
JAPANESE CONSTITUTIONAL REVISION

A Neo-liberal Proposal for Article 9 in Comparative Perspective

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It is said that Article 9 of Japan's Constitution has been "the most controversial issue in postwar Japanese politics."¹ This two-paragraph-long, so-called peace clause reads:

[1] 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.

Yet, within less than a decade after the document was enacted, Japan possessed Self-Defence Forces (SDF) on the land, at sea, and in the air. This situation raises two fundamental questions. On the one hand, why does Japan have a constitution that does not incorporate the right of a nation to defend itself? On the other, why does Japan have what are for all intents and purposes an armed forces despite the presence of a clause with language specifically denying itself the right to maintain such?

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1. Ozawa Ichiro, "Nihonkoku kempo kaisei shian" [A draft proposal for revisions to the Japanese Constitution], *Bungei shunju*, September 1999, p. 98.

Given such obvious contradictions, it is easy to understand why Article 9 has continued to be the subject of great controversy. Article 9 was cited by leftists as they made their arguments against the creation of the SDF; it was cited by them again as grounds for opposition to the conclusion of the U.S.-Japan Security Treaty. For those on the right, the Article offered a ready means for maintaining limits on the U.S.-Japan alliance, specifically on the degree to which Japan would have to be directly involved through a commitment of manpower and resources to the maintenance of regional security in East Asia. The right's ability and willingness to do so could be seen in the stance it took over the conclusion of the new guidelines for the U.S.-Japan Security Treaty in 1997. Article 9 also created a bottleneck when it came to Japan's participation in such international peace activities as U.N. peacekeeping operations (UNPKO). The constitutional restraint was cited as the cause when Japan was criticized for offering too little, too late by way of its involvement in the Persian Gulf War. As one observer notes, Germany, which also had constitutional constraints on the use of its armed forces in both its former state as West Germany and now in its unified form, has revised its Basic Laws (Constitution) more than 40 times since 1947 in order to participate in both the North Atlantic Treaty Organization military operations and UNPKO. In contrast, Japan's Constitution has survived the controversies and remains intact.²

But in 1999, the political atmosphere changed enough to challenge the sanctity of Article 9. Prime Minister Obuchi Keizo of the ruling Liberal Democratic Party (LDP), established the Constitutional Research Council in the Diet as part of the LDP's efforts to "totally liquidate unsettled postwar issues" before the turn of the century.³ It was against this backdrop that October that Hatoyama Yukio, president of Japan's second largest political party, the Democratic Party of Japan (DPJ), published his proposal for revising the country's Constitution. In it, Hatoyama argued that Japan does possess armed forces in the form of the SDF despite Article 9. Given this reality, he proposed making explicit in the Constitution the fact that Japan maintains armed forces and is doing so for self-defense.

Hatoyama's proposal caused a sensation. It was the first time that a non-conservative Japanese politician had advocated revision of Article 9. In the past, those on the left, such as the Japan Communist Party (JCP) and the Japan Socialist Party (JSP; now the Social Democratic Party of Japan, SDPJ), have defended the clause. On the right, such forces as the hardliners in the conservative Liberal Democratic Party (LDP) opposed Article 9 and called

2. "Kempo o kangaeru: Nichi-Doku soi" [Thinking about the Constitution: Comparisons between Japan and Germany], *Yomiuri shinbun*, May 2, 2000.

3. "'Sokessan rosen' hitashashiru shusho" [The prime minister runs the road of "total liquidation" in earnest], August, 10, 1999, *Chunichi shinbun*.

for revising the Constitution. That Hatoyama, a liberal leader, dared to propose revision of the clause was astonishing. It achieved a critical breakthrough to the mainstream on the matter of constitutional revision and created momentum for discussion of changes to the article to take place.⁴

This article examines Hatoyama's proposal for revising the Japanese Constitution by comparing it with the proposals made by two conservative political leaders, Ozawa Ichiro and Nakasone Yasuhiro. Although the so-called 1955 system in Japanese politics that saw the LDP on top was brought to an end in 1993, a clear division between left and right still exists over Article 9. With the exception of Hatoyama, the Japanese left has favored retaining Article 9 in its present form and hence has not offered any constitutional revision proposals. Because Hatoyama broke away from this traditional stance, he describes his own position as being one of "neo-liberalism." For his part, Ozawa represents neo-conservatism. Ozawa was an influential in the LDP until 1993, when he broke away to form a series of new parties culminating in the Liberal Party (LP) of which he is currently the leader. His proposal for constitutional revisions came in September 1999; its appearance was the instigation for Hatoyama to offer his own proposal and hence forms the first link in the chain of causation here. Completing the chain from the other end is Nakasone's proposal. Prime minister from 1982–87, the LDP elder statesman has been one of the most outspoken advocates for revision of the Constitution practically since its creation and he offered his proposal in response to Hatoyama's draft even as he praised it. Thus, this article offers a comparison of neo-liberal, neo-conservative, and orthodox conservative proposals for revising the Constitution's Article 9. It will highlight their similarities and differences and, in doing so, assess the significance of both the Hatoyama proposal and the Constitution's peace clause in light of the security role Japan may be expected to play in the 21st century.

Historical Background

The postwar Japanese Constitution was drafted by the Government Section of the Supreme Command for the Allied Powers (SCAP), which oversaw the mainly U.S.-led postwar Occupation of Japan. The document was drafted in the space of seven days after SCAP had rejected an initial Japanese proposal of revisions to the pre-war Constitution as insufficient. Of particular relevance to any discussion of Article 9 is the presence of Article 1, which retained the emperor but demoted his status to a mere symbol of the state. SCAP believed it was necessary to retain the emperor in order to control Japan effectively. But in exchange for keeping the imperial system intact—

4. Hatoyama Yukio, "Jieitai o guntai to mitomeyo" [(The Constitution) should acknowledge the SDF as armed forces], *Bungei shunju*, October 1999, pp. 262–73.

although the emperor was deprived of divine status—SCAP forced Japan to accept Article 9, in part to control Japan effectively and in part to placate the other Allies over the retention of the emperor. The government had little choice but to agree to the document. That SCAP had drafted the new Constitution was kept confidential. The government claimed the draft as its own and the Diet approved it. The new Constitution was promulgated in November 1946 and went into force in May 1947. It is this history of SCAP's involvement that has led many of those on the right to speak of the Constitution as having been “imposed by the U.S.”⁵ and fueled arguments that the document did not necessarily reflect domestic sentiments and merited revision.

Having deprived Japan of its military capability in the Constitution, the U.S. took charge of Japan's national defense, a situation that found some support among conservatives, most prominently postwar prime minister Yoshida Shigeru. The perception in the U.S. government that Japan needed to be protected became all the more pronounced first with the Communists' victory in China in 1949 and then with the outbreak of the Korean War in 1950. Under U.S. pressure though again with some domestic support, Japan signed a security treaty with it as the government-by-proxy Occupation period neared an end in 1951. The Chinese Revolution and Korean War had confirmed the emerging dominant perception in the U.S. that Japan was a valuable ally. By the time of the outbreak of hostilities on the Korean Peninsula, SCAP already had initiated the so-called reverse course that undid some of the more liberal economic, political, and social programs it had undertaken early on. Now, in recognition of Japan's strategic importance as a location from which to defend against further communist advances in East Asia, MacArthur pushed this reverse course further and ordered an outwardly reluctant Yoshida to create the National Police Reserves in 1950. As the cold war escalated, the force was beefed up with its reorganization first as the National Security Forces in 1952, and then the SDF in 1954. Also that year, Japan signed the Mutual Security Aid Agreement with the U.S. This obliged Japan to build up its defense in exchange for U.S. military and economic aid,⁶ though the U.S. would continue to remain responsible for most of Japan's protection.

The creation of the SDF caused an uproar in the Diet and sparked the ongoing political debate in Japan over the forces' constitutionality in light of Article 9. Leftists argued that the SDF was unconstitutional, a stance that

5. John W. Dower, *Embracing Defeat: Japan in the Wake of World War II* (New York: W. W. Norton, 1999), pp. 360–90; and Tetsuya Kataoka, *The Price of a Constitution: The Origin of Japan's Postwar Politics* (New York: Taylor and Francis, 1991), pp. 13–39.

6. Kojima Noboru, *Kyowa joyaku: Sengo Nichibei kankei no kiten* [The Peace Treaty: The origin of postwar U.S.-Japan relations], vol. 1 (Tokyo: Chuokoronsha, 1997), pp. 196–97.

was supported by a majority of the Japanese public that had come out of World War II with a deep antipathy toward war. Given the Japanese public's strong support for maintaining the Constitution in an unmodified state, moderate conservatives such as Yoshida who might be expected to support revision chose to adopt a more conciliatory albeit contradictory position that favored retaining Article 9 without modification on the one hand and maintaining the SDF on the other. The LDP would argue that the Constitution did not preclude the right to self-defense, a so-called expanded interpretation of the article that reflected the party's being caught between domestic opposition to constitutional revision and U.S. pressure to assume some defense responsibilities. This interpretation further held that the SDF could be used solely for self-defense. With its prohibition of overseas operations, the interpretation has haunted Japan to this day. It was only the more independent-minded conservative politicians, such as Hatoyama's grandfather Ichiro and Nakasone, who took an anti-Article 9, pro-SDF position. They argued that the Constitution should be revised thoroughly to produce a document that was written by the Japanese (*jishu kempo*, or an "independent constitution"). However, these individuals were not in the party's mainstream and the LDP did not pursue their agenda for constitutional revisions.⁷

Article 9 was also a focal point in the controversy over the U.S.-Japan Security Treaty. The treaty was first revised in 1960. The revision committed the U.S. military stationed in Japan not only to the defense of Japan but also that of the Far East. The parties on the left were vehemently opposed to the revision and paralyzed the Diet with protests that ultimately were unsuccessful. The treaty was further revised in 1970 at which time both countries agreed to keep the pact in force indefinitely without change unless either party proposed a revision. Japan's economic growth in the late 1970s led the U.S. to ask Japan to share the treaty's burdens more equally, not just through monetary means but also with manpower. However, the Japanese government insisted the country could not participate in any joint military operations unless Japan proper was attacked. Under the Constitution, in that case only could Japan act through the exercise of its right to individual self-defense. Even the new guidelines adopted in 1997 stated that Japan's involvement in the alliance would be limited to the provision of logistical support, i.e., supply of fuel and oil and transportation of personnel and materials. Thus, for more than four decades, Japan focused its energies on economic growth. It spent minimally on its national defense and left ambiguous the degree to which it would or could assume its right to self-defense. It was not until 1999 that momentum finally gathered to pursue the agenda of constitutional

7. Ishikawa Masumi, *Sengo seiji-shi* [Postwar political history] (Tokyo: Iwanami shoten, 1995), pp. 67-68.

revisions as a result of the creation of the Diet's Constitutional Research Council and the publication of Hatoyama's remarkable proposal.

Three Revision Proposals

As noted above, Hatoyama's proposal was sandwiched in between those of Ozawa and Nakasone chronologically. Accordingly, the three proposals will now be discussed below in the order in which they appeared.

Ozawa's Proposal: Neo-Conservatism

Hatoyama published his proposal for constitutional revisions in response to the September 1999 proposal offered by Ozawa. Ozawa viewed the Japanese Constitution as a fossilized relic of the past. He argued that it was unusual for a constitution created during the Occupation by non-Japanese to still be in effect 50 years after Japan had stepped out on its own. He emphasized that the Japanese people were unable to express their views freely when the document was adopted. From the standpoint of international law, a constitution enforced under such circumstances is invalid; Japan therefore should have declared its Constitution null and void with the end of the Occupation in 1952. Ozawa went on to accuse the LDP of having kept constitutional revisions off its agenda despite the fact that revision was one of the party's platforms.

It was this circumstance, Ozawa argued, that prompted him to offer his proposed revision of Article 9. Rather than making any change to the article's two existing paragraphs, Ozawa would first add a third paragraph to the article:

[3] The preceding second paragraph does not prevent Japan from exercising its right to self-defense and from maintaining armed forces to exercise that right.⁸

Ozawa explained the addition by arguing that Japan had the right to act in its own self-defense—both individual and collective—as an “ordinary nation.” Contending that such rights are natural ones, Ozawa argued that they could not be denied under any law. Under his interpretation, the spirit of Article 9 is to exercise these rights in a restrained manner; therefore, Japan should not exercise such rights unless under direct military attack.

Second, Ozawa has proposed the addition of a new article to follow Article 9 that would articulate Japan's commitment to international peace. To be titled “International Peace,” it reads:

The Japanese people shall take the initiative in participating in international peace activities, in order to maintain and restore international peace and security from

8. Kataoka, *The Price*, pp. 191–213.

threats to peace and acts of destruction and aggression, and actively contribute to world peace, through every means including the supply of armed forces.⁹

Ozawa reasons that this article reflects the fact that Japan's admission to the U.N., as with that of any member country, was conditioned by acceptance of the U.N. Charter and all its terms and obligations. Given this, he argues that it is wrong for Japan to insist that it cannot participate in UNPKO because of constitutional restraints and the country should contribute more than just money to the U.N.'s international peace activities. Ozawa describes the commitment he desires for Japan as a "neo-pacifism" for a new age. He argues that declaring this ideal in an amendment to the Constitution would allay the concerns of neighboring Asian countries' over what some describe as a remilitarization of Japan. Amending the Constitution in this way, he further posits, would also address the misunderstandings they have about an increase in Japan's commitment to its alliance with the U.S.¹⁰

Ozawa believes that the only way for Japan to maintain peace and survive is through international cooperation, specifically through the U.N. To make this possible, Ozawa also believes the Japanese government should push for the creation of a standing U.N. Force (UNF) to go with his proposed changes to Japan's Constitution. According to Ozawa, because of the advanced technology and weapons available today, a nation's peace can no longer be secured merely by calling upon the rights to individual and collective self-defense. Thus, he asserts, it is necessary to create a standing police force through the U.N. based on the concept of collective security. In his analysis, the U.N. peacekeeping forces that have been put together in the past were done on an ad hoc basis and had been ineffective; it would be better to have a standing force that could respond rapidly in emergencies. Ozawa concludes that Japan therefore needs to convince the U.S. and the other major powers to create a standing UNF and should be prepared to contribute both economic and human resources to such forces upon their creation.¹¹

Hatoyama's Proposal: Neo-Liberalism

Hatoyama's proposal came the month after Ozawa's appeared. In his article, Hatoyama argued that traditional Japanese postwar liberalism, characterized by a stubborn pro-constitutionalism and anti-U.S. sentiments, is outdated. He further argued that the SDF are nothing but armed forces and it was high time to recognize this fact. Thus, he proposed to revise Article 9 as follows:

[1] Japan shall maintain land, sea, and air forces, as well as other war potential.

9. Ozawa, "Nihonkoku kempo," pp. 94–95, 98.

10. *Ibid.*, pp. 98–99.

11. *Ibid.*, pp. 98–100.

[2] Japan shall neither use these forces for acts of aggression nor shall Japan employ conscription.¹²

Stipulating Japan's possession of armed forces, Hatoyama contended, will remove the ambiguity of Article 9 and end the futile and protracted debate over the constitutionality of the SDF. He added, however, that there is one condition that must be met if this revision is to work. Taking note of the fact that Asian countries would have misgivings about such revisions insofar as Japan ignores its past acts of aggression (as conservative politicians do), Hatoyama called on Japan to acknowledge unequivocally these acts and conduct a comprehensive review of them. Doing so would eliminate any lingering problems with Asian countries.¹³

Hatoyama next argued that Japan had to decrease its dependence on the U.S. for meeting its national security needs. In its place, he believed that Japan needed to establish an independent defense (*jishu boei*) capability and create an "environment" in which this could be made possible. The position of Hatoyama's political party, the DPJ, calls for what is described as maintaining the U.S.-Japan Security Treaty but without the permanent stationing of U.S. forces in Japan (*jochu naki Ampo*). The permanent stationing of foreign troops in a sovereign country is unnatural, Hatoyama argued, adding that Japan should not remain a protectorate of the U.S. He stressed that his position was pro-U.S. and maintaining only that Japan should secure its independence (*jishusei*) as a sovereign nation. It was time for Japan to stop being dependent on the U.S., he declared, stand on its own feet, and assert its own position vis-à-vis the U.S.¹⁴

After publishing his proposal, however, Hatoyama initially was reluctant to assert Japan's right to participate in collective self-defense activities. The official interpretation of the Constitution over this matter, made by the cabinet's Legal Bureau in 1973, is that Japan possesses the rights to both individual and collective self-defense but cannot exercise the latter right due to the constitutional constraint. Hatoyama agreed, believing that any exercise of the right to collective self-defense would be dangerous and Japan should not claim it to the fullest extent. If Japan were to exercise its rights in this area, he felt, it could become involved in wars that it does not want to, owing to the terms of the U.S.-Japan Security Treaty. However, by October 2000 Hatoyama had overcome his reluctance to assert this right on Japan's behalf. In a TV interview conducted that month, he said that Japan's right to partici-

12. Hatoyama, "Jieitai," pp. 262–63.

13. *Ibid.*, pp. 263–64. Parentheses by author.

14. *Ibid.*, pp. 264–67; and "Hatoyama Yukio, 'Kaiken koso jimin bunretsu e no kusabi to naru!'" [Hatoyama argues that constitutional revisions will be a wedge to break up the LDP], *Shukan posuto* [Weekly post], January 28, 2000, pp. 30–35.

pate in collective self-defense activities should be stipulated in the Constitution, though he stressed that such a right should be exercised in an extremely restrained fashion.¹⁵

Nakasone's Proposal: Orthodox Conservatism

As noted earlier, former prime minister Nakasone has been one of the most outspoken advocates for revising the postwar Constitution since its inception. In the response to Hatoyama's proposal that he published in April 2000, Nakasone stated that he was opposed to then-prime minister Yoshida, who had opted for a policy of *ikkoku heiwa-shugi* (pacifism in a single nation) that called on the country to not concern itself with national security insofar as its peace is preserved. Instead, Nakasone, along with Hatoyama Ichiro (prime minister from 1954–56 and Yukio's grandfather), argued that Japan should take charge of its national defense once its sovereignty was restored and assume international responsibilities upon admission to the U.N. As for Yoshida, Nakasone thought him to be a "shrewd Machiavellian" who took his *ikkoku heiwa-shugi* stance merely because it was the popular view among the Japanese people at the time.¹⁶

Nakasone wrote that he was a follower of the views of Hatoyama *grand-père*, who argued in favor of constitutional revisions for the purpose of truly making Japan independent. Nakasone contrasts his views with those of Miyazawa Kiichi, prime minister from 1991–93, who followed the views of former prime minister Ikeda Hayato (1960–64). Ikeda, as Nakasone relates, had "reverted to Yoshida's stance of not revising the Constitution" following on the pro-revision premiership of Kishi Nobosuke in order to focus on Japan's economic recovery. Nakasone added that he himself could not take up constitutional revisions during his time in office owing to the persistence of the strong public support for the Constitution.¹⁷

Turning to the specifics of his 2000 proposal, Nakasone called for revising only paragraph 2 of Article 9 in order to stipulate Japan's right to self-defense and adding a third paragraph on collective self-defense:

[2] Japan shall maintain land, sea, and air forces, as well as other war potential, for self-defense purposes.

[3] Japan retains the right to exercise its right to collective self-defense.

15. Hatoyama, "Jieitai"; "Hatoyama Yukio, 'Kaiken,'" and "Hatoyama-shi no 'shudan-teki jieiken' hatsugen" [Mr. Hatoyama's statement on the "right to collective self-defense"], *Chunichi shinbun*, October 17, 2000.

16. Nakasone Yasuhiro, "Waga kaiken-ron" [My discourse on constitutional revisions], *Shokun*, April 2000, pp. 55–56.

17. *Ibid.*, pp. 56–58.

He argues that the latter right exists to protect the right to individual self-defense and that an alliance relationship presupposes the exercise of the right to engage in collective self-defense activities. Nakasone only cautions that the exercise of that right should be stipulated in a concrete fashion in order to draw a clear line concerning the extent to which Japan could cooperate with foreign armed forces. Nakasone would therefore enact basic national security laws that explicitly outline the limits of Japan's cooperation and provide for transparency with respect to the chain of command. This, Nakasone argues, would be sufficient to get the Japanese people and the peoples of Asia to lower their opposition to a revision of Article 9.¹⁸

The Proposals in Comparison

The three proposals bear significant differences as well as similarities. To better draw out these conflicts and congruities, the section below offers some comparisons. First, Hatoyama's neo-liberal proposal is compared with Ozawa's neo-conservative one, given that the former came in response to the latter and strongly criticizes it. These two new proposals for constitutional revision will then be compared with the more traditional pro-revision stance that Nakasone represents. Such comparisons should give one a better sense of the depth and breadth of the three currently dominant views on how the Constitution might be revised and to what end.

The Hatoyama and Ozawa Proposals

In comparing the Hatoyama and Ozawa proposals, one notes first that the rationale offered in each proposal for the need to revise the Constitution seems tenable. In fact, the SCAP team that drafted the Constitution considered it provisional and did not think that the document would last for decades. They did not anticipate that the anti-U.S. left would come to almost worship the Constitution nor that the Japanese people would come to consider it sacrosanct.

Flying in the face of this political legacy, Hatoyama proposed a rewrite of Article 9 that would unequivocally endorse Japan's possession of armed forces. In contrast, Ozawa made only a makeshift change, adding a paragraph that seems to contradict the two existing ones. According to Hatoyama, Ozawa's proposal appeared to be a step forward in that it acknowledged Japan's right to self-defense and the maintenance of armed forces to exercise that right. However, he argued that the proposal contained the same contradiction as the current Article 9 insofar as it left the original two paragraphs intact. Hatoyama contended that saying that Japan does not maintain any armed forces but can maintain forces for self-defense was so-

18. *Ibid.*, pp. 59–61.

phistic; Ozawa's proposal therefore deliberately shied away from reality and fell into the same sophism in the existing interpretation of Article 9. For this reason, Hatoyama asserted, Ozawa's proposal would fail to end the postwar debate over the article and the constitutionality of the SDF.¹⁹

Furthermore, Hatoyama went on to argue it seemed even more contradictory for Ozawa not to change the existing language of Article 9 while favoring the assertion of the currently unauthorized right to collective self-defense, a right Ozawa merely assumes in his stipulation of Japan's self-defense right. It is odd that Ozawa did not explicitly articulate this right in his proposal to strengthen the U.S.-Japan alliance given that the question of the right of collective self-defense was the focal point of the controversies over the definition of Japan's role in the alliance. Similarly, one wonders why, realizing that Article 9 was the most controversial issue in postwar Japanese politics, Ozawa did not rewrite it altogether in his proposal. By contrast, Hatoyama called for an end to the sham interpretation of the article once for all. In this sense, Hatoyama's proposal is much bolder and clearer than Ozawa's.

When it comes to the actual exercise of the right to collective self-defense, the existing divide between the conservative and liberal stances remains. While Ozawa proposed strengthening international collective security systems by invoking the right to collective self-defense, Hatoyama was reluctant to commit Japan in such fashion at the time his original proposal appeared. As noted earlier, by a year later he had changed his mind and come out in support of Japan's right to collective self-defense in the Constitution. Overall, Hatoyama has been more cautious than Ozawa regarding the actual exercise of that right and argues that clear lines be drawn delineating the extent to which that right might be pursued.

Ozawa's demonstration of a sense of realism in his proposal to strengthen collective security systems is offset by the idealistic notions behind his standing UNF idea. The concept demonstrates Ozawa's somewhat naive belief that sovereign nations could create a world collective security system and that such a force could preserve international peace. He appears oblivious to the fact that an initial attempt to create UNF in 1945 upon the establishment of the U.N. failed. Hatoyama considers this part of Ozawa's proposal to be extremely idealistic. Hatoyama argues that the U.S. has sought to pursue its own national interest under the guise of U.N. peacekeeping activities; should Japan adopt Ozawa's proposal, the country might end up pursuing the U.S. national interest under the U.N. banner. Hatoyama further argued that Ozawa's idea to blindly rely on the U.N., and also on the U.S., which he sees as controlling the U.N., is dangerous. Hatoyama even went so far as to state that Ozawa had been deprived of his soul by the U.S. and that his idea is still

19. Hatoyama, "Jieitai," p. 263.

imbued with the postwar mentality of dependency on the U.S. Hatoyama asserts, "It is important for Japan to recognize the reality that the U.S. places its own national interest first; Japan should judge what is in its own national interest and in the world's interest as a whole."²⁰

That said, it seems naïve for Hatoyama to think that Japan can defend itself alone. As noted earlier, the official DPJ stance on self-defense is to retain the U.S.-Japan Security Treaty but not have the permanent stationing of troops. Such a stance is ambiguous. To be fully independent of the U.S., the DPJ would need to propose that Japan abrogate the treaty. If the party wants to maintain the treaty, then it should commit Japan to exercising the right to collective self-defense. However, the party is against asserting that right. Hatoyama himself was reluctant to do so in his 1999 proposal, apparently expecting the U.S. to continue protecting Japan. This position seems contradictory and, paradoxically, even more dependent on the U.S. than Ozawa's. Thus, although Hatoyama makes a quantum leap from the traditional postwar liberal position, he seems unable to escape it completely and so reveals what might be a limitation of his neo-liberalism. In summary, both proposals seem to reflect a certain degree of idealism, with Ozawa's belief in the possibility of creating a standing UNF and Hatoyama's that Japan can defend itself alone. Then, how do their proposals compare with Nakasone's views?

*Comparative Assessment II: Hatoyama,
Ozawa, and Nakasone*

There was a critical difference between the original Hatoyama proposal and Nakasone's regarding the matter of collective self-defense. Hatoyama's modified proposal of 2000 accepts assertion of the right, though in an extremely limited fashion. Nakasone, too, puts specific restrictions on exercise of the right. In this sense, there seems to be no substantive difference between the two proposals. In fact, Nakasone praised Hatoyama for the leap he made from the traditional liberal stance and stated that Hatoyama had fallen into the same line as he. Both, he said, were taking the position of Hatoyama's grandfather on revising the Constitution in order to create a charter with independent origins. Nakasone also supported Hatoyama's idea to shorten the time for debate in the Diet's Constitutional Research Council to two years from the currently scheduled five, adding that this demonstrated thinking similar to his grandfather's (though Nakasone proposed shortening debate to three years).²¹ That Nakasone, in the old guard of the conservative LDP, and Hatoyama, the young leader of the liberal DPJ, have come to hold very similar ideas about the revision of Article 9 is indicative of the article's

20. *Ibid.*, pp. 264–67.

21. Nakasone, "Waga kaiken-ron," pp. 58–59, 63.

obsolescence. The one difference between the two is that Nakasone thinks that paragraph 1 on the renunciation of war can be kept intact so long as paragraph 2 on the relinquishment of armed forces is rewritten while Hatoyama would rewrite Article 9 altogether. It is astounding that Hatoyama's proposed changes were even bolder in this sense than those of the most outspoken advocate for constitutional revisions.

With respect to Ozawa's proposal, in substance it is not very different from Nakasone's. Both call for increasing Japan's commitment to its alliance with the U.S. and international peacekeeping activities. However, Nakasone deletes paragraph 2 as unreasonable, whereas Ozawa retains it. It is not clear as to why Ozawa did not remove the paragraph; he may have wished to not anger the left or maintain a distinction from the traditional conservatives. For whatever reason, Ozawa's revision maintained the contradiction of relinquishing the right to have armed forces while supporting retention of the same in the form of the SDF. Ozawa failed to solve the core problem of Article 9.²²

Other Factors

The Diet's Constitutional Research Council began its work in earnest in 2000 with an initial five-year mandate to debate the Constitution and review how it was written. It will then examine draft revisions submitted by political parties and the general public and pass on those it deems most viable to the Diet. The Diet then votes on which of these drafts can be put to the electorate, and a national referendum for constitutional revisions will then take place. This tedious timetable reflects a general national inertia with respect to the subject of constitutional revision as well as lingering opposition on the part of the leftist parties in particular. As noted above, Nakasone called for shortening the process from five years to three and Hatoyama to two.²³

Ideological distinctions are evident in the Council. Representatives of the conservative parties such as the LDP, the LP, and the New Conservative Party (NCP, a splinter of the LP) favor revising the Constitution. The centrist Komeito (CGP, Clean Government Party) traditionally had supported retaining the Constitution unrevised. However, in a surprising development, the CGP's representative to the Council, Akamatsu Masao, stated as a personal opinion that the CGP would not oppose discussing the Constitution and even revising it provided that the process unfolded slowly. The change in the position of a member of the party might partly be owed to the fact that the CGP had joined the Obuchi coalition cabinet and thus may have been coopted.

22. Nakasone, *ibid.*, p. 60.

23. *Ibid.*, p. 59; and "Wotchi Kempo Chosakai" [Watching the Constitutional Research Council], *Chunichi shinbun*, August 4, 2000.

Kano Michihiko, the DPJ's Council representative, favored revision, while representatives of such leftist parties as the JCP and the SDPJ, opposed it.²⁴

Indeed, there remains political opposition to constitutional revision even within the LDP. The long-ruling party has yet to come up with a consensus on the question. This is because the party is a large one that encompasses a wide spectrum of ideologies, ranging from such hardline conservatives as Nakasone to such moderate politicians as former prime minister Miyazawa who consider the current interpretation of Article 9 acceptable. The DPJ, the largest opposition party, comprises defectors from such parties as the LDP and the SDPJ that are mutually exclusive ideologically. The DPJ's stance reflects the leftists' opposition to constitutional revisions, despite the pro-revision stance of its leader Hatoyama. And, again, of the parties on the left both the JCP and the SDPJ are staunch defenders of the Constitution as written.

There is a procedural impediment to constitutional revision in addition to the political ones. The Constitution stipulates that any amendment requires the support of a two-thirds majority in both houses of the Diet as well as a majority in a national referendum (Article 96). Proponents of constitutional revisions, most notably Nakasone, consider the two-thirds majority requirement in the Diet to be too stringent and have argued for easing it. Thus, amendment of this clause is also on the agenda for constitutional revisions.²⁵

Despite the impediments, there are some new signs that favor the possibility of constitutional revision taking place. The ruling coalition at the time of writing—the LDP, the CGP, and the NCP—is converging on revision. The result of the June 2000 general elections gave them 271 of the 480 seats in the house of representatives (HR). The CGP decided that November that it would no longer oppose constitutional revisions. That the CGP dropped its previous position for the sake of staying in power might overshadow the reluctance LDP moderates, who, led by former prime minister Miyazawa, constitute only a minority group in the party.²⁶

As for the DPJ's internal situation, the power of the party's left wing has dwindled substantially. As a result of the June general elections, the percentage of former members of the SDPJ in the DPJ decreased from 28% to 21%. The number of individuals who do not belong to any intra-party groups based on their previous affiliations has increased from 28% to 45%. Further, a number of younger candidates were elected—those who won for the first time constitute 34% of the DPJ's HR delegation alone. The dramatic changes to the party's makeup will greatly affect its platforms on such issues as con-

24. Ibid.

25. Nakasone, "Waga kaiken-ron," p. 62.

26. "Komei 'yoto-shiko' senmei ni" [The CGP further leans toward the "ruling (LDP)"], *Chunichi shinbun*, November 4, 2000.

stitutional revision given that the younger generations generally are not influenced by the leftist ideology.²⁷ For the present, the party's possible support of revision was given a boost in September when Secretary-General Kan Naoto announced that he was ready to support changes to the Constitution.²⁸ This was astounding, given Kan's reputation as a progressive political leader. Hatoyama and Kan have shared the DPJ's political leadership since the party's creation in 1996 and, despite some differences over policy issues, have collaborated in their running of the party. Hatoyama's proposal has had a direct impact on the leftist members of the party and Kan's decision will significantly affect the views of other leftist members on revision.

On the left, the JCP (20 HR seats) and the SDPJ (19 HR seats) are too weak to protect the Constitution from revision. It should further be recalled here that former socialist prime minister Murayama Tomiichi accepted the U.S.-Japan Security Treaty and acknowledged the SDF as constitutional contrary to his party's platforms in 1994 when he headed a cabinet in coalition with the LDP. The SDPJ subsequently changed its platform on the issue. As for the JCP, in October 2000 it decided to accept the use of the SDF for emergencies. Although the party has yet to accept the SDF as constitutional, this decision is regarded as a step toward doing so. These surprising moves in both parties seem to indicate that even those on the left are coming to terms with the reality that a sovereign nation should arm itself for self-defense in the real world. Now that the leftist parties are accepting the constitutionality of the SDF, they may have less reason to oppose revision of Article 9.²⁹

Finally, the Japanese public supports constitutional revision. According to an opinion poll conducted by Japan's largest newspaper, the *Yomiuri shinbun*, in March 2000, nearly 60% of those who responded supported the idea of constitutional revision (in context, it clearly referred to Article 9), a 7% increase over the previous year and up from the 50% or so that had held true in *Yomiuri* polls since 1993. The most assent regarding possible reasons to make a revision was given to such answers as "to enable Japan to actively participate in UNPKO" and "the political interpretation and practice of Article 9 caused ambiguity and confusion." Only 27% of the respondents were opposed to revision, down 4% from the previous year. In addition, 72.5% thought that a new revised Constitution should clearly stipulate Japan's right

27. Morikawa Yoshihiko, "Minshuto yo 'Jimin taishitsu kire'" [The DPJ should break its 'LDP-like nature'], *Aera*, September 4, 2000, pp. 21–22.

28. Kan Naoto, interview with Soichiro Tawara, *Sunday Project*, TV Asahi, September 10, 2000.

29. "Jieitai yonin: 'Utenraku e no ippo'" [Accepting the SDF: "The first step toward falling for the right"], *Chunichi shinbun*, October 18, 2000. The article specifically addresses the JCP's stance.

to self-defense, while only 17.6% were opposed. Finally, the poll also showed that the younger generations were more supportive of revision than the older ones.³⁰

It should be recalled that Hatoyama's background as a liberal leader means his proposal lacks the negative baggage that many see as being attendant with any such suggestion from conservative leaders. It appears that, with the proposal having come from such an individual, the Japanese public has finally overcome its blind postwar belief in the Constitution and utopian pacifism. The 7% jump in the opinion polls demonstrates that Hatoyama has helped bring about a change in norms concerning Article 9.

The Significance of Hatoyama's Proposal and Its Policy Implications

As Hatoyama has stated, it is contradictory for Japan to possess what are for all intents and purposes an armed forces while having a constitution according to which the country relinquishes the right to arm itself. Article 9 is in many ways, as Ozawa has observed, a leftover from the Occupation era. Japan has left such a quintessential issue as the right to self-defense unresolved since that time and turned it into a taboo subject. Controversies over the constitutionality of the SDF and the Security Treaty have paralyzed the Diet. Japan is long overdue to end its disingenuous interpretation of Article 9 and revise the clause to bring it into conformance with actual conditions. Revision would bring with it at least three important benefits.

First, revising Article 9 is a prerequisite for Japan to become a truly independent and self-confident nation. By making explicit the role of armed forces for exercising a right to self-defense in the Constitution, Japan would be able to end its psychological and physical dependence on the U.S. and become truly independent. Japan had never seen the need to arm itself (at least to the degree that it might otherwise) as it was protected by the U.S. The Japanese need to realize that this is not a normal situation for a sovereign nation. To use Ozawa's rhetoric, it is time for Japan to become a normal nation and stand on its feet.

Next, articulating the right to collective self-defense in the Constitution would remove the ambiguity that has hampered any moves toward strengthening U.S.-Japan security relations. Eliminating such ambiguity would be the first step for Japan to become a truly equal partner with the U.S. The existing interpretation of Article 9 blocks Japan from participating in any joint military operations unless Japan itself is attacked. Even the new guidelines for the U.S.-Japan Security Treaty written in 1997 still limit Japan's

30. "Zenkoku seron chosa: Kempo ni kansuru ishiki" [National opinion polls on the Constitution], *Yomiuri shinbun*, April 15, 2000.

involvement to the provision of logistical support. Revision of Article 9 will allow Japan to redefine and expand the scope of the SDF's activities in the maintenance of regional security in East Asia. It is also worth noting that the new Bush administration would like Japan to become both a more self-reliant ally and accept the right of collective self-defense.

Finally, asserting the right to engage in collective self-defense activities would also remove the legalistic excuse that has prevented the SDF from participating actively in peace-keeping operations. At present, Japan's involvement in UNPKO is limited to such logistical operations as transportation of civilian personnel and materials. The use of weapons is restricted to the minimum necessary for Japanese personnel to defend themselves alone. The right revision will make it possible for the SDF to participate in actual military operations undertaken by the UNPKO. It would show that Japan at last was a trustworthy and reliable member of the international community willing and able to fulfill all of its obligations as such.

Such revisions would fulfill the goals envisioned by Ozawa and Nakasone. Ozawa's influence should not be disregarded. Although the LP's representation declined from 40 seats to 22 in the 2000 HR general elections, the loss came about partially owing to the breakaway of a faction that April that became the NCP. In fact, the rump LP gained four seats (going from 18 to 22), while the defectors lost 11 seats and wound up with only seven in the HR. Given that the LP could become part of a ruling coalition again in this time of political flux and Ozawa has been exploring ways to establish his leadership, his could become the critical one should the question of constitutional revisions be brought to a vote.³¹

Should the DPJ gain power, it seems likely that it would take a more pragmatic and less ideological stance toward the U.S. than the current DPJ platforms suggest. In so doing, one would expect its party officials to consult with the U.S., as much as their LDP counterparts have done, over the formulation of Japan's security policy. It should be recalled that opposition party members often moderate their stances once they find themselves in the position of being a ruling party incumbent. Recall that Murayama accepted the Security Treaty and acknowledged the SDF against his party's platforms once he became prime minister. Anticipating the possibility that the DPJ might gain power, Hatoyama is trying to refashion Japanese liberalism into something that is more realistic and workable. That he overcame his reluctance over the issue of collective self-defense seems to confirm that he is

31. "Ozawa-shi, saninsen-go no seikai saihen o 'yogen'" [Mr. Ozawa "predicts" political reorganization after the HC general elections (in summer 2001)], *Yomiuri shinbun*, September 12, 2000.

serious in his effort and it seems likely that the DPJ would adopt a security policy similar to that of the LDP should it take power.³²

Conclusions

That Hatoyama Yukio broke a half century-old political taboo and made a bold proposal for the revision of the Constitution's Article 9 has been a development of great significance. He convinced the influential and even more progressive co-leader of his party, Kan Naoto, to abandon his own long-held position in favor of retaining the Constitution in its unmodified state. He rekindled enthusiasm for constitutional revision among conservative leaders, most notably former prime minister Nakasone Yasuhiro. Finally, his proposal had an appreciable effect on the public's attitude toward constitutional revisions. The importance of Hatoyama's proposal therefore should not be underestimated, for it could serve as a powerful catalyst that will change liberal views on the Constitution and shape the opinions of younger generations.

Furthermore, the fact that Hatoyama as a liberal leader proposed revisions of Article 9 in order to articulate Japan's right to self-defense has also been a development of note. Because of his standing as a liberal, his proposal caused a sensation and created momentum for talk of constitutional revisions that would not have been imaginable for a pro-revision conservative. The Japanese public's support for revision surged dramatically. The CGP abandoned its long-held, pro-constitutional position, as did a number of prominent politicians such as the aforementioned Kan. The JCP is accepting the constitutionality of the SDF, thus opening a way for it to consider revision of Article 9. All these changes are truly epoch-making and Japan clearly stands at a critical turning point in its constitutional history.

There are several tasks that lie ahead. Japan will have to make every effort to convince its Asian neighbors, deeply wary of Japanese remilitarization, that making the SDF explicitly constitutional does not at all mean that Japan will again become an aggressor. Politicians will need to overcome the anti-revision inertia and ride on the momentum generated by the proposals and debate raised by Hatoyama, Ozawa, and Nakasone. The LDP, as the still-dominant political party, will need to draft a revision proposal of its own that is suited to the reality and needs of the new century and expedite the Diet's Constitutional Research Council's endeavors in earnest. Finally, the Japanese people as a whole have to discard the mythical aura around the Constitution and realize that Article 9 as written is obsolete.

32. Former President Bill Clinton endorsed most favored nation (MFN) status for China in 1993 despite his earlier opposition to it. Taiwan's President Chen Shui-bian changed his stance toward China to a less independent-minded and less adversarial one upon election in March 2000.