

Constitutional amendments prepare authoritarian rule in Japan

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Japan's ruling Liberal Democratic Party (LDP), headed by Prime Minister Shinzo Abe, won a sweeping victory in the upper house elections on July 21, winning 65 seats out of the contested 121. The second-placed Democratic Party of Japan (DPJ) only got 17.

The LDP now hopes its upper house majority will boost its chances of implementing its right-wing agenda, notably revising the Japanese constitution. The changes—including undermining basic democratic rights and legalizing Japan's involvement in aggressive wars abroad—will set into motion an explosive confrontation with the working class.

The draft constitution prepared by the LDP in April reeks of Japanese nationalism. The most significant changes include eliminating key democratic rights, granting new “emergency powers” to the prime minister, restoring the emperor as head of state, and voiding the constitution's pacifist Article 9.

The current constitution was created by US occupation authorities after Japan's defeat in World War II. Facing the threat of social revolution amid deep popular opposition to Japan's bloody militarist regime, US authorities made significant political concessions. Basic democratic rights were formally inscribed in the constitution; Article 9 aimed to placate broad anti-war sentiment, as well as to ensure that Japan would not return to war against the US.

The LDP explains that today's “constitutional amendments... will unshackle the country from the system established during the Occupation and make Japan a truly sovereign state.”

Abe's nationalist rhetoric insists that Japan must restore its status as a “normal country.” Under the current constitution, Japan is, strictly speaking, banned from having a military, even though Japan's “Self-Defence Force” is among the largest and most

advanced in the world. As a result, it currently lacks crucial offensive capacities.

The new Article 9's title has been changed from “Renunciation of War” to “National Security.” Although it retains the phrase “renounces war as an instrument of national policy”, the new Article 9 will rename the Self-Defence Force to a National Defence Force with the prime minister as commander in chief, in order to “secure the peace, independence, and security of the country and the people.” Practically, the LDP wants the legal basis to act as a partner in US military operations and to create a force with offensive capabilities, including so-called “pre-emptive” strikes against enemy states.

The move towards militarism is going hand-in-hand with far reaching attacks on democratic rights. The preamble of the present constitution emphasizes the universality of the principle of popular sovereignty and of “laws of political morality.” It declares: “We, the Japanese people... [have] resolved that never again shall we be visited with the horrors of war through the action of government.”

The LDP plans to remove these passages, arguing that they are concepts “based on the Western theory of natural rights.” It counterposes Japanese uniqueness in a preamble that would begin, “Japan is a nation with a long history and unique culture, with the emperor as a symbol of the unity of the people.”

Without explaining why, the LDP is proposing to delete Article 97, which declares: “The fundamental human rights guaranteed by this Constitution to the people of Japan [are] to be held for all time inviolate.” Instead, the LDP would impose “duties” such as: “The people must respect the national flag and national anthem,” and “All the people must respect this Constitution.”

Freedom of speech and assembly are to be curtailed. The draft declares that “engaging in activities with the purpose of damaging public interest or public order, or associating with others for such purposes, shall not be recognized.” In other words, any speech or demonstration that challenges state authorities or policies would be considered unconstitutional.

The draft constitution’s new emergency powers clearly spell out the dictatorial forms of rule that would follow, in which state and security agencies could rule by decree. It reads, “In the event of armed attacks on the nation from abroad, disturbances of the social order due to internal strife... or other emergency situations... the Prime Minister may issue a declaration of emergency situation.”

At this point, “the Cabinet may enact cabinet orders having the same effect as laws,” and “all persons must comply with the directives of national or other public institutions ... taken to protect the lives, persons or property of the people.”

With Japan’s political parties largely discredited, the LDP is seeking to boost the emperor’s role, presenting him as an arbiter above parties or class interests. He is to be officially declared the “head of state,” rather than the “symbol of national unity” the present constitution declares him to be.

The LDP draft also removes the present stipulation that “the Emperor or Regent... has the obligation to respect and uphold this Constitution,” effectively preparing to return him to the role he played before World War II—a semi-divine figure placed above the law and used to justify fascistic policies at home and abroad.

The LDP also aims to strengthen religion’s role in the state, eliminating constitutional provisions forbidding the appropriation of public funds “for the use, benefit or maintenance of any religious institution or association.” Exceptions are to be introduced here for such expenses if the religious content “does not exceed social etiquette or customary behaviour.” This would facilitate financing religious ceremonies connected to the imperial house.

As in Europe and the US, Japanese imperialism is seeking to re-establish authoritarian forms of rule to suppress opposition from the working class, as it ruthlessly pursues social counter-revolution at home and war abroad.

LDP can only push for such a militaristic, anti-democratic agenda because it is broadly supported in the political establishment. The DPJ, which once presented itself as a “liberal” alternative to the LDP, continued the LDP’s pro-war and pro-austerity policies upon taking power in 2009. It initiated the doubling of the consumption tax and Japan’s commitment to the US “pivot to Asia” to militarily confront China.

The DPJ is now in disarray after losing office in December and the upper house majority this month. It has opposed the LDP’s proposed changes to Article 96, which set the bar for constitutional amendments at a simple majority, rather the current two-thirds, of both chambers of parliament. LDP wants this reduced to simple majority. By focusing on this, the DPJ aims to avoid public discussion of the far-reaching implications of the LDP’s moves to destroy fundamental democratic rights.



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