

Why Does the U.S.-imposed Constitution Continue to Frame Japan as a Nation?

Drafted on the assumption of Western superiority, the postwar Japanese constitution is not an artifact of Japanese political will or self-determination, but a monument to what is arguably America's greatest hour of military glory.

"Japan Forward": Published May 9, 2021 By [Jason Morgan, Reitaku University](#)

The current Japanese constitution turns 74 this month of May 2021.

It emerged from a unique context. In July of 1945, at the hellish end of World War II, the Americans and their Allies issued the Potsdam Declaration, from the ruined heart of a defeated Germany, against the last remaining Allied enemy, Japan. The Potsdam Declaration comprised the terms of Japan's surrender, although in reality there were none: the Allies demanded that Japan's surrender be unconditional.

The Potsdam Declaration also provided the justification for the Allies — meaning, mainly the Americans — to overhaul the entire political system of Japan. The postwar Japanese constitution is an addendum to the Potsdam Declaration, and an extension of the formal instrument of surrender which Japanese delegates signed on the deck of the American battleship *USS Missouri* on September 2, 1945.

The result of the country's defeat, the postwar Japanese constitution — the only constitution in the world never to have been amended — is thus a snapshot of a particular moment of historical time. It is unamended largely because the historical context and emergent alliance system locks it in place. The context of the Japanese constitution is that one Asia-Pacific empire, Japan's, fell entirely under the power of another, America's.

The postwar Japanese constitution is a monument to what is arguably America's greatest hour of military glory. It is not an artifact of Japanese political will or self-determination. It is a trace, remaining in the present, of the first footsteps of the American Alexander, General Douglas MacArthur, on Japanese soil at Atsugi airfield on August 30, 1945, and the resumé of the Occupation that began in those tumultuous weeks.

Contextualizing the Japanese Constitution Beyond 1945

That the Japanese constitution is a product of Japan's defeat and collapse is no secret. When Brigadier General Courtney Whitney, General MacArthur's deputy in charge of pushing the

constitution draft through the Japanese political committees, grew impatient with the Japanese side and wanted to hurry them along, all he had to do was remark in passing to a Japanese interlocutor from a garden bench that he was "enjoying your atomic sunshine."

The reference was obviously to the American atomic bombings of Hiroshima and Nagasaki in August of 1945.

The meaning was even clearer: ratify the constitution, or we will hit you again.

The plainest and most immediate context of the Japanese constitution is, of course, the war. The memory of bombings and battles was still raw in the minds of both Americans and Japanese, and it was to those memories that men and women naturally turned when nerves frayed during intense political fighting.

But there are many other contexts to the Japanese constitution which are lost in the "atomic sunshine" of the Occupation. In focusing on the constitution as a product of war and surrender, we miss the much larger questions of why the terms of surrender had been unconditional, and of what the Americans were doing in Asia and the Pacific in the first place.

The Neverending Project: 'Opening' Japan

Visitors to the *USS Missouri* today will notice a circular bronze plaque inlaid into her deck, marking the place where General MacArthur gazed imperiously down at the Japanese delegates as they signed the surrender document with shaking hands.

But look more closely and you'll also see a framed, tattered American flag. This is the flag which Commodore Matthew Perry flew over his ship the *Susquehanna* when it entered Edo Bay in 1853.

Perry was on a mission to open Japan to diplomacy and trade, and he would brook no tarrying. He demanded that the Japanese respond favorably to his conditions, and he made sure to fire big booming volleys from his ships' cannons to indicate what would happen to any who resisted.

General MacArthur intentionally had Perry's *Susquehanna* flag affixed to the *Missouri* when the Japanese surrendered in September of 1945 in Tokyo Bay — the same body of water which Commodore Perry had entered 92 years before.

The flag was chosen out of more than just theatrics or symbolism. At the time of Perry's first visit to Japan and then during the diplomatic missions which followed, the United States was conscious of "opening" Japan to the world.

Even today Perry's visits are remembered as Japan's "opening" (*kaikoku*). It was taken for granted by many Americans, and later by many in Japan, that Japan needed to open up and "modernize," to make "progress" and "evolve," to join the ranks of "civilization" and "enlightenment" — to sample just a few watchwords which entered the Japanese lexicon in the

second half of the nineteenth century. Perry heralded the arrival of Western civilization. In his “black ships” was secreted the mysteries of Japan’s opening to the world.

When the Americans returned to Japan in 1945, they largely saw themselves as completing the work that Perry had begun nearly 100 years before. The crude propaganda which the Americans produced to justify their war against Japan — such as Frank Capra’s 1945 film, *Know Your*

Enemy: Japan — portrayed the Japanese as in thrall to a feudalistic clique of militarists, a scene straight out of the Warring States period when the country lay in darkness because hidebound reactionaries refused to open up to the West. Crude, but the sentiment was common. The Americans saw themselves as somehow chosen to bring Japan up to 20th-century speed.

This explains in part why so many of those tasked with preparing the draft of the “Japanese” constitution were low-level functionaries with little to no knowledge of Japan or of Japanese. Colonel Charles Kades, head of the steering committee charged with hammering out a constitution draft, admitted, “My knowledge [of Japan] was zero.”

Beate Sirota, a 22-year-old fluent in Japanese, was the exception that proved to be the rule. But even Sirota ignored Japanese history and instead attempted to model the Japanese constitution on that of the Soviet Union, a country which she and many other New Dealers and fellow travelers in the Occupation idolized.

The Americans did not feel they had to know anything about Japan. The assumption of Western superiority was shared by nearly everyone in the Occupation. General MacArthur viewed the war with Japan as “basically theological,” and many others on the American side also saw the fight against Japan as a civilizational clash, a modern-day Crusade.

A Question of Empire

To contextualize the Japanese constitution it is necessary to remember that the crusading Americans had imposed other constitutions on other defeated peoples before 1945. Perhaps most famous is the “Bayonet Constitution” foisted upon King David Kalākaua of the Kingdom of Hawai’i in 1887. There was no “atomic sunshine” yet, but, with all the force at their disposal, the Americans who dominated the Hawaiian Islands left the native sovereign with no choice but to sign the document and cede control to the United States.

Like the Japanese constitution, the Hawaiian constitution was drafted entirely by Americans, and in less than one week.

However, while the similarities between the two imposed constitutions, the Hawaiian and the Japanese, are interesting, they still do not explain why the Americans were in the Pacific in the first place.

After all, the United States was born of 13 English colonies clinging at first precipitously to the eastern seaboard of North America. While the 1619 Project has convinced many that the United States has always been a racist nation, the historical truth is much more complicated. As Peter

W. Wood explicates in *1620: A Critical Response to the 1619 Project* (Encounter Books, 2020), there were many among the English colonists and later Americans who rejected racism and sought to live in peace with the Indian tribes. Later, Americans fought a civil war in part over African slavery.

But as the United States grew stronger and expanded westward, it began to adopt harsher positions against Native Americans. In 1831, Supreme Court Justice John Marshall had referred to Indians as "domestic dependent nations."

After the Civil War, however, this recognition of even limited sovereignty was discarded. The American Cavalry and other military units warred openly against the Indians. What had been a policy of separation turned into one of outright conquest and extermination. As the army, and waves of pioneers, moved west, many began to reimagine the United States as a force for enlightening savages and bringing the blessings of civilization to the continental wildernesses.

Notions of racial superiority entered the equation, too. Immigrants from southern and eastern Europe and elsewhere began streaming into New York. People fleeing the dysfunctions of the Old World sought refuge in the New, but established American families sometimes reacted less than charitably to these votes of confidence in the promise of America. A pernicious pseudo-science known as eugenics began to be developed, providing what was seen by many to be a rationale for not only conquering the Indians but also for converting them to "American" ways.

A turning point for America came in 1898, with the Spanish-American War. The United States acquired control of Guam, Cuba, Puerto Rico, and the Philippines from Spain. There were loud protests from many Americans against what was rightly seen as the beginning of an American Empire. But the lure of joining the imperial game proved too tempting to resist.

American forces engaged in what some later historians have termed a genocide against the Moros in the Philippines, and also experimented there with the new Spanish technique known as the "concentration camp." The United States dispatched governors-general to the Philippines, and twice imposed a constitution upon its colony directly from Congress. The American Empire had arrived in Asia — a key context to America's imposition of a constitution on Japan in 1945.

The Academic Shadow of American Domination

Out of the inborn inequality of imperialism also arose modern anthropology, which the Americans would deploy to great effect against Japan in World War II.

Anthropologist and historian of anthropology David Price has detailed how anthropologists often piggy-backed on imperial expansion. When eminent American anthropologist Ruth Benedict was tasked by the American government with writing *The Chrysanthemum and the Sword* (Houghton Mifflin publishers, 1946), for example, she worked in the cultural slipstream, the intellectual and civilizational distance, engendered by imperialism. Benedict saw Japan through what later scholars might call "the imperial gaze." Japan was an object of study, a specimen to be examined

by an Anglo-American researcher, a curiosity to be figured out and then properly tamed. Benedict, not coincidentally, had no proficiency in Japanese, and no experience studying Japan. In that sense, she was perfectly suited to her task, as the American Occupation was interested only in remaking Japan, not in truly understanding it.

Assumptions about Japanese inferiority were widely shared among those in government and academia. Anthropologist Aleš Hrdlička (1869-1943) spent much time trading racist barbs against Japan with President Franklin D. Roosevelt. This habit of contempt worsened when Japan lay prostrate and poor at the feet of the conquering Americans. A campaign of mass censorship ensued, and the Occupation effectively erased all history and thought which did not conform to the Anglo-Saxon conquering of Japan.

These assumptions, and this pattern of censorship, continue to inform the American academy today, long after it has ceased to be fashionable to read Ruth Benedict. American professors remain among the most insistent opponents of "Japanese" constitutional reform. In 2015, a group of American professors overran an academic organization ostensibly for the promotion of the study of Asia in order to demand that only the American version of Japanese history be taught in schools. The real target of this neo-Perryism was then-Prime Minister Shinzo Abe, whose two terms in office were a long drive to effect constitutional reform. The ringleader of this exercise, a latter-day Ruth Benedict, was incensed that anyone in Japan should dare to defy the will of her liberal American forebears two generations ago.

The bedrock of the American academy when it comes to Japan is a deep-seated assumption of superiority, an unquestioning and unquestionable position of colonizers dictating terms to the colonized. Views which do not match the Americans' are systematically censored, and those who espouse them are viciously attacked. Much, but also very little, has changed since 1853.

Inequality and the Truths of History

Plus ça change, indeed. As Americans face the unsteady collapse of many truisms long taken for granted, let us remember that, for an empire, reckoning with history does not end at the national borders. There is much in the past in Japan that bears witness to the contexts, the unseemly assumptions, which informed the writing of the Japanese postwar constitution during the Occupation.

For example, one Black soldier who worked in MacArthur's GHQ (general headquarters), James Hicks, said that the general's capital city of Tokyo "looks like Mississippi." American historian Gerald Horne, in his book *Facing the Rising Sun: African Americans, Japan, and the Rise of Afro-Asian Solidarity* (NYU Press, 2018), cites Hicks as saying that "in MacArthur's own headquarters signs marked the toilets and water fountains as 'For Japanese Only' and 'Allied Personnel Only.'" There were separate "white" and "colored" swimming pools even for Americans.

President Truman's Executive Order 9981 integrating the U.S. military still lay two years in the future when the Americans were enlightening Japan in the science of constitutional law. Even

after the U.S. military was officially integrated, Black soldiers in Japan continued to be treated by their white officers as second-class citizens. Before there was the Japanese constitution, there was its forebear, Jim Crow – the rules for the North American Apartheid.

Jim Crow governed the American Occupation, and the American Occupation wrote the Japanese constitution. These two facts cannot be conceptually disaggregated. This, too, is important constitutional context.

Finding a Constitution For and By Japan

The most important context to the Japanese constitution, however, is Japan.

The first Japanese constitution was promulgated by Prince Shotoku in the year 604. Japanese legal history since then is rich in context in which to root a homegrown constitution. The Meiji Constitution, for example, which the postwar constitution erased, was duly promulgated by the Japanese Emperor, and not by the Americans.

Scholars and politicians in the postwar have labored mightily to work within, and also to go beyond, the constraints imposed by the 1947 constitution.

The work to overcome the strictures of the American constitution of Japan continues. In a recent interview, Japanese Prime Minister Yoshihide Suga reaffirmed his commitment to revising the constitution. He wants in particular to make clear the status of the Japanese military, known euphemistically as the “Self-Defense Forces” due to the indelible nature of the postwar Japanese constitution as basically a surrender document.

These moves still draw the ire of some Americans, many of whom called former Prime Minister Abe “fascist” for daring to assert sovereignty in his own country. But America can no longer be the context for the Japanese constitution.

More than seven decades after the imposition of a constitution on Japan, more than 130 years after the imposition of a constitution on Hawai’i, and nearly 200 years after demoting the Indian tribes to a state of permanent dependency, it is time for Japan to break free from the American framing of its own nation. May the 74th birthday of this Japanese constitution be its last.

Author: Jason Morgan, PhD (History)

Jason Morgan is associate professor at Reitaku University in Kashiwa, Japan.