THE FUNCTIONAL CONTINUITY OF THE JAPANESE EXECUTIVE DURING THE CONSTITUTIONAL ERA

A Thesis

Presented to

The Division of Social Sciences

Kansas State Teachers College

In Partial Fulfillment

of the Requirements for the Degree

Master of Science

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August 1965

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Approved for the Major Department

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Approved for the Graduate Council

PREFACE

No society has ever simply abandoned its traditional culture. Such, at least, is the indication of historical experience. On the contrary, the old culture invariably leaves permanent and significant marks of continuity even on a fully modernized society.[1] Throughout the world, Japan is a good case in point. In contrast to China, where government has not yet existed in the modern sense, in Japan it has continued for nearly a century. Despite the fact that in theory and sometimes practice, constitutionalism has been subjected to almost every possible adaptation and modification, and despite the fact that the nation as a whole has experienced defeat and reform, the most striking feature of Japanese life and government is still the element of continuity.[2]

Continuity in Japanese society is best observed in its political ordering, and in government that continuity is best observed in the executive. The Japanese executive,

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[1]Max F. Millikan and Donald L. M. Blackmer (eds.), The Emerging Nations, Their Growth and United States Policy (Boston: Little, Brown and Company, 1961), p. 19.

[2]Fritz M. Marx (ed.), Foreign Governments, The Dynamics of Politics Abroad (second edition; New York: Prentice-Hall, Inc., 1952), pp. 581-582.

like that of any other political society, as the embodiment of the leadership is specialized to perform the distinctive practices of policy formulation, decision-making and execution or adaptation of policy to particular cases.[3] But however important the specialization of laws, statutes and constitutions may be, "institutions exist only through the men who make them work."[4] They give institutions a continuity of function.

Insight to some degree into the functional continuity of the Japanese executive becomes sharper if examined under the form and structure of the Constitution. In modern times, Japan has governed itself by a single constitution. First promulgated by the Emperor Meiji in 1889, it continued unamended until after World War II when the "New Constitution" was largely forced upon the Japanese by the Occupation. The Japanese formally adopted the latter document as an amendment to the Meiji Constitution. They insist that, in essence, it remains exactly that.

It is relatively easy to explain the characteristic feature of continuity in the bureaucracy, or the armed forces, or the financial houses, or political parties, or

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[3]Harold D. Lasswell and Abraham Kaplan, Power and Society (New Haven: Yale University Press, 1950), p. 192.

[4]Jean Stoetzel, Without the Chrysanthemum and the Sword (New York: Columbia University Press, 1955), p. 19.

the Shinto cult separately, and let it go at that. But to bring all those groups of Japanese society together and to ascribe to each its own proper relationships to the whole of executive continuity is much more difficult. It is in fact, "something of a Sisyphean task, but one which none the less ought to be shouldered."[5]

This study, therefore, is predicated on the following hypothesis: The exercise of power in the decision-making process is indicative of a high degree of functional continuity in the Japanese executive. Irrespective of changes in constitutional structure, the Emperor, the bureaucracy, financial interests, political parties, the military and the Shinto cult continue to play decisive roles in the formulation and application of policy.

At this writing, the author is not aware of any similar study having been done on the subject. It is further noted that this study results in a synthesis of existing efforts of many authors whose individual and collective writings have not necessarily centered upon this subject, but are nonetheless relevant to it. Consequently, a review of the literature on the executive function is not presented here. It is suggested that the reader see the bibliography for a selected list of such works.

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[5]Herbert E. Norman, Japan's Emergence As A Modern State (New York: Institute of Pacific Relations, 1940), p. 209.

The fact that little writing exists on the functional continuity of the executive does not lessen its relevance to the discipline of government nor its importance to practical politics in international affairs. First of all, it is hoped that the completed study, which necessarily leaves much unsaid, will nevertheless be recognized as an effort toward a beginning at this type of inquiry. Secondly, the science of government demands a valid assessment of a political society, in this case that of the Japanese, in the context of that society's past experiences, present tendencies, and future possibilities. It is hoped that this study will contribute something significant to the first two of these.

Finally, it is desirable that a study of this kind have some practical application. It is generally recognized that the West has exported a way of life under the nebulous title of democracy. The West has deemed it the best way of life and following on that, it further suggests that it is the only proper way. Yet a majority of the Japanese reject the kind of democratic regime like that of Britain, France or the United States. This is not a rejection of the concept of democracy, but rather a plea for a Japanese brand of democracy. And that is one still to be created; one nourished by roots in the past; one which has

continuity.[6] In a several-thousand-year old tradition of a familial society, what could be more important for the Japanese than a sense of continuity, of kinship, of belonging to some greater whole. Consequently, this study suggests a question that might well serve in relations with other non-Western countries. In bringing about a "new order" what and how much in a nation's past can be changed and, indeed, ought to be?

The very magnitude of this study necessitates limits and restrictions. Negatively speaking, this study is not intended to query democratic prospects for Japan. Neither is the continuity of function to be considered as an admonition concerning the possible resurgence of extreme forms of militarism or chauvinism. Primarily, the study seeks to point out that the process of the executive function is a Japanese continuum. That is to say, various forces having had influence on the executive operation continue to do so in a manner oftentimes peculiarly Japanese. However, in so far as it is possible to distinguish, only those forces of the polity which show themselves to have decisive influence on this process will be treated. Actual cases and particular situations will be cited only for purposes of illustration and, to the extent that they contribute to the greater whole.

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[6]Stoetzel, Without the Chrysanthemum . . . , p. 146.

In all instances, the source data for the study have been library materials. Documents of both the Japanese and United States governments, memoirs and commentaries of personages directly involved constitute the primary sources. In addition, such secondary sources as books and scholarly journals have been used.

While the hypothesis is limited, the ramifications are broad and hence no single method of inquiry can be detailed here. Each chapter requires a somewhat peculiar method that adapts well to the topic. Broadly speaking, however, the method of treatment of the thesis is an amalgam of historical and functional analysis. A somewhat lengthy historical background is necessary not only because it offers clarity and perspective to the problem, but more importantly because it makes possible the drawing of specific illustrations which manifest the executive function.

The need for using a functional analysis is inherent in the hypothesis. The exercise of power is essentially a functional problem. The exercise of power is divided into two categories. Direct influence indicates immediate control such as an individual or group might have if one of their number is elected or appointed to office and charged with one or more aspects of policy-making. The influence might also be indirect or remote such as might come from personal ties of marriage or friendship, lobbying or

membership in associations connected with or exerting pressure on officials. Thus functional continuity is arrived at with the aid of historical instances over the constitutional period. Yet on the whole, the development of the thesis is not primarily aimed at a new method, but rather at hitherto unexplored substance.

A number of further definitions and explanations are offered for clarity. English has been used in place of Japanese whenever possible, and the usual Japanese custom of surnames first and given names last has also been followed. The term executive function requires some discussion even though it has a common accepted meaning. The executive function entails the whole leadership operation, separated and yet coordinated as it were, into divisions of labor for specific purposes and objectives. Part of the executive function is to initiate bills for legislation or by some other means formulate a general policy. Part of the function is administrative or adapting the general policy to particular cases. Still other duties of the executive involve questions of diplomacy, intelligence, propaganda, economy, morale, and defense and security.[7] Specifically then, in this study, the exercise of power in the executive function is construed to mean the influential participation in the

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[7]Lasswell and Kaplan, Power . . . , pp. 193-195.

TABLE OF CONTENTS

LIST OF TABLES

LIST OF CHARTS

CHAPTER I

THE CONSTITUTION

The Meiji Constitution* was in effect and unamended from November 29, 1890, until May 3, 1947, a period of fifty-six years and some five months. The New Constitution has been in force ever since. Even to contrast and compare the formal structure of the two Constitutions with regard to the executive function leads one to a sense of continuity. For "to describe the constitution is . . . to specify how the body politic is constituted as to both authority and control."[1] But it is more than that. The formal structure of the Constitution is also an expression of the spirit of the political order. Trite as it may be, the preamble is an attempt to state the basic philosophy in a few words. Indeed, every phrase of the document itself explains how the Japanese will to live. It mirrors their social, religious and economic ideas relative to the desired political

*The Meiji Constitution was promulgated on February 11, 1889 and became effective on November 29, 1890. The New Constitution was promulgated on December 3, 1946 and became effective on May 3, 1947. The New Constitution is a formal amendment of the Meiji Constitution. They are thus actually one, but to distinguish between them the terms Meiji and New are used. The singular and plural use of the word constitution (s) also refers to this situation.

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[1]Lasswell and Kaplan, Power . . . , p. 216.

life unique to them alone. This is a particularly important feature of the Japanese Constitutions. "Japan, unlike some parts of the non-Western world, did not come into the modern world a"tabula rasa," and therefore, the legacies of the past were certain to color the new order."[2]

Japanese government in general, and the executive in particular, shows substantial Confucian, Shintoist, Buddhist and feudal-military affects. The nature of man, society and the state are spelled out in comprehensive fashion. David Apter has succinctly stated seven of the major themes. Human nature has a potential for good, but it is easily corrupted. The function of the state, therefore, is to develop good men. Political relations should be modeled from familial relations because the family is the most basic unit of society. The best government is that of wise men, who by their exemplary conduct establish permanent values for society. The state is properly concerned with every aspect of society that affects the values and character of men and therefore ought to be regulated. Social distinctions with corresponding rights and obligations must be maintained for a harmonious and well ordered society. Society is a delicately balanced organism of

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[2]David E. Apter (ed.), Ideology and Discontent (New York: The Free Press of Glencoe, 1964), p. 93.

interactive parts, which can function only when basic values are preserved. Thus to separate the individual from society is the greatest evil.[3]

As might be expected, these ancient traditional themes appear and reappear in more concrete terms within the formal structures of both the Meiji and the New Constitutions. Almost every constitutional duty, prerogative or power connected with the executive function is based upon one or another of the themes. Similarly, continuity of the executive function is achieved when the themes are no longer theory, but practice. The Constitutions become a more certain means to achieving the basic ideas.

If the spirit embodied in the formal structures of both Constitutions compare favorably, it is by no means the only affinity. Another point of similarity between the Meiji and the New Constitutions is the fact that both were created in response to impetus from the West. In the latter part of the nineteenth century liberal ideas, initiated and stimulated in the West, gained considerable recognition in Japan. After a period of hectic political debate, the Emperor was led to bestow the Meiji Constitution upon the nation in 1889. Japan suddenly entered the era

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[3]Apter, Ideology . . . , p. 94.

of constitutional representative government. Judged by present standards of constitutionalism, the ambivilence of the Meiji Constitution on crucial issues is obvious. In some respects, logically, it seems to be more the instrument for an emperor-centered organic state than for a parliament-centered democratic one. Still, in 1889, the Meiji Constitution could justly be said to be ahead of the political capabilities of Japanese society. It would be difficult to argue for Japan's achievement of this form of constitutionalism "naturally."[4] The Meiji Constitution was, indeed, a gift from the Emperor to the whole Japanese nation. It could have been brought into being in no other manner. Little in Japanese traditional ideas suggest support of constitutional representative development in the Western sense.

In fact, there exists in Japanese tradition a singular lack of emphasis upon individuals. Yet, it is unfair or misleading to say that individualism was surpressed; in Japan it was never discovered. The traditional Japanese political theory holds the family to be the atom of society. It cannot and should not be split. The individual is a part, never a whole. Such concepts as private enterprise and private initiative do not have the usual Western meaning

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[4]Apter, Ideology . . . , p. 100.

in Japan. In much of what is termed private, the proportion of group, communal, or public elements is much greater.[5] Yet the fact remains, nineteenth century Japan did write, promulgate, accept and make effective a constitution. The grafting took, the attached organ assumed life. To accomplish this feat, it was far more important for the constitution to be confluent with the real Japan than to make an impressive entry in Western yearbooks.[6] It would most certainly be absurd to defend the thesis that the pre-and-post war Japanese constitutions are not basically different in any way, or that the Occupation's reforms were not decisive or far reaching. Yet the elements of continuity in spirit should not be overlooked nor discounted.

The New Constitution, like the Meiji, is also the result of Western pressure for reform. Although defeat and occupation left the Japanese fewer choices than in 1889, the New document does attempt to incorporate the basic Japanese themes of man, society and the state. Subjected to Occupational directives, the Japanese have often left to practice and interpretation what they were not in a

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[5]Apter, Ideology . . . , p. 96.

[6]Paul A. Leinbarger and others, Far Eastern Governments and Politics, China and Japan (second edition; Princeton: D. Van Nostrand Company, Inc., 1954), p. 361.

position to demand in theory as expressed in a formal and legal constitution. Wisdom demanded that cooperation with the Occupation and longsuffering for it to end would be the best safeguard for society to be left intact.

Most authorities defend the proposition that constitutionalism in Japan has been steadily progressive. Taken as a whole, the Constitution, 1890 to the present, does represent continued progress toward representative government within the Japanese framework. As a fundamental law it has, over the years, proved itself capable of responding to the needs of the times. The extreme militarist interlude of the 1930's and 40's is often regarded as the best reason for the abrogation of the Meiji portion of the Constitution as unworkable. Events of those times have, unfortunately, overshadowed the previous years of constitutional progress and the enlightened views of many jurists of the time.

Minobe Tatsukichi, for example, professor at the Imperial University (retiring in 1934) and teacher of a whole generation of government leaders, expounded the functional theory of the Emperor's powers and of ministerial responsibility to the Diet. While this issue will be taken up in later chapters, it should be pointed out that even Baron Kitokaro Ikke, Minister of the Imperial Household, 1925-1934, and President of the Privy Council, 1934-1936,

as a member of the Imperial University law faculty preceeded Minobe in support of such theories.[7] As Japan's foremost liberal commentator on constitutional law, Minobe opposed discarding the Meiji Constitution. He believed it contained much that was basic to the Japanese that should be continued in the "new order." What it needed, said Minobe, was some amendment, but above all, proper enforcement.[8] Thus continuity in both the Meiji and the New Constitutions is symbolized by the issue of synthesis which remains central to Japanese political thought--"the harmonization of exogenous and indigenous value-institutional complexes."[9] At best, this is a cursory examination of the thought which underlays the formal Constitutions. But without some knowledge of it, one cannot hope to appreciate the full significance of the whole document itself or, for that matter, what will be shown in later chapters to have been made of it.

It is obviously impossible to compare each article of the Meiji and New Constitutions. Suffice to say that in general, the sequence of chapters is about the same

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[7]Kenneth W. Colegrove, "The Japanese Cabinet," The American Political Science Review, XXX (1936), p. 912.

[8]Harold S. Quigley, "Japan's Constitutions: 1890 and 1947," The American Political Science Review, XLI (1947), p. 874.

[9]Apter, Ideology . . . , p. 100.

in both. The Meiji document has seven chapters, while the New Constitution contains four additional chapters. The new additions include Chapter II: "Renunciation of War;" Chapter VIII: "Local Self-Government;" Chapter IX: "Amendments;' and Chapter X: "Supreme Law." The Meiji Constitution contains 76 articles, the New Constitution has 103. Both Constitutions are phrased in relatively rhetorical and legalistic language. It should, however, be noted that it would be a mistake to assume that either of the two documents comprise the sole fundamental law of Japan. Imperial rescripts and ordinances were also fundamental law along with the Meiji Constitution. Similar primary political institutions exist with the New Constitution. Hence the fundamental law of Japan is not simply one written document.

On February 11, 1889, the Emperor proclaimed the Meiji Constitution and on the same date, he issued a number of imperial rescripts: Imperial House Law, House of Peers Law, Law of the Houses, Law of Election, and the Law of Finance.[10] On November 3, 1946, the New Constitution was promulgated and to it was added the Imperial House Law, National Diet Law, Law of the Courts, the Cabinet Law,

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[10]Kenneth W. Colegrove, "The Japanese Constitution," The American Political Science Review, XXXI (1937), p. 1027.

Finance Law, Public Office Election Law, and the Local Autonomy Law. The Cabinet Law is conspicuously absent from the program of 1889, but it had in fact been recognized by imperial rescript on December 22, 1885, four years prior to the Meiji Constitution itself. Since all of these laws under both Constitutions could be changed by the usual statute methods, rather than by constitutional amendments, they added great possibilities for flexibility and interpretative amendment to the structure of the state.[11]

For this study, centering as it does upon executive functional continuity, some provisions of the two Constitutions should be examined more closely. Specifically, the preambles and some articles on the Emperor, the Cabinet, the Diet and Finance have direct relationship. The most revolutionary change in the Constitutions cannot be more succinctly found than in selections from the respective preambles. The Meiji Constitution begins:

> Having, by virtue of the glories of Our Ancestors, ascended the Throne of lineal succession unbroken for ages eternal; . . . We hereby promulgate . . . a fundamental law of State, to exhibit the principles by which We are to be guided in Our conduct . . .

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[11]Colegrove, "The Japanese Constitution," _____, XXXI, p. 1027 and Roy C. Macridis and Robert E. Ward (eds.), Modern Political Systems: Asia (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1963), p. 90.

> The rights of sovereignty of the State, We have inherited from Our Ancestors, and We shall bequeath them to Our descendents.

The New Constitution states:

> We, the Japanese people, acting through our duly elected representatives in the National Diet . . . do proclaim that sovereign power resides with the people and do firmly establish this constitution.

Simply put, the main question is one of sovereign and sovereignty. Article IV of the Meiji Constitution* seems emphatic: "The Emperor is the head of the Empire, combining in Himself the rights of sovereignty . . . ." The New Constitution, according to Article 1 places sovereignty with the people: "The Emperor shall be 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." This would suggest a transference of sovereignty from the Emperor under the Old Constitution to the people under the new.

However, Dr. Kanamori Tokujiro, the Minister of State, who explained the Constitution to the Diet maintained that the New Constitution did not alter the "characteristics of the state." Kanamori, supported by Premier Yoshida argued that a mere legal change did not affect the moral position of the dynasty--the true index of the national

*For clarity Roman numerals have been used for articles of the Meiji Constitution and Arabic for the New Constitution.

polity.[12] Later, Yoshida restated his position. "Our Emperor . . . is defined, as the Constitution stands at present, as 'symbol of the State and of the unity of the people,' which is what Japanese Emperors have always been . . . . Whatever the vicissitudes of legal phraseology, the conception that we Japanese have had of our Emperors has never changed."[13] So it is then, that the question of sovereignty may have been settled, at least legally, by the New Constitution, but the inevitable tendency of interpretation along the lines of continuity is still very much present and very much alive.

Less debate has centered around Articles V to XVI of the Meiji Constitution and Articles 4 to 7 in the New Constitution. The provisions are concerned with the Emperor as head of government and head of state. It is generally accepted by most that the New Constitution has placed definite legal limits on both concepts. In the New Constitution the Prime Minister is named as head of government and the Emperor is the "symbol," but not head of state. Yet, there is some argument even here for the separation of theory and practice as will be noted later.

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[12]Quigley, "Japan's . . . ," XLI, p. 868.

[13]Shigeru Yoshida, The Yoshida Memoirs, trans. Kenichi Yoshida (Boston: Houghton Mifflin Company, 1962), p. 145.

The Diet is the prime beneficiary of power under the New Constitution. Article 41 states that it shall be the "highest organ of state power, and shall be the sole law-making organ of the state." In the Meiji Constitution, Article XXXVII required every law to have "the consent of the Imperial Diet," but other articles effectively limit the Diet and consequently vested much legislative power in the executive oligarchy that governed in "His" name (Article V). While the Cabinet is not mentioned in the Meiji Constitution, Article LV demanded that "respective Ministers of State shall give their advice to the Emperor, and be responsible for it." Legally, the Cabinet was recognized in 1885. The New Constitution is more explicit with regard to the Cabinet. Article 65 says that "executive power shall be vested in the Cabinet."

Still the most striking features of the New Constitution provide that the Diet shall elect the Prime Minister, who with his Cabinet are collectively responsible to it. A majority of the Ministers of State must be chosen from the Diet and all ministers must be civilians. In addition, resignation or appeal to the nation must follow a vote of no-confidence by the House of Representatives (Articles 65-69). Moreover, complete financial control is vested in the Diet. Article 63 plainly states that "national finances shall be exercised as the Diet shall determine."

Some summary remarks will be put to good purpose in closing this chapter. The Meiji and New Constitutions are not only legally one; they are spiritually one. Examining their structures has formed a basis in time, substance and point of departure for this study. But their real significance is much greater. The two Constitutions are expressions of the basic themes which continue in the Japanese concept of government. The Meiji Constitution was the work of the Japanese themselves. The New Constitution was an Occupation product. The difference in time and those drawing the Constitutions might logically suggest little parallel between the two. Not so! They are similar in theory and in practice because they have the same base. Examination of the Constitutions makes a strong point for functional continuity of the executive. Japanese attitudes on executive leadership have really not changed a great deal. It is, rather, a case of putting old wine in new bottles.

CHAPTER II

THE EMPEROR

The Emperor* of Japan as a person and as an institution serves many capacities of leadership. Because the Emperor has endured many past ages of human experience, and because there is ample proof to suggest that it will survive this age, no study of the functional continuity of the executive could be considered complete without treatment of the Emperor.

The approach to this problem is a juristic-religious one because the Emperor system is a juristic-religious phenomena. The Emperor has a legal and constitutional (juristic) base and a moral, ethical and spiritual (religious) foundation. The Japanese leadership, whether present or past, has been keenly aware of the potential of the Emperor system and its singular position in the Japanese scheme of things.

Using the Emperor as the center of loyalty while keeping him relatively divorced from active politics had many advantages. It provided Japan with a permanent, untarnished father-figure, a true link with the past, who offered comfort and security at times when many elements of the past were being torn loose from their moorings.

*Unless otherwise noted refers to the institution.

Traditionalism, including the deepest reaches of the mythical past, could be brought to the service of the modern Japanese state. The Emperor became a substitute for the charismatic leader so prominent in the modernization of most non-Western societies, a substitute that was more permanent, more deeply rooted in the culture, and more invulnerable to attack. The Emperor represented the great triumverate: father of his people, head of his nation, and benefactor of the world. Meanwhile, the real political genius of Japan could be well served. That genius lay in the forces of oligarchy, not monarchical absolutism.[1]

This assessment of the position of the Emperor in Japanese society was in fact aimed at Meiji times, but it serves equally well today. Constitutionally, however, the situation is as though the Japanese are unwilling or perhaps unable to write into law their true sentiments on the Emperor. The Meiji Constitution attempted to incorporate both the juristic and the religious ideas on the Emperor. The New Constitution has centered upon only the juristic element at the expense of the religious. Yet neither of the Constitutions have adequately expressed the actual political and social order as regards the Emperor and the executive function. While it is true that

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[1]Apter, Ideology . . . , p. 103.

the Constitutions attempt to define the relationships of the complicated state continuing to operate in "His" name, it must also be noted that the Constitutions are but one index of the national polity and not necessarily the most accurate one. It is not really possible to define the Emperor's leadership by law when he is in truth above it.

Nonetheless, provisions of the Emperor and the executive function are taken up in both the Meiji and New Constitutions. The basic difference between the two is that theory is now more in line with custom. Meiji Constitution theory held the Emperor to be divine and sovereign, legislator, executor and adjudicator. In practice, he was none of these. All political power was delegated to others who acted on their own initiative but in his name. The New Constitutional theory delegates the same powers supposedly enjoyed by the Emperor to those who, broadly speaking, had exercised them before. This is not to imply that the Emperor has no power. His power is greater than that of anyone else, but it is neither legalistic nor politically based. It is moral power. No appeal in Meiji times, for example, was seriously made to the Emperor's powers solely on legal grounds, and neither are they made today under the New Constitution. Post-War considerations to amend the Constitution with regard to the Emperor and the executive function serves as an illustration. Such efforts

most clearly represent a festering of the Imperial situation in the national consciousness in that the Japanese want the Emperor to be all-powerful and yet personally exercise almost no power. No thing, no man, no house, no institution, no law, no constitution should be above the Emperor or limit him. His limitations are none of these, but rather a common sense moral limitation found in his own mind and that of every Japanese.

Neither of the Constitutions has had more than an indirect effect upon the Emperor's moral powers. Prince Ito Hirobumi, drafter of the Meiji Constitution was quick to point out in his Commentaries that the Constitution in no way changed the national polity or the Emperor's powers. The Constitution, he said, confirmed those powers more than ever.[2] Similarly Minister Kanamori, in offering explanatory remarks about the New Constitution stressed the same position. "The basic principle . . . is the Emperor. In this sense the national character is unshakeable and unchangeable."[3] The Emperor is leader of the nation.

The question of sovereignty is paramount to the whole Japanese political order and is particularly eminent

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[2]Hirobumi Ito, Commentaries on the Constitution of the Empire of Japan, trans. Miyoji Ito (Tokyo: Chu-O Daigako, 1906), p. 2.

[3]Stoetzel, Without the Chrysanthemum . . . , p. 93.

for the executive. Article IV of the Meiji Constitution states that "the Emperor is head of the Empire, combining in Himself the rights of sovereignty." The New Constitution, on the other hand, says in Article 1, that it is the will of the "people with whom resides sovereign power." Neither constitutional statement has been interpretated as being as unequivocal as it may appear. Prince Ito again explains the Meiji Article IV. "All the different . . . executive powers of State, by means of which He [Emperor] reigns over the country and governs the people, are united in this . . . Personage."[4] "United" is the important word in Prince Ito's statement. His expression in no way implies that the people are excluded from the sovereign prerogative. The entire concept is not unlike that expressed in the New Constitution where the Emperor is named as symbol and unity of both the state and people.

In Meiji times the legalistic element of sovereignty was never settled. Since sovereignty theoretically determines the locus of power, the question arose time after time in connection with the responsibilities of the Diet, Ministers of State, the Judiciary and the Japanese people as a whole. Two schools of jurists held widely divergent views on the subject of the kokutai or fundamental nature

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[4]Ito, Commentaries . . . , p. 7.

of the Japanese state. Professor Uyesugi Shinkichi of the law faculty of Tokyo Imperial University headed one school which looked upon the Emperor as nothing less than the state. He was not an organ of the state as was the Diet, Ministers of State and the Courts. Professor Uyesugi taught that the Emperor could justly say with Louis XIV, l'état, c'est moi.

The opposing liberal view of the nature of the state was advanced in 1912 and for thirty years thereafter, by Professor Minobe Tatsukichi, a colleague of Dr. Uyesugi. The Emperor, Minobe said, is an organ of the state. Sovereignty is vested in the state. The Emperor alone is not the state, although he may give expression to the state and exercise sovereignty in the name of the state.[5]

If sovereignty belongs to the state, who then is the state? Again Minobe asserts that if the state were the personal domain of the Emperor the very idea of a constitution would be superfluous. The state, concluded Minobe, was the Emperor and the people.[6] Sovereignty could therefore be said to rest with the Emperor and the people.

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[5]Kenneth W. Colegrove, "The Japanese Emperor," The American Political Science Review, XXVI (1932), pp. 651-652.

[6]Colegrove, "The Japanese Emperor," . . . , XXVI, pp. 652-653.

The Meiji Constitution did not adequately express either of the juristic schools of thought. The New Constitution is somewhat less ambiguous. It follows Professor Minobe's thinking on the nature of the state by expressly naming the Emperor as the "symbol of the state and of the unity of the people." It further states that sovereignty rests with the people, but fails to include the Emperor in any way.

While the issue of sovereignty was far from settled in Meiji times, neither is it settled by the jurists under the New Constitution. A third attitude of "wait and see" has been advanced by Yoshino Sakuzo, presently professor of political science at Tokyo University. He suggested the thesis of mimpon-shugi, a concept that avoided the troublesome word "sovereignty" and could literally be translated as "the people being the base." Yoshino argues that the essence of constitutionalism is not the locus of sovereignty, but rather respect for the people and the guarantee that government would be dedicated to their interests.[7]

Furthermore, one Japanese author writing in The Problems of the Emperor System in Post-War Japan points to the fact that the English translations are not strictly

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[7]Apter, Ideology . . . , p. 112.

equivalent to the Japanese original of the New Constitution. Where, for example, English texts say "We, the Japanese people . . . do proclaim that sovereign power resides with the people," the Japanese original says "We proclaim that the general will of the people is supreme." Again in referring to the Emperor, the English copy says he holds his position from the sovereign will of the people, whereas the original reads from "the supreme general will." Moreover, the word "people" used throughout the English translations does not appear in the Japanese text. In place of jun-min (people), kokumin (nation) is used, a word that commonly refers to the body of the people, transcending all classes in its relations with foreign countries.[8]

If the Constitutions do not favorably compare on sovereignty, if the jurists and the political scientists cannot agree on the nature of the state, the kokutai or national polity remains an academic question. While the theoretical exchange has gone on from 1890 to the present, its practical effect on the Emperor's powers and the executive function has been slight.

In the Meiji Constitution the executive powers of the Emperor are stated in Articles VI to XVI. They included sanctioning law, convoking the Diet, issuing ordinances,

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[8]Stoetzel, Without the Chrysanthemum . . . , pp. 19-93.

administrating, organizing and commanding of the civil service, the Army and the Navy, declaring martial law, conferring marks of honor, and lastly the granting of pardons. A similar reading of the New Constitution shows that the executive powers are those of Article 7 for the Emperor and Articles 68, 72, and 73 for the Cabinet. With two exceptions, the Emperor and the Cabinet share identical executive powers under the Meiji document. Article VIII of the Meiji Constitution approves the ordinance power of the Emperor, subject to Diet concurrence. No ordinance power exists under the New Constitution. The second exception is stated in Articles A to All and concerns the Army and the Navy. The New Constitution, however, renounces war (Article 9), so that constitutional provision for the military would be both contradictory and superfluous. However, what land and sea forces Japan does maintain under the titles of police or defense agency is within the domain of the Office of the Prime Minister.

In the final analysis what can be made of a comparison of the executive functions outlined in the Meiji and New Constitutions is a point made earlier. Past customs of Meiji times are now commensurate with New Constitution theory. The executive powers retained by the Emperor under the New Constitution are precisely those he exercised under the Meiji document. Those powers of which he has

business, or society in general. In simple terms, it might be called "invisible" or "private" government.

It is not easy to describe invisible government with any degree of accuracy because by its very nature it is a rather amorphous phenomenon. Being informal, it offers little in the way of organized visible structure. Moreover, one suspects that the techniques of invisible government vary from situation to situation.[9] A good deal of activity of the executive function takes place under private and invisible auspices. The concept is more than the Western ideas of pressure, lobbying, or reaching agreement by discussion and exchange of views.

Private government involves deep-seated sociological attitudes of indirection or using go-betweens, of accommodation and of conversion to arrive at group consensus.[10] No vote is taken, no heated exchange of views takes place and once a decision is reached, there are technically no dissenters. The code of private government demands that the group reach a decision together, almost by a sort of empathy. The function of the chairman is, therefore not to help people to express themselves freely, but to divine

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[9]Nobutaka Ike, Japanese Politics (New York: Alfred A. Knopf, 1957), p. 74.

[10]Chitoshi Yanaga, Japanese People and Politics (New York: John Wiley and Company, 1956), pp. 83-86.

or detect the will of the group, to express this will, and to state the decision reached, presumably on the basis of presagement.[11]

The processes of the executive function, or for that matter, any government operation seldom takes place at Cabinet meetings or on the floor of the Diet. The whole attitude stems from the traditional Japanese dislike for "direct competition which questions the validity of rank, hurts feelings, and jeopardizes personal security, and social stability."[12] All human disagreement and conflict is avoided as much as possible and at any rate must be transacted behind the scenes.[13]

Taken in this context, the confusion in the executive function in Meiji times is understandable. The Occupation acted as a catalytic agent to induce a good measure of responsibility in the executive function. The purge of some Japanese leaders after the war was an expression of General Mac Arthur's concept of making the "leadership responsible to the will of the people."[14] A comparison of

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[11] Fred M. Kerlinger, "Decision-Making in Japan," Social Forces, XXX (1951), p. 38.

[12] Stoetzel, Without the Chrysanthemum . . . , p. 57.

[13] Hark, Foreign . . . , p. 575.

[14] Hans H. Baerwald, The Purge of the Japanese Leaders Under the Occupation (University of California Publications in Political Science, No. 8. Berkeley: University of California Press, 1959), p. 10.

the Meiji and New Constitution periods, however, indicates that legal and constitutional responsibility may be offset by the continuation of the political practice of "invisible government" in the executive function. Apparently introducing a new legal attitude does not completely banish an old practice.

The "invisible" practices of achieving consensus, compromise and negotiation do not lend themselves to measurement. Yet one function, that of choosing the Prime Minister, illustrates some aspects of both accountability and the process of "invisible government."

In the Meiji Era, it was nearly impossible to pinpoint the locus of executive power and much less so to state who really named the Prime Minister. Only when executive policy and the Prime Minister who was to develop it were made public could the dominant groups be identified. After reading the Meiji Constitution one is lead to believe that the whole executive function was performed by Ministers of State and that the Emperor simply appointed the Ministers. This is hardly the sum of it. The Emperor never initiated policy nor independently chose the individuals who did. He acted upon the advice of numerous groups including extra-constitutional bodies. The Emperor, according to Article III was "inviolate" and hence could not be held responsible for acts associated with political life. The responsibility

for an imperial ordinance, for example, fell to the man and publicaly identified the power of the man who countersigned it. Beyond the Constitution the real policy-makers and choosers of the Prime Minister were advisers who pressured, struggled, and compromised behind the scenes in order to bring to the fore a consensus policy initiated by an unassailable and irresponsible Imperial government.[15]

A number of extra-constitutional bodies exercised the executive function in Meiji times. The Lordkeeper of the Privy Seal, as one of them, undoubtedly had tremendous influence. As a member of the Imperial Household he was immune from pressures of the military, political parties, or business. Usually tending toward conservative ideas, he held the seals which must be affixed to every state document.[16]

The Minister of the Imperial Household and the Grand Chamberlain were two other special advisors. They were responsible for private matters concerning the Imperial Family. While they enjoyed the rank of Minister, they were not members of the Cabinet, and hence they went unaffected by Cabinet power struggles. Invariably, the Minister of

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[15] John F. Embree, The Japanese Nation (New York: Rinehard and Company, Inc., 1945), p. 66.

[16] Embree, The Japanese . . . , p. 67.

the Imperial Household and the Grand Chamberlain, together with the Lordkeeper of the Privy Seal were of the nobility and thus provided the Emperor with a strong upper-class influence. The real base of their power lay in the fact that they controlled accessibility to the person of the Emperor. No audience with the Emperor was possible except through an intricate combination of their discretionary acts.[17]

The Japanese have always considered the government of wise men to be the best. To that end, the Genro, or elder statesmen of early Meiji days became important advisers to the Emperor. They controlled the nomination of new prime ministers and exercised strong influence over other government policy. Eventually, death claimed the members of the Genro and replacements were never named. Consequently, this important extra-constitutional body passed out of existence in the 1930's. Yet the concept of elder statesmen still lives, and the Prime Minister, even today, is expected to seek the advice of respected men.[18]

The Privy Council was perhaps the most important body giving advice to the Emperor. It consisted of a president, a vice-president, and twenty-four councilors, all of

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[17]Embree, The Japanese . . . , p. 67.

[18]Embree, The Japanese . . . , p. 67.

whom were appointed by the Emperor for life. Cabinet Ministers were also members of the Privy Council during their terms of office. With the gradual passing of the Genro, the Privy Council assumed more and more influence in important decisions. Privy Councilors were appointed on the recommendation of the Prime Minister. But it was not possible to pack the Council. Consultation with other Privy Councilors was required on appointments so that no one became a permanent member who was not acceptable to the rest. Membership in the Privy Council included civil and military officials and some few persons chosen for their erudition.[19]

The Privy Council was both an organ of the Imperial Household and of the State. Its importance was predicated on its authority to advise on draft amendments to the Constitution, draft laws, and ordinances, and questions of interpretation of the Constitution, laws, and ordinances. While the Diet had the final decision on matters of law, it is fair to say that few matters ever reached the Diet if they were not previously approved by the Privy Council. When the Diet was not in session the Privy Council always approved and sometimes initiated ordinances. International treaties and declaration of martial law also required Privy Council approval.[20]

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[19]Embree, The Japanese . . . , pp. 67-68.

[20]Embree, The Japanese . . . , p. 68.

One other extra-constitutional body was of importance as an adviser to the executive. The Supreme Council composed of high Army and Navy men was responsible to almost no one except the Emperor and never to the Prime Minister. The Supreme Council had direct access to the Emperor, named appointments to the Ministries of Army and Navy, and had final say on military and naval matters. The Supreme Council was, in affect, outside the domain of civil government. Thus the Prime Minister was in theory responsible to the Emperor, but in practice he was responsible to the extra-constitutional bodies and for political expediency to the Diet. His backing by the nobility, or big business, or the military proved to be an index of the power struggles and the dominant political group of a given period.[21]

Under the Meiji Constitution the selection and appointment of the Prime Minister was purported to be the strict prerogative of the Emperor. In effect his role was purely that of a supra-legal depository as it is today. Until 1918, when Hara, a commoner became Prime Minister, it went without saying that a candidate recommended for the prime ministership must have family background, high official position, and some sort of clan connection. In the beginning of Meiji times, it was relatively simple for

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[21]Embree, The Japanese . . . , p. 68.

a Prime Minister to be selected. The Genro in assembly recommended a new premier to the Emperor, who gave the official command to form a government. The distinguished Genro did, in truth, set the precedent for choosing the Prime Minister by the "invisible" method. Their act was informal, extra-legal, and extra-constitutional, but it became accepted custom.

At about the time of the passing of the Genro in the 1930's, the Lordkeeper of the Privy Seal assumed the role of recommending candidates to the Emperor. He did so, however, only after a consensus had been reached with the President of the Privy Council, the Minister of the Imperial Household, the military in some cases, and a group newly come into being, the Jushin, or ex-premiers. As time passed, the process of selection became increasingly complicated with the addition of persons or groups having some influence. There exists no record of the Emperor having declined a suggested prime minister. Invariably, the Emperor summoned the candidate to the palace and gave the imperial command for a government.[22]

Looking at the record (see Table I, Appendix B.) it is possible to ascertain which group was dominating the executive function at a given time. Generally, during the

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[22]Yanaga, Japanese . . . , pp. 155-156.

early Meiji period, clan membership was important. With the decline of the Genro, political parties and business group dominance grew in the 1920's. Thereafter, compromise and military premiers assumed power. And finally, it is interesting to note that only one prince of blood ever became Prime Minister. That was in August, 1945, a time when all was lost in the calamity of national defeat and sentiments naturally gravitated toward the throne as a source of strength.

The manner of selection of a Prime Minister under the Meiji Constitution typifies formulation of most other policies. Ex-Prime Ministers, Ministers of State, the Lordkeeper of the Privy Seal, the Minister of the Imperial Household, the Genro, the Privy Council, and the Grand Chamberlain, together or in various combinations exercised the power. Naturally, it would serve no good purpose for these groups to name a Prime Minister who was unacceptable to the Diet, for he would surely be turned out in the near future. Yet, only the Prime Minister and Ministers of State had liaison with the Diet, and then only because their terms of office depended upon the acquiescence of the Diet to government policies.

Under the New Constitution a considerable element of responsibility has been introduced, but the Japanese are still prone toward "invisible government." All extra-legal bodies have been abolished. Yet the selection of a

Prime Minister is not a simple process of counting votes on the floor of the Diet. It might even be argued that the selection of a Prime Minister is no longer an executive function under the New Constitution. This contention is partially correct, although the divisions of government are not nearly so pronounced in Japan as for example in the United States. The legislative and executive functions often spill over into each other.

Article 6 of the New Constitution stipulates that "the Emperor shall appoint the Prime Minister as designated by the Diet." The power, again, is traditional and spiritual as it was in Meiji times. It involves no legal initiative, discretion, or influence. Yet that power, though latent, can be considerable. Article 67 of the designate Constitution says that "the Prime Minister shall be designated from among the members of the Diet by a resolution of the Diet." One might assume that after a national election the party having the largest number of seats in the Diet advances a prospective candidate and a vote is taken to confirm his selection. This is, indeed, the projected image for selecting a Prime Minister when, in fact, the selection takes place elsewhere.

Political parties in Japan are really a congress of factions, so that an electoral victory of a party is no less a victory for its individual factions. Hence instead of

waging fights on the floor of the Diet, parties and factions deal informally and indirectly with one another.[23] Complicated deals are arranged and the faction leader who fares best is one who can subtly take advantage of the constantly shifting balance of power to maneuver his group to the top. A faction leader needs influence with business and industry, finance and the bureaucracy as well as electoral victory and prominance within the party if he aspires to the premiership. This is part of invisible government. Even with the improved method of selecting a Prime Minister there is little place for a dominating leader. Rather, a wily bargainer and nimble opportunist is required.[24] With the process of "invisible" selection done, a vote is then taken in the Diet although every Diet member knows the results before hand. The Prime Minister-designate is summoned to the palace to receive his appointment and the command to form a government.

The executive function, in its broadest sense, is a leadership function. Few would deny that the Emperor exercises considerable leadership by some means other than the legalistic. In juristic theory and practice, his position

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[23]Marx, Foreign . . . , p. 585.

[24]Kazuo Kawai, Japan's American Interlude (Chicago: University of Chicago Press, 1960), pp. 114-115.

has been, since early times, subject to interpretations of extremes. It can be said, with ample cause, that the Emperor's contribution to the continuity of the executive function is not best predicated upon the legal element. The true concord existing between the Emperor and the Japanese people is grounded on a moral, patriarchal attitude, a religious one. Herein lies a significant portion of the continuity of the Japanese executive.

It might be well to initially explain the role of the Emperor in the patriarchal and ethical sense. Clearly he is not a great charismatic leader, or a strong chief executive who makes crucial decisions and carries them out. Neither is he a statesmanlike monarch who works closely with his ministers to govern the nation. The active element in his role is slight. His mere passivity has far greater significance of leadership. His presence on the throne is not only a continuity of leadership, but a continuity of every other aspect of Japanese life.[25]

Tokutomi Iichiro, a well known journalist, has drawn a simile to express the leadership function of the Emperor. "Sovereigns of other countries," he wrote, "are like hats. One can change them at any time. The Emperor of Japan is

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[25]John M. Maki, Government and Politics in Japan (New York: Frederick A. Praeger, Inc., 1962), p. 64.

like the head. If one cuts off the head of an individual, he dies. In other countries the sovereign exists because the people exist. In Japan the people exist because the sovereign exists."[26] Another way of expressing the relationship of the Emperor and the people is to regard the Japanese nation as a family of families. The Emperor is a patriarch, his subjects are the children. More often than not, the relationship is and has been one of father and sons rather than ruler and ruled.[27]

In Japan much of life, and of history to be sure, stands on the institutional surface. In the Emperor's person the past still lives. In fact, it lives in more than just him. Only an explanation of this kind can account for the fact that Japan is one country in the world which has had few rebellions and no revolutions. Two attitudes are of over-riding importance in this respect. The Japanese do not recognize the right of revolution as do many peoples of the world, including their neighbors, the Chinese. The Emperor is "inviolate" and never really responsible for political acts. The Japanese people are one with the Emperor.

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[26]Nobutaka Ike, The Beginnings of Political Democracy in Japan (Baltimore: The Johns Hopkins Press, 1959), pp. 197-198.

[27]Ike, The Beginnings . . . , p. 198.

The second consideration of the Japanese is that to revolt against the throne is commensurate with destruction of the Japanese nation. To abolish his institution or violate his person is to destroy their beginning. The present Emperor, His Imperial Majesty, Hirohito is the one hundred and twenty-fourth monarch. His line is a "succession unbroken for ages eternal," reaching to the Emperor Jimmu in 660 B. C. and before that to the mythical sun-goddess, Amaterasu Omikami. The Emperor has no dynastic name; none is required. There exists in the world no older organized government than his, no older family and few older institutions. It is not surprising then, that the Japanese should surround themselves, their institutions, and their Emperor with attitudes of superiority, personified in Shinto. Along with the traditional Oriental attitudes of filial-piety, Shinto forms the basis for, and indeed gives legality to the Emperor's leadership.

Shinto in general and the word kami or god in particular are disturbing to the West. Whether Shinto is a religion or a cult is an academic question that need not be settled here. Let it be sufficient to say that it represents a spiritual union of those living on earth and those who have passed on into the life beyond. The Emperor is the ancestral father of the Japanese and on earth, he is the intermediary between the living and the dead. In Buddhism those

who have died and reached the state of nirvana can assist others toward the same goal. In Christianity the Mystical Body of Christ permits the saints to help others to heaven. In none of these cases is the Western concept of adoration directly involved. The Japanese do not literally worship their ancestors. National shrines and household shrines are not really places of worship. They are places of reporting of national or household events. The father of a household reports to his ancestors events of importance and interest. The Emperor, as father of the nation, reports to his ancestors similar occurances. A blessing and guidance for the future is also sometimes asked.

The word kami is actually not translatable. Too often Westerners have taken it to mean god in the strictest sense. Kami can be used either as a noun or adjective and resembles the meaning attached to superior, high, better, or above. The Emperor is kami; the Japanese people consider themselves kami. But in what sense? Do the Japanese consider themselves gods and the Emperor the highest living God of all? Certainly not.

The Japanese believe they are kami by virtue of their long and impressive history. They believe their culture to be superior, higher and better than that of others. "The Whole World under One Roof" and similar often heard ideas are expressions of what might be called the national

superiority complex. It is something akin to "Manifest Destiny" of the United States, the cultural superiority expressed by the Chinese, "race superiority" of the Germans, "the millstone 'round our neck" of all Europeans, "that they all may be one" concept in the Christian world and "the peace of Allah" in the Arab world. Each of these concepts has given rise to aggressive militarism at one time or another. The experience of Shinto in this century has not been an exception to the rule.

The basis of Shinto, like Christianity, is charity and peace. Hirohito has been on the Throne since 1926. His is the Showa Era, the era of "radiant peace." In Shinto thought it behooves the Japanese, in charity, to lead all mankind to the benefits of Japanese culture, to "the way of the Emperor."

This then, is the atmosphere surrounding the leadership function of the Japanese Emperor. He is the patriarch of his people and their kami high-priest. He is not a god, omnipotent, omniscient and omnipresent in the Western sense. He is accepted as the "symbol of a culturally advanced, homogeneous people, a representation of their lengthy historical traditions and their essential unity."[28] In this sense, He is sacred, the living embodiment of the absolute,

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[28]Apter, Ideology . . . , p. 96.

tenno--the heavenly lord.[29]

It is perhaps now more clear why the Emperor must be included in any complete treatment of the functional continuity of the Japanese executive. His institution permeates every aspect of life in Japan, including the executive, in the limited governmental sense. For this reason the Emperor could choose to deny his divinity, as he did on January 1, 1946. It was so much the more proof that his imperial position was peculiar, above all need of fable or justification.[30] Even as an "ex-god" he represented an institution found nowhere else. He was still entitled to reverence and obedience. He was still the tenno, the tiem huang in the Chinese ideographs, the "heavenly lord." The tenno was not sacred anymore; he was merely Heavenly.

Moreover, it is the singularity of the Emperor that accounts for his making the historical broadcast of August 15, 1945 during which he made known to the nation his wish to surrender. Only he could command surrender, admonish the people to accept occupation, and work toward the progress of the world. The significant, but rather vague generalizations constituted not an order to obey slavishly, but a paternalistic guide for future conduct.

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[29]Supreme Commander for the Allied Powers, Religions in Japan. Civil Information and Education Section, Religions and Cultural Resources Divisions (Tokyo: United States Department of the Army, 1948), p. 90.

[30]Marx, Foreign . . . , p. 562.

Thus the Emperor is a significant element in considering the functional continuity of the executive. He has vast latent powers which are, in truth, not subject to constitutional provision. In fact, the paradox of the Japanese written Constitutions is that they are a footnote to a moral constitution of much higher authority granting the Emperor almost unlimited influence for leadership. The Imperial executive influence is perpetually in reserve. That power could be abolished legally every day for decades without undergoing serious diminution unless there were concurrent ideological change within Japan. As of now, no such dissident elements are evident.

Looking back, the Emperor is a significant aspect of the functional continuity of the executive in Japan. Neither the Meiji nor the New Constitution has jeopardized his powers which have always been vast, but latent. Both Constitutions have attempted to index the political and social order of Japanese life. The Emperor is inextricably involved in the political and social order, but in most respects he is above the Constitution. Legal stipulations are of relative unimportance as his power for leadership is based upon a higher moral authority. As the ancestral father of the nation, the living link with the past, and the high priest of Shinto, he is the personification of the most fundamental continuing executive leadership possible in Japan.

CHAPTER III

THE BUREAUCRACY

The Japanese executive has always been the dominant branch of government. In as much as this is so however, the political structure is not monolithic. Japan may be authoritarian, but it is not totalitarian. It is not possible for a single leadership to regiment and discipline the whole society. The Japanese system is a welter of rival groups. Each is a free agent in a competitive struggle to climb one above the other. Yet they seek to bind one another in complex alignments and contractual obligations having ramifications in various directions, so that the final result is an overlapping and interlinking web in all of government, but especially in the executive. The bureaucracy is one of these groups.[1] It is, therefore, not an exaggeration to imply that the key to understanding a significant portion of the Japanese executive is given to whomever appreciates fully the historical role and the actual continuing position of the bureaucracy.[2]

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[1] Kawai, Japan's . . . , p. 115.

[2] Norman, Japan's . . . , p. 206.

An attempt will be made in this chapter to assess the importance of the bureaucracy in Japanese government, and in so doing, to account specifically for its contribution to the continuity of the whole executive function throughout the constitutional era. To do this, it must be recognized that the very nature of bureaucracy precludes any single method of inquiry as sufficing for a clear, concise and yet complete evaluation. Considerable insight into the bureaucracy comes through an amalgam of several methods, one almost naturally leading to another. At the outset, an historical view of the bureaucracy offers perspective in time. Philosophical inquiry gives understanding to the attitudes and motivations within the bureaucratic core itself. Examination of the constitutional and legal aspects demonstrate attempts toward regulation. Lastly, a functional method incorporated a variety of approaches to give actual examples of the bureaucracy affecting executive decision-making.

The terms bureaucracy and civil service are nearly interchangeable. They lend to each other a connotation of high calling to responsibility and respectibility. Such a definition is, however, so commonplace that it is of little use. Bureaucracy in Japan is unique in some respects, but not in all. In some it is as universal as human nature itself. All over the world, and in Japan too, bureaucracy

can be a term of reproach. When used in this sense, it means "stiffness in action . . . lack of enterprise; indisposition to give due regard to qualifying conditions . . . to apply rules with unnecessary harshness and technical rigor . . . to regard offices as private possessions, to treat with superciliousness the persons who require their services, and to feel a responsibility, not to the public, whose servants they are, but to their administrative superiors."[3]

As a term of politics, bureaucracy is by definition "a core of trained civil servants skilled in such activities as policy planning, budget compilation, management of fiscal matters, intragovernmental and public liaison, general technical and scientific matters involved in governmental operations, and all those items that can be lumped together under the term 'red tape'."[4]

When a people claim, as do the Japanese, that organized government began in 660 B. C., with the Emperor Jimmu, it is difficult to specify a date for the beginning of bureaucracy. Officially, however, the civil service came into being in December, 1885, as the last reform measure enacted

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[3]Westel W. Willoughby and Lindsay Rogers, An Introduction to the Problems of Government (Garden City: Doubleday, Page and Company, 1921), p. 188.

[4]Maki, Government . . . , p. 141.

by the oligarchy in preparation for constitutional government.

One of the first acts of the oligarchy in respect to the bureaucracy was to exempt graduates of Tokyo University from civil service examinations. This resulted in the University being turned into a virtual training school for conservative bureaucrats. In time, the University itself came to have a more than usual vested interest in governmental affairs.[5] Founded in 1877, the University had within five years become the most preferred institution for civil service training. In 1881 it underwent basic reorganization. Its president became a government appointee directly responsible to the Minister of Education and the faculty became civil servants with appropriate rank. In 1886 Tokyo University added Imperial to its name and announced that its primary purpose was to teach and investigate science and learning which would be of practical use to the state.[6]

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[5]George A. Beckmann, The Making of the Meiji Constitution, The Oligarchs and the Constitutional Development of Japan, 1868-1891 (Lawrence: University of Kansas Press, 1957), p. 76.

[6]Herbert E. Norman, Japanese Government and Politics (Ninth Conference of the Institute of Pacific Relations, Secretariat Paper No. 9. New York: The Institute of Pacific Relations, 1945), p. 93.

Further evidence of the depth and intensity of the bureaucratic tradition can be seen in the continued influence of Tokyo Imperial University. In pre-war times, ninety-two per cent of the civil servants achieving first or second rank were graduates of the Imperial University. In 1954, even after reforms, the "old-school tie" remained striking in that 76.6 per cent of all top Japanese civil servants were still Tokyo University graduates.[7]

Before the turn of the century conservative bureaucrats were firmly entrenched in Japanese government. In 1889 the government of Prime Minister Yamagata had brought forward three imperial ordinances which tightened official discipline and regularized the examinations and terms of tenure. They further separated the bureaucracy from political influence by forbidding members of political parties to hold government offices below that of Cabinet Minister.[8] Moreover, bureaucrats were effectively gravitating toward centers of power. This was true partly because of historical custom and partly because of the nature of their profession, but no less to their own vision and sagacity. Professors James Abegglen and Hiroshi Mannari

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[7]Macridis and Ward, Modern . . . , pp. 100-101.

[8]Harold S. Quigley, Japanese Government and Politics (New York: Appleton-Century Company, 1932), pp. 143-144.

after making lengthy studies of Japanese bureaucrats found that the children of government officials had "58.5 times as many chances to attain eminence as the average Japanese." Furthermore, their chances of becoming political, cultural and business leaders were respectively, "95, 50 and 45 times greater than the average."[9]

The bulk of bureaucratic involvement looms large in Japanese government. But despite this fact, the old Tokugawa adage, kanson mimpi ("officials honored, the people despised"), still holds. This apparent aloofness of the Japanese bureaucracy demands a closer scrutiny to account for its thinking and its actions.

Ethics and formalism are two of the chief characteristics of the Japanese civil service. Both these traits have roots in the language itself and also in the Sino-Japanese tradition of government. The official language is ideographic or pictorially expressed and its mastery requires effort of memory, discipline of personality and an appreciation of its ethical base. To become an official, one must first become a scholar.[10] A scholar in Japan studies the Confucian classics. His function is not to be creative,

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[9]Robert E. Ward and Dankwart A. Rustow (eds.), Political Modernization in Japan and Turkey (Princeton: Princeton University Press, 1964), p. 101.

[10]Marx, Foreign . . . , p. 591.

but to understand and interpretate the truths hidden in those classics. Of primary concern are orthodoxy and the well-trodden paths of tradition and custom, not the unknown frontiers.[11] Displays of individual initative are frowned upon. Loyalty and obedience, tact and anonymity, patience and a capacity for endless details and administrative rituals are the prized virtues. Complete personal and job security make accountability to the public practically nil.[12]

The Japanese bureaucracy has other characteristics: fierce courage, utter loyalty and a deep but vague sense of the spiritual. In addition, once civil servants enter a particular Ministry they look forward to a future solely within that Ministry. Seldom is there lateral transference between Ministries, especially among the elite of the service. Due to the past control of the Ministries by one group or another of Japanese society, inter-Ministry suspicion, rivalry and the lack of administrative cooperation are both acute and excessive. This condition contributes to the fact that the Japanese bureaucracy remains deeply rooted in departmentalism, while still possessing an almost unequaled esprit' de corps.[13]

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[11]Apter, Ideology . . . , p. 95.

[12]Macridis and Ward, Modern . . . , p. 101.

[13]Macridis and Ward, Modern . . . , p. 101.

The public image of civil servants is also somewhat pronounced. The Japanese do not expect their officials to reduce the language of government to that of the common man. Neither does the public expect that government should be explained in the same language that bureaucrats use among themselves. Both the public and the bureaucrats believe that a public office is held because of training and virtue and hence they should not be ejected from such positions.[14]

Before proceeding to a more detailed examination of some of the activities and practices which the bureaucracy has continued in the executive function, it may be well here to discuss briefly the constitutional provisions pertinent to the civil service. By and large, the provisions of both the Meiji Constitution and the New Constitution are the same. Both Constitutions rest regulation of the civil service with the executive. In Meiji times, the Emperor was the chief executive and Article X of that Constitution granted him power to determine "the salaries of all civil and military officers, and he appoints and dismisses the same." Article 73 of the New Constitution is similar. It states that the Cabinet headed by the chief executive officer, the Prime Minister, shall "administer the civil service."

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[14]Marx, Foreign . . . , p. 591.

A number of other constitutional provisions of both documents do not specifically mention the civil service by name, but their implications for the bureaucracy are obvious. They graphically illustrate the fact that the constitutional position of the civil service has remained essentially unchanged since the inception of the 1890 Constitution. Continuity of the basic law has contributed to the ability of the bureaucracy to continue functioning within the executive. When the duties of civil servants noted earlier are recalled the opportunity for bureaucratic initiative presented in these articles is apparent. Ministers and their delegates may explain and interpret policies and bills before the Diet which, most likely, they themselves have helped to draw and formulate. Article LIX of the Meiji Constitution states that they may "at any time, take seats and speak in either House." Likewise, Article 63 of the New Constitution says that Ministers may "at any time, appear in either House for the purpose of speaking on bills, regardless of whether they are members of the House or not."

Lastly finance is another area of importance to the civil servant. Article LXIV of the Meiji Constitution demands that "the expenditure and revenue of the State require the consent of the Imperial Diet by means of an annual Budget." Article 86 of the New Constitution is

almost identical. "The Cabinet shall prepare and submit to the Diet for its consideration and decision a budget for each fiscal year."

The executive, as an institution of government, would doubtlessly be impotent without the bureaucracy. The bureaucracy makes executive operation an actuality. In Japan, the bureaucracy has fallen heir to a strategic position as the administrative instrument of the executive, which normally wields such powers as are intrusted to it and oftentimes, more.[15]

The bureaucracy has never legally had any autonomous power of its own. Much of the work it does belongs to the routine and can be dismissed as a response to the usual rules and regulations. What is of prime importance is that the bureaucracy not infrequently formulates policy, or at least plays a deciding role in crystallizing it on the departmental level, in the Cabinet, as well as in the Diet. Furthermore, the bureaucracy frequently executes policy without any real control by either the Cabinet, the Diet or the public at large.[16]

Members of the Diet, for example, have seldom sponsored legislation. During the first ten Diet sessions,

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[15]Yanaga, Japanese . . . , p. 302.

[16]Yanaga, Japanese . . . , p. 302.

1,276 laws were enacted of which 218 or about seventeen per cent were sponsored by Dietmen.[17] In recent years, bills sponsored by Diet members have increased, but this is done usually at the request of some government agency with which a Diet member is associated. It is therefore fair to say that most bills are initiated by the executive. Furthermore, should a Dietman sponsor his own bill, he would invariably give the proposal to the Legislative Bureau for drafting. Should such a bill be fortunate enough to get approval at party conclaves and then receive no strong opposition at departmental or Cabinet levels of the government, the bill must still receive the approval of twenty members of the Lower House and ten members of the Upper House for introduction. In case the bill calls for appropriations of money, the numbers are increased to fifty and twenty, respectively.[18] Clearly then, the Diet by custom, does not initiate policy. That is the almost undisputed prerogative of the executive and its bureaucratic agencies.

A number of other factors have contributed to bureaucratic prominence and thereby continued the executive function. Although they are fit subjects for individual

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[17] Ike, Japanese . . . , p. 182.

[18] Ike, Japanese . . . , p. 182.

inquiry in themselves, they require some mention here. In the early Meiji period, bureaucrats came mostly from the Samurai, from rural Japan. The situation is not much changed at present. Sons of farmers still outnumber those of any other origin. Japan still has a rural majority in population, and relatively underprivileged young men of ambition and ability can make their mark in the bureaucracy. The government service offers opportunities otherwise not available to these youths and their families and it thus enjoys a great respect and a wide base of support in the public mind.

Another reason explaining the bureaucrat's powerful position was the traditional weakness of the Diet itself. Under the Meiji Constitution, the supremacy of the executive in neither theory nor practice is disputed. But the New Constitution theoretically makes the Diet supreme. It might be assumed that the Diet hence would begin to take an active part in policy-making commensurate with its new powers. In practice, however, this has not been the case. In truth, the Diet members are completely at the mercy of career officials and ex-bureaucrats. Without their expertise the Diet is unable to function at all. In general, Diet members have little experience in legislation, legalities and negotiation. Those who do have such experience are the former bureaucrats.[19]

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[19]Yanaga, Japanese . . . , pp. 307-308.

A further reason for bureaucratic power was the rate of development of political parties. Historically, they have been subject to fits and starts since 1900 and remain faction-ridden to this day. Yet every party depended heavily upon its ex-bureaucrat members for organization, management and drafting of party platforms. Once in power the parties were still forced to rely upon the bureaucrat because only he could formulate would-be government policies.[20]

Equally important was the fact that with governmental power gradually shifting to the Diet and culminating in its complete supremacy under the New Constitution, the bureaucracy recognized and faced a severe test. It chose to enter political competition for the highest executive positions. Even during the Meiji constitutional era, of the forty-eight bureaucrats who attained Cabinet positions from 1924 to 1945, only nine came directly from the civil service. The remaining fifteen came through the Diet or some other means.[21] After the New Constitution made the Diet supreme, bureaucrats expanded the practice of seeking power through the Diet. Since 1947 outstanding bureaucrats in great

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[20]Yanaga, Japanese . . . , p. 308.

[21]Ward and Rustow, Political . . . , p. 298.

numbers have entered decision-making Cabinet positions through election to the Diet as the Constitution demands.

One postwar House of Representatives, for example, included such former Finance Ministry officials as Kaya, Ikeda, Aichi, Hashimoto, Noda, Uyeki, Ushida, Chira, Kurogane, Fukida and Maeo. To the House of Councillors were elected other former Finance officials: Taushima, Aoki, Sakomizu, Kiuchi, Shimoni, Miyazaea, Takahashi, Sugiyama and Kamibayashi. Of these men, Kaya, Aoki and Tsushima became Ministers during the Second World War, while Ikeda, Aichi, Hashimoto, Noda and Maeo entered the Cabinet after the War.[22]

In the same Diet, about twenty members came from the Foreign Ministry, the most noted among these being Yoshida and Ashida. Fifty Dietmen have been Ministry of Home Affairs officials. If former officials of Commerce and Industry, Agriculture and Forestry, Transportation, Communication, and Education are included, the number of bureaucrats in the Diet is about twenty per cent of the two chambers. Significant also is the fact that an overwhelming majority of the most influential Dietmen--party leaders, present and former Ministers, are from the bureaucracy.[23]

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[22]Ward and Rustow, Political . . . , p. 298.

[23]Ward and Rustow, Political . . . , p. 298.

Article 15 of the New Constitution repudiates bureaucracy and the bureaucrat, so strong in the Meiji tradition. "The people have the inalienable right to choose their public officials and to dismiss them. All public officials are servants of the whole community and not of any group thereof." Practically speaking the article has had small effect. Prime Ministers and Ministers of State come and go, and the Diet is always subject to dissolution and electoral defeat, but the bureaucracy remains, and it remains almost untouched by any of these events.[24]

Finally, a no less important reason for the preservation of bureaucratic control in policy-making stems from its association with the Occupation after the War. In the postwar chaos the government of Japan was "left intact by giving it nothing to do."[25] The Supreme Commander issued his directives assisted by the bureaucracy and that group carried them out. In addition, members of political parties, business, industry and financial groups, the military and Shinto and patriotic organizations were subjected to extensive purging. In effect, these groups not only lost their leadership and in varying degrees their legal

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[24]Yanaga, Japanese . . . , p. 309.

[25]Marx, Foreign . . . , p. 575.

status, but they were also the subject of public ridicule. To be sure, the bureaucracy was also purged, but its effect was not great or wide spread. Nearly one hundred military personnel were designated for every bureaucrat purged. Few of the purge criteria were specifically aimed at eliminating members of the civil service. Criteria purging Cabinet Ministers and high officials affected only 145 members of the senior civil service.[26] The figure was less than the number of yearly recruits.

At this point it serves a purpose to examine the organization of the executive because the great number of bureaucrats which operate within the Ministries and agencies, even if taken at face value, admit to considerable influence in policy-making and policy-execution. In this respect, Japan is no different than any other modern state. Following the general discussion of the executive, the Ministries of Finance and Home Affairs and several of their agencies will be cited as examples of bureaucratic contributions to the executive function.

All government officials in Japan are members of the civil service. The great bulk of them are classified, ranked and receive their appointments after passing the

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[26]Baerwald, The Purge . . . , p. 82.

examinations, but a considerable number are not classified and do not take the examinations. These include the Prime Minister, Ministers of State, ambassadors, parliamentary vice-ministers, counselors and private secretaries, members of commissions and the Bureau of Audit among others.[27]

The Cabinet, like the whole executive, has grown in size. In the first Cabinet of Prince Ito in 1885, ten men held office. They were the Prime Minister and Ministers of Foreign Affairs, Home Affairs, Finance, Army, Navy, Justice, Education, Agriculture and Commerce, and Communications. The Ministries of Home Affairs, the Army and the Navy have been abolished since 1947, and some functional reshuffling has taken place within the Cabinet. It is presently composed of the Prime Minister and the Ministries of Justice, Foreign Affairs, Finance, Education, Welfare, Agriculture and Forestry, International Trade and Industry, Transportation, Postal Services, Labor, Construction, and Autonomy. In addition, four Ministers are without portfolio. They are called State Ministers and usually head various agencies within the Prime Minister's Office.[28]

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[27]Yanaga, Japanese . . . , p. 319.

[28]Theodore McNelly, Contemporary Government of Japan (Boston: Houghton Mifflin Company, 1959), p. 75.

The Cabinet was not specifically mentioned in the Meiji Constitution, but its position had been recognized by Imperial Rescript. Supplementing the various Ministries which composed the Cabinet were several offices attached to it to assist in administrative activities. The Bureau of Audit, since removed, the Secretariat, the Pension Bureau and the Printing Bureau were included in this group. Other bureaus were affiliated with the Cabinet but were directly responsible to the Prime Minister. The most important of these was the Legislative Bureau.[29] Charged with examining and drafting Cabinet bills and Cabinet orders, as well as drafts, treaties and other legal matters, the Bureau gradually became so important that its Director was authorized to attend Cabinet meetings and state his opinion on matters before his department. Furthermore, laws proposed by the Cabinet, other government agencies or individual Diet members had to be submitted to the Legislative Bureau for final and formal drafting. The substance of a bill might come from any number of sources, but its legal aspects were the jealously guarded realm of the Legislative Bureau.[30] It is in the latter instance that this particular segment

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[29]John M. Maki, "The Prime Minister's Office and Executive Power in Japan," Far Eastern Survey, XXIV (1955), p. 71.

[30]McNelly, Contemporary . . . , p. 76.

of the bureaucracy had tremendous weight in policy-making. The legal technicalities it might choose to reject, allow or introduce gave to a prospective bill its true spirit and interpretation. Under the New Constitution and in the present system of Japanese government, the Legislative Bureau has retained its position and its powers.

Another important bureau affiliated with the Cabinet but responsible to the Prime Minister is the National Personnel Authority. During the Meiji Era the Emperor, as chief executive, commanded the civil service. In the feudal sense, they were his men. The New Constitution names the Prime Minister as the chief executive and hence the administration of the civil service falls within his domain. No other workable alternative has yet been found. While the primary task of the National Personnel Authority is to regulate the civil service, through it, as well as through the Ministries themselves, the Prime Minister is constantly prevailed upon to make room for ambitious bureaucrats. He is expected to rotate appointments of all kinds, especially those in the Cabinet and vice-ministries. At a particular time the influence of such would-be officials may be slight, but as an inroad to power, their activity cannot be discounted.

One more agency of the Cabinet requires description. That is the Secretariat. The Director of the Cabinet

Secretariat is actually the confidant of the Prime Minister. Under the old system he was known as the Chief Secretary of the Cabinet. By virtue of his position he becomes the Prime Minister's chief of staff in forming and operating the Cabinet. When a new Cabinet has been announced, the Directors of the Cabinet Secretariat and the Legislative Bureau are invariably listed among those having advised the Prime Minister on Ministry choices. The practical political influence of these two bureaucrats developed concurrently because the Secretariat was the political strategist in the government and the Legislative Bureau the architect given to translating government policies into blueprints for legislative proposals.[31]

The Director of the Cabinet Secretariat is the Prime Minister's private secretary. Almost always he has the rank of State Minister and always attends Cabinet meetings. He, therefore, better than anyone else, knows what is going on inside the government. Moreover, he usually knows more about what is going on outside the government because he is the chief liaison with the outside. His contacts are with the highest personnel in business, industry, finance, professional and civic groups. The Director of the Cabinet Secretariat has always enjoyed tremendous power, especially

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[31]Yanaga, Japanese . . . , p. 159.

if the Prime Minister is weak, too busy, or the Cabinet itself is not prominent. Some Cabinet Secretaries have been particularly outstanding. Miyoji, 1894-95 and Mori, 1927-29 were actually more powerful than any of the Ministers. They actually directed Cabinet activities and, assisted by the Secretariat staff, formulated policies.[32]

The Prime Minister's Office is a special executive organ of the Cabinet but controlled by the Prime Minister and created to assist him. It is not a Ministry, but rather a series of agencies, committees and commissions. The more important agencies included in the Prime Minister's Office are the Fair Trade Commission, the Hokkaido Development Agency, the Defense Agency and the Economic Planning Agency. The entire office has an authorized civilian personnel of about 19,000. In addition, in certain cases, it can exercise a police force of 120,000 and in fact does exercise control over a national defense force of 150,000 uniformed and 12,000 civilian personnel. The Office of the Prime Minister also advises and forms policy which extends into the relatively minor areas of tourist industry and juvenile problems, a fact which does, however, illustrate the broad range and depth of its influence.[33]

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[32]Yanaga, Japanese . . . , pp. 159-160.

[33]Maki, "The Prime . . . ," p. 71.

The ten extra-Ministerial agencies of the Prime Minister's Office are not all of equal importance in their ramifications either for the executive, the bureaucracy or the Japanese public. A closer look at several of the more important agencies will illustrate bureaucratic influence within that Office.

The Economic Planning Agency is so important as regards the nation's economy and so inextricably involved in policy-making that it defies a description of its total effect. It began as the Economic Stabilization Board and then became the Economic Policy Board before it assumed its present name and functions. Its Director General heads a relatively small crew of civil servants and personnel numbering less than four hundred. The Director General is always a State Minister. He attends Cabinet meetings and thus wields enormous influence in economic policy-making for the entire nation. The Economic Planning Agency cannot and does not operate alone. It works with and through the other executive Ministries, departments and agencies and with interested independent groups. It takes as its own the recommendations, plans, policies and final recommended decisions, coordinates them all, makes adjustments and presents the whole to the Prime Minister and his Cabinet.

Of course, each Ministry retains its usual channels to the Cabinet, but it is at this juncture that inter-Ministry

rivalry is keen in order to have a certain proposal accepted as policy. The Economic Planning Agency has the task of working out the development policy which will give the best utilization of both human and natural resources. With this task to accomplish, it has extended its influence into everything except defense problems in the narrowest sense. It studies and formulates policies on food, agriculture, forestry and fisheries, population, labor, employment, housing, health, social security, foreign trade, and production and consumption goals. Every segment of the economy vies for this attention, and none escapes its scrutiny.[34]

The National Over-All Development Law of 1950 has been its brainchild to date. It is designed to develop self-sustenance through conservation and utilization of the land, development of its resources, and the creation of new industries plus the promotion of existing ones. Half the cost of projects is borne by the national government and the remaining portion comes from electric power companies and numerous other interested parties that will eventually share in the benefits.

The Hokkaido development program, as part of the 1950 Law, presents a typical situation of the bureaucracy

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[34]Yanaga, Japanese . . . , p. 332.

in action. Hardly a Ministry did not actively participate in the Hokkaido program with the view to accepting its responsibilities and, to be sure, to seize the opportunity to develop and enlarge its own special influence. From the Financial Policy Deliberation Committee, an advisory group made up of professors and leaders from business, industry and finance recognized for their expertise, came the policy and suggestions of the Ministry of Finance. The Committee had the final say in determination of interest rates, and credit matters. It also served as the go-between in joint financing of enterprises by commercial banks. The Hokkaido program could not be formulated and carried out without the participation of the Ministry of Finance which controls the nation's revenue, expenditures and budget.

From the Ministries of Education, Welfare, and Labor came policies regarding the 10,000,000 people to be supported on Hokkaido. The construction of dams for irrigation and flood control, as well as electric power, the efficient exploitation of agricultural land, forestry and mineral resources, plus the extensive public works and construction of roads, railways, and bridges incorporated the individual planning and policies of those Ministries. Eight other such programs are running concurrently with the Hokkaido project.

A somewhat detailed description of the Prime Minister's Office and the operations of the agencies attached to it may seem to have strayed from the thesis of this paper. But it is not so. It does, in truth, exemplify a portion of the executive function and the crucial part played by the bureaucracy. It is obvious that the Diet could not come forward with such an idea and then develop it. Neither could the Prime Minister do it alone. In the Hokkaido project, as in others, the bureaucracy became unavoidably involved in formulating the policy and indispensable to its execution. Having assumed the functional powers inherent in the executive, the bureaucracy also assumed a multiple role of manager, operator, regulator, promoter, conservator and educator.

The last agency in the Prime Minister's Office to be examined is the Fair Trade Commission. It was established in 1947 largely through the American Occupation efforts and thus became the counterpart of the Federal Trade Commission in The United States. On the one hand the fact that there was no similar agency in Meiji times makes it a glaring example of ineffectiveness due to lack of continuity. On the other hand it is a good example of the intent and purpose for creating a new agency being disregarded and used, rather, to continue old practices. The duty of the Fair Trade Commission is to protect the interests of consumers,

small and medium business enterprises and halt any action which may impair healthy economic competition. It investigates undue pressure on or interference in the management of businesses by commercial banks, price-fixing, false advertising and unwarranted discounts. Finally, the Commission has the important duty of recommending new legislation to the Prime Minister and revision of old statutes by the Diet.

The Fair Trade Commission has only five board members and about 250 civil servants who carry on research studies, compile reports and administer the Commission. It is empowered to hold hearings, hand down decisions, issue cease-and-desist orders and bring suit against violators. In most instances, the decisions and policy-making authority of the Commission is final. While it is buttressed by considerable power, the achievements of the Fair Trade Commission have by no means been spectacular, and are largely negative. Although this is not the place to introduce the partnership of government and business, suffice it to say that in Japan it is an old and still solidly-based tradition. Aspects of it can be observed in almost any economic venture. The Fair Trade Commission is virtually the custodian of the business-government partnership in the form of the postwar antimonopoly laws, and has itself, become the most consistent advocate of relaxation

of many features of enforcement of that legislation.[35]

The Hokkaido program developed by the Economic Planning Agency, and the Fair Trade Commission offer a balanced view of the Japanese bureaucracy functioning within the executive. In the former capacity, it appears to be a progressive innovator getting things done. In the latter instance, it uses every means at its disposal to return gradually and oftentimes unnoticeably to former practices of Meiji times.

Up to this point, this chapter has concentrated on the bureaucracy functioning within agencies associated with the Cabinet, but has avoided, for the most part, the Ministries themselves. To complete this chapter on the bureaucracy and the functional continuity of the executive it is necessary to note in some detail two of the Ministries. The Ministry of Finance is chosen as one for closer study. Its duties and functions have changed little since Meiji times and the Finance bureaucrats outrank all others, since they go back to the 1870's when Count Okuma headed the original Ministry. Then too, the Finance Ministry has the all important duties of administering taxes and preparing the budget, plus a host of other tasks pertinent to economic and fiscal planning.

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[35]Yanaga, Japanese . . . , pp. 337-338.

The administrative pattern of the Finance Ministry is similar to that of other Ministries. In 1958, for example, it had about 62,623 regular civil servant employees. The Minister of Finance is assisted by a career civil servant known as the administrative vice-minister, and by an intra-ministry administrator. He is also aided by parliamentary vice-ministers, who are party liaison men between the Cabinet Ministry and the Diet. The vice-ministers coordinate their policies and proposals at meetings twice a week, usually the day before Cabinet meetings. Present also at these meetings are the Directors of the Cabinet Secretariat and the Legislative Bureau.[36] Taken together, the vice-ministers of all Cabinet Ministries and the two Directors form the highest liaison conference in the government. Their frequent meetings have eliminated the surprise tactics of one Ministry or another at the Cabinet meetings on the following day. As a matter of course, vice-ministry decisions are usually accepted by the Cabinet which deliberates upon the very highest policy matters.[37]

Forming the budget has always been the constitutional function of the Cabinet. Likewise, the exercise of that function has always been in conformity with the policies

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[36]Ardath W. Burks, The Government of Japan (New York: Thomas Y. Crowell Company, 1961), pp. 140-141.

[37]Yanaga, Japanese . . . , p. 203.

of political parties, the demands of various government agencies, and the decisions of the Diet. The brunt of preparing the budget and explaining and defending it falls to the Bureau of the Budget of the Ministry of Finance.[38] Since every Ministry, agency, bureau and commission of the government, plus private firms doing business with the government depend upon the financial resources allocated by the Diet, but suggested by the budget, the Bureau of the Budget is one of the most effective means for the bureaucracy to exercise power. For this reason, every department of the government, private firms and persons maintain the most effective liaison possible with the Bureau of the Budget. Every item it deletes, terminates, reduces or increases has tremendous implications for those concerned. Consequently, departments vie with each other to get the largest sum possible. At this juncture, the pressure on the bureaucrats becomes so great and the realization of their own powers so perceptible that almost every means of influence is resorted to.

In this respect, bureaucrats have come to regard expensive banquets and receptions as an indispensable part of official procedure. Payrolls are padded to increase entertainment funds while entertainment money and travel

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[38]Yanaga, Japanese . . . , p. 208.

funds are frequently used as bonuses for subordinate staff members. One observer, Kimura Kihachiro, member of the House of Councilors, estimated that in public government works, thirty-five per cent of the figure mentioned in the budget was spent as follows: fifteen per cent for entertainment, ten per cent for consultations and ten per cent for contractors. The remaining sixty-five per cent of the budget figure represented the actual cost of the construction job.[39]

Following World War II, new forms of influence were introduced. Gifts are now given officials upon their arrival and departure, and on the occasion of the birth of a child in the family. At mah jong parties, officials invariably win large sums of money. Finally, there always remains the popular and lavish geisha parties. Inter-departmental tip-offs and those given to private firms have such gross implications that the exercise of power within the Bureau of the Budget becomes almost overwhelming.

Drawing the budget is a continuous year-around job. While the rivalry has been going on, the Budget Bureau has been busy drafting and redrafting for a final bill assisted by the Legislative Bureau and the Tax Bureau. Finally, when consensus brings forward an acceptable bill it is

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[39]Yanaga, Japanese . . . , p. 318.

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[39]Yanaga, Japanese . . . , p. 318.

presented to the House of Representatives and within five days to the House of Councillors. But the work of the bureaucrat is not yet finished. A budget of figures presented to the Diet is hardly enough. An apology for the budget, by way of facts and explanations, has been amassed simultaneously with the figures. When the budget bill is up for consideration in the Diet, the entire bureaucracy, having reached a consensus concerning it, works endlessly to get it accepted. The Prime Minister has prepared a speech on administrative policy. The Foreign Minister speaks on the budget's repercussions in that field. The Ministry of Finance and of every other Ministry, in addition to the Economic Planning Agency offer a defense of the budget. Thus the Diet is confronted with a mighty bureaucratic force.

At this point, the exercising of power by the bureaucrat is somewhat changed in character. His role has been modified. When the Bureau was drawing the budget its civil servants were the receivers of advice and much pressure. When the budget is before the Diet, these same bureaucrats exert their own kind of pressure and give advice to get accepted that which they have drawn. Now come into play the parliamentary vice-ministers who have been the liaison between the Cabinet and the Diet. Contacts with ex-bureaucrats presently in the Diet are important, and so also are those private firms lobbying within the Diet. The bureaucracy

unites with these forces with the objective of getting the original bill passed, without serious cuts and when possible, with increases. With varying success the bureaucracy achieves its objective of getting the budget bill passed. At any rate, the budget will form the backbone of every project that the bureaucracy will administer during the coming year. Programs will continue, new ones begun, contracts will be let, purchases and sales for a multitude of things will result from the budget, and a whole new area for exercising power in the executive presents itself to the bureaucracy.

A second Ministry, that of Home Affairs, deserves some measure of examination in the light of bureaucratic exercise of power because the circumstances surrounding its existence make it so unique for the purpose of this study. During the Meiji Era, the Home Affairs Ministry was beyond question the most powerful of the Ministries because it controlled the police, many public works and most of the local functions of government, and in addition shrine affairs.

The Home Affairs Ministry truly was a bastion of bureaucratic control, but it was abolished after World War II. For a study tracing bureaucratic action three important questions immediately arise. First, who assumed the duties formerly belonging to the Ministry of Home Affairs?

Second, what happened to the displaced bureaucrats after the Ministry was abolished? And third, is there any evidence of a bureaucratic trend as a reaction to the abolition of the Ministry?

The decision by the Occupation to abolish the Ministry of Home Affairs in 1947 was part of a larger plan to remove the means of authoritarian rule from Japan, and to decentralize the administration of the country. A new Ministry of Construction was created from the former Home Affairs area of Public Works. Shinto was disestablished by a directive from the Supreme Commander, and complete autonomy was granted to local prefectures. Governors and assemblymen were to be popularly elected and the appointment and maintenance of a police force was to be a local concern. In addition, a system of elected school boards was set up to insure local control of education. Finally, an agency of autonomy in the Prime Minister's Office was to insure minimum standards for prefectural personnel and administer government subsidies.[40]

The abolition of the Home Affairs Ministry represented what appeared to be a distinct reversal to bureaucratic influence within the executive in that their centralizing power over Japanese society was destroyed. Concurrent

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[40] Scalapino, Contemporary . . . , p. 139.

with this event was the fact that the bureaucrats of the Home Affairs Ministry were more thoroughly purged than those of any other Ministry because they were the agents of authoritarianism. "Out of a total of 1,809 bureaucrats purged," officials of the Home Ministry "accounted for 67 per cent."[41] Of the civil servants who successfully weathered the purge, some took up duties in the new Ministry of Construction, the National Public Safety Commission and the Autonomy Agency. Still others, some of whom had been purged but were later reinstated, were elected to the Diet. They are in fact, the largest group of ex-bureaucrats who are members of the Diet.[42]

It is not possible to cite specific policies or bills of law which one can definitely attribute to former Home Affairs bureaucrats. No studies have as yet been done on this subject. Nevertheless, a general trend, often called a "reverse course" or a return to prewar practices and policies has begun to emerge in some instances. It can be assumed that the bureaucrats in conjunction with other forces such as military associations, conservative politicians and some business groups have contributed their fair share of influence toward this end.

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[41] Baerwald, The Purge . . . , p. 82.

[42] Kanega, Japanese . . . , p. 315.

The "reverse course" is nowhere more evident than in the field of local government. In the postwar period, local tax revenue has proved insufficient to operate a police force, provide educational facilities and many other aspects of public works and administration. This condition has played largely into the hands of those bureaucrats and others who are seeking a "reverse course". Consequently, police, education and local finance has, in a large measure, reverted to national control. Furthermore, in 1960, the Autonomy Agency was taken out of the Prime Minister's Office and granted Ministry status and to it were added some of the old Home Affairs responsibilities for the supervision of local government.[43]

The "reverse course", it should be noted, is not necessarily a cause for alarm, but it is a firm support for the thesis of this paper, the functional continuity of the executive. It has proceeded slowly, but steadily. Sometimes the trend has been accomplished by legislation, but more often than not, simply by gradual tightening of Ministry controls over fiscal, personnel and other matters. Many advisory circulars coming out of the Ministry agencies once again have the authority of directives.[44] Such means

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[43] McKelly, Contemporary . . . , p. 162.

[44] Maynard and Rustow, Political . . . , p. 196.

have provided one more effective method of bureaucratic influence on the functional continuity of the executive, but one which has not attracted much attention.

In conclusion it is not intended to reiterate at great length that which has already been better said. It will serve well, however, to gather the more important points concerning the Japanese bureaucracy and the functional continuity of the executive.

Legally it has almost no power, actually it has power sometimes beyond estimation. The power of the bureaucracy stems from both the variety and the volume of its functions. It controls fiscal matters and administers the departments of the government. It manages state-owned enterprises and regulates private ones. Unavoidably, the bureaucracy's discretionary powers are enormous and not easily countered. Legislators may explicitly, precisely and carefully word the law, but changing times, conditions and emergencies do in effect permit the bureaucracy to redefine and modify the law. Furthermore, the complexity of modern law-making keeps politicians dependent upon the bureaucracy.

The Japanese bureaucracy is a main repository for principles and practices that endure while much else comes and goes. The bureaucracy has special traits unique to its class. The bureaucrat knows this and the public knows

this. The powerful position enjoyed by the bureaucracy is guaranteed by custom and tradition, by virtue of training and skill and by the very nature of the profession as the functionary and operator of the government.

CHAPTER IV

BUSINESS INTERESTS

The popular notion that business interests* are influential in Japanese politics is quite correct. But just how much influence is exercised or what conditions limit or augment business influence is far from clear and difficult to determine. This chapter will explore a part of that problem by investigating the influence of business as it contributes to the functional continuity of the executive during the constitutional period. The approach will involve a brief historical sketch to give background to the business-government partnership and then shift to a functional method. This latter method will permit investigation of the direct and indirect approaches that business uses to influence the executive funtion.

The close association of government and business that has become characteristic in Japan was not the result of a long-range plan of collusion, but rather a kind of spontaneous and inevitable outcome of historical circumstances. In the latter half of the nineteenth century Japan left her hermit existence only to discover her inadequacies by Western standards. Japan's pressing concern was to create a nation-state strong enough to maintain independence and be on equal

*The term business interests as used throughout this chapter is taken in a general sense and includes finance, industry and the zaibatsu or combines.

terms with Western nations. This necessitated among other things the development of business and industry. The development of industry, however, required capital, but the nation was engaged in subsistence agriculture and had no opportunity to channel savings into industrial projects. Foreign capital was not invited because it risked foreign economic domination.[1] The other alternative was for the government to take an active interest in industrialization by channeling tax revenue into investment, and by taking the whole process under its direction and protection. The state hired hundreds of foreign advisers and technicians, sent students abroad, established model factories, built arsenals and foundries, laid railroad track and gave subsidies to private entrepreneurs.[2]

Viewing state ownership as nothing more than a temporary expedient, the government sought during the 1880's to divest itself of the new enterprises as quickly as possible. Factories, mines, shipping lines and the like were sold to private companies at reduced prices. Even though the purchase price was very low the arrangement favored the old established commercial families like Mitsui and Iwasaki. Only these families had the required capital and besides

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[1]Kawai, Japan's . . . , pp. 149-150.

[2]Ike, Japanese . . . , pp. 83-84.

the government felt it should repay these families for loans made at a time when financial obligations were urgent and the future of the new regime was uncertain.[3]

Even after it was firmly established, business and industrial interests continued to look on the government as their patron. Consequently business developed the habit of relying heavily on the government, assuming an attitude of subservience when necessary, but always feeling that the government owed such support.[4] Thus by the turn of the century the pattern of the growth of business in Japan was set. The pattern featured a policy of big business and government alliance at the expense of agriculture.

At times it is not easy to know whether big business subserves the government or vice versa. Historically, however, business was the creature of government initiative and aegis. Government protection and favors for business at the same time created a vested interest so that business by 1900 began to calculate its moves so as to have the greatest possible influence on governmental policy. In some instances influencing policy called for the courting of high civil servants who were in the Ministries; in other instances it required unofficial advice and counsel

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[3]Embree, The Japanese . . . , p. 57.

[4]Yanaga, Japanese . . . , p. 75.

to the government; in still others it was necessary to support political parties financially and otherwise so that trusted men could form the leadership. Henceforward business came to have a strong voice in the formulation of government policy and oftentimes eventually to have its way.

Throughout the constitutional period there has never been any real policy dispute between the government and the business community. Even during the nineteen thirties and forties the disagreement between business and government concerned the nature, not the fact of aggressive imperialism. Indeed business favored expansion by trade but not through military ventures. This fact led Prime Minister Yoshida to remark that Japan's financial leaders were not a "bunch of criminals" because of their reluctant association with the military during the War. Big business had laid the foundations of prosperity in times of peace.[5] In fact, by 1944 the military-dominated government was discredited by its inability to win victories and maintain production levels in industry. The more moderate elements reflecting the view of business regained influence in the government and they helped to bring the nation closer to peace.[6]

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[5]Yoshida, The Yoshida . . . , p. 150.

[6]Kawai, Japan's . . . , pp. 155-156.

The period following World War II was in many respects a re-enactment of the situation in early Meiji times. The havoc wrought on Japanese industry by the War was so great that business and industry were again brought to rely on state capital. The business world depended regularly upon the government for loans and subsidies. In addition, policy and legislation sympathetic to business was also necessary if the nation was to be reconstructed and grow economically. Japan's over-all economic situation had not changed much since Meiji times. She was still dependent upon foreign resources and foreign markets. In other words, her economic prosperity was still vulnerable to world price fluctuations. This idea, as it had in the past, provided the rationale for the cooperation of government and business.[7]

The business-government partnership in Japan is sufficiently variegated and complex to warrant full-length study. The purpose of this brief description in the foregoing paragraphs is not to provide a detailed and rounded analysis but to call attention to its historical existence. It is intended also to highlight certain features in the operation of the business-government partnership as it effects the executive function.

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[7]Yanaga, Japanese . . . , p. 327.

Throughout the constitutional period business had influenced the executive function principally by two direct methods: by assuming prominent government posts in either making or administering policy, and by exploiting statutory law. The chief means of direct influence has been through placement of personnel in power positions by business interests, or the control of such appointments. A host of biographies can be cited to defend this contention. Those of the two Ikedas best provide illustration because their influence on behalf of business spans much of the constitutional period. Ikeda Seihin, for example, served as Governor of the Bank of Japan, official adviser to the Ministry of Finance, Counsellor to the Home Ministry, member of the Cabinet advisory council and later Minister of Finance and Minister of Commerce and Industry. After his tenure in government positions he retired into the background as a kind of elder statesman. According to interviews with leading zaibatsu bankers, Ministry of Finance officials, industrialists, political liberals, college professors and newspapermen, the universal opinion is held that Ikeda Seihin has been the most powerful figure on the Japanese financial scene since 1935 and that no Minister of Finance was appointed over his objection. Ikeda's strength appeared to lie in the fact that he was head of the Mitsui House and therefore controlled that combine's contributions to

political parties and also because of the relationships in government, business and marriage he formed over the years. Ikeda's relationships by marriage included the Iwasaki family of the Mitsubishi combine and Shidehara Kijuro, who for a long time was Foreign Minister and later a postwar premier. The prewar Finance Ministers, Taushima and Kaya, were considered his protégés while the postwar Finance Minister, Shibausawa Keizo, was related by marriage.[8]

Another example is Ikeda Hayato, the postwar premier. Ikeda Hayato began his career in the Ministry of Finance, where he distinguished himself as a tax expert and where he developed extraordinarily close ties with financial circles and party leaders. Upon his retirement from the Ministry in 1949, he won a seat in the Diet and was immediately chosen the Minister of Finance in the third Yoshida Cabinet. In other Cabinets he was twice Minister of International Trade and Industry, twice more Minister of Finance and once Minister without Portfolio. In 1960 he was elected president of the Liberal-Democratic party and within a few days he was designated Prime Minister.[9]

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[8]United States Department of State, Report of the Mission on Japanese Combines. Far Eastern Series, No. 14 (Washington: Government Printing Office, 1946), pp. 12 and 54).

[9]Kelly, Contemporary . . . , p. 121.

The two Ikeda careers, like so many others, attest not only to the personnel influence of business on the executive but also to the various possible patterns of approach open to business. Ikeda Seihin was essentially a man of the business world who eventually entered the executive of the government in numerous capacities. When he retired his influence on the executive continued to be recognized. Ikeda Hayato, on the other hand, was a typical civil servant. The relationships he had developed while in the Tax Bureau had put him in good standing with business and the party so that upon leaving the service a place of prominence was practically assured for him in the Diet, in the party, and in the executive of the government.

The continued influence of such men like the Ikedas was not broken even if their careers were interrupted by the Occupation purge. In the first place, nearly a year elapsed between publication of the purge plan and its implementation. During the interim potential purgees insured that their replacements would not alter policies. Moreover, the purge limitations allowed purgees to assume positions in associations and advisory groups not specifically covered in the ordinance. Also the problem of surveillance made it virtually impossible to break the continuity of influence. Finally the bulk of business-government associated purgees were removed for only a short

time. The original number included almost two thousand; by 1950 only thirteen hundred remained designated and by 1952 all but twelve individuals were free.[10]

The second method of direct business influence on the executive was through the effective use of statutory law. The succession laws, for example, afford big business the opportunity to maintain a family structure in business that eventually leads to effective influence in government. Although they have been amended and modified many times, in substance they provide that succession to the "headship of a house" must be granted to the eldest male. The successor receives all of the house estate if there is no will and not less than half even if there is a will to the contrary. The succession laws permit the continuance of a cohesive organization that provides numerous benefits not the least of which are interlocking directorates and networks of family and personal allegiance.

A second piece of legislation supporting business influence is the anti-monopoly law, better known as the Deconcentration Law of 1950. There existed no similar legal provision in Meiji times and this one was passed by the Diet at the insistance of the Occupation. The intent of the Law was, of course, to break up the large business

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[10]Baerwald, The Purge . . . . , pp. 93-94.

and industrial combines. When this was accomplished a powerful Fair Trade Commission was established to police the business world. The influence of business in respect to both the Deconcentration Law and the Fair Trade Commission has become obvious. The Commission has five members who are appointed by the Prime Minister. Ironically enough the Commission has relaxed the anti-monopoly law through interpretation and advocated reversals of that legislation before the Diet. Thus under the protection of a new post-war law big business has had the opportunity to revive and reconsolidate itself into cartels if not in fact the old zaibatsu. Mitsui Bussan serves as a good example. (See Chart III, Appendix A) An outline of the companies into which it broke up but later re-affiliated plus the new companies would fill page after page. By 1959 the Mitsui Bussan organization was larger than in prewar times.[11]

Another old zaibatsu firm, Mitsubishi Shoji, also took immediate advantage of the Trade Commission ruling. By July 1954, Mitsubishi had reconsolidated to the extent that its capitalization was increased fourfold. Furthermore twenty million of the new shares were deliberately allocated to the related Mitsubishi firms, bringing the

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[11]Burks, The Government . . . , p. 48.

concentrated ownership to a new high of 31.1 per cent.[12] Thus the core of the business world remains intact and united, and able to continue its influence partly because of sheer massiveness.

Lastly the third category of legislation that illustrates business influence on the executive is the finance laws. The common feature of these laws is that they prescribe certain general standards with respect to the institutions they purport to regulate but leave important questions of application to ministerial determination and discretion. The Capital Levy Law of 1946, for example, specified rates on war profits and increased property tax. It had the appearance of being rather high, but so much power was in the hands of the Minister of Finance to determine how the law should operate that its impact was unknown.[13]

The Corporation Profits Law, as part of the finance category, offers another example. The taxation bureau of the Ministry of Finance receives and examines the statements of all companies "in the form to be determined by the competent minister." Frequently companies have been known

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[12]Shigeto Tsuru, "Internal Industrial and Business Trends," The Annals of the American Academy of Political and Social Science, CCCVIII (1965), p. 91.

[13]United States Department of State, Report . . . , p. 34.

to blanket all expenses under a term called "cost of sales" or "miscellaneous other expenses." On occasion the Ministry objects to the data filed with it, but few such cases have involved big business enterprises.[14]

The Banking Act is similarly vague in intent and application. The only actual restrictions on banks are those of the Minister of Finance. He determines how public disclosure of a bank's affairs are made, as well as the scope of a bank's activities, but so long as banks do not change fields of operation they are relatively free from control. One feature of the Banking Act, however, is striking. It requires savings banks to deposit government bonds with the Ministry in an amount equal to at least one-third of their deposits.[15] Trust and insurance companies are subject to similar requirements. This helps to explain how government capital was accumulated for subsidizing industries like coal mining, iron and steel, and electricity. During the years 1952 to 1954, for example, sixty to ninety per cent of the government's allocated funds went to these industries. Moreover, the government directed its own banks as well as private financial institutions to favor them.[16]

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[14]United States Department of State, Report . . . , p. 27.

[15]United States Department of State, Report . . . , pp. 51-53.

[16]Tsuru, "Internal . . . ," pp. 89-90.

It has already been established that the Ministries of Finance and Commerce and Industry are influenced to a great extent by business. And when the laws and their application are examined, the direct influence and thus the contribution of business to the continuity of the executive function can hardly be doubted. The partnership of business and government is evident throughout the fabric of Japanese governmental practice; it is reflected in discriminatory policies, appointments, subsidies and laws. All of these practices are further enhanced by the no less effective use of indirect methods of influence.

The Japanese employ so many methods of indirection in everyday life that it can also be expected to be present in politics. The use of smooth and subtle relations to achieve an objective not only permits many acts which to Westerners border on scandal and outrage, but elevates the whole process to one of good taste and propriety. Three methods of indirection have been selected from among many to illustrate how business influences the executive functions. They include contributions to political parties, marriage and personal ties, and informal organization studies and advice.

Just as the power of the purse was important in the proceedings of parliamentary government, so also was it vital to the political parties with which the executive was

compelled to work, and from which the executive increasingly emerged. It is an historical fact that business has been a mainstay of the party movement throughout the constitutional period. Business interests increased their support of parties as the latter became more important in the executive function. As party presidents became premiers and bureaucrats entered the parties, the Diet and oftentimes the Cabinet, the influence of party policy through finance became imperative. No data on business contributions to parties in Meiji times is available. This is so because such practices were intended to remain obscure and also because publication of contributions was not required. The close and cordial relationship of executive leaders and business suggests, however, that contributions were made and in very large amounts.

Since World War II business interests have continued their contributions to political parties. Contributions are made with the expectation, if not the promise, of a special advantage or consideration. The Showa Denko case of 1948 is a good illustration. In this instance Prime Minister Ashida received a political contribution of a hundred and fifty million yen in return for a large government loan to the fertilizer firm, Showa Denko. The case points up the fact that such contributions and bargains involve the highest officials of government.

Significant also is the fact that business is distributing its funds among the various factions of the conservative party so as not to be left out on a political limb in the event of a change of government. This is clearly reflected in the way the largest donors distributed their money in the period 1951 to 1952. Three of them contributed as follows:[17]

Donor	Liberals	Progressives	R. Socialists
Kokusaku Pulp	¥4,000,000	¥1,000,000	¥1,000,000
Yawata Steel Works	3,000,000	1,000,000	500,000
Japan Steel Pipe	1,000,000	200,000	300,000

By 1955, however, big business began to feel the need of still more control of parties and also of some effective means to offset the fact that parties were taking undue financial advantage of business interests. Accordingly, the Economic Reconstruction Council was organized into what amounted to a quasi-official business contribution fund for political parties. The objective of the Council was to collect and distribute funds through a central agency. Private soliciting and corruption would thus be eliminated; party factionalism would be discouraged; and business views expressed through the Council would have maximum power if party funds were controlled.[18]

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[17] Yanaga, Japanese . . . , p. 259.

[18] Frank C. Langdon, "Organized Interests in Japan and Their Influences on Political Parties," Pacific Affairs, XXXIV (1961), pp. 271-272.

During its six years of existence, until the end of March, 1961, the Economic Reconstruction Council collected and distributed the equivalent of over ten million dollars. It did not, however, eliminate or even reduce the old system of direct donations; on the contrary these grew larger than before.[19] Competing business firms, even though members of the Council, continued their financial influence on favored factions of the parties. At election time, funds obtained from a candidate's faction leader may mean the difference between victory and defeat over a rival conservative candidate.[20] Likewise in time of crises, such as choosing a party president, millions of yen are spent in "delicate persuasion."[21] It was reported, for example, that Prime Minister Yoshida supported his faction through contributions from Maruzen Oil, Taiyo Fisheries, Yawata Steel and Toyota Automobile. Thus business contributions to parties in general and to special factions in particular lead eventually to favors and a voice within the executive.

A second indirect method of influence used by business consists of marriage and personal ties that develop

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[19]Langdon, "Organized . . . ," p. 272.

[20]Robert A. Scalapino and Junnosuke Masumi, Parties and Politics in Contemporary Japan (Berkeley: University of California Press, 1962), p. 87.

[21]Scalapino and Masumi, Parties . . . , p. 89.

from a family system further buttressed by succession laws. The patriarchal system, or as the Japanese call it the oyabun-kobun ("father-like"-"child-like") relationship is not unique to the business world. The concept includes the Emperor, heads of houses and families, employers, labor union foremen and even extends to leaders of the underworld.[22] Marriage and blood bonds, of course, make the system stronger, but personal ties developed over long periods of association are similarly important. The relationship consists of an older man taking a younger man under his protection. The two act as father and son regardless of whether they are blood-related or not. Between the two persons there evolves a set of mutual responsibilities and obligations. The "father" is expected to counsel, advise and teach the younger man, looking after him with a kind of personal care. The "son" on the other hand is expected to accept these gestures with gratitude and respect, and to return favors at a later date.

When the patriarchal system is carried over to the business-government world it permits numerous areas of influence. A young civil servant beginning a career in the Ministry of Finance, for example, develops such relationships with individuals in the Ministry as well as in business.

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[22]Stoetzel, Without the Chrysanthemum . . . , pp. 55-56.

The "fathers" teach the younger "son" how the system works. Over the years, the younger "son" performs services for his "fathers" and receives favors in return. All the while, he himself is developing an oyabun-kobun relationship with others. When the Finance civil servant retires his "fathers" will help him to get a position in a government bank, or a business firm, or will send him on to the Diet where he pursues the interests of his "fathers" through his experience, know-how and his own "sons" wherever they may be.

The expansion of the patriarchal system allows business almost unlimited influence in forming long-range policies and in particular instances of being granted subsidies, allocations and contracts of various kinds. The oyabun-kobun system is extremely helpful to businessmen in dealing with agencies and bureaus of the Ministries. The Ministry of International Trade and Industry is a prime target. The many seals, permits and licenses required for business transactions demand a business representative who knows the right people and can get them to act. The Bureau of Trade traffic, for example, is so heavy with businessmen, ex-bureaucrats and sometimes party and Dietmen that it is popularly called "Bureau of Trade Ginza."[23]

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[23]Ike, Japanese . . . , pp. 160-161.

Business courts officials long before retirement by placing them on company payrolls, with gifts and entertainment and with the promise of a bright future after retirement from the civil service. The expression that a particular bureaucrat has "retired into the Diet" or some business firm refers to this situation. It has been reported that procurement plans of the National Safety Agency, for example, are generally known by business interests a week or ten days in advance of public notice. And in some cases the estimated price which the Agency expects to pay and several bids have matched almost exactly.[24]

Marriage relationships have not only protected the structure of business, but extended and strengthened the patriarchal system. One example taken from among many will illustrate the wide range of influence possible through marriage. Former Baron Iwasaki Hisaya is head of the House and hence of the Mitsubishi combine. His son, Takaya, is married to the daughter of Ikeda Seihin, a powerful figure in the naming of Finance Ministers and a board chairman of the top holding organization of the Mitsui combine. The Baron's sister is married to former Foreign Minister and postwar Prime Minister Shidehara. The Baron's nieces and nephews have either married or are top personnel in the Foreign Office. Other close relatives include directors

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[24]Ike, Japanese . . . , p. 162.

and presidents of banks, firms and other combines, leaders of political parties, ambassadors, premiers and Cabinet members. Relatives in various government bureaus, agencies or the Diet extend the list even further.[25]

It is not really possible to assess the business influence exerted through the oyabun-kobun relationships and the marriage ties. They can only be described and then it may be assumed that they are very important. Their long life and adaptability supports this assumption.

The third and last indirect method of business influence on the executive is illustrated in the activities of private organizations. Business organizations conspicuously cooperate with the government in economic policy-making as well as all aspects of national affairs. Business interests are well represented on government commissions, but they are also eager to develop private plans and press them on the government. Moreover the government welcomes such efforts on the part of business. Valuable studies, technical know-how and unofficial channels for conducting national affairs are thus available. In some instances in diplomacy and trade it is not possible for the executive to act conspicuously. Japan, for example, has refused official relations with Communist China, but the executive of the

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[25]United States Department of State, Report of the ission . . . , p. 16.

government has encouraged unofficial trade contacts which also serve other purposes. By 1957 thousands of Japanese, including almost two-thirds of the Diet, had visited Communist China, usually as members of trade or cultural delegations under business auspicies. The private Sino-Japanese trade agreements signed in 1952, 1953, 1955 and 1958 received Diet resolutions which supported both the trade and the diplomatic aspects of the missions.[26]

The best-known of the business organizations are the Federation of Economic Organizations, founded in 1922, and the Japanese Chamber of Commerce, established in 1928. These two organizations represent the peak of the business world. As many as nineteen standing committees carry on the work of the organizations, which includes primarily the influencing of government policy or proposing specific measures. This is accomplished through compilation of studies and reports, and statistical information that are made available to the public and pressed upon the government planning commissions and government leaders.[27]

The importance of such groups becomes more obvious when the aspect of informality is also considered. The

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[26]Douglas H. Mendel, Jr., The Japanese People and Foreign Policy (Berkeley: University of California Press, 1961), pp. 220-221.

[27]Yanaga, Japanese . . . , pp. 328-330.

Kogyo Club, for example, houses several of the business organizations and is the scene of informal luncheons for many policy-making sessions. The Prime Minister as well as the Ministers of Finance, International Trade and Industry, and Foreign Affairs and other major leaders in the executive and the parties are frequently present.[28] At such an informal luncheon meeting on June 3, 1960, it was decided that the Cabinet should resign as the recent ratification of a security treaty had caused violent intra-party controversy. This constituted a withdrawal of valuable business support for Prime Minister Kishi. Accordingly on July 19, 1960, Ikeda Hayato formed a new Cabinet.[29]

A particular case study will serve to illustrate the effects of business interests on the executive of the Japanese government. The case of the Central Bank Reform is used because its simplicity will help to depict the interplay of many of the direct and indirect methods of influence discussed above and also because it will illustrate some of the other forces with which business contends.

This particular case of the Central Bank Reform began in the mid 1950's, although very similar instances

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[28]Frank C. Langdon, "Big Business Lobbying in Japan: The Case of the Central Bank Reform," Political Science Review, LV (1961), p. 530.

[29]Langdon, "Organized . . . ," p. 273.

have occurred in past Japanese history. Central banks in countries with market economies exercise potent powers for economic development and welfare through supply of money and credit, interest rates and financing the government debt. Historically the Bank of Japan has been sensitive to the views of business, but at the same time, monetary and credit policy is inextricably intertwined with the fiscal policies of the government. The result has been a recurrent tension between the Bank and business interests on one side and the Ministry of Finance on the other. The most recent eruption of differences occurred in 1956 when business interests grew restive of the stringent controls dating back to the Bank Act of 1942 which placed the Bank of Japan under supervision of the Finance Ministry.[30]

Banking and business groups prevailed upon the government to change the status of the Bank. A government investigation committee, the Financial System Research Committee was established to study the Bank of Japan and recommend necessary changes to the Ministry of Finance. The government committee numbered forty-five members comprising bankers, journalists and professors and thirteen experts from the Ministry and the Bank of Japan.

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[30]Langdon, "Big . . . ," pp. 527-528.

The central problem was how independent of the Ministry should the Bank be.[31]

The government committee chairman was Shibusawa Keizo, who though an ex-bureaucrat, did not take sides so as to effect a consensus. The chairman appointed a subcommittee under the leadership of Funayama Shokichi to draft preliminary proposals. Funayama, because of his background as a former Ministry official but more recently as a member of the policy board of the Bank of Japan, could be counted on to understand both points of view. The government subcommittee recommended to the committee that the Bank should have freedom in determining monetary policy, but that the Finance Ministry should have the right to delay or reconsider Bank decisions.[32]

Once the government committee was approaching a concrete proposal, the business federations intervened. The Federation of Economic Organizations formed a special committee to insure that the views of business were introduced to the government body. The chairman of the government committee, Shibusawa, and its chief secretary both attended the first meeting of the Federation and the vice-governor of the Bank of Japan attended the second. The Federation

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[31]Langdon, "Big . . . ," p. 528.

[32]Langdon, "Big . . . ," p. 529.

committee was actually led, though not formally, by Uemura Kogoro, vice-president of the Federation and more importantly chairman of the Federation's political party contribution fund. This made a desirable psychological effect as well as did the fact that the Federation at the time represented over seven hundred corporations and some one hundred associations of smaller firms.[33]

The Federation set up a system of committees and subcommittees similar to that of the government body. Among the members were men who began their careers in government Ministries or banks before going into business, a fact which facilitated their relations with the government. The major firms of Mitsui, Mitsubishi, Sumitomo and Yasuda were well-represented on all Federation committees.

The Federation committee suggested that the Minister of Finance should be able to request a delay or ask for a reconsideration of Bank decisions. It felt that Ministry appointment of the Bank policy board and Ministry officials on the board would insure adequate control by the government.[34]

The most influential members of the business associations appeared before the government committee including Uemura of the political party contributions fund. Several other advisory groups also presented their views. These

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[33]Langdon, "Big . . . ," p. 529.

[34]Langdon, "Big . . . ," p. 532.

latter groups appeared to be under the influence of Shimomura Osamu, a Finance Ministry expert who was a member of the government committee. Under the patronage of Ikeda Hayato, then Minister of International Trade and Industry, Shimomura had headed these groups whose views now bore a striking resemblance to his own. The fact that Shimomura was a close confidant of Prime Minister Ikeda made his views and those of his patron groups very influential.[35]

When all sides had been heard, the chairman of the government committee, Shibusawa, discovered a half-and-half split and hence his preference for consensus was impossible. The Ministry of Finance officials tended toward the Ministry view as did most of the ex-Ministry officials unless they had very high positions in the business world. The final draft simply placed both views before the Minister of Finance, Sato Eisaku, the brother of former Prime Minister Kishi. Finance Minister Sato decided that no legislation would be proposed because of the wide difference of opinion on the matter and that for the time being the Bank of Japan would remain under Ministry control.

The case of the Central Bank Reform illustrates the use of many direct and indirect methods of influence

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[35]Langdon, "Big . . . ," p. 537.

and also some aspects of forces discussed in past chapters. The case shows the influence of groups and loyalties made strong by kinship and patronage as well as the power of the Ministries and the continuing loyalty they are able to demand long after employees have left the civil service. Moreover, the case demonstrates the utilitarian functions for government in that the views of business are both informative and of a practical nature. It shows what business is prepared to support in the way of government policy.

Finally, the case of the Central Bank Reform shows that the power of business, potentially very great, is forced to operate according to Japanese conventions and institutions within a context of competing groups, ideas and policies. It is not so important for this study that business did not prevail in the case. It is important, however, that business was fully consulted in forming policy and that the nature of the customary government-business partnership was still open to question.

CHAPTER V

POLITICAL PARTIES

At the time of the promulgation of the Meiji Constitution in 1889, Japanese political parties had existed for only a decade. Even though they came into being without the support of historical experience common to the Japanese bureaucracy or the military or other forces, Japanese political parties have continued to be an integral part of the government.

How political parties contribute to the functional continuity of the Japanese executive is the problem of this chapter. When it is shown that political parties developed as an institution that assumed power, it can also be demonstrated how that power was focused on the executive. This process can be illustrated from three points of view: from that of the Constitution; from the decline of the Genro or elder statesmen; and from the fact that political parties came to be the meeting ground for all the other forces exercising power in the government.

Prince Ito, the constitution-maker, saw to it that the Meiji Constitution enhanced the prestige of the Emperor and through him the oligarchy, rather than grant rights and powers to the people through the Diet. In drafting the Constitution Prince Ito assigned to the Diet the role of

representing public opinion.[1] What he did not envision was that just as the oligarchy controlled the Emperor, political parties would control and operate through a second organ of the state, the Diet.

The right of political parties to participate in the executive function was legitimatized by the traditional theory of the unity of the Emperor and the people. As the sole formal spokesmen for the Japanese people, Dietmen and party men felt entitled to a much more important and, ultimately dominant part in the decision-making process.[2]

Any provision for a popularly elected Diet would have allowed a political power wedge to penetrate the closely-knit oligarchical circle. But the leadership seemed secure for an oligarchy that need not share power. The Emperor was expressly described in Article III as "sacred and inviolable;" in Article IV as exercising "the rights of sovereignty;" and in Article V as having the "legislative power." Nevertheless as early as 1912, Professor Minobe of Tokyo University began to attack the leadership concept. Citing the Emperor as an organ of the state, Minobe contended that the Emperor (and hence the oligarchy) had no right to violate the

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[1]Edwin O. Reischauer, The United States and Japan (second edition; Cambridge: Harvard University Press, 1957), p. 188.

[2]Macridis and Ward, Modern . . . , p. 29.

Constitution, while at the same time, citizens had no right to revolution. Minobe also maintained that the Emperor was not the state, and that he exercised leadership powers with the assistance and cooperation of the people.[3] Thus in assuming the right to speak for the people, political parties also acquired the right to participate in the decision-making process.

Political parties legally took part in the executive process under the provision of three articles of the Meiji Constitution. Article XXXVII stated that "every law requires the consent of the Imperial Diet." Commenting on the provision Prince Ito said, "no bill . . . can become a law, that has not passed through the Diet."[4] The crux of the matter was, however, in deciding which questions should be settled by law and which should be settled by ordinance, a power reserved to the Emperor but exercised by advisers, including the Prime Minister. Two courses of action were, therefore, open to the parties in the Diet. One was to affect matters of law by assenting to or rejecting government bills. In this way the parties brought about Cabinet dependence upon the Diet in practice, if not in theory, by refusing to cooperate. The second course of action was to maneuver

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[3]Colegrove, "The Japanese Emperor," . . . , pp. 652-653.

[4]Ito, Commentaries . . . , p. 75.

to a position of having a determinative voice in suggesting candidates for Imperial appointment to the Cabinet. This approach insured a more direct role for parties in the initiation of both law and ordinance. Furthermore, Article VII required ordinances to be "laid before the Imperial Diet at its next session and when the Diet does not approve the said Ordinance, the Government shall declare them to be invalid." Thus political parties acting through the Diet under Articles VII and XXXVII could help to initiate both law and ordinance, and assent to or reject such bills as the government presented.

A third provision of the Meiji Constitution, Article LXII gave to the Diet considerable control over finance. Expenditure and revenue of the state required the consent of the Diet. But when the Diet failed to accept the government's budget, the one for the previous year remained in force. Since budgets almost always represent an increased rather than an equal or a decreased expenditure, the most effective party action was to threaten to reject the budget in the Diet. Excepting expenditures of the Imperial Household, the Diet controlled the finances, and thus forced the executive to bring forward a budget acceptable to the Diet.

The effective operation of political parties under the constitutional articles discussed above illustrates to some degree the process of their participation in the

executive leadership. It should be noted, however, that the constitutional articles did not always offer protection for party actions. The design of the articles and the interpretation given them by the oligarchy limited party effectiveness. Yet interpretation could work both ways. The parties depended upon these articles of the Constitution because they were in truth a recognition of rights.

The second major factor contributing to the power status of political parties was the venerated role of the Genro or elder statesmen. The Genro system was typically Japanese, the product of respect for age and the dislike for ostentatious display of power or of positions involving individual responsibility. For the first thirty years or so under the Meiji Constitution the Genro as advisers to the Emperor constituted the power behind the throne; as founding fathers of a constitutional regime their presence and influence were sufficient to insure succession of their chosen protégés to power.[5] Initially the Genro served as titular heads of government and then in the less precise but highly regarded role of advisers. Prince Ito, for example, drafted the Constitution and explained it, headed four Cabinets, founded the Seiyukai party, and remained the most prominent personage in Japanese politics until 1908 when he was assassinated.

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[5]Kawai, Japan's . . . , p. 38.

In the beginning of the constitutional period the Genro opposed the formation of political parties. Their distrust and hatred of parties had two bases. First, parties were contrary to Japanese tradition. Under strong influence of Buddhism and Confucianism, the Japanese developed a passion for harmony and unity. Political parties in a sense promote neither of these. In his address of December 25, 1889, Prime Minister Yamagata stated that political parties would degrade and eventually destroy the national polity.[6] Secondly, the formation of political parties constituted a direct threat to the oligarchy exercising the sole executive power. The experience of political parties in other countries indicated that this was true. Yet suspicion of parties, for whatever reason, was not uncommon. Even in the United States the advent of political parties was greeted with something less than enthusiasm. Just as it had not occurred to the American Founding Fathers that parties might be used as the agent of government by popular consent, neither did it occur to the Japanese oligarchy that parties might form the backbone of continued conservative control of the leadership.[7]

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[6]Yanaga, Japanese . . . , p. 213.

[7]Yanaga, Japanese . . . , p. 212.

In spite of all their efforts, the oligarchy could not discourage the forces both within their own camp and in the Diet which gravitated toward party formation. The oligarchy maintained dominance for a while only by constant struggle. Sometimes parties were simply beaten down; sometimes they were cajoled by conciliatory gestures; and sometimes party leaders were seduced into a kind of apostasy.[8] Okuma and Goto, for example, occupied important positions in the emerging political parties. Both of them were lured into government posts of sufficient prestige that they suspended their fight against oligarchic control of the executive.

When it became apparent that political parties were a permanent institution exercising power, Prince Ito suggested at a meeting of the Genro on June 24, 1898, that they too should form a party. Needless to say, most of the Genro were appalled and his idea was rejected. Ito resigned the premiership and as no Genro would agree to succeed him, the first party government was formed by the Kenseito leader Okuma. It fell, however, four months later in spite of the fact that eighty per cent of the 266 seats in the Diet had been won by the party in the general election of August 1898.[9]

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[8]Kawai, Japan's . . . , p. 38.

[9]Yanaga, Japanese . . . , p. 223.

Yamagata, the succeeding Genro Prime Minister, struck at parties through a series of ordinances. One of them revised the civil service regulations so as to exclude party men from government service. Another ordinance required the Ministries of War and Navy to be filled by active generals and admirals, rather than by party men.

In every respect the Genro system was the controlling factor of Japanese politics during the first three decades of the constitutional period. The fact that the Genro found it necessary to manipulate the parties in so many ways was tacit recognition of the power of political parties. Gradually many of the Genro conceded the potential of parties by either forming or joining them. Yet regardless of the attitude toward parties by the Genro, none of them could live forever. By 1924 only Saionji, Prince Ito's younger protégé remained. As long as he lived (until 1940) he was, like the Emperor, a unifying force in Japanese politics.[10] No new men could be found to take the place of the Genro, perhaps because the Emperor did not appoint any, heeding the advice of the aged Saionji that the institution should expire leaving politics to party considerations.[11] More than likely, however, a new Genro could not

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[10]Reischauer, The United . . . , p. 191.

[11]Colegrove, "The Japanese Emperor," . . . , p. 841.

be maintained because a new generation had come to power. The generals and admirals, bureaucrats and party men were sons of samurai, but never themselves samurai. No single group had the prestige or power of the Genro, and on the whole, the common background and singleness of purpose of the original Meiji leaders was lacking.[12]

The political parties benefited most from the decline and eventual demise of the Genro institution. To be sure, all the competing forces of the oligarchy continued to function in the executive, but under new auspices. Parties came as close as any force to inheriting the power of the oligarchy, not so much by design as by circumstances.

The final factor illustrating the status of political parties in respect to the executive was that, due to the disappearance of the Genro, political parties came to be the mechanism used to balance the other governmental groups which also exercised power in the government. Historically, political parties in Japan have usually represented factions of men and interests seeking power exclusively for selfish ends. Only recently have parties tended to reflect a measure of public opinion, or ideals like the rights and dignity of the individual. Prince Ito's

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[12]Edwin O. Reischauer, Japan: Past and Present (second edition; New York: Alfred A. Knopf and Company, 1953), p. 146.

Seiyukai or Liberal party, for example, was actually a faction of clan bureaucrats. From 1900 to 1918 the Seiyukai formed three of the nine Cabinets, but the leadership of all nine came from the oligarchy, from Shinto and Buddhist priests, and from nationalistic scholars supported by the business world.[13]

After 1918 party indentification became more meaningful, but factions of interests were still evident as business significance gradually displaced clan affiliation. This point was marked by the Cabinet of Hara Takashi. Hara was the first "commoner" premier, and his government was the beginning of party government in the real sense of the term. Hara had come up through the ranks of the Seiyukai party upon whose factions and interests he was completely dependent. He was not an aristocrat, nor a high bureaucrat, nor a member of the military, but rather a politician. His association with these groups was only through the party.

Hara developed party influence within the Diet and then projected it to the executive. Under his leadership the Seiyukai party and the party ideal in general prospered. In the election of 1920, Hara's party captured an overwhelming majority of the 279 seats in the House of Representatives.

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[13]Yanaga, Japanese . . . , p. 224.

In fact, Hara's ability as Prime Minister and as president of the Seiyukai brought such party power to the executive that it created the impression of absolute power. As a result, strong resentment developed in some quarters, and on November 5, 1921, he was assassinated.[14]

During the period beginning with Hara's government in 1918 to the year 1932, twelve Cabinets were formed of which all but two were party Cabinets. The period is significant not only because it recalls a time that the Japanese refer to as "normal constitutional government," but because it also marks the lessening of bureaucratic and military influence and the rise of business control.

The effects of party influence in the executive, especially of the business factions, is more apparent now than it was during the 1918-1932 period. In foreign policy, for example, the parties reversed the colonial expansion advocated by the military. Shidehara Kijuro, Foreign Minister through most of the 1920's, sounded the keynote of the business orientated party policy. "Live and let live, prosper and let prosper," was the objective. Military adventurism was too expensive, ruined markets prospects, and created ill will.[15] Accordingly, in 1922, Japan withdrew

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[14]Yanaga, Japanese . . . , p. 227.

[15]Kawai, Japan's . . . , p. 153.

her last troops from Siberia. At the Washington Conference she agreed to recognize the territorial integrity of China, and by separate treaty restored to China the area around Kiaochow Bay. Japan also renounced her economic privileges in contiguous parts of north China, and concurrently removed her military forces from those areas. In addition she agreed with other members of the "Big Five" to limit her naval establishment, and she signed the Kellogg Pact outlawing war.[16]

Domestic policy, too, followed a course directed by party government and business. The ordinances of Yamagata regulating the civil service were modified. Henceforth, vice-ministers and other government officials could be party men, and the military members of the Cabinet were no longer required to be on the active list. Moreover, the party government in 1925 forced through a reduction of the standing army. In the same year universal male suffrage became law.

The elections during the period give some indication of the interest in party government. Although the total number of eligible voters in 1920 was only about 3,000,000 of a population of fifty-six million, 87 per cent of the electorate voted. By 1932 the population had risen

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[16]Reischauer, Japan . . . , pp. 149-150.

to sixty-six million with 12,000,000 eligible voters, 82 per cent of whom cast ballots.[17] The urban workers as well as small businessmen, rural landowners and the electorate at large actively supported the party movement as a more certain means of exercising political power.

Notwithstanding these encouraging signs, political parties failed to capitalize on their acquired roles as balancer of forces and spokesmen for the people. Party presidents and members of the inner governing groups were selected more on the basis of their money-raising ability than on character, wisdom or acumen. This led to arbitrary dictatorial management of the parties by small numbers of bosses and an inevitable loss of public confidence. Rampant corruption and recurrent political scandals outraged the public and discredited the party ideal.[18]

There was, however, an even more basic flaw in party government in Japan. This was the mystic position of the Emperor whose will, in theory, was above all law. Party leaders who succeeded to the power of the Genro chose to perpetuate the strict interpretation of the Emperor system instead of modifying it. It seemed to lend

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[17]Supreme Commander for the Allied Powers, Political Reorientation of Japan. Government Section. Vol. I, Text (Washington: Government Printing Office, 1948), p. 341.

[18]Yanaga, Japanese . . . , pp. 231-232.

to the parties the same unassailable position of authority, of speaking for the Emperor, as it had to the oligarchy. Had the parties modified the Emperor system in some way, they would not have been compelled to allow, on the one hand, the utterances and actions of the militarists because they were couched in terms of devotion to the Emperor, and on the other, to denounce true parliamentarians like Professor Minobe as destroying the national polity.[19]

The decade of the 1930's marks the beginning of militarist domination of the Japanese executive, but not necessarily the demise of political party influence. It is true that no party premier led the government after 1932, yet the Cabinets of such Prime Ministers as Saito and Konoye reflect the fact that the typical Japanese power struggle over the executive was continuing. Viscount Admiral Saito, for example, was a professional naval man, but his Cabinet in 1932 was composed not only of members of the armed forces but of bureaucrats and contingents from the parties as well.[20] Gradually, however, military extremists brought about the eclipse of party rule. In some instances assassination and terrorism were used. At other times the clash with the military on one side and the parties,

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[19]Reischauer, Japan . . . , pp. 166-167.

[20]Reischauer, Japan . . . , p. 172.

the bureaucracy and the business interests on the other was hardly noticeable, for it consisted of many small but significant compromises and concessions in governmental decisions.

Some observers of Japanese government downgrade the role of political parties during the period 1932 to 1945. A closer look at the available evidence indicates that this was not the actual condition. When the parties disbanded in 1940, they did so formally in response to an appeal for national unity, but it did not mean that party activity was suspended. The military government of Japan was well aware of this fact when it organized the Imperial Rule Assistance Association and designed it to embrace all the parties and the people. That organization was so ineffective that in 1942, the Imperial Rule Assistance Political Society was formed of members of the Diet and was represented in the Cabinet by a minister without portfolio. It, too, was unsuccessful in dealing with the political factions. In a desperate attempt at closer cooperation between the military and the parties, the Japan Political Association was formed in the last months before the end of World War II.[21] Moreover, the very fact that throughout the War the government felt the need to continue elections and handpick

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[21]Yanaga, Japanese . . . , pp. 233-234.

candidates to "recommend" to the voters would seem to indicate that political parties had not become completely innocuous and impotent.[22] Finally, had the parties actually been abolished during the War they would not have appeared so quickly at its conclusion. Within a month after the Allied Supreme Commander had issued the directive abrogating all laws restricting free speech and assembly, most of the parties had revived, reorganized, and were drafting programs.[23]

Thus it can be demonstrated that during the constitutional period as the parties developed as an institution and gradually assumed power, they concurrently focused that power on the executive function of decision-making. The political parties achieved their status as a legitimate part of the governmental operation by virtue of the Meiji constitutional provisions which gave the Diet a voice in making laws and ordinances, and in managing finance. The parties also became the heirs of the power of the Genro or elder statesmen so that upon the disappearance of that system the parties became the mechanism by which the various forces have continued to govern the country.

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[22]Ike, The Beginnings . . . , pp. 210-211.

[23]Yanaga, Japanese . . . , p. 234.

It is also apparent that the parties have benefited under the New Constitution. Although one would search in vain for a definite provision for the role of political parties, the assumption of the New Constitution is unmistakable. The general theme is sounded in Article 41 where the Diet is named as the "highest organ of state power." Yet as will be seen, too much importance should not be attached to the Diet. Seldom has the Diet as an organ throughout the constitutional period demonstrated any real intention of becoming supreme except through the organization and informal procedure developed by the parties. More often than not the Diet, taken as an entity, has been a formal debating arena supporting the executive.[24] In tracing party influence on the executive it therefore becomes imperative to examine the functions of parties to see how they formulate policy, formalize it in the Diet, and transmit it to the executive through their organization.

The structure of the party organization has tended to remain about the same during the entire constitutional period. The principal divisions include the party presidency and the inner core directorate, members of which usually head committees on membership, discipline, and finance.

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[24]Leinbarger and others, Far . . . , p. 532.

The party presidency was not always regarded as a sure route to the premiership. Prince Ito, of course, headed the Seiyukai and was named Prime Minister, but the Genro rotated the office of premier with no apparent guide. The governments of Hara and Kato in the 1920's, however, set the precedent for naming party presidents to the premiership. Thereafter the role of party leader assumed greater significance. Besides being the symbol of power, prestige and popularity for the party, the president assumes the burdens of leadership of his followers. He determines the party directorate, and bears the final responsibility for election of party candidates, and ultimately, for raising funds. Should the role of forming a government fall to him, he must direct the affairs of state or assist in forming a coalition.

Selecting the party president is done in the typical elder statesmen fashion behind the scenes with later formal approval by the members. Prince Ito, for example, named Saionji as leader of the Seiyukai, who in turn designated Hara. In more recent times, Hatoyama upon being purged after World War II suggested Yoshida to the Liberal party.

Under the Meiji Constitution, it was not essential for premiers and ministers to be selected from the Diet. The New Constitution requires that the Prime Minister (who by practice is the party president) as well as a majority

of the Cabinet ministers, but not necessarily all of them, to be members of the Diet. Consequently the inner core or directorate of the parties is not composed solely of Dietmen. The directorate is appointed by the president and usually includes ex-ministers and former premiers in the role of elder statesmen and confidants, and consultants as well as members of the executive and political research committees. Naturally the party directorate runs more smoothly if many of its members have seats in the Diet, but decisions and compromises are also reached through go-betweens.

The secretary-general of the party and the chairman of the various party committees such as political research, must be Diet members because their duties carry over into the committees of the Diet. The secretary-general is responsible for party strategy while maintaining party unity. If the party happens to be heading a government, he speaks for the party while the president speaks for the nation as Prime Minister. The chairman of the political research committee is charged with drafting recommended policies. If the party is in power, he prepares bills for the government to submit to the Diet. If the party is not in power or perhaps is part of a coalition, he advises as to what criticism, agreement or other courses of action should be taken.

Another division of the party organization is membership. For all their multiple factions, Japanese parties consider formal membership important. Unlike the United States where a voter simply declares himself, Japanese parties have a rigid criteria of membership. Credentials are required as well as payment of dues in advance and more importantly, at least two sponsors. The great majority of the Japanese, however, have never belonged to parties.[25]

Even though the parties are faction-ridden, a measure of discipline is maintained through a committee which assists in making appointments to positions in the Cabinet, committees in the party and the Diet, and other key posts in the government. Party backing for election of candidates is also a major requirement and is used as a tool of discipline. Yet in spite of the discipline, party members have demonstrated time and again their willingness to change parties or to enter the opposition whenever the chance of personal advancement is offered. Ozaki Yukio, for example, served without interruption for fifty-two years in the Diet, but changed his party allegiance many times.[26]

So crucial is adequate party finance to winning elections that the best effort of the leadership is called

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[25]Yanaga, Japanese . . . , pp. 253-254.

[26]Yanaga, Japanese . . . , p. 249.

for. Party funds come from various sources. Diet members must contribute a specific amount while other party members give what they can. Emergency funds come from undisclosed sources, usually business, industrial and financial groups and various associations. The Seiyukai depended on the house of Mitsui while the Menseito could count on Mitsubishi interests. Saionji called on the Sumito banks headed by his brother and Hara could tap the Furukawa mining companies of which he was an adviser. Immediately following World War II, parties were forced to seek new sources of funds, but by 1952 political contributions were once again flowing into party chests from traditional sources.[27]

This brief sketch of the organization of parties is intended as background that will facilitate the examination of how the parties function within the Diet, and how they eventually project influence on the executive, either directly or indirectly as circumstances permit.

Under the cover of various specialized committees of the Diet, political parties influence policy through questioning Cabinet and administrative officers, through general floor debate provoked by ministerial speeches or those of the opposition, and through appropriations.[28]

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[27]Yanaga, Japanese . . . , pp. 257-258.

[28]Mendel, The Japanese . . . , p. 13.

These procedures are part of the formal prewar legacy. The battle between the parties, for example, over appointments and chairmanship of the Diet committees goes back to the first decade of this century.[29] The influential decisions of parties on policy are not made in the Diet, but rather within the party machinery. The contents of few bills, once they reach the Diet, surprise few members. The procedure developed by the parties during the 1920's are presently operative in a more grand style than ever. Hence the change in the Diet is more one of environment than of composition or organization. The new innovations apply to an institution that was a going concern before the improvements were made.[30]

The committee system is organized in Japan much like it is in the United States, except that the chairmanship and appointments are based on faithful party service rather than upon senority in the Diet. The Diet committee organization corresponds roughly to the governmental departments, an arrangement which works to the detriment of the Diet, but not necessarily to the parties, since the basic decisions are made in party committees rather than in the Diet committees. Thus the Diet committees are only

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[29]Yanaga, Japanese . . . , p. 268.

[30]Marx, Foreign . . . , p. 582.

the formal meeting place for the governmental officials and the parties. The matter of business and the manner in which it is handled is determined elsewhere.

Criticism of the committee process has remained the same over the years, but it points up party influence. Some authorities say that the committees permit too close a tie between party leaders and the governmental bureaucracy. Others contend that committees are executive outposts and vice-versa where political parties bargain and make deals behind the scenes. Furthermore, it is pointed out that because the Diet has organized itself into groups governed by party considerations that it continues to serve special interests, both inside and out of the governmental process and not the people.[31]

Related also to the committee arrangements and the informal politics behind them is the fact that when parties have been in power the bureaucracy and parties have tended to infiltrate each other. On the one hand, high civil servants contribute to the technical expertise of the parties by working closely with them on bills, and by serving in the Diet after expected retirement at age fifty. On the other hand, party leaders seek control of the civil bureaucracy through partisan promotions and demotions of higher

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[31]Yanaga, Japanese . . . . , p. 198.

civil servants. Witness, for example, the relaxation and revival of the Yamagata ordinances concerning civil service appointments, and the fact that high civil servants often take proposals directly to party leaders rather than to the Cabinet. Such activities have brought a kind of fusion of parties and the civil servants which lends strength to the former.[32]

A final consideration of party influence on the executive is the position of the Prime Minister, because technically the legislative contact with the executive is through him. No doubt, the Prime Minister is now considerably less powerful than his prewar predecessor was in terms of his strength against the wishes of his party; he is, at the same time, considerably more powerful in terms of his independence of any other executive official.[33] Whereas formerly he was subject to his own party as well as to the oligarchy, he now is more a creature of his party in that he faces a new elite composed of businessmen, high officials and elected politicians.[34] Upon

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[32]Ward and Rustow, Political . . . , pp. 299-300.

[33]Leinbarger and others, Far . . . , p. 500.

[34]Lawrence A. Olson, Dimensions of Japan (New York: American Universities Field Staff, Inc., 1963), p. 392, and Kenneth Colton, "Japan's Leaders," Current History, XXXIV (1958), p. 228.

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them depend the Prime Minister's policies, financial backing and personal political future. While it is true that the Prime Minister speaks for the nation, in order to do so he must remain the head of his party. The brief tenure of Prime Ministers, whether in the 1920's or in the postwar period, illustrates the precariousness of the position and the strength of the parties. Prime Minister Yoshida was an exception, but his high-handed methods eventually proved his undoing. A comparable individual during the 1920's was Hara, who was assassinated.

In conclusion it is demonstrable that political parties have contributed to the continuity of the Japanese executive. As they developed into an institution with the aid of constitutional powers granted to the Diet for law and ordinance-making and for control of finance, the parties propelled themselves into the executive function. After a period of bitter struggle the oligarchy tacitly recognized the right of parties to participate in the governmental process, so that upon the disappearance of the Genro system the parties became the foci for much of the decision-making operation. Concurrent with their historical development was the development of party organization and procedures which within time came to be, in a sense, an integral part of the functioning of the Diet and through it the executive itself. Thus under the New Constitution

the parties continue their influence based as it is on the experience and organization developed over some eight decades. If in Meiji times the Genro system was the pivotal point of Japanese government, the political parties are presently closer than any other force to assuming a similar position.

CHAPTER VI

SHINTO AND THE MILITARY

It is fitting and proper that Shinto and the military aspects of the functional continuity of the executive be treated together in a single chapter. This is so for several reasons. In Japan, as in China, the great affairs of state were worship and war. Both Shinto and the military have enjoyed concurrent prominence in Japanese society. Each has contributed significantly to the executive process; each has used the executive powers as a means to its respective ends. Both Shinto and the military have in turn, been used by the executive to assist in the support of government-formulated policies. Such were their tandem situations in Meiji times. In present times, under the New Constitution, a dual treatment of Shinto and the military is desirable because of the similar circumstances surrounding their continued existence and activities with respect to the executive. Shinto as a state cult was disestablished following World War II. Moreover, the military not only bore much of the war guilt, but was subjected to extensive purges by the Occupation. Finally the New Constitution renounces war as an instrument of national policy. Thus direct channels for influence of national policy have been closed to Shinto and the military.

Yet as will be observed, laws and ordinances have had only limited effect. Methods of indirection are still very popular and very effective in Japan.

This chapter will treat Shinto and the military influence on the executive process during the constitutional period. To insure clarity of presentation the subject will be divided into three sections: Shinto under the Meiji Constitution, the military under the Meiji Constitution and finally, both Shinto and the military under the New Constitution. The subject of Shinto during Meiji times will be approached by giving some definitions which demonstrate its complexity on the one hand but also offer a place of beginning on the other. Exploring a series of legal enactments will show how Shinto achieved its status. Lastly the operations of Shinto will show how it was a vital force in the executive function.

It may be helpful to give some preliminary definitions of Shinto so that the reader might be aware of the manifold sociological and psychological consequences inherent in it, and to point up the fact that it is extremely difficult to treat Shinto without injecting personal attitudes. For example, Shinto is sometimes called the indigenous religion of the Japanese people; it is the way of the gods; it is the kami-cult (a definitive distinction of foreign and domestic deities); it is the racial spirit of the

Japanese; it is the ceremonies conducted before ancestral kami; it is the principle of imperial rule; it is a system of correct political and social etiquette, and the ideal national morality; it is a system of patriotic loyalty centering in the Emperor.[1] Definitions of Shinto in such variation submit to interpretation from too many disciplines. For the purposes of a critical study of the executive function it is best to accept the data and classification of the government under the Meiji Constitution.

When Shinto is approached from the viewpoint of the government, four fields of activity become apparent. Imperial Household Shinto concerns the private acts of the imperial family at the four shrines within the palace. It is private and thus concerns the nation only indirectly. Household Shinto centers about the Kami-dana, or god-shelves, found in private homes. Family members report events to the ancestors making the earnestness of this aspect of Shinto dependent upon parents rather than the state.[2]

Sect Shinto is justly called the religious element of Shinto. Sect Shinto has as its nucleus matters of faith

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[1]Daniel C. Holtom, Modern Japan and Shinto Nationalism: A Study of Present-Day Trends in Japanese Religion (Chicago: University of Chicago Press, 1947), pp. 5-6.

[2]Supreme Commander for the Allied Powers, Religions . . . , pp. 78-81.

and historical founding. It maintains churches and schools, hires teachers and preachers and conducts social welfare activities. Sect Shinto is largely supported by voluntary public contributions. Attendance is never compulsory since some Japanese might also choose to be associated with Buddhist or Christian groups.[3]

The last classification offered by the government, and the most important for the executive function, is Shrine Shinto, commonly called State Shinto. State Shinto in contradistinction to Sect Shinto claims to perpetuate the authentic and traditional rituals of the Japanese race. It embodies the ceremonies, beliefs, and chief values of the national life. Officially defined as a cult and not a religion, participation and belief in State Shinto were required in Meiji times as an act of loyalty. State Shinto ritualists were expressly forbidden to attempt indoctrination of the people, however. State Shinto characterized as such could permit individual belief in other religions but, at one and the same time, be used by the executive to foster "national characteristics" and hence to mobilize all the forces of the national polity for state and Emperor.[4]

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[3]Supreme Commander for the Allied Powers, Religions . . . , pp. 78-81.

[4]Holtom, Modern . . . , pp. 67-69.

The greatest impetus to State Shinto being used as a tool of the executive lay in the fact that in Japan there existed no heritage of an organized, politically powerful church. Shinto as a whole, even before Meiji times, had never been an independent force, but rather an integral part of the affairs of government. Consequently, by one means or another, for several thousand years, its leadership was government and executive centered in the person of the Emperor. That is, State Shinto received both its support and direction from the national government. As a result, the state had only limited competition in its drive for loyalty and commitment. What little competition existed came from the family. Yet, the family was actually more integrated than competitive with the state. Was not the nation a family of families with the Emperor as its head? Was not Household Shinto an integral part of daily living for most Japanese? And finally, were not filial piety and obedience virtues of both family and state? The answer to all three questions is an emphatic yes. So it was then, that the absence of a doctrine of limitations on the power of the state was partly due to the absence of any great institutional struggle. State Shinto was part of the executive leadership that came down through Meiji times with almost unchallenged supremacy.[5]

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[5]Apter, Ideology . . . , p. 96.

Even though the executive and State Shinto had enjoyed a long historical association, the actual process of exploitation of Shinto by the executive was accomplished by a series of legal enactments reaching over the period from 1882 to 1937. Seven years before the promulgation of the Meiji Constitution, all Shinto organizations were divided by law into two classes, State shrines and Sect shrines. While seemingly unimportant at the time, the law formed the basis of the division of Shinto as a cult and as a religion. Moreover, the law permitted the government to abolish some 86,000 Sect Shinto shrines, but increase by a thousand those of State Shinto. A noteworthy achievement had been made by the executive in its drive for nationalistic unification.[6]

A second legal enactment of importance for the executive and Shinto was the Meiji Constitution promulgated in 1889. Article XXVIII stated that "Japanese subjects shall within limits not prejudicial to peace and order, and not antagonistic to their duties as subjects, enjoy freedom of religious beliefs." It was readily apparent, however, that the state could not require acts of loyalty by means of subscription to Shinto and at the same time recognize individual religious freedom. To ameliorate

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[6]Holtom, Modern . . . , pp. 42-43.

the situation, two distinct bureaus were created within the Ministry of Home Affairs. The Bureau of Shrines was charged with affairs concerning official cult shrines, their rituals and ritualists. Equally important was the creation of the Bureau of Religions which oversaw all matters classified by the government as having to do with religion proper. This latter bureau held jurisdiction over Shinto, Buddhist and Christian denominations. In 1913, however, the Bureau of Religions was removed from the Home Affairs Ministry and transferred to the Ministry of Education. Thus it was possible for the executive to control secular affairs, including public education through the Home Affairs Ministry and the Bureau of Shrines in the Education Ministry, and to control religious education through the Bureau of Religions, all for the same purpose. Yet it was also technically possible for a Japanese to conform to State Shinto and still profess religious beliefs and practices of his own choosing.

Agriga Nagao, a scholar of considerable repute, offered an apology from the standpoint of political necessity. Writing in 1910, he said:

> In the case of a civilized country there must exist freedom of faith . . . . Yet for a Japanese subject to refuse to honor the ancestors of the Emperor is disloyal . . . . This cannot be a matter of choice. It is a duty. Therefore, this cannot be regarded as a religion, It is a ritual . . . . On the other hand, since it is possible to establish doctrines with regard to the (Shinto) deities, it is necessary to permit

> freedom of belief in Shinto considered as a religion. Hence there has arisen the necessity of making a distinction between Shinto regarded as the functioning of national ritual and that Shinto which proclaims doctrines as a religion.[7]

Prince Ito also commented on Article XXVIII of the Meiji Constitution in such a way as to have obvious implications for both the Bureau of Shrines and the Bureau of Religions. Explaining the religious liberty article, he went on to say:

> Belief and conviction are operations of the mind. As to forms of worship, to religious discourses, to the mode of propagating a religion and to the formation of religious associations and meetings, some general legal or police restrictions must be observed for the maintenance of public peace and order. No believer in this or that religion has the right to place himself outside the pale of the law of the Empire, on the ground of his serving his god and to free himself from his duties to the State, which, as a subject, he is bound to discharge.[8]

In effect, the constitutional provision coupled with the legal division of State Shinto and Sect Shinto gave the Japanese executive almost complete mastery of a patriotic loyalty ethic centered in the Emperor.

A third major legal enactment was the Imperial Rescript on Education given in 1890. This document provided the executive with both the rationale and the expression of the principles of Shinto wherewith to mobilize

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[7]Holtom, Modern . . . , pp. 69-70.

[8]Ito, Commentaries . . . , p. 60.

the entire Japanese society. In the official English translation the rescript reads:

> Know Ye, Our Subjects:
>
> Our Imperial Ancestors have founded Our Empire on a basis broad and everlasting, and have deeply and firmly implanted virtue; Our subjects ever united in loyalty and filial piety have from generation to generation illustrated the beauty thereof. This is the glory of the fundamental character of Our Empire, and herein also lies the source of Our education. Ye, Our subjects, be filial to your parents, affectionate to your brothers and sisters; as husbands and wives be harmonious, as friends true; bear yourselves in modesty and moderation; extend your benevolence to all; pursue learning and cultivate arts, and thereby develop intellectual faculties and perfect moral powers; furthermore, advance public good and promote common interests; always respect the Constitution and observe the laws; should emergency arise, offer yourselves courageously to the State; and thus guard and maintain the prosperity of Our Imperial Throne coeval with heaven and earth. So shall ye be not only Our good and faithful subjects but render illustrious the best traditions of your forefathers.
>
> The Way here set forth is indeed the teaching bequeathed by Our Imperial Ancestors, to be observed alike by Their Decendants and the subjects, infallible in all ages and true in all places. It is Our wish to lay it to heart in all reverence, in common with you, Our subjects, that we may attain to the same virtue.[9]

This Imperial Rescript on Education, drawn by Yoshikawa Akimasa, Minister of Education, soon became the moral and ethical standard for the nation. To it was ascribed justification, cause and explanation for almost every act of the executive function. At first reading, one is somewhat surprised at the Rescript's brevity and compactness,

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[9]Holtom, Modern . . . , p. 77.

thinking rather that a document of such importance should be of greater proportions. The Rescript can be likened to a Japanese poem, and is perhaps expressive in the same way of Japanese character. Only the basic lines are drawn, and to the spirit is left the great area of response.

Ordinance No. 12 was another legal provision which strengthened the executive and State Shinto association. Issued in 1899 through the Ministry of Education the famous Ordinance banned all religious instruction from the schools, public as well as private. Had this ordinance rigorously been enforced, religious education, whether Shintoist, Buddhist or Christian might have been driven from the field. But that was not the purpose of the government directive. Ordinance No. 12 was rather to be used as a sword of Damocles with regard to religious education. Compliance with the directives of the Ministry of Education on curriculum and general organization of schools was, of course, required. But in addition, complete cooperation of religious schools with the Bureau of Religions in the Education Ministry was necessary if such schools desired government "recognition." In practice, such recognition was essential to the existence of religious schools.

A directive, issued by Minister of Education Kamatsbara Eitaro further illustrates the situation of religious schools noted above. The order required that all school

teachers should conduct their pupils in a body to local shrines. The original order appears to have been given in the form of an "unofficial instruction," as it is found in the published records of many prefectures but not in the records of the national Ministry of Education. In translation the order reads:

> Concerning Attendence at Local Shrines on the Occasion of Festivals. The sentiment of reverence (keishin) is correlative with the feeling of respect for ancestors and is most important in establishing the foundations of national morality. Accordingly, on the occasions of the festivals of the local shrines of the districts where the schools are situated, the teachers must conduct the children to the shrines and give expression to the true spirit of reverence. Also, either before or after the visits to the shrines the teachers should give instruction to the children regarding reverence in order that they may be made to lay it deeply to heart. This is announced by government order.[10]

Although Ordinance No. 12 remained on the statute books, it proved neither feasible nor wise, either from a legal or educational point of view. To secularize education completely would not offer the best support for State Shinto. The purpose of State Shinto lay in the deepening of sentiments toward the Emperor and ancestors rather than the magnification of tenets of a common faith. Such instruction would better compliment State Shinto if it were left to the Sect Shinto schools and churches. Moreover, the private

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[10] Holtom, Modern . . . , p. 73.

beliefs of participants of State Shinto could never seriously be raised because it was impossible to check on them.

Accordingly, in 1935, the executive acting through the Ministry of Education almost reversed itself by modifying and clarifying Ordinance No. 12. In a new ruling (Ordinance No. 160) four general principles were established. First, Ordinance No. 12 was not intended to interfere with the fostering of religious sentiment or character building. Secondly, religion should be fostered in the home, and superstition done away with. Third, in accordance with the Imperial Rescript on Education, more attention should be given to religious aspects, and the emotional side of man should be developed. Lastly, moral education, if applicable to all religions, should be given.[11] The executive had in fact gone to extremes. Beginning with legal separation of religion and loyalty, the attitude changed to outright rejection of religion to a moderate permissiveness of religion. If not in its dogmatic aspects, this was at least true on its emotional and sentimental side.

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[11]Supreme Commander for the Allied Powers, Education in the New Japan. Civil Information and Education Section, Education Division. Vol. II, Appendix (Tokyo: United States Department of the Army, 1946), p. 111.

Climax to the series of laws and ordinances on the executive and Shinto was achieved in 1937 with the issuance of the Kokutai no Hongi ("The Fundamental Principles of the National Entity of Japan"). The book, compiled by the Department of Education, was significant for a number of reasons. In the first place, it was written when General Senjuro Hayashi was Minister of Education illustrating, on the one hand, the unity that could be affected between the military and Shinto through the executive functions in education. On the other it showed how militarist ideals could come to dominate national thinking and infiltrate the other forces of the executive. More importantly, however, was the fact that as a study of the spiritual foundations of the state, the Kokutai no Hongi bridged the three-fold relationship of State Shinto ceremonies, government and education. In this respect it says:

> The Emperor by means of religious ceremonies (saishi) becomes one with the divine imperial ancestors, and through participation in the spirit of the imperial ancestors, He is able to educate the subjects of the state ever more and more and promote their prosperity. In this way the spirit wherewith the Emperor rules the country is imparted. For this reason the worship of the gods on the part of the Emperor and His administration of government are in their fundamental aspects one and the same thing. Furthermore the Emperor is the custodian and executor of the testaments of the ancestors and with these He makes clear the great principles on which the nation was founded and the Great Way in which the subjects should walk. In these consist the great essentials of our education. Thus, education in its fundamental aspects is unified with religious ceremonies and government. That is to say,

> although religious ceremonies and government and education have each their own separate operations, yet in the last analysis they are one and the same.[12]

Thus the executive, through a series of laws and ordinances, gave refinement and direction to the centuries old customs and beliefs of Shinto that were already enmeshed in the national life.

The problem of State Shinto continued to vex the government throughout Meiji times. Creating a system to foster the nationalistic values of Shinto and still honor the guarantee of religious liberty as stated in the Constitution did not lend itself to easy operation. Nonetheless, the state enjoyed a wide theoretical as well as practical latitude for operation. The primary dictum of State Shinto, itself, and the very foundation of the state and society was the dynasty of emperors reigning in an unbroken line forever in the eternal guardianship granted by the kami ancestors. The Emperor was thus sacred, but no official statement defined his sacredness. In this respect, the state left itself free to benefit from whatever sentiments, awe and reverence existed in the national mind. Interpretations ranged from an object of near religious worship to a politico-humanistic view which entitled the Emperor to an inviolable legal leadership entailing obedience

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[12] Holtom, Modern . . . , p. 7.

on the part of the Japanese people.[13] Article I of the Meiji Constitution said "the Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal." But the third article stated only that "the Emperor is sacred and inviolable." Prince Ito, more than likely, offered the most accurate conception of the Emperor within the system of State Shinto. "He [the Emperor] has indeed to pay due respect to the law, but the law has no power to hold him accountable to it."[14]

The practical operations of State Shinto took place within the departments of the executive. The oldest of these were the Ministries of Home Affairs and Education. While the tenure of Ministers was usually short, vice-ministers and other leading personnel were considered professional and therefore remained in position. The latter group continued the leadership by advancing trusted civil servants or by appointing other persons to fill strategic positions on the prefectural and local level. Such persons, however erudite and scholarly, were aware of the intricacies involved in the operation of State Shinto and the government, and they were aware of what was expected of them as civil servants.[15]

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[13]Holtom, Modern . . . , p. 8.

[14]Ito, Commentaries . . . , p. 7.

[15]United States Department of State, Report of the United States Education Mission to Japan. Far Eastern Series, No. 11 (Washington: Government Printing Office, 1946), p. 25.

The Shinto-centered bureaucracy, accountable only to the executive ministry heads, capitalized on and expanded an already existing system. Creating an obedient citizenry through loyalty attached to the Emperor and ancestors proved to be a most effective base of leadership because it was supported by all the pillars of a centuries old social tradition. The Ministries of Home Affairs and Education managed and controlled nearly everything directly in contact with the Japanese people. Local and prefectural government was largely directed from Tokyo, and a national police force ensured compliance with laws and ordinances. To these encompassing duties was added the charge of caring for the national shrines, prescribing of rituals in honor of the Emperor and the ancestral kami, as well as managing the large corps of ritualists as members of the civil service. The secular ideals of State Shinto advanced by the Ministries permeated all segments of Japanese life and government to the extent that they became the philosophy of life.

In cooperation with the Army and the Navy the executive indoctrinated every Japanese soldier and navalman with the "way of the Emperor" to the point that State Shinto became the pivot of military morale. Through the Ministry of Education, ordinances and directives relating to culture, art, religion, science and literature reached every student in the Japanese schools from the elementary to the university

level. Courses in geography, history, ethics and others of the social studies were specifically Shintoist centered and directed. Instructions in State Shinto, the meaning of its rites and ceremonies, the nature of its deities, the relations of all these to loyalty, patriotism and the subject's duty of participation were all carefully established as foundation courses in the national instruction.

Thus the executive and Shinto, using each other, laid the groundwork for an exercise of power that could continue even after war, defeat, occupation and change. Shinto supplied the theory for this exercise of power by drawing from Japan's ancient past. The executive through its governmental machinery supplied the practical application in terms of laws, ordinances and directives. In a kind of unison the executive and Shinto identified themselves with the institution and the person of the Emperor and in him they found permanent legitimacy for leadership. Shinto then, as one element of Japanese society offers considerable evidence of the functional continuity of the executive.

The military is another force exercising power and influence in the executive function during Meiji times. The combination of an historical and operational approach will illustrate this by showing at the same time how the military achieved its status and how that status became almost synonymous with influence.

Historically, the political power of the Army and the Navy rested on the traditional affiliation with the powerful western clans of Japan. Most of the ruling oligarchy of Meiji Japan, whether military or not, came from the Choshu and the Satsuma. Feudalism similar to that of Western Europe had produced among these clans a professional class of warriors known as samurai. The samurai lived according to a rigid ethical code, the bushido ("the way of the warrior"), which ranked with the most refined and noble chivalric codes.[16] For the most part, the intense internal growth, domestic peace and consolidation of the nation in early Meiji times was due to the military.

Typically, the samurai originated from the agricultural society, setting a trend lasting to present times and from which the military could draw both conscripts and support. In the early decades of this century, however, noble sons often aspired to wealth and position in business and industry, leaving the military for the lesser nobility and the sons of small farmers. For this latter group, military life offered promise of position otherwise not available. Similarly, the military dictatorship before Meiji times created a bureaucracy which also gave position to lesser nobility and displaced agricultural workers. The bureaucracy

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[16]Marx, Foreign . . . , p. 566.

was given to the Confucian ideals of loyalty and obedience to authority and a sympathetic regard for the military. Moreover, the military achieved its objectives by repression, not by consent. In respect to the executive function, the Japanese inherited not only a glorification of the martial spirit, but a tradition of government backed by a military machine. Thus under this organized regime political decisions were made in the highest councils of officials, responsible to, but independent of the Emperor, who nevertheless remained the supreme and august ruler.[17]

A second element of strength for the military in the Japanese executive function stemmed from the constitutional provisions and imperial ordinances. Almost from the beginning of the Meiji Era, military and civil affairs were sharply separated on the one hand, and yet strangely integrated on the other. For example control of the Army and Navy was outside the purview of the usual state organs or the control of the Prime Minister, the Cabinet, or the Diet. Yet, the Army and Navy had an important voice in political decisions. The Meiji Constitution did not expressly create this situation, however. Article XI provided that "the Emperor determines the organization and peace standing of

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[17]Philip W. Buck and John W. Masland, The Governments of Foreign Powers (New York: Henry Holt and Company, 1947), pp. 292-293.

the Army and Navy."[18] Prince Ito is not clear in explaining the intent of the article either. Concerning it he states that this power is to be exercised with the advice of responsible Ministers of State; "still . . . it nevertheless belongs to the sovereign power of the Emperor, and no interference in it by the Diet should be allowed."[19] He excludes the Diet, but does not adequately fix the responsibility of the Ministers of State nor of the military command itself.

Actually the ambiguity of the Constitution and Prince Ito's remarks permitted the ordinances of Prime Minister Yamagata, issued in 1899, to bring about the segregation of military and civil affairs. The ordinances provided that the Ministries of War and Navy must be occupied by generals or admirals on the active list. Within a short time, the ordinances projected a two-pronged power for the military in executive decisions. On the one hand, the military could limit the effectiveness of the entire executive function, the Prime Minister and the Cabinet Ministries by demanding their way or by refusing to cooperate. Frequently the two services dictated to the Cabinet, or failing that, the entire government resigned.[20]

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[18]Colegrove, "The Japanese Emperor," . . . , p. 831.

[19]Ito, Commentaries . . . , pp. 28-29.

[20]Colegrove, "The Japanese Emperor," . . . , pp. 831-832.

On the other hand, political decisions relating to the military proper were made by the Supreme War Council, made up of high officials of both the Army and Navy, but completely outside the pale of Cabinet control. (See Chart I in Appendix A) Because the Emperor was commander-in-chief, military officers had direct access to the person of the Emperor, and thus in actuality, ranked with Ministers of State. In numerous instances the Emperor was technically required to choose between the advice offered by the Prime Minister and that offered by the military. Moreover, there is reason to believe that since the Imperial access was gained only through the usually conservative Lordkeeper of the Privy Seal, Minister of the Imperial Household and the Grand Chamberlain, the military enjoyed the advantage. The dualism of civil and military government and the double prerogatives of the military to initiate all military policy and to dictate much political policy allowed a tremendous influence on the formulation of executive policies.

A third factor accounting for military power in the executive is related to the above situation. There gradually developed in the executive the phenomenon of military men holding important non-military posts. Not only did the military oftentimes fill such posts as Ministers of Munitions, Greater East Asia and Education, as well as ambassadorships, but they also claimed the office of Prime Minister. From

the inauguration of Cabinet government in December 1885 to the surrender in August 1945, Japan had thirty Prime Ministers, heading forty-two Cabinets. (See Table I in Appendix B) Fourteen of the Prime Ministers were generals or admirals and they led nineteen governments.[21]

Still another factor accounting for military influence in the executive was the notion held by all Japanese, but especially the military that they were the principal agent for the fulfillment of Japan's benevolent destiny. The paramount and timeless mission of the nation was to bring the north, south, east, west, zenith and nadir, the entire world under the benevolent rule of the Emperor. Expressions like "the whole world under one roof" did not mean, however, bald aggression and military exploitation. They referred rather to the establishment on earth of charity, love, virtue, truth and justice under the duly recognized leadership of Japan. Thus to the military, in as much as it was founded on the unique and sole responsibility to the throne, was imparted the same inviolability attached to the Emperor himself. Without hesitation, it is possible to say that the instruction of the nation in Shintoist principles and militarist ideals was designed to create absolute obedience.

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[21]Samuel P. Huntington, The Soldier and the State (New York: Alfred A. Knopf, Inc., 1957), pp. 135-136.

Whatever the military did in the extension of the power and glory of the Imperial rule carried with it a divine initiative.[22]

The public acceptance of military leadership and attachment to the military cause also found expression in Shinto shrines and continued in the national education program. Religious support for military needs was supplied by such shrines as that built on Kudan Hill in Tokyo. Here the nation's war dead were honored. No other shrine, with the exception of the Grand Imperial Shrine at Ise and that of the Emperor Meiji, had an equally intimate hold on the people. The kami of this special hero class were explicitly magnified in the ethical instruction of the schools and the conscripts as the consummate example of a devotion such as should furnish inspiration for similar sacrifice for Emperor and country when danger threatened. Education was here made to join hands with religion to laud military ideals directed toward strengthening the position of the Emperor, upon whom all military influence in the executive was predicated.[23]

Another and final element supporting the political power of the military was the activity of patriotic and militarist organizations. These organizations included

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[22]Holtom, Modern . . . , p. 23.

[23]Holtom, Modern . . . , pp. 177-178.

scores of small secret societies such as the Black Dragon as well as large mass organizations like the Ex-Servicemen's Association, the Patriotic Women's Society and the Women's Society for National Defense. Organizational support of the military was a force that transcended specific interests and was employed particularly against political parties and big business as the causes of the economic depression of the 1930's. The activities of the organizations ranged from violence and assassination to civic and social functions like holding lectures, publishing books and periodicals, and assisting in employment problems. On the whole the organizations identified the military as standing for impartial, efficient and honest administration of national affairs and endeavoring to right wrongs by whatever means necessary.[24]

The largest and one of the most powerful organizations was the Ex-Servicemen's Association. All who had ever served in the armed forces were automatic members. More important still was the fact that membership was government subsidized but military supervised. A chapter was located in every village and hamlet and the organization's impact on national thinking was indeed great, since there was no other competing veteran's organization.[25]

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[24]Huntington, The Soldier . . . , p. 137.

[25]Yanaga, Japanese . . . , pp. 105-106.

The small secret societies such as the Black Dragon differed from the mass organizations in that their support of the military appeared to be one of convenience rather than real sympathy. The membership of the small societies was often composed of disenchanted intellectuals from all walks of life who furnished vague ideals drawn from Japan's ancient past. The Black Dragon, for example, thought of Japan's mission in terms of liberating the dark races from white oppression and the Pan-Asia movement. The societies supported the military because it stood for action. For its part, the military took these ideas for its own realizing its lack of economic, political and philosophical awareness.[26]

Thus in Meiji times, the military influence on the executive was certain, direct and substantial. Like Shinto, the military appealed to the most basic concept of the Japanese people, the Emperor. The Constitution, ordinances and custom all supported the claim of the military as a force in the executive function of policy-making.

The last section of this chapter will treat Shinto and military influence on the executive function under the New Constitution. The approach will involve a discussion

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[26]I. I. Morris, "The Significance of the Military in Post-War Japan," Pacific Affairs, XXXI (1958), p. 13.

of the restrictions and impediments brought about by the post-World War II situation as well as the political circumstances which have facilitated the use of indirect methods of influence by Shinto and the military.

Constitutionally and legally, Shinto and the military have only limited status in Japan since 1945. Numerous changes in the postwar governmental system have worked to their disadvantage. In respect to Shinto, for example, the Ministry of Home Affairs and the Bureaus of Shrine Shinto and Religion have been abolished. Article 20 of the New Constitution states that "freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority." Furthermore, in respect to the Emperor, his legal position involves a compromise, but it is not always clear-cut in its application. As a private individual, the Emperor may practice Shinto beliefs; as the symbol of the state, he should carefully avoid participation in religious activities.

The military also has impediments placed upon its operation. In theory militarism has been outlawed by Article 9 of the New Constitution. Japan "forever renounces war as a sovereign right of the nation . . . land, sea, and air forces as well as other war potential, will never be maintained." Moreover, the Emperor, upon whom the military was theoretically dependent, is named in Article 1 as "the

symbol of the State," but not head of State. In addition the Diet is specifically named in Article 41 as the "highest organ of state power," and in Article 66 the Cabinet is made "responsible to the Diet." Thus, as far as legalities go, Shinto and the military have lost the distinction of being identified with the Imperial cause, the executive function and the leadership in general.

Two documents issued a little more than two weeks apart greatly affected both the Shinto and military positions. One was the Supreme Commander's directive, of December 15, 1945 for the disestablishment of State Shinto. The other was the Imperial Rescript denying the divinity of the Emperor promulgated January 1, 1946. In part, the Supreme Commander's directive said:

> The sponsorship, support, perpetuation, control and dissemination of Shinto by the Japanese national, prefectural, and local governments, or by public officials, subordinates, and employees acting in their official capacity are prohibited and will cease immediately.
>
> All financial support from public funds and all official affiliation with Shinto and Shinto shrines are prohibited and will cease immediately.[27]

Pursuant to the directive, texts, manuals, kami-shelves and the pictures of the Emperor in military uniform tending to correlate Shinto and the military ideal were removed from the schools, and public buildings. A similar effect followed

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[27]Holtom, Modern . . . , p. 216.

the Rescript denying the Emperor's divinity. Speaking to the nation on the subject, the Emperor said:

> The ties between us and our people have always stood upon mutual trust and affection. They do not depend upon mere legends and myths. They are not predicated on the false conception that the Emperor is divine and that the Japanese people are superior to other races and fated to rule the world.[28]

From this it would seem that Shinto has neither a legal nor ethical base for survival, and that the military mission associated with the Imperial cause has been struck down by the Emperor himself. Moreover it would seem that any influence on the executive function would be almost nil. Yet what men do is far more important than what men write.

The heart of the Shinto change was in disestablishment, not in abolition. Japan has had to become officially secular, but the removal of official guidance has also allowed Shinto freedom of action. Furthermore, disestablishment did not prohibit public or private practice.[29] In fact, Article 89 of the New Constitution could be construed in the future so as to allow the re-establishment of State Shinto. In part the Article reads: "no public money or other property shall be expended or appropriated for the

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[28] United States Department of State, Occupation of Japan, Policy and Progress. Far Eastern Series, No. 17 (Washington: Government Printing Office, 1945), p. 135.

[29] Marx, Foreign . . . , p. 578.

use, benefit or maintenance of any religious institution or association . . . not under the control of public authority." This was precisely the status of State Shinto in prewar times. It received its direction and financial support from the state.

In his effort to break some of the Shinto ties, General MacArthur prohibited official reports to the deities resident in the shrines. His ban did not survive the end of the Occupation, and the practice is in fact common again.[30] The Emperor himself revived the idea of paying visits to the Yasukuni Jinja to honor the men who have died in his name. In 1951, Masuda Kaneshiehi, Chief Secretary of the Liberal Party, acting on behalf of Prime Minister Yoshida, reported the conclusion of the Peace Treaty at the Grand Imperial Shrine at Ise. The Emperor followed suit in June 1952 to report the independence of Japan. The government explained their acts as those of a personal nature.[31]

Immediately after the War in 1945, the Occupation initiated an extensive purge of government leaders, including a large part of the military leadership. A total of 167,035

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[30]"The Shinto Revival," New Statesmen, LXVII (1964), pp. 436-438.

[31]Ivan Morris, Nationalism and the Right Wing in Japan: A Study of Post-War Trends (New York: Oxford University Press, 1960), pp. 135-136.

Army and Navy officers and military career personnel were purged. So extreme was the purge that nearly a hundred military or ex-military personnel were removed for every civil servant. Yet failure of the Occupation to insert a clause in the Peace Treaty regarding the permanency of the purge allowed the Japanese by Law No. 94 to revoke the purge the day after signing of the treaty.[32] Thus custom and tradition guarantees Shinto and the military some status even if presently undefined. Custom and tradition also have tended to offset the intent of the New Constitution and laws by ignoring the restrictions placed on Shinto and the military. Moreover circumstances of a political nature have helped the Shinto and military cause.

One of the political circumstances is national defense. The other is education. Beginning in 1950, the Korean War brought to light the possible error of Article 9, both as far as the Occupation and the Japanese were concerned. With increasing international tensions the article renouncing war and arms has been all but totally ignored, or at best given dubious interpretation. General MacArthur himself authorized the creation of a military force under the misleading name of National Police Reserve. Increase in personnel and reorganization of the system steadily led the Japanese to

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[32] Baerwald, The Purge . . . . , pp. 80-82.

the point in 1954 where they were ready to admit by law that the police force, regardless of its name, was really a military establishment. The Self-Defense Forces Law reads:

> The Self-Defense Forces, in order to protect the **peace and independence of our own country and to safe**guard its security, shall have as its [sic] principal **mission to supervise, manage and handle all matters** concerning the Ground Self-Defense Force, the Maritime **Self-Defense Force and the Air Self-Defense Force.**[33]

Another law created the Defense Agency to direct the present defense organization within the Office of the Prime Minister. Although no one has dared to suggest a Cabinet position for the Director of the Defense Agency he does, nonetheless, unofficially enjoy such rank.[34]

Despite opposition and suspicion, former officers of the Imperial forces have made steady inroads into the leadership of the National Defense Forces. Most conspicuous are men like Iimura Minoru, an ex-Lt. General and former director of the Total Warfare Institute, who is presently an instructor at the Defense Force Training Center. Likewise, the three Chiefs-of-Staff are now all professional military men with their roots in the pre-war forces. In this connection, it is worth noting that in Meiji days the Army Chief-of-Staff in most cases exercised more effective power

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[33] Burks, The Government . . . , p. 234.

[34] Burks, The Government . . . , p. 234.

than did the war minister.[35] Veterans also constituted about one-half of the Self-Defense Force officers above the rank of major by 1956.[36] Thus the traditional concept of the position of the military coupled with the present need of national defense has contributed to the continued influence of the military in the executive.

Shinto has also experienced an impetus due to circumstances in the area of education. Although the Occupation abolished the fundamental Japanese educational practices. The Ministry of Home Affairs was abolished and that of Education was reduced to almost an advisory organ. The Imperial Rescript on Education was likewise revoked and the Shinto-centered social science courses were either re-developed or dropped. Moreover, a local schoolboard system was initiated for both financing and control of school districts.

Even though significant changes have taken place, the executive since independence has been notably successful in reversing the Occupation ideas or circumventing them in education. For example, administratively and financially, local school districts were unable to handle education. The cost was too great and the know-how was lacking. The schoolboard

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[35] Morris, "The significance . . . ," p. 17.

[36] Kendel, The Japanese . . . , p. 72.

system has not worked; people have not taken the initiative but rather continue to look to Tokyo for direction. In addition, it is politically expedient for teachers and other educational personnel to be brought under national civil service control so as to curb socialist union activities.

Pointing to the significant rise of juvenile crime since the war, Shintoist organizations keep before the government and the public eye the need to return Shinto morals courses to education. Similarly military groups maintain that the backbone of Japan can only be restored through moral education.[37] Efforts toward this end did not even wait for independence. Amano Teiyu, Minister of Education in the third Yoshida Cabinet prepared a moral code to be used officially after the peace treaty. In an analysis of the draft, however, Professor Dore points out that it revealed strongly the traditional flavor of the old Imperial Rescript, a fact probably more important than the actual wording.[38] In another instance, it was reported in July of 1957 that Minister of Education, Matsunaga, had completed the draft of a new school curriculum incorporating a course that resembled the prewar Shinto morals study.

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[37] Morris, "The Significance . . . ," p. 5.

[38] R. P. Dore, "The Ethics of the New Japan," Pacific Affairs, XXV (1952), pp. 147-155.

The program began in August as an independent course in the primary and junior high schools.[39] Then too, public opinion has apparently approved the revision of educational practices. One poll asked, for example, if in the future it was preferable that people should be guided by the old Imperial Rescript on Education. More than three-fourths replied in the affirmative.[40]

On the whole, specific education bills introduced by the executive in the Diet have met with stiff opposition especially from the socialists. Yet directives of the Ministry of Education have once again taken on the force of law. Backed by control of school finance, powers of appointment and textbook certification left over from the Occupation, the Ministry's power is constantly increasing.[41]

The most effective influence of Shinto and the military on the executive has been directed through the conservative parties and in the Diet. Evidence of Shinto's close tie with the executive, for example, is shown in the fact that executive and party leaders serve as officers of the Shinto Shrine Association. Prime Minister Yoshida Shigeru was, himself, honorary chairman of the Association. Moreover,

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[39]Morris, Nationalism . . . , pp. 154-155.

[40]Stoetzel, Without the Chrysanthemum . . . , p. 162.

[41]M. B. Jansen, "Education, Values and Politics in Japan," Foreign Affairs, XXXV (1957), pp. 666-667.

prewar military personnel and Shintoists occupy positions of influence that range from advisers to Prime Ministers, to agency heads in the Prime Minister's Office, to election to the Diet, to the founding and leading of associations. One author lists thirty-seven such men, eight of whom were or are directly related to the executive function.[42]

Developments since World War II in education and defense do serve, therefore, as a measure of the continuity of the executive function and the respective parts played by Shinto and the military in it. The New Constitution and Occupation directives affected Shinto and the military only to the extent that indirect methods of influence were employed.

In the recapitulation of this chapter there is little question concerning Shinto and military influence in the executive function during the whole constitutional period. The zenith of their power was reached under the Meiji Constitution. Yet even though restrictions have been placed upon Shinto and the military by the New Constitution, their influence continues. The reason for their survival is the fact that they are not dependent upon civil legalities but rather on sociological and psychological traditions embodied in the principles of national existence, not the least of

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[42]Morris, Nationalism . . . , pp. 440-452.

which has been the Emperor system. Custom and traditions change slowly but constitutions are amended or broadly interpreted. In respect to Shinto and the military the Japanese have chosen the latter.

CHAPTER VII

CONCLUSION

Monumental change has confronted Japan in the last eight decades. Rapid industrialization, constitutionalism, military defeat, surrender and occupation have been exacting experiences. Much that was old and cherished was swept away or at least substantially altered. Still there remains a continuity in Japanese society. In government the continuity is most obvious in the performance of the executive function. Regardless of the change in constitutional structure and the legal relationships which invariably follow, power continues to be exercised, and decisions made and executed by the same forces and in a similar manner as before. In short, there exists a continuity in the Japanese executive leadership in both composition and operation. The Emperor, the bureaucracy, financial interests, the military, Shinto and, more recently, political parties are forces bearing upon the executive now because they achieved a measure of expression and development through the Constitution but not necessarily because of it. All the forces were in some way part of the leadership before the Meiji Constitution of 1889 was promulgated.

On the basis of the data presented in the chapters the hypothesis of the functional continuity of the Japanese

executive is supported with reasonable certainty. Individually the evidence of the chapters also sustains the hypothesis, but the primary objective is the observation of operation of the forces in their free, competitive and yet coordinated relationships to each other and the executive function. An attempt is made to point up the executive institution as the vehicle of leadership that gives expression to the various forces by submitting to and aggregating their pressures within the context of the existing constitutional structure. Yet neither the Meiji nor the New Constitution recognizes this diffusion of authoritative forces in the Japanese executive.

Before 1945 the various forces did not achieve their ends by manipulation of popular opinion, but rather by attempting to dominate or control an organ of government that led to the exercise of power in the executive function. Thus the military was entrenched in an independent Supreme Command; the zaibatsu and political parties were in the Diet; Shinto and the bureaucracy were throughout the total machinery of government, while the Emperor mysteriously lorded over the whole operation and gave legitimacy to each of them. In effect, each force had a veto power, varying in degree, over the formulation of policy that was extra-constitutional. A working agreement, compromise and consensus was required before the executive could function.

Under the New Constitution the pattern of political style has changed only slightly. The Emperor may no longer be identified with a "national mission," but he remains the living spiritual focus and symbol of authority, the symbol of unity and general social conformity. Shinto may no longer be associated with unquestioned obedience, but it continues to express the national beginning and value system of what the Japanese feel to be basically right and worth retaining. Likewise, the military retains its identification with the masses even though in the past it may have over-stepped its bonds and perverted national goals. Now the military "mission" is not to conquer the world but to help preserve Japan. Naturally the military is concerned with domestic tranquility and national defense, but it is also involved in projects that serve the people. Construction and development as well as assistance in time of flood, earthquake and other natural disasters are increasingly becoming part of the new military mission.

The continuity of power of big business stems from the fact that it is essentially responsible for the economic growth and prosperity of Japan during the last eighty years. No doubt there are many who would like to see its influence diminished and its structure broken, but the critics are unable to offer another acceptable alternative. In a similar vein the bureaucracy remains a necessity of governmental

operation and one of the better career prospects even though its independent power is being checked by practical politics and infiltration of other forces.

Political parties are involved in the executive function because they have gradually come to reflect the prevailing concerns of the nation as a whole and the other forces which help to govern it. While the parties continue to reflect personal factionalism and clique rivalries, they labor constantly under pressure demanding maturity and avoidance of past mistakes. Parties are becoming a kind of substratum for the executive function so that the result is a measure of security and permanence in politics.

A final evaluation of this entire thesis might seem to point toward what many authors, Westerners and Japanese alike, term a gyakkosu ("reverse course"). Political scientists and politicians use the same term so that it has come to have both a normative and descriptive meaning. Generally "reverse course" refers to the efforts of the Japanese ruling groups to restore traditional patterns in the country's political, economic and social life. In neither its normative or descriptive sense is "reverse course" an acceptable term for this thesis because it is an over-simplification of the evidence. Yet it is used for lack of a better term and only then if it is subjected to modification and explanation.

Normatively and descriptively, "reverse course" in the Japanese context invariably brings with it unlikely and sometimes false connotations. In the first place, the expression calls to mind the worst in Japanese society, militarism, unquestioned obedience and overly restrictive social bonds. In government in general and the executive in particular it connotes an awesome, powerful, but removed Emperor, an introverted bureaucracy serving the state but not the people, and big business able to buy its way in everything. "Reverse course" brings to memory political parties devoid of principles and prone to dishonesty and corruption, and of Shinto which in theory allowed private beliefs, but in practice warred against them.

It is doubtful whether many Japanese want a "reverse course" to that kind of society. Moreover almost all realize that it is impossible. The experience of the constitutional period itself, in addition to the war, defeat and occupation have produced changes that nearly everyone desired. It is doubtful, for example, that the present Emperor, Hirohito, with his scientific interest in marine biology, believed his position to be commensurate with modern times.

There is a "reverse course" in a modified sense, emanating from the Japanese people, which is being channeled and directed by the executive. This point is illustrated throughout the thesis. It is, however, a "reverse course"

that should be more properly called a continuation because there was never a break. It is invalid to assume that the New Constitution marked the end of one period and the beginning of another. The continuation is one that will permit the Japanese to maintain their identity by keeping some workable and worthy traditions while displacing others. To be sure, this is what Professor Minobe meant in suggesting retention of the Meiji Constitution structure but re-working its enforcement. This is what students mean when they admit that they are learning about parliamentary government from American, British and French models, but even then they will have to make constitutionalism fit the Japanese context if it is to work at all. Thus the modified "reverse course" effort is a manifestation of the fact that custom and tradition, which in the past served one extreme in the executive function, can also be made to serve the other extreme.

What has developed in this thesis is not necessarily a study of constitutionalism in Japan, nor a special facet of Japanese history, but rather a case study of institutional change using the Japanese executive. Although in only a few instances are other countries cited in comparison, this does not imply that the function of the Japanese executive is unique in all its aspects. The implication is, rather, that the executive in all constitutional governments exists within

a broadly defined framework of composition and operation, but subject in each case to national traditions and customs. Yet constitutional countries and especially those purporting constitutional democracy are confronted with a most delicate task: how to devise and continue institutional patterns which provide a vigorous and effective performance of the executive function without allowing the forces that are parties to it to be irresponsible despots. The Japanese executive is involved in a process similar to other executives. The Japanese executive function, although somewhat different in conception and practice of tradition, attempts to recognize the forces operative within it and to fuse them into an organic governmental pattern that makes for continuity and competence.

It is hoped that the developed thesis makes a useful contribution to the general knowledge of the social sciences. It attempts to do so by treating institutional change in general and the Japanese case in particular within the broad context of sociological, psychological and historical criteria. Moreover the thesis may offer something to the specific study of comparative government. It is a beginning in that few other studies have centered on the functional continuity of the executive in countries other than in the West. As a matter of both comparative government and international affairs it is becoming increasingly important that

the operations of the executive in non-western nations be known. The comparison of western executive institutions, which enjoy a long and common experience, points up striking contrasts and similarities. How much more significant in present times is the study of a non-western executive institution operating on a foreign model! Thus this study aims at making possible a more valid assessment of the process by which many nations, including Japan, fuse an executive function, developed perhaps over hundreds of years and surrounded by distinctive traditions, into constitutional patterns of government.

Finally the study also attempts to support general positions of institutional change as related to constitutionalism. All constitutional governments have seen a widespread movement for the participation of various forces in the administration of national life. Such participation saddles the executive with numerous kinds of pressures to which it must respond and conflicts which it must mediate. The methods of influence used by the various forces discussed in the above chapters indicate both the nature and the magnitude of the executive function. The pressures of the forces tend to have a divisive rather than an integrating effect, yet the executive task remains the distilling of a fundamental agreement among the forces that allows policy to be formulated. Constitutions evolve patterns providing for a

measure of responsibility, but they do not ensure that those patterns achieve a specific legal status. Thus the executive function continues within the constitutional structure but the practical operation develops aside from the structure through the workings of parties or various other traditional devices or relationships.

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APPENDIX A

APPENDIX

CHART I

JAPANESE EXECUTIVE, MEIJI CONSTITUTION, 1889-1947

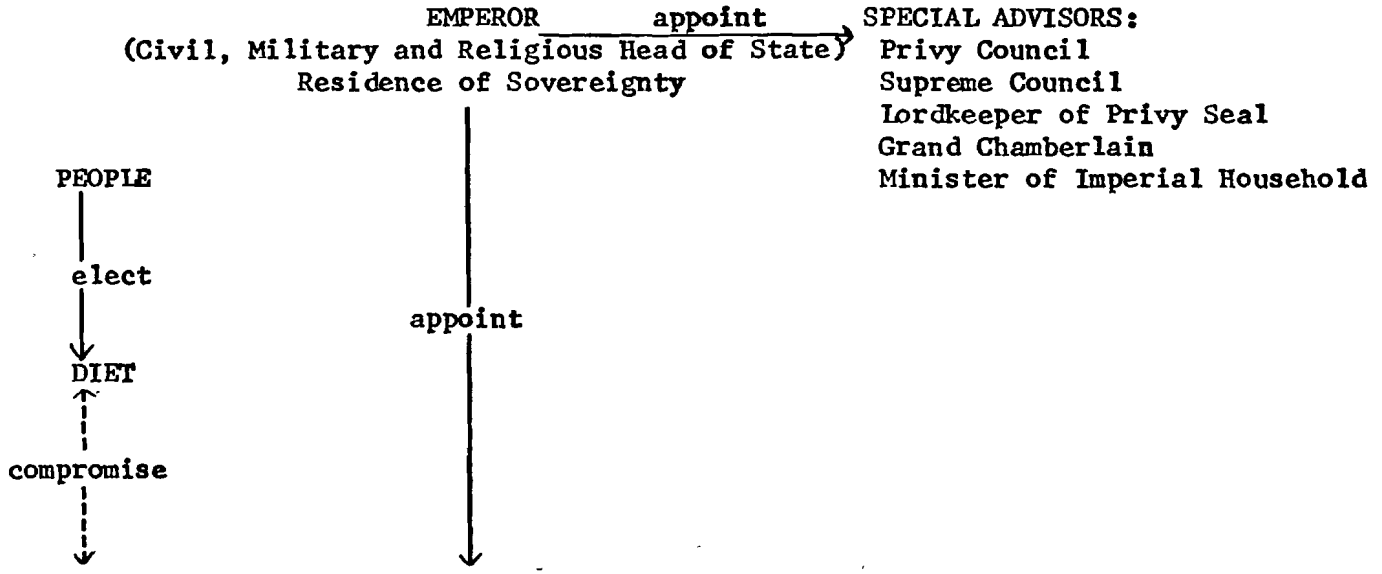


CHART II

JAPANESE EXECUTIVE, NEW CONSTITUTION, 1947-

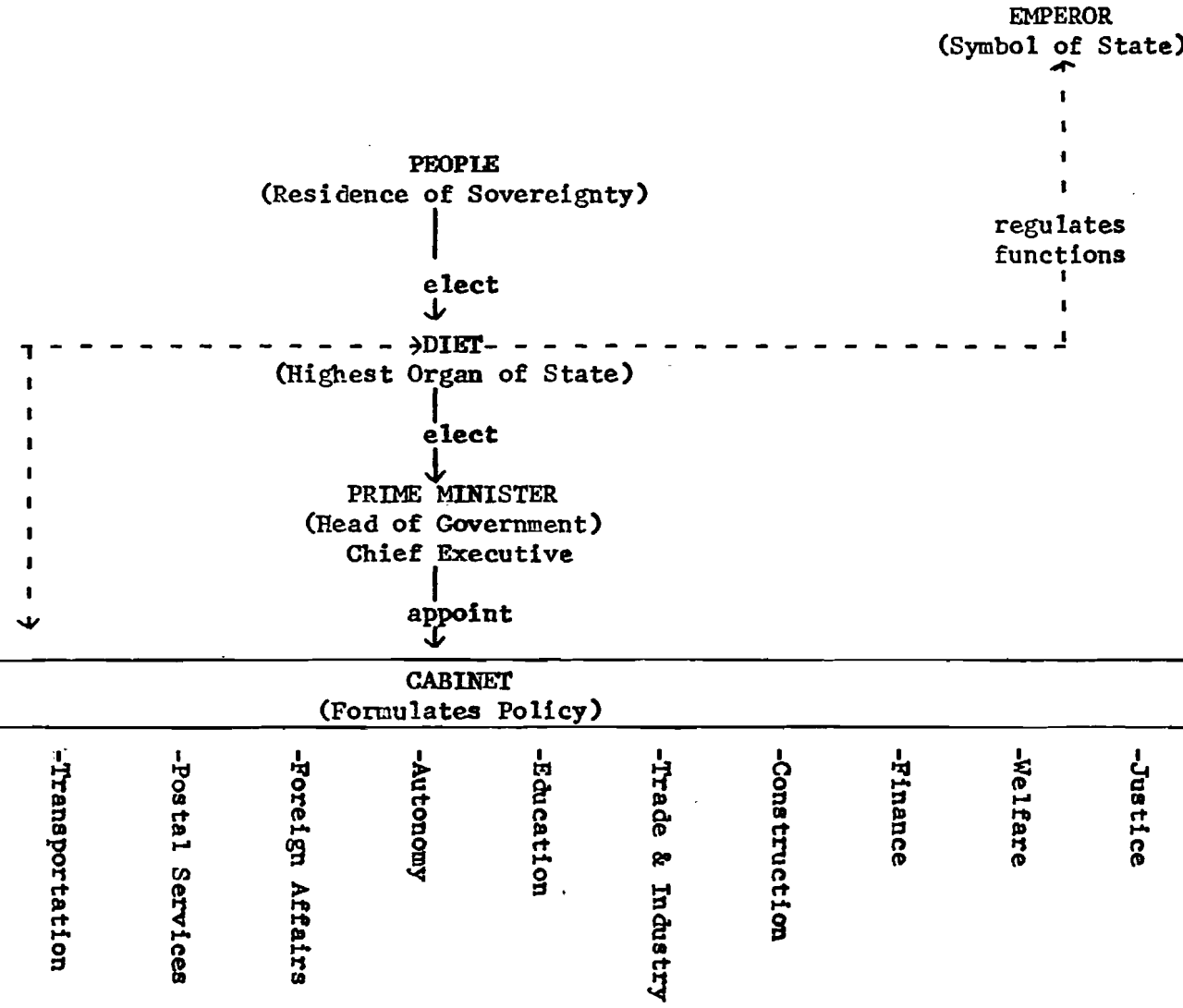
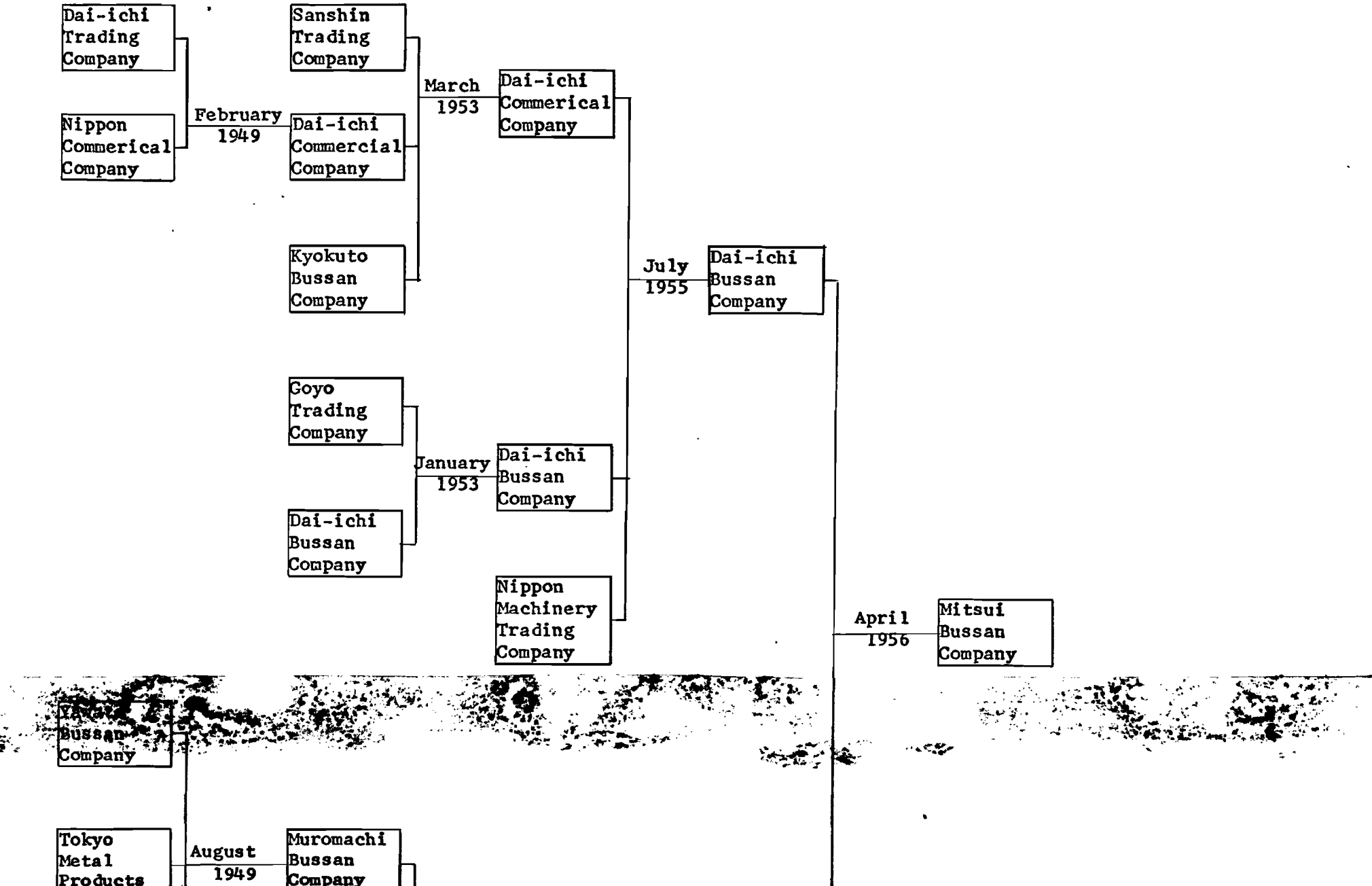
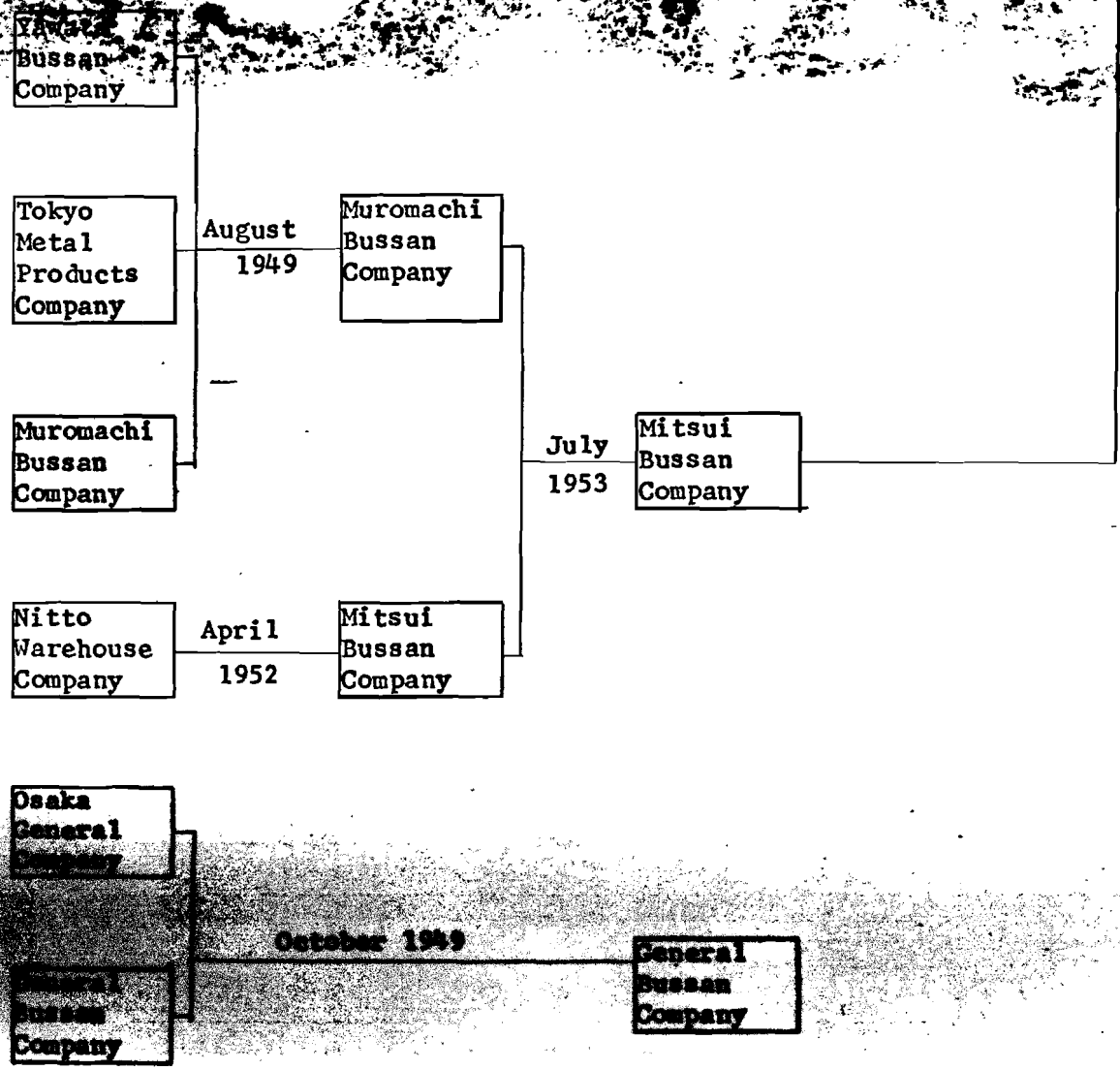


CHART III

The Reconsolidation of Mitsui Bussan*





*The Annals of the American Academy of Political and Social Science. "Internal Industrial and Business Trends" Shigeto, Tsuru. Vol 308 p. 90 1956.

APPENDIX B

APPENDIX B

Table I List of Prime Ministers

TABLE I

JAPANESE CABINETS
1885-1964*

Clan or Party[1]	Prime Minister	Cabinets Headed	Date
Choshu	Ito Hirobumi	First	December 22, 1885
Satsuma	General Kuroda Kiyotaka		April 30, 1888
Choshu	General Yamagata Aritomo	First	December 24, 1889
Satsuma	Matsukata	First	May 6, 1891
Choshu	Ito Hirobumi	Second	August 8, 1892
Satsuma	Matsukata Masayoshi	Second	September 18, 1896
Choshu	Ito Hirobumi	Third	January 12, 1898
Hizen, Kenseito	Ojuma Shigenobu	First	June 30, 1898
Choshu	General Yamagata Aritomo	Second	November 8, 1898
Choshu, Seiyukai	Ito Hirobumi	Fourth	October 19, 1900
Choshu	General Katsura Taro	First	June 2, 1901
Kuge, Seiyukai	Prince Saionji Kimmochi	First	January 7, 1906
Choshu	General Katsura Taro	Second	July 14, 1908
Kuge, Seiyukai	Prince Saionji Kimmochi	Second	August 30, 1911
Choshu	General Katsura Taro	Third	December 21, 1912
Satsuma	Admiral Yamamoto Gombei	First	February 20, 1913
Hizen	Ojuma Shigenobu	Second	April 16, 1914
Choshu	General Terauchi Masatake		October 9, 1916
Seiyukai	Hara Takashi		September 29, 1918
Seiyukai	Takahashi Korekiyo		November 13, 1921

* The Cabinet system was created by Imperial Rescript on December 22, 1885 and has continued to the present time. All Prime Ministers except Katayama Tetsu (Socialist) have represented conservative political interests or parties.

[1] A legend in English appears at the end of this table.

TABLE I

JAPANESE CABINETS (continued)

Clan or Party	Prime Minister	Cabinets Headed	Date
	Admiral Kato Tomosaburo		June 12, 1922
Satsuma	Admiral Yamamoto Gombei	Second	September 2, 1923
	Kiyoura Keigo		January 7, 1924
Kenseikai	Kato Takaaki	First	June 11, 1924
Kenseikai	Kato Takaaki	Second	August 2, 1925
Kenseikai	Wakatsuki Reijiro	First	January 30, 1926
Seiyukai	General Tanaka Giichi		April 20, 1927
Minseito	Hamaguchi Osachi		July 2, 1929
Minseito	Wakatsuki Reijiro	Second	April 14, 1931
Seiyukai	Inukai Tsuyoshi		December 13, 1931
	Admiral Saito Makoto		May 26, 1932
	Admiral Okada Keisuke		July 8, 1934
	Hirota Koki		March 9, 1936
	General Hayashi Senjuro		February 2, 1937
Kuge	Prince Konoye Fumimaro	First	June 4, 1937
	Hiranuma Kiichiro		January 5, 1939
	General Abe Nobuyuki		August 30, 1939
	Admiral Yonai Mitsumasa		January 16, 1940
Kuge	Prince Konoye Fumimaro	Second	July 22, 1940
Kuge	Prince Konoye Fumimaro	Third	July 18, 1941
Taisei Yokusan	General Tojo Hideki		October 18, 1941
Taisei Yokusan	General Koiso Kuniaki		July 22, 1944
Taisei Yokusan	Admiral Suzuki Kantaro		April 7, 1945
	Prince Higashikuni Naruhiko		August 17, 1945
Shimpoto	Shidehara Kijuro		October 9, 1945
Jiyuto	Yoshida Shigeru	First	May 22, 1946
Shakaito	Katayama Tetsu		May 24, 1947

TABLE I

JAPANESE CABINETS (continued)

Clan or Party	Prime Minister	Cabinets Headed	Date
Minshuto	Ashida Hitoshi		March 10, 1948
Minshu-Jiyuto	Yoshida Shigeru	Second	October 15, 1948
Minshu-Jiyuto	Yoshida Shigeru	Third	February 16, 1949
Jiyuto	Yoshida Shigeru	Fourth	October 30, 1952
Jiyuto	Yoshida Shigeru	Fifth	May 21, 1953
Minshuto	Hatoyama Ichiro	First	December 10, 1954
Minshuto	Hatoyama Ichiro	Second	March 19, 1955
Jiyu-Minshuto	Hatoyama Ichiro	Third	November 22, 1955
Jiyu-Minshuto	Ishibashi Tanzan		December 23, 1956
Jiyu-Minshuto	Kishi Nobusuke	First	February 25, 1957
Jiyu-Minshuto	Kishi Nobusuke	Second	June 12, 1958
Jiyu-Minshuto	Kishi Nobusuke	Third	June 18, 1959
Jiyu-Minshuto	Ikeda Hayato	First	July 19, 1960
Jiyu-Minshuto	Ikeda Hayato	Second	December 8, 1960
Jiyu-Minshuto	Ikeda Hayato	Third	July 18, 1961
Jiyu-Minshuto	Ikeda Hayato	Fourth	July 18, 1962

LEGEND:

Choshu--Clan and region known for its warriors
Hizen--Clan and region of southwestern Japan
Jiyuto--Liberal Party (Postwar) Merged with Minshuto Party November 19, 1955
Kenseikai--Early Constitutional Party formed by bureaucrats and others, 1915
Kenseito--Constitutional Party

TABLE I

Kuge--Court Noble
Mensaito--Progressive Party (Prewar)
Minshuto--Democratic Party, Merged with Jiyuto Party November 19, 1955
Satsuma--Clan from southern province now called Kagoshima
Seiyukai--Liberal Party (Prewar)
Shakaito--Socialist Party
Shimpoto--Progressive Party (Postwar)
Taisei Yokusan Seijikai--Imperial Rule Assistance Political Society (All parties were dissolved)