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8. Equity of Opportunity for Foreign Enterprise within Japan
The Japanese authorities shall not give, or permit any Japanese business organization to give, exclusive or preferential opportunity or terms to the enterprise of any foreign country, or cause to each enterprise control of any important branch of economic activity.

9. Imperial Household Property (Omitted)

NEW ROLES FOR THE EMPEROR

When the war ended, the Russian and British allies sought the indictment of Emperor Hirohito as a war criminal, which was categorically opposed by General MacArthur. When Washington seemed to be veering toward the British point of view, MacArthur sent a telegram to General Dwight D. Eisenhower, then the chief of staff, advising that the Emperor's presence was vital to the success of the occupation. This telegram, reproduced as Document 3, was transmitted to the Secretary of State, who in turn instructed the London Embassy to take any action "appropriate in order to forestall such development," namely, publicity on the Emperor as a war-criminal suspect.

The Emperor, who was credited by MacArthur to have "a more thorough grasp of the democratic concept than almost any Japanese," on New Year's Day, 1946, issued a rescript dissolving his own divinity (Document 2). It was a necessary step in effecting the transition of Japan into a democratic society and paved the way for making the Emperor a symbol of the state and of the unity of the people in the new constitution.

2. Emperor Hirohito's Rescript Dissolving His Own Divinity, 1946
In greeting the New Year, we recall in mind that the Emperor Meiji proclaimed as the basis of our national policy the five classes of the Charter at the beginning of the Meiji era... (see Chapter XI, Document 2).

The proclamation is evident in its significance and high in its ideals. We wish to make this oath now and restore the country to stand on its own feet again. We must reaffirm the principles embodied in the Charter and proceed unfailingly toward elimination of misguided practices of the past; and keeping in close touch with the desires of the people, we will construct a new Japan through thoroughly being pacific, the officials and the people alike obtaining rich culture and advancing the standard of living of the people.

The devastation of the war inflicted upon our cities, the ardor of the sacrifice, the stagnation of trade, shortage of food, and the great and growing number of the unemployed are indeed heart-rending, but if the nation is firmly united in its resolve to face the present ordeal and to see civilization consistently in peace, a bright future will undoubtedly be ours, not only for our country but for the whole of humanity.

Love of the family and love of country are especially strong in this country. With more of this devotion should we now work toward love of mankind.

We feel deeply concerned to note that consequent upon the prolonged war ending in our defeat our people are liable to grow restless and to fall into the dole of despair. Radical tendencies in excess are gradually spreading and the sense of morality tends to lose its hold on the people with the result that there are signs of confusion of thoughts.

We stand by the people and we wish always to share with them in their moment of joys and sorrows. 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.

Our Government should make every effort to alleviate their trials and tribulations. At the same time, we trust that the people will rise to the occasion and will strive courageously for the solution of their outstanding difficulties and for the development of industry and culture. Acting upon a consciousness of solidarity and mutual aid and broad tolerance in their civic life, they will prove themselves worthy of their best traditions. By their supreme endeavors in that direction they will be able to render their substantial contribution to the welfare and advancement of mankind.

The resolution for the year should be made at the beginning of the year. We expect our people to join us in all occasions looking to accomplishment of this great undertaking with an indomitable spirit.

3. Emperor Not Guilty of War Crimes, 1946
Investigation has been conducted here under the limitation set forth with reference to possible criminal actions against the Emperor. No specific and tangible evidence has been uncovered.


The decision as to whether the Emperor should be tried as a war criminal involves a policy determination upon which a high level that I would not feel it appropriate for me to make a recommendation, but if the decision by the heads of states is in the affirmative, I recommend the above measures as imperative.

THE SHOWA CONSTITUTION

It was clearly recognized by SCAP that if the occupation were to bring about the strengthening of a democratic process, there had to be sweeping changes in the fundamental law of the land. In spite of the many attempts for the rewriting of the Japanese constitution by the Japanese, the final version as emerged was strongly influenced by the guidance given by SCAP. The process of new by General Courtney Whitney, who was chief of the government section under MacArthur, is given in Document 5.

The new Japanese constitution (Document 4) came into being on November 3, 1946, and went into effect on May 3, 1947. It made the Emperor the "symbol of the State," not "sacred and inviolable as he was under the Meiji constitution. The Diet became the highest organ of state power, and enjoyed full budget-making power, among others. The executive branch was made responsible to the Diet, whereas previously under the Meiji constitution it was not.

In addition to the basic human rights contained in the American Bill of Rights, Chapter III of the Shōwa constitution guaranteed such rights as the right and obligation to work, the right of workers to organize and the right to maintain the minimum standards of wholesome and cultured living. The equality of women was also assured under the new constitution.

The unique feature of the new constitution, however, can be found in its Article 9, the renunciation of war clauses. General MacArthur gave credit to Prime Minister Shidehara Kijuro (1872-1951) for the beginning of incorporating this clause into the constitution (Document 6). However, it must be noted that many Japanese authorities still claim that it was the general himself who was the author of this clause.

Among those witnesses who appeared before the Constitution Investigatory Commission (Kempō Chūsaikai), which held 113 meetings between 1947 and 1949, was former Prime Minister Yoshida Shigeru, who testified that in his opinion the initiative did not come from Prime Minister Shidehara. Another witness who said that Shidehara had nothing to do with Article 9 and never discussed the matter in his cabinet meetings. For further details, see Kempō Chūsaikai, Kempō Sōshi no Keika ni kansuru Shidōkai Hōseiho No Shokuminchu Rensuikai Matsūka ataka no Tōkei (Tokyo: Ministry of Finance, 1967). Pages 223-38. Professor Theodore McIlvain speculates that the renunciation of war provision originally stemmed from the MacArthur-Shidehara meeting in January 1946, and it was largely due to the enthusiastic support of MacArthur that the provision was incorporated into the Japanese constitution. See Theodore McIlvain, "The Renunciation of War in the Japanese Constitution," Political Science Quarterly, 77, no. 3 (September 1959), pp. 350-78.