

Characteristics of Political Institutions in the Meiji period



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ABSTRACT

Newly created institutions: the Japanese government and Diet brought Japan closer to the advanced modern countries, which was the goal of all the reforms the new government sought. This complex and difficult process has had positive results and has met the expectations of its creators. Among other things, the reformers succeeded in involving the entire population in the process of modernising the country. The purpose of the creation of the House of Peers was to involve the entire nobility, both court and military, in participation in governance. In addition, the reforms of the noble titles also brought together the court aristocracy and the military nobility. In addition, representatives of the former lower nobility were elevated to the level of the formerly high-ranking nobility as a reward for their contribution to establishing the new political order. The creation of modern governmental institutions was necessary above all to strengthen Japan's international position. The newly established Diet, although its powers were limited, was also of great significance in that it involved all sections of society in participating in the modernisation of the country, thus achieving in a relatively short period almost equal status with Western countries.

KEYWORDS:

Japanese history, Meiji reforms, Emperor, 19th-20th century, Japanese government, Japanese Diet, Constitution

INTRODUCTION

The article focuses on the political institutions that were created in the Meiji period and were supposed to influence the country's modernization process and strengthen its national unity. The creation of the institutions was supposed to equalize the position of Japan vis-à-vis the countries with which Japan had concluded unequal treaties. The article characterizes the political institutions that were created in the Meiji period and were supposed to influence the country's modernization process and strengthen its national unity. The first part summarises all the events that led to the establishment of the institutions. The beginning of the modern history of Japan is considered to be the restoration of the emperor's authority in 1868. After seven centuries, the period of military rule in the country and the almost three-hundred-year history of unilateral isolation of Japan ended, with the emperor playing



an exclusively symbolic and ceremonial role. It seems likely that the rise in loyalty to the Imperial House in the mid-19th century was due to the conclusion of unequal treaties between the military government and the United States, followed by other powers. The imperial court became the core of opposition to the foreign policy of the shogunate. This period was mainly marked by the transformation and reaction of Japanese society to the West, both in the context of modernization and the strengthening of national power and unity.

The second part describes institutions and their functioning. It deals with the emperor's position in society before the Meiji Restoration and subsequently in the Meiji period, when his legal status was restored (3rd January 1868). It also covers the transition to constitutional government and the establishment of a national parliament and independent jurisdiction. This period was not easy because it was difficult for the Japanese to move from traditional institutions to new ones originating in the West. The transformation of institutions also required some changes in traditional thinking. The creation of modern government institutions was necessary primarily to strengthen Japan's international standing.

THE REFORMS OF THE MEIJI RESTORATION

The Meiji Restoration (the political revolution in 1868 which returned control of the country to direct imperial rule), was not only of great significance to Japan itself as it underwent the process of transformation into a modern state, but it was also an important event in world history as Japan gradually became a major power on the Asian continent.

The reforms of the Meiji Restoration were the outcome of the Confucian ideology of *kokutai* (a term of state philosophy in the sense of „national togetherness“ and „national identity“ arose in the tradition of Japanese thought) as developed by the Mito School of Learning (*mitogaku*, school of Japanese historical and Shinto studies). The Mito School derived its ideas from the teachings of the Chinese Confucian philosopher Zhu Xi in the twelfth century. But while Zhu Xi emphasized individual morality, the Mito School claimed that a country is governed well when its ruler practices proper morality. The book *Shinron* (1825) by Aizawa Seishisai (Japanese nationalist thinker), of the latter Mito School, was of great influence in its time because it combined the ideology of emperor reverence with the ideology of rejecting western imperialism.¹

During this period, fears of the penetration of Western cultural influences, especially Christianity, were growing. Therefore, emphasis was placed on the ideology of *kokutai*, which advocated respect for the emperor as the basis of the state and the goal of which was to build a strong nation-state with the involvement of the people in this political action.²

Events at the turn of 1867 and 1868 can be characterized in two ways. Firstly, it was a rivalry between great lords and secondly, it was not a war of ideology but a power

1 B. A. SHILLONY, *The Emperors of Modern Japan*, Brill 2008, p. 61.

2 *Ibid.*, p. 61.

struggle, i.e. whether the vassals of the Tokugawa who exercised authority on behalf of the shogun should be replaced by vassals from Satsuma and Chōshū who would exercise it on behalf of the emperor, hence it was not a change in fundamental institutions. Opponents of the Bakufu spoke only in general terms of ōsei-fukko, “the restoration of imperial rule,” or fukoku-kyōhei, “enriching the country and strengthening the army.”³

EMPEROR

We should look at what position the Emperor had in the country. For centuries the Japanese Emperor had been a symbol, not a ruler, the embodiment of “national independence, national historic continuity, national unity, harmony within the government, and harmony between rulers and ruled.”⁴ For these reasons, the emperor was immensely important to the Restoration leaders because he could give them legitimacy, as his predecessors had to give Shogun for nearly 700 years.⁵

During the reign of Emperor Meiji (1852–1912), Japan underwent great changes in all areas of social life. All these changes can be examined in two contexts. One is modernization and the other is the pursuit of national unity. Politically, this translated into the search for a strong government and ensuring national unity. Gaining national strength and unity also involved the West, though not in quite the same way. While national unity depended to some extent on „Japaneseness“, that is, on the preservation of certain traditional attitudes and institutions that embody it, the national strength of government required the provision of Western technology. It was clear from the experience gained from the contacts with the West that institutions needed to be reformed and Western technology adopted to stabilise the country and achieve economic growth.⁶

Gordon describes the different processes of change in Japan as follows: Although sharing much with a global history of modernizing societies, the Japanese revolution did take place through a process that differed from the revolutions in Europe of the late eighteenth and nineteenth centuries. In Europe, members of newly powerful classes, especially the urban bourgeoisie, challenged and sometimes overturned the privileges of long-entrenched aristocrats. By contrast, in Japan of the Meiji era, it was members of the elite of the old regime, the samurai, who spearheaded the attack on the old order. Their role has led historians to describe Japan in the nineteenth century as undergoing a „revolution from above“ or an „aristocratic revolution“.⁷

3 W. G BEASLY, *The Meiji Restoration*, Redwood City California, 1972, p. 300.

4 *Ibid*, p. 302.

5 *Ibid*, p. 302.

6 J. W. HALL *The Cambridge History of Japan*, Vol. 5. New York 2008, pp. 618–619.

7 A. GORDON, *A Modern History of Japan*, Fourth Edition, Oxford 2020, p. 62.



POLITICAL INSTITUTIONS IN THE MEIJI PERIOD

ESTABLISHING A GOVERNMENT

In 1868, the Imperial Government was formed, which was composed of the revolutionary factions of the Imperial Court and the domains of Satsuma, Chōshū and Tosa. The highest positions were held by the court nobles Iwakura Tomomi and Sanjō Sanetomi and several other daimyō who supported the reform of society. Middle — and lower-class officials such as Ōkubo Toshimichi, Saigō Takamori, Kido Kōin, and others, including Western experts such as Ōkuma Shigenobu, Etō Shimpei, and Yokoi Shōnan, among others, took the initiative in shaping government policy.⁸

Their goals were very few and very simple, outlined in the Imperial Oath of 1868 (usually called the Charter Oath). This document committed the new government to the convocation of an assembly and “public discussion” on matters of state, unity of “all classes high and low” in promoting the national welfare, abandonment of “absurd customs of olden times” and conformity to “the principles of international justice,” and an effort at “seeking knowledge from all over the world.”⁹ Charter Oath made only a passing reference to the forthcoming changes that led first to the surrender of domain registries (*hanseki-hokan*) in 1869, which meant that daimyo became imperial governors of the lands they held in fief, and then to the complete abolition of domains (*haihan*) in 1871.¹⁰

On 15 August 1869, the central government was further reorganized by giving high status to the Religious Council (*Jingikan*) introducing a new system of judicial ranks and strengthening the executive branch (hereafter referred to as the *Dajōkan*, Council of State), along with a reduction in the number of members. The highest post, minister of the right (*Udaijin*), was given to Sanjō Sanetomi followed by three grand councils (*Dainagon*); these positions initially belonged to two court nobles (Iwakura Tomomi and Tokudaiji Sanenori) and one former daimyo (Nabeshima Naomasa of Hizen). In December 1869 and November 1870, two more court nobles and councillors (*Sangi*) were appointed to this office, all of whom were samurai (Soejima Taneomi of Hizen, Maebara Issei of Chōshū, Ōkubo Toshimichi of Satsuma, and Hirotsawa Saneomi of Chōshū). Over the next two years, the number of *Sangi* varied (from a minimum of two to a maximum of seven). Six other samurai held office at one time or another (Kido Kōin of Chōshū, Ōkuma Shigenobu of Hizen, Saigō Takamori of Satsuma, and Sasaki Takayuki, Saito Toshiyuki, and Itagaki Taisuke, all of Tosa). Six ministries were responsible for the *Dajōkan*: civil affairs (*Mimbushō*), finance (*Ōkurashō*), war (*Hyōbushō*), justice (*Kyō-bushō*), imperial household (*Kunaishō*), and foreign affairs (*Gaimushō*). They were usually headed by imperial princes, court nobles, or daimyo (e.g., Matsudaira Shungaku and Date Muneki), but were generally samurai representatives. Several samurai from the four domains who took the initiative to propose the surrender of the registers occupied key positions in the government. On 15 September 1869, six officials holding high positions

8 P. DUUS, *The Rise of Modern Japan*, Boston 1976, p. 74.

9 *Ibid.*, p. 75.

10 BEASLY, *The Meiji Restoration*, p. 325.



(the Udajjin, two Dainagon, and three Sangi) pledged in writing to work closely together to enforce the collective decision.¹¹

The abolition of the domains was therefore another step towards political unity, which is seen as a prerequisite for consolidating national strength.¹²

For the new Meiji State to create a centralized government structure, it first needed to secure the support of as many domains as possible. The basic policies of Meiji rule were spelt out in the Charter of Oaths (*Gokajō no Goseimon*), which the Meiji Emperor presented to the court nobles and daimyō on April 6, 1868. The first article welcomed the participation of the domains in the government, and the new structure of the government was subsequently revealed in the *Seitaisho* (“Document on Government Structure,” June 1868). Article 5 of this document stated that “each fu, han, and ken shall provide representatives (*kōshi*) to serve as delegates.” A consultative body will be created to allow for open discussion of public opinion. Seven bodies known as *kan* have been created within the *Dajōkan*, the central government. One of these, the *Giseikan*, which served as the legislative body of the system, consisted of a decision-making *Jōkyoku* (upper house) and an advisory *Gekyoku* (lower house). The *Gekyoku* consisted of one to three representatives from each fu, ken, and domain. The *Giseikan* ensured each domain’s participation in the government however the removal of the domains’ power was a necessary first step towards centralization of power because it was clear that Japan could not become a modern state without a centralized government structure. The titles of court nobility and daimyō were abolished and replaced with titles from the newly created peerage. The specifics of the *Dajōkan* system, which had been ambiguous until then, were clarified in August.¹³ The reform concerning the abolition of the feudal domains was followed by another important reform concerning the tax system.

The creation of a new tax system can be considered the most important economic reform of the 1870s. The significance of the new tax system went beyond securing revenue, as it changed the economic relationship of individual landowners to the state and each other.¹⁴ Taxes and state budgets are said to have become the two most contentious political issues of the Meiji era.¹⁵

According to Shinichi: “Public finances are, along with military strength, one of the most important aspects of power. For that reason, land tax reform regulations establishing a land tax of 3 per cent of the land price were distributed in July 1873. The government’s efforts focused on a land tax because other revenue streams were impossible.”¹⁶

Achieving the centralization of power was only one aspect of political modernization because it was clear that power alone could not be enough for the government to create a modern state. The government also needed “citizens” in the modern sense

11 Ibid, pp. 335–337.

12 Ibid, p. 350.

13 K. SHINICHI, *The Political History of Modern Japan: Foreign Relations and Domestic Politics*, Abingdon 2018, pp. 24–25.

14 GORDON, *A Modern History of Japan*, p. 70.

15 Ibid, p. 71.

16 SHINICHI, *The Political History of Modern Japan*, p. 27.



of the word, that is, people who identified the state's fate with their own and acted accordingly.¹⁷

In 1868, the government in accordance with the provisions of the Oath Charter established a bicameral "National Deliberative Assembly" (*Kōgisho*). The Assembly consisted of two houses and was appointed, not elected, but had legislative powers. Over the next two decades, the governing structure was changed several times. This first assembly was adjourned in July 1869, and subsequently, the second consultative assembly was also dissolved after about a year. In the early years of Meiji, the question of whether to create a constitutional order became a central concern in the expanding world of public debate. Debate on these matters took place in the thriving new forums of opinion magazines and newspapers of what came to be called the "Japanese Enlightenment" of the 1870s.¹⁸

In the following years, efforts to create a strong government by being more Westernized increased, the decisions being taken against a background of rising criticism at home about the arbitrary behaviour of the Meiji leadership and a series of clashes with China over Korea, which in 1884–85 brought the two countries close to war. The same concern with political stability and strength was evident in the creation of a Western-style peerage.¹⁹

"An imperial decree of July 1884 announced that the emperor wished to honour two groups: those who were "high-born descendants of illustrious ancestors" and those who had distinguished themselves "in the restoration of my rule." For this purpose, he established new ranks and titles, those of prince (or duke), marquis, count, viscount, and baron."²⁰ For the initial appointment, the names of members of the old court and feudal nobility were put forward, who were to be accorded appropriate levels of prestige to ensure their continued cooperation. They were to provide the basis for a reliably conservative House of Peers in the new constitution then under discussion. In addition to members of the aristocracy, government ministers, generals, and admirals, mostly ex-samurai, were appointed to noble status to give them a status commensurate with their political importance. The principle of selection was present usefulness, not past performance. There was as great a need to reconcile inherited status with contemporary power within the government itself as there was in the wider circle of the privileged. The *Dajōkan* system had not solved all the problems of welding men of disparate origins into a governing elite. Although the feudal lords had vanished from the political scene, there remained a tension between samurai "upstarts" and surviving court nobles, particularly as several of the latter had potentially powerful positions in the emperor's entourage. The only man who could balance these tensions was Iwakura, who died in 1883. His passing weakened the influence of the nobility and created an opportunity for institutional adjustment that Itō, aspiring to overall leadership in the government, was to take. There were also internal differences about coordinating government policy, which assumed an added importance in the atmosphere of foreign crisis during 1884–85. Coordination between the

17 Ibid, p. 28.

18 GORDON, *A Modern History of Japan*, p. 79.

19 J.W. HALL, *The Cambridge History of Japan*, Vol. 5. New York 2008, p. 646.

20 Ibid, p. 646.



dominant Central Chamber of the Dajōkan and the advisory body of senior executive officials, the Right Chamber, had been achieved by a variety of devices: by interlocking appointments, ensuring that some councillors (*sangi*) were also departmental ministers; by the use of an informal Inner Council (*Naikaku*) to provide a forum in which key officials could discuss major issues; and by exploiting the personal links among former members of the antibakufu movement. Some of these devices provoked opposition from men who found themselves becoming “outsiders,” like Ōkuma and Itagaki. Others were being weakened by time.²¹

In 1884 Itō took the initiative in proposing the replacement of the Dajōkan with a Western-style cabinet and entrusted the task of drafting suitable regulations to Inoue Kowashi, his principal assistant in constitutional matters. In some respects, Inoue exceeded Itō’s brief, for he not only envisaged raising the status of samurai in government by making them eligible for the ministerial title of *daijin*, hitherto reserved for court nobles — a step parallel to that which had made them members of the peerage the year before — but also proposed to strengthen the government’s public authority by providing for the emperor’s personal participation in cabinet meetings. Itō, following discussions with Sanjō, ordered a revision of this clause. The new structure was announced in December 1885. All laws and ordinances issued by the government were to be signed jointly by the prime minister (*sōri daijin*) and the appropriate departmental minister. The prime minister was also to receive reports on the work of the various ministries and to be responsible for major matters of general policy. Thus, though the ministers continued to be in theory responsible directly to the emperor in departmental matters, they were subordinated to the prime minister.²²

Shinichi states the following: “The Dajōkan system in place until that point had had three tiers: the three ministerial (*daijin*) posts of prime minister (*dojo daijin*), minister of the left (*sa-daijin*), and minister of the right (*u-daijin*) were at the top; below them were the councillors (*sangi*), finally, there were the ministers (*kyō*) who served as the heads of the ministries. It had been Iwakura Tomomi, the minister of the right and a man of rare ability for a member of the nobility, who had enabled this system to function; it thus became dysfunctional following his death in 1883.”²³ The creation of the cabinet system, was a more functional and rational system than the *daijin-sangi-kyō* hierarchy. Itō Hirobumi served as the first prime minister of the new cabinet. Itō, who came from a lowly foot soldier stock, now held the highest position in the government, second only to the emperor. The Meiji Restoration was thus also revolutionary in terms of the selection of personnel for office.²⁴

MEIJI CONSTITUTION

Meiji Constitution, the constitution of Japan from 1889 to 1947. The government’s efforts to create a constitution began around 1871.

21 HALL, *The Cambridge History of Japan*, pp. 646–647.

22 *Ibid.*, p. 648.

23 SHINICHI, *The Political History of Modern Japan*, p. 50.

24 *Ibid.*, pp. 50–51.



Japan was essentially the first non-Western country to adopt a modern constitution. Unlike in the West, where constitutions were generally created as a result of revolutions or clashes between monarchs and their feudal legislatures, and thus contained provisions relating to limitations on royal authority and defining the forms that the exercise of royal authority could take. In Japan the demands from below, although playing a significant role in the enactment of the constitution, were clearly of lesser importance. The Japanese government undertook the creation of the constitution for the following reasons. The first was the reason that was “from abroad” rather than “from below” and that was that advanced Western nations have constitutions, hence a constitution is a self-evident necessity for a “rich country, strong army”. The Constitution was also a symbol of civilization. The great powers took the position that they could not sign an equivalent treaty with a country that did not even have a constitution and that did not protect the rights of its citizens. Secondly, the government understood that it was necessary to give the people a suitable status. However, a necessary prerequisite for a system where the people would rule themselves was external security and a certain degree of maturity in the knowledge of the people, and since Japan lacked both, it was necessary to create a system where the king and the people shared power. The third reason was the need to create a framework in which the exercise of power was institutionalized, and different forces within the Meiji government could work together.²⁵

There was only a small opposition at the time the constitution was being drafted, and so the constitution was needed to ensure that it too would be provided with sufficient benefits under the new regime to make it work together. The decisions that were taken during the 1880s regarding recruitment to the bureaucracy and the nature of local assemblies needed to be incorporated into the written constitution. But the document being prepared also had another function: to convince the world of Japan’s enlightenment. Other decisions were relevant to this. Changes in the nobility and governmental system, for example, were made not only for reasons of elite unity but also because they would present Japanese institutions to the West in a familiar and favourable form. The Japanese leadership, however, faced a critical problem in pursuing the path of Westernization. The ground on which its power rested was imperial absolutism, derived from the emperor’s divine origin. The belief in divine origin was part of a complex of traditionalist sentiments that were widespread in Japanese society. It was therefore necessary to find a constitutional formula that would reconcile Western norms with Japanese imperial tradition if maximum advantage was to be achieved. In early 1882 it was agreed that this task would be entrusted to Itō, who would visit Europe to study Western models.²⁶

After returning from Europe, Itō created the Institutional Research Bureau (*Seido Torishirabekyoku*) within the imperial court in March 1884.

Subsequently, he began to promote the introduction of various institutions, such as the imperial household (*kōshitsu*) and peerage (*kazoku*) systems. He further strengthened the foundations of the imperial household by passing the Imperial Household Law (*Kōshitsu Tenpari*) and setting out the nature of the imperial household’s property. These actions were intended to render the imperial household

²⁵ Ibid, pp. 46–47.

²⁶ HALL, *The Cambridge History of Japan*, pp. 659–660.

immune from the influence of the new legislature. He created a new nobility through the Peerage Law (*Kazokurei*), enacted in July 1884. The peerage was to serve as a bulwark protecting the imperial household (even being called the *Kōshitsu no Kanpei*) and was expected to form the basis for the upper house of the new legislature.²⁷

The most significant characteristic of the Constitution of the Empire of Japan (the Meiji Constitution) was that the emperor personally possessed total authority: he controlled and exercised the rights of sovereignty (*tōchiken*), passed legislation with the “consent” of the Diet, gave sanction to laws, appointed and dismissed civil and military officials, determined the organization of the army and navy, had supreme command (*tōsuiken*) over them, could declare war, make peace and conclude treaties, declare martial law, confer titles of nobility, orders, and other honours, and grant amnesty and pardons.²⁸

As for the protection afforded to civil rights, it was weak. But it is also necessary to take into account the state of society at the time and the inexperience of citizens with democracy. The theoretical framework for these rights in Japan was that they were being conferred upon the people by the constitution. Associated with these rights was the caveat that they were applicable only within the limits of the law. The traditional affection for the people by the imperial ancestors was given as the basis for this conferral.²⁹

The powers of the House of Representatives, nominally intended to reflect the opinions of the public, were also limited. The House of Peers was created, among other things, to prevent any unwanted laws from being passed. Ministers of state were responsible not to the Diet but to the emperor. Also, the most important power granted to the Diet, the right to oversee the budget, did not extend to “already fixed expenditures” based on the constitution (Article 67). In the case of a failure by the Diet to pass a budget, the government could carry out that of the previous year (Article 71). The authority of the Diet also failed to extend to items related to the emperor, and it had no diplomatic powers such as treaty ratification.³⁰

There is much discussion of the emperor’s prerogatives regarding the military. Shinichi states: “The limitations of the Diet seen as the most problematic were those related to the military. Matters having to do with the administration of the military, that is, those related to its organization, were conducted through advice given by the war and naval ministers to the emperor. Matters having to do with military orders (commands) — those related to the operational command of the military, in other words — were under the immediate control of the emperor. Accordingly, although the authority of the prime minister extended to matters of military administration to a certain degree, he had no power over military orders, and the Diet was even more powerless. This state of affairs is famously known as the independence of the supreme command (*tōsuiken no dokuritsu*).”³¹

Although the powers of the emperor as set out in the constitution were extensive, in reality, all of his powers were exercised in a limited fashion by advice provided

27 SHINICHI, *The Political History of Modern Japan*, p. 50.

28 *Ibid.*, p. 51.

29 *Ibid.*, p. 51.

30 *Ibid.*, p. 51.

31 *Ibid.*, p. 51.



by the organs of the state. In that sense, the order created by the Meiji Constitution contained aspects of a constitutional monarchy.³²

Regarding the powers of the House of Representatives, it at least had a veto over the budget and laws. The House of Representative's supervision of the budget frequently made it possible for the body to exert influence over the military as well.³³

Returning to the exercise of power by the emperor, he had to be an entity personally making decisions on every issue that the government faced. This interpretation was known as *Tennō-shinseiron* (theory of direct imperial rule). Another way is, known as *Tennō — choseiron* (theory of the emperor above politics), the emperor entrusted each state organ with government and did not get personally involved in actual governance.³⁴

Tennō-choseiron was problematic in that it lacked a mechanism for resolving matters when the desires of multiple state organs came into conflict. In such cases, it was the *genrō*, the founders of the Meiji state (the extra-constitutional oligarchy), who resolved these issues by participating in the planning of important policies even when not serving in positions of responsibility within the government. This way of exercising power was based on their personal authority and relations.³⁵

The Emperor proclaimed the Constitution on 11 February 1889. Its first article proclaimed that “The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal”, and the fourth declared unequivocally that the rights of sovereignty were vested in him (although it added that he would exercise them following the constitution's provisions).³⁶

“The idea of social monarchy fitted in well with Confucian and Shintoist notions of the Emperor as the centre of the *kokutai* — Japan's unique national structure. But these had to be balanced against the need to prevent the possibility of despotic rule and the desirability of at least some measure of popular participation in the political process. [...] At the same time, however, the Emperor's freedom of action was constitutionally limited by the requirement that his official actions be countersigned by the appropriate minister, and the rule of law was further consolidated by constitutional guarantees for freedom of religious belief, publication, public meeting and association (within the limits of the law), as well as other basic rights such as freedom from unlawful arrest. [...] The fact that the government could unilaterally effect changes (subject to subsequent ratification by the Diet) using ordinances and that the Diet was normally to meet for only three months each year, admittedly detracted somewhat from its powers. Nonetheless, these offered more scope for the Diet to play an active role than might have been expected, and politicians looked forward to its opening in November 1890 as a real opportunity”.³⁷

32 Ibid, p. 52.

33 Ibid, p. 52.

34 Ibid, p. 53.

35 Ibid, p. 53.

36 R. SIMS, *Japanese Political History Since the Meiji Restoration 1868–2000*. X 2002, p. 65.

37 Ibid, pp. 67–68.

IMPERIAL DIET

The Imperial Diet was established based on two houses with coequal powers. The history of the Upper House is linked to the position of the Emperor. To support the Emperor and the existence of the monarchy, it was necessary to preserve the heredity of the nobility. Therefore, unlike the House of Representatives (Shūgiin), which was elected, membership of the House of Lords was hereditary.



THE HOUSE OF PEERS (KIZOKU-IN)

Organisation of the House of Lords

The House of Lords is composed of members of the imperial family, members of noble families and members of the imperial household. (Article 34 of the Constitution) The House of Representatives represents the general population, while the House of Lords represents those who, by their family background, education or wealth, are in the upper echelons of society. The House of Lords is not dissolved like the House of Representatives, nor are all members elected to it at once, but it is as permanent a Conservative body as possible and has the task of fairly and prudently restraining the House of Commons, and of always standing aloof from party strife. Of the various institutions of the Meiji Constitution, the House of Lords, together with the Privy Council, has been the most criticized, and its reform proposals have always been a political issue.

a) Members of the House of Lords from the imperial family

All male members of the Imperial Family automatically become life members of the House of Lords upon reaching the age of majority. Since this was not limited to the so-called head of the family, sometimes the deputy was also his younger brother, son or uncle along with the head of the family. However, since most of the male members of the imperial family served in the army and navy, they usually did not attend the sessions. They were not paid an annual honorarium.

b) Members of the nobility (dukes and marquises)

Dukes and marquises automatically became senators for life at the age of 30. In the Showa period, many dukes and marquises were descendants of second-generation great feudal lords and court nobles or meritorious persons and were not very active as members of the Diet.

Even attendance at plenary and other sessions was not sufficient. It was customary for dukes and marquises who were active members of the army and navy not to attend, as was the case with members of the imperial family.³⁸

38 T. MOMOSE, *Shōwa-sen zenki no Nihon seido to jittai* (Japan in the Showa Prewar Period: Institutions and Realities). X 1990, p. 37 (Translation from Japan was made by author in collaboration with Kateřina Vojvůvková).



c) Members from the Counts, Viscounts and Barons

The Counts, Viscounts and Barons are elected from among their peers, each holding approximately 18%. The term of office is seven years, with a maximum of 18 Counts, 66 Viscounts and 66 Barons. What to do with these quotas was one of the major political questions of the Taisho era. The problems of the noble members of the House of Lords were the problems of the earls, viscounts and barons, and were the target of more criticism than the question of quotas.

A person has the right to vote after reaching the age of majority and a person has the right to be elected after reaching the age of 30. Except in the cases provided for in the Regulations for the election of earls and barons from the House of Lords (Imperial Decree No. 78 of 1889), elections are left to the autonomy of the same barons, who pay their expenses, and no control is exercised over the election campaign.

A system of secret ballots is used. The winner automatically becomes a member of the House of Commons and there is no reappointment process.

d) Members appointed by the Emperor

There were two types of emperor-appointed deputies: those who were unilaterally appointed by the emperor (with the help of the cabinet), and those who were elected by mutual agreement.

— Emperor-selected members

The members selected by the Emperor are life deputies, appointed by the Emperor from among men over 30 years of age who have rendered distinguished service or scholarship to the state. Although the exact term is “emperor-appointed with distinguished service and scholarship”, they are usually called emperor-selected senators or simply “imperial senators”. Their number was set at 125 members, many of whom came from official backgrounds. Many of them were quite competent and led the House of Lords for better or worse. They were often recommended by the outgoing cabinet.

In the Showa period (to August 1945) the previous occupations of the 170 Imperial Members of Parliament immediately before their appointment by the Emperor were as follows: 39% civil servants, 25% businessmen, 16% ministers, 8% MPs, 4% university professors and 3% soldiers.

— Reciprocally elected members of the Imperial Academy

The four members of the Imperial Academy, who are elected from among men over the age of 30, are appointed by the Imperial Council. The term of office is seven years and the method of mutual election is by the Regulations for the Mutual Election of Members of the Imperial Academy of the House of Lords (Imperial Decree No. 233 of 1925).

— Members of Parliament elected by mutual suffrage of large taxpayers

In Hokkaido and the various prefectures, a certain number of men over 30 years of age who pay a high direct state tax on land or trade and industry are entitled to vote. From their ranks one percent are elected and the winner of the election is appointed by the emperor. There are 200 voters in Hokkaido, Tokyo, Kyoto and Osaka prefectures, 200 voters in Nagano, Chiba, Fukuoka,



Niigata, Hyogo, Shizuoka, Ozawa, Saitama, Aichi and Kumamoto prefectures with above-average populations, and 100 voters in other prefectures. The method of reciprocal election is governed by the Regulations for the Reciprocal Election of Members of the House of Lords with High Taxes (Imperial Decree No. 234 of 1925).

The political activity of these lords was very weak and this system was particularly unpopular within the fabled House of Lords, but it was easy to criticise them because they represented the rich.³⁹

THE HOUSE OF REPRESENTATIVES (SHŪGIIN)

The 300 members were to be elected (from 214 single-member constituencies and forty-three two-member districts) by the almost half a million men aged twenty-five years and over who paid 15 yen a year in tax.

PRIVY COUNCIL (SŪMITSUIN)

The Privy Council is a collegial body that reports directly to the emperor and answers to his advice on important matters of state. It was established in 1888 to deliberate on the constitution and became a constitutionally necessary body with the adoption of the constitution.

The establishment of the Privy Council as a constitutional body was opposed by some proponents, but Hirobumi Ito says it was established for the following reasons:

- The existence of a competent body as a bulwark against changes in the Constitution
- The need for an adviser in the Emperor's decision-making in conflicts between the Cabinet and the two houses of Parliament.

Limiting the monopoly of the cabinet or parliament

- To keep former favourites (members of the government) in public service. (There was a time when the Privy Council seemed to be the emergency organ of the Prime Minister).⁴⁰

The organisation and nature of the Privy Council

The organization of the Privy Council was defined by the Regulations for the Management and Affairs of the Privy Council (Imperial Decree No. 22 of 1888). It consisted of one Chairman, one Vice-Chairman and 24 advisers appointed from among men over 40 years of age.

³⁹ Ibid, p. 38.

⁴⁰ Ibid, p. 46.



Since there are fewer ministers than advisers, the cabinet must lose in the event of a clash of views. The Privy Council only discusses matters submitted to the Council by Imperial Decree and submits its resolutions to the Emperor; it has no power to make its proposals, but merely comments on them and submits them to the Emperor for his opinion. Whether the Emperor accepts them depends on the friendliness of the Cabinet. The Cabinet could not, however, submit a motion against a resolution in which it had participated, and in the event of a conflict between the views of the Privy Council and the Cabinet, the decision of the Privy Council would ultimately prevail. The participation of ministers in the meetings of the Privy Council did not imply respect for and strengthening of the powers of the Cabinet, but on the contrary, meant the submission of the Cabinet to the Privy Council. The Privy Council was, along with the House of Lords, the most reviled institution because the constitution placed the full responsibility for advising the Emperor on matters of state solely on the ministers, but at the same time had institutions that constrained them.

The Chief Recorder, the Secretary and others were responsible for the affairs of the Privy Council. The Chief Protocol Officer is a relatively important function, as he alone can produce reports of examination, as described below.

The relationship between the Privy Council and the Cabinet has varied from period to period. The relationship between the two was particularly heated at the beginning of the Showa period, which is itself a subject of scrutiny, but this was not always the case during the 60 years of the Privy Council's existence.

The Privy Council, like the House of Lords, remained in place until the introduction of the Japanese Constitution.⁴¹

The events of recent years and Japanese tradition have led to the Emperor being the centre of power. It took a long time to create the appropriate institutions, until the promulgation of the Constitution in 1889.

CONCLUSION

The emperor was the driving force behind the modernization of the country, especially during the Meiji period (1868–1912), when the monarch was restored to his legal status. To consolidate the position of the emperor, it was necessary to preserve the hereditary aristocracy and thus consolidate the position of the emperor and the existence of the monarchy. Constitutionalism in Japan had to adapt to local conditions and historical experience. The wording of the constitution made it clear that sovereignty rested with the emperor himself.

For the imperial court to act as an effective force capable of integrating the nation, higher demands were placed on the emperor as a political and military authority. Unlike other countries, the Meiji Constitution enshrined the idea of an unbroken genealogical line of sovereign emperors based on divine descent dating back to the 7th century. BC. This idea is based on the myths contained in the 8th-century *Kojiki* and *Nihonshoki* chronicles, which codified the status and power of the imperial fam-

⁴¹ *Ibid*, p. 47.

ily. In Japanese, the traditional title of Japanese rulers is *tenno*, translated as “Heavenly Ruler”. The emperor is also the high priest of Japan’s original Shinto religion.

All of these aspects have had a significant impact on the functioning of society and together have created a new political system in the country, which has also made it possible to achieve formal equality with the Western powers. After winning the Russo-Japanese War in 1905, Japan was a world power and in 1925 the right to vote was extended to all adult males. However, the process of modernization also gave birth to new forces that sought to implement themselves in political life, resulting in greater fragmentation of the country’s leadership and a weakening of political unity. In the following period, the imperial government went through a period of decline, with the power of political parties and the authority of prime ministers growing.

This development occurred not only in Japan but also in the early 20th century in the disintegration of the monarchy, for example in Russia, Austria-Hungary and Germany. Under the influence of foreign events, criticism of the social system also began to manifest itself in Japan.

A period of upheaval followed: military expansion into China, confrontational politics and colonial policies towards Asian neighbours and European colonial powers, military defeat in 1945 and the American occupation of the country. Despite all these events, the empire survived. The 1947 constitution, however, abolished all aristocracy, and to this day only the emperor and his immediate family have retained their privileged position. According to the current constitution, the Emperor of Japan is „the symbol of the state and the unity of the people.“

