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Author(s)	Tseng, Henrick Z.
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Reinterpretation of Japan's Constitution: The Limits of Abe's Ambitions

By Henrick Z Tseng

Synopsis

Japan recently reinterpreted its Constitution to allow for collective defence with its allies. Notwithstanding Prime Minister Shinzo Abe's strong political position the subsequent protests and decline in Mr Abe's approval rating will likely constrain his efforts to amend the limits placed by the Constitution.

Commentary

ON 1 JULY, the Japanese cabinet passed a resolution in effect reinterpreting the country's pacific constitution to allow collective self-defence – the provision of military aid to a country “in a close relationship with Japan” that is under attack. However, there have been public protests in Japan against the move, including a man who set himself on fire in downtown Tokyo. Moreover, by the end of July, public polls revealed that Prime Minister Shinzo Abe's popularity has plummeted to lows not seen since his 2012 re-election.

The Abe administration originally intended to implement the reinterpretation by revising defence laws to allow for the Japanese Self-Defence Force to participate in collective security by the autumn of 2014. However, recent remarks made by the Chief Cabinet Secretary implied that these would instead take place over a year.

Mr Abe's political position, especially compared to his predecessors, is nevertheless still relatively secure, providing some political capital to proceed with the implementation of the reinterpretation. However, he will struggle with those efforts in coming months due to the underlying dynamics constraining his ambition to amend the limits placed by the Constitution.

Favourable Circumstances

It would appear that circumstances, both internal and external, are on Mr Abe's side. Firstly, much of Abe's popularity is predicated on his hawkish stance against China with the backdrop of an increasingly uncertain security environment. With the festering territorial dispute over the

Senkaku/Diaoyu islands and Japanese fears of China's military rise, Mr Abe's assertive stance against China has earned him political capital at home. This makes his constitutional ambitions, which could be perceived as measures to counter China, more palatable to domestic audiences.

Secondly, constitutional reinterpretation is supported by the U.S., which has for years pressed Japan to play a more active military role in the region. This has also found support in other countries such as the Philippines, which is itself embroiled in territorial disputes with China.

Thirdly, Mr Abe's political position appears unassailable, given that his approval ratings across the nation have generally been much higher than those of the previous five Prime Ministers. The opposition parties appear fragmented and unable to mount a viable challenge against any moves made by the ruling Liberal Democratic Party (LDP).

Political Limits

But behind this image of wide popularity and propitious circumstances, cracks have been evident even before the constitution's reinterpretation. These have been laid bare by the recent protests against the reinterpretation, as well as Mr Abe's plunging popularity, which point to underlying dynamics that may well put significant constraints on the passage of the legislation.

One of these factors is the state of Japanese society itself. Much has been said about the "right-wing drift" and increase in nationalism within Japan. However, local polls have shown that the proportion of Japanese people not in favour of constitutional reinterpretation generally exceed those who support the move.

Together with the recent protests, this suggests that many Japanese still subscribe to the notion of a "pacifist" Japan and are wary of any move towards remilitarisation. Moreover, there has been much outcry at the way the Abe administration passed the reinterpretation without any public consultation.

Such reservations extend within Japan's political sphere as well, dominated as it may currently be by the conservative LDP. In the run up to the 1 July decision, the LDP's junior coalition partner, the New Komeito Party, had in fact blocked several of the LDP's proposals and forced the LDP to make concessions during negotiations. For example, any allusion to Japan's involvement in collective security operations necessitating military force was dropped as a result of opposition from New Komeito.

This may also point to cracks in the LDP's apparent political dominance which may have been building up from even earlier. In late 2013, Abe's administration passed a state secrecy act that resulted in widespread outrage arising from concerns that it would undermine information freedom. By the end of the year, Mr Abe's approval ratings had dipped to its lowest point since his re-election.

Mr Abe's own initiatives to boost the Japanese economy, dubbed "Abenomics" by some, have also been thrown into uncertainty. A widening trade deficit, a failure to reach a 2% inflation goal and other indicators suggest potential problems with "Abenomics". Despite their economic dimension, such concerns can translate into political trouble when the livelihoods of ordinary Japanese are affected, restricting Mr Abe's room for manoeuvre in actions that require political support.

Implications for Further Legislation

Given these constraints, the Abe administration would face obstacles to its efforts to pass further legislation enabling collective self-defence. It is likely that it will have to focus more on the economy than on security matters in the aftermath of the constitutional reinterpretation as a way to repair its reputation and prevent its further slide.

That is not to say that the administration would be wholly unable to push through further legislation. While current approval ratings are at their lowest point since Mr Abe's re-election, they are still higher

than those of his predecessors when they left office, while opposition parties remain too weak to challenge the LDP. As long as the security environment remains volatile, not least due to Sino-Japanese tensions, there will always be a measure of support for constitutional reinterpretation. A major incident between China and Japan would undoubtedly lend these efforts greater impetus.

Mr Abe will nevertheless need to pay greater heed to political undercurrents and public sentiment in the coming months as the legislation for collective self-defence is further debated, in effect placing limits on his ambitions to steer Japan to become a country with a more “normal” military.

Henrick Z. Tsjeng is an Associate Research Fellow with the Maritime Security Programme of the S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University.

Nanyang Technological University
Block S4, Level B4, 50 Nanyang Avenue, Singapore 639798
Tel: +65 6790 6982 | Fax: +65 6794 0617 | www.rsis.edu.sg