

[Japan Society-New York: Documents Project. (1800-1890, politics)]

**Document 5: “We promulgate a fundamental law of state.” The Meiji Constitution. 1889**

*A. Imperial Proclamation of the Constitution of the Empire of Japan, February 11, 1889.*

Having by virtue of the glories of Our Ancestors, ascended the throne of a lineal succession unbroken for ages eternal; desiring to promote the welfare of, and to give development to the moral and intellectual faculties of Our beloved subjects, the very same that have been favoured with the benevolent care and affectionate vigilance of Our Ancestors; and hoping to maintain the prosperity of the State, in concert with Our people and with their support, We hereby promulgate . . . a fundamental law of State, to exhibit the principles, by which We are to be guided in Our conduct, and to point out to what Our descendants and Our subjects and their descendants are forever to conform.

The rights of sovereignty of the State, We have inherited from Our Ancestors, and We shall bequeath them to Our descendants. Neither We nor they shall in future fail to wield them in accordance with the provisions of the Constitution hereby granted.

We now declare to respect and protect the security of the rights and of the property of Our people, and to secure to them the complete enjoyment of the same within the extent of the provisions of the present Constitution and of the law.

The Imperial Diet shall first be convoked for the 23<sup>rd</sup> year of Meiji [1890], and the time of its opening shall be the date when the present Constitution comes into force.

When in the future it may become necessary to amend any of the provisions of the present Constitution, We or our Our successors shall assume the initiative right, and submit a project for the same to the Imperial Diet. The Imperial Diet shall pass its vote upon it, according



to the conditions imposed by the present Constitution, and in no otherwise shall Our descendants or Our subjects be permitted to attempt any alteration thereof.

Our Ministers of State, on Our behalf, shall be held responsible for the carrying out of the present Constitution, and Our present and future subjects shall forever assume the duty of allegiance to the present Constitution.

*B. The Constitution of the Empire of Japan*

*Chapter I. The Emperor*

Article I. The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal.

Article II. The Imperial Throne shall be succeeded to by Imperial male descendants, according to the provisions of the Imperial House Law.

Article III. The Emperor is sacred and inviolable.

Article IV. The Emperor is the head of the Empire, combining in Himself the rights of sovereignty, and exercises them according to the provisions of the present Constitution.

Article V. The Emperor exercises the legislative power with the consent of the Imperial Diet.

Article XI. The Emperor has the supreme command of the Army and Navy.

*Chapter II. Rights and Duties of Subjects*

Article XVIII. The conditions necessary for being a Japanese subject shall be determined by law.

Article XXI. Japanese subjects are amenable to the duty of paying taxes, according to the provisions of law.

Article XXIV. No Japanese subject shall be deprived of his right of being tried by the judges determined by law.



Article XXVIII. Japanese subjects shall, within limits not prejudicial to peace and order, and not antagonistic to their duties as subjects, enjoy freedom of religious belief.

Article XXIX. Japanese subjects shall within the limits of law enjoy the liberty of speech, writing, publication, public meetings, and associations.

### *Chapter III. The Imperial Diet*

Article XXXIII. The Imperial Diet shall consist of two Houses, a House of Peers and a House of Representatives.

Article XXXV. The House of Representatives shall be composed of Members elected by the people, according to the provisions of the Law of Election.

Article XXXVIII. Both Houses shall vote upon projects of law submitted to it by the Government, and may respectively initiate projects of law.

### *Chapter IV. The Ministers of State and the Privy Council*

Article LV. The respective Ministers of State shall give their advice to the Emperor and be responsible for it.

### *Chapter V. The Judicature*

Article LVII. The Judicature shall be exercised by the Courts of Law according to law, in the name of the Emperor. . . .

Article LVIII. The judges shall be appointed from among those who possess proper qualifications according to law. No judge shall be deprived of his position, unless by way of criminal sentence or disciplinary punishment. Rules for disciplinary punishment shall be determined by law.

Article LIX. Trials and judgments of a Court shall be conducted publicly. . . .

### *Chapter VI. Finance*



Article LXIV. The expenditure and revenue of the State require the consent of the Imperial Diet by means of an annual Budget.

Article LXXI. When the Imperial Diet has not voted on the Budget, or when the Budget has not been brought into actual existence, the Government shall carry out the Budget of the preceding year.

**Source.** *The Meiji Japan Through Contemporary Sources*. Vol. 1. Tokyo: Centre for East Asian Cultural Studies, 1969, 93-105 (official translation).

**Context.**

The crowning political achievement of Japan's late 1800s was the promulgation on February 11, 1889 of the Meiji constitution, a document that made Japan the first constitutional nation in Asia. While the constitution placed sovereignty squarely—and solely—in the emperor, it created a national legislature (Diet), established an independent judicial system, and gave citizens fundamental legal rights that they never before had had. It made democratic elections not only possible but likely. The Meiji constitution remained in effect until 1947, when a far more liberal document was adopted under the pressure of Japan's postwar occupation forces.



### Questions.

1. Describe the role of the emperor in the Meiji Constitution: both in granting the constitution (as stated in the preamble) and in governing the country. In what ways did the Constitution place limits on his role?
2. What powers were given to the Japanese people in the Constitution, and how were their powers and rights restricted?
3. What features of the constitution might account for the lively growth of democracy in the decades after its promulgation? What other features might have made it possible for democracy to be curtailed in later years?

### Terms.

1. *Ministers of State* (Preamble, Article 55). This refers to the cabinet members, who stood outside the legislative system.
2. *Imperial Diet* (Articles 5, Chapter 3). The phrase by which the Japanese national legislature (*kokkai*) is most often translated into English.
3. *Imperial Male Descendants*. No legal provisions prevented women from ruling in Japan until 1889; indeed, numerous women served as emperor in Japan's early centuries. The Meiji constitution changed that (Article 2), limiting the throne's occupants to males—a practice that has continued to the present.
4. *Freedoms and liberties*. While allowing for legal restrictions, Articles 28 and 29 established the basic principle of free speech, religion, and assembly.
5. *House of Peers* (Article 33). Using European models, the constitution drafters created an upper house of the Diet, which was appointed from the ranks of Japan's nobility.