

THE GOVERNMENT OF JAPAN*

BY HAROLD S. QUIGLEY

Professor of Political Science, University of Minnesota

AS THE nineteenth century passed into its last quarter there was agitation in Japan for a people's parliament. Scarcely ten years had elapsed since the last of the Tokugawa shoguns, Keiki, had surrendered his office to the youthful Emperor, Meiji, and with it the actual headship of the government, which his family had monopolized for three and a half centuries, in order that administrative authority might be centralized and the empire enabled to "maintain its rank and dignity among the nations." During that decade political societies had appeared, led by no lesser persons than Okuma Shigenobu of the Hizen clan and Itagaki Taisuke of Tosa, provoked by the apparent intention of the leaders of the greater western clans, Choshu and Satsuma, to constitute themselves sole heirs of the governmental power which the Tokugawa daimyo had monopolized since the sixteenth century. Okuma and Itagaki, together with other disgruntled lesser clansmen, purposed to call into political life a new force, public opinion, to assist them in a struggle for a division of the Tokugawa legacy.

On a winter's day in 1889 the agitation of the "politicians," as the leaders of the popular movement came to be called, in distinction from their opponents, the Satsuma and Choshu oligarchs, bore fruit. Before a distinguished company in the palace at Tokyo the constitution was read on February 11, a day already consecrated as Kigensetsu, the legendary date of the founding, in 660 B.C., of the imperial Yamato dynasty, which continues to the present moment. Shorter even than the constitution of the United States, the Japanese instrument is modeled upon the constitution of pre-revolutionary Prussia and other German state constitutions. Its drafters made a study of the American constitution but found in it only warnings, sign-posts of dangers to be avoided.

Were the demands of the newly-fledged political parties for a share in governmental power satisfied? Hardly. The constitution was less a concession to them than to those great Occidental states with which Japan had entered into treaties that she regarded as shameful. They were insistent that the surrender of consular juris-

*For authorities as to facts and interpretation, see the writer's *Japanese Government and Politics*, Century Company, New York, 1932.

dition must be preceded by a modernization, that is, a Westernization, of law and administration. Hence Japan conformed, publishing in succession codes of criminal law and procedure modeled upon those of France, civil law and procedure mingling French and German with native principles, and a constitution of essentially German pattern. But she took care to inscribe in the first article of the constitution the basic idea known as *kokutai*, the eternal oneness of the reigning dynasty with the state. This idea was fully supported by the centralization of all power in the Emperor.

Centralization, however, in name only. The actual relation of the Emperor to the government was altered only in form. The constitution codified the "Restoration" of 1868, a restoration of the Emperor to dignity only, not to power. Throughout the seven centuries of feudalism the imperial office had, in theory, been the location of authority. So completely had the fact of shogunal domination obscured this theory that the theory itself was forgotten and was only resurrected by scholars in the latter eighteenth century. The Restoration restored the theory but continued the fact of vicarious rule, simply transferring the reality of power from one group of oligarchs to another. The constitution, drafted by the new oligarchy, set up but feeble checks upon its program of usurpation.

From the point of view of the liberals, the effect of this variance between the letter and the spirit was of no immediate importance. Their efforts to breathe life into the infant Diet were maintained for a few years but it proved a puny thing for lack of exercise, albeit not lacking in lung power. All too soon they gave up the struggle and entered into alliances with the oligarchs, salvaging their pride with such appearances of influence as appointments to ministerial posts and association with such mighty clansmen as Ito Hirobumi, Katsura Taro, and Tanaka Giichi (who accepted the presidency of one or another party), and often content to forget their pride at the price of a fat concession or a retainer sufficient to win a parliamentary seat. Ultimately, the weapon of the latter-day usurpers may turn in their hands, as it did in the grasp of the Tokugawa.

Briefly we may set down the component agencies of the Japanese government. At the apex is the Emperor, at once the head of the extra-constitutional imperial court and of the constitutional government. Emperor Hirohito's house is the oldest reigning dynasty and, thanks to concubinage and adoption, it has reigned longer

than any other in the history of the world. In the middle ages the imperial scepter was transformed into a priest's baton, the Emperor taking on divine attributes as head of the Shinto religion and being forced into seclusion by ambitious officials. Though today the curtain that screened divinity from secular eyes has been withdrawn, the belief of the masses of the people in the imperial godhead still continues. Educated Japanese no longer accept as history the mythology of the divine origin of the state or the Emperor, yet the old dogmas are given lip-service in deference to popular belief. Furthermore, all acts of state are referred to as though performed by the Emperor, in strict observance of the terms of the constitution.

What may be called the "crown," that is, the executive department of the government, is a composite of the Emperor, two extra-constitutional agencies, the *genro* or elder statesmen and the Imperial Household Ministry, and three constitutional organs, the Privy Council, the "supreme command," and the cabinet. The *genro* originally included five highly influential clan leaders, Yamagata Aritomo, Ito Hirobumi and Inouye Tsuyoshiaki of Choshu, and Oyama Iwao and Matsukata Masayoshi of Satsuma. Later two others were designated, Katsura Taro of Choshu and Saionji Kinmochi, a member of the older civilian nobility, the *kugé*, which antedates feudalism. All but Saionji, who is now eighty-three years old (1933), are dead. Saionji is understood to desire that the institution shall die with him. There are, however, certain so-called quasi-*genro* today who are consulted on crucial issues, so that the future of the *genro* is somewhat doubtful. The *genro* is called by the Emperor and the cabinet to advise them in every serious difficulty and it enjoys a reputation for well-nigh infallible wisdom.

The Imperial Household Ministry is an organ of the court. Most influential of the dignitaries that compose it is the Lord Keeper of the Privy Seal, while only slightly less important are the minister himself and the Lord Chamberlain. The present Lord Keeper is Count Makino Nobuaki, head of the house of Satsuma. The Emperor takes no action without the advice of this agency, particularly relying upon Count Makino. The latter, therefore, is only second to Prince Saionji in his influence upon imperial decisions.

The Privy Council is a body of twenty-seven advisers, chosen for their proved loyalty and conservatism. All important laws, treaties, and ordinances must be submitted for the council's ap-



FUJIYAMA

proval and so influential are its members that the custom has developed of asking their approval even of comparatively unimportant proposals. The Privy Council is the interpreter of the constitution and conceives its duty in that field to be conservatory rather than libertarian.

The "supreme command," sometimes termed the "camp," includes the ministries of war and the navy, the chiefs of the army and naval staffs, the board of marshals and admirals and the supreme military council. Separately and collectively, these organs enjoy the privilege of advising the Emperor directly, that is, without the collaboration of the premier or the cabinet as a whole, on matters of national defense, strategy, and tactics. Since the ministers of war and the navy are, by ordinance, required to be high ranking officers (active or retired), of the army and navy respectively, they form, with their colleagues in the staffs and the advisory councils, a close corporation of a wholly military character. This is not, of course, to say that they may not be men of wide knowledge and statesmanlike outlook, but rather that their affiliations with the defense services surround them with men of a certain esprit de corps that may, on occasion, operate as a severe handicap to independent thought or action.

Anomalous as it may seem, the cabinet is the least important of the elements of the crown in the determination of policy. The harsh term "usurpation," above applied to the activities of the various agencies already defined, is justified by the constitution itself, which provides in Article 55 that "the respective ministers of state shall give their advice to the Emperor and be responsible for it." It is, of course, a common and essential feature of cabinet or parliamentary government that the ministers rather than the titular head of the state determine policy and accept responsibility for it. But in Japan the ministers must take responsibility for policies which they do not and cannot determine. Determination of policy still rests with the traditional agencies above described. These agencies cannot be held responsible since the Emperor, while theoretically all-powerful, is in fact powerless. Thus, the cabinet must be said, in general, to be limited to suggestion rather than to decision, to administration rather than to discretionary action.

The explanation of this situation lies in the nature of the Japanese social order. To understand it, we must recognize that the older

people of present-day Japan were brought up under the feudal system, which was abolished only fifty years ago. Moreover, its abolition was not the product of a popular revolt, but the voluntary proposal of the more powerful clan leaders. Democratic ideas have percolated to the masses slowly, interpreted by newspapers and teachers under strict government control. The bulk of the population is composed of very poor peasants to whom the Emperor, as father and chief priest, and the landowner—a scion of the feudal house which their ancestors have served since time out of mind—as ruler of their economic destiny, constitutes what they know of the state lying beyond the village limits.

The constitution, however, does not leave the "people" entirely unrepresented. It provides for a Diet, a two-chamber assembly, composed of a highly aristocratic and plutocratic House of Peers, and a House of Representatives, chosen by direct manhood suffrage in which women do not share. It meets annually and in special sessions for very brief periods. In 1934 a magnificent new Diet building, the finest structure in Japan, will be dedicated, an earnest, it may be hoped, of a future more worthy of the body it houses than the past.

The extremely conservative nature of the Japanese people is revealed in the percentage of elderly men elected to the House of Representatives. Whereas in the first election, when voters were required to pay fifteen yen (normally \$7.50) in direct national taxes, only 13.7 per cent of the members elected were over fifty years old, only 3.7 per cent over sixty and none over seventy. In the 1930 election, under manhood suffrage, 60.3 per cent were over fifty, 22.3 per cent over sixty and 1.7 per cent over seventy. Meanwhile the balance of power as between town and country shifted from the latter to the former. Forty-eight per cent of the membership in 1890 came from the farms, in 1928 only 9.5 per cent; business-men, industrialists, journalists, lawyers, and doctors had 27.9 per cent of the lower house in 1890, in 1928 they had 57 per cent. More than half of the representatives elected in 1930 were college or university graduates. A member's salary (3,000 yen), if viewed as an annual rather than a quarterly stipend (the regular annual session lasts a maximum of three months but members must attend frequent extraordinary sessions), is comparable with the salary of an official in the third (*sonin*) grade of the civil service.

not a complimentary status for members, nor one that is tempting to men of considerable ability.

The Diet is something more than a debating society. Its approval is required for the passage of laws and for amendments of the constitution. The budget is laid before it and it may, unless an emergency or a deficiency can be alleged by the government, prevent appropriations (saving certain expected categories) or taxes additional to those embodied in the preceding budget. It must give consent to loans, and it shares in the power of audit. It may discuss any topic freely, its members being protected from prosecution for voicing their sentiments. It has several means of showing concern at or disapproval of cabinet acts or programs, though it cannot compel the government to resign and there exists no process of impeachment beyond a vote in either house.

These are meager legislative powers beside those of the executive, which, acting through the cabinet, controls the convoking and adjourning of the houses, dissolves the lower house at pleasure, introduces all important bills, possesses the power of veto, so far unneeded, and dominates finance through control over various categories of appropriations which are excepted from the scope of Diet participation, and through its capacity for using emergency and deficiency appropriations and reserve funds, and even of reëxecuting the budget of the previous year if the Diet proves altogether recalcitrant. The executive power to issue ordinances is exercisable over the whole field of legislation, though ordinances which amend or repeal a statute must have *ex post facto* approval of the Diet, a process for saving the Diet's face without interfering with executive government.

The House of Peers is an abler body than the House of Representatives. It conducts its debates with decorum and intelligence. But it is so largely representative of nobility and wealth that it is little more than an enlarged edition of the Privy Council, and its handling of policy is sympathetic toward the oligarchy. The House of Representatives is packed with professional politicians, men of small intellect and strong vocal chords, who follow their party leaders as though vassals of feudal chiefs. Debate there is almost unknown. Instead there is badgering of the government by the opposition and booing of the opposition by the government's supporters, often accompanied by fisticuffs in which, on occasion, hired

ruffians have participated. Yet the galleries of the lower house are usually packed with excited citizens of both sexes while those of the House of Peers are likely to be deserted.

Why is the public interested in the House of Representatives? Because, inferior as are its members and few and feeble as are its powers today, the people, or that part of the people that is politically conscious, recognizes in it that organ of government over which they have some control and in which they see their own views to some degree reflected. The interest of the people in elections is keen, attendance at campaign meetings is large, the franchise is exercised by 80 per cent of the qualified voters. Some allowance must be made for official and employer persuasion, some for bribery and other corrupt practices, but the writer's personal observation of the general election of 1930 convinced him that to a praiseworthy degree the popular interest was spontaneous.

Party life has become firmly interwoven with the bureaucracy in the texture of the political order. The two large parties, the Seiyukai and the Minseito, each claim over three million registered members and usually poll about four million votes. These parties are not easily distinguishable from one another but it may be ventured that the Minseito is somewhat more inclined to liberalism and internationalism than the Seiyukai, while the Seiyukai has prospered by its consistent subservience to the Choshu clan and the great business house of Mitsui. The Seiyukai is stronger in the rural districts, the Minseito in the cities. There are several other groups, among them the Kokumin Doshikai, a business-men's party with a platform of getting the government out of business, but all of these are so small as to be significant only when able to swing the balance of power to one or other of the major parties. A so-called liberal party, the Meiseikai, elected a half-dozen members in 1928 but failed to seat any candidate in 1930 or 1932.

Prior to 1896 no party men were appointed heads of ministries. Until 1918, when Hara Takashi was designated, no commoner reached the premiership. Since 1900, when Count Ito, by accepting the presidency of the newly organized Seiyukai, affiliated the oligarchy with the politicians, it has been usual for the genro to recommend the appointment of a party leader to the premiership, though there have been gaps in the record, such as that which began with the appointment of Viscount Saito in May, 1932. Party

premiers have appointed party cabinets but party cabinets have not meant party government, in view of the retention of power in the traditional agencies of the crown. They have, however, meant closer contact between the government and the people.

Labor has organized a number of parties since the passage of the manhood suffrage act but to date they have not polled more than a half-million votes in a national election and today they have but five members in the Diet. Their platforms are vague manifestoes of the rights of workers and peasants, necessarily so if they would exist, since the government has dissolved without a hearing parties that have exhibited radical tendencies. In 1928, Premier Tanaka obtained the imperial signature to an ordinance which made it punishable with death to join a society opposed to the existing political or economic order. Nevertheless, communism is constantly increasing in strength through underground tactics.

All parties, including those of labor, are at present under a cloud of popular criticism because of the frequent cases of graft in which their members have been involved. The remarkably high level of literacy in Japan enables the people to read the newspapers and to get from them accounts of actions in the courts against Diet and local assembly members. The reaction has been damaging to the democratic cause and helpful to that of the permanent bureaucracy, the small fry who swim with the bigger fish in the oligarchical sea; helpful also, and especially so, to the army and navy, which stand out as paragons of purity against the gray background of political jobbery, though they too have their scandals and their secret-service funds.

It should be said on behalf of the politicians that the cost of elections is far beyond the means of most of them, that they must, to be successful, beg funds from the great trusts. Although the manhood suffrage act limits a candidate's outlay to an average sum of ten to twelve thousand yen, the amount actually spent is reckoned at an average of 50,000 yen (\$25,000 at par). The nobility are poor and cannot subsidize the parties directly, but their relations with men of wealth are close, so that matters can be arranged without interference with the dominant position of the former in state affairs. However, there is a weakening of the alliance between traditionalism and business, in proportion as the latter attains experience and self-esteem. This tendency holds the largest hope for

those who would break the strangle-hold of the military services upon governmental policy.

To the laborites and their unregistered but by no means negligible liberal supporters an exchange of militaristic government for unadulterated capitalism would not be a boon. War on the field of glory is an occasional event; the war of capital and labor is continuous. On the other hand, industrialists and bankers rely upon the army and navy to counter-balance direct actionists among the more timid of the wage-earners. Thus, there is no clean-cut basis for labor and capital to act upon, either separately or in alliance, against the military services. Still, the general attitude of both great economic groups is hostile to military domination of the state.

To turn now from analysis to illustration, in order that we may observe the effects of a usurpation of power upon which contemporary events in China cast revealing, if fantastic, light. Incidents might be related in the domestic field, such as interference with the normal course of justice in cases involving military officers, but space permits only reference to outstanding instances in which the control of foreign affairs has been hindered or entirely usurped by the "supreme command."

The despatch of 70,000 troops to Siberia in 1918, following the invitation of the United States to send but 7,000, was contrary to the judgment of the Japanese foreign office, as was the continued occupation of Saghalien after joint intervention had ceased. During the period of intervention the war office strongly insisted upon independent action in both Manchuria and Siberia but gave up the idea when convinced by the foreign office, speaking for the commercial interests, that it would mean war with the United States. At that time two treaties were negotiated with China by Japanese army and navy officers.

During the premiership of General Baron Tanaka, head of the Choshu clan, who acted also as minister of foreign affairs (1927-29), a program of "positivism" was worked out and partially put into effect. Intervention in Shantung delayed the taking of Peking by the allied opponents of Marshal Chang Tso-lin, Japan's Manchurian protégé. A year later Chang was driven out of Peking, only to meet death by assassination when his train was bombed while passing under the viaduct that carries the South Manchuria railway over the Peking-Mukden line. He had lost favor with

Japan on various counts. Responsibility for his death has not been established, but certain high Japanese army officers were severely disciplined in connection with it, which suggests that Tanaka himself had not contrived the bombing.

The intervention in Manchuria that began on September 18, 1931, might be viewed as a defensive move within the purview of the "supreme command" were it not for the failure of the military departments to turn over to the foreign office the handling of the issue after the first defensive moves. Baron Shidehara, the foreign minister, had the negotiations with Mukden over the assassination of Captain Nakamura well in hand when the destruction of a few feet of the right of way of the South Manchuria railway occurred. The army command has not yet demonstrated to foreign satisfaction that the destruction was wrought without Japanese connivance, but granting that it was, for argument's sake, the failure of the Chinese forces in Manchuria to resist the first attacks of the Japanese left the way open to diplomatic treatment of the whole issue. Instead, as is well known, the Japanese forces were augmented without reference to civilian cabinet opinion and the intervention went on until the army's objectives were attained. Subsequently the foreign office entered the case but only as the spokesman of the army. The creation of the puppet state, "Manchukuo," is a feature of the Tanaka plan, as is the amalgamation of the several Japanese civilian governmental services in Manchuria with the Manchurian command under a military viceroy.

This *coup d'armée* has come with special force after the defeat of the naval staff in 1930 over the London naval treaty. Admiral Kato Kanji, chief of the naval staff, fought strenuously during the London conference for the tonnage and categories recommended by the staff and proposed to the conference by the Japanese delegation. When Premier Hamaguchi overruled him and ordered acceptance of a compromise, Kato went to the Emperor and subsequently issued a statement declaring that the treaty was unsatisfactory. Popular sentiment, however, supported the compromise, and the government won a general election by a landslide while the conference was in session. Upon the return of the delegation it was greeted with enthusiastic *banzais* by welcoming crowds. Brought before the Privy Council, the treaty was approved. The Supreme Military Council heard the treaty denounced by Admiral

Kato but did not advise the Emperor against ratification. The treaty was ratified. Kato resigned but his place was filled while still warm. (It had gotten thoroughly warmed during Kato's last weeks in office.)

The defeat of the naval staff is explainable when we recall that Premier Hamaguchi's order to sign the treaty could only be sent upon the command of the Emperor, advised by the genro and the Imperial Household Ministry. Signature, thus, was tantamount to ratification, unless the traditional advisers "behind the curtain" should change their minds. They preferred to maintain their original position. Thus the oligarchy was split—to the advantage of cabinet policy. In the Manchurian case there was no such split, so far as we know, and the civilian ministers had to retreat in disorder.

The army and navy always have been the spear-head of the oligarchy. While the greatest of the genro, Prince Yamagata Arimoto, was alive, that is, until 1922, there was no cleavage possible between the various elements of the oligarchy. He was head of the Choshu clan and he dominated the genro, the Privy Council, the Imperial Household Ministry and the "supreme command." Since his death the military services have replaced the genro as initiators of policy while the genro, reduced in numbers and in vigor, has been content with an advisory status. The Privy Council has sought to replace the genro and has gained in influence in some degree but is still secondary to the older agencies.

Democratic ideas have also had to combat a highly chauvinistic spirit in the populace, both high and low, which has aided and abetted the oligarchy. This has shown itself in the organization of so-called patriotic societies, such as the Kokusuikai or "National Essence Society," for the cherishing of militant nationalism. Also in the creation of a young men's association with a huge membership, in which athletic and patriotic interests are combined. Into the patriotic societies enter thousands of men whom the Japanese call *soshi* or "ruffians," who stop at nothing in the execution of a patriotic mission and who conceive patriotism frequently in the sense of destroying individuals who are opposed to the purposes of the military clique. Unfortunately, civilian ministers stoop to use such men at times, while seeking legislative means to prevent their activities. It is this gang tactics that is responsible for the death of two premiers, Hamaguchi and Inukai, a recent minister of finance,



RICE PLANTERS

Inouye, the executive head of the Mitsui trust, Baron Dan, and for unsuccessful attacks upon the Emperor, Count Makino, and former foreign minister Shidehara, within the last two years. Gangdom has penetrated the army, as the assassination of Premier Inukai proved.

It is the fashion today to speak of fascism as a recent phenomenon in Japanese political life. But in fact, only the name is new and that is borrowed. However, the use of the word appears to reflect an intensification and extension of the nationalistic fervor that has previously distinguished Japan. There have been astounding plots among military officers, reaching close, if not quite, to the sacred throne. Even the labor parties have been riven by the virus. As a result Japan today is in a psychopathic condition and life in Japan is unsafe for liberals, even for those of neutral tint if they speak from positions of influence in criticism of military policy, which is today national policy.

To be in the prevailing mode, one should speak of Japan today as "at the cross-roads," one way leading to further exaltation of militaristic oligarchy, the other to parliamentary government, the

former to war, the latter to peace. We shall not be true to the facts if we end our present effort at exposition that way. Actually there is no choice for Japan as yet. She must continue on the only road she knows for some time to come.

It must not be overlooked that genro government has been highly successful government, that Japan has advanced under it, economically, at a marvellous pace. In the field of foreign relations it has brought Japan recognition as a great power, large influence, and a considerable amount of territory. Its leading figures have been men of ability and honesty. Most important of all, it epitomizes the inward spirit of Dai Nippon, the national character that, as in all countries of any history, is the product of the experience of the society it incorporates.

Parliamentarism in Japan, as in the West, has labored, during the last two decades, under the handicap of the strenuous conditions of war and the aftermath of war. It would be ungenerous to expect a new-born parliament to show progress in a period when old parliaments have suffered unparalleled criticism and immature ones have succumbed, for purposes of policy determination, to executive agencies. No doubt the future of popular government in Japan is wrapped up with that of older constitutional systems.

It is clear, also, that democracy will not flourish in Japan so long as the present unhappy combination of "complexes"—inferiority toward certain other great powers and superiority toward China (the latter further complicated by the fear of the growth of China to military strength)—persists in that country. One of the most provocative influences toward preserving this mental condition is the American attitude on immigration. Another is the American program of plucking the Manchurian beam from Japan's eye while feeling no apparent discomfort from the several Caribbean motes in our own. Another is the international combination against Japan in the determination of relative naval strength. There may be answers to all these arguments, but the answers do not satisfy Japan.

Rumors are heard today of a communist revolution in Japan, one that will have as devastating effects as that in Russia. The recent intensification of chauvinism, of "fascism," reveals apprehensions based in part upon the growth of communism. The Japanese army is a peasant army; revolt therein would spell the downfall of the oligarchy. The Japanese peasantry is in distress; it is diffi-

cult to conceive how it could, even if it would, support a long war. The development of communism in Germany, where the people, like the Japanese, seem to desire drill-master government, may have a counterpart in Japan. But the close-knit fabric of Japanese society and the efficiency and honesty of the bureaucracy, taken together with the strength of the cult of devotion to the Emperor and the high percentage of literacy, argue powerfully against any thesis of a communist revolution.

If we may predicate the persistence of parliamentarism (perhaps one should say the revival of parliamentarism) in some form, in the West, it would seem wise to project the unrevolutionary history of Japanese politics into the future and to anticipate a gradual evolution of cabinet government. By conventional, rather than formal, constitutional processes the Emperor would assume the status of the King of England, the *genro* would disappear, the Imperial Household Ministry would sink to mere ceremonial significance, the Privy Council would cease to advise on political issues, the military services would confine themselves to technical functions, and the House of Peers would be reconstituted or deprived of a veto. Fortunately for Japan, this development might occur without amendment of the constitution. Formal amendment is today impossible, but there has, unquestionably, already taken place an adjustment of political influence in favor of the people's chamber in the Diet. The next obvious step is woman suffrage, which has been voted for local elections in the House of Representatives but has been blocked by the Peers.

The emergence of the Emperor and the imperial family from seclusion is an index of the growth of democracy. The people see their Tenno frequently, his brothers and their consorts attend public gatherings and travel abroad, and the newspapers freely print photographs and personal items recording happenings in the lives of their beloved sovereign. No people is more keenly sensitive than the Japanese to the attitudes of other nations toward their institutions, or more desirous of a respected place in the van of progress. No country possesses more alert newspapers, a wider reading public, more conscientious and able judges or more penetrating and enlightened juristic minds in the ranks of scholarship. Japan may yet make her contribution to the annals of true constitutional government.