

CHAPTER ONE

From Imperial Diet to National Diet

'The *Teikoku Gikai* (Imperial Diet) shall consist of two Houses, a House of Peers and a House of Representatives.'¹ 'The Diet shall be the highest organ of state power, and shall be the sole law-making organ of the State.'² These two sentences express the fundamental distinction between the intentions of those who drafted Japan's two Constitutions – that of the Meiji Emperor in 1890 and that of the Supreme Commander of the Allied Powers Douglas MacArthur in 1947. If the first stressed structure, the second emphasizes power and authority. As an institution of government, the Imperial Diet survived a little over fifty-five years of a troubled and uncertain existence and the National Diet is in the second quarter century of its efforts to fulfill its Constitutional mandate.

Formal Constitutional and informal political constraints impeded the Imperial Diet from becoming a representative assembly and parliamentary body exercising legislative power. The Meiji Constitution provided that 'the *Tenno*' [Emperor] exercises the legislative power with the consent of the *Teikoku Gikai*.³ Additionally, Cabinet Ministers were formally responsible to the Emperor rather than to parliament.⁴ Like its present parliamentary namesake, it was bicameral. The House of Peers buttressed the formal authority of the imperial institution with a membership consisting of the imperial family, the hereditary nobility and others appointed by the Emperor. Only the House of Representatives was popularly elected, initially by a severely limited portion of the public – those who paid fifteen yen or more in taxes, at the time a significant sum – and after 1925 on the basis of universal suffrage of all male citizens twenty-five years and older. Women were excluded from the franchise.

¹The 'Meiji' Constitution, Chapter III, Article xxxiii, Fujii Shin'ichi, *The Constitution of Japan, A Historical Survey* (Tokyo: The Hokuseido Press, 1965), p. 302.

²The 1947 Constitution, Chapter IV, Article 41, *ibid.*, p. 314.

³The 'Meiji' Constitution, Chapter I, Article v, *ibid.*, p. 299.

⁴The 'Meiji' Constitution, Chapter IV, Article LV, *ibid.*, p. 305.

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From the point of view of constitutional doctrine, the Emperor was all-powerful. It was he who exercised legislative power, who sanctioned laws and had them administered, who convoked the Diet and dissolved the House of Representatives, who was at the apex of the civil and military bureaucratic organization of the government, who declared war, made peace, and concluded treaties.¹ These provisions of the Meiji Constitution established a powerful wall against those who sought to make the Imperial Diet into something more than a facade.

It is of course a fiction of the Meiji Constitution that the Emperor actually ruled. Several groups exercised power – Army and Navy officers; the senior echelons of the civilian bureaucracy; financiers and industrialists; the Privy Councillors (the Emperor's formal advisors); the *Genrō*, or elder statesmen, who had been Prime Ministers of earlier Cabinets. All had shares of political power and some, notably the military, even acted independently. Simultaneously, all could – and when the occasion demanded or when they found it useful to do so did – claim that they were acting in accordance with the will of the Emperor. It proved to be an insurmountable barrier for anyone who claimed to be articulating the views of ordinary voters.

Agitation on behalf of popular rights and representative assemblies antedated the Meiji Constitution and its Imperial Diet, which were at least in part a response to ideas espoused by participants in the Jiyu-Minken Undō (movement on behalf of liberty and people's rights) in the 1880s. Organizations which later became political parties also came into existence as early as the 1870s. They gradually became more effective, but most of them appealed to and were reflections of a narrow spectrum of public attitudes and aspirations, especially prior to the enactment of the Universal Manhood Suffrage Law of 1925. Even after that, minor left-wing parties such as the Nihon Shakai Taishu-Tō (Japan Social Mass Party) never acquired more than minimal representation (less than 10 percent) in the lower House of the Diet. Their leaders, who tried to organize the rural tenant farmers and urban factory workers, were harassed by police forces, spent endless time and prodigious energy in ideological debates, and were generally ineffectual. By contrast, the major political parties of the decades between the First and Second World Wars – the Seiyukai and the Minseitō –

¹The 'Meiji' Constitution, Chapter I, Articles v–vii, x–xiii, *ibid.*, pp. 299–300.

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reflected the interests and were subordinate to the dictates of the *zaibatsu* (financial–industrial clique).¹

Furthermore, there was no tradition of popular participation in government or politics. ‘*Kanson Minpi*’ (officials are to be revered, the people despised) was a slogan summarizing age-old traditions which were intensified by strong feelings for hierarchy and class. A follower (*kobun*) was to be loyal to his master (*oyabun*); a junior (*kohai*), either in age or experience, was subordinate to his senior (*senpai*); and a student (*deshi*) never questioned the wisdom of his teacher (*sensei*). These relationships were mutually beneficial. An *oyabun* would take care of his *kobun* in a paternalistic fashion. Often, a subordinate official would do the hard work for his senior, who would merely ratify the recommendations by adding his seal (*hankō*). It was not at all unusual for a junior official to draft a detailed policy proposal or law amendment and to see that it would receive approval as it made its way up the hierarchy, so that by the time the document reached the desk of the senior official it was festooned with red seals of concurrence. This system – called *ringisei*² frequently made a puppet of the senior official. It also allowed everyone to disclaim personal responsibility; after all, everyone had participated, everyone had agreed, so why challenge the painstakingly determined consensus or feel a personal sense of embarrassment if the proposal proved to be disastrous in its consequences?

This listing of constitutional, political, and sociocultural constraints could be expanded almost *ad infinitum* in assessing why the Imperial Diet remained an ineffective and ineffectual center of power. Nonetheless, there were some contrary developments. For example, Japanese historians have stressed the rise of democratic tendencies during the reign of the Taishō Emperor (1912–26). The Japanese were industrializing rapidly; the First World War afforded them a tremendous opportunity to expand their overseas commercial markets; there was intellectual ferment in the universities; political parties, aided and abetted by the new-found wealth of the business community, expanded their activities; a commoner–politician, Hara Kei, became Prime Minister,

¹Robert A. Scalapino, *Democracy and the Party Movement in Prewar Japan* (Berkeley and Los Angeles: University of California Press, 1953). George O. Totten III, *The Social Democratic Movement in Prewar Japan* (New Haven: Yale University Press, 1966).

²Tsuji Kiyooki, ‘Decision-Making in the Japanese Government: A Study of “Ringisei”’, in Robert E. Ward, ed., *Political Development in Modern Japan* (Princeton, N.J.: Princeton University Press, 1968), pp. 457–75.

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and the increasing level of public participation in politics was accorded recognition in the passage of the 1925 law enfranchising all adult males.¹

The mental incompetence of the reigning Emperor was one of those historical accidents that probably, as in the case of England's King George III, had marginal consequences; if the Emperor was unfit to rule, it would not be difficult to begin asking questions privately and discreetly, about the aura of mystical superiority that surrounded the imperial institution and its manipulators. At the time, raising such doubts was to indulge in 'dangerous thoughts' which – if done publicly – could lead to a visit from the Special Higher (Thought Control) Police and terms in jail for having violated the provisions of the *Chian Jji-Hō* (Peace Preservation Law). The Japanese people enjoyed more freedom in the Taishō era than before or after it prior to the postwar period, but it was still a circumscribed freedom.

This limited experiment with democracy proved to be abortive. Despite its limitations and its short duration, however, some politicians became used to electoral politics and to working in the House of Representatives. Many of them acquired a sense of pride in their institutional home and their profession. Many of them might have been corrupt, as was repeatedly alleged, in that they were excessively dependent on financial contributions from big business. But this was less significant than the experience they gained as parliamentarians; they provided a pool of talent for membership in the postwar National Diet.

The militarists, who were ascendant in Japanese politics in the 1930s, were sufficiently worried about the active politicians in the Diet to want to bring them, and the institution itself, to heel. Military officers were able to promote their cherished goal of achieving greater national unity by forcing the political parties to commit suicide. In their stead, the Imperial Rule Assistance Association: IRAA (*Taisei Yokusan-kai*) and its various subsidiaries such as the Imperial Rule Assistance Political Society were established. Whether the IRAA is to be perceived as an instrument for the creation of a quasi-fascist state in Japan or as an organization through which politicians, by uniting in it, could retain some power *vis-à-vis* the military remains a question for further historical inquiry.

¹For brief and thought-provoking analyses of factors influencing Japanese politics and behavior, please see Ishida Takeshi, *Japanese Society* (New York: Random House, 1971), and Nakane Chie, *Japanese Society* (Berkeley and Los Angeles: University of California Press, 1970). It is to be regretted that both books have the same title, as their contents are different.

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The Imperial Diet was not abolished. An election for the House of Representatives was conducted in 1942, at the height of Japanese successes in what they designate the 'War in the Pacific Ocean' (*Taihei'yō Sensō*). It was not an open or free election inasmuch as preference was given to IRAA-endorsed candidates, who could be expected to support Prime Minister Tojo and his military coalition. Three hundred seventy-five out of four hundred sixty-six of them were elected, leaving only a minority that might be, but apparently rarely were, critical of the government. These pantomimes of public participation in the political process made it possible for the facade, if not the substance, of electoral and parliamentary politics to survive even at the height of the militarist era. There is therefore a continuity between the Imperial Diet which had its birth in 1890 and the National Diet which came into existence in 1947.

The Occupation era

Japan's dream of a Pacific empire ended in the lethal ashes of Hiroshima and Nagasaki and the rubble of its industrial wealth. With their defeat in war the Japanese people, for the first time in their history, experienced a foreign occupation. The foreigners, most of whom came from the United States, brought with them plans to reorganize Japanese society and its political system. In paragraph ten of the Potsdam Declaration, which outlines the basic terms of surrender for Japan, the following goals were stated: 'The Japanese Government shall remove all obstacles to the revival and strengthening of democratic tendencies among the Japanese people. Freedom of speech, of religion, and of thought, as well as respect for the fundamental human rights shall be established.'¹

Two American policy documents² provided detailed elaborations

¹*Political Reorientation of Japan September 1945 to September 1948: Report of the Government Section, Supreme Commander for the Allied Powers* (Washington, D.C.: Government Printing Office, 1949), Vol. II, p. 413. Hereafter, this source – the most complete public collection of policy documents (in Volume II) and commentary (in Volume I) of the Occupation of Japan – will be referred to as *PRJ*.

²The first was prepared by a State-War-Navy Coordinating Committee (SWNCC) and was entitled 'United States Initial Post-Surrender Policy for Japan'. It was officially issued over President Truman's signature 6 September 1945. (For full text, please see *PRJ*, Vol. II, pp. 423–6.) The second was called 'Basic Initial Post-Surrender Directive to Supreme Commander for the Allied Powers for the Occupation and Control of Japan' and was issued by the American Joint Chiefs of Staff on 3 November 1945. (For full text, please see *PRJ*, Vol. II, pp. 428–39.)

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of the Potsdam Declaration and became the guidelines for the reforms to be undertaken initially by the Supreme Command for the Allied Powers (SCAP), the organization that indirectly governed Japan for nearly seven years (September 1945 – April 1952). One crucial paragraph – the wording was similar in its essentials, but slightly different in minor details – which is to be found in both of these fundamental policy statements requires full quotation. It contains the essence of the policy that resulted in the establishment of the National Diet.

The ultimate objective of the United Nations with respect to Japan is to foster conditions which will give the greatest possible assurance that Japan will not again become a menace to the peace and security of the world and will permit her eventual admission as a responsible and peaceful member of the family of nations. Certain measures considered to be essential for the achievement of this objective have been set forth in the Potsdam Declaration. These measures include, among others ... the abolition of militarism and ultranationalism in all their forms; the disarmament and demilitarization of Japan, with continuing control over Japan's capacity to make war; the strengthening of democratic tendencies and processes in governmental, economic, and social institutions; and the encouragement of liberal political tendencies in Japan. The United States desires that the Japanese Government conform as closely as may be to principles of democratic self-government, but it is not the responsibility of the occupation forces to impose on Japan any form of government not supported by the freely expressed will of the people.¹

These policy guidelines had a duality of objectives which were deeply intertwined during the first half of the Occupation. As far as possible, SCAP was to ensure that Japan would not again endanger the peace of the world. This was to be accomplished by demilitarization. Simultaneously, the Japanese people were to be encouraged to establish a democratic system of self-government. Implicit in these objectives was the belief that a pacifist Japan would be democratic, and that a democratic, self-governing Japan would not be militaristic. No other interpretation of these policy statements is plausible.²

It is easy to denigrate these objectives. They reflect a quaint innocence combined with considerable arrogance. They also reflect a refreshing optimism and self-confidence that the occupiers – all of whom were foreigners and many of whom had never been to Japan before – would be able to undertake for the people of Japan something that had eluded

¹Joint Chiefs of Staff Directive, 'Basic, Initial Post Surrender Directive.' Part I, Paragraph 3a, *PRJ*, Vol. II, p. 429.

²Please see my *The Purge of Japanese Leaders under the Occupation* (Berkeley and Los Angeles: University of California Press, 1959); and Robert E. Ward, 'Reflections on the Allied Occupation and Planned Political Change in Japan', in Ward *Political Development in Modern Japan*, pp. 477–535.

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them in over fifty years of experimentation with parliamentary democracy.

In retrospect, some confusion was inevitable in linking the twin objectives of demilitarization and democratization, which were simply assumed as being symbiotic in the basic documents which provided policy guidance to Supreme Commander MacArthur and his many subordinates. What gives me pause today is that as a participant in the enterprise at the time, it never occurred to me to question the now all too readily conceivable contradiction between these objectives. Quite the contrary was the case; I accepted the relationship between democracy and pacifism as being obvious. Such is the self-assurance and confidence of youth.

A doubtful and confusing, albeit high-minded, combination of premises and goals were included in the basic policies on which the vast superstructure of SCAP was built. That was probably its basic flaw, but there were others as well. First, few of the people brought in by them were conversant with Japan. This dearth of talent was exacerbated by General MacArthur's decision not to utilize many of the civil administrators who had been carefully trained in Japanese history, politics, and economic conditions. Many of them were sent to Korea instead. Rumor had it that General MacArthur was uncertain about their loyalty to him and his policies, but the Supreme Commander never had occasion to explain the motives for his decision. What was of consequence was that the talents of these excluded specialists were not fully utilized in Japan.

Second, a policy split developed between two major points of view inside SCAP's General Headquarters. One side took the Potsdam Declaration and the basic policy directives seriously. They believed that the principal mission of the Occupation was to assist the Japanese in democratizing their society and politics. Their opponents anticipated the then on-setting 'cold war' and were far more deeply interested in making Japan a stable bulwark against the rising threat of Communism in East Asia. For them, the zeal of the reformers was dangerous because it might lead to an even greater instability than that already present in the war-ravaged country. This conflict pitted two of the Occupation's most powerful personalities against each other. General Courtney Whitney, Chief of Government Section,¹ led the reformers;

¹One of the Special Staff Sections in GHQ, SCAP; Government Section's mission was to advise the Supreme Commander on a broad range of issues relating to political reform. (For details, please see 'History of Government Section' in *PRJ*, Vol. II, pp. 790–821.) I was a language officer in this section, October 1946–February 1949.

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whereas General Charles Willoughby, Assistant Chief of Staff G-2 (Intelligence) commanded the voices of caution, 'Nothing must be done to deteriorate . . . the Occupation's astonishing tranquility; any move no matter how laudatory under the Potsdam Declaration must be analyzed as to its effects on public peace.'¹ This attitude undermined – sometimes subtly, sometimes blatantly – the goals of the SWNCC and JCS directives. As a Government Section loyalist my judgment is not entirely unbiased.

Within three years from the beginning of the Occupation (by the summer of 1948) this policy conflict in SCAP led to what the Japanese have termed the 'reverse course', that is to say, the Occupation's turning from the goals of demilitarization and reform to the objective of rebuilding Japan with only ancillary attention being given to 'the strengthening of democratic tendencies and processes'. The exact timing and specific content of this shift in overall policy orientation differed from one program to another. It is, however, undeniable that deviations from the post-surrender policies that were supposed to have guided the whole Occupation effort became more and more frequent with each passing year. It was palpably obvious to anyone who participated that the onsetting 'cold war', the disintegration of the Chinese Nationalist Government on the mainland and its removal to Taiwan in 1949, the Korean War which began in June of 1950, all contributed to diluting the self-confident and optimistic zeal that had characterized the initial policies.

It is interesting to note that these divisions over policy inside SCAP came to be reflected in and absorbed by Japanese domestic politics. Occupation-sponsored reforms – whatever their internal contradictions, the shortness of time during which the Occupation accorded them primacy, and what the constraints imposed by administrative ineptitude may have done to limit their effectiveness – touched some deep aspirations (for and against) of the Japanese people. These changes assisted in altering the shape and substance of Japanese politics. For better or worse, the Diet emerged from it all as a different institution from what it had been in its earlier incarnation.

It is the new Constitution of Japan – it formally came into force on 3 May 1947 – which sets forth the fundamental institutional and other changes which distinguish the National Diet from the Imperial Diet.

¹Memorandum to Government Section from the Assistant Chief of Staff G-2, 23 December 1946. Baerwald, *The Purge of Japanese Leaders under the Occupation*, p. 25.

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After some false starts by various Japanese drafting committees, General MacArthur – on his own authority – established a working group inside the Government Section to prepare an initial draft of the document. The Supreme Commander acted independently of superior authorities in ordering his subordinates to do so, but the drafters scrupulously adhered to the SWNCC and JCS policy guidelines in its preparation. Numberless sessions between Japanese Government and Government Section representatives followed in order to refine its provisions and to translate it into the Japanese language, a task which can only be fully appreciated by anyone who has actually made an effort to come to understand both languages. An official Japanese Cabinet-sponsored draft was submitted to the Imperial Diet in June 1946, with the House of Representatives voting its final approval on 7 October 1946; in the interim it had also been discussed by the House of Peers and the Privy Council. An Imperial Rescript announced the new Constitution's formal promulgation as 'amendments of the Imperial Japanese Constitution'.¹

Disagreements have surrounded the 1947 Constitution. Its actual paternity was deliberately hidden, in part because by making it appear to have been a Japanese-sponsored draft the whole issue of whether General MacArthur actually had the authority to order the preparation of a new constitution could thereby be obscured. After all, the initial post-surrender policy guidelines had provided for the encouragement of the freely-expressed will of the Japanese people, so long as it was in accordance with the principles of democratic self-government. Secondly, it allowed SCAP to avoid unnecessary entanglements with international supervisory councils which probably would have delayed the rapid preparation of the document. The Supreme Commander did not enjoy outsiders meddling in affairs which he believed to be in his domain. Third, propagating the fiction that the Constitution was Japanese in its origins would presumably enhance its acceptance by the Japanese public. It has been accepted and has survived the vicissitudes of over a quarter century, but not because anyone believes its origins to have been unsullied by foreign interference. The Constitution remains unamended because a sufficient set of domestic political

¹*PRJ*, Vol. II, p. 670. Anyone interested in the official version of how the 1947 Constitution was drafted and approved will find the narrative history (*PRJ*, Vol. I, pp. 82–118) and the documentary collection (*PRJ*, Vol. II, pp. 586–683) to be informative, both for what is emphasized and what is omitted. The literature on the new Constitution – its origins, its content, its significance – has become voluminous, especially in Japanese.

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forces have committed themselves to that end. In the final analysis that is what is significant and what counts.

What weaknesses did the SCAP authorities see in the Imperial Diet of the Meiji Constitution and what changes did they seek to incorporate in the draft constitution they prepared?¹ (1) In the Meiji Constitution, sovereignty resided in the Emperor. This was perceived as being in direct contravention to the doctrine of popular sovereignty, a doctrine they believed to be fundamental to a democratic political system. (2) The Imperial Diet was judged to have had no power over the budget. (3) The Imperial Diet was weak as its annual sessions lasted for only three months. They could be extended only by Imperial Order. (4) The Imperial Diet was subordinate to the imperial bureaucracy, which was the seat of real power. 'In short, the members of the [Imperial] Diet, within limits, were empowered by the Constitution to talk.'²

These perceived shortcomings of the Imperial Diet under the Meiji Constitution became the focal points for the sweeping institutional changes that SCAP introduced in the 1947 Constitution. First and foremost, though the Emperor was retained, his role was reduced to being 'the symbol of the State and the unity of the people, deriving his position from the will of the people with whom resides sovereign power.'³ Second, the Diet became 'the highest organ of state power, and ... the sole law-making organ of the State'.⁴ Third, the largely hereditary House of Peers was replaced by an elected House of Councillors. Fourth, the House of Representatives was accorded primacy in approving the budget and international treaties.⁵ Fifth, executive power was vested in the Cabinet (all Ministers must be civilians) which was made responsible to the Diet.⁶

Merely to alter Constitutional norms would not necessarily change the actual *modus operandi* of the government. The authors of the policy guidelines in the American Government and the SCAP officials may have been optimists, but they were not fools. A veritable avalanche of directives flowed from SCAP to the Japanese Government, which was instructed to undertake a fundamental reordering of laws, atti-

¹Much of this section is based on 'The National Diet', *PRJ*, Vol. I, pp. 145–85, and personal recollections.

²*PRJ*, Vol. I, p. 152.

³The 1947 Constitution, Chapter I, Article 1, Fujii, *The Constitution of Japan*, pp. 309–10.

⁴The 1947 Constitution, Chapter IV, Article 41, *ibid.*, p. 314.

⁵The 1947 Constitution, Chapter IV, Articles 60 and 61, *ibid.*, pp. 316–17.

⁶The 1947 Constitution, Chapter V, Articles 65 and 66, *ibid.*, pp. 317–18.