I. The Constitution of the Empire of Japan (The Meiji Constitution)

(1) The Background of the Meiji Constitution

In 1867, the 15th and last Shogun, Tokugawa Yoshinobu, returned the reins of government to the Emperor. This marked the end of the Edo era, which had lasted more than two hundred and sixty years, and the beginning of the Meiji era.

The leaders of the new government abolished the feudal system and sought to establish a centralized state.

This reform was followed by a burst of modernization based on the idea of public discussion and development of constitutionalism.

Modernization was an inevitable result of opening the door to foreign countries. When Japan concluded treaties with the United States of America, the United Kingdom, Russia, the Netherlands and France in the 1850’s, the national isolation policy, which had lasted more than two hundred years, ended and many western goods and ways of thought were introduced into Japan.
The establishment of a constitutional state was regarded as one element of Japan's modernization.

The idea of public discussion was included in the Five-point Charter Oath issued by the Emperor Meiji in March 1868. The first Oath of the Charter stated as follows: "All affairs should be decided by public discussion in widely established deliberative assemblies." This was one of the leading principles of the Restoration and made it possible for many samurai (warriors) to participate in the decision-making process.

Before the Restoration, some clans (han) sent their young samurai to the United States of America and European countries to study their political and legal systems. After they returned to Japan, their knowledge greatly influenced changes in the system of government during the period from the end of the Shogunate to the Restoration.

The following were the main trends leading up to the enactment of the Meiji Constitution.

- In April 1868, The Instrument of Government (Seitaisho) was published. This was the first written organic law that provided separation of powers and public selection of bureaucrats.

- In January 1874, Japan's first political party Aikoku Koto (Public Society of Patriots) was formed. On the fifth day after Aikoku Koto was formed, the members of the Party submitted The Memorial on Establishment of a Popularly-Elected Deliberative Diet to the Council of State. This started the Popular Rights Movement throughout the country. The government ignored this movement at the outset, but promised gradually to establish a constitutional polity. This was realized at the local level by
establishing popularly-elected assemblies in 1878.

· In September 1876, the Emperor gave the Chairman of the Genroin (a kind of senate created in 1875) an Imperial edict to make a Constitution. The committee established in the Genroin made various kinds of drafts of a Constitution (1876, 1878, and 1880), but none of them was adopted because of the opposition of some conservative genros (elder statesmen). They thought that these drafts were too much democratic. The drafts were based on the constitutions of Belgium (1831) and of Prussia (1848).

At this time many private drafts were published, some of which provided a parliamentary system modeled on the United Kingdom or even a republican system. The books of the Enlightenment such as those of Montesquieu, Rousseau, and Locke were translated into Japanese and the natural rights theory was a main pillar of the popular rights movement. The leaders of the popular rights movement requested the government to establish a popularly-elected diet. The government suppressed this movement by issuing a Newspaper Act and an Assembly Act, but promised to establish a national diet and enact a new Constitution.

· In October 1881, the Emperor issued an Imperial edict announcing that a national diet would be established in 1890 and that a Constitution would be granted by that time. The next year Ito Hirobumi, one of the top leaders in the government, was sent to Europe to see what kind of constitution would be best for Japan. Ito mainly studied the Constitution of Germany under the guidance of Dr. Gneist of Berlin University and Dr. Stein of Wien University. It was natural, in one sense, that Ito thought the Constitution of Germany was the most appropriate for Japan,
because the German style of constitutional monarchy was compatible with the Imperial system of Japan, centralized government, a popularly-elected national diet with limited powers and the aim of building a rich and strong nation.

- In August 1883, Ito returned to Japan. After he was appointed as the first Prime Minister in December 1885, he set about making a draft of the Meiji Constitution in collaboration with foreign advisors such as Dr. Roesler and Dr. Mosse. This draft was discussed in the newly established Privy Council.

- In February 1889, the Emperor issued an edict to publish the Meiji Constitution. At the same time the Imperial Household Law, the House of Representatives Election Law, and the ordinance establishing the House of Peers were promulgated. In accordance with the Preamble of the Constitution, the Imperial Diet was convened on November 29, 1890, and the Constitution came into force on the same day. Thus Japan took its first step on the way to becoming a modern constitutional state.

(2) Some Characteristics of the Meiji Constitution

The Meiji Constitution had two aspects. The first aspect could be seen in the idea of an absolute Emperor, and the other was the abolition of the feudal system and the introduction of modern constitutional theory. The Meiji Constitution had these two aspects because of its historical background. As noted before, the dominant view in the government favored the building of a rich and strong Japan. In order to do so, the absolute power of the Emperor and a centralized government were considered necessary. But also the government had to respond to democratic
demands from inside and outside the country. The Meiji Constitution was the result of a compromise between these contradictory elements. In the development of the Meiji Constitution, as will be noted later, these contradictory elements were in harmony at some times and not at others. Which aspect was dominant depended upon what kind of historical winds were blowing. For instance, during the era of Taisho democracy a relatively calm wind blew. However, from the Manchurian Incident in 1931 to the end of World War II in 1945, a very severe wind blew throughout the country.

The following were the characteristics of the Meiji Constitution:

1. Sovereignty of the State belonged to the Emperor. It was an essential principle of the Meiji Constitution that the Emperor had the supreme decision-making power. This was called "national polity", and it was held that it could not be changed for any reason. The sovereignty of the Emperor came from the divine will given by "the Heavens to the Earth." (Tsugebumi).

Article 1 prescribed that "The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal." Article 4 also stated that "The Emperor is head of the Empire, combining in Himself the right of sovereignty..."

Kempo Gige (Commentaries on the Constitution of the Empire of Japan) written by Ito Hirobumi stated:

"In our country, the relations between Sovereign and subject were established at the time the State was first founded. ...

The Sacred Throne of Japan is inherited from the Impe-
rial Ancestors, and is to be bequeathed to posterity; in it resides the power to reign over and govern the State. These express provisions concerning the sovereign power are specially mentioned in the Articles of the Constitution, in no wise implies that any newly settled opinion thereon is set forth by the Constitution; on the contrary, the original national polity is by no means changed by it, but is more strongly confirmed than ever."

② Prerogatives of the Emperor. The Emperor had political power through the exercise of his prerogative powers. Legislative, executive and judicial powers resided in the Emperor (Articles 5, 6 and 57). The Cabinet, Diet and Judicature were, so to speak, advisory organizations for the Emperor. Especially in urgent circumstances, the Emperor could exercise his prerogative powers and declare a state of siege (Article 14), and issue ordinances when the Diet was not in session in order to maintain public safety or to avert public calamities (Article 8). In addition, the Emperor had the prerogative power to declare war, make peace and conclude treaties (Article 13), to appoint and dismiss all civil and military officers (Article 10), and so on.

③ Autonomy of the Supreme Command. The Emperor was the Supreme Commander of the Army and Navy (Article 11) and also determined the organization and standing of the Army and Navy (Article 12). The Constitution lacked provisions regarding who would advise the Emperor in commanding the Army and Navy. It was conceived that the military administration and the military command should be separated, and the former should be
advised by political advisors and the latter by purely military advisors. Neither the Cabinet nor the Diet were to have any influence over, or right to advise, the military in matters of command. In fact, the post of Minister of the Army was assigned to a General of the Army and that of Minister of the Navy was allotted to an Admiral. This separation was justified as necessary to insure the autonomy of the Supreme Commander. However, the result was that politicians could not control the military, and this eventually lead Japan into militarism.

4 Autonomy of the Imperial Household. Matters concerning the Imperial Household were wholly entrusted to the Imperial Household itself. The Diet could not involve itself. Paragraph 1 of Article 74 of the Constitution clearly provided that "No modification of the Imperial Household Law shall be required to be submitted to the deliberation of the Imperial Diet."

Ito Hirobumi stated in the **Kempo Gige** that:

"Because the law of the Imperial Household is a family law of the Imperial Household, neither the Diet nor the subject can intervene in the law."

5 Separation of powers. The Diet advised the Emperor in its capacity of exercising legislative power, the Ministers of State advised the Emperor in their role of executing administrative power, and judicial power was given to the courts. The courts made judicial decisions in the name of the Emperor. No branch could interfere with the powers of the other branches.

6 Independence of the judicature. It is said that of the three
governmental branches, the power of the judiciary was the most guaranteed. This principle was acknowledged when the Court of Cassation was established in 1875. The Constitution guaranteed its status by providing that "No judge shall be deprived of his position, unless by way of criminal sentence or disciplinary punishment." (Paragraph 2 of Article 58).

The Otsu incident has often been referred to as the occasion that assured the independence of the judicature. The Otsu incident occurred when a Japanese policeman injured the Prince of Russia at Otsu, Shiga Prefecture in 1894. The government pushed the judge in charge to condemn the accused to death to avoid harming relations with the great power Russia. There was no penal provision for condemning to death a person who had injured a foreign prince, although such a provision existed if a Japanese injured a Japanese prince. The government tried to push the judge to apply the penal provision about harming a Japanese prince to the case of the Russian prince, but Justice Kojima Iken persuaded the judge in charge not to follow the mistaken and misleading interpretation of the government. In the end the accused was sentenced to penal servitude for life. Thus the independence of the judicial branch was protected from the pressure of the government.

7 Responsible government. Democratic states have to establish the principle of responsible government in order to prevent arbitrariness of rule. The Meiji Constitution adopted this principle by stating that "The respective Ministers of State shall give their advice to the Emperor, and be responsible for it." (Paragraph 1 of Article 55). In fact the Emperor acted on advice from the Ministers of State, but there were limitations in the sense that Ministers
of State had no responsibility to the Diet, and the power of the Supreme Commander was, as noted above, exercised independently of the government.

8) Diet system. No law or budget could be enacted without the consent of the Diet. In addition, one chamber, the House of Representatives, was made up of popularly-elected members. This was a big advance on the premodern political system. We have to remember that the official policy of national isolation was kept until immediately before the Meiji Restoration.

9) Guarantee of human rights. The third paragraph of the Preamble (Joyo) stated that:

"We (The Emperor) now declare to respect and protect the security of the rights and of the property of Our people, and to secure to them the complete enjoyment of the same, within the extent of the provisions of the present Constitution and of law."

In conforming to this statement, the Constitution included Chapter II. Rights and Duties of Subjects, and allotted 14 provisions therein. Among those provisions were freedom of abode (Article 22), the provision that no arrests could be made except in accordance with stipulations of law (Article 23), privacy of mail (Article 26), the inviolable right of property (Article 27), freedom of religious belief (Article 28), freedom of speech, writing, publication, public meeting and association (Article 29) and so on.

Many of these provisions were copied from western constitu-
tions, but the human rights guaranteed by the Constitution were "within the limits of the law." This meant that the Diet could make any law limiting the liberties of the people. In fact there were many notorious laws aimed at limiting liberties of speech, writing, and public meetings. Also the government could limit liberties by promulgating ordinances in place of laws. There is no denying that the guarantee of liberties was rather imperfect.

(3) Development of the Meiji Constitution

① Period of supra-party government.

During the period from the enactment of the Constitution to the time of the Sino-Japanese War in 1894, the basic relationship of a strong government and a weak Diet, which had been desired by the founding fathers, was formed. The principle was that the government should not be influenced by the strength of the Diet. This was called "supra-party government". In other words, the parliamentary system did not include the idea that the government was responsible to the Diet in the exercise of executive power.

② Growth of parliamentarianism. Political parties severely criticized the bureaucratic style of government. As the power of the Diet gradually increased, the government was subjected to laws approved by the Diet, and sought for compromise with the Diet. The Okuma Cabinet of 1898 was born as the first cabinet to be based on a political party in Japan. Although this cabinet resigned after several months, it showed meaningfully that political parties had power the government could not disregard.

In 1912, the first Preserve Constitutional Government Movement began against the Katsura Cabinet, and in 1924 the second
Preserve Constitutional Government Movement was started by three parties to force the resignation of the Kiyoura Cabinet. These movements insisted on the establishment of government based on political parties. They said that the normal constitutional way was for the majority party in the House of Representatives to form a cabinet. After the Kato Cabinet—which was based on a political party—was formed in 1924, this practise was continued for a few years.

During this period, democratic elements in the Meiji Constitution were predominant, although of course there were some limitations, such as the guaranteed autonomy of the Supreme Commander, and undemocratic state organs such as the Privy Council (a kind of senate) and the House of Peers. Because this period coincided with the Taisho era, it was called "Taisho democracy."

③ Decline of constitutionalism. At the beginning of the Showa era, political parties did not respond to the people who expected them to solve international and economic problems. Instead, the corruption of the political parties caused the people to lose confidence in them. New movements emerged from both leftist and rightist groups. The government suppressed leftist groups and those groups were not able to become powerful. On the other hand, the totalitarianism supported by the rightist groups joined with militarism to dominate national policy. In the May 15 Incident of 1932, Prime Minister Inukai Tsuyoshi was assassinated by military officers at his public residence. In the February 26 Incident of 1936, young army officers attempted a coup d'état and the Lord Keeper of the Privy Seal, Saito Makoto and the Finance Minister, Takahashi Korehiko were assassinated, and the Prime Minister
Okada Keisuke was injured. After the May 15 Incident, party politics did not revive until the end of World War II. With the outbreak of the Manchurian War in 1937, a storm of militarism was boisterously blown through the country. In 1940 all political parties were dissolved and an Imperial Rule Assistance Association (Taisei Yokusankai) was formed to execute total war. Thus parliamentarianism totally declined and the democratic elements in the Meiji Constitution were suppressed. What lay in store for the Meiji Constitution was the surrender of Japan and fundamental constitutional change.

II The present Constitution of Japan

(1) The Background of the present Constitution of Japan

The origin of the Constitution of Japan was Japan's acceptance of the Potsdam Declaration issued in July 1945. The aim of the Declaration was to give Japan the opportunity to end the war. At first, Japan refused to accept it, but in the end was obliged to sign on the 14th of August after nuclear bombs were dropped on Hiroshima and Nagasaki. Signing the Declaration signified Japan's international declaration of surrender.

On August 30, General Douglas MacArthur, Supreme Commander of the Allied Powers (SCAP), arrived in Japan as its new de-facto ruler.

On October 4, General MacArthur suggested to the Minister of State, Konoye Fumimaro, the need to amend the Meiji Constitution. After the formation of the Shidehara Cabinet, MacArthur
made the same suggestion to Prime Minister Shidehara Kijuro on October 11. The Shidehara Cabinet decided to establish the Constitutional Investigation Committee within the Cabinet, the chairman of which was the Minister of State without portfolio, Matsumoto Joji. As this Committee did its work in camera, nobody knew what the contents of the new Constitution would be.

On February 1 of 1946, the Mainichi Newspaper exposed the Cabinet's draft in a "scoop". MacArthur found it too conservative to be acceptable, and ordered the Government Section within General Headquarters (GHQ) to make a new draft of the Constitution.

On February 13, Chief of the Government Section, Brigadier General Courtney Whitney, submitted the GHQ draft of the Constitution of Japan to the Minister of State, Matsumoto Joji, and to the Foreign Minister, Yoshida Shigeru, at the official residence of the Foreign Minister in Shibuya, Tokyo. Both Matsumoto and Yoshida were very much surprised at the fact that the Americans had drafted a Constitution, but they promised to consider it in the Cabinet.

On February 21, Prime Minister Shidehara visited MacArthur to ask the General's views. MacArthur urged Shidehara to make a Constitution based upon the GHQ draft. The next day the Cabinet decided that Matsumoto was to be in charge of drafting a Constitution along the lines of the GHQ draft. Thus February 13 was a very significant day in the sense that the efforts of the Constitutional Investigation Committee came to nought. Some critics have said that the Japanese were forced by GHQ to follow the GHQ draft when drafting their version of the Constitution.
One question that must be asked is why General MacArthur was in such haste to draft the Japanese Constitution. One reason was that he did not want the Far Eastern Commission (FEC) to interfere. The FEC was to be established on February 26 and one of its missions was to issue "any directive dealing with fundamental changes in the Japanese constitutional structure." MacArthur thought it better to proceed with the work of drafting the Japanese Constitution before the FEC started its own work.

On March 2, Matsumoto finished writing the draft and handed it to GHQ two days later, where it was discussed all night.

On March 6, the Cabinet released its draft accompanied by an Imperial Rescript and comments by Prime Minister Shidehara. MacArthur expressed his support in the newspapers.

The 90th Imperial Diet was convoked to discuss the revision of the Constitution. There were not many important changes made in the Diet. The final draft was passed by both Houses on October 7. Only the Communist Party opposed it because they wanted to establish a People's Republic of Japan.

On November 3 of 1946, the Constitution of Japan was promulgated and came into effect on May 3, 1947.

(2) Some Characteristics of the Constitution of Japan

Every textbook on the Constitution of Japan points out that it has three basic principles which differ significantly from the Meiji Constitution.

The first basic principle is popular sovereignty and the position of the Emperor as only a symbol of the state. The Preamble of the current Constitution states that "We, the Japanese people ...
do proclaim that sovereign power resides with the people”, and Article 1 specifies that “The Emperor shall be the symbol of the State and unity of the people, deriving his position from the will of the people with whom resides sovereign power.” The Emperor has no powers related to government, but only to matters of state that are specified by the Constitution (Article 4). Moreover, the advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefore (Article 3).

The second basic principle is the ideal of pacifism. The Preamble declares that "We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relations and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving people of the world." Paragraph 1 of Article 9 states that "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 a means of settling international disputes." And Paragraph 2 of the same article stipulates that "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." It is true that this language echoes the ideal of pacifism but there has been much controversy surrounding the existence of the Self-Defense Forces (SDF), the stationing of American forces in Japan under the Treaty of Mutual Cooperation and Security between Japan and the United States and the dispatching of troops of the SDF to Cambodia and
Mozambique as part of the United Nations Peace Keeping Operations (PKO), and so on.

The third basic principle is respect for human rights. Chapter III of the Constitution enumerates fundamental human rights under Articles 10 to 40. It contains equality under the law (Article 14), freedom of thought and conscience (Article 19), freedom of religion (Article 20), freedom of assembly and association (Article 21), freedom of speech and prohibition of censorship (Article 21), freedom of choice and change of one's residence (Article 22), academic freedom (Article 23), freedom of marriage (Article 24), several social rights such as the right to minimum standards of wholesome and cultured living (Article 25), the right to receive education (Article 26), the right to work (Article 27), and the right of workers to organize labor unions (Article 28). It also provides for due process (Article 31) as well as habeas corpus proceedings in detail (Articles 31 to 40).

The system of government is primarily patterned after that of the United Kingdom where the cabinet, in the exercise of executive power, is responsible to parliament (Paragraph 3 of Article 66). When the House of Representatives passes a non-confidence resolution, the Cabinet shall resign en masse, unless the House of Representatives is dissolved within ten days (Article 69). On the other hand, the judicial system of Japan is similar to that of the United States of America in that the judicial branch has the power to determine the constitutionality of acts of the legislative and executive branches.

The Constitution, moreover, provided for the first time for the establishment of Local Self-Government (Chapter VIII) and stated
the place of the Constitution as Supreme Law (Chapter X).

(3) Development of the Constitution of Japan

The Constitution of Japan has never been amended since it was put into effect on May 3, 1947. This is very rare among the constitutions of the world. This does not mean that there have not been any movements to amend the Constitution. In fact, there has always been an under-current of support for amending the Constitution.

In the early days, the Socialist Party and the Communist Party opposed the Constitution, although at present both parties advocate "protecting" the Constitution or preventing "undesirable" Constitutional changes. Their opposition was based upon their socialist or communist ideas. Needless to say, the Constitution was founded on principles of capitalism. The Communist Party still has its own draft of "The Constitution of the People's Republic of Japan", made in June 1946. This draft provides that the position of Emperor should be abolished and a People's Republic be created. The Communist Party still holds to this draft.

On the other hand, the position of the Socialist Party has been unclear. During discussions of the Constituant Assembly in 1946, the Socialists proposed the insertion of more socialistic provisions into the Constitution. After the Constitution was enacted without insertion of the Socialist Party's proposals, it requested that amendments be made as soon as possible. In 1954, the Socialist Party made it clear that it supported the Constitution for tactical reasons, without abandoning its socialistic ideas.

It was in December of 1954 that Hatoyama Ichiro, a well
known advocate of constitutional change, was elected as Prime Minister. Having achieved the Prime Ministership, he stated that "as a first step toward revision of the policies of the Occupation, constitutional change, especially of Article 9, is necessary". This statement put the Opposition on guard. It was at this time that the Mutual Defense Agreement with the United States was made (signed in March 1954, effective in May of the same year), and the Defense Agency Establishment Law and the Self-Defense Forces Law came into effect in July of the same year, thereby strengthening fears that rearmament was gathering momentum.

Leftist groups called for total prevention of constitutional change. They formed the Constitutional People's Protection League in January, 1954, with former Prime Minister and Chairman of the Socialist Party, Katayama Tetsu, as chairman.

Prime Minister Hatoyama dissolved the House of Representatives and held a general election in February, 1955 with the objective of effecting constitutional change. The government party did not acquire the two-thirds majority required to effect constitutional amendments. Hatoyama laid his hopes on the House of Councilors election of 1956, but even there he could not acquire enough support. Hatoyama established the Governmental Constitutional Inquiry Committee in June 1956, but opposition groups strongly reacted to the establishment of this Committee and the first meeting of the Committee was delayed until August 1957.

The year 1955 was significant in Japanese political history not only because the conservative bloc was merged into the Liberal Democratic Party (LDP), but also because the left-wing and the
right-wing of the Socialist Party unified into one Socialist Party of Japan (JSP) and the so-called "1955 system" was created. Since then, ironically, the conservative party (LDP) has advocated constitutional amendment while reformist groups have advocated protection of the Constitution.

The Report of the Constitutional Inquiry Committee was submitted to the Ikeda Cabinet in July 1964. A majority of the Committee was in favor of constitutional reform, so the report caused a stir within the Opposition. However, Prime Minister Ikeda's reaction to the report was cautious: he merely stated that "I believe that the Government, Diet, and people will together have to study and examine the Constitution. My cabinet has no intention of putting the issue of constitutional change on the agenda." This signified in effect that the report would be shelved.

None of the subsequent LDP Prime Ministers, Sato, Tanaka, Miki, Fukuda, Ohira, Suzuki, Nakasone, Takeshita, Uno, Kaifu or Miyazawa ever clearly stated their intention to change the Constitution. Why did they not take a clear stance on constitutional change?

The first possible reason is that successive LDP cabinets did not possess the energy to effect constitutional reform in a climate of political uncertainty. It was considered reactionary to pursue constitutional reform and the LDP did not have the power to ignore the mood of the country.

Secondly, there has been no problem urgent enough to necessitate constitutional change. In the Naganuma case, where the District Court declared the Self-Defense Forces unconstitutional in 1973, there were calls for constitutional revision as a counter-
measure, but in dealing with the appeal in 1976 the High Court decided that it was a political matter in which the Court could not intervene, so the status-quo was restored and calls for revision faded.

Thirdly, the Government has managed to amend the Constitution by reinterpretation rather than by actual amendment. This approach avoids the revision procedures laid down in the Constitution but attempts to achieve the same result. A typical example of amendment by reinterpretation is Article 9. Originally the Government denied that Japan even had the right of self-defense. However, today the Government interpretation is that the Self-Defense Forces are constitutional.

It was after the Gulf War that constitutional amendment became a real issue. Iraq's invasion of Kuwait in August 1990 was clearly illegal under international law. The United Nations immediately passed a resolution allowing the use of force against Iraq. As a result, about thirty countries joined the UN multilateral force to liberate Kuwait. Japan did not join because of constitutional limitations.

Instead, Japan decided to contribute financially to the UN multilateral force by paying US $13 billion. After the Gulf War ended, the government of Kuwait expressed its thanks to thirty countries in a United States newspaper. However, Japan's name did not appear. Thirteen billion dollars is a very large sum of money, but the reason Japan was not thanked was, I think, that Japan did not contribute in a visible form. It was not considered a true contribution for a country as rich as Japan to send only money. It is important also to send personnel and share the hard
work with the countries that are trying to establish international peace. This concept has gradually come to be recognized in Japan too. The passing of the Self-Defense Forces Cooperation in United Nations Peacekeeping Operations Law in June 1992 was symbolically important, although there was very strong resistance from the Socialist Party and the Communist Party. The law allows for the overseas deployment of the SDF, for the first time since its establishment in 1954. At the same time calls for revision of the Constitution were heard from political parties and the people.

Editorials in the Yomiuri and the Sankei Newspapers on January 1, 1992 wrote that the constitutional debate should be conducted so as not to cause Japan’s isolation in the international arena. The Yomiuri Newspaper established the Yomiuri Constitution Study Council (I was one of the twelve members of the Council) and the Council submitted a report on December 9, 1992 after a year’s study. The report said that it is not unconstitutional for the SDF to join the UN PKO or UN standing armed forces, if such forces are established in the future, and that a basic law for security should be enacted to avoid confusion about constitutionality.

From late 1992 to early 1993 some political parties voiced a desire for further review of the Constitution. On December 16, 1992, the platform of the Japan New Party declared the party would appeal for constitutional amendment from a new perspective based upon democratic principles. The Japan Democratic Socialist Party, and the Komei Party approved motions to review the Constitution again. On June 16 1993, the Liberal Democratic Party submitted an interim report recommending the establish-
ment of a Committee of Inquiry into the Constitution in the Cabinet or the Diet.

The general election held on July 18 was a historical event in that the Liberal Democratic Party turned over government to other parties after thirty-eight years of continuous LDP rule. In the election the LDP was not able to obtain a majority. Seven political parties and one political group formed a coalition government and chose Hosokawa Morihiro, representative of the Japan New Party, as Prime Minister. Although this coalition government has political reform as its first priority, difficult problems confront it, such as how to boost the economy, what to do about Japan's trade surplus, and in what capacity Japan will contribute to United Nations peace keeping operations. The seven political parties and one political group made an agreement in forming the coalition government. In regard to the constitutional issue, they agreed to respect the ideals and spirit of the Constitution, but there have been different opinions on the Constitution within the Government. For instance, the Socialist Party strongly advocates protection of the Constitution while the Shinsei Party advocates its change. The big opposition party, the LDP has its own views. It will be interesting to see where the debate about the Constitution goes in the future.

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