The Way of the King
An Early Meiji Essay on Government

by Richard Devine

The hill country to the north of Tokyo is unpretentious. Roads leading from Hachioji to Ome and from Edo to Kofu in the west used to converge at the town of Itsukaichi, located in the foothills of the Tama Range. During the Tokugawa and early Meiji periods this was the place where local lumbermen and farmers gathered on the fifth, fifteenth, and twenty-fifth days of every month (hence the name of the town, ‘Fifth Day Fair’) to barter timber, forest products, and rice, and to exchange information and opinions on various matters among themselves and with traveling merchants. During the turbulent years of the second decade of Meiji the town was very much alive. People with startling views of various ideological strains had occasion to share and discuss their ideas about the basis of government, the relation of Emperor and people to the state, and the urgent need for an ultimate law of the land, that is, a written constitution. But the currents of history were forcibly directed elsewhere. Alternative and better roads were constructed, and the importance of Itsukaichi both as a town and a discussion center faded into obscurity.

In 1968 two young scholars under the direction of Professor Irokawa Daikichi of Tōkyō Keizai Daigaku were doing field research on various Meiji political groups active in the Tama region. Searching for documentation they requested the head of the Fukazawa family (a long-time resident of Fukazawa Village, now part of present-day Itsukaichi) to allow them to look through an old storage shed in the garden of his property. Peering into the dimly lit corners they spied stacks of books, magazines, and papers lying beneath the accumulated dust and bric-a-brac of eighty years. Moths and worms had taken their toll of the paper and bindings, but each page of the materials was meticulously separated, cleaned, and repaired at the university research center. As a result of these labors, a fascinating story began to unfold.

In the late 1870s and early 1880s a group called the Gakugeikōdankai1 (‘Arts

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1学芸講談会. Details of this group are supplied in Irokawa Daikichi 色川大吉 et al., ed., Minshū Kempō no Sōzō 民衆憲法の創造, Hyōronsha, 1972, pp. 208–344.
Lecture Society') was active in Itsukaichi, studying a variety of political theories and questions, such as: Who is the Emperor? Why is there an Emperor? What do ‘The King never dies’ and ‘The King can do no wrong’ actually mean? Many such topics were reported in the Gakugeikōdankai’s records of discussions. Possibly the most significant materials discovered were a draft constitution of considerable quality and a number of essays on government. One particularly interesting essay, signed by a certain Chiba Takusaburō, is titled, ‘An Essay on the Way of the King’. The present article will discuss the political and social setting of the time, the life of Chiba, and his essay on the Way of the King.

Political and Social Context

The student of Japanese history often experiences some difficulty in fully grasping and appreciating the hopes, uncertainties, and fears of the people in the first decades of the Meiji period. Perspectives are sometimes clouded by subsequent events—Japan’s rapid economic advance, the rigidity of kokutai thought, the closed system of the Family State, and the totality of rights and powers of the Emperor recorded in the Meiji Constitution. At times these later realities can be a snare, with the unwary student reading such matters back into the first decades of the era. It is of utmost importance to put these later ideas aside, along with the glory and hope of empire arising from the victories in the Sino-Japanese and Russo-Japanese wars, and return to the first years of the Restoration when a well-ordered and disciplined, belligerent nation-state was not apparent. Rather, a new power elite was emerging and groping toward establishing a central government of sorts over a culturally and linguistically united people with two thousand years of history behind them. We find a people with roots in the past who were facing the serious challenges of the present and future. From their outlook the importance of the past, the present, and the future was not clearly defined but was interwoven. Political ideas often drew upon Chinese sources for content and expression, to the ideals of the Way of the King. The position of the Emperor vis-à-vis government and people was still in an active process of clarification.

Initially a document called the Charter Oath was promulgated in April 1868. This consisted of five vows enunciated by the young Emperor Meiji before the shrine of his Imperial ancestors. The first vow reads: ‘Deliberative assemblies shall be widely established and all matters decided by public discussion.’ A new era was being ushered in, but not without violence. For a matter of a few months supporters of the Tokugawa held out boldly against the imperial troops at Aizu in Wakamatsu, only to suffer defeat at the hands of superior forces. The reasons behind the Meiji leaders' particular antipathy toward the Aizu han are engagingly described in Harold Bolitho, ‘Aizu, 1853–1868’, in Proceedings of the British Association for Japanese Studies,
similar incidents occurred as rebellious spirits resisted claims to authority made by the new central government. Defense of tradition and loyalty to the Tokugawa, as much as a deep resentment of the Satsuma and Chōshū han, drove them to death or to self-imposed exile abroad. In this atmosphere of civil disturbance the vows of the Charter Oath had little practical significance. At first reading the content of the Charter Oath seems unexceptional enough, but it signaled not so much a break with the traditional past as a response to the hopeful future. Although the document represents the work of a number of contributors, the fact remains that these pronouncements had a great impact, not so much at the time but in the years immediately following, for the vows were often quoted to justify the actions of various political activists. Two hundred years of stable Tokugawa rule had come to an end and the vestiges of feudal Japan gave way to a new leadership. Beneath the surface ran strong currents which sought to give direction to the course to be taken by Japan both as regards its internal affairs and its relations with the rest of the world.

Although the Charter Oath was essentially positive, few details of precisely how these vows were to be put into practice were provided. Who were the people who were to participate in the ‘deliberative assemblies’? Would they include members of the four classes or were they to be limited to daimyo only? Probably the author of the document himself was not sure. But what was important in the first decades of the Meiji period was the emerging consciousness among many of the common people, both rural and urban, that a new era had begun. The problems confronting Japan were no longer matters for the samurai class or the newly formed aristocracy to settle for and by themselves. Rather, these problems were to be faced by the whole nation. New concrete situations called for new solutions and new procedures. The Charter Oath pointed to a direction where these new solutions and procedures could be found.

Radical reforms followed in quick succession. The feudal system was abolished and prefectures established; land became a negotiable item; reforms of taxes, currency, education, and bureaucracy were introduced; a system of universal conscription curtailed the privileges of the former samurai class. But in all these reforms the hope for a broad participation of the people in the ‘Deliberative Assembly’ remained unfilled.

The first serious crisis within the Meiji leadership came over the matter of Korea. In 1873 Saigō Takamori resigned in protest, and Itagaki Taisuke left the government and returned to Tōsa, only to become involved in various political
activities there. From Tōsa memorials were issued to challenge the government, and referring to the Charter Oath they called for the establishment of a Council Chamber of the People. The publication of these novel ideas in the new medium of the press insured wide dissemination of these ideas and thus introduced the discussion to the reading public. Hurriedly the government ministers Itō Hirobumi, Kido Takayoshi, and Ōkubo Toshimichi met with Itagaki in Osaka in January 1875. Itagaki was temporarily brought back into the fold, but the price was compromise exacted from both sides. The government consented to the creation of the Genrō-in and Daishin-in, while in exchange Itagaki reluctantly saw the censorious phrase ‘rash desire for reform’ included in the imperial decree establishing these two organs. The spirit of the Charter Oath was reiterated in this decree.

With this in view we now establish the Genrō-in to enact laws for the Empire, and the Daishin-in to consolidate the judicial authority of the Courts. By also assembling representatives from the various provinces of the Empire, the public mind will be best known and the public interest best consulted, and in this manner the wisest system of administration will be determined.

We hope by these means to secure the happiness of Our subjects and Our own. And while they must necessarily abandon many of their former customs, yet must they not on the other hand yield too impulsively to a rash desire for reform.

Subsequently a meeting of representatives from the provinces, the first chihōkan kaigi, was indeed convened in June 1875. But members questioned even their own qualifications to attend the meeting since they had been appointed by the government rather than elected by the people. Efforts were made to channel their attention to discussion of the methods of local elections, but a number of members insistently demanded that the assembly address a memorial to the Genrō-in calling for a nationally elected parliament. The weakness of the government’s position was apparent. In addition, the more serious crisis of armed revolt confronted the authorities in February 1877. Battles were fought in Kyushu and calm was restored only after the suicide of Saigō in September of that year. Immediately after the uprising led by Saigō, various groups, usually referred to as the Liberty and People’s Rights movement, became vocal and conspicuous throughout the country.

These groups took many forms, one of which, the village study group, served to heighten political consciousness in the rural areas. Many of these associations were organized by local school teachers and the meetings studied the ideas of Mills,
Locke, Rousseau, Montesquieu, and other Western social and political thinkers. School teachers and sake brewers, destitute farmers and wealthy landowners, joined forces and participated in meetings, rallies, and other politically oriented activities. Large crowds assembled to hear the caustic Itagaki denounce the government or the prophet-like Ueki Emori explain legal concepts of human rights and constitutionalism. Out of these groups emerged leaders who sought to extend their local organizations. Osaka was the scene of meetings of leaders from various groups who formed the Kokkai Kisei Dōmei in 1880–1881. Memorials were drawn up and presented to the Genrō-in calling for the opening of a national parliament. After adjourning their first meeting, members returned to their native villages and with their local groups prepared further memorials, demanding revision of the unequal treaties, control of taxation by a popularly elected national parliament, and the promulgation of a written constitution. Many of these same groups began to work on drafts of a constitution, one of which, the Ōmeisha draft, provided an excellent model for discussion. This document proposed a constitutional monarchy, a cabinet, a bicameral parliament, and a judiciary system. Well might Inoue Kowashi, one of the authors of the Meiji Constitution, note as early as the summer of 1881:

To put into effect a Prussian-style constitution is an extremely difficult task under existing conditions, but at the present time it is possible to carry it out and win over the majority and thus succeed. This is because the English-style constitution has not become fixed in the minds of the people. . . .

But if we lose this opportunity and vacillate, within two or three years the people will become confident that they can succeed and no matter how much oratory we may use, it will be difficult to win them back. Most of the political parties will be on the other side, not ours; public opinion will cast aside the draft of a constitution presented by the government, and the private drafts of the constitution will win out in the end.

The clamor for a constitution and for a parliament could no longer be ignored, although various repressive measures were taken by the authorities to control meetings and publications. Members of the armed forces and teachers in state-supported schools were strictly forbidden to engage in political activities. The situation began to reach crisis proportions in the spring of 1881, when Ōkuma

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9 植木枝盛, 1857–92, a well-known activist for liberty and people's rights for both men and women. He wrote a number of articles on constitutionalism and was an associate of Itagaki Taisuke.

10 国会期成同盟会, made up of members of the Aikokusha and other liberty and people’s rights groups; it later became known as the Dai-Nippon Kokkai Yūshikai 大日本国会有志会.

11 嘕鳴社, a liberty and people's rights group founded by Numa Morikazu 沼間守一 and Kōno Togama 河野敬謙 in 1873. The Ōmeisha draft constitution was circulated in 1880; the text is given in Irokawa, pp. 373–81.

Shigenobu, a member of the Council of State, presented a memorial to the throne calling for a constitution and the opening of a popularly elected parliament within three years. Ōkuma also actively opposed the sale, at a fraction of the real value, of government-controlled industries and facilities in Hokkaido. His proposals for a national parliament were summarily denounced by the Council of State, and in the summer of that year the decision was made to proceed with the Hokkaido sales transactions. Supported by the Mitsubishi industrialists, Ōkuma self-righteously criticized the decision as sheer venality. Support from the press helped to develop the issue into a major scandal. In a quick reversal the government forced Ōkuma’s resignation and postponed the Hokkaido transactions for further consideration. Changes in the membership of the cabinet and Genrō-in were effected, and the Sanjī-in was inaugurated. Finally, an imperial decree promising the establishment of a parliament was issued on 12 October 1881, and on the following day yet another imperial decree ordered the members of the Sanjī-in to prepare for constitutional government. The first of these two decrees referred to the vows of the Charter Oath and then went on to include a clear promise: ‘We hereby declare that We shall, in the twenty-third year of Meiji [1890] establish a Parliament, in order to carry into full effect the determination We have announced....’

Interpretations of these events vary, but it seems clear that the popular outcry for a parliament and constitution from so many quarters, together with Ōkuma’s memorial and his condemnation of the Hokkaido transactions, constituted the most serious challenge the Meiji leaders had faced to date. For these were not challenges to power which could be settled on the field of battle, but were challenges to their credibility to govern the nation. Credibility insured authority to govern in the name of the Emperor, and actions out of character with these ideals reflected on the honor of the imperial house. Hence the purported interference of the imperial court to delay the Hokkaido transactions. More important for us, perhaps, is that it indicates that imperial rule ought to be in accordance with the ideals of the Way of the King. And it is here that Chiba Takusaburō’s essay provides us with a key to better understand the necessity for credibility.

Chiba and the other members of the Gakugeikōdankai in Itsukaichi belonged to just one of hundreds of groups calling for a constitution and parliament. These were the associations which provided grass-roots support, ideas, practical data, and financial subsidy to men such as Itagaki Taisuke and Ueki Emori. This, then, is the setting in which we must view the work of Chiba and the Gakugeikōdankai, for his ideas and personality provide us with a valuable insight into the men of Meiji.

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13 参事院, 1881–5, a special government body possessing extensive legislative powers of review. It could also initiate legislation to be sent to the cabinet and arbitrated in disputes between executive and judicial officials. Its first president was Itō Hirobumi. Ōkuma’s ‘Memorial on the National Deliberative Assembly’ in given in Lu, pp. 56–7.  
14 Meiji Taishō Shōwa Sandai Shōchokushū, p. 129.  
15 McClaren, p. 86.
There is a certain mystique about the label, 'Man of Meiji'. The words carry overtones of an era when men were inquisitive as well as acquisitive, when men possessed a genuine zest for life. Chiba Takusaburō was one such man. His interests spanned literature, religion, medicine, political thought, law, and education, but above all he felt a deep concern for his fellow countrymen and the problems they faced. At first glance Chiba appears as a curious intellectual vagabond. The constant start-stop, acquire-discard pattern of his intellectual interests and movements is somewhat disconcerting, but it undoubtedly manifests his inquisitive nature and his desire to acquire learning.

Chiba was born in 1852 in Shirahata, a small village in Sendai, and the circumstances attending his birth and upbringing were rather unusual. His father's first wife was unable to bear children, so the man remarried. Much to his disappointment his second wife also failed to bear a child, and so the unfortunate couple decided that an heir should be sought from the husband's concubine. The concubine conceived, but a crisis arose before the child was born: the father's health was declining alarmingly and grave inconveniences would ensue if he died before a male heir was born. The couple therefore adopted a child from the Shimizu family, and this child received the right of succession. Takusaburō was the child subsequently born of the concubine. His father died shortly after Takusaburō's birth, and the child was separated from his real mother at the early age of three and reared by his father's second wife.

When Takusaburō, or Takuron as he liked to call himself, was twelve years old, his family arranged to have him admitted as a student of Ōtsuki Bankei, and the boy moved into the student dormitory attached to the Sendai-han school, Yōkendō, to begin his formal education. Prior to this move it is more than likely that he had received instruction in the local temple school or from private tutors at home. The boy's stay with Bankei came to an abrupt end at the time of the Restoration. With his schoolmates he was sent off to fight in the last-ditch stand made by Tokugawa supporters at nearby Wakamatsu and, although seventeen years of age, he was engaged in combat twice. With the conclusion of hostilities he returned to Bankei's school, only to find his mentor in official disgrace. Thereupon Chiba drifted from the village never to return.

He is next found in Matsushima as a student of Dutch medicine under Ishikawa Ōjo, who had studied medicine under the Dutch at Nagasaki and, like Bankei, had been a respected retainer of the shogunate. Ishikawa was medical advisor of the Sendai han, was conscripted at the outbreak of hostilities, and with the defeat of the Tokugawa supporters was placed under house arrest. Pardoned in 1870, he joined

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16 Details of Chiba's life and activities are given in Irokawa, pp. 185–208.
18 石川盤所, 1824–82. Dai-Jinmei Jiten, 1, p. 179.
the new Imperial Army and eventually rose to a high position in the medical corps. It was soon after Ishikawa’s release from confinement and before his joining the Imperial Army that Chiba became one of his students. Thus the young man’s early formation brought him into contact with two men who had been deeply involved in politics on the national level. Both Bankei and Ishikawa had been greatly affected by the rapid turn of events which had upset their lives, loyalties, and values, and these upheavals could hardly have failed to make a deep impression on the young Chiba.

When Ishikawa transferred to the medical corps, Chiba parted from him and took up the study of kōgaku under Nabeshima Ichirō. Kōgaku studies, in a sense, were what the Restoration was all about. The emphasis placed on the divine nature of the imperial ancestors, direct rule by the Emperor, etc., set the ideological tone and formed the rhetoric of the activists behind the Restoration. For Chiba to study and investigate kōgaku in depth was completely in character.

In 1870, at the height of the haibutsu kishaku20 campaign, Chiba turned from kōgaku to begin studying Jōdo Shinshū teaching under a priest, Sakurai Kyōhaku.21 Although Chiba’s interest in religion did not wane, his Buddhist studies were short lived, being abruptly terminated by his initial encounter with Christianity. A neophyte’s acceptance of Christianity can be a disconcerting experience for his friends; equally disconcerting for the Christian missionary is to see how his religion is accepted, especially when in some cases the exclusiveness of church affiliation is ignored. Chiba is a case in point. His relations with ministers of the Christian faith are complex because he was at times simultaneously in contact with three historical developments of Christianity: Russian Orthodox, Roman Catholicism, and Episcopal Methodism.

Chiba began to receive instruction in 1872 under John Sakai, a catechist of the Orthodox church, in the small village of Izuno. To increase his religious knowledge Chiba traveled to Tokyo and studied directly under the Orthodox Bishop Nicolai. Although there is no extant record of Chiba’s baptism, he is next found back in Sendai as Peter Chiba,22 assisting John Sakai and Paul Tsuda in their apostolic activities. In 1874, on account of his arguments and disputes with local Buddhists and Shintoists, the zealous Peter Chiba came into conflict with the local law enforcement agencies. Sentenced to a hundred days in prison, he found himself among common thugs and thieves. Since he could not preach Christianity outside the prison, he did so inside, and earnestly spoke to his fellow prisoners of Christ and his message of salvation. One of the inmates awaiting sentence on charges of grand

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19 鵜巢一郎
20 廃仏毀釈, a movement aimed at purifying Shinto from Buddhist ‘contamination’; unfortunately, many Buddhist cultural treasures were plundered or sold off as a result. The movement met with much resistance from the populace and subsided in 1872.

21 桜井忠伯
larceny was attracted by this preaching and vowed that, if he were released, he
would make his way to Tokyo, seek out a priest, and be baptized. The man, how-
ever, was sentenced to death and Chiba baptized him just before he was summarily
led off to execution.

Chiba completed his prison sentence, and upon his release in May 1874 he
immediately returned to the Christian group centered around John Sakai and Paul
Tsuda. But within a few months he was on the move again, this time to Tokyo,
where he took up residence in the small dormitory attached to Bishop Nicolai’s
seminary in Ochanomizu. The curriculum of the seminary was not confined to the-
ology, for Western studies and languages were also taught. In February 1875 the
ever-inquisitive Chiba was off on yet another adventure, this time attending lectures
at the academy of a Confucian scholar called Yasui Sokken. Yasui had attained
a certain notoriety for his violently anti-Christian polemic Benmō (‘Vindication’),
thus incurring the wrath of Christian missionaries, who designated him as the anti-
Christ. His opinions had been sought by the shogunate on a variety of topics, such
as shipbuilding, coastal defense, and armaments. Influenced by both kōshōgaku
and kogaku, he was regarded as being somewhat unorthodox in his views and
teaching. But exactly what effect Sokken had on Chiba’s intellectual development
is hard to judge, and although Chiba states that he studied at the Confucian scholar’s
academy, his name does not appear on the list of students in 1875. In any case,
Chiba’s contact with Sokken was relatively brief as the latter died in September of
that year.

While living at Bishop Nicolai’s seminary and attending Sokken’s academy,
Chiba was also studying Catholicism under Fr François-Paulin Vigroux, a member
of the Paris Foreign Mission Society who had come to Japan in 1873. Based at the
Sacred Heart church in Yokohama, Vigroux traveled a circuit through Yokohama,
Tokyo, Tanashi, Itsukaichi, and Moto-Hachidōji every month, and then across the
Sagami Plain back to Yokohama. It was from this time that Chiba was in contact
with Itsukaichi, and it is quite possible that he sometimes accompanied the
Catholic priest on his monthly circuit.

Within a short time Chiba was on the move again, first to study Western
mathematics under Fukuda Riken, then to lecture on the Chinese classics at the
Methodist school which eventually developed into what is now known as Aoyama
Gakuin. He became involved in a business venture in Kōjimachi, Tokyo, which
ended in failure. Then from April 1880 Chiba took up residence in Itsukaichi and
became a teacher in the local primary school called Kannō Gakkō. His motivation
to teach in the small town of Itsukaichi had many sources. The fact that the
Orthodox Church had a number of believers there and Naganuma Orinotsuke,
the principal of Kannō Gakkō, was also an Orthodox Christian must have had

24 弁妄
25 考証学, 古学
some influence on his decision. Like Chiba, Naganuma was also from the Sendai han, as were a number of the other teachers. But it is more than likely that the reason that motivated Chiba most was his interest in the Gakugeikōdankai.

Chiba lived in Itsukaichi for almost four years, during which time he was employed as a teacher and, from 1881, principal of the school. He worked on the draft constitution during 1880 and 1881, and he completed his essay on the Way of the King in the autumn of 1882. Although both documents bear his signature, the ideas expressed therein cannot be attributed solely to Chiba and he can perhaps best be regarded more as the spokesman for the Gakugeikōdankai.

In 1882 many of the members of the group officially entered the Jiyūtō, but Chiba did not join them. There are possibly a number of reasons for his decision, one being that teachers were expressly forbidden by the Public Peace Law of 1880 to engage in politics or attend politically oriented meetings. Yet another reason was his declining health. Chiba was suffering from advanced tuberculosis, and as his condition deteriorated he left Itsukaichi to recuperate at some hot springs further to the north. In early 1883 his health rapidly declined and he entered the hospital attached to Tokyo University. On 12 November 1883 his journey ended and, alone and penniless, he succumbed to the disease. He was buried with funds collected by his friends in the Gakugeikōdankai.

Chiba must ever be associated with the Gakugeikōdankai. This village-centered group seems to have provided him with a good deal of intellectual stimulus, but he gave as much as he received. The group was made up of about thirty people, and its members included landed farmers, wealthy lumbermen, school teachers, doctors, prefectural assemblymen, and the like.27 Some of these people, especially the teachers, were from different parts of Japan, notably Sendai and Miyagi prefecture. Even more significant, perhaps, than the involvement of people from different geographic areas was the participation of members of the outcaste eta community from nearby Moto-Hachioji, and this would appear to indicate an uncommon attitude of tolerance and receptivity on the part of the villagers.

Among the society's records and books were found the works of various well-known authors, such as J. S. Mills, Parliamentary Political System, and translations of excerpts from William Blackstone, Commentaries on the Laws of England.28 Of considerable interest were the efforts of the people of Itsukaichi to draw up a viable and acceptable synthesis of the rights of the Emperor and people for the proper governance of the nation. Here the most sensitive nerve of the reality of Japanese political life was touched.

The essay on the Way of the King directly addresses the problem of imperial

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27 Names and details of some thirty members are given in tabulated form in Irokawa, pp. 204–5.
28 The library of the Fukazawa family is now preserved at Tōkyō Keizai Daigaku. The books cover a wide range of topics—political thought, military science, history, geography, the Chinese classics, and even cooking—and they provide some insight into the intellectual life of the landed farmers of the time and the role they played as leaders in their communities.
The language of the draft constitution is the terse, unequivocal language of positive law. In the essay on the Way of the King, however, a more nuanced and elaborate formulation is apparent. Imperial decrees and texts from the Chinese classics are interwoven in an intricate manner. An effort is made to discuss imperial limits in a language and terminology which would be understood and accepted by a literate public.

When law or constitutions are discussed, constraints, limitations, and curtailments generally come to mind. Public law and criminal law are usually regarded as objective criteria formulated and recorded. But if the meaning of ‘law’ is confined merely to positive law, the concept becomes very restricted. For Chiba, law seems to have had a deeper meaning, for he conceived it as the gift of Heaven to mankind. But he makes the important addition of the notion of covenant, which he calls *kokuyaku,* and this presupposes both acceptance and fulfillment. Acceptance of the law was the fulfillment of the covenant. All amplifications, codifications, or clarifications become an aid to the fulfillment of the basic object of the law. This type of thinking is fundamental to the proper understanding of his essay.

Imperial limits, for Chiba, are the sovereign’s ‘highest point of perfection’. In the same vein, the ‘people’s highest point of perfection’ is the establishment and maintenance of their limits. In other words, limits are seen as perfections. Limits on imperial prerogatives are not regarded as something to be wrested from the sovereign by force, but rather as something willingly granted and established. Chiba calls for the opening of a parliament and for a national constitution that is contractual in nature, that is, a covenant. These would stipulate and provide the object and means to attain the highest point of perfection for both sovereign and people, for ‘this is the true Way of the King.’

By placing the basic premise of constitutional monarchy on a contractual basis, a contract freely entered into by all parties, Chiba differed from those royalists who claimed total and absolute imperial prerogatives. This accounts for his caustic condemnation of ‘effete Confucianists and rural know-nothings who twist the meaning of the Way of the King to mean a dictatorship by a benevolent monarch.’ It also brings into focus his quotation from the Book of Poetry: ‘Heaven, in giving birth to the multitudes of the people, to every faculty and relationship annexed its law.’ Laws apply to everyone who would be partner to the national contractual constitution.

These ideas must be viewed in the context of the public dispute in 1882 over the locus of national sovereignty. Two opposing views were evident: the royalists who

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29 Chiba's use of this concept should not be considered as something totally original on his part, for a number of groups associated with the *Kokkai Kisei Dōmei* also maintained this notion as a basic premise for a constitution. This idea was incorporated in most of the draft constitutions which looked to British constitutional models. Chiba's essay was written just at the time when debates on the meaning and locus of sovereignty were being carried on in newspapers. The *Tōkyō Yōkohama Mainichi Shimbun* and *Yūbin Hōchi Shimbun* were especially active in carrying the statements of liberty and people's rights advocates.
demanded that absolute imperial prerogative be maintained, and the activists such as Ueki Emori who wanted to greatly extend the rights of the people. For the sake of illustration, Ueki’s well-known ‘Right of Revolution’ may be cited:

Article 71. In the case that government officials perpetrate oppression, the citizens of Japan may resist such oppression. And in the case that the government should use arbitrary force, the citizens of Japan can take up arms and resist.30

Chiba, in contrast to these two positions, rejects arbitrary and unlimited rights of either the sovereign or the people:

Those who seek only to safeguard royal prerogative but are ignorant of the royal perfection do not understand the Way of the King. In the same way, those who know only the expansion of the people’s liberties but are ignorant of the people’s perfection do not understand the Way of the King.31

Chiba would maintain that the limited rights of sovereign and people are fused by a freely accepted and sealed national contract, and thereby they are raised to the level of an ideal. So viewed, the meaning of the powerful lines of Chapter Seven take on great significance: ‘Both high and low, with one heart, both the Emperor and the people as one, shall manifest the Way of the King.’

At first reading Chiba’s essay on the Way of the King may appear somewhat obscure, repetitive, and lacking in structure. But it must be borne in mind that the structure of the essay is not linear. The author does not proceed from one premise to the next in a progressive and logical fashion, finally arriving at a clear conclusion. Rather, the tract is cyclic in structure. Chiba simply assumes that everyone is aware of the notion of the Way of the King and that educated readers are well acquainted with the works of Confucius and Mencius in which this concept is a central theme. But how and in what form are these lofty ideals to be applied in the context of Meiji Japan? This is the question addressed.

Appeal is made to classical wisdom as well as examples from European history. What is important is the way the selections are used to emphasize and illustrate different aspects of Chiba’s updated version of the Way of the King. Therein lies the structure of the essay. Intricately woven selections form a totality which finally sets forth various ideas and concepts essential to the formulation of a basic jurisprudence. Primitive and undeveloped as it may seem when compared with the works of Blackstone or Austin, Chiba’s essay is nonetheless an advance over the theories advocated by the idealists of his time.

31 See pp. 66–7, below.
第一章 総論
天道千葉道海居士諱撰

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The first page of Chiba’s autograph text of Ǒdōron. At top right is Chiba’s seal (葉卓, abridged form of his full name 千葉卓三郎); at lower right is written Chiba’s pen name, Tenshū Chiba Dōkai Koji).
The Way of the King

Ōdōron

Chapter One

Introduction

The Way of the King is something basic to good government. It is not limited only to a monarchical form of government; in fact, all governments, whether they be dictatorships, aristocracies, or republics, must be in accordance with the Way of the King if they are faithful to the nation. It is the very foundation of a government’s or monarch’s qualification to rule. If it is absent, the qualifications to be a nation are lacking. In the Way of the King harmony, stability, flexibility, and justice predominate.

In the T’ang era of the Three Dynasties they had a Way of the King acceptable to their times. Our task today is to develop a Way of the King acceptable to Meiji Japan. But what do we have? Some effete Confucianists and rural know-nothings who twist the meaning of the Way of the King to mean a dictatorship by a benevolent monarch. This just shows that they do not know what they are talking about. While talking about the Way of the King, ‘The people may be made to follow a path of action, but they may not be made to understand it.’ Such people are not qualified to speak about the Way of the King. [In the Analects] we find: ‘Though a man may be able to recite the three hundred odes, yet if, when entrusted with a governmental charge, he knows not how to act, [. . . of what practical use is it?].’ Is this not the case at the present time? What do we need in these days of Meiji Constitutional government—yes, that is what we need.

Those who manifest the following signs believe in the Way of the King. They want to establish constitutional government—and that constitution is a national contract. They want to open a parliament. They want to maintain the esteem for the crown and secure the welfare of all the people. They want to see the hopes of all the classes for constitutional government realized, and they observe the spirit [of the Charter Oath]—‘unite in carrying out vigorously the administration of affairs of state.’ Finally, they will be untiring in the performance of government.

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32 Literally, ‘great road of government’.
33 James Legge, trans., The Chinese Classics, Hong Kong University, 5 vols., 1970, i, p. 211.
34 The quotation is from the Analects.
35 The translation of all of Chiba’s quotations from the Chinese classics has been taken from Legge’s version.
36 i, p. 265.
37 Tsunoda, ii, p. 137.
You men in our country who are loyal subjects of His Majesty and truly cherish the people as brothers should accept this theory and accomplish in your own lives the Way of the King.

Chapter Two

Royal Perfection and Doubts on a Great Matter
from The Book of Chow

In The Book of Chow, Viscount Ke explains the Nine Divisions of the Great Plan. He discusses divination, but this really does not seem very pertinent today; nevertheless, we should not dismiss the whole passage lightly, especially when he discusses the Way of the King and the related notion of royal perfection. This is because when the chapter ‘Doubts on a Great Matter’ is explained, much importance and moral weight are assigned to public debate. This shows that the chapter discusses constitutional government for the sovereign.

Fifth: of royal perfection. The sovereign having established his highest point of excellence, he concentrates in himself the five happinesses and then diffuses them so as to give them to his people. . . .

Without deflection, without unevenness,
Pursue the Royal righteousness; . . .
Without deflection, without partiality,
Broad and long is the Royal path.
Without partiality, without deflection, . . .
The Royal path is right and straight.
Seeing this perfect excellence,
Turn to this perfect excellence.

This amplification of the Royal perfection contains the unchanging rule, and is the great lesson: . . . All the multitudes, instructed in this amplification . . ., and carrying it into practice. . . .

36 Legge translates kōkyoku 奉極 as ‘the royal perfection’. Citing one commentary, he notes, ‘By “royal perfection” we are to understand the sovereign, all that he ought to be . . . exhibiting all the virtues’ (iii, p. 328). Chiba’s use of the term includes this sense, but also incorporates the notion of moral and legal norms. The second character, 極, is most important, signifying a limit which the sovereign ought not overstep. The same character is often used in different compounds, e.g., 奉極, 民極, 有極, 無極; in all these cases the normative aspect is essential. It is clear from the text that both the sovereign’s power and the people’s rights are to be limited. When terms such as ‘prerogatives’ or ‘liberties’ are used here, they are to be understood as limited by moral and legal norms. In this Chiba is making a concrete application of the Doctrine of the Mean.

37 iii, p. 328. The quotation is from The Book of Historical Documents.

38 iii, pp. 331-2.
The sovereign having established his highest point of excellence, he con-
centrates in himself the five happinesses. . . . This amplification of the Royal
perfection contains the unchanging rule, and is the great lesson; . . . All the
multitudes, instructed in this amplification of the perfect excellence, and
carrying it into practice. . . .39

[Simply expressed,] a constitution is the sovereign’s highest point of perfection.
This is how limits on the sovereign’s prerogatives and the people’s liberties are made
clear to everybody.
‘Doubts on a Great Matter’ is dealt with in the Seventh Division of the Great
Plan.

. . . . three men are to obtain and interpret the indications and symbols, and
the consenting words of two of them are to be followed. If you have doubts
about any great matter, consult with your own heart; consult with your nobles
and officers; consult with the masses of the people; . . . If you . . . the nobles
and officers, and the common people all consent to a course, this is what is
called a great concord.40

This concord is a parliament. In the doctrine of the Way of the King, provision
should be made [just as the vows of the Charter Oath state]: ‘Deliberative as-
semblies be widely established and all matters decided by public discussion.’41
Legitimate rule rests on consent and submission to this concord—this is the Way
of the King. A constitution presupposes the establishment of legitimate rule.
Likewise, a parliament presupposes submission to the concord. With the establish-
ment of a constitution and the convening of a parliament, we have a constitutional
body politic. Accordingly, we are justified in saying that a constitutional body poli-
tic which has established legitimate rule and submission to the concord is the Way
of the King.

Royal perfection so understood is found in the statement to Prince Shih: ‘The
former king laid bare his heart, and gave full charge to you, constituting you one
of the guides of the people.’42

Chapter Three

Capricious and Principled43 Rule Considered Separately

The Way of the King is first achieved when the perfection of the sovereign and the
people is so ordered that they balance each other.

39 Repetition of the main points: III, pp. 328–32.
40 III, pp. 335–7. In this section Chiba edits out all references to divination.
41 Tsunoda, II, p. 137.
42 Address of the Duke of Chow to Prince Chih, as related in The Book of Historical
Documents: III, p. 484.
43 yūkyokumukyoku 有権無権. In this con-
text emphasis should be placed on the use of
Royal perfection denotes limitation of imperial prerogatives. [Note the implications of the following:] 'Seeing this perfection, turn to this perfect excellence, . . .'\(^{44}\) [this] contains the unchanging rule, and is the great lesson.\(^{45}\) Unlimited prerogatives would leave the sovereign free to pursue evil, deviate, or be partial. That is despotism. An illustration can be found in the following passage from *The Books of Shang* in 'The Announcement of Chung-Hwuy'. 'The people were as if they were fallen amid mire and charcoal,\(^{46}\) and the King of Hea falsely pretending to the sanction of supreme Heaven, to spread abroad his commands among the people.'\(^{47}\)


The king of Shang does not reverence Heaven above, and inflicts calamities on the people below. He has been abandoned to drunkenness, and reckless in lust. He has dared to exercise cruel oppression. Along with criminals he has punished all their relatives. He has put men into office on the hereditary principle. He has made it his pursuit to have palaces, towers, pavilions, embankments, ponds, and all other extravagances, to the most painful injury of you, the myriad people. He has burned and roasted the loyal and good. He has ripped up pregnant women.\(^{48}\)

Capricious rule is the opposite of principled rule. Capricious rule is not the Way of the King.

The people's perfection entails limitation of their rights and making operative the principle, 'amplification of the perfect excellence, and carrying it into practice.'\(^{49}\) If subjects abuse their rights, they move toward tyranny until they reach a point much like that described in 'The Announcement to Prince K'ang': 'Now the people are not quiet; they have not stilled their minds; notwithstanding my frequent leading of them. . . .'\(^{50}\) Such is sheer capriciousness and not principled rule. Certainly that is not the Way of the King. It goes without saying that the sovereign's perfection and the people's perfection ought not to be at odds. That also would result in capricious rule and not principled rule. If there are no limitations on the sovereign prerogative, the result is despotism. In the same way, no limits on the people's liberties results in tyranny. Neither despotism nor tyranny is the Way of the King.

Those who seek only to safeguard royal prerogative but are ignorant of the royal perfection do not understand the Way of the King. In the same way, those who

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\(^{44}\) In the use of these phrases, Chiba indicates that the sovereign's authority should be exerted only to previously established limits. The same may be said as regards the people's rights, for they are similarly limited. These limits must be points of reference for the conduct of proper government.

\(^{45}\) 三, p. 332. The quotation is from *The Book of Historical Documents*.

\(^{46}\) 三, p. 178.

\(^{47}\) 三, p. 179.

\(^{48}\) 三, pp. 284–5.

\(^{49}\) 三, p. 332.

\(^{50}\) 三, p. 396.
know only the expansion of the people's liberties but are ignorant of the people's perfection do not understand the Way of the King. If they do not understand it, they should not speak on the subject.

Royal perfection [means]: '... the establishment of the sovereign's highest perfection, ... seeing this perfection, turn to this perfect excellence, ... this is the unchanging rule, and is the great lesson.'

The people's perfection [encompasses]: '... the unchanging rule, ... the great lesson, and supporting the royal perfection.' The sovereign proclaims the sovereign's prerogatives, and the people define the people's liberties. The people are consulted on problems of major importance until they reach consensus. [It is here that the significance of the passage quoted above can be seen:] '... the symbols are submitted to three persons and the consenting words of two of them are to be followed.'51 To recognize this as an excellence is what is meant by the Way of the King.

When sovereign and people establish principled rule, a national constitution is achieved. To solve questions of major importance by the consensus of sovereign and people is to give effect to a parliament. For these days of Meiji, this is the Way of the King.

Chapter Four

An Ode Commenting on Endowed Nature and Virtue

Heaven, in giving birth to the multitudes of the people,
To every faculty and relationship annexed its law.
The people possess this normal nature
And they [consequently] love its normal virtue.52

Mankind has been given life by heaven and has been endowed with the sense of benevolence, justice, decorum, and wisdom. He has the form of man and lives in society, but still people differ: some are wise, others are unintelligent; some are strong, others weak; some are young, others old; some are rich, others poor; some are aristocrats, others commoners; some possess high rank, others low. Nevertheless, by nature mankind is one.

The people's rights are allotted by heaven and should be unchangeable. Since these are man's natural endowment, it seems only normal that he should desire to preserve these rights. To place emphasis on the rights of the people is the Way of the King, and in this way will it be manifest.

51 iii, pp. 332 & 335.
52 iv, p. 541. From The Book of Poetry. Regarding these lines, Legge remarks in a footnote that they 'would in themselves be difficult to interpret, but we get an idea of their meaning ... by Mencius' quotations of them in support of the goodness of human nature. ...'
Chapter Five

A Clarification of the Character for People and the People's Perfection Related to the Way of the King

The character for people [民] has more than one meaning. In the line from the Odes, 'Heaven, in giving birth to the multitudes of the peoples', it is used in one sense. The character also refers to the people in distinction to the monarch, as in the statement from The Book of Historical Documents, 'The people are the root of a country. The root firm, the country is tranquil.' It also refers to the people as opposed to the ranks. In The Book of Poetry we find, 'He orders rightly the people, orders rightly the officers.' And in the commentaries, jin [人] is said to refer to retainers, whereas tami [民] refers to commoners.

The character also refers to the people in distinction to the spirits of the other world. In the Analects it is written: 'To give one's self earnestly to the duties due to men and, while respecting spiritual beings, to keep aloof from them, may be called wisdom.' In The Spring and Autumn Annals with the Tso Commentary, we find: '[The Sage Kings] first secured the welfare of the people, and then put forth their strength in serving the spirits.' Both quotations use the character in this context.

The character is sometimes used to refer to city dwellers as opposed to farmers. [For example,] in the treatise 'Food and Money' in The Dynastic History of the Former Han, [it is related:] 'If the price of millet is excessive the people suffer, but if the price of millet is too low, the farmers will certainly suffer.' We find the character used here in this sense.

Our four classes include samurai, farmers, artisans, and merchants. Can this character refer only to those who toil in the fields? No, we must conclude that the character has been used to refer to all mankind. In ancient times, when the practice of the Way of the King was manifest, various terms for monarch, people, superiors, and inferiors were already in use; the character 民 never referred exclusively to the lowly and humble. [Note the following selections from the classics.]

In 'The Counsels of the Great Yu' in The Book of T'ang:

Of all who are to be loved, is not the sovereign chief? Of all who are to be feared, are not the people chief? If the multitude were without the sovereign, whom should they sustain aloft? If the sovereign had not the multitude, there would be none to guard the country for him.

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53 iv, p. 541.
54 iii, p. 158.
55 iv, p. 481.
56 i, p. 191.
57 v, p. 46.
59 iii, p. 62.
In ‘The Songs of the Five Sons’ in The Book of Hea:

It was the lesson of our great ancestor:
The people should be cherished;
They should not be down-trodden. 60

In ‘The Announcement of Chung-Hwuy’ in The Book of Shang:

Exert yourself, O king, to make your great virtue illustrious, and set up the
pattern of the Mean before the people. 61

Finally, The Book of Chow, ‘The Great Declaration’, Part 1:

Heaven compassionates the people. What the people desire, heaven will be
found to give effect to. 62

The foregoing historical development has, I trust, demonstrated the importance
of the people’s liberties as something basic to the Way of the King.

Chapter Six

Arbitrary Exercise of Imperial Prerogative Can Lead
to Political Disturbances with Danger of Overthrow

Without exception those who bring about the decline of the Way of the King
disdain the people and destroy the people’s liberties. Such instances are not con-
fined to China and Japan, but have occurred in a number of European countries as
well. The reason is that when the monarch destroys the people’s liberties, he first
abandons and disregards the imperial prerogatives. He exercises unlimited sover-
eignty, ignoring virtue and proper rule. He makes the nation his household and the
people his slaves. Consequently, when the people rise up against oppression, they
do not care for virtue and rule, and it often happens that they start a rebellion and
scheme a violent and odious disturbance to overthrow the government.

It is reported that in former times Louis XIV professed to be a person of highest
nobility and abused the unlimited rights which he claimed. [He declared:] ‘The
State is I; I am the State.’ This assertion can be considered the source of the calamity
that overtook Louis XVI. The following appears in the Analects: ‘Is there a single
sentence that can ruin a country?’63 The above assertion of Louis XIV is such a
single sentence. His words served only to heighten and aggravate the anger of the
people. The people said in turn: ‘Government consists of the people, the people
are the Government.’ The monarch and the people thus clashed. The people
brought the monarch to the block and disgraced him by executing him with a

60 iii, p. 158. 61 iii, p. 182. 62 iii, p. 288. 63 i, p. 269.
blunt sword. This is precisely what is meant by the proverb [quoted] by Mencius: ‘What proceeds from you, will return to you again.’ This certainly hits the mark. A monarch dares not abuse his authority and mistreat his people because the constitution imposes limits on his authority. Just as King Louis found it easy to abuse his authority and thus mistreat his people, so the people in their turn found it easy to rely on their own power to slight their ruler.

Therefore, if the monarch establishes imperial prerogative and has the people likewise establish their liberties, this will be not only for the benefit of the people but also for the continuance of the Imperial House for untold generations to come. The first step in the implementation of the Way of the King is the establishment of the monarch’s prerogatives, but this is dependent on the establishment of the people’s liberties. The establishment of the people’s liberties begins by not disdaining the rights of the people. When both the imperial prerogatives and the people’s liberties are simultaneously operative and neither is infringed upon, then the Way of the King will be manifest and visible to all.

Chapter Seven

_A Discourse on His Imperial Majesty’s Long-Desired Constitutional Government with Duly Established Imperial Prerogatives and People’s Liberties_

Ever thankful to heaven and showing his love for the people, His Majesty has granted the good fortune of the Meiji Restoration. He has already ‘pledged the five vows before the deities and subsequently disseminated their sacred meanings.’ He expressly desires the establishment of a national constitutional government: ‘All the people jointly request and desire this.’ He has said, ‘Let all the people know that we as one body support this, . . . and also so decree again and reaffirm that in the year of Meiji 23, councillors shall assemble and a parliament be opened as we move to fulfill this our first resolve.’ Moreover, these statements contain His Majesty’s previously expressed intentions that a constitution, which is a national contract, be adopted by means of a constitutional government. Imperial prerogatives shall be established and a parliament convened. The foregoing constitutes the Way of the King.

Is this not the time when we, the people, in response to the imperial wishes, should set up a constitutional government which guarantees the people’s liberties? With one heart, both high and low, both the Emperor and the people as one,  

64 II, p. 173.  
65 It may be recalled that the Emperor Meiji was only sixteen years old at the time of the Restoration.  
66 The phrasing is derived from the proclamation establishing the Genrō-in and Daishin-in. English translation in McLaren, p. 42; original text in Meiji Taishō Shōwa Sandai Shōchokushū, p. 83.
should manifest the Way of the King and aspire to the virtue allotted to us by heaven.

There are some who espouse constitutional government wherein both imperial prerogatives and the people’s liberties are established. Others wish to protect the illustrious virtue of the people, that is, their rights. For some, however, the lifeline and very foundation of the nation, the Imperial House, is to be preserved in its eternal glory. These viewpoints can be reduced to two—advocacy of the restoration of imperial rule and advocacy of the people’s rights. Even though these positions appear to be opposed, there is no other way but for the royalists to accept the establishment of the imperial perfection and the people’s rights advocates to accept the realization of the people’s perfection.

Chapter Eight

Those Who Reject the Establishment of a Constitution and Parliament Are Offenders Against the Imperial Decrees

The Emperor’s resolve since his youth has been the enactment of a constitution, that is, constitutional government and the establishment of a parliament. Moreover, his Majesty’s heart will not be at rest until this has been implemented. As royalists, patriots, loyalists, and men of fidelity, we have been content for a long time to bear with difficulties, burdens, and dangers under extreme circumstances. While taking heart, we have pledged to devote ourselves to the enactment of a constitution and the establishment of a parliament, and this for the purpose of eternally protecting the veneration and glory of the Imperial House and guaranteeing the welfare of innumerable people, and that is why each shall be allowed to pursue participation in government. But ironically enough, there are in this world many unlearned and decadent Confucianists and rural know-nothings who are ignorant of the vows of His Imperial Majesty, the Emperor Meiji, and his true intentions. For years they have resisted His Majesty’s desire to see a constitution enacted and a parliament convened, thereby ignoring the Way of the King, infringing upon the people’s rights, and ultimately damaging the Imperial House. Such persons are criminals and traitors and should not be allowed to exist between heaven and earth. How can we not pity them and attempt to enlighten them? We cannot exist under heaven together with these traitors if we cannot teach them.

On the completion of this treatise I showed it to a friend and he criticized what I have written. He said, ‘What you discuss is reasonable enough and conforms to principle. But the Way of the King comes about only when a king emerges. If a

67 Chiba paraphrases here the third pledge of the Charter Oath, making the significant addition of ‘in government’. Compare with the original text of the Charter Oath in Meiji Taishō Shōwa Sandai Shōchokushū, p. 5.
king does not emerge, the Way of the King can hardly be achieved. But if a king emerges, then this essay is not necessary."

I smiled and answered, ‘You are quite right. But the Emperor Meiji is a king and in fact does desire the adoption of the Way of the King. There is nothing in his imperial rescripts which is not in conformity with the Way of the King. In these enlightened days of Meiji, only two or three people out of a hundred would not agree to the desirability of the Way of the King. We now have a splendid chance to carry out the Way of the King, and I wrote this essay to enlighten those two or three.’

My friend nodded and then left. I will now add [a postscript] to the above discussion.

Postscript

You may well ask why I have written this essay on the Way of the King. Perhaps it is because I am a little deranged, or perhaps I did it just for amusement. Quite possibly I am one of those outdated Chinese classicists who know of antiquity but are ignorant of what is going on today. Or perhaps I am one of those kokugaku scholars who fail to understand politics; they know only the existence of the Imperial House and ignore the existence of the people. In fact, there are kokugaku scholars who do not realize that a constitution and a parliament, long desired by the Emperor Meiji, conform to the Way of the King even in this day and age. Thoughtlessly and fearlessly they reject and obstruct this concept and thus end up being offenders against the imperial decree. These people are to be pitied and it was for them that this essay was written. Those who do not know what constitutional government, a constitution, or a parliament really mean, should read this essay carefully and then they will be able to speak of the Way of the King and understand the times we live in. I hope that this essay will serve as a ship to carry them to the shores of understanding.68

68 The metaphor at the end of this final sentence was possibly Buddhist inspired. But it is intriguing to note that Chiba sometimes used the pen name Tenshū Dōkai Koji and that his Christian name was Peter, thus raising the possibility of an allusion to Peter the Fisherman.