

Excerpts from *The Constitution of the Empire of Japan (1889)*

Chapter I: The Emperor

Article 1. The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal.

Article 2. The Imperial Throne shall be succeeded to by Imperial male descendants, according to the provisions of the Imperial House Law.

Article 3. The Emperor is sacred and inviolable.

Article 4. The Emperor is the head of the Empire, combining in Himself the rights of sovereignty, and exercises them, according to the provisions of the present Constitution.

Article 5. The Emperor exercises the legislative power with the consent of the Imperial Diet.

Article 6. The Emperor gives sanction to laws, and orders them to be promulgated [announced] and executed.

Article 7. The Emperor convokes [call together] the Imperial Diet, opens, closes, and prorogues [suspends] it, and dissolves the House of Representatives...

Article 9. The Emperor issues or causes to be issued, the Ordinances necessary for the carrying out of the laws, or for the maintenance of the public peace and order, and for the promotion of the welfare of the subjects...

Article 11. The Emperor has the supreme command of the Army and Navy.

Article 12. The Emperor determines the organization and peace standing of the Army and Navy.

Article 13. The Emperor declares war, makes peace, and concludes treaties.

Chapter II: Rights and Duties of Subjects [13 total articles]

Article 20. Japanese subjects are amenable to service in the Army or Navy, according to the provisions of law.

Article 21. Japanese subjects are amenable [agreeable] to the duty of paying taxes, according to the provisions of law.

Article 22. Japanese subjects shall have the liberty of abode [house] and of changing the same within the limits of the law.

Article 23. No Japanese subject shall be arrested, detained, tried or punished, unless according to law.

Article 24. No Japanese subject shall be deprived of his right of being tried by the judges determined by law.

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Article 25. Except in the cases provided for in the law, the house of no Japanese subject shall be entered or searched without his consent.

Article 26. Except in the cases mentioned in the law, the secrecy of the letters of every Japanese subject shall remain inviolate.

Article 27. The right of property of every Japanese subject shall remain inviolate.
(2) Measures necessary to be taken for the public benefit shall be any provided for by law.

Article 28. Japanese subjects shall, within limits not prejudicial to peace and order, and not antagonistic [aggressive] to their duties as subjects, enjoy freedom of religious belief.

Article 29. Japanese subjects shall, within the limits of law, enjoy the liberty of speech, writing, publication, public meetings and associations.

Article 30. Japanese subjects may present petitions, by observing the proper forms of respect, and by complying with the rules specially provided for the same.

Article 31. The provisions contained in the present Chapter shall not affect the exercises of the powers appertaining to the Emperor, in times of war or in cases of a national emergency.

Article 32. Each and every one of the provisions contained in the preceding Articles of the present Chapter, that are not in conflict with the laws or the rules and discipline of the Army and Navy, shall apply to the officers and men of the Army and of the Navy.

Chapter III: The Imperial Diet

Article 33. The Imperial Diet [legislative branch] shall consist of two Houses, a House of Peers and a House of Representatives.

Article 34. The House of Peers shall, in accordance with the ordinance concerning the House of Peers, be composed of the members of the Imperial Family, of the orders of nobility, and of those who have been nominated thereto by the Emperor.

Article 35. The House of Representatives shall be composed of members elected by the people, according to the provisions of the law of Election.

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Preface

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution... We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship and we have determined to preserve our security and existence, trusting in the justice and faith of the peaceloving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth...

Chapter I: The Emperor

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

Article 2: The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.

Article 3: The advice and approval of the Emperor in matters of state, and the Cabinet shall be responsible therefor.

Article 4: The Emperor shall perform only such acts in matters of state as are provided for in this Constitution and he shall not have powers related to government. 2) The Emperor may delegate the performance of his acts in matters of state as may be provided for by law....

Article 7: The Emperor shall, with the advice and approval of the Cabinet, perform the following acts in matters of state on behalf of the people: (1) Promulgation of amendments of the constitution, laws, cabinet orders and treaties. (2) Convocation of the Diet. (3) Dissolution of the House of Representatives. (4) Proclamation of general election of members of the Diet. (5) Attestation of the appointment and dismissal of Ministers of State and other officials as provided for by law, and of full powers and credentials of Ambassadors and Ministers. (6) Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights. (7) Awarding of honors. (8) Attestation of instruments of ratification and other diplomatic documents as provided for by law. (9) Receiving foreign ambassadors and ministers. (10) Performance of ceremonial functions.

Chapter II: Renunciation of War

Article 9: Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes. 2) In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

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Chapter III: Rights and Duties of the People [31 total articles]

Article 10: The conditions necessary for being a Japanese national shall be determined by law.

Article 11: The people shall not be prevented from enjoying any of the fundamental human rights...

Article 12: The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

Article 13: All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.

Article 14: All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin...

Article 15: The people have the inalienable right to choose their public officials and to dismiss them...Universal adult suffrage is guaranteed with regard to the election of public officials...

Article 16: Every person shall have the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal or amendment of laws, ordinances or regulations and for other matters; nor shall any person be in any way discriminated against for sponsoring such a petition...

Article 18: No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

Article 19: Freedom of thought and conscience shall not be violated.

Article 20: Freedom of religion is guaranteed to all...

Article 21: Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed...

Article 22: Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare...

Article 23: Academic freedom is guaranteed.

Article 24: 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...

Article 26: All people shall have the right to receive an equal education correspondent to their ability, as provided for by law...

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Article 27: All people shall have the right and the obligation to work...

Article 28: The right of workers to organize and to bargain and act collectively is guaranteed.

Article 29: The right to own or to hold property is inviolable [sacred]...

Article 30: The people shall be liable to taxation as provided for by law.

Article 31: No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.

Article 32: No person shall be denied the right of access to the courts.

Article 34: No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel...

Article 37: In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal...

Article 38: No person shall be compelled to testify against himself...

Chapter IV: The Diet

Article 41: The Diet shall be the highest organ of the state power, and shall be the sole lawmaking organ of the State.

Article 42: The Diet shall consist of two Houses, namely the House of Representatives and the House of Councillors.

Article 43: Both Houses shall consist of elected members, representative of all the people. 2) The number of the members of each House shall be fixed by law.

Article 44: The qualifications of members of both Houses and their electors shall be fixed by law. However, there shall be no discrimination because of race, creed, sex, social status, family origin, education, property or income.

Article 47: Electoral districts, method of voting and other matters pertaining to the method of election of members of both Houses shall be fixed by law.