

# The Concept of “Right”<sup>1</sup>

Yanabu Akira 柳父章  
Translated by Joshua A. Fogel

## 1. The Difficulty of Translating “Right”

The word “right” which is translated nowadays as *kenri* 權利 (Ch. *quanli*) seems to have been a difficult word to translate throughout the era of Dutch and English Learning. More than difficult to translate, it was apparently extremely hard even to comprehend. In the *Ei-Wa taiyaku shūchin jisho* 英和對譯袖珍辭書 (English-Japanese pocket dictionary), published [in Edo] in 1862 and widely used in the early Meiji period, the word “right” is translated simply as:

*renchoku naru koto, sabakikata, migite* 廉直ナル事，捌キ方，右手 [to be upright, sorting out a matter, the right hand]

We find here nothing of the sense of *kenri* as we use that term today. Similarly, in the *Futsugo meiyō* 佛語明要 (The essentials of French), published in 1884, the translation for the term *droit* reads only:

*hōrei, ritsuryō, seijika* 法令，律令，政治科 [laws and ordinances, national codes of law, political science]

In Dutch this term corresponds to *regt*, and the *Wa-Ran jii* 和蘭字彙 (Japanese-Dutch dictionary, 1855-58) was probably the first text to capture the sense of this term in Japanese. It gives as translations for *regt*:

*seiji mata wa hōritsu, kokuhō, saibansho, sabakikata, kōji, massugu naru, shin no, mamukō ni, sono tōri de aru* 政治又ハ法律，國法，裁判所，捌キ方，公事，眞直ナル，眞ノ，眞向フニ，其通りデアル [government or law, the national laws, the courts, sorting out a matter, public affairs, right-minded, genuine, right in front, precisely]

Although the contemporary sense of *kenri* is not to be found here, between *kōji* and *massugu ni* several examples are given following the Dutch term “*als*” (as follows). One of them reads:

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<sup>1</sup> “Kenri: kenri no ‘ken,’ kenryoku no ‘ken’” 權利：権利の「権」、権力の「権」, in *Honyakugo seiritsu jijō* 翻訳語成立事情 (Conditions Surrounding the Formation of Translated Terms) (Tokyo: Iwanami shinsho, 1994), pp. 149-72. This essay was originally translated to serve as a talking paper at a conference on Confucianism and human rights held at the East-West Center in Hawai‘i in 1994.

*Ergens regt toe hebben of toegerechtigd zijn* (*Aru koto ni shu to naru beki suji o motte iru* 或ル事ニ主トナルベキ筋ヲ持テ居ル) [to have a right or to be entitled to something]

In this phrase, “*shu to naru suji*” corresponds to *regt*, and it seems that the author Katsuragawa Hoshū (1822-81) 桂川甫周, lacking altogether in self-confidence, omitted giving a direct translation for the term *regt*. This translation does, though, capture the essence of the term rather well. The term *suji* was later taken over as the appropriate translation for “right” [now translated as *kenri*].

When Tsuda Shin’ichirō 津田真一郎 [Mamichi 眞道] (1829-1903) studied abroad in the Netherlands with Nishi Amane 西周 (1829-97), they apparently used the term *honbun* 本分 as a translation for *regt*. In 1862 (Bunkyū 2), when he was studying with Professor Simon Vissering [1818-88] of Leiden University, Tsuda translated a memo he received from his teacher, and some of it remains extant:

<i>tennen no honbun</i>	<i>natuurureguto</i>	天然ノ本分	ナツウールレグト
<i>minjin no honbun</i>	<i>forukenreguto</i>	民人ノ本分	フォルケンレグト

The expression “*natuurureguto*” is *natuurregt* in Dutch, which is nowadays referred to as “*shizenhō*” 自然法 (natural law). In addition to the sense of the English expression “right,” there is in the Dutch *regt* a sense of law or legality. This mistake was probably made, resulting in what in English is referred to as “natural rights” (*shizenken* 自然權), and hence the expression “*tennen no honbun*.” The second expression, “*forukenreguto*,” corresponds to “*kokusaihō*” 國際法 (international law) in contemporary parlance. Here, it would seem, “*volken*” was misunderstood as “*minjin*” 民人, and “*regt*” was understood in the contemporary sense of *kenri*, hence the translation “*minjin no honbun*.” The term “*honbun*” can give the impression both of *kenri* (right) and *gimu* 義務 (obligation, duty) in contemporary speech. The difficulty in translating *regt* can easily be seen here.

## 2. Fukuzawa Yukichi’s Use of the Term “*tsūgi*” in Translation

Fukuzawa Yukichi 福澤諭吉 (1834-1901) keenly felt the English term “right” as well as the term “liberty” were especially important items, and he sensed how difficult it was to translate them. He wrote as follows in his 1870 work, *Seiyō jijō* 西洋事情 (Conditions in the West).

“Right” originally bore the meaning of honest (*shōjiki* 正直, upright). In translations of the Chinese, they use the character *shō* 正, and they also oppose it to the notion of wrong in the contrastive right-wrong. The gist of its meaning is that people work to perform their duties (*shokubun* 職分) in accordance with correct principles and without injustice.

Furthermore, deriving from this meaning, it is also used in the sense of a principle that should be sought. In Chinese translation, they use such expressions as *tatsugi* 達義 (thoroughly knowledgeable about principle) and *tsūgi* 通義 (comprehended principle), but these are still difficult to understand clearly. Originally this principle that should be sought carried the idea of something to go after, something that was only natural to be sought out. For example, there is no *tsūgi* one can demand unless one has performed

one's proper duties. In other words, this means that if one does not perform that which one is supposed to, there is no reason that he may press others into doing it for him.

Furthermore, there is another meaning in which *ken* is that which one is supposed to do. Thus, capturing criminals is the *ken* of urban patrols.

In addition, there is the meaning that one may properly possess things. Namely, as we speak of a *tsūgi* of private ownership, this *tsūgi* means that we may own things ourselves. The fact that there is no *tsūgi* for that which is extraordinary means that there is no reason to accept that which does not accord with the truth. That freedom in human life is such a *tsūgi* means that people are independent and free as a birthright, there is no cause for them to suffer oppression, and they possess the right to be free and independent.

If we were to summarize the above citation in the form of a list of nouns as laid out in a dictionary, it would read as follows:

*shōjiki* 正直, *shō* 正, *ze* 是, *seiri* 正理, *ri* 理, *tatsugi* 達義, *tsūgi* 通義, *hazu* 筭, *tōzen* 當然, *ken* 權, *dōri* 道理

At first glance, we seem to have a list here of terms describing ethical correctness. From the start, then, the word “right” bore such a meaning of ethical or moral correctness.

Fukuzawa, particularly in his early writings, repeatedly offered explanations for “right.” In the same work cited above, he wrote: “For example, translated works frequently make use of the expressions *jiyū* 自由 for ‘liberty’ and *tsūgi* 通義 for ‘right.’ However, these translations do not do full justice to the original meanings of the terms.” Similar words of warning concerning the language of translation were issued by other intellectuals of Fukuzawa’s day. However, Fukuzawa stood out for the acuity of his sense about these terms as intellectual tools.

Soon thereafter, we enter an era in which it was considered that translated terms “sufficed to convey the original meaning.” When “right” was translated as *kenri*, this term *kenri* itself came to be used as if it was equivalent in meaning to “right.”

Of course, many would undoubtedly deny that the “characters used to translate terms” actually “sufficed in conveying the original meaning.” Yet, the process by which the words came to be used transcended the consciousness of the users. The structure of words including translations influences and exerts a force on our consciousness. The “characters used to translate terms” function as if they must “suffice in conveying the original meanings.”

### 3. James Hepburn’s Translations

James Hepburn’s (1815-1911) *A Japanese and English Dictionary*<sup>2</sup>, published in 1867 (Keiō 3), has the following entry for “right”:

RIGHT n. Dōri; michi; ri; gi; zen; suji; hadz; beki

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<sup>2</sup> (Shanghai: American Presbyterian Mission Press, 1867); rendered in Japanese as *Wa-Ei gorin shūsei* 和英語林集成. The full English title is: *A Japanese and English Dictionary, with an English and Japanese Index.*

[道理，道，理，義，善，筋，はず，べき]

Which of these translations corresponds to the contemporary usage of *kenri*?

In general terms the various meanings of the noun “right” can be divided into the sense of ethical correctness, the direction of right [as opposed to left], and the sense of *kenri*. Furthermore, in the Dutch word “*regt*” and the French word “*droit*,” there is a sense of law that is missing from the English term.

James Hepburn, the author of *A Japanese and English Dictionary*, would certainly have known the importance of the meaning corresponding to *kenri* in the English word “right.” This point quite clearly distinguished him from the majority of Japanese scholars of English at this time. The sense of *kenri* as that term is employed today would surely have been included here. Then, which of the translations listed by Hepburn correspond to ethical correctness and which to *kenri*? It appears as though the list of eight terms can be divided into the first five—“*dōri, michi, ri, gi, zen*”—corresponding to the former, and the last three—“*suji, hadz [hazu], beki*”—to the latter. But, is this really the case?

The term “*gi*” at this time was being used in a fashion comparable to contemporary *kenri* in Fukuzawa Yukichi’s expression, “*tsūgi*.” Both “*gi*” and “*suji*” and even “*beki*” carried a fair amount of ethical meaning, too. By the same token, both senses of the term “right” are contained in “*michi*” and “*ri*.” The term “*ri*” in the language of the Chu Hsi school shares much with “*suji*” and possesses the sense of the fundamental form of things in the universe.

The translations given in Hepburn’s dictionary tell us less that these were the expressions used by Japanese than that he sought out words which corresponded to the original English terms from within the Japanese language. In other words, it would be extremely difficult to differentiate which of the terms Hepburn arrayed in his dictionary carry the ethical meaning and which the legal one.

When we now move to the third edition of the *A Japanese and English Dictionary* which was published in 1886 (Meiji 19), we find the following entry under “right”:

RIGHT n. *Dōri, michi, ri, kōgi, kōdō, ken, kenri, gi, zen, suji, sujiai, hazu, beki*  
[道理，道，理，公義，公道，權，權利，義，善，筋，筋合い，はず，べき]

How might we divide this list into those with an ethical sense and those with a legal one? If we were to divide it in half, we would have to consider the terms from *ken* 權 on as a group, for the terms *ken* and *kenri* were already at that time defined and had the contemporary sense of *kenri*. What about *gi*? How is *gi* different from *kōgi*?

In a word, we find here even more than in the first edition of this dictionary that the two meanings of “right” cannot be neatly separated. I believe that Hepburn’s idea was that, in the meaning of “right,” ethical correctness and legal correctness, our *kenri* nowadays, originally came from the same single “right.” These two emerged from a single root in the history of Western thought since the time of natural law. At the same time, however, clearly these two can be understood in distinctly different manners. By contrast, traditional Japanese thought at that time did not make a fundamental division between ethical correctness and legal correctness. Perhaps Hepburn was confused by this fact in Japanese.

Ultimately, it may be futile to try to distinguish on the basis of the words alone that which cannot be so easily distinguished. It should be noted that Hepburn's translations closely resembled the terms Fukuzawa Yukichi offered for "right" before him. We might reflect on what Fukuzawa meant by "these translations do not do full justice to the original meanings of the terms."

#### 4. The Discrepancy in Meaning between "ken" and "right"

While there are indeed points in common between the translations in the third edition of Hepburn's dictionary and Fukuzawa's translations, there were also clearly terms of a quite different sort, lacking the sense of ethical correctness. The term *ken* is one such.

The term *ken* expresses a value system altogether different from the earlier value system in which morality played a dominant role. To that extent, it had fittingly incorporated the new foreign concept in which "right" possessed a legal meaning. The distinctiveness and newness of "*ken*," though, were not a distinctiveness in legal and ethical senses of the word "right" in Western languages.

The term *kenri* as it is used today, with the legal sense of "right," carries on the meaning of ethical correctness, at least in the sense of the word "correctness." We also use terms such as just, fair, and reasonable. The term *ken*, however, has the meaning of power, the exact opposite of correctness.

Eventually, *ken* became fixed as a translation with this discrepancy in meaning. Namely, this disjuncture was due both to the term's difference with respect to the traditional value system in which morality reigned supreme and to its direct opposition to the original term "right." Let me now describe these circumstances.

#### 5. Ken Is Power

After Nishi Amane in the *bakumatsu* era, terms for the translation of "right" began to include the Chinese character *ken* (Ch. *quan*): *ken* 權, *kenri* 權利, *kenri* 權理, *kengi* 權義. Let us first look at the meaning of the term *ken* in the Japanese language at that time.

In the first edition of Hepburn's *A Japanese and English Dictionary*, the entry for *ken* reads as follows:

KEN けん 權 n. Power, authority, influence, —*wo furū*, to show one's power. —*wo toru*, to hold the power, to have the authority. —*wo hatte mono wo iu*, to talk assuming an air of authority.

In other words, "power" was the first meaning given.

This definition scarcely changed in the third edition of the dictionary at the end of the nineteenth century. The third edition appeared in an era when *ken* and *kenri* 權利 were spreading as translations for "right."

In the *Nihon dai jirin* 日本大辭林 (Great Dictionary of Japanese) of Mozume Takami 物集高見 (1847-1928), published in 1894 (Meiji 27), the entry for *ken* reads: "*chikara, tedate, ikioi*" ちから、てだて、いきほひ [power, means, force]. In this

instance the single character *ken* was used to translate “right,” but many others used the two-character expression *kenri*. Thus, during the period when *ken* was primarily used as a translation for “right,” it carried with it the meaning of *chikara* or power.

By the same token, what about *kenri* which became a translation for “right?” According to the *Genkai* 言海 (Sea of Words) by Ōtsuki Fumihiko 大槻文彦 (1847-1928), published in 1891 (Meiji 24):

けんり 権利 身ノ分際ニ有チ居テ，事ニ當リテ自ラ處分スルコトヲ  
得ル權力。(義務ト對ス)

*kenri* mi no bunzai ni tamochi ite, koto ni atarite mijikara shobun suru koto o eru  
kenryoku. (gimu to taisu)

[*kenri* to possess social standing, the power to be able to handle matters by oneself; as  
opposed to obligation]

By this point in time, an explanation involving what appears to be legal terminology was added. *Ken* had become *kenryoku* 權力.

## 6. “Right” is not Might

In Western intellectual history, however, “right” was strictly opposed to might or force. It was Thomas Hobbes (1588-1679) in the middle of the seventeenth century who clearly pointed out the meaning of “right” in the modern West. In his *Leviathan* he noted concerning “right” and “law” that “right” entailed the freedom to be able to do or not do something, while “law” decided and restricted which of these it would be.

After this famous point had been made, “right” was replaced by “natural law” which had been in existence since antiquity. As pointed out earlier, “natural law” was a law that belonged to a different order from man-made law created through power. This “natural law” for Hobbes, John Locke (1632-1704), and Jean-Jacques Rousseau (1712-1778) carried on a conception of “right,” as conveyed in the contemporary expression *kenri*.

The law that Nishi Amane studied with Professor Vissering in the *bakumatsu* period was in a direct lineage with natural law studies. In law “right” was based in a tradition that stood in strict opposition to and was distinguishable from power. Natural law studies were carried on after a time in the Meiji period, but from the second decade of the Meiji era legal positivism in law, which had become dominant in Europe, became mainstream. In this school’s approach, “right” did not possess a meaning that transcended power. “Right” was something of intent or interest given by law. It might be said that power was something given by law, but in the first instance at least it was not power.

## 7. The Origins of *Regt* Translated as *Ken*

The *Bankoku kōhō* 萬國公法 (International Law), a work dating from Nishi Amane’s earliest years, appeared in 1868 (Keiō 4) based on the notes he made from Professor Vissering’s lectures and translated after returning to Japan. It begins in the following way: “International law is one part of legal studies. It deals with the *ken* [rights] held mutually by the nations of the world and the *gi* [obligations] that they must uphold.”

*Ken* here is opposed to *gi* and carries the meaning of contemporary *kenri*. By “holding” on to *ken*, there is implied a sense of wielding power. Well trained in Chinese studies, Nishi surely must have known this in his use of terms.

In the previous year, Nishi presented to Tokugawa Yoshinobu 德川慶喜 (1837-1913) an institutional reform plan to confront the new age. The following sentence appeared within this document: “To summarize, there are three general points here: the *ken* of the Emperor, the *ken* of the government, and the *ken* of the various feudal lords.” The term *ken* used here has the sense of power or authority, close to a sense of might. It is the original meaning of the Chinese character *quan* (J. *ken*).

Why did Nishi Amane translate *regt* with such an easily misunderstood term such as *ken* whose meaning was so slippery? When he came up with this translation, Nishi notes that he consulted the *Wanguo gongfa* 萬國公法, a Chinese translation by Ding Weiliang 丁韞良 (W. A. P. Martin) of Wheaton’s *Elements of International Law*, which had already been published [1864] and was being read at this time. There he found that *quan* (*ken*) was already being used as a translation. William Lobscheid’s *English and Chinese Dictionary, with Punti and Mandarin Pronunciations*<sup>3</sup> (1866-1868) contains the following in its entry on “right”:

prerogative, 格外之權, 異常之權, the right of citizens, . . . , 民之權, legal power, 權  
[prerogative, extraordinary *quan*, unusual *quan*, the right of citizens, . . . , people’s *quan*,  
legal power, *quan*]

There was thus already this earlier example in a translation into Chinese.

Why did Nishi carry forth this interpretation? Might he have inadvertently inherited a mistranslation? In fact, it would seem, there is a reason that *ken* was chosen as a translation for *regt*, and there is a reason that he was led into this mistranslation. In the first instance, *regt* was a term used in international law. Also, in Dutch, unlike English, *regt* possessed a legal meaning.

Let us look at the Dutch original corresponding to the translated text by Nishi cited above: “*Volkenregt* is dat gedeelte der *regtswetenschap* waarin de wederzidsche *regten* en verpligtingen tusschen de volken behandeld worden.” [*Volkenregt* (International law) is that part of the science of law which deals with the mutual rights and obligations of nations.] To this Nishi added the words *toru* 秉ル (hold) and *tsutome* 務メ (uphold) to come up with his translation: “International law is one part of legal studies. It discusses the *ken* (rights) held by the nations of the world in relation to one another and the *gi* (obligations) that they must uphold.” In the original, both law and *ken* are expressed with *regt*. If we were to change Nishi’s translation of the text by adding the original *regt* in the places it was found, the result would be: “International *regt* is one part of *regt* studies. It discusses the *regt* held by the nations of the world in relation to one another and the *gi* (obligations) that they must uphold.”

“International *regt*” is based in “international *ken*.” It is the *ken* in the original sense of the Chinese character as power. Thus, it is appropriate that “the *regt* held by the nations of the world in relation to one another” is expressed with the term *ken*. Nishi may

<sup>3</sup> (Hongkong: Daily Press Office, 1866-1868).

have reasoned in this manner, but this does not appear to be such an unnatural misunderstanding.

### 8. The Contradiction of *Ken* in Nishi Amane

Nishi Amane later used the term *kenri* as a translation for “right,” but he also continued to use the single-character expression *ken*. For example, let us look at his somewhat later work, *Kenpō sōan* 憲法草案 (Draft of a constitution), a work written in the second decade of the Meiji period [i.e., 1877-87], according to Ōkubo Toshiaki 大久保利謙 (b. 1900), editor of *Nishi Amane zenshū* 西周全集 (Collected works of Nishi Amane).<sup>4</sup> In this piece, Nishi wrote about the “rights of the Japanese people” (*Nihon kokumin no kenri* 日本過目ノ權利), the “rights and obligations of the people” (*kokumin no kenri narabi ni gimu* 國民ノ權利並義務), and the like, but he also had occasion in the same work to make reference to such things as the “private and public rights of the people” (*kokumin no shiken narabi ni kōken* 國民ノ私權並ニ公權), the “right of ownership” (*shoyū no ken* 所有ノ權), and the “right to form associations and to meet” (*kessha narabi ni shūkai o nasu no ken* 結社並ニ集會ヲナスノ權). In this same *Kenpō sōan* we find terms, such as *gyōsei ken* 行政權 (administrative powers) and *rippō ken* 立法權 (the power to enact laws), in which *ken* clearly bears the meaning of *kenryoku* or power, not a translation of “right.” Thus, aside from the many instances in which the single-character expression *ken* is used, the use of *ken* was basically similar to how that term is used today, and this usage began in this era.

In certain instances, he wrote of the “right (*ken*) of ownership,” and at the same time in other places wrote of “administrative powers (*ken*).” There may have been at that time a way to distinguish these two as we do nowadays. (I am rather doubtful that this is true of us even today). Yet, the interpretation remains that *shoyū no ken* bore the meaning of “right” as in *kenri*, and *gyōsei ken* was intended to bear the older meaning of “power” as in *kenryoku*.

As we have noted with respect to “nature,” however, how strong was the consciousness of this distinction? I would argue that in the least Nishi did not consciously articulate such an awareness, despite the fact that he was well-versed in European languages and had studied in the Netherlands. His achievements in Western languages, intrinsic as they were to his very spirit, were still far less developed than his knowledge of Japanese, his mother tongue.

Earlier in 1870 (Meiji 3) his disciple Nagami Yutaka 永見裕 (1839-1907) had compiled Nishi’s political views into a volume entitled *Tōei mondō* 燈影問答 (Questions and answers about enlightenment), and it contains the following passage:

Although every human being possesses the *ken* of freedom, if one is allowed to act at will, this is as if there is no “government.” Because “government” is created by the populace choosing their ruler, the people must reverence it. In establishing their ruler with respect, the people *must divide a portion of the ken which they all possess and entrust it to the ruler.* The ruler’s *having been entrusted with this portion of the people’s ken*, they all obey the ruler’s laws and cannot violate them, nor can they behave

<sup>4</sup>(Tokyo: Munetaka shobō, 1951).



in a willful manner. Inasmuch as the ruler holds onto this portion of *ken* from each of the people, it is the very essence of government to distinguish clearly between right and wrong, false and true with respect to the people and to make sure that the laws not fall into chaos.

Particularly important in this passage are the portions emphasized by the author himself.<sup>5</sup> If we look momentarily at the thought behind such ideas as “the people each *divide a portion of the ken which they possess and entrust it to the ruler*” and “the ruler’s *having been entrusted with this portion of the people’s ken*,” it seems to resemble the social contract notions of Hobbes and Rousseau, but it is in fact completely different. The *ken* that “the people all possess” would seem to be “right.” However, it would be impossible if “right” as in “the *ken* of freedom” were entrusted in “part” to the ruler and the ruler held onto an equal “part of *ken*.” It is the case for “right” with respect to third parties outside those concerned and in those cases in which the *ken* entrusted and the *ken* held onto are the same. If the *ken* of the receiving side is understood as a “right,” then the *ken* that binds people or controls them is the diametrical opposite.

The Chinese character *ken* conceals this theoretical contradiction and gives rise to a strange logic. Within this *ken* are mixed the traditional sense involving might or force and the sense of “right” as a translation. The *ken* of “all the people” is the latter, while the *ken* which the sovereign holds onto has the meaning primarily of the former. Thus, the translation *ken* is a mixture of the two and hides this contradiction. Nishi was himself unaware of this problem.

### 9. The *ken* of the “*Minken*” Movement

In my view, the expression “*minken*” has been greatly misinterpreted. Two meanings are mixed together in it, and it was used without this confusion being clear. The issue began with the 1872 (Meiji 5) publication of Nakamura Masanao’s 中村正直 (1832-1891) *Jiyū no ri* 自由ノ理 [the translation of John Stuart Mill’s *On Liberty*]. Located in the first chapter of this work is the sentence: “In the past the sovereign and the people struggled over *ken*” (*ōko kunmin ken o arasou* 往古君民權を争う). In other words, it would seem, he understood the “sovereign” and the “people” fighting over a single “*ken*.” In the work, he further notes: “This being the case, how do we deal with the divergence between individual independence (*jinmin jishu no ken* 人民自主ノ權) and social control (*seifu kankatsu no ken* 政府管轄ノ權) to peacefully resolve it?” The English translations for the two terms given parenthetically appear in the original. The former *ken* should probably be translated as “right” and the latter as “power,” but it needs to be mentioned that Nakamura understood the opposition between “individual independence” and “social control” within a single *ken*.

Thus, in this period the word *ken* for the government and the word *ken* for the people who were opposed to it began to be used frequently. People surely understood the meaning of *ken* [power] when applied to the government, but such was not the case for the meaning of *ken* vis-à-vis the people. In an 1874 (Meiji 7) work entitled *Yoriai banashi*

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<sup>5</sup> Indicated in the original by small circles to the right of the emphasized portion of the text.

寄合ばなし (Stories of Meetings) by Sakakibara Isuke 榊原伊祐, we find the following story:

Well, now, *sensei*, do you also call the postal regulations the way of *ken*? Rather funny, don't you think? Why is it that in expressions like "the *ken* of freedom" and "the way of *ken*" everything has *ken* attached to it? Recently, other than the three metropolises [Tokyo, Kyoto, Ōsaka], you have Sakai *ken* 縣 (prefecture), Hyōgo *ken*, and Shiga *ken*, all of Japan covered with *ken* (prefectures), and each plot of land has turned into a *chiken* 地券 (title to land). In place of the former domains we now have *shōken* 證券 (deeds).

To this *sensei* replies:

Generally speaking, this Chinese character *ken* 權 bears the meaning of a weight... These days, in particular, in the hope of everyone's body growing heavier, the authorities have placed a weight of 150 *kin* 斤 (198 pounds). However, for some reason, everyone bowed deeply saying: "I only need 100 *kin* (132 pounds)."

The word *ken* suddenly emerged; people failed to understand it and were perplexed. At the same time, it became widely used and quite popular.

In the second decade of the Meiji period, the *jiyū minken* movement flourished. In this era the meaning of "right" was becoming generally known, but in the *ken* of *minken* both the original meaning and the translation were mixed together, and the basic situation that this fact remained unknown was unchanged.

In writings of that time, one frequently comes across such expressions as "*ken o haru*" 權を張る (hold onto or seize *ken*) and "*kenri o haru*" 權利を張る (hold onto or seize *kenri*). In the *Minken inaka uta* 民權田舎歌 (Rural songs of *minken*) of Ueki Emori 植木枝盛 (1857-1892), one repeatedly finds the phrase: "Seize the *kenri*, people of the nation!... Seize the *kenri*, extend liberties! .. Seize hold of the *ken* of liberty!" In his *Jiyūtō shi* 自由黨史 [History of the Liberal Party], Itagaki Taisuke 板垣退助 (1837-1919) used a popular song: "A torn sliding paper door and my *kenri*, the autumn wind must have seized them." In numerous essays of that time, the expression *ken o haru* was used as a set term. The object of the verb *haru* (to seize) was power, or it may have been authority, but it was not "rights." Hepburn had translated "KEN" in his dictionary as "power, authority," and he gave as an example "*wo hatte mono wo iu*" which was translated as "to talk assuming an air of authority."

The *ken* of *jiyū minken* should be understood as "power" more than as "right." Although not always the equivalent of "power," it was far more often than not related to "power."

"Right" was first introduced in a legal sense by Nishi Amane in the *bakumatsu*-early Meiji years, and, I would argue, later the term *ken* which became fixed as a translation of it probably exerted an unexpectedly deep influence on the subsequent movement for popular *ken*. Advocates of *minken* sought a *ken* essentially equivalent to the *ken* of the government. For example, the *minken* advocates first demanded the *ken* to participate in government—namely, the vote—a *ken* held by the government. That this *ken* was a fundamental human "right" was never at issue. Thus, because what was being

demanded by the movement was power much more than “rights,” this was understood rather easily and supported. It certainly caught the attention of the old elite.

This may have been its weakness as well. When the movement was eventually suppressed by *ken*, the *ken* of the activists was also lost sight of. Perhaps, when the *ken* to participate in government [the franchise], imperfect though it may have been, was given by the Meiji Constitution, they lost sight of the still unrealized *ken*. “Right” was originally an abstract concept invisible to the eye. Even if a concrete movement was crushed, still it might remain independently in people’s spirits. The history of natural law and natural right in the West tell such a story.

Thus, *ken*, easily understood and perhaps feared by people, had more of a meaning of power than it did of “right.” By the same token, though, we cannot overlook the fact that through this experience the meaning of “right” gradually came to be understood. That is, people first accepted *ken* which had made its appearance anew, but at the same time a hitherto unknown meaning tinged with “right” was included in it. Gradually, bit by bit, this came to be understood. This has always been the manner of understanding for us Japanese with our foreign-imported culture.

What we now know as *kenri*—as in equal rights for men and women or the right to enjoy sunshine—is frequently expressed with the single-character *ken*. The original meaning of the term *ken* continues to live on in this mixture from the past. Fukuzawa Yukichi’s term *tsūgi* which he used to translate “right” preserved a link to a sense of ethical correctness, but in our *ken* now somewhere the sense of physical force remains. For example, as the word is used in quotidian speech, it tends to make conversations strained. This sense of the term, as I understand it, lives on in many concrete expressions.