

# **Evolution of the interpretation and application of Article 9 of the Japanese Constitution in the context of security policy of Japan**

## **Abstract**

The main objective of this dissertation is to analyze an important constitutional and legal issue, which is the interpretation of Article 9 of the Japanese Constitution in light of the changing security policy of Japan, with particular emphasis on the passage of Prime Minister Shinzo Abe's controversial legislation in 2015. In addition to historical models of governance, the thesis describes the debate over the constitutional text and shows that while Article 9 was intended to be a safeguard against the re-militarization of Japan and the recurrence of wartime horrors, with new challenges, the United States sought to rebuild Japan's armed forces. Japan's LDP-dominated governments, however, citing the Cabinet Legislation Bureau's strict interpretation of Article 9, largely resisted these pressures, leaving security to its American ally and focusing on economic development. Radical constitutional reinterpretation and constitutional revision was hindered not only by the rigidity of the constitution but also by the structure of the political system, in which the proponents of the norm of antimilitarism had a significant role to play. The end of the Cold War, however, brought the tension between the constitution and the Japan-U.S. security treaty into full view as Japan began to develop greater involvement in security issues. The issue of constitutional revision and interpretation became a much more debated topic. It was then that the Abe administration's praise of the 2015 security laws that allowed for the limited exercise of the right to collective self-defense became a fundamental change in the development of a settled interpretation of Article 9. This thesis discusses the procedural steps by which the change came about and analyzes the actors involved in the debate over their constitutionality. It also points to the moderating influence of the Komeito coalition, constitutional experts, activists, and the Japanese public as bearers of the antimilitarist norm and agents of de facto constitutional protection. According to the dissertation, the passage of the security legislation may threaten the legitimacy of the activities that Japan will undertake under these laws, as well as representing another step in the hollowing out of Article 9. In the end, the thesis puts up for consideration the establishment of an institution for abstract constitutional review that would authoritatively interpret the constitutionality of security policy acts and that would help cultivate Japanese constitutionalism.

**Keywords:** constitutional interpretation, security, Japan