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DEMOCRACY AND THE JAPANESE GOVERNMENT

By
HIROSHI SATO

Submitted in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy in the Faculty of Political Science, Columbia University, New York, 1920

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PREFACE

The book was prepared in partial fulfillment of the requirements for the degree of Doctor of Philosophy at Columbia University in the City of New York. The major work in this University was done in Political Science under the direction of Professor Howard Lee McBain. The writer was at the same time studying under Professors Powell and Beard.

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HIROSHI SATO

New York City
December 1, 1920

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Chapter I

DEMOCRACY AND THE EXECUTIVE DEPARTMENT

To find out the degree of democracy of a nation, one must study the system of government through which the affairs of the nation are administered. Democracy depends upon a system of fundamental law, namely, a constitution. A government is democratic just in proportion as it responds to the will of the people. If a constitution is erected as a bulwark against public opinion, the government created by it is undemocratic just in proportion as it is inelastic. This follows from the fact that in a society in which the people are really sovereign, a constitution is merely the means of securing the supremacy of public opinion, and not of thwarting it. Hence it necessarily follows that any constitution which is democratic in spirit must yield to change in public opinion.

With this view let us examine the working of the Japanese Constitution rather than its theory. However, to understand the true nature of the Japanese government, one must take into consideration not only the Constitution proper, but its supplementary laws as well.

The government of Japan is in theory an absolute monarchy, in form a limited, constitutional monarchy, and in fact a thoroughgoing bureaucracy. At its head stands the sovereign, who is at the same time the supreme executive, a co-ordinate legislative authority (and, in theory, much more than that), the fountain of justice and of honor, the commander-in-chief of the army and navy, the conservator of peace, and the guardian of the helpless and the needy. In law, all land is held, directly or indirectly, of him. Technically, the sovereign never dies; there only a demise of the crown, *i. e.*, a transfer of regal authority from one person to another, and the state is never without a recognized head. Article I of the Constitu-

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tion says: "The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal." So far as the Constitutional provisions are concerned, there is no country where the theory of a divine right to rule is acknowledged to such a degree. No Stuart ever even dreamed of such pretensions.

As to legislative authority, the Emperor exercises his power with the consent of the Diet.[1] And as the Emperor, by Article VI, "gives sanction to laws and orders them to be promulgated and executed," it naturally and logically follows, according to Prince Ito that "he also possesses the power to refuse his sanction."[2] In respect to this, Dr. Uyehara says: "The sanction of the sovereign to a bill is the final step in Japanese legislation. The Emperor is absolutely free either to give or to refuse sanction. Therefore, it may be said that the Emperor has an absolute veto over all legislation. There is no constitutional way for the Diet to override the veto of the Emperor."[3] Therefore it seems that there is no particular difference between a constitutional amendment and an ordinary law, except that the former must be initiated by the Emperor and be approved by a two-thirds majority of both Houses.[4] The Emperor is entirely free to block any legislation, whether it is a constitutional amendment or an ordinary bill.

The assertions that have been made represent with substantial accuracy the ultimate theory of the status of the Emperor in the governmental system. In respect to the form and practice of that system, however, it would hardly be possible to make assertions that would convey a more erroneous impression. Therefore, to understand the place of the Emperor in the Japanese scheme of government, we must study

[1] Article XXXVII.

[2] Ito, *Commentaries*, p. 11.

[3] Dr. Uyehara, *Political Development of Japan*, p. 128.

[4] In regard to amendment, Prince Ito says: "The right of making an amendment to the Constitution must belong to the Emperor himself as he is sole author of it." (*Commentaries*, p. 40.) This means that all amendments must be set in motion by the will of the Emperor. The people must wait until the sovereign recognizes the necessity of amending the Constitution.

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the real working of the Constitution. The extent of the discrepancy between theory and fact will become apparent upon an examination into the operations of the executive and the legislative departments of the government.

It is necessary first of all to examine the function of the Cabinet. All administrative functions are carried on by the Cabinet Ministers. The Cabinet in a collective sense has no formal recognition in the Japanese Constitution. Article LV says: "The respective Ministers of State give their advice to the Emperor and are responsible for it. All laws, Imperial ordinances, and Imperial rescripts of whatever kind that relate to the affairs of State, require the countersignature of a Minister of State." In order, therefore, to obtain any clear conception of the functions of ministers, it is necessary to turn to a group of Imperial ordinances issued in 1885–1889, which are still in force by virtue of Article LXXVI of the Constitution providing that "existing legal enactments such as laws, regulations, ordinances, or by whatever names they may be called shall, so far as they do not conflict with the present Constitution, continue in force." According to these Imperial decrees, ministers are responsible for all matters falling within their sphere, and are empowered to issue departmental ordinances, to present for the Cabinet's consideration drafts of laws relating to their departments and projects for amendment or abrogation of existing laws, to organize their respective departments, and to delegate to their subordinates any of their numerous functions except the countersigning of laws or ordinances, personal reports to the Emperor, voting in the cabinet meetings, and the issue of departmental ordinances.

This raises two questions: first, to whom are the ministers responsible? second, are they responsible individually or collectively? As to these questions, Marquis Ito has explained the text, making a positive statement that the members of the Cabinet are charged with responsibility to the Emperor, each within the limits of his jurisdiction for every public

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act of the sovereign. The evil of a system of joint responsibility would be, Marquis Ito holds, that the power of party combination would ultimately overrule the supreme power of the Emperor.[5]

The objection of the framers of our Constitution to joint responsibility of the Ministers is said to be their fear that this would result in encroachment upon the power of the Emperor. Marquis Ito observes:

> In some countries the cabinet is regarded as constituting a co-operative body; the Ministers are not held to take part in the conduct of the government each one in an individual capacity, but joint responsibility is the rule. The evil of such a system is that the power of party combination will ultimately overrule the supreme power of the Emperor. Such a state of things can never be approved of according to our Constitution. But with regard to important internal and external matters of State, the whole government is concerned, and no single department can therefore be exclusively charged with the conduct of them. As to the expediency of such matters and as to the mode of carrying them out, all the Ministers of State shall take united counsel, and none of them is allowed to leave his share of the business to be a burden upon his colleagues. In such matters, it would, of course, be proper for the Cabinet to assume joint responsibility.[6]

The Imperial Decree of the year 1889 provides that all laws and Imperial ordinances, affecting the administration as a whole, shall bear the counter-signature of the Minister President as well as that of the Minister from whose Department they directly emanate. It is by this provision and also by the constitutional provision of Article LV, that the Imperial Ordinance dissolving the Diet requires the counter-signature of each of the Cabinet Ministers in order to establish a joint responsibility. When any member of the Cabinet refuses to countersign, the Cabinet cannot dissolve the Diet.[7] Such, at least, is the theory of the law.

[5] *Commentaries*, pp. 94–95.

[6] *Ibid*, 94–95.

[7] Declaration of war and peace also requires counter-signature of each of the Cabinet Ministers.

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It is said that the object of instituting the cabinet system in 1885 was to concentrate the administrative power in the hands of the Minister President, to make him responsible for the general policy of the government by subordinating all departmental Ministers to him and by holding them responsible only for their respective departments. At the same time, there appeared the additional purpose of making the administrative machinery adaptable to the Constitution under contemplation.[8] If these were the motives for adopting the cabinet system, why is it that the power of the Minister President, head of the Cabinet, is so much curtained? If he is responsible, and it is his official duty to see that laws are faithfully executed, should he not have more power—especially the power of appointment and dismissal of his subordinates? As to the appointive power of the Minister President, it has been the custom ever since the creation of the cabinet system for the Minister President to advise the Emperor in the matter of nomination of ministers. So far this practice has never been violated.[9] The Emperor has always accepted the advice of the in-coming Minister President in the matter of appointments.

However, we must remember in this connection that his power of selection of Ministers for the Army and the Navy is restricted to a small group of men who are generals and lieutenant-generals in the Army and admirals and vice-admirals in the Navy. The Imperial Ordinance of 1894, promulgated while the Yamagata Cabinet was in power, makes it impossible for any civilian to take the army or the navy portfolio in the Cabinet.[10] Under this system, it has

[8] *Japan Weekly Mail*, April 3, 1896; Prince Sanjo's Memorial to the Emperor, December, 1885, on organization of the Respective Departments.

[9] Ex-Minister Ozaki, in conversation with the writer, April 17, 1919, New York, N. Y.

[10] Professor Uyehara—*Nippon Minken Hattatsu Shi* (*Development of Political Right of the People*), p. 408. It is said that the indifferent attitude by the House toward the Bill when presented before the House was due to the fact that hitherto the posts of Ministers of Army and Navy were always filled by military officers. The House did not at that time think its apathy would bring about such an important result.

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been possible, to a large extent, for the Supreme Military Council to control the policy of the Cabinet. An example may serve to make this matter clear. In December, 1912, when the second Saionji Cabinet was in power, the Premier and his associates were forced to resign in spite of the fact that they enjoyed the support of the majority of the members of the Lower House of the Diet. The cause of the downfall of the ministry was the defection from its ranks of the Minister of the Army, General Uyehara, whose resignation came about in consequence of the refusal of the Cabinet to adopt as part of its legislative program for the year an army measure providing for the creation of two new divisions. Uyehara exercised his constitutional right to resign, but the Supreme Military Council made the ministry pay the penalty by refusing to detail a qualified officer to take his place, which made it impossible to fill the vacancy in the Cabinet and thus forced the Minister President and his colleagues to resign.

Another example may serve to show how impossible it is for the Minister President to resist the military branch of government. When the great naval and military expansion was decided upon after the Russo-Japanese war, the plan had been drafted and the approval of the Emperor had been obtained before the Prime Mininster was informed. "Thus," says Mr. Ozaki, "Minister President as he was in name, he had no part whatever in the decision on schemes of national defence which are intimately related to the most important affairs of State, diplomacy and finance; but had the honor of being notified of the result only after the question had been finally disposed of by the Emperor."[11] Thus, although he is legally the head of the ministers and has general control over the various branches of the administration,[12] he is entirely helpless in such a situation; to reject any plan means that he is acting against the will of the Emperor, which has already been expressed.

[11] *Constitutional Loyalty*, Ozaki, pp. 76–77.

[12] See Imperial Notification No. 135 issued in 1889 on function of the Cabinet, Article II.

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The significance of this practice will be appreciated when it is recalled that the essence of cabinet government is unanimity of its members. If the Cabinet embraces any malcontent, it is impossible to conduct an efficient administration. An English writer says of this:

> It is absolutely necessary that there should be in the conduct of affairs in this country, an avowed and real minister, possessing the chief weight, in the Council and the principal place in the confidence of the King. There can be no rivalry or division of power. That power must rest in the person generally called the First Minister, . . . If it should unfortunately come to such a radical difference of opinion that no spirit of conciliation or concession can reconcile, the sentiment of the minister must be allowed and understood to prevail, leaving the other members of the administration to act as they may conceive themselves consciously called upon to act under such circumstances.[13]

In Japan, as long as the present system prevails, it is impossible even for the recognized leader of a party to construct an efficient cabinet for prosecuting a uniform course of action. The popular elements in Japan welcomed the Cabinet of Hara in 1918, because Hara was the first commoner who ever formed a cabinet. His success was considered a sure victory for parliamentary government. It was hailed as government by party, but how can it be called a government by party in a true sense, when it contains two hostile members who served under the former Cabinet?

This inquiry into the place of the Army and Navy Ministers in the Japanese system will lead the reader to ask: "If the Cabinet is not the real working executive organ in Japan, where is the real seat of executive power?" To answer this question, the nature of the *Genro*, or "invisible government" of Elder Statesmen in Japan, must be taken into account.

The institution which retards the democratic development of constitutional government in Japan more than anything else is the *Genro*. At present it is more powerful than any other institution, except, of course, the Emperor. It is an entirely

[13] Stanhope, *Life of Pitt*, Vol. IV, p. 24.

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extra-constitutional body. The Elder Statesmen have no official standing in the Japanese Constitution. Therefore, if they participate in the determination of national policies, it is not only a violation of the spirit of the Constitution, but also an encroachment upon the rights of the Privy Council, which has a constitutional standing as the highest deliberative body of the Emperor's official family. Nevertheless, the Elder Statesmen have, by custom, acquired an enormous power—power to advise and even power to form and overthrow cabinets. It has been the custom to call them into deliberation at every meeting of importance. They have been by custom in a position to nominate the organizer of the Cabinet, namely, the Minister President. Generally speaking, no change of Cabinet is effected nor any treaty concluded without their advice.

In nominating the Prime Minister, the Elder Statesmen are guided by the principle of clan government (*Hambatsu Seifu*), that is, they usually recommend to the Emperor as an organizer of the Cabinet a man who is affiliated with one of the two great western clans, namely, Satsuma and Choshu. They recommend outsiders—party politicians—to organize the Cabinet whenever they think it necessary as, for instance, the recommendation of Okuma in 1914 and of Hara in 1918.

The abolition of the rule of the *Genro* presents one of the most vital problems in the development of constitutional government. Such a task is not easy. The frequent impeachment (Dangai)[14] of super-party cabinets, an increase in the party strength, and political education of the people may decrease the power of the *Genro*, but these are not enough to destroy the foundations of their strength. At present the most

[14] The word "Dangai" does not mean impeachment as it is used in America. However the word is often translated "impeachment," because its use is regarded in Japan as deadly as impeachment. The word really means "right of address" (Dangai Josoan—a proposed impeachment to the throne) by the Lower House to the Emperor censuring specific acts of the government. Dangai must be supported by absolute majority of the members in the Lower House. "Dangai" or impeachment is also used for the resolution of the Lower House censuring some specific acts of the government. But it is the *Dangai Josoan* that is the most effective.

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influential power they exercise is the right of recommending the Prime Minister. If they lose this right, their power will naturally disappear. To eliminate the *Genro*, therefore, it is necessary to destroy the source of their power. This source is an Imperial Ordinance of 1894 in reference to the appointment of army and navy officers to portfolios in the Cabinet.[15] And at present, from the affiliation of the clans with the military and bureaucratic circles, the real power derived from this Ordinance is in the hands of the Elder Statesmen. It is by controlling these army and navy officers that they have the power to set up or overthrow cabinets. Therefore it is impossible to deprive the Elder Statesmen of the right, acquired by custom, of recommending an organizer of the Cabinet unless the Imperial Ordinance in question is repealed.

Such being the true state of affairs, the actual depository of the real executive power, of which the sovereign is the symbol, is an extra-constitutional council, the *Genro*. The members of this organization, by their immense prestige as the founders of modern Japan, virtually exercise sovereign powers in all emergencies of domestic and foreign policies. The Cabinet Ministers are nothing but their secretaries charged with performing the routine of administration under their guidance and supervision.

Besides the *Genro* there is another political institution which overshadows the power of the Cabinet—the Privy Council. The Privy Council is a deliberative body only so far as the letter of the Constitution is concerned. It is neither a legislative nor an executive body at all. Article VIII of the Imperial Ordinance of April, 1888, says: "Though the Privy Council is the Emperor's highest resort of council, it shall not interfere with the Executive." Therefore, anything that the Council does in the nature of executive, legislative, and administrative work is unconstitutional.

According to the Imperial Ordinance of 1890, which minutely describes its functions, the Council has power to hold its meet-

[15] See page 5 and 6 in reference to the power of Prime Minister.

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ings to deliberate and to express its opinion in reference to any important matters, such as treaty making and the proclamation of the law of siege and all laws supplementary to the Constitution and Ordinances. It is largely due to this provision that the Privy Council can exercise a dominant power over the Cabinet. Although the function of the Council is merely deliberative, so far as the letter of the Constitution is concerned, the Council can practically reject any measure of the Cabinet, since it is the highest advisory council of the Emperor. In fact, therefore, the deliberation of the Council has more weight with the Emperor than that of the Cabinet. In fact, no important legislative measure can be promulgated without the consent of the Privy Council.[16] When the Cabinet wishes to introduce any important measure in the Diet, it is customary for it first to send the bill to the Council which will presumably sanction its introduction. Without securing the approval of the Council in advance, it is useless for the Cabinet to introduce a bill, for if a bill approved by the Diet is later rejected by the Council, the Cabinet will be humiliated, and its efforts, as well as those of the Diet, will become naught. The Cabinet Ministers well understand that the actual operation of the government can not be carried on smoothly without the co-operation as well as the sanction of the Council.

The Privy Council in Japan is the equivalent of the Supreme Court of the United States so far as the sole power of interpretation of the constitution is concerned. All questions of Constitutional interpretation are presented by the government to the Council, since there is no other body which has any legal power in the matter. The Cabinet is the only official channel of communication with the Council. The proceedings and deliberations of the Council are secret, and no outside body is permitted to participate in them. Of course, its decision is subject to the will of the Emperor.

The significance of this power of constitutional interpretation in the hands of the Council for the future of democracy

[16] There are at present thirty-nine members, of whom ten are Cabinet Ministers.

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of Japan can be easily seen, especially if the Diet becomes more and more dominant. The popular representatives have no power to participate in the decision of constitutional questions. These are handled by an irresponsible body, which is placed far beyond the reach of the electorate. So far there has been no difficulty in the matter,[17] but with the advance of democracy the Constitution must be interpretated to suit the progress of the day. Especially is this true of the Japanese Constitution, in which only fundamental rules of the State are embodied in broad and general language.

The Council also has the power to make and to revoke treaties in conjunction with the Cabinet. In this important function, too, the popularly elected chamber[18] has no power to participate. The Law (*Koshikirei*) provides: "All laws and ordinances which have been approved by the Privy Council must have its signature,"[19] in order that its judgment may have more weight in the decisions of the Cabinet. In like manner, laws and ordinances which have been approved by the Privy Council cannot be amended or changed without its consent.[20] This is an enormous power of the Privy Council, since the Cabinet must get the approval of that body for any important bill or law before presenting the same to the Diet.

Why is such enormous power given to the Privy Council, the members of which are not responsible? They (excepting Cabinet Ministers who are members of the Council) are in no fear of impeachment by the House, since they have no official relation with the House, but only with the Cabinet.[21] Members of the Council are not subject to the interpellation

[17] In 1892 in a hard-fought contest with the House of Representatives, the Upper House won for itself an imperial interpretation (in fact a Privy Council decision) to the effect that it had the right to reinsert in the Budget items expunged by the House of Representatives, *i. e.*, that it had equal rights of amendment with the latter. Clement *Constitution Imperialism in Japan*, p. 21.

[18] See Imperial Ordinance No. 22, 1888.

[19] G. Soyeshima, Present and Future of Constitutional Government, *Nippon Oyobi Nippon*, January issue, p. 31.

[20] *Ibid.*

[21] Regulations of the Business of the Privy Council (Imperial Ordinance, Nov. 22, 1888), Article III.

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of the Diet as are the Cabinet Ministers. It would seem that the framers of the Constitution thought that dangerous democratic movements could be checked only by creating a Privy Council far beyond the reach of the electorate. They thought that the Cabinet Ministers might sometimes represent a popular will contrary to their interests, and that they might influence even the Upper House by patronage and by some other means. Therefore, the framers may have felt the necessity of finding some institution which would be far beyond the reach of the Cabinet, the Houses and the electorate.

We have seen that the Privy Council is higher than the Cabinet in its relation to the Emperor. Then what will be the attitude of the Cabinet in case of conflict with the Council? In case of a conflict with the Lower House, the Cabinet can dissolve the House; in case of a conflict with the Upper House, the Cabinet can advise the Emperor to swamp the House with the appointment of new members if necessary; but in a conflict with the Privy Council, the Cabinet can neither dissolve nor swamp that body.

Up to this day there has been no serious conflict between the Cabinet and the Privy Council, as both have been and still are occupied by men of the same mode of thinking. For many years past, the Cabinet, with the approval of the Council issued many Imperial Ordinances which have the same effect as law.[22] This power of the Cabinet to issue an Imperial Ordinance in conjunction with the Privy Council is one of the most powerful weapons of the bureaucrats against democracy. Thus, when the Cabinet is on friendly terms with the Privy Council, the Cabinet can easily make laws independently of the Diet by means of Imperial Ordinances.

However, with the development of the parliamentary system, the friendly relation between the Cabinet and the Council will not long continue. There is every indication that the Privy Council will not harmonize with the policy of the

[22] For instance, Imperial Ordinance of 1894 and Imperial Ordinance No. 205 in references to civil liberties.

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Cabinet, especially when the Cabinet is formed by the support of a party. "If the Privy Council is," as Ito hopes, "competent to lend assistance to the wisdom of the Emperor, to be impartial, with no leaning to this or that body, and to solve all difficult problems, it will certainly prove an important piece of constitutional mechanism."[23] But, if not, it will be the worst constitutional barrier against the development of democracy.

The recent attitude of the Council toward the liberal ministry has aroused apprehension among our liberal statesmen. It has greatly usurped its constitutional power by interfering with the legislative and administrative functions of the Cabinet. For example, during the Okuma administration, the Privy Council presented to the Cabinet various objections to the enforcement of a factory law passed in 1911. As a result this factory law was not promulgated until 1916—five years after it was passed by the Diet.

No doubt with the progress of democracy it must become more and more evident that a system which places this far-reaching power in the hands of a body not amenable to proper control, is a constant menace to liberty. It not only may be made to serve the purpose of defeating reform but may even accomplish the overthrow of popular rights. Unless the Privy Council entertains a more liberal view, no cabinet, even with the support of both Houses, will be able to pass any liberal legislation.

[23] *Commentaries*, p. 98.

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Chapter II

DEMOCRACY AND THE LEGISLATIVE DEPARTMENT

Coupled with the executive department in Japan, there is the Diet, the legislative organ, a bicameral legislature consisting of a House of Peers and a House of Representatives. The organization and legal powers of the Diet are provided for by the Constitution, the law of the Houses, the law of election and various other Imperial ordinances issued in 1889 and 1890.

The law concerning the House of Peers was promulgated not as ordinary law, but as an Imperial Ordinance to be amended upon the initiation of the Emperor with the consent of the House of Peers alone. While the rules of organization for the Lower House are determined by both Houses, the Lower House cannot participate in the determination of similar rules for the Peers.[1]

In 1918, the House of Peers was composed of 374 members, of whom 210 were peers, 119 Imperial nominees, and 45 representatives of the highest tax-payers.[2] Among the peers the hereditary members are the Imperial princes and the princes and marquises. The rest of the members of the peers are elected by and from the Counts, Viscounts, and Barons.

Next in number to these nobles come the Imperial nominees. They are mostly government officials or former government officials. They are nominated by the Emperor on account of erudition or meritorious services to the State on the advice of the Ministers of State, who are not responsible to the

[1] Law of the Houses, Article CXI.
[2] *Japan Year Book*, 1918, p. 637.

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people. These Imperial nominees hold office for life[3] and, being generally the ablest men in the House, exercise a dominating influence. Next in number to these nobles and Imperial nominees come the representatives of the highest tax-payers. They are elected, one member for each Fu (Municipal Prefecture) and Ken (Prefecture), by and from the tax-payers of the highest amount of direct national tax on land, industry, or trade therein, and are afterwards appointed (commissioned) by the Emperor. This group, comprising about one-eighth of the total number of the Peers and consisting, as it does, of men of wealth, is said to be the most incompetent and least important of the three groups. An ordinance also provides that the peers, hereditary or representative, shall not be outnumbered by Imperial nominees and the representatives of the highest tax-payers. Articles IV and VI of ordinance further provide that the term of all elective members shall be seven years.

An analysis of the composition of the House of Peers clearly indicates the general tendency of its political force. The control of the Upper House by the aristocracy exercising co-ordinate powers with the Lower House explains the weakness of the representative body. The Upper House on account of the aristocratic traditions of the majority of its members has little sympathy with any democratic movement. Its members invariably support the government no matter who form it so long as the government adheres to its traditional principles of bureaucracy. The members of the Peers, unlike the representatives of the Lower House, are exempt entirely from election by the people either directly or indirectly. This means that they do not feel any responsibility to the people at all. In conflict with the Lower House, the Peers can stop all legislation, however important and necessary it may be, without any consequent fear of dissolution. They can block every

[3] The House of Peers was composed as follows on December 25, 1917, on the occasion of the fortieth session: Princes of the Blood, 13; Princes, 13; Marquises, 36; Counts, 17; Viscounts, 69; Barons, 62; Imperial nominees, 119; Highest tax-payers, 45.

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governmental bill if such is against their interests. It is true that, in case of extreme necessity the Ministry can advise the Emperor to create a great many Imperial nominees and peers above the ranks of Count and thus swamp the Upper House. For there is no limitation to the number of Princes and Marquises who *ex officio* occupy seats in the House of Peers, although the Imperial Ordinance limits the total number of members of elective peers, namely, Count and Viscount and Baron, and although in the matter of the Imperial nominees, the Emperor is limited to 125. As a matter of fact this method is not so simple as a dissolution and has never been practiced, because the Upper House has almost invariably supported the Ministry in the past.

Perhaps, aside from the undemocratic extra-legal institution of the *Genro* and the bureaucratic deliberative organ of the Privy Council, the chief obstacle in the way of development of true democratic government is the existence of the House of Peers. Even today, the majority of this legislative organ distrust the organ of popular representation. They regard political parties as bodies inconsistent with the established order and the Constitution. This inherent distrust of parties by the majority of Peers accounts for the small success of the so-called party cabinets, even when they are supported by a majority of the Representatives of the people.

We have the authority of Marquis Ito for the fact that the framers of the Constitution did not like to see the organized activities of political parties in the House of Representatives. They wished the government not to be subject to "the influence of one-sided movements" and "the despotisms of the majority" of the House of Representatives.[4] They felt that the Upper House, which is composed of "the higher grade of society," would check this much-dreaded political tide in the House of Representatives and protect the government from its encroachment.[5] "If the House of Peers fulfils its functions,"

[4] Ito, *Commentaries*, p. 64.
[5] *Ibid*, 65.

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says Ito, "it will serve in a remarkable degree to preserve an equilibrium between political parties, to check the evil tendencies of irresponsible discussions in the House of Representatives, and to be an instrument for maintaining harmony between the government and the governed." [6]

If the Upper House had served the country as a stabilizer, as Ito hoped, then it would have won the respect and esteem of the people. But the parliamentary history of the last thirty years does not indicate the development of the Upper House along the line that Ito desired. Indeed Ito himself suffered at the hands of the Upper House.

In 1900, Ito, renouncing his traditional view of government, took the rôle of leader of the newly reorganized Liberal Party under the name of Seiyukai, and formed a Ministry on something resembling party lines under his premiership. No sooner had this happened than factions in the Peers united against the government, because they believed that the very existence of party government was a menace to the established order and the Constitution. They believed that their former friend, Ito, had abandoned his old conservative idea. They strongly opposed the passage of the Budget for 1901. So persistent was the determination of the Peers that Ito, after exhausting every means of persuading them to pass the Budget, was finally compelled to resort to an Imperial Rescript.

It may be interesting to note here an incident which took place in connection with this Imperial Rescript. Ito, after trying every ordinary device for inducing the Peers to pass the bill, had asked for an Imperial Rescript which was granted. After perceiving his difficulty in the Upper House, he wished to resign his premiership. The Emperor, hearing this, said: "You say that you wish to resign. You are fortunate indeed to be in a position to resign. But how about me? I can not resign like you. You must try to the best of your ability." [7]

[6] *Ibid*, pp. 65, 66.

[7] Representative Motsuzuki, Speech on the Japanese Position on the Treaty, May, 1919, before the Columbia Japanese students.

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It was said that Ito was deeply struck with admiration for the Emperor and abandoned his purpose.

Ito was not the only one who suffered at the hands of the Upper House. During the Yamamoto Cabinet, the government suffered from an amendment to its budget by the Peers. In spite of the fact that the bill was regarded as one of the most important measures, the Peers cut down the original naval appropriation of 130,000,000 yen a year by 70,000,000 yen a year.[8] Usually, unlike the House of Representatives, the Peers, when opposed to the governmental policy, amend its bill in such a way that it is impossible for the government to carry out a desired program because of lack of funds. This is the strongest weapon of the Peers, and they often use it against the government instead of the right of address in the form of impeachment (*Dangai*) as is the case in the House of Representatives.

The House of Representatives is composed of members elected by the people in accordance with the provisions of the law of election. Under the new revised election laws there are 464 members. The actual powers of the Lower House are of necessity limited by reason of the fact that it can not hold the cabinet responsible for its public policy.

Formal communication between the Diet and the Executive is regulated by the Constitution and the Law of the House. The only method of communication between the legislature and the Crown is an address, which, like any other resolution of either House, must have the support of the majority of the members present at the sitting. The Crown may communicate with the legislature at will by means of an imperial rescript addressed to either of the Houses through the medium of its President.

Communication between the Diet and the Cabinet is carried on by divers means. Either House may make representations to the Ministry concerning laws or upon any other subject. These representations, like other resolutions of the House,

[8] Uyehara, *Nippon Minken Hattatsu Shi*, p. 584.

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must, to be in due form, be supported by a majority of the members. Further, members of either House may interpellate the Ministers, and if the questions are presented in due form and are not objectionable in content, the Ministers must reply or state in writing their reasons for not doing so. On the other hand, members of the Cabinet, though they may not be members of either House, have free access to the Diet. Ministers of State or their delegates may attend the sitting of either House and all committee meetings and may speak at any time, provided the floor is not already occupied. The Cabinet may introduce projects of laws, and such bills have the right of way on "the order of the day," unless the government consents to a postponement of the debate.[9] The Cabinet may withdraw any of its bills at any stage of their progress through either House.[10]

Relative to the Emperor's co-ordinate power in the matter of legislation, the Constitution says: "The Emperor exercises the legislative power with the consent of the Imperial Diet." [11] So far as this article is concerned, it may be interpreted to mean that the Emperor is co-ordinate with the legislature in the matter of legislation. However, the framers of the Constitution unquestionably meant by this that the legislative power is ultimately under the control of the Emperor, and that the duty of the Diet is to give advice and consent. According to this theory (as well as to the present practice) the Japanese Diet is not an assembly of representatives of the people to control and supervise the government but a mere deliberative body.

This political relation in which the Emperor (in practice, his advisers) stands to his popularly elected chamber sheds light on many features of Japanese public life which seem strange to English and American observers. It explains in the first place the fact that it is considered a moral and wholly

[9] Law of Houses, Article XXVI.
[10] *Ibid*, Article XXX. Article V.
[11] Article V.

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justifiable practice for the monarch—in reality his advisers—"the government," not only to control so far as they are able, the election of the members to the representative body, but also by rewards and other forms of political pressure to influence the votes of representatives after election. These practices were actually carried on as early as the third election. In that year it was said that the government spent more than three million [12] yen to buy votes. This caused a conflict between the government officers and the people resulting in 388 persons being hurt and 25 killed.[13] In 1914, during the Okuma administration, Minister of Interior Oura was compelled to resign as a result of the discovery of his connection with bribery.[14] This political relation also explains the policy of the "government" in playing off one party or faction against another, and thus, through the block system,[15] obtaining a majority of votes in favor of action which the government desires. It explains still further the right which is freely exercised by the "government" of dissolving the elected chamber whenever other methods of obtaining its support for a government measure have failed; and, it may be said, so powerful is the official influence that may be exerted in the ensuing election, that in all cases the result has been that the newly chosen chamber was of the desired political complexion.[16] As a matter of fact, the government never failed to obtain a favorable result whenever it dissolved the House of Representatives during the last twenty years of constitutional government in Japan. It is customary for the Ministers, whenever they dissolve the chamber and order a new election,

[12] *Shin Nippon*, February issue, 1915, p. 4. An appeal to the people before the dissolution.

[13] Uyehara, *Nippon Minken Shi*, p. 254. During the seventeenth session the government also (Katsura Ministry) bribed a number of Representatives to pass through both the taxation bill and the naval bill.—Uyehara, *Mingei Hattatsu, Shi*, p. 447.

[14] 1914—In spite of his clear violation of the election law, he was not arrested.

[15] Perhaps the most outstanding example of this occurred during Premier Katsura's administration.

[16] The elections of 1914, 1917 and 1920 were landslide victories for government or pro-government parties.

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to influence the voters by means of a hint of a dissolution of the chamber as often as it is necessary unless the election turns out as they desire.

Observing this situation, Mr. Hayashi says:

It is a general opinion among our people that whenever the government dissolves the Diet and a new election is held, it always results in the victory for the government. This was shown during the administration of Okuma and again this time [Terauchi administration]. After all, it is not too much to conclude that victory of the government in the general election after dissolution is one of the peculiar phenomena of governmental supremacy.[17]

Another prominent Japanese, Professor Uyehara, commenting on the supremacy of the government, remarks:

No doubt the dissolution of the House in the seventeenth session was the direct result of the uncompromising attitude of the majority party then led by Prince Ito toward the government. In the eighteenth session the government and the Seiyukai compromised. However, the dark political struggle between them never ceased. Seeing this situation, the Emperor, by the advice of the Elder Statesman who were influenced by Premier Katsura, appointed Ito to the presidency of the Privy Council. This caused Ito to abandon the party in order to accept reluctantly the position, because the refusal would mean disobedience of an Imperial command. This fact is a most noteworthy incident in our constitutional history. It signifies that no person—even such a powerful statesman as Prince Ito (who had a large influence among the people as well as the great confidence of the Emperor, not to mention the fact that he was a leader of a majority party)—can successfully oppose the government. He was squarely defeated even with a large majority party behind him. Under the existing political system, no matter who opposes the government, no matter what principles and political views he may have, no matter who may control the House as a leader of the majority party, as long as the Cabinet stands inde-

[17] Hayashi Election, *The Taiyo*, Volume 23 (June, 1917). A dissolution enables the government to continue the administration for at least five months from the time of dissolution without the interference of the House, and to prepare during this interval to meet the possible opposition of the new House. But after the dissolution, if the Ministers see that public sentiment is very strong against the government, they usually resign. In this case pressure is usually brought to bear upon the Cabinet by the Privy Council or Elder Statesmen.

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pendent of the majority party and does not take responsibility, that is, as long as the Cabinet adheres to a policy repugnant to the will of the popular representatives, it is impossible to win ultimate success against the Cabinet. Alas! Mighty Ito had succumbed to the government led by Katsura.[18]

Thus we see how helpless the popularly elected chamber is against the government. The only weapon the chamber has is the right of address to the Emperor which might be called a sort of impeachment. Under the constitutional provision either House of the Imperial Diet can present an address directly to the Emperor,[19] thus cutting off the monopoly of communication of the Cabinet Ministers to the Emperor. Owing partly to the peculiar political psychology of the people, partly to the fact that the government not only is not responsible but also always screens itself behind the crown whenever popular attack is acute, the right of address by the Diet, especially by the popularly elected chamber, has become very important in the history of Japan's political development.

The right of address to the Emperor is largely traditional. In the minds of the people the chief duty of the advisers of the Emperor, namely, the "government," is to maintain and to promote the happiness and prosperity of his subjects. The Constitution of Prince Shotoku provides: "The officers of the government are also the subjects of the prince [Emperor], and there is no reason why they should dare to lay undue burden upon others—the people, who are the subjects of the same prince [Emperor].[20]" When intelligent men take service, the applause of the people follows; but when the unintelligent are in office, calamities ensue. If wise officers are chosen, the matters of the State are well managed, the community is free from danger, and prosperity prevails.[21] To

[18] Uyehara, *Nippon Minken Hattatsu Shi*, p. 458. (This may not be true if the press and public opinion are behind the party.)

[19] Imperial Ordinance concerning the House of Representatives, Article LI.

[20] *The Constitution of Prince Shotoku*, Chapter II; *Dai Nihonshi*, Vol. XII. (This constitution was written about Seventh Century, B. C.)

[21] *The Constitution of Prince Shotoku*, Chapter VII.

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allow the Emperor to be cognizant of the dissatisfaction and suffering of his beloved subjects is considered disloyal on the part of the Ministers. Hence, whenever the Diet is dissatisfied with the policy of the administration, it presents an address to the Emperor, pointing out certain defects and unsatisfactory conditions in the government, and making the Cabinet Ministers appear to the people as thwarting the will of the Emperor. Unless they are able to refute the charges made against them, the Ministers will suffer public discredit. Moreover, since they are considered as Ministers or advisers of the Emperor, who is always anxious to promote the happiness of his subjects, the Ministers must either prove that the action of the House is wrong or acknowledge their own defects. To do the former is to defy the House by a dissolution, and appeal to the country for its judgment or decision. To do the latter is to tender their individual or joint resignation.[22] Indeed, six dissolutions out of ten in thirty years of parliamentary history since 1890 were directly or indirectly the result of an address of the House of Representatives impeaching the Cabinet.

Although the Houses are given some powers over the matters enumerated in the Constitution these powers are limited in the sphere of their operation. The House may refuse by majority vote to approve a legislative proposition; but even in its negative sense, it is to be observed that they can not prevent the execution of any laws already enacted by refusing to approve the necessary appropriations. If these appropriations are not made by the chambers, the government—the advisers of the Emperor—are generally conceded to have the constitutional right to raise and expend what funds are necessary in order to carry out the laws already upon the statute books. Article LXVII says, "Those expenditures already fixed, based by the Constitution upon the powers appertaining to

[22] Cabinet Ministers in Japan have not collective responsibility as in England, as the writer has already said elsewhere. Therefore it is not necessary for all Ministers to resign at once as a unit. Sometimes the Minister who has been most subjected to popular criticism tenders his resignation while the rest remain in the office. This was the case during the administration of Okuma.

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the Emperor, and such expenditures as may have arisen by effect of law or that appertain to the legal obligations of the government, shall be neither rejected nor reduced by the Imperial Diet without the concurrence of the government." This means that, if the legislature will not pass the measures proposed by the executive, the latter gets on just as well without them.

The upshot of this provision is that under no conceivable circumstances can the Diet withhold the funds necessary to enable the government to exercise its functions.[23] It is true that, when the government's budget fails to pass the Diet, a certain amount of embarrassment may ensue, particularly if the government has some large-scale project to undertake. But even so, the difficulties may not be so great as might be expected, since the expenditures of the government which do not come in the list annually voted in the Budget are of very wide range. These, according to Prince Ito, include ordinary expenditures required by the organization of the different branches of the administration and by that of the Army and Navy; the salaries of all civil and military officers, and expenditures that may be required inconsequence of treaties concluded with foreign countries; the expenses of the Houses of the Diet, annual allowances and other miscellaneous allowances to the members, pensions, annuities, expenses and salaries required by the organization of offices determined by law, and other expenses of a like nature; and expenditures relative to the interest of the national debt, redemption of the same, subsidies or guarantees to companies, expenses necessitated by the civil obligation of the government, and compensations of all kinds, and the like.[24] From this list it is apparent that a large part of the expenditures of the state is permanently provided for by the Constitution. Moreover, the government has means of raising the revenue

[23] Article LXXI. When the Diet fails to vote on the Budget, the Government shall carry out the Budget of the preceding year.

[24] *Commentaries*, pp. 128–129.

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by the imposition of administrative fees, or other charges having the nature of compensation, such as railway fares, warehouse charges, school fees, and the like, which are fixed by administrative ordinance.[25] These fees which escape the direct control of the Diet, according to Professor Uyehara, amounted to about a third of the total ordinary revenue during the year 1905–1916.[26] Thus the Japanese theory of the Budget is based upon the doctrine that, inasmuch as only the will of the Emperor is competent to create law, the Diet cannot, by its action, defeat the operation of law.

Though the members of the Diet have legal power to introduce bills, this has not been exercised to any great extent. A majority of its members are not well trained in drawing up any bill which requires particularly technical knowledge. In this respect the experienced government officials have far superior qualifications. The handicaps imposed by the law and custom of the Constitution also discourage the members of the Houses from attempting to secure legislation by private bills. At present no important government bill is introduced without first being submitted to the Privy Council. In case of a private bill, the members of the Diet can not submit it to the Council, because they have no connection with that body. Under such circumstances the members of the Diet are loath to trouble themselves by introducing a bill which is very likely not to receive the approval of the Privy Council. Moreover, the Emperor has the veto power which he can exercise freely if he wishes to. Such laws as receive Imperial sanction must, according to the Constitution, be promulgated before the next session of the Diet. However, this does not mean that laws must be enforced immediately after entry in the statute books, because the enforcement of any law involves expense. And until an item covering such an expenditure has been put into the Budget by the government and approved by the Diet, the laws will be ineffective. Thus,

[25] Article LII, *Commentaries*, p. 114.
[26] Dr. Uyehara, *Political Development of Japan*, p. 144.

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the Factory Law of 1910 was not enforced until 1916.[27] In the same way the Foreigner's Land Ownership Act which passed several years ago has still no effect as a law.[28]

The shortness of the session of the Diet and the power of the government reduce still further the actual power of the houses. The government can minimize criticism and inquiries by suspending the sittings of the Representatives of the people. The length of the annual session as fixed by the constitutional provision [29] is three months, but in the law of the Houses it is provided that at any time, and as often as it wishes, the Cabinet may prorogue either house for a period not exceeding fifteen days.[30] Such a suspension may be used by the government as a warning that continued recalcitrancy will result in a dissolution—dissolution which involves an enormous expense to the Representatives of the people.

Further curtailment of the power of the Houses is brought about by cutting short the length of the annual session. The Houses meet the latter part of December. In practice the real work begins after taking about a month's recess for the New Year's holiday, that is, sometime about the 25th of January. Moreover, by the rules of procedure of the Lower House a further diminution of the actual time for debate or investigation is effected.

Plenary sittings of the House take place on alternate days.[31] Committee meetings[32] occupy the rest of the time. The actual time occupied by the sittings of the Lower House since its foundation in 1890 was, until the twenty-sixth session, eighty-three days and twenty-seven hours.[33] Full sittings of the House do not exceed thirty days.

Such is the operation of the legislative organs in Japan. To democratize the legislative system the Constitution must be

[27] Dr. I. Takami, Meaning of National Census, *Chuo Koron*, p. 2, March, 1918.
[28] Tokyo, *Nichi Nichi*, March, 1919, p. 2.
[29] Article XLII.
[30] Law of Houses, Article XXXIII.
[31] Japan Year Book, 1918, p. 639.
[32] *Ibid*, 667. (Year 1915.)
[33] *Ibid*, 1918, p. 639.

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either amended or interpreted in a new way. So long as this is not done, the Diet can not obtain substantial powers in legislation, and can not enforce responsibility upon the Cabinet. It is hardly possible that any extensive change can occur unless the franchise is greatly extended.

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Chapter III

DEMOCRACY AND THE JAPANESE ELECTION LAW BEFORE 1919

The original Election Law of Japan was enacted in 1889, the year of the promulgation of the Constitution. The Constitution, which is extremely difficult to amend, is silent as to the provision for suffrage. Whether this was due to the wisdom of the framers of the Constitution or was by mere accident of imitation, the Election Law of Japan is fortunately amendable by the ordinary legislative process. "It is not proper," says Ito, one of the constitutional framers, "that the Constitution should provide for such detailed matters as laws of election which are subject to change whenever necessity requires them." [1]

The Law of 1889 was undemocratic in that high property qualifications were placed both upon the electorate and the candidates. The principle laid down in the law was that only those who showed "sufficient evidence of attachment to the community were entitled to suffrage." However, this evidence consisted in the possession of a certain amount of property, preferably real estate. In discussing the subject of suffrage, Dr. Yegi says in his book *Ideal Constitutionalism* that the political philosophy of universal suffrage is a mere fallacy. He considers that those who possess no property should not be active participants in political life.[2] Dr. Uyesugi entertains a similar opinion. "Generally speaking," he says, "only those who have a definite amount of property have a definite opinion, and they alone have any chance to equip

[1] Ito, *Constitutional Law and the Law of the Imperial House of Japan*, p. 32.

[2] See his last page as well as his article regarding election of members of the House. He says on the last page, referring to the common people, "Are you still dreaming of human rights and liberty? If you live, you should be satisfied with that. As long as you have no actual power, your complaints have no effect upon us. You ought not to try to disturb the feeling of the bureaucrats. You should pray for us. It is the best policy to be in peace under the protection of the bureaucrats."

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themselves with education and common sense. If there is no restriction in the way of a qualification for voters, those who have no property and no education, as they far exceed in number, will make our national assembly far from ideal."[3]

In accordance with this philosophy the accepted idea of those who drafted this law of 1889 was that only the property-holding class should enjoy political rights. Thus the statute provided that "the elector must have been paying, in the Fu or Ken, for not less than one year previous to the date of the making out of the electoral list, direct national taxes to the amount of not less than fifteen yen, and must be still paying the same. But in the case of income tax, he must have been paying for not less than three full years previous to the same date, and must be still paying."[4]

The result of this provision was that the voting population was only 450,365.[5] The population of Japan in 1889 was 39,382,200; there was, therefore, about one voter in every 87.7 persons.[6]

The same principle was applied in the requirement of property qualifications for the legislative candidates. It was provided that "those alone shall be eligible who are male Japanese subjects of not less than thirty years of age, and who in the Fu or Ken in which they desire to be elected, have been paying direct national taxes to an amount not less than fifteen yen one year previous to the date of the making out of the electoral list, and who are still paying that amount of direct national taxes."[7] The result of this provision was that participation in political life was limited to the most prosperous part of the population.

Another feature of the original law was the requirement of publicity in voting. Article XXXVIII provided "every

[3] Professor Uyesugi, *Imperial Constitution*, 7th edition, p. 404.
[4] Article VIII. Election Law of 1889.
[5] Professor Kudo, *Constitutional History*, p. 343 (statistics of Meiji 21).
[6] Professor Kudo, *Kenpo Hattatsu Shi* (History of Constitutional Development), p. 344.
[7] Article VIII.

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voter shall, at the voting place, inscribe upon the voting paper, the name of the person he votes for, then his own name and residence, and shall put a stamp upon it." This had to be done in the presence of the election officers. This open voting facilitated bribery since the briber could ascertain afterwards how any man voted. Another result was that persons economically connected, or in friendly association, with others were often coerced into voting as those others bade them.

Under the first election law, the system of small electoral districts was adopted, and each Fu or Ken (administrative district) was divided into several election districts, each of which constituted a single-member constituency, with the exception of some large districts which, because incapable of further division on account of their topography, had two seats alloted with the system of *scrutin de liste*. There were 257 districts in all, and the number of representatives to be elected out of those districts was 300.

It seems that the framers of the Election Law were not fully aware of the effect of the Law upon the real operation of the Constitution. They constructed election districts based on a principle of administrative convenience rather than on any principle of a political nature, without seriously considering the distribution of voters having the property qualification. They simply allotted to each district one or two representatives at the rate of one representative to every 120,000 people.[8] To those districts which had a population of between 100,000 and 200,000 was assigned one seat; to those which had a population of between 200,000 and 300,000 were alloted two seats.[9] But the defect in this division as a result of the property qualification was that the population was by no means proportionate to the number of voters.

[8] Professor Kudo, *History of Constitutional Development*, Vol. I, p. 342.

[9] Hayashida, Senkyo Kaise Iken, *Kokuminno Tomo*, 1892, No. 198, Shimane-ken, 6th electoral district had only 52 voters; Kagoshima-ken, 7th district, 53; Nagasaki-ken, 6th district, 55; Fukushima-ken, 5th district, 4,295; Shiga-ken, 2nd district, 4,379; Mie-ken, 3rd district, 4,568.

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Certain electoral districts were able to elect one representative with 52 or 53 votes, while other one member constituencies had to elect their respective representatives with more than 4,300 votes.[10] Owing to this disproportionate distribution of votes in election districts it often happened that a minority of the voters, instead of a majority, in certain Fus or Kens obtain the majority of the members returned; and, on the other hand, a party with a majority of the votes at the polls sometimes secured only a very small minority of the representatives. For instance, in the first General Election in the Prefecture of Yehime, the Liberals had five seats with 3,260 votes, while the Progressives secured only two seats with 3,540 votes.[11] In the fourth General Election, the ultra-Conservatives (Kokumin Kiokwai) in the Prefecture of Fukuoka succeeded in securing five seats with 7,442 votes, while the Liberals (Jiyu-to) in the same prefecture secured only four with 10,451 votes.[12]

The following table gives a general idea of election results under the original system:[13]

ELECTION OF MARCH, 1898

	Number of Votes Cast	*Number of Representatives*	*Number of Votes per Representative*
Liberal Party	101,087	87	1,162
Progressive Party	86,712	67	1,294
People's Party	20,695	20	1,035
Seiyukai	3,815	7	545
New Liberal Party	4,375	3	1,459
East-North Union Club	2,353	2	1,177
Aitsu Doshikai	872	2	437
Tsukuzen Kyokai	3,291	1	3,291
Kokuken-to	1,330	1	1,330
Mushozuku, Unattached	112,881	110	1,026

[10] Hayashida, Senkyo Kaise Iken, *Kokuminno Tomo*, 1892, No. 198.

[11] Senkyo Kaisei, *Kokumin Shinbum*, July 8, 1899; Hayashida, Senkyo Ho Shakugi, Appendix, p. 33; Uyehara, *Political Development of Japan*, p. 171.

[12] Hayashida, Senkyo Ho Shakugi, Appendix, p. 33.

[13] Nippon Teikoku Dai, No. 17 Tokei Nenkwan Meiji 31, p. 1,078.

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	Election of August, 1898		
Constitutional	264,267	196	1,348
Progressive	12,386	8	1,548
Seiyukai	3,501	7	500
People's Party	8,664	7	1,238
Kokuken-to	7,119	6	1,187
Liberal	3,469	2	1,735
Party affiliation uncertain	94,732	68	1,393
No party	6,463	6	1,077

Another characteristic of the original law was the disproportionate representation of different classes of people in the House of Representatives, owing to the property qualification imposed upon the candidates. At the time when the first General Election was held, land taxes were the main source of revenue, amounting to about two-thirds of the direct national taxes. It is interesting to note here that in 1890, the year in which the first General Election was held, the tax-paying capacity of representatives ranged from 15 yen to 2,230 yen. The average was 125 yen for each member.[14] As a result of this property qualification, the great majority of both voters and candidates were of the agrarian class. Moreover, as municipalities had no separate independent electoral districts except the large cities of Tokyo, Osaka, and Kyoto, the rural voters and their candidates had a further advantage. The result was that a majority of the representatives in the House were those representing the agrarian class. According to Mr. Hayashida, there were only seventeen out of the three hundred members of the House, who really represented the interest of the urban population.[15] The following figures [16] give a general idea of how the rural and the urban interests were represented.

[14] Professor Kudo, *History of Constitutional Development*, p. 344.
[15] Hayashida, *Senkio Shakugi*, Appendix, p. 163; Uyehara, p. 172.
[16] Quoted directly from *Kokumin Nenkwan* Taisei Gonene, pp. 112–113.

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UNDER THE ORIGINAL LAW

Sessions	*1*	*2*	*3*	*4*	*5*	*6*
Manufacture	2	—	—	1	1	2
Fishing	—	1	—	—	—	—
Farmers	129	144	137	155	128	134
Commercial	19	25	24	29	32	24
Mining	1	1	1	2	4	3
Liquor	—	2	1	—	—	—
Landowners	—	—	—	—	15	11
Physicians and pharmacists	3	3	3	1	4	3
Bankers	4	3	4	5	4	6
Company officials	7	7	9	6	9	13
Newspaper reporters and magazine writers	8	12	10	12	7	4
Teachers	—	—	—	—	1	1
Lawyers	20	22	28	21	22	24
Public officials	12	6	2	6	2	17
Authors	1	2	1	—	1	—
Miscellaneous	20	13	1	—	13	4
No occupation	74	59	77	62	47	50
TOTAL	300	300	300	300	300	300

UNDER THE REVISED LAW OF 1900

Sessions	*7*	*8*	*9*	*10*	*11*	*12*	*13*
Farmers	120	129	129	105	80	81	79
Commercial	33	35	39	33	16	32	19
Manufacture	2	2	—	—	3	8	8
Fishing	—	1	3	5	4	5	6
Mining	7	7	3	6	10	6	9
Liquor	7	5	5	1	5	—	—
Landowners	—	—	—	—	—	—	—
Physicians and pharmacists	10	9	3	7	6	4	15
Bankers	19	16	12	7	15	14	8
Company officials	10	13	18	20	57	51	53
Newspaper reporters and magazine writers	9	8	13	17	22	51	28
Teachers	4	3	3	3	3	5	6
Lawyers	31	54	59	64	61	54	56
Public officials	10	6	5	8	12	8	1
Authors	2	3	5	1	—	—	—
Miscellaneous	14	13	8	14	11	11	16
No occupation	78	73	74	88	76	73	73
TOTAL	376	376	379	379	381	381	381 [17]

[17] Quoted directly from *Kokumin Nenkwan*, pp. 137–138, 1919.

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From the foregoing table it can easily be seen that even after thirty years, although the population of cities has been increasing by leaps and bounds, the rural interests are still protected by a large majority of so-called country gentlemen. Such being the case, it is not strange that there has been no democratic social legislation enacted in the interest of the large majority of urban working men and women.

It was evident from the very beginning that the Law of 1889 was not satisfactory. Its defects became more pronounced at each successive election. There were constant movements among the liberal politicians to amend the legislation. It was not, however, until the year 1895 that an electoral reform bill was introduced by private members into the House of Representatives. The bill proposed to extend the franchise by lowering the property qualification of both electors and candidates from fifteen yen of direct national taxes to five yen, and in the case of the income tax to three yen, and also by reducing the age qualification from twenty-five to twenty for the voter, and from thirty to twenty-five for the candidate. If the bill had passed, the number of voters would have been quadrupled. The bill, however, was opposed by the government, and, although it passed the Lower House of the legislature by a large majority, it was rejected by the Upper House. Three years later another electoral reform bill was introduced into the House of Representatives by the government under the premiership of Ito, notwithstanding the fact that it was his former cabinet that opposed the reform bill of 1895. This introduction by the same premier who opposed the former reform act was due to the fact that Ito wished to mitigate the political antagonism toward the government.

The bill proposed a more radical reform of the election law than did that of 1895. The principles involved were: (1) the extension of the franchise by reducing the property qualifications of electors; (2) the creation of independent electoral districts for municipalities; (3) an increase in the number of representatives from 300 to 472; (4) the abolition of the

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property and residential qualifications of the candidates; (5) the adoption of large electoral districts combined with the principle of a single non-transferable vote.[18] Had this bill become law it would have increased the number of voters from 450,465 to 2,000,000.[19] Though it was passed by the Lower House, it did not go to the other House because the House was dissolved on account of the rejection of a most important government bill for increasing the land tax.

In 1899, a bill which was not substantially different from Ito's, was brought into the House of Representatives by the Yamagata Cabinet. The bill, after prolonged discussion, was passed by the Lower House, with certain amendments, the most important of which concerned the property qualification of the elector. The bill was modified in such a way as to increase the amount of direct national taxes other than the land tax from three yen to five, and to reduce the number of seats allotted to municipal districts from ninety-eight to seventy-three. As we have already seen, the great majority of the House was representative of rural interests. Consequently it was but natural for it to oppose any scheme which would increase the political strength of the urban population.

The bill came to a deadlock in the Upper House, and after prolonged debate it was restored to its original state.[20] Thereupon committees were chosen from both Houses to settle the matter, but without reaching a compromise the conference broke up, and the bill was laid on the table *sine die*.

In the following session of the House, the bill was again introduced by the same cabinet, and it was passed by both Houses with an important amendment by the Upper House. The property qualification of the elector was raised from five yen direct national taxes to ten yen.

It seems almost incomprehensible that the same House which in the previous session so persistently opposed undemocratic amendments made by the Peers to an identical bill

[18] *Senkyo Ho Kaise An*, 1898.

[19] Speech by Ito on the Electoral Reform Bill in the House of Representatives.

[20] Kudo, *Tiekoku Gikaishi*, Vol. II, pp. 120–124.

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would accept this important change which was to reduce the number of voters by about one-half. The possible reasons, Dr. Uyehara thinks, were three: first, the inability of the majority of the members of the House to realize the effect of the amendment upon the electorate; second, the indifference of the people directly benefited by the lower property qualification; third, the united support of the Liberal Party.[21] Professor Uyehara continues:

> The fact that the majority of members in the House of Representatives did not realize the full force of the amendment is shown by the absence of any discussion on the vital point of the effect of a greatly extended franchise upon national politics and the working of the Constitution. It seems to me from the parliamentary bills introduced into the House, that a large number of the members did not consider the problem of the extension of the franchise any more seriously than does a simple-minded woman demanding the franchise on the principle of "no taxation without representation" considers the problem of woman suffrage. Besides, as it was chiefly the politicians, not the people, who urged an extension of the franchise, the majority in the House could decide the limit of that extension at their own capricious will, without fear of conflict with public opinion. Then, too, the Liberal Party, which had fought bitterly with the Peers over minor points in the previous session, changed its policy, and, accepting the amendment, voted for the Bill *en bloc*, while the Conservative government, which had introduced the Bill at the request of the Liberal Party, made no objection, the extension of franchise being more limited by the amendment than in the original bill. So the Bill was passed and became a law.[22]

Thus after heated discussion in three successive sessions, an electoral law was passed.

This law of 1900 adopted the system of large districts combined with the principle of a single non-transferable vote (that is, giving a voter in each district but one vote for one candidate), as well as that of secret voting, and it created independent electoral districts for municipalities having a popula-

[21] Dr. Uyehara, *Political Development of Japan*, p. 177.
[22] Dr. Uyehara, *Political Development of Japan*, p. 178.

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tion of over 30,000.[23] The country was divided into forty-seven large (rural) districts making each prefectural administration a unit; to each was allotted from two to twelve seats according to population.[24] Sixty-one urban electoral districts were created, to each of which was allotted one seat except the districts of Tokyo, Osaka, Kyoto, Nagoya, and Yokohama which were given eleven, six, three, two and two seats respectively. The number of representatives was increased from 300 to 376 [25] while the number of voters increased from 450,365 [26] to 983,193.[27] The property qualification for legislative candidates was also abolished, thus widening the opportunity for young men of ability to enter public life.

Another reform enacted by this law was the abolition of residential qualifications for the candidate. This was important because it gave the opportunity to a man of prominence to run from another district when he was likely to lose in his own district. Under the original system of residential qualification, even such a prominent man as Mr. Matsuda, who was once a Speaker of the House of Representatives and the Minister of Finance in the Saionji Cabinet, suffered several defeats because he was unable to run from another district.[28] Moreover the system of a large electoral district under the law gave to the voter independence and freedom from the rule of the party machine. It did not abolish parties; it recognized them. But it permitted new alignments and groupings of individuals within and without existing parties at the expense of the iron-bound classification imposed by the modern highly developed party machine. It gave to men of independent mind and character a better opportunity to maintain

[23] The Election Law of 1900, Article I, XXIX, XXXVI, Appendix VIII, X, or Shinhorei No. 24, May, 1918, *Supplementary Issue of Taiyo*, p. 69.

[24] One representative in rural districts for every 130,000 persons, *ibid.*

[25] This number increased by three in 1904 by having given three seats to Hokkaido and later in 1912 additional two seats were added by allowing Okinawa-Ken to choose two representatives. The number of representatives was 381 until 1920.

[26] Based on first General Election.

[27] This number is based on the first election after the promulgation of the New Electoral Law.—*Nippon-Teikoku Nenkwan* No. 36, p. 644.

[28] Humphreys, *Proportional Representation*, p. 288.

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their seats in the House, for in the election they might, in spite of opposition of parties, draw their votes from all parts within a large electoral district, and it might be said that the larger the electoral district, the greater was opportunity of independent candidates. It was largely due to this fact that Mr. Ozaki and Mr. Shimada, by being independent candidates, have never lost their seats in Parliament.[29] However, at present throughout Japan, as a matter of custom, it is the unwritten law that a candidate runs from his native prefecture or town; and the rule is practically self-operating, for it is next to impossible for any candidate to run successfully in another electoral district unless he is unusually prominent. This is especially so in a country like Japan where campaign speeches have not much weight with the voters, because the majority of them are not politically educated. It is but natural that the voters cast their votes, not so much with a particular political idea in mind, as from personal considerations. This is the reason that private canvassing is more effective in Japan. It appeals directly to the voters.

The result of the large electoral district system was of no mean value; it was a marked improvement over the small electoral district on the single constituency principle. Yet, in spite of this advance, the system lacked elasticity and adaptability. The single vote, like the cumulative vote and the limited vote, required exact calculations on the part of the party organization, which otherwise might fail to secure for its party the maximum number of representatives. The number of candidates to be nominated depended upon a careful calculation on the part of the political organization as to the exact number of their probable supporters; and when the nominations had been made, efforts had to be taken by the party organizations to allot their support to their candidates in such a way that not one of them was in danger of defeat. Since the nomination of too many candidates would, as with the limited vote, be disastrous, parties have been un-

[29] Taisei Gonen Kokumin Nenkwan, section *Gendai Jinbutsu*, pp. 24–107.

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willing to nominate more than the number of candidates who are absolutely necessary, in order to prevent the scattering of votes. The defeat of the Seiyukai in Tokyo in the election campaign of 1908 was attributed to the non-limitation of the number of candidates.[30] The result was that the Seyukai secured only two seats with 6,579 votes while the Daido-ha (Conservative) elected an equal number of representatives with 2,879 votes.[31]

The defeat of the Seiyukai in the general election of May 1920, in the city of Tokyo was also the result of the non-limitation of the candidates. The result of the election is as follows:

Party	*Number of Votes*	*Number of Members Elected*
Seiyukai	21,318	3
Kenseikai	19,136	6
Kokuminto	15,451	4
Mushozuku (or unclassified)	14,506	4[32]

As to the qualifications of a candidate, the revised law of 1900 remained substantially the same as the old law of 1889 except in those particulars which have already come under discussion. Among the classes still specifically excluded are the peers, clergy, army, navy, certain office-holders,[33] bankrupts, and persons convicted of treason, felony, or corrupt practice. As to the meaning of the phrase "office-holder" there has been some controversy recently among Japanese politicians. Article XVI provides that "officials other than those enumerated in the preceding article[34] may, so long as their official functions are not thereby interfered with, serve with membership in the House of Representatives, retaining their official position." The questions involved in the contro-

[30] J. H. Humphreys, *Proportional Representation*, p. 284.

[31] *Ibid*, p. 285.

[32] Tokyo, *Asahi*, p. 3, May 18, 1920.

[33] and [34] Article XV—Officials in the Imperial Household Department, Officials of Justice, Chiefs and Judges of the Administrative Litigation Court, Auditors, Revenue Officials, and Police Officials.

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versy are, first, who can determine whether serving as a member in the House is detrimental to the other position which a representative holds, and second, whether persons in the service of the commune and of the government school are excluded. These questions still await definite answers, though during recent years it seems quite settled that teachers in both government and private institutions may serve as members of the legislature, holding at the same time their original positions. Thus Dr. Ogawa has been serving as a member of the legislature and at the same time has been holding his professorship in the University of Kyoto. Mr. Horita has accepted a position as secretary to the Minister of the Treasury, retaining his seat in the House.[35] Although the statute prohibits any member of a Fu or Ken (prefecture) Assembly from combining his office with membership in the House of Representatives,[36] it seems to be conceded that the mayor of a city may do so.[37] Thus, Mr. Ozaki was at one time serving as mayor of Tokyo as well as a member of the House of Representatives. However, with these exceptions, the clause has never been clearly defined. An able, conservative political writer, Dr. Uyesugi, explains the meaning of the clause by saying that a man can hold his seat in the House of Representatives together with his official position until he is notified by his superior officer that his services are no longer needed. "In this case," he says, "one must decide whether he will resign his official position or accept membership in the House."[38] The practical operation of the Article, however, is that when a man has been chosen for membership in the House by the votes of his fellow citizens who hold the same political views as the authorities (for instance, the Cabinet) in power, he may not, in the exercise of the functions that have been assigned to him, be hindered by any superior, (for instance, the governor). This is especially

[35] In the Hara Cabinet, 1918. The information has been furnished by Mr. Sugiyama, correspondent of *Osaka Mainichi*.

[36] Article XVII, Election Law of 1900.

[37] The position of mayor is not regarded as a government position.

[38] Dr. Uyesugi, *Constitution and Constitutional Government*, 2nd edition, p. 445.

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so since in Japan most higher officials are directly appointed by the central authority in power. Of course any controversy such as this may come up before the Administrative Court, but it must be remembered that even the Administrative Court is under the influence of the political authority in power.

So far as the abolition of property as well as residential qualifications for the candidates is concerned, the revised law of 1900 was a marked advance toward democracy. However, the law did not democratize the qualifications of the voter except that it reduced the tax-paying requirement from fifteen yen of direct national taxes to ten yen.[39]

Besides the property qualification, the Election Law also provided a residential qualification. Article VIII says: "He must be a male Japanese subject and be not less than full twenty-five years of age. He must have had his permanent residence in the election district for not less than one year previous to the date of the drawing-up of the electoral list." This residence qualification seems universal at present. The mobility of population makes it necessary to have residence qualifications to prevent fraud. However, the mobility of population was very slow at the time when the Election Law was promulgated and such a requirement of long residence qualification seemed almost unnecessary.[40]

Certain persons were excluded from voting, though possessing the general qualifications above mentioned. The Law designated the following limitations: (1) Those who have been declared bankrupt and have not yet fulfilled their obligations, or those who have been declared to be in process of liquidation or to be insolvent and who have not yet definitely rehabilitated themselves; (2) those who have been declared incompetent or quasi-incompetent; (3) those who have been deprived of

[39] Article XVIII.

[40] The rate of increase of population during the ten years just prior to the promulgation of the revised law was an average of 10.03 per 1,000 persons, while the rate of increase during five years beginning with 1909 was 14.78 per 1,000.—*Nippon Teikoku No. 36 Tokei Nenkwan*, 1918, pp. 20–21.

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civil rights or whose civil rights are suspended.[41] However, in case the civil rights are suspended or withdrawn on account of political misdemeanor or crime, the right to vote revives as soon as the penalty imposed has been paid or remitted through pardon.

Perhaps one of the most peculiar features of the Japanese Electoral Law, interesting to Occidentals, although found also in the German Electoral Law, is the disqualification of the clergy.[42] The objection to permitting the clergy to participate in public affairs seemed to be founded upon the waning notion that their profession is of so sacred a character that it is a profanation of it to allow the clergy to mingle in the secular affairs of the community. This is an idea that belongs to a past age rather than to the present, although it is probably shared by many pious persons.

By the practice of most of the religious bodies in Japan the ministers of the respective denominations are deemed to be consecrated to the work of the ministry, and to be under obligation to make that the principal business of their lives. If they engage in secular employments inconsistent with the performance of their duty as ministers of religion, they are thought to violate their professional obligations. This sentiment has its foundation both in the generally avowed professions of the clergy themselves and in the religious opinions of the people. But there is nothing in the mere exercise of the right of suffrage inconsistent with the performance of clerical duties or with professional obligations. The clergy of Japan are an enlightened, patriotic, and virtuous body of men. There is nothing, therefore, in their character or qualifications that renders them unfit for the exercise of the suffrage for the determination of the national policy and the election of members to the House. They have no exclusive privileges and are subject to the same laws that govern others; and they have the same interest in the welfare of the country. It is therefore

[41] Article XI, section 4.
[42] Article XIII.

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their own right. An establishment at any place, under such circumstances, can not even give one a domicile there. Troops are stationed at various posts and garrisons throughout the country. They are liable to be removed from one station to another.

In like manner the exercise of the right of suffrage is denied to the persons who, though otherwise entitled to vote, are not registered in the list of qualified voters. However, the law allows them to exercise the right of suffrage if non-registration was based on reasonable ground. It provides: "No person other than those entered in the electoral list shall be capable of voting. Should, however, any one come to the voting place on the day of election, bringing with them a writ entitling him to have his name entered on the electoral list, the voting overseer must permit him to vote." [44]

The list of voters in every village, town, and city is carefully made up and is posted for a sufficient length of time (fifteen days) for public inspection to enable every citizen who is interested to see that his name is included. Should the voter fail to scrutinize the list and should his name be erroneously omitted, whether he scrutinized it or not, he may claim that a correction be made by giving to the Guncho or to the mayor (head of the administrative district) written notice and his reason therefore, together with corroborative evidence.[45] However, in case he is barred from the exercise of the franchise through his own fault, he is only barred from that particular election; his right of suffrage is not lost, but merely suspended until the next registration.

To be elected a member of the House the candidate must secure a certain percentage of votes. In regard to this the statute provides: "The individual who has obtained a relative majority of the total number of valid ballots shall be declared the person elected." However, the number of the ballots obtained must not be less than one-fifth of the quotient obtained by dividing the total number of the electors entered in the

[44] Article XXXVIII.
[45] Article XXI.

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an increase of 47.3 per cent., while the country districts would have enjoyed 352 representatives instead of 305, an increase of 15.4 per cent. The population of the six largest cities in 1900, the very year when the revision of the original Election Law took place, was 3,074,442.[55] Though this number has increased to over 5,000,000 during the last nineteen years,[56] there was no alteration in the number of seats until 1919. Thus while the six largest cities could elect only one member to every 200,000 persons, the small cities such as Marugame, Onomitsu, and Akita with a population of less than 35,000 [57] were also allowed to elect one representative. Moreover, there were twelve [58] cities which could not enjoy the privilege of being independent electoral districts.

In the rural districts we find the same discrepancies though they were not so bad as in the urban districts. According to the statute, rural districts could elect one member for every 130,000 persons. But in spite of this provision each of three islands was allowed to elect one member with far less population than that provided in the statute, while Okinawa and Hokkaido with 545,900 and 1,513,317 respectively were allowed to choose only two and three members. It was said that those two states belonged to a special category and that they should not have been classed equally with other provinces. These special cases were said to have been due to mobility of population, or to a low standard of wealth. Under the terms of the law, however, representation was based on population, not on wealth.

The result was that certain districts with only 489 or 559 voters had one seat in the House, while certain other single member constituencies had more than 3,770 voters.[59] For instance, in the thirteenth general election in the district of Marugame, the Kenseikai secured one representative with

[55] *Naikaku Tokei*, year 1918, p. 30 (based on statistics of 1898).
[56] *Naikaku Tokei*, p. 20 (on Population).
[57] *Naikaku Tokei*, p. 20.
[58] This is based on 1913 statistics of *Naikaku Tokei Nenkwan*.
[59] *Ibid.*

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131 votes, while the Kokuminto obtained one seat with more than 4,390 votes in the district of Osaka; in the district of Kirosaki-shi, the Seiyukai secured one seat with less than 182 votes while in the district of Kyoto-shi, the Kokuminto secured only one vote with more than 2,480 votes.[60]

Though the people and a majority of their representatives were very indifferent to such vital problems as that of suffrage, there were always a few groups of liberal politicians who were deeply interested in the matter. These groups introduced in 1911 a most democratic electoral reform bill in the Lower House. This was a universal manhood suffrage bill, providing that "every citizen of the Empire, of male sex, who has completed his twenty-fifth year, is entitled to vote for the Members of the House in the electoral districts in which he has been domiciled for not less than one year previous to the date of the drawing-up of the electoral list." [61] The bill passed the Lower House by an overwhelming majority, only to be rejected in the House of Peers by a unanimous vote.[62] Mr. Sakai, one of the prominent Socialists in Japan, who was arrested in February, 1919, in connection with the agitation for the universal suffrage movement, gives a most interesting account of the events incident to the passage of the Bill. He says:

In the forty-fourth year of Meiji (1911), the universal suffrage bill was passed by the House of Representatives by an overwhelming majority. This you may think a phenomenal achievement; to tell the truth, the success was more of a comedy than a real achievement; but some of the representatives approved of it for their own personal credit, for they would not very much oppose a movement which has for its object the extension of the political rights of the people. Now this Bill was so radical, as you can easily imagine, that many representatives thought that it would never pass, and they voted in favor of it "just for fun," you might say. But lo! It passed with an overwhelming majority. None was more astonished at this than the Representatives themselves. It was of course quashed in

[60] *Shinbun Nenkwan*, April, 1917, pp. 158–161.

[61] *Osaka Asahi, Shinbun*, February 17, 1911. This bill was introduced by Mr. Hinata and nineteen other members, February 15, 1911.

[62] The *Jiji Shinbun, Kizokuin Giroku*, March 16, 1911.

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the House of Peers by a unanimous vote. But it set them thinking—members of parliament, the police, the powers that be, and the people themselves. "This is no joke," they said to themselves, and from that time on they began to behave with great circumspection. Police supervision of the men concerned in this movement became so thorough that men became shy and disassociated themselves from it. So the universal franchise endeavor had been quite forgotten until this year when it was suggested that it should be revised. We accordingly printed circulars calling on the people to co-operate with us in petitioning the House on February ninth, and held meetings or rather tried to do both, but they were failures owing to police intervention. As for me, I was asked at first to take an active part in promoting this scheme, but I declined because I was afraid that being known as a socialist I might spoil the whole thing, and confined myself to helping in a non-public way. The police, suspecting that I was in the game, called at my office on the eighth during my absence. I was not molested, but other persons were summoned by the police as reported in the press. This police intervention had of course scared those who might otherwise be interested in it from taking any part in the petition plan. Now you have the whole history of the 1918 attempt to petition on behalf of the universal franchise.[63]

It is interesting to note in connection with this Bill some debates which took place in both chambers. Mr. Arakawa said:

The government can not be conducted by theory alone, however much that theory may be right. It is necessary to give a practical rather than a theoretical reason to the people of the lower class. The property qualification in elections is by no means a class distinction; but, as it is one of the encouragements to the people to reach that stage where they can exercise their political right, it is necessary to maintain the present system. Moreover, I do not agree with the framer of this Bill that universal suffrage will lessen corruption in elections.[64]

Mr. Watanabe also protested against the passage of the Bill. "It is wrong," he said, "to think that the extension of the right of suffrage means extension of human right. If we con-

[63] T. Sakai's interview with the reporter of the *Japan Advertiser*, February 12, 1918.
[64] Parliamentary Debate, March 15, 1911—*Jiji Shimpo*, March 16, 1911.

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sider suffrage as a human right, it would be necessary for women to have it too. But the argument for universal suffrage seems not to be based on this principle. Besides, the argument that the Bill will diminish corruption as well as the expense of election has no real foundation."[65] When this Bill passed the House of Representatives, the government issued a warning to the public through the government agent, Mr. Yasuhiro, It reads:

The Bill is to change the present system of restrictive qualifications of suffrage. This principle is based on the extraordinarily dangerous idea which had been prevailing for a time in Europe, known as an inalienable human right, but such a theory has already lost its power. No person has the right of suffrage from his birth. It is clear that the right of suffrage is a privilege given by the government. Even if there are doubts on this point, they are to be found only in democratic countries, not in monarchical countries, and much less in a country like ours where the foundation of this constitutional government is entirely different from constitutional governments in Europe; such is not the system to be adopted at all. If such a system should be adopted in this country, our idea of the election would only be lowered, not raised; and it might be impossible to select the best that the country has to offer. The final result of this will be the dictation of the lower over the upper class. The government will use every means to oppose such a bill.[66]

The Bill which passed the Lower House was laid before the House of Peers where it was rejected unanimously without any debate worth mentioning. However, it is interesting to note here a statement made by Mr. Hozumi, a prominent conservative and constitutional writer, in answer to the question made by Mr. Ohoki as to the reason for the Committee's rejection of the Bill.

In reading the Parliamentary records of the Lower House, I have not found a single necessity for changing the present status of the Election Law. As the question of reform of the suffrage is only a matter of convenience, there is no particular reason why this must be permanent, and why it must not be changed. However, I do

[65] *Ibid.*
[66] *Jiji Shimpo*, March 14, 1911.

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not believe that universal suffrage will bring a result better than the present statutes. I believe the Bill has not been introduced from real necessity, but rather that it is based upon the principle of democracy. Therefore, hereafter I will see that such a bill does not even pass the gate of the House of Peers.[67]

In examining public opinion at the time when the suffrage bill was being discussed by the legislators, one may be surprised at the absence of any popular excitement. The writer, in examining many magazines as well as the press, could scarcely find any strong resentment expressed at the failure of the passage of the bill. The *Osaka Asahi* barely mentioned the announcement of the presentation of the bill before the Diet, while the *Jiji* was silent. Even when the bill passed the Lower House and was rejected by the Upper House both papers seemed entirely indifferent. They merely mentioned it in a casual way as a part of the proceedings of the legislature. No leading publication discussed the problem in its editorials. Four or five years had to pass before the people or the press really began to understand what the extension of suffrage means in the development of constitutional government.

[67] Parliamentary records in the House of Peers, March 15, 1911, in *Jiji Shimpō*, March 16, 1911.

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Chapter IV

DEMOCRATIC MOVEMENT FOR THE EXTENSION OF THE SUFFRAGE

During the world war a general movement for the extension of suffrage was slowly taking place. Thus, early in 1918 electoral reform bills were introduced by each of the three leading parties. The features of these bills were the extension of the franchise by lowering the property qualification of the electors from ten yen of direct national taxes to five yen or from ten yen to two yen,[1] readjustment of electoral districts; bestowal of the right of suffrage to those who had certain educational qualifications. Besides these the government also laid before the house a bill which would increase the number of representatives from 381 to 438. The Seiyukai insisted upon the adoption of the principle of election by small districts while the Constitutional party (Kenseikai) and the People's party (Kokuminto) tried to keep alive the then existing system of large electoral districts. In the bill granting the right of suffrage to those with certain educational standing, both the People's and Constitutional parties substantially agreed to give the vote to those who had the following educational qualification: (1) Graduates from high schools, normal schools, or from schools higher than these; (2) graduates from those institutions where politics, economics, and finance are taught with permission from the Minister of Education.[2]

The problem of increasing the number of representatives was also considered by each party. The suggestion of the Seiyukai in this matter was to increase the number from 381

[1] Shin Horei, Taiyo, Zohan, May 20, 1919, p. 70—History of Imperial Diet. The Kokuminto differed from the Kenseikai and Seiyukai in that it insisted upon lowering the property qualification to three yen.

[2] *Shin Horei.* The Kenseikai differed from Kokuminto as to the educational qualification in that it provided, besides these educational qualifications, a clause reading: "Those graduated must be able to live independently."

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to 444 [3] while the Constitutional and People's parties provided in their respective bills for increases to 439 and 461 respectively.

In addition to these the Kenseikai or the Constitutional party also introduced a bill which provided, first, for shortening the residence requirement from one year to six months, and second, for giving the right of suffrage to those who can earn their own living. It was also noteworthy that for the first time the Kenseikai tried to lessen the influences of certain corporations over the government by proposing that "officers, directors, and managers of banks or corporations, with unlimited liability, enjoying special protection from or supervision by the government and also those who undertake government work under contract, and officers, directors, and managers of juridical persons, with unlimited liability, undertaking principally government work under contract shall be ineligible for the House of Representatives." [4] The same bill also aimed to clarify the meaning of an ambiguous statute [5] as well as to define the eligibility of the legislators by a provision which reads: "No officers, unless retired, except those designated by the Imperial Ordinance, shall be eligible." [6]

Though the government and each political party introduced their own bills, these generally speaking were of two kinds. One was that of the Seiyukai, which had the smaller electoral divisions as its main feature. The other provided for larger electoral divisions with some minor changes which we have seen. Of this latter kind was the government bill. The government had already introduced an amendment in the House of Peers which would increase considerably the number of members.[7] Therefore the government bill in the House of

[3] *Shin Horei* (New Laws), May, 1918. Additional Issue of *Taiyo*, p. 69.

[4] Mr. Oyama on attitude of each party on the question of extending suffrage, p. 103. April number *Chuo Koron*.

[5] Article XIII which reads, "Those who undertake government work under contract or those who are officers or juridical persons undertaking principally government work under contract shall be ineligible."

[6] See footnote 1.

[7] It will be increased by eight. New Law increases maximum number of Counts from 17 to 20, and number of Viscount Barons from 70 to 75. *Shin Horei*, May, 1918, p. 2.

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Representatives was a kind of balance to this increase of the members in the House of Peers. It was generally agreed that the government had already secured the approval of the Privy Council for the bill and [8] also the approval of the Upper House in exchange for increasing the number of Peers. Therefore, there was every indication that the government bill would have passed through both Houses even against the opposition of the Seiyukai. All parties [9] except the Seiyukai, were united in support of the government bill. The Seiyukai were alarmed over the situation and negotiated with the government to secure the withdrawal of the government's bill on condition that the party withdraw its bill also. The party threatened the government that in the event of the government's insisting on pressing its bill before the Diet against the wish of the party, they would oppose every bill including the industrial "Mobilization Bill." [10] The government was alarmed and decided to withdraw the suffrage bill.

Commenting on this, the editor of the *Chugai Shogyo* said:

That a party government, if realized, will be just as indifferent to the interests of the people as the super-party ministry, has been proved by the majority party's interference with the passage of the suffrage bill. The government bill was rejected solely from considerations of selfish party interest. The Seiyukai preferred to sacrifice the interests of the people rather than have it pass to its own disadvantage.[11] If the Seiyukai dared to abuse its power even while it was not yet in control of the government through the regular channels, how much more inconsiderately will it act if allowed to form a ministry on the basis of its influence. A political

[8] *Shin Horei*, May, 1918, p. 69.

[9] Kokuminto, Kenseikai, Shinsekai and part of Seiwa Kurabu—200 in number.

[10] *Osaka Asaki*, March 21, 1918.

[11] All parties united to support the principles of "large electoral districts" advanced by the government against the Seiyukai who wanted the principle of "small electoral districts." Therefore, if the government insisted on its passage, it would result in the defeat of the Seiyukai. The "small electoral districts" system was the principle for which the Seiyukai fought for years in the past but was unable to get it through the Upper House. Therefore the passage of the government bill was regarded as a great defeat to the party. Moreover, if once such a bill passed, the Seiyukai would be probably unable to amend it for years to come since the Upper House seldom changes any important measure like the Election Law.

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party should represent the will of the people. A majority party is only worthy of controlling influence when it represents the interests of the majority. But the Seiyukai does not seem to be so broad. The party is concerned only with the usurpation of power. If its own interest or caprice is served, it is indifferent whether its policies work for the interest of the people or not.

It is a debatable question whether in this country a government based on the influence of a majority party would be better than a super-party government. The latter is free from many abuses to which a party government will inevitably be exposed. Such abuses can be prevented only by the vigilance of the public and by a highly developed sense of responsibility on the part of the political party. Neither the public nor the political parties seem to possess such qualities. Herein lies the weakness of the party government, and the strength of the super-party government. As long as political parties have no sense of responsibility to the people and are unworthy of their confidence, super-party government will be able to maintain its prestige.[12]

In the 1919 session of the Diet, the political parties as well as the government again proposed suffrage reform bills. The main features of these were similar to those of previous years. There were, however, marked differences, especially regarding the tax-paying qualification. The Kokuminto, the most liberal party, proposed a bill, first, granting the franchise to those who pay direct taxes to the extent of two yen per annum, instead of ten yen, and to those who are graduates of the high schools, normal schools, or those who have completed their military service; secondly, increasing the number of members of the House of Representatives in accordance with the population, one representative being allotted for every 130,000 in the counties and one for every 30,000 persons in the cities; thirdly, establishing regulations to prevent government interference in elections; and lastly, lowering the age qualification of the voter from twenty-five to twenty, and in case of candidates from thirty to twenty-five.[13] The Kenseikai also introduced a suffrage reform bill which was similar

[12] The *Chugai Shogyo*, March 21, 1918.
[13] The *Jiji*, December 29, 1918.

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to that of the Kokuminto except in regard to educational qualifications. As to the latter, the Kenseikai, while maintaining principles similar to the Kokuminto, restricted its provision by inserting a clause that "only those graduates from high school who are maintaining an independent living shall have the right of suffrage." [14] Following the lead of the Kokuminto and Kenseikai, the government also proposed a suffrage bill. The main difference between the government bill and those of the Opposition was that the former adopted the small electoral system, dividing the country into 373 districts [15] while the latter maintained the principle of a large electoral system on the ground that the small electoral system was unsatisfactory in the matter of minority representation.[16]

That the trend of public opinion was undoubtedly toward democracy was revealed by public opinion itself as well as by the debates which took place in the Diet. There were many politicians as well as plain people who were dissatisfied with the proposed suffrage bills based on the property qualification. The students of Tokyo Imperial University, which hitherto has been regarded as a hotbed of bureaucracy, organized a movement supported by the radical members of the House to bring about manhood suffrage. They presented to the Emperor a petition which read:

When the late Emperor Meiji established his Government at the beginning of his era, he wisely announced that the policy of the country should be decided by public opinion. Thus we, the subjects of your Majesty, were granted freedom and opportunity to respond to your Majesty's benevolence by directly participating in the affairs of state. In spite of this fact, the politicians in the government have exerted themselves for the last thirty years to prevent us from obtaining full rights of participating in politics, which are to be duly granted to us, by establishing a law which regulates the qualification of franchise holders. Due to the great changes which have taken place in the political and social situation at home and

[14] *Toyo Kezai Shinpo*, No. 483, March 5, 1919, p. 38.

[15] Tokyo, *Asahi*, February 27, 1919, p. 4.

[16] Speech by Representative Saito in the House on Suffrage Reform, March 8, 1919. *Jiji*, March 8, 1919, p. 2.

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abroad the time has come when the country should adopt universal suffrage as the basis of the nation's political activity. We, the members of the National Students' League, hereby desire to express the thoughts of seventy millions of Your Majesty's faithful subjects, while earnestly praying for the long reign of Your Majesty and the prosperity of our country.[17]

Mr. Ozaki, a radical member of the Kenseikai, was one of the strongest advocates of manhood suffrage. At a meeting on February 9, 1919, at Nagoya, he delivered the following speech on universal manhood suffrage:

The late Emperor, soon after ascending the throne, issued a message declaring that the administration of the country should be based on public opinion and that the principle of equality among all classes of the people should be observed. The Constitution was framed in this spirit and put into force. As a matter of practice, however, this principle is not strictly observed. According to the law of the House of Peers, Princes and Marquises occupy hereditary seats in the chamber without election. In the Upper House there is another class of members who are elected from the big tax-payers. The state, however, does not exist by reason of the high tax-payers alone, and there are a large number of men in different walks of life who are as much entitled to seats in the House on account of their contribution to the state in various respects as are all these big tax-payers. Moreover, the property of those big tax-payers is created only by the co-operation of the poorer class. For instance, the wealth of the land is really created by the tenants who cultivate and produce it. No landlord can cultivate vast areas of land by himself. Therefore, in a sense, the tenants themselves are directly paying the tax. The present prevailing practices are contrary to the principles of equality and must be interpreted as recognizing a difference in political rights between the poor and the rich. Similar instances of class distinction may be given. Students known for their superiority in the colleges and schools have to bow before the sons of the rich, once they are out in active life, no matter how able they are or how talented. No wonder that the dissatisfaction engendered by such inequality should find vent on such occasions as the rice-riots of last year.

[17] *Japanese Advertiser*, February 10, 1919, p. 10.

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Nothing could be more advisable or effective than the adoption of universal suffrage for the realization of equality among all the classes. Different views are advocated as to the lowering of the property qualifications of voters, but it is quite absurd to wrangle over the matter. Suppose the qualification of voters be lowered to payment of a two yen tax, then the number of voters to be obtained by this process will be only 4,000,000 out of a population of 60,000,000, and the extent to which the prevailing discontent regarding the unequal distribution of the suffrage would thus be removed must be considered infinitesimal.

At present laborers are entirely excluded from taking part in politics. This omission must be rectified. An essential condition of the administration of a country should be the safety and security of living among all classes, but under the present condition there is neither safety nor security of living among such classes as school teachers and minor officials. Under such circumstances it is not surprising that there should take place an irresistible movement for the removal of the existing bars of inequality.

Nothing is more dangerous than the worship of bureaucratic ideas, which have brought ruin to Russia and Germany. Some years ago an argument was advanced in the House of Peers that it would be dangerous to allow universal suffrage, and that it was absolutely necessary that some property qualification be adopted. In other words, the advocates of this theory imply that all the Japanese who do not pay any direct tax are not intelligent enough to vote or are even dangerous. It should be remembered, however, that the same people who are not intelligent or who are even dangerous are recruited as conscripts for the defense of the country. This is the height of absurdity and partiality. For these reasons it is only just and right that the existing unequal distribution of political rights be abolished and universal suffrage be adopted.[18]

The Miyako entertained the same opinion as Mr. Ozaki and it attacked vigorously in its editorials the proposed suffrage bills based on the property qualification. It said:

The present franchise system is inadequate in that only a limited number of men have the privilege of voting. In Japan there are only 1,500,000 electors. The comparison of the number of the

[18] Speech of Representative Ozaki on universal suffrage, February 9, at Nagoya, as quoted in *Japan Advertiser*, February 11, 1919, p. 10.

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electorate in our country with that in England indicates that we men are not given a right equal to one-fourth of that of the British women to participate in the nation's council. We now possess an army as large as that of Great Britain. The government encourages the men to serve the country regardless of their property qualifications, saying that to become a soldier of the Emperor is the noblest duty of a Japanese. That is all right, but why are the majority of our countrymen not allowed to take part in national politics? In a word, the authorities recognize the full value of a Japanese man as a soldier, but in their eyes his value as a voter is hardly as much as one-fourth that of a British woman.[19]

These extracts which could be multiplied by thousands taken from resolutions, speeches, and writings, clearly indicate the trend towards democracy in Japan at present. In 1911 when the universal suffrage bill which passed the Lower House was rejected in the Upper House, one could hardly find any popular argument or press comment; but the political atmosphere of 1919 was entirely different.

On February 26 the Cabinet introduced a suffrage bill in the House. Mr. Tokonami, Minister of Interior, delivered a speech stating the reason for introducing the bill. He said:

More than eighteen years have elapsed since the present election law was put into force, but it has not succeeded in bringing about the purpose for which it was designed. A reform of the law in keeping with the requirements of the period has long been recognized as necessary, though so far the government has not been able to put the required revision into concrete shape. According to the existing law the number of voters is 1,440,000, which represents 2.6 per cent. of the total population. The percentage is too small to form the basis of a real representative system of government. The Government, however, is of the opinion that too radical a change is not advisable, and so it will adhere to a policy of gradually extending the suffrage.

With regard to fixing the qualifications of voters, various theories have been advanced; but the Government is convinced that it would be most advisable, in view of the prevailing condition in the

[19] The *Tokyo Miyako* as quoted in the *Woman Citizen*, Vol. III, No. 36, February, 1919.

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country, for the property qualification to be fixed at an annual payment of a three yen tax. In case the qualification is lowered to three yen as proposed, the number of voters will be increased from 1,460,000 to 2,860,000—nearly double the present number. It has been claimed by some that "the intellectual class" should be included among the voters. The demand, though it may appear reasonable at a first glance, will be found untenable on closer scrutiny. It is contended by the advocates of this theory that all graduates of high schools and higher colleges should be given the franchise. It should be observed, however, that besides the school graduates there are many men who are as intelligent and educated as these graduates. Consequently it would be difficult to make education a basis of suffrage qualification, and, if adopted, it could hardly be considered fair and impartial.

The existing system of the large electorate was adopted with the hope of eliminating bribery and other questionable methods which were made easier on account of the small electorate. The experience of the last ten years has demonstrated beyond all doubt that, with the large electorate, corruption is made easier than in the old small electorate and therefore the Government, taught by experience, has mapped out a system of small electorates which will be most suitable to the condition of the country.

In the bill before the House the Government has allotted the number of representatives roughly at the rate of a representative for 130,000 people. The result will be that the total number of Diet members will be increased to 464 showing an increase of eighty-three over the present number. In other words, the number of members for the urban districts will be increased from 75 to 112 and that of members for the country districts from 305 to 352.[20]

As to the change in the electoral district, the government vigorously insisted upon the small district system. Mr. Tokonami, Minister of the Interior, gave the following reasons for this: (1) Decrease of the election expense; (2) elimination of election contests among party members in the district; (3) development of the political ideas of the district; (4) more justice in the results of elections; (5) elimination of the trouble of by-

[20] Speech of Minister of Interior in the House, February 25, *Tokyo Asahi*, February 26, 1919, p. 2. Translation in *Japanese Advertiser*, February 26, 1919, p. 10.

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elections in whole prefecture; (6) stricter enforcement of (tion laws; etc.[21]

The Opposition vigorously opposed the change. "The C ernment bill for small electoral districts," says Hon. Uyeh "will greatly increase the practice of selling and buying v(It is possible neither to have a fair election nor to elect i candidates."[22] During the first six elections under the s district system, candidates were elected on the average sixty-five per cent. of the total votes cast, while in the sev(to the thirteenth elections under the large district sys candidates were elected on the average by seventy-nine cent. of the total votes. Even so, under the small elect district system the number of votes received by those defe in the election often exceeds the votes received by t elected, especially when there are three candidates in a dist For instance, in the twelfth general election, the total nun of votes the candidates-elect received in six indepen districts, Tsushima, Takasaki, Hirosaki, Ogi, Tokushima, Oshima, was 1,927, whereas the total number of votes rece by those defeated was 2,693, that is, men were elected in t districts by forty-two per cent.; "therefore the small elect system is by no means an ideal system."[23] As has been sh elsewhere, the chief defect of the small electoral system is impossibility of furnishing a fair representation to the mir ties. It also tends to create too much sectionalism w makes it impossible for any independent candidate to successfully against the party machine.

After spirited debates which lasted for almost two we the Government bill passed the Lower House with a majc of 61 out of 349 votes cast. The same bill also passed Upper House with a majority of 204 out of 228 votes ca

The main features of the new revised law are:

[21] Minister Tokonami, Speech on Suffrage Reform.—The *Tokyo Asahi*, p. 2, F ary 26, 1919.

[22] Dr. Uyehara, on Suffrage Reform. *Ibid*, February 27.

[23] Mr. Saito, Problem of increasing the electorate and electoral district. T February first issue, pp. 115–116.

[24] *Shin Horei Taiyo Zokan*, p. 94. May 20, 1919.

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1. Small electoral districts with the principle of single member constituencies.[25]

2. Reduction of the property qualifications from ten yen of direct national taxation to three yen annually.

3. Redistribution of seats and an increase of 83 in membership of the House of Representatives, *i. e.*, from 381 to 464.[26]

This latest law increases the number of voters by 1,400,000. It, however, still excludes a large number of the small agricultural and landholding classes. Moreover, as the revised law is still based on the principle that the property holding class should have a special privilege, it excludes a large number of the intelligent class. The following will serve to give a general idea of Japanese democracy in respect to suffrage:

	In Cities	*In Counties*	*Total*
Number of voters with college education under the law of 1900[27]	36,000	70,000	106,000
Number of voters with college education under revised law[28]	48,000	95,000	143,000
Number of voters with high school or similar educational standing under the revised law[29]			150,000
Total number of voters regardless of education under the law of 1900 in March, 1919			1,460,000
Total number in the next election . . .			2,859,000

[25] In counties the districts were roughly divided, making one representative for each 130,000; however, there are five districts which elect one representative for about 190,000 population, while there are also twelve districts which elect one representative for 90,000. Speech of Minister of Interior, February 25, on the floor of the Diet. Larger cities, as in counties, elect one representative for every 130,000. Senkyo HO Kaisei Yomoku—*Nichi Nichi*, p. 2, February 25, 1919. Smaller cities elect one representative for every 30,000.

[26] *Tokyo Nichi Nichi*, February 23, 1919, p. 3. Under the law of 1900, cities were represented by 76 against 305 in counties; under the revised law of 1919, cities will be represented by 112 and counties by 352. There will be 378 electoral districts; single-member districts, 298; two-member districts, 69; three-member districts, 11.

[27] Tokonami, Minister of Interior (Kikairoku).—The *Kokumin Shinbun*, March 12, 1919.

[28] Tokonami.—Tokyo *Nichi Nichi*, February 26, 1919, p. 2.

[29] There are about 180,000 high school graduates alone who are excluded, solely because they are not tax-payers of 3 yen a year. It is said that among 180,000 there are only 40,000 or so who can have an independent living. Representative Saito—Shiugien Kaiseiho, *Nichi Nichi*, p. 2, February 26, 1919.

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Considering the fact that only the small landholding class enjoys the reform, the revised law failed entirely to satisfy the majority of the liberals.

Scarcely a year has passed since another movement for the extension of suffrage has taken place in Japan. Even such an ultra-conservative paper as the *Kokumin* began to declare itself for universal suffrage as follows:

What is welcome to the disaffected classes in Europe and America is not Christ's, but Lenine's gospel. This is an age of destruction. We urge universal suffrage as a means of limiting to a minimum the evil effect on the country of this general tendency of the world and as a safety-valve for dangerous ideas. Besides, no one can deny that a great many difficulties lie in the path of the Empire, and it is as certain as the sun will rise to-morrow morning that a great capitalistic force will bring pressure to bear on the Empire sooner or later, in some form or other; and this danger can only be faced by a general mobilization of the nation. Now, in order to make an effective physical mobilization of the nation in case of emergency, it is necessary that the latter should be placed in a state of moral mobilization in ordinary times—in other words, it is necessary that the nation should be allowed to participate in the government and made fully interested in, and conversant with, the administrative and diplomatic policies of the Empire. In short, we urge universal suffrage as a preparation for a general mobilization of the nation on the one hand and a safety-valve for dangerous thought on the other, and also for a political education and training of the nation, for one can learn how to swim only in water.[30]

The Tokyo *Nichi-nichi*, an organ of the middle class, also favoring the adoption of universal suffrage, remarks:

In days when the nation at large was backward in political knowledge, it was perhaps desirable for a smooth working of the legislative organ that privileged and propertied classes alone should have a share in the Government; when political intelligence is diffused in all sections of the nation, as it now is, the legislative organ, in the operations of which all the nation are deeply interested, should be common property of all. So not only should the tax qualification be abolished, but all males of twenty-five years and

[30] Quoted in *Literary Digest*, February 28, 1920.

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upwards, making their independent livelihood, should be admitted to the franchise . . . It is evident that even the Government and its party are alive to the necessity of adopting universal suffrage, although they hesitate to do so on consideration of party tactics.[31]

These editorials are only a few extracts from among many resolutions and writings appearing in magazines and papers.

The main features of the universal manhood suffrage bills are as follows:

	Kenseikai	*Kokuminto*
Tax qualification	None	None
Other qualification	Those who can live independently	
Age qualification for both electors and candidates[32]	25	20
Election district	Chu-senkyo-ku[33]	Small district

Besides these, the Kokuminto proposed a bill allowing all students above twenty years of age to vote, for the present total excluded, and also giving the franchise to the primary school teachers as well as to priests.

On February 26, 1920, a great debate took place in the Diet on the question of suffrage. The Government opposed this new bill on the ground that the election law passed in 1919 should be put to test before conferring universal suffrage upon all males in Japan. But the fact was, as revealed in Premier Hara's speech later, that the government was not anxious to participate in a democratic movement. In a speech before his own party, Premier Hara said: "Universal suffrage will bring a destruction of social class distinctions and is a menace to the conscription system."[34] The Government had found that both Kokuminto and Kenseikai united for the passage of this bill. Therefore, without awaiting a test vote which might have amounted to an expression of a lack of confidence in the Cabinet, the Government has ordered the dissolution

[31] *Ibid.*

[32] Tokyo *Asahi*, January 21, 1920, p. 3. The Kenseikai also proposed in the bill to increase the number of representatives from 462 to 485.

[33] District between *Scrutin de liste* and *Scrutin d'arrondissement* in size.

[34] Premier Hara, March 17, 1920.

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of the Diet by Imperial decree. This is the first dissolution of the Diet on the question of suffrage in our political history. Hitherto the majority of dissolutions have resulted from an exercise of the Diet's right of address to the Emperor showing a want of confidence in the government.

A general election was held on May 10, 1920. The result, as predicted, was a land-slide victory for the Government. It secured over sixty per cent. of the members in the newly elected House of Representatives. One of the most striking characteristics of this election was that the Government party (Seiyukai) lost heavily in the urban districts while the Opposition lost in the country districts. This indicates that the extension of suffrage is favored by the urban voters while the conservative voters in the country are against it.

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Chapter V

DEMOCRACY AND LOCAL GOVERNMENT

It is interesting to note that the Japanese method of providing for local participation in the work of administration is quite different from the American method, in that local government is conducted by officers who are agents of the central government, and who are at the same time executives of local administration. In this system local power is given by the Diet by general grant, but exercise of it is subject to central administrative control. The Diet has never attempted to enumerate the duties of the local corporations with the same minuteness as in America. The laws simply enumerate the principles of local administration, leaving the localities to carry them out in detail. The local corporations are not, therefore, as in America, given specific powers, but have the right to exercise all such powers as they wish provided they do not violate the letter or the spirit of the law. However, they are subject to a rigid central administrative control which prevents them from encroaching upon the jurisdiction of the central government and from acting extravagantly or unwisely.

Throughout Japanese local government the principle of separation of matters of general and of local administration is sharply drawn. Such subjects as police, schools, and the supervision of subordinate local authorities are deemed to affect the whole country, and are placed in the hands of persons who act as agents of the national government; while the construction of roads, the establishment of market houses, the maintenance of almshouses, and the voting of appropriations for local purposes are regarded as matters of local interest.

Another feature of Japanese local government is the distinction between professional and lay (honorary) officials. It

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is said that the introduction of unpaid or lay officers into local government lessens the influence of the bureaucracy in local affairs and tends to draft into the public service the better class of private citizens and at the same time to interest the people in local self-government. All professional officials are members of the Japanese bureaucracy. Before they are qualified to hold positions, they are required to go through an elaborate training, and to pass a civil examination. The non-professional officers have no special training, but are selected from among the members of the assembly.

Japan proper is divided for the purpose of local administration into forty-three prefectures and three Fus, excluding Hokkaido, Taiwan and Chosen. These are sub-divided into sub-districts or counties in which urban and rural communes are organized. Rural communes are the smallest local entities; they differ somewhat in area and population. Urban communes are of two classes. One is called the city and is an independent municipal county; the other is the urban commune called Cho or Machi. The organization of government within these divisions is practically uniform and is characterized by the vesting of executive power in a single officer, called governor or prefect in the Fu or prefecture, Guncho in the counties, and mayor or headman in the communes. The administrative relation of these divisions is highly hierarchical. Appeals go from each local government to the next above it. The whole system of Japanese local administration is quite similar to the Prussian and French hierarchical administration of local government.

Like the national election laws, the prefectural election laws (Fu-ken-sei) place restrictions in the way of property qualifications both upon the electorate and candidates. The principle laid down in the law is that only those who show sufficient evidence of attachment to the community are entitled to suffrage. This evidence must be in the tangible form of the possession of a certain amount of property. Article VI, which prescribes the qualifications of an elector, provides that "for

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not less than one year previous to the date of the making out of the electoral list, he must have been paying a national direct tax of three yen or more, and must be still paying the same." The results of this provision were that the voting constituency was limited to 2,384,078 [1] in all prefects, fus, and Hokkaido. As the population of Japan at present is about fifty-five millions, this means about one voter to every twenty-three persons.

The same characteristics are evidenced in the requirement of property qualifications for the legislative candidates. The law reads: "Those inhabitants of the communes alone shall be eligible, who are male Japanese of not less than fully twenty-five years of age and who, in the Fu or Ken, in which they desire to be elected, have been paying direct national taxes to an amount not less than ten yen, one year previous to the date of the making out of the electoral list, and who are still paying the amount of direct national taxes." [2] Consequently the law disqualifies many men of ability and intelligence fit to serve their prefects as members of the Assembly. As the Assembly is an honorary office, its members are not compensated for their service.

The system which eliminates the greater part of the intelligent class from exercising political rights, coupled with the helplessness of their representatives, is largely responsible for the extensive apathy of the voters in prefectures in Japan. In 1915 there were 2,384,078 [3] voters, of whom those who actually exercised their political rights were only 1,924,068.[4] Out of that number the valid votes amounted to only 1,896,210. There were 460,027 [5] absentees, that is, more than one-fifth did not take a part in the election at all.

The prefectural governmental organs consist of an executive and two deliberative bodies—council and assembly. The members of the assembly are elected for a term of four years.

[1] *The Teikoku*, No. 36, *Tokei Nenkwan*, p. 647, 1918.
[2] Fu-Ken Sei, Article VI.
[3] *The Teikoku Tokei Nenkwan*, No. 36, p. 647, 1918.
[4] *Ibid.*
[5] *Ibid.*

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The size of the assembly varies according to population. The minimum number required is at least thirty in those prefectures which have a population of less than 700,000. The matters that are to be deliberated and decided by the assembly are principally the following: The determining of the budget; the making of reports on financial estimates and settled accounts (Kessan Hokoku ni kwansuru koto); the determining of the mode of imposing and of collecting duties for use (shiyoryo), fees, prefectural taxes, and services in person or in kind, so far as not determined by laws or Imperial ordinances; alienation, purchase, exchange, or mortgage of the immovable property of the prefecture of Fu; and the determining of the modes of management of the prefectural property and establishment.[6]

The prefectural law also empowers the assembly to deliberate and decide anything within its legal jurisdiction. This vague and comprehensive authority is accompanied by a careful supervision and control on the part of the government; hence the governor or prefect, as the agent of the national government, has an extensive supervisory power. In all matters, whether it be the budget or ordinary legislation, the function of the assembly is merely deliberative. Its resolutions can be carried out only after they have been approved by the governor who has power to veto subject to confirmation by the central government. Even as to appropriations, the power of the assembly is not great. The assembly can not refuse any appropriation necessary for the execution of any laws already enacted. If the appropriations are not made by the assembly, the governor with the advice of the Minister of the Interior, may include the necessary amount of such expenditures in the budget in order to carry out laws or Imperial ordinances already upon the statute books. The law provides:

In case the prefectural assembly has not taken up necessary bills or has failed to conclude its deliberations thereon within the period of meeting, the governor with the consent of the Minister of Interior

[6] Fu-Ken Sei, Article XLI.

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may determine the amount of the local expenditures and the means of defraying them and execute his plan.[7]

The sessions of the assembly are brief. It meets regularly once a year, but its duration is limited to a month, and although extra sessions can be held for a week at a time, discussion in such sessions is confined to the special subject upon which the session has been called.[8]

The functions of the council, like those of the assembly, are largely deliberative. The council formerly was the standing committee of the assembly. The Imperial Decree No. 49, issued November 5, 1880, reads:

The Standing Committee shall be consulted by, and give advice to, the Governor in accordance with the resolutions of the Assembly, upon the works which are to be paid for out of the local taxes. In case of urgent necessity, the Standing Committee may decide the amount to be spent upon such works, and report the same to the Assembly later. The Committee shall also receive bills to be introduced by the Governor into Assembly, and shall give its opinion.

These Standing Committees have been gradually transformed into a council which since 1899, has exercised advisory powers in the local administration.

At present the council is composed of a governor, two high officials, and non-professional members who are elected for a year by the assembly from among its members. The functions of the council as enumerated in the Fu-Ken Sei under the revised laws of Meiji 32 are as follows:

(1) To deliberate and decide those questions which are entrusted to it by the assembly, provided such questions are within the legal jurisdiction of the assembly; (2) to deliberate and decide, on behalf of the assembly, any question which requires urgent attention when the governor has no time to call a special session of the assembly; (3) to express its opinion on the bills to be introduced by the governor into the assembly; (4) to deliberate and decide upon the management of public property in conformity with the resolution of the assembly;

[7] Article LXXXII–LXXXV.
[8] Fu-Ken Sei, Article L.

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(5) to determine the regulations in reference to the carrying out of public works to be paid for out of prefectural funds, provided such regulations are not still made by the laws, etc.

Besides these functions the council performs within certain limits judicial functions, such as the settling of claims against the prefecture and the decision of disputes between communes.

The meetings of the council are secret, and they are held more frequently than those of the assembly. The prefect can call the council at any time; upon the demand of the honorary members of the council, he must do so if such demand is reasonable. The attendance of the chairman (governor) or his representatives and at least one-half of the honorary members of the council is required for the validity of any meeting.[9]

The supreme authority is placed in the chairman of the council, namely, the governor. Just as the council may refuse to amplify the resolutions passed by the assembly when it believes them to be illegal or improper, so may the governor control the action of the council. If any decision of the council appears to exceed its jurisdiction, or is prejudicial to public good, the governor may, upon his own judgment, or by instruction of the Minister of Interior, suspend its execution.[10] If the council is not satisfied with the decision of the governor, the case may be taken into the administrative court.[11] In case of an emergency the governor can settle any question without the council upon his own judgment, making report of his decision at the next meeting.[12]

The governor is central figure in Japanese local administration. He is appointed by the Emperor by the advice of the Minister of Interior, and holds office during his pleasure.[13] He is the chief agent of the national government, and under the direct control of the Minister of Interior in all ordinary

[9] Fu-Ken Sei, Article LXXIII.
[10] Article LXXXII.
[11] *Ibid.*
[12] Article LXXXV.
[13] The governor is appointed by the Minister of Interior in practice.

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matters; but in finance he is responsible to the Minister of Finance. He is both a central and a local officer. As a central officer he is to see that all laws, ordinances and instructions sent out by the ministers are put into operation.[14]

It is significant that as an agent of the general government the governor fulfills a legal rôle as electioneering agent of the government, and it is his activity in this respect that has become one of the chief sources of his unpopularity. It is frequently said that the first requisite of a good governor is that he should make a good electioneering agent in carrying the prefecture for government candidates. When a political combat between the government forces and the Opposition becomes acute, the government is said to instruct secretly either the governor or the police commissioner to use his influence in favor of government candidates. In 1916 Police Commissioner Niki resigned his position because he was dissatisfied with the interference of Baron Goto, then Minister of Interior, who instructed him to suppress the candidates of the Opposition. He announced his reasons as follows:

> The circumstance which caused my resignation was not due to the fact that the present cabinet is a super-party government opposing the interest of the people, but it was due to the fact that a man like Goto with such a responsible position as Minister of Interior interferes unjustly with elections under the pretense of law and order. How culpable it is to have such interference from Goto who publicly instructs his subordinates to do justice and contemptibly and secretly instructed me to persuade a certain person to become a candidate against the Opposition candidates. When Mr. Tatsubana, with instructions from Goto, tried in vain to induce his father to become a candidate, he persuaded Mr. Inugari through his relatives, who declared publicly that Mr. Inugari's candidacy would be backed by the governor. When this was unsuccessful they blamed the governor and the injustice of the police commissioner (me). I can not stand for instructions which usurp the police power so long as I am head of the police in the prefecture. The government knows well that I am legally forbidden to take part in politics.

[14] Article LXXVIII.

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To ask me to use my influence to make some person a candidate against the Opposition is clearly against the spirit of the law.[15]

The prefect has the power to appoint and to dismiss a large number of officers employed in the administrative services of the local government (including even the school teachers), subject in some cases to the approval of the Minister of Interior. The prefect also has power to issue either for the whole territory under his control or for a part of it, city or prefectural ordinances relating to administrative and police business. These ordinances and police powers give the prefects a large opportunity for interfering in local affairs, and this is a constant source of complaint. As head of the police offices, he can direct all police officers and determine the distribution, separation, and uniting of branch police offices in each urban and rural division.[16] He even has the power to call the militia in any case of extraordinary emergency.

Although the power of the governor is so extensive, there is a growing tendency for the governor to work in conjunction with the representatives of the people.[17] He is realizing that without co-operation with other members of the council he can not successfully govern the prefecture, especially as he is often a stranger in the state where he is stationed. Furthermore, his tenure of office is very uncertain. He is subject to transfer from one place to another. This phenomenon becomes more striking and more frequent with the growing of party influence. If the governor acts contrary to the interests of the assembly or non-professional members of the council who not only are representatives of the people, but also are affiliated with a party, the people or their representative can take up the matter directly or indirectly before the Minister of Interior,

[15] *Shinbun Nenkwan*, June, 1917, p. 139.

[16] Rules for Police Administration, Article II. Meiji 8 (March 7), Taisei Kwan Tatsu, No. 29. See also Shiho Keisatsu Rei, Article III.

[17] The proof of this tendency is that the governor usually listens to the popular wishes in removing local officers or teachers. The growing tendency towards local self-government is making the governor feel more responsible to the people of the prefecture. Though appointed by the Minister of Interior, he frequently owes his appointment to the favorable influence of the representatives from his prefecture.

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who is ever anxious to win the favor of the people, because his opposition to the interests of the people will result in the defeat of his party, assuming he is a member of some political party. Even if he is not a party man, the government will gain nothing by retaining a governor who is unpopular among the people of a prefecture. The government knows it is essential to avoid any unnecessary conflict with the people in order that its bills may have a smooth path in the national Diet, since every member of the council or assembly [18] is directly affiliated with the national political parties.

However, it is interesting to note from the following incident how the governor can exercise his enormous power arbitrarily.

In 1882 Governor Mishima was transferred to Fukushima-Ken, and it was rumored he had been sent to suppress the liberal parties in that province. It was reported that he had said: "As long as I am the governor, I shall see that thieves and the liberal parties shall not raise their heads." Immediately upon assuming his duties in Fukushima-Ken, he dismissed ninety officers in the prefecture and substituted for them persons who were politically acceptable to him. He planned to construct two highways connecting his prefecture with Niugata and Yamagata. Without asking any appropriation or making any survey, he forced the people to pay 370,000 yen for the purpose. He ordered the people of six sub-prefectures, who were between fifteen and sixty, regardless of their wealth or poverty, to work one day in every month for two years. He charged those who could not work fifteen cents a day in case of men, and ten cents a day in case of women. He ordered the dissolution of the assembly of the towns and villages which opposed his plan.

In connection with the prefectural government the Assembly of the Prefectural Governors should be considered. The first

[18] In 1915 the party affiliations of the 3 Fus and 40 prefectural assemblies were as follows: Seiyukai 641; Doshikai 566; Chusei kai 55; Kokuminto 108; no party affiliation 271. See Kokumin Nenkwan, 1916, p. 124.

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session of the assembly was convened in 1875. The purpose of the convention was to apprise the central government of the condition of local affairs, to provide the facilities for the exchange of views in matters of local administration, and to discuss the bills submitted by the national government. It was said that the government in establishing this institution was to form some sort of foundation preparatory to the adoption of representative government. The reason of the government in summoning the governors was clearly stated in the imperial decree issued at the time, which read:

In accordance with the meaning of the oath taken by Me at the commencement of My reign and as a gradual development of its policy, I am convening an assembly of representatives of the whole nation so as by the help of public discussion to ordain laws, thus opening up the way of harmony between governors and governed and of the accomplishment of national desires, and I trust by ensuring to each subject throughout the nation an opportunity of peacefully pursuing his vocation to awaken thus a sense of the importance of matters of state.

I have therefore issued this constitution of the deliberative assembly providing for the convening of the chief officials of the different local jurisdictions and for their meeting and deliberating as the representatives of the people.[19]

Mr. Kido, president of the Assembly, submitted for its consideration the question of a popular legislative assembly, though the majority of representatives maintained that the condition of the country was not right for such an advanced step. Thus we can see that the establishment of this institution was intended to serve as a preliminary to the Constitution. However, the assembly of the Prefectural Governors has changed its nature in recent years. Instead of fostering the development of constitutional government it tends to retard it.

According to the plan of its establishment it had the power to end its existence when the Diet [national legislative body], was established. The purpose of establishing the Assembly

[19] Imperial Declaration, No. 58, May 2, 1874. Translation in English is quoted in Professor McLaren's Japanese Government Documents, p. 505.

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was to make the local authorities deliberate on the national administrative policy prior to the organization of the national Diet. The Assembly no longer fulfills the object for which it had been established. It is today convened as one means of extending the influence of bureaucracy. It does not increase the power of the people in local government. Once in every year at present the assembly is convened, usually right after the adjournment of the Diet, for the purpose of instructing the governors on the policy of the nation or of consulting with them on local conditions.

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CHAPTER VI

DEMOCRACY AND MUNICIPAL GOVERNMENT

Our scheme of municipal government, like the rest of the Japanese system, originally came from Germany. It was drafted by a German scholar under the guidance of Prince Ito, who was largely responsible for drafting the present Japanese constitution. A municipal law was promulgated together with statutes for the organization of towns and villages, April 14, 1888, to go into effect a year later. Although the present municipal law is based on the revised laws of 1911, the principle as well as the spirit of its administration has not been changed.

The preface to the decree of promulgation of the communal law is as follows:

> Animated by a desire for the development of the advantages attending the communal union of the country and for the promotion of the welfare of our subjects in general, and recognizing the importance of maintaining and of further extending the old customs of inter-relationship between neighbors, and of protecting the inherent rights of cities, towns, and villages by a new law, we give our sanction to the present law on the organization of cities and to that on the organization of towns and villages, and render it to be duly promulgated.[1]

Japanese political writers complain that many matters of purely local interest are administered and controlled by a minister at Tokyo who from his office may touch a button and give orders to 43 prefectures, 3 Fu, 636 sub-prefectures, 74 cities, 12,218 towns and villages.[2] Perhaps there is not a community in Japan today, however remote, in which the government at Tokyo does not have an agent to whom it can give

[1] Clement, p. 294, *Political Science Quarterly*, June, 1892.
[2] *Kohumin Nenkwan*, 1919, p. 143.

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orders. The government is in close touch with local problems through the prefectural governor and the guncho, the head of the sub-prefectures.

The administration of the communal government is highly centralized, and to a large extent the principle of centralization prevails in respect to legislation of a local character. It is said by the government that this supervision or control is necessary for the protection of tax-payers against the extravagance and wastefulness of municipal councils, as well as of citizens against possible arbitrary conduct of mayors and councils, who, through their rather broad powers, might violate the rights of individuals. It is argued that the powers of the communal authorities over finance must be kept in check by means of some form of central control in order to prevent the dissipation of communal property and resources and to forestall any inexpedient heavy loans which might oppress property owners because of resultant burdensome taxes.

It is said that such powers of supervision and control as are exercised by the central executive over local authorities in Japan, as in Prussia, is justified solely on the theory that all local government is a devolution of State function and authority. The State has renounced certain powers, but subject to the condition that it may still retain the power to satisfy itself that these powers are properly exercised by the authorities to which they have been transferred. How rigid is the State in supervising the enforcement of its law can be seen from the fact that in 1915 Mayor Okuda of Tokyo received a disciplinary punishment from the governor of the Tokyo prefecture for his inefficient management of primary schools in the city. This disciplinary punishment seems to be unreasonable when we consider that the mayor in Japanese cities has no appointive power over the teachers in public schools.[3] The State imposes upon the local authorities the duty of discharging the state laws, such as those relating to the protection of the public

[3] (The *Taiyo*, 1917, November issue, p. 163)—Municipal System of Tokyo, J. Taniya.

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health, an efficient school system, the preservation of public order, and the performance of other services which concern not merely the local inhabitants but the people of the entire country.

The power of the local legislative body as such is much restricted, and in consequence many local matters are directly regulated by the national government at Tokyo. The communes, as a result, often suffer from the inevitable delays incident to such a system, to say nothing of the inconvenience which arises from their dependence upon the national legislation with the approval of the government. Not infrequently the communes are compelled to wait months or years for the necessary authority to undertake a new project or to levy an additional tax which has been made necessary by the action of the Diet itself in imposing upon them the burden of establishing and maintaining a new service. If the government would surrender its power of local legislation and transfer it to the local assemblies where it seems more properly to belong it would relieve the Diet from the burden of legislating upon local matters for which it has neither time nor knowledge. At the same time it would free the representatives from the constant pressure to which they are subjected by their constituencies.

While the mayors of the communes are chosen by the municipal assembly, and while communes, like prefectures have popularly elected assemblies, they are subject to strict control by the central government at Tokyo or its representatives in the provinces. The mayor may be removed from office by decree of the Emperor with the advice of the Home Minister,[4] or he may be suspended from exercising his functions by the governor.[5] In practice, however, these powers of removal and suspension are rarely if ever exercised.

Certain acts of the municipal assembly are also subject to superior authority. Those measures affecting the disposition

[4] Article CLXX (Municipal Law), issued April 6, 1911. Law No. 68.
[5] *Ibid.*

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of communal property, those relating to financial affairs, such as the budget, supplementary appropriations and loans, and acts for the establishment of fairs and markets, require the approval of a representative of the central government, usually the prefect, but sometimes the council of the prefecture.[6] Various other acts of the municipality such as alterations of communal boundaries require authorization by the prefectural council.[7] Any act of a municipal council may be annulled by the prefect, if it is considered *ultra vires*, and so may any act in the passage of which a member of the council has a personal interest.

In case the mayor refuses or neglects to perform any duty prescribed by law, the prefect may, after requesting him to perform the act, proceed himself or by a special delegate to execute the act.[8] If the duty required is one which devolves upon the mayor as agent of the central government, the conferring of this power upon the prefect is entirely logical; if, on the contrary, the duty is one which rests upon him in his character as agent of the municipality, the exercise of this power involves a distinct encroachment upon the freedom of the municipality. In this case he may appeal directly to the Minister of Interior.[9]

As to suffrage, the municipal law divides the people of the city (town and village) into two classes: those who can vote and those who can not. The former are called "citizens;"[10] the latter, "residents."[11] The "residents" of a city (town or village) include all those who have their residence in the city (town or village) without distinction as to sex, age, color, nationality, or condition in life. A "citizen," however, must be an independent male person, that is, "one who has completed his twenty-fifth year;" he must be "a subject of the Empire

[6] See Article CLXV–CLXVII.
[7] *Ibid*, Article IV.
[8] *Ibid*, Article CLXIII.
[9] *Ibid*, Articles CLVIII and CLXIII.
[10] Article IX.
[11] Article VIII.

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and in the enjoyment of his civil rights;" and for two years he must have been a resident of the given local division, and must have paid therein a "national direct tax" of two yen or more. The citizen has the privilege of franchise in the local elections, and of eligibility to the honorary offices.[12]

One of the most peculiar features of suffrage qualification is that a juridical person is allowed to vote in municipal elections through its representative.

There are certain disqualifications, some permanent and others temporary; the former include chiefly judicial conviction for certain offences, and the latter, bankruptcy and refusal to undertake honorary civil office when required.

Under this system, the voters of a city are divided into three classes according to the amount of direct national taxes they pay. The classification is made in the following manner: The total sum of the taxes payable by them is ascertained, and this is divided into thirds. The names of electors are arranged in a list according to the taxes they pay, the highest tax-payer being first on the list. The electors are then divided into three groups. The first group contains the names of those whose tax payments will make exactly one-third of the total taxation; the second contains the next following names whose tax payments will make a second third and the the third contains the remaining names. Provisions exist to meet the case of persons paying the same amount of taxes who may happen to fall into different classes.[13]

Each of these three groups elects one-third of the assemblymen from among the eligible citizens, the candidates being chosen irrespective of the classes.[14]

[12] Article IX and X. The service in communal council and assembly is regarded honorary as the service is not compensated.

[13] An elector, the amount of whose taxes may fall into two classes, shall belong to the higher class. Should there be two or more persons who pay the same amount of taxes, and they come between two classes, the one of these, as the case may be, whose residence in the city has been longest, shall be included in the higher class; when the matter can not be decided by length of residence, it shall be decided by seniority of age, and in case of impracticability of the latter, by lot drawn by the mayor. (Article XV.)

[14] Article XVIII.

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The effect of this three-class method of apportioning voting powers is that in cities with a considerable number of wealthy tax-payers, the well-to-do form the first and second classes, while the third class represents the vast majority of the small tax-payers.[15]

Another effect of this sytem is that two citizens of the same fortune will have entirely disproportionate political influence, if they live, one in a rich city and one in a poor city. If a prosperous citizen chooses to settle in a moderately wealthy city, he may totally upset the composition of the classes there, may control one-third of the electorates, and may even obtain personal representation in the city assembly.

The skillful use of this curious system of electing members of the assembly enabled one or two large corporations in a Tokyo district to secure a predominant influence in city politics. In 1911, in the district of Kojimachi-ku, the only voter in the first class was a juridical person who elected Mr. Kaneko.[16]

In the same district when the municipal election was held in 1916 the number of voters in the first class was only two juridical persons [17] who elected one member of the assembly; the number in the second class was five, of which four were juridical persons and one a citizen. The number of voters in the third class was 1,919 persons who elected also one member to the assembly. In this same district the population then numbered 65,893.[18]

In the municipal election of 1917, in the city of Osaka, the number of voters in a population of 1,557,989 was 31,744,[19] of

[15] In 1919 the Kenseikai, with a view of remedying certain undemocratic features in the municipalities, proposed a bill eliminating qualification to pay the national direct tax and giving a franchise to those who pay municipal taxes. However, the bill was entirely silent as to the three-class system. (*The Osaka Mainchi*), Editorial, March 19, 1919.

[16] "Baron K. Kaneko was elected a member of the city assembly of Tokyo as representative of the first-class tax-payers in Kojimachi Ku. Then the Nippon Yusen Kaisha was the only first-class tax-payer in that district and it voted for him." Quoted in Clement's *Handbook of Modern Japan*, p. 139.

[17] These juristic persons were two corporations—namely, Steamship (Yusen) Co. & Kingyo (Bank), quoted in p. 3, Tokyo, *Nichi.*, March 14, 1919.

[18] *Kokumin Nenkwan*, 1919, p. 495 (Statistics based on report of 1917).

[19] *Kokumin Nenkwan*, 1919, p. 519 (Statistics of 1917).

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which 29,199 were voters of the third class; 2,287 were voters in the second; 258 in the first.[20] In the district of Kita-Ku, in Osaka, fifteen assemblymen were to be elected under the three-class system. One-third of that number, namely five members, were elected by five corporations, three of which had enjoyed either a special franchise from or a contract with the city to carry on a public utility.[21] "Under such a condition," says the *Osaka Mainchi*, "it is but natural that the corporations are anxious to elect their own candidates for their own selfish purpose, and as a result the canidates once elected think more of the interest of the corporations than of the interests of the public." [22]

An acute foreign observer declares:

This system [the three-class system] must be responsible in great part for the almost universal apathy of the electorate, the voting power being so unevenly divided that voters do not think it worth while to exercise their franchise. Especially is this the case with the *noveau riche* middle class, composed of commercial and professional people, the great majority of whom are qualified to vote in the third class. Thus, in the election for the assembly held in Tokyo in 1905, there were 42,100 names on the voters' list, but only 7,915 votes were actually polled. In the third class there were 37,005 names and 5,816 votes, in the second 4,465 names and 1,825 votes and in the first 630 names and 274 votes; or to put these figures in percentages, in the third class, 15.7 per cent.; in the second, 39.4 per cent., and in the first 43.6 per cent., or taking the average of all classes, 18.8 per cent. of the electorate vote.

Not only has it been impossible in the past to get more than a modicum of the electorate to vote at an election for a city assembly but the system upon which elections are conducted makes it almost impossible to bring about any improvement in the ability of the

[20] *The Osaka Mainchi*, Editorial, p. 1, March 19, 1919.
[21] *Ibid.*
[22] *Osaka Mainchi*, July 9, 1919, p. 3.
The number of the voters of the three classes in Osaka is as follows:

	South District	*East District*	*North District*
First Class	64	43	5
Second Class	689	396	265
Third Class	9,904	7,505	6,965

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members of the assembly. The voting power is so unequal that, even if the vast majority of the electorate, say 80 per cent., were to be stirred up by a popular agitation in favor of honest government, it would be still possible for two-thirds of the members of the assembly to be elected by the remaining 20 per cent. of the voters, who conceivably might not be affected by the popular movement. In fact in Tokyo in 1905 one-third of the members of the assembly were elected by a little more than one-half of the one per cent. of the qualified voters.[23]

To be eligible for membership in a municipal assembly a person must be a qualified voter, that is, a person paying a tax amounting to two yen or more a year and enjoy full civil rights. However, many persons are disqualified by reason of their positions. Thus officials and members of personnel by which the prefectural government exercises control over the communes, salaried officials of the city, prosecuting attorneys, police officials, tax-collectors, priests, school teachers of elementary schools, those who contract with the city, and directors and managers of unlimited corporations doing business under contract with the city are excluded. The same disqualifications apply to father and son or to two brothers, who may not at the same time be members of an assembly, and, if both are elected, the older is admitted to membership.[24]

So far as the property qualifications of the candidates for the assembly are concerned, they are more undemocratic than in the national government where the property qualifications of candidates for the House have long ago disappeared.

The Japanese municipal code makes no provision for any system of primaries, caucuses, nomination papers, or, indeed, for any formal method of putting candidates in the field. As in France the absence of any nomination of candidates in advance of the actual polling is characteristic of Japanese municipal election. The candidates receive no official recogni-

[23] *Japanese Government Documents*, W. W. McLaren, *Transactions of the Asiatic Society of Japan*, pp. 97–99.

[24] Article XVIII—If father and son or two brothers are elected from the same district, the person who received the highest number of votes is declared to be elected.

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tion as in America. So far as the election authorities are concerned, they recognize no candidate for the municipal assembly; they set before the voter at the polls no list of aspirants; they restrict his entire freedom of choice in no way whatever.

In order to be elected, a candidate for admission to the assembly must have secured a majority of the votes cast. However, the number of ballots obtained must not be less than one-seventh of that obtained by dividing the total number of the electors in each class entered in the electoral list by the fixed number of members to be returned from each class.

It is interesting to note that in the Japanese municipal elections electors in each class vote separately. Article XXII of municipal law provides that electors of third class shall vote first; electors in second class second; electors in the first class last.

The political psychology of the Japanese voters presents more or less of a puzzle to the foreign student of politics. That the Japanese who possesses considerable natural impulsiveness should display calm in even hotly contested elections is a matter that seems to call for some comment. One who watches a Japanese municipal campaign can not fail to get the impression that the local elections do not even ruffle the surface of everyday life. The campaign is largely, if not entirely, conducted by private canvasses, but not by speech-making as in America. It is said that this general lack of interest shown by the voters is due partly to the comparative inefficiency of the local party organization, but largely to the fact that the voters are less interested in politics under the present system of government.

The power of the Japanese city assembly is very limited. The general powers granted to the assembly are purely advisory, the initiative resting with the higher authorities, and the assembly having nothing but the privilege of tendering its advice, which may or may not be accepted. The powers of the assembly as enumerated in the municipal law are as follows:

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The determination of the city budget as well as the approval of any outlay not included in the budget or of one exceeding the estimate; the giving of publicity to the annual accounts of receipts and expenditures; determining the modes of imposing and of collecting duties, fees, city taxes, and services in person or in kind, so far as they are not determined by laws or Imperial ordinances; alienation, purchase, exchange, or mortgaging of the immovable property of the city; matters relating to the disposition of the stock and property, etc., selection of the municipal executive.[25]

Throughout Japan, the system of municipal administration exhibits on a small scale the working of the political philosophy of our national government. Like the national constitution, the municipal law limits the direct authority of the electorate, providing various checks on and safeguards against the popular assembly. The functions and powers of the executive are placed far beyond the control of the representatives of the people. Just as the National House of Representatives and the prefectural or Fu assemblies lack legislative independence, so the city assemblies are mere auxiliary bodies. Their jurisdiction is restricted at every turn; first by the limitation of their deliberative powers, then by the institution of a permanent mayor and council, and finally by the strict control of the national government.

The doctrines of "popular responsibility," which is more or less realized under the political constitutions of all democratic countries where executive officers can be removed from office by the adverse vote of a representative assembly, or by the termination of a brief specified term of office, or by impeachment or recall, finds no place in the local government of Japan. The mayor and council, once chosen, are not only independent of the representatives of the people, namely the assembly, but are practically irremovable. Just as in relation to the national legislature the ministers stand outside the representative body of the people, the mayor and council, once chosen, are no longer

[25] Article LXVII

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subject to the assembly. The mayor, like the Ministers of State, has the right to attend all meetings of the assembly and to speak or to be heard at any time upon any subject within his jurisdiction.[26] Again, like the national cabinet, which can convoke a special session of the Diet, the municipal executive can call the assembly at any time he deems necessary.

There is, however, one sphere in which, in the municipal government as in the national, the popular assembly can exercise to a certain extent its legitimate power over the executive. This is in the sphere of finance. The assembly has the legal power to refuse by majority vote to approve the budget of the mayor, but it can not prevent the execution of any laws already enacted by refusing to approve the necessary appropriations. If these appropriations are not made by the assembly, the Fu or prefectural governor can include the necessary amount of such expenditures in the budget in order to carry out the laws or Imperial ordinances already upon the statute books. Moreover, the government, when it regards it as necessary, can impose any amount of expenditure upon the city without the consent of the assembly. Article CLXIII says: "When a city does not include in its budget an expenditure imposed upon it by law or ordinance, or one that has been ordered by duly constituted authorities, or when it does not approve or actually supply funds for an extraordinary expense, the Fu or prefectural governor may, upon the statement of his reason for so doing, embody the amount of such expenditure in the budget or order payment of the same."

The upshot of this provision is that under no conceivable circumstance can the assembly withhold the funds necessary to enable the city government to exercise its functions. When the budget fails to pass the assembly a certain amount of embarrassment may ensue, particularly if the city has some project to undertake. Even so, the difficulties may not be so great as might be expected, since every project can be carried out if the approval of the higher authority is secured.

[26] Article LI.

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The other organ of municipal government is the council. This body consists of a mayor and a number of members, some of whom are paid and some unpaid. The number of unpaid members of the council is fixed by municipal code.[27] The number of paid members is determined by the city ordinance subject to the approval of higher authority.[28] In general the total membership of the council is not very large. Tokyo, for example, with an assembly of seventy-five members, has eighteen members of the council, including a mayor, three deputy mayors and two professional administrators called shi-san-yo. However, these shi-san-yo do not participate in the deliberations of the council except when questions relating to their respective jurisdictions arise. In the smaller cities most of the members of the council are honorary or unpaid members.

All members of the council are appointed for terms of four years. The choice of honorary members of the council is made from within the assembly. In the case of paid members the council may select any one who is qualified for the position. However the choice of all paid members of the council must be confirmed by the higher authorities before it becomes valid.

The council like the German administrative board, the Magistrat, was an executive body, but under the revised law of 1911 it has lost its executive and administrative functions. It has become merely a deliberative and advisory body.[29] The duties of the council are set forth partly in the municipal code, partly in the detailed ordinances, and partly in instructions from the higher authorities. Article LXVII of Shisei [municipal law] confers the following powers: (1) To deliberate and decide those questions which are entrusted by the assembly to its legal sphere of jurisdiction; (2) to express its opinion on the subjects to be presented to the assembly by the mayor;

[27] The number of honorary members of the council is fixed at six except in the cities with special privilege. In such cities the number may be increased up to 12. See Articles LXV and LXVI.

[28] Article LXXIV.

[29] The main business of the council at present is the investigation and amplification of resolutions passed by assembly.

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(3) to decide all questions which come within its jurisdiction. The council also performs within certain limits judicial functions such as the settling of claims against the city when the amount does not exceed 1,000 yen.[30]

Though technically the council is the creature of the assembly by virtue of its appointment by that body, its action is independent. The council can perform in some cases all the functions of the assembly. Article XCI of the Municipal Law says: "Whenever the mayor has no time to convoke a meeting of the assembly or when an attendance of members of the assembly does not constitute one-half of its members, the mayor can present to the council any matter which is within the legal sphere of jurisdiction of the assembly.[31]

The meetings of the council, unlike those of the assembly, are not open to the public, and they are held more frequently than those of assembly. The mayor can call the council at any time. Upon the demand of half of the honorary members of the council he must do so. The attendance of the chairman (mayor) or his representative and at least one-half of the honorary members of the council is required for the validity of meeting.[32]

The most important personage in the municipal government is the mayor. He is the chief magistrate of the city. He governs the city and represents it.[33] His duties are twofold: those to be performed as an agent of national government, and those as the head of the community he represents. As to the former, he is responsible for the due execution of all national and prefectural laws and regulations and imperial ordinances incumbent on a commune. As to the latter he has to carry out the resolutions of the assembly and council.

As an agent of the national government the Japanese mayor, like his French counterpart, has an enormous power. He is entrusted with the enforcement of all national laws and

[30] *Tokyo Shi-Sei Gaiyo*, p. 15 (1913 Edition).
[31] Article LII.
[32] *Ibid*, LXX.
[33] Article LXXXVII.

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instructions within the limits of the city without concurrence on the part of the assembly or the council. He is also entrusted with police power. Article II of Shiho-keisatsu (Police Law) says that the mayor is required, under the direction of the prosecuting attorney of the province, to search out criminals within the commune. He is entrusted with the supervision of the civil register.

The system of the civil register involves the preparation and maintenance of a register of all the births, marriages and deaths that take place within the commune. The mayor is also entrusted with military duties, acting in this matter as an agent of the Minister of War at Tokyo. He prepares each year the list of persons liable to military service.

Another duty of the Japanese mayor as an agent of the national government is his responsibility for carrying out the national as well as the local election laws. He is responsible for the proper supervision of all matters connected with the preparation of the voters' lists to be used in the national, prefectural or Fu, and communal elections.[34]

As the head of the municipal administration, the mayor is the apex of the municipal government just as the Emperor is the apex of the national government. Article LXXXVII of the Municipal Law mentions the following matters as falling within the province of the executive: The preparation of subjects for deliberation in the assembly and in the council and the execution of resolutions of the assembly and the council; the administration of the city revenue; direction of receipts and payments fixed in the budget; the general supervision of the city property; supervision over the city officials and disciplinary authority over them; imposition and collection of fees and of taxes determined by law or by the assembly. In such capacities the mayor makes an elaborate annual report to the local authorities. He also makes practically all appointments of city officers although sometimes his choice is subject to the approval of the assembly or of a higher authority.

[34] See "Law of House" and also Shisei.

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As to the financial power, it is the duty of the Japanese mayor to see that the revenues of the city are properly collected. He makes an annual report to the assembly on the financial condition of the city. A copy of this report also goes to the higher authorities.

As the head of the commune, he is also entrusted, under a recent law, with the duty of looking after all highways within the municipality.

As chairman of the council the power of the mayor is enormous. Just as the council may refuse to pass such resolutions of the assembly as it believes to be illegal or improper, so it is the right and duty of the mayor to control the action of the council. If any decision of the council appears to exceed its authority or is prejudicial to public good, he may, upon his own judgment or under the instruction of the higher authorities, suspend the execution of the regulation of the council.[35] If the suspension of execution of its decision is due to the ruling of the prefectural or Fu council and the case involves existing laws or an Imperial ordinance, the council may appeal to the administrative court.[36]

The power of the mayor is further enlarged by the fact that he can act independently of the council in case of emergency. "When any question," reads the provision, "which belongs to the competency of the council requires immediate settlement, so that there is no time for convoking a meeting of the council, the mayor may decide it upon his own judgment and make a report thereon at the next sitting of the council.[37]

So important is the office of the Japanese mayor that appointment to such a position requires confirmation by the crown. Article LXXIII of the Municipal Law reads: "The mayor shall be appointed for four years. The Home Minister shall cause the assembly to make a list of names of three candidates, which he shall present to the crown, and ask the crown's pleasure in

[35] *Ibid.* The mayor is given similar power as to the assembly by Article XC.
[36] *Ibid.*
[37] Article XCI.

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regard to the selection of one of them." If he is unable to obtain the Imperial approval of any of them he shall cause the assembly to make another proposal of candidates. If he is still unable to obtain the Imperial approval he shall, until the city assembly presents proper candidates, either appoint a deputy *pro tempore* or despatch a government official to discharge the mayor's duties at the expense of the city.[38] The real power of this provision is in the hands of the Home Minister. The approval of the Emperor is merely nominal.

The municipal government of Japan, patterned as it is largely from the Prussian system, has been to a considerable extent a failure. This failure can be attributed mainly to too much partisan politics in municipalities.

Examination elsewhere showed the fact that the members of the assembly elected under the undemocratic three-class system have the power of recommending the candidates for mayor. And this recommendation of candidates, according to Mr. Ozaki, means practically appointment,[39] for thus far the Emperor has never refused to appoint the one who has received the highest number of votes among the three candidates recommended by the assembly.[40] This means that assemblymen have a large influence in the selection of a mayor. They will recommend and select only such a person as is likely to pursue their policy.

If the popularly elected members did not play politics among themselves, this power conferred upon the assembly might be beneficial instead of harmful, because it would act as a check upon the probable abuse of power by the executive.

Although the mayor has supervisory power over the entire municipal administration for which he is responsible, it is said that he has not much independent power in practice either to appoint or to dismiss even minor municipal official without consulting the assembly.[41] This practice compels a mayor to

[38] Article CLXIV.

[39] Mr. Ozaki, conversation with the writer in New York, 1919.

[40] *Ibid.*

[41] *Nippon Oyobi Nippon Jin*, No. 748, January, 1919.

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carry on his administration less effectively and efficiently. There has been a tendency during recent years for subordinate officers to respect the members of the assembly rather than the mayor himself, since they are in no danger of losing their places when they are in harmony with the assemblymen. Consequently the honor of being mayor is less attractive to the able men of Japan than it is to the able men of such countries as England, America, and Germany.

It is reputed that when Mr. Okuda was elected mayor of Tokyo, he made a personal visit to each member of the assembly in order to ingratiate himself.[42] This clearly indicates the difficulties confronting any Japanese mayor in carrying on a successful administration. At present the municipal government of Tokyo is in the hands of a few politicians who control the parties. In 1919 the members of the assembly belonged to the following political parties: twenty-seven to Shiyu-kai; fifteen to Chuusei-kurabu; twenty-six to Kowa-kai; seven to Mushozoku.[43]

There exists in practically every large city in Japan a miniature Tammany Hall. Dr. Washio, describing the Tammany of Tokyo, says: "The assembly is at present a den of thieves controlled by the capitalists of the city, and the council elected by the assembly from among its own members is the nerve center of corruption and the most trying body for the mayor to deal with. They have long had the reputation of being the most subtle, crooked, and unscrupulous politicians. If the mayor happens to be a man of doubtful character, any sort of scandalous plan can be concocted by this body. And if he happens to be a clean man, he is sure to be subjected to all sorts of abuse and criticism.[44]

To appreciate further the magnitude of city politics and to show the real conditions of our municipal administration, let us illustrate as an example municipal politics in the city of Tokyo.

[42] *Nippon Oyobi Nippon Jin*, No. 748, January, 1919, p. 68.
[43] *Kokumin Nenkwan*, 1919, p. 491.
[44] *Tammany of Tokyo*, by Dr. Washio. *Japan Advertiser*, April 10, 1918.

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Prior to the appointment of Mr. Tajiri on April 5, 1918, the mayoralty office in Tokyo was vacant for eight months despite the fact that the authorities were earnestly seeking for a proper candidate. During this long period the city was without a mayor, and the municipal administration was carried on by the council. After eight months the city of Tokyo finally found a mayor in the person of Viscount Tajiri who was elected by the support of two factions of the assembly with a majority of seven votes over Mr. Abe. Viscount Tajiri was an able man with a bureaucratic career and a rigorous temper. The first objection to his qualification for the mayoralty office was that he was not flexible enough to work with the members of the council, with whom he had naturally to participate in the executive work. In other words, he was not acceptable to the interests of the council.[45]

"We wonder," says the *Yorodzu*, "if the municipal officials consider municipal administration a sort of gambling and the municipal assembly a market. They do not face municipal administration with conviction and principles; during the proceedings of the municipal assembly they may be only calculating their own interests."[46]

Commenting upon the difficult problem of selecting mayoralty candidates in the city of Tokyo, Dr. Washio remarks:

> The mayor is sought preferably from men with ministerial dignity. The assembly itself being a body of unscrupulous politicians of rather low type, its members have enough sense to know that there can never be found among themselves a man of sufficient dignity to be acceptable to the public as the mayor of this city [Tokyo]. And yet they want to control him in all practical questions of the city administration. This is an unusual situation. It can be remedied only by substitution of the system of direct election for the present system of indirect election which even iron-headed Bismarck condemned as an agency through which the dominant class revamps the popular will to suit its own interests.[47]

[45] *Yorodzu*, June 4, 1919, p. 1.
[46] *Ibid.*
[47] Dr. Washio, Tammany of Tokyo, *Japan Advertiser*, April 10, 1918.

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The restriction of suffrage makes it impossible for the people to control their own affairs. In limiting the right to vote on municipal problems, the lawmakers evidently proceeded, as in the case of the national government, upon the theory that the policy of a city with reference to the public utilities or what not should be controlled by its tax-payers. The justification for this provision is not apparent in the case of a city inasmuch as the burden of supporting the public service industries of a city is not borne by the tax-payers as such, but by the people generally. Such a system makes it possible for the tax-paying class to control public utilities in their own interest and to the disadvantage of the general public.

The resignation of Mayor Sakatani in 1917 as a result of his failure to effect a compromise with the council over the question of municipal ownership of electric companies in order to prevent unjust competition gives a side-light on the undercurrent of politics in the city.

The evils in administration are more easily traced in the city where we find a numerically small but very wealthy class and a large class owning little or no property. There the general political movement toward democracy has encountered the most obstinate resistance. At present only a small part of the population own land or capital enough to be allowed to participate in the municipal elections. The overwhelming majority of those who live in cities are employees and tenants. In the year 1913, the total franchise-holders under the tax-paying qualification of national direct tax of two yen a year were only 297,956 [48] out of a total population of 8,999,264 [49] in all the cities of Japan having a population over 30,000.

In 1917, the entire population of Tokyo was 2,349,830,[50] out of which only about 59,471 [51] persons were property owners paying a direct national tax of two yen a year.

[48] *Nippon Teikoku*, No. 36, *Tokei Nen Kwan* (Japan Statistics No. 36), Year 1918, p. 89 (Section Ryakusetsu).

[49] *Ibid*, p. 27.

[50] *Kokumin Nen Kwan*, 1919, p. 496.

[51] Statistics of year 1911—Year Book of Tokyo Municipal Government (*Tokyo Shisei Gaiyo*) issued by Tokyo City Government, 1913, p. 18.

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This property-owning minority class in the cities must be taken into account in any attempt to find an explanation of the reluctance on the part of the property-owning class to recognize the necessity of civic improvement in the way of hospitals, transportation lines, etc., since any improvement means additional taxation imposed on the property owners. Inequalities in the assessment of property for taxation are permitted to exist in favor of landlords.

Let us examine this point with more detail.

The total area of land in the city of Tokyo in 1918 was 23,468,000 *tsubo*, out of which 8,654,000 *tsubo* belonged to the national government; 1,245,000 to the city, and 13,567,000 to private persons.[52] In the same year, the total number of persons who participated in the ownership of these lands was 22,476.[53] The legal valuation of those private lands was estimated at 94,719,324[54] yen, that is, about 7.60 yen per *tsubo*. However, at present in no part of the city can land be found which can be bought at 7.60 yen per *tsubo*. The actual valuation of land at present in Tokyo is about eight times higher than the legal valuation which is made by the committees appointed from among the property-owners together with some government officials.

According to Professor Abe, the total land tax in the city of Tokyo in 1918 was 226,310.68 yen.[55] Therefore, if the assessment were to be made on the real valuation of the land, the revenue from the land would be eight times 226,310.68 yen or 1,810,485.44 yen—an increase of 1,600,000 yen which will be ample enough to better the present miserable municipal conditions.

A more undemocratic feature in connection with real estate in the city of Tokyo is that there is a large area of land which enjoys a special lower rate of taxation. This land is classified

[52] *Ibid*, p. 497.

[53] *Ibid*, p. 497.

[54] Professor Abe, Finance and improvement in the Greater Tokyo, *The Chugai Shinron*, May issue, p. 34.

[55] *Ibid*, p. 34. This amount of tax does not include national and prefectural taxes.

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as "rice field," "forest land," "farms" and "swampy land." The total area which enjoys this special taxation is 834,261 *tsubo*. The legal valuation of these different lands per *tsubo* is: rice fields, 14 sen;[56] farm land, 5 sen; forest land, 1 sen; field, .56 sen; swampy land, .22 sen.[57]

Another illustration of the unsatisfactions of a government in which property-owners are dominant is an astonishing lack of transportation facilities in Tokyo as well as in other cities. The *Mancho* gives the following statistics as to the number of street cars in the city of Tokyo during the last three years:

	1917	*1918*	*1919*
Average number of cars running a day .	1,004	996	944
Number of passengers (average a day) . .	860,000	930,000	1,170,000[58]

The above figures show that the transportation system which is at present under municipal ownership is left unimproved.

Before leaving this subject, a word or two must be said of town and village governments. The form of government in towns and villages is similar to that in cities except that the council is absent in town [and village]. The chief differences between city and town governments are in the matter of the suffrage, and in respect to their legal relations with the central government. In the city the voters are divided into three classes; in the town they are divided into two. While the city is independent financially and politically and constitutes an independent urban county, the town and the village form parts of the districts in which they are situated. In other words, in the city, state supervision comes either from the prefect or from the Home Minister, but in the town and in the village it comes from a district authority.

In both city and town government, however, the main spring of all local actions comes from the Home Minister who is the original source of power. Administration is completely

[56] *Ibid*, p. 34.
[57] *Ibid*, p. 34.
[58] The *Mancho*, February 5, 1920.

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VITA

The writer of this dissertation was born January 7, 1889, at Tochiuda, Sodesaki-mura, Kitamurayama-gun, Yamagata-ken, Japan. He received the degree of A.B. from the University of Washington, Seattle, Washington, in 1917, and the degree of A.M. from Columbia University in 1918. He was in residence at Columbia University during the years 1917–1920, taking courses under Professors H. L. McBain, T. F. Powell, E. M. Sait, E. R. A. Seligman, W. A. Dunning and F. H. Giddings. During the same years he also attended the lectures of Dr. Charles A. Beard at the Bureau of Municipal Research.

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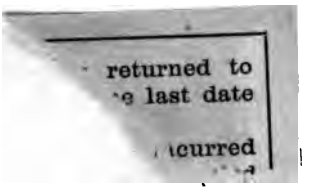

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