



PROJECT MUSE®

---

Japan's Strategic Trajectory and Collective Self-Defense:  
Essential Continuity or Radical Shift?

Christopher W. Hughes

The Journal of Japanese Studies, Volume 43, Number 1, Winter 2017, pp.  
93-126 (Article)

Published by Society for Japanese Studies

DOI: <https://doi.org/10.1353/jjs.2017.0005>



➔ *For additional information about this article*

<https://muse.jhu.edu/article/646942>

CHRISTOPHER W. HUGHES

## Japan's Strategic Trajectory and Collective Self-Defense: Essential Continuity or Radical Shift?

*Abstract:* The government of Abe Shinzō and various commentators tout Japan's moves during 2014–15 to breach the ban on collective self-defense as moderation and continuity in postwar security policy. This article unpacks the supposed limitations on exercise of the right and marks this as a watershed moment in Japan's development of a radical security trajectory as an alliance and international security partner. The changing international security environment and growing acceptance of the indivisibility of U.S.-Japan security interests, coupled with hollow domestic legal, political, and bureaucratic constraints, heighten the likelihood Japan will use force to assist the United States.

Throughout 2014 and 2015, Prime Minister Abe Shinzō invested major policy energy to advance a “limited” (*gentei-teki yōnin*) form of collective self-defense (*shūdan-teki jieiken*), a right Japan had denied itself the exercise of since the mid-1950s.<sup>1</sup> The Cabinet Decision of July 1, 2014, and the

1. For the Government of Japan Cabinet Decision in English, see “Cabinet Decision on Development of Seamless Security Legislation to Ensure Japan's Survival and Protect its People,” July 1, 2014, [http://www.cas.go.jp/jp/gaiyou/jimu/pdf/anpohosei\\_eng.pdf](http://www.cas.go.jp/jp/gaiyou/jimu/pdf/anpohosei_eng.pdf) (all internet sources accessed July 29, 2016, unless otherwise noted). For the Japanese version, see Kokka Anzen Hoshō Kaigi Kettei, Kakugi Kettei, “Kuni no zonritsu o mattō shi, kokumin o mamoru tame no kireme no nai anzen hoshō hōsei no seibi ni suite,” July 1, 2014, <http://www.cas.go.jp/jp/gaiyou/jimu/pdf/anpohosei.pdf>, p. 3. Japan has maintained the formal position since 1954 Diet interpellations that it cannot exercise collective self-defense under the 1947 constitution. Subsequent government and Diet interpellations in 1960 and 1972 further defined the position that, under international law and Chapter 7 of Article 51 of the UN Charter, Japan maintained the right of self-defense in the forms of both individual and collective self-defense. However, the interpellations ruled that Japan could not exercise the latter option of collective self-defense under Article 9 of the constitution as the supreme law of the state because this would exceed the minimum use of force necessary for self-defense. For the evolution of Japanese government interpretations of the exercise of the right of collective

subsequent passage of extensive legislation in the National Diet in September 2015 now permit Japan for the first time in the postwar period and under “three new conditions” (*san-shinjōken*) to exercise force even if not itself directly under attack.<sup>2</sup> Japan under Abe has shifted its postwar security policy: moving away from predicating its security stance upon interpretations of Article 9 of the 1947 constitution that permit only the exercise of the right of individual self-defense (*kobetsu-teki jieiken*) to now open up the option of *de jure* exercise of the right of collective self-defense. These changes make possible enhanced military support for its alliance partner, the United States, and even third countries.

Abe’s initiatives attracted intense domestic and international attention as the legislation slowly wound its way through more than 200 hours of Diet deliberations during the summer of 2015. Most strikingly, the debates in the Diet were accompanied by large-scale demonstrations in the streets of Tokyo and nationwide not seen since the struggles over revision and extension of the U.S.-Japan security treaty in 1960 and 1970.<sup>3</sup> Consequently, during and after the passage of the legislation, the exact significance of Japan’s shift regarding collective self-defense has remained highly contested. For many policymakers and commentators in Japan and internationally, the 2014 Cabinet Decision and 2015 legislation represent essential continuity in Japanese security policy, and the overall significance of the reforms needs downplaying. In his press conference on July 1, 2015, Abe blithely stated that:

There are *no changes* in today’s Cabinet Decision from the basic way of thinking on constitutional interpretation to date. Neither has the existing

---

self-defense up until 1972, see Nishikawa Yoshimitsu, *Nihon no anzen hoshō seisaku* (Tokyo: Kōyō Shobō, 2008), pp. 227–31; and Maeda Tetsuo and Ijima Shigeaki, *Kokkai shingi kara bōeiron o yomitoku* (Tokyo: Sanseidō, 2003), pp. 117–21.

2. The Abe administration submitted a package of 11 bills to the Diet on May 24, 2015. The legislation passed the House of Representatives on July 16 with relative ease due to the LDP-New Kōmeitō’s overwhelming majority, although the final vote was boycotted by opposition parties. The administration then submitted the bills to the House of Councillors on July 27, with committee debates lasting close to two months. The coalition, with the support of three micro-parties—the Assembly to Energize Japan, the New Renaissance Party, and the Party for Future Generations—passed the bills through the committee stage on September 17, marked by physical scuffles around the chairman and by the government and opposition parties. The coalition finally passed the legislation through the plenary House of Councillors on September 19, a process again marked by delaying tactics by the opposition party. Two principal pieces of new and revised legislation on collective self-defense were put in place. The Law on Response to Contingencies enables Japan’s exercise of the right of collective self-defense under “three new conditions.” The revisions to the International Peace Cooperation Law enable the JSDF during UN peacekeeping operations to use force (*kaketsuke keigo*) in pursuing certain duties rather than just defending JSDF personnel. The laws came into effect on March 29, 2016.

3. John Welfield, *An Empire in Eclipse: Japan in the Postwar American Alliance System* (London: Athlone Press, 1988), pp. 280–82.

principle of not, as a general rule, permitting overseas deployment of the Self-Defense Forces changed in the slightest. It still remains the case that the Self-Defense Forces [SDF] will never participate in such warfare as the Gulf War or the Iraq War in the past. There is a misunderstanding that Japan will become caught up in wars in order to defend foreign countries. In fact such a case is also entirely out of the question.<sup>4</sup> (emphasis added)

The Cabinet Office likewise projected an image of continuity by insisting there were no revisions of constitutional interpretations but instead a straightforward “rationalization” of unified government stances within existing interpretations (*seifu kenkai no kihon-teki no ronri no wakunai ni okeru gōri-teki na atehame no kekka*).<sup>5</sup>

Similarly, many policymakers and academic and media commentators view the Abe administration’s initiatives as within the pattern of moderate and incremental increases in Japan’s security trajectory over the postwar period. The revised interpretations of Article 9 are seen to allow Japan to exercise a right already acknowledged or perhaps *de facto* exercised in the past. The new interpretations, they claim, represent only a “limited” exercise of collective self-defense with clear and even enhanced legal and political brakes, or *hadome*, that close off the option of the Japan Self-Defense Forces (JSDF) joining UN-mandated or U.S.-led contingencies and expeditions out of area. They also claim that the exercise of collective self-defense will enhance deterrence and obviate the probable need for the use of force and, further, that revisions were made with transparency and in a democratic manner after prolonged Diet debate, arguably in contrast to past shifts in Japanese security policy. The overall conclusion is that Abe’s reforms are proportionate, pose no real risk for regional or global security, and in fact are to be welcomed. They are part of Abe’s campaign for a “proactive contribution to peace” (*sekkyoku-teki heiwashugi*) and Japan’s

4. “Press Conference by Prime Minister Abe,” July 1, 2014, [http://japan.kantei.go.jp/96\\_abe/statement/201407/0701kaiken.html](http://japan.kantei.go.jp/96_abe/statement/201407/0701kaiken.html).

5. Naikaku Kanbō, “‘Kuni no zonritsu o mattōshi, kokumin o mamoru tame no kireme no nai anzen hoshō hōsei no seibi ni tsuite,’ Ichimon, Ittō,” July 1, 2014, [http://www.cas.go.jp/jp/gaiyou/jimu/housei\\_seibi.html](http://www.cas.go.jp/jp/gaiyou/jimu/housei_seibi.html). In its efforts to reassure the public that the change was moderate, the LDP even resorted, somewhat bizarrely, to Abe appearing on July 20 on Fuji TV with cardboard cut-out models of Japanese and U.S. firefighters. Abe argued that collective self-defense was simply akin to preemptively extinguishing a fire in a neighboring U.S. house that might spread to Japan’s own property. The LDP also famously released an anime entitled “Hige no taichō,” featuring LDP upper house member, key advocate of the legislation, and former JSDF member Satō Masahisa. Satō voiced his own character in the anime that depicted a dialogue with a schoolgirl on a train in which he allayed her fears that the new legislation would stimulate conflict. See “Abe Shushō minna no nyūsu namashutsen kokumin no gimon SP5,” July 20, 2015, <https://www.youtube.com/watch?v=P4UxxpOz07E>; and “‘Akari-chan’ hige no taichō ni oshiete agete mita,” July 9, 2015, <https://www.youtube.com/watch?v=L9WjGyo9AU8>.

rise to greater responsibilities within the U.S.-Japan alliance and as an international security partner.<sup>6</sup> Other commentators, even if critical of the overall direction of Japan's security reforms, argue that Abe's insistence on the exercise of collective self-defense may turn out to be more symbolic than substantive. Abe's moves are seen as revisionist posturing to restore Japan's international status rather than a practical security option. Faith is retained in the continuing constraints of domestic policy institutions and the public's residual antimilitarism.<sup>7</sup>

On the other side of the debate stand Japanese opposition politicians, many legal scholars and academic analysts, large segments of the centrist and left-leaning media, protest groups (most notably, Student Emergency

6. The debate on Japan's moves to enable the exercise of collective self-defense involves a vast range of policy documents and discussion, media commentary, and academic analysis throughout this period and was especially intense in the summers of 2014 and 2015. Many of these views are drawn on later in the text, but for a sample of influential views arguing that the revisions are necessary, moderate, constrained, and largely represent continuity, see Kitaoka Shin'ichi, "The Turnabout of Japan's Security Policy: Toward 'Proactive Pacifism,'" April 2, 2014, <http://www.nippon.com/en/currents/d00108/>; Hosoya Yuichi, "Bringing 'Internationalism' Back," June 23, 2014, <http://www.nippon.com/en/currents/d00122/>; Hosoya Yūichi, *Anpo ronsō* (Tokyo: Chikuma Shinsho, 2016), pp. 229–58; Brad Glosserman, "Japan and Collective Self-Defense: Less Than Meets the Eye," *PacNet*, No. 49 (July 2, 2014), pp. 1–2; Michael Green and Jeffrey W. Hornung, "Ten Myths about Japan's Collective Self-Defense Change: What the Critics Don't Understand about Japan's Constitutional Reinterpretation," *The Diplomat*, July 10, 2014, <http://thediplomat.com/2014/07/ten-myths-about-japans-collective-self-defense-change/>; Andrew L. Oros, "Japan's Cabinet Seeks Changes to Its Peace Constitution—Issues New 'Interpretation' of Article Nine," *Asia-Pacific Bulletin*, No. 270 (July 1, 2014), [http://www.eastwestcenter.org/sites/default/files/private/apb270\\_0.pdf](http://www.eastwestcenter.org/sites/default/files/private/apb270_0.pdf); Adam P. Liff, "Japan's Defense Policy: Abe the Evolutionary," *The Washington Quarterly*, Vol. 38, No. 2 (2015), pp. 85–87; Paul Midford, "Japan's Approach to Maritime Security in the South China Sea," *Asian Survey*, Vol. 55, No. 3 (2015), pp. 345–47; John Nilsson-Wright and Kiichi Fujiwara, "Japan's Abe Administration: Steering a Course Between Pragmatism and Extremism," research paper, Chatham House Asia Programme, September 2015, [https://www.chathamhouse.org/sites/files/chathamhouse/field/field\\_document/20150914JapanAbeAdministrationNilssonWrightFujiwara.pdf](https://www.chathamhouse.org/sites/files/chathamhouse/field/field_document/20150914JapanAbeAdministrationNilssonWrightFujiwara.pdf), pp. 12–14; Jennifer Lind, "Japan's Security Evolution," *Policy Analysis Cato Institute*, February 25, 2016, No. 788, <http://object.cato.org/sites/cato.org/files/pubs/pdf/pa-788.pdf>, p. 7; Crystal Pryor, "Japan's Security Policy under Abe: Much Ado About Almost Nothing," *PacNet*, No. 33 (March 31, 2016), [https://csis-prod.s3.amazonaws.com/s3fs-public/publication/160331\\_PacNet\\_1633\\_0.pdf](https://csis-prod.s3.amazonaws.com/s3fs-public/publication/160331_PacNet_1633_0.pdf).

7. "Pempel: 'Abe Politicized Collective Self-Defense,'" *Dispatch Japan*, June 8, 2014, <http://www.dispatchjapan.com/blog/2014/08/pempel-abe-politicized-collective-self-defense.html>; Thomas U. Berger, "Abe's Perilous Patriotism: Why Japan's New Nationalism Still Creates Problems for the Region and the U.S.-Japanese Alliance," *A Japan Chair Platform Special Edition*, October 2014, [http://csis.org/files/publication/141003\\_Berger\\_AbePerilousPatriotism\\_Web\\_0.pdf](http://csis.org/files/publication/141003_Berger_AbePerilousPatriotism_Web_0.pdf), p. 8; Richard J. Samuels, "Who Defines Japan's Past, and Future," *The National Interest*, May 26, 2015, <http://nationalinterest.org/feature/who-defines-japans-past-future-12964>.

Action for Liberal Democracy), and at times East Asian neighbors and other international observers. These critics argue that the Abe administration's collective self-defense initiatives are a radical and disturbing departure from Japan's postwar security trajectory. Abe's method to effect collective self-defense—opting for a reinterpretation of past government stances through a Cabinet Decision rather than formal revision of the constitution—was criticized as illegitimate by the then main opposition Democratic Party of Japan (DPJ), and opinion polls indicated that public concern revolved as much around Abe's methods as the contents of the bills themselves.<sup>8</sup> In terms of outcomes, Abe's collective self-defense measures have been viewed as a “slippery slope,” significantly loosening the restrictions on Japan's use of military power for national security and expanding its potential to become embroiled in U.S.-led responses to security crises and operational contingencies.<sup>9</sup> More emotively, the Social Democratic Party of Japan (SDPJ) characterized the security legislation as a “war bill” (*sensō hōan*) and a

8. Satoru Mori, “The New Security Legislation and Japanese Public Reaction,” *The Tokyo Foundation Politics in Perspective*, December 2, 2015, <http://www.tokyofoundation.org/en/articles/2015/security-legislation-and-public-reaction>; Kamiya Mataka, “Japan Divided on Collective Self-Defense Push,” *The Japan Journal*, July 2014, [http://www.japanjournal.jp/img/WP/1407e/1407e\\_22-23\\_Politics.pdf](http://www.japanjournal.jp/img/WP/1407e/1407e_22-23_Politics.pdf), pp. 22–23. The Japanese public appears sharply divided on the legislation. Opinion polls demonstrate that approximately 50 per cent of the public was opposed to the legislation and the methods used to pass it. Conversely, though, the other half apparently supported the legislation, and some polls suggested that even if the government methods were opposed, there was an acceptance of the necessity of Japan upgrading legislation to respond to new security challenges. Masato Kamikubo, “Japan's New Security Legislation and Parliamentary Democracy,” *PacNet*, No. 78 (November 10, 2015), [https://csis-prod.s3.amazonaws.com/s3fs-public/legacy\\_files/files/publication/Pac1578\\_0.pdf](https://csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/publication/Pac1578_0.pdf).

9. For a sample of such views, see Bryce Wakefield and Craig Martin, “Reexamining Myths about Japan's Collective Self-Defense Change: What Critics (and the Japanese Public) Do Understand about Japan's Constitutional Reinterpretation,” *The Asia-Pacific Journal: Japan Focus*, September 8, 2014, <http://www.japanfocus.org/events/view/227>; Okudaira Yasuhiro and Yamaguchi Jirō, *Shūdan-teki jieiken no nani ga mondai ka* (Tokyo: Iwanami Shoten, 2014); Sebastian Maslow, “A Blueprint for a Strong Japan? Abe Shinzō and Japan's Evolving Security System,” *Asian Survey*, Vol. 55, No. 4 (2015), p. 762; Christopher W. Hughes, *Japan's Foreign and Security Policy Under the Abe Doctrine: New Dynamism or New Dead End?* (New York: Palgrave, 2015), pp. 54–58; Nakano Kōichi, *Ukeika suru Nihon seiji* (Tokyo: Iwanami Shinsho, 2015), pp. 160–65; Magosaki Ukeru and John Junkerman, “Japan's Collective Self-Defense and American Strategic Policy: Everything Starts from the US-Japan Alliance,” *The Asia-Pacific Journal: Japan Focus*, July 2014, <http://apjif.org/John-Junkerman--Magosaki-Ukeru/4800/article.pdf>. The strength of opposition from constitutional scholars in Japan was demonstrated by the release of a statement in July 2015 with 204 academic signatories opposing the legislation as unconstitutional and lacking specificity for the conditions for invoking the laws. “Kenpō kenkyūsha 204nin Anpo hōan haian motome seimei,” *Asahi shinbun*, July 28, 2015, <http://digital.asahi.com/articles/ASH7X5RT2H7XUTIL04N.html>.

revival of Japanese militarism. The principal opposition parties have since maintained their resolve to repeal the legislation as unconstitutional and full of risk for Japan's security.<sup>10</sup>

The debate over the impact of Abe's collective self-defense reforms will rumble on, but given the intensity of this debate and the diverging predictions of continuity and radical change, it is important to examine in greater depth the impact on Japan's overall security trajectory. Japan's security choices matter a great deal as its own citizens seek to determine whether postwar antimilitarism can be preserved or if a transition will be made to a so-called "normal" or genuine "proactive pacifism." They are also of great importance to the U.S.-Japan alliance as it seeks to upgrade bilateral cooperation to underpin the U.S. "rebalance" to the Asia-Pacific and to regional neighbors as they attempt to enhance security cooperation with Japan while watching with concern for signs of its possible remilitarization. This essay seeks to engage many of the existing arguments concerning collective self-defense but at the same time to cut through divisions in the debate. It offers a conclusion that Japan's move toward the exercise of collective self-defense indeed opens pathways to radical shifts rather than maintaining continuity with the past security trajectory. But these shifts will occur in phases and will be contingent on prevailing domestic and international political conditions.

More specifically, over the short term, those who have emphasized moderation and continuity may be correct that Abe and other Japanese administrations are likely to move with caution. Japanese policymakers will remain concerned about public disquiet over additional security policy change and about the need to retain domestic electoral support. Moreover, policymakers will continue hedging, or avoiding definite strategic choices, in order to obviate entrapment in U.S.-Japan alliance commitments and attempt to focus primarily on contingencies involving Japan and its region that might not necessitate collective self-defense at all but in which, if collective self-defense were required, it would be "limited" at most.

Over the medium to longer term, however, the Cabinet Decision and security legislation are likely to prove watershed moments in Japanese security policy. Japan's use of military power has traversed into a new field of action by changing emphasis from individual to collective self-defense, thus making it harder to hedge and to opt out of U.S.-Japan alliance operations involving the use of force, possibly to assist other states. Overall, then, Japan will move incrementally, and possibly at times in larger leaps, toward an expansion of its security role. The expansion will be both functional, in terms of role, and geographical, in terms of regional and some global responsibilities, and now involves the use of force.

10. "Anpo hōsei yatō "nikai kamae," *Asahi shinbun*, February 22, 2016, p. 3.

To make these arguments, this essay proceeds in two main sections. The first considers the ramifications of lifting the ban on collective self-defense in the context of the international strategic drivers of security policy, particularly the imperatives of U.S.-Japan alliance cooperation. It demonstrates that while Japan may maintain residual hedging and show reluctance to exercise collective self-defense, it will find this position progressively harder given pressure from the United States and other international security developments. There is also emerging a new and increasing cognitive acceptance among Japanese policy elites of the necessity to exercise collective self-defense for national security. The second section examines in detail the various legal, bureaucratic, and political conditions and constraints that have been argued domestically to define a robust, “limited” form of collective self-defense and to thereby limit the significance of Abe’s initiatives in this area. It argues that the ability of Japanese policymakers to “hold the line” using these constraints is highly questionable, as in fact many of the constraints are so flexible and open to interpretation as to be potentially hollow in effect, thus opening the way for a more expansive and radical exercise of collective self-defense and military power in response to external strategic pressures.

#### STRATEGIC DRIVERS AND DOMESTIC PRESSURES FOR COLLECTIVE SELF-DEFENSE

Japan in the postwar period has edged toward enabling collective self-defense due to the interplay of external security and domestic political influences. It is arguably the former set of influences—as the international structure around Japan has been perceived to deteriorate and the U.S.-Japan alliance has evolved in response—that have been primarily and consistently responsible for setting the trajectory. But moves toward collective self-defense have been mediated and generally resisted by Japanese policymakers. Indeed, for much of the postwar period, Japan’s consideration of collective self-defense followed a consistent pattern. When confronted by enhanced international security imperatives to expand alliance and external security commitments, and thus questions of entering into collective self-defense arrangements, policymakers responded by stretching existing constitutional interpretations and security policies and by incremental expansions of JSDF missions and roles. Crucially, though, policymakers remained mindful of the need to minimize and hedge against the costs of external security commitments and, as a key component of these tactics, to refuse formal breaches of the ban on the exercise of collective self-defense. Japan’s policy elites thus retained a strategic outlook that, in seeking to safeguard national autonomy, recognized Japanese and U.S. security interests were not always entirely congruent and might at times be distanced or even



divisible, thus allowing for the need to maintain a degree of separation of security doctrines and military capabilities.

As this section demonstrates, though, in the post-cold war period, this pattern of Japanese policy came under increasing stress and has been largely broken under the Abe administration. The international structural, and especially alliance, pressures for a Japanese collective self-defense commitment are now nearly inescapable. Just as important, Japanese policymakers, increasingly swayed by their perceptions of the external security environment and the need to respond proactively, have shifted away from previous hedging strategies and the associated ban on the exercise of collective self-defense. The result is that international structural and domestic policymaking forces are now working in tandem to push Japan away from hedging and toward definite security commitments, specifically the need for collective self-defense, thus opening the way for major discontinuities in Japan's security trajectory.

*Hedging and the Nonexercise of Collective Self-Defense  
during the Cold War*

Japan's inherent rights of individual and collective self-defense under the UN Charter and its concomitant ability to enter into collective security arrangements were explicitly recognized in the U.S.-Japan Security Treaty of 1951 and in its revision, the U.S.-Japan Treaty of Mutual Cooperation and Security of 1960.<sup>11</sup> Nevertheless, for much of the cold war period, the United States failed to press Japan consistently or forcefully on collective self-defense. In turn, Japanese leaders resolutely avoided the exercise of the right for fear of entrapment in U.S.-led military campaigns outside Japan's immediate territory and security interests. Prime Minister Yoshida Shigeru, in concluding the 1951 treaty and the Mutual Security Assistance Act of March 1954, and thereby reluctantly accepting some measure of responsibility for Japan's own defense and integration into the U.S. alliance strategy in East Asia, still determinedly resisted U.S. pressure to enter into any collective self-defense obligations.<sup>12</sup> Indeed, in June 1954, shortly after the conclusion of the Mutual Security Assistance Act, the Yoshida administration issued the key Diet interpellation that the constitution prohibited the exercise of collective self-defense.<sup>13</sup>

Japan's defense planners sensed increasing pressure for collective self-

11. Ministry of Foreign Affairs Japan, "Japan-U.S. Security Treaty," <http://www.mofa.go.jp/region/n-america/us/q&a/ref/1.html>.

12. Welfield, *An Empire in Eclipse*, pp. 97–101, 106–7; Kenneth B. Pyle, *The Japanese Question: Power and Purpose in a New Era* (Washington: AEI Press, 1996), pp. 27, 29–30.

13. "Nipponkoku to Amerika gasshūkoku to no aida no sōgo bōei enjo kyōtei," March 8, 1954, <http://www.ioc.u-tokyo.ac.jp/~worldjpn/index.html>.

defense commitments in the 1960s and early 1970s as the United States sought enhanced military support from its East Asian allies to counter challenges to its strategic dominance in the region. Japanese leaders maintained, though, minimalist military contributions and a refusal to breach constitutional constraints. Prime Minister Kishi Nobusuke, even while endorsing the so-called “mutual” nature of the revised treaty of 1960, ensured under the treaty’s Article 5 concerning the defense of Japan itself and U.S. forces deployed in its territory that any response to attacks would be in accordance with existing “constitutional provisions and processes.” The new Article 6, concerned with “contributing to the security of Japan and the maintenance of international peace and security in the Far East,” intimated support for the United States outside Japanese territory but made no mention of Japanese commitments beyond the provision of military bases. Moreover, the Kishi administration and powerful Cabinet Legislation Bureau (CLB) issued statements in the Diet reinforcing the position that Japan possessed the right of collective self-defense but could not exercise it under constitutional interpretations. Subsequent Japanese administrations then steadfastly refused, in sharp contrast to other allies in East Asia, to be drawn into dispatching the JSDF to support the deepening U.S. war effort in Vietnam.<sup>14</sup>

Japan’s policymakers and the CLB sought to shut the door further on collective self-defense in the run-up to the extension in perpetuity of the revised security treaty in 1970 and in the period surrounding the announcement of the “Nixon Doctrine” and negotiations for the reversion of Okinawa in 1971. These events indicated Japan’s acquiescence in effectively locking itself long-term into the U.S. alliance system and enhanced U.S. expectations for Japanese and East Asian allies’ contributions to collective security arrangements, so raising the spectre of collective self-defense. In October 1972, Prime Minister Tanaka Kakuei’s government responded with a pivotal statement in the Diet further consolidating constitutional prohibitions. Drawing on the constitution’s preamble, which proclaims “all people of the world have the right to live in peace,” and Article 13, which mandates that people’s “life, liberty, and the pursuit of happiness . . . shall be the supreme consideration . . . in . . . governmental affairs,” the statement reiterated Japan’s possession under Article 9 of the right of self-defense, consisting of both individual and collective self-defense. At the same time, the statement stressed that the right of self-defense was not limitless. Japan’s exercise of self-defense should only be recognized in response to imminent unlawful situations where the people’s right to life, liberty, and the pursuit of happiness is fundamentally overturned due to an armed attack by another state; and as an unavoidable step for safeguarding these rights; and when

14. Pyle, *The Japanese Question*, pp. 34–35.

restricted to the minimum force necessary to repel these attacks. Hence, the Tanaka cabinet reinforced the view that, while Japan possessed the rights of both individual and collective self-defense, it could only exercise the former as the latter would exceed the limits necessary for self-defense.<sup>15</sup>

Following the collapse of détente and the renewed rise of cold war tensions in the late 1970s and 1980s, Japan's policymakers again felt obliged to recalibrate assessments of the strategic environment and the necessary degree of security commitments to the United States. As the Soviet threat increased in East Asia as a whole and directly to Japan itself, leading to a fuller convergence of Japanese and U.S. security interests, so Japan ramped up bilateral security cooperation. In line with the Guidelines for U.S.-Japan Defense Cooperation of 1978, Japan initiated discussions on bilateral cooperation that affected not just its own security directly, but also "in the case of situations in the Far East outside of Japan which will have an important influence on the security of Japan."<sup>16</sup> In May 1981, Prime Minister Suzuki Zenkō committed for the first time the Maritime Self-Defense Force (MSDF) under the Guidelines for U.S.-Japan Defense Cooperation to take responsibility for the sea lines of communication (SLOC) up to a range of 1,000 nautical miles and thus for a new security role outside Japan's own territory. Prime Minister Nakasone Yasuhiro's administration then embarked on a buildup of JSDF capabilities to provide defensive support in and around its territory, thereby giving the United States a freer hand to project power in the wider region. Japan thus indicated that it would advance bilateral cooperation into Article 6-type operations, raising anew questions of collective self-defense operations.

However, in the very same month that it pledged the commitment to SLOC security and referred for the first time to the U.S.-Japan security arrangements as an "alliance," Suzuki's administration repeated that Japan possessed the right of collective self-defense but that its exercise would exceed the necessary limits for self-defense and was thus unconstitutional.<sup>17</sup> The Nakasone administration also stuck rigidly to the line that any support the MSDF might provide for the defense of U.S. warships was for Japan's own defense and thus in line with individual self-defense.<sup>18</sup> Japanese administrations also devoted the majority of their efforts to in-depth studies of Article 5 bilateral cooperation, rather than Article 6 concerning regional contingencies that spelled the risk of entrapment. Moreover, the fact that much of U.S.-Japan security cooperation was still concentrated around

15. *Bōei handobukku 2014* (Tokyo: Asagumo Shinbunsha, 2014), pp. 633–34.

16. Ministry of Defense, "The Guidelines for Japan-U.S. Defense Cooperation," November 27, 1978, [http://www.mod.go.jp/e/d\\_act/anpo/pdf/19781127.pdf](http://www.mod.go.jp/e/d_act/anpo/pdf/19781127.pdf).

17. *Bōei handobukku 2014*, p. 633.

18. Nishikawa, *Nihon no anzen hoshō seisaku*, pp. 231–36.

Japan itself meant that any overlap in bilateral cooperation between Article 5 and Article 6–type contingencies, and resultant questions over the exercise of collective self-defense, were elided given that Japanese capabilities and roles could be justified under the right of individual self-defense.

Regarding participation in UN-led collective security actions, as authorized by resolutions under Article 42 of the UN Charter rather than collective self-defense *per se*, Japanese administrations during the cold war period took a similarly consistent hedging stance. Japan argued that it was prepared to discharge its obligations to international society to the extent that these did not conflict with or exceed the constitution as the supreme law of the state. The Japanese government stressed that as Article 9 of the constitution prohibits the use of force for settling international disputes, then participation in collective security activities entailing the use of force was also prohibited.

*Japan's Post–Cold War Shift to the Necessity  
of Collective Self-Defense*

Japanese policymakers' consistent preference and ability via constitutional artifices to resist and hedge against the exercise of collective self-defense has come under increasing pressure in the post–cold war period. Japan's exposure to an apparently deteriorating security environment—manifested in the Asia-Pacific by North Korea's nuclearization and the rise of China, and globally by the challenges of the Gulf War of 1990–91 and the conflicts ensuing from 9/11 in Afghanistan and Iraq in the early 2000s—has pushed to the forefront questions of how it should actively support the United States and the exercise of collective self-defense.

In East Asia, following the North Korean nuclear crisis of 1994, the Taiwan Strait crisis of 1995–96, and the alliance's revealed lack of preparedness to respond to regional contingencies, the United States focused on strengthening Article 6–type bilateral cooperation.<sup>19</sup> Japan moved in this direction by revising the Guidelines for U.S.-Japan Defense Cooperation in 1996–97 and passing the Regional Contingencies Law in 1999, which specified for the first time the noncombat logistical support the JSDF could provide the United States in Article 6–type situations under the security treaty.<sup>20</sup> Japanese administrations, though, continued to hedge strongly their national security commitments and were able to insist that, despite this expanded scope of U.S.-Japan security cooperation, there was no breach of the prohibition on, or compulsion to, exercise collective self-defense. Japanese

19. Tanaka Akihiko, *Anzen hoshō: sengo 50-nen no mosaku* (Tokyo: Yomiuri Shinbunsha, 1997), p. 334.

20. Ministry of Foreign Affairs, "The Guidelines for Japan-U.S. Defense Cooperation," September 23, 1997, <http://www.mofa.go.jp/region/n-america/us/security/guideline2.html>.

support for the United States would be justified as having “an important influence on Japan’s peace and security,” conducted outside combat zones, and most crucially would not involve the use of force.

In the case of global contingencies, Japan’s expectation has increasingly been that it should demonstrate proactive support for its ally by now stretching its security role out-of-area. Japanese government policymakers and elements of the Liberal Democratic Party (LDP) were intent on dispatching the JSDF to support the UN-mandated operations of the Gulf War in 1990–91 but were frustrated by constitutional interpretations that held such dispatch exceeded the scope of self-defense. The eventual dispatch of MSDF minesweepers in 1991 was made possible only because it occurred in peacetime after the cessation of hostilities and thus did not clash with constitutional prohibitions. The failure to engage in the collective international military response during the Gulf War induced a sense of national humiliation among policymakers that triggered a search for means of dispatching the JSDF overseas in the future as a contribution to international security.

Japan was then able to effect the first overseas dispatch of the JSDF in UN-legitimated operations with the passage of the International Peace Cooperation Law (IPCL) of June 1992. The IPCL, though, only mandated participation in UN-centered peacekeeping operations (PKO) during peacetime and chiefly in logistical and reconstruction activities. The JSDF was permitted to use force solely for defense of its own personnel and for protecting those under its control. However, the JSDF was not permitted to come to the defense of a geographically distant unit or of personnel from other states (*kaketsuke keigo*) involved in the same UN PKO, nor to use force to remove obstructions to its mission, thus ruling out both collective security and collective self-defense.

Japan’s next ventures into dispatching the JSDF overseas to support the United States and to expand the range and scope of the alliance came in the “war on terror” in Afghanistan and then the postwar reconstruction of Iraq. In order to dispatch the MSDF and Air Self-Defense Force (ASDF) to the Indian Ocean area between 2001 and 2010 to provide logistical refueling support to U.S. and other coalition forces involved in the campaign in Afghanistan, Japanese policymakers put in place the 2001 Antiterrorism Special Measures Law. The law provided a legal framework for JSDF dispatch by making use of extant UN resolutions and then bridging these to the constitution’s preamble and Japan’s obligations to maintain an “honored place in international society.” Hence, JSDF dispatch could be initiated without invoking individual or collective self-defense but using instead a form of quasi-collective security. Japanese policymakers then used a similarly ingenious artifice to enable Ground Self-Defense Force (GSDF) and ASDF dispatch to Iraq between 2004 and 2008 for logistical support and

reconstruction missions, again predicating the 2001 Iraqi Reconstruction Law on UN resolutions and linking to the preamble of the constitution.<sup>21</sup>

Japan was thus able to exercise something akin to *de facto* collective security in both Afghanistan and Iraq, but by stretching interpretations rather than by complete reinterpretation, and still with considerable hedging against the types of operations permitted for the JSDF. Most significantly, once again, the missions were noncombat in nature and did not involve the use of force, avoiding the issue of collective self-defense.

Nonetheless, as the Asia-Pacific security environment continues to transform and impinge ever more strongly on Japan's security interests in the second decade of the twenty-first century, and as the United States seeks to strengthen bilateral cooperation in response to these challenges, motivations to maintain hedging tactics in relation to alliance commitments have declined among Japanese policymakers. The prohibitions on the exercise of collective self-defense have concomitantly weakened. Japan's decision since 2003 to introduce ballistic missile defense (BMD) systems—consisting of the completed deployment by 2010 of the ASDF's *Patriot* Advanced Capability-3 (PAC-3) system, and the upgrading and testing from 2007 onward of the MSDF *Aegis* destroyer Standard Missile-3 (SM-3) BLK-IIA system—has been one particularly persistent driver for reinterpreting the prohibition on collective self-defense. For the effective operation of BMD, Japan and the United States require the increasing integration of bilateral information sharing and command and control; the MSDF *Aegis* system in particular offers new possibilities for U.S.-Japan mutual defense operations. Japan's *Aegis* system is highly interoperable with that of the United States, sharing as it does essentially the same capabilities in sensor technology, data linking, and the codeveloped SM-3 BLK-IIA missile. The MSDF *Aegis* sea-based system is inherently mobile and deployable alongside U.S. Navy assets whether in and around Japan or in other waters, thus raising the possibility that the United States will request Japanese BMD support in a variety of contingencies outside the traditional scope of the security treaty. Japan's defense planners denied initially that BMD carried implications for breaching the ban on collective self-defense, but their U.S. counterparts consistently and publicly stressed that the technological and strategic logic was for the system to work effectively for the alliance and for Japan to exercise the right.<sup>22</sup>

21. Christopher W. Hughes, *Japan's Re-emergence as a "Normal" Military Power* (Oxford: Oxford University Press, 2004), pp. 129–30.

22. In announcing the decision to introduce BMD in December 2003, Chief Cabinet Secretary Fukuda Yasuo asserted that the system would not impinge on collective self-defense: "It will be operated on Japan's independent judgement, and will not be used for the purpose

Beyond BMD, many policymakers have increasingly accepted that—in the face of China’s relentless rise, Sino-Japanese tensions over the disputed Senkaku/Diaoyu islets and maritime security, and concerns over the strength of the U.S. strategic commitment to the region—Japan needs to solidify alliance cooperation and now obviate risks of abandonment rather than fearing entrapment. In turn, these policymakers, especially in the LDP, have concluded that to demonstrate support for efforts such as the U.S. “rebalance” to the region, Japan should be prepared to involve itself in expanded alliance operations that may include the exercise of collective self-defense. The LDP is increasingly dominated by Abe and other key party figures such as Ishiba Shigeru who strongly advocate the exercise of collective self-defense, while the moderate security pragmatists in the Yoshida tradition have been increasingly marginalized within the party.<sup>23</sup>

Even the DPJ, the main opposition party for most of the last two decades and even during its period in government from 2009 to 2012, was not averse to moves toward collective self-defense or collective security; the party only really hardened its objections to collective self-defense after Abe took power. The right wing of the party, including figures such as Prime Minister Noda Yoshihiko, and security specialists Maehara Seiji and Nagashima Akihisa were personally sympathetic to collective self-defense. Prime Minister Hatoyama Yukio in his own draft for constitutional revision in 2005 had advocated a “limited” form of collective self-defense centered on cooperation with international institutions. Diet member Ozawa Ichirō and Prime Minister Kan Naoto favored a form of collective security under UN mandates.<sup>24</sup>

Japanese policymakers have been encouraged in these moves by influential “Japan handlers” in the United States who have generated a bipartisan

---

of defending third countries. Therefore, it does not raise any problems with regard to the issue of the right of collective self-defense. The BMD system requires interception of missiles by Japan’s own independent judgement based on the information on the target acquired by Japan’s own sensors.” (Ministry of Defense, *Defense of Japan 2007* [Tokyo: Intergroup, 2007], p. 500.) During the George W. Bush administration, U.S. policymakers began to call openly for Japan to mobilize its BMD capabilities not just for the defense of U.S. forces around Japan but also for the defense of the U.S. homeland. U.S. Ambassador Thomas Schieffer in October 2006, Deputy Under-Secretary of Defense for Asia-Pacific Affairs Richard Lawless in December 2006, and Secretary of Defense Robert Gates in May 2007 made it progressively clearer that Washington expected Japan to use its BMD assets to help intercept missiles targeted at the United States. For full details, see Christopher W. Hughes, “Japan, Ballistic Missile Defence and Remilitarisation,” *Space Policy*, Vol. 29, No. 2 (2013), p. 130.

23. Richard J. Samuels, “Securing Japan: The Current Discourse,” *Journal of Japanese Studies*, Vol. 33, No. 1 (2007), pp. 144–46.

24. Christopher W. Hughes, “Japanese Remilitarisation and Constitutional Revision,” in Peter N. Stearns, ed., *Demilitarization in the Contemporary World* (Chicago: University of Illinois Press, 2013), p. 139.

consensus that Japan should lift its ban on collective self-defense, as it is an undue constraint on alliance cooperation and more equal security partnership, especially in regard to BMD and regional contingencies.<sup>25</sup> President Barack Obama during his joint press conference with Abe in Tokyo in April 2014 ventured further, reportedly welcoming Japanese moves toward collective self-defense.<sup>26</sup>

In thinking through the future course of collective self-defense, Japan's most influential policymakers also demonstrate, arguably beyond just rhetoric, fundamental shifts in their strategic assumptions relating to security cooperation. As noted above, Japanese leaders from Yoshida onward sought to avoid external commitments by arguing those were essentially outside their state's own security interests. Japan's ready ability to depend on U.S. security guarantees for much of the cold war allowed it to separate efforts for national security and broader regional security. However, Japan's new National Security Strategy (NSS), released in December 2013, indicated a shift in views. The NSS posited that the changing balance of power in the Asia-Pacific, the rise of China, and the advancement of globalization and technological innovation meant "threats, irrespective of where they originate in the world, could instantly have a direct influence on the security of Japan" (*kyoi ga, sekai no dono chiiki ni oite hassei shite mo, shunji ni chikyū ni mawari, wagakuni no anzen hoshō ni mo chokusetu eikyō o oyoboshieru jōkyō*). Consequently, it asserted that "Japan cannot secure its own peace and security by itself" (*wagakuni no heiwa to anzen wa wagakuni ikkoku de wa kakuho dekizu*). The NSS issued a clear challenge to Japan's supposed postwar "one-country pacifism" (*ikkoku heiwashugi*) and proposed instead Abe's "proactive contribution to peace" or "proactive pacifism."<sup>27</sup>

Abe's Advisory Panel on the Reconstruction for the Legal Basis of Security was convened during his first administration, deliberated from 2006 to 2008, and was reconvened in 2013–14. It produced reports in 2008 and 2014 advocating the exercise of collective self-defense. Although Abe clearly packed the panel with experts who shared his view of security, its findings further demonstrate a new acceptance that Japan's need to

25. Institute for National Strategic Studies, National Defense University, "The United States and Japan: Advancing Toward a Mature Partnership," October 11, 2000, p. 3; Richard L. Armitage and Joseph S. Nye, *The US-Japan Alliance: Anchoring Stability in Asia* (Washington: Center for Strategic and International Studies, 2012), [http://cis.org/files/publication/120810\\_Armitage\\_USJapanAlliance\\_Web.pdf](http://cis.org/files/publication/120810_Armitage_USJapanAlliance_Web.pdf), pp. 14–15.

26. Office of the Press Secretary, The White House, "Joint Press Conference with President Obama and Prime Minister Abe of Japan," April 24, 2014, <http://www.whitehouse.gov/the-press-office/2014/04/24/joint-press-conference-president-obama-and-prime-minister-abe-japan>.

27. Kokka Anzen Hoshō Kaigi, "Kokka anzen hoshō ni tsuite," December 17, 2013, <http://www.cas.go.jp/jp/siryou/131217anzenhoshou/nss-j.pdf>, pp. 3, 5–6.



undertake greater international security responsibilities was at the core of its own national security interests.<sup>28</sup> The Advisory Panel's two reports emphasized Japan's obligation to exercise the right of self-defense and that this encompassed the possession of the rights of both individual and collective self-defense. It acknowledged that Japan had hitherto considered the exercise only of the right of individual self-defense as sufficient and legitimate for the purpose of self-defense. But the panel argued that in the twenty-first century many diverse security threats had emerged, exacerbated in reach and impact by advances in military technology. This meant no nation could any longer defend itself entirely alone and international collective responses were increasingly demanded. In Japan's case, this new security environment necessitates the exercise of both collective self-defense and collective security. The panel advocated a range of scenarios for the exercise of these security options, including: MSDF defense of U.S. warships engaged in joint exercises and interdiction of shipping in international waters; MSDF utilization of BMD to intercept missile attacks on the United States itself and U.S. assets; GSDF defense of the militaries (*kaketsuke keigo*) of other states engaged in UN PKO; MSDF minesweeping in maritime areas such as the Strait of Hormuz; and JSDF participation in UN-mandated operations such as the 1990–91 Gulf War.<sup>29</sup>

Hence, in accepting the indivisibility of Japan's security from that of the rest of region and arguing for participation in collective security arrangements, the Advisory Panel reports exhibited a sea change in Japanese strategic thinking. Abe subsequently utilized the Advisory Panel's reports to justify moving toward breaching the ban on collective self-defense. During the press conference on May 15, 2014, announcing the second report, and then in July in confirming the Cabinet Decision on collective self-defense, the prime minister repeated the logic that Japan could no longer defend itself

28. The Advisory Panel members were Yanai Shunji (chair and former ambassador to the United States), Kitaoka Shinichi (deputy chair and president of International University of Japan), Iwama Yōko (professor, National Graduate Institute for Policy Studies), Okazaki Hisako (director, Okazaki Institute), Kasai Yoshiyuki (honorary chairman, Japan Railways East), Sakamoto Kazuya (professor, Osaka University), Kase Masamori (professor emeritus, National Defense University), Satō Ken (former administrative vice-minister, Ministry of Defense), Tanaka Akihiko (president, Japan International Cooperation Agency), Nakanishi Hiroshi (professor, Kyoto University), Nishi Osamu (professor emeritus, Komazawa University), Nishimoto Tetsuya (former Defense Agency chief of general staff), Hosoya Yūichi (professor, Keio University), and Murase Shin'ya (professor emeritus, Sophia University).

29. Anzen Hoshō no Hō-teki Kiban no Saikōchiku ni Kansuru Kondankai, *Anzen hoshō no hō-teki kiban no saikōchiku ni kansuru kondankai hōkokusho*, June 24, 2008, <http://www.kantei.go.jp/jp/singi/anzenhosyou/houkokusho.pdf>, pp. 4–6, 11–16, 21–22; Anzen Hoshō no Hō-teki Kiban no Saikōchiku ni Kansuru Kondankai, *Anzen hoshō no hō-teki kiban no saikōchiku ni kansuru kondankai hōkokusho*, May 15, 2014, <http://www.kantei.go.jp/jp/singi/anzenhosyou2/dai7/houkoku.pdf>, pp. 13–22.

alone or by depending on the United States; Japan needed to meet emerging threats collectively.<sup>30</sup> Abe's acceptance of this logic and his concept of a "proactive contribution to international peace" in order to counter these threats did not yet signal an absolute shift away from past Japanese strategic thinking. The prime minister still rejected collective security as an option that likely exceeded the purport of the constitution and thus stated that the "JSDF will never participate in such warfare as the Gulf War or Iraq War for the purpose of the use of force."<sup>31</sup> As noted earlier, Abe also asserted that there would only be a "limited acceptance" rather than total lifting of the ban (*zenmen kaikin*) on the exercise of collective self-defense. Abe's own thinking, nonetheless, again demonstrated a significant change in the postwar Japanese mind-set of avoiding external security commitments. The administration then demonstrated the seriousness of its intent by initiating a full political process for reinterpreting the prohibition on the exercise of collective self-defense, a related and substantive reorientation of U.S.-Japan alliance cooperation, and legislation to facilitate these changes.

Following intensive negotiations within the LDP-New Kōmeitō coalition during May and June 2014, agreement was reached on principles for the July Cabinet Decision on breaching the ban on collective self-defense. The coalition parties engineered this agreement by tracking back to the Tanaka administration's 1972 statement on collective self-defense that had served as the main prohibition on exercise of the right. The coalition reinterpreted the statement to stress that not only did Japan possess the rights of individual and collective self-defense, but that it could now exercise the latter without exceeding the minimum use of force necessary for self-defense. Drawing on the logic of the Advisory Panel, the coalition partners agreed that Japan's security environment and modern warfare technology had been fundamentally transformed, meaning that even an attack on another state could threaten Japan's survival. The exercise of collective self-defense for the overriding objective of national self-defense thus became both necessary and acceptable. The Cabinet Decision, drawing on the language of the NSS and the Advisory Panel, reiterated this new security logic:

When considering only the quarter-century since the end of the Cold War, the shift in the global power balance, rapid progress of technological innovation, development and proliferation of weapons of mass destruction and ballistic missiles, and threats such as international terrorism have given rise to issues and tensions in the Asia-Pacific region, there exists a situation in which any threats, irrespective of where they originate in

30. "Press Conference by Prime Minister Abe," May 15, 2014, [http://japan.kantei.go.jp/96\\_abe/statement/201405/0515kaiken.html](http://japan.kantei.go.jp/96_abe/statement/201405/0515kaiken.html); "Press Conference by Prime Minister Abe," July 1, 2014.

31. "Press Conference by Prime Minister Abe," May 15, 2014.

the world, could have a direct influence on the security of Japan [*kyoi ga sekai no dono chiiki ni oite hassei shite mo, wagakuni no anzen hoshō ni eikyō oyoboshieru jōkyō*]. . . . No country can secure its own peace only by itself [*mohaya, dono kuni mo ikkoku nomi de heiwa o mamoru koto wa dekizu*], and the international community also expects Japan to play a more proactive role for peace and stability in the world, in a way commensurate with its national capability.<sup>32</sup>

As seen in the next section, the LDP and New Kōmeitō stress that any decision by Japan to exercise collective self-defense is governed by a range of new conditions and constraints derived from the 1972 statement. But the coalition still performed an extraordinary *volte face* in adapting the statement prohibiting collective self-defense to one enabling that same right.

The Abe administration's determination regarding collective self-defense was further demonstrated by the fact that it did not stop with the Cabinet Decision's enunciation of the principles. It took swift action to create substantive operational and legal frameworks for the exercise of the right in advance of passing the enabling legislation. The Guidelines for U.S.-Japan Defense Cooperation were revised in April 2015, the first such revision since 1997, specifically to facilitate collective self-defense operations, denoted as situations in which Japan would be called upon "to respond to an armed attack against the United States or a third country, and Japan has not come under attack." The scope of Japanese support for the United States in contingencies, including collective self-defense situations, has been broadened from previous iterations to now involve BMD, search and rescue, logistics support, and maritime operations such as minesweeping, escort protection, and interdiction. Moreover, bilateral cooperation is no longer necessarily restricted geographically and is instead emphasized as global in scope, so aiming for seamless (*kiyome no nai*) interoperability of the U.S.-Japan alliance.<sup>33</sup> The passage through the Diet in September 2015 of the collective self-defense legislation, encountering strong resistance in the Diet itself and intense public scrutiny and often protest within broader society, demonstrated the resolve of the coalition to effect collective self-defense despite the political risks.

Japan under the Abe administration has thus moved a significant, and arguably increasingly decisive, distance toward making collective self-defense a reality. Japan's changing security environment and the consequent enhanced expectations for U.S.-Japan alliance cooperation have generated

32. "Cabinet Decision on Development of Seamless Security Legislation to Ensure Japan's Survival and Protect Its People," p. 1; Kokka Anzen Hoshō Kaigi Kettei, Kakugi Kettei, "Kuni no zonritsu o mattō shi, kokumin o mamoru tame no kiyome no nai anzen hoshō hōsei no seibi ni tsuite," p. 1.

33. Ministry of Defense Japan, "The Guidelines for Japan-U.S. Defense Cooperation," April 27, 2015, [http://www.mod.go.jp/e/d\\_act/anpo/pdf/shishin\\_20150427e.pdf](http://www.mod.go.jp/e/d_act/anpo/pdf/shishin_20150427e.pdf).

ever-stronger drivers for external and collective self-defense commitments. In turn, the strategic mindset of Japan's policymakers has undergone a progressive shift and now accepts the near indivisibility of U.S. and Japanese security interests and the concomitant need to cease utilizing constitutional prohibitions to hedge security commitments. Finally, the Abe administration's new legislation and its revision of the Guidelines for U.S.-Japanese Defense Cooperation have provided ready frameworks for the military operationalization and actual exercise of collective self-defense. This offers a powerful set of impulses to Japanese policymakers seeking to determine security preferences. In this context, we need to question the claims of the Abe administration that the move toward the exercise of collective self-defense represents continuity and that the constraints on its actual use remain dominant.

#### THE JAPAN THAT REALLY CAN SAY "NO"? HOLDING THE LINE ON "LIMITED" COLLECTIVE SELF-DEFENSE

Abe administration officials and other proponents of the recent reinterpretation of constitutional prohibitions and new collective self-defense legislation have offered a series of justifications for why these moves represent essential continuity rather than a radical shift. These generally revolve around the arguments that they have consciously and skillfully calibrated any changes in such a way as to attenuate strategic risks and that additional constitutional breakwaters are built into the new legislation. Japan is thus seen as continuing to rely on its ability to hedge and moderate its security commitments and to hold back the tide of external and domestic forces pushing for collective self-defense.

The first argument used to support the claim that Japan's stance on collective self-defense is limited is that this expanded range of national security options enhances U.S.-Japan cooperation and thus deterrence. The ability to exercise collective self-defense thereby serves to enhance also regional stability and to head off and lessen the risks of conflict and Japanese entrapment. Abe in his May 15, 2014, press conference propounded this thesis:

Some argue that our discussion on the right of collective self-defense will result in Japan becoming embroiled in the wars of other countries [*takoku no sensō ni makikomareru*]. There appeared to be a rise of such arguments at the time of the Japan-U.S. Security Treaty revision in the 1960s. However, the focus of the opposition was against the possibility of Japan becoming embroiled in the wars of other countries, rather than the revision of the Treaty itself. Many repeatedly argued that Japan would find itself caught in wars if the Treaty was revised, but after 50 years, has it ever caused a problem? It is now commonly understood by Japanese people that the revision of the Japan-U.S. Security Treaty instead enhanced the

deterrence capacity of Japan, and the presence of the U.S. in the Asia-Pacific region has helped establish peace more firmly in the region. What we are trying to do is in fact to further enhance Japan's deterrence capacity [*yokushiryoku ga takamari*], and we must discuss this matter further with a determination to do everything we can to protect the lives of the Japanese people.<sup>34</sup>

The Cabinet Decision repeated this line:

It is essential to avoid armed conflicts before they materialize [*buryokyu funsō o mizen ni kaihi*] and prevent threats from reaching Japan by further elevating the effectiveness of the Japan-United States security arrangements and enhancing the deterrence of the Japan-United States Alliance for the security of Japan and peace and stability in the Asia-Pacific region. On that basis, in order to resolutely secure the lives and peaceful livelihood of its people under any situation and contribute even more proactively to the peace and stability of the international community under the policy of "Proactive Contribution to Peace" based on the principle of international cooperation, it is necessary to develop domestic legislation that enables seamless responses.<sup>35</sup>

Abe once again used this argument immediately after the passage of the legislation through the Diet in September 2015:

We need to think of ways we can pass on a peaceful Japan to our children. Making robust preparations enabling us to seamlessly respond to any situation, ensuring that the Japan-U.S. Alliance fully functions in the situation that Japan finds itself threatened, and clearly demonstrating this to the world, and preemptively preventing war to ensure regional peace and stability—these are the core issues the Legislation for Peace and Security addresses.<sup>36</sup>

The second line of argument employed to support claims of continuity and moderation, and limited risks of involvement in conflict, has stressed collective self-defense as a "right" rather than an "obligation," meaning that Japan can reserve the option not to exercise the right based on policy judgment and necessity. The Advisory Panel first used this argument in its 2014 report stating that:

34. "Press Conference by Prime Minister Abe," May 15, 2014; "Abe Naikaku Sōri Daijin Kisha Kaiken," May 15, 2014, [http://www.kantei.go.jp/jp/96\\_abe/statement/2014/0515kaiken.html](http://www.kantei.go.jp/jp/96_abe/statement/2014/0515kaiken.html).

35. "Cabinet Decision on Development of Seamless Security Legislation to Ensure Japan's Survival and Protect Its People," p. 2; Kokka Anzen Hoshō Kaigi Kettei, Kakugi Kettei, "Kuni no zonritsu o mattō shi, kokumin o mamoru tame no kireme no nai anzen hoshō hōsei no seibi ni tsuite," p. 2.

36. "Press Conference by Prime Minister Shinzō Abe," September 25, 2015, [http://japan.kantei.go.jp/97\\_abe/statement/201509/1213465\\_9928.html](http://japan.kantei.go.jp/97_abe/statement/201509/1213465_9928.html).

Although there is some debate about Japan being drawn into endless wars engaged in by the United States if the right of collective self-defense were to be permitted, given that the right of collective self-defense is in the first place a right and not an obligation [*gimu de wa naku kenri de aru*], the exercise of the right is ultimately an issue for Japan to determine on its own initiative [*wagakuni ga shutai-teki ni handan subeki*].<sup>37</sup>

The LDP-New Kōmeitō coalition adopted this as the official administration stance (*shūdan-teki jieiken no kōshi wa “kenri” de ari “gimu” de wa nai*) in its initial question-and-answer (Q&A) document supporting the announcement of the Cabinet Decision in 2014.<sup>38</sup> The stance of Japanese policymakers implies, then, not only that collective self-defense staves off the risk of embroilment in conflict through enhanced deterrence but also that Japan retains complete strategic autonomy to decide its security commitments if presented with a contingency, even in the face of alliance pressures from the United States.

In turn, the proponents of collective self-defense point to the “three new conditions,” extracted from the reinterpretation of the 1972 Tanaka cabinet statement, as the most significant of the constraints (*hadome*) on the exercise of the right. The use of force should meet the following conditions:

1. When an armed attack against Japan occurs or when an armed attack against a foreign country that is in a close relationship with Japan occurs and as a result threatens Japan’s survival and poses a clear danger to fundamentally overturn people’s right to life, liberty and the pursuit of happiness
2. When there is no other appropriate means to repel the attack and ensure Japan’s survival and protect its people
3. Use of force should be limited to the minimum extent necessary.<sup>39</sup>

The New Komeitō felt it had further tightened up the conditions by insisting in the May-June 2014 coalition negotiations that the original wording in the first condition of “other country” (*takoku*) should be replaced with “a country in a close relationship” (*kinmitsu no kankei ni aru takoku*) with Japan. The party was seeking to foreclose the possibility that the JSDF might be dispatched to assist any country of any region, making it more likely that force would only be used to assist the United States and other close security partners. It also felt it had raised the threshold for justifying the use of force

37. Anzen Hoshō no Hō-teki Kiban no Saikōchiku ni Kansuru Kondankai, *Anzen hoshō no hō-teki kiban no saikōchiku ni kansuru kondankai hōkokusho*, p. 23.

38. “Shūdan-teki jieiken nado ni kansuru sōtei mondō zenbun,” *Asahi shinbun*, June 28, 2014, p. 4.

39. Government of Japan, “Japan’s Legislation for Peace and Security: Seamless Responses for Peace and Security of Japan and the International Community,” March 2016, <http://www.mofa.go.jp/files/000143304.pdf>.

by switching the original wording from simply “fear” (*osore*) of threat to posing a “clear danger” (*meihaku na kiken*).<sup>40</sup>

In terms of formal constraints, the case is further made that Japan can only exercise collective self-defense in line with Article 9, Clause 4, of the Law on Response to Contingencies that requires Diet approval for the mobilization of the JSDF. The law states that in “emergency” (*kinkyū*) situations, prior Diet approval for mobilization may not be required, only postapproval. But the government stresses that, “as a principle, prior Diet approval is necessary” (*gensoku Kokkai no jizen shonin o yō suru*).<sup>41</sup> Moreover, the LDP-New Komeitō coalition as part of its effort to secure broader national approval for the final passage of the legislation in the upper house acceded to additional demands from the Assembly to Energize Japan, the New Renaissance Party, and the Party for Future Generations (renamed the Party for Kokoro in late 2015). The five parties agreed that JSDF dispatch for collective self-defense operations—necessary for national survival but not resulting from armed attack such as dispatch to the Persian Gulf to respond to interruptions to Japan’s oil supplies—should require prior Diet approval “without exception” (*reigai naku jizen shonin*). In addition, the parties agreed that the government should report to the Diet on JSDF activities within 180 days of dispatch.<sup>42</sup> Abe was thus able in his September 25, 2015, press conference, following passage of the legislation with the support of the five parties, to claim triumphantly that his government had imposed additional constraints on the exercise of collective self-defense:

The agreement was predicated on the strengthening of democratic controls over the mobilization of the Self Defense Forces, including the requirement of prior Diet approval. This is a framework in which a democratically elected government makes its decision with the comprehensive involvement of the parliament.<sup>43</sup>

Overall, therefore, the Abe administration and others arguing that collective self-defense represents essential continuity in security policy have sought to claim that, despite the political upheavals generated by the re-

40. “Misekake no ‘gentei yōnin,’” *Asahi shinbun*, June 5, 2014, p. 3.

41. Naikaku Kanbō, “Buryoku kōgeki jitai nado ni okeru wagakuni no heiwa to doku-ritsu narabi ni kuni oyobi kokumin no anzen no kakuho ni kansuru hōritsu,” September 30, 2015, <http://law.e-gov.go.jp/htldata/H15/H15HO079.html>; Naikaku Kanbō, Naikakufu, Gaimushō, Bōeishō, “‘Heiwa anzen hōsei’ no gaiyō: wagakuni oyobi kokusai shakai no heiwa oyobi anzen no tame no kireme no nai taisei no seibi,” <http://www.cas.go.jp/jp/gaiyou/jimu/pdf/gaiyou-heiwaanzenhousei.pdf>, p. 10.

42. Nihon no Kokoro o Taisetsu ni Suru Tō, “Heiwa anzen hōsei ni kansuru gōi jikō,” September 16, 2015, <http://nippon-kokoro.jp/news/upload/20150925202533-5d890b5d7cb d90b3a7c94eb1b2afa7d050b6dbf9.pdf>; “Sanyatō, seiken e ‘tasukebune’: Jisedai, genki, kaihaku anpo hōan sansei,” *Asahi shinbun*, September 17, 2015, p. 4.

43. “Press Conference by Prime Minister Shinzō Abe,” September 25, 2015.

interpretation and passage of legislation, Japan has in fact strengthened its defense and alliance posture to minimize the risks of involvement in conflict. They argue that Japan has retained strategic autonomy over defense commitments and has put in place legal and parliamentary brakes enabling it to opt out of exercising the right. The coalition's Q&A document summed up its confidence in this position:

The "three new conditions" provide clear constitutional brakes [*kenpōjō no meikaku na hadome*]. In addition, the bills demand Diet approval for the use of force. . . . Whether the "three new conditions" are met will be decided objectively and rationally. . . . In the event a request is received from the United States to participate in a war, would we be able to refuse? . . . If the three new conditions are not fulfilled, then naturally the response would be "we cannot" [*dekinai* "to *kotaeru no wa tōzen*]). . . . Deterrence power is strengthening. . . . The risk of Japan's embroilment in war is decreasing.<sup>44</sup>

Moreover, rising political barriers generated from the debates over the security legislation are seen by some to suggest that Japan's possible exercise of collective self-defense is highly circumscribed. The LDP is seen as increasingly wary of alienating the New Kōmeitō, thus limiting further security reforms, and as having stimulated public opinion to oppose even more strongly changes in Japan's security posture. In this way, Abe is seen, ironically, as having raised the domestic barriers to Japan's exercise of collective self-defense and having constrained the government's room to maneuver in the future by establishing explicit *hadome*, whereas in the past it had to rely on stretching the constitution to effect its security agenda, and thus with the introduction of new legislation scored something of a Pyrrhic victory.<sup>45</sup>

#### JAPAN'S TOOTHLESS *HADOME* AND ENTRAPMENT

Japanese policymakers thus posit a set of seemingly compelling strategic, legal, and political constraints on collective self-defense, ensuring continuity and moderation. However, if these supposed constraints are scrutinized closely, there are grounds for questioning whether they serve as brakes at all. It is arguable that the so-called constraints increase the probability of Japan's failing to retain strategic autonomy and hedging options, and that, in the longer term, they enhance the freedom of action of the Japanese government to exercise collective self-defense.

44. Naikaku Kanbō, "'Kuni no zonritsu o mattōshi, kokumin o mamoru tame no kireme no nai anzen hoshō hōsei no seibi ni tsuite,' Ichimon, Ittō" (author's translation).

45. Yakushiji Katsuyuki, "Abe's Hollow Victory? Public Uproar over Collective Self-Defense," *The Tokyo Foundation: Politics in Perspective*, October 8, 2015, <http://www.tokyo.foundation.org/en/articles/2015/abes-hollow-victory>.



*Enhanced Deterrence as Enhanced Entrapment*

The first argument of advocates for collective self-defense—that it offers strengthened deterrence thus obviating conflict and decreasing the likelihood of the nonexercise of the right—can be challenged by its own internal logic, rendering the argument at least moot or even falsifiable. In order to make deterrence function, Japan needs to demonstrate very clearly both to potential adversaries such as China and North Korea and to its U.S. ally and other potential security partners its degree of preparedness and the parameters for its use of military force. If Japan remains ambiguous in its determination to dissuade an adversary from a particular course of action through force and retaliation, then conflict cannot be obviated through the threat of deterrence. Japanese policymakers thus cannot stop at the level of declaratory rhetoric or creating legal frameworks—as they attempted to do during the Diet debates in 2015 when they avoided discussion of specific threats from other states and preferred instead to talk of general scenarios. Instead, policymakers have to move Japanese and U.S. strategic and operational planning to a higher and more specific level than ever before.<sup>46</sup> Recognition of this need to shift radically the terms of the alliance is evident from the revised functional and geographical scope of the 2015 revised Guidelines for U.S.-Japan Defense Cooperation.

Japanese policymakers' attempts to strengthen the deterrence of the U.S.-Japan alliance mean that the past pattern of hedging strategic intentions becomes progressively more difficult, and this has mixed ramifications. Japan's declining hedging strategy and its hopes for enhanced deterrence might work to obviate conflict but carry the implication that Japan in the first instance has to be prepared to commit itself to fighting alongside the United States, with the potentially enhanced risks of direct entrapment in contingencies if deterrence fails.<sup>47</sup> Japanese policymakers may calculate that these risks are worth taking for the potential payoff of obviating conflict. But even if the public were to accept the logic that collective self-defense diminishes the risk of embroilment in U.S.-led conflicts, it remains the case that any miscalculation resulting from this policy shift might impose a greater impact of those risks. These risks and costs, which were consistently avoided by Japan's past pattern of hedging behavior, are much higher than acknowledged in current government reassurances.

Moreover, for other commentators, Japan's move to enable the exercise

46. Soeya Yoshihide, "Shiten ronten Anpo hōsei o kangaeru 5: yokushi-ron to Anpo rongi no yugami," *NHK kaisetsu inshitsu*, October 2, 2015, <http://www.nhk.or.jp/kaisetsu-blog/400/228788.html>.

47. Yanagisawa Kyōji, "Anzen hoshō seisaku: sono engen to mujun," in Nakano Shōichi, ed., *Tettei kenshō Abe seiji* (Tokyo: Iwanami Shoten, 2016), pp. 153–54.

of collective self-defense contains a logic that cuts against any argument for obviating conflict through deterrence. The expansion of U.S.-Japan alliance cooperation fostered by collective self-defense and the revised Guidelines for U.S.-Japan Defense Cooperation is viewed by some as only increasing general security dilemmas and regional tensions and also the possibility of dragging Japan into a regional conflict involving the United States and China or North Korea.<sup>48</sup>

If moves to enable the exercise of collective self-defense might actually enhance rather than reduce the risk of Japan's embroilment in conflict, then arguments against government propositions that Japan retains strategic autonomy to choose not to exercise the right and to stay out of conflicts come into play. In breaching the ban on collective self-defense, Japan has clearly opened up new military horizons for the use of force even when not itself under direct attack, options that were previously denied it by constitutional interpretations. This presents Japan with an unprecedented set of strategic choices. For Japanese policymakers and the citizenry, the terms of the debate and response to U.S. requests for military assistance have now fundamentally changed.

As one scholar notes, in line with holding to the right of individual self-defense, Japan was in the past able to respond to U.S. and international requests for military assistance in contingencies with "sorry but cannot" (*zannen da ga dekinai*). However, if it wants to remove itself from providing assistance, Japan now has to shift to a position of "can but will not" (*dekiru kedo, shinai*).<sup>49</sup> Japan's ability to assert this new stance in the face of U.S. and international pressure might not be tenable. Japan has in past contingencies not shown itself to be adept at issuing outright refusals to U.S. requests for military assistance. Indeed, it has only been able to limit the JSDF to noncombat roles precisely because it could draw on the justification of the nonexercise of collective self-defense. Japanese policymakers were able to make this argument in the 1990–91 Gulf War, in the 1994 North Korean nuclear crisis, in the aftermath of 9/11 and the conflict in Afghanistan, and following the Iraq War. Deprived now of the constitutional firewall of individual self-defense and equipped with the new explicit facility to exercise collective self-defense, it is doubtful whether Japan really could refuse, or would even want to refuse, U.S. requests and retain its previous strategic autonomy with the utter confidence that Abe's government asserts.

48. "Beigun no kyōryoku yōsei kotawarenai," *Asahi shinbun*, September 20, 2015, p. 3; Kawasaki Akira and Céline Nahory, "Japan's Decision on Collective Self-Defense in Context," *The Diplomat*, October 3, 2014, <http://thediplomat.com/2014/10/japans-decision-on-collective-self-defense-in-context/>.

49. Ueki Chikako, *Heiwa no tame no sensōron* (Tokyo: Chikuma Shinsho, 2015), p. 64.

*Conditionless “Three New Conditions”*

Moving to the “three new conditions,” the centerpiece of Japanese government legal claims that collective self-defense is highly circumscribed, it must be asked whether these are “new,” or even “conditions” at all. It is striking that the government offers no objective criteria to define the first condition—the threat to Japan’s survival must be sufficient to trigger the exercise of the right—thus leaving ample room to pursue its own interpretations and policy objectives. The Abe administration’s sample scenarios for collective self-defense have focused predominantly on responses to military contingencies in Japan’s surrounding region. During Diet debates, though, Abe consistently referred to the possibility of an interruption to Japan’s oil supplies via the Persian Gulf necessitating the dispatch of the JSDF on mine-sweeping duties to the Strait of Hormuz, thereby raising questions among opposition politicians as to whether economic motivations alone could justify collective self-defense.<sup>50</sup> As noted above, the five-party agreement in the upper house in September 2015 considered such economic-oriented dispatches legitimate when it came to requiring prior Diet approval, thus confirming the critique of other opposition parties. The Abe administration in the end settled on a process whereby the criteria for the first new condition would be decided by the cabinet’s “overall judgment” (*sōgō-teki ni handan suru*)—another entirely vague formulation leaving room for wide interpretation by the executive.<sup>51</sup>

The second condition, that collective self-defense can be exercised only where there are no other appropriate means of responding to an armed attack, is similarly vague and open to executive interpretation. Abe’s government again offered no objective criteria for the triggering of this condition, leaving commentators to opine that in a real conflict this condition may not be decided by Japan autonomously but under pressure from the United States. If the United States were involved in a military conflict or was itself subject to military attack, it would likely request the necessary military support from its ally, and Japan would find itself hard-pressed to refuse the dispatch of the JSDF or to argue that it instead preferred, for instance, the use of economic sanctions. It seems farfetched in the context of alliance relations that Japan—which is now equipped with a new legal capability to exercise collective self-defense and has an accompanying operational blueprint via the revised Guidelines for U.S.-Japan Defense Cooperation—

50. “Jieitai hazureru seiyaku,” *Asahi shinbun*, September 19, 2015, p. 3; Craig Martin, “Jus ad Bellum Implications of Japan’s New National Security Laws,” *The Asia-Pacific Journal: Japan Focus*, Vol. 14, No. 2, May 15, 2015, <http://apjif.org/-Craig-Martin/4893/article.pdf>, p. 4.

51. Aoi Miho, *Kenpō to seiji* (Tokyo: Iwanami Shinsho, 2016), pp. 66–68.

would refuse to exercise that right in a military conflict involving attacks on the United States or would push instead for a nonmilitary response.

Regarding the third new condition, adhering to the minimum force necessary, the Abe government proffers no objective definitions or restrictions on the exercise of collective self-defense. Abe did indicate during responses to persistent opposition questioning in the Diet in May and August 2015 that the government envisaged the use of minimum force to mean that the JSDF under collective self-defense would not “generally” be dispatched (*ippan-teki ni kaigai hahei mitomerarete inai*) in support of U.S. operations in the territory of neighboring states. Indeed, most of the sample scenarios put forward by the coalition focused on maritime operations.<sup>52</sup> Abe followed on, arguing that in the case of a ballistic missile attack on the United States originating from an unspecified foreign country, Japan could provide military assistance through the deployment of BMD systems at sea. Abe thus indicated that any use of military force involving dispatch to that foreign country’s territory would be unlikely because it would go beyond the minimum force necessary to remove threats. When pressed even further, Abe stated that Japan would be prevented under this third condition from dispatching the JSDF to the land, sea, or airspace of South Korea in response to contingencies.<sup>53</sup>

Abe appeared to be indicating some limitations on force imposed by this third condition, but the lack of specificity beyond this, as well as past government interpellations around the use of force, cast doubt on how fixed these are and indicate Japan may find it impossible to delimit JSDF use of force to within its own territory or surrounding international air and sea space.<sup>54</sup> For instance, in the case of the use of force against foreign countries to counter missile attacks, the Japanese government has since 1956, even under the right of individual self-defense, reserved the capability to strike at enemy missile bases if they threaten Japan’s security.<sup>55</sup> Minister of Defense

52. Abe stated on May 20 in the Joint National Basic Policy Committee that Japan could generally not dispatch the JSDF overseas for the use of force. *Shūgi-sangiin kokka kihon seisaku iinkai gōdō*, 1gō, May 20, 2015, p. 13. Abe was more definite on August 24, 2015, arguing in the House of Councillors Budget Committee that, “the dispatch of the JSDF for the purpose of using armed force, in ways such as entering the territory of another state to conduct large-scale bombing or bombardments, is equivalent to overseas deployment, and it is clear that this goes against the minimum use of force in the three new conditions” (author’s translation), *Sangiin yosan iinkai kaigiroku*, 20gō, August 24, 2015, p. 12.

53. *Sangiin yosan iinkai kaigiroku*, 20gō, August 24, 2015, p. 14; “Shushō, takokuryō de no kōgeki hitei,” *Asahi shinbun*, August 25, 2015, p. 4.

54. Sakada Masahiro, *Kenpō 9jō to anpo hōsei: seifu no arata na kenpō kaishaku no kenshō* (Tokyo: Yūhikakusha, 2016), pp. 39–44.

55. Asagumo Shinbunsha, *Bōei handobukku 2015* (Tokyo: Asagumo Shinbunsha, 2015), pp. 601–2; Hughes, *Japan’s Re-emergence as a “Normal” Military Power*, p. 89.

Nakatani Gen, just two days after Abe denied the likelihood of the JSDF being dispatched to foreign territory under collective self-defense, stated in a press conference that, “if the use of force on the territory of another state fits with the ‘three new conditions,’ then it is not disallowed by the constitution.” Chief Cabinet Secretary Suga Yoshihide noted in his press conference the following week that “there are National Diet pronouncements that make possible striking at enemy guided missile bases.”<sup>56</sup>

Hence, these precedents established under even more restrictive past constitutional interpretations and legal regimes, combined with the refusal of the administration to specify criteria for the minimum force necessary, make it highly probable that Japan could pursue a very expansive definition of collective self-defense. This definition would most likely allow the use of force against and within third countries in response to attacks on the United States. Finally, on this third condition, commentators have noted that, just like the first two, it is not a “new” condition, having been in place since 1972, and it is not particular or restrictive to Japan given that all countries claim to use the minimum force necessary as part of “just war” theory.<sup>57</sup>

The Abe administration’s claims about the strength of *hadome* thus appear highly questionable due to their inherent flexible interpretation and the likelihood of their coming under severe stress in contingency situations, thus opening the way for Japan’s use of force. In this way, the administration’s talk of breaching the ban on the exercise of collective self-defense while retaining full strategic autonomy appears less than convincing. Opening up this right could instead result in the obligation to exercise it in a conflict. Moreover, the other legal and political constraints appear just as flexible and vulnerable to failure in the face of strategic and government imperatives.

### *Lowering Constraints on Executive Control*

The requirement for prior Diet approval might serve as an important brake on collective self-defense, but it could also be bypassed or foiled by government policymakers and JSDF operational demands. The Law on Response to Contingencies states that postapproval is possible in “emergency” situations requiring immediate JSDF mobilization and dispatch. Abe admitted in the Diet that postapproval situations were a possibility but described

56. “Shūdan-teki jieiken, shōten wa kōshi hani Anpo hōsei kyō shingi hairi,” *Asahi shinbun*, May 26, 2015, <http://www.asahi.com/articles/ASH5T4JX0H5TUTFK006.html>; “Takoku de buryoku ‘yurusarenai wake de wa nai bōeishō futatabi genkyū,” *Asahi shinbun*, May 22, 2015, <http://www.asahi.com/articles/ASH5Q45ZTH5QUTFK004.html> (accessed 28 May 2016); “Kōshi no hani aimai tōben,” *Asahi shinbun*, May 28, 2015, p. 2.

57. Yanagisawa Kōji, *Bōkoku shūdan-teki jieiken* (Tokyo: Shūeisha Shinsho, 2015), pp. 74–76.

these as “exceptional” (*reigai toshite kinkyū jigo shōnin o mitomete*).<sup>58</sup> In reality, though, many of the prime scenarios put forward by the government for the exercise of collective self-defense involve “emergency” responses.

For example, if Japan’s BMD systems are to work for the defense of U.S. maritime assets—one type of scenario identified by the coalition to justify the need for collective self-defense—this can in practice require real-time responses to missile attacks. Japanese governments have already acknowledged this reality through revisions in the Defense Agency Law in 2005 delegating decisions on interceptor launches to the minister of defense or commanders in the field in accordance with preplanned scenarios.<sup>59</sup> Indeed, Japan in August 2016 in reaction to a North Korean missile test that it failed to detect the preparations for issued a three-month standing order for BMD intercepts to improve the JSDF’s state of readiness to respond instantly to threats.<sup>60</sup> Japan might still have warning of a potential missile attack, as these types of scenario might emerge from gradually increasing regional military tensions necessitating the Diet to convene for security deliberations, and thus allowing for prior approval of the exercise of collective self-defense and BMD operations. However, there remains the possibility that even in more managed situations, the outbreak of conflict and the rapid response of BMD systems, usually occurring within minutes, will place Japan on a trajectory of military action and collective self-defense. This short timeframe will inhibit the ability of the Diet to provide prior approval and to control the escalation of responses in support of the United States.

Moreover, given the coalition’s own justifications for the need to enable the right of collective self-defense—centered on the argument that the speed and reach of modern weaponry can impact Japan’s own security even if it is not under direct attack—there is a probability that, under contemporary warfare conditions, conflict could still break out relatively rapidly and unexpectedly. This type of conflict could draw Japanese security interests and JSDF defensive capabilities into a fast-moving, dynamic situation and require the exercise of collective self-defense without prior Diet approval. In addition, many suspect the Japanese government retains control of the definition of an “emergency” and could mold this for the purposes of bypassing prior Diet approval. There has even been a suspicion that policymakers, newly equipped through the State Security Act of 2015 with strict powers controlling the flow of security data, could use this to deprive the Diet of

58. *Sangiin wagakuni oyobi kokusai shakai no heiwa anzen hōsei ni kansuru tokubetsu iinkai kaigiroku*, 12gō, August 25, 2015, p. 4; “Shushō, Takokuryō de no Kōgeki Hitei,” *Asahi shinbun*, August 25, 2015, p. 4.

59. Bōeichō, *Bōeichō setchihō nado o ichibu o kaisei suru hōritsuan kankei shiryō* (Tokyo: Bōeichō, 2005), pp. 11–13.

60. “Hakai sochi meirei seifu ga jōnoka,” *Asahi shinbun*, August 9, 2016, p. 2.

key information needed to deliberate on contingencies. Government policymakers could thus use their informational advantage to prevent debates concerning prior approval and generally influence debates in favor of the exercise of collective self-defense.<sup>61</sup>

Lastly, on the issue of Diet constraints, it is apparent that, contrary to the claims of the Abe administration, there are in practice no meaningful additional obligations on the government to seek prior approval for JSDF participation in collective self-defense. Abe's trumpeting of the five-party agreement on prior Diet approval in September 2015 as further cementing democratic constraints on collective self-defense appears exaggerated. The Law on Response to Contingencies, as already noted, contains explicit exemptions to the need for prior approval in the case of emergencies as defined by the government. Moreover, the five-party agreement only requires prior approval for JSDF mobilization in cases when collective self-defense is not necessarily in response to an armed attack, such as dispatch to the Persian Gulf to counter an interruption to oil supplies, rather than the other scenarios outlined by the government. The agreement does not, therefore, constrain the government's principal objectives for collective self-defense, even while it accepts that broader objectives such as dispatch to the Persian Gulf in response to economic threats are possible with prior Diet approval. Furthermore, the five-party agreement is precisely that—an exclusive interparty agreement with absolutely no legal force. The LDP and New Kōmeitō entered into an agreement with partners then enjoying an upper house strength totaling seven members, who provided useful votes and extra party names to legitimize the security bills but hardly represented a major democratic mandate. The constant process of splits and realignment among micro-parties means these three parties may well disappear and with them the force of the coalition; and indeed the combined upper house strength of these parties fell further to just five following the July 2016 election.

If the LDP-New Kōmeitō with its working majorities in both houses of the Diet can largely decide on the exercise of collective self-defense, then the political reality may be that other decision making is increasingly stacked in favor of the governing parties and the executive. Most important, the LDP has demonstrated that it has now essentially freed the executive from the bureaucratic constraints imposed on security policy by the previously powerful CLB. Since the early 1950s, the bureau has functioned to issue and safeguard interpretations of the constitution including the ban on the exercise of collective self-defense. It has been the main guardian of constitutional interpretations in the postwar period in light of the Supreme Court's position following the 1959 "Sunagawa Case" that "highly political matters" in security were not within the judiciary's purview, abdi-

61. "Jietai Hazureru Seiyaku," *Asahi shinbun*, September 19, 2015, p. 3.

cating these decisions to the government.<sup>62</sup> Although the CLB's influence was attacked by the LDP from the early 1990s onward, eventually enabling dispatch of the JSDF overseas on noncombat missions to the Indian Ocean and Iraq in the early 2000s, it never conceded any *de jure* or even *de facto* breaches of the ban on the use of force and collective self-defense.<sup>63</sup>

Abe, though, has been successful in almost neutralizing the CLB. He appointed Komatsu Ichirō, a Ministry of Foreign Affairs official and former ambassador to France, to the position of director of the CLB in August 2013, making him the first director appointed from outside the CLB in its entire postwar history. Komatsu was known as a proponent of collective self-defense having served during the first Abe administration on the secretariat for the first report of the Advisory Panel on the Reconstruction for the Legal Basis of Security.<sup>64</sup> Komatsu suffered ill health during much of the process of revising the ban on collective self-defense and was replaced in May 2014 by Yokobatake Yūsuke, the deputy director of the CLB. It was an internal promotion, but Yokobatake was seen as amenable to collective self-defense.<sup>65</sup> He subsequently appeared to toe the Abe administration's line in Diet debates, and media investigations later revealed that the CLB had not maintained internal minutes of discussions on collective self-defense, all suggestive of its pliant nature.<sup>66</sup>

With the CLB abandoning its traditional watchdog role, the locus of decision making on interpretations of the constitution shifted fully to the executive and came under political control. Rather than the government and CLB issuing a "unified government interpretation" as with many past adjustments to constitutional stances, Abe was largely able to bypass the CLB. He effected constitutional reinterpretation through a combination of processes—the report of the Advisory Panel on the Reconstruction for the Legal Basis of Security, intracoalition negotiations, and the July 2014 Cabinet Decision—entirely controlled by the executive and the political parties. The Abe administration has now established an unprecedented degree of executive control over constitutional interpretations largely impervious to other political and bureaucratic pressures. The LDP and New Kōmeitō

62. Bryce Wakefield, "Abe's Law: Domestic Dimensions of Japan's Collective Self-Defense Debate," March 5, 2014, [https://openaccess.leidenuniv.nl/bitstream/handle/1887/37220/abes%20law\\_.pdf?sequence=1](https://openaccess.leidenuniv.nl/bitstream/handle/1887/37220/abes%20law_.pdf?sequence=1), p. 48.

63. Richard J. Samuels, "Politics, Security Policy, and Japan's Cabinet Legislation Bureau: Who Elected These Guys, Anyway?" Japan Policy Research Institute Working Paper, No. 99 (March 2004), <http://www.jpri.org/publications/workingpapers/wp99.html>.

64. "Abe to Pick Backer of Collective Self-Defense as Head of Legislations Bureau," *The Asahi Shimbun*, August 2, 2013, [http://ajw.asahi.com/article/behind\\_news/politics/AJ201308020080](http://ajw.asahi.com/article/behind_news/politics/AJ201308020080).

65. "'Ēsu' yokobatake, naibu shōkaku," *Asahi shinbun*, May 17, 2014, p. 4.

66. "Hōseikyokunai giron imada kiri no naka," *Asahi shinbun*, April 6, 2016, p. 4.



were able to override 60 years of prohibitions on collective self-defense in six weeks of intracoalition negotiations. In turn, despite months of Diet deliberations and intense controversy, the coalition was able to pass all the initially proposed legislation without a single amendment—again hardly an endorsement of strong checks and balances on executive power over security policy. All of this indicates that Abe has in no way boxed in his or future administrations politically over the exercise of collective self-defense. On the contrary, Abe has only further lowered the legal, bureaucratic, and political barriers to facilitate its future exercise.

### COLLECTIVE SELF-DEFENSE ONLY A MATTER OF TIME?

The assertions of the Abe administration and other commentators that Japan's moves to enable "limited" collective self-defense represent continuity, moderation, and the enhanced probability that it will not be exercised appear unconvincing when subjected to systematic scrutiny. The first section of this article demonstrates that Japan faces an international structural and alliance context that has increasingly propelled it in the post-cold war period away from hedging behavior and toward more definite security commitments that necessitate collective self-defense. In turn, policymakers have come to accept and embed in national security policy the logic that Japan's own security is indivisible from that of the United States, that collective self-defense is consequently required, and that it is essential to design bilateral military frameworks facilitating the exercise of that right. The second section demonstrates that the supposed strategic, legal, bureaucratic, and political constraints on collective self-defense articulated by the Abe administration are malleable and open to interpretation by the executive to the point of being near pretense. In light of the powerful international and policymaking forces pushing for collective self-defense combined with weak domestic *hadome* to constrain its exercise, it becomes clear that there is not true continuity or moderation in revising the ban. In actuality, Japan has opened up the potential for ready and radical usage of collective self-defense in future contingencies.

In the short term, residual strategic differences and hedging behavior toward the United States as well as immediate domestic political expediency may lend conviction to the arguments that Japan will not seek to exercise collective self-defense. The alliance partners still do not have absolute strategic convergence. The United States has tended to focus on bilateral cooperation for regional and global contingencies, whereas Japan has been more preoccupied with Japan-related contingencies, especially in the East China Sea. Under the revised Guidelines for U.S.-Japan Defense Cooperation, Japan is the first responder in any Senkaku contingency. Japanese policymakers still harbor concerns over entrapment in U.S.-led contingen-

cies out of area, while the United States remains concerned about its own entrapment in Japan's territorial disputes. Both powers are therefore wary about fulfilling their mutual collective self-defense obligations.

Moreover, Abe and the LDP are still mindful that both the coalition and public opinion must be handled with care if political stability is to be maintained. The coalition appears to be a fixed feature of the Japanese political scene for the foreseeable future, though the LDP will constantly need to negotiate the boundaries of collective self-defense with the New Kōmeitō. This may not prove to be a major block for exercising the right of collective self-defense. The LDP has in the past consistently managed to persuade the New Kōmeitō to compromise its pacifist principles on security policy as with the 1992 IPCL, the 1999 Regional Contingencies Law, and the dispatch of JSDF to Iraq in 2003. It pulled off a similar feat in revising the ban on collective self-defense in 2014–15. Despite the intense controversy surrounding the legislation, the coalition proved rock solid on security issues, and the LDP seems likely to maintain the support of the New Kōmeitō, even in a contingency situation, through various side payments in policies on welfare and taxation. Meanwhile, Japan's opposition parties have proved largely incapable of impeding the LDP's security agenda on collective self-defense. Even when the security legislation functioned as a rallying point to unify all opposition parties in summer 2015, they were unable to prevent or even amend the legislation. The ability of the newly created Democratic Party to provide effective opposition is just as questionable given its own diversity of internal positions on collective self-defense.

As for public opinion, Abe and the LDP are in the short term likely to continue their tactics of "bait and switch" over security policy change.<sup>67</sup> Abe pursued this pattern in pushing through collective self-defense: releasing the Cabinet Decision in July 2014; then pausing activity on security policy to focus on electorally popular economic issues for the December 2014 lower house election; then, once the election was won and political control assured, switching back to the security legislation in summer 2015. Abe returned mainly to economic issues before the July 2016 upper house elections, and the pace of security change slowed. The JSDF appears to have been held back in 2016 from fully engaging in military exercises that might suggest rehearsals for collective self-defense.<sup>68</sup> It is clear, though, that the appetite of Abe and the LDP for radical security reform remains unabated. After the 2016 election, and the further strengthening of coalition control in the upper and lower houses, the LDP continues to plan to seek not just

67. Robert J. Pekkanen, Steven R. Reed, and Ethan Scheiner, "Introduction: Take a Second Look at the 2014 Election, It's Worth It," in Robert J. Pekkanen, Steven R. Reed, and Ethan Scheiner, eds., *Japan Decides 2014* (New York: Palgrave Macmillan, 2016), p. 2.

68. "Nichibei enshū Anpo hōsei hanei sezu," *Asahi shinbun*, March 28, 2016, p. 1.

collective self-defense but now formal constitutional revision. The LDP has the political nous to continue to push through controversial security policies and successfully circumvent public opinion. Moreover, as noted earlier, although public opinion has not approved of Abe's methods, it is equally divided over the necessity of the legislation. There is a significant body of public opinion less opposed to collective self-defense. All of this signals the likely ability of the LDP to persuade the public to acquiesce in the exercise of collective self-defense in the future.

Consequently, Abe and the LDP have successfully wedged open the door for collective self-defense for the short term and have the ability to fling it open wider over the longer term if demanded by a security contingency and the U.S.-Japan alliance. LDP-New Kōmeitō attempts to portray the shift to collective self-defense as continuity, if critically examined on their own terms, fail to convince. Japan has embarked on a genuinely radical trajectory in security policy. Its new security path may be welcome to many but it is important to recognize, free of coalition obfuscation, that it does indeed mark a sharp break with the antimilitaristic principles of the past. Japan is emerging through collective self-defense as a more committed strategic and military partner of the United States in the "rebalance." As part of its decreased hedging and adherence to the U.S.-Japan alliance through collective self-defense, Japan risks the further escalation of security tensions with China and North Korea. It is increasingly likely to participate and to offer the use of force in regional contingencies in the East China Sea, the Korean Peninsula, and even perhaps in the South China Sea and beyond, to the Indian Ocean and Persian Gulf. This is hardly the stuff of essential continuity and necessitates consideration of Japan as a far more serious military player in international security.

UNIVERSITY OF WARWICK