



JE 2. Affidavit on Documentary Evidence

① title of document: 『国体ノ本義』 “The Fundamentals of Our National Polityt(kokutai)”

author of document: Japanese government, Ministry of Education

date of publication [issue]: 31.05.1937

character of document: A document which shows that the Japanese government itself rejected the Emperor-as-organ theory. The text emphasizes that Japan is “ruled through the direct administration of the Emperor”, and this is explicitly distinguished from an English-style constitutional government with parliamentarism and the separation of the three powers. In July 1937 the Sino-Japanese war broke out, and up to the end of the war the Emperor [his relation to his subjects/civil rights] was interpreted as the “divine present Emperor”, and not as a constitutional monarch whose sovereign power is limited by the constitution.

location of the part concerned within the document:

quote [copy of original attached]: partial translation below

(1) “The sovereign power rests with the Emperor, and theories which claim that the state is the agent of sovereignty, and the Emperor only its organ, have no foundation other than indiscriminating emulation of Western theories of the state. The so-called rulers, monarchs, sovereigns, and governments of other countries can not be compared to the Emperor who, as the divine Emperor, reigns over our country in accordance with the true sovereign-subject relations which date back to the founding of our country. This is expressed clearly in Article 3 which states that ‘The Emperor is sacred and inviolable’ .”

(2) “The basic principle of government (as laid out in the Japanese imperial constitution) …is not rule by mandate, or the English ‘monarch who reigns but doesn’ t rule’, it is not joint government by the monarch and its subjects either, nor is it the separation of the three powers or constitutional government. It is the direct rule of the Emperor instead.

I hereby swear on this day of , 2000, that the information contained above is accurate and the quotation genuine.

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