

**Japan on the Way to Democracy.
Occupation Power Measures, Reforms and
the Adoption of the New Constitution
after the Second World War**

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At noon on Wednesday 15 August 1945 the Japanese radio started to broadcast the recording of the imperial rescript, in which the sovereign himself announced to his subjects that the Allied conditions of the surrender had been accepted.¹ The formal act of capitulation took place on 2 September 1945 aboard the U. S. S. Missouri, an American battleship anchored in Tokyo Bay. In less than four years after the treacherous attack on Pearl Harbor Japan was on her knees. As general Mac Arthur stated: “*Never in history had a nation and its people been more completely crushed*”.² Nearly two million people died in the course of the four years of the war, about 1, 270,000 Japanese were killed in action, 670,000 civilians lost their lives during the bombing. Hiroshima and Nagasaki became the target of a nuclear attack. Within the last nine months of the war, 900,000 Japanese died. Almost all Japanese naval forces and the Merchant Marine were sunk. Large cities became depopulated – about 10 million people are claimed to have escaped to the country.³ Industrial production was paralyzed by air raids as well as by the lack of raw materials; its volume decreased to one seventh in

¹ More on the capitulation see Robert C. J. BUTOW, *Japan's Decision to Surrender*, Stanford 1954, passim; Aleš SKŘIVAN, *Pád Nipponu. Japonsko 1942–1945. Soumrak ostrovní říše*, Praha 2006, pp. 221–252; John TOLAND, *The Rising Sun. The Decline and Fall of the Japanese Empire*, New York 1971, pp. 912–960;

² William MANCHESTER, *American Caesar. Douglas MacArthur, 1880–1964*, Boston, Toronto 1978, p. 465

³ Kenneth D. BROWN, *Britain and Japan. A Comparative Economic and Social History Since 1900*, Manchester, New York 1998, p. 131.

comparison with 1941.⁴ Coal mining production fell dramatically.⁵ The average daily wages in Japan was 30 US cents at the end of 1945. There was a lack of labour force in agriculture; food production did not by a long way meet the requirements. As late as in 1946 the official ration was no more than one fifth of the minimum demand.⁶

Overseas – in China, Korea, French Indochina, Malaya and other countries – 7 million Japanese soldiers were deployed. After laying down their arms, they were repatriated. A great number of civilians from different corners of the former empire and from occupied countries were also coming back. This only made overpopulation and supply problems on the home islands worse. According to some estimates, Japan lacked 4 million houses. The trauma caused by the defeat was increased by the fact that from the historical point of view, this situation was a completely unknown matter. The Japanese had never faced a defeat, let alone occupation by enemy forces, which they must have fully expected after having accepted the conditions of the surrender. Ordinary Japanese “*were confused, dazed, weary and a quarter starved*”.⁷ The capitulation led to (in terms of Japan) an unprecedented demoralization. Soldiers refused to obey their officers, state raw reserves and goods were being misappropriated by top military and civil institutions; ministry officials were doing a roaring trade on the black market.

Almost immediately after the emperor’s broadcast speech about the acceptance of the surrender on 15 August, there were various rumours about the Americans, which only increased the worries of the inhabitants about the occupation power and possible behavior of the enemy troops. In the end the occupation turned to be much less unpleasant an experience for both the Americans and the Japanese. The Japanese felt a great relief that the devastating war had ended. When they realized that the enemy was not half as revengeful as they had expected and that the Americans were really not the evil demons, their irrational worries vanished. Both parties grew friendly and they were cooperative when carrying out reforms. The Americans did not come up against any stronger opposition and in many respects they did not “recognize” the fanatic war time enemies.⁸ In this context we can do

⁴ Edwin O. REISCHAUER, *Japan. The Story of a Nation*, New York 1974, p. 235.

⁵ Unfortunately, data on the decrease in coal mining differ substantially. Manchester, for example gives the drop to one eighth (MANCHESTER, p. 464) in coal mining, whereas Brown says that about 500 000 tons of coal were mined a month in Japan, which was allegedly slightly over a half of the assumed consumption (BROWN, p. 132).

⁶ BROWN, p. 131.

⁷ Richard STORY, *A History of Modern Japan*, Harmondsworth 1970, pp. 238–239.

⁸ Nathaniel PEFFER, *The Far East. A Modern History*, Ann Arbor 1968, p. 455.

nothing but agree with the opinion of the expert on Japan and former American ambassador in Japan, Edwin O. Reischauer, that “*almost seven years of American occupation and tutelage that followed were to prove a unique experience not just for Japan, but in world history. Never before had one advanced nation attempted to reform from within the supposed faults of another advanced nation. And never did the military occupation of one world power by another prove so satisfactory to the victors and vanquished*”.⁹ In the end even the Japanese leaders came to the conclusion that cooperation would be the best means for ending the occupation, and this attitude, therefore resulted in “*remarkable degree of cooperation and even good will between the victors and vanquished*”.¹⁰

The physical, social and spiritual collapse of Japan caused by the war rather led to the promotion of relatively favorable conditions for the new start. The Japanese realized that the war brought them to the level of a not very important state and they gradually came to the conclusion that when the West managed to defeat them in such a way, its system and institutions must be better. An average Japanese felt deceived by the government and top military officers. Therefore they did not feel guilty in the same way as the Germans did. They also accepted a lot of changes more easily and Japan showed itself as a country open to new influences. The task to fill the moral, spiritual and physical vacuum fell wholly to the Americans and the greater part of this role was undertaken by General Douglas MacArthur. However contradictory his personality may seem, there is no doubt he takes great credit for the formation of the modern, democratic and successful Japan.

In August 1945, President Truman appointed MacArthur Supreme Commander for the Allied Powers (SCAP)¹¹ without having consulted the matter with anyone apart from the members of his staff. He probably later regretted this decision, however in 1945 the general public accepted MacArthur’s nomination favorably, in fact, at that time MacArthur was the second most popular American general.¹² Regarding home-policy, it was a good choice – the general was a conservative Republican appointed to his office by a Democratic President – he had the confidence of both leading political parties in the country.

⁹ REISCHAUER, p. 218–219.

¹⁰ Ibidem, p. 220.

¹¹ The abbreviation SCAP used by his contemporaries as well as present historians to refer to both his function and his headquarters in Tokyo.

¹² The leading position in the imaginable chart of popularity was held by Dwight D. Eisenhower.

General MacArthur came from a family with a great military tradition – his father Arthur MacArthur distinguished himself in the Civil War (1861–1865) – he was made a colonel already at the age of 19. Douglas MacArthur left the ranks of the American Army in 1935 to become the field marshal of the Philippine Army. On the verge of the Second World War, he returned to serve in the American Armed Forces. At that time – the five-star¹³ general was 65 and ready to get a firm grip on the fate of Japan. His personality had many character traits that cannot be described as positive. He was proud and reserved, extravagant, often arrogant, self-confident, dramatic and he took little account of the opinions of his inferiors. He claimed with pride: *“Sometimes my whole staff was lined up against me. But I knew what I was doing. After all, I had more experience than they. And most of the time I was right”*.¹⁴ The general suffered from the conviction that all-important matters had to be solved by him personally – that was why he did not have a second-in-command or a press officer. It is difficult to argue against opinions claiming that he decided *“to live in proconsular remoteness”*,¹⁵ he functioned as a *“viceroy”*¹⁶, *“turned the occupation into a one-man show”* and *‘was “the last of the colonial overlords”*¹⁷. William J. Sebald, the American ambassador in Tokyo at the time of MacArthur’s activity in Japan, quite rightly claimed: *“Never before in the history of the United States had such enormous and absolute power been placed in the hands of a single individual.”*¹⁸

MacArthur was responsible to four men in Washington – to the President, secretary of war (later defense), the army Chief of Staff and the Chairman of the Joint Chiefs of Staff. In addition to that, several international bodies were founded to supervise the course of occupation, namely the Far Eastern Advisory Commission, working from October 1945 to February 1946, and The Far Eastern Commission (working from February 1946 to April 1952), seated in Washington. The organization consisted of representatives of 11 and later 13 different states that were on the war footing against Japan. The Allied Council for Japan, which met for the first time in Tokyo on December 27, 1945, consisted of representatives of the four great powers – the USA, Great Britain, the Soviet Union and China. It did not take long for the council to become paralyzed by disagreement and it *“became merely*

¹³ In the US Army, only the holder of the highest grade of general is given five stars on the insignia of rank – General of the Army.

¹⁴ MANCHESTER, p. 468.

¹⁵ STORY, p. 240.

¹⁶ REISCHAUER, p. 221, MANCHESTER, p. 469

¹⁷ MANCHESTER, p. 470

¹⁸ W. J. SEBALD, R. BRINES, *With MacArthur in Japan*, New York 1965, p. 109.

a forum of angry debate between Soviet and American representatives".¹⁹ MacArthur participated in the negotiations only once and he admitted that role of the Allied Council was purely advisory. The Council ceased to exist in 1952 when the peace treaty with Japan came into force. None of these commissions became an important institution able to have a stronger influence on the principles of the occupation policy in Japan.

Although the Secretary of State, James F. Byrnes, and the Secretary of War, Robert Paterson, insisted from the very beginning that MacArthur should not be the one defining the basic concept of the occupation policy, and the Undersecretary of State of the period, Dean Acheson (later Secretary of State), demanded that the policy should be outlined by the State Department, War Department and Navy Department together, they failed to make MacArthur a mere instrument of an official policy formed in Washington. The general was able to backup his authority with a clear passage from the document about the surrender of Japan, according to which the power of the Emperor and the government was transferred to the Supreme Commander for the Allied Powers. Moreover, the President's instructions "*You will exercise your authority as you deem proper to carry out your mission. Our relations with Japan do not rest on a contractual basis, but on unconditional surrender your authority is supreme*"²⁰ lead towards MacArthur's complete control of the occupation policy and in many aspects he really was all-powerful. Among other competences, he was entitled "*to suspend Hirohito's functions, dissolve the Diet, outlaw political parties, or disqualify any man from public office*"²¹ Foreign diplomats handed credentials over to him and not to Hirohito, American as well as all other journalists and merchants were not allowed to enter the country without his permission and he could deport them from the country at any time.²²

MacArthur's behavior must have impressed the Japanese. It was not only his majestic appearance or reserved manners. He amazed them by his extreme diligence; he worked seven days a week, at Christmas, on holidays or his birthdays. He left Tokyo only twice – on the declaration of independence in Manila and then in Seoul – however, in both cases he returned on the same day. He even refused the royalties of one million dollar for publishing his memories, which he explained by saying that he wanted to invest all his energy in Japan. The general never used his private rail car presented to

¹⁹ REISCHAUER, p. 222.

²⁰ MANCHESTER, p. 470.

²¹ *Ibid.*, p. 471.

²² He went so far that journalists and merchants could not even book rooms in Japanese hotels without his previous permission. MANCHESTER, p. 471.

him by the Japanese railways. The regularity of his everyday journeys from his residence to the embassy and the general headquarters became legendary. Even after the communist assassination attempt had been revealed, MacArthur refused to have body-guards. The psychological impact of the general's personality on the Japanese was, beyond doubt, enormous. They compared him to Tokugawa shoguns who ruled the country instead of the Emperor from the beginning of the seventeenth century to the middle of the nineteenth century. When President Truman withdrew MacArthur in the time of the Korean War on 11 April 1951, the Japanese were deeply shocked.²³

When General MacArthur arrived in Japan on 30 August 1945, he set up a temporary headquarters in Yokohama, on 2 September he participated in the act of surrender on Missouri and on 8 September he moved his headquarters to Tokyo. The seat of SCAP was located in the seven-store building of an insurance company Dai-ichi Seimei in the center of the Japanese capital, opposite the water ditch enclosing the Imperial palace.

The American government had been making preparations for the solution of post-war problems in Japan long before the capitulation. This explains why the document United States Initial Post-Surrender Policy for Japan could be published already on 6 September 1945. The document covered a wide range of issues regarding the future and undoubtedly played a very positive role in the initial phase of the occupation. The American document was based on the conditions outlined in the Potsdam Declaration and showed an understanding of the fact, that a biased policy of retaliation would cause unrest, desperation and hatred. Thus, the Americans laid down a program of democratic reforms that were to change Japan considerably. Regarding the enormous cultural and linguistic difference, the Americans came to the conclusion that it would not be appropriate to govern the country directly, thus they decided – as opposed to Germany – to administer the country through the Japanese government and other Japanese bodies.²⁴ The occupation was formally a matter of the Allies; its realization, however,

²³ When the Chinese troops described by Peking as “volunteers” influenced the course of the Korean War, on 1st November went to counterattack and on 4 January 1951 captured Seoul, MacArthur asked for the permission to expand his military operations to north-east China. President Truman did not fulfil his demand and withdrew the general. More about MacArthur's withdrawal see MANCHESTER, pp. 628–677.

²⁴ This is why I am describing the positions of the Allies in Japan as “occupation power” as opposed to “occupation administration”, because the country's administration remained in the hands of the Japanese.

was carried out by American and British troops only.²⁵ The Soviet Union refused to put its soldiers at MacArthur's command, the Chinese leader generalissimo Chiang Kai-shek concentrated on the coming final fight with the communists and did not aim to send troops to Japan.

Already during the first weeks and months of the occupation, MacArthur took a range of fundamental measures, and at the same time preparations for expansive reforms in many areas were carried out. On 13 September 1945, the Imperial Headquarters was dissolved, 10 October saw the Combined Fleet come to the end of its existence – the latter case was a symbolic matter indeed because most of its vessels were already lying on the bottom of the sea. Two days later the General Staffs of both armed forces – the army and the navy – were abolished and by the end of 1945 the Japanese armed forces ceased to exist. Ultrational and militaristic organizations were dissolved and the repressive laws abolished. In October 1945 the government was ordered to release all political prisoners, including 16 000 communists who were later successful for a short period of time as a consequence of the post-war crisis. In relation to that, the famous diplomat George F. Kennan even criticized MacArthur for dissolving the army and the secret police kempei-tai, which he claimed was the reason why there were later no effective instruments to fight the communists.²⁶ Owing to the fact that the repressive institutions of a police state ceased to exist so suddenly, forces that had been suppressed for many years sprang to life. Women gained full legal equality with men in all aspects, the traditional authority of the head of the family above the rest of its members was abolished, and apart from the Emperor and his closest family, noble descent and hereditary title were also abolished. The activities of political parties were renewed.

Shortly after the occupation, a wave of purges that affected approximately 200 000 people began. The directive of American Combined Chiefs of Staff from September 1945 ordered MacArthur to dismiss anyone, who was somehow responsible for Japanese aggression overseas or was directly involved in its realization. These people were disqualified from governmental services and from all important offices in the society. The directive defined clearly that no person “*who have held key positions of high responsibility since 1937 in industry, commerce, or agriculture, have been active exponents of militant nationalism and aggression*”²⁷ could remain in their

²⁵ Towards the end of 1945 there were 152, 000 American soldiers and 38 000 soldiers from the British Empire, mostly Australians.

²⁶ George F. KENNAN, *Memoirs, 1925–1950*, Boston 1967, pp. 375–376; 386–390.

²⁷ STORY, p. 250.

positions. It concerned army and police officers, civil servants and all the politicians who had declared themselves followers of Konoe's Imperial Rule Assistance Association. The impact of the purges on political life was drastic indeed – for example, in both Houses of Parliament, everyone apart from 48 people was affected.

The directive on the reform of Japanese school system was published already on 22 October 1945. The existing spirit and structure of the state-controlled educational system underwent a radical change, the all-powerful supervision of the Ministry of Education ceased to exist. All discredited teachers who had been involved actively in the propaganda of militarism and expansion had to leave their posts. The schoolbooks were revised and military and nationalist propaganda was removed from them. In the education of pupils and students, there was a shift from memorization and indoctrination towards the development of independence and the formation of a free democratic personality. Compulsory school attendance was extended from 6 to 9 years, the possibilities of education after the grammar school grew wider and the nature of the Japanese elite system of university education gradually diminished. Japanese students became more open, direct but also less disciplined than their pre-war predecessors.

The most daring, expansive and consistent reforms were implemented in the Japanese country. Their aim was to improve the existing unfavorable conditions of the peasants-tenants. The situation of Japanese peasants improved slightly because inflation made it easier for them to pay their debts, nevertheless there was a number of long-lasting problems that had a bad impact on the country. There was a very widespread and controversial phenomenon of land tenancy. At the end of the war, most of the country's land belonged to about 160,000 landowners. In the majority of the cases, the landowners did not work on it but leased it out to tenants. Already in the pre-war period, the number of tenants, who were burdened with heavy responsibilities to the landowners and the state, grew rapidly. Before the war, it was the country that carried most of the heavy burden of taxation affected greatly by the growing expenses on armament. The Japanese governments were already unsettled by the increasing number of tenants and so they attempted to stop this process. They actually managed to reach the state in which the land cultivated by tenants did not exceed 50 % of the overall land fund.

Some experts even claim that as far as the land reform in Japan is concerned, Mac Arthur went further than the Chinese Communists,²⁸ for after the implementation of his program in agriculture 90 % of the land was in the

hands of those who worked on it. The First Land Control Law was approved of by the Assembly on 28 December 1945 already. It laid down that the rent could be paid only in money, and an individual could own only 5 chō (12.25 acres) of the land.²⁹ The truth is that even then a number of people in Japan owned larger acreages. The Second Land Reform Law of March 1946 introduced a decisive measure – it abolished the institution of *absentee lords*³⁰ and made it possible for the government to buy up private land compulsorily and then to sell it to private peasant farmers on favorable terms.³¹

The main phase of the reform passed in the years 1947–1949 and when it ended, 5 million acres changed hands. The average acreage on the fertile island of Honshu was 3 chō (7.5 acres) while on the desolate island of Hokkaido it was 12 chō (30 acres). In the years to follow, the sale of the land was subjected to strict rules; The Agricultural Land Law of 1952 ordained that agricultural land could be sold only to persons who already owned 0.3 chō.³² The whole process meant the reduction of wealth of big owners in the country. Compulsive sale, which due to low state purchasing price did not differ much from expropriation, hit about 3.7 million people in the rural areas of Japan, and they were not only the big owner but also a part of the middle class. A greater part of the public approved of the reform, which hit the Japanese countryside in several ways now. Among other things it alleviated social and economic differences and substantially changed the economic and social structure and virtually led to economic stabilization of the rural areas of Japan. The Land Reform was also one of the significant reasons why the Japanese countryside never moved to the political left.

Renewing the activities of the trade unions, completely banned in 1940, was an important step undertaken by the allied power. The whole affair was connected with far-reaching alterations in labour law resulting from the effort to make it draw near the laws in the USA and advanced European countries. The Labour Union Law, enacted December 1945, allowed collective bargaining, gave the right to strike, forbid the employers to discriminate their employees because of the membership in the trade unions. The

²⁸ This was for example attitude of the former American ambassador Edwin O. Reischauer. MANCHESTER, p. 508.

²⁹ David FLATH, *The Japanese Economy*, Oxford, New York 2005, p. 74 (1 acre= 0.4 hectare).

³⁰ The concept of absentee lords is used to refer to those land owners, who did not work on it and did not live in its neighbourhood. FLATH, p. 74.

³¹ The selling price for the peasant farmers was a giveaway price; an acre of land cost as much as a packet of cigarettes on black market. Moreover, the unpaid amount could be paid in instalments at 3.2% interest. MANCHESTER, p. 508.

³² FLATH, p. 74.

Labour Relations Adjustment Act, enacted September 1946, among other things, defined in detail the activities of the commissions for adjusting labour relations in public sector. The Labour Standard Law, enacted April 1947, imposed a ban on child's labour, set a thirty days' term of notice, decreed compensations of industrial accidents and substantially touched upon problems of safety standards. Other laws adopted in the last occupation years were concerned with labour relations in public sector.³³ There were laws forbidding the strike by policemen, firemen, government employees and the ban was extended to all public servants including the railway workers. As to the efforts of the occupation power in the sphere of trade unionism, it had little effect. Since the beginning, Communists had a great influence in the renewed trade unions; moreover, the trade unions consisted largely of civil servants (white-collar workers, teachers, railway workers, workers in state-owned industrial companies).³⁴ Apart from this, it soon showed that worker do not primarily concentrate on economic questions and the relations with their employers, but that their main activities are aimed at political goals. Only as late as 1950 did the influence of the Communists in the trade unions was decreased in any fundamental way.

In the sphere of public health care, significant changes and improvements occurred. In the SCAP a section for public health care was established under the charge of medical officer Dr. Crawford Sams and launched a national hygiene campaign, the fulfillment of this task was then undertaken by the Japanese Ministry of Health and Welfare. En masse vaccination was part of the campaign and yielded great results – at the end of the implementation of the program, the death rate of tuberculosis fell by 88 % cent, of dysentery by 86 %, and of typhoid by 90 %. According to Sams' estimate, the prevention and control of infectious diseases implemented by the Americans had such results that the lives of over 2 million Japanese were saved, which was more than the number of the Japanese killed in the Second World War. In a relatively short time span of the occupation, excellent results were achieved in the sphere of health care – for example, the average age of men rose by 8 years and of women by 14 years, which was virtually “*unequaled in any country in the world in medical history in a comparable period of time*“.³⁵

One of the essential aims of the Americans was to break up the *zai-batsu* – giant financial and industrial conglomerates, usually based on fam-

³³ Namely, The National Public Service Law (1950) and The Public Corporations Labour Relations Law (1952).

³⁴ REISCHAUER, p. 37.

³⁵ L. MAYER, *MacArthur in Japan*, New York 1973, pp. 47–48.

ily ties, which controlled various spheres of Japanese business through of numerous subsidiaries. The 10 largest corporations represented one third of the volume of the Japanese economy in 1945, the four largest then one fourth.³⁶ Most *zaibatsu* came into existence during the reign of the Emperors Meiji (Mutsuhito) (1867–1912) and Taishō (Yoshihito) (1912–1926). Some, however, originated already in the beginning of the reign of Tokugawa Shōguns in the 17th century. Others, to the contrary, had existed for a relatively short time and their rise was connected with economic activities in Manchuria.³⁷ It is undeniable that many of these monopolies earned big profits from arms production, but the opinion that the system of *zaibatsu* was responsible for the Japanese aggression is questionable to say the least. On the part of the victorious powers the argument that such a concentration of wealth is not beneficial to the development of the sound democratic system is dubious as well. In the 1920s when pre-war Japan drew nearest to the liberal parliamentary system, the most powerful *zaibatsu* corporations had strong ties to the main political parties. The liberally bent *Kenseikai* party, and after the reorganization, its heir, the *Minseitō* party, relied on the cooperation with the *Mitsubishi* concern. Its main competitor, the *Seiyūkai* party was supported by the Mitsui corporation. Radicals, who strived to seize power after 1932, could hardly consider the *zaibatsu* monopolies as natural allies.

In November 1945 the Japanese government drafted a bill against the *zaibatsu* monopolies, in April it was passed by the House and the Holding Company Liquidation Commission which was to see to the expropriation and liquidation. The Commission confiscated assets of 56 members of the *zaibatsu* families, including the four biggest ones (Mitsui, Mitsubishi, Sumitomo, Yasuda), four smaller ones (Asano, Furukawa, Okura, Nomura) and two largest "new" *zaibatsu* (Nissan, Nakajima). The main holding corporations were dissolved and the shares of undissolved corporations were sold to the public. Based on the decision of July 1946, a number of measures were imposed. First of all the property of selected individual owners, companies

³⁶ BROWN, p. 133.

³⁷ Two of the large *zaibatsu*, Mitsui and Sumitomo, were founded in the 17th century; the well-known largest monopoly Mitsubishi was founded in Nagasaki by samurai Ywasaki Jatarō in 1871. Some *zaibatsu* had a horizontal character and developed wide ranges of activities in various industries. Others specialized – Yasuda (banking), Asano (cement works) and the like. From among other corporations we should mention Furukawa, Kawasaki, Nichitsu, Mangyō, Mori, Nissō, Nomura a Riken. Louis FRÉDÉRIC, *Japan Encyclopedia*. Cambridge (Mass.), London 2002, p. 1069. For an outline of information about the four biggest *zaibatsu* (Mitsui, Mitsubishi, Yasuda a Sumitomo) see FLATH, pp. 67–69.

and their subsidiaries were expropriated and the majority of the property was overtaken by the government. Purges were carried out in the managements of many companies. Small properties were hit least – from among the properties up to 100,000 yens 25 % were confiscated; from among the properties up to 15 million yens it was 90 %.³⁸ Simultaneously, progressive income tax and high estate duty were introduced. For the future the accumulation of wealth was made quite difficult. The property of the families joined in the *zaibatsu* grew considerably thinner and their political influence dropped. *Zaibatsu* monopolies were divided into various individual companies and the Anti-monopoly law prevented them from prospective reunification.

The efforts on the part of the occupation power put in this respect, reminded of the former attempts of the American government to break the trusts in the US. The problem, however, was in the fact that with regard to the continuing economic stagnation, *zaibatsu* dissolution appeared a controversial step with prevailing negative impact on the development of Japanese economy. Although the dissolution of hundreds of other companies was planned, the program was limited only to a handful in 1949. It was then the Korean War which triggered off the radical change. Some experts refuse the claim that in the early 1950s *zaibatsu* was renewed in a modified form and are of the opinion that the merger of several big companies, which occurred then, did not represent the renewal of the pre-war monopolies.³⁹ The truth, however, is that in the early 1950s undoubtedly a certain renewal and reconstruction occurred. Newly established *zaikai*, i.e. industrial and financial groups connected with banks were based on the hierarchy and interconnection characteristic of Japan, and became the basis of the dynamic development of Japanese economy and its impressive results. Those of the *Mitsubishi* concern, which, in 2002, had 350,000 employees and produced over 10 % of the Japanese GNP, bear witness to this claim.⁴⁰

In early October 1945 Prime Minister Higashikuni resigned and was replaced in office by seventy-three-year old Kijūrō Shidehara, who, as Japan's Foreign Minister, had epitomized liberal tendencies in Japanese foreign policy in the 1920s. It was him that MacArthur submitted the list of reforms that were to be implemented as soon as possible. The main task of the new government was to draw up the draft of a new constitution which was to replace the existing one declared in *Meiji* era in 1889. To revise the constitution the prime minister nominated a committee headed by Dr. Matsumoto, a

³⁸ REISCHAUER, p. 229

³⁹ Ibidem, p. 230.

⁴⁰ FRÉDERIC, p. 643.

member of the government, but for a time that was all. Weeks went by and nothing happened. Finally, in January 1946, the Japanese government submitted a slightly modified version of the *Meiji* Constitution to the SCAP and it appeared in the Mainichi Shimbun paper on February 1, 1946. It posed a grave problem for Mac Arthur because he called an election on 10 March 1946 and considered it a plebiscite on the new constitution. The general realized that the Americans would have to produce the draft of the new constitution themselves. The head of a section of the Allied Powers Supreme Headquarters was charged with the task and the draft was ready within a single week.⁴¹ Minister Joshida and Minister Matsumoto received the text of the American draft of the constitution on 13 February 1946 and found the content highly alarming. Also the Emperor was not favorably inclined to its adoption at first, later, however, a myth was created about how Hirohito had been a keen proponent of the American draft of the constitution.⁴² It was somewhat strange that he was made to change his attitude by members of his own family. At the end of February the Emperor's brother Prince Mikasa already urged the sovereign to resign and publicly took responsibility for Japan's defeat. A similar tone was adopted by Prince Higashikuni in his words for the *New York Times* on 4 March 1946, in which the prince also suggested that the Emperor should resign for the benefit of his son Akihito, during whose infancy Hirohito's brother Prince Takamatsu should be the regent. It were probably those facts that made Hirohito agree to the American draft of the constitution.

In Mac Arthur's words it was "*undoubtedly the most liberal constitution in history, having borrowed the best from the constitutions of many countries*".⁴³ The American and British models were taken as examples and the changes were really of a distinctive character. The sovereignty passed from the Emperor to the people and according to the constitution definition the ruler became only a "*symbol of the state and the unity of the people*."⁴⁴ The Constitution abolished feudal aristocracy, lowered the age limit of the voters from 25 to 20, women were given full citizen rights, fundamental human rights, referred to as "*eternal and inviolable*" were granted. The governors

⁴¹ The draft of the constitution was drawn up between 3 and 19 February 1946

⁴² Herbert BIX, *Hirohito a vznik moderního Japonska*. Praha 2002, pp. 441–444.

⁴³ MANCHESTER, p. 499.

⁴⁴ From the pure point of the law, Japan does not have the head of the state; the Emperor is the living "*symbol of the state and the unity of the people*". Prime Minister only heads the government and, therefore; he does not play the role of the head of state either. Jerrold M. PACKARD, *Sons of Heaven. A Portrait of the Japanese Monarchy*. New York 1987, pp. 337.

of the 46 prefectures had to be elected and so were the prefectures and town councils. Three independent segments of power came into being – the government, the Supreme Court as the highest instance of independent judicial authority and the two-chamber parliament. The decisive position was taken by the House of Representatives, which was endowed with the right to elect a prime minister from its ranks and to vote on the budget. Privy Council and the old House of Peers were dissolved and the latter was replaced with the new House of Councillors, which became an elective body. A half of its members are elected every three years for the period of six years; while two fifths are elected by all citizens three fifths then are elected by assemblies in the prefectures.⁴⁵

Article 9 of chapter II of the constitution was its most remarkable part because it contained the following commitment: *“Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation ... Land, sea and air forces, as well as other war potential, will never to be maintained. The right of belligerency of the State will not be recognized”*.⁴⁶ The inclusion of the article is said to be put through by Mac Arthur, while the general claimed that it had been the desire of Shidehara. The text of the draft was published by all Japanese newspapers of any significance and the public was asked to discuss it and put forth new proposals. In this context Mac Arthur said: *“I know of no similar document that ever received so much attention and open debate, including our own Constitution”*.⁴⁷ In this case the statement was somewhat controversial – criticism in the printed media was suppressed and the official radio broadcast was made to support the draft. Moreover, it was hardly to be expected that the Japanese *“tightly sheated in Shinto discipline, would reject an instrument sanctioned by their own leaders and the new Man behind the Bamboo Screen (ie. MacArthur – A. S.)”*.⁴⁸ In the end MacArthur announced on 6 April 1946 he agreed with the final version of the draft. Both chambers of the old Imperial Diet adopted the draft very reluctantly but with a large majority of votes. The New Constitution was adopted as an amendment to the old *Meiji* Constitution of 1889, which was of great importance for the Japanese from the point of their attachment to

⁴⁵ With a two-thirds majority, the House of Representatives can vote down any decision made by the House of Councillors. The main role of the House of Councillors is that the constitution amendments must gain a two thirds majority in both Houses of the Parliament. REISCHAUER, p. 227.

⁴⁶ MANCHESTER, pp. 499–500.

⁴⁷ Ibidem, p. 500

⁴⁸ Ibidem.

continuity. The initial measures of the occupation power, implementation of far-reaching reforms and, foremost, the adoption of the new constitution, therefore, meant laying down firm foundations of the democratic development of Japan in the years to come.⁴⁹

⁴⁹ On the immediate internal political development of Japan after the adoption of the new constitution, see Aleš SKŘIVAN, ml., *Japonsko v období okupace (1945–1952)*. *Historický obzor*, 18, 2001, No. 3/4, pp. 79–84.