

Statement by the Law Section of the Association of Democratic Scientists  
on the 60th Anniversary of the Japanese Constitution

May 3, 2007

Today is the 60th anniversary of the Japanese Constitution. In January 1946 before the Constitution's enactment, the Association of Democratic Scientists, which is the parent organization of the Law Section of the Association of Democratic Scientists (LSADS), was founded in expectation of "the growth and establishment of Japan as a democratic nation" and for the purpose of making a contribution in the capacity of scientists to "the welfare of the Japanese people and to world peace" (Article 2 of LSADS bylaws). The Japanese Constitution has passed these 60 years of history with the LSADS and is now buffeted by political winds in Japan and abroad. It is at this juncture that the LSADS confirms anew the Constitution's positive significance, calls for continuing to uphold and advance the Constitution, and sets forth its view on this matter as follows.

1. On the basis of contrition for the war of aggression which brought immense suffering to the Asia-Pacific region and the rest of the world, and to the people of Japan, the Japanese Constitution incorporates ideas that have been developed by humanity over many years, such as permanent peace, the principle of sovereignty residing in the people, the guarantee of basic human rights, parliamentary democracy, and local self-government. Some of the provisions are milestones in world history, such as Article 9, which expressly renounces war and the force of arms for all time, and says that Japan will not maintain war potential, as well as provisions for guaranteeing extensive human rights such as many civil liberties focusing on respect for the individual, the ample guarantee of criminal rights, equality of the sexes, and the right to life.

This Constitution is sustained by the expressions of support from citizens who seek peace on the basis of their tragic experiences of war, such as damage from the

Hiroshima and Nagasaki atomic bombings, and expressions of support from people in other Asian countries, who suffered severe and extensive harm because of Japanese aggression. Additional support has come from the citizens, whose role over the past 60 years was to continue the never-ending effort that turned back each threat to the Constitution's principles of peace and democracy.

But now there is a push that grows in strength with each passing day to change the Constitution, especially Article 9. Efforts to create a system for deploying the Self-Defense Forces abroad, such as with the Peacekeeping Operations Cooperation Law and the Japan-Area Situations Law, have been further reinforced with the Antiterrorism Special Measures Law, Special Measures Law for Iraq, the Armed Attack Situations Law, and other legislation. Japan is especially trying to institute a system for joint operations with the US military. Not long ago the Defense Agency was promoted to the Defense Ministry and given greater authority, while amendments were made to the Defense Agency Act and the Self-Defense Forces Act to make overseas activities the Self-Defense Forces' main mission. Already in November 2005 the Liberal Democratic Party had released a draft of a new constitution with explicit provisions for a Self-Defense Military and its international activities, while prior to that in October the Democratic Party of Japan had written constitutional recommendations saying that the Self-Defense Forces ought to participate in UN multinational forces, and the business organization Nippon Keidanren wants the Self-Defense Forces to be active abroad to "secure national interests" and "stabilize international society." As political and economic interests strengthen their efforts to make express changes to the Constitution, a Constitution Amendment Procedure Bill is in the works.

2. These initiatives to amend the Constitution are linked to the conversion and modification of the basic structure of the nation and society (the Constitution), and stretch across all areas of the law. Under the awareness that it is the mission of the LSADS to examine the overall anatomy of these initiatives, we have recently been working to develop a comprehensive understanding of these rapid-fire "conversions and

modifications” to the nation’s structure, and have been examining them critically while scrutinizing these and other areas: (1) a series of political “reforms” such as instituting a single-seat constituency system and subsidies for political parties, (2) “deregulation” in areas including the economy, labor, and welfare, (3) neoliberal “reforms” in areas including government administration, the judiciary, education, and universities, (4) nationalistic “reforms” as seen in the enactment of the National Flag and National Anthem Law, and revision of the Basic Education Law, (5) strengthening of the public security system, as seen in enactment of the Wiretapping Law and revision of the Juvenile Act, unjust suppression of political expression activities, and the newly conceived crime of “conspiracy,” and (6) reinforcement of the Japan-US military alliance, which runs counter to the order of international law built around the UN Charter. Our research into these “reforms” found that, in the light of the Japanese Constitution’s principles, they are of highly questionable justifiability or soundness.

3. In the past as well, whenever the Japanese Constitution’s principles of peace and democracy have been threatened, the LSADS has taken on the scholarly role of setting up special research organizations to turn back these threats. On this 60th anniversary of the Constitution, the LSADS expresses its opposition to the current initiatives to change the Constitution, and hereby states that it shall as a group of researchers continue maintaining its stance of “encouraging communication and cooperation in research among legal researchers in all fields, and providing for the advancement of democratic jurisprudence” (Article 2 of LSADS bylaws), and that the LSADS shall join hands with the people of Japan and the world and continue making theoretical and practical contributions in expectation of protecting and further advancing the Japanese Constitution’s principles.

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