

2014

# Prison of the Setting Sun: A Translation of Ono Fuyumi's Rakushō no goku

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***PRISON OF THE SETTING SUN***

**A TRANSLATION OF ONO FUYUMI'S *RAKUSHŌ NO GOKU***

**A Thesis Presented**

**by**

**CAITLIN FOX ORWOLL**

**Submitted to the Graduate School of the  
University of Massachusetts Amherst in partial fulfillment  
of the requirements for the degree of**

**MASTER OF ARTS**

**September 2014**

**Japanese Language and Literature**

***PRISON OF THE SETTING SUN***

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**ABSTRACT**  
***PRISON OF THE SETTING SUN: A TRANSLATION OF ONO***

***FUYUMI'S RAKUSHŌ NO GOKU***

**SEPTEMBER 2014**

**CAITLIN FOX ORWOLL, B.A., STATE UNIVERSITY OF NEW YORK  
AT NEW PALTZ**

**M.A., UNIVERSITY OF MASSACHUSETTS AMHERST**

**Directed by: Professor Amanda C. Seaman**

In this thesis, I have presented my translation of the novella *Rakushō no goku* (落照の獄) by Ono Fuyumi, preceded by a critical introduction. In this introduction, I have provided brief biographical information about the author, context for the story and its place in the *Twelve Kingdoms* series of novels, an analysis of the story's use of the death penalty as allegory, and an explanation for some of my choices in the translation.

In my introduction, my main purpose was to present the author, who has written multiple best-selling, award-winning novels that have received both popular and critical acclaim, yet has received little notice abroad and even less scholarly attention both in and out of Japan, as a writer meriting further study. To this end, I have used my own translation of *Rakushō no goku* as a primary example of the depth and value of her work, presenting my reading of the conflict in *Rakushō no goku* as an oblique criticism of the death penalty in Japan, and attempting to tie the story into a longstanding literary tradition of using the fantastic as allegory in order to comment on and critique contemporary culture.

## TABLE OF CONTENTS

	Page
ABSTRACT.....	iii
CHAPTER	
1. INTRODUCTION.....	1
The <i>Twelve Kingdoms</i> Series.....	1
Publication History.....	2
The World of the Twelve Kingdoms.....	4
The Politics of the Twelve Kingdoms.....	7
Fantasy as Allegory.....	10
The Death Penalty in <i>Prison of the Setting Sun</i> and Japan.....	17
About the Author.....	32
Notes on the Translation.....	36
Glossary.....	38
2. TRANSLATION OF <i>RAKUSHŌ NO GOKU</i> .....	42
BIBLIOGRAPHY.....	136

# CHAPTER 1

## INTRODUCTION

### ***The Twelve Kingdoms Series***

*Prison of the Setting Sun* is one of the most recent entries in the long-running, best-selling *Twelve Kingdoms* series of novels and short stories written by the author Ono Fuyumi.<sup>1</sup> The *Twelve Kingdoms* series is somewhat unique in its format, in that rather than the usual concept of a book series as a main overarching plot consistently featuring the same protagonist and spread over multiple novels, the *Twelve Kingdoms* series is instead structured as a chronicle of the history and political struggles of the twelve eponymous kingdoms that make up the setting. The series is comprised of a collection of relatively unrelated stories focusing on different characters in different countries, all set in the same fictional world at different points in its history. Though characters from one story may make appearances in another, and court intrigue in one book may affect the political climate in later ones, each novel is essentially a standalone one in terms of storyline.

As such, the plot of *Prison of the Setting Sun* has little to no connection to the plots of the other books in the series and the reader does not need to have read the other books in the series to understand the story. However, without the knowledge of the world, its government, its magic, and so on that has been

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<sup>1</sup> All names will be given in the Japanese order, with family name first and personal name last.

established in the other books, aspects of the story, particularly the setting and politics, may be somewhat difficult for a new reader to grasp. To that end, this section will present brief information about the series in order to place *Prison of the Setting Sun* in context.

## **Publication History**

Starting with *Sea of Shadow* (月の影 影の海, *Tsuki no kage, kage no umi*, literally *Shadow of the Moon, Sea of Shadow*)<sup>2</sup>, the *Twelve Kingdoms* series was published beginning in 1992, with the most recent book published in 2013. In total, it is comprised of six novels and nine short stories collected in two short story collections. The first four novels have also been translated into English and German and all eight books have been translated into French. From 2002 until 2003, a forty-five episode animated adaptation was aired. The series also spawned a fifteen volume “animanga” series comprised of still images from the animated series with the accompanying dialogue superimposed on them, an audio drama, and two video games. Additionally, one of Ono's earliest novels, *Mashō no ko* (魔性の子, *The Demonic Child*), published in 1991, though not officially a part of the series, features many story elements that later became the genesis of the *Twelve Kingdoms* novels and has been published as a part of the series in the French translation, though not the English version.

*Prison of the Setting Sun* was originally published in *Yom Yom* magazine in September 2009. In July 2013, this story, along with the short story, *Hisho no*

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2 Throughout this paper, titles will be given in the original Japanese, unless an official English translation exists.

*tori*, also originally published in *Yom Yom*, and two original short stories also set in the world of the Twelve Kingdoms, *Seijō no ran* (青条の蘭, *The Blue-Lined Orchid*), and *Fūshin* (風信, *Rumors*), was published in Ono's second short story collection, *Hisho no tori*. It should also be noted that the novels in the *Twelve Kingdoms* series, as well as most of Ono's writing, have been published as “light novels” (ライトノベル), a Japanese publishing classification referring to fiction of generally less than 200 pages, written at a middle school or high school reading level, generally with an emphasis on dialogue and simplistic plots. The editor-in-chief of publisher Kodansha's light novel imprint defined light novels as “emphasiz[ing] the charms of characters over story content” and “closer to manga<sup>3</sup> than literature.”<sup>4</sup> However, while this classification may have applied to Ono's early novels, the label does not fit entirely comfortably with Ono's later writing, which cannot truly be called light in either style or content.<sup>5</sup> The *Twelve Kingdoms* novels have largely been broken into two volumes each in order to fit the standard 200-page limit, yet still all have surpassed it, with some almost doubling it. The series also exceeds the expected reading level, as Ono occasionally uses classical Japanese verb conjugations and makes liberal use of unusual or outdated *kanji* characters, as well as Chinese and archaic Japanese terms, with relatively rare use of *furigana*, the small characters used to aid in

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3 Japanese comics

4 Yusuke Takatsu & Shigeyori Miyamoto, “Publishing Heavyweights See Light in Growing 'Light Novel' Market,” *Asahi Shimbun*, November 30, 2011, [ajw.asahi.com](http://ajw.asahi.com)

5 The series' second publisher, Shinchosha, seems to agree, as the first edition of the series was published through publisher Kodansha's female-oriented light novel imprint, X Bunko White Heart (X 文庫ホワイトハート) while Shinchosha published their editions under a non-demographic-specific paperback imprint, Shincho Bunko (新潮文庫).



reading difficult *kanji*. In terms of content, in her *Twelve Kingdoms* series alone, she has portrayed in excruciating detail the complete psychological and mental breakdown of one of her protagonists, crafted intricate layers of political intrigue, and, in the story featured in this thesis, debated the ethics and effectiveness of the death penalty.

### **The World of the Twelve Kingdoms**

*Prison of the Setting Sun* and the other novels in this series are set in the fictional world of the Twelve Kingdoms, an archipelago of island nations separated from our world by the vast Void Sea (虚海, *Kyokai*). As the only way of crossing the Void Sea is by being caught up in the mysterious and dangerous storms known as *shoku* (蝕, literally meaning eclipse) and a return trip is nearly always impossible, contact between the two worlds is extremely limited, though some aspects of Japanese and Chinese culture and technology, such as paper-making, printing, and Buddhism, have been introduced to this world by people brought there by *shoku*.

The world of the Twelve Kingdoms is very different from our world in many respects. The reader will likely notice many unfamiliar words occurring throughout the text. This is because the people of the Twelve Kingdoms speak a language that, while having similarities with both Chinese and Japanese, is in fact entirely unique to that world. Phonetically, the language is identical to Japanese and is written similarly to Chinese. While a reader with a good grasp of either written Chinese or Japanese may have a slight advantage in guessing the

meanings of Twelve Kingdoms words through understanding the characters used, the language employs a distinct vocabulary that is difficult to understand without context. Ono has created nearly a dictionary's worth of original terms for this series and uses them liberally throughout the stories, often without any in-text explanation, which might be seen as somewhat of a hindrance for first-time readers. To that end, a glossary of every fictional term used in this story has been provided and can be found at the end of this introduction.

An additional difference between our world and the world of the novels is that magic, though a rather different sort from the standard sword-and-sorcery kind found in many fantasy series, is a very real presence in the world of the Twelve Kingdoms. Most of the magic in this world is tied closely to its government, many examples of which can be found in *Prison of the Setting Sun*. As can be seen with the characters Eikō, Jokyū, and Sotsuyū, among others, in the story, officials in the upper ranks of state and national governments can become *sennin* (仙人), people who live high in the mountains above the clouds and completely stop aging from the time of their appointment to positions in the government onwards, until they leave their post. Though not fully immortal, they can neither die from old age nor disease, and cannot be harmed by most weapons.

As a second example, each kingdom is ruled by a monarch<sup>6</sup> who does not obtain

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<sup>6</sup> In the original Japanese, the rule is called *ō* (王), which is generally translated as “king,” but as the *ō* is called by this same title regardless of their gender, I have chosen to use the more gender-neutral terms ruler and monarch throughout this introduction.

their position through heredity, but rather is divinely appointed by the god Tentei, using a *kirin*<sup>7</sup> as his earthly intermediary. Each of the twelve kingdoms has their own *kirin* who rules alongside its monarch as the Minister of State, as well as serving as the barometer of the ruler's reign. Upon taking the throne, each ruler must agree to abide by the Mandate of Heaven (天勅, *tenchoku*), which outlines the Way (道, *michi*), as the laws the ruler must follow are known, which includes not invading other kingdoms and not violating heavenly precepts. As long as the ruler follows the Way and does not violate the Mandate, the *kirin* will be healthy and the kingdom will prosper. When the monarch loses the Way, as is believed to be the case with the king of Ryū in *Prison of the Setting Sun*, the *kirin* suffers from the usually fatal disease *shitsudō* (失道, literally meaning loss of the Way), and the kingdom falls into chaos and becomes overrun with *yōma*, demonic monsters, while the ruler and *kirin* die within the year.

Much of the magic surrounding the kingdoms' monarchies is not entirely unique to the world of the Twelve Kingdoms. Similarly to how much of American high fantasy literature takes place in fantastic settings heavily based on medieval England,<sup>8</sup> in creating the world of the Twelve Kingdoms, Ono Fuyumi also turned to the history of a nearby former empire for inspiration – namely, ancient China, specifically the Zhou dynasty, which ruled from 1046 to 256 BC. The Zhou dynasty were the first emperors of China to claim legitimacy for their reign

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7 A unicorn-like, shape-shifting creature from Japanese, Chinese, and Korean folklore

8 The Ur-example, of course being J. R. R. Tolkien's *Lord of the Rings* trilogy, his attempt at creating a national mythology for England, which has since influenced nearly every “high fantasy” (fantasy set in another world) novel since, from Tamora Pearce's *Song of the Lioness* quartet to George R. R. Martin's *A Song of Ice and Fire* saga.

through the Mandate of Heaven.<sup>9</sup> This mandate declared the emperor divinely appointed by Heaven to rule over China, conditional on his rule remaining just. Natural disasters and successful revolutions were seen as signs that the emperor had lost the Mandate of Heaven.<sup>10</sup> Similarly, the rulers of the Twelve Kingdoms are divinely appointed by Tentei, the Emperor of the Heavens, and in cases where the ruler have lost divine favor by ruling poorly, the land and people suffer, the government grows corrupt, and the *kirin* Minister of State suffers from *shitsudō*.

### **The Politics of the Twelve Kingdoms**

Being a series chiefly concerned with kings, ministers, and other rulers, political issues are at the forefront of most of the *Twelve Kingdoms* novels. As such, the governments and political situations of the different kingdoms have been explored and expanded upon in each of the novels to the point that the sheer amount of ministries, officials, and other terms and titles presented with little explanation in *Prison of the Setting Sun* may making reading it as a standalone story difficult for some readers. To that end, it may be helpful to explore the structure of the kingdoms' systems of government somewhat more in-depth than this story does.

The influence of the Chinese Zhou dynasty is again apparent here. The government of each kingdom is exactly the same and is structured much like the Zhou era government. Each is governed by a single monarch, who has been

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9 Though both can be translated as Mandate of Heaven, the Twelve Kingdoms Mandate of Heaven is written with the characters 天勅, meaning “Heaven” and “decree/edict,” while the Chinese Mandate of Heaven is written with the characters 天命, meaning “Heaven” and “command.”

10 *Encyclopedia Britannica*, s.v. “Tianming”

granted a divine right to rule. The *chōsai* (冢宰) is essentially a prime minister who runs the kingdom in the interim period between the death of the old ruler and the coronation of the new one, as well as overseeing the six ministries which comprise much of the rest of the government. The ruler also has three advisers called the *sankō* (三公). The most important member of the court, however, is a position unique to the Twelve Kingdoms, as it is the official title of the kingdom's *kirin* – the *saiho* (宰輔), the ruler's right-hand man who serves as the Minister of Heaven, the Twelve Kingdoms equivalent of the Minister of State.

The six ministries, again a concept taken from the Zhou dynasty, are comprised of the Ministry of Heaven (天官, *tenkan*), which oversees affairs of the royal palace, the Ministry of Earth (地官, *chikan*), which oversees domestic affairs, the Ministry of Spring (春官, *shunkan*), which oversees rites and ceremonies, the Ministry of Summer (夏官, *kakan*), which oversees the military, the Ministry of Fall (秋官, *shūkan*), which oversees the judicial system, and the Ministry of Winter (冬官, *tōkan*), which oversees economics. Each ministry has a head minister and a vice minister, each of whose titles differ depending on the ministry they lead.<sup>11</sup>

The important officials of the Ministry of Fall, the ministry with which *Prison of the Setting Sun* is primarily concerned, are the *daishikō* (大司寇), the *shōshikō* (小司寇), the *shishi* (司刺), the *tenkei* (典刑), and the protagonist, Eikō, the *shikei* (司刑). The *daishikō* is the head minister in charge of the Ministry of Fall and the *shōshikō* is the second-in-command. The *shishi*, *tenkei*, and *shikei*

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<sup>11</sup> Ulrich Theobald, “Zhou Dynasty Government and Administration,” China Knowledge, last modified 2000, [www.chinaknowledge.de](http://www.chinaknowledge.de)

around whom the story is centered together comprise the national branch of the court called the *shihō* (司法), which has branches at all five levels of government – national, state, district, prefectural, and local. Somewhat confusingly, there is also a Ministry of Fall official who is called the *shihō*, but who is not a member of the court called the *shihō*. The official known as the *shihō*, the character Chīn in this story, administers the trials conducted by the *shihō* court and acts as the intermediary between the *shihō* court and the ruler.

## Fantasy as Allegory

Classifying the genre of the *Twelve Kingdoms* novels is somewhat difficult. Rather than emphasizing magic, perhaps the most obvious hallmark of fantasy literature, the focus of the series is on politics and intrigue. Magic plays very little active role in the stories, and in *Prison of the Setting Sun* in particular, only passing references to the characters' immortality tell the reader that this story is not set in a fictionalized country in the real world. The author herself has been reluctant to call it a fantasy, stating that it was her publisher's wish that she write a fantasy series, and that she herself considers the series “more of a mythic story . . . or maybe more like a historical drama set in a fictional world,” with its influences being Japanese history novels, not fantasy ones.<sup>12</sup> This then leads to the question of what is fantasy.

In her study of Japanese fantasy literature, Susan J. Napier weighed various definitions of fantasy, ultimately concluding that it is a “conscious departure from consensus reality,” a broad definition that makes it much easier to reconcile even the least magical of the *Twelve Kingdoms* stories with the fantasy genre. The series' place in the fantasy genre is further supported by its use, again, most particularly in *Prison of the Setting Sun*, of using fantasy and fantastic settings as tools to allegorically comment on real-world issues and problems. This is a common practice in fantasy fiction – as Napier argues, fantasy literature frequently use “its existence in contrast to the 'real'” to resist,

<sup>12</sup> “Fuyumi Ono, Author of the Twelve Kingdoms,” Anime News Network, last modified March 2007, [www.animenewsnetwork.com](http://www.animenewsnetwork.com)

subvert, or transgress the “official world-view.”<sup>13</sup>

In both Western and Japanese literary criticism, the fantasy genre is often seen as opposed to “real” literature – in the US, it is ghettoized as “genre fiction” while realistic literary fiction is championed, and it is seen as popular fiction compared to the more worthy *junbungaku* (純文学), or pure literature, in Japan. Yet despite its oft-overlooked status as neither “literary” nor “pure” literature, the very aspects of fantasy literature for which it is criticized – mystical powers, invented-world settings, and all the things that would be impossible in the real world – are what enable it to analyze and criticize real-world issues in ways realistic fiction cannot. A common criticism of fantasy fiction is that it is escapist and not relevant to the real world, but, as Napier says, even “an escapist dream can comment subversively on the reality from which the dreamer wishes to escape.”<sup>14</sup> Whether by using the contrast between fantastic settings and the real world or by drawing direct parallels between the two, fantasy in literature can be a powerful tool for commentary and criticism.

Nowhere is this more apparent in the history of Japanese fantasy than in fantasy by women authors. Perhaps due to their status as marginalized members of a society that has historically privileged men over women, many Japanese women writers have used fantasy to criticize and make subversive commentary about the world around them. This use of the fantastic in Japanese women's writing can be traced all the way back to what many consider the world's first

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13 Susan J. Napier, *The Fantastic in Modern Japanese Literature: The Subversion of Modernity* (London: Routledge, 1996)

14 Napier, *The Fantastic in Modern Japanese Literature: Subversions of Modernity*



novel, the eleventh-century *The Tale of Genji* (源氏物語, *Genji monogatari*) by Murasaki Shikibu, which contains a number of incidents involving the spirit of the Lady Rokujō, one of the former lovers of the eponymous protagonist, Genji, possessing and killing Genji's wife and mistress, Aoi and Yūgao. A feminist reading might take this early example of the fantastic, spirit possession, to represent a woman exerting what power she can in a male-dominated society. This reading is supported in a much later novel, Enchi Fumiko's *Masks* (女面, *Onna men*, literally *Female Masks*), which revisits the Lady Rokujō character. The main character of *Masks*, Mieko, becomes a modern-day Lady Rokujō, similarly using the power of spirit possession to get revenge on a straying lover. Mieko is fascinated with the character of Lady Rokujō and has written an essay on her, characterizing her as a woman unable to “sublimate her strong ego to any man in deference” and who carries out her will “by forcing it upon others . . . through the possessive capacity of her spirit.”<sup>15</sup>

As in *Masks*, female authors have often used fantastic themes and settings to challenge and criticize the conventional limits and expectations imposed on women by society. Another example can be seen in Suzuki Izumi's *Onna to onna no yo no naka* (女と女の世の中, *In the World of Women and Women*), which features a female-only utopian society in which all men must live in a ghetto, separate from the women, because they are violent and dangerous. In her study of the fantastic in Japanese women's literature, Kotani Mari analyzes Suzuki's use of the fantastic, the alternate-world female separatist setting, as

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15 Fumiko Enchi, *Masks*, trans. Juliet Winters Carpenter (New York: Random House, 1983)

“defamiliariz[ing] the real world in order to free the *joseisei* [femininity] bound hand and foot by the power structure of the real world” and disintegrating the power structure that marginalizes women.<sup>16</sup>

Another use of fantasy in the work of women writers was to question and challenge women's relationship with motherhood. Takahashi Takako, in her short story, *Kyōsei kūkan* (共生空間, *Symbiotic Spaces*), employs the fantastic in the form of a strange psychic connection between the protagonist and her sister. This both allows the protagonist to experience a symbiotic bond like that between mother and child without actually falling into her expected role of being a mother, calling the necessity for women to become mothers into question, and also challenges the conventional heterosexual relationship between men and women, showing the protagonist's relationship with her husband to be inferior and inadequate compared to the psychic bond she shares with her sister.<sup>17</sup>

Similarly, Matsuo Yumi's novel, *Barūn taun no satsujin* (バルウン・タウンの殺人, *Murders in Balloon Town*) is set in a future in which some women, though free of the need to physically give birth to their children thanks to the development of artificial uteruses, chose to do so anyway, moving to a city populated only by pregnant women for the duration of their pregnancy. The fantastic element of the story serves two purposes. On the surface, it gives its female characters two freedoms that are substantially more difficult to achieve for women in the real world – the freedom to be a parent while rejecting the societal

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16 Mari Kotani, “Space, Body, and Aliens in Japanese Women's Science Fiction,” trans. Miri Nakamura, *Science Fiction Studies* 29, no. 3 (2002)

17 Maryellen Toman Mari, “The Subversive Role of Fantasy in the Fiction of Takahashi Takako,” *Journal of the Association of Teachers of Japanese* 28, no. 1 (1994)

expectations of motherhood, as the main difference between motherhood and fatherhood, gestating and giving birth, has been removed, and the freedom to reject male-dominated society and live in “a utopia marked by lesbian separatism, wherein heterosexual love is no longer possible and the only bonds are those between women.”<sup>1819</sup> However, in her analysis of the story, Amanda C. Seaman gives a more satiric and critical interpretation, arguing that in making Balloon Town seem like a utopia for women while still maintaining the women's place “in the grips of a capitalist patriarchal society,” Matsuo actually uses the story, and thus, the fantastic, to satirize a perception, still present in modern Japanese society, that the very function of women is to be mothers, and to parody “the lengths to which the government would go to ensure women have children.”<sup>20</sup>

Women writers have not only used fantasy to address issues of sexism and women's roles in society, but also broader issues that do not apply solely to women. Hagio Moto, one of the first Japanese female comic creators and a pioneer in bringing science fiction, blended with fantasy and elements of the fantastic, to *shōjo manga*, or girl's comics, has stated that she finds it “very useful to approach . . . real-life problems through the lens of fantasy.”<sup>21</sup> In her *manga*,

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18 Kotani, “Space, Body, and Aliens in Japanese Women's Science Fiction”

19 Though not relevant to the story at hand, this early feminist theme of questioning and challenging the concept of women-as-mothers is another connection between Ono's *Twelve Kingdoms* series and earlier fantasy literature, in that babies in the series' setting are born from trees and not from human mothers, which frees women from the limits placed on potentially-childbearing women in our world and greatly contributes to the sense of gender equality throughout the novels.

20 Amanda C. Seaman, *Bodies of Evidence: Women, Society, and Detective Fiction in 1990s Japan* (University of Hawai'i Press, 2004)

21 Shaenon Garrity, “An Interview with Moto Hagio,” *The Comics Journal*, last modified July 2010, [classic.tcj.com](http://classic.tcj.com)

she has often used fantastical alternate world settings to explore taboo concepts of gender identity confusion and homosexuality, both male and female. As one example, her *manga Marginal* (マージナル) takes place in a society, set in the future but with the look and feel of a classic sword-and-sorcery medieval fantasy, that is comprised entirely of men, except for Mother, the demigoddess figure who is believed to give birth to all the people of the world. In a fantastic setting such as this, in which there is no societal urge to form heterosexual unions for the purpose of reproduction, Hagio is able to portray homosexual relationships between her male characters as something normal and accepted by society, something that would be impossible in a realistic series set in modern Japan. In her *manga* such as *They Were Eleven* (11人いる!, *Jūichinin iru!*) and *A, A'* (read *A, A Prime*), Hagio presents characters who express various forms of non-standard gender identity. Frol of *They Were Eleven* belongs to a race of beings that are born genderless and choose to become either male or female upon achieving maturity, while Tacto of *A, A'* is a “unicorn” – a genetically-enhanced subspecies of human – whose body occasionally transitions between male and female due to his unusual genetic make-up, with Tacto expressing he has no preference between the two. Through characters like these who are able to be both male and female, Hagio is able to examine the roles gender plays in society and interpersonal relationships without the restraints that would limit these stories if they took place in a non-fantastic, contemporary Japanese setting, in which gender is considerably less dynamic.

Finally, writer Shinoda Setsuko uses the allegoric aspect of fantasy in a

more political vein in her novel *Gosainthan* (ゴサインタン, *Gosaintan*). In this story, Shinoda tells the tale of Karvana Tami, a Nepali priestess with supernatural powers who is forced to become the bride of a Japanese farmer. Karvana is mistreated by her husband and mother-in-law, and because she cannot speak Japanese, she is rendered mute and powerless in her new household. At the same time, she comes to be revered as the sacred central figure of a cult because of her powers. Despite the seeming power difference in her two roles, in both scenarios, Karvana is viewed as an exotic object, not as a real person. Ultimately, Karvana's husband recognizes “the hideous, true nature of [his] family, which can only uphold its tradition as a 'distinguished house' by exploiting those outside it.” Kotani Mari interprets this exotification and objectification of the mystical, yet powerless Karvana as representative of the “double Orientalism” present in Japan's treatment of Nepal, and Karvana and her Japanese husband's relationship as a critical view of the relationship between their respective countries.<sup>22</sup>

In this same tradition, as will be expanded on in the next section, *Prison of the Setting Sun* hides references to contemporary Japanese death penalty practices in a non-realistic setting based in fantasy and myth. Ono Fuyumi draws both parallels and contrasts between the fantastic setting of the Twelve Kingdoms and between contemporary Japan in order to explore and critique the politics and practices of the death penalty in real-world Japan.

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<sup>22</sup> Kotani, “Space, Body, and Aliens in Japanese Women's Science Fiction”

## **The Death Penalty in *Prison of the Setting Sun* and Japan**

Through *Prison of the Setting Sun*, Ono Fuyumi is using her own fictional world as a reflection of ours in order to explore the issues and problems surrounding the death penalty in the real world. There are numerous similarities and parallels drawn between the death penalty debate in the story's setting, the fictional kingdom of Ryū, and actual death penalty practices in Japan, many of which seem as if Ono is directly addressing various problematic aspects of the death penalty in Japan, whether by merely reflecting issues such as the needless cruelty inherent in the Japanese preferred method of execution in their Twelve Kingdoms counterparts, or by confronting and challenging other elements, such as the Japanese government's reasons for retaining the death penalty, head-on.

At the time *Prison of the Setting Sun* was being written, Japan was in the middle of what some have dubbed a resurgence of the death penalty.<sup>23</sup> A brief, unofficial moratorium took place from November 1989 until March 1993, but after a number of unrelated mass murders occurred in the mid-1990s, including the sarin gas attack by the Aum Shinrikyo cult in the Tokyo subway, and the increase in crime rates that followed, with street crime reaching a post-war record high between 1996 and 2002, led to a marked increase in death sentences given out, as evidenced by the nearly 400 percent growth in murder trials ending in a death sentence (from 0.2 percent between 1955 and 1995 to 0.99 percent in 2005-2009) and the amount of death row inmates doubling between 2003 and

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<sup>23</sup> David T. Johnson & Franklin E. Zimring, *The Next Frontier: National Development, Political Change, and the Death Penalty in Asia* (New York: Oxford University Press, 2009)

2008.<sup>24</sup> Between the moratorium and the time of this story's publication, eighty-two prisoners were executed. An additional 102 were waiting on death row – at the time, the highest amount on record, though this number has increased every year since. Similarly, support for the death penalty among the Japanese public was at an all-time high, with a 2009 government survey showing that eighty-six percent of the population supported retaining the death penalty.<sup>25</sup>

The situation in Ryū, before the story begins is clearly paralleled with the situation in Japan. As with Japan's unofficial moratorium, capital punishment in Ryū has been, while still legally on the books, unofficially banned for years. Like in Japan, a series of murders as well as a general increase in crime rates occur, leading to the people of the kingdom and the lower levels of government clamoring for the death penalty to be reinstated so that Shudatsu, the serial killer responsible for the string of murders, can be executed. Support for the death penalty is all but universal, with only a few members of the upper levels of government still on the fence.

The story takes place in the brief period between the unofficial banning of the death penalty and its reinstatement, focusing on the debate taking place in the national branch of the *shihō*, the country's top court. The protagonist, Eikō, serves as the *shikei*, or chief judge, of the kingdom of Ryū, and as a member of the *shihō*. He and the other members of the *shihō*, who are responsible for determining the fate of Shudatsu and whether or not the death penalty should be

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24 "Japan," Death Penalty Worldwide, last modified April 2013, [www.deathpenaltyworldwide.org](http://www.deathpenaltyworldwide.org)

25 Parvais Jabbar, David T. Johnson, Saul Lehrfreund, Mai Sato, & Maiko Tagusari, "The Death Penalty in Japan," The Death Penalty Project, last modified 2013, [www.deathpenaltyproject.org](http://www.deathpenaltyproject.org)

restored, spend much of the story arguing back and forth about the idea, forming both logical and emotional arguments for and against it. Central to the debate is the king's ambivalence to the *shihō*'s potential reinstatement of the death penalty – when the king was right and just and had divine support for his reign, he was firmly against the death penalty, banning it from his kingdom for decades, but once he began to lose interest in government affairs, showing that he had lost the Way, his divine favor, and thus his right to rule, he no longer cared whether the death penalty was used or not. Ultimately, the judges choose to restore the death penalty, but the story ends on a somber note. Eikō is left wondering whether this was the right decision, for the story ends with the three judges feeling only defeat while the condemned prisoner laughs in victory, as if they have sealed their own fate and not his, and the reader is left with the knowledge that the kingdom is in decline and reinstating the death penalty is another step pushing it towards chaos.

Throughout the story, further parallels between the death penalty in Ryū and Japan are drawn. The first of this is seen in how a criminal is judged as deserving of the death penalty. In the story, before the *shihō* begins deliberations on a case, it is the responsibility of the *shishi*, one of the three judges that comprise the *shihō*, to consider the factors that may make the defendant exempt from punishment or deserving of a lighter punishment. These factors include the age of the defendant, the defendant's mental capacity and psychological state, as minors, the elderly, and mentally ill or mentally handicapped people are exempt from punishment for crimes; the defendant's motive or lack thereof, as crimes



committed intentionally are, of course, deserving of harsher punishments than those committed accidentally; and the feelings of the victim or their surviving family should the victim have died as a result of the crime, as they can choose to request a pardon for the criminal. During the deliberations, the viciousness of the crimes, the brutality of the manner in which the crimes were committed, the uproar the crimes caused among the people of the kingdom, the degree of remorse shown by the defendant, and, if applicable, previous crimes committed by the defendant are all topics also taken into consideration by the *shihō*.

Though these standards apply to any crime for which the case is decided by the *shihō*, not solely crimes deserving the death penalty, the inspiration for these criteria is clearly the Nagayama Standards (永山基準, *Nagayama kijun*, named for the 1979 murder trial of Nagayama Norio, during which these criteria were decided), a series of guidelines which Japanese law dictates be considered when making decisions about the death penalty. The nine criteria are as follows: the degree of viciousness of the crime, the motive, the defendant's previous criminal record, the number of victims, the manner in which the victims were killed, the age of the defendant, the amount of remorse shown by the defendant, the opinions of the victims' family members, and the crime's impact on society.<sup>26</sup> The two sets of criteria are similar, overlapping in many places – though Ono has made the criteria in Ryū arguably kinder, as they make allowances for the elderly and mentally ill, and Japan does not. Shudatsu fits every one: his crimes were certainly vicious, as he killed children as well as adults, and he tortured some of

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<sup>26</sup> Daniel A. Métraux, “The Nagayama Criteria for Assessing the Death Penalty: Reflections of a Case Suspect,” *Southeast Review of Asian Studies* 31 (2009)

his victims prior to killing them; his motives were purely his own self-interest, be it the need for money or a hideout; he was a repeat offender, killing twenty-three people on sixteen occasions; he was a full-grown adult, not a minor by either country's standards; he showed no remorse for any of his crimes; and his murder spree caused such fear and unrest throughout the whole of the country that not only did all the relatives of victims that were questioned wish him dead, all the people of the kingdom almost unanimously called for his death. It looks certain that, just as he was in Ryū, were Shudatsu on trial in Japan, he would still be judged deserving of the death penalty. Yet the ambiguous ending – was the death penalty the right decision for Shudatsu or not? – seems to call into question the ability of these criteria to truly judge a person as deserving death.

The high support among the people for the death penalty in both countries is another similarity, but more tellingly, so is the fact that said support is based on the people lacking important information. Japan regularly conducts a survey of its adult population, asking whether they support abolishing or retaining the death penalty. Popular support has never gone below fifty percent and the most recent survey in 2009 found eighty-six percent of respondents in favor of retaining it, but non-governmental studies have shown that the results of these surveys may be questionable at best.<sup>27</sup> The government is very secretive about its policies and practices regarding the death penalty – only select state officials are allowed to be present for executions, not relatives of the condemned nor members of the media, and the public, including the condemned prisoner's

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<sup>27</sup> Jabbar, “The Death Penalty in Japan”

family, are only notified of executions after they have already taken place – and the Japan Federation of Bar Associations claims “the public is largely uninformed of the practice because of the secrecy that shrouds it.”<sup>28</sup> Studies have shown the Japanese public knows very little about the topic. Sato Mai, a researcher affiliated with the Death Penalty Project, a charitable organization that provides free legal representation for prisoners on death row and fights for countries to comply with international restrictions on capital punishment, conducted her own series of surveys among the Japanese public, one of which measured how much information about the death penalty the respondents knew. After reading seven accurate pieces of information on the topic, they were asked to give a number from one (indicating they already knew all this information) to four (representing this was completely new information to them) on each item. The average score was twenty-two (out of a maximum of twenty-eight), showing just how little information the public has been given. Even with the topic about which respondents claimed to know the most, the method of execution, only sixteen percent answered with the number one. Another of Sato's surveys showed that many respondents who supported retaining the death penalty also believed in false information about crime in Japan, such as that murder rates were increasing, when they were actually not. Generally, those who were better informed tended towards the side of abolition, and a survey conducted after the accurate information was given showed that support for retaining the death penalty dropped to thirty-six percent.<sup>29</sup>

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28 “Japan Hanging on to Death Penalty,” Human Rights Features, last modified April 2003, [www.hrdc.net](http://www.hrdc.net)  
29 Jabbar, “The Death Penalty in Japan”

The people of Ryū, though they call for the reinstatement of the death penalty rather than its retention, show a similar level of support for the idea of capital punishment. Roughly a century before the story takes place, the king of Ryū declared death sentences should no longer be given in his kingdom, but shortly before the story begins, he decides to leave every aspect of the judgment of the serial killer Shudatsu to the *shihō* court, including whether the death penalty should be reinstated. When the public becomes aware of this, they enthusiastically support the idea, to the point that the members of the *shihō* fear that if they do not use the death penalty, they may soon face a revolt. However, though the public and the lower level government officials are nearly unanimous in their call for execution, the higher ranks of government official advocate acting cautiously. This is because, like in Japan, the government of Ryū is keeping information from the people that may change their opinion. The higher-level officials, who are closer to the king have suspicions about the true meaning of the king's decision – that the reason the king has given so much responsibility to the *shihō* is because he does not want any responsibilities himself and is losing interest in being involved in legal matters, a sign of his losing the Way, the righteousness of his reign, and will soon no longer be fit to rule. When a ruler loses the Way, the country falls into chaos until the next one is chosen – a process that can take decades, so naturally, the government does not want to share, or even believe this until they are certain it is true. But as is noted throughout the story, to introduce the death penalty to a kingdom whose king is losing the Way and will soon surely die because of it is a

highly irresponsible decision. Thanks to the magical nature of the world of the Twelve Kingdoms, the condition of the kingdom is tied to the worthiness of its ruler – a wise and just ruler will have a prosperous kingdom, while the kingdom of a ruler who loses the Way and grows cruel or tyrannical will suffer from natural disasters, battles, government corruption, and other dangers. Allowing the death penalty to be used once more, particularly at such a critical time for the kingdom, the members of the *shihō* admit, will very likely lead to people abusing and recklessly overusing it in the chaotic times ahead. Though they say that it is their duty as the *shihō* to prevent this from happening, they doubt their ability to do so. Though we cannot know for sure, as no surveys providing the population with accurate information were given out as in Japan, it seems unlikely that support for the death penalty would be quite as high if the people knew what the government officials believe likely to occur in the years that follow this story.

In the same government survey, another parallel can be found. As previously mentioned, respondents were asked whether the death penalty should be retained or completely abolished. Those who chose the pro-retention answer, “the death penalty is unavoidable in some cases,” were asked to answer a follow-up question on why they believed the death penalty should be retained and given four options to choose from. All four of these options were directly addressed by the members of the *shihō* in *Prison of the Setting Sun*. The first choice was that people “who committed serious crimes should compensate by giving their lives.”<sup>30</sup> However,

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30 Ibid.

this idea is shot down by the fact that punishment in Ryū is meant to be given according to the ideal of *keiso* (刑措, comprised of the characters “punishment” and “discontinue”), or the idea that that the purpose of punishment is not to penalize a criminal, but rather to educate and rehabilitate them so that they commit no further crimes and punishments will someday become unnecessary. The death penalty clearly goes against this purpose, as a criminal is obviously in position to learn anything or be rehabilitated after receiving the death penalty.

The second option given was “the death penalty is necessary when considering the feelings of victims and victims' families.”<sup>31</sup> This is also brought up in the text, both by one of the judges, Sotsuyū, stating that in his interview with the victims' families, they all wished for the execution of their relatives' killer, and by the protagonist's wife, Seika, who is willing to break the law in order to make her husband listen to the parents of one of the victims plead for the death of their son's killer. The third judge, Jokyū, however, insists that the death penalty does not exist as a substitute for revenge and Sotsuyū admits that it is their job as the *shihō* to prevent killings caused by those seeking vengeance. It is also stated that executing a killer, even if it is meant to assuage the anger of his victims' families, will not bring his victims back to life, and without the victims coming back to life, the surviving families will still never truly forgive the killer.

The third option was “abolishing the death penalty will increase serious crimes.”<sup>32</sup> This reasoning has been used by both characters in *Prison of the Setting Sun* as well as the Japanese government – and, in fact, the Japanese

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31 Ibid.

32 Ibid.

government has cited this in order to defend its use of the death penalty to various international organizations – but this statement is, in actuality, untrue in both Japan and in Ryū. In the real world, some studies have found positive correlations between the use of the death penalty and a decrease in crime rates, while other surveys have found the exact opposite, showing that nothing is known for certain about this and, as such, it should not be used as evidence in favor of the death penalty. In fact, in Japan in particular, the number of murders actually fell during the unofficial moratorium on the death penalty from 1989 to 1993, and rose once the Ministry of Justice began to once gain carry out executions.<sup>33</sup> In the story, Seika uses this idea as part of her argument to convince her husband to support the restoration of the death penalty. Eikō informs her that, as is the case in Japan, there is no proof that using capital punishment deters criminals. The narration also states that, again like in Japan, during the period in which the king had imposed an unofficial moratorium on the death penalty, crime rates had actually dropped.

Finally, the fourth reason given was “those who have committed serious crimes may repeat similar crimes if kept alive.”<sup>34</sup> This is the only supporting argument of the four actually shown in the story to be reasonable. Shudatsu had been arrested and tried for murder a previous time and had spent six years in prison. Just a few months after he was released, he committed murder again, and continued to do so until he was caught a second time. Had he been given the death penalty for his first crime, then the multiple victims of his later crimes

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<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

would still be alive. However, this does not make the death penalty the only option, as one of the three judges, Jokyū, spends much of the time in deliberations arguing in favor sentencing Shudatsu with life in prison. Should they choose this option, Shudatsu will be kept away from the public and thus be unable to commit further crimes with none of the drawbacks of the death penalty. While the members of the *shihō* do not believe that Shudatsu will ever repent for his crimes nor that is he capable of being rehabilitated, they cannot truly know this for sure, and life in prison will at least give them the chance to follow their ideal of *keiso*, punishment for the purpose of educating and rehabilitating criminals, which the death penalty would make impossible.

Another benefit of sentencing Shudatsu with life in prison rather than the death penalty that Jokyū suggests is that it would allow him to go free should it be revealed later that he was wrongfully convicted. As all the three judges do not consider this even a slight possibility, since Shudatsu readily confessed to all twenty-three counts of murder and was caught in the act, this seems an odd objection to voice. However, this may be meant as yet another connection to the death penalty in Japan. Between 1983 and 1990, five prisoners awaiting execution were retried, declared falsely convicted, and set free. In response, the Ministers of Justice did not sign off on any executions for the next four years, relenting only when the string of mass murders that prompted the resurgence of the death penalty occurred. Since then, various officials have come forward to speak about this, with one former police officer saying he knew there had been other criminals also falsely charged with crimes. It was also revealed that four of



the released wrongfully convicted prisoners were tortured in order to force them to confess to crimes they did not commit. The statistics about this are disturbing – 99.8 percent of people charged with crimes by the police end up being convicted, likely because those charged by police can be held in temporary detention centers (代用監獄, *daiyō kangaku*, literally substitute prisons) for anywhere from three to twenty-three days, often without any legal defense present, until a confession is extracted, sometimes by means of torture, as evidenced by the previously mentioned four wrongfully convicted inmates. Former Supreme Court Justice, Dandō Shigemitsu, has even stated that "[t]here is a high possibility that some [death row prisoners] were executed in spite of being innocent. I am afraid that the total number of such cases in the past has not been small."<sup>35</sup> While a wrongful conviction may not be something to worry about in the case of Shudatsu, it is certainly a problem for the Japanese death penalty and, should Ryū follow the same path, for them, as well.

Finally, a last parallel can be drawn between the two countries' methods of carrying out capital punishment. There are two proposed methods mentioned in the story and both are brutal and inhumane. The standard form of execution previously employed in Ryū, as well as throughout most of the Twelve Kingdoms, is decapitation, an example of which can be seen in another novel in the series, *Skies at Dawn* (風の万里 黎明の空, *Kaze no banri, reimei no sora*, literally *Ten Thousand Miles of Wind, The Dawn Sky*), in which the corrupt king and queen of

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<sup>35</sup> “Japan Hanging on to Death Penalty,” Human Rights Features, last modified April 2003, [www.hrdc.net](http://www.hrdc.net)

Hō are beheaded after a military takeover of the kingdom. To a modern reader, this method is surely violent enough, but the story states the people of Ryū have searched for even more torturous methods for Shudatsu. The method the people of the kingdom ultimately demand for Shudatsu is the gruesome *ryōchi*, (凌遲, based on a Chinese method of torture called *ling chi*), or carving up the prisoner's body with a knife over an extended period of time. Increasing the brutality of this method of execution are the facts that skilled executioners know how to remove inessential body parts first so as to prolong the pain and torture and that some rulers have granted condemned prisoners temporary immortality, so they can continue being tortured with *ryōchi* for an indefinite amount of time. As the world of the Twelve Kingdoms is lacking in the fossil fuels that would be needed for any sort of industrial revolution and the technology that follows possible to develop, it is unlikely the comparatively more humane methods of execution carried out in our world to ever be possible.

Though Japan, unlike Ryū, has more modern options, it also uses a violent and outdated method of execution – hanging. Even after most other industrialized countries have moved onto more modern and more humane methods, such as lethal injections, the Japanese government has admitted that they have not changed their method of hanging since 1873 – the same method that nearly tore a female prisoner's head from her body in 1883.<sup>36</sup> There have been numerous calls from both within Japan and from outside it to switch to a more humane method, and Japan has thrice had to defend its constitutionality in

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36 Jabbar, “The Death Penalty in Japan”

court from condemned prisoners calling it cruel punishment. In the most recent case, the defense of condemned murderer, Takami Sunao, argued that hanging was cruel and contrary to the constitutional ban on “torture and cruel punishments by any public officer.” A forensic specialist testified in the case that hanging could decapitate the prisoner, or might not cause immediate death and would cause them to suffer, concluding that hanging was cruel, while a former prosecutor who had witnessed hangings testified that “the cruelty of hanging cannot be endured.”<sup>37</sup> The court, however, did not find it unconstitutional, stating that in the case of hanging, a certain degree of pain and cruelty was unavoidable.<sup>38</sup>

*Prison of the Setting Sun* provides both author and reader with a space to explore the death penalty debate and formulate an opinion in a setting that, while still reflecting Japan's policies, is safely removed from the real world and real consequences. Some of the questions the *shihō* members debate over the course of their deliberations have no equivalent or relevance to our world – is it right for immortals such as them to have such control over the death of mortals? Are the laws of Heaven that control every aspect of their world inherently confusing and contradictory? – yet others are all too familiar to any real world discussion of the ethics of the death penalty. Both by showing exaggerated, fantastical reflections of Japan's death penalty, whether the violent and outdated mode of execution or the fear and anxiety following the murders that brought capital punishment back into use, or by incorporating, nearly word-for-word, real laws and arguments

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37 “Killer of Five at Pachinko Parlor Sentenced to Die,” *Japan Times*, November 1, 2011, [www.japantimes.co.jp](http://www.japantimes.co.jp)

38 “Hanging Is Constitutional: Death Sentence for Pachinko Parlor Arsonist,” *Nikkei*, October 31, 2011, [www.nikkei.com](http://www.nikkei.com)

surrounding the death penalty and allowing characters to challenge them, Ono has continued a literary tradition of allegoric criticism, showing many of the fallacies inherent in the Japanese death penalty policy through the lens of fantasy.

## About the Author

Ono Fuyumi (小野不由美)<sup>39</sup> is a writer of primarily fantasy and horror novels, whose career spans more than two decades and almost thirty novels, as well as numerous short stories and essays. Her works are largely written for a teenage, female audience, and the few of her novels that have been translated into English have been classified as young adult novels in America.<sup>40</sup>

Ono was born in Nakatsu in Ōita Prefecture, on the island of Kyūshū in 1960. In 1976, she founded and served as the first president of her high school's Animation and Manga Research Club, one of the first signs of her inclinations towards writing, albeit in a different medium than the one in which she would make her career. After high school, she attended Ōtani University in Kyōto and graduated with a degree in Buddhist Studies in 1983. While a college student, she first began to study writing, as a member of the Kyoto University Mystery Novel Research Club, and began to write, though not professionally, using the pen-name Uno Fuyumi (宇野冬美). This was also where she first met her future husband, a fellow member of the club named Uchida Naoyuki (内田直行), a mystery novelist better known by his pen-name, Ayatsuji Yukito (綾辻行人).<sup>41</sup> The two were married a few years later in 1986.

Ono then went on to further study as a graduate student, but midway

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39 Ono's legal name is Uchida Fuyumi (内田不由美), but as she writes under and is known professionally by her maiden name, Ono, she will be referred to as such within this paper.

40 Pop Fiction, the fiction imprint of comic publisher Tokyopop and the American publisher of Ono's *Twelve Kingdoms* novels, labeled itself a YA fiction line and the novels it published YA fiction in its press releases.

41 "Ono Fuyumi Receives Yamamoto Shūgorō Prize," *Yomiuri Online*, May 28, 2013, [www.yomiuri.co.jp](http://www.yomiuri.co.jp)

through her graduate career, her tuition funds ran out and she had no choice but to leave her university. Unsure of what to do, Ono decided to try her hand at writing professionally, on the advice of an editor friend who had read some of her earlier writings. Ono's debut novel, *Bāsudei ibu wa nemurenai* (バースデー・イブは眠れない, *Can't Sleep on Birthday Eve*), was published in 1988. Despite having previously shown an avid interest in writing, Ono has been quoted as saying that she had no intention of becoming a professional writer until after this book was published.<sup>42</sup>

In 1989, *Akuryō ga ippai!?* (悪霊がいっぱい!?, *There Are Lots of Evil Spirits?!*), the first novel in her *Ghost Hunt* (ゴーストハント) series (called the *Akuryō* [悪霊, *Evil Spirit*] series in its first publishing run), was published. She continued the series over the next three years, writing seven books in total, and it went on to become one of Ono's most popular works. It was re-published from 2010 to 2011, re-titled and slightly rewritten. A sequel novel, *Akuryō no sumu ie* (悪霊の棲む家, *The House Where Evil Spirits Dwell*), was published in 1994.

Her most popular series, the *Twelve Kingdoms* (十二国記, *Jūni Kokuki*, literally *Record of the Twelve Kingdoms*) novels, began in 1992, with the publication of *Sea of Shadow*. She continued this series over the next eleven years. The early novels were edited and republished in 2012.

She received her first major award nomination in 1993, when her novel *Tokei ibun* (東京異聞, *Strange Tales from the Eastern Capital*) was a runner-up

42 “Fuyumi Ono, Author of the Twelve Kingdoms,” Anime News Network, last modified March 2007, [www.animenewsnetwork.com](http://www.animenewsnetwork.com)

for the fifth annual Japan Fantasy Novel Awards.

*Shiki* (屍鬼, *Corpse Demon*), a horror novel that later became one of Ono's best-selling and most well-known works, was published in 1998, and re-printed in a five volume edition in 2002. *Shiki* earned Ono her second major award nomination, as a runner-up for the twelfth Yamamoto Shūgorō Prize, an award for popular genre fiction, in 1999.

In 2002, her novel *Kokushi no shima* (黒祠の島, *Island of the Black Shrine*) was nominated for the Honkaku Mystery Grand Prize, as well as placing third on the Honkaku Mystery Best 10 list, an annual list of the ten best authentic mystery novels of the year. Two years later, her next novel, *Kura no kami* (くらのかみ, *The Spirit in the Storehouse*), was nominated for the same award and placed seventh on the list.

After *Kura no kami*, Ono took a five-year break from writing, returning with two short stories continuing her earlier *Twelve Kingdoms* series, *Hisho no tori* (丕緒の鳥, *Hisho's Birds*), in 2008, and the story featured in this thesis, *Prison of the Setting Sun* (落照の獄, *Rakushō no goku*), in 2009.

In 2013, Ono's most recent novel at the time of this writing, *Zane* (残穢, *The Remaining Impurities*), won the Yamamoto Shūgorō Prize her earlier *Shiki* had lost.<sup>43</sup>

Thus far, three of Ono's works have been popular enough to be adapted into different media. Aside from the previously-mentioned *Twelve Kingdoms*

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43 “Ono Fuyumi Receives Yamamoto Shūgorō Prize,” *Yomiuri Online*, May 28, 2013, [www.yomiuri.co.jp](http://www.yomiuri.co.jp)

adaptations, both *Shiki* and *Ghost Hunt* have been adapted into multiple forms of media. The *Ghost Hunt* series was adapted into a twelve-volume comic from 1998 to 2010, and in 2012, the sequel, still ongoing at the time of this writing, began serialization. A twenty-five episode animated adaptation was produced in 2006. Additionally, a four-part audio drama was produced in 1996. *Shiki* was adapted into an eleven-volume comic from 2007 to 2011, and a twenty-four episode animated series in 2010. All of these but the *Shiki* animated series have been translated into English and licensed in America.



## ***Notes on the Translation***

In translating this novella, the main problems were twofold. The first lay in how to deal with existing English translations of other novels in the same series as *Prison of the Setting Sun*. While this story has not yet been officially translated into English or any other language, the first four novels in the series have, as was mentioned previously. In this translation, I wanted to create a distinct translation that was my own and not a reflection of existing translations of the rest of the series. The earlier translations were still called light novels and seemed marketed mainly, if not solely, to readers who were already fans of Japanese pop culture, specifically Japanese comics. Thus, in order to distinguish my translation and to further separate the story from the unfitting “light novel” label, I chose to translate *Prison of the Setting Sun* first and foremost as a work of fantasy fiction, not as a work of Japanese literature. This is not to say that my goal was to erase any traces of its Japanese origins, but to translate the story under the assumption that its readers were more familiar with the story's genre than its country of origin. Thus, any Japanese honorifics were jettisoned, as were the oft-used ellipses that expressed a conversational hesitancy that sounded natural in Japanese, but proved awkward and distracting to English readers.

Related to this decision was the second problem: how to deal with the constant use of terms from the author's invented language. I debated attempting to translate some of these terms, fearing that a constant stream of Japanese-sounding words in an otherwise English story might distract or confuse readers.

However, as readers seem quite capable of dealing with invented languages in Western fantasy novels, I decided to leave them in, but add in-text explanations for any terms that did not have one, as well as provide a glossary for all the terms. I also chose to apply this policy to non-invented terms that I felt the average Japanese reader may not understand, namely Chinese or archaic Japanese terms, as well as the four *kanji* characters the serial killer, Shudatsu, sports as tattoos, which, though real Japanese *kanji*, function as characters in the invented Twelve Kingdoms language with separate meanings. This was both to give the reader as close to the same experience as a Japanese reader would have as I could and to retain the feeling of the other-world setting that I felt using equivalent English terms would diminish.

## Glossary

*Ascension* – Highly-ranked government officials live on the tops of mountains, high above their countries. Thus, rising through the ranks of government is referred to as ascending the mountain.

*Bō* – A state in the kingdom of Ryū

*Chōsai* – The head of the six ministries that comprise the government of Ryū

*Chūshi* – A government rank high enough to enter an official into the Registry of *Sennin*, but not as high as *kataifu*

*Daishikō* – The Head Minister of the Ministry of Fall

*Dō* – A state in the kingdom of Ryū

*Fushiki* – An action done without realizing it resulted in a crime occurring

*Geimen* – The practice of tattooing the faces of criminals, both as punishment and to mark them as people who have committed crimes

*Gekan* – A courtesy title given to the immediate families of highly-ranked government officials in order to enter them on the Registry of *Sennin* and grant them immortality

*Gokei* – Literally, the five punishments; an ancient Chinese series of increasingly harsh punishments: tattooing, cutting off the nose, cutting off a leg, confinement, and death

*Himin* – Criminals

*Hō* – A state in the kingdom of Ryū

*Ibō* – An action done while forgetting that it might result in a crime

*Kashitsu* – A crime committed accidentally

*Kataifu* – A government rank high enough to enter an official into the Registry of *Sennin* and to classify the official holding the rank as a high official

*Keijin* – Being punished with *geimen* four times

*Keiso* – The ideal of the country of Ryū regarding punishment; the idea that punishment is meant to rehabilitate a criminal so that they commit no further crimes and no further punishment will need to be used

*Keisatsu* – The method of determining appropriate punishment for a crime based on the penal code

*Kin* – A state in the kingdom of Ryū

*Registry of Sennin* – A list of all of a kingdom's *sennin*, or people granted high rank and immortality by the government or the gods

*Ryō* – A form of currency used in the Twelve Kingdoms

*Ryōchi* – A torture method wherein a criminal's flesh is slowly sliced off until they die, based on an ancient Chinese method

*Ryū* – The northernmost kingdom of the Twelve Kingdoms and the setting of *Prison of the Setting Sun*

*Saiho* – The *kirin* who serves as Minister of Heaven and chief adviser to the ruler

*Saku* – A state in the kingdom of Ryū

*Sansha* – The three people that are exempt from punishment: juveniles under seven, the elderly, and the mentally ill

*Sanshi* – The practice of asking the opinion of victims, government officials, or

the nation

in order to see if there is a call to pardon a criminal

*Sanyū* – The three inadvertent or unintentional ways a crime can be committed; any of these reasons being given will reduce one's sentence

*Sen* – A form of currency used in the Twelve Kingdoms, have less value than *ryō*

*Sennin* – People who live high in the mountains above the clouds and have been granted conditional immortality from the gods, either indirectly, through being promoted to the high ranks of government, or directly, as testament to their deeds or merits

*Shihō* – 1. A group of three judges, the *Shishi*, *Tenkei*, and *Shikei*, who act as a court presiding over criminal cases 2. An official of the Ministry of Fall, whose job is to oversee the trial presided over by the *shihō* court

*Shikei* – One of the three judges that comprise the *shihō* court, the nation's top judge, and,

should the situation call for it, the tiebreaker between the *shishi* and the *tenkei*

*Shirei* – The official in charge of the *Shōriku*

*Shishi* – One of the three judges that comprise the *shihō* court; responsible for determining if there are factors that should reduce punishment, such as the criminal's age or mental faculties

*Shisō* – Capital of the kingdom of Ryū

*Shōriku* – The branch of government responsible for carrying out punishments

*Shōshikō* – The Vice-Minister of the Ministry of Fall

*Shōsen* – Being promoted to a higher rank in the government and becoming an

immortal who lives above the clouds

*Shuku* – A state in the kingdom of Ryū

*Shushi* – A crime so terrible that the criminal who committed it deserves the death penalty with no chance of pardon

*Sō* – The southernmost kingdom of the Twelve Kingdoms

*Soboku* – The ink used in *geimen*, specially developed to fade in color over ten years,

provided no further tattoos are applied

*Taiheki* – The death penalty

*Tenkei* – One of the three judges that comprise the *shihō* court; responsible for determining the appropriate punishment for a crime based on the penal code

*The Way* – The divine favor granted a ruler that follows the rules of Heaven; a ruler that follows the Way will have a prosperous kingdom, while one who loses the Way will have a corrupt, disaster-stricken kingdom

*Yōma* – Man-eating monsters that swarm kingdoms with a ruler who has lost the Way or died

## CHAPTER 2

### TRANSLATION OF *RAKUSHŌ NO GOKU*

1

"Father, are you going to become a murderer?"

Eikō stopped walking, startled by suddenly hearing a voice behind him. When he looked back, feeling as if a knife had been thrust at him, his young daughter was standing behind him, her innocent eyes looking right at him.

She must have come from the garden. She had stopped right in the middle of crossing the corridor, carrying a glass basin in her small hands. The transparent basin was filled to the brim with clear water, and one pure white water lily floated on the surface. This being the end of summer, the intense rays of sunlight were blocked by the eaves, and dark shadows fell on the corridor. The white flower floating by his daughter's chest seemed to give off a blushing red light.

"What's wrong?" Smiling awkwardly, Eikō stooped down towards his daughter. "I'm not going to kill anyone."

When he stroked her hair, Riri looked up at Eikō with clear eyes. She looked at Eikō as if she wanted to say something, then nodded once, deeply. The water lily floating in the basin shook.

"Are you bringing that to your mother?" Eikō glanced at the basin as Riri smiled brightly. It was a childish and carefree smile.

"No, it's for my brother, Hogetsu. I heard he's coming back from Bō today."

That was right. Eikō smiled. "Watch where you're going."

In response, his daughter nodded and, with a serious look, began to walk away. Being careful not to spill the water, she looked as if she were off to deal with important business.

As he watched her retreating figure, his daughter descended the stairs from the corridor to the courtyard.

She took three steps into the white flagstone-covered courtyard and left the shadows of the eaves. As soon as she stepped into the sunlight, she seemed to suddenly dissolve into light. Her small form grew transparent with a misty white outline. As she went farther away, she seemed to fade into the distance.

Without thinking, Eikō started to call her back, but caught himself.

His eyes grew accustomed to the light after just a short pause. The small courtyard, surrounded by buildings on every side, was now full of sunlight. His young daughter, wearing a brightly-colored kimono, was still steadily carrying the basin, looking prepared for serious business.

Eikō heaved a sigh of relief, yet still felt a pain in his chest. That one moment he had lost sight of his daughter in the light had left him with a sense of loss, a hard, heavy discomfort.

Riri was eight years old. That child who had lived in Shisō had also been eight. That child, named Shunryō, was the most famous child in all Shisō - famous for being killed by the monster Shudatsu.

Shisō was the capital of the world's northernmost country, Ryū. Shisō was both the country's capital and the capital of the state of Saku, as well as where the



governments of Shingen District, Eni Village, and Ō Prefecture were all located. The Shishi of Eni Village had arrested Shudatsu at the beginning of the summer.

Shudatsu had attacked a mother and child in a mountain pass not far from Shisō. He was about to murder the two and take their money and belongings when people who had heard their screams came and tackled him. He was arrested by the Shishi, who was in charge of enforcing the law. Shudatsu was recognized as a criminal everywhere in the vicinity of Shisō. Because his assumed crime was such a severe one, Shudatsu was sent to the Shingen District government.

The court where Shudatsu was initially tried worked at the prefectural level, but only a district government could sentence him with the punishment of being sent to a jail where the Gokei five punishment system was practiced. Therefore, it was decided that Shudatsu would be sent to the Ministry of Fall in Shingen District, which had jurisdiction over Eni Village.

Shudatsu was not only being tried for the four crimes he had committed there, for he had confessed to eleven additional crimes. Including the attack for which he was arrested, there were actually fifteen cases in total. The victims of all these crimes numbered twenty-three. One of these twenty-three people was Shunryō.

Shunryō was eight and had been born to a couple who ran a small shop in Shisō. The people around Shunryō had thought him to be an ordinary, cheerful, and healthy child. About a year earlier, the corpse of this ordinary child had been discovered, hidden in a small alley not far from his home.

Earlier, Shunryō had left his home, a small shop, in order to go buy peaches. The neighborhood street vendors had seen a man lure Shunryō into the alley. The man casually led him into the alley and, soon after, came out alone. The circumstances were not particularly suspicious, but though the vendors had known Shunryō since he was very small, they did not recognize the man's face and were puzzled as to who he was. A person who lived nearby discovered the boy's dead body while passing by on the road. He had been strangled with enough force to crush his throat.

It was not known what kind of person the man who lured Shunryō away was. No sooner had he lured him into the alley than he murdered him, so it was certain that he called him there in order to kill him. It was hard to believe that an eight-year-old boy did anything to deserve being killed. However, the coins he had been holding in his hand could not be found. The amount was only twelve sen.

Surely Shunryō was not killed for the sake of twelve sen. But if not that, then why was he killed? It could not have been anything but killing for the sake of killing. Moreover, he was killed so near his home, in the middle of the street lined with small shops, in bright daylight with many pedestrians nearby. This unthinkable crime caused an uproar among the people of Shisō.

However, Shunryō was killed for those twelve sen.

Shudatsu had, by chance, seen Shunryō leaving his house, clutching his few coins. Then he followed him, lured him into the alley, killed him, and stole the coins he was holding. With those twelve sen, Shudatsu bought a cup of sake

and drank it. In his pocket, he had ten ryō he had stolen from an old couple he had also killed.

When this came to light through the investigations of the Shingen District Ministry of Fall, the people of Shisō were astonished. The completely meaningless death of Shunryō would anger anyone – and Eikō was no exception.

Eikō could not understand. The monthly income of the average Ryū citizen was about five ryō. Shudatsu had twice that in his pocket and so should have had no reason to steal twelve sen. Furthermore, Shudatsu was an adult. His strength could not be compared with that of an eight-year-old child. If he lured him out of sight, all he needed to do to take the money was threaten him. If the boy didn't hand over his money, Shudatsu could simply take it by force. Yet still Shudatsu killed Shunryō without a care.

However, for Shudatsu, this thoughtless crime was not an unusual circumstance. Shunryō's death was only one of twenty-three.

Sixteen crimes, twenty-three victims.

Facing his office desk, Eikō looked through the documents piled high on the table. In them, all the charges against Shudatsu were recorded in detail.

One of the incidents occurred in a small village next to Shisō. A married couple, their old mother, and their child were killed. This had happened at the end of the previous year. The people of the village cultivated fields for a living, and in winter, they moved out of the village and into town. However, Shudatsu's victims had no home where they could live in town during the winter. When their child fell seriously ill, they had had to sell the house they had received from the

government. So this one family alone remained in the village.

Shudatsu broke into the family's home and killed them, then proceeded to live there, uncaring. A neighbor came to check on the family, and when he knocked on the door, he found an unfamiliar man. Very politely, this stranger claimed that the family had gone to town and that he, a relative of theirs, had been asked to look after the house for them. However, the neighbor had heard nothing about this relative before then. He returned to town, thinking this was somewhat suspicious, and after worrying for a few days, visited again, and was told the family had not yet returned.

The neighbor, feeling even more suspicious, notified the town officials. When the authorities came to visit, the stranger had already left. Inside the house, in one of the bedrooms, the family's corpses had frozen together and were left in an untidy pile. The husband's body, however, was not there. The authorities searched the surrounding area, and in the swamp right behind the house, found the man's abandoned remains and became enraged. The remains had footprints left on them from being used to cross back and forth across the swamp. In order to get to the field past the swamp, the man who killed the family had used the frozen body as a bridge.

The man who claimed to be a relative looking after the house was about thirty years old. He was thin and of average height, with black hair and eyes and no special features, except for a mark of the four characters 均大日尹 tattooed on his right temple. This was *geimen*, the practice of applying a tattoo as punishment.

Criminals who committed severe crimes, such as murder, had their hair shaved and tattoos marked on their heads. After about ten years, the tattoo would gradually disappear, but if the tattooed person committed another crime before that, a second tattoo would be applied. If they committed yet another crime, another tattoo would be placed, this time on the right temple. That tattoo would always be comprised of four characters, so if one saw a person tattooed with those characters, then it was easily understood what sort of person they were. The character 均 showed the person had been judged in the state of Kin, the character 大 showed the year of judgment, and the character 日 showed the prison in which they served their time.

尹 was the character applied specifically to this particular man. Through this character, one could know this man's identity. His alias was Shudatsu and his real name was Kashu. He was born in a state called Dō in northern Ryū and was convicted in three states: Dō, Shuku, and Kin. Every conviction was for the crime of murder. In the first incident, he stole money and assaulted a person who, as a result, died. In the Shuku incident, as well, someone died while fighting with him over stolen money. However, only in the Kin incident did he start out with the intent to kill. His motive was, again, money.

While continuing to read through the documents spread over the desk, Eikō sighed again and again. Serving time in prison was meant to educate prisoners in order for them to be aware of the severity of their crimes. But in Shudatsu's case, it was clear it had no meaning. He was tried in Kin, then, after serving six years, was released to the streets and after only half a year, committed

his next crime. Since then, in the span of about two years, he piled up sixteen crimes.

Due to these crimes, Shudatsu was tried by the judge of the Shingen District Ministry of Fall. However, in the case of criminals like Shudatsu, there would be at least one trial held before the higher levels of government. In accordance with the law, Shudatsu was sent to the state Ministry of Fall. Here he was tried again, but when the state court hesitated, it was decided to turn him over to the national court. Shudatsu would be judged a third time by the national court. For the judgment, the judges would confer with various officials. At the end, the judge known as the Shikei would have to make the final decision.

In other words, Eikō would have to judge.

The end-of-summer sun was setting gently. As Eikō read the documents in a gloomy mood and the sun grew dark, his wife, Seika, brought out a lantern.

"Are you all right not taking a break?" she asked while lighting the library's candles.

Eikō halfheartedly replied yes.

"So there'll be no death penalty?" Seika asked softly.

Eikō put down the papers and, raising his head in surprise, saw the youthful face of his wife. Illuminated by the dark-red light, Seika's white face was tinged with scarlet, as if blood were rushing to her head. Regardless, her expression held firm.

"Riri said that you would not kill Shudatsu. Is that your conclusion?" A reproachful tone ran through her voice.

Eikō forced himself to smile. "What are you talking about? Riri asked me if I was going to become a murderer. So I told her no."

"Please don't pretend like you don't understand," she said coldly.

Eikō remained silent.

Of course, when Riri had asked him earlier, Eikō understood exactly what she had meant with her question. Lately, all the citizens of Shisō had been paying a great deal of attention to the Shihō. The other government offices were no exception - even the maids and manservants who worked in the official residences of the government were closely observing the Shihō. Would Shudatsu

be punished with the death penalty, or not?

First, Shudatsu was tried by the Shihō of Shingen District. The decision was *taiheki* - in other words, the death penalty. Then, Shudatsu was sent to the Shihō of the state of Saku, where the decision was also *taiheki*. However, the trial was complicated and although a sentence was given, the majority of the people involved were of the opinion that further judgment should be sought. Therefore it was decided Shudatsu's future was entrusted into the hands of the Shihō – Eikō.

If Eikō gave the death penalty as his decision, the sentence could not be appealed. It would be decided – Shudatsu would be killed. Riri had probably heard this from someone working in Eikō's official residence. So that, he imagined, was why she had asked him, "Father, are you going to become a murderer?" Riri did not yet understand the difference between murder and the death penalty.

"I'm not really talking about Shudatsu," he told Seika. "But if I ordered the death penalty, I would essentially be saying to kill him. And that would upset Riri."

She was a smart, kindhearted child. Her heart would hurt, even though she was young.

While he was thinking this, Seika raised her voice. "But if you think about Riri, you should give the death penalty to that beast."

Eikō looked at his wife's face in surprise. Seika was not a government official. She held the official rank of *gekan*, but this was nothing more than the title she was given for caring for Eikō. It was solely a means to put non-



government official family members into the Registry of *Sennin*, so Seika had no real connection to the government. Thus far, she had never meddled in Eikō's work.

"Why are you so upset all of a sudden?"

"That beast killed *children*. There was even a baby among his victims. If you care for Riri at all, then please, consider those whose beloved children were killed."

"That, of course-" he started to say when Seika interrupted.

"No. I can see you're confused."

It was true. Eikō had no choice but to lapse into silence. Eikō certainly was confused. Or perhaps it was better to say he was hesitating.

"Why is this confusion necessary? Is mercy for the monster who killed innocent people really necessary?"

As Seika said this to him, Eikō cracked a bitter smile. "It's not that. This isn't a problem of mercy."

"If it's not a problem of mercy, as you say, then why not the death penalty? If the one that brute killed wasn't Shunryō, but Riri-"

"It's not that sort of problem, either," he said, admonishing his young wife.

Seika was Eikō's second wife. In appearance, she looked twenty years younger than him, but the actual age difference was closer to an eighty-year gap.

"Then what kind of problem is it?" Her expression stiffened. It was an expression he had seen frequently lately.

"It might be difficult for you to understand, but the law does not run on

mercy."

"Then are you saying that beast had a reason for what he did?"

"No, it's not that. Shudatsu's actions cannot be allowed, and we probably don't have room for mercy. I completely understand your anger and the people's anger. *I think Shudatsu is despicable, too. However, the death penalty... it's not so simple as 'we can't forgive him, so we'll kill him.'*"

He spoke as quietly and softly as he was able, but Seika's face just grew stern. She looked at Eikō with a gaze as sharp as if she had shot him. "You're treating me as if I'm a fool who doesn't understand logic." Her voice was low, as if it were frozen.

"It's-"

'...Not like that,' he wanted to finish.

But his wife interrupted. "Do you know that, in Shisō, the case of vanishing children is still ongoing?"

"I hear the rumors. But that's not Shudatsu's crime."

"I know that," Seika said, her voice grown sharp. "Do you think I'm that much of an idiot? He's already been arrested and put in jail, so of course there's no connection to him. What I'm saying is that recently in Shisō, awful things like this keep happening."

"Yes-"

"You probably know about the terrible event when the maids and manservants in the residences of a lower official of the Ministry of Spring were massacred. One of the manservants resented his employer for reprimanding him,

but aimed his anger at the people who worked alongside him, not at his master. Stories like that are all anyone talks about these days. What's happening to this country?”

To this, Eikō could say nothing. Recently, it was true that these hard-to-understand incidents – rather, these *atrocious* incidents – were becoming more frequent.

“To me, the world looks like it's becoming degenerate. Permitting the actions of monsters like Shudatsu would probably encourage crime among the people. So isn't a severe punishment necessary? If someone kills people, then they themselves will be killed – isn't it necessary to make that widely known?”

Eikō exhaled, feeling gloomy. “That wouldn't keep people like Shudatsu from committing crimes.”

Seika looked at Eikō in surprise.

“Actually, the death penalty isn't effective in preventing crimes,” he explained. “Unfortunately, it isn't the case that if there are severe punishments, crime will stop.”

When she was admonished, Seika's mouth twisted unpleasantly. “So then even if Riri was killed, you would forgive the criminal.”

“That's not what I'm saying. I'm saying that's a different matter. If anything happened to Riri, I would never forgive the criminal. But, that's different from how I must operate as a member of the Shihō.” Without thinking, he had raised his voice.

Seika was about to say something, then instead shot Eikō a look like she

despised him. “So what you're saying is that, because this is different, even if Riri was killed, you would not give that criminal the death penalty.”

He wanted to say it wasn't like that, but Seika turned her back to him and quickly left the office. Before he knew it, it had grown dark and the cries of the bugs riding the cool night wind could be heard.

Eikō muttered in the direction of his wife's retreating back, “It's not like that.”

There was no room in the law for feelings. There could not be. If Riri was killed, then, naturally, Eikō would be removed from the trial. He wanted to say that that was the way of the Shihō. But even saying this would not convince Seika. Probably, she would just say that the Shikei, who was in charge of determining the punishment, would never request the death penalty. Eikō could not help but answer that if that were the case, even if he wanted it with all his heart, he wouldn't be able to actually say it.

Eikō let out a deep sigh and started to rise to his feet, but instead lowered himself into the chair. He rested his elbows on the desk and rested his forehead in his hands.

He didn't intend to treat her like a fool. At least, he did not think she was a fool. But in actuality, the law was not moved by emotions. The law was something that must not be moved by that sort of perspective. How would it be best to explain this, he wondered, at a loss for words.

Seika was decidedly not a fool. Rather, in a real-life situation, she was smart and clever. However, she was unable to consider logic and reason as

something separate from emotion. Seika claimed to understand reason, but the basis of her logic was that her feelings were the Way. When he said that wasn't necessarily the Way, Seika rebutted him, saying that a Way that lacked emotion shouldn't exist.

According to Seika, Eikō was lacking in emotion and mistakenly believed the government official's mocking, utilitarian reason was the Way. She said it was Eikō who did not understand and yet he, like other high-ranking officials, treated her like a fool, despite her rank.

Lately, the occasions in which Seika grew angry and said things like that had become common. Finally, becoming truly angry, she had suggested they break up. She had said she wanted to annul the marriage, leave the Registry of *Sennin*, and return to the townspeople.

Eikō did not know what to say to make Seika understand. Because of his work responsibilities, he was not good at talking about his emotions without logic. It was usually the case that the more he tried to calm her down, the more upset she grew. If that were the case, Seika would eventually leave him. Just as his first wife had. The last words Keishi had left behind were, "I'm not as much of a fool as you think."

The same words had been thrown at him by both wives. He wondered if that was proof they were right.

As he considered this gloomily, the record of the tragic crime that had occurred lay in his line of sight.

The victim was Shunryō, eight years old. Riri was eight, too. When he

thought about that, he began to feel as if he couldn't bear it. From the time he had seen Riri off in the corridor, a stiffness in his chest still remained. Even if he sighed over and over, he was unable to exhale the stiffness.

### 3

At midnight, someone visited the office.

“Shouldn't you take a rest yet?”

The person that had appeared in the office and spoken was Hogetsu. Eikō, who had grown tense thinking it was Seika, was relieved, and felt his shoulders relax. Like that, he remembered Riri saying that Hogetsu was returning that day.

“Did you just come back? Riri seems like she's really been looking forward to this.”

Hogetsu smiled. “Yes.” In his hands, he carried over the tea tray with the tea set collected on it. “I returned earlier. I was made to play with Riri for a while. You've been busy with your work as the Shikei, so I didn't come to greet you.”

Eikō laughed. “Is that so?”

Riri called him "older brother," but Hogetsu was not Eikō's son. He was his grandchild.

When Eikō was on the verge of turning fifty, he was selected from among the local government officials for Shōsen, ascending to live above the clouds and becoming a *sennin* in the state government. He had two sons and one daughter by his first wife, Keishi, but by then, his eldest son and daughter were adults, living on their own. When Eikō ascended, both could have gone with him, but the two, having found partners and married already, chose to stay on the ground. After a while, they grew older than Eikō and died. Only his second son, who at that time had not yet become an adult, stayed in Eikō's household. Later, he left

the Saku state school, become a clerk, and ascended himself. Now he worked in the state government of Hō, in western Ryū. The son of this second son was Hogetsu.

Relying on his grandfather, Eikō, Hogetsu came to Shisō and, like his father, entered the Saku state school. Hogetsu, who excelled far more than his grandfather, was able to continue to university, then graduated the previous year and joined the national government. Having finally grown accustomed to his duties, he had been able to get some time off, and went to Hō to visit his father.

"How about taking a short break?" Hogetsu asked.

Eikō nodded in reply. He moved to the desk by the window. Hogetsu arranged the tea set there.

"You don't have to do that."

When Eikō said this, Hogetsu shook his head. "I understand that now is a difficult time for you."

When he was promoted to the national government, Hogetsu's attitude towards Eikō had grown formal. Hogetsu was an assistant minister in the Ministry of Heaven and an aide to the assistant minister who administered the regulations from the king. His rank in the national government was Chūshi, but Eikō was a Shikei of the Ministry of Fall. His rank was Kataifu, which was in the category of high officials.

While he was pouring tea into the teacups, Hogetsu said, "My elder sister was really upset." Hogetsu called Seika "elder sister." She was his grandfather's wife, but she looked closer to Hogetsu in age. "She said, 'The Shikei is going to



pardon Shudatsu'."

"That's not what I meant to say. It's . . . difficult."

Hogetsu looked at Eikō as if he were about to ask something.

Eikō smiled bitterly. "I said that I can't judge Shudatsu on feelings alone. To begin with, Shudatsu's trial hasn't even begun yet. Surely my duty is to determine the punishment at the end, and before that I need to talk things over thoroughly with the Tenkei and the Shishi. It's not yet the stage where I reach my conclusion, so even if I have something in mind, I shouldn't reveal it now."

"That makes sense." Hogetsu nodded, but looked around as if he still wanted to ask something.

Eikō shook his head and changed the topic. He asked Hogetsu, who had just returned from travelling, about the state of Hō and about his father, but his heart was not in the conversation. There was a heavy discomfort in his chest.

It was probably natural that Seika would say to execute Shudatsu. And not only Seika – the townspeople were saying this, too, as Eikō had heard. Even Eikō had no objection based on his own feelings. But as an official of the Shihō, he felt some hesitation. The state Shihō had hesitated in the same way, so the case was sent to the national Shihō.

The problem was not Shudatsu. The problem was the current King of Ryū, the Blade-King. He had sat on the throne for over 120 years, and in that time, for at least the span of 100 years, the death penalty had been suspended.

Truly heinous criminals would be sentenced with penal servitude or life in prison. The death penalty legally existed, but it was not really an option. Until

now, it had been that way for a long time.

“There's no imperial order from His Majesty?”

When he was asked this, Eikō came back to himself suddenly. Without realizing, he seemed to have gotten lost in thought in front of Hogetsu.

Hogetsu smiled awkwardly. “It was His Majesty who determined that the death penalty would not be used, wasn't it? What are his intentions?”

Eikō wanted to say, "That's—", but held his tongue. The teacup in his hand had gone completely cold.

"If my question was too forward, please forgive me. But if I heard anything, I would never tell anyone."

This was said so softly, Eikō let out a breath. Hogetsu was now an assistant in the Ryū palace, but when he graduated from the university, since he was selected to work in the national government, he was promoted to the rank of high official. That being the case, Eikō thought it was necessary for him to understand Shudatsu's case, and at the same time, he believed Hogetsu would understand.

"It's not clear," he answered.

“Not clear?”

Eikō nodded. "The king suspended the death penalty. Despite that, the judgment of both the district Shihō and the state Shihō was the death penalty. We in the national Shihō do not have to follow their decision, but it must be taken into consideration. I investigated His Majesty's intentions, but it seems he entrusted the decision to the Shihō."

Hogetsu looked puzzled. "He entrusted it to the Shihō?"

“I don't know whether he meant the official called the Shihō, or the members of the Shihō court – in other words, myself and the others in charge of the trial. Or maybe he meant that he entrusted it to the Ministry of Fall. It was very vague and, moreover, since His Majesty said, 'Do not use the death penalty,' that alone cannot move me. I requested imperial orders.”

"How about the Ministers of Justice, the Daishikō or the Shōshikō?"

Eikō shook his head. "The Daishikō is of the firm belief that there should be no death penalty.”

“If the Daishikō is in agreement, then there will be no death penalty.”

"Not necessarily. Our verdict isn't bound by the opinions of other people. Additionally, if His Majesty said he entrusted it to us, in relation to the sentence this time, the Shihō's decision becomes the final conclusion."

"The Shihō's – Lord Chīn's opinion is... ?"

"He is racking his brains. As is the Shōshikō."

When criminals were taken to jail, the question at hand was what kind of crimes they had committed. If the crime was clear, then the punishment according to criminal law would naturally also become clear. The process in which the official called the Tenkei applied this punishment, which was based on the penal code, was called *keisatsu*.

The crimes Shudatsu had committed were mainly murder. They were largely composed of cases in which he intended to kill someone in order to rob them. Furthermore, for the crimes in which he planned to steal money, he killed even people whom he had no reason to kill. Shudatsu's victims were

overwhelmingly women, children, and elderly people who were unable to fight back.

Robbing and killing for one's own self-interest, meaningless robbing and killing, robbing and killing the weak – any of these was a capital crime under the law. Moreover, because there were multiple murders, this was *shushi* – in other words, a crime befitting the death penalty without any chance of pardon.

Once the *keisatsu* was settled, if there were factors that discounted the crimes, the punishment would be reduced. But for Shudatsu, there were no such mitigating factors. Under ordinary circumstances, the death penalty would be exceedingly obvious.

However, in Ryū, the Blade-King himself had decided “the death penalty should not be used.” Generally, criminals who deserved *taiheki* were temporarily imprisoned or sentenced to penal servitude, but considering Shudatsu committed *shushi*, he deserved lifelong imprisonment.

Yet still the people were demanding the death penalty. Originally, when the voices of the dissatisfied people, asking whether even criminals like Shudatsu would only be imprisoned, grew loud, the district Shihō and state Shihō decided on the death penalty.

The people, realizing a death sentence was now a possibility, said, "There is no option but the death penalty."

There was the possibility of claiming, based on the king's words, that the death penalty must not be used, but if that was done, the people would likely raise their voices in dissatisfaction with the Shihō. Depending on the situation, it

was possible the angered people would all rush to the provincial office. The people's voices, demanding the death penalty, were so loud that he could not help but fear a revolt. It was difficult to ignore, as if he were the Shihō.

Eikō said this and Hogetsu muttered, as if he were troubled, "This is certainly a difficult problem."

"Isn't it?" Eikō sighed. He was deeply perplexed, but he felt relieved that Hogetsu also found it difficult.

"Shisō's public security is deteriorating – my elder sister has said this, too. Those people who have begun to insist on the death penalty probably feel anxious about this. If Shudatsu is severely punished as an example, to restore order, they say security will no longer deteriorate."

"That's the case, isn't it."

In recent years, the crime rate in Shisō had certainly increased. Rather, not just in Shisō, but security throughout the nation as a whole was weakening. According to the actual numbers, the increase was slight, but it still made the people uneasy, as security levels until that point had been high. It was understandable that the people connected this with the king's enlightenment policy regarding punishment. In other words, had the punishment system been too lenient until now?

But Eikō and the others in the Ministry of the Shihō knew. According to the numbers, there was by no means a lot of crime in Ryū. Since the accession of the current king, crime had clearly decreased. Also, particularly due to the king replacing the death penalty and reviving *geimen*, which had often been abolished

in other countries, the number of criminals had significantly decreased.

Putting a tattoo on the face of criminals as punishment was said to hinder their rehabilitation. Since it was abolished in Sō, there was a trend in other countries to also abolish the practice. It had been reinstated by one dynasty, but it was common knowledge that it went against the way of benevolence, and therefore had been banned in Ryū for a long time. Nevertheless, the king dared to restore it.

However, in this incarnation, the first two tattoos were placed on the head. This was because if one grew out one's hair, it could then conceal the tattoo. Criminals could conceal their criminal stigma, and moreover, the marks would disappear after ten years, due to the disappearing ink invented by the the Ministry of Winter. This particular ink was called *soboku*.

*Soboku* was, at first, a deep black, but gradually the color lessened. It lightened from black to indigo, from blue to purple to a red so light it almost could not be seen after about ten years, give or take a few years depending on the color of the person's skin. Therefore, if a criminal had sincerely changed and refrained from repeat offenses, it would mean they could eventually become an upstanding citizen.

However, if they returned to crime, a third mark would be applied in a place that was not easily concealed. It was decided that the third time, it would be applied to the right temple, the fourth time, the left temple, and after that, under the right and left eyes, but there were seldom people who had *geimen* applied four or more times. Rather, after *geimen* had been applied four times, which was

called *keijin*, it was decided that criminals would do penal servitude until all of the tattoos disappeared, or else be punished with imprisonment.

If only applied once, *soboku* would disappear after about ten years. However, if in the time it had not yet faded, a second mark was applied, then the time until it vanished would lengthen. If *geimen* was applied four times, it would not disappear for at least thirty years. While it depended on the darkness of the other tattoos, if it were the case that all the tattoos were dark black, it would take almost an entire lifetime to vanish. The criminal's life would end before the ink faded.

At first, it was feared that criminals would be mistreated by the people due to the *geimen* and that this would hinder their rehabilitation, but, unexpectedly, it helped. If the criminals endured until even a little color had faded, the people took the lighter tattoo as a sign of the person's good decisions and effort. There was no way to prevent people from discriminating against those with dark tattoos, but the nation supported them and gradually, if their tattoo lightened, the person improved due to the praise of their country. In fact, the rate of repeat offenders among the three-time criminals who had reached their third *geimen* fell dramatically.

Thanks to this, even in the current time in which it was said that security was declining, in comparison with other countries, the number of atrocious crimes in Ryū was exceptionally small. It wasn't necessary to compare with the countries where the death penalty occurred. This was the proof that the death penalty had no effect on stopping crime.

Yet the people compared what it felt like then with what it had felt like before. There was no denying that if someone said it was not like that a few years ago, that was true.

"Don't you have the feeling that not only is public order being disturbed, but beasts like Shudatsu are also growing in number?" Hogetsu said to Eikō.

Upon hearing this, Eikō sighed. "I admit it seems that way. Shudatsu has already been judged three times. Without repenting, he piled up sixteen different cases of crime. Doesn't this mean that punishments until now have not been able to reform criminals?"

"Doesn't that mean...?"

The country tried everything to rehabilitate criminals, but there were people who did not regret their crimes. They turned their backs on support as if they were rejecting rehabilitation, then they dared to repeat their crimes. Eikō knew that that sort of person existed. He knew so well that it hurt.

"If penal servitude is no use, then isn't further punishment necessary?" Hogetsu asked.

"I'm not hesitating over sentencing Shudatsu with the death penalty. The problem is the death penalty itself."

Hogetsu looked back at Eikō dubiously.

"To use the death penalty here means to actually reinstate it."

Hogetsu still seemed to find it difficult to grasp the meaning of this.

"Like you said, the public order of this country is being disturbed," Eikō said.



"For that reason, reviving the death penalty worries me."

"Why?"

"Don't you understand?" Eikō asked again.

Hogetsu gulped, averting his eyes like he was flinching.

Yes, Hogetsu understood. He didn't understand why, but it was clear that lately, Ryū had begun to decline. The monsters called *yōma* were becoming rampant, the weather was irregular, and disasters were happening often. It was not the case that the death penalty was too lenient. Human nature was becoming rough because the country was declining. Therefore crime was increasing.

Crime was not the only thing increasing. Eikō noticed that lately in the national government, there had been many conflicts. Things that had previously been heading straight forward were growing warped and crooked. The reasons for that were varied, but it could generally be said that the country was growing wild. It was precisely at a time like this that the king, renowned for his wisdom, was needed for reform. But lately, it seemed the king had given up his desire for reform.

"What is happening to His Majesty?" Hogetsu murmured.

"That's something you, from the Ministry of Heaven, should know in detail, isn't it? What is the Ministry of Heaven saying?"

"That... I don't know. I don't think His Majesty is losing his mind nor does it seem he has lost the Way."

"But His Majesty has clearly changed from before."

Hogetsu nodded. "These are not my own words, but a certain person has

said His Majesty has become incompetent."

Eikō was about to scold Hogetsu, but at the same time, thought he was right. It was not as if the king had become ruthless or evil. Even though there were kings who oppressed their citizens, he couldn't believe that the Blade-King would try to oppress his people. Regardless, the political situation was becoming warped. Certainly the king's ability to govern was withering.

Eikō heaved a deep sigh. "People like us can't know what has happened to the king. However, even though I don't want to believe it, it's thought to be certain that the country has begun to decline. If that's the case, then from now on, people will fall into chaos. There will probably be more beasts like Shudatsu. If I cause the death penalty to be restored now, from hereon in, it's very likely it will be abused often."

This was what Eikō felt uneasy about. If a precedent could be made, from then on, any hesitation about using the death penalty would vanish. If the world degenerated and criminals of Shudatsu's sort increased in number, it would probably be decided to use the death penalty in every case.

If whatever was preventing that was temporarily eliminated, then from then on, it could be decided that the death penalty would be used for even trivial crimes, and the impact of the death penalty would weaken. If the death penalty was imposed then, it would soon be necessary to use the death penalty for other severe crimes. If that happened, it would not be long before severe punishments grew rampant. Thus, the more the death penalty was used, the more severe punishments would increase until the country fell into decline.

Eikō said as much, and Hogetsu nodded. "Yes, I believe that would certainly happen."

"Furthermore, that declining country would decide to abuse the death penalty," Eikō said. "Causing the death penalty to be restored now is nothing but giving the power of life and death over the people to a country in decline. If there was a precedent, the country would naturally abuse the death penalty for its own convenience."

For that reason, he wanted to avoid the death penalty.

Avoiding it wasn't a problem. In the first place, the king's words were there. "The death penalty must not be used." Taking those words into consideration could result in penal servitude being sentenced instead. According to custom, that was the correct path. However, if that was done, the people's trust in the Shihō would sway.

Seika's cold eyes were brought back to his mind. If Eikō avoided the death penalty, Seika might leave him right then and there. Similarly, the people would turn their back on the Shihō. In a sense, it could be as dangerous as abusing the death penalty.

"What should I do?"

The next day, when Eikō arrived at the Shihō's office, the Tenkei, named Jokyū, and the Shishi, called Sotsuyū, had already gathered in the room for the trial. There were signs that both men been racking their brains and were growing tired of it.

Once the three judges were gathered together, the attendants by whom each had been accompanied withdrew to a separate room. The Shihō, who acted as the organizer of the trial, was not there. The trial was conducted only by the Shishi, the Shikei, and the Tenkei who handled the sentence. Anything capable of influencing their decision would be removed.

Even when the last official closed the door and left the room, no one opened his mouth to speak for a while. Even without hearing anything, when Eikō saw their faces, he understood what they were thinking. Both Jokyū and Sotsuyū were completely perplexed.

"It's no use being silent," Eikō said, inevitably breaking the silence. "For the time being, let's listen to the Tenkei's opinion."

Jokyū exhaled lightly. Jokyū's looked to be in his mid-thirties, and among the three, he was the youngest in appearance. Jokyū, as the Tenkei, clarified criminals' crimes and dealt punishment according to the criminal law.

"There is nothing to say in particular. The investigation that came from the district Shihō and the state Shihō is all there is. The state Tenkei has investigated thoroughly. I have nothing to add."

Eikō asked, "You have met Shudatsu, correct? What sort of person is he?"

"He is a monster." Jokyū's response was short and spoken like he spat it out.

He must have felt a great deal of disgust, so, understanding that, Eikō did not pursue the topic any further, instead asking a different question. "In the state Tenkei's documents, there are passages that are not clear. For example, the whole family in the nearby village was murdered, yes?"

When Shudatsu was asked about his motives, he answered that it was because he had nowhere to go. The murder he committed earlier had been witnessed. Because of this, he had thought to go out of the public view in the town and spend the winter in an abandoned village. But, by chance, there happened to be inhabitants in the village he had been watching. Therefore, he said, he killed the family – but there was something suspicious about this explanation.

Basically, there were no people in the village in midwinter. If Shudatsu had not wanted anyone to bother him, he could have searched for an abandoned village. The area in the vicinity of the village had been mostly empty.

When Eikō said as much, Jokyū said, "If there were no residents, there'd also be no food supply. It's likely there would be no arrangements for kindling, either. He originally planned to hide himself in the abandoned village, but when he saw the house with people in it, he reconsidered and thought that would be more convenient."

"Convenient?" Eikō murmured. "I see. Shudatsu remained in the same building with the corpses, but wouldn't he at least have felt inclined to change

houses?"

"At that time, because the house didn't yet smell, it seems he didn't feel it was necessary."

Listening carefully and silently, Sotsuyū let out a sigh and shook his head. Eikō understood that feeling. However, Shudatsu was that kind of man. He was terribly warped, but logical. But if that was the case, then there was something all the more perplexing.

"The case of Shunryō, then. Why would Shudatsu, when he was carrying nearly ten ryō in his pockets, kill Shunryō to steal twelve sen, at most?"

"He wouldn't answer that. He didn't answer clearly, just evaded the question."

"Is he hiding something? If that's the case, it's necessary to make that clear."

"I don't know. In regards to the murder itself, he said he thought if Shunryō made too much noise, it would cause trouble for him. However, to start with, why he thought to steal the twelve sen – for some reason, he just won't say."

"Is that so?" Eikō murmured.

"The state Tenkei is treating the case of Shunryō as robbery and murder. How about that?"

"I still have some questions. Such as whether he was following Shunryō, intending to kill him from the start, or did he only intend to steal the coins? If he had the intent to kill from the start, then it's robbery and murder, but if he simply followed Shunryō in order to steal the coins, then killed him for fear of him

making too much noise, then that's assault and murder, isn't it?"

"What is the man himself saying?"

"He's saying he only intended to steal the coins."

"But if he really didn't have a murderous intent and was afraid of Shunryō making noise, wouldn't he have waited until he arrived in a place with no sign of life?"

"I don't think that would be the case. Shudatsu knew that Shunryō was going to the nearby store to buy peaches. He heard Shunryō's mother say as much in their home's storefront."

The child was about to leave the house. His mother called to stop him and asked if he had the exact amount of money he needed. In response, Shunryō opened his hand to show her. One peach was four sen, so three would be twelve sen. He had exactly that much.

"Shunryō's family is not wealthy. They could not afford to give Shunryō an allowance. Therefore, if he wanted any spending money, all he could do was receive an allowance in exchange for helping his parents. By helping them, he would earn one sen each time. As the result of ten days' work, he had saved twelve sen. No matter what, he wanted to eat peaches."

Jokyū spoke in a sympathetic voice. "Two for himself, one for his younger sister - that was Shunryō's hope. For that, he helped his parents and patiently saved the allowance he received."

Eikō nodded, but once again, the discomfort in his chest ached. Shunryō had at last saved twelve sen. His mother asked if he had the exact amount and the

child – perhaps he showed it off proudly. He could imagine the boy's triumphant, innocent smile. He could also see the face of Shunryō's mother, lovingly gazing at him. It was a heartwarming conversation. And yet this was what decided the child's fate.

"Shudatsu was listening to this conversation. If he didn't immediately take action, Shunryō would soon arrive at the store without going through any unpopulated places. So Shudatsu followed Shunryō, luring him into the first alley he passed."

"But the situation must have been obvious. It was clear that people would see. Didn't he realize that if he didn't want to cause a commotion, he would have to kill Shunryō when he robbed him?"

Jokyū nodded. "That's right. Therefore the state Tenkei considers this robbery and murder. But I'm not satisfied with that. I wonder whether or not Shudatsu really went to the extent of following Shunryō with a definite intent to kill. To me, Shudatsu appears to be a gravely ill man. Because he wanted something, he thought to steal it, implemented his plan, and as a result, killed in order to rob someone – that's the feeling I have."

"Hmm," Eikō murmured. What Jokyū was saying was too tenuous. But although they would certainly treat it as robbery and murder, Eikō also certainly understood the feeling of hesitation. Whether or not it was robbery and murder had to be decided at some point. When that time came, they could not bring up their own opinions. But for the time being, they should not stick to the judgment they made the first day.



Thinking this, Eikō looked at Sotsuyū. Sotsuyū looked as if he were in his mid-sixties and, even more than Eikō, his appearance was that of an old man, but his real age was actually the youngest of the three.

"How about you, Shishi?"

The duties of the Shishi were administering the law regarding *sansha*, *sanyū*, and *sanshi* and, should circumstances that lead to crimes being pardoned were found, reporting the mitigation of those crimes.

*Sansha* referred to the three kinds of people whose crimes should be pardoned – juveniles under the age of seven, elderly over the age of eighty, and those with weak mental abilities.

"First of all, *sansha* is not applicable, so that doesn't require arguing."

As Sotsuyū spoke, Eikō and Jokyū nodded.

"At the same time, none of the cases are related to *sanyū*, so there is no need to decide that."

*Sanyū* covered *fushiki*, *kashitsu*, and *ibō*. *Fushiki* referred to crimes done unknowingly or actions done without realizing the result was a crime. For example, if an item was thrown and fell from a high place, hitting and killing someone below, that would be *fushiki*, as long as the thrower was unaware of the person below. *Kashitsu* referred to mistakes. If the item was allowed to fall though there was no intent to drop it, or if one intended to avoid dropping it, but it slipped, this was *kashitsu*. *Ibō* referred to forgetting. If, while being aware that

item fell and hit something, one forgot that a person was there, that was *ibō*. But it was certain that none of these applied to Shudatsu.

Eikō sighed. "The problem is *sanshi*, then?"

Sotsuyū nodded.

*Sanshi* referred to asking the opinion of a crowd, a group of officials, or the nation. If there was a call to pardon the crime, that crime was declared mitigated. Sotsuyū, abiding by his own professional duties, requested the advice of all six ministries, listened to opinions of government officials, and listened carefully to the voice of the people.

"There was no one saying his crime should be pardoned. Not a one. The people unanimously insisted on the death penalty. They said the only option is the death penalty. The officials mostly gave the same answer, though there were people undecided about the death penalty. The six ministries mostly insisted on caution. They were largely people who referred to the king's ideas, but there were a considerable number of voices fearing that if we rashly used the death penalty, it might lead to reckless usage."

"As expected," Eikō replied. "Although I'm grateful that the six ministries took such a cautious approach."

"We can't say that *sanshi* does not apply, seeing as there are those recommending caution. However, the people are vehemently angry. Many people say that they won't accept anything less than the death penalty. They even demand that Shudatsu be handed over to them if the Shikei pardons him."

"Is that so?" Eikō murmured. As expected, if the death penalty were

avoided, it might be necessary to fear a revolt. There was a chance of suppressing such a thing, but the anger against the Shihō and against the country could not be suppressed. If it was suppressed by force, trust in the Shihō would break down, and trust in the country would also collapse.

"How about the victim's surviving family?" Eikō asked. Occasionally, the victims of crimes and other concerned parties would plead for a pardon for the criminal. This happened when criminals who regretted their crimes apologized to their victims and did something to atone. This was very effective with regards to *sanshi*.

"They have not requested a pardon. In the first place, Shudatsu was not in contact with the victim's entire family. Rather, an appeal has arrived from the surviving family for Shudatsu to receive the death penalty. Some of them even have been visiting the national government every day."

"I thought so," Eikō murmured. "I can imagine the grieving family's resentment. They probably won't be satisfied even if the criminal is killed."

"That's correct. Actually, they are saying we should use more severe punishment, like in Hō, not just a mere decapitation. There are sixteen cases of murder alone and his victims amount to twenty-three people. Therefore, there are people insisting on *ryōchi*, saying he should be chopped into twenty-three pieces."

*Ryōchi* was a punishment in which the criminal was cut into pieces. In some cases, the criminal was cut into pieces and then their head was cut off and displayed, while in others, just before they died, the head was cut off and the

torso was cut up into pieces. Eikō had heard that the way of doing *ryōchi* varied according to the country, and the number of pieces into which the criminal was cut was determined beforehand. Many people were saying Shudatsu should be cut into as many pieces as he had victims. Lately, in Shisō, there had been much thorough investigation of other countries' severe methods of punishment, and the people often discussed what punishments should be used to put Shudatsu to death.

Jokyū raised his voice indignantly. "The people that are insisting on *ryōchi*, do they know just how inhumane it is? It's like slicing off flesh with a short sword without killing the criminal. They suffer for no reason, for a very long time. In order to make it last, the executioner intentionally avoids the vital spots. There are kings in other countries who, in order to further prolong the suffering, have entered criminals into the Registry of *Sennin*. There are those who insist Shudatsu be punished even to this extent."

"But *ryōchi* is exactly what Shudatsu did."

At Sotsuyū's voice, Jokyū fell silent. It was true Shudatsu had certainly carved up the married couple. In order to take their hidden fortune, he cut up the husband in front of the wife's eyes. He cut off his fingers one at a time and sliced off his ears and nose. Shudatsu kept slicing his flesh and carving up his stomach, and when the husband died, the wife was cut up in the same way. The couple had sold their land in order for the son to enter a preparatory school to be ready for entering the state school. The money from selling the land had long since disappeared into his school tuition. The couple had pointlessly suffered and

pointlessly died.

“How can we say *ryōchi* is too cruel, when Shudatsu himself used *ryōchi* on innocent people? Shudatsu has no right to call it too cruel and even we can't say it is excessively cruel too lightly. There will certainly be people who would ask if it isn't too cruel to sentence Shudatsu with *ryōchi*, even though committing *ryōchi* against an innocent couple was also cruel.”

Both Eikō and Jokyū had no choice but to fall silent.

"I can't find any words with which the people could convince me."

"But," Jokyū muttered, "Shudatsu wants the death penalty." Eikō thought about this and looked at Jokyū inquisitively. Jokyū was looking between Eikō and Sotsuyū with a mournful look.

"He says it would be preferable if he were immediately killed rather than imprisoned for his whole life. If that's the case, the death penalty wouldn't be punishment for him. So wouldn't imprisonment become a punishment?"

Sotsuyū, somewhat flustered, said, "How can you prove he's not just saying that?"

Even if those are Shudatsu's true feelings, if in actuality he was taken to the execution site, I wonder if he wouldn't begin pleading for his life."

"That may be so, but—"

"Even if he did not beg for his life until to the very end, that would just be a bluff. In truth, I can't believe Shudatsu is unafraid of being killed. There is no one who doesn't feel fear facing his own suffering and death. Even if he begins to despair and give up on his life, that fear lurks at the very foundation of our

beings. Precisely because of that, isn't it the case that people despair?"

Jokyū pondered this for a while, then shook his head. "He might be bluffing, but I don't necessarily think Shudatsu is despairing. I don't know how to say this, but he seems to be trying to be the victor by being sentenced with the death penalty."

Eikō did not understand, and it seemed Sotsuyū felt the same. Jokyū, who was the only one to have interviewed Shudatsu himself, was searching for words. While each of the three held their tongue, the sound of hurried footsteps and quarreling voices approached.

"Daishikō – please wait!" It seemed like the voice of the Shihō, Chīn, was on the other side of the door. "Right now, they're in the middle of their deliberations. Even you mustn't–!"

Before Chīn could finish speaking, the door burst open. The Daishikō was standing there, an angry expression on his face.

"Your judgment?" he asked.

While Eikō was thinking, puzzled, he bowed deeply and crossed his arms. "We have only just begun the deliberations."

"All right," Enga, the Daishikō, said, looking at Eikō and the others. "First, I'll say this. You must not use the death penalty. I ask that you consider only that."

Eikō and the others looked at each other. Of course, the superior ranking officials, beginning with the Shihō, had spoken their intentions at the time of the judgment. First, the Shishi, for the purpose of *sanshi*, requested the opinions of

the high officials, starting with the heads of the six ministries. However, at the end of the day, the Tenkei, the Shishi, and the Shikei were the ones who made the final decision.

"Daishikō, you're out of bounds." Chīn sounded indignant.

The Shihō's deliberations could not be allowed to be influenced by others. Even for the Daishikō, there were no exceptions. Either the Daishikō or the Chōsai had the superior authority to make objections to the sentence that was already given, and upon consulting with various officials, were able to send back a verdict, but that could only be done once and it could not actually designate the contents of the sentence. The only exception was a declaration by the king.

Thinking, Eikō looked sharply at Chīn. "By any chance, was this His Majesty's idea?"

If that was the case, it was easy to understand – or so he thought. But Chīn shook his head. "No, His Majesty entrusted the matter to me. He said it was all right to leave it to you three."

"The king is out of his mind," Enga said, pushing Chīn back. "Why have you become so indecisive? I suppose you've considered the voice of the people, but would that be enough reason to destroy what we've prepared?"

As Enga spoke, he surveyed Eikō and the others. "The king said that punishment is not meant to punish. The purpose of punishment is not to punish a person, but to make it so we won't have to punish them again in the future. It's called *keiso*, which means giving up punishment and not using it. In other words, the nation is at peace and the *himin* who commit crimes will decrease and there

will be no more need to use punishments. It's needless to say that's the country's ideal. So far, Ryū has proceeded towards this ideal and there is no reason to dare to throw that ideal away."

"Is that so?" The one who had raised his voice was Sotsuyū. "If that's so, why are beasts like Shudatsu appearing? Hasn't the time come when we should look at the punishment system again?"

"An official of the Shihō should never say things like 'beast'," Enga said flatly. "Though he has committed crimes, Shudatsu is also one of the people. Words like beast are words that make hard-to-understand criminals into something less than human. If we discard them as less than human, we won't be able to civilize them."

Enga was right about that, Eikō thought, ashamed.

But Sotsuyū would not back down. "A man who would kill an eight-year-old child for the sake of twelve sen is not a human."

Eikō chided him with a soft "Sotsuyū," but Sotsuyū did not even look back in his direction.

Enga turned a strict gaze onto Sotsuyū. "The fact that hard-to-understand criminals like Shudatsu have appeared is surely not the fault of the Shihō who judges these criminals as subhuman, is it? Who would follow us when we tell them to repent, after declaring them to be less than human? Because you treat them like that, the criminal will repeat their crimes."

"But-"

"To begin with, do people such as a person who would commit murder for,



at most, twelve sen really exist? I heard that Shudatsu himself answered that way in response to the state Shihō's questioning, but wasn't it because the state Shihō labeled Shudatsu a subhuman beast that Shudatsu didn't dare to defend himself? The act of labeling a person as subhuman – that, regrettably, is how you create a criminal.”

Sotsuyū sank into silence.

“When Shudatsu killed that child, then no matter how hard it is to understand, Shudatsu must have had his own reason,” Enga continued. “If only we could understand that reason, we will understand the way to help *himin* like Shudatsu. Won't we then be able to educate and save them?”

“With all due respect, Shudatsu said he had no particular reason,” Jokyū said.

But Enga shook his head. “Isn't he just saying that? It might be the case that he cannot put it into words, or he might not be able to grasp it himself. We should help Shudatsu and look for his reason using words. Using the result to govern the people and educate the *himin* is the duty of the Shihō.”

Jokyū fell silent.

“The Shihō's duty is not to punish criminals. It is to educate criminals and urge them to get back on their feet. Never forget that.”

As Enga spoke, he looked at Eikō and the others. Eikō tried to speak, but the look Chīn gave him from behind Enga stopped him and he held his tongue.

Chīn stepped forward in front of Enga. “I have heard the Daishikō's intentions.”

Enga nodded. "Do not use *taiheki*. Understand?" Speaking loudly, Enga turned away.

Without saying a word, Chīn bowed deeply on the spot. Eikō and the others followed suit. While they kept their faces down, the sound of footsteps passed out of the room. After waiting for the sounds to fade, Chīn lifted his head. He had a truly disgusted expression on his face.

"The Daishikō did say that, but you, as before, must not be swayed by other people's opinions and must perform your own duties."

"But—"

"The king himself has said he entrusts this matter to the Shihō. There is no need to worry about what the Daishikō would think."

Timidly, Sotsuyū said, "Am I to understand that in saying His Majesty entrusted the matter to us, he was revoking his words, 'Do not use *taiheki*'?"

"I don't know."

"What do you mean you don't know?" Sotsuyū asked.

Chīn shook his head. Gesturing, he urged them to take a seat. He sat himself down feebly, but in a chair in which the witnesses and criminals summoned to a trial were meant to sit. Eikō wondered whether or not Chīn was aware of this.

"I met with His Majesty in person, seeking direction about the meaning of the words, 'I entrust this to the Shihō,' but there was no clear answer."

In response to the interview-seeking Chīn, it was said the king felt that there was no need to meet, because he had said everything he needed to say.

However, not only Chīn, but Eikō and the others, too, could not make sense of those words. Requesting an interview many times, even to the extent of begging the Minister of Heaven, the Saiho, in tears, he finally managed to reach an audience.

"But His Majesty only repeated 'I entrust this to the Shihō.' I had asked if he would repeal his decision that the death penalty must not be used, but he said that, too, was entrusted to the Shihō. He said that it was fine if the Shihō considered his word as meaning to repeal it."

"Then, it's all right to think that the death penalty is possible?"

"That's what I confirmed. Whatever you all decide is fine, including the death penalty. He said he would not object."

Eikō's feelings on hearing this were complicated. Could he consider this – the verdict being entrusted to the Shihō, the Shihō having the king put his trust in them – okay? Or rather, shouldn't he say the king was passing his duties to them? To tell the truth, Eikō had been harboring suspicions since he had first heard the words, "I entrust it to the Shihō." Those words were not words about which the king had thought long and hard, to say nothing of a true declaration of faith in the Shihō. Weren't they really an indirect expression of little interest in the matter?

Without realizing, he had begun to sigh. Jokyū and Sotsuyū must have been doing the same, as he could hear their voices, sounding like groans.

The king of Ryū was a wise king whose reign spanned for more than 100 years, but lately, he often did things that puzzled his subjects. Sometimes he behaved as if he had no interest in government anymore. The king used to be so

wise that he had made Ryū famous, but he sometimes conducted himself with a disregard for the structure of the law. He made decisions carelessly, on the spur of the moment. He demanded laws that could invalidate other laws. Each time that happened, his courtiers admonished him, but it certainly was not always the case that their admonitions were taken to heart.

Chīn sighed deeply. "In any case, His Majesty said he entrusted the matter to the Shihō. You should not be bothered by the noise; just please continue with your deliberations. I will support your decision."

"But then, the Daishikō—" Eikō started.

"Because he's the Daishikō, it's possible for him to interject his opinions about the trial, but you shouldn't feel any obligation to abide by that. It was entrusted to you by the king, so in relation to this case, even the Daishikō cannot reject your decision. Although I wonder if the Daishikō will persuade the king himself, after I report the sentence."

It wasn't impossible. The Daishikō, Enga, was none other than the Blade-King's son, the crown prince. He was in a position where he could persuade the king not just in public, but also in private.

"Could he convince the king?" Sotsuyū asked in a low voice.

"It would be difficult," Chīn answered shortly.

The Daishikō was said to be greater than the Blade-King. Naturally, among the courtiers, this was said quietly, almost like a nickname. Perhaps this was an indication of his rivalry to his father, who was hailed as a wise king. Enga tried hard to be greater than the king. Perhaps saying the death penalty must not be

used was a similar indication. Regardless of what it was, if the king had decided something, Enga would immediately begin to insist upon it as if he had thought of it himself. Even if the courtiers expressed any doubt about this decision and the king himself, receiving these doubts, withdrew his decision, Enga would never compromise. The decision was already Enga's decision, and because he felt reason and justice were on his side, he would not hesitate to say that the courtiers and the king accepting their advice were both wrong. He even tried to advise the king in his bedroom, to which he had privileged access.

However, in cruel matters, Enga was not as great a man as the king. To begin with, Enga couldn't make even one decision if the king had not already made one. On the contrary, he even seemed unable to have his own opinions. Until the king said something, he would hem and haw while sneaking looks at his father's expression. Then, as soon as he saw the king make a decision, he would begin to insist that that was his own opinion from the beginning.

Enga didn't only chase after his father's thoughts, insisting that they were his own, he also tried to go beyond them. In his arguments, there were only theories that ignored the actual reality. Also, his arguments, which usually had the conclusion first, had many incongruities contained in them. He made many points based on shaky grounds, such as when he, while speaking of the ideals for the Shihō, did not think twice about infringing on the independence of the Shihō, which was the basis of the ideal. Furthermore, Enga did not have the capacity to listen to the opinions of others, then reconsider his own opinions. This might have been a matter of course, since he did not have his own opinions to begin

with.

Consequently, even if Enga tried to convince his father of anything, there wasn't a single instance of success. When the king admonished him with a smile, Enga lost his temper, being unable to accept that, and tried even harder to be greater than his father.

Considering his attempts until that point, it was hard to believe that the king would be receptive towards Enga's persuasions. The expected conclusion would be for it to be decided that it should be entrusted to Eikō.

Jokyū sighed, troubled. "Saying this might be overstepping my bounds, but why did His Majesty appoint the crown prince to such a responsible post?"

Once Enga began to speak, he was insolent and did not accept any persuasion. As politics should be something that changed with the current trends, Enga, who could not change, faced many big obstacles as a government official. Nevertheless, the king had appointed him to an important post. The courtiers chatted among themselves that it would have been better for him to remain the chief of the Ministry of Heaven or the Ministry of Spring. But the king let him take important positions like chief of the Ministry of Earth, as he wished.

"I don't know," Chīn laughed bitterly. "That might be what's called parental love. Even a person like that can't win against the feelings of a parent."

In many ways, Eikō felt gloomy. Then and there, Enga's existence weighed heavily in his heart. He understood the ideals of the Shihō and he was not reluctant to seek them. However, in terms of Shudatsu's case, that was not the issue. Because that was not the issue, Eikō and the others were racking their

brains. The fact that a person who did not understand that was in the position of Daishikō was nothing other than a burden. Despite this, the king was losing interest in governing. The politics were crooked and the kingdom was in decline.

## 5

Due to Enga's intrusion, for one reason or another, everyone had grown dispirited, so the meeting was adjourned for the day. From the next day on, they crammed into the office of the Shihō every day and repeated the trial, but their arguments only served to deepen the confusion.

It came to be that Sotsuyū was insisting on the death penalty and Jokyū was insisting on imprisonment. Sotsuyū had met with the victims' surviving families for the sake of *sanshi* and was sympathetic to them from the beginning. However, it wasn't that Sotsuyū strongly desired the death penalty, but rather, in the flow of the argument, Sotsuyū was only ever in the position to assert his support of the death penalty. In order to oppose this, Jokyū took it upon himself to reject the death penalty. They played their roles together. Eikō understood that they were, in reality, confused.

What Eikō personally thought was strange was why all three men were confused. Silently listening to Sotsuyū and Jokyū arguing, Eikō could not help but think that as far as their arguments were concerned, Jokyū's position was weaker.

At one point, Sotsuyū insisted on the death penalty, citing the people's anxiety as reason. “The people are uneasy. The public order of the nation is being disturbed. In order to reform a world falling into chaos, isn't it necessary to stop punishments?”

This was the idea of stopping punishment by punishment - that is to say,



sentencing one criminal with a severe punishment in order to prevent other crimes. In response to this, Jokyū pointed out that there was no precedent, in either their own country or abroad, of these severe punishments having stopped crime.

“Even so,” Sotsuyū insisted, “it's not the case that using the death penalty corrupts the public order. We certainly can't use the death penalty to prevent crimes. Rather, the death penalty is only necessary for people who have committed no crimes. If criminals like Shudatsu are sentenced with death, this will make the people feel safe. If the death penalty is used to murder people – that threatening power is necessary for public peace.”

“I understand that the people wish for peace of mind. I'm aware of their fear in these chaotic times. But the reason crimes are increasing is because the country is falling into chaos and people's minds are growing wild. I don't want to say it, but the country is in decline. The country's decline cannot be stopped by punishment. Rather, severe punishments do great damage and don't have even one advantage. Restoring the death penalty here would lead to a country in decline permitting its abuse.”

“Preventing that is the Shihō's duty, isn't it? Isn't the Shihō there to protect the people and make them feel safe? To use the death penalty in order to pacify the people and put them at ease, and to stop its abuse in order to protect them – if not that, then what?”

In answer to this, Jokyū could not help but fall silent. Certainly, Eikō and the others feared the misuse of the death penalty that would come about due to

its revival, but stopping that was also the Shihō's duty. The application of punishment was not the only duty of the Shihō.

At another time, Jokyū put up resistance to Sotsuyū, raising the possibility of an error in their sentencing. “The judgment could be wrong,” he said in disgust. “Can you honestly say we never make mistakes? There have been cases where unfortunate people who hadn't committed any crimes were mistaken for criminals. If you learn after the fact that the charges were false, you can't bring that person back from the dead. We have to make it so that errors can be corrected.”

“Then allow me to ask you, if Shudatsu's imprisoned, even if there's an error in judgment, would it be allowed? What about if it's penal servitude? What becomes of those people who were judged for imaginary crimes, ordered to do hard labor, and had to throw away part of their lives for no reason? Can that be undone? The people won't live forever like we will.”

Jokyū kept silent.

“At most, the lives of the people are only sixty years,” Sotsuyū continued. “Even if it's just three years, or even one, in such a short life, even one year is precious. They can never get back that lost time. We can't atone for the pain of the person, nor the pain of their family, having them talked about behind their back as if they are a criminal. We must not err in punishing crimes.”

“But as long as humans, who are not divine, are judging, we cannot eradicate the possibility of wrong judgment. It's easy to speak of ideals, but it's presumptuous to think that if we work hard, it can come true.”

“However,” Sotsuyū resisted, “at least, in Shudatsu's case, there is no error in judgment. He has acknowledged the crimes he committed, and in five cases, there are many eyewitnesses who saw him commit the crimes himself. If we say we can't use the death penalty due to fear of a mistrial, it's still not a problem to sentence Shudatsu, who has not been misjudged, with the death penalty, is it?”

Jokyū frowned, troubled. “We're not debating the Shudatsu problem now. We're debating the death—”

“It's the same thing. If you say that we cannot use the death penalty because there is the possibility of an error in our judgment, then it means that in the case of there being no error, the death penalty is allowed. Seeing as the death penalty exists even among the heavenly class, it's not a question of right and wrong, but rather, it's become the problem of the punishment in this particular case.”

While listening to the pair's exchange, Eikō nodded to himself. Again, Jokyū had no advantage in this argument. The death penalty was a problem of right and wrong, but there was no mistaking that a misjudgment was wrong. It was impossible to speak about the two on the same plane in the first place.

Another time, Sotsuyū again insisted on the death penalty, citing the victims' families' feelings. “How much must those who had their family members taken from them by a beast suffer?”

“I acknowledge their suffering. However, even if Shudatsu receives the death penalty, the victims will not come back. It won't heal the suffering from having family members unreasonably stolen away.”

“Of course not. It cannot change what has happened. Even if we had the power of the god Tentei, we could not undo those incidents. Precisely because of that, we need to help them, if only a little. The pain of losing family can never be taken away, but there is a chance of taking away the pain. The people think, 'Why does Heaven allow people like Shudatsu to exist?' and we can certainly help them so far as taking that question away. In other words, not giving Shudatsu the death penalty means letting those families suffer while knowing there is a way of relieving that suffering. Can we still speak of the way of benevolence?”

“But,” Jokyū insisted, “punishment does not exist as a substitute for revenge for the grieving families.”

“Then what purpose does it serve? Is it to educate *himin*? But Shudatsu was already sentenced with penal servitude three times. Twice for assault and murder, the third time for robbery and murder. The third time was when he was judged in Kin and, had he received the death penalty through the penal law, those twenty-three people would not have had to die.”

In actuality, as Shudatsu could not be made to reform, the public position that punishment was meant to educate *himin* had no persuasive power. Jokyū thought that there were mistakes in the education methods and that the revival of the death penalty should not be done, but rather, more effective methods of education should be sought, but he did not have the words to ask what those methods were and whether it was confirmed that they could really enact reform. The existence of twenty-three new victims created by the release of Shudatsu weighed heavily on them.

At another time, Jokyū insisted on life imprisonment and tried to oppose Sotsuyū, saying, “If you say the repeated offense is a problem, we should not allow his release. Even now, repeat offenders of serious crimes are sentenced with penal servitude or lifelong imprisonment until their *soboku* vanishes. How about giving criminals who deserve the death penalty lifelong imprisonment instead?”

“So you're saying we should feed criminals like Shudatsu in prison all their lives? That is paid for by the people's taxes. If criminals like Shudatsu increase, the expenses will be high. If the people are shouldered with that much of a burden, we will need a way to persuade people as to why we let those criminals live.”

Jokyū found an answer right away. “That is the possibility of a misjudgment. We can't eliminate the possibility of errors in judgment, so we should maintain a method to always correct errors. In order to secure that method, we ask the people to share that burden. As a result, the people themselves will be protected. If there is an error in judgment, we don't know what will befall people who have committed no crimes.”

“So? If it happens without the accused being killed, will we still correct a wrong judgment? Then, let me ask again, what would cause the correction of a misjudgment?”

“That could be something like the accused person's complaint.”

“If that's the case, then when Shudatsu cries misjudgment, the Shihō accepts and puts him on trial again? At that time, will you change what you're insisting on now?”

“Of course we'll replace the supervising Tenkei the second time Shudatsu's put on trial.”

“If he's replaced, will the main argument change? When judging criminals, is it okay for the *keisatsu* to change so easily, depending on the official in charge of it?”

Jokyū could not answer this. He was, naturally, performing *keisatsu* with conviction. Just because someone was crying misjudgment, he could not think of changing the judgment lightly. Saying that it would be enough to replace the Tenkei seemed a sound idea at first, but if the *keisatsu* also changed depending on the Tenkei, that would mean there was no objectivity. Such a thing should not happen.

“If we say we won't kill him in order to correct a possible error in judgment, it sounds good, but if it's not actually corrected, there's no meaning. If we listen to the voice of a condemned prisoner and retry him each time he says something, the Shihō cannot do anything due to the tremendous burden. Having said that, if a barrier to retrying him is created in order to reduce the Shihō's burdens, our chance to correct the mistrial will inevitably narrow. No, first there must not be a misjudgment. If we pretend like there's a chance to correct a misjudgment as lifelong penal servitude or imprisonment, then the trial lacks a feeling of tension. If we fear an error in judgment, it's better to face it with the possibility of the death penalty and with the decision to put him in jail and firmly not allow a mistrial.”

Jokyū fell silent.

Eikō shook his head once. Even here, it seemed as if Jokyū held no ground. That felt strange.

Eikō had lived all his life in a world where the death penalty was banned by the king. The banning of the death penalty was natural, and it was natural that punishment was meant to educate *himin*. Although Shudatsu appeared and the people suggested the death penalty, he thought that not using *taiheki* was natural. The problem was whether the people would agree to that.

Nevertheless, if one actually argued about right and wrong like this, there was no advantage in the suspension of the death penalty. Rather, it was strange that they had no doubts about stopping the death penalty once it was restored. If they asked if the revival of the death penalty would be accepted here and now, then that felt wrong. Somewhere in Eikō's heart, a voice was saying, "Only that should be avoided."

Greatly perplexed, he asked Sotsuyū this. "As a matter of fact – what do you think, Sotsuyū?" He dared to call him not by his title, but by his name.

Sotsuyū blinked like he was flinching, then hid his eyes. "To tell the truth, I'm lost. If we turn to Shudatsu, we believe there's no choice but to use the death penalty, but we can't help wondering if we really should." Saying this, Sotsuyū smiled wryly. "Speaking frankly, I was hoping the Tenkei would assert that it shouldn't be."

Jokyū sighed as if he were at a loss. "I've been desperately looking for a way out, but I couldn't find one. I cannot win with logic, but I think the death penalty is wrong."

“At first, I feared that the revival of the death penalty would be connected to the abuse of the death penalty,” Sotsuyū said. “But advocating for the death penalty myself, I noticed something was wrong. I spoke without thinking, saying that if we fear its misuse, the Shihō should stop it. But I really do think that's true. If the other ministries fear it, that's understandable, but I think it's strange why I, an official of the Shihō myself, associate the restoration of the death penalty with the abuse of it.”

Eikō nodded. That was certainly the case.

Jokyū took a breath. “Actually, the more we speak about this, the more I find it logical that murder should be rewarded with the death penalty. It's natural that the victims' families should think that way, but even people who have no connection to the case say the same thing. This is fundamental justice, or rather, a reflex beyond logic, I think.”

“A reflex?” Eikō repeated.

Jokyū nodded yes. “Contrasting with the people asking for the death penalty not acting logically, those who want to stop the death penalty have only logic. No matter what, I can't help but feel we're toying with reason. This doesn't feel like it's based in reality. Even so, there's nothing to say but that the death penalty is savage. Just like most of the five punishments are avoided, the death penalty should also be avoided.”

“All I can really say is, I see.”

The five punishments were tattooing, cutting off the nose, cutting off the feet, confinement, and the death penalty. These five punishments were used for



serious crimes like murder, but there were few countries where all five were still in use. They were savage and deviated from the way of benevolence, so there was a tendency to avoid them. In Ryū, the saying “deserving the former five punishments” was the only place where the “five punishments” remained.

Sotsuyū nodded. “Cutting off the nose, slicing off the feet – if that's savage, then the death penalty must be the most savage. At least, I have the feeling that that shouldn't be done in a country with a constitutional government.”

*Certainly*, Eikō thought – but on the other hand, he was still aware of that lingering discomfort in his heart.

But Shudatsu had casually wielded such savage violence against people who had committed no crimes.

## 6

They were going in circles.

Eikō left the office of the Shihō, feeling something like despondence. As they went over the trial again and again, summer had finally ended, and now the autumnal sun was shining. For a moment, he stopped by the office of the Shihō, then returned to his official residence after a conference with the officials.

When he entered the front gate, Seika was lying in wait for him, sitting by the gate dyed by the setting sun. Behind her, in the shadow of the eaves, stood the forms of a man and woman with whom he was unfamiliar.

“I was waiting for you.”

“What's wrong?” Eikō asked, looking at the two people behind her. As soon as they saw Eikō draw closer and drop down into a chair, they prostrated themselves on the ground before him.

“This is Shunryō's mother and father,” Seika said, rising from her seat.

Eikō was taken aback. “What's the meaning of this?”

“You should listen to them,” Seika declared, making the two prostrate people raise their heads. “This is the Shikei. Tell him your request.”

“Wait,” Eikō commanded, stopping her in a strong voice. He stared at Seika. “I cannot listen to them.”

After speaking, Eikō, in a hurry, tried to pass through the gate.

Seika grabbed his hand. “Why are you running away? Please listen to what they have to say.”

“Let me go. I can't do that.”

“Will you judge without listening to the suffering of the victims?”

“You're being insolent,” Eikō snapped without thinking.

Seika's expression warped suddenly. “So you mean that there's no value in listening to the opinions of ordinary people. You'll judge with only the logic of those above the clouds, plugging your ears to the voices of the victims and ordinary folk.”

“It's not like that.” Eikō raised his eyes and looked at the man and woman, who were cowering and frozen in place. He felt like his heart was hollow and being drilled into by the despairing look in their exhausted eyes. “The Shishi must have heard your opinions. If you have something more to say, you should say so to him. As it is, I must ask you to withdraw.”

“Is it enough for the Shishi to listen?” Seika asked. “You say it's not your jurisdiction. Officials are always like that. They never try to see beyond their duties.”

Eikō, arguing, shouted back at his wife, “If I listen to them in person, the objectivity of my judgment will be suspect.”

The trial had to be managed to the last by only the Tenkei, Shishi, and Shikei. Anyone besides those three must not influence the judgment. This was absolutely necessary in order to prevent interference from the country and corrupt officials. The Tenkei had examined the victims as a link in the investigation and the Shishi had asked for the opinions of the victims and families according to his duty, but the Shikei was not allowed to interview the

victims separately. If he did that, Eikō's decision would lose its credibility.

To say nothing of the fact that the decision was entrusted to him by the king. Eikō's decision was the country's decision; causing any doubt must be avoided at all costs. Even if that wasn't the case, the decision made by Eikō would affect the people's trust in the Shihō. On top of that, there was the Daishikō to consider. Enga planned to firmly oppose the death penalty. If Eikō decided on the death penalty and Enga knew that he had personally interviewed Shunryō's mother and father, with that one bit of knowledge, Enga would repudiate everything. Even if everything was rejected, Eikō would be unable to object.

“This is for your sake,” he told them. “Please leave for now.”

As he spoke, he turned his back to Seika, but she interrupted him. “No. I won't allow that. Until you listen to what they have to say, these two will not return home. They will stay here as my guests for however many days it takes.”

“You idiot.”

The instant Eikō shouted, Seika's face grew white. Immediately after, her white face colored as signs of rage appeared. He understood he had said the worst possible words, but Eikō could not back down. “You don't understand anything.

“Who's that? Is someone there?”

In answer to his call, he heard a reply, but it was far away. Perhaps Seika was clearing people out. Understanding that they would not come to a settlement, Eikō removed his wife's hand from his.

“Please kill that beast,” the woman pleaded pitifully. “If you can't, then kill me.”

Instantly, Eikō looked back at her sharply.

“I asked him as he was leaving the house, 'Do you have enough money? Did you make a mistake? Is it exactly enough?' That beast heard that.”

Twelve sen for three peaches. “That's exactly how much I have,” he had said.

“He wanted to eat peaches until he was stuffed,” his mother continued. “Usually, I wouldn't let him waste money like that. But Shunryō said he wanted to let his sister eat. My daughter couldn't yet talk, but when she was given a small slice of peach before, she had been completely delighted. He said she surely loved peaches. 'She's my sister, so she likes peaches just like me,' he said. So he said he wanted to let her eat a whole one.”

The woman's eyes were filling to the brim with something, but there were no tears to be seen. “He helped us out often for that purpose. Each time he helped, we gave him one sen. All day long, he followed at my side, asking 'Isn't there anything I can do to help? Can I help with this? Can I help with that?' He was so darling, so lovable... That day in particular, I gave him two sen. 'You're so good for helping out all the time,' I told him. So I gave him two sen, knowing it would make it twelve sen.”

Eikō averted his eyes. He understood the woman wanted to appeal for something. He walked away, resigned to being told he was inhuman.

The man's voice followed after him. “Our son died. Why is that man living despite that?” Would the man's cracking voice grow hoarse from yelling, or from being passionately poured out? “He was so near. Yet I wasn't able to go save my

son. I'm sure he called out for us and yet I couldn't hear his voice. How painful that must have been! What was my son thinking then? What was he feeling? Why was it my son? Why did he have to die? I don't understand one bit. I don't understand, so I can't stop thinking about it. What I understand is only that my son won't ever return, yet that man is still living.”

Eikō wanted to hide from the voice, but he couldn't.

“Our son suffered. We are also suffering. So why isn't that man suffering? What's the meaning of our pain? Is our suffering worthless to you, no matter how much it is?”

Eikō exerted his self-control and did not look back.

The servants that rushed to the scene took the couple back to Shisō. Eikō gave instructions to the servants whom he had told to bring the couple back that without fail, unrelated people were not to enter the grounds. At the same time, officials were summoned to the residence to guard it and the gates were closed so that the same thing would not happen again. Upon doing all that, he again visited Seika's room in order to reason with her, but she, stubbornly, would not open her door.

“That's enough. I understand what sort of person you are and how you think of me.” Her voice came from the other side of a door like a slap, and after that, no matter how much he called, she would not answer. Eikō had no choice but to stand still in the corridor.

He wondered if Seika, too, would go away and leave, like Keishi had. He felt there was no helping it. If that was she wanted, there was nothing he could

do.

But how did Seika plan to live away from there? It was possible that Eikō would pay her living expenses or give her a job, and if she returned to the life of a city-dweller, she would again receive a rice field. However, Seika had spent twelve years in the royal palace of this world. In those twelve years, her parents had died and her brothers had grown old. Her friends had also aged twelve years. Could she get used to that?

Thinking this, Eikō smiled bitterly.

It wasn't true that enough time had passed for all her brothers and relatives to have died. It had been a long time since she last contacted them, but some years back, she had frequently contacted and visited them. Perhaps this gap wasn't something that couldn't been filled in. This was different from Keishi.

When Keishi left, nearly sixty years had already passed. Her parents, of course, as well as her brothers, had been entered into the Registry of the Dead, and even their children were no longer living. What did Keishi, who returned to the simple folk, think and feel on returning to a town where she had not a single acquaintance?

He could imagine the anxiety and loneliness she must have felt. Actually, Eikō had also once resigned from his job, left the Registry of *Sennin*, and become a commoner.

It was after Keishi had left. He had savings, and a guarantee from the government, so he could live comfortably, but he couldn't forget the feeling that he didn't have a place where he belonged. He had not had even one friend.

Everyone he knew, including children, were gone. Those children's children and relatives must have been somewhere, but he did not know their whereabouts. Everywhere he had lived, even his hometown, had completely changed into somewhere different and he was unable to find a place to belong. Since he left the Registry of *Sennin* in order to take responsibility for the scandal, he did not meet with his second son, who was in the state government, and could not rely on his colleagues. He had to restrain himself from meeting people and had no choice but to hide himself away. In this world, Eikō was completely alone.

Looking back on it, that transition seemed to draw an ironic picture. That was how Eikō, while confined to his house, met Seika and was married for the second time. It was because his first wife, Keishi, had been involved in a crime that he had to endure this confinement.

Eikō had not known what sort of life Keishi was living after she divorced him and returned to the ordinary people. Eikō had offered her support, but Keishi had rejected this and vanished in the streets. It wasn't until five years later that he heard rumors of Keishi again. It had reached his ears that she was using his name, as he was a high official, to earn herself advantages, and that she was arrested for swindling people out of huge amounts of money and goods. According to her interrogation, Eikō was immediately established as being unrelated, but still he could not stop being a government official. Taking it as his responsibility, he had no choice but to resign and leave the government.

What had she been thinking?

He had thought Keishi to be a virtuous woman. He could not imagine that



she would be involved in crime. Perhaps it was because of her poverty that she fell victim to temptation, he thought pityingly. She had sent him countless letters apologizing after she was arrested, and he, knowing that she sincerely regretted it, had requested a pardon for his own personal damages from the Shishi. He decided to compensate the victims as Keishi's ex-husband. Keishi sent letters written as if she were overflowing with gratitude, but when her time of penal servitude was up, she vanished again. A year after that, he heard rumors of her again. She had been arrested in the state of Kin for committing the same crime again.

Looking back, the inside of his mouth now tasted bitter. Her letter of apology and his request for a pardon were sent again, but from then on, Keishi kept committing the same crime. Each time, the scope of the damage grew smaller, but Eikō had to accept the fact that there were people he could not reform. He ignored the fourth letter of apology. Around this time, he got a new wife, Seika, and after his three years out of government service, he was called back to the national government.

After returning to the national government, Eikō tried all possible means to investigate Keishi's case, but he simply could not understand her actions. In her interrogation with the district Tenkei, she puffed up with pride that this was her revenge against Eikō for treating her like a fool. According to what he had heard, her direct motive was money. As Eikō had guessed, Keishi was impoverished in the world below.

But it seemed that, for Keishi, getting involved in crime was revenge

against Eikō. In order to have proof she was not a fool, she deceived wealthy merchants and local government officials. When she was first sentenced with penal servitude, she showed herself to be deeply regretful, and the government, believing this, released her. However, according to her interrogation on the occasion of her second arrest, Keishi had never regretted any of her crimes from the beginning. It was difficult to understand, but it seemed that violating the laws and escaping the hands of justice was Keishi's revenge against Eikō.

The Tenkei who had interrogated Keishi said she held the desire for revenge to a strange extent, as well as hostility towards her former husband. But just why she hated Eikō so much, he did not understand. In any case, Keishi kept repeating the same crimes and the same life, even after Eikō had given up on her. Her criminal MO was always the same, so eventually, the victims of Keishi's deception faded away, as did the rumors on the wind. Where she was now and how she was doing, Eikō did not know.

While it may have been the case that Seika was descending to the world from above, Eikō could not believe that she would follow the same path as Keishi – but he also could not forget that experience.

When the sounds in front of the gate died out, he let out a sigh and returned to the main building. On the stairs entering the building, he now saw Riri, crouching down and about to cry.

“Riri–”

“Father, are you kicking Mother out?” she asked, looking up at Eikō and clutching her knees to her chest.

While stooping next to her, Eikō shook his head. “I’m not doing anything like that.”

“But that’s what Mother said,” she replied. “She said you’re kicking her and me out.”

*What will become of Riri?* he thought. He couldn’t help if Seika left him, but what would she do with Riri then? He thought she might descend and take her with her into the town, but as he thought it, images of Riri and Shunryō overlapped in his mind.

The world was falling into ruin. He felt he would be throwing his defenseless young daughter into a world where beasts like Shudatsu ran rampant.

“I can’t throw you out. I want to always be beside you. Riri, do you want to leave?”

Riri shook her head.

“Then, won’t you make me a promise? Promise you won’t go anywhere.”

*Promise to never be caught by a beast like Shudatsu.*

Riri nodded, with a serious expression on her face. Looking at her face, Eikō thought, *If something were to happen to my daughter...*

Jokyū had said it was not logic dictating that if you killed someone, you received the death penalty; it was a sort of reflex. Eikō agreed. To kill such a young and fragile being without mercy – it couldn’t be good to allow that. He absolutely could not allow that, and anyone who dared to commit such crimes after that must naturally be resolved to be killed themselves.

If Shudatsu were to kill Riri, Eikō would never forgive him. If the Shihō

said he was pardoned, then Eikō would take a sword and kill him himself. Because of that, even if Eikō was charged with a crime himself, it wouldn't matter.

It could only be the death penalty.

Just as he thought that, he felt a chill run down his spine. It was as if he had taken one step forward into a place he should not have entered.

*Why am I hesitating?*

While thinking this, Eikō gently stroked Riri's cheek. "Would you go comfort your mother for me?"

Riri nodded, then suddenly stood and ran off towards the inner chambers. As she ran far away, her back grew smaller. It grew smaller and smaller, then went away.

Eikō watched over her small figure attentively.

At nightfall, Hogetsu came rushing into the study. “Something terrible has happened,” he said, out of breath.

Eikō merely nodded.

“Forgive me,” Hogetsu continued. “I wish I had been here so I could have stopped them.”

“You don't have to apologize. Who did you hear that from?”

“A manservant. But I only heard that there was a disturbance at the Shikei's estate. I didn't hear what actually happened.”

Eikō smiled bitterly. “It's because of what happened at the gate, isn't it? Or was someone among the servants too talkative? At any rate, we can't control other people's tongues.”

He looked out the window. A cool night wind came blowing in from the dark woods in the garden. Autumn was already coming.

“What would happen if this were to reach the ears of the Shihō or Shōshikō?” Hogetsu asked.

“I would be dropped from the case,” Eikō replied, feeling that would be okay. The case was out of Eikō's hands. He would not only be dropped from the case – it could even be decided that he were to be let go from his job. However, he felt even that wouldn't be bad.

Thinking this, he stared at Hogetsu. “You might be in trouble, too.”

Hogetsu knelt at Eikō's side. He held Eikō's hand with both of his own.

“Please don't worry about that.”

“But—”

Hogetsu had, just recently, finally entered the national government. He would be giving up something he had obtained at great pains.

“Please don't blame Seika,” Hogetsu said.

Eikō did not understand what Seika was thinking, but he understood her actions did not come from wicked thoughts. According to what he heard afterwards from people in the area, recently, Seika had secretly been descending into Shisō and visiting not only Shunryō's parents, but all the grieving families. She was likely sympathetic to their stories. Her actions were entirely too imprudent, but Eikō could not deny her motives.

As Eikō said as much, Hogetsu nodded.

“It might be because I spared my words,” Eikō said. “I should have said more and explained my duties. What was I thinking? What was I confused by?”

Even as he said it, he could not imagine doing it. It would be difficult for Seika to understand, and he did not want her to understand. This was not a refusal, but rather, the opposite. He wanted her to remain someone who felt that righteous indignation.

However, Eikō's selfish thoughts like those provoked Seika, and had probably angered Keishi as well. At least since he had those same words thrown at him by Keishi and Seika, Eikō must have been the cause of everything.

As he thought this, Hogetsu had quietly begun to speak. “I don't think this is your fault, Grandfather.”

“Really?”

“Certainly not. This is not your fault, and it's not my elder sister's error, either. This is all the fault of Shudatsu.”

Eikō laughed painfully. “You're bringing up Shudatsu now, too?”

Hogetsu shook his head slightly. “My elder sister is anxious. Why it occurred to her to meet with Shunryō's parents, I don't know, but I feel like I understand her purpose. She wanted Shudatsu to get the death penalty and her anxiety to be taken away.”

“I told her the death penalty has no effect on stopping crime,” Eikō said.

Hogetsu shook his head. “Perhaps it's not like that. The public order in Shisō is in chaos, and this has even reached the royal palace. People were already anxious, and the existence of Shudatsu only shows the fact that there are criminals who are beyond saving. They're hard to understand and we cannot empathize with them. The fact that these people don't care even a little and trample over justice makes my elder sister and people like my elder sister anxious.”

So saying, Hogetsu smiled weakly. “If Shudatsu were to be taken away, the anxiety could also be taken away. Elder sister and the people could both retain some trust in the world. That's how they would rearrange the world they see before them.”

“Seika thinks that?”

“No. It's what I think. It's what the part of me that's nothing more than an ordinary person thinks.”

“Is that so?” Eikō murmured to himself. “By removing him, we could rearrange the world...”

Suddenly, he recalled Enga's words. *The word 'beast' shows contempt for hard-to-understand criminals as something inhuman. It's a word that dehumanizes them...*

Hogetsu shook his head dubiously. “The Daishikō said that. At that time, I thought there was logic in it, and I still agree. We're more scared than we realize. If we don't get rid of things we can't understand, we can't be peaceful.”

When he had thrown away Keishi's apology letter, he felt like that was inside him. He had thought, *I can't do this anymore*. But that was the impulse to sever ties with a hard-to-understand being and chase her away to a place he could not see.

Come to think of it, he had applied for Keishi's pardon and paid for her crimes, but he hadn't met her face-to-face. Perhaps he had wanted to banish the thought of Keishi to a place he could not see. He had felt responsibility and had helped according to his duty, but he wondered if he should have met Keishi and discussed things with her, even though she was so hard to understand. At least if he had done that, Keishi might not have repeated her crimes.

“People are that sort of creature,” Hogetsu said, patting Eikō's hand to comfort him. “But I am also a part of the national government. I know there are times when I must give up that sort of personal feeling. I am not in the Ministry of Fall, but I think I understand the things that are burdening you, Grandfather.”

Eikō just nodded.



“Leave elder sister to me and Riri. Please follow your duties as the Shikei, Grandfather.”

Eikō squeezed his grandson's hand back without speaking.

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Eikō had heard their voices. He hadn't thought that would cause any issues that would obstruct him in his duties, but he could not keep silent. The next day, he reported the circumstances to Chīn. Chīn told him to wait for instructions and to continue the trial. Then, three days later, there was a summons from Chīn, who looked much more troubled than when he heard the report.

“His Majesty understands, so there's no problem,” he said.

Eikō looked at Chīn.

“After consulting with the Shōshikō, I reported to His Majesty. I asked what we should do about you, but was told there is no problem.” As he spoke, his voice sank. Eikō felt his mood fall again. He was grateful not to be reprimanded, but at the same time, he felt despondent. He was still responsible for the decision. He felt even more despondent over the fact that the king was certainly abandoning this case.

“The king has no interest in Shudatsu's case, does he?” he asked.

“It seems that way,” Chīn answered, his voice growing even lower.

“What about the Daishikō?”

“He hasn't said anything yet. Although he must have heard by now.”

“It might be better to replace me, because of the Daishikō.”

“We have the king's words, so that's unnecessary,” Chīn replied, looking at Eikō. “This must be a huge burden to you, but I want you to judge. If it's you, Jokyū, and Sotsuyū, then I can consent to whatever decision comes out – that's why I chose you.”

Feeling grateful for those words, Eikō lowered his head deeply. However, while returning to the deliberation room, his mood kept lowering. Looking at the faces of Jokyū and Sotsuyū, who were worriedly waiting, his mood became all the gloomier.

“As I thought, His Majesty has given up on Shudatsu's case.” What first came out of his mouth in a rush was not his own situation, but rather those words.

The country was truly in decline. Thinking that, his thoughts returned to the beginning. While the country was in decline, would it really be good to reinstate the death penalty? From now on, when this country began to sink more markedly into chaos, would Eikō and the rest of the Shihō really be able to stop the abuse of the death penalty?

Eikō said as much and Jokyū and Sotsuyū pondered this. At the end of the day, they were still lost. None of them could decide their own opinion. Thinking of Shudatsu's crimes and the victims' families, they felt the death penalty was unavoidable. At that, cowardice towards the death penalty raised its head.

Eikō started to think it might not be without reason. Just as the death penalty for murder was not based on logic, wasn't hesitating over the death

penalty also not based on logic?

Deep inside himself, Eikō heard Riri's voice. *Father, are you going to become a murderer?*

Actually, Riri's words might have unexpectedly exposed the true nature of things. Eikō thought that the death penalty and murder were naturally different things, but did he really believe that from the bottom of his heart? Rather, Eikō felt like he was always aware. No matter how it was glossed over, execution according to the death penalty was nothing but murder. It meant one person ending the life of another.

Just like people naturally thought murderers should get the death penalty, finding murderers abominable was natural. Many people were insisting on the death penalty for Shudatsu and demanding, if the Shihō did not carry through, that he be handed over to them, but how many would actually be able to kill Shudatsu if they confronted him one-on-one? Perhaps only the victims' surviving relatives were the ones who could truly move forward and take up their swords. Certainly, Eikō himself, were Riri to be murdered, would not hesitate. Even kindhearted people would, for the sake of revenge, overcome the part of themselves that detested murder. In other words, they could not go that far were it not for revenge, he thought.

Fearing the abuse of the death penalty, feeling the death penalty was uncivilized – at the end of the day, these basic cowardices were rooted in detesting murderers.

Eikō said as much, and Sotsuyū let out his breath in a huff. “That could be

so. This is just personal, but whenever someone insists on the death penalty, my friend's face will always come to mind. He was my colleague in my time at another ministry, but now he's working for the Shōriku.”

Eikō cast a glance at Sotsuyū's face. The Shōriku was in charge of executing punishments under the command of the Shirei. If Shudatsu were to get the death penalty, the Shōriku would be the ones to carry it out.

“Looking at Shudatsu, you may think, 'Those who kill others should naturally be killed,' but I can't help wondering if my friend should also feel this way. Of course, we cannot talk of execution by the country on equal terms with murders based on selfishness. However, if the death penalty is actually implemented, someone will actually have to take Shudatsu's life.”

Jokyū interjected, soothingly, “However, perhaps, it will be decided that the actual execution will be performed by soldiers borrowed from the Ministry of Summer. Soldiers are accustomed to shedding blood.”

“Is that true? When they are controlling criminals or suppressing insurrections, they're in a kill-or-be-killed situation. Can we talk about shedding blood in such a circumstance on equal terms with killing a criminal who is bound so that he cannot resist and forcibly dragged to the execution-ground?”

“But the execution of criminals by an executioner is not the same as murder. What is truly killing the criminal is justice, not the executioner. What occurs is that the god Tentei borrows the hands of the executioner. If we tell him this and reward him amply, the executioner will understand.”

“Will he really?”

Jokyū hung his head, then quietly shook it.

*I wouldn't understand it myself*, Eikō thought.

Jokyū let out a self-deprecating laugh. “I feel like delivering him to the victims' families. They would gladly replace the executioner.”

Sotsuyū also laughed drily. “Indeed. But that would be revenge, and the Shihō is there to prevent lynchings for the sake of revenge.”

Saying this, Sotsuyū looked off into space weakly. “It is for that exact reason that the executioner volunteers himself.”

“I want to ask you two,” Eikō began, looking between them. “The people asked for the death penalty. The lesser officials agreed. However, the higher in the ranks the officials got, the more they were heard to hesitate. Why is that?”

“That's...” Jokyū began to speak, then shut his mouth. “It's natural that we, who actually participate in the trial, would hesitate, but even the higher officials, who don't take part in the decision, all advocate acting cautiously. If we think about that, isn't it strange?”

Sotsuyū nodded. “That's for certain.”

“Isn't it because we *are* the country? I have this sense that I am one part of this country. I feel that not just my intentions are reflected in some form in the Shihō's actions, but so are those of the country. The officials who participate in the political situation are similar in this way, and they also feel that they are one part of the country. Our intentions are the country's intentions, and our actions are the country's actions. For that very reason, murder committed by the country is nothing other than murder committed by us.”

*Father, are you going to become a murderer?*

The death penalty was an act of killing. *Someone* would end Shudatsu's life. That someone would be appointed to do so by the nation. Those who recommended that to the nation were Eikō and the other members of the Shihō, who had been appointed by the national government. In other words, they themselves would become murderers.

“Perhaps it is not a matter of logic that those who kill people are rewarded with death. At the same time, the feeling that one must not kill people, and the feeling of wanting to avoid killing are also not matters of logic. I think execution by the country is like us ourselves committing murder. Therefore no matter what it takes, we want to avoid that. This, of course, is no more than my own personal feelings.”

Inside Eikō was the instinctive fear of murder. That fear must dwell inside the people, as well. However, for the people, the nation was a part of the heavens. The king chosen by the heavens and the officials chosen by the king – they were separate from the people and their will was separate from the will of the people. For that reason, they did not hesitate in asking for the death penalty. It would not be their hands that killed Shudatsu. It would be the hand of Heaven.

“I, as a member of the Ministry of the Shihō am not allowed to speak of right and wrong according to self-interest. To say nothing of how we mustn't manipulate the punishment based on self-interest. However, for people who know justice, the feeling of not wanting to kill people is as inevitable as the righteous indignation demanding killers be given the death penalty. I don't want

to become a murderer and I don't want to make others commit murder.”

Jokyū sighed deeply. “Just like the demand for the death penalty is a reflex, not a matter of logic, the feeling of avoiding the death penalty because it is murder is also not a matter of logic, but a reflex not based on logic. Both are illogical and no more than subjective opinions, but aren't they similar in gravity?”

“Probably.”

“It is certain that the restoration of the death penalty is tied to its abuse, but it is also certain that to stop that abuse is the duty of the Shihō. Either we restore it or we continue to prohibit it, both have a point. A conclusion cannot come out of that alone.”

“If that's the case, the only thing to do is to look at Shudatsu himself,” Sotsuyū said.

Eikō and Jokyū both tilted their heads in confusion.

“The logic is completely balanced on both sides. If that's the case, then what's left all points to Shudatsu. To begin with, the fact that it was decided by the king that *taiheki* must not be used is because the purpose of punishments is not to punish, but to civilize the *himin*. Therefore, the question is whether it's possible to civilize Shudatsu or not.”

“But,” Eikō said, looking at Jokyū, “is there a possibility of rehabilitating Shudatsu?”

Jokyū cocked his head unexpectedly. “I met Shudatsu, and I was unable to believe he was someone who regretted his crimes. However, the Daishikō's words are stuck somewhere in me. Can we expect him to regret when we see him as an

inhuman beast?”

Eikō felt a jab in his heart. “We can't understand Shudatsu's reason for killing Shunryō. I feel like we can't deny the Daishikō's belief that Shudatsu must have his own reason. If we can make even that reason clear, I think there's a chance we can civilize him.”

Eikō thought, then nodded. “Let's meet with Shudatsu.”



## 8

Two days later, Eikō and the others descended from the royal palace and headed to the military camp west of Shisō.

Under ordinary circumstances, in the case of an examination of a criminal residing in jail, the criminal would be summoned to the outer office of the Shihō, below the royal palace. However, if Shudatsu were to escape, that would be a serious matter, and if the people noticed, they might attack Shudatsu. Therefore, upon consulting with related officials, it was decided that Eikō and the others would visit the jail. Criminals sentenced with penal servitude were sent to prison, but because they took on manual labor such as public works, their whereabouts were not fixed. They moved around to the assigned places. On the other hand, criminals whose punishments were not yet fixed and criminals sentenced with imprisonment were held in the jail inside the military camp.

Eikō and the others passed into the depths of the camp, entered the jail, which was guarded by many soldiers, and arrived at the interrogation room. It was not a very spacious room and there were few openings, except for the thin skylights cut into the high parts of the wall. The inside of the naturally dim room was bisected by thick iron bars.

Eikō and the other men sat on one side of a platform. After a short time, a prison guard who supervised the criminals and some soldiers appeared on the other side of the bars, bringing a single man along with them.

This must be Shudatsu.

Eikō felt strange. Shudatsu was a man without distinguishing features. Beforehand, Eikō had known him to be a slim man of average height, but never had he dreamt that he would be a man “only like that.” He didn't seem dangerous. There was no power in his gaze. He appeared as if he was tired and uninterested in the matter at hand. He didn't appear to be a beast. He really was the sort of man who could be found anywhere.

“This is Kashu,” the guard said, forcing Shudatsu to sit in a chair attached to the floor and fastening the chains of his handcuffs to the iron ring under his feet. He bowed, then withdrew from the room.

The soldiers on guard remained, but they stayed silently on the other side of the bars, keeping their mouths closed and not changing their facial expressions. They were not allowed to listen to the contents of the interrogation.

Shudatsu's eyes were downcast and he was obediently bound by the chains. His seated form looked troublesome, but he didn't give the appearance of intentionally acting brave, nor was there any sign of rebelliousness.

After staring at him for a while, Eikō had a question. “You are being asked about your sixteen charges of crime. Is there anything you would like to say?”

Shudatsu offered no response to Eikō's question. Remaining silent, he stared off into space.

“Isn't there anything you want to say about your situation?” Eikō asked. “Anything is fine.”

But there was no reply.

Eikō felt troubled. He asked about Shudatsu's motives in those sixteen

cases and again and again he asked about the sequence of events that led him to crime, yet still Shudatsu remained silent, nodding only when it was necessary, occasionally letting out an "ah" or a "hmm," but they heard absolutely no sort of explanation.

Eikō finally gave up on the interrogation, changing places with Sotsuyū. Sotsuyū had said previously that he wanted to know Shudatsu's innermost thoughts. Sotsuyū asked Shudatsu about his parents, his hometown, how he was raised, what he was thinking, but Shudatsu seemed completely uninterested in responding to these questions as well. Looking off into space, he would not reply.

Shudatsu completely ignored Eikō and the others. He was there solely because he had been brought there and he could do nothing about it, but he had no intention of having a conversation, even if it was to plead for his life. He averted his gaze, as if to ignore them, and persisted with his impudent silence.

Finally, Jokyū interjected, perhaps unable to bear his attitude any longer. "You have no interest in changing your behavior, do you?"

Because he spoke as if he were irritated, he had probably acted the same way the last time they had met. Shudatsu gave Jokyū a fleeting glance. Twisting his mouth, he laughed weakly and disdainfully.

"You have no intentions of regretting your crimes, do you?" Sotsuyū spoke up as if he were unable to bear it any longer. "Among the people you so selfishly killed, there was a small child and a baby. You won't regret even that?"

Without even looking at Sotsuyū, Shudatsu muttered, "Not particularly."

"You won't regret doing such a cruel act?"

“No.”

“You won't send even one letter of apology to the victims' families, nor will you attempt to atone for your crimes?” Sotsuyū asked in a severe voice.

Shudatsu looked back at him with cold eyes. “Atone? How?”

“Well—”

“If I apologize, the dead won't come back to life,” Shudatsu interrupted. “The dead peoples' families won't forgive me unless they come back to life. So isn't it useless to think of atoning?”

Eikō answered, keeping Sotsuyū from saying anything more. “In other words, you understand that you did something you can't take back? You also know that that is causing the victims' families to suffer?”

“Sure.”

“When did you become aware of that? Did you commit the crimes, knowing this from the beginning? Or were you not aware until you were arrested?”

“I knew from the beginning.”

“If you understood, then why?”

Shudatsu smirked crookedly. “Even garbage like me has to live. With ink on my face, I couldn't get a job or find a place to live. If I wanted to eat and sleep, there was no helping it.”

“You think of yourself as garbage?”

Shudatsu laughed at Eikō's question. “You all think that way, don't you? People like me are human garbage, beasts without even a shred of compassion.”

He scoffed. “At any rate, I must be an eyesore. I'm not needed in your clean world. No, I'm nothing but an obstacle. I'm garbage whose life has no value, so you must want me to die quickly, so everything will be put in order, right?”

Saying this, Shudatsu looked off in the direction of the light shining in through the windows, bored. “You want to kill me? Then just go ahead. I don't want to do penal servitude, so being killed would be a relief.”

A feeling of disgust rose in Eikō's mind. This man was cunning. While acknowledging the crimes he had himself committed, he was concealing himself in the role of the victim, casting Eikō and the others as the perpetrators.

“Do you remember Shunryō? The child you killed in Shisō last summer? You strangled him to death, then stole twelve sen.”

Shudatsu nodded wordlessly.

“Why did you kill him?”

“Didn't really have a reason.”

“You must have had one. Why did you have to kill a child?”

In response to being asked so strongly, Shudatsu took a breath, sounding as if he were out of patience. “I thought there'd be trouble if he made noise.”

“He was just a child. Wouldn't just threatening him have been enough? Or even taking the money by force.”

“If I had threatened him and he cried, people would've come. If I tried to steal from him by force and he ran away, there would've been an uproar.”

“So you killed him, then robbed him? For only twelve sen.”

Shudatsu nodded.

“Why? You had money in your pocket. Why was Shunryō's twelve sen necessary?”

“It wasn't really that it was necessary.”

“Then, why?”

“Why not?”

“That certainly can't be all there is to it. Won't you tell us what you thinking, attacking a child?”

Shudatsu looked at Eikō like he was fed up with him. “What will asking do? You don't think I'm going to repent. What'll you get from asking nitpicking questions to a man you're only going to kill?”

“I need to ask.”

Enga had said that Shudatsu must have had his own reasons for killing a child. He said that if they were able to make those reasons clear, then they would understand how to save *himin* like Shudatsu.

At the same time, Shunryō's father was shouting in his mind. “Why did Shunryō have to be killed?” he shouted.

Eikō had to at least get the answer to one of those.

Shudatsu muttered wearily, “If have to say something, it was because I wanted to drink.”

“Then couldn't you have bought it with the money you had in your pocket?”

“I didn't want it *that* badly.”

Eikō was unable to understand his meaning, so Shudatsu continued, “I

mean, when I passed by, I knew that kid was holding twelve sen. Before, when I passed in front of the shop that sells alcohol, it was written that one drink was twelve sen. Right then, I felt like I wanted a drink, but I thought I wouldn't pay twelve sen for it. Then I passed by a kid who had exactly twelve sen.”

“So?” Eikō asked.

“I thought that was exactly enough. Exactly twelve sen.”

Eikō was astonished, and Jokyū and Sotsuyū also widened their eyes, dumbfounded.

“That's all?” Sotsuyū asked, flustered. “That can't be all.”

Shudatsu answered as if he were annoyed by the question. “That's all. It sure was unlucky for him.” He was completely composed, as if it was someone else's problem entirely.

Eikō understood in his heart that it was impossible for this man to introspect. Shudatsu could neither be aware of his own sins nor face his own actions in order to be aware of them. He would take refuge in the shell of “At any rate, I'm garbage” and stay there for eternity. No words could persuade him, and not only that, they couldn't even hurt him.

Eikō felt the hopelessness of the situation. Eikō and the others were at a loss, due to that instinctive reflex to avoid killing that was inside each of them. But this man did not have that reflex.

Between Shudatsu and Eikō, there was a barrier as solid as the iron barriers before their eyes. It would be difficult for Eikō and the others to surmount this, and Shudatsu had no intention of doing so. Just like Eikō and the

others loathed Shudatsu, on the other side of the bars, Shudatsu scorned and despised them.

There were people who were simply not penitent.

Eikō had this thought confirmed over and over again, to his frustration. At the same time, he wondered what he had expected of Shudatsu. If one looked at Shudatsu's actions and the natures of his offenses until then, it was clear that he had no intention of being educated. Shudatsu was angry and full of hate. Like Keishi, for Shudatsu, fighting against this forced education was probably revenge against something.

If one looked at the record of this extensive questioning, that was clear from the beginning, as was why they had tried to meet with the man and confirm whether he could be civilized. As if this was their last ray of hope.

While Eikō was thinking this, Sotsuyū spoke in a low voice. “In terms of *sanshi*, it's as I said before, and neither *sanyū* nor *sansha* apply.” Under usual circumstances, the Shihō would not express their conclusions in front of the person involved. Yet regardless, he continued, “The Shishi cannot find a reason to pardon the crimes.” He spoke as if he were spitting out something bitter.

Perhaps Sotsuyū, in saying this in front of Shudatsu, wanted to make him crack.

Jokyū nodded. The same bitterness showed on his face as on Sotsuyū's. “The Tenkei has decided on the death penalty.”

“The Shishi supports this.”

The opinions of the Shishi and Tenkei matched. So Eikō had to decide.



Shudatsu glared at them with an expression in his eyes as if he despised them. There wasn't even a fragment of an appearance of recoiling from the fact that his fate was about to be settled. His mocking smile seemed to say, "You're going to kill me, right? In the end, you'll say you can't pardon me. You'll say, 'He's a beast who can't understand or feel compassion, so he's nothing but an obstacle who should die.' Isn't that the case?"

Eikō took a deep breath. "Shudatsu's crimes are clear and they are hard for other people to understand. However, killing him because we cannot pardon him – it would not be good to use the death penalty in such a reckless manner. I understand the grieving families' feelings of retribution and the feeling that one cannot help but harbor unease about the existence of criminals beyond the reach of one's understanding, but it isn't right to use punishment for that reason."

Sotsuyū dropped his gaze as if he had recoiled.

"The king suspended the death penalty, but that was because he took *keiso* as the nation's ideal. If the death penalty is used so easily under the influence of the personal feeling of being unable to pardon him, it will set a precedent. As a matter of fact, using it now will mean the restoration of the death penalty. And from what I know of the conditions of the country, I fear that it will lead to the abuse of the death penalty. To stop that is the duty of the Shihō, but what creates the precedent is self-interest, and if the country demands to abuse it, surely enough, I really don't know if we can stop it.

"However," Eikō continued, "I think fearing the death penalty like that is derived from the instinct to avoid killing. Giving the death penalty for murder –

just as that is an illogical reflex, so too is avoiding killing an illogical reflex.”

Eikō and the others had wanted to meet Shudatsu for that exact reason. If there was a possibility of rehabilitating Shudatsu, they would not have to use the death penalty.

“Neither of these is based on logic, but are closer to instincts. In the end, this is no more than a feeling, but the fundamental reflexes are two sides of the same coin, and this is the basis of the law. Perhaps that's because it was determined among the heavenly class that one should not kill or oppress the people, yet the death penalty exists in the penal code.”

Jokyū nodded, perplexed.

“To begin with, the penal code itself is full of contradictions,” Eikō continued. “On the one hand, it forbids killing, but on the other hand, it urges us to kill. The Tenkei determines the crimes, while the Shishi mitigates them. The penal code goes back and forth, says one thing, then the other. Come to think of it, the principles of nature laid out by Heaven are the same way. We have to look for the appropriate place between the two, case by case.”

“Do the heavens require that?” Sotsuyū muttered.

Eikō nodded. “To sum up, we are unable to choose which is better between stopping the death penalty and reinstating it. The reflexive instinct of insisting on the death penalty and the reflex of fearing the death penalty both have the same weight. All that remains is whether there is a possibility to civilize Shudatsu, but—”

*But, however...*

When Eikō hesitated to say more, Shudatsu abruptly cut in. “I won't repent.”

Shudatsu's warped face leapt in front of Eikō's eyes, catching him off guard. A dark, jeering smile came over the prisoner's face. “I absolutely never will.”

Eikō nodded. “I see, and I truly regret that,” he said, looking at the Shishi and Tenkei. “My judgment is that there is no option but the death penalty.”

Just as he said this, Shudatsu clutched his stomach and burst into laughter. It was a victor's laugh. At the same time, Eikō and the others felt permeated with a hollow sense of defeat. If they completely denied and ignored this conflicting existence, they could reject this difficult-to-accept reality. By removing Shudatsu, they were trying to regulate the world.

Eikō and the others hung their heads as if they had suffered defeat.

The room was stained red by the setting sun. Before they knew it, the setting sun had come shining strongly into the hall. The pitch-black shadows of the bars in the skylights chopped up the inside of the hall, as if they were an omen of something.

Eikō and the others denied Shudatsu's continuing existence. Shudatsu would be removed, and the world, for a moment, would be regulated with no conflicting beings.

But this was possibly just the beginning. The country was in decline. Like the *yōma* that appeared in declining countries, a crack in the world would soon manifest itself in various ways. To hide that tear from their own eyes, the people

would begin to sever various things.

In doing so, things would crumble – both the country and the people.

Hanging his head, Eikō left his seat. Jokyū and Sotsuyū followed.

They left the laughing criminal on the other side of the bars, looking downward and averting their eyes, leaving their seats with heavy, dragging steps.

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