FOREWORD

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A biography is included in Appendix D to this paper.

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SOCIOLOGICAL REASONS WHY THE JAPANESE MAINTAIN THE SELF-DEFENSE FORCES IN SPITE OF THE "RENUNCIATION OF WAR" PROVISION IN THE CONSTITUTION

A Thesis

Presented to

The Judge Advocate General's School, United States Army

The opinions and conclusions expressed herein are those of the individual author and do not necessarily represent the views of either the Government of Japan, The Judge Advocate General's School, United States Army, or any other governmental agency.

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INTRODUCTION

Japan stands in a very critical position politically, financially and militarily. She faces the Soviet Union across the Sea of Japan, the Democratic Republic of Korea across the Korean Strait, and the People's Republic of China across the Yellow Sea. They are three daggers threatening the throat of Japan. Japan remembers the North Korean and Chinese invasion of South Korea, which extended as far south as Pusan. With the help of the United Nations, they were driven back to the 38th Parallel.

In the midst of the international crisis in the Far East, Article 9 of the Constitution of Japan reads:

> Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.
>
> In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

This Constitution was promulgated after World War II upon the advice and recommendation of the Occupation Government of the United States. The Constitution expresses the post-war idealism which existed immediately following World War II, an idealistic world devoid of aggression living in peaceful coexistence. The Occupation Government established the following goal for Japan:

> The Japanese Government shall remove all obstacles to the revival and strengthening of democratic tendencies among the Japanese people. Freedom of speech, of religion, and of thought as well as respect for the fundamental human rights shall be established.

The idealism of yesterday is confronted by the realism of today. The conflict between Japan's renouncement of war and the threatening situation in the Far East must be reconciled. A nation of 100 million, largely dependent on other states for its livelihood and survival, cannot live in a sheer idealism; it bears an obligation to its people to protect their rights. At the outset of the Korean War, former Japanese minesweepers--manned by Japanese crews--were ordered into service as part of the United Nations Forces by General MacArthur. After the Korean War, the Occupation Government recommended the establishment of a special police organization. United States escort vessels were given Japan for the purpose of coastal patrol. Encouraged and assisted by the help of the Occupation Government, the Police Reserve Force Ordinance was promulgated and became effective on August 10, 1950. Establishment of the Police Reserve Force was believed to be in conflict with Article 9 of the Constitution. Steps were taken to reconcile the existence of the Police Reserve Force with that Article. Reasons or rationalizations were issued and met with severe opposition, but the result was the establishment of the present Self-Defense Forces of Japan.

Serious questions exist as to whether Japan can survive today so long as it faces the inhibitions of Article 9. This thesis will address the continuing conflict between Article 9 and the need for a strong self-defense force in today's world.

I. THE JAPANESE: HISTORICAL PERSPECTIVE

Cultural Development.

The thorough demilitarization and democratization by the Occupation was drastic, accomplishing a political rather than a social revolution. A political revolution can be realized in seven years; a social revolution requires hundreds, if not thousands of years. Japan, with her ten thousand years of social heritage, cannot be changed overnight. The Occupation did their best to eliminate the old order in all phases of our life. But no Japanese wakes up in the morning and reads the new Constitution. With or without the Constitution Japanese go on everyday. Thus, Article 9 as such does not bother the Japanese, as it does not exist in their minds.

The military class has been accepted by their fellow Japanese since the early days of the people. Japan did not have major wars among themselves nor major racial immigrations. Consequently, people have not had any special ill feeling against the military class. On the contrary, the most peaceful period in the entire history was the period of Tokugawa, the most feudalistic, Samurai-dictatorship period. We have always respected the military, and the Emperor was the Generalissimo, or the General of Generals until the end of the war in 1945. Japan is one of the cases in the history of the world where the "Government of the warrior, by the warrior, for the warrior" lasted nearly 800 long years. During the ancient Uji era

of Japan, which lasted hundreds of years, the Mononobe family transacted all military affairs for the people. But the Mononobe family was destroyed in 587 A.D. by the Soga family, which in turn was destroyed by the Imperial family in 645 A.D. A strongly centralized nation was established by the Imperial family after the strict pattern of the then great Chinese Empire.

At the time of the Taika Reformation in 645, all land was declared to be public property (Kochi-Komin). This acquisition of land for the people was one of the prime objectives of the Reformation. The holdings of the influential Uji were acquired by the state, thereby depriving them of the source of their power. According to the new law, each male child upon reaching the age of six was allotted two tan (about one acre), while each female child was allowed two-thirds of that. They possessed the right to cultivate this land in order to sustain life and to pay their taxes, but were not allowed to own it. Every six years this land was reappraised and redistributed. This was a very advanced land law for that time; even more drastic than the post World War II Land Reform Law.

During the eighth century this land law, together with the entire state law structure, began to deteriorate. By the beginning of the tenth century "National Land" disappeared almost entirely from Japan. In its stead, numerous Shoen (similar to the English manor or German Grundherrschaft) began to appear all over Japan. Shoen were tracts of land privately owned by the Royal family members,

the noblemen, temples, shrines, and common people. There were many reasons for this great change. Redistribution of land as originally planned was not carried out regularly, and in time the cultivation right became ownership. Affluent people bought and amalgamated farms which had been deserted. In 743, in order to encourage farm production, Emperor Shomu issued a decree allowing the people to own land if they cultivated it. In addition, large pieces of land were given to individuals as rewards or for other reasons. Governors in distant districts opened up new farms which they held as private property. "Absentee landlords" living in Kyoto had no means of control over their agents on far away farms. Due to the poor communications and transportation of that time and the apathy of the court in Kyoto, these privately owned farms or Shoen became numerous and prosperous, in spite of attempts to tax them.

During the next few centuries the Shoen developed into a definite social and economic institution, an integral part of the life of the Japanese. The head of the Shoen was called Myoshu (manor lord) and he had from a few to many thousands of tenants. The Myoshu, with the help of the Shokan (deputy lord), collected the tax, punished criminals and protected the lives of his tenants, often using physical force when danger threatened. Loyalty and respect developed between the manor lords and the tenants, with the Myoshu assuming an attitude of great benevolence toward his people. This produced a type of ethics and customs which later evolved into feudalism and Bushido.

Development of the Samurai.

The Samurai class developed during the Shoen period and ruled Japan from 1192 until 1918. In 1918, after 700 years of Samurai rule, Kei Hara became the first civilian prime minister of Japan. It is interesting to note how the Samurai Government came into existence. No incompetent or weak person could start and maintain a Shoen. This required a strong and powerful person, for physical force was often required to settle disputes. From the beginning, each Shoen contained military elements.

Besides Shoen, there were many government-owned and controlled Kokuga-ryo where a government-appointed Kokushi (governor) ruled. Even in these places the public land had disappeared and Shoen of many types had grown with an influential Myoshu heading them. The governors themselves, away from the direct control of the court, fraudulently developed their private farms. The court-established military divisions dwindled away and Kondei, a voluntary army of trained men, were placed in various districts. Over the years they developed into independent bodies of Samurai. As there were no centralized powers to keep peace and order in the country, self-defense forces were absolutely necessary for the Shoen. Tenant farmers were required to take up arms to defend the Shoen in case of attack. They were literally "farmer-soldiers" and were called Tsuwa-mono (strong men), or Samurai (attendants or guards, later called knights). Consequently, Shoen became part agricultural, part military, and part political.

During the 10th and 11th centuries, life in the Imperial Court in Kyoto was one of luxury and culture, while the rest of Japan was filled with chaos and turmoil. Revolts and small wars were commonplace. Even temples and shrines were required to maintain a "priest" army. The Imperial Court was powerless to quell the uprisings and had to call on the powerful war lords of the country to subdue the riots and rebellions.

As early as 939 A.D. a powerful lord, Taira-no-masa-kado, revolted against the Emperor. Another lord, Fujiwara Samitomo, raided the coasts of the Inland Sea, forcing the Imperial Court to employ the hated war lords to keep peace and order in Japan. Thus, the Samurai, from a rebellious class, were turned into a semi-war ministry of the Imperial Court.

When one of the most powerful Samurai, Taira-no-tadamori, was allowed to enter the palace in 1132 the entire court became indignant; he was in danger of assassination. It was intolerable to them that a lowly Samurai should be placed on an equal basis with the court nobles. In spite of these objections, the era of the Samurai was beginning. Minamoto-no-yoritomo was appointed Shogun (Generalissimo) and established the Central National Government in Kamakura in 1192. Hideyoshi, another Samurai, became Prime Minister of Japan in 1586 and ruled all of Japan from Osaka. The Tokugawas, a mighty Shogun family, ruled Japan from 1603 to 1867. After 1867, when the new Japan began to emerge, it was governed for 51 years until 1918 by former Samurai.

From the beginning these farmer-soldiers began to separate into two groups, one composed of farmers, the other of soldiers. Each group became semi-independent of the other. However, complete separation was not fully realized until 1588 when Hideyoshi took all swords away from the farmer group, thereby establishing the Samurai as a definite class of society.

The larger Shoen, with many smaller subordinate Shoen spread over wide areas, needed a central place where the Samurai could be quickly mobilized when trouble threatened. Many of the Samurai had armies of several hundred persons, and they found it safer to be a protectorate of a stronger Samurai. These Samurai groups formed a consanguineous society. Hojo, Ashikaga, Miura, Yawana, Shiba, Hatakeyama, Edo were all proper names of these blood-related military groups.

The death of Fujiwara Michinaga in 1029 was the practical end of the reign of the nobles. It ushered in a new Samurai age with the two mighty clans, Genji and Heike (Minamoto and Taira), each striving to become foremost. The Imperial Court held the balance of power and utilized both clans to subdue rebellions. In 1117, the Heike family controlled the court and Kiyomori became the first Samurai prime minister. His daughter, Tokiko, married Emperor Takakura and the court was filled by the Heike family. There was a saying at that time, "If one does not belong to the Heike family, he is not a human being."

The glory and power of the Heike family did not last long. The Genji started a large-scale battle on the Inland Sea against the Heike in 1185. The Genji had 840 battleships, while the Heike family had a fleet of 500. The battle lasted from noon until dusk, at which time all the Heike battleships had been sunk. Going to the bottom of the sea with his fleet was the Emperor Antoku, grandson of Kiyomori, who was the Chief Samurai of the Heike. Thus came the downfall of the great Heike Samurai clan.

The Genji had become the chief Samurai in Japan. Seven years later, in 1192, the Genji established a complete Samurai government in Kamakura, far away from the Imperial Court of Kyoto. This was a time of semi-revolution and a quasi-Renaissance. The once-lowly Samurai became the rulers of the country and uncultured warriors began to be the new leaders in Japan. These families included the Minamoto, Hojo, Ashikaga, Oda, and Joyotomi. In 1603, the famous Tokugawa family started their brilliant regime, which lasted until 1867 when the Samurai returned the power to the Emperor for the first time in 675 years.

The restoration of Imperial Rule did not result in a discontinuation of Samurai rule, however. Of the 31 committee members appointed by the Emperor, 22 were Samurai, while the others were members of royal or noble families. This first cabinet, organized after the European system, was dominated by Samurai. Thus new Japan, after the abolishment of the Samurai regime, was organized by former Samurai. Only the signboard was changed; the contents were the same, with different names.

Every single prime minister until 1918 was a former Samurai. The new Japan, or modern Japan, ironically was still governed by the Samurai for the first fifty-one years of its existence. The first civilian prime minister was assassinated in 1921; the next civilian prime minister was shot to death in 1930; and the third civilian prime minister was assassinated in 1932. The famous February 26th coup d'etat in 1936 permitted the military to seize control of the government, which they maintained until the end of the War in 1945.

Summary.

Japan, as history shows, was governed by warriors, and warriors only, between 1192 and 1945. Rule by Samurai was accepted by the people calmly and philosophically. They were not dissatisfied with the military governments and on the contrary regarded the feudal castles with pride and thanksgiving in many cases. Many have been maintained as national monuments. A change in rule was never demanded by other elements of society who were just as powerful as the Samurai. Rule by the Samurai regime played a significant role in the development of Japan and is regarded with respect by the people of Japan. The next chapter will discuss the reasons for its longevity.

II. JAPANESE PHILOSOPHY AND THE SAMURAI

The Japanese have profound emotions and feeling, but do not have a systematic philosophy such as is found in European culture. Japan has had since the 8th century superb literature and exquisite fine arts with the most delicate touch of aesthetic intuition. There have been countless numbers of religious, philosophical and metaphysical treatises of profound height and depth. But there has been no systematized theory of any kind. There have been no "Republic," no "Bible," no "Summa Theologies," nor "Ethics." If the Japanese people had wanted, with their high intelligence and ability, they surely could have written excellent philosophical essays; but they never chose to do so. Consequently, the Japanese are not "theoretical," but for this reason are considered by non-Japanese as "emotional" or "sentimental."

If people have a theory, they are able to discuss the problem theoretically and can come to a logical conclusion. But if they do not have a theory, only emotion, the solution is liable to be found in the non-theoretical settler known as Might, the physical determiner. The paralleled emotions have no common denominator, and must be settled by something of an entirely different nature; that is, Might. Where reason disappears, the unreasonable appears. When logical discussion fails, there must come Might. (Might in peacetime is Authority, and Force in an emergency.) If reason cannot make one understand a matter, force can make him understand it. History shows

force has decided many important matters. The Japanese who do not have a theory look upon might as the final determiner.

At the February 26 coup d'etat, when the junior officers were about to shoot Prime Minister Inukai, Mr. Inukai shouted, "Wait, let us talk." The officers shouted back, saying, "Sir, no point in discussing," and fired. Many a time, management and labor rush into a strike with only one single exchange of letters without holding a single discussion meeting. They do not think of settling matters by theoretical "give and take," but by the authority of the Central Labor Relations Board, or by "mobilizing" a huge army of men. Two hundred thousand people were "mobilized" to fight against the 1960 Treaty of Mutual Cooperation and Security Between the United States and Japan (hereinafter the "Security Treaty") without recourse to the Diet, which they themselves established.

The Japanese are not theoretical, but emotional. Consequently, they often look to Might as the final arbiter. For example, it is the view of some that the attack on Pearl Harbor was ordered on the basis of "no point in discussing" areas of conflict any further with the United States.

Might is not only a necessary determiner, but is something good, beautiful and ethical. In Europe, chivalry, developed from knighthood, was a matter of gallantry, and no more. In Japan, the spirit of Samurai developed into a definite "outlook on life and the world," a philosophy or even a religious sentiment. Might is the deputy of justice and authority. It is in accordance with the idea that there

is no power but of God; the powers that be are ordained of God. Might is not a sheer means of expediency, but an end in itself. Bushido (the code of Samurai) is not only for warriors but for all people. In fact, until the end of the war in 1945, Bushido was the spiritual foundation of education. Even high school girls were required to learn in school how to fight with the halberd, and to die an honorable death for the Emperor and the Nation, as females did during the feudal ages.

The sword which represents Might of the Samurai class is not only a weapon, but a religious object. It was called the "soul" of the Samurai, and any person who dishonored the sword was more than likely put to death. The sword maker before starting to strike the hot steel performed the ceremonial purification of Shintoism. One of the Sacred Regalia of the Imperial Sovereign is the Kusanagi Sword. Many objects of worship at shrines are swords, too. The Emperor was at the same time the Chief Priest and the Grand Generalissimo, appearing always in the Shinto priest robe or in military uniform (never in civilian clothes) until the end of World War II. He was the symbol of Might and was consequently "divine."

The lack of individuality is another basis for the distinctive Japanese character and reliance upon the concept of Might. A thinking person thinks for himself. But one who has little personality finds it almost impossible to decide things for himself, or by himself. It is easier and best to look up at the ceiling lamp and work under

it. Might tells the people what to do, and what the people do is to follow instructions. Therefore, people, after so many years of blind obedience, cease to think for themselves. Let Might tell them what to do, and Might will then be responsible for the actions of the people. World War II was started in this manner, and the Unconditional Surrender was accepted in the same manner. All Japanese obeyed General MacArthur implicitly because of their acceptance of Might. As people do not want to think, there must be Might to tell them what to do. The Japanese are, at least at present and during the coming years, a people who must be instructed with regard to what to do and what not to do. Right or wrong, it is the outcome of the long continued way of life under the regime of Samurai class.

Japan had been a consanguineous society since before the Christian Era. In a kinship society, ancestors and aged people are naturally respected and obeyed. There is a strong spirit of loyalty among the masses to their leaders. The chief is the direct descendant and deputy of the honorable ancestors. It is a vertical society where the higher commands and the lower obeys, and it is taken for granted. Might is not strange at all. The word for God in Japanese is Kami, the Higher. Might is divine, and is God-like. Japan is the easiest country to establish Might and keep it. The people are like a towel which can be wrung from the right or from the left. Samurai, either in the form of warriors, Imperial Army, or labor leaders (who are called Red Samurai) or Sohyo (pre-war Gunbu and post-war Sohyo), is in the very hearts and minds of the Japanese people. Japan has been,

is and will be a warrior state for many years to come until democratization becomes a social revolution from the present political revolution.

III. THE ORIGIN OF ARTICLE 9

Accompanied by his specially-trained staff, General Douglas MacArthur, supreme commander for the Allied Powers, landed at Atsugi Naval Air Base on August 30, 1945. If one had been able to inventory the contents of the briefcases carried by his staff, doubtless the most popular book would have been the now well-known The Chrysanthemum and the Sword. Written by cultural anthropologist Ruth Benedict and distributed by the U. S. Office of War Information, it endeavored to explain the Japanese and their way of life. The title represented the two-pronged leadership of the Japanese: the chrysanthemum was the emblem of the imperial family, while the sword was symbolic of the Japanese bushido and military might.

The Occupation had been planned for several years, long before the outcome of the war was assured. The only question left unresolved for MacArthur was whether either the chrysanthemum or the sword would be allowed to perpetuate itself. Ironically that which was intended to have been accomplished in substance may have been done only in form, while that which was to have been accomplished in form may have been done in substance.

It is to MacArthur's credit--and to the credit of the United States--that the emperor system was retained. The declarations by Emperor Hirohito on August 15, 1945, were accepted by the people of Japan who prepared themselves to "bear the unbearable," to "endure

the unendurable." The conduct of the Japanese in welcoming the Americans was as surprising to the Americans as the humane treatment afforded the Japanese by the Occupation Forces. The former was not lost on MacArthur, who after his first meeting with Emperor Hirohito on September 27, 1945, declared Emperor Hirohito the foremost gentleman in Japan and announced his decision to preserve his position as the symbolic head of state.

The case for preservation of the military was not as clear. Held responsible for the attack on Pearl Harbor, their demise was predictable. The Cairo Declaration of 1943 established the basic American policy toward Japan: "to stop and punish Japanese aggression and oust her from the territories she had acquired by violence and greed." Former Ambassador to Japan Joseph Grew earlier had urged severe measures to prevent Japan from again menacing international peace. He had further demanded the reform of Japanese thought and life reaching to the most fundamental levels. Finally, at the Yalta Conference between the United States, Great Britain, and the Soviet Union in February 1945, the United States conceded several valuable and controversial points to the Soviets in the belief that American-Soviet cooperation would be an essential ingredient not only for victory in the war but also for post-war peace and prosperity. United States policy towards the military of Japan was best expressed in the Potsdam Proclamation of July 26, 1945. In offering Japan an opportunity to end the war, Great Britain, the Republic of China, and the United States declared:

(4) The time has come for Japan to decide whether she will continue to be controlled by those self-willed militaristic advisers whose unintelligent calculations have brought the Empire of Japan to the threshold of annihilation, or whether she will follow the path of reason.

(6) There must be eliminated for all time the authority and influence of those who have deceived and misled the people of Japan into embarking on world conquest, for we insist that a new order of peace, security and justice will be impossible until irresponsible militarism is driven from the world.

(7) Until such a new order is established and until there is convincing proof that Japan's war-making power is destroyed, points in Japanese territory to be designated by the Allies shall be occupied to secure the achievement of the basic objectives we are here setting forth.

(11) Japan shall be permitted to maintain such industries as will sustain her economy and permit the exaction of just reparations in kind, but not those which would enable her to re-arm for war . . . .

The Potsdam Proclamation envisioned the imposition of three conditions by the victors:

(1) Demobilization and dissolution of Japan's ability to utilize war as a means of national policy;

(2) Occupation of Japanese territories by the Allies until the first condition was fulfilled; and

(3) The prohibition against the use of Japanese industry to permit Japan to re-arm herself.

The conditions of the Potsdam Proclamation were restated in the United States Initial Post Surrender Policy for Japan. Prepared jointly by the Department of State, the War Department, and the Department of the Navy, it was approved by the President and transmitted to General MacArthur on September 6, 1945. It provided in part:

The ultimate objectives of the United States in regard to Japan . . . are:

(a) To insure that Japan will not again become a menace to the United States or to the peace and security of the world.

(b) To bring about the eventual establishment of a peaceful and responsible government which will . . . support the objectives of the United States as reflected in the ideals and principles of the Charter of the United Nations . . . .

These objectives will be achieved by the following principal means:

(b) Japan will be completely disarmed and demilitarized. The authority of the militarists and the influence of militarism will be totally eliminated from her political, economic, and social life. Institutions expressive of the spirit of militarism and aggression will be vigorously suppressed.

Part III of the Post Surrender Policy dealt directly with the question of demilitarization:

1. Disarmament and demilitarization are the primary tasks of the military occupation and shall be carried out promptly and with determination. Every effort shall be made to bring home to the Japanese people the part played by the military and naval leaders, and those who collaborated with them, in bringing about the existing and future distress of the people.

2. Japan is not to have an army, navy, air force, secret police organization, or any civil aviation. Japan's ground, air and naval forces shall be disarmed and disbanded and the Japanese Imperial General Headquarters, the General Staff and all secret police organizations shall be dissolved. Military and naval materiel, military and naval vessels and military and naval installations, and military, naval and civilian aircraft shall be surrendered and shall be disposed of as required by the Supreme Commander.

Although it has never been determined conclusively, it is believed the "no war" provisions of Article 9 were first discussed in a meeting between Prime Minister Kijuro Shidehara and General MacArthur on January 24, 1946. No others were present and apparently no record of the conversation was made. MacArthur recalls Shidehara making the suggestion, although others have opined that MacArthur undoubtedly was the initiating force. On January 30, MacArthur provided General Courtney Whitney with his "three points" for inclusion in the Constitution. The predecessor to Article 9 provided:

> War as a sovereign right of the nation is abolished. Japan renounces it as an instrumentality of settling its disputes and even for preserving its own security. It relies upon the higher ideals which are now stirring the world for its defense and protection.
>
> No Japanese Army, Navy, or Air Force will ever be authorized and no rights of belligerency will ever be conferred upon any Japanese Force.

The provision was first considered in a meeting between General Whitney and the Japanese expert on constitutional law, Joji Matsumoto. Matsumoto had provided a draft which provided for armed forces "of a limited scope" once the Occupation had ended. Alternatively he proposed insertion of similar language in the Preamble to the Constitution rather than in a specific article. General Whitney declared its importance was emphasized by placing it in a separate article; that the article afforded Japan the opportunity to assume the moral leadership of the world in the movement towards lasting peace. General Whitney personally preferred to see it placed in Chapter I

of the Constitution, but had placed it in Chapter II in deference to the Emperor. No further objections were made to the Article, although future Prime Minister Ashida Hitoshi unsuccessfully proposed during Diet debate that each paragraph be amended to be preceded by the respective statements, "Aspiring sincerely to an international peace based on justice and order . . ." and "In order to accomplish the aim of the preceding paragraph . . . ." During the session of the Lower House, Communist party representative Sanzo Nosaka unsuccessfully urged that the Constitution renounce wars of aggression only. Prime Minister Yoshida responded:

> Japan will fight no wars of any kind. But to recognize defensive war would be to invite war. Therefore, limiting war renunciation specifically to aggression could do more harm than good.

Prime Minister Yoshida modified his interpretation of Article 9 on June 26, 1946, when the Japanese Government position on the Constitution was provided the people. While agreeing that paragraph 2 of Article 9 in effect renounced both wars of self-defense and the rights of belligerency, he declared that "This provision of this draft concerning the renunciation of war does not directly deny of self-defense." His statement might be likened to that of Hobbes in The Leviathan:

> A covenant not to defend myself from force, by force, is always void.

Article 9 and the Constitution were approved by the people of Japan on April 10, 1946, and on November 3, Emperor Hirohito declared it the law of the land, its preamble adding support to Article 9:

We, the Japanese people . . . resolved that never again shall we be visited with the horrors of war through the action of government . . . desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace . . . .

IV. ARTICLE 9 AND THE RIGHT OF SELF-DEFENSE

Article 9 was conceived during an era of idealism in the world, an era when once again a "war to end wars" had been concluded. The United Nations Charter had been signed by the states of the world on June 26, 1945, and its urgings of pacific settlement gave hope to all concerned. Denouncing wars of aggression, it nevertheless provided in Article 51:

> Nothing in the present Charter shall impair the inherent right of individual or collective self-defense . . . .

It was the ideals of the United Nations to which General MacArthur addressed himself in his comments (quoted in Chapter III) to General Whitney on January 30, 1946. In his message to the Japanese people on New Year's Day, 1950--six months prior to the outbreak of the Korean War--General MacArthur no longer spoke of the surrender of sovereign rights and the dependence of Japan on the justice and faith of the peace-loving peoples of the world. Rather, he emphasized that Article 9 of the Constitution was never intended to deny Japan its inherent right of self-defense.

The right of self-defense is an inherent right possessed by every sovereign independent nation. It is natural that a nation exercise this right.

Our Constitution provides that "war, as a policy of government, the threat of armed force, or the use of armed forces as a means of settling international disputes is forever renounced." However, in

the case of an armed attack from outside Japan, it does not prohibit the use of armed force in self-defense in order to repel such an evil.

To repel an armed attack from another country is exactly what is meant by the right of self-defense. Such action is essentially different in nature from the settlement of international disputes by armed forces. The Constitution does not prohibit the use of armed forces as a means of defending our country, in the case of an armed attack against our territory. It is natural for an independent nation to repel an armed attack in the exercise of its right of self-defense.

It is also natural for our country to maintain defense power to exercise its inherent right of self-defense. Since our defense power is strictly for self-protection, its scale must be such as is proper and necessary for that purpose. This kind of defense power cannot be regarded as "war potential," the maintenance of which is prohibited by the Constitution.

The Sunakawa judgment of the Supreme Court handed down on December 16, 1959, states as follows with regard to the intent of the Constitution:

> It does not in any way deny the inherent right of self-defense which our country possesses as a sovereign state; the pacifism of Japan's Constitution by no means implies no defense and no resistance. . . . That our country can take measures for self-defense necessary to maintain its peace and security and to insure its survival must be said to be a matter of course, as the exercise of the functions inherent to a state.
>
> . . . This Article [Article 9] renounces the so-called war and prohibits the maintenance of the so-called war potential, but certainly there is nothing in it which would deny the right of self-defense inherent in our nation as a sovereign power. The pacifism advanced in our Constitution was never intended to mean defenselessness or non-resistance.

The Sunakawa decision is the only Supreme Court decision dealing directly with Article 9 of the Constitution. The Sunakawa decision was the catalyst for extensive academic discussion of the relationship between the Constitution and the validity of treaties. Furthermore, it is important because it distinguishes between self-executing and non-self-executing treaties, a distinction which has not always been clearly maintained.

The Sunakawa incident occurred on July 8, 1957, at Tachikawa Air Base in the village of Sunakawa. A group of demonstrators protesting the extension of a runway at the Air Base trespassed on the base, knocking down a boundary fence. Seven of these Japanese were charged under a law prohibiting entry without good reason into an area or installation utilized by the United States Armed Forces. The question whether the United States-Japanese Mutual Security Treaty itself was unconstitutional became the basic issue.

The Tokyo District Court reasoned that by sanctioning the retention of United States Armed Forces in Japan the Japanese Government was maintaining a war potential, forbidden by Article 9, paragraph 2. Holding the government's action sanctioning retention of the United States forces to be unconstitutional, the court stated that the implementing law under which the defendants were charged was in contravention of Article 31 of the Constitution, which provides that no person shall suffer a criminal penalty "except according to procedure established by law." The Supreme Court reversed a Tokyo District Court decision which had ruled that the defendants were not

guilty. The Supreme Court reversed the lower decision, but rather than accepting the arguments on appeal of either party it held that treaties which have a highly political nature, not treaties in general, fall outside the scope of judicial review.

The decision then considered whether the Security Treaty was "patently unconstitutional or invalid" and judged that "such retention of the United States Armed Forces must certainly be in accord with the intent of Article 9, paragraph 2, and of the Preamble of the Constitution."

Although the court agreed unanimously upon the proper judgment, it should be noted that no fewer than ten justices differed in varying degrees over the issues raised by the review of treaties, other "acts of government," and "political questions" of special significance. Three justices presented minority opinions. They insisted that all treaties, including treaties having a highly political nature, should be subject to judicial review. Thus reaching the merits, they judged the treaty constitutional.

V. EVOLUTION OF THE SELF-DEFENSE FORCE

The development of the concept of a self-defense force, at least in the minds of some historians, began even before the conclusion of hostilities between Japan and the United States. On May 12, 1945, less than a week after the surrender of Germany, British Prime Minister Winston Churchill warned President Harry Truman of the iron curtain with which the Soviet Union was beginning to enshroud the occupied states of eastern Europe. The same warning had been sounded earlier by President Roosevelt's top aide, Treasury Secretary Henry Morgenthau, who favored retention of the existing Japanese military government. Others felt equally as strong that the Emperor had to be retained; former United States Ambassador to Japan Joseph Grew cited the example of the queen bee in urging retention of the Emperor:

> Take her away, and you destroy the whole swarm under her rule . . . . [Remove] the Emperor and the United States will have to nurse forever a crumbling society of seventy million people.

Both the Emperor and the military could not remain. One had to accept responsibility for the war, while the other had to remain during the transition period of Occupation to assist in the Nation's rebuilding. At first blush it would appear to be a balancing of domestic tranquility (retention of the Emperor) against international security (retention of the military). Such was not entirely the case. While the Soviet Union posed the new threat to the world, the United States, itself a powerful force--at that time possessing a monopoly

with regard to nuclear weapons--retained a powerful ally in Nationalist China. The Emperor represented more than domestic tranquility. Professor Yasusaburo Hoshina of the Tokyo University of Arts and Sciences, who has declared Article 9 a force in the political actualities of today, explained the decision to retain the Emperor as follows:

> . . . [W]e must not forget that there was another meaning to this provision when it was first established. Article 9 was used as justification for the retention of the emperor system. MacArthur said that the emperor system, as a force unifying anti-communist ideologies, was equal in strength to twenty army divisions.

Wataru Narahashi, who served as the chief cabinet secretary at the time of the promulgation of the new constitution, has commented in agreeing with this conclusion:

> The Allied ax was to have fallen on the Emperor, but it was diverted onto the military by Article 9.

Hindsight always being better than foresight, the decision in many respects appears to have been correct. Former Ambassador Grew confirmed its correctness in 1951 at the signing of the peace treaty between Japan and the United States when he advised Japanese diplomat Tashikazu Kase that in his opinion the United States' refusal to abolish the emperor system had won Japan as an important ally.

Thus the emperor system was retained, and Japan looked to the United States for her defense. Demilitarization was to be complete. Yet because of circumstances and the policies of General MacArthur

total demilitarization was never accomplished. By way of example, Japanese Navy minesweepers--renamed a part of the Second Demobilization Ministry--were ordered in August 1945 to commence sweeping Japanese home waters of the over 100,000 Japanese-laid mines and the more than 30,000 mines laid by Allied aircraft and submarines. The task required up to 350 ships, 10,000 personnel, and more than four years to complete. The experience of the minesweeper force was mirrored by other forces retained to assist the Occupation and to aid Japan in her post war recovery. Because it was contrary to Occupation statements regarding demilitarization, however, such usage of former military forces was carried out with the greatest secrecy.

Demilitarization was overtaken by other events. On March 12, 1947, President Truman addressed a Special Joint Session of Congress, where he delivered the speech which established the Truman Doctrine:

> I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or outside pressures.

The battle against Communism was on-going in Greece and Turkey. In February 1948, Czechoslovakia fell to the Communists; in June, the Berlin airlift commenced. The following year NATO was formed and the United States lost its nuclear monopoly. In October 1949, Mainland China had fallen to Mao Tse-tung, who signed the Sino-Soviet treaty two months later. That treaty promised among other things resistance against aggression from Japan or states directly or indirectly

associated with Japan in any act of aggression. In four short years the Far Eastern security picture had taken on a markedly different complexion from that extant at the conclusion of World War Two.

Another factor figured prominently in the re-birth of military forces in Japan. Both the Potsdam Proclamation and the United States Initial Post-Surrender Policy required Japan's relinquishment of any claim to Korea. As a result, many Korean citizens who resided in Japan were returned to their homeland upon the cessation of hostilities. Many subsequently attempted to return or returned illegally to Japan. Because they could not obtain regular employment and were ineligible for government-administered rations, they were forced to turn to smuggling and other illicit means of existence. At the same time Japan was confronted with a totally unrelated problem of harassment of its fishermen by the Chinese, Koreans, and particularly the Russians.

The problems bore a common solution--some form of naval protection. The protection would restrict illegal immigration, prevent smuggling, and offer protection to Japanese fishermen. The Japanese Government therefore applied to the Occupation Government for Allied naval protection. The same budgetary and manpower restriction which had earlier precluded Allied minesweeping activities--the Allied Forces were also going through the inevitable post war demobilization processes--precluded Allied-furnished coastal defense.

The problem was studied by Takeo Okubo, Chief of the Sailors Bureau of the Transportation - Communications Ministry, and Captain Frank M. Meals of the United States Coast Guard. Captain Meals recommended establishment of a Japanese coast guard, a recommendation in which Okubo enthusiastically concurred. "Remembering that the U. S. Navy had been born out of the Coast Guard reassured me that a new Japanese navy would someday be born by a similar process," Okubo recalls. As a result of their planning, the Japanese Maritime Safety Agency was established on May 1, 1948. It was the forerunner of the Maritime Self-Defense Force, established four years later. Old coastal patrol ships of the former Imperial Japanese Navy and the minesweeper force became the first ships of the MSA, while its personnel were former members of the Imperial Navy and merchant marine sailors. Former officers "purged" from government office by Occupation edict were reinstated with rank commensurate with their previous service. In anticipation of objections from the Soviet Union and Australia, which were eventually voiced, all ships were unarmed and the charter of the MSA declared specifically that it was not a military establishment.

Another factor which played a significant role in the development of the Japan Self-Defense Force was one which had been utilized previously to justify its demilitarization. As previously noted, General MacArthur had advocated the abolition of the military, declaring that Japan would rely "upon the higher ideals which are

now stirring the world for its defense and protection." Those ideals, of course, were the principles imbued in the Charter of the United Nations. They included the principles of universal peace, friendly relations among nations, pacific settlement of disputes (Article 1), restraint from the threat or use of force (Article 2), and, where necessary, United Nations Security Council action in the event of any action with respect to threats to the peace, breaches of the peace, and acts of aggression (Articles 39 through 51). From the earliest days of its existence it was apparent the principles were subject to differences of interpretation (the term "aggression" has not yet been defined) and that any recommended action of the Security Council with respect to the defense of Japan would be vetoed by the state which posed the greatest threat to Japan, the Soviet Union.

It was in this setting that General MacArthur declared on January 1, 1950, that Article 9 of the Constitution had not removed from Japan its inherent right of self-defense. His concern was timely. On June 25, 1950, less than a month after withdrawal of United States military forces, South Korea was invaded by forces from North Korea. The Occupation of Japan relinquished its position of priority to that of the defense of Korea. Occupation forces in Japan spearheaded the United Nations' intervention. In October, after United Nations forces had landed at Inchon on September 15, General MacArthur conceived a landing on the opposite coast at Wonsan. The minesweepers of the Maritime Safety Agency

were requested for service in Korea. When their chief balked at the request without the approval of Prime Minister Yoshida, General MacArthur directed their deployment. From October to December 1950, the forty-six minesweeper force, manned for the most part by their original Imperial Navy crews, served with United Nations forces, sweeping Wonsan as well as Kursan, Inchon, Haiju, and Chinaupa. Their record was exemplary, but was hushed up by the Occupation.

The war in Korea had its side effects. Wearing his hat as United Nations Forces Commander, General MacArthur had requested the authority to deploy United States ground forces from Japan to Korea. In granting him that authority, MacArthur was reminded by Washington that he "must regard the security of Japan as fundamental and basic policy." Bearing this admonishment in mind, MacArthur wrote to Prine Minister Yoshida on July 8, directing the formation of a 75,000 man "National Police Force," a force MacArthur had opposed in 1948 when it was recommended by the National Security Council. Established the following month, it was the progenitor of today's self-defense forces.

VI. THE DEVELOPMENT AND GROWTH OF THE SELF-DEFENSE FORCE

Leaders in Japan recognized that inevitably Japan would have to assume a greater role in its own defense rather than remain entirely dependent upon the United States. The remarks made by General MacArthur on January 1, 1950, with regard to Japan's inherent right of self-defense, the commencement of hostilities in Korea, and General MacArthur's hasty establishment of the National Police Force, served to encourage the assumption of additional responsibility for defense by the Government of Japan. While the government and its leaders recognized that Japan would remain dependent upon the United States for most defense roles, it recognized that upon cessation of Occupation the threshold for return to actively assist in the defense of Japan would be raised. This change in roles had become apparent during the latter part of the preceding decade as Japan was called upon and permitted to assume certain defense roles which the United States for a variety of reasons chose not to retain. Ironically these changes were occurring concurrently with the Occupation's demilitarization program and the democratization of Japan. The errors of and responsibilities for the past--all laid at the feet of the military--were so inculcated into the minds of the people of Japan by the Occupation that they have served as the primary inhibiting factors in Japan's reassumption of its defense responsibilities.

Recognizing the change in roles which began to develop with the commencement of the conflict in Korea, a group of former naval officers approached the U. S. Far East Naval Command with a proposal that Japan be permitted to expand its naval forces. Headed by former Vice Admiral Zenshiro Hoshina (who subsequently became President of the Japan National Defense Society), the group argued that there were certain roles which the United States either could not or would not fulfill which were beyond the existing capabilities of the Maritime Safety Agency. Their argument fell upon the sympathetic ears of Admirals Arleigh Burke and C. Turner Joy, both of whom recognized the naive idealism of Japan's earlier demilitarization. The plan was subsequently presented to Secretary of State John Foster Dulles, who was at that time preparing the United States treaty of peace with Japan and a supporting security agreement. The plan was acceptable, and the following year the United States Congress authorized the loan of eighteen patrol frigates and fifty landing craft as the initial armament for the new force. Still faced with the constitutional prohibitions of Article 9, the new force, like the predecessor Maritime Safety Agency, disclaimed any status as a military force. Formed out of a division of the Maritime Safety Agency, the Maritime Safety Force commenced operations in 1952. Almost simultaneously the National Police Reserve went through organizational changes which would culminate in its restructuring as the Ground Self-Defense Force two years later. In both forces

former officers were commissioned at ranks commensurate with their experience and service in the former Imperial Forces.

On September 8, 1951, the United States and Japan signed a treaty of peace. Its author was John Foster Dulles, who a year previously had recommended to Prime Minister Yoshida that Japan begin considering rearmament. Yoshida had rejected the idea, reasoning that rearmament was economically impossible, that the Japanese people bore an intense distaste toward any consideration of bearing arms again, and that the states of Asia would look askance at Japan's reassumption of any military capacity. "For the time being, at least, Japan can hardly consider rearming," concluded Yoshida.

It was within this tenor that the Treaty of Peace and its accompanying Mutual Security Treaty were drafted. Japan would provide the United States with military bases (even after independence) in return for United States protection. The treaties envisioned a declining United States security shield during the piecemeal rearmament of Japan. To this end, Article 5 of the Treaty of Peace provides:

> (c) The Allied Powers . . . recognize that Japan as a sovereign nation possesses the inherent right of individual or collective self-defense referred to in Article 51 of the Charter of the United Nations and that Japan may voluntarily enter into collective security arrangements.

Article 6(a) provides:

> All occupation forces of the Allied Powers shall be withdrawn from Japan as soon as possible . . . .

> Nothing in this provision shall, however, prevent the stationing or retention of foreign armed forces in Japanese territory under or in consequence of any bilateral or multilateral agreements which have been or may be made between one or more of the Allied Powers, on the one hand, and Japan on the other.

United States forces remained in Japan, their title changed from Occupation forces to the Security Garrison Force. Their mission had changed, however, from occupation and security to exclusively one of security. A part of that mission was to advise, assist, and to encourage Japan in its rearmament. The mission--and the recognition of the gradual balancing of defense roles--was stated in the Security Treaty:

> Japan has this day signed a Treaty of Peace with the Allied Powers. On the coming into force of that Treaty, Japan will not have the effective means to exercise its inherent right of self-defense because it has been disarmed.
>
> . . . .
>
> In exercise of these rights, Japan desires, as a provisional arrangement for its defense, that the United States . . . should maintain armed forces of its own in and about Japan so as to deter armed attack upon Japan.
>
> The United States . . ., in the interest of peace and security, is presently willing to maintain certain of its armed forces in and about Japan, in the expectation, however, that Japan will itself increasingly assume responsibility for its own defense against direct and indirect aggression, always avoiding any armament which could be an offensive threat or serve other than to promote peace and security in accordance with the purposes and principles of the United Nations Charter.

Recognizing the responsibilites imposed by the Treaty of Peace and the Security Agreement, the Japanese Government took certain

administrative steps to consolidate its self-defense measures to date. The previously-mentioned Maritime Safety Force was established on April 26, 1952--two days prior to the effective date of the Treaty--with the stated mission of

> taking necessary action in case of urgent need to protect human lives or property on the seas or for the maintenance of public security and order on the sea.

On August 1, 1952, the National Police Reserve was reorganized as the National Safety Force while the Maritime Safety Force was renamed the Coastal Safety Force. One month later, on September 27, 1952, agreement was reached between Prime Minister Yoshida and Progressive Party President Shigemitsu on

> making clear the policy for the strengthening of (the) self-defense abilities (of Japan), (by) formulating a long-range defense plan commensurate with national abilities and in keeping with the gradual decrease in United States forces stationed in Japan, reorganizing the National Safety Force into the Self-Defense Forces, while adding to it a new mission of defense against direct aggression.

The following year negotiations began in Washington with regard to a Japanese-American mutual defense assistance agreement. The United States recommended the creation of a 350,000-man force, a number rejected by Japan. Japan felt a force of that strength would face constitutional limitations, political and social difficulties, cost, as well as serious problems with regard to recruiting. In particular, inasmuch as Japanese forces could not constitutionally be deployed overseas, the number proposed was unnecessary for the

defense of Japan. Ultimately, on March 8, 1954, the United States and Japan entered into the Mutual Defense Assistance Agreement, Article VIII of which obligated Japan to "take all reasonable measures which may be needed to develop its defense capacities . . . ." Generous material aid furnished consonant with the Agreement provided the impetus for an increase in assumption of responsibilities by Japan as well as providing significant influence with regard to the close relationship which would exist between the Japanese and American military establishments during the subsequent development of the Self-Defense Forces.

On July 1, 1954, the Japanese Self-Defense Forces Law establishing the Japanese Defense Agency was established. The Air Self-Defense Force and the Joint Staff Council were established, while the National Safety Force and the Coastal Safety Force were renamed the Ground Self-Defense Force and Maritime Self-Defense Force, respectively. For the first time the forces were given the primary mission of defense against attack by outside forces.

At the time of the enactment of the Defense Agency establishment law, the National Defense Council was established as an advisory organ to the Prime Minister on matters involving national defense. The Council and the Cabinet promulgated on May 20, 1957, the Basic Policies for National Defense which continue to exist today:

> The objective of national defense is to prevent direct and indirect aggression, and once invaded, to repel such aggression, thereby preserving the independence and peace of Japan founded upon democratic principles. To achieve this objective, the Government of Japan hereby establishes the following principles·
>
> A. To support the activities of the United Nations, and promote international cooperation, thereby contributing to the realization of world peace.
>
> B. To stabilize the public welfare and enhance the people's love for country, thereby establishing the sound basis essential for Japan's security.
>
> C. To develop progressively the effective defense capabilities necessary for self-defense, with due regard to the nation's resources and the prevailing domestic situation.
>
> D. To deal with external aggression on the basis of the Japan-U.S. security arrangements pending more effective functioning of the United Nations in (the) future in deterring and repelling such aggression.

Since the birth of the Self-Defense Forces in 1954, three additional steps have been taken. In 1960 the United States and Japan renewed their mutual defense responsibilities through the Treaty of Mutual Cooperation and Security Between the United States and Japan. While an extension of the 1951 Agreement, for the first time responsibilities of defense in response to a non-nuclear threat approach a parity. The obligations of mutual defense, however, exist only as to an "armed attack against either Party in the territories under the administration of Japan."

On November 21, 1969, after two days of meetings in Washington, Prime Minister Eisaku Sato and President Richard M. Nixon issued a

joint communique regarding the defense responsibilities of their respective states. The communique was unique in that it talked not of the security of Japan but rather of the importance to Japan of peace and security in the Far East. Paragraph 2, for example, provides that "Japan will make further active contributions to the peace and prosperity," while in paragraph 4 the Prime Minister declared that the maintenance of peace and security in Korea and the "Taiwan area" were of utmost importance to the security of Japan. In paragraph 6, the Prime Minister made clear the intention of his government, following the reversion of Okinawa, to assume the responsibility for the immediate defense of Okinawa as part of Japan's defense efforts of her own territories.

The Sato-Nixon communique took giant steps where previously angels feared to tread, speaking of the defense of territories a great distance from Japan (Okinawa is 350 nautical miles from Kyushu, the southernmost tip of Japan, and 840 miles from Tokyo) as well as the continued peace and security of other states. In many respects it is a long time from 1945 to 1969, but to many in Japan the remarks of the Prime Minister--even if concessions made for the return of Okinawa--were premature. One of Tokyo's leading newspapers, Asahi Shimbun, declared:

> The Sato-Nixon joint communique . . . states that the security of the Korean peninsula is vital to Japan's security. "That shows," according to some political observers, "that young Japan is trying now to don the cap that her big brother has been wearing."

The final event occurred coincidentally with the reversion of Okinawa in 1972. In October of that year the Government of Japan approved the Fourth Five-Year Defense Plan. The largest and most ambitious to date, it is designed to improve Japan's defense capabilities over the five years from 1972 to 1976. It has been met with cries of anguish from both sides, one arguing that Japanese militarism is on the rise, the other that an enlarged Japanese shield could never supplant an offensive American spear. As American defense responsibilities, installations, and positions are relinquished to the Self-Defense Forces, it is ironic that Japan has difficulty assuming them, not because of any lack of a warrior tradition, but because of the atmosphere developed within Japan by its closest ally today upon his return as the conqueror thirty years ago.

VII. CONCLUSION

The people of Japan are a people with many facets. Ruth Benedict described two in The Chrysanthemum and the Sword. There are many other characteristics, some of which are at times contradictory.

Every nation entertains contradictions of some nature. But Japan is said to be a land where there exists numerous contradictions which often bewilder non-Japanese.

The Japanese believe that existence is contradiction. Contradictions are not contradictions, but are necessary elements for existence. Contradiction does not necessarily mean antagonism or contrast in the sense of man and woman, peace and war, or black and white. Every single object in the universe holds two mutually exclusive elements, standing against each other. Existence is an antinomy, requiring both positive and negative elements working against each other to work together. Almost instinctively, the Japanese embrace and practice the principle of dialectics. Right and wrong, spirit and matter, God and man--all opposing elements--are united into harmony and appreciation. The Japanese are quite used to looking at contradictions and accepting them as a matter of course.

The contradiction of Article 9 and the Self-Defense Force is perfectly acceptable. A is A, A can be B, and can be both. Such phenomenon may confuse Westerners and cause them to wonder where the Japanese stand. There are contradictions, but in the end all of these contradictory facets are united with no dilemma or contradiction.

Japan will continue for many years without amending the Constitution, accepting the existence of the Self-Defense Force as naturally as the sun in spite of the provisions of Article 9.

Is "patriotism" developing in Japan? Patriotism is developing in Japan, as much as and as fast as our reappraisal of our national value, both material and spiritual, progresses. Patriotism is the love for one's country which makes acceptable even the giving of one's life for one's country. We were disillusioned by the pre-war Japanese Empire and consequently did not feel like loving our country for nearly twenty years after suffering the devastation of the war. However, after twenty years of hardship and endeavor, many of the war scars were healed, and out of the debris of war and defeat there grew buds of hope and strength. Moreover, the traditional, cultural heritage began to be seen as the smoke of the air raids disappeared.

We are discovering once again the good things in Japan, and are beginning to love our Fatherland, this time, we hope, in the real sense of the word. "Patriotism" is one of the words or concepts which had been forgotten and almost prohibited since the end of the war in Japan. The world is wondering why Japan, always a frantically patriotic nation, lost the spirit of patriotism. Especially is the United States, which is anxious to find a real ally in Japan for the cause of peace and freedom, bewildered at the indifference of the Japanese concerning her self-defense.

This question of patriotism, however, is not a sheer question of theoretical discussion, but is an internal question or a problem

of sociology and psychology. To start with, "patriotism" was a concept developed in the middle of the 19th century, when many Western battleships came to "isolated" Japan, demanding her to open her ports to the West. It was the time of the Opium War in China, and was the "period of European Expansion" to the Far East. Japan, then, though controlled by one Shogun, was divided into about 260 feudal governments which had independent sovereignty. People had a definite idea of their respective feudal clans or Lords (Daimyo) but had no concept of Japan as their Fatherland.

Surrounded by the threatening Western nations, the Meiji government united the feudal clans in the concept of Japan. The flag of the Rising Sun, which was the feudal insignia of the Satsuma clan (the main clan of the new government) was made the national flag. "Patriotism" was necessary to establish the strength and integrity of Japan in the face of the aggressive Western nations. In order to "catch up with the West," and to prevent Japan from falling into the fate of China's Opium War, the Japanese Government did their very best to inculcate the million Japanese of that time with some feeling of national patriotism.

Patriotism is something which should be born naturally and quietly in the heart and mind of a nation. But the sad fate of Japan was that the government was obliged to force patriotism like the "brainwashing" in the Communist countries. It was not normal. In any country, it is an abnormal period if patriotism is too

strongly emphasized. Japan was in an abnormal period then, as she had to face the West suddenly and in a wholesale way. Consequently, patriotism in Japan was of necessity developed along the line of defense or militarism, the result of which was Pearl Harbor. If this kind of patriotism was a matter of supreme importance, it followed that the military had the supreme power over all matters. Neither the Japanese Diet nor the whole nation could do anything against the will of the military, which could overthrow any Cabinet by withdrawing Ministers of Army and Navy, or by refusing to send in their representatives as Ministers of Army and Navy. Even the Minister of Education, at times, was an Army general in active service in uniform.

As a result there arose a bad impression of the military among the Japanese, many of whom feel they were driven into Pearl Harbor without knowing anything about it. Because of their bitter experience, the Japanese people still confuse patriotism with militarism and war. Theoretically they are wrong, and they know it. But the memories of these dark years are still fresh and haunt them. The defeat and surrender was the concrete answer to the type of patriotism which the Japanese had been taught. The sufferings, both physical and spiritual, were beyond description. It is not unnatural that the Japanese have thrown out the dirty water of militarism, together with the precious baby of patriotism. They are in the reactionary period yet.

Patriotism means love for one's country. It means the deep appreciation of good things in one's country. No one can love his country if he can see nothing good in his country. To be proud of one's country is the prerequisite of patriotism.

Do the Japanese recognize and appreciate good things in Japan, both materially and spiritually? The Occupation did their best to show and train us in the theory and practice of democracy which is quite different from our traditional thinking and customs. We like democracy and value it highly. This high evaluation of democracy, however, is apt to make us ignore, disregard and even oppose the Japanese values of the pre-democratic period, which lasted 2,000 years. The democratization was so successful that the people temporarily lost their interest in things unique to Japan, which Japan had been proud of for thousands of years: the spiritual and cultural heritage of our ancestors.

The Japanese are redeveloping their interest in their culture, and as a result patriotism is developing among the Japanese. They are beginning to appreciate good things which are typically and uniquely Japanese, and which we can be proud of. So-called "revivals" of many pre-war culture and traditions are seen all over Japan. The Olympics contributed one brick to the regaining of confidence and to the spiritual revival of the Japanese. As the smoke of the post-war frustration is dispersed, Mount Fuji--representative of our time-old traditions--is beginning to reappear in front of our eyes, though slowly.

We must be patient in waiting for the natural birth of patriotism. We must not repeat the same mistakes. The foundation must be laid firmly this time. Otherwise, the post-war patriotism will collapse as the pre-war patriotism did. We are an intellectual people, and it will not be long before we realize that Japan is a small and yet a great country, worthwhile loving and even sacrificing our lives to defend it and keep it. We pray that the Free Countries will be patient and wait until Japan is ready to take the full responsibility as an important member of the Free World Family.

The preceding chapters have touched upon Japanese history, customs, and traditions, but have discussed primarily the difficulties facing Japan and its Self-Defense Forces in light of Article 9 of the 1947 Japanese Constitution, which renounces war as a means of settling international disputes and which declares that "land, sea, and air Forces, as well as other war potential, shall never be maintained."

The provisions were an anomaly when enacted. Yet today, with more than a quarter million men in uniform, the provisions remain a part of the Constitution. It does little good to argue with respect to who was responsible for the enactment of Article 9; it exists.

Considerations of defense in 1945 differ from those of today. In 1945 the concern was internal struggle and survival in a beleaguered state, a state incapable of supporting itself in even the most minimal manner. Today Japan is a world trade leader,

exporting goods to virtually every state of the world. With one exception (which will be met in 1976), all reparations for military occupation during the war have been met. With the aid of the United States, Japan has rebuilt itself to a point where it is economically more sound than its pre-war plans and planners ever envisioned.

Yet just as no man is an island, neither can Japan survive as one. It is dependent upon other states for its survival. It is prohibited by its own Constitution, however, from taking any step or steps to insure its security. It has accomplished through necessity rearmament to the point where it may provide for its inherent right of self-defense. But what is defense? Should the Maritime Self-Defense Force be capable of defending against a territorial invasion force from the sea or should it be an ocean-going force capable of securing Japan's sea lanes? At present it lacks the capability of unilaterally providing either.

One other event of significance has occurred with respect to the rearmament of Japan. On November 25, 1970, Japan's celebrated novelist, Yukio Mishima, gained admittance to the Ichigaya Headquarters of Japan's Self-Defense Forces. Seizing General Kanetoshi Mashita hostage, Mishima began a ten-minute harangue before a crowd of 1,200, many of whom were Self-Defense Force officers. Among his remarks he declared:

> Defense, the basic issue for the nation, has been wrapped deliberately in a cloak of ambiguity through opportunistic interpretations. The presence of an army in fact but not in name has been the root cause of the spiritual corruption and moral decay of the Japanese people.

> Deluded by economic prosperity . . . Japan has entrusted her national defense to foreign hands. We have never been cleansed of the shame of defeat, but merely deceived.
>
> The one thing more valuable than human life is neither freedom nor democracy, but Japan.

Drowned out by hecklers within the audience, Mishima cut short his intended speech and returned to General Mashita's office, where he knelt and disemboweled himself. A follower then completed the traditional form of hara kiri by decapitating Mishima, then followed Mishima in death by the same ceremony.

Mishima's death has been subjected to several interpretations. To some, particularly at first blush, it heralded the return of Japanese militarism. In long-term analysis, however, it was a manifestation of Mishima's frustration with Japan's defense capabilities.

While not wishing to either agree or disagree with Mishima, his last remarks do address the crossroads at which Japan finds itself today. To the extent they have been developed the Self-Defense Forces of Japan are considered to be among the finest in Asia; yet because of operational and logistical inhibitions they have been accused of being a paper tiger. Japan has neither the means nor the motivation to return to its pre-war militaristic policies. The only question is whether it can adequately meet its responsibilities as a state to its people to provide them with their inherent right of self-defense, provided through the centuries by the Samurai.

APPENDIX A

EXCERPTS FROM THE CONSTITUTION OF JAPAN

APPENDIX III.

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution. Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people. This is a universal principle of mankind upon which this Constitution is founded. We reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith.

We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.

We believe that no nation is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all nations who would sustain their own sovereignty and justify their sovereign relationship with other nations.

We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.

CHAPTER II. RENUNCIATION OF WAR

Article 9. Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

APPENDIX B

TREATY OF MUTUAL COOPERATION AND SECURITY

APPENDIX V. TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES OF AMERICA AND JAPAN (1960)

The United States of America and Japan,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of economic stability and well-being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

Considering that they have a common concern in the maintenance of international peace and security in the Far East,

Having resolved to conclude a treaty of mutual cooperation and security,

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The Parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

ARTICLE II

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between them.

ARTICLE III

The Parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack.

ARTICLE IV

The Parties will consult together from time to time regarding the implementation of this Treaty, and, at the request of either Party, whenever the security of Japan or international peace and security in the Far East is threatened.

ARTICLE V

Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan.

The use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by a separate agreement, replacing the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan, signed at Tokyo on February 28, 1952, as amended, and by such other arrangements as may be agreed upon.

ARTICLE VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

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This Treaty shall be ratified by the United States of America and Japan in accordance with their respective constitutional processes and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in Tokyo.

ARTICLE IX

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ARTICLE X

This Treaty shall remain in force until in the opinion of the Governments of the United States of America and Japan there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area.

However, after the Treaty has been in force for ten years, either Party may give notice to the other Party of its intention to terminate the Treaty, in which case the Treaty shall terminate one year after such notice has been given.

APPENDIX C

THE SATO-NIXON JOINT COMMUNIQUE (1969)

TEXT OF JOINT COMMUNIQUE

White House press release dated November 21.

1. President Nixon and Prime Minister Sato met in Washington on November 19, 20 and 21, 1969, to exchange views on the present international situation and on other matters of mutual interest to the United States and Japan.

2. The President and the Prime Minister recognized that both the United States and Japan have greatly benefited from their close association in a variety of fields, and they declared that guided by their common principles of democracy and liberty, the two countries would maintain and strengthen their fruitful cooperation in the continuing search for world peace and prosperity and in particular for the relaxation of international tensions. The President expressed his and his government's deep interest in Asia and stated his belief that the United States and Japan should cooperate in contributing to the peace and prosperity of the region. The Prime Minister stated that Japan would make further active contributions to the peace and prosperity of Asia.

3. The President and the Prime Minister exchanged frank views on the current international situation, with particular attention to developments in the Far East. The President, while emphasizing that the countries in the area were expected to make their own efforts for the stability of the area, gave assurance that the United States would continue to contribute to the maintenance of international peace and security in the Far East by honoring its defense treaty obligations in the area. The Prime Minister, appreciating the determination of the United States, stressed that it was important for the peace and security of the Far East that the United States should be in a position to carry out fully its obligations referred to by the President. He further expressed his recognition that, in the light of the present situation, the presence of United States forces in the Far East constituted a mainstay for the stability of the area.

4. The President and the Prime Minister specifically noted the continuing tension over the Korean peninsula. The Prime Minister deeply appreciated the peacekeeping efforts of the United Nations in the area and stated that the security of the Republic of Korea was essential to Japan's own security.

The President and the Prime Minister shared the hope that Communist China would adopt a more cooperative and constructive attitude in its external relations. The President referred to the treaty obligations of his country to the Republic of China which the United States would uphold. The Prime Minister said that the maintenance of peace and security in the Taiwan area was also a most important factor for the security of Japan. The President described the earnest efforts made by the United States for a peaceful and just settlement of the Viet-Nam problem. The President and the Prime Minister expressed the strong hope that the war in Viet-Nam would be concluded before return of the administrative rights over Okinawa to Japan. In this connection, they agreed that, should peace in Viet-Nam not have been realized by the time reversion of Okinawa is scheduled to take place, the two governments would fully consult with each other in the light of the situation at that time so that reversion would be accomplished without affecting the United States efforts to assure the South Vietnamese people the opportunity to determine their own political future without outside interference. The Prime Minister stated that Japan was exploring what role she could play in bringing about stability in the Indo-china area.

5. In light of the current situation and the prospects in the Far East, the President and the Prime Minister agreed that they highly valued the role played by the Treaty of Mutual Cooperation and Security in maintaining the peace and security of the Far East including Japan, and they affirmed the intention of the two governments firmly to maintain the Treaty on the basis of mutual trust and common evaluation of the international situation. They further agreed that the two governments should maintain close contact with each other on matters affecting the peace and security of the Far East including Japan, and on the implementation of the Treaty of Mutual Cooperation and Security.

6. The Prime Minister emphasized his view that the time had come to respond to the strong desire of the people of Japan, of both the mainland and Okinawa, to have the administrative rights over Okinawa returned to Japan on the basis of the friendly relations between the United States and Japan and thereby to restore Okinawa to its normal status. The President expressed appreciation of the Prime Minister's view. The President and the Prime Minister also recognized the vital role played by United States forces in Okinawa in the present situation in the Far East. As a result of their discussion it was agreed that the mutual security interests of the United States and Japan could be accommodated within arrangements for the return of the administrative rights over Okinawa to Japan. They therefore agreed that the two governments would immediately enter into

consultations regarding specific arrangements for accomplishing the early reversion of Okinawa without detriment to the security of the Far East including Japan. They further agreed to expedite the consultations with a veiw to accomplishing the reversion during 1972 subject to the conclusion of these specific arrangements with the necessary legislative support. In this connection, the Prime Minister made clear the intention of his government, following reversion, to assume gradually the responsibility for the immediate defense of Okinawa as part of Japan's defense efforts for her own territories. The President and the Prime Minister agreed also that the United States would retain under the terms of the Treaty of Mutual Cooperation and Security such military facilities and areas in Okinawa as required in the mutual security of both countries.

7. The President and the Prime Minister agreed that, upon return of the administrative rights, the Treaty of Mutual Cooperation and Security and its related arrangements would apply to Okinawa without modification thereof. In this connection, the Prime Minister affirmed the recognition of his government that the security of Japan could not be adequately maintained without international peace and security in the Far East and, therefore, the security of countries in the Far East was a matter of serious concern for Japan. The Prime Minister was of the view that, in the light of such recognition on the part of the Japanese Government, the return of the administrative rights over Okinawa in the manner agreed above should not hinder the effective discharge of the international obligations assumed by the United States for the defense of countries in the Far East including Japan. The President replied that he shared the Prime Minister's view.

8. The Prime Minister described in detail the particular sentiment of the Japanese people against nuclear weapons and the policy of the Japanese Government reflecting such sentiment. The President expressed his deep understanding and assured the Prime Minister that, without prejudice to the position of the United States Government with respect to the prior consultation system under the Treaty of Mutual Cooperation and Security, the reversion of Okinawa would be carried out in a manner consistent with the policy of the Japanese Government as described by the Prime Minister.

APPENDIX D

DR. KAZUTAKA WATANABE

Kazutaka Watanabe, a 63-year old "spare-time" Baptist Minister, whose father was a Christian pastor for 54 years in Tokyo and whose grandfather was a Samurai, is presently the "full-time" Cultural Advisor at Headquarters, Fifth Air Force, Fuchu Air Station, Japan.

A graduate of Aoyama Gakuin University, Tokyo, in 1923, Dr. Watanabe has an impressive educational background gleaned from various universities of the world. In 1925 he received his Bachelor of Theology from Colgate University, New York, where he graduated as a Phi Beta Kappa. In 1926 he completed post-graduate work at Colgate in the Master of Arts in Social Philosophy. From Colgate, he entered Oxford University, England, for a year, followed by a year at the University of Berlin, Germany.

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Dr. Watanabe spent one year (1953) teaching the History of Japanese Philosophy as a Fulbright Exchange Professor at Colgate University. In 1954 he was a guest professor at Plattsburgh State Teachers College in New York.

At present, in addition to his regular duties at Fifth Air Force, the doctor is a professor at Aoyama University, teaching Western Philosophy three times weekly.

This busy, erudite, friendly gentleman has three married sons and three grandchildren. Asked why he continues to fill every waking moment with so much activity (his sleeping time is from 11:00 p.m. to 5:00 a.m.) he said, "I enjoy every minute of my work, trying to teach people to live in peace and happiness with one another--to believe in the brotherhood of man. Therefore, I am happy."

FOREWORD

I would like to express my deep appreciation to Dr. Kazutaka Watanabe for his help toward my education and especially my appreciation of Western Philosophy. His writings served as an inspiration for my efforts in the English language. His advice and assistance in reviewing my manuscript are gratefully acknowledged. A biography is included in Appendix D to this paper.

MASAO NAKAYAMA
Charlottesville, Virginia

May 1975

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APPENDIX A

EXCERPTS FROM THE CONSTITUTION OF JAPAN

APPENDIX III.

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution. Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people. This is a universal principle of mankind upon which this Constitution is founded. We reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith.

We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.

We believe that no nation is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all nations who would sustain their own sovereignty and justify their sovereign relationship with other nations.

We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.

CHAPTER II. RENUNCIATION OF WAR

Article 9. Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

APPENDIX B

TREATY OF MUTUAL COOPERATION AND SECURITY

APPENDIX V. TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES OF AMERICA AND JAPAN (1960)

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