

Chapter 17: The Japanese Transition to Democracy and Back

A. Introduction

The first four case studies might lead readers to conclude that there was something unique about European culture that made it “ready” for parliamentary democracy in 1815. The king and council template had long been used for European governance and provided numerous opportunities for peaceful constitutional reform. Liberalism can be regarded as the political reform agenda of the enlightenment, and many of the technological innovations of the eighteenth and nineteenth centuries can be regarded as consequences the enlightenment’s emphasis on reason and nature. It can be argued that after a two or three century delay, the enlightenment produced the gains from constitutional exchange that led to parliamentary democracy. Insofar as the enlightenment can be considered European in origin, it might be argued that European ideas and institutions made Europe uniquely able to shift from autocracy to democracy without revolution.

The theory developed in part I is, however, not a theory of European transitions. It suggests that similar ideas and opportunities for constitutional bargaining will exist in other societies in which broadly similar institutions are in place and trends in constitutional bargaining opportunities favor liberal reforms. The last two case studies demonstrate that the European transitions were not unique.

Chapter 17 focuses on Japanese constitutional history in the nineteenth and early twentieth centuries during which parliamentary democracy emerged and then receded.²⁸⁹ As in the European cases, the king and council template of governance was widely used in Japan for governance at national, regional, and local levels. Constitutional negotiation and exchange were also commonplace in its medieval period, although there were no liberal trends in the constitutional bargains negotiated. During the late nineteenth and early twentieth centuries, liberal trends in economic and political reforms emerged for reasons similar to those in Europe. Coalitions that favored economic and political liberalization were in positions of sufficient authority to bargain with others in government and obtain modest reforms.

Insofar as liberalism and many of the new production technologies were imported from Europe, it can be argued that the enlightenment also influenced the course of reform in Japan.

²⁸⁹ This chapter is based on research presented at the 2006 meeting of the Japanese Public Choice Society, where many helpful comments were received. Thanks are especially due to comments by Professors Yokoyama, Oeda, and Suzuki.

However, the reforms were not entirely caused by new technologies and liberalism. The same liberal ideas, technologies, and supporting evidence were also present in Korea and China, for example, but did not induce similar reforms in the late nineteenth and early twentieth centuries.

The Japanese case suggests that new economies of scale in production and the penetration of liberal ideas produce liberal constitutional reforms only in settings in which constitutional exchange is possible and in which the interests of those favoring industrialization and liberalization are reasonably well-represented in government. This was not true of China and Korea, nor in European countries that failed to liberalize. The Japanese experience also suggests that liberal constitutional reforms can also be undone through constitutional bargaining and counter reforms.

B. Setting the Stage: Constitutional Governance in the Shogunate Era 1603–1853

The early history of Japan exhibits alternating periods of centralization and decentralization of policymaking authority. Periods of centralization were often marked by warfare as regional rulers resisted the efforts of those attempting to create a stronger central government. During the sixteenth century, a long series of such wars occurred between the emperor's forces and those of the daimyo (roughly the equivalent of dukes in English). The wars ended with the success of the emperor's commanding general, his shogun. The negotiated settlement at the end of the war produced a relatively stable system of governance that lasted for more than two centuries.

There are several unusual features of the system adopted. The shogun evidently believed that new oaths of fealty to the emperor and shogun after the wars would not eliminate future civil wars and wars of secession. Games of conflict tend to be social dilemmas, rather than coordination games; so incentives to renege on peace agreements nearly always exist. To bind local rulers to their promises to defer to the shogun required an enforcement device of some kind. In other places, peace treaties and oaths of fealty are reinforced by maintaining a large national army, but this tends to be expensive and produces other risks for government leaders. The shogun devised a safer and less expensive solution.

The peace agreement required each daimyo to spend at least one year in two in Edo (present-day Tokyo). Their families were required to reside in Edo during the periods in which the daimyo was away. This residency-hostage system reduced the likelihood of revolt in several ways. The residency requirement reduced the daimyos' day-to-day control over their territories, which made it more difficult to organize rebellions and also tended to make regional governance more law based. The hostage requirement reduced the daimyo interests in wars of secession by assuring that

strong sanctions would follow from such revolts. The residency requirements also caused a good deal of the attention and resources of the daimyo (and their advisors) to be invested in the usual status-seeking and rent-seeking activities of capital cities. Such games would tend to increase deference and active support for the shogun.

The peace treaty, however, was not simply imposed on the losers. Policymaking authority was not simply vested in the shogun and emperor, but remained divided between the central government (shogunate) and the regional governments headed by the daimyo. In exchange for their oaths of fealty and half-time residences in Edo, the daimyo retained the authority to rule their territories and collect local taxes. Their lands were exempt from central government taxes. Moreover, the daimyo would also play a significant role in national governance. A subset of the daimyo were always senior advisors to the shogun. Most others participated in regular meetings with the shogun at which policies could be fine-tuned (Mason and Caiger 1997: 197–98; Roberts 1998: 17–21).

Although no written constitution existed during the shogunate period, it is clear that standing rules for governance and civil law existed, which for the most part were based on earlier forms. At the national level, there were informal rules dividing national policymaking authority between the shogun and emperor. More formal rules divided the policymaking authority of the central government and the daimyo. The standing procedures for making public policy included advisory councils and a standing bureaucracy, and those procedures were largely taken for granted by high and low government officials.

[After the first three shoguns] their successors . . . came to office when the system was already in being. They had to rule as part of the established bureaucracy, abiding by existing laws and conventions and depending on the advice of serving ministers.
(Mason and Caiger 1997: 217)

Japan's central government differed from the European template, however, in that it included two parallel governments based on the king and council template: a de facto government based on a shogun and his senior council of advisors based in Edo, and a de jure government based on an emperor and his council of advisors based in Kyoto. Regional rulers (daimyo) also had advisory and executive councils. Towns were often ruled jointly by an appointed head man and council of elders (Mason and Caiger 1997: 210–11).

As in medieval Europe, a broad range of positions in medieval Japan were formally hereditary, including those of the emperor, shogun, and the regional daimyo. Many other positions were limited to persons of particular social rank. For example, only children of samurai were eligible for military service. Ordinarily, the oldest son inherited his father's authority and wealth, although in Japan, as

opposed to Europe, both illegitimate and adopted children could inherit the family title and lands. In cases in which no clear heir existed, a childless man would simply adopt a child (or grown man) or the relevant council would appoint someone to be the heir (Maison and Caiger 1997: 198–99).

As in medieval Europe, much of life was governed by standing rules, but those rules did not attempt to provide equality before the law.²⁹⁰ Political and social status determined the bounds of one's lawful behavior.

Lords and Vassals, superiors and inferiors **must observe what is proper within their positions in life.** Without authorization, no retainer may indiscriminately wear fine white damask, white wadded silk garments, purple silk kimono ... Persons without rank are not to ride palanquins ... Marriage must not be contracted in private, without approval. (Laws of Military Households 1615 (*Buke Shobaato*), Lu 1997: 207–08).²⁹¹

Strict rules governed relations between persons of different rank and regulated occupation and attire within each strata. Educational opportunities were essentially limited to the top strata of society. In the positions in which exams, rather than family, determined positions, there was thus an implicit barrier, rather than a formal class-based one.²⁹²

Standing civil laws created institutions for dispute resolution, economic regulation, taxation, and limiting social mobility. There were laws governing inheritance and secession. And, as in Europe, land could not be easily sold.

Constitutional Exchange in the Shogunate Era

The shogun was formally the emperor's agent, his supreme military commander. During the civil war, the shogun and his council exercised essentially complete executive authority, while the emperor remained aloof from the mundane matters of day-to-day military strategy and governance in the territories won. This division of authority largely remained in place after the civil war was

²⁹⁰ During some parts of the Tokugawa period, some positions in the civil service and medical profession were based on examinations analogous to those used in China and Korea at this time. This, in principle, created a path for social mobility. However, access to tutors, books, and the examinations largely reflected the wealth and status of one's family until the era of public education emerged in the nineteenth century. To the extent that there was social mobility in medieval Japan, it was largely through adoption and appointment rather than examination (Levy 1996: 117–20). Most positions at the top of Japanese society were formally hereditary.

²⁹¹ See Lu (1997: ch. 8) for examples from the civil code that specify different punishment for criminal activities, and status-based restrictions on sale of land, inheritance, on clothing, and against taking private revenge.

²⁹² Many of these restriction had parallels in medieval Europe, including class-based" dress (sumptuary) codes (Jones 2003:97)

over. For the next two and a half centuries, the emperor and his court lived comfortable, regal lives in Kyoto, but they exercised very little control over the course of Japan's public policy.

The center of government in many earlier periods had been in or near Kyoto, but the shogunate was based in Tokyo (Edo), some 400 kilometers away. The shogun and his (hereditary) samurai army exercised considerable control over the comings and goings of the emperors and their courts through the Nijo-jo fortress, which was located near the emperor's palace in Kyoto.

Constitutional bargaining took place, but for the most part it was between the daimyo and the shogun and between them and their respective councils, rather than between the shogun and the emperor. The fiscal constitution allowed the daimyo to offer tax revenue in exchange for increased authority over regional public policies, and the shogun and the central government often sought new revenues. Consequently, the shogunate period included a number peaceful shifts of authority between the central and regional authorities. Regional governments gradually secured increased autonomy in exchange for higher tax payments to the central government. The shogun also gradually transferred (delegated) authority to his council and the Tokyo bureaucracy for day-to-day rule (Mason and Caiger 1997: 215–16).

In the course of two centuries of bargaining, a complex decentralized largely unwritten constitution emerged. More or less hereditary councils in the central and regional governments and their respective bureaucracies controlled most day-to-day policy decisions, while the shogun and the major daimyo lived comfortable lives of high politics and leisure in Edo. The regions maintained their separate identities and important ties among them were often familial and tacit, as in medieval Europe, rather than formal and institutional (Mason and Caiger 1997: 201).²⁹³

Japanese Economic Development and Mercantilism

The end of armed conflict and stable system of property rights and law helped promote economic development throughout Japan. The income produced by commerce and manufacturing

²⁹³ When a contract or treaty is well negotiated, all parties not only expect to benefit, they actually do benefit. However, these agreements differ from those focused on by contemporary contractarians, because the parties to the new instrument of governance were not equal, nor were all affected parties necessarily consulted. The agreements were pacts between political elites and normally involved only a relatively small subset of the most powerful members of the polity. The resulting division of power, consequently, lacks the normative appeal of the social contracts analyzed by Buchanan and Tullock (1962), Rawls (1971), or Buchanan (1975). Such contracts among elites (pacts) can nonetheless reduce the deadweight loss of governance and also tend to make the political process more representative than would have been the case had the stronger party “simply” conquered the weaker. The former often benefits the wider citizenry.

grew relative to that of agriculture, at the same time that agricultural production increased as new methods of farming were employed and more land was brought under cultivation. Increased commerce and specialization gradually produced a new middle class of merchants, manufacturers, and professionals, often from samurai families, whose services as soldiers were less needed during times of peace. Many samurai became courtiers and businessmen, rather than full-time soldiers, and many daimyo diversified into manufacturing and commerce (Lu 1997: 228–35, 273–77).

The Closing of Japan

Prior to the Shogunate period, Japanese markets had been open to traders and missionaries from China and Europe, but this ended in the first half of the seventeenth century. A series of laws adopted between 1620 and 1640 severely reduced Japanese contacts with other nations. The Spanish were expelled in 1624. A 1635 edict transferred control of international trade to the central government in Edo, and reduced access to Chinese imports. The same edict eliminated opportunities for the Japanese to travel to other countries. A death penalty was to be imposed on Japanese who returned to Japan after foreign travel. A series of laws also ended the Christian religion in Japan (which had been promoted by Portuguese and Spanish missionaries in the previous century). A 1639 edict required that Portuguese ships were to be destroyed and their crews and passengers beheaded. Only the Dutch were permitted to retain commercial ties with Japan, and these were as limited as those of the Chinese merchants. (Lu 1997: 220–27).

Nonetheless, the advantages of peace and lawful governance were greater than losses from international commerce. The regional capitals became centers of commerce and culture in the seventeenth century, with populations that were significantly larger than those of comparable European capitals at the time. The population of Tokyo (Edo) was estimated to be about a million persons in 1700, at the same time that the population of London and Paris were about half a million each. Kyoto and Osaka had populations of about 300,000 each, while Amsterdam had a population of about 200,000 and Berlin and Stockholm had populations of about 60,000 each.

Decentralized policymaking in the 250 duchies and autonomous regions (*han*) allowed local variations in public policies to encourage economic development, while yardstick competition among the daimyo encouraged “best practices” to gradually disseminate throughout Japan. Decentralization within medieval Japan, however, also allowed local rulers to create monopolies and to regulate their borders. Sales of monopoly privilege and tariffs were significant revenue sources for the local rulers, as was also common in medieval Europe. For example, merchants might be given

monopoly privileges in exchange for providing a public services; as, for example, the merchants of Akaoka, Taruya, and Saga were granted a monopoly on lumber in Kochi as a reward for building a canal for the city. Economic associations (guilds) were common among merchants in most trading centers (Roberts 1998: 29, 42–43; Yu 1997: 234–35).

In combination with a national policy of international isolation after 1635, local barriers to trade, relatively high taxes, and the illiquidity of land impeded the development of national markets, although the mercantilist policies were undermined to some extent by Japan's extensive sea coast.

The system of **feudal government exercised a crippling influence, for each feudal chief endeavored to check the exit of any kind of property from his fief**, and free interchange of commodities was thus prevented so effectually that cases are recorded of one feudatory's subjects dying of starvation, while those of an adjoining fief enjoyed abundance. International commerce, on the other hand, lay under the veto of the central government, which **punished with death** anyone attempting to hold intercourse with foreigners (Britannica 1911, "History of Japan," pp. 33).

Economic historians report that commerce grew steadily through the eighteenth century, but declined somewhat in the early nineteenth century (Yu 1997: 273–80).

C. Constitutional Bargaining and Reform After Admiral Perry's Visit in 1853

It subsequently became clear that Japan was not developing as rapidly as Europe or North America.

A new "yardstick" was introduced in 1853. The arrival of Perry's four steam-powered ships of war in 1853 had significant effects on daimyo and samurai assessments of the quality of existing Japanese institutions. Perry's ships, his guns, and his gifts for the emperor and shogun revealed that Japan had fallen behind Europe in the past two centuries. Perry's return in 1854, produced negotiations and treaties of access (1854) and trade (1858) for the United States.²⁹⁴ Subsequent treaties reestablishing trade with European states were also negotiated, in large part because it was clear that Japanese technology had fallen behind that of the West.

This conclusion was not a superficial one that focused on equipment alone. Many senior government officials clearly understood that Western technology reflected organizational as well as technological advantages. To "catch up," many believed that a broad range of Western innovations

²⁹⁴ Commodore Perry's very formal negotiations with the Japanese in 1853 and 1854 involved presents and discussions, rather than gunshots or military intimidation. The proceedings are discussed in Forster (1903):150–65.

in economic, political, and military organization had to be analyzed and adapted to Japanese circumstances.

The shogun convened a special council of the major daimyo to determine the proper response to the new “yardstick” and the West’s insistence on more open international markets. A variety of long-standing quasi-constitutional domestic policies were reversed, and the Japanese people were henceforth encouraged to master Western technologies. Prohibitions on foreign travel and on the construction and purchase of seagoing ships ended. The translation of European scientific, legal, and political texts was broadened and accelerated as interest intensified and moveable type was introduced. New fortresses were built, cannons cast, and samurai troops trained in their use. The government ordered a battleship from the Dutch, who were also enlisted to “procure from Europe all the best works on modern military science.” The emperor directed that “at the seven principal shrines, special prayers should be offered for the safety of the land and the destruction of aliens” (*Britannica* 1911: 239).

The renewal of foreign trade after two centuries of closure clearly affected many Japanese family firms that now had to compete with distant foreign producers. It also clearly affected those in southern Japan, who previously had exclusive access to Dutch and Chinese merchants. A small liberal movement began to emerge that pressed for open foreign relations and a more representative political institutions. The first newspapers were printed, and many were critical of existing government policies and results. These liberalizing pressures were countered by conservatives who pressed for a return to “closure.” Trade increased the presence of foreign persons, who did not always follow the well-established etiquette of the shogunate era, which increased opposition to the intrusions of the uncouth foreigners.

The shogun was in the forefront of treaty negotiations and, by the standards of the time, could be regarded as a “liberal” in the sense that he and his advisors acknowledged the need for institutional reform and modernization. Southern daimyo were among the strongest opponents to foreign trade at the imperial court.

Neither the shogunate nor the imperial court was sufficiently powerful or influential to accomplish major reforms on its own. Negotiations between the imperial court and shogunate took place regarding foreign treaties, domestic policies, and institutional reforms, but without obvious results, because the shogun’s and emperor’s councils reached nearly opposite conclusions about the proper response. The shogunate argued for the end of closure, while many in the emperor’s court

argued for renewed closure. Naturally, both sides argued that the national interest would be advanced by their recommendations.

Constitutional conservatism implies that it takes more authority to change the status quo than to maintain it, and much of the central government's authority had been traded away during the past century or so. Consultations continued among representatives of the shogun, imperial court, and daimyo.

Disagreement between the Tokyo and Kyoto courts, in this case, implied that a constitutional crisis was at hand. With the failure of the shogunate to protect the homeland and to enforce its own policy of closure and evidence of slow growth for many decades, support for the old "two-government" system diminished, even among those who had previously benefited from it.

D. The Meiji Restoration of 1867 as Constitutional Exchange

A shogun died and was succeeded by Yoshinobu Tokugawa in 1866, whose council continued to press for modest reforms. An emperor died and was replaced by one of his sons in 1867, who is now known as Emperor Meiji.²⁹⁵ In 1867 a major reform of Japanese governance emerged out of a long series of negotiations, albeit reinforced by military efforts on behalf of the emperor by the southern daimyo.

The Meiji restoration is considered by some scholars to be a unilateral act of generosity on the part of the shogun to strengthen national governance and avoid civil war. By others it is considered an act of surrender accepted out of necessity in the face of a superior military force. There is, however, much that suggests that the policymaking shift in authority to the emperor's court was part of an agreement worked out behind closed doors. Such an agreement would have been made easier by changes in the persons who formally headed the two branches of government.

²⁹⁵ The new emperor was selected to be the crown prince in 1860 from among the previous emperor's (Komei) male children. He was given the name Mutsuhito at that time, and was known as Emperor Mutsuhito during his lifetime.

Japanese emperors and their periods of rule are renamed after their death. The name Meiji was given to the emperor after his death in 1912, which means "enlightened rule." I refer to this sovereign as Emperor Meiji throughout this chapter, as is customary among historians writing in English and in Japanese after Mutsuhito's death. The term "king" Meiji would be equally appropriate for the purposes of this book, insofar as the daimyo can be regarded as dukes or barons, rather than kings.

The Tokugawa regime accepted a shift of day-to-day policymaking authority from the relatively new and weak shogun to the relatively new and weak (15-year-old) emperor Meiji. The emperor's regime, in turn, accepted the need for a broad modernization of Japanese society.

In late 1867, the new shogun called a council of daimyo and high officials in Kyoto to announce his resignation, which was tendered the following day to the emperor.

Now that **foreign intercourse becomes daily more extensive**, unless government is directed from one central authority, the foundations of the state will fall to pieces. . . . **If national deliberations be conducted on an extensive scale** and the Imperial decision be secured, **and if the empire be supported by the whole people**, then the empire will be able to maintain its rank and dignity among the nations on earth—it is, I believe, **my highest duty to realize this ideal by giving entirely my rule over this land.** (Tokugawa Yoshinobu, reprinted from Mason and Caiger 1997: 259)

A few months in early 1868, a new “Imperial Oath” was required of all daimyo. It included five major commitments.

(i) We shall determine all matters of state by public discussion, after assemblies have been convoked far and wide . . . (ii) We shall unite the minds of people high and low . . . (iii) We are duty bound to ensure that all people . . . may fulfill their aspirations and not give into despair. (iv) We shall base our actions on the principles of international law. . . . **(v) We shall seek knowledge throughout the world and thus reinvigorate the foundation of this imperial nation.**

After the oath was read, 411 major and minor daimyo (including the 30 members of the emperor's advisory council) formally renewed their oath of fealty to the emperor by signing an official document (Breen 1996).

Bargaining and compromise is evident in that the imperial court had originally opposed shogunate efforts to negotiate treaties with the West and to modernize, but now fully embraced them, as implicitly did the 411 signatories. Bargaining is also evident in that the shift of governmental authority from the Tokugawa to the Meiji court was initially accomplished without substantial change in the central government bureaucracy or regional governments, although a significant constitutional reforms soon followed. Moreover, the surrender of the Tokugawa lands (*tenryo*) to the new central government (Mason and Caiger 1997: 259–60) was followed by a similar surrender of lands by the four powerful daimyo from the south that had provided military support for the Meiji restoration (Lu 1997: 305–15, Britannica 1911: 311).²⁹⁶

²⁹⁶ The oath was clearly negotiated and written by senior advisors, rather than the young emperor. The oath went through a number of drafts within the emperor's advisory council before being finalized (Pittau 1967: 11–15).

The emperor and his retinue moved from Kyoto to Edo and assumed control of the existing institutions of governance. The ruling council members were now selected by the emperor, rather than the shogun, and the city of Edo was renamed Tokyo (eastern capital), but the long-standing procedures for adopting and implementing public policies remained largely in place. Constitutional conservatism is evident in that policymaking authority remained largely in the hands of advisory councils at the central and regional government levels, and remained so to a considerable extent, even after the Meiji constitution was adopted 20 years later.²⁹⁷

Nonetheless, much was new. The imperial government had far more control over public policy than it had had for many centuries, and the new Imperial Oath included an implicit commitment for substantial reforms of the procedures of governance. The latter played an important role in constitutional negotiations for the next several decades, although it was not clear whether the emperor's commitment to "determine all matters of state by public discussion, after assemblies have been convoked far and wide" was a commitment to create a parliament or simply a promise to call the daimyo occasionally to Kyoto. The ambiguity evidently reflected that lack of consensus among the emperor's council of advisors about the proper form government should take.²⁹⁸ The details were slowly worked out through more than two decades of negotiation and institutional experimentation.

On other matters the new Imperial Oath was quite clear. The emperor's commitment to "seek knowledge throughout the world and thus reinvigorate the foundation of this imperial nation," implied that all Japanese had a duty to study foreign theories, reforms, and outcomes. As a consequence, many high government officials and scholars traveled to Europe and the United States and returned home with new theories, as well as practical ideas for the application of new industrial technologies and public policy reform.

The experience of the European monarchies was naturally of particular interest for those advocating liberal constitutional reforms, because it had both theoretical and practical relevance for Japan.

²⁹⁷ Emperor Meiji was formally the source of the shogun's authority, and the emperor continued to be the formal source of authority under the Meiji constitution. (It was not until after World War II that the basis for constitutional government shifted from royal delegation of authority to popular sovereignty.)

²⁹⁸ It is interesting to note that proposed drafts of the oath were more explicit about the form of government to be adopted. Some called for representative assemblies and others for a federal council of daimyo. See Lu (1997: 307–08) for alternative drafts of the oath.

E. The Liberal Tide and European Influence in the Early Meiji Era

Before Perry's arrival, Japan's contact with Europe in the two centuries was mainly through a small Dutch trading post on the small man-made island of Deshima in the bay of Nagasaki. Schools of Dutch study were founded near the Dutch trading post, and non-religious books and newspapers from the Netherlands were translated by Japanese scholars, albeit slowly and for limited distribution, because printing was done via wooden block, rather than with movable type. In this manner, some Western scientific ideas and philosophical ideas were available to interested scholars and students, particularly in the south. Indeed, the Dutch provided the shogun with advance notice that the United States would send ships to Japan a few years before Perry's arrived (*Britannica* 1911: 239). Contacts between the Satsuma and the Chinese continued via Okinawa. Additional international commerce also took place illicitly along the coast and with the Russians to the north (Mason and Caiger 1997: 205).

Changes in the laws governing travel and trade after Perry's arrival, together with encouragement from the shogun and emperor caused a major increase in Japanese knowledge of Europe and America. Extensive travel and trade had previously been punishable by death. After the new imperial oath, new translations and foreign travel brought Europe's political and economic theories to the attention of a broad cross-section of literate Japanese, including high government officials. For example, Nakae Chomin translated Rousseau's *Social Contract*. Nakamura Masanao translated J. S. Mill's *On Liberty* and Samuel Smile's *Self-Help*. The latter was a collection of rags-to-riches success stories that argued against the practice of using social status or class to determine a man's worth.²⁹⁹

Many of these European texts provided insights that appeared useful to persons interested in public policy, including senior officials in the Japanese government. For example, liberal economic theories provided an explanation for Japan's failure to keep pace with economic developments of the West. Japan's failure to keep up was not due to the cultural inferiority, but to policy mistakes.

²⁹⁹ Smile's *Self-Help* includes such challenges to the class system as: "Great men of science, literature, and art—apostles of great thoughts and lords of the great heart—have belonged to no exclusive class nor rank in life. They have come alike from colleges, workshops, and farmhouses—from the huts of poor men and the mansions of the rich. Some of God's greatest apostles have come from 'the ranks.' The poorest have sometimes taken the highest places; nor have difficulties apparently the most insuperable proved obstacles in their way. Those very difficulties, in many instances, would ever seem to have been their best helpers, by evoking their powers of labor and endurance, and stimulating into life faculties which might otherwise have lain dormant." (Available from the Gutenberg E-book Project).

The closed nature of the Japanese mercantilist system (both internally and externally) would have reduced economic growth by reducing gains from specialization, economies of scale, and technological innovation. Liberal political theories, in turn, explained why needed economic reforms had not been adopted in Japan. Representation had been too narrow and grounded on the wrong principles to support the reforms necessary for economic development to take place. Elite forms of government often protect their interests by “protecting” the status quo from “unnecessary” innovations and by providing themselves with monopoly privileges. Liberal theories thus provided coherent explanations for Japan relative weakness and, conversely, also suggested reforms that could allow it to catch up with the West.

Japanese Liberals

Literate Japanese did not become “Western” or “Westernized,” any more than the English became Dutch, or the French became English when they used innovations developed elsewhere. Rather, the European ideas that provided useful suggestions about constitutional, social, and economic problems and solutions were taken into consideration when constitutional issues were being debated and reforms were being devised. European experience provided evidence about how such reforms had been introduced in other polities, and what their effects tended to be. The “new” European texts stimulated new policy and constitutional debates throughout Japan in large part by inducing further analysis and refinement of older Japanese ideas. Shogunate-era scholarship, for example, included defenses for profits based on gains from trade and the promotion of persons based on their talents rather than their class or status. Older Japanese theories also included theories of governance that implied that good rulers should rule with their subject’s interest at heart, and that it was proper to allow free speech.³⁰⁰

As in Europe, these early liberal ideas were by no means the dominant ones in the eighteenth century Japan. It bears noting, however, the regions of Japan in which the most liberal views of economic activities were present were also regions from which a disproportionate number of Japanese entrepreneurs emerged.

During the second half of the nineteenth century, Japanese liberals and other proponents of reform used arguments that were in many ways similar to those used by European liberals and reformers, and such arguments were made both inside and outside government. As true in Europe at the time, however, Japanese liberals did not simply quote from Smith, Bastiat, Locke, Kant, Mill,

³⁰⁰ See Lu (1997: 228–55) for eighteenth-century excerpts from the works of Naito Kanji, Ishida Baigan, and Kumazawa Banzan.

and Rousseau. Rather, they produced arguments that reflected their own sense of culture, progress, and political opportunities in the Japanese context, given their new knowledge of European ideas. Japanese academics similarly produced syntheses of Western philosophers and older Japanese scholarship.

For example, various combinations of natural rights, contractarian, and utilitarian ideas were used by Japanese political liberals at the time of the Meiji restoration.

Heaven bestows life and along with it the ability and strength needed to preserve it. But though man might attempt to use his natural powers, if he lacked freedom his abilities and strength would be of no use. Therefore, throughout the world, in all countries and among all peoples self-determined free action is a law of nature. In other word, each individual is independent and society is for the good of all ... **The right to freedom and independence, which he receives from heaven cannot be bought and sold.** (Fukuzawa 1867, quoted in Craig 1968: 107).³⁰¹

The people who have the duty to pay taxes to the government concurrently possess the right to be informed of the affairs of the government and to approve or reject such governmental matters. This is the principle **universally** accepted in the world, which requires no further elaboration on our part. We humbly request that the officials not resist this great truth. [Opponents of reform] assert “Our people lack knowledge and intelligence and have not yet reached the plateau of enlightenment. It is too early to have a popularly-elected representative assembly.” ... We have **presented our case for the immediate establishment of a popularly elected representative assembly** and have argued also that the **degree of progress among the people of our country is sufficient** for the establishment of such an assembly. (Okubo 1874, quoted in Lu 1997: 327–29).³⁰²

As in Europe, Japanese liberals of this period did not completely accept notions of civil equality and rarely favored universal suffrage, but supported greater civil equality and more representative government. Liberal interpretations of the emperor’s oath were commonplace.

³⁰¹ Fukuzawa Yukichi is widely regarded to be one of the most influential of the liberal scholars in Japan. Yukichi Fukuzawa (1835–1901) attended university in Osaka, where he became familiar with European political thought through Dutch sources. In 1868 Fukuzawa founded a school in Tokyo named Keio Gijuku, as an institute of Western learning, which subsequently became one of the most prestigious universities in Japan. He had also traveled widely in Europe and the United States, as a member of three missions sponsored by the shogun. Fukuzawa’s picture appears on the present-day 10,000-yen note.

³⁰² Okubo Toshimichi (1830–1878) was one of the most important members of the imperial council in the decade after the Meiji restoration. Okubo was, for example, the finance minister in 1871, and a strong proponent of economic and political modernization and an opponent of war in Korea. Okubo, a samurai himself, was assassinated in 1878, because of his successful suppression of the Satsuma Rebellion of 1877. He is often referred to as one of the three great nobles (Ishin-no-Sanketsu) of the restoration.

Politically active writers in the 1870s, promoted liberal ideas and institutional reform in a variety of Japanese newspapers, periodicals, pamphlets, and books (Hane 1969). Many of the first generation of newspapers published in the 1870s could be regarded as liberal insofar as they advocated a “wider opening of the door to official preferment” (Britannica 1911: 47). As in Europe, advancing relatively narrow economic and political interests often required expanded political and economic participation.

More liberal newspapers were introduced in the 1880s. For example, in 1882 Fukuzawa launched the newspaper *Jiji Shimpō*, which advocated liberal themes such as independence and self-respect (*History of Constitutionalism in Japan* [henceforth, *HiCoJ*] 1987: 55). Weekly periodicals promoting liberal reforms were begun, including the initially liberal *Kokumin no Tomo* in 1887 by Tokutomi Soho. Several books advocating constitutions and representative democracy, among other reforms, were also written in the 1880s. Hundreds of groups were organized to explore philosophical issues of constitutional governance, as with the Gakugeikodankai in Itsukaichi (Devine 1979). Politically active groups were organized to press for liberalization of political and economic life. For example, the Movement for the Liberty and Rights of the People lobbied for a written constitution and national assemblies (Mason and Caiger 1997: 284; Devine 1979; Kaufman-Osborn 1992).

Ideas about hereditary privileges began to shift as notions of “equality before the law” began to replace older theories of family privilege among educated people, including many future members of parliament. Indeed, there were sufficient numbers of liberal groups and proponents of modernization that a confederation of liberal groups was organized (the Aikokushi or Patriotic League) to lobby for tax, regulatory, and political reform. Such groups attracted support from the growing rural and urban middle classes as well as liberal intellectuals and academics. In 1890 a nationwide temperance movement was launched. Meetings were held by proponents of constitutional reform in 1877, and petitions favoring constitutional reform (with 80,000 signatures) were submitted to the grand council on 1880 (*HiCoJ* 1987: 15, 19)

The first political party was organized by liberals in 1881 (the Jiyuto) well before the first national elections were held, to lobby more effectively for reform. Two other liberal coalitions were organized shortly after Jiyuto, the Rikken Seito (Constitutional Party) in 1881 and the Kyushu Kaishinto (Kyushu Progressive Party) in 1882. The emperor’s oath, which mentioned broadly representative assemblies, was often used by such groups to insist on a written constitution with an elected national assembly. In response, Okuma Shigenobu and other moderate conservatives

organized the Rikken Teiseito (Constitutional Imperial Rule Party), which lobbied in favor of imperial government, although it also favored a written constitution and gradual reform.

German Influences on Japanese Moderates and Conservatives

Many senior Japanese officials found the German experience to be of special interest, because Germany was also in the process of creating a new central government and had only very recently reformed its medieval economic and political institutions. They, like Japan, did so in a setting in which regional nobles had long had significant political authority and in which liberal arguments were increasingly accepted. The particular attraction of Prussia's 1850 constitution within the imperial council reflected its success at preserving preexisting political authority, while incorporating many liberal ideas.³⁰³

Conservatives and moderates were heavily influenced by German constitutional theorists. Among the German scholars mentioned by proponents of a strong monarchy were Stein, Gneist, and Roesler, who favored equality before the law with a strong royal government. Indeed, Roesler was invited to comment on proposed drafts of the Meiji constitution (Pittau 1967: ch. 5). Although accepting liberal arguments for civil equality and constitutional governance, moderate conservatives rejected liberal arguments in support of strong parliamentary systems, arguing that a strong monarch can govern more justly, because monarchs are less prone to capture by factions and class interests than are parliaments. Prussia's influences are also evident in some of the early Meiji military reforms.

By restoring its links to the world after the Meiji period began, and looking for insights elsewhere, Japanese intellectuals of all political views became far more connected to Western intellectual developments. And, as political theories and public debates among liberals and conservatives in Europe evolved during the late nineteenth century, similar shifts took place in Japanese theories and policy debates.

Right-of-center liberals were affected by the new conservative arguments. For example, Tokutomi Soho, was initially a moderate liberal, who favored constitutional representative government, equality before the law, and limited governance, although he rejected the natural rights and social contract theories of the state. Tokutomi gradually shifted his position in the 1890s in a

³⁰³ It is interesting to note that Heinrich Rudolf Hermann Friedrich von Gneist was also very influential within Germany. Gneist was a moderate liberal by Prussian standards of the time, who served as a member of the Prussian parliament for 25 years. Besides writing books and providing advice to Japanese reformers, while serving in the Prussian parliament, he also was employed by Friedrich III to teach his son, Wilhelm II, constitutional law.

more conservative direction, as he began to appreciate that military strength was an important determinant of evolutionary success (Pierson 1974). In much the same vein, Kato applies ideas from social Darwinism and Hobbes when he argues that:

The world seems to be in the **battleground of a struggle for existence**, in which **those who are superior**, mentally and physically, through biological reason of heredity, are **bound to win in life's race** and **control over the inferior for the same phenomena can be observed even more distinctly in the life of the lower animals** and plants ... hence there is **no such thing as the natural rights of man**. ... Thus ... **unless there had been an absolute ruler, our State would never have been organized, nor the rights of our people come into existence**. (Jinken Shinsetsu, 1882, quoted in Uyehara 1910: 115).

Many left-of-center liberals were similarly influenced by European arguments favoring labor law reform, expansion of social insurance, and redistribution.

F. Liberal Policy Reforms of the Early Meiji Period

The influence of liberal ideas was evident in policy debates within the highest levels of government and in the policy reforms adopted. As in many European countries, liberal policies were supported by idealists, because they advanced general national interests and human rights. As in many European countries, such policies were also often supported by pragmatists in pursuit of narrower economic and political interests. As a consequence, a series of policy reforms reduced hereditary privileges, codified civil and criminal law, and reduced internal barriers to trade. Universal education was adopted and the military reorganized in a manner that reduced class privileges.

The educational reforms of 1871 include a preamble that reflected the liberal perspective on education. Before the reform, education had been more or less limited to the samurai and nobles who were thought likely to obtain senior posts in national and regional governments. The preamble breaks with this narrow view of the purpose of education when it states that:

The **only way in which an individual can raise himself**, manage his property and prosperity in his business and so accomplish his career **is by cultivating his morals, improving his intellect, and becoming proficient in the arts**. The cultivation of morals, the improvement of the intellect, and proficiency in the arts cannot be attained except through learning. **This is the reason why schools are established ... It is intended** that henceforth universally (**without any distinction of class or sex**) in a village **there shall be no house without learning and in a house no individual without learning**. (quoted in Pittau 1967: 24).

The preamble's focuses on individual welfare, encourages nongovernmental applications of education, and clearly intends education to be class and status neutral for the first time. The ban on Christian churches was lifted in 1878.

A variety of liberal economic reforms and policies were also adopted during the same period. Restrictions on planting particular crops were eliminated in 1871. Internal barriers to trade were reduced and class-based rules that limited landownership, sales of land, and occupational choice were eliminated, as were restrictions on peasant ownership and careers. The first railroad was opened in 1872 as a demonstration project of less than 20 miles, but gradually railroad construction caught on and, by 1900, 3,000 miles of railroad tracks had been constructed. (As in the Netherlands, the early railroads were not superior to water-based shipping.) An income tax was introduced in 1887 that gradually replaced land taxes as the main source of government revenues (Maison and Caiger 1997: 272–77; Pittau 1967: 27–8; Minami 1994: 257–60; Lu 1997: 307–23).

Many of the quasi-constitutional reforms of government adopted in the first decades of the Meiji era advanced pragmatic interests in centralization. The duchy (han) system of the Tokugawa regime was formally ended in 1871, and regional nobles were encouraged to take up full-time residence in Tokyo, rather than continue their biannual migration. The smaller duchies (han) were merged into new prefectures. A series of land-tax reforms were introduced in 1873 that centralized taxing authority (although government expenditures continued to outpace revenues and produced significant deficits). In 1885, following several years of inflation, a new national Japanese currency was introduced that was convertible into silver (and subsequently gold) and regional currencies were eliminated. Such reforms reduced opportunities for regional dynasties to organize opposition to the new central government. These reforms also increased civil equality somewhat by reducing the authority of the daimyo and their families in their regions.

Civic inequality was reduced by many of the early reforms, although not eliminated. Opportunities were made more equal by reducing internal trade barriers and extending public education. The legal privileges of birth were revised, reduced, and simplified. Service in the military and national bureaucracy were opened to commoners. The “Peerage Ordinance” of 1884 established five ranks of nobility. The “new” nobles were largely from the historically powerful regional families, although many supporters of the Meiji regime were elevated at the same time (*HiCoJ* 1987: 22–23).

Of course, not all Japanese accepted the need for greater openness in commerce and governance, and not all those favoring such reforms were liberals.

The most serious conservative challenge to the early Meiji reforms occurred shortly after the military reforms of 1872 and 1876 were adopted. The military reforms of 1872 created a new universal military service that was in many ways similar to that of Prussia at that time, with three years of active duty, followed by four more years in the reserves. This reform eliminated the samurai's exclusive hereditary right to serve in the Japanese military, which was very controversial among the samurai. A subset of the samurai refused to abide by the new laws, which had greatly reduced samurai privileges.

The samurai opposition to the military reforms was partly pragmatic, as the reforms reduced their status and income.³⁰⁴ It was also partly ideological, as many samurai had a deep commitment to preserving Japan's medieval way of life and were equally skeptical about the effectiveness of the new Japanese army. As soldiers who shared the same concerns and were used to functioning within disciplined organizations, the samurai were able to organize an armed rebellion relatively easily, and did so in 1876–7.

The new nonhereditary Japanese army fairly quickly crushed the conservative Satsuma Rebellion in 1877. By doing so, the Satsuma Rebellion provided additional evidence that the new organizations, new equipment, and new methods were superior to the old.

G. Constitutional Bargaining and Reform after the Meiji Restoration

Nonetheless, bargaining and compromise among liberals, pragmatists, and conservatives are evident throughout the Meiji period. Governance was subject to almost continual reorganization during the first two decades of the Meiji era, which reflects the usual difficulty of adopting major reforms in large organizations such as governments. Indeed, a policy of gradual reform was announced in 1875 (Mason and Caiger 1997: 286).

In 1868, shortly after the imperial oath was made and accepted, the central government was reorganized into three agencies: Sosai (office of the emperor), Gijo (office of administration) and Sanyo (office of councilors). These were staffed by members of the imperial family, its court, and its daimyo supporters. This provisional government would be the first of many formal and informal

³⁰⁴ About 400,000 samurai had rights to a lifetime pension, which was a substantial drain on central government expenses. Many of the pensions were hereditary (*Britannica* 1911: 313). Cash “buy outs” of lifetime privileges and pensions were offered to the samurai with some success.

The army was further reorganized in 1876 along more European lines. The remaining samurai pensions were reduced, and the exclusive samurai privilege of wearing two swords in public was eliminated.

reforms of governance. Four months later, a formal law (the Seitaisho) created a template from which the new national government gradually emerged.

It specified that policymaking authority would be delegated to a grand Council of State (Dajokan). The “new” Council of State consisted of 26 councilors, mainly from the four regions (*han*) that had supported the emperor against the shogun. This royal council and its successors would function as the Japanese cabinet. The Seitaisho also provided for a delegation of authority among three subsidiary departments: one for legislation, one for administration, and one for judicial matters. The legislative department (Giseikan) was to consist of two bureaus and may be regarded as the precursor to a Japanese parliament. The upper bureau was a noble chamber that represented the ruling families of Japan. The lower bureau was more or less a federal chamber with representatives from the regional (*han*) governments. The Seitaisho also encouraged cities and provinces (*han*) to create representative assemblies (Lu 1997: 308-09, *HiCoJ* 1987: 10–12).

The daimyo responsible for the “assemblies” language in the emperor’s oath continued to press for representative assemblies with legislative authority, while the conservatives and pragmatists opposed sharing royal authority with such assemblies. As arguments and evidence shifted and as popular support for liberal reforms grew, the laws characterizing the assemblies were revised several times. The first assembly of representatives occurred in late 1869. The legislative department, as noted above, initially consisted of two chambers, the first for nobles, and the second for lesser nobles and samurai elected under a wealth-based system that somewhat resembled the Prussian system (Caiger and Mason 1997: 284, *HiCoJ* 1987: 11). These assemblies were initially delegated legislative authority, but in the following year the lower chamber was changed into a consultative body without legislative authority (Pittau 1967: 16; *HiCoJ* 1987: 10–12). Assemblies of prefecture governors also met in 1874 and 1878 (*Britannica* 1911: 319–20).

In 1871 significant reforms of the provinces and their governments were negotiated. The ancient feudal territories became prefectures to be governed, rather than family domains to be ruled. The regional daimyo continued to rule as governors of their old territories and retained their territorial treasuries. National and regional tax bases were reformed at the same time. Tax were to be based on land values, rather than agricultural output, which allowed tax rates to be reduced, but increased revenues, because of the tax base expanded. Regional governments were assured of 10 percent of the new tax revenues, rather than 40 percent of that previously raised from agricultural alone (*Britannica* 1911: 312; Minami 1994: 259; Totman 2000: 292).

Lobbying and Negotiations for a Written Constitution

Proposals for a new elected lower chamber were made in 1871, but no action was taken until four of the emperor's former state councilors—Itagaki, Goto, Eto, and Soejima—made a similar proposal in January 1874. A subsequent reorganization of governance created a new advisory “council of elders” (Genroin). The members of the Genroin were not elected, but rather chosen from the senior members of the Council of State. The Genroin would deliberate on laws and accept petitions on various matters.

The Genroin was subsequently given responsibility to draw up a formal constitution for post-restoration Japan (Hackett 1968). Their 1878 proposal was surprisingly liberal. It called for a bicameral parliament with significant legislative authority and required the emperor to take an oath to “adhere to the constitution before a meeting of both houses” (Pittau 1967: 74). It was, however, too liberal to be adopted by the Council of State as a whole (*HiCoJ* 1987: 14).

In 1878 a new law required that the provincial assemblies be selected via elections, which changed the basis for holding seats in the provincial assemblies and drafting election laws. The new local assemblies were also given the authority to veto new provincial taxes. These changes demonstrated that Japan's liberals were not simply making proposals, but affecting constitutional decisions by the central government. However, as conservatives doubtless anticipated, the new election laws were designed to minimize the effect that elections would have on the persons holding office. Those eligible to sit in the new representative assembly had to meet relatively high property qualification. Property qualification also determined who voted in the elections. Voting was by open, signed ballot. The assembly would meet for just one month each year. (*Britannica* 1911: 150; 319–20; Wada 1996: 6).

As a consequence, the persons selected for high office did not change very much after the reform was adopted. Most officeholders still came from the relatively wealthy families who had routinely served in advisory and administrative posts in the past. The effect of signed ballots helped to diminish the effect of voting, because it allowed the most powerful families in a community or prefecture to make sure that “their” former vassals cast their votes for the “right” candidates. Without such assurances, it is clear that opposition from influential families at court would have been far greater and the new liberal architecture for local government far less likely to have been adopted.

Overall, the net effect of the education, tax, and military reforms of the 1870s was to reduce aristocratic privilege and centralize policymaking authority, while increasing literacy, economic growth, and military strength. As in the United Kingdom, local government was liberalized somewhat before the national government, which tended to increase support for similar reforms of national governance. Liberal economic reforms continued to be adopted during the 1980s, although these were often coupled with conservative political reforms governing association, the press, and political parties. Censorship rules were toughened in 1882, 1883, and 1887 in response to public demonstrations of support for constitutional reform and remained in place until 1898 (Uyehara 1910: 182–3).

Nonetheless, constitutional debate and negotiations among conservatives and liberals inside and outside government continued throughout the 1870s and 1880s.

H. The Meiji Constitution Is Adopted

The emperor evidently remained interested in constitutional reform and solicited proposals from royal council members in 1878 and 1879. The proposals revealed both points of consensus and a broad range of opinion within the highest levels of Japanese government. Most of the proposals included a written constitution and representative assembly. There were, however, significant disagreements about the best division of policymaking authority between the emperor (and his royal council) and parliament. Proposed constitutions ranged from constitutional monarchies with a dominant parliament, similar to that of late nineteenth century England, to ones analogous to the Prussian system in which the authority of the king was maximized (Pittau 1967: ch 3, Lu 1997: ch. 11).

This consensus in favor of a national assembly led to an 1881 imperial proclamation that a new national assembly would be convened in 1891. Efforts to determine how such an assembly would be assembled continued in earnest. After eight more years of negotiations among insiders, a compromise was reached, and Japan formally became a constitutional monarchy. A written constitution was adopted at an imperial ceremony in 1889.³⁰⁵

³⁰⁵ Hirobumi Ito (1841–1909) is usually given credit for the Meiji Constitution, but the constitution was clearly a joint product of several of the emperor's closest advisors. Hermann Roesler, a German constitutional scholar, also played a significant role in this process, both suggesting a draft and commenting on revisions (Siemes 1962). Ito later served as prime minister several times and, perhaps surprisingly, is often said to have formed the first party government in 1900. He was assassinated in 1909.

The Meiji Constitution of 1889

The Meiji constitution is grounded on Japan's version of the divine right of kings, rather than popular sovereignty, and, thus, it is formally a declaration by the sovereign.³⁰⁶ The royal declaration states that the constitution is intended to bind future emperors as well as the current one:

We, the Successor to the prosperous Throne of Our Predecessors, do humbly and solemnly swear to the Imperial Founder of Our House and to Our other Imperial Ancestors that, in pursuance of a great policy co-extensive with the Heavens and with the Earth, **We shall maintain and secure from decline the ancient form of government.**

In consideration of the **progressive tendency of the course of human affairs** and in parallel with the **advance of civilization**, We deem it expedient, in order to give clearness and distinctness to the instructions bequeathed by the Imperial Founder of Our House and by Our other Imperial Ancestors, **to establish fundamental laws** formulated into express provisions of law, so that, on the one hand, Our Imperial posterity may possess an **express guide for the course they are to follow**, and that, on the other, **Our subjects shall thereby be enabled to enjoy a wider range of action** in giving Us their support.

We hereby promulgate, in pursuance of Our Imperial Rescript of the 12th day of the 10th month of the 14th year of Meiji, **a fundamental law of the State, to exhibit the principles, by which We are guided in Our conduct, and to point out to what Our descendants and Our subjects and their descendants are forever to conform.**

Compromises between liberals, conservative, and pragmatists are evident throughout the new Japanese constitution (law of the State).

The principle of rule of law is accepted. The constitution creates a new parliament and attempts to describe the balance of authority between the parliament, the executive cabinet (royal council), and the emperor. The Meiji parliament had veto power over new taxes, budgets, and new legislation. Meetings of parliament would take place annually, and its meetings would be open to the public. All royal policy decisions are to be cosigned by a cabinet minister. Elections play a significant role for the first time. Following the English design, the new parliament was bicameral with a hereditary chamber of nobles and a directly elected second chamber.³⁰⁷ The two chambers have essentially

³⁰⁶ An English translation of the Meiji constitution is included in Dodd (1909).

³⁰⁷ The supplemental imperial ordinance concerning nobles, states that the noble chamber also includes persons appointed by the emperor and representatives of city governments. All higher nobles were eligible for seats, but only a fifth of the lesser nobles, who would be elected by their fellow nobles (Dodd 1909: 33-4).

equal authority. The basic architecture and procedures thus satisfy liberal constitutional norms for the mid nineteenth century.

The Meiji constitution, however, was crafted in a Prussian-like manner that preserves most of the emperor's and his council's autonomy.

Eligibility for seats in the elected chamber and for voting were based on tax payments. The new electorate reached into the old samurai class and new upper middle class, but no further. Suffrage for the elected chamber required payment of national taxes greater than 15 yen, which at the time gave about 3 percent of adult men the right to vote in parliamentary elections, about 450,000 persons. The election law also specified four-year terms of office and single-member districts (with minor exceptions), although the districts were based on population rather than number of voters. This in combination with the existing distribution of tax payments, produced considerable variation in the number of votes that candidates would have to receive to win office. As few as 23 votes could determine a member of the new lower chamber (Uyehara 1910: 169–73, *HiCoJ* 1987: 20–22).

The Meiji constitution includes a bill of rights. However, all the rights listed could be revised by ordinary legislation, as could election laws. Free speech for members of the parliament was protected, but only inside parliament. Outside, it would be subject to the prevailing censorship laws (article 52). Other restrictions on the press and on political organizations remained in force (Uyehara 1910: 182-83, 219). Constitutional amendments required a two thirds vote in each chamber and consent of the emperor. Proposals for amendments had to originate as executive (imperial) proposals, which made the constitution very difficult to amend in practice. On other matters, the emperor and chambers of parliament shared agenda and veto control.

Overall, the constitution was clearly a compromise, a constitutional bargain, rather than a “fraudulent” document imposed by conservatives on the emperor's council.

Parliament's veto power on new laws and taxes was completely consistent with liberal constitutional practices in much of Europe. This would please Japanese liberals and others who felt their interests had not been well represented within the Meiji Council of State. Support for the constitution from the regional governments outside the imperial court was also assured by the new noble chamber and by the restrictive wealth-based suffrage. The foundation of the constitution and the emperor's ability to appoint the council of state would please conservatives by preserving the ancient metaphysical foundation of the Japanese state (Siemes 1962).

Preserving royal autonomy also made the constitution acceptable to the emperor. Roesler's commentaries on the Meiji constitution make it clear that many of its provisions were written with

preserving the historic (indeed mythic) authority of the emperor in mind. The emperor retained the power to declare war and peace, sign treaties, appoint and dismiss officials, elevate nobles, and determine the salaries of government officials (articles 1–16). In the absence of agreement for a new budget, the old budget would remain in effect (article 71). Parliament was also forbidden to reduce “fixed expenditures” adopted by the emperor before the constitution (articles 66, 67, and 76).

The two new royal councils that formally replaced the council of state and the Genroin are mentioned only briefly: the ministry or cabinet in article 55 and the advisory privy council in article 56. The practice of selecting a “prime minister,” “cabinet president,” or “chancellor” had become routine in the period prior to the constitution’s adoption, but this important office is mentioned only in passing in the constitution, as a person who could break ties in the parliament (article 47). The ministers were all appointed by and responsible to the emperor, rather than parliament. The emperor and his councils retained formal control of day-to-day governance, as had long been common practice in Japan.

Beckmann (1957) notes that in practice the new constitution assured that the emperor’s senior ministers and advisors would continue to exercise nearly complete control of substantial areas of public policy in Japan, assuring policy, procedural, and hierarchical continuity. The emperor and his council were clearly important veto players in the negotiations that led to the final constitution’s language.

Although not a radical document in terms of the persons holding seats in government, the Meiji constitution created new institutionally induced interests and new formal procedures for adopting public policies. Elections were used for the first time to select members of a standing chamber of the national government. A national parliament with veto power over taxes and other legislation existed for the first time. These created incentives and political property rights through which subsequent constitutional negotiations and exchange could take place.

Japanese constitutional history was very different from that of Europe before 1890, but after 1890 Japanese governance followed a similar path of constitutional reform through 1925.

I. Liberalism, Party Governance, and Suffrage Reform, 1890–1930

In anticipation of parliament’s veto power over new taxes, several tax reforms were passed in the 1880s, including a new income tax. As standing taxes, they were free from parliament’s veto after the constitution took effect (articles 62), and as predicted, they increased the revenue of the central government. Unfortunately for the emperor and his advisors, Japanese military and economic efforts

to expand Japan's empire on the Asian mainland (in Korea and subsequently China) proved to be very expensive, as were government subsidies to promote industrialization. Deficits continued to grow during much of this period and both government loans and revisions to the tax code were subject to parliament's approval (article 62).

As a consequence, the government was constantly negotiating with parliament for loans and changes in the tax system. Even before disciplined political parties emerged, leaders of liberal and conservative coalitions in parliament used budget negotiations with the emperor's council of state (cabinet) to advance their policy and constitutional interests.

The second chamber of the Meiji parliaments represented major landowners for the most part. As a consequence, majorities in the elected chamber favored tax reform that would shift more of the tax burden to excise taxes and also favored income tax reform. (Land taxes were still the main source of government revenues.) Majorities in the second chamber also supported constitutional reforms that would increase parliament's authority, such as making cabinets responsible to parliament.

Negotiations in parliament took place on a number of dimensions, and support for higher tax revenues in the parliament was obtained partly by using the emperor's power of appointment. For example, Itagaki, the leader of a large coalition in the elected chamber, was invited into the cabinet in 1896. Supporters of coalition leaders in parliament also obtained senior positions in the bureaucracy and within regional governments.

Thus, shortly after the constitution was implemented important posts in government were beginning to be filled by parliamentary leaders and their supporters. New taxes were also occasionally linked to proposals for suffrage extension in this period, although none passed in the 1890s (Akita 1967: 119).

The Emergence of Party Governance

Although suffrage was not very broad, the advantages of being a member of influential coalitions in parliament and of party organization in campaigns for office gradually induced more disciplined political parties to form. In many cases, the "new" parties simply reorganized and merged older conservative and liberal coalitions. For example, in 1898 the two leading liberal coalitions, the Jyuto and Shimpoto, merged to form the Constitutional Party (Kenseito). This merger created a liberal majority in the elected chamber and led to the first party cabinet in Japanese history, although a short-lived one.

The existence of the liberal coalition led to the resignation of Prime Minister Ito Hirobumi and the invitation of Itagaki and Okuma, the leaders of Kenseito, to form the first party government in June 1898.

There is now hardly any doubt that [your party, the Kenseito] easily controls a majority in the Diet and that the Diet, if it so wishes, is in a position to hinder the accomplishment of state affairs. It is consequently unquestionable that if you are given the responsibility of forming the next cabinet the conduct of state affairs will not be hindered by the diet

... I do not have the help of the lowliest member of a political party. And realizing that this makes it impossible to control a majority in the House, I handed in my resignation yesterday. (Remarks of Ito at a meeting with Okuma and Itagaki on June 25, 1898, quoted in Akita 1967: 135)

Unfortunately, Itagaki and Okuma could not agree on how to share the fruits of office, and a few months later, before the next meeting of the parliament, Japan's first party government resigned and was replaced with another cabinet organized by one of the emperor's senior military advisors, Yamagata Aritomo.³⁰⁸

Prime Minister Yamagata held office for two years, passing significant reforms, some of which were intended to reduce the influence of future parliamentary majorities. For example, civil service reform was adopted in 1899, which reduced the politicization of the rapidly expanding bureaucracy (below the senior ranks appointed by the emperor) by requiring examinations and creating explicit qualifications for bureaucratic office. He also passed ordinances in 1900 that required ministers for the army to be selected from generals and lieutenant generals, and navy ministers from admirals and vice admirals, thus insulating the military from parliamentary control.

During Yamagata's term of office, former prime minister Ito attempted to form his own political party with its own electoral base of support. He believed that support in the directly elected chamber would be critical to legislative success and constitutional governance. He began forming a new party, the Rikken Seiyukai (Constitutional Political Friends Association), and managed attract many former Kenseito members, after the Okuma and Itagaki cabinet failed. Ito was known to be a well-placed, effective, relatively liberal leader. He had been the prime minister three times in the past,

³⁰⁸ Yamagata was one of Japan's most influential constitutional conservatives in this period. Yamagata Aritomo served as commander of the general staff in the 1870s and 1880s. Even earlier, he had been a staff officer in the military campaigns against the Tokugawa regime. After his term as prime minister, he held a variety of senior posts, including president of the emperor's privy council from 1909–22. (Yamagata died in 1922).

and had long been an influential member of the emperor's inner circle of advisors. The Kenseito party dissolved, and most of its members joined Ito's new party.

Ito's party won a majority in the elected chamber in 1900 (156 seats of 300), Yamagata resigned in October, and Ito was invited to organize a new cabinet. Ito's cabinet is often regarded as the first party government.³⁰⁹ (The Itagaki-Okuma cabinet had disintegrated before the parliament returned to session in 1898.) Ito's party-based government, however, was also short lived. It lasted only seven months. His "new" moderate liberal party, however, played a major role in Japanese politics for the next four decades (Uyahara 1910: 243–6; Akita 1967: 138–58; *HiCoJ* 1987: 29–30; Scalapino 1968: 283–84).

Ito's acceptance of the necessity of party government was not shared by many others in the emperor's inner circle, and cabinet appointments alternated between party-based and nonparty cabinets for the next 25 years. The prime ministers of both party and non-party based governments were chosen from nobles who had served on the Emperor's ministerial and advisory councils.

This pattern was broken in 1918 when Hara Takashi, a commoner who had become the leader of Ito's Party, was asked to form a government. Unlike previous prime ministers, he had never been part of the inner circle of the emperor's ministers and advisors. Prime Minister Hara's entire cabinet, except for the military posts, was staffed by party members. (Hara's term of office was ended by his assassination in 1921.) Another significant development occurred in 1924, when Kato Takaaki was appointed prime minister. Kato's term was followed by a series of party-based governments that alternated between the two major parties, the Seiyukai and Minseito, which routinely assembled majority coalitions in parliament during this period. During this period, party government can be said to have existed in Japan.

As in much of Europe, the necessity of parliamentary majorities to pass tax bills, as well as various palace intrigues, had gradually produced party governance without a formal constitutional reform (Uyahara 1910: 215–37, 244–6; Akita 1967: ch. 6; Scalapino 1968: 264–71; *HoCiJ* 1987: 32–6).

³⁰⁹ Ito was among the most influential constitutional liberals of the Meiji period. Ito served in senior posts in later governments, until he was assassinated in 1909 by a Korean nationalist, who objected to Japanese efforts to rule Korea. Ito's 1900-01 term was his fourth term as prime minister, but it was the only one in which he formed a party cabinet (Akita 1967: 130–34; 152–54; *HiCoJ* 1987: 29). (See also: *HoCiJ* 1987: 30; Scalapino 1968: 264–71).

Universal Male Suffrage

Members of the liberal and moderate parties often pressed for suffrage reform at the same time that they pressed for positions in the cabinet, bureaucracy, and regional governments. Proposals for suffrage reform were passed by majorities in the elected chambers of 1895 and 1899 that would have approximately quadrupled the electorate by lowering the tax threshold to five yen. However, both bills were vetoed by the noble chamber, in part, because they were opposed by the cabinet (Uyahara 1910: 174–78; Akita 1967: 144–50).³¹⁰

Support for suffrage reform was sufficiently broad that organized pro-suffrage groups were formed inside and outside of government. For example, after the censorship was reduced in 1898 with repeal of the Peace Preservation Law, a new suffrage reform organization was founded by urban business leaders in 1899 (the Shugiin Senkyoho Kaisei Kisei Domeikai). Several new political parties formed at about the same time, and many of them supported suffrage reform. Although the socialist parties were subsequently banned, the Social Democrats re-formed as the Commoner's Party in 1906, which consistently advocated universal suffrage.³¹¹ Pressure from pro-reform groups outside government tended to rise and fall as press and association laws were relaxed and tightened.

In early 1900 parliamentary bargaining produced a complex constitutional exchange that involved suffrage expansion, a change in electoral procedures and changes in the tax system. Suffrage was approximately doubled by reducing the tax threshold from 15 to 10 yen. A secret ballot was introduced. As a compromise with conservatives, single-member districts were replaced with multiple-member districts (generally with three to five members) elected under a single nontransferable vote. Tax reforms also increased the relative importance of income and excise taxes, especially beer and sake, although land taxes remained the largest source of state revenues. The royal council supported multiple-member electoral districts to increase the number of parties, which would tend to make coalitions more fragile and increase their ability to engineer majorities in the second chamber (Uyahara 1910: 219–29; Mitani 1988: 71; Minami 1994: 258; Wada 1996: 6).

³¹⁰ Suffrage reform was mentioned in the very first meeting of the parliament in 1890. This does not necessarily imply that liberals elected to parliament lacked institutionally induced interests in the status quo, but it does suggest that their base of support was more liberal than that of the nobles in the emperor's inner circle.

³¹¹ Most suffrage-reform groups were liberal ones in the sense used in this book, although other more radical groups also supported suffrage extension. As in Europe, most leaders of the labor and social democratic movements can be regarded as "left liberals," rather than Marxists or communists.

The new election laws caused older political parties to be reorganized, such as Ito's moderate party (Seiyukai), and new parties to be organized. A new Social Democratic party was founded in 1901 and new conservative parties in 1906 and 1913.

In 1919, during Prime Minister Hara's period of office, the electorate was doubled again by reducing the tax-vote threshold from 10 to 5 yen, as had been proposed in the 1890s, but previously blocked in the noble chamber (Uyahara 1910: 174–8; Mitani 1988). Hara's suffrage reforms were heavily criticized by proponents of universal suffrage, but bills introduced by others to obtain universal male suffrage had failed to obtain majority support.

During the next few years, petitions were submitted to the emperor's advisory committee, and thousands of newspaper articles were written in support of universal suffrage (Quigley 1932: 252–23). Finally, during the Kato administration in 1925, the tax-based threshold for suffrage was eliminated, which created essentially universal male suffrage. All Japanese male citizens of age 25 or older were entitled to vote, provided that they were not on poverty relief or bankrupt, and had not been convicted of a major crime (Lu 1997: 395, *Britannica* 1911: 144; Duun 1976: 170; Wada 1996: 7; Mason and Caiger 1997: 320, 331).³¹²

At this point, parliamentary democracy can be said to have emerged in Japan. Elections for the second chamber were based on universal male suffrage, and party cabinets were routinely appointed during the next several election cycles.

The Tide of Japanese Liberalism Retreats

The course of liberalization in late nineteenth and early twentieth century Japan was sufficiently well-known that liberals from more conservative states in eastern Asia, such as China and Korea, often sought refuge in the Japan during repressive periods at home. When east Asian countries became interested in Western theories and education, they normally sent their children to Japanese schools, rather than to Europe where entirely new character sets would have to be mastered. It was in this period, for example, that China sent thousands of students abroad for education and most went to Japan

³¹² As noted in the previous chapters, such restrictions were also common in other universal suffrage laws of that period. A proposal was entertained to include suffrage for women who were heads of households, but was not accepted. Women's suffrage movements were subsequently organized in the late 1920s and bills extending suffrage to women passed in the elective chamber in 1930 and 1931, but were vetoed by the noble chamber (Quigley 1932: 254–25). Suffrage was finally extended to women after World War II.

Nonetheless, in contrast to many of the European transitions, the relatively liberal Japanese system of governance failed to sustain sufficient political support for competitive national elections and party governments. In contrast to the German case, the de-liberalization of Japanese politics was a consequence of electoral competition, rather than constitutional coup, as conservatives won the policy debates inside and outside government. Emperor Meiji died in 1912 and was succeeded by Emperor Taisho who reigned until 1926, although he was in poor health for much of this time. Emperor Taisho was succeeded by Emperor Showa (Hirohito), who presided over Japan's militaristic period through World War II.³¹³

Although liberal reforms did not end with Emperor Taisho's death, the liberal tide began to weaken at that point, as royal authority passed to a more ambitious and healthier man. The conservative resurgence was also associated with new ideological trends and a good deal of domestic violence. Social Darwinism, nationalism, and military success on the continent had caused ancient military values and conservative theories of governance to return to prominence. The two major parties, which had begun as moderate-liberal alliances gradually became more conservative. By the 1930s both were led by senior military men.

Conservatives in parliament supported the divine right of kings (the divinity of the emperor), closure to the West, and the ancient warrior values—although few pushed for the end of industrialization. Censorship increased and tolerance for political debate diminished. Both liberal and socialist ideas were censored in parliament and increasingly restricted by law. Consider, for example, the censor of Tatsukichi Minobe, a member of the noble chamber, who was a constitutional scholar at the Imperial University of Tokyo and a leading advocate of relatively liberal interpretations of the Meiji constitution. Minobe's interpretations were severely criticized by conservatives.

A non-Japanese, **Blasphemous, European-worshipping ideology** which ignores our three thousand year old tradition and ideals is rife. **This liberalism which threatens to turn us into Western barbarians** is basic to Minobe's beliefs. (Attributed to one of the military reservist associations, Totman 2000: 368).

³¹³ Emperors in Japan have two names, a personal one under which they live and rule, and another honorary name created at the time of their death. The honorary name is used in the text, as customary, and is also normally used to describe the period of the emperor's term of office. Meiji's predeath name was Mutsuhito, and Taisho's predeath name was Yoshihito. Taisho's successor, Hirohito, is an exception for modern historians because of his long life and his regime's influence on world history during that period. Hirohito took office in 1926 and died in 1989, at which point he formally became Emperor Showa and his period of rule the Showa era.

Professor Minobe's work was censored after 1935 and his courses at three universities suspended, in part for stating that Japanese soldiers fought and died for *their country*, rather than *for their emperor*. This was regarded within conservative circles as very disrespectful of the emperor.

The electoral reforms of 1925 were not undone, nor was parliament entirely ignored, but the center of Japanese politics abandoned liberal economic and political ideas, and political authority shifted back to the emperor's cabinet and his military leaders. Conservative ideological trends were reinforced by the electorate's reaction to civil disorders and assassinations, including those of Prime Ministers Hara, Hamaguchi, and Inukai in 1921, 1931, and 1932. The conservative tide and the assassinations affected the leadership and electoral campaigns of the two leading political parties (Totman 2000: 362–73; Power 1942).³¹⁴ After 1932 all the prime ministers were active military men.

Broad popular support for Japan's military campaigns energized even more extreme military groups, who were responsible for many assassinations and assassination attempts, and repeatedly sought to overthrow the Meiji constitution. The last competitive national election was held in 1937. A few years later, in 1940, the two major parties and several minor parties merged to form a single pro-government party, the Imperial Rule Assistance Association.

In this manner, electoral pressures, domestic violence, and constitutional bargaining gradually ended parliamentary democracy. Although still formally grounded in the Meiji constitution, the government of Japan had become an illiberal one-party regime devoted to military values, activities, and objectives (Mason and Caiger 1997: 330–32; Scalapino 1968: 280–82; *HiCoJ* 1987: 35–38).

After World War II, it is sometimes said that the American General MacArthur imposed a new democratic constitution on Japan. It would be more accurate to say that MacArthur supported Japanese liberals in their efforts to reform the Meiji constitution. The preface was rewritten to ground the postwar constitution on popular sovereignty, rather than the divine right of kings. A new article 7 made the cabinet responsible to the parliament and eliminated the emperor's discretion to undertake a broad range of policies on his own account, as had been allowed by articles 7–16 of the Meiji constitution. Civil liberties were strengthened, women's suffrage was introduced, equality before the law was guaranteed, war was renounced, and academic freedom guaranteed. New

³¹⁴ The number of major liberal and moderate leaders who were assassinated over the years is striking, for example, Okubo in 1878, Hoshi in 1901, Ito in 1909, Hara in 1921, Hamaguchi in 1931, and Inukai in 1932. There were also attempted assassinations of Itagaki in 1882 and Okuma in 1889. Itagaki is reported to have said "Itagaki may die, but liberty forever!" as he fell after his attack, words that made him famous among liberals for years to come (*HiCoJ* 1987: 56–69; Uyahara 1910: 95).

elections were held, and the reforms were ratified by the new parliament of 1946, using the amendment procedures of the Meiji constitution (Lu 1997: ch. 15, Dean 2002: 193–94).³¹⁵

The contemporary Japanese state remains a constitutional monarchy with a bicameral parliament, although with a senate (House of Councilors), rather than a noble chamber. The post-war constitution includes the same chapter titles and many articles from the original Meiji text.

J. Conclusions: Ideas, Interests, and Reforms

Over the course of seventy years, Japan's medieval order was gradually replaced by a new constitutional framework with, more parliamentary authority, electoral competition, more open markets, and more equality before the law. The details of specific reforms, as in the European cases, reflected liberal theories of the state as well as the unique bargaining skills and tactics of those directly involved in negotiations and their supporters. Overall, the Japanese case clearly demonstrates that the bargaining model of constitutional reform can shed light on democratic transitions outside as well as inside Europe.

Japanese constitutional history is largely consistent with that developed in part I of the book. Constitutional reforms in both the Shogun and Meiji period were normally multidimensional, although there were two major series of reforms, most reforms were relatively moderate in scope. External shocks such as new technologies and ideas created new opportunities for constitutional reforms. Older institutions were rarely shed, but rather were gradually transformed into newer ones. In the late nineteenth century and early twentieth century, there were liberal trends in the constitutional reform adopted, which reflected the penetration of liberal ideas and support for industrialization. Parliament's power of the purse played a central role in the constitutional-fiscal bargains worked out. As predicted, the bargains were multidimensional and fine grained and reflected gains to trade as well as institutional conservatism.

As the ideological and economic interests represented in parliament and the royal council shifted away from liberal ones (partly as a consequence of assassinations), reforms shifted in illiberal directions, as predicted by the theory. The bargaining equilibria shifted toward rule by the emperor's council in large part because it was supported by electoral outcomes, rather than imposed by a quasi-constitutional coup d'état. The Meiji constitution remained in force and elections continued to

³¹⁵ Only six former members of parliament were reelected under the new constitution (Lu 1997: 481).

be held, during the period in which policymaking authority shifted back to the emperor and his military leaders.

Revolutionary threat theories of constitutional reform, such as those elaborated by Acemoglu and Robinson (2001), can account for relatively little of the emergence of parliamentary democracy or industrialization in Japan, and seem to predict the opposite of what happened as the liberal tide receded. In the 1920s and 1930s, the most credible threats of revolution were organized by arch-conservatives who wished to preserve or return to the old samurai ways, rather than democrats. Although assassinations by conservative groups in the 1920s and 1930s helped push the center of gravity in Japanese politics to the right, it did not end popular suffrage or cause major changes in constitutional procedures, although civil liberties were curtailed. The conservative revolt of the 1870s (the Satsuma rebellion) did not cause the trajectory of reform to shift in a conservative direction. Instead, the defeat of the samurai encouraged further liberalization.

Importance of Ideology in Constitutional Debates

The fact that European political theories played a role in Japan's transition to parliamentary governance sheds light on the manner in which they affect the course of constitutional reform and how they are adopted and applied. Although many politically active persons and scholars were influenced by texts and constitutional documents written by European authors, Japan did not become European. Rather various Japanese persons used a subset of European ideas and technologies to advance their own purposes. Many of their objectives were similar to those of Europeans in this period: many in Japan wanted greater access to political and economic opportunities, many favored equality before the law, many were interested in Japan's national security, most sought more materially comfortable lives.

It bears noting that many theories from the West did not make large inroads into Japanese culture during the nineteenth century. For example, there were no wholesale conversions to Christianity.³¹⁶ Ideas are portable, but they are "imported" only by persons who are either already sympathetic to the conclusions reached or who are looking for explanations of events and solutions to problems that "domestic" ideas cannot provide. Liberal theories from Europe took hold in Japan

³¹⁶ It is interesting to note that Christianity had made significant inroads in several of the southern duchies during the sixteenth century. Many thousands of Japanese, including a few of the daimyos on the losing side of Japan's civil war, had converted to Catholicism. Christian churches were demolished in the early shogunate period, although thousands continued to secretly practice the Kirishitan faith until the reforms of the late nineteenth century allowed open forms of Christian worship (Lu 1997: 173–74, 197–201; Higashibaba 2001: ch. 6).

for much the same reason that they took hold in Europe: they shed new light on problems of interest to Japanese businessmen, voters, and policymakers.

Liberal theories, in turn, lost ground to new conservative theories and older nationalistic ones that were better aligned with military objectives on the Asian mainland and with the steps that appeared necessary to preserve peace at home in the 1930s. Liberalism could not explain or solve the great macroeconomic problems of that period and it also failed to explain or cope with the domestic violence associated with the new anti-liberal theories of the far left and right. Moreover, liberalism's emphasis on rationality, civic equality, open markets, and universal rights did not provide much intellectual or moral support for empire, military campaigns, and national superiority—ideas that captured the imagination of a broad cross-section of the Japanese in the first half of the twentieth century. Social Darwinism, military mysticism, stoicism, and a subset of traditional values provided better support for such perspectives and policies.

After World War II was over, these ideas lost favor and liberal ideas regained support. This reflected losses during the war and broad interest in rebuilding (again). Moreover, it was not very difficult to reverse the conservative policies of the past decade or two, because the liberalization of Japan's economy and constitution during the late nineteenth and early twentieth centuries provided useful points of departure. Indeed, it could be said that parliamentary democracy was restored and improved after the war, rather than revolutionized. The present constitution has Meiji roots and is surprisingly similar to the most liberal of the constitutional proposals made by senior government officials in the 1880s.³¹⁷

³¹⁷ See Dean (2002: ch. 4) for an overview of contemporary constitutional law and constitutionalism in Japan.