

# U.S. and Japanese political considerations as seen through the cognition subjects — using as an example some words of the Constitution of Japan —

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## I . Introduction – the objective of this paper and awareness of the problem

This paper discusses some words used in the Constitution of Japan. The objective is to attempt to analyze the history of political diplomacy from a linguistic aspect through the meaning and usage of some words in the articles, while taking a broader perspective of the international political situation and the constitutional establishment process of the time, namely, the text environment.

The significance of the modern constitution's existence has been the establishment of a governing mechanism to restrain the unrestricted exercise of state power and to guarantee the fundamental human rights of the people, and most of the conventional research and debate on the Constitution of Japan has focused on the legal interpretation of each article, especially the articles regarding the fundamental human rights. Moreover, focusing on the historical fact that this constitution was drafted by the U.S. during the occupation of Japan immediately after World War II, many observers used phrases such as “imposed constitution,” “U.S.-established constitution,” and “revenge for the defeated” to refer to it as a political debate or policy argument on the constitutional revision. However, since constitutional text is also a linguistic form, it is no doubt a segmentation of the world based on the speaker's recognition of it and manipulated by the conceptual subject.

In research fields such as “international relations,” “history of international politics,” or “history of political diplomacy,” analysis of various factors that shape national power has been the focus, and there has been little research that examines the language of diplomatic documents that show the negotiation processes, situating them in the speech or text environment of the time. Since state policy, especially foreign policy, is determined based on the dynamics of relations with other or neighboring countries, it is natural that the analysis conformed to a zero-sum-game political environment derived from data showing national power.

But now we must look at the difficult question, “Is a nation something that can be experienced?” The answer is “no.” The state itself not being empirical, it cannot be seen or touched. It is only the individual who is a member that can be observed empirically. In this respect,

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Morgenthau says that a nation is an abstraction composed of many individuals who share certain characteristics in common, and it is these characteristics that make each individual a member of the same nation. Individuals think, feel, and act as members of a nation, but they also think, feel, and act in their own way, simply because they are individual human beings. Thus, when we speak in empirical terms of the power or foreign policy of a state, we are only referring to the power or foreign policy of certain individuals belonging to the same state (Morgenthau, 1986).<sup>1</sup> That is, when we discuss national power and foreign policy, we are referring to those who act as representatives of the people in the international arena and pursue policies in the various organs of the state.

Why, then, do so many of its citizens identify themselves with the foreign policies and power of the state, even when they are not affected in any significant way by the words and actions of state institutions or changes in state power? Why do we experience identification with our state with a passion so intense that it surpasses our own attachment to profit and desire, which are the essence of human nature? This is the theme of “nationalism.” In my conclusion, it is because people cannot escape the feeling that they can sublimate themselves to a higher level of spirituality by risking their lives for the sake of others and an existence greater than themselves. And since it is the nature of human beings as a linguistic species to pass on their stories, that is, his-story, whether they are stories of glory or those of humiliation and regret, the analysis of language is indispensable in searching for the source of all actions. Based on this awareness, I will shed some light on some historical facts by examining the form of expression.

## II. Analytical methods and analysis targets

### 1. Analytical methods - from the perspective of subjective conceptualization

We often use expressions such as “objectively speaking” or “from an objective point of view” in our dialogues and documents, but a linguistic act is established when a “subject” talks about “matters” to an “object.” The subject is not what can be determined from the syntactic structure, but the subject of the expressive act, without which the linguistic act is not established. And the object for the subject is all the surrounding oriented objects, including the listener, which mean all the things, events and contents expressed by the subject (Sawada 2019).<sup>2</sup>

As mentioned above, language acts are always “subjective.” The world human beings represent is neither an objective view of the object nor a naming of the object but is the product manipulated by the subject. This paper is also based on the same view. More specifically, it relies on a cognitive

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1 Hans J. Morgenthau, *Politics among nations (Kokusaiseiji)*, translated by Hara, Akihisa, Fukumura shuppan, pp. 110-111., 1986.

2 Sawada, Harumi, “Joron (Introduction),” Sawada, Harumi/Nitta, Yoshio/Yamanashi, Masaaki (eds.), *Bamen to shutaisei/shukansei (Scenes and independence/subjectivity)*, Hituji shobo, pp. 4-5. 2019.

linguistic position that does not divide meaning into a “lexical part” as autonomous, core knowledge and an “encyclopedic part” as pragmatic (social and functional) knowledge that includes other kinds of knowledge. The position that “the core meaning” is part of “the pragmatic meaning” and that the relationship between the meaning and form in language must be analyzed socially and functionally is in line with the view that the meaning is “subjective” conceptualization of the external world by the speaker.

Conventionally, the cognitive usage of auxiliary verbs expressing the speaker's mental attitude (belief, guess, judgment, etc.), psychological verbs such as believe/guess/seem, and adverbs expressing the degree of certainty such as certainly/probably/possibly, have been regarded as the interpretation of the subject reflected in linguistic expressions. However, as mentioned above, linguistic expressions represent the speaker's perception of the external world, and the word “subjective” applies to all linguistic forms.

According to Ronald W. Langacker, there is always a subject's interpretation that is inherent in all linguistic expressions, and in language, we can see semantic changes in which this subject's interpretation becomes manifest. He calls this “subjectification” and defines it as “the manifestation of conceptual operations that are inherent in the lexical meaning of a linguistic expression and that in that sense constitute the deepest characteristics of that lexical meaning” (Momiyaama/Fukada, 2003).<sup>3</sup> It means that in language there is no such expression as a 100% object-oriented expression, only “more object-oriented expression” with more object elements. Langacker argues that subjectification is a change in meaning in which the objective meaning gradually fades away and the subjective meaning gradually becomes apparent. As an example, see the preposition “in.”

- (1) a. Kaori rushed *in* my room last night.
- b. Kenji is now *in* the bar on the top floor.
- c. Do you have to buy a birthday present for him within today? There's a big department store *in* my town.
- d. More than two hundred shops are open *in* the new mall.
- e. The guy will be *in* trouble if it goes on like this.

The preposition *in* is used to describe the “interior of a boundary,” as seen in the Japanese words for “inside” and “into” (Imani, 2019).<sup>4</sup> In the above English sentences, from the perspective

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3 Momiyaama, Yosuke/Fukuda, Satoshi, “Imi no kakucho (Extension of meaning),” Matsumoto, Yo (ed.), *Ninchi imiron (Cognitive semantics)*, Taishukan shoten, pp.107-108., 2003.

4 Imani, Ikumi, “Eigo ni okeru basho no zenchishi – ninchigengogaku to isokuukanron no setten wo motomete (Prepositions of place in English: In search of a point of contact between cognitive linguistics and topological space theory),” Sawada/Nitta/Yamanashi, eds. op. cit., pp. 168 – 169.

of “physical movement,” sentence *a* is the most object-oriented expression, that is, the one in which the conceptual manipulation by the linguistic subject is least manifest. This is because trajector Kaori, moving subject, and my room, profiled by the preposition *in* (“focusing attention” or “giving prominence”), are associated by actual physical movement (Momiya/Fukada, 2003).<sup>5</sup> On the other hand, in *b*, as a result of the movement of Kenji, the trajector, the bar on the top floor, which is the current location, is profiled by *in*. From the perspective of physical movement, this means that conceptual manipulation by the linguistic subject is more apparent than in *a*. In contrast to these, sentences *c*, *d*, and *e* do not imply any actual physical movement. In *c*, the location of the department store is profiled by *in*, which will be reached in the future if the trajector moves. Also, in *d*, the possibility of movement of multiple unspecified persons is mentioned, and the location of the movement result is profiled by *in*. And when it comes to *e*, the objective meaning, i.e., physical movement, has completely disappeared. The movement here is the one through mental scanning, that is, a movement of the linguistic subject's point of focus from the point where the linguistic subject exists to the position of the guy, syntactic subject, through conceptual manipulation. This can be said to be a subjective expression in which the landing point of the linguistic subject's mental path is profiled by *in*, and the interpretation of the subject is the most manifest (Momiya/Fukada, 2003).<sup>6</sup>

Thus, the cognitive operations of how the conceptualizing subject understands and describes the external world impose constraints on the choice of words and syntax. This is because a subjective focus on something (giving prominence to a particular part) is inevitably reflected in the form of expression. This is true when describing the same fact or phenomenon. For example, the conceptual content “I haven't seen snow on Mt. Fuji for a long time” can also be expressed in English as follows.

- (2) a. It's been ages since I saw *the snow of Mt. Fuji* last time.  
 b. It's been ages since I saw *snow-capped Mt. Fuji* last time.  
 c. It's been ages since I saw *Mt. Fuji covered with snow* last time.

The reason why *a* seems a little strange in daily conversation is that the subject's attention is shifted too much to “snow.” In contrast, “snow-capped Mt. Fuji” (*b*) and “Mt. Fuji covered with snow” (*c*) are natural as daily expressions.

The conceptual manipulation by the subject is also manifested in many places in the linguistic form of talking about the constitutional establishment immediately after the World War II. Rather, this tendency is even more pronounced in politics, which is a place of “authoritative distribution of scarce value.”

5 Momiya/Fukada, op. cit., pp.109-112.

6 Ditto., pp.109-112.

In this paper, after taking a bird's-eye view of the international political environment and the constitutional establishment history of the time, four English words in the Constitution of Japan will be focused on, all of which were selected by the U.S. as the drafter and commander, namely, the conceptual (or linguistic) subject. Then, the linguistic responses of another conceptual subject Japan, as the acceptor and translator, will be discussed. To be more specific, I will take up from the target articles the words “belligerency, dispute, people, and unity” and examine the core meanings they have in both English and Japanese. And I will also analyze the pragmatic meanings of these words, i.e., what kind of content conceptualization is given to them by the conceptual subjects, and under what sort of text environment they were selected and how they have influenced the interpretation of the articles.

2. Analysis targets – preamble (basic principles), article 1 (emperor as symbol), and article 9 (renunciation of war)

The targets are the preamble, which enshrines the basic principles of “sovereignty of the people,” “respect for fundamental human rights,” and “pacifism,” article 1, which stipulates the “emperor as symbol,” and article 9, which declares “the renunciation of war.” The reasons for focusing on these articles are that they are the most politically oriented in the constitution, and by examining their forms of expression, I believe that new suggestions for the analysis of the history of political diplomacy are likely to be obtained.

The texts of these articles are presented here again. The English and Japanese versions of the articles that were promulgated as amendments to the Meiji Constitution at the request of the occupying forces led by the Supreme Commander of the Allied Powers, Douglas MacArthur, are as follows.

(Preamble)

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 recognized 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.

日本国民は、正当に選挙された国会における代表者を通じて行動し、われらとわれらの子孫のために、諸国民との協和による成果と、わが国全土にわたって自由のもたらす恵沢を確保し、政府の行為によって再び戦争の惨禍が起ることのないようにすることを決意し、ここに主権が国民に存することを宣言し、この憲法を確定する。そもそも国政は、国民の厳粛な信託によるものであって、その権威は国民に由来し、その権力は国民の代表者がこれを行使し、その福利は国民がこれを享受する。これは人類普遍の原理であり、この憲法は、かかる原理に基づくものである。われらは、これに反する一切の憲法、法令及び詔勅を排除する。

日本国民は、恒久の平和を念願し、人間相互の関係を支配する崇高な理想を深く自覚するのであって、平和を愛する諸国民の公正と信義に信頼して、われらの安全と生存を保持しようと決意した。われらは、平和を維持し、専制と隷従、圧迫と偏狭を地上から永遠に除去しようと努めている国際社会において、名誉ある地位を占めたいと思う。われらは、全世界の国民が、ひとしく恐怖と欠乏から免れ、平和のうちに生存する権利を有することを確認する。

われらは、いずれの国家も、自国のことのみに専念して他国を無視してはならないのであって、政治道徳の法則は、普遍的なものであり、この法則に従うことは、自国の主権を維持し、他国と対等関係に立とうとする各国の責務であると信ずる。

日本国民は、国家の名誉にかけ、全力をあげてこの崇高な理想と目的を達成することを誓う。

#### (Article 1)

Article 1: The Emperor shall be the symbol of the State and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power.

第1条： 天皇は、日本国の象徴であり日本国民統合の象徴であって、この地位は、主権の存する日本国民の総意に基く。

(Article 9)

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.

第9条： 日本国民は、正義と秩序を基調とする国際平和を誠実に希求し、国権の発動たる戦争と、武力による威嚇又は武力の行使は、国際紛争を解決する手段としては、永久にこれを放棄する。

前項の目的を達するため、陸海空軍その他の戦力は、これを保持しない。国の交戦権は、これを認めない。

### III. Text environment – the international political situation and the process of the constitutional establishment

#### 1. The international political situation of the time

As a prerequisite to discussing how the conceptualization by the linguistic subject is expressed in the word usage of the Constitution of Japan, I would like to review the Yalta and Potsdam Conferences that formed the international circumstances which served as the background for the Constitution's enactment.

In February 1945, in the late stages of World War II, the Allied leaders Franklin D. Roosevelt (US), Winston S. Churchill (UK), and Joseph Stalin (USSR) had a meeting in Yalta on the Soviet ruled Crimean Peninsula. At the meeting, which was held on the eve of their victory over Germany, the three leaders discussed the Allies' policies after Germany's unconditional surrender, the postwar reorganization concerning Europe after liberation, especially the countries of Eastern Europe, Far Eastern problems after the end of the war against Japan, and the plans of establishing the United Nations.

However, for both Anglo-Saxon countries, the outcome of the talks was far from satisfactory. In the issue of the treatment of Poland, which was the main focus of the conference, the American and British leaders were forced to make concessions to the Soviet Union not only by allowing the expansion of Soviet territory up to the Curzon Line as well as the parallel shift of Poland's western border to the Oder-Neisse Line, as Stalin had insisted, but also by accepting the Lublin government, which was a puppet regime of Stalin, and persuading the government-in-exile in London to join the Stalin's puppet upon its return. As a result, communist forces expanded to

the Oder-Neisse Line, and as the postwar East-West confrontation over Germany grew more intensified, their sphere of influence spread to the Elbe River. Furthermore, concessions to the Soviet Union in the Far East had unavoidable. Roosevelt, who had wanted to end the war against Japan as early as possible, become authorized the Soviet Union to occupy Sakhalin and the Kuril Islands and to expand its interests in Manchuria in a secret agreement with Stalin, provided that the Soviet Union would enter the war against Japan three months after the Germany's surrender. In addition, Roosevelt, who had envisioned postwar U.S.-Soviet cooperation, accepted Stalin's demands on U.N. issues and made concessions by approving three votes in the General Assembly and a veto in the Security Council. To put it simply, the U.S. "was being stabbed in the back," as it were, by Stalin on the issues of postwar processing and planning. For example, former Prime Minister YOSHIDA Shigeru recalled the following about the U.S. attitude towards the Soviet Union immediately after the end of the war.

I heard directly from the General (MacArthur) that shortly after the start of the occupation, the Soviet Union, which had sought to harvest the full effects of the victory in the war, approached the Commander-in-Chief and asked him for a military advance into Hokkaido by the Red Army in the form of joining the occupying forces. The General sharply rejected this offer...How did countries like Czech or Poland, which were not communist to begin with, become communist countries? In cases of these countries, the Soviet Union first brought in its troops and used them as leverage to stage a coup d'état...If Soviet troops had entered Hokkaido as Stalin wished, there is no doubt that Hokkaido would be like East Germany or North Korea today. If that had happened, Japan would have been divided into two countries, and the damage could not have been compared with the loss of the Kuril Islands. Even for this one incident alone, the Japanese people should express their deepest gratitude to the General for his "intuition" and "decisiveness" at that time (Yoshida 1957).<sup>7</sup>

Apart from the misconception on the part of the U.S. about Japan's ability to continue the war and the fear of the Allied casualties predicted from the landing operations on the Japanese mainland, those concessions were the results from an inevitable appeasement policy toward the communist country, which had become a powerful force in determining the outcome of the war, and "the Cold War" was already steadily underway at this time.

"The Triple Heads' talk" took place in Potsdam, adjacent to Berlin, in July 1945, after the surrender of Germany, between President Harry S. Truman (after Roosevelt's death), Prime Minister Clement R. Attlee (after Churchill's government), and Stalin. The purpose of the talk was to manage the international community after the end of the World War. During the meeting, Truman informed Stalin of the success of the atomic bomb tests and issued an order for its use against Japan. At the same time, based on the agreement at Yalta, the U.S. made it clear to

<sup>7</sup> Yoshida, Shigeru, *Kaiso jyu nen (Ten years of reminiscences)*, Vol. 1, Shinchosha, pp. 100-101., 1957.



Stalin that it still wanted the Red Army to enter the war against Japan, and issued “the Potsdam Declaration” in the name of the leaders of the United States, Britain, and China (the Kuomintang government), demanding an unconditional surrender from Japan. It was about three weeks later that Japan accepted the Declaration. Looking at the broader picture, the Potsdam Conference marked a watershed between the cooperation among the United States, Britain, and the Soviet Union, whose supreme objective was to overthrow the Axis powers, and the Cold War thereafter. In this international environment, the Constitution of Japan was drafted under the leadership of the United States within a short period of time after the end of the war.

## 2. The process of the constitutional establishment

All sentences and words are uttered in real-life situations and cannot escape from contextual dependency. Also, linguistic expression is not only used to objectively describe and communicate a certain situation. The speech act also includes requests, solicitations, questions, thanks, and apologies to the listener, as well as commands, instructions, pronouncements, predictions, or evaluations. It is clear that the meaning and force of an utterance are not fully determined by the syntactic structure and grammatical form based on the categories of mood (Yamanashi 2019).<sup>8</sup> Considering these linguistic facts, the meaning of the constitutional text, which is a linguistic form, must ultimately be discussed in the context of the text environment in the constitution-making process, that is, in light of the international situation of the time as described earlier and the dynamic relationship between Japan and the United States.

On August 10, 1945, Japan informed the Allied Powers of its acceptance of the Potsdam Declaration. With its surrender, Japan lost its sovereignty as an independent nation, and its governing authority was placed under the Supreme Commander of the Allied Powers to take the necessary measures to implement the Declaration. From the beginning, the fact that the Potsdam Declaration demanded the revision of the Meiji Constitution was a topic of discussion within the Japanese government, but from the moment they encountered the Declaration, the discussions of the leadership converged on the protection of the national identity or polity, and the revision of the constitution was not seen as an urgent issue. It was not until October 4 of the same year, when General MacArthur suggested to KONOUE Fumimaro, Minister of State in the Cabinet of Prince Higashikuni, that the Japanese government felt compelled to make a serious effort to revise the constitution. On the same day, the General Headquarters ordered the Japanese government to abolish the Security Law, to immediately release political prisoners, to allow the people the freedom of criticism of the emperor system, and to abolish the Thought Police, but due to the difficulty of implementing these measures, the Cabinet of Prince Higashikuni resigned, and the

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<sup>8</sup> Yamanashi, Masaaki, “Hatsuwa no shukansei to kobun no mekanizumu (Subjectivity of speech and syntactic mechanism),” Sawada, Nita and Yamanashi (eds.), *op. cit.*, pp. 187-190.

Cabinet of SHIDEHARA Kijuro was formed on the 9th of the same month. Shidehara personally had also been verbally instructed by MacArthur to enact a democratic constitution, and on the 13th of the same month, he established “the Committee to Investigate Constitutional Problems (Matsumoto Committee)”, chaired by Minister of State MATSUMOTO Joji. The committee began to work on specific amendments and set four principles: (1) maintaining “the emperor's overall control of governance,” (2) limited reduction of Emperor’s powers in line with the expansion of parliamentary authority, (3) responsibility of the Minister of State to parliament, and (4) expansion of the protection of the people's freedom and rights. Based on these principles, the amendments to the Meiji Constitution were examined sequentially and submitted to the General Headquarters as the Outline of Constitutional Revision (Matsumoto's private draft) on February 8, 1946 (Nonaka, Nakamura, Takahashi, and Takami, 1992).<sup>9</sup>

However, MacArthur judged Matsumoto's draft to be too conservative and too far from democratizing Japan, and in the same month, he ordered Brigadier General Courtney Whitney, Director of the Government Section of the General Headquarters, to draft the Japanese Constitution, known as the “MacArthur Note,” and to present it to the Japanese government. The Government Section Forces worked day and night to compile this as a draft and handed it to the Japanese government on the 13th of the same month as the General Headquarters' intention for Matsumoto's private draft. In the beginning, the MacArthur Note said the following, for example, with regard to Article 9.

(3) War as a sovereign right of the nation is abolished. Japan renounces it as instrumentality for setting 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 its 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.

In response to this, the General Headquarters changed the draft as shown below.

(4) War as a sovereign right of the nation is abolished. The threat or use of force is forever renounced as a means of settling disputes with any other nation.

No army, navy, air force or other war potential will ever be authorized and no rights of belligerency will ever be conferred upon the State.

The phrase “even for preserving its own security” in the MacArthur Note was completely deleted in the General Headquarters draft by Colonel Cades, who was involved in preparing the

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<sup>9</sup> Nonaka, Toshihiko/Nakamura, Mutsuo/Takahashi, Kazuyuki/Takami, Katsutoshi, *Kenpo I (Constitution I)*, Yuhikaku, pp. 54-56., 1992.

draft, followed by the tacit consent of MacArthur. However, there is no record of the Japanese government's adherence to, or objection to, this wording.

After receiving the MacArthur draft, the Japanese government decided that the will of the General Headquarters was so strong that it had no choice but to abandon Matsumoto's private draft. Then, after a series of negotiations with the General Headquarters, the Japanese draft was prepared again, and "the Outline of the Draft for Revision of the Constitution" was announced to the public on March 6, 1946. Based upon the outline, the final work was carried out at the General Headquarters through the night.

After the election of the House of Representatives on the 10th of the following month, on the 17th of the same month, the government announced, "the Amendment to the Constitution," which was officially formulated in the form of articles. On June 20, following the passage of the amendment by the Privy Council on June 8, the government submitted it to the House of Representatives (Imperial Diet) in accordance with the constitutional amendment procedures of Article 73 of the Meiji Constitution. About two months later, on August 24, the House of Representatives passed the amendment with some modifications. The House of Lords then passed the amendment on October 6 with a few revisions, and on the following day, October 7, the House of Representatives agreed to these revisions by the House of Lords. As a result, the amendment, which had passed the full deliberation of the Imperial Diet, was submitted to the Privy Council for deliberation again and went through on the 29th of the same month. Approved by the Emperor, it was officially promulgated as the Constitution of Japan on November 3 of the same year.

Regarding this constitutional process, many of the Japanese younger generation are unaware of the fact that the Constitution of Japan was drafted by GHQ, or more properly speaking, by the U.S. Government Section of the Occupation Forces. Furthermore, even among the generation that should have known this historical fact, there are those who are not afraid to advocate that "the Japanese Constitution was born by the voluntary consensus of the Japanese people." But in light of both the domestic and international circumstances of the time, it is more than obvious that the conceptual subject of the Japanese Constitution's articles is the United States. One should not forget the fact that Matsumoto's private draft for revising the Meiji Constitution which the Japanese Constitutional Problems Investigation Committee had submitted was rejected as too conservative, and that the Government Section of the Occupation Forces proceeded with the enactment process under the "MacArthur Three Principles" without allowing the Japanese side to make any voluntary amendments. The only option left to the Japanese side was "obedient acceptance."

I would like to touch on the constitutional process in more detail. There has been much debate in the legal field over the substantive content of the Japanese Constitution, namely, whether it was "granted by the emperor" or "produced by the people." There are many constitutional law scholars who loudly advocate that the Constitution of Japan is a democratic constitution rooted in the will

of the people of Japan, based on the superficial fact that the new constitution was a point of issue in the election immediately after the end of the war. However, as mentioned above, this is an argument that completely turns away from the historical reality.

(5) We, the Japanese people, do proclaim that sovereign power resides with people and do firmly establish this Constitution.

Even if we say this, it is only a shallow procedural dimension. It was a draft written by the Government Section of the Occupation Forces in less than ten days under the orders of General MacArthur, with only minor amendments. This was the Japanese government's "Outline of a Draft for Revision of the Constitution" released in March 1946, and the House of Representatives election was held in the following April to form a constitutional assembly based on this draft. It should be confirmed here that it is either ignorant of the historical truth or deceptive to claim that the current constitution came into being spontaneously as a result of the consensus of the people through the free and open discussion of the constitution by the Japanese people at that time in the midst of the chaos when Tokyo and other major cities were turned into scorched earth, with many of the people in the country unable to feed, clothe, and shelter themselves, and with the occupying forces controlling speech. In fact, even the words and actions of the members of the House of Representatives in the constitutional enactment process pandered to the wishes of the occupying forces and did not go beyond compliance with their directives.

In this process of establishing the Constitution of Japan, its English text, as I pointed out earlier, is highly subjective and expresses the view of the international situations surrounding the United States, which is effectively the enactor of the constitution. This is because the linguistic form produced involves not only intra-linguistic factors like the components of the sentence, but also extra-linguistic factors such as the relationship between the speaker and listener, and the speech or text environment (Takami, 2019).<sup>10</sup>

## IV. Discussion

### 1. belligerency

When expressing nouns, the native speakers of Japanese do not think about whether their attribute is countable or uncountable. This is because all the Japanese nouns can be used in their original forms in any situation once they are learned, such as "hon(book)," "yujin(friend)," "mizu(water)," and "joho(information)." In contrast, English requires that all nouns be recognized

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10 Takami, Kenichi, "Nihongo 'de aru' kobun no hanashite (kansatsusha) to koisha (Speakers (observers) and actors in Japanese '~de aru' construction)," Sawada, Nita, and Yamanashi, eds. op. cit., pp. 63-64.

and segregated as countable or uncountable before they can be verbalized. Moreover, in case it is a countable noun, it is necessary to instantly judge whether it should be expressed as a singular form or a plural one. All this information processing is the duty of the speaker, and based on this process, the listener grasps information about the nouns used in their dialogue.

The following explanations on countable and uncountable nouns have been given hitherto at junior and senior high schools in Japan.

(6) Applicable to countable nouns

- a. For a singular noun, put *a/an* before it; for a plural noun, add *-s/es* at its end.
- b. Therefore, the bare form, i.e., “a singular form with no article” cannot be allowed.
- c. Modifying words or phrases such as (a) *few*, *many*, *several*, or *number of* can be collocated with them.
- d. Numerals like *one*, *two*, *three*, etc. can be used with them.

(7) Applicable to uncountable nouns

- a. Since they are uncountable, they cannot be suffixed with *a/an* to indicate “singular,” and there is no plural form.
- b. Therefore, they can be used in the bare form, i.e., without an article.
- c. Modifying words or phrases such as (a) *little*, *much*, *deal of*, or *amount of* can be collocated with them.
- d. They cannot be used with numerals such as *one*, *two*, *three*, etc.

(8) Applicable to both types of nouns

- a. The definite article can be used with them.
- b. Words or phrases such as *no*, *enough*, *some*, *any*, *a lot of*, or *lots of* can be collocated with them.

Certainly, these explanations represent grammatical rules for the use of countable and uncountable nouns, but they say nothing about the criteria for distinguishing between the two in real-life communication. This is because only after determining whether to use as countable or uncountable can the above rules be applied.

Countable and uncountable nouns cannot be clearly classified according to some external objective criteria but are determined by how the speaker perceives nouns being represented. This is because, as I shall repeatedly state, linguistic expression is not a reflection of things or events as they really are, but an interpretation of the object, that is, a reflection of how the speaker perceives the object, and the distinction between countable and uncountable nouns is no exception to this rule.

In fact, all nouns can be used in both forms. However, since language is a product of culture and custom, there are quantitative differences as to which way a noun is used more often. But that is only “culturally and conventionally,” not a scientific truth. To put it simply, the criterion for separating countable and uncountable nouns is the presence or absence of “boundedness.” Boundedness is defined as “the meaning of whether or not the object represented by a verbalized noun is partitioned by a boundary line.” Following this, in order to be verbalized as a bounded entity, a noun must be recognized as having boundaries, or in other words, as having individual, discrete, and discontinuous characteristics, while a noun expressed as a non-bounded entity, due to the absence or obscurity of boundaries, must be recognized as having homogeneous, non-individual, and continuous characteristics (Ishida, 2002).<sup>11</sup> For example,

- (9) a. There were not so many *cats* in the park.  
 b. This room smells of *cat*.

In the sentence of a, “cat” with its original concrete shape is recognized, while in b, “cat smell” whose concrete shape cannot be imagined is recognized, so the former is verbalized as a countable noun and the latter as uncountable. The same is true of the following sentences.

- (10) a. English is a foreign *language* for us.  
 b. *Language* is a gift from God.

In this a, “an individual language called English,” which is recognizable as a concrete entity, is envisioned, whereas in the sentence of b, the non-individual entity called “language” whose concreteness is unrecognizable is painted as an image, so the former is verbalized as a countable noun and the latter as uncountable. The “languages” that exist in real life are concrete languages such as Japanese, English, or French, which have individual, distinct, and discontinuous characteristics that allow you to recognize boundaries with other languages. However, when you consider human language in general, eliminating and transcending its concreteness, what shows up as the object of cognition is a “means” for communicating intentions, thoughts, and feelings, and its state of existence is homogeneous and non-individual (Oda, 2002).<sup>12</sup>

The Japanese language does not have such a standard for separating countable and uncountable nouns, which causes a discrepancy between Japanese and English in Japan’s successive cabinets’ interpretation of the second sentence of article 9, paragraph 2, as shown below.

11 Ishida, Hideo, *Eigo kanshi kougi (Lectures on English articles)*, Taishukan shoten, pp.17-20. 2002.

12 Oda, Minoru, *Eigo kanshi no sekai – Eigo no “mono” no mikata to shimeshikata (The world of English articles - how to see and show “things” in English)*, Kenkyusha, p.9., 2002.

(11) The right of *belligerency* of the state will not be recognized.

(国の交戦権は、これを認めない)

It is not wrong to translate the right of belligerency as *kosenken* in Japanese. But then, since the nation has already declared in paragraph 1 that it will forever renounce war, there is no reason for such a nation to have the right of belligerency, and there is no point in denying the right of belligerency again in paragraph 2. In this regard, according to the theory of limited renunciation, which holds that paragraph 1 renounces only war of aggression, the purpose of the second sentence of paragraph 2 is to bind the nation so that it may not exercise various rights that are originally exercisable in the use of aggressive force, nor demand compliance with international laws and regulations in time of war from the other country. In conclusion, therefore, the right of belligerency for war of aggression is denied, but its exercise within the scope of the right of self-defense is not denied. However, if you follow this interpretation, it is necessary to assume that the adverbial phrase placed at the beginning of paragraph 2, i.e.,

(12) In order to accomplish the aim of the preceding paragraph

(前項の目的を達するため)

modifies not only the first sentence, “land, sea, and air forces, as well as other war potential, will never be maintained,” but also the second sentence, “The right of belligerency of the state will not be recognized,” whereas all five native university English instructors (two Americans, two Britons, and one Canadian) who served as informants responded that it would be more natural to interpret the above adverbial phrase as modifying the first sentence alone. The Japanese Governments’ interpretation from the beginning has been that the phrase “In order to accomplish the aim of the preceding paragraph” does not fall under the denial of the right of belligerency in the second sentence. According to this interpretation, the second sentence stipulates that the right of belligerency based on the right of self-defense is allowed, but simultaneously, declares that the right of belligerency in war of aggression is denied in its entirety. This latter provision also states that the right of belligerency denied in war of aggression includes the right to conduct inspections and capture to control wartime contraband and the right of the SDF to be treated as a belligerent under international laws (Nonaka, Nakamura, Takahashi, Takami, 1992).<sup>13</sup> Certainly, this is confirmed by the fact that the MacArthur Note and the General Headquarters draft initially used the plural form of the countable noun “rights,” which was intended to be individualized and specific. However, for some reason unknown, the final draft prepared by the General Headquarters with the participation of the Japanese side had a history of being changed to the singular form

13 Nonaka, Toshihiko/Nakamura, Mutsuo/Takahashi, Kazuyuki/Takami, Katsutoshi, op. cit., pp. 174-176.

14 Nishibe, Susumu, *Watashi no kenpo ron (My constitutional theory)*, Tokuma shoten, p.138., 1991.

“right.” If it means the various rights of “belligerents,” the countable noun usage, which refers to concrete belligerents, is more appropriate than belligerency, an uncountable noun that expresses the abstract concept. I believe that a nation that has abandoned even the right to self-defense cannot possibly occupy “an honored place in an international society,” as the preamble states. Realistically, the argument that allowing occupation by an aggressor country would do harm by destabilizing the political and military situations in the world is acceptable as an appropriate political or policy argument (Nishibe, 1991).<sup>14</sup> However, if the adverbial phrase “In order to accomplish the aim of the preceding paragraph” does not modify the second sentence, that is, if it is verbalized as relinquishing the right of the uncountable noun belligerency in an independent sentence without any limitation, the Japanese Governments' interpretation is unreasonable for the grammatical and literal meaning of the original English sentence. But at the same time, even if the governments' view refers to “the right to conduct on-site inspections and capture to control wartime contraband” and “the right of the SDF to be treated as a belligerent under international laws,” native Japanese speakers, who have no grammatical rules for separating countable and uncountable nouns, would not have felt any discomfort between the linguistic form and its interpretation and would have thought that they could reserve various rights in war of self-defense.

## 2. dispute

There are also differences in the interpretation of the word “dispute” between Japanese and English. The Japanese verbalization of dispute as a concept of “conflict” has led to confusion in the subsequent interpretation of the constitution and in the political arena. First, the word dispute as a noun is given the following description in *COBUILD* (Harper Collins Publishers, Ninth edition, 2018).

(13) An argument or disagreement between people or groups

(人々や集団間における議論、あるいは意見の不一致)

And *LONGMAN* (Pearson Education Limited, Sixth edition, 2014) also defines an idiomatic phrase “be in dispute” as follows.

(14) If something is in *dispute*, people are arguing about it.

(in disputeとは、あるものを巡って議論を戦わしている状態を表す)

Furthermore, as a verb, it is described as follows.



(15) If you *dispute* a fact, statement or theory, you say that it is incorrect or untrue (COBUILD, 2018).

(ある事実、発言、理論にdisputeするならば、それが正しくない、あるいは虚偽であると述べている)

(16) To say that something such as a fact or idea is not correct or true (LONGMAN, 2014)

(事実や考えが正しくない、あるいは虚偽であると述べること)

As can be seen from these, the basic concept of “dispute” in English is similar to “controversy” in Japanese. See the following sentences, though.

(17) Russia and Ukraine have been disputing the ownership of the fleet (COBUILD, 2018).

(ロシアとウクライナは、艦隊の所有権を巡り争ってきた)

(18) The defending army disputed every inch of ground (LONGMAN, New edition, 1998).

(国防軍は、寸土も失うまいと戦った)

As noted above, the term is also accepted as a word that is close to or implies “armed conflict,” but it is reasonable to assume that in English the core image of the term is that of a stage prior to armed conflict.

On the other hand, if we check the Japanese word for “dispute,” Kojien, the famous Japanese dictionary, (7th ed., Iwanami shoten, 2021) lists “armed conflict” as an example of its usage. Also, an online search for “kokusaifunso (dispute between nations)” shows “a situation in which parties in conflict over scarce resources, power, or location have mutually incompatible demands, such that one goal is achieved only at the expense of the other. It is a more comprehensive concept than “war” (International Encyclopedia Britannica). The word is further described as “the initiation of action by either side to seize the financial resources of the other, to suppress speech, or to stop life activities, as well as everything that occurs as a result of such action. When both parties are nations and an official declaration of war has been made, such a conflict is called “war” (Aero-military Dictionary). That is, “dispute” in Japanese is “a more inclusive term for strife” that includes not only battles in the speech space, but also ethnic conflicts involving hatred, destruction, killing, etc., and even wars between nations by regular armies.

With both these core Japanese-English images of the word “dispute” in mind, let us examine from a political perspective the intent of the U.S. legislators and the Japanese interpretation. The first English text prepared by the General Headquarters read as follows.

(19) The threat or use of force is forever renounced as a means of settling disputes with any other nation.

The MacArthur Note originally presented to the General Headquarters included the phrase “even for preserving its own security,” but in the General Headquarters draft this phrase was completely deleted. The historical truth is that the wording of this part was deleted by Colonel Charles L. Kades, who was involved in the drafting process and this deletion was silently approved by MacArthur. You can easily imagine that MacArthur wanted to deprive Japan of even the right to fight for self-defense. To put it differently, it can be assumed that MacArthur intended to make the survival of Japan permanently dependent on the U.S. But the General Headquarters probably thought that it would be unrealistic to deny, be they individuals or nations, the right to self-defense for their own survival. In light of the above course of events, the intentions of the legislators entrusted in article 9, paragraph 1, are that war for self-defense is allowed. For all this historical fact, the cognitive discrepancy between Japan and the U.S. over the term dispute has caused conflict and confusion in Japan's postwar constitutional interpretation.

Language is a symbolic system that conveys how the speaker perceives and interprets his or her environment. Linguistic expressions are the total of the speaker's sense of beauty, thoughts, value judgments, etc., which is a conceptualization of things rooted in culture. Lexicalization is no exception. As already mentioned, English requires the verbalization of nouns as countable or uncountable, or singular or plural, while such conceptualization does not exist in Japanese. In English, according to the way you walk or run, verbs are changed, as in walk/run, toddle, stagger, trot, and scurry, and so forth. In Japanese, the basic verbs walk/run are kept as they are, but adverbs modifying them are changed, as in yochiyochi-aruku (toddle), furafura-aruku (stagger), satto hashiru (scurry), etc. In contrast, as in the verbs agaru (go up) or sagaru (go down), Japanese changes the verbs, while English keeps the basic word “go” and changes adverbs modifying it. As for nouns, in Japanese, brother/sister are conceptualized and lexicalized according to age as in ani (elder brother), otouto (younger brother), ane (elder sister), or imouto (younger sister), while in English they are not conceptualized in a single word based on a disparity in age. All of these represent how the native speakers of the language in question lexicalize the world based on a conceptualization that is deeply rooted in their culture. The postwar confusion regarding the interpretation of the renunciation of war in article 9 of the Japanese Constitution is also due to these differences in concepts contained in “dispute.” The legislators' will on the U.S. side sees the word in its first definition “the stage of argument where the use of physical force has not been employed yet,” i.e., “the stage prior to the use of force.” This can be seen in the following expression.

(20) the threat or use of force as a means of settling international dispute

If the word “dispute” in the above phrase implies “use of force,” it would be inconsistent with “the threat or use of force” put just before the word dispute. “The threat or use of force” literally means “the threat or use of military power,” so if “international dispute” is interpreted as “armed conflict between nations,” the meaning of the article in question would be “the threat or use of military power as a means of settling an armed conflict between nations.” This would be a useless repetition of the same meaning (Nishibe, 1991).<sup>15</sup> The correct interpretation of the legislators’ intent in this verbalization, if explained from a political perspective, would be to renounce forever “the threat or use of force against an opposing nation in a stage of dispute between nations that has not yet led to the use of force,” i.e., to renounce “war of aggression.” Conversely, it is natural to conclude that the U.S. did not intend to make Japan renounce “war of self-defense,” in which you fight against the threat or use of military power by the other side. As mentioned above, the phrase “even for preserving its own security” in the MacArthur Note was deleted by Colonel Kades, who was involved in the drafting of the General Headquarters, and this was tacitly approved by MacArthur. Those political and historical facts confirm this point.

In contrast, the Japanese vocabulary of “international dispute” has been conceptualized as including “armed conflict,” and therefore, it is difficult to find linguistic consistency between “the threat or use of force” and “as a means of settling international disputes.” In a Japanese culture that also sees leaving ambiguity as a superior political tool, this inconsistency remains an unexamined reality.

3. people — the existence of an amendment clause

In civics classes or law school lectures, when learning about “what is a constitution?” i.e., about its concept, meaning, and *raison d’être*, the first thing that is taught at the beginning of the course is the definition “A constitution is a legal norm that defines the fundamental exercise of state power and the governing structure of the state.” When constitutions are described from such an inherent meaning, they have existed wherever there has been a state, be it ancient or modern, and their significance has been to perpetuate the legitimacy of the ruler’s authority and the validity of the exercise of power. As you all know, what is mainly taught in law courses is not the constitution as a legitimizing ideology of domination, but “the constitution in the modern sense” as a fundamental norm aimed at securing the freedom of the people and limiting state power, based on modern constitutional principles such as “the guarantee of fundamental human rights,” “the sovereignty of the people,” and “the separation of powers between the three branches of government.” In many cases, it is the role of the preamble to declare these fundamental norms,

<sup>15</sup> Nishibe, *op. cit.*, pp.132-134.

and in fact, the Japanese Constitution is no exception. In this section, I would like to take up “the sovereignty of the people” and examine why the Japanese Constitution has an amendment clause, looking at the difference between the legal concepts of “people” and “nation.”

As the main premise of discussion, there is one point to be briefly touched upon. That is, what is “sovereign power?” The concepts of sovereignty can be divided into two broad categories: One is “the state sovereignty,” which is referred to in politics among nations. Sovereignty in this category refers to the right to control and govern the territorial land, waters, airspace, and the people domestically, and to the external independence of a nation in the international arena. The other is “sovereignty” as we call it when referring to the subject of power in the state, which forms a point of contention as to who is the final decision-maker of the state. It is the sovereignty in the latter sense that is discussed here.

The legitimacy of the constitution becomes controversial because its enactment is a political decision made outside the framework of the positive law of the constitution, that is, the enactment of a new constitution is an attempt to create a new ruling order by partially or completely negating the previous order of those in power and their source of legitimacy. As a matter of fact, the enactment of a new constitution accompanied by a bloody revolution in history has been a political act that went beyond the legal framework of the old regime. And once the old regime is rejected by the new constitution, it requires a theoretical ground to ensure the legal legitimacy of the new order (Urabe, 1988).<sup>16</sup>

Even in Europe, until the early modern period, the legitimacy of ruling power was supported by a “God,” as seen in the theory of the divine right of a king. The royal authority conferred by God, an absolute and transcendent being, was granted unshakable authority, and the origin of the constitution, the fundamental norm of the state, was also sought in the will of God. But the middle class, or bourgeoisie, created by the civil revolution for private ownership of property and by the Industrial Revolution that encouraged monopolization of the means of production, gradually needed a more positive argument to defend their property by creating a modern constitution that denied the divine legitimacy of the monarchy. That is “the constitution-making authority, namely, the constituent power.” It was the ideology that the will of the people was always the supreme law, and that any constitution could be created and changed by the constituent power, and it provided the strong rationale for the French Revolution, which sought to destroy the positive law order of the ancient régime and to create a new legal order. Once the new order has been established, however, it becomes no longer possible for the ruling regime to maintain the conception of the constituent power that justifies a revolution destructive of the status quo. As a result, that power was institutionalized in the constitution only as a means of the legitimization of the current constitution, or at best, it was exercised merely as “the amendment right.” (Urabe, 1988)<sup>17</sup>

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16 Urabe, Norio, Kenpogaku kyoshitsu I (Constitutional law classroom I) Nihonhyoron Co. p.18., 1988.

17 Ditto., pp.19-20.

There is a constitutional argument as to whether there are limits to what can be amended by this “amendment power,” but I will not go into that issue here.<sup>18</sup> In the English text of the drafted Constitution of Japan, the question is what the people in the preamble, which states “the sovereignty of the people,” represent as the subject. By clarifying this, I believe that you can understand the significance of the amendment clause (article 96, section 1) stipulated in the constitution itself. In discussing this point, it is necessary to look at the word “nation,” another word for “people,” and an important clue can be found in the cognate word “nationalism.” In some cases, the word nation is used in the sense of a “state,” a governing body combined under the government, in which case the focus is on the right to control and govern its territorial land, waters, airspace, and people. At the same time, “nation” has another important meaning. It focuses on the people who make up a cohesive political community and is used to refer to a group that is united not only by political factors but also by racial, religious, linguistic, and customary ties. There, sympathetic feelings are fostered among the members of a group formed under a common history and culture. Thus, when the suffix “-ism” is added to the word nation in this sense to indicate a strong spirituality, it expresses a sense of membership in a nation on the part of an individual, or more specifically, a desire to mingle and extend the power of the nation as a group to which he or she belongs. John Stuart Mill emphasizes the group consciousness where the people are unified, and as the requirements for the creation of such a sense of belonging, he lists the community of life, including race, lineage, language, religion, hometowns, and rise and fall, with the greatest stress on the historical ties of “shared destiny.”(Mill, 1861)<sup>19</sup> If so, “nation as a people” means all people, regardless of age, gender, qualifications, suffrage, etc., and regardless of generations, includes those born in the past and those to be born in the future, that is to say, the historical totality lined with the traditional spirit.

Turning to the linguistic core of the word nation mentioned above, to explore the legal understanding of the sovereign subject matter of the state, you can also start to see, as a reflexive

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18 Categorized broadly, “the theory of the limits of revision,” which holds that there are limits to what can be revised, argues that since the amendment is made on the premise of an existing constitution, the fundamental norms, i.e., the basic principles, cannot be changed in a way that would abrogate the identity and continuity of the current constitutional order. Therefore, under this view, there are both amendable and non-amendable provisions in the same constitution, and in the context of the Japanese Constitution, its fundamental norms of “the sovereignty of the people,” “the guarantee of fundamental human rights,” and “pacifism” cannot be subject to amendment. On the other hand, the advocates for “the theory of unlimited revision,” claim that any content of any constitution can be changed if the amendment procedures institutionalized in the constitution are followed. Some of them argue that there is no limit to amendment because the subject of both revision and creation is the same sovereign, and that revision is always a revolutionary act, at which point it is no different from the enactment of the constitution. What is common to the theory of unlimited revision is that it does not distinguish between the amendment and enactment in terms of substance, but only in terms of the procedures. Even if provisions expressing core value principles are recognized in the constitution, there is no reason why the values of the people in the past should bind the right to control the constituent power of the people in the present or in the future.

19 John Stuart Mill, *Considerations on representative government*, London, p.295., 1861.

effect, the semantic boundary with “people.” The appearance of these two words as the main actors in the legal debate on the sovereignty principle dates back to the French Revolution. At that time, there were two competing concepts of sovereignty: “nasion (national) sovereignty” and “pouple (people) sovereignty.” “Nasion” was a conceptualization of the people, meaning an abstract totality that included those who did not have suffrage and, to be more specific, both past and future generations. Another actor “pouple” meant the totality of those entitled to vote, referring only to the voters in a particular period of time, including neither past nor future generations. This difference between “nasion” and “pouple” is carried over into the definition of “nation” and “people” in modern English. For example, according to COBUILD (2018), even when “people” refers to “a people” or “an ethnic group,” social ties are discarded as follows.

(21) A people is all the men, women, and children of a particular country or race.

In contrast, the word nation is given the following explanation.

(22) A nation is an individual country considered together with its social and political structures.

Simply put, the intrinsic difference between nasion and pouple over the principle of sovereignty still forms the bottom line.

Regarding the concept of sovereignty, the preamble of the Japanese Constitution uses the word “people” throughout, including the wording “We, the Japanese people, desire...,” and it seems that the drafters, the United States, stipulated the Constitution of Japan with a concept friendly to pouple sovereignty. In this regard, it is necessary to consider the text environment of the time. The U.S. needed to break the continuity with the Empire of Japan, which until yesterday had waged suicide attacks on U.S. vessels with “ten deaths and zero life” instead of “nine deaths and one life.” The U.S. drafters must have felt that people eligible for joining “the peace-loving peoples” with the United States as the leader, must be “a particular people in a particular period of time,” a particular generation of people who are disconnected from the past, rather than a conceptual and abstract people who inherits the traditional spirit of Japan. Although there is no data left to support this point in either Japan or the U.S., a review of foreign constitutions, including that of the U.S., shows that the many of the provisions consider those with the right to vote to be the constitutional subject. The reason for this may be that they believe that the values of a particular generation should not constrain the future on a generational basis. In other words, any generation, as a group of human beings, is imperfect, and their ideas cannot remain infallible forever. That is why each country’s constitution has a provision for amendment for future generations, and in article 96 of the Japanese Constitution, the U.S., which was the real constituent power, placed an amendment clause. However, due to an essential lack of recognition of the difference between

the conceptualizations of “nation” and “people,” even after more than half a century of debate, Japanese people continue to argue as if the values of a particular past generation should bind the present and future generations.

#### 4. unity and unification

As described earlier, the terms of surrender that to the very end of the war the Japanese leadership had clung on to was the preservation of the national polity, or the fundamental character of the state. From the perspective of the provisions of the Meiji Constitution, the focus of the ruling class was the preservation of chapter 1, articles 1 through 17, which stipulated the position and powers of the emperor in the Empire of Japan, and in particular, the survival of article 4, “The Emperor, the Head of State, shall control all the powers of governance, and shall do so in accordance with the provisions of this Constitution.” And, as will become apparent below, the same attitude of sticking to this article was also true of the Constitutional Problems Investigation Committee called Matsumoto Committee established in the Shidehara cabinet after the end of the war. However, General Headquarters (GHQ), the Supreme Commander for the Allied Powers, dissatisfied with the content of the Meiji Constitution revision submitted by the Japanese committee, again handed over the GHQ draft to the Japanese side under MacArthur's direction. There is one fact herein that should be added to this history. The fact is how MacArthur sought to protect the continuation of the emperor system. Regarding this issue, Miwa (1999) points out the connection between the renunciation of war and the symbolic emperor.<sup>20</sup> He contends that both were inseparably related to each other, i.e., by making Japan renounce war MacArthur attempted to get the other Allied powers to approve the continuation of the harmless emperor, on the assumption that Japan would not have a war-fighting force. Japan had no other choice but to swallow the inseparability, namely, the renunciation of war for preserving the national polity, which was the goal at the end of the war, even though the symbolic emperor did not have any political power over affairs of state.

Here, I would like to specifically discuss the theme of this section, “unity” and “unification.” With regard to the emperor clause of the new Constitution, the content of the article drafted by the General Headquarters concerning the emperor was consistent from the beginning, and the English text handed over to the Japanese side was as follows.

Article 1: The Emperor shall be the Symbol of the State and of the Unity of the People, deriving his position from the sovereign will of the People, and from no other source. (Emphasis, mine)

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<sup>20</sup> Miwa, Kimitada, Kakusareta Perry no shirohata (The hidden Perry's “white flag”), Sophia University, pp.284-285. 1999.

However, upon receiving the draft from the General Headquarters, the Japanese leadership changed the word “unity” into “unification.” The history and Japanese intentions on this point will be presented in accordance with the description in Miwa’s aforementioned book.

There was much pressure from the General Headquarters, which condemned the Japanese translation of this text as lacking the democratic character of sovereignty resting with the people. The Japanese side, which was forced to reconsider the translation, made repeated efforts to reflect its own intent in Matsumoto Committee and, after he retired, in the Constitutional Problems Investigation Committee, by choosing words and phrases that could be called the distorted wording of the original meaning of the English word “unity.” After several deliberative processes, the proposed Japanese translation of “unity” as “unification” was never discussed again, and when it was submitted by the government to the Imperial Diet, it had become “the symbol of the unification of the Japanese people.” In fact, even the article that was finally promulgated as the Constitution of Japan reads as follows.

Article 1: The Emperor shall be the symbol of the State and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power. (Emphasis, mine)  
(第1条： 天皇は、日本国の象徴であり日本国民統合の象徴であつて、この地位は、主権の存する日本国民の総意に基く) <下線部筆者>

Minister of State Matsumoto Joji, who played a central role in the initial constitutional revision process, apparently believed that the emperor’s sovereign power over the affairs of state

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21 Ditto., pp.287-288.

Furthermore, Matsumoto Joji, who had despaired of the General Headquarters’ absolute insistence on the sovereignty of the people as seen in the provision stating that the emperor...deriving his position from the sovereign will of the People, and from no other source, essentially withdrew from the constitutional revision work, never visiting the General Headquarters again. Subsequently, “the Outline of the Proposed Constitutional Amendments” was announced and the work of putting it into oral form was undertaken, and after consultation with and passage by the Privy Council, it was submitted to the House of Representatives. At a plenary session of the House of Representatives, a 72-member “Committee on Proposed Amendments to the Imperial Constitution of the House of Representatives of the Imperial Diet” was formed by nomination of the Chairman and the deliberation was referred to the Committee. ASHIDA Hitoshi, Minister of Health and Welfare, later the 47th Prime Minister of Japan, was elected as the chairman of the committee. Ashida formed a 10-member subcommittee to improve the efficiency of the meeting. The records of the Committee on Amendments, the parent body of this subcommittee, are publicly available, as are those of the plenary session of the House of Representatives, but the records of the “Ashida Subcommittee” remain unpublished as confidential stenographic records. However, the English translation of the undisclosed records (the English translation of the stenographic records of the meeting submitted by the subcommittee to the General Headquarters for the purpose of reporting) is now open to the public in the United States, and there is no trace that some kind of objection was raised from some member or other of the committee on the issue about the translation of the word “unity” in the article as “unification,” which is associated with ruling. In this regard, Miwa homes in on the passage in which Ashida ordered the stenographic suspension of the emperor clause when it was about to be discussed, but there is no way to know whether “unity” and “unification” were discussed there.



as stipulated in the Meiji Constitution could be maintained in the new constitution. In fact, the several draft translations based on Matsumoto's private proposal were also devoted to the preservation of the emperor's provisions, and all of them clearly stated "his sovereignty." There was no room for phrases such as "symbol," "unity," or "unification." The Japanese leaders, however, who decided that they could not protect the emperor without an accurate translation of the General Headquarters' proposal and the wording that reflected its intentions, may have placed their last hope for "the preservation of national polity" in the distorted translation of the word "unity." And the proof of this may be seen in the Japanese translation, which is much closer to the literal meaning of "unification" than "unity." (Miwa, 1999)<sup>21</sup>

In considering this point, I would first like to examine the original meanings of "unity" and "unification." *COBUILD (2018)* defines them as follows.

(23) *Unity* is the state of different areas or groups being joined together to form a single country or organization.

(24) *Unification* is the process by which two or more countries join together and become one country.

In plainer language, "unity" reads as follows.

(25) The state of being already joined together as in "What is needed now is to become a *unity* of mind and body." (Emphasis, mine)

And "unification" can be given the explanation below.

(26) The act or process of bringing people or things together to realize the state of unity as in "Our ultimate goal is to achieve the monetary unification of the three countries for strengthening our economies." (Emphasis, mine)

While "unity" means the state, "unification" strongly implies the act or process of achieving unity. So, what about the original meanings of the Japanese words of "unity" and "unification?" A study of the word unity reveals the following.

(27) To bring together many things into one. To unite and rule (*Kojien* 2021)

(28) To unite, organize, or systematize (*online goo Japanese Dictionary*)

(29) To combine several things into one (*Online Weblio Dictionary*)

It certainly implies the act or process, but in such cases, as in “kuni wo toitsu suru (do the act of national unification)” (emphasis, mine), it is explained as a verb, i.e., “a sahen (sa-changeable) transitive verb needing an object with a postpositional particle “wo” in Japanese grammar. As the definition of the noun “unity,” the following would be more precise in meaning.

(30) One cohesion (*online goo Japanese Dictionary*)

(31) The state in which several things are integrated and united (*Online Weblio Dictionary*).

On the other hand, the word unification is provided with the following explanations.

(32) To unite two or more things into one (*Kojien 2021*)

(33) To combine two or more things into one (*online goo Japanese Dictionary/Weblio Dictionary*).

As above, the focus is on the act and process, which gives a sense of “the exercising” of power in the national politics. This is clearly “political dynamics” that goes beyond the image of unity, “the static state,” and it can be interpreted as a manipulation of the phrase “the unity of the people” to preserve as much as possible the image of the emperor’s ruling in the Meiji Constitution, “The Emperor is the head of state and has all the rights of sovereignty.” Considering the origin and form of the nation, “the United Kingdom of Great Britain,” consisting of England, Scotland, Wales, and Northern Ireland, a plurality of nations with heterogeneous cultures, languages, and histories, would be more appropriate for the word “unification,” which would give a sense of political dynamics toward ruling, whereas “the Nation of Yamato with the Emperor and his subjects,” whose national credo has been the concentric circle of a single ethnic group around the emperor, should be better suited to the word “unity.” Although the Japanese translation of “unity” is somewhat inaccurate, if not completely incorrect, the view can be affirmed; that in the translation sounding like unification” reflected is the desire and pride of the defeated who attempted, by choosing a phrase with a stronger dynamic nuance, to preserve the national polity, namely, the continuity of the emperor’s sovereignty.

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## V. Conclusion

What exists at the root of the symbol of “kotoba (language)” is arbitrariness, but it does not appear on the surface. Arbitrariness is not absolute but relative, not private but social (Maruyama, 2017).<sup>22</sup> This means that more importance should be given to the arbitrariness of “signe” (arbitrariness of value) within a monolingual system, that is, to the arbitrariness of the boundary determination of how to discontinue the continuum of extra-linguistic facts, than to the arbitrariness of “signifie” and “significant” within a single symbol or sign. In this regard, Maruyama states the following.

The <signifiant arbitrariness> is the arbitrariness that is examined in Martinet's second segment. It is a semiotic property that there is no natural relationship whatsoever between the concept of a symbolic element and its constituent phonemes. For example, the bond connecting the concept of “love” and the phoneme /a-i/ is arbitrary. On the other hand, the <signe's arbitrariness> is a semiotic characteristic that belongs to the dimension of the first segment, but this segment is nothing but arbitrariness in the way of cutting the continuum of extra-linguistic facts into discontinuities. It is because of the existence of the word “love” that that affective unity is assumed, rather than the existence of a general conception from the beginning, to which the Japanese label “love” is attached. And while these kinds of arbitrariness are the basis for supporting the independence and economy of speech, insofar as “signe” is an ideographic unit, more importance should be given to the arbitrariness found in the first segment (Maruyama, 1981).<sup>23</sup>

Since politics also takes place in the symbolic world of language, there exists an undeniable fact that the value of a political signe is determined only within its own system and is not directed toward the same piece of reality as another political signe. If so, then the signes examined here, such as dispute, nation, people, unity and unification, have different boundaries between English and Japanese. It is not a natural necessity, but a historical, social, and cultural product.

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<sup>22</sup> Maruyama, Keizaburo, *Saussure wo yomu (Reading Saussure)*, Kodansha gakujutsu bunko, p.196., 2017.

<sup>23</sup> Maruyama, Keizaburo, *Saussure no shiso (Saussure's thought)*, Iwanami shoten, p.309., 1981.

