

What is the constitution of Japan? What is the meaning of amending the constitution of Japan?

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Hello, ladies and gentlemen. My name is Makoto Ito. I am a head master of a cram school, Ito juku, and lawyer.

Today, I would like to talk about “What is the Constitution of Japan?” and “Now, what condition is amendment of this Constitution?”, “What is the meaning of amendment of this Constitution?” “In particular, if this Constitution is amended according to “the outline of the Draft for a Revised Constitution” of Liberal Democratic Party (LDP), what happens?”

I'll tell you the idea in making this constitution and the values which this Constitution values, the reason for being of this Constitution, adding the problems of the draft of Constitution of LDP.

And I'll tell you the meaning of precious value of the renunciation of war and the long-held pacifism which our country's constitution has provided in Article 9.

And at last, I'll tell you the problems of amendment of the Constitution, which has connection with my trial for realization of “one man one vote”.

[Here is power point 1, the same shall apply hereinafter]

●Introduce Myself

First, let me introduce myself briefly. [pp2] I have held a cram school, Ito jyuku, to educate lawyers and public servants for 30 years. My important role as a lawyer and public servant is to realize the value of Japanese Constitution and that I send out more lawyers into the world who can realize the value of the Constitution.

This [pp3] is the situation of the lecture of the Ito juku, in Shibuya, Tokyo. Now more students study through the Internet, listening to my lecture from the country. I want more people to understand the Constitution of Japan, so I am busy giving a lecture around the country more than 100 times a year, about 150 times in this year. I have written various books [pp4-7] about the Japanese Constitution. I would appreciate if my books were read.

● Why is the law right?

Then I'll tell you the reason for being of this Constitution. We follow our law. Why should we follow it? [pp8] We follow our law, for it is right.

Why can we say it is right? Because the law was made according to the opinions of many people of the country or the age, it is right, we can say. Our country is democratic and the sovereignty of the people, the law made by the opinion of many people is right.

In old times, the criterion for the right was different. Because the Emperor, or the King in other country, made the law, it was right. It was called the Imperial Sovereignty, or sovereignty of the king.

Japan is "the sovereignty of the people" and the law by the opinion of many people is right.

Then [pp8] if the law is made by the voices of many people is it always right?

Unfortunately, it is not always right. Being confused by all kinds of manipulation of information or by the atmosphere, by the immediate interests, we can make an error of judgment. Human being can make an error.

Human being is not complete and can make an error. Even if the majority of people agree, people can find it mistaken afterwards. Human being has experienced such situation all over the world.

The most famous example is the Nazis in German, the era of Adolf Hitler. The people supported Hitler enthusiastically but Hitler massacred Jewish person and did the many cruel things behind the scene, as you know. But the people supported Hitler enthusiastically.

The next example is the United States of America. In 2003, the country began to start the Iraq War. Overwhelmingly, the people supported the war US former president George Walker Bush addressed. What was the reason for the war? The reason was: weapons of mass destruction were being hidden in Iraq: There were connection with terrorist in Iraq, that was terrible and we must beat The President Saddam Hussein to death. But considering afterwards, they find them all untruths. Many people supported the Iraq War by the untruths.

The last example is Japan. In the last war, Japanese people and the mass media also were made believe the untruth information of Announcement from the Imperial headquarter and were tricked by the information that Japan continued winning or this war was fight for justice, and sent out the soldiers to the battlefield waving a flag.

Beyond the ethic group or age, human being can make an error unfortunately. They are weak, not complete creature. So it is very important to govern by the voices of the many

people of the age.

But the opinion by the majority is not always right [pp9] and it must be applied the brakes to. And there must be the value, which we must not deprive regardless of the voices of the majority. The precious values we must not deprive are human rights and peace which are provided in advance in “the Constitution of Japan”.

This “we must not deprive regardless of the voices of the majority” means we must not deprive and do regardless of the law made by the voices of the majority.

That is to say, Even if there are the opinions of the majority, what we must not deprive is human rights, what we must not do is to start a war and we should keep the rights for peace. This is the Japanese Constitution that includes the rights, which were written in advance when people were calm.

●The idea of “Constitutionalism”

As this shows [pp10], the idea to apply the brake to use of power by Constitution is called “Constitutionalism”. Originally the idea was created in Great Britain. When the King of the England despotized, the then peers created the idea to apply the brake to the despotism and to defend their privilege. This idea is called Constitutionalism, which means politics by the Constitution.

Now the society is democracy and it means that we must apply the brake to political force we made or politics based on democracy, not that we must apply to brake to power of the King.

Democracy is not all right. As democracy can sometimes make an error, we must apply the brakes to democracy by the Constitution. This is the idea of Constitutionalism.

Today, the important meaning of idea of modern democracy is that we must apply the brakes to political force by the Constitution regardless of one reflecting the opinion of the people or political force under the pretense of the people.

That is to say, our country is the state of Democracy with Constitutionalism.

● the difference between the Constitution and the Law of Japan

The law is made by the state [pp11] and restricts the freedom of the people to maintain a society or public order. On the contrary, the Constitution is the tool to restrict the state. The Constitution restricts the state to defend the freedom of the people. The law and the Constitution are completely opposite.

In other words, who must observe the law or the Constitution? The answer is completely opposite.

While the law tells the people to observe, the Constitution tells the State to observe and

is the tool for the people to restrict the state.

The state or government is the state that we made artificially as the primary with power. Culture or history or heritage should not be included in the State. The state is the meaning of the state or the government in English, not the rich country we say “our country” or my home which remind me the mountain and the river, nature or culture and history and heritage. The important role of the Constitution is to restrict the state.

●There is “ Japanese Constitution” to defend the human rights.

Culture or history or heritage should not be included in the Constitution. They are not the Constitution’s role. Why should not we include them in the Constitution?

Each one has an idea about culture or history or tradition and they are different. A sense of values of Japanese excellent culture or heritage is different individually. If the state decides that particular culture or history or heritage is right or good, and forces to defend it by providing in the Constitution, it will remove the people who can not agree with them.

And the State must not include anything concerning a sense of values in the Constitution.

What is only the common sense of values for all the people? Even if people have a different sense of values of culture or history or heritage, the only one is human being.

All people are human beings and we can share that we should value human rights, the right admitted by the human being. It is the Constitution that is a tool to restrict the state and to defend the right.

I am telling self-importantly about the Constitution in front of you now, but I thought that the Constitution is the boss of the law until I was in my mid-20s and the most fundamental law that we have to observe. It was a terrible mistake.

We do not have the duty to observe the Constitution.

We are on the side of the making the state observe, not the side of observing. Firmly the Constitution is the law that restricts the state to defend our human rights.

Constitution is defined [pp12] that the law restricts state power to defend human rights and rights and freedom of the people. The aim is to guarantee our human rights. I’ll tell you repeatedly, the law [pp13] is the brake for the people, and restricts the freedom of the people or binds the people to maintain social order. On the contrary, the Constitution is the brake for the state, and controls the state power to guarantee the human rights of the people. It is natural that many provisions of human rights are included in the Constitution.

If many duties were included in the Constitution, it would degrade to the law, not the

Constitution.

To impose duties to the people is the law's work. So as not to impose the duties too much, to defend the right or freedom of the people is the Constitution's work. It is natural that many provisions of human rights are written in the Constitution.

There are three duties in our Constitution: liability of pay taxes and obligation to educate children, obligation to work. The real duty is liability of pay taxes, I think.

Actually, liability of pay taxes does not have to be included in the Constitution. The only six countries which include liability of pay taxes in the Constitution is Russia and China, South Korea, Japan, Italy, Spain. The Constitution of the United States, Great Britain, France and Germany does not include liability of pay taxes. It is the law's work of the tax laws.

The Constitution is the law to defend the rights and human rights of the people. If many duties were included in the Constitution, it will not be the Constitution, the only tool to bind the people.

●The LDP Proposal for Constitutional Revision

But the Outline of the Draft for a Revised Constitution of LDP [pp14] suggests that, besides the three duties, the Constitution imposes newly as many as ten duties such as: obligation to defend our country, obligation to respect flag of the rising sun and kimigayo, obligation to secure the territory and resources and obligation to obey public benefit or order.

The Constitution will be a law imposes duties to the people like this, not the Constitution. The idea of the outline seems to deny the Constitutionalism.

I'll tell you one more time [pp15], the Constitution is not the law that people must observe. It is the tool for the people to bind the State.

This is shown clearly in the Article 99 of the Constitution. [pp16] It says that The Emperor or the Regnant as well as Ministers of State, members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution. This shows the true essence of the Constitution that the people have no duties to observe the Constitution and only the politicians have duties and responsibility to.

But Article 102 of the Outline of the Draft for a Revised Constitution of LDP [pp17] said "All the people should respect this Constitution".

If the outline passed, the people would have to observe the Constitution and more than ten duties in the Constitution. This would change into the law that the state imposes duties and say "follow this" to the people.

Surprisingly, the outline says [pp17] “Member of the Diet, and Minister of State, judge, all other public officials have the obligation to uphold this Constitution” and emperor or regent is deleted from there.

It means emperor or regent do not have the duty to observe the Constitution. Emperor or regent is ranked as existence that is over the Constitution or stands aloof from the Constitution. This is horrible thing.

The true essence of the Outline [pp18] is that the Constitution is changed into the tool to restrict the people, like the law, or it degrades to the law. It is not the constitution, which we call it the denial of the Constitutionalism.

The essential problem of the outline is that the Constitution degrades from the constitution for restricting the State to the tool for restricting the people.

●The preamble of the Proposed Constitutional Revision of the LDP

It is also showed in the preamble of the outline. [pp19]

First, the new preamble of the outline says “Japan has a long history and own culture and an Emperor, symbol of the unity of the people, over us”. And it says “our country has overcome devastation of the last war or many disasters and developed and our country has an important position in the international society now” which is the self-praise, and it repeats Japan or the state, but the people do not appear until third paragraph [pp20].

It says “Japanese people defend the state and home ourselves, having pride and strong will”, which means that something like a duty of the national defense is included, and “respect fundamental human rights”, which means that the people must respect fundamental human rights. It is the state that respects human rights. It is human rights that the people insisted to the states. The real essence of human rights is not understood. And “value the harmony and family or society helps each other and form the state”, which means the people is the parts or the tools to form the State.

Fourth paragraph starts the word of “we” and says “we respect freedom and rule, protect the beautiful territory and nature, and promote the education and technology, and develop the country by vital economical activity”, which means that what we should do is to develop the state.

The last paragraph says “Japanese people establish this law here to hand down our heritage and our country to children for ever”, which says clearly that the Constitution is established to hand down the heritage and the state.

The Constitution is established to hand down the state, not to defend our human rights

or peace. There is the state in the heart of this idea. It is more important to develop or to strengthen the state than happiness or peace of mind of the people, which is the draft of Constitutional amendment.

●The Constitution

By the way, the Constitution [pp21] is defined that it restricts the state power to defend human rights. In other words, the role has spread and the Constitution restricts the majority or powerful person to defend the minority or the weak.

The present Japanese Constitution plays an important role that it does not permit the unfair thing to the weak from a powerful person.

There are various majority, powerful person or power [pp22]. In our life, the Constitution is important to defend the weak from the powerful person. There are various powers, not only the power but also violence or financial power, company, status, technical acknowledge. The constitution is the tool to protect the weak from the power.

If you feel something is unfair, please remind of the Constitution clearly.

The relation between strength and weakness are, for example, a large company and employee who is unfairly fired by, an original contractor and subcontractor, a moneylender with much fund and ordinary citizen who is in various debts to. Actually the Constitution has a role that restricts the people with the power not to use power unfairly and defends the weak.

Now, there is an important point in thinking over the Constitution [pp23]. It is the imagination.

The imagination is the most important for us.

We should imagine that the majority can change to the minority and that we all have the strong points and weak points or sympathize others. This is the most important to understand the Constitution.

For example, there are the problems of Futenma military base or nuclear power station. I am the side of the majority and the people who live in Okinawa or near nuclear power station are the side of the minority. The majority can live by making the minority a sacrifice. This organization is strange. A teacher, Tetsuya Takahashi said so.

By making the minority a sacrifice, the majority exists. This is strange. It is very important to image, if you are the side of the majority, you think over the situation of the minority.

Though you may the side of the majority now, you do not know when you become a member of the minority. Your company may go broke. I am fine and telling you loudly

now, but I will need a care as I grow old. The children with disability may be born in my family. We do not know when and what will happen in the future. There is the feeling of “if I were in trouble, you’d do the same, I hope”.

Every one has both strong points and weak points. If I say I am Japanese, it is the majority. If I say I am physically sick, it is the minority. Thinking about the situation of the public servant, he or she may be strong and the majority in respect of the work, but he or she is the weak and the minority in respect of ordinary citizen or worker as it is said that the labor costs are high, and the labor cost should be cut and the number should be reduced.

It is very important to image that each one has the strong points and weak points to understand the Constitution.

●importance of “respect of individual”

[pp24]There is a value that Japanese Constitution values the most, it is called “respect of individual”. The idea of respect of individual [pp25] is that “all of people can live respected as individuals and having dignity as human being”, in plain words, “to value individuals”.

Every one should be respected in that every one is incalculable value. Each one is different but the same in that every one is worth living as human being. And the state exists for every one; every one never exists for the State.

In old times, people said it was excellent to sacrifice for the country and it was forced, many young lives were sacrificed in the war. Respect of individual means it should be stopped. The idea of respect of individual is that we should recognize every one should be incalculable value.

Another idea of respect of individual is that it is natural, or rather excellent, that every one is different individually. [pp25]

It is excellent that every one is different, and we should recognize each other. The society we aim is that we can live together, accepting the diversity of race or religion, of course, gender, thought or conscience.

We should recognize each other that every one is the same incalculable value, regardless of the difference of the rich and the poor, the physical condition, race, religion, gender, as long as a person exists.

We should recognize there is no one child who should not have been born in the world. The same person does not exist. The idea of respect of individual is that every one should be valued as individual or precious human being with personality and human dignity is should be valued as well as individual.

Actually, “respect of individual” to value every one is the most important idea in the Constitution.

You may doubt it, as three principles occur to you. Three principles of Japanese Constitution are fundamental human rights, the sovereignty of the people and long-held pacifism or renunciation of war, as you know.

In fact, there is “respect of individual” in the root of them. Human rights are important, the root is that we should value individual and respect humanity. The root of the sovereignty of the people is that each one should be precious and we should govern by the voice of individual. The root of the renunciation of war is that the war breaks down the individual humanity and we should renounce the war.

In short, to respect individual led to three principles of respect for human rights, the sovereignty of the people and pacific.

In that meaning, “respect of individual” Article 13 of this Constitution is the most basic value and the point of the Constitution of Japan.

●”Respect of individual” is denied by the Outline of the Draft for a Revised Constitution of LDP

But the Outline of the Draft for a Revised Constitution of LDP [pp26] denies this “respect of individual”. The outline says that “all the people shall be respected as people”. This “people” means abstract “people”, not concrete individual. Individuals with personality are put together and the outline does not take notice of individual. In short, it respects vaguely abstract “people”, not the individual existence with different personality. To respect the group of the “people”, not “individual” means that there is the idea in the root that the group of people, if I say further, the group of the family, the area, the society, the state is more value than “individual”.

The outline treats the “people” all together rather than suggests that we should recognize the difference of the individuals. Each life is irreplaceable as we value the individual’s life and respect each person as the individual. If the individuals are treated abstractly, it is seen as the thing, article for consumption.

In the war, the life of soldiers is treated as article for consumption like a bullet. It is thought over that how many soldiers will die and be needed, as well as how many bullets will be needed. This idea is the same with the outline.

If the individuals are treated as the abstract people, not the concrete person with irreplaceable life, the damage or the sacrifice of hundreds of people, thousand of people, or tens of thousands of people, are unavoidable to protect the state, we can say. By saying the people, not the individuals, the situation is very different. [pp26]

I do not approve of this. It is the essence of modern constitution to respect the person as a concrete individual but the outline stops this.

●Is “public benefit or order of the public” more important than human rights?

Article 12 of draft of amendment says this about human rights. [pp27]

The red parts shows ”shall realize freedom or rights and responsibility or duty together, and shall not be always against public benefit or order of the public”, or the Constitution admits that human rights is always under the public benefit and order of the public, and crashed by them. It is “always”. What are they? As you may image something like order of the society, they are not.

The public benefit and order of the public mean the national interest and the order which the present state decides. For example, if the state decides to propel nuclear power station as a national policy, the action against the order, such as opposition to it or objection to it, is not permitted.

It is awful that human rights are permitted only under the public benefit and order of the public. The Constitution would turn back to the era of Meiji constitution.

In the Meiji period, various human rights were restricted by the word of peace and order and the Maintenance of the Public Order Act was made. The constitution that human rights are restricted by the public benefit and order of the public is equivalent to the Meiji constitution.

The Maintenance of the Public Order Act [pp28] does not appear suddenly. Article 21 of the draft of amendment of LDP includes this words, “an activity against public benefit or order of the public” is not admitted to do.

The action, such as to criticism of the government, defense policy, or military policies can not be admitted. Actually the society will become very uncomfortable and stifling by these articles.

Additionally, [pp29] Article 3 of the draft of Constitutional amendment of LDP imposes the duties to respect the flag of the Rising Sun as national flag, and Kimigayo as national anthem on the people. As I mentioned before, I want to stop forcing duties about particular culture and history, heritage. It is not the essential work of the Constitution. There are various ideas with respect to the flag of the Rising Sun or Kimigayo, and it is good in a freedom society. But we are denied our individual opinions and imposed the opinion by the state. That is wrong.

●There are various ”forcing” in the draft of Constitutional amendment of LDP

There is many more forcing in the draft [pp30], such as denial of every suffrage for

foreigners. The suffrage, not only the center but also the district is denied by the Constitution.

And the exception of the separation of religion and politics is admitted. For example, the prime minister can visit Yasukuni Shrine formally in a dignified manner. And the article of positive purpose restriction of freedom of establishment, a little difficult word to understand, is deleted. The article is the restriction for the powerful person to revise the disparity. For example, a large-scale supermarket is restricted to expand to the country side by the Constitution but the article deleted.

Moreover, Article 24 includes "obligation to help family". It is natural that a family helps each other and it is the world of morality or logic. Why is this duty included in the Constitution?

The duty included before "right to life" Article 25 and the reason is why the duty is included in the Constitution that the state rejects an application for the welfare. When the application is made, the state says "First ask your family for help" and pushes it back. The reason for the rejection of the application is included in the Constitution.

And the state tells the people to respect the family and decides a model or standard of the family, composed by a father, a mother, and two children. If a family suits the standard, the family receives good treatment in tax system, and the fixed family is forced directly or indirectly.

Nowadays, there should be different families, for example, families register the marriage registration or do not register it, or families are composed only by the men or by only the women, only one person, with foreigners. The present Constitution admits the diversity of the lifestyle but the constitution by the outline denies it and decides and forces certain "family". This reminds me of the system of the "home" in prewar days.

The people, all of us, are forced something like the idea that "family should be this" and "home should be this" and something like the idea that this country is one home of the family of the emperor, the emperor is the zenith and the head of the family and patriarchy, and we are the end of the family. It is the duty of "family".

[pp30] the outline says to protect the people abroad. Various wars, such as Santo Shuppei Shanghai incident at the era of the Meiji constitution are happened under the name of protection the people abroad.

Consideration for the victim of crime is also important, of course. But if this is included in the Constitution, essence of the criminal action will really change.

And the basic legal rights of labor of public servants could be restricted freely by a law. Different human rights are restricted like this and the society becomes stifling. The thought or idea is that the people must obey the policy the state decides: obeying it, the

people are accepted: opposing it or resisting it, the people are not permitted. The heart of the Constitution is the state.

●About renunciation of war

~the comparison with the draft of Constitutional amendment of LDP~

Renunciation of war is more important than any other things. [pp31]

Unfortunately, the number of the person killed in the war is increasing and the war never ends [pp32]. I thought war would be over after the World War II, but it was a big mistake. Wars happen around the world. At the present time, there are wars all over the world.

Japan [pp33] renounced every war. It is included in Article 9 of the Constitution and having no war potential and denial of the right of belligerency Article 2 are especially important. But the government has the idea that we have the rights of self-defense and admits the Self-Defense Forces as a unit with ability to defend ourselves, which is different with my opinion. The government still has said we can not use right to collective defense or military force abroad. In short, Article 9 of the Constitution has protected the life of the Self-Defense Forces.

Please understand Article 9 of the Constitution, especially Article 9 is important. Having no war potential and denial of the right of belligerency are very important.

Another important rights, right to live in peace, is provided like this “all peoples of the world have the right to live in peace, free from fear and want” in preamble of the Constitution [pp34]. Our Constitution takes into consideration of the people in the world, or human beings, in spite of the Constitution for Japanese.

There are many people suffered from starvation or poverty, violation of human rights, discrimination, environmental degradation, which are called “structural violence” in a difficult word, in the world. We go there positively and make a maximum effort to end structural violence, or to get rid of the cause of structural violence. It is the international contribution that Japan can do. Only the military power is not international contribution and we contribute to the world in the proud field such as reconstruction support. This idea for the international contribution is positive nonviolent pacifism in our Constitution or right to live in peace in preamble of the Constitution.

But in the draft of Constitutional amendment of LDP [pp35] deletes this right to live in peace. Having no war potential and denial of the right of belligerency are also deleted. And the foundation of Defense Force is added.

●When you are asked "If our country were attacked, what's the answer?"

Now, I'll tell you about the foundation of Defense Force. Have you heard this about the topic of Defense Force: "there are problems of the North Korea or Senkaku Islands. We need armed forces to defend our country perfectly" and "if our country were attacked, what can we do? Is our country unarmed? Senkaku Islands would be robbed or we would be down by the North Korea or. Is that okay?" The people supporting Constitutional amendment often say so.

Have you heard the voice that we need armed forces to defend our country, the people's, life or heritage?

To speak plainly, the voice is "what can we do to defend them if our country were attacked?"

Well, ladies and gentlemen, if you are asked "what's the answer if our country is attacked?" how do you answer the question?

I am supporting the idea that unarmed neutrality is the best. But the present problem of the outline of LDP is that Japan is going to become a military power by found Defense Force, which is beyond "an exclusively defensive security policy" that the present LDP, or the state has governed in the form of the Self-Defense Forces. Defense Force is founded to deny an exclusively defensive security policy and to become a military power. Please understand it.

There are many people seeing this DVD who support the idea of unarmed neutrality and we do not want to have any armed forces and military strength, even the Self-Defense Forces because it violates the Constitution. In deed, I also have the same idea.

But the important thing we must do now is that we prevent our constitution from "amending undesirably", including Article 9 of the Constitution. We must say now it is awful and should be stopped that Japan will become only or normal military power by having Defense Force in defense policy of an exclusively defensive security policy, not unarmed neutrality based on the Self-Defense Forces.

If you are asked "what's the answer if Japan were attacked", you can answer "there is the Self-Defense Forces in Japan". There is the Self-Defense Forces aimed at an exclusively defensive security policy which is not unarmed neutrality, and the Self-Defenses exist for an exclusively defensive security policy and are a unit that has the force required at least to defend this country, you can answer this.

If the Self-Defense Forces can not defend our country, what's the answer? It is odd that the Self-Defense Forces can not do it, for the idea of "an exclusively defensive security

policy” by the government until now is that the Self-Defense Forces can have every force required at least to defend our country, to speak exactly, it has even a small nuclear bomb under the present Constitution and it is odd that the present Self-Defense Forces can not defend our country.

If our country could not be defended by it, it means that “we have staked several trillion yen, as much as five trillion yen on such a useless thing”. And “what does the Self-Defense Forces exist for? To defend our country doesn’t it exist? To defend our country don’t forces required at least exist?”

In short, if we need “an exclusively defensive security policy”, the present forces of the Self-Defense Forces are enough and can defend our country if attacked. And it is a fake that we need have Defense Force to defend our country in case our country is attacked by other countries. Actually the aim to have Defense Force is another.

●The aim of the foundation of Defense Force

~If the right of belligerency were admitted, what would happen? ~

The government is going to found Defense Force for two aims, which does not include defending ourselves. What is that?

One is to defend Japanese alliance, the United States. When the alliance is attacked, Japan can beat the enemy, even if Japan is not attacked. In other words, Japan can participate in the war of the United States, which is called right to collective defense.

Another aim, which is not related with defense of our country, is to send troops to the world and make a war as the activity of international cooperation, to participate in the war by the name of international cooperation. This two is the reason.

The aim for Armed forces is not to defend our country. Someone may say it’s not the right word, but it is true. If the aim is to defend our country, the Self-Defense Forces is enough. Formal armed forces are made in order to make the Self-Defense Forces do another thing. Please understand it.

The Prime Minister Abe said like this at the last election. “The Self-Defense Forces have been already recognized as armed forces abroad. It is unusual not to regard the Self-Defense Forces as armed forces within our country. We only regard it as armed forces ordinarily and only change the name from the Self-Defense Forces to Defense Force.” Have you heard like this?

It is a lie.

The Self-Defense Forces are not recognized as armed forces abroad. They are below inexperienced. It is offensive and the government wants the Self-Defense Forces to be

armed forces.

The Self-Defense Forces can not use military force abroad, and can not use the right of belligerency, which is denied.

●About the denial of “the right of belligerency”

Now, “the rights of belligerency of the state will not be recognized” is provided in Article 9 section 2 of the present Constitution. You may not understand this word, “the right of belligerency” well.

“The right of belligerency” is the various rights admitted to warring state directly concerned in international law, not the right of having a fight with someone. To speak concretely, for example, we can kill soldiers of the hostile country which is warring state or break military establishments of the enemy, capture ships of the enemy, carry out a policy for occupation by the right of belligerency. The most important is to kill soldiers of the hostile country.

To kill soldiers of the hostile country is admitted to normal armed forces by the name of “the right of belligerency”.

But Japanese Constitution has denied the right of belligerency. It means that Japanese Self-Defense Forces can not kill soldiers of the hostile country abroad because of not having the right of belligerency.

Exceptionally, the Self-Defense Forces can do unwillingly as self-defense to defend themselves. That is to say, the present the Self-Defense Forces can not kill a person abroad as a general rule, and only the case of Self-Defense and Aversion of Present Danger they can do exceptionally.

If the right of the belligerency is admitted, a general rule changes with exception. As a general rule, by being a normal and formal nation’s armed forces, the armed forces can kill a person and exceptionally can not kill prisoners or civilian abroad. Is it okay that a general rule change with exception?

The change from the Self-Defense Forces to a nation’s armed forces is the change that from an organization which can not kill a person, to armed forces which can kill a person as a general rule.

To have a formal nation’s armed forces means that we have such armed forces as a society of citizen. That is to say, it is not a change of the name only. Our country becomes a common country, such as the United States, Great Britain or Germany, which is involved the war with no relation to Japan in order to defend the alliance, and participates in a multinational force by the name of international cooperation and can

escalate a war in the world. As I mentioned before, the aim is not to defend our country, Japan.

Well, what does it mean that our country becomes a common country like the United States or the Great Britain? Need less to say its mean. There was terrorism in Boston, the United States recently. Like this, our country becomes a common country which is targeted by many countries or terrorism and which makes us get frightened.

Is it okay that we make Japan become such a country and make over such a country or such Constitution to our children or grandchildren? My opinion is that it is wrong.

The renunciation of war is written in Article 9 Section 1 of the Constitution of the draft of Constitutional amendment of LDP. [pp36] The politician of LDP or Abe will say certainly “every one, please be peace of mind. Pacifism is written properly. Renouncing wars is also written.” Even though Section 1 renounces wars, it is not adequate. ” prevent exercise of the right to defense” Section 2 is written and denial of the right of belligerency is deleted, which are not written in here. Our country becomes a country that can make a war. [pp35]

Our country will be able to use military force unlimitedly by the name of self-defense or international cooperation, to speak briefly, be able to make a war. Please understand that the aim of the amendment is not to defend Japan.

●How will our lives change if the LDP-proposed constitution is implemented

This [pp37] will influence our life variously.

As I mentioned before, our country becomes an organization aiming at killing a person. Military affairs and national defense have priority over every thing and if you say you do not want to cooperate with it, you may be said “why! You are an unpatriotic person or a coward”. Abuse between Japanese like this may occur.

The number of the applicants for the soldier will decrease and the wounded young will come back. We should accept them.

Draft system will be possible. By having this Defense Force, it is possible in theory. Politicians will say “we do not impose draft system on the people” But it is true that draft system will be possible.

And military expenditure will increase and it is natural to increase taxes or cut social security expenditure in order to cover the military expenditure.

It is also natural to maintain the nuclear power station in order to hold nuclear power latently.

And the arms exports will be started. Japan will become the just merchant of death by

having close relationship with war industry or by opening of the arms exports.

A change from the Meiji constitution to the Constitution of Japan is that we should stop like this [pp38]. There are many changes, from the Imperial Sovereignty to the sovereignty of the people, from a country continuing war to a country discontinuing a war, from a country using education such as the Imperial Rescript on Education for the state to a country which does not intervene with the education, from a country using religion or Yasukuni Shrine to a country separates religion and politics, from a country that was a complete centralizer to a country which guarantees local government, from a country that discriminated against physically disabled person and women, children to a country which does not discriminate, from a country that has peer and zaibatsu, zamindar to a country corrects disparity, a country that forced self-responsibility to a country which has complete welfare. And the most important is a change from individuals for the state to the state for individuals.

Our country changed from a country valued emperor and the state to a country valued each people.

This change is called a regime after the war. A man who wants to free ourselves from a regime after the war became Prime Minister. Where does he go? He is going to go before the war wholly. We may not say even a country discriminates but our country is going to go before the war.

The Constitution of Japan has two main features [pp39]. One is Constitutionalism to respect individuals. This is the wisdom of human beings.

Another is nonviolent pacifism. This is the expression of Japanese mind and the Japanese wisdom.

There are the same point and different point with foreign countries. Both the two are denied by the draft of Constitutional amendment of LDP [pp40].

This draft parts from the Constitutionalism for respect of individuals and denies the wisdom of human beings. And it parts from nonviolent pacifism and denies the Japanese wisdom in order to strengthen Japan-US Alliance.

●About the amendment of Article 96

I have told four features of this Outline of the Draft for a Revised Constitution of LDP [pp41]. In the beginning, the government is going to ease a proposal of amendment of the constitution which changes proposals of more than 2/3 Member of Parliament into proposals of majority. The intention of Abe government is to amend only Article 96 fist. What is the problem about this ease of the necessary condition of amendment? [pp42] I

will put it into order last.

A politician says because a proposal of the necessary condition is too strict to amend the constitution. That is a lie. Such as Switzerland or the United States, which has more strict procedure, has amended the constitution many times. The reason why Japan has not amended the Constitution is that Japanese people has not wanted amendment of the constitution.

Please do not forget that the real intention is to amend Article 9. This is a makeshift means like a means to go into the school by the back door.

And [pp43] Abe also said this: "it is strange that the people can not touch on amendment of the constitution if more than 1/3 Member of Parliament oppose. We start for the people to get back the constitution." This mention is nonsense.

Actually it is decided by our national referendum last but, as I mentioned first, unfortunately there is a danger that we can not judge rightly, confused by an atmosphere or manipulation of information. If we mistook the judgment, it would lead to a fatal outcome. And amendment of the constitution is proposed by a calm judgment of Member of Parliament in advance. We ourselves realize the weakness of human beings, which is the wisdom of the people.

The approval of 2/3 Member of Parliament is not made till the opposition party is also convinced and agrees to. It needs so a calm argument and consent of the opposition party. If these two is done, we can propose first.

If this was made simple, a proposal railroaded by the ruling party will be possible. This is terrible.

And [pp44] it is wrong that the people, who should be bound by the constitution, are going to lower the hurdle to become free. This is the oblivion of Constitutionalism.

By making the necessary condition the majority, the constitution may change easily by the then ruling party. This should not be admitted.

● Careful points before discussing the amendment of the Constitution

Now, when considering the amendment of the constitution, we need to be calm again [pp45] and to understand Constitutionalism itself. We need to consider the reason for being of the constitution and where and who earns a profit concretely by the amendment of the Constitution.

An amendment of the constitution is not a magic wand and if you think every thing will be better by an amendment of the constitution and you agree with the amendment, it will lead to fatal error.

We should consider concretely whether our life will be more safe and free or not,

whether welfare becomes perfect or not.

It is also important that we accept reality as it is and do not have optimistic views conveniently.

In stopping an undesirable amendment of the Constitution, [pp46] imagination is important. We should imagine power is dangerous and war is very terrible, and if the Constitution changes, how our life will change. And we spread the imagination. The collective power of civil is very strong and we should establish solidarity of civil, having confidence in the power.

Now, I have been engaged in trial of one man one vote [pp47]. Constitution Judgment Council to discuss amendment of Constitution is composed by a group of the people who are said constitutional offense. This is strange. The Diet itself has no democratic justice. The proposal of amendment of Constitution from such Diet should not be admitted and we should not admit it.

●End

Well, I have talked about the Constitution variously. What is the reason for being of the Constitution? Please verify perfectly that the Constitution exists to restrict the state and to defend our freedom and human rights, which is the essence of the Constitution. It is very important to understand that the Constitution is different from ordinary law and it is on a different level completely.

And the Constitution is a tool to restrict the state, which is called “Constitutionalism”, but this draft of Constitutional amendment of LDP denies it and makes it the tool to restrict the people. We should not admit it.

And more important problem is that our freedom is restricted and the Constitution of long-held pacifism of our peace country is denied and our country becomes a common country which can make a war. What does it mean that a common country can make a war? All of us should imagine, understand and recognize that a common country means a country we have to get frightened by the terror of terrorism. And if you are said “if our country were attacked, what’s the answer?” or “Senkaku Islands are robbed”, “how can we defend the country from North Korea?” you should answer quickly “there is the Self-Defense Forces. In order to do another thing, Defense Force is needed, isn’t it?”

Controlling the idea of unarmed neutrality, it is important to say “an exclusively defensive security policy is enough and do you want to go far ahead?”

Finally, I have expected everyone. [pp48]

Tomorrow’s you are made by today’s you. It is important to fulfill our responsibilities as

a person living now, who has understand the Constitution, not to make over terrible country to our children and the next generation.

But we should not get impatient. It is important and adequate to advance step by step. “Festina Lente” in Latin means “make haste slowly” and we should go, “not getting impatient and not being hurry, not giving up.” And we advance our collective power ahead and we can stop the undesirable amendment of the Constitution.

“We can do it certainly, if we do”. I want to defend the value of the Constitution of Japan, not giving up. I want to defend it with you.

Let’s try hard together in the future. Thank you for listening a long time.(8380words)