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1947 Constitution situated in the problematic of the postwar Japanese state (summary & incomplete draft)

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I. Contradictory principles

The problematic of the 1947 Japanese constitution should be situated in the context of the inherent twistedness of the statehood of the postwar Japanese state (PWJS), a historical product with enduring characteristics. Constituted under the post-WWII American hegemony, and specifically under the US occupation, PWJS incorporated in it three mutually contradictory principles, hence systems, giving rise to dynamics that characterized its behavior over decades of its existence. The three principles are (A) identification with the US global-Asian hegemonic design (free worldism, anti-Communism, and the security treaty), (B) constitutional pacifism, and (C) continuity from the Imperial past.

As regards (A) it should be noted that the US was not external to PWJS (SCAPanese model: J. Dower); the overlapping area of the US design and Japanese conservatives’ design; superstructural complementarity; “military protectorate,” “free-ride,” “entertainment cost,” rearmament used as bargaining counter; all to fulfill Cold Wars requirements; this framework stayed through occasional adjustment as Japanese economy grew even beyond the original US design; the treaty system as supra-constitutional determinant;

(B) of course is based on the Preamble and Article 9 of the 1947 Constitution as embraced by the Japanese public (independent of US intentions); The constitution as a whole was represented as “peace constitution,” a specific historical understanding of peace integrating also democracy, basic human rights, some social rights; the actual constitutional system could not operate on its own as the security treaty system (A) in reality was functioning as the superior system; hence the widespread public realization between the San Francisco treaty (security treaty) system and the constitutional system (JCP formulation); this sense of discrepancy characterized the conservative/progressive antagonism throughout the Cold War period (postwar progressive forces: Shimizu Shinzo);

But the contradictions pestering PWJS were not two but three. PWJS never disavowed the heritage of Imperial Japan and kept (C) generally surreptitiously but not necessarily so surreptitiously (Hirohito’s exoneration from war responsibilities and his retention as Emperor, if as the symbol); the chronic text book issues; justification of the annexation of Korea still adhered to; the 1947 constitution promulgated in the name of Hirohito; the LDP program of own constitution away from the Occupation-made constitution; the continuity-or-discontinuity debate; Maruyama

The Emperor system: The paradox of pro-American (US-bolstered) Tenno system preserved as the core of (C) and also placed at the top of the “peace and democracy” constitution; dilemmas of Mishima, postwar rightists (Stars and Stripes nationalists); Hirohito himself – sellout, Okinawa, peace negotiation.

SDF – unconstitutional, National Army or component of US forces?

Twistedness in statehood was permeating; convenient use of one of the three principles, depending who Japan was talking to; hence the loss of the principle status of all the three; the maturity of PWJS as an opportunist state (opportunism raised to the status of principle!)

Under its complementarity strategy, PWJS was absolved of the burden of telling the young to go to war for the national cause (“external crisis management” left to the US). This was the framework in which economic prosperity (economism, hence company) served as the single most effective political factor integrating the nation. “Merchant state” (Nakasone).

Corporate society + Construction state replacing state politics as such; Erosion of the political.

II. Constitutional illusions

Illusions about the completeness of the constitutional system

The pacifist principle (Article 9), taken together with democratic rights, understood as a “peace” system, was embraced by the broad public (notably by the postwar progressive forces) and turned into an action guideline and basis of political judgment (typically and most effectively in the 1960 anti-treaty struggle). The pacifist principle

was largely subjected to conveniences and not seriously taken by the ruling elites (working, however, as a brake on militarization: defensive defense, overseas troops deployment, “collective security,” three non-nuclear principles).

The pacifist principle was largely instrumental on the part of the ruling elites, but served as a principle on the part of the “progressive camp.” But there too, the notion of “peace” over time lost the cutting edge as it increasingly became synonymous with the status quo. It had an intrinsic weakness allowing its dilution. This weakness had something to do with the assumption of, and consciousness secreted by, the PWJS.

It was a pacifist constitutional nationalism based on putative completeness of the peace constitution system. Threats to this system would come, as they did, from outside, nuclear tests, US bases, war crises, Japan’s own military (SDF) buildup under the US pressure, missiles, as intrusions into the basically peaceful precinct. The threat also came from domestic sources. The Japanese conservatives, it was felt, were dreaming to call back the prewar militaristic and undemocratic system by accelerating SDF buildup in violation of Article 9. Hence the movement to protect the constitution (*goken undo* = constitution protection movement).

Concealed by this understanding was the hinge that connected the peace constitution system back to back to the US military machinery, the fact that both were born in the same process – a Siamese twin connection in which the connected could not see each other’s face). PWJS in this sense prepared a huge dome covering Japan, whose inside was covered by special mirrors transparent from outside. From inside, what the Japanese insiders could see was their own peaceful lives. The mechanism whereby this peace dome itself was organically connected with the huge war machinery of the US was never visible to them. This was the perceptual apparatus of PWJS that shielded the insiders’ sight from reaching Okinawa, which lay outside the dome. Nor could they see Korean peninsula, and Asia in general. The same apparatus conveniently removed from sight Japan’s imperial past and people who had suffered from Japan’s colonization and aggression. Public memories of war were produced in this setting and through this perceptive mechanism (victim mentality). This historically specific nexus between the US hegemonic system and PWJS served to shield postwar Japan both from external turbulence and from Japan’s imperial past.

The postwar progressive forces barely maintained their social and ideological position through the 1980s, but their influence was waning with every passing year as public depoliticization proceeded and as their organizational mainstay, the Sohyo trade union movement, bogged down to give place to pro-management private sector unions.

It should be noted that this perceptive mechanism of the postwar progressive forces was broken significantly in 1965-1972, with the emergence of radical anti-Vietnam war and other movements (victimizing-victimized mechanism (Oda), the widely accepted notion of “Japanese imperialism,” questioning the status quo as complicit in the US war, Okinawa as a major issue, reflection on Japan’s imperial past, interaction with Koreans and Chinese in Japan). The constitutional pacifism, grasped as the principle, somewhat served as the guideline, but in this awakening process, radical critique was directed toward the “postwar democracy” as the ruling regime as the movement found the status quo increasingly culpable of war crimes, past and present. Though the constitution itself was not visibly critiqued, in this radical movement it was represented rather in terms of the ruling regime, and not so much in terms of its pacifism. This movement was short-lived though it left a deep imprint in the later social movements. (e.g. the Japanese war responsibility issues were first raised in that period, and have since been consistently pursued)

III. End of the Cold War – remaking of the state, toward what?

The end of the Cold War followed by the Gulf War coupled with the demise of the Soviet Union removed the historical conditions that had managed to keep the three incompatible principles coexisting in a single statehood. Japan’s utility to America as a major East Asian frontline nation in confrontation with the Soviet Union was lost. Already in the 80s, Japan emerged as a tough economic rival to the US. The neo-liberal economic globalization process finally involved the Japanese economy, disintegrating the company world that had served as the major national integrating factor of PWJS. As the “bubble” was gone plunging Japan into an over a decade long stagnation, the domestic basis of the PWJS national integration swiftly collapsed. In the same vein, the construction state mechanism no longer worked. PWJS proving dysfunctional, Japan has found itself totally disoriented. PWJS anyway had to be remade into something else. But into what?

Into what is not quite clear, but conservatives and rightists have been animated finding this a historic opportunity to “straighten out” the postwar problems and to achieve what they had wanted but could not achieve due to opposition from the postwar progressives. Their goal is the remaking of the PWJS, and the goal would be attained by freeing the state from the constraints of the 1947 constitution. The point in their statehood remaking efforts, diverse in outlook, is the elimination of the constitutional pacifist principle. Central to their state-remaking campaigns is the notion of an “ordinary state” (Ozawa Ichiro) capable of legally making war. Traditionally, the Japanese conservatives felt that PWJS was a “semi-state” (Sakurada Takeshi, 1970), lacking a legitimate military

force. To make it a “full fledged state” by weeding out the pacifist constitutional principle was their long unfulfilled dream. Article 9 therefore is the hottest contested issue in the struggle over the constitutional revision.

But does this resolve the twistedness of the PWJS? What about the two other principles? Can the glory of the Japanese empire compatible with *semper FI to America forever*? The current dash to a full fledged military state reminds me of a boy whose only dream is to enter the University of Tokyo caring not at all about what he is going to study after being matriculated.

In this sense, I think the inertia and legacy of PWJS are an enormous presence.

As said earlier, the ruling conservatives long ceased to treat the constitutional pacifism as a principle to be honored at all cost. Their concern was how to dilute its implications and pile up *fait accompli* to hollow Article 9. They have been doing so by recourse to “international obligations” – compliance with the US strategic designs (UN insofar as the US chose to work through it). Since 1995 when the US began to fully evolve its global “full-spectrum” dominance strategy, Japan has speeded up its military commitments to the US strategy unconditionally offering to mobilize Japanese resources for American wars (the 1997 guidelines, guideline related laws; Muto, 1998).

The 911 incidents and the US “war on terrorism” has come as another push to Prime Minister Koizumi to rash further military mobilization and war participation measures mocking all constitutional constraints (the anti-terrorist laws already passed under which a Japanese fleet is operating in the Indian Ocean; the wartime laws now tabled). The Bush doctrine that repudiates the UN Charter and all international laws and norms to justify the US right of preemptive attack on any state the US decides evil is the global environment that encourages the current government of Japan to feel free to ignore its own supreme law. Is Japan joining the Anglo-American forces in the aggression of Iraq? If so, on what ground and what principle? Since international law and the UN Charter are no help, Japan then will be implementing only the principle (A) of its statehood – loyalty to the US. The most essential principle of PWJS, instead of being modified, is being even more outspokenly asserted and implemented in the current process of state-remaking.

The same period saw the ominous rise of rightist campaigns on textbook issues. Rightists in the 1990s made inroads into mainstream media, with the backing of big business leaders, penetrated not only the Liberal Democratic Party but also the major opposition party. The Yomiuri, the largest daily, published its own draft of a new constitution, heading advocacy of revision of the constitution. Though their approaches are not the same, they alike justify Japan’s imperial past, blame postwar pacifism (Masochist view of history), and emphasize statism.

The 1999 summer Diet session that passed the pro-American guidelines law amid *we-trust-America* speeches subsequently railroaded a series of nationalistic bills, the Flag of the Rising Sun and Kimigayo national anthem (the Emperor’s reign forever) laws, amid nationalist speeches by conservatives. A friend of mine who was watching the Diet sittings that examined the two issues one after another told me he was astounded by the fact that the same conservative politicians used unabashedly pro-American arguments to support the war bills and starkly national chauvinist arguments to support the flag and anthem bills a few days later. None even felt the need to ideologically bridge between the Star Spangled Banner and the Flag of the Rising Sun.

I said earlier that the three principles ceased to be principles as they were used only opportunistically. The PWJS remaking process now under way has once more corroborated this. Opportunism from the postwar era still reigns and in this sense PWJS still continues, if losing its best part, at a time when its time is over.

The Article 9 pacifism, once taken seriously and embraced by a large segment of the Japanese public as a non-negotiable principle, should now be freshly set as the organizing principle of an alternative Japanese society to the elimination of the two other state principles. That would be the only way to restore consistency to Japanese polity. Defeating the current rightist attempt to revise the constitution is the necessary step toward this goal, but that would not stop there. What is contested is in which direction the PWJS should be overcome in what perspective. This will require us to free ourselves from the perceptive constraints of the PWJS, position ourselves *vis-à-vis* the global Empire the US is ushering in by force and dictation, and open ourselves to broader, transborder people’s alliances for another world order.