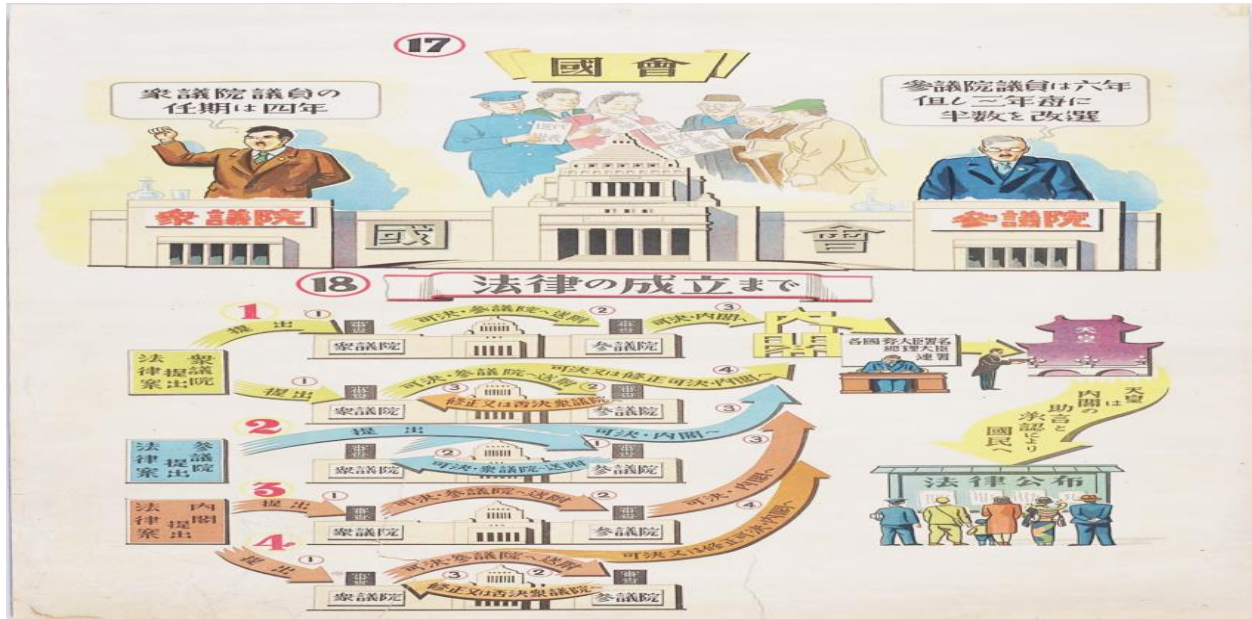


# Pragmatism and Situation Drive Sensical Nature of Constitution Debate

Matthew Neapole | Feb 28<sup>th</sup>, 2022



Japan is acting pragmatically and intelligently in the Indo-Pacific, forging closer ties with states across the region and beyond. It is acting pragmatically, not dangerously, when leaders and others advise a revision of the Constitution, not a fanciful “return to militarism.” This discourse is frequently involved in circular moral quagmires. The argument here, therefore, is not that Japan should, or should not, have this debate—while outside opinions are welcomed and valued, the truth is that no matter the semantics involved, the decision is for the Japanese to determine. The ground is ripe, and sensical, for the debate to come to the fore.

The debate around this issue has existed for decades and is covered extensively in other publications and posts. With that being said, what is new about events occurring presently is that there is, first, real political support growing for changes to the Constitution, and second, that these changes would be internationally supported by a growing number of states. Similarly, and finally, idealistic stances aside, the international security situation surrounding Japan, and other states in the region, necessitate and demand a more pragmatic and open-eyed approach. In short, Japan cannot afford to be naïve—and nor can other partners, who are invested in a rules-based order.

First, the [domestic political roots](#) of the debate are decades old, but, though simplistic in nature, the change is often thought of as the outgrowth of debate on the subject from Prime Minister Shinzo Abe's time. He symbolizes the debate, but the conversations had been occurring for years before. In fact these discussions have continued after his tenure, as demonstrated by all major Liberal Democratic Party (LDP) presidential candidates in favor of at least [discussing](#) the Constitution. Furthermore, as detailed in the book by Japan-expert Sheila Smith, *Japan Rearmed*, an important part of acceptance of the use of the Japan Self-Defense Force (JSDF) has been in the outlook surrounding its efforts in combating the Hanshin Earthquake—or lack thereof, and the restrictions that slowed them from acting quickly to help during the catastrophe. Though some changes were made to help during disasters and the JSDF were better prepared during the “Triple Disasters” in 2011, recognizing these self-imposed restrictions, notably the requirement to pass a law every time the JSDF was used, has domestically highlighted the hold the Constitution has.

Furthermore, domestic polling demonstrates that [the majority of Japanese](#) want Japan to be strongly engaged in stability in the Taiwan Straits—this, coupled with the fact that half of Japanese voters would be open to revising the Constitution to at least [legalize the JSDF](#) and that over three-quarters of recent election winners support [amending the Constitution](#). Additionally, the pro-revision Nippon Ishin is now a political force to be reckoned with, demonstrating a new phase in the domestic debate.

Second, Japan's international partners are either making the ground ripe for Japan to need to act on the Constitution, to free up cooperation, or openly calling for such revisions. To address the first point, there are numerous states, whether in the region or outside, that have, through actions or words, encouraged a shift away from the current Constitution. For example, in all currently published Indo-Pacific strategies, Japan figures prominently as a hub for the region. These include the [European Union](#) and European countries at large ([France](#), [Germany](#), [Netherlands](#), and [United Kingdom](#)). Australia, as recently as this January 2022, [signed a reciprocity agreement](#), signaling a desire for Japan to be more active in patrols outside of its immediate theater. Association of Southeast Asian Nations (ASEAN) members, such as the [Philippines](#) and [Vietnam](#), have frequently requested a more robust Japanese presence in the region. In fact, Vietnam already holds 2+2 talks with Japan, and there is a possibility that the Philippines [may begin to do the same](#). Statistics also show that Japan is the [most trusted security partner](#) in the region for Southeast Asian countries. The people of Taiwan, despite Japan's colonial past there, also [believe that there would be JSDF involvement](#) in support of the island's democracy, should a military conflict erupt.

Finally, the security and general international situation that Japan faces is one that is forcing Tokyo's hand toward a realistic approach to Japan's

Constitution. Simply put, the arguments that were once used, such as that there is no need for a strong military because of US guarantees, or that encroachments into Japanese territory could never occur, are no longer as immutable. The unipolar moment is gone, and history has returned. While American support in the event of a conflict is guaranteed by the [US-Japan Defense Treaty](#), it is becoming increasingly apparent that Japan must act more freely and with less restraints. Furthermore, the Trump administration seemed to have impressed upon Tokyo the need to diversify Japan's security commitments, and since that time, Japan has begun to actively pursue closer security dialogues with other actors.

This is all ignoring the fact that, whether one agrees with the system or not, Japan is heavily invested into the so-called "rules-based order." If this system is abused and weakened, so too would Japan's standing, as it is this system that helps to keep Japan prosperous. Not to be forgotten, but as a partner to many others, it is in Japan's interest to ensure that their safety is also guaranteed. This is another reason why Taiwan [plays a role in Japan's security](#), and places in context why former Prime Minister Abe was so forthcoming in his comments about the island.

Finally, the security situation surrounding Japan is forcing the necessity of at least reviewing the Constitution. As previously noted, it was during former Prime Minister Abe's time that recent calls for reform have heated up. What is lost in the shuffle of laying responsibility on Abe, whether good or bad, is the fact that during this time, which roughly corresponds with Xi Jinping's leadership in China, there has been a marked rise in Beijing's assertiveness in the region. Included in the geographically inclined moves Beijing has taken are uncountable encroachments upon the Senkakus, the unilateral extension of the "Nine-Dash Line," ignoring the International Court of Justice's ruling that the Nine-Dash Line was and is illegal, repeated clashes with Southeast Asian states such as Vietnam, and bloody border disputes with India. One could look north, to Russia, which, during the same period, has thrice invaded neighboring countries—Ukraine and Georgia—stalled territorial return discussions in the Northern Territories, and in connection to which, continuing deadlock on signing WWII peace between the Russia and Japan. Even now, Russian forces are invading Ukraine. Finally, what country on the planet would not feel a threat when a [missile](#) is fired over its territory by a nuclear-armed country that frequently threatens surrounding states? In January 2022 alone, North Korea has [conducted more missile tests in January 2022—seven—than it did in the entirety of 2021](#). North Korea, demonstrating its unreliable nature, has alternately vacillated between seemingly well-meaning dialogue and menacing missile launches, in addition to roadblocks on returning abducted Japanese citizens.

However, it will most likely be the threat to Taiwan that will bring to the fore the necessity for constitutional reform in the policy establishment and the

public's, mind. The explanation for this is twofold. First, and most importantly, Tokyo perceives Taiwan to be a "[front-line](#)" of sorts in relation to Japanese security. This view is held to be both worldview-wise, insofar that both nations espouse support for democracy and a rules-based order. It is also a hard-security calculation, in that the fall of Taiwan would exacerbate the territorial pressures on Japan and simplify further efforts to blockade Japan economically, as control of Taiwan would give Beijing reach past the "First Island Chain" and further tighten control over the South China Sea and the valuable trade routes that keep Japan economically alive. In addition, the simple momentum of other states such as Australia and the United States, both key allies of Japan and edging closer to Taiwan, will most likely ask from Japan a stauncher stance and support. This more active support is hamstrung by the current parameters of the Constitution.

On a final note, there needs to be clarification on what is being debated. Most of the debate is focused on rectifying the legality of the JSDF—to, in effect, as the LDP presidential race exemplified, make the JSDF unambiguously legal. It is not a no-holds-barred jingoistic push to raise [defense spending](#) to astronomic levels (the highest suggestion so far has been to bring it to 2 percent—the baseline suggestion put forward by NATO). All of this, not to mention the fact that, for the past 70-plus-years, Japan has been a model international actor, contributed billions to development, with a marked focus on the regions or countries it harmed during World War II, and has been a constant support for a rules-based order. These are not the actions of a rapacious, militaristic society, nor of one that could, through some sort of societal sleight of hand, shift into one.

Simply put, in the end, the momentum is growing for a revision to the Constitution in the near future. The reasons why are not simple, ranging as they do from personal, domestic, and foreign politics, as well as the security situation in the Indo-Pacific. Recognizing the reality of this situation is one step toward properly assessing what to do when Tokyo finally does take this step.

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