

POLITICAL AND CONSTITUTIONAL DEVELOPMENT OF JAPAN DURING THE LAST FIFTY YEARS

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One of the authors of a constitutional treatise opens his book with the following sentences:

"To understand the form and working of the political institutions of a country, it is necessary to keep constantly in mind the people and their political psychology. Primarily, it is not the government that makes the nation, but the nation that makes the government. Practical efficiency and soundness of government are more concerned with the public spirit and political morality of the people than the form and constitution of the government."

It is one thing, therefore, to have a clear cut, logical, democratic constitution, and quite another thing to have a good, efficient, clean, democratic government.

Still another writer says:

"Men have sometimes imagined that they were creating a governmental system *de novo*, and it occasionally happens, as in France in 1791 and in Portugal in 1911, that a regime is instituted which has little apparent connection with the past. History demonstrates, however, in the first place that such a regime is apt to perpetuate more of the old than is at the time supposed and, in the second place, that unless it is connected vitally with the old, the chances of its achieving stability or permanence are inconsiderable. In Germany for instance, if the institutions of the Empire were essentially new in 1871 the governmental systems of several federal states, and of towns and local districts, exhibited numerous elements which in origin were medieval. In France if the central institution and even the political arrangement of the departments and the *arrondissements* do not antedate the Revolution, the *commune*, in which the everyday political activity of the average citizens runs its course, stands essentially as it was in the age of Louis XIV."

For these reasons, permit me to give a few remarks about the people of Japan and its history as an introduction before I take up the discussion of the Constitution.

With regard to the origin of the Japanese people, there is much diversity of opinion among the students on this subject. But for our purpose it makes no difference whether they are descendants of the Mongolian race or a mixture of Korean, Chinese and Malay elements, or a certain mixture of the Aryan race. Suffice it to say that for more than twenty-five centuries the Japanese have always lived under one and the same government, and have scrupulously maintained their ethnic unity. The current of her national life was never diverted from its normal channel by successful foreign invasions, or by any overwhelming influx of alien races.

This homogeneity of race or population with its common customs and traditions, and of common spirit and thought, and the long continued independence, make every member of the society feel as though it were a large family, and create a tender and patriotic feeling towards the country. Thus the idea of self sacrifice and subordination of the individual to the country is very strong among the Japanese.

Another thing which we must know, is the historical status of the Emperor. Japan is believed to have been founded by Emperor Jimmu about twenty-six centuries ago, and the Divine Right of the Emperor, however absurd it may seem to western peoples at present, still holds a predominant place in the minds of the Japanese. "That the Mikado reigns and governs the country absolutely, by a right inherited from his Divine Ancestors, is the unconscious belief or instinctive feeling of the Japanese people. Theoretically he is the center of the State as well as the State itself. From him everything emanates; in him everything subsists; there is nothing on the soil of Japan existent independent of him. He is the sole owner of the Empire, the author of law, justice, privileges and honor, and the symbol of the unity of the Japanese Nation." Such was the position of the Emperor.

But from a very early time the Emperor, instead of exercising his autocratic power, appointed men, mostly from court nobles, to carry out the duties of the government. As early as the seventh century we find the following significant provisions in the Constitution of Prince Shotoku: "The duty of men in the government must be assigned according to their capacity. When intelligent men take service the applause of the people follows; but when the unintelligent are in the office calamities ensue."

Thus in the course of time the administrative power of the state passed out of the Emperor's hands almost entirely and the Emperor became, like the constitutional King of England, merely the ceremonial head of the state, although theoretically he remained the autocratic sovereign as ever. In reality there were very few Emperors who ever attempted to rule the country personally, and in a majority of cases they preferred to remain in the quiet life of the Court.

When the civilian aristocrats of the court nobles, to whom the entire administration was entrusted, became, as the result of long hereditary office holding, corrupt and inefficient, the military class gradually seized the administrative functions of the state toward the end of the twelfth century, and with the imperial sanction established a feudal regime. Thus the feudalism in Japan was simply the transfer of government from the court civilians to the military class.

At the head of the feudal chiefs there was Shogun, who, with the advice of his counsellors, carried out all the government functions, but who in theory was never thought of as the head of the country. On the contrary, he always got his commission as such from the Emperor. The office of Shogun was hereditary and some of them remained in power for thirteen or fifteen generations. But in the course of time, when their administration became corrupt and inefficient, or when the military power became weak, some other feudal chief ousted him from the power and succeeded him, in which case, the Emperor appointed him a Shogun in much the same fashion as the King of England appoints the prime minister from the leader of the party which has the popular support and therefore that of a majority in the House. In this way, during the last seven or eight hundred years there appeared six families who held the office of Shogun and the last one was the Tokugawa family whose reign of government lasted about two hundred and fifty years.

Neither the Shoguns nor other feudal chiefs, called Daimios, speaking generally, ever exercised their autocratic powers. The administrative duties of their territories were entrusted almost entirely to their ministers and counsellors. Moreover, under the feudal system local autonomy existed to a considerable extent, so that Shogun's government in fact was decentralized rather than centralized.

One of the authors on this subject says thus:

"Strange to say, yet nevertheless true, this peculiar oligarchic form of government with its characteristic flexibility, synthesized two political antithesis, namely, Autocracy and Democracy. On

the one hand, the removal of the theoretically absolute sovereign from all active part in the administration brought the government under the rule of the Court nobles and feudal regime within the reach of the people, and on the other hand, it solemnly preserved the mystic sublimity of the Sovereign.

"When the administrative power of the State was placed under the direct control of Court nobles or of military aristocrats who had no divine authority to guard their action, three important administrative checks arose to arrest their autocratic proclivities and to enable popular sentiment to influence the government.

"1st. No matter what the influence and prestige which they actually possessed, they were theoretically responsible to the Emperor, the *de jure* sovereign, who, though only nominally, always possessed the power of appointment and removal;

"2nd. They were mutually checked by their own colleagues who vied with each other for supremacy;

"3rd. They were subjected, if they showed any weakness or blundering, to popular criticism in a limited sense of the term.

"On the other hand, the system added moral weight to the Imperial Sovereign in an almost inverse ratio to the loss of the direct governing power.

"The removal of the Emperor from the active sphere of the government placed him beyond popular censure and criticism. Whatever errors and blunders the government committed, the ministers of state alone were blamed; and it was tacitly admitted that the Emperor can do no wrong to his subject. Thus he was sanctified, his dignity was enhanced, and the reverence and affection for him increased so that in the minds of the Japanese masses he appears as a Mystical Sacred Being."

Toward the end of the Tokugawa Shogun there were, in all, two hundred and seventy-six of these feudal lords or Daimios under the Shogun government, each exercising the administrative functions within his own territory. Thus, under the Shogun government each district of Japan had an entirely different administration, although there was much uniformity of rule, due to the homogeneity of people and common customs, habits, and social institutions. It was indeed a very decentralized system of government, the Shogun's power being based mainly on an elaborate series of checks and balances of semi-independent sectional governments existing under its ultimate control.

The military power of the Shogun government at that time was very weak owing to the long continued peace of two and a half centuries; its administration was inefficient and corrupt. In fact it could not last very long even if there was no new pressure brought about. Such were the conditions prevailing in Japan when in 1853 Commodore Perry of the United States Navy with four ships dropped anchor not far from the present city of Yokohama. Up to that time Japan never had any serious negotiations with foreign countries backed by an armed force, except once when in the thirteenth century Kubli Khan attacked the empire with 100,000 men. But at that time Shogun was strong enough to administer them such a complete defeat that only three men out of the one hundred thousand went back to China, while the rest perished. The things were very different at the time of the arrival of Commodore Perry. The Shogun government was weak and four formidable looking men-of-war were a strong enough argument for the Shogun government to accept his demand to open up the country for commerce and intercourse. Neither Commodore Perry nor the Shogun government ever dreamt that in the course of a half a century the Japanese people would be trying to get into the United States for peaceful purposes and the latter trying hard to keep them out.

The foreign pressure awakened the people of Japan. The country must be united under a strong government and every possible means must be taken to meet successfully those foreign countries. The Shogun government was weak and too decentralized and the people naturally looked upon the Emperor as the only person under whom the people could unite. Thus the Emperor actually assumed the reins of government. This is called the Restoration. In this work of Restoration four feudal lords, namely, Satsuma, Choshu, Tosa and Hizen, rendered the greatest service. Young Samurai from these four clans were the main forces in throwing out the Shogun government and in the establishment of the new government. Naturally enough when the new government was established these men held high positions and carried out the functions of the government.

The first important act of the Emperor after the Restoration was what is called the Charter Oath consisting of five articles.

On the 6th of April, 1868, the Emperor proclaimed under oath five principles by which the newly established government would be guided. They are:

1. An Assembly widely convoked shall be established, and all affairs of state shall be decided by impartial discussion.

2. All administrative matters of state shall be conducted by the cooperative efforts of the governing and the governed.
3. All people ought to be prevented from becoming idle and discontented by encouraging the achievement of their legitimate desire.
4. All absurd old usages shall be abandoned and justice and righteousness shall regulate all actions.
5. Knowledge and learning shall be sought for all over the world and thus foundations of imperial polity be greatly strengthened.

There has been much discussion as to the nature of this Assembly which the Emperor had in his mind when he made this oath. Whether it meant a popular assembly, something like we have today, cannot be ascertained. But it shows the attitude of the Emperor and his advisers that the government must be based on a broader basis and all the best men must be pressed into the government service in order to steer the newly established government into safe seas. Moreover a few years later, when the political agitation for the establishment of an elective popular assembly started they took this oath as the promise on the part of the Emperor, thus adding more weight to their agitation.

I have said a few moments ago that the greater part of the work of the Restoration was done by Samurais of four Daimios. These Daimios or clans were Satsuma, Choshu, Hizen and Tosa. But these leaders of the Restoration, although they worked together in bringing down the Shogun and establishing the new government, were by no means of the same type of men or men of the same opinions. So, as soon as the new government was established there arose a difference of opinion among themselves which culminated in the Korean question in 1874 when most of the leading men of the Tosa clan left the government, followed a few years later by the Hizen people. Among those who resigned were Count Itagaki, the founder of the political party in Japan, Count Okuma, the present prime minister, and others.

About that time, some of the English and French books on political science and constitutional law, such as J. S. Mill's, Bentham's and Rosseau's, were introduced in Japan and were read with much eagerness. From these books they got the idea of representative government. The attacks were directed by these men against the government which was then monopolized by the men from the Satsuma and Choshu clans and they made vigorous political agitations, in spite of the fact

that every possible measure to suppress them had been used by the government. These agitations finally took effect and in October, 1881, an Imperial decree was issued announcing the establishment of a national assembly in the year 1890.

In 1882 the late Prince Ito and his party were sent to Europe to study the constitutional systems of the different countries, and they spent several years in Europe making a comparative study and after their return they drew up a constitution which was duly approved by the Emperor and publicly promulgated on the eleventh day of February, 1889.

CONSTITUTION

The Constitution of the Japanese Empire consists of seventy-six articles divided into seven chapters.

The first chapter, containing seventeen articles, refers to the rights and privileges of the Emperor.

The second chapter with fifteen articles, fixes the rights and duties of the subjects.

The third chapter with twenty-two articles, deals with the Imperial Diet.

The fourth chapter with two articles, deals with the ministers of state and the Privy Council.

The fifth chapter with five articles deals, with the Judicature.

The sixth chapter with eleven articles, determines the matter of public finance.

The seventh chapter with four articles, provides for supplementary rules.

THE EMPEROR

Following the political tradition of the people, the framers of the Constitution defined the position of the Emperor as follows:

The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal, and the Emperor is sacred and inviolable.

This clearly recognizes the sovereignty of the Emperor. Naturally his powers in legislative, executive, and judicial matters are overwhelming.

LEGISLATIVE POWER

In legislative matters the Emperor's power may be classified into three headings, namely, (1) initiation of laws, (2) veto power and (3) the power to issue ordinances.

1. Article 5 of the Constitution says that the Emperor exercises the legislative power with the consent of the Imperial Diet. This means that he can initiate any law he pleases; only he has to get the consent of the Diet before it becomes a law.

2. Another article of the Constitution says that the Emperor sanctions the laws and orders them to be promulgated and executed. A project of law may not become a law even if it were passed by both Houses unanimously unless it is sanctioned and promulgated by the Emperor. This power of sanction and veto is absolute as there is no constitutional way to override it.

3. In addition to the above the Emperor may issue ordinances without the consent of the Diet. These ordinances are of two kinds, namely, (a) Imperial ordinances; (b) Administrative ordinances. The former takes the place of law and can only be issued in the absence of the Imperial Diet, and only for matters of urgent necessity, to maintain public safety or to avert public calamities. Moreover it shall be laid before the Diet at its next session and when the Diet does not approve it the said ordinance shall be invalid for the future. The administrative ordinance is issued for the purpose of either carrying out the law or for the maintenance of public peace and order and for the promotion of the welfare of the people. But this ordinance being an administrative one, it can not conflict with the existing laws.

Now let us see what is his executive power.

EXECUTIVE POWER

Here we see his power is even more complete than his legislative power. He has the power—

1. To determine the organization of different branches of the administration, to appoint and dismiss civil and military officers and to fix their salaries and pensions.
2. Supreme command of the Army and Navy, and determines their organization and the number of men to be recruited each year.
3. To make treaties, declare war, and proclaim the law of siege.
4. To confer titles of nobility, rank, orders and other marks of honor and to grant amnesty, pardon, and commutation of punishment, etc.

JUDICIAL POWER

In judicial matters the Emperor delegates his power to the judges who are appointed by him and the courts pronounce the judgment in the name of the Emperor.

One other power the Emperor of Japan wields in his hands is the power of amending the constitution. The constitution provides that when in the future it becomes necessary to amend it, a project to that effect shall be submitted to the Imperial Diet by the Imperial Order. This means that the Emperor alone can initiate the amending of the Constitution.

From the above description you can see that the constitutional power of the Emperor is practically unlimited, and, if he desires to exercise it, he can do almost anything he pleases. But the custom has been firmly established for many centuries that the Emperor never attempts a personal rule. First it was the court nobles who advised the Emperor and carried out the affairs of the State. Then these court nobles were replaced by military chiefs. Although theoretically the Restoration of 1868 brought the country under the direct control of the Emperor, how could we expect the Emperor who was sixteen years of age and who never had any experience and training in the matter of government to conduct a personal rule? Both the Emperor and the country were fortunate enough to have had such leaders as Princes Sanjo and Iwakura, Marquises Okubo, Saigo, Kido and others, whose advise the Emperor always followed. The constitutional struggles that have been waged continuously during the last twenty-five years with only two interruptions owing to the wars against China in the year 1894-1895 and against Russia ten years later, have never been directed against the constitutional power of the Emperor or his personal rule. The question has always been how these advisers to the Emperor are to be selected. Now let us see the constitutional provisions relating to these advisers.

THE CABINET AND PRIVY COUNCIL

There is no mention of the word "cabinet" in the constitution, but the executive organ corresponding to the cabinet of European and American governments was organized by the Imperial decree some years prior to the promulgation of the constitution. The constitution only mentions that the respective ministers of state shall give their advice to the Emperor and be responsible for it. All laws, Imperial ordinances,

and Imperial rescripts of whatever kind that relate to the affairs of the state require the countersignature of a minister of state. The framers of the constitution probably adopted the German Constitution in this respect, as the Chancellor of the German Empire always countersigns all the laws that have been sanctioned by the Emperor and thereby assumes the responsibility. Let us compare the positions of these two institutions a little more closely and see how the political systems and political psychology affect the practical workings of these two institutions. When the Imperial constitution of the German Empire was framed it was the intention of Bismarck to impart to the Imperial administration the fullest facility and harmony by making that official responsible solely to the Emperor. Such a scheme would have meant obviously a thorough-going centralization in all Imperial affairs and the utter negation of anything in the way of a parliamentary system of government. The more liberal members of the constituent Reichstag compelled a modification of the original Bismarckian programme; so that when the constitution assumed its permanent form it contained the significant provision that "the decrees and ordinances of the Emperor shall be issued in the name of the Empire and shall require for their validity the countersignature of the Imperial Chancellor, who thereby assumes the responsibility for them." Nominally, this article establishes the principle of ministerial responsibility, but in practice the Imperial government has always been able to do business without for a moment admitting the right of the Reichstag to unseat the Chancellor by an adverse vote.

In contrast to the German Chancellor, the position of the ministers of state in the Japanese constitution is expressly defined, and each minister advises the Emperor in matters which fall within the sphere of his respective functions, and he is responsible for it to the Emperor. The constitution does not recognize the ministerial responsibility to the Diet. In theory ministers could remain in their offices as long as they enjoy the confidence of the Emperor. They could carry on the business of the government without the Diet. The Emperor could issue both Imperial and administrative ordinances which are just as effective as the statutory laws passed by the Diet. Moreover the constitution provides in case of disagreement between the government and the Diet as to the budget that the government could go on with the last year's budget.

In spite of this theoretical and practical independence of the cabinet from the Diet, fifteen ministries came into existence during the last

twenty-five years of the constitutional monarchy and all but few had to resign directly or indirectly on account of the opposition of the Diet. This difference between the German practice and the Japanese practice is to be found in the fact that the Kaiser exercises a personal rule and the Chancellor is only his Secretary, while the Japanese Emperor does not exercise a personal rule and never has done so for many centuries. He follows the advice of his ministers. Besides, the Japanese Emperor never appoints ministers on his own choice, while the Kaiser always appoints the Chancellor as his own choice. In addition to this, the peculiar political psychology of the Japanese people has a great influence upon this matter. According to the traditional political ideas of the Japanese people, the chief duty of the ministers of state was to keep the country for the Emperor and to promote the happiness and prosperity of his subjects. To fail in this duty and to allow the Emperor to be cognizant of the dissatisfaction and suffering of his beloved subjects was considered disloyal on the part of the ministers. Therefore the right of the Diet to make addresses to the throne pointing out where the ministers of state fail in discharging their duties can serve as a power of impeachment of the ministers.

So much for the cabinet. Now let us see the Privy Council. The Privy Council is not like the Privy Council of England from which the modern English cabinet has grown up and in which the English cabinet ministers have their legal existence. In the Japanese Constitution the cabinet and privy council are separate bodies although the cabinet ministers are members of the Council *ex officio*. Its function is of a consultive nature. It meets to deliberate on the more important matters of state when its opinion is asked for by the Emperor and advises him according to its decision. The matters on which it is especially consulted are—

1. Matters which come under the jurisdiction of the Imperial House Law.
2. Drafts and doubtful points relating to the articles of the Constitution, and the laws and ordinances dependent on the Constitution.
3. Issuing of proclamation of the law of siege and of Imperial ordinances.
4. International treaties and pledges.
5. Matters relating to the amendment of the Constitution of the Privy Council.

Up to this time there has been no serious conflict between the cabinet and the Privy Council but there is no guarantee that this will

continue as three-fourths of the members are not ministers of the cabinet.

IMPERIAL DIET

The Imperial Diet is composed of two chambers, namely, the House of Representatives and the House of Peers. The former consists of three hundred and eighty-one representatives, while the latter numbers three hundred and seventy-one at present. Through the wisdom of the framers of the constitution, the electoral laws of both houses were not included in the constitution and were made statutory law so that reforms of the electoral law can be effected just like any other law without going through a difficult process of amending the constitution. The House of Peers consists of fourteen princes of the blood, thirteen princes and twenty-nine marquises who have seats by virtue of their right when they reach the age of twenty-five years. Besides these, there are seventeen representative Counts, seventy representative Viscounts, sixty-three representative Barons, one hundred and twenty-one Imperial nominees, and forty-three representatives of the taxpayers. The tenure of office for elective members is seven years, and that of others is for life. The House of Peers cannot be dissolved; it can only be prorogued.

The House of Representatives consists of the members elected by the people who are over twenty-five years of age paying a direct tax of not less than 10 yen a year. There is no qualification for candidates except that he must be a Japanese subject and over thirty years of age.

The Imperial Diet besides exercising the legislative power has the following rights: 1. Right to receive petitions; 2. Right to address the Emperor and to make representations to him; 3. Right to put questions to the government and demand explanation; 4. Right to control the financial affairs of the State.

The more important of these rights are the right to address the Emperor, which I have already spoken of in another connection, and that of financial control. Although, as I said before, the ministry is allowed to follow the last year's budget in case the budget is not approved, thus making the financial control of the Diet not as effective as could be hoped, yet in the modern government in which the necessity of extending its functions year after year is keenly felt, the government will feel inconvenience if it were only allowed last year's budget.

The question of the budget brings us to the relative positions of the two Houses. The constitution provides that the budget shall first

be introduced into the House of Representatives but unlike the English practice, the House of Peers can amend or alter any part of it. If a budget passes the House of Representatives and is then amended in the House of Peers, it will be sent back to the House of Representatives for reconsideration; but in this case the House is not likely to agree with the amendment. Then the question arises: What would become of the budget? To get out of this dilemma the House rules provide that in such a case the House of Representatives demand a conference to adjust the difference. The conference is composed of an equal number of delegates from both Houses. It is hardly necessary to say that in a conference of this kind the delegates of both Houses fight to the utmost on behalf of their own House. The result in such case, will be either one of the following: 1. To throw out the budget and follow the previous year's budget; 2. If the majority of the House of Representatives are in opposition to the government and the House of Peers are in favor of the government, the dissolution of the House of Representatives is likely to follow; 3. If the majority of the House of Representatives are supporting the government and the House of Peers are against it, either the ministry resigns or asks the Emperor to issue the Imperial Rescript commanding the House of Peers to give in. All of these possibilities have been tried in Japan. According to the old English practice the government could create more members of the House of Lords who are subservient to the government and acquire a majority in the House. But modern practice has cut out this cumbersome measure, and instead the House of Commons is dissolved, and if a majority, in favor of the government, is returned by the new elections the House of Lords invariably gives in. In Japan we have not yet reached that stage of constitutional development but the tendencies are undoubtedly in that direction.

CIVIL RIGHTS AND LIBERTIES OF THE JAPANESE SUBJECTS

My lecture would not be complete if I should not deal with the civil rights and liberties of the Japanese subjects. One of the students of Japanese history says: "In old Japan society was a law itself. Its civil rules went out and up from the people instead of down and upon them. Customs matured by centuries of growth and experience took the place of written codes of laws, and systems of arbitration took the place of courts, judges, and lawyers." Such being the state of society in old Japan, there were no systematized and guaranteed codes of civil rights and obligations. But now the Constitution guarantees these rights. These rights may be classified into two kinds namely—

1. Personal impunities:
 - a. Liberty of abode.
 - b. Freedom from arrest, detention, trial and punishment unless according to the law.
 - c. Inviolability of domicile.
 - d. Trial by judges determined by law.
 - e. Religious freedom in so far as it does not conflict with public peace and order or their duties as subjects.
 - f. Freedom of press and speech.
 - g. Right to petition.
2. Impunities as to property:
 - a. Inviolability of private property except for public benefit.
 - b. Inviolability of letters.

Now let us see what has been the parliamentary history during the twenty-five years under the constitution. The chief political and constitutional struggle during the twenty-five years since the opening of the Diet has been waged between the majority of the House of Representatives and the Bureaucracy over the question of the parliamentary system. The representatives of the Bureaucracy were mostly Satsuma and Choshu men while the champions for the parliamentary systems were the men of Tosa and Hizen and their allies. As I have said in the first part of this lecture, the leaders in the Restoration movement in 1868 were mostly men from these four clans and after the new government was established there arose a disagreement among these leaders over the Korean and other questions, and the men from Tosa and Hizen left the government leaving the Satsuma and Choshu or Satcho people, as they are called, alone in power. Those who have left the government organized their respective political parties and vigorously fought for the establishment of a popular assembly which finally resulted in the promulgation of the Constitution. They now hoped to break up the clique of the clan statesmen and expel them from office by establishing the parliamentary system. But the Satcho people holding a strictly legal interpretation of the constitution opposed the system. It is interesting to read what Prince Ito, one of the foremost among the Satcho leaders and the framer of the constitution, had to say at the meeting of the Presidents of the Prefectural Assemblies just four days after the promulgation of the constitution. He said:

"It can not be helped if, as the people acquire advanced political ideas, political parties grow, and if there are political parties there will be conflicts in the Diet. But it is absolutely necessary for the

government to have no connection whatever with any political party. The sovereign power of the state resides in the Emperor; its exercise, therefore, is absolutely independent of and impartial to all parties; so, to every subject, there will be equal recognition and equal benevolence. If the ministers of state who assist the Emperor and conduct the government with all its responsibilities have any relation with political parties, it is impossible for them to maintain this impartiality."

They held this view most tenaciously in spite of the fact that several cabinets had fallen directly or indirectly by the opposition of the House; and in 1896 when they had to take in Count Itagaki, the leader of Tosa clan and the leader of a liberal party into the cabinet, they demanded that Itagaki should sever his connection with the Liberals before the appointment was offered to him. Two years later, when Itagaki and Okuma combined their parties to attack the Ito ministry it was found so formidable that Ito had to resign from the office. Therefore Ito, who was most liberal in his political views among the Satcho statesmen advised the Emperor to call upon Okuma and Itagaki to form the ministry. This was the first time in the constitutional history of Japan that the political parties were allowed to hold a ministerial portfolio. Although this coalition ministry did not last for a long time and had to again give up the power to the Satcho statesmen owing to the unnatural combination of the political parties and the unpreparedness of their leaders to take up responsible positions, the fact served to dispose of the prejudice that a person directly connected with a political party could not become a cabinet minister. Still two years later, that is 1900, Ito who was advocating ministerial independence ten years ago found himself at the head of a political party. During the last fifteen years the ministry went back and forth between Satcho statesmen and political parties until the spring of this year when Count Okuma, the foremost leader and constructive statesman among the Anti-Satcho parties, was invited with the unanimous consent of the Satcho statesmen and also with a strong popular support to form the cabinet. The time has now come to realize the parliamentary system of Japan.

CONCLUSION

In conclusion I may say that the Japanese constitution in its provisions are far less democratic than the constitutions of most countries and from a purely scientific standpoint is open to serious objection. But I must repeat what I have said in the beginning of this lecture that

the practical efficiency and soundness of government are more concerned with the public spirit and political morality of the people than with the form and constitution of the government. I may be permitted to say without conceit that, during the last twenty-five years of the constitutional regime, our people as a whole have shown such political and constitutional progress, that it is not entirely improbable that some day the Japanese people may enjoy a highly democratic government under the guise of a constitutional monarchy, as the English people are now enjoying.