Departing from the postwar regime

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Introduction

Revising the so-called ‘peace constitution’ has been one of the thorniest and most controversial issues in Japanese politics. On one hand, the proponents of constitutional revision aim to ‘normalize’ (futsuka or seijōka) Japan through amending the constitution, where ‘normalization’ entails an increased sense of national pride and an enhanced military role in international affairs. On the other hand, the opponents seek to preserve the current constitution, believing that it has been a critical factor in Japan’s postwar peace and prosperity. Few issues are more critical than constitutional revision for Japan’s national identity and its foreign and national defense policies.

This chapter examines the past, the present, and the future of the issue of constitutional revision in Japan. It first reviews the major challenges to the ‘peace constitution’ in the postwar period and then analyzes the current revision initiative under Shinzo Abe. The main argument is that various revision attempts can be understood along two dimensions: nationalism and Japan’s military role in international affairs. While most revision attempts have sought to promote nationalism and greater use of force, what distinguishes the current attempt by Shinzo Abe is a strong element of historical revisionism. This chapter also assesses the possible impact of successful constitutional revision on Japan’s national identity and argues that while it may be inevitable that Japan increases its military role in international affairs given the security challenges it faces, it is dangerous and counterproductive to mix the policy rationale for enhanced national security with the ideological desire to alter the mainstream postwar historical interpretation of Japan’s past aggression. Any attempt at historical revisionism would not only accentuate war memories and the salience of unresolved historical issues, thereby increasing tensions between Japan and its neighbors, but it would also hinder Japan’s return to the international military scene as a ‘normal country,’ a key aim of revising the constitution, for the international community would have less tolerance for an unrepentant Japan carrying out military activities.
Many lives of the ‘peace constitution’

The making of the ‘peace constitution’ was an ideologically motivated, emotionally charged, and politically delicate process. While the then prime minister of Japan, Shigeru Yoshida, deftly navigated both domestic politics and relations with the US to give life to it, conservative nationalists in Japan have long been discontented with the US-imposed constitution (Dower 1999; Welfield 1988).1 They believe that the constitution had the aim of weakening the Japanese national entity and that the pacifist clause of Article Nine is of an “anti-independent” nature (Sankei 2013: 10–12). Only by changing it, along with other aspects of the postwar regime (senso rejimu), they believe, can a “beautiful” Japan be constructed (Abe 2013). Consequently, they have sought to revise the constitution since its enactment in 1947 only to fail, mainly due to the stringent legal threshold: a two-thirds majority in both the lower and upper houses followed by a simple majority in a national referendum (Article 96 of the constitution) is required. While there have been various proposals and initiatives for revising the constitution in the postwar period (Winkler 2011), the following four waves of constitutional revision movement were the major ones.

The 1950s

Only a few years into its existence, the 1947 ‘peace constitution’ had not yet taken firm root in Japanese society. From its establishment in 1955, the Liberal Democratic Party (LDP) aimed to indigenize the ‘peace constitution.’ A revision movement soon emerged with a reactionary attitude toward what was perceived as the US-imposed social structure, including the constitution. The key actors of the movement were those who had been purged from political power during the US occupation, including figures like Nobusuke Kishi. Kishi confessed his hostility toward the US and said, “I cannot deny that my fellows in the prison disputed MacArthur’s policy,” whose real aim was “to weaken the Japanese entity” (Jomaru 2011: 313).

Kishi’s conception of constitutional revision is best described as the restoration of the Meiji constitution and a fundamental reform of post-occupation Japanese society to reconstruct conservative rule similar to that of the prewar era. The focus of revision was on the emperor and the pacifist clause, i.e. Article Nine. About the former, Kishi argued that the symbolic status given to the emperor was neither sufficient nor appropriate to become the backbone of the national body (kokutai). Instead, he sought to restore the emperor’s status as the head of the state. About the latter, he considered that an independent security force was necessary to end the US occupation and remove its military bases from Japan (Watanabe 2002: 215–20).

However, the LDP failed to gain a two-thirds majority in both houses in the 1958 general election, when it campaigned on the issue of constitutional revision, in order to push for a revision proposal. This was so even after the amendment of the Public Office Election Law in 1956, which aimed to increase LDP seats. The failure to overcome the legal threshold for revision also reoriented the LDP’s strategy from amending to interpreting the constitution. This has remained the most prevalent means by which to accommodate an expanding national force and the security role of Japan’s de facto army, the Self-Defense Force (SDF), resulting in the uncomfortable reality of the co-existence of the pacifist clause and the SDF. In hindsight this was the period when the likelihood of constitutional revision was relatively high, as the constitution had not yet been firmly established in Japanese society, but the high legal threshold ensured the survival of the constitution.

Somewhat ironically, the conservative effort to revise the constitution in this period engendered various societal movements that eventually forged a social coalition aimed at protecting the constitution, with particular focus on preserving Article Nine. The Japan Socialist Party (JSP) is an...
example. The JSP, which acquired and widened its political base due to its stance as constitutional protector, increased its number of seats in the Diet during this period, enabling it to become a key political actor in blocking future legislative efforts at constitutional revision. In addition, from the 1960s to the 1970s the LDP found that Japan’s pacifist foreign-policy stance could serve its national economic interests, and hence it was quite content to rely on the US–Japan alliance, while focusing national resources on socio-economic development. One can interpret this Yoshida Doctrine – relying on the US for national security, while devoting national attention and resources to socio-economic development – as the LDP’s strategy to gain stable political power in an era of rapid economic growth (Watanabe 1994: 50–1).

The 1980s

It took more than twenty years from Kishi’s resignation in 1960 for the LDP to see another prime minister who would take up the conservative cause with regard to constitutional revision. It was Yasuhiro Nakasone who broke the LDP’s long silence on this issue. Based on his political slogan of “the final settlement of the postwar politics” (senko seiji no sôkessan), and serving as prime minister from 1982 to 1987, Nakasone resuscitated the debate about Japan’s ‘normalization,’ including but not limited to constitutional revision. His interest in constitutional revision dates back as early as 1961, when he wrote his own draft constitution titled “Democratic Constitution for an Advanced Democracy” (kôdo minshushugi mintei kenpô sôan). Nakasone was also the lead author for another draft constitution, “Revised Draft Constitution” (kenpô kaisei sôan), published by the Institute for International Policy Studies in 2005. The 1961 draft located the new constitution in the historical continuity of the Meiji and current constitutions, and defined the emperor as “head of the state,” expanding the emperor’s power to the point of his being the one to announce the dispatch of the SDF. The draft also placed strong emphasis on national defense, with recognition of the right of collective self-defense and approval of participation in international peacekeeping operations (PKOs). However, the draft maintained the pacifist clause on the renunciation of war as well as the requirement of keeping the military force to the bare minimum necessary for self-defense purposes. It also distanced itself from historical revisionism by explicitly stating a strong regret for past aggression and a warning against the rise of intolerant nationalism.

Despite high expectations, Nakasone’s constitutional revision could not proceed far, as the LDP once again could not get over the two-thirds-majority threshold in the Diet. In the December 1983 election for the House of Representatives, the LDP under Nakasone managed to secure only 250 seats out of 511 (approximately 49%), far below the required two-thirds majority. In the earlier, June election for the House of Councillors, while the LDP increased its seats to 137 from 135, it still failed to get over the two-thirds-majority threshold. Nakasone did not abandon his interest in constitutional revision, however, and produced the 2005 draft, which once again displayed a sense of continuity from the Meiji Constitution. Although the status of the emperor shifted from “head of the state” to “the symbol of national unity,” Nakasone never rejected the idea that the emperor was the head of the Japanese nation. And similarly, although the number of provisions on national defense decreased in the 2005 draft, defense remained a key focus (Sakurai and Abe 2006: 80).

The 1990s

The catalyst for the revision movement in the 1990s came from international changes. The previous source of threat, the USSR, had significantly weakened, as the Cold War melted, and
the US–Japan alliance was struggling to reinvent its existential rationale (Hughes 2009: 41). At the same time, Japan’s significant financial contribution to the coalition forces during the Gulf War of 1990–1 attracted harsh international criticism for being ‘checkbook diplomacy’ and put Japan’s national security policy based on the Yoshida Doctrine into serious doubt by revealing Japan’s inability to act as a ‘global player’ (Ryu 2007).

It was in this context that the third wave of constitutional revision emerged, this time led by Ichiro Ozawa, the then LDP Secretary-General. While the likelihood of actual revision was pretty low during this period, once again due to the lack of numbers in the Diet, Ozawa’s effort to pass the United Nations Cooperation Corps Bill (unsuccessfully) and the Peacekeeping Operations Bill (successfully) engendered a serious policy debate about the need to revise the constitution and make Japan a ‘normal country,’ largely understood in its security context. Ozawa and other proponents argued that Article Nine was an obstacle to Japan’s international cooperation.2 It was in this period that the Japanese government approved the dispatch of six marine SDF soldiers to the Gulf for mine-sweeping activities (Boyd and Samuels 2005: 28), the first time in the postwar era that Japan approved an overseas dispatch of its force.

The most significant characteristic of Ozawa’s revision attempt was its overwhelming emphasis on UN-centered internationalism combined with a vision of Japan as a global player. In Ozawa’s own words, as a “normal” country, Japan should contribute its personnel to the “UN Standard Army” (Ozawa 1999). His idea of Japan’s ‘normalization’ differs from others in that he paid scant attention to collective defense, which is the main focus of other revision attempts; rather, Ozawa wanted to create a ‘peacekeeping reserve force’ separate from the SDF and contribute to the collective security of the UN through greater participation in international PKOs (Sato 1998). Ozawa’s revision initiative also preserved Article Nine as a whole and seldom discussed the status of the emperor, a good indication that this was not so much about the promotion of nationalism. Instead his proposal added a new provision: “The Japanese people shall positively contribute to international peace through means such as supply of military personnel and participation in peacekeeping operations of the international community.” Ozawa explained that this clause reflects the “spirit of the UN charter.” While Ozawa’s draft was perhaps too idealistic to materialize, it introduced a new dimension to the constitutional revision debate, namely Japan’s internationalism under UN guidance, and moved the issue of collective defense out of the bilateral context of the US–Japan security alliance.

The 2000s

Another revision movement came during Junichiro Koizumi’s term as prime minister. Koizumi was vocal in his criticism of Article Nine, believing that the path to Japan’s ‘normalization’ was in the strengthening of the US–Japan alliance (Hughes 2009: 50). He forced constitutional pragmatists who did not support constitutional revision, such as Koichi Kato, Kiichi Miyazawa, and Hiromu Nonaka, to resign in order to generate pro-revision solidarity within the party (Boyd and Samuels 2005: 40–1). Like some of the previous attempts, his revision attempt focused on the preamble, with the aim of elevating the status of the emperor to the head of the state, and on Article Nine, with the aim of either relaxing or removing the prohibition on the exercise of the collective-self-defense right.

The 9/11 terrorist attack on the World Trade Center in 2001 and the ensuing US invasion of Iraq compelled the Koizumi administration to expand the overseas dispatch of the SDF under the Anti-Terrorism Special Measures Law and to contribute to the rehabilitation operations in Iraq, citing UN Security Council resolutions (Sato 1998: 94–5). While significantly expanding Japan’s international security activities, these operations revealed major weaknesses about how effectively
the SDF can operate overseas. Not only were they ad hoc policies with limited time periods and scopes, but they also clashed head on with the Article Nine limitation on collective defense. The Anti-Terrorism Special Measures Law, for instance, clearly stipulates that the SDF “shall not undertake the supply of weapons and ammunitions, supply fuel or conduct maintenance on aircraft preparing to take off on military sorties, or undertake the land transportation of weapons and ammunitions in foreign territories.” This creates problems for joint operations between the SDF and troops from other UN member states, for the former cannot assist the latter in a military situation due to Article Nine.

This period was unique in that both the LDP and the DPJ agreed on the need for constitutional revision for the first time, even though they differed on specifics. Both parties shared the common interest of revising Japan’s security policy, and each established an internal study group in its own party for constitutional revision. In this context, the LDP’s Commission on the Constitution announced that a new constitution should not be “reactionary (returning to the pre-war period) but thoroughly future-oriented,” and to be thus “we have to face history, reflect on its bad, and pass the good to the next generation” (Higuchi 2013: 61). In this sense, the revision movement in the 2000s shared important aspects of the revision movement in the 1990s in that both explicitly dissociated themselves from historical revisionism.

But Koizumi’s primary political interest was not so much in advancing the conservative political agenda of constitutional revision as in economic reform, particularly postal reform (Winkler 2011). Moreover, once again, the LDP’s lack of a two-thirds majority in both the upper and lower houses meant that the revision effort would not bear fruit, especially when partisan disagreements on the specifics meant that the DPJ would not support the LDP’s revision proposal in the Diet.

**Nationalism, external security threats, and ‘Toward a Beautiful Country’**

The earlier revision attempts revealed that two main factors propel constitutional revision. One is the emotion-driven desire to increase national pride, and the other is the policy-driven desire to enhance Japan’s military role in international affairs. The ultimate goal is the ‘normalization’ of Japan. Hence the term ‘normalization’ should be understood in its security context (Johnson 1992; Hughes 2004; Soeya, Tadokoro and Welch 2011) as well as in terms of its socio-psychological aspects (Ryu 2007; Burke 2007).

The same two factors also undergird the current revision attempt, led by Shinzo Abe. Abe made no secret about his desire to revise the constitution when he took office as prime minister in 2006. His election defeat in 2007, however, meant that it was not until his return to office in December 2012 that he could mount a serious challenge to the ‘peace constitution.’ By then, the LDP’s political fortune had improved, as the perceived inability of the DPJ to govern Japan consolidated the LDP’s hold on power. In addition, external security threats in the form of North Korean missiles and territorial tensions with China had also increased substantially since the 2000s, thereby accentuating Japan’s need for greater military activities and security cooperation with the US. While focusing on economic revitalization through Abenomics, Abe pushed his conservative political agenda cautiously but in earnest, based on the slogan of “departure from the postwar regime” (sengo rejiimu kara dakkyaku).

Abe believes that the constitution contributes to Japan’s lack of independent spirit and weakness in the face of foreign pressure (gaiatsu) (Sakurai and Abe 2006: 84–5). His idea of constitutional revision is to infuse a sense of national pride and patriotism with an emphasis on Japan’s “splendid history, culture and traditions.” Thus he supported elevating the status of the emperor to the head of the state and called the SDF the “National Defense Force” (kokubōgun).
during his participation in the 2012 LDP draft-constitution process. He later commented in an interview that the reason he wanted the name “National Defense Force” was to put an end to “the useless argument over interpretation of Article Nine and to move Japanese history into the future” (Abe 2013: 253).

As for national security, Abe desired to expand Japan’s military role in international affairs by moving away from the Article Nine ban on collective defense. Unlike Ozawa’s approach, which focused on UN-centered multilateralism, Abe’s initiative emphasized the expansion of security cooperation in the bilateral context (i.e. with the US), envisioning Japan’s “proactive pacifism” (*sekkyokuteki heiwashugi*) and a more global role for the US–Japan alliance. Hence the revised 2015 Guidelines for US–Japan Defense Cooperation renews the alliance’s commitment to regional and global security cooperation, enables Japan’s greater participation in PKOs and humanitarian missions outside its immediate region, and broadens bilateral cooperation to new areas such as cyberspace. Figure 3.1 places the various revision attempts alongside the two dimensions of nationalism and military role.

Most of the revision attempts (those by Abe, Koizumi, Ozawa, and Nakasone) clearly advocated a greater military role for Japan. The only exception was Kishi’s attempt. Even though he wanted to remove US military bases from Japan, his desire was more about achieving independence than advocating a greater military role for Japan. This is not surprising given that it was only a few years after Japan’s surrender and military defeat in World War II. As for nationalism, most of the attempts (those by Abe, Koizumi, Nakasone, and Kishi) explicitly sought to promote nationalism. Ozawa’s is the only exception here, with its emphasis on internationalism focused on the UN. Among all these attempts Abe’s is most explicit in its advocacy of both Japan’s greater military role in international affairs and nationalism.

As far as national security is concerned, the logic of defensive realism has dominated the pro-revision camp from Nakasone to Abe. Defensive realism assumes that states do not seek to dominate others through military aggrandizement but strive to protect their own national security, and one way to do this is deterrence through either internal or external balancing (Waltz 1979). Japan has not contemplated a military attack against any other state in any serious way since the end of World War II but has sought to deter potential attacks against itself mainly by improving military cooperation with the US, i.e. through external balancing. Abe has taken this defensive realist logic one step further and advocated a “proactive contribution to peace” by
broadening Japan’s participation in international security activities: it promotes active participation in international security matters even if this may mean involvement in international conflict. While it is different from the power-maximizing behavior of offensive realism (Mearsheimer 2001), according to this logic, as Hagstrom (2015) notes, war is peace.

What distinguishes Abe’s approach to constitutional revision from the rest, however, is its emphasis on and an acute sense of historical revisionism. A sizable portion of conservative nationalists in Japan have long believed that postwar history education has been ‘masochistic’ (jigyakuteki) and should change to infuse a sense of national pride and patriotism in the Japanese, especially the youth. A counter-historical narrative has thus been put forward by conservative groups to alter the mainstream postwar historical interpretation of Japan’s past war in Asia (daitōa sensō). That narrative advances the view that Japan’s past aggression was a holy war of self-defense and survival (jisonjiei no seisen) that was forced upon Japan by prevailing circumstances, such as expanding Western imperialism and lack of natural resources (Ishihara interview in Asahi Shimbun 2013). The Greater East Asia Co-Prosperity Sphere, it continues, operated for the betterment of East Asian nations rather than for Japan’s own interests, and it was a noble goal rather than imperial propaganda to justify Japan’s military expansion.5

This sort of revisionist historical perspective extends to the interpretations of other historical events. For example, in 2012, the Mayor of Nagoya, Takashi Kawamura, said of the Nanjing Massacre that only “conventional acts of combat” took place in Nanjing, not the mass murders and rapes that are widely discussed, and said “such a thing as Nanjing Massacre is unlikely to have taken place” (Japan Times 2012). In 2014, the Mayor of Osaka, Toro Hashimoto, as well as the NHK president, Katsuto Momii, opined that the ‘comfort women’ were a necessary part of war or could be found in any nation at war, including France and Germany (Fackler 2014). Such remarks have soured Japan’s bilateral relations with China and Korea and resulted in widespread anti-Japanese protests in both countries.

Abe also supports various efforts to portray Japan’s modern history in a more positive light, such as the production of a more nationalistic history textbook by Tsukurukai (the Japanese Society for History Textbook Reform) that de-emphasizes Japan’s wartime atrocities and increases the coverage of Japanese culture and traditions (Burke 2007). His controversial remark in the Diet that “The definition of aggression is not settled academically or internationally . . . It depends on one’s perspective in international relations” (Sekiguchi 2013) should be understood in this light. It is also no coincidence that it was during Abe’s term that the Fundamental Law of Education, which is touted as the “constitution of education,” was revised for the first time, in 2006, bringing in elements of nationalism and national character. Abe also scrapped the “neighboring countries clause” (kinrin shokoku jōkō) in April 2013, which was a form of self-restraint in the official textbook-writing guidelines out of concern for the feelings of neighboring countries, especially China and South Korea. Both changes have permitted greater room for conservative views to appear in Japanese history textbooks.

The LDP’s 2012 draft constitution, which was drawn up when the LDP was out of power from 2009 to 2012, embodies these conservative values and changes. Ironically, being out of power accelerated the drafting process and made it easier for the LDP to express its conservative values in the draft, especially regarding the preamble and national defense, as the LDP neither needed to make any compromise with its coalition partner, Komeito, nor to consider diplomatic relations with neighboring countries. According to the deputy head of the LDP’s Constitutional Reform Commission, Yousuke Isozaki, the LDP wrote the draft constitution to reflect “Japan’s national character” (Asahi Shimbun 2016). Thus the preamble of the 2012 draft talks of the Japanese as a peace-loving people and their culture and values as peaceful, and it emphasizes Japan’s “long history,” “unique culture,” “beautiful landscape,” “natural environment,” and “splendid
traditions.” It takes the cultural notion of *wa* as the basis of Japan’s pacifism and thereby departs from the US-imposed postwar pacifism in that it is not based on a negative view of the Japanese nation as a potential threat to international peace.6

The draft also proposes a major overhaul of Article Nine. Not only does the title of that article change from “Renunciation of War” to “National Defense,” but it inserts a new section titled “National Defense Force,” thereby giving a constitutional basis for the existence of the SDF. It also states that while “force shall not be used as a means of settling international disputes,” this “does not entail the prevention of the exercise of the self-defense right,” which presumably includes both individual and collective self-defense. The suggested revision would therefore eliminate the uncomfortable existence of the SDF under the ‘peace constitution’ and the potential unconstitutionality of the security legislation (*anpo hōsei*), discussed by Hornung in Chapter 2 of this volume, by explicitly sanctioning the exercise of the collective-self-defense right.

The likelihood of successfully revising the constitution is higher than ever due to several factors. First, the LDP, has the legislative power to put forward and pass an amendment bill in the Diet for the first time in the postwar era. The LDP’s victories in the July 2016 upper-house and October 2017 lower-house elections resulted in its controlling more than a two-thirds majority in the Diet with the support of its coalition partner Komeito and like-minded independents. Furthermore, Abe can claim somewhat legitimately that the October 2017 election victory has given his administration a public mandate for constitutional revision, as the issue was part of his election campaign. Although the LDP still needs to iron out differences with Komeito, which generally prefers the policy of *kaiken* (adding new provisions to the constitution) rather than *kaken* (revising the constitution), the LDP can now get over the legal hurdle in the Diet that has been the main reason for the defeat of past attempts at constitutional revision.

Second, the continuation of external security threats – mainly North Korean missile threats and territorial dispute with China over the Senkaku/Diaoyu Islands – will sustain the policy need for expanding Japan’s military activities for national defense and security purposes. This policy rationale is important in convincing pragmatists, both Diet members and citizens, to support constitutional revision.

And, lastly, the Abe administration maintains a generally favorable approval rating among the public. According to NHK opinion polls (see Figure 3.2), public approval for the Abe Cabinet was around 50% throughout 2016, with a low of 42% in April and a high of 57% in September. This is important because successful revision requires public approval in a national referendum after the Diet passes an amendment bill, and the popularity of the Abe Cabinet will likely influence the national referendum outcome.

![Figure 3.2 Public approval rating of the Abe Cabinet in 2016](Source: NHK Monthly Polls, [www.nhk.or.jp/bunken/research/yoron/political/2016.html](http://www.nhk.or.jp/bunken/research/yoron/political/2016.html).)
The biggest obstacle in the way of successful revision is public opinion. Opinion polls suggest that public support for constitutional revision varies. For example, according to an August 2016 *Asahi Shimbun* poll, there was 63% support for the Diet to begin the discussion about constitutional revision, while only 23% opposed it. Interestingly, there was significantly less support for revising Article Nine, with only 27% in favor and 56% in opposition. Leaving Article Nine aside, 48% of those polled supported revising other parts of the constitution, while 20% opposed it. An April 2016 NHK poll suggested that only 27.3% of those surveyed agreed that revising the constitution was necessary, while 30.5% disagreed. Of those who agreed, more than half (54.6%) identified external security threats as the reason for their support, with 20.4% saying that clarifying the self-defense right and the existence of the SDF was the main reason. Of those who disagreed, a vast majority (69.6%) identified protecting Article Nine as the main reason for their opposition. According to a March 2016 *Yomiuri Shimbun* poll, those who supported constitutional revision and those who opposed it were neck and neck, with 49% favoring and 50% opposing. A December 2016 *Mainichi Shimbun* poll revealed 50% agreeing with the need to start the discussion about constitutional revision in the Diet, while 21% were in disagreement.

These various opinion polls suggest three things. First, it is not clear if the Japanese public is unequivocally in favor of constitutional revision. The polling results are mixed. But should the Abe administration choose the right time to push for constitutional revision it could certainly mobilize sufficient public support. Second, the polls clearly suggest that the public does not support revising Article Nine. And as can be seen from widespread protests against the 2015 Security Bills (*anpo hosei*), the Japanese public generally shuns Japan’s involvement in international military conflict. This is troubling for Abe and other proponents of constitutional revision, because Article Nine is one of the key provisions that they aim to change. And, lastly, leaving Article Nine aside, there is significantly more public support (generally above 50%) for altering other parts of the constitution, such as environmental rights and local governance. Once again, if Abe carefully selects the timing of an amendment bill, he could garner sufficient public support.

There is still much ambiguity as to how Abe will pursue the goal of constitutional revision. Given the current public opposition to revising Article Nine, Abe can consider leaving Article Nine intact and revising other parts of the constitution. This would make discussions within the Diet smoother and increase the likelihood of getting a simple majority in an ensuing national referendum. But Abe is unlikely to pursue this path, for Article Nine is arguably the most critical provision of the ‘peace constitution’ that he seeks to change. However, including Article Nine as part of his revision proposal could jeopardize the entirety of constitutional revision and run the risk that no provision will be revised.

At present, then, there are two choices, and they are not mutually exclusive. One is that Abe can try to amend Article Nine in such a way that the change is acceptable to both its proponents and opponents. Currently, with regards to Article Nine, the 2012 LDP draft constitution maintains the first part of the Article – renouncing the use of force as a means of settling international disputes – while sanctioning the exercise of the collective defense right. Abe himself does not think that the 2012 draft would be endorsed as it is, especially when many members of Soka Gakkai, a lay Buddhist organization and supporter of Komeito, are unhappy with revising or reinterpretating Article Nine to permit collective self-defense (*Japan Times*, 24 August 2016). Hence he might be willing to accept some modifications to the 2012 LDP draft constitution. However, it is questionable if he would compromise on Article Nine, with his supporters ardently demanding that he include it in the overall revision of the constitution. It is equally questionable if the opponents of constitutional revision would accept an alteration of Article Nine that weakens the current legal and psychological limits on the use or threat of force.
The other option is to shift the target from Article Nine to Article Ninety-six, and focus on revising the latter while leaving the former intact for the time being. If Article Ninety-six, which states the rules of revision, can be revised to lower the legal threshold for revision, then it would be easier to amend Article Nine in the future. This strategy may receive more support in the Diet as well as from the public, thereby increasing the likelihood of constitutional revision. However, if revising Article Ninety-six is perceived as being tantamount to revising Article Nine, then we are back to the above situation, where it would be difficult to garner Komeito support in the Diet and generate 50% of public support for constitutional revision, even if Article Nine remains untouched. Moreover, Abe and other proponents may not want to squander the current precious opportunity for revising the constitution, as there is no guarantee that the LDP will secure a sufficient number of seats in the Diet in the future and get over the two-thirds legal threshold.

Given these difficulties, Abe might be waiting for the right moment to push for constitutional revision, and such a window of opportunity may arise in the form of external security threats, such as a North Korean missile flying over Japan, as happened in 1998 when a Taepodong ballistic missile was fired over Japanese territory and landed in the Pacific Ocean. The occurrence of external security threats would remind the Japanese public of the necessity of improving Japan’s national security and could prove to be sufficient to generate enough legislative and public support for constitutional revision.

Constitutional revision, use of force, and Japan’s national identity

The issue of constitutional revision is essentially about (re)defining Japan’s national identity, of which the use of force is the most critical aspect, with Article Nine at the center of the debate. The opponents of constitutional revision desire to protect the postwar pacifist identity as enshrined in the current ‘peace constitution,’ while the proponents seek to replace it with a ‘normal country’ identity. Conservative nationalists such as Abe believe that the ‘peace constitution’ is the cause for Japan’s passive defense policy and regard Article Nine as a declaration of Japan’s abandonment of national security.

As is well known, Article Nine has two paragraphs. The first paragraph states that Japan “forever renounces war as a sovereign right . . . and the threat or use of force as a means of settling international disputes.” The second paragraph continues, “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.” The official legal interpretation of Article Nine has been that while the use of force is ruled out as a means of settling international disputes, it is permitted for the purpose of self-defense, as the constitution does not renounce the right of self-defense. But the Cabinet Legislative Bureau that has the power to interpret the constitution stated in 1982 that while Japan has the self-defense right – both individual and collective – under the UN Charter, the exercise of the collective-self-defense right is prohibited by Article Nine. In other words, the use of force for the Japanese government is limited only to individual self-defense and does not extend to collective self-defense (Law Library of Congress of the United States 2015).

This long-standing interpretation of Article Nine has come under severe strain since the outbreak of the 1990–1 Iraq War. Japan’s substantial financial contribution was heavily criticized by the international community for being ‘checkbook diplomacy.’ Further pressure arose due to the increased salience of external security threats throughout the 1990s and into the 2000s. In 1998, North Korea fired its ballistic missile across Japan, and continued its nuclear weapons development throughout the 2000s. Territorial tensions with China over the Senkaku/Diaoyu Islands have also increased substantially since the late 1990s, particularly so after the public
acquisition of the islands by the Japanese government in September 2012. As Figure 3.3 shows, the frequency of Chinese vessels and aircrafts, both governmental and non-governmental, entering into the disputed area has dramatically increased from very few incidents before the acquisition to several hundred per annum after the purchase (Ministry of Defense of Japan 2015). In both cases, the Japanese government could do very little to prevent or deter either North Korea or China because, as conservative nationalists argue, of Article Nine.

Faced with these external security challenges, the Japanese government has sought to improve military and security cooperation with the US to enhance Japan’s national security. The US’s own security calculus also favored such an approach by Japan. Being under tight budget constraints, the US increasingly sought greater burden-sharing from its regional allies in its rebalancing strategy in East Asia, for which the US–Japan Alliance had a pivotal role to play. However, Article Nine imposed significant limitations on improving bilateral security and military cooperation, despite the gradual expansion of Japan’s security role in the alliance in the post-Cold War era. Of particular concern was the fact that, due to the Article Nine prohibition of the exercise of collective self-defense, the SDF cannot assist US troops that are trying to assist their Japanese counterparts if a military confrontation takes place outside of Japanese territory.

It was the Abe administration that broke away from the long-standing legal interpretation of Article Nine and enabled the exercise of the collective-self-defense right. It did so first by passing a Cabinet resolution in 2014 to allow the SDF to take action in support of the US when the ally comes under attack, and then by legislating the controversial security legislation (anpo hosei) in 2015, permitting the mobilization of the SDF when a “country that has a close connection to Japan” is attacked. However, this is unlikely to be the end of the story, as many constitutional lawyers in Japan believe that the security legislation breaches Article Nine and hence is unconstitutional. Consequently, the most unequivocal method for improving security cooperation with the US is to amend Article Nine altogether, for doing so would resolve the potential unconstitutionality of the security legislation as well as the existence of the SDF.

Constitutional revision is not just about the desire to expand Japan’s security and military activities, however. The current revision initiative by Abe also directly impacts on and challenges Japan’s postwar pacifist identity in two ways. First, it challenges the postwar norm of pacifism by allowing greater use of force by the SDF. And, second, it challenges the official postwar historical interpretation of Japan’s past aggression and colonialism upon which Japan’s postwar pacifist identity was built. Let us examine these two points in more detail.

Figure 3.3 Chinese vessels identified within contiguous zones and territorial sea (total/month)

First, if the LDP manages to get its constitutional draft passed in both the Diet and a national referendum, this would likely mean the end of the institutionalized form of pacifism that has been a unique feature of postwar Japanese foreign and security policy, as Article Nine would either disappear or be significantly overhauled. As discussed earlier, such change would pave the way for enhanced military cooperation with the US by enabling the exercise of the collective-self-defense right. While the accusation by opponents that Japan will become a “country that can wage war” (senso dekiru kuni) is unlikely to materialize in actuality, Japan would be more likely to participate in US-involved military conflict, especially in Asia. Taken to the extreme, it means that the SDF will end up going everywhere US forces go.

The mainstream thinking within the LDP, however, seems to favor a limited scope for Japan’s participation in international conflict with the newly enabled ability to exercise the collective-self-defense right. The current and tentative test is the presence of an ‘existential threat to Japan.’ If a military situation is construed to be an existential threat to Japan, then Japan will exercise its right of collective self-defense and get militarily involved even if the conflict takes place outside Japanese territory. If it is deemed that no such threat exists, then even if US forces are attacked, so the argument goes, Japan should stay out of conflict and remain uninvolved. However, there is a great deal of ambiguity about this formula. Not only is there no clear definition of ‘existential threat’, and hence much depends on the construer, but it is also questionable if Japan can actually say no to the US if it requests military assistance, even when the situation does not constitute an existential threat to Japan. As a result, Japan might end up having to participate in US-involved international conflicts whenever the US requests, even if it doesn’t wish to.

Second, the current revision attempt challenges the mainstream historical interpretation of Japan’s past aggression and imperialism. For conservative nationalists, historical revisionism is not only a means to an end, namely the promotion of nationalism. Given that Japan’s postwar pacifism is based on a deep sense of regret and self-reflection about its past wrongdoings, any challenge to this historical understanding of Japan’s past imperialism and colonialism would automatically undermine its pacifist identity.

Historical revisionism would also significantly worsen bilateral relations with neighboring countries, particularly China and Korea, by increasing the salience of negative war memories. The controversy surrounding historical issues, such as visits to Yasukuni Shrine (Ryu 2007), Japanese history textbooks (Burke 2007), and the Nanjing massacre (Chang 1997) have resulted in widespread anti-Japanese protests and the deterioration of the bilateral relationships in the past. Both China and Korea, which bore the brunt of Japan’s aggression and colonialism, treat the shared historical understanding of Japan’s past imperialism and colonialism as the foundation upon which their bilateral relationship with Japan could develop. Continuation of historical revisionism in Japan would thus entail greater political and diplomatic conflict between Japan and its neighbors.

In the end, it is up to the Japanese people to decide what their national identity will be, what international role they would like to perform, and how they would like to define their relations vis-à-vis the US as well as neighboring countries in Asia. In the process, difficult questions must be thought through. Is Japan an Asian country or a Western country? Is Japan ready for all out military cooperation with the US, which the full-fledged collective self-defense would demand? What kind of nationalism/patriotism should Japan strive for and on what values should it be based? Should Japan emphasize its military cooperation with the US for its national security, or should it seek to expand its security cooperation with neighboring countries? Very few proposed constitutional drafts discuss these issues or clarify Japan’s identity. Certainly, there are no easy answers to these questions, nor do answers have to be binary choices. But they must be discussed, examined, and scrutinized to the fullest extent possible, with as much public participation as possible, for few issues are as important and critical as the nation’s constitution and its national identity.
Notes

1 It should be noted that the political left was also unhappy with the constitution at the time of its creation. They thought the constitution did not go far enough in eliminating the Japanese military institution and dismantling the imperial system.

2 It appears that Ozawa did not clearly see the difference between collective security and collective self-defense. There are important distinctions in international law and international relations between the two. The former requires a prior UN Security Council authorization and becomes a duty on all member states. The latter does not require any UN authorization and can arise when the state determines that an armed attack has taken place. It is a right, not a duty, although it can be tantamount to a duty, depending upon the specific terms of a formal alliance. As it pertains to Japan, the latter would significantly broaden Japan’s international military activities, as it could justify any involvement where the US gets involved and even when no actual armed attack has taken place, as the training, supplying, arming, and directing of irregular troops that attack the armed forces of another state may amount to an “armed attack” for the purposes of triggering the right to self-defense (see ICJ judgment in Nicaragua vs. United States).


4 The particular sentence that they are not happy with is “We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world.”

5 For details see the website of Nippon Kaigi, one of the most influential and active right-wing groups in Japan, at www.nipponkaigi.org/. Influential politicians, including prime minister Shinzo Abe, are members of the group. The website contains their views on the constitution, education, and history as well as relations with neighboring countries.

6 The author’s own interview with the Chairman of the Constitutional Revision Committee Yasuoka Okiharu on 24 February 2016.


Bibliography


