existed governing the order of Imperial succession until the enactment of the Meiji Imperial House Law. Various patterns were followed depending on the value systems and social conditions of the day, although the overall historical trend was toward direct lineal succession, which eventually became the traditional norm. Various succession disputes broke out over the course of history, and the succession of particular Emperors was justified on such grounds as their mother's parentage or precedent, Imperial lineage being assumed as the one essential condition.

The order of Imperial succession was first explicitly laid out in the Meiji Imperial House Law, and the system in force under the current Law is essentially based on that arrangement.

Under the current system, eligibility for the Throne is restricted to males of the Imperial Family who are of male lineage; sons and other direct descendants of the Emperor take precedence in the succession, with priority among them being in order of age — first the eldest son and his descendants, followed by the second oldest son and his descendants, and so forth; next in line are other close relatives of the Emperor. The only differences from the Meiji Imperial House Law are those stemming from the current Law's exclusion of illegitimate sons, who were allowed to succeed under the Meiji Law.

This arrangement was chosen on the grounds that succession to the Throne by sons and other direct descendants of the Emperor had historically been common practice and should easily win public acceptance; as for ranking precedence in order of age, this was seen as a straightforward arrangement that made sense within the context of a hereditary system.

### (a) Approaches to Determining Order of Succession

Once consideration is given to such factors as continuity with the present system, there are several conceivable approaches to determining the order to succession that will apply if eligibility for the Throne is extended to Imperial Family members who are female or of female lineage. (Reference 24)

#### (1) The Principle of Primogeniture

This approach adopts the thinking behind the current order of succession, but without distinction of sex. Direct descendants of the Emperor are given precedence, with priority going to the eldest of the siblings fathered by the Emperor, regardless of sex.

#### (2) The Principle of Male Precedence among Siblings

Direct descendants of the Emperor are given precedence as in (i); but in light of the fact that the vast majority of Emperors have traditionally been male and the Japanese people are used to their Emperor being a man, males take precedence over females among the siblings fathered by the Emperor.

### (3) The Principle of Male Precedence

This approach places higher priority on being male than on being a direct descendant of the Emperor, on the grounds that only males of male lineage are currently eligible for the Throne. Males within the Imperial Family are given precedence, followed by females, with priority among males and females respectively going to direct descendants of the Emperor, in order of age, and then to his close relatives.

### (4) The Principle of Male of Male Lineage

Precedence is given specifically to males of male lineage, rather than to all males as in (3).

### **(b) The Principle of Direct Descent versus the Principle of Male Precedence**

Of the above four approaches, Approaches (1) and (2) give first priority to being a direct descendant of the Emperor; Approaches (3) and (4) give first priority to being male, or specifically a male of male lineage, regardless of whether the individual in question is of direct descent or springs from a collateral line.

In this regard, a system that gives precedence to direct descent — in other words, Approach (1), based on primogeniture or Approach (2), based on the principle of male precedence among siblings — is preferable for the following reasons:

- It is important that the system of Imperial succession be designed to convey the Imperial Throne, which has been handed down from the past to the present, on into the future. The best way to symbolize this continuity between past and future is through direct lineal succession from parent to child, from one generation to the next. In the eyes of the public, too, succession from parent to child will appear the most natural arrangement.
- The successor to the Throne, as inheritor of the Emperor's functions, should preferably be a member of the Imperial Family born and brought up in his presence.
- Under the present system that restricts eligibility for the Throne to legitimate offspring, especially today when birthrates are dwindling, it would hardly be rare for there to be no males among the Emperor's direct descendants; so if Approach (3) or (4) were adopted, the Imperial line could be expected to switch fairly frequently to a collateral branch. The result would be a complex system in which a change in reign could alter the existing order of succession; nor would such an arrangement be in the best interests of the stability of the Throne. In the case of Approach (3), a son would be higher up in the order of succession than his mother, an odd state of affairs in a hereditary system. (Reference 25)
- Traditionally, direct succession has been the norm.

### **(c) The Principle of Primogeniture versus the Principle of Male Precedence among Siblings**

What is required is a straightforward, stable system for determining the order of succession, so



that the public can expectantly watch over the growth of the future Emperor from childhood. Such a system would enable a policy for his or her upbringing and education to be established at an early stage.

Compare the principle of primogeniture and the principle of male precedence among siblings in this regard. Were the latter adopted, the order of succession could change depending on the order in which sons and daughters are born, which would make it difficult to foster public expectations for the future Emperor and establish a policy for his or her upbringing and education. This is because if the eldest child were a daughter and a son (younger brother) were born after her, that brother would take precedence over her (his elder sister) in the order of succession. That means that — if, as in the current system, the first child in line to the Throne is deemed Kōtaishi (皇太子), or Crown Prince or Princess — there could in certain cases occur a change in Kōtaishi. (Reference 26)

Moreover, considering the possible difference in age between siblings, such a period of flux could continue for some time.

With the principle of primogeniture, on the other hand, the order of succession follows the order of birth; it is therefore the superior approach in that it is more straightforward and would, from an early date, foster public expectations in the future Emperor and enable establishment of a policy for his or her upbringing and education.

It is advisable that maximum consideration be given to stability in the above sense, even though it is likely that the public is used to the Emperor being a male.

It would therefore be appropriate to adopt the principle of primogeniture, whereby precedence is given to the Emperor's direct descendants, with the order of succession among siblings fathered by the Emperor being in order of age, regardless of sex.

### 3. The Scope of the Imperial Family

History and the Current System (References 27, 28, 29)

The *ritsuryō* administrative codes formulated in the late seventh and early eighth centuries defined the Imperial Family as embracing an Emperor's descendants through the fourth generation. But in actual practice that definition became increasingly elastic from the latter half of the Nara period onward: certain sons of Emperors were not enrolled in the Imperial Family, for example, while some Imperial descendants remained Imperial Family members no matter how many generations passed.

The Meiji Imperial House Law brought in a system of permanent Imperial Family membership, whereby the descendants of Emperors and of Imperial Family members remained within the Imperial Family regardless of the number of generations that elapsed. When the Law was revised and expanded in 1907, further institutional arrangements were made: for example, a system for seceding from the Imperial Family was established in response to the need to regulate its size. These arrangements have remained in place under the present Imperial House Law.

Here is a summary of the principles defining the scope of the Imperial Family under the present Imperial House Law:

- The Imperial Family consists of legitimate children of the Emperor and of Imperial Family members; legitimate descendants in the male line of the Emperor and of Imperial Family members; and the consorts of the Emperor and of male Imperial Family members.
- The legitimate descendants in the male line of the Emperor and of Imperial Family members remain in the Imperial Family no matter how many generations have passed (the system of permanent Imperial Family membership).
- Members of the Imperial Family who are descendants of an Emperor in the first and second generations are, if male, titled Shinnō and, if female, Naishinnō; members of the Imperial Family who are descendants of an Emperor in the third and later generations are, if male, titled Ō, and, if female, Joō.
- Naishinnō and Joō secede from the Imperial Family upon wedding a person other than the Emperor or an Imperial Family member.
- Shinnō, other than the Kōtaishi (皇太子, the Crown Prince if the son of the Emperor) or Kōtaison (皇太孫, the Crown Prince if the grandson of the Emperor), may secede from the Imperial Family in case of special and unavoidable circumstances; Naishinnō, Ō, and Joō may do so either of their own free will or in case of special and unavoidable circumstances. Such secession requires a decision of the Imperial House Council.
- The Emperor and Imperial Family members cannot adopt children.
- Non-members of the Imperial Family cannot join it, with the exception of women who marry an Emperor or a male Imperial Family member.

As for how the Imperial Family is maintained at a reasonable size, while membership in the Family is permanent under the current system, its size is regulated through the use of the secession mechanism; for

restricting the number of members by legislative means is considered impractical. Secession from the Imperial Family “in case of special and unavoidable circumstances” is interpreted to include instances of secession designed to regulate the Family’s size.

In its restriction of qualifications for membership in the Imperial Family to birth from the Emperor or an Imperial Family member and to marriage to the Emperor or a male Imperial Family member, and in its ban on adoption of children, the present system inherits the Meiji Imperial House Law’s aims of avoiding disarray in the Imperial line and preventing confusion from arising because of a blurring of the distinction between ordinary Japanese and the Imperial Family.

### **(a) Considerations Determining the Scope of the Imperial Family**

The Imperial Family system is designed to guarantee hereditary succession to the Throne, as well as to support the Emperor in the performance of his functions — through, for example, the delegation of the performance of his acts in matters of state under certain circumstances; to that end it deems the Emperor’s relatives Imperial Family members, and institutionalizes their separate status from the ordinary citizenry. Without compromising the fundamental aim of ensuring a stable supply of qualified successors to the Throne, the Imperial Family needs to be maintained at a reasonable size in light of several considerations: it occupies a special position, it is financially supported by the State, and its unity could be impaired if it grows too large. If eligibility for the Throne is expanded to Imperial Family members who are female or of female lineage, arrangements will need to be made to ensure that this requirement is still met.

### **(b) Permanent Imperial Family Membership versus Restriction on a Generational Basis**

Under the present system, female members of the Imperial Family relinquish Imperial Family membership upon wedding a person other than the Emperor or a member of the Imperial Family. If, however, women become eligible for the Throne, they will, as possible successors to it, need to be able to remain in the Imperial Family even after marriage, with their consorts and descendants too being granted the status of Imperial Family members.

In that case the number of Imperial Family members could increase considerably. One idea, therefore, would be to adopt a system restricting membership on a generational basis: an Emperor’s descendants beyond a certain number of generations would automatically cease to be Imperial Family members, on the principle that the most remote descendants should leave the Family first. But a generationally based system cannot be adopted in an age such as today when birthrates are low; for unless successive Emperors and their immediate relatives within the Imperial Family consistently have a certain number of children, such a system could lead to uncertainties about the availability of eligible successors to the Throne. The appropriate thing to do, therefore, would be to take over the principles of the current system: Imperial Family

membership is assumed to be permanent, so that descendants of the Emperor and of Imperial Family members remain within the Imperial Family however many generations pass; and the Imperial Family is maintained at a reasonable size through the flexible application of the system of secession from the Imperial Family as circumstances require. (References 30, 31)

With respect to the current female members of the Imperial Family, due consideration will need to be given to the fact that they have grown up within the present system under which marriage results in secession from the Imperial Family. When making this consideration, such factors will need to be taken into account as the number of generations by which they are removed and the overall composition of the Imperial family.

### **(c) The System for Seceding from the Imperial Family**

Under the current system for seceding from the Imperial Family, Shinnō cannot secede of their own free will; but a Naishinnō can, like Ō and Joō, secede of her own free will following a decision of the Imperial House Council. If women too are to be eligible for the Throne, there exists no reason to distinguish between Shinnō and Naishinnō; conversely a distinction should be drawn between Shinnō and Naishinnō, on the one hand, and Ō and Joō, on the other, in the conditions governing secession from the Imperial Family. For these reasons it would make sense to harmonize the system applying to Naishinnō with that applying to Shinnō, and allow neither to secede of their own free will.

As for the system whereby an Imperial Family member secedes in case of special and unavoidable circumstances following a decision of the Imperial House Council, this should, as at present, apply to all Shinnō, Naishinnō, Ō, and Joō. Under the current system, the Kōtaishi or Kōtaison is not eligible to secede from the Imperial Family in case of special and unavoidable circumstances; that provision should likewise be made to apply to a female Kōtaishi or Kōtaison.

The system for secession of the consort and direct descendants of a Shinnō or an Ō who is himself seceding from the Imperial House will need to be overhauled such as to apply to secession by a Naishinnō or a Joō as well.

When using the secession mechanism to regulate the size of the Imperial Family, it will be necessary to pay particular attention to the following points in order to ensure that matters proceed smoothly:

- The decision on whether or not a member needs to secede should be made with the goal of ensuring that the future Imperial Family is of an appropriate size; the yardstick to be employed in that regard is the number of younger members of Imperial descent.
- In principle, Imperial Family members who are the furthest removed generationally should be the first to secede.

- Decisions about secession should be made at an appropriate time in order to allow the affected individuals to plan for the future.

#### 4. Other Related Institutions

There are, in addition to the above, certain other areas in the current system where a distinction is drawn between male and female members of the Imperial Family. These distinctions primarily revolve around eligibility for the Throne or lack thereof; hence reforms will be needed in connection with the extension of eligibility for the Throne to females. Specifically, the following institutions will need to be overhauled in such a way as, basically, to bring provisions governing female members of the Imperial Family into harmony with those governing male members. (Reference 32)

##### (a) Institutions Pertaining to the Consorts of Female Emperors, Naishinnō, and Joō

###### (i) Status of Consorts

Under the current system, the consort of a (male) Emperor, a Shinnō, or an Ō becomes a member of the Imperial Family. The consort of a female Emperor, a Naishinnō, or a Joō should in the same fashion be granted the status of an Imperial Family member. In that connection his name should, upon marriage, be removed from his own family register and entered in the Record of Imperial Lineage, as now happens in the case of the consort of a (male) Emperor, a Shinnō, or an Ō.

###### (ii) The Consort's Title

Under the current system, the consort of a (male) Emperor is titled Kōgō (皇后, Empress), and the widow of a (male) Emperor is titled Taikōtaigō (太皇太后, Grand Empress Dowager), or Kōtaigō (皇太后, Empress Dowager). The consorts of a Shinnō and of an Ō are titled respectively Shinnō-hi (親王妃) and Ō-hi (王妃). With the informed advice of learned individuals possessing an expert knowledge of the subject, appropriate titles will likewise need to be established for the consorts of female Emperors, Naishinnō, and Joō.

As for the titles Tennō (天皇, Emperor), Kōtaishi (皇太子, the Crown Prince if the child of the Emperor), and Kōtaison (皇太孫, the Crown Prince if the grandchild of the Emperor), these do not apply specifically to males: it is a matter of historical fact that women too have become Emperors and Kōtaishi. It would therefore be appropriate to use these same titles of women as well.

###### (iii) Honorific Forms of Address and Other Terminology

Under the current system, the Empress, the Grand Empress Dowager, and the Empress Dowager are, like the Emperor, addressed as Heika (陛下), or “Your Majesty”; other members of the Imperial Family are addressed as Denka (殿下), or “Your Highness.” As for place of burial, that of the Empress, the Grand Empress Dowager, or the Empress Dowager is, like that of the Emperor, termed a Ryō (陵), or Mausoleum; that of any other member of the Imperial Family is

termed a Bo (墓), or Tomb. In the same fashion, similar terminology should be used with respect to the consort or widower of a female Emperor as with respect to the Emperor herself.

#### (iv) Marriage Procedures

Under the current system, the marriage of a (male) Emperor, a Shinnō, or an Ō requires a decision of the Imperial House Council. It should likewise be stipulated that the marriage of a female Emperor, a Naishinnō, or a Joō requires a decision of the Council.

#### **(b) Eligibility for and Order of Assumption of the Regency**

If the Emperor is unable to perform his acts in matters of state because he has not yet reached majority or owing to a serious hindrance, a Regency will be established. Under the present system, the consort or widower of an Emperor (the Empress, the Grand Empress Dowager, or the Empress Dowager) is qualified to assume the Regency. The consort or widower of a female Emperor will need to be granted similar eligibility.

As regards the order of assumption of the Regency, the present system gives precedence to male Imperial Family members (the Kōtaishi, the Kōtaison, Shinnō, and Ō), followed by the Empress, the Grand Empress Dowager, and the Empress Dowager, and then Naishinnō and Joō. This order is evidently designed to give precedence to those qualified to succeed to the Throne; in future, therefore, it would be appropriate likewise to place Imperial Family members who are eligible for the Throne at the top of the list, regardless of sex, followed by the Emperor's consort or widow (or widower). Order of precedence among those eligible for the Throne should, as in the present system, be the same as the order of succession to the Throne.

The current provisions on eligibility for and order of assumption of the Regency govern, *mutatis mutandis*, the system for the delegation of the performance of the Emperor's acts in matters of state; the above recommendations should therefore apply to that system as well.

#### **(c) The System of the Imperial House Economy**

The current system distinguishes between Shinnō and Naishinnō, and between Ō and Joō, in the amount of the Imperial Family appropriations provided for the maintenance of the dignity of the members of the Imperial Family. To be specific, in the case of the annual allowance provided for the running of an independent household, the amount granted to a Naishinnō or a Joō is set at half that granted to a Shinnō or an Ō, respectively. That ratio is also reflected in the lump sum payment granted to individuals who secede from the Imperial Family. This difference was evidently instituted on the basis of eligibility for the Throne or lack thereof. If Naishinnō and Joō are also to become eligible for the Throne, therefore, their allowance will need to be set at the same level as that paid to Shinnō and Ō.

The only Imperial Family appropriations currently stipulated for consorts are those for consorts

of Shinnō and Ō. An equivalent allowance will therefore need to be set for the consorts of Naishinnō and Joō as a consequence of the abolition of the system whereby Naishinnō and Joō secede from the Imperial Family upon marriage.

The amount of Imperial Family appropriations, as well as that of the Inner Court Appropriation for covering the daily expenditures of the Inner Court, will need to be reviewed as appropriate from time to time to ensure that it is of a level commensurate with the functions of an Imperial Family member.



## Conclusion

Japan's system recognizing the Emperor as symbol of the state has, in the almost sixty years since the enactment of the present Constitution, firmly established itself as an institution that enjoys the support of much of populace. We have engaged in our deliberations in the belief that maintenance into the future of the Imperial institution — which has been handed down uninterruptedly from ancient times on a hereditary basis — is an issue of the highest importance; and that such is the wish of most Japanese. The system of Emperor as symbol of the state cannot survive without the understanding and support of the public. On that assumption we have, as noted at the beginning of this Report, calmly examined the system's development and the historical facts that form its backdrop, and analyzed the problem from a wide range of angles. As a result, we have concluded that in today's circumstances, when the Throne is denied to illegitimate sons and Japan's birthrate is falling, the stable maintenance of succession in the male line as has been the practice since ancient times will prove extremely difficult; therefore eligibility for the Throne must be extended to Imperial Family members who are female or of female lineage.

While conscious of the weight attached to male succession through male lineage, which has after all continued since ancient times, and the public's varied sentiments with regard to tradition we have, over the course of our discussions, reached the unanimous conclusion that, in the interests of Japan's future, it is essential to open the way to a female Emperor or an Emperor of female lineage in order to ensure the stability of succession to the Throne, and that such a move would meet with the widespread approval of the Japanese public.

During our deliberations we took account of a host of factors, including the possibility that a son might in future be born to the Imperial House; but in light of current social conditions, we judged that the conclusion unveiled herein represented the best choice in terms of what form the system of succession should take in the medium to long term.

If, in accordance with the recommendations presented herein, a woman does ascend the Throne, that will be a first for modern Japan. We hope that all concerned will strive to ensure that the new system of Imperial succession functions smoothly.

Succession to the Imperial Throne affects the country's very foundations, and its being left in a state of flux is hardly a desirable situation. Under the current system, whereby female Imperial Family members relinquish their Imperial status upon marriage, the number of Imperial Family members could become perilously few in the not too distant future. It would be wise to determine the people who are eligible to become future successors to the Throne as soon as possible. In light of these considerations, reforms to the system of Imperial succession will need to be implemented sooner rather than later.

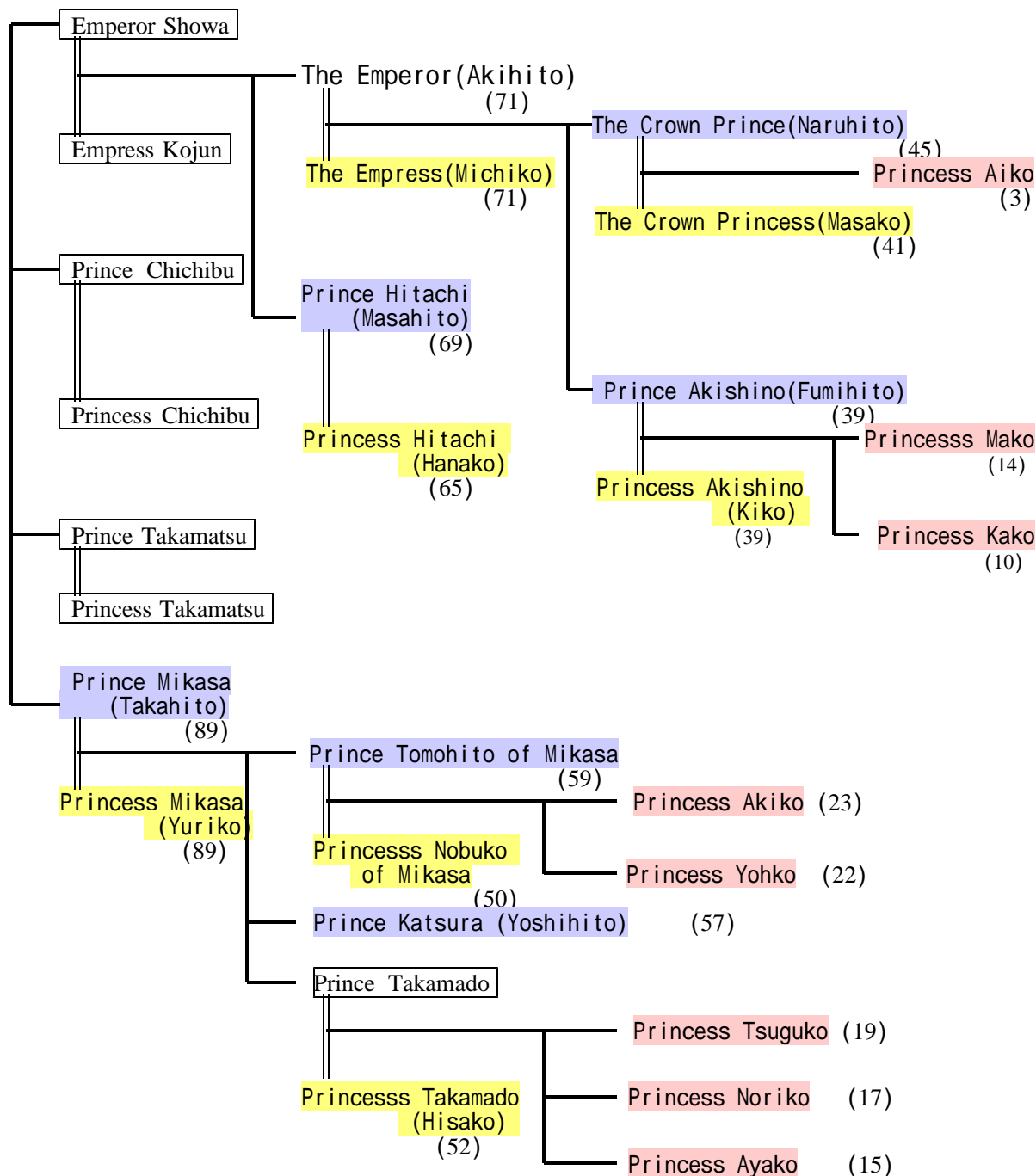
It is our earnest hope that the Council's conclusion will win wide acceptance among the public and contribute to the stability of the Imperial succession.

# ADDENDUM

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# The Family Tree of the Imperial House

As at November 24, 2005



\* Her Imperial Highness Princess Sayako lost her status of the Imperial Family on November 15, 2005 by marriage.

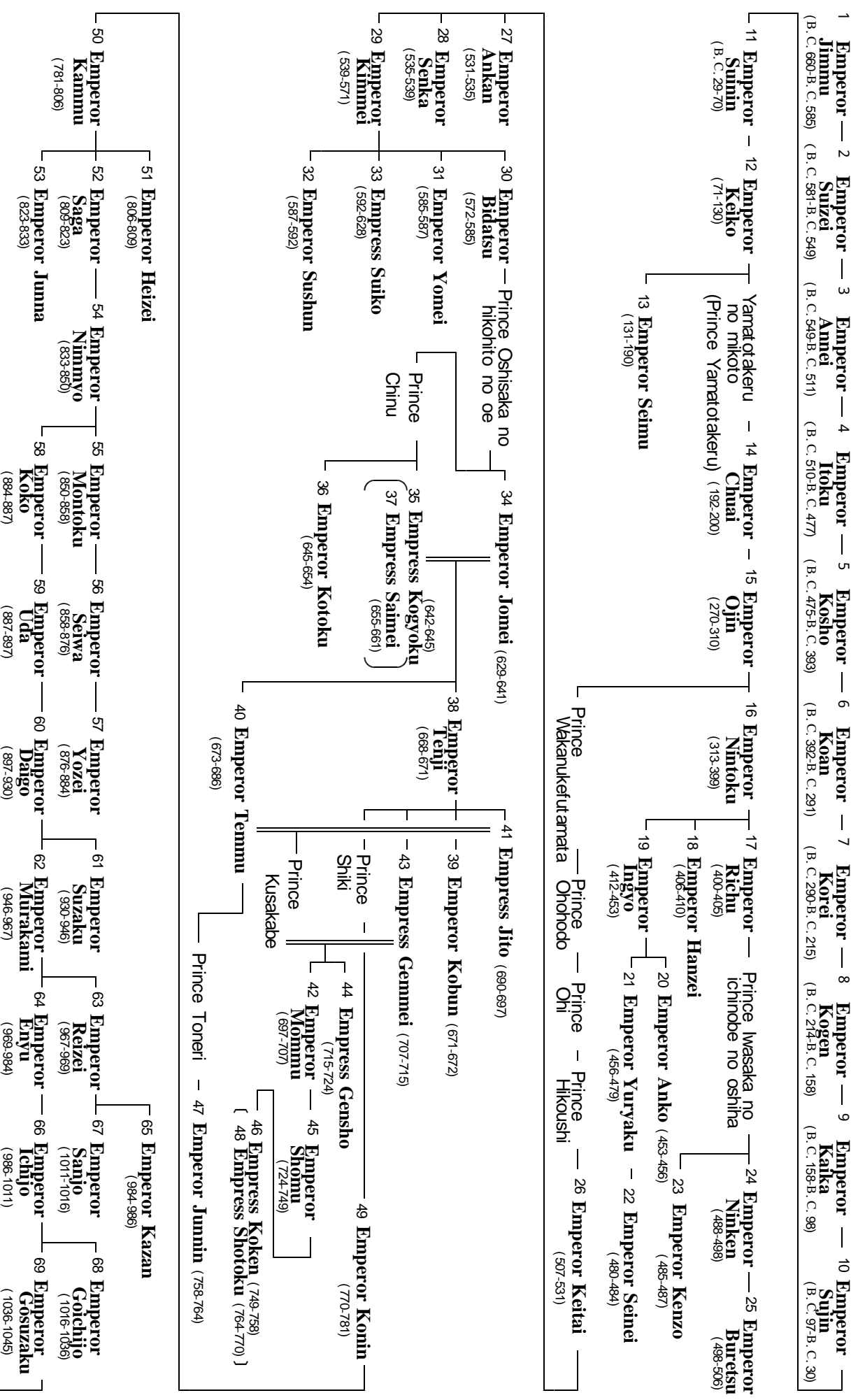
**【Legend】**

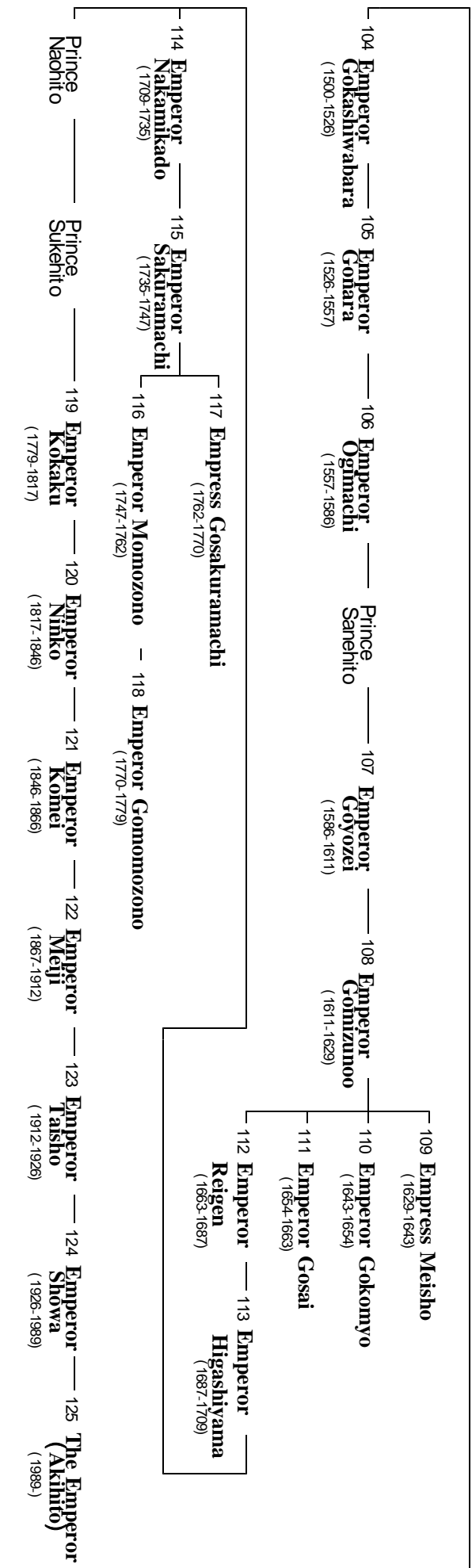
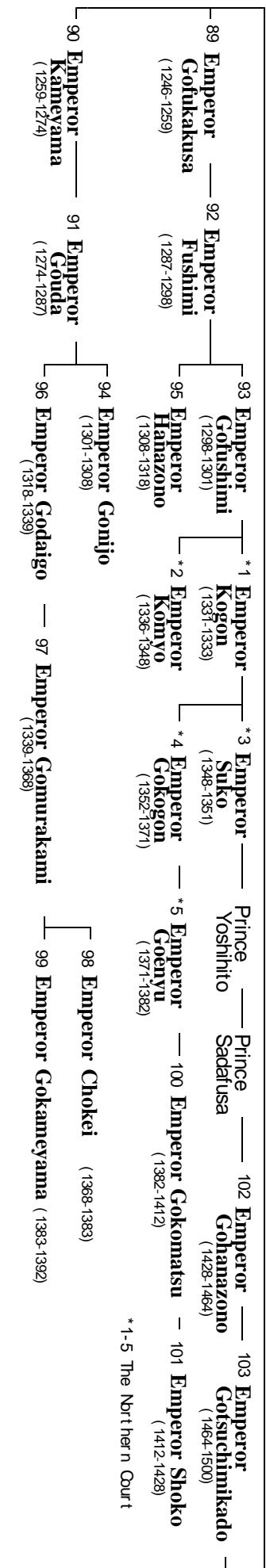
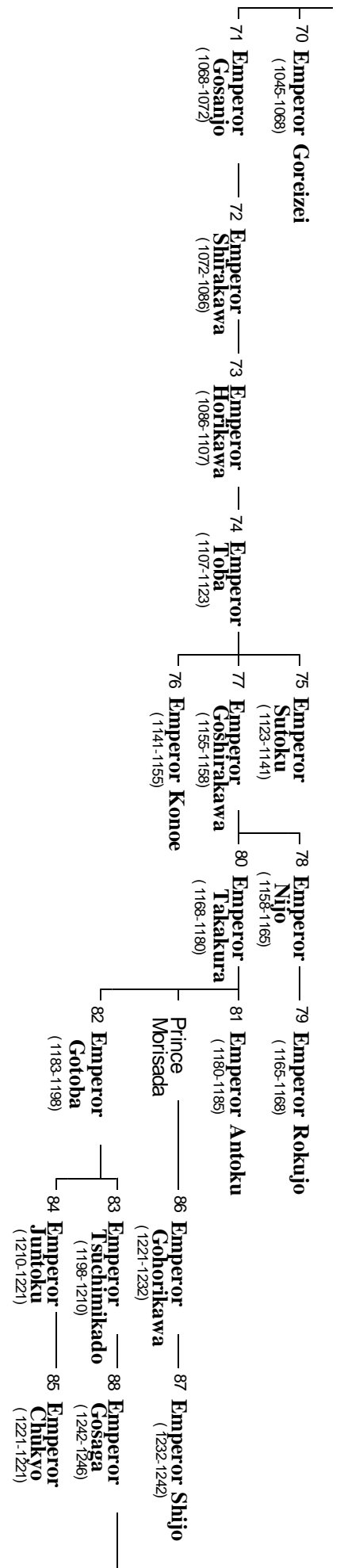
- ( ) : age
- : The deceased
- : Male members of the Imperial Family ( ~ : The order of succession)  
( Among the male members of the Imperial Family Prince Akishino alone is younger than the Crown Prince.)
- : Female members of the Imperial Family who are children of, either the Emperor or Shinno. (All of them are younger than the Crown Prince.)  
Female members of the Imperial Family shall lose her status by marriage.
- : The Empress and the consorts of princes  
(Female members who have become the members of the Imperial Family by marriage.)

# Genealogy of the Emperors of Japan

The information is based, in general, on the Record of Imperial Lineage.

Number in block letter : The order of the reigns  
( - ) : Reign





## **THE CONSTITUTION OF JAPAN**

November 3, 1946

### **CHAPTER I: THE EMPEROR**

Article 1: The Emperor shall be the symbol of the State and the unity of the people, deriving his position from the will of the people with whom resides sovereign power.

Article 2: The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.

\* Source : " Official Gazette English Edition Extra " ( Government Printing Bureau, November 3, 1946 ) .

## **The Imperial House Law**

I hereby give My sanction, with the advice of the Privy Council, to the Imperial House Law, for which the concurrence of the Imperial Diet has been obtained, and cause the same to be promulgated.

Signed: HIROHITO, Seal of the Emperor

This fifteenth day of the first month of the twenty-second year of Showa (January 15, 1947)

Countersigned: Prime Minister and concurrently Minister for Foreign Affairs

YOSHIDA Shigeru

Minister of State

Baron SHIDEHARA Kijuro

Minister of Justice

KIMURA Tokutaro

Minister for Home Affairs

OMURA Seiichi

Minister of Education

TANAKA Kotaro,

Minister of Agriculture and Forestry

WADA Hiroo

Minister of State

SAITO Takao

Minister of Communications

HITOTSUMATSU Sadayoshi

Minister of Commerce and Industry

HOSHIJIMA Niro

Minister of Welfare

KAWAI Yoshinari

Minister of State

UEHARA Etsujiro

Minister of Transportation

HIRATSUKA Tsunejiro

Minister of Finance

ISHIBASHI Tanzan

Minister of State

KANAMORI Tokujiro

Minister of State

ZEN Keinosuke



## Law No.3

### THE IMPERIAL HOUSE LAW

#### Chapter I. Succession to the Imperial Throne

**Article 1.** The Imperial Throne shall be succeeded to by a male offspring in the male line belonging to the Imperial Lineage.

**Article 2.** The Imperial Throne shall be passed to the members of the Imperial Family according to the following order:

1. The eldest son of the Emperor
2. The eldest son of the Emperor's eldest son
3. Other descendants of the eldest son of the Emperor
4. The second son of the Emperor and his descendants
5. Other descendants of the Emperor
6. Brothers of the Emperor and their descendants
7. Uncles of the Emperor and their descendants

In case there is no member of the Imperial Family as under the numbers of the preceding paragraph, the Throne shall be passed to the member of the Imperial family next nearest in lineage.

In the cases of the two preceding paragraphs, precedence shall be given to the senior line, and in the same degree, to the senior member.

**Article 3.** In case the Imperial Heir is affected with an incurable and serious disease, mentally or physically, or there is a serious hindrance, the order of succession may be changed by decision of the Imperial House Council and in accordance with the order stipulated in the preceding Article.

**Article 4.** Upon the demise of the Emperor, the Imperial Heir shall immediately accede to the Throne.

#### Chapter II. The Imperial Family

**Article 5.** The Empress, the Grand Empress Dowager, the Empress Dowager, Shinno, the consorts of Shinno, Naishinno, O, the consorts of O, and Jo-o shall be the members of the Imperial Family.

**Article 6.** The legitimate children of an Emperor and the legitimate grand children of an Emperor in the legitimate male line shall be Shinno in the case of a male, and Naishinno in the case of a female. The legitimate descendants of an Emperor in the third and later generations in the legitimate male line shall be O in the case of a male and Jo-o in the case of a female.

**Article 7.** In case an O succeeds to the Throne, his brothers and sisters who are O and Jo-o shall specially become Shinno and Naishinno.

**Article 8.** The son of the Emperor who is the Imperial Heir is called "Kotaiishi" and in case there is

no Kotaishi, the grandson of the Emperor, who is the Imperial Heir shall be called "Kotaison".

**Article 9.** The Emperor and the members of the Imperial Family may not adopt children.

**Article 10.** The institution of the Empress and the marriage of any male member of the Imperial Family shall be passed by the Imperial House Council.

**Article 11.** A Naishinno, O, or Jo-o, of 15 years of age or more, shall leave the status of Imperial Family member according to her or his own desire and by decision of the Imperial House Council.

Beside the case as mentioned in the preceding paragraph, a Shinno (excepting the Kotashi and the Kotaison), Naishinno, O or Jo-o shall, in the case of special and unavoidable circumstances, leave the status of Imperial Family member by decision of the Imperial House Council.

**Article 12.** In case a female of the Imperial Family marries a person other than the Emperor or the members of the Imperial Family, she shall lose the status of the Imperial Family member.

**Article 13.** The consorts of a Shinno or O who leaves the status of the Imperial Family member, and his direct descendants and their consorts, excepting those females who are married to other members of the Imperial Family and their direct descendants, shall lose simultaneously the status of the Imperial Family member. However, as regards his direct descendants and their consorts, it may be so decided by the Imperial House Council that they do not lose the status of the Imperial Family member.

**Article 14.** A female, not of the Imperial Family, who is married to a Shinno or O, may, upon the loss of her husband, leave the status of the Imperial Family member according to her own desire.

When a female mentioned in the preceding paragraph has lost her husband, she shall, in case of special and unavoidable circumstances beside the case as under the same paragraph, leave the status of the Imperial Family member by decision of the Imperial House Council.

In case a female mentioned in the first paragraph is divorced, she shall lose the status of the Imperial Family.

The provisions of the first paragraph and the preceding paragraph shall apply to the females married to other members of the Imperial Family mentioned in the preceding Article.

**Article 15.** Any person outside the Imperial Family and his or her descendants shall not become a member thereof except in the cases where a female becomes Empress or marries a member of the Imperial Family.

### **Chapter III. Regency**

**Article 16.** In case the Emperor has not come of age, a Regency shall be established.

In case the Emperor is affected with a serious disease, mentally or physically, or there is a

serious hindrance and is unable to perform his acts in matters of state, a Regency shall be instituted by decision of the Imperial House Council.

**Article 17.** The Regency shall be assumed by a member of the Imperial Family of age according to the following order:

1. The Kotaishi , or Kotaison
2. A Shinno and an O
3. The Empress
4. The Empress Dowager
5. The Grand Empress Dowager
6. A Naishinno and a Jo-o

In the case of No. 2 in the preceding paragraph the order of succession to the Throne shall apply; and in the case of No. 6 in the same paragraph, the order of succession to the Throne shall apply mutatis mutandis.

**Article 18.** In case the Regent, or a person falling in the order of assumption of Regency, is affected with a serious disease, mentally or physically, or there is a serious hindrance, the Imperial House Council may decide to change the Regent or the order of assumption of Regency, according to the order stipulated in the preceding Article.

**Article 19.** When, because of minority of the person falling in the order of assumption of Regency or because of obstacles mentioned in the preceding paragraph, another member of the Imperial Family has become Regent, he shall not yield his post of Regent to the said member of the Imperial Family who has the precedence on the ground of his attainment to majority or the removal of those obstacles, except in the case such person happens to be the Kotaishi or Kotaison.

**Article 20.** In case the obstacles mentioned in Article 16, paragraph 2 have been removed, the Regency shall be abolished by decision of the Imperial House Council.

**Article 21.** The Regent, while in office, shall not be subject to legal action. However, the right to take that action is not impaired hereby.

#### **Chapter IV.** Majority; Honorific Titles; Ceremony of Accession; Imperial Funeral; Record of Imperial Lineage; and Imperial Mausoleums

**Article 22.** The majority age for the Emperor, the Kotaishi and the Kotaison shall be eighteen.

**Article 23.** The honorific title for the Emperor, the Empress, the Grand Empress Dowager and the Empress Dowager shall be "Heika".

The honorific title for the members of the Imperial Family other than those mentioned in the preceding paragraph shall be "Denka".

**Article 24.** When the Throne is succeeded to, the ceremony of Accession shall be held.

**Article 25.** When the Emperor dies, the Rites of Imperial Funeral shall be held.

**Article 26.** The matters relating to the family status of the Emperor and the members of the Imperial Family shall be registered in the Record of Imperial Lineage.

**Article 27.** The graves of the Emperor, the Empress, the Grand Empress Dowager and the Empress Dowager, shall be called "Ryo", and those of all other members of the Imperial Family shall be called "Bo"; the matters relating to Ryo and Bo shall be entered respectively in the Ryo Register and the Bo Register.

#### **Chapter V.** the Imperial House Council

**Article 28.** The Imperial House Council shall be composed of ten members.

These members shall consist of two Imperial Family members, the Presidents and Vice-Presidents of the House of Representatives and of the House of Councillors, the Prime Minister, the head of the Imperial Household Agency, the Chief Judge and one other judge of the Supreme Court.

The members of the Imperial Family and the judge other than the Chief Judge of the Supreme Court, who are to become members of the Council, shall be chosen by mutual election respectively from among the members of the Imperial Family of age and from among the judges other than the Chief Judge of the Supreme Court.

**Article 29.** The member of the Imperial House Council, who is the Prime Minister, shall preside over its meeting.

**Article 30.** There shall be appointed ten reserve members in the Imperial House Council.

As regards the reserve members for the Imperial Family members and the judge of the Supreme Court in the Council, the provision of Article 28, paragraph 3, shall apply *mutatis mutandis*. The reserve members for the Presidents and the Vice-Presidents of the House Representatives and of the House of Councillors in the Council shall be selected by mutual election from among the members of the House of Representatives and of the House of Councillors.

The numbers of the reserve members mentioned in the two preceding paragraphs shall be the same as the numbers of the members in the Council, and the order of assuming their functions shall be determined at the time of the mutual election.

The reserve member for the Prime Minister in the Council shall be the Minister of State who has been designated as the one to perform temporarily the functions of Prime Minister under the provisions of the Cabinet Law.

The reserve member for the head of the Imperial Household Agency in the Council shall be designated by the Prime Minister from among the officials of the Imperial Household Agency.

In case there is a hindrance with regard to a member of the Council, or he is missing, the

reserve member for him shall perform his functions.

**Article 31.** As regards the President, the Vice-President and members of the House of Representatives mentioned in Article 28 and the preceding paragraph, they shall be, in case the house has been dissolved and pending the selection of the successors, those persons who were respectively the President, the Vice-President and members of the House at the time of its dissolution.

**Article 32.** Term of office for the members of the Council, who are members of the Imperial Family and a judge other than the Chief Judge of the Supreme Court and their reserve members shall be four years.

**Article 33.** The Imperial House Council shall be convened by the president of the Council.

The Imperial House Council must be convoked, if demanded by four members or more, in the cases as under Article 3, Article 16, paragraph 2, Article 18 and Article 20.

**Article 34.** The Imperial House Council, unless attended by six members or more, may not open deliberations and make decisions.

**Article 35.** The deliberations of the Imperial House Council shall be decided by a majority vote of two-thirds or more of the members present, in the cases of Article 3, Article 16, paragraph 2, Article 18 and Article 20; and by a majority in all other cases.

In case of a tie in the case of the latter clause of the preceding paragraph, the President shall make the decision.

**Article 36.** A member may not participate in the deliberation of any matter in which he has a special interest.

**Article 37.** The Imperial House Council shall exercise only those powers which are provided for by this and other laws.

#### Supplementary Provisions

The present law shall come into force as from the day of the enforcement of the Constitution of Japan.

The present members of the Imperial Family shall be considered as the members of the Imperial Family under this law; and with regard to the application of the provisions of Article 6, they shall be considered the legitimate offspring in the legitimate male line.

The present Ryo and Bo shall be considered as the Ryo and Bo as under Article 27.

\* Source : " Official Gazette English Edition No.237 "( Government Printing Bureau, January 16, 1947 ) .

\* The Imperial House Law was amended by Law No.134 1949 promulgated on May 31, 1949. The amendment came into force on June 1, 1949.

By the amendment above, " The Imperial House Office " in Article 28 and 30 in the origin law, was

replaced by “ The Imperial Household Agency ” .

\*“The day of the enforcement of the Constitution of Japan” in Supplementary Provisions was May 3, 1947.

## Convening of the Advisory Council on the Imperial House Law

December 27, 2004

By Decision of the Prime Minister

### I. Purpose

The Advisory Council on the Imperial House Law (hereinafter “the Advisory Council”) will be convened as a forum for the discussion of the system of Imperial succession and other related institutions among persons possessing a high level of knowledge and insight.

### II. Composition

1. The Advisory Council will consist of the eminent individuals listed in the attached appendix. It will be convened by the Prime Minister.
2. The Council chair will be elected by those in attendance from among themselves.
3. The Advisory Council may, as necessary, request the attendance of relevant individuals.

### III. Other Matters

The Advisory Council’s administrative affairs will be handled by the Cabinet Secretariat with the cooperation of the Imperial Household

## COUNCIL MEMBERS

Hiroyuki Yoshikawa (Chairman)	President, the National Institute of Advanced Industrial Science and Technology Former President, the University of Tokyo
Itsuo Sonobe (Deputy Chairman)	Former Justice of the Supreme Court
Haruo Sasayama	Professor Emeritus, the University of Tokyo
Hiroshi Okuda	Chairman, Nippon Keidanren(Japan Business Federation)
Koji Sato	President, Kinki University Law School Professor Emeritus, Kyoto University
Masaaki Kubo	Professor Emeritus, the University of Tokyo
Sadako Ogata	President, Japan International Cooperation Agency
Sumiko Iwao	Professor, Musashi Institute of Technology Professor Emeritus, Keio University
Takeshi Sasaki	Former President, the University of Tokyo
Teijiuro Furukawa	Former Deputy Chief Cabinet Secretary