



Constitutional Revision: No Longer If, But When

by Ayako Doi

When former Prime Minister Nakasone Yasuhiro ran in the first Lower House election held under the postwar Constitution in 1947, he drove around his Gunma district on a bicycle with a flag stuck up from his back just like a samurai going into battle. The slogan on the flag called for *jishu kempo*, or rejection of the constitution that had been handed down by the U.S. Occupation a few months earlier. But during a political career that spanned more than five decades, his idea – the reason he sought office – never came up in the Diet for discussion, much less for a vote. For half a century, it was an outlandish dream, tucked deep inside the heads of conservative politicians who remembered the days when Japan was a power with which to be reckoned.

Given that history, it is ironic that now, after Nakasone has been forcibly retired by Prime Minister Koizumi Junichiro (who is a strong advocate of constitutional revision), the issue is high on the agenda of every major party – even the pacifist Komeito and Social Democrats. The way things are going, it's likely that 2004 will be the year Japan takes its first real steps down that road.

LDP Diet Affairs Committee Chairman Nakagawa Hidenao opened the gate by promising in his New Year press conference that he would send legislation to the Diet by spring to set up a process to rewrite the constitution. Democratic Party President Kan Naoto followed up by declaring that he would start a discussion on the subject in his party so it could produce its own draft revisions by 2006. Welcoming Kan to his playing field, Koizumi said he looks forward to working with the DPJ to make the revision a reality. "I never thought the DPJ would be so proactive," he exulted.

Koizumi's public overture to the largest opposition party made his coalition partner, Komeito, feel like a wife watching her husband as he was lured away by a mistress. Komeito security expert Akamatsu Masao nagged Koizumi about it in the Diet earlier this month, saying "The prime minister talks about common beliefs between LDP and DPJ... How can you not even mention your coalition partner?" A few days later, the pacifist party dropped its reservations about fiddling with the constitution, and announced it will publish an "opinion" on the subject this fall. "There will be no taboos, including the issue of Article 9," Komeito President Kanzaki Takenori told reporters. Calling Komeito's shift "historic," former Foreign Minister Nakayama Taro, who heads a Lower House panel on the constitution, remarked, "Honestly I never thought this day would come."

The constitution requires approval of two third of each house of the Diet before a revision can be presented to voters, who must give it majority approval in a national referendum. Among them, LDP, DPJ, and Komeito hold 95 percent of the

seats in the Lower House, and 200 of the 247 in the upper chamber – so changing the 1947 basic law handed down by the U.S. Occupation is no longer impossible, if they can agree on what it should say.

Lest it fade into irrelevancy, even the Social Democratic Party, whose *raison d'être* has been *goken*, or protection of the constitution, decided just last week to create a "study group" on the subject. Former President Doi Takako, regarded as the goddess of *goken*, reluctantly told her colleagues, "We aren't aiming for a revision... but we must study to be able to contribute to the discussions" in the Nakayama panel.

Behind the rush to get on the *kaiken* (constitutional revision) bandwagon is a clear shift in public opinion over the last year or so. Recent polls indicate that a majority of Japanese now support revising the constitution one way or another. That was confirmed in spades when the voters defeated SDP and Communist candidates wholesale in last November's Lower House ballot. Both parties had adamantly opposed changing a single word in the constitution. SDP President Fukushima Mizuho lamented that young voters these days don't even understand the word *goken*.

Accelerating the shift is the ongoing Diet debate about whether the government is violating the constitution by sending Self Defense Forces troops to Iraq. A lot of Japanese think Koizumi is walking out to the edge of the law when he says the deployment is justified by the mutual security treaty with the U.S. and the preamble to the constitution, which calls for international cooperation. On both sides of the controversy over Iraq, there is a strong sense that Japan has come to the limit of expanding its military roles overseas by simply re-interpreting the constitution each time a conflict arises that requires deployment of its troops. Those who worry about escalating military activism would spell out clearly what the forces can and cannot do, and supporters would rather rewrite the constitution so it says openly that Japan may maintain a military to defend itself. "The time will come, when we should call our (self defense) forces a military, and give it the honor and place it deserves in the constitution," Koizumi told the Diet.

To be sure, agreeing to revise the constitution is one thing, while agreeing on how to change it is quite another. Komeito and the SDP would keep, or even strengthen, the Article 9 renunciation of military power in resolving international conflicts, and insert guarantees for new kinds of civil liberties such as protection of privacy and the right to live in clean environment. There are still many who would obstinately resist fiddling with Article 9 even in the LDP and the DPJ. But from the way public opinion shifted dramatically in support of the SDF deployment in Iraq once the troops were on the ground, a *fait accompli* clearly works in favor of advocates for change.

In a recently published analysis on the role of diplomacy in the 1930s, former Foreign Ministry official Ogura Kazuo concluded that antiwar politicians and bureaucrats failed to put a brake on Japan's slide into World War II because they tried to influence the policy of the militarists from within, rather than denouncing it outright at the risk of being cast aside. It seems that Komeito and SDP are about to make the same mistake in the current debate on the constitution. In a society where conformity and harmony are so important as they are in Japan, it's hard to restrain a shift once it starts to happen. As he left the Diet reluctantly last fall, Nakasone said it was particularly painful to be left out at a time when his lifelong dream was about to come true.

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