

Japan and collective self-defense: less than meets the eye
by Brad Glosserman

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As anticipated, Japan's Cabinet has reinterpreted the constitution to permit Japan to exercise the right of collective self-defense. After some initial histrionics – *Xinhua*, the official Chinese news agency, opined that Prime Minister Shinzo “Abe is manipulating a dangerous coup to overturn the country's post-war pacifism and democratic ideals, as he hones in on releasing the shackles of the nation's legally tethered military and war will from its war-renouncing Constitution” – the decision was met by neighbors with resignation and the grinding of teeth. A Chinese foreign ministry spokesperson urged Japan “to earnestly respect legitimate security concerns of its Asian neighbors, deal with relevant issues with discretion, not to harm the national sovereignty and security interests of China and not to undermine regional peace and stability.” His counterpart in Seoul insisted that any Japanese exercise of collective self-defense affecting security and national interests on the Korean Peninsula “cannot be accepted unless we request it or agree to it.”

If the reaction seems anticlimactic, it is because there is much less going on than meets the eye. The legal and constitutional constraints on Japanese security policy are less restrictive than many admit. As Adam Liff noted last week in “Watch this space: ‘collective self-defense,’ constitutional reinterpretation, and Japan's security policy” (*PacNet* #48), Japanese prime ministers have reinterpreted the constitution throughout the postwar era when they felt compelled to do so. Bureaucrats and politicians have been masterful practitioners of the “fudge” when addressing hard national security and alliance issues: recall the secret agreements regarding US nuclear weapons on Japanese territory. And Japan's Supreme Court has traditionally deferred to politicians on such matters.

The real constraints on Japan's security policy have been and will continue to be social and political. Recall that Abe took office with a desire to rewrite the entire constitution. That became an intent to change just Article 9. He has settled, after a much longer process than anticipated, for a change in the interpretation of the exercise of the right of collective self-defense – and now must wait for legislation to turn this week's Cabinet decision into law. When that happens – it could take as long as two years – the use of Japan's military will be subject to three conditions:

* Japan can come to the aid of an ally with which it has a “very close relationship” if there is a threat to constitutional rights to life, liberty, and happiness of Japanese citizens. [Taken literally, Japan has only one ally, the United States, which considerably limits application of this change in interpretation];

* There is no other diplomatic or negotiated means to protect both that nation and its citizens but through the use of military force; and

* The use of military force is kept to a “bare minimum.”

That scaling back of ambitions reflects powerful opposition. Abe's Liberal Democratic Party isn't united on the issue and its alliance partner, New Komeito, demanded the introduction of the three conditions as the price of its support for the measure. Opinion polls consistently show more than 50 percent of the public opposes the reinterpretation of the exercise of the right of collective self-defense.

The rhetoric that has been used throughout the reinterpretation discussion – and by the prime minister himself when he announced the change Tuesday evening in Tokyo – underscores the power of those constraints. Abe framed the move as consistent with Japan's status as a “peace state” and emphasized that any and all changes will be part of its strategy of “proactive pacifism.” Cynics may dismiss that as another empty slogan, but the fact remains that such language is needed to legitimate action to the public.

Those same cynics point out that the three conditions designed to limit Japanese action are undefined and potentially quite expansive. What is the “bare minimum” use of force necessary? Subsequent legislation will define that phrase, but its application will invariably be influenced by political considerations at the time of a crisis.

Any “adventurism” will encounter powerful headwinds in Japan. My study of Japan after the March 11, 2011 “triple catastrophe” suggests that there is no stomach among the Japanese for a high-profile “hard” security policy; there remains profound skepticism about the value of a military except in the defense of the homeland. Combine the Japanese ambivalence about engagement generally with a shrinking population that is aging and a military that would have to be significantly (and expensively) retooled to project power, and those headwinds reach gale force.

There is a temptation to see the return to power of Abe Shinzo as heralding a rightward shift in Japan. Resist it. Remember that Abe wasn't the first choice to lead the LDP in the party election before the 2012 general election. The structure of the electoral system rewards large parties: in the absence of a unified opposition, the LDP took a disproportionate share of the seats in that ballot. (The LDP claimed more seats in 2012 than the DPJ did in its landslide win in 2009, even though the DPJ won more votes in the 2009 election.) Abe and the LDP won a mandate, first and foremost, to fix the economy, not lead a revanchist movement.

While Abe's conservative views on security issues were well known, his first task remains an economic recovery. Failure to get the economy back on track will empower

opposition to him within the LDP – and it is substantial. Foes within the party will likely use public protests against his security policy to help make the case for a change in the Prime Minister’s Office. If that is the case, change in Japan’s security policy may prove to have far greater impact than Abe and his supporters ever anticipated – and not in the way that they anticipated.

PacNet commentaries and responses represent the views of the respective authors. Alternative viewpoints are always welcomed.