

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-judicial 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. —ITŌ 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.