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DEF. DOC. #1379

Translated by  
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

Sworn Deposition (TRANSLATION)

Deponent: INOUE, Takamaro

Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in my country I hereby depose as follows.

1. I am INOUE, Takamaro.

My personal history and other particulars are the same as what I stated on 6th March at this court.

2. By order of the Chief Judge, I first enumerate the explanations of the word "KODO" in existing dictionaries.

(a) "JIGEN" (Origin of Ideographs), compiled by KANNO, Domei; 1925 edition, on page 1304, explains "KODO" as "the way established on the basis of the national constitution."

(b) "SHIN TEI SHOKAI KANWA DAI JIPEN" (Sino-Japanese Dictionary with minute explanations and newly revised), compiled by HATTORI, Unokichi and KOYANAGI, Shigeta; 1937 edition; on page 1305, gives the



explanation: "KODO is the way that arose on the foundation of the national constitution".

(c) "DAI GENKAI" (The Great Sea of Words), compiled by OTSUKI, Fumihiko; 1935 edition; on page 484, gives the explanation of the word "DO, or MICHI" as "principles of things on which one should conduct oneself."

3. The study of the Japanese Constitution to which I have devoted myself for the past thirty years needed research into the unwritten constitution which forms its origin and has been handed down from ancient times. It happens that the "KODO", which has come into question today comprehends the most fundamental principles of the unwritten constitution.
4. I will summarize in the following the substance of "KODO" in accordance with what is set forth in ancient authoritative writings. The references to these writings are numbered in the order they are cited and the sources are listed at the end of this statement. Although the substance of "KODO" contains not merely juridical standards and political principles, but religious creeds and moral principles (Note 1), here I will speak chiefly about the juridical and political aspects which belong to my special subject of study.

In these phases "KODO" comprehends the fundamental principles regarding the organization and operation of government, or, in short, the constitution. This is the unwritten constitution, which forms the ultimate origin of the Constitution now in force, some of the authoritative examples of the expressions by which the unwritten constitution is referred to are: "the reign of the Imperial ancestors" (Note 2), "The precepts bequeathed by the Imperial ancestors", "the great principles of rule left to the Imperial descendants" (Note 3), and more simply "the Supreme Rules" (Note 4).



5. As some of the essential principles of "KODO" may be mentioned the following:
- (a) The Imperial Throne should be succeeded by the descendants of the founder of the Empire by heredity. (Note 5)
  - (b) The principal virtue of the ruler must be, above all, "love and benevolence". Of course, in order to practice the virtue of "love and benevolence", the consideration of "justice" is necessary, and although "might" must not be lacking to prevent an aggressive act of violence, these virtues ought to be subordinate (Note 6).
  - (c) Consequently, performance of the function of government should be manifestation and realization of love and benevolence.  
It is, of course, neither 'oppression' 'exploitation' 'utilization', nor merely 'guarantee for justice', but is understood to be essentially a matter of affection natural and inherent like the parents' love of their children (Note 7). This is the reason why the relations between the ruler and the ruled was considered from ancient times to be same as those between parents and children (Note 8).
  - (d) The object of government consists in love and respect for the people, promotion of their welfare, and the bringing of peace and order to the nation, (Note 9). In regard to foreign relations, it is regarded as the object of foreign intercourse to realize the co-existence and co-prosperity of all nations and the principle of universal brotherhood (Note 10).
  - (e) "The Way of the Emperor marked by uninterestedness forms the laws of



government" (Note 11). This is the consistent basis not only with regard to the object, but to the methods of rule.

As for the methods of rule self-interested, self-willed dictatorship and despotism are disapproved, and it is deemed the principles indispensable to the Way of the Emperor.

1. To be familiar with the conditions of the people (Note 12), to respect the popular will and public opinion, (Note 13), and to enter into the feeling of the people (Note 14).
2. To conduct administration always with the assistance of the subjects (Note 15).
3. To respect the objective laws and take the reins of government in accordance with these laws (Note 16).
6. In order to make it more clearly understandable, I will explain it in its relation with foreign ideology.

The object of rule in "KODO" is similar to that in "Wangtao" (the rule of right) in China and to that in the European and American "democracy".

As regards the methods of rule, it is commonly characteristic of "Patao" (despotism) in China and absolute government and dictatorship in western countries to disregard public opinion, to prevent the people's participation in Politics, and to carry on the arbitrary and absolute administration of a few rulers in denial of government by law.

But we can find nothing of the sort in "KODO".

"The assistance of the subjects" in "KODO" was not, of course, such a systematized institution as franchise, and the "law" in "government by law"



was not such as passed by a majority of a Diet. So they are not similar to those in the democratic and the constitutional form of government of modern times. However, it was the constant wish on the part of the Imperial House to permit the participation of the people in government, and objective laws have always been respected. As a matter of fact there has never been an instance of exclusivism and dictatorship in the Imperial rule. From this point of view, it must be said that "KODO" contained as its inherent spirit what is aimed at by democracy.

Thus "KODO" may be defined as aiming, under an unbroken line of Emperors" at "a realization of the ideal of the "rule of right" as entertained by the Chinese and the democratic spirit of Europe and America". Abstractly speaking, it might be said that "KODO" aims at the realization of the universal principles in the special position in which Japan finds herself historically.

7. Next, I shall make mention of the vicissitudes that "KODO" has gone through in history.

The germination of "KODO" was already clearly seen from the time when the Imperial line was established and the country was founded. The successive Emperors have more and more firmly confirmed it. "The line of Emperors unbroken for ages eternal" has been maintained not only physiologically but also spiritually. Efforts have always been concentrated on this point in the education and moral culture of Emperors before and after their accession to the Throne.

Stress has consistently been laid on this aspect in the precept and



instruction of Emperors to their heirs (Note 17). In this connection foreign learning and thought were adopted as much as possible, and contributed to the comprehension and practice of "KODO". As has been stated above "KODO" contains the universal principles infallible in all places, in China and in Europe and America. Consequently when "Wangtao" was introduced into Japan from China and Buddhism from India, they were not regarded with unfavor but welcomed as material by which to comprehend and refine the universal principles characteristic of the Japanese.

(Note 18)

It was the same with the democracy and constitutional government introduced from Europe and America. Especially were they of great help in the materialization and systematization of various matters of which the germ and spirit had existed in "KODO" but had not been fully developed.

For example, when framing the Japanese Constitution, the Emperor specially ordered the investigation of constitutional government in Europe and America..(Note 19)

It has been the belief of the people from the very founding of the country that "KODO" is the Way of the Emperor. In particular, the consciousness of "KODO" was always very strong and marked when direct Imperial rule was longed for as against the Shogunate government and feudal system, and when the unique nature of our national structure was stressed in contrast to the national constitutions and forms of government of foreign countries. (Note 20) However, in spite of all this, it was not always



fully perceived that "KODO" was at the same time the Way for the subjects to follow, too. In Japan, the Emperor has never been a dictator or a despot in any case, and he takes the reins of government with the assistance of the subjects. So the fundamental principles of "KODO" could not be realized in the national administration, unless the consciousness of "KODO" was sufficient among the subjects who ought to be the assistants to the Emperor. In the ages when "KODO" was realized, both the ideals of the "rule of right" and democracy were attained. The people enjoyed liberty and peace while amicable relations were maintained with other countries. However, as our history shows, when the consciousness of "KODO" was slight and the people's life swerved from this path, it brought about a state of chaos and anarchy or the despotism of clans and militarists, while international relations often deviated from their normal course.

Notes

1. History of the Imperial House Institutions (vol. 2).  
Compiled by the Imperial Academy; p. 265.
2. Classified Compendium of Laws: Imperial Precepts to Military Men, -  
January 4, 1882.
3. Ditto: Imperial Instructions on the Promulgation of the Constitution, -  
February 22, 1889.
4. Ditto: Imperial Edict concerning the Imperial House Law, - February 22,  
1889.
5. History of the Imperial House Institutions (vol. 2), p. 121 ff.



6. Ditto: p. 277-8.
7. Rokkokushi (Six National Histories), (vol. 3); revised by SAIKI, Ariyoshi; p. 59.
8. History of the Imperial House Institutions (vol. 1), pp. 325-6; ditto (vol. 2), pp. 279-81.
9. Ditto (vol. 1), p. 123.
10. See the Affidavit concerning "Hakko Ichiu".
11. History of the Imperial House Institutions (vol. 2), p. 265.
12. Ditto (vol. 1), p. 348.
13. Ditto (vol. 1), pp. 349-50; ditto (vol. 2), p. 272.
14. Ditto (vol. 2), p. 283.
15. Ditto (vol. 1), p. 323; Rokkokushi (vol. 1), pp. 115-6; the 17th Article of the 17 Articles Constitution.
16. Rokkokushi (vol. 3), p. 58, L. 2-3, L. 12; Imperial Rescripts on Accession to the Throne, and many others.
17. History of the Imperial House Institutions (vol. 2), pp. 601-622.
18. Ditto, pp. 268-270 and notes thereof; pp. 355-372, and pp. 385-395.
19. Imperial Rescript ordering Investigation into the Constitution, compiled by ITO, Hirobumi.  
Classified Compendium of Laws, - part for March 3, 1882.
20. "Awakening of the Concepts of KODO, by IJIMA, Tadao; published in 1935; p. 2.



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On this 22nd day of April, 1947

At I.M.T.F.E.

DEPONENT: INOUE, Takamaro (seal)

I, KIYOSE, Ichiro, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At the same place.

Witness: (signed) KIYOSE, Ichiro (seal)

OATH

In accordance with my conscience I swear to tell the whole truth withholding nothing and adding nothing.

(signed) INOUE, Takamaro (seal)