

# THE BIRTH OF JAPAN'S POSTWAR CONSTITUTION

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KOSEKI SHŌICHI  
*translated by Ray A. Moore*



# Birth Of Japans Postwar Constitution

**Walter F. Murphy**



## **Birth Of Japans Postwar Constitution:**

**The Birth Of Japan's Postwar Constitution** Koseki Shoichi, 2018-02-01 This 1989 Yoshino Sakuzo prize winning book is essential reading for understanding Japans postwar constitution political and social history and foreign policy In this the most complete English account of the origins of Japans Constitution the author presents new interpretations of the behind the scenes actors who shaped the Japanese Constitution the petulant General Douglas MacArthur Japanese defenders of the conservative order Japanese liberal and socialist reformers and moderate Allies sitting on the Far Eastern Commission This 1989 Yoshino Sakuzo prize winning book is essential reading for understanding Japans postwar constitution political and social history and foreign policy The most complete English account of the origins of Japans constitution it analyzes the dramatic events of 1945-1946 that lead to the birth of Japans new constitution Koseki Shoichi challenges the simplicity of the current interpretation that General Douglas MacArthur in February 1946 faced with inept Japanese efforts at constitutional reform and Soviet interference through the Far Eastern Commission secretly ordered his staff to write a constitution in seven days and then imposed it on Japan Differentiating between the adoption procedure and the framing process the author argues that the latter was varied complicated and rich going beyond the actions of two nations and their representatives It involved the clash of legal ideas the conflicting efforts of individuals of different cultures and different political persuasions and significant contributions by people with no connection to government Drawing on Japanese American and Australian archives as well as recent scholarly research Koseki presents new and stimulating interpretations of MacArthurs actions the Ashida amendment of Article 9 Yoshidas role and much more Criticizing Japanese conservative defenders of the old order he explores Japanese liberal and socialist ideas on constitutional reform and reevaluates the Far Eastern Commissions influence on MacArthurs policies and on the shaping of the basic principles of Japans antiwar constitution

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the latter was varied complicated and rich going beyond the actions of two nations and their representatives It involved the clash of legal ideas the conflicting efforts of individuals of different cultures and different political persuasions and significant contributions by people with no connection to government Drawing on Japanese American and Australian archives as well as recent scholarly research Koseki presents new and stimulating interpretations of MacArthurs actions the Ashida amendment of Article 9 Yoshidas role and much more Criticizing Japanese conservative defenders of the old order he explores Japanese liberal and socialist ideas on constitutional reform and reevaluates the Far Eastern Commissions influence on MacArthurs policies and on the shaping of the basic principles of Japans antiwar constitution

Cultures of Modernity and the U.S.-Japan Cold War Alliance Masami Kimura, 2024-07-19 Cultures of Modernity and the U S Japan Cold War Alliance reconsiders the origins of postwar U S Japan relations by focusing on modernization ideologies that the Americans and the Japanese shared in the 1940s early 1950s Mobilizing a wealth of English and Japanese language sources the author identifies parallel groups of modernist thinkers in America and Japan including politicians bureaucrats intellectuals scholars and journalists and follows how different strands of thought played out within an evolving political environment forming a middle ground Despite their differences both the Americans and the Japanese believed in the progressive view of history considered Japan to be still underdeveloped and therefore agreed on the advisability of democratizing Japan which included constitutional reform Whether proponents or opponents of the U S Japan Cold War alliance system they also shared the vision of Wilsonian internationalism and devised similar designs for a postwar Asian order where Japan would rejoin Thus by showing how the confluence of modernist cultures helped forge a postwar relationship between the two this study contributes to the field of postwar U S Japan relations by supplementing and reorienting the scope of scholarship one that has been predominantly America centered and framed along the line of diplomatic narratives informed by Cold War politics

**American Constitutionalism Heard Round the World, 1776-1989** George Athan Billias, 2011-12 Winner of the 2010 Book Award from the New England Historical Association American constitutionalism represents this country s greatest gift to human freedom yet its story remains largely untold For over two hundred years its ideals ideas and institutions influenced different peoples in different lands at different times American constitutionalism and the revolutionary republican documents on which it is based affected countless countries by helping them develop their own constitutional democracies Western constitutionalism of which America was a part along with Britain and France reached a major turning point in global history in 1989 when the forces of democracy exceeded the forces of autocracy for the first time Historian George Athan Billias traces the spread of American constitutionalism from Europe Latin America and the Caribbean region to Asia and Africa beginning chronologically with the American Revolution and the fateful shot heard round the world and ending with the conclusion of the Cold War in 1989 The American model contributed significantly by spearheading the drive to greater democracy throughout the Western world and Billias s landmark study tells a story that will change the way readers view the

important role American constitutionalism played during this era      **Partners for Democracy** Ray A. Moore, Donald L. Robinson, 2004 In 1945 Emperor Hirohito signed Japan's unconditional surrender to the United States and its allies Tackling a timely subject this work takes the controversial stand that the constitution of Japan was not imposed as a document of defeat

**From Japanese Empire to American Hegemony** Matthew R. Augustine, 2022-12-31 When American occupiers broke up the Japanese empire in the wake of World War II approximately 1.7 million people departed Japan for various parts of Northeast Asia The mass exodus was spearheaded by Koreans many of whom chartered small fishing vessels to ship them back quickly to their liberated homeland while wartime devastation hampered the return of Okinawans to their archipelago By the time the officially endorsed repatriation program was inaugurated however increasing numbers of people began escaping US military rule in southern Korea and the Ryukyu Islands by smuggling themselves into occupied Japan How and why did these migrants move across borderlines newly drawn by American occupiers in the region Their personal stories reveal what liberation and defeat meant to displaced peoples and how the compounding challenges of their resettlement led to the expansion of smuggling networks The consequent surge of unauthorized border crossings spurred occupation authorities into forging exclusionary migration regulations Through a comparative study of Korean and Okinawan experiences during the postwar occupation era Matthew Augustine explores how their migrations shaped and were in turn shaped by American policies throughout the region This is the first comprehensive study of the dynamic and often contentious relationship between migrations and border controls in US occupied Japan Korea and the Ryukyus examining the American interlude in Northeast Asia as a closely integrated regional history The extent of cooperation and coordination among American occupiers as well as their competing jurisdictions and interests determined the mixed outcome of using repatriation and deportation as expedient tools for dismantling the Japanese empire The heightening Cold War and deepening collaboration between the occupiers and local authorities coproduced stringent migration laws generating new problems of how to distinguish South Koreans from North Koreans and Ryukyans from Japanese In occupied Japan fears of communist infiltration and subversion merged with deep seated discrimination transforming erstwhile colonial subjects into aliens and illegal aliens This transregional history explains the process by which Northeast Asia and its respective populations were remade between the fall of the Japanese empire and the rise of American hegemony

**Global Anti-Terrorism Law and Policy** Victor V. Ramraj, Michael Hor, Kent Roach, 2009-04-09 All indications are that the prevention of terrorism will be one of the major tasks of governments and regional and international organisations for some time to come In response to the globalised nature of terrorism anti terrorism law and policy have become matters of global concern Anti terrorism law crosses boundaries between states and between domestic regional and international law They also cross traditional disciplinary boundaries between administrative constitutional criminal immigration and military law and the law of war This collection is designed to contribute to the growing field of comparative and international studies of

anti terrorism law and policy A particular feature of this collection is the combination of chapters that focus on a particular country or region in the Americas Europe Africa and Asia and overarching thematic chapters that take a comparative approach to particular aspects of anti terrorism law and policy including international constitutional immigration privacy maritime aviation and financial law

**The People's Emperor** Kenneth J. Ruoff, 2020-03-23 Few institutions are as well suited as the monarchy to provide a window on postwar Japan The monarchy which is also a family has been significant both as a political and as a cultural institution This comprehensive study analyzes numerous issues including the role of individual emperors in shaping the institution the manner in which the emperor's constitutional position as symbol has been interpreted the emperor's intersection with politics through ministerial briefings memories of Hirohito's wartime role nationalistic movements in support of Foundation Day and the reign name system and the remaking of the once sacrosanct throne into a monarchy of the masses embedded in the postwar culture of democracy The author stresses the monarchy's postwariness rather than its traditionality

**Constitutional Democracy** Walter F. Murphy, 2007 Publisher Description

**Can Human Rights and National Sovereignty Coexist?** Tetsu Sakurai, Mauro Zamboni, 2023-03-31 Looking at two of the key paradigms of the post Cold War era national sovereignty and human rights this book examines the possibilities for their reconciliation from a global perspective The real or imagined fear of a flood of immigrants has caused and fuelled the surge of an amalgam of populist political forces anti immigrant movements and exclusionist nationalism in many developed countries In the last decade we have witnessed the emergence of two phenomena in the political and legal spheres On the one hand there are liberal globalists asking for respect and the protection of the basic human rights of migrants and asylum seekers and arguing for their civic and social integration into host societies On the other hand there are growing calls for a tougher stance on immigration and powerful populist politicians and governments have emerged in many developed countries How can the idea of universal human rights survive exclusionist nationalism that uses a populist unscrupulous approach to its advantage The contributors to this book explore the meaning of and possible solutions to this dilemma using a wide range of approaches and seek appropriate ways of dealing with these normative predicaments shared by many developed societies Scholars and students of human rights migration nationalism and multiculturalism will find this a very valuable resource

**Studies in International Law and History** R.P. Anand, 2013-12-01 Although modern international law is now recognized as universally applicable to all the states as soon as they emerge as independent entities whether members of the United Nations or not they are accepted as members of the ever expanding international society and are bound by its rules and seek its protection this is only a recent phenomenon not older than the United Nations itself Before the Second World War modern international law was supposed to be merely a law of and for the civilized Western European Christian states or states of European origin and applicable only between them Not only Asian and African states which had come to be colonized but also the position of independent states such as Persia Siam China Abyssinia and the like was said to be anomalous Since they belonged to

different civilizations questions were raised as to how far relations with their governments could be based on the rules of international law If that is the case when did European international law become universally binding Can states which did not and could not participate in its origin and development question some of its rules which are inimical to their interests How can and does this law change or be modified in the absence of any supra national legislature or other authority What has been the attitude and practice of these newly independent Asian and African states towards international law which was largely developed by and for the benefit of the rich and industrialized states of Western Europe and the United States and even more importantly their role in its development The author an Asian scholar and well known Professor of International Law trained and educated in the West has sought to deal with these and other questions in the nine papers contained in this book

**The Challenges of the U.S.-Japan Military Arrangement** Anthony DiFilippo, 2002 This is an in depth analysis of the U S Japan security alliance and its implications for Japan and the Asia Pacific region It moves away from the official line that the alliance is a vital aspect of Japan s security policy and introduces issues and arguments that are often overlooked American security policy has failed to achieve its goals Japan s interests are not fully served by the alliance the alliance itself is a source of instability in the region and the arrangement has placed constraints on Japan s own political development The author measures current developments in U S foreign policy against Japan s role in the region and Japan s own political development He assesses the consequences of the alliance for the current regional situation in Northeast Asia looks at future policy options for Japan and makes the case for a neutralist security policy

**The Quest for Japan's New Constitution** Christian G. Winkler, 2012-08-21 This book examines the many attempts over the last three decades to revise Japan s constitution As the book shows these attempts at revision have been relatively conservative aiming to embed in the constitution visions of a different future for Japan Specific reforms advocated include enabling Japan to have a more proactive foreign policy more independent of the US Japan alliance strengthening the role of the Emperor and excluding female succession to the throne and emphasising more citizens duties rather than their rights in order to strengthen community and societal cohesion By far the most comprehensive analysis of constitutional reform debate in Japan to be published to date it offers translations and analysis of more than two dozen amendment proposals The book provides a comprehensive analysis of the details of the reform proposals charts the so far unsuccessful attempts to bring about the reforms discusses the different groups arguing for reform and assesses the nature of the proposed reforms It categorises different versions of the vision for Japan s future and shows that only a few campaigners are advocating anything like a return to Japan s pre war constitution

**Social and Political Foundations of Constitutions** Denis James Galligan, 2013 This volume analyses the social and political forces that influence constitutions and the process of constitution making It combines theoretical perspectives on the social and political foundations of constitutions with a range of detailed case studies of constitution making in nineteen different countries In the first part of the volume leading scholars analyse and develop a

range of theoretical perspectives including constitutions as coordination devices mission statements contracts products of domestic power play transnational documents and as reflection of the will of the people In the second part of the volume these theories are examined through in depth case studies of the social and political foundations of constitutions in countries such as Egypt Nigeria Japan Romania Bulgaria New Zealand Israel Argentina and others The result is a multidimensional study of constitutions as social phenomena and their interaction with other social phenomena The approach combines social science analysis of the nature of constitutions with case studies of selected constitutions

**Reasonable Men, Powerful Words** Laura Hein, 2004 Publisher Description *A Pacifist Constitution for an Armed Empire. Past and Present of Japanese Security and Defence Policies* Axel Berkofsky, 2012-11-08T00:00:00+01:00 238 24

**India-Japan Partnership** Srabani Roy Choudhury, 2024-11-15 This book discusses the influence and impact of Shinzo Abe Japan's youngest and longest serving Prime Minister in the post Second World War on international relations between India and Japan The subject matter concentrates on Abe's 2006 2007 and 2012 2020 regimes Building on civilisation linkages shared values and mutual interest Abe pegged the relationship with India as a strategic requirement for his vision for the Indo Pacific region Drawing linkages between Abe's vision for Japan and India's ambition at the world theatre the contributing authors explore the various dimensions of this partnership Critically appraising this bilateral relation drawing on the convergence of India Japan interest in the multilateral form Abe's impact on the media and his display of soft power diplomacy this book analyses the diverse spheres that have spun this partnership to a new orbit Print edition not for sale in South Asia India Sri Lanka Nepal Bangladesh Pakistan and Bhutan

**A Companion to World War II** Thomas W. Zeiler, Daniel M. DuBois, 2012-12-21 A Companion to World War II brings together a series of fresh academic perspectives on World War II exploring the many cultural social and political contexts of the war Essay topics range from American anti-Semitism to the experiences of French African soldiers providing nearly 60 new contributions to the genre arranged across two comprehensive volumes A collection of original historiographic essays that include cutting edge research Analyzes the roles of neutral nations during the war Examines the war from the bottom up through the experiences of different social classes Covers the causes key battles and consequences of the war

Comparative Constitutional Law and Politics Mila Versteeg, Leo Spitz Distinguished Service Professor of International Law Tom Ginsburg, Tom Ginsburg, David Landau, Mason Ladd Professor and Associate Dean for International Programs David Landau, 2025 Comparative Constitutional Law and Politics Analysis Cases Materials is the first interdisciplinary casebook for the field offering students an innovative and truly global approach to comparative constitutional law It integrates state of the art literature and caselaw from constitutional law with insights from social science Each chapter is organized around a key concept beginning with a bird's eye view of the topic which introduces the current state of scholarly and legislative debates and encourages thoughtful engagement

*The Identity of the Constitutional Subject* Michel Rosenfeld, 2009-10-16 The last fifty years has seen a worldwide trend toward constitutional



democracy But can constitutionalism become truly global Relying on historical examples of successfully implanted constitutional regimes ranging from the older experiences in the United States and France to the relatively recent ones in Germany Spain and South Africa Michel Rosenfeld sheds light on the range of conditions necessary for the emergence continuity and adaptability of a viable constitutional identity citizenship nationalism multiculturalism and human rights being important elements The Identity of the Constitutional Subject is the first systematic analysis of the concept drawing on philosophy psychoanalysis political theory and law from a comparative perspective to explore the relationship between the ideal of constitutionalism and the need to construct a common constitutional identity that is distinct from national cultural ethnic or religious identity The Identity of the Constitutional Subject will be of interest to students and scholars in law legal and political philosophy political science multicultural studies international relations and US politics

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