

# Governing Japan: The Perception, Influence and Theoretical Interpretation of Article 9 of the Japanese Constitution and What It Means for Its Security Policy in the 21<sup>st</sup> Century, If Revised

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## Abstract

This paper explores the perception, influence and theoretical interpretation of the Japanese Article 9 “Peace Constitution” enacted in the Japanese Constitution, and what it means for its Security Policy in the 21<sup>st</sup> Century, if revised. The Japanese Constitution of 1947, drafted by the United States of America while Japan was under their occupation, is one that the Japanese society over the past few years has been struggling with, that is, the stipulation of a time-frame for the revision of Article 9 of the Japanese Constitution. Analytically, the impact of a potential transformation of the Japanese Constitution Article 9 since its enactment might exacerbate the perception of Japan in East Asia and the international system, thus increasing and emphasizing various concerns bringing to the forefront the effects of a revised Security Policy in the 21<sup>st</sup> Century. The question of whether Article 9 of the Japanese Constitution should be amended, and if amended, how it should be revised to allow Japan to form armed forces for self-defense is an issue that has garnered numerous concerns over the years.

## Keywords

Article 9 of the Japanese Constitution, Perception, Influence, Theoretical Interpretation, East Asia, Revision, Security Policy, International System

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## 1. Introduction

Many changes have occurred around the world since the enactment of the Japanese Constitution Article 9, recognized as a pacifist ideal over the years. The

world in its entirety has seen the rise of terrorism, cybercrimes, the issue of nuclear proliferation, infectious diseases, and many countries spending extensively on its military forces in the hopes of ensuring that their national security is up to par in case of military attack in the international system.

Of interest, Japan is located in East Asia and “lies to the East of the Sea of China, North Korea, South Korea and Russia and also stretches to the Sea of Okhotsk in the North to the East China Sea and Taiwan in the South” ([Japan Physics Journal List-Omicsonline.org](https://www.omicsonline.org/physics-journals-japan/), <https://www.omicsonline.org/physics-journals-japan/>); this is relatively fascinating and unique, in that a country such as Japan, very developed, with the third largest economy in the world, has an Article in its Constitution that “outlawed the creation of armed forces and the right to make war” ([Japan: Interpretation of Article 9 of the Constitution, 2015](#)). Primarily, this has always been a midpoint of political deliberation since its enactment. Of further interest, this clause in its Constitution has never been amended and likewise against all odds with a world that has become easily provoked and rogue leaders on the rise taking drastic and careless risk to acquire power, Japan has been a very peaceful nation in Asia. However, recently there has been much deliberation regarding the possible revision of the Japanese Constitution and its Article 9. Consequently, what would be the possible scenarios in relation to Japan’s Security Policy, if Article 9 is revised?

There are many issues that are of paramount importance in the revision of Article 9 of the Japanese Constitution, yet without a doubt it affirms the peaceful state of the Japanese society. However, is it wishful thinking that Japan will remain a peaceful state in the years to come, despite accomplishing this feat for almost seventy-three (73) years amid political, social, economic, cultural and security issues, which have changed the face of the globe.

Scholar Mohwald states, since the end of World War II, all highly industrialized capitalist societies including Japan have experienced continuous waves of societal change and accelerated modernization ([Mohwald, 2000](#)). He further states that major changes have occurred in the Japanese society, especially in the fields of economy, lifestyle, education and the media ([Mohwald, 2000](#)). These changes he echoes have likewise been accompanied by changes in values or more generally, in Japanese social consciousness ([Mohwald, 2000](#)). Yet, open to discussion is whether the Japanese society is ready for the likely revision of Article 9 in this 21<sup>st</sup> century, which was enacted by their victors years ago. Although, Article 9 was enforced on the Japanese society it has become the defining element in how the Japanese society see themselves in relation to the rest of the world ([Middlebrooks Jr., 2008](#)).

Decades ago, in December 1941, Japan attacked the US naval base at Pearl Harbor and declared war, bringing the United States of America into World War II ([Stowell, 1942](#)). After the war ended, Japan was devastated and became occupied by the United States of America ([Kazuhiko, 2005](#)). The Japan Emperor

at the time also lost all political and military power. In an effort to assure that Japan would never again pose a threat to its World War enemies, the Japanese Government was eventually encouraged to amend the basic imperial principles of the 1889 Meiji Constitution in existence at the time (Manchester, 1978). Accordingly, General Douglas MacArthur, the supreme Commander (USA) of the Allied Powers was given the responsibility to reconstruct and transform Japan into a peaceful (demilitarized) and democratic nation, which it is alleged was stated clearly in President Harry Truman's policy statement called "Early US policy toward Japan after its capitulation" (Kazuhiko, 2005).

On October 1945, it was affirmed the Japanese Prime Minister requested a committee to research and amend the existing Constitution with the hopes of arriving at a new Constitution (Kazuhiko, 2005). Drafts were completed and sent to General MacArthur; however, it was said none met with his approval and in turn he requested his staff to draft a new Japanese Constitution in 1946, with amendments being made by the Japanese Government (Kazuhiko, 2005). Thus, it is further stated that MacArthur clearly stipulated that three specific points should be included in the Constitution; that Japan would abolish war as a sovereign right of the nation, war would be renounced as a means to settle disputes and as a means to preserve security, Japan would not have the right to build or maintain a Japanese Army, Navy, or Air Force, and would relinquish the right of belligerency (Kazuhiko, 2005).

Significantly, the Japanese Constitution also acknowledged the Emperor as the head of state, but he was stripped of any real power and essentially became a Constitutional Monarchy (Dower, 1999), in addition a bi-cameral legislature, the National Diet of Japan was established with an upper and lower chamber (Haruka, 2013). But the most unique and one of the most important provisions came in the form of Article 9 of the Constitution, which outlawed the creation of armed forces and the right to make war.

In effect, Japan was transformed in a pacifist society, from being able to protect its country militarily and go to war, to in a sense being unprotected militarily, and to that of an attitude of non-participation and non-interference in world affairs such as war related issues. Fundamentally, Article 9 of the Japanese Constitution enacted in 1946 and publicized in 1947, principally prohibits an act of war by the state. In essence, the Article basically reads:

The Preamble, Article 9 and Collective Self Defense

The Constitution's preamble states Japans' ideals with regard to security:

"We the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to

live in peace, free from fear and want” (Japan’s Constitution, 1946).

#### Chapter II Renunciation of War

#### **Article 9:**

“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 means of settling international disputes. 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” (Japan’s Constitution, 1946).

In the interpretation of the Preamble and Chapter 2 of Article 9 of the Japanese Constitution, it is meant for the Japanese society to maintain a peaceful society within which everyone it seems would have the normal right to live in peace without being suppress. Additionally, the clause which speaks to the Renunciation of War can be interpreted from the perspective that war would never be used as a means of settling international disputes, therefore based on further interpretation this means that Japan would have no military force and land, air, sea and air forces and other possible forms of warfare further interpreted to mean that nuclear weapons would not be maintained by the Japanese society and finally no aggression/aggressive, or warlike behavior would be recognized by the state. In its entirety, the enactment of Article 9 meant that the nation made a promise never to fight war against other nations and not to maintain land, sea or armed force capable of waging war. This principally, gives up the countries right to arm themselves and go to war militarily.

## **2. Perception and Influence of Article 9, the Security Policy of the Japanese Constitution**

In discussing the perception and influence in relation to Article 9 of the Security Policy of the Japanese Constitution, it is customary to refer to the way a society is perceived and the perception especially towards that of the Japanese society, a society secluded and different, which has persevered with this characteristic even today in the twenty first (21<sup>st</sup>) century.

The perception and influence of Article 9 of the Japanese Constitution, appears that some in the Japanese society are determined to preserve the mysteriousness of a country and its society that makes it somewhat distinct and unique to the outside world. For example: the vagueness and indirectness of its custom is often linked to the traditional Japanese values such as the importance of preserving harmony and group orientation (Nakane, 1970). Thus, in examining the perception and influence towards Article 9 of the Japanese Constitution from the nineteenth (19<sup>th</sup>) century towards present day, it is obvious that views within and outside the Japanese society has changed over the years and perceptions are now variedly different based on each individual’s distinct perception and own respective awareness of the reality of Japan in the international system.

It is understood that, individuals' perception of reality and experiences do have a direct influence on our viewpoints and in totality the outcome is usually astonishing based on our various perception of our open-mindedness, appreciative-ness, compassionate nature, reasonability, etc.

In respect, Elias states "an individual's perspective of life is made up of experiences, his/her knowledge about the world and the responses he/she receives from the questions he/she asked himself/herself (Elias, 1993). As a result of this, an individual's perception and truth gained from both internal and external world defines his physical output of internal life" (Elias, 1993). Consequently, in the Japanese society, terror remains strong in regards to rearmament. Accordingly, for those who remembered when Japan wielded military forces beyond its border are against rearmament. What this means is that, even today the fear of belligerence and of war is still very strong in Japan, since the pacifist foreign policy was shaped. On a whole, many Japanese feel that the lesson learned from World War II is that dependence on military power is self-defeating. Accordingly, the feeling exist that a strong military cannot be controlled and would eventually lead to the destruction of its democratic political ideology. Hence, this illustrates the way Article 9 is perceived within such a multifaceted and distinct culture and for the possibility of revision.

According to Bendini, modern-day Japanese foreign policy has not change overly much from that which was outlined in the last half of the (19<sup>th</sup>) nineteenth century and furthermore stated, the Japan's foreign policy was traditionally not driven by ideological orientations (Bendini, 2015). Rather, he affirmed, the challenge Japan faced and met, was to ensure its survival in an international system created and dominated by more powerful countries (Bendini, 2015). In reality, the Japanese Constitution essentially was never meant as a provision for Japan's security (Kimijima, 2009). However, in 1945 Japan's aggression was the greatest threat to peace in East Asia, thus the enactment of Article 9 of the Japanese Constitution in 1947, which signified a response to its antagonism (Kimijima, 2009). Since 1947, Article 9 of the Japanese Constitution has never been amended and over the years has garnered numerous arguments regarding its revision.

As we know, Article 9 is the most well-known clause in the 1947 Japanese Constitution, therefore garnering the title "Peace Constitution". In recent years, numerous arguments for and against its possible revision has occurred. The most vocal advocate for the possible revision of Article 9, is that of the Liberal Democratic Party (LDP) that governed Japan almost continuously since its formation in 1955, with the exemption of a period between 1993 and 1994, and 2009 to 2012. Consequently, making its intention known to revise the pacifist Article 9 of the Constitution that stipulates Japan cannot possess military forces, which would clearly define the status of the Self Defense Forces (SDF) in the Constitution, and further broaden the possibility of the right to self-defense. Of Significance, Japan's "Peace Constitution" is the oldest unamended Constitution in the world. Nevertheless, in recent years, changes in the region have set the

scene for a push by the LDP party to revise the dominant interpretation of Article 9 (Dixon & Baldwin, 2017). Accordingly, former Japanese Prime Minister Shinzo Abe have strongly indicated his intention to change this; to purposefully allow for new military platforms, and define the roles and mission for Japan's Self Defense Forces (SDF). Thus, in 2017 he announced his intention to amend the country's pacifist constitution by 2020, stating he wanted 2020 to mark a significant rebirth of Japan (Hornung, 2018).

In all, the influence of the Japanese constitution is wide-ranging in its scope and on close observation, it is apparently devised to make it difficult for any kind of amendment to occur, for instance, in 1954, the Hatoyama government was notably unsuccessful in an attempt at formal revision of Article 9 (Dixon & Baldwin, 2017). The difficulty for revision to occur, it seems is based on the determination of preventing Japan from returning to pre-World War II state of imperialism and militarism. But, in reality in order for amendment to even occur, it requires two-thirds (2/3) majority in both houses of the Diet. Then, the final step would require a national referendum, where a simple majority is required for revision of Article 9.

Further examination of the Constitution in relation to its perception and influence, reveal that different societies interpret Article 9 in different ways based on their own perceptions and influence. Resulting from the various interpretations of Article 9 of the Constitution is the perceived perception that the Japanese society cannot have military force of any kind; which brings to the fore-front the interpretation that Japan still needs to be protected militarily against any aggression or aggressive force in the international system. Without a doubt, immense changes have occurred in Japan since 1947, and the issues that contemporary Japan encounters today are more multifaceted than previously.

For years, the legality of Article 9 has been questioned. Political leaders of the LDP party have strongly advocated for the amendment of Article 9 of the Constitution, thereby questioning its legality; which stipulates that: "the Japanese people forever renounce war as a sovereign right of the nation" and "land, sea and air forces, as well as other war potential, will never be maintained" (Yoshida, 2018). But, the Self Defense Forces (SDF), which boast one of the largest defense budgets in the world, is in fact a potent military force (Yoshida, 2018). For many, Article 9 is deemed identical to a flawed clause. Undoubtedly, the Japan's constitution was written by occupiers, during a time when the Japanese society had lost all sovereignty after losing World War II. Nevertheless, if revision ensues, then under the revision, the sovereignty of peace for the Japanese society would become impossible.

In addition, the perception and influence of the legality of Article 9 of the Constitution is that if this clause is revised then all the other clauses of the Constitution would also need to be revised. This is, because all the clauses of the Japanese Constitution are all interconnected and written specifically to protect the society from military aggression or aggressive force. On a whole, most Japa-

nese citizens are very cautious about changing the Constitution, and revision would probably lead to confusion within the society and the international system.

Historically, the Japanese national identity is deeply shaped by the historical experience of World War II and the lessons learned. The resistance to change is additionally grounded on the perception that the Constitution is deeply rooted in Japanese life and connected to their identity. Which in effect, it seems is a reminder to the nation to continue to deter from conflict and to give meaningful value to society. Important to understand, is that moderately few Japanese have felt Japan has been under any credible foreign threat that would make its pacifist approach obviously unrealistic (Beer, 1998). But, in light of not being able to have military force of any kind; the question remains, what then is the alternative in protecting the Japanese society from military aggression or aggressive force if it is threatened.

### 3. Debates Surrounding the Revision of Article 9 of the Constitution

The debates' regarding Article 9 of the Constitution is not a new occurrence and over the years the debates have intensified and gained strength. Contemporary efforts by former Japanese Prime Minister Abe in relation to the revision of Article 9 Constitution postulated a time frame for revision by 2020. Accordingly, the pacifists, mercantilists, normalists, and nationalists have all been relentless in their lobbying for the revision of Article 9. Arguments have varied from all four categories, ranging from the assertion that Article 9 should be maintained; the Self Defense Force (SDF) is unconstitutional and Japan should not participate in overseas operations; the Self Defense Force (SDF) is constitutional, that of wanting a revision of Article 9, and a clear role for the Self Defense Force (SDF); to demanding the remilitarization of Japan and complete independence (Article 9 of the Japanese Constitution).

In actuality, an important question is, can Article 9 and the preamble be revised? It is said that the United States of America during the time, made it difficult to amend, basically to prevent the Japanese society from returning to the pre-World War II situation of imperialism, militarism, and restrictions on democracy. However, according to Hughes, the Constitution contains Articles stipulating the procedure for its amendment, despite the fact that the United States made it difficult to amend (Hughes, 2015). Thus, Article 96 in fact provides that an amendment to the Constitution can occur, but can only be made by a two-thirds (2/3) affirmative vote in both houses of the Japanese National Diet and with ratification by a majority of the electorate (Japan's Constitution of 1946). *Nevertheless, research has shown that so far no political party has ever been able to garner the needed two-thirds (2/3) vote of both houses of the Diet that is required for revising the Constitution.*

In fact, this is what amending Article 96 of the Constitutions states:

## Chapter IX: Amendments

### Article 96:

1) “Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds or more of all the members of each House and shall there upon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or at such election as the Diet shall specify” (*Japan’s Constitution of 1946*). 2) “Amendments when so ratified shall immediately be promulgated by the Emperor in the name of the people, as an integral part of this Constitution” (*Japan’s Constitution of 1946*).

Subsequently, why then is there now such a debate for Article 9 and the preamble to be revised?

We recognize that the debate for revision has been ongoing since its inception; however, one main reason for the continued debate, is that the Liberal Democratic Party (LDP) of Japan have stated clearly that they would like an extra clause to be added to authorize the use of force for the purpose of self-defense against aggression that would be directed against the Japanese nation; thus the call for Japan to reorganize its Japan Defense Policy to feature armed militia. Hence, scholar Martin states, much of the controversy surrounding Article 9 has been related to the existence and increasing size of the Self Defense Force (SDF) (*Martin, 2012*).

But in reality, Japan do have a Self-Defense Force (SDF), however based on Article 9, it purposely has prevented and effectively kept Japan from dispatching the Self Defense Force to war zones. Further question is, how is it then possible that Japan, for example, have sent military forces to assist the United States in the war of Iraq in 2003 and Afghanistan in 2001, if it cannot use military forces? In respect to this, the military forces sent by Japan to assist the United States, in these two wars, Self Defense Forces (SDF) was not involved in military combat but was logistical in nature; meaning support were given in the area of transport, supply, maintenance, medical services, guard duty and communications etc. So, under the United Nations (UN) sponsorships, Japan can participate in overseas peace-keeping operations (*Beer, 1998*).

Moreover, Japan’s participation must be welcomed by the parties to cease-fire arrangements as a neutral party, in addition Japanese Self Defense Force (SDF) personnel may use firearms (restricted to small arms) only to prevent injury or death, and that Japanese participation will stop if the cease-fire is broken (*Beer, 1998*).

Essentially, an alternate argument for the revision of Article 9 is that of pride. Pride in that of a society having strong feelings, and a sense of pride, of having a constitution formulated by the Japanese society, rather than of one being forced upon them by another country. Nevertheless, even though, many people within the Japanese society have mixed views towards Article 9, on a whole many do



feel that the Constitution needs to be updated to reflect the current domestic and international situations, since realistically there is no way it can still be applied to current times. Therefore, the big question is, what if Japan is attacked, would Japan be able to defend itself without having military force of its own. Thus, based on this inquiry, many scholars have argued that change in Article 9 is without a doubt necessary.

#### 4. What Would Change If Possible, Revision Occurs

No modern current world power was more aggressively militaristic or culturally more adulatory of military virtues than Japan before August 15, 1945 (Beer, 1998). Nowadays, modern-day Japanese society's interest in military force is of the lowest importance and many Japanese take tremendous pride in this. Beer states, Japan has in practice and in policy brought to its own international relations and to world politics a seriously proposed assumption that radical renunciation of war is not only an acceptable and desirable option, but also an imperative and realistic option for some countries, large and small (Beer, 1998). Beer further stated, Japan's record shows that peace, security and great power status need not depend heavily on military power and that war or quick aggressive behavior and responses to foreign provocations in violation of international law is not a common sense necessity for national security (Beer, 1998).

Essentially, what changes would then occur, if Article 9 is revised? Clearly, if Article 9 of the Constitution is revised then it will not only affect the size, composition, and mission of the Japanese "Self Defense Forces (SDF), but it will definitely affect peaceful relations in the East Asian region and the traditional alliance with the United States of America. Moreover, it will also destroy one of the most important models of a demilitarized state that the world has ever seen. Nevertheless, given that there are and have been such strong debates for its revision and specifically for the establishment of armed forces; is there in fact a need for Article 9 of the Constitution to be revised? We should keep in mind, that many would say yes there is the need for Article 9 to be revised with remilitarization, therefore on these basis arguments for and against its revision and remilitarization will be discussed and the changes will be outlined if revision occurs.

Various scholars have stated that since World War II, Japan has shown no indication that it has any war-like potential, and the country has concentrated primarily on economic growth making it one of the strongest economies in the world today. But there is no denying that changes have occurred within the Asian region, resulting in various different threats, for example: Chemical and biological weapons, cyber threat, territorial claims, etc., and Japan has had and still has territorial disputes with most of its neighbors, including Russia, South and North Korea, China & Taiwan Province. On a whole, China is perceived as a new threat given it has been spending a lot on military and building its military army; which almost every country in the international system aims to achieve, increase military power. It is said that "China is another menace "lurking" in Ja-

pan's neighborhood" and has the nuclear capability and given its explosive economic growth has disguised its underlying instability (Gibbs, 2010). Gibbs further states that "under the surface, China is a political matchbox ready to ignite at a moment's notice" (Gibbs, 2010). But, over the years, the relationship between both countries have not been so stable, and issues such as ongoing territorial dispute over a group of uninhabited islands known as the Senkaku islands and the Diaoyu islands, and China protecting North Korea from the brunt of the international reaction to its continuing nuclear program adds to the shaky relationship, and call for concern in the international system. On a whole, these changes in the East Asian region, have highlighted Japan's vulnerability, which also shapes its perspective on defense, to fully exercise the right of collective self-defense, that would equally exacerbate relations in the region.

#### **4.1. Discussion Surrounding Japan and the United States Alliance**

In addition, there have been many concerns within Japan about the United States of America's devotion to its role as Japan's protector. As we know, the U.S. & Japan alliance is the foundation of the U.S security interest in Asia and is central to regional stability and prosperity (U.S. Relations with Japan, 2020). In retrospect, the alliance is based on shared vital interests and values, which includes the preservation of stability in the Indo-Pacific region, the preservation and promotion of political and economic freedoms; support for human rights and democratic institutions; and the expansion of prosperity for the people of both countries and the international system as a whole (U.S. Relations with Japan, 2020). Yet, regardless of the alliance between both countries, most Japanese feel it is time the Japanese society abandon the old security treaty between the two countries, in effect exchanging it for a new treaty, in which both countries would share equal responsibilities. Yuko Nakano, a research associate at the Center for Strategic and International Studies, illustrated that "when there was a North Korean Taepo Dong missile launch in 1998, a conspiracy theory appeared in the Japanese press that the United States was aware of the launch but didn't inform Japan in a timely fashion" (Beer, 1998). Over the years, this and other repeated ballistic missile and nuclear weapons tests by North Korea highlights the potential threats, and defenselessness of Japan, which, in effect precisely highlights Japan's push for revision of Article 9 and remilitarization.

Over the years, Japan has also begun to suffer heightened scrutiny and pressure for its pacifism, which has come from a variety of sources both within Japan and the International community. Accordingly, it is said that the United Nations (UN) council have stated that Japan has not been pulling its weight globally and should shoulder greater burdens through expanding its contributions to international peacekeeping operations. Thus, United Nations (UN) supporters argued that if Japan pursues a greater military role within a multilateral framework, this will raise fewer concerns for its neighbors (Kiyoshi, 2000), which in essence is a very big assumption that in pursuing greater military role within multilateral

framework would diminish the concerns of its neighbors. In effect, Ozawa believes that “Japan’s peace activity has no other way but to work primarily with the United Nations (UN) the sole peace organization of which all countries of the world are members”, and so proposes amendment to the Constitution (Kiyoshi, 2000). He further states that the Japanese people must take the lead to participate in the peace activities of international society in order to maintain or restore international peace and security, and must actively contribute to the creation of peace by all means including the provision of force (Kiyoshi, 2000). In Ozawa’s opinion, he felt that Japan should retain its Self Defense Forces to ensure Japan’s ability to repel a direct attack on the home islands while also strengthening its cooperation with the United Nations (UN) in its peace operations and establish a United Nations (UN) Standing Force in Japan (Kiyoshi, 2000).

Regardless of the United States being responsible for Article 9 of the Japanese Constitution; numerous arguments have risen, arguing that the United States would not possible be against Japan revising Article 9 and remilitarize. But, following a meeting of the United States & Japan Security Consultative Committee in 2013, the United States publicly reaffirmed its desire for the new interpretation, issuing a joint statement that it “welcomed” the Japanese government reexamining the legal basis for its security including the matter of exercising its right of collective self-defense (Richter, 2016). Therefore, in respect to Bradley Gibbs and other scholars, they have reiterated the sentiment that the United States has been in favor of remilitarization for some time (Gibbs, 2010). Given the probability that the United States military resources are spread thin, based on its military presence in Iraq, Middle East, Afghanistan, etc.; thus it is felt that there might be a difficulty for the United States to continue to offer the needed level of protection that Japan might need in the 21<sup>st</sup> century in comparison to that of the past, in case of an attack.

#### **4.2. Possibility of the United States Supporting the Revision of Article 9**

But then again, there is the question of why would the United States be possible in support of revising Article 9 of the Japanese Constitution?

The reality is, there are major concerns regarding the risk of the United States disengagement from East Asia. On a hold, the reduction of the United States interest in Japan, and the possibility of Japans support for the United States diminishing its security presence would be deemed a security crisis in the region, thus resulting in an alliance breakup. On this basis, there is strong argument that Japan should rather expand its military contributions to the alliance instead and exercise the right of collective self-defense in order to increase the United States trust in Japan and further stabilize and strengthen the alliance further. Of importance, all countries have the sovereign right to govern its own military. But in the case of Japan this was forcefully taken from them to some extent with the

formulation of Article 9, the “Peace Constitution”. Yet despite this, Japan thus far have remained loyal throughout the years to the United States.

Nonetheless, arguments against revision and militarization of Article 9 are few. But, such argument against revision stems from the stand point that Japan is seeking to distance itself from World War II guilt rather than to take responsibility for its actions, thus the refusal to consider revision and remilitarization. It is stated that Abe’s move to amend Article 9 will fail, as it should (Kelly, 2008). Furthermore, the time is not right, the provocation is not worth the perceived benefit, and the homework has simply not yet been done for Japan to renounce the pacifism clause of its constitution (Kelly, 2008). Additionally, it is put forward that, if Japan revises Article 9 and acquire nuclear weapons this will cause regional tension and possible an arm race in Asia, which would lead to greater conflict. Moreover, since the United States have officially announced its commitment to protect Japan from nuclear attack, Japan will keep on receiving its protection and continue to rely heavily on the United States for nuclear protection further strengthening their alliance. For Michael Green, he emphasizes the importance of incremental change in the Japanese redefinition of the use of force (Green, 1997). He further argues that while recognizing the right of collective self-defense, Japan should continue its primary defensive role within the alliance (Green, 1997). Nevertheless, Japan should not simply pursue its redefinition of the use of force within the current alliance framework (Green, 1997).

## 5. Theoretical Analysis

So, why does Japan’s neighbors still distrust Japan so strongly and is absolutely against the revision of Article 9? The main reason gathered is that the Asian community feels, the Japanese government has still not sincerely expressed an apology for its past militarism. Humility is the gold standard for acceptable contrition, and Japan has simply failed to achieve this—Tokyo’s repeated apologies are not convincing and do not match the government’s action.... (Kelly, 2008). To some degree, this might also explains why Japan’s efforts to become a permanent member of the United Nations Security Council (UNSC) have met with such resistance. Equally, its neighbors believe that an empowered Japan would use its newfound power unwisely instead of using it to promote peace.

However, with all respect, praise should be accorded to Article 9, because it has acted as a restraint on the militarization of Japan, and its maintenance of peace for years. Moreover, the Japanese government has so far adopted and maintained what it calls an “exclusively defense-oriented policy” that has limited Japan’s Self Defense Force (SDF) capability to the “minimum necessary level” (Constitution and the Basic Defense Policy & Japan Air Self-Defense Force, 2018). In principle, the Japanese government cannot employ defensive forces unless and until another country mounts an armed attack on Japan (Feffer & Kawasaki, 2007). As such, Japan in its entirety cannot in no way pose a threat to the security of other countries. Besides, being prohibited from sending Self De-

fense Forces (SDF) overseas for the purpose of using force (Feffer & Kawasaki, 2007), Japan can still send Self Defense Forces (SDF) overseas, but only to serve in the capacity as United Nations (UN) peacekeeping and humanitarian operations for peaceful purposes, since they are bounded to comply with the decision of the United Nations Security Council (UNSC) by virtue of Article 25 of the U.N. Charter (Nasu, 2004).

It is recognized that the Security policy of Japan is very multifaceted and wide in scope and since its inception, has acquired numerous critiques in many forms. Fully recognized, is the originality of the Japanese Constitution. Nevertheless, whether Japan will remain a non-violent state or become a violent state, if Article 9 of the Japanese constitution is revised will be analyzed theoretically.

Why has Article 9 of the Japanese Constitution remains exclusive to change, despite the many reasons why revision should occur? In regards to the possible revision of the Japan's Constitution, the realist and constructivist approach are two holistic theories integrated in this spectrum to analyze the theoretical interpretation of Article 9 of the Japanese Constitution.

In respect to the constructivist approach, it assumes that interest and identities have a powerful effect on a nation's security policy. Thus, the constructivists argue that a state's international and domestic political experiences may produce norms or a "culture of antimilitarism", an aversion to the military establishment and the use of military force, which becomes entrenched through the development of institutions and laws (Lind, 2004). The constructivists further hold that in an antimilitarist state, like that of Japan, proposals to expand military capabilities or roles will confront opposition from the general public and political groups, and will run up against institutional or legal restraints; which in essence these factors will obstruct proposals for military activism (Lind, 2004). For that reason, constructivist's scholar argues that the "culture of antimilitarism" that developed in Japan after its surrender in World War II led it to adopt a highly restrained foreign policy and to renounce the development of offensive military forces (Lind, 2004). Therefore, in the eyes of the constructivists the Japan's postwar behavior, demonstrates the potential for domestic politics and norms to determine a state's security policy (Lind, 2004).

Nonetheless, from a realist perspective, realist's scholars have predicted that Japan will eventually behave as a "normal" great power (Lind, 2004). Besides, Japan has obviously continued to show great self-control, but then again, the possibility exists that this might change in the near future if the Japanese politicians are able to revise Article 9. Primarily, other scholars argue that it was Japan's disastrous World War II defeat that created antimilitarist norms more than the international system, which shaped Japan's postwar security policy (Lind, 2004). Katzenstein on the other hand argues that "there exists no observable relation 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" (Akitoshi, 2006).

In addition, from the framework of the realist who focuses on anarchy and its effects on state behavior. The offensive realism posits that anarchy causes great powers to seek regional hegemony, while recognizing that aggressive foreign policies are unwise under some conditions and that security is sometimes best achieved through restraint (Lind, 2004). Similarly, the defensive realists believe that states must be vigilant in an anarchic world (Lind, 2004). But unlike the offensive realists, they argue that expansionism is usually counterproductive; the use of force tends to trigger countervailing alliances, and defense is easier than offense (Lind, 2004). Thus, in analysis the realists support for maintaining an armed force for self-defense purposes in the event of international disputes, which essentially apply to Japan militarism.

But Japan's debates surrounding the issue of Article 9 and its revision has garnered negative and positive criticism coming from countries in East Asia and China, given that they have had firsthand experience of Japanese imperialism in the past, regardless of the fact that, "the change Japan seek to undertake has little to do with striving to become a military hegemon in the region" (Lind, 2004). Obviously, this should settle fears amongst the region and create a chain of communication to establish trust, support and overall strengthen bilateral relationships. But it is felt that if Japan carries out the planned amendment of Article 9 without listening to voices from outside, it will surely put the peace of East Asia in serious jeopardy of destabilizing the region as a whole. Equally, if Japan wants to actively promote peace in the region, it should first respect the pacifist voices from within its own boundary before anything else, and should sincerely apologize to its neighboring countries for its past imperialism. Scholar Mike Mochizuki notes that, China will dislike whatever changes Japan proposes in how it will exercise the right of collective self-defense and will always perceive it as a sign of Japan's remilitarization (Kiyoshi, 2000).

## 6. What Does Revision Mean?

In short, if Article 9 is revised and remilitarized, then the Japanese self-defense force would become a normal military force and be allowed to engage in military operations, instead of participating in non-combatant United Nations (UN) peacekeeping and operations for the United States. Secondly, Japan would be forced to change its policy on its arms trade control measures. Therefore, there would be no restrictions or prohibition on possessing, producing or permitting the introduction of nuclear weapons into the country. Another implication of revision, would with high probability damage the international relations with its neighbors, namely China, North Korea and South Korea and thus have serious repercussions in the international system.

In light of China's growing economic and political influence in the region and North Korea's recent emergence as a nuclear-armed power, the unsettled question of Japan's lawful ability to send military forces across national boundaries would represent another unwelcome and destabilized factor within the international politics of East Asia. Essentially, the peoples and political leaders of those

countries have not forgotten Japan's actions of brutal imperialism during World War II (McArthur, 2009), and remain mistrustful and antagonistic towards Japan to this day. Undoubtable, Japanese Article 9 is very crucial in the preservation of normal relations with Japan's neighbors by strongly encouraging Japan's commitment to international peace and cooperation. But, although the revision of Article 9 would result in implications, there is no doubt legal implication would also be attached, thus other clauses within the Japanese Constitution in addition to treaties would also be affected by its revision, leading to much more revisions.

## 7. Conclusion

In concluding, it is apparent that Article 9 of the Japanese Constitution is an issue that is in need of immediate resolution. Many believe that if revision takes place then the possibility exists; Japan will become an aggressor again. But there is no doubt that Japan has the sovereign right to amend its Constitution. Importantly, all should remember that Article 9 is just not only a part of Japan's Constitution; it is also a promise of peace to its neighboring countries. In particular, to those countries that experienced hardships at the hands of Japan's past colonization and expansionist wars, through this Article, Article 9 has pledged "the renouncement of war, of war potential of belligerency" (Japan's Constitution, 1946). The reality is, without the cooperation of its neighboring countries, any revision of Article 9 may well "revive the spirit of Japanese militarism" and consequently threaten peace in the entire region (Japan's Constitution, 1946). Finally, it is obvious that Article 9 of the Japanese Constitution capability will continuously be questioned; the uncertainty of what will happen regarding Article 9 in the future has strong potential to create further enmity towards Japan in the region.

## Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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