

***THE AMERICAN CONSTITUTION OF JAPAN:  
HOW THE UNITED STATES CREATED  
THE JAPANESE GOVERNMENT***

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**ABSTRACT**

After World War II, the Allies explicitly asserted in the Potsdam Declaration that Japan would become a democracy. Under the supervision of the United States during the military occupation, Japan underwent a profound transformation. The new Constitution of Japan was a significant part of this transformation and established the framework for Japan's postwar democracy. American occupation forces, under General Headquarters (GHQ), led by United States General Douglas MacArthur, and Japanese officials, such as Prime Minister Shigeru Yoshida and head of the Japanese constitutional drafting committee, Jōji Matsumoto, worked together to draft the new constitution. My research helps answer the mystery of postwar reconstruction, showcasing America's transformation of post-WWII Japan, from a military dictatorship, into a stable democracy through sweeping changes to the Japanese Constitution. American motivations are uncovered by the Alfred Hussey Papers, revealing the United States directives during the drafting, the Milo Rowell Papers, outlining the legal recommendations from the GHQ, and documents from the United States State Department, showing how the undertaking was processed in DC. These documents are balanced by Japanese sources that illustrate Japan's preferred constitution, through Jōji Matsumoto's drafts, and Japanese responses to America's constitutional drafts, through the Imperial Diet Debates. The American Occupation of Japan was controversial to many; however, the occupation resulted in one of the most prosperous and free nations, in part due to United States' involvement.

Following the devastation of WWII, the American Army occupied Japan with an explicit mandate to transform the nation into a modern democratic state aligned with the principles of the Potsdam Declaration. This occupation marked one of the most significant moments in Japan's history, as its government shifted from an imperial power to a constitutional democracy in a relatively short span of time. The United States had a clear vision for peace and democratic governance following the Pacific War, yet the implementation of this vision in Japan would prove to be complicated. Against America's democratic impositions, many Japanese conservatives argued for preserving a slightly revised version of the Meiji Constitution, which retained the emperor's monarchical authority, instead of reducing him to merely the head of state.<sup>1</sup> Many conservatives saw the Meiji ideals as intrinsic to Japanese identity and stability. Meanwhile, Japanese liberals advocated for a more progressive constitution that would modernize Japan's government and align it with Western-style democracies.

The resulting reforms primarily reflected American influence driven by the American determination to impose their values upon Japan, but Japanese aspirations toward democracy played a crucial role in maintaining the new government. The United States rejected Japanese proposals, set clear ideological expectations, and ultimately provided Japan with a ready-made constitution that it was expected to adopt, setting the stage for Japan's postwar democratic structure. Within the span of three years, Japan transformed from a military state led by an emperor into a democratic stronghold. This transformation could not have occurred without a foreign power such as the United States mandating political change; however, the popular support for many of the liberal changes made to the Japanese government ensured that backlash would eventually evolve into support and success.

Japan's postwar transition from empire to democracy is often hailed as a political and economic miracle, considering its proximity to other countries in East Asia where democratic transformation failed to take root under American influence.<sup>2</sup> According to *Inside GHQ*, the occupation was not only pivotal in shaping modern Japan, but he also highlighted that "democratizing occupation" is an oxymoron. This is because the American army enforced democracy, sometimes against the will of the sovereign Japanese people, through their representatives in the Imperial Diet.<sup>3</sup> Under the Meiji Constitution, the lower house representatives were directly elected, however, upper house representatives were appointed by the emperor. Furthermore, the emperor was in charge of dissolving the lower house, ensuring that the emperor and his advisors controlled the legislative process and prevented progressive bills from being passed. As a result,

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1 National Diet Library, "Gist of the Revision of the Constitution," [February 8, 1946], *Alfred Hussey Papers*, Constitution File No. 1, Doc. No. 1.

2 Korea, Vietnam, and China received American aid or military support, but did not adopt democratic institutions.

3 Eiji Takemae, *Inside GHQ: The Allied Occupation of Japan and Its Legacy*, translated by Robert Ricketts and Sebastian Swann (Continuum, 2002).

the transformation of Japan's system of government can be seen as both a response to conflicting, internal pressures for reform and a manifestation of America's Cold War politics. The American occupation of Japan represents a unique case in postwar history where a foreign power orchestrated a successful long-lasting, democratic constitution for another state.

Japan's acceptance of the foreign-imposed constitution was an extraordinary development in the context of the era and became an essential element in postwar world-building by the United States.<sup>4</sup> While many Americans reflect on interventions in Vietnam and Korea as unsuccessful or harmful, Japan's transformation stands out as an anomaly. Japan's reform is also often contrasted with the denazification of Germany, which ultimately took four years and required the efforts of the Allied forces in Germany. Furthermore, Germany would not be reunified into a single nation until 1990. The American-led occupation of Japan was one of the few instances where a foreign power swiftly imposed a governing framework on a defeated, East Asian nation and embedded permanent democratic institutions that did not result in social unrest.

While the United States imposed specific structures and values onto Japan's new government, these impositions were not entirely at odds with Japanese aspirations. According to public opinion surveys conducted by the Bureau of Information's Public Opinion Survey Division, a considerable majority of the Japanese populace supported reforming the constitution. Surveys conducted in 1946 by Kyodo News Service revealed that 75% of respondents expressed a desire for constitutional reform. Many explicitly advocated for restrictions on imperial power and increased authority for the Diet.<sup>5</sup> This popular sentiment demonstrates some popular Japanese sympathy with certain American goals, namely the establishment of a democratic system and the curtailment of the emperor's political power. By instituting these reforms, America was respecting and facilitating the popular sovereignty already brewing among the Japanese people. Because America was able to tap into these reformist sentiments, the United States not only reshaped Japan's political future but also worked to ensure that Japan would emerge as a stable ally in the East, solidifying the United States' influence in Asia and countering the growing power of the Soviet Union.

While the United States genuinely believed in democracy, the concern over Japan's political structure was a reflection of the rising global tensions between the Soviet Union and the United States. General Douglas MacArthur asserted that, in the postwar world, the Soviet Union would endeavor to control the Far East. As a consequence, the United States viewed the security and alliance of Japan, a former military threat, as a necessity. This is buttressed by the words of the President's assistant who worked directly

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4 Victor Sebestyen, *1946: The Making of the Modern World*. First American ed. (Pantheon Books, 2014), 118–134.

5 National Diet Library, *Kenpo Kaisei ni Kansuru Yoron Chosa Hokoku*. December 19, 1945, Sato Tatsuo Papers, Document no. 12, National Diet Library.

with General MacArthur in the East:

*General MacArthur gave considerable emphasis to the influence of the Soviet Union in Japanese affairs, expressing concern over 'underground Communist agitation' in Japan. 'Many of the so-called liberal elements of Japan are Communist,' he stated, 'Japanese Communism is dominated from Moscow.' He predicted that the Soviets' intent to share in the Supreme Allied Command emanates from a desire to foment Japan's Communist revolution.*

The General conveyed the impression that his economic policies toward Japan take into consideration the factor of Russian activity in the Far East. Russia, he commented, is playing the game of power politics 'for all it is worth' and the Far East is now the most important part of the world for America.<sup>6</sup>

If America could secure Japan as a democratic ally in the East, then the United States could create a bulwark for the West in Asia, and also secure valuable strategic advantages. During a time when China, Korea, and Vietnam were hotbeds of communism, the United States' presence in Japan, off the eastern coast of Asia, allowed it to project forceful political influence from new military bases. Indeed, Japan's military relationship with the United States enabled the United States to rescue South Korea from communist invasion in 1950 which would eventually become strategically valuable during the Korean War, as the United States Military bases facilitated easy transportation and logistics.

Additionally, Japan was also a sleeping economic powerhouse. After Japan's surrender in 1945, the country was in ruins, while America was in the position to rebuild Japan through an economic partnership into which both countries would benefit from rigorous trade. The opportunity was diplomatically tempting because the success of the partnership would prove to the Eastern world that communism was in every way inferior to democracy.<sup>7</sup> Ambitious that Japan could become Asia's "city on the hill," the United States asserted unilateral control of Japan's transition to democracy. Japan was the obvious choice for post-WWII intervention and if the United States could secure Japan, then the rest of the East would follow Japan's example.

Pressure from the occupying forces compelled the defeated Japanese government to establish the Committee for Constitutional Reform, led by Jōji Matsumoto, a scholar and professor from the Tokyo Imperial

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6 Edwin Locke, Jr., "Letter from Edwin Locke, Jr. to Matthew Connelly, with Attached Letter from Edwin Locke, Jr. to President Harry S. Truman," October 19, 1945, In *President's Secretary's Files*, Subject Files, Foreign Affairs File, 1940–1953: Japan, Harry S. Truman Library.

7 Jennifer M. Miller, *Cold War Democracy: The United States and Japan* (Harvard University Press, 2019), 118.

University.<sup>8</sup> Matsumoto and his committee set out to draft a reformed constitution that would appease American demands without radically departing from traditional Japanese governance structures. Markus Thiel, in *Militant Democracy*, argues that a democratic constitution must be careful to balance entrenched cultural traditions with progressive reforms in order to win popular legitimacy.<sup>9</sup> This thought accurately reflects how Japan's cultural elements throughout pre-war Japan, namely emperor worship, were considered nonnegotiable by the drafting committee. In Japanese society, the worship of the emperor was integral to manufacturing compliance with the government's agenda. To this end, the Matsumoto Proposal sought to retain the emperor's authority by slightly amending his role from "sacred" to "supreme" yet "inviolable," maintaining the imperial institution as one of political supremacy.<sup>10</sup> The Emperor of Japan was seen as a type of "kami" in Shintoism, a living god worthy of worship, so reducing the emperor to a mere political figure was considered a large concession by Matsumoto's team. The commission aimed to provide a compromise, suggesting moderate reforms while preserving the cultural and governmental continuity deeply embedded in the Japanese psyche. However important preserving age-old governmental traditions was to Matsumoto's team, their contributions were nevertheless uncertain of being approved.

Due to the American occupation, all Diet proceedings on constitutional reform required ratification by GHQ, under the authority of General Douglas MacArthur.<sup>11</sup> The Matsumoto Draft was summarily rejected when the proposal was presented to the GHQ. American officials viewed the Matsumoto Draft as woefully inadequate; it was criticized for mere surface-level changes rather than establishing a democratic government in line with America's postwar demands and Western standards, namely civil liberties, a strong court system, and an enforceable constitution.<sup>12</sup>

The GHQ perceived this as a deliberate attempt to preserve the power structure of the Meiji Constitution under the guise of reform. Although the GHQ continued to receive updated drafts from Matsumoto and his team, they continued to reject them, viewing them as merely "touch-ups" rather

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8 Shigeru Yoshida, *The Yoshida Memoirs: The Story of Japan in Crisis*, edited by Otto D. Tolischus (Greenwood Press, 1973), 73.

9 Markus Thiel, *The 'Militant Democracy' Principle in Modern Democracies* (Ashgate, 2019), 230–232.

10 National Diet Library, "Gist of the Revision."

11 United States Department of State, *Memorandum for the President, Subject: Authority of the Supreme Commander for the Allied Powers*, September 13, 1945, State Department Records Decimal File, 1945-1949, Record Group 59, United States National Archives and Record Administration.

12 Milo Rowell, *Report of Preliminary Studies and Recommendations of Japanese Constitution*. December 6, 1945. Milo Rowell Papers on New Japanese Constitution, Document No. 1, National Diet Library.

than comprehensive overhauls.<sup>13</sup> GHQ and its representatives regarded the Japanese proposals as insufficiently transformative. While the GHQ initially adopted a wait-and-see stance, allowing the Japanese committee some latitude in drafting the constitution, their patience waned as the committee's proposals consistently fell short of GHQ's democratic expectations. Maki argues that this attitude was driven by their belief that a radical overhaul was necessary for Japan to emerge as a true democracy, even though GHQ did not believe its stance was extreme.<sup>14</sup> Rather than allowing Japan to independently draft its constitutional future independently, the Americans decided that a more assertive approach was necessary to achieve democratization outlined in their initial goals.

While GHQ initially adopted a wait-and-see stance, allowing some leeway, Japan's proposals consistently fell short of GHQ's expectations. As the occupation continued, the GHQ's approach became increasingly interventionist, with the assistance of Milo Rowell, an American lawyer for the GHQ. As 1946 approached, Rowell and GHQ's stance began to make a significant shift. Rowell's report severely criticized the Matsumoto draft, pointing to its lack of explicit protections for individual rights, its weak judicial independence, and the absence of binding constitutionalism.<sup>15</sup> Full of criticism, the GHQ escalated its involvement by issuing clear demands rather than recommendations. General Douglas MacArthur issued his "Three Basic Points" in early 1946, specifying that the new Japanese Constitution must prohibit war, dissolve Japan's feudal structures, and recognize the emperor as a symbolic head of state without political power.<sup>16</sup> These core democratic principles and antiwar demands represented a sharp departure from GHQ's previous approach, showing their commitment away from passive observation to direct intervention. MacArthur and his team were particularly concerned with the limited time available to shape Japan's future, as they anticipated that the establishment of the Far Eastern Commission (an international body that would include the Soviet Union) in December of 1945, would limit America's unilateral authority over Japan.<sup>17</sup> The GHQ sought to preempt Soviet influence by setting these parameters, thereby securing a democratic stronghold in the region that could quickly counterbalance Soviet expansion in Asia.

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13 Alfred Hussey, *Three Basic Points Stated by Supreme Commander to be "Musts" in Constitutional Revision*, ca. February 4, 1946, Alfred Hussey Papers, Constitution File No. 1, Document No. 5, National Diet Library.

14 John M. Maki, *Japan's Commission on the Constitution: The Final Report*. (University of Washington Press, 1980).

15 Rowell, *Report of Preliminary Studies*.

16 Hussey, "Three Basic Points," Doc. No. 5.

17 National Diet Library, *Memorandum for the Supreme Commander: Subject: Constitutional Reform*. February 1, 1946. Alfred Hussey Papers, Constitution File No. 1, Document No. 3.



Under these circumstances, GHQ had officially run out of patience with Japanese revisions. General Courtney Whitney, frustrated by repeatedly inadequate draft constitutions, informed Matsumoto on behalf of the GHQ that Japanese assistance in drafting the constitution was no longer necessary.<sup>18</sup> Urgency from at home and abroad demanded that the GHQ, acting on behalf of GHQ, deliver a complete draft of a constitution to the Japanese committee, effectively transferring authorship of Japan's foundational document to American hands.

The final document contained many different sections that upset conservatives in Japan. Without using the exact language as the American constitution, the preamble affirmed Japanese popular sovereignty over the government and the emperor.<sup>19</sup> Many prominent people in the Japanese government firmly believed that the emperor was the sole source of sovereignty, as the Meiji Constitution had repeatedly maintained. Instead, the emperor was reduced to the symbolic head of state, completely subject to the power of the Diet, and whose only exclusive duty was to perform ceremonies.<sup>20</sup> The reinvigorated Diet, on the other hand, now held the authority to create a cabinet and pass laws without royal oversight preempting its decision making.

Many of the articles of the new constitution articulate individual rights, establish the separation of church and state, and provide for universal suffrage—all of which upset Japanese conservatives. The Meiji Constitution, through its founding principles, served as a powerful force in mobilizing the population to follow the emperor. For many Japanese people, Shinto was a part of their way of life and an icon of nationalism; its separation from the state was almost inconceivable.<sup>21</sup> So too was universal suffrage; Japan was socially conservative and had not granted many rights to women up to that point, despite the eagerness of certain women groups.<sup>22</sup> Nevertheless, many women had already wanted to engage in government and many citizens were supportive of democratization and expanding personal liberties.<sup>23</sup>

But nothing insulted Japanese conservatives more than Article 9: the complete abolition of Japan's right to declare war.<sup>24</sup> This article still remains contentious in Japanese politics, with political parties dedicated to amending

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18 National Diet Library, *Meeting of General Whitney, Colonel Kades, Commander Hussey, Lt. Col. Rowell with Dr. Matsumoto, Mr. Yoshida, and Mr. Shirasu*, February 22, 1946, Alfred Hussey Papers, Constitution File No. 1, Doc. No. 20.

19 Japan, *Constitution of Japan*, Article 1, Promulgated November 3, 1946; enacted May 3, 1947.

20 *Ibid.* Article 4.

21 John W. Dower, *Embracing Defeat: Japan in the Wake of World War II* (Norton & Company, 1999), 315.

22 *Ibid.* 366.

23 *Ibid.* 415.

24 *Ibid.* 416.

the constitution to remove Article 9. While the article might seem reasonable in the context of WWII, many elites in the government and even common people thought the provision was a surprise, as the country was supposed to remain a sovereign nation after the occupation ended.<sup>25</sup> The nation lost the right to control its own military, which many believed to be an overreach of the occupier. However, despite the conservative backlash to the draft, there was nothing to be done against GHQ.

This draft, developed by GHQ staff, was to be translated and adapted to Japanese culture by Matsumoto and his team, but the substance of the draft was to remain. As Herbert P. Bix details in *Hirohito and the Making of Modern Japan*, General Whitney's draft forcefully aligned Japan's legal and political framework with American political values against Japanese officials' efforts to preserve their constitutional agency.<sup>26</sup> The GHQ's proposed draft enforced significant limitations on imperial power and implemented a complete withdrawal from militarism, thus satisfying the GHQ that Japan would never again threaten America or its allies. More importantly, the draft enshrined democratic principles and ensured that Japan's governing framework aligned with America's foreign policy interest in checking the USSR diplomatically.

To officially ratify the constitution, GHQ required the Japanese emperor to issue an imperial rescript ordering the formation of a new Diet, elected through universal suffrage, which would be tasked with formally adopting the constitution as an amendment to the Meiji Constitution. This procedural requirement was intended to maintain a sense of continuity and legitimacy in Japan's government, even as it underwent radical changes. As Eiji Takemae notes in *Inside GHQ*, this process not only served American objectives but also set a precedent for foreign influence in constitutional reform, ensuring that even during occupation, political procedures must be maintained to secure the perception of legitimacy.<sup>27</sup> By setting these parameters, the United States ensured that Japan's new government would be structurally dependent on political democracy and the American military, aligning with American objectives of maintaining stability and peace in East Asia.

Throughout the reform process, one analyzed by John Maki in Japan's Commission on the Constitution, American officials shaped the country's legal and political future in a manner that not only democratized Japan but also curtailed any resurgence of militaristic ambitions.<sup>28</sup> The constitution, ratified by the Japanese Diet in November 1946, took effect in May 1947 and became the legal foundation for Japan's postwar state, manufacturing the principles of pacifism, republican governance, and individual liberties that

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25 *Ibid.* 422.

26 Herbert P. Bix, *Hirohito and the Making of Modern Japan* (HarperCollins, 2000).

27 Takemae, *Inside GHQ*.

28 Maki, *Japan's Commission*.



reflected American ideals more closely than they did Japanese traditions.<sup>29</sup>

The Constitution of Japan, as ultimately adopted, reflects the American influence on Japanese cultural and political identity. Former Japanese Prime Minister Shigeru Yoshida recounts his work on the constitution in his memoirs. Although many Japanese agreed reform was necessary, the haste and lack of input left a bitter taste in many citizens' mouths "We, on our part, could do nothing."<sup>30</sup> The United States occupied Japan with one essential goal: to make it "economically and industrially impossible" to remilitarize and become a threat to American interests.<sup>31</sup> With the extensive changes made under GHQ's guidance, it is evident that while the United States sought to achieve Japan's democratic transformation, the United States also limited Japan's agency to facilitate American geopolitical goals. Japan's adoption of American democratic principles was mainly the outcome of geopolitical pragmatism, as it allowed the United States to consolidate its influence in the region and counter potential threats from the Soviet Union. However, the American occupation also demonstrated the understanding of the need to frame Japan's constitutional changes in a manner that could be acceptable to Japanese society for it to last. GHQ's decision to retain the emperor as a symbolic head of state acknowledged the cultural importance of the imperial institution, allowing for continuity but refusing to compromise on substantive democratic reforms.<sup>32</sup> By crafting a constitution that upheld individual rights and institutionalized pacifism, the United States left a lasting mark on Japan's national identity, laying the foundation for its modern role as a peaceful democratic power in Asia.

America's attempt at nation-building in Japan was a complex issue that embodied ambition and anxiety, as both the foreign and domestic identities struggled for dominance in the postwar era. The United States' actions were particularly intricate, because not only were they restructuring a nation that they went to war with, but they were also preparing a devastated country to re-emerge onto the global stage as a democratic country. This necessarily resulted in Japan losing a part of its identity, as militarism and imperialism had remained a part of their system for nearly a century. But the new government was not entirely alien to the Japanese people. Japan retained its traditional legislature, the Diet, and kept the emperor as the head of state. Although some Japanese military leaders like Hideki Tojo were executed for their wartime actions, Emperor Hirohito was not given any punishment for his involvement in WWII and remained on the throne until

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29 United States Department of State, *Japan: General Principles Applicable to the postwar Settlement with Japan* (T-357), Post World War II Foreign Policy Planning, State Department Records of Harley A. Notter, 1939–1945, Document No. 600-T-357, United States National Archives and Record Administration.

30 Yoshida, *The Yoshida Memoirs*, 126–142.

31 Rosenman I. Samuel, "Memorandum from Samuel I. Rosenman to President Harry S. Truman," 1960. In *President's Secretary Files. Independence*, MO: Truman Library and Museum, DOI 290015686.

32 Thiel, *Militant Democracy*, 230–232.

1989. Eventually, Japanese society, high and low alike, embraced Japan's new identity under the 1947 constitution. The ideals of the new constitution were ultimately amenable to the Japanese way of life.

The Japanese citizenry was expected to accept their new governmental structure, as well as elect a new Diet and Prime Minister. The first session of the National Diet under the new constitution was called in May 1947. There was considerable pushback from the public and officials, however, the Far Eastern Commission released a statement that encouraged the Japanese government to take up the issue of constitutional revision upon themselves in one or two years after the end of the occupation.<sup>33</sup> Once this time came, many periodicals and political groups released their own tentative version of the constitution to be considered for ratification. However, as the Prime Minister at the time Shigeru Yoshida writes, "There exists little reason for being sensitive to the circumstances in which Japan's present constitution was drawn up. It is far more important to consider whether that document actually operates to the advantage of the Japanese people."<sup>34</sup> In the future Japan would discuss amending certain articles; however, over time, the question of the Japanese constitution faded into the background of the political climate in Japan.

Despite America's vigorous involvement, the Constitution of Japan is undeniably Japanese. Despite the large amount of both historical and modern support of reform by the Japanese people, the adoption of the Japanese constitution was ultimately an American product. The American occupation of Japan gave the citizens little to no say in the constitution outside of small cultural distinctions and vetoed all attempts by Japanese officials and scholars to suggest a new constitution. After their initial plans failed, the American government eventually suggested their own version of the constitution and forced the document to be adopted.

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33 Yoshida, *Yoshida Memoirs*, 144.

34 *Ibid.* 145.