

that it could not be expected to be in complete working order until many months and years had elapsed. We are only afraid therefore of a single day's delay in establishing it, and therefore we say that we hold the exact opposite of this opinion.

Another argument of the officials is that the council-chambers now existing in European and American states were not formed in a day, but were only brought into their present state by gradual progress, and therefore we cannot to-day copy them suddenly. But gradual progress has not been the case of council-chambers only; all branches of knowledge and science and mechanical art are subject to the same condition. The reason why foreigners have perfected this only after the lapse of centuries, is that no examples existed previously and these had to be discovered by actual experience. If we can select examples from them and adopt their contrivances, why should we not be successful in working them out? If we are to delay the using of steam machinery until we have discovered the principles of steam for ourselves, or to wait until we have discovered the principles of electricity before we construct an electric telegraph, our government will be unable to set to work.

Our object in seeking to prove that a council-chamber elected by the people ought to-day to be established in our country, and that the degree of progress amongst the people of this country is sufficient for the establishment of such a council-chamber, is not to prevent the officials from making use of various pretexts for opposing it, but we are animated by the desire that by establishing such a council-chamber, public discussion by the empire may be developed, the rights of the people be established, the spirit of the empire be roused to activity, the affection between governors and

governed be made closer, sovereign and subject be brought to love each other, our imperial country be maintained and its destinies developed, and prosperity and peace be assured to all. We shall esteem ourselves fortunate if you will adopt our suggestions.

Japan Weekly Mail, 1874, pp. 81-82.

B. Opinion of the *Sa-in* on the Memorial, January 23, 1874.

WITH respect to the Memorial presented by Soejima Tane-omi, a *samurai* of the Saga-ken, and seven others, upon the subject of the establishment of a council-chamber chosen by the people, the principle is an excellent one, and this College (the *Sa-in*) having received sanction to a similar proposal already made by itself, has draughted a set of regulations. The suggestion therefore will be adopted. At the same time, in view of the instructions issued last year to the *fu* and *ken* with respect to local assemblies, and of the fact that the Home Office has just been constituted, we recommend to the Council of State (*Sei-in*) that the Home Office shall be called upon to give its opinion, and that after the local assemblies shall have been opened, the question of a council-chamber chosen by the people shall then be taken up.

Japan Weekly Mail, 1874, p. 83.

C. Objections to the Memorial of Soejima by Kato Hiroyuki, January 26, 1874.

To His Excellency Soejima, Goto, Itagaki, Eto:

GENTLEMEN: I have read your Memorial published in No. 206 of the *Nisshin Shinjishi* [Newspaper] advocating the establishment of a deliberative assembly chosen by the people, and my esteem and affection for you have been suddenly increased by observing your deep dissatisfaction with the present condition of affairs, and the warmth of your patriotic feelings. At the same time I cannot avoid entertaining some scruples with respect to the establishment of a deliberative assembly at once in our present stage of progress towards civilization. I would therefore beg to draw Your Excellencies' attention to my humble opinions as stated below, and I trust that without taking account of my inferiority, you will favour me with your observations upon them.

With respect,

(Signed) Kato Hiroyuki.

In the original Memorial, there occurs this passage: *Unable to resist the promptings of our patriotic feelings, we have sought to devise a means of rescuing it from this danger, and we find it to consist in developing public discussion in the empire,** etc., etc. Now the development of public discussion by [*sic*] the empire is the very thing which all thinking men most earnestly hope for. There is no surer foundation for the peace and prosperity of the commonwealth than this. But here one difficulty occurs to me. What is this difficulty? It is that public opinion is not invariably just and enlightened. Even in the civilized and enlightened states of Europe this sometimes happens. How can it avoid being so in [our] own imperfectly civilized country?

The object for which a deliberative assembly is created is

* Italics by editor for distinction.

no doubt the establishment of such laws and constitution as shall place the national peace and prosperity on a firm basis. Now in establishing a constitution and laws, it is necessary to observe minutely the state of the country and of public feeling and to choose such a constitution and such laws as are suited to them. The reason is that if that be not done, the result will be like putting a round lid on a square pot, and the constitution and laws so framed cannot truly be said to place peace and prosperity on a firm foundation. It is only wise men who are capable of choosing what is suitable to the present state of things and to the present state of public feeling in this country. European scholars say: "What is wanted in a deliberative body is wide views; what is wanted in a judicial body is justice." Now it is easy for public opinion to be just, but hard for it to have wide views. This is an evil common to the present and former times. What is the cause of it? Is it not the large proportion among the people of ignorant and unlearned persons? An Englishman has said: "There is no country in Europe except England where the laws and constitution are adapted to the wants of the country. The laws and constitutions of other countries are merely on paper and nothing more." This is a piece of national boasting, and it is unnecessary to show that it is an exaggeration, but still there is some truth in it. The reason is not far to seek. The parliament of England contains a large proportion of wise men, and it is therefore competent to initiate laws and constitutional measures well suited to the wants of the country, but the deliberative assemblies of other countries are unable to compass this. And yet it is proposed to submit the affairs of the empire for discussion to our imperfectly civilized people and to apply the opinions obtained in this way towards

framing laws and a constitution. It is to be feared that this would be like climbing trees to catch fish.

Frederick II (r. 1740-86), a former King of Prussia was a prince of rare merit, and at a time when a despotic form of government was everywhere established and was approved of by the majority of the most talented writers of the day, was alone in maintaining the inexpediency of an absolute form of government and argued in favour of the extension of popular rights. It was a saying of his that the prince is only the first magistrate of the nation and that he has no right to exercise an absolute sway over the people. Posterity has called him the father of reform in Europe on account of the reforms which he introduced into the laws and constitution; and the restrictions he placed on the royal prerogative, but even he did not suddenly establish a deliberative assembly chosen by the people, but retained in his own hands the powers of government and exercised absolute authority. It is probable, however, that in reality it was not because he was desirous of using the powers of government in a despotic way that he did so, but simply because he saw that the Prussian people at that time were not sufficiently civilized, and that their views were not yet advanced enough to admit of their being entrusted with a share in the government.

Again at the present moment Russia has not yet been able to establish a sure deliberative assembly chosen by the people. The reason is that the views of the people are not advanced enough to render it possible to give them a share in the government. And yet it is expected that what is found impracticable in Russia can be carried out in Japan. This is hard to believe. It is no doubt true that our nation is gradually moving towards enlightenment, but the peasant

and merchant class are still for the most part the peasant and merchant class that they have always been. They rest satisfied in their stupidity and ignorance, and it has not yet been found possible to arouse in them a spirit of activity. The soldier class alone is far in advance of them, but still how few there are among it who understand the principles of things? If, for example, one puts to them such questions as "What is a government? What are subjects? What right has a government to levy taxes? On what does the right of a government to exact military service depend?" or other simple and easy questions of a like kind, it will be found that not more than one or two out of ten can give an intelligent answer. Is this not a lamentable state of things? I fear that if, regardless of these facts, we proceed to establish in a sweeping way a deliberative assembly chosen by the people, the only fruit of such public discussion will be foolish ideas, not worth consideration. Still if it is nothing more than foolish ideas it does not so much matter. But it is impossible to prevent great evils to the commonwealth from being the result of such a course. For when a people whose intelligence is insufficiently developed, is put in possession of the rights of free citizens, they do not know how to exercise them duly, and hence they fall into licence, and so the danger of ultimately injuring the public peace and prosperity is incurred. Ought we not to dread such a result? The learned men of Europe of the present day are united in the opinion that while for a civilized country a deliberative assembly chosen by the people is a necessity, for an imperfectly civilized people it is a source of mischief. I make the following extract from a short treatise on government published by one of these writers named Wildermann(?), a German, which will show that my statements are not found

on mere conjecture. [Extract omitted.]

In the original Memorial this passage is found: *The way to give to the people culture and intelligence and to cause them to advance swiftly into the region of enlightenment is to establish a council-chamber chosen by the people.* But I have shown above the mischief which would result in the hasty establishment of a deliberative assembly chosen by the people. Where would be the opportunity for awaiting the advantages of civilization?

Again, this passage is found in the Memorial: *The worst argument they put forward is that to establish a council-chamber at once would be simply to assemble all the blockheads in the empire. What shocking self-conceit and arrogant contempt for the people this indicates, etc.* There is some little truth in this. Even among the statesmen of the present day it is of course impossible but that there should be some who are only imperfectly enlightened. But judging from what I have been able to see and hear, outside of the present government not more than a few tens of men can be found of distinguished ability. A few tens of men among 30,000,000 is hardly enough to raise the average level of the popular intelligence. They are certainly not enough to entitle us to describe them as a civilized nation. And even if we suppose that the government is not self-conceited and arrogant, they still find it necessary to entrust to themselves the business of the empire for a time.

The Memorial says that *The duty of a government and the object which it ought to promote in the fulfilment of that duty is to enable the people to make progress, etc.* This is very true. Our country is not exactly barbarous, but as yet its civilization is far from perfect and the people are too prone to submissiveness. This is greatly to be lamented. But if the govern-

ment wishes to excite in the people a spirit of activity and to teach them to take a share in the conduct of the business of the empire, this object is not to be attained by simply establishing a deliberative assembly. The only method of attaining it is by the establishment of schools and thus nourishing the nation's intellect. The self-reliant and active character of the Prussian nation at the present day which has at last raised it to the position of the most powerful state in Europe, has not been due to the abrupt establishment of a deliberative assembly, but to the fact that since the time of Frederick II, the Prussian government has devoted its attention to the cultivation of the people's minds.

The Memorial again says: *How is a government to be made strong? It is by the people of the empire becoming of one mind, etc., etc.* This is incontrovertible. Nevertheless this advantage will hardly be gained by the sudden creation of a deliberative assembly. The only plan open to us is by turning our attention without loss of time to nourishing the intelligence of the nation thus to render our country sufficiently civilized to admit of the establishment of a deliberative assembly.

The original Memorial has this passage: *We have now proved our position by universal principles, by the actual political state of the country, etc., etc.* Now reform is a good thing in itself. But if it is desired to introduce reforms suddenly, it is impossible not to fall into the evil of rash progress. There is nothing like steadily nourishing the intelligence and acting as far as possible in a gradual way.

The Memorial then speaks of *rash progression, etc., etc.* I do not object to the statement that a deliberative assembly chosen by the people would deal with affairs in a wisely conservative spirit, but what I assert is that the abrupt establish-

ment of a deliberative assembly cannot avoid the reproach of being a rashly progressive measure. The reasons of this I have sufficiently pointed out above.

I hope I have now made tolerably clear wherein I agree and wherein I differ from the views of the Memorial.

P.S. Such are in a general way the humble opinions to which I would beg to draw your attention. I shall think myself fortunate if you will kindly favour me with your observations. This Memorial is probably the germ of a deliberative assembly chosen by the people to be established at some future time, and no one would be better pleased at such a result than myself, in spite of the objections I have thought it my duty to urge against it.

In short it is my conviction that although for a time it is necessary that the government should exercise absolute power, yet the great principle must not be forgotten that the government is made for the people, not the people for the government, and that it is needful to raise our country to the rank of a civilized nation by following implicitly the policy of Frederick in restricting the powers of government, extending as far as possible the private rights of the people, encouraging liberty of speech, and promoting education.

Your Memorial suggests one more remark. What do you think of the plan which has already been carried out in two or three *ken* of having for a time in the *fu* and *ken* assemblies constituted by choice from the *samurai* and the upper and middle classes of the common people, and which should discuss the internal affairs of their own *fu* and *ken*? The adoption or rejection of their decisions should, however, be entrusted for a time to the *chiji* or *kenrei*. I am yet unable to form an opinion as to whether it will be attended with the success which is hoped for from it, or whether it may not do

more harm than good.

I hope, gentlemen, that you or the public will favour me with your observations on the statement of my views.

Japan Weekly Mail, 1874, pp. 121-123.

D. Reply of Soejima, Goto and Itagaki to Kato's Argument, February 20, 1874.

Dear Mr. Kato:

WE have carefully perused and re-perused the memorandum lately published by you, [Mr. Kato,] setting forth your doubts as to the advisability of establishing a council-chamber elected by the people, and we can see that you have applied yourself to the subject with great care and industry. It may truly be called a generous present. We should be acting in opposition to your own wishes if we left it unanswered, and we therefore put forward herewith a summary of our views:

You make the following extract from a German writer: "*In discussing the forming of a government it is in the first place necessary to show clearly the degree of progress which the country has made and its actual condition,* etc., etc.*" This is what Europeans call the superiority in knowledge of the nineteenth over the eighteenth century. Our advocacy of the establishment of such a council-chamber is based upon the imperative necessities of the actual condition of our country, and we say that we are speaking of the nineteenth century.

The establishment of the reformed government which we have at this moment came entirely from below. In the commencement it was the low-class *samurai* and *ronin* who raised

* Italics by editor for distinction.