

## DEMOCRACY FROM THE RUINS: THE FIRST SEVEN WEEKS OF THE OCCUPATION IN JAPAN\*

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### I

Appraisal of the Japanese surrender of 1945 is still a highly controversial topic among not only historians, but also Japanese intellectuals in other fields. In 1978 a heated debate between Jun Eto and Shugo Honda, both famous literary critics, appeared in a literary column of the Mainichi Newspaper.<sup>1</sup>

Eto attacked the notion of the late Ken Hirano, another leading literary critic, who had written that "Japan was occupied by the Allied Powers as a result of its unconditional surrender," in his book entitled *Gendai Nihon Bungaku-shi* (Contemporary History of Japanese Literature). This statement by Hirano which was subsequently defended by Honda, seems to be a common view of the Japanese surrender. Eto, however, disagreed, arguing that it was not the Japanese government, but only the armed force that was required by the Potsdam Declaration to surrender unconditionally. In the case of the Japanese government, he argued, it surrendered *conditionally* by accepting the terms presented by the Allied Powers.

Honda, on the other hand, while acknowledging that the Allied Powers' advance notification of the surrender terms to the Japanese government showed an important difference in the treatment of Germany and Japan, argued that the Japanese government had had no option besides accepting the terms of the victors. In that sense, Japan, he insisted, surrendered *unconditionally*.

This debate highlights the importance of empirical analysis of the twin processes of the drafting of the Potsdam Declaration and of the surrender itself.

By asserting the conditionality of the Japanese surrender, Eto emphasized the *continuity* of the imperial structure into the postwar era. Among contemporary Japanese historians, there has been a sharp division of opinion on the topic of continuity or discontinuity. Progressive and radical historians tend to stress discontinuity, because of their high regard for the postwar democratization process. On the other hand, conservative and nationalistic scholars try to put emphasis on continuity because of their nostalgia for prewar Japan. Debates on this topic, therefore, tend to assume an overheated ideological tone.

But political conditions immediately after the surrender were too complicated to be reduced to a simple choice between the two. For example, one of the most distinguished philosophers in prewar Japan, Kiyoshi Miki, who had been kept in prison as a political prisoner, died in prison on September 26, 1945. His tragic death shows us the continued strength of the repressive prewar regime based on the Peace Preservation Law and other

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<sup>1</sup> August 28, 29; September 7, 8, 18, 19, 1978, *The Mainichi Shinbun*.

similar regulations, over one month after the surrender.

Miki's death raises several important questions to us. First, how was the Japanese government able both to accept the Potsdam Declaration, in which they were required to "remove all obstacles to the revival and strengthening of democratic tendencies," and, ignoring the contradiction, to maintain the Peace Preservation Law after the surrender? Second, why couldn't the Japanese people have released the political prisoners by themselves or with the assistance of the occupation forces? Third, why didn't MacArthur order the Japanese government to abrogate repressive laws immediately upon landing in Japan?

To solve these questions, it is absolutely necessary to take a more comprehensive approach, which can illuminate aspects of discontinuity and continuity between the prewar and postwar eras.

## II

It is well known that the drafting process of the Potsdam Declaration generated considerable controversy among top American decision makers. The main issue was whether the U.S. government should try to facilitate the Japanese surrender by explicitly promising the retention of the Emperor system after the defeat of Japan. The argument for retention, often called "soft peace," was originated by Undersecretary of State Joseph C. Grew, former American Ambassador to Japan, from 1932 to 1941. The counter argument, often called "hard peace," was supported by Assistant Secretaries of State Dean Acheson and Archibald MacLeish.

On May 28, 1945, Grew proposed that President Truman issue a statement explaining the surrender terms to Japan at the earliest possible moment, and submitted to him a rough draft of the statement written by Eugene H. Dooman, Special Assistant to the Director of Far Eastern Affairs, Department of State. Grew recorded telling the President:

The greatest obstacle to unconditional surrender by the Japanese is their belief that this would entail the destruction or permanent removal of the Emperor and the institution of the Thorne. If some indication can now be given the Japanese that they themselves, when once thoroughly defeated and rendered impotent to wage war in future, will be permitted to determine their own future political structure, they will be afforded a method of saving face without which surrender will be highly unlikely. . . .

The idea of depriving the Japanese of their Emperor and emperorship is unsound for the reason that the moment our backs are turned (and we cannot afford to occupy Japan permanently) the Japanese would undoubtedly put the Emperor and emperorship back again. From the long range point of view the best that we can hope for in Japan is the development of a constitutional monarchy, experience having shown that democracy in Japan would never work.<sup>2</sup>

This memo shows us that Grew's proposal was based not only on tactical considerations to end the war as early as possible, but also on his conviction that Japanese militarism had not originated within the Emperor system, but had been the creation of a military clique

<sup>2</sup> Memo of Conversation, May 28, 1945, Joseph C. Grew Papers, Conversation, Box 7, Houghton Library, Harvard University.

that had rendered the Emperor and his civilian advisers powerless. Because of this conviction, he was often criticized as an "appeaser" of Japanese militarism. Moreover, his proposal was also based on his negative understanding of the mentality of the Japanese people, who were, he thought, too authoritarian to abolish the Emperor system by themselves. As a result, together with his close relationship with the Japanese aristocratic society, his policy became so elite-oriented that his reform plan had, I think, the character of *gradual reform from above*.

Showing an interest in Grew's proposal, Truman asked him to discuss it with the Secretaries of War and Navy and with General Marshall and Admiral King. The next morning, a meeting was held in Secretary of War Stimson's office. After Grew and Dooman explained their plan, Stimson and Secretary Navy Forrestal were both in accord with the principle. But Elmer Davis, head of the Office of War Information, disagreed, saying that the U.S. government should not guarantee the retention of the Emperor system, in the belief that Japanese movements to abolish the system would be initiated after the war. General Marshall ended the discussion by saying that this was not the time to issue the statement because of "certain military reasons."<sup>3</sup> Marshall didn't explain what the military reasons were, but the inspiration is that he wanted to wait until the atomic bomb had been successfully tested.

No sooner had the decision to hold the Three Powers conference in Potsdam been made, than the proposal to release the statement to Japan resurfaced in discussions, this time promoted by Stimson. On July 2, Stimson presented a memo entitled "Proposed Program for Japan."

... a carefully timed warning be given to Japan by the chief representatives of the United States, Great Britain, China and if then a belligerent, Russia, calling upon Japan to surrender and permit the occupation of her country in order to issue its complete demilitarization for the sake of the future peace.

This warning should contain the following elements: . . .

The determination of the allies to destroy permanently all authority and influence of those who have deceived and misled the country into embarking on world conquest.

The determination of the allies to limit Japanese sovereignty to her main islands and to render them powerless to mount and support another war. . . .

The withdrawal from their country as soon as the above objectives of the allies are accomplished, and as soon as there has been established a peacefully inclined government of a character representative of the masses of the Japanese people. I personally think that if in saying this we should add that *we do not exclude a constitutional monarchy under her present dynasty*, it would substantially add to the chances of acceptance (emphasis added).<sup>4</sup>

On July 2, the draft of the Three Powers Declaration was written based on Dooman's draft of May 28 and Stimson's memo. In article 12 of the draft of July 2 the following paragraph can be found:

The occupying forces of the Allied shall be withdrawn from Japan as soon as our objectives are accomplished and there has been established beyond doubt a peacefully

<sup>3</sup> Makoto Iokibe, *Beikoku No Nihon Senryo Seisaku* (American Occupation Policy to Japan) II, Chuokoronsha, 1985, p. 172.

<sup>4</sup> Henry, L. Stimson Diary, July 2, 1945, Yale University.

inclined, responsible government of a character representative of the Japanese people. This may include *a constitutional monarchy under the present dynasty* if it be shown to the complete satisfaction of the world that such a government will never again aspire to aggression (emphasis added).<sup>5</sup>

Apparently, the explicit “soft peace” approach promoted by Grew and Stimson was on the verge of formal recognition. But it still faced strong opposition from top officials below to Grew at the Department of State. On July 6, Assistant Secretary of State MacLeish presented a memo to oppose the issuance of the statement to Secretary of State Byrnes in which he wrote as follows:

... Surrender *on terms*, even irreducible terms, is not unconditional surrender. . . . I am raising the question whether, if we do, we should not state explicitly what it is we are doing. If we are modifying the announced policy of unconditional surrender to a new policy of surrender on irreducible Japanese terms, the American people have a right to know it.

... As Mr. Acheson pointed out in the Staff Committee, the institution of the throne is an anachronistic, feudal institution, perfectly adapted to the manipulation and use of anachronistic, feudal-minded groups within the country. To leave that institution intact is to run the grave risk that it will be used in the future as it has been used in the past.<sup>6</sup>

Coincidentally, Owen Lattimore, who was one of the most influential opinion leaders of the “hard peace” group, met with President Truman on July 3, 1945, to discuss U.S. policy to China. In the course of their discussion Lattimore warned the President that the Japanese leaders were hoping that “fear of Russia will induce Britain and America to be ‘soft’ with ‘anti-revolutionary’ Japanese big business, and to wink at the fact that big business in Japan is as militarist as the militarists.”<sup>7</sup>

In his best-seller, *Solution in Asia*, published in February 1945, Lattimore explained his ideas in more detail. He insisted that it was “a mistake to think that Japan could achieve ‘democratic monarchy’ by reform,” because “the emperor was integral to the expansion of Japan.” And he wrote the following:

I assume that the Japan of the future will be a republic. In helping the Japanese to launch this republic we should draw confidence from the fact that Japan has a larger literate electorate than any other country in Asia. It failed to create strong democratic governments in the past not because it was politically stupid, but because it could not change the constitution and because militarist and terrorist organizations were unchecked. . . .

We must, on the other hand, not be soft with the old-school-kimono “liberal,” from Prince Konoye on down, who used to entertain the Embassy crowd so charmingly and made such a good impression on Wall Street, art collectors, and members of the Garden Club. . . .<sup>8</sup>

<sup>5</sup> U.S., Department of State, *Foreign Relations of the United States*, Potsdam I, Washington, D.C., 1960, pp. 893–894.

<sup>6</sup> MacLeish to Byrnes, July 6, 1945, *FRUS*, Potsdam I, pp. 895–896.

<sup>7</sup> Owen Lattimore, Memo for the President, Harry S. Truman Papers, Confidential Files, Box 39, H.S. Truman Library.

<sup>8</sup> Owen Lattimore, *Solution in Asia*, Boston: Little, Brown & Co., 1945, pp. 47–48, 189–190.

Obviously, Lattimore's advocacy of "hard peace" was based on his expectation that the Japanese people would either stand up to abolish the Emperor system by themselves or do so with the assistance of the occupation forces. His approach, therefore, can be characterized as that of radical reform from below, however overly optimistic it may have been in reality.

Given the sharp division of opinion among top State Department officials, Secretary of State Byrnes called former Secretary Cordell Hull to ask his advice just before his trip to Potsdam. On July 16 Hull cabled his answer to Byrnes in Potsdam as follows:

. . . The central point calculated to create serious difference is in paragraph 12 and relates to a proposed declaration by the allies now that the Emperor and his monarchy will be preserved in event of allied victory. . . . The other side is that no person knows how the proposal would work out. The militarists would try hard to interfere. Also should it fail the Japs(sic) would be encouraged while terrible political repercussions would follow in the U.S. Would it be well first to await the climax of allied bombing and Russia's entry into the war?<sup>9</sup>

After having received notice of the successful explosion of the atomic bomb, the Joint Chiefs of Staff also asked Byrnes to eliminate the paragraph concerned.<sup>10</sup>

As a result, no paragraph relating to the status of the Emperor was included in the announced Declaration of the Three Powers of July 26. Thus, the explicit "soft peace" line was rejected. But owing to Churchill's intervention at Potsdam, the implicit "soft peace" line got a chance to be revived. Because Churchill succeeded in getting an important paragraph, the demand for democratization (Article 10), changed from "Democratic tendencies found among the Japanese peoples(sic) shall be supported and strengthened" into "the Japanese Government shall remove all obstacles to the revival and strengthening of democratic tendencies . . ."<sup>11</sup>

Although this change seems to be very slight, its influence was great, because it made clear that the occupation forces would exercise their power through the Japanese government. Thus, the decision for the Allied Powers to occupy Japan *indirectly* allowed the implicit "soft peace" line to revive, if the Japanese government decided to accept the Declaration.

But it is well known that when on July 28, Premier Kantaro Suzuki was asked his reaction to the Potsdam Declaration, he answered that the government only "ignores (moku-satu)." His answer was interpreted to mean that the Japanese government rejected the Declaration.

Tragically, it was only after the two atomic bombs and the Soviet declaration of war that the Japanese government, at last, decided to accept the Potsdam Declaration "with the understanding that the said declaration does not comprise any demand which prejudices the prerogatives of His Majesty as a Sovereign Ruler." After heated debate, the last condition to which the Japanese government stuck was that of maintenance of the "Kokutai," the 'national polity,' that is of imperial sovereignty.

This was exactly what the "soft peace" group had anticipated as the conceivable reaction

<sup>9</sup> Cordell Hull to James F. Byrnes, July 16, 1945, Papers of Naval Aide, Berlin Conf., Box 5, H.S. Truman Library.

<sup>10</sup> *FRUS*, Potsdam II, pp. 1267-1268.

<sup>11</sup> *Ibid.*, pp. 1275-1281.

of the Japanese government. But there was great distance between the system of the imperial sovereignty in which the Emperor had absolute power and a constitutional monarchy in which the Emperor's power would be restricted by popular sovereignty. It is, therefore, highly doubtful whether the Japanese government would have capitulated more easily, even if an explicit proposal to retain the Emperor system as a constitutional monarchy had been included in the Potsdam Declaration.

In reality, the Allied Powers had no intention of accepting this condition, which the Japanese government had held to the bitter end. So they carefully avoided making any definite commitment by answering as follows:

From the moment of the surrender, the authority of the Emperor and the Japanese Government to rule the state shall be subject to the Supreme Commander of the Allied Powers who will take such steps as he deems proper to effectuate the surrender terms . . . the ultimate form of government of Japan shall, in accordance with the Potsdam Declaration, be established by the freely expressed will of the Japanese people.<sup>12</sup>

Although the Allies' reply to Japan was ambiguous, there was no explicit promise on the future status of the Emperor. Nothing was changed in the surrender terms through the exchange of cables. A violent debate, therefore, arose again at the cabinet meeting with the Emperor on August 14. Although Admiral Toyoda pointed out that "the clause referring to the government eventually being 'determined by the free will of the people' is most dangerous and will undermine the entire Japanese tradition,"<sup>13</sup> the Emperor judged that the Allies' reply was acceptable.

Thus, the Japanese government decided to surrender by accepting the Potsdam Declaration with the expectation that imperial sovereignty could be preserved by "the freely expressed will of the Japanese people."

Accordingly, it is obvious that the Japanese government unconditionally accepted the surrender terms demanded by the Allies. In that sense, the Japanese surrender should be called an unconditional one. Some, like MacLeish, however, argue that prior presentation of any surrender terms meant retreat from the policy of unconditional surrender. In this strict interpretation, Germany would be the only country which could be said to have surrendered unconditionally.

But the essence of the unconditional surrender strategy was to avoid any negotiated peace with the Axis Powers, and to demand social reform under allied occupation, out of the conviction that there could be no real world peace without eradicating the social basis of fascism and militarism in the Axis nations. In other words, social reforms like demilitarization and democratization under the Allied occupation were deemed to be indispensable corollaries of the unconditional surrender strategy.

Indeed some policy changes can be found in the drafting process of the Potsdam Declaration, for example, prior presentation of surrender terms and a decision to occupy Japan indirectly, but the fundamental policies toward Japan, rejection of any negotiated peace and demand for occupation-enforced reforms, were maintained. Because of this, it should be concluded that Japan surrendered unconditionally. Yet, the character and extensiveness of the reforms under the occupation would depend mainly on the American policy toward

<sup>12</sup> *FRUS*, 1945, VI, pp. 631-632.

<sup>13</sup> William Craig, *The Fall of Japan*, Penguin Books, 1967, pp. 171-172.

Japan after the surrender.

### III

After the capitulation, Suzuki's Cabinet resigned in a body and Prince Higashi-kuni, an uncle of the Emperor, was appointed as the new Premier with the expectation that a man of royal blood could control the army more effectively. Prince Konoye served as Deputy Premier.

The first priority of the Higashi-kuni government was to strengthen popular loyalty to the Emperor and "Kokutai." The new Premier never mentioned "defeat" or "surrender." He tried to give the impression that the war had been halted by a "magnanimous gesture" of the Emperor rather than as a result of the Allied victory. He also tried to avoid the Japanese government's responsibility for the defeat by urging what was called '*Ichoku Sozange*,' the reflection by the entire Japanese nation on their collective guilt.<sup>14</sup>

At the same time, the Higashi-kuni government was worried about the impact that a policy of democratization would have on Imperial Japan. When Foreign Minister Shigemitsu was entrusted as Minister Plenipotentiary with the duty of signing the Instrument of Surrender, he submitted the following advice to the Emperor.

'The democracy on which the Potsdam Declaration insists is not in itself inconsistent with the institution of this country. I even think that under its influence they will be enhanced. With this thought in my mind, I feel that if, having signed the document, we follow it faithfully and completely, we shall promote a happier destiny for this country. . . .'

The Emperor said, 'I entirely agree with you' and 'he was graciously pleased to encourage me to persevere with the policy I had outlined.'<sup>15</sup>

As is shown in this conversation, the Emperor and his advisers expected that the Allies' demand for democratization could be satisfied by such mild political changes as the "liberalization" of the Meiji Constitution.

Nevertheless, and in spite of their acknowledgement of the necessity of "liberalization," they continued to suppress open criticism of the Emperor and the "Kokutai" by enforcing the Peace Preservation Law and other similar laws. As a result, almost 3000 political prisoners remained in prison and alleged "leftists," numbering 7700, were kept under police surveillance even after the surrender.<sup>16</sup>

Meanwhile, General MacArthur, Supreme Commander of the Allied Powers (SCAP) received the basic guidelines of occupation policy entitled *United States Initial Post-Surrender Policy for Japan*, informally on August 29, formally on September 6. This *Initial Policy* ordered McArthur to occupy Japan on the following terms.

<sup>14</sup> Seizaburo Shinobu, *Sengo Nihon Seiji-shi* (The Postwar Japanese Political History), I, Keiso-Shobo, 1965, pp. 118-120; James W. Morley, "The First Seven Weeks," *The Japan Interpreter*, VI-2, Summer 1970, p. 154.

<sup>15</sup> Mamoru Shigemitsu, trans. by Oswald White, *Japan and Her Destiny: My Struggle for Peace*, N.Y.: E.P. Dutton, 1958, p. 373.

<sup>16</sup> Naimu-sho (the Home Ministry), *Sayoku no Doko* (the Leftist Activities), n.d., Kentaro Awaya ed., *Shiryo Nihon Gendaishi*, (Documentary History of Contemporary Japan), Ohtsuki-Shoten, 1981, Vol. 2, pp. 170-171.

### Part II-1 Military Occupation

. . . the Supreme Commander will exercise his authority through Japanese governmental machinery and agencies including the Emperor, to the extent that this satisfactorily furthers U.S. objectives. . . . *The policy is to use the existing form of Government in Japan, not to support it.* Changes in the form of Government initiated by the Japanese people or government in the direction of modifying its feudal and authoritarian tendencies are to be permitted and favored. . . .

### Part III-3

. . . Laws, decrees and regulations which establish discriminations on ground of race, nationality, creed or political opinion shall be abrogated. . . . *Persons unjustly confined by Japanese authority on political grounds shall be released.* . . . (emphasis added).<sup>17</sup>

Obviously, if this *Initial Policy* had been applied immediately, there would have been no room for the Japanese authority to maintain the repressive laws. But the decision for SCAP to exercise his power through the Japanese government made it possible for them to sabotage SCAP's directives.

According to the recently declassified document entitled *Basic Plan for Institution of Military Government: Black List Operation* of August 6, 1945, MacArthur had originally planned to establish a military government over defeated Japan. In their government, "Reliable Japanese officials and, insofar as practicable, Japanese administrative machinery will be utilized. Such officials will be made responsible for the carrying out of the policies and directives of military government."<sup>18</sup>

On September 2, 1945, after the signing of the Instrument of Surrender, MacArthur issued an order to place the whole of Japan under military government. Shocked by the order, the Japanese government sent Shigemitsu to consult with MacArthur on the following day. Shigemitsu tried to persuade MacArthur by saying the following:

. . . that Declaration (Potsdam Declaration) assumes the existence of the Japanese Government and we did not anticipate that you would substitute military government for it. Japan's case is different from that of Germany. If the Allied Powers wish to see the Potsdam Declaration operating satisfactorily, they cannot do better than carry out their plans through the agency of the Japanese Government. . . . It may well be that utter confusion will result, the responsibility for which will not be that of the Japanese Government . . ."<sup>19</sup>

Persuaded by Shigemitsu, MacArthur agreed to suspend the operation of military government. Three days later, Shigemitsu informed the Japanese press of his diplomatic "victory."<sup>20</sup> Thereafter, every directive issued by SCAP was to be implemented through the Japanese government, which thus acquired a political tool by which they could distort or sabotage the implementation of SCAP directives.

To criticism of this conciliatory approach to the Japanese government, MacArthur replied by emphasizing military necessity, as follows:

<sup>17</sup> "The United States Initial Post-Surrender Policy for Japan," *Department State Bulletin*, September 1945.

<sup>18</sup> Basic Plan for Institution of Military Government: Black List Operations, August 6, 1945, declassified on July 17, 1985, Records of Civil Affairs Division, Department of War, RG 319, Box 3, the National Archives.

<sup>19</sup> Shigemitsu, *op. cit.*, p. 376

<sup>20</sup> Morley, *op. cit.*, p. 157.



I have noticed some impatience based upon the assumption of a so-called soft policy in Japan. This can only arise from an erroneous concept of what is occurring. The first phases of the occupation must of necessity be based upon military considerations, the deployment of forward troops, the disarmament and demilitarization of the enemy. This is coupled with the paramount consideration of withdrawing our former prisoners of war and war internees from the internment camps. . . .<sup>21</sup>

The psychological aspect of the necessity of utilizing the Japanese government was emphasized by Charles A. Willoughby, MacArthur's Chief of Intelligence. He wrote: "The terrific tension was resolved, as by magic, by the shatteringly simple formula of utilizing the existing Japanese government, the person of the Emperor, and the psychic force of tradition. No other formula was practicable. General MacArthur was able to make calculated use of its expected effectiveness because of expert intelligence on existing political, military, and social factors, and through his own brilliant appraisal of the Japanese government."<sup>22</sup>

A statement by Bonner Feller, MacArthur's military secretary, can be considered typical of the thinking of MacArthur's staff on the utilization of the Emperor's authority under the American occupation. He wrote that "Once the Tokyo gangster militarists are dead, once the armed forces are destroyed and *a liberal government formed under the Emperor*, the Japanese people—sadder, fewer, wiser—can begin the reorientation of their lives (emphasis added)."<sup>23</sup>

In addition, the process by which MacArthur had arrived at the idea of using the Emperor in the occupation of Japan is a matter of the greatest interest. Grant Goodman emphasizes the importance of MacArthur's experience as a governor-general in the Philippines by saying that, "all of his public behavior patterns—imperial aloofness, imperial ceremony, imperial grandeur—were not, in fact, the hallmarks of a man who would be emperor but of one who would be and was governor-general in an imperial context."<sup>24</sup> Paternalism as the essence of MacArthur's attitude is also stressed by John Dower.<sup>25</sup>

Strengthened in this manner in his natural conservatism, MacArthur's inclination was to take the course of *gradual reform from above*, in a way which was similar to the course proposed by the "soft peace" line in Washington.

While September saw rapid progress in such areas as the release of Allied prisoners of war, the demilitarization and demobilization of the Japanese armed forces, and the arrest of alleged war criminals (mainly members of the Tojo Cabinet that declared the war against the U.S. and Britain), little progress was made in the democratization of society.

For instance, on September 10, SCAP ordered the Higashi-kuni government: first, to discontinue dissemination of untrue or biased statements; second, that "*there shall be absolute minimum of restrictions upon freedom of speech*"; third, that "subjects which cannot be dis-

<sup>21</sup> Charles A. Willoughby & John Chamberlain, *MacArthur: 1941-1951*, N.Y.: McGraw Hill, 1954, pp. 310-311.

<sup>22</sup> *Ibid.*, p. 310.

<sup>23</sup> Bonner Feller, Answer to Japan, July 1, 1944, Bonner Feller Papers, Box 1, Hoover Institution.

<sup>24</sup> Grant K. Goodman, "MacArthurian Japan: Remembered and Revised," Paper presented at the Symposium on the British Commonwealth and the Occupation of Japan, London School of Economics, Jan. 1983, p. 7.

<sup>25</sup> John Dower, *War Without Mercy: Race and Power in the Pacific War*, N.Y.: Pantheon Books, 1986. The author is grateful to Prof. Dower for his permission to read a galley of his book.

cussed include Allied troop movements . . . , false or destructive criticism of the Allied Powers, and rumors.” The main motive of this directive can be considered more the prevention of any hindrance to the functioning of the occupation than the promotion of civil liberties among the Japanese.

In fact, in relation to the first and third points, the orders to establish censorship over press and radio were issued on September 19 and 22, respectively. In the field of civil liberties, the directive of September 10 made little progress on freedom of speech and had no impact on the political prisoners.

Meanwhile, efforts to release political prisoners were initiated in early September, mainly by Japanese leftists and Korean nationalists. They organized separate committees for liberation of political prisoners and began to make contact with the prisoners. On September 12, Kyuichi Tokuda, a founding member of the Japanese Communist Party, detained in prison for 17 years, sent, together with other Communist prisoners in Fuchu Prison, Tokyo, a petition demanding their release to the Justice Minister. But there was no response. In mid-September, a member of the committee visited General Headquarters (GHQ/AFPAC) and handed a petition requesting release of political prisoners to an officer of the Counter-Intelligence Division (where E.H. Norman, a Canadian diplomat and famous Japanese Historian, was serving at that time under Brigadier Gen. Elliot R. Thorpe).<sup>26</sup>

The initial response of GHQ to the petition is still unclear. According to an interview with Charles L. Kades, a member of the Military Government Section, GHQ/AFPAC, the drafting of the Civil Liberties Directive of October 4, which was to release all political prisoners, had been initiated in the second week of September by the Counter Intelligence Division. But the issuance of the directive had been so delayed that Thorpe and Kades visited Chief of Staff Gen. Sutherland's office to urge its early proclamation.<sup>27</sup>

Kades' witness suggests that there might have been some resistance within GHQ to the release of the political prisoners. Charles A. Willoughby, representative of the ultra-conservative faction in GHQ, gave a negative comment on the issue by writing that “Actually they (the Civil Intelligence Section, the counterpart of the Counter Intelligence Division GHQ/AFPAC in GHQ/SCAP established on October 2) *went overbroad* in at least one case: the release of Japanese Communists and the member of the Sorge espionage ring (emphasis added).”<sup>28</sup>

Premier Higashi-kuni also noted MacArthur's reservations about the extension of civil liberties to communists. In his diary of September 29, he recorded this conversation with MacArthur and Sutherland.

General MacArthur said to me, “How will the Japanese government treat the communists who are to come back from Soviet Russia and China?” I replied, “. . . my cabinet has no intention of giving them either special handling or discriminative treatment, because it is our policy not to abridge freedom of speech, association, assembly, and publication.” “That is open to question,” MacArthur said.

. . . Then Chief of Staff (Sutherland) asked, “Isn't it dangerous to let Communists

<sup>26</sup> Eiji Takemae, *Senryo Sengo-shi* (The Occupation in the Postwar History), Soshi-sha, 1980, pp. 104–105.

<sup>27</sup> The author's interview with Charles L. Kades on March 29, 1986.

<sup>28</sup> Willoughby, *op. cit.*, p. 322.

free?" I said, "I think it is better to let them speak what they want to say."<sup>29</sup>

Although it seems that Higashi-kuni's statement on his policy on civil liberties must be taken with a grain of salt, the impression on what MacArthur and Sutherland said on the matter of the communists can be considered to have contained some truth.

It was 3 days before this meeting when Kiyoshi Miki died in Toyotama Prison, Tokyo of malnutrition, scabies, and kidney failure. He had been arrested, together with a number of liberal thinkers, without cause on March 28, 1945. Tatsuo Hayashi, a well known writer, said, "He was not allowed visits by any members of his family or friends even once during his imprisonment and he was transferred to the sick room only two days before his death."<sup>30</sup>

In spite of the delay in the implementation of the democratization program, on September 17 MacArthur issued the optimistic statement that allied forces in Japan could be reduced to 200,000 within 6 months, because of the "smooth progress of the occupation." Lt. General Eichelberger, Commanding Advance Occupation force in Japan, also said that occupation of Japan would be required for no more than 1 year.<sup>31</sup>

These statements not only gave a shock to top officials in Washington, but also aroused the suspicion that MacArthur's statement about reducing occupation forces in Japan was politically motivated. After discussions with President Truman, Acting Secretary of State Acheson wrote that "the State Department was much disturbed at this statement both because it gave a wholly erroneous impression of our policy in the occupation and would lead to the general belief throughout the East that American power in the Far East was being liquidated and that we intended to rely solely on Japanese good faith."<sup>32</sup>

The appearance of critical comments among American press and radio also made the State Department worry about MacArthur's policies. The Daily Summaries of the press written by the Executive Secretariat for the Secretary of State gave expression to these concerns.

September 10—Much of the weekend comment continues to express doubts that Japan has learned her lesson and there is some criticism of American occupation policies, which it is feared, will leave the Japanese oligarchy in power (U.P. dispatches from Tokyo, Mark Gayn of *Chicago Sun*, Richard Yaffe of *P.M.*, Bill Costello, Cecil Brown, *N.Y. Herald Tribune*). Press and radio also play up correspondents' complaints at censorship.

September 17—Gen. Eichelberger's reported prediction of a one-year occupation is disturbing to most commentators who believe that our objectives could not possibly be obtained in so short a time.<sup>33</sup>

There was also an increase in criticism and suspicion in the U.S. Congress. On September 18 Senator Russell said that he was sorely disturbed by the tenor of most of the news from Japan. He warned, "if we follow the easy course of a soft peace, we are simply court-ning the disaster of a more terrible war in the future." Then, he introduced a joint resolution

<sup>29</sup> Naruhiko Higashi-kuni, *Higashi-kuni Nikki* (The Diary of Higashi-kuni), Tokuma Shoten, 1968, pp. 244-245.

<sup>30</sup> *The Nippon Times*, October 3, 1945.

<sup>31</sup> *FRUS*, 1945, VI, pp. 715-716.

<sup>32</sup> *Ibid.*, p. 717.

<sup>33</sup> Daily Staff Officers' Summary 8-12/1945, General Records of the Office of the Executive Secretariat, RG 59, Box 2, the National Archives.

declaring that "it is the policy of the U.S. that Emperor Hirohito of Japan be tried as a war criminal," because he thought it was the only step which would bring home to the Japanese the reality that their armies had been defeated and that they had to pay for their aggressiveness.<sup>34</sup>

In addition, the Prime Minister of New Zealand spoke of his dissatisfaction regarding the occupation of Japan on September 20 to the American Minister in New Zealand.

There should be no soft peace. Japan should be occupied by Allied troops as long as is necessary to eliminate its war potential and to establish a democratic government responsible to the people. The Emperor should be tried as a war criminal. Although it is realized, in accordance with General MacArthur's present policy, that a light hand must be used until the Japanese forces are completely disarmed and Allied control effectuated, the New Zealand Government is worried lest the present soft policy be continued.<sup>35</sup>

Faced with increasing criticism from inside and outside of the U.S., Washington declassified the *U.S. Initial Post-Surrender Policy for Japan* on September 22 in order to calm the critics. Because of the thoroughness of the democratization called for in the released document, its declassification had the immediate effect of reducing criticism, as shown in the following comment by the Executive Secretariat for the Secretary of the State; "W. Shirer's remark, 'It's now clear that we have a policy, and that it's good one,' is typical of the substantially unanimous welcome accorded President Truman's directive to Gen. MacArthur."<sup>36</sup>

But it was only ten days after the release of the *Initial Policy*, which included an article prescribing the release of all political prisoners, that the news that political prisoners were still being kept in prison and that one of them had died in prison appeared in American newspapers. Shock and suspicion were the reactions aroused again by their news.

Andrew Roth, who had just published *Dilemma in Japan* in September 1945, wrote an article entitled "The Prisoners We Forgot" in the September 29 issue of *The Nation*. He criticized the inconsistency of the U.S. government and insisted that "The release of these men and women will have a tremendous effect on the population. It will be a clear indication that we are not the willing dupes of the surviving members of the oligarchy, with whom we have so far dealt. The people of Japan will begin to believe that we really intend to strengthen democratic trends. American interested in a peaceful and democratic Japan should look to the prisons, not the palace."<sup>37</sup>

Foreign correspondents in Japan, who had been shocked by the news of Miki's death, rushed into print in early October their interviews with political prisoners. On October 1, Robert Guillain, AFP, and other two foreign correspondents visited Fuchu Prison and interviewed Kyuichi Tokuda and other prisoners. On October 3, a report on Toyotama Prison, where Miki had died, appeared in the *Chicago Tribune*.<sup>38</sup>

These reports had such a great impact on top officials in Washington that Acting Secretary of State Acheson sent the following cable to the Political Advisor to SCAP, George Atcheson at 11 : 00 a.m., October 3: "Please inform the Department what action has been

<sup>34</sup> U.S. Congress, *Congressional Record*, 1945, pp. 8671-8680.

<sup>35</sup> *FRUS*, 1945, VI, p. 720.

<sup>36</sup> Daily Staff Officers' Summary, September 24, 1945.

<sup>37</sup> Andrew Roth, "The Prisoners We Forgot," *The Nation*, September 29, 1945, p. 306.

<sup>38</sup> Takemae, *op. cit.*, pp. 107, 115.

taken regarding the release of Japanese political prisoners. There are reports in America that many have not been liberated."<sup>39</sup>

On the other hand, the Higashi-kuni government showed no inclination to release political prisoners even in these circumstances. On October 3, Justice Minister Iwata said, "At the moment there is no intention on the part of the judicial authorities to set the political offender free. . . . We are not given the right to do such things. Such power belongs to the Emperor. . . . We are determined to place under strict control movements to bring about a change in the national structure of Japan or acts of less-majesty."<sup>40</sup>

Obviously, the Higashi-kuni government was so reactionary and authoritarian that they lacked the ability or the will to democratize the Imperial system by themselves; it was inconceivable for them to change the system into a constitutional monarchy. This was not the first instance of their attitude. One week earlier, the Home Minister had banned the publication of the picture of the MacArthur-Hirohito meeting of September 27 because they thought it would infringe upon the sacredness of the Emperor.

Astonished by this act, MacArthur ordered the government to "render inoperative the procedures for enforcement of peace-time and war-time restrictions on freedom of the press and freedom of communications"<sup>41</sup> on September 27, but this directive said nothing about the release of political prisoners.

Finally, confronted with criticism from Washington on one side and the reactionary attitudes of the Higashi-kuni government on the other, MacArthur ordered the Japanese government to remove all restrictions on political, civil and religious liberties at 6 : 00 p.m. on October 4. The directive of October 4 permitted the unrestricted discussion of the Emperor, the Imperial Institution and the Imperial Japanese Government; it abrogated the Peace Preservation Law and other similar regulation; it ordered immediate release of all political prisoners; and it abolished and repressive governmental organizations.

The next day, the impact of the Civil Liberties Directive forced the Higashi-kuni government to resign. On October 11, MacArthur directed the new Prime Minister, Baron Kijuro Shidehara, to take steps to liberalize the constitution and institute such reforms as the enfranchisement of women; the encouragement of the unionization of labor; the liberalization of education; the democratization of Japanese economic institutions.

Thus, the Civil Liberties Directive of October 4 marked a turning point in the American occupation of Japan, not only towards more drastic social reforms, but also towards constitutional revision. Mainly two reasons why the Directive can be labelled epoch-making can be considered.

First, the drafting process, as well as the implementing process, of the Directive clearly exposed the negative attitudes of the Japanese government on civil liberties issues. Such an estimation can be found in a State Department report of the civil liberties in Japan published on April 1, 1946 as follows:

Both the Higashi-kuni and the Shidehara Cabinets have paid considerable lip service to the cause of civil liberties. Indeed, until it became fully apparent to the Japanese Government that Allied policy called for a constitutional revision, the restoration

<sup>39</sup> *FRUS*, 1945, VI, p. 734.

<sup>40</sup> *The Nippon Times*, October 7, 1945.

<sup>41</sup> SCAPIN-66, Further Steps toward Freedom of Press and Speech, September 27, 1945, RG 331, Box 8550, Washington National Record Center.

of civil liberties alone tended to be emphasized as the method by which Japan might fully meet the political requirements of the Potsdam Declaration. Actual measures for insuring civil liberties have, however, been undertaken almost exclusively on the orders of the Supreme Commander, the Japanese authorities have taken little initiatives in withdrawing restrictive laws and practices.<sup>42</sup>

In short, the civilian members of Japan's ruling oligarchy, often called "Old Guard" who stuck to the "Kokutai," the notion of imperial sovereignty to the end, were too authoritarian and anachronistic to take the initiative in reforming Japan, even if this was to mean a constitutional monarchy, their disappointing the expectations of the "soft peace" faction in the U.S.

Second, the process leading to the proclamation of the Directive of October 4 taught MacArthur that the method of gradual reform from above was impractical in the 1945 Japanese political context. This was due to the anachronistic character of the Old Guard. MacArthur's change of attitude towards the Old Guard is shown in the following memo from Acting Chief of Staff, R.J. Marshall to Political Adviser George Atcheson on November 6, 1945.

General MacArthur believes that any further conferences you hold with him (Prince Konoye) would involve you in grave personal risks as the General has no doubts that at the appropriate minute Konoye will release the fact of your association with him. This would place you in a dangerous position indeed before the American public.<sup>43</sup>

#### IV

Scholars who argue that Japan surrendered not unconditionally but conditionally, tend to emphasize the elementary continuity in the Japanese political system between the prewar and postwar eras. They argue that the 'Emperor System' continued into the postwar era.

However they often ignore how the status of the Emperor within the Japanese political system was drastically changed and by whom such a change was brought out. It is needless to say that a fundamental difference can be found between the status of the throne under the Meiji Constitution, which described the Emperor as "*sacred and inviolable*" and "*the head of the Empire . . . invested with sovereign power*," and under the postwar Constitution, which provides for the Emperor as "*the symbol of the State* and of the unity of the people deriving his position from the will of *the people with whom resides sovereign power*."

It was not the "Old Guard" elite who had stuck to the "Kokutai," the notion of imperial sovereignty, to the bitter end, that carried through this fundamental transformation in the locus of sovereignty. The idea of popular sovereignty was provided mainly by GHQ/SCAP, with support not from the Old Guard, but from leftist politicians and intellectuals, as well as leaders of the new popular movements which had been activated after the issuance of the Civil Liberties Directive of October 4. The labor, farmer and other social movements had

<sup>42</sup> Dept. of State, Office of Research and Intelligence, *The Problem of Civil Liberties in Japan*, April 1, 1946, C.E. Skoglund Papers, Box 3, MacArthur Library.

<sup>43</sup> Memo from R.J. Marshall to George Atcheson, November 6, 1945, RG 59, Decimal File 894.00, Box 7084, the National Archives.

been stimulated by the abrogation of the Peace Preservation Law on October 15, 1945, 20 years after its enactment. It was after October 4, 1945 that the Japanese people gained the freedom to criticize the Emperor system without any legal restrictions for the first time in history. On November 2, the Socialist Party was founded. On November 8 the Communist Party held the first national conventional without any police intervention in its history. Total membership of labor unions reached to 600,000 at the end of 1945 exceeding the prewar peak. These situations showed the emergence of the new "mass politics" in Japanese history.

It was, I think, this "mass politics" that created the basis for accepting the new concept of popular sovereignty introduced by GHQ/SCAP. From early October 1945, GHQ began to encourage popular movements more actively. This meant a policy shift from *gradual reform above* to *drastic reform* which was *reliant upon encouragement of popular participation* in the politics.

Indeed, there remained a sharp contradiction between GHQ and some leftist group on the issue of the eventual status of the Emperor under the principle of popular sovereignty. Then leftists (communists and some left socialists) insisted that Japan should become a republic, while MacArthur favored the creation of a constitutional monarchy.

But it would have been almost impossible for GHQ to anchor the new concept of popular sovereignty in Japanese society without support from this "mass politics." Because of the emergence of the "mass politics" and the institution of popular sovereignty, the period between October 1945 and February 1946, when the first draft of the new Constitution was written by GHQ, marked a clear break from the prewar imperial system.

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