CHAPTER- 4

CONSTITUTIONAL AMENDMENT DEBATE: THE MEDIA AND PRESSURE GROUPS

Introduction:

The media, third pillar of the democracy, has played a constructive role in generating awareness about the issue of Constitutional revision among the Japanese people through columns, public opinion surveys and unveiling detailed draft proposal suggesting how to amend the supreme legal document. It was because of the media, Constitutional revisionism, a topic which was considered taboo during the Cold War period became the issue of debate. However, all the media groups do not agree for the need of a complete overhaul of the US imposed Japanese Constitution. Some of them suggest additions in the clauses of the Constitution, while some other advocate the need of keeping the provisions intact.

The Media and pressure groups: Advocating for the Constitutional review

Amid the debate in the establishment and the diplomatic conclave over the Constitutional problem in Japan, media joined in the debate through its extensive coverage on the issue and presented their own proposal suggesting ways to revise the Constitution. However, a close review of these proposals indicates that these proposals represent the ideological propositions of the respective groups. Therefore an effort is being made to analyze these proposals to understand how different groups view amendment in pacifist clause of the constitution.

The Yomiuri Proposal

The conservative media organization the Yomiuri Shimbun unveiled a proposal for the revision of the Constitutional in its Nov.3, 1994 edition, giving details how each clause
should be reworded. In this proposal it also suggested how the preamble should be reworded reflecting the changing realities of the time. In the draft it suggested to reword preamble as “we the Japanese people, desire peace for all time, respect the spirit of international cooperation and pledge to use our best efforts to ensure the peace, prosperity of the international community."

As regards to Article 9 the Yomiuri proposal suggests it amending as follows:

Article 10 (Rejection of war and ban on weapons of mass destruction)

1) Aspiring sincerely to an international peace based on justice and order the Japanese people shall never recognize war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

2) Seeking to eliminate from the world inhuman and indiscriminate weapons of mass destruction, Japan shall not manufacture, possess or use such weapons.

A careful study of this draft proposal hints that the Yomiuri group, in Article 10 of the draft proposal is in favour of retaining Paragraph 1 of the Article 9 of the 1947 Constitution and upholds the ideal of the 1928 Cleogg Brand Pact (Paris Anti-War Treaty) which renounced use of Force “as a means of settling international disputes”. However, second paragraph i.e. “Land, sea, and Air Force as well as other war potentials would not be maintained”, has been omitted in the Yomiuri proposal which means it suggested an unambiguous recognition of the right to posses’ conventional armed forces.

In the next paragraph it seeks to eliminate weapons of indiscriminate mass destruction and its non-possession, implicitly hinting that it is in favour of possessing weapons considered as weapons for self defense. This can also be construed as suggestion to enshrine in the revised constitution, the ideals of three non-nuclear principles presently pursued as policy and extending its ambit to all kinds of WMDs including biological and chemical one.

1 See the entire Yomiuri proposal in Appendix no V attached at the end of this Thesis.
The Yomiuri Daily explicitly suggested creation of an organization for Self Defense for the country in one of its Article which reads as follows:

**Article 11 (Organisation for self-defense, civilian control and denial of forced conscription)**

1) Japan shall form an organization for self-defense to secure its peace and independence and to maintain its safety.

2) The Prime Minister shall exercise supreme command authority over the organization for self-defense.

3) The people shall not be forced to participate in organizations for self-defense.

The suggestion to create a self-defense organization, in the article 11, is aimed at ending the debate on Constitutionality of the SDF. The second paragraph of this article suggests that the Prime Minister should “exercise supreme Command authority” over the organization, which is similar in the meaning of the Article 66 of the 1947 Constitution which stipulates that “Prime Minister and other Cabinet Minister should be a civilian not a person from military background”. The third paragraph banning the “forceful participation” in the Self Defense Organization is not new but has been rephrased from Article 18 of the present constitution, which bans “involuntary servitude”.

The Yomurri Daily suggested adding a new chapter for International cooperation in its proposal which is as follows:

**Article 12 (The ideal)**

Japan shall aspire to the elimination from earth of human calamities caused by military conflicts, natural disasters, environmental destruction, economic deprivation in particular areas and regional disorder.

**Article 13 (Participation in international activities)**

In order to accomplish the aim of the preceding article, Japan shall lend active cooperation to the activities of the relevant well-established and internationally recognized...
organizations. In case of need, it may dispatch public officials and provide a part of its self-defense organization for the maintenance and promotion of peace and for humanitarian support activities.

Article 14 (Observance of International laws)

Japan shall faithfully observe those treaties it has concluded and those international laws well established and recognized by the international community.

The suggestion above seems aimed at ending the debate over Japan’s participation in UN Peace Keeping Operation. By not explicitly mentioning United Nations and using expression like internationally recognized organizations, it has left room for interpretation that Japan may participate in an organization such as NATO in order to accomplish the objectives of international peace.

The next paragraph of the proposal suggests that the group is in favour of retaining the US-Japan Security Treaty.

The Asahi Proposal

The Asahi Shimbun- a media organization with the liberalist view- unveiled its position regarding Constitutional revision in two phases. Though it sticks to its proposal issued on May 3, 1995\(^2\) that discarding article 9 would do “more harm than good”, it has changed its position on US-Japan Security Treaty supporting it to further strengthen it in its proposal published in 2007.

The Asahi group is against revising the Japanese Constitution and presented its position in the proposal as follows:

“Article 9, which renounced war and use of force, is an idealistic norms that embodies that wish of mankind ahead of other nations. The framework that the constitution set up for post-war Japan, especially the ironclad element of not giving precedence to military matters over other matters, is

\(^2\) See the entire Asahi proposal in Appendix no. VI attached at the end of the dissertation.
more precious than anything else. That principle must not be sacrificed by revision of the constitution.”

The Asahi Shimbun termed Article 9 as “idealistic norm”. Expressing its concern over the revising constitution it says it “will surely invite wariness and concern in other countries and could trigger an arms race in East Asia that would hurt, rather than serve, Japan’s security interest.”

Regarding the efforts to revise the Constitution and Article 9 the Asahi proposal considers it an attempt to “increase dependence on military might” and opines “such an attitude represents a failure to learn from history and an ability to see the future.”

However, the Asahi is not against examining the Constitution and presented its position as follows:

“The constitution is not sacrosanct. It is essential that it be examined in the present context. But as far as Article 9 is concerned, what the times require is not that Japan gets free of military constraint but the reverse. Obviously the importance of military power has diminished with the end of the Cold War. The revision of the constitution in such a way as to give greater emphasis to military power clearly runs counter to the trend of the times. We cannot endorse such a move.”

The above statement suggests that the Asahi group admit that the Constitution is “not sacrosanct” and new issues can be added. As with the end of Cold war the importance of military power has diminished, the Asahi believes that revising the Constitution “to give greater emphasis to military power clearly runs counter to the trend of the times”.

In the context of article 9 of the Constitution the Asahi casts doubts on the present status of the SDF. It says the SDF ranks high in terms of its quality and equipment which is contrary to the ideal of the Constitution of being absolutely unarmed and modernizing the
SDF to this level it says has “gradually been stripped of its (Article 9) spirit against the international background of an aggravating Cold War.”

However, it says the Article 9 does not rule out “the use of force in self-defense” and this right is allowed as a course of last resort in resisting or repelling aggression” by a foreign country. But it is critical of the government interpretation that it is legal to ‘maintain forces for self-defense to the minimum extent necessary’.

The Asahi terms that “by qualifying the minimum with the world ‘necessary’” the government has made ‘minimum’ limit meaningless for practical purposes. It opines that “what is permitted under the Constitution is possession of force that is only sufficient to protect the people and the nations” and it says that “the SDF’s capability must remain within the scale that is “appropriate to such objectives”. It argues that deployment of “F-15 fighters and P-3C anti-submarine patrol aircraft throughout the land” conflicts with the message of the pacifist constitution and suggests that “aggrandized SDF” should be reorganized into a smaller force of a National Defense by 2010.

It also argues that the present SDF exceeds the constitutional limit in terms of equipments and scale and has suggested changing the present status of the SDF and argues as follows:

“Use of force for self-defense permitted under Article 9 is limited to being within bounds of genuine self-defense. There are strong doubts that the Self-Defense Forces as presently constituted exceed those bounds in both equipment and scale.

Plans should be made annually for scaling them back to an organization for protection of the nation’s territory with the years 2010 as a goal. Ground Self-Defense Force strength should be halved and Aegis vessels and P-3C anti-submarine patrol planes should be significantly reduced.”
These suggestions apart, the government has undertaken plans to equip its armed forces with more sophisticated weapons and have been demanding the US to provide F22 fighter aircrafts.

The 1995 Asahi proposal had suggested overhaul in US-Japan Security arrangements saying that “the days are gone when Japan used to scream along with the United States about a Soviet threat.” It suggested that with the end of Cold War the US-Japan Security system should be reexamined and reshuffled with a regional security arrangements based on the principles of Organization of Security and Cooperation in Europe, which would work for preventive diplomacy and arms control in Asia. The Asahi proposal identifies that with the rise of military might of China and North Korean nuclear crisis “there are still roots of conflict” but regional economic integration and “talks and consultations at multilateral level” will help resolve the issues.

Contrary to its 1995 proposal of reexamining and reshuffling the US-Japan Security Treaty, Asahi in its 2007 proposal terms the Treaty as “the most realistic political strategy” and “the best way to protect Japan.” Contrary to its 1995 proposal of reexamining and reshuffling the US-Japan Security Treaty, Asahi in its 2007 proposal terms the Treaty as “the most realistic political strategy” and “the best way to protect Japan.” Counting on the benefits of the US-Japan Security Treaty it opines that “although the Cold War is over, that doesn’t mean there are no threats” and Japan can count on the United States to protect it in emergencies. It suggests that Japan should respond positively to U.S. policies and become “more closely involved in strategic dialogue”. However, it cautions that these cooperations should be extended to a shared goal not to those “near-sighted” U.S. policies that “do not lead to peace and security on a global scale”.

Regarding the ongoing debates on Japan’s participation in international peacekeeping operations the Asahi holds the view that “Japan should not send the SDF overseas just to keep in step with the United States”. However, it is not against JSDF participation in UN peacekeeping operations “as long as it conforms to logistic support” and gets “prior approval by the Diet” and sticks to “a ban on use of force”. It makes it

3 For details, see the Appendix
clear that the SDF should not be allowed to join multinational forces that are engaged in fighting—even if only to provide logistic support.

The Sekai Proposal

The Sekai Journal, the left-leaning media organization and a torchbearer of the pacifist movement in Japan, enunciated its position to resolve the issue of constitutionality of the SDF, suggesting the establishment of a Basic Peace Law. It argued that the Basic Peace Law would be derivative from Article 9 and would adhere to its spirit. It recommended constituting a "new type of Self-Defensive Defense, wielding the minimum necessary defensive force, which, subject to meeting various conditions, could be maintained constitutionally"—a position it described as Sokenron or 'Creative Constitutionalism'. The Sekai termed this proposition as different that of Gokenron—which calls for immediate dissolution of the SDF terming it unconstitutional.

The proposal suggested that from the moment of inception of Basic Peace Law, the SDF, "because of unconstitutional element it contains", would be described as 'in an unconstitutional state'. Thus existing SDF could be transformed into a transitional National Guard (Kokudo Keibitai) and finally would be established as Minimum Self Defense Force (Saishogen bogyoryoku). Regarding the proposed Minimum Self Defense Force (MSDF) the proposal says that its task would be to respect the spirit of the constitution and defend the people from any act in violation of territorial sovereignty and it would come under the supervision and command of the Prime Minister.

The MSDF, it proposed, would not be used beyond the boundaries of Japanese sovereignty. It suggested the government to build networks of peace and cooperation involving the gradual dissolution of existing military treaties with the US and replacement of all such military treaties by regional collective security agreements. The group hoped that if the UN collective Security System and East Asian Security System encompassing the neighbours of Japan come to existence, the scale of MSDF would also
change and if it happens so, a coast guard plus small numbers of ground troops would be enough for the defense of Japanese territory.

The Sekai group was of the view that the capability of the Japanese defence force should be kept at minimum level. It enunciated its position as follows:

“Although Article 9 of the constitution by paragraph one rejects aggressive war and prohibits the use of force as a means of settling International disputes, the right to individual self–defense is recognized by Article 51 of the United Nations Charter. Sufficient force may be maintained to defend the people’s lives from any invasion of sovereignty. However, because paragraph of Article 9 prohibits all war potential and renounces the right to Defensive Force, the mode of its organization and equipment, and the methods by which it may exert force, must be limited and restricted”.

The group pledged to take effort “to inform the other people of Asia of the ideals embodied in Article 9 of the constitution, and of the Japanese people’s sincere commitment to these ideals”. The group also urged the Japanese government to elevate its international diplomatic efforts for peace by the establishment of a Ministry for Peace and Disarmament.

Regarding the participation in international peace, the group proposed formation of an International Relief Force (Kokusai Kyonatai) comprising volunteers, for non-military activities associated with UNPKO and other duties relating to international contribution. The group suggested that the International Relief Force should be “completely different from the Minimum Self Defense Force” and should be trained and led by the United Nations. As regards to the participation in the UN Army, the group suggests exercising “great prudence”, and terms participation in any other multinational force as “out of the question”.

The group was opposed to entering into any military alliance. In its proposal it enunciated its position on the issue as follows:
“In accordance with its Constitution, Japan should not belong to any military alliance. Taking note of the new post-cold war circumstances, we look to the demilitarization of the post –cold war US-Japan Security Treaty and its development and merger into regional collective security system.”

The Sekai, however, did not call upon Japan to withdraw from the existing US-Japan security alliance. It did talk about “demilitarizing” the alliance.

**Ozawa Proposal**

The senior leader Ichiro Ozawa then associated with the Liberal Party and now President of Democratic Party of Japan, unveiled a proposal in 1999. He termed attaching to the Constitution without any change as getting stick to “a fossil” and presents revolutionary ideas with a resolve to “speak against Japan’s postwar taboo”. He opines that the “Constitution should be a document to reflect the realities” of each new era and should be revised to reflect the changing values. He argues that the present constitution is “invalid” from the point of international law as it was adopted “under abnormal condition” in 1946 when Japan was still under the US occupation. He believes that Japan should have discarded the US imposed Constitution soon after getting recognition of an independent country in 1951 and should have restored “Imperial Constitution and would then have established a new Constitution”.

Regarding the most contentious issue of article 9 he suggests maintaining of “military power for the purpose of exercising Japan’s right of self defense against military attack”. Referring to Article 9 Ozawa opines “that we should limit the exercising of a sovereign right, that is to say, the right to self-defense, whether it be individual or collective defense”. He argues that a “Constitution cannot exist if a state’s legitimate right of defense is not regarded”. Suggesting an overhaul of this clause he observes that the

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4 See the entire Ozawa proposal in Appendix no. VII attached at the end of the thesis.
subheading of the Article should be “Exercising the right of Self-defense” rather than Renunciation of War. However, he does not suggest deletion of the existing clauses of article 9 and suggests addition of a third paragraph. The proposal reads as follows:­

(Right of self-defense)

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.

3. The regulation in paragraph 2 does not prevent the maintenance of military power for the purpose of exercising Japan’s right of self-defense against military attack by a third country.

He justifies Japan’s participation in UN peacekeeping activities quoting the preamble of the present constitution, which states that ‘we (Japan) desire to occupy an honourable place in an international society for the preservation of peace’. Thus he sees that Japan could actually support justice and order in international society through UN- “a global organization for peace”. To this effect he has suggested that ‘peaceful cooperation with all nations’, as recorded in the preamble of constitution should also be specifically referred to in the body of Constitution and should follow article 9 in Chapter 2, worded as follows:

(International Peace)

“In order to maintain and restore international peace and safety from threats to, the collapse of, or aggressive actions against peace, the Japanese people shall contribute to world peace through various means including taking the lead in participating international peacekeeping activities and supplying troops”.

He argues further that by contributing to UN activities based on UN Charter in order to secure the everlasting world peace including through the provision of troops, Japan
would ultimately be protecting its own security. He also refutes the argument that sending troops overseas for the participation in UN peacekeeping is the violation of Article 9. He notes that active contribution by Japan in order to restore and maintain international peace and security is completely different in character from the war as a sovereign right of the nation mentioned in Article 9 of the constitution.

He also suggests that Japan should take lead to propose the UN to form a "standing army" and provide both human assistance and financial power to it. He put forward following argument to justify his suggestions:

"In order to maintain peace and survive as we approach the next century, Japan must align itself further with international society. There is no other way to do this than to participate actively in all activities led by the UN. For this reason, I believe that Japan should take the lead in proposing a plan for a UN standing army. The development of weapons and technology has meant that the traditional theory of the sovereign state no longer holds water. It is no longer possible to defend national peace solely through individual or collective self-defense. The only way to maintain order is through the concept of collective security, in other words, policing power on a global scale. The SDF will end its historical mission, and will be scaled down. Instead, Japan should provide both human assistance and financial power to a UN standing army."

It would be interesting to see how his party, in case it wrests power from LDP coalition, will implement or push forward to attain this utopian idea.

While concluding the debate, Ozawa focuses on Article 96, an article which spells out any amendment can only be done if the Diets approve it with a two third majority and its approval through a referendum with majority of all the votes. He considers this clause a bottleneck and interprets it, as 'this Constitution can never be revised'. But he suggests that the process of amendment should be reversed. That means, the constitution should be
put to referendum generating a national debate first and then to be put to vote in the Diet. It seems this suggestion he has given realizing that the masses are in favour of a revision to the constitution, but fearing a failure in the Diet, the political parties are not taking a step to this direction. He concludes urging that the Constitution is for the people and it no longer suits the time. The will of the people, as a sovereign should be respected first.

Nakasone proposal

The former Japanese Prime Minister Nakasone Yasuhiro known as hawk in diplomatic conclave for his pro-US policies in his book “Japan a State Strategy for the Twenty First Century” advocates for Constitutional amendment because in the present Constitution Japan for its defense relies on the “loyalty of foreign nation”. He argues that the preamble of revised Constitution must mention creation of a more autonomous nation that “reflects our historical and cultural community structure”. (Nakasone 2003:119)

To avoid the debate in the Diet during an emergency situation, he proposes inclusion of emergency clause similar to that of Meiji Constitution’s Article 8 and Article 31. He says “in an emergency there is no time to debate in the national legislature”, implicitly hinting toward the fact that Japan took a long time to debate whether it should participate in UN led Gulf War and how could it lend support to the Multi National Force without violating the present Constitution. However, he opines that government should report back to the Diet about its decision or seek its approval “retrospectively”.( Nakasone2003: 120)

Regarding the Article 9,-the most contentious issue in the Constitutional debate - he is of the view that “first paragraph might well be retained” but regarding the second paragraph he suggests that it should be made clear that “we intend to defend our home land our selves”. Nakasone makes following argument regarding the need of revision in Article 9:

“Article 9 will be a major issue in the debate over revision. It is my belief that the first paragraph might well be retained, but I wonder about the second paragraph....When all is said and done, there is a need to make it clear that we
intend to defend our homeland ourselves. What is more we must decide that if we can legitimately engage in individual self-defence, then collective self defence is also legitimate.” (Nakasone2003: 120)

Above all, he is much more emphatic in his argument to recognize the right of Collective defense- a right he says is recognized in the UN Charter as well as in the US-Japan Security Treaty. He argues that government position that ‘we have right of Collective Defense but we can not exercise’ is contradictory. He terms the present system of “alliance for protection” similar to that of a “protectorate” since Japan is unable to provide help to the US. He argues for the Collective self defence as follows:

“The right of individual self defence and the right to collective self defence are fundamentally the same thing. As I suggested earlier, we have the right of collective self defence precisely because we have the right of individual self defence.” (Nakasone 2003: 121)

In this context he suggests that in the Constitution as well as in the new Basic Law on National Security, Japan must “set out the extent to which (it) will provide help” to the US.

Proposal from Japan Business Federation:

Japan’s most powerful business lobby, the Nippon Keidanren (Japan Business Federation), released a policy proposal in 2005 suggesting amendment in the Constitution. The effort by the business lobby reminds the prewar big business and military connection that resulted in militarization of Japan. But the Keidanren justifies it saying that the “businesses are part of the country’s support base and changes in framework will exert a great deal of influence⁵. The Keidanren in its proposal –“Looking Japan’s Future: Keidanren Perspective on Constitutional Policy”⁶ terms the Constitution, especially Article 9 (renunciation of War), Article 96 (revising the Constitution) and

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⁵ Weekly Japan News edited and Published by International Department Kyodo News, January 21, 2005.
⁶ See the entire Keidanren proposal attached as appendix.
preamble, as “outmoded” it puts priority to amendment Paragraph 2 of Article 9 while it holds that Paragraph 1 of Article 9, “built on the philosophy of ‘peace’ should be retained”. The proposal by the business lobby reads as follows:

“Specifically, while Paragraph 1, Article 9, which is built on the philosophy of “peace”, should be retained, Paragraph 2 shows obvious divergence from the reality. The existence of the Self-Defense Forces in order to exercise the sovereign right of self-defense should be recognized in constitutional terms. It should also be explicitly stated that the role and duty of the SDF are to protect Japan’s sovereignty and independence, preserve peace, and both contribute to and cooperate with the international community in activities for international peace.”

Keidanren’s proposal regarding the amendment in second paragraph of article 9 is in line with all the revisionist groups advocating for the recognition of that the existence of the Self-Defense Forces. Moreover it argued for explicitly stating that the role and duty of the SDF are to protect Japan’s sovereignty and cooperate with the international community in activities for international peace, which means it is strong proponent of expanding Japan’s role in the UN and other international security mechanism.

The Keidanren is strong proponent of recognizing the right of Collective-Self Defense. Its emphatic statement in this regard needs special reference here which reads as follows:

“The Constitution should also make clear that the right of collective self-defense may be exercised to secure Japan’s national interests and international peace. At the same time, a fundamental law on security should be enacted to provide for rules and measures to limit and control the exercise of such rights - such as requiring advanced approval by the Diet, taking international situations, as well as areas and types of activities, into consideration.”

Its argument for inclusion of a provision in the Constitution regarding the collective self-defense in order to “secure Japan’s national interests and international peace”, yet again
goes with the revisionist line. However, it is in favour of exercising this right with a prior approval from the Diet.

Realizing the time taking process that would be required for a Constitutional amendment it suggested interim “measure to be implemented immediately to lift the constraints from a rigid interpretation of the current Constitution”, which would “legally permit necessary activities for security”.

**Proposal from Institute for International Policy Studies:**

Joining the ongoing debate on Constitutional revision, Institute for international Policy studies (IIPS) - a think tank led by former Prime Minister Nakasone Yoshiro- unveiled its draft in 2005, identifying articles that need revision. The draft reflects the sentiments of Nakasone which, he had expressed during the tenure of his Prime Ministership, but could not fulfilled due to the opposition form dovish faction of his own party and also realizing the pulse of public mood-majority of whom were opposed to any revision.

Regarding the core issue of revising Article 9, the Institute of International Policy Studies unveils its proposal to redefine Japan’s Security and the role of the SDF as Defense Force. The Article 11 of the IIPS draft proposal reads as follows:

Aspiring sincerely to advocate 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. Japan shall possess a defense force to preserve its own peace and independence and to ensure the security of the state and of the people.

3. Japan may have its defense force take part in activities under the auspices of international organizations and international cooperative frameworks so as to preserve international peace and security and to provide humanitarian assistance.

7 See IIPS proposal attached as appendix
4. The authority to direct and supervise the defense force shall be invested in the Prime Minister. Prior approval or ex post facto approval as appropriate by the Diet shall be required should the Prime Minister direct the defense force to engage in actions involving use of force.

From the articles above, it is evident that IIPS favours not only maintaining first paragraph of Article 9 of present Constitution but it pledges to “advocate international peace based on justice”. An addition of word “advocate” prefixing international peace suggests that it wants Japan to advocate for international peace rather than enshrining it as ‘one state pacifism’. The suggestion is surprisingly similar with those of the pacifist groups who advocate for globalizing the spirit of Article 9, by enshrining similar clause in every country’s constitution.

However, the IIPS proposal has replaced the second paragraph of Article 9 which bans possession of armed forces with a new one emphatically arguing that “Japan shall posses a defense Force” to preserve its independence among the comity of nations.

By suggesting that Japan should work under the aegis of “international organization” and without specifying international organization whether it would be UN or other organization, the IIPS proposal has kept room open for Japan’s participation in Collective Self-Defense- a proposition that Nakasone has been arguing for long. This suggestion is contrary to the government interpretation that says that the Article 9, prohibits Japan from exercising the right of collective self defense. The draft says that the use of force would be subject to either advance or ex post facto approval by the Diet. However, the next paragraph attaches a rider that these missions would need a “prior or ex-post facto approval” of the diet in these cases.

In addition to these suggestions the Article 74(2) draft proposes to specify political parties a candidate for Prime Minister ahead of a general Election- yet another proposition which Nakasone has talked in details in his book -“Japan a State Strategy for the Twenty First Century”, arguing for the need of a popularly elected Prime Minister.
However, article 77(2) of the IIPS proposal talks of a “civilian” Prime Minister and Minister of State, a proposition similar to the Article 66 of the present Constitution enshrined in 1947 Constitution as a measure to check military against occupying power.

Regarding the Constitutional revision process, Article 113 of IIPS proposal suggests that it would be decided by a simple “majority of all the members of each house” instead 2/3rd majority of the House as spelled out by the McArthur drafted Constitution. However, it has not suggested by passing the referendum and argues that the revision would need the ratification in a national referendum through the “affirmative vote of a majority of all votes cast thereon”.

Hatoyama Proposal

Hatoyama Yukiyo, then opposition DPJ president unveiled a proposal in 2000 opining his ideas and suggesting ways how the present Constitution should be revised. Being the President of the main opposition, he was the first Japanese leader to acknowledge that “the SDF are nothing but armed force.” To recognize this fact he proposed to amend the Article 9 of the present Constitution as follows:

*Japan shall maintain Land, Sea and air forces, as well as other war potential.*

*Japan shall neither use the forces for act of aggression nor shall Japan employ conscription.*

Hatoyama’s proposal was the first among the proposals that came to the fore amid the Constitutional debate which altered the existing clause of Article 9. In his proposal Hatoyama acknowledges the need of armed forces first and then the renunciation of force “for act of aggression”, while almost all the proposals unveiled earlier or later has advocated leaving the first clause of war renouncing Constitution without any revision. Hataoyama opined that Japan’s possession of armed forces would end the long debate on constitutionality of the SDF. However, he urged that Japan should acknowledge unequivocally past acts of aggression to eliminate Asian countries “misgivings about such revisions” (Itoh Mayumi, 2003:212)
Consistent with, the DPJ’s position, he suggested decreasing Japan’s dependence on US for security needs and termed US troops deployment in a sovereign country (Japan) as unnatural reiterating that Japan should not remain a US “protectorate”. This suggestion by Hatoyama reasserted DPJ position which advocates that Japan should maintain security relations with the US without stationing of the US forces.

Debate on Constitutional revision: Views from Japanese vernacular press

Apart from the mainstream English media, the vernacular press has also been expressing its views on the ongoing Constitutional amendment debate, though they have not come out with a detailed draft on their own. Here is an effort to understand their view piecing together the editorials they wrote in response to different developments towards Constitutional revision in Japan.

Nishinippon Shimbun in its editorial opined that “Under the Constitution, sovereignty rests with the people. Yet, in Constitutional debate we detect the danger that the state seeks precedence.” The paper questioning the ongoing debate said that “for whom does the Constitution exists? This question must not be forgotten.” Thus it was not against the Constitutional revision per se but was apprehensive of losing peoples sovereignty over the state. (The Japan Times, May 22, 2005)

When the LDP unveiled its draft proposal for the Constitution in 2005, advocating to create a full fledged military, Nishinippon Shimbun in its editorial urged for an indepth discussion. The daily opined that “no body in the international community today would agree that the SDF are not capable of fighting a war. Although abandoning every “potential for war” may be unrealistic, determining the reality that should be codified requires in-depth discussions and is not to be taken lightly.” (The Japan Times Nov. 22, 2005)
In May 2005, on the occasion of 58th year of promulgation of Constitution, Yamanashi Nichinichi in its editorial urged not to scarp war renouncing provisions of the Constitution. The paper opined that it would be shame to discard them as outdated. The editorial said that “Article 9, which renounces war, came about after Japan was defeated in war. Its provision still applies.” (The Japan Times, May 22, 2005)

The Hokkaido Shimbun anaylysed the ongoing move as an effort to remove “stumbling block for a government seeking legal justification to dispatch the SDF” overseas. Based on the fact the daily opined that “… the Constitution still has valid powers to prevent the state from abusing its authority.” Therefore it suggested not to amend Article 9 warning to consider how “the rest of the world would react if it was amended.” The argument put forward by the daily suggests that it favoured maintaining the pacifism and war renouncing clause of the constitution. (The Japan Times, May 22, 2005)

Going on the lines of thinking of people in Okinawa, the Okinawa Times saw the ongoing move to amend the Constitution to justify military support to the US. The paper cautioned the people to be vigilant against these moves saying that “as the alliance with the US strengthens, we must be vigilant against move aimed at justifying Japan’s engaging in war at the request of Washington.” (The Japan Times, May 22, 2005)

The Gifu Shimbun, suspected the government motive to include a provision for environmental right in the new Constitution, for which people had greater support, to push through a revision of Article 9. In a harsh comment the editorial opined that “We suspect that the ulterior motive behind proposals to amend the Constitution by referendum is to have citizens swallow the bitter pill of rewriting Article 9 with a sweetener added including environmental rights.” The editorial proposed to conduct an Article wise voting. It said “We believe it is essential that a separate vote be caste on each article.” (The Japan Times, May 22, 2005)
On the occasion of 60th anniversary of establishment of US drafted Constitution when most of the Japanese dailies opined their position through their editorials, the Gifu Shimbun urged calm opining that it is not the time for a complete overhaul of the supreme legal document. It said that “if the Constitution is to be amended in full, we must ask ourselves whether the nation is in a state of major change comparable to that of the Meiji restoration or of the period immediately following world war II.” It opined that the time is not opportune to amend the Constitution. It stated that “We must not reach a conclusion lightly as to whether the opportunity is ripe for amending the Constitution? We must listen carefully to the voices of the time.” (The Japan Times May 23, 2006)

Amid the opposition by the local press to the move, the government did find some of the papers expressing its explicit support. Shizuoka Shimbun, for example, opined that “Paragraphs 1 and 2 of article 9 should be amended” to make it clear that, while a war of aggression can not be tolerated, Japan can maintain armed forces for self defense. The daily was of the view that Japanese pacifism alone can not prevent war. The daily enunciated its position saying: “It is too simplistic to believe that pacifism can be pursued only under the existing provisions of Article 9. This does not mean, however, that we favor a Constitutional amendment for any cause.” (The Japan Times, May 22, 2005)

Joining the debate, the Mainichi Shimbun viewed that the “initial enthusiasm for amending the Constitution” was fading and suggested the politicians to focus on getting permanent seat on the UN Security Council. The paper opined:

“As things stand now, politicians do not seem to have enough drive to implement any given amendment. Instead of trying to amend the Constitution, they would be better off ending theological debate on the right of collective self defense and devoting themselves to normal diplomatic issues, such as the effort to obtain a permanent seat on the UN Security Council.” (The Japan Times, May 22, 2005)

Mainichi Shimbun, however, did not endorse the ruling LDP’s draft proposal to amend the Constitution as it did not agree that the present Constitution was an imposed one. The paper in its editorial opined:
“The LDP emphasizes, first of all the need for the nation to write a Constitution of its own. That causes us to suspect that the party is trying to drive home the point that the existing supreme statute was forced on Japan by the occupation forces.”

The Mainichi Daily did not find LDP draft’s preamble compatible to the national sentiments. Criticizing the LDP it stated that “the proposed preamble is devoid of any explanation as to why a new constitution is needed, which makes us wonder whether the draft is really compatible with national sentiments.” (The Japan Times Nov. 22, 2005)

The Sankei Shimbun, supporting the move to amend the War renouncing clause of the Constitution it expressed that the consensus still eludes to achieve the goal. It opined that “opinions are split so many ways on how, or whether to amend the Constitution that it would appear, at present, next to impossible to achieve a consensus.”. However it suggested the government to approach the issue step by step saying “moves toward amending the Constitution must proceed one step at a time, with initial emphasis placed on reviewing Article 9.” (The Japan Times, May 22, 2005)

When the LDP unveiled its own draft in its 69th anniversary of party’s founding envisaging how to amend the Constitution, Sankei Shimbun supported the draft preamble which other media organizations thought problematic. It its editorial it wrote: “The preamble of the LDP draft calls on all citizens to share responsibility in supporting the nation and society with passion and enthusiasm.” The editorial opined that “it is only natural that citizens should be responsible for defending their nation.” (The Japan Times, November 22, 2005)

At the 60th anniversary of promulgation of the Constitution the Sankei Shimbun emphatically argued for amending the Constitution citing the threat from China and North Korea as the reason. In its editorial around that time it opined that “the global situation today is not the same as the one that existed when the present Constitution was
enacted with the aim of disarming Japan. China is seeking to strengthen its military power, North Korea has been developing nuclear weapons, and international terrorist organizations exist.” The paper termed Article 9 as an “essentially a doctrine of pacifism with no resistance” and opined that it would be “utterly impossible to defend this country with (the) Article 9”. (The Japan Times, May 23, 2006)

Contrary to other newspapers, which favour keeping the Article 9 intact, the Sankei Shimbun argued for amending the no war clause which is enough to indicate that it wants a complete change in Japan’s pacifist character.

Commenting on the LDP draft proposal the Kochi Shimbun in its editorial termed the party’s effort as “spreading nationalism and exclusionism”. The daily opined that “the LDP draft contains elements that smack of forcing patriotism on citizens....as its preamble calls upon citizens [to love the nation and prepare themselves to defend the country.]” (The Japan Times, November 22, 2005).

In a cautious response to the LDP draft the Chunichi Tokyo saw the LDP’s unveiling its draft proposal on Constitution as an effort of “free(ing) Japan from the postwar ban on the use of force abroad, as it retains the principle (paragraph 1 of Article 9) that renounces war while deleting paragraph 2, which denounces the right of belligerency.” The paper said that “while public opinion is leaning increasingly toward amending the Constitution, there still remains a strong voice against rewriting Article 9. Such being the case, we wonder how the citizen will react to the LDP draft. (The Japan Times, November 22, 2005)

Commenting on the LDP draft the Hokkaido Shimbun in its editorial said that the LDP draft is based on the assumption that Japan should naturally be entitled to exercise the right of Collective self defense, which could open the way for sending armed forces abroad. The daily in its editorial criticized the move for amending the Constitution saying
“we disagree with the LDP’s thinking on the resolution of various problems by law. The Constitution is the supreme statute to prevent abuse of power” and urged not to “leave this area vague.” (The Japan Times, November 22, 2005)

On the 60th anniversary of enactment of 1947 Constitution the Hokkaido Shimbun called for maintaining the basic principles enshrined in the Constitution. The paper stated that “the move to amend the Constitution has calmed down considerably”, as compare with the heated debate some time ago and urged to “take advantage of this calm to consider that what the constitution is and what amending it actually means.” (The Japan Times, November 22, 2005)

The Kobe Shimbun in its editorial urged the Japanese leadership not to rush to the existing gap and reality in the Constitutional provisions and advised that let the people realized those realize before pushing for a revision. The daily opined that the “political developments move rapidly that citizens often can not catch up with them. We are afraid that a gap is growing between politicians who want to get things done too quickly and ordinary citizens do not.” (The Japan Times May 23, 2006)

The Hokkoku Shimbun, a pro amendment media group, on the occasion of 60th year of establishment of peace Constitution urged to enact legislation for referendum on Constitutional revision. Expressing anger over on politicians for not seizing the opportunity for Constitutional amendment the paper wrote that “the Constitution provides for amendments as need to respond to changes in the country”, but the national Diet “through negligence has failed to write rules for revising the supreme statute”. (The Japan Times May 23, 2006)

In 2006 there were heated debates over enacting a legislation to go for Constitutional referendum, criticizing the rush by the ruling party to submit the bill the Sanyo Shimbun opined in its editorial stated that “we can not understand why certain politicians are in
hurry to submit to the current session of the National Diet a legislative bill to conduct a referendum for Constitutional revision.” The paper said that they “do not see the urgency”. (The Japan Times May 23, 2006)

The Minami Nippon Shimbun commenting on the issue compared the rush for enacting referendum law on Constitutional revision as sharpening a knife to kill Article 9. It opined that “Pro-Constitution forces claim that enacting a referendum law on Constitutional revision is tantamount to sharpening a knife to kill Article 9.” It stated that “this criticism may be valid,” and opined that “procedures for amending the Constitution are being pushed even though no direction has been set for revision.” (The Japan Times May 23, 2006).

The Saga Shimbun however, had a different suggestion for the readers. It said that “the time has come for all of us to think seriously whether Japan needs armed forces to defend itself—apart from making international contributions to peacekeeping forces and to consider whether the present shape of the nation must be maintained or a new one designed.” It added that “Japan will not have a constitution reflecting the true will of the population unless each citizen thinks seriously about what kind of relationship should be built with the United States. (The Japan Times May 23, 2006).

Amid the criticism by the press over rush to enact a legislation for referendum the government did find support from Fukushima Minyu Shimbun The paper said that “it appears illogical to oppose establishing rules for making amendments supporting its move.” The daily in its editorial opined that the Constitution is based on the assumption that it will be amended in the future. It added that “lack of fair rules will result only in distrust of the voting result.” (The Japan Times May 23, 2006).
Conclusion

The debate generated by the media groups through its series of Constitutional proposals and editorials has influenced the policy makers on the one hand and has generated understanding about the issue among the people on the other hand. An imprint of the suggestions put forward by the media proposals can be seen in the findings and recommendation of the Constitutional Research Commission on Constitution, set up by both the Houses of the Japanese Diet. (The issue has been discussed in details in the next chapter). Because of the debate in the media the there has been greater understanding among the masses about the Constitutional revision issue. During the Cold war period those who advocated for a change in the Constitution had cited that it should be amended because of its alien origin. But in the post Cold war period those who favour revision argues that there exists a “gap between reality and the supreme law”. An opinion survey indicated that 56% of the respondent voiced this concern for the amendment. The second ranking reason, chosen by 31% was that the “confusion will ensue if new circumstances are dealt with only by modification in constitutional interpretation and application”. Only 23%, voice the concern that it should be amended because of its alien origin.

Views of Media and Pressure Group on Constitutional Revision

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