



MAX M. WARD

# HOUSEHOLD CRIME

Ideology & State Power in Interwar Japan

# THOUGHT CRIME

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*A Study of the Weatherhead East Asian Institute, Columbia University*

# THOUGHT

MAX M. WARD

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Dedicated to the punks, in the streets  
and the ivory towers

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## PREFACE. Policing Ideological Threats, Then and Now

In *Thought Crime*, I analyze the transformations of an interwar Japanese antiradical law called the Peace Preservation Law (Chianijihō), from its initial passage to suppress communism and anticolonial nationalism in 1925, to its expansion in the 1930s into an elaborate system to “ideologically convert” (*tenkō*) and rehabilitate thousands of political criminals throughout the Japanese Empire, to how the law’s rehabilitation policies provided a model for mobilizing the populations of the Japanese Empire for total war in the 1940s. I am particularly interested in how the law provides a well-documented example of how a modern state deployed a combination of repression and rehabilitation when policing political threats (real or imagined), as well as how such efforts reveal the underlying ideology particular to the prewar Japanese imperial state. My interest in the Peace Preservation Law is therefore two-fold. First, I want to intervene in the defining historical debates over the nature of the prewar imperial state and the consolidation of fascism in Japan during the interwar period. Second, I utilize the particular history of the Peace Preservation Law in order to consider the various modes of power that states, not just the interwar Japanese state, use to police political threats, thus reproducing and redefining their respective national polities in the process.

This latter aspect of my project became particularly clear to me as I was finishing this book while on sabbatical in Tokyo in 2015–2016. I would often take breaks from reading arcane interwar Japanese Justice Ministry reports by catching up on the latest international news. One particular news story caught my attention: the arrest of young Somali American men in Minneapolis, Minnesota, for allegedly trying to join ISIL in Syria.<sup>1</sup> Within the context of the United States’ perpetual state of exception called the war on terror, I was not necessarily surprised by these arrests.<sup>2</sup> However, what was especially intriguing was how the Minneapolis case was being framed by a discourse of the radicalization of ideologies from abroad, and how the district court in Minneapolis was considering ways to assess the defendants’ degree of



radicalization.<sup>3</sup> These aspects resonated with what I was reading in Japanese documents from the 1920s and 1930s, when justice officials described domestic radical politics as the result of dangerous “foreign ideas” (*gairai shisō*) “infiltrating” (*sennyū*) the Japanese Empire and infecting it from within. These foreign ideas, it was said, turned imperial Japanese subjects into internal agents of a foreign enemy (here, the Soviet Union). Explained in this way, communism, anticolonial nationalism, and other ideologies were defined as “thought crime” (*shisō hanzai*), and by the 1930s, the Japanese state had established an extensive security apparatus to identify, assess, and ultimately rehabilitate thousands of so-called thought criminals (*shisō hannin*).

Today, this logic of external ideas producing internal enemies can be found in the discourse of homegrown terrorism, wherein foreign jihadist ideology ostensibly radicalizes citizens or recent immigrants in Europe and the United States so that they carry out the objectives of foreign enemies. Of course, the sociohistorical contexts and politico-ideological content of these two cases are extremely different. However, I was struck by the discursive similarities in how the two states defined their respective threats as, essentially, external ideas that were/are infecting their respective national polities, and how such a notion allowed the two states to generate fear and mobilize their populations. In particular, I became interested in the way such a definition authorized both states to diffuse their policing powers into communities, bringing together police, courts, prison officials, families, religious institutions, educators, and employers to assist with reforming those believed to have been led astray by dangerous foreign ideas. Indeed, at the time of this writing, many Japanese legal scholars are expressing strong criticism of the legal reinterpretations being carried out by the cabinet of prime minister Abe Shinzō in the name of the war on terror and national defense, pointing to similarities with prewar legal developments, and the Peace Preservation Law in particular.<sup>4</sup>

In both cases, state officials envisioned systems that, with collaboration from the local community, would monitor, assess, and rehabilitate those believed to be harboring dangerous ideas. In Japan, this system was actualized in a network of so-called Thought Criminal Protection and Supervision Centers (*Shisōhan hogo kansatsu sho*) in 1936. Although much more cursory and experimental than the prewar Japanese example, the Minneapolis District Court created a Terrorism Disengagement and Deradicalization Program in March 2016.<sup>5</sup> The first step in this new program was to assess the degree of a defendant’s radicalization upon arrest so as to determine a sentence appropriate to the level of danger the defendant ostensibly posed. For example, a

Minneapolis district judge, Michael Davis, hired Daniel Koehler of the German Institute on Radicalization and Deradicalization Studies (GIRDS) to evaluate the degree of radicalization of four out of the nine defendants before they were sentenced.<sup>6</sup> The Minneapolis *Star Tribune* summarized Koehler's charge as to "identify the factors that drove the radicalization of the defendants, identify their risk of reoffending and specify strategies to steer them away from radical ideologies."<sup>7</sup> As we will see in *Thought Crime*, Koehler's charge echoes interwar Japanese Justice Ministry materials that instructed court procurators (*kenji*) to assess the danger posed by so-called thought criminals before their formal indictment or sentencing. Similar to Koehler, Japanese procurators produced official reports (*jōshinsho*) on each thought criminal, assessing the degree of a defendant's commitment to communist internationalism or anticolonial nationalism, and their potential to be rehabilitated through a multistage program of ideological conversion (*tenkō*). In both cases, ideas became the target of inquiry. For example, Koehler explained that his evaluations would assess "if these thoughts and ideas [i.e., jihad] actually determined this behavior and . . . led them to the point where they did something illegal."<sup>8</sup> The Minneapolis defendants had already been found guilty of conspiring to join ISIL. Thus Koehler's task was to interrogate the ideas motivating the defendants' actions in order to assess their reformability for sentencing.<sup>9</sup> Ultimately, Minnesota chief US probation officer Kevin Lowry summarized the objective of this program in this way, using rhetoric that could have come from the interwar Japanese example: "If a radicalized defendant or offender is not properly treated, they will continue to infect our communities . . . and they'll look to harm the community and martyr themselves if [they're not treated] with a balance between rehabilitation and public safety."<sup>10</sup> Here the radicalized defendants in Minneapolis embodied the danger of dangerous ideas spreading in their communities, and thus we can imagine that authorities would extend their balance between "rehabilitation and public safety" beyond pretrial interventions into postparole reform programs and preemptive monitoring to locate others who might be susceptible to becoming, in Lowry's terminology, "infected" by such ideas.

The Japanese interwar state similarly policed suspects by identifying the ideas that determined a communist's motives for joining the illegal Japanese Communist Party (JCP). In prewar Japan, conventional violence such as riot or *lèse-majesté* were already criminalized under the Civil Code or earlier antiradical laws such as the 1900 Public Peace Police Law (*Chian keisatsu hō*), which set strict parameters for political expression, publication, assembly, and activities. The 1925 Peace Preservation Law, in contrast, defined a

criminal infringement as forming or joining an organization with the objective to “alter the national polity” (*kokutai o henkaku*) or “reject the private property system” (*shiyūzaisan seido o hinin*). In both the Japanese and US examples, the criminal act was primarily attempting to join an organization, and the burden for procurators and judges was to determine a defendant’s commitment to the ideas that motivated him or her to allegedly join or support such groups. As one prominent justice official explained in regard to the Japanese Peace Preservation Law: “The peculiarity of this law is that it makes acts based on certain practical thoughts the object of punishment. The thoughts in thought crimes are not . . . theoretical, abstract thoughts, but practical, concrete thoughts.”<sup>11</sup> Furthermore, in both cases, these pre-sentencing ideological assessments would decide if defendants received a prison sentence or were paroled into programs where they could be, in today’s parlance, deradicalized.

Koehler told reporters that his risk assessments would anticipate what to do with the Minneapolis defendants “when they get out [of prison]” after serving their sentences.<sup>12</sup> This latter concern also dominated the discussions at Japanese Justice Ministry conferences in the mid-1930s, as Japanese officials worried that many incarcerated communists would soon complete prison sentences they were given in the late 1920s or early 1930s. These concerns over ideological recidivism (*saihan*) led Japanese officials in 1936 to establish the system of Thought Criminal Protection and Supervision Centers mentioned earlier, which coordinated between prisons, prosecutors, community leaders, employers, family members, and others to assist thought criminals to secure their ideological conversions while they transitioned back to society. Indeed, early in the Minneapolis investigations, the district court considered probation programs to deal with apprehended terror suspects who showed potential for reform.<sup>13</sup> In one case, a young man was temporarily released to a halfway house before his trial started.<sup>14</sup> There he received support from a nonprofit community organization which, as the *Star Tribune* reported, connected him with “a team of religious scholars, teachers and other mentors” in order to assess his potential for deradicalization and resocialization.<sup>15</sup>

In the end, however, District Judge Davis did not expand upon this rehabilitation experiment. Rather, citing the difficulty of balancing a defendant’s rehabilitation with public safety, Davis ultimately emphasized public safety.<sup>16</sup> He sentenced the nine suspects to a range of jail terms—the harshest being thirty-five years in jail, with two others receiving thirty-year prison sentences. Only the young man temporarily released to a halfway house mentioned above was granted time served for turning state’s witness, and given twenty years of supervised release.<sup>17</sup>

Many people involved in counterterrorism in the United States were watching the Minneapolis case closely.<sup>18</sup> The Department of Homeland Security under the Obama administration had created a counterterrorism program two years earlier in 2014 called the Countering Violent Extremism (CVE) program, with pilot programs targeting primarily Muslim and immigrant communities in Boston, Minneapolis, and Los Angeles.<sup>19</sup> The CVE program was designed to collaborate with community groups, families, and schools to identify individuals at risk for becoming terrorists, and would provide community and religious services to counter the appeal of radical ideologies. Almost immediately, the CVE program was critiqued for stigmatizing Muslim communities, as well as for attempting to turn educators and religious leaders into informants for the state.<sup>20</sup> Similar criticisms were directed at the Minneapolis Terrorism Disengagement and Deradicalization Program.<sup>21</sup> Despite these criticisms, the Minneapolis program was the first of its kind to so closely assess the beliefs of defendants and to consider methods for deradicalization. Officials were thus watching the Minneapolis case for aspects that could be incorporated into the national CVE program.

Following Donald Trump's election in November 2016 and his promise to take a hard line with suspected terrorists, it is doubtful that these kinds of soft approaches to preventing terrorism will be expanded in the US.<sup>22</sup> Indeed, in July 2017 the Department of Homeland Security informed various community organizations working to rehabilitate radicals—both alleged jihadists and white supremacists—that they would no longer receive funding from the department.<sup>23</sup> However, before we celebrate the Obama administration's approach as a lighter, more community-oriented way to counter radicalization, we should recognize that, in addition to the community criticisms of the CVE program mentioned earlier, the Obama administration escalated targeted drone strikes in Yemen and elsewhere, often killing civilians and radicalized American jihadists without the due process guaranteed under the Fourteenth Amendment of the US Constitution.<sup>24</sup> Furthermore, the Obama administration failed to fulfill a campaign promise to close the Guantánamo Bay detention camp, one of the most notorious examples of the US's deployment of extrajudicial repression in its war on terror. Indeed, the Trump administration has broken with convention and is, at the time of this writing, trying individuals in civilian court who have allegedly committed or planning acts of terror, rather than designating them enemy combatants and sending them to Guantánamo Bay.<sup>25</sup> In many cases, the Trump administration is enacting policies that go explicitly against his earlier campaign rhetoric of getting tough with terrorists. Ultimately, we should recognize that

the discourse of radicalization legitimated, and continues to legitimate, both repression and rehabilitation, even as the balance between these two shifts between administrations and their rhetoric on how to adequately deal with so-called homegrown terrorists.

To be clear, the question that I pursue in *Thought Crime* is not whether repression or rehabilitation is the more effective approach to combat domestic radicals. Rather, I am interested in how, at particular historical conjunctures, states define political threats as essentially ideological and foreign in nature, and how such definitions provide the conditions for states to experiment with different combinations of repression and rehabilitation. Ultimately, I am interested in what kinds of policing methods such a definition informs, and how communities are brought within campaigns to ostensibly eradicate ideological influences. Furthermore, I believe such experiments reveal more about the underlying ideologies informing the varying modes of power that a state deploys than they do about the purported threats they are meant to combat, whether we are discussing the prewar Japanese imperial state's interwar thought crime policy or the United States' war on terror.<sup>26</sup>

Thus, as I was completing this book in Tokyo in 2015–2016, I found myself conducting a kind of parallax analysis, simultaneously reading historical documents related to the prewar Japanese thought crime system and contemporary news reports on the United States' CVE experiments with deradicalization. I hope that *Thought Crime*, in addition to contributing to the historical literature on interwar Japan, can also provide a historical vantage point from which we can consider our own contemporary moment, and what the current discourse of radicalization might reveal about the ideology underwriting the endless war on terror.

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## INTRODUCTION

### The Ghost in the Machine: *Emperor System Ideology* and the Peace Preservation Law Apparatus

In early 1938, Hirata Isao, the director of the newly established Tokyo Thought Criminal Protection and Supervision Center (Tōkyō shisōhan hogo kansatsu sho), stood before a group of military officers and other officials to promote the Japanese Justice Ministry's decade-long effort to suppress domestic communists. Hirata was a key architect of the imperial state's anticommunist policies: he helped organize the first major roundups of suspected communists under the 1925 Peace Preservation Law (Chianijihō) in 1928 and 1929, assisted in the prosecution of central committee members of the Japanese Communist Party (JCP) in a high-profile trial in 1931–1932, and experimented with urging incarcerated communists to defect from the JCP in the early 1930s with some success.<sup>1</sup> This latter experiment developed into the official policy of ideological conversion (*tenkō*) in 1936, which Hirata and others were now implementing in the empire-wide network of Protection and Supervision Centers. Hirata most likely recognized that many in the audience were ardent anticommunists and thus would be suspicious of any leniency toward incarcerated or paroled political criminals. Indeed, in its 1927 Theses, the JCP advocated to “abolish the emperor system” (*kunshusei haishi*)—that is, the essence of the imperial state—as a central objective for communist revolution in Japan.<sup>2</sup> However, Hirata not only defended the rehabilitation of communists but he also argued that their ideological conversion provided a model for the spiritual purification and mobilization of the

Japanese Empire, particularly after Japan's invasion of China in July 1937 (the so-called China Incident).

In his speech, titled "Overcoming Marxism" ("Marukishizumu no koku-fuku"), Hirata tailored his comments to the military officials in the audience by equating the swift arrests of domestic communists with the Imperial Army's sweeping military victories in China, and compared the political reform policies he was overseeing in the Tokyo Protection and Supervision Center with the Imperial Army's pacification of the Chinese population in occupied territories. In what he referred to as a thought war (*shisōsen*) raging throughout East Asia and the world, Hirata explained that he and his fellow thought reform officials were doing work similar to the pacification units (*senbunhan*) in occupied China. He emphasized that instead of punitive repression and punishment, thought reform officers were benevolently guiding detainees through the conversion process toward a self-awakening (*jikaku*) as true Japanese (*hontō no nihonjin*). He celebrated the fact that many of the communists who reformed under the guidance of the Protection and Supervision Centers were now demonstrating their loyalty to the empire through productive labor in society. The underlying principle of these centers, Hirata argued, was imperial benevolence, which exemplified how criminal reform was the institutional expression of the unique "Japanese spirit within the Justice Ministry system," a spirit that was also guiding the military campaigns in China.<sup>3</sup> Hirata concluded his lecture by presenting the ex-communist ideological convert, or *tenkōsha*, as a model for a renovated and mobilized Japan, arguing, "The people who should effect tenkō are not only those defendants from the Communist Party, that is, the thought-criminals, but we—this may be rude to say—we, from here forward, must [also] carry out a grand tenkō."<sup>4</sup> Indeed, Hirata was attempting to refigure a policy initially developed to suppress and eradicate communism and anticolonial nationalism from the Japanese Empire into a general principle for the spiritual mobilization of the empire for the war effort in China.

A decade earlier, such a claim would have been unthinkable. In the 1920s, state officials warned about the infiltration (*sennyū*) of dangerous foreign ideologies into the empire and the need to eradicate such ideologies before they poisoned the national polity (*kokutai*) from within. For them, domestic communists and other political radicals embodied this foreign ideological threat, a threat that needed to be extracted from society and imprisoned so as to contain its spread.<sup>5</sup> Now, in 1938, one of the key architects of the state's anticommunism campaign presented reformed ex-communists as exemplars for all imperial subjects to follow. In this refiguring, Hirata portrayed

the parole of reformed ex-communists as a means to purify the local community from dangerous Western influences. This vision of using converts to shore up the nation's spiritual resolve dovetailed with and informed wartime campaigns such as the National Spirit Mobilization Movement (Kokumin seishin sōdōin undō) that were created to mobilize the general populace for total war.<sup>6</sup>

What allowed Hirata Isao and other justice officials to promote the reformed ex-communist as a model for all imperial subjects to emulate in the late 1930s? How did state policies targeting communists and other political radicals evolve from suppression and incarceration in the 1920s, to include rehabilitation, conversion, and parole in the 1930s? Most important, what do these transformations reveal about imperial state ideology and its relationship to the transforming modes of state power during the interwar period? *Thought Crime* explores these questions by reading the interwar Japanese state's political crime policies as an index of imperial state ideology—first and foremost, the ideology of imperial sovereignty and the relationship between sovereign and subject—and how this ideology informed and transformed within the expanding apparatus to police political crime in the 1930s. I recuperate what English-language scholars once referred to as Japan's pre-war emperor system (*tennōsei*) and will read the Peace Preservation Law as an extensive security apparatus that formed one important component of that system, both institutionally and ideologically.<sup>7</sup> I utilize the metaphor of the ghost in the machine to emphasize the dynamic relationship between the ideology of the imperial sovereign (the ghost as it were) that both informed, and was itself refined and disseminated through, the expanding institutional apparatus (the machine) to police political criminals in the Japanese Empire during the 1930s. Before elaborating this metaphor, however, it is first necessary to review previous scholarship on the Peace Preservation Law in order to clarify the critical-theoretical intervention that I hope to make in our understanding of the interwar period in Japan.

### The Peace Preservation Law as History

The Japanese state's thought reform policy developed from a notorious anti-radical law called the Peace Preservation Law (Chianijihō).<sup>8</sup> Passed in 1925, this law was utilized to arrest over seventy thousand people in the Japanese metropole and tens of thousands more in Japan's colony of colonial Korea, until repealed by Allied Occupation authorities in October 1945.<sup>9</sup> The law was initially proposed as a legal instrument to suppress domestic communists

and anticolonial activists that were said to be threatening imperial sovereignty, but in the 1930s the law was extended to other academic, political, and religious groups who were seen as challenging imperial orthodoxy. Not only was the purview of the law expanded, but the policies that were developed for administering the law transformed and intensified. By the late 1930s, the law had become a complex institutional apparatus for the continuing surveillance, assessment, reform, and ultimately ideological conversion—or *tenkō*—of political criminals, informed by the ideology of the loyal imperial subject.

For these reasons, the law's extension and increasing institutional complexity provides a unique archive in which to study the prewar imperial state and its transformations in the 1930s. In conventional scholarship, the Peace Preservation Law is commonly portrayed as an explicit instrument of repression used by the prewar emperor system against progressive social forces.<sup>10</sup> That the law was an instrument of repression is, of course, undeniable, but such a characterization implies that the law was clearly understood by state officials and implemented in a uniform manner across the Japanese Empire over its twenty-year history. As I demonstrate in *Thought Crime*, officials continually questioned how to interpret the law's central categories and experimented with different policies based on the changing political circumstances in the Japanese Empire.<sup>11</sup> Nor does the conventional repression thesis adequately explain the logic that informed the later rehabilitation policies such as ideological conversion. To be sure, in the early 1930s a detainee's rehabilitation was initiated with political defection from the JCP, and thus officials understood recantation as one weapon in their arsenal to suppress communism. However, as I explore in later chapters, such experiments moved well beyond urging a detainee to merely defect, to encompass welfare services, spiritual guidance, employment training, family counseling, and the prolonged assessment of imperial loyalty for years after parole. Officials continually explained this expanded rehabilitation system as reflecting the majesty of the august emperor and the benevolence of his imperial state toward wayward subjects, even as arrests continued.

By the 1970s, scholars such as Okudaira Yasuhiro and Richard Mitchell recognized the complexity of the law, and started to reveal the interministerial debates between the Home and Justice Ministries, as well as how the law included both repressive and reform measures, what Mitchell referred to as an expression of Japan's unique "Janus-faced" form of justice.<sup>12</sup> Okudaira approached this complexity through a normative understanding of modern jurisprudence, explaining that, by including the term "*kokutai*" (national

polity or essence) in the Peace Preservation Law (wherein the central infringement of the law was joining or forming an organization that sought to “alter the kokutai”), legislators had contaminated (*konkō*) the realm of legal rationality with an extra-juridical term with sentimental (*jōchoteki*) associations.<sup>13</sup> Area studies scholars translated this binary into the modernization theory paradigm, in which this juridical excess was explained as a vestige of traditional Japanese culture continuing into, and conflicting with, modern Western institutions.<sup>14</sup> Consequently, in the area studies literature, the Peace Preservation Law was explained as having incorporated specifically Japanese cultural elements (symbolized in the term kokutai), forming a uniquely Japanese way of dealing with the political tumult that attends modernization.<sup>15</sup> Such cultural explanations of the Peace Preservation Law reinforce a more general characterization that the modern imperial state implemented a particular Japanese form of governance dating back to the Tokugawa period (1603–1868), what Sheldon Garon has identified in the discourse of “moral suasion” (*kyōka*).<sup>16</sup>

Certainly, the imperial state legitimated the suppression of political activists as protecting Japan’s timeless cultural traditions or, later, celebrated its rehabilitation policies as expressions of Japan’s unique imperial benevolence toward wayward subjects. However, we should not confuse the rhetoric of these cultural claims with the ideological forms through which the imperial state exercised its power, for when we do, our analytical explanations replicate the very claims that officials used to legitimize these policies.<sup>17</sup> As I argue in *Thought Crime*, in essence, the Japanese campaigns to suppress and rehabilitate political criminals were based on modes of power that various modern states utilize in periods of political crisis, including attempts to guide social morality and behavior.

Emphasizing the ideological forms and modes of state power that constituted the interwar security apparatus, *Thought Crime* argues that the complexities of the Peace Preservation Law need to be understood, not as cultural or extrajudicial effects, but as articulations of the ideological foundations of the imperial state within the realm of law and penal policy—first and foremost, of the august emperor, which grounded the logics of both repression and rehabilitation. Imperial sovereignty was the penultimate object to be defended from ideological threats and, at the same time, the benevolent source from which to reform political criminals as loyal imperial subjects. The ideological nature of such campaigns becomes particularly apparent when we recognize that the Peace Preservation Law was applied simultaneously across the different legal systems of Japan’s colonial empire,

raising questions about the extension of imperial sovereignty to the colonies, particularly to colonial Korea, as well as how to later reform colonial activists as imperial subjects.<sup>18</sup> *Thought Crime* draws upon the recent work conducted by Mizuno Naoki, Hong Jong-wook, and others in order to reveal the different articulations of imperial ideology and modalities of state power between the Japanese metropole and colonial Korea.<sup>19</sup>

In this regard, *Thought Crime* reads the Peace Preservation Law as an index of the aporias of imperial state ideology and their different articulations across the Japanese Empire during the 1920s and 1930s. Following Fredric Jameson's distinction between contradiction and aporia, I am using the term "aporia" in order to emphasize the unresolvable nature of the paradoxes that constituted imperial sovereignty (both in theory and practice) as well as how these aporias were generative within the field of state ideology and its institutionalization.<sup>20</sup> As an index of the aporias of imperial ideology, the conceptualization and implementation of the Peace Preservation Law provides an important window into the ideological transformations of the imperial state in the 1930s.

The nature of the prewar state has been a central question for scholars of Japan: from Maruyama Masao's early thesis that in prewar Japan all value was exteriorized into the emperor, allowing for the state to spread a "many-layered, though invisible, net over the Japanese people," to Fujita Shōzō's analysis of the emperor system as a dialectic between the particular institutional forms of the imperial state and the principles with which it ruled society, to Takeda Kiyoko and Walter Skya's respective analyses of the double structure of the emperor system in which the Meiji oligarchs presented the emperor as both divine, mythical and absolute, and at the same time as a constitutional monarchy, what Takeda calls the enduring "dual image" of the emperor, and what Skya finds as the grounding problematic that informed prewar constitutional theory.<sup>21</sup> While these studies focus largely on developments at the state or constitutional level, other scholarship has explored how the emperor system was disseminated and reproduced at the level of society: from Carol Gluck's groundbreaking work on the circulation of Meiji ideology at the local level, to Takashi Fujitani's study of the symbolic construction of the emperor through public pageantry and the circulation of imperial imagery, to Yoshimi Yoshiaki's thesis of popular "imperial consciousness" and "grassroots fascism" in the 1930s and 1940s, to Sheldon Garon's research on how social elements reciprocated, if not actively collaborated, with the state to manage certain social behaviors and practices.<sup>22</sup> And finally, recent scholarship has sought to understand the new modalities of power emerging in

the mid-Meiji-period prison and police systems, including Umemori Naoyuki's pioneering research on the "colonial mediations" during the formation of the modern penal system, and Daniel Botsman's study of the radical break that occurred in punishment between the late Tokugawa and mid-Meiji periods.<sup>23</sup> *Thought Crime* engages with this research by reading the Peace Preservation Law apparatus as indexing the transformations of imperial state ideology across the interwar period, as combining multiple modes of power in order to police political crime, and how the apparatus functioned to reproduce and circulate imperial ideology to the wider community through its later ideological conversion policy.<sup>24</sup>

My intervention in the historiography on the Peace Preservation Law and the prewar imperial state begins by drawing upon critical theories of state power and ideology in order to analyze the material practices through which imperial ideology was reproduced, transformed, and circulated in the 1930s. I contend that this type of critical-theoretical approach reveals the general forms of state power operating in the particular historical circumstances of interwar Japan, and thus qualifies earlier studies that have portrayed the interwar state as manifesting traditional characteristics unique to Japanese statecraft. Toward this end, each chapter of *Thought Crime* is framed by a theoretical question related to state power and ideology, which informs an analysis of a specific development within the Peace Preservation Law over its twenty-year history. At the same time, the Peace Preservation Law provides a rich historical archive in which to reflect on the limits or lacunae in specific theories of state power and ideology.

Before outlining the chapters of *Thought Crime*, it is necessary, first, to explain the metaphorical through line of the ghost in the machine in regard to the prewar Japanese imperial state and, second, to elaborate how my analysis of the Peace Preservation Law is informed by critical theories of ideology, subjection, and state power.

### The Tennōsei as Ghost in the Machine

The sovereign power of reigning over and of governing the State, is inherited by the Emperor from His Ancestors, and by Him bequeathed to His posterity. All the different legislative as well as executive powers of State, by means of which He reigns over the country and governs the people, are united in this Most Exalted Personage, who thus holds in His hands, as it were, all the ramifying threads of the political life of the country, just as the brain, in the human body, is the primitive source of all mental activity manifested through the four limbs and the different parts of the body. For unity is just as



necessary in the government of a State, as double-mindedness would be ruinous in an individual. —ITÔ HIROBUMI, commenting on the Meiji Constitution in 1889

I utilize the metaphor of the ghost in the machine in order to analyze how the ideology of the emperor system (*tennōsei*) was articulated in, and transformed through, the institutional efforts to suppress and reform political criminals. The metaphor of the ghost in the machine derives from Gilbert Ryle's classic text *The Concept of Mind* (1949), in which Ryle attempted to subvert the Cartesian distinction/conjunction of mind and body, in which the mind, Ryle argued, is assumed to be a "spectral machine" inside the physical body, an "interior governor-engine" that animates the body, but obeys "laws . . . not known to ordinary engineers."<sup>25</sup> Ryle's target was the concept of mind in philosophy, but tellingly, he made passing mention of Thomas Hobbes's Cartesian conception of sovereignty in *Leviathan* (1651), in which the sovereign was to the commonwealth as the mind was to the parts of the body.<sup>26</sup> Indeed, in the epigraph above, we see the recognized author of the 1889 Meiji Constitution, Itō Hirobumi, drawing upon this Cartesian analogy in order to explain imperial sovereignty as outlined in the 1889 Constitution and the supposed unity it brought to the new Meiji state.<sup>27</sup> Ryle's intention was not to reduce mind to matter or vice versa, but to free philosophy of the ideology of mind so that philosophy could elaborate a "correct logic of mental-conduct concepts" appropriate to the "facts of mental life."<sup>28</sup> And yet, in the judgment of A. J. Ayer, although Ryle had "succeeded in reduc[ing] the empire of the mind over a considerable area" of philosophical inquiry, the "ghost . . . still walks, and some of us are still haunted by it."<sup>29</sup> Indeed, the metaphor of the ghost in the machine was popularized by Arthur Koestler, who, in a 1967 book that took the metaphor as its title, argued that in "the very act of denying the existence of the ghost in the machine," Ryle and others may "incur the risk of turning it into a very nasty, malevolent ghost."<sup>30</sup> Evidently, exorcising the ghost from philosophy proved to be more difficult than Ryle originally imagined, a paradox that was replicated as the metaphor was extended to other disciplines in order to exorcise their own respective assumptions.

Scholars in political theory have deployed the ghost in the machine metaphor in order to discard what they believe to be the analytical ambiguities produced by terms such as "sovereignty" and the "state." In one well-known example, David Easton critiqued state theory, which, in his estimation, figured the state as "some kind of undefined and undefinable essence, a 'ghost in the machine,' knowable only through its variable manifestations."<sup>31</sup> The

issue for Easton was that the various proponents of the state, whether liberal, conservative, or Marxist, were all assuming that there was a single, “easily identifiable” locus of authority or power that could be discerned in the wider field of political practice. He countered that his concept of “political system” took into consideration the complexity and diversity of the political field without having to rely on the assumption of a ghostly essence (i.e., the state) determining the field of political practice.<sup>32</sup> However, Timothy Mitchell has countered that Easton and one could say by extension Ryle were asking the wrong question: before exorcising the ostensible ghost from their respective fields, they must first account for why the machine operates as if there was a ghost animating it.<sup>33</sup> Mitchell argues that criticisms such as Easton’s “ignore the fact that this is how the state very often appears in practice. The task of a critique of the state is not just to reject such metaphysics, but to explain how it has been possible to produce this practical effect, so characteristic of the modern political order.”<sup>34</sup> *Thought Crime* is an attempt to understand how this metaphysics was produced through and animated the particular policies and practices of the Peace Preservation Law apparatus.<sup>35</sup>

By using the metaphor of the ghost in the machine, I seek to illuminate how the “practical effect” (Mitchell) of the sovereign emperor and the radiant Japanese spirit (*nihon seishin*) were reproduced, transformed, and disseminated through the institutional practices of the Peace Preservation Law. As a kind of ghostly presence that was both ostensibly transcendent of secular politics and simultaneously their sovereign origin, the august emperor was invoked in, firstly, the Diet deliberations over the use of kokutai (national polity or essence) in the 1925 Peace Preservation Law as something under existential threat from foreign ideologies, and then in the day-to-day interrogations, court decisions, and rehabilitation programs that constituted the administrative application of the Peace Preservation Law. In fact, two corollary ghosts were conjured in the operations of the Peace Preservation Law: the imperial sovereign that the law was protecting, and the imperial subject (*shinmin*) that reformed ex-political criminals were to manifest during their rehabilitation.<sup>36</sup> By the late 1930s, justice and police officials continuously invoked the Japanese spirit as animating their institutional practices: as a 1940 thought police manual explained, the “prime mover of police power” (*keisatsuryoku no chūshin dōryoku*) was the “spirit of the police” which “elucidates [*tōtetsu*] the fundamental principles of our kokutai.”<sup>37</sup> Rather than dismissing them, *Thought Crime* approaches such claims as revealing the imperial ideology that informed, and was transformed through, the institutional practices of the Peace Preservation Law apparatus in the 1930s.

To be clear, I am not arguing that hidden behind the operations of the security apparatus was the active monarch at the helm of the state; rather, I am arguing that the security apparatus and, by extension, the imperial state, functioned as if the august sovereign was animating the security apparatus since he was continually referenced as the ostensible sovereign source of all imperial law as well as the object to be protected from political-ideological threats. Nor am I arguing that detained communists were rehabilitated back to an original imperial subjectivity. Rather, I am arguing that, as so-called ideological converts (*tenkōsha*) set out to confirm their conversions and find purposeful work in their communities, they drew upon established tropes of the Japanese spirit and imperial loyalty to give their activities meaning. This shifts the problematic away from conventional questions such as “Did communists really convert and embrace imperial ideology?” to understanding how their practices made it appear as if they had become loyal imperial subjects. In other words, I am interested in how the ideology of the emperor was inscribed in the practical, institutional, and juridical operations of the prewar Peace Preservation Law apparatus, and how this ideology informed and was disseminated through the practice of ideological conversion in the 1930s.

As I explore in chapter 1, state officials initially infused the expanding institutional apparatus to suppress political radicalism with the sovereign ghost by using the term “*kokutai*” (national polity or essence) in the Peace Preservation Law, identifying a political crime as anyone who formed or joined an organization with the intention to “alter the *kokutai*” (*kokutai o henkaku*).<sup>38</sup> Legislators defined their use of *kokutai* in the law as signifying that sovereignty resided in the “line of Emperors unbroken for ages eternal” as stipulated in Article 1 of the Meiji Constitution, and thus political crime was identified as the intention to alter imperial sovereignty. Consequently, in their continuing legislative debates over the use of *kokutai* in the law, officials were not only arguing about how the term defined an infringement to be punished, but were simultaneously and inadvertently addressing the ostensible sovereign essence of the Japanese Empire itself. Then later, in the emerging rehabilitation policies of the Peace Preservation Law apparatus, officials and detainees ruminated on imperial subjectivity as criminal reform was measured by the degree to which a political criminal (re)identified as an imperial subject, the spectral cognate to the imperial sovereign. Indeed, throughout the 1930s, officials such as Hirata Isao and reformed political activists continuously wrote on the significance of ideological conversion and, in the process, reflected on the essence of imperial subjectivity. As I will

explore in chapter 5, this was a particularly vexed endeavor in colonial Korea, where anticolonial activists, although not ethnically Japanese (*minzoku*), were urged to reform as loyal nationals (*kokumin*) of the Japanese Empire.

Despite these challenges, by the late 1930s, officials in metropolitan Japan abstracted the policy of ideological conversion from the Protection and Supervision Centers and re-presented it as an imperative for all imperial subjects to practice, effectively turning *tenkō* into an ideology in its own right. In chapter 5, I demonstrate how *tenkō* became a generalized ideology of thought purification and spiritual mobilization, which provided a model for the total-war mobilization campaigns of the late 1930s and early 1940s. If the imperial ghost initially animated the machine to repress political threats against the sovereign in the 1920s, and if political criminals invoked their own subjective ghost as they converted as loyal subjects of the emperor in the mid-1930s, then the spiritual mobilization campaigns modeled on the *tenkō* policy in the late 1930s and 1940s envisioned imperial Japan as a war machine animated by the ghost of the Japanese spirit (*nihon seishin*).

### The Peace Preservation Law as Combined Repressive and Ideological State Apparatus

Power would be a fragile thing if its only function were to repress.

—MICHEL FOUCAULT, “Body/Power”

In order to illuminate the ideological and institutional transformations of the Peace Preservation Law in the 1930s, *Thought Crime* draws upon the theoretical investigations of Louis Althusser, Michel Foucault, and, to a lesser extent, Nicos Poulantzas concerning the differing modalities of state power and the effective operations of ideology.<sup>39</sup> Although Althusser and Foucault are conventionally read as theoretical adversaries, there have been recent attempts to read them together, opening new, productive lines of inquiry into the complex processes of state power and subjection.<sup>40</sup> Poulantzas’s later state theory serves to mediate between Foucault and Althusser, for, as Bob Jessop has explored, Poulantzas attempted to bring aspects of Foucault’s theory of power as dispersed at the microlevel of society into a structural-Marxist theory of the state and how the state intervenes and reproduces the relations of capitalist production.<sup>41</sup>

To begin with, both Althusser and Foucault reject the conventional theory of ideology, since this is predicated upon the assumption of, as Foucault explains, a preconstituted liberal “human subject . . . endowed with a

consciousness which power is then thought to seize on.”<sup>42</sup> In contrast, as Warren Montag has summarized, for both Althusser and Foucault “the individual was not given, but constituted or produced as [a] center of initiatives, an effect, not a cause of the conflictual processes of ideology or power.”<sup>43</sup> Furthermore, although Foucault did not use the term “ideology,” both he and Althusser rejected idealist theories of how power or ideology seize upon or mystify the consciousness of an individual, what Althusser deemed “the ideology of ideology.”<sup>44</sup> We can find this ideology informing prior studies of the *tenkō* phenomenon in interwar Japan, whereby *tenkō* is explained as when the state, through external force, coerced an individual to change his or her internal ideas. Most studies of *tenkō* thus track the ostensible change in thought of an individual, overlooking the extensive institutional apparatus that provided the models through which the individual experienced and practiced conversion. Tellingly, converts described their conversion as a uniquely personal experience of introspection, even though their experiences followed a predictable sequence and produced almost identical biographical forms. Althusser and Foucault, each in his own way, shift our attention to the mechanisms or diagrams of power (Foucault) and practices ritualized within specific apparatuses (Althusser) through which the subject is constituted as such. My objective in *Thought Crime* is to elaborate the logic at work in the ensemble of apparatuses that the imperial state developed to reform political criminals as loyal and productive imperial subjects.

In the prewar Japanese context, this entails, as Harry Harootunian reminds us, that we recognize how these apparatuses worked to interpellate individuals “as subjects (not primarily imperial subjects—*shinmin*—even though this was obviously included in the formulation, but as subjects—*shutai* or *shukan*).”<sup>45</sup> Indeed, as I will demonstrate, it was through the tropes of imperial subjectivity that a reformed political criminal would, in Althusser’s terms, “(freely) accept his subjection . . . in order that he shall make the gestures and actions of his subjection ‘all by himself.’”<sup>46</sup> *Thought Crime* analyzes how various modalities of power combined within the Peace Preservation Law, transforming it into an apparatus that functioned to reform political criminals as imperial subjects that would work “all by themselves” (Althusser) without threat of reprimand. Indeed, by the mid-1930s we find justice officials and converts alike celebrating the practice of “indirect rehabilitation” (*kansetsu hogo*) in the Peace Preservation Law, in which detained thought criminals converted ostensibly on their own volition and continued to demonstrate their loyalty after parole with only minor oversight by the state.<sup>47</sup>

From Foucault, I explore the transformations of the Peace Preservation Law apparatus through his tripartite schema of sovereign-judicial power, disciplinary power, and governmentality.<sup>48</sup> In the 1930s, the Peace Preservation Law apparatus transformed from its initial function as a law to juridically repress political threats to imperial sovereignty in the mid-1920s, to establishing semiofficial organizations that experimented with disciplinary methods to safely release reformed political criminals back into imperial society in the early 1930s, to finally codifying and intensifying the earlier reform experiments into a multistage process of ideological conversion (*tenkō*) so that released ex-political criminals would morally govern themselves in the late 1930s. Foucault's tripartite schema allows us to distinguish the various modalities of power that combined within the Peace Preservation Law by the mid-1930s, while at the same time allowing us to understand these modes of power, not as unique vestiges of premodern Japanese statecraft but as general forms of power that modern states exercise to some degree and combination in particular moments of political crisis.<sup>49</sup> Moreover, the Peace Preservation Law provides a unique example through which to reconsider Foucault's threefold schema of power, not as a series of three unique historical forms (which is sometimes how Foucault is read), but rather as the simultaneous configuration of three modes of power—"sovereignty-discipline-government" (Foucault)—into a single security complex that had important influences and effects in interwar Japanese society.<sup>50</sup>

I engage with Althusser's theory of Ideological State Apparatuses (ISAs) in order to analyze how the Peace Preservation Law apparatus, by the mid-1930s, included particular reform procedures that functioned to rehabilitate individuals as loyal and productive imperial subjects. Althusser distinguished between a (single) state apparatus—the Repressive State Apparatus (RSA), which primarily functions by violence—and the plural apparatuses that function primarily by ideology, including schools, family, law, and so on, which Althusser calls the (plural) ISAs. Althusser contends that all "State Apparatuses function both by repression and by ideology," with one element predominating over the other in the last instance.<sup>51</sup> Poulantzas qualified Althusser's functional distinction, arguing that, depending on the situation, "a number of apparatuses can slide from one sphere to the other and assume new functions either as additions to, or in exchange for, old ones."<sup>52</sup> Indeed, we will see how, as a fully elaborated apparatus in the 1930s, the Peace Preservation Law combined both repressive and ideological functions, and "slid" (Poulantzas) between one function over the other depending on location and changing political conditions. According to Althusser, however, it

is ideology that secures the internal coherence between the apparatuses, and thus presumably the state apparatus itself. And while the repressive function of the RSA may serve as the ultimate horizon of state power—dealing with what Althusser called “bad subjects” (*mauvais sujets*) or those rare occasions when the local police are overwhelmed by events—repression alone cannot explain how the relations of the social formation are reproduced, or the coherence between the multiple state apparatuses.<sup>53</sup>

As we see here, Althusser expands the ideological function of the state—and thus the state itself—beyond the conventional state/society divide, finding educational institutions, churches, families, religious groups, and other entities functioning to interpellate individuals as subjects. In this way, Althusser provides an important corrective to Foucault and others who reject the analytical purchase of the state as a critical category. Indeed, as Nicos Poulantzas has noted, Foucault and others rejected the term “state” specifically because they retained a surprisingly “narrow, juridical definition of the State” that was “limited to the public kernel of army, police, prisons, courts, and so on.” Poulantzas argues that this allowed Foucault and others to argue “that power also exists outside the State as they conceive it. But in fact, a number of sites of power which they imagine to lie wholly outside the State (the apparatus of asylums and hospitals, the sports apparatus, etc.) are all the more sites of power in that they are included in the strategic field of the State.”<sup>54</sup> In *Thought Crime*, I reveal how the Japanese state collaborated with Buddhist temples, municipal employment agencies, family members, and other community groups in order to rehabilitate political criminals and secure their ideological conversion. Each institution had its own unique function, what Althusser would call their respective “secondary ideologies,” whereby temples provided spiritual guidance, schools educated students, training centers provided industrial reskilling to workers, and so on. But when taken together and overseen by the imperial state, they functioned to reconfigure political criminals as loyal imperial subjects, what Althusser would see as their “primary” ideological function.<sup>55</sup>

Disregarding Althusser’s more problematic theory of interpellation, I will focus specifically on Althusser’s concept of ISAs in order to explore the operations of the Peace Preservation Law apparatus.<sup>56</sup> In his approach to ISAs, Althusser argues that ideology is not ideational, but rather “always exists in an apparatus, and its practice, or practices. This existence is material.”<sup>57</sup> Subverting the causality of the ideational thesis, Althusser argues that “the ‘ideas’ of a human subject exist in his[/her] actions” and that these actions



themselves are “inserted into *practices*” that “are governed by the *rituals* in which these practices are inscribed, within the material existence of an *ideological apparatus*.”<sup>58</sup> Althusser’s theory of ISAs requires that we move beyond the conventional problematic regarding to what degree did ideological converts truly come to believe in imperial ideology in the 1930s, and to focus on the forms and practices ritualized within political reform groups through which thought criminals acted as if they were loyal imperial subjects.

Attentive to the important theoretical differences that exist between Althusser and Foucault, as well as the lacunae that exist in their respective theories of ideology and power, each chapter of *Thought Crime* reflects on a specific question posed by one of these theorists and pursues this question through an analysis of a particular development in the Peace Preservation Law apparatus.

## Chapter Outline

Chapter 1 begins by exploring the Japanese state’s efforts to pass antiradical laws earlier in the 1920s, and then conducts an in-depth analysis of the drafting and legislative debates that led to the passage of the Peace Preservation Law in 1925. I demonstrate that while most officials and politicians agreed on the need to pass measures that would suppress radical political movements, they struggled to define the object that was threatened by such movements. Officials ultimately decided upon the term “kokutai” to identify the bill’s object of protection, defining a political crime as forming or joining an organization that had the intention to “alter the kokutai” (*kokutai o henkaku*). Whereas existing scholarship portrays the inclusion of kokutai in the law as the contamination of juridical rationality by the irrational and ambiguous category of kokutai, chapter 1 shows how lawmakers continually referred to kokutai as signifying imperial sovereignty as stipulated in the 1889 Meiji Constitution. Drawing upon critical theories of sovereignty, I argue that if the inclusion of kokutai in the law was irrational or ambiguous, it was an irrationality that emerged from the concept of sovereignty and the particular form that this took in the prewar Japanese Empire. Consequently, by utilizing the term “kokutai,” legislators inadvertently brought questions related to the form and content of imperial sovereignty into debates over the law, infusing the law’s emerging institutionalization with the ghostly specter of the sovereign emperor. This chapter reveals how these kinds of issues are most clearly seen in the discussions over how to implement the Peace



Preservation Law in colonial Korea, where, at least initially, colonial courts defined *kokutai* as referring largely to the territorial integrity of Japan's colonial empire.

Chapter 2 traces the process of how reform and rehabilitation protocols slowly emerged from a law that was initially intended as a legal instrument to repress threats to imperial sovereignty. Drawing upon Foucault's theoretical distinction between sovereign and disciplinary power, I argue that, by the early 1930s, the initial repressive application of the Peace Preservation Law was so successful in metropolitan Japan that justice officials were faced with the problem of how to manage thousands of detained political criminals. Through a contingent process of trial and error, officials in Tokyo arrived at the solution of reforming repentant political criminals, drawing upon disciplinary measures that were developed earlier to reform delinquent youth. While prior scholarship has recognized this complex combination of repression and reform in the law, it does not consider the functional relationship between these two modes of state power, explaining it simply as the schizophrenic, Janus-faced justice unique to prewar Japan.<sup>59</sup> In contrast, chapter 2 reveals how imperial ideology mediated the functional relationship between repression and rehabilitation: for example, repression was legitimated as protecting the imperial sovereign, while reform was increasingly portrayed as an expression of the unique benevolence of the Japanese imperial house. And although reform was institutionalized in colonial Korea as well, repression continued to constitute the primary application of the law in the colony into the mid-1930s, demonstrating how the colonial articulation of imperial sovereignty differed from the metropole. This functional but differential combination of repression and disciplinary reform in the Peace Preservation Law apparatus provides a historical example through which to reconsider Michel Foucault's logical and historical distinction between sovereign-judicial and disciplinary power.

In chapter 3, I explore the oft-overlooked network of semiofficial rehabilitation groups that facilitated the ideological conversion (*tenkō*) of ex-communists and their reintegration into society. This chapter focuses on the most important group in this network—the Tokyo-based Imperial Renovation Society (*Teikoku Kōshinkai*)—and the early contributions of one of its staff members, the ex-communist convert Kobayashi Morito. Originally established in 1926 as a semiofficial support group for detainees awaiting criminal indictment, by the mid-1930s the Imperial Renovation Society oversaw the ideological conversion of hundreds of ex-rank-and-file JCP members, establishing protocols for other thought crime reform groups throughout the

empire. Tenkō is commonly defined as when a political criminal spontaneously changed his or her thought under the coercion of state power. This overlooks the fact that an institutional network predated the phenomenon referred to as tenkō. Drawing upon Louis Althusser's theory of ISAs introduced above, this chapter argues that it was in such semiofficial support groups that the corollary ghost of the imperial subject was starting to take shape, who, once paroled would, to paraphrase Althusser, make the gestures and actions of his or her continuing subjection all by him or herself.<sup>60</sup> Groups such as the Imperial Renovation Society enlisted Buddhist chaplains, family members, employers, educators, and civic leaders in assisting with the rehabilitation of political criminals, thereby serving as important sites of ideological mediation between the imperial state and the wider community.

Chapter 4 traces how, following a wave of defections from the JCP in 1933–1934, the Justice Ministry attempted to formalize and extend administrative policies for reforming detained and paroled political criminals, culminating in the 1936 Thought Criminal Protection and Supervision Law (Shisōhan hogo kansatsu hō). This chapter focuses on two important developments within this process between 1934 and 1936. First, I explore how as justice officials and reformed ex-communists ruminated on the significance and practice of political rehabilitation, they increasingly drew upon the tenets of imperial ideology to define ideological conversion, thereby refining the figure of the ghost of imperial subjectivity informing these conversions. I understand this development through Louis Althusser's distinction between primary and secondary ideologies at work in ISAs: in this case, the mandate to reform criminals (secondary ideology) guiding groups like the Imperial Renovation Society was increasingly yoked to imperial loyalty and national veneration (the primary ideology). The second development I focus on in chapter 4 is the emerging concern for securing a political convert's conversion after he or she was released. With an increasing number of converts being released, counselors and justice officials sought a new ethic, most often in Buddhist self-negation, for converts to return to and function in society without constant state oversight. I contend that this objective introduced a new complementary mode of power to the Peace Preservation Law apparatus—what Foucault theorized as governmentality—a mode of power whereby the population of converts would govern themselves in their everyday practices as productive subjects of the imperial polity.<sup>61</sup> This addition of governmentality complemented the sovereign and disciplinary modes of power that converged earlier in the 1930s. And as the state codified these practices in the 1936 Thought Criminal Protection and Supervision Law, we can understand

this development as “the ‘governmentalization’ of the state” (Foucault).<sup>62</sup> The chapter also points to how, although there had been far fewer cases of ideological conversion in colonial Korea than in the metropole before 1936, once established, the Protection and Supervision Center apparatus facilitated a sudden increase of conversion in Korea in the latter half of the decade, raising new questions about how Korean colonial subjects, although not ethnically Japanese, could ideologically convert as nationals of the Japanese imperial nation-state.

The fifth and final chapter analyzes the transformation in ideological conversion during the early years of the China Incident. Immediately after Japan’s invasion of China in 1937, *tenkōsha* mobilized in support of war as a means to demonstrate their rehabilitation as patriotic imperial subjects. This was a natural extension of the practices taking place in the newly established Protection and Supervision Centers. At the same time, reform officials abstracted from the practices within the centers and presented *tenkō* to the general public as a model for how all subjects—not just political criminals—could purify their thoughts and spiritually mobilize for war. The convergence in the changing practices and representation of *tenkō* refigured ideological conversion as an ideology—what I call the ideology of conversion—applicable to the general population. The ideology of conversion was most explicit in the portrayal of reformed ex-communists and anticolonial nationalists as the vanguard of an empire-wide spiritual awakening, presaging later war mobilization campaigns. However, in colonial Korea, where conversion started to become a more widespread phenomenon in 1937, officials ruminated on the inherent limitations of colonial conversion, thus revealing specific aporia in imperial ideology and its articulation in the colony.

Chapter 5 concludes by reviewing the passage of an extensive revision to the Peace Preservation Law in 1941, which demoted the earlier emphasis on reform with a policy of indeterminate detention called preventative detention (*yobō kōkin*), returning the function of the law to an emphasis on repression of suspected threats against the state during wartime. By this time, however, the notions of thought purification and spiritual mobilization that were developed within the Peace Preservation Law earlier in the 1930s had become general principles to mobilize society, most clearly exemplified in the National Spirit Mobilization Movement (*Kokumin seishin sōdōin undō*). In the epilogue, I reflect on the transwar legacies of the Peace Preservation Law and ruminate on possible lines of inquiry for further research into the revived rehabilitation practices in the early postwar period.

Before beginning, three qualifications are necessary. First, *Thought Crime* does not address the individual experiences of activists who underwent the practice of conversion, or the effect the Peace Preservation Law had on the interwar socialist, communist, and anticolonial movements. There are volumes of research on these aspects of interwar history, to which I refer in the endnotes. Rather, my analytical focus is on what the Peace Preservation Law reveals about imperial state ideology and how this ideology was inscribed in state apparatuses to police so-called thought crime.<sup>63</sup> Second and relatedly, my objective is not to inquire into the Peace Preservation Law's success or failure in policing thought per se, but rather the legal, institutional, and ideological conditions within which the discourse of thought crime and ideological conversion emerged and transformed. For those interested in criminological approaches to the interwar law, I refer to many secondary sources in the endnotes. Last and most importantly, although *Thought Crime* touches upon the ways in which the Peace Preservation Law was interpreted and implemented differently in colonial Korea, the complexity of the colonial institution and the different experience of colonial tenkōsha require much further research. Where necessary, I refer to scholarship in the endnotes that has started to illuminate these complexities, including the groundbreaking work of Mizuno Naoki and more recently Hong Jong-wook's excellent study of tenkō in colonial Korea. I hope that by illuminating the complex logic and institutional operations of the Peace Preservation Law, *Thought Crime* will inspire new research into these areas as well as a broader reconsideration of the complex political and ideological transformations across the Japanese Empire during the 1930s.

## Preface

1. For an overview of these cases, see Laura Yuen, Mukhtar Ibrahim, and Sasha Aslanian, "Called to Fight: Minnesota's ISIS Recruits," *Minnesota Public Radio News*, March 25, 2015, <http://www.mprnews.org/story/2015/03/25/minnesota-isis#ayusuf>.
2. Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: Chicago University Press, 2005).
3. On the concept of radicalization, see Arun Kudnani, "Radicalisation: The Journey of a Concept," *Race and Class* 54, no. 2 (September 2012): 3–25.
4. Uchida Hirofumi, for example, has argued that current legal developments reflect the changes to the legal system in the 1920s and 1930s that prepared Japan for total war. See Uchida Hirofumi, *Keihō to sensō: Senji chian hōsei no tsukurikata* (Tokyo: Misuzu shobō, 2015). In particular, Uchida and others have pointed to the Peace Preservation Law when critiquing the inclusion of "criminal conspiracy" (*kyōbōzai*) in the revised 2017 Organized Crime Law (*Soshikiteki hanzai shobatsu hō*) that proponents argue is necessary for investigating and prosecuting supposed terrorism cases. See Uchida Hirofumi, *Chianijihō to kyōbōzai* (Tokyo: Iwanami, 2017); and Hōgaku Seminaa Henshūbu, ed., *Kyōbōzai hihyō: Kaisei soshikiteki hanzai shobatsu hō no kentō* (Tokyo: Nihon hyōronsha, 2017). On the passage of this controversial "conspiracy law" see: Colin Jones, "Will Japan's New Conspiracy Law Lead to 'Thought Crime'?" *The Diplomat*, July 17, 2017, <https://thediplomat.com/2017/07/will-japans-new-conspiracy-law-lead-to-thought-crime/>.
5. Brendan I. Koerner, "Can You Turn a Terrorist Back into a Citizen? A Controversial New Program Aims to Reform Homegrown ISIS Recruits Back into Normal Americans," *Wired*, January 24, 2017, <https://www.wired.com/2017/01/can-you-turn-terrorist-back-into-citizen/>.
6. See Mukhtar Ibrahim and Laura Yuen, "Judge Orders Study of Terror Defendants before Sentencing," *Minnesota Public Radio News*, March 2, 2016, <https://www.mprnews.org/story/2016/03/02/judge-outlines-steps-to-divert-mn-terror-defendants-islamic-state-isis-recruitment>. See also Stephen Montemayor, "Terror Suspects Will Test Deradicalization Program," *Minneapolis Star Tribune*, March 2, 2016, <http://www.startribune.com/judge-orders-de-radicalization-study-for-4-terror-defendants/370806141>. See also the announcement on the GIRDS website: "GIRDS Contracted to Design New Deradicalization Program in the United States," GIRDS, April 3, 2016,

<http://girds.org/news/girds-contracted-to-design-new-deradicalization-program-in-the-united-states>.

7. Montemayor, “Terror Suspects Will Test Deradicalization Program.” I thank Stephen Montemayor for meeting with me to discuss these cases in November 2016.

8. Daniel Koehler, cited in Stephen Montemayor, “Deradicalization Expert Concludes Testimony in Minnesota ISIL Case Evaluations,” *Minneapolis Star Tribune*, September 21, 2016, <http://www.startribune.com/deradicalization-expert-concludes-testimony-in-minnesota-isil-case-evaluations/394354591/>.

9. Koehler also met with chief probation officer Kevin Lowery and ten of his officers, training them “for counseling extremists.” See Koerner, “Can You Turn a Terrorist Back into a Citizen?”

10. Kevin Lowry, cited in Montemayor, “Deradicalization Expert Concludes Testimony.”

11. Ikeda Katsu, *Chianijihō*, in *Shinhōgaku zenshū* (Nihon Hyōronsha, 1939), vol. 19, 24. English translation (amended) from Patricia G. Steinhoff, “Tenkō and Thought Control,” in *Japan and the World: Essays on Japanese History and Politics in Honour of Ishida Takeshi*, ed. Gail Lee Bernstein and Haruhiro Fukui (New York: St. Martin’s, 1988), 79.

12. Montemayor, “Deradicalization Expert Concludes Testimony.”

13. Mila Koumpilova, “Minnesota Officials Envision Probation Program for People Facing Terror Charges,” *Minneapolis Star Tribune*, January 9, 2016, <http://www.startribune.com/minnesota-officials-envision-a-probation-program-for-people-facing-terror-charges/364754521/>.

14. Koerner, “Can You Turn a Terrorist Back into a Citizen?”

15. Koumpilova, “Minnesota Officials Envision Probation Program.” See also Montemayor, “Terror Suspects Will Test Deradicalization Program.”

16. Judge Davis was influenced by Koehler’s pessimistic assessments of the defendants’ varying potential for deradicalization. See Koerner, “Can You Turn a Terrorist Back into a Citizen?”

17. Stephen Montemayor and Faiza Mahamud, “Decades in Prison for Final 3 Sentenced in Minnesota ISIL Conspiracy Case,” *Minneapolis Star Tribune*, November 16, 2016, <http://www.startribune.com/final-3-of-minnesota-s-isil-defendants-appear-for-sentencing/401501085/>. See also Laura Yuen and Doualy Xaykaothao, “Third ISIS Sentence of the Day: 10 Years,” *Minnesota Public Radio News*, November 15, 2016, <https://www.mprnews.org/story/2016/11/15/day-2-of-isis-trial>.

18. Stephen Montemayor, “All Eyes on Minnesota Federal Judge before Sentencing in Nation’s Biggest ISIL Recruitment Case,” *Minneapolis Star Tribune*, November 12, 2016, <http://m.startribune.com/all-eyes-on-minnesota-federal-judge-before-sentencing-in-nation-s-biggest-isil-recruitment-case/400955075/>.

19. The US Department of Homeland Security CVE website has since been revised. US Department of Homeland Security, “Terrorism Prevention Partnerships,” accessed April 17, 2018, <https://www.dhs.gov/terrorism-prevention-partnerships>.

20. See Brennan Center for Justice, “Countering Violent Extremism (CVE): A Resource Page,” November 2015, <https://www.brennancenter.org/analysis/cve-programs-resource-page>.

21. See Mukhtar Ibrahim, "Community Response to Feds' MN Anti-terror Recruiting Efforts," *Minnesota Public Radio News*, February 23, 2016, <https://www.mprnews.org/story/2016/02/23/somali-community-response-anti-terror-recruiting>.

22. For one example, see "Full Text: Donald Trump's Speech on Fighting Terrorism," *Politico*, August 15, 2016, <http://www.politico.com/story/2016/08/donald-trump-terrorism-speech-227025>.

23. See Jennifer Hansler, "DHS Shifts Focus of Funding to Counter Violent Extremism," *CNN*, July 4, 2017, <http://edition.cnn.com/2017/07/01/politics/cve-funding-changes/index.html>.

24. See Adam Taylor, "The U.S. Keeps Killing Americans in Drone Strikes, Mostly by Accident," *Washington Post*, April 23, 2015, [https://www.washingtonpost.com/news/worldviews/wp/2015/04/23/the-u-s-keeps-killing-americans-in-drone-strikes-mostly-by-accident/?utm\\_term=.9f197c6e3949](https://www.washingtonpost.com/news/worldviews/wp/2015/04/23/the-u-s-keeps-killing-americans-in-drone-strikes-mostly-by-accident/?utm_term=.9f197c6e3949). A secret Justice Department memo from 2011 outlined the justification for killing American-born jihadists, specifically arguing that such killings do not violate the citizen's right to due process as stated in the Fourth Amendment. On this memo, see Greg Miller, "Legal Memo Backing Drone Strike That Killed American Anwar al-Awlaki Is Released," *Washington Post*, June 23, 2014, [https://www.washingtonpost.com/world/national-security/legal-memo-backing-drone-strike-is-released/2014/06/23/1f48dd16-faec-11e3-8176-f2c941cf35fi\\_story.html?tid=a\\_inl&utm\\_term=.31c20c5dca38](https://www.washingtonpost.com/world/national-security/legal-memo-backing-drone-strike-is-released/2014/06/23/1f48dd16-faec-11e3-8176-f2c941cf35fi_story.html?tid=a_inl&utm_term=.31c20c5dca38). Since taking office, President Trump has loosened the rules governing drone strikes. See Ken Dilanian, Hans Nichols, and Courtney Kube, "Trump Admin Ups Drone Strikes, Tolerates More Civilian Deaths: U.S. Officials," *NBC News*, March 14, 2017, <http://www.nbcnews.com/news/us-news/trump-admin-ups-drone-strikes-tolerates-more-civilian-deaths-n733336>; Eric Schmitt and Matthew Rosenberg, "C.I.A. Wants Authority to Conduct Drone Strikes in Afghanistan for the First Time," *New York Times*, September 15, 2017, <https://www.nytimes.com/2017/09/15/us/politics/cia-drone-strike-authority-afghanistan.html>.

25. See Peter Baker, "Trump Abandons Idea of Sending Terror Suspect to Guantánamo," *New York Times*, November 2, 2017, <https://www.nytimes.com/2017/11/02/us/politics/trump-new-york-terror-attack.html>; Rebecca Ruiz, Adam Goldman, and Matt Apuzzo, "Terror Suspect Brought to U.S. for Trial, Breaking from Trump Rhetoric," *New York Times*, July 21, 2017, <https://www.nytimes.com/2017/07/21/world/europe/al-qaeda-suspect-court-trump-sessions-guantanamo.html>.

26. In each case, the underlying ideologies informing these programs were thrown into sharp relief when each state confronted acts of nationalist violence: for example, the Japanese imperial state struggled to apply its thought crime policy to rightist terrorists who killed industrialists and politicians in the name of the emperor in the 1930s, whereas the Trump administration is currently (summer 2017) hesitant to call the violence carried out by white supremacists and neo-Nazis acts of terrorism so as not to alienate some of its most vocal supporters. See Liam Stack, "Charlottesville Violence and Trump's Reaction Draw Criticism Abroad," *New York Times*, August 17, 2017, <https://www.nytimes.com/2017/08/17/world/charlottesville-trump-world-reaction.html>.



1. These events are discussed in more detail in chapters 1 and 2. Hirata Isao oversaw the jailed communist Mizuno Shigeo, who, with others, critiqued the JCP from jail, and upon being paroled, formed a breakaway communist group that recognized the emperor. See Itō Akira, “Tenkō mondai no ikkōsatsu: Nihonkyōsantō rōdōshaha to Hirata Isao,” *Chiba kōgyō daigaku kenkyū hōkoku*, no. 31 (February 1994): 29–41.
2. The 1927 Theses used the term “kunshusei” (literally, monarchical system). It was not until the 1932 Theses that the JCP and Comintern started using the specific term “emperor system” or tennōsei. For an English translation of the 1927 Theses and 1932 Theses, see George M. Beckmann and Genji Okubo, *The Japanese Communist Party, 1922–1945* (Stanford, CA: Stanford University Press, 1969), 295–308, 332–351, respectively.
3. Hirata Isao, “Marukishizumu no kokufuku,” in *Shisōsen kōshūkai kōgi sokki*, vol. 3, ed. Naikaku Jōhōbu (Tokyo: Naikaku Jōhōbu, 1938), 205–236, 228.
4. Hirata, “Marukishizumu no kokufuku,” 236.
5. Following Carl Schmitt’s political-ontological distinction of friend/enemy, Michael Dutton analyzes the policing of politics in China and notes that the identification of a threat ultimately functions to define political subjectivity: “Enemies . . . take precedence for they are what defines us. Just as a legal trial has meaning only as a result of a breach in the law, or criminal law begins not with a deed but with a criminal misdeed, so too are we defined by our opposite.” Michael Dutton, *Policing Chinese Politics: A History* (Durham, NC: Duke University Press, 2005), 6. Dutton’s analysis of the policing of politics in the twentieth century is at the same time an attempt to bring Hannah Arendt’s political ontology into conversation with Schmitt’s. See Dutton, *Policing Chinese Politics*, 9–11.
6. On the National Spirit Mobilization Movement, see Thomas R. H. Havens, *Valley of Darkness: The Japanese People and World War Two* (New York: Norton, 1978), 11–33, 36–37.
7. Although Japanese scholars still find analytical and theoretical purchase in the term “tennōsei,” “emperor-system” is rarely used in recent English language scholarship on Japan. Sheldon Garon has questioned the analytical value of the term “emperor system,” noting that in the conventional scholarship it has been used in an ahistorical manner without any institutional or historical dynamism, and that it incorrectly suggests that all suppression stemmed from the omnipotent imperial state. Garon argues that scholars who have used the term overlook how social groups proactively collaborated with the state to manage other sectors of society. See Sheldon Garon, *Molding Japanese Minds: The State in Everyday Life* (Princeton, NJ: Princeton University Press, 1995), 61–63. My objective is to restore the institutional, practical, and ideological complexity of the emperor system by showing how its political security apparatus combined various modes of power over time, how its ideological underpinning changed, and how it drew upon volunteers in the community to police as well as reform political criminals.
8. For the canonical study of the Peace Preservation Law, see the updated edition of Okudaira Yasuhiro, *Chianijihō shōshi* (Tokyo: Iwanami Shoten, 2006).



9. An analysis conducted by the Ōhara Institute for Social Research reports 75,681 people were arrested under the law. See Ōhara Shakai Mondai Kenkyūsho, ed., *Taiheiyō sensōka no rōdō undō* (Tokyo: Rōdō Junpōsha, 1965), 131. Richard Mitchell cites a 1943 Justice Ministry Criminal Bureau report that lists 65,921 persons arrested between 1928 and 1941. See Richard H. Mitchell, *Thought Control in Prewar Japan* (Ithaca, NY: Cornell University Press, 1976), 142. No complete record exists for arrests in colonial Korea, particularly in the 1940s. However, both Hong Jong-wook and Mizuno Naoki have shown that already by 1933, over 15,000 arrests had been made. See Hong Jong-wook, *Senjiki chōsen no tenkōsha-tachi: Teikoku / shokuminchi no tōgō to kiretsu* (Tokyo: Yūshisha, 2011), 47; Mizuno Naoki, “Chianijihō to Chōsen: Oboegaki,” *Chōsen kenkyū* 188, no. 4 (1979): 46.
10. Exemplary of this approach is Matsuo Hiroshi, *Chianijihō: Danatsu to teikō no reki-shi* (Tokyo: Shinnihon Shūppansha, 1971); Matsuo Hiroshi, *Chianijihō to tokkō keisatsu* (Tokyo: Kyōikusha, 1979).
11. Indeed, Herbert Bix has suggested that the “various state organs” of the Peace Preservation Law “became entangled with the trend towards bureaucratically controlled mass-mobilization” specifically because state officials “lack[ed] . . . confidence in the intellectual efficacy of State Shinto as the sole support for emperor worship, but also, more importantly, from fear that, even in the absence of self-professed revolutionary forces, the domestic situation in a time of exceedingly rapid economic change remained highly volatile and fraught with contradictions.” Herbert Bix, “Rethinking ‘Emperor-System Fascism’: Ruptures and Continuities in Modern Japanese History,” *Bulletin of Concerned Asian Scholars* 14, no. 2 (June 1982): 8.
12. Richard H. Mitchell, *Janus-Faced Justice: Political Criminals in Imperial Japan* (Honolulu: University of Hawaii Press, 1992); Mitchell, *Thought Control in Prewar Japan*; Okudaira Yasuhiro, *Chianijihō shōshi*, new ed. (Tokyo: Iwanami Shoten, 2006). I engage with this literature more extensively in chapters 1 and 2.
13. Okudaira Yasuhiro, “Shiryō kaisetsu,” in *Gendaishi shiryō* 45: *Chianijihō*, ed. Okudaira Yasuhiro (Tokyo: Misuzu Shobō, 1973), xx; Okudaira, *Chianijihō shōshi*, 104. For another example, see Richard H. Mitchell, “Japan’s Peace Preservation Law of 1925: Its Origins and Significance,” *Monumenta Nipponica* 28, no. 3 (autumn 1973): 317–345. More recently, Uchida Hirofumi has analyzed the Peace Preservation Law from a legal standpoint, emphasizing that the law undermined legal protections and was used to suppress movements for legal rights. See Uchida Hirofumi, *Chianijihō no kyōkun: Kenri undō no seigen to kenpō kaisei* (Tokyo: Misuzu Shobō, 2016).
14. For a narrative example of this combination/confrontation, see Richard H. Mitchell, “Legacies,” in Mitchell, *Janus-Faced Justice*, 1–35.
15. For example, Richard Mitchell argues, “by [the] inclusion of ‘kokutai’ the government was telegraphing to all subjects its intention to preserve the Japanese way of life in the face of rapid change. Therefore, the new peace law should be viewed as a strong effort toward integration.” Mitchell, “Japan’s Peace Preservation Law of 1925,” 343.
16. Garon argues that “moral suasion” was “influenced by traditional forms of statecraft.” Garon, *Molding Japanese Minds*, xiv.
17. Indeed, Herbert Bix goes so far as to call Richard Mitchell’s study of the Peace Preservation Law an “apologia” for the prewar state’s repression. See Herbert Bix,

“Kawakami Hajime and the Organic Law of Japanese Fascism,” *Japan Interpreter* 12, no. 1 (winter 1978): 130.

18. In this regard, *Thought Crime* is inspired by Andre Schmid’s call to move beyond national histories and consider the prewar Japanese Empire as one imperial unit. See Andre Schmid, “Colonialism and the ‘Korea Problem’ in the Historiography of Modern Japan: A Review,” *Journal of Asian Studies* 59, no. 4 (November 2000): 951–976. One of the earliest studies of the Peace Preservation Law in colonial Korea was Park Kyong-sik, “Chianijihō ni yoru chōsenjin danatsu” (1976), in *Tennōsei kokka to zainichi chōsenjin* (Tokyo: Shakai Hyōronsha, 1986), 87–130.

19. Mizuno Naoki, “Nihon no chōsen shihai to chianijihō,” in *Chōsen no kindaiishi to nihon*, ed. Hatada Takeshi (Tokyo: Yamato Shobō, 1987), 127–140; Mizuno Naoki, “Shokuminchi dokuritsu undō ni taisuru chianijihō no tekiyō,” in *Shokuminchi teikoku nihon no hōteki kōzō*, ed. Asano Toyomi and Matsuda Toshihiko (Tokyo: Shinzansha Shuppan, 2004), 417–459; Suzuki Keifu, *Chōsen shokuminchi tōchihō no kenkyū: Chianhō ka no kōminka kyōiku* (Sapporo: Hokkaidō Daigaku Toshō Kankōkai, 1989); Hong Jong-wook, *Senjiki chōsen no tenkōsha-tachi: Teikoku / shokuminchi no tōgō to kiretsu* (Tokyo: Yūshisha, 2011); Keongil Kim, “Japanese Assimilation Policy and Thought Conversion in Colonial Korea,” in *Colonial Rule and Social Change in Korea, 1910–1945*, ed. Hon Yung Lee, Yong Chool Ha, and Clark W. Sorensen (Seattle: Center for Korean Studies, University of Washington Press, 2013), 206–233.

20. On Jameson’s conceptual distinction between contradiction, which could be dialectically resolved (i.e., *Aufheben*) through praxis, and aporia, which necessarily “generates a whole more properly narrative apparatus,” see Fredric Jameson, *The Political Unconscious: Narrative as a Socially Symbolic Act* (Ithaca, NY: Cornell University Press, 1981), 50, 82–83.

21. Maruyama Masao, “Theory and Psychology of Ultra-nationalism” (1946), in *Thought and Behaviour in Modern Japanese Politics*, ed. Ivan Morris (London: Oxford University Press, 1963), 1, 8–10. For an insightful critique of Maruyama’s influential thesis, see the introduction to Reto Hofmann, *The Fascist Effect: Japan and Italy, 1915–1952* (Ithaca, NY: Cornell University Press, 2016). Fujita Shōzō, “Tennōsei” (1954), reprinted in Fujita Shōzō, *Tennōsei kokka no shihai genri* (Tokyo: Miraisha, 1966), 161–169. Fujita began by arguing that the various and wide usage of the term “tennōsei” was not one of categorical ambiguity, but in fact represented the “complexity” of the emperor system itself. He distinguished three basic usages of the term: first, that the emperor existed as sovereign; second, that tennōsei referred to the “regime” that became “the political structure of modern Japan” in which bureaucrats exercised authority in the name of the imperial sovereign independent of the Diet. Finally, Fujita noted “a kind of metaphorical usage” of the term “tennōsei” as a “particular social phenomenon” that signified the unique “forms” through which the tennōsei governed society. Fujita, “Tennōsei,” 161–162. See also Fujita Shōzō, “Tennōsei kokka no shihai genri” (1956), reprinted in Fujita, *Tennōsei kokka no shihai genri*, 6–115. See Takeda Kiyoko, *Tennōkan no sōkoku: 1945nen zengo* (Tokyo: Iwanami Shoten, 1978). English translation: Kiyoko Takeda, *The Dual-Image of the Japanese Emperor*, trans. Ian Nash (New York: New York University Press, 1988). Walter Skya argues that Shintō ideology was inscribed in the

Meiji Constitution and was continually reconceptualized in constitutional and political theory in the 1910s, 1920s, and 1930s. See Walter A. Skya, *Japan's Holy War: The Ideology of Radical Shintō Ultrationalism* (Durham, NC: Duke University Press, 2009).

22. See Carol Gluck, *Japan's Modern Myths: Ideology in the Late Meiji Period* (Princeton, NJ: Princeton University Press, 1987); T. Fujitani, *Splendid Monarchy: Power and Pageantry in Modern Japan* (Berkeley: University of California Press, 1996); Yoshimi Yoshiaki, *Grassroots Fascism: The War Experience of the Japanese People*, trans. Ethan Mark (New York: Columbia University Press, 2015); Garon, *Molding Japanese Minds*. See also: Barak Kushner, *The Thought War: Japanese Imperial Propaganda* (Honolulu: University of Hawai'i Press, 2006).

23. Umemori Naoyuki, "Modernization through Colonial Mediations: The Establishment of the Police and Prison System in Meiji Japan" (PhD diss., University of Chicago, 2002); Daniel V. Botsman, *Punishment and Power in the Making of Modern Japan* (Princeton, NJ: Princeton University Press, 2007). In many ways, *Thought Crime* is an attempt to extend Umemori and Botsman's respective studies of power in modern Japan into the 1920s and 1930s.

24. My focus on the transforming ideological nature of the Peace Preservation Law is informed by the recent work of Ogino Fujio and Itō Akira, who, in their own ways, have considered the complexities of the Peace Preservation Law in relation to the ideology of the prewar emperor system. See Ogino Fujio, *Shōwa tennō to chian taisei* (Tokyo: Shinnihon Shuppansha, 1993); Itō Akira, *Tenkō to tennōsei: Nihon kyōsanshugi undō no 1930endai* (Tokyo: Keisō Shobō, 1995).

25. Gilbert Ryle, *The Concept of Mind* (London: Penguin, 2000), 21. Ryle argued that Cartesian dualism—what he called the "Official Doctrine"—posits that "every human being is both body and mind," where although the body is situated in the space of an external world and thus governed by mechanical laws and observable, minds do not exist in space but are rather "invisible, inaudible" and have "no size or weight," rendering them unknowable to others (14). And yet, in this dualism, minds are still categorized as "things, but different sorts of things from bodies"; "mental processes are causes and effects, but different sorts of causes and effects from bodily movements" (20). Ryle believed this to be a "category mistake" in which "the facts of mental life" are represented "as if they belonged to one logical type or category" applicable to the facts of physical life "when they actually belonged to another" (17).

26. As is well known, *Leviathan* begins with the section "Of Man," in which Hobbes formulated a theory of the mind in relation to the world of bodies; only afterward does Hobbes extrapolate from this a theory of the commonwealth and sovereignty. See Thomas Hobbes, *Leviathan* (New York: Penguin Classics, 1982).

27. One could say that Itō's 1889 *Commentaries* on the Meiji constitution was an attempt to work through the paradox that although the collective minds of Itō's constitutional committee drafted the Meiji Constitution, the document was presented as an expression of the timeless and unbroken reign of emperors.

28. Ryle, *The Concept of Mind*, 24, 17.

29. A. J. Ayer, "An Honest Ghost?" in Ryle, *A Collection of Critical Essays*, ed. Oscar P. Wood and George Pitcher (Garden City, NY: Doubleday, 1970), 73. Cited in Daniel C.

Dennett, "Introduction: Re-introducing *The Concept of Mind*," in Ryle, *The Concept of Mind*, xiii.

30. Arthur Koestler, *The Ghost in the Machine* (London: Penguin, 1989), 202. Consequently, Koestler followed Ryle insofar as rejecting the assumption that the mind is some ghostly, nonmaterial entity inhabiting the material body, but implicitly retained Cartesian dualism by locating the ghost in the neurophysiological evolution of the human brain. See his chapter "The Three Brains," 267–296.

31. David Easton, "The Political System Besieged by the State," *Political Theory* 9, no. 3 (August 1981): 316. Importantly, Easton was targeting Nicos Poulantzas's state theory and the influence it enjoyed in European and North American political science circles in the 1970s.

32. Easton, "The Political System Besieged by the State," 305–306.

33. See Timothy Mitchell, "The Limits of the State: Beyond Statist Approaches and Their Critics," *American Political Science Review* 85, no. 1 (March 1991): 77–96; Timothy Mitchell, "Society, Economy, and the State Effect," in *State/Culture: State-Formation after the Cultural Turn*, ed. George Steinmetz (Ithaca, NY: Cornell University Press, 1999), 76–97. In regard to extending this critique to Ryle, Daniel C. Dennett has implied such an interpretation when, pursuing a different question, he argued that the underlying questions of Ryle's *The Concept of Mind* "are about *what people do*," and not about "*how brains make it possible* for people to do what they do" (italics in original). I would argue that this emphasis opens into questions related to social practice (i.e., doing) and how such practices appear as if there is a spectral mind that makes people "do what they do." See Dennett, "Introduction," xiii.

34. Mitchell, "Society, Economy, and the State Effect," 85.

35. Mitchell's criticism can be extended to one of the theoretical inspirations for *Thought Crime*, Michel Foucault. Foucault famously argued that scholars have yet "to cut off the King's head" when studying forms of power, by which he meant that we remain trapped by theories of "sovereignty" and state repression, thus overlooking other modes of power operating beyond the parameters of the sovereign state. Michel Foucault, "Truth and Power," in *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*, ed. Colin Gordon (New York: Vintage, 1980), 121. Similar to Timothy Mitchell's critique of David Easton, however, Mitchell Dean has argued that in Foucault's attempt to move beyond state theories of sovereignty, "the problem remains of how is it that this headless body often behaves *as if* it indeed had a head." Mitchell Dean, *Critical and Effective Histories: Foucault's Methods and Historical Sociology* (London: Routledge, 1994), 156. For more on this critique of Foucault, see also Thomas Lemke, *Foucault, Governmentality, and Critique* (Boulder, CO: Paradigm, 2012), 12. Indeed, Nicos Poulantzas was moving toward exploring this paradox in his last book, which, tellingly, Easton does not include in his critique mentioned above. See Nicos Poulantzas, *State, Power, Socialism*, trans. Patrick Camiller (London: Verso, 2014). In this last work, Poulantzas noted the curious resonance between Foucault's aversion to the state and North American political scientists like Easton. See Poulantzas, *State, Power, Socialism*, 44. As I elaborate in more detail below, this is why it is important to pair Foucault's analysis of the "micro-physics" of power dispersed throughout society with Louis Althusser's theory of ISAs,

so that we can account for how the operations of power that Foucault finds dispersed throughout society do in fact circulate through and congeal in certain institutions and juridical-penal practices to produce what Timothy Mitchell has called “the state-effect,” whether or not such institutions or practices are juridically defined as belonging to the state. Here I follow Bob Jessop and Thomas Lemke, who each in their own way understand particular operations of power in society as within the strategic field of the state. Bob Jessop, *State Power: A Strategic-Relational Approach* (Cambridge: Polity, 2008); and Lemke, *Foucault, Governmentality, and Critique*.

36. I seek to counter the well-known “god that failed” thesis of communist disillusion and defection, for, beyond the strategic errors of the Communist International that Poulantzas and others have analyzed, if the god of communism failed, it was partly because other gods were at work against communism: in this case, quite literally the purportedly divine emperor and the Japanese spirit (*nihon seishin*). The metaphor of the god that failed comes from a collection by the same name: Richard Crossman, ed., *The God That Failed* (New York: Bantam, 1950). It should be noted that among the contributors to this volume is Arthur Koestler of “ghost in the machine” fame. For the strategic failures of the Comintern policies to combat the rise of fascism, see Nicos Poulantzas, *Fascism and Dictatorship: The Third International and the Problem of Fascism*, trans. Judith White (London: Verso, 1979).

37. Nihon Keisatsusha, ed., *Shisō keisatsu tsūron*, rev. ed. (Tokyo: Nihon Keisatsusha, 1940), 1.

38. For a history of the term “kokutai” in modern Japan, see Konno Nobuyuki, *Kindai nihon no kokutairon* (Tokyo: Perikansha, 2008).

39. See Louis Althusser, “Ideology and Ideological State Apparatuses (Notes Towards an Investigation),” in *Lenin and Philosophy and Other Essays*, trans. Ben Brewster (New York: Monthly Review Press, 2001), 85–126; and Louis Althusser, *On the Reproduction of Capitalism: Ideology and Ideological State Apparatuses*, trans. G. M. Goshgarian (London: Verso, 2014); Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1995); Michel Foucault, *The Punitive Society: Lectures at the Collège de France, 1972–1973*, trans. Graham Burchell (London: Palgrave Macmillan, 2015); Michel Foucault, “Society Must Be Defended”: *Lectures at the Collège de France, 1975–1976*, trans. David Macey (New York: Picador, 2003); Poulantzas, *State, Power, Socialism*.

40. See Warren Montag, “‘The Soul Is the Prison of the Body’: Althusser and Foucault, 1970–1975,” *Yale French Studies*, no. 88 (1995): 53–77; Warren Montag, “Althusser and Foucault: Apparatuses of Subjection,” in *Althusser and His Contemporaries: Philosophy’s Perpetual War* (Durham, NC: Duke University Press, 2013). My analysis has also been influenced by Jason Read, *The Micro-Politics of Capital: Marx and the Prehistory of the Present* (Albany: State University of New York Press, 2003); and Jan Rehmann, *Theories of Ideology: The Powers of Alienation and Subjection* (Chicago: Haymarket, 2013).

41. Jessop, *State Power*. As Stuart Hall reminds us, however, Poulantzas’s attempt to craft a new theory of the state by bringing together Althusser’s structuralist Marxism and Foucault’s poststructural theory of power produces its own unique (and for Hall, insurmountable) problems. See: Stuart Hall, “Nicos Poulantzas: State, Power, Socialism” in Poulantzas, *State, Power, Socialism*, vii–xvii.

42. Michel Foucault, "Body/Power" in *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*, 58. Indeed, as I discuss in chapter 3, this assumption has informed conventional explanations of the ideological conversion phenomenon in interwar Japan, in which it was explained that the state's ability to successfully coerce activists to change their ideas indicated the weakness of liberal subjectivity (*shutaisei*) in prewar Japan.

43. Montag, "'The Soul Is the Prison of the Body,'" 59.

44. See Althusser, "Ideology and Ideological State Apparatuses," 114. Althusser calls theories of ideology that rest upon idealist dualities of mind and body, ideas and reality, the "ideology of ideology." He points to how these kinds of dualisms lead to a theory of ideology as the mystification of the mind that distorts or inverts an objective, external reality. In eighteenth-century Enlightenment theories of ideology, this mystification was attributed to despots; in the nineteenth century, Althusser tells us, Ludwig Feuerbach and the early writings of Karl Marx attributed this mystification to the particular forms of social existence. Althusser, "Ideology and Ideological State Apparatuses," 110–111.

45. Harry Harootian, "Hirohito Redux," *Critical Asian Studies* 33, no. 4 (2001): 609. I consider this point further in chapter 3.

46. Althusser, "Ideology and Ideological State Apparatuses," 123. Italics in the original.

47. Althusser, "Ideology and Ideological State Apparatuses," 123.

48. I thank Tak Fujitani for his insightful suggestions regarding Foucault's threefold schema of power in relation to my research.

49. On governmentality, see Michel Foucault, "Governmentality," in *The Foucault Effect: Studies in Governmentality*, edited by Graham Burchell, Colin Gordon, and Peter Miller (Chicago: University of Chicago Press, 1991), 87–104. My reading of Foucault's tripartite theory of power has been influenced by Lemke, *Foucault, Governmentality, and Critique*.

50. Foucault, "Governmentality," 102. Here, I am influenced by Takashi Fujitani who, in his first book, *Splendid Monarchy* (1996), argued that, in contrast to Foucault's historical narrative in *Discipline and Punish*, monarchical and disciplinary power converged in Meiji Japan: that is, the monarch was the visible sovereign of the new polity, as well as the observer who disciplined society through his panoptic gaze. See Fujitani, *Splendid Monarchy*, 141–145. Fujitani's more recent work finds Foucault's theory of governmentality manifest in the colonial governance of Korea in the 1930s, particularly after 1937, when "colonial power began to constitute Koreans as a population that in the aggregate should be healthy, reproductive, and long lived." Takashi Fujitani, "Right to Kill, Right to Make Live: Koreans as Japanese and Japanese as Americans during WWII," *Representations* 99, no. 1 (summer 2007): 16.

51. Althusser, "Ideology and Ideological State Apparatuses," 96, 97, 100.

52. Poulantzas, *State, Power, Socialism*, 33.

53. On "bad subjects," see Althusser, "Ideology and Ideological State Apparatuses," 123. I pursue this theoretical question further in a forthcoming article, Max Ward, "Cinema of 'Bad Subjects': The Limits of the Kafkaesque Subject in Ōshima Nagisa's *Death by Hanging* (1968)" forthcoming in *CineEast: Journal of East Asian Cinemas*.



54. Poulantzas, *State, Power, Socialism*, 37. On Poulantzas's theory of the "strategic field" of the state, see Jessop, *State Power*, 123–126. Interestingly, when Poulantzas turns his attention to Althusser, he seems to replicate Foucault's general critique of theories that reduce the operation of state power to repression alone. For example, Poulantzas argues that Althusser's thesis "rests on the idea of a State that acts and functions through repression and ideological inculcation, and *nothing else*. It assumes that the State's efficacy somehow lies in what it forbids, rules out, and prevents; or in its capacity to deceive, lie, obscure, hide, and lead people to believe what is false." Revealing Foucault's influence, Poulantzas counters, "the State also acts in a positive fashion, *creating, transforming and making reality*." Poulantzas, *State, Power, Socialism*, 30. However, as I argue, Althusser's ISA theory allows for such productive aspects of power.

55. On Althusser's distinction between secondary and primary ideologies, see Althusser, *On the Reproduction of Capitalism*, 83–84.

56. I thank Katsuya Hirano for suggesting that I make this theoretical distinction more explicit. As many critics have argued, Althusser failed to adequately theorize interpellation as well as the connection between the practical operations of the ISAs and the always already interpellated subject. However, my objective in *Thought Crime* is to understand how the various institutions within the Peace Preservation Law apparatus functioned to rehabilitate political criminals, and how we might read the ideological forms and practices inscribed in these apparatuses as indexing the transformation of imperial ideology in the 1930s. Therefore, I will disregard Althusser's psychoanalytical theory of interpellation and focus on his theory of ISAs. For critiques of Althusser's theory of interpellation, see Judith Butler, "Conscience Doth Make Subjects of Us All: Althusser's Subjection," in *The Psychic Life of Power: Theories in Subjection* (Stanford, CA: Stanford University Press, 1997), 106–131; Slavoj Žižek, *The Sublime Object of Ideology* (London: Verso, 2008), 42–43. For a recent counter-argument which I believe provides a more persuasive and productive reading of Althusser's theory of ISAs and ideology, see Matthew Lampert, "Resisting Ideology: On Butler's Critique of Althusser" in *Diacritics* Vol. 43, No. 2 (2015), 124–147.

57. Althusser, "Ideology and Ideological State Apparatuses," 112.

58. Althusser, "Ideology and Ideological State Apparatuses," 114. Montag contends that this is not a linear or causal sequence in which a preexisting ideology creates these apparatuses and their constitutive ritualized practices, but rather that "ideology is immanent in its apparatuses and their practices, it has no existence apart from these apparatuses and is entirely coincident with them." Montag, "'The Soul Is the Prison of the Body,'" 63.

59. Mitchell, *Janus-Faced Justice*.

60. Althusser, "Ideology and Ideological State Apparatuses," 123.

61. Foucault, "Governmentality," 87–104.

62. Foucault, "Governmentality," 103.

63. I believe that my critical-theoretical analysis of the official documents does not reproduce the errors that Herbert Bix faults Richard Mitchell for committing: namely that by only using official sources, Mitchell has written a history of the Peace Preservation Law from a "ruling class perspective." See Bix, "Kawakami Hajime and the Organic Law of Japanese Fascism," 131.

## CHAPTER 1. Kokutai and the Aporias of Imperial Sovereignty

1. For studies of the Peace Preservation Law, see Matsuo Hiroshi, *Chianijihō: Danatsu to teikō no rekishi* (Tokyo: Shinnihon Shuppansha, 1971) and Matsuo Hiroshi, *Chianijihō to tokkō keisatsu* (Tokyo: Kyōikusha, 1979); Ushiomi Toshitaka, *Chianijihō* (Tokyo: Iwanami Shoten, 1977); Okudaira Yasuhiro, *Chianijihō shōshi*, new ed. (Tokyo: Iwanami Shoten, 2006); Richard H. Mitchell, “Japan’s Peace Preservation Law of 1925: Its Origins and Significance,” *Monumenta Nipponica* 28, no. 3 (autumn 1973), 317–345; Richard H. Mitchell, *Thought Control in Prewar Japan* (Ithaca, NY: Cornell University Press, 1976); and Ogino Fujio, *Shōwa tennō to chian taisei* (Tokyo: Shinnihon Shuppansha, 1993). For the relationship between political parties and the Peace Preservation Law, see Nakazawa Shunsuke, *Chianijihō: Naze seitō seiji ha “akuho” o unda ka* (Tokyo: Chūōkō Shinsho, 2012). For a legal analysis of the Peace Preservation Law, see Uchida Hirofumi, *Chianijihō no kyōkun: Kenri undō to kenpō kaisei* (Tokyo: Misuzu Shobō, 2016). On the application of the Peace Preservation Law in colonial Korea, see Mizuno Naoki, “Nihon no chōsen shihai to chianijihō,” in *Chōsen no kindaiishi to nihon*, ed. Hatada Takeshi (Tokyo: Yamato Shobō, 1987), 127–140; Mizuno Naoki, “Shokuminchi dokuritsu undō ni taisuru chianijihō no tekiyō,” in *Shokuminchi teikoku nihon no hōteki kōzō*, ed. Asano Toyomi and Matsuda Toshihiko (Tokyo: Shinzansha Shuppan, 2004), 417–459; Suzuki Keifu, *Chōsen shokuminchi tōchihō no kenkyū: Chianhō ka no kōminka kyōiku* (Sapporo: Hokkaidō Daigaku Tosho Kankōkai, 1989); Hong Jong-wook, *Senjiki chōsen no tenkōsha-tachi* (Tokyo: Yūshisha, 2011).

2. Okudaira Yasuhiro argues that the only previous appearance of kokutai in a law was in the 1873 Newspaper Ordinance (Shimbunshi hakkōjōme), signifying something akin to national prestige (*kokui*). See Okudaira, *Chianijihō shōshi*, 60.

3. For a complete English translation of the Meiji Constitution, see Appendix X in George M. Beckmann, *The Making of the Meiji Constitution: The Oligarchs and the Constitutional Development of Japan, 1868–1891* (Westport, CT: Greenwood, 1957; reprint, 1975), 150–156.

4. On an earlier process of refiguring neo-Confucian categories to speak to new geopolitical circumstances, see Bob Tadashi Wakabayashi, *Anti-foreignism and Western Learning in Early Modern Japan: The New Theses of 1825*, Harvard East Asian Monographs 126 (Cambridge, MA: Harvard University Press, 1992).

5. For the full English translation of the Rescript, see Wm. Theodore de Bary, Carol Gluck, and Arthur E. Tiedemann, eds., *Sources of Japanese Tradition*, vol. 2: 1600–2000, Part Two, 1868–2000 (New York: Columbia University Press), 108–109. For the early debates over interpreting the Rescript, see Sharon Nolte, “National Morality and Universal Ethics: Onishi Hajime and the Imperial Rescript on Education,” *Monumenta Nipponica* 38, no. 3 (autumn 1983): 283–294.

6. On these debates, see Walter A. Skya, *Japan’s Holy War: The Ideology of Radical Shintō Ultrnationalism* (Durham, NC: Duke University Press, 2009).

7. For an overview of theories of kokutai in modern Japan, see Konno Nobuyuki, *Kindai nihon no kokutairon* (Tokyo: Perikansha, 2008).

8. Okudaira Yasuhiro, “Shiryō kaisetsu,” in *Gendaishi shiryō* 45: *Chianijihō*, ed. Okudaira Yasuhiro (Tokyo: Misuzu Shobō, 1973), xx, cited here after as GSS45. Okudaira



points to *kokutai*'s usage in early modern Kokugaku writings as signifying "national customs" (*kuniburi*) and its appearance in the Imperial Rescript on Education and State Shinto education. See also Okudaira Yasuhiro, "Some Preparatory Notes for the Study of the Peace Preservation Law in Pre-war Japan," *Annals of the Institute of Social Science* 14 (1973): 49–69; and Okudaira, *Chianijihō shōshi*, 56–65.

9. Okudaira, "Shiryō kaisetsu," xv. See also Okudaira, *Chianijihō shōshi*, 104.

10. Mitchell, "Japan's Peace Preservation Law of 1925," 343. Drawing upon Durkheim's sociological understanding of law as a means of social integration, Patricia Steinhoff argues that *kokutai* signified both "the legal and constitutional structure of the nation and its spiritual and cultural structure centering around the emperor system and the family system." Thus, by defining a crime as "changing [or altering] the *kokutai*," the law was meant to defend "the political system, traditional social relationships, and the central symbols of the nation." Patricia Steinhoff, *Tenkō: Ideology and Societal Integration in Prewar Japan* (New York: Garland, 1991), 33.

11. For examples of how this assumption has informed analyses of the law in the colonies, see Chulwoo Lee, "Modernity, Legality, and Power in Korea under Japanese Rule," in *Colonial Modernity in Korea*, ed. Gi-Wook Shin and Michael Robinson (Cambridge, MA: Harvard University Press, 1999), 21–51, especially Lee's discussion of *kokutai*, 45–46.

12. For an example of this distinction in the area studies paradigm, see Richard H. Minear, *Japanese Tradition and Western Law: Emperor, State, and Law in the Thought of Hozumi Yatsuka* (Cambridge, MA: Harvard University Press, 1970).

13. Ogino, *Shōwa tennō to chian taisei*, 14. Ogino's use of *maryoku* recalls Tsurumi Shunsuke's earlier thesis of the "amuletic use of words" during the interwar period, in which *kokutai* served as one of Tsurumi's prime examples. For Tsurumi, this meant that these terms were invoked without a clear sense of what they meant and allowed the masses to be misled by the state. Tsurumi's thesis was premised upon a faith that words could be concretely understood, which would undermine their ideological uses. See Tsurumi Shunsuke, "Kotoba no omamoriteki shiyōhō ni tsuite," *Shisō no kagaku* 1 (May 1946); English translation, F. J. Daniels, "Mr. Tsurumi-Syunsuke on the 'Amuletic' Use of Words: A Translation, with Commentary," *Bulletin of the School of Oriental and African Studies, University of London* 18, no. 3 (1956): 514–533.

14. Ogino, *Shōwa tennō to chian taisei*, 30, 31, 34, and 4–5.

15. For instance, see William Scheuerman's analysis of Locke's argument for a liberal "rule of law." William Scheuerman, *Between the Norm and the Exception: The Frankfurt School and the Rule of Law* (Cambridge, MA: MIT Press, 1994), 68–70.

16. Robert H. Jackson, *Sovereignty: Evolution of an Idea* (Cambridge: Polity, 2007), ix.

17. Hans Kelmo and Quentin Skinner, "Introduction: A Concept in Fragments," in *Sovereignty in Fragments: The Past, Present and Future of a Contested Concept*, ed. Hans Kelmo and Quentin Skinner (Cambridge: Cambridge University Press, 2010), 3–4.

18. Jens Bartelson, *Sovereignty as Symbolic Form* (London: Routledge, 2014), 4.

19. Jens Bartelson, *A Genealogy of Sovereignty* (Cambridge: Cambridge University Press, 1995), 51.

20. Bartelson's primary concern is with the epistemological conditions for conceptualizing sovereignty in political theory. However, his observations can also apply to

political practices that invoke sovereignty as their condition of possibility. This kind of inquiry has been pursued along a different theoretical trajectory by Guillaume Sibertin-Blanc, and his reconsideration of Gilles Deleuze and Félix Guattari in relation to Marxist theories of the state. See Guillaume Sibertin-Blanc, *State and Politics: Deleuze and Guattari on Marx*, trans. Ames Hodges (Los Angeles: Semiotext(e), 2016), in particular chapter 2, “Capture: For a Concept of Primitive Accumulation of State Power,” 45–83.

21. This paradox of sovereignty as a “composite of inside and outside” of the nation-state can, when shorn of its Kantian basis, perhaps be considered along with Gavin Walker’s theory of the paradox of primitive or original capitalist accumulation, in which capital reproduces and redemarcates an outside internal to itself as the condition for its own reproduction. This returns Bartelson and others’ discursive analyses to the socio-historical—in other words, the material—practices and social relationships constitutive of capitalist modernity. See Gavin Walker, *The Sublime Perversion of Capital: Marxist Theory and the Politics of History in Modern Japan* (Durham, NC: Duke University Press, 2016).

22. As is well known, Schmitt argued that the constitutional norm is grounded upon a constituent power that is not completely prescribed by constitutional norms. In contrast to legal positivism, which assumed a pure realm of juridical rationality, Schmitt posited the primacy of the political state and the sovereign, which, in a decision to suspend the constitution during a crisis, exposes the ontological ground of legal rationality, what Schmitt called “concrete life.” It was not the substantive qualities of the sovereign decision conjured during the exception that interested Schmitt, but rather the notion of the decision itself and how it revealed the political ontology of a constitutional order. Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago: University of Chicago Press, 1985). On recent theorists, see Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998); Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: University of Chicago Press, 2005); David Dyzenhaus, “The Politics of the Question of Constituent Power,” in *The Paradox of Constitutionalism: Constituent Power and Constitutional Form*, ed. Martin Loughlin and Neil Walker (Oxford: Oxford University Press, 2007).

23. For a provocative reading of Schmitt with Marx, see Gavin Walker, “Primitive Accumulation and the Formation of Difference: On Marx and Schmitt,” *Rethinking Marxism* 23, no. 3 (2011): 384–404.

24. In other words, it is a perpetual “event” inscribed in the constitutional order, which is assumed as its origin. See the editors’ introduction to Martin Loughlin and Neil Walker, eds., *The Paradox of Constitutionalism: Constituent Power and Constitutional Form* (Oxford: Oxford University Press, 2007), 2.

25. William E. Connolly, “The Complexities of Sovereignty,” in Giorgio Agamben: *Sovereignty and Life*, ed. Matthew Calarco and Steven DeCaroli (Stanford, CA: Stanford University Press, 2007), 24.

26. Appendix X in Beckmann, *The Making of the Meiji Constitution*, 150.

27. Jean-Jacques Rousseau, cited in Connolly, “The Complexities of Sovereignty,” 24.

28. Itō Hirobumi, *Commentaries on the Constitution of the Empire of Japan*, 2nd ed., trans. Miyoji Ito (Tokyo: Chūō Daigaku, 1906), 2–3.
29. On this point of the presuppositions of the sovereign state, see Guillaume Sibertin-Blanc, “Aporia in the Origin of the State: Impossible Genesis and Untraceable Beginning,” and “The Movement of Self-Presupposition of the *Urstaat*: Antinomic History of the State-Form,” in Sibertin-Blanc, *State and Politics*, 24–31, and 31–38.
30. See Takashi Fujitani, “The Constitution’s Promulgation,” in *Splendid Monarchy: Power and Pageantry in Modern Japan* (Berkeley: University of California Press, 1996), 107–111.
31. Agamben, *Homo Sacer*, 26.
32. See Schmitt, *Political Theology*, 6–7; the editors’ introduction to Loughlin and Walker, *The Paradox of Constitutionalism*, 2–4; Agamben, *State of Exception*, particularly chapter 1.
33. Addressing a different problematic, Poulantzas argues, “The activity of the State always overflows the banks of law, since it can, within certain limits, modify its own law. The State is not the simple representation of some eternal law, be it a universal prohibition or a law of nature. If such were the case—and this needs to be made clear—law would have *de jure* primacy over the State.” Nicos Poulantzas, *State, Power, Socialism*, trans. Patrick Camiller (London: Verso, 2014), 85. In another direction, Guillaume Sibertin-Blanc has explored this through Deleuze and Guattari’s idea of the *Urstaat*, a state form that presents itself as its own condition of possibility. See Sibertin-Blanc, *State and Politics*, 22.
34. Mizuno Naoki, “Chianijihō to Chōsen: Oboegaki,” *Chōsen kenkyū* 188, no. 4 (1979): 46. For an overview of the different legal systems in Japan’s empire, see Edward I-te Chen, “The Attempt to Integrate the Empire: Legal Perspectives,” in *The Japanese Colonial Empire, 1895–1945*, ed. Ramon H. Myers and Mark R. Peattie (Princeton, NJ: Princeton University Press, 1984), 240–274.
35. For an overview of the Morito Incident, see Miyachi Masato, “Morito Tatsuo jiken: Gakumon no jiyū no hatsu no shiren,” in *Nihon seiji saiban shiroku* 3: *Taishō*, ed. Wagatsuma Sakae (Tokyo: Daiichi Hōki Shuppan, 1969), 228–272; Richard Mitchell, *Censorship in Imperial Japan* (Princeton, NJ: Princeton University Press, 1983), 182–189. Article 42 of the Newspaper Law stated that the author, editor, or publisher of any printed material that “profanes the majesty of the imperial household” (*kōshitsu no songen o bōtoku*), calls to “change the state form” (*seitai no henkai*), or “subverts the laws of the state” (*chōken o binran*) can be imprisoned for up to two years. See Miyachi, “Morito Tatsuo Jiken,” 239. Article 23 of this 1909 law also defined an infringement as publishing material that “disturbs the public peace” (*annei chitsujo o midashi*) or “damages customs” (*fūzoku o gai suru*).
36. The decision, along with the various appeals, is reprinted in Miyachi, “Morito Tatsuo Jiken,” 253–271.
37. On the Rice Riots, see Michael Lewis, *Rioters and Citizens: Mass Protest in Imperial Japan* (Berkeley: University of California Press, 1990); on the Rice Riots in relation to security laws, see Matsuo, *Chianijihō*, 80–82. On the March First Movement, see Frank Baldwin, “Participatory Anti-imperialism: The 1919 Independence Movement,”

*Journal of Korean Studies* 1 (1979): 123–162. For the Japanese Government-General's response to the March First movement, see Mark E. Caprio, *Japanese Assimilation Policies in Colonial Korea, 1910–1945* (Seattle: University of Washington Press, 2009), chapters 3 and 4.

38. Naimushō keihokyoku, “Kagekishugi torishimarihō (amerika, furansu, doitsu, berugii, roshia, burajiru, igirisu, itaria),” September 1921, reprinted in Ogino Fujio, ed., *Chianijihō kankei shiryōshū*, vol. 1 (Tokyo: Shinnihon Shuppansha, 1996), 56–73.

39. Existing laws such as the 1909 Newspaper Law (*Shimbunshihō*) used to prosecute Morito and Ōuchi criminalized the publication and distribution of any print material that “disrupts the public peace” (*annei chitsujo binran*) or “subverted the laws of the state” (*chōken o binran*), among other offenses. Another existing law, the 1900 Public Peace Police Law, established a registration system for political groups, thus restricting the formation and assembly of any groups that were not first cleared with the police. This 1900 law also granted the police powers to interrupt speeches or assemblies that were interpreted as threatening the public peace (*annei chitsujo*) and allowed the Home Ministry to pursue suspected secret political organizations. The 1922 Antiradical Bill inherited some of the language of these laws, as well as their emphasis on distributing or propagating subversive materials. Because of this, many legislators questioned why a new law was necessary if these other laws already covered similar crimes.

40. On this 1922 bill, see Matsuo Takayoshi, “Kageki shakaishugi undō torishimari hōan ni tsuite: 1922nen dai45gikai ni okeru,” *Jinbun Gakuhō* 20 (October 1964): 247–267.

41. Naimushō, “Kageki shakai undō torishimari hōritsuan keika” (January 1923), in Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 23.

42. For an overview of these three security measures in colonial Korea, see Mizuno Naoki, “Chianijihō no seitei to shokuminchi Chōsen,” *Jinbun Gakuhō* 83 (March 2000): 99–100, 101–105, and 105–107, respectively. See also Lee, “Modernity, Legality, and Power in Korea under Japanese Rule,” 42–43.

43. Mizuno, “Chianijihō no seitei to shokuminchi Chōsen,” 105; Lee, “Modernity, Legality, and Power in Korea under Japanese Rule,” 43.

44. This variety of public peace ordinances in colonial Korea would later produce a significant amount of debate concerning when to apply the Peace Preservation Law over other ordinances. For an overview of these ordinances in relation to the Peace Preservation Law, see the May 1939 Justice Ministry report by Yoshida Hajime, “Chōsen ni okeru shisōhan no kakei narabini ruihan jōkyō,” *Shisō jōsei shisatsu hōkokushū* (Sono 6), in *Shisō kenkyū shiryō: Tokushū dai 69 gō*, ed. Shihōshō keijikyoku, reprinted in *Shakai mondai shiryō sōsho: Dai 1 shū* (Tokyo: Tōyō Bunkasha, 1971), 1–2.

45. The bill was delivered by Justice Minister Ōki Enkichi and Home Minister Tokonami Takejirō. The preliminary drafts of the bill are reproduced in Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 25–38.

46. Cited in GSS45, 6. The Chian keisatsu hō is reproduced in Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 17–19.

47. Article 6 of the bill extended coverage to the activities of Japanese nationals outside of the country. See GSS45, 4; and Mitchell, “Japan's Peace Preservation Law of 1925,” 331.

48. GSS45, 7.

49. GSS45, 7.

50. English translation in Mitchell, “Japan’s Peace Preservation Law of 1925,” 331. Translation amended. Original Japanese can be found in GSS45, 3–4. Also in Shihōshō keijikyoku shisōbu, ed., *Dai45kai teikoku gikai: Kageki shakai undō torishimari hōan giji sokkiroku narabini iinkai giji sokkiroku*. Shisō kenkyū shiryō, Tokushū dai 10 gō (Shihōshō keijikyoku, 1934), republished by Shakai mondai shiryō kenkyūkai, vol. 1, no. 8 (Tokyo: Tōyōbunkasha, 1972), 1–2. Hereafter this collection cited as SMSKK, vol. 1, no. 8.

51. Mitchell, “Japan’s Peace Preservation Law of 1925,” 331. Translation amended. Article 2 applied to anyone who formed a society or meeting in order to carry out the propaganda activities listed in Article 1. Article 4 criminalized anyone who gave financial support to such activities; Article 5 stipulated leniency to those who cooperated; and Article 6 stated that the above crimes applied to Japanese subjects who engaged in such activities abroad.

52. GSS45, 6.

53. SMSKK, vol. 1, no. 8, 46–47. In response to a question concerning the meaning of *chōken binran*, Hayashi pointed to earlier uses of the term and argued that it meant “to illegally destroy the fundamental laws of the state.” SMSKK, vol. 1, no. 8, 34–35.

54. On kokutai in Hozumi Yatsuka’s early constitutional interpretations, see Skya, *Japan’s Holy War*, 63–64. On the constitutional debate between Uesugi Shinkichi and Minobe Tatsukichi over the term “kokutai,” see Skya, *Japan’s Holy War*, 158; Minear, *Japanese Tradition and Western Law*, 64–71; and Frank O. Miller, *Minobe Tatsukichi: Interpreter of Constitutionalism in Japan* (Berkeley: University of California Press, 1965), 60–72.

55. Historians disagree about which bill was more ambiguous. Richard Mitchell argues that the term “chōken” used in the 1922 Antiradical Bill was a much clearer category than kokutai and could have averted the “legal Hydra” that was created when kokutai was used in the 1925 bill. See Mitchell, *Thought Control in Prewar Japan*, 67. In contrast, Elise Tipton argues that “the phrases ‘attempt to change the kokutai’ and ‘denial of the private property system’ [in the later Peace Preservation Law] represented Home Ministry officials’ attempts to limit and clarify the scope of the law, for they replaced traditionally used but vague phrases, such as ‘subvert the Constitution and laws of the state’ and ‘public peace and order.’” Elise Tipton, *The Japanese Police State: The Tokkō in Interwar Japan* (Sydney: Allen and Unwin, 1990), 112.

56. SMSKK, vol. 1, no. 8, 63.

57. SMSKK, vol. 1, no. 8, 63.

58. The edited bill is reprinted in SMSKK, vol. 1, no. 8, 198–199.

59. SMSKK, vol. 1, no. 8, 49. However, the Home Ministry had already defined these terms in a report before the bill was presented to the Diet in February 1922. In this document, drafted by Police Bureau commissioner Kawamura Teishirō, it is explained that anarchism “is an ideology that rejects state authority” and “does not recognize the existence of the state.” In regard to communism, Kawamura explained that it is “an ideology that calls for abolishing the system of private property—the basis of our current economic organization—and that property . . . be socialized [*shakai no kyōyū*].”

Naimushō, “Kageki shakai undō torishimari hō shakugi” written by Kawamura Teishirō, February 1922, reprinted in Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 46, 46–47.

Kawamura extended the potential application of this law to other political movements as well, noting that Article 1 would apply to anarchism, syndicalism, Bolshevism, and republicanism; Articles 1 and 3 would apply to communism, syndicalism, and guild socialism; and Article 3 would apply to state socialism. See Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 46.

60. Ogino Fujio has shown that even though “anarchism” and “communism” were deleted from the bill, these remained the intended targets that threatened “the laws of state” and “fundamental structure of society” respectively. See Ogino, *Shōwa tennō to chian taisei*, 17–18. This would also inform the targets of the Peace Preservation Bill, in which kokutai was said to target anarchism, and “private property system” would apply to communism (32).

61. See Nijō Atsumoto’s summary of the changes to the law by the time it reached the Lower House: SMSKK, vol. 1, no. 8, 199–207.

62. The revised bill deliberated in the House of Peers is reproduced in SMSKK, vol. 1, no. 8, 320–321. See the subsequent explanation by Tokonami Takejirō about these revisions: SMSKK, vol. 1, no. 8, 326–327, 328–330.

63. Translation of Article 1 from Mitchell, *Thought Control in Prewar Japan*, 48, translation amended.

64. This is in reference to the activities of Kondō Eizō, who went to Shanghai in May 1921 to meet with Comintern agents. He returned to Japan with a large amount of money and was subsequently detained by the police in Shimonoseki. Lacking evidence, the police released Kondō and upon his arrival in Tokyo he formed a communist group among radicals from the Enlightened People’s Society (Gyōminkai). The police arrested members distributing leaflets in October 1921, rounding up the rest of the members in November. This came to be known as the Enlightened People’s Communist Party Incident (Gyōmin kyōsantō jiken). See George M. Beckmann and Genji Okubo, *The Japanese Communist Party, 1922–1945* (Stanford, CA: Stanford University Press, 1969), 32–35.

65. On law in the formation of the Japanese Empire, see the essays collected in Asano Toyomi and Matsuda Toshihiko, eds., *Shokuminchi teikoku nihon no hōteki tenkai* (Tokyo: Shinzansha, 2004).

66. Chen, “The Attempt to Integrate the Empire,” 241–242.

67. Naimushō, “Kageki shakai undō torishimari hō shakugi,” 47. It should be noted that early Home Ministry drafts of what became the Antiradical Bill explicitly contained terms that Kawamura had used to explain the phrase “to subvert the laws of state.” For instance, see the ordinance draft (*chokureian*) of August 20, 1922, in which Article 1 reads in part, “individuals who engage in activities in order to subvert the laws of state such as to overthrow the government or seizing part of the realm [*seifu o tenpuku shi mata ha hōdo o sensetsu*] shall be sentenced to up to ten years in prison.” Reprinted in Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 31.

68. Mizuno, “Shokuminchi dokuritsu undō ni taisuru chianijihō no tekiyō,” 420. The only hint of this kind of interpretation appeared in passing, when, in a House of



Peers committee meeting on March 14, Home Minister Tokonami Takejirō declared, “Recently in our country socialists have contacted the communist party of Russia and are spreading extremism. They have received funds directly from the worker-farmer government of Russia in order to establish a Bolshevik movement [*sekka undō*]. Furthermore, Koreans have served as go-between, and are using the Bolshevik movement for the objective of Korean independence.” However, Tokonami was emphasizing the political context in which the bill was drafted, and did not specifically make the connection between “subverting the laws of the state” and calling for Korean independence. Tokonami Takejirō, in the fifth committee meeting of the House of Peers on March 14, 1922, reprinted in SMSKK, vol. 1, no. 8, 119. See also Mizuno, “Chianijihō no seitei to shokuminchi Chōsen,” 111; Matsuo, “Kageki shakaishugi undō torishimari hōan ni suitei,” 248–249.

69. Naimushō, “Kageki shakai undō torishimari hō shakugi,” 52. Cited in Mizuno, “Chianijihō no seitei to shokuminchi Chōsen,” 111–112.

70. Itō Sukehiro and Miyagi Chōgorō’s exchange is reprinted in SMSKK, vol. 1, no. 8, 110. Also cited in Mizuno, “Chianijihō no seitei to shokuminchi Chōsen,” 112.

71. Mitchell, “Japan’s Peace Preservation Law of 1925,” 332.

72. Mitchell summarized the February 21 Tokyo edition of an *Asahi Shimbun* editorial. See Mitchell, “Japan’s Peace Preservation Law of 1925,” 332.

73. For example, see Yuasa Kurahei’s continuing criticism of the ambiguity of this bill in the House of Peers on March 23, in SMSKK, vol. 1, no. 8, 332–339.

74. On the first formation of the JCP, its suppression and self-dissolution, see Beckmann and Okubo, *The Japanese Communist Party*, 48–78; Odanaka Toshiki, “Dai ichi kyōsantō jiken: Nihon kyōsantō sōritsu to chianijihō jidai zenya no saiban,” in Wagatsuma, *Nihon seiji saiban shiroku* 3, 339–378; Richard H. Mitchell, *Janus-Faced Justice: Political Criminals in Imperial Japan* (Honolulu: University of Hawaii Press, 1992), 36–40.

75. On the Peace Preservation Law in the context of establishing diplomatic relations with the Soviet Union, see Kobayashi Yukio, “Nisso kihon jōyaku daigojō to chianijihō” (1959), in *Nisso seiji gaikōshi: Roshia kakumei to Chianijihō* (Tokyo, Yūhikaku, 1985), 309–352.

76. On the Universal Male Suffrage Bill and the later 1928 general election, see Thomas Havens, “Japan’s Enigmatic Election of 1928,” *Modern Asian Studies* 11, no. 4 (1977): 543–555. It is often argued that since universal male suffrage and the Peace Preservation Law were passed within months of each other, they serve as a kind of carrot-and-stick (*ame to muchi*) approach used by the state in dealing with reform movements. However, Okudaira, Nakazawa, and Mizuno have all critiqued this explanation since the two laws originated independently from each other and developed through their own ministerial and legislative processes. See Okudaira, *Chianijihō shōshi*, 49–56; Nakazawa, *Chianijihō*, 44–46; Mizuno, “Nihon no chōsen shihai to chianijihō,” 128–129.

77. See Mizuno, “Chianijihō no seitei to shokuminchi Chōsen,” 109.

78. On the earthquake, see J. Charles Schencking, *The Great Kanto Earthquake and the Chimera of National Reconstruction in Japan* (New York: Columbia University Press, 2013).

79. See Nimura Kazuo, “Kantō daishinsai to kameido jiken,” *Rekishi Hyōron* 281 (October 1973): 39–69; Mitchell, *Janus-Faced Justice*, 41–43.

80. See Mitchell, *Janus-Faced Justice*, 45–49; Tamiya Hiroshi, “Amakasu jiken: Kenpei ni gyakusatsu saretā museifushugisha Ōsugi Sakae,” in Wagatsuma, *Nihon seiji saiban shiroku* 3, 412–438.

81. On these pogroms, see J. Michael Allen, “The Price of Identity: The 1923 Kantō Earthquake and Its Aftermath,” *Korean Studies* 20 (1996): 64–96.

82. See Sonia Ryang, “The Great Kantō Earthquake and the Massacre of Koreans in 1923: Notes on Japan’s Modern National Sovereignty,” *Anthropological Quarterly* 76, no. 4 (Autumn 2003): 731–748; Takashi Fujitani, “Right to Kill, Right to Make Live: Koreans as Japanese and Japanese as Americans during WWII,” *Representations* 99, no. 1 (summer 2007): 13–39.

83. See Okudaira, *Chianijihō shōshi*, 55–56. The ordinances and the subsequent debate to extend the ordinances are reprinted in Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 82–85, 85–132.

84. On the Toranomon Incident and trial of Nanba Daisuke, see Tanaka Tokihiko, “Toranomon jiken: Kōtaishi o sogeki shita Nanba Daisuke,” in Wagatsuma, *Nihon seiji saiban shiroku* 3, 439–483; Mitchell, *Janus-Faced Justice*, 49–51.

85. See: Nakazawa, *Chianijihō*, 33–46.

86. For instance, compare the flowcharts that Ogino has outlined concerning the process of drafting the Antiradical and Peace Preservation bills: Ogino Fujio, “Kaisetsu: Chianijihō seiritsu • ‘kaisei’ shi,” in Ogino, *Chianijihō kankei shiryōshū*, vol. 4, 526 and 547, respectively.

87. See Okudaira, “Some Preparatory Notes,” 62.

88. Ogino, *Shōwa tennō to chian taisei*, 20–22; see the various Justice Ministry drafts collected in Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 151–154.

89. Naimushō, “Chianijihō shingi zairyō” (1924), reprinted in Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 172–173; 172. For a discussion of this document, see Nakazawa, *Chianijihō*, 203.

90. None of the original documents remain of this draft ordinance, but Mizuno Naoki has culled from newspaper reports the basic motivation for and outline of the ordinance. He speculates that this work was in response to increasing labor activism and the formation of groups influenced by communism in 1924. See Mizuno, “Chianijihō no seitei to shokuminchi Chōsen,” 108–110.

91. Naimushō, “Chianijihōan narabini shōan” (1924), reprinted in Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 154–155.

92. The only exception was a January 24, 1925, proposed revision put forth by the Cabinet Legislation Bureau. See Ogino, *Shōwa tennō to chian taisei*, 22–27.

93. Mizuno, “Shokuminchi dokuritsu undō ni taisuru chianijihō no tekiyō,” 421.

94. Historians generally agree that this new bill was better written and its advocates were better prepared to field questions during committee and Diet deliberations. Additionally, as indicated above, there had been more preparatory communication and collaboration between ministries. Okudaira, *Chianijihō shōshi*, 45–47; Tipton, *The Japanese Police State*, 22.

95. The first version of the bill presented to the Fiftieth Imperial Diet is reprinted in GSS45, 51.



96. These two concepts appear in the constitutional interpretations of Hozumi Yatsuka, Minobe Tatsukichi, and Uesugi Shinkichi. See Miller, *Minobe Tatsukichi*, 27–38, 65–67; Minear, *Japanese Tradition and Western Law*, 64–71; Skya, *Japan's Holy War*, 62–64, 158. For an interesting reconsideration of kokutai as a mode of modern subjectivization, see Satofumi Kawamura, “The National Polity and the Formation of the Modern National Subject in Japan,” *Japan Forum* 26, no. 1 (2014): 25–45. Kawamura’s reconsideration of kokutai resonates with my analysis in later chapters of how the Peace Preservation Law became an apparatus for the rehabilitation of political criminals as loyal imperial subjects.

97. See Naimushō, “Chianijihōan ryakkai” (February 1925), reprinted in Ogino, *Chianijihō kankei shiryōshū*, 179–182; 180.

98. See Naimushō, “Chianijihō seitei no riyū oyobi kaishaku gaiyō” (February 1925), reprinted in Ogino, *Chianijihō kankei shiryōshū*, 182–183; 182. The German terms Staatsform and Regierungsform are rendered in roman characters in the text and can be roughly translated as “national polity” and “state form” respectively.

99. Shihōshō, “Kokutai, Seitai, Shiyūzaisan seido ni kansuru mondō” (February 1925), reprinted in Ogino, *Chianijihō kankei shiryōshū*, 183–185; 183–184.

100. Naimushō, “Chianijihō seitei no riyū oyobi kaishaku gaiyō,” 183.

101. See Okudaira, “Some Preparatory Notes,” 62.

102. GSS45, 52. As mentioned above, diplomatic relations were established with the Soviet Union in February. In addition to materials on the relationship between the Peace Preservation Law and diplomatic relations with the Soviet Union referenced above, see Kobayashi Yukio, *Nisso seiji gaikōshi: Roshia kakumei to Chianijihō* (Tokyo: Yūhikaku, 1985).

103. GSS45, 52.

104. GSS45, 53.

105. GSS45, 54–55.

106. This includes the debates over “the system of private property” (*shiyūzaisan seido*) phrase as well. For instance, Hoshijima asked whether public works funded by the government, such as public utilities or the national rail system, constituted a repudiation of the private property system. See GSS45, 55.

107. GSS45, 64.

108. GSS45, 56.

109. GSS45, 57.

110. GSS45, 57.

111. GSS45, 57.

112. See Maeda Yonezō’s explanation of the revisions in GSS45, 92–99.

113. See Maeda’s explanation (GSS45) and the arguments presented by Yokoyama Kintarō, Nakamura Keijirō, and Yamazaki Tatsunosuke to the March 6 committee in favor of deleting “seitai” from the bill. See GSS45, 88–91.

114. The debates from March 7 are reprinted in Kōtō Hōin Kenjikyoku, ed., *Chianijihō teian tōgi: Teikoku gikai ni okeru shitsugi ōtō giji* (Tokyo: Kōtō Hōin Kenjikyoku Shisōbu Hensan, 1928), 57. This collection cited as CTT hereafter.

115. CTT, 65–66.

116. CTT, 66–67, 72.
117. Kikuchi Kenjirō's questions are reprinted in CTT, 69–71.
118. CTT, 72
119. CTT, 72.
120. Sawayanagi's comments are reprinted in CTT, 138–143.
121. CTT, 138.
122. CTT, 139.
123. CTT, 144.
124. See for instance the exchange between Baron Den Kenjirō and Yamaoka Manosuke from the Justice Ministry in the Fourth Committee Meeting of the House of Peers on March 17. Reprinted in Shakai mondai shiryō kenkyūkai, ed., *Chianijihōan giji sokkiroku narabi ni iin kaigi roku: Dai 50 kai teikoku gikai* (Tokyo: Tōyō Bunkasha, 1972), 698–699. For a concise discussion of the geographic application of the law, see Mizuno, "Chianijihō to Chōsen," 49–50.
125. See Mizuno, "Shokuminchi dokuritsu ni taisuru chianijihō no tekiyō," 421. See also Nakazawa, *Chianijihō*, 203.
126. These imperial decrees are reprinted in Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 167–168. It should be noted that in addition to Japan's formal colonies, the law was used to arrest Japanese radicals in Shanghai as well. See the reports drafted by the Japanese Consulate General in Shanghai covering the period 1927–1937, reprinted in Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 566–574.
127. English translation from Mitchell, "Japan's Peace Preservation Law of 1925," 339–340; and Mitchell, *Thought Control in Imperial Japan*, 63–64. Translation amended. For the final version that became law, see GSS45, 51.
128. This pamphlet was a transcript of an instructional lecture that Furuta gave to a police training group in 1925. See Furuta Masatake, *Keisatsu kyōyō shiryō. Dai ippen: Chianijihō* (Tokyo: Keisatsu Kōshū Jogaku Yūkai, 1925).
129. Furuta, *Keisatsu kyōyō shiryō*, 8–9.
130. Furuta, *Keisatsu kyōyō shiryō*, 9.
131. Furuta, *Keisatsu kyōyō shiryō*, 10.
132. See the four editorials from the *Tokyo Asahi Shimbun* collected in GSS45, 100–104.
133. Kiyose's essay "Chianijihō o ronzu" (1926) is reprinted in GSS45, 104–112.
134. See GSS45, 110–112.
135. Mizuno, "Chianijihō to Chōsen," 52–53.

## CHAPTER 2. Transcriptions of Power

1. On Althusser's distinction between the Repressive State Apparatus and Ideological State Apparatuses, see Louis Althusser, "Ideology and Ideological State Apparatuses (Notes Towards an Investigation)," in *Lenin and Philosophy and other Essays*, trans. Ben Brewster (New York: Monthly Review Press, 2001), 85–126. I will discuss this distinction in detail in chapter 3.
2. On arrests in the metropole, see Odanaka Toshiki, "San • ichigo, yon • ichiroku jiken: Chianijihō saiban to hōtei tōsō," in *Nihon seiji saiban shiroku*, vol. 4: *Shōwa • zen*,

ed. Wagatsuma Sakae (Tokyo: Daiichi Hōki Shuppan, 1968–1970), 148. Okudaira tallies a total of 14,622 arrests for 1933. See Okudaira Yasuhiro, “Chianijihō ihan jiken nendo betsu shori jinin hyō,” in *Gendaishi shiryō* 45: *Chianijihō*, ed. Okudaira Yasuhiro (Tokyo: Misuzu Shobō, 1973), 646–649, hereafter cited as GSS45. See also Nakazawa Shunsuke, *Chianijihō: Naze seitō seiji ha “akuho” o unda ka* (Tokyo: Chūōkō Shinsho, 2012), 131. On the expansion of the law beyond the JCP, see Okudaira Yasuhiro, *Chianijihō shōshi*, new ed. (Tokyo: Iwanami Shoten, 2006), 138–147, 147–154, 192–239; Nakazawa, *Chianijihō*, 130–133; Matsuo Hiroshi, *Chianijihō: Danatsu to teikō no rekishi* (Tokyo: Shinnihon Shuppansha, 1971), 156–163.

3. On Kobayashi Takiji and the proletarian literature movement, see Donald Keene, “Japanese Literature and Politics in the 1930s,” *Journal of Japanese studies* 2, no. 2 (summer 1976): 225–248; Heather Bowen-Struyk, “Rethinking Japanese Proletarian Literature” (PhD diss., Department of Comparative Literature, University of Michigan, 2001).

4. For a discussion about the relatively high rate of indictment in the colony, see Nakazawa, *Chianijihō*, 204–207.

5. There are debates on whether any executions were carried out under the Peace Preservation Law. There were executions of Korean activists, but as Okudaira, Mizuno, and Mitchell note, these sentences drew upon other laws in addition to the Peace Preservation Law. On this debate, see Richard H. Mitchell, *Janus-Faced Justice: Political Criminals in Imperial Japan* (Honolulu: University of Hawaii Press, 1992), 162–164.

6. Performing investigative and prosecutorial functions similar to district attorneys, procurators were assigned to district courts by the Justice Ministry. For brief histories of the procuracy in modern Japan, see Atsushi Nagashima, “The Accused and Society: The Administration of Criminal Justice in Japan” (excerpt), in *The Japanese Legal System: Introductory Cases and Materials*, ed. Hideo Tanaka (Tokyo: University of Tokyo Press, 1976), 541–547; Meryll Dean, *Japanese Legal System: Text, Cases and Materials*, 2nd ed. (London: Cavendish, 2002), 114–115.

7. Procurators were responsible for producing the Decision of the Preliminary Hearing (Yoshin shūketsu kettei sho), which was sent to the trial judge and served as the state’s case against a suspect. On this process, see Patricia Steinhoff, *Tenkō: Ideology and Societal Integration in Prewar Japan* (New York: Garland, 1991), 37.

8. On thought procurators, see Ogino Fujio, *Shisō kenji* (Tokyo: Iwanami Shoten, 2000). On the specific responsibilities and practices of thought procurators, see Tozawa Shigeo, “Shisō hanzai no kensatsu jitsumu ni tsuite” (1933), reprinted in *Gendaishi Shiryō* 16: *Shakaishugi undō* 3, ed. Yamabe Kintarō (Tokyo: Misuzu Shobō, 1963), 15–36. On Japanese thought procurators in wartime colonial Korea, see Mizuno Naoki, “Shisō kenji-tachi no ‘senchū’ to ‘sengo’: Shokuminchi shihai to shisō kenji,” in *Nihon no Chōsen • Taiwan shihai to shokuminchi kanryō*, ed. Matsuda Toshihiko and Yamada Atsushi (Kyoto: Shibunkaku Shuppan, 2009), 472–493.

9. The only study to focus on the role of Hirata Isao is Itō Akira, “Tenkō mondai no Ikkōsatsu: Nihonkyōsantō rōdōshaha to Hirata Isao,” *Chiba kōgyō daigaku kenkyū hōkoku*, no. 31 (February 1994): 29–41. In regard to the English literature, Hirata Isao receives passing mention in Richard Mitchell’s pioneering studies (referred to as “Hirata

Susumu"). See Richard H. Mitchell, *Thought Control in Prewar Japan* (Ithaca, NY: Cornell University Press, 1976), 171–172; and Mitchell, *Janus-Faced Justice*, 73–74, 77–78.

10. See Matsuo, *Chianijihō*.

11. For instance, Matsuo does not mention the tenkō policy in his history of the Peace Preservation Law. See Matsuo, *Chianijihō*.

12. By the 1930s, however, the Justice Ministry also implemented the law largely through administrative measures rather than judicial proceedings. For instance, Okudaira argues that because procurators and judges relied on the police to investigate and apprehend thought criminals, over time "the Ministry of Justice itself was inclined more to administrative regulations rather than to judicial ones." Okudaira Yasuhiro, "Some Preparatory Notes for the Study of the Peace Preservation Law in Pre-war Japan," *Annals of the Institute of Social Science* 14 (1973): 58.

13. On the Special Higher Police, see Elise Tipton, *The Japanese Police State: The Tokkō in Interwar Japan* (Sydney: Allen and Unwin, 1990).

14. For example, Elise Tipton argues that the practices of the Special Higher Police in the 1930s reflected "rule by law" in which "there is a formal commitment to administration under the law but a lack of legal limitation on policy formation." Tipton notes that even rule by law was not fully implemented, leaving the police "substantially outside the control of justiciable law." Tipton, *The Japanese Police State*, 53.

15. Mitchell, *Janus-Faced Justice*, 156–157. See also Patricia Steinhoff's 1969 dissertation, reprinted as a book in 1991, in which tenkō is portrayed as an expression of "cultural patterns" of Japanese society. Steinhoff, *Tenkō*, 6.

16. Mitchell argues that while police from the Home Ministry often brutalized detainees illegally, continuing a long tradition dating back to the Meiji period, judges and procurators from the Justice Ministry defended the "procedural rights" of detainees and thus respected the "rule of law." Mitchell, *Janus-Faced Justice*, xii, 70.

17. See Michel Foucault, *The Punitive Society: Lectures at the Collège de France, 1972–1973*, trans. Graham Burchell (London: Palgrave Macmillan, 2015); Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1977). Foucault allows us to ask different questions in contrast to conventional studies of the Peace Preservation Law, including the legal-administrative approach (e.g., Mitchell, Okudaira) as well as the integrative-functionalist approach (e.g., Steinhoff, Hoston).

18. See Foucault, *Discipline and Punish*, 194. See also Michel Foucault, "Society Must Be Defended": *Lectures at the Collège de France*, trans. David Macey (New York: Picador, 2003), lecture on January 14, 1976, 23–41. As I will argue in chapter 3, the path for Foucault's intervention had already been cleared by Louis Althusser's famous 1969–1970 article on ideology and ideological state apparatuses. See Althusser, "Ideology and Ideological State Apparatuses," 85–126.

19. See for example the section "The Control of Activity" in Foucault, *Discipline and Punish*, 149–156.

20. Recently, scholars have argued that Foucault's theory of disciplinary power reveals important aspects of how power operates in capitalist society. See Jason Read, *The Micro-politics of Capital: Marx and the Prehistory of the Present* (Albany: State University of New York Press, 2003), in particular 83–90.

21. This is derived from Jason Read's concise summary of Foucault. See Read, *The Micro-politics of Capital*, 85.

22. I refer to the English translations of these works: Foucault, *Discipline and Punish*; and Michel Foucault, *History of Sexuality*, vol. 1: *An Introduction*, trans. Robert Hurley (New York: Vintage, 1978).

23. Foucault, *The History of Sexuality*, vol. 1, 144. For secondary studies on Foucault's theory of law, see Alan Hunt and Gary Wickman, *Foucault and Law: Towards a Sociology of Law as Governance* (London: Pluto, 1994); Carole Smith, "The Sovereign State v Foucault: Law and Disciplinary Power," *Sociological Review* 48 (2000): 283–306.

24. Nicos Poulantzas, *State, Power, Socialism* (London: Verso, 2014), 77. Poulantzas continues that Foucault "fails to understand the function of the repressive apparatuses (army, police, judicial system, etc.) as means of exercising physical violence that are located at the heart of the modern State. They are treated instead as mere parts of the disciplinary machine which patterns the internalization of repression by means of normalization" (77).

25. My objective is not to correct the reading of Foucault, but rather to emphasize specific points at which his more nuanced contemplations in his lectures generate new ways to consider the relationship between juridical and disciplinary power. Here I draw upon readings that have attempted to rethink the relationship between juridical and disciplinary modes of power in Foucault's work. See, for instance, Ben Golder and Peter Fitzpatrick, *Foucault's Law* (New York: Routledge, 2009). Jan Goldstein contends that Foucault "was never fully in control of his views on this issue and never arrived at a completely consistent formulation" of the relationship between law and discipline. Jan Goldstein, "Framing Discipline with Law: Problems and Promises of the Liberal State," *American Historical Review* 98, no. 2 (April 1993): 369.

26. See Foucault, *The Punitive Society*, 107, 110, 140.

27. See Goldstein, "Framing Discipline with Law."

28. Foucault, "Society Must Be Defended," 37.

29. Foucault, *The Punitive Society*, 178. Following his genealogical method, Foucault contends that criminology emerges from this transcription: that is, as a discourse that "assures the juridico-medical transcription" of the criminal—the target of juridical power—as, at the same time, the "delinquent" that requires disciplinary examination and rehabilitation (178).

30. Summarizing Foucault's distinction, Jason Read has noted that "one can always fall short of a norm—thus there is the possibility for an infinite intervention, continual surveillance, and improvement." Read, *The Micro-politics of Capital*, 85.

31. Foucault, *The Punitive Society*, 34, 131.

32. On the transition from repression to reform, I have in mind Serizawa Kazuya's early work, in which he suggests that in the debates over law, sovereignty, and democracy in the 1920s, state power was effectively "freed" from the discourse of law and constitutionality, allowing for more authoritarian theories to emerge in the 1930s. See Serizawa Kazuya, "*Hō kara kaihō sareru kenryoku: Hanzai, kyōki, hinkon soshite taishō demokurashii*" (Tokyo: Shinyōsha, 2001).

33. Gakuren members were also involved in the earlier Enlightened People's Communist Party Incident (Gyōmin kyōsantō jiken) of 1923, which involved many lecturers, graduates, and students from Waseda University. See George M. Beckmann and Genji Okubo, *The Japanese Communist Party, 1922–1945* (Stanford, CA: Stanford University Press, 1969), 32–35.

34. On Gakuren, see Henry Smith, *Japan's First Student Radicals* (Cambridge, MA: Harvard University Press, 1972), chapter 4.

35. Matsuo Kōya, "Kyōto gakuren jiken: Hatsudō sareta chianijihō," in *Nihon seiji saiban shiroku*, vol. 4: *Shōwa • zen*, ed. Wagatsuma Sakae (Tokyo: Daiichi Hōki Shuppan, 1968–1970), 74.

36. On this incident, see Matsuo, "Kyōto gakuren jiken," 64–96; Okudaira, *Chianijihō shōshi*, 74–92; Mitchell, *Thought Control in Prewar Japan*, 70–77; Steinhoff, *Tenkō*, 38–40.

37. Okudaira, *Chianijihō shōshi*, 84. Another case in which the private property clause was applied in metropolitan Japan was in November 1927: the so-called Hokkaidō Collectivist Party Incident (Hokkaidō shūsantō jiken). See Okudaira, *Chianijihō shōshi*, 72–74.

38. This claim comes from Matsuo, "Kyōto gakuren jiken," 64. For a comparative consideration of these first two applications of the Peace Preservation Law, see Ogino Fujio, "Kaisetsu: Chianijihō seiritsu • 'kaisei' shi," in *Chianijihō kankai shiryōshū*, vol. 4, ed. Ogino Fujio (Tokyo: Shinnihon Shuppansha, 1996), 570–574.

39. For instance, Mizuno has shown how in a case brought against members of the Shinkankai (a socialist national liberation group formed in 1927), charges ranged from violations of the publication law, Ordinance No. 7 (discussed in chapter 1), to a high court decision in 1930 arguing for the application of the Peace Preservation Law. See Mizuno Naoki, "Shokuminchi dokuritsu undō ni taisuru chianijihō no unyō," in *Shokuminchi teikoku nihon no hōteki kōzō*, ed. Asano Toyomi and Matsuda Toshihiko (Tokyo: Shinzansha Shuppan, 2004), 431–434.

40. Kōtōhōin Kenjichō, "Chianijihō no tekiyō ni kansuru ken" (June 1925), cited in Mizuno, "Shokuminchi dokuritsu undō ni taisuru chianijihō no unyō," 423. The discretion when to use this law rather than earlier ordinances such as Ordinance No. 7 was left to procurators. See chapter 1 for an overview of the security ordinances in effect in colonial Korea at the time the Peace Preservation Law was enacted.

41. For a discussion of how officials consider the application of the kokutai clause in the colony, see Ogino Fujio, *Shōwa tennō to chian taisei* (Tokyo: Shinnihon Shuppansha, 1993), 72–74. Mizuno Naoki has analyzed how procurators in Japan continued to debate how to apply the Peace Preservation Law against Korean nationalists agitating in the metropole. See Mizuno, "Shokuminchi dokuritsu undō ni taisuru chianijihō no unyō," 437–451. For the application of this clause to noncommunist nationalist groups, see Mizuno, "Shokuminchi dokuritsu undō ni taisuru chianijihō no unyō," 424–425. For a general overview of the various independence groups in Korea during the 1920s, see Michael Robinson, "Ideological Schism in the Korean Nationalist Movement, 1920–1930: Cultural Nationalism and the Radical Critique," *Journal of Korean Studies* 4 (1982–1983): 241–268.



42. For information on the early arrests and prosecutions under the Peace Preservation Law in colonial Korea, see the 1929 report written by the Procuracy of the Chōsen Supreme Court: Chōsen kōtōhōin kenjikyoku, “Chōsen chianijihō ihan chōsa: 1,” reprinted in Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 258–266.

43. The Keijō District Court decision in the Korean Communist Party Incident case, February 13, 1928, cited in Mizuno, “Shokuminchi dokuritsu undō ni taisuru chianijihō no unyō,” 428.

44. The Keijō District Court decision in the Kantōshū Communist Party Incident, December 27, 1928, cited in Mizuno, “Shokuminchi dokuritsu undō ni taisuru chianijihō no unyō,” 428. We can interpret this explicit declaration of capitalist property relations in colonial Korea as a kind of implicit recognition of the primacy of territory, extraction, and capitalist social relations to Japan’s colonial enterprise.

45. For an overview of cases brought to trial in colonial Korea in the late 1920s, see the report issued by the procuracy of the Chōsen High Court: Chōsen kōtō hōin kenjikyoku, “Chōsen chianijihō ihan chōsa: 1,” 258–266. In this report, the procuracy identified four illegal ideologies in Chōsen at that time: anarchism, communism, nationalism, and the combination of communism and nationalism (260).

46. The 1927 Theses called for a two-stage revolution, explaining, “The bourgeois-democratic revolution of Japan will rapidly grow into a socialist revolution precisely because the contemporary Japanese state, with all its feudal attributes and relics, is the most concentrated expression of Japanese capitalism, embodying a whole series of its most vital nerves; to strike at the state is to strike at the capitalist system of Japan as a whole.” English translation from Beckmann and Okubo, *The Japanese Communist Party*, 298. See also Germaine A. Houston, *Marxism and the Crisis of Development in Prewar Japan* (Princeton, NJ: Princeton University Press, 1986), chapter 3; Matsuo, *Chianijihō to tokkō keisatsu*, 119–122. For an analysis of the emperor system in JCP and prewar Comintern theses, see Fukunaga Misao, *Kyōsantōin no tenkō to tennōsei* (Tokyo: Sanichi Shobō, 1978), chapter 4.

47. On these arrests and the subsequent prosecutions that followed, see Odanaka, “San • ichigo, yon • ichiroku jiken,” 123–257. For information on these arrests in relation to the Peace Preservation Law, see Ushiomi Toshitaka, *Chianijihō* (Tokyo: Iwanami Shoten, 1977), 42–43; Mitchell, *Janus-Faced Justice*, 53–56; Okudaira, *Chianijihō shōshi*, chapter 4; Matsuo, *Chianijihō to tokkō keisatsu*, 117–129.

48. Ogino, *Shisō kenji*, 31–32.

49. In April, the Home Ministry banned the Labor-Farmer Party (Rōdōnōmintō), the All-Japan Proletarian Youth League (Zen nihon musan seinen dōmei), and the Japan Labor Union Council (Nihon rōdō kumiai hyōgikai). Nakazawa, *Chianijihō*, 97.

50. For summaries of this expansion, see Mitchell, *Thought Control in Prewar Japan*, 88–94; Tipton, *The Japanese Police State*, 23–25; Matsuo, *Chianijihō to tokkō keisatsu*, 129–131.

51. Ogino, *Shisō kenji*, 8.

52. See Steinhoff’s summary of a May 1928 directive sent to thought procurators. Steinhoff, *Tenkō*, 40–42.

53. For the government's explanation of the necessity for this revision, see GSS45, 179–180. Preliminary reports reveal that officials believed the revision was necessary in light of information gathered from the March 15 arrests; in particular, that the JCP was agitating under the slogan “abolish the monarchy” as outlined in the Comintern's 1927 Theses. See Shihōshō keijikyoku, “Chianijihō chū kaisei hōritsuan riyū” (April 26, 1928), reprinted in Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 270–271. See also the Justice Ministry's explanation after the revision that “our flawless kokutai” (*kinō muketsu no waga kokutai*) was threatened by a “foreign ideological threat” (*shisōteki gaikanzai*). “Chianijihō chū kaisei chokureian riyū setsumeisho,” reprinted in Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 308–309. For an overview of the March arrests and the revision, see Ogino, “Kaisetsu,” 579–584.

54. The revision is reprinted in GSS45, 114. On the role of Suzuki Kisaburō (Home Minister up until May 1928) and Justice Minister Hara Yoshimichi in preparing the 1928 revision, see Nakazawa, *Chianijihō*, 99–100.

55. On the format of passing the revision as an emergency imperial ordinance, see Ogino, “Kaisetsu,” 584–592.

56. For deliberations in the Privy Council in 1928 and the following Imperial Diet in 1929, see GSS45, 115–146 and 146–178 respectively.

57. See the graph in Ogino, *Shisō kenji*, 59. See also Ogino, “Kaisetsu,” 579.

58. On this addition, see Steinhoff, *Tenkō*, 46. Anyone convicted of joining an organization with the objective of altering the kokutai or anyone who was not a member but still “acted in order to further its aims” (*kessha no mokuteki kōi no tame ni suru kōi o tame shitaru*) would receive a minimum of two years in prison. Similarly, for anyone to not only form or join an organization with the objective of “rejecting the private property system” but also to “act in order to further its aims” was now punishable with a sentence of up to ten years. The revised law is reprinted in GSS45, 114. On the importance of this emphasis on “furthering the aims” in the revision, see Nakazawa, *Chianijihō*, 95–96.

59. See Tanaka's statements to the Privy Council in GSS45, 120, 121. See also Tanaka's public statements on the 3.15 Incident arrests, translated in Beckmann and Okubo, *The Japanese Communist Party*, 156.

60. GSS45, 121. Note that Mochizuki's phrase “the glory of our kokutai” was a reference to the 1890 Imperial Rescript on Education (see chapter 1).

61. GSS45, 121.

62. Other platforms of the 1927 Comintern Theses were establishing a people's republic, eliminating parliament, repealing antilabor and antifarmer laws, the confiscation of all lands held by the imperial household, to defend Soviet Russia, a noninterference policy in the Chinese revolution, and independence for all colonial people. For a translation of the 1927 Theses, see Appendix D in Beckmann and Okubo, *The Japanese Communist Party*, 295–308. For a discussion of the often-fraught relationship between the JCP and the Comintern, see Hoston, *Marxism and the Crisis of Development in Prewar Japan*, 57–98.

63. As with the initial passage of the law in 1925, the Justice Ministry's Criminal Affairs Bureau conducted comparative research on the revision (as an emergency imperial ordinance) in February 1929 in preparation for Diet deliberation. See Shihōshō keiji-



kyoku, “Chianiji rippō rei hikaku” (February 15, 1929), reprinted in Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 320–329.

64. Cited in GSS45, 147.

65. GSS45, 147.

66. A common form of critique was to press Justice Minister Hara and other advocates to clearly distinguish between this emergency ordinance and the Civil Disturbance Ordinance (Nairanzai) of the Criminal Code. See, for instance, Saitō Takao’s comments (GSS45, 162–165) and Taketomi Wataru’s comments (GSS45, 148–150).

67. Okudaira, “Some Preparatory Notes,” 67–68.

68. On the various responses to the revision by the political parties, see Nakazawa, *Chianijihō*, 95–118.

69. On the JCP during these years of mass arrests, see chapters 6 and 7 of Beckmann and Okubo, *The Japanese Communist Party*, 138–196.

70. For number of arrests per year in Japan under the Peace Preservation Law, see Okudaira, *Chianijihō shōshi*, 132–135. For colonial Korea, see the graphs in Hong Jongwook, *Senjiki chōsen no tenkōsha-tachi: Teikoku / shokuminchi no tōgō to kiretsu* (Tokyo: Yūshisha, 2011), 47 and 63.

71. For an overview of Peace Preservation Law arrests in Korea between 1925 and 1930, see Park Kyong-sik, “Chianijihō ni yoru chōsenjin danatsu” (1976), in *Tennōsei kokka to zainichi chōsenjin* (Tokyo: Shakai Hyōronsha, 1986), 100–102.

72. The 1929 Sapporo Appellate Court and the 1931 Tokyo Appellate Court decisions are reprinted in GSS45, 577–581 and 581–583 respectively. See also Ogino, *Shōwa tennō to chiantaisei*, 52–60, 66.

73. See Mizuno, “Shokuminchi dokuritsu undō ni taisuru chianijihō no unyō,” 431–436.

74. Chōsen High Court ruling, July 21, 1930, cited in Mizuno, “Shokuminchi dokuritsu undō ni taisuru chianijihō no unyō,” 433.

75. Decision in the Chōsen Student Vanguard League Incident (Chōsen gakusei zenei dōmei jiken) case, June 25, 1931, cited in Mizuno, “Shokuminchi dokuritsu undō ni taisuru chianijihō no unyō,” 435.

76. Recall that there was a legal distinction between naichi—referring to the territory of Japan at the time of the promulgation of the Meiji Constitution in 1889—and gaichi, or outer territories, which referred to its subsequent colonial acquisitions. On this, see Edward I-te Chen, “The Attempt to Integrate the Empire: Legal Perspectives,” in *The Japanese Colonial Empire, 1895–1945*, ed. Ramon H. Myers and Mark R. Peattie (Princeton, NJ: Princeton University Press, 1984), 241–242.

77. Mizuno, “Shokuminchi dokuritsu undō ni taisuru chianijihō no unyō,” 436.

78. See GSS45, appendix 1, 646–647. See also Ogino Fujio, *Tokkō keisatsu* (Tokyo: Iwanami Shoten, 2012), 66.

79. Nakazawa, *Chianijihō*, 130–131.

80. See Hong, *Senjiki chōsen no tenkōsha-tachi*, 47. For comparative statistics on the changing application of ordinances in colonial Korea in the 1920s, see Suzuki Keifu, *Chōsen shokuminchi tōchihō no kenkyū: Chianhō ka no kōminka kyōiku* (Sapporo: Hokkaidō Daigaku Toshō Kankōkai, 1989), 182.

81. Additionally, Ogino notes that 15,111 were arrested in Korea by 1934 under the law. For these figures, see Ogino, “Kaisetsu,” 606. For a short summary of the law’s application in Taiwan and Kantōshū, see Nakazawa, *Chianijihō*, 207–208.

82. See Erik Esselstrom, *Crossing Empire’s Edge: Foreign Ministry Police and Japanese Expansionism in Northeast Asia* (Honolulu: University of Hawai‘i Press, 2009), chapters 4 and 5, especially 108–115.

83. Louise Young, *Japan’s Total Empire: Manchuria and the Culture of Wartime Imperialism* (Berkeley: University of California Press, 1998), 143–144.

84. Thomas Dubois has called Manchukuo a “quasi-sovereign” or “inauthentic” sovereign state. See Thomas David Dubois, “Inauthentic Sovereignty: Law and Legal Institutions in Manchukuo,” *Journal of Asian Studies* 69, no. 3 (August 2010): 749–770.

85. See Manshūkoku seifu, Ordinances No. 80 and 81 (September 10, 1932), reprinted in Ogino, *Chianijihō kankei shiryōshū*, vol. 4, 427–429. Also see Manshūkoku seifu, “Chian keisatsu hō” (September 12, 1932), in Ogino, *Chianijihō kankei shiryōshū*, vol. 4, 429–431. See also Nakazawa, *Chianijihō*, 209.

86. For a helpful summary of the various security laws and police organizations that advised and/or operated in Manchukuo in the 1930s, see Ogino, “Kaisatsu,” 748–764.

87. On the establishment of the Thought Division (Shisōbu) in the Procuracy, see Ogino, *Shisō kenji*, 29–33.

88. Sano Manabu was captured by the consular police in Shanghai on June 16. See Esselstrom, *Crossing Empire’s Edge*, 109–111. See also Yamamoto Katsunosuke, *Nihon kyōsanshugi undōshi* (Tokyo: Seki Shobō, 1950), 189–191. For a dramatic account of how Sano and others were captured, see Suzuki Takeshi, *Sano manabu ichimi o hōtei ni okuru made* (Tokyo: Keiyūsha, 1931). For the prosecution’s case against Sano Manabu, see Shihōshō keijikyoku shisōbu, “Nihon kyōsantō chūōbu kankei hikokunin ni taisuru tōkyō chihō saibansho hanketsu,” in *Shisō kenkyū shiryō* Tokushū No. 2, ed. Shihōshō Keijikyoku (Tokyo: Shihōshō Keijikyoku, 1932), 294–299.

89. The official record of these prosecutions is: Shihōshō keijikyoku shisōbu, “Nihon kyōsantō chūōbu kankei hikokunin ni taisuru tōkyō chihō saibansho hanketsu.” On these trials, see Odanaka, “San • ichigo, yon • ichiroku jiken,” 145–220; Ueda Seikichi, *Shōwa saibanshi ron: Chianijihō to hōritsukatachi* (Tokyo: Ōtsuki Shoten, 1983), 1–84; Beckmann and Okubo, *The Japanese Communist Party*, 215–221; Mitchell, *Thought Control in Prewar Japan*, 104–109.

90. Odanaka, “San • ichigo, yon • ichiroku jiken,” 218–220.

91. Ogino, *Shisō kenji*, 36–38, 43.

92. Ogino cites an article by the Tokyo procurator Ikeda Katsu, who notes that beginning in 1931, “moral suasion” (*kyōka*) started to be an important topic discussed by officials administering thought crime cases. See Ogino, “Kaisetsu,” 615–617.

93. Kawai distributed a letter titled “Boku ga nihon kyōsantō yori dattō o ketsuishi jihaku suru ni itaru katei” in March 1929; Mizuno published a letter titled “Nihon kyōsantō dattō ni saishi tōin shokun ni” in May. See Shimane Kiyoshi, “Nihon kyōsantō rōdōsha-ha: Mizuno shigeo,” in *Kyōdō kenkyū: Tenkō*, vol. 1, ed. Shisō no kagaku kenkyūkai (Tokyo: Heibonsha, 1959), 154 and 152–157. On Kawai, Mizuno, and the later Labor Faction, see Beckmann and Okubo, *The Japanese Communist Party*, 183–187.

94. The following summary of Mizuno's critique is derived from Fukunaga Misao, *Kyōsantōin no tenkō to tennōsei* (Tokyo: Sanichi Shobō, 1978), 19–27.

95. Cited in Shimane, “Nihon kyōsantō rōdōsha ha,” 152.

96. Itō Akira has argued that Mizuno's critique was an expression of a general “sense of defeat.” See Itō Akira, “Tenkō mondai no Ikkōsatsu: Nihonkyōsantō rōdōshaha to Hirata Isao,” *Chiba kōgyō daigaku kenkyū hōkoku*, no. 31 (February 1994): 30.

97. On the role of procurators in drafting and disseminating these critiques, see the reflections of the ex-Labor Faction member Asano Akira: Asano Akira and Kageyama Masaharu, *Tenkō-Nihon e no kaiki: Nihon kyōsantō kaitōha shuchō* (Tokyo: Akatsuki Shobō, 1983), 219–232.

98. Although Kawai was critiqued as part of the Dissolutionist Faction, he did not follow Mizuno in forming the Labor Faction. He continued to be politically active until a second arrest in 1934. See the biographical entry for Kawai in Kobayashi Morito, “*Tenkōki*” no hitobito: *Chianijihōka no katsudōka gunzō* (Tokyo: Shinjidaisha, 1987), 305.

99. Nihon Kyōsantō Chūōiinkai, “Shakai fashisuto kaitōha o funsai seyo!,” *Mushin Panfuretto*, no. 10 (September 1931), collected by the Kyōdo Minyō Kenkyūkai, Tokyo. See also Germaine A. Hoston, “Emperor, Nation and the Transformation of Marxism to National Socialism in Prewar Japan: The Case of Sano Manabu,” *Studies in Comparative Communism* 18, no. 1 (spring 1985): 25–47. On the failure of the Communist International's social-fascism line, see Nicos Poulantzas, *Fascism and Dictatorship: The Third International and the Problem of Fascism*, trans. Judith White (London: Verso, 1979).

100. For instance, see Germaine A. Hoston, *The State, Identity, and the National Question in China and Japan* (Princeton, NJ: Princeton University Press, 1994), 327–360. I briefly address how the national question has been explained in area studies in Max Ward, “Historical Difference and the Question of East Asian Marxism(s),” in *East Asian Marxisms and Their Trajectories*, ed. Joyce Liu and Viren Murthy, Interventions Series (London: Routledge, 2017), 88–91. For more nuanced analyses of the national question in Japanese Marxism, see Itō Akira, *Tennōsei to shakaishugi* (Tokyo: Keisō Shobō, 1988); Gavin Walker, *The Sublime Perversion of Capital: Marxist Theory and the Politics of History in Modern Japan* (Durham, NC: Duke University Press, 2016); Katsuhiko Endo, “The Science of Capital: The Uses and Abuses of Social Science in Interwar Japan” (PhD diss., New York University, 2004).

101. See Asano's reflections in Asano and Kageyama, *Tenkō-Nihon e no kaiki*, 230.

102. On the national question in Marxist theory and communist political strategy, see Walker Connor, *The National Question in Marxist-Leninist Theory and Strategy* (Princeton, NJ: Princeton University Press, 1984).

103. For a reflection on Mizuno's defection and its impact in the 1930s, see Nabeyama Sadachika, “Mizuno shigeoron ni shokuhatsu saretā,” *Ronsō* 4:10, no. 19 (November 1962): 215–221. For a biography of Mizuno's work after the war, including his tenure as president of Japan Broadcasting Company (NHK), see Ōya Shōichi, “Mizuno shigeoron,” *Bungei shunju* 33, no. 22 (December 1955): 124–135.

104. Itō Akira, *Tenkō to tennōsei: Nihon kyōsanshugi undō no 1930nendai* (Tokyo: Keisō Shobō, 1995), 25–28; Asano and Kageyama, *Tenkō-Nihon e no kaiki*, 220–223.

105. Itō Akira contends that while Mizuno and Hirata probably had a heated theoretical debate, the point for Hirata was not “the total rejection of Marxian thought, [but rather] pressing the single point of the kokutai.” Itō, *Tenkō to tennōsei*, 27.
106. Asano and Kageyama, *Tenkō-Nihon e no kaiki*, 225–226.
107. Asano Akira quoted in Itō, *Tenkō to tennōsei*, 25.
108. Asano and Kageyama, *Tenkō-Nihon e no kaiki*, 226. Asano argues that Hirata was “95%” responsible for the defections that occurred at this time (223).
109. Itō, *Tenkō to tennōsei*, 26, 21, 40; see also Itō, “Tenkō mondai no Ikkōsatsu,” 30.
110. Hirata Isao, cited in Itō, *Tenkō to tennōsei*, 29.
111. See Kobayashi Morito’s biographical account of his conversion, written under the pen name Ono Yōichi, *Kyōsantō o dassuru made* (Tokyo: Daidōsha, 1932). This text is analyzed in chapter 3.
112. Mitchell, *Thought Control in Prewar Japan*, 141.
113. For early youth reformatories, see David Ambaras, *Bad Youth: Juvenile Delinquency and the Politics of Everyday Life in Modern Japan* (Berkeley: University of California Press, 2006), 44–65 and 104–105. See also Moriya Katsuhiko, *Shōnen no hikō to kyōiku: Shōnen hōsei no rekishi to genjō* (Tokyo: Keisōshobō, 1977), chapter 3. For early parolee “protection” services, see Uchida Hirofumi, *Kōsei hogo no tenkai to kadai* (Kyoto: Hōritsu Bunkasha, 2015), 1–8 and 9–26. On this early history of reform, see also Kōsei Hogo Gojūnen Shi Henshū Iinkai, ed., *Kōsei hogo gojūnen shi: Chiiki shakai to tomo ni ayumu kōsei hogo* (Tokyo: Zenkoku Hogoshi Renmei, 2000), vol. 1: 3–7.
114. On the new Juvenile Law of 1922, see Moriya, *Shōnen no hikō to kyōiku*, chapter 4; Ambaras, *Bad Youth*, chapter 4.
115. This law is reprinted in Uchida, *Kōsei hogo no tenkai to kadai*, 10–16. For the legal debates over this law, see 17–19.
116. Uchida, *Kōsei hogo no tenkai to kadai*, 20.
117. Ambaras, *Bad Youth*, 107–108.
118. For an early explanation of reform related to these new suspension policies, see “Kiso yūyosha shikkō yūyosha no hogo ni tsuite,” *Hōsei kaihō* 10, no. 3 (June 1926): 4–11. On the rise of hogoshugi in regard to youth crime in prewar Japan, see Moriya, *Shōnen no hikō to kyōiku*, 61–151.
119. On criminal rehabilitation in general in prewar Japan, see Suzuki Kazuhisa, “Waga kuni no kōsei hogo jigyo no hatten to kokusaiteki hanzaisha shogū no dōkō,” in *Kōsei hogo no kadai to tenbō: Kōsei hogo seido shikō soshūnen kinen ronbunshū* (Tokyo: Nihon Kōsei Hogo Kyōkai, 1999), 131–160.
120. Miyake Masatarō, *An Outline of the Japanese Judiciary*, 2nd ed., rev. (Tokyo: Japan Times and Mail), 25.
121. Okudaira, *Chianijihō shōshi*, 158. However, the number of Suspended Indictments remained relatively low during this period; for instance, only sixteen cases in 1928 and twenty-seven in 1929. It was not until 1930 that procurators started to use this more (292 cases in 1930), and subsequently, with the establishment of Charges Withheld in 1931. See the graph in Mitchell, *Thought Control in Prewar Japan*, 142.
122. An excerpt of Directive No. 270 is reprinted in Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 539–540.

123. For a brief summary of these policies in the early 1930s, see Nakazawa, *Chianijihō*, 137–141.
124. Ogino, *Shisō kenji*, 60–61.
125. This procedure was formalized in Directives No. 1527 (1928), No. 1637 (1928), and No. 1637 (1929). See Shihōshō Keijikyoku Shisōbu, ed., “Shisō jimu ni kansuru kunrei tsūchoshū,” in *Shisō kenkyū shiryō*, Tokushū 1 gō (September 1932): 15–19.
126. See Shihōshō keijikyoku shisōbu ed., “Shisō jimu ni kansuru kunrei tsūchoshū,” 19–35.
127. Regulation No. 2006, “Shisōhannin taisuru ryūho shobun toriatsukai kitei” (December 26, 1932), reprinted in Ogino, *Chianijihō kankei shiryōshū*, vol. 1, 541–542. See also: Ogino *Shisō kenji*, 60–61.
128. This protocol is reviewed in Ogino, *Shisō kenji*, 61; Okudaira, *Chianijihō shōshi*, 160.
129. “Shisōhannin taisuru ryūho shobun toriatsukai kitei,” 541.
130. Okudaira reports that over 80 percent of guarantors were family members of the suspect. Okudaira, *Chianijihō shōshi*, 160.
131. An observation made by Poulantzas is suggestive here: “The massive accumulation of paper in the modern state organization is not merely a picturesque detail but a material feature essential to its existence and functioning.” Poulantzas attributes this function of the accumulation of paper to the “intellectuals-functionaries,” which we could apply to thought procurators (shisō kenji) like Hirata Isao. See Poulantzas, *State, Power, Socialism*, 59.
132. Hong, *Senjiki chōsen no tenkōsha-tachi*, 47.
133. This percentage is derived from the graph in Mitchell, *Thought Control in Prewar Japan*, 142.
134. On reform efforts targeting Koreans who committed conventional crime, see Kim Songon, “Chōsenjin no shihō hogo ni tsuite,” *Hogo Jihō* 14, no. 12 (December 1934): 32–37. The disparity between metropolitan and colonial implementations of the Peace Preservation Law is also noted in Chulwoo Lee, “Modernity, Legality and Power in Korea under Japanese Rule,” in *Colonial Modernity in Korea*, ed. Gi-Wook Shin and Michael Robinson (Cambridge, MA: Harvard University Press, 1999), 48.
135. Yoshida Hajime, “Chōsen ni okeru shisōhan no kakei narabini ruihan jōkyō,” *Shisō jōsei shisatsu hōkokushū* (Sono 6), in *Shisō kenkyū shiryō: Tokushū dai 69 gō*, ed. Shihōshō keijikyoku, reprinted in *Shakai mondai shiryō sōsho: Dai 1 shū* (Tokyo: Tōyō Bunkasha, 1971), 9.
136. Mizuno, “Chianijihō to chōsen • Oboegaki,” 50–51.
137. Foucault, *Discipline and Punish*, 251.
138. Foucault, *Discipline and Punish*, 251.
139. Recall Poulantzas’s qualification of Louis Althusser’s distinction between Repressive State Apparatuses and Ideological State Apparatuses in the introduction, wherein he argues that specific apparatuses can “slide” between repressive and ideological functions. Poulantzas, *State, Power, Socialism*, 33.
140. See “Chianijihō ihan jiken nendo betsu shori jinin hyō,” in *GSS45*, 647. Although there are some minor differences in the exact numbers, see also Mitchell, *Thought Control in Prewar Japan*, 142; Steinhoff, *Tenkō*, 47; Nakazawa, *Chianijihō*, 130–131. According

to a Special Higher Police (Tokkō) report, over the Peace Preservation Law's twenty-year history, while 67,431 persons were arrested under the law in the home islands, only 5,595 (8.3 percent) individuals were prosecuted. See Yūgami Kōichi, "Jidai haikai ni tsuite," in Kobayashi, *"Tenkōki" no hitobito*, 270.

### CHAPTER 3. Apparatuses of Subjection

1. The title of this chapter derives from Warren Montag, "Althusser and Foucault: Apparatuses of Subjection," in *Althusser and His Contemporaries: Philosophy's Perpetual War* (Durham, NC: Duke University Press, 2013).

2. Louis Althusser, "Ideology and Ideological State Apparatuses (Notes Towards an Investigation)," in *Lenin and Philosophy and Other Essays*, trans. Ben Brewster (New York: Monthly Review Press, 2001), 85–126. A few scholars have suggested the theoretical purchase of Althusser's theory of the ISAs to understand the emperor system in modern Japan. For example, Harry Harootunian has drawn upon Althusser's theory and argued that the imperial institution has functioned to interpellate Japanese "as subjects (not primarily imperial subjects—shinmin—even though this was obviously included in the formulation, but as subjects—shutai or shukan)" in both the pre- and postwar periods. Harry Harootunian, "Hirohito Redux," *Critical Asian Studies* 33, no. 4 (2001): 609. Ultimately, Harootunian critiques Althusser's assumption that there is a nonideological outside from which science can illuminate the operations of ideology. For this reason, he turns to Slavoj Žižek's qualification of Althusser's theory of interpellation (609–611). For Žižek's theory of ideology, see Slavoj Žižek, *The Sublime Object of Ideology* (London: Verso, 2008); Slavoj Žižek, "The Spectre of Ideology," in *Mapping Ideology*, ed. Slavoj Žižek (New York: Verso, 1994), 1–33. In regard to the 1930s in particular, James Dorsey has suggested in passing that the ideological conversions of the 1930s "were prompted by a combination of what Althusser has called 'Ideological State Apparatuses and Repressive State Apparatuses.'" James Dorsey, "From Ideological Literature to a Literary Ideology: 'Conversion' in Wartime Japan," in *Converting Cultures: Religion, Ideology and Transformations of Modernity*, ed. Dennis Washburn and A. Kevin Reinhart (Leiden: Brill, 2007), 466. Following these suggestions, my objective in this chapter is to more fully elaborate the operations of imperial state ideology through the lens of Althusser's theory of ISAs.

3. The canonical text on tenkō in English is Patricia Steinhoff's 1969 PhD dissertation, later published as: *Tenkō: Ideology and Societal Integration in Prewar Japan* (New York: Garland, 1991). Similar to Richard Mitchell's early studies of the Peace Preservation Law, Steinhoff explains tenkō as addressing the need for social integration during a particularly turbulent period of Japanese modernization.

4. For examples of tenkō as an intellectual phenomenon, see Yamyō Kenji, *Tenkō no jidai to chishikijin* (Tokyo: Sanichi Shobō, 1978); Andrew Barshay, *State and Intellectual in Imperial Japan: The Public Man in Crisis* (Berkeley: University of California Press, 1988). In the case of colonial Korea, see Matsuda Toshihiko, "Shokuminchi makki chōsen ni okeru tenkōsha no undō: Kang Yōng-sōk to nihon kokutai gaku • tōa renmei undō," *Jinbun Gakuhō* 79 (March 1997): 131–161. Two exceptions to this intellectual



approach are Patricia Steinhoff's early sociological analysis of tenkō as state policy and Itō Akira's study of tenkō in the social history of the prewar communist movement. See Steinhoff, *Tenkō*; Itō Akira, *Tenkō to tennōsei: Nihon kyōsanshugi undō no 1930nendai* (Tokyo: Keisō Shobō, 1995).

5. For a thought-provoking attempt to understand the historical and political connections between Taishō democracy and Shōwa fascism, see Andrew Gordon, *Labor and Imperial Democracy in Prewar Japan* (Berkeley: University of California Press, 1992).

6. For instance, see Yamaryō, *Tenkō no jidai to chishikijin*. Andrew Barshay and Carl Friere have pointed out how, in the early postwar period, tenkō “served both narrowly as a moral litmus test in evaluating the careers of intellectuals active before and after the war and more broadly as a metaphor for the collective experience of an entire generation of Japanese.” Andrew Barshay and Carl Friere, “The Tenkō Phenomenon,” in *Sources of Japanese Tradition*, 2nd ed., vol. 2: 1600 to 2000, ed. Wm. Theodore de Bary, Carol Gluck, and Arthur E. Tiedemann (New York: Columbia University Press, 2005), 940.

7. Sano Manabu and Nabeyama Sadachika, “Kyōdō hikoku dōshi ni tsuguru sho” (1933), in *Sano Manabu chosakushū*, vol. 1, by Sano Manabu (Tokyo: Sano Manabu chosakushū kankōkai 1959), 3–20. For an English translation, see Sano Manabu and Nabeyama Sadachika, “A Letter to Our Fellow Defendants,” trans. Andrew Barshay and Carl Freire, in *Sources of Japanese Tradition*, 2nd ed., vol. 2, ed. Wm. Theodore de Bary, Carol Gluck, and Arthur E. Tiedman (New York: Columbia University Press, 2005), 940–947. For the JCP's reaction to the Sano-Nabeyama statement, see *Sekki* (*Red Flag*), June 16, July 1, and July 11, 1933. Fukunaga Misao argues that the distinguishing feature in the Sano-Nabeyama letter compared to Mizuno Shigeo's earlier critique of the JCP was their claim that the party had taken on a petit bourgeois character following the mass arrests of 1928–1929. See Fukunaga Misao, *Kyōsantōin no tenkō to tennōsei* (Tokyo: Sanichi Shobō, 1978), 29–30.

8. The first newspaper reports on Sano and Nabeyama's change in direction were in the morning editions on June 10. The letter was first published in its entirety in the July 1933 issue of the journal *Kaizō* and again in August in *Chūōkōron*. See Itō, *Tenkō to tennōsei*, 139–140. For a biographical recollection about how the letter was distributed in jail by procurators, see Hayashida Shigeo, “Tenkō būmu,” in *Gokuchū no shōwashi: Toyotama keimusho*, ed. Kazahaya Yasoji (Tokyo: Aoki Shoten, 1986), 102–106.

9. According to an article in the *Asahi Shimbun*, authorities distributed the letter to six hundred detained JCP members on June 13. Then on June 15 procurator Hirata Isao and chief procurator Miyagi Chōgorō met with Sano and Nabeyama at Ichigaya Prison in order to assess the situation among JCP members (“Tenkō dōi no kiun, jochō ni noridasu,” *Asahi Shimbun*, June 15, 1933, evening ed., 2). Similarly, Chaplain Fujii Eshō published a series of articles in the June 14, 15, and 17 editions of the morning *Yomiuri Shimbun* explaining “How Did Sano Manabu and the Others Convert?” (“Ika ni shite Sano Manabu-shi ra ha tenkō shita ka”) (see figure 3.3).

10. Patricia Steinhoff calculates that by the end of July, 548 other detained communists—133 convicted JCP members and 415 of those awaiting trial—had formally defected from the party, 31 percent (548) of the 1,762 communists in custody. Steinhoff, *Tenkō*,

6. Okudaira confirms this number: Okudaira Yasuhiro, *Chianijihō shōshi*, new ed. (Tokyo: Iwanami Shoten, 2006), 155. Ushiomi Toshitaka cites a 1936 report stating that 73 percent of those indicted under the Peace Preservation Law had committed tenkō by 1936. Ushiomi Toshitaka, *Chianijihō* (Tokyo: Iwanami Shoten, 1977), 100.
11. Itō, *Tenkō to tennōsei*, chapter 5; Nakazawa Shunsuke, *Chianijihō: Naze seitō seiji ha “akuho” o unda ka* (Tokyo: Chūōkō Shinsho, 2012), 141–144.
12. George Beckmann and Okubo Genji date the organizational death of the JCP to arrests that occurred in fall 1932. See George M. Beckmann and Genji Okubo, *The Japanese Communist Party, 1922–1945* (Stanford, CA: Stanford University Press, 1969), 237–238, 239–253.
13. As I will explain later in this chapter, Sano and Nabeyama did use the term “tenkō” in a subsequent addendum to the letter, but in a negative, pejorative, sense.
14. For example, see the original letter published in *Kaizō*, July 1933, 191–199.
15. For example, a headline in the June 10, 1933, morning edition of *Yomiuri Shimbun* declared that Sano and Nabeyama had “discarded communism and converted to fascism” (*fassho ni tenkō*). See figure 3.1.
16. See Regulation No. 2006, “Shisōhannin taisuru ryūho shobun toriatsukai kitei,” December 26, 1932, in Ogino Fujio, ed., *Chianijihō kankei shiryōshū* (Tokyo: Shinnihon Shuppansha, 1996), vol. 1, 541–542. See also Ogino Fujio, *Shisō kenji* (Tokyo: Iwanami Shoten, 2000), 60–61.
17. On the increased reform efforts made by the Justice Ministry, see Ogino, *Shisō kenji*, 72–76.
18. Sano Manabu and Nabeyama Sadachika, “Kinpaku seru naigai jōsei to nihon minzoku oyobi sono rōdōsha kaikyū sensō oyobi naibu kaikaku no sekkin o mae ni shite komintan oyobi nihon kyōsantō o jiko hihan suru,” *Shisō shiryō*, May 1933. This extremely rare hand-copied document was circulated to prisons throughout Japan as “Useful Materials for Thought Guidance,” or “Shisō kyōka no kōzairyō.” This document contains both Sano and Nabeyama’s longer explanation of their critique (11–118) as well as the letter to their fellow defendants (119–132).
19. There are debates over to what degree the authorities influenced the wording of this document. For a description of how Sano and Nabeyama came to draft this letter, see Nakano Sumio, “Sano, Nabeyama tenkō no shinsō,” *Kaizō*, July 1933, 200–204. Elsewhere, Yoshimoto Takaaki disagrees with Honda Shūgo’s argument that Sano and Nabeyama’s letter bears the mark of state pressure, and rather argues that he believes “the intellectual content of the statement to be independent of the process that created it.” Yoshimoto Takaaki, “On Tenkō, or Ideological Conversion” (1958), trans. Hisaaki Wake, in *Translation in Modern Japan*, ed. Indra Levy (London: Routledge, 2011), 103.
20. For example, the entry for tenkō in the authoritative *Kodansha Encyclopedia of Japan* tells us that the “term was coined in 1933 by Sano Manabu and Nabeyama Sadachika” when they “announced from prison that they had made a political ‘change of direction’ and were breaking their ties with the Communist Party.” Entry for “tenkō” in Kodansha, ed., *Kodansha Encyclopedia of Japan*, vol. 8 (Tokyo: Kodansha, 1983), 6–7.
21. For instance, see Tokuo Kazuo, *Chianijihō ihan jiken no saihan ni kansuru kenkyū* (Tokyo: Shihōshō Keijikyoku, 1938).



22. For instance, see Shimane Kiyoshi, *Tenkō: Meiji ishin to bakushin* (Tokyo: Sanichi Shobō, 1969); Takeuchi Yoshimi, “What Is Modernity? (The Case of Japan and China)” (1948), in *What Is Modernity? Writings of Takeuchi Yoshimi*, by Takeuchi Yoshimi, trans. Richard F. Calichman (New York: Columbia University Press, 2005), 53–81, esp. 74–76. This tendency to see tenkō as a constitutive principle in Japanese modernity continues today. For instance, in his attempt to distinguish between what he calls the “Taishō-thing” and “Shōwa-thing” (Taishōteki na mono, Shōwateki na mono), Karatani Kōjin finds multiple conversions (tenkō) occurring in the prewar period, which he theorizes as when writers and intellectuals posit an other/otherness (*tasha/tashasei*) to be internalized and/or overcome, including God in mid-Meiji Christianity (e.g., Uchimura Kanzō), through naturalism, to the otherness of the masses (*taishū*) informing proletarian literature, and finally the West in the discourses of “returning to Japan” (*nihon kaiki*) and “overcoming modernity” (*kindai no chōkoku*). See Karatani’s essay: “Kindai nihon no hihyō: Shōwa senki,” in *Kindai nihon no hihyō*, 1, ed. Karatani Kōjin (Tokyo: Iwanami Shoten, 1997), 13–44, in particular, 39–41.

23. For instance, see two collections of essays: Saotome Yūgorō, ed., *Tenkōsha no shuki* (Tokyo: Daidōsha, 1933); and Kobayashi Morito, ed., *Tenkōsha no shisō to seikatsu* (Tokyo: Daidōsha, 1935). I will analyze these two works later in this chapter and in chapter 4. For the officially recognized motivations for tenkō, see the reports summarized in Nakazawa, *Chianijihō*, 143; also Steinhoff, *Tenkō*, 99–127.

24. For instance, see Hirata Isao, “Kyōsantōin no tenkō ni tsuite,” mimeograph of lecture, February 8, 1934, archived at the Ōhara Institute for Social Research, Hōsei University, Tokyo.

25. Itō, *Tenkō to tennōsei*, 135.

26. For an overview of these debates, see Victor J. Koschmann, *Revolution and Subjectivity in Postwar Japan* (Chicago: University of Chicago Press, 1996).

27. On Science of Thought, see Adam Bronson, *One Hundred Million Philosophers: Science of Thought and the Culture of Democracy in Postwar Japan* (Honolulu: University of Hawai‘i Press, 2016).

28. Tsurumi Shunsuke, “Tenkō no kyōdō kenkyū ni tsuite,” in *Kyōdō kenkyū: Tenkō*, vol. 1, ed. Shisō no Kagaku Kenkyūkai (Tokyo: Heibonsha, 1959), 6. See also Tsurumi Shunsuke, *An Intellectual History of Wartime Japan, 1931–1945* (London: KPI Limited, 1986), 12–13.

29. Tsurumi, *An Intellectual History of Wartime Japan*, 12. See also Tsurumi, “Tenkō no kyōdō kenkyū ni tsuite,” 5–7.

30. For just a few examples of the continuing influence of Tsurumi’s definition, see Patricia G. Steinhoff, “Tenkō and Thought Control,” in *Japan and the World: Essays on Japanese History and Politics in Honour of Ishida Takeshi*, ed. Gail Lee Bernstein and Haruhiro Fukui (New York: St. Martin’s, 1988), 78–94; and, extended to the case of colonial Korea, Hong Jong-wook, *Senjiki chōsen no tenkōsha-tachi: Teikoku / shokuminchi no tōgō to kiretsu* (Tokyo: Yūshisha, 2011), 2–6.

31. Okudaira Yasuhiro, “Some Preparatory Notes for the Study of the Peace Preservation Law in Pre-War Japan,” *Annals of the Institute of Social Science*, no. 14 (1973): 53. Okudaira went on to write the foundational studies on the Peace Preservation Law.

However, by approaching tenkō solely as an administrative policy in the prewar Japanese justice system, Okudaira and others necessarily set aside questions of ideology, power, and subjection and did not analyze the myriad ways individuals practiced and experienced tenkō under the guidance of the state. When tenkō is mentioned in these institutional studies, it is often explained as a uniquely Japanese mode for dealing with political crime. For instance, Richard Mitchell argues that the tenkō policy “was a humane method of handling communist political criminals” that “fit in so snugly with traditional values.” See Richard H. Mitchell, *Janus-Faced Justice: Political Criminals in Imperial Japan* (Honolulu: University of Hawai‘i Press, 1992), 156–157.

32. Nabeyama Sadachika, “Tenkō o megutte,” in *Kataritsugu shōwashi*, vol. 1, ed. Itō Takashi (Tokyo: Asahi Bunko, 1990), 215. It could be argued that Nabeyama was trying to justify his defection by emphasizing internal spontaneity. However, we can find this emphasis in other theories of tenkō as well. For instance, in his 1958 essay “On Tenkō,” Yoshimoto Takaaki argues that the Sano-Nabeyama statement contains positions written from “internal conviction” and thus rejects the argument that “compulsory force and oppression by the authorities were the most significant elements among the external conditions of Japanese ideological conversion.” However, even though he grants Sano and Nabeyama “internal conviction,” Yoshimoto argues that they were, ultimately, “backwater intellectuals” (*inaka interi*) who failed to confront the dual social structure of modern Japan, which consisted of both modern elements and feudal remnants. Consequently, Yoshimoto argues that, having abandoned the modern social theory of Marxism, their conversion represented an “unconditional surrender to the dominant elements of Japanese feudalism.” Yoshimoto Takaaki, “Tenkōron” (1958), in *Yoshimoto Takaaki Zenhūsen*, vol. 3: *Seiji shisō* (Tokyo: Daiwa Shobō, 1986), 15, 19. English translation: Yoshimoto Takaaki, “On Tenkō, or Ideological Conversion” (1958), trans. Hisaaki Wake, in *Translation in Modern Japan*, ed. Indra Levy (London: Routledge, 2011), 106, 109.

33. See Nabeyama, “Tenkō o megutte,” 236–240, 227–230. In the 1990s, Tsurumi published an essay in which he recognized that Shisō no kagaku kenkyūkai’s study failed to take into consideration the particular circumstances of the JCP in the 1930s. See Tsurumi Shunsuke, “Kokumin to iu katamari ni umekomarete,” in *Tenkō sairon*, by Tsurumi Shunsuke, Suzuki Tadashi, and Iida Momo (Tokyo: Heibonsha, 2001), 7–30.

34. See Althusser, “Ideology and Ideological State Apparatuses,” 114.

35. For an outline of ideology in Althusser’s theoretical trajectory leading up to the 1970s article, see Gregor McLennan, Victor Molina, and Roy Peters, “Althusser’s Theory of Ideology,” in *On Ideology*, ed. Center for Contemporary Cultural Studies (London: Hutchinson University Library, 1978), 77–105. The *La Pensée* article combined portions of draft notes that Althusser had written in 1969 and 1970, in which he was starting to elaborate a theory of the determinations of law, ideology, and the state in the reproduction of capitalism. These notes were published posthumously as Louis Althusser, *On the Reproduction of Capitalism: Ideology and Ideological State Apparatuses* (London: Verso, 2014). Balibar has called these notes a “partial montage” of a more systematic theory that was, by its very nature, “unfinishable.” Étienne Balibar, “Althusser and the ‘Ideological State Apparatuses,’” in Althusser, *On the Reproduction of Capitalism*, ix. See also

Warren Montag, *Althusser and His Contemporaries: Philosophy's Perpetual War* (Durham, NC: Duke University Press, 2013), 142.

36. As I noted in the introduction, I am purposely disregarding Althusser's problematic theory of interpellation, which he develops from Lacan, and rather will focus on his theory of ISAs in order to analyze the policies and practices developed in criminal reform groups like the Imperial Renovation Society.

37. Some have critiqued Althusser for extending the state beyond its conventional parameters. For instance, see Perry Anderson, "The Antinomies of Antonio Gramsci," *New Left Review*, no. 100 (November–December 1976): 35–36.

38. In an interview, Foucault explained a *dispositif* as "a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral, and philanthropic propositions—in short, the said as much as the unsaid. Such are the elements of the apparatus [*dispositif*]. The apparatus itself is the system of relations that can be established between these elements." Michel Foucault, "Confession of the Flesh" (interview with *Ornicar?*, July 10, 1977), in *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*, ed. Colin Gordon (New York: Pantheon, 1980), 194. Foucault elaborated that a *dispositif* is a "formation which has as its major function at a given historical moment that of responding to an *urgent need*. The apparatus thus has a dominant strategic function" (195). Foucault theorizes a *dispositif* as animated by two strategic tendencies: first, the apparatus is functionally overdetermined as its effects resonate throughout its other elements, and second, Foucault notes, "there is a perpetual process of *strategic elaboration*" that alters the strategic direction of the apparatus (195). On Foucault's theory of *dispositif*, see Giorgio Agamben, *What Is an Apparatus? And Other Essays*, trans. David Kishik and Stefan Pedatella (Stanford, CA: Stanford University Press, 2009).

39. In a 1970 postscript to the ISA essay, Althusser attempted to distinguish between the function of ideology in reproduction and the constitutive exploitation of capitalist social relations more generally. See Althusser, "Ideology and Ideological State Apparatuses," 124.

40. Althusser, "Ideology and Ideological State Apparatuses," 96, 97. In his draft notes on ISAs, Althusser succinctly explained, "An Ideological State Apparatus is a system of defined institutions, organizations, and the corresponding practices. Realized in these institutions, organizations, and practices of this system is all or part (generally speaking, a typical combination of certain elements) of the State Ideology. The ideology realized in an ISA ensures its systemic unity on the basis of an 'anchoring' in material functions specific to each ISA; these functions are not reducible to that ideology, but serve it as a 'support.'" Althusser, *On the Reproduction of Capitalism*, 77.

41. Althusser, "Ideology and Ideological State Apparatuses," 101.

42. Althusser, *On the Reproduction of Capitalism*, 70.

43. Althusser, "Ideology and Ideological State Apparatuses," 114.

44. Althusser, "Ideology and Ideological State Apparatuses," 115. Warren Montag points out that Pascal's "hypothetical libertine . . . poses more complicated problems" since the libertine desires to believe in God but only encounters emptiness. Montag

argues that while Pascal is presenting a “theory of the conditioning of the mind through the body that makes the soul a mere reflection of the body without substance or material form,” Althusser “has set for himself the directly opposite objective: to demonstrate the material existence of ideas, beliefs, and consciousness.” Montag, *Althusser and His Contemporaries*, 153–154.

45. Althusser, “Ideology and Ideological State Apparatuses,” 116–117. On this point, see Judith Butler, “Conscience Doth Make Subjects of Us All: Althusser’s Subjection,” in *The Psychic Life of Power: Theories in Subjection* (Stanford, CA: Stanford University Press, 1997), 112. For an incisive critique of Butler’s reading of Althusser, see Matthew Lampert, “Resisting Ideology: On Butler’s Critique of Althusser” in *Diacritics* 43, no. 2 (2015): 124–147.

46. Althusser likens interpellation to a police officer’s hail on the street corner—“Hey, you there!”—which we naturally respond to since we recognize that, of course, the hail was meant for us. Hailing is not an empirical sequence but rather an internal logic of ideology; it does not happen out there but is simultaneous and constitutive of ideology. Althusser recognizes the impossibility of the “temporal succession” constitutive of his theory of interpellation, noting that “in reality these things happen without any succession. The existence of ideology and the hailing or interpellation of individuals as subjects are one and the same thing.” Althusser, “Ideology and Ideological State Apparatuses,” 118. Furthermore, as many theorists have noted, Althusser’s theory rests upon a subtle but necessary theoretical impossibility: that is, the notion of a presubjected “concrete individual” (118). Judith Butler notes, “If there is no subject except as a consequence of this subjection, the narrative that would explain this requires that the temporality not be true, for the grammar of that narrative presupposes that there is no subjection without a subject who undergoes it.” See Butler, “Conscience Doth Make Subjects of Us All,” 117, 111–112. In addition to Lampert’s critique of Butler mentioned earlier, see also: Pierre Macherey, “Judith Butler and the Althusserian Theory of Subjection,” trans. Stephanie Bundy, *Décalages* 1, no. 2 (2013): 1–22.

47. Althusser, “Ideology and Ideological State Apparatuses,” 115, 123.

48. Althusser, “Ideology and Ideological State Apparatuses,” 123.

49. On this question, see Butler, “Conscience Doth Make Subjects of Us All,” 106–131.

50. Critiquing Poulantzas, Laclau argues that the multiple and overdetermined nature of ideological interpellations renders the process in which a fully interpellated class subject is formed “never . . . complete: it will always have an ambiguity.” From this, Laclau asks “how are ideologies transformed?” to which he answers, “through class struggle, which is carried out through the production of subjects and the articulation/disarticulation of discourses.” Ernesto Laclau, “Fascism and Ideology,” in *Capitalism, Fascism, Populism: Politics and Ideology in Marxist Theory* (London: Verso, 1977), 109. For Poulantzas’s passing mention of disarticulation, see Nicos Poulantzas, “Internationalization of Capitalist Relations and the Nation-State,” in *The Poulantzas Reader: Marxism, Law and the State*, ed. James Martin (London: Verso, 2008), 253, 258.

51. See Hong, *Senjiki chōsen no tenkōsha-tachi*. Also Keongil Kim, “Japanese Assimilation Policy and Thought Conversion in Colonial Korea,” in *Colonial Rule and Social Change in Korea, 1910–1945*, ed. Hon Yung Lee, Yong Chool Ha, and Clark W. Sorensen (Seattle: Center for Korean Studies, University of Washington Press, 2013), 206–233.

52. If anything, this decision would constitute an act of what Jean-Paul Sartre had called “bad faith,” in which consciousness negates both the freedom and the decision upon which someone chooses from a given range of options. On “bad faith,” see Jean-Paul Sartre, *Being and Nothingness: A Phenomenological Essay on Ontology*, trans. Hazel E. Barnes (New York: Washington Square, 1953), 47–70.

53. On so-called *gisō-tenkō*, see Steinhoff, *Tenkō*, 195–196.

54. Itō Akira makes this argument. See Itō, “‘Hyōmen no ito’ no tsuikyū to tenkō no yarinaoshi,” in *Tenkō to tennōsei*, 274–287.

55. Foucault was not willing to reduce power to a function of capitalist exploitation, what he later critiqued as the “economism” in liberal and Marxian theories of power. See Michel Foucault, “Two Lectures,” in *Power/Knowledge*, 88–89. However, Althusser directly argued, “Everything that happens in a capitalist social formation, including the forms of state repression that accompany it . . . is rooted in the material base of capitalist relations of production, which are relations of capitalist exploitation, and in a system of production in which production is itself subordinated to exploitation and thus to the production of capital on an extended scale.” Althusser, *On the Reproduction of Capitalism*, 33, italics in original.

56. On *tenkō* literature, see: Yukiko Shigeto, “The Politics of Writing: *Tenkō* and the Crisis of Representation” (PhD diss., University of Washington, 2009); George Sipos, “The Literature of Political Conversion (*Tenkō*) of Japan” (PhD diss., University of Chicago, 2013). The Rōdō undōshi kenkyūkai (Labor Movement History Research Group) is one of the few groups to have noted Kobayashi’s important role in the *tenkō* phenomenon. Kobayashi delivered a series of closed lectures to this research group in the mid-1970s. Drafts of these lectures were distributed within the Rōdō undōshi kenkyūkai under the title “Nihon shakai undōshi hishi.” Chapters 4 through 7 are archived at Ohara shakai mondai kenkyūsho at Hosei University, Tokyo. Portions of these lectures were published as “Waga hansei no kaisō” in *Rōdō undōshi kenkyū*, no. 9 (1972). Later these lectures were revised and published as Kobayashi Morito, “*Tenkōki no hitobito: Chianijihōka no katsudōka gunzō*” (Tokyo: Shinjidaisha, 1987). For secondary research on Kobayashi Morito conducted by members of the Rōdō undōshi kenkyūkai, see Itō, *Tenkō to Tennōsei*; Ishidō Kiyotomo, “Kobayashi Morito no tadotta michi,” in Kobayashi, “*Tenkōki no hitobito*, 253–267.

57. A short biographical summary of Kobayashi Morito’s life can be found in Tsunazawa, *Nō no shisō to nihon kindai* (Nagoya: Fubaisha, 2004), 10–13. For Kobayashi’s reflections on his life trajectory, see Kobayashi, “*Tenkōki no hitobito*, 12–27.

58. For information on the 1928 general elections, see Thomas Havens, “Japan’s Enigmatic Election of 1928,” *Modern Asian Studies* 11, no. 4 (1977): 543–555.

59. Kobayashi Morito (Ono Yōichi, pseud.), *Kyōsantō o dassuru made* (Tokyo: Daidōsha, 1932), 1.

60. Kobayashi, “*Tenkōki no hitobito*, 20.

61. Kobayashi, “*Tenkōki no hitobito*, 21. This use of *tenkō* is anachronistic for the period Kobayashi is recounting; it would be a few more years before *tenkō* came to signify an act of defection or apostasy.

62. For the prosecution’s case against Kobayashi Morito and twelve other suspects, see “Kobayashi Morito hoka jūnimei chianijihō ihan hikoku jiken yoshin shūketsu

kettei sho," in *Shakaishugi undō*, vol. 3: *Gendaishi shiryō* 16, ed. Yamabe Kentarō (Tokyo: Misuzu Shobō, 1965), 540–546.

63. For a short biography on Miyagi, see Ko Miyagi Moto Shihō Daijin Kenpi Jikkōiin Jimusho, ed., *Miyagi Chōgorō shōden* (Tokyo: Ko Miyagi Moto Shihō Daijin Kenpi Jikkōiin Jimusho, 1950). For Fujii, see Yamashita Zongyō, "Fujii Eshō," in *Nihon keiji seisakushi jō no hitobito kenkyūkai*, ed. Nihon Keiji Seisaku Kenkyūkai (Tokyo: Nihon Kajo Shuppan, 1989).

64. In an interview with Patricia Steinhoff in December 1967, a tenkōsha named Kawasaki Tateo reports that while the leadership of the JCP were held in Ichigaya Prison, many rank-and-file members were held in Toyotama Prison. See Steinhoff, *Tenkō*, 149. For documents and reflections written by activists held in Toyotama Prison, see the first part: "Gokuchū no ki," in Kazahaya, *Gokuchū no shōwashi*, 5–107.

65. Tellingly, in the postwar Kobayashi narrates his experiences in prison and at the Imperial Renovation Society as a series of encounters with fate (*innen*) and destiny (*shukuen*), particularly meeting Chaplain Fujii and Chief Procurator Miyagi while serving his prison sentence in Tokyo. See Kobayashi, "*Tenkōki*" *no hitobito*, 24–26.

66. In a 1933 publication, Kobayashi is listed as an "Imperial Renovation Society Rehabilitation Counselor" (Teikoku kōshinkai hogo iin). See Kobayashi Morito, "Shisōhan no hogo o ika ni subeki ya: Teikoku kōshinkai ni okeru jiken ni motozuite," *Hogo Jihō* 17, no. 6 (June 1933): 16–24, reprinted in Ogino Fujio, ed., *Chianijihō kankei shiryōshū*, vol. 3 (Tokyo: Shinnihon Shuppansha, 1996), 13–18. Ogino lists this essay as published in the May issue. Despite this, the pagination I reference comes from the Ogino collection.

67. Other rehabilitation groups at the time focused on parolees (*karishakuhō*) or those who had finished their full prison sentences. For a discussion of the Imperial Renovation Society in comparison to other *hogo dantai*, see Ko Miyagi Moto Shihō Daijin Kenpi Jikkōiin Jimusho ed., *Miyagi Chōgorō shōden*, 153–160.

68. Miyagi was an early proponent of *hogoshugi* within the Justice Ministry, and spent his entire life advocating for the importance of rehabilitation, particularly in relation to juvenile delinquents. See Akira Morito, "Taishō shōnenhō no shikō to 'shihō hogo' no gainen," *Hanzai Shakai Kenkyū* 20 (1997): 64–86; Kasagi Nihaya, "Miyagi Chōgorō no shōnenhō shisō," *Takada Hōgaku*, no. 4 (March 2005): 1–16; Ko Miyagi Moto Shihō Daijin Kenpi Jikkōiin Jimusho ed., *Miyagi Chōgorō shōden*; Yamada Kenji, "Miyagi Chōgorō," *Tsumi to batsu* 34, no. 1 (1996): 47–53. For Miyagi's writings on the relationship between thought crime and hogo, see Miyagi Chōgorō, *Hōritsuzen to hōritsuaku* (Tokyo: Dokusho Shinpōsha Shuppanbu, 1941), part 5.

69. See Kobayashi, "Shisōhan no hogo o ika ni subeki ya," 17; Kobayashi, "*Tenkōki*" *no hitobito*, 120.

70. On these funding sources, see Ko Miyagi Moto Shihō Daijin Kenpi Jikkōiin Jimusho ed., *Miyagi Chōgorō shōden*, 155–156.

71. Based on a report from 1935, Itō Akira provides the following numbers of thought criminals under supervision at the center: 1931–1932, 8 people; 1932–1933, 43 people; 1933–1934, 143 people; and 1934–1935, 178 people. Itō, *Tenkō to tennōsei*, 228. Kobayashi reports that on any given day, upwards of fourteen or fifteen people would be looking for employment counseling. Kobayashi, "*Tenkōki*" *no hitobito*, 225.



72. Kobayashi, *Kyōsantō o dassuru made*.

73. Looking back on the importance of this text, Kobayashi's advisee and colleague Chaplain Fujii Eshō recounts that after this book was published, the Imperial Renovation Society soon found itself assisting over two hundred paroled thought criminals. See Fujii Eshō, "Shisōhan shakuhōsha no hogo hōhō," *Hogo Jihō* 19, no. 1 (January 1935): 16.

74. Kobayashi, *Kyōsantō o dassuru made*, 75, 172, 161, 150, and 159 respectively. These are just a few of the terms that Kobayashi uses to signify his conversion process throughout the text.

75. Consider for instance the title of the work—*Up until Leaving the Communist Party*. On one level, this suggests a temporal logic of narrative closure. That is, it is not whether Kobayashi discarded communism, but rather an explanation—and thus an instructional aid—for how one abandons radical politics. At the same time, this also reflects Althusser's theory of the retroactive temporality at work in ideological subjection discussed earlier.

76. Chapters 1 through 5 are titled as follows: "The 3.15 Incident," "The Sprouts [mebae] of Marxism," "The Leveller's Movement," "A Friend to the Small Cultivators," and "Marxist Vanguard."

77. Kobayashi, *Kyōsantō o dassuru made*, 56.

78. On the idea of the vanishing mediator, see Fredric Jameson, "The Vanishing Mediator: Narrative Structure in Max Weber," *New German Critique*, no. 1 (winter 1973): 52–89.

79. Kobayashi, *Kyōsantō o dassuru made*, 66. In an insightful interpretation, Tsunazawa understands the function of mountains, rivers, and rice fields in Kobayashi's writing as symbolizing the space of the village as a site of healing: "Even in the world of the village, replete more so than anywhere else with poverty and contradiction, [the village] performs a sufficient function as a space where wounds are mended." Tsunazawa, *Nō no shisō to nihon kindai*, 21.

80. See Kobayashi, *Kyōsantō o dassuru made*, 74–76.

81. Kobayashi, *Kyōsantō o dassuru made*, 81.

82. Kobayashi, *Kyōsantō o dassuru made*, 88.

83. Kobayashi, *Kyōsantō o dassuru made*, 122.

84. Kobayashi reports that he was influenced by a book by Kobayashi Sanzaburō to explore the connection between mind and body, spiritual and physical health. See Kobayashi Sanzaburō, *Seimei no shinpi: Ikiru chikara to ijutsu no gacchi* (Kyoto: Seizasha, 1922).

85. This sequence of Kobayashi's reunification of mind and body unfolds through a series of chapters titled "Injury of Flesh" ("Ketsuniku e no nayami"), "The First Step in the Change in Direction," "Madness? Death?," "The Mystery of Life," "The Body's Rehabilitation" ("Nikutai no fukkatsu"), and finally, "The Erasure of Marxism."

86. This notion of unification (gacchi) will be a continuing ideological trope in Kobayashi's later writings. It is predicated on Kobayashi's claim that unlike Western materialism, Japanese thought conceives of mind and body, ideas and matter, as inseparably connected, what he understands through the Buddhist principle "busshin



ichinyo” (roughly: “matter and mind are one”). See Kobayashi’s later writing: *Tenkōsha no shisō to seikatsu*, 10.

87. Kobayashi, *Kyōsantō o dassuru made*, 52. This is a common trope in tenkō biographies; we will see how another convert, Kojima Yuki, explained the appeal of the JCP in this way later in this chapter.

88. Kobayashi, *Kyōsantō o dassuru made*, 150–151.

89. Kobayashi, *Kyōsantō o dassuru made*, 176–180. On the use of “self” (*jiga*, *jibun*, *jiko*) in conversion biographies, see Steinhoff, *Tenkō*, 132.

90. Kobayashi, *Kyōsantō o dassuru made*, 181.

91. Kobayashi, *Kyōsantō o dassuru made*, 180.

92. In this schema, society was no longer understood as constituted by class conflict, but had become a multiplicity of wills that were sublimated at a higher plane. Kobayashi argued that without these multiple wills and their sublimation, “this world would perish into mere scientific existence” (*Kyōsantō o dassuru made*, 153). These wills provided the drive for self-betterment, but required their mediation at a higher plane through what he sees as a transcendental “blind will” (*mōmokuteki ishi*)—that is, the domain of Buddha’s mercy. Here Kobayashi argued that “Buddhist faith is the fusion [*yūgō*] of our egos [*wareware no shōga*]; it is here that our world has formed” (153).

93. In the preface to the text, Kobayashi writes, “Unable to discover personal solace in Marxism, in the end I have arrived at religion,” again emphasizing socialist activism as a search for individual peace. Kobayashi, *Kyōsantō o dassuru made*, 4.

94. Kobayashi, *Kyōsantō o dassuru made*, 169.

95. Kobayashi, *Kyōsantō o dassuru made*, 169.

96. Chapter 7 is titled “The First Step toward a Change in Direction” (“Hōkōtenkan e no dai-ippo”).

97. Kobayashi, *Kyōsantō o dassuru made*, 75, 162.

98. Kobayashi, *Kyōsantō o dassuru made*, 75. We can read Kobayashi’s critique as indirectly related to the problems of Comintern policies in the 1920s concerning the different conditions and political situations in each country. This proved catastrophic with the rise of fascism and the belated shift to a popular front strategy. See Nicos Poulantzas, *Fascism and Dictatorship: The Third International and the Problem of Fascism*, trans. Judith White (London: Verso, 1979).

99. Kobayashi, *Kyōsantō o dassuru made*, 162–163.

100. Kobayashi, *Kyōsantō o dassuru made*, 162–163.

101. Kobayashi, *Kyōsantō o dassuru made*, 163.

102. In the postwar, Maruyama Masao would explain tenkō as signifying “an escape from the tensions of self-regulation imposed according to a theory (or formula); like the release of a tightly coiled spring, *tenkō* brought about an instantaneous return to a ‘natural’ world of ‘inclusivity.’” Maruyama Masao, *Nihon no shisō* (Tokyo: Iwanami Shinsho, 1961), 15. English translation from James Dorsey, “From Ideological Literature to a Literary Ideology: ‘Conversion’ in Wartime Japan.” in *Converting Cultures: Religion, Ideology and Transformations of Modernity*, edited by Dennis Washburn and A. Kevin Reinhart (Leiden: Brill, 2007), 472.

103. Kobayashi, *Kyōsantō o dassuru made*, 163.

104. Kobayashi, *Kyōsantō o dassuru made*, 163. See Tsunazawa's analysis of this aspect of Kobayashi's thought in Tsunazawa, *Nō no shisō to nihon kindai*, 22–23.

105. Kobayashi, *Kyōsantō o dassuru made*, 164. For an analysis of the debates over this passage from the Communist Manifesto, see Roman Rosdolsky, "The Workers and the Fatherland: A Note on a Passage in the 'Communist Manifesto,'" *Science and Society* 29, no. 3 (1965): 330–337.

106. Steinhoff refers to a report delivered by Kōji Konaka in a thought administrators' conference in 1938, where Kōji refers to three types of tenkō categorized by the Imperial Renovation Society: political (*seijiteki*), citizen (*shiminteki*), and religious (*shūkyōteki*). See Steinhoff, *Tenkō*, 129. It is important to recognize that not only did the state's categories change over time, but also that such conceptual developments are implicated in the phenomenon we seek to analyze; namely, the transformations in emperor system ideology in the 1930s.

107. Kobayashi, *Kyōsantō o dassuru made*, 257.

108. Kobayashi, *Kyōsantō o dassuru made*, 258.

109. The editors of *Hogo Jihō* translated its title into English as *Aid and Guidance: The Bulletin of the Central Ex-Prisoners' Aid Association of Japan*.

110. The publication *Hoseikai Kaihō* was in print from 1917 to 1929. Representing the dominant discourse of hogo (protection) in justice circles in the mid-1920s, the bulletin changed its name to *Hogo Jihō* in 1929. Similarly, the bulletin's demise in 1939 signals how resources were directed to the war effort following Japan's invasion of China in 1937, and the parallel eclipse of rehabilitation by total-war mobilization measures. I discuss this transformation in criminal reform measures in the late 1930s in chapter 5.

111. Before 1933, a few articles had been published intermittently in *Hogo Jihō* addressing thought crime and reforming thought criminals. But it was not until 1933 that this became a dominant topic in the bulletin. Kobayashi's first essay in *Hogo Jihō* was published in September 1932, on his experience with what he called "indirect rehabilitation" (*kansetsu hogo*) at the Imperial Renovation Society. See Kobayashi Morito, "Kansetsu hogo taiken o kataru," *Hogo Jihō* 16, no. 9 (September 1932): 43–47.

112. Kobayashi, "Shisōhan no hogo o ika ni subeki ya."

113. In addition to this article, a March 3, 1933, *Tokyo Asahi Shimbun* article in the evening edition reports that a "Rare Suspended Sentence is Given to a Converted Party Member" ("Tenkō tōin ni shikkō yūyo: mezurashii sokketsu," 2).

114. See "Tenkō shisōhannin ni hogo gakari shinsetsu: Shihōkan kaigi ni tōshin," *Yomiuri Shimbun*, evening ed., May 23, 1933, 2.

115. Kobayashi, "Shisōhan no hogo o ika ni subeki ya," 14.

116. Here Kobayashi admitted that while rehabilitation groups should not too strongly reject a convert's political commitments or activities, they must "guard against the dangers" (*kikensei o yobō*) that this continued activity presented. Kobayashi, "Shisōhan no hogo o ika ni subeki ya," 14.

117. Kobayashi, "Shisōhan no hogo o ika ni subeki ya," 14–15.

118. Kobayashi, "Shisōhan no hogo o ika ni subeki ya," 15. *Kyōka* is translated in English variously as "influence," "indoctrination," or "moral suasion." On *kyōka* in the

formation of the modern Japanese nation-state, see Carol Gluck, *Japan's Modern Myths: Ideology in the Late Meiji Period* (Princeton, NJ: Princeton University Press, 1987), 12, 103, 279; Sheldon Garon, *Molding Japanese Minds: The State in Everyday Life* (Princeton, NJ: Princeton University Press, 1997), xiv, 7.

119. Kobayashi, “Shisōhan no hogo o ika ni subeki ya,” 16.

120. In chapter 4, we will see how this concern for moral guidance will develop into what Michel Foucault has theorized as a distinct mode of power, which he calls governmentality.

121. Kobayashi, “Shisōhan no hogo o ika ni subeki ya,” 21.

122. Here Kobayashi distinguished between the various employment opportunities for the different classes of tenkōsha, including, for intellectuals, finding work as reporters, in publishing, and in libraries; for laborers, recognizing the difficulties they faced by finding industrial work after being jailed; and many others, who, unable to find employment, were attempting to establish small shops or find other sources of income. See Kobayashi, “Shisōhan no hogo o ika ni subeki ya,” 16–17. Kobayashi notes the important role of the Japan Red Support Group (Nihon Sekishoku Kyūenkai), a political prisoner support group started in 1927 and which continued in different formations into the postwar period. Kobayashi was envisioning another kind of group that would counter such socialist-inspired groups by publishing anti-Marxist or religious materials in order to urge a prisoner to convert (17). On the Japan Red Support Group, see Takizawa Ichirō, *Nihon sekishoku kyūenkai shi* (Tokyo: Nihon Hyōronsha, 1993).

123. Hirata Isao in *Hōritsu Shimbun*, August 20, 1933, cited in Ogino, *Shisō kenji*, 66.

124. The record for this event is published as “Shisōhan ni kansuru hogo jigyō kōshūkai,” *Hogo Jihō* 17, no. 7 (July 1933): 51–65. Sano and Nabeyama appropriated the name of Stalin’s “socialism in one country” and called their new national socialism *ikkoku shakaishugi*. See Sano Manabu and Nabeyama Sadachika, eds., *Nihonkyōsantō oyobi komintan hihan: Ikkoku shakaishugi ni tsuite* (Tokyo: Musansha, 1934). Also, Germaine A. Hoston, “Emperor, Nation and the Transformation of Marxism to National Socialism in Prewar Japan: The Case of Sano Manabu,” *Studies in Comparative Communism* 18, no. 1 (spring 1985): 25–47, and Germaine A. Hoston, “Ikkoku shakai-shugi: Sano Manabu and the Limits of Marxism as Cultural Criticism,” in *Culture and Identity: Japanese Intellectuals during the Interwar Years*, ed. J. Thomas Rimer (Princeton, NJ: Princeton University Press, 1990), 168–186.

125. Around this time, other endeavors were taking place that addressed dangerous thought. For instance, in April 1933, two months before the Sano-Nabeyama defection, it was announced that a cabinet-level committee would be formed, staffed with officials from the Home, Justice, and Education Ministries as well as prison wardens, military officials, and others, in order to develop a national thought policy (*shisō taisaku*). This committee met between July and October 1933, issuing policy proposals such as “Education and Religion,” “Correcting Thought,” “Regulating Thought,” and “Social Policy.” As its mandate stated, such a broad thought policy required, first, the further “clarification and spread [*fukyū tettei*] of the Japanese spirit that is the guiding principle of the state” and second, the “investigation of unhealthy thought and a plan for its correction [*zesei*].” On the formation of this committee, see Monbushō shisōkyoku, ed.,

*Shisōkyoku yōkō*, November 1934. Itō cites this report and provides a general summary of the committee meeting. See Itō, *Tenkō to tennōsei*, 156.

126. For a list of the lectures, including individual synopses, see “Shisōhan ni kansuru hogo jigyō kōshūkai,” 52, 58–63.

127. See the synopsis of Akamatsu Katsumaro’s lecture “Nihon seishin to gendai shakai undō,” in “Shisōhan ni kansuru hogo jigyō kōshūkai,” 59–60. For an analysis of Akamatsu’s political transformations in the 1930s see: Stephen Large, “Buddhism and Political Renovation in Prewar Japan: The Case of Akamatsu Katsumaro,” *The Journal of Japanese Studies* 9, no. 1 (Winter, 1983): 33–66.

128. See the itemized list: “Shisōhan ni kansuru hogo jigyō kōshūkai,” 63–64.

129. Saotome, *Tenkōsha no shuki*.

130. At the time of writing this piece in October 1933, Shiono Suehiko (1880–1949) was head of the Corrections Division in the Justice Ministry (Shihōshō gyōkeikyokuchō). For a short biographical sketch of Shiono, see Ogino, *Shisō kenji*, iv.

131. Shiono Suehiko, “Jo,” in Saotome, *Tenkōsha no shuki*, 1–2; Preface 1.

132. Shiono, “Jo,” Preface 1.

133. Shiono, “Jo,” Preface 2.

134. Saotome, “Hensha no kotoba,” in Saotome, *Tenkōsha no shuki*, 1.

135. Saotome, “Hensha no kotoba,” 1.

136. Saotome, “Hensha no kotoba,” 2.

137. See Saotome’s concluding remarks: Saotome, “Hensha no kotoba,” 2.

138. Additionally, many of the contributors found lower or midtier employment upon being released, including driving a taxi, working on the family farm, running a used bookstore, and one contributor becoming a housewife. See the biographical sketches in Saotome, *Tenkōsha no shuki*, 4–6.

139. These names are most likely pseudonyms in order to protect the identity of the parolees.

140. For instance, the industrial laborer Uchimura Shigeru joined the military in 1932, whereas the intellectual Murai Hisashirō was employed by a major newspaper.

141. A biographical sketch of Kojima notes that she joined the movement as a student, and was arrested and sent to Ichigaya Prison. Upon converting, her sentence was suspended and she was released from prison. She married and was living in Akita Prefecture at the time. See Saotome, *Tenkō no shuki*, 4.

142. Kojima Yuki, “Daihi no ote ni sugaru made,” in Saotome, *Tenkō no shuki*, 43–73. On the ideology of ryōsai kenbo in twentieth-century Japan, see Kathleen Uno, “The Death of ‘Good Wife, Wise Mother’?,” in *Postwar Japan as History*, ed. Andrew Gordon (Berkeley: University of California Press, 1993), 293–322.

143. Kojima, “Daihi no ote ni sugaru made,” 51.

144. Kojima, “Daihi no ote ni sugaru made,” 52. Her full explanation is as follows: “My power as one person was small. But this small power, through its connection with this large group [*idai shūdan*], would become great, or, by integrating with this grand power, my own power would become grand. And through my own power, I could carry out important work. . . . Here, in one stroke [*ikkyōshuittōsoku*] was the influence of the Japanese Communist Party.” Kojima, “Daihi no ote ni sugaru made,” 52.

145. Kojima, “Daihi no ote ni sugaru made,” 55–56.

146. Itō Akira argues that such concerns cited to explain one’s defection (such as love for one’s family) did not just suddenly emerge at the moment of imprisonment but were felt by activists as they participated in the communist movement. It was only after the mass arrests and the increasing sense of defeat that struck the communist movement that the family became an excuse for defection. See Itō, *Tenkō to tennōsei*, 141–144.

147. Kojima, “Daihi no ote ni sugaru made,” 63.

148. For another essay in *Tenkōsha Memoirs* that links filial love and Buddhist compassion, see Murai Hisashirō, “Fubo ha saijō no kami nari,” in Saotome, *Tenkōsha no shuki*, 74–94.

149. Kojima, “Daihi no ote ni sugaru made,” 73.

150. Kobayashi Morito (Ono Yōichi, pseud.), “Marukisuto ha gokuchū ika ni shūkyō o taiken shita ka,” in Saotome, *Tenkō no shuki*, 240. As with his earlier biography, Kobayashi starts with a review of the Marxist critique of religion as the negation of reality, moving through a reassessment of religion while in jail, and ultimately his religious experience (*shūkyōteki na taiken*), which caused him to have total faith (*zettaiteki na shinkō*) in Buddhism. He concluded, “It is not when we theoretically demonstrate religion, but only when we enter into a life of faith [*shinkō no seikatsu*] that religion becomes our flesh and blood” (233, 240). Kobayashi outlined three principles that underlay a religious conversion, which we can interpret as principles that guided Kobayashi’s efforts in the Imperial Renovation Society. First, he began by drawing upon a central tenet of True Pure Land Buddhism by arguing that “the possibility of establishing true faith begins from faith in Other-Power” (*tariki no shinkō*) (241). This rendered *tenkō* not an act of one’s own will, but the very negation of this will in the Other-Power of Buddhist grace. This also conveniently provided an explanation for the counseling Kobayashi received from Chaplain Fujii as well as his own efforts advising ex-communists in the Imperial Renovation Society. From this principle derived the second: the “notion of reciprocal compassion” (*kanjō hōon no nen*), which, Kobayashi explained, constituted all human relations, whether interpersonal, familial, or social. A social praxis that denied this spirit, such as materialism, could not capture this “feeling of compassion” and thus lacked an ethos to justify social engagement (242). The third and last principle was that “total salvation [*issai no kyūsai*] emerges from the fundamental principle of benefiting oneself by benefiting others [*jiri rita*]” (243). Collectively, these three principles infused his efforts to rehabilitate political criminals at the Imperial Renovation Society with Buddhist ethics of compassion and selfless dedication toward others.

151. This essay collected a three-part series of articles that Kobayashi had written for *Hogo Jihō* under the same title, “*Tenkōsha ha doko ni iku*.” See the September 1933, January 1934, and April 1934 issues of *Hogo Jihō*. Kobayashi Morito, “*Tenkōsha ha doko ni iku*,” in Saotome, *Tenkōsha no shuki*, 245–260. The main portion of Kobayashi’s essay reports his recent visit to a small collective farm in Gunma Prefecture started by Yamaguchi Hayato. Yamaguchi was a religious *tenkōsha* whom Kobayashi had mentored through the auspices of the Imperial Renovation Society. After being released from jail, Yamaguchi returned to Gunma and organized the cooperative farm under the Zen Buddhist Baizhang Huaihai’s (720–814) slogan “Those who don’t work, don’t eat” (*ichinichi*

nasazareba, ichinichi kurawazu, 一日不作一日不食). See Kobayashi, “Tenkōsha ha doko ni iku,” 247. Although Yamaguchi’s rural collective retained private property, it communally managed labor and consumption. At this time in 1933, there were roughly twenty members in the cooperative, with Yamaguchi acting as director. To Kobayashi, Yamaguchi’s collective farm provided an example of how tenkōsha could continue to be committed to social reform (here, rural revitalization), while also continuing to reform themselves as patriotic subjects—a theme that he would continue to emphasize in later writings. See Yamaguchi’s contribution to *Tenkōsha Memoirs*: Yamaguchi Hayato, “Kyōsanshugi yori shūkyō e,” in Saotome, *Tenkōsha no shuki*, 1–42. See also Itō, *Tenkō to tennōsei*, 222–223.

152. Kobayashi, “Tenkōsha ha doko ni iku,” 259.

153. For some contributors like Kojima, the conversion narrative concluded with her religious awakening and a return to a quiet life as a housewife. Other contributors like Yamaguchi Hayato and Kobayashi Morito concluded their essays by describing a continued commitment to social reform. One essay by Murai Hisashirō concluded with a more explicit expression of imperial ideology, with Murai arguing, “If the various Western states are based on Hegelian philosophy and its ‘ideal ethical state,’ then, we can begin to grasp our Japanese Empire as ‘an ideal religious state’ [*shūkyōteki risō kokka*], based on the Japanese kokutai that the left rejects.” Murai, “Fubo ha saijō no kami nari,” 94.

154. As noted in chapter 2, the tenkō phenomenon appeared at the same time that arrests peaked under the Peace Preservation Law. For instance, in 1933 alone, 14,622 individuals were arrested. See Okudaira, *Chianijihō shōshi*, 133. For a procurator’s consideration of tenkō in relation to the continuing arrests, see Tozawa Shigeo, “Shisō hanzai no kensatsu jimu ni tsuite” (1933), in *Gendaishi shiryō 16: Shakaishugi undō*, vol. 3, ed. Yamabe Kentarō (Tokyo: Misuzu Shobō, 1965), 15–36.

155. Itō Akira cites a 1935 report that gives the following statistics on tenkō: out of the 650 JCP members in jail, 505 had or were in the process of declaring tenkō; only 145 prisoners were reported to not have declared tenkō. Itō, *Tenkō to tennōsei*, 133.

156. Itō cites a 1936 report by procurator Ikeda Katsu: Itō, *Tenkō to tennōsei*, 142.

157. See Itō, *Tenkō to tennōsei*, 87–88. On the relationship between *zainichi* Koreans and the JCP, see Mun Gyong Su, “Nihon kyōsantō to zainichi chōsenjin,” in *Zainichi chōsenjin mondai no kigen* (Musashino: Kurein, 2007), 132–136. Also Nishikawa Hiroshi, “Zainichi chōsenjin kyōsantōin • dōchō no jittai: Keihokyoku shiryō ni yoru 1930nen-dai zenhanki no tōkeiteki bunseki,” *Jinbun Gakuhō* 50 (March 1981): 31–53. In regard to conversion in colonial Korea, the Charges Withheld policy was extended to colonial Korea around the same time, although, as Keongil Kim suggests, officials were reluctant to apply the policy. Kim, “Japanese Assimilation Policy and Thought Conversion in Colonial Korea,” 213. To support this claim, Kim refers to a 1996 master’s thesis written by Chi Sŭngjun. See n. 33, 230.

158. Writing in 1935, Kobayashi mentions that the Imperial Renovation Society had recently taken on forty Korean converts seeking assistance. See Kobayashi Morito, “Nihon kokumin to shite no jikaku ni tatte,” in *Tenkōsha no shisō to seikatsu*, ed. Kobayashi Morito (Tokyo: Daidōsha, 1935), 76–79.



159. One report lists 955 parolees receiving some kind of assistance from the Imperial Renovation Society in mid-1934. *Shakai undō tsūshin*, May 9, 1935, cited in Itō, *Tenkō to tennōsei*, 228.
160. Kobayashi, “*Tenkōki*” *no hitobito*, 28–30; Kobayashi Morito, “Shōwa jūichinen ni okeru wareware no kibō,” *Tensei*, February 1936, 10–11, cited in Itō, *Tenkō to tennōsei*, 229.
161. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 66.

#### CHAPTER 4. Nurturing the Ideological Avowal

1. On arrest statistics, see Okudaira Yasuhiro, “Chianijihō ihan jiken nendo betsu shori jinin hyō,” in *Gendaishi shiryō* 45: *Chianijihō*, ed. Okudaira Yasuhiro (Tokyo: Misuzu Shobō, 1973), 646–649. Hereafter cited as GSS45.
2. Nakazawa Shunsuke, *Chianijihō: Naze seitō seiji ha ‘akuhō’ o unda ka* (Tokyo: Chūōkō Shinsho, 2012), 147. Richard H. Mitchell has argued that, at this time, the Peace Preservation Law “had the gait of a peglegged sailor. Investigation, interrogation, and prosecution—the strong leg—were going well; but the other leg—conversion and rehabilitation—was weak.” Richard H. Mitchell, *Thought Control in Prewar Japan* (Ithaca, NY: Cornell University Press, 1976), 121. However, as I argue in chapter 2, conversion and rehabilitation were proposed in response to the very success of the “strong leg” in producing a large population of detainees. Even if momentarily out of balance, we need to account for the functional relationship between the two modes of power.
3. On the establishment of the Thought Criminal Protection and Supervision system, see Uchida Hirofumi, *Kōsei hogo no tenkai to kadai* (Kyoto: Hōritsu Bunkasha, 2015), chapter 3, “Shisōhan hogo katsu hō no seitei to hogokansatsu seido,” 27–48.
4. On Althusser’s distinction between secondary and primary ideologies, see Louis Althusser, *On the Reproduction of Capitalism: Ideology and Ideological State Apparatuses*, trans. G. M. Goshgarian (London: Verso, 2014), 83–84.
5. Later, Althusser calls the primary ideology “State Ideology.” See Althusser, *On the Reproduction of Capitalism*, 77, 81.
6. Althusser, *On the Reproduction of Capitalism*, 77. As I mentioned in chapter 3, I have reservations about Althusser’s theory of interpellation and therefore am not arguing that interpellation was successful or a seamless process in the Peace Preservation Law apparatus. Rather, I am interested in how this apparatus functioned on the logic of interpellation.
7. Michel Foucault, “Governmentality,” in *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon, and Peter Miller (Chicago: University of Chicago Press, 1991), 102.
8. Foucault, “Governmentality,” 102.
9. Michel Foucault, “Technologies of the Self” (1982), in *Essential Works of Foucault 1954–1984*, vol. 1: *Ethics*, ed. Paul Rabinow (New York: Penguin, 1997), 249, 242. We might think of Buddhism’s emphasis on self-negation as what Foucault called elsewhere the “renunciation of the self.”
10. Foucault, “Governmentality,” 100.
11. Foucault, “Governmentality.”



12. Foucault, “Governmentality,” 103. Foucault explains that, rather than a new mode of power initiated and disseminated from the state, governmentality “is at once internal and external to the state, since it is the tactics of government which make possible the continual definition and redefinition of what is within the competence of the state and what is not” (103). The process by which reform was formalized in the 1930s brought such tactics under the purview of the state, thus redefining what was within its sovereign sphere.

13. See Max Ward, “Crisis Ideology and the Articulation of Fascism in Interwar Japan: The 1938 Thought-War Symposium,” *Japan Forum* 26, no. 4 (2014): 462–485. Indeed, before Japan’s invasion of China, it was common for justice officials to discuss the Peace Preservation Law functioning, as what one procurator claimed in 1934, as the “preparatory construction for general state mobilization” (*kokka sōdōin no junbi kōsaku*). See the comments by Tokyo Procurator Ikeda Katsu (1934), cited in Ogino Fujio, *Shisō kenji* (Tokyo: Iwanami Shoten, 2000), 79.

14. See Althusser, *On the Reproduction of Capitalism*, 83–84. In regards to the title for this section, it is possible to find various officials noting a shift from conversion to rehabilitation taking place in 1935. This particular iteration (*tenkō jidai yori hogo jidai e*) comes from Honjō Tetsuzō, “Tenkō to hogo ni kansuru kōsai,” *Hogo Jihō* 19, no. 1 (January 1935): 29.

15. On the Taikōjuku kenkyūsho, see Kobayashi Morito, “*Tenkōki*” *no hitobito: Chianijihōka no katsudōka gunzō* (Tokyo: Shinjidaisha, 1987), 115–116.

16. On the Kokumin shisō kenkyūsho and its journal, *Kokumin Shisō*, see Kobayashi, “*Tenkōki*” *no hitobito*, 116–119, 126–131; Itō Akira, *Tenkō to temnōsei: Nihonkyōsanshugiundō no 1930nendai* (Tokyo: Keisō Shobō, 1995), 209–211. Kobayashi reports that he was responsible for assisting with both centers. Kobayashi, “*Tenkōki*” *no hitobito*, 118.

17. For example, the inaugural issue of *Tensei* contained articles titled “Renovating One’s View of Life and Awakening to the Nation,” “The Errors of Marx’s Theory of Value,” “World Thought and the Divine Way,” and “The Hope of World Thought,” as well as more personal essays recounting experiences with prison and conversion. The table of contents from the inaugural issue of *Tensei* from August 1935 is reprinted in Kobayashi, “*Tenkōki*” *no hitobito*, 127–129.

18. For example, see the September 1934 roundtable discussion with Ikeda Katsu, Miyagi Chōgorō, Tozawa Shigeo, and many other officials: “Shisōhan tenkōsha o ika ni suru ka,” *Hogo Jihō* 18, no. 10 (October 1934): 23–30.

19. Fujii Eshō, “Shisōhan shakuhōsha no hogo hōhō,” *Hogo Jihō* 19, no. 1 (January 1935): 13–28.

20. Fujii, “Shisōhan shakuhōsha no hogo hōhō,” 15. Fujii notes that 449 thought criminals had been paroled between January 1930 and June 1934. These statistics are limited to metropolitan Japan.

21. Fujii, “Shisōhan shakuhōsha no hogo hōhō,” 27.

22. Fujii, “Shisōhan shakuhōsha no hogo hōhō,” 16–17.

23. Fujii, “Shisōhan shakuhōsha no hogo hōhō,” 17.

24. Fujii, “Shisōhan shakuhōsha no hogo hōhō,” 18.

25. Fujii, "Shisōhan shakuhōsha no hogo hōhō," 19, 20.
26. Fujii, "Shisōhan shakuhōsha no hogo hōhō," 19.
27. Fujii, "Shisōhan shakuhōsha no hogo hōhō," 22–23.
28. Fujii also provided examples of how the Imperial Renovation Society responded to the particular needs of female and student converts: In regard to the former, the society had recently formed a Women's Section (Fujinbu) in order to restore the morals of those women who, by joining the JCP, had "lost the traditional Japanese ideal of chastity" (*nihon korai no teisō kannen o torisatta*). In regard to student converts, Fujii argues that, having spent many years in jail, these thought criminals were unable to return to school to finish their degrees, but at the same time, were unwilling to be reeducated to become "engineers or laborers." This was posing particular challenges for the Imperial Renovation Society. See Fujii, "Shisōhan shakuhōsha no hogo hōhō," 25–26.
29. Michel Foucault, *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice*, trans. Stephen W. Sawyer (Chicago: University of Chicago Press, 2014), 24.
30. Foucault, *Wrong-Doing, Truth-Telling*, 17.
31. Kobayashi Morito, ed., *Tenkōsha no shisō to seikatsu* (Tokyo: Daidōsha, 1935). This second volume of *tenkōsha* biographies was advertised in daily newspapers, which may indicate a stronger effort to publicize the volume to the general public. See for instance the advert for *Tenkōsha no shisō to seikatsu* and the new magazine *Tensei* on the front page of the morning edition of *Yomiuri Shimbun*, December 1, 1935.
32. Kobayashi Morito, "Nihon kokumin to shite no jikaku ni tatte," in Kobayashi, *Tenkōsha no shisō to seikatsu*, 3–98.
33. Kobayashi, "Nihon kokumin to shite no jikaku ni tatte," 5.
34. Kobayashi, "Nihon kokumin to shite no jikaku ni tatte," 8. Recall that, along with the educational apparatus, Louis Althusser identifies the family as the primary ISA in the modern era. See Louis Althusser, "Ideology and Ideological State Apparatuses (Notes towards an Investigation)," in *Lenin and Philosophy and Other Essays*, trans. Ben Brewster (New York: Monthly Review Press, 2001), 104.
35. Kobayashi, "Nihon kokumin to shite no jikaku ni tatte," 16, 15. Kobayashi claimed that "the Japanese nation emerged and developed from the family, becoming its form today" (8).
36. Kobayashi, "Nihon kokumin to shite no jikaku ni tatte," 19–20.
37. Kobayashi, "Nihon kokumin to shite no jikaku ni tatte," 7.
38. Kobayashi, "Nihon kokumin to shite no jikaku ni tatte," 8.
39. Kobayashi, "Nihon kokumin to shite no jikaku ni tatte," 12.
40. Kobayashi, "Nihon kokumin to shite no jikaku ni tatte," 89.
41. Kobayashi, "Nihon kokumin to shite no jikaku ni tatte," 40. Here Kobayashi is implicitly critiquing theorists, such as Minobe Tatsukichi, who would delimit imperial sovereignty within a constitutional framework. I discuss Minobe's so-called organ theory (*kikan setsu ron*) of the state and the Minobe Incident later in the chapter.
42. Sano Manabu and Nabeyama Sadachika, eds., *Nihonkyōsantō oyobi komintan hihan: Ikkoku shakaishugi ni tsuite* (Tokyo: Musansha, 1934).
43. For Kobayashi's close reading and critique of Sano and Nabeyama, see Kobayashi, "Nihon kokumin to shite no jikaku ni tatte," 20–36. Although Kobayashi remained

critical of the revolutionary politics espoused by both the Labor Faction (also known as the Kaitō-ha, analyzed in chapter 2) and Sano and Nabeyama, he argued that when the Labor Faction presented their critique in 1930–1931, such a stance was extremely difficult to make. This was an attempt to take the bravado out of Sano and Nabeyama’s decision to defect in 1933 (11).

44. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 31–32.

45. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 35.

46. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 38.

47. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 39.

48. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 39.

49. This point recalls a similar move in area studies and in some forms of postcolonial studies to identify the source of contradiction outside of Europe, not in capitalist exploitation and unevenness, but in a purported disjuncture between (Western) capitalism and non-Western culture. On this point, see Max Ward, “Historical Difference and the Question of East Asian Marxism(s),” in *East Asian Marxisms and Their Trajectories*, ed. Joyce Liu and Viren Murthy, Interventions Series (London: Routledge, 2017), 87–102.

50. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 40. Through this cultural prism, Kobayashi was forgetting that the Peace Preservation Law also protected the “system of private property”—code for the legal forms that expressed and mediated capitalist social relations. Recall that earlier in the decade the procurator Hirata Isao was willing to accept the defections of the Labor Faction even though they still called for the overthrow of capitalism.

51. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 40, 41. In a later section titled “Concerning Concrete Issues” (“Gutaiteki mondai ni tsuite”), Kobayashi struggled to negotiate between the exacerbated social contradictions of the mid-1930s and his elevation of the Japanese spirit as an integrating force: “We have said that in the true Japanese spirit there is no class-consciousness. This is true. But in reality, in certain aspects [*bubunteki ni*], we cannot deny that various contradictions exist. We must try as hard as possible to integrate [*tōitsu*] these contradictions” (52).

52. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 41.

53. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 42. Kobayashi discusses the various social stations that *tenkōsha* were now returning to (38–44).

54. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 53. Kobayashi believed that national education could guide national integration by expunging received Western forms such as liberalism and Marxism from curriculum and emphasizing the Japanese essence (44).

55. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 44.

56. Kobayashi summarized six principles of this new standpoint: (1) the unity of emperor and subject that constitutes Japan’s unique family-nation-state structure; (2) the historical singularity of the imperial *kokutai*; (3) Japan’s “ability to embrace” (*hōyōsei*) and assimilate foreign elements; (4) the rejection of class divisions based on Japan’s unique family structure; (5) the unique fusion of spirit and matter (*busshin ichinyo*) in Japanese thought; and (6) the “realization of Japan’s new mission” (*nihon kokumin no*

*shin-shimei no jikaku*). These principles are outlined in Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 46–49.

57. On Koreans active in the interwar Japanese communist movement, see Mun Gyong Su, “Nihon kyōsantō to zainichi chōsenjin,” in *Zainichi chōsenjin mondai no kigen* (Musashino: Kurein, 2007), 131–150, in particular 132–136. Also Nishikawa Hiroshi, “Zainichi chōsenjin kyōsantōin • dōchō no jittai: Keihokyoku shiryō ni yoru 1930nendai zenhanki no tōkeiteki bunseki,” *Jinbun Gakuhō* 50 (March 1981): 31–53.

58. For example, see “Chōsenjin saishō no tenkōsha arawareru,” *Tokyo Asahi Shimbun*, September 10, 1933, evening edition, 11. (Figure 4.1)

59. See Sim Kil-bok (沈吉福), “Chōsen ni okeru shisōhan hogo jigyo no kensetsu no tame ni,” in Kobayashi, *Tenkōsha no shisō to seikatsu*, 396–406. Interestingly, Sim Kil-bok discusses the necessity for tenkō in the colony through the logic of territorial sovereignty that was discussed in chapters 1 and 2. For instance, he argues that the importance of thought reform policies in Korea was because Korea occupied “an important space between Manchukuo and Japan [*naichi*].” In other words, Sim understood the significance of Korean tenkō in strategic, geopolitical terms (402).

60. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 78.

61. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 49.

62. In a later section, Kobayashi somewhat qualified his call to discard the terms “Japanese” and “Korean,” urging his readers not to overlook important differences in circumstances: “along with recognizing that . . . there is increasing assimilation and an increasingly closer relationship between Japanese and Korean culture, we must also fully recognize the particular circumstances [*tokushu jijō*] of the domestic Koreans.” Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 78.

63. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 50.

64. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 50.

65. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 49.

66. This theme is reiterated by the Korean contributor to *Thought and Lives of Tenkōsha*, Sim Kil-bok. See Sim, “Chōsen ni okeru shisōhan hogo jigyo no kensetsu no tame ni,” 396–406.

67. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 76–78.

68. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 76.

69. On these policies in colonial Korea, see Michael Robinson, “Forced Assimilation, Mobilization, and War,” in *Korea Old and New: A History*, ed. Carter J. Eckert, Ki-baik Lee, Young Ick Lew, Michael Robinson, and Edward W. Wagner (Cambridge, MA: Harvard University Press, 1990), 305–326; Mark Caprio, *Japanese Assimilation Policies in Colonial Korea, 1910–1945* (Seattle: University of Washington Press, 2009). In relation to assimilation policies in Taiwan, see Leo T. S. Ching, *Becoming Japanese: Colonial Taiwan and the Politics of Identity* (Berkeley: University of California Press, 2001).

70. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 67–75. Kobayashi notes the society’s collaboration with various employment agencies in Tokyo, including the Employment Division of the Tokyo City Social Office (Tōkyōshi shakaikyoku

shokugyōka tōkyōku) and the Tokyo Government Employment Offices (Tōkyōfu shōkaisho) (69).

71. The term *onshi* designates an imperial donation. For information on this farm, see Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 83–84; Kobayashi, “*Tenkōki*” no *hitobito*, 121–122; Miyagi, *Miyagi chōgorō shōden*, 156–172.

72. Elsewhere, Director Miyagi Chōgorō wrote in a Justice Ministry report that the “farm is the hospital for the soul and body—one must not be forced into [labor] and overworked. One must have the opportunity to appreciate flowers, to pat a cow, to commune with nature.” Miyagi quoted in Yamada Kenji, “Miyagi Chōgorō,” *Tsumi to batsu* 34, no. 1 (1996): 51.

73. Kobayashi provided an extensive list of the private groups that were working to support *tenkōsha*: Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 62–63. For one of the few analyses of this network, see Itō, *Tenkō to tennōsei*, 200–217. Regarding the Wind of Light Society, see Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 77–78. Here Kobayashi reports that while the Special Higher Police held roundtable discussions to address the issue of supporting and reforming Korean thought criminals, groups like the Wind of Light Society would carry out such work with more care and instruction. This reaffirms how the repression of the Special Higher Police would complement the moral guidance being cultivated in smaller support groups. See Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 78.

74. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 64–65.

75. Kobayashi, “Nihon kokumin to shite no jikaku ni tatte,” 66.

76. Ikeda Katsu, “Shisō hannin kyōka no keiken hihan,” *Keisatsu Kenkyū*, November 1936, cited in Ogino, *Shisō kenji*, 82. Elsewhere, I proposed the tripartite schema of protection/prevention/production for understanding the changing operations of the Peace Preservation Law apparatus into the late 1930s: i.e., from protecting the *kokutai* in the 1920s, through the prevention of recidivism in the early 1930s, to finally the production of imperial subjects in the late 1930s. See Max Ward, “The Problem of ‘Thought’: Crisis, National Essence and the Interwar Japanese State” (PhD diss., New York University, 2011).

77. See Ogino Fujio, “Kaisetsu: Chianijihō seiritsu • ‘kaisei’ shi,” in *Chianijihō kankei shiryōshū*, vol. 4, ed. Ogino Fujio (Tokyo: Shinnihon Shuppansha, 1996), 611–613.

78. See the table consisting of figures from a January 1943 Justice Ministry report in Ogino, *Shisō kenji*, 73.

79. Ogino cites an earlier 1930 Tokyo Procuracy Thought Section report that emphasized prevention of thought crime (not recidivism) as a central objective. Ogino, *Shisō kenji*, 44–45. On the prevention of recidivism (*saihan bōshi*) in the early 1930s, see Okudaira Yasuhiro, *Chianijihō shōshi*, new ed. (Tokyo: Iwanami Shoten, 2006), 158. For an extensive review of the question of ideological recidivism, see Tokuoka Kazuo, *Chianijihō ihanjiken no saihan ni kansuru kenkyū* (Tokyo: Shihōshō Keijikyoku, 1938). I analyze Tokuoka’s study in chapter 5. For official discussions of how to identify, administer, and secure *tenkō*, see the proceedings of the Shisō jimukai: “*Tenkō ni kansuru jikō*” (May 1934), in Shakai mondai shiryō kenkyūkai, ed., *Shisō jimukai dō gijiroku* (Tokyo: Tōyō Bunkasha, 1976), 128–139.

80. For example, see Ogino's summaries of Justice Ministry reports from this time: Ogino, *Shisō kenji*, 74–76.

81. These reports are collected in Ogino Fujio, ed., *Chianijihō kankei shiryōshū*, vol. 2 (Tokyo: Shinnihon Shuppansha, 1996), 13–30. For an overview of these reports and the subsequent Diet deliberations on the revision proposals, see Nakazawa, *Chianijihō*, 145–152.

82. See the first draft proposal developed by the Justice Ministry's Criminal Division: Shihōshō keijikyoku, "Chianijihō kaisei hōritsuan" (December 13, 1933), in Ogino, *Chianijihō kankei shiryōshū*, vol. 2, 30–33. In addition to proposals developed by the bureaucracy, thought policy proposals were also issued by political parties. See, for instance, the proposals drafted by the Minseitō (July 1933) and Seiyūkai (December 1933) in GSS45, 198–199 and 201–203 respectively.

83. For the government's accepted revision proposal from February 1934 and the subsequent revisions made in the Lower House and House of Peers in March 1934, see Seifu, "Chianijihō [Kaisei hōritsuan]," and Shūgiin, "Chianijihō kaisei hōritsuan," in Ogino, *Chianijihō kankei shiryōshū*, vol. 2, 33–36 and 41–45 respectively. In regard to the 1934 bill presented in committee of the Sixty-Fifth Imperial Diet and the resulting debates: "Chianijihō kaisei hōritsuan giji soku kiroku narabi ni iinkai giroku," in GSS45, 204–250. For Justice Ministry reference materials that attended this revision proposal, see Shihōshō, "Chianijihōan sankō shiryō" and "Shisō gyōkei sankō shiryō" (both February 1934), in Ogino, *Chianijihō kankei shiryōshū*, vol. 2, 77–95 and 95–99 respectively.

84. On the topic of retroactive application, see Suzuki Keifu, *Chōsen shokuminchi tōchihō no kenkyū: Chianhō ka no kōminka kyōiku* (Sapporo: Hokkaidō Daigaku Toshō Kankōkai, 1989), 180–181. As we will see, retroactive application was included in the 1936 Thought Criminal Protection and Supervision Law. For a concise overview of the 1934 revision proposal, see Nakazawa, *Chianijihō*, 146. For a summary of the attempts to revise the Peace Preservation Law in both 1934 and 1935, see Okudaira, *Chianijihō shōshi*, 178–182. On preventative detention in the 1934 revision proposal, see Okudaira Yasuhiro, "Chianijihō ni okeru yobō kōkin," in *Fashizumuki no kokka to shakai 4: Senji nihon no hōtaisei*, ed. Tokyo Daigaku Shakai Kagaku Kenkyūsho (Tokyo: Tokyo Daigaku Shuppansha, 1979), 173–191.

85. See Koyama's explanation of the revision bill, in "Chianijihō kaisei hōritsuan giji soku kiroku narabi ni iinkai giroku," in GSS45, 207–210.

86. I refer to portions of these deliberations collected in GSS45 and Ogino, *Chianijihō kankei shiryōshū*, vol. 2. A full record of the 1934 Diet deliberations is collected in Shakai mondai shiryō kenkyūkai, ed., *Chianijihō ni kansuru giji sokkiroku narabi ni innkai giroku: Daiōskai teikoku gikai*, 3 vols. (Tokyo: Tōyō Bunkasha, 1975).

87. Concerning the constitutionality of preventative detention, see for example Mikami Hideo's question during a February 16 Lower House deliberation: "Chianijihō kaisei hōritsuan giji soku kiroku narabi ni iinkai giroku," in GSS45, 210–212. On the clarification of tenkō, see "Tenkō mondai," in Ogino, *Chianijihō kankei shiryōshū*, vol. 2, 48–50. On the debates over preventative detention in the revision proposal, see Okudaira, "Chianijihō ni okeru yobō kōkin," 180–191.



88. On these incidents, see Stephen Large, “Nationalist Extremism in Early Shōwa Japan: Inoue Nisshō and the ‘Blood-Pledge Corps Incident,’ 1932,” *Modern Asian Studies* 35, no. 3 (2001): 533–564. Justice officials had been addressing the issue of the right-wing thought movement in earlier ministerial and committee meetings. For example, see the section “Uyoku shisō jiken ni kansuru jikō,” in the November 7, 1934, proceedings of the Shisō jimukai, in Shakai mondai shiryō kenkyūkai, ed., *Shisō jimukai dō gijiroku* (Tokyo: Tōyō Bunkasha, 1976), 104–108.

89. To meet these nationalist threats, some in the Diet advocated for inserting the phrase “altering the state form” (*seitai henkaku*). Recall that “seitai” was stricken from the original 1925 Peace Preservation Bill. See the Home Ministry’s official response to such a proposal: Naimushō, “Chianijihōchū ni ‘seitai henkaku’ ni kansuru kitei o mōboku shi to suru an ni taisuru hantai riyū” (1934), in Ogino, *Chianijihō kankei shiryōshū*, vol. 2, 41. See also Ogino, *Shisō kenji*, 76–78.

90. See Nakazawa, *Chianijihō*, 147–151. For Soeda Kenichirō’s question on March 16, see “Chianijihō kaisei hōritsuan giji soku kiroku narabi ni iinkai giroku,” in *GSS45*, 226–229.

91. John Person, “Between Patriotism and Terrorism: The Policing of Nationalist Movements in 1930s Japan,” *Journal of Japanese Studies* 43, no. 2 (summer 2017): 289–318. A similar debate over the application of the law to rightists occurred in a May 1934 meeting of thought procurators between Hirata Isao and Moriyama Takeichirō. See Ogino, *Shisō kenji*, 77–78.

92. Recall that Althusser posited that two ISAs are central to the capitalist social formation: the educational ISA and the family ISA. Although he elaborated on the former, Althusser does not discuss the family apart from a few passing observations. See Althusser, “Ideology and Ideological State Apparatuses,” 96, fn8.

93. Iwata Chūzō speaking in the House of Peers, March 17, 1934: “Chianijihō kaisei hōritsuan giji soku kiroku narabi ni iinkai giroku,” in *GSS45*, 230.

94. Iwata was citing a newspaper article about a rightist “imperial reverence communist group” (*sonnō kyōsanshugi dantai*), which was apparently composed of tenkōsha. He cited their platform, which called for the eradication of the class privileges protected by corrupt political parties, “liberation from world capitalism and the establishment of a socialist state.” *GSS45*, 231.

95. In a later Upper House deliberation, Uzawa Fusaaki posed a similar question in relation to the construction of a socialist state on the rejection of individual property rights, which assumedly would indicate a major transformation of the kokutai. See *GSS45*, 236–237.

96. *GSS45*, 235. Koyama recalled that although there had been talk about adding a clause about rightists at the time that the revision was drafted, this was ultimately rejected. He reminded the Diet that “the Peace Preservation Law was first issued in order to suppress so-called leftists,” but as far as right-wing groups were concerned, “the government is still researching this issue.” In light of the recent right-wing actions, he tried to calm fears by reminding Diet members that when rightists acted through violent means, the regular Civil Code could be applied to suppress them. As John Person has argued, underneath such technical issues was the more fundamental problem that



radical rightist groups were carrying out assassinations in the name of the very thing that the Peace Preservation Law was supposed to protect: the imperial kokutai. See Person, “Between Patriotism and Terrorism.”

97. See Justice Ministry notes as well as the official version of the bill issued on March 4, 1935: “Shihōshō no kisō sakugyō” and “Chianijihō (kaisei hōritsuan),” in Ogino, *Chianijihō kankei shiryōshū*, vol. 2, 222–224 and 224–226 respectively. For Justice Ministry reference materials that attended the 1935 revision proposal, see Shihōshō keijikyoku, “Chianijihō kaiseian sankō shiryō” (March 8, 1935) and “Chianijihō kaisei iinkai yōkyū shohyō” (March 9, 1935), in Ogino, *Chianijihō kankei shiryōshū*, vol. 2, 228–237 and 238–251 respectively.

98. Nakazawa, *Chianijihō*, 151–152. For the separate bill pertaining to current right-wing incidents, see Seifu, “Fuhō danketsu nado shobatsu ni kansuru hōritsuan,” in Ogino, *Chianijihō kankei shiryōshū*, vol. 2, 226–227. Nakazawa notes that the Home Ministry did not agree with this separate bill: Nakazawa, *Chianijihō*, 152. For the Justice Ministry’s explanation for erasing preventative detention from the 1935 revision bill, see Shihōshō, “Kaisei chii hōan kara yobō kōkinsei o sakujo” (September 1934) and “Chianijihō kaisei an: Gikai teishutsu ni kettei, ‘Yobō kōkin’ ha sakujo” (January 1935), in Ogino, *Chianijihō kankei shiryōshū*, vol. 2, 222, 222–223 respectively.

99. Suzuki, *Chōsen shokuminchi tōchihō no kenkyū*, 181.

100. As Ogino has noted, these reports were made possible by the increased funding in the Justice Ministry of measures to “prevent thought crime” (*shisō hanzai bōatsu*). See Ogino, *Shisō kenji*, 72–76. These 1935 reference materials also included two surveys of thought crime in colonial Korea and one on Taiwan. For the Korean surveys, see Takumushō Kanrikyoku, “Chōsen ni okeru shisō hanzai chōsa shiryō” (two parts, both issued March 1935), in Ogino, *Chianijihō kankei shiryōshū*, vol. 2, 257–285 and 286–317. For the Taiwan survey, see Takumushō Kanrikyoku, “Taiwan ni okeru shisō undō chōsa shiryō” (March 1935), in Ogino, *Chianijihō kankei shiryōshū*, vol. 2, 317–323.

101. The following references to Diet deliberations are derived from “Chianijihō kaisei • fuhō danketsu nado shobatsu ni kansuru hōritsuan giji sokkiroku narabi ni iinkai giroku” in *GSS45*, 250–267.

102. On the Minobe Incident, see Miyazawa Toshiyoshi, *Tennō kikansetsu jiken: Shiryō ha kataru*, 2 vols. (Tokyo: Yūhikaku, 1997); and Walter A. Skya, *Japan’s Holy War: The Ideology of Radical Shintō Ultranationalism* (Durham, NC: Duke University Press, 2009), chapter 3. For discussions concerning the 1935 revision’s failure in relation to the Minobe Incident, see Nakazawa, *Chianijihō*, 152–154; Ushiomori Toshitaka, *Chianijihō* (Tokyo: Iwanami Shoten, 1977), 106; Matsuo Hiroshi, *Chianijihō to tokkō keisatsu* (Tokyo: Kyōikusha, 1979), 169. On the influence of the Minobe Incident in Justice Ministry thought crime policies, see Ogino, *Shisō kenji*, 81. John Person has a forthcoming article on Minoda Muneki’s role in creating this incident.

103. Retired Imperial Army General Kikuchi Takeo critiqued Minobe’s theory in the House of Peers on February 15, 1935. Kikuchi believed Minobe’s theory rejected Japan’s kokutai and called for the government to ban his work. Minobe was called to the House of Peers to explain his theory on February 25. With rightist criticism continuing, Minobe stepped down from the House of Peers in September; Nakazawa, *Chianijihō*, 153.

104. See Monbushō, ed., *Kokutai no Hongi* (Tokyo: Monbushō, 1937), translated as *Kokutai no Hongi: The Cardinal Principles of the National Entity of Japan*, trans. John Owen Gauntlett (Cambridge, MA: Harvard University Press, 1949). Alan Tansman has argued that the “interest of the . . . [*Kokutai no hongī*] lies less in its content than in its formal qualities as an example of a fascist aesthetic that shared similar sensibility with other, more nuanced, works of the period. . . . Its prestige would seem to have grown out of its very abstruseness, its ability to persuade readers that they could ‘get’ the essence of its ‘venerable’ words and phrases without discerning their precise meanings. It was, in essence, a performative document.” Alan Tansman, *The Aesthetics of Japanese Fascism* (Berkeley: University of California Press, 2008), 152.

105. I refer to portions of these deliberations collected in GSS45 and Ogino, *Chianijihō kankei shiryōshū*, vol. 2. A full record of the 1935 Diet deliberations is collected in Shakai mondai shiryō kenkyūkai, ed., *Shisōhan hogo kansatsu hō ni kansuru sokkiroku: Dai69kai teikoku gikai* (Tokyo: Tōyō Bunkasha, 1973).

106. Here, Makino cites Minobe as arguing that “kokutai is a concept that expresses the historical fact that [there has been] unbroken imperial rule from the founding of the empire, as well as the ethical fact that the national people are incomparably loyal and revere the emperor. [However] this is not indicated in the current constitutional system. The reason for [positing] kokutai in the current constitutional system, is to emphasize the universality [*bannō*] of imperial sovereignty, which is a complete misunderstanding of the spirit of the Constitution.” Minobe Tatsukichi, quoted by Makino on March 20, 1935, in Lower House session: “Chianijihō kaisei • fuhō danketsu nado shobatsu ni kansuru hōritsuan giji sokkiroku narabi ni iinkai giroku,” in GSS45, 253.

107. Minobe, quoted by Makino, in GSS45, 253. Makino’s citation of Minobe continues: “Monarchy or republic are clearly legal concepts that are connected to currently applied [theories] of constitutional orders. In other words, they are terms that refer to contemporary constitutional systems. Moreover, the meaning [of such terms] does not refer to a past history, nor any sense of the nation’s ethical sentiments [*rinriteki kanjō*]. Although a country may be called a monarchy [*kunshusei*], this is nothing to do with that country’s history, nor the feelings of the people toward the monarch. This is a completely separate issue” (254).

108. See Ohara’s inquiry: GSS45, 254.

109. Interestingly, Nakatani became the president of Japan Motion Pictures (Nikkatsu) in 1934 and oversaw a major restructuring of the company at the time. Jasper Sharp, *Historical Dictionary of Japanese Cinema* (Lanham, MD: Scarecrow, 2011), 181.

110. Exchange between Matsuda Genji and Nakatani Sadayori on March 22 in the Lower House: “Chianijihō kaisei • fuhō danketsu-ra shobatsu ni kansuru hōritsuan giji sokkiroku narabi ni iinkai giroku,” in GSS45, 259.

111. GSS45, 259.

112. GSS45, 259.

113. See Nakazawa, *Chianijihō*, 152.

114. At the same time, officials had to answer concerns that they had been too lenient on ex-communists. For instance, in 1934 Diet committee deliberations over the 1934 revision bill, some officials expressed doubts that tenkō was merely camouflage for

dangerous political activists, as well as concern over Sano Manabu and Nabeyama Sadachika's new politics of socialism in one country. See "Tenkō mondai," in Ogino, *Chianijihō kankei shiryōshū*, vol. 2, 48–50. Also, while the Home Ministry collaborated with the Justice Ministry on the 1934 and 1935 revision bill drafts, they did not support the Justice Ministry's proposal for the 1936 Thought Criminal Protection and Supervision bill. See Nakazawa, *Chianijihō*, 157.

115. A 1935 Justice Ministry Criminal Division report gives the following statistics between 1928 and 1934: out of 10,353 individuals not released after their initial interrogation, 4,059 were indicted, 3,869 received Suspended Indictments, and 2,425 were placed in Charges Withheld (a policy formalized in 1931). See Shihōshō keijikyoku, "Chianijihō kaiseian sankō shiryō" (March 8, 1935), in Ogino, *Chianijihō kankei shiryōshū*, vol. 2, 229.

116. Ogino interprets the application of the law beyond suspected communist groups as signaling that the law was no longer "targeting just social movements that harmed the peace [*chian o gai suru*], but now was directed toward anyone that harmed the social order and public tranquility [*shakai chitsujo naishi shakai no seihitsu*]." Ogino, *Shōwa tennō to chian taisei*, 75. On the suppression of Ōmotokyō in the 1930s and more generally, see Ogino, *Shōwa tennō to chian taisei*, 75–79; Garon, *Molding Japanese Minds*, 60–87; Okudaira, *Chianijihō shōshi*, 222–234. For excerpts from police summaries on the 1935 Ōmotokyō Incident, see Keihokyoku, "Ōmotokyō chianijihō ihan narabini fukei jiken gaiyō" (November 1935) and Keihokyoku, "Ōmotokyō higisha chōshusho sakusei yōkō" (May 14, 1936), in Ogino, *Chianijihō kankei shiryōshū*, vol. 2, 403–406 and 406–410 respectively. On the trial of Ōmotokyō, see Miyachi Masato, "Dai ni ji Ōmotokyō jiken: Senjika shūkyō danatsu no kiten," in *Nihon seiji saiban shiroku 5: Shōwa • go*, ed. Wagatsuma Sakae (Tokyo: Daiichi Hōki Shuppan, 1969), 95–140. On the extension of the Peace Preservation Law to Popular Front groups including the Rōnō-ha, see Okudaira, *Chianijihō shōshi*, 203–222. For a police summary of the suppression of Popular Front groups, see Keihokyoku, "Jinmin sensen undō no hontai" (January–February 1938), in Ogino, *Chianijihō kankei shiryōshū*, vol. 2, 410–417. On the trials of Popular Front groups, see Odanaka Toshiki, "Jinmin sensen jiken: Hansen • hanfashizumu seiryoku e no danatsu," in Wagatsuma, *Nihon seiji saiban shiroku 5*, 273–328.

117. Yoshida Hajime, "Chōsen ni okeru shisōhan no kakei narabini ruihan jōkyō," in Shisō jōsei shisatsu hōkokushū (Sono 6), in *Shisō kenkyū shiryō: Tokushū dai 69 gō*, ed. Shihōshō keijikyoku, reprinted in *Shakai mondai shiryō sōsho: Dai 1 shū* (Tokyo: Tōyō Bunkasha, 1971), 1–47. Hong Jong-wook cites this source in *Senjiki chōsen no tenkōshatachi: Teikoku/shokuminchi no tōgō to kiretsu* (Tokyo: Yūshisha, 2011), 52.

118. Keongil Kim, "Japanese Assimilation Policy and Thought Conversion in Colonial Korea," in *Colonial Rule and Social Change in Korea, 1910–1945*, ed. Hon Yung Lee, Yong Chool Ha, and Clark W. Sorensen (Seattle: Center for Korean Studies, University of Washington Press, 2013), 213, and 230, fn34.

119. Suzuki, *Chōsen shokuminchi tōchihō no kenkyū*, 182. Suzuki demonstrates how by 1930 the Peace Preservation Law had overshadowed the application of other security laws when prosecuting independence activists in the late 1920s (e.g., the 1907 Public Peace Law and 1919 Ordinance No. 7) (140).

120. See for example the two-part series by a procurator in Osaka: Adachi Katsukiyo, “Shisōhansha no hogo taisaku,” *Hogo Jihō* 19, no. 6 (June 1935): 4–12; and *Hogo Jihō* 19, no. 7 (July 1935): 9–18. In such discussions, officials advocated for the passage of the Peace Preservation Law revision bills under deliberation in the Diet at the time or, later, the Thought Criminal Protection and Supervision Law, which was developed after the other revision failed. See, for example, Yamagata Nirō, “Nanzan no shisōhan hogo kansatsu hōan,” *Hogo Jihō* 20, no. 2 (February 1936): 9–18.

121. For instance, Fujii Eshō, Hirata Isao, and Kobayashi Morito held a discussion for female tenkōsha in Tokyo to describe their experiences and hardships: “Tenkō fujin no nayami o kiku kai,” *Hogo Jihō* 18, no. 10 (October 1934): 11–18.

122. Itō, *Tenkō to tennōsei*, 253. On the limits of these early groups and the challenges tenkōsha were experiencing, see Mitchell, *Thought Control in Prewar Japan*, 129–134. These challenges are reflected in the increasing number of paroled thought criminals seeking membership in the Imperial Renovation Society: whereas only eight ex-communists became members of the society in 1931, 278 were admitted in 1934. These numbers come from Fujii Eshō, “Shisōhan hogo jigyo no tenbō: Hogo kansatsu no jicchi o hikaete,” *Hogo Jihō* 20, no. 2 (February 1936): 11–15. Fujii reports that in 1932 and 1933, 43 and 143 thought criminals were admitted, respectively. These statistics do not include those paroled ex-communists who came to the society for temporary assistance.

123. The Shōtokukai was an incorporated foundation (*zaidan hōjin*). See Shōtokukai, “Zaidan hōjin shōtokukai gaiyō” (August 1936), in Ogino Fujio, ed., *Chianijihō kankei shiryōshū*, vol. 3 (Tokyo: Shinnihon Shuppansha, 1996), 31. Also see Ogino, *Shisō kenji*, 68.

124. A later Justice Ministry report in support of passing this law replicated the arguments that Moriヤマ presented in this meeting. See Shihōshō, “Shisōhan hogokansatsu seido no hitsuyō” (April 15, 1936), in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 44–46.

125. Uchida, *Kōsei hogo no tenkai to kadai*, 30.

126. Foucault, “Governmentality,” 103.

127. Moriヤマ Takeichirō, “Shisō hogo kansatsu seido’ ni tsuite” (November 1935), in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 38–39.

128. Moriヤマ explained that this new law would apply to four dispositions related to the Peace Preservation Law—Suspended Indictment, Suspended Sentence, parolees, and those who had fully served their sentences. Similar to the juvenile rehabilitation policies, a reformee would be placed under the supervision of a guidance officer (*hogoshi*). Moriヤマ, “Shisō hogo kansatsu seido’ ni tsuite,” 39. Notice that Moriヤマ does not make reference to Charges Withheld. This was because with the passage of this proposed bill, the conventional Suspended Indictment of the Japanese Criminal Code would replace Charges Withheld administered specifically for thought criminal cases since 1931. We can assume that the widely applied Charges Withheld disposition was included in Moriヤマ’s reference to Suspended Indictment.

129. Moriヤマ, “Shisō hogo kansatsu seido’ ni tsuite,” 39.

130. See Shihōshō, “Shisōhan hogo kansatsu hōan yōkō” (January 8, 1936), in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 40. For the Justice Ministry’s official summary of the

bill, see Shihōshō, “Shisōhan hogo kansatsu hōan riyūsho,” submitted with “Shisōhan hogo kansatsu hōan” (April 1936), in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 42. For a history of the passage of this bill, see Kikuta Kōichi, “Shisōhan hogo kansatsu hō no rekishiteki bunseki,” parts I and II, *Hōritsu Ronsō* 44, nos. 5–6 (October 1971): 95–132, and *Hōritsu Ronsō* 45, no. 1 (January 1972): 85–126, respectively.

131. Hayashi Raizaburō, “Shisōhan hogo kansatsu hōteian riyū setsume,” in *GSS45*, 273.

132. On the retroactive application of this law, see Kikuta, “Shisōhan hogo kansatsu hō no rekishiteki bunseki, II,” 89.

133. Hayashi Raizaburō, “Shisōhan hogo kansatsu hōteian riyū setsume,” in *GSS45*, 273.

134. *GSS45*, 273.

135. See Seifu, “Shisōhan hogo kansatsu hō shikō kijitsu no ken” (Ordinance 400), “Shisōhan hogo kansatsu hō shikō rei” (Ordinance 401), “Hogo kansatsu sho kansei” (Ordinance 403), and “Hogo kansatsu shinsakai kansei” (Ordinance 405), all issued on November 14, 1936, in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 47–51. For a detailed collection of all materials related to the establishment of the law, including its relation to other civil codes, see Kido Yoshio, *Shisōhan hogokansatsuhōki shū* (Tokyo: Gansuidō Shoten, 1937).

136. For colonial Korea, see Seifu, “Chōsen sōtokufu hogo kansatsu rei,” “Chōsen sōtokufu hogo kansatsu sho kansei,” and “Chōsen sōtokufu hogo kansatsu shinsa kaikansei” (all issued December 12, 1936), in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 52–53. For analysis of the application of this law in colonial Korea, see Suzuki, *Chōsen shokuminchi tōchihō no kenkyū*, 181–183. For the implementation of this law in colonial Korea and the Kwantung Leased Territory, see Ogino Fujio, “Kaisetsu: Chianijihō seiritsu • ‘kaisei’ shi,” in *Chianijihō kankei shiryōshū*, vol. 4, ed. Ogino Fujio (Tokyo: Shinnihon Shuppansha, 1996), 686–690.

137. For the ordinances related to the Kwantung Leased Territory, including establishing a Protection and Supervision Center in Dalian, see Seifu, “Kantōshū shisō hogo kansatsu rei” (No. 793), “Kantōshū hogo kansatsusho kansei” (No. 794), and “Kantōshū hogo kansatsu shinsakai kansei” (No. 795), in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 53–55. The law was not issued in Taiwan, Karafuto, or the South Sea Islands.

138. See Ogino, “Kaisetsu: Chianijihō seiritsu • ‘kaisei’ shi,” 686–687. See also Ogino, *Shisō kenji*, 92. For a record of location and staff of the Protection and Supervision Centers in colonial Korea, see Chōsen Sōtokufu, “Hogo kansatsu sho shokuin haichi hyō” (December 1936), in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 510–511. Hong reports that the 1,160 cases overseen by the Keijō Protection and Supervision Center were distinguished as follows: 328 Suspended Indictments, 198 Suspended Sentences, 608 individuals who had served their full sentences, and 26 who were paroled. Hong Jong-wook, “Senjiki chōsen ni okeru shisōhan tōsei to Yamato-juku,” *Kankoku chōsen bunka kenkyū*, no. 16 (March 2017): 44.

139. Hong, *Senjiki chōsen no tenkōsha-tachi*, 50.

140. Masunaga Shōichi (January 1937), cited in Ogino, “Kaisetsu: Chianijihō seiritsu • ‘kaisei’ shi,” 687.

141. Ushiomi Toshitaka notes that the Thought Criminal Protection and Supervision Law was a “revision of the Peace Preservation Law which changed its formal structure.” Ushiomi Toshitaka, *Chianijihō* (Tokyo: Iwanami Shoten, 1977), 107.

142. For example, in the July 1936 issue of *Hogo Jihō* dedicated to this new law, Kobayashi Morito relayed the concerns he was hearing from other converts, including how the state was expecting to extract conversion from those who had, up to that point, refused to tenkō, and concern over whether the new law would increase police intervention into the daily lives of tenkōsha, which would cause unnecessary hardships that might in fact have a negative result in securing conversion. Kobayashi Morito, “Shisōhan hogo kansatsuhō ni taisuru jakkan no kōsatsu: Hitotsu tenkōsha to shite,” *Hogo Jihō* 20, no. 7 (July 1936): 16–21, in Aomori hogo kansatsusho, ed., *Shisōhan hogo kansatsu hō* (1937), collected in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 73–76. Chaplain Fujii Eshō conveyed similar concerns surrounding the protocols outlined in the new law: Fujii Eshō, “Shisōhan hogo kansatsu hō ni tsuite: Jitsumuka no tachiba kara,” *Hogo Jihō* 20, no. 7 (July 1936): 13–16, reprinted in Aomori hogo kansatsusho, ed., *Shisōhan hogo kansatsu hō* (1937), collected in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 76–78.

143. For example, at a 1936 roundtable attended by forty-three tenkōsha and thought reform officials, it was common for tenkōsha to describe the difficulties that police surveillance caused once they were paroled. See Hankan Gakuryō, ed., *Hankan Gakuryō shisōhan tenkōsha zadankai kiroku* (Tokyo: Hankan Gakuryō Tōkyō Jimusho, 1936).

144. See “Shisōhan hogokansatsu hō tekiyō mondai” and “Shisōhan hogokansatsu hō ni tsuite,” *Chōsen Nippō*, June 11 and June 14, 1936, in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 86–88.

145. See Itō’s discussion of concerns raised by the Osaka-based Dōyūkai: Itō, *Tenkō to tennōsei*, 259–260.

146. Mitchell, *Thought Control in Prewar Japan*, 139. Statistics on recidivism in colonial Korea exist up until 1935, averaging 10 percent, with most cases occurring early in the 1930s. See Hong, *Senjiki chōsen no tenkōsha-tachi*, 52.

147. Jan Goldstein reconsiders the logical relationship between sovereign law and disciplinary power in Foucault’s theory and has called this the “framing of discipline by law.” Jan Goldstein, “Framing Discipline with Law: Problems and Promises of the Liberal State,” *American Historical Review* 98, no. 2 (April 1993): 364–375.

## CHAPTER 5. The Ideology of Conversion

1. Hirata Isao, “Hogo kansatsu sho no shimei” (December 14, 1936), in *Shisōhan hogo kansatsu hō*, ed. Aomori Hogo Kansatsu Sho (1937), reprinted in Ogino Fujio, ed., *Chianijihō kankei shiryōshū*, vol. 3 (Tokyo: Shinnihon Shuppansha, 1996), 79–80.

2. Hirata explicated that the Japanese spirit was symbolized in the mythical three imperial regalia—the mirror, jewel, and sword—in which the sword represented justice and the jewel benevolence, and the mirror reflected and combined these two into one. In Hirata’s ideological analogy, the Peace Preservation Law combined justice and benevolence: justice was exacted against dangerous threats against the imperial state,



and benevolence was expressed in the reform of thought criminals as loyal imperial subjects. Hirata, “Hogo kansatsu sho no shimei,” 78–79.

3. Hirata, “Hogo kansatsu sho no shimei,” 79–80.

4. On this 1939 law, see Uchida Hirofumi, *Kōsei hogo no tenkai to kadai* (Kyoto: Hōritsu Bunkasha, 2015), 67–69; Kōsei Hogo Gojūnen Shi Henshū Iinkai, ed., *Kōsei hogo gojūnen shi: Chiiki shakai to tomo ni ayumu kōsei hogo* (Tokyo: Zenkoku Hogoshi Renmei, 2000), vol. 1, 192–193. Distinguishing between protection (hogo) and supervision (kansatsu), Kato Michiko has argued that, despite the emphasis on protection in these two laws (1936 and 1939), in actuality, the power of supervision was extended and overshadowed the function of protection. See Kato Michiko, “Senzen kara sengo fukkōki ni okeru hogo kansatsu seido no dōnyū to hensin,” *Ōyō shakaigaku kenkyū*, no. 55 (2013): 223–226. At this time the system for youth protection (*shōnen hogo kikō*) was also expanded. See Moriya Katsuhiko, *Shōnen no hikō to kyōiku: Shōnen hōsei no rekishi to genjō* (Tokyo: Keisōshobō, 1977), 132–151; David Ambaras, *Bad Youth: Juvenile Delinquency and the Politics of Everyday Life in Modern Japan* (Berkeley: University of California Press, 2006), 166–191.

5. Hirata, “Hogo kansatsu sho no shimei,” 78, 80.

6. As was noted in chapter 4, centers were established in colonial Korea in December 1936.

7. For a detailed discussion concerning the meaning of *tenkō* in relation to these new centers, see the meeting of the newly appointed directors in Shihōshō, “Dai ikkai hogo kansatsu shocho kaidō gijiroku” (November 25–6, 1936), in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 89–169.

8. Moriyama Takechirō, *Shisōhan hogo kansatsu hō kaisetsu* (Tokyo: Shōkadō Shoten, 1937), 62–65. This famous definition of *tenkō* is cited in Nakazawa Shunsuke, *Chianijihō: Naze seitō seiji ha “akuhō” o unda ka* (Tokyo: Chūōkō Shinsho, 2012), 160; Ogino Fujio, *Shisō kenji* (Tokyo: Iwanami Shoten, 2000), 90; Ushiomori Toshitaka, *Chianijihō* (Tokyo: Iwanami Shoten, 1977), 96–97.

9. I thank Tak Fujitani for suggesting that I emphasize this relation between societal mobilization and penal repression during wartime.

10. In November 1941, there were eleven guidance officials (*hodōkan*) overseeing the network, assisted by forty-five rehabilitation officers and thirty-nine clerks. See Shihōshō, “Hogo kansatsu sho no kakujū,” in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 353. For the list of the twenty-two centers, the basic structure of the system, see Appendix 2, Chart 2, “Justice Ministry Protection and Supervision System in 1936,” in Richard H. Mitchell, *Thought Control in Prewar Japan* (Ithaca, NY: Cornell University Press, 1976), 198.

11. For Kwantung-related ordinances, see Seifu, “Kantōshū shisōhan hogo kansatsu rei” (December 18, 1938), which includes “Kantōshū hogo kansatsusho kansei” and “Kantōshū hogo kansatsu shinsakai kansei,” in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 53–55.

12. See Seifu, “Shisōhan hogo kansatsu hō shikō kijitsu no ken” (Ordinance 400), “Shisōhan hogo kansatsu hō shikō rei” (Ordinance 401), “Hogo kansatsu sho kansei” (Ordinance 403), and “Hogo kansatsu shinsakai kansei” (Ordinance 405), all issued on November 14, 1936, in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 47–51. For a detailed



collection of all materials related to the establishment of the law, including its relation to other civil codes, see Kido Yoshio, *Shisōhan hogokansatsuhōki shū* (Tokyo: Gansuidō Shoten, 1937).

13. For an example and explanation of these reports, see Shihōshō, “Shisōhan hogo kansatsu hō shikō rei dai san jō ni okeru tsūchi yōshiki ni kansuru ken” (February 4, 1937), in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 60–61.

14. See Shihōshō, “Shisōhan hogo kansatsu hō shikō rei dai san jō ni okeru tsūchi yōshiki ni kansuru ken,” 61. Nakazawa cites a late 1933 Prison Bureau report that distinguishes between (1) *tenkōsha*, identified as those who had “renounced revolutionary thought” and had either “broken with the social movement” or planned to participate in the “legal social movement”; (2) *juntenkōsha*, identified as those who were reconsidering “revolutionary thought” and moving toward “renunciation” or those who, while still holding “revolutionary ideas,” had broken with the “social movement”; and (3) *hitenkōsha*. See summary: Nakazawa, *Chianijihō*, 142.

15. Moriyama Takeichirō, “Hogo kansatsu no yōhi kettei no hyōjun,” in *Shisōhan hogo kansatsu hō*, ed. Aomori Hogo Kansatsusho (1937), in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 70–71.

16. Matsuo Hiroshi, *Chianijihō to tokkō keisatsu* (Tokyo: Kyōikusha, 1979), 170.

17. On the Virtuous Brilliance Society, see chapter 4. For example, a review of the Tokyo Protection and Supervision Center’s activities reveals close coordination with the Imperial Renovation Society and its members. See Tokyo Hogo Kansatsu Sho, *Jimu seiseki hōkoku sho* (1937), in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 175–224. In addition to reporting on the center’s activities, this report includes extensive information on groups affiliated with the center as well as its liaison with other centers throughout Japan.

18. Yamagata Jirō, “Shisōhan hogo kansatsu hō no unyō ni kansuru yōbō,” in *Hogo Jihō* 21, no. 1 (January 1937): 34–36. He divided the target (*taishō*) of the Protection and Supervision Law into four categories: (1) those who had “completely converted and have a secure foundation in their daily lives”; (2) those who, although having converted, “have instability in their lives”; (3) those whose thoughts are “insecure” (*dōyō*) but who have stable lives; and finally (4) those who lack stability in both their thought and daily lives (35–36).

19. For the ordinances related to colonial Korea, see *Hogo Jihō* 21, no. 2 (February 1937): 48–51. For records of national meetings of reform officials, see *Hogo Jihō* 21, no. 2 (February 1937): 51–57.

20. Tokuoka Kazuo, *Chianijihō ihan jiken no saiha ni kansuru kenkyū* (Tokyo: Shihōshō Keijikyoku, 1938), 179.

21. Tokuoka, *Chianijihō ihan jiken no saiha ni kansuru kenkyū*, 179–180.

22. See *Hogo Jihō* 21, no. 10 (October 1937).

23. See the report: Kaku Hogo Kansatsusho Hoka, “Nicchū sensōka no shisōhan hogo kansatsu” (1937–1938), in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 342–352.

24. Richard Mitchell implies that the initiative to link *tenkō* to the war came from Prime Ministers Konoe Fumimaro (1937–39) and Hiranuma Kiichirō (1939). Richard H. Mitchell, *Thought Control in Prewar Japan* (Ithaca: Cornell University Press, 1976), 164–166. Patricia Steinhoff argues: “the use of *tenkōsha* for patriotic propaganda was but one small aspect of a full-scale nationalistic drive throughout the country.”

Patricia G. Stienhoff, *Tenkō: Ideology and Societal Integration in Prewar Japan* (New York and London: Garland Publishing 1991), 209. It is important to recognize, however, that officials and tenkōsha were already representing conversion in terms of national thought defense well before July 1937, which I have outlined in earlier chapters. This demonstrates a much more organic relationship between thought criminal rehabilitation and later wartime mobilization.

25. For an early example of how criminal rehabilitation was being reconsidered in the context of the China Incident, see Hoseikai, ed., *Jihen ni yomigaeru hanzaisha* (Tokyo: Hoseikai, 1937). This pamphlet concludes with an article on the patriotic activities of tenkōsha, 57–59. See also the 1938 pamphlet by the head of the Hoseikai, Matsui Kazuyoshi: *Kokka sōryōkusen to shihō hogo jigyo* (Tokyo: Hoseikai, 1938).

26. On Konoe Fumimaro, see Yoshitake Oka, *Konoe Fumimaro: A Political Biography* (Tokyo: University of Tokyo Press, 1983); and Kazuo Yagami, *Konoe Fumimaro and the Failure of Peace in Japan, 1937–1941* (Jefferson, NC: McFarland, 2006).

27. For instance, see the reports from 1937–1938 collected in the section “Nicchū sensōka no shisōhan hogo kansatsu sho” (342–353), in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 342–353.

28. Seimeikai, ed., *Shisō tenkōsha ha ika ni katsudō shite iru ka* (Osaka: Seimeikai, 1937). The pamphlet reports that the Seimeikai consisted of sixty out of the over one thousand tenkōsha under supervision by the Osaka Center (1).

29. Seimeikai, *Shisō tenkōsha ha ika ni katsudō shite iru ka*, 3.

30. Seimeikai, *Shisō tenkōsha ha ika ni katsudō shite iru ka*, 3.

31. See Seimeikai, *Shisō tenkōsha ha ika ni katsudō shite iru ka*, 10–14. As if the message was not clear enough, the pamphlet concluded with contact information for people at *Osaka Asahi Shimbun* and *Osaka Mainichi Shimbun* who were collecting donations.

32. See for instance this 1938 pamphlet: Ishii Toyoshichirō, *Shihō hogo sōsho dai 17 shū: Saiban to hogo* (Tokyo: Zen Nihon Shihō Hogo Jigyō Renmei, 1938), in particular 23–28.

33. Ishii, *Shihō hogo sōsho dai 17 shū*, 25.

34. Kokumin Seiji Keizai Kenkyūsho, ed., “*Kokunai bōkyō*” *Sensen no sankyotō: Shiono, Suetsugu, Araki* (Tokyo: Kokumin Seiji Keizai Kenkyūsho, 1938), 16–22.

35. Shihō Hogo Jigyō Renmei, ed., *Shihō hogo sōsho dai 19 shū: Kōa no soseki* (Tokyo: Zen Nihon Shihō Hogo Jigyō Renmei, 1939).

36. Jikyoku taiō zenchō shisō hōkoku renmei founding statement (July 1938), cited in Mizuno Naoki, “Nihon no chōsen shihai to Chianijihō,” in *Chōsen no kindaishi to nihon*, ed. Hatada Takeshi (Tokyo: Yamato Shobō, 1987), 139. On the formation of the Jikyoku taiō zenchō shisō hōkoku renmei and its organizational structure, see Hong Jong-wook, “Senjiki chōsen ni okeru shisōhan tōsei to Yamato-juku,” *Kankoku chōsen bunka kenkyū*, no. 16 (March 2017): 46–47 and 49.

37. Michael Robinson claims that by “the 1940s, every Korean was associated with at least one mass organization.” Michael Robinson, “Ideological Schism in the Korean Nationalist Movement, 1920–1930: Cultural Nationalism and the Radical Critique,” *Journal of Korean Studies* 4 (1982–1983): 316.

38. Ogino Fujio, “Kaisetsu: Chianijihō seiritsu • ‘kaisei’ shi,” in Ogino, *Chianijihō kankei shiryōshū*, vol. 4, 689; Hong, “Senjiki chōsen ni okeru shisōhan tōsei to Yamato-

juku,” 47. Hong also reports that there were efforts to make this league independent from its metropolitan counterparts in Japan (47).

39. Hong Jong-wook cites these numbers from a 1936 Justice Ministry report. See Hong, “Senjiki chōsen ni okeru shisōhan tōsei to Yamato-juku,” 44.

40. Hong Jong-wook, *Senjiki chōsen no tenkōsha-tachi: Teikoku/shokuminchi no tōgō to kiretsu* (Tokyo: Yūshisha, 2011), 50, 46–64.

41. Tokuoka, *Chianijihō ihan jiken no saiha ni kansuru kenkyū*, 191. This recalls the decisions in which Korean courts rationalized the application of the Peace Preservation Law—initially envisioned as a law to be used against communists—to nationalist activists in the colonies (see chapter 2).

42. Naoki Sakai, “Ethnicity and Species: On the Philosophy of the Multiethnic State and Japanese Imperialism,” in *Confronting Capital and Empire: Rethinking Kyoto School Philosophy*, ed. Viren Murthy, Fabian Schafer, and Max Ward (Leiden: Brill, 2017), 148. See also Mark Driscoll, “Conclusion: Postcolonialism in Reverse,” in Yuasa Katsuei, *Kannani and Document in Flames: Two Japanese Colonial Novels*, trans. Mark Driscoll (Durham, NC: Duke University Press, 2005).

43. See: T. Fujitani, *Race for Empire: Koreans as Japanese and Japanese as Americans during World War II* (Berkeley: University of California Press, 2011), 7. Fujitani notes that this was a “strategic disavowal of racism” for war mobilization (12).

44. Tokuoka, *Chianijihō ihan jiken no saiha ni kansuru kenkyū*, 192. Mizuno Naoki analyzes Tokuoka’s report along with other studies in order to consider the application of the Peace Preservation Law and its later tenkō policy in colonial Korea. See Mizuno, “Nihon no chōsen shihai to Chianijihō,” 137–138.

45. Yoshida Hajime, “Chōsen ni okeru shisōhan no kakei narabini ruihan jōkyō,” in *Shisō jōsei shisatsu hōkokushū* (Sono 6), in *Shisō kenkyū shiryō: Tokushū dai 69 gō*, ed. Shihōshō Keijikyoku, in *Shakai mondai shiryō sōsho: Dai 1 shū* (Tokyo: Tōyō Bunkasha, 1971), 1–47.

46. Yoshida, “Chōsen ni okeru shisōhan no kakei narabini ruihan jōkyō,” 7. These suspects were arrested in the Fifth Kantō Communist Party Incident in 1930–1931. However, since the defendants were prosecuted with a variety of different laws, their execution was not sentenced under the Peace Preservation Law. On this, see Mizuno Naoki, “Chianijihō to chōsen • Oboegaki,” *Chōsen Kenkyū* 188, no. 4 (1979): 50–51; Nakazawa, *Chianijihō*, 206. Richard H. Mitchell, *Janus-Faced Justice: Political Criminals in Imperial Japan* (Honolulu: University of Hawaii Press, 1992), 163–164.

47. Yoshida, “Chōsen ni okeru shisōhan no kakei narabini ruihan jōkyō,” 7–8.

48. Yoshida, “Chōsen ni okeru shisōhan no kakei narabini ruihan jōkyō,” 9–11. Indeed, it was common for reports of conventional crime in colonial Korea to include asides about the “particular nature” of crime in Korea due to Korean culture, customs, and feudal vestiges that distinguished it from the metropole. For example, see Terada Seiichi, “Chōsen ni okeru hanzai genshō no tokuchō,” *Hōseikai kaihō* 4, no. 3 (May 1920): 1–36.

49. Yoshida, “Chōsen ni okeru shisōhan no kakei narabini ruihan jōkyō,” 9. These concerns were also articulated by mobilized tenkōsha associations as well. See Hong, “Senjiki chōsen ni okeru shisōhan tōsei to Yamato-juku,” 49.

50. Yoshida, “Chōsen ni okeru shisōhan no kakei narabini ruihan jōkyō,” 9–10. On this point, see Mizuno, “Nihon no chōsen shihai to Chianijihō,” 136.
51. Yoshida, “Chōsen ni okeru shisōhan no kakei narabini ruihan jōkyō,” 10–12. Yoshida notes that, in the 655 indictments in 1937, over half of the cases involved forming or joining an illegal organization (153 and 249 cases respectively; see the table on page 11).
52. See Yoshida’s review of tenkō statistics, “Chōsen ni okeru shisōhan no kakei narabini ruihan jōkyō,” 12–13.
53. Yoshida, “Chōsen ni okeru shisōhan no kakei narabini ruihan jōkyō,” 13.
54. See Yoshida’s comparative reflections of tenkō, “Chōsen ni okeru shisōhan no kakei narabini ruihan jōkyō,” 12–14.
55. Yoshida, “Chōsen ni okeru shisōhan no kakei narabini ruihan jōkyō,” 14.
56. As mentioned above, Hong Jong-wook has argued that we must understand the vicissitudes of tenkō cases in colonial Korea in relation to the changing geopolitical context in regard to both Comintern policy as well as Japan’s position in East Asia. Hong, *Senjiki chōsen no tenkōsha-tachi*, 46–64.
57. From *Tokkō keisatsuhō*, no. 3 (year unknown), cited in Mizuno, “Nihon no chōsen shihai to Chianijihō,” 138.
58. See the extended citation in Yoshida, “Chōsen ni okeru shisōhan no kakei narabini ruihan jōkyō,” 45–46.
59. See Matsuda Toshihiko, “Shokuminchi makki chōsen ni okeru tenkōsha no undō: Kang Yōng-sōk to nihon kokutai gaku • tōa renmei undō,” *Jinbun Gaku* 79 (March 1997): 131–161; Matsuda Toshihiko, *Tōa renmei undō to chōsen • chōsenjin: Nichū sensōki ni okeru shokuminchi teikoku nihon no danmen* (Tokyo: Yūshisha, 2015). For the mobilization of zainichi Koreans, see Park Kyong-sik, *Tennōsei kokka to zainichi chōsenjin* (Tokyo: Shakai Hyōronsha, 1986), 148–270.
60. On the Yamato-juku, see Hong, “Senjiki chōsen ni okeru shisōhan tōsei to Yamato-juku,” 43–67.
61. A summary of a 1942 article, cited in Hong, *Senjiki chōsen no tenkōsha-tachi*, 50. Mizuno Naoki posits that the Yamato Society was at the center of the “purification of thought” (*shisō jōka*) in the colony during wartime. Mizuno Naoki, “Senjiki chōsen ni okeru chian seisaku: ‘Shisō jōka kōsaku’ to Yamato-juku o chūshin ni,” *Rekishigaku Kenkyū*, no. 777 (2003): 1–11.
62. On the concept of thought war, see Barak Kushner, *The Thought War: Japanese Imperial Propaganda* (Honolulu: University of Hawai‘i Press, 2006); and Max Ward, “Crisis Ideology and the Articulation of Fascism in Interwar Japan: The 1938 Thought War Symposium,” *Japan Forum* 26, no. 4 (December 2014): 463–465.
63. On the Cabinet Information Division, see the study in two installments: Fukushima Jūrō, “Senji genron tōsei kikan no saikenshō ‘jōhōkyoku’ e no dōtei 1: Naikaku jōhō iinkai setsuritsu to sono haikai,” *Janarizumu kenkyū* 23, no. 1 (1986): 98–109; and Fukushima Jūrō, “Senji genron tōsei kikan no saikenshō ‘jōhōkyoku’ e no dōtei 2: Naikaku jōhōbu no jidai,” *Janarizumu kenkyū* 23, no. 2 (1986): 68–77. See also Uchikawa Yoshimi, “Naikaku jōhōkyoku no setsuritsu katei: Nihon fashizumu keisei no masu media soshikika seisaku,” in *Masu mediahō seisakushi kenkyū* (Tokyo: Yuhikaku, 1989), 193–237. The Cabinet Information Division was staffed by so-called

renovationist bureaucrats (*kakushin kanryō*), a new breed of imperial officials who believed it was their duty to alleviate the dislocations endemic to capitalism, replace the inefficient political process, streamline colonial development, and completely remake the Japanese Empire through rational planning and bureaucratic intervention. On the renovationist bureaucrats, see Hashikawa Bunzō, “Kakushin kanryō,” in *Kenryoku no shisō: Gendai nihon shisō taikei* 10, ed. Kamishima Jirō (Tokyo: Chikuma Shobō, 1965), 251–273.

64. This section is derived from Ward, “Crisis Ideology and the Articulation of Fascism in Interwar Japan.” On this symposium, see Satō Takumi, “The System of Total War and the Discursive Space of the Thought War,” in *Total War and “Modernization,”* ed. Yamanouchi Yasushi, J. Victor Koschmann, and Ryuichi Narita (Ithaca, NY: Cornell University East Asia Program, 1998), 289–313. There were two more annual symposia, held in 1939 and 1940.

65. See the lecture transcript of the Chief of the Police Bureau in the Home Ministry: Tomita Kenji, “Shisōsen to keisatsu,” in *Shisōsen kōshūkai kōgi sokki*, ed. Naikaku Jōhōbu (Tokyo: Naikaku Jōhōbu, 1938), vol. 3, 113–136. On the history of the thought problem in interwar Japan, see Max Ward, “The Problem of ‘Thought’: Crisis, National Essence and the Interwar Japanese State” (PhD diss., New York University, 2011).

66. Hirata reported that roughly 10 percent of detainees still believed in Marxism, while another 10 percent had “truly overcome Marxism” by “grasping the Japanese spirit.” The remaining 80 percent were thus at various stages of “completing tenkō.” Hirata Isao, “Marukishizumu no kokufuku,” in *Shisōsen kōshūkai kōgi sokki*, ed. Naikaku Jōhōbu (Tokyo: Naikaku Jōhōbu, 1938), vol. 3, 206.

67. Hirata, “Marukishizumu no kokufuku,” 228. Hirata contrasted the Japanese centers to the German political concentration camps (Konzentrationslager) and the Kuomintang’s repentance centers in China (what Hirata referred to as Hansei-in; literally, reflection centers; 227).

68. Hirata, “Marukishizumu no kokufuku,” 228, 227.

69. Hirata, “Marukishizumu no kokufuku,” 214.

70. Hirata, “Marukishizumu no kokufuku,” 210–211.

71. Hirata, “Marukishizumu no kokufuku,” 215.

72. Hirata, “Marukishizumu no kokufuku,” 223.

73. Hirata, “Marukishizumu no kokufuku,” 228.

74. Hirata, “Marukishizumu no kokufuku,” 236.

75. Nakamura Yoshirō, “Genka ni okeru shisōtaisaku,” *Kyōiku Panfuretto*, no. 323 (November 1938), 2.

76. Nakamura cites Hirata Isao’s explanation of the centers as embodying Japan’s unique familial structure. Hirata explained that, in the centers, political criminals were “collectively disciplined [*tōsei ni fuku suru*] based on the family principle” and were able to “grow under the guidance of familial affection.” Hirata Isao, quoted by Nakamura, “Genka ni okeru shisōtaisaku,” 4–5.

77. Nakamura, “Genka ni okeru shisōtaisaku,” 5.

78. Nakamura, “Genka ni okeru shisōtaisaku,” 14.

79. Nakamura, “Genka ni okeru shisōtaisaku,” 19.

80. Nakamura, “Genka ni okeru shisōtaisaku,” 19. In this context, guidance officials like Nakamura would carry out their duties with the “sentiment of a parent toward one’s own child.” Nakamura, “Genka ni okeru shisōtaisaku,” 20.

81. Nakamura, “Genka ni okeru shisōtaisaku,” 21.

82. Nakamura, “Genka ni okeru shisōtaisaku,” 24.

83. Nakamura, “Genka ni okeru shisōtaisaku,” 25.

84. Nakamura Yoshirō, “Tenkō o yōsei sarete iru mono ha shisō jiken kankeisha nomi de nai,” *Kakushin*, December 1938, 171–180. For example, Nakamura writes that he was often asked if converts had truly converted, and if conversion was just “camouflage” for their continued dangerous activities (172). Later in the article he cites Moriyama Takeichirō’s five stages of conversion analyzed above in order to explain the process of conversion (174–175).

85. Nakamura, “Tenkō o yōsei sarete iru mono ha shisō jiken kankeisha nomi de nai,” 173.

86. Nakamura, “Tenkō o yōsei sarete iru mono ha shisō jiken kankeisha nomi de nai,” 173, 172, 173–174.

87. For example, Nakamura uses the term “recognition of crisis” (*jikyoku ninshiki*) throughout this piece.

88. Nakamura, “Tenkō o yōsei sarete iru mono ha shisō jiken kankeisha nomi de nai,” 173. On this group, see Mizuno Naoki, “Senjiki chōsen ni okeru chian seisaku: ‘Shisō jōka kōsaku’ to yamato-juku o chūshin ni,” *Rekishigaku kenkyū*, no. 777 (July 2003): 8.

89. Nakamura, “Tenkō o yōsei sarete iru mono ha shisō jiken kankeisha nomi de nai,” 173.

90. Nakamura, “Tenkō o yōsei sarete iru mono ha shisō jiken kankeisha nomi de nai,” 175.

91. Nakamura, “Tenkō o yōsei sarete iru mono ha shisō jiken kankeisha nomi de nai,” 175.

92. Nakamura, “Tenkō o yōsei sarete iru mono ha shisō jiken kankeisha nomi de nai,” 178, 180.

93. I have analyzed this exhibition at length in Max Ward, “Displaying the Worldview of Japanese Fascism: The Tokyo Thought War Exhibition of 1938,” *Critical Asian Studies* 47, no. 3 (2015): 414–439. Here I focus on how the Justice Ministry presented their tenkō policy and the Protection and Supervision Center network in the event.

94. Naikaku Jōhōbu, ed., *Shisōsen tenrankai kiroku zukan* (Tokyo: Naikaku Jōhōbu, 1938), 1.

95. Naikaku Jōhōbu, *Shisōsen tenrankai kiroku zukan*, 135. These numbers are most likely exaggerated.

96. The exhibition was held at the following department stores: Takashimaya, Tokyo; Takashimaya, Osaka; Marubutsu, Kyoto; Tamaya, Fukuoka; Tamaya, Sasebo; Tamaya, Saga-city; Sentoku, Fukumoto City; Tokiha, Ōita; Imai, Sapporo; and Mitsukoshi in Keijō. Prefectural and local municipal governments financially sponsored the event outside Tokyo, illustrating the coordination between the Cabinet Information Division, the Home Ministry, municipal offices, local business, and the Korean Government-General. See Naikaku Jōhōbu, *Shisōsen tenrankai kiroku zukan*, 135.

97. Naikaku Jōhōbu, *Shisōsen tenrankai kiroku zukan*, 25.



98. See Naikaku Jōhōbu, *Shisōsen tenrankai kiroku zukan*, 30 and 11.
99. On the economic crisis in interwar Japan, see Takafusa Nakamura, "Depression, Recovery and War, 1920–1945," in *Cambridge History of Japan*, vol. 6: *The Twentieth Century*, ed. Peter Duus (Cambridge: Cambridge University Press, 1988), 451–493.
100. Yokomizo Mitsuteru, "Shisōsen ni tsuite," in *Shisōsen tenrankai kiroku zukan*, ed. Naikaku jōhōbu (Tokyo: Naikaku Jōhōbu, 1938), 1–3.
101. Naikaku Jōhōbu, *Shisōsen tenrankai kiroku zukan*, 32.
102. Naikaku Jōhōbu, *Shisōsen tenrankai kiroku zukan*, 32.
103. Naikaku Jōhōbu, *Shisōsen tenrankai kiroku zukan*, 32.
104. Naikaku Jōhōbu, *Shisōsen tenrankai kiroku zukan*, 31.
105. Naikaku Jōhōbu, *Shisōsen tenrankai kiroku zukan*, 35.
106. This poster included statistics concerning students involved in "thought incidents": out of a total of 1,128 arrested, 148 students were indicted, 598 were given Suspended Indictments (Kiso yūyo), and 381 were placed in reserved indictments (Kiso ryūho). Naikaku Jōhōbu, *Shisōsen tenrankai kiroku zukan*, 36.
107. Naikaku Jōhōbu, *Shisōsen tenrankai kiroku zukan*, 36.
108. On the earlier proposals and later implementation of preventative detention, see: Okudaira Yasuhiro, "Chianijihō ni okeru yobō kōkin," in *Fashizumuki no kokka to shakai 4: Senji nihon no hōtaisei*, ed. Tokyo Daigaku Shakai Kagaku Kenkyūsho (Tokyo: Tokyo Daigaku Shuppansha, 1979), 165–229.
109. See for instance the proceedings from the May 1940 meeting of thought procurators: Shihōshō Keijikyoku, "Shisō jimuka kaidō gijiroku" (May 1940), in Ogino, Chianijihō kankei shiryōshū, vol. 4, 19.
110. The following is derived from Shihōshō Keijikyoku, "Shisō jimuka kaidō gijiroku" (May 1940), 19–63.
111. Officials pointed to the acceptance of the popular front strategy at the Seventh World Congress of the Communist International in August 1935 as proof of these organizations' communist intentions.
112. On the Peace Preservation Law and the suppression of new religions such as Ōmotokyō, see Okudaira Yasuhiro, *Chianijihō shōshi*, new ed. (Tokyo: Iwanami, 2006), 222–239. See also Sheldon Garon, "Defining Orthodoxy and Heterodoxy," in *Molding Japanese Minds: The State in Everyday Life* (Princeton, NJ: Princeton University Press, 1997), 60–87. On Tenrikyō and Tenri honmichi, see Robert Kisala, "Schisms in Japanese New Religious Movements," in *Sacred Schisms: How Religions Divide*, ed. James R. Lewis and Sarah M. Lewis (Cambridge: Cambridge University Press, 2009), 83–93.
113. Shihōshō Keijikyoku, "Shisō jimuka kaidō gijiroku" (May 1940), 20–22.
114. Other issues that emerged during the drafting of the revision bill were further separating the kokutai and private property system offenses since the kokutai was something absolute (*zettaisei*) while private property was not. See Hirata Isao's contribution to the May 1940 meeting: Shihōshō Keijikyoku, "Shisō jimuka kaidō gijiroku," 24.
115. The bill is reprinted in Okudaira Yasuhiro, ed., *Gendaishi shiryō 45: Chianijihō* (Tokyo: Misuzu Shobō, 1973), 277–284, hereafter cited as GSS45. For an overview of the 1941 bill and its discussion in the Diet, see Mitchell, *Thought Control in Prewar Japan*, 166–170.



116. See Miyake Masatarō's presentation to a committee of the Seventy-Sixth Imperial Diet on February 12, 1941, reprinted in GSS45, 284–289.

117. GSS45, 289.

118. For the political context within the Imperial Diet and state at the time, see Nakazawa, *Chianijihō*, 175–177. For overviews of the system after 1941, see Matsuo, *Chianijihō to tokkō keisatsu*, 198–206; Okudaira, *Chianijihō shōshi*, 250–262.

119. For the final text of this law and its promulgation, see Seifu, “Shin chianijihō” (March 10, 1941), and Seifu, “Chian ijihō kaisei hōritsu shikō kijitsu no ken” (May 14, 1941), in Ogino, *Chianijihō kankei shiryōshū*, vol. 4, 69–75 and 105 respectively. Also GSS45, 523–533.

120. Translations amended from the abbreviated English translation of the 1941 law: appendix 4, “Peace Preservation Law, 1941, Articles 1–16,” in Mitchell, *Thought Control in Prewar Japan*, 201–203. For an extensive analysis of the new crimes defined in the law, see Ogino, “Kaisetsu,” 703–711. For an extensive legal analysis of the proposal, passage and application of the New Peace Preservation Law, see Uchida Hirofumi, *Chianijihō no kyōkun: Kenri undō no seigen to kenpō kaisei* (Tokyo: Misuzu Shobō, 2016), 450–497.

121. Ogino, *Chianijihō kankei shiryōshū*, vol. 4, 105 and 106 respectively. The ordinances establishing the Preventative Detention system are reprinted in Ogino, *Chianijihō kankei shiryōshū*, vol. 4, 109–110.

122. Uchida Hirofumi, *Keihō to sensō: Senji chian hōsei no tsukurikata* (Tokyo: Misuzu Shobō, 2015). Provocatively, Uchida argues that contemporary legal changes (2018) being carried out by the Abe Shinzō regime reflect developments that prepared Japan for total war in the 1930s.

123. I thank Louise Young for reminding me of these parallel developments in Manchukuo. For an extensive overview of security laws and institutions in Manchukuo, see Ogino, “Kaisetsu,” 748–764.

124. Nakazawa refers to an April 1941 report drafted by the Kwantung Military's Staff Section (Kantōgun sanbōbu) that cites concern about infiltration by Soviet and Chinese communists. See Nakazawa, *Chianijihō*, 210.

125. Nakazawa, *Chianijihō*, 210.

126. Nakazawa, *Chianijihō*, 210–211.

127. See Chōsen sōtoku, “Chōsen shisōhan yobō kōkin ryō” (February 12, 1941), in Ogino, *Chianijihō kankei shiryōshū*, vol. 4, 84–87. For the Government-General's explanation for implementing Preventative Detention in the colony, see Chōsen sōtokufu, “Riyū to setsumei” (November 1940), in Ogino, *Chianijihō kankei shiryōshū*, vol. 4, 87–89. On the Peace Preservation Law in wartime colonial Korea, see Mizuno Naoki, “Senjiki chōsen no chianiji taisei,” in *Iwanami kōza: Ajia • Taiheiyō sensō 6: Shihai to bōryoku*, ed. Kurosawa Aiko et al. (Tokyo: Iwanami Shoten, 2006), 95–122.

128. Ogino, “Kaisetsu,” 700–701.

129. Ogino, “Kaisetsu,” 701. See the draft proposal prepared by the Korean Government-General: Chōsen sōtokufu, “Chōsen shisōhan yobō kōkin ryō nado no sōan” (fall 1940), in Ogino, *Chianijihō kankei shiryōshū*, vol. 4, 76–84.

130. A Preventative Detention report cited in Ogino, “Kaisetsu,” 723.

131. For an overview of recent research on the Mantetsu Research Bureau Incident, see Matsumura Takao, “Mantetsu chōsabu danatsu jiken (1942 • 43nen) sairon,” *Mita*

*gakkai zasshi* 105, no. 4 (January 2013): 719–754. For a firsthand account of the Yokohama Incident, see Kuroda Hidetoshi, *Yokohama jiken* (Tokyo: Gakugei Shorin, 1975). See also Janice Matsumura, *More Than a Momentary Nightmare: The Yokohama Incident and Wartime Japan* (Ithaca, NY: Cornell University East Asia Program, 1998); Ogino Fujio, *Yokohama jiken to chianijihō* (Tokyo: Kinohanasha, 2006). For a general overview of the application of the New Peace Preservation Law between 1941 and 1945, see Nakazawa, *Chianijihō*, 181–200; and Uchida, *Chianijihō no kyōkun*, 459–497.

132. These numbers are derived from the graph in Nakazawa, *Chianijihō*, 183. Different numbers are given in appendix 1, “Chianijihō ihan jiken nendo betsu shori jinin hyō,” in *GSS45*, 646–649.

133. See the table “Chianijihō ihan jiken nendo betsu shori” in Hong Jong-wook, *Senjiki chōsen no tenkōsha-tachi* (Tokyo: Yūshisha, 2011), 63.

134. Chōsen sōtokufu, “Yobō kōkin shūyōsha no jōkyō” (December 1944), in Ogino, *Chianijihō kankei shiryōshū*, vol. 4, 325. Ogino notes that in August 1944, there were 2,897 thought criminals in Korea in the Protection and Supervision system. See Ogino, “Kaisetsu,” 687.

135. Matsumoto Kazumi, “Tokyo yobō kōkinsho no kaisō,” in *Gokuchū no shōwashi: Toyotama keimusho*, ed. Kazahaya Yasoji (Tokyo: Aoki Shoten, 1986), 167, cited in Ogino, “Kaisetsu,” 723. For another account of life inside a Preventative Detention Center, see Tsuchiya Shukurō, *Yobō kōkin sho* (Tokyo: Banseisha, 1988).

136. In addition to Matsumoto, see Ogino, “Kaisetsu,” 722.

137. Mitchell, *Janus-Faced Justice*, 142. Reports on Fukumoto’s ideological development, as well as his own thought reports, are collected in Shihōshō keijikyoku, ed., *Shisō shiryō panfuretto tokushū 12: Tokuda Kyūichi, Shiga Yoshio, Fukumoto Kazuo ni kansuru yobōkōkin seikyū jiken kiroku* (Tokyo: Shihōshō Keijikyoku, December 1942).

138. Matsumoto, “Tokyo yobō kōkinsho no kaisō,” 179. The following information comes from Matsumoto’s recollections.

139. Monbushō, ed., *Kokutai no hongi* (Tokyo: Monbushō, 1937). On the use of *Kokutai no hongi* in the Tokyo Center, see Matsumoto, “Tokyo yobō kōkinsho no kaisō,” 174–175. Matsumoto reports that a thought criminal who successfully demonstrated conversion and was released received a copy of the *Kokutai no hongi* as a gift (181).

140. Matsumoto, “Tokyo yobō kōkinsho no kaisō,” 177.

141. See Shihōshō, “Chianijihō ihan shūyōsha no tenkō bunrui ni kansuru ken tsūchō” (November 13, 1941), in Ogino, *Chianijihō kankei shiryōshū*, vol. 4, 301. This definition applied to the Protection and Supervision System as well. See Moriyama Takeichirō, “Shihōshō hogo kyoku” (Order No. 16739, September 12, 1941), in Ogino, *Chianijihō kankei shiryōshū*, vol. 3, 357–358.

142. Ogino, “Kaisetsu,” 685.

143. Interestingly, because of the later increase in tenkō cases in colonial Korea, Ogino reports that as late as 1944, there were 2,897 individuals under Protection and Supervision in Korea. Ogino, “Kaisetsu,” 687.

144. The second exhibition was less of a production than the 1938 exhibit, with fewer advertisements, a tour that included only two other locations (Osaka and Nagoya), and a simpler commemorative book published in a smaller quantity. On the 1940 Thought War Exhibition, see Naikaku Jōhōbu, ed., *Shisōsenten: Dainimen* (Tokyo: Naikaku

Jōhōbu, 1940). On the idea of holy war, see Walter Edwards, “Forging Tradition for a Holy War: The ‘Hakkō Ichiū’ Tower in Miyazaki and Japanese Wartime Ideology,” *Journal of Japanese Studies* 29, no. 2 (summer 2003): 289–324. Public advertisements presented the 1940 Thought War Exhibition in Tokyo in the following manner: “The assault of the thought war, which attempts to break the unity of our spirit [*kokoro no danketsu*], must be decisively crushed. To prepare the unshakable one million spirits is itself to serve as a soldier of the thought war.” Conversion was represented as merely a tactic in Japan’s intensifying holy war. See the advertisement on page 6 of the February 9, 1940, *Tokyo Asahi Shimbun*, morning edition.

145. On the Metalworks Vocational Center, see Kobayashi, “*Tenkōki*” *no hitobito*, 225–230; on the Reformed Workers Production Factory, 233–236. Kobayashi reports that the factory manufactured parts in conjunction with the larger Japan Shipbuilding Machines Incorporated (Nihon zōsen kikai kabushiki gaisha).

## Epilogue

1. GHQ/SCAP, “Seijiteki, kōminteki oyobi shūkyōteki jiyū ni taisuru seigen jokyo no ken” (October 4, 1945), in *Chianijihō kankei shiryōshū*, vol. 4, ed. Ogino Fujio (Tokyo: Shinnihon Shuppansha, 1996), 368–371.

2. For the repeal of the Peace Preservation Law, among other institutions, see Seifu, Order Nos. 542 (October 13), 575 (October 15), and 638 (November 20), in Ogino, *Chianijihō kankei shiryōshū*, vol. 4, 371–372. The 1900 Public Peace Police Law (*Chian keisatsu hō*) was repealed on November 21.

3. John Dower, *Embracing Defeat: Japan in the Wake of World War II* (New York: Norton, 1999), 69, 236.

4. Ogino Fujio, *Shisō kenji* (Tokyo: Iwanami Shoten, 2000), 186.

5. Ogino, *Shisō kenji*, 192–193.

6. The Home Ministry was reorganized soon afterward but demonstrates how the prewar police continued into the immediate postwar and beyond. See Ogino Fujio, “Kaisetsu: Chianijihō seiritsu • ‘kaisei’ shi,” in Ogino, *Chianijihō kankei shiryōshū*, vol. 4, 746. See also Ogino Fujio, *Tokkō keisatsu* (Tokyo: Iwanami Shoten, 2012), 222.

7. Ogino, *Tokkō keisatsu*, 224–225.

8. On the construction of the postwar security police, see Ogino Fujio, *Sengo kōan taisei no kakuritsu* (Tokyo: Iwanami Shoten, 1999).

9. Ogino, *Shisō kenji*, 185–191.

10. On the discrepancies between GHQ’s dismantling of the Home and Justice Ministry bureaus dealing with political crime, see Ogino, *Shisō kenji*, 188. In total, twenty-five justice officials were dismissed, including the prominent procurator Ikeda Katsu, who was working in Nagoya at the time. However, after the Occupation ended in 1952, Ikeda was assigned to the Supreme Court in 1954 (iv–v, 189–192). On the return of justice officials that were dismissed earlier, see 200–201. On thought procurators, see 183.

11. See Ogino, *Shisō kenji*, 193–196.

12. On this law, see John M. Maki, “Japan’s Subversive Activities Prevention Law,” *Western Political Quarterly* 6, no. 3 (September 1953): 489–511; Cecil H. Uyehara, *The Subversive Activities Prevention Law: Its Creation, 1951–1952* (Leiden: Brill, 2010).

13. For an overview of the subjectivity debates, see Victor J. Koschmann, *Revolution and Subjectivity in Postwar Japan* (Chicago: University of Chicago Press, 1996).
14. The two most infamous JCP tenkōsha, Sano Manabu and Nabeyama Sadachika, remained staunch critics of the JCP after the war.
15. See Honda Shūgo, *Tenkō bungakuron* (Tokyo: Miraisha, 1957). Honda himself was arrested in 1933 for his association with the proletarian writers's movement. For a translated collection of early essays from this debate, see Atsuko Ueda, Michael Bourdaghs, Richi Sakakibara, and Hirokazu Toeda, eds., *The Politics and Literature Debate in Postwar Japanese Criticism, 1945–1952* (Lanham, MD: Lexington, 2017).
16. Shisō No Kagaku Kenkyūkai, ed., *Kyōdō kenkyū: Tenkō*, 3 vols. (Tokyo: Heibonsha, 1959–1962). See also Takeuchi Yoshimi, “What Is Modernity? (The Case of Japan and China)” (1948), in *What Is Modernity? Writings of Takeuchi Yoshimi*, trans. Richard F. Calichman (New York: Columbia University Press, 2005), 53–81.
17. Adam Bronson, *One Hundred Million Philosophers: Science of Thought and the Culture of Democracy in Postwar Japan* (Honolulu: University of Hawai'i Press, 2016), 161–195.
18. In Japanese scholarship, Ogino Fujio and others have suggested these legacies. See Ogino, *Sengo chian taisei no kakuritsu*; Uchida Hirofumi, *Chianijihō to kyōbōzai* (Tokyo: Iwanami Shoten, 2017), 95–187; and Uchida Hirofumi, *Keihō to sensō: Senji chian hōsei no tsukurikata* (Misuzu Shobō, 2015), 97–101.
19. For the new 1947 Juvenile Offenders Law, see Uchida Hirofumi, *Kōsei hogo no tenkai to kadai* (Kyoto: Hōritsu Bunkasha, 2015), 129–140; Moriya Katsuhiko, *Shōnen no hikō to kyōiku: Shōnen hōsei no rekishi to genjō* (Tokyo: Keisōshobō, 1977), 152–195. For an extensive overview of this history, see chapter 7, “Sengo kōsei hogo no seiseiki naishi junbiki,” in Uchida, *Kōsei hogo no tenkai to kadai*, 99–239.
20. On these laws, see Kōsei Hogo Gojūnen Shi Henshū Iinkai, ed., *Kōsei hogo gojūnen shi: Chiiki shakai to tomo ni ayumu kōsei hogo* (Tokyo: Zenkoku Hogoshi Renmei, 2000), vol. 1, 8–9. For the original bill, explanation, and subsequent Diet debates over the Offenders Prevention and Rehabilitation Act, see Kōsei Hogo Gojūnen Shi Henshū Iinkai, *Kōsei hogo gojūnen shi*, vol. 2, 449–480. In the new postwar Judicial Protection system, probationary duties for both youths and adults were combined in 1952 into the office of probation officers (*hogoshi*). And with the prohibition of prostitution in 1958, the protection system came to oversee the reform of women arrested for prostitution as well.
21. On SCAP's involvement in the emperor's Declaration of Humanity, see Dower, *Embracing Defeat*, 308–314.
22. Glenn D. Hook and Gavan McCormack, *Japan's Contested Constitution: Documents and Analysis* (London: Routledge, 2001), 4.
23. See images of Emperor Hirohito attending the Tenth and Twentieth Anniversary Celebrations of the Criminal Reform System (Kōsei hogo seido) in October 1959 in Hibiya Park and October 1969 in Nippon Budōkan arena, in Kōsei Hogo Gojūnen Shi Henshū Iinkai, *Kōsei hogo gojūnen shi*, 250 and 282 respectively.
24. See the report of the Fiftieth Anniversary (1999) of the (postwar) Criminal Reform System in which Emperor Akihito and Empress Michiko attended, in Kōsei Hogo Gojūnen Shi Henshū Iinkai, *Kōsei hogo gojūnen shi*, frontmatter and 393–394.

25. Jonathon E. Abel, *Redacted: The Archives of Censorship in Transwar Japan* (Berkeley: University of California Press, 2012), 17–20.
26. For example, see the section “Kōsei hogo zenshi II,” in Kōsei Hogo Gojūnen Shi Henshū linkai, *Kōsei hogo gojūnen shi*, vol. 1, 164–195.
27. For example, see Ministry of Japan Rehabilitation Bureau, *Non-institutional Treatment of Offenders in Japan* (Tokyo: Hōmushō Hogokyoku, 1974), 1–5.
28. See Umemori Naoyuki, “Modernization through Colonial Mediations: The Establishment of the Police and Prison System in Meiji Japan” (PhD diss., University of Chicago, 2002).
29. I touch on this briefly in the preface. For recent legal critiques of these developments, see Uchida, *Keihō to sensō*; Uchida, *Chianijihō to kyōbōzai*; Hōgaku Seminaa Henshūbu, ed., *Kyōbōzai hihiyō: Kaisei soshikiteki hanzai shobatsu hō no kentō* (Tokyo: Nihon Hyōronsha, 2017); and Colin Jones, “Will Japan’s New Conspiracy Law Lead to ‘Thought Crime’?” *The Diplomat*, July 17, 2017, <https://thediplomat.com/2017/07/will-japans-new-conspiracy-law-lead-to-thought-crime/>.