INTRODUCTION

Background:
Japan’s Constitutional pacifism has helped the “country of the rising sun” shed its pre-war militarist image and establish its position as a peaceful nation in the international community. Efforts had been made in the past, to revise the Constitution to make Japan a “normal state”, but the ruling governments always fell short of the required 2/3rd majority in the Japanese parliament, a prerequisite to go for amendment.

However, the debate in the post cold war period for revising the Constitution has gained momentum following its non-participation in US led Iraq war. The talk of a possible expansion of the United Nation Security Council’s (UNSC) and Japan’s aspiration to get a permanent seat and not having a legal mechanism because of its peace Constitution, to assume kind of responsibility UNSC plays, was another factor which fuelled the debate inside Japan. Realising these impediments in making Japan a legitimate world power, the ruling Liberal Democratic Party (LDP) unveiled a Constitutional draft in 2005 which proposes having “military force that can take part in international security operations and keep public order at home in emergencies”.

Amid the debate on Constitutional amendment, Japan is relocating the bases of US forces on its territory and has agreed to adapt Japan-US Security alliance to better deal with changes in the security environment in the Asia-Pacific region. As part of strengthening air defense system, the Japanese government is in a process to establish a joint air defense Command center at the US Air Force’s Yokota base in western Tokyo by fiscal 2009.

The challenge to revision in the Constitution and the ongoing militarization comes from the anti-militarist norms imbued in the Japanese society as well as its erstwhile colonies who view these developments as resurgence of militarism in Japan.

In this context, the research aims at understanding various changes Japan has taken and would take to adjust its security policy and the Constitution and speculates on its overall implication on East Asian regional security situation.
Research Design:
On the face value of this research topic appears to be merely tracing the Constitutional amendment debate in Japan. But since the revision of Pacifist clause of Japanese Constitution is aimed at “remilitarizing and normalization of Japan”—the subject becomes an important tool for analyzing geo-strategic affairs of the region. Thus the thrust of this topic is not only to deal with the Constitutional amendment debate but to determine how the pacifism has influenced Japan’s international relations and to assess how the neighbouring nations view and respond to these developments in Japan. It also takes into account the factors that are pushing the normalization process in Japan and based on these developments analyzes where it will lead to?

Dependent, Independent and Intervening Variables:
As the Constitutional pacifism has been the cornerstone in shaping Japan’s international relations since 1946, the researcher considers it as an independent variable and tries to seek the impact of pacifism (the doctrine that opposes war and has a constitutional validity in case of Japan) on Japan's international relations which thus becomes a dependent variable.

Since the promulgation of Constitution in 1947, the constitutional interpretation in Japan has not been static, rather it has been stretched with the time and the incidents like Korean war in 1950s, end of Cold war and the Gulf war in 1990s and September 11 attack have led to an erosion of pacifism where the state has tried to reinterpret its pacifist clause of the Constitution to serve its international security goals. Thus the incidents mentioned above become an intervening variables and the research studies the impact of these intervening variables during the course of study.

Review of Literature:
The review of literature for this research analyzes various Japanologists view on much controversial issue—the origin of Japan’s postwar Constitution. The review of literature also examines that how the security experts and authors have analyzed impact of pacifism on Japanese polity and security and then it analyses the recent debates reflected through
articles in international journals that revolves around questions like whether and to what extent Japan should amend its Constitution? Since Constitutional pacifism and especially article 9 has left deep impact on Japan's defense and security policy the review of literature also takes into account the views of security analysts' viz. constructivists, realists and the neo-realists and analyzes their security frameworks especially in the context of Japan.

On the issue of origin of Japanese Constitution and author of war renouncing clause Japanologists have differing opinions. Donald C. Hellman (1997) has opined "the Contrite of utopianism of a senior Japanese statesman [Shidehara Kijiro] led to the insertion of article 9 into the new constitution." Professor Kenzo Takayanagi (1968), holds similar view with that of Hellman. Takayanagi, asserts that Prime Minister Shidehara suggested the idea to MacArthur and not vice versa. While Koseiki Shoichi (1997), believes in alien concept of origin of Japanese Constitution. Based on the fact that, it was MacArthur who ordered for the war renouncing provision, to be moved from the preamble to the body of the draft constitution, he concludes that it was him, [MacArthur] who proposed the Article 9, not Shidehara. Pointing to the fact that despite being alien Constitution why it took firm root in Japanese Society, Malcolm McIntosh, (1986) opines that the Japanese, who had suffered eight long years of war and the catastrophe they witnessed in the Hiroshima and Nagasaki, developed strong disgust for military, accepted the pacifist provisions in their constitution without much resistance and eventually constitutionality of pacifism was established.

Discussing the issue of Constitutional amendment, Glenn D. Hook (1996) examines that why despite the consistent effort by the Japanese government, Constitution could not be amended? He is of the view that the anti-militarist movements against the remilitarization and revision in pacifist clause of the constitution put a check on such move over the various political will of Japanese leadership. However, he concedes that during the 1980s, opposition parties (except the Communists) had shed their anti militarist policies and adopted more accommodative stance towards defense and security policies pursued by the ruling party. He concludes that as a result of external pressure and an internal
churnings the normative principles impeding Japan's militarization were gradually eroded but Article 9 of the constitution, a major constraint in breaking pacifism, remained intact till the end of 1980s.

Highlighting the recent twist in the post Cold War debate on Japanese Constitution, Glen D. Hook and Gavan Mac Cormack (2001), have analyzed draft proposals presented by the Yomiuri Shimbun, Asahi Shimbun, the Sekai and the proposal presented by the senior politician Ozwa Ichiro. The authors are of the view that all the proposals with respect to the review of constitution reflect their deep-rooted ideological positions. For example the Asahi Shimbun and Sekai proposals are opposed to any amendment in the Article 9. The Yomiuri proposal suggests deletion of second paragraph of Article 9 and stresses to provide Constitutional legitimacy to the SDF. The Ozawa proposal suggests addition of third paragraph in Article 9 so as to deploy Japanese troops for participation in international affairs.

Despite various differences, the authors find few merits in the proposals and opine that most common feature of these proposals are that they aim to integrate the constitution with the realities of the post cold war period and argue Japan's participation in United Nation Peacekeeping Operation (UNPKO). He concludes, all these drafts are concerned with the two basic problems. First, how to overcome the gap between words of the constitution and actual practice. The second is, how to make the constitution relevant to the circumstances of the 21st century.

The two former Prime Ministers of LDP Nakasone Yasuhiro and Miyazawa Kiichi have opined completely different opinion on the Constitutional amendment in their articles. Nakasone Yasuhiro (1997) argues that the Japanese people deserve a Constitution of their own and says that the American crafted document now in force need to be amended, while Miyazawa Kiichi (1997) feels that the Constitution has had a half century to become so firmly rooted in Japan that amendment would be unnecessary.
Like politicians and media groups, academicians also have differing perception on efforts of Constitutional amendment in Japan. Sam Jameson (1998) is of the view that Japan is not as pacifistic nation as Article 9 mandated it ought to be, but neither it is innately militarist country that some of its neighbour believe it to be. However, Japan needs to give more serious attention to defense issues; it cannot opt out of the world. It should amend its constitution to accord with defense realities acknowledging past aggression, adopt a needs-oriented system of defense budgeting, and give its defense capabilities more depth.

Shinichi Kitaoka (1999), a strong proponent of amendment in Article 9, says that the article has serious flaws that constrain the development of Japan’s security policy. In his opinion the two paragraphs of the Article 9 articulates ‘complete different’ and ‘contradictory’ principles. Paragraph 1 stipulates the peaceful settlement of international disputes. However, paragraph 2 is based on a separate principle, which has been termed as “non-militarism”. He argues that this is a principle that has not been adopted by any other country. He further argues that UN has spelled out in its Charter that ‘the countries are not to resolve their differences by force but to leave this to UN forces’. The UN however does not have military forces of its own and Peacekeeping forces are made up of military contingent from member states. Therefore not possessing military force runs counter to the principles of the UN. Based on this argument he suggests either deleting paragraph 2 or amending it.

Regarding the ongoing debate on the Constitutional amendment, senior Japanologist Hugh Cortazzi (2000) concedes that there is a case in logic for the proposition of amendment in Article 9 as no other developed country has a similar stringent clause. However, he opines that any attempt to amend Article 9 would open the way for proposals to amend other articles in present Constitution including those about the role of the Emperor and about human rights. He concludes with his personal suggestion saying that it would be better to put aside for the moment the idea of a Constitutional amendment and consider what legal changes can be made without breaching the spirit of Article 9.
On this issue, Akio Watanabe also has somewhat similar opinion. Akio Watanabe (2005), suggests that ‘constitution must be rewritten’ if it is ambiguous with regard to meeting the terms of international norms. However, he is not of the view to discard pacifism from the Constitution. He argues that regardless of whether Japan amends its Constitution, the area in which it can make most meaningful contribution will continue to be the support for consolidation of peace and for nation building. Therefore he concludes that any amendment of the Constitution needs to preserve the document’s peace loving spirit.

The recent opinion polls indicate a shift in the public opinion as regards to the constitution. Assessing the perception of Japanese masses towards the “pacifist Constitution” Kawauchi Tomoaki (1997) says that the complaint that there exist a “gap between reality and the supreme law” has been voiced by 56% of the amendment advocates. 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.

Regarding the ongoing defense build up plans and the Constitutional amendment in Japan, Sun Ling (2005) presents Chinese perspective. He is of the view that “desire to abandon its [Japan’s] postwar path of peaceful development to pursue political and military powers has become increasingly strong.” He further argues that in view of the constitution’s deep-rooted status in the Japanese people, creating outside crisis seems to have become most effective means to enlist people’s support for revision of the constitution. He argues that Japan’s sense of crisis is purely imaginary and fully demonstrated by the country’s policies towards China and other neighbouring nations. Japan is trying to disseminate the idea of a “threat” from China’s military build up.

Finally, how the security experts view impact of Constitutional pacifism on Japan’s security and recent changes in Japanese security policy? Scholars have drawn upon theories from the constructivist and realist paradigm to explain Japan’s security policy. Differing with the perceptions of realists regarding the Constitutional pacifism on Japan’s
security and defense policy, Constructivist scholars argue that “more than the international system, the culture of anti-militarism” that developed in Japan after surrender in World War II shaped Japan’s postwar security policy.

Glenn D. Hook (1996) has highlighted that the persistent strength of anti-militaristic attitudes has resisted a major build up in the military. Hook argues that mass attitudes have been of crucial significance in constraining the normalization of the military as a legitimate instrument of state power. Peter J. Katzenstein and Nobuo Okawara (1993) are of the view that Article 9 is an important restrain on Japan’s security policy. They argue that there exists no observable relations between Japan’s relative position and its security policy and that Japan’s security policy will continue to be shaped by the domestic rather than the international balance of power. In sum, constructivist scholars argue that since the World War II, domestic Japanese norms have prevented major expansion of Japanese military capabilities and roles.

The realists on the other hand, argue that power consideration will ultimately influence Japanese Foreign Policy and give two major explanations for Japan’s Foreign policy. The first – “power maximization”- hypothesis (Michael C. Desch, (1999)) holds that Japan is so rich and technologically advanced that it will soon want to become a great power again. Second is the umbrella (or “power satisfaction”). According to this hypothesis, (Richard K Bett 1993/94)) when US will withdraw from Japan, it will rearm and would become a normal power.

Realists, especially the defensive realists, believe that Japan has been adopting defensive strategy of balancing with the help of its ally, the US. Defensive realists such as Jennifer M. Lind believe that Japan has adopted buck-passing strategy by shifting its security responsibility to the US and doing little from its part. The neo-realists John J. Mersheimer (1990) and Keneth N. Waltz (1993) anticipate that Japan would seek to acquire nuclear weapons, something it has not done so far.
Contrary to the constructivists and realists view, David C. Kang (2003) believes that Asian security and Japan in particular needs to be viewed from new analytical frameworks. However, he has not propounded a new framework for Japan rather has refuted the existing realist frameworks. He opines that Japan has little to gain from challenging either a strong China or the United States, but much to lose by starting great power competition. Geography, population and economics mean not only that Japan benefits from a strong international order, but also that it is relatively safe from military threats. He argues further that such an admission by the realists that –Japan could modify its Constitution, develop a nuclear arsenal, deploy intercontinental ballistic missiles, and build aircraft carrier- indicates that Japan does not function as a typical realist nation.

With the above discussion we reach to a conclusion that Constitutional amendment process has entered into a decisive phase. The available research materials though highlights the issues involved in the ongoing debate, the recent development such as growing convergence of perceptions of opposition as well as ruling party on Constitutional amendment and findings and recommendations of Constitutional Review Council of both the Diets is still to become the part of academic debate.

Therefore these developments have been discussed anew during the course of this research. The realists had been arguing for long that Japan sooner or later will adopt a realist strategy of balancing of power. The ongoing defense upgrade to counter emerging threats from neighbours indicates that Japan is moving towards realist theory of balancing of power. On the other hand, recent surveys show that the opinion in the masses has gone in favour of maintaining the pacifist clause, which hints that Constructivism and popular movements against amending the Constitution may make a stunning come back. The emerging trend in Japan’s security policy gives scope of a fresh analysis and during the course of this research the issue has been discussed in the light of International relations theories.
Scope of the Study:
The aim behind selecting the topic for study was that the Constitutional amendment process in Japan has raked up debate in the media, diplomatic conclaves as well as among the academicians. Their views represent their own ideological position. Some view it as a need of the hour while others view that it will have wider ramifications on the East Asian Security. In this context these views have been assessed and interpret to make the study relevant.

The proposed research is an attempt to understand the ever changing international dynamics and its impact on the Japanese security policy and polity. The research has also critically examined the changes brought upon the Japanese psyche and impact both at the level of the community and at the level of the decision-making and its implications on international affairs.

Research Questions:
The research questions in this study revolve around various queries such as what were the factors that pushed Japanese establishment to think of a constitutional revision? What are the role and approaches of the Political parties, the media, pressure groups and the think tanks towards the Constitutional revision in Japan? What are the Challenges that the government is facing or would face in amending the Constitution? What would be the possible implication of the proposed amendment on Japan’s Security and Defense Policy? How do the neighbouring countries especially the erstwhile Japanese colonies react to the revision in the Constitution? How would the amendment help Japan in playing its role in the UN Security framework as well as international security institutions?
Hypotheses:

Initially the researcher had approached the study with following three hypotheses.

1) The need for interpretation and amendment of Article 9 of the constitution is necessitated and conditioned by both internal political pressure and the external pressure (the US pressure).

2) The thrust to the Constitutional revision process has been provided by national desire to get a permanent seat in the UN Security Council so as to play a greater role both at the international and regional levels.

3) A rise in public support (as indicated in different opinion polls) for constitutional revision and decline in strength of anti-amendment forces inside as well as outside the National Diet have further emboldened establishment’s confidence to push for the constitutional revision.

Fourth Hypothesis was added during the research, which is as follows:

Rise of China” and North Korea’s nuclear and missile tests triggered Constitutional amendment debate in Japan and has resulted in strengthened Japan-US military cooperation.

Research Methodology:

Since the research is exploratory in nature, a historical and descriptive perspective has been adopted for carrying out the research. By examining the ongoing debates put forward by theorists on Japanese security and defense policy, an attempt has been made to present the issues analytically. Since the recent efforts to amendment Constitution and trends of defense build up in Japan (in the name of countering Chinese and North Korean military threats)- indicate that Japan is moving towards realist theory of “balancing of power”, the research has used realist paradigm to examine how far it can adequately
explain these issues. Given the fact that Japanese society’s anti-militarist norms, has played a significant role in opposing the Constitutional amendment process within the country, the Constructivist paradigm has also been utilized in assessing public sentiments for and against the amendment.

To test the balancing of power theory with reference to Japan, the research studies various act of Japan including Constitutional revision efforts to maximize its power. While to test the theory of Constructivism it looks at the pull factors such as social constructivism in Japan and assesses the public opinion polls to understand people’s perception on the issue of Constitutional amendment, Japan’s participation in UNPKO and effort for remilitarization in Japan. The study delves into various primary resources such as almost all the Constitutional revision proposal presented by media and different pressure groups, findings and suggestion by both the Diets committees on Constitutional revision, defence whitepapers of Japan, China and Australia. The research also takes into account various secondary resources such as books, articles and newspaper reports.

Chapterisation:

Chapter 1 discusses how Japan’s Constitutional pacifism has shaped it foreign policy and analyses how state behavior had been constrained by the idealistic principled drawn from the supreme legal documents and also how to place itself in the comity of nation the state adjusted itself by flexible interpretation of the Constitution. The Chapter also discusses the International relations theories in relations with Japan’s Constitutional pacifism.

Chapter 2 traces the roots of pacifism in an effort to establish the fact that Pacifism-the doctrine of opposition to war- is not a result of catastrophic WWII only rather it was a doctrine that developed in Japan in the prewar military expansions and there were leaders who voiced their concerns against Imperial military expeditions.

Then the chapter discusses the Occupation authority’s efforts to enshrine Constitutional pacifism with an added emphasis that it was not only the US alone but other countries of
Far Eastern Commission like China, Russia and Australia which ensured inclusion of war renouncing provisions in newly drafted Constitution so that Japan never again poses challenge to international security. The chapter then focuses on the debate on Constitution by the Japanese leaders who used it as leverage against militarization and the circumstances under which Constitutional pacifism eroded and Japan adopted a policy of liberal interpretation of the Constitution to justify militarization on the name of self-defense. The Chapter also analyses public opinion and efforts of pressure groups on the issue of Constitutional pacifism and militarization.

Chapter 3, discusses the factors such as end of Cold war, the Gulf War, Iraq war which resulted as a pressure on Japanese administration which started to flexibly interpretation the Constitution to participate in international security and how political parties in Japan changed their stances with the passage of time agreeing to send JSDF in UNPKO’s with a Three Party Accord. The chapter also maps opinion of public and media which gradually favoured Japan’s participation in international security with some conditions attached. Then the chapter assesses concerns of adjoining countries and discusses why they view these measures of Japan as resurgence of militarism.

Finally the chapter probes that whether it is only the US which is working as a push factor to amend the Constitution or it is Japanese administration which wants to interpret and amend constitution to meet its aspiration to secure its birth in the expended UNSC as a permanent member?

Chapter 4, discusses the recent debates on amending Japan’s pacifist constitution in the Japanese media that came to the fore and presenting suggestions on how Japanese constitution should be adjusted with new realities and asses their views on Article 9, Japan’s participation in UNPKO, legality of the SDF and the issue of exercising Collective Self Defence. To this end the chapter analyses the proposals presented by the media groups such Yomiuri, Asahi, Sekai as well as other vernacular press as well as other pressure groups like the Japanese business federation by Keidanren and think tank
Institute of International Policy Studies. The Chapter also analyses the individual proposals presented by leaders such as Nakasone Yasuhiro, Ichiro Ozawa and Hatayama.

Chapter 5 discusses stances of political parties on the issue of Constitutional amendment starting from postwar period to present times. It also discusses how the Japanese Prime Ministers approached the Constitutional amendment issue during their prime ministership. Part of the chapter discusses the judgment and verdicts of cases where Article 9 had been the issue of debate and how the judgment of these verdicts has changed the Constitutional interpretation. The Chapter also discusses stances of government and Minister of Defence over the issue of Constitutional pacifism. Then the chapter discusses present efforts of pacifist groups to keep a check on the Constitutional amendment efforts and assess public psyche over the issue of amending different pacifist clauses of Article 9, through different opinion polls. Finally the Chapter analyses the finding and recommendations of Constitutional Research Commission constituted by both the houses of the Japanese Diets.

Chapter 6 analyses impact of Japan’s constitutional revision as well as ongoing normalization process on regional security and examine how the regional countries are responding on the issues.

Chapter 7 is summary and conclusion of the research and winds up the debate with certain speculations.