

# Work Towards a (New) Definition of Peace Constitutions

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## I. Introduction

Contemporary research has usually defined peace constitutions in relation to the constitution of Japan, specifically its Article 9 that renounces the state's sovereign right to make war and maintain armed forces for such and, instead, constitutionally mandates the state to work for international peace. A substantial body of literature exists about Japan's peace constitution (Oros, 2009; Samuels & Boyd, 2005; 前田, 吉岡, 飯島, & 児玉, 2008; 深瀬, 1987), yet too often that body of work fails to make connections between Japan's peace constitution and other states' constitutions. In other words, contemporary understandings of peace constitutions have generally been shaped not by comprehensive surveys of peace constitutions or through normative discussions of the elements that should make up peace constitutions, but rather almost exclusively through the prism of Japan's constitution.

The aim of this research paper is to (re)define peace constitutions beyond Japan's post-war constitution and to establish a new, more inclusive definition to identify countries that, along with Japan, constitutionally mandate their state to work towards peace and non-violent means for conflict resolution. First, this article will briefly look at research to date on peace and peace constitutions. Second, it will describe the search methodology used here to identify peace constitutions and show the results of this research. Lastly, it will provide an analysis of the results, which identify the various kinds of elements found in

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peace constitutions and provide a more comprehensive definition of peace constitutions. As will be shown, many kinds of peace constitutions explicitly articulate that the state is to work towards realizing world peace through policies and actions that embrace international law and human rights, and that seriously restrict or limit military action, war, and violent solutions to state conflicts.

## II. Concepts of Peace and the Importance of Constitutions

This research on peace constitutions is situated within the larger discipline of Peace Studies and Conflict Resolution. This discipline is quite young: the first undergraduate program in the US was established in 1948 at Manchester College in Indiana, while courses and program work in peace did not grow until the 1960s. Johan Galtung, a well-known peace researcher and practitioner, made an early and important distinction about peace with his binary definition of peace: positive peace, or the “absence of personal violence,” and negative peace, or the “absence of structural violence” (1969).<sup>(1)</sup> In a short time, Peace Studies has made important contributions to understandings of international conflict, social justice, and global development. Described broadly as the study of violence and nonviolence in society, at its essence, Peace Studies is concerned with:

Identifying and analyzing violent and nonviolent behaviors as well as the structural mechanisms attending social conflicts with a view towards understanding those processes which lead to a more desirable human condition (Dugan, 1989).

Peace Studies can be looked at through multiple prisms like human rights, development, gender, and the environment. These underscore its multi-, inter- and transdisciplinary foundations. This study looks to other disciplines too, such as constitutional law, international relations, and political science in its

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(1) In their textbook *Peace Studies and Conflict Studies*, Barash and Weber offer an adapted definition of Galtung’s positive and negative peace, “the simultaneous presence of many desirable states of mind and society, such harmony, justice, equity, etc.” and “historically noted the ‘absence of war’ and other forms of large-scale violent human conflict,” respectively (Barash & Weber, 2009).

understanding of the role of constitutions in creating peace.

Why focus on constitutions as a means towards cultivating peace instead of other issues like the rule of law in general or human rights policies? Although there is limited research done on the importance of constitutions to serve as national symbols for state identity, what has been done leads to the conclusion that “written constitutions are central institutions in the political order and powerful symbols of statehood,” which can engender loyalty to institutions and societal norms (Elkins & Sides 2007; Elkins, Ginsburg, & Melton 2009). This study contends that constitutions can matter because of their potential to reflect the values of the states and its people and culture.

Japan’s post-war constitution offers a prime example to see the importance of how and why peace constitutions may engender peaceful societies. Even though the 1946 constitution is said to have been written by General Douglas MacArthur and imposed on the Japanese people (Dower, 2000), it also embodied the Japanese people’s feelings towards war and peace, reflected in the newly-forming national narrative of post-war Japan as a peaceful nation. As early as 1950, Japanese people called for the pacifism in their constitution to be used as a policy for Japan to lead the way for world peace. The establishment of the National Police Reserve in 1950, which four years later would become the Japanese Self-Defense Forces, was seen as particularly problematic in pushing the country away from its pacifism. Likewise, security treaties between the US and Japan in 1951 and 1959 led to public worries that closer ties to the US would disregard the constitution, subordinate Japanese interests to those of the US, and entangle Japan in future US-led wars, possibly with nuclear weapons. The atomic bombings in Hiroshima and Nagasaki in 1946 already made many Japanese early advocates against the use or threat of use of nuclear weapons.

Tensions between *de jure* constitutional provisions and *de facto* policies, or what state constitutions say and what policies the states actually uphold (or not uphold), have continually been present in Japan’s post-war history. Despite these tensions and conflicts, one can argue that the peace constitution of Japan has had a pacifying effect on government policies. Can this case be similar to other

peace constitutions?

### **III. Work to Date to Define Peace Constitutions**

To answer whether peace constitutions outside Japan have a pacifying effect, one must begin with what peace constitutions are and where they can be found. A handful of scholars to date have conducted research on peace constitutions other than Japan's (小林, 2006; 山内, 1992; 深瀬, 杉原, & 樋口, 1998; 辻村, 2008). Tadakazu Fukase has completed extensive work on Japan's constitution and is one of the first to look at peace constitutions beyond Japan's (1987; 1998). While his studies focus mainly on Japan, they also make connections to peace clauses in other constitutions. Fukase sees France's 1791 constitution as laying the foundation for current ideas about and language for peace constitutions because it marks the first legalization of the use of force by the state. His research categorizes three types of peace clauses: (1) constitutions that renounce waging wars of aggression and conquest, like France's or Italy's; (2) constitutions that resolve that the state maintains permanent neutrality, like Austria's or Cambodia's; and (3) constitutions that explicitly renounce war or state that the nation will not maintain war potential for security, like Japan's and Costa Rica's.

Toshihiro Yamauchi also studied peace constitutions beyond Japan's, and expanded on the initial work of Fukase. He discusses peace constitutions in the context of the emerging international law regime of the 19th century and its call for international peace and security (1992). Yamauchi surveys a small sample of current peace constitutions, and finds nine different kinds along with examples of peace clauses from 14 different states.

Takeshi Kobayashi updated Fukase and Yamauchi's initial work on peace constitutions (2006). Kobayashi adds analysis of the importance of the post-World War II international environment, which he says was conducive to calling for an end to war and building world peace. He offers two levels of distinction within his eight categories for peace constitutions: those that renounce settling international disputes and conflicts by war, and those that renounce waging

aggressive wars.

Miyoko Tsujimura also studied peace constitutions beyond Japan's borders and categorized them (2008). She focuses on the peace principles of Japan's constitution and makes connections to other constitutions with similar peace clauses. Tsujimura groups peace constitutions into a total of seven categories and offers a more comprehensive analysis. Her categorization of broad and abstract peace constitutions is a welcome addition since it takes into account principles of peace found in constitutional language around the world.

#### **IV. Work to Be Done**

Although previous research has broadened contemporary knowledge of peace constitutions, there is still much that can be done. Shortcomings of the research to date include the lack of a consistent methodology for identifying and analyzing the language employed in different peace constitutions and the absence of a central depository in which methodologies and results of studies of peace constitutions can be compared. This research paper looks to ameliorate the deficiencies of these past studies. With a survey of nearly 100 state constitutions around the world, it identifies a number of additional state constitutions with peace clauses.

Furthermore, none of the past research has offered a comprehensive definition of peace constitutions. Even though categorizations of various kinds of peace constitutions represent a welcome start, a definition is necessary to understand exactly what peace constitutions are as well as their impact on creating peace. Constitutions that stipulate restrictions on warfare and the use of force and nuclear weapons and aim for peaceful conflict resolution, should be considered in the construction of a definition of peace constitutions. Just as important, and something that scholars (山内, 1992; 深瀬, 1987; 深瀬 et al., 1998; 辻村, 2008) have previously omitted from their analyses of peace constitutions, are other methods for peace and security that some states have recently incorporated into their constitutions, such as provisions for human rights and strict adherence to international laws, treaties, and conventions.

Lastly, nearly all of the current work on peace constitutions originates in Japan from Japanese scholars, whom use Japan's constitution as their main point of departure. As a result, virtually all of the literature is published in Japanese only and not in English. While it may seem natural for research on peace constitutions to originate from the country with arguably the world's most well-known peace constitution, because few, if any, translations of these works are published and the Japanese language is not widely read, the ability of these scholars to have their works disseminated and publicized worldwide has been limited. This has, in turn, severely restricted the opportunities for global citizens to be aware of their attempts to (re)define peace constitutions beyond Japan's borders.

## **V. Research Methodology**

This project has surveyed nearly 100 state constitutions translated into English from around the world, as well as several original language state constitutions, to search for words and phrases for the constitutional promotion of peace, human rights, international law, and the discouragement of war, aggressive military action, and violent solutions to state conflicts. The project sought to find the following eight key terms and their use: *peace*, *war*, *military*, *international law*, *security*, *defense*, *human rights*, and *right to peace*. While the study placed an importance on finding these terms in each of the constitutions searched, it also placed an equal importance on understanding how these terms are deployed in order to gain a contextual understanding of different constitutional approaches to international peace.

The term "peace" was searched in order to understand constitutional stances on its role in working towards peace, specifically towards creating state and international environments, cultures, and policies of peace. Search results do not include references to public "peace," "peaceful" protests, assemblies or demonstrations, or any duties related to executive or legislative powers to make "peace" after the end of war. Although each of these usages of the term "peace" can be found in many constitutions, they do not necessarily reflect the spirit of

peace constitutions sought in this study, which is to work towards peaceful and non-violent solutions to conflict, especially in creating cultures of peace in- and outside the state.

The term “war” was searched in order to examine constitutional stances on war, specifically to see if states either constitutionally reject war and war-making, or cast them as dubious activities. In particular, the study searched for references to whether the state constitutionally renounces all war or only certain kinds of war. Again, like for the term “peace,” search results for “war” do not include references to the duties of the executive or legislative powers to make and end “war.”

The term “military” was searched in order to understand constitutional stances on the establishment and use of national militaries, as well as the establishment or prohibition of foreign military bases inside of states’ national territories. For this term, emphasis was given to the constitutional reasoning for establishing national militaries and how they should be used to protect states and national territories from foreign threats and invasions. Regarding the search for the use of the term “war,” the makeup, organizational structure, and military justice code of national militaries were lesser concerns, since they are more closely associated with the maintenance of military forces as opposed to their establishment or prescription of use.

Similarly to “military,” the words “security” and “defense (and defend)” were searched in order to understand states’ constitutional stances and principles in terms of the kinds of threats that prompt state action, specifically the waging of war, as well as state prescriptions for defending national territory when security is threatened. For this, particular attention was given in these terms’ searches to the acceptance of or limitations to war or state violence in responding to security threats and defending national territory and, as with the term “military,” to relevant principles of constitutional reasoning. It should be noted that search results for the words “defense” and “defend” do not include references to citizens’ rights to defend their criminal innocence in court or the right to legal defense because, as with some of the above mentioned

term searches for “peace,” they do not necessarily reflect the spirit of peace constitutions sought in this study.

International law is often seen as a way to regulate war and peace at the sovereign state level and because of this, important to Peace Studies. The terms “international” and “international law” were searched in order to understand different constitutional stances on relationships among states and with respect to the international community, specifically as to whether there is an explicit commitment to work towards international peace or to follow international law. This term is important since how a state views its regional neighbors or other states in the international community can dictate state actions and policies. Equally important for this term was the constitutional point of view concerning international law, especially statements about the state following international law and the question of whether international law supersedes state sovereignty. Again, search results for “international (law)” do not include references to the duties of the executive or legislative powers related to their processes of ratifying international treaties or conventions, since these references are usually concerned more with procedures and not the principles behind the process; however, for cases in which the philosophy could be understood from the procedures, these search results were included.

Like international law, human rights are also central to the study of Peace. Respect for and work to promote human rights is a way to protect individual liberties and citizens of the world from fear and demonstrate a desire to create a global culture of peace (*Universal Declaration of Human Rights*, 1948). “Human rights” was searched in order to understand constitutional stances on the state’s commitment to promoting human rights. Because of this, a constitutional commitment to human rights should be considered evidence of a state’s commitment to creating a more just and peaceful society.

Lastly, the phrase “right to peace” was searched in order to understand what kinds of rights the constitution committed the state to uphold. Of particular interest for this searched phrase were any references to and variations of “right to peace,” such as “right to live in peace” and other similar statements of



commitment. Again, search results do not include any references to “rights to peaceful” protests, assemblies, or demonstrations.

## **VI. Search Results: Towards a (New) Definition**

Searching nearly 100 state constitutions from around the world, results show that approximately 35 states include a reference to at least one term. As this comprehensive study shows, there are many types of constitutions from around the world that have articles similar to Japan’s famed peace constitution, while others arguably go further to work towards world peace by making principled commitments to following international law or taking a stance in favor of disarmament. This study’s search allows us to re-imagine and re-define what a peace constitution—other than Japan’s—can look like, and to more critically scrutinize the elements that make up the various types of peace constitutions.

So, what are some of the fundamental elements that can help define a peace constitution? One critical element that the search shows and that ties together all of these different types is the explicit commitment to work towards creating what can be called a “culture of peace.” Similar to Galtung’s idea of positive peace, the concept of culture of peace was first used in 1989 at the *International Congress on Peace in the Minds of Men*, in Yamoussoukro, Côte d’Ivoire, and since then has grown and developed under the United Nations Educational, Scientific and Cultural Organization (UNESCO), which describes it as “a set of values, attitudes and modes of behaviours promoting the peaceful settlement of conflict and the quest for mutual understanding.” Through their constitutions, states in this study are attempting to set a normative vision of positive peace through institutional arrangements.

### **1. Peace constitutions & war**

Japan’s constitution and its renouncement of war are perhaps the most powerful and well-known examples of a peace constitution, as well as its advocacy for a culture of peace. A modern state’s constitutional commitment to renounce war altogether makes a powerful statement about the need to correct

the destruction wreaked by war over thousands of years. Yet, as this study shows, Japan's vigorous constitutional renouncement of war is not unique; several other countries have also made constitutional commitments that their states will not wage war or that renounce war as a means to settle international disputes, such as Hungary, Italy, and the Philippines.

Almost equally as powerful is the number of states that constitutionally renounce waging wars of aggression or conquest—a distinction found by previous studies of peace constitutions. States that constitutionally renounce waging wars of aggression or conquest include Cambodia, Ecuador, France, Germany, and the Republic of Korea. Although these states do not renounce war altogether, they do strictly limit the types of war in which they can engage, and often provide prescriptions for criminal punishment for instigators of war.

Lastly, in relation to peace clauses that center on war, as previous scholars have found some states have clauses that declare the state must maintain permanent neutrality and non-aligned ties and alliances with other states, especially during international conflicts and wars. These constitutional provisions assure that a country will not be pulled into war by another state. States that constitutionally maintain permanent neutrality and non-alignment are Austria, Cambodia, and Malta.

## **2. Peace constitutions & the military**

Logically following the fundamental anti-war clauses of peace constitutions is the second fundamental element of peace constitutions: anti-military clauses. Also a part of Japan's peace constitution, this element of peace constitutions takes form in the renouncement of the military. The constitutions of Japan and Costa Rica include clauses that renounce the establishment or maintenance of a state military. Article 9.2 of the Japanese constitution succinctly makes the connection between no military and a culture of peace in its declaration, "To accomplish the aim of [international peace]... land, sea, and air forces, as well as other war potential, will never be maintained." In this way, it makes explicit the strong relationship between renouncing war and not maintaining a military:

maintaining an army increases the chances of engaging in war.

Just as some states' constitutions renounce war altogether and some offer a more limited proscription, peace constitutions that have anti-military clauses also include clauses that take a more limited anti-military stance by strictly limiting the use of the state military to defensive purposes only. This distinction mirrors and complements the distinction between the two different anti-war peace clauses shown above: a state that renounces war altogether should have no need for maintaining a state military, while a state that renounces wars of aggression and conquest should only need a military for defensive purposes. States that explicitly state that the maintenance of the military is for defensive purposes only include Costa Rica, Mongolia, South Korea, and Timor-Leste.

Constitutional restrictions on the establishment of foreign military bases and their activities within a sovereign territory are also considered. Many states ban foreign military activity within the state's national territory, such as Cambodia. The constitution of Venezuela also bans the establishment of foreign military bases within its national territory and claims that these military bases threaten the "territory of peace" that the state is trying to establish. Advocates of maintaining territories of peace note that foreign military bases are used as launching pads to start military conflicts and wars within the region and dissuade regional attempts at more peaceful conflict resolution. Other states with this kind of peace clause include Greece, Lithuania, and Malta.

Lastly, constitutional restrictions on the activities of the state military include restrictions on the kinds of weapons that the military can use or the state can introduce into its national territory. The search finds clauses that prohibit the use of weapons of mass destruction and/or promote their disarmament. For instance, Timor-Leste's constitution says that the state aims for "general, simultaneous and controlled disarmament." As well as Timor-Leste, other states with clauses prohibiting the use of weapons of mass destruction and promoting disarmament include Ecuador, Lithuania, Palau, Portugal, and Venezuela.

### 3. Peace constitutions & human rights

A third fundamental element that this study of peace constitutions identifies is the state's commitment to respecting and protecting human rights. Human rights were most comprehensively defined in 1948 in the UN's *Universal Declaration of Human Rights*. In fact, Japan's peace constitution includes a commitment to human rights, but these clauses are often overshadowed by its other peace clauses. Yet, national constitutional commitment to human rights is also important in creating a culture of peace. In Article 1 of Finland's constitution, the state commits to participate in "international co-operation for the protection of peace and human rights and for the development of society." Such clauses indirectly reference international conventions and covenants when they talk about human rights and do not make specific references or commitments to international human rights conventions as the standard to which they can be legally measured.

A second, more direct commitment to human rights is found in state constitutions with clauses that reference particular regional or international human rights conventions and charters and incorporate those laws into their state laws, thereby allowing international law to supersede state sovereignty in regard to human rights. Madagascar's constitution is a good example of the state's direct commitment to human rights by "adopting the International Charter of Human Rights, the African Charter of Human Rights, the Convention on Children's Rights, and considering these to be an integral part of their law..." Other states that have peace clauses with direct commitments to international human rights conventions include Cambodia, Costa Rica, and New Zealand. As can be seen, constitutional commitments to human rights, both directly and indirectly, make an important contribution to creating a stronger culture of peace.

Related to human rights are the constitutional clauses found in this search with phrases that include a "right to peace" or "guarantee to a culture of peace." These terms more generally reflect the aims of human rights and the work for human security by recognizing that people are entitled to live in

peace, and acknowledge the state's efforts to realize these rights. Only three state constitutions use these terms: Colombia, Ecuador, and Japan. Colombia's constitution simply states, "Peace is a right and a duty whose compliance is mandatory." Ecuador's new 2008 constitution "Guarantee[s] for its inhabitants the right to a culture of peace, comprehensive security and live in a free and democratic society without corruption." On the other hand, Japan's constitution does not limit the right to peace to its inhabitants but to all people of the world: "We recognize that all peoples of the world have the right to live in peace, free from fear and want." These commitments to recognizing a "right to peace" are an important contribution to both the promotion of human rights and a global culture of peace.

#### **4. Peace constitutions & international law**

The fourth fundamental element of peace constitutions found is the commitment to regional and/or international law for peace and security. These clauses promote or commit their states to peace, to global norms of peaceful conflict resolution, or to regional or international consolidation for peace. For example, India's state constitution "endeavors to foster respect for international law and treaty obligations in the dealings of organized peoples with one another." Constitutions explicitly incorporate international law or its principles into their domestic law, either strictly or loosely. In strict adherence to international law, the most commonly found form is in the promotion or commitment to human rights through conferring the rights in international treaties governing human rights. State constitutions that commit to adhere to regional or international law for peace and security—either strictly or loosely—include many countries: Austria, Cambodia, Costa Rica, Greece, India, Ireland, Madagascar, Mongolia, Morocco, New Zealand, Panama, Philippines, Portugal, Slovenia, South Africa, Timor-Leste, and Venezuela.

Promotion of and commitment to regional or international law is also seen in regional or international consolidation efforts. For example, Liberia's constitution promotes peace through regional and international community

building and consolidation, stating in its Preamble: “Having resolved to live in harmony, to practice fraternal love, tolerance and understanding as a people and being fully mindful of our obligation to promote African unity and international peace and cooperation.” Colombia, Hungary, Italy, Morocco, Pakistan, Portugal, and Venezuela have similar articles for regional or international law consolidation for peace.

## **VII. Conclusion: A (New) Definition**

General constitutional promotion of or commitments to peace and peaceful conflict resolution between states can be seen as a positive step for states and people working towards a global culture of peace. The four elements of peace constitutions found from this research can help us to more accurately define peace constitutions and further look at the impact of these constitutions on peace.

Although the elements are diverse, all of them promote a global culture of peace. Therefore, it can be said that a peace constitution is a *state constitution that explicitly makes a commitment for the state and its people to work towards creating a global culture of peace either by (1) showing reluctance to go to war or use the state’s monopoly on force and violence and, instead, earnestly promoting peaceful conflict resolution; (2) by renouncing or severely restricting the role of its national military or foreign military hosting within its territory or the introduction and use of weapons of mass destruction; (3) by acknowledging universal human rights and creating a society where those rights can be realized; (4) by recognizing or subordinating national sovereignty to international law or promoting regional and international consolidation in order to create a global culture of peace; or (5) by any other constitutional means to create a global culture of peace.*

While this definition is inclusive of the many elements found in this research that can make up a peace constitution, the list of elements within it is not an exhaustive one—there are many other, and perhaps unforeseen, ways to constitutionally promote a global culture of peace. Yet, the definition above

does include nearly all of the elements found in this study's constitutional search and highlights critical steps that states must take in order for a global culture of peace to be brought to fruition.

This initial survey of peace constitutions can serve as a basis for further inquiry in Peace Studies. The definition offered in this paper of peace constitutions will continually need to be updated and revised to include new constitutions that have peace clauses. In addition, a more extensive analysis of the initial profiles of states with peace constitutions can be done to develop tools to measure the impact of peace constitutions on peace policies. Finally, future studies can match state policies of peace to their peace articles to see how well the *de jure* of constitutional provisions and *de facto* practice fit. For example, a comparative study can be done to show how peace constitution clauses that promote disarmament actually match state disarmament policies. Yet as a starting point for a comprehensive study of peace constitutions, this research provides fresh information as well as a foundation for future, more in-depth studies on the important role of peace constitutions as a mechanism for realizing global peace.

**Table : Summary of new definition of peace constitutions along with its elements and examples:**

| <b>State constitution that explicitly makes a commitment for the state and its people to work towards creating a global culture of peace.</b>            |   |   |   |
|--|---|---|---|
| <b>War</b>   | <b>Military</b>   | <b>Human Rights</b>   | <b>International Law</b>  |
| <i>Showing reluctance to go to war or use the state's monopoly on force and violence and, instead, earnestly promoting peaceful conflict resolution.</i> | <i>Renouncing or severely restricting the role of its national military or foreign military hosting within its territory or the introduction and use of weapons of mass destruction.</i>  | <i>Acknowledging universal human rights and creating a society where those rights can be realized.</i>  | <i>Recognizing or subordinating national sovereignty to international law or promoting regional and international consolidation in order to create a global culture of peace.</i>                                   |
| Types: (1) No war; or (2) no aggressive war; or (3) maintain permanent neutrality.   | (1) No military; or (2) defensive military only; or (3) no foreign military hosting; or (4) prohibits WMDs or promotes disarmament.   | Follows specific human rights conventions either loosely or strictly (in text reference & commitment).  | Follows specific international law and conventions either loosely or strictly (in text reference & commitment).   |
| <i>Example: Republic of Korea, Article 5.1: "The Republic of Korea endeavors to maintain international peace and renounces all aggressive wars."</i>     | Ecuador, Article 416.4: "It promotes peace, universal disarmament, and condemns the development and use of weapons of mass destruction and the imposition of bases or facilities of military purposes of some states in the territory of others." | Liberia's Preamble: "Having resolved to live in harmony, to practice fraternal love, tolerance and understanding as a people and being fully mindful of our obligation to promote African unity and international peace and cooperation." | Madagascar's Preamble: "adopting the International Charter of Human Rights, the African Charter of Human Rights, the Convention on Children's Rights, and considering these to be an integral part of their law..." |



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## Work Towards a (New) Definition of Peace Constitutions

<Summary>

Jay R. Gilliam

Current research on peace constitutions generally centers on Japan's post-World War II pacifist constitution, specifically Article 9 where Japan renounces war, dissolves its military, and vows to work towards peace in the world. In fact, researching *peace constitution* (or 平和憲法 in Japanese) in books, academic journals, or on the Internet routinely returns only results about Japan and its Article 9. While a substantial body of work exists about Japan's peace constitution, too often that body of work fails to make connections between Japan's peace constitution and other states' constitutions containing similar peace articles. Occasionally, the literature mentions Italy's Article 11 or Germany's Article 26 in connection with peace constitutions; but overall, scholars have mainly been concerned with Article 9. Yet many other countries have similar constitutional provisions, including Italy and Germany, both of which have constitutionally renounced waging aggressive wars, and Costa Rica, which has constitutionally abolished its military. Nevertheless, the peace constitutions, of these countries, along with many others', receive even less attention from the public, academia, and political leaders than Japan's.

Because of this, contemporary knowledge of peace constitutions is not based on comprehensive surveys of states with peace constitutions, but rather on a body of research that overwhelmingly focuses on Japan's constitution. Few studies to date, especially in English, have been written about peace constitutions beyond Japan's, nor attempted to understand differences among the

various kinds of peace constitution or to define peace constitutions. This paper seeks to fill the void of work on peace constitutions by thoroughly surveying state constitutions—beyond Japan’s constitution—with a critical focus on better understanding what peace constitutions are and what elements they consist of, identifying countries that have peace constitutions, and on examining how these peace constitutions and the states by which they were authored have contributed to the creation of a global culture of peace.

This paper looks at nearly 100 state constitutions from around the world, and finds that peace constitutions in a total of 35 different countries explicitly establish a commitment for the state and its people to work towards creating a global culture of peace through policies and actions that seriously restrict or limit military action, war, and violent solutions to state conflicts, and instead embrace peace, international law, and human rights. This research project also offers one of the first definitions of peace constitutions. Even though past research has offered categorizations of various kinds of peace constitutions, this paper argues that a definition is necessary to understand exactly what peace constitutions are, as well as their impact on constitutional law and international relations. Lastly, this research provides one of the first extensive collections of texts of peace constitutions, allowing side-by-side comparisons of the language used to promote peace within various constitutional frameworks.

This paper provides a start for a comprehensive study of peace constitutions, and it provides fresh information as well as a foundation for future, more in-depth studies on the important role of peace constitutions as a mechanism for realizing global peace.