日本の食糧生産を成功に導かないとしたら他にどんな方法があるでせうか。

ハ、どのやうにして農業を日本経済復興のキソとすることが出来るでせうか。

二、農夫と他の職業や商賣をしてゐる人との社会的地位を比較しませう。

ホ、現在の税制をもつと効果的にするにはどうすればよいでせうか。

ヘ、日本の食糧問題解決の一法として対外貿易はどのやうに重要ですか。

第四時限 経済法規の施行

A. 重点の提示（廿分）

講義「民主々義的理念に徹した方法による食糧及物資の分配」（経済第四講参照）

目的 一般経済了情を知らしめ戦后の民主的経済改革を示し、日本の経済復興とこれらの改革を遂行するには一般の協力が必要なことを示す

B. 参考資料説明（廿分）

映画CIE六三「我々の食生活」

C. 討議にとりあげる問題（廿分）

(1) 映画に関する問題（CIE六三映画解説参照）

(2) 講議内容に関する問題

イ. 闇で物を買わことは闇をしない市民の生活水準に何か影響しますか。

ロ. 闇をなくする一番手近な効果的な方法は何ですか。

ハ. 戦后のいろ〳〵な経済改革はどのやうに民主々義の促進に役立ちますか。

二、種々の経済法規を実施する責任のあるものは何でせうか。

ホ. 日本人が一人一人また近隣相よってこの計画をどういふ風に進めて行つたらよいでせうか。

ヘ. ぐうしたら日本が食糧不足を解決し生産の余剰を出すことによつて自然に闇をなくすることが出来ますか。

FILM ANALYSIS

on

WHY LABOR UNIONS (CIE #75)

労働組合のなりたち

Showing Time: 12 minutes

Synopsis:

This picture shows how a labor union functions in England. Members of a labor union elect a man to represent them. They discuss their grievances, then send their representative to discuss them with the management. For instance, when there is a question about salary, the representative will present the demands to the manager as a basis for bargaining. If the problem is a big one, it will be taken to the central Federation of Labor Unions, and discussed by representatives from various professions: firemen, railroad employees, tailors, printers, farmers, bricklayers, etc.

For a small sum paid monthly, a member of a labor union is assured that his wages are fair, and that assistance will be provided him in case of illness or accidents.

There are also meetings between the management and the workers to discuss increase of production and other matters.

Working people are strong when they cooperate. Democratic labor unions are a power in today's world. More and more people realize the necessity of labor unions for attaining better living conditions and a happier world.

THEMES: Good labor unions are democratic.
Good labor unions are for the benefit of the working man.
All problems of the worker are discussed and solved democratically.
Labor unions are necessary to create a better world.

Questions for Discussion:

1. What is the purpose of forming a labor union?
2. How can a working man benefit by becoming a member of a labor union?
3. How can members of labor unions be assured that they will have assistance when they become ill?
4. How can labor unions become strong?
5. Do the wo kers in this audience ever have any problems that they would like to take to the management? What do you do?
6. If you are a member of a labor union, do you think your union is democratic? If so, why? and if not, why?
7. How are labor unions in Japan formed? Do they function democratically? How can they be improved so as to serve the membership better?
8. What is the purpose of forming a federation?
9. Does your labor union carry on any cultural activities?
10. Does it have various committees to benefit the workers in other ways?

映画の解説

CIE七五 労働組合のなりたち（圣済）
Why Labor Unions?

時間 十二分

あらまし――この映画は英國の労働組合のおはなしです。労働組合の組合員は自分達を、代表する人を選挙します。自分達の選んだ不平を話し合ひそれから自分達の代表を送ってやとひ主と相談させます。たとへば俸給について問題があれば代表者は支配人にその要求をさし出して団体交渉をはじめます。問題が大きい場合には中央労働組合連合会にもって行って鉄道従業員、農民、裁縫師、印刷屋、左官などの職場代表が話し合ひます。

組合員は自分が正しい月給をもらってゐること、毎月少しの金を出して置けば、病気やけがをした時には前借出来ることを知ります。

又やとひ主と労働者が集って工場の生産を増すことや、その他の問題を話し合ひます。

働く人たちは力をあはせると強いのです。民主的な労働組合は今日の世界では大きな力です。よりよい生活と幸福な世界を実現するためには労働組合が必要だと認める人が段々多くなりました。

要点――

よい労働組合は民主的です。

よい労働組合は働く人のためになります。

労働者の問題は民主的に話し合へばすべて解決されます。

労働組合はよりよい世界を作るのに必要です。

討議の問題

(1) 何のために労働組合をつくるのですか。

(2) 労働者が労働組合員になればどんな利益がありますか。

(3) なぜ組合員は病気になっても安心して療養出来るのですか。

(4) どうすれば強い労働組合になれますか。

(5) やとひ主と話しあひたい問題がありますか。どうしますか。

(6) あなたの組合は民主的だと思ひますか。もしさうだとしたらなぜですか。またさうでないとしたらなぜでせうか。

(7) 日本では労働組合はどうして作られますか。民主的に活動してゐますか。どういふ風に改良すれば組合員のために成りますか。

(8) 聯合会は何のために作るのですか。

(9) あなたの労働組合は何か文化的な活動をしてゐますか。

(10) その他労働者のために成る色々の委員会を作つてゐますか。

FILM ANALYSIS

on

WORLD FOOD PROBLEMS (CIE #21)

世界の食糧問題

Showing Time: 15 minutes

Synopsis:

In America, the year of 1946 was one of plenty, with barns and storehouses bursting with abundant crops, but for other war-devastated countries in Europe and Asia, this post-war year was one of acute starvation and suffering. American Occupation Forces in those countries gave food to millions of people who were dying from hunger.

In New York, a scientific study of hunger was started, for if was well-known than hungry people are a menace to future world peace.

The Agricultural Department in America held conferences on how to get food to starving countries. CARE packages and LARA supplies from private agencies also began to bring relief to these countries. Approximately 75% of the relief supplies were sent from America. American people are conserving their food to help other nations, and producing machines to help them increase their production and get back on their feet.

THEMES: Many countries are suffering from want.
American Occupation Forces are feeding millions of people in Japan and other occupied countries.
UNRRA and its successors, gathers food and distributes it to starving countries.
American people are conserving food to send it to countries in need.

Topics of Discussion:

1. Why are so many countries in want today?
2. How does Japan's situation compare to that of other countries?
3. How does Japan feed herself? Can she get along on what she raises herself?
4. How is Japan importing her food? How can Japan pay for her imports?
5. What did you think when you saw the American people giving their food to relief organizations?
6. Are we using the best methods in farming and fishing in order to achieve maximum production?
7. Why do we have to increase production?
8. What private international relief agencies are aiding Japan?
9. Did this picture give you any idea of the reasons for "world government"?
10. What can each of us do to play our part in food production? How can we best show your appreciation for United Nations aid?

映画の解説

CIE二七　世界の食糧問題

時間　十五分

あらまし―一九四六年のアメリカは到る處かり入れゆたかなみかりの年でありました　而し戦禍にいためられたヨーロッパやアジヤの国々ではこの大戦直后の一年間人々はいたましい飢餓と苦しみにあえいだのでした　それらの国々へいつたアメリカの占領軍が餓死に頻していた何百万の人々に食物を与へました

人民が飢えていたのでは将来の世界に平和をもたらすことわできません

そこでニューヨークでわ食物にうえることがどんなに人の心をすさませるかを科学的に研究することになりました

アメリカ農林省では飢えている国々に食物を与へるにはどうすればよいかを協議しました　民間の有志がケヤ物資やララ物資を送りはじめました。

このやうな救援物資の七割五分わアメリカから出ています

アメリカの人々は他の国を援けるために自分達の食
べものを節約したり又各国が食糧の生産を復活
するように農具やいろいろのキカイをつくって送って
います

要点ー
多くの国々が物資の欠乏に苦しんでいます
アメリカが占領軍は日本をはじめ多くの国々をうえ
から救ってゐます
アンラ(国際救済復興協會)やアンラに代る団体が
食物を集めてこまってゐる国々に分けます
アメリカの人々は他国へ送るために食物を節約して
ます

討議のための問題ー
1. 方々せ現在多くの国で物資が足りないってますか
2. 他の国の状態と比べて日本はどうでせう
3. 日本の食糧は自給自足ですか 輸入せずにゆけますか
4. 輸入食糧はどういふふうに入れてゐますか
5. 輸入食糧の代価はどういう様に支拂うってますか
6. アメリカ人が救済キカンに食糧を寄付する場面を
見てどう思いますか

7. 今のやうなやりかたで農産や水産が最大限度に能率があがつてゐると思ひますか

8. なぜ生産を増さねばならないのですか

9. 日本をたすけている民間の救済機関は何々ですか

10. この映画を見て世界政府をつくらねばならないというようか考へが起りましたか

11. 食糧生産に対して我々ひとり〳〵はどういふことを心懸けたらよろしいか

12. 国際聯合からうけた恩恵に應へるにはどうすることがいちばん當を得ていますか

FILM ANALYSIS

on

COOPERATIVE ASSOCIATIONS (Economics)

協同組合

Showing Time: 20 minutes

Synopsis:

This picture shows how a cooperative association was formed in a poor farming village in Canada by a small group of farmers. After a cooperative meeting the group went out and told other farmers about how to form a cooperative association, how it operates, and how the members profit by it. Little by little the conservative farmers were convinced of the soundness of the new idea. The small cooperative office began to see many visitors. In a year most of the villagers were members and were happily raising livestock that they would not have been able to purchase without loans from the association.

Cooperative Associations are nation-wide and they greatly benefit the farmer and fisherman.

THEMES:

Poor farmers standing alone have little buying power.

When many people cooperate much can be accomplished.

Cooperatives were formed by the farmers and they profit by it.

Questions for Discussion:

1. How can you benefit by a cooperative association?
2. How can farmers start a cooperative?
3. (If you have a coop) Why did you join the cooperative association?

   a. What does the cooperative association do for you?
   b. What are the problems you have in operating your coop?

4. (If they do not have one) Is there need for a cooperative association here?

   a. What would the first steps be in organizing a coop?
   b. How can we achieve better living through our coop?

映画の解説

CIE廿三 協同組合（至急済）
Cooperative Associations

時間 廿分

あらまし――この映画は力ナダのある貧しい農村で小人数の農夫達が協同組合を作る所です。この村の少数のお百姓が、協同組合の会合に出席して歸って来てから他のお百姓達に組合の作り方やはたらき又組合員になればどんな利益があるかなど話してゐます。保守的なお百姓も、この新しい協同組合がどんなに健全でよいものであるかといふことが段々分つて来ました。

この村の小い協同組合の事務所にも訪ねてくる人が段々増えて来ました。一年後には村民ほとんどが組合員となり、そのお蔭で今まで仲々買へなかつた家畜を買ふことが出来るやうになり、みんな樂しんで家畜を養ひました。

協同組合は國中どこにでもあつて農村の人にも漁村の人にも非常に利益になります。

要点――

貧乏なお百姓一人では購買力はありません。多くの人が協力すると多くのことが出來ます。組合は農民がつくり、農民の爲めのものです。

討議の問題

(1) 協同組合員になるとどんな利益がありますか。

(2) 農民はどんなにして協同組合を作ることが出來ますか。

(3)（既に組合がある場合）なぜあなた方は組合員になりましたか。

(イ) 組合はあなた方たちに何をしてくれますか。

(ロ) 組合をうまくやつてゆく上にどんな問題がありますか。

(4) (まだ組合がない場合)この町村には協同組合が要ると思ひますか。

(イ) 協同組合を作るには米一にどんなことをしなければならないでせうか。

(ロ) 協同組合によつて私たちの生活をよりよいものにする工夫がありますか。

FILM ANALYSIS

on

OUR EATING LIFE (CIE #63) (Economics)

我々の食生活

Showing Time: 25 Minutes

Synopsis:

World war II brought about poverty and starvation all over the world. Homes were destroyed and transportation facilities ruined. When peace came at last, thousands of evacuees formed an endless line to return to their homes only to find more difficulty in finding shelter, clothing and food.

The situation in Japan was the same as in other countries. Production came to a standstill because of the disruption or transportation of raw and finished products.

Something had to be done immediately to save the world populations. Whatever food there was had to be distributed equally. Thus many countries adopted rationing systems. The United Nations Committee on Food started a world-wide project of gathering food from countries producing more than their needs and distributing them to those suffering from food shortage. Japan is one of the many countries that has been receiving food through UN aid.

However, taking advantage of the food shortage, many blackmarketeers started their illegal business for selfish gain. The many buyers bidding against each other for the small amount of food pushed the price of this food out of sight. This brought on inflation. We have watched it happen in Japan. Some of us have cooperated with the blackmarketeers. If we do so, how can we ask for food and aid from those countries that are helping us get back on our own feet?

The only way we can stop blackmarketing and the resulting inflation is to see to it that all commodities go through legal channels, and are evenly rationed to the people at the official prices.

Today Japan must import a great deal of her food. This imported food must be paid for by exporting goods in demand by other countries.

The farmers and fishermen who secretly deal with blackmarketeers are the real enemies of the suffering public. But they are not the only ones to be blamed. Those who buy from them are encouraging the blackmarket and inflation. When buying food from regular ration points or through authorized dealers, housewives must be sure to check the quantity and quality of whatever is rationed to them. For example, scales should be carefully watched when the food is weighed, or the rationed item should be tested to see that the dealer has not cheated the customer. When housewives discover such a

dealer, they must immediately report him to the police or the Economic Stabilization Board. In this manner dishonest dealers can be punished.

In addition, citizens can start campaigns or movements for the lowering of prices and boycott the blackmarketing dealers. Farmers too, must produce as much as they can from their limited farm land. To achieve this, agricultural methods and equipment must be improved, fertilizer must be made available, waste land be cultivated and cheap implements made available to them. Farmers must be encouraged to make 100% delivery of their rice by alloting to them special rations of essential commodities such as shoes, clothing, tobacco, etc. This is being done in Japan.

Blackmarket is retarding Japan's economic recovery. Everyone must cooperate to stamp it out. Only when such cooperation is accomplished and all products made to flow smoothly through legal channels can inflation be checked and more aid from abroad be requested.

THEMES: The whole world is suffering from a food shortage
Blackmarket breaks up the ration system and retards Japan's recovery.
Everyone must cooperate to stamp out the blackmarket.
Increase of production is necessary for prosperity of future.

Questions for Discussion:

1. Why is the world suffering a food shortage today?
2. Why is blackmarketing harmful to Japan's recovery?
3. How can we cooperate to eliminate blackmarketing in our community?
4. How can we secure the import of raw materials to rebuild industry?
5. How do we get our rationed commodities?
6. How can we improve methods and implements to increase production?
7. What advantages do agriculture cooperatives provide the farmer?
8. What advantages do consumers' coops provide the people?

映画の解説

CIE 六三「食生活」(圣済)
Our Eating Life

時間 廿五分

あらまし――第二次世界大戦の結果、世界中が貧乏と飢えに苦しむ羽目になった。家庭は打ち壊され、交通も破壊された。平和になったが、避難してゐた人々が續々歸って来て衣食住は益々困る羽目になるばかりだった。日本の事情も他の国々と同じだった。資材の輸送が駄目になって生産も止った。

世界の生産を救う爲には直ちに何かせねばならなかった。出来る丈、食糧を公平に配給せねばならなかった訳で多くの国々が配給制度を採用した。国際連合食糧農業会は全世界にある餘裕のある食糧を不足して苦しんでゐる国へ廻す計画を始めた。日本も国際連合から食糧を貰ふて居る沢山の国の一つです。然し食糧不足を利用して闇屋が大勢自分のもうけの爲に悪いことを始めた。僅かの食糧を買ひ求める沢山の人々が食糧の値段をせり上げて仕舞った。こうして「インフレ」になった。日本でもさうです。私達の誰かが闇屋とか協力した訳です。若しもそんなことがあったら、一人だち出来る様にと私達を助けて呉れてゐる国々から食糧や助力を求める事が出来ませうか。

闇取引を止め「インフレ」を抑える唯一つの方法はすべての商品が法律で定められた称に取引されて㊙値段で公平に人々に配給されることです。

今日日本は沢山食糧も外国から入れねばならない。この外国から入れる食糧は他の国々で欲しがる品を外国へ出して支払はねばならない。闇屋とこつそり取引する農民や漢師は苦しい生活をして居る市民の眞の敵です。併しそういふ人達丈が悪い訳ではない。そんな人達から買ふ人達も闇や「インフレ」を助けてゐる。正しい配給所や公認された店から食糧を買ふ時、主婦は配給された品の量と値をしらべなければならない。例へば、目方をはかる時には注意して欲しい。配給品の細かい点迄業者にごまかされない様に注意して欲しい。悪い業者を見つけたら、直ぐに警察か経済安定本部に知らせねばならぬ。斯うすれば不正な業者が罰せられる。更に市民は物價を下る運動をしたり、闇屋と取引をしない様にも出来る。農民は限られた田地田畑からも出来る丈沢山作物を作って欲しい。この為には、農業の仕方や設備の改良、肥料の利用、荒地の耕作、安い値段の道具の利用等が必要だ。農民には必要とされる衣類、タバコ、地下足袋等の特別配給をして米の完全供出を奨勵せねばならない。

ハイ主治 (二)

この事は日本で行はれてゐる。
闇取引が日本の経済復興をおくらせてゐる。
闇をつぶす為に皆が協力せねばならぬ。斯う云ふ
協力が出来てすべての品物が円滑に法律で決め
られた称になって初めて「インフレ」も止み外国に
一層の助けを求められる。

要点

一、世界中の国々が食糧不足で苦しんでゐる。
一、闇取引が配給制度を壊し、日本の復興を
後らしてゐる。
一、皆で闇取引をやつつける為に力を合せよう。
一、品物が沢山作られることがこれから栄へる称に
するのに必要です。

討議のための問題

一、どう云ふ訳で世界中が今日食物が足らないで
苦しんでゐるのでせうか、
二、どうして闇取引が日本の復興に害がある
のでせうか。
三、私達の住んでゐる所から闇取引をなくするには
どうしたらいゝでせうか。
四、どうすれば産業の復興の為に原料を
外国から得られるでせうか。
五、どうすれば私達の配給品が確かに手に入る
でせうか

食生活（三）

六、物をもっと沢山作り道具を増すことが出来るでせうか。

七、農業協同組合はどんな利益を農民にもたらすでせうか。

八、消費組合は一般の人々にどんな利益をもたらすでせうか。

食生活(四)

ILLUSTRATIONS FOR LESSON I
ECONOMICS

LABOR POSTERS

A breakdown of the posters transmitted as inclosure 1 to Letter, Headquarters Eighth Army, subject: "Transmittal of Labor Background Materials", dated 19 November 1948.

Labor Conditions
Past & Present

Photograph Nos. FEC-48-7352 (See back of each photograph)
7353
7354
7358
7360
FEC-48-7361
7362
7367
7369
7375

Set-Up of Labor Union
Labor Disputes and their Solution

FEC-48-7363
7366
7398
7400
FEC-48-7401
7402
7403

Labor market and the works of the Public Employment Security Office
Statistics on Unemployment

FEC-48-7357
7359
7374
7376
7377
7378
FEC-48-7379
7380
7381
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7396

Labor Administration
Labor Relations Adjustment Agency

FEC-48-7393
7394
7397

Labor Safety and
Compensation Insurance

FEC-48-7372 dtd. 7 Sept '48
7388
7389
FEC-48-7390
7391
7392

Labor Sanitation

FEC-48-7382
7383
7384
FEC-48-7385
7386
7387

Education Cultural Movement
Propaganda of Labor Union

FEC-48-7364
7365
FEC-48-7368
7399

Protection of Minor
and Women Workers

FEC-48-7355
7356
7370
FEC-48-7371
7373

LECTURE II
ECONOMICS

LABOR LEGISLATION IN JAPAN - 20 Minutes

PURPOSE: To acquaint the Japanese with the democratic labor legislation and, the prefectural officials and offices established to enforce these laws.

I. The Trade Union Law (10 minutes)

A. Purpose of the law.

The purpose of the trade union law is to raise the status of workers and thereby contribute to economic development through the guarantee of the right of organization and the encouragement of collective bargaining.

B. Steps to take in order to form a union.

a. General meeting.

b. Elect officials.

c. Draw up a Statute (constitution) to include the elements required by law.

d. Have it approved by administrative authorities.

C. Protection of the workman under the law.

a. Employer cannot discriminate against a workman because he is a union member.

b. The employer cannot sue the union or its officials for damages resulting from a dispute or other proper act.

D. The law provides for trade agreements (labor contracts).

a. By united effort, workmen can enter into labor contracts with their employers by which their wages and working conditions are improved, labor strife is reduced, and stable labor relations achieved.

E. The law established the Labor Relations Committee. This committee is made up of members from management, labor, and the public at large which:

1. Compile statistics on labor disputes and investigate labor conditions.

2. Mediate disagreements and prevent disputes over interpretation of labor contracts.

3. In some cases, arbitrate or conciliate labor disputes.

II. Imperial Ordinance Number 108, dated 27 February 1946, implements the Trade Union Law (1 minute).

III. The Labor Relations Adjustment Law (5 minutes)

A. Purpose of the law.

The purpose of the labor Relations Adjustment Law and the Trade Union Law is to promote fair adjustment of labor relations, and to prevent or promptly settle labor disputes, thereby contributing to the maintenance of industrial peace and economic development of Japan.

B. Steps by which stable labor relations and industrial peace are secured under the Labor Relations Law.

1. Labor and management shall endeavor to promote fair labor relations by making complete and fair labor contracts.

2. The labor Relations Committee shall appoint and keep a panel of conciliators who will try to bring about a settlement or, it that is impossible, to ascertain facts and report to the Labor Relations Committee.

3. The terms "conciliation", "mediation" and "arbitration" should be defined in this lecture.

IV. The Labor Relations Adjustment Law was implemented by an Imperial Ordinance 13 October 1946. (1 minute)

V. The Labor Standards Law (10 minutes)

A. General provisions of the law are:

1. Working conditions must be adequate enough to insures the health and dignity of the laborer as an individual.

2. Working conditions should be decided upon by the worker and employer on an equal basis.

3. The employer shall not discriminate against women in matters of wages, working conditions, etc.

4. The employer shall not force workmen to work against their will by means of violence, intimidation, imprisonment, or any other unfair restraint on the mental or physical freedom of the workers.

B. Provisions of the law relating to wages, hours, holidays and vacations.

1. Wages must be paid in cash and in full directly to the worker at least once a month at a definite date. This rules out the labor-boss system.

2. In general, the employer shall not employ the worker more than 8 hours a day or 48 hours a week, though under special condition, there are exceptions.

3. The employer must provide at least one rest day per week to the worker.

4. Employers shall grant six days annual vacation with pay.

C. There are provisions in the law relating to Sanitation, Accident Prevention, and Dormitory Rules. One of the most significant provisions of the law relates to Child Labor. These provisions are:

1. Minors under full 15 years old shall not be employed as workers. However, if they are over 14 and have completed their compulsory education, they may work. In certain light industry, children full 12 years may work outside of school hours for a period not to exceed, when the work time is combined with school hours, 7 hours a day, and 44 hours a week.

2. The employer must keep a copy of the census register which will show the ages of all employees under 18 years old.

VI. The organization of prefectural offices and officials will vary from prefecture to prefecture. Obtain the organization and officers from the Chief of the Labor Administration Office of your prefecture and present the material in the form of a chart (10 minutes).

第二講　經濟

日本に於ける労働法（二十分間）

目的　日本人に民主的労働法並に此等の法令を施行するために設置された府縣の職員並に役所に関する智識を與へる

一、労働組合法（十分間）

A 目的　労働組合法の目的は労働者の地位を向上せしめ其れにより團結權の保証及團体交渉の奨勵により経済發展に寄與すること

B 手段　a 總会

b 役員選挙

c 法令の要求する要素を包含せる定款（規約）の作成

d 上記定款につき行政官庁の認可を受けること

C 法の下にある労働者の保護

a 使用者は労働者を組合員である故を以て差別をつけてはならない

b 使用者は爭議又は他適法な行爲から發生する損害に對して組合又は役員を訴へる事は出来ない

D 労働契約を規定する法律

a 労働者は團結力により使用者と労働契約を結ぶことが出来る、これにより彼等の賃金並に労働條件は改善され、労働爭議は減少し労働関係の安定が達成される

（陸一）

E 本法は労働関係委員會を設置する。この委員會は經営者、労働者並に一般大衆から構成される。

a、労働爭議に関する統計を集め労働條件の調査を行ふ

b、労働契約の解釋に関する不和を調停して爭議を防止する

c ある場合には労働爭議の仲裁又は斡旋を行ふ

二、昭和廿一年二月廿七日付の勅令第一〇八号により労働組合法は履行さる（一ヶ間）

三、労働関係調整法（五ヶ間）

A 目的

労働関係調整法並に労働組合法の目的は労働関係の公正なる調整を促進し労働爭議の防止又は速かなる解決を行ひ其れにより日本の産業平和の維持並に經済發展に寄與するにある

B 労調法の下に労働関係の安定並産業平和を獲得する手段

a 經営協議会は完全且公正なる労働契約を締結することにより公正なる労働関係の促進に努める

b、労働関係委員会は斡旋賠審員を任命し名簿を保管し斡旋賠審員は解決をもたらし或は其れが不可能の場合は労働関係委員に對して事実の確認及び報告を行ふ

c、斡旋、調停仲裁の語の定義は本講演にてなすを要す

（經二）

四 労働関係調整法は昭和廿二年十月十三日勅令
により施行された（一ヶ条）

五 労働基準法（十ヶ条）
A 同法の一般的条文次の通り
a. 作業条件は個人としての労働者の健康並に体面
を充分保証するものでなければならぬ
b. 作業条件は労働者並に使用者対等の基礎
に於て決定されねばならぬ
c. 使用者は賃金作業条件等に於て女子に差別をも
けてはならぬ
d. 使用者は労働者の精神的或は身体的自由に関
して暴力脅迫監禁又は其の他の不正な拘束
手段によって労働者の意志に反して労働を強
制してはならない
B 賃金労働時間休日及休暇に関する法律の条文
a. 賃金は少くとも月一回定められた日に直接労働者に
対し現金にて全額を支払わねばならない
労働ボス制度を排除し得る。
b. 一般に使用者は一日八時間即ち一週四十八時間以上
労働者を働かせてはならない、但し特別の条件の
下に於ては例外あり
c. 使用者は労働者に対し少くとも週に一日休息を
與へねばならない
d. 使用者は年に六日の有給休暇を與へねばならない

（仮三）

C 衛生災害豫防並に寄宿舎規則に関して法令に條文がある。同法の中最も重要な條文は年少者労働に関するものである。その條文次の通り

a. 満十五才に満たない児童は労働者として使用してはならない。但し満十四才以上の児童で義務教育を修了した者は働かせてもよい。ある軽易な産業については満十二才の児童をその修学時間外に使用することが出来る。但しその期間は作業時間と結合する場合

一日七時間及一週四十四時間を越えてはならない。

b. 使用者は満十八才に満たないすべての労働者の年令を証明する戸籍証明書を備え付けねばならない

六 府県職員並に役所の組織は府県により異なる。おなたの県の労働監督署長から組織と職員の表を貰って図表にして資料を呈出されたい

（一経四）

ECONOMICS
LECTURE III

FOOD COLLECTION AND DISTRIBUTION

It is a fundamental belief of the American people that democracy can survive only in an atmosphere of freedom. There are many ways in which freedom is expressed. One of the more obvious, felt in every day life, is in freedom from want. The people of a nation cannot be certain that their political rights are secure unless they rest on a sound economic basis. No economic factor is of greater importance in guaranteeing this freedom than the production of essential foods sufficient to relieve the fear of want. The economy of Japan must be so arranged that it is able to feed itself to the greatest extent possible from the foods that are grown within the nation. Any shortage of food that continues to exist after efficient distribution has been made must be met by purchase on the world market. This in turn requires the development of industries and exchange of goods of Japanese manufacture for the needed foodstuffs.

There are many factors that lead to the necessity of collection and rationing of food in Japan. Many nations which were formerly self-sufficient and able to produce surplus foods are, as a result of the war, no longer in a position to feed themselves. Millions of people in war torn Europe as well as in the famine stricken countries of the Far East are dependent for existence on the small surpluses that exist in the more fortunate nations. Everywhere the demand for food is in excess of the supply. These food-deficit countries impose a vast burden on the surplus countries which the taxpayers of the more fortunate lands will not indefinitely tolerate. In addition to huge shipments of food to nations elsewhere in the world, the United States contributed 2 million tons of foodstuffs to the Japanese people in the year 1947, and the figure for the present year is about the same. The total cost to the American people of food contributed to the Japanese since the start of the occupation now approaches 300 billion yen.

Japan has not been self-sufficient with respect to food in modern times. The loss of Korea from which 12% and Formosa from which 8% of her rice was derived has further aggravated this problem. Access to this rice in the future can only be had by purchase. The birth rate in Japan has continued to rise since the end of the war, and the population of the nation, augmented by the return of nearly 6 million repatriates, is now approaching 81 million people. Temporary post-war reduction in the output of numerous chemical plants has resulted in the loss of chemical fertilizers seriously needed by the farmers. Not only have all the above factors seriously affected the food situation in Japan, but the problem has been further affected by the loss of world markets.

The task of alleviating conditions caused by the shortage of food is primarily one for the Japanese people. Of necessity, the Japanese government has turned to the solution most readily available, which consists of collection and distribution of staple foods. The basis for this system is thoroughly democratic, as it imposes a proportionate share of the burden on all classes of the population, and requires the people of Japan to make a maximum contribution to the solution of their own food problem. The collection quotas which are given to the farmers are not excessive and every effort is made to make them as equitable and fair as possible. The farmer is, first of all, not only insured of sufficient food for his own livelihood, but he is also encouraged, through liberal payments, to supply food for his country. The success of this program rests upon mutual cooperation between the individual producer and consumer. The alternatives are not pleasant to contemplate in the event this system does not work, and food is not turned in by the farmer of his own free will. A government is stable only to the extent that it is able to serve its people. The existence of an adequate supply of food will not only insure the future of democracy in Japan, but will also serve to prevent the evils of inflation, food riots, and starvation.

It should be emphasized that the food collection system which is now in effect, retains all the elements of individual enterprise. The official prices paid for food are closely tied to the price of other goods, and the farmers are given rewards in incentive goods which are unavailable to the rest of the people. The establishment of standard wages for the workers of Japan implies that they will be able to purchase essential goods at official prices. Control of wages alone without similar control of the sale price of essential goods is not satisfactory. If workers are to receive wages which are arbitrarily set, they must be able to purchase needed goods at official prices.

Distribution of collected food in an equitable manner is of utmost importance. The amount and variety of the ration which is available for distribution is dependent upon the ability of the Japanese farmer to produce. This total must be distributed as fairly as possible, to insure that no segment of the population suffers. The obligation for collection and distribution of food rests on the individual citizen. It is most essential that he personally obey the law, and insist that his neighbor do likewise. The selfish individual not only gains unfair advantage over the citizen who does cooperate, but he makes it practically impossible for economic controls to operate. The importance of legal channels for distribution of all foods cannot be over emphasized.

It will be necessary for the Japanese people to use all methods possible to develop the resources of Japan in such a manner that the maximum amount of food is derived. Reclamation and development of new lands has already been undertaken by the national government. Since the war, over 500,000 cho of land has been recovered in this fashion. The neighboring seas are gradually being reopened and the Japanese people permitted increased fishing privileges in these waters. A partial solution to the food problem that can be of major importance is the increased use of advanced and scientific methods in both fishing and agriculture. It is possible by this means to greatly increase the amount of food which can be derived from these sources. The production of commercial fertilizer in Japan has been constantly mounting since the end of the war, and future gains in this field will further stimulate agriculture. Finally, there are methods by which food, which is currently being produced, can be more efficiently preserved for future use. Steps that can be taken along this line are the construction of icehouses, warehouses, and similar storage points where food can be preserved and utilized as needed.

The food problem in Japan is one which is essentially of major concern to the Japanese, and must be met from Japanese resources. The future standard of living in Japan is dependent not only on the resources of the nation, and the ability of the Japanese people to produce, but also on their willingness to share available supplies/food with their countrymen.

of

Lecture III
Food Collection and Distribution

第三講　食糧の供出と配給

民主主義は自由のないところには育だたないと云ふことはアメリカ人の根本的な信念であります。

この自由は種々な形で現はされます。日常の生活にはっきりと感じられる形の一つは欠乏からの自由です。國民は健全な経済的なぢばんが出来なければ政治的の權利が保証されると考へることは出来ない。

この自由を保証するには何よりも先づ食生活の恐怖がなくなるようにすることです。

日本の経済は國内の食糧で出来る限りまかなへる様に整備されねばなりません。

能率的な配給をした後で尚起る食糧の不足は世界市場所より買ふことで補はねばなりません。その代り必要な食糧を買ふ為に工業と日本製品の貿易を発達させる必要があります。

日本で食糧の供出や配給をせねばならない多くの原因があります。前には自給が出来て余る程食糧を生産出来た多くの國が戰爭の結果自給が出来なくなりました。

飢餓になやむ極東の人達と同じく欧州でも開け何百万の戰災國民が幸に戰禍を免れた國々の僅かばかりの余った食糧にその命を託せゐるのです。何処の國でも食糧の需要は供給を上廻って居ます。食糧の不足した國々は余ってゐる國の人々に重い負擔をかけてゐます。この負擔は食糧の余ってゐる國の納税者が何時までも耐えることの出来ないものであります。

他の國々へ食糧を多量に送り出す上にアメリカは日本國民へ昭和二十二年度には二百万トン送りました。今年もほゞ同じ位いの量が送られて居ます。占領以来日本人に送られた食糧は総計してアメリカ人に三千億円にのぼる負担になってゐます。

食糧の点では日本は近頃では自給國ではありませんでした。一割二分を生産した朝鮮、八歩を生産した台湾を失った

ことはこの事情をさらに悪化しました。
将来この二割を得る為には何うしても輸入しなければりません。日本の出産率は終戦後上昇つづけ六百万に近い復員や引揚げによって更に増加し、その人口は今や八千百万人に近づいて居ます。多くの化學工場では戦後生産が減少して農家に最も必要な化學肥料が減りました。これらの原因が日本の食糧事情に大きな影響を與へた他に世界市場を失ったことで更に事情は悪化しました。

食糧の不足より起った斯うした事情を緩和する事は元来日本國民の責任です。そこで已むを得ず日本政府は最も手取り早い解決として主食の供出と配給をやって来ました。この制度は國民のあらゆる階層に適当な負担を課し、食糧問題の解決に対して國民の努力を求めますからその根本に於ては全く民主的と云へます。

農家に割り当てられる供出量は過重したものでなく出来る限り公平にするようあらゆる努力が拂はれて居ります。農家は第一に保有米が確保されてゐる計りでなく相当な價格で國家の為に食糧を供給することをすゝめられてゐます。

この計画が巧く行くか行かないかは生産者と消費者一人一人の協力の如何にあります。この制度が巧く行かず農家が心から供出しなかったらどんなことになるか考へる丈でも不愉快であります。

政府は國民の役に立てこそ政府です。充分な食糧の供給がなされることは日本の民主主義を築くだけでなくいまゆしいインフレや米騒動や飢餓を防ぐ役目を致します。こゝに強調したいことは現在行はれてゐる供出制度は他の個人事業のゆき方と根本的に似通っているということです。食糧の公定價格は他の物價と密接な関係があり、しかも農家こそ他の人達に得難い報奨物資が與へられてゐます。

②

労働者に対する基準賃金をきめることは公定價格で必要な物が買へるという意味を含んでいます。必要な物の賣價を統制せずして賃金だけを統制することは不充分です。若し労働者が公定の賃金を受けるものとするならばその人達が必要とするものを公定價格で買へることが出来るようにしなければなりません。供出された食糧を公平な方法で配給することは何よりも重要なことです。配給の出来る食品の分量と種類とは日本農家の生産能力の如何によって来ます。この供出された全量は出来る丈公平に配給して困る人がないようにしなければなりません。食糧の供出と配給については國民の一人一人に責任があります。

自分はどこまでも法律に従ひ又隣人にも必ずそうさせる（ことが大切です）利己的な人は正しい人よりも多くの利益を貪り、引いては経済統制を乱してしまうのです。あらゆる食糧を正しい配給ルートにのせることはいくら強調しても云ひ過ぎではありません。日本國民は出来る丈の手段を考へて資源を開発して食糧を最大限度迄生産せねばなりません。新しい土地の開拓や耕作は政府によって既に爲されて居ります。

戰後五十万町歩以上の土地がこのようにして回復されました。附近の海はおいおい再開され日本人はこの海面から漁獲を増やす權利を得ました。非常に大切である可き食糧問題の一部を解決するものとしては水産農産両方面に進歩した科學的方法をもっと利用することであります。この方法によって、これ等資源より得られる食量の量を随分増やすことが出来ます。

日本の肥料生産は戦後にずうつく上昇を續けて来ました。將来の生産はますます農業を促進することでしよう。

旦取后に今生産よれる食糧を貯藏する方法ですが追い〳〵に冷凍場や倉庫と云ったものをつくるように計画して行かねばなりません。

日本の食糧問題は日本人が重大な関心を寄せねばならない問題で日本の資源に俟たねばならないものであります。

將来日本人の生活程度が上って行くかどうかは日本の資源、生産能力にもよるのですから同胞が食糧をわかち合はうとする熱意の如何によるところが極めて多いのです。

LECTURE IV
ECONOMICS

GENERAL ECONOMIC SITUATION AND ECONOMIC LAW-ENFORCEMENT AGENCIES

Japan is a nation of limited natural resources. While it is customary to think of these shortages of basic raw materials which are so essential to the development of a modern nation, it is also wise to reflect on the numerous advantages which Japan does possess. If we properly analyze all favorable and unfavorable factors of Japanese economy, it is possible to acquire an accurate picture of the needs of the country and what the people of Japan must do if further progress is to be made.

Japan is able to supply in excess of 80% of the foods which are required by the Japanese people. New programs are presently under way which will increase this percentage. Coal production for the current year is about 36 million tons, which is enough to provide for the minimum needs of the national economy. The richest resource in Japan is hydroelectric power, sometimes called "white coal". Japan also has a great advantage in its strategical location, as its nearness to the mainland of Asia gives it an immense advantage in acquiring raw materials and supplying the markets of the Far East. This factor, combined with the abundant labor supply available in the country, enables Japan to produce cheaply. The economic picture of Japan is by no means dark, and the advantages listed above, can enable the nation to face the future with the assurance that recovery will be achieved.

The factors listed above can prove advantageous to Japan only if the people are willing to cooperate with their government. In a state which is limited in wealth and resources, it is necessary that no element of the population be permitted to suffer and that distribution of essential goods be made on a basis equitable and just to all. A government rests upon the support of the mass of the people and the laws that it passes will not be successful unless they are given popular approval. Very often this is not realized in the field of economics, but it is these very laws which are of utmost importance. The Japanese government has found it necessary to enact laws which have as their first purpose, the welfare of all the people. A few of the more important of these laws are the following:

1. Food collection and distribution: The importance of this law has been discussed in detail in our previous meeting. It is the basic economic law of the nation and the welfare of every citizen is dependent on the successful operation of this law. The farmer who blackmarkets surplus rice, and the citizen who buys on the blackmarket, are helping to destroy their country's economy and prevent its chance of recovery.

2. Critical materials: The termination of hostilities left large supplies of surplus materials in both government and private warehouses. These materials, which were originally intended for prosecution of the war, can be of immense importance in rebuilding the economy of Japan. Today, with the import of critical materials under strict control, it is vitally necessary that only the most essential manufacturers have access to such stock piles of materials as presently exist. Government controls, as presently set up provide for this. The present system of allocation, which provides for purchase only after issuance of tickets, attempts to insure that materials will be utilized where they will best serve the needs of all the people. It is to the interest of everyone to insure that these goods are so distributed. Each person will thereby gain by the increased supply of essential goods which will become available at legal prices. It is also possible for an individual to profit by informing the government of any illegal transactions, he may know of as payment of a portion of the value of the hoarded goods is made to the inform-

3. Efficient operation of the electrical power and coal distribution systems is of vital importance to Japanese industry. Present controls of these items are established to insure that the benefits of these industries are available to all the people.

4. The Japanese government has established a new agency known as the Economic Investigation Board which, has direct influence on all phases of the Japanese economic life. The task of this agency is to ferret out illegalities that creep into the present system of distribution of goods, and to insure that the controls operate as effectively as possible. The agents of the Economic Investigation Board are one means by which the Japanese government can solve its economic problems. This organization requires the support of all the people if it is to be successful. The work undertaken by the EIB is of direct importance to every citizen of Japan.

In order for a government to exist, it must have an effective means of raising the money which is required for its support. If has been said that the power to tax is the power to destroy, but it is also true that failure of the people to pay taxes will destroy the strongest government. It is the duty of each Japanese citizen to pay his taxes in full as promptly as possible. This not only supports the government, but helps to keep prices down, which in the long run will lead to a stable economy.

The Japanese government in the past few years has undertaken numerous major reforms which have for their purpose the improvement of the economic life of Japan. The majority of these reforms such as decentralization of the zaibatsu, land reform, dissolution of control associations, re-evaluation of fishing rights, and the establishment of agricultural and fishing cooperatives, are laws with which the public is now well acquainted. These reforms are intended to be of lasting benefit to the people of Japan, but their success is dependent upon the understanding and support of the entire Japanese people, including all the citizens of this community.

圣済市四講

一般圣済情勢と圣済法施行機関、

日本は資源の限られた國であります。近、代國家の発展に欠くことの出來ない原料の不足は誰でも考へることですが、日本が現にもつてゐる多くの利点に目を向けることも賢明なことであります。日本圣済の有利な点と不利な点を正しくしらべてみると、日本には何が足らないか、又将來発展しようとすれば、何をすればよいかが一目瞭然になります。

日本は國民を養ふ食糧の八割以上を供給することが出來ます。この比率をもつと増す計画が今考慮されてゐます。今年度の石炭生産は約三千六百万トンで國民圣済の最低必要量を充すに充分であります。日本の最も豊富な資源は「白い石炭」といはれる水力電気です。日本はまた地理的に非常に大きな利点をもつてゐます。即アジヤ大陸に近く、原料の入手や極東の市場に物を送ることが出來るといふ大きな利益があります。このことが國内の豊富な労働力と相俟つて日本の製品を安くすることが出來ます。ですから日本の圣済の前途は決して暗いものではなく、このやうな利点がありますから回復が必ず出來るといふ確信をもつて将來に直面することが出來ます。

このやうな原因を有利に展開させるためには協力しなければ出來ません。限られた富と資源をもつ國家では、國民の誰もが困らぬやうな必需品の配給はすべての人に公正、公平にゆきわたらせねばなりません。政府は大衆によつて支持されてこそ、又大衆が納得するやうな法律を通して始めて成功するのです。圣済の面ではこのことは実現されませんでしたが、最も重要なのはさういふ法令なのです。日本政府は全國民の福祉を第一目的とした法令を出さねばならないことを知つてゐます。この法令の内重要なものを二、三、あげませう。

1、食糧供出と配給

この法令の重要さについては前回に講義しました。これは圣済に関する基礎的な法律でこの法令を上手に実施してゆけば皆が幸福になります。余剰米を自由売買する農家

や闇買ひをする國民は國家圣済を破壊し、復興の機会を妨げてゐるのです。

2. 重要物資

終戰の結果政府及び民間の倉庫には多量の余剰物資が残されました。これらの物資は元来戰爭遂行のためのものでありましたが、これが日本圣済を建て直すために非常に重要なものとなります。嚴重な統制の下に重要物資を輸入してゐる今日、最も必要なものを生産する人々だけがこのやうな大量の物資を入手しうるやうにすることが必要かくべからざることであります。現在実施されてゐる政府の統制はこのことを規定してゐます。切符を発行した後でないと物を買へない現在の割当制度は物資が全國民の必要にゆきわたるやうにするためのものです。この切符制で物資が配給されてゐるかどうかをみんなが気をつけねばなりません。さうすれば、公定價格で入手出來る必需品の配給が増えて來ます。又隠匿物資の代價の一部が密告者に支拂はれますから、自分の知ってゐる不法取引(闇行爲)を政府に報告すると自分の利益になります。

3. 電力と石炭の配給制度を効果的に働かせることは日本の工業にとって極めて大切なことです。電力や石炭が、すべての國民にゆきわたるやうにこの統制が出來てゐるのです。

4. 日本政府は圣済調査庁といふ新しい役所を作りました。それは日本人の圣済生活のあらゆる面に直接の影響をもってゐます。この役所の仕事は現在の物資配給制度にくひこんでゐる不法行爲を摘発し、統制が出來る限り効果的に実施されてゐるかどうかを確めることです。圣済調査庁の方々の役所は日本政府が圣済問題を解決しようとする一つの対策であります。この組織を成功させるためには全國民の支持がなければなりません。圣済調査庁の仕事は日本國民の一人一人に直結してゐます。

政府を置いておくにはそれを維持するに必要な資金を生むよい方法が要ります。徴税力は破壊力である」といはれてゐますが、國民が税を納めない時には最も強力な政府でも倒れて了ふこともまた眞実であります。ですから出來るだけ早く税を完納することは日本國民のひとり〳〵に課せられた義務であります。さうすれば政府が維持されるだけでなく、物價の値下りにも役立つことになります。

日本政府は過去数年間に、日本の圣済生活の改善を目的とした多くの大改革をやつて来ました。これらの改革の大半は財閥の集中排除、農地改革、統制組合の解体、漁業権の再許價、農業及び水産協同組合の設立といふやうな國民によく知られてゐる法令です。かういふ改革は日本國民の永續的な利益を目的としてゐます。然し乍ら、それが成功するかどうかはこの地方の人々を始め全日本國民の理解と支持に頼らねばなりません。

Lesson Outlines in

LEGAL AND GOVERNMENT

(6 lessons)

LESSON I - The New Constitution

A. Major Presentation (30 minutes)

1. Lecture: "The Story of the New Constitution", (Selections from the 6th grade textbook)

a. Purpose: To explain the new rights under the Constitution.

B. Illustrations (30 minutes)

1. The Japanese Constitution, original text.
2. Poster series and film strip, Pictographs on the Constitution, prepared for the Committee for the Popularization of the Constitution.

3. Posters on The Bill of Rights (to be produced locally)

4. Film- CIL-15 - How Laws are Made

C. Questions for Discussion (30 minutes)

1. Where does the authority of the government come from?
2. Who exercises the powers of the government?
3. Who should enjoy the benefits of the government?
4. To whom does the government belong?
5. Who has the right to change the government and how is this done?
6. How are the rights of the people guaranteed under the Constitution?
7. What rights are guaranteed by the "Bill of Rights"?
8. What are laws? How do they affect your actions? How can they be changed if you find them bad or harmful?
9. Who is your representative in the Diet? Your counsellor? How are you responsible for them? In what ways are they responsible to you?

10. What part do you have in naming and retaining a cabinet? In calling for a new election?

11. Do you have any specific questions about the meaning of judiciary, local autonomy, and amendment?

LESSON II - Local Government in Japan

A. Major Presentation (30 minutes)

1. Lecture: "Politics and the People" (Chapter VII, Primer for Democracy - see attached Lecture II, Legal and Government).

a. Purpose: To discourage the people from continuing to look to Tokyo for guidance and to encourage them to make decisions locally.

B. Illustrations and References (30 minutes)

1. Information Plan for Local Autonomy, Hq. Eighth Army, 17 Jun 1948.

2. Film - CIL-28, Government the Public Servant

3. Film - CIL-60, The Story of Local Government

Tentative series: "The Right and Duties of the Citizen"

4. Poster series: "The Rights and Duties of the Citizen" distributed to Ken Social Education Section, summer 1948.

C. Questions for Discussion

1. Questions on the films (See attached film analysis.)

2. Questions on the lecture.

a. Why is politics everybody's business?
b. What is the purpose of the Local Autonomy Law?
c. What are its advantages over the old system of a strong centralized government?
d. Why is it necessary to have a national government in a democracy?
e. What individuals make up a political party and what is the purpose of such?
f. In what ways do political parties carry out the wishes of their members?
g. How can abuses of party government be controlled?

LESSON III - Family Laws

Substitute new lecture

A. Major Presentation (25 minutes)

1. Lecture: "Characteristics of the New Civil Code which Alter the Family System."

a. Purpose: To describe reasons for the abolition of the old family system.

B. Illustrations and Roferemces (20 minutes)

1. Joint press conference of Legal Section and CI&E Section, GHQ, 22 Oct 48, "Family Registration Law."

2. Film - Toward a Better Life (To be issued approximately March 1949).

C. Questions for Discussion (35 minutes)

1. What traditional system has been uprooted by the revised Civil Code? How does this affect members of the family?

2. How must all members of the family now be treated? Is this democratic?

3. On what shall marriage and its continuance be based?
4. How are the following matters now handled under the revised Code? How is the present preferable to past ways?

a. Property rights
b. Inheritance
c. Choice of domicile
d. Divorce

5. What objectionable power, influence, and obligation does the new Family Registration Law remove?

6. What does the Japanese family now consist of? Can you see sound reasons for the change? Give those reasons.

7. In what ways do these changes in the Civil Code increase or decrease respect for the individual?

LESSON IV - Court System and Criminal Procedure

A. Major Presentation (35 minutes)

1. Lecture: "Reforms in Court System and Criminal Procedure which protect the rights of the individual and sanctity of his home."

a. Purpose: To explain to the public the protection afforded them by the reforms in the court system and criminal prodedure from the arbitrary action of the police and public procurators.

(For English text see Information Plan for the New Code of Criminal Procedure, Hq 8th Army, 14 Oct 1948, Sections titled: I Situation, II New Code of Criminal Procedure, and III Themes.

B. Illustrations and References (30 minutes)

1. Court Organization Law #59 in Official Gazette 311.
2. Criminal Procedure Code, Law 131, dated 10 July 1946.
3. Information Plan for the New Code of Criminal Procedure, Hq Eighth Army, 14 Oct 1948.
4. Information Plan for Civil Liberties Program, Hq Eighth Army, 6 Aug 1948.
5. Posters and slide films - "I am a Japanese Citizen, What are my rights?"
6. Film - CIE-27 - English Criminal Justice
7. Film - CIE-15 - How Laws are Made
8. Film strip - "Declaration of Human Rights", purchase price, ¥200, Nippon Gento Co, 2-chome, Marunouchi, Tokyo.
9. Poster series - "Revision of Criminal Code" (green posters).
10. Pamphlet - Code of Criminal Procedure Digest

C. Questions for Discussion (25 minutes)
(For questions on films, see attached film analyses)

1. What important idea has been adopted regarding the the position of the individual?

2. What are some of the new responsibilities placed on the individual to accompany the increased rights granted?

3. What rights does a person have who has been asked to appear for questioning by the police or procurator?

4. What must be given to an accused before his trial?

5. What information must the court give to an accused before trial?

6. Under the new code what right does an accused have regarding witnesses and objecting to rulings of the court?

LESSON V - How We Pay for Our Government

A. Major Presentation (30 minutes)

1. Lecture: "How we pay for our Government" (See attached Lecture V, Legal and Government).

a. Purpose: To explain and define the reasons for taxes.

B. Illustrations and References (None available now but Ministry of Finance is preparing a film and film strips on taxes.)

C. Questions for Discussion (20 minutes)

1. Why are taxes necessary for any government?
2. Who must pay taxes in Japan?
3. Name four taxes that you have to pay?
4. Do some foreigners living in Japan pay taxes?
5. Where can you find out how much tax you have to pay?
6. How do you pay income tax - quarterly, yearly?

LESSON VI - Election Laws and Present Political Situation

A. Major Presentation (25 minutes)

1. Lecture: "Suffrage, the Right and Duty to Vote" (Chapter IV - Primer for Democracy --attached hereto)

   a. Purpose: To develop among the common men a strong sense of responsibility as voters in a representative government.

B. References and Illustrations

1. Constitution and related laws
2. Posters on election and the need for voting - available in each prefecture.
3. Campaign materials on local autonomy.
4. Opaque projector cards " Democratic Gov't Through Elections"-24 Dec. 48

C. Questions for Discussion (35 minutes)

1. Why is it important that all eligible persons exercise the right to vote and use their best judgment in doing so?

2. What is the advantage of having opposing parties participate in making the laws?

3. In what ways does a monopoly in government work to the disadvantage of the people at large?

4. What usually results when people neglect to take advantage of their right to vote?

5. Why should we elect to the Diet and assemblies those individuals who are most representative of the will of the people? Would strong, well-trained bosses be more representative?

6. In what ways are you and the people in your community making politics your affair? Are you participating actively in selection and election of desirable candidates for every public office? Are you judging officials' behavior in office day by day?

7. In what ways are your political activities reflected in your daily living?

* See also "Information Plan for Elections" Hq Eighth Army, 24 Dec. 1948.

法政（六講） Legal and Government: Lesson Outlines

第一講 新憲法 The New Constitution

A. 重点の提示（廿分間）

講演「新憲法の話」（六年生の教科書からえらぶ）

目的 憲法の下に於ける新しい権利を説明すること。

B. 参考資料の説明（廿分間）

1. 日本國憲法（原文）
2. ポスター及び幻燈フィルム、絵文字（憲法普及委員会で作成した憲法に関するもの）
3. 人権に関する規定のポスター（地方で作成される筈）
4. 「法律はどういふ風にして出来るか」（CIE映画一五）

C. 討議の問題（廿分間）

1. 政府の権威はどこから来ますか。
2. 政府の権力は誰が使ひますか。
3. 政府の利益は誰が受けますか。
4. 政府は誰のものですか。
5. 政府を支へる権利は誰がもってゐますか。
6. 憲法の下では人民の権利はどういふ風に保証されてゐます。
7. どんな権利が人権の規定で保証されてゐますか。
8. 法律とは何でせうか。法律はあなた方の行動にどんな影響がありますか。あなた方が法律の中に悪い点や有害な点を見出したらどんな風にしてそれが変へられますか。
9. 議会に於けるあなたの代表者は誰ですか。代表者たちはあなた方に対してどういふ風にして責任をとります か。
10. 内閣を指名したり保留したりする時にはあなた方はどんな役割をしますか。
11. 司法関係、地方自治、法律の改正に関して何か特に質問がありませんか。

〈第二講 日本の地方政治〉

A. 重点の提示。
講演「民衆と政治」(民主々義入門」第七章、別紙
第二講法律と政治参照)
目的 民衆が指導を東京に仰ぐことをやめ、地方で
決めるやうに奨励すること。

B. 参考資料説明(世分間)
1. 昭和廿三年六月十七日第八軍司令部「地方自治への
情報教育」
2. 映画「政府は公僕」(CIE映画廿八)
3. 〃 「地方自治の話」(〃 六。)
4. ポスター「市民の権利と義務」昭和廿三年夏府県
社会教育課に配附されたもの

C. 討議(世分間)
1. 上映々画に関する問題(別紙映画解説参照)
2. 講演に関する問題
イ. なぜ政治はすべての人の仕事でせうか。
ロ. 地方自治法の目的は何でせうか。
ハ. 地方自治制は強力な中央集権制よりどんな
点が有利でせうか。
ニ. 民主々義に國民の政府が要るわけはなぜでせうか。
ホ. どんな人達が政党をつくりますか・又その目的は
何でせうか。
ヘ. 政党はどういう風にして党員の意志を実行し
ますか。
ト. 政党政治の弊害はどうして制止されるでせうか。

第三講 親族法 Family Laws

A. 重点の提示（廿五分間）

講演「家族制度を廃止させた新民法の特徴」

目的 古い家族制度を廃止した理由を説明すること。

B. 参考資料の説明

1. 合同記者会見「親族登記法」昭和廿三年十月二十二日
総司令部法律課及民間情報教育課

2. 映画「よりよき生活へ」（昭和廿四年三月頃出来る筈）

C. 討議

1. 今までのどんな制度が新民法で廃止されましたか。

2. 家族の者は今日ではどんな風にとりあつかはれねばならないでせうか。

3. 結婚とその維持は何に土台が置かれてゐるでせうか。

4. 新民法では次の問題を今日どんな風に処理しますか。
今迄の仕方より今日のやり方の方がどんな点で望ましいですか。
(イ) 財産权 (ロ) 相續 (ハ) 住居の選定 (ニ) 離婚

5. 新しい親族登記法はとり除かねばならないどんな权力や勢力や義務をとり除きますか。

6. 日本の家族は今日ではどんなものから成り立つてゐますか。その変化に対してしつかりした理由がありますか。その理由をあげて下さい。

7. 新民法のこれらの変化は個人に対する尊敬を増しますか減らしますか。

法政(3)

Court System and Criminal Procedure

第四講　裁判制度と刑事訴訟

A. 重点の提示（廿五分間）

講義「個人の権利と家庭の尊厳を守る裁判制度と刑事訴訟」

目的　裁判制度と刑事訴訟の改正により今まで大衆について説明すること。（英語の説明については新刑訴訟法の説明、第八軍司令部昭和廿三年一〇月一四日、一、状況二、新刑事訴訟法三、主題を見ること）

B. 参考資料の説明（廿分間）

1. 法律第五九号裁判所法官報三二一、
2. 法律第一三一号刑事訴訟法昭和廿二年七月一〇日
3. 新刑訴訟法の説明、第八軍司令部昭和廿三年一〇月十四日
4. 「市民の自由」計画の説明　第八軍司令部昭和廿三年八月六日
5. ポスター・スライド・フィルム「私は日本人民である。私の権利は何であるか。」
6. 映画（CIE廿七）「英國の刑訴裁判」
7. 〃　一五「法律はいかにして出来るか。」
8. フィルムストリップ「人権宣言」購入価格二〇円、日本幻燈会社、東京丸ノ内二丁目
9. ポスター・シリーズ「刑法の改正」（青ポスター）
10. パンフレット「刑訴訟法の要領」

C. 討議（廿五分間）

（映画に関する問題については別紙映画の解説参照）

1. 個人の地位に関してどんな重要な考え方が採用されましたか。

2. 個人の权利が拡張されたのに伴ってどんな新しい責任が課せられるようになつたでせうか。

3. 警察や検事に訊問のため出頭を求められた人はどんな权利をもつてゐますか。

4. 裁判に先立つて被告人は何を与へられねばならないでせうか。

5. 裁判所は裁判に先立つてどんなことを證明しなければなりませんか。

6. 新法の下に於ては被告人は証人に関し、又裁判所の決定に対し異議を申し立てる際どんな权利をもつてゐますか。

第五講「政府の費用をどうして支拂ふか」
How We Pay For Our Government

A. 重点の提示（廿分）

講演「政府の費用をどうして支拂ふか。」（別紙第五講参照）

目的 税金となぜ はらはねばならないかを説明する。

B. 参考資料の説明

現在何も利用するものがありませんが、大蔵省で目下税金に関する映画や幻燈、フィルムを作成中です。

C. 討議（廿分間）

1. どんな 政府でも税金が要るのはなぜでせうか。
2. 日本では誰が税金を支拂はねばなりませんか。
3. あなたが支拂はねばならない税 四種類をあげて下さい。
4. 日本に住んでゐる外人は税を支拂ひますか。
5. 皆さんは どの位税金を拂はねばならないか、どこでわかりますか。
6. 所得税はどんな風に拂ひますか。年四回ですか、年一回ですか。

第六講 選挙法と政治の現状
Election Laws and Present Political Situation

A. 重点の提示（15分間）
講演「選挙権と投票の義務」（別紙「民主々義入門」第四章参照）
目的 代議政治に於ける選挙民としての責任感を一般の人に植えつけること

B. 参考資料説明
1. 憲法及び関係法規
2. 選挙及び投票に関するポスター（各府県で利用できる）
3. 地方自治に関する参考資料

C. 討議（15分間）
1. 資格のある人が投票権を行使して最も良い人を選ぶことがなぜ大切なのでせうか。
2. 反対党を参加せて法律を作るのはどんな利益がありますか。
3. 政府丁業の独占は一般民衆にどんな不利がありますか。
4. 民衆が選挙権を利用することを怠ると普通どんな結果になりますか。
5. なぜ國会や地方議会に民衆の意志をもつともよく代表する人々を選挙して送ることが大切ですか。強くよく訓練されたボスの方が民衆の意志をよく代表してゐるでせうか。
6. どんな風にして皆さんや皆さんの身近の人々は政治を自分のものと考へてゐますか。公務に当るのに望ましい候補者の選定や選挙に、積極的に参加してゐますか。日々公務員の行動を批判してゐますか。
7. どんな風に皆さんの政治活動が日常生活に反映してゐますか。

FIIM ANALYSIS

on

HOW LAWS ARE MADE (Legal and Government) (CIE #15)

Showing Time: 18 minutes

Synopsis:

This film explains how laws are made in the United States of America. In the Congress at Washington, bills are introduced, debated, and passed by the members of the House of Representatives, called the lower house, then sent to the Senate, the upper house, where the same procedure is repeated. If the bill is passed by the Senate, it is sent to the President for his signature, and it becomes a law.

A large number of the important public bills are started by the President, or one of his executive departments. The bill cannot be introduced by the President directly, but a friendly Congressman can always be found to introduce it for him. In addition, business men, farmers, small town groups, etc., can also write or talk to their representatives in Congress and request that certain changes be put into bills. Lobbyists, editorial writers, radio commentators, members of political parties, labor union leaders, religious leaders, etc., also can ask for new laws.

If the law which passes the House of Representatives is amended in the Senate, it has to be returned to the House of Representatives again for approval in its new form. If the latter does not approve, a conference committee is appointed, composed of members of both houses, which tries to reach a compromise on the bill acceptable to both houses. Both houses are required to pass a bill before it becomes law. This protects the public from hasty and irresponsible legislation.

Themes: Laws are made to express the will of the people.
There are numerous controls upon the lawmakers to prevent them from passing bad laws.

Questions for Discussion:

1. How does the American public translate its desires for changes in Government into law?
2. How are laws passed in America? In Japan?
3. How do laws protect our rights?
4. Why do bills have to go through so much debate before they are passed?
5. How do farmers and small business men request changes in bills?
6. How much voice do the Japanese people have in the making of their laws?
7. Is such a form of Government all that is necessary to democratize Japan?

映画解説　Legal & Govt.

「法律はどうしてつくられるか」CIE #15
(How Laws are Made) - Film

映寫時間　十五分

あらまし　此映画はアメリカでどうして法律をつくるかを見せてくれます。ワシントンの議会に法案が提出され、下院で議論され、通過すれば上院に送られ、そこで全じ事がくりかえされます。上院で通過した法案は大統領に渡され、署名されてはじめて法律になります。

大ていの重要な法案は大統領か或は大統領管轄の役所から出ます。大統領は自分で法案を議会に提出できないから代りに誰か議員がしてあげます。一般の實業家、百姓、地方の小さな団体などからも自分達の出した議員に話して、法案の内容を変えるようにたのむこともできます。又、政治運動をする人、新聞の論説をかく人、政党員、ラヂオの時事解説者、労働組合員、宗教家なども新しい法律をつくることを要求することができます。

下院を通過した法案が上院でなをされると又下院えもどされても一度議論されます。その時若し下院が賛成しなかったら、上院と下院の両方から議員が出て委員会をつくり両院の意見を合わせた法案を考えます。法案は必ず法律になる前に両院を通過しなければなりません。こういう様にすれば法律がおろそかに無責任にきめられることがないのです。

大切な点、

法律は国民の意見をあらわすようにつくられるものである。法律をつくる人が、悪い法律をとほさないように、いろいろの規則ができている。

討議にとりあげる問題

1、アメリカ国民は政治のしかたを変えたいと思うとき、それを法律の條文にすることができますか

2、アメリカではどういう風に法律が通過しますか　日本ではー

3、法律はどんな風に我々の権利を守ってくれるのですか

4、なぜ法案が法律になるまでに　そんなに議論されなければならないのでせう？

5. 百姓や小事業家が法案を変えたいと思ったときには
どうしますか

6. 日本で法律をつくる時に人民の声はどの程度に取り入れられますか

7. 日本にこのような政府ができれば それだけで民主的
国家になれるでせうか

FILM ANALYSIS

on

GOVERNMENT, THE PUBLIC SERVANT (Legal and Government)

政府は公僕 (CIE #28)

Showing Time: 20 minutes

Synopsis:

Johnny is a welder in a factory in Detroit. During his vacation he makes a one-day visit to Washington D. C., and seeing the many magnificent buildings he wonders what all the people who work in them do. Lost in his thoughts he bumps into a women worker who the camera then follows to show what kind of work she does as one of the many government employees. This girl (Jane) works in the Scientific Laboratory of the Public Health Department and she is experimenting to find the cause of inflammation in the lungs of a welder in a certain shipyard. The health officer of this shipyard had conducted all the investigation he knew how but could not reach any solution. So various samples of the air which the welder breathed as well as of the materials he was welding were sent to Washington to Jane's office where research of this kind is carried on for the good of the general public.

The results of Jane's experiment which revealed the cause of the inflammation in the welder's lungs were immediately notified to the health officer of the shipyard who then checked the actual conditions. Then the new discovery which Jane had made regarding the harmful effects of a certain substance in a certain alloy was printed and sent out throughout the country to inform factories, health officials, etc., of the danger of this substance to the human lungs.

Johnny, fully satisfied with what he has learned, returns to his welding job in Detroit confident that the government is a public servant working for the welfare of all.

THEMES:

Many people are working for the goverment.
Government workers are working for the people.

Questions for Discussion:

1. What kind of work are government employees doing?
2. Why is a welder's work dangerous?
3. What kind of work is being carried on in Japan for the public?
4. What jobs in Japan present hazards to the workers?
5. What do you think of Japanese government officials?
6. Are Japanese government workers also public servants?
7. How can we maintain closer cooperation with government work?

映画の解説

CIE廿八　政府は公僕（法政）

Government, The Public Servant

時間　廿分

あらまし―ジョニーさんはデトロイトの工場の熔接工です。休暇を利用して日がへりでワシントンに出かけ立ちならんでゐる大きな建物を見てこんな建物の中で一体どんな仕事をしてゐるのだらうかと不思議に思ひました。ぼんやりしてゐたので女のお役人にぶつかります。この人は次の場面でわかるのですが公務員のひとりで公衆衛生課の科学実験室で働いてゐるジェーンさんです。ある造船所で働いてゐる熔接工が肺を悪くしました。この造船所の顧問医師はあらゆる調査をして見たのですが、分りませんでした。ジェーンさんはその原因をしらべることを頼まれたのです。そこでこの熔接工の吸つてゐた空気と熔接に使つた色々の材料がワシントンのジェーンさんの研究室に送られて来ました。ここは一般公衆のためにかういふ研究をする所なのです。

ジェーンさんの研究の結果この熔接工の肺の故障の原因がわかつたので早速同造船所の顧問医師に傳へ、このお医者さんは工場の状態をしらべにゆきました。ある種の合金の中にある成分は人体に有害であるといふジェーンさんの新発見は印刷物にして全國の工場や顧問医師に通知されたのです。

ジョニーさんはこのことを知つて満足して自分の職場にかへつてゆきます。お役所が我々の爲に働く公僕であることがわかつたのです。

要点―

お役所には多くの人が働いてゐます。

お役人は國民のために働いてゐるのです。

政府は公僕

(1) (2)

討議の問題―

(1) お役人はどんなことをしてゐるのでせうか。

(2) なぜ熔接工の仕事は危険ですか。

(3) 日本では公衆のために現在どんな仕事をしてゐますか。

(4) 日本ではどんな仕事が労働者に危険でせうか。

(5) 日本のお役人をあなた方はどんなに思ひますか。

(6) 日本のお役人もまた公僕ですか。

(7) どんなにしたら私たちはお役所の仕事に一層協力することが出來ますか。

(1)

FILM ANALYSIS

on

THE STORY OF LOCAL GOVERNMENT (CIE #60)

地方のお役所についての話

Showing Time: - 15 minutes

Synopsis

In America, local people elect their own local government officials, who are then responsible to carry out the people's will. They set up many committees to do the work, and local problems are solved locally, without having to resort to national government. The income of the local government is derived mostly from property taxes. Expenditures are first for Education, second for interest on debts, third for expenses for public safety, and fourth for construction.

Public Safety work includes the Police Force and Fire Department as well as other agencies that protect the daily life of the citizen. The Public Health and Sanitation Section inspects food and restaurants, cleans sewers and ditches, and plans recreational facilities to protect and advance the citizens's health. The Engineering Section makes and carries out city plans; it builds good roads, and turns the slums into low-cost housing projects.

Local officials are elected by the local people, and they have confidence in and support their representatives.

Theme: In America, local government officials are elected by local people.
They willingly carry out the people's will.
The main expenditures of the local government are education, public safety, public health and engineering.
Local people in America have confidence in, and willingly support their representatives.

Questions:

1. Why is it better for local govt officials to be elected by the local people?

2. What can you learn from the way the committees discuss local problems?

3. Why do we have to pay local taxes as well as national taxes?

4. How are the policemen and firemen who protect our daily lives being paid?

5. How is your daily life connected with or benefited by the local government?

6. How can we have better roads, better health clinics, and improve our health standards and farming (fishing) methods?

7. How can electing good representatives improve the above?

8. Do the Japanese officials feel responsible to the people?

9. How can they become more responsible?

10. Do Japanese officials understand what public service means? How can they learn its meaning?

11. Education is the largest expenditure of the local government in America. Is it so in our prefecture? town? village?

12. Why do the people of America support the administration and activities of the local government?

映画の解説

CIE六〇 地方のお役所についてのお話（法政）
The Story of Local Government

時間 一五分

あらまし――アメリカでは各地方の人々がそれぐ〳〵地方のお役人を選挙します。えらばれた人はえらんだ人に代って政治をとります。色々の委員会が設けられ地方の問題は地方で民主的に解決されます。地方のお役所の收入は主として財産税で支出は第一が教育費、第二が公安費、第三が公安費、第四が建築費です。

公安というのは警察消防など市民が安心して生活出來るやうにする仕事です。公衆衛生課は食品や飲食店をしらべたり、下水やどぶを清潔にし、市民のからだを丈夫にするために色々な娯樂の場所を作ったりします。土木課は都市計画をします。たとへばよい道路を作ったり、貧民窟（クツ）をかへて家賃の安い集団家屋を作ります。地方のお役人は地方の人が選擧します。地方の人は自分たちの選んだ代表者を信頼し後援します。

要点――

アメリカでは地方のお役人は地方の人民が選擧します。

選擧された人は地方の人の意志を実行します。

地方のお役所の主な支出は教育費、公安費、公衆衛生費、土木費であります。

地方の人々は自分たちの代表者に対して信頼し援助をおしみません。

討議の問題――

(1) 地方のお役人を地方の人が選擧するとなぜよいのですか。

(2) アメリカの委員等が地方の問題を研究討議してゐる様子を見てどう思ひましたか。

(1)

(3) 國税だけでなく地方税を納めねばならないのですか。私達の税金はどんなに使はれてゐますか。

(4) 私たちが安心して暮せるやうに守つてくれる警察官や消防夫の給料はどこからでてゐますか。

(5) 私たちの生活はどういふ風に地方のお役所と関係しそれによつて利益をこうむつてゐますか。

(6) もつとよい道路がほしくはありませんか。もつと手近に無料の診療所があつたらよいと思ひませんか。農業や漁業のやり方をもつと能率的に改良したいと思ひませんか。

(7) さういふ望みをかなへるにはどのやうにお役人を選んだらよろしいでせうか。

(8) 日本のお役人は國民に責任を感じてゐますか。

(9) どうしたらお役人はもつと責任を感ずるやうになるでせうか。

(10) 日本のお役人は公僕といふ意味が分つてゐるでせうか。どうしたら解つてもらへるでせうか。

(11) アメリカでは地方のお役所の一番大きな支出は教育です。あなたの府県(県)町・村ではどうですか。

(12) アメリカの人民がそれぐ〵自分の地方のお役所がしてゐる仕事に対して理解をもつて責任を感じてゐるのはなぜですか。

HEADQUARTERS I CORPS
APO 301 (Kyoto, Honshu)

RSA/mth

AG 000.8- BA

27 January 1949

SUBJECT: Substitute Lecture in Legal and Government for Adult Education Course

TO: See Distribution

1. References:

a. Letter, Headquarters I Corps, file AG 000.8-BA, dated 23 December 1948, subject: "I Corps Plan for the Organization of Adult Education Course."

b. Radio, Headquarters I Corps, dated January 13, 1949.

2. Inclosed is a new Lecture III, Legal and Government, entitled "Characteristics of the New Civil Code which Alter the Family System," in English and Japanese. It is desired that Lecture III, Legal and Government be withdrawn from the subject course and the inclosed lecture substituted therefor.

3. The Japanese text for the new lecture is included in the handbook, "Democracy which Everyone can Understand, An Adult Education Course," (Dare Ni Mo Wakaru Minshu Shugi, Shakai Gakyu) now being published in Kyoto by Ishida Taiseisha, Marutamachi Ogawa Nishi-iru, Kyoto, at the cost of ¥ 15.00.

BY COMMAND OF MAJOR GENERAL SWING:

C. C. CARTER
Colonel, AGD
Adjutant General

1 Incl:
Lect III, Legal & Govt
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Lecture I

Legal and Government
Selections from

THE STORY OF THE NEW CONSTITUTION

A Textbook in use in the Sixth Grade

1. The Constitution

People, we have a new constitution! In drafting this, many within our nation had worked long and hard. But, do you know what a constitution is? Is there anyone who feels that the constitution does not concern him? If so, he is making a big mistake.

The work of a nation cannot cease for even a single day. Again, the manner in which a nation is to be governed must be clearly defined. All kinds of rules are necessary. Of these the most important is the constitution.

The constitution is the basic regulation which establishes how a nation is to be governed and how its work is to be conducted. What would happen if the main pillar in your house should be taken off? The house will immediately fall. If we compare the nation to a house, the constitution is the main pillar. Even if there were millions of people, without a constitution these people would not know how to govern their nation. That is why every nation looks upon its constitution as the most important rule and observes it accordingly. Therefore this rule is called the "supreme law."

However, aside from how to conduct the activities of the nation, the constitution has written in it another important function. This concerns the rights of the people. These rights will be discussed in detail later. At this point we shall take up the reasons why the rules concerning the rights of the people are as important as those which deal with the administration of the nation.

Each of you is a citizen of Japan. Unless each of you is wise and strong the nation cannot be wise and strong. The foundation of the strength of a country lies in its individual members, Therefore, the nation clearly recognizes and protects the power of each individual. For this purpose, the constitution guarantees each individual certain important rights. These rights are called "fundamental human rights."

Once again let us ask ourselves what is a constitution? A constitution is the most important rule of a nation. It is the supreme law which defines how a nation is to be governed and how it is to function. It also defines the most important right of the people, namely, their fundamental human rights. Usually a constitution also determines various other necessary things. In the new Japanese Constitution another important thing is stated-- that Japan shall never go to war again.

The former constitution was drafted in the 22nd year of Meiji by Emperor Meiji and was bestowed by him upon the people. But this new constitution was drafted by the people. It is the product of the free will of the entire Japanese nation. In order to learn the will of the people, a general election was held on 10 April 1946 to elect members for the Diet. New representatives were sent by the people to the Diet and they drafted the constitution. Therefore the new constitution may be said to have been drafted by the entire nation.

Each of you is a member of this nation. Therefore the new constitution was drafted by you. You will take care of something made by yourself, won't you? The new constitution was written by all the people, which includes you. If it is the most important rule of the country, each of you, as a member of this nation, must faithfully observe it. To do so, you must first know what is written in the constitution.

When you are writing things like rules and regulations for a game, you do not jumble them together so they are difficult to understand, do you? The same is true with rules which concern the nation. They are divided into articles and are numbered one by one and called Article 1, Article 2, and so on. This new constitution has one hundred and three separate articles. It begins with a preface which is called the "Preamble".

In the Preamble are stated such things as who wrote the constitution and with what thoughts the constitution was penned. This Preamble has two purposes. One is to give you a clue to help you understand the meaning of the constitution. In other words, the constitution was written in terms of the Preamble. Therefore, the constitution is not to be interpreted in any other sense than in the thoughts of the Preamble. The other purpose is to prevent any change in the constitution which goes against the Preamble. Then what are these thoughts in the Preamble? There are three very important thoughts: the principle of Democracy, the principle of International Peace, and the principle of the Sovereignty of the People. The word, "principle" may sound difficult to your ears, but do not be alarmed. A principle is a rule of doing what people consider right. You must know what these three principles are. Let us first discuss what Democracy is.

2. The Nature of Democracy

The basic principle underlying the new constitution is Democracy. Now what is Democracy? You must have heard of this word in many places. If this is the basic principle of our constitution, you must clearly understand what Democracy is. Moreover, you must have a correct understanding.

Now let us imagine that we are assembled together in a big group and are planning to do something. Who is going to make the decision? If all of us agree, there will be no problem. But what will we do if we do not all agree? Is one person, or perhaps two, going to make the decisions? Or is the majority opinion to decide? Which do you think is better? There may be times when one man's opinion is more just and advanced than that of the majority, but its opposite is more likely to be true. If decisions are made by the views of the majority after full and free discussion of all concerned, there are likely to be less mistakes. Therefore, it can be said that things decided by the majority's opinion are less apt to be mistaken. The other should obediently follow the opinion of the majority. To make decisions by the opinion of the majority is a democratic method.

The same is true in governing a nation. It is not good for a few men to run a country. The best way to govern a nation is for all people to do it. In short, government by all the people is the democratic way of running a country.

However, a nation is different from a classroom. All the people of a nation cannot get together in one place and talk. Also, one cannot go from one person to another and hear everybody's opinion. So it is necessary that there be persons who represent the people and determine how the affairs of the nation are to be run. This is where the Diet comes in. To elect members for the Diet is to select the persons who take our places in running the country. For this reason, decisions made in the Diet are based upon the opinion of the majority of the people's representatives. The others follow this decision. This is the way in which issues are decided by people. This is democracy. Thus democracy means government by all the people. Fewer mistakes are made when decisions are made by the majority. If the nation is governed by democratic principles, you are more likely to be happy and prosperous.

The country is large so we leave its administration to the members of the Diet which stands for the people. "Stands for" means "represent". As we have seen before, democracy means government by the people. The Diet runs the nation in place of the people. Therefore this system is called Representative Democracy.

However, the Diet does not decide everything. Certain very important things are decided upon by the people themselves. For example, if a change is to be made in the new constitution, the Diet does not make the decision but each and every citizen votes for or against such a change. Where the people themselves decide on a national problem, it is called Direct Democracy The new constitution provides for both Representative Democracy and Direct Democracy. Representative Democracy will be used must of the time and Direct Democracy will be used only to decide the most important problems. In general it may be said that the new constitution is based upon the principles of Representative Democracy.

Each of you is a citizen of Japan. However, you are not yet grown up. When you become twenty, you will, for the first time, be able to participate in the government of your country. You will be able to select members for the Diet and vote on national affairs. Some of you may have brothers or sisters who are twenty or over. When you saw them go to vote, how did you feel? You must study hard and learn about the constitution and how a nation is governed. You, too, will soon be able to go to the polls with your elder brothers and sisters. The nation will be run by your ideas and your ability. There is nothing more satisfying than to govern your own nation in good accord with your follow citizens. This is Democracy.

3. International Peace

We have just said that Democracy is government by the people. But among the people there is a great deal of difference of individual opinion. If all the people do not follow the opinion of the majority, and if the majority does not listen to the voices of the minority, both groups will not be able to get along in handling national affairs. Then the principle of Democracy will run into a ditch.

All this has been said about the citizens of one country; but the same can be said about relationships among nations. If a nation thinks only of its own good and pays no attention to the problems of others, the nations of the world will not be able to get along together. International Peace is the state of harmony in which every country in the world is on friendly terms with each other. In this way, there is a very close connection between Democracy and International Peace. Since the new constitution is based upon democratic principles, it is but natural that our relationships with other nations be based upon International Peace. Japan had forgotten this principle of International Peace and thought of her own good. That is why she started the war. Thus in the preamble of the new constitution it is strongly emphasized that in the future Japan will observe the principle of International Peace. This ideal developed into the Renunciation of War which, as we shall see later, stipulates that Japan will never again go to war.

4. Sovereignty of the People

Get together and determine which of you is the greatest. Just what is meant by the term "the greatest"? Does it mean the one who gets the best grades? Or the one who is the strongest? There are all kinds of ways to answer this question and therefore it's quite difficult.

Who would you say is the greatest in our country? If the nation is to be run by one man, that man might be called the greatest. But if the majority is to rule then the majority must be said to be the greatest. If the whole nation is to govern itself then all the people are the greatest. Since the new constitution is a democratic constitution, the people will govern the nation. Therefore it must be said that the people are the greatest.

The power to govern a country is called "sovereignty". If that power is held by the people, we say that sovereignty is "in the people". As stated a while ago, the new constitution is founded on the principles of Democracy. Therefore, sovereignty is of the people. In the Preamble and in Article I of the constitution, it is clearly stated: "proclaim the sovereignty of the

people's will". Since the new constitution was written with this principle as its basis, it is called "the Constitution of the Sovereignty of the People".

Each of you is a citizen of Japan. You are one of those who have the power of sovereignty. But sovereignty lies in all the people and not in the individual. It does not mean that each man is the greatest and he can do as he pleases. Such an attitude is undemocratic. You should be proud to be a member of this nation and share the power of sovereignty, but at the same time you must realize your responsibilities. You must be a good citizen as well as a good person.

5. The Emperor

The Emperor was in great trouble during the war. Under the old constitution the Emperor was assisted in state affairs by the people and did not represent the will of the people. This eventually led to the war. When the new constitution was being written, a great deal of effort was taken to see that never again such a thing would occur in the government of the state.

So, in the future, the Emperor shall perform only such acts as are provided for in this Constitution, and shall not have anything to do with matters related to government.

The new constitution says that the Emperor will from now on be a "symbol". You must clearly understand what a "symbol" is.

Whenever you see the Rising Sun (flag) you think of our nation. This is because the flag represents our country. When you look at a student's school badge, you know from what school he comes. This is because the badge represents the school. Suppose before your eyes is something which you can see which stands for something which you cannot see. That something which you see is a symbol. Article I of the new constitution says, "The Emperor shall be the symbol of the State.....". In other words, the Emperor is a person who symbolizes Japan.

Article I of the constitution also says that the Emperor shall be "the symbol" of the unity of the Japanese people. "Unity" means "oneness". In other words, the Emperor is also the symbol of the oneness of the Japanese people.

It is by the wish of the Japanese people that the Emperor has been placed in such a position. From now on the people themselves must take care of the governing of the country. The Emperor is not a God at all. He is a man just like the rest of the people. He has been talked over the radio. He has visited small country towns. We must see that the Emperor, the nucleus of the people, will not be involved or troubled in the government of the state. Do you how understand why the new constitution calls the Emperor a symbol?

6. Renunciation of War

Many of you must have had fathers and brothers who were sent to the battle fronts. Have they returned home safe and sound? Or did they not come home at all? Again many of you lost your homes and your folks during the air raids. The war has at last ended. You wouldn't care to go through such frightful experiences again, would you? Did Japan gain anything from this war? Nothing! There were only griefs and terrors. War is to kill people! War is to destroy the good things in this world! Therefore, it must be said that the countries which started this war have a great responsibility. After World War I, many countries tried hard and [illegible] to prevent another such war. Is it not too bad that another such war was [illegible]rted?

Two things are written in the new constitution so that Japan will not go to war again. One is that Japan will never have battleships, soldiers, airplan or any other things that are used for war. From now on there will be no navy, army, or airforce. This is called "renunciation of arms". "Renunciation" means "doing away with". But you need not worry too much about this. Japan has done what is right ahead of the other nations. There is nothing stronger in the world than that which is right.

The other thing is that, should there ever be trouble between Japan and another nation, Japan will never go to war and try to conquer the other to get what she wants. Japan will talk the problem over and peacefully settle it. For to make war is, after all, just destroying one's own country. The new constitution also says that our country will not threaten another nation, so that she will never have to use arms. This is called the "renunciation of war". If Japan is friendly with all the other nations and if they are friendly towards Japan, she can do nothing but prosper. Let us all do what we can to prevent another such war in the future!

7. Fundamental Human Rights

Go and look at the places that were burned by the air-raids. Rich green grass grows from the scorched soil. Everything is growing. Even the grass lives joyfully. How much more so should it be with you who are human. You have the power to live. It is a natural right. No one should interfere with this right for you to live. But man, unlike grass, cannot just exist in this world; he must live like a human being. To live this sort of life, two things are necessary: "freedom" and "equality".

So long as man lives in this world, he should have the freedom to live wherever he chooses, to go wherever he likes, to say what he pleases, and to believe what he wants to believe. These are the freedoms which belong to man and must therefore never be taken away from him. No power in the nation should take away from him any of these freedoms, or, without fair trial, punish him. The constitution, therefore, stipulates that these freedoms are inviolable.

We are essentially the same in being human beings. There are no superior or inferior human beings. Men are not superior to women, nor are women inferior to men. Since all human beings should be given an equal opportunity to grow, there is no reason why anybody should be treated better than anyone else. To be treated alike means "equality". The constitution promises both freedom and equality.

Anything that is permitted by law is called "right". Freedom and equality are not to be violated. This is your right and is called the "right of freedom". This is man's most important right. These important rights are called "the fundamental human rights". In the constitution it is written that these rights are to be forever ours. In other words, the constitution "guarantees" them to us, now and forever.

The "right of freedom" is one of the fundamental human rights. There are two other things. When we lead our life, the "right of freedom" is not enough. All of you, for example, must study hard and become good citizens. The State must give you opportunity to study. Therefore, the constitution guarantees your right to receive education. In other words, you can claim the right to receive education. There is also an important fundamental human right, and it is called the "right of claim". If you have a fight with someone, you can petition a court of justice for fair trial. This is the "right of claim" for judgment and also belongs to the fundamental human rights.

The people can take part in the government of their State in many ways. This, too, is one of the fundamental rights and is called "right of franchise". To elect members of the Diet, governors of prefectures, mayors of towns and cities, to run for them, and to vote on important national and local questions are all part of the right of franchise.

All of these fundamental human rights are very important, so let us go over them once more. The constitution has given you wonderful, strong rights. There are three kinds of these rights: (1) the right of freedom, (2) the right of claim, (3) and the right of franchise.

You have been given these fine rights. Stand by them and don't ever let them go! Use them correctly and never bring trouble to others. Remember that others have the same rights as you. In the constitution it is written that we have the responsibility of protecting these important fundamental human rights in order to promote the welfare of the country.

8. The Diet

Democracy is best defined as government of the people, by the people, and for the people. However, there are so many people that, unless certain individuals are chosen to run the country, the job cannot be done. Thus the Diet takes the place of the people. As discussed before, the people have the power to run the country; that is, the people are sovereign. Since the Diet represent the people who are sovereign, it ranks the highest in the country and is therefore called the "highest organ". Like the human body with arms and legs, the government has many separate parts. Each part performs a certain job. Our country has many organs that do certain work. The Cabinet and the court, which will be explained later, are also national organs. Of these the Diet ranks the highest because it represents the people.

There are all kinds of jobs involved in running a country, but, in general, they fall into three types. The first is "legislation" which is the job of making rules and regulations. The second is "judicial" which is the job of settling disputes and administering justice. The third, "administration" takes in all the jobs which do not belong to legislation and the judicial. The Diet has the work of legislation. The Court handles the second, that is judicial affairs. Administration is carried on by the Cabinet and the various ministries.

Since the Diet is responsible for legislation it makes all our national rules. These rules are called "laws". All of you must have heard this word many times. The laws which are made by the Diet take a great deal of preparation so the Diet does not bother with all the little rules. That is why the constitution permits the Cabinet and other national organs to make minor rules. These rules are called "ordinances".

However, it is preferable that national rules be made by the Diet since its members are chosen by the people and therefore understand best the wish of the people. Our new constitution states that the Diet will be the only organ to make national rules. The Diet is "the sole law making authority of the State". "Sole" means that it is the only one. "Law making authority" is an organ whose chief work is to form rules. Instances where national organs, other than the Diet, may make rules are each set forth in the Constitution. Also within laws made by the Diet, it can be specified that certain things may be determined by ordinances. It is the principle of democracy that all national laws are made by the representatives of the people acting through the Diet.

The Diet has another important job beside making national rules. It is to watch over the work of the Cabinet and the various ministries. As said before, the work of these organs is "administration". Therefore, the Diet keeps watch over the administration to see that nothing goes wrong. In other words, the representatives of the people watch over affairs of the nation. This is also a democratic way of running a country.

Our Diet is made up of two houses, the House of Representatives and the House of Councillors. Each is called "the House". If a Diet is composed of two houses, it is said to be a "Two House System". Some countries have only one house, then it is called the "One House System". But most countries have two houses. These houses decide together on national affairs.

Why are there two houses? Do you know what the term "back up" means? It is often used in baseball and other sports. When one player is handling the ball, another player stands behind him so he may catch any error that the ball handler may make. Since the Diet undertakes the important tasks of the nation, the House of Councillors "backs up" the House of Representatives to see that errors are not made. In sports certain players "back up" each other. However, in the Diet, the House of Representatives does most of the important work and the House of Councillors does only the "backing up". The House of Representatives is given greater power than the House of Councillors. The House of Representatives is called the First House and the House of Councillors, the Second House. Why does the House of Representatives have greater power than the House of Councillors?

Electing members for the House of Representatives takes place every four years. So its members serve for four years. However, for instance, when the House of Representatives fails, in the opinion of the Cabinet, to reflect the will of the people, the Cabinet may, in order to find out the opinion of the people, ask the Emperor to have a re-election held. This is called "dissolution of the House of Representatives". In the election following the dissolution, public opinion will find new expression through the new representatives who are sent to the new House of Representatives.

The members of the House of Councillors serve for 6 years. Every three years an election is held and one-half of its members are changed. Unlike the House of Representatives, the House of Councillors cannot be dissolved. In other words, public opinion can be expressed more clearly in the House of Representatives than in the House of Councillors. That is why the House of Representatives is given more power than the Houses of Councillors. The constitution provides, in short that when the opinions of the two House are different the opinion of the House of Representatives will prevail.

The members of both Houses are representatives of the people so they are chosen by the people from among themselves. There are 466 members in the House of Representatives and 250 in the House of Councillors. To make election as easy as possible, our country is divided into "electoral districts". According to the population of each electoral district, a specified number of representatives is to be elected.

On election day every voter goes to a polling place and receives a voting slip of paper upon which he writes the name of a person he wants to represent him. This slip of paper is then folded and placed in a locked box. This voting is a most valuable right. Every voter must decide for himself and must not be persuaded by gift or promise. He is answerable to no one for his choice and is not required to tell anyone how or why he chose thus.

All Japanese citizens twenty years of age or over can vote for members of the Diet, governors, mayors and others. This is called the "right to vote". For a long time only men were given this right. At one time it was limited to only those who owned property and paid taxes. Now that Japan is a democratic nation, all the people, men and women, who are twenty or over have the right to vote. This right for all the people to vote is usually called "universal suffrage". What "universal suffrage" actually means is that all obviously competent citizens are given the right to vote - children are not included as voters nor are those with sick minds, but no one is denied the right to vote because of difference in sex, race, religion, or the amount of property he owns.

Any man or woman who is a citizen of Japan and who meets certain requirements can become a member of the Diet. This is "the eligibility for election". However, the age of eligibility for election is not the same as that for voting. To become a member of the House of Representatives, one must be twenty-five or over. Just as in the right to vote, persons who are considered unfit are not eligible. Those who wish to become members of the Diet register their names as "candidates" and are so called. In some cases candidates may be put forth by

other people who feel that they are fitted for the office. This is called "recommendation" of a candidate. The time for the registration of candidates ends the day before election. Voters must choose from the list of candidates and must not put down other people's names. The candidate or candidates who receive the largest number of votes become members of the Diet. This is called "being elected".

Democracy means government by the people. The Diet represents the people. Therefore to elect members for the Diet is an important right as well as an important duty of the people. The people must go to the election by all means. For a citizen not to vote is to throw away his right and, at the same time, to neglect an important duty. Generally this neglect is called "abstention from duty". This means that one throws away his right. No one should do it. Since some day you are to have this right, this matter of election has been discussed in detail.

The Diet is the place where the representatives of the people gather and decide on the problems of our nation. Unlike other national organs, the people can go to the Diet themselves and listen to the talks. The people can go whenever they please. In the newspapers and over the radio, the work of the Diet is made known to the public. In other words, the work of the Diet is carried on before the very eyes of the people. The constitution states that the work of the Diet must always be made known to the public. A "closed session" can be carried on only in rare instances. This is an important point.

In this way the people will be able to know just how their country is being governed, what is happening in the nation and what opinions their representatives are expressing in the Diet. Here is born the open handling of national problems. If the Diet is lost, the nation will be in darkness. Democracy calls for the open and honest way of doing things. Therefore the Diet is indispensable to a democracy.

Our Diet is not in session all through the year. It has to meet at least once a year. This is called "the ordinary session" and is scheduled to last for 150 days. This is called "period of session". In an emergency an "extraordinary session" may be held. Should there be a dissolution of the House of Representatives, an election must be held within forty days. Within thirty days after this election, the new Diet meets in what is called "a special session". How many days the extraordinary session and the special session are to last is decided by the Diet itself. The period of any session may be extended by the Diet. To open a session, the members are called in by the Emperor. The Diet once called in starts and closes the session of its own accord. At the end of the session, the Diet takes a temporary vacation.

Have you ever seen the Diet Building? Look at the beautiful building, bright in the sunlight. This is where the strength of the Japanese people finds expression and where a sovereign people govern its country.

9. Cabinet

The Cabinet is the administrative organ of the nation. As previously stated, administration includes all national activities other than those in the fields of legislation and judiciary. Although the Diet is a representative organ that governs the country, it is such a large body that it cannot be in session all the year around. To take care of detailed matters a number of ministries have been established. The Cabinet is above all these governmental offices.

The Cabinet is composed of Prime Minister and Ministers of State. The Prime Minister is the head of the Cabinet and has the important duty of its leader. Therefore the selection of the Prime Minister is a very important matter. Under the new constitution, the Diet will choose the Prime Minister from among its members and recommend him to the Emperor. The Emperor will then appoint him to the position. If the House of Representatives and the House of Councillors should not be able to agree as to who should be Prime Minister, the decision of the House of Representatives will prevail.

The person for this position is usually selected from among the leading political party members.

The other Ministers of State are named by the Prime Minister himself. However the majority of Ministers must be Diet members. The Ministersof State as a body are responsible for the overall administration of national affairs,but some of them are appointed as heads of the Ministries of Finance, Education, Welfare, Commerce and Industry, and so on. These men are called "Ministerial Ministers." Consequently, there are two kinds of Ministers of State - one group composed of heads of various ministries and the other responsible for overall supervision of administration. Since the Prime Minister is himself a member of a political party, it is convenient for him to appoint as Ministers of State his own party members. Therefore the majority of the Cabinet usually comes from the same party.

If the political party from which the Prime Minister comes is too weak to carry the majority of the Diet, he may form a "coalition cabinet" with other political parties which have different platforms. These parties with members in the Cabinet cooperate with each other. There are instances where an individual who is extremely well versed in state administration may be appointed Minister of State, even though he is not a member of a political party. In actuality under a democratic system the Cabinet and its members are chosen from political parties. Therefore it is called "Party Cabinet."

The Cabinet takes charge of political affairs and is the organ that offers advice and approval to the Emperor in the performance of his duties. It, in turn, is responsible to the Diet for its conduct. Each Minister is not individually responsible. The Cabinet is collectively responsible.

If the Diet should feel that the Cabinet is no longer reliable, it passes a resolution of "no confidence." This can be done only by the House of Representatives. Public opinion is better reflected in that House. The Cabinet can ask the people for a re-election of the House of Representatives to determine which the people desire to retain This resolution of no confidence is termed "a non-confidence vote." When such a vote is made, the Cabinet either resigns or appeals to the Emperor within ten days for the dissolution of the House of Representatives to ascertain public opinion with another election. The same action is taken by the Cabinet if a "Confidence in the Cabinet" resolution is not passed.

Thus, under our new constitution, the Cabinet is closely connected with the Diet. It is under the direct influence of the Diet and is affected by changes in the strength of various political parties. Such being the case, it is called a "Parliamentary Cabinet System." Parliamentary Cabinet as well as party cabinet is an expression of democratic principles.

10. <u>The Judiciary</u>

Judiciary means impartial settling of disputes and determining of guilty or not, etc. The word "justice" means the same thing. In order to protect his life, freedom, property, etc., every citizen is entitled to claim fair and impartial trial. The judiciary has very great importance to the life of the people. Above all it is important that it gives fair judgment. Law-courts are established to take charge of this function of administration of justice.

Under our new constitution the law-courts are to administer justice in accordance with the constitution and laws enacted by the Diet. No one or nothing else can interfere with it. It is also set forth in the constitution that those whose duty is to administer justice, namely the judges, cannot be removed from office without certain causes. This is the "Independence of Judicial Power." Anyone can attend a trial to see how justice is being carried out, for the administration of justice must be fair and impartial. Just like the work of the Diet, the activities of the law-courts are to be open to the public. This is also clearly stated in the constitution.

There is one thing that has been greatly changed in our new constitution. A law-court known as the Supreme Court can now investigate a law enacted by the Diet to determine whether it is constitutional. If the court should find the

law to be unconstitutional, it can defy that law. Thus the law-courts now have a very great responsibility.

While we must have confidence in the Diet as our representatives, we must at the same time respect the law-court as our friend and guardian of our rights and freedoms.

11. Local Self-Government

During the war, everything was conducted "for the sake of the country" and the individual was neglected. However, since a nation is made up of individuals it will never improve until the lot of the individual is bettered. Japan is divided into many small districts. In the same way, unless conditions in each of these little districts are good, Japan will never prosper. For this reason, it is best that each district carries out its own affairs. Each district has its own special problems which are understood best by the local inhabitants. To govern oneself as one desires is called "self-government." The system which permits each district to carry out its own affairs is termed "local self-government."

The new constitution places heavy emphasis on local self-government, and defines it clearly. Each district is to conduct itself as a single unit. Tokyo-to, Hokkaido, Prefectures, cities, towns, and villages are all "local public entities."

If the nation carries on its affairs in a democratic way, the local public entities must do likewise. It can be said that the local public entities are miniatures of the country. They also must have their local assemblies, with functions similar to those of the Diet. The public officials of the districts and the members of the local assemblies are to be elected by the people.

Since the nature of the local self-government is clearly established in the constitution, the Diet in making laws which apply only to a district or certain districts must ask for a vote by the people concerned. The majority of the local inhabitants must be in favor before the Diet can pass such a law.

Just as we love and serve our country, let us also love and serve our districts in which we live. The prosperity of the district must be considered that of the nation.

12. Amendment

"Amendment" means a change in the constitution. As stated before, the constitution is the most important rule of the country. Strict procedure has to be provided for the amendment of the constitution. The new constitution therefore stipulates that the amendment of the constitution be decided not only by the Diet but by the voting of the people.

Amendments to the constitution are proposed in the Diet by the representatives and must be passed by a two-thirds majority in each House. This is called "proposal for amendments." If the proposal should be passed by the Diet, the people are to vote on the question. "The Approval" of the people is obtained if the majority vote in favor of the amendment. The approved amendment is then announced by the Emperor in the name of the people. This is called the "promulgation" of the amendment. The new constitution was made by the people and belongs to them. Therefore it is only fitting that amendments be announced in the name of the people.

13. The Supreme Law

As previously discussed, the "supreme law" is that law which ranks the highest in the country. The supreme law is the constitution. It has also

been said that in the constitution there are two kinds of rules - one which determines how the nation is to be governed and the other which establishes the fundamental human rights. In Japan the fundamental human rights have been thought of lightly. In Article 97 of the new constitution, it is solemnly stated: "The fundamental human rights by this Constitution guaranteed to the people of Japan are fruits of the age-old struggle of man to be free; they have survived the many exacting tests for durability, and are conferred upon this and future generations in trust, to be held for all time inviolate."

The constitution being the supreme law of the land, no law, ordinance, regulation, which is not in accordance with it is legally valid. This is clearly established in the constitution.

The constitution is of such importance that the Emperor, the Ministers of State, members of the Diet and the Judges, all have the duty of observing it. It also promises that Japan shall honor all agreements (called treaties) with other countries and abide by the rules among nations (called "International laws").

The new constitution was made by the Japanese people and belongs to the Japanese people. Let us observe this constitution and work for the good of our country

LEGAL AND GOVERNMENT
LECTURE II

POLITICS AND THE PEOPLE (Chapter VII, Primer for Democracy)

Politics is Everybody's Business.

We have often mentioned that democracy means something much broader and larger than the mere exercise of the franchise at election time or the deciding of political problems. There is, however, no doubt that politics is a very important element in the realization of democracy. The quality of a nation's or community's politics can exert, for better or worse, a profound influence on the spread of education, the progress of transportation, the prosperity of economy, etc. Instead of leaving the political aspects of such important matters to other people, we must do it as our own job. This attitude of mind is the first essential of individual political participation.

Among the Japanese people, there still remains a feudalistic notion that politics is not their concern. There is an old-Oriental proverb, "Let people obey, but not be informed". This means that administrators should have the people merely obey orders, and that it is taboo to inform the people of the fundamental principles of government. For if the people are informed of the policies of government, there are bound to be persons who will criticize the government, and the rulers would not be able to govern as they please. The politicians took this attitude for a long time. Accordingly the people are accustomed to think that they live only to be governed, and can scarecely bring themselves to believe that they themselves are to govern. Although they are told that "Sovereignty rests with the people", they cannot quite grasp the full meaning of the phrase and feel somewhat bewildered about the whole thing. The disposition to leave politics to others also springs from the same mentality.

But may we safely leave politics to others? Was it not very recently that the war was plotted by militarists and politicians without the knowledge and consent of the people? The result was that the people lost their husbands and sons, had their houses burned, lost property, and were reduced to a miserable predicament in which they did not know where tomorrow's bread was coming from. The greatest victims of misgovernment are always the people. It is also the people themselves who always feel keenly the benefit of good government. Therefore it is imperative that the people understand politics. They must take a deep interest in politics. They must have a firm resolve to improve government through their own efforts. Since the people can most acutely feel the effects of good or bad government, the only guarantee of improving their government is for the people themselves to govern. Herein lies the foundation of the political principles of democracy.

In order to improve the fruits of government, it is absolutely necessary for the people to regard government as their own job and to grasp the key points of government. Politics cannot be carried on by the professional politicians alone. No matter how good a political policy may be, unless the people make up their minds to cooperate, good results can hardly be obtained.

In the early autumn of 1947, an appalling downpour swept over the Kanto area. The waters of the Tone River and other streams overflowed their banks and a great flood occurred. A litter earlier, the Tohoku area was also heavily damaged by floods. It is true that these were acts of God, but the severity of natural calamities of whatever kind can often be prevented and always lessened to a certain extent by human efforts. If the Government establishes a sound policy, and if the people cooperate as enthusiastically as they do in their own work, it is not impossible to arrest even such acts of God.

In the case of the Kanto and the Tohoku floods, the fault lay in the rash and ruthless war-time deforestration in areas close to the sources of rivers. Another cause of the floods was the fact that even the weakened banks were, instead of being strengthened, turned into gardens. Although the Government was partly to blame, the people were also to blame for neglecting to consider seriously levee works and afforestation as a part of their political

responsibilities. If the conditions of mountains and streams are such that water escapes easily, then severe water shortages will occur in the dry season. There will be electric power shortages, and the water supply may be stopped altogether. How can this condition be remedied? If the people themselves think, have the government establish appropriate measures, and actively cooperate, that is a "government by the people, and for the people."

Even the prevention of natural disasters and the utilization of natural blessings require the active cooperation of the people. The willing cooperation of the people is all the more essential, however, if human society is to be substantially improved. Everyone knows the danger of inflation. Everyone recognizes the necessity for increasing production. Whatever the policy that may be pursued for the purpose, it will probably fail to bear fruit unless the people make up their minds to cooperate to put an end to inflation and to increase production. In a government left to others, the people merely criticize the Government behind the scenes, but refuse to accept any responsibilities themselves. In the long run, honest persons lose and dishonest persons benefit. Under such conditions, society can only go from bad to worse. In order to improve government, each individual must hold himself partially responsible. There must be the kind of government that irresponsible persons cannot exploit. Who does the job? Of course, the people. For the people, therefore, government is "their own business" Thus, a democratic government must be a "government of the people".

Local Autonomy.

You now see why we, as individuals, must consider politics as our own personal business. But the government of a nation is very broad, its problems are complex, and its course of action is difficult to foresee. So it may be very hard for people to regard the governing of a nation as their own business. However, government is not confined to the national government. There is also government in small places quite close at hand. For example, there are governments in towns and in villages. The people are at once citizens of the state, the city, the town, and the village. Even though the problems of the national government are often very complex, the problems of the town and village governments are comparatively simple. An essential element in democratic government is that the people should consider local government as their first responsibility.

The country of Japan is divided into one TO (Tokyo), DO (Hokkaido), two FU (Osaka and Kyoto), and forty two KEN (Prefectures). And, within them, there are SHI (cities), KU (wards), MACHI (towns), and MURA (villages). These are called local, autonomous organizations. When dictators reigned in Japan, the rulers of the central government issued orders from above and controlled local governments, forcing them to do things utterly unsuited to conditions in the towns and villages. Such things are no longer possible under the new Constitution. Local, autonomous organizations have their own legislative and executive agencies, whose members are elected by the local citizens. The people elect members of the prefectural, city, and village assemblies. They also elect the governors, city mayors, and village chiefs who execute the policies approved by the respective assemblies. Whom should the people elect? What kind of government will be demanded of elected representatives? Does the government of the representatives come up to the expectation of the prefectural, city, or village citizens? By considering these problems of our own accord, politics becomes "our own work". This should be a simple thing, easy to understand.

For instance, there is waste land in a village. It is not suited for cultivation owing to poor drainage. Because its cultivation would be expensive and require a great deal of labor, it has been neglected as waste land for a long time. Is that right? Is there nothing which would enable the people to obtain financial backing and cooperate in reclaiming the land? If the stream is dammed at its source and drainage improved, several acres of paddy fields might be made available for productive use. The water from the dammed stream might be used for irrigation. Let us assume that the village people planned to carry out such a project and elect capable men as members of the village assembly and the village headman. Village finances might show a deficit for two or three years. However, there could be a small income in the fourth year. In the autumn of the fifth year, the reclaimed land could conceivably yield

a rich golden harvest. Of course, everything may not progress as smoothly as this. There might be opposition, and the opposition may have good reasons. So all must think. If the majority are in favor of the project, then they should carry it out. Such an enterprise might contribute the progress and prosperity of the village. Such is a proper function of village government. It is the same thing when a village is building schools, improving the village hall, or repairing roads. How can village people leave such projects to others? Just as tilling the family land is the work of the family, so the general welfare of the community must be the villagers' own work.

At the present time there are mountains of difficult problems confronting the nation, prefectures, towns, and villages. If the Japanese people will not solve the problems of Japan who will solve them? Similarly, the people of a community, be it city, town, or village, must consider their own problems, and endeavor to solve them on their own initiative. "God helps those who help themselves." It is only after their strenuous self-help that the villages may properly seek the aid of the prefecture, and the prefecture may justifiably seek the aid of the national government. The same thing may be said in regard to foreign aid. It is not until the people of the entire nation have exerted utmost endeavors to help themselves that substantial foreign aid and cooperation may be reasonably expected.

The problems of local government must be solved by the people of the communities. But residents of towns and villages, like the citizens of a nation, have their own occupations, so they are unable to devote a great deal of their time to the affairs of town or village government. Therefore, from among themselves they elect representatives who devote themselves to such affairs. However, we must not think that our responsibility is fulfilled once we have elected our local representatives. What are the town and village chiefs doing? What are the members of town and village assemblies discussing? Are they governed by emotional considerations or absorbed in factional strife? The residents of towns and villages must constantly ask themselves these questions. They must encourage when they can and criticize when they must the conduct of their representatives and they must also present their own individual opinions in an orderly manner. Everbody must thus endeavor to build up a fair and just town and village government.

Government must be the business of everbody. But it is the first and foremost necessity to choose proper representatives who actually do the job. Thus, those who are confident that they can perform the tasks of a mayor or an assemblymen should seek election. Even though you yourself may not seek election, you must conscientiously elect your representatives with the kind of fervor that you would feel if you were standing for election.

It would, however, be irrelevant if people become so absorbed in an election as to lose a sense of calm judgement. In America and elsewhere elections are big events in which people show great enthusiasm. They are often held with a flourish of trumpets. Occasionally, there are candidates who, in order to attract public attention and stimulate their election campaigns, employ brass bands and conduct propaganda on a large scale. It is said that, at such times, the people, enamoured by the sensational scene, often elect demagogues, with the result that sober and serious candidates are pushed into the background. Although candidates in Japan do not seem to be employing brass bands, the people are often misled by superficial propaganda and vote for the wrong persons. Political problems are not effectively solved by suchpractices. Good government must depend on the ability of good candidates. Therefore it is desirable that the people should take a more lively interest in elections than in the festival of some tutelary deity. But it is also exceedingly important for the people not to be fooled by false propaganda and election campaign extravagance.

National Government.

A basic principle of democratic local autonomy is that villagers conduct village government, citizens of towns conduct town government and all local citizens conduct local government with their strength, their will, and their cooperation. However, all problems of village governments cannot be solved by the villages alone. There are many local problems which cannot be effectively

solved locally. Therefore, it is often necessary to consider village problems in terms of the entire local area. With respect to some laws and policies, the solution of local problems must sometimes be considered in terms of the entire national government. At first, affairs of the national government may seem too broad and too complex to understand, but, as we seriously consider local problems, it will become easier for us to have a clearer understanding and insight of the broader political problems of the nations.

Needless to say, one of the most pressing problems facing Japan today is that of food. The farmers of Japan, who are entrusted with the production of food, are engaged in hard labor all the year round hardly ever taking a rest. In America and other large countries, large scale industrialization of farms has been achieved. Every process of farming -- cultivating, sowing, harvesting, and milling -- is done largely by machines. At time, even airplanes are used to sow seeds from the sky.

However, in a small nation like Japan, where plots are small and paddy fields are numerous, it would be impossible to introduce the kind of mechanized farming practiced in America. However, if electric power and storage capacity could be more fully and effectively utilized, farm production efficiency could be substantially improved. The farmers would have more leisure to devote to culture and education. But to achieve this goal, greater exploitation of hydro-electric power is needed. Production of coal and live-stock breeding might well be increased. A wider utilization and the improvement of farm machinery should be realized. These problems are not problems of one village, one town, or one local area alone. They can best be solved with the cooperation and technical advice of the national government.

This is just an example, but it shows how closely some of the problems of local government are related to those of the national government. Therefore, those who seriously consider the government of their villages must also give serious consideration to the problems of this local governments. Those who give earnest thought to local problems necessarily pay deep attention to the problems of national government. Those who consider the government of a village as "their own work" will also come to think of the government of the nation as "their own work".

However, as we progress from the village or town government to prefectural government and from prefectural government to national government, the problems necessarily become more and more complex. Although the people must feel that problems of the national government are their "own work", the national problems unlike village or town problems, are often so complex that the people cannot grasp detailed points of the problems. In villages or towns people have ample opportunity to get elected to representatives themselves, whereas, in the case of the national government, only a very limited number of people are placed in the position of directly discharging the functions of government as ministers or as members of the National Diet. Accordingly the most important way by which the vast majority of the people participate in the government of the nation is to send the best possible representatives to the National Diet.

In the case of town or village assemblymen, the people are familiar with the personal histories, characters, and opinions of the candidates and can most easily decide on their choice. However, in the case of representatives to the National Diet, the people often learn the names and professions of candidates for the first time from the official announcements of the candidates. Naturally they find it very hard to make realistic and appropriate choices. The difficulty may be compared to "picture weddings" where the selection of a bride or a bridegroom is made from photographs. Voters listen to speeches over the radio or at public meetings, but they may justly doubt if the announced platforms can be taken at their face value. On the other hand, candidates themselves often feel uncertain since votes may bedecided by chance. Furthermore, if a few hundred members of the Diet each assert their separate opinions and act according to their own beliefs, governmental policy might never get anywhere. How, then, can we avoid such confusion?

Political Parties.

With a view to eliminating or at least reducing the above confusion, political parties have developed along with the progress of democratic government. In fact, one of the basic units of democratic government is the political party. Though it may be difficult for the people to choose individual candidate, it is comparatively simple for them to decide which party's platform should be supported. The members of the National Diet can, by conducting themselves, not as private individuals, but as members of a political party, have their aspirations forcefully reflected in the national government. Political parties play an important role in local governments, but it would be difficult indeed for the national government in particular to function without political parties. For this reason, party government, according to whether it is operated properly or not, can accomplish excellent achievements or cause numerous abuses.

A political party is an organization formed by individuals who have, or are supposed to have, the same principles and opinions concerning politics. It is natural for individuals to have differences of opinion on political affairs, but as far as major points are concerned, they can broadly be classified into several basic shades of opinion. Then, by giving a clear theoretical basis to the common policy and by clearly announcing its principles, each party or group can act openly and squarely with an established policy. Herein lies the chief purpose and function of the political party. As members of some political party, politicians enter the arena of an election campaign. The people judge which political party has a policy which they can conscientiously support, and, considering the character of candidates at the same time, vote for the candidate who seems to be most reliable. Each party sends a number of representatives to the National Diet that is in proportion to the popular support given to the party. In the National Diet, parties with opposing opinions argue with each other, while parties with similar views cooperate, and so the policies of the national government are determined. The people encourage or criticize the policies, and steer the government towards rightful objectives. In this way too, the national government becomes, for the people, "their own business".

The politics of the nation are complex and difficult. Because they are complex and difficult, there are inevitably varying opinions on what is the best policy to be followed. Accordingly, two or three, or even as many as five or six, political parties are formed. It is only natural for a few parties to coexist. Where the policies of only one party are deemed as just and political parties of any other stand are not recognized, as in the case of the U.S.S.R., it is not democracy but dictatorship.

A dictatorship allows no opposition parties. It advocates "one nation, one party," and controls all by unified power. On the other hand, democracy respects freedom of speech and the choice of political parties. Even though a majority party takes the reins of government, there is always an opposition party which shows no hesitation in criticizing the policies and actions of the majority. The Government and the majority party are thereby called upon to review their policies, while, at the same time, the people are enabled to learn about the issues that are involved. Even though the opinion of the minority may be defeated by majority vote, if the opinion is just, it will gradually win popular support and the minority party will grow to be a majority party. This is the proper way for a democratic government to function.

However, it is far from desirable that there should be too many political parties. If there are as many as five or six parties, it is extremely difficult for any one of them to gain a majority in the National Diet. When the majority party of the National Diet is not powerful enough to form a Cabinet, it will be forced to seek the support of one or more other parties. It is not intended to suggest that over two political parties should not agree on policies and form a coalition Cabinet, but the political power of such a Government is usually inclined to be weak. It cannot pursue one clear, consistent policy with conviction, and is apt to be divided against itself. If one party should change its mind and withdraw its support, the ministerial party becomes the minority party and the political foundation of the Cabinet will be undermined or even destroyed. If the Cabinet is always short-lived, and its policies are faltering and changeable, the people tend to lose faith in parliamentary government. When

they tend, as a reaction, to seek a "strong" government which marches on one path unfalteringly and precipitately, there lurks a trend towards dictatorship.

Therefore, division into too many parties should be avoided as far as possible In Japan a democratic form of government was instituted only recently. So it is somewhat inevitable that representatives elected as members of a certain party may resign from that party, or that "independents" of other factions will combine to form a new party, but such an unstable state of affairs should be corrected as soon as possible. It is hoped that only two or three large parties with straight-forward and clear-cut political principles will be established and that they will pursue parliamentary government in a fair, statesmanlike manner in which there is no room for petty political tricks.

Abuses of Party Government.

Democratic government is based on majority rule. In elections, candidates with the most votes are elected. The enactment of laws in the National Diet or the designation of the Prime Minister is also carried out by majority vote. Democracy cannot function effectively if the principle of majority rule is rejected. Thus, what matters in democratic government is "numbers". The open, fair campaign to win the largest number of supporters is the motivating force of democratic government. But we must also note that this is also the source of possible abuses of party politics.

One of the abuses which often accompany party government is "mud-slinging" Because political parties are so anxious to get the largest possible number of votes, they are often tempted to use any available means to achieve their ends. During elections, in order to weaken their opposition, candidates often criticize merely for the sake of criticism. They try to undermine their political adversaries by making false charges against them. They may even expose the private lives of opposition candidates and stoop to libel and personal attacks. These attacked cannot remain silent, so they retaliate, employing the same tactics. Although the attacks are primarily intended to harm the reputation of opponents, usually they end eventually in injuring the name and reputation of the attacker. Indeed, this kind of thing, if carried to extreme, could disgrace party politics and even democracy itself.

Mud-slinging campaigns do not always end with the elections. They are sometimes carried into the sessions of the National Diet. One party attempts to undermine the strength of another party. Both seek information that would destroy trust in their political rivals, and resort to exposure tactics. If Diet members feel that they cannot defeat their foes with numbers, they sometimes use such methods as filibusters. They heckle speakers of the opposing side and t try to create turmoil in the Assembly. They delay discussions of a bill by prolonged and often irrelevant questioning. If the Speaker tries to curtail discussions, they criticize him as "high-handed". Eventually, they may draw close to the Speakers' table, and even resort to rough-and-tumble. They may attempt by every means to prolong the voting and to have the bill tabled. If the session ends before a vote can be taken, even the majority party cannot hope to pass the bill. It is not rare for a minority party to resort to such disruptive and utterly undemocratic tactics.

Along with mud-slinging, another abuse of party politics is the temptation of money. It is often cynically said that "money is the key that opens all doors". In the political world, also, the promise of monetary gain is too often a tempting lure. Even a very open election requires a large sum of money. A vast sum is needed if voters have to be bribed or if newspapers are bought off. Although a portion of a candidate's campaign expenses may be defrayed from the parties' funds, political parties are not joint-stock companies and do not earn money. If the political parties depend upon the Zaibatsu or the very rich for financial support, political power will be at the mercy of the plutocrats.

In days gone by, this type of politics often prevailed in Japan. It even became the common knowledge of people that the wirepuller of the Seiyukai was the Mitsui, while the financier of the Minseito was the Mitsubishi. Under such circumstances, there could be no fair and square politics. If the money flows and finally gets into the hands of voters and their voters are bought, it means

the end of democracy. The corruption of party politics was among the principal reasons why dictatorship centering round the militarists was rampant in the Showa era.

How, then can such abuses be eliminated?

First of all, political parties must have a deep conscienseness of their nature and function as public institutions. The function of political parties is to strive to have the opinions of the people reflected and realized in actual government. They therefore must declare clear-cut policies and endeavor to execute them faithfully. But government is something alive. However clear-cut policies may be, it would not do to advocate formulas that do not befit actual conditions. Therefore, it is necessary to see that policies constantly have freshness and elasticity so as to meet ever changing conditions. If party members observe and practice fair play on the basis of such policies, and the people, supporting the announced policies, place their confidence in the parties, the danger of political parties being influenced by money and private considerations will greatly decrease.

Secondly, parties themselves must be organized democratically. The importance of political parties recruiting outstanding personalities goes without saying. Parties progress when they have good policies and good men. If the leaders of a party are not capable men, they cannot hope to maintain unity within the party. However, this does not mean that a capable party leader may issue orders dictatorially. Capable leadership and dictatorship are two different things. If the party is influenced by money, the most important work of the party leaders will be to collect money. Consequently, an individual who is most influential in this art will be exalted as the chairman of the party. All knotty problems will then be left to the chairman.

Inasmuch as political parties are the core of democratic politics, it is a matter of course that their internal organization should be democratic. Although party discipline must be respected, it is important that open discussions be respected within the organization and that leading members be recommended as leaders. In addition, the party funds should, instead of depending on Zaibatsu or a few financial magnates, be sustained by donations from among the rank and file of the party membership.

In the third place, it is necessary for political parties to have the magnanimity to understand, or at least respect, the policies of their opponents. Because political parties are based on different principles and platforms, it is natural that there will occasionally arise opposition and political strife between them. Whatever opposition there may be between political parties, its ultimate aim is to improve the government of the nation and to elevate the life of the people. Therefore all the political parties, in the course of their opposition and strife, must always cooperate in their endeavors to attain the common goal. Thus, political parties must have the generosity to hear the the opinions of their opponents and to adopt the policies which promise to contribute most to the common good. Especially, the majority party must respect the claims of the minority parties. If the majority party, through its strength in numbers, arbitrarily over-rides the minority parties and succeeds in passing bills regardless of whether they are appropriate or not, it will lead to tyranny of the majority party. Vital problems that may bring weal or woe to the people must be studied inside out and from every conceivable angle. Only when there prevails a humble spirit to pursue the truth by keen research and discussion, party government can blossom forth and bear fine fruit.

Be that as it may, the basis for all the above is good sense on the part of the people. Parties are like a mirror of the minds of the people. If the minds of the people are warped, warped political parties will be formed. If the spirit of the people is sordid, sordid parties will vie with one another in an ignominious manner. Before they criticize political parties, the people should endeavor to elect trustworthy individuals as their representatives. The only may that leads to the prosperity of democratic government is for all the people to become enlightened voters and to strive constantly for the betterment of government as "their own business".

new lecture

LECTURE III

LEGAL AND GOVERNMENT

"Characteristics of the New Civil Code which Alter the Family System"

As you know, drastic changes were effected in almost all aspects of the people's life in Japan after the war. Some say they constitute a democratic revolution. One of the most important of these reforms is the New Constitution and one of the most significant aspects of that reform is the abolition of the old family system. Article 24 of the New Constitution states, "Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis. With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce, and other affairs pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes."

This is a great reform of our daily life. This means that marriage will be based on free will, not arbitrary decisions from the elders; also that there will be no more "House" with the head of the family at its center, ruling the lives of all members, or "relatives' conference" which makes all the major decisions in the lives of individuals. There will be no favoritism in the inheritance of property by a child simply because he happens to be the eldest son, but the wife and all the children will share the property.

Two important principles embodied in the New Constitution are pacifism and democracy. In Japan, the warlike spirit dominated almost all fields of our daily life. Just think of the noted fairy tales such as "Momotaro," "Saru Kani Kassen," etc. In all of them the males who could fight were more important and consequently more respected than females. And so the Japanese feudal family system was based on the superiority of the male. According to the New Constitution, which stands for pacifism however, all people, men and women, are equal, and the old basis of their former relationship was abandoned. Another important principle which we find embodied in the New Constitution is democracy. In democracy, all people should be respected as human beings and as individuals. What does this mean? We think we can state that the very starting point of democracy is the emancipation of man and the realization of "self." This means that all men and women should be equal and free, thus all people must be respected as individuals under the law (Article 13 and 14), and freedom of thought, religion, speech, and assembly (Article 19 to 23) are guaranteed.

In Japan, as you know, men and women were not treated equally in the old days. According to Article 24, this inequality is to be eliminated and henceforth men and women will enter marriage with equal rights. Such being the case, the new civil code in Japan has emancipated Japanese women who had been denied freedom for many centuries past.

Article 732 and 764 of the old civil code concerning the "household Chief and family" are abolished. This freed not only women but also all those who had been under the control of the family head. Up to now, marriages were often forcibly broken up merely because of the difference in rank of "house" or "family" of the marriage partners. Lovers were often prevented from marriage for the same reason. This caused them to commit "double suicide", and the lives of many good and useful people were thus wasted. Women were excluded from the inheritance of property just because they were women. So miserable was women's position under the house system in Japan that it was absolutely necessary to abolish the system in order to insure equal treatment of men and women.

Let us now study the functions of the family system. First, the feudal family system had an economic function. Members had to cooperate just to make a living. That is, most people even made their own "bean paste," "soy," "clothes," etc. But modern economic arrangements have destroyed the economic unity of the family and its self-sufficiency. Secondly, before the police and court system was established, the family in feudal times were obliged to defend themselves against their enemies. A modern democratic state protects its citizens through a police and court system. Thirdly, in order to keep order, the household chief in the feudal family had the power to punish his family. Recently, however, even if a member of the family becomes a criminal, no house head can punish him; the police and the courts have this power. Another reason for the existence of the old family system has thus disappeared. Fourthly, the feudal family system had a religious function which tied all the family together in worship. The temple played an important part in family life. But today we have freedom of religious belief and each member of the family is allowed to believe as he or she likes. The religious function of the old family has thus disappeared. Lastly, in feudal times, the passing on of the family profession or trade to the children was a function of the family. Today, however, responsibility for vocational training has been taken out of the home and given to the school and the factory. In short, all the necessary functions of the feudal family system have changed or disappeared. The old family system was unrealistic when faced with modern problems. The "House" of the old civil code has no real importance in our modern social life, but only an imaginary existence. Take the example of a household chief who lives in Kagoshima, while almost all "the family" live in various other places, such as Tokyo or Osaka. How can such a household chief support or retain control over his family? A new family system had to be constructed to meet the changed conditions of a New Japan.

Under the New Civil Code the household chief system was abolished and each individual is now permitted to live wherever he likes, and live his own life.

The husband and wife are to use the same name, but it is up to them to decide whether the husband's or wife's will be used for the new family. Once decided and registered, it cannot be changed during their entire married life.

In the old Civil Code the wife was unable, according to law, to act independently, but this was also changed in the new Code. The wife need not now get permission of the husband for her acts. In regard to property, the husband has no longer any administrative power over that belonging to the wife. Nor is he any longer solely responsible for the expenses of their married life. In the new Code the husband and wife share the responsibility on an equal basis.

Divorce can be obtained only through the will of the husband and wife, and cannot be forced upon them by parents-in-law as in the old days. Upon divorce, the property earned by the cooperative effort of the husband and wife is divided. When a dispute arises, the Court of Domestic Relations takes care of it. The old disability of the wife in obtaining a divorce has been eliminated. Husband and wife now stand on an equal footing. Divorce can now be obtained by either party, but only in the following cases:

1. If the spouse has committed an act of unchastity;

2. If she or he has been deserted maliciously by the spouse;

3. If it is unknown for three years or more whether the spouse is alive or dead;

4. If the other party is attacked by a severe mental disease and recovery is hopeless;

5. If there exists any other grave reason for which it is difficult for him or her to continue the marriage.

As parents, the husband and wife are equal. The father and mother exercise their parental rights over their children cooperatively. In the old Civil Code the father was the prior possessor of parental rights.

In the past a widow's position was very insecure since she could not inherit her husband's property. But according to the new Civil Code (Article 900), "If there exist two or more successors in the same rank, their shares in the succession shall be determined in accordance with the following provisions:

a. Where children and a widow are heirs, the shares in the inheritance of the children shall, in all, be two thirds, and that of the widow shall be one third;

b. Where the widow and the parents-in-law are heirs, the share in the inheritance of the widow and the parents-in-law shall each be one half;

c. Where the widow and the brothers-in-law and sisters-in-law are heirs, the share in the inheritance of the widow shall be two thirds and those of the brothers-in-law and sisters-in-law shall be one third."

In altering the old family system the New Civil Code frees the individual family member to live his own life independently and develop his own personality to the height of his capacities; it enables the family group to build a friendlier, happier home life; and finally, it enables the nation to throw off the shackles of tradition and create a freer, happier society.

Footnote 1

The Court of Domestic Relations is a special court where all legal disputes between family members and relatives can be settled in a quick and effective manner. It is a branch of the Prefectural Court, and has the same status and is located in the same place as the District Court. For handling domestic problems, it is better than a regular court because (a) it settles them more quickly, (b) it is cheaper, and (c) it keeps cases strictly private, whereas a formal trial exposes family feuds to the public.

There are two ways in which domestic problems are handled by the Domestic Relations Court, (a) by conciliation, in which a committee composed of a judge specializing in domestic relations and more than two conciliation commissioners sits on divorces or any other feuds in the home, and (b) decree by trial in which a judge of domestic relations deliberates on cases involving changing of a surname, adoption of minors, conflict over property inheritance, or division of property in a divorce. One or more councillors attend and give opinions to the judge.

The great mission of the Court of Domestic Relations is to maintain a pleasant and peaceful home life. People may go there just to consult about their problems before they become too serious. The Court of Domestic Relations gives sympathetic guidance regarding legal matters. The average person should consult it whenever he needs to.

講義　家族制度を変えた新民法（第三時限）

New Lecture

戦后、日本ではいろんな方面で急な変化が起っています。民主々義革命ともいわれているこの変化のうち最も大切な改革は新憲法で、そこに示された改革のうち最も大きなものは家族制度の廃止であります。

新憲法第廿四条に「婚姻は両性の合意のみに基いて成立し、夫婦が同等の権利を有することを基本として相互の協力により維持されなければならない。配偶者の選択、財産权、相續、住居の選定、離婚並びに婚姻及び家族に関するその他の事項に関しては、法律は個人の尊嚴と両性の本質的平等に立脚して制定されねばならない。」とあります。

これによって我々の日常生活が大変変って来ます。婚姻は当事者の自由意志で成り立つのであって、年長者によって勝手にきめられることがなくなり、家族全部を支配する戸主中心の「家」も親族会議もなくなったというわけです。長男に生れたというだけで財産全部をうけつがすえこひいきがなくなり、妻も外の子も分前に与ります。

新憲法に現れた二つの重要な点は平和主義と民主々義であります。日本では昔から桃太郎や猿カニ合戦のように戦争好きな気風が日頃からしみこんでいました。男は戦争が出来るという理由で女よりも大切であるとされ、その結果女よりも尊敬されました。ですから男尊女卑に根ざした封建的家族制度が出来たのです。新憲法は平和を標ボウしていますから、力の強い男子も弱い女子も、すべての人が一等です。昔男女を差別した根據はすてられました。今一つの重点は民主々義です。民主々義では凡ての人は人間として尊重されます。これはどんないみでせうか。民主々義の出発点は人間の解放と自己の実現であります。男も女も平等で、自由でなくてはならぬという意味であります。従って法の下では（第十三条、第一四条）國民は個人として平等に尊重され、誰にでも、思想

信教、言論、集会、(第一九条、第廿三条)の自由が保証されています。

日本では御承知の通り、男と女とが平等に取扱われませんでした。第廿四条により この不平等を取り去り、婚姻する場合、同等の権利を認めています。かくて過去何百年もしばられていた日本の婦人は新憲法のおかげで解放されたのであります。

旧民法の第七百三十二及七百六十四条「戸主又家族」の条文が削除されました。これによって単に女子のみならず、戸主の支配下にあった家族が解放されました。これまでは家の格がちがうといって、縁談が破れたりした事もあります。恋愛している同志でも、同じ理由で結婚出来ませんでした。この為に前途有望な男女が自ら生命を断つ事にもなりました。女であると云う理由だけで家督相続から除外されました。家族制度の下では女は余りにも悲惨なものであったから、家族制度を廃止しなければ、男女を平等に取扱うことは出来ないのです。

さてここで家族制度というものを一寸研究して見ましょう。第一に家族制度は自給自足の単位でした。即ち、家族の各員は生計のために協力せねばなりませんでした。というのは布を織ることも、味噌、醤油を作ることも皆家でしていたからです。然し今では産業が発達してそういう必要はなくなりました。第二に警察制度が出来た今日では封建時代の様に、各家族が外敵にそなえる必要もなくなりました。

第三に戸主は秩序を維持するために、家族のものを罰する権利さえありました。然し今は家族の中に犯人が出てもそれを戸主が罰することは出来ません。裁判所が罰します。第四に、家族のものは信仰のある。なしにかゝわらず、同じお寺の檀家として勤めをせねばなりませんでしたが、現在では信仰は一人一人の自由となりましたから家としての宗教上の勤めはなくなりました。

最后に、子供が家業をうけつぐことが、封建時代のならわしでしたが今では学校や工場でそれぐれの職業技術を習います。

このようにして、家族制度のもつていた働きは今皆なくなつているのです。即ち家族制度は今日の丁情に照して現実的でないということが出来ます。旧民法に規定されている「家」は今日の社会生活にとつて、何の意味もないまぼろしのようなものです。例えば、戸主が廃兒島にいて、家族は東京や大阪に散らばつている場合、どうして戸主がその家族を養い、又戸主権を振うことが出来るでしょうか。日本の今日の状態にふさわしい新しい形の家を作らねばなりません。

新民法によれば、戸主権がなくなつたから、誰でも自分の好む土地に住んで自分の道をゆくことが許されました。

夫と妻は同じ姓を名乗りますが、どちらの姓名をえらぶかは二人できめます。決めて届け左上は結婚生活のつづく限り、変えることは出来ません。旧民法では妻は法的に無能でしたが、この点も改められました。妻は自分の行動について、いちいち夫の許可を得ることはいらなくなりました。財産についても、夫には最早、妻に属するものを管理する权利はありません。結婚生活の費用を負担することもいりません。新民法では夫も妻も平等に、責任をわかつことになつています。

離婚は夫と妻の意志によつてのみ成り立つので、昔のやうにしゅうと、しゅうとめから強いられるものではありません。離婚に際して夫婦が協力して作つた財産は分配されます。争があつたら家事審判所がさばいてくれます。

家事審判所は家庭内や親族間に起つたすべての法律的ないざこざを手早く、納得のゆくように解決してくれる家事専門の裁判所です。地方裁判所の支所にあたり、大体以前区裁判所のあつた所に設けられました。それは家庭の問題をとり扱う場合に、次の三つの点で普通の裁判所よりすぐれています。

(イ)家事審判所は手早く事件を解決し、(ロ)費用がかからず、(ハ)普通の裁判では家庭の争が明るみに出ますが家事審判所では絶対に秘密が保たれます。

家事審判所で家庭の問題を処理する場合次の二種の方法がとられます。

(イ)調停。一名の家事審判官と二名以上の調停委員とで作られた調停委員が離婚や、その他の家庭内のいざこざの解決をはかります。

(ロ)審判。家事審判官が姓の変更とか、未成年を養子に迎えるとか、又遺産の分配について意見が一致起ったとか、離婚の時財産分けについて意見が一致しないというようなもめごとを審理します。一名以上の参与員も立ち会って、審判官に意見を出します。

家事審判所は家庭生活を、親族関係をたのしく、平和に保つという大きな使命をもっています。もめごとが余り大きくならない内に相談にゆけばよいのです。家事審判所は法律的なことからについて親切に教えてくれます。どんな人も必要な場合はいつでも相談にゆかれるのがよいでしょう。

妻は離婚の請求をすることが出来なかった以前の条文はなくなりました。今は夫と妻が同じ線上に立っています。離婚は夫からでも妻からでもたゞ次の場合にのみ要求出来るのであります。

(一)配偶者が不貞の行をした時。
(二)配偶者から悪意をもってすてられた時。
(三)配偶者が三年間生死不明のとき。
(四)配偶者が精神錯乱して恢復の見込ないとき
(五)結婚生活をつづけるにたえられないような、その他の重大な理由がある時。

親として夫と妻は同等であります。父母は協力して親権を行います。旧民法に於ては父親だけが

主なる親權者でした。

過去では寡婦は夫の財産を相續出來ないから、きわめて安定のない存在でした。しかし新民法九〇〇条によれば、「三人以上同位の相續者がある時、次のきまりによって財産を分配します。」

イ、寡婦と子供たちが相續者である時は、子供たちの分は三分の二、妻の分は三分の一。

ロ、妻としゅうと、しゅうとめが残った場合には、妻が半分、しゅうと、しゅうとめが半分をうけます。

ハ、妻と、夫の兄弟姉妹が残った時には、妻の分は三分の二、兄弟姉妹の分は三分ノ一。

家族制度を改めた新民法は、我々の家族の一人一人が独自に自分自身の生活設計をたて、各自の能力の範囲内で最も生き甲斐のある人間となるように、わずらわしいきずなから、我々をときはなしたのです。

新民法は家族の中のお互同志の間になごやかさと親しみを増し、ひとりにもつと明るい家庭生活を樂しませるようにします。そしてやかては國中が傳統の桎梏からときはなたれて、自由な幸福な世の中をつくり出せる第一歩が踏み出されたのです。

Substitute lecture

new

LECTURE III - Legal and Government

"On the Civil Code which Altered the Family System"

Article 24 of the new Constitution states, "Marriage should be based on the agreement of both sexes and it should be carried on with their mutual understanding and equality. The choice of one's mate, inheritance of property rights, selection of domicile, divorce, marriage, and other affairs concerning the family will be stipulated in law on the basis of individual rights and equality of sexes". The new Constitution provides that respect for individuals, and the basic equality of sexes should be the basis of our daily lives. The Civil Code accordingly had to be changed, expecially the part concerning family inheritance.

If we take a look back into the older family system we find that it was built around a house with authority resting in the household chief and the idea of succession to a house all important. The family system has its origin in the Oriental ethical and economic concept which placed importance in the national structure rather than in the subjects of the nation. The household chief gave orders and was obeyed implicitly by the members of the family. The members of the family patiently served the house and its name, subordinating their own interests in the process. Inheritance was also significant only as a means of keeping the name of the house alive forever. The Japanese nation itself was nothing but an expanded family system. The houses were units in the nation, therefore, it was ingrained in the people that the system was a good institution and had to be maintained. However, this concept belongs to the warrior class of the feudal days, and is out of step with a modern society in which individuals are important.

In the old system, the household chief was preferably a male, therefore the first born male succeeded to all the household property. Females of the family were in a disadvantageous position. Predominance of men over women also has its origin among the old warrior class. This concept has given husbands and fathers far greater legal rights than wives and mothers, which again contradicts the democratic concept of equality of both sexes.

The new Civil Code, in accordance with what the new Constitution stands for, namely, the respect for individuals and equality for both sexes, eliminates the rules regarding the household chief and the house, and does away with the discrimination between father and mother and husband and wife; abolishes the rules regarding inheritance of household property and adopts the rule of equal property inheritance. Accordingly, the census registration rules were changed and the function of the household chief in settling disputes was turned over to the new Domestic Relations Court.

The most important change in the Civil Code is the elimination of rules concerning house and the family. The value of the individual and equality of people emphasized in the Constitution is the basis of doing away with the special legal rights of the household chief who could control the members of the family. It is against the principle of the Constitution to recognize one person's right to meddle with the personal affairs of others, such as marriage or adoption of children, simply because the former happened to be the household chief. Of course, parents must look after immature children. Husbands and wives should cooperate in reciprocal relationships, and in these relationships no additional right need be given to the household chief. If there is no additional right given to the household chief, the law need not refer to the relationship between the household chief and the members of the family. There-

fore, all the rules concerning household were abolished. For instance, rules about having names entered on the register, getting them out of the register, reinstating them, rules concerning establishment of branch families, extinct families, etc., were eliminated. The relationships between relatives are now purely a matter of personal feeling and circumstances pertaining at the time and the law no longer defines them. Provision for the succession to the household chief's position is also unnecessary, and the rules concerning retirement, adoption of a son to be married to the daughter of a sonless family, and the legal recommendation of household successors were all abolished.

In the second place, marriage is hereafter to be made by free choice and on the basis of equality. Those who are under age must get the consent of at least one parent. Nobody else's consent is necessary. However, the age limit was raised to full 18 in men and 16 in women. No obstacles are placed to the marriage of full-age people. Though the Constitution says marriage is based on free agreement and free choice it must be registered to make it legal.

In the new Civil Code, the husband and wife are to use the same name, but it is up to them to decide whether the husband's or wife's will be used for the new family. Once decided and registered, it cannot then be changed during their entire married life.

In the new Civil Code the former exclusive right of the husband to decide the place of the family residence was done away with. Husband and wife are supposed to live together but the choice of the place is up to their mutual consent. When agreement is not arrived at, the Court of Domestic Relations makes the decision.

In the old Civil Code the wife was unable legally to act independently, but this was also abolished in the new Code. The wife need not now get permission of the husband for her acts. In regard to property, the husband has no longer any administrative power over the wife's property. Nor is he any longer solely responsible for the expenses of the married life. In the new Code the husband and wife share the responsibility on an equal basis.

Divorce can be obtained only through the will of the husband and wife, and cannot be forced by parents-in-law as in the old days. Upon divorce, the property earned by the cooperative effort of the husband and wife is divided. When a dispute arises the Court of Domestic Relations takes care of it.

As parents, the husband and wife are equal. The father and mother exercise their parental rights over their children cooperatively. In the old Civil Code the father was held to be the prior possessor of parental rights. Also it limited the rights of mothers on specified occasions when the consent of relatives was necessary.

The relative's conference, which was convened whenever important family decisions such as marriage or the sale of property, were to be made, has been abolished. Most of the rights were turned over to the Court of Domestic Relations. The selection of a guardian is another example.

Finally, the succession to a house was abolished. Succession to a house means that when the household chief dies or loses the household chief's rights for some reason on other, a person, related to the chief, usually the first born male, succeeds to all the rights and responsibilities belonging to the former household chief. The household chief's rights, the house and the inheritance of the household property by a single person were abolished. The new Code recognizes inheritance of property, but not the succession to a house. The inheritance of property is legally recognized only when

the owner dies or disappears. There can be no inheritance because of the owner's retirement. Those who inherit property must be near relatives of the owner and usually more than two persons. The order in which the relatives inherit property is, first, the mate, then the children, the direct lineal descendents, and then the brothers and sisters. When there is no other person surviving, the whole property goes to the wife. Those who are of the same status divide the property. When there is a dispute, the Court of Domestic Relations takes care of it.

Only when people understand the meaning of any change made in laws are the purposes of the laws achieved. A democratic society will be achieved only when all families in Japan understand and abide by the regulations of the new Civil Code.

法政第三講

家族制度を変えた民法
(On the Civil Code which Altered the Family System)

Legal & Government, Lecture No. III

新憲法第廿四條には「婚姻ハ両性合意ニノミ基イテ成就シ夫婦ガ同等ノ権利ヲ存スルコトヲ基本トシテ相互ノ協力ニヨリ維持サレナケレバナラナイ。配偶者ノ選択財産権相続住居選定離婚並ビニ婚姻及ビ家族ニ関スル其ノ他ノ事項ニ関シテハ法律ハ個人ノ尊厳ト両性ノ本質的平等ニ立脚シテ制定サレナケレバナラナイ。」と定めている。即ち新憲法は一人一人が大切なことと、誰もが平等であるといふことをどだいにして、人々のお互の関係をたてなほさしねばならないことを主張しているのである。そこで民法の中の親族及び相続に関する部分はすっかりあらためねばならなくなった。昭和廿三年十二月九日に制定された「民法改正法律」は親族及び相続に関する必要な部分と書きなほして、この目的を達したのである。

さて、従来の家族制度はどういふものであったかを振かえってみるとそれは、戸主本位の家とその家をつぐ家督相続といふものを中心とするものであった。それは東洋的社会に於いてよく見受けられるところの団体本位の即ち個人よりは、団体を重しとするところの倫理上及び経済上の思想に従って居った。戸主が家族の者に対して命令服従の関係を以て上から之を臨み、家族の者は、家の知譽・及び繁栄のために営々として奉仕するといふ仕組になって居り、相続もまた、この様な家を永久に続けて行くための制度として主に考へられて居ったのである。

日本の□家、そのものは、この様な家を國家的規模に推しひ
ひげられたものであるにすぎず、そこで家が國の基礎を
なし、國は家を單位として築き上げられて居る。だから、これを
美しい風俗として維持しなければならないといふ ふうに考
へられ、また説かれて居ったのである。
然し、これは封建時の武家階級の考へ方で一人一人が尊重
される現代の社会には適合しない。
次に、從来の制度では家の戸主としては成るべく男子が望ましい
とされて居り、長男が家に属する財産を全部相続するといふ
主義がとられて居り、女子は経済的にも不利な地位におか
れて居った。これもまた武家的な男尊女卑の考へ方による
ものであった。この考へ方は夫の方が妻よりも、父の方が母より
格段に有利な地位を与へられる点に於ても法律上の制度
現はれて居った。
然し、この様なことも近代的両性の平等と云ふ民主的
な思想には合はないのである。
新民法は、新憲法が要求して居る個人の尊厳と両性の
平等といふ主義に適合するやうに戸主家族等家に関
する規定を削除し、また夫に対する妻、父に対する母の差
別待遇を撤廃するとともに、家督相続を廃止に均
分相続制度を採用することになったのである。これに伴って
家に関する戸籍の制度も改正せられ、また從来の戸主
が家の中の秩序維持に関するしてもっていた機能を行ふ
ため家事審判所の置かれることになった。
第一に、戸主家族など家に関する規定が削除された
民法改正の中最も重要で且つ根本的な点である。個人の
尊厳と平等とを強調する新憲法の基本原理に基き

法政三ノ二

主として、戸主権、つまり戸主の家族に対する法律上の支配権を廃止するのが目的である。親子夫婦関係を離れて唯ゞ戸主といふだけの理由で、人が他の人の婚姻養子縁組住所の選定などに干渉するのは新憲法の精神に対するからである。親が未成年の子の面倒を見るのは当然であるし夫婦の間はお互に平等な立場で協力すればよく、それ以上に更に戸主といふ別個の地位に基き他の者の身の上に干渉させるのは理由はない。戸主権を認めない以上戸主と家族との関係については特に法律で規定しなければならない事柄とはなくなった。従って在来の規定のうち、家の枠の定め方に関する規定はすべて削られた。例へば、入籍、離籍復籍、入家、分家、廃家、絶家、廃絶家、再興などといふ規定はすべて削られた。親族としてつき合ひ、同居し、助け合ふのは全くそれぞれの場合の人情、風俗にまかされて法律ともて干渉しないこととなった。また戸主の地位の承継に関する法律の規定も不要となり、従って、隠居、入夫婚姻、法定推定家督相続人等に関する規定も廃止された。

第二に婚姻は、自由、夫婦は平等となった。新民法には未成年者が婚姻する場合でも父母の何れかの同意がいるだけであって、其他には、誰の同意もいらない。その代り婚姻年令が男女とも一年づゝ引上げられ、男満十八才、女は満十六才となった。成年者の婚姻についての何ら制限ももはや存しない。新憲法が婚姻が両性ノ合意のみに基いて、成立する旨を定めて婚姻の完全な自由を認めたのである。たゞし婚姻届をしなければ、法律上の意味で婚姻した事にはならないことは従来と同じである。

法政三ー三

新民法でも夫婦同姓の原則が採られるのは、夫婦共に、夫の代が稱するか妻の代を稱するかは、夫婦の間で定めて婚姻屆を出せばよいのである。一旦定った代は婚姻中変更できない。夫が妻の居所を指定する権は新民法では廃止され、夫婦は同居スベキものと規定はするが同居の場所は協議で適當に定めることになる。協議が調はなければ、家事審判所でこれを定める。

旧民法に於ては妻は無能力者であったが、この規定は勿論廃止された。妻は法律上の行為をするについて夫の許可を必要としない。

夫婦の財産関係も旧民法の夫が妻の財産に対して有した管理権は廃止され、また夫が婚姻生活の費用を負担することも廃止され、新民法では夫婦でこれを分担し、平等の地位に於て責任を負ふこととなった。

離婚も夫婦だけの意思によってできる。離婚したときは相互に協力して作った財産の分分を求めることが出来る。

爭ひあれば家事審所が解決して呉れる。

夫婦は親としても平等である。父母は共同して未成年の子とに対して親権を行ふ。旧民法では父が第一次の親権者であったのである。また母が親権を行使することに関し、一定の場合に親族会の同意がいると定めて居ったのが新民法では廃止された。主権、または親権の代行様関であった親族会は新民法では廃止され、その権限の中の一部は家事審判所が行ふことになった、即ち後見人の選択などはその例である。

法政三ノ四

LECTURE IV - LEGAL AND GOVERNMENT

"REFORMS IN COURT SYSTEM AND CRIMINAL PROCEDURE WHICH PRETECT THE RIGHTS OF THE INDIVIDUAL AND SANCTITY OF HIS HOME."

新刑事訴訟法

第一部　狀況

昔から日本の道徳は誰にでも義務があるということばかり強く云って権利のあることは、あまり云わなかった。この考え方は日本では伝統的に個人より団体の方を重く見ているのと、又日本の社会に根ずよくしみこんでいる儒教のおしえのためとも云える。

現在では、我々の一人一人が大切なものであるという考えが、家のため村のためとか国のためなどという従来の考えに代ろうとしている。昭和二十三年七月五日に国会を通過して二十四年一月一日から実施されている新刑事訴訟法は日本の法律の一歩ぜん画期的な新発足である。

この法律は我々に自分の権利と国家の利益とをはかりにかけて見せてくれる。過去三年間に国会を通過した法律の中でもこの法律は日本の各方面の法律家がち之をしぼってつくりあげたものである。このてっていした法律の改正は憲法にてらして、どうしても必要であるばかりでなく、刑事訴訟の手続きを近代式に、また人道に叶うようにさせることが、誰が考えても必要だからである。

もとくこれは昭和二十二年五月三十日制定の刑事訴訟法臨時改正法を払げたものである。一カ年以上のあいだ、この法律を実際にあてはめてみて、どういうところをもっと修正せねばならないか会入りに研究した。この一年間の実験のあと判事や検事や弁ゴ士や人権ヨウゴ連盟や法律学の教授や法務庁の官吏が熟慮してねりあげた見解をあつめて修正されたので、この修正をするには四カ月にわたってこれらの人々の代表が会議をつづけたのであった。

制定から（二十三年七月五日）実施（二十四年一月一日）までに長い期間があるのは、裁判官や検察官や弁ゴ士が、この全くあたらしい行き方になじむのに時間がかかるとみんなが考えてのことである。

実施までの間にいろいろな分面の情報をできるだけ参考にしてください。この法律が公安なことをつよく感じたのである。こうした改革が永つづきするかどうか、又、日本人の生活や文化の上にどんなにくいてくるかということは、一般市民がそうした改革を実さいの役に立たせるかどうかということ如にかかっているのである。役に立たせるにはどんな改革であるかを知らねばならないし、知るにはそれぐの地域社会の公共の手段を使って正しく説明してもらわなければならない。

権利が一つふえれば、それだけ責任もふえる。すべての善良な市民が法律を施行する枠内を正しい方法で極力援助しないならば、法律違反者はここで保証されたあたらしい権利を、自分の悪事をおおいかくす外套に使うかもしれない。こういう法律が出た以上、市民はその法律をまもる責任がいっそう重くなったわけである。

第二部

旧法では容疑者、被告又は証人に対する検察官ならびに警察官の訊問調書は起訴と同時に裁判所に提出された。それで裁判所は裁判を開始する以前に、既にその事件に関して結論を構成しており、しばく偏見にとらわれた。なお、多くの場合、審理中提供する唯一の証拠または主なる証拠は警察の苛責又はその他の拷問方法によって得られた自白であった。

新法では警察又は検察官から訊問のための出頭を命じられた場合にその命令を拒んだり、または出頭したり退出してりする権利がある。なお、逮捕されないかぎり、いつでも退出してさしつかえない。

警察官ならびに検察官の訊問調書を起訴状と共に、裁判所にさきだって法廷で使うために差し出してはならない。そして法廷に証人を叫ぶかわりにその証言の代用として使用できない。証人になりうる者は法廷にて証言する。法廷では、その証人の態度や様子を観察することができる。また、証人は反対訊問を受ける。自白が法廷以外においてなされた場合、単に自白だけでは有罪と判決できない。また自白が自発的にされたのでないかぎり、証

據として採りあげられない。

以前には被告人は審理前に起訴状の字しを交付されなかった。公告制度が許されていた関係で被告人は自分の知らぬ間に欠席裁判が行われた。新法では起訴状が裁判所に提出後二ヶ月以内にその字しを被告人に通達することになっている。さゝないと前に遡ってその効力を失う。そして公告制度は許されない。被告人は審理のとき出廷させる。比較的軽い事件以外には、本人またはその弁護士の欠席中には審理をしない。新法では、本人が日本国内に不在または所在をくらまし、そのため起訴状の字しを交付できない場合は、そのあいだ時効の進行を中止する。

裁判所は被告人に対して、弁護士を依頼し、また審理中質問に答弁を拒む憲法上の権利がある、ということを知らせる。拘留中の被告は公開の法廷で拘禁の理由をたずねる権利があり、かつ拘留期間が不当に長い場合、釈放を受ける権利がある。この釈放には保釈のある場合と、ない場合とがある。保釈付釈放の要求があった場合、被告人が非常に重大な犯罪人または常習犯人でないかぎり権利として保釈で釈放してゐらえる。

旧法では保釈による釈放は有罪ときまった後でも控訴期間または最後の確定判決にいたるまでつずけられた。新法では保釈または拘留停止は禁固またはそれ以上の重い刑の決判があった時は、たゞちにその効力を失う。しかし控訴期間になお保釈の継続を許すか否かは裁判所の裁量にまかされる。

過去においては裁判長は審理の主役で証人の訊問は裁判長一人に限られた。新法では検察官、被告人およびその弁護人にも証人に質問する権利が与えられた。原則としては検察官又は被告人の質問開始に先立って判事が最初に質問する。しかし判事が適当と考える場合には原被両告が、喚問した証人に対して、当事者にまず質問することを許すことができる。なお、訴訟当事者は証人の証言の無価値を主張したり裁判上の決定および命令に異議を唱えることすらできるのである。裁判所は其裁量に依り審理をわけたり合併したりすることができる

擁護のため必要なるときはわけて審理することを命ずる
被告人が遠縁に當り又は被告人を患者或は顧客とする
關係上証言を拒み或は旧法下宣誓をずに証言した特権
のある人々は新法には非常に減少した。宣誓を理解し
意味がわかる証人には総て宣誓を行はせる。然し質問が本
人自身又は其配偶であった者又は現に配偶者或は三等親以
内の血族二等親以内の姻戚、後見人、被後見人に不利であ
る時はこれに答へないでよい。医師、歯科医、助産婦、看
護婦、弁護士、特許代理人、公証人及び宗教職員
等は其顧客患者が同意するか或は裁判處に於て証言拒
否の特権は其患者顧客のために非ずして單に犯人の保
護上それに依るものであることを認める場合の外顧客患
者の秘密に關し証言を拒むことが出来る。假令ば顧客患
者等が死亡後なれば其特権を失ふことはあり得ない。しかしな
がら高等裁判處では斯様な証言を強制してもよい、他の特
殊例外の場合のあることを規めてもよい。尚ほ刑法外の執
行的罰金の外出頭を拒んだり理由なくして証言を拒む時は罰
金抑留又は其双方の處罰を受ける。
最も重要な改正は上訴問題に關するもので刑事訴訟手続
の場合の方は上訴が遥かに重要な意味をもつものである。
日本の上訴制度は上訴人が上訴に依って覆審裁判處で事
實全部を再審して貰ふことを要求出来る欧州大陸の法律原
則を手本としたのであった。

迅裁判所を初審とした事件では地方裁判所に上訴して事実を再審理してもらえるし 又控訴院にうったえて第二回目の事実審理をしてもらうことができた。日本では判事や検事や弁護士が不足していたため この上訴制度は莫大な裏面かかかり長い時日がかかって上訴審の裁判所の予定表には審理未了の事件が山積みになっていた。この改正法では事件の第一審が簡易裁判所で行われた場合には、民事訴訟法で改正されたと全じように、一般に最高裁判所への上告を省くことが規定されている。審理手続きの新しい立法では判事並に訴証当事者が呼び出しができるだけの証人を法廷で審問させねばならぬ。又当事者は証拠の確認に反対する権利をもっているので、事件をしんりする手続きは更に進行がおくれ又複雑になるのである。上訴によって少くとも一回、時には二回もこみいった手続きをくりかえすことは、たださえ負担が重すぎる検事や上訴裁判所の負担を増し、迅速なる裁判とという憲法上の権利を空文と化す恐れがある。古い審理手続きでは被告の権利が充分にまもられていなかったので第二審判所の充分な再審理が必要と考えられた。而し新しい手続きでは以前よりはるに厚い保護が被告に与えられたので上訴審裁判所が事件の完全な再審理をすることはもはや必要がなくなり 却って社会的にも好ましくないものとなる

控訴審の性質はこの新法の下では本質的に一変した。控訴審裁判所は初めから事件を審理しなおさないのだ。ただ下級裁判所の記録や、審理中の誤謬に関する控訴人の論旨などをしらべ、元の判決が正しいかどうかを決定するために証人をよんだり新しい証言を聴いたりする。若しこの控訴審判所が原裁判所の決定に重大な誤りのあることを認めた場合 その下級裁判所に事件の再審理と

命じたり或は判決を無効にしたり・再確認したり又変更したりすることもある。これら下級裁判所の記録や、控訴できない新しい証言などによって真の事実が明瞭となった場合には自ら判決を下すこともある。

凡ての控訴は、法律問題も含めて事実問題も含めて地方裁判所からでも又直接簡易裁判所からであっても皆等しく裁判所でしんりされる。最高裁判所は憲法違反だと主張された事件や、控訴裁判所としての最高裁判所又は高等裁判所の判決例に矛盾する判決に関する極く限られた種類の上告審をしんりする丈けである。而し他に最高裁判所は法律解釈上重要な意味があると考える事件の控訴をしんりしてよい。この種の控訴はアメリカ最高法院の調書移送命令に似ているもので ただ最高裁判所の規則に従ってのみゆるされるものである

この新しい法律は被告が初めに控訴した場合、国家が付帯又は反対上訴することをできなくした。又国家が控訴して敗訴した場合 被告人は控訴のために出した費用を無償してもらえるのである。このような変更は無制限な検事控訴の古い制度の下で被告に与えた苦痛の幾分かを軽減する。

古い訴訟法では控訴で判決が確定され又は控訴の期間が切れたりして、判決が最近に拘束力をもつ様になった後でも誤った判決や、判事の收賄や、不一審裁判所で証拠を捏造したような極めてまれな事件では、被告のためには勿論、国家の為にも再審や訴訟手続きの再開がゆるされた。新憲法の下重ねて刑事上の責任を問うようなことを禁ずる精神で新しい訴訟手続きの再開は、将来は只、被告のためだけにゆるされることになる。このような手続きを国家の

ために用いることに関しての規定は既に全部抹消された。

刑事訴証法に関する広汎な改正法は　新憲法下で

絶体に必要であるばかりでなく　刑事訴証をいうものを近代的に

し、人道に叶うようにしなければならないという一般の考え方に

応えるためである。　被告に対する法律上の保護の点から

みれば　欧州大陸法と　英米普通法との思想がまぜ合わされて

この法律はできている。　この法律はその條文にかいてある通り

で之を強力に又忠実に適用すれば　日本の刑事裁判上の

多くの弱点をなくするのに　役立つであらう。

第三部　題目

一、或る犯罪について起訴されたら迅速に裁判をうける権利がある。すなわち、逮捕令状が発せられてから十日以内に特定の罪名に よって起訴せられ、公判は起訴後二ヶ月以内に行はれねばならぬ。

二、現行犯として捕えられる場合のほか、裁判官による令状が発せられた後でなければ逮捕されることはない

三、人身保護法により、あなたが不法の監禁をうけたときは直ちに釈放をうけることができる。

四、逮捕せられたときは無護人をたのむ権利があり、たのむお金がない時は裁判所が無護人をつけねばならない

五、検察官や警察官吏は現行犯の場合を除き、裁判官の令状なくして　あなたの財産のことに立入り、押収又は捜査をすることはできない。

六、あなたは裁判所たる公判中でないかぎり　警察や検察官に情報又は証言を与えることはいらない。又脅迫に屈する必要がない　而し国民として　警察や検察官に与えてもよい丈けの情報は提供して　力をかすべきである

七、あなたは保釈をうける権利がある、重い犯罪又は常習犯の場合は例外である

八、検察官と等しく人との地位は、裁判官の前に於て平等である。裁判官はあなたの権利を保護も　公平な　裁きをする義いがある。

九、官吏の不法行為によって損害をうけた場合に、国家から賠償をうける憲法上の権利がある。

十、法律を実施する役所をの仕事に力をかすことによってあなたの新しい権利を保護せよ。

十一、あなたが検察官に告訴をしたとき、又は犯罪による害をうけたとき、検察官が起訴の手続きをとらないならば、調査委員会があなたの申請に基いてその事件を調査せねばならない。

（昭和二十三年法律第一四七号）

Lecture V, Legal and Government

LECTURE: How we pay for our Government

PURPOSE: To explain to the people of Japan the reasons for the payment of taxes, who must pay and how the Japanese government spends this money.

Why must we pay taxes? All employees of the government, many of whom you have helped elect to office, in town, prefecture and national government agencies must be paid for their labor. They have the same responsibility to their families for food, clothing and other necessities that all people have. Governments cost money and to get the money needed, people of towns, prefectures and the nations tax themselves. Another way to say it it that they share the expense of the government. For that is exactly what taxation is - a way to divide up the cost of government.

What kind of taxes do we have in Japan?

a. Income Tax)
b. Transaction Tax)
c. Commodity Tax) Note to instructor: Draw this
d. Sake Tax) information from the class. Make
e. Admission Tax) them participate in your lecture.
f. Racing Tax)

What is a good tax? In order that a tax will be considered good it must have these features.

1. It must be fair to the majority of the people.
2. It must be easy to collect.
3. It must bring a dependable amount of income to the government.

Now let us check out Income Tax & see if it has these features.

1. Is it fair to the majority?

a. Yes, it is based on the ability to pay - if the individual has made a large amount of income he pays a large tax. If he is a small wage earner he pays a little tax.

2. Is it easy to figure out & collect?

a. Yes, each village has at least one copy of the "Official Gazette" which indicates the amount of tax according to the income earned. The

government allows you to pay quarterly to make it easy to pay.

3. Does the law bring a dependable amount of money to the government? We will discuss this point later.

These are but a few of the many ways that your government has chosen to raise money. Now let us look at where this revenue is spent.

a.	Public Utilities	Draw this information from class
b.	Salaries for your elected representatives in government	
c.	Public Schools and Colleges	
d.	Public buildings	
e.	Public Welfare (Charities)	
f.	Public sanitation and Health	
g.	Public roads	
h.	Public protection by Police and Fire Department	

These are also just a few of the many ways that the money that you contribute in taxes is spent. It is interesting to note at this time that all of the above-mentioned places in which your money is spent are PUBLIC and you receive the benefit from all of them.

Who must pay Taxes?

a. All people in Japan who have an income over ¥4000.

b. Does this include citizens of foreign countries? (Yes, all people, who live in Japan and who have an income, must pay taxes in proportion to their income.) (Occupation Force personnel pay their taxes to their own government.)

What are the provisions of this law?

d. At the beginning of each year each person shall make an estimate of the amount of income that he expects to earn during the coming 12 months.

e. Each person shall then file this estimate on a form provided by the government after checking The Official Gazette in his own Town Hall to find out just what his tax will be i.e. the percentage of his income.

f. After filing this estimate of his yearly income the individual must within 30 days pay one quarter of the amount he has estimated his tax to be.

All this takes place during the month of April. Now, as only one quarter of the yearly tax has been paid, the individual must, during the months of July, October and December pay the 2nd, 3rd and last installments of the income tax.

This type of income tax payment, in which the taxpayer reports in advance to the government the amount which he expects to pay in income tax, is known as "Self Assessment" and serves three purposes: (1) It serves notice to the government that the individual knows that he has a certain amount of tax to pay.

(2) It informs the government of the amount that can be expected to be collected from all people in Japan.

(3) And finally it eases the burden of the taxpayer by allowing him to pay his taxes in easy payments, as he earns it.

You have seen that your government performs certain functions for you the Japanese citizen.

You have been told a few of the ways that your government collects money from you to pay for these functions.