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82 してデーツェル一派の學者の如く樂觀的態度を採る可きにあらず、尤も租税と云ひ公債と云ひ皆各々大なる缺點を有し、只利益の之れに勝る場合にのみ利用す可きものにして、戦費の如き確實なる利益の生ずる見込無き支出を支辨したる公債に對して眞の整理を行はず、又遂に遣り繰りの爲めに之を利用せんとするに至りては其弊害のみを現出するに過ぎず、而して國民が之れに慣るれば遂に其害を疑はざるに至る可きが故に、屢々之れを警告するは亦無用の業にあらざる可きなり。

CONSTITUTIONAL PROGRESS IN JAPAN.

W. W. MCLAREN.

Politically, history repeats itself in Japan. In 1897 the year closed with the downfall of the Matsukata Ministry and the dissolution of the Diet. The resignation of the government followed immediately upon a vote of want of confidence adopted in the Lower House on December 25th. In a country governed under a party system, the resignation of a Ministry means the transference of office to the opposition, but in Japan nothing of the sort happens, owing to the existence of the clan system. On the 12th of January, Marquis Ito formed a Ministry and awaited the general election, which occurred on the 5th of March. The Diet met on the 14th of May and the government found itself with no adequate support in the House of Representatives. As a consequence the most important government bill of the session, the Increased Land Taxation Bill, was thrown out by a vote of 247 to 27. The House was once more dissolved. This action so enraged the Opposition parties that it was possible to effect a combination of all the elements opposed to the

clans under the name the *Kenseito*. In the face of this union the Ministry resigned on the 25th of June. As no clan magnate was willing to succeed Ito in the Premiership, the Emperor, upon the advice of Ito, sent for Okuma and Itagaki, the leaders of the new party, and ordered them to form a government. So on the 30th of June the new Cabinet was sworn in with Okuma as Prime Minister, Itagaki in the Department of Home Affairs, and all the other portfolios, except those of the Army and Navy, occupied by members of the *Kenseito*. After holding office for four months, the cabinet fell to pieces, as the result of a quarrel within the party. In the meantime a general election had been held in August, which gave the government party 259 out of the 300 seats in the Lower House of the Diet.

The sequence of this untoward ending of the attempt to establish a party government was to bring the clan magnates back to power. On November the 8th Marquis Yamagata took up office, and the clans from that date held undisputed sway, except for a brief period in 1900-01, until 1905.

We take up the story some ten years later. During that decade or at any rate the latter half of it, there had been little interest manifested in party politics. The Russo-Japanese war put an end to the discussion of the constitutional question in 1903, and after the war the problem of national finance proved the crux of every situation, until the end of 1912. The Saionji government set up in 1906 was succeeded in 1908 by a Katsura cabinet which in turn was followed by another Saionji ministry in 1911. No pretence was made by any of these governments to even a quasi-party basis, the powerful *Seiyunkai* supported every Premier who was put forward by the *Genro*. When, however, toward the close of 1912 the Saionji cabinet was ousted from office without giving it a chance to show its ability, and as a result of the arbitrary conduct of the clan magnates the interest in the constitutional situation revived. A significant demonstration was made against the *Genro*, but heedless of the clamour of the press they installed Prince Katsura's cabinet in office. This action made it possible for all the opposition parties to unite temporarily against the government. Remembering Ito's fate at the hands of the *Kenseito* in 1898, the Prime Minister saw the necessity of securing a backing in the Lower House, and for that purpose formed his own party, the *Rikken Doshikai*. The Opposition, however, was strong enough, with the help of a timely popular

riot to drive out the Katsura cabinet. The situation thus created was fairly comparable to that of 1898, when the *Kensei* forced Ito to resign, the only conspicuous difference being the failure of the Government to dissolve the Diet before resigning. That omission was probably in part due to prudence, and in part to the hostility of the Satsuma party to such a course.

In January 1913 no attempt was made to set up even a quasi-party government under the leaders of the Opposition, as had been done in 1898. The Emperor upon the advice of the *Genro*, commissioned Admiral Yamamoto, a magnate of the Satsuma clan, to form a Ministry. After some delay the task was accomplished with the help of the *Seiyukai*. The reasons which prompted the chief of the popular parties to ally itself with the Satsuma clan were probably sound enough from the opportunist stand-point, for to have opposed Satsuma would have inevitably lead to a dissolution of the Diet, while on the other hand, to unite with Satsuma, which is weak politically, offered some chance of furthering the cause of party government. The immediate consequence of the *Seiyukai's* action was the break-up of the popular combination, and a split in the ranks of the party. At present there is, therefore, a clan government, supported by the *Seiyukai* and pledged to its

policies, and an Opposition composed of a number of parties, which combined can out-vote the government in the Lower House. The curious feature of the situation is the unanimity of all parties in favor of popular government, and yet the clans rule.

Comparing the present situation with fifteen years ago, the outlook for constitutional progress is probably more hopeful, for every one, except the clan leaders, is ostensibly in favor of a *bona-fide* change to party government. But the old difficulties in the way of realising that change continue to exist. On the one hand, the opportunism of the political parties makes a solid union of all the popular elements in the House nearly impossible, and on the other, the clan system is still intact and the basis on which it depends, as we shall explain later, is as strong as ever. It is true that the *Genro*, in consenting to the leadership of Satsuma, have sacrificed more than at first sight appears for the Yamamoto cabinet contains six professed party men, only two less than the unfortunate Okuma-Itagaki cabinet of 1898, and is pledged to carry out the *Seiyukai's* policies; what is still more important the Satsuma clan is notoriously weak in political ability, for it contains practically no rising young men except the ex-Vice-Minister of Home Affairs. Besides, the defection of

Prince Katsura from the ranks of the Choshu clan, and his professed hostility to *clanism*, even though not genuine, will deprive Choshu, for the time being, of its most powerful leader. In any attempt to estimate the chances of reform, the strength of the existing system and the force of the natural conservatism of the nation must not be ignored. The outcome lies with the political parties.

II.

No one who has followed the course of recent events, as summarised above, can with hold his admiration for the strength of the clan system. Its strength is marvellous, a strength based not only upon the prestige of the clan magnates, but upon old traditions, upon regulations of the Privy Council, and upon the articles of the Constitution. So firmly has the governing class entrenched itself behind the system that it has been able to resist the periodic assaults of the combined popular parties. The traditions of government in a nation cannot be changed suddenly, but there is no such impossibility of change in connection with the rules made by the governing class of one period, whether embodied in the regulations of the Privy Council or the National Constitution. A

new period with new ideas must revise old rules whose operation stands in the way of progress.

If the political parties, whether in alliance with the present government, or in Opposition, are to remain true to the interests of the nation, they must demand a revision of the regulations governing appointments to office, and of the Constitution, so as to throw open to civilians all offices of importance and to make possible the establishment of popular government. The former of these demands has been pressed by the most recently formed of the parties, the *Seiyun Club*, but it has not yet received the support of any other section of the House of Representatives except the *Kokuminto*. The attitude of the government as declared publicly by the Prime Minister is in favor of some relaxation of the regulations which confer a monopoly of the cabinet offices of the Army and Navy upon high officers in active service, but till the present time there is no indication on the part of the clans of their willingness to open the field to any but members of the two services, either on the active or retired lists. The arguments put forward by the clans against civilians holding these offices seem very convincing, and probably the rôle of a civilian Minister of the Army or Navy would not be an enviable one, but it is merely begging the question to set up

alleged ignorance of the affairs of the military services as the chief bar to an outsider's holding the office, for the reason that civilians know little or nothing of these matters is the absolute secrecy by which those services have been surrounded. There would soon be no lack of qualified civilians if the general military policy of the nation were discussed publicly. The details of the defences of the country and other military and naval secrets must necessarily be closely kept, but no such necessity exists in connection with main outlines of military policy. However, it is not so much the getting of civilians into these Cabinet posts, as the getting of these services out of the control of the clans, that is important, for by so doing one of the strongest foundations of the power of the clans would be removed. As the case is at present, the clans have the power to destroy a non-clan ministry at any time which power was most clearly shown in December last. The expunging of the Privy Council rules in question would make it possible for the *Seiyukai*, or any other popular party with a working majority in the Lower House, to form a government which would at least be free of the seeds of internal disintegration. But even with civilians in the two Military Offices in the cabinet, a straight party government would have many enemies to face,

enemies in the Privy Council, in the House of Peers, and among the *Gemro*, any one of which would probably be strong enough to wreck a party ministry, for the Upper House could block all legislation, and the Privy Council or the *Gemro* could use their enormous prestige to influence the Court. Nevertheless, it still remains true that the preliminary step in constitutional progress must be the removal of those disabilities which render impossible the formation of a party government. The next step would naturally be such a modification of the Constitution as would enable a party ministry, once formed, to persist as long as it enjoyed the support and confidence of a majority of the representatives of the people in the Diet.

The second demand of the political parties should be the formulation, by the present Cabinet, of a project for amending the Constitution. Despite the fact that no such project has ever been mooted, and that meagre provision⁽¹⁾ for amending the document would make such a course difficult, yet, if a strong Cabinet were so minded, it would not find the task impossible. Such an undertaking would be opposed by all those interested in the preservation of the existing form of

(1) Article LXXIII.

the *instrument*, and that oppositor would be backed by a strong body of sentiment; for although the Constitution is only some twenty four years old, yet thanks to Ito's Commentaries, and to the habit of peoples to attach a strange importance to their organic laws, there has been time for an almost mythical glamour to surround it with a peculiar sanctity. But stripped of that halo, and in the light of the undoubted facts of history, the Constitution, when examined, proves to be nothing other than the product of the wisdom of a small group of men, all of them aristocrats; as such it is deserving of study, and also open to criticism. It should be read apart from the Commentaries of the late Prince Ito, which are designed to apotheosize its provisions by representing the whole document as part of the original legacy of the "Gods" transmitted to the people by the Meiji Tenno.

If the Constitution is regarded in its historical setting, the sentimental objections to a project for amending some of its provisions fall to the ground. In his comments upon Article LXXXIII, the late Prince Ito remarks,—“Although the fundamental character of the national policy is to continue unaltered for all ages to come, yet it may become necessary at some time in the future,

to make more or less great modifications in the less important parts of the political institutions, so as to keep them in touch with the changing phases of Society.”⁽¹⁾ This ambiguous statement makes it clear at any rate that the possibility of amending the Constitution from time to time was contemplated by the framers, although what was meant to be included under the phrase “less important parts” is uncertain. A recent Japanese critic⁽²⁾ of the Constitution describes it as a “document embodying Japanese traditional political principles under the cloak of representative institutions.”

As there is nothing to prevent the changing of the Constitution, although there is much that would make such a project difficult to carry through, the next problem to which we must turn is the drafting of the amendments necessary to ensure the continuance in office of a popular ministry supported by a majority of the Lower House. At this stage we enter upon very debatable ground, and what is suggested in this article is merely what seems the minimum necessary to accomplish the object in view,—the establishment of “responsible government” and the destruction of

(1) pp. 139-40.

(2) Uyehara, G.E. *The Political Development of Japan, 1867—1909*. P. 119.

clansm.

It would not be necessary to make any changes in the preamble nor the first chapter, all the articles of which deal with the position of the Sovereign in the State. Long experience has shown that it is possible to combine an absolute monarch with a machinery of government operated by a ruling class, and there seems to be nothing impossible about substituting for the present ruling class the representatives of the people in parliament assembled. No monarch since the time of Go-Daigo Tenno has attempted to set up a personal government, although through many centuries the "divine rights" theory has existed. It is unthinkable that a tradition of such age could or need be departed from.

Similarly Chapter II, which defines the "Rights and Duties of Subjects," need not be changed in any respect, for the articles of this chapter do not confer any rights nor impose any duties except those that are embodied from time to time in the laws. For example, Article XXI states that "Japanese subjects are amenable to the duty of paying taxes, according to the provisions of law," but it imposes no specific taxes. Everytime a law is enacted which levies a new tax or abolishes or changes an existing one, no change in the Constitution is involved, for this article provides that all taxes imposed by law are constitutional.

It is only when we come to consider Chapter III, which is entitled "The Imperial Diet," that the necessity for amendment becomes apparent. The first four Articles, (XXXIII-XXXVI inclusive) since they merely prescribe the method of organising the two Houses of the Diet, require no amendment. The next four Articles, (XXXVII-XL inclusive) which define the legislative powers of the Diet should be restated, for a parliament which merely consents to projects of law, introduced mainly by the cabinet, has not sufficiently positive powers to suit the needs of a popular government. These Articles require to be reconstructed so as to give to the Diet complete law-making powers, not merely the function of discussing and consenting to projects of law. It would be necessary to introduce an article or articles to provide machinery for regulating the relations of the two Houses in the business of legislation, so as to secure a way out of those deadlocks which would inevitably arise in consequence of the inveterate hostility of the Upper House to the projects of the Lower. A variety of such devices exist in the Constitutions of other countries, and it would not

be difficult to adapt to the needs of Japan the experience of France, the Commonwealth of Australia, or the Union of South Africa. Article XLII, which limits the duration of an ordinary session of the Diet to three months, might very properly be elided. It was inserted originally to minimise the part which the Diet might play in controlling the Government, it has operated in the interests of the clan system and might now disappear along with that system. The last Article of the chapter might either be expunged and thus exclude the members of the Cabinet from the Diet, as is the case in the United States of America, or better still, be modified so as compel all the Ministers of State to be members of one or other of the Houses, as is the rule in Great Britain. The other Articles of the chapter need no amendment.

Chapter IV, which defines the powers of the Ministers of State and the Privy Council, contains only two articles, one of which requires to be changed. The first clause of Article LV reads,—
“The respective Ministers of State shall give their advice to the Emperor, and be responsible for it.” Here the doctrine of ministerial responsibility is clearly stated, and though some doubt might arise in the mind of the reader of the official translation as to the direction in which responsibility

is to be acknowledged, such a doubt is laid by the Commentary⁽¹⁾ which runs as follows,—
“Ministers are directly responsible to the Emperor and indirectly so to the people.” In this matter of the direction in which responsibility is recognised by Ministers of State there is great diversity of practice, but there is also a very distinct line which separates, the different monarchical countries of the world into two groups, those which enjoy “responsible government,” and those which do not. In the popularly governed monarchies the Ministers are responsible to the “King in Parliament,” and in the others to the King *outside* of Parliament. In this sense there is no confusion or diversity of practice in the matter in question. According to its present Constitution Japan belongs to that group of monarchies which does not enjoy popular government, and it is just that fact which permits, nay, compels, the existence of the clan system of government. If the Ministers of State are not responsible to the “King in Parliament,” then they must be responsible either to an absolute Monarch or to an oligarchy of some kind, and that oligarchy in Japan is comprised of the much denounced clan magnates. Now there is no doubt in the minds of the

(1) p. 93.

members of the different political parties at present that the clan system ought to be done away with, but the only way of accomplishing that end is to revise this Article of the Constitution so as to make it provide clearly that the Cabinet shall acknowledge responsibility to the "Emperor in the Diet." Otherwise the clans must remain for the reason that an absolute personal government by the Emperor is foreign to the genius of the nation and to the monarchy itself. The revised clause should read somewhat as follows,—“The Ministers of State shall give advice to the Emperor and be responsible for it to the Imperial Diet.”—Such an amendment would transform the whole system of government from the present nominally personal rule of the Emperor, though really of the clans, to a popular government.

The remaining Articles of the Constitution might very well be left as they stand, or as time goes on, be so changed as to make them conform to the requirements of a “responsible government.” In contemplating the future changes one can safely make large allowances for the operation of that most admirable political characteristic of this nation, call it the faculty of make believe, or the ability to compromise, or whatever you will; but by whatever name it is known, it is nevertheless the distinguishing trait of a people capable of operating the machinery of a democratic government under monarchical institutions.

The changes which have been suggested above would be sufficient to ensure the establishment of “responsible government.”—The rôle of the present governing class would in time be played out, and the Cabinet would come to assume the position of leadership both in law-making and administration, and would learn to depend more and more upon the support of the people as represented in the Diet, and less and less upon the *Genro*.

At the present time it seems essential that the popular elements in the Lower House should press upon the government the necessity of adopting these changes so as to secure the future of the nation. The existing stage of political development seems to have come to an end, not in the present year but as long ago as in 1898, not because clan government has been demolished, but because its very strength has placed an impassible barrier in the path of progress. The steady and of late years rapid growth of popular sentiment finds itself blocked on its political side, at any rate, and that can only result in the accumulation of the forces of discontent. The “cake

of custom" has already begun to repress the more expansive minds, and with this nation as with all others, either progress much cease or the confining bonds be broken. The former implies decadence, the latter revolution. Before the strain becomes too great clanism ought to be destroyed so that the people may pass on toward the goal of all political progress, complete self-government.

In that progress there will arise a long sequence of difficult problems demanding solution, but with a government resting upon the support of a politically free people, and led by a Monarch, loyalty to whom is an article of religious faith, no problems need be feared. With the manhood of a people preserved and developed by the free exercise of its faculties in all directions, no nation need dread what the future has in store.

貨物の価格と物價の平準との關係

高城仙次郎

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一 緒言

抑も價格とは二箇の貨物の間に於ける交換の比例を謂ふ。例へば米一石と衣服一着とが交換せられたりとせば、米の價格は一石に付衣服一着なりと云ひ得べく、或は又衣服の價格は一着に付米一石なりとも云ひ得べし。現時各文明國に於

貨物の價格と物價の平準との關係