

## BOOK REVIEW

# Empire and Constitution: Why could the Second Sino-Japanese War not be prevented?

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### Introduction

If "constitutionalism domestically and imperialism externally" were the guiding principles in modern-era Japan, the limits of "constitutionalism" and "democracy" in prewar Japan characterize postwar discussions. However, Mr. Banno Junji, a leading expert on modern Japanese political and diplomatic history, asks in his book - "Empire and Constitution - Why could the Sino-Japanese War not be prevented?", in the era of empire and the era of constitution, why are the terms "Empire" and "Constitution" opposed to each other (pp. 9 - 10)? This book examines this important question with a focus on the period 1874 to 1937; that is, from the dispatch of soldiers to Taiwan to the Second Sino-Japanese war. This will serve as an opportunity to question whether "constitution" eventually was not able to stop the slide into "Empire"(p. 10). Moreover, as indicated by the subtitle, this study will focus on the history of Japan's relations with China (and Korea). This is because "the object of the Japanese Empire's expansion was always Korea and China" (p. 8), and the adoption of this perspective is a characteristic of the book.

So, what are the meanings of the terms "Empire" and "Constitution" that this book raises? According to the book, when discussing modern-era Japan, using the term "Imperialism", which has been used to refer to the external expansion of a highly developed capitalist state is "inappropriate" (p. 10). Instead, the term "Empire" is used to express modern-era Japan's "imperialization". In contrast, "Constitution" is considered the counter-term to "Empire". It should be noted that just as "Empire" is distinguished from imperialism, "Constitution" should not be confused with constitutionalism in the sense it is used today. The Meiji constitution took the view that even with a solid foundation of constitutional norms "it is impossible to prevent the abuse of power" (p. 10). For this reason, this book does not focus on constitutionalism itself, rather on Yoshino Sakuzo's "Constitutional principles". That is because the focus is on how the "real meaning" is actually applied to constitutional government in practice. It can be said that "Constitution" in this book is raised as a practical tendency working in opposition to "Empire", beyond the provisions of the constitutional text itself. This book discusses the

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history of modern Japan from the point of view of these two opposing tendencies.

The kind of visual examination this book engages in is important for a deep grasp of the relationship between the development of constitutional politics in modern-era Japan and imperial expansionism. This paper aims to discuss this book from the perspective of examining the scope of this debate and conception of the issues, and strives to represent preparatory work for deepening the understanding of the terms empire and constitution as raised in this book.

## 1. Contents of the Book

First of all, as stated in the framework of this book introduced at the beginning, I would like to make the focus the discussion in the three parts and final section of this paper, the conflict between "Constitutionalism" and "Empire".

Section I covers the period from 1874 to 1895, with the dispatch of soldiers to Taiwan as the starting point for the concepts of "Empire" and "Constitution" mentioned at the start of this book through the launch of the constitutional system, after which they become increasingly intertwined. The timing is discussed. In fact, the coverage of the dispatch of soldiers to Taiwan includes a discussion of the period of Kuroda Kiyotaka and others from the former Satsuma clan up to the Sino-Japanese War, which was the root of the concept of "Empire" as defined in this book. The background to this was disregard for China. In the military there were also people who constantly warned against this attitude, such as Yamagata Aritomo, although Kuroda et al., proposed setting up a staff station under the Emperor. Thus, although this was the situation up to the point just before the Nissin war, the crisis was somehow avoided thanks to the negotiations spearheaded by Okubo Toshimichi.

However, this book draws attention the move to "Constitution" triggered immediately after "Empire" route was avoided. The coming to fruition of such a movement at the Osaka Conference in January, 1875 was rooted in restraint of the "Empire" route. The point was opening the Diet after securing the authority of the government, and in that sense, criticism of "Empire" and the introduction of a parliamentary system were connected. After that, in 1881 during the "constitutional" era, the relationship between Inoue Kaoru, Ito Hirobumi and other "moderates" in the government and the "middle-of-the-roaders" in the private sector consisting of Yukichi Fukuzawa and the Koujunsha group also deepened. However, both misunderstood their common ground due to their respective understandings of British constitutional politics, and with the political change of 1881, and the "Imperial rescript for the establishment of the Diet", the inauguration of the Diet would be deferred for nine years with the Constitution being in hiatus in the interim.

Meanwhile, after dispatching soldiers to Taiwan, Yamagata, who was closely watching the expansion of the armaments of the Qing Dynasty, prioritized the fight against "Fukoku", and the relationship between the two countries grew tense again. However, after the dispatch of soldiers to Taiwan, in addition to the disposition of "the Chinese threat" of Yamagata, the notion of "disregard for China" took hold as well. In light of the disregard for China that was emerging at the time on the Korean Peninsula, it was easy to commit to the "pro-Japan group", and people who were actually in the position to do so, such as Yukichi Fukuzawa and others saw support for them strengthen. But when, due to the Imo incident of 1882, the influence of the Qing Dynasty increased, Fukuzawa et al admitted China's growing powers, and changed policy direction to encourage a naval arms race. After the Gapsin coup in 1884 things developed rapidly toward the formulation of Sino-Japanese warfare involving the Satsuma group as well as the speech circle. However, the mitigation of this crisis

through the Tianjin treaty of April 1885 in which Hirobumi Ito et al negotiated with Li Koushou was linked to criticism from within the country.

Meanwhile, the fact that the transition to the "Imperial Constitutional System" under the Emperor took place coincided with awareness for the need to prepare for conflict with the "radicals" who would go on to take hold of the House of Representatives after the inauguration of the Diet. Therefore, the government basically carried out an expansion of the navy to prepare for the war upon the signing of the Tianjin treaty between 1886 and 1890, when the Imperial Diet was established. However, after the inauguration of the Diet, the route to "Empire" stagnated with the party promoting "public burden reduction". As a result of this situation, this book draws attention to the role of the "Imperial edict of Wakyoul", once again showing the importance of national defense in facing Qing era China. Meanwhile, negotiations on revising the treaty to strengthen support for the war against the Qing Dynasty led to a strong opposition that would involve the media carried out by anti-Western-style "treaty promotion" factions. However, this nationalist movement was anti-Western as well as hostile and contemptuous towards the Chinese in their lineage, and as a result it could not contribute to deterring the war. The First Sino-Japanese War that ensued in August 1894, in which the three countries were involved, eventually resulted in victory for Japan.

Section 2 covers the period from 1895 to 1917 – from when Japan was becoming a full-fledged empire under the system in which both "Empire" and "Constitution" maintained a potentially confrontational relationship, up to the situation where the two major parties responsible for "Constitution" shared ownership of "peace" and "democracy." Though the situation after the Sino-Chinese war is described as "going through thick and thin," this book emphasizes that the House of Representatives was in fact more preoccupied with and opposed to the collection of additional land taxes in the three years after the war. By cutting down Kenseitou, or because of the fact that the term of additional taxes had an expiry of five years, even after the Constitutional Association of the Rikken Seiyukai was established, they persisted in opposing the extension of the period of additional taxes. Nonetheless, the military, especially the Navy, continued to see expansion with the reparations gained in the Sino-Japanese War and compensation for the return of the Liaodong Peninsula. Although the House of Representatives (political parties) put the financial problem on hold and ended up approving a "powerful army", it never consented to war.

As a result of the Russo-Japanese War, Japan would become a full-fledged "Empire" with exclusive interests in Korea and northeastern China. However, China's opposition to this caused Yamagata and others to be vigilant of Qing China as a potential enemy alongside Russia. Meanwhile, the Navy gained a rationale for military expansion against its potential enemies, the US and Germany. However, war with the official 'potential enemies' as stated by the "Imperial Defense Policy," the US and Russia, was almost impossible. Instead, they accelerated "military expansion" and "aggression" toward East Asia. Meanwhile, political parties under the Keien regime exhibited an activist principle that would lead to a confrontation between financial issues and military expansion. The reason that it did not immediately bring about a political crisis is that the army and the bureaucrats were politically controlled under the oligarchic regime, just as the navy was connected with political parties. However, after the Russo-Japanese War, urban commerce and industry started to assert their own interests, for example demanding tax cuts, which would accelerate the financial confrontation between the political parties and the bureaucrats. The trend that led to the 1st Guard Constitutional Movement shows that even if the eruption of individual interests or the claims to these was disadvantageous to "Empire," it was beneficial for "Constitutionalism" (democratization).

Meanwhile, the conversion to "Empire" after the Russo-Japanese conflict stalled because the administration was suffering from "twin deficits" resulting from restrictions due to Japan's annexation of Korea, which was an obstacle to meeting requirements for the Army. However, the Navy gradually obtained their request in the 1922 budget. As a background to this, it has been suggested that while support for expansion of the armed forces was difficult because it was directly linked to interests in Manchuria/ Mongolia, naval expansion could not directly be linked to war, and that is why it was easy to get the support of the public and political parties. This, on the contrary, would lead to criticism of "Empire" as well as of the Army's expansion. The background to the result of the Movement to Protect Constitutional Government against the expansion of the armed forces was the advent of the urban populace as a constituent of "Constitution", and the army's retreat and navy expansion was accompanied by decreasing support for the militarized continental empire approach. Also, due to the Siemens incident in 1914 the House of Lords, originally close to the Army and Bureaucrats, received continued popular support, while Rikken Seiyukai pressed the Yamamoto Gonnohyoe cabinet, which had been promoting administrative reorganization and approving the naval expansion, to scale down the army, and even requests to boost spending on the navy ended up dying on the assembly floor.

The opposition of "Constitution" and "Empire," the premise, on which this book is based, does not apply, however, to the Second Okuma Shigenobu Cabinet, which succeeded the Yamamoto Cabinet. The Okuma Cabinet was established through an absorption of the outcomes of the Taishō Government, and in that sense it was said to be the apex of "Constitution". On the other hand, "Empire" was also also hoped for under the Okuma Cabinet; this took the form of suppression under Rikken Seiyukai, who was eyeing the formation of a new party, and this ironically overlapped with Yoshino Sakuzo's 'constitutionally based' establishment of the two major parties. In the end, the First World War provided the opportunity for the Okuma Cabinet to bolster the "Empire" aspect, and requests were issued for 21 related articles. It is said that Yoshino too was still deeply rooted in China. The Okuma Cabinet brought about a separation of "peace and democracy" contrary to global trends.

Section 3 covers the period from 1918 to 1937 – from the period when "Constitution" controlled the thrust to "Empire" under the administration of the Rikken Seiyukai, to the period when "new empire" which raised the Theory of Mongolism and the like gradually surpassed the "Constitution" and finally the time to the outbreak of the Second Sino-Japanese war is portrayed. The transformation of the world order after the end of the First World War emerged as a time when "Constitution" almost completely suppressed "Empire" even in Japan. The political circle of politicians ranging from Hara Takashi to Takahashi Korekiyo aimed to restrain further tendencies to "Empire" based on the premise of existing interests ("former empire"), and exhibited strong "constitutional" characteristics in its emphasis on political control based on numbers.

However, the Rikken Seiyukai under Tanaka Giichi gradually started to divert from the "non-empire" approach, and calls for the takeover of Manchuria and Mongolia started emerging from within the army. On the other hand, however, the Constitutional Association (Constitutional Democratic Party) proceeded to abandon the "empire externally" approach in favor of "peace" and "democracy". These routes, while inviting opposition from Rikken Seiyukai and the military, led to success in terms of representation at the London Naval Disarmament Conference. However, in the Army without Yamagata, the brakes on the disregard for China line stopped working and this became the background to the Manchurian Incident. Under the circumstances, even though the Cabinet of the Constitutional Democratic Party succeeded in temporarily controlling the army, the US side did not sufficiently

understand the relationship between the government and the Supreme Command Department in Japan, and consequently the non-expansion policy was set back. After that, through the May 15 Incident, they were abandoned by the cabinet before the war.

This book, while pointing out that there was a subsequent restoration of "Constitution" raises the fragility of the situation in which the "Constitution" relied solely on the House of Representatives, and emphasizes that the Ugaki Cabinet which had the potential to achieve restoration ended up in failure. "Constitution", as symbolized by the breakthrough of the Syakai Taisyutou, made advances in the country, but it was no longer a force against war. When the Second Sino-Japanese War broke out in July 1937, "Constitution" was decisively defeated, with "Empire" eventually meeting defeat. From this process, it is said that "Constitution" suppressed the tendency to "Empire"; the lesson being that a political cabinet with liberal political parties can further develop suppression of the imperative to go to war.

In the final chapter, it is once again shown that without political power "Constitution" could not be the deterrent of "Empire", and after the start of war, the emotions on the Japanese side, and even more on the Chinese side, meant that any peace that did not involve the total destruction of the other was inconceivable. In addition, former Asianists such as Ogawa Heikichi and Touyama Mituru, deploring the leaders who could not stop such a situation, indicated it was a worse situation than that after 1937. Finally, this book touches on the dangers of the new "day war", and states that "the way to the day war" should be paid more attention to in order to prevent it.

## 2. Scope and Questions of this Book

Regarding what has been introduced about this book in some detail, to adequately pay respects to and introduce the charm of this book, rather than the reviewer's poring over the details so as to be able to write something new, what is worthwhile writing is a vivid description of the process of the conflict between "Empire" and "Constitution," aspects that anyone who has taken steps on the soil of modern Japan knows well. However, such a way of describing things may make the reader feel uncomfortable. But isn't this because the book's treatment of the words "Empire" and "Constitution" touches on the kind of color-coded notions of "historically good / bad" that people have assigned to various powers, people and their struggles? For example, with regard to political parties, the Rikken Seiyukai is a "bad actor" that can cooperate with the "Empire", or the Kenseikai(Rikken Minseitou) is "a good guy" that brings on "peace and democracy".

Depending on the composition of this book, various people and forces are arbitrarily responsible for the role of "Empire" or "Constitution", and the two preferences cannot be distinguished neatly as they are in this book. However, we may conclude that this book is pointing to problems of different dimensions from the intent of these individuals and the forces themselves. In other words, when making a "constitutional" claim, it is necessary to include characteristic properties such as whether it is from a viewpoint that is at least potentially anti – "Empire", (or even if it is it essentially expresses "a pro empire" theme). A good example would be the antagonistic relationship between "Empire" and "Constitution" regarding the finances of the early Diet period and the Keien period as mentioned in this book. In conclusion, this book can be read not as a history of opposition between whether it is a case of obeying "Empire" or an orientation toward "Constitution" but rather as a history of the struggle between "Empire" and "Constitution" themselves. This will undoubtedly be more likely to be conducive to broadening its scope.

But even then, it is easy to read some sort of "arbitrariness" into this book, and this review cannot continue the criticism without mentioning this point. Nevertheless, pointing out the problematic part sequentially, and reiterating the necessity of "neutral" historical description is not what is called for. The conscious introduction by the author of the "neutral" historical view, which is now common sense, has resulted in a number of achievements that have had important impacts to date. As long as it is a debate by that author, if we think about its intended point, it will not be sufficient grounds for criticism. First of all, let us follow the author regarding his intention and have him talk about it in his own words. The author wrote in the postscript that this is a book that looks back to his own "approach to history" in "a ground-breaker" as follows:

This author belonged to the anti-security-treaty group, and worked on value neutral historical analysis before writing this book. As someone who wanted to overturn the security arrangement, it was said that I was not qualified to criticize any historical person whether conservative, middle-of-the-road or radical. [...] However, since the collapse of the Berlin Wall in 1998, like myself, many other researchers of modern-era Japan have been forced to abandon socialism and have begun losing the grounds on which to judge historical figures. At the same time, I was losing interest in the 'value-neutral' historical description. This is why I began to think that I can't go on being "setback" forever<sup>1</sup>.

Despite comments on his work of over 10 years ago, it seems that we have seen almost no examples of the stark declaration of a particular stance so far. In addition, the author states that more specifically, "for subsequent work, he has been engaged in historical research based on the philosophy of the idea of combining liberalism and social democracy." Indeed, if we think that combining these ideas constitutes the concept of "Constitution", we can assume that this attitude is basically consistent with even this book (in this book pacifism is emphasized as being better than social democracy, but in essence it does not change)<sup>2</sup>.

As to the argument based on these beliefs, it is not yet apparent to the reviewer that it pointed out a certain kind of "bias" in the meaning. Rather, the argument to be discussed is whether the effectiveness of the method taken by the author for the ideals it considers should be defended. In other words, authors have emphasized the viewpoint that proving that "attempts to reconcile or agree on the ideals that should be advocated existed in the past and can continue in the future" is important<sup>3</sup>. There is a premise that discussing the strength of this philosophy expressed in the word "Constitution" in this book shows the opposite trend, and leads to advocating such a philosophy in the future. But is it enough?

Certainly, we are forced to admit the history of the fact that "Constitution" as defined in this book has demonstrated a certain power against "Empire". However, for me, it is more interesting to point out that there are few cases where "Constitution" is directly opposed to "Empire" (p. 10). I think that both are in a complex co-existence relationship. Although this book points out that this is not the exact relationship, as you read through the text, these points somewhat fade into the background and as a result, it is difficult to make out the complicated relationship between the two — they should ideally have been included in the scope.

The problem is that as a result "the significance of "Constitution" "stopping "Empire" eventually

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1 坂野潤治『近代日本の国家構想』, 岩波書店、2009 (originally published in 1996), pp286-287.

2 Ibid. p. 287.

3 Ibid. pp. 287-288

could not be explained structurally" (it was supposed to be the biggest question of this book). (P. 10). For example, for the failure to deter the Manchurian Incident, only unusual situational or process-oriented explanations were made in this book, such as the "Unlucky Chain of Small Mistakes" (p. 25). Although this book incisively points out that this incident was a decisive catalyst for "Constitution" losing its political power, if so, I believe that a more structured analysis based on the complex relationship between the two is necessary.

Reviewers do not have the competence and the time to think about these problems above and beyond this book. However, it can be pointed out that the argument that the number of instances of "Empire" mentioned above confronting "Constitution" head on in the first place contains important suggestions to think about this problem. If you read this book, you notice that the fact that where power, which is denominated as "constitutional", shows direct resistance to "Empire" is often in the arena of financial conflicts, for example. However, such a conflict structure will inevitably have the characteristic that it converts easily to compromise and unexpectedly so if the circumstances of the premise change. We already mentioned that this book can be read as describing the confrontation structure of "Empire" and "Constitution" themselves, but when considering this point, such conflict structure is not necessarily advantageous for defending "Constitution." That is because it instantly raises the next question as to what extent people and forces belonging to "Constitution" have a self-awareness regarding their philosophies. Rather, in many cases, it is based only on the structural antagonistic relationship suggested in this book, not being deep enough to consist of an opposition based on philosophies. That the number of instances of a head on confrontation of the two concepts was small needs to be reconsidered from this point.

Following this line of thought, the reviewer concludes that before the war "Constitution" seems to have been more of a "failure" than "success". So what can be done? Is it not a task to reconsider the meaning of "Constitution" from a more complex viewpoint? In the first place, this book is unclear on what kind of idea it is describing as a result of putting various values into the concept of the "Constitution" that can counter the "Empire". For example, respect for public opinion is probably included in "Constitution", but what to do "constitutionally" when many public opinions are belligerent, as on the eve of the Sino-Japanese war depicted in this book? First of all, we need to rethink the problems that cannot be avoided and take stock, including awareness of the weaknesses of the features of "Constitution", and to "train" for this again. Especially if you are concerned about the extent to which "today's" constitutionalists "can stand for" anti-war or for peace (p. 25).

However, this book also provides great suggestions on this subject. In other words, in order for "Constitution" to ultimately deter "Empire", it is pointed out that a liberal attitude that has "a virtuous circle of suppressing war and therefore developing further" is necessary in government (p. 236). This seems to be an outstandingly simple prospect at first glance, but it contains important suggestions. That the "constitutional" ideal cannot be fully realized by merely trying to treat power as "of others" and suppressing it, as was the liberal case after the war, is an incisive point. This is evident from the fact that the "Constitution" referred to in this book from the outset is raised as a philosophy including practice that is distinguished from general constitutionalism. This point would seem to have important implications for 'training' or 'formation' related to "Constitutionalism". If so, in light of these important points, it can be said that work to expand on the scope presented by this book is required not only for authors but also for the next generation.

## Conclusion

The text above constitutes the opinions of the reviewer on this book. From the perspective of a reviewer who majored in modern Japanese political history, the author appears to be an ideal researcher who always emerges with great prior research when considering any period of modern Japan. It is not appropriate to respond to such powerful scholarly works with criticism at the level of individual phenomena. Therefore, I am aware that with this paper, I am breaking the usual style of book reviews, as I intentionally aimed to examine the issue of the scope itself of this book or the work of recent authors. Of course, this is a work that is beyond the capacity of the reviewer, resulting in misreadings and inappropriate criticisms, but these are also the result of the magnitude of the stimulus received from this book, and I would accordingly request the authors' forgiveness.

Though there are some differences in the methodology, one of the greatest things the reviewer learned from the work of the author was the spirit of defending values including democracy in learning about history, and even self-preparation or training to this end. I would like here to quote some words from my personal communication with political scientist Mr. Yamaguchi Jiro, "Stand together, shoot separately"<sup>4</sup>. It could be considered outrageous, but this reviewer interpreted it as the importance of sharing awareness of the problem rather than the method or the theory itself. When compared with the author, this reviewer is truly unreliable, only an immature new researcher, but I do not want to abandon only the spirit of "shooting together". For this reason, I still want to learn much from the author.

## References

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坂野潤治・山口二郎 『歴史を繰り返すな』, 岩波書店, 2014.

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4 坂野潤治・山口二郎 『歴史を繰り返すな』, 岩波書店, 2014, p5.