

Article

Peace in East Asia and the Japanese Constitution: A Reexamination 60 Years After Its Making¹⁾

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The purpose of this article is to review the 60-year history of the 1946 Constitution of Japan in the context of postwar East Asia. If one draws a schematic picture of the Japanese constitution in postwar East Asia, it could be described as the product of the dynamics generated by three elements: (1) the United States, which has defined the postwar world order, i.e., Pax Americana, (2) Japan's conservative camp, which was integrated into Pax Americana while secretly preserving the continuity of the Japanese Empire, and (3) the Japanese people, who "embraced" the new constitution as their own.²⁾ Soon after World War II the United States changed its policy from disarming to rearming Japan and has ceaselessly asked Japan to play a military role that supports and complements the US military. Japan's conservatives have consistently developed foreign and security policies based on the US-Japan alliance. On many occasions the Japanese people have opposed the policies of the US and of Japan's conservatives, relying on the pacifist principles of the postwar constitution. The US and Japanese conservatives have been trying to change Japan's constitutional pacifism in the past 60 years and have renewed their efforts in recent years. I will attempt to reposition Japan's constitutional pacifism in the context of East Asia and reconfirm its significance under these circumstances.

I. Making of the Japanese Constitution

1. Pax Americana and Postwar East Asia

The world order in the past 60 years can be summed up in the single term "Pax Americana." The United States has been the greatest power, or the hegemon, in creating the world order since World War II. Likewise in East Asia, the order since the Asia-Pacific War has been shaped by the US, which occupied and governed Okinawa, the Japanese main islands, and the southern half of the Korean Peninsula. The US style of occupation and governance was different in each of these three regions. Briefly stated, (1) in the Japanese Empire mainland, while maintaining the emperor system the US emphasized demilitarization and democratization and made it into a "pacifist state" (however, US demands immediately changed to rearmament due to the Cold War); (2) Okinawa was made into a US military base; and (3) in the southern half of the Korean Peninsula the US installed and supported a pro-US military regime to serve as the military front against the

socialist North.³⁾

The making of Japan's new constitution was part of US occupation policies, which aimed to make Japan into a "pacifist state" with emphasis on demilitarization (Article 9) and democratization, while at the same time maintaining the emperor system (Article 1). Although it was quite difficult for the Japanese Empire's rulers to accept this, they had to submit in order to protect the emperor system. While the US played a decisive role in making Japan's new constitution, two things must be emphasized. First, there were many New Dealers, or US liberals, among the people who penned the original draft of Japan's new constitution. In a way the draft aspired to their ideals. Second, when these Americans wrote the draft constitution for Japan, they completely rejected the Japanese government's draft as too conservative, but they referred to the Constitutional Research Association's "Outline for Draft Constitution." The Constitutional Research Association was a non-governmental body of independent and critical intellectuals who were concerned about postwar constitutional reform. The occupation officials thought highly of their "Outline for Draft Constitution" and they used it as one of the sources of their draft constitution. One perhaps could say that liberals of both the US and Japan worked together on this.⁴⁾

2. Emperor Integrated into Pax Americana

As early as in June 1942 the US government's internal document, "Japan Plan (Final Draft)" authored by the War Department, Military Intelligence Service, Psychological Warfare Branch, suggested that the military regime in Japan and the emperor and his subjects should be distinguished and that the emperor should be used as a peace symbol. This document can be considered as one of the origins of the symbolic emperor system of the 1946 Constitution.⁵⁾ In 1946, the International Military Tribunal for the Far East proceeded in parallel with discussions on the draft of a new constitution. The US decided that it would not call the emperor to account for the war just before the draft constitution was written. Article 9, the demilitarization clause, of the new constitution played a role of securing the emperor system by separating it from militarism. Article 9 made the emperor and the Japanese people into instant pacifists and pinned the blame for the Asia-Pacific War on the Japanese military. As a result, the responsibility of the emperor and the Japanese people for the war receded into the background. The Cold War kept this issue on ice for many years. Owing to their integration into Pax Americana, the emperor and features of the Japanese Empire got a new postwar lease on life.

3. Article 9: Genealogy and Universality

Discussions related to the emperor being integrated into Pax Americana and about Article 9, which helped save the emperor system, might be understood as suggesting that Article 9 is concerned exclusively with protecting the emperor system, but that of course is not the case. The Japanese people and constitutional scholars have placed Article 9 in the history of world constitutional law and international law, as well as in the history of Japanese peace thought. Their interpretation is that Article 9 embodies universal pacifism. There are several sources for the pacifism of Japan's constitution. 1) The first is the idea of the "outlawry of war," which was influential in the US during the 1920s, and which found

its way into Article 9 via MacArthur and the occupation staff.⁶⁾ The ideas and movement of the “outlawry of war” were one of the driving forces behind the 1928 Kellogg-Briand Antiwar Pact, which in turn was carried over into Article 2 (4) of the UN Charter. 2) The second source is the history of constitutional peace provisions. Since the French constitution of 1791, provisions on the “renunciation of war” have appeared in the constitutions of many countries.⁷⁾ Article 5 of the Republic of Korea’s constitution represents one example. 3) The third source is the tradition of small power diplomacy theory found in the constitutional thought of the Freedom and People’s Rights Movement in 1870s’ and 1880s’ Japan.⁸⁾ Small power diplomacy theory states that Japan should not try to expand outside its borders or widen its sphere of influence, but instead should work to create avenues of coexistence and cooperation with other Asian nations. As mentioned previously, the Constitutional Research Association’s Outline for Draft Constitution may be considered one of the sources of the postwar constitution, and Yasuzo Suzuki, who put together the Outline for Draft Constitution, was an expert on the constitutional thought of the Freedom and People’s Rights Movement. Through Suzuki, the Movement’s small power diplomacy theory made its way into the Outline for Draft Constitution, and from there into the new constitution. Article 9, thus, inherits the history of constitutional peace provisions, the history of 20th-century international laws outlawing war, and other such initiatives and develops them further. Therefore Article 9 can be seen as an integral part of the history of humanity’s efforts to overcome war and violence.

4. Article 9 as Security for East Asian People

Article 9 is not a provision for Japan’s security. In 1945 the largest threat to peace in East Asia was Japanese militarism, and Article 9 was the response to that threat. I think in one respect Article 9 was a condition imposed by the US when Japan was incorporated into Pax Americana. At the same time I see Article 9 as a provision for the security of the people of East Asia, the victims of Japanese militarism, or at least Article 9 has functioned as that kind of provision.⁹⁾

While the US exercised the greatest influence over the making of Japan’s new constitution, it was the Far Eastern Commission (FEC) in Washington DC, which represented the Allied powers, that had ultimate authority on the matter of Japan’s constitutional reform. FEC members included the Asia-Pacific countries of China, Australia, New Zealand, India, and the Philippines. The FEC closely watched the legislative process of Japan’s new constitution and, after much debate, ultimately approved it. For example, Article 66 (2), which provides that “The Prime Minister and other Ministers of State must be civilians,” was inserted because of the opinion of the FEC.¹⁰⁾ From this it is possible to say that Japan made its postwar constitution with other Asia-Pacific nations. It would seem that the 1946 constitution might be understood as, so to speak, a “social contract” for Japan’s continued existence after Japan had destroyed peace in the region.

One interesting hypothesis on the origin of Article 9 is that of Takashi Miwa.¹¹⁾ According to Miwa, at the beginning of 1946 the US State Department was preparing a draft treaty for the disarmament of Japan, under which four allied powers (the US, UK,

USSR, and China) would monitor Japan's disarmament for 25 years. Miwa speculates that MacArthur, who found out about this draft in January 1946, incorporated its substance into the Japanese constitution before the treaty might be officially proposed by the US State Department. Miwa thinks that MacArthur preempted the draft treaty by inserting Article 9 into the draft constitution. This is a very bold hypothesis and has little evidence to support it, but it is attractive, and it would indicate that Article 9 is actually a treaty.

If we see Article 9 as, for example, a provision for the security of the people of East Asia, a "social contract" in East Asia, or in actuality a treaty, then Japan would have to listen to what the people of East Asia have to say when making changes in Article 9. While judgments and decisions on Japan's constitution ultimately will be made by the sovereign Japanese people, the people of other East Asian countries, who were the victims of Japanese militarism and will in the future be affected by Japan's military force, should have a right to state their opinions on Article 9.

II. The Cold War and Japan's Constitution

After Japan's postwar constitution was promulgated, Article 9 remained unchanged despite US requests throughout the Cold War that it be revised. Japan did indeed have the Self-Defense Forces, but at first they were lightly armed, and the Japanese mainland had a low level of militarization. Two reasons for this were the Japanese people's strong support for Article 9 and the allocation of military roles in East Asia during the Cold War years. The leading edge of military confrontation was not in the main islands of Japan. That role was played by the US bases in Okinawa and by the military regimes in the Republic of Korea, Taiwan, and Southeast Asia. And the Japanese government provided these East Asian military regimes with economic aid. Hence, although Japan's main islands remained relatively unmilitarized, Japanese economic aid supported military regimes in the region. Yoshikazu Sakamoto called this phenomenon "donut-shaped substitute militarism."¹²⁾

Heok-Tae Kwon has a similar view. He argues that during the Cold War nearby states supplemented the light armament of Japan's main islands, an ironic situation in which these pro-American, pro-Japanese military dictatorships "supported" Japan's peace constitution. But with the democratization of those states, the military burden has come back to Japan.¹³⁾ Nevertheless, this does not mean that Kwon is maintaining that Japan should amend Article 9 and play a bigger military role. Kwon thinks Japan should not reverse the orientation toward demilitarization embodied in Article 9 and should not amend Article 9. The views of Sakamoto and Kwon do throw light on one important aspect of postwar Japan. US bases in Okinawa, and the military regimes of the ROK, Taiwan, and Southeast Asia, should not be seen as external and, as such, irrelevant to the pacifism of Japan's constitution; instead, we need a perspective which regards them as issues related to Japan's pacifism. Solidarity with the anti-base struggle in Okinawa, with the people suffering under military regimes in East Asia, and with movements for democracy in those countries are indeed issues related to the pacifism of Japan's constitution. What we have now is no longer "donut-shaped substitute militarism," for Japan itself is

becoming a large military power. What we must do is use Article 9 to develop a vision for demilitarization in East Asia.

III. Who Creates Peace? — The Role of East Asian Civil Society

1. People Create Peace

A characteristic of the Japanese constitution's pacifism concerns the perception about the actors who create peace. The constitution's pacifism is set forth in its Preamble and Article 9, and, judging by these sections, the constitution assumes that actors who create peace are not the government, but rather the citizens and their aggregate—the people. And although the constitution does not mention NGOs, it seems to me there is no problem with asserting that it assumes NGOs, as aggregates of citizens, to be one of the actors creating peace.¹⁴⁾

2. Japanese People Embraced Article 9

Examining the process of making the postwar constitution leads us to the conclusion that while the Japanese people were indirectly involved in ways such as the Constitutional Research Association's Outline for Draft Constitution, overall the US played the decisive role. However, the Japanese people embraced the constitution and Article 9. At postwar junctures such as the mid- and late 1950s, when there was much debate over revising the constitution, and the 1960 US-Japan security treaty controversy, the Japanese people reaffirmed and protected the constitution's Article 9 and pacifism and have continued to take and hold these as their own. Throughout postwar history, each time the constitution's pacifism faced a crisis, the Japanese people reaffirmed its pacifism, took it as their own, and overcame the crisis.¹⁵⁾

3. Reconciliation as Security

I previously mentioned that Article 9 is not a provision for Japan's security. If that is the case, then how is Japan's security conceived by its constitution? The part of the Preamble's second paragraph reading "we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world" provides the answer. It sets forth the idea that instead of forming military alliances that assume the existence of enemy states, Japan tries to achieve security by establishing a comprehensive regional security framework.¹⁶⁾ East Asia totally lacks such a comprehensive regional security framework, and it is our job to create this kind of mechanism. Overcoming the Japanese Empire is a prerequisite for setting up a comprehensive regional security framework in East Asia and having Japan participate in it. It is crucial from the perspective of Japan's security to overcome the detrimental legacy of colonial domination and the war of aggression by the Japanese Empire. Reconciliation brings about security. It seems to me that the perception among other East Asians is that the Japanese Empire has yet to be overcome.

4. The Role of East Asian Civil Society

I previously mentioned the role of citizens and NGOs as the actors who create peace. This can be said for individual states, but it can also be said for East Asia as a whole. It appears that East Asian civil society is now emerging as the actor that will create peace in East Asia.

In Japan whenever the pacifism of Japan's constitution is threatened by US pressure or by domestic conservatives, the Japanese people's peace movement has held fast to Article 9 and maintained it. It is here we find one of the actors who create peace. In the ROK there is a citizens' movement that brought down the military government and achieved democratization; there is a movement which aims to overcome the Cold War situations prevailing on the Korean Peninsula and to bring about peaceful reunification; and there is a movement to pursue peace in a broader context. Accordingly, civil society in the ROK, as an actor to create peace, is very strong.¹⁷⁾ In China, too, NGOs have become very active in recent years and attention is focused on the growth of China's civil society.¹⁸⁾

One can observe vibrant NGO activities and emerging civil societies in East Asia, and here I shall offer two examples.

The first is The Women's International War Crimes Tribunal held in Tokyo in 2000. This was the result of joint efforts by East Asian women's NGOs, primarily Violence Against Women in War—Network Japan (VAWW-NET Japan) and NGOs from the ROK and the Philippines.¹⁹⁾ This was a people's tribunal that passed judgment on the Imperial Army's sex slavery system, the so-called "comfort women" crime, in light of contemporary international law. One problem in postwar Japan has been that the Japanese people's efforts to address the issue of war responsibility have been very weak, but The Women's International War Crimes Tribunal truly made up for the deficiencies.

The second example is the NGO project called Global Partnership for the Prevention of Armed Conflict (GPPAC),²⁰⁾ which resulted when, in response to urging by former UN Secretary-General Kofi Annan, NGOs gathered in their respective regions and held in-depth discussions on what could be done to prevent armed conflict and build peace, then put together an action agenda. Representatives of peace NGOs in the Northeast Asia region, which comprises Japan, the ROK, China, Taiwan, Mongolia, and the Russian Far East, gathered in Tokyo for a conference in February 2005 and adopted the Northeast Asia Regional Action Agenda (Tokyo Agenda). The Tokyo Agenda's keynote is, "Notably, the principles of Article 9... should be... utilized as a foundation for peace in Northeast Asia."²¹⁾

IV. Article 9 as Global Issue

The issue of revising Article 9 of Japan's constitution has been a matter of contention in Japan consistently during the postwar years, and the issue has been placed before us again as a major point of political contention. In November 2005 the ruling Liberal Democratic Party released a draft of a new constitution, which focuses on changing the Preamble and Article 9.

Revising Article 9 (i.e., creating solid constitutional grounds for Japan's rearmament) has been a desire and request of the US government since the final years of the occupation.

Revising Article 9 could not be realized in the 1950s because of opposition from the Japanese people, but Japan's government started rearmament and has expanded its military role within Pax Americana by way of highly technical and subtle interpretations of Article 9. Japan's military roles within Pax Americana—hosting US military bases and Self-Defense Forces activities—have taken on great importance. And now revising Article 9 would be considered as putting the finishing touch on Japan's military burden sharing within Pax Americana. The revision of Article 9 would allow the Self-Defense Forces to play much greater military roles at home and abroad.

Meanwhile, there is a distinct global effort to replace military options with civilian options. Efforts to supplant the “military” with the “civil” can be discerned especially in the activities of NGOs worldwide.²²⁾ Since the Hague Appeal for Peace Civil Society Conference in 1999, declarations and action agendas of NGO conferences often make reference to Article 9 of Japan's constitution.²³⁾ Article 9 is quoted because it resonates with NGOs' efforts to replace the “military” with the “civil.”

As we can see, the issue of revising Article 9 of the Japanese constitution is no longer a domestic matter affecting Japan alone. In my view, the Japanese people's decision whether to revise Article 9 or to preserve it has a global implication.²⁴⁾ It is a choice between two directions: maintain and expand the military and violence of Pax Americana or support and strengthen the “civil”—both domestic and global—in order to replace the “military.” I myself believe that the latter is a much more rational and wiser choice for Japan, East Asia, and humanity. Arguably, Article 9 of the Japanese constitution remains an important example to the people of the world.

Notes

- 1) This article is based on my keynote speech “Postwar History and the Choice of Peace: Japan's Constitution in East Asia,” which I delivered at the Kyoto Meeting of the “Historical Perceptions and Peace in East Asia” Forum held at Ritsumeikan University on November 3, 2006. A Korean-language version of the speech has appeared in *Critical Review of History* No. 78 (Seoul: 2007) pp. 277-288.
- 2) On this schematic picture I have been influenced by Ichiyo Muto's understanding of the postwar Japanese state. He wrote that “The postwar Japanese state was founded and continued in existence as an eclectic integration of three constitutional principles that are mutually incompatible. These three principles are: the US anti-communism free-world principle, the Constitution's pacifist principle, and the Japanese Empire succession principle. These three principles were mutually incompatible. The anti-communism free-world principle (Japan-US Security Treaty and rearmament), which defined Japan in military terms as a Cold War tool, and Article 9 of the Constitution, were mutually exclusive. The empire succession principle is oriented toward war affirmation and self-armament, which was incompatible with the pacifist principle, and because it implies affirmation of war with the US and UK, it was also incompatible with the anti-communism free-world principle. Nevertheless, none of these three mutually exclusive principles was discarded, and together they functioned as the constitutional principles of the postwar Japanese state” (Ichiyo Muto, *The Question of the 'Postwar Japanese State,'* Tokyo: Renga

- Shobo Shinsha, 1999, pp. 16-17 (in Japanese)). At present the US anti-communism free-world principle and the Japanese Empire succession principle are conspiring to eliminate the Constitution's pacifist principle (what former Prime Minister Shinzo Abe called "liberating ourselves from the postwar regime"), but I believe that, completely contrary to this, the best part of the postwar Japanese state is the Constitution's pacifist principle and that this principle has the rationality and life force of human history. As excellent schematic pictures of postwar Japan, see John W. Dower, "Peace and Democracy in Two Systems: External Policy and Internal Conflict," Bruce Comings, "Japan's Position in the World System," and Carol Gluck, "The Past in the Present," in Andrew Gordon (ed.), *Postwar Japan as History* (Berkeley, CA: University of California Press, 1993).
- 3) This view is basically the same as the following perception expressed by Yasushi Yamanouchi: "Making Japan into a pacifist state was not inconsistent with placing South Korea under military rule and installing a puppet government there, or with making the whole of Okinawa into a military base. These were all strategies which sprang from the same source: the US world strategy concerned with how to build an anti-communism system for the Cold War era." "America's world strategy was, for the time being, aimed at transforming a country with fearsome potential power by democratizing it as a pacifist state that had renounced war." Yasushi Yamanouchi, "From a Total War System to Globalization," in Yasushi Yamanouchi and Naoki Sakai (eds.), *From a Total War System to Globalization* (Tokyo: Heibonsha, 2003), pp. 38-39 (in Japanese). See also Yasushi Yamanouchi, J. Victor Koschmann, and Ryuichi Narita (eds.), *Total War and 'Modernization'* (Ithaca, NY: Cornell University, East Asia Program, 1998).
 - 4) On the process of making the 1946 Constitution, see Shoichi Koseki, *The Birth of Japan's Postwar Constitution* (Boulder, CO: Westview Press, 1998) and John W. Dower, *Embracing Defeat: Japan in the Wake of World War II* (New York, NY: W. W. Norton, 1999) Chapters 12 and 13.
 - 5) Tetsuro Kato, *The Origins of the Symbolic Emperor System: "Japan Plan" as US Psychological Warfare* (Tokyo: Heibonsha, 2005) (in Japanese).
 - 6) On the theory of the "outlawry of war," which can be considered as one of the origins of Article 9, see Akihiro Kawakami, *Research on the Sources of Thought Underlying Article 9 of the Japanese Constitution: The Theory of the "Outlawry of War" and the Japanese Constitution's Pacifism* (Tokyo: Senshu University Press, 2006) (in Japanese).
 - 7) On the peace provisions in constitutions of the world, see "Types and Trends of Peace Provisions in the Modern Constitutions," in Tadakazu Fukase, *The Renunciation of War and the Right to Live in Peace* (Tokyo: Iwanami Shoten, 1987), pp. 150-169 (in Japanese).
 - 8) On small power diplomacy theory, see Akira Tanaka, *Small Power Diplomacy Theory* (Tokyo: Iwanami Shoten, 1999) (in Japanese).
 - 9) Osamu Watanabe's following statement resonates with my understanding. He wrote that "Disarmament was conceived entirely for the security of the allies against Japanese aggression, while disarmament as security for Japan was at the least not the most important consideration" (Osamu Watanabe, *A History of "Revisionism" of the Japanese Constitution*, Tokyo: Nihon Hyoronsha, 1987, p. 89 (in Japanese)). "Allies" here of course includes the Asian-Pacific nations that were victims of Japanese militarism. It seemed, however, that when the 1946 Constitution was made, the Japanese people considered themselves not so much as aggressors but as victims of the war.
 - 10) Shoichi Koseki, *The Birth of Japan's Postwar Constitution* (Boulder, CO: Westview Press,

- 1998), pp. 202-208.
- 11) Takashi Miwa, "The Draft Treaty for Disarmament of Japan and the Second Principle of the MacArthur Notes," in *Saitama University Journal*, Faculty of Education (Humanities and Social Sciences), vol. 47, no. 1 (1998), p. 43 (in Japanese).
 - 12) Yoshikazu Sakamoto, *International Politics in the Global Era* (Tokyo: Iwanami Shoten, 1990), p. 221 (in Japanese).
 - 13) Heek-Tae Kwon made this observation in comments on my paper, which was presented at a symposium by the Democratic Legal Studies Association at the Inha University Faculty of Law in Incheon, ROK on November 7, 2003. Subsequently Kwon made reference to this in his article, "Japan-ROK Relations and the Question of 'Solidarity'" in *Gendai Shiso*, vol. 33, no. 6 (Tokyo: Seidosha, June 2005), p. 204 (in Japanese).
 - 14) Tadakazu Fukase sums it up most precisely: "The problems of war and arms, and of peace and disarmament, are no longer problems of the 'government's' exclusive right or final say; they are under the direct and indirect direction and control of the sovereign people. Not only in domestic society, but also in international (world) society, the people, as individuals and as voluntary groups (NGOs and other groups which lobby the UN), and by means of their partial and total public opinion, are guaranteed the status and rights to exercise their initiative in solving problems relating to war and peace and to arms and disarmament, or to influence or apply pressure regarding them." Tadakazu Fukase, *The Renunciation of War and the Right to Live in Peace*, pp. 194-195 (in Japanese).
 - 15) On the process by which the Japanese people embraced the constitution's pacifism, see Susumu Wada, *Peace Consciousness in Postwar Japan* (Tokyo: Aoki Shoten, 1997) (in Japanese). But Wada also offers "the mentality of refusing to get involved in conflicts" as a feature of the peace consciousness in postwar Japan.
 - 16) On the security policy assumed by Japan's constitution, see Naoki Kobayashi, *60 Years of Living together with the Peace Constitution: Toward Comprehensive Study of Article 9 of the Constitution* (Tokyo: Jigakusha Publishing, 2006), pp. 569-598 (in Japanese).
 - 17) On the ROK peace movement, see Francis Daehoon Lee, "US and Korea: Deep Changes Conveniently Ignored," in *People's Plan Quarterly* no. 23 (People's Plan Study Group, August 2003), p. 6 (in Japanese), and Kyeongju Lee, "The Role of Article 9 as Seen from Northeast Asia: From the Perspective of the ROK Peace Movement," *Horitsu Jiho*, vol. 76, no. 7 (Nihon Hyoronsha, June 2004), p. 74 (in Japanese).
 - 18) On China's NGOs and NPOs, see Ming Wang, et al., *China's NPOs* (Tokyo: Daiichi Shorin, 2002) (in Japanese).
 - 19) VAWW-NET Japan (ed.), *Records of The Women's International War Crimes Tribunal on Japan's Military Sexual Slavery in Six Volumes* (Tokyo: Ryokufu Shuppan, 2000-2002) (in Japanese).
 - 20) Akihiko Kimijima, "The Present Stage of Global Constitutionalism: Reflections on the NGO Project 'GPPAC'," in Tadakazu Fukase, Katsumi Ueda, Masaki Ina, and Asaho Mizushima (eds.), *Defense and Rebirth of Japan's Peace Constitution* (Sapporo: Hokkaido Daigaku Shuppankai, 2008) pp. 322-349 (in Japanese).
 - 21) The GPPAC Northeast Asia Regional Action Agenda (Tokyo Agenda) can be downloaded here: <http://www.peaceboat.org/info/gppac/index.html>.
 - 22) Akihiko Kimijima, "Visions and Practices of Peace without the Military," *Horitsu Jiho (Law Journal)*, Vol. 76 No. 7 (Nihon Hyoronsha, June 2004) pp. 79-84 (in Japanese), Akihiko Kimijima (ed.), *Unarmed PKOs: Ideas and Activities of NGO Nonviolent Peaceforce* (Tokyo:

Akashi Shoten, 2008) (in Japanese).

- 23) Akihiko Kimijima, "Article 9 of the Japanese Constitution and the Hague Appeal for Peace," *Sekai*, no. 694 (Iwanami Shoten, November 2001), pp. 90-95 (in Japanese).
- 24) It is noteworthy that the Japanese peace movements and NGOs have organized the Global Article 9 Conference. The Conference was held in several cities in Japan on May 4-6, 2008, and it drew more than 30,000 people in total. See John Junkerman's article "The Global Article 9 Conference: Toward the Abolition of War" on Japan Focus (http://www.japanfocus.org/John_Junkerman-The_Global_Article_9_Conference__Toward_the_Abolition_of_War).

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東アジアの平和と日本国憲法 ——施行60年目の再検討——

本稿の目的は、2007年に施行60年を迎えた日本国憲法——とりわけその平和主義——を、戦後60年の東アジアの歴史の中に位置づけて、つかみ直すことである。施行以来60年の日本国憲法の歴史は、強引に図式化すれば、(1) 戦後世界秩序を規定した米国＝パックス・アメリカーナ、(2) 大日本帝国との連続性を密かに温存しつつパックス・アメリカーナに組み込まれた日本の保守勢力、(3) 米国政府および日本の保守勢力による憲法改正要求を拒否することで、日本国憲法を自らのものとして「つかみ取った」日本の民衆、市民という三者の織りなすダイナミックスとして捉えることができる。

日本国憲法9条の目的は、1945年の時点で東アジアに対する大きな脅威であった日本軍国主義を抑制することであり、そういう意味では憲法9条は日本の安全保障の規定ではなくて、東アジアの民衆の安全保障の規定である。冷戦期は、沖縄の米軍基地や韓国の軍事政権が軍事的対峙の最前線を担ったので日本国憲法9条が維持されたという面がある。

日本国憲法の重要な認識は「平和をつくる主体は政府ではなくて市民である」ということである。NGOをはじめとする市民社会が平和をつくる主体である。東アジアにおいても市民社会の成長は著しい。東アジアの平和をつくる主体として、トランスナショナルな東アジア市民社会の萌芽が見られる。

日本国憲法9条改正によって、米軍と共同行動する自衛隊に安定した法的基礎を与えることが、米国政府および日本の保守勢力の悲願であった。いま改めてこの努力がなされている。が、地球市民社会、世界の平和NGOはいま、ミリタリーをシビルで置き換える努力をしており、そのようなNGOの努力と共鳴するものとして、しばしば日本国憲法9条に言及している。そのような意味で、日本国憲法9条は世界の民衆とともにある。

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