

## MEIJI JAPAN THROUGH CONTEMPORARY SOURCES

### D. Critique on the Constitution by Nakae Chomin.

*The important duty of members of the House of Representatives:*  
WHAT is the important duty of members of the House of Representatives? It is that they express their opinions about the Constitution. A constitution is the root of the nation as well as its foundation. Only when this root and foundation exists can we begin to call the nation "a nation" and the citizens "citizens." Without a constitution, a nation is nothing but a lump of loose earth, the citizens are only a herd of animals without unity. Hence, the constitution should always be prepared by the lord and the representatives of the people acting together, and then established. Therefore, for the Diet to lack the right to examine the [draft of the] Constitution and state its opinions to the Emperor means the Diet lacks a foundation. It is, of Course, important [for the Diet] to confer and agree upon ordinary laws. However, when the Diet cannot state anything about the Constitution, the root of the nation, the Diet is no more a true Diet but merely an adviser of the government. It is for this very reason that our Imperial Constitution gives Representatives the right to make a representation to the Emperor. Reflection tells us that, since a constitution is a nation's root, it is not desirable for the Diet easily to change the constitution many times by having the above right. We should not imitate France, which, during only a few decades, has changed its constitution many times, as if treating it like a paradigm in a penmanship exercise book. However, needless to say, it is one of the examples to which we should pay attention and which should teach us to avoid the same mistakes. Yet, it is unreasonable to expect that the Diet,

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in spite of its being the representative of the people, should accept the Constitution completely as it is, without taking the trouble to examine it—"swallowing the licorice whole," as they say [i.e. not chewing it well and hence not appreciating the real taste]. Again, in order to keep the Imperial House forever prosperous and to make the welfare of the people secure for all eternity, we should give evidence that the Imperial House and the people, if I may be permitted to say so, are united as a single body and soul. The only way we can show this to the whole country and future generations is if the Diet makes a careful examination of the Constitution. If this is done, all those in the future who respectfully read our Imperial Constitution will surely say: "Ah! This precious golden law of a few articles is one that our virtuous Emperor instituted with true love and mercy [for the people], and that our Diet [received and] brought to completion with its full devotion. Therefore, these few articles are really immortal testimony which the Imperial House and the people should, with hearts united, hand on through all eternity." In this way, a document called the Constitution will look solemnly down over the heads of us Japanese people and evoke our fidelity and our good will; in such a case, even if there were evil men in the land, would there be anyone who would harbour evil feelings against our Imperial House? If, on the other hand, the members of the Diet make a show of obedience, keep silent, and say nothing about the Constitution, it is inevitable for there to become a kind of lack of harmony between the Imperial House and the people. Our Imperial Constitution surely was decided upon after earnest deliberation by the Emperor, but [concerning the Constitution] not only the Cabinet ministers and the Privy Council should have deliberated on it.

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Or the Legislation Bureau surely examined it. In other words, according to hearsay, Mr. Ito Hirobumi, the then Chairman of the Privy Council, helped most in the establishment of the Constitution. Well, although the three political bodies of the Cabinet, the Privy Council, and the Legislation Bureau, which form only a small part of our empire's citizens, entered into the making of the draft of the Constitution and took part in the decision, is it right that the political body called the Diet, which represents most of the empire's citizens, cannot express its opinions [to His Majesty]? Since His Majesty's love is deep, how can it be reasonable for His Majesty to draw a sharp line between governmental political bodies and non-governmental political bodies? Again, there are some views that, if we let the Diet express their opinions [on the Constitution], the Diet, which likes complicating things and effecting changes, would surely be opposed to every item and would require changes in all of it. But I do not think that such a thing is possible. Generally speaking, it is hard for a human being to avoid having his mind somewhat influenced by the environment he lives in. If that is true, it is impossible to say that the point of view of the governmental political body is in close touch with the feelings or expectations of the majority of the people. Therefore, when we let the Diet, a non-governmental political body, express its views [to the Emperor], our Imperial Constitution will become better and better and more and more beautiful, without the least blemish. Is this not a good plan with a view to the Japanese Empire of thousands and hundreds of years from now? Now that we already have express provisions [on this matter] in the Constitution, we cannot avoid violating the Constitution if we hold discussions about it and make modifi-

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cations. However, when the members come to a mutual decision and submit to the Emperor their opinion that [the Constitution] should be examined by the Diet, and then, after respectfully waiting for the Emperor's agreement, actually begin the task of revision, there is not the least violation of the Constitution, and the Diet's sincerity will be sure to be communicated to the Emperor and be instructive to His Majesty. Despite the fact that we have an extremely merciful and excellent Emperor, if, because of excessive discouragement, we do not state even a single opinion about the Constitution (which is supposed to be eternal evidence of the joyful fact that the lord and the subjects are united as one body and soul), through this failure to speak bequeathing its faults to future [generations] and making it impossible for the Diet to become a true Diet, thus inviting the mockery of others, we shall be transgressing against the favour of the Emperor above, and against the trust of the people below. Therefore, there is no room [for the members] to escape their moral responsibility. Accordingly, the important duty of the members is this: to present to the Emperor their opinion that [the Diet] should examine the Constitution, respectfully to wait for the Emperor's agreement, and after that to choose a few members who would investigate every article of the Constitution and discuss each dispassionately if there are opinions on the matter, and then to examine them in a general meeting, finally presenting them once more to the Emperor and asking His Majesty's final decision.

*Translated by Edmund Skrzypczak.*