

原著論文

An Erosion of Japan's Security Policy : New Security Bills, the Constitution, and Prime Minister ABE

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INTRODUCTION

The National Security Strategy set forth by the Government of Japan (GOJ) in December 2013 begins with the following statements¹ :

Maintaining the peace and security of Japan and ensuring its survival are the primary responsibilities of the Government of Japan. As Japan's security environment becomes ever more severe, Japan needs to identify its national interests from a long-term perspective, determine the course it should pursue in the international community, and adopt a whole government approach for national security policies and measures in order to continue developing a prosperous and peaceful society.

Japan has contributed to peace, stability and prosperity of the region and the world. In a world where globalization continues, Japan should play an even more proactive role as a major global player in the international community.

Based on such a recognition, the Government of Japan hereby sets forth this National Security Strategy (hereinafter referred to as "the Strategy") in order to set out Japan's fundamental policies pertaining to national security.

In accordance with this Strategy, controversial and contentious security bills were adopted on the 19th of September 2015 in the Diet, amid unprecedented political turmoil. The purpose of this essay is to analyze Japan's security policy featured in this legislation. Both the domestic and the international perspectives of this legislation will be considered but it must be taking into account that they are not balanced equally. Audiences from backgrounds outside of Japan might have a propensity of overestimating the international perspectives and overlooking the Japanese inward viewpoints. The sentences at the beginning of the Strategy appeal to two contexts : in the sense that this Strategy is for the sake of Japan's national interests and for the sake of the international community's interests. Needless to say, the two contexts are intermingled, but emphasis may differ

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from Japanese nationals to the other nationals. Opinion and commentary conveyed via foreign media tend to analyze the issues of Japan's new security bills from the international perspective, and typically draw positive evaluations on the premise that Japan is "play [ing] an even more proactive role as a major global player in the international community"². However, it can be argued that the priority should be placed on how to preserve Japan's national security, rather than on the security of international community. Taking this argument into account, this paper will focus more on the domestic perspectives, in the hope of improving a deeper understanding of the issues of Japan's security policy. In terms of the domestic contexts, three dimensions can be identified : the constitution as the foremost principle of the democracy, effectiveness of the security policy implementation, and personal elements of Prime Minister ABE Shinzo. The security bills will be critically evaluated through these three frameworks.

CONSTITUTION AS THE FOREMOST PRINCIPLE

The Constitution of Japan, drafted during the Allied occupation with the initiative by the US for postwar Japan, and promulgated on the 3rd November, 1946, came into effect on the 3rd May, 1947. One of its most noteworthy articles is the renunciation of war :

ARTICLE 9. Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

(2) To accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

The Constitution has divided opinions in liked or disliked by different streams of Japanese politics. Those that are critical of the Constitution claim that Article 9 is unreasonably idealistic and lacks the democratic authenticity imposed by the US during war time occupation, whereas those that defend it cite the positive role that it has played in ensuring 70 years of peace with no Japanese killed nor killing during military activities. Japan's Constitution has never been revised, but the interpretation of Article 9 changed during the Cold War confrontation. In response to US anti-Soviet tactics, Japan established a de facto military in 1954 called the Self-Defense Forces (SDF), under strong pressure from Washington. The rationale for this move in light of Article 9 was that whilst aggression is forbidden, a sovereign state is duly allowed to use military forces for self-defense, and that forces which fall within the minimum necessary are justified. Although the rights to individual self-defense and to collective self-defense are sanctioned in the Charter of the UN, the GOJ restrained itself solely to individual self-defense because collective self-defense

exceeds the necessary level of self-defense. In the post-Cold War era, the SDF participated in UN peace keeping missions and multinational military activities overseas. Their participation was regarded as constitutional because SDF's involvement in these operations is limited to logistics support, which is deemed to be short of the use of the force. Since the birth of SDF 60 years ago, regardless of changes in the international climate, the previous governments deemed the exercise of collective self-defense operations to be unconstitutional. However, in 2014, ABE issued a cabinet decision that adopted a new interpretation which regards collective self-defense as constitutional, instead of formally revising the charter of the Constitution.

The first dimension in which the security bills need to be assessed is light of the constitutional problems. In modern democracies, constitutionalism is defined as the idea that limits should be placed on state power in order to protect citizens from abuse at the hand of their government. The worst example of the abuse was the carnage of holocaust, dictated by the Nazi German government. Simply put, the constitution could be likened to a 'cage' within which a 'fierce animal', i.e. state power, is contained. In light of this notion of constitutionalism, a cabinet decision that changes the interpretation of the constitution from what cannot be done to what can be done is almost equivalent to the fierce animal 'breaking the cage out'. This is what the ABE cabinet did last year by unilaterally deciding that collective self-defense shall be permitted in the present Constitution. The people do not and should not accept a society in which a predatory animal roams free of its cage. Hence, constitutionalism provides one of the crucial reasons for why the security bills should be negated.

However, views differ on the matter. *The Economist* writes that interpretations of Article 9 have been loose over time, implying that the most recent reinterpretation does not matter significantly³.

Much of the debate relates to the constitution, especially article nine, which is treasured by many Japanese. But those who accuse Mr Abe of violating it ignore the fact that it has long been interpreted loosely. The document, for example, permits no army, navy or air force ; but Japan has had all three since the 1950s. (It got around the ban by calling them "self-defence forces".) It was Mr Abe's predecessor, Yoshihiko Noda of the Democratic Party of Japan, who raised the idea of allowing Japan to engage in "collective" security, as defending allies from attack is described⁴.

Surely a variety of interpretation has been formed through many cabinets in conjunction with the state of international relations surrounding Japan. However, when it comes to collective self-defense, the interpretation of banning it has been firmly maintained during 60 years since the inception of the SDF. According to a poll, this traditional interpretation has been supported

by the majority of Japanese. Therefore, the exercise of collective self-defense has been treated as the red line within which the soul of the peace clauses has been maintained. Given the significant meanings placed upon the restraint of participating in collective self-defense, ABE's cabinet decision cannot be justified as simply another routine reinterpretation of Article 9. The problem is highlighted when one examines ABE's authoritarian style of politics. Protestors against ABE's decision have made the convincing argument that if the government wants to engage in collective self-defense, due process of amendment should be formally followed, otherwise it undermines constitutionalism.

Three legal experts, including HASEBE Yasuo who was asked to evaluate the security bills by the prime minister's own Liberal Democratic Party (LDP) , testified before the Diet that the tabled security bills violated the constitution. "Allowing the use of the right of collective self-defense cannot be explained within the framework of the basic logic of the past government views [of the Constitution] ", HASEBE told in the Diet⁵. Another scholar, KOBAYASHI Setsu, warned that if the political practice of violating the constitution should go unchallenged, Japan may begin to represent something similar to North Korea⁶. Other than these testifiers, a large number of lawyers, judges and former directors of the Cabinet Legislation Bureau, have opposed or doubted the bills. Concerning scholars of constitution law, 104 respondents regard the bills as unconstitutional and 15 as doubtful, whereas only 2 constitutional, asked in a questionnaire⁷. In the face of the criticism, ABE's cabinet logic of constitutionality has been evaluated as a perversion by the majority of the experts, and accordingly lost persuasiveness to general public. If politics in Japan has been conducted on the genuine basis of constitutionalism, the security bills would have been denied or at least revised to a large degree in the Diet. Yet, the reality is that Japan's politics has deteriorated to the extent whereby it is on the brink of an authoritarian regime which ignores the principles of constitutional democracy.

EFFECTIVENESS OF POLYCY IMPLEMENTATION

Another dimension for evaluating the security bills is a framework of policy analysis. In theory, constitutionality is a premise for policy-makers to plan and implement policies. In this respect one can reasonably argue that given the violability of the Constitution as demonstrated above, the security bills are impermissible, regardless of their usefulness and effectiveness as policies. However, for the purpose of widening an understanding of the issues raised, several considerations are presented on how useful and effective the new security bills are as policy.

The object of the security bills is to maintain Japan's peace and security. The reason why this object needs to be articulated now is based on alterations of the international conditions

surrounding Japan. In other words, potential threats development from China, North Korea, and terrorism. Although evaluation of the threats to Japan varies and the GOJ arguably overestimates them intentionally, there is no doubt that the world of security threats has been changing at a fast pace. For this reason, some contend that any counter-measures to deal with these changes are of great necessity, whatever the contents might be. Considered in this light, a fundamental question becomes salient : Which means are effective at maintaining Japan's security?

The means that ABE's cabinet favors is to enhance Japan's military capabilities by giving the SDF a wider range of activities within missions. In particular, ABE reiterates the deterrence that the security bills provide. The significance of armed power and deterrence is certainly high in the international community. In terms of the usage of military capabilities, however, at least two fundamental arguments should be taken into account. One is the counter-effect that is inherent in it. This is called the dilemma of security, which means an ironic cycle of unintended provocations, emerging when one side acts militarily to make itself more secure. A comment written in an editorial of a Chinese newspaper clearly demonstrates the risk of the security dilemma : "China is unable to affect Japan's choice. We can counter this by developing a more powerful military to withstand Japan's provocation"⁸. Consequently, deterrence backed by an entirely military response may prove to be counterintuitive. Also, it is theoretically argued that for a deterrence to work effectively, not only "punishment" but also "reward" must play a significant role as inducements ; both need to coexist⁹.

The other fundamental argument which must be raised in the context of the use of military capabilities concerns alternative means for securing peace other than armed powers. There are many non-military measures that could be utilized. Firstly, the case for "peace by diplomacy" maintains that it is diplomacy which needs to be primarily pursued. People feel uneasiness since the government relations with neighboring states are tense and unstable. The causes are on the both sides, but initiatives and efforts for amelioration must be employed, even if it is only from one side. Otherwise reciprocal cycles of amicable relations cannot begin. "Peace by international law" is another basic notion. Although disputes are inevitable in the international community and military strength has been commonplace among methods of settlement, international law has evolved to regulate the use of force, crystalizing it in the UN Charter Article 2 (4). International law, including the principles against the use of force and of non-intervention, is never a panacea, but these basic norms as well as various treaties and judicial mechanisms, are conducive to settle disputes and conflicts. The "peace by morality" arguments is also a convincing idea. Essentially, states know where their interests lie but it is often the case that moral deeds are made beyond interests. Reverence and confidence as soft power play a significant role in the pursuit of

interests. States gather favors and reputes, and reasonably avoid incurring a country's enmity. Furthermore, when one says that war no longer pays, the context is based on a thought of "peace by economy". The more vibrant that the economic activities between countries are, the deeper their ties and, accordingly, states become aware that damage inflicted upon the counterpart would be felt swiftly. Both sides fear mutual loss. This concept helps to maintain stable relations. Economic interdependence has a pacifying effect on states.

In addition, the Democratic Peace Theory also conveys the pacifying effect. It is a hypothesis that relations between democratic states are more peaceful than those between states that have other political systems, and it is a hypothesis that is argued empirically. Even if the hypothesis works, no state can impose democracy upon the other sovereign states. Additionally, it takes time for democracy to establish itself and function properly. Therefore, "peace by democracy" cannot be expected to produce prompt results, but it is worthwhile in its own right and therefore the tenet of democracy need to underlie every effort for peace and security. Apart from the governmental level, there are remarkable activities leading to amity on the non-governmental level. When citizens meet and talk with foreign people face-to-face and establish a connection through culture, sports, arts and sciences, close relations are naturally born between individuals. Even if ill-feeling is harbored toward a certain state, many ordinary people, if looked at on an individual level, are kind-hearted and friendly, whichever nationality they belong to. So, surely good feeling occurs between the people concerned if civic interchanges advance despite the government level's enmity. It is "peace by the civic interchange". Such effects steadily influence government policies after all. Lastly, we should not downplay "peace by the United Nations (UN)". The UN is the organization that is supposed to embody international peace and stability by way of the mechanism of collective security which combines diplomacy, international law, and military power. The idea of collective security is not fully realized in the present world, but the concept, *per se*, is generally assumed more preferable than the balance of power system which fostered the devastation of the World Wars.

Examined in these contexts, essential problems with ABE's intention become clear. The first problem is that he only emphasizes the bright side of military capabilities with the dark side deliberately shelved, intentionally or not. He repeatedly highlights the effect of deterrence through strengthening military power whilst barely referring to the security dilemma. Adam Liff and John Ikenberry point out that, given the increasing volatility of the Asia Pacific, actors such as the US, China, Australia, and Japan have already been entangled in a security dilemma. Furthermore, in case of the dilemma between Tokyo and Beijing, the dynamic has been driven by mistrust and a direct conflict of interests over territorial issues¹⁰. As Liff and Ikenberry warn

that “many aspects of Japan’s security policy under Prime Minister Abe... have been linked directly to China’s rise”¹¹, one can reasonably criticize that the security bills deteriorate the dilemma. One should bear in mind that reliance on military capabilities is a tricky measure in the sense that it can produce the opposite effect to what is intended if taken too far. ABE’s cabinet seems to be lacking in prudence of this sort. What matters here is how to evaluate the balance or trade-off between merits and demerits brought about by relying on military measures and to find the optimum condition. The discussion of this kind has been eschewed, even though the opposition parties raised the issue consistently during the Diet sessions.

The second problem is that ABE, in pursuit of peace and security, underestimates the other non-military means which are available than military capabilities. It is obvious that hard power matters but, as discussed above, military measures have inherent side-effects which makes it unwise to employ policy that is entirely militarily-oriented. Rather, a policy that balances a military and non-military approach is what a sensible and reliable government should arguably adopt. The variety of the notions and means for peace and security, as outlined above, however, has not been eagerly utilized by the ABE cabinet. Japan’s recent diplomacy between China, North Korea and South Korea has been extremely inadequate. ABE has stated that “doors of talks are always open”, but he does not dare to go out for talks. Rather, he has worsened relations by emphasizing contentious issues, such as historical recognition and the Yasukuni shrine. Stephen Harner, an expert on Japan, came to similar conclusions¹² :

[a] major threat for Japan is its seemingly congenital inability or unwillingness to achieve harmonious relations and to reach effective *modus vivendi* on some key issues (like the Senkaku/Diaoyu dispute) with its neighbors. In this respect, Abe’s new “Proactive Contributor To Peace” agenda and defense posture will be no help, not least because it seems to bind Japan more tightly within an inchoately anti-China U.S.-Japan alliance.

When it comes to “peace by morality” argument, it is generally viewed that Japan has already the unique power of this kind. What underpins such power are Article 9, which was recently nominated as a candidate for the Nobel Peace Prize, the tragedy of nuclear bombs, miraculous development of the national economy, and the national traits of honesty and diligence that were identified in the 2011 earthquake disaster. Conversely, the idea of a “normal state”, which has centered in the ABE’s policy orientation, is contradictive and spoils the morality-backed modus since normalcy by ABE purports a freehand of exercising military power unhindered. Furthermore, the “peace by economy” argument, which is highly applicable in relation to China, has not been significantly accentuated by the ABE cabinet. The economic tie between Japan and

China is deeply complementary, with China being Japan's largest trading partner and Japan being China's second largest. There remains much room for further interdependence which would contribute to stabilizing the states concerned and regional stakeholders.

Thus, the counter-effects of, and alternatives to, military capabilities arguably prove ABE's security bills to be insufficient as a means for the object of securing Japan's peace and stability.

PERSONAL ELEMENTS OF PM ABE

Do you get injected with morphine on the orders of a drug dealer or a doctor? The argument of security bills is paralleled with morphine in a sense. Even if the contents are the same, perceptions differ, depending on who mentions it. ABE insists that with the world rapidly changing, new actions are essential to bolster Japan's security. The contents are understandable, but is the contender reliable? The first part of this essay has been argued from the framework of constitutional studies and at the second part from the framework of policy studies, both of which have resulted in negative evaluations. Lastly, in the final section, the issue will be examined in view of ABE's personal elements : *inter alia*, his intellect aspect, political ideology aspect, and character aspect.

First, there was a symbolic scene in the Diet session in March 2013 where a lawmaker from an opposition party asked ABE, "do you know ASHIBE Nobuyoshi?" His answer was "no, I don't"¹³. Professor ASHIBE was a person of authority in constitutional studies which every law faculty student in Japan was supposed to know. In the previous year, the draft of the fully revised constitution had been publicly presented by ABE's Liberal Democratic Party (LDP) with his strong initiative. The question in the Diet, however, revealed how seriously ABE lacks a basic understanding of the Constitution, since his ignorance of ASHIBE is equivalent, for example, to a film maker's ignorance of KUROSAWA Akira. Likewise, another remark connotes the same problem. In the Diet session in March 2015, in response to accusation that he interfered with the freedom of the press by lodging a complaint against a specific TV broadcasting, ABE refuted by saying "I, too, have the right to freedom of speech"¹⁴. The guarantees of the freedom of speech differs depending on situations and actors, and obviously his refute was groundless. One instance shows all. The extent that he understands the fundamental principles and structures in the contemporary statehood of constitutional democracy could be demonstrated by his speech and behavior. Disregard of constitutionalism, which was shown by the cabinet's decision in 2014 to unilaterally allow the previously banned collective self-defense, may stem from insufficiency of the knowledge in its own right.

Considered from a different angle, his behaviors could be ascribed to his political ideology.

Overt nationalism and historical revisionism, together with hawkish conservatism, underlie his political thoughts¹⁵. He established a Japanese National Security Council (NSC), and announced the first National Security Strategy (NSS) in 2013. At the same time, ABE's government enacted a controversial secrecy law to prevent leaks of state secrets, pressured by the US and at the sacrifice of accountability and journalism. Japan's weapons export ban was relaxed in 2014. His administration revised textbook screening guidelines to give children a more patriotic take on Japanese history and to plant the government's view on territorial disputes. Japan's public TV, NHK's president and members of management board were arbitrarily replaced to conservative intellectuals with whom he has close ties. Other than NHK issue, he has repeatedly criticized newspapers and TV broadcasting, interfering with the freedom of the press. Scholars have protested that the academic freedom and university autonomy have been hampered by the cabinet's unreserved demands, including enforcement of national flag and anthem singing, in exchange for government subsidies. ABE's statement marking the 70th anniversary of the end of WWII in August 2015, risked angering war-affected states by stopping short of saying a fresh apology. Given these policies, at the root of his policy orientation is an authoritarianism leaning ideology. The security bills are an extension of this ideology.

ABE's approach and technique for his political ends have to be featured in assessing the security bills issue. The terms of 'dishonesty'¹⁶ and 'arrogance'¹⁷ could best substantially apply to his approach and technique. To amend the Constitution, a two-thirds majority in both houses is required and then it can be submitted to the voters. When a majority of the nationals approve at a referendum, the amendment succeeds. In reality, ABE controls a two-thirds majority in the lower house but only simple majority in the upper house. First, he tried to weaken the conditions by altering the clause of two-third majority into simple majority but this strategy backfired and was compared to the "back door admission to school". Then, he switched and the new tactic was to reinterpret the Constitution. It seemed easier, with no need for due process and for this purpose the chief of Cabinet Legislation Bureau was arbitrarily shifted. Accordingly, the Bureau, in response to his expectation, devised a new 'reinterpretation' which has been exposed to severe criticism by legal experts. Finally, in September 2015, based on this new reinterpretation, the cabinet bulldozed the security bills, ostensibly asserting their constitutionality. This approach taken by ABE is an attempt at "a constitutional coup : trying to repeal basic tenets of the constitution without obtaining the support of the Japanese people in a special referendum"¹⁸. If the threats caused by the rise of China and unpredictability of North Korea were undoubtedly imminent, there could remain a certain room exceptionally where the emergency situation outweighs the Constitution. The reality, however, is far from such contingency. Possibility alone

never justifies contempt of the Constitution. Therefore, in terms of ABE's dishonest and unfair approach of bypassing due process, which is arguably equivalent to coup, there is no question about its invalidity.

Polls show that the majority of the Japanese oppose the cabinet's plans to ratify a series of controversial security bills. According to an *Asahi Shimbun* survey conducted just after passing of the bills¹⁹, 51% of the respondents in the survey said they were against the bills, while 30% said they supported the legislation. 75% do not think deliberations in the Diet have been sufficiently carried out on the legislation, compared with 12% who believe the Diet debate has been sufficient. The support rate for the ABE cabinet was 35%, the lowest since he formed his second administration in December 2012, whereas the nonsupport rate was 45%. It is difficult to reach a national consensus in this divided condition but what ultimately matters is to exhaust the discussion as much as possible. With three people out of four feeling arguments insufficient, ramming of the bills through the parliament can by no means be tolerated. In the last general election held in December 2014, though ABE's LDP gained landslide victory in terms with the number of the seats, the actual rate of voters number in favor for LDP was just one in four voters, due to the system of the first-past-the-first-poll with the historical low rate of turnout of 53%²⁰. During the election campaign, the focus presented by LDP was on the economy revitalization package, known as *Abenomics*, and suspension of the consumption tax while the issue of the security bills was not prioritized. Thus, the voters will have not been properly represented in both qualitative and quantitative senses. His remarks that within 20 to 30 years these bills will be vindicated connotes his posture of dismissing public opinion. Examined this way, one can convincingly characterize his approach to the bills as arrogant.

Regarding his personality, it is often observed that he flares up and opposes nervously when forced in a tight corner during the course of arguments, even heckling the opponents in the Diet session. It is a matter of human nature but it gives rise to suspicion as to his character and it turns critical when one is reminded of who the Prime Minister is in this country.

Thus, concerning his personal traits, political ideology, and character, people cannot resist drawing the conclusion that he, as a politician with the highest responsibility, does not deserve to be trusted.

CONCLUSION

This essay examined the issue of security bills which was enacted by ABE's cabinet in September 2015. Three frameworks of analysis are conducive: constitution as a foremost principle in democracy, effectiveness of the policy implementation, and personal attributes of

ABE himself.

Although ABE's cabinet insist on the constitutionality with the bills, it is very dubious with almost all legal experts criticizing, to admit sufficient grounds for the cabinet's justification. Let alone the illegitimacy of exercise of collective self-defense, his contempt of constitutionalism, which was shown by the cabinet decision in 2014, fatally undermines the constitutional democracy of Japan. Notwithstanding possible rationality with the bills as policy orientation, the contradictions with the Constitution suffice for invalidating the bills decisively.

Given the changes of the international community, counter-measures are a necessity and the object of securing peace and the interests of Japan is understandable. The focus is about the rationality of means for the object. In general, a means by military capability is one of authentic and effective measures even in the present global society. Armed power, however, has an inherent counter-effect and there exists alternatives to it. The problem with ABE's security bills is that they emphasize the military sector beyond the balanced extent where negative aspects of, and alternatives to, military strength are deliberately taken into account.

Distrust on ABE has been brewed through his personal attributes. His political ideology based on nationalism and conservatism, which underrate democratic and liberal values, together with a lack of intellectual and considerate posture, is closely associated with his decrease of reliability. His approach to proceed the bills are well described with 'dishonesty' and 'arrogance'. This legislation opens the door to unfettered cabinet discretion over the use of force, but freehand can be bestowed only on condition that those who bestowed are undoubtedly trusted. If the other political leaders were the Prime Minister, the situation would be different. Since ABE cannot be trusted, nor were security bills evaluated positively.

A Canadian leading newspaper, *The Globe and Mail* explains how firmly rooted the pacifism in Japan²¹ :

So central is pacifism to the Japanese identity today that in a poll this spring for The Yomiuri Shimbun newspaper, only 5 per cent disagreed with the assertion that Japan has, since the Second World War, "taken the path of a peace-loving nation." (Compare that with Canada, where, despite a reputation for multiculturalism 30 per cent of people think the country would be better as a wall of white, without other ethnic or language groups, according to polling done by the Association of Canadian Studies.)

Indeed, people in Japan are entrenched in their pacifism and for that reason they will not approve the legislation. Although it is more emotion led sentiment, it contains much utilitarian thought for maintaining Japan's cause and merit. In this essay, I avoided elaborating it though,

the arguments from the pacifism cannot be slighted to reach to any conclusive views. In this paper, apart from the aspect of pacifism, the recent predicament of new security package was discussed with basically negative evaluation. However, the robust tradition of pacifism and new generation of Japanese anti-war protesters such as Students Emergency Action for Liberal Democracy -SEALDs for short- are testaments to the Japanese people ; people who ABE does not represent. Although the recent security legislation may be ominous of conflict and has the potential to further entangle Japan in a regional security dilemma, the people can dispose of it through the ballot box.

和文要約：

2015年9月に日本の国会で強行採決された安全保障関連法は国内外で大きな注目を集めた。日本国外の視点からは、この安保法制の国際的な要素に着目しがちであるが、本来は国内的な要素に対する分析、評価が優先されねばならない。本稿では、国内の観点に基づき、安保法制に関して三種の枠組みから考察する。一点目は憲法論の枠組み、二点目は政策論の枠組み、三点目は人物論の枠組みである。

憲法論の観点からは、とくに集団的自衛権の行使が問題になる。安倍内閣は2014年7月の閣議決定で、これまで憲法上不可とされてきた集団的自衛権の行使を可能と変えたが、一内閣による独断的な解釈改憲は立憲主義の崩壊につながるもので、到底、肯定されえない。集団的自衛権の行使が必要なら正規の憲法改正手続きをふんで行うべきである。

また政策論の観点というのは、日本の平和と安全が、この安保法制という政策によって、効果的に達成できるのかという考察である。今回の安保法制は自衛隊の海外における活動を質・量ともに拡大し、つまり、武力の強化という手段によって日本の平和と安全を確保しようとしている。しかし、武力にはそれ自体弊害を内包し、また武力以外のやりかたも多様に存在する中、武力に偏重する今回の安保法制は、日本の安全という目的を達成する手段として効果的、合理的とは言いがたい。

人物論は安倍首相自身の政治姿勢、人格、知性などの個人的属性の問題である。安保法制の問題に限らず、安倍首相の取組みに対して形容される象徴的な言葉は「不誠実」と「傲慢」である。同じ政策であっても、信用できる政治家によるか、そうでない政治家によるかで、評価は違いえる。安倍首相という個人に対する信頼感が低下する中、安保法制も必然的に信用できないという評価は免れがたい、と言えよう。このように三種の観点から考察すれば、安倍内閣による今回の安保法制は不当であると言える。

(Endnotes)

- 1 *National Security Strategy*, www.cas.go.jp/jp/siryou/131217anzenhoshou/nss-e.pdf
- 2 *Ibid.*

- 3 "Japan's Security-Gloves Off", *The Economist*, July 11, 2015, p. 38.
- 4 Although *The Economist* writes at the last sentence as "'collective security', as defending allies from attack is described", it seems wrong because it should be collective defense, rather than collective security in this context. Both are different concepts.
- 5 The House of Representatives internet TV (*Syugiin internet Shingi Chuukai*), June 4, 2015. http://www.shugiintv.go.jp/jp/index.php?ex=VL&deli_id=44973&media_type=wb
- 6 "Japan's security bills threaten constitution: legal aspects", *Jakarta Post*, June 15, 2015.
- 7 "Constitutional scholars on security bills, No104 while Yes 2", *The Asahi Shimbun*, July 11, 2015.
- 8 "Japanese soldiers could fight abroad again after security bill passed", *The Guardian*, September 18, 2015.
- 9 Max G. Manwaring, *Deterrence in the 21st Century*, Frank Cass, 2001, pp. 113-114.
- 10 Adam Liff and John Ikenberry, "Racing toward Tragedy? China's Rise, Military Competition in the Asia Pacific, and the Security Dilemma", *International Security*, vol.39 no.2, 2014, pp. 73-78.
- 11 *Ibid*, p. 77.
- 12 Stephen Harner, "Japan's Real Security Threats: Immigrant Assault And Failing, Self-Defeating Diplomacy", *The Forbes*, September 22, 2015. <http://www.forbes.com/sites/stephenharner/2015/09/22/japans-real-security-threats-immigrant-assault-and-failing-self-defeating-diplomacy/>
- 13 *Dai183kai kokkai sangiin yosaniinkai kaigiroku dai8gou*, March 29, 2013, p. 12. <http://kokkai.ndl.go.jp/SENTAKU/sangiin/183/0014/18303290014008.pdf>
- 14 The house of representatives internet TV (*Syugiin internet Shingi Chuukai*), March 3, 2015. http://www.shugiintv.go.jp/jp/index.php?ex=VL&deli_id=44530&media_type=fp
- 15 Kosuke Takahashi, "Shinzo Abe's Nationalist Strategy", *The Diplomat*, February 13, 2014. <http://thediplomat.com/2014/02/shinzo-abes-nationalist-strategy/>
- 16 Bruce Ackerman and Tokujin Matsudaira, "Dishonest Abe", *Foreign Policy*, June 24, 2014. <http://foreignpolicy.com/2014/06/24/dishonest-abe/>
- 17 Nancy Snow, "The Abe Administration's Arrogance of Power Moment", *The Japan Times*, July 16, 2015. <http://www.japantimes.co.jp/opinion/2015/07/16/commentary/japan-commentary/abe-administrations-arrogance-power-moment/#.VjTIe17otdj>
- 18 Bruce Ackerman and Tokujin Matsudaira, *op. cit.*
- 19 "Security bills, Against 51% while For 30% by Poll", *The Asahi Shimbun*, September 21, 2015.
- 20 The electoral system for the 475-membered House of Representatives (Lower house)

combines single-member district (SMD) seats allocated by plurality rule and proportional representation (PR) seats separately allocated in 11 regional districts. 295 SMD seats and 180 PR seats. Turnout for SMD was 52.66 % and for PR 52.65 % . The Liberal Democratic Party (LDP) gained 291 seats and coalition partner, Kōmeitō 35 ; The Democratic Party of Japan (DPJ) 73 seats ; The Japan Communist Party (JCP) 21 ; so-called “Third Force” parties 45 ; others 10.

21 “Japan Seized by Protests as PM Abe Pushes through Defence Legislation”, *The Global and Mail*, September 17, 2015. <http://www.theglobeandmail.com/news/world/japan-seized-by-protests-as-pm-abe-pushes-through-defence-legislation/article26392435/>