A Liberal Nationalist and the Meiji Constitution

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The liberal potential of Meiji nationalism is nowhere revealed more clearly than in the essays of Kuga Katsunan, spokesman of the national essence movement, newspaper editor and publicist from 1888 to 1906.[1] In those remarkable essays which appeared first in *Tokyo Dempō* and then, beginning on February 11, 1889, in *Nihon Shimbun*, Kuga confronted the problem of ministerial responsibility in Japan. He grappled with its implications, attempted to evade it by developing a curious version of separation of powers, and at last accepted fully both the inevitability and the desirability of ministerial responsibility to a parliamentary majority. His acceptance of political party government came much more slowly.

Convinced that factionalism was inherent in parliamentary and party government just as in *hambatsu* rule, Kuga attempted to develop a theory of constitutional government which would enable Japan to avoid both evils. His effort to adapt the famous principle of Montesquieu to the Japanese national essence failed, and Kuga came in the end to accept both parliamentary and party government as the only feasible alternatives to the *hambatsu* government he abhorred. However, the story of his attempt and failure discloses both the liberal potential of Meiji nationalism and the dilemma of the liberal nationalist in the second half of the Meiji period. The crux of this dilemma was the apparent conflict between representative government and the national essence.

Kuga's short career of eighteen years as a newspaper editor and political essayist coincided with a lively period crowded with some of the most momentous events of modern Japanese history. During this era of crises at home and on the continent, Japan became a world power, and Kuga's curiously liberal character is clearly

evident in his views on foreign policy long after the *hambatsu*'s critics in the party movement had become as aggressively nationalistic as the oligarchs themselves.[2]

While Japan was moving swiftly into the mainstream of world politics, constitutional issues of equal or greater import were being decided within Japan. From the time of the promulgation of the Meiji Constitution and the establishment of the Diet, one of these critical issues was the fundamental problem of the proper relationships between the Emperor, the government, and the people, and between those who exercised executive, legislative, and judicial functions. This problem profoundly concerned Kuga Katsunan because it affected the national essence, the preservation of which was his first concern.

The national essence, *kokusui*, was that peculiar and unique quality which made the Japanese distinct from all other peoples on the face of the earth. Under the leadership of the *hambatsu* with its policy of Europeanization, *kokusui* had been all but lost. "Modern Japan," Kuga lamented, "is losing that essence. . . . This island country called Japan will gradually become just a meaningless name in the atlas. . . . The Japanese nation has lost its footing and is drifting in a whirlpool. We want to save this aimlessly drifting Japan. . . ."[3]

The national essence of Japan comprised all of those things which gave the nation a continuing and distinctive character. Of these the most important by far was the union of Emperor and people represented by the compound *kokumin*. None of the components of *kokumin* had an existence apart from it; none was more important to *kokumin* than the others. "The foundations of the modern nation . . . rest on *kokumin* which means a union of the ruler and his subjects. The nation which is based on the ideal of *kokumin* values the people's rights, and yet does not allow them to conflict with the monarch's powers; it permits the existence of the aristocracy but does not permit it to supersede the commoners. In the ideal *kokumin*, there is no aristocracy, no commoner class, no issue of people's rights, no monarchical power. The ideal *kokumin* is a harmonization, a mixture, a union of all of these."[4]

The perfection of *kokumin* was thus Kuga's goal, not the fulfillment of the individual, the satisfaction of the aims of any particular class, the enhancement of the Imperial power, nor the glorification of the

state. Indeed, he felt the importance of this concept of *kokumin* so keenly that he referred to himself and those associated with him as the "Kokumin Rompa" in a remarkable series of essays he published in *Nihon* in July and August, 1890, entitled "Modern Political Thought."[5] Neither the nation nor the individual had an existence apart from the other. Kuga refused to choose between them. "Try to imagine," he exclaimed, "the nation without the individual. . . . An uninhabited house is a dilapidated, abandoned house. A man without a home is a wanderer who cannot protect his life. . . . True liberty is the liberty of the individual within the power of the nation." Thus he rejected the arguments of those few Japanese who took the position that the nation existed for the sake of the individual, and denounced with equal fervor the arguments of those who believed the individual existed for the sake of the nation.[6]

Nevertheless, living as he did in an era in which the nation was exalted and the individual neglected and even abused, he urged greater emphasis on the importance of the individual and greater attention to his rights. Those instances in the past and in the present in which great national power had been achieved while the individual and his rights were ignored were "only temporary flashes, like those which result from lighting the fire with a little oil. Civilized government lies first in by all means expanding the potentialities of the individual, and by that means working for the expansion of the national power."[7] Individualism was thus in Kuga's mind an appropriate means to the end which was *kokumin*. The ultimate objective demanded preservation of a delicate balance between the freedom of the individual and the power of the state; it required a maximum of the former and a minimum of the latter.[8]

The liberty of the individual, however, must be accompanied by equality, and since these principles were often incompatible, one must constantly be balanced against the other. Both were principles which, properly applied, would strengthen *kokumin*. In a brilliant essay, "Jiyū Shugi Ikan," Kuga remarked that "liberty is the brother of equality." Yet, like most brothers, "they are sometimes enemies": "Look at what happens when liberty goes forth alone! As for those who are rich, their wealth becomes almost greater than that of the monarch; those who are poor must sometimes even beg for food. Those who are in high places alone have good fortune;

those without high connections have no influence at all! . . . When liberty goes forth alone, a new class arises at once in society, a new aristocracy, a new wealthy class, and new special privileges emerge in various forms."[9] *Kokumin* thus depended as heavily on the doctrine of equality as on liberalism.

Moreover, absolute liberty was the "empty hope" of dreamers, dogmatists, and revolutionaries.[10] Like equality, individualism, and individual rights, liberalism as an abstract principle held no charms for Katsunan. As a means of realizing *kokumin*, liberalism was useful, indeed essential. However, Kuga was contemptuous of those such as the French who worshiped it in the abstract and so "venerate the wooden idols called the rights of man. . . . Ah, this is the liberalism of theory."[11] Frenchmen, he observed, saw liberalism as an inalienable right, Englishmen, as the product of history, Germans, as the natural companion of ability.[12] To Kuga himself liberalism was a means which, however indispensable, must always be judged by the degree to which it contributed to achievement of the ultimate goal.

Kuga was, of course, like almost everyone else in Meiji Japan, thoroughly committed to the Imperial institution. However, he saw no conflict between liberalism and the monarchical form of government, nor any reason for fearing that liberalism would bring republicanism with it. It could be practiced under any form of government; no form of government guaranteed its practice. In this regard, Kuga once again contrasted, as he did so often, England and France.[13]

What liberalism and therefore *kokumin* did require was constitutional government. Indeed, in Kuga's view, *kokumin* could not be realized without limited government. However, constitutionalism, too, was not an end in itself; it was a method of governing, not the purpose of government.[14]

This being the case, how limitation was accomplished depended on the form of government. In a republic, the president's fixed term of office, for example, was a constructive limitation on the executive power. A monarchy demanded a different solution, in short, "Cabinet responsibility."[15] Answerability, however, to whom? Kuga insisted that the answer to that inevitable question be determined by the national essence. He found in foreign countries no model for constitutional government in Japan. Attracted though

he was by the doctrine of separation of powers, Kuga could not fail to reject the republican model of the United States. His scorn for French political life is evident again and again in his essays. He saw about him in Meiji Japan the influence of German political thought and feared and abhorred it as a threat to *kokumin*.

Kuga admired the English parliamentary system greatly, but until 1894 he continued to see it as quite unsuited to Japan. In the English Cabinet government, the Cabinet and the Parliament stood between the monarch and his subjects, whereas in Japan "'the Imperial House must be brought close to the people and the barriers between them diminished as much as possible.'"[16] Cabinet government on the English model depended on common understandings and self-restraints rooted in the English tradition and character, a part, indeed, of the English national essence. It provided few if any safeguards in a country where English traditions did not exist and where constitutionalism did not arise in protest against monarchy but in a sense in defense of the Imperial institution. "Constitutionalism as in England is impossible," he wrote. "England is England. To copy the old system of an old country and hope for results is extremely foolish. Still more, simply to copy without taking the results! Still more, not to make a true copy or to copy only superficially!"[17] Kuga and his colleagues, the *kokumin ronpa*, hoped instead "to establish constitutional government in Japan in a Japanese form."[18]

It is hardly surprising that in his quest for a Japanese form in which limitations might be placed on the executive power, Kuga turned first to the doctrine of separation of powers. As he himself recalled, Kido Kōin and others in the early Meiji period had been attracted by Montesquieu's famous principle.[19] Kido's disciple, and one of Kuga's patrons, General Miura Gorō, had joined with his fellow "Discontented Generals," Tani Kanjō, Torio Koyata, and Soga Yujun,[20] to develop it further in their 1881 memorial to the Throne.[21] Tani Kanjō, also *Nihon*'s patron, based his 1887 memorial[22] on the same principle in attempting to secure amendments to the draft constitution presented to the Privy Council in 1888.[23]

Writing in the winter of 1888–1889, Kuga argued that immediate separation of executive, legislative, and judicial powers was essential if constitutional government were to be realized and the goal of *kokumin* achieved: "Independence of powers is an essential element

of a liberal form of government, and is an indispensable condition if we are to guarantee individual rights and prevent the arbitrary use of political power."[24] The Ishin attempt to accomplish separation of powers had failed and, as a consequence, all the reforms of Ishin had resulted in a "beautiful house built on mounds of sand."[25]

In Meiji Japan the one concept which could not of course be questioned was Imperial sovereignty. Kuga conceded that sovereignty was by its very nature unlimited, and yet insisted that *kokumin* demanded limited rather than unlimited government. Accepting the official doctrine that the Constitution was the gift of the Emperor, he used it to extricate himself from this apparent dilemma, arguing that the Emperor was limited by the Constitution itself because he was limited by the will of his ancestors present in that document: "Although the monarchical power of foreign countries is limited in regard to the subjects, the Imperial power of Japan is unlimited in regard to the subjects and limited in regard to the teachings of the ancestors. Therefore, the great power of the Japanese Emperor is on one hand the so-called sovereignty of Western jurisprudence, that is, unequalled and supreme, while on the other hand, it is the monarchical power of a constitutional country, that is, limited and moderate power."[26]

In a constitutional monarchy, unlike a country suffering under a despotic rule, the sovereign's will reflected that of the public. This, Kuga said, was achieved "by means of the Diet which is the organ of public opinion. . . ."[27] The primary function of the Diet was thus to reflect public opinion to the Emperor and to keep watch over the performance of administrative officials. It should be very careful not to attempt itself to exercise the executive powers for which the Cabinet, not the Diet, was responsible to the Emperor. For example, *Nihon* criticized sharply the First Diet's attempt to use its budget powers to secure changes in administration. Kuga and his colleagues condemned such action on the ground that it "diminishes the responsibility of the Cabinet."[28]

The Cabinet or executive body was directly responsible to the Emperor for its exercise of administrative and executive powers. If it was to fulfill that responsibility, it must listen always to public opinion as expressed through the medium of the Diet: "If this is not the case, the Cabinet will behave presumptuously, using the

supreme power of the Emperor to deal with the people arbitrarily, playing with their fortunes, taking advantage of their confidence, and usurping the supreme power of the Emperor. And on this account, the unity of *kokumin* will break down. Still more, those who are in name responsible will in fact misgovern."[29]

Members of the third branch of the government, the judiciary, must also be answerable to the Emperor alone for the proper conduct of their offices. During the Ōtsu Incident of 1891, Kuga, like Prince Konoe,[30] was among those who protested vigorously the government's interference in the judicial process.[31]

No one branch of the government could be entrusted with the full powers of government nor allowed to regard itself as being *the* government. Each branch had a vital but partial role to play. "The executive branch," wrote Kuga, "inclines always toward taking matters into its own hands; the legislative branch always inclines toward joint discussion. The weakness of the former is that it sees only the nation and ignores the individual; the weakness of the latter is that it sees only the individual and ignores the nation."[32] The vision of both was needed for the fulfillment of *kokumin*; somehow, they must be fused. That, in Kuga's judgement, was the most important function of the Emperor: "If the Emperor does not perform this function, enmity and distrust will naturally arise between the three powers and there can be no unity."[33]

Kuga's Emperor, therefore, clearly had to have more than "the right to be consulted, the right to encourage, the right to warn." The national essence and the times required that he play a larger role. In a system of separation of powers, conflicts would inevitably, and indeed should, arise between the three branches of the government. In such circumstances, the Emperor must serve as moderator, synthesizer, and harmonizer. And, no less important, it was the Emperor who must see that the necessary balance was preserved between the needs of the state and the rights of the subjects. The Emperor's power was the "highest" and therefore he alone could provide the essential unity. As Kuga himself described the Imperial role, "The governing power of the Emperor transcends the legislative, executive and judicial powers; on the one hand, it harmonizes the relationships between these three powers; on the other, it mediates between these three powers, that is, the powers of the state, and the rights of subjects."[34]

Kuga's early insistence on the need for separation rather than fusion of powers resulted in part from his deep-seated aversion to, and fear of, the political parties of his day. Parties, or more accurately, factions, were the inevitable products of man's nature, and strife between them was as natural as that between individuals, from which, indeed, it sprang. But this was, in Kuga's view, not an attribute of human nature, but a weakness, and so to be controlled, not encouraged. This was all the more so since party strife imperiled the unity of *kokumin* and thus *kokumin* itself.[35]

Since the so-called parties of the day were in fact factions based on factional interests, not true parties committed to the fulfillment of *kokumin*, they were thus in essence just like the *hambatsu*. All were factions whose activities threatened *kokumin* itself. Consequently, there was nothing to be gained from the establishment of the principle of ministerial responsibility to a parliamentary majority. Kuga put his case vividly: "For us to go through the years just changing those who govern would be like using wolves and wild dogs to fend off wolves and wild dogs. That is what will happen if the responsibility doctrine is enforced."[36]

In fact, if the executive had the support of a majority in the Diet, the unchecked government by faction which would result, "herd government," "swarm government," Kuga called it,[37] would be even worse than *hambatsu* rule. Since strong discipline prevailed in the parties and they were "almost organized as troops," there was little hope that they would survey critically proposals submitted to them by an executive body which represented the same interests as they. Instead, they would give "almost unlimited obedience" to the party leadership. "If such parties should come to power," Kuga warned, "they would not only not oppose the government when it was wrong, but would rather feel the obligation to protect it...."[38]

Kuga also argued, although less often and at less length, that acceptance of the legal doctrine of ministerial responsibility to a parliamentary majority could only lead to deterioration of moral accountability since people would come to understand responsibility only as meaning they could do as they liked so long as their actions resulted in no consequences damaging to themselves.[39]

Kuga thus rejected parliamentary and party government which was, he said, no better than "government by *soroban* [abacus]."[40] He made instead the case for separation of powers and concluded,

"In a situation like today's in which men are dominated by self-interest we do not want an executive body united with the Diet, but rather want to have them a little opposed."[41]

Nonetheless, in February, 1894, Kuga published in *Nihon* an essay entitled "Ministerial Responsibility," in which he lamented that the principle of ministerial responsibility to the Emperor directly had resulted in totally irresponsible government. The separation of powers doctrine assumed the full acceptance by all the members of the government of their varying responsibilities to the Throne. That full acceptance was manifestly lacking in so far as the ministers were concerned, and it now seemed to Kuga that the ministers' ultimate responsibility to the Emperor and to *kokumin* might better be secured through the medium of the Diet, particularly through the ministers' acquiescence in the will of the people expressed in the election of a new Diet following dissolution of the previous one.[42]

While this new approach required drastic modifications in the separation of powers doctrine as Kuga had developed it earlier, it did not compel him to renounce altogether or in essence his original position. Nor did it reflect any sudden insight into the inadequacies of the separation of powers doctrine under Japanese conditions.

Kuga's reaction to a series of events beginning in 1891 with the Ōtsu Incident had revealed an increasing awareness of the *hambatsu*'s intention to disregard separation of powers[43] and a growing alarm over the rapidly developing power and influence of the *hambatsu*'s military faction.[44] Moreover, as the months went on, he became more and more closely associated with Prince Konoe Atsumaro, leader in the House of Peers of a group to whom *Nihon* gave the flattering title, "the people's party of the House of Peers." Konoe, who eventually assumed the financial responsibility for *Nihon*, had returned to Japan in 1890 from Germany where he had written his doctoral dissertation on the doctrine of ministerial responsibility. His biographers have remarked that although he was educated in Germany Prince Konoe was attracted instead by the political thought and institutions of England.[45]

The events which occurred during and immediately after the Fifth Diet completed this phase of Kuga's political education and led him finally to attempt to reconcile his original theory of separation of powers with the doctrine of ministerial responsibility to a

parliamentary majority, a principle which he had not long before rejected as being totally unsuited to Japan.

The story of the short-lived Fifth Diet, convened on November 28, 1893, twice suspended, and dissolved on December 30, 1893, really began in late 1892. At this time the nation had become aware of the price Mutsu Munemitsu, now Foreign Minister, was preparing to pay for treaty revision: in exchange for legal and tariff autonomy, the new Foreign Minister was willing to concede mixed residence. Opposition sprang up in many quarters, from the left-wing of the party movement to such groups as the "Discontented Generals" and Konoe's circle in the House of Peers, from the organs of the parties to *Nihon* and *Nihon Jin*. This resentment crystallized in the establishment in the spring of 1893 of the Dai Nihon Kyōkai, or Great Japan Society, which formed the nucleus of a Strong Foreign Policy Faction in both houses of the Diet. This strangely conglomerate assembly included Ōi Kentarō and others of the left-wing party movement and still others such as Kuga's patrons, Konoe and Tani. Together and supported by *Nihon*, they vigorously opposed mixed residence and pressed for strict enforcement of the existing treaties. They argued that if the government applied consistently and rigorously those provisions of the unequal treaties which restricted the activities of foreigners, the treaty powers would be willing to grant legal and tariff autonomy without insisting that their nationals be permitted to reside freely throughout Japan.[46]

When the Fifth Diet convened in November, 1893, Abei Iwane, a leader of the Dai Nihon Kyōkai, had just risen in the House of Representatives to urge strict enforcement, when the government suspended the Diet. At the end of the suspension period, Foreign Minister Mutsu himself appeared in the House to argue against a strict enforcement policy. This personal appearance failed to persuade the Strong Foreign Policy Faction. The *hambatsu* again suspended the Fifth Diet, and on December 30, 1893, thirty-three days after it convened, dissolved it. In dissolving the Fifth Diet, Itō compounded the damage by failing to follow the precedent established by Matsukata who had published his reasons for advising the Emperor to dissolve the Second Diet.[47]

The *hambatsu* quite accurately regarded the Dai Nihon Kyōkai as the source of much of its troubles. The government suspended its meetings, censored and suspended its organs, and on the day

following dissolution of the Fifth Diet ordered the Dai Nihon Kyōkai disbanded on the charge that it disturbed the public order. When part of the membership formed the Dai Nihon Kurabu, or Japan Club, the *hambatsu* disbanded it also.[48] The oligarchy took steps to prevent election of the Dai Nihon Kyōkai's leaders to the following Diet. *Nihon* itself, silenced for long periods, felt directly and painfully the force of the *hambatsu*'s anger.[49]

A little more than a month after the late December, 1893, dissolution of the Fifth Diet and suppression of the Dai Nihon Kyōkai, Kuga published in *Nihon* his essay called "Ministerial Responsibility." Here he clearly and unequivocally argued that the ministers' responsibility to the Emperor and *kokumin* could only be achieved through their responsibility to the Diet.

The effect of the actions of the *hambatsu* in recent years had been to destroy constitutional government, just as a "revolution" from below would do. He saw no fundamental difference between the two situations. "If we call those among the people who agitate the breakdown of constitutional government traitors and rebels, how," he asked, "can we call those in the government who act to break down constitutional government loyal subjects and faithful retainers? If A protects order and prevents harm, B must also be a defender of order and preventer of harm."[50] The difficulty Kuga suggested, lay in confusion regarding the nature of ministerial responsibility, a confusion which resulted from the fact that some discussed the doctrine from the standpoint of law and others from the viewpoint of morality.

The legal argument was that the ministers were responsible only to the Emperor. Kuga admitted that ministerial responsibility, that is, the responsibility of the ministers to the Emperor and the people through the Diet, could not be defended on the basis of law. The Constitution itself offered no means whatsoever of enforcing such responsibility, no basis, indeed, for justifying it. According to the Constitution, the ministers were appointed by the Emperor and responsible to him, and he was sacred and inviolable. The appointment and dismissal of ministers belonged to the supreme power of the Emperor and was not subject to interference by the Diet or the people.

However, in actual fact, as Kuga demonstrated in some detail, this meant that the ministers operated without any restraint,

claiming always to be exercising the Imperial will. Kuga's disillusionment with his theory of the separate and direct responsibility of each of the three branches to the Emperor is nowhere more apparent than in the passage in which he said: "When those who are ministers themselves wish to leave office, they obtain an Imperial order; when they wish to remain in office, they do so in the name of the Emperor. They remain, or they depart, on the basis of the legal doctrine. They say, 'How can we be governed by public opinion and general consultation? We serve the Emperor.' So they come and go freely under the pretext of the law. . . ."[51]

The legal doctrine thus served as a cover for irresponsibility. However, while he found it very difficult, if not impossible, to justify ministerial responsibility on legal grounds, Kuga was attracted by the moral argument. The ministers' responsibility to the Emperor could best be fulfilled by means of their responsibility to the people, manifested both in their acquiescence to the popular will and in their attempts to guide it. Their acceptance of both obligations, in fact, was nothing more than their duty as loyal subjects.[52] The two obligations were inseparable: "We do not say that the ministers should act automatically according to public opinion. If they believe public opinion to be wrong, they must on occasion oppose it by the proper methods, and of course it is proper for them to attempt to guide public opinion. If they are unable to guide it, then it is also proper for them to leave office."[53]

This practice, he argued, was inherent in the establishment of constitutional government and the opening of the Diet: "Those who are opposed to this . . . can not refute the moral argument. Their excuse is simply the dignity of the government and the self-confidence of the Cabinet. . . . If we say that by going along with public opinion and acting on the basis of general consultation we injure dignity and self-confidence, then it would have been better in the first place not to have established the Constitution or opened the Diet."[54]

At this point, February, 1894, Kuga was sufficiently sophisticated to recognize that the Emperor's use of his sovereign power to dismiss a minister on his own initiative would create an "extraordinary political crisis" which surely none would want as a regular occurrence.[55] The ministers must instead fulfill their responsibility to *kokumin* by asking to be relieved of office in certain circumstances:

"When they are incapacitated in mind or body, have made mistakes in the administration of the government, or are opposed by the Diet, ministers must, obeying the moral law, ask to be relieved of their offices. When they themselves ask to be relieved, that is the time to relieve them."[56]

Their resignations should be the result of their relationship with the people, not the monarch, since "the ministers are not personal servants of the Emperor's Court but are elder statesmen of the nation and should leave office whatever the Emperor's feelings toward them. Moreover, leaving office in such circumstances would be the best reply to His Majesty's benevolence."[57]

However, the ministers should not hold and leave office simply on the basis of a count of votes in the House of Representatives. To do so would be to govern by *soroban*, as Kuga has remarked on an earlier occasion. According to him, "If they [the ministers] govern simply according to public opinion and general consultation, and leave office on the vote of the Diet, not only will the dignity of the government of course be injured, but there is also the danger of stimulating changes in the form of government. However, those who advocate responsibility do not make that request at all. They do not go beyond asking that public opinion be consulted, their demand being based on the spirit of the establishment of the Constitution and the opening of the Diet."[58]

Therefore, in circumstances in which the ministers were convinced that the course they followed was correct even though they were opposed by the Diet, they must "fulfill their responsibility to the people" by requesting dissolution of the Diet and election of a new House of Representatives. The purpose of dissolution must be to fulfill their responsibility to the Emperor and to the people by ascertaining the true condition of public opinion. Dissolution for any other reason would be unconstitutional:

> The dissolution of the Diet, whatever the circumstances and whatever the reasons, is always nothing other than a means of examining public opinion and making certain what it really is. Since this method is a very extraordinary one, and one which is very expensive to the people, it should not be used unless the government is sure it is right. If the government uses it improperly, it is a hundred times worse than when the statesmen of the arbitrary period built huge useless public works to parade their extravagance!

> Still more when they dissolve, however reluctantly, simply in order to protect mutual relations within the government![39]

The only justification for dissolution was to determine the state of public opinion. What did political morality require if in the new Diet the ministers confronted the same hostile majority as previously? Clearly, immediate resignation of the ministers: "Even though the Constitution contains no provision limiting the number of dissolutions, to dissolve, even time and time again, until the government obtains a Diet which is in agreement with it, is nothing but irresponsibility."[40]

In the four and a half months which followed dissolution of the Fifth Diet and the convening of the Sixth on May 15, 1894, the burden of opposition to the *hambatsu* was carried largely by the House of Peers and shared by *Nihon*, with notable effect if one may judge by the resentment of the *hambatsu*.

Thirty-eight of the aroused Peers, led by Kuga's friends and patrons, Konoe Atsumaro and Tani Kanjō, presented a letter of advice to the Cabinet ministers charging that the government had evaded its constitutional responsibility of defending itself before the Diet by twice suspending and then dissolving the Diet.

Itō replied that the responsibility for dissolution belonged entirely to the lower house which had intruded on the function of the Cabinet by proposing strict enforcement, and said that by doing so at this particular time, the Diet had endangered treaty revision which was one of the nation's most urgent needs.

This answer inflamed rather than soothed the resentment of the thirty-eight Peers who therefore deputized Konoe and Tani to send the Cabinet a statement of the reasons they found the Prime Minister's reply so very unsatisfactory. Kuga's view of the proper relationship between Diet and Cabinet is clearly reflected in this document in which the Peers denied Itō's contention that there must always be cooperation between the branches of the government. Exercise of the independent powers of the Cabinet and Diet would naturally and inevitably sometimes produce friction between them, and it was inevitable that in a country such as Japan "in transition from arbitrary to constitutional government . . . friction between the executive and the Diet will sometimes be great."[41] This was almost a paraphrase of Kuga's March, 1893, assertion that "in a situation like today's, in which men are dominated by

self interest, we do not want a government united with the Diet, but rather want to have them a little opposed."[62] As Foreign Minister Mutsu pointed out in a letter to Itō, the Peers' position was exactly the same as that of the *Nihon* faction.[63]

The Sixth Diet, convened on May 15, 1894, was the shortest yet. Its dissolution on June 2, 1894, was the second dissolution in five months. It came within twenty-four hours of unanimous passage by the House of Representatives of a resolution presented by the Strong Foreign Policy Faction which insisted on the Diet's right to approve foreign policy decisions which required the passage of new laws, changes in existing law, or new taxation.[64] Sometime afterwards, reflecting on 1894, Kuga wrote, "1894, which should be remembered as a particularly bad year in the history of constitutional government, was accompanied by unreasonable dissolutions."[65]

1894 was also the year which marked a fundamental and tragic change in the nature of Japanese nationalism, as Professor Maruyama and others have demonstrated. Kuga was one of the few Japanese who did not now turn their attention, their energies and their resources toward the continent and aggressive nationalism. For Kuga, for example, the Sino-Japanese War was rather an excuse to demand a more effective role for the Diet.[66] However, the Seventh Diet was in session for only five days and by the time the Eighth Diet met, the war was nearly over. The war with China had provided the *hambatsu* with a rationalization for minimizing still further the importance of the Diet.

The end of the war brought a renewal of domestic hostilities but with a new and most significant change. The members of the oligarchy who headed postwar governments now sought to reduce party opposition and Diet obstruction by allying their Cabinets with one or the other of the parties, the Jiyūtō in the case of the second Itō Cabinet, the Shimpotō in the case of the second Matsukata Cabinet. Moreover, postwar governments engaged in military expansion on a large scale. Kuga found the implications of both developments frightening.

Nonetheless, in 1898, Kuga at last recognized the inevitable, inescapable link between constitutional or parliamentary government and party government: "If we oppose party cabinets, we must also be against a representative assembly and against constitutional

government itself. This is just in the nature of things."[47] Thus Kuga acknowledged, as he had been unwilling to do when writing "Ministerial Responsibility" in the spring of 1894, the inseparability of parliamentary and party government. That he delayed so long in taking this last step was due to his view of the parties of his day as in fact factions, as incapable of perfecting *kokumin* as was the *hambatsu* itself.

When he came at last to advocate party government, he found no party to which to give his support. Japanese nationalism unaccompanied by Kuga, had undergone a profound change since the spring of 1894. The postwar parties to his dismay acquiesced in and supported militarism, were oblivious to the ever more serious threats to the independence and integrity of China, and welcomed Japan's deeper and deeper involvement in conflict with Russia. In domestic affairs, they allowed themselves to be "'bewitched'" by the oligarchs into alliances with the *hambatsu* which led to greater and greater abuses of the rights of individuals.[68] Although Kuga was hopeful that first one and then another "faction" might develop into a "true party," he was again and again disheartened and disillusioned.[69]

By the time he came to long for party government, the parties themselves had abandoned liberal nationalism and liberalism had all but vanished from the Meiji scene. Kuga was one of the few and isolated survivors, abandoned indeed by most of his former comrades in the national essence movement.

Ironically, his leadership, and *Nihon*'s, of the national essence movement had stimulated the growth of an aggressive and jingoistic nationalism which was in many and fundamental ways abhorrent to Kuga himself. Moreover, in defining the national essence, he had developed a relatively sophisticated and coherent theoretical foundation for opposition to both *hambatsu* and party government. In doing so, Kuga eloquently reinforced the deep and traditional distrust of government by faction which vitiated the growth of representative government in Japan before World War II. His eventual conversion to advocacy of parliamentary and party government manifested the strength of the liberal potential in Meiji nationalism. Nonetheless, while in his case the liberal impulse proved in the end to be the stronger force, the late nineteenth century vigor of the ancient inhibition against factionalism was

clearly revealed in the earnestness and persistence of Kuga's efforts to develop an alternative theory of representative government.

NOTES

1. Kuga Minoru (Katsunan) was born in Tsugaru *han* in 1857 and received his early education in *han* schools distinguished for Western studies as well as for traditional learning. After attending Sendai Normal School and the Ministry of Justice Law School in Tokyo, he entered the Dajōkan Documents Bureau (later the Gazette Bureau) and later served also in the Torishirabe Kyoku under Inoue Ki. In April 1888, he left the government service to take over the newspaper *Tokyo Dempō*, and ten months later he became editor of the new *Nihon Shimbun*, which in its early years was financed largely by General Tani Kanjō and his associates. Konoe Atsumaro later contributed heavily to *Nihon*'s support and finally took over its ownership in December 1901. In June 1906, *Nihon*'s editorship was transferred to Itō Kinsuke because of Kuga's illness, and Kuga died September 2, 1907, at the age of fifty-one. Twenty-one members of Kuga's *Nihon* staff jointly resigned in dissatisfaction with the new management, and joined *Nihon*'s sister publication, the magazine *Nihon Jin*, which then became *Nihon oyobi Nihon Jin*. For further biographical information, see *Shinsen Jimmei Jiten*, ed. Shimonaka Yasaburō (Tokyo, 1937–1941), II, 400; Kawabe Shinzō, *Katsunan to Sōhō* (Tokyo, 1943).

2. Maruyama Masao, "Meiji Kokka no Shisō," *Nihon Shakai no Shiteki Kyūmei*, ed. Rekishigaku Kenkyū Kai (Tokyo, 1949), pp. 181–236. Maruyama Masao, "Kuga Katsunan-Hito to Shisō," *Chūō Kōron*, February, 1947, pp. 37–44. Yasui Tatsuya, "Kuga Katsunan ni okeru Nashonarizumu," *Shakai Kagaku Kiyō*, No. 8, March 31, 1959, pp. 1–76.

3. Kuga, "Nihon Sōkan no Shushi," *Nihon*, February 11, 1889, in *Katsunan Bunroku*, ed. Suzuki Torao (Kyoto, 1933), pp. 365–366. This collection of Kuga's essays will be cited hereafter as *Bunroku*.

4. "Kokuminteki no Kannen," *Nihon*, February 12, 1889, *Bunroku*, p. 374.

5. "Kokumin Rompa" in "Kinji Seironkō," *Nihon*, July–August 1890, *Bunroku*, pp. 137–149.

6. "Jiyū Shugi Ikan," *Nihon*, January 1890, *Bunroku*, p. 63.

7. "Shinmin no Kenri" in "Kinji Kempōkō," *Tokyo Dempō*, December 28, 1888–February 8, 1889; *Nihon*, February 28–March 30, 1889, *Bunroku*, pp. 46–52.

8. "Jiyū Shugi Ikan," *Bunroku*, pp. 63–64.

9. *Ibid.*, pp. 66–67. See also "Kokka Teki Shakai Shugi," *Nihon*, March 22–29, 1897, *Bunroku*, p. 457.

10. "Jiyū Shugi Ikan," *Bunroku*, pp. 63–64.

11. *Ibid.*, p. 66.

12. *Ibid.*, pp. 59–60.

13. *Ibid.*, p. 70.

14. "Keizai Hōritsu Shimpo Shugi" in "Gensei," *Nihon*, March 6–22, 1893, *Bunroku*, p. 188. See also "Kokumin Rompa," *Bunroku*, pp. 143–149.

15. "Jiyū Shugi Ikan," *Bunroku*, p. 71.

16. Maruyama, "Kuga Katsunan," pp. 39–40.

17. "Eikoku Seiji to Shimpo Shugi" in "Gensei," *Bunroku*, pp. 208–209.

18. "Kokumin Rompa," *Bunroku*, p. 145.

19. "Taiseishugi oyobi Shinashugi no Chūnyū" in "Kinji Kempō Kō," *Bunroku*, pp. 16–20.

20. Kojima Kazuo, *Ichirō Seijika no Kaisō* (Tokyo, 1951), p. 23. Kojima, himself a member of *Nihon*'s staff, here labeled Generals Tani Kanjō and Miura Gorō the "Discontented Generals," referring to their disaffection beginning after the Satsuma Rebellion when the *hanbatsu* reorganized the armed forces on the German model.

21. Shimanouchi Toshie, *Tani Kanjō Ikō* (Tokyo, 1912), II, 87–88.

22. *Ibid.*, pp. 89–121.

23. Shimizu Shin, *Teikoku Kempō Seitei Kaigi* (Tokyo, 1940), pp. 295–312.

24. "Seikenryoku no Tōitsu oyobi Kaishoku" in "Kinji Kempō Kō," *Bunroku*, pp. 15–16.

25. "Taiseishugi," *Bunroku*, p. 20.

26. "Tennō no Taiken oyobi Kōshitsu" in "Kinji Kempō Kō," *Bunroku*, pp. 44–46.

27. "Gikai Ron," Part I, *Nihon*, December 7, 1890, *Bunroku*, pp. 433–434.

28. "Kanshōteki Seisugen no Hi wo Ronzu," *Nihon*, February 3, 1891. See also "Gikai Ron," Part III, *Bunroku*, p. 437.

29. "Kokusei no Yogi," Part I, *Nihon*, November 30–December 3, 1889, *Bunroku*, pp. 408–409.

30. Konoe Kazan Kai, *Konoe Kazan Kō* (Tokyo, 1924), pp. 49–51.

31. Hirao Michio, *Shishaku Tani Kanjō Den* (Tokyo, 1935), pp. 642–646.

32. "Kokka no Kenryoku" in "Kinji Kempō Kō," *Bunroku*, pp. 54–55.

33. "Tennō no Taiken," *Bunroku*, p. 46.

34. *Ibid.*, p. 45.

35. "Seitō no Hei-Kokueki to Tōri," Part I, *Nihon*, June 28, 1889, *Bunroku*, p. 397. See also "Shoron" in "Kinji Seironkō," *Bunroku*, p. 78.

36. "Sekininron to Hōritsu oyobi Keizai" in "Gensei," *Bunroku*, p. 205.

37. "Gyōsei Kikan to Seiji Tōha" in "Gensei," *Bunroku*, p. 198.

38. "Eikoku Seiji to Shimpo Shugi" in "Gensei," *Bunroku*, pp. 208–209.

39. "Sekininron," *Bunroku*, pp. 203–205.

40. *Ibid.*, p. 205.

41. "Eikoku," *Bunroku*, p. 208.

42. "Daijin Sekinin Ron," *Nihon*, February 2–4, 1894, *Bunroku*, pp. 445–455.

43. See p. 111.

44. "Bushin Kansei Ron," *Nihon*, July 30, 1892, *Bunroku*, pp. 439–445.

45. *Konoe Kazan Kō*, p. 39.

46. Ōtsu Junichirō, *Dai Nihon Kensei Shi* (Tokyo, 1927), IV, 34 ff.

47. *Teikoku Gikai Shi*, ed. Kudō Takeshige (Tokyo, 1901), pp. 302–303.

48. *Ibid.*, pp. 324–325.

49. Maruyama, "Kuga Katsunan," pp. 40–41; Kojima, *Ichirō Seijika no Kaisō*, p. 27.

50. "Daijin Sekinin Ron," Part I, *Bunroku*, p. 445.

51. *Ibid.*, II, pp. 449–451.
52. *Ibid.*, p. 450.
53. *Ibid.*
54. *Ibid.*, III, p. 453.
55. *Ibid.*, p. 452.
56. *Ibid.*, pp. 452–453.
57. *Ibid.*
58. *Ibid.*, p. 453.
59. *Ibid.*, p. 454.
60. *Ibid.*
61. *Teikoku Gikai Shi*, pp. 308–315.
62. See p. 113.
63. Letter from Mutsu to Itō, January 29, 1894, *Itō Ke Bunsho*, Vol. 53, p. 256.
64. *Teikoku Gikai Shi*, p. 341.
65. Yamai, "Kuga Katsunan ni okeru Nashonarizumu," p. 38.
66. *Ibid.*, pp. 30–31.
67. *Ibid.*, pp. 61–62.
68. *Ibid.*, pp. 46–48.
69. *Ibid.*, pp. 66–70.